

# Agenda Including Addeds

## Planning and Environment Committee

16th Meeting of the Planning and Environment Committee

October 29, 2018, 4:00 PM

Council Chambers

### Members

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

The City of London is committed to making every effort to provide alternate formats and communication supports for Council, Standing or Advisory Committee meetings and information, upon request. To make a request for any City service, please contact [accessibility@london.ca](mailto:accessibility@london.ca) or 519-661-2489 ext. 2425.

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

	Pages
<b>1. Disclosures of Pecuniary Interest</b>	
<b>2. Consent</b>	
2.1 Affordable Housing - Planning Tools to Support Development of Affordable Housing (18 AFF)	3
2.2 Application - 1284 and 1388 Sunningdale Road West - Foxhollow North Kent South Subdivision - Phase 3 (39T-04510-3)	16
2.3 Application - 1284 and 1388 Sunningdale Road West - Foxhollow North Kent South Subdivision - Phase 4 (39T-04510-4)	38
2.4 Application - 1311 Wharncliffe Road South - Westbury Subdivision - Disposition of School Site (33M-641)	59
2.5 Application - 660 Sunningdale Road East - Stormwater Management (SWM) Facility	62
2.6 Application - 2674 Asima Drive (33M-699, Block 55) (P-8963)	76
<b>3. Scheduled Items</b>	
3.1 Delegation - Not to be heard before 4:00 PM - S. Levin, Chair and S. Hall, Environmental and Ecological Planning Advisory Committee	86
a. <i>(ADDED) Brochure</i>	<i>88</i>
3.2 Public Participation Meeting - Not to be heard before 4:00 PM - Application - 1331 Hyde Park Road (O-8927/Z-8928)	90
3.3 Public Participation Meeting - Not to be heard before 4:00 PM - Application - 537 Crestwood Drive (Z-8915)	117
3.4 Public Participation Meeting - Not to be heard before 4:30 PM - Application - 324 York Street (TZ-8917)	141

3.5	Public Participation Meeting - Not to be heard before 5:00 PM - Application - 1395 Riverbend Road - Application for Zoning By-law Amendment (Z-8924)	163
3.6	Delegation - Not to be heard before 5:30 PM -D. Park, L. Black, C. Morrison, E. Washburn, J. Santin and M. Laliberte - Byron Valley Nature Trail Planning Process	193
	a. <i>(ADDED) D. German, 12-1337 Commissioners Road West</i>	208
	b. <i>(ADDED) Request for Delegation Status - S. Sutton and D. Sutherland, Participation House Support Services</i>	209
<b>4.</b>	<b>Items for Direction</b>	
4.1	10th Report of the London Advisory Committee on Heritage	211
4.2	Section 37 - Planning Act (Bonusing) Revisions and Additional Opportunities for Implementation	259
<b>5.</b>	<b>Deferred Matters/Additional Business</b>	
<b>6.</b>	<b>Confidential</b>	
6.1	Personal Matters/Identifiable Individual	
	A personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2019 Mayor's New Year's Honour List.	
<b>7.</b>	<b>Adjournment</b>	

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Affordable Housing – Planning Tools to Support the  
Development of Affordable Housing  
**Meeting on:** October 29, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with regards to planning tools to support the development of Affordable Housing:

- (a) That the attached background report **BE RECEIVED** for information; and,
- (b) That Civic Administration **BE DIRECTED** to initiate an Affordable Housing Development Strategy to coordinate the various tools that support the development of affordable housing units; it being noted that the Strategy will also evaluate the potential opportunities, costs, and benefits of introducing additional tools to support the development of affordable housing.

## Executive Summary

### Executive Summary

- Recent legislative changes have provided municipalities in Ontario with new tools that can be used to support the development of affordable housing. This report provides an overview of those changes.
- The City of London has various tools in place that may be used to support the provision of affordable housing. This report provides an overview of those existing tools.
- The report includes a review of municipal best practices, and identifies other initiatives that may be used to support the development of affordable housing.
- This review indicates that there is a benefit to preparing an overall strategy that would coordinate and “stack” the various tools to support the development of affordable housing.
- The Affordable Housing Strategy could be prepared as a Community Improvement Plan, which could serve as the local “co-investment” requirements that would leverage and attract affordable housing initiatives of other orders of government.
- The development of affordable housing achieves other city-building goals such as supporting intensification, urban regeneration and the redevelopment of under-used sites, supporting rapid transit, building green forms of development, locating affordable housing close to employment centres, and the redevelopment of brownfield sites.

## Analysis

### 1.0 Background

#### 1.1 Review of Existing Programs and New Opportunities

Recently, a number of affordable housing initiatives have been introduced at various levels of government. In order to build upon existing affordable housing and housing regeneration initiatives offered by the City, the introduction of new tools and measures by other levels of government presents an opportunity to evaluate and potentially augment existing municipal policies and programs. These new measures have included Provincial policies requiring municipalities to enact policies and regulations to provide Secondary Dwelling Units, new regulations to support Inclusionary Zoning, the recent City policy for the municipal evaluation and acquisition of closed school sites, approval of the new Official Plan (*London Plan*), and changes to the Federal Government's recently announced National Housing Strategy (NHS) programs and requirements.

At the same time, increasing housing costs, reduced vacancy rates, and one of the highest levels of core housing need in urban centres in Canada have had an impact on housing affordability in the local London market.

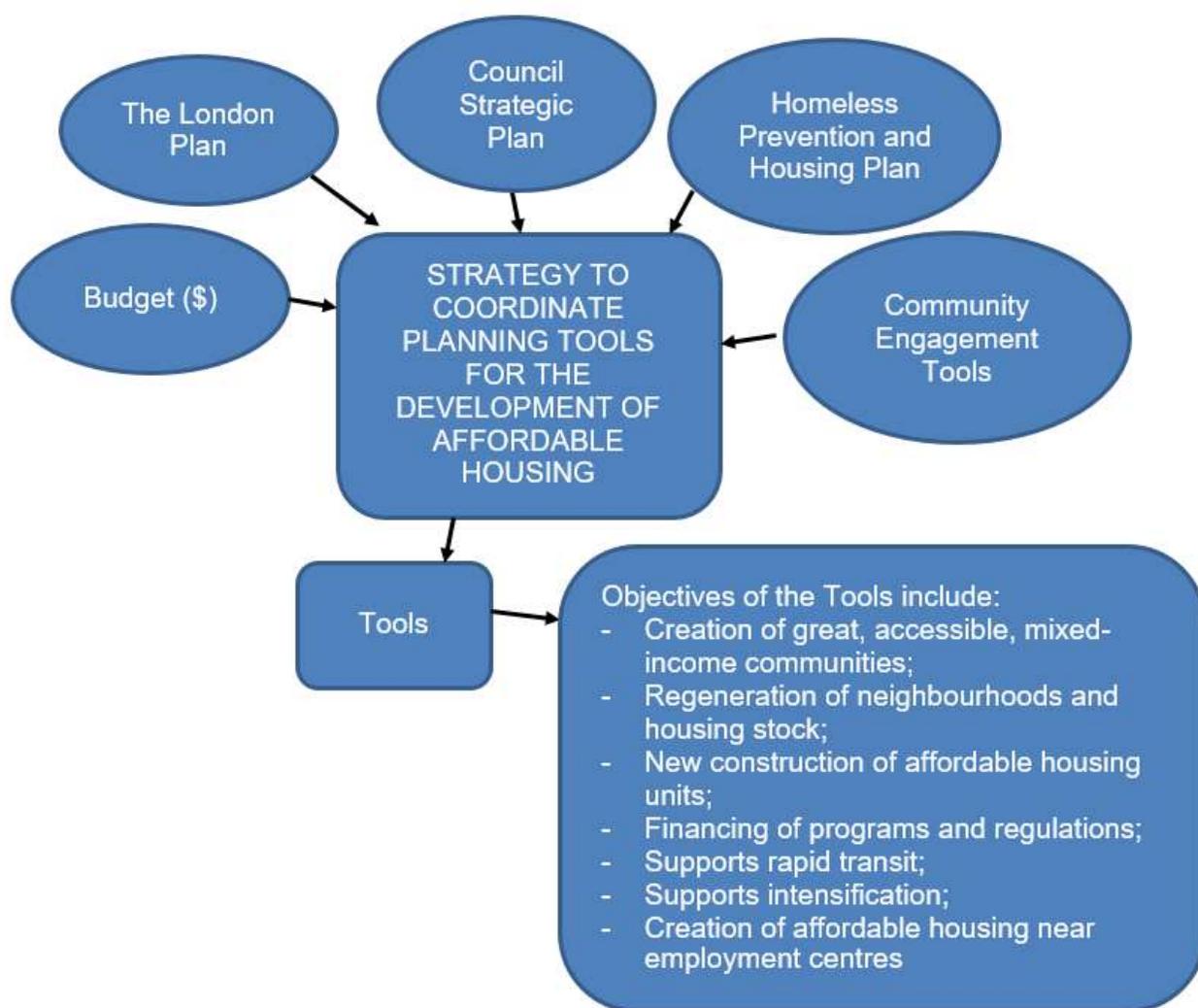
These factors highlight the importance of affordable housing, and provide the opportunity to identify, review and coordinate the various affordable housing programs, incentives and regulatory tools available, as well as the consideration of opportunities arising out of the recent policy changes at different levels of government. Coordinating the suite of tools available to support the development of affordable housing will assist with the creation of affordable units in a more strategic manner.

At the July 25, 2018, meeting of Council, it was resolved that:

*The Civic Administration BE REQUESTED to prepare a background report identifying the full suite of tools available to promote the development of affordable housing in London and providing recommendations regarding options to implementing and coordinating these tools to be most effective; it being noted that tools to be considered may include such things as Bonus Zoning under Section 37 of the Planning Act, Community Improvement Plans, Inclusionary Zoning, use of surplus property for affordable housing development, etc.*

The following report provides an overview of affordable housing tools and a review of practices in other jurisdictions that can be used to support the development of affordable housing. These would serve as the basis for the development of an implementation strategy to bring together the municipal tools to be used to provide affordable housing in London.

The overview of current City and agency practices and tools also identifies how the provision, regeneration, planning, and regulation of affordable housing is coordinated amongst municipal departments and agencies. The overarching housing goals of The London Plan, Council's Strategic Plan, Homeless Prevention and Housing Plan, and other corporate strategies work in unison. The strategy to support the creation of affordable housing will integrate with the objectives and actions of these other City strategies and plans. The result will be a set of tools, such as policies, programs, and regulations, that can support the objectives of the various plans to create, deliver, maintain and regenerate housing that is affordable. Figure 1, below, shows the relationship between these plans and strategies and their intended outcomes.



**Figure 1: Relationships between Plans and Strategies**

#### **Alignment with the 2015-2019 Strategic Plan and London Plan**

The goal of an accessible, affordable city with opportunities for housing for all Londoners is incorporated into Council's Strategic Plan as part of the strategy for Urban Regeneration, including the aim to "create new partnerships to build, and support the building of, new affordable housing" (Growing Our Economy Strategy 2.B).

These objectives are also part of the 20-year city-building vision of the *London Plan*, as identified in the Strategic Directions and Homelessness Prevention and Housing sections of the City Building policies of *The London Plan*.

The development of affordable housing supports the strategic objectives of building great neighbourhoods, revitalizing our urban areas, promoting affordable housing to revitalize neighbourhoods and ensure housing for all Londoners, developing affordable housing to attract a diverse population, promoting sustainable forms of development, providing a mix of housing types within our neighbourhoods, providing compact, contiguous patterns of growth, supporting mixed use development, and supporting rapid transit.

## **2.0 Current Legislation, Programs, Tools**

### 2.1 Overview of Ontario Municipal Legislation

Municipalities in Ontario have a number of important legislative levers that allow them to promote affordable housing. Such policy levers are included in the *Planning Act*, *Municipal Act*, and *Housing Services Act*. Below is a summary of the relevant sections within these various acts that could be used to support affordable housing.

### 2.1.1 *Planning Act* sections

#### a) Community Improvement Plans

Under Part IV, “Community Improvement”, of the *Planning Act*, a municipality may designate all or a portion of the municipality as a “Community Improvement Project area”. A Community Improvement Project Area is an area where Council considers improvements as being desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.”

Within the project area, a Community Improvement Plan may be prepared to address matters of community improvement, as defined in section 28.1 of the Act. Community Improvement is defined as:

*“...the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary”*

In 2006, through the addition of section 28.1.1 to the *Planning Act*, “Affordable Housing” is also explicitly added to the defined reasons permitted for undertaking community improvement planning.

Through the Community Improvement Plan (CIP), policies, programs, and incentives may be created for the entire community improvement project area, or for a more scoped “subproject areas” within the broader CIP. Municipalities may, through incentive programs, provide grants and loans for eligible costs in the project area. Such eligible costs may include remediation, construction and development costs, subject to Incentive Program Guidelines.

#### b) Inclusionary Zoning

As part of the *Promoting Affordable Housing Act*, 2016, the Province provided a framework for municipalities to introduce inclusionary zoning policies into their Official Plans. Ontario Regulations 232/18 were released by the Province in April 2018 to assist with implementation of the policy framework. Inclusionary Zoning refers to zoning regulations that would require private development proposals with residential units to include affordable housing units as part of those proposals, and require that those units be maintained as affordable over a period of time. Inclusionary Zoning does not replace publicly-provided housing, nor is it a municipal incentive program; it is a regulatory tool that would require private developers to include affordable units into market development applications.

#### c) Secondary Dwelling Units

The Province enacted the *Strong Communities through Affordable Housing Act* in 2011. This amended Section 16.3 of the *Planning Act* to require municipal Official Plans to authorize second units (also known as “secondary suites”, “basement suites”, “granny flats” or “accessory apartments”). A secondary unit is a self-contained residential unit with a private kitchen, bathroom facilities, and sleeping area that is contained within a larger dwelling or within a structure accessory to a dwelling (e.g., above a detached garage).

Second units are permitted in detached, semi-detached, and row houses (if an ancillary building, such as a garage, does not contain a second unit). Likewise, an ancillary building may contain a second unit if the primary dwelling does not contain a second unit. Through the changes to the Act, second unit policies and zoning by-law provisions

are exempt from appeals to the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board), unless the appeal is made by the Minister.

Secondary dwelling units provide residential intensification through “invisible density,” and are considered as a means of providing affordable housing, both through affordable home ownership by providing owners an opportunity to generate income to support the cost of home ownership, and as affordable rental accommodation.

#### **d) Bonus Zoning**

Under *Planning Act* s. 37, Council may authorize a Zoning By-law that increases the height and density of development beyond what is otherwise permitted, if the increase in height and density is commensurate with the public benefit provided in return by the developer. The facilities, services and matters that may be provided in return for the increase in height and density of development are established in a municipal Official Plan. In London, this includes affordable housing, as well as a range of building and site design community benefits, including the provision of public or accessible amenity space, exceptional building design, provision of childcare facilities, green and sustainable development technologies, cultural heritage/heritage designations, or other facilities, services or matters that provide substantive public benefit. A municipality may require the owner to enter into an agreement with the municipality dealing with the facilities, services, or matters provided.

### **2.1.2 Municipal Act Tools**

#### **a) Tax Financing**

Section 365.1 of the *Municipal Act* allows a municipality to cancel or defer taxes on eligible properties within a Community Improvement Plan in order to assist in the rehabilitation and remediation of such a property.

#### **b) Municipal Capital Facilities**

Section 110 of the *Municipal Act* allows the Municipality to offer certain concessions to Municipal Capital Facilities. Ontario Regulation 603/06 provides that housing facilities are municipal capital facilities provided the municipality has passed a Municipal Capital Facilities By-law, which includes a definition of “affordable housing”. Among the concessions expressly permitted by the Act are:

- Exemptions from property taxes (subject to Council approval of a by-law for such exemption);
- Exemptions from Development Charges (subject to inclusion in the City’s Development Charges By-law);
- Guaranteeing debt; and
- Leasing or selling land.

### **2.1.3 Housing Services Act**

The *Housing Services Act, 2011 (HSA)* focuses on the operation and management of social housing. The HSA provides the framework for the work of the HDC in supporting the London and Middlesex Housing Corporation (LMHC) in their site redevelopment plans. Approvals related to site redevelopment are required through the City as a partner in this regeneration work as well as in the role of local Service Manager and shareholder. In the event that social housing units are demolished, the units will have to be replaced and built to unit standards.

## 2.2 City of London Affordable Housing Initiatives

### a) Community Improvement Plans

The City of London offers a number of Community Improvement Plans (CIP) that include a residential component. These include CIPs for the Downtown, Old East Village, SoHo, Hamilton Road, Heritage and Brownfields.

All of these plans are geographically targeted (other than the Heritage CIP and Brownfields CIPS, which are city-wide plans), and include incentive programs to encourage revitalization and regeneration of core urban areas through support for residential development. The incentives support a range of housing options, from the small scale (e.g. above commercial main streets), to the large scale (e.g. encourage high-intensity residential development to activate underutilized sites, including surface parking lots). Programs include Development Charges grants, Tax Increment Grants to defer the “lift” in taxes after development/redevelopment, and Upgrade to Building Code and Façade Improvement programs. In some CIP areas the loan programs include “forgivable loan” portions.

Incentives in these areas are not specifically targeted to average market rent/price (or affordable units priced below average rent/price), but instead are geographically specific for the regeneration and revitalization of certain core neighbourhoods and main streets. The incentive programs are supportive of the creation of affordable units, although the programs do not specifically require the provision of affordable units.

The heritage incentive program applies city-wide and is intended to off-set certain costs of heritage buildings (e.g. a heritage DC grant for retaining a heritage building) with the grant equivalent to the DCs for the number of new units that could be built if the same structure were built as new construction.

Additionally, there are brownfield incentive programs under the Brownfields CIP. The incentive programs under this CIP work to off-set costs of brownfield clean up and site remediation, resulting in cleaned and cleared properties which can be revitalized through regenerative residential projects or other land uses.

### b) Inclusionary Zoning

At the Council meeting on August 28, 2018, Council directed that a report be brought back to a future meeting of the Planning and Environment Committee, outlining options and approaches to implement Inclusionary Zoning. Inclusionary Zoning is zoning regulations that would require private development proposals with residential units to include affordable housing units as part of those proposals, and require those units to be maintained as affordable over a period of time. Inclusionary Zoning regulations may include such matters as: the percentage of units “set aside” as affordable, the length of tenure as affordable, definitions of affordability, geographic locations of units, and target demographics and prices/rents at which units are to be set during the “affordability period”. The Staff report is to be brought back following consultations with development industry stakeholders. At the August 2018 meeting, Council also directed a draft municipal assessment report be prepared concurrently with consultations to inform those discussions. The municipal assessment report will include demographic, housing market, income, and other population and real estate information, as prescribed in Ontario Regulations 232/18. These processes are ongoing, with reporting targeted for the 2019 work plan.

### c) Bonus Provisions

Council may authorize a Zoning By-law that increases the height and density of development beyond what is otherwise permitted, if the increase in height and density is commensurate with the public benefit provided in return by the developer. This is called “Bonusing” under Section 37 of the *Planning Act*. The facilities, services and matters that may be provided in return for the increase in height and density of development are

established in a municipal Official Plan. A Staff report is being prepared to provide background information on how Section 37 (bonusing) provisions are implemented in London. Council direction will also be sought for undertaking a comprehensive review of best practices across Ontario municipalities for implementing Section 37, including how to better reflect priorities of Council, including affordable housing targets, and the value of uplift of the “bonus” in relation to the development proposal.

#### **d) Secondary Dwelling Units**

In response to the Province’s *Strong Communities through Affordable Housing Act*, which enabled municipalities to permit secondary dwelling units, the City passed an Official Plan Amendment and Zoning By-law Amendment on July 25, 2017. The Official Plan policies are enabling policies, permitting the development of secondary units. Zoning By-law regulations identifying requirements for the Secondary Units were introduced in Zoning By-law Z.-1.

City of London zoning regulations to permit Secondary Dwelling Units are that the unit may be located within, or on the same property as, a single or semi-detached home or a street townhouse. The second unit must be at least 25 square metres (215.28 sq. ft.) and can be up to 40% of the gross floor area of the house (as it existed on July 25, 2017). The maximum number of bedrooms depends on the housing type and location, but the total number of bedrooms in both the primary and secondary units must not exceed the maximum number of bedrooms permitted in the zone. No zoning by-law amendment is required provide the house is within a zone that permits singles, semi-detached or street townhouses. Building permits and a rental licenses is required for the secondary unit, and for secondary units above a garage or in a separate structure a site plan is also required.

The price of rent is not stipulated in the by-law, however because of the smaller size and fewer number of bedrooms in the second units, these units are anticipated to be priced at a rate which is affordable. These units can also be integrated into any existing or new neighbourhood across the city as a form of “invisible” intensification.

#### **e) Closed School Strategy**

At the October 9, 2018 meeting of the Planning and Environment Committee, a City policy was recommended for the evaluation and potential acquisition of surplus school sites. The policy identifies that there are three municipal needs that closed school properties may satisfy: sites for affordable housing; sites for community facilities; and/or sites for park land. The policy includes evaluation criteria for each of the potential municipal purposes for possible site acquisition, as well as identifying a staff evaluation team, and the timing of the site evaluations relative to the School Board’s parallel Pupil Accommodation Review processes.

In alignment with *The London Plan* policies regarding housing and homelessness, the Policy identifies that the evaluation process will take an “affordable housing first” approach. Only if a surplus school site is evaluated and found to be unsuitable for an affordable housing development project will it be evaluated for its potential re-use as one of the other two municipal purposes.

#### **f) The Housing Development Corporation, London (HDC)**

In 2015, the City of London incorporated the Housing Development Corporation, London (HDC) as a municipal services corporation with delegated authorities to act on behalf of the City and its Service Management role for the purposes of affordable housing development. HDC is both a local mechanism and a service provider able to centralize knowledge, skills, expertise, and tools required to support sustainable, affordable housing development throughout the City (and Middlesex County).

HDC works in close partnership with the City as well as with developers and other community stakeholders, within its corporate objectives that include:

- Assisting in addressing affordable housing of low-income households;
- Engaging in housing development activities including but not limited to the design, financing, and construction management of housing;
- Seeking out new resources, funding and partnerships to support the housing stock needs of local low-income households;
- Developing housing projects and/or programs to address affordable housing needs of local low-income households;
- Promoting co-operation, partnerships and initiatives between community agencies, the private sector and governments to improve access to affordable housing stock for low-income households;
- Receiving, purchasing, transferring, selling or disposing of any property necessary to attaining the objects of HDC; and
- Bringing together governance tools, resources, and funding to advance sustainable community based affordable housing.

As a member of the Staff evaluation team for Closed School Sites, the HDC may identify potential funding options and tools that are not available to the City due to different legislative requirements, mandates, and budget considerations.

### **g) Local Housing Plans and Strategies**

The *Housing Services Act* regulates the requirement for local community housing plans established through municipal Service Managers. The City's *Homeless Prevention and Housing Plan 2010-2024* updated the long-existing local (London and Middlesex) strategies and initiatives under the new legislative requirement. This Plan identifies the second Strategic Priority focus of "Providing an integrated mixture of affordable and adequate housing options for the greatest number of people in need". Amongst its objectives, this Strategic Priority identifies focus on:

- Creating a mix within larger scale redevelopments; aligning new affordable housing development with neighbourhood planning and ensuring affordable housing is distributed throughout the city and county;
- Creating mixed income neighbourhoods, including through secondary suites, etc.; and
- Maintaining, retrofitting and redeveloping where appropriate the existing stock of public and private housing stock.

These activities within the City's housing plan were aligned with the similar strategies concurrently developed under the London Plan and together, these were further advanced within the City's Strategic Plan and Multi-Year Budget.

In 2019, the City of London will be updating its local housing plan which is anticipated to further identify the need to address solutions to issues related to the diminishing availability of affordable rental housing stock. Ongoing changes to the local housing market, labour force, demographic growth, and economy are influencing housing affordability.

Based on these changes, Council has directed Civic Administration to take action through: acquiring buildings and property from other governments (e.g. the Closed School Evaluation and Acquisition Strategy); engaging community in local plans of action (e.g. London For All: A Roadmap to End Poverty); creating mixed tenure within larger scale developments and across the city (e.g. activation of sites by HDC), and the ongoing development of new policies (such as the Inclusionary Zoning review).

The recommendations within this report and future related reports will align and inform local housing plan revisions but may still require ongoing advocacy that municipalities be provided the tools to respond to Provincial and Federal Government planning and policies, and that their continued funding of affordable housing is sustained and flexible to meet the needs of local plans.

### 2.3 National Housing Strategy Programs and Municipal Partnerships

Partnerships including those with local governments are a central feature of the National Housing Strategy (NHS). In 2018 the NHS Co-Investment Fund (NHCF) was initiated supporting new construction through low-cost loans and/or financial contributions in mixed-income/use developments. The Co-investment Fund prioritizes projects that support partnerships between governments, non-profits, private sector, and others noting that the Federal Government will favour projects with partnerships and municipal engagement through tools and funding that expedites affordable housing development.

Partnerships and the engagement of local government is understood to help maximize and leverage government investments including through the coordination of efforts and removal of barriers to the development process. Examples of such contributions include services of HDC as well as incentive programs (such as under an affordable housing CIP).

### 2.4 Policies, Programs, and Incentives from Other Municipalities

In addition to the existing legislation, policies, incentives, and regulations, there may also be opportunities for the City of London to expand the range of tools and incentives supportive of creating affordable housing. The following examples are the result of a scan of practices from other municipalities. These programs could be considered for evaluation and potential implementation by the City as part of the preparation of a coordinated strategy for planning affordable housing. Costs, benefits and opportunities/constraints under Ontario legislation, as well as the programs' ability to synchronize with existing programs offered will require further assessment as part of the preparation of the strategy. Potential tools and programs to be considered may include the following examples:

- a) Alternative development standards/community design solutions
  - flexible design, planning, and engineering standards that can reduce the cost of housing, while ensuring public health and safety (e.g. smaller setbacks, narrower lots, reduced road allowances and requirements for on-street parking, etc.); reduces the infrastructure and land area required for a dwelling unit (e.g. Town of Markham's Cornell development).
- b) Bluefields, Brownfields and Greyfields
  - Intensifying and redeveloping land by developing "brownfields" (abandoned or under-used industrial and commercial land), "greyfields" (older commercial lands such as shopping malls or parking lots), and "bluefields" (older, unused institutional lands or buildings). (e.g. Municipality of Chatham-Kent, City of Mississauga).
- c) Community Land Trusts
  - Locally-based private non-profit organizations created to acquire and hold land for the specific purpose of making it available for affordable housing (they hold permanent title to land for the benefit of the community). (e.g. Burlington Land Trust).
- d) Community Planning Permit System (CPPS)
  - The CPPS is an alternate planning and development approvals system that can integrate Zoning, Site Plan, and Minor Variance approvals into one application and approval process. CPPS can provide a more flexible approval process where municipalities can incorporate a specified range of variation for development standards (e.g. ranges of intensities, certain land uses only permitted if certain conditions are satisfied). This system may significantly improve review and approval timelines, provide more certainty and cost savings through early public participation upfront and, once the system is in place, may reduce the number of appeals to the Local Planning Appeal Tribunal (formerly Ontario Municipal Board). (e.g. Town of Carleton Place, Township of Lake of Bays).

- e) Development Charges Grants for Affordable Housing
  - Municipalities apply development charges on new housing developments to recover the capital costs resulting from the new residential growth. This includes new hard infrastructure (e.g. roads, water/waste/sewer services) as well as contributions to 'soft' infrastructure (e.g. fire departments, libraries). Provision of grants to fully or partially off-set development charges for specific forms of affordable housing can be an incentive to attract affordable housing investment. (e.g. York Region, City of Toronto, City of Saskatoon).
- f) Land Supply Incentives
  - Some municipalities make land available at reduced costs to stimulate development of rental, affordable, and ownership housing supply (City of Regina, City of Saskatoon).
- g) Leveraging Philanthropic Contributions
  - To leverage philanthropic contributions for development (e.g. Calgary Homelessness Foundation's Bob Ward Residence; Centretown Citizens Ottawa Corporation's Beaver Barracks).
- h) Multi-Unit Acquisition Strategies
  - Stella's Circle (in St. John's, Nfld.) acquired seven houses through the Surplus Federal Real Property for Homelessness Initiative and then mortgaged these properties to purchase other properties.
- i) Parkland Dedication Grants
  - Municipalities can tailor their parkland dedication and cash-in-lieu requirements to facilitate the development of affordable housing (e.g. by providing a reduction in parkland requirements in specific geographic areas (downtown/transit nodes) to help reduce the cost of affordable housing developments (e.g. City of Orillia).
- j) Planning and Building Permit Fee Grants
  - Some municipalities waive or provide grants-in-lieu of planning and building permit fees as incentives for affordable housing development (e.g. City of Toronto).
- k) Prohibiting Rezoning to reduce density/intensity permitted
  - Prohibiting the reduction of density allowed on a certain property under a zoning by-law, such as prohibiting changes from "high density" to "medium density" residential uses (e.g. City of Ottawa).
- l) Property Tax Reductions
  - Imposing lower municipal tax rates on new multi-residential buildings, which will reduce the costs of affordable housing (e.g. Cities of Toronto, Ottawa, Kingston, Guelph, Hamilton, Orillia, Sudbury and Timmins; Town of Parry Sound; Region of Waterloo).
- m) Second Unit Incentive Programs
  - Some municipalities provide grants to upgrade second units to ensure they are safe, such as meeting required codes, or incentives for homeowners to add a secondary suite that is to be rented below the average market price (e.g. Waterloo Region).
- n) Surplus Government Lands Policy for Affordable Housing
  - Where surplus land from different levels of government (or public agencies) is evaluated for affordable housing purposes first before it is evaluated for any other potential re-use (e.g. City of Saskatoon, City of Pembroke). The City of London's approach to Closed School Sites also identifies that the City's first municipal need to be evaluated (before other municipal land needs) is affordable housing.

- o) Affordable Housing Community Improvement Plans
- A number of Ontario municipalities have prepared Community Improvement Plans for the provision of affordable housing or attainable housing (e.g. Cambridge, Greater Sudbury, Peterborough). Certain municipalities identify project areas based on targeting core area regeneration, whereas others identify locational criteria through the urban area of the municipality targeting locations for the development of affordable housing (e.g. transit oriented areas, within the built area boundary, serviced areas). Programs may also establish the definition of “affordable” rent/price, the affordability period (number of years at the set “affordable” rent/price), and building and unit design criteria for affordable units versus market units. Some CIPs define themselves as the municipality’s “affordable housing strategy”, because the CIP can adjust programs to target key geographic areas and target incomes/demographics. Examples of programs under Affordable Housing CIPs are: Development Charges grant programs for affordable housing projects (including buildings with a minimum number of affordable units); tax increment grants to offset the “lift” in municipal property taxes after the residential development on the property; rebates for Planning and/or Building fees; grants or loans to encourage creation of secondary dwelling units

### 3.0 Next Steps

#### 3.0 Next Steps

There are many tools, including policies, incentive programs, and regulations, which the City currently applies in support of the creation of residential units and affordable units. Other tools, such as Inclusionary Zoning and Section 37 (Bonusing) are being reviewed to determine their appropriateness and potential for implementation in London. Based on practices in other municipalities, there is also a wide array of potential new tools which could be evaluated for potential introduction to complement existing City tools and enhance the creation of affordable, accessible communities.

Given the broad range of existing and potential tools, it is recommended that a coordinated strategy for the provision of affordable housing be prepared, identifying how these various programs interrelate (with existing City strategies, plans, and planning tools) and evaluating the potential for introduction of new programs to address any identified gaps.

Public and stakeholder consultation will contribute to a review of existing practices and potential opportunities to supplement existing tools. If any potential gaps and/or opportunities for new tools are identified through consultations, they will require a cost/benefit analysis and work program to determine prioritization for budgeting and introducing any new practices, policies, programs or regulations (or augmenting existing ones).

Such a strategy will ensure coordination of different tools available to provide affordable housing, and improve the City’s integration of the delivery of housing-related functions. The strategy will seek to maximize the community benefit of investments in order to build strong communities for all Londoners. It will also assist the City in identifying other resources, finances, and partnerships to assist in the provision of affordable housing.

As part of this affordable housing strategy, a Community Improvement Plan for Affordable Housing may be prepared. The Community Improvement Plan (CIP) could assist with the identification and implementation of local affordable housing goals and targets of the Strategy, and the introduction of incentive programs could be permitted, should any new programs be identified as a means of implementing or satisfying any objectives of the Strategy or other City plans or initiatives. Any new incentive programs offered or targeted towards affordable housing could be structured to help satisfy other level of government requirements for municipal contributions.

The City's current tools include permissive policies for unit creation (e.g. Secondary Dwelling Units) and incentive programs with implicit affordability based on program areas' geographic locations, demographics of those neighbourhoods, and unit sizes in those areas (e.g. CIP programs in core area neighbourhoods); however, an Affordable Housing CIP can explicitly identify market, demographic, and housing objectives that support affordability. Such an approach is in keeping with the requirements of "co-investment" funding eligibility.

The draft Affordable Housing strategy will be brought back to a future Council meeting, anticipated in 2019.

## Acknowledgements

This report was prepared with the assistance of Dave Purdy, Manager, Housing Services; Brian Turcotte, Development Manager, Housing Development Corporation London; and Stephen Giustizia, CEO, Housing Development Corporation 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>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services</p>	

October 12, 2018

TM/tm

Y:\Shared\policy\Affordable Housing Strategy - 2018 (file 18 AFF)\AHStrategy-Background Report-Oct9,2018PEC.docx

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Application By: Foxhollow North Kent Developments Inc.  
1284 & 1388 Sunningdale Road West  
Foxhollow North Kent South Subdivision – Phase 3  
39T-04510-3 - Special Provisions

**Meeting on:** October 29, 2018

## Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Foxhollow North Kent Developments Inc. for the subdivision of land over Part of Lot 23, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Sunningdale Road West, between Wonderland Road North and Hyde Park Road, and on the north side of the Heard Drain, municipally known as 1284 and 1388 Sunningdale Road West;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Foxhollow North Kent Developments Inc. for the Foxhollow North Kent Subdivision, Phase 3 (39T-04510-3) attached as Appendix “A”, **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix “B”;
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix “C”; and,
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Background

The application for Draft Plan of Subdivision Approval was originally accepted on November 17, 2004. After a number of modified versions of the plan it was approved by the Approval Authority on October 14, 2009. A number of draft approval extensions have occurred since the original draft approval date, including the most recent 6 month emergency extension granted by the Approval Authority on September 10, 2018. The current expiry date for draft approval is April 14, 2019. The first phase of the subdivision consists of 69 single family detached lots. Access to the first phase is from the extension of Waterloo Drive from the Claybar Subdivision immediately to the south. The 2<sup>nd</sup> phase will have access through the first phase to Waterloo Drive and will also have access to Sunningdale Road West.

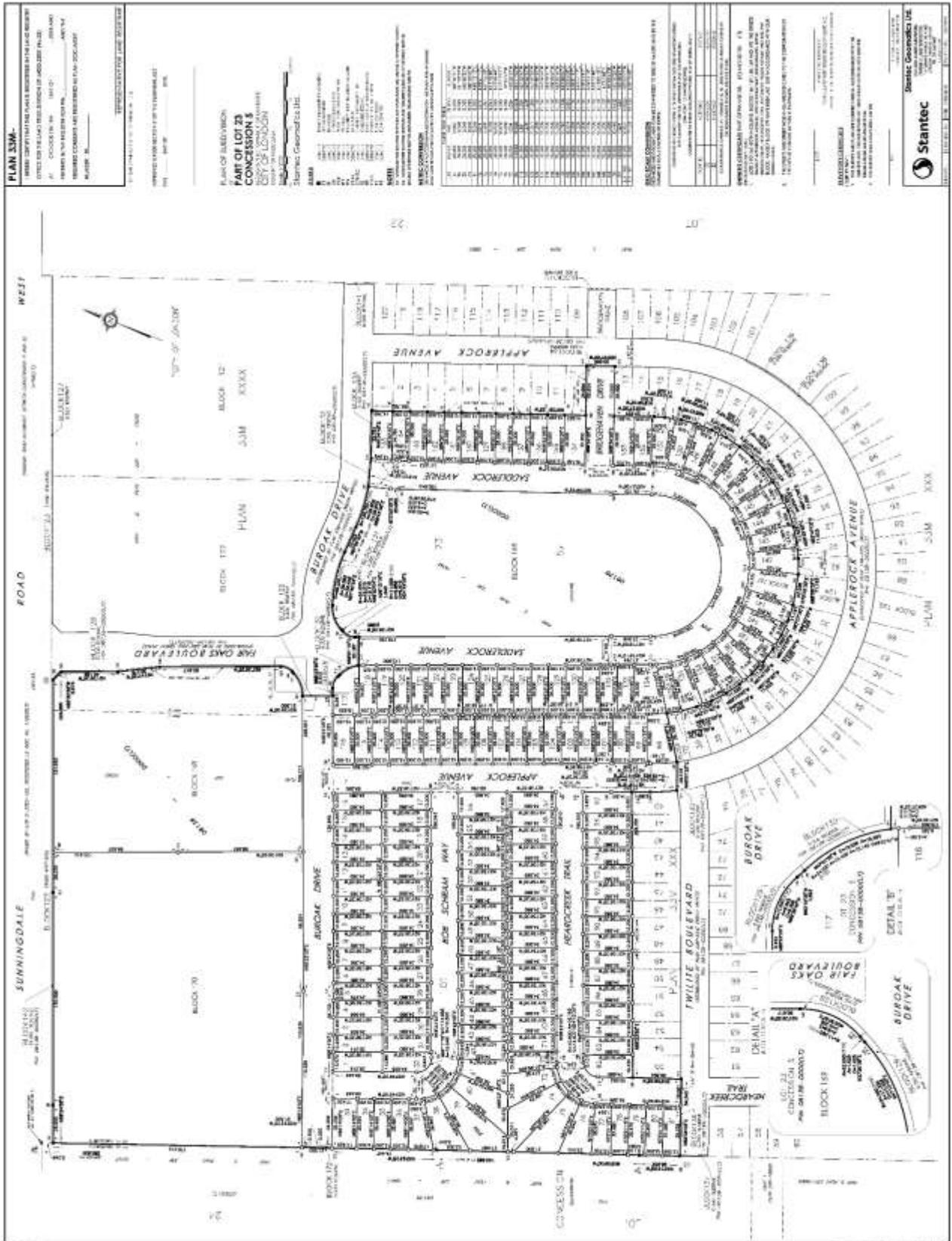
This subdivision shall be registered in one (1) phase, consisting of 165 single family detached lots and two (2) multi-family medium density blocks, 3 park blocks and 1 reserve block.

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

### 1.2 Location Map - North Kent subdivision – Phase 3



1.3 North Kent Phase 3 Plan



<b>Prepared by:</b>	<b>Craig Smith</b> <b>Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Lou Pompilii, MCIP RPP</b> <b>Manager, Development Planning (Subdivision)</b>
<b>Reviewed by:</b>	<b>Matt Feldberg</b> <b>Manager, Development Services (Subdivision)</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG</b> <b>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 19, 2018

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

LM/FG

Y:\FGerrits\documentation coordinator\Working Files\39T-04510 - Kent - Phase 3\39T-04510 Phase 3 -PEC Report - Special Provisions.docx

## Appendix A – Special Provisions

### PROVISIONS OF DEVELOPMENT

#### 1. DEFINITIONS

**Add** the following Definition:

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

#### 5. STANDARD OF WORK

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

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

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

**Add** the following new Special Provisions:

- #2 The City may require the Works and Services required under this Agreement to be completed by a contractor whose competence is approved jointly by the City Engineer and the Owner, all to the satisfaction of the City Engineer.
- #3 The Owner shall maintain Works and Services in this Plan in a good state of repair from installation to assumption, to the satisfaction of the City, at no cost to the City.
- #4 The Owner shall obtain all necessary permits from the UTRCA prior to the commencement of any soil disturbance within the regulated area under the jurisdiction of the UTRCA.

**Revise** the highlighted:

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

## 16. PROPOSED SCHOOL SITES

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

- ~~16.3 The Owner shall set aside an area or areas (being Block(s) \_\_\_\_\_) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~
- ~~16.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~
- ~~16.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~
- ~~16.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~
- ~~16.7 The Owner agrees that the school blocks shall be:~~
- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
  - ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~
- ~~16.8 Where the Owner has been required to improve the site by grading, top soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of his obligations under this Agreement.~~
- ~~16.9 If and when the City purchases the site, the City may establish a policy with respect to the ultimate use or disposition of the site.~~

## 24. IDENTIFICATION SIGNS / SITE SIGNAGE

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

24.1 The Owner shall:

- a) erect, or cause to be erected, at his entire expense, subdivision identification signs in accordance with the City's standard "Specifications for Subdivision Identification Signs", as they apply to this subdivision. The Owner shall be responsible for obtaining the information from the City;
- b) maintain all signs erected pursuant to 24.1(a) above, at all times in a condition satisfactory to the City and ensure that the signs are not be removed until the earlier of 95% of the subdivision housing units have been built and occupied or assumption;
- c) notwithstanding any other provisions of this Agreement, refrain from making any application for building permits, which includes a permit restricting

occupancy, until such time as the Owner has complied with subsections (a) and (b) of this clause;

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

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

- e) prior to the issuance of a Certificate of Conditional Approval, erect signs on dead-end streets, where applicable, with a notification that the street is to be a through street in future. The Owner shall be responsible for the maintenance and replacement of the signs, at no cost to the City.
- f) within two (2) months of curb installation or as otherwise directed by the City, ~~prior to the construction of any dwellings within this Plan~~, erect at all street intersections and other locations as required by the City, permanent signs designating street names, parking restrictions and other information as required by the City. Installation and maintenance shall be the responsibility of the Owner, and at no expense to the City. All signs shall be of a design approved by the City.
- g) Within two (2) years of registration of this Plan or otherwise directed by the City, install all permanent regulatory and non regulatory traffic signage in accordance with the accepted engineering drawings. Regulatory signage that requires a City by-law (ie. Stop and Yield), shall be installed by the City on the permanent street name posts.

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

## 25.1 STANDARD REQUIREMENTS

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

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

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

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

**Add** the following new Special Provisions:

- #5 Prior to the issuance of any Certificate of Conditional Approval, the Owner’s Professional Engineer shall certify that any remedial or other works as recommended in the accepted hydrogeological and geotechnical report have been

implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.

- #6 The Owner shall comply with any requirements of all affected agencies (eg. Hydro One Networks Incorporated, Ministry of Natural Resources, Upper Thames River Conservation Authority, Ministry of the Environment and Climate Change, etc.), all to the satisfaction of the City.
- #7 Subject to site plan approvals, no construction or installation of any services (eg. clearing of servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision (eg. Hydro One Networks Incorporated, Ministry of the Environment Certificates, City/Ministry/Government permits: Permit of Approved Works, water connection, water taking, crown land, navigable waterways, approval: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment and Climate Change, City, etc.)
- #8 The Owner shall include in all Purchase and Sale or Lease Agreements the requirement that the homes to be designed and constructed on all corner Lots (1, 16, 17, 32, 33, 56, 57, 81, 82, 97, 116, 117, 141, 142, 153, 154, and 165), are to have design features, such as but not limited to porches, windows or other architectural amenities that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard. Further, the Owner shall obtain approval of their proposed design from the Manager Development Planning or his/her designate prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan.

## 25.2 CLAIMS

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

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

The anticipated reimbursements from the development charge Reserve Funds are:

- (i) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$19,200, excluding HST;

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

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

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

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

## 25.6 GRADING REQUIREMENTS

**Add** the following new Special Provisions:

- #9 The Owner shall grade the portions of Blocks 169 and 170, which have a common property line with Sunningdale Road West, to blend with the ultimate profile of Sunningdale Road West, in accordance with the accepted engineering drawings, and at no cost to the City.
- #10 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owner to the west to re-grade a portion of the property, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.

## 25.7 STORM WATER MANAGEMENT

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

- (a) The Owner shall have its Professional Engineer supervise the construction of the stormwater servicing works, including any temporary works, in compliance with the drawings accepted by the City Engineer, and according to the recommendations and requirements of the following, all to the satisfaction of the City Engineer:
  - i) The SWM criteria and environmental targets for the Medway Creek Subwatershed Study and any addendums/amendments;
  - ii) The preferred storm/drainage and SWM servicing option of the Municipal Class EA and any addendum for the Foxhollow lands;
  - iii) The accepted Functional SWM report for the proposed Foxhollow SWM Facility # 3;
  - iv) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.
  - v) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
  - vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
  - vii) The City of London Design Specifications and Requirements Manual, as revised;
  - viii) The Ministry of the Environment, Conservation and Parks (MECP) SWM Practices Planning and Design Manual (2003);
  - ix) The Ministry of the Environment, Conservation and Parks (MECP) Low Impact Development (LID) Stormwater Management Guidance Manual; and

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

## 25.8 SANITARY AND STORM SEWERS

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

- (c) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Medway Creek Subwatershed, and outlet the major and minor flows to the existing regional Foxhollow SWM Facility # 3 and connect them to the City's existing storm sewer system as per the accepted engineering drawings, to the satisfaction of the City Engineer.

**Remove** Subsection 25.8 (d) as there are no sanitary or storm manholes located within easements in this Plan.

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

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

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

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

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

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

- (o) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system in accordance with the accepted engineering drawings, to the satisfaction of the City Engineer.

**Add** the following new Special Provisions:

#11 The Owner shall remove the temporary Ditch Inlet Catch Basins (DICBS) on Bridgehaven Drive and any associated works, etc. and any existing easements may be quit claimed, all to the satisfaction and specifications of the City Engineer and at no cost to the City.

#12 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing Works and Services on Twilite Boulevard, Applerock Avenue, Bridgehaven Drive, Buroak Drive, Saddlerock Avenue, and Fair Oaks Boulevard, adjacent to this Plan to accommodate the proposed Works and Services on these streets to accommodate the lots/blocks in this Plan fronting these streets (eg. private services, street light poles, traffic calming, etc.) in

accordance with the approved design criteria and accepted engineering drawings, all to the satisfaction of the City Engineer, at no cost to the City.

## 25.9 WATER SERVICING

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

- (b) Prior to the approval of the water service connection by the City Engineer and the issuance of a building permit, the Owner shall not install water service to any Block within this Plan of Subdivision prior to site plan approval.

**Remove** Subsection 25.9 (c) as it is repeated below:

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

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

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

**Add** the following new Special Provisions:

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

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

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

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

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

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

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

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

- #18 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:

- i) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units.

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

- (i) Decommissioning of automatic blow-offs, a cost of \$3,000.

## 25.11 ROADWORKS

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

- (b) The Owner shall construct or install all of the following required works to the specifications of the City and in accordance with the plans accepted by the City:
  - (i) a fully serviced road connection where Heardcreek Trail in this Plan joins with Twilite Boulevard in **Plan \_\_\_\_\_**, including all underground services and all related works as per the accepted engineering drawings;
  - (ii) a fully serviced road connection where Applerock Avenue in this Plan joins with Applerock Avenue in **Plan \_\_\_\_\_**, including all underground services and all related works as per the accepted engineering drawings;
  - (iii) a fully serviced road connection where Saddlerock Avenue in this Plan joins with Buroak Drive in **Plan \_\_\_\_\_**, including all underground services and all related works as per the accepted engineering drawings;
  - (iv) a fully serviced road connection where Buroak Drive in this Plan connects with Buroak Drive in **Plan \_\_\_\_\_**, including all underground services and all related works as per the accepted engineering drawings;
  - (v) a fully serviced road connection with Bridgehaven Drive in this Plan connects with Applerock Avenue in **Plan \_\_\_\_\_**, including all underground

services and all related works as per the accepted engineering drawings;  
and

- (vi) grading and associated works on Sunningdale Road West as per the accepted engineering drawings;

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

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

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

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

- (i) Within one (1) year of registration of this Plan, the Owner shall:
  - (i) install street lights on each street shown on the plan of subdivision at locations suitable to the City and in accordance with the specifications and standards set forth by the London Hydro for the City of London for street lighting on City roadways;
  - (ii) install walkway lighting as necessary on the walkway blocks in this Plan in accordance with City requirements, all to the specifications of the City; and
  - (iii) install street lighting and walkway lighting and on adjacent streets where needed which match the style of street light poles and luminaires already existing or approved along the developed portion of the streets adjacent to this Plan, all to the satisfaction of the City Engineer.

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

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

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

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

- (q) Where traffic calming measures are required within this Plan:
- (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan, and
  - ~~(ii) The Owner shall notify the purchasers of all lots abutting the traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.~~
  - ~~(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~
  - (iv) The Owner shall include in the Agreement of Purchase and Sale or Lease for the transfer of the title of all Lots and Blocks on Applerock Avenue, Bob Schram Way, Heardcreek Trail, Saddlerock Avenue and Bridgehaven Drive in this Plan, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including **traffic calming circles, raised intersections, raised crosswalks splitter islands** and speed cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.

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

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

**Add** the following new Special Provisions:

- #20 Prior to any work on the site, the Owner shall install signage advising construction traffic that loads on Sunningdale Road West are restricted to a maximum weight of five (5) tonnes per axle for any vehicle travelling on this road during the period March 1 to April 30, inclusive, in any year.
- #21 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained at the following locations, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer:
- i) on Applerock Avenue adjacent to the speed cushion location that indicate Future Speed Cushion Location;
  - ii) on Applerock Avenue and Saddlerock Avenue adjacent to the raised intersection locations that indicate Future Raised Intersections; and

- iii) on Saddlerock Avenue adjacent to the raised crosswalk locations that indicate Future Raised Crosswalk Locations.
- #22 Prior to assumption or when required by the City Engineer, the Owner shall install the following as identified on the accepted engineering drawings, to the satisfaction of the City Engineer:
- i) one speed cushion on Applerock Avenue, including permanent signage and pavement marking;
  - ii) raised intersections on Applerock Avenue and Saddlerock Avenue, including permanent signage and pavement markings; and
  - iii) raised crosswalks on Saddlerock Avenue, including permanent signage and pavement markings in a location.
- #23 The Owner shall make minor boulevard improvements on Sunningdale Road West, adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
- #24 The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.

## 25.12 PARKS

**Remove** Subsection 25.12 (a) and **replace** with the following:

- (a) ~~Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall grade, service and seed all Park Blocks and Open Space Blocks, transferred to the City as part of the parkland dedication requirements, pursuant to current City Park development standards, to the satisfaction of City, and at no cost to the City.~~

~~Within (1) year of registration of this Plan, the Owner shall have its consultant provide a certificate that identifies that the Block has been rough graded as per the approved plan and receive City approval of rough grades prior to topsoil installation.~~

Within one (1) year of registration of this Plan, the Owner shall grade, service and seed all Park Blocks in conformity with approved engineering plans and to the satisfaction of the Manager of Environmental and Parks Planning.

The Owner shall have its consultant provide a certificate that identifies that the Block has been rough graded as per the approved plan and receive City approval of rough grades prior to topsoil installation.

**Remove** Subsection 25.12 (b) and **replace** with the following:

- (b) ~~Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall install a 1.5 metre chain link fence, without gates, along the property limit interface of all private Lots and Blocks adjacent to any park and/or open space Blocks, in accordance with City Standard S.P.O. 4.8, to the satisfaction of the City, and at no cost to the City. Any alternative fencing arrangements shall be to the approval and the satisfaction of the City.~~

~~Within (1) year of registration of this Plan, the Owner shall have its~~

~~consultant provide a certificate to the City Plan that identifies that the fencing has been installed as per the approved plan.~~

Within one (1) year of registration of the Plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City standards (SPO 4.8) or approved alternate, along all property lines abutting parkland in accordance with approved engineering plans. Fencing shall be completed to the satisfaction of the City.

The Owner shall have its consultant provide a certificate to the City Plan that identifies that the fencing has been installed as per the approved plan.

**Add** the following new Special Provisions:

- #25 All park block lands shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the Open Space limits to the satisfaction of the City Planner.
- #26 Within one (1) year of registration of this Plan, the Owner shall prepare and deliver to all homeowners adjacent to the open space, and education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the Director, Development Services.
- #27 Within one (1) year of registration of this Plan, the Owner shall prepare and deliver to all homeowners an education package which advises potential purchasers of the ongoing agricultural activities occurring in the vicinity. The educational package shall be prepared to the satisfaction of the Director, Development Services.
- #28 Within one (1) year of registration of this Plan, the Owner shall remove any tree hazards within 15 meters of the drip line of the park block boundary to the satisfaction of the City, at no cost to the City.

## **SCHEDULE "C"**

This is Schedule "C" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. to which it is attached and forms a part.

### **SPECIAL WORKS AND SERVICES**

#### **Roadways**

- Buroak Drive shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
  
- Applerock Avenue, Saddlerock Avenue and Bridge Haven Drive shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.
  
- Bob Schram Way and Heardcreek Trail shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres

#### **Sidewalks**

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

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

- (i) Bob Schram Way – south and west boulevard
- (ii) Applerock Avenue – west boulevard
- (iii) Heardcreek Trail – north and west boulevard
- (iv) Saddlerock Avenue – outside boulevard
- (v) Bridgehaven Drive – south boulevard

#### **Pedestrian Walkways**

There are no pedestrian walkways in this Plan.

**SCHEDULE "D"**

This is Schedule "D" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. to which it is attached and forms a part.

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

**LANDS TO BE CONVEYED TO THE CITY OF LONDON:**

0.3 metre (one foot) reserves:	Block 171
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Blocks 166, 167 and 168 and additional parkland to be provided through future phases.
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

**LANDS TO BE SET ASIDE FOR SCHOOL SITE:**

School Site:	NIL
--------------	-----

**LANDS TO BE HELD IN TRUST BY THE CITY:**

Temporary access:	NIL
-------------------	-----

**SCHEDULE "E"**

This is Schedule "E" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. to which it is attached and forms a part.

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

CASH PORTION:	\$ 686,107
BALANCE PORTION:	<u>\$3,887,940</u>
TOTAL SECURITY REQUIRED	\$4,574,047

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

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

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

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

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

**SCHEDULE "F"**

This is Schedule "F" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. to which it is attached and forms a part.

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

**Multi-Purpose Easements:**

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

**Related Estimated Costs and Revenues**

<b>Estimated DC Funded Servicing Costs</b> <sup>(Note 1)</sup>	<b>Estimated Cost</b> <sup>(Note 3)</sup> (excludes HST)
Claims for developer led construction from CSRF - Watermain oversizing - DC14-WD01001	\$19,200
Claims for developer led construction from UWRF - None identified.	\$0
Claims for City led construction from CSRF - None identified.	\$0
Total	\$19,200
<b>Estimated Total DC Revenues</b> <sup>(Note 2)</sup> <b>(2018 Rates)</b>	<b>Estimated Revenue</b> <sup>(Note 3)</sup>
CSRF	\$7,078,002
UWRF	\$637,595
TOTAL	\$7,715,597

- 1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
- 2 Estimated Revenues are calculated using 2018 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
- 3 The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.

Reviewed by:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Matt Feldberg  
Manager, Development Services (Subdivisions)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul Yeoman  
Director, Development Finance

**RE: Subdivision Special Provisions - Foxhollow North Kent South Subdivision - Phase 3**  
**Applicant: Foxhollow North Kent Developments Inc.**  
**Capital Project EW3818 Watermain Internal Oversizing (Subledger 2445105)**  
**1284 & 1388 Sunningdale Road West**

**FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:**

Finance & Corporate Services confirms that the cost of this project cannot be accommodated within the financing available for it in the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Development & Compliance Services & Chief Building Official, the detailed source of financing for this project is:

<b><u>ESTIMATED EXPENDITURES</u></b>	<b><u>Approved Budget</u></b>	<b><u>Additional Funding</u></b>	<b><u>Revised Budget</u></b>	<b><u>Committed To Date</u></b>	<b><u>This Submission</u></b>
Construction	\$766,572	\$18,990	\$785,562	\$766,024	\$19,538
<b>NET ESTIMATED EXPENDITURES</b>	<b><u>\$766,572</u></b>	<b><u>\$18,990</u></b>	<b><u>\$785,562</u></b>	<b><u>\$766,024</u></b> 1)	<b><u>\$19,538</u></b>

**SUMMARY OF FINANCING:**

Drawdown from Industrial Oversizing R.F.	\$1,700		\$1,700	\$1,700	\$0
Drawdown from City Services - Water Reserve Fund (Development Charges) 2 & 3)	764,872	18,990	783,862	764,324	19,538
<b>TOTAL FINANCING</b>	<b><u>\$766,572</u></b>	<b><u>\$18,990</u></b>	<b><u>\$785,562</u></b>	<b><u>\$766,024</u></b>	<b><u>\$19,538</u></b>

1) **FINANCIAL NOTE:**

Contract Price	19,200
Add: HST @13%	2,496
Total Contract Price Including Taxes	21,696
Less: HST Rebate	2,158
Net Contract Price	<u>\$19,538</u>

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

3) The additional funding requirement of \$18,990 for Project EW3818 is available as a drawdown from the City Services - Water Levies Reserve Fund. Committed to date includes claims for DC eligible works from approved development agreements that may take many years to come forward.

The 2014 DC Study identified a 20 year program for watermain internal oversizing (DC14-WD01001/EW3818) with a total projected growth needs of \$1,000,000. The total funding is allocated to the capital budget proportionately by year across the 20 year period. The total requirements for project EW3818 exceeds the funding for the 20 year program and therefore an additional drawdown from City Services-Water Reserve Fund is required. The DC funded programs are presented to Council in the annual DC Monitoring Report. Adjustments can also be made by Council through the annual GMIS process and the multi-year budget updates. If total growth exceeds the estimates, the growth needs can be adjusted through the DC Bylaw update which is required every five years by the DC Act.

ms

\_\_\_\_\_  
 Jason Davies  
 Manager of Financial Planning & Policy

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Application By: Foxhollow North Kent Developments Inc. and  
Claybar Developments Inc.  
1284 & 1388 Sunningdale Road West  
Foxhollow North Kent South Subdivision – Phase 4  
39T-04510-4 - Special Provisions

**Meeting on:** October 29, 2018

## Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a subdivision agreement between The Corporation of the City of London and Foxhollow North Kent Developments Inc. for the subdivision of land over Part of Lot 23, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Sunningdale Road West, between Wonderland Road North and Hyde Park Road, and on the north side of the Heard Drain, municipally known as 1284 and 1388 Sunningdale Road West;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Foxhollow North Kent Developments Inc. for the Foxhollow North Kent Subdivision, Phase 4 (39T-04510-4) attached as Appendix “A”, **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix “B”;
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

## Analysis

### 1.0 Site at a Glance

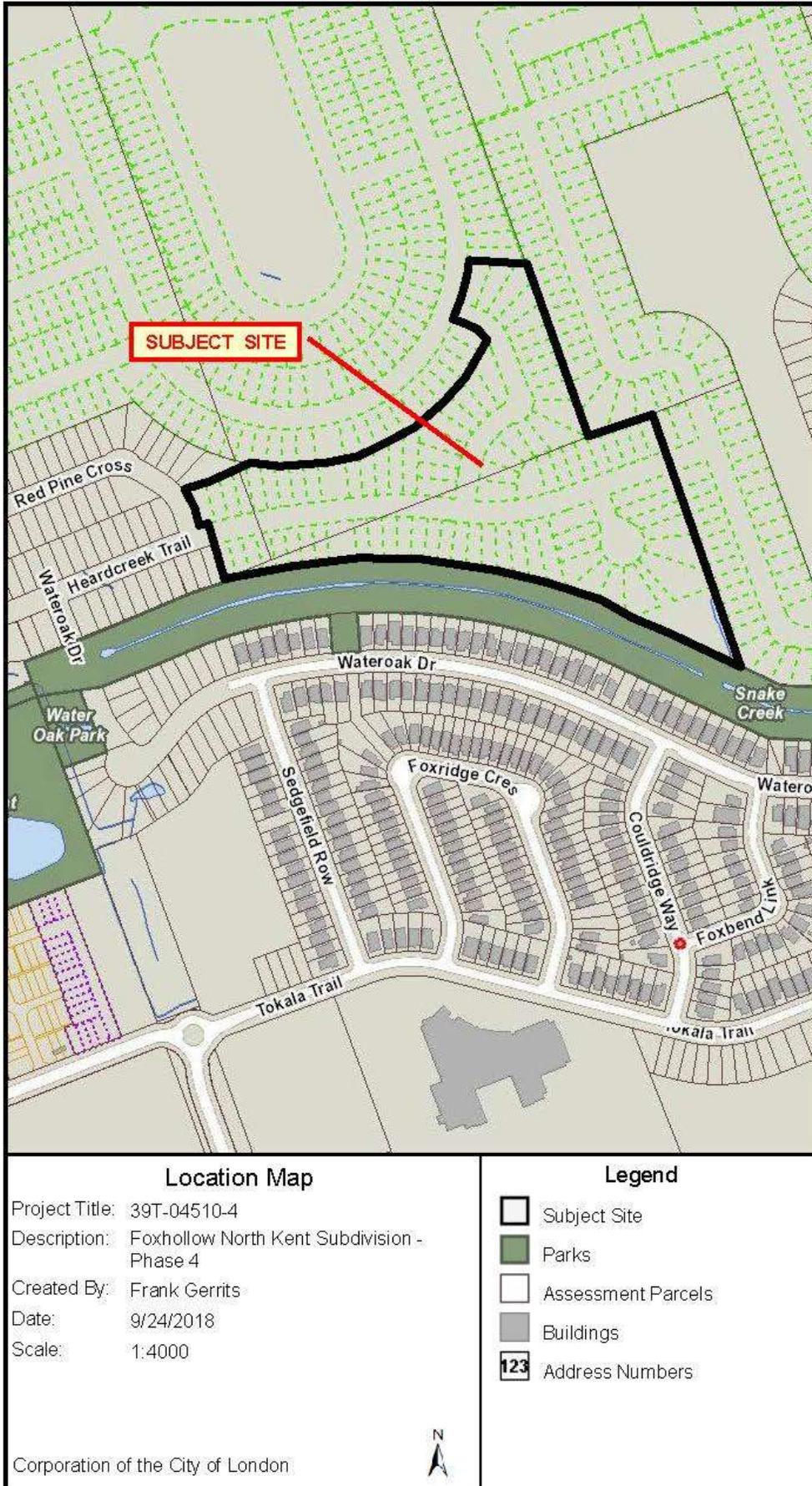
#### 1.1 Background

The application for Draft Plan of Subdivision Approval was originally accepted on November 17, 2004. After a number of modified versions of the plan it was approved by the Approval Authority on October 14, 2009. A number of draft approval extensions have occurred since the original draft approval date including the most recent 6 month emergency extension granted by the Approval Authority on September 10, 2018. The current expiry date for draft approval is April 14, 2019. The first phase of the subdivision consists of 69 single family detached lots. Access to the first phase is from the extension of Waterloo Drive from the Claybar Subdivision immediately to the south. The 2<sup>nd</sup> phase will have access through the first phase to Waterloo Drive and will also have access to Sunningdale Road West.

This subdivision shall be registered in one (1) phase, consisting of 85 single family detached Lots and 1 reserve block.

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

### 1.2 Location Map - North Kent subdivision – Phase 4





<b>Prepared by:</b>	<b>Craig Smith Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Lou Pompilii, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Reviewed by:</b>	<b>Matt Feldberg Manager, Development Services (Subdivision)</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 19, 2018

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

LM/FG

Y:\FGerrits\documentation coordinator\Working Files\39T-04510 - Kent - Phase 4\DRAFT - 39T-04510 Phase 4 -PEC Report - Special Provisions.docx

## Appendix A – Special Provisions

### PROVISIONS OF DEVELOPMENT

#### 1. DEFINITIONS

Add the following Definition:

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

#### 5. STANDARD OF WORK

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

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

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

Add the following new Special Provisions:

- #2 The City may require the Works and Services required under this Agreement to be completed by a contractor whose competence is approved jointly by the City Engineer and the Owner, all to the satisfaction of the City Engineer.
- #3 The Owner shall maintain Works and Services in this Plan in a good state of repair from installation to assumption, to the satisfaction of the City, at no cost to the City.
- #4 The Owner shall obtain all necessary permits from the UTRCA prior to the commencement of any soil disturbance within the regulated area under the jurisdiction of the UTRCA.

Revise the highlighted:

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

the City and the warranty period has expired whichever shall be the later. Any damage thereto or failure thereof shall be forthwith repaired to the satisfaction of the City Engineer.

## 16. PROPOSED SCHOOL SITES

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

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

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

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

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

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

- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
- ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~

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

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

## 24. IDENTIFICATION SIGNS / SITE SIGNAGE

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

24.1 The Owner shall:

- a) erect, or cause to be erected, at his entire expense, subdivision identification signs in accordance with the City's standard "Specifications for Subdivision Identification Signs", as they apply to this subdivision. The Owner shall be responsible for obtaining the information from the City;
- b) maintain all signs erected pursuant to 24.1(a) above, at all times in a condition satisfactory to the City and ensure that the signs are not be removed until the earlier of 95% of the subdivision housing units have been built and occupied or assumption;

- c) notwithstanding any other provisions of this Agreement, refrain from making any application for building permits, which includes a permit restricting occupancy, until such time as the Owner has complied with subsections (a) and (b) of this clause;
- d) prior to the issuance of a Certificate of Conditional Approval, erect a sign at each street entrance to the subdivision informing the public that the subdivision is un-assumed by the City. The sign shall be erected and shall be maintained until assumption, all to the satisfaction of the City, at no cost to the City. The Owner shall be responsible for the maintenance and replacement of the signs, at no cost to the City. The sign shall read;

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

- e) prior to the issuance of a Certificate of Conditional Approval, erect signs on dead-end streets, where applicable, with a notification that the street is to be a through street in future. The Owner shall be responsible for the maintenance and replacement of the signs, at no cost to the City.
- f) within two (2) months of curb installation or as otherwise directed by the City, ~~prior to the construction of any dwellings within this Plan~~, erect at all street intersections and other locations as required by the City, permanent signs designating street names, parking restrictions and other information as required by the City. Installation and maintenance shall be the responsibility of the Owner, and at no expense to the City. All signs shall be of a design approved by the City.
- g) within two (2) years of registration of this Plan or otherwise directed by the City, install all permanent regulatory and non regulatory traffic signage in accordance with the accepted engineering drawings. Regulatory signage that requires a City by-law (ie. Stop and Yield), shall be installed by the City on the permanent street name posts.

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

## 25.1 STANDARD REQUIREMENTS

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

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

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

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

**Add** the following new Special Provisions:

- #5 Prior to the issuance of any Certificate of Conditional Approval, the Owner's Professional Engineer shall certify that any remedial or other works as recommended in the accepted hydrogeological and geotechnical report have been implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.
- #6 The Owner shall comply with any requirements of all affected agencies (eg. Hydro One Networks Incorporated, Ministry of Natural Resources, Upper Thames River Conservation Authority, Ministry of the Environment and Climate Change, etc.), all to the satisfaction of the City.
- #7 Subject to Site Plan Approval, no construction or installation of any services (eg. clearing of servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision (eg. Hydro One Networks Incorporated, Ministry of the Environment Certificates, City/Ministry/Government permits: Permit of Approved Works, water connection, water taking, crown land, navigable waterways, approval: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment and Climate Change, City, etc.)
- #8 The Owner shall include in all Purchase and Sale or Lease Agreements the requirement that the homes to be designed and constructed on all corner Lots (1, 17, 28, 40, 54, 55, 63, 71, 72, and 77), are to have design features, such as but not limited to porches, windows or other architectural amenities that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard. Further, the owner shall obtain approval of their proposed design from the Manager Development Planning or his/her designate prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan.

## 25.2 CLAIMS

**Remove** Subsection 25.2 as there are no claims

## 25.6 GRADING REQUIREMENTS

**Add** the following new Special Provisions:

- #9 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owner to the north and east to regrade a portion of the property, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.
- #10 The Owner shall ensure any grading on Lots in this Plan shall be compatible with the Heard Drain interface, all to the specifications and satisfaction of the City Engineer.
- #11 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove any existing diversion swales and associated works, all to the satisfaction of the City Engineer. The Owner is responsible for all costs related to any redirection of overland flow routes.

## 25.7 STORM WATER MANAGEMENT

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

- (a) The Owner shall have its Professional Engineer supervise the construction of the stormwater servicing works, including any temporary works, in compliance with the drawings accepted by the City Engineer, and according to the recommendations and requirements of the following, all to the satisfaction of the City Engineer:
- i) The SWM criteria and environmental targets for the Medway Creek Subwatershed Study and any addendums/amendments;
  - ii) The preferred storm/drainage and SWM servicing option of the Municipal Class EA and any addendum for the Fox Hollow lands;
  - iii) The accepted Functional SWM report for the proposed Fox Hollow SWM Facility # 3;
  - iv) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.
  - v) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;
  - vi) The City's Waste Discharge and Drainage By-laws, lot grading standards, policies, requirements and practices;
  - vii) The City of London Design Specifications and Requirements Manual, as revised;
  - viii) The Ministry of the Environment, Conservation and Parks (MECP) SWM Practices Planning and Design Manual (2003);
  - ix) The Ministry of the Environment, Conservation and Parks (MECP) Low Impact Development (LID) Stormwater Management Guidance Manual; and
  - x) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.

**Add** the following new Special Provisions:

- #12 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission the existing temporary sediment basin and all associated works (eg. headwall, etc.) and quit claim any existing easements, all to the satisfaction of the City Engineer. The Owner is responsible for all costs related to the decommissioning and any redirection of sewers and overland flow routes.
- #13 The Owner shall restore any disturbed area within the Heard Drain to as good or in better condition than existing, to the satisfaction of the City, at no cost to the City.
- #14 All Lots / Blocks abutting Open Space blocks used primarily for stormwater management facilities and/or conveyance systems shall be monumented as per City standards and to the satisfaction of the City Engineer. Further, should the property owner desire to construct a fence at the interface (on the property line) with the Open Space SWM blocks, fencing shall be in accordance with current City park standards (SPO 4.8) or approved alternate, to the specifications of the City, at no cost to the City.

## 25.8 SANITARY AND STORM SEWERS

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

- (c) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Medway Creek Subwatershed, and outlet the major and minor flows to the existing regional Fox Hollow SWM Facility # 3 and connect them to the City's existing storm sewer system as per the accepted engineering drawings, to the satisfaction of the City Engineer.

**Remove** Subsection 25.8 (d) as there are no sanitary or storm manholes located within easements in this plan.

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

**Remove** Subsection 25.8 (e) as it is not applicable.

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

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

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

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

- (o) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system in accordance with the accepted engineering drawings, to the satisfaction of the City Engineer.

**Add** the following new Special Provisions:

- #15 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove the existing headwall and associated works (eg. construction access) adjacent to Lot 64 on Heardcreek Trail and adjacent lands in this Plan and quit claims any existing easements, all to the satisfaction of the City Engineer, at no cost to the City. The Owner is responsible for all costs related to the decommissioning and any redirection of sewers and overland flow routes.
- #16 The Owner shall remove the temporary Ditch Inlet Catch Basins (DICBS), etc. and the existing easements on Lots in this Plan may be quit claimed, all to the satisfaction and specifications of the City Engineer and at no cost to the City.
- #17 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing Works and Services on Heardcreek Trail and Applerock Avenue, adjacent to this plan to accommodate the proposed Works and

Services on this street to accommodate this Plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer, at no cost to the City.

## 25.9 WATER SERVICING

**Remove** Subsection 25.9 (b) as there are no Blocks in this Plan.

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

**Remove** Subsection 25.9 (c) as it is repeated below:

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

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

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

**Add** the following new Special Provisions:

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

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

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

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

#20 The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging plan as set-out in the accepted engineering drawings and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging as set out in the accepted engineering drawings, and the watermains are not installed to the

stage limits, the Owner would be required to submit revised plans and hydraulic modelling as necessary to address water quality, all to the satisfaction of the City Engineer.

#21 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:

- i) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units;

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

- (i) Decommissioning of automatic blow-offs, a cost of \$2,000;

## 25.11 ROADWORKS

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

- (b) The Owner shall construct or install all of the following required works to the specifications of the City and in accordance with the plans accepted by the City:
  - (i) a fully serviced road connection where Heardcreek Trail in this Plan joins with Heardcreek Trail in Plans \_\_\_\_\_ and \_\_\_\_\_ to the east and west, including all underground services and all related works as per the accepted engineering drawings; and
  - (ii) a fully serviced road connection where Bush Hill Link in this Plan joins with Applerock Avenue in Plan \_\_\_\_\_, including all underground services and all related works as per the accepted engineering drawings;

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

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

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

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

- (i) Within one (1) year of registration of this Plan, the Owner shall:
  - (i) install street lights on each street shown on the plan of subdivision at locations suitable to the City and in accordance with the specifications and standards set forth by the London Hydro for the City of London for street lighting on City roadways; and
  - (ii) install walkway lighting as necessary on the walkway blocks in this Plan in accordance with City requirements, all to the specifications of the City.
  - (iii) Install street lighting and walkway lighting and on adjacent streets where needed which match the style of street light poles and luminaires already existing or approved along the developed portion of the streets adjacent to this Plan, all to the satisfaction of the City Engineer.

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

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

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

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

- (q) Where traffic calming measures are required within this Plan:
  - (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan, and
  - ~~(ii) The Owner shall notify the purchasers of all lots abutting the traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.~~
  - ~~(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or~~

~~provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~

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

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

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

**Add** the following new Special Provisions:

- #23 Prior to any work on the site, the Owner shall install signage advising construction traffic that loads on Sunningdale Road West are restricted to a maximum weight of five (5) tonnes per axle for any vehicle travelling on this road during the period March 1 to April 30, inclusive, in any year.
- #24 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Heardcreek Trail adjacent to the raised crosswalk locations that indicate Future Raised Crosswalk Locations, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.
- #25 Prior to assumption or when required by the City Engineer, the Owner shall install raised crosswalks on Heardcreek Trail, including permanent signage and pavement marking as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.
- #26 The Owner shall comply with conditions set out in the existing reciprocal agreement (Agreement between Claybar Developments Inc., Foxhollow Developments Inc., Fox Hollow North Kent Developments Inc., Landea Developments Inc. and Landea North Developments Inc. dated November 30, 2009) between the adjacent property owner to the east to construct adequate municipal services, grading, drainage and accesses over the external lands to the east, to develop this Plan, all to the satisfaction of the City Engineer, at no cost to the City.
- #27 The Owner acknowledges that the City shall retain the existing easement ER682817 (registered December 23, 2009 in accordance with the Heard Drain agreement dated December 1, 2009)

## 25.12 PARKS

**Remove** Subsection 25.12 (a) and **replace** with the following:

- (a) ~~Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall grade, service and seed all Park Blocks and Open Space Blocks, transferred to the City as part of the parkland dedication requirements, pursuant to current City Park development standards, to the satisfaction of City, and at no cost to the City.~~

~~Within (1) year of registration of this Plan, the Owner shall have its consultant provide a certificate that identifies that the Block has been rough graded as per the approved plan and receive City approval of rough grades~~

~~prior to topsoil installation.~~

Within one (1) year of registration of this Plan, the Owner shall grade, service and seed all Park Blocks in conformity with approved engineering plans and to the satisfaction of the Manager of Environmental and Parks Planning.

The Owner shall have its consultant provide a certificate that identifies that the Block has been rough graded as per the approved plan and receive City approval of rough grades prior to topsoil installation.

**Remove** Subsection 25.12 (b) and **replace** with the following:

- (b) ~~Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall install a 1.5 metre chain link fence, without gates, along the property limit interface of all private Lots and Blocks adjacent to any park and/or open space Blocks, in accordance with City Standard S.P.O. 4.8, to the satisfaction of the City, and at no cost to the City. Any alternative fencing arrangements shall be to the approval and the satisfaction of the City.~~

~~Within (1) year of registration of this Plan, the Owner shall have its consultant provide a certificate to the City Plan that identifies that the fencing has been installed as per the approved plan.~~

Within one (1) year of registration of the Plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City standards (SPO 4.8) or approved alternate, along all property lines abutting parkland in accordance with approved engineering plans. Fencing shall be completed to the satisfaction of the City.

The Owner shall have its consultant provide a certificate to the City Plan that identifies that the fencing has been installed as per the approved plan.

**Add** the following new Special Provisions:

- #28 All park blocks lands shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the Open Space limits to the satisfaction of the City Planner.
- #29 Within one (1) year of registration of this Plan, the Owner shall prepare and deliver to all homeowners adjacent to the open space, and education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the Director, Development Services.
- #30 Within one (1) year of registration of this Plan, the Owner shall prepare and deliver to all homeowners an education package which advises potential purchasers of the ongoing agricultural activities occurring in the vicinity. The educational package shall be prepared to the satisfaction of the Director, Development Services.
- #31 Within one (1) year of registration of the Plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City standards (SPO 4.8) or approved alternate, along all property lines abutting parkland in accordance with approved engineering plans. Fencing shall be completed to the satisfaction of the City.

- #32 Within one (1) year of registration of this Plan, the Owner shall grade, service and seed all Park Blocks in conformity with approved engineering plans and to the satisfaction of the Manager of Environmental and Parks Planning.

## **SCHEDULE "C"**

This is Schedule "C" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. and Claybar Developments Inc. to which it is attached and forms a part.

### **SPECIAL WORKS AND SERVICES**

#### **Roadways**

- Heardcreek Trail shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.
- Bush Hill Link shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres
- Shields Place shall have a minimum road pavement width (excluding gutters) of 6.0 metres with a minimum road allowance of 18 metres

#### **Sidewalks**

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

- (i) Heardcreek Trail – south boulevard
- (ii) Shields Place – west boulevard

#### **Pedestrian Walkways**

There are no pedestrian walkways in this Plan.

**SCHEDULE "D"**

This is Schedule "D" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. and Claybar Developments Inc. to which it is attached and forms a part.

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

**LANDS TO BE CONVEYED TO THE CITY OF LONDON:**

0.3 metre (one foot) reserves:	Block 89
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Blocks 86, 87 and 88 with additional parkland to be provided through future phases.
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

**LANDS TO BE SET ASIDE FOR SCHOOL SITE:**

School Site:	NIL
--------------	-----

**LANDS TO BE HELD IN TRUST BY THE CITY:**

Temporary access:	NIL
-------------------	-----

**SCHEDULE "E"**

This is Schedule "E" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. and Claybar Developments Inc. to which it is attached and forms a part.

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

CASH PORTION:	\$ 337,501
BALANCE PORTION:	<u>\$1,912,504</u>
TOTAL SECURITY REQUIRED	\$2,250,005

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

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

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

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

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

**SCHEDULE "F"**

This is Schedule "F" to the Subdivision Agreement dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. and Claybar Developments Inc. to which it is attached and forms a part.

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

**Multi-Purpose Easements:**

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

**Related Estimated Costs and Revenues**

<b>Estimated DC Funded Servicing Costs</b> <sup>(Note 1)</sup>	<b>Estimated Cost</b> <sup>(Note 3)</sup> (excludes HST)
Claims for developer led construction from CSRF - None identified.	\$0
Claims for developer led construction from UWRF - None identified.	\$0
Claims for City led construction from CSRF - None identified.	\$0
Total	\$0
<b>Estimated Total DC Revenues</b> <sup>(Note 2)</sup> <b>(2018 Rates)</b>	<b>Estimated Revenue</b> <sup>(Note 3)</sup>
CSRF	\$2,373,710
UWRF	\$213,265
TOTAL	\$2,586,975

- 1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
- 2 Estimated Revenues are calculated using 2018 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
- 3 The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.

Reviewed by:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Matt Feldberg  
**Manager, Development Services (Subdivisions)**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Paul Yeoman  
**Director, Development Finance**

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Application By: Westbury International (1991) Corporation  
1311 Wharncliffe Road South  
Westbury Subdivision – 33M-641 – Disposition of School Site

**Meeting on:** October 29, 2018

## Recommendation

That, on the recommendation of the Manager, Development Planning, the owner (1967172 Ontario Inc.) of the potential school site located on the east side of Singleton Avenue, south of Southdale Road East, municipally know as 3400 Singleton Avenue and legally described as Block 86, on Plan 33M-641 **BE ADVISED** that the City has no interest in acquiring the said property for municipal purposes.

## Background

The application for Draft Plan of Subdivision was accepted on May 18, 2005 and subsequently revised on January 12, 2006 and December 7, 2007. The Approval Authority granted draft approval to the subdivision on June 22, 2009. The draft plan consisted of 71 Single detached dwelling lots; 2 multi-family medium density residential blocks; 1 walkway block; 1 park block and 1 future park block; 1 school block; 4 future residential development blocks; 1 office block, and 3 commercial blocks. This plan of subdivision was granted final approval and registered on April 25, 2012 as 33M-641.

This potential school site is located on the east side of Singleton Avenue, south of Southdale Road East, municipally know as 3400 Singleton Avenue and legally described as Block 86, on Plan 33M-641.

In accordance with the Subdivision Agreement, all four (4) local School Boards have three (3) years to purchase the site from the latest date when seventy percent (70%) of the building permits have been issued or when the servicing of the subject site is completed to the satisfaction of the City Engineer. If the School Boards do not require the site then the City has two (2) years from the same date on which to give notice of intent to purchase the block for municipal purposes.

The subdivision agreement sets out the procedure for the City of London to consider acquisition of a potential school site once the School Boards have waived their right to acquire the potential school site. Firstly, Service Areas are circulated to determine if it is appropriate for the City to acquire the property for municipal purposes. Secondly, Development Services shall bring forth a report to the Planning and Environment Committee who in turn make a recommendation to City Council whether or not to purchase the site. Should Council determine that the subject property not be purchased, Development Services shall immediately notify the Owner, in writing, that the City has waived its right to purchase.

### 1.2 Location Map – Westbury Subdivision – School Site



By letter dated April 6, 2016, the Thames Valley District School Board, the London District Catholic School Board, the Conseil Scolaire de District du Centre Sud-Ouest and the Scholastic Council of Catholic Schools Southwestern Region were notified that seventy percent (70%) of the units were completed on or about January 15, 2015, thus commencing the Board's 3-year review period and that they have until January 13, 2018 to exercise their right to purchase.

None of the four (4) School Boards have expressed interest in the proposed school site by the expiration date of January 13, 2018. Notification was sent to the Manager of Realty Services, giving notice that the City of London's option to exercise its rights to purchase the site was provided. Following circulation to the City's Service Areas no interest was expressed to purchase the site for municipal purposes by the due date of April 30, 2018.

## Conclusion

As no Civic Departments have indicated an interest to acquire the property and the City has considered acquisition of this Block in accordance with Council Policy, it is recommended the Owner be advised that the City waives its right to purchase the land.

<b>Prepared by:</b>	<b>Frank Gerrits Development Documentation Co-ordinator, Development Services</b>
<b>Recommended by:</b>	<b>Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Reviewed by:</b>	<b>Matt Feldberg Manager, Development Services (Subdivision)</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 19, 2018  
FG/LP/MF/GK/fg

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

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Application By: Peter Sergautis  
660 Sunningdale Road East  
Stormwater Management (SWM) Facility  
Land Acquisition Agreement

**Meeting on:** October 29, 2018

## Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into an Agreement between The Corporation of the City of London and Peter Sergautis for the subdivision of land over Part of Lot 13, Concession 6, (Geographic Township of London), City of London, County of Middlesex, situated on the west side of Adelaide Street North, between Sunningdale Road East and the City limits, municipally known as 660 Sunningdale Road East:

- (a) the attached Agreement between The Corporation of the City of London and Peter Sergautis (39T-09501) attached as Appendix "A", **BE APPROVED**;
- (b) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "B"; and,
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

## Background

The lands which are the subject of this agreement are within a Draft Approved Plan of Subdivision located at 660 Sunningdale Road East; west side of Adelaide Street North between Sunningdale Road East and the City limits, having a total area of approximately 39.7 hectares (98 acres).

The original Draft approval was granted on September 9, 2014 by the Approval Authority. Since that time, the Applicant has revised the plan, which now consists of 39 low density residential blocks, four (4) medium density residential blocks, two (2) commercial blocks, two (2) commercial/residential mixed use blocks, three (3) open space blocks, eight (8) parkland and walkway blocks, one (1) stormwater management block, one (1) road widening block, six (6) 0.3 m reserve blocks, all served by one (1) primary collector road (Blackwater Road), two (2) secondary collector roads (Kleinburg Drive and Street "D"), and nine (9) new local streets. Planning and Environment Committee endorsed the revised plan and adopted revised zoning on January 22, 2018. The revised subdivision was draft approved by the Approval Authority on February 21, 2018.

The first Phase of the subdivision was registered on August 17, 2018 as 33M-749, which consisted of eight (8) single detached lots and one (1) multi-family, medium density block, all located off of the extension of Kleinburg Drive.

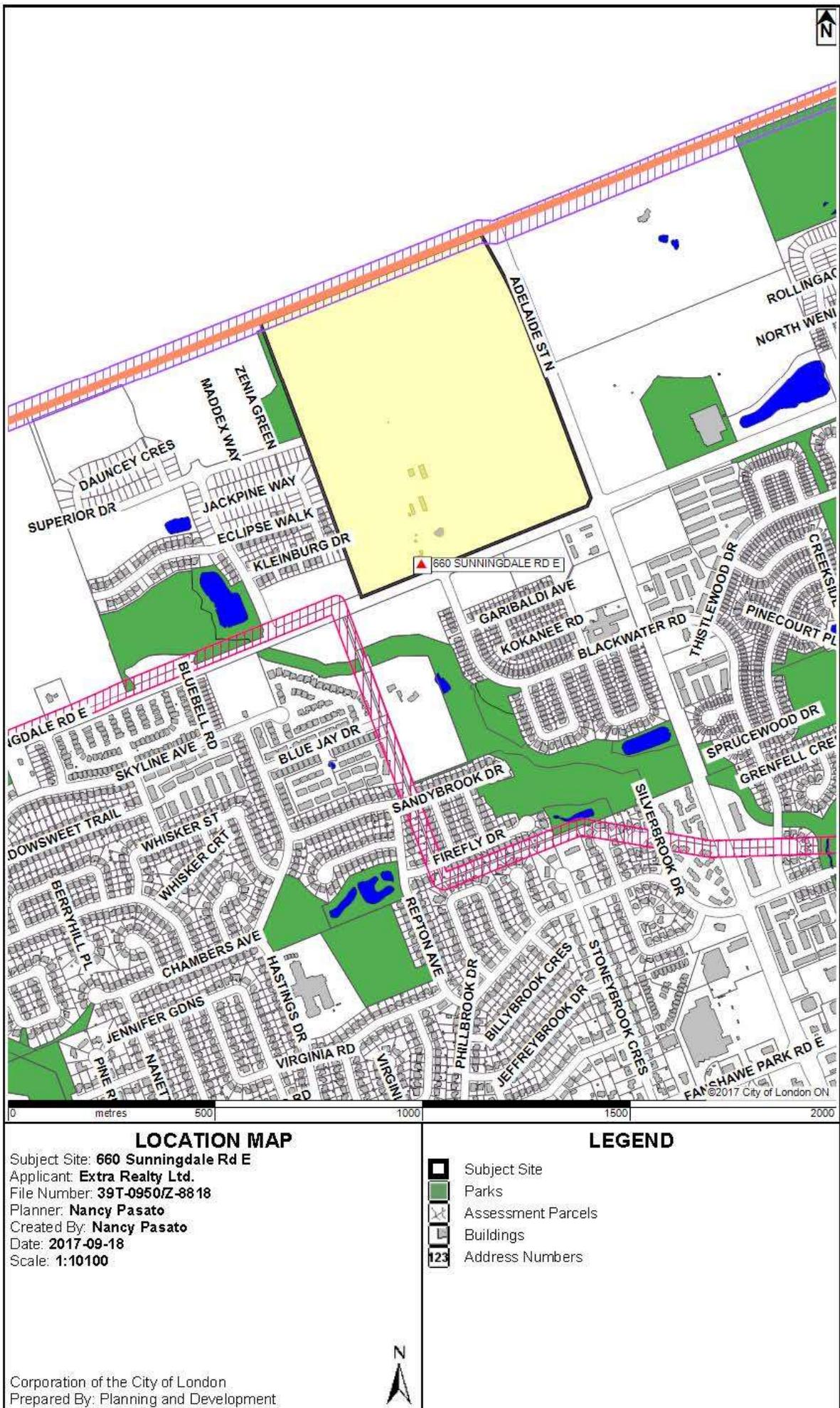
This second Phase of the subdivision and special provisions for the subdivision agreement pertain to the stormwater management (SWM) pond, known as Stoney Creek Stormwater Management Facility 2 (Stoney Creek SWMF2). Advancing a subdivision agreement for SWMF2 will facilitate the transfer of the SWM Block to the

City which will allow the tendering process to proceed. This subdivision agreement will only be registered against the SWM Facility Block of the draft approved plan.

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

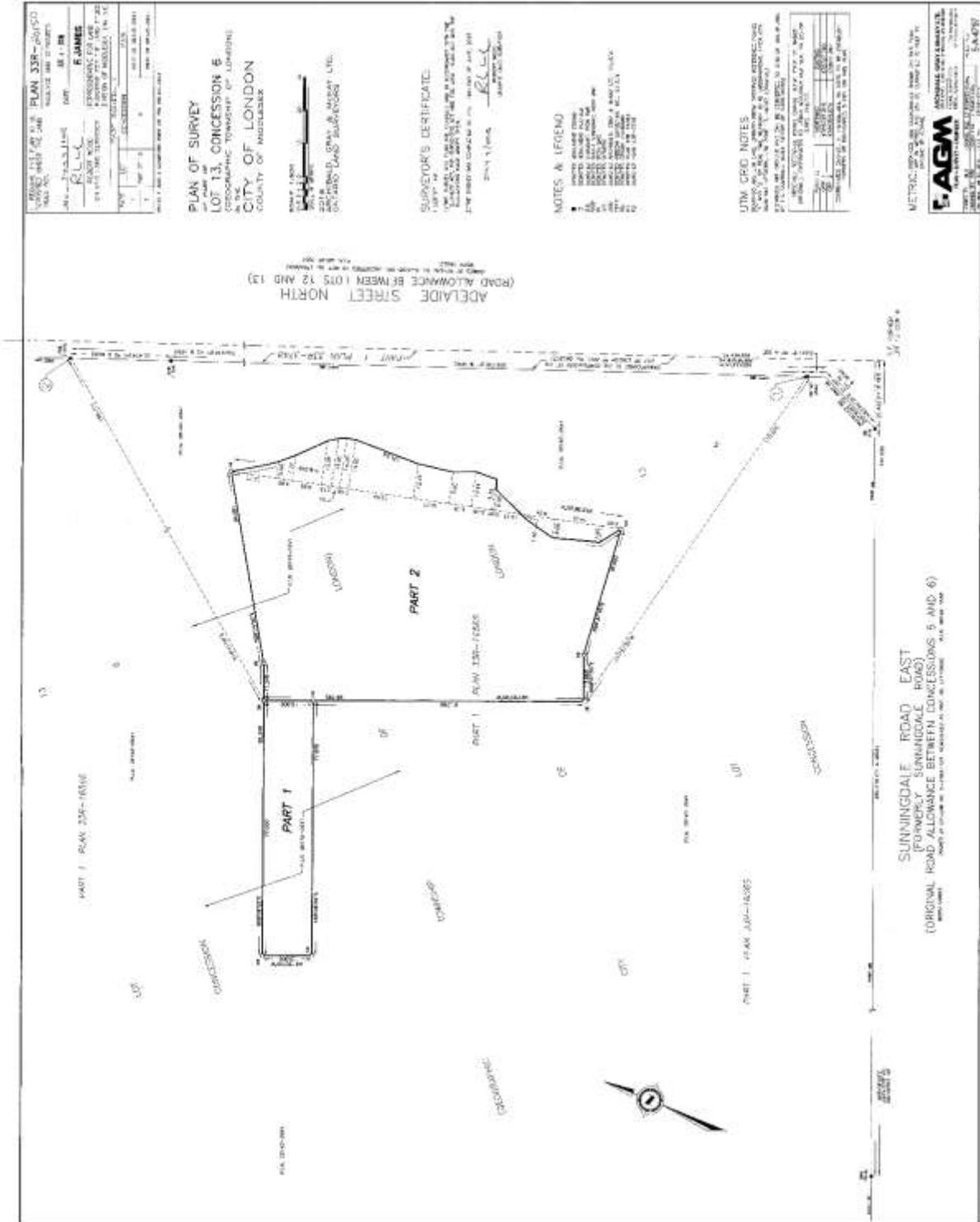
This report has been prepared in consultation with the City's Solicitors Office.

Location Map





SWM Pond Lands



<b>Prepared by:</b>	<b>Nancy Pasato, MCIP RPP Senior Planner, Development Services</b>
<b>Recommended by:</b>	<b>Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)</b>
<b>Reviewed by:</b>	<b>Matt Feldberg Manager, Development Services (Subdivision)</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 19, 2018

CC: Paul Yeoman, Director, Development Services and City of London Approval Authority

NP/LP/MF/GK/fg Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2009\39T-09501- 660 SUNNINGDALE RD E (NP)\SWM AGREEMENT\2018-10-29 - 660 Sunningdale Rd E - StormWater Management SWM Facility - 39T-09501 (N. Pasato).docx

THIS AGREEMENT made in triplicate this \_\_\_\_<sup>th</sup> day of October, 2018

BETWEEN:

**THE CORPORATION OF THE CITY OF LONDON**  
(hereinafter called the "City")

OF THE FIRST PART

AND

**PETER SERGAUTIS**  
(hereinafter called "the Owner")

OF THE SECOND PART

WHEREAS the Owner represents that it is seized of those lands situate in the City of London, (formerly the Township of London) in the County of Middlesex, more particularly described on **Schedule "A"** attached, (the Lands), and desires to obtain the approval of the City of London for the Draft Plan of Subdivision (39T-09501) of the said Lands.

AND WHEREAS approval of this Plan of Subdivision would be premature, would not be in the public interest, and would not be lands for which municipal services are or would be available unless assurances were given by the Owner that the matters, services, works and things referred to in this Agreement were done in the manner and in the order set out in this Agreement;

AND WHEREAS the Approval Authority has required as a condition precedent to his approval of the said Plan of Subdivision that the Owner enter into this Agreement with the City;

AND WHEREAS the City proposes to construct a Stormwater Management Facility on the Land;

NOW THEREFORE THIS AGREEMENT WITNESSETH that for other valuable consideration and the sum of Two Dollars (\$2.00) of lawful money of Canada, paid by the City to the Owner (the receipt whereof is hereby acknowledged) the parties hereto covenant and agree each with the other to comply with, keep, perform and be bound by each and every term, condition and covenant herein set out to the extent that the same are expressed to be respectively binding upon them, and the same shall ensure to the benefits of and shall be binding upon their respective heirs, executors, administrators, successors and assigns.

## 1. DEFINITIONS

The words and phrases defined in this paragraph shall for all purposes of this Agreement and of any subsequent agreement supplemental hereto have the meanings herein specified unless the context expressly or by necessary implication otherwise requires.

- (a) "Director - Development Finance" means that person who from time to time, is employed by the City as its Director of Development Finance.
- (b) "City Engineer" means that person who, from time to time, is employed by the City as its Engineer.
- (c) "CSRF" or "Fund" means the City Services Reserve Fund.
- (d) "Land" means the land described on Schedule "A".
- (e) "Planning Act" means the Planning Act R.S.O. 1990, c. P.13, as amended;

- (f) "SWM" means Stormwater Management; and
- (g) "SWM Facility Works" means those acts necessary for the construction of Stoney Creek SWM Facility 2.

## **2. LANDS FOR STONEY CREEK SWM FACILITY 2:**

Upon registration of this Agreement, the Owner shall transfer Part 2 on Plan 33R-20150 to the City, free and clear of all encumbrances, all at no cost to the City and all to the satisfaction of the City Engineer. This land dedication is eligible for reimbursement from the CSRF as described in Section 3(a) of this Agreement to be paid in accordance with Section 3(b).

## **3. LANDS FOR PARKLAND**

Upon registration of this Agreement, the Owner shall transfer Part 1 on Plan 33R-20150 to the City, as a portion of the required parkland dedication, (Condition 22 of the Notice of Decision for Draft Approval) free and clear of all encumbrances, all at no cost to the City and all to the satisfaction of the City Engineer. This land dedication is eligible for reimbursement from the CSRF as described in Section 3(a) of this Agreement to be paid in accordance with Section 3(b).

## **4. CLAIMS AGAINST THE CITY SERVICES RESERVE FUND**

Following the transfer of the Land, the Owner may submit a claim to the City for the future reimbursement of the SWM facility land value. The claim shall contain confirmation of the transfer of Land and the final land value, refined from the estimate contained in this Agreement.

- (a) The anticipated reimbursements from the Fund are:

for lands dedicated to the City for the construction of Stoney Creek SWM Facility 2, (being Parts 1 and 2, on Reference Plan 33R-20150) the estimated cost of which is \$253,808.00 Dollars (CDN), which is comprised of 0.706 hectares (0.8217 acres) of Developable Land at \$308,880/hectare (\$125,000/acre), plus applicable taxes.

- (b) On a quarterly basis following the execution of this Agreement, the City will review the building permits issued and associated Development Charge payments received from new development within the catchment area. A running total will be maintained by the City. Once Development Charge payments totaling \$2.778 million have been received as a result of new development within the stormwater catchment area, as shown on **Schedules "B: and "C"** of this Agreement, the City will reimburse the Owner for the land cost in the quarter following achievement of the \$2.778 million threshold.

## **5. EASEMENTS**

The Owner shall grant to the City a Multi-purpose easement for temporary access across lands owned by the Owner that are adjacent to the Land in favor of the City, its consultants, contractors and employees, for the purpose of constructing the SWM Facility Works and completing any peripheral grading work on said lands. The temporary access shall run until the project is complete.

## **6. RELEASE**

Subject to the terms hereof, the Owner releases the City of and from all claims, suits, demands, actions, causes of action, and damages accruing to the Owner resulting directly or indirectly from the use of the Owner's lands, in relation to the City works outlined herein; save and except for any and all liability, loss, claims, demands and costs caused by or resulting from the actions or omissions of the City, its consultants, contractors, employees and/or agents.

## **7. INCONTESTABILITY**

The Owner will not call into question directly or indirectly in any proceeding whatsoever in law or in equity or before any administrative or other tribunal the right of the City to enter into this Agreement and to enforce each and every term, covenant and condition thereof and this provision may be pleaded by the City in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.

## **8. REGISTRATION DOCUMENTS**

The City agrees to register the transfers of Parts 1 and 2 on Plan 33R-20150 forthwith upon the delivery thereof to the City and authorize the claims to the CSRF as specified in Sections 3 and 4 of this Agreement.

## **9. GENERAL PROVISIONS**

- (a) The parties hereby do authorize, empower and instruct their solicitors to enter into an appropriate escrow arrangement to facilitate the completion of those parts of this Agreement to be completed upon registration of this Agreement and those to be completed thereafter. In default of agreement between the parties' solicitors as to the terms such appropriate escrow arrangement; the Documentation Registration published by the Law Society of Upper Canada on its website shall be employed.
- (b) The division of this Agreement into sections and headings (or paragraphs) herein are for convenience or reference only and are not be used in the interpretation of the provisions related to them.
- (c) The Owner and its successors shall not assign this Agreement in whole or in part without the written consent of the City, which consent shall not be unreasonably withheld.
- (d) Subject to the provisions herein, the Owner shall be subject to all By-laws of the City. In the event of a conflict between the provisions of this Agreement and the provision of any By-law of the City, the provisions of the By-law shall prevail.
- (e) All of the provisions of this Agreement are, and are to be construed as, covenants and agreements as though the words importing such covenants and agreements were used in each separate clause hereof. Should any provision of this Agreement be adjudged unlawful or not enforceable, it shall be considered separate and severable from the agreement and its remaining provisions as though the unlawful or unenforceable provision had never been included.
- (f) This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns, and that the Agreement and the covenants herein contained shall run with and burden the Lands.
- (g) Any notices required or permitted to be given pursuant to the terms of this Agreement shall be given in writing sent by prepaid registered post, addressed in the case of notice given by the City to: Peter Sergautis P.O. Box 143, Arva, Ontario N0M 1C0 and in the case of notice given by the Owner, addressed to: The City Clerk, P.O. 5035, London, Ontario N6A 4L9.

Notice shall conclusively be deemed to have been given on the day that the same is posted. Wherever in this Agreement the City Engineer is permitted or required to give direction, exercise supervision, or to require work to be done or work to cease in respect of the construction, installation, repair and maintenance of works and services, they shall be deemed to have done so if they communicate such direction, supervision or requirement, orally or in writing, to any person purporting or appearing to be a foreman, superintendent or other servant of the Owner, and if the City Engineer shall have made such communication orally they shall confirm such communication in writing as soon as conveniently possible.



**SCHEDULE "A"**

This is Schedule "A" to the Subdivision Agreement dated this \_\_\_\_\_ day of October, 2018, between The Corporation of the City of London and Peter Sergautis to which it is attached and forms a part.

(Stoney Creek SWM Facility 2)

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying, and being Part of Lot 13, Concession 6, Designated as Parts 1 and 2 on Plan 33R-20150 (geographic Township of London), now in the City of London, County of Middlesex.

**SCHEDULE "B"**



**SCHEDULE "C"**

**Part 1:  
 Stoney Creek SWMF 2 Land Acquisition  
 25% DC Payment Trigger Calculation**

<b>Major Flows to Stoney Creek SWMF 2</b>				
<b>Category</b>	<b>Yields</b>	<b>DC Rate</b>	<b>Estimated DC Revenue</b>	
<b>LOW DENSITY (units)<sup>1)</sup></b>	339	\$ 27,926	\$	9,466,914
<b>MEDIUM DENSITY (units)<sup>2)</sup></b>	49	\$ 20,934	\$	1,025,766
<b>HIGH DENSITY (bachelor)</b>	0	\$ 12,990	\$	-
<b>HIGH DENSITY (2+ bedroom)</b>	0	\$ 17,331	\$	-
<b>INSTITUTIONAL</b>	0	\$ 140.08	\$	-
<b>COMMERCIAL (sq/m)<sup>3)</sup></b>	2553	\$ 242.66	\$	619,511
<b>INDUSTRIAL</b>	0	\$ 179.30	\$	-
			<b>\$</b>	<b>11,112,191</b>
			<b>25%</b>	<b>\$ 2,778,000</b>

**Notes:**

- 1) Blocks 1-33 In Draft Plan of Subdivision from Notice of Decision dated February 21, 2018. Yields are calculated by a net unit per hectare rate of 21, total LDR development area per Draft Plan is 16,177 ha.
- 2) Blocks 40 & 41 In Draft Plan of Subdivision from Notice of Decision dated February 21, 2018. Yields are calculated by a net unit per hectare rate of 25, total MDR development area per Draft Plan is 10,694 ha.
- 3) Blocks 43-48 In Draft Plan of Subdivision from Notice of Decision dated February 21, 2018. Yields are calculated by a max of 50% coverage ratio of the total block area, which is 0,851 ha (9510 sq/m).

**Part 2:  
 Stoney Creek SWMF 2 Land Acquisition Valuation**

<i>Part 1 - Plan 33R-20150</i>	<b>Land Classification<sup>1</sup></b>	<b>Area (ha.)</b>	<b>Rate (\$/ha)<sup>1</sup></b>		<b>Total</b>
	Developable	0.1155	\$	308,880	\$ 35,676
	Non-developable	0	\$	13,590	\$ -
<i>Part 2 - Plan 33R-20150</i>	<b>Land Classification<sup>1</sup></b>	<b>Area (ha.)</b>	<b>Rate (\$/ha)<sup>1</sup></b>		<b>Total</b>
	Developable	0.7062	\$	308,880	\$ 218,132
	Non-developable	0	\$	13,590	\$ -
<b>GRAND TOTAL</b>					<b>\$ 253,808</b>

**Notes:**

- 1. Determination was made in accordance with Schedule B section 4.7 of By-law C.P. - 1496-244 (Development Charges By-law)

Chair and Members  
 Planning & Environment Committee

**RE: Stoney Creek 2 Stormwater Management Facility Land Acquisition Agreement  
 (Subledger 2447757)  
 Capital Project ESSWM-SC2 SWM Facility- Stoney Creek No. 2  
 Applicant: Peter Sergautis  
 660 Sunningdale Road East**

**FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:**

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

<b><u>ESTIMATED EXPENDITURES</u></b>	<b><u>Approved Budget</u></b>	<b><u>Revised Budget</u></b>	<b><u>Committed To Date</u></b>	<b><u>This Submission</u></b>	<b><u>Balance For Future Work</u></b>
Engineering	\$300,046	\$300,046	\$300,046		\$0
Land Acquisition	250,000	260,557		260,557	0
Construction	1,534,954	1,524,397			1,524,397
City Related Expenses	14,000	14,000	675		13,325
<b>NET ESTIMATED EXPENDITURES</b>	<b><u>\$2,099,000</u></b>	<b><u>\$2,099,000</u></b>	<b><u>\$300,721</u></b>	<b><u>\$260,557</u></b> 1)	<b><u>\$1,537,722</u></b>
<b>SOURCE OF FINANCING</b>					
Debenture By-law No. W.-5596-41 2) & 3) (Served through City Services Major SWM Reserve Fund (Development Charges))	\$2,099,000	\$2,099,000	\$300,721	\$260,557	\$1,537,722
<b>TOTAL FINANCING</b>	<b><u>\$2,099,000</u></b>	<b><u>\$2,099,000</u></b>	<b><u>\$300,721</u></b>	<b><u>\$260,557</u></b>	<b><u>\$1,537,722</u></b>

1) Financial Note:

Purchase Cost	\$253,808
Add: Land Transfer Tax	2,282
Add: HST @13%	32,995
Less: HST Rebate	(28,528)
<b>Total Purchase Cost</b>	<b><u>\$260,557</u></b>

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

3) Note to City Clerk:

The City Clerk be authorized to increase Debenture By-law No. W.-5596-41 by \$1,798,954 from \$300,046 to \$2,099,000.

ms

\_\_\_\_\_  
 Jason Davies  
 Manager of Financial Planning & Policy

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Application By: Rockwood Homes c/o Andrea McCreery,  
Stantec Consulting Ltd.  
2674 Asima Drive

**Meeting on:** October 29, 2018

## Recommendation

That, on the recommendation of the Planner II, Development Services, the following actions be taken with respect to the application by Rockwood Homes c/o Andrea McCreery, Stantec Consulting Ltd. to exempt lands from Part-Lot Control:

- (a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt part of Block 55 in Plan 33M-699 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*; for a period not to exceed three (3) years, **IT BEING NOTED** that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(2)) in Zoning By-law No. Z.-1, which zoning permits street townhouse dwellings with a garage front yard depth of 5.5m, an exterior side yard depth for the main building minimum of 3.0m and an interior side yard depth minimum of 1.5m;
- (b) the following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control Bylaw for Blocks 55, Plan 33M-699 as noted in clause (a) above:
  - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
  - ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part-lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
  - iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
  - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
  - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
  - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;

- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
  - viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
  - ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
  - x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
  - xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
  - xii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.
- (a) the Approval Authority (Municipal Council) **BE REQUESTED** to approve this by-law; and,
- (b) the Applicant **BE ADVISED** that the cost of registration of this by-law is to be borne by the applicant in accordance with City policy.

## Executive Summary

### Summary of Request

This report is for the review and endorsement by Council of the draft approval to exempt Block 55 in Registered Plan 33M-699 from the Part-Lot Control provisions of the *Planning Act*.

### Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will allow the developer to create 4 street townhouse units, with access provided via Asima Drive.

### Rationale for Recommended Action

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

## Analysis

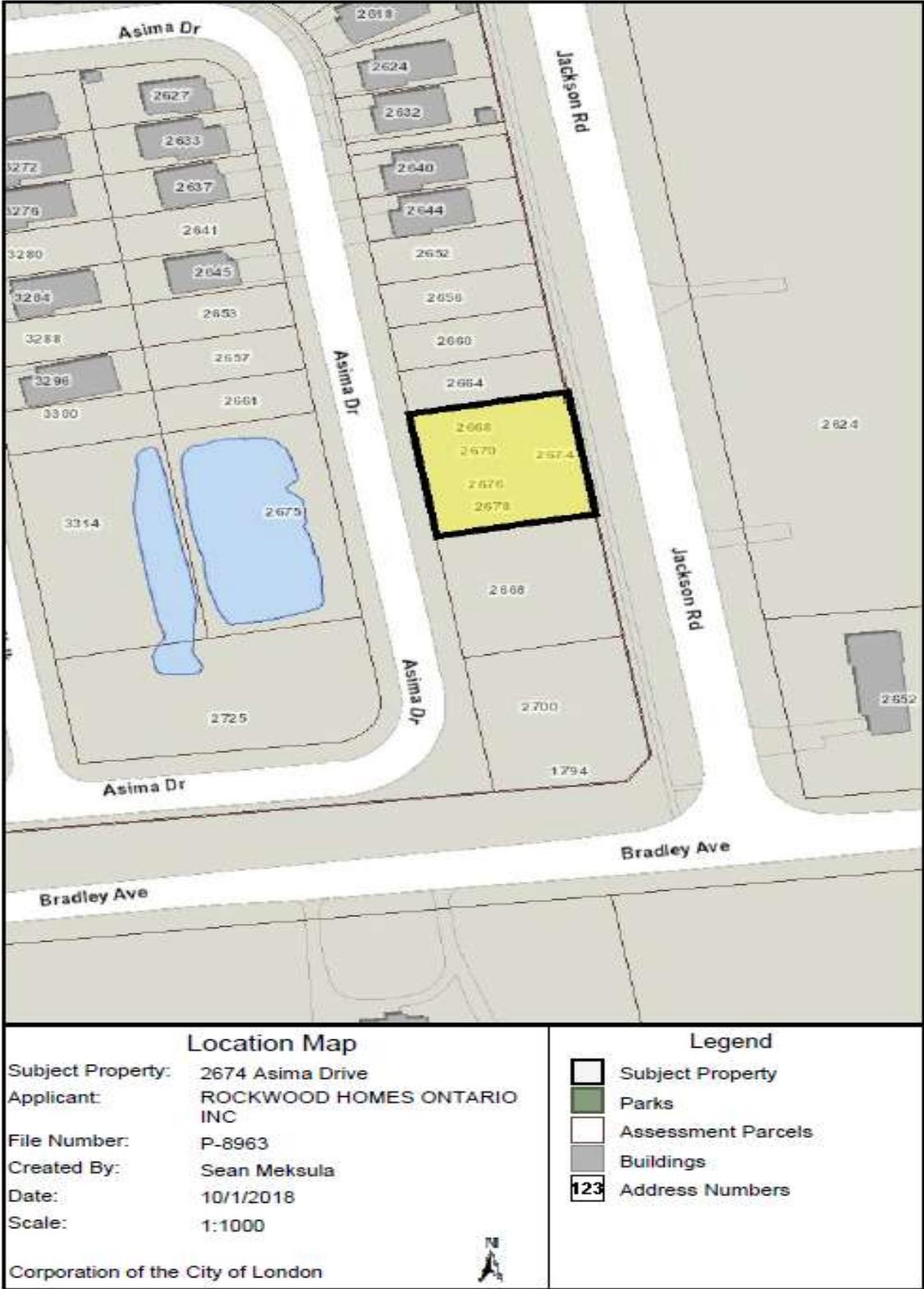
### 1.1 Property Description

The subject site is located on Asima Drive, which is generally located south of Evans Boulevard, west of Jackson Road, and north of Bradley Avenue. There is an existing public walkways which provides access to the site from the northeast corner of the subdivision. The site is surrounded by single detached residential uses to the north, future townhouse developments to the west and south, and agricultural lands to the east.

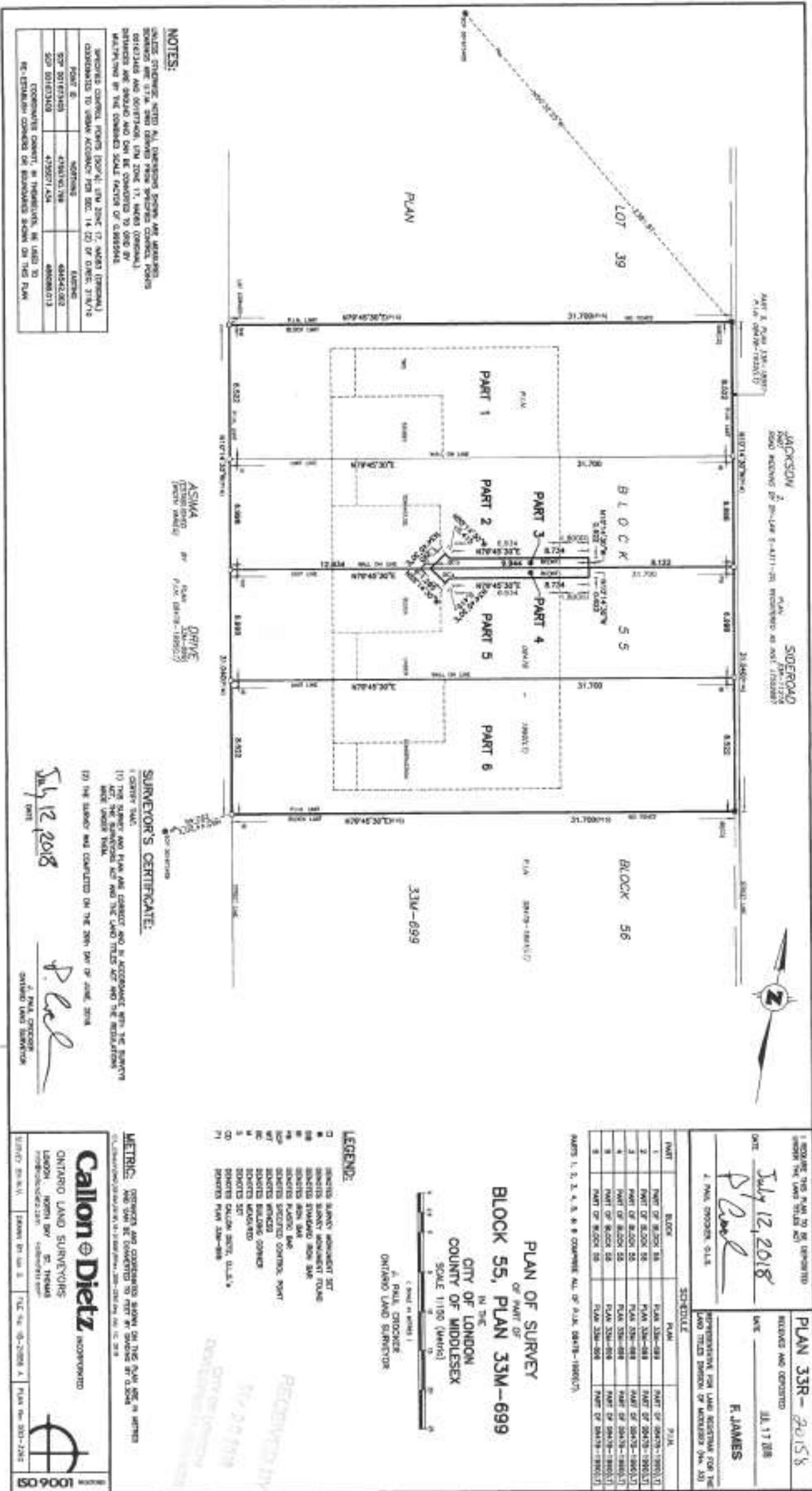
1.2 Current Planning Information

- The London Plan Place Type – Neighbourhood Place Type
- Official Plan Designation – Schedule “A” - Multi Family, Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-5(2)) Zone

Location Map



Site Plan



**NOTES:**

1. ALL DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS UNLESS OTHERWISE SPECIFIED.

2. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND FOUND THAT THE DIMENSIONS AND LOCATIONS OF THE BUILDING PARTS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE.

3. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND FOUND THAT THE DIMENSIONS AND LOCATIONS OF THE BUILDING PARTS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE.

4. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND FOUND THAT THE DIMENSIONS AND LOCATIONS OF THE BUILDING PARTS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE.

5. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND FOUND THAT THE DIMENSIONS AND LOCATIONS OF THE BUILDING PARTS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE.

6. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND FOUND THAT THE DIMENSIONS AND LOCATIONS OF THE BUILDING PARTS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE.

7. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND FOUND THAT THE DIMENSIONS AND LOCATIONS OF THE BUILDING PARTS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE.

8. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND FOUND THAT THE DIMENSIONS AND LOCATIONS OF THE BUILDING PARTS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE.

9. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND FOUND THAT THE DIMENSIONS AND LOCATIONS OF THE BUILDING PARTS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE.

10. THE SURVEYOR HAS CONDUCTED VISUAL INSPECTIONS OF THE PROPERTY AND FOUND THAT THE DIMENSIONS AND LOCATIONS OF THE BUILDING PARTS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE.

**SURVEYOR'S CERTIFICATE:**

I, PAUL CHROGGE, O.N.S., being duly sworn, do hereby certify that the above is a true and correct copy of the original plan as shown to me by the owner of the land shown thereon.

Dated this 12th day of July, 2018.

*P. Chroge*  
PAUL CHROGGE  
ONTARIO LAND SURVEYOR

**Callon & Dietz** INCORPORATED  
ONTARIO LAND SURVEYORS  
LONDON, ONTARIO, CANADA  
1-800-387-2222  
www.callonanddietz.com

PLAN 33M-699

**LEGEND:**

- 1. SURVEY POINT
- 2. SURVEY POINT
- 3. SURVEY POINT
- 4. SURVEY POINT
- 5. SURVEY POINT
- 6. SURVEY POINT
- 7. SURVEY POINT
- 8. SURVEY POINT
- 9. SURVEY POINT
- 10. SURVEY POINT
- 11. SURVEY POINT
- 12. SURVEY POINT
- 13. SURVEY POINT
- 14. SURVEY POINT
- 15. SURVEY POINT
- 16. SURVEY POINT
- 17. SURVEY POINT
- 18. SURVEY POINT
- 19. SURVEY POINT
- 20. SURVEY POINT
- 21. SURVEY POINT
- 22. SURVEY POINT
- 23. SURVEY POINT
- 24. SURVEY POINT
- 25. SURVEY POINT
- 26. SURVEY POINT
- 27. SURVEY POINT
- 28. SURVEY POINT
- 29. SURVEY POINT
- 30. SURVEY POINT
- 31. SURVEY POINT
- 32. SURVEY POINT
- 33. SURVEY POINT
- 34. SURVEY POINT
- 35. SURVEY POINT
- 36. SURVEY POINT
- 37. SURVEY POINT
- 38. SURVEY POINT
- 39. SURVEY POINT
- 40. SURVEY POINT
- 41. SURVEY POINT
- 42. SURVEY POINT
- 43. SURVEY POINT
- 44. SURVEY POINT
- 45. SURVEY POINT
- 46. SURVEY POINT
- 47. SURVEY POINT
- 48. SURVEY POINT
- 49. SURVEY POINT
- 50. SURVEY POINT
- 51. SURVEY POINT
- 52. SURVEY POINT
- 53. SURVEY POINT
- 54. SURVEY POINT
- 55. SURVEY POINT
- 56. SURVEY POINT
- 57. SURVEY POINT
- 58. SURVEY POINT
- 59. SURVEY POINT
- 60. SURVEY POINT
- 61. SURVEY POINT
- 62. SURVEY POINT
- 63. SURVEY POINT
- 64. SURVEY POINT
- 65. SURVEY POINT
- 66. SURVEY POINT
- 67. SURVEY POINT
- 68. SURVEY POINT
- 69. SURVEY POINT
- 70. SURVEY POINT
- 71. SURVEY POINT
- 72. SURVEY POINT
- 73. SURVEY POINT
- 74. SURVEY POINT
- 75. SURVEY POINT
- 76. SURVEY POINT
- 77. SURVEY POINT
- 78. SURVEY POINT
- 79. SURVEY POINT
- 80. SURVEY POINT
- 81. SURVEY POINT
- 82. SURVEY POINT
- 83. SURVEY POINT
- 84. SURVEY POINT
- 85. SURVEY POINT
- 86. SURVEY POINT
- 87. SURVEY POINT
- 88. SURVEY POINT
- 89. SURVEY POINT
- 90. SURVEY POINT
- 91. SURVEY POINT
- 92. SURVEY POINT
- 93. SURVEY POINT
- 94. SURVEY POINT
- 95. SURVEY POINT
- 96. SURVEY POINT
- 97. SURVEY POINT
- 98. SURVEY POINT
- 99. SURVEY POINT
- 100. SURVEY POINT

**PLAN OF SURVEY**  
OF PART OF  
**BLOCK 55, PLAN 33M-699**  
IN THE  
**CITY OF LONDON**  
**COUNTY OF MIDDLESEX**  
SCALE 1:100 (METERS)

A. PAUL CHROGGE  
ONTARIO LAND SURVEYOR

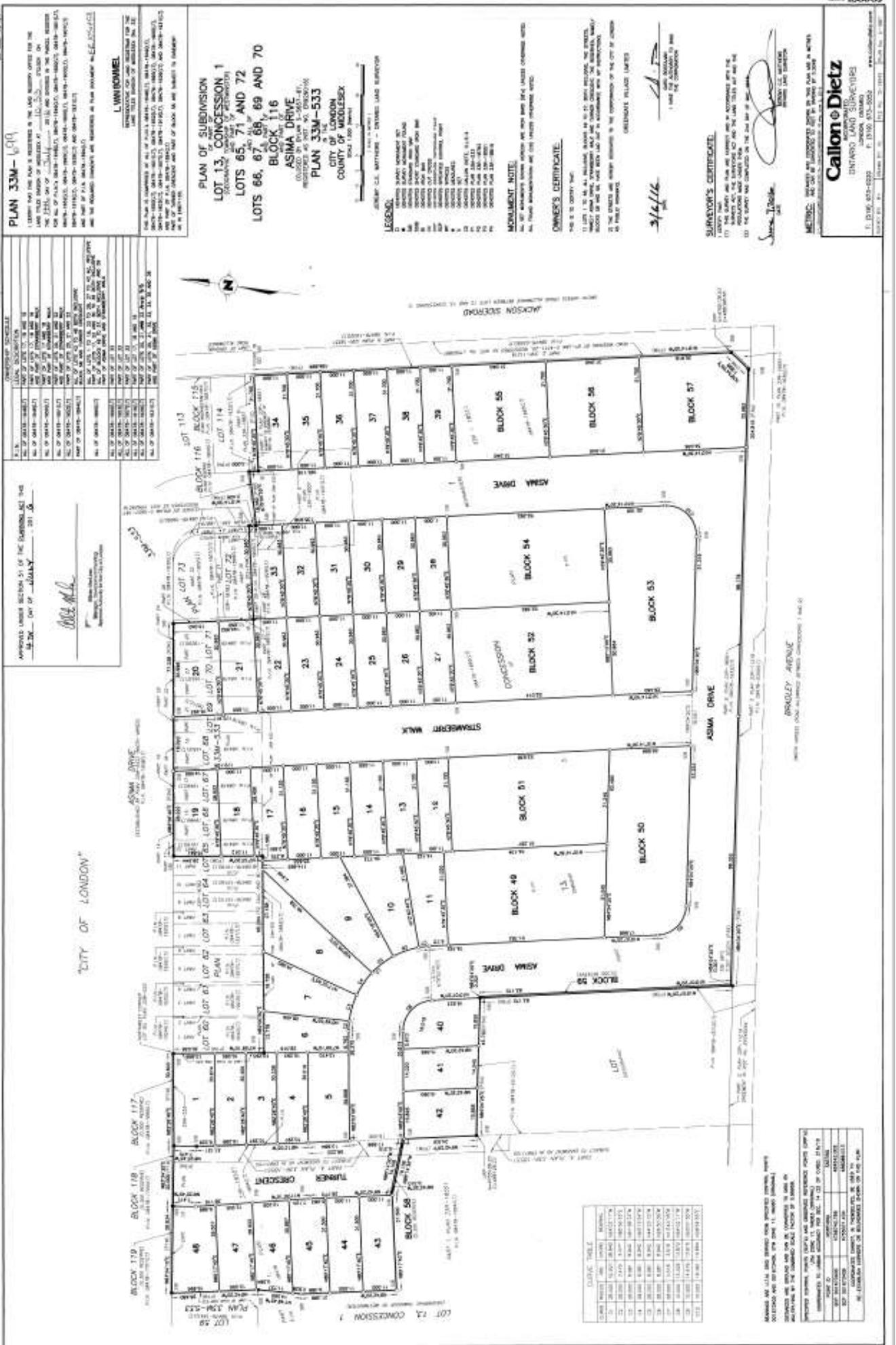
**SCHEDULE**

PART	BLOCK	PLAN	P.L.S.
1	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 1980/01/1
2	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 1980/01/1
3	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 1980/01/1
4	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 1980/01/1
5	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 1980/01/1
6	PART OF BLOCK 55	PLAN 33M-699	PART OF SURVEY 1980/01/1

**PLAN 33R-2018**  
RECEIVED AND CORRECTED  
DATE: JUL 17 2018  
F. JAMES

**RECEIVED**  
CITY OF LONDON  
DEPARTMENT OF PLANNING  
JUL 20 2018

33M-699 Plan



### 1.3 Site Characteristics

- Current Land Use – vacant and under construction dwellings/future townhouse dwellings under construction
- Frontage – approx. 31m (101.7 ft.) along Asima Drive
- Area - 984.0m<sup>2</sup> (10,591.7 sq. ft.)
- Shape - square

### 1.4 Surrounding Land Uses

- North – single detached dwellings, townhouses (cluster housing)
- East – agricultural uses
- South – future townhouses (cluster housing)
- West – future townhouses (cluster housing)

## 2.0 Description of Proposal

### 2.1 Development Proposal

The Applicant, Rockwood Homes c/o Andrea McCreery, Stantec Consulting Ltd., has requested exemption from part-lot control in order to create a total of 4 freehold townhouse dwelling units on a local street (Asima Drive). The plan of subdivision was registered in July, 2016 as 48 single detached and nine (9) multi-family medium density residential blocks, all served by three (3) new local streets (Turner Crescent, Strawberry Walk and Asima Drive). The dwellings will be freehold townhouse units, approximately two storeys in height, and accessed by the public street.

## 3.0 Relevant Background

### 3.1 Planning History

In September 2007, Jackson Land Corp. submitted a third draft plan of subdivision (the current file 39T-07508) to replace the existing registered and draft approved plan of subdivision consisting of 150 single detached lots, with a new plan consisting of 96 single detached lots and 21 multi-family blocks containing approximately 115 street townhouse dwellings all served by 3 local streets, portions of which would be developed as “window streets” on reduced right-of-ways. The new proposal allowed for the intensification of residential uses which was more functional and aesthetically pleasing, and eliminated the need for a continuous noise wall along much of the interface with Bradley Avenue.

In 2012, the London Consent Authority granted a provisional consent to Jackson Land Corp. (File No. B.019/12) to sever the lands within this draft plan from the remaining Summerside subdivision land holdings and to create essentially two new parcels (divided east and west of the future southerly extension of Turner Crescent). A Consent Agreement was subsequently entered into which included provisions for a pedestrian walkway connection between Asima Drive and Jackson Road, and a temporary turnaround bulb at the easterly end of Asima Drive.

Jackson Land Corp. have since sold the lands and assigned their interests and obligations in this draft plan of subdivision, as well as the remaining lots on Asima Drive within Registered Plan 33M-533, to the new owner Greengate Village Limited.

This subdivision was registered in one (1) phase, consisting of 48 single family detached lots and nine (9) multi-family medium density blocks. The draft plan of subdivision was approved by the Approval Authority on July 4, 2016. Final approval of the subdivision, which consisted 48 single family detached lots, nine (9) multi-family medium density blocks and local three (3) local streets (Turner Crescent, Strawberry Walk and Asima Drive) was granted by the Approval Authority on July 14, 2016 and was registered as 33M-699. The subject lands were subsequently sold to a private builder Rockwood Homes for the construction of the townhouse units.

### 3.3 Community Engagement

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

### 3.4 Policy Context

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

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

## 4.0 Key Issues and Considerations

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

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

The subject lands are zoned Residential R4 (R4-5(2)) which permits street townhouse units. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

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

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

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

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

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

This condition does not apply.

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

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

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

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

The applicant has applied for and received site plan approval (SP16-101) to construct 4 street townhouse units on a local street (January 1, 2018). Securities have also been taken through the site plan process. The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority.

The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of 4 street townhouse units. The proposed plan has been reviewed against the City's Policy on Exemption from Part-Lot Control, The London Plan, the Official Plan, and the applicable proposed zoning and has been determined to meet existing policies and the City's Zoning By-law.

## 5.0 Conclusion

In accordance with the provisions of the *Planning Act*, Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The recommended exemption is considered appropriate and in keeping with the previous phases of the Summerside subdivision. The request represents sound land use planning and is recommended.

<b>Recommended by:</b>	<b>Sean Meksula, MCIP, RPP Planner, Development Services (Site Plan)</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.	

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

August 28, 2018

NP/np

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\P-8963 - 2674 Asima Drive (SM)\PEC\2674 Asima Drive Part Lot Control P-8963 SM Report 1.docx

## Appendix A

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

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

A by-law to exempt from Part-Lot Control, lands located on Asima Drive, west side of Jackson Road, legally described as Block 55 in Registered Plan 33M-699.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Rockwood Homes, it is expedient to exempt lands located on Asima Drive, west of Jackson Road, legally described as Block 55 in Registered Plan 33M-699, from Part-Lot Control;

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

1. Block 55 in Registered Plan 33M-699, located on Asima Drive, west of Jackson Road, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being pointed out that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4 Special Provision (R4-5(2)) Zone of the City of London Zoning By-law No. Z-1, covering the subject area.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading -  
Second Reading –  
Third Reading -

# Environmental and Ecological Planning Advisory Committee

## Report

11th Meeting of the Environmental and Ecological Planning Advisory Committee  
October 18, 2018  
Committee Rooms #1 and #2

Attendance                      PRESENT: S. Levin (Chair), E. Arellano, C. Dyck, P. Ferguson, S. Hall, B. Krichker, K. Moser, S. Sivakumar, R. Trudeau and I. Whiteside and H. Lysynski (Secretary)

ALSO PRESENT: S. Chambers, C. Creighton, T. Koza and S. Shannon

ABSENT: C. Evans

The meeting was called to order at 5:00 PM

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

### 2. Scheduled Items

#### 2.1 Dingman Creek Subwatershed Study

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee heard a verbal presentation from S. Chambers, Division Manager, Stormwater Engineering, with respect to the Dingman Creek Subwatershed Study.

### 3. Consent

#### 3.1 10th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 10th Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on September 20, 2018, was received.

#### 3.2 Municipal Council Resolution - 9th Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on September 18, 2018, with respect to the 9th Report of the Environmental and Ecological Planning Advisory Committee, was received.

#### 3.3 Notice of Request for Extension of Plan of Subdivision Draft Approval – Victoria on the River

That it BE NOTED that the Notice of Request for Extension of Plan of Subdivision Draft Approval relating to the Victoria on the River draft plan of subdivision, was received.

#### **4. Sub-Committees and Working Groups**

- 4.1 Municipal Class Environmental Assessment – Clarke Road Widening from the future Veterans Memorial Parkway extension to Fanshawe Park Road East

That the Environmental and Ecological Planning Advisory Committee BE ADVISED that the Working Group is meeting with Civic Administration and the Consultant to obtain further information with respect to the Municipal Class Environmental Assessment relating to the Clarke Road widening from the future Veterans Memorial Parkway extension to Fanshawe Park Road East.

#### **5. Items for Discussion**

- 5.1 Notice of Planning Application / Draft Plan of Subdivision and Zoning By-law Amendment - 6019 Hamlyn Street

That the following actions be taken with respect to the Draft Plan of Subdivision and Zoning By-law Amendment for the property located at 6019 Hamlyn Street and to report back at the next Environmental and Ecological Planning Advisory Committee meeting:

- a) a Working Group BE ESTABLISHED consisting of S. Levin and R. Trudeau, to review the Environmental Impact Study; and,
- b) a Working Group BE ESTABLISHED consisting of B. Krichker and I. Whiteside, to review the Preliminary Hydrogeological Investigation.

- 5.2 Bradley Avenue Extension – Mitigation Measures for the Wetlands located in the Study Area

That it BE NOTED that a general discussion was held with respect to potential mitigation measures for the wetlands located in the Bradley Avenue extension study area.

- 5.3 Cat Brochure

That the following actions be taken with respect to the proposed "Is Your Cat Safe Outdoors" pamphlet:

- a) the "Is Your Cat Safe Outdoors" BE PRODUCED as a poster to be displayed at veterinarian offices, pet stores and the City of London's Cat Adoption Centre; and,
- b) the "Is Your Cat Safe Outdoors" BE PRODUCED as a brochure to be mailed with cat renewal licences and to be provided to the Animal Welfare Advisory Committee (AWAC); it being noted that the AWAC has volunteered to distribute the brochure.

#### **6. Deferred Matters/Additional Business**

None.

#### **7. Adjournment**

The meeting adjourned at 6:25 PM.

# WHAT YOU CAN DO



## If you find an injured songbird

Contact a wildlife rehabilitator near you  
[www.ontario.ca/page/find-wildliferehabilitator](http://www.ontario.ca/page/find-wildliferehabilitator)

## How to keep your cat indoors

Although it's easiest to raise your cat to stay indoors as a kitten, it IS possible to train an adult!

### To transition an outdoor cat to indoor life:



- Feed your cat indoors, keeping them inside for increasingly longer times after feeding



- Familiarize your cat to a scratching post and litter box first, and transition them slowly. To prevent injury to your cat, purchase a scratching post large enough to support the weight of your cat.



- Give cats stimulating toys to help foster their natural behaviours (e.g. hunting-based toys, a cat tree or jungle for climbing), play with your cat, and try giving them catnip



- Bring the outdoors inside
  - Provide a sunny window perch
  - Try growing cat grass
  - Provide hiding places



- Make the indoors comfortable
  - Keep the litter tray clean
  - Keep eating, drinking, litter, resting, and hiding places well-separated
  - Consider a second cat as a playmate

### Safe outdoor options:

- Spay / neuter your cat
- Provide a screen-enclosed outside area
- Harness train them for outdoor walks
- Ensure your cat has an ID tag or microchip

# CHECK OUT THESE USEFUL RESOURCES



## CatsandBirds.ca



## Ontario SPCA and Humane Society

[spca.bc.ca/pet-care/care-behaviour/cats](http://spca.bc.ca/pet-care/care-behaviour/cats)



## Cats Protection

[goo.gl/QVfvPT](http://goo.gl/QVfvPT)



## Petfinder

[petfinder.com/cats/cat-care](http://petfinder.com/cats/cat-care)



## Facebook

[TakingCareofCatsandBirds](https://www.facebook.com/TakingCareofCatsandBirds)



## Twitter

[@SafeCatSafeBird](https://twitter.com/SafeCatSafeBird)



# IS YOUR CAT SAFE OUTDOORS?

Know the risks and how to protect your pet, local birds, and our natural heritage.



London  
CANADA



[catsandbirds.ca](http://catsandbirds.ca)



## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** 1331 Hyde Park Holdings Inc. and The Corporation of the City of London  
1331 Hyde Park Road

**Public Participation Meeting on: October 29, 2018**

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of 1331 Hyde Park Holdings Inc. and The Corporation of the City of London relating to the property located at 1331 Hyde Park Road

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 6, 2018 to amend the Official Plan **BY ADDING** a policy to Section 10.1.3 – Policies for Specific Areas;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on November 6, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Business District Commercial Special Provision (BDC2(4)) Zone, **TO** a Business District Commercial Special Provision (BDC2(\_)) Zone.

## Executive Summary

### Summary of Request

The requested Official Plan Amendment to the 1989 Official Plan is to permit an expanded range of uses in the Main Street Commercial Corridor designation on the subject site. The requested Official Plan Amendment was initiated by the City of London to add a Specific Area Policy to Chapter 10 of the 1989 Official Plan to allow a range of residential, retail, service and office uses on the subject site, consistent with the range of permitted uses that apply to the subject site under the Main Street Place Type in The London Plan.

The requested Zoning By-law Amendment is to permit an Automobile Sales Boutique, in addition to the other uses already permitted on the subject site. The applicant is also seeking special provisions to include a service area as an accessory use and to continue to retain the special provision under the existing zoning that no maximum front yard setback provision apply to the subject site.

### Purpose and the Effect of Recommended Action

The purpose and effect of the amendment to the 1989 Official Plan is to permit an expanded range of uses, including residential, retail, service, and office uses, that are consistent with the uses permitted on the subject site in The London Plan.

The recommended Zoning By-law Amendment would permit an Automobile Sales Boutique, in addition to the other uses already permitted on the subject site. A special provision is included to permit the repair and service of vehicles as an accessory use. However, regulations are included that would limit the area of these activities to a maximum of 50 square metres, require it to be fully enclosed, and only permit the service of motorcycles. The requested continuation of the special provision that

currently applies to the subject site that removes the maximum front yard setback provision is not recommended to continue to apply to the subject site.

### Rationale of Recommended Action

The recommended Official Plan Amendment is intended to bring the policies of the 1989 Official Plan in-line with The London Plan for the subject site, allowing for an expanded range of permitted uses. This is intended to contribute to the further development of Hyde Park Road as a main street.

The recommended Zoning By-law Amendment is also expected to contribute to the development of Hyde Park Road as a main street, allowing for a new retail use to occupy a vacant site. The Automobile Sales Boutique is a unique form of retail, similar to a standard storefront, which would be fully enclosed. A small area for the service and repair of vehicles would support this use, however requirements to limit the size, limit its use to the service and repair of motorcycles, and ensure full enclosure are intended to allow flexibility for the needs of the user while not detracting from the vibrancy of the main street or creating negative impacts on adjacent residential uses. The requested continuation of an existing special provision that would allow for no maximum front yard setback is not recommended to continue to be included in the Zoning By-law provisions for the subject site. This provision is contrary to policies in the 1989 Official Plan and The London Plan that encourage reduced front yard setbacks on main streets to encourage pedestrian-oriented development.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located on the east side of Hyde Park Road, south of Gainsborough Road and north of the CP Rail tracks. The subject site is rectangular in shape and relatively flat in grade. The total site area is 0.56 hectares (1.38 acres). The subject site is currently vacant and was previously occupied by a food and artisan market. A Site Plan Control application to permit a one-storey commercial building based on the existing zoning was recently approved for the subject site.



Figure 1 - Subject site

**1.2 Current Planning Information (see more detail in Appendix E)**

- 1989 Official Plan Designation – Main Street Commercial Corridor
- The London Plan Place Type – Main Street Place Type
- Existing Zoning – Business District Commercial Special Provision (BDC2(4)) Zone

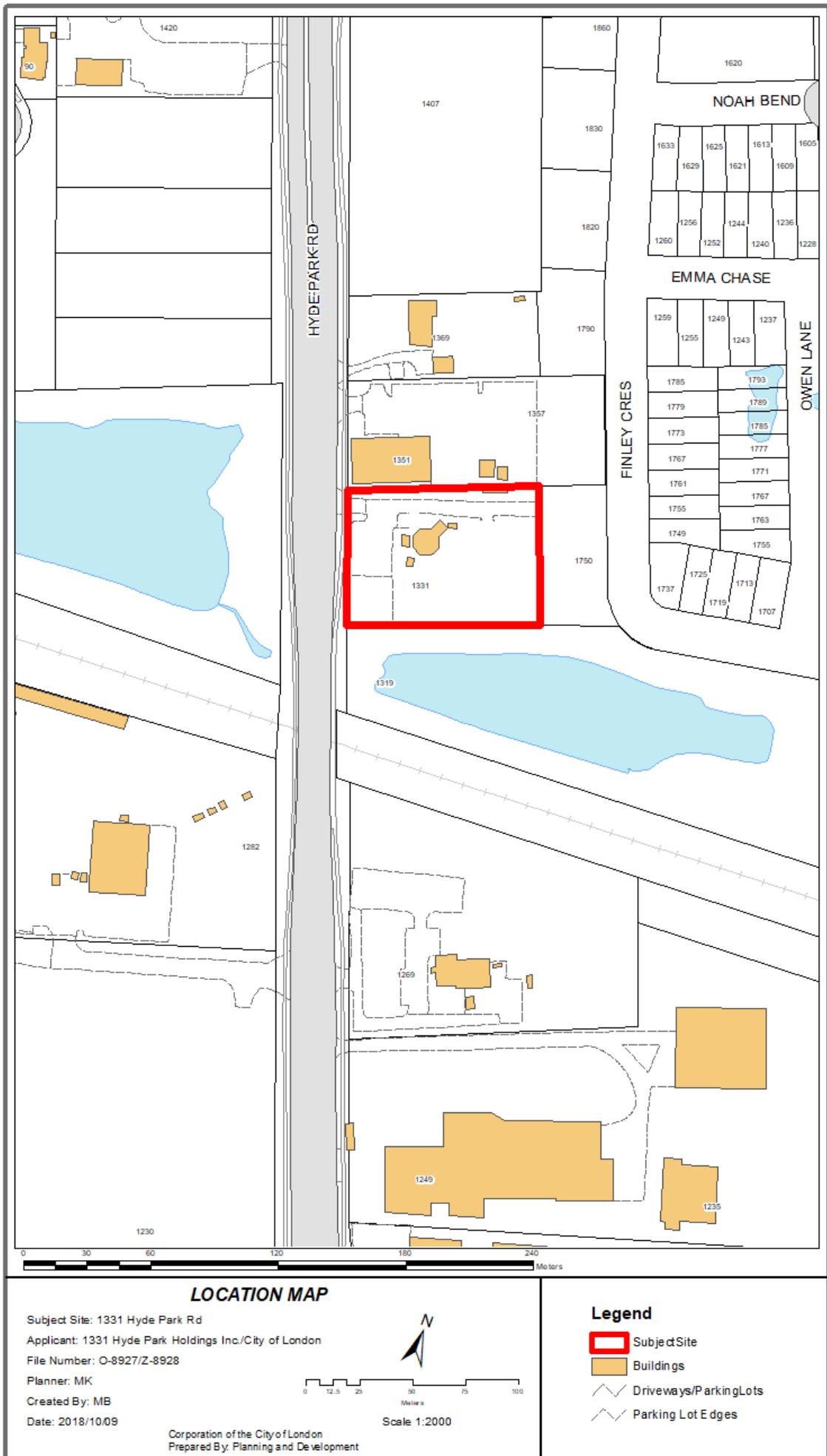
**1.3 Site Characteristics**

- Current Land Use – Vacant (formerly a food store)
- Frontage – 62.6 metres (205.4 feet)
- Depth – 90.2 metres (295.9 feet)
- Area – 0.56 hectares (1.38 acres)
- Shape – Rectangular

**1.4 Surrounding Land Uses**

- North – An automotive use is located immediately north of the subject site (Fanshawe Motors) and further north is a mixture of residential, retail, office, and office conversion uses. The lands north of the subject site are designated Multi-Family Medium Density Residential and Main Street Commercial Corridor in the 1989 Official Plan and are in the Main Street Place Type in The London Plan.
- East – The lands immediately east of the subject site are currently vacant but have zoning permissions for street townhouses. The lands further east are also vacant and are zoned to permit a mixture of residential dwelling types as part of a draft-approved plan of subdivision. The lands immediately east of the subject site are designated Low Density Residential in the 1989 Official Plan and are in the Neighbourhoods Place Type in The London Plan.
- South – Immediately south of the subject site is the Hyde Park Stormwater Management Pond. Further south are the CP Rail tracks. A variety of commercial uses are located south of the CP Rail tracks. In the 1989 Official Plan, the lands immediately south of the subject are designated Multi-Family Medium Density Residential and the lands further south, on the south side of the CP Rail tracks, are designated Auto Oriented Commercial Corridor. In The London Plan, the lands immediately south of the subject site are in the Green Space Place Type, and the lands south of the CP Rail track are in the Shopping Area Place Type.
- West – The lands west of the subject site are occupied by a stormwater management pond and the lands northwest of the subject site are currently vacant. These lands are designated Multi-Family Medium Density Residential in the 1989 Official Plan. The lands west of the subject site are in the Green Space Place Type in The London Plan while the lands northwest of the subject site are in the Neighbourhoods Place Type in The London Plan.

1.5 Location Map





## 3.0 Relevant Background

### 3.1 Planning History

April, 2000 – City Council adopts the Hyde Park Community Plan and Urban Design Guidelines pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of Official Plan amendments, Zoning By-law amendments, plans of subdivision and other Planning Act development applications within the Hyde Park Community. Associated amendments to the Official Plan to apply appropriate land use designations consistent with the Community Plan were also approved at that time. An updated Hyde Park Community Plan was adopted by City Council in 2002.

March, 2012 – Report to Planning and Environment Committee recommending approval of a red-lined draft plan of subdivision for 225 South Carriage Road and 1331 Hyde Park Road. The report also recommended refusal of a requested Official Plan Amendment for the property at 1331 Hyde Park Road to change the designation of the property from Multi-Family Medium Density Residential to Main Street Commercial Corridor. It also recommended refusal of a Zoning By-law Amendment application to rezone 1331 Hyde Park Road from a Urban Reserve (UR3) Zone to a Holding Business District Commercial Special Provision (h•BDC2(4)) Zone. (File: 39T-08502/Z-7489/OZ-7510)

Another Report to the Planning and Environment Committee on the Hyde Park Commercial Official Plan and Zoning Review for 1331-1369 and 1364-1420 Hyde Park Road was also considered at the same Municipal Council meeting. This report recommended that no action be taken to amend the Official Plan land use designation and Zoning By-law to expand permissions for commercial land uses to the sites.

At its meeting of April 10, 2012, Municipal Council referred back both reports so that staff could further consult with the applicant and the neighbourhood.

June, 2012 – Following the referral back to staff to further consult with the applicant and the neighbourhood, information reports on both the Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law Amendment for 225 South Carriage Road and 1331 Hyde Park Road and on the Hyde Park Commercial Official Plan and Zoning Review for 1331-1369 and 1364-1420 Hyde Park Road were provided to the Planning and Environment Committee in June, 2012 detailing this further consultation.

City Council subsequently resolved that notwithstanding the recommendation of the Managing Director, Land Use Planning and City Planner, the Civic Administration be directed to initiate an Official Plan Amendment to change the designation of 1331 Hyde Park Road from Multi-Family, Medium Density Residential to Main Street Commercial Corridor. Council also directed that the site be rezoned to a Holding Business District Commercial Special Provision (h•BDC2(4)) Zone.

April, 2013 - Consent application approved to sever the front 0.5 hectares from the balance of the subdivision lands for a Food and Artisan Market (File: B.05/13). This severed portion of land is the subject site.

October and November, 2013 – Reports to the Planning and Environment Committee recommending the removal of the holding provision from 1331 Hyde Park Road to permit the development of a Food and Artisan Market. The holding provision was removed.

### 3.2 Requested Amendment

The requested Zoning By-law Amendment, which was initiated by the applicant 1331 Hyde Park Holdings Inc., is to permit an Automobile Sales Boutique with an enclosed automobile service and repair component and to retain the existing special provision that applies to the subject site which removes the maximum front yard depth requirement.

The requested Official Plan Amendment was initiated by the City of London to add a

Specific Area Policy to Chapter 10 of the 1989 Official Plan to allow a range of residential, retail, service and office uses on the subject site. This Official Plan Amendment was initiated by the City of London as the requested Automobile Sales Boutique use is not among the range of permitted uses in the 1989 Official Plan designation that applies to the subject site, but is among the range of permitted uses for The London Plan Place Type policies that apply to the subject site. The City-initiated Official Plan Amendment would align the range of permitted uses in the 1989 Official Plan with the range of permitted uses for the subject site that are identified in The London Plan. While The London Plan policies that permit this range of uses are currently in-force and effect, they were not in-force and effect when this application was submitted.

### **3.3 Community Engagement (see more detail in Appendix C)**

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on July 18, 2018 and was published in *The Londoner* on July 19, 2018.

One sign detailing the development application was placed on the site, fronting Hyde Park Road.

As of the date of this report, no interested parties have contact Planning Services about this application.

### **3.4 Policy Context (see more detail in Appendix D)**

*Provincial Policy Statement, 2014*

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development, setting the policy foundation for regulating the development and use of land. The subject site is located within a settlement area as identified in the PPS. The PPS identifies that planning authorities shall promote economic development and competitiveness by providing for an appropriate range of employment and institutional uses to meet long term needs (Policy 1.3.1). It also states that long-term economic prosperity should be supported by promoting opportunities for economic development and community readiness and by maintaining the vitality and viability of main streets (Policy 1.7.1). Policy 4.7 indicates that the Official Plan is the most important vehicle for implementing the PPS.

All decisions of Council affecting land use planning matters are required to be consistent with the PPS.

*City of London 1989 Official Plan (“Official Plan”)*

The City of London 1989 Official Plan (“Official Plan”) implements the policy direction of the PPS and contains objectives and policies that guide the use and development of land within the City of London. The Official Plan assigns specific land use designations to lands, and the policies associated with those land use designations provide for a general range of permitted uses.

The subject site is located within the “Main Street Commercial Corridor” land use designation in the Official Plan. Main Street Commercial Corridors take the form of either long-established, pedestrian-oriented business districts or newer mixed-use areas. Uses are encouraged that provide for and enhance the pedestrian nature of the Main Street Commercial Corridor (Policy 4.4.1.2). Main Street Commercial Corridors are intended to provide for the redevelopment of vacant, underutilized or dilapidated properties within Main Street Commercial Corridors with one or more of a broad range of permitted uses at a scale which is compatible with adjacent development (Policy 4.4.1.1).

Permitted uses in Main Street Commercial Corridors include small-scale retail uses; service and repair establishments, food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; financial institutions; small-scale offices; small-scale entertainment uses; galleries; studios; community facilities such as

libraries and day care centres, correctional and supervised residences; residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings (Policy 4.4.1.4).

#### *The London Plan*

The London Plan is the new Official Plan for the City of London and has been adopted by City Council and approved by the Ministry with modification. The majority of The London Plan is in-force and effect, while a portion of the Plan continues to be under appeal at the Local Planning Appeals Tribunal.

The subject site is located within the Main Street Place Type in The London Plan. The London Plan envisions both the creation of new Main Streets and the regeneration of historic Main Streets throughout the City (Policy 905). The Main Street Place Type allows for appropriate forms of intensification at suitable locations to support the sustainability of Main Streets (Policy 907). The Main Street Place Type permits a broad range of residential, retail, service, and office uses (Policy 908).

#### *Hyde Park Community Plan*

In 2000, City Council adopted the Hyde Park Community Plan and the associated Community and Urban Design Guidelines pursuant to Section 19.2.1 of the Official Plan as a guideline document for the review of Official Plan amendments, Zoning By-law amendments, plans of subdivision and other Planning Act development applications within the Hyde Park Community. An updated Hyde Park Community Plan was adopted by City Council in 2002.

The subject site was designated Medium Density Residential in the Hyde Park Community Plan, however this designation was amended through an Official Plan Amendment application in 2012 to a Main Street Commercial Corridor designation.

## **4.0 Key Issues and Considerations**

### **4.1 Issue and Consideration # 1: Use – Automobile Sales Boutique**

The applicant has requested the addition of Automobile Sales Boutique as a permitted use. An Automobile Sales Boutique is defined as, “an enclosed retail store where vehicles are displayed in a showroom internal to the premises, for the purpose of sale, hire or lease but shall not include the outside display or storage of vehicles or the repair and service of vehicles”. The applicant has submitted a Zoning By-law Amendment requesting this use be added as a permitted use.

The use is not permitted in the Main Street Commercial Corridor in the 1989 Official Plan but is permitted in the Main Street Place Type in The London Plan. As City Council has adopted The London Plan, the City of London has initiated an Official Plan Amendment application to the 1989 Official Plan for the subject site to align the policies with those of The London Plan, recognizing the City’s intention to move towards implementing The London Plan.

#### *Provincial Policy Statement, 2014 (PPS)*

The Provincial Policy Statement identifies that long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness (Policy 1.7.1). Further, it also speaks to maintaining and, where possible, enhancing the vitality and viability of main streets (Policy 1.7.1). The Automobile Sales Boutique requested by the applicant would contribute to the development of Hyde Park Road as a main street, given that while the store would sell automobiles, it would be fully enclosed and designed to function as a standard retail storefront.

*1989 Official Plan and The London Plan*

An Official Plan Amendment has been initiated by the City of London to amend the 1989 Official Plan to add a Specific Area Policy for the subject site to bring the policies for the site in-line with the policies of The London Plan. The subject site is designated Main Street Commercial Corridor in the 1989 Official Plan, which permits small-scale retail uses; service and repair establishments, food stores; convenience commercial uses; personal and business services; pharmacies; restaurants; financial institutions; small-scale offices; small-scale entertainment uses; galleries; studios; community facilities such as libraries and day care centres, correctional and supervised residences; residential uses (including secondary uses) and units created through the conversion of existing buildings, or through the development of mixed-use buildings (Policy 4.4.1.4). The range of permitted uses in the 1989 Official Plan would not permit the Automobile Sales Boutique use which is a new form of automobile retail that is fully enclosed and operates as a storefront.

While the Automobile Sales Boutique use is not among the range of permitted uses for Main Street Commercial Corridors, this new format for automobile sales provides a form of retail that is expected to contribute to many of the goals associated with the development of Main Street Commercial Corridors. It also contributes to the redevelopment of vacant properties in Main Street Commercial Corridors at a scale compatible with adjacent development.

The site is in the Main Street Place Type in The London Plan which has an in-force policy that permits a broader range of residential, retail, service and office uses that would permit the requested use (Policy 908). The City of London has initiated an Official Plan Amendment to add a Specific Area Policy to Chapter 10 of the 1989 Official Plan that would bring the 1989 Official Plan policies for the subject site in-line with The London Plan, recognizing the intention to move towards implementing the Council-adopted, Ministry-approved, London Plan.

Should Municipal Council adopt the Official Plan Amendment for the subject site to expand the range of uses for the subject site in-line with The London Plan policies for the Main Street Place Type, the addition of the requested Automobile Sales Boutique would be in conformity with the Official Plans, including both the 1989 Official Plan and The London Plan.

#### **4.2 Issue and Consideration # 2: Use – Special provision to permit vehicle service and repair**

The applicant has requested the service and repair of vehicles be permitted in a fully enclosed area. This use is limited in size, with a maximum of 50 square metres requested, and does not have any outdoor activities. The requested Automobile Sales Boutique use does not permit the repair and service of vehicles, which would be a use akin to an Automobile Sales and Service Establishment.

Recognizing the limited scale and complete enclosure of the automobile repair and service component of the applicant's proposal, this use is not intended to generate the compatibility issues often associated with an Automobile Sales and Service establishment. The recommended Zoning By-law Amendment includes a special provision to permit the repair and service of vehicles as an accessory use on the subject site, however it limits the size of this component to a maximum of 50 square metres, requires it to be fully enclosed, and limits the use to the repair and service of motorcycles. This is intended to minimize the negative externalities often associated with automobile service and repair establishments, and contribute to the development of Hyde Park Road as a Main Street.

#### **4.3 Issue and Consideration # 3: Form – Maintain Existing Front Yard Depth Provision**

The existing Zoning By-law provisions that apply to the subject site include a special provision that removes the requirement for a maximum front yard depth, allowing a

building to be constructed further away from the street than would normally be permitted in the Business District Commercial (BDC2) Zone. The standard Business District Commercial (BDC2) Zone has a maximum front yard depth of 3 metres, requiring buildings to be constructed within 3 metres of the front lot line. The applicant has requested to retain the provision removing the requirement for a maximum front yard depth through the current Zoning By-law Amendment application.

The applicant has Site Plan Approval for a building on the subject site. The applicant has identified that the requested Automobile Sales Boutique use is intended to occupy this building. The approved plans for this building show a maximum front yard depth of 3 metres, complying with the standard Business District Commercial (BDC2) Zone permission.

*Provincial Policy Statement, 2005 (PPS)*

The Provincial Policy Statement identifies that appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety (Policy 1.1.3.4). The Provincial Policy Statement identifies that long-term economic prosperity should be supported by maintaining and, where possible, enhancing the vitality and viability of main streets (Policy 1.7.1).

Constructing buildings close to the street, to have a positive pedestrian relationship, is crucial to the development of main streets. The use of zoning by-law standards, such as maximum front yard depth, are critical to ensure that buildings are constructed close to the street to foster this positive pedestrian environment. The continued inclusion of a provision that allows for no maximum front yard depth is not consistent with the Provincial Policy Statement as it detracts from the vitality and viability of main streets.

*1989 Official Plan*

The 1989 Official Plan identifies that Main Street Commercial Corridors take the form of either long-established, pedestrian-oriented business districts or newer mixed-use areas and that they have a street-oriented form with buildings close to the street. Development is intended to provide for and enhance the pedestrian nature of the Main Street Commercial Corridor (Policy 4.4.1.2). The 1989 Official Plan also indicates that Main Street Commercial Corridors are pedestrian-oriented and that the Zoning By-law may allow new structures to be developed with zero front yard setback to promote a pedestrian streetscape.

The inclusion of a Zoning By-law standard that does not require a maximum front yard setback is not supportive of the policies in the 1989 Official Plan for Main Street Commercial Corridors that intend for buildings to be built close to the street to enhance the pedestrian nature of main streets. The inclusion of a Zoning By-law standard for no maximum front yard depth does not conform to the policies of the 1989 Official Plan as it does not encourage a street-oriented form on main street.

*The London Plan*

The London Plan encourages buildings to be sited with minimal setbacks from public rights-of-way to create a streetwall edge and establish a sense of enclosure and a comfortable pedestrian environment (Policy 259). In Main Street Place Types, a policy in The London Plan that is in-force and effect identifies that buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment (Policy 911).

The continuation of a special provision in the Zoning By-law that removes the maximum front yard depth requirement does not conform to The London Plan policies as it does not create a streetwall that sets the context for a comfortable pedestrian environment.

While the existing zoning for the subject site includes a provision that there is no maximum front yard depth requirement, as a Zoning By-law Amendment is being

considered it provides an opportunity to reconsider the existing zoning based on current policy. Recognizing the direction in The London Plan for buildings to relate to the street and encouraging buildings to be constructed close to the street, having no maximum front yard depth requirement is not supportive of this goal. The Site Plan Approval that has been issued for the new building on the property that the requested use is proposed to occupy has a front yard setback of 3 metres, complying with the standard provisions of the Business District Commercial (BDC2) Zone. The requested special provision for no maximum front yard depth is not necessary for the construction of this new building. It is recommended that the requested Zoning By-law standard for no maximum front yard depth not be included in the recommended Zoning By-law, as this provision is not consistent with the Provincial Policy Statement and does not conform to the 1989 Official Plan or The London Plan as it is not supportive of the development of Hyde Park Road as a main street.

#### *Hyde Park Community Plan*

The Hyde Park Community Plan includes Community and Urban Design Guidelines which identify that buildings should generally be oriented to the street to define the public space of the streets and achieve a more urban development character (Section 3.2.1). Including a Zoning By-law standard that does not limit the maximum front yard depth is not supportive of this guideline.

#### **4.4 Issue and Consideration # 4: Intensity - Height**

The Main Street Place Type in The London Plan requires development to be constructed at a minimum height of 2 storeys or 8 metres (Policy 910). The applicant's proposal would incorporate the requested Automobile Sales Boutique use into a 1-storey building with a height of 5.8 metres (19 feet). While this does not meet the height requirement of The London Plan, this is acceptable in this instance as the building has already received Site Plan approval with the height permitted based on the existing zoning. The City of London's Zoning By-law is currently in the process of being updated to reflect The London Plan through the City's ReThink Zoning project, which is currently underway. Any future development of the subject site would be required to implement the regulations that will apply at that time.

More information and detail is available in Appendix D and E+ of this report.

## **5.0 Conclusion**

The recommended Official Plan and Zoning By-law Amendments would permit the development of an Automobile Sales Boutique, along with the range of uses already permitted for the subject site.

The Official Plan Amendment to the 1989 Official Plan would allow for a broad range of residential, retail, service and office uses on the subject site, consistent with the provisions in The London Plan. This expanded range of uses is intended to contribute to the vibrancy of Hyde Park Road as a main street, allowing for greater flexibility for uses that can occupy the site provided the form of the development is supportive of a main street. This is consistent with the Provincial Policy Statement which encourages the vitality and viability of main streets be maintained and enhanced.

The Zoning By-law Amendment would allow an Automobile Sales Boutique to be included in the range of permitted uses for the subject site. An accessory automobile repair and service area would also be permitted, supportive of the Automobile Sales Boutique use, subject to special provisions limiting the size to a maximum of 50 square metres, the use to the service of motorcycles, and requiring it to be fully enclosed as to not detract from the vibrancy of the main street and to mitigate the negative externalities of noise and fumes often associated with automobile service establishments. With the recommended Official Plan Amendment to the 1989 Official Plan, the recommended Zoning By-law Amendment would be consistent with the Provincial Policy Statement and in conformity with both the 1989 Official Plan and The London Plan.

<b>Prepared by:</b>	<b>Michelle Knieriem, MCIP, RPP Current Planning</b>
<b>Submitted by:</b>	<b>Michael Tomazincic, MCIP, RPP Manager, Current 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	

October 18, 2018  
MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8928Z - 8927O - 1331 Hyde Park Rd (MK)\PEC Report October 9

## Appendix A

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

By-law No. C.P.-1284-  
A by-law to amend the Official Plan for  
the City of London, 1989 relating to 1331  
Hyde Park Road.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on November 6, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 6, 2018  
Second Reading – November 6, 2018  
Third Reading – November 6, 2018

**AMENDMENT NO.**  
**to the**  
**OFFICIAL PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to Section 10.1.3 of the Official Plan for the City of London to allow broad range of residential, retail, service and office uses.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1331 Hyde Park Road in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the *Provincial Policy Statement, 2014* and implements the policy for an expanded range of uses that would be permitted in the Main Street Place Type in The London Plan and are compatible with surrounding land uses. The recommended amendment will contribute to a diversity of retail uses in creative formats and the continued development of Hyde Park Road as a main street.

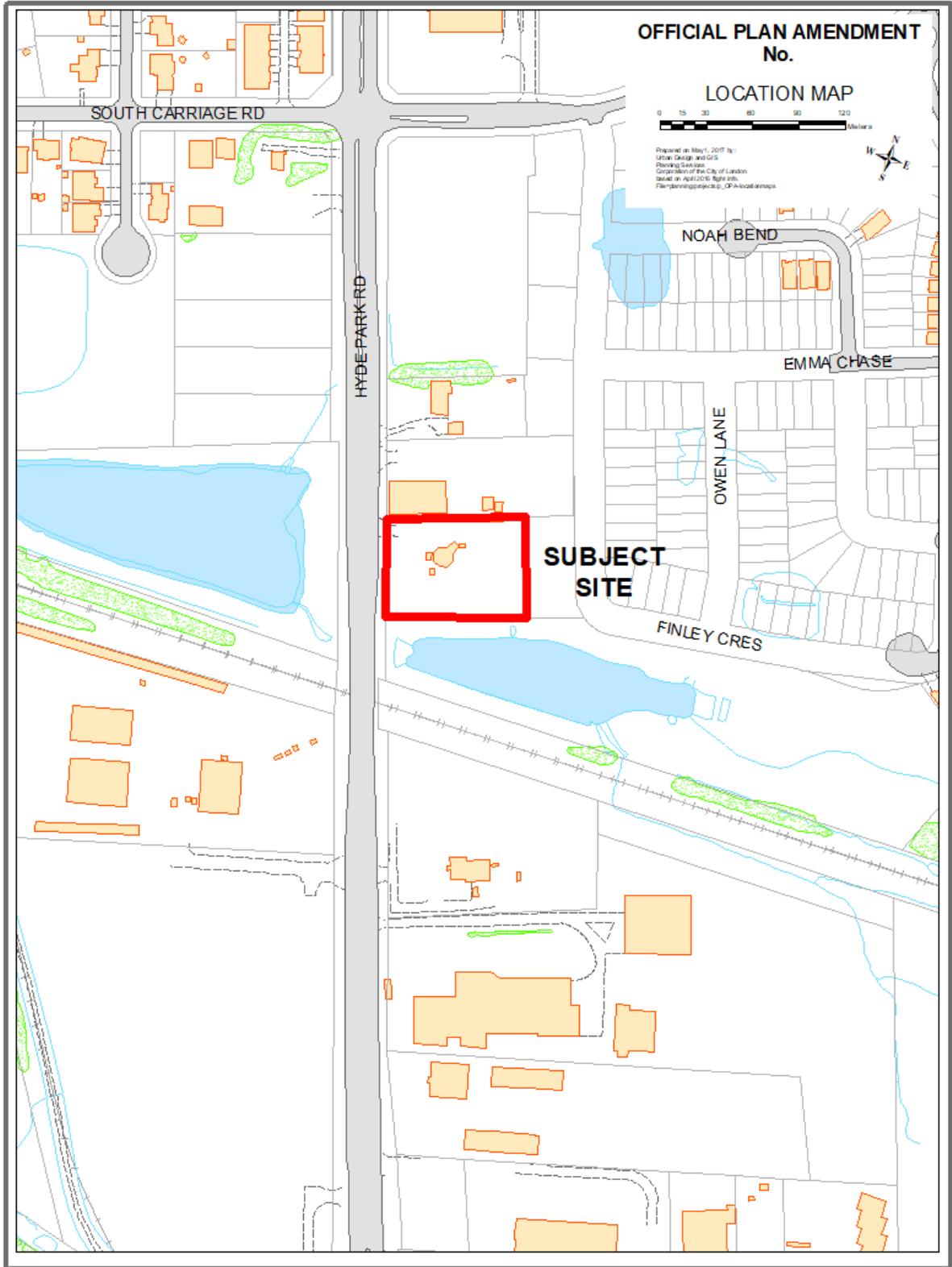
D. THE AMENDMENT

The Official Plan for the City of London is hereby amended as follows:

1. Section 10.3.1 of the Official Plan for the City of London is amended by adding the following:

1331 Hyde Park Road

In the Main Street Commercial Corridor designation at 1331 Hyde Park Road, a broad range of residential, retail, service and office uses including Automobile Sales Boutiques may be permitted.



## Appendix B

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

By-law No. Z.-1-18\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to  
rezone an area of land located at 1331  
Hyde Park Road

WHEREAS 1331 Hyde Park Holdings Inc. has applied to rezone an area of land located at 1331 Hyde Park Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1331 Hyde Park Road, as shown on the attached map comprising part of Key Map No. A101, from a Business District Commercial Special Provision (BDC2(4)) Zone to a Business District Commercial Special Provision (BDC2(\_)) Zone.
- 2) Section Number 25.4 of the Business District Commercial (BDC2) Zone is amended by adding the following Special Provision:
  - ) BDC2( ) 1331 Hyde Park Road
    - a) Additional Permitted Use: Automobile Sales Boutique
    - b) Regulations
      - i) The repair and service of vehicles may be permitted as an accessory use to an Automobile Sales Boutique provided it is limited in size to a maximum area of 50 square metres, is fully enclosed, and is used exclusively for the service of motorcycles.

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.

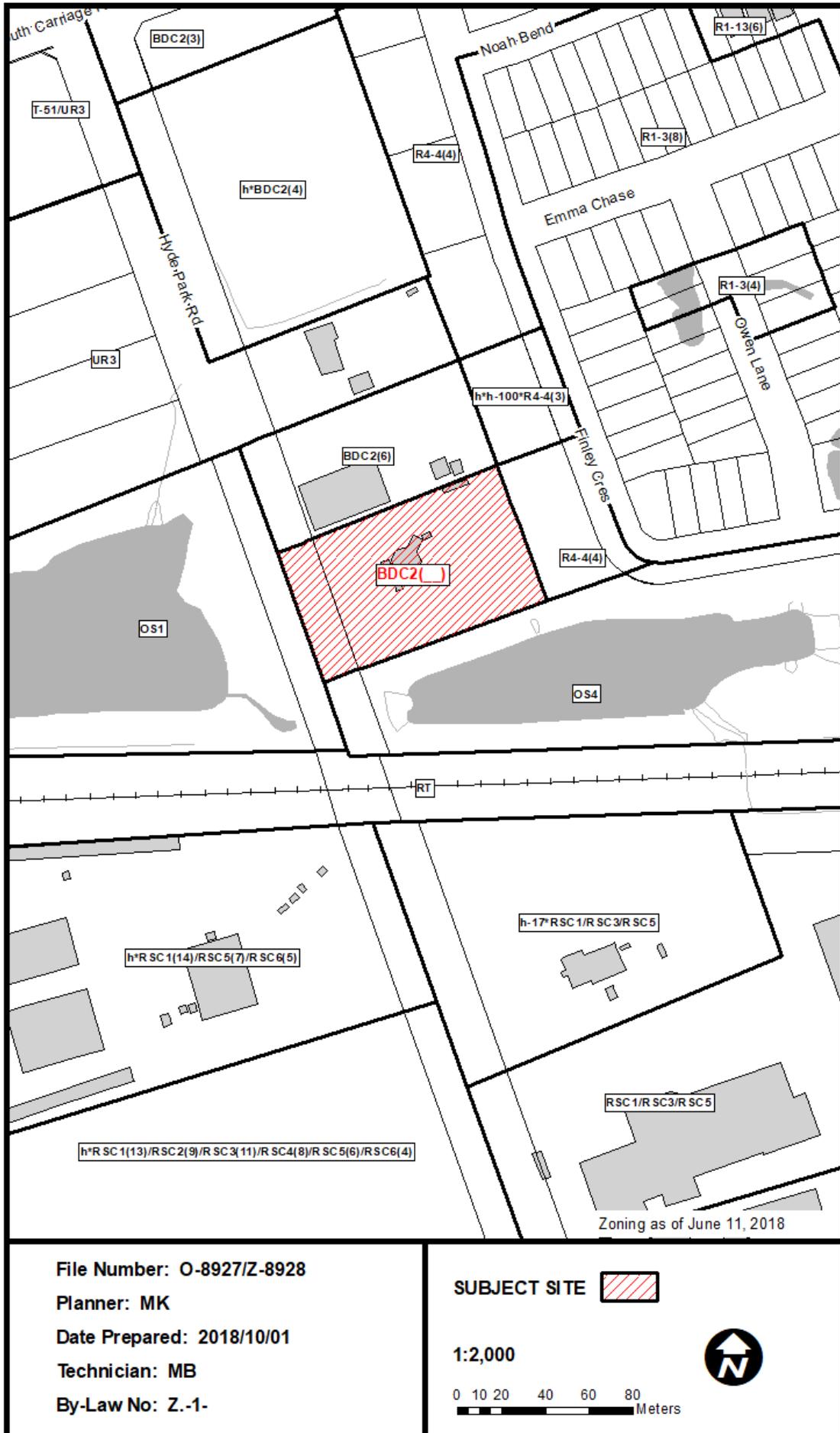
PASSED in Open Council on November 6, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 6, 2018  
Second Reading – November 6, 2018  
Third Reading – November 6, 2018

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



File Number: O-8927/Z-8928  
 Planner: MK  
 Date Prepared: 2018/10/01  
 Technician: MB  
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



Geotitlesbase

## Appendix C – Public Engagement

### Community Engagement

**Public liaison:** On July 18, 2018, Notice of Application was sent to 9 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 19, 2018. A “Planning Application” sign was also posted on the site.

No replies were received.

**Nature of Liaison:** The purpose and effect of this Official Plan and zoning change is to permit an automobile sales boutique with an automobile service area as an accessory use in addition to the other uses already permitted on the subject site. Possible amendment to the Official Plan to add a Specific Area Policy to Chapter 10 to permit an expanded range of residential, retail, service and office uses in alignment with The London Plan policies for the Main Street Place Type. Possible change to Zoning By-law Z.-1 from a Business District Commercial Special Provision (BDC2(4)) Zone to a Business District Commercial Special Provision (BDC2(\_)) Zone to permit an Automobile Sales Boutique, in addition to the uses already permitted on the subject site. Special provisions are also being requested to permit an automobile service area enclosed within the building as an accessory use and for the existing special provision for no maximum front yard depth requirement to continue to apply to the site.

**Responses:** No comments were received from the public on this application.

### Agency/Departmental Comments

#### ***Upper Thames River Conservation Authority***

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. These policies include regulations made pursuant to Section 28 of the *Conservation Authorities Act*, and are consistent with the natural hazard and natural heritage policies contained in the *Provincial Policy Statement (2014)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

#### Proposal

The applicant is proposing to add an additional permitted in the form of an automobile sales boutique with special provisions and a Specific Area Policy.

#### Conservation Authorities Act

As shown on the enclosed mapping, the subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of a riverine flooding hazard associated with the connection of Snake Creek and the Heard Drain. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

#### UTRCA Environmental Planning Policy Manual (2006)

The UTRCA’s Environmental Planning Policy Manual is available online at: <http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/> Policies which are applicable to the subject lands include:

#### *3.2.2 General Natural Hazard Policies*

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated.

### *3.2.3 Riverine Flooding Hazard Policies*

These policies address matters such as the provision of detailed floodplain mapping, floodplain planning approach, and uses that may be allowed in the floodplain subject to satisfying UTRCA permit requirements.

#### Drinking Water Source Protection, Clean Water Act

The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.

The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. Mapping which identifies these areas is available at: [http://maps.thamesriver.on.ca/GVH\\_252/?viewer=tsrassessmentreport](http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport)

Upon review of the current assessment report mapping, we wish to advise that the subject lands **are not** identified as being within a vulnerable area.

#### Recommendation

The UTRCA has no objections to this application, however we remind the applicant to contact the UTRCA regarding the Section 28 permit requirements which may be required for the proposed development.

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications. Our fee for this review will be reduced by 50% due to the recent review of a Site Plan application. The applicant will be invoiced an amount of \$125.00 under separate cover.

#### ***London Hydro***

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.

## **Appendix D – 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 (PPS)***

1.1.1 Healthy, liveable and safe communities are sustained by:

- a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b. accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e. promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;

1.1.3.4 Appropriate development standards should be promoted which facilitate *intensification*, *redevelopment* and compact form, while avoiding or mitigating risks to public health and safety.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a. providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;
- b. providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c. encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
- d. ensuring the necessary *infrastructure* is provided to support current and projected needs.

1.7.1 Long-term economic prosperity should be supported by:

- a. promoting opportunities for economic development and community investment-readiness;
- c. maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;

4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

### **Official Plan (1989)**

#### 4.4.1.1. Planning Objectives

- i) Provide for the redevelopment of vacant, underutilized or dilapidated properties within Main Street Commercial Corridors for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development;
- ii) Encourage development which maintains the scale, setback and character of the existing uses;

#### 4.4.1.2. Urban Design Objectives

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

#### 4.4.1.4. Permitted Uses

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

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.

#### 4.1.13.4. Hyde Park

The Main Street Commercial Corridor extending along Gainsborough Road and Hyde Park Road in the Hamlet of Hyde Park is currently comprised of a mixture of pedestrian and auto-oriented commercial uses. It is the long term intent of the Official Plan policies to foster and encourage the development of a pedestrian/street-oriented commercial area for Hyde Park similar to Richmond Row. This development will be guided by the Official Plan policies, by urban design guidelines included in the Hyde Park Community Plan and other guidelines/standards prepared by the City and/or Business Association. When Hyde Park Road and Gainsborough Road are widened some on-street parking in off-peak periods may be permitted, however, over time as traffic volumes increase, on-street parking may be restricted or removed and the businesses should plan for individual and/or grouped parking facilities.

### ***The London Plan***

259\_ Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.

905\_ The London Plan envisions both the creation of new Main Streets and the regeneration of historic Main Streets throughout our city. The important cultural heritage resources of these streets are to be conserved, while allowing for sensitive repurposing, intensification and infill. These streets will contribute significantly to our image and identity as a city and will support the regeneration and continued vitality of the neighbourhoods that surround them. (in force)

907\_ We will realize our vision for Main Streets by implementing the following in all the planning we do and the public works we undertake: (in force)

3. Allow for appropriate and sensitive infill and intensification within our Main Streets.
7. Allow for appropriate forms of intensification at suitable locations to support the sustainability of our Main Streets.
9. In new Main Streets encourage a mix of uses with active ground floor uses and forms.

908\_ The following uses may be permitted in the Main Street Place Type:

1. A broad range of residential, retail, service and office uses may be permitted within the Main Street Place Type.

910\_ The following intensity policies will apply within the Main Street Place Type: (in force)

1. Buildings in Main Street Place Types will be designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment.
4. Buildings will be a minimum of either two storeys or eight metres in height and will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted in conformity with the Our Tools policies of this Plan.

911\_ The following form policies will apply within the Main Street Place Type:

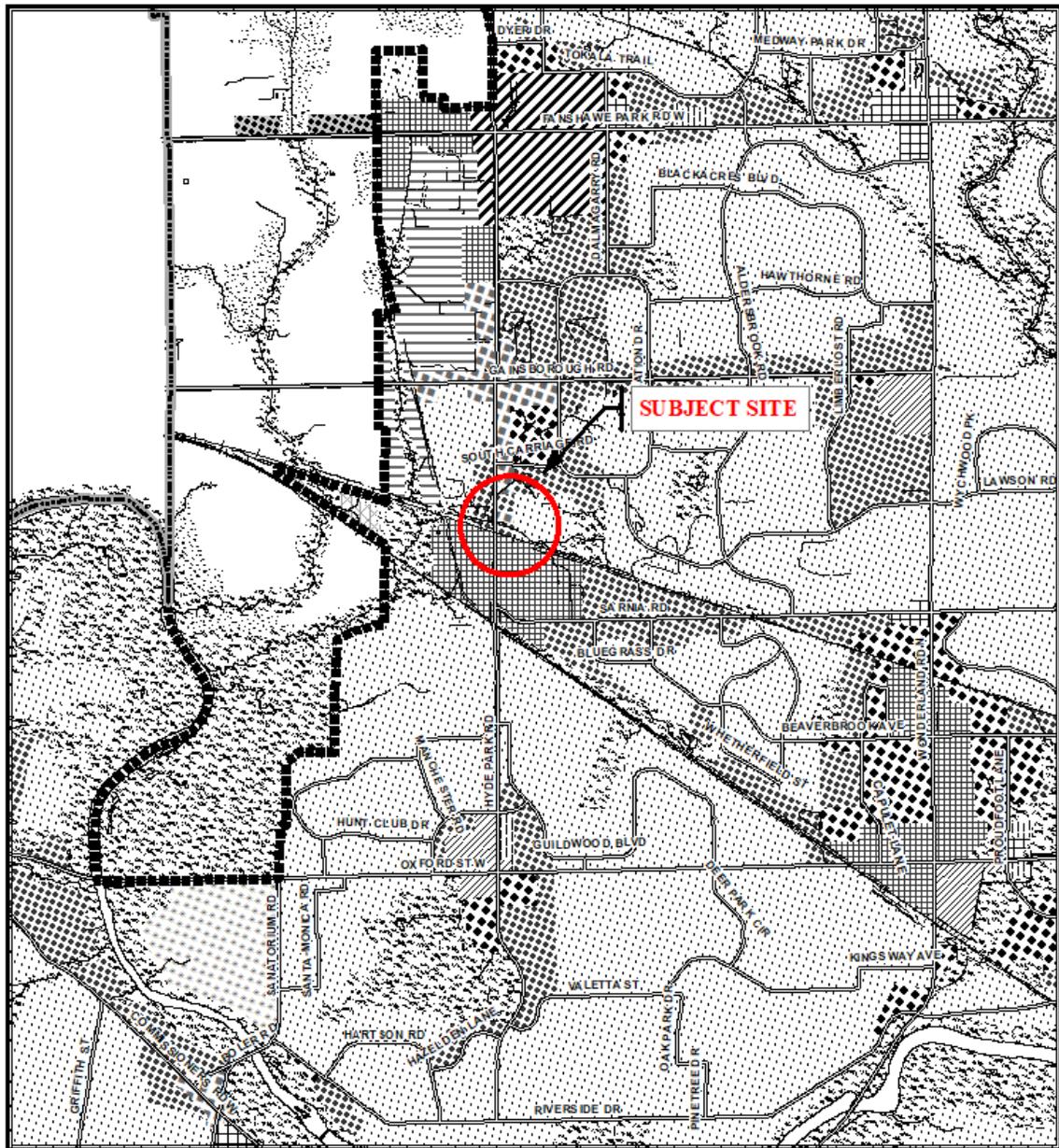
1. All planning and development applications will conform with the City Design policies of this Plan, any existing heritage conservation district plan, the Ontario Heritage Act, and any other applicable guidelines.
2. All new development will be designed to be well integrated with the character and design of the associated Main Street.
3. Design guidelines may be prepared to provide guidance for development, streetscape improvements, and public works for a specific main street.
4. Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment. Exceptions may be made where guidelines suggest an alternative form of development along a specific main street.
5. All the planning and design that is undertaken in the Main Street Place Type will place a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety.
6. The public realm should be of a highly urban character and pedestrian and cycling amenities should be integrated into all public works undertaken along main streets.
7. Enhanced street tree planting should be incorporated into new development proposals to provide for a comfortable pedestrian environment.
8. Signage should be integrated with the architecture of the buildings, fixed to the building, and its size and application should be appropriate for the character of the area.
9. Surface parking will be located to the rear or interior side yard of a building. Parking facilities will not be located between the building and the street.

***Hyde Park Community Plan – Community and Urban Design Guidelines***

3.2.1 Buildings should generally be oriented to the street to define the public space of the streets and achieve a more urban development character. In some circumstances, prominent public buildings could be setback from the street to create public open spaces.

**Appendix E – Relevant Background**

**Additional Maps**

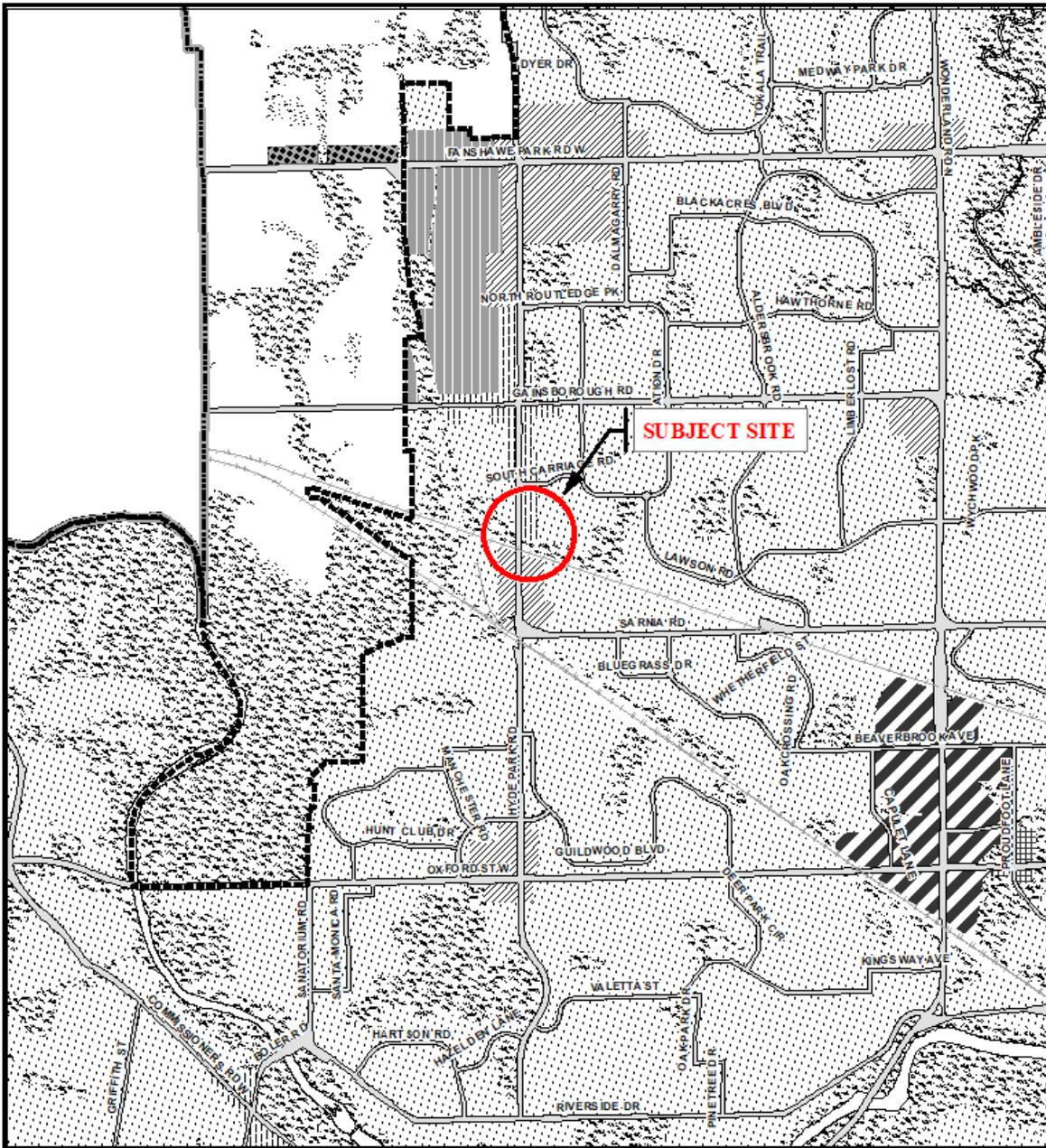


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p><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: O-8927/Z-8928</p> <p>PLANNER: MK</p> <p>TECHNICIAN: MB</p> <p>DATE: 2018/10/01</p>
---	-------------------------------------	--

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consolid0\excerpts\mxd\_templates\scheduleA\_b&w\_sx14\_with\_SWAP.mxd



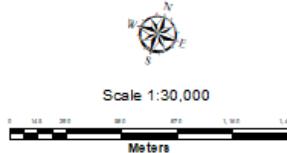
**Legend**

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

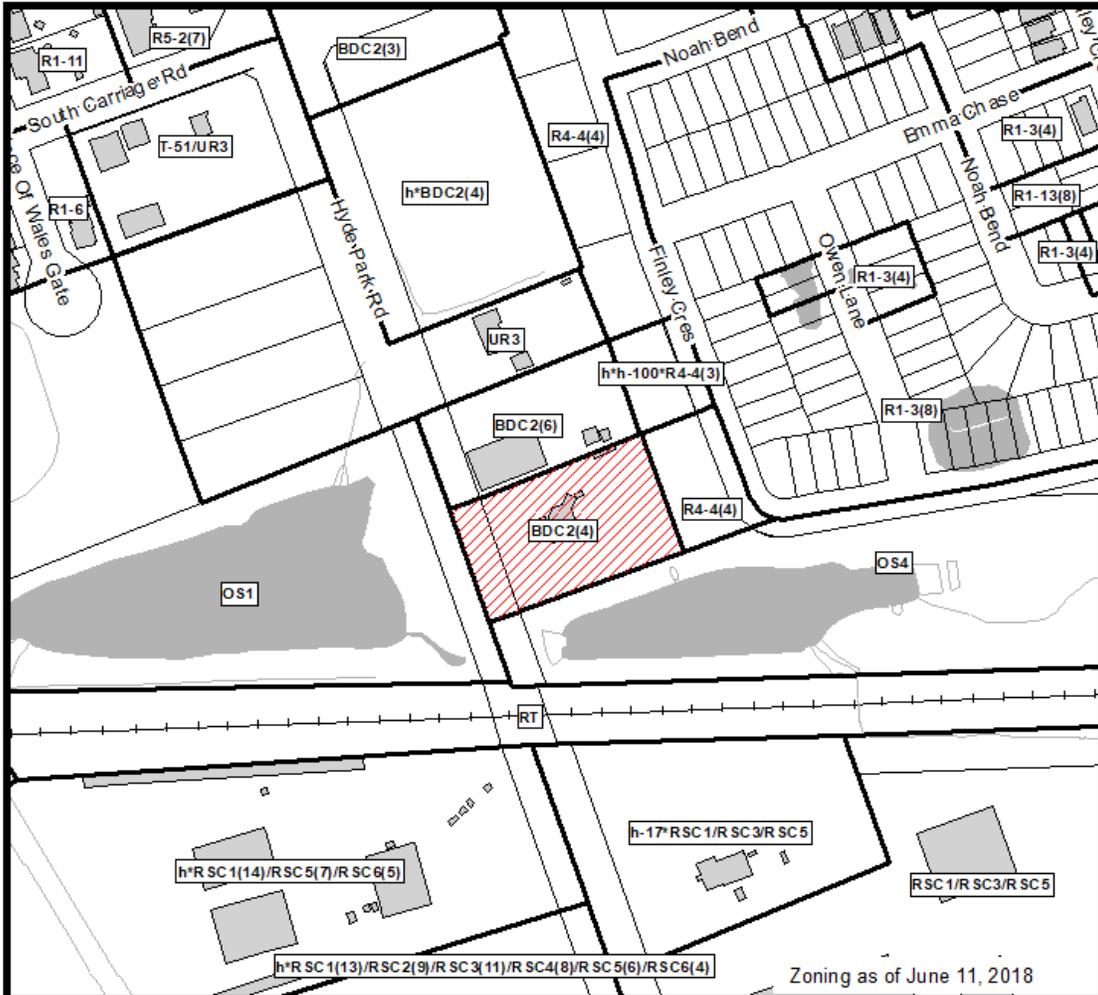
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

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

**CITY OF LONDON**  
 Planning Services /  
 Development Services  
  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY: Planning Services



**File Number:** O-8927/Z-8928  
**Planner:** MK  
**Technician:** MB  
**Date:** October 1, 2018



**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: BDC2(4)**

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>"h" - 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:

O-8927/Z-8928 MK

MAP PREPARED:

2018/10/01 MB

1:3,000

0 15 30 60 90 120  
 Meters

**Additional Reports**

Planning and Environment Committee – March 26, 2012 – Hyde Park Road Commercial Review Official Plan and Zoning Review 1331-1369 and 1364-1420 Hyde Park Road (11 COM h)

Planning and Environment Committee – March 26, 2012 – Application By: Kenmore Homes (London) Inc. 225 South Carriage Road & 1331 Hyde Park Road (39T-08502/Z-7489/OZ-7510)

Planning and Environment Committee – May 28, 2012 – Hyde Park Road Commercial Review Official Plan and Zoning Review 1331-1369 and 1364-1420 Hyde Park Road (11 COM h)

Planning and Environment Committee – May 28, 2012 – Application By: Kenmore Homes (London) Inc. 225 South Carriage Road & 1331 Hyde Park Road (39T-08502/Z-7489/OZ-7510)

Planning and Environment Committee – October 8, 2013 – Application By: Hyde Park Crossing Ltd. 1331 Hyde Park Road (H-8226)

Planning and Environment Committee – November 26, 2013 – Application By: Hyde Park Crossing Ltd. 1331 Hyde Park Road (H-8226)

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Star Homes Ltd.  
537 Crestwood Drive  
**Public Participation Meeting on: October 29, 2018**

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application of Star Homes Ltd. relating to the property located at 537 Crestwood Drive the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** an Urban Reserve (UR1) Zone and a Residential R6 Special Provision (R6-2(13)) Zone **TO** a Residential R6 Special Provision (R6-2(\*)) Zone, **BE REFUSED** for the following reasons:

- i) the requested amendment to permit the residential development of the westerly portion of the subject lands is not consistent with the *2014 Provincial Policy Statement*;
- ii) the requested amendment to permit the residential development of the westerly portion of the subject lands does not conform to the *1989 Official Plan* nor *The London Plan*.
- iii) the requested amendment is premature, and the Urban Reserve (UR1) Zone should remain on the westerly portion of the subject lands until such time as a rehabilitation plan and site restoration have been completed for the adjacent aggregate resource extraction area.

## Executive Summary

### Summary of Request

The requested amendment is to permit cluster housing in the form of single detached dwellings, and specifically the addition of a third unit on the westerly portion of the subject lands. The applicant requested a change in the zoning of the subject lands from an Urban Reserve (UR1) Zone and a Residential R6 Special Provision (R6-2(13)) Zone to a Residential R6 Special Provision (R6-2(\*)) Zone. The special provision would include regulations that recognize existing site conditions and new site conditions to accommodate the addition of the third dwelling unit. The special provision would recognize a reduced minimum lot frontage; a reduced (easterly) minimum interior side yard depth; a reduced minimum rear yard depth; a reduced (southerly) minimum side yard depth and a reduced minimum rear yard depth for an accessory building; an increased height maximum for an accessory building; and an increased minimum landscaped open space.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to refuse the requested amendment to permit an additional cluster single detached dwelling on the subject lands.

### Rationale of Recommended Action

1. The requested amendment is not consistent with the *2014 Provincial Policy Statement* which requires resource extraction activities to be protected for long-term use and not hindered by incompatible development; and that resource extraction activities and sensitive residential development be appropriately separated from each other;

2. The requested amendment does not conform to the *1989 Official Plan* nor *The London Plan*, which specify a minimum separation distance between residential development and the limit of extraction. The applicant has not demonstrated through supporting studies that the proposed deviation from the minimum separation distance can be achieved and the proposed residential development protected from potential adverse impacts and/or hazards associated with adjacent aggregate resource extraction areas; and
3. The requested amendment is premature until such time as a rehabilitation plan and site restoration have been completed for the adjacent aggregate resource extraction area.

## **Analysis**

### **1.0 Site at a Glance**

#### **1.1 Property Description**

Crestwood Drive extends south from Commissioners Road West to Longwoods Road in the vicinity of the Byron Gravel Pits. The subject lands are municipally known as 537 Crestwood Drive and are located on the west side of Crestwood Drive adjacent to aggregate resources extraction areas located to the west. The subject lands consist of a flag-shaped lot. The narrow frontage along Crestwood Drive provides access to two (2) existing single detached dwellings and an accessory building that have developed on the subject lands through previous planning and development approvals. The surrounding land uses include aggregate resource extraction areas and operations, the City's water reservoir, parklands/garden plots and low density, low-rise, residential land uses. A realignment of Commissioners Road West corridor is planned in the area surrounding the subject lands.

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

- 1989 Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Urban Reserve (UR1) Zone and Residential R6 Special Provision (R6-2(13)) Zone

#### **1.3 Site Characteristics**

- Current Land Use – Residential (Two (2) Cluster Single Detached Dwellings)
- Frontage – 10 metres (33 feet)
- Depth – 122 metres (400 feet)
- Area – 4,188 square metres (1.03 acres) (entire subject lands)
- Shape – Irregular (Flag-shaped)

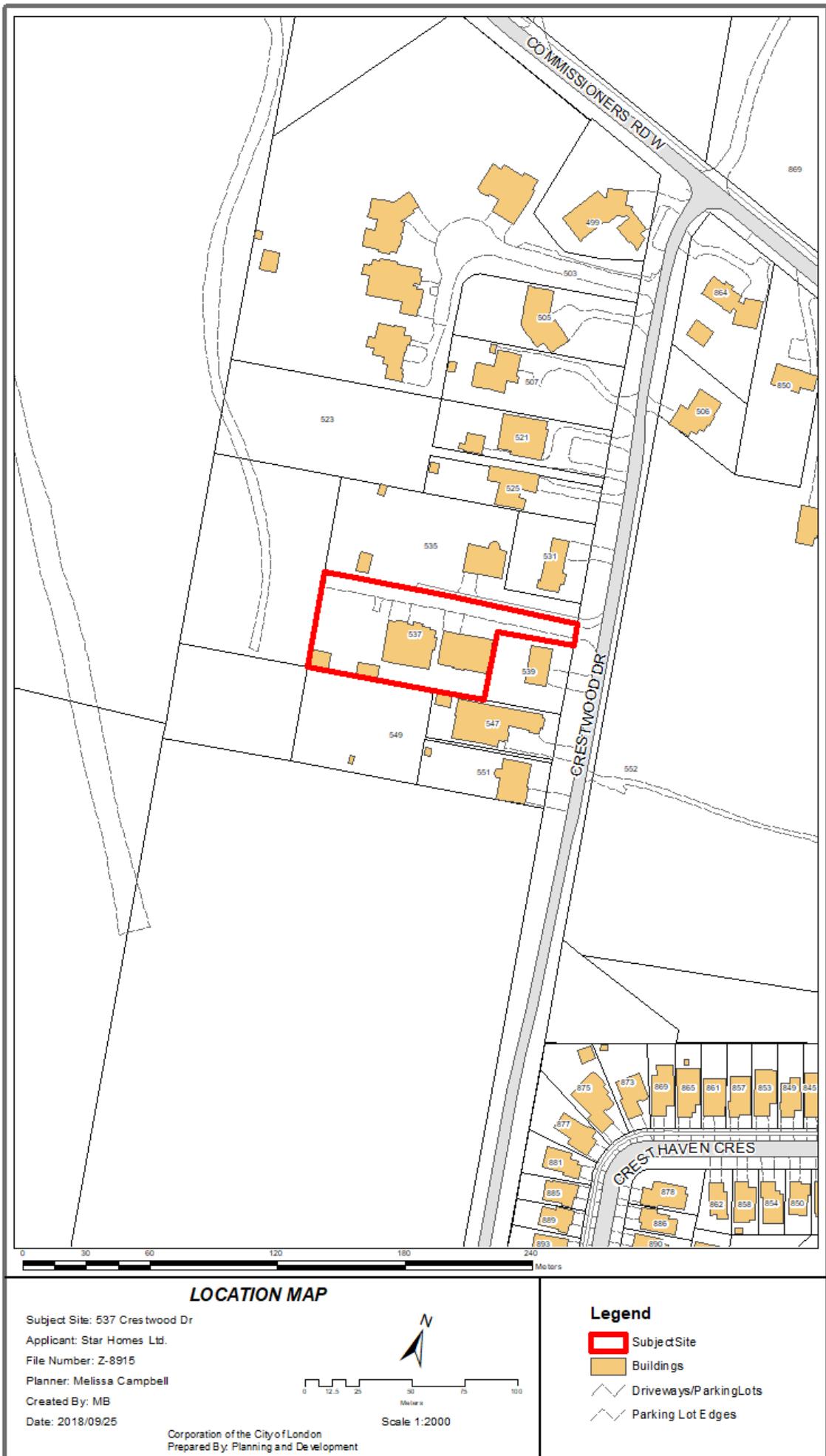
#### **1.4 Surrounding Land Uses**

- North – Residential (Single Detached Dwellings)
- East – City of London Water Reservoir
- South – Residential (Single Detached Dwellings)
- West – Aggregate Resource Extraction (Byron Gravel Pits)

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

- One (1) unit within the Built-area Boundary

1.6 LOCATION MAP



## 2.0 Description of Proposal

### 2.1 Development Proposal

The development proposal for the subject lands would add a third single detached dwelling approximately 482 sq. m (5,188 sq. ft.) in size and one-storey in height on the westerly portion of the subject lands. The westerly portion of the subject lands is currently vacant except for an existing accessory building that would be maintained. Vehicular access to all three (3) dwelling units (existing and proposed) would be provided by the existing 6.0 metre wide asphalt driveway that extends westerly from Crestwood Drive parallel to the northerly property line. The proposed third single detached dwelling would be oriented on the subject lands towards the driveway, the same as the existing single-detached dwellings, with the front elevation facing north. Subsequent applications for Site Plan Approval and a Plan of Vacant Land Condominium would be required to facilitate the proposed development.

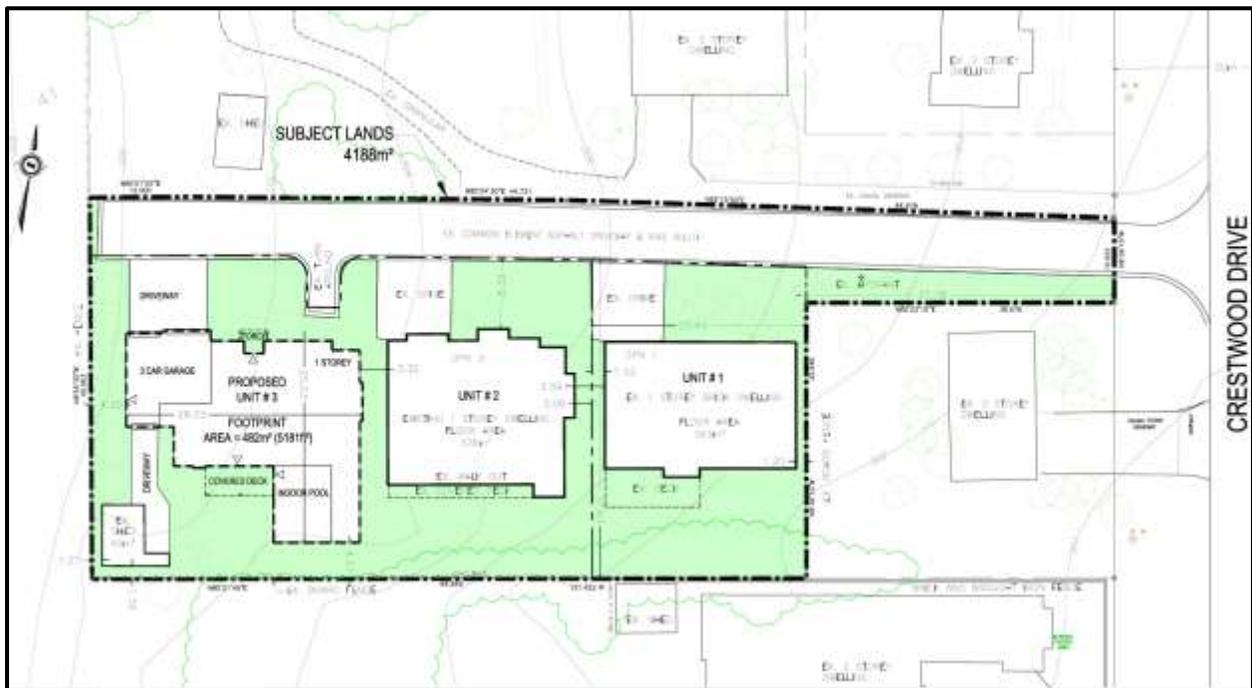


Figure 1: Conceptual Site Plan

## 3.0 Relevant Background

### 3.1 Planning History

In 1988, the “*South-East Byron Area Study*” was initiated by Council to provide a comprehensive review of land use issues related to the Byron Gravel Pits and surrounding undeveloped properties. The study provided the land use basis for continuation of aggregate resource extraction, residential development and the future rehabilitation of the licenced pit area. The study and subsequent amendments to the Official Plan and Zoning By-law, were adopted by Council, but appealed to the Ontario Municipal Board (“OMB”). A subsequent 1992 OMB decision confirmed the land use designations, special policies and zoning that would apply in the vicinity of the Byron Gravel Pits. Since then, modifications have been made to the land use designations and zoning in the vicinity of the Byron Gravel Pits through individual, site-specific applications.

In 1990 and 1991, a series of consent applications resulted in the severance of the subject lands from lands located immediately to the north, lands located immediately to the west (currently owned by Lafarge Canada Inc. (“Lafarge”)), and the existing single detached dwelling fronting on Crestwood Drive known municipally as 539 Crestwood Drive.

In 2012, the current applicant (Star Homes Ltd.) submitted an application for a concurrent Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) as well as an application for a Plan of Vacant Land Condominium for the subject lands to

permit and facilitate the development of cluster housing in the form of three (3) single detached dwellings.

Consistent with the staff recommendation in 2012, Council approved the requested change in the designation of the whole of the subject lands from Urban Reserve Community Growth to Low Density Residential in the *1989 Official Plan*; and approved the requested change in the zoning for only the easterly portion of the subject lands from a Residential R1 (R1-9) Zone and an Urban Reserve (UR1) Zone to a Residential R6 Special Provision (R6-2(13)) Zone and a Holding Residential R6 Special Provision (h-145•h-146•R6-2(13)) Zone. The holding provisions required that final design drawings be reviewed by a qualified geotechnical consultant to ensure the Erosion Hazard Limit is properly interpreted prior to any development occurring; and that a noise impact assessment be completed which would confirm noise levels specific to the subject lands to ensure no conflict between the nearby aggregate resource extraction activities and the proposed residential development.

Consistent with the staff recommendation in 2012, Council refused the requested change to the zoning of the westerly portion of the subject lands. The reason staff gave for refusal was that the applicant had not demonstrated that the separation distance on the westerly portion of the subject lands was satisfactory to protect sensitive residential development from the adverse impact of the existing aggregate resource extraction operations. Staff recommended the westerly portion of the subject lands be precluded from development to provide a buffer between adjacent lands licensed for aggregate resource extraction activities and the proposed residential development of the easterly portion of the subject lands to ensure land use compatibility. The requested change in zoning for the westerly portion of the subject lands was considered to be premature by staff; and staff advised that development should not occur until a rehabilitation plan was completed for adjacent aggregate resource extraction areas and site restoration completed in accordance with that plan.

In 2013, an application for the removal of the holding provisions for the easterly portion of the subject lands was approved by Council and resulted in the construction of the two (2) existing single detached dwellings on the subject lands.

Recognizing that aggregate resource extraction is an interim use, and that aggregate resource extraction activities are likely to conclude in the Byron Gravel Pits in the near-future, as indicated by the surrender of active pit licences and site rehabilitation primarily in the northwesterly portion of the pits, the City is scheduled to initiate the *South-East Byron Secondary Plan* in the coming year (2018-2019). The Secondary Plan will provide a comprehensive assessment of the opportunities and constraints for the planning and development of the Byron Gravel Pits in the future. However, in the interim there are still active pit licences held by landowners proximate to the subject lands and ongoing aggregate resource extraction activities within the Byron Gravel Pits that must be considered by the current planning application. Lafarge continues to hold an active pit licence for the lands located immediately west of the subject lands and has not provided a timeline for the surrender of that licence.

### **3.2 Requested Amendment**

The applicant requested a ZBA to change the zoning of the subject lands from an Urban Reserve (UR1) Zone and a Residential R6 Special Provision (R6-2(13)) Zone to a Residential R6 Special Provision (R6-2(\_)) Zone to permit cluster housing and the proposed development of a third dwelling unit on the westerly portion of the subject lands.

The requested special provision would recognize existing site condition such as a reduced minimum lot frontage of 10 metres, a reduced (easterly) minimum side yard depth of 1.5 metres; a reduced (southerly) minimum rear yard depth for an accessory building of 1.2 metres, and an increase maximum height for an accessory building of 7.0 metres. The requested special provision would also recognize new site conditions to facilitate the development of the proposed third unit, including a reduced minimum rear yard depth of 4.0 metres; an increased minimum landscaped open space of 42 percent; and reduced (southerly) minimum side yard depth for an accessory building of 1.5

metres that had not been previously recognized.

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

Notice of Application was sent to property owners in the surrounding area on June 20, 2018 and published in the Public Notices and Bidding Opportunities section of *The Londoner* on June 21, 2018. The notice advised of a possible amendment to the Zoning By-law to change the zoning of the subject lands from an Urban Reserve (UR1) Zone and a Residential R6 Special Provision (R6-2(13)) Zone to a revised Residential R6 Special Provision (R6-2(\*)) Zone to allow for cluster housing and the development of a third single detached dwelling on the subject lands. The notice advised of the requested special provision to recognize existing site conditions and new site conditions as a result of the addition of the third dwelling unit.

Two (2) replies were received from the public as part of the community engagement process. The first reply was in support of the requested amendment and was received from the owner of one of the existing dwelling units located on the subject lands. The second reply was received from Lafarge, the owner of the adjacent lands located to the west of the subject lands. Lafarge in a letter dated July 20<sup>th</sup>, 2018 confirmed that there is ongoing activity inside the Byron Gravel Pits within 150 metres of the subject lands and that Lafarge is approved to extract up to 15 metres from the shared property boundary with the subject lands. Lafarge commented that the proposed application does not conform to specific policies in *The London Plan* regarding the development of lands within the vicinity of extractive industrial areas or aggregate resource areas. Lafarge in its letter requested that the applicant revisit the noise, dust and slope stability analysis completed in support of the requested ZBA, based on the confirmed limit of extraction.

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

#### **3.4.1 Provincial Policy Statement, 2014 (PPS)**

The *2014 Provincial Policy Statement* (“PPS”) provides broad policy direction on matters of Provincial interest related to land use planning and development. The PPS provides policies on key issues such as intensification and redevelopment and efficient use of land and infrastructure, including support for a range and mix of housing types and densities; land use compatibility; and the protection of mineral aggregate resources.

#### **3.4.2 1989 Official Plan**

The *1989 Official Plan* contains policies that guide the use and development of land within the City of London and is consistent with the policy direction set out in the PPS. The *1989 Official Plan* assigns land use designations to properties, and the policies associated with those land use designation provide for a general range of land uses, form and intensity of development that may be permitted.

The subject lands are designated Low Density Residential (“LDR”) on Schedule “A” – Land Use to the *1989 Official Plan*. The LDR designation is intended for low-rise, low-density housing forms including single-detached, semi-detached and duplex dwellings. Residential intensification is contemplated in the LDR designation through an amendment to the Zoning By-law. The residential intensification policies for the LDR designation contemplate infill housing in the form of single-detached dwellings and cluster housing. *Policies for Specific Residential Areas* in the *1989 Official Plan* direct that residential development in the vicinity of the Byron Gravel Pits have regard for noise and dust impacts from aggregate resource extraction activities.

#### **3.4.3 The London Plan**

The *London Plan* is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications and the majority of which is in force and effect). The subject lands are located within the “Neighbourhoods” Place Type on Map 1 – Place Types in The London Plan, with frontage on a “Neighbourhood Street” (Crestwood Drive). The broadest range of use and intensity contemplated for the subject lands in *The London Plan* are single-detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, home occupations and group homes; a minimum height of 1-storey and a maximum height of 2.5-storeys. *The*

*London Plan* provides for a variety of opportunities for Residential Intensification within the Neighbourhoods Place Type. *The London Plan* contains *Specific Policies for Aggregate Resources*, and specific to the Byron Gravel Pits and adjacent lands, the intent of those policies is to minimize the impact of extraction activities upon surrounding land uses.

## 4.0 Key Issues and Considerations

### 4.1 Residential Intensification & Infill

The requested ZBA is intended to facilitate the development of a third dwelling unit on the westerly portion of the subject lands. Staff considered whether the requested ZBA and proposed form of development is appropriate within the context of residential intensification policies governing the use and development of the subject lands.

#### *Provincial Policy Statement, 2014 (PPS)*

The *PPS* directs growth to settlement areas, and states that land use patterns within settlement areas should be based on a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.1 & Policy 1.1.3.2). The *PPS* is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4).

The *PPS* directs planning authorities to provide for an appropriate range and mix of housing types and densities to meet the projected requirements of current and future residents. The *PPS* directs new housing to locations where appropriate levels of infrastructure and public service facilities are, or will be available; and at densities which would efficiently use land, resources, infrastructure and public service facilities as well as support active transportation and transit (Policy 1.4.3).

The westerly portion of the subject lands is currently underutilized, predominately vacant, and has the potential to accommodate additional development. The requested ZBA to facilitate the development of the westerly portion of the subject lands for a third single-detached dwelling would provide for residential intensification and a compact form of development that would efficiently use land, existing infrastructure and public services facilities, but is in conflict with the *PPS* regarding mineral aggregate resources (see section 4.2 of this report).

#### *1989 Official Plan*

A general objective for residential designations in the *1989 Official Plan* is to encourage infill development in appropriate locations where existing land uses are not adversely affected and where development can efficiently use municipal services and facilities (Section 3.1.1 vi).

The LDR designation is applied to lands that are primarily developed or planned for low-rise, low-density housing forms (Preamble Section 3.2 – Low Density Residential). The primary permitted uses in the LDR shall include single detached; semi-detached; and duplex dwellings (Section 3.2.1). The scale of development in the LDR designation shall have a low-rise, low-coverage form, and shall typically be considered in a range up to 30 uph. (Section 3.2.2).

Residential intensification is contemplated in the LDR designation through an amendment to the Zoning By-law and subject to a Planning Impact Analysis (PIA) (Section 3.2.3). Residential intensification in the LDR designation may be permitted up to a maximum density of 75 uph and infill housing is contemplated in the form of single-detached dwellings and cluster housing (Section 3.2.3.2).

The requested ZBA to permit cluster housing and the proposed development of a third single-detached dwelling on the westerly portion of the subject lands conforms to the form of infill housing and the range of primary permitted uses contemplated in the LDR designation. The resulting residential density is well within the 20 uph permitted by the requested zoning and the scale of development typically considered in the LDR designation. Residential intensification in the LDR designation requires a PIA, and not all relevant PIA criteria can be satisfied by the proposed development. In particular, the

proposed addition of a third dwelling unit on the subject lands has the potential to create land use compatibility issues and adversely affect existing aggregate resource operations in vicinity of the subject lands (see Section 4.2 in this report).

#### *The London Plan*

The range of primary permitted uses contemplated within the Neighbourhoods Place Type on a Neighbourhood Street include single-detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, group homes and home occupations, triplexes, and small-scale community facilities (Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The range of permitted heights contemplated within the Neighbourhoods Place Type on a Neighbourhood Street include a minimum height of 1-storey and a maximum height of 2.5-storeys (Table 11 – Range of Permitted Heights in Neighbourhood Place Type).

*The London Plan* provides for a variety of opportunities for residential intensification within the Neighbourhoods Place Type, and infill development as a form of intensification is contemplated (Policy 939\_5.). *The London Plan* supports residential intensification within the Neighbourhoods Place Type where the proposed intensification is appropriately located and is a good fit within the receiving neighbourhood (Policy 937\_and Policy 940\_). Residential intensification projects within the Neighbourhoods Place Type will be evaluated from an urban design perspective, including but not limited to, site layout within the context of the surrounding neighbourhood, building and main entrance orientation, building line and setback from the street, height transitions and massing within the context of the surrounding neighbourhood (Policy 953\_2.); and whether the intensity of the proposed development is appropriate for the size of the lot (Policy 953\_3.).

The subject lands with a narrow lot frontage along Crestwood Drive and flag-shaped configuration were established through a series of consent approvals in the 1990's. The subject lands, as well as lands located at 503 Crestwood Drive, are existing examples of cluster housing developments along Crestwood Drive that have developed in the form of single detached dwellings. The requested ZBA to permit cluster housing and the proposed development of a third the single-detached dwelling, one (1)-storey height, on the subject lands, conforms to the range of primary permitted uses, and building heights contemplated within the Neighbourhoods Place Type. The proposed orientation of the third dwelling unit with the front elevation facing north and a proposed low-rise, 1-storey, massing is consistent with existing dwelling units located on the subject lands.

#### **4.2 Land Use Compatibility**

The development of a third dwelling unit on the westerly portion of the subject lands would introduce a new sensitive land use in the proximity of existing aggregate resource extraction areas. The potential to cause land use compatibility issues has been considered by staff.

#### *Provincial Policy Statement, 2014 (PPS)*

The *PPS* directs that major facilities, such as resource extraction activities, and sensitive land uses should be appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse impacts and ensure the long-term viability of major facilities (Policy 1.2.6.1).

The *PPS* directs that mineral aggregate resources shall be protected for long-term use from development and activities that would preclude or hinder their expansion, continued use, or would be incompatible for reasons of public health and safety or environmental impacts (Policy 2.5.1 and Policy 2.5.2.4). Adjacent to, or in known deposits of mineral aggregate resources, development or activities unrelated to mineral aggregate resources would only be permitted if the resource use would not be feasible, or the proposed development and activity would serve a greater long-term public interest and issues of public health and safety and environmental impacts are addressed (Policy 2.5.2.5). The *PPS* requires the rehabilitation of mineral aggregate

resource areas. Final rehabilitation shall take surrounding land uses and approved land use designations into consideration (Policy 2.5.3.1)

The *PPS* directs that resource extraction activities and sensitive development be appropriately separated from each other and that mineral aggregate resources be protected for long-term use and not be hindered by incompatible development. The staff recommendation in 2012 recommended the westerly portion of the subject lands be precluded from development to provide a buffer between adjacent lands licensed for aggregate resource extraction activities and the proposed residential development of the easterly portion of the subject lands to ensure land use compatibility. With on-going aggregate resource extraction activities within the Byron Gravel Pits and the potential for future aggregate resource extraction activities to occur adjacent to the subject lands as confirmed by Lafarge, staff continue to be concerned about land use compatibility as it relates to the current ZBA application.

#### *1989 Official Plan*

*Policies for Specific Residential Areas* in *1989 Official Plan* direct that residential development within the vicinity of the Byron Gravel Pits shall have regard for noise and dust impacts from aggregate resource extraction activities (Section 3.5.6). In particular, a noise and dust impact study shall be completed prior to rezoning within 300 metres of aggregate resource extraction areas (Section 3.5.6 i)); and residential subdivisions are to be phased to maintain a maximum separation distance between residential development and extraction activities. A minimum separation distance of 150 metres between residential development and the limit of extraction shall normally be required. Any deviation from the minimum separation distance will only be considered on the basis of studies which demonstrate the deviation is satisfactory to protect the residential development from adverse impacts of aggregate resource extraction activities (Section 3.5.6 ii)).

#### *The London Plan*

*The London Plan* recognizes that lands within the City contain natural resources and those resources are to be protected from development until such time as the resource is exhausted and rehabilitation of the resource area is complete (Policy 1511\_). Consistent with the *PPS*, *The London Plan* provides for the continuation of existing extractive operations; directs that aggregate resources will be protected for long-term use from development that would preclude or hinder the expansion or continued use of the operations, or would be incompatible for reasons of public health and safety or environmental impacts. *The London Plan* aims to minimize potential land use compatibility issues between pits and quarries and surrounding land uses (Policy 1514\_ 2., 4., and 5.).

Policies in the *1989 Official Plan* specific to lands in the vicinity of the Byron Gravel Pits have been carried over into *The London Plan*, and residential development within the vicinity of the Byron Gravel Pits shall have regard for noise and dust impacts. Noise and dust impact studies shall be completed prior to rezoning within 300 metres of aggregate resource extraction areas; and a minimum separation distance of 150 metres shall normally be required between residential development and the limit of extraction. (Policy 1542\_ 1.-3.) *The London Plan* directs that where new sensitive land uses may be exposed to noise and or vibration and negatively impacted and/or where there are safety concerns, attenuation measures will be incorporation into the development (Policies 1770\_, 1771\_ and 1772\_).

Staff advised the applicant's agent through an email dated May 31, 2018 that the documentation and/or studies received in support of the requested ZBA did not *conclusively* demonstrate that the proposed residential development could meet the minimum separation distance normally required between residential development and the limit of extraction. Correspondence from Lafarge dated July 2019 confirm that aggregate resource extraction could occur up to 15 metres from the shared property boundary with the subject lands. Through a subsequent email dated July 26, 2018, staff requested confirmation from the applicant's agent that the proposed residential

development could be appropriately protected from potential impacts and hazards associated with the aggregate resource extraction activities including noise, vibration, dust and erosion.

Staff have had to rely on previous studies submitted in support of the 2012 planning and development applications when considering the appropriateness of the requested ZBA as no new studies have been submitted to address land use compatibility concerns. Staff note the following from the previous studies:

*Noise and Vibration Impact Assessment*

RWDI Air Inc. ("RWDI") prepared a *Noise and Vibration Impact Assessment* dated July 2011 in support of the 2012 planning and development applications for the subject lands. The RWDI 2011 study predicted no adverse noise impact for the subject lands based on a review of previous studies in the Byron Gravel Pits area which demonstrated noise compliance at locations closer to the aggregate resource extraction activities than the subject lands. Since properties closer to the aggregate resource extraction activities were in compliance with noise guidelines, RWDI concluded that the subject lands would also be in compliance.

The 2011 RWDI *Noise and Vibration Impact Assessment* also identified the potential for impacts associated with site rehabilitation and restoration. RWDI noted that during restoration of aggregate resource extraction areas extensive earthmoving activities would take place; and that during restoration more equipment is expected to be in operation at, or near, grade level than when aggregate resource extraction activities are taking place. As a precaution, the 2011 RWDI study recommended noise warning clauses be registered on title for the proposed residential development of the subject lands.

The 2012 staff report indicated that noise compliance needed to be confirmed on the basis of site specific readings at the subject land. The zoning approved by Council in 2012 for the easterly portion of the subject lands included a holding provision requiring a noise impact assessment specific to the subject lands. The 2012 RWDI *Noise Impact Assessment Update* submitted with the subsequent 2013 holding removal application was prepared with the understanding that aggregate resource extraction activities near the subject lands had been completed and were moving farther away from the subject lands. Lafarge has since confirmed the future potential for aggregate resource extraction activities up to 15 metres from the shared property boundary with the subject lands. As such, land use compatibility, and in particular noise impacts, remain a concern for staff. Consideration should also be given to the restoration of aggregate resource extraction areas as a source of noise impacts as noted above.

*Dust Impact Assessment*

RWDI prepared a *Dust Impact Assessment* dated July 2011 in support of the 2012 planning and development applications for the subject lands. The 2011 RWDI study reviewed the potential for dust impacts based on a number of factors including the existing and future potential for aggregate resource extraction activities, the separation distance between residential development and the limit of extraction, predominate wind direction, and the complaint history from residents surrounding the Byron Gravel Pits area.

RWDI concluded that the probability of periodic occurrence of dust impacts would be moderate to high for the subject lands similar to the experience of nearby existing residential properties. RWDI recommended that the potential for dust impacts on the subject lands be addressed through the use of warning clauses registered on title. The 2012 staff report agreed with the recommended approach to use warning clauses. Dust impacts from the restoration of aggregate resource extraction areas was not directly discussed in the RWDI 2011 study nor the 2012 staff report.

### Slope Stability Assessment

In addition to the above-noted noise and dust impact assessments, a *Slope Stability Assessment* was prepared by EXP Services Inc. (“EXP”) dated June 2011 in support of the 2012 planning and development applications for the subject lands. The stable slope analysis resulted in the delineation of an “Erosion Hazard Limit” comprised of an erosion allowance, a stable slope setback and a 6.0 metre wide access allowance, slightly inside the westerly (rear) property limit of the subject lands. EXP recommended any buildings and permanent structures associated with the proposed residential development of the subject lands be outside the Erosion Hazard Limit and that prior to any construction on the subject lands final design drawings be reviewed by a qualified geotechnical consultant to ensure the Erosion Hazard Limit is properly interpreted.

The 2012 staff report recommended a holding provision for the geotechnical review of design drawings, which was approved by Council for the easterly portion of the subject lands. The 2012 staff report could not support the rezoning of the third unit, in part, because of the delineation of Erosion Hazard Limit on subject lands. The 2012 staff report recommended that the westerly portion of the subject lands be precluded from development to ensure that there is sufficient land adjacent to the steep slope associated with aggregate resource extraction areas to accommodate final site restoration. The 2012 staff report recommended that development on the westerly portion of the subject lands only be considered after the rehabilitation plan and restoration activities for adjacent aggregate resource extraction areas have been finalized.

While the City plans for the future of the Byron Gravel Pits through the upcoming *South-East Byron Secondary Plan*, to be consistent with the *PPS* in the interim, the City should still buffer on-going aggregate resource extraction activities from sensitive land uses and protect mineral aggregate resources from incompatible development that could hinder the continued use of the resource or expansion of extraction activities. At present there are on-going aggregate resource extraction activities within the Byron Gravel Pits and the potential for future aggregate resource extraction activities to occur adjacent to the subject lands has been confirmed by Lafarge.

The proposed residential development of the westerly portion of the subject lands does not meet the minimum separation distance normally required between residential development and the limit of extraction. Specific policies in the *1989 Official Plan* and *The London Plan* regarding the development of lands within the vicinity of the Byron Gravel Pits specify that any deviation from the minimum separation distance must be justified on the basis of studies which demonstrate that residential development will be protected from the adverse impacts of aggregate resource extraction activities. Past studies were not able to demonstrate that the residential development proposed for the westerly portion of the subject land would be appropriate and protected from potential adverse impacts and/or hazards such as noise, vibration, dust and erosion. No new studies have been submitted to address those land use compatibility concerns. Aggregate site restoration and rehabilitation also have the potential to cause noise and vibration, and erosion impacts alluded to in the 2011 RWDI *Noise and Vibration Impact Assessment*, which have not been explored in detail by the reports submitted in support of the residential development of the subject lands. In the absence of supporting studies, the requested ZBA does not conform to specific policies in *1989 Official Plan* nor *The London Plan* regarding the development of lands within the vicinity of the Byron Gravel Pits.

#### **4.3 Holding Provision**

Staff considered whether it would be appropriate to proceed with the requested ZBA to permit the third dwelling unit on the westerly portion of the subject lands with the use of holding provisions to ensure that site specific noise and vibration, and erosion impacts are addressed prior to development occurring.

The *1989 Official Plan* (Section 19.4.3) and *The London Plan* (Policy 1656\_ to Policy 1661\_) contemplate the use of holding provisions to address requirements relating to

matters such as civic infrastructure; environmental, erosion or flood protection measures; noise, vibration, dust or odor mitigation; built form requirements; public site plan processes and other such matters relating to the goals, objectives, and policies of the Official Plan. The Zoning By-law may contain holding provisions that would allow for the use of land, buildings or structures to be permitted when the holding symbol is removed. However, if the ability of the site to accommodate the land use has not been determined, then the use of the holding provisions is premature.

Staff have concerns with the requested ZBA proceeding with the use of holding provisions where the studies required by the holding provisions would be addressing land use compatibility and the appropriateness of the requested ZBA, rather than, simply determining the limits to development. As was previously recommended by staff to ensure land use compatibility, the requested ZBA would remove the third lot as buffer between adjacent lands licensed for aggregate resource extraction activities and the residential development of the subject lands,

In addition, the use of holding provisions is not in keeping with the spirit or intent of the specific policies for lands in the vicinity of the Byron Gravel Pits. The specific policies in both the *1989 Official Plan* and *The London Plan*, explicitly state that any deviation from the standard minimum separation distance between residential development and the limit of extraction be on the basis of *studies* which demonstrate the deviation is satisfactory to protect residential development from adverse impacts. Past studies were not able to demonstrate to the satisfaction of staff that residential development on the westerly portion of the subject land would be appropriate and protected from the above-noted potential adverse impacts and/or hazards associated with aggregate resource extraction activities; and no new studies have been submitted to address those land use compatibility concerns. In light of the specific policies for lands in the vicinity of the Byron Gravel Pits, a holding provision would not be appropriate, and the requested ZBA to apply land use development permissions is premature until either the minimum 150 metre separation distance can be satisfied, or any deviation from that standard can be justified by supporting studies.

#### **4.4 Realignment of Commissioners Road West**

The subject lands are located proximate to the planned Commissioners Road West realignment. The future corridor is protected through relevant policies in the *1989 Official Plan* and *The London Plan*; and whether the proposed residential development of the subject lands would interfere with the future corridor was considered by staff.

A Municipal Class Environmental Assessment (“EA”) study was recently completed to investigate alternatives for the realignment of Commissioners Road West from Cranbrook Drive, through the Byron Gravel Pits area, to Springbank Drive/Byron Baseline Road. At the time of preparing this report, the results of the EA were still subject to public review and comment until October 18, 2018, but the preliminary preferred design for the future corridor was known to staff. The City’s Transportation Planning and Design Division did not indicate any concern with the requested ZBA, or the proposed residential development of the subject lands. It is not expected that the proposed residential development of the subject lands would interfere with the future corridor. The timing for the future corridor is dependent on the completion of aggregate resource extraction activities in the Byron Gravel Pits area.

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

## **5.0 Conclusion**

The subject lands are located within the vicinity of the Byron Gravel Pits. Proposed residential development within this area, must be considered within the context of relevant policies in the *PPS*, the *1989 Official Plan* and *The London Plan* to ensure that mineral aggregate resources will be protected for long-term use and will not be hindered by incompatible development; and that residential development will be appropriately protected from potential impacts and hazards associated with aggregate resource extraction activities including noise, vibration, dust and erosion. While the City plans for

the future of the Byron Gravel Pits, in the interim the City should still buffer on-going aggregate resource extraction activities from sensitive land uses and protect mineral aggregate resources from incompatible development that could hinder the continued use of the resource or expansion of extraction activities. Lafarge continues to hold an active pit licence for the lands located immediately west of the subject lands and has not provided a timeline for the surrender of that licence.

Past studies were not able to demonstrate to the satisfaction of staff that residential development on the westerly portion of the subject land would be appropriate and protected from the above-noted potential adverse impacts and/or hazards associated with aggregate resource extraction activities; and no new studies have been submitted to address those land use compatibility concerns. Consistent with the 2012 staff recommendation, consideration of a ZBA to permit the residential development of the westerly portion of the subject lands, should only be given once a rehabilitation plan and site restoration have been completed for the adjacent aggregate resource extraction area; until then the requested ZBA is premature.

<b>Prepared by:</b>	<b>Melissa Campbell, 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 19, 2018  
MC/mc

Y:\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8915Z - 537 Crestwood Drive (MJC)\PEC\PEC-Report-Z-8915-537 Crestwood Dr.docx

## Appendix A – Public Engagement

### Community Engagement

**Public liaison:** On June 20, 2018, Notice of Application was sent to 27 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 21, 2018. A “Planning Application” sign was also posted on the site.

Three (3) replies were received

**Nature of Liaison:** The Notice of Application advised of a possible amendment to the Zoning By-law to change the zoning of the subject lands from an Urban Reserve (UR1) Zone and a Residential R6 Special Provision (R6-2(13)) Zone to a revised Residential R6 Special Provision (R6-2(13)) Zone to allow for cluster housing and the development of a third single detached dwelling on the subject lands. The notice advised of the requested special provision to recognize a reduced lot frontage minimum; reduced (easterly) interior side yard depth minimum; reduced rear yard depth minimum; reduced (southerly) side yard depth minimum and reduced rear yard depth minimum for an accessory building; an increased height maximum for an accessory building; and an increased landscaped open space minimum.

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

**Support for:** the proposed residential development by the owners of an adjacent dwelling unit located on the subject lands.

**Concern for:** conformity with the specific policies in *The London Plan* regarding the development of lands within the vicinity of extractive industrial areas or aggregate resource areas. It was requested that applicant revisit the noise, dust and slope stability analysis completed in support of this application based on the confirmed limit of extraction.

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

Telephone	Written
	Larry Connell & Nancy Ensley 537-1 Crestwood Drive, London, ON N6K 1Y1
	Lafarge Canada Inc. Attention Luke McLeod 6509 Airport Rd Mississauga, ON L4V 1S7

Larry Connell & Nancy Ensley  
537-1 Crestwood Drive,  
London, ON, N6K 1Y1

Melissa Campbell  
Planning Services, City of London  
206 Dundas St.  
London, ON, N6A 1G7  
[mecampbell@london.ca](mailto:mecampbell@london.ca)  
June 25, 2018

Dear Ms. Campbell:

**Re: Zoning Bylaw Amendment Application – 537 Crestwood Drive  
File Z-8915**

I am writing to indicate our support for the zoning by-law amendment application – 537 Crestwood Drive (File Z-8915) made by Star Homes Ltd. To the City of London.

We live in Unit 1 at 537 Crestwood Drive and have reviewed the Notice of Planning Application that you sent to us last week and have read through the associated Planning Justification Report for this application posted on the London City Web site. We were previously made aware of this proposal by the property owner and we are happy with what is being proposed for this site.

Thank you for keeping us informed and commend you on the ease of access through the City website. Our contact information is as follows:

Email: [REDACTED]

Phone: [REDACTED]

Regards

Larry Connell & Nancy Ensley

Sent by email



Lafarge Canada Inc.  
A Division of LafargeHolcim  
6509 Airport Rd  
Mississauga, ON  
L4V 1S7  
[REDACTED]

October 18<sup>th</sup>, 2018

Melissa Campbell  
Planning Services  
City of London  
206 Dundas St, London  
ON, N6A 1G7

DELIVERED VIA EMAIL TO: [mecampbell@london.ca](mailto:mecampbell@london.ca)

RE: ZONING BYLAW AMENDMENT Z-8915

Dear Ms. Campbell,

Lafarge continues to operate a site licensed under the Aggregate Resources Act adjacent to the subject site in proposed Zoning Bylaw Amendment Z-8915. The Byron site is currently active including areas adjacent to the western boundary. In addition to our previously submitted comments enclosed, the City of London secondary plan process now underway may also influence the appropriate development in the surrounding area.

Kind regards,

A handwritten signature in blue ink that reads 'Luke McLeod'.

Luke McLeod  
Land Manager  
Southwest Ontario

*Enclosure:* Lafarge Comments - Proposed Zoning Bylaw Amendment Z-8915 (July 20<sup>th</sup>, 2018)

**LAFARGE CANADA INC.**  
6509 Airport Road, Mississauga ON, L4V 1S7  
[REDACTED]  
[www.buildingbettermunities.ca](http://www.buildingbettermunities.ca) | [www.lafarge-na.com](http://www.lafarge-na.com)





Lafarge Canada Inc.  
A Division of LafargeHolcim  
6509 Airport Rd  
Mississauga, ON  
L4V 1S7

July 20<sup>th</sup>, 2018

Melissa Campbell  
Planning Services  
City of London  
206 Dundas St, London  
ON, N6A 1G7

DELIVERED VIA EMAIL TO: [mecampbell@london.ca](mailto:mecampbell@london.ca)

**RE: 537 CRESTWOOD DRIVE, LONDON (STAR HOMES LTD)  
PROPOSED ZONING BY-LAW AMENDMENT (FILE: Z-8915)**

Dear Ms. Campbell,

Lafarge Canada Inc. ('Lafarge') owns property directly adjacent to the lands subject to the above-referenced Zoning By-Law Amendment application (File: Z-8915). The Lafarge property is a licensed pit under the Aggregate Resources Act.

The Notice of Planning Application issued for File Z-8915 states that the intent of the rezoning is to permit construction of a residential condominium unit immediately east of Lafarge's active aggregate operation. Following an initial review of the City's land use policies, Lafarge has identified that, at a minimum, the three components of Policy 1542 of The London Plan would need to be satisfied by this application. The requirements of these policies are summarized below:

- Policy 1542\_1. requires a noise and dust impact study be completed prior to approval of a rezoning application for residential development within 300m of an aggregate resource area. This study is to be completed to the satisfaction of the City of London, the Ministry of the Environment and Climate Change and the Ministry of Natural Resources and Forestry
- Policy 1542\_2. states that a minimum of 150m of separation distance should normally be provided between planned residential development and the maximum extent of extraction activity.
- Policy 1542\_3. prescribes that, "Any deviation from the 150 metre norm will be considered only on the basis of studies undertaken by a qualified consultant which demonstrate to the satisfaction of the City of London, the Ministry of the Environment and Climate Change and the Ministry of Natural Resources and Forestry that the

**LAFARGE CANADA INC.**  
6509 Airport Road, Mississauga ON, L4V 1S7  
[www.buildingbettercities.ca](http://www.buildingbettercities.ca) | [www.lafarge-na.com](http://www.lafarge-na.com)





deviation is satisfactory to protect the residential development from adverse impacts of extraction operations.”

Based on Lafarge’s review of the material provided in the Notice of Planning Application and the associated Planning Justification Report, it is clear that the proposed residential development will occur within 150m of Lafarge’s active extraction area and its approved extraction limit. With respect to the matters set out in Policy 1542, the Planning Justification Report states as follows in Section 6.3:

“The subject lands were the focus of a Dust Impact Assessment and Noise Impact Assessment prepared by RWDI in July 2011 and met the guidelines for expectable noise and dust levels and conclude that warning clauses be placed in purchase agreements and central air units be provided. ...

The subject lands have been developed in phases to provide the required separation and with the limit of extraction moving further to the west, the subject lands are more than 150m from the extraction area. ...

Studies completed for the Official Plan Amendment and the subject lands is more than 150m from the active extraction area including a slope stability assessment placing the stable slope line outside the subject lands.”

The statements indicating that the subject lands are situated more than 150m outside of the active extraction area are inaccurate. As noted above, there is ongoing activity inside the pit within 150m from the subject property. Additionally, Lafarge is approved to extract up to 15m from the shared property boundary within the prescribed 150m separation distance.

Based on the above, the proposed application does not meet Policy 1542\_2. As per Policy 1542\_3, we request that the applicant revisit the noise, dust and slope stability analyses completed for this application based on the more accurate separation distances noted above. These studies should confirm any potential impacts associated with the proposal and include recommendations for any proposed mitigation to be implemented by the applicant. Lafarge would appreciate an opportunity to review the results and recommendations of these studies with the City of London.

Thank you for the opportunity to provide comment on this application. Please do not hesitate to contact me should you require clarification on any of the above. Please ensure that Lafarge is kept informed of any further developments on this file and that we are notified in advance of any meetings before Planning Committee and/or Council. We also request that you add MHBC Planning to the circulation list so that they can review any matters going forward on behalf of Lafarge. Their address is 630 Colborne Street, Suite 202, London, ON, N6B 2V2, Attention: Scott Allen.

**LAFARGE CANADA INC.**  
6509 Airport Road, Mississauga ON, L4V 1S7  
[www.buildingbettercities.ca](http://www.buildingbettercities.ca) | [www.lafarge-na.com](http://www.lafarge-na.com)





Kind regards,

A handwritten signature in blue ink that reads 'Luke McLeod'.

Luke McLeod  
Land Manager  
Southwest Ontario

cc. Scott Allen/Carol Wiebe , MHBC Planning

**LAFARGE CANADA INC.**  
6509 Airport Road, Mississauga ON, L4V 1S7  
[www.buildingbettercities.ca](http://www.buildingbettercities.ca) | [www.lafarge-na.com](http://www.lafarge-na.com)



## Agency/Departmental Comments

### *July 12, 2018: Development Services (Engineering)*

#### *Transportation*

- For information regarding the ongoing Commissioners Road West re-alignment EA please use the following web link:  
<https://www.london.ca/residents/Environment/EAs/Pages/Commissioners-Road-West-Realignment.aspx>

#### *Wastewater*

- The sanitary sewer available for the subject lands is the 200mm sanitary sewer on Crestwood Drive.

*Water*

- Confirmation from the applicant that the 3rd unit will be amalgamated into the same condominium corporation as the two existing units, such that a regulated drinking water system is not being created.

Please note that Engineering comments were provided without input from Stormwater.

**July 10, 2018: London Hydro**

- No objection to the official plan and/or re-zoning application.

**June 21, 2018: Upper Thames River Conservation Authority (“UTRCA”)**

- The UTRCA has not objections to this application.

## **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 (PPS)**

Policy 1.1.3.1 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.2 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.4 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.2.6.1 Building Strong Health Communities, Coordination, Land Use Compatibility

Policy 1.4.3 Building Strong Health Communities, Housing

Policy 2.5.1 Wise Use and Management of Resources, Protecting Aggregate Resources

Policy 2.5.2.4 Wise Use and Management of Resources, Protecting Aggregate Resources, Protection of Long-Term Resource Supply

Policy 2.5.2.5 Wise Use and Management of Resources, Protecting Aggregate Resources, Protection of Long-Term Resource Supply

Policy 2.5.3.1 Wise Use and Management of Resources, Protecting Aggregate Resources, Rehabilitation

**1989 Official Plan**

Section 3.1.1 vi) Residential Land Use Designations, General Objectives For All Residential Designations

Section 3.2 Residential Land Use Designations, Low Density Residential, Preamble

Section 3.2.1 Residential Land Use Designations, Low Density Residential, Permitted Uses

Section 3.2.2 Residential Land Use Designations, Low Density Residential, Scale of Development

Section 3.2.3 Residential Land Use Designations, Low Density Residential, Residential Intensification

Section 3.2.3.2 Residential Land Use Designations, Low Density Residential, Residential Intensification, Density and Form

Section 3.5.6 i) and ii) Residential Land Use Designations, Policies for Specific Residential Areas, Lands in Vicinity of Byron Pits

Section 19.4.3 Implementation, Zoning, Holding Zones

**The London Plan**

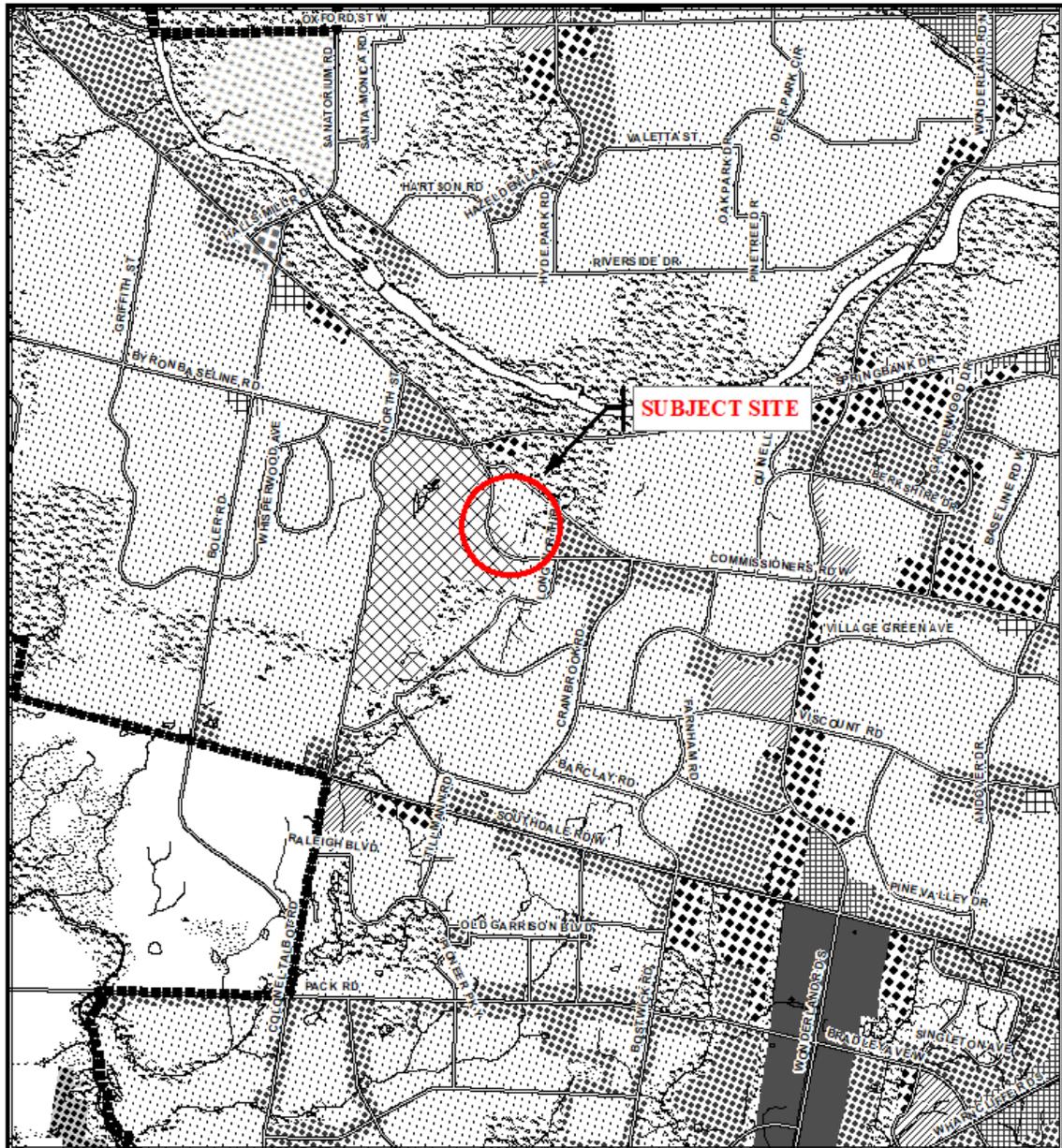
Table 10 Range of Permitted Uses in Neighbourhoods Place Type

Table 11 Range of Permitted Heights in Neighbourhood Place Type

Policy 937\_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification In Neighbourhoods  
Policy 939\_5. Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification  
Policy 940\_ Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification  
Policy 953\_2. and 3. Place Type Policies, Urban Place Types, Neighbourhoods, Additional Urban Design Considerations for Residential Intensification  
Policy 1511\_ Environmental Policies, Natural Resources, What Are Natural Resources  
Policy 1514\_ 2., 4., and 5. Environmental Policies, Natural Resources, What Are We Trying to Achieve  
Policy 1542\_ 1.-3. Environmental Policies, Natural Resources, Specific Policies for Aggregate Resources, Byron Gravel Pits and Adjacent Lands  
Policy 1656\_ Our Tools, Holding Provision By-law  
Policy 1657\_ Our Tools, Holding Provision By-law  
Policy 1658\_ Our Tools, Holding Provision By-law  
Policy 1659\_ Our Tools, Holding Provision By-law  
Policy 1660\_ Our Tools, Holding Provision By-law  
Policy 1661\_ Our Tools, Holding Provision By-law  
Policy 1770\_ Our Tools, Neighbourhood Design and Noise  
Policy 1771\_ Our Tools, Neighbourhood Design and Noise

**Appendix C – Relevant Background**

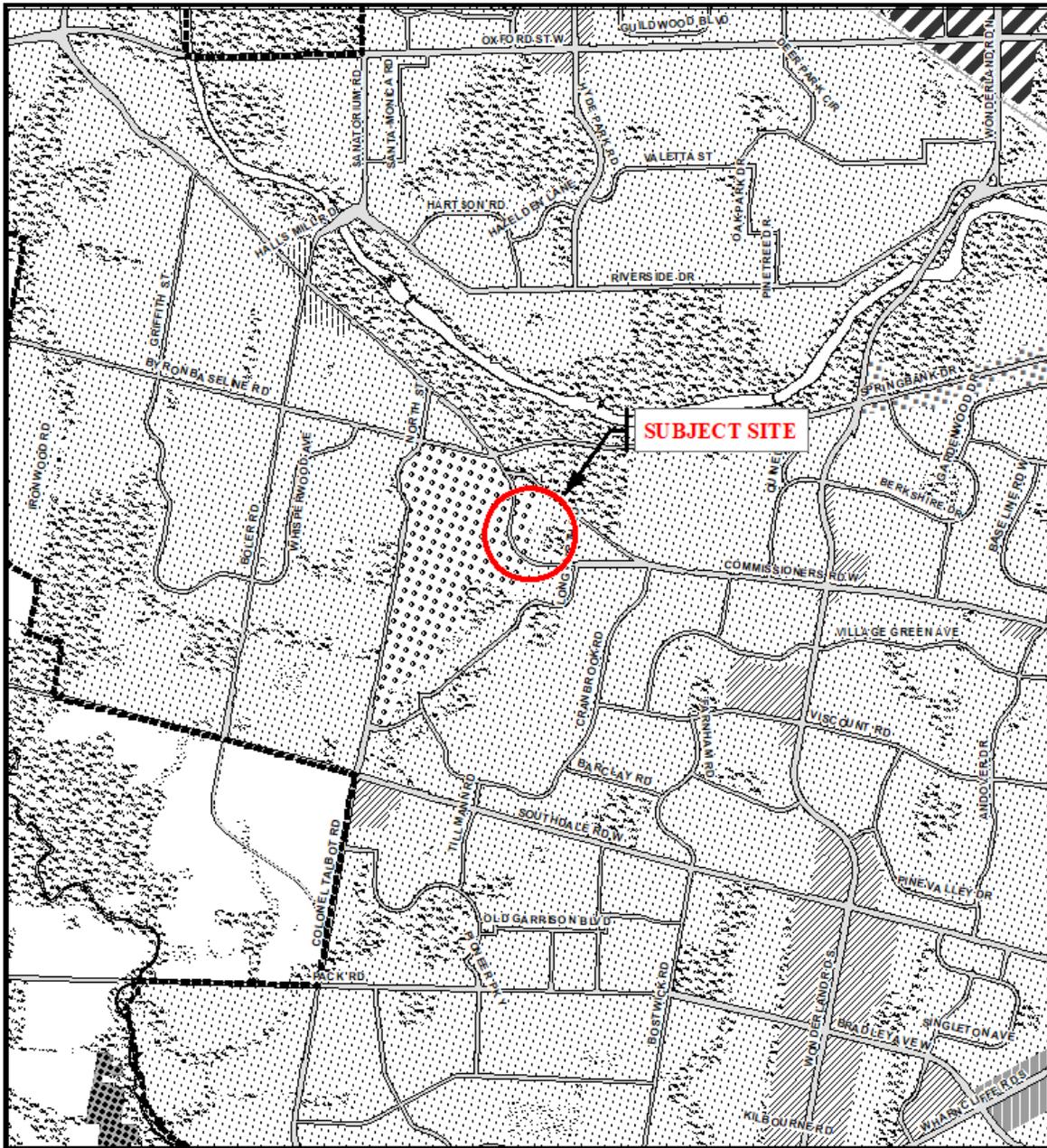
**Additional Maps**



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

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services  <b>OFFICIAL PLAN SCHEDULE A</b>                  - LAND USE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8915                  PLANNER: MC                  TECHNICIAN: MB                  DATE: 2018/09/25</p>
---	-------------------------------------	---

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\koonso\00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd



**Legend**

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

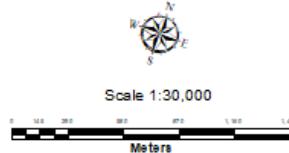
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

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

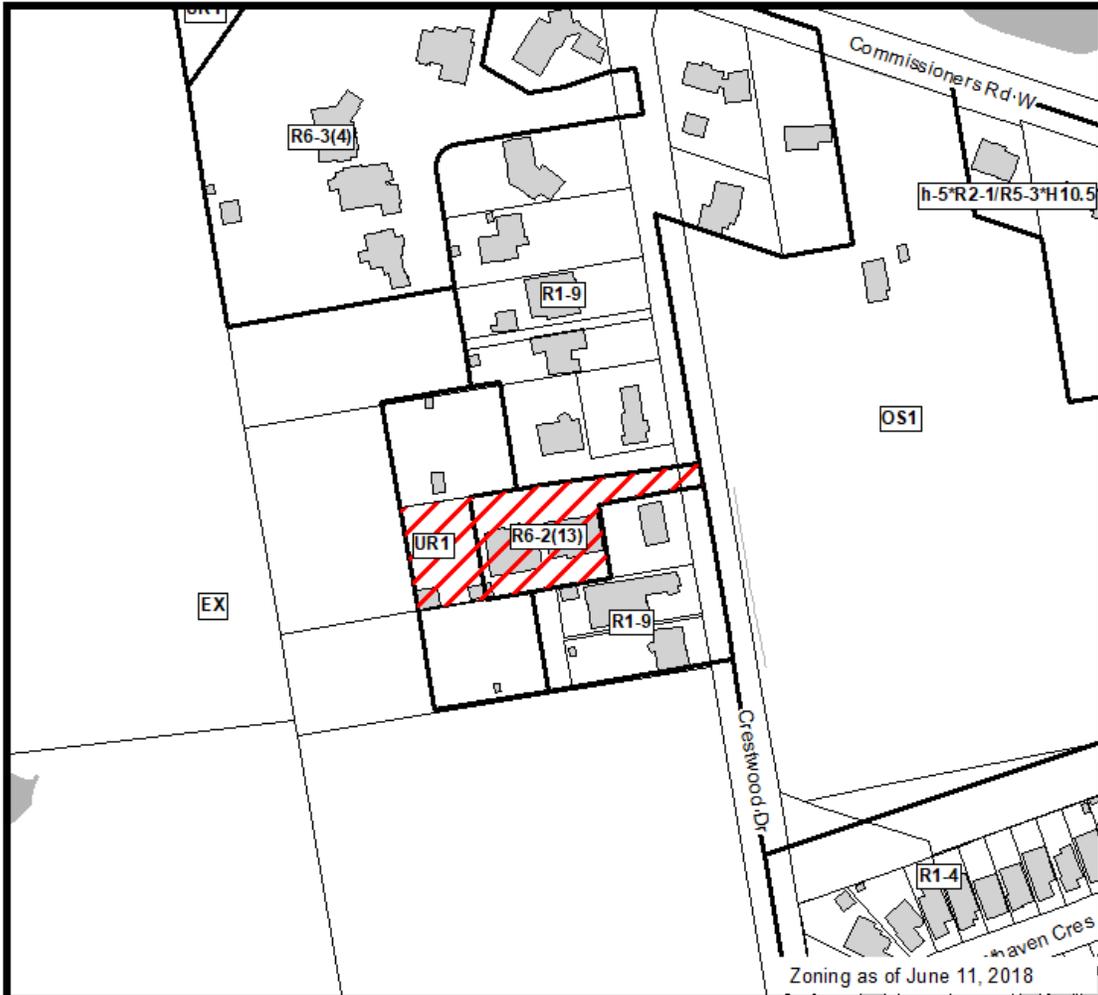
**CITY OF LONDON**  
 Planning Services /  
 Development Services

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

PREPARED BY: Planning Services



**File Number:** Z-8915  
**Planner:** MC  
**Technician:** MB  
**Date:** September 25, 2018



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R6-2(13) and UR1**

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>"H" - 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

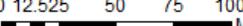
FILE NO:

Z-8915 MC

MAP PREPARED:

2018/10/09 MB

1:2,500

0 12.525 50 75 100  
 Meters

## Report to Planning and Environment Committee

**To: Chair and Members  
Planning & Environment Committee**

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

**Subject: Bradel Properties Ltd.  
324 York Street**

**Public Participation Meeting on: October 29, 2018**

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Bradel Properties Ltd. relating to the property located at 324 York Street:

- (a) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property by extending the Temporary Use (T-71) Zone for a temporary period of three (3) years, **BE REFUSED** for the following reasons:
- i) The request is not consistent with the policies of the Provincial Policy Statement, 2014;
  - ii) The request does not conform to the newly established policies of the 1989 Official Plan or The London Plan regarding temporary commercial parking lots;
  - iii) The request does not implement the goals of Our Move Forward: London's Downtown Plan; and,
  - iv) The request does not implement the recommendations of the Downtown Parking Strategy.
- (b) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on November 6, 2018 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, by extending the Temporary Use (T-71) Zone for a period not exceeding six (6) months.

**IT BEING NOTED THAT** the purpose of the recommended short-term six (6) month extension of the temporary zone is to allow users of the surface commercial parking lot to find alternative parking arrangements.

## Executive Summary

### Summary of Request

The requested action is to extend the (T-71) temporary zone to allow the site to function as a surface commercial parking lot for a temporary period of three (3) years.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to permit a short-term extension to allow users of the existing surface commercial parking lot to find alternative parking arrangements.

### Rationale of Recommended Action

The request to extend the temporary zone for a period of three (3) years, representing the maximum extension permitted, does not encourage long-term redevelopment of the site. The recommended six (6) month extension is a balanced approach that would allow existing users of the surface commercial parking lot to make alternative parking arrangements while encouraging long-term redevelopment of the site to a more intense,

transit-supportive use that is consistent with the policies of the Provincial Policy Statement and is in conformity with the 1989 Official Plan and The London Plan.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The property is located towards the southeast portion of the downtown, and has frontage on both York Street as well as Waterloo Street. The lands are vacant and have been used as surface commercial parking since approximately 2002. There are a number of surface parking lots within the vicinity which surround the site to the north, west, and across York Street to the south. The London Convention Centre is located to the west, an automobile sales and service establishment is abutting to the southeast, the London – Middlesex EMS Headquarters is located across Waterloo Street to the east, and a number of hotel and conference centres are located further north.

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

- 1989 Official Plan Designation – Downtown Area
- The London Plan Place Type – Downtown
- Existing Zoning – h-3\*DA1(1)\*D350\*H95/DA1(3)\*D350\*H95/T-71 Zone

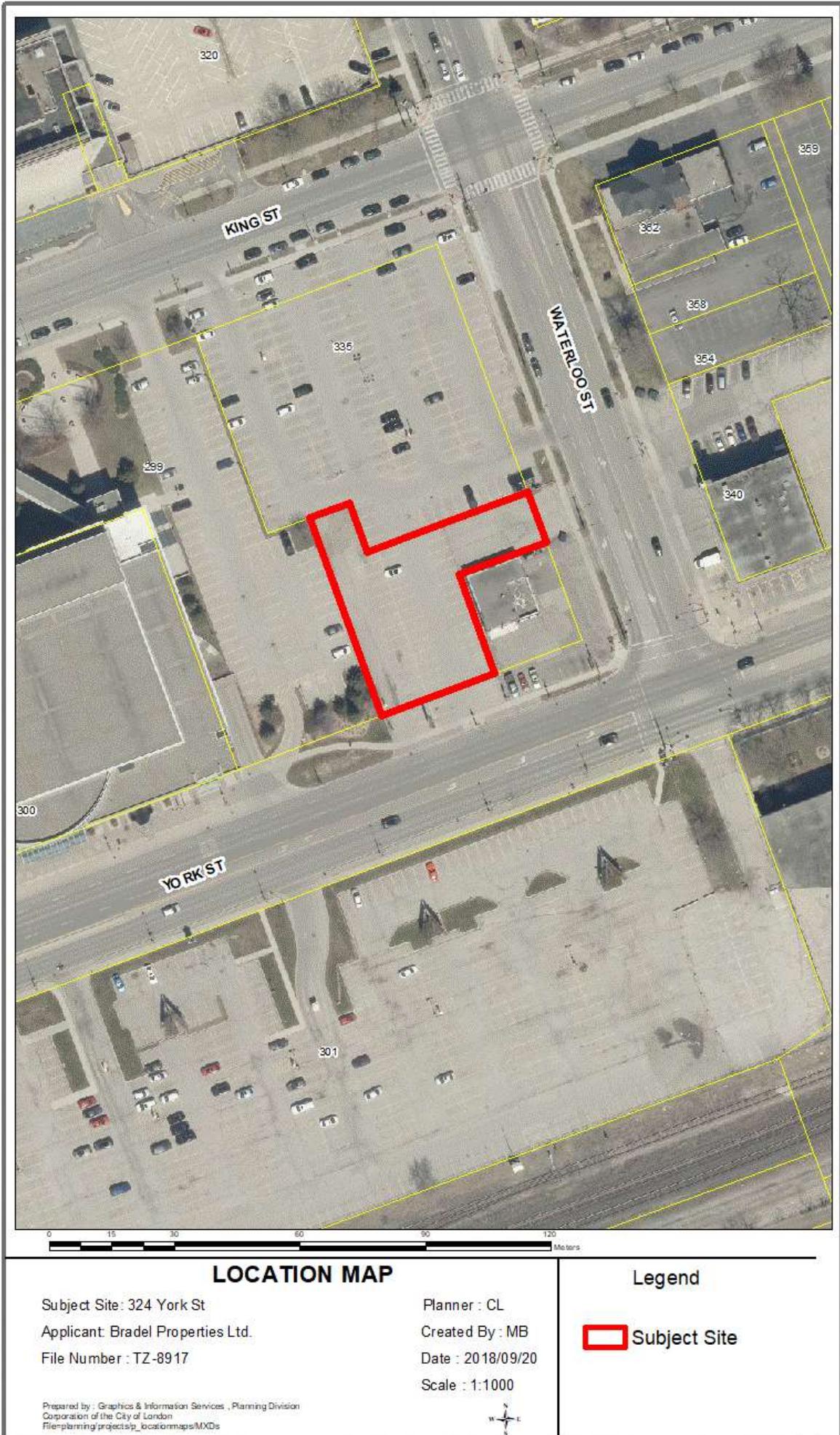
#### 1.3 Site Characteristics

- Current Land Use – Commercial Parking Lot
- Frontage – 12.5 m (41.0 ft)
- Depth – 50.8 m (166.6 ft)
- Area – 1,495 m<sup>2</sup> (0.37 ac)
- Shape – Irregular

#### 1.4 Surrounding Land Uses

- North – Commercial Parking Lot
- East – Automobile Sales and Service Establishment
- South – Commercial Parking Lot
- West – Commercial Parking Lot/London Convention Centre

1.6 Location Map



## 2.0 Description of Proposal

### 2.1 Development Proposal

The requested amendment is to extend a temporary zone on the subject lands, located at 324 York Street to permit a surface commercial parking lot. The site has been used as a surface commercial parking lot since 2002.



Figure 1: 324 York Street – view from York Street frontage

## 3.0 Relevant Background

### 3.1 Planning History

The subject lands originally operated as an industrial property in the 1950's until the building was converted to a mix of office and commercial in 1986. The building was vacant for a number of years prior to its demolition and change of use to a commercial parking lot circa 2002.

On January 21, 2002, City Council passed a Zoning By-law Amendment to permit a commercial parking lot for a temporary period not to exceed three years, which has been extended through periodic requests for temporary zones, including the most recent in December 2017 (TZ-8815). The intent of the short-term six (6) month extension permitted through TZ-8815 was to allow the owner time to implement the on-site requirements of the approved Development Agreement, which had been signed on November 25, 2004. The owner has since completed all required site works, which included: formalized entrances through the installation of curbing and landscaping; relocation of the ticket machine from the boulevard; and installation of sod, plantings, and trees.

However, on December 12, 2017 Council approved the Downtown Parking Strategy, which provides guidance for requests to extend surface commercial parking lots, and its recommendations provide additional criteria to be considered. Subsequently on May 8, 2018 Council also approved amendments to the 1989 Official Plan, The London Plan, and Our Move Forward: London's Downtown Plan to include specific evaluation criteria for requests to extend temporary zones for surface commercial parking lots. These policies, as well as the Downtown Parking Strategy, had not been in force at the time of the most recent application

### 3.2 Requested Amendment

The requested amendment is to extend the temporary use of the site for an additional three years through an amendment to the T-71 temporary zone provision. The existing holding Downtown Area Special Provision (h-3\*DA1(1)\* D350\*H95/ DA1(3)\* D350\*H95) Zone would continue to apply to the site.

### 3.3 Community Engagement (see more detail in Appendix B)

No responses were received through the circulation of the public notice.

### 3.4 Policy Context (see more detail in Appendix C)

#### Provincial Policy Statement (PPS) 2014

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS. The PPS encourages densities and a mix of land uses that make efficient use of land and infrastructure, as well as land uses that support active transportation and are transit-supportive.

#### 1989 Official Plan

The subject lands are designated Downtown Area in the 1989 Official Plan. The Downtown serves as a multi-functional regional centre containing a broad range of retail; service; office; institutional; entertainment; cultural; high density residential; transportation; recreational; and open space uses. The long term intent of the Plan is to improve the aesthetics of existing surface parking lots and to discourage new surface parking lots in the Downtown.

#### The London Plan

The subject lands are within the Downtown Place Type in The London Plan, which is the highest-order mixed use activity centre in the City. The Downtown Place Type permits a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses. New surface commercial parking lots are not permitted in the Downtown Place Type, and further extensions to temporary zones permitting surface commercial parking lots that have been in existence for an extended period of time are discouraged.

#### Our Move Forward: London’s Downtown Plan

Our Move Forward: London’s Downtown Plan serves as a guideline document adopted under Chapter 19 of the 1989 Official Plan and provides strategic direction for the long-term development of downtown. The Downtown Plan identifies specific sites in the downtown that are opportunity sites for redevelopment and sites that are currently underutilized, many of which are currently used as surface commercial parking lots.

#### Downtown Parking Strategy

The Downtown Parking Strategy was approved by Council in December 2017. It is a comprehensive study which considers a number of factors, including: existing downtown parking supply and usage; future development implications; the City’s role in the provision of shared public parking resources; financial implications; and recommendations on an approach to surface commercial parking lots.

## 4.0 Key Issues and Considerations

### 4.1 Issue and Consideration # 1: Use

The use of the subject property as a surface commercial parking lot has existed since 2002 when the initial temporary zone permissions were granted. The use has since existed for approximately 16 years through periodic extensions to the temporary zone, allowing the temporary use to adopt a more permanent nature.

#### *Provincial Policy Statement, 2014 (PPS)*

Section 1.1.3.2 a) of the PPS promotes densities and land uses that support efficient use of land and resources, support active transportation, and are transit supportive where transit is planned, exists, or may be developed. The proposed surface commercial parking lot does not support these policies, as its long-term continued use discourages potential for future redevelopment to a more intense, transit supportive land

use. The PPS encourages land use patterns, densities, and a mix of uses that reduces length and number of vehicle trips (1.6.7.4). The long-term use of the subject property as a surface commercial parking lot is a means of encouraging vehicle trips to the downtown, which is inconsistent with this policy of the PPS.

Section 1.7.1 of the PPS encourages long-term prosperity to be supported by maintaining and enhancing the vitality and viability of downtowns and main streets. The continued use of the subject property as a surface commercial parking lot continues to delay future development opportunities that will enhance the vitality and viability of the downtown, and as such, is inconsistent with this policy.

While the longer-term use of the subject property as a surface commercial parking lot is inconsistent with the policies of the PPS, a short-term extension of the temporary zone will not encumber the site for future redevelopment. Rather, a six (6) month extension would allow opportunity for current users of the parking lot to make alternative parking arrangements and facilitates a phased approach to discontinuing the use on this site.

#### *1989 Official Plan & The London Plan*

The subject property is designated Downtown Area in the 1989 Official Plan. Major office uses, hotels, convention centres, government buildings entertainment uses and cultural facilities which have a city-wide or larger service area will be encouraged to locate in the Downtown (4.1.5). A broad range of retail; service; office; institutional; entertainment; cultural; high density residential; transportation; recreational; and open space uses are permitted (4.1.6).

The subject property is located within the Downtown Place Type in The London Plan. The Downtown is the highest-order mixed use activity centre in the city and permits a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses (800). New surface commercial parking lots are not permitted and extensions of temporary zones permitting surface commercial parking lots that have been in existence for an extended period of time are discouraged (800.4 and 800.5).

On May 8, 2018, City Council approved new policies in the 1989 Official Plan and The London Plan which provide evaluation criteria for applications to extend temporary zoning for surface commercial parking lots. Section 4.1.10 iv) of the 1989 Official Plan and Section 1673a of The London Plan establish the following criteria to evaluate requests for temporary extensions to existing surface commercial parking lots:

1. *The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.*

The recently Council-approved Downtown Parking Strategy provides direction on utilization rates of existing surface commercial parking lots operating in six (6) sub-areas of the Downtown (Figure 2). The subject property is located within sub-area 5, which has a low utilization rate of 57%. As such, there is no demonstrated need for a surface commercial parking lot on this site based on utilization rates of the area surrounding the subject site.

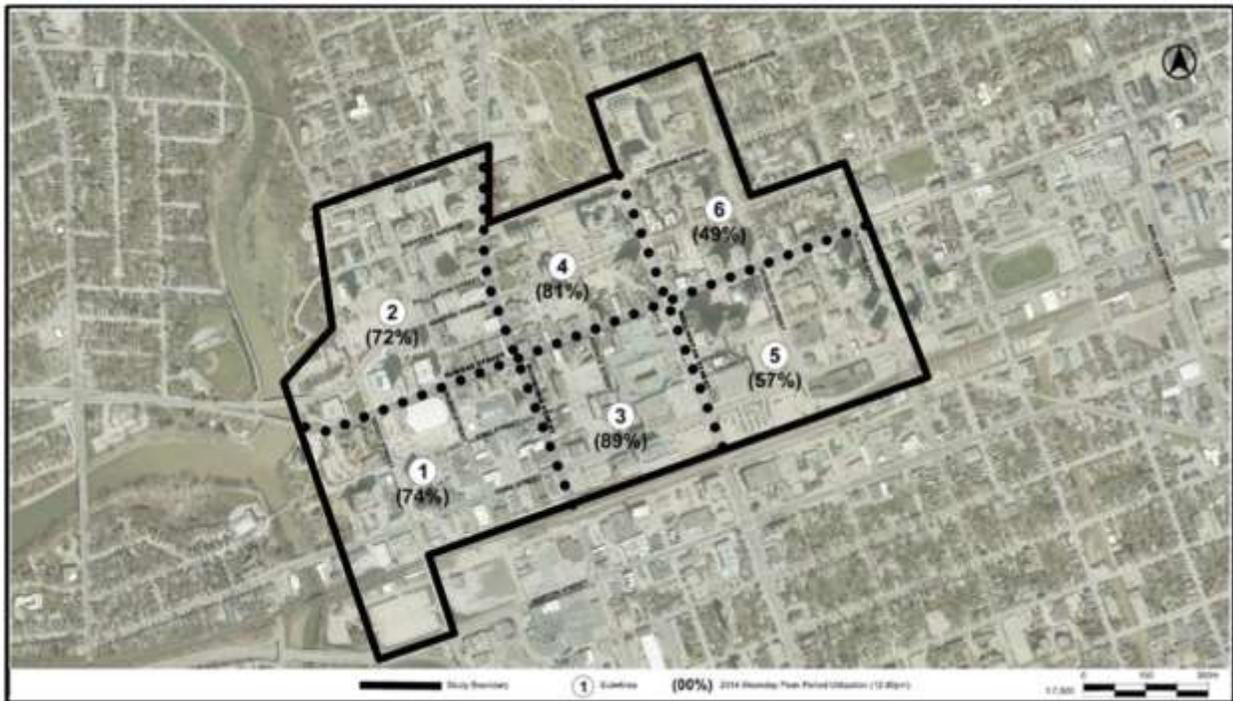


Figure 2: Parking Utilization by Study Sub-Area (Downtown Parking Strategy)

- 2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.*

The streetscapes along the York Street and Waterloo Street frontages are already impacted by the existing surface commercial parking lot on site. Continued long-term extension of this temporary zone will further discourage redevelopment of the site and, notwithstanding the recent completion of site works, offers little improvement to the streetscape.

The subject site has frontages on two streets which provides an opportunity for development that begins to improve the pedestrian environment and close the gap between Waterloo Street and the Convention Centre.

- 3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.*

While irregularly shaped, the subject lands form a sizable lot with an area of 495 square metres (0.37 acres). The property to the north, municipally addressed as 335 King Street, shares the same owner as the subject property. As such, consolidation of these two properties would further increase the viability for redevelopment of the subject site.

- 4. The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long-term basis.*

The parking lot has been in existence since 2002, approximately 16 years, through periodic extensions to the temporary zone. Additional long-term extensions begin to allow for a permanent nature of the site as a surface commercial parking lot to manifest.

- 5. Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.*

Our Move Forward: London's Downtown Plan and the Downtown Parking Strategy were both used as guidance through the application of these policies. The site is identified as an underutilized site in Our Move Forward: London's Downtown Plan

(Figure 3) and located within sub-area 5 in the Downtown Parking Strategy, with a low utilization rate of 57% (Figure 2).



Figure 3: Priority Sites for Redevelopment (Our Move Forward: London's Downtown Plan)

6. *Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.*

Site plan approval was granted in 2004. The owner has recently completed all required site works to bring the site in compliance with the approved Development Agreement.

7. *Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements.*

A short-term, six (6) month extension to the temporary zone is recommended to allow users of the lot to find alternative parking arrangements. This provides a gradual and phased approach to discontinuing the temporary use of the property as a surface commercial parking lot.

Chapter 19.4.5 and Section 1672 in the 1989 Official Plan and The London Plan, respectively, also establish evaluation criteria for Temporary Use By-laws. These criteria are as follows:

1. *Compatibility of the proposed use with surrounding land uses;*

Surrounding land uses include an automotive sales and service establishment to the southeast, the London Convention Centre to the west, and surface parking lots directly to the north and west. Though the existing surface commercial parking lot does not conflict with these uses in the short-term, its long-term operation precludes redevelopment of the site to a more compatible land use.

2. *Any requirement for temporary buildings or structures in association with the proposed use;*

No temporary buildings or structures in association with the use are proposed. Automated parking pay and display machines, lighting, fencing and enhanced landscaping have been installed on site in accordance with the approved site plan.

3. *Any requirement for temporary connection to municipal services and utilities;*

The proposed surface commercial parking lot does not require any connection to municipal services and utilities.

4. *The potential impact of the proposed use on transportation facilities and traffic in the immediate area;*

There are no impacts anticipated on transportation facilities or traffic in the immediate area from the recommended short-term six (6) month extension.

Transportation staff have advised that a gradual approach to the discontinuation of temporary zone permissions for surface commercial parking lots in areas of low utilization should be undertaken.

5. *Access requirements for the proposed use;*

Two access points from York Street and Waterloo Street currently exist to the site. These accesses have been recently formalized through the use of curbing, sod, and landscaping, as required by the approved Development Agreement.

6. *Parking required for the proposed use, and the ability to provide adequate parking on-site; and,*

As the proposed temporary use is a surface commercial parking lot, there is no concern related to the provision of adequate parking for the temporary use.

7. *The potential long-term use of the temporary use.*

The site has operated as a surface commercial parking lot since 2002 through temporary zoning. Further extensions of the temporary zone will allow the use to continue establishing a longer-term pattern of use. A short-term extension, which does not inhibit or obstruct the redevelopment of the site into a desired commercial, residential or mixed use form in the future, is recommended to allow users of the lot to make alternative parking arrangements.

In addition to the above, Section 1672 of The London Plan provides two additional evaluation criteria:

1. *In the case of temporary commercial surface parking lots in the Downtown, the impact on the pedestrian environment in the Downtown.*

Temporary surface parking lots such as the subject site, do not contribute to the pedestrian environment the way built form does through activity, animation, interest, or streetscape. The site has been recently upgraded with sod and landscaping, lending some improvement to the pedestrian environment. However, redevelopment of the subject site with a compatible built form is most desirable for improvement to the pedestrian environment.

2. *The degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands.*

The subject site has the ability to develop with a wide range of uses as permitted by the existing zoning. Further, the property to the north (municipally addressed as 335 King Street) is also owned by Bradel Properties Ltd. and consolidation of the two properties would allow for a comprehensive and viable development form.

*Our Move Forward: London's Downtown Plan*

The Downtown Plan encourages the redevelopment of vacant sites by discontinuing temporary zoning on underutilized and opportunity sites, with the intent to increase the

population of residents and workers downtown (5.2). As the Downtown Plan recognizes surface parking lots as ideal redevelopment sites, the subject property is identified as an underutilized site on Map 5 (Figure 3). The Downtown Plan further recognizes that there is no net loss of parking through the redevelopment of these sites, as parking can be regained by being incorporated into the design of new development.

*Downtown Parking Strategy*

The Downtown Parking Strategy provides a number of recommendations for how the City should manage surface commercial parking lots downtown. Of these recommendations, is a gradual approach to discontinuing temporary zone permissions for surface parking lots where utilization is low. The subject site is located in sub-area 5 which has the second lowest utilization rate of 57% (Figure 2). The recommended six (6) month extension of the temporary zone is consistent with the recommendations of the Downtown Parking Strategy, as it facilitates a gradual discontinuation of the temporary zone.

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

<b>5.0 Conclusion</b>
-----------------------

The recommendation to refuse a 3-year extension to permit the continued use as a surface commercial parking lot, and the recommended 6-month temporary zone are consistent with the Provincial Policy Statement and is in accordance with the general intent of the Official Plan and The London Plan policies. The amendment will allow for an extension of the existing surface commercial parking lot for a short-term temporary period of six (6) months, allowing users of the site to find alternative parking arrangements.

<b>Prepared by:</b>	<b>Catherine Lowery, MCIP, RPP</b> <b>Planner II, 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 19, 2018  
MT/mt

**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 324  
York Street.

WHEREAS Bradel Properties Ltd. has applied to extend the Temporary Use (T-71) as it applies to lands located at 324 York Street for a period not exceeding three (3) years;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by by-law No. Z.-1-182635 approved the Temporary Use for 324 York Street for a period not exceeding six (6) months expiring June 12, 2018;

AND WHEREAS the Municipal Council of the Corporation of the City of London deems it advisable to extend the Temporary Use for the said property for a period not exceeding six (6) months;

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) Section Number 50.2 (71) of the Temporary (T) zone is amended by revising the following subsection for the property known municipally as 324 York Street:

T-71

Lands located at 324 York Street, as shown on the map attached hereto, comprising part of Key Map No. A107, may be used as a surface commercial parking lot for a temporary period not exceeding six (6) months expiring on May 6, 2019.

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 November 6, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 6, 2018  
Second Reading – November 6, 2018  
Third Reading – November 6, 2018

## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On June 27, 2018, Notice of Application was sent to 16 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 28, 2018. A “Planning Application” sign was also posted on the site.

No replies were received

**Nature of Liaison:** Possible change Zoning By-law Z.-1 by amending the temporary use provisions of the existing holding Downtown Area Special Provision (h-3\*DA1(1)\*D350\*H95/DA1(3)\*D350\* H95/T-71) Zone, to extend the temporary commercial parking lot use for an additional three (3) years.

**Responses:** None

### Agency/Departmental Comments

July 27, 2018: Transportation

Council has recently approved the downtown parking strategy, one of the key recommendations of the downtown parking strategy is for a gradual approach to the discontinuation of temporary zone permissions for temporary surface commercial parking lots for areas where parking utilization is low. This property is located in sub area 5 where the current parking utilization rate is 57%. Details regarding the downtown parking strategy please use the following web link:

<https://www.london.ca/residents/Roads-Transportation/Transportation-Planning/Pages/Parking-Strategy.aspx>

June 27, 2018: CN Rail / June 28, 2018: UTRCA

No objections

## Appendix C – Policy Context

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

### Provincial Policy Statement, 2014

1.1.3.2 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;
  3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
  4. support active transportation;
  5. are transit-supportive, where transit is planned, exists or may be developed; and
  6. are freight-supportive;
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;
- b) optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities;
- c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;
- e) promoting the redevelopment of brownfield sites;
- f) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;
- g) providing opportunities for sustainable tourism development;
- h) providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts;
- i) promoting energy conservation and providing opportunities for development of renewable energy systems and alternative energy systems, including district energy;
- j) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature; and
- k) encouraging efficient and coordinated communications and telecommunications infrastructure.

### 1989 Official Plan

4.1. Downtown Designation

*The Downtown is the primary multi-functional activity centre serving the City of London and the surrounding area, comprising much of southwestern Ontario. It contains regionally significant office, retail, service, government recreational, entertainment and*

*cultural facilities and is distinguished from other areas in the City by its concentration of employment and its intensive, multi-functional land use pattern. It is intended that the Downtown will continue to be the major office employment centre and commercial district in the City, and that its function as a location for new medium and high density residential environment will be strengthened overtime. Support will also be given to the continued development of the Downtown as a regional meeting place and as the primary location for hotel, convention, cultural entertainment and other service facilities that will promote local tourism.*

#### 4.1.5. Major Facilities

Major office uses, hotels, convention centres, government buildings entertainment uses and cultural facilities which have a city-wide or larger service area will be encouraged to locate in the Downtown.

#### 4.1.6. Permitted Uses

Council shall support the continued development of the Downtown as a multi-functional regional centre containing a broad range of retail; service; office; institutional; entertainment; cultural; high density residential; transportation; recreational; and open space uses.

#### 4.1.10 iv) Parking – Surface Parking Lots

The creation of new surface level commercial and/or accessory parking lots within the Downtown Shopping Area will be discouraged. Surface parking lots outside of the Downtown Shopping Area that require the demolition of significant heritage buildings will also be discouraged.

For lands within the Downtown Area designation, the following criteria will be used to evaluate both applications for temporary zoning to permit surface commercial parking lots and applications for extensions to temporary zoning to permit surface commercial parking lots:

1. The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.
2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.
3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.
4. The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long-term basis.
5. Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.
6. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.
7. Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements.

#### 19.4.5. Temporary Use By-laws

Provided the general intent and purpose of the Official Plan are maintained, Council may pass by-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited by this Plan, for renewable periods not exceeding three years, in accordance with the provisions of the Planning Act.

#### Enacting Provisions

In enacting a Temporary Use By-law, Council shall have regard for the following matters:

- (a) compatibility of the proposed use with surrounding land uses;
- (b) any requirement for temporary buildings or structures in association with the proposed use;

- (c) any requirement for temporary connection to municipal services and utilities;
- (d) the potential impact of the proposed use on transportation facilities and traffic in the immediate area;
- (e) access requirements for the proposed use;
- (f) parking required for the proposed use, and the ability to provide adequate parking on-site; and,
- (g) the potential long-term use of the temporary use.

### The London Plan

800\_ The Downtown is the highest-order mixed use activity centre in the city. The following uses may be permitted within the Downtown:

800\_4 New surface accessory parking lots should not be permitted in the Downtown. New surface commercial parking lots shall not be permitted.

800\_5 Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists in the vicinity of the subject lot.

1672\_ In enacting a temporary use by-law, City Council will have regard for the following matters:

1. Compatibility of the proposed use with surrounding land uses.
2. Any requirement for temporary buildings or structures in association with the proposed use.
3. Any requirement for temporary connection to municipal services and utilities.
4. The potential impact of the proposed use on mobility facilities and traffic in the immediate area.
5. Access requirements for the proposed use.
6. Parking required for the proposed use, and the ability to provide adequate parking on-site.
7. The potential long-term use of the temporary use.
8. In the case of temporary commercial surface parking lots in the Downtown, the impact on the pedestrian environment in the Downtown.
9. The degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands.

1673\_ It is not intended that temporary uses will be permitted on a long-term basis and they will not be permitted where they may interfere with the long-term planning for a site. Permanent structures for temporary uses will not be permitted. Severances to support temporary uses may not be permitted where they may negatively impact long-term planning.

1673\_a In addition to the other Temporary Use Provision policies and the Downtown Place Type policies of this Plan, applications for temporary zoning to support surface commercial parking lots in the Downtown will be evaluated based on the following criteria:

1. The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.
2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.
3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.
4. The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long-term basis.
5. Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.

6. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.
7. Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements.

### Our Move Forward: London's Downtown Plan

#### Redevelopment Opportunities (p. 21)

Within the downtown there are many underutilized sites and opportunities for redevelopment. Surface parking lots, in particular, present ideal conditions for redevelopment, as there is relatively little site work needed before new construction can begin. There is no net loss of the parking anticipated in the redevelopment of these parking lots, as parking can be regained by incorporating underground and structured parking into the design of the new development.

Of these underutilized sites, there are opportunity sites where new development could bridge streetwall gaps and/or link activity generators. These strategic locations are priority sites for redevelopment.

#### Planning Policies (p. 63)

5.2 (Build a Greit Neighbourhood) Encourage the redevelopment of vacant sites to increase the resident and worker population downtown by discontinuing temporary-use zoning on these sites.

Requests for temporary zoning for surface commercial parking lots, and extensions to temporary zoning for surface commercial parking lots, will be evaluated based on the following criteria:

1. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.
2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.
3. The location, configuration and size of the parking area will be designed to support the provision of, and enhance the experience of pedestrians, transit-users, cyclists and drivers.
4. The impact of parking facilities on the public realm will be minimized by strategically locating and screening these parking areas. Surface parking should be located in the rear yard or interior side yard.
5. Surface parking lots should be designed to include a sustainable tree canopy with a target of 30% canopy coverage at 20 years of anticipated tree growth.
6. Surface parking located in highly-visible areas should be screened by low walls and landscape treatments.
7. Lighting of parking areas will be designed to avoid negative light impacts on adjacent properties.
8. Large surface parking lots shall be designed with areas dedicated for pedestrian priority including landscaping to ensure safe pedestrian connectivity throughout the site.
9. Surface parking areas will be designed to incorporate landscape/tree islands for visual amenity and to help convey stormwater and reduce the heat island effect.
10. Large surface parking areas will be designed to incorporate low impact development measures to address stormwater management.

### Downtown Parking Strategy

#### 1.1 Study Purpose and Background

The key to future development in the downtown will be the replacement of existing surface parking lots with new developments. Determining how much parking is required, how it is provided, what role the City should play in meeting future parking demand, the financial implications associated with providing new parking and the most appropriate municipal service delivery model to employ in order to maximize the return on

investment of public funds are critical considerations in the development of a parking management strategy for the downtown.

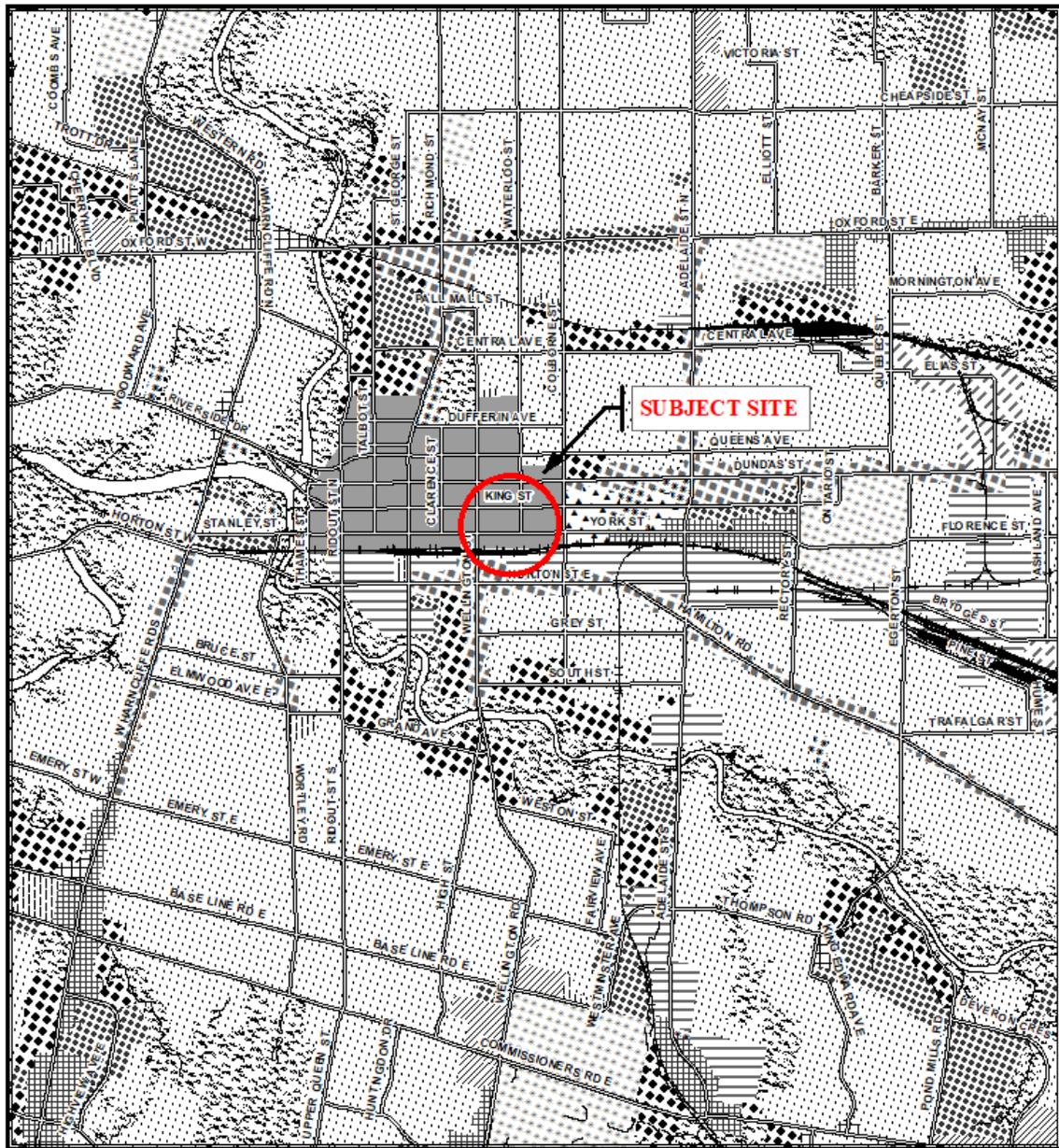
In April 2015, London City Council adopted a plan for the downtown entitled “Our Move Forward: London’s Downtown Plan”. This plan provided seven strategic directions and described ten transformational projects that would ensure the continued success of the downtown well into the future. The plan identified many underutilized sites that were primarily surface parking lots, where new development could bridge street wall gaps and/or link key activity generators and therefore should be viewed as strategic priority locations for redevelopment.

1.6.5 Take a gradual approach to the discontinuation of temporary zone permissions for temporary surface commercial parking lots in downtown where there is surplus public parking due to lower parking utilization and aligned with the timing of providing additional parking facilities in the future and the implementation of the new rapid transit system.

As a starting point, the City should develop an inventory of all existing noncomplying downtown surface commercial lots and require each land owner to secure a temporary zone permission in order to maintain operations. Temporary zone permissions should no longer be issued for any new surface parking lots in the downtown.

**Appendix D – Relevant Background**

**Additional Maps**



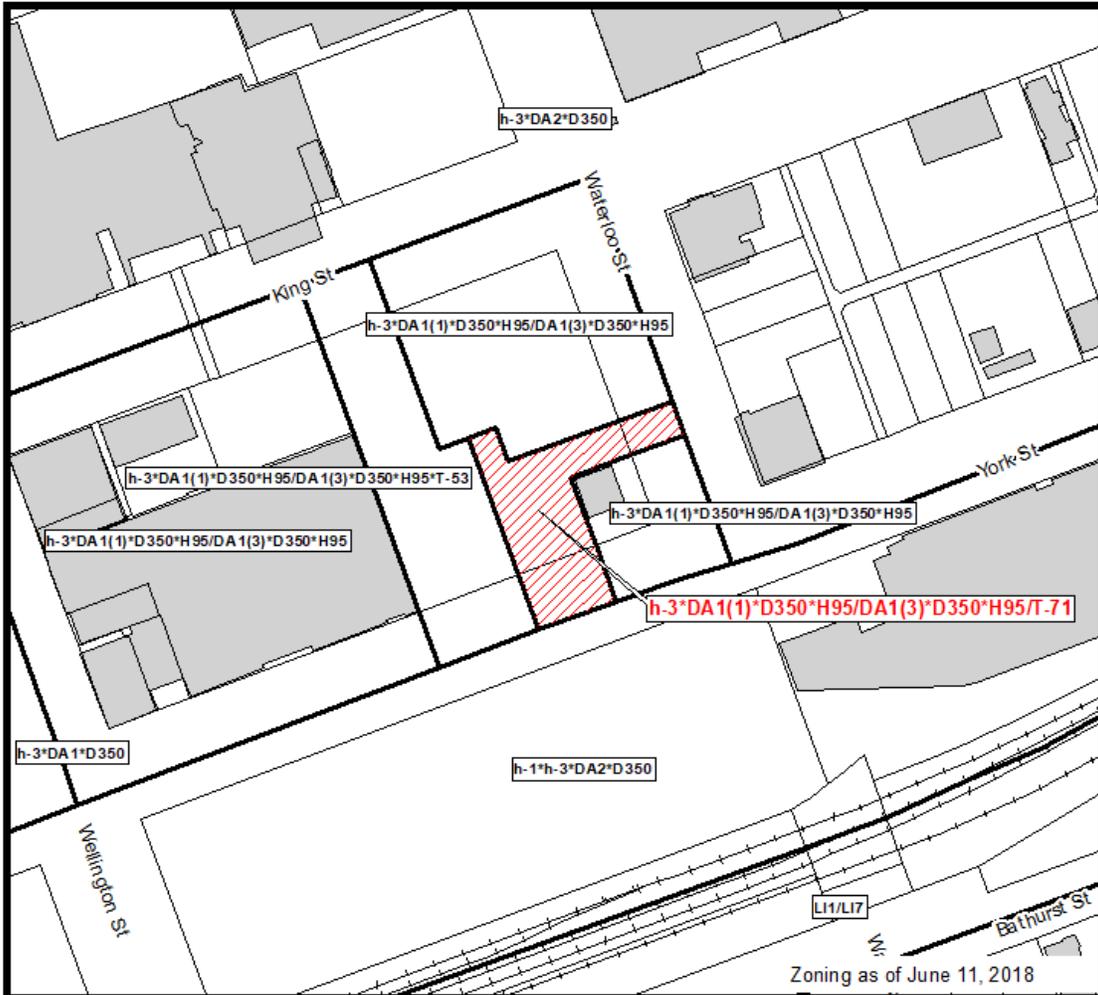
Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<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>	FILE NUMBER: TZ-8917
		PLANNER: CL TECHNICIAN: MB DATE: 2018/09/21

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\00\00\excerpts\mxd\_templates\scheduleA\_b&w\_8x14\_with\_SWAP.mxd





 COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: h-3°DA1(1)\*D350°H95/DA1(3)\*D350°H95/T-71

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>"h" - 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:

TZ-8917 CL

MAP PREPARED:

2018/09/20 MB

1:2,000

0 10 20 40 60 80 Meters

**Additional Reports**

Z-6166: December 10, 2001 – Report to Planning Committee: request to extend the temporary zone for 3 years

Z-6838: January 21, 2005 – Report to Planning Committee: request to extend the temporary zone for 3 years

Z-8382: September 23, 2014 – Report to Planning and Environment Committee: request to extend the temporary zone for 3 years

15 DOW t: December 4, 2017 – Report to Planning and Environment Committee: Downtown Commercial Parking Lots Information Report

TZ-8815: December 4, 2017 – Report to Planning and Environment Committee: request to extend the temporary zone for 3 years

O-8876: April 30, 2018 – Report to Planning and Environment Committee: Official Plan, The London Plan and Downtown Plan Criteria for Downtown Temporary Surface Commercial Parking Lots

## 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  
1395 Riverbend Road  
Application for Zoning By-law Amendment

**Public Participation Meeting on: October 29, 2018**

## Recommendation

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 1395 Riverbend Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on November 6, 2018 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands **FROM** a Holding Residential R5/R6/R7/R8 Special Provision (h•h-206•R5-6(10)/R6-5(42)/R7•D75•H18/R8-4(29)) Zone and a Holding Residential R5/R6 Special Provision (h•h-206•R5-3(18)/R6-5(42)) Zone **TO** a Holding Residential R6/R7 Special Provision (h•h-206•R6-5(42)/R7( )•D100•H30) Zone with a special provision to permit a seniors apartment building with a maximum 100 units and a retirement lodge with a maximum 125 beds; front and exterior side yard depth to main building (minimum) of 3.0 metres; front and exterior side yard depth to the sight triangle (minimum) of 0.8 metres; lot coverage (maximum) of 40%; and required parking (minimum) of 120 spaces.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended actions is to amend the Zoning By-law to permit the development of a six to seven storey senior's apartment building and retirement residence on the easterly portion of the site, and to permit the development of future townhouses on the westerly portion of the site.

### Rationale of Recommended Action

1. The recommended Zoning By-law Amendment is consistent with the Provincial Policy Statement.
2. The recommended zoning special provisions are appropriate, and conform with The London Plan, the Official Plan, and the Riverbend West Five Specific Area Policies.
3. The proposal is found to be compatible in terms of form, scale, and intensity within the context of existing and planned future development for this area.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The site consists of vacant lands within a recently registered plan of subdivision (part of Block 1 Plan 33M-743). The site is currently being used as a construction staging area, and was previously cultivated for field crops. The topography is relatively flat with a slight downward slope from south to north. There are no natural heritage features, vegetation or tree cover within the site. Both Riverbend Road and Shore Road are classified as Neighbourhood Connectors in The London Plan. Shore Road is classified as Secondary Collector in the 1980 Official Plan. Riverbend Road is classified as a Primary Collector south of Shore Road, and a Secondary Collector north of Shore Road..

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

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Multi-family, Medium Density Residential
- Existing Zoning – Holding Residential R5/R6/R7/R8 Special Provision (h•h-206•R5-6(10)/R6-5(42)/R7•D75•H18/R8-4(29)) Zone and Holding Residential R5/R6 Special Provision (h•h-206•R5-3(18)/R6-5(42)) Zone

#### 1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 57 metres
- Depth – 220 metres
- Area – 1.45 hectares overall area (portion of site for seniors/retirement residence - 0.814 hectares)
- Shape – regular

#### 1.4 Surrounding Land Uses

- North – Elementary school, neighbourhood park and single detached residential dwellings
- East – townhouses and stacked townhouses
- South – vacant lands for future development
- West – vacant lands for future development



 Proposed Seniors Apartment and Retirement Residence

1.5 Location Map



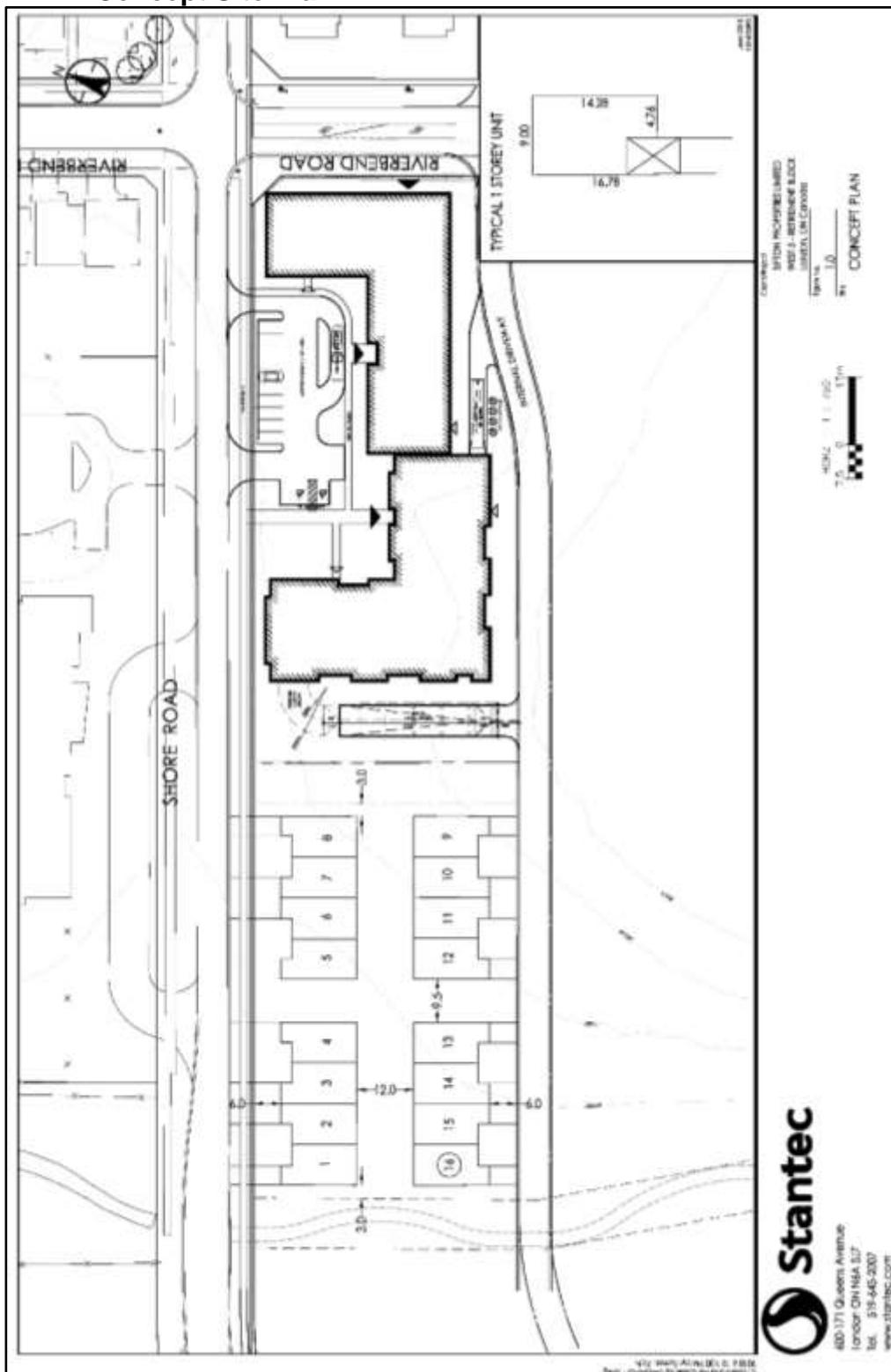
Location Map		Legend	
Subject Property:	1395 Riverbend Road		Subject Property
Applicant:	SIFTON PROPERTIES LIMITED		Parks
File Number:	Z-8924		Assessment Parcels
Created By:	Larry Mottram		Buildings
Date:	10/1/2018		Address Numbers
Scale:	1:4000		
Corporation of the City of London			

## 2.0 Description of Proposal

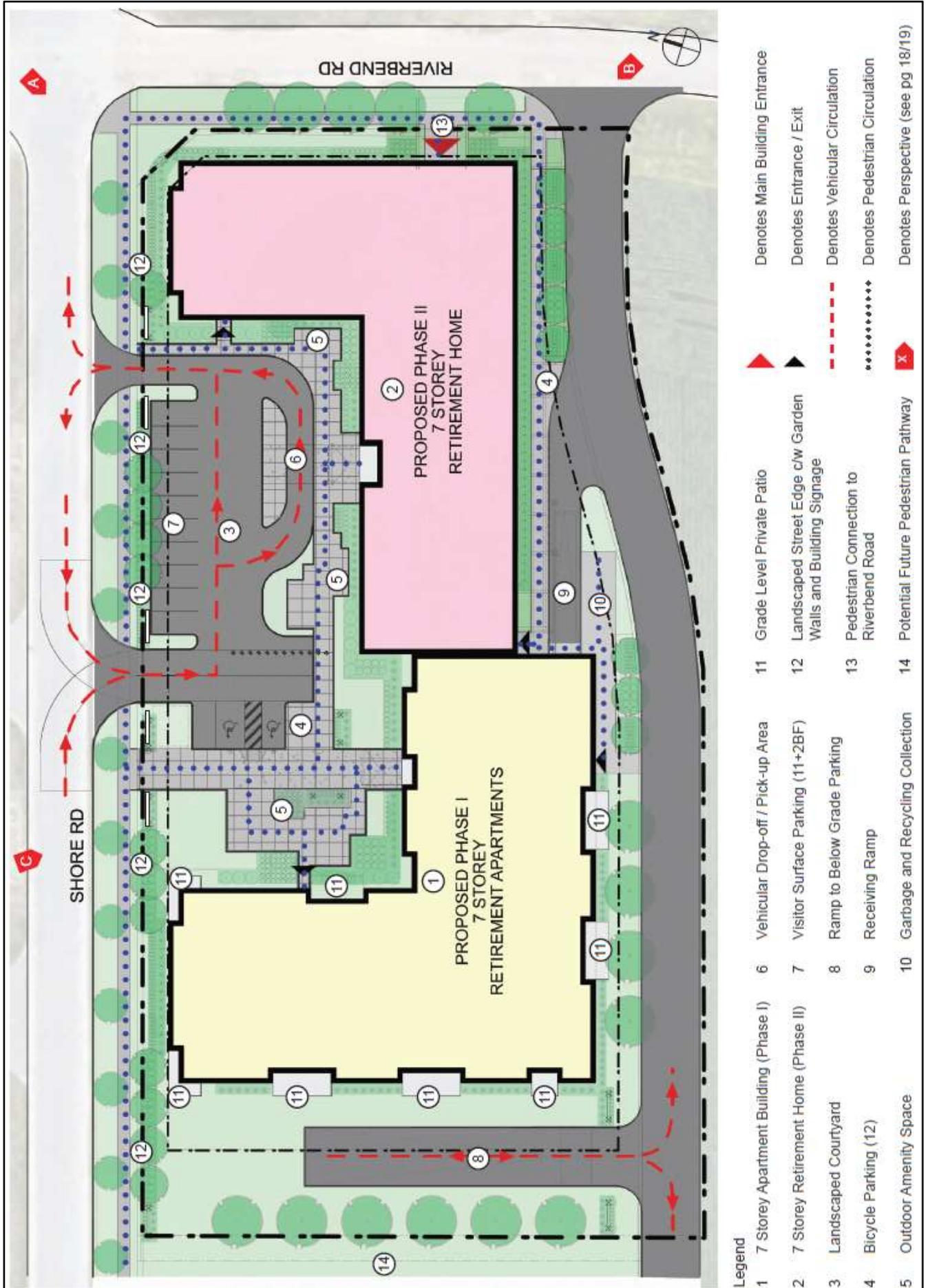
### 2.1 Development Proposal

This is a proposed two-phase development consisting of a seniors' apartment building (west wing) to be constructed as Phase 1 and a retirement residence (east wing) to be constructed as Phase 2. The buildings will be physically connected upon completion. Phase 1 is proposed to accommodate 98 retirement apartments plus common lounge and dining space. Phase 2 is proposed to accommodate 100 retirement home suites with a total of 124 beds plus a common lounge and separate activity, therapy, administrative, and dining spaces. The building will consist of a six storey residential wings and a partial seventh floor accommodating the main dining rooms for both buildings. It will feature a single slope, cantilevered roof to optimize roof top solar energy production. Parking is proposed underground with access from Riverbend Road via a common access driveway. Visitor parking is also provided on-site with access from Shore Road. The remainder of the site to the west is anticipated to be developed for future townhouses, as illustrated on the Concept Site Plan below.

### 2.2 Concept Site Plan



2.3 Site and Landscape Plan



Site Plan and Landscape Plan Excerpt from West Five Retirement Living Buildings - Urban Design Brief prepared by Sifton Properties Limited and Cornerstone Architecture



Massing model and aerial perspective looking south-east towards the Shore Road frontage.



Illustration of north building elevation along Shore Road.



Illustration of east building elevation along Riverbend Road.

## 3.0 Relevant Background

### 3.1 Planning History

On January 8, 2016, the Approval Authority for the City of London approved a Draft Plan of Subdivision for Sifton Properties Limited proposed as the “West Five” development lands encompassing an area of approximately 30 hectares bounded by Oxford Street West, Westdel Bourne, Shore Road, and Kains Road. The Draft Plan is made up of large development blocks consisting of 1 medium density residential block, 3 medium density residential / mixed use blocks, 1 mixed use block, and 1 high density residential / mixed use block, served by 1 primary collector and 2 local streets (File No. 39T-14503/OZ-8410)

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

The first phase of West Five was registered as a single townhouse development block in October of 2016 as Plan 33M-706. The lands which are the subject of this application are located within the second phase which was registered as Plan 33M-743 on April 19, 2018. This phase primarily comprises the westerly half of the West Five lands and includes the southerly extension of Riverbend Road from Shore Road to Oxford Street West, as well as the east-west extension of Linkway Boulevard between Riverbend Road and Westdel Bourne.

### 3.2 Requested Amendment

The applicant has requested amendments to Zoning By-law Z.-1 to change the zoning of the lands by removing the Residential R5 Special Provision (R5-6(10)) and Residential R8 Special Provision (R8-4(29)) Zones; maintaining the existing Residential R6 (R6-5(42)) Zone; and rezoning to a Residential R7 Special Provision (R7( )\*D100\*H30) Zone to permit a seniors apartment building with a maximum 100 units and a retirement lodge with a maximum 125 beds, together with a special provision for a front and exterior side yard depth to main building (minimum) of 3.0 metres, a front and exterior side yard depth to the sight triangle (minimum) of 0.8 metres, lot coverage (maximum) of 40%, and required parking (minimum) of 120 spaces.

### 3.3 Community Engagement (see more detail in Appendix B)

Comments/concerns received from the community are summarized as follows:

- Impact on the neighbourhood and depreciation of property values.
- Residents don't care to look at a 7 story building looking in on their backyards.
- Additional traffic and congestion that this new development will bring to the area.
- Traffic on Shore Road in front of the elementary school that is already very busy.
- Parents are parking their cars all along the road at school pick-up and drop-off times. Therefore, stopping two-way traffic into one-way traffic and creating a safety hazard. The school should have an additional parking lot, with strict no parking on the street, or a wider street.
- Will Shore Rd be expanded to accommodate extra traffic?
- Is there any consideration of lowering speed limit on Shore Rd and/or installing speed bumps?
- Is there any possibility that this can be maintained as a less than 6-7 story building? Such a large building will shadow much of the St. Nicholas school and take away from the openness that is currently there.
- Will residents be affected by increase in residential property taxes or other fees?

### 3.4 Policy Context (see more detail in Appendix C)

#### Provincial Policy Statement, 2014

The proposal must be consistent with Provincial Policy Statement (PPS) policies and objectives aimed at 1. Building Strong Healthy Communities, 2. Wise Use and Management of Resources, and 3. Protecting Public Health and Safety. The PPS contains strong policies regarding the importance of promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of land uses, housing types, and densities to meet projected needs of current and future residents (Sections 1.1 and 1.4). Section 1.1.1 specifically references residential uses and housing to meet the needs of older persons. The policies for Settlement Areas require that new development should occur adjacent to existing built up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Section 1.1.3.6). Policies for Transportation promote a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (Section 1.6.7.4). Planning Authorities shall also support energy conservation and efficiency through land use and development patterns which, among other matters, promotes design and orientation which maximizes opportunities for the use of renewable and alternative energy systems (Section 1.8.1).

#### The London Plan

The subject lands are located within the Neighbourhoods Place Type in The London Plan, and are situated at the intersection of two Neighbourhood Connector streets. The range of primary permitted uses include single detached, semi-detached, duplex, triplex, townhouses, secondary suites, home occupations, group homes, and small-scale community facilities. Secondary permitted uses include stacked townhouses, fourplexes, low-rise apartments, and mixed-use buildings. The lands are also located within the Riverbend West Five Lands Specific Area Policies which were carried over from the 1989 Official Plan, and are considered in more detail in Appendix 'C'. Consideration has also been given to the policies of the Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools sections. An excerpt from The London Plan Map 1 – Place Types is found at Appendix 'D'.

#### 1989 Official Plan

These lands are designated as Multi-family, Medium Density Residential under Section 3.3 in the Official Plan, which permits multiple attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; and small-scale nursing homes, rest homes, and homes for the aged, as the main uses. The lands are also within the West Five Specific Area Policies in Section 10.1.3.

Planning Justification Report and an Urban Design Brief for the West Five Retirement Living Buildings were prepared and submitted by Sifton Properties Limited and their consultants, including a concept site plan, building floor plans and elevations, colour renderings, shadow studies, massing model and areal perspective views showing the proposed development within the context of the neighbourhood.

## **4.0 Key Issues and Considerations**

### **4.1 Issue and Consideration # 1 – Impact of proposed building height, shadowing, and loss of privacy.**

The Master Plan Concept prepared for the West Five Community has always shown retirement uses for the subject site consisting of two 'L' shape buildings, including one 5 storey building on the easterly side of the site, forming a street wall along Riverbend Road and Shore Road, opposite a 6 storey building on the westerly side of the site. As detailed site design and building plans emerged, the general configuration was revised so that the

two buildings could be connected physically. The 'U' shape configuration of the building does not create a continuous street wall along Shore Road. However, staff agree with the applicant's justification report that it does respect the existing elementary school and single family homes to the north by setting the main building mass back, helping to minimize visual intrusion and shadowing.

As noted in the Urban Design Brief, the intent is to provide a consistent street frontage along Shore Road that is bracketed by the end wings of the two buildings and landscaped to create a buffer between the parking and public sidewalk through drought tolerant landscaping and low masonry garden walls to match the building. Tree planting will be required at a rate of 1 per 15 metres along all interior property lines and 1 per 12 metres along all street property lines, in addition to boulevard street tree plantings. The enhanced landscaped buffer will help lessen the visual impact as well as provide screening for adjacent properties to the north.

The east and west wings are to be 6 storeys in height, with a partial 7<sup>th</sup> floor incorporating the common dining room over the southerly back half of the building. While one storey above the original concept plan for the site, the additional story serves to provide additional architectural interest, excellent views to the surrounding area and reduces the building footprint, allowing for increased landscaping and amenity area for residents.

Shadow studies were prepared as part of the Urban Design Brief which demonstrate the effects of shadowing at different times of the day during different seasons. The studies illustrate that the proposed 6 to 7 storey building will have minimal impact on the surrounding residential and school properties for most of the year. The study illustrations indicate the only substantial shadow cast on the properties north of Shore Road would be experienced during the Winter Solstice (December 21<sup>st</sup>).

The Our Strategy, City Building and Design, Neighbourhood Place Type, and Our Tools policies in The London Plan, as well as the West Five Specific Area Policies, have been reviewed and consideration given to how the proposal contributes to achieving those policy objectives. This proposal is found to represent a compatible fit in terms of form, scale, and intensity within the context of existing and planned future development for this area.

#### **4.2 Issue and Consideration # 2 – Traffic congestion on Shore Road.**

Shore Road and Riverbend Road, north of Shore Road, are classified as Neighbourhood Connectors carrying on average 2,000 and 500 vehicle trips per day average annual daily traffic (AADT), respectively. The proposed development is not expected to contribute significantly to traffic volumes on either road. The responses received from the community engagement process indicates that traffic congestion in this area is heavy, particularly during school drop-off and pick-up times. Vehicular access to the site is proposed from both Shore Road and Riverbend Road. The site plan indicates the proposed west access on Shore Road will be aligned with the elementary school parking lot access to the north. The west access will also be designed to be inbound only, and meet access requirements for the fire route. The east access is designed to be outbound only and be wide enough to accommodate one-way traffic flow. Access to the building's underground parking garage, loading and receiving ramp, and garbage/recycling collection facilities will be provided by a common internal driveway from Riverbend Road.

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

<b>5.0 Conclusion</b>
-----------------------

The recommended amendments to the Zoning By-law are considered appropriate, are consistent with the Provincial Policy Statement, and conform to The London Plan, the West Five Specific Area Policies, and 1989 Official Plan. The applicant's proposal will permit a mid-rise, seniors' apartment building and retirement residence that is appropriate for this location, and compatible with the surrounding land use pattern.

<b>Recommended by:</b>	<b>Larry Mottram, MCIP, RPP</b> <b>Senior Planner, Development Services</b>
<b>Reviewed by:</b>	<b>Lou Pompili, MCIP, RPP</b> <b>Manager, Development Planning (Subdivisions)</b>
<b>Concurred in by:</b>	<b>Paul Yeoman, RPP, PLE</b> <b>Director, Development Services</b>
<b>Submitted by:</b>	<b>George Kotsifas, P.ENG</b> <b>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 19, 2018  
GK\PY\LP\LM\lm

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

Y:\Shared\ADMIN\1- PEC Reports\2018 PEC Reports\16 - Oct 29 '18 PEC\Draft - Z-8924 - 1395 Riverbend Road.docx

**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 1395  
Riverbend Road.

WHEREAS Sifton Properties Limited has applied to rezone an area of land located at 1395 Riverbend Road, 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 1395 Riverbend Road, as shown on the attached map, from a Holding Residential R5/R6/R7/R8 Special Provision (h•h-206•R5-6(10)/R6-5(42)/R7•D75•H18/R8-4(29)) Zone and a Holding Residential R5/R6 Special Provision (h•h-206•R5-3(18)/R6-5(42)) Zone to a Holding Residential R6/R7 Special Provision (h•h-206•R6-5(42)/R7(\_))•D100•H30) Zone.
- 2) Section Number 11.4 of the Residential R7 Zone is amended by adding the following Special Provision:

R7( )

a) Permitted Uses

- i) Seniors apartment building – maximum 100 units
- ii) Retirement lodge – maximum 125 beds

b) Regulations

- i) Front and Exterior Side Yard Depth to Main Building (Minimum) 3.0 metres
- ii) Front and Exterior Side Yard Depth to Sight Triangle (Minimum) 0.8 metres
- iii) Lot Coverage (Maximum) 40%
- iv) Parking (Minimum) 120 spaces

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. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

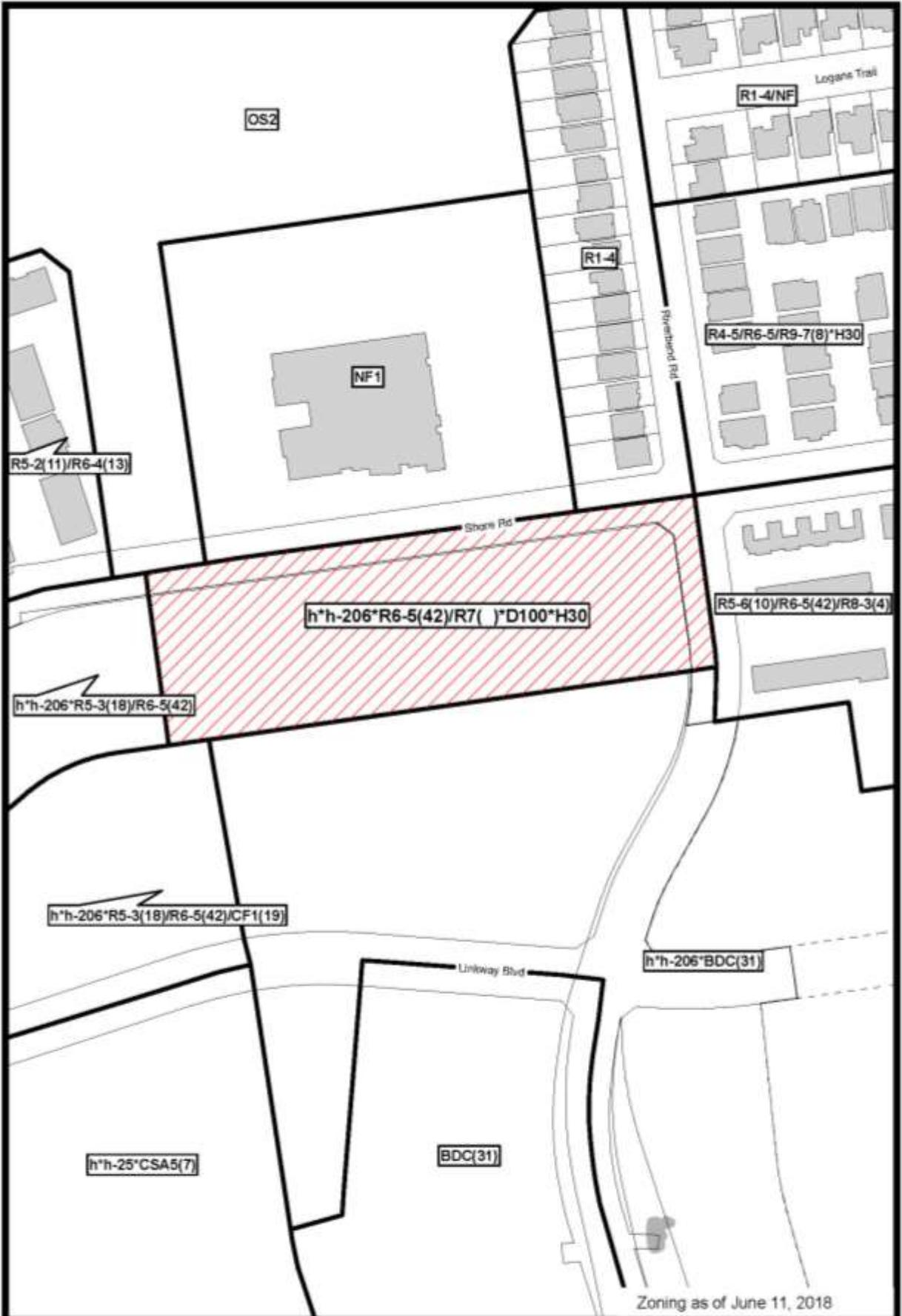
PASSED in Open Council on November 6, 2018.

Matt Brown  
Mayor

Catharine Saunders  
City Clerk

First Reading – November 6, 2018  
Second Reading – November 6, 2018  
Third Reading – November 6, 2018

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



<p>File Number: Z-8924 Planner: LM Date Prepared: 2018/09/28 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>
--	---

City of Abbotsford

## Appendix B

### Community Engagement

**Public liaison:** On July 25, 2018, Notice of Application was sent to 129 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 2, 2018. A “Planning Application” sign was also posted on the site.

5 replies were received

**Nature of Liaison:** The purpose and effect of this application is to allow development of a six (6) to seven (7) storey senior’s apartment building and retirement residence on the easterly portion of the site, and development of future townhouses on the westerly portion of the site. Possible Amendment to Zoning By-law Z.-1 to change the zoning of the lands to remove the Residential R5 Special Provision (R5-6(10)) and Residential R8 Special Provision (R8-4(29)) Zones; maintain the existing Residential R6 (R6-5(42)) Zone; and, rezone to a Residential R7 Special Provision (R7( ) \*D100\*H30) Zone to permit a seniors apartment building – maximum 100 units and retirement lodge – maximum 125 beds, together with a special provision for a front and exterior side yard depth to main building (minimum) of 3.0 metres, a front and exterior side yard depth to sight triangle (minimum) of 0.8 metres, lot coverage (maximum) of 40%, and required parking (minimum) of 120 spaces.

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

**Concern for:**

- Impact on the neighbourhood and depreciation of property values.
- Residents don’t care to look at a 7 story building looking in on their backyards.
- Additional traffic and congestion that this new development will bring to the area.
- Traffic on Shore Road in front of the elementary school that is already very busy.
- Parents are parking their cars all along the road at school pick-up and drop-off times. Therefore, stopping two-way traffic into one-way traffic and creating a safety hazard. The school should have an additional parking lot, with strict no parking on the street, or a wider street.
- Will Shore Rd be expanded to accommodate extra traffic?
- Is there any consideration of lowering speed limit on Shore Rd and/or installing speed bumps?
- Is there any possibility that this can be maintained as a less than 6-7 story building? Such a large building will shadow much of the St. Nicholas school and take away from the openness that is currently there.
- Will residents be affected by increase in residential property taxes or other fees?

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

Telephone	Written e-mail
	Patricia Mcnaughton / 1433 Riverbend Road
	A. De Groot
	John Valenzuela / 2040 Shore Road
	Rob Varao / 1550 Logans Trail
	Bob Morton / 8-1900 Shore Road (Courtyards at Riverbend)

## Agency/Departmental Comments

Upper Thames River Conservation Authority:

*The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act. The UTRCA has no objection to this application.*

## Appendix C – Policy Context

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

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

The proposal must be consistent with Provincial Policy Statement (PPS) policies and objectives aimed at 1. Building Strong Healthy Communities, 2. Wise Use and Management of Resources, and 3. Protecting Public Health and Safety. The PPS contains strong policies regarding the importance of promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of land uses, housing types, and densities to meet projected needs of current and future residents (Sections 1.1 and 1.4). Section 1.1.1 specifically references residential uses and housing to meet the needs of older persons. The proposed development will promote efficient land use by adding to the range of housing choices and providing for a higher intensity development specifically geared to senior's residential accommodation. The site is in close proximity to public parks and open space, as well as a range of future mixed-use/commercial facilities and services. It promotes an efficient and cost effective development and land use pattern, and will not cause environmental or public health and safety concerns.

The policies for Settlement Areas require that new development should occur adjacent to existing built up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Section 1.1.3.6). The subject lands are located within the City's Urban Growth Boundary, and are part of a planned mixed-use community development known as West Five. The site is immediately adjacent existing built-up areas to the north, lands currently under development to the east, and designated and zoned future development lands to the south and west. The proposed development will utilize full municipal services which are currently available at the property boundary.

Policies for Transportation promote a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (Section 1.6.7.4). The proposed development is in close proximity to future mixed use/commercial development to minimize the length and number of vehicle trips, as well as close to anticipated future public transit routes.

Long term economic prosperity is supported by encouraging a sense of place and promoting well-designed built form and cultural planning (Section 1.7.1(d)). An Urban Design Brief was prepared and submitted for this development to ensure a well-designed built form consistent with the West Five Urban Design Guidelines. A sense of place will be provided through well designed building form, landscape buffers, and amenity areas.

Planning Authorities shall also support energy conservation and efficiency through land use and development patterns which, among other matters, promotes design and orientation which maximizes opportunities for the use of renewable and alternative energy systems (Section 1.8.1). Investment in energy conservation and the use of renewable and alternative energy systems, in particular solar-powered electricity technology to be integrated into the building design, is being promoted as a central objective of this development.

There are no identified concerns for protection of natural heritage features or functions, agricultural, mineral aggregates, or cultural heritage and archaeological resources. The

proposed development is outside of any natural hazards and there are no known human-made hazards. Therefore, Development Services staff are satisfied that the recommended Zoning By-law Amendment is found to be consistent with the Provincial Policy Statement.

## **The London Plan**

### **Our Strategy**

#### **Key Direction #4 – Become one of the greenest cities in Canada**

8. *Promote green development standards such as LEED Neighbourhood Development and LEED Building Design and Construction standards.*
13. *Conserve water and energy and deliver these resources in a sustainable and affordable fashion.*

#### **Key Direction #5 – Build a mixed-use compact city**

5. *Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place.*
6. *Mix stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity.*

#### **Key Direction #7 – Build strong, healthy and attractive neighbourhoods for everyone**

1. *Plan for healthy neighbourhoods that promote active living, provide healthy housing options, offer social connectedness, afford safe environments, and supply well distributed health services.*
2. *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.*
3. *Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.*
4. *Create social gathering places where neighbours can come together, such as urban parks and public spaces, community centres, family centres, community gardens, cafés, restaurants, and other small commercial services integrated within neighbourhoods.*

These strategic directions are generally reflected in the Riverbend West Five Specific Area Policies that were adopted by Municipal Council in 2015 as an amendment to the 1989 Official Plan, and carried over into Place Type Policies of The London Plan in Section 884.

### **City Building and Design Policies**

**198\_ All proposals for new neighbourhoods will be required to establish a vision to guide planning for their character and sense of place.**

The future planned vision for this area is articulated in the Riverbend West Five Lands Specific Area Policies. These policies were adopted in the 1989 Official Plan and have been carried over into The London Plan. The vision for the West Five Community is as follows:

*886\_ The West Five community will consist of a mixture of uses - office, retail, residential and public spaces. It is to be a model of “smart” community design incorporating significant energy saving and renewable initiatives, to promote a healthy and sustainable lifestyle. Its success will be achieved by establishing*

*unique architecture, aesthetically pleasing public spaces and vistas, and identifiable landmarks and focal points.*

A Planning Justification Report and Urban Design Brief accompanying the application have been reviewed. Staff generally agree with the finding that overall the proposed development contributes to the mix of uses, by being specifically targeted to senior citizens. It incorporates significant sustainability features, with a strong focus placed on unique architecture and attractive outdoor spaces for residents and visitors.

***252\_ The site layout of new development should be designed to respond to its context and the existing and planned character of the surrounding area.***

The immediate context includes St. Nicholas Catholic Elementary School to the north, existing single family residential to the northeast, existing West Five townhouses to the east, future residential to the west, and future West Five mixed use retail and high density residential to the south. The site spatial analysis prepared as part of the Urban Design Brief identified the intersection of Riverbend and Shore Road as a prominent location with the proposed retirement living buildings standing as a focal point at the northern edge of the West Five Community. Bordered by residential lots and in close proximity to St. Nicholas Catholic Elementary School, it is important for the proposed development to complement its residential context and transition to the higher density development at Riverbend Road and Linkway Boulevard.

***253\_ Site layout should be designed to minimize and mitigate impacts on adjacent properties.***

The Shore Road frontage is bracketed by the building's east and west wings. This frames the entrance courtyard which includes a continuous landscaped street wall including drought tolerant planting and garden walls to highlight the vehicular and pedestrian entrances to the site. It also helps transition from the scale of the proposed high density development to the south to the existing St. Nicholas Catholic Elementary School and the single family residential developments to the north. The Urban Design Brief addressed the transition in building height to adjacent buildings and neighbourhood. A 45 degree angular transition plane will be maintained from the school property on the north side of Shore Road to the proposed new development.

***256\_ Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings. Where a streetscape has not been built out, buildings should be sited with regard for the planned street wall or street line.***

As outlined in the Planning Justification Report and Urban Design Brief, the stated intentions for the building design is to create a 'U' shaped building which optimizes south-facing wall and roof exposure for BIPV (Building Integrated Photovoltaics) while creating a shared landscaped forecourt, which achieves the following:

- Provide clear wayfinding to the Apartment and Retirement Home entrances;
- Provide a safe, accessible and efficient integration of vehicular and pedestrian circulation with clear connections to the public sidewalk;
- Alignment of the vehicular and Fire Route entrance along Shore Road with the vehicular access of St. Nicholas Catholic Elementary School;
- Provide a vehicle lay-by on the south side of the parking lot for convenient drop-off and pick-up at the Retirement Home;
- Limit the amount of on-grade parking to provide landscaped seating areas that are integrated into and accessible from the sidewalks;
- Provide a consistent street frontage along Shore Road that is bracketed by the end wings of the two buildings and landscaped to create a buffer between the parking and public sidewalk through drought tolerant landscaping and low masonry landscape walls to match the building; and,
- Incorporate building signage into the landscape buffer/street frontage adjacent to the main vehicular and pedestrian site entrance.

While this configuration does not create a continuous “street wall” along Shore Road, it does respect the existing elementary school and single family homes to the north by setting the main building mass back and minimizing shadows. The Landscape Plan indicates the street edge along Shore Road will be softened by a substantial landscaped buffer incorporating a variety of deciduous and coniferous plantings (Sugar Hackberry, Dwarf Japanese Yew, Hick’s Yew, Smooth Rose, Autumn Joy Sedum and other drought tolerant plantings) as well as 1375 mm (4.5 ft.) high garden walls with 1524 mm (5.0 ft.) high piers to match the building. The ‘U’ shape building also maximizes the solar potential of the south elevation, contributing to West Five’s goal of net zero energy use.

***259\_ Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.***

The zoning request for a minimum front and exterior side yard depth to the main building of 3.0 metres is consistent with the zone setbacks regulations that are currently in place. When the original zoning was approved for West Five by Council, consideration was given to reduced front and exterior yards based on the West Five Urban Design Guidelines, and City of London Placemaking Guidelines which suggest a minimum of 3.0 metres and maximum of 4.5 metres building setback. The goal is to ensure streets are well framed by buildings that front the street encouraging a stronger relationship between the public and private realm.

***269\_ Buildings should be sited to minimize the visual exposure of parking areas to the street.***

Underground parking will serve residents and staff, with a limited number of surface parking spaces provided for visitors at the entrance. Access to underground parking, receiving area, and garbage/recycling collection will be off of the south internal driveway to keep these operations separate from the main vehicular and pedestrian activity located in the forecourt.

***294\_ In conformity with the Green and Healthy City policies of this Plan, buildings should incorporate green building design and associated sustainable development technologies and techniques.***

The proposed Retirement Living Buildings will be designed to meet West Five’s sustainable design principles for achieving a net zero smart community. The Planning Justification Report and Urban Design Brief identify numerous sustainability features being incorporated into the buildings, including:

- Building integrated photovoltaic cells;
- High efficient exterior envelope, and high SRI roof membrane;
- Lower window to wall ratio;
- High performance glazing;
- Air source variable refrigerant heating/cooling system;
- Energy recovery ventilation equipment;
- Energy star appliances;
- Heat recovery for use in the building from kitchen area;
- Low maintenance and drought tolerant native vegetation plantings;
- Occupancy sensors; and,
- Excellent southerly and westerly exposure for solar energy capture.

***290\_ Buildings located on corner sites should address the corner through building massing, location of entrances, and architectural elements.***

The east wing (Retirement Residence Building) to be constructed in Phase 2 will be designed with a strong orientation and massing to the corner, with architectural fenestration eliminating the appearance of blank side walls. The Urban Design Brief further notes that the building will be positioned along Riverbend Road to permit the ground floor common spaces to face Riverbend Road and Shore Road. An access point

to the building is provided through the café space which is located at the southeast corner of the building. The Activity/Games Room is located at the northeast corner of the building.

**301\_ A diversity of materials should be used in the design of buildings to visually break up massing, reduce visual bulk and add interest to the building design.**

The elevation plans illustrate how fenestration patterns have been incorporated into the building facades to eliminate blank walls. Simple and durable building materials are proposed, including such materials as brick, architectural concrete block, aluminum composite panel, photovoltaic panels, wood-look metal siding, and aluminum curtain wall system and fibreglass windows.

### **Neighbourhood Place Type**

The subject site is within the Neighbourhoods Place Type in *The London Plan*, as well as identified on Map 7 within with the Riverbend West Five Lands Specific Policy Area.

### **“Riverbend West Five Lands” Specific Policies**

*885\_ In the Shopping Area and Neighbourhoods Place Types and the High Density Residential Overlay (from 1989 Official Plan), the following policies apply to the “West Five” lands bounded by Oxford Street West, Westdel Bourne, Shore Road, and Kains Road.*

#### ***Vision***

*886\_ The West Five community will consist of a mixture of uses - office, retail, residential and public spaces. It is to be a model of “smart” community design incorporating significant energy saving and renewable initiatives, to promote a healthy and sustainable lifestyle. Its success will be achieved by establishing unique architecture, aesthetically pleasing public spaces and vistas, and identifiable landmarks and focal points.*

Staff generally agree that overall the proposed development contributes to the stated community vision for the West Five area.

#### ***Built Form***

*887\_ West Five will be compact in form, and contain a mix of low-, mid- and high-rise development. There will be transition of building height and mass with the tallest buildings located at the intersection of Oxford Street and Kains Road, and centred on Riverbend Road and The Linkway, gradually transitioning to lower heights to the north. The vision for West Five contemplates a variety of building typologies, including townhouses, apartments, several commercial formats, office buildings and multi-storey mixed use buildings. The scale and orientation of these built form typologies around a modified grid road network reflects a logical and traditional neighbourhood design pattern. Buildings will generally be oriented to the street to create a vibrant pedestrian-oriented atmosphere that supports transit services. Minimum and maximum setbacks, building heights and other regulations may be implemented in the Zoning By-law to achieve the desired built form.*

The proposed retirement and seniors apartment building represents a compact, mid-rise form. It will provide transition between the existing school and residential uses to the north of Shore Road and other mixed use buildings to the south which include a 10 storey mixed use building (apartment and commercial) currently under development south of Linkway Boulevard and anticipated buildings that would be of similar height and profile between it and the proposed seniors building. The building is oriented to the street with active uses on the ground floor along Riverbend Road, with the east and west wings oriented to Shore Road, with a landscaped courtyard and outdoor amenity area integrated with the driveway/drop-off area.

**Density**

888\_ *The overall residential density of the entire West Five area will not exceed an approximate density of 65 units per hectare, or a total of 2,000 residential units maximum. The appropriate density of individual developments within the area may be further defined in the Zoning By-law.*

A breakdown of the number of units was provided with the Planning Justification Report indicating that the overall residential density of West Five to date, based on approved site plans, combined with the requested density of the retirement/seniors building is approximately 55 units per hectare (total of 414 units over an area of 7.57 hectares), and is well within the anticipated overall density of West Five.

**Scale and Form of Commercial Uses**

889\_ *The total retail gross floor area permitted in the West Five Special Policy Area will be 30,000 square metres. Gross floor area permitted for retail uses does not include office uses, commercial recreation establishments, institutions or day care centres. In addition, a maximum of 9,500 square metres of office space will be permitted. Office uses will be encouraged to locate on the upper storeys of buildings or in purpose built office buildings, while retail and service-oriented uses will be encouraged on the ground floor of multi-storey buildings or in livework forms and oriented to the street to create a pedestrian-oriented environment in a “main street” format.*

890\_ *Larger retail formats will have a campus-oriented form to accommodate required parking; however, these larger stores will be designed to integrate with the “main street” areas and minimize visual impact of large open parking areas and will offer strong pedestrian connections.*

This component addresses the office and retail commercial uses and is not applicable to the subject application.

**Sustainability**

891\_ *West Five is intended to be a showcase of sustainable design and development. The goal is to achieve net zero annual energy usage to the extent feasible through various design considerations. West Five may be developed with alternative/renewable energy solutions such as solar energy, district energy/heating, energy storage systems and other technologies that are or may become available over the span of its development through public and private sector partnerships. Ecologically efficient transportation systems will be integrated where feasible, including electric vehicles and charging facilities. Other sustainability initiatives, including low impact development alternatives for stormwater management such as rainwater capture and reuse for irrigation, bioswales, permeable pavement, etc. may also be encouraged and supported. The City will encourage and facilitate opportunities for partnerships, incentives and funding opportunities that assist in implementing sustainability initiatives, and may consider alternative development standards for streets, utilities and infrastructure.*

The proposed building will incorporate a number of alternative energy and sustainability features, such as solar panel arrays mounted on the roof top and exterior of the building. A list of other features previously mentioned are expected to be incorporated into the building and site design towards the goal of net zero energy consumption.

**Urban Design**

892\_ *West Five will be developed with a high standard of urban design and architectural design. Creativity and individual architectural expression will be encouraged. The City of London Placemaking Guidelines and the Urban Design Guidelines for the River Bend West Five Lands, prepared in accordance with the City Design policies of this Plan, will be used to provide guidance regarding building design, orientation, massing, height, public streets, public spaces, sustainable design, landscaping, and other related design matters.*

893\_ *An emphasis will be placed on achieving an attractive and functional public realm that supports a diverse and vibrant community. The streets, sidewalks and buildings will be designed to collectively create comfortable, cohesive and vibrant public spaces. Private streets within the development will also adhere to the design principles with respect to creating pedestrian friendly, cohesive, comfortable and vibrant spaces. Continuity of the public and private space network within the West Five area and to the broader community will be a priority.*

The proposed Phase 1 and 2 buildings will have a high standard of design, in general accordance with the Urban Design Guidelines for West Five. The Urban Design Brief has addressed the Design Guidelines and architectural goals for the retirement living component of the West Five community. The Master Plan Concept for West Five, included in the Urban Design Guidelines, identifies building heights of 5 to 6 storeys for this block. The proposed building is 6 storeys, with a partial 7<sup>th</sup> floor incorporating the common dining room across the southerly portion of the building. While one storey above the original concept plan for the site, the additional story serves to provide additional architectural interest, excellent views to the surrounding area and reduces the building footprint, allowing for increased landscaping and amenity area for residents.

### **Street Network**

894\_ *Riverbend Road and The Linkway will serve as “main streets” and have a strong street-related built edge, wide sidewalks and other design features to support its role. Street design shall maximize on-street parking opportunities. Off street parking requirements in the Zoning By-law may be reduced if supported by a parking study to recognize the pedestrian oriented, mixed use nature of the development and the shared parking strategy along with the on street parking supply. Alternative street design standards which minimize right-of-way widths will be considered.*

The proposed building provides a strong street-related built edge along Riverbend Road. The majority of parking is provided underground (53 spaces in Phase 1, 65 spaces in Phase 2, plus 4 accessible underground parking spaces). Reduced parking standards have been requested in the ZBA to reflect the nature of the use and the developer's experience with parking requirements in other retirement and seniors apartment facilities.

### **Mixed Use**

895\_ *The central portion of West Five bounded by Logans Run, Oxford Street West, a line drawn approximately 100 metres south of Shore Road, and a line drawn approximately 200 metres east of Westdel Bourne, represents the “Mixed Use” area. This area provides for a mix of housing and compatible commercial and office uses that support a vibrant, compact, walkable and mixed use neighbourhood. Housing is permitted in live-work form, as well as in mid to high rise apartment form. Buildings may be built as single purpose (e.g. residential apartments or office buildings). Mixed use buildings are encouraged; with commercial uses along the ground floor with residential units or office space located in upper floors. A variety of community-scale, neighbourhood based and convenience-based commercial and personal service uses are permitted. They are intended to accommodate the needs of the surrounding residential neighbourhoods located within convenient walking and/or driving distance. High quality urban design is an important consideration for the successful integration of different uses and is implemented through the urban design policies of the Official Plan, the Site Plan Control By-law, the City of London Placemaking Guidelines, and the West Five Urban Design Guidelines.*

896\_ *The primary permitted uses shall include low, mid- and high-rise apartment buildings and a broad range of retail, service, office, institutional and community facilities, recreation, entertainment and related activities. Both mixed use and single use buildings shall be permitted. Buildings may be purpose built or designed for future adaptability of use to respond to changing market conditions.*

897\_ *Net density within the Mixed Use area will not exceed 100 units per hectare, on an overall basis for the Mixed Use area. Building heights will typically range from two to twelve storeys. Buildings exceeding twelve storeys may be permitted through*

*bonusing at key locations such as gateways and focal points so long as they meet the intent of these policies and associated Urban Design Guidelines.*

This site is north of and immediately adjacent to the designated Mixed Use area.

## **Our Tools**

### *Evaluation Criteria for Planning and Development Applications*

*1578\_ 6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated. Depending upon the type of application under review, and its context, an analysis of potential impacts on nearby properties may include such things as:*

- a. Traffic and access management.*
  - b. Noise.*
  - c. Parking on streets or adjacent properties.*
  - d. Emissions generated by the use such as odour, dust, or other airborne emissions.*
  - e. Lighting.*
  - f. Garbage generated by the use.*
  - g. Loss of privacy.*
  - h. Shadowing.*
  - i. Visual impact.*
  - j. Loss of views.*
  - k. Loss of trees and canopy cover.*
  - l. Impact on cultural heritage resources.*
  - m. Impact on natural heritage features and areas.*
  - n. Impact on natural resources.*
- The above list is not exhaustive.*

- Shore Road and Riverbend Road, north of Shore Road, are classified as Neighbourhood Connectors carrying on average 2000 and 500 vehicle trips per day, respectively. The proposed development is not expected to contribute significantly to traffic volumes on either road. The site plan approval process will ensure safe vehicular access is achieved.
- All required parking will be provided on-site. Underground parking will serve residents and staff, with a limited number of surface parking spaces provided for visitors at the entrance.
- The proposed development is not expected to generate excessive noise and emissions.
- On-site exterior lighting can be managed and mitigated so as not to overcast on adjacent properties.
- Garbage/recycling storage and collection facilities will be off of the south internal driveway to keep these operations separate from the main forecourt area that faces the residential neighbourhood to the north.
- As noted above, the 'U' shape configuration of the building does not create a continuous street wall along Shore Road. However, staff would agree that it does respect the existing elementary school and single family homes to the north by setting the main building mass back, helping to minimize visual intrusion and shadowing. As noted in the Urban Design Brief, the intent is to provide a consistent street frontage along Shore Road that is bracketed by the end wings of the two buildings and landscaped to create a buffer between the parking and public sidewalk through drought tolerant landscaping and low masonry garden walls to match the building. Tree planting will be required at a rate of 1 per 15 metres along all interior property lines and 1 per 12 metres along all street property lines, in addition to boulevard street tree plantings. The enhanced landscaped buffer will help lessen the visual impact as well as provide low level screening.
- Shadow studies were prepared as part of the Urban Design Brief which demonstrate the effects of shadowing at different times of the day during different seasons. The studies illustrate that the proposed 7 storey building will have minimal impact on the surrounding residential and school properties for most of the year. The illustrations indicate the only substantial shadow cast on the properties north of Shore Road would be experienced during the Winter Solstice - December 21<sup>st</sup>.
- There are no significant natural view corridors or vistas.

- There are no trees or natural heritage features on site, and no concerns for cultural heritage or natural resources.

*1578\_7. The degree to which the proposal fits within its context. It must be clear that this not intended to mean that a proposed use must be the same as development in the surrounding context. Rather, it will need to be shown that the proposal is sensitive to, and compatible with, its context. It should be recognized that the context consists of existing development as well as the planning policy goals for the site and surrounding area. Depending upon the type of application under review, and its context, an analysis of fit may include such things as:*

- a. Policy goals and objectives for the place type.*
- b. Policy goals and objectives expressed in the City Design chapter of this Plan.*
- c. Neighbourhood character.*
- d. Streetscape character.*
- e. Street wall.*
- f. Height.*
- g. Density.*
- h. Massing.*
- i. Placement of building.*
- j. Setback and step-back.*
- k. Proposed architectural attributes such as windows, doors, and rooflines.*
- l. Relationship to cultural heritage resources on the site and adjacent to it.*
- m. Landscaping and trees.*
- n. Coordination of access points and connections.*

Many of the items listed above such as street wall, height, massing, placement of building, architectural design, and setbacks have been covered in the previous sections. Therefore, based on Staff's review of The London Plan policies, this proposal is found to be in keeping and conformity with the Key Directions, City Building and Design, and Place Type policies, and the Riverbend West Five Specific Area Policies.

### **1989 Official Plan**

These lands are designated as Multi-family, Medium Density Residential under Section 3.3 in the Official Plan, which permits multiple attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; and small-scale nursing homes, rest homes, and homes for the aged, as the main uses. The Official Plan was amended in December 2015 to incorporate the West Five Specific Area Policies found under Section 10.1.3. These policies and the West Five Urban Design Guidelines are the current and relevant documents to guiding future development within the West Five lands, and have been reviewed in the previous section.

### **Z.-1 Zoning By-law**

The zoning for this site is currently Holding Residential R5/R6/R7/R8 Special Provision (h•h-206•R5-6(10)/R6-5(42)/R7•D75•H18/R8-4(29)) Zone. This zone variation permits a range of residential uses, including cluster housing in the form of single detached, semi-detached, duplex, triplex, and fourplex dwellings. Townhouses and stacked townhouses are permitted up to a maximum density of 50 units per hectare with a special provision for a maximum lot coverage of 50%, maximum height of 15 metres, and minimum front and exterior side yard depth to main building of 3.0 metres. The a zoning also permits apartment buildings, senior citizens apartment buildings, retirement lodges, nursing homes, continuum-of-care facilities, and emergency care establishments up to a maximum density of 75 units per hectare and maximum height of 18 metres (approx. 6 storeys). A narrow sliver of land along the westerly limit of the subject site is zoned Holding Residential R5/R6 Special Provision (h•h-206•R5-3(18)/R6-5(42)) Zone. Holding (h and h-206) Provisions have been put in place in order to ensure that the owner/developer enters into a Development Agreement with the City, and to ensure that the West Five Urban Design Guidelines are implemented at the Site Plan Approval stage.

The applicant's zoning request is to remove the Residential R5 Special Provision (R5-6(10)) and Residential R8 Special Provision (R8-4(29)) Zones; maintain the existing Residential R6 (R6-5(42)) Zone; and rezone to a Residential R7 Special Provision (R7( )\*D100\*H30) Zone to permit a seniors apartment building – maximum 100 units and retirement lodge – maximum 125 beds, together with a special provision for a front and exterior side yard depth to main building (minimum) of 3.0 metres, a front and exterior side yard depth to sight triangle (minimum) of 0.8 metres, lot coverage (maximum) of 40%, and required parking (minimum) of 120 spaces.

### Density

The original Block Plan prepared for the West Five Community has always shown retirement living buildings on the subject site with the expectation of approximately 200 retirement units and approximately 17 to 20 townhouse units on the lands immediately to its west. However, as the proposed development will consist of a seniors apartment building integrated with the retirement home, the 3 beds to 1 unit equivalency ratio as set out in Zoning By-law Z.-1 cannot be used for the seniors apartment as these units will have full kitchens. Consequently, the density of the site would be calculated as follows:

Seniors apartment – 98 units

Retirement residence – 124 beds = 41 units (based on the 3:1 equivalency ratio)

Future townhouses – 20 (approximately)

Total density for the overall site – 159 units/1.45 ha = **110 units/ha**

While this is an increase from the currently approved density, it should be considered primarily a technical amendment due to the inability to use the 3:1 equivalency factor, even though the proposed use is consistent with the original intended use for the site. Therefore, it is recommended that proposed densities in terms of the allocation of units and beds be clearly stated in the special provision zone.

The major difference between the two phases, as described in the Planning Justification Report, is that Seniors Apartment Building (Phase 1) caters to more independent individuals who are provided with dining and emergency call services, whereas individuals in the Retirement Residence (Phase 2) are less independent and receive a range of care services in addition to dining. Consequently, the suites in Phase 1 are larger with less common space provided, and in Phase 2 the suites are smaller and there is much more common space. The suites in Phase 1 would include normal kitchens whereas suites in Phase 2 would have kitchenettes only. Residents in Phase 1 would, however, have full access to all the common areas in both phases as part of creating a 'continuum of care' setting that encourages social interaction among all residents.

### Height

The additional height requirement requested (maximum 30 metres) is required primarily to accommodate ground floor ceiling heights of 4.5 metres and the seventh floor dining pavilion with its cantilevered, single slope roof. The original concept plans for West Five, included in the Urban Design Guidelines, identifies building heights of 5 to 6 storeys for this block. The proposed building is 6 storeys, with a partial 7<sup>th</sup> floor incorporating the common dining room over the southerly portion of the building. While one storey above the original concept plan for the site, the additional story serves to provide additional architectural interest, excellent views to the surrounding area and reduces the building footprint, allowing for increased landscaping and amenity area for residents.

### Setback

The zoning request for a minimum front and exterior side yard depth to the main building of 3.0 metres is consistent with the zone setback regulations that are currently in place. A 6.0 m x 6.0 m sight triangle at southwest corner of Riverbend Road and Shore Road was established through the subdivision plan. The request for a 0.8 metre building setback is appropriate and will provide for some relief in order to maintain a right-angle corner for the building, and will not result in an encroachment into the sight triangle.

## Coverage

The maximum lot coverage under the Residential R7 zone is 35 percent and the requested increase to 40 percent would be consistent with what is currently permitted for the site under the Residential R8 Special Provision (R8-4(29)) Zone.

## Parking

The Zoning By-law amendment includes a special provision for reduced parking requirements for the retirement residence / senior's apartment building. According to the current Zoning Bylaw, parking must be provided at a ratio of 1.25 parking spaces per unit for the seniors' apartment and 1 space per 3 beds for the retirement residence. In addition, visitor parking must also be provided. Total parking requirements according to the Zoning By-law have been determined to be 164 spaces. However, based on the proposed site plan concept, 135 parking spaces are proposed (13 surface and 122 underground parking spaces).

The Planning Justification Report provided a parking needs analysis and justification for the reduction based Sifton's experience with a number of existing retirement residences and seniors apartment buildings which they own. Siftons also commissioned a study for a similar retirement facility in Mississauga undertaken by Paradigm Transportation Solutions in late 2017. The following is a synopsis of the detailed analysis provided in the Planning Justification Report Section 3.4 - Parking Requirements.

Data was collected for three retirement and seniors facilities in London, one in Waterloo, and one in Mississauga. Based on the number of units, unit occupancy, number of parking spaces provided, and number of parking spaces actually used by residents, the parking space usage ratio ranges from 1 per 1.7 units to 1 per 18.6 units. From these observations, it was concluded that parking spaces provided significantly exceeds the actual parking demand / usage for both retirement homes and seniors apartments.

Siftons also commissioned a study for a similar retirement facility in Mississauga undertaken by Paradigm Transportation Solutions in late 2017. In that study, data was collected from the Richmond Woods Retirement Village at 200 North Centre Road as it was a similar type of development and was considered a suitable proxy for analysis. The Richmond Woods site consists of 102 senior's independent living units and 130 retirement dwelling units, which is similar to the proposed West Five development. Parking utilization surveys were conducted for four days over two weeks. Hourly parking demand and utilization percentages were observed for the four days of data collection. The weekday parking demand observed for the four days suggests the following parking rates:

Resident parking demand – 0.32 spaces per unit;  
Visitor parking demand – 0.06 spaces per unit; and  
Employee parking demand – 0.08 spaces per unit.

Based on that information, the number of parking spaces required for the proposed West Five retirement residence and senior's apartment site with a combined 224 units would be as follows:

Residents	72
Visitors	14
Employees	<u>18</u>
Total:	104 spaces

The current Zoning By-law requirement is 164 spaces for the completed development. The proposed site plan provides a total of 135 parking spaces, which is well in excess of what would be required based on parking demand studies of similar facilities. While this will be a privately owned and operated residential facility, it was pointed out for comparison purposes that the standard parking rate in the Zoning By-law for senior citizens apartment buildings owned and operated by non-profit, public housing or charitable institutions is 0.5 spaces per unit for this area of the city. Based on the parking

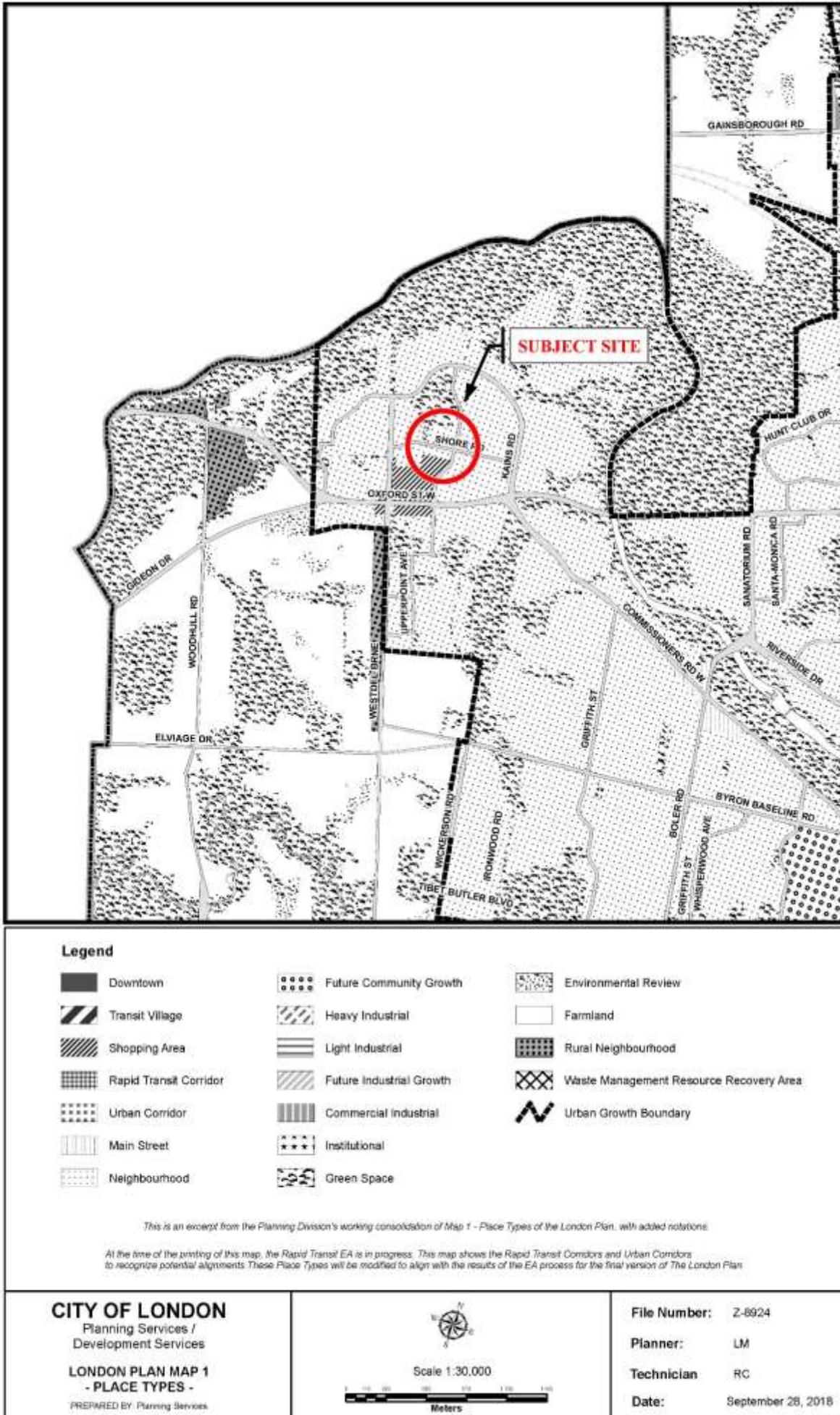
justification provided for this application, Staff are prepared to support the requested special zone provision for required parking (minimum) of 120 spaces.

### **Holding Provisions**

It is recommended that the holding (h and h-206) provisions that are currently in place be maintained until Site Plan Approval and a Development Agreement has been entered into.

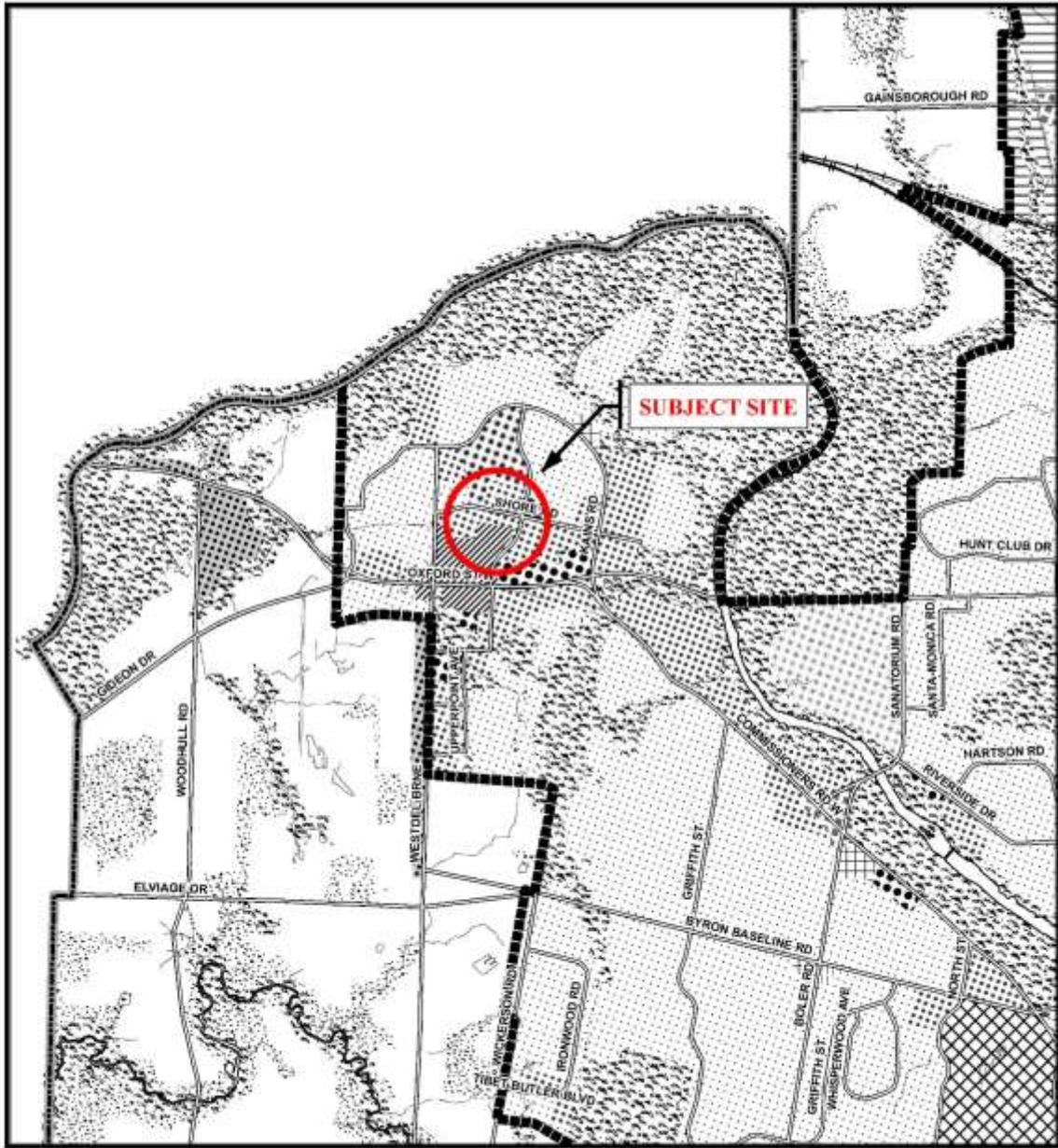
**Appendix D – Relevant Background**

**The London Plan Map Excerpt**



Project Location: E:\Planning\Projects\p\_official\plan\work\conso00\excerpts\_LondonPlan\10.3.1 Versions\mxd\Z-8924-EXCERPT\_Map1\_PlaceTypes\_b&w\_8x14\_Arc10.3.1.mxd

**1989 Official Plan Map Excerpt**

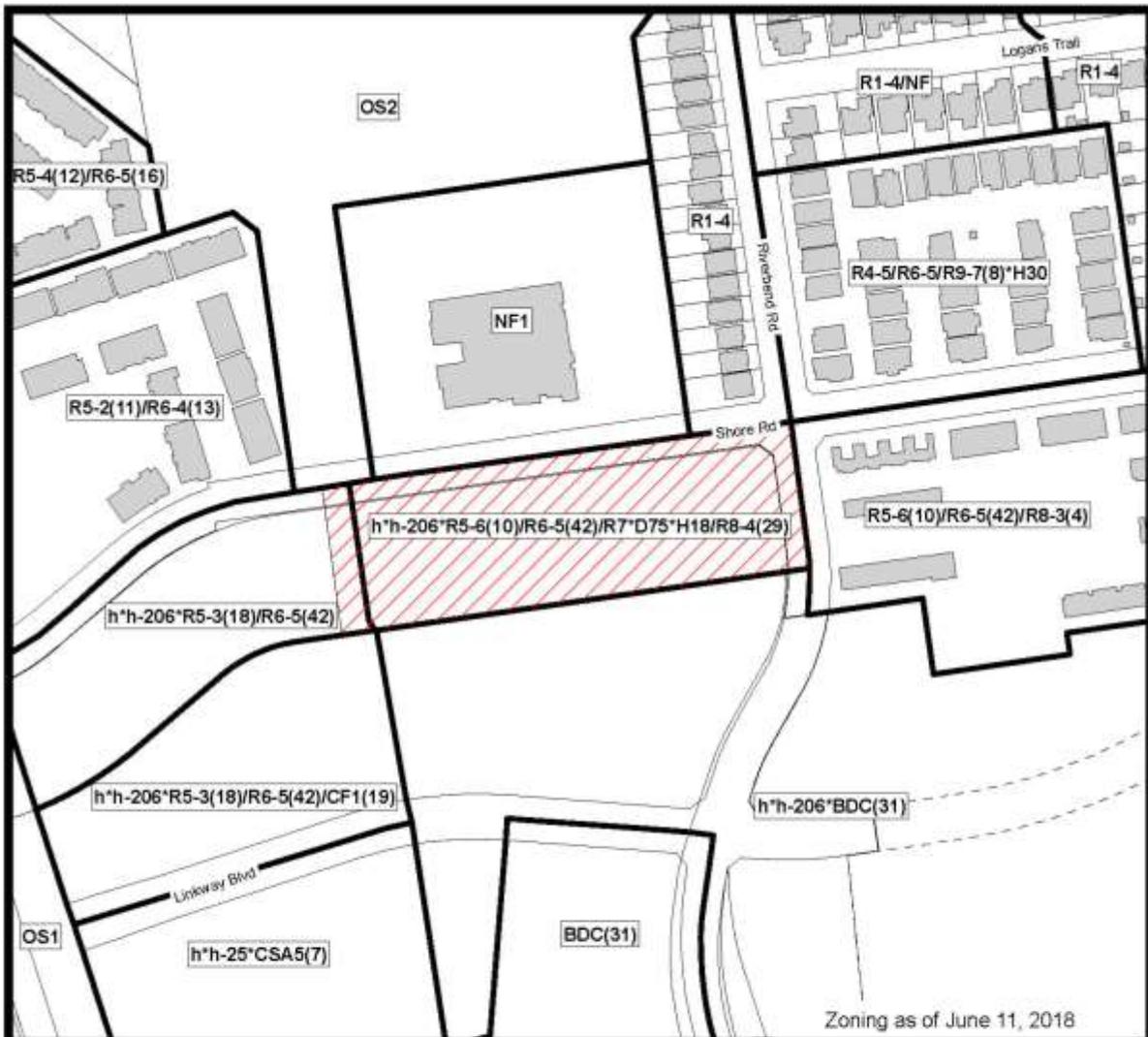


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p><b>CITY OF LONDON</b>                  Planning Services /                  Development Services                  OFFICIAL PLAN SCHEDULE A                  - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8924</p>
		<p>PLANNER: LM</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/09/28</p>

PROJECT LOCATION: e:\planning\projects\p\_officialplan\work\consolid\00\excerpt\imod\_templates\scheduleA\_b&w\_6x14\_with\_SWAP.mxd

**Zoning By-law Map Excerpt**



**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>"h" - 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

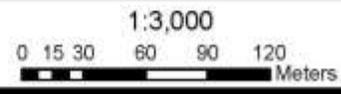
**ZONING  
 BY-LAW NO. Z-1  
 SCHEDULE A**



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

FILE NO:  
 Z-8924 LM

MAP PREPARED:  
 2018/09/28 rc



**Additional Reports**

**November 30, 2015** – Planning and Environment Committee – Application by Sifton Properties Limited for approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments for the lands located at 1080 Westdel Bourne and bounded by Oxford Street West, Westdel Bourne, Shore Road and Kains Road (Agenda Item #7).

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee  
**From:** John M. Fleming  
Managing Director, Planning and City Planner  
**Subject:** Byron Valley Nature Trail Planning Process  
**Meeting On:** October 29, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions **BE TAKEN**:

- (a) the following report **BE RECIEVED** for information with respect to the Byron Valley Nature Trail Planning Process, and;
- (b) members of the Trails Advisory Group, and Byron Participation House staff and residents **BE THANKED** for meeting onsite and providing suggestions to improve the Plan that were successfully integrated into the revised Byron Valley Nature Trail Concept Plan, in accordance with the Council approved Trails Advisory Group process.

## Background

As part of a rezoning application for 1349, 1351, 1357 and 1361 Commissioners Rd. W. Council supported the dedication of the wooded portion of the site and a new access point to the Byron Valley area, and Open Space (OS) zoning for the new City owned lands. Responding to comments at the meeting about the proposed enhancement of existing trails, Council provided the following direction:

- *the Civic Administration BE DIRECTED to provide the plan for the trail at a community meeting to be held in Byron and all interested parties be notified of the community meeting;*
- *the Civic Administration BE DIRECTED to consult with the Upper Thames River Conservation Authority and other applicable agencies with respect the proposed location of a trail through the Byron Valley and the potential resulting impact to species at risk;*

The proposed Trail Enhancement Plan included a new access point from Commissioners Rd. W., realignment of some existing dirt trails, upgrading some sections of dirt trail to gravel for inclusive access, 2 new river look-outs and closing existing trails leading to private lands.

## Executive Summary

- Staff have completed the items for direction provided in the November 23, 2016, Council Resolution attached in **Appendix 3** associated with the rezoning and land dedication for the access to the Byron Valley Nature Trail:
  - staff provided the Plan for the trail at a Community Meeting in Byron and all interested parties were notified of the Community Meeting
  - UTRCA and MNRF were consulted in November 2017 and have no concerns with respect to Species at Risk and the nature trail enhancements and this was noted at the Community Meeting in Byron.
- Staff retained professional biologists to conduct a multi-season, ecological inventory of the Byron Valley Environmentally Significant Area (ESA) in 2017 and their findings were presented at the March 8, 2018, Community Meeting in Byron.
- The nature trail plan avoids groundwater seepage areas and would continue to protect habitat for deer, turtles, bats, molluscs, birds and all other wildlife. All native

trees would be protected, and no native tree removals would be needed in order to implement the trail, noting most trails are already existing.

- The Trails Advisory Group (TAG) for the Byron Valley walk included the Ward 9 Councillor, representatives from the Byron Community Organization (BCO), several immediate neighbours and members of local Byron Community, EEPAC, ACCAC, UTRCA, Nature London, and the Thames Valley Trail Association who reviewed the plan and met onsite to review the trails and provide helpful suggestions to improve the Plan.
- Under the Accessibility for Ontarians with Disabilities Act (AODA) consultation with the Accessibility Advisory Committee of Council, and people with disabilities is required “when building or making major changes to recreational trails”, and was included in the process.
- At the suggestion of the neighbours, the Byron Participation House was engaged in the process and they support the Byron Valley Nature Trail Plan and opportunities for enhanced accessibility and inclusive, local access to nature and the Thames River.
- A revised Trail Enhancement Plan that reflects comments of the TAG is attached as **Appendix 2**.
- Byron Valley Nature Trail Enhancement Plan implementation would support many of Council’s strategic plan priorities and London Plan policies.
- Upon endorsement of a suitable Trail Plan, the UTRCA ESA Team will be retained to manage the Byron Valley ESA including enforcing all of the City’s ESA rules, maintaining trail safety, ecological restoration, implementing informal trail closures and barricades, and garbage pick-up. This will significantly improve the current situation and enhance the ecological health and protection of the Byron Valley.

### 1.0 Previous Reports Pertinent to this Matter

**November 14, 2016** - Planning and Environment Committee Meeting Report for Application by Treadstone Developments re properties located at 1349, 1351, 1357 and 1361 Commissioners Road West (Z-8635)

### 2.0 Byron Valley Nature Trail Planning Process

#### Community Consultation for the Byron Valley Nature Trail

<b>Nov. 14, 2016</b>	Rezoning and Byron Valley Nature Trail discussed at PEC
<b>Nov. 23, 2016</b>	Council Resolution with direction to staff for trail planning process
<b>Feb. 28, 2017</b>	Retained Dillon Consulting to collect 3 season ecological inventory
<b>Nov. 21, 2017</b>	Consulted with UTRCA and MNR on Species at Risk – no concerns
<b>Feb. 21, 2018</b>	Notices mailed out for <u>Byron Community Meeting</u> for Nature Trail
<b>Feb. 23, 2018</b>	Notice for <u>Byron Community Meeting</u> posted on City Event Calendar
<b>Mar. 1, 2018</b>	Notice of Community Meeting in Londoner and Byron Villager
<b>Mar. 2, 2018</b>	Met with Catherine Morrison & Dan Doroshenko of BCO re next steps
<b>Mar. 8, 2018</b>	<u>Community Meeting</u> at Byron Library draft trail concept plan/next steps
<b>July 31, 2018</b>	TAG Walk invite sent (included Ward Councillor and 7 Byron residents)
<b>Aug. 15, 2018</b>	TAG Walk ( <b>Final TAG Minutes included as Appendix 1</b> )
<b>Aug. 22, 2018</b>	Meeting with Participation House re: Nature Trail and Accessibility
<b>Aug. 27, 2018</b>	Site visits with Byron Participation House staff and resident for AODA
<b>Sept. 4, 2018</b>	Draft TAG Minutes sent to TAG for review
<b>Sept. 6, 2018</b>	Final TAG Minutes sent to TAG and Byron Participation House
<b>Oct. 15, 2018</b>	Revised Trail Enhancement Plan prepared

### 3.0 What We Heard From the Local Byron Community

As directed by Council, City staff presented the Proposed Trail Enhancement Plan to the local community at a public meeting. The meeting was well attended with 63 people participating.

### **Concerns about the trail identified through the process**

- What kind of trail is proposed and why do we need a trail in the Byron Valley?
- Trespassing will increase, privacy will be impacted
- Some existing trails are un-safe
- More illegal use of Byron Valley will result
- Protection for turtles and Species at Risk in area is critical
- Lack of parking and increased use of area is an issue

### **Support for trail identified through the process**

- Residents are already using Byron Valley trails and prefer trails be made safer, and rules be enforced (no dogs off leash, no bicycles, no littering, no off trail use)
- Trails could be valuable educational experience for Byron Northview School
- Safe and sustainable, access to nature for local residents in nearby homes, condos and apartments is a good amenity providing health benefits
- Interest in Adopting the Byron Valley ESA to assist with local stewardship
- Participation House welcomes any increased use of Byron Valley area to increase opportunities for community/neighbourhood interaction with Byron Participation House residents.
- Participation House supports an accessible trail access to river's edge for Byron Participation House residents. Detailed notes from Participation House Meeting and Site Visit are in TAG Minutes in **Appendix 1**.

### **To address concerns raised at the Public Meeting, staff offered a couple of options that could be used going forward:**

- Not do trail enhancements, but a new access is now set to open and existing issues would not be addressed, or
- Work to revise Plan to address concerns.

After further discussion of the merits of these, it was decided to try to resolve issues with the community and volunteers were sought to participate on a Trails Advisory Group. Some residents advised staff after the Community Meeting that they did not feel comfortable expressing support for trail at the meeting in front of some of their neighbours who still had concerns at that time.

### **Trails Advisory Group (TAG)**

This is a formal process adopted by Council to address trail issues in Natural Areas. The TAG walk included representatives from the local Byron Community to provide suggestions to modify the Draft Nature Trail Concept Plan to address the community's concerns. The TAG walk began at the Coves ESA, East Pond to see an "after" example of a trail enhancement project that is now embraced by the local community. The TAG participants observed firsthand the positive outcomes associated with the implementation of safer, formalized, well-marked accessible trails, an accessible lookout (3 armour stones) and ecological restoration work. The experience in London is that a well-designed and managed trail system directs trail access, protects the environment and encourages safe, sustainable, inclusive access to nature for the local community.

### **Trails Advisory Group Revised Plan addressed remaining concerns**

- Minutes of August 15, 2018 TAG walk in **Appendix 1** identify details of TAG's suggested improvements to the City's Draft Byron Valley Nature Trail Plan presented at the Community Meeting in March 2018.
- TAG supported relocation of section of trail lower down on slope to reduce sightlines to and from residential properties on Commissioners Rd. W.
- TAG suggested the accessible trail be adjusted to eliminate a 400 meter section and the lookout on top of Byron Dyke, to reduce sightlines to and from back of homes on Old Bridge Road and Halls Mills Road.
- All of TAG's helpful suggestions are identified on TAG's Revised Trail Enhancement Plan in **Appendix 2** and in the TAG Minutes including:
  - existing trail closures
  - trail closure barricades

- bicycle barricades
- vehicle barricades
- signage
- adding accessible parking
- naturalization of lawn areas near pumping station
- enhanced privacy fencing
- TAG and local community's environmental and safety concerns were addressed as noted in TAG minutes in **Appendix 1**.

**Delegation Request by 6 Byron Residents**

- Still opposed to trail enhancement citing environmental and safety concerns
- Some members of the delegation attended the TAG walk where staff took minutes (in **Appendix 1**) and then revised the trail plan as suggested by TAG to address remaining concerns.
- Neighbours suggested talking with Participation House and the notes from those meetings and site visits are in the TAG Minutes in **Appendix 1**.

<b>4.0 Conclusion</b>
-----------------------

**Enhanced ESA Protection, Safety for Trail Users and Accessible Trails**

Implementing the revised Byron Valley Nature Trail Plan as recommended by the TAG will address issues identified by the local community, protect sensitive features and functions and provide safer access to nature on inclusive trails for the local community.

<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	

October 18, 2018  
LM/lm

## Appendix 1 – Trails Advisory Group Minutes and Terms of Reference

### Trails Advisory Group (TAG) – Minutes (Final)

**Onsite Meeting:** The Coves ESA & Byron Valley ESA – Draft Byron Valley Conceptual Nature Trail Plan

**Date:** August 15, 2018 4:00pm – 6:00pm

**Attendees:**

Anna Hopkins – Ward 9 Councillor, Lila Albinger, Councillor’s Assistant, Dan Jones – UTRCA, Dave Potten – TVTA, Randy Trudeau – EEPAC, Anita Caveney – Nature London, Janet Edwards – Byron Valley Adopt an ESA, Debbie Park – Byron Resident, Jeff Santin – Byron Resident, Catherine Morrison – Byron Community Organization, Dan Doroshenko – Byron Community Organization, Douglas German – Byron Woods Condominium Board, Andrew Macpherson – City/E&PP, Linda McDougall – City/E&PP, Kara Muro – City/E&PP

**CC:** Participation House Staff

**Minutes:** Kara Muro / L. McDougall

Beginning at the Coves ESA at the Brookdale Access point, City Staff outlined some of the similarities between the 2015 Coves ESA trail enhancement project and the proposed Draft Nature Trail Plan for the Byron ESA. TAG reviewed the Level 1 trails (woodchips), the boardwalk, Level 2 trails (granular, limestone-screenings), the accessible lookout (3 large armour stones) and successful work to date on invasive species management and naturalization of City owned manicured lawn areas. City staff and the UTRCA ESA Team’s experience is that a well-designed and managed trail system directs trail access, protects the environment and encourages sustainable access to nature for the local community. Hardcopies of the Draft Byron Valley Conceptual Nature Trail Plan and TAG Terms of Reference were circulated at the start of the TAG walk in Byron Valley ESA.

- TAG walk began with review of the Draft [Byron Valley Conceptual Nature Trail Plan](#) presented at the [Community Meeting in March](#). Goal of TAG walk was to review and understand issues with the Draft Plan and incorporate suitable changes that could address those issues and benefit the environment and trail users.
- Some TAG members concerned that residents and staff at Participation House at 242 Halls Mills Road may not support nature trail plan. See notes from City staff August 22, 2018 and September 4, 2018 meetings with Participation House staff and resident attached to minutes.
- TAG member asked about trail use and protection of habitat for deer, bats and turtles. City Staff noted that the findings of the natural heritage inventory and evaluation for the Byron Valley ESA were presented at the Community Meeting in March 2017 and the slides identified that: “*Existing unmanaged/informal trails and proposed trails within the Study Area were reviewed for compatibility with the surrounding significant ecological features based on the list provided in Table 1 in the Guidelines and trails are compatible.*” The draft conceptual nature trail plan proposes trail improvements for mainly existing nature trails, and some modifications to avoid sensitive habitats to protect native trees and plant communities and more specifically:
  - Deer are hyper-abundant, native species, commonly observed by residents in natural areas and backyards across the City. Deer and their habitat will continue to be protected in the ESA. Local TAG members noted deer appear to be crossing the Thames about 100 meters west of the proposed managed, nature trail system.
  - In the Byron Valley ESA the density of tree cover, lack of open substrates for nesting, and north facing banks (i.e. less direct sunlight), are not good

- habitat for turtle nesting. The Thames River is a movement corridor for turtles and this will continue to be protected.
- The entire Byron Valley provides good bat habitat, and, as native trees will be protected, bats and their habitat will continue to be protected in the ESA.
  - Local TAG members noted concentrations of mussels are found in the Thames about 100 meters west of the proposed managed nature trail system.
- TAG reviewed the existing/proposed Level 1 trail that heads south up the slope towards Commissioners, and agreed that near the top of the slope, relocating the trail with a “bench cut” trail, a few meters below the existing trail along the property line, while protecting native trees, is preferred to reduce sightlines to and from residential properties.
  - TAG reviewed and agreed that the trail from the new access from Commissioners Road West into the ESA would be:
    - Level 1 woodchip trail, winding through and protecting all native trees, and located as close to center of the newly acquired City lands as possible.
    - A bicycle barricade (open to pedestrians) and signage with ESA rules etc. would be placed at the Commissioners access point.
    - A trail closed barricade and signage would be placed where existing trail heads west at the top of slope, behind the apartment building.
    - A request for enhanced privacy fencing between City lands and Condominiums at 1337 Commissioners Road W. was made by some TAG members, City does prefer fencing between City owned ESA lands and private property and staff will coordinate fencing with permission of the condo board.
  - TAG reviewed existing, western sections of Level 1 trail and the proposed lookout location:
    - Lookout to consist of two or three pieces of large armour stone, set back from rivers edge, on slightly higher ground.
    - TAG was in general support of Level 1 trail locations identified on TAG map
    - There was a discussion about the historic use of the sewer alignment (Identified as a Utility Overlay on TAG Map) further south and perhaps the trail loop could/should go there.
  - ACCAC was unable to attend TAG walk but provided the comments which will be incorporated in the revised plan:
    - *It was noted earlier these trails are existing seemingly implying there is not the same obligation under the AODA. ACCAC would fundamentally disagree. These are unmanaged informal trails. There are currently NO EXISTING city maintained trails, hence all is new development. That said, we do recognize limitations to some areas within the study area for accessible trails.*
    - *The entrance off Commissioners is only suitable for level one (as it is identified as natural environment zone) so we would have no real comment on that.*
    - *The point where that entrance meets up with the other loop systems (the level 2 to the east, level one to the west) would be the earliest we would look at an accessible path along that route. Only other potential access to it is off private property so an accessible connection to private property is redundant.*
    - *ACCAC obviously supports a level 2 loop on the east side if the trails as proposed.*
    - *the trail width be 1.5 m throughout (consistent with both level one and two trails)*
    - *the surfacing throughout remain firm natural earth throughout as much as possible (consistent with both level one and two trails)*

- *where frequently wet or eroding soil is expected we propose those segments only having granular surfacing (consistent with both level one and two trails)*
- *ensuring sufficient overhead clearance for safety (again consistent with both levels), noting that a blind or low-vision hiker may require a safety clearance sufficient for an average to slightly above average height person to walk through without risk of a face-full of branches*
- *ensuring the maintenance of the trail meets needs for accessibility, rather than only safety. This would be the only difference between what is contained within the proposal, and an accessible route.*
- Near end of the walk some TAG members proposed changes to the Level 2 trail loop alignment on top of the Byron Dyke to further limit proximity to the residential properties. This change was generally supported by TAG and is shown on the revised TAG map:
  - Realign proposed Level 2 trail loop, keeping loop to the west of existing homes, over an existing berm, over the existing, un-opened road allowance for Old Bridge Road. This alignment would not be visible or act as an attractant to those using multi-use pathways leading to and from Springbank Park.
  - Relocate existing vehicle barricade and gate closer to sewage pumping station/trail, further west to allow for parking (2 accessible spaces and 2 standard parking spaces). This addresses concerns about trail users parking on local streets, noting trail is intended as a local amenity for the community to have sustainable access to nature trails, and, is not a notable destination that many folks would drive to.
- Naturalization of lawn areas on City property to enhance pollinator habitat near the sewage pumping station.
- Nature London TAG rep. inquired why Byron Valley ESA is identified as an ESA on London Plan Map 5 despite its relatively small size, and, potentially not meeting 2 or more of the London Plan ESA Criteria. Staff advised Schedule B-1 of the previous Official Plan identified the Byron Valley as ESA - likely since the early 90's. Staff are working from current mapping and City's TAG process and ESA Guidelines for Management Zones and Trails in ESAs despite the ESA being less than 40 hectares in size.
- At end of TAG walk City staff advised minutes and revised Trail Concept Plan based on TAG walk would be circulated to TAG and posted on the City website.

**Added Notes from August 22, 2018, Meeting with Participation House staff and City staff**

**Byron Valley ESA Nature Trail and Accessibility**

- Any increased use of Byron Valley area would be welcomed to increase opportunities for community/neighbourhood interaction with Participation House residents.
- Support an accessible trail access to river's edge for Participation House residents.
- Support naturalization of City owned lawn areas near sewage pumping station and opportunities to assist with naturalization.
- Steep hill and condition of Halls Mills Road itself is an issue for Participation House residents.
- Support for accessible trails noting trails with "gravel" surfaces with larger, loose pieces can be challenging for wheelchairs to use.
- City staff and Participation House staff and residents will visit Coves East Pond and Byron Valley ESA in early September, to review existing trail surfaces and accessibility.

## **Added Notes from September 4, 2018, Site Visit with Byron Participation House staff and resident**

### **Byron Valley ESA Nature Trail and Accessibility**

- Began visit at Coves ESA – Brookdale Access. Tested accessibility of granular trails (crushed limestone/chips and dust), boardwalk and woodchip trails for manual, push wheelchair accessibility with Participation House (PH) staff and resident in a manual, push wheelchair.
- All three trail surfaces were accessible for PH staff to push the resident in his wheelchair along however, it was noted that pushing the wheelchair along the woodchip trail was difficult, bumpy, and would be more challenging if trails are wet.
- PH staff noted that pushing a manual wheelchair over woodchip trails or granular trails may not be feasible if a larger person is in the wheelchair.
- PH staff noted that asphalt is most accessible trail surface for some PH residents in their specific types of wheelchairs as:
  - Electric wheelchairs can weigh about 1300 pounds plus the weight of the person and small front wheels can sink and get stuck in woodchips, soil, or granular trails and this is made worse in wet conditions. Electric wheelchairs operate best on firm and stable, smooth surfaces.
  - Some PH residents use manual, foot propel wheelchairs and find it very challenging to independently operate them over trails with woodchips, bare soil or granular trails and this is more challenging in wet conditions.
  - One PH staff can take all 3 of the Byron PH residents out for a walk at the same time when trail surface is firm and stable and smooth like asphalt.
  - One PH resident is in a stretcher style wheelchair and PH staff can only take him and his wheelchair out for walks on firm and stable, smooth surfaces.
- PH staff noted they generally support the Byron Valley Trail Concept TAG Trail Concept Map but prefer the Level 2 trail loop identified on the TAG Map be an accessible, asphalt trail loop that includes access down to the west Lookout marked on the TAG Map.
- Noted PH residents enjoy spending time in nature and being near enough to the water to see it at lookouts etc.
- Noted some PH residents and their friends would be able to access the proposed Byron Valley trail independently if the proposed Level 2 trail loop surface was asphalt.
- Noted that one PH staff could take all 3 of the Byron PH residents out for a walk in the Byron Valley at the same time and would not need to drive or assist the residents in and out of a vehicle if the if the proposed Level 2 trail loop surface was asphalt.

## **Trails Advisory Group for Environmentally Significant Areas - Terms of Reference**

### **1.0 Background**

The Trails Advisory Group (TAG) will assist with the implementation of the Guidelines for Management Zones and Trails in Environmentally Significant Areas (ESAs) as approved by City Council on June 23, 2016. ESAs are identified in the City's Official Plan as areas that contain natural features and perform ecological functions that warrant their protection in a natural state. Publicly-owned ESAs have a purpose and function distinct from all other publicly owned open space parks. Permitted uses, access, and the provision of recreational activities within ESAs are governed by the Environmental Policies of the Official Plan for significant components of the natural heritage system.

### **2.0 Purpose**

The purpose of the TAG is to provide comment on trail related issues in London's ESAs that were not addressed or contemplated in the most current Conservation Master Plan

(CMP) for each ESA. It serves as an information conduit with respective organization members and leverages resources within the community. The TAG serves as the communication link for local trails volunteers and stakeholders. The expected benefits of such a strategy include sharing expertise and perspectives leading to greater understanding and cooperation among stakeholders.

Policies for trail planning and design are implemented through the CMP process which typically includes consultation with Environmental and Ecological Planning Advisory Committee (EEPAC), public participation meetings, and a public meeting before Planning Environment Committee. As most CMPs include recommendations for implementation over a 10 year period, situations may arise where alternative trail alignments or solutions may be required due to the dynamic nature of ecosystems. The TAG will provide part of the public engagement process for comments on trails not originally addressed or contemplated in the most current CMPs. The TAG is an advisory body and is not an approval authority.

### **3.0 Responsibilities and Functions**

The TAG will provide timely, consistent and effective trail planning and design comments by:

- (a) Reviewing and suggesting creative trail design responses to the identified problems in the establishment of trails and trail structures;
- (b) Ensuring proposed trails and trail structures are consistent with the Council adopted Guidelines for Management Zones and Trails in Environmentally Significant Areas (ESAs).
- (c) Fostering an effective working relationship with all trail user groups and organizations; and
- (d) Broadening public discussion about trails and ESAs in London and strengthening public input.

### **4.0 Membership**

The TAG shall be comprised of:

- 1 representative and 1 alternate representative from TVTA
- 1 representative and 1 alternate representative from EEPAC
- 1 representative and 1 alternate representative from Nature London
- 1 representative and 1 alternate representative from UTRCA
- 1 representative and 1 alternate representative from Accessibility Advisory Committee
- A representative from the neighbourhood community association and a representative from the directly associated "Friends of" ESA group will be included based on which ESA the TAG is reviewing
- City staff who will facilitate meetings and site visits

### **5.0 Terms of Office**

Service on the TAG is a 2 year appointment confirmed by October 1st. TAG representatives shall serve without compensation. Appointment to the TAG will be by nomination from within each of the user groups and organizations. Representatives (or their alternate representative) must be available and provide their own transportation to attend all meetings of the TAG.

### **6.0 Processes / Meetings**

The TAG will meet as required, usually onsite, to address specific trail projects and identified problem trail sites in ESAs that were not originally contemplated or addressed in the current ESA Master Plans.

City staff will set the meeting agenda, location and provide background information, maps and photos to facilitate meetings.

The TAG will strive for consensus in making decisions. However, if consensus is not reached after significant effort, a majority of the TAG members present will be required to make a decision.

City staff will take TAG meeting minutes and summarize the results and distribute the minutes to TAG members within two weeks after TAG meetings.

The TAG representatives will liaise with members of the public as well as their respective stakeholder groups in order to share information both to and from the TAG.





TAG suggestion: realign proposed Level 2 trail loop, keeping loop to the west of existing homes, over an existing berm, over the existing, un-opened road allowance for Old Bridge Road.

Relocate trail to sewer easement and upgrade to 'accessible' for better access to the river's edge lookout.

TAG agreed to relocate trail, using bench cut, further down slope, avoiding native trees to reduce sight lines to residential properties.

TAG suggested enhanced privacy fencing along east side of new access.

TAG suggestion: relocate existing vehicle barricade and gate closer to sewage pumping station / trail, further west to allow for 2 accessible and 2 standard parking spaces. Ensure gate has accessible opening to trail open to permit wheelchairs.

TAG suggested Trail Closed barricade and sign and no "Lookout" at this location.

## BYRON VALLEY NATURE TRAIL CONCEPT - REVISED TRAIL ENHANCEMENT PLAN

TRAILS ADVISORY GROUP (TAG) REVISED TRAIL ENHANCEMENT - REVISED BASED ON AUG 15/18 TAG WALK AND PARTICIPATION HOUSE CONSULTATION

- Study Area (City Lands)
- Lookout - 3 Armour Stone "Seats"
- Vehicle Barrier Gate and AODA / Wheelchair and Pedestrian Access (Relocated)
- No Bikes Sign & Bike Corral Open to Pedestrians
- Trail Closed Sign & Closed Barricade
- Wheelchair Access
- Parking (Four Spots, Two Accessible)
- Proposed Meadow / Pollinator Naturalization of Existing Lawn Areas
- Old Bridge Road Unopened Road Allowance

- ### Management Zones
- Utility Overlay (4 m)
  - Natural Environment
  - Nature Reserve
  - Road Right-of-Way
  - Thames River (Nature Reserve)

- ### Trail Concept
- TAG Proposed Trail (Natural Surface / Wood Chips)
  - TAG Proposed Trail (Chips & Dust / Granular)
  - Informal Trails (Existing)
  - Informal Trails (To Be Closed)



MAP DRAWING INFORMATION:  
DATA PROVIDED BY CITY OF LONDON (2016)  
PARCEL OWNERSHIP CONFIRMED THROUGH GEOWAREHOUSE (2017)

MAP CREATED BY: JWH / LK  
MAP CHECKED BY: JLP  
MAP PROJECTION: NAD 1983 UTM Zone 17N



PROJECT: 17-5427  
DATE: 2018-10-15





London  
CANADA

P.O. Box 5035  
300 Dufferin Avenue  
London, ON  
N6A 4L9

November 23, 2016

Treadstone Developments  
c/o M. Doornbosch  
Zelinka Priamo Ltd.  
318 Wellington Road  
London, ON N6C 4P4

I hereby certify that the Municipal Council, at its meeting held on November 22, 2016 resolved:

11. That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application of Treadstone Developments relating to the property located at 1349, 1351, 1357 and 1361 Commissioners Road West:

- a) the proposed attached, revised by-law BE INTRODUCED at the Municipal Council meeting to be held on November 22, 2016 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R1/R5 (R1-9/R5-3) Zone and a Residential R5/R8 Special Provision (R5-4(1))/R8-4(2)) Zone TO a holding Residential R8 Special Provision (h-5\*R8-4(\_)) Zone and an Open Space Special Provision (OS1(\_)) Zone;
- b) the Site Plan Approval Authority BE REQUESTED to consider the following through the site plan process:
  - i) define a pedestrian-oriented ground floor by incorporating a different design treatment and material application along the base of the building than the rest of the building;
  - ii) differentiate the top of the building through an articulated roof form, stepbacks, cornices, and/or material change and enclose rooftop mechanical equipment within the built form;
  - iii) incorporate a variety of materials and textures to highlight different architectural elements;
  - iv) provide individual entrances to ground floor units on the south façade, with direct walkway access perpendicular to the public sidewalk, operable front doors and pedestrian scale features such as canopies and lighting;
  - v) design ground floor amenity spaces as open courtyards or front porches extending into the front setback;
  - vi) differentiate the primary entrance to the lobby from the individual units on the south façade through an increased proportion of glazing and appropriately scaled building mass; and,
  - vii) screen all parking areas that are visible from the street;
- c) the Civic Administration BE DIRECTED to provide the plan for the trail at a community meeting to be held in Byron and all interested parties be notified of the community meeting;
- d) the Civic Administration BE DIRECTED to consult with the Upper Thames River Conservation Authority and other applicable agencies with respect the proposed location of a trail through the Byron Valley and the potential resulting impact to species at risk;

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

it being noted that the Municipal Council approves the amended application to include an h-5 holding provision and to request a community meeting after hearing extensive public consultation with respect to these matters;

it being further noted that Municipal Council received comments from the agent for the applicant in support of the staff recommendation. (2016-D09) (AS AMENDED) (11/20/PEC)



C. Saunders  
City Clerk  
/jb

cc: J.M. Fleming, Managing Director, Planning and City Planner  
M. Tomazincic, Manager, Current Planning  
S. Wise, Planner II  
J. Nethercott, Documentation Services Representative  
K. Butts, Executive Assistant, Planning  
List of external cc's on file in the City Clerk's Office

To: City Of London Planning and Environmental Committee.

August 27, 2018

We, residents of Byron, wish to obtain delegation status so that, as community representatives, we can address the Planning and Environmental Committee to request that they recommend the deletion of the clause of the Byron Valley Conceptual Nature Trail Plan on city lands North of Commissioners Road West, south of the Thames River and west of Halls Mill Road and Old Bridge Road. This Nature Trail Plan is associated with the development at 1355 Commissioners Road West.

At the initial Public Meeting held on November 22, 2016 it was resolved that, due to the large number of Byron Residents in attendance who were opposed to the Nature Trail, the "Civic Administration be directed to provide the plan for the trail at a community meeting held in Byron".

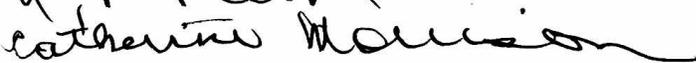
A Community Information Meeting and Open House for the Byron Valley -Draft Conceptual Nature Trail was held March 8, 2018. At that meeting there were approximately 85 Byron residents in attendance who were opposed to the Nature Trail Plan. This was apparent when it was decided to take an informal vote to see who was opposed to the Nature Trail and when, due to the opposition to the plan, Mr Andrew Macpherson threw up his hands and, to paraphrase, said that there was no point in wasting any more of the city staff's time if nobody wanted it and perhaps the whole project should be scrubbed and the money used somewhere else.

Much to the surprise of many Byron residents who assumed this project would go no further, the city staff have now confirmed this project is indeed going forward. We have been told by city staff that this pathway is for local residents only, despite the overwhelming opposition from the local residents to this Nature Trail because of a multitude of Environmental and safety concerns this trail would create.

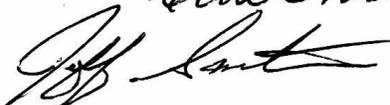
The following Byron residents are representing the concerned local Byronites.

Leah Usaty Black - Stephen Street 

Debbie Park - Halls Mill Place 

Catherine Morrison - Stonegate Condominiums 

Etta Washburn - River Ridge Condominiums 

Jeff Santin - Halls Mill Road 

Mike Laliberte - Old Bridge Road. 

**From:** Douglas

**Subject:** Byron Nature Trail --

**Date:** September 4, 2018 at 9:36:25 AM EDT

**To:** "McDougall, Linda" <[lmcdouga@london.ca](mailto:lmcdouga@london.ca)>, [amacpher@London.ca](mailto:amacpher@London.ca)

Thank you for the opportunity to participate in the TAG that visited the trail at the Coves and then the proposed trail for the Byron River Valley. The visits made it much easier to visualize what was proposed.

I have had opportunity to review the proposed plan and revisions made during the on-site review with the Board of our Condominium, Byron Woods, MCC 424 1337 Commissioners Rd. W.

The proposed Plan as reviewed on-site and the changes to the plan discussed during the tour satisfy our concerns about the development of the trail.

The key changes to the plan that affect Byron Woods are as follows:

1. The path from Commissioners Rd as it reaches the crest of the hill will drop down at that point to a level grade that will then intersect with the existing path down the rest of the grade and emerge approximately behind the pumping station.
2. The path will not follow the existing path across the back of our common area. This path will be closed off so that walkers will use the new path going down the hill.
3. The path from the parking lot of the existing Apartment and town houses to the west will be closed off so that walkers will use the path from Commissioners Road rather than the existing path from the parking lot that connects with the path behind our common area.
4. The fence to the west of Byron Woods. The new apartment at 1355 Commissioners Rd has already constructed a new wooden fence on the west side of their property and on the north side to the end of the existing apartment building. We do not know if they plan to install a fence to the east of their property back to where the dedicated park area begins. The fence that exists to the west of Byron Woods was installed some years ago and has been maintained by Byron Woods since then. There is a considerable section of the property line where the grade in the park area is several feet below the ground level in Byron Woods that causes the fence to be very unstable. It was stated during the tour that the Parks Department prefers to have a fence between ESA's and private property and that the fence should prevent our property being viewable or accessible from the pathway. Notes were made of this and we hope that a new and higher fence could be erected in place of the existing one.

We feel that these changes will reduce walkers entering our property and discarding of garbage in the vicinity of the trail which we will appreciate.

Several of your existing regulations should also be helpful, only a few disabled parking spots (would they be inside the gate which could be closed at dusk?) no washroom facilities, and dogs must be leashed.

Thank you again for the opportunity to participate and hopefully achieve the objectives of both of us.

Doug German,  
#12 1337 Commissioners Road W.

Chair and Members, Planning and Environment Committee,

I would like delegation status to speak to this matter for myself and David Sutherland to speak on October 29, 2018 Planning and Environment Committee Agenda relating to the Byron Valley Nature Trail Planning process. You have my permission to include communication on the PEC Agenda which is a public document and is placed on the City of London website.



Stacey Sutton  
Senior Care Coordinator  
Participation House Support Services

October 25, 2018



Planning and Environment Committee  
City of London Council  
c/o City Hall, 300 Dufferin Ave.  
London, ON N6A 4L9

**Re: The Byron Valley Nature Trail**

To the Planning and Environment Committee of London City Council,

I would like to submit this letter of support for the Byron Valley Nature Trail on behalf of the people we support who live in the Byron area.

Participation House Support Services is a non-profit organization dedicated to supporting people with developmental disabilities and/or complex physical needs so they can live in their own homes, participate in the community, and enjoy life with family and friends. We support more than 200 people in over 50 locations throughout London and surrounding region.

The proposed nature trail would be extremely beneficial, as it would increase opportunities for the people we serve to be part of their community. Through a pathway which could be usable for all, people will be able to interact and build connections naturally with other residents in the Byron area.

Jamie, a gentleman we serve, and his staff member, Chrissy, were invited to give input in August 2018 regarding the accessibility requirements and usage of the potential trail by people with disabilities. We are extremely grateful for the opportunity to be involved in the planning process and allow the people we serve, like Jamie, to give their opinion and contribute to the greater community in a valued way.

The Byron Valley Nature Trail will foster an inclusive and accessible community where everyone is welcome and able to enjoy the benefits of nature while making connections in their community. There are four homes within the Bryon area that Participation House provides service to people who will benefit from these accessible trails.

Thank you, once again, for considering us and the people we support during the planning process.

Sincerely,

A handwritten signature in black ink that reads 'Stacey Sutton'.

Stacey Sutton  
Senior Coordinator, Participation House Support Services  
On behalf of the people supported by Participation House Support Services

# London Advisory Committee on Heritage

## Report

10th Meeting of the London Advisory Committee on Heritage  
October 10, 2018  
Committee Rooms #1 and #2

Attendance                   PRESENT: M. Whalley (Acting Chair), S. Adamsson, D. Brock,  
J. Cushing, H. Elmslie, H. Garrett, S. Gibson, J. Manness,  
and K. Waud and J. Bunn (Secretary)

ABSENT: D. Dudek and T. Jenkins

ALSO PRESENT: K. Gonyou and J. Ramsay

The meeting was called to order at 5:30 PM.

### 1. Call to Order

#### 1.1 Disclosures of Pecuniary Interest

That it BE NOTED that H. Garrett disclosed a pecuniary interest in clauses 3.5 and 5.2 of this report, having to do with a Revised Application and Public Meeting Notice with respect to a zoning by-law amendment for the properties located at 147-149 Wellington Street and 253-257 Grey Street and the property located at 536 Windermere Road, respectively, by indicating that her employer is the agent on the files.

### 2. Scheduled Items

#### 2.1 North Talbot Neighbourhood Heritage Homes

That the attached presentation from A.M. Valastro with respect to potential heritage homes in the North Talbot Neighbourhood area, BE REFERRED to the Stewardship Sub-Committee for review; it being noted that Ms. Valastro will provide her research on these properties to the Sub-Committee.

#### 2.2 Bus Rapid Transit Pausing Transit Project Assessment Process to Strengthen Heritage Strategy

That the attached Draft Terms of Reference for the Individual Cultural Heritage Evaluation Reports that will be submitted to the London Advisory Committee on Heritage (LACH) for their review, BE REFERRED to the Stewardship Sub-Committee for review; it being noted that the attached presentation and handouts from J. Ramsay, Project Director, Rapid Transit Implementation, were received; it being further noted that the Cultural Heritage Screening Report - London Bus Rapid Transit System, dated October 8, 2018, from WSP, was received and is on file in the City Clerk's Office.

### 3. Consent

#### 3.1 9th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 9th Report of the London Advisory Committee on Heritage, from its meeting on September 12, 2018, was received.

3.2 Public Meeting Notice - Draft Plan of Subdivision and Zoning By-law Amendment - 3080 Bostwick Road

That it BE NOTED that the Public Meeting Notice, dated September 20, 2018, from S. Wise, Senior Planner, with respect to a Draft Plan of Subdivision and Zoning By-law Amendment for the property located at 3080 Bostwick Road, was received.

3.3 Notice of Planning Application - Draft Plan of Subdivision and Zoning By-law Amendment - 6019 Hamlyn Street

That it BE NOTED that the Notice of Planning Application, dated October 2, 2018, from N. Pasato, Senior Planner, with respect to a Draft Plan of Subdivision and Zoning By-law Amendment for the property located at 6019 Hamlyn Street, was received.

3.4 Notice of Study Completion - Adelaide Street North - Canadian Pacific Railway Grade Separation - Municipal Class Environmental Assessment Study

That it BE NOTED that the Notice of Study Completion from A. Spahiu, Transportation Design Engineer, with respect to the Adelaide Street North - Canadian Pacific Railway Grade Separation Municipal Class Environmental Assessment Study, was received.

3.5 Revised Application and Public Meeting Notice - Zoning By-law Amendment - 147-149 Wellington Street and 253-257 Grey Street

That it BE NOTED that the Revised Application and Public Meeting Notice, dated September 19, 2018, from M. Corby, Senior Planner, with respect to a Zoning By-law Amendment for the properties located at 147-149 Wellington Street and 253-257 Grey Street, was received.

**4. Sub-Committees and Working Groups**

None.

**5. Items for Discussion**

5.1 Heritage Alteration Permit Application by G. Anastasiadis re 550 Dufferin Avenue - East Woodfield Heritage Conservation District

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* to construct a new, detached garage on the property located at 550 Dufferin Avenue, within the East Woodfield Heritage Conservation District, BE PERMITTED as submitted in the drawings appended to the staff report dated October 10, 2018, with the following terms and conditions:

- only one driveway be permitted;
- the existing driveway and curb cut for the property off of Dufferin Avenue be closed and the driveway be removed and the area be restored with sod/grass; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the attached presentation from K. Gonyou, Heritage Planner, with respect to this matter, was received.

5.2 Property at 536 Windermere Road

That the communication dated September 16, 2018, from E. Mara, with respect to the property located at 536 Windermere Road, BE REFERRED to the Stewardship Sub-Committee for review; it being noted that the Sub-Committee will also consider the property located at 542 Windermere Road with respect to this matter.

**6. Deferred Matters/Additional Business**

6.1 (ADDED) Heritage Planners' Report

That it BE NOTED that the attached submission from K. Gonyou, Heritage Planner, with respect to various updates and events, was received.

**7. Confidential**

7.1 Personal Matters/Identifiable Individual

That the London Advisory Committee on Heritage convene in closed session with respect to the following matter:

7.1. Personal Matters/Identifiable Individual

A personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2019 Mayor's New Year's Honour List.

The London Advisory Committee on Heritage convened in camera from 7:27 PM to 7:37 PM with respect to the above-noted matter.

**8. Adjournment**

The meeting adjourned at 7:37 PM.

**Properties of North Talbot**  
**concerns of neglect**

176 Piccadilly (east north corner of St. George)



183 Ann Street ( recently purchased by York Development for redevelopment- next to old Carling Brewery site)



179 Ann Street ( recently purchased by York Development for re-development – next to old Carling Brewery site)



Carling Brewery – original site



140 and 142 Mill Street - designated



Open vents



139 Mill St. Most addresses on Mill St. are listed on heritage inventory list.



116 Mill St. – east north corner of Talbot St.  
Most addresses on Mill St. are listed on the heritage inventory list.



557 Ridout Street – mid century  
site to be re-developed



555 Ridout – mid century  
site to be re-developed



565 Ridout St.  
built for Talbot Macbeth 1910. Listed on heritage inventory list.



130 Kent Street. Owned by York Development ?  
Frat House. Listed on heritage inventory list.



136 Kent St. Owned by York Development?  
Frat House. Listed on heritage inventory list



149 Central Ave.  
The house was built 1874. In the 1875 City Directory, Thomas Haskett, painter is  
living there. This property along with 155, 157 and 145 are being sold as one block  
for re-development for 2.2 million dollars. Listed on heritage inventory list.



155 and 157 Central Ave.



145 Central Ave. Listed on heritage inventory list.



135 Central – noted for heritage features by Don Menard. Listed in heritage inventory list.



179 John St. Listed on heritage inventory list



## **DRAFT Terms of Reference:**

### **Individual Cultural Heritage Evaluation Report**

A stand-alone Cultural Heritage Evaluation Report will be prepared by a qualified heritage consultant as required by the recommendations of the Cultural Heritage Assessment Report.

The Cultural Heritage Evaluation Report will include:

- an executive summary, describing a summary of the outcome of the heritage evaluation;
- an introduction providing context for the report and providing a brief overview of how and why the research was undertaken;
- a general description of the history of the immediate context, considering the unique setting of the property, which may consist of a village, neighborhood, commercial district, and/or street the property is located within;
- a land use history of the property parcel describing key transfers of land and milestones, informed by Land Registry records to the Crown and additional archival research into prominent owners or tenants, including but not limited to the use of tax assessments or City Directories, if identified;
- a description of the heritage character of the immediate landscape context, including significant views and/or vistas;
- a description of the exterior of a built heritage resource visible from the public right-of-way for a building, and if an engineering work, a description of its structural design and materials;
- representative photographs of the exterior of a building or structure, character-defining architectural details taken during a site visit from the public right-of-way, or, of a structure, representative photographs of the elevations and structural details of a bridge or engineering work;
- a comparative analysis, using buildings of a similar age, style, typology, context and/or history, informed by a search of the City of London Heritage Register;
- a qualified statement about integrity, including observations from the public right-of-way, description of limitations, and recommendations for future work by a qualified heritage engineer, building scientist, or architect;
- a cultural heritage resource evaluation under O. Reg. 9/06, guided by the Ontario Heritage Toolkit (2006) and the Ministry of Tourism, Culture and Sport's Standards and Guidelines for the Conservation of Provincial Heritage Properties (2014);
- a statement of cultural heritage value or interest;
- a description of the heritage attributes;
- historical mapping, photographs of the building if available;
- a location plan;
- a description of consultation undertaken;
- recommendations for future work; and
- sources cited.

## **Group Cultural Heritage Evaluation Report**

A group Cultural Heritage Evaluation Report will be prepared by a qualified heritage consultant as required by the recommendations of the Cultural Heritage Assessment Report for contiguous properties which share a geography, style, age, use and typology.

A Grouped Cultural Heritage Evaluation Report will include:

- an executive summary, describing a summary of the outcome of the heritage evaluation(s);
- an introduction providing context for the report and providing a brief overview of how and why the research was undertaken;
- a shared general description of the history of the of the immediate context, considering the unique setting of the property, which may consist of the village, neighborhood, commercial district, and/or street the property is located within;
- a shared description of the heritage character of the immediate landscape context, including significant views and/or vistas;
- a land use history of the property parcel describing key transfers of land and milestones, informed by Land Registry records to the Crown and additional archival research into prominent owners or tenants, including but not limited to the use of tax assessments or City Directories, if identified;
- a description of the exterior of each built heritage resource visible from the public right-of-way for a building, and if an engineering work, a description of its structural design and materials;
- representative photographs of the exterior of each built heritage resource, including architectural details, taken during a site visit from the public right-of-way, or, of a structure, representative photographs of the elevations and structural details of a bridge or engineering work;
- a comparative analysis for each built heritage resource, using buildings or structures of a similar age, style, typology, context and/or history, informed by a search of the City of London Heritage Register;
- a qualified statement about integrity for each built heritage resource, including observations from the public right-of-way, description of limitations, and recommendations for future work by a qualified heritage engineer, building scientist, or architect;
- a cultural heritage resource evaluation under O. Reg. 9/06 for each property, guided by the Ontario Heritage Toolkit (2006) and the Ministry of Tourism, Culture and Sport's Standards and Guidelines for the Conservation of Provincial Heritage Properties (2014);
- a statement of cultural heritage value or interest for each property that meets O. Reg. 9/06;
- a description of the heritage attributes for each property that meets O. Reg. 9/06;
- historical mapping, photographs of the building if available;
- a location plan;
- a description of consultation undertaken; and
- recommendations for future work; and
- sources cited.



## AGENDA

- Cultural heritage work to date
- Expanded Cultural Heritage Screening Report (CHSR)
- Potential direct impacts to buildings
- Cultural Heritage Evaluation Report (CHER) terms of reference
- Next steps
- LACH role



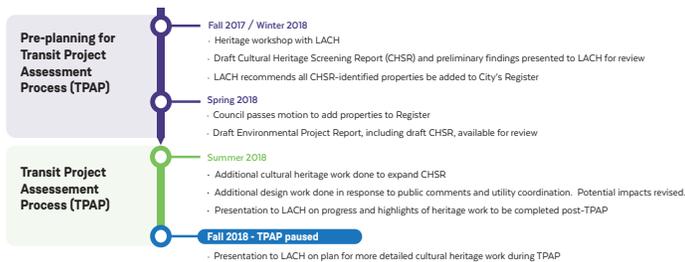
## EXPANDED CULTURAL HERITAGE SCREENING REPORT (CHSR)

### DRAFT CHSR (APRIL 2018)

- Screened along BRT corridors for potential cultural heritage value/interest
- Provided a historical and policy context, existing conditions and mapping
- Made recommendations for properties requiring further heritage studies

### EXPANDED CHSR (OCTOBER 2018)

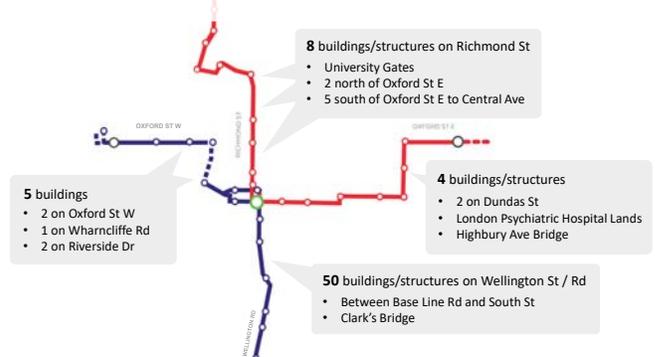
- Included LACH-identified properties and identified properties that don't require further study
- Identified properties added to the City's Inventory of Heritage Resources this year
- Evaluated potential impacts and identified mitigation strategies
- Assessed changes to impacts due to evolving design in response to consultation
- Updated mapping and photo documentation
- Updated recommendations for properties requiring further heritage studies



## EXAMPLE

NAME	MUNICIPAL ADDRESS	PAST IV. V. OR LAT/LS	IMAGE	DESCRIPTION	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
1001	1001	1001		Highly detailed description of the property's history and architectural significance.	Highly detailed description of potential impacts from the BRT project.	High	Highly detailed list of mitigation measures to be implemented.
1002	1002	1002		Description of the property's location and historical context.	Description of potential impacts.	Medium	List of mitigation measures.
1003	1003	1003		Description of the property's location and historical context.	Description of potential impacts.	Low	List of mitigation measures.

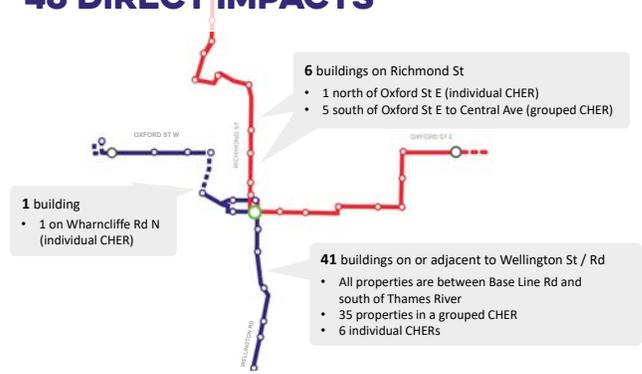
## 67 POTENTIAL DIRECT IMPACTS



## 67 REDUCED TO 48



## 48 DIRECT IMPACTS



## TERMS OF REFERENCE

### INDIVIDUAL CHER

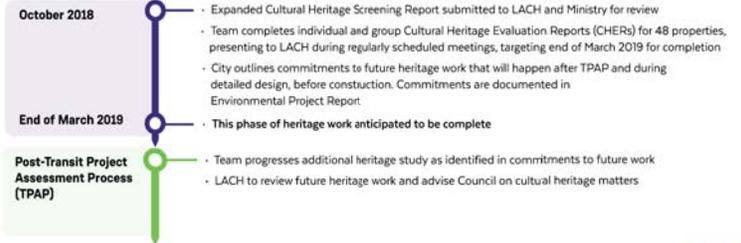
A **stand-alone** Cultural Heritage Evaluation Report (CHER) will be prepared by a qualified heritage consultant as required by the recommendations of the Cultural Heritage Screening Report (CHSR).

### GROUPED CHER

A **grouped** Cultural Heritage Evaluation Report (CHER) will be prepared by a qualified heritage consultant as required by the recommendations of the Cultural Heritage Screening Report (CHSR) for contiguous properties which share a geography, style, age, use and typology.



## NEXT STEPS



## LACH ROLE

### FOR TPAP

- Review of updated Cultural Heritage Screening Report (CHSR)
- We request any insights LACH has to assist in determining heritage value and attributes of the 48 properties
- Provide team with historical mapping, photographs, and other resources if available
- Review cultural heritage reports as they are brought forward to LACH

### AFTER TPAP

- Review the methodology for further CHER and Heritage Impact Assessment (HIA)
- Review the prioritization of the heritage work along the BRT corridors
- Continue to advise Council on cultural heritage resources

## QUESTIONS?



NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
<b>Part IV Properties</b>							
CHR-520	850 Highbury Ave N	Part IV		<p>By-Law L.S.P.-3321-208            Historical: Built 1870, London Psychiatric Hospital            Architectural: Victorian three storey yellow brick building with a hip roof; two storey recreational hall with pediment gables, plain frieze and moulding, over broad pilasters, semi-circular headed brick paneled 40 pane windows, double door centre entrance way; Gothic revival chapel; White brick, slate roof horse stable, the last of the three original buildings; tree-lined avenue with a centre walkway.            Contextual: Within a mixed residential/commercial area along a historically surveyed road.</p>	<p>Direct impacts to a non-heritage building on the property are anticipated including Up to 12.6m along site frontage/lawn proposed, including impacting building, to accommodate roadway widening, sidewalk, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening.</p> <p>Direct impacts to the ministry building are anticipated, however, no direct impacts are anticipated to the heritage attributes identified in the designation by-law. [An HIA should be completed early during detailed design which considers the proposed impacts, including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.]</p>
<b>Part V – Blackfriars-Petersville HCD</b>							
CHR-805	75 Riverside Dr.	Part V Blackfriars-Petersville HCD		<p>Historical: Built circa 1892            Architectural: 1 storey frame residential home with vinyl siding. Side Hall plan frame cottage with hipped roof and centre dormer.            Contextual: The property is within a residential area within Blackfriars/Petersville HCD and is considered a contributing resource.</p>	<p>Direct impacts to the building are anticipated including Up to 7.0m along site frontage/lawn proposed, including impacting building, to accommodate sidewalk and utility buffer. Design alternatives have been considered, and direct impacts may be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening for the bus stop.</p> <p>Should it be determined that avoidance is not possible through design, and as this property has already been evaluated as a part of a Part V HCD Study, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-806	77 Riverside Dr.	Part V Blackfriars-Petersville HCD		<p>Historical: Built circa 1890                      Architectural: Single storey, hipped roof frame residence. Side Hall plan cottage.                      Contextual: The property is within a residential area within Blackfriars/Petersville HCD and is considered a contributing resource.</p>	<p>Direct impacts to the building are anticipated including Up to 7.0m along site frontage/lawn proposed, including impacting building, to accommodate BRT bus stop, sidewalk and utility buffer. Design alternatives have been considered, and direct impacts may be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening for the bus stop.</p> <p>Should it be determined that avoidance is not possible through design, and as this property has already been evaluated as a part of a Part V HCD Study, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
Wellington Road/Street							
CHR-138	72 Wellington Street	Listed		<p>Historical: Built circa 1870-1900                      Architectural: 2 ½ storey buff brick Italianate or Queen Anne influenced residence                      Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 4.3m of site frontage/lawn/driveway and directly impacting building proposed to accommodate multi-use path, utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting building.</p>	Medium-High	<p>Direct impacts to the building can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-137	1 Kennon Pl (Adjacent to Wellington Road)	Listed		Historical: Built circa 1918 Architectural: 1 ½ storey red brick Dutch Revival residence. Gambrel roof. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Entire property, including building, proposed to accommodate widening of roadway, multi-use path, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-139	98 Wellington Rd	Listed		Historical: Built circa 1949 Architectural: 1 ½ storey post war bungalow. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 8.3m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, multi-use path, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-140	30 Wellington Rd	Listed		Historical: Built circa 1906 Architectural: 1 ½ storey cast concrete cladding structure bungalow. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 12.0m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-141	32 Wellington Rd	Listed		<p>Historical: Built circa 1908                      Architectural: 1 ½ storey brick influenced bungalow.                      Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 11.0m of site frontage/lawn/driveway, and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-142	78 Wellington Rd	Listed		<p>Historical: Built circa 1948                      Architectural: 1 storey residence.                      Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 8.5m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-143	26 Wellington Rd	Listed		<p>Historical: Built circa 1908                      Architectural: 1 ½ storey cast concrete bungalow.                      Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 11.5m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-144	74 Wellington Rd	Listed		<p>Historical: Built circa 1900                      Architectural: 1 storey Arts and Crafts influenced frame residence                      Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 8.4m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-145	28 Wellington Rd	Listed		<p>Historical: Built circa 1906                      Architectural: 1 storey cast concrete residence.                      Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 11.8m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-146	90 Wellington Rd	Listed		<p>Historical: Built circa 1945                      Architectural: 2 storey Tudor Revival influenced red brick.                      Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 8.2m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting building.</p>	Medium-High	<p>Direct impacts to the building can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-147	88 Wellington Rd	Listed		Historical: Built circa 1910 Architectural: 1 ½ storey buff brick Queen Anne Revival bungalow. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 8.2m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-148	92 Wellington Rd	Listed		Historical: Built circa 1949 Architectural: 1 storey post-war frame residence. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 8.3m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting building.	Medium-High	Direct impacts to the building can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-149	34 Wellington Rd	Listed		Historical: Built circa 1906 Architectural: 1 ½ storey residence. Parged, painted brick. Queen Anne revival. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 10.5m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-150	142 Wellington Rd	Listed		Historical: Built circa 1931 Architectural: 1 1/2 storey red brick bungalow residence. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 18.5m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening/realignment, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-151	138 Wellington Rd	Listed		Historical: Built circa 1930 Architectural: 1 1/2 storey Arts and Crafts brick and stucco bungalow residence. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 15.1m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening/realignment, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-152	134 Wellington Rd	Listed		Historical: Built circa 1871 Architectural: 1 storey frame residence. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 12.1m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening/realignment, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-153	120 Wellington Rd	Listed		Historical: Built circa 1945-1950 Architectural: 2 storey yellow brick main street commercial building. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 8.9m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting building.	Medium-High	Direct impacts to the building can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-154	122 Wellington Rd	Listed		Historical: Built circa 1945-1960 Architectural: 2 storey main street commercial building Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx.9.1m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-155	126 Wellington Rd	Listed		Historical: Built circa 1945-1960 Architectural: 2 storey main street commercial building. Cladding applied in 2015. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx.9.1m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-156	140 Wellington Rd	Listed		Historical: Built circa 1929 Architectural: 1 ½ storey Arts and Crafts brick and stucco residence Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 16.8m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening/realignment, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-157	136 Wellington Rd	Listed		Historical: Built circa 1931 Architectural: 1 storey Arts and Crafts brick residence. Bungalow. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 13.5m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening/realignment, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-158	118 Wellington Rd	Listed		Historical: Built circa 1900-1940 Architectural: 1 storey Contextual: Located in a mixed residential and commercial area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 8.6m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-159	166 Wellington Rd	Listed		Historical: Built circa 1948 Architectural: 1 storey Vernacular stucco-clad brick bungalow with red painted gable. Contextual: Located in a mixed residential and commercial area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 12.0m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-182	247 Wellington Rd	Listed		Historical: Built circa 1949 Architectural: 1 1/2 storey side gabled, post-war residential home. Contextual: Located in a mixed residential and commercial area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 12.0m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-183	243 Wellington Rd, 55 Foxbar, 49 Foxbar	Listed		Historical: Built in 1941 for the original St. Andrew Memorial Anglican Church, now serves as a hall. Architectural: Single storey church structure, which has been converted to use as a hall. Contextual: Located in a mixed residential and commercial area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 10.3m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-184	255 Wellington Rd	Listed		Historical: Built circa 1950 (left) and 1925 (right) Architectural: Single storey cottage residence with attached commercial structure. Vernacular commercial (left), Tudor Revival (right). Contextual: Located in a mixed residential and commercial area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 12.3m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-185	261 Wellington Rd	Listed		Historical: Built circa 1951 Architectural: Two storey red brick residence. Vernacular. Contextual: Located in a predominantly residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 10.2m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-186	263 Wellington Rd	Listed		Historical: Built circa 1946 Architectural: 1 ½ storey red brick residential home. Contextual: Located in a predominantly residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 9.8m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-187	251 Wellington Rd	Listed		<p>Historical: Built circa 1938                      Architectural: 1 ½ storey frame residential home. Bungalow.                      Contextual: Located in a predominantly residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Approx. 10.5m of site frontage/lawn/driveway and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-188	249 Wellington Rd	Listed		<p>Historical: Built circa 1948                      Architectural: 1 storey frame residential home. Bungalow.                      Contextual: Located in a predominantly residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Approx. 12.3m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-189	267 Wellington Rd	Listed		<p>Historical: Built circa 1945                      Architectural: 1 ½ storey red brick residential home with Tudor Revival influences.                      Contextual: Located in a predominantly residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Approx. 11.0m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-190	269 Wellington Rd	Listed		Historical: Built circa 1944 Architectural: 1 1/2 storey red brick residential home with Vernacular influences. Contextual: Located in a predominantly residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 11.5m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-191	275 Wellington Rd	Listed		Historical: Built circa 1939 Architectural: 1 storey frame residential home. Contextual: Located in a predominantly residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 13.4m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, multi-use path, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-192	273 Wellington Rd	Listed		Historical: Built circa 1943 Architectural: 1 1/2 storey red brick residential home with Vernacular influences. Contextual: Located in a predominantly residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 13.7m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, multi-use path, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-193	271 Wellington Rd	Listed		<p>Historical: Built circa 1944                      Architectural: 1 ½ storey red brick Vernacular residential home.                      Contextual: Located in a predominantly residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Approx. 14.8m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-194	265 Wellington Rd	Listed		<p>Historical: Built circa 1945                      Architectural: 1 ½ storey red brick residential home with Tudor Revival influences.                      Contextual: Located in a predominantly residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Approx. 10.4m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, multi-use path, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-195	289 Wellington Rd	Listed		<p>Historical: Built circa 1937                      Architectural: 1 ½ storey red brick residential home with Tudor Revival influences.                      Contextual: Located in a predominantly residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Approx. 13.6m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, multi-use path, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-196	287 Wellington Rd	Listed		<p>Historical: Built circa 1943                      Architectural: 1 ½ storey red brick residential home with Vernacular/bungalow influences.                      Contextual: Located in a predominantly residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Approx. 13.5m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, multi-use path, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-197	285 Wellington Rd	Listed		Historical: Built circa 1943 Architectural: 1 ½ storey frame residential home. Contextual: Located in a predominantly residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 13.8m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, multi-use path, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-199	301 Wellington Rd	Listed		Historical: Built circa 1934 Architectural: 2 storey red brick residential home with Tudor Revival influences, which has been converted to commercial use. Contextual: Located in a mixed commercial and residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 1.8m of site frontage/driveway/pavement and directly impacting building proposed to accommodate roadway widening, multi-use path, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-200	297 Wellington Rd	Listed		Historical: Built circa 1928 Architectural: 1 ½ storey red brick residential home. Bungalow. Contextual: Located in a mixed commercial residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 9.0m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, multi-use path, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-207	333 Wellington Rd	Listed		<p>Historical: Built circa 1910 - 1940                      Architectural: 1 ½ storey red brick residential home with Arts and Crafts and/or Edwardian style influences.                      Contextual: Located in a mixed commercial and residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Approx. 5.7m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting building.</p>	Medium-High	<p>Direct impacts to the building can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-208	331 Wellington Rd	Listed		<p>Historical: Built circa 1930                      Architectural: 1 ½ storey red brick residential home. Bungalow.                      Contextual: Located in a mixed commercial and residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Approx. 5.7m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting building.</p>	Medium-High	<p>Direct impacts to the building can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-210	327 Wellington Rd	Listed		<p>Historical: Built circa 1935                      Architectural: 1 ½ storey brick residential home. Bungalow.                      Contextual: Located in a mixed commercial and residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Approx. 4.7m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting building.</p>	Medium-High	<p>Direct impacts to the building can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-383	174 Wellington Rd	Listed		Historical: Built circa 1952 Architectural: 1 storey ranch style Mid-Century Modern bungalow. Contextual: Located in a residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Approx. 12.4m of site frontage/lawn and directly impacting building proposed to accommodate roadway widening, sidewalk, utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-505	16 Wellington Rd	Listed		Historical: Built circa 1935 Architectural: 1 storey painted brick institutional or industrial building. Dobbyn painting. Art Moderne. Contextual: Located in a mixed use and residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Up to 13.2m along site frontage/lawn/retaining wall proposed, including impacting building, to accommodate roadway widening, multi-use path, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-544	220 Wellington Road	Potential Heritage Property		Historical: Built circa 1922-1945 Architectural: 2 storey frame commercial building Contextual: Located in a mixed use institutional, commercial and residential area along a historically surveyed road.	Direct impacts to the building are anticipated including Up to 8.3m along site frontage/lawn proposed, including impacting building, to accommodate roadway widening/realignment, sidewalk, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
Richmond Street							
CHR-24	1110 Richmond St	Listed		<p>Historical: Built circa 1925</p> <p>Architectural: Rectangular rusticated brick structure with concrete foundations, and “half-timbered” third floor. Tudor Revival.</p> <p>Contextual: The property is located within a generally commercial area.</p> <p>LPL Plaque: Toll gates on the Proof line Road.</p>	<p>Direct impacts to the building are anticipated including Approx. 5.5m of property proposed, including building, lawn frontage/driveway, to accommodate minor road widening, boulevard, sidewalk, and above-grade utility pole relocation. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-31	744 Richmond St	Listed		<p>Historical: Built circa 1900-1940.</p> <p>Architectural: Two-storey brick commercial building.</p> <p>Contextual: The property is located within a generally commercial area.</p>	<p>Direct impacts to the building are anticipated including Approx. 4.0m of property proposed, including building, lawn frontage/driveway, to accommodate minor road widening, sidewalk, and utility buffer allowance. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-35	746 Richmond St	Listed		<p>Historical: Built circa 1910-1940.</p> <p>Architectural: Two-storey brick commercial building with angel-stone cladding on the first floor.</p> <p>Contextual: The property is located within a generally commercial area.</p>	<p>Direct impacts to the building are anticipated including Approx. 4.0m of property proposed, including building, lawn frontage/driveway, to accommodate minor road widening, sidewalk, and utility buffer allowance. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-43	742 Richmond St	Listed		<p>Historical: Built circa 1880-1910</p> <p>Architectural: Two-storey, brick commercial building with modified entry.</p> <p>Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 4.0m of property proposed, including building, lawn frontage/driveway, to accommodate minor road widening, sidewalk, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-44	740 Richmond St	Listed		<p>Historical: Built circa 1950-1980.</p> <p>Architectural: Two-storey, brick commercial building with no setback from public right-of-way.</p> <p>Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 4.0m of property proposed, including building, lawn frontage/driveway, to accommodate minor road widening, sidewalk, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-45	736 Richmond St	Listed		<p>Historical: Built circa 1880-1920.</p> <p>Architectural: Two-storey, brick commercial building.</p> <p>Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 4.0m of property proposed, including building, lawn frontage/driveway, to accommodate sidewalk, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-62	1111 Richmond St	Listed		<p>Historical: Built circa 1900-1940</p> <p>Architectural: One-and-a-half-storey, brick residential building.</p> <p>Contextual: The property is located within a largely residential area.</p>	<p>Direct impacts to the building are anticipated including Approx. 7.7m of property proposed, including building, lawn frontage/driveway, to accommodate roadway widening, sidewalk, and utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting building.</p>	Medium-High	<p>Direct impacts to the building can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
<b>Bridges and Other Structures</b>							
CHR-214	Clark's Bridge	Listed		<p>Historic bridge crossing, built greater than 40 years ago.</p>	<p>Structure to be widened to accommodate road widening for additional BRT lanes, and multi-use path. In detail design, refinements and alterations can be made, resulting in the full or partial retention of the subject structure.</p>	Medium-High	<p>Widening and/or a new parallel structure is proposed. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-216	Highbury Avenue North Overpass	Listed		<p>Overpass structure, built greater than 40 years ago.</p>	<p>Direct impacts to the structure are anticipated including Approx. 12m widening to the west to accommodate widened roadway. Approx. 1.5m widening to the east to accommodate sidewalk. . In detail design, refinements and alterations can be made, resulting in the full or partial retention of the subject structure.</p>	Medium-High	<p>Widening and/or a new parallel structure is proposed. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-473	390 Oxford Street W	Listed		Oakland Cemetery, also known as the Scotch Cemetery and Proudfoot Cemetery, was originally established in 1855	Culvert to be relocated to the east of existing culvert within same property. Modifications to be made through Mud Creek Subwatershed Class Environmental Assessment.	Medium-Low	This property has been assessed as a part of other heritage studies, the culvert is not a heritage attribute. No further heritage work is recommended.
CHR-832	Gates at Richmond and University	Listed		Historical: Greater than 40 years old. Architectural: Limestone pillar gates with Western emblems. Contextual: Located on Western University campus.	Widening of roadway will impact existing University Gates, requiring relocation of the gates. In detail design, relocation plans will be developed in consultation with Western University.	Medium-High	Direct impacts to the gates are anticipated, and relocation is a proposed alternative. If a CHER confirms CHVI, an HIA should be completed which considers the proposed impacts, as well as all design alternatives, and evaluates mitigation options including, but not limited to retention, relocation, documentation, salvage, and/or commemoration.
<b>Various Listed and PHP Demolitions and Alterations</b>							
CHR-72	127 Oxford St W	Listed		Historical: Built circa 1919 Architectural: 1 ½ storey buff brick Queen Anne Cottage. Contextual: The property is located within a mixed-use residential, commercial, and institutional area.	Direct impacts to the building are anticipated including Approx. 4.3m of property proposed, including building, lawn frontage/driveway, to accommodate sidewalk, above-grade utility pole relocation, and utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting building.	Medium-High	Direct impacts to the building can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-106	44 Wharncliffe Rd N	Listed		<p>Historical: Built circa 1951</p> <p>Architectural: 1 ½ storey red brick with large dormers in roofline.</p> <p>Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 8.0m of property proposed, including building, lawn frontage/driveway, to accommodate sidewalk, BRT bus stop, above-grade utility pole relocation, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.</p>	High	<p>Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-124	1033 Dundas St	Listed		<p>Historical: Built circa 1860-1890</p> <p>Architectural: 1 ½ storey painted brick Victorian style home with Queen Anne style influences.</p> <p>Contextual: The property is located within a mixed-use residential, commercial, and institutional area.</p>	<p>Direct impacts to the building are anticipated including Approx. 6.6m of property proposed, including building, lawn frontage/driveway, to accommodate roadway widening, sidewalk, above-grade utility pole relocation, and utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting building.</p>	Medium-High	<p>Direct impacts to the building can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>
CHR-478	100 Kellogg Lane	Listed (May soon be designated.)		<p>Historical: Built circa 1912, former Kellogg Factory. The Kellogg plant opened in London in 1913 and closed in December 2014. The Kellogg's plant began as the Bottle Creek Toasted Corn Flake Company (a facility that owned the rights to produce Kellogg's Toasted Corn Flakes that was disputed in Covent the Canadian market). Now known as "The Factory" and indoor fun park and will be the location of the London Children's Museum</p> <p>Architectural: 2 storey red brick commercial building</p> <p>Contextual: Located in a mixed use industrial, commercial and residential area along a historically surveyed road.</p>	<p>Direct impacts to the building are anticipated including Up to 1.6m along site frontage/lawn impacting building addition proposed to accommodate roadway widening, sidewalk, and utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting the addition, however, the addition has been identified in previous heritage reports as not being a heritage attribute.</p>	Medium-High	<p>Partial demolition of an addition is proposed. HIA is recommended to be completed following TPAP to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.</p>

NUMBER	MUNICIPAL ADDRESS	PART IV, V, OR LISTED	IMAGE	HISTORICAL, PHYSICAL AND CONTEXTUAL ATTRIBUTES	IMPACT DETAILS	LEVEL OF IMPACT	MITIGATION RECOMMENDATIONS
CHR-542	19 Raywood Ave	Potential Heritage Property		Historical: Built circa 1940 Architectural: 1 ½ storey red brick building, with bungalow style influences Contextual: Located in a mixed use and residential area.	Direct impacts to the building are anticipated including Up to 9.3m along site frontage/lawn proposed, including impacting building, to accommodate roadway widening/realignment, sidewalk, and utility buffer. Design alternatives have been considered, and direct impacts cannot be avoided through design.	High	Direct impacts to the building should be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. As it has been determined that avoidance is not possible through design, A CHER is recommended to be completed by a qualified heritage consultant prior to the end of TPAP to confirm CHVI. Should the CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.
CHR-543	21 Raywood Ave	Potential Heritage Property		Historical: Built circa 1938 Architectural: 1 ½ storey red brick building, with bungalow style influences. Contextual: Located in a mixed use and residential area.	Direct impacts to the shed are anticipated including Approx. 100m2 of rear site proposed, impacting lawn and shed, to accommodate roadway widening/realignment, sidewalk, and utility buffer. In detail design, refinements can be made, including alterations to the curb, utility buffer, median and/or sidewalk to avoid impacting shed.	Medium-High	Direct impacts to the shed can be avoided through design refinements to the utility buffer, sidewalk, curb and/or roadway widening. Should a CHER confirm CHVI, an HIA is recommended to evaluate the impacts, to fully consider design alternatives and to consider mitigation options including, but not limited to, retention, relocation, documentation, salvage, and/or commemoration.

# HERITAGE REVIEW STRATEGY FOR TRANSIT PROJECT ASSESSMENT PROCESS

On October 1, 2018, London’s BRT project paused its formal Transit Project Assessment Process (TPAP) to provide more comprehensive information about potential cultural heritage impacts. The team had identified 67 buildings/structures that may or may not have cultural heritage value or interest that could be directly impacted by the construction of BRT.

Since then, the team has made design refinements to potentially avoid impacting 11 of the identified buildings. The team also confirmed cultural heritage studies are currently ongoing, or have already been completed, for five buildings/structures that may be impacted by the project. Further, impacts are limited to relocation or widening for three structures. As a result, the number of buildings requiring further evaluation is now **48**.

Among those, some buildings will be included in group Cultural Heritage Evaluation Reports (CHER) and others will have individual CHERs completed. Please see below for a list of all 67 buildings/structures identified, those that have been ruled out, and plans for the **48 buildings**.

PROPERTY	STATUS	NEXT STEPS
100 Kellogg Lane	Previous studies have documented heritage value	No further evaluation required in TPAP
850 Highbury Ave N	Previous studies have documented heritage value	No further evaluation required in TPAP
1033 Dundas St	Design refinements can avoid impact to building	No further evaluation required in TPAP
Highbury Ave Bridge	Bridge to be widened, demolition not required	No further evaluation required in TPAP
118 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
120 Wellington Rd	Design refinements can avoid impact to building	No further evaluation required in TPAP
122 Wellington Rd	Requires further evaluation in TPAP	Individual CHER required
126 Wellington Rd	Requires further evaluation in TPAP	Individual CHER required
134 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
136 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
138 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
140 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
142 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
16 Wellington Rd	Requires further evaluation in TPAP	Individual CHER required
166 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
174 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
220 Wellington Rd	Requires further evaluation in TPAP	Individual CHER required
247 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
249 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
251 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
255 Wellington Rd	Requires further evaluation in TPAP	Individual CHER required
26 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
261 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
263 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
265 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
267 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
269 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
49 Foxbar Rd, 55 Foxbar Rd, 243 Wellington Rd	Requires further evaluation in TPAP	Individual CHER required
271 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
273 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
275 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
28 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
285 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
287 Wellington Rd	Requires further evaluation in TPAP	Group CHER required

PROPERTY	STATUS	NEXT STEPS
289 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
297 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
30 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
301 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
32 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
327 Wellington Rd	Design refinements can avoid impact to building	No further evaluation required in TPAP
331 Wellington Rd	Design refinements can avoid impact to building	No further evaluation required in TPAP
333 Wellington Rd	Design refinements can avoid impact to building	No further evaluation required in TPAP
34 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
74 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
78 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
88 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
90 Wellington Rd	Design refinements can avoid impact to building	No further evaluation required in TPAP
92 Wellington Rd	Design refinements can avoid impact to building	No further evaluation required in TPAP
98 Wellington Rd	Requires further evaluation in TPAP	Group CHER required
19 Raywood Rd	Requires further evaluation in TPAP	Group CHER required
21 Raywood Rd	Design refinements can avoid impact to building	No further evaluation required in TPAP
1 Kennon Pl	Requires further evaluation in TPAP	Group CHER required
72 Wellington St	Design refinements can avoid impact to building	No further evaluation required in TPAP
Clark's Bridge	Bridge to be widened, no demolition required	No further evaluation required in TPAP
1111 Richmond St	Design refinements can avoid impact to building	No further evaluation required in TPAP
1110 Richmond St	Requires further evaluation in TPAP	Individual CHER required
746 Richmond St	Requires further evaluation in TPAP	Group CHER required
744 Richmond St	Requires further evaluation in TPAP	Group CHER required
742 Richmond St	Requires further evaluation in TPAP	Group CHER required
740 Richmond St	Requires further evaluation in TPAP	Group CHER required
736 Richmond St	Requires further evaluation in TPAP	Group CHER required
University Gates	Relocation proposed, demolition not required	No further evaluation required in TPAP
127 Oxford St W	Design refinements can avoid impact to building	No further evaluation required in TPAP
390 Oxford St W	Previous studies have documented heritage value	No further evaluation required in TPAP
44 Wharnccliffe Rd N	Requires further evaluation in TPAP	Individual CHER required
75 Riverside Dr	Previous studies have documented heritage value	No further evaluation required in TPAP
77 Riverside Dr	Previous studies have documented heritage value	No further evaluation required in TPAP



# Heritage Alteration Permit 550 Dufferin Avenue East Woodfield HCD

London Advisory Committee on Heritage  
October 10, 2018

london.ca



## 550 Dufferin Avenue

- Earlier building at 500 William Street demolished before 1912
- Built 1948
- Tudor Revival style
- Historically associated with Silverwood family, Peterson family



East Woodfield Heritage Conservation District Study (1992)



## Aerial View



## William Street Frontage

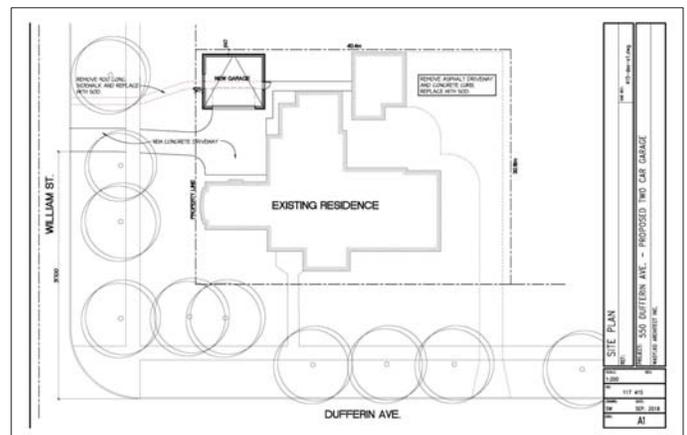


## Heritage Alteration Permit

- New, detached garage
- ~2' from north property line
- Interior dimensions 18' by 21' (23' by 26' exterior)
- Flat roof
- Brick and stone cladding
- Two wood double hung windows
- Metal garage door
- New driveway off of William Street

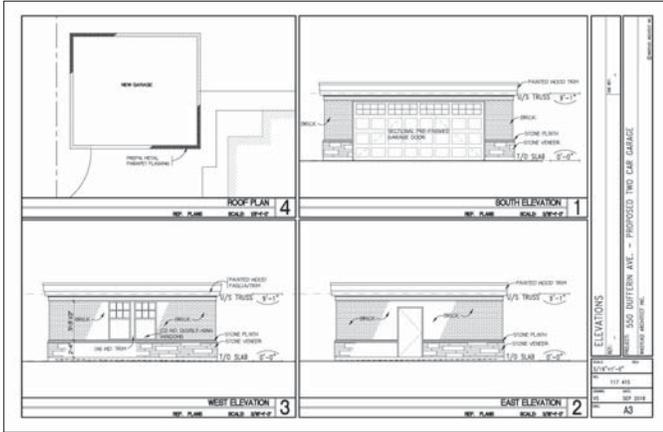


## Site Plan

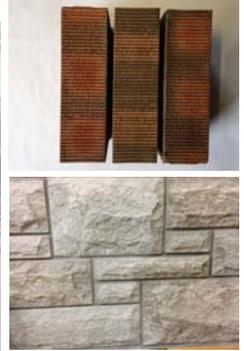




# Elevations



# Materials



# Analysis

## East Woodfield Heritage Conservation District

- Must complement heritage character
- Policy 1.3 & Policy 4.4:
  - Location
  - Size
  - Height
  - Setback
  - Orientation
  - Materials/Walling (Cladding)
  - Colour
  - Roof and Roofline
  - Fenestration
  - Scale and proportion



# Recommendation

That, on the recommendation of the Managing Direct, Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* to construct a new, detached garage on the property located at 550 Dufferin Avenue, within the East Woodfield Heritage Conservation District, **BE PERMITTED** as submitted in the drawings included Appendix C with the following terms and conditions:

- a) Only one driveway be permitted;
- b) The existing driveway and curb cut for the property off of Dufferin Avenue be closed and the driveway be removed and the area be restored with sod/grass;
- c) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

## Heritage Planners' Report to LACH: October 10, 2018

1. Heritage Alteration Permits processed under Delegated Authority By-law:
  - a. 162 Wortley Road (WV-OS HCD): signage
  - b. 165 Oxford Street East (Part IV): replace non-original windows with wood windows
  - c. 111 York Street (Downtown HCD): façade alterations
  - d. 345-359 Ridout Street North (Downtown HCD): roof guard, cornice, vestibule
2. Draft Solar Guidelines – receiving comments / revising document (contact: Krista Gowan, Heritage Planner)
3. Heritage Places 2.0: A Description of Potential Heritage Conservation Districts in the City of London – A possible amendment to Section 1721 of *The London Plan* will be considered at the November 12<sup>th</sup> Planning and Environment Committee (PEC) to establish Heritage Places 2.0 as a guideline document by updating the previously adopted version – Heritage Places. The updated Heritage Places 2.0 includes a prioritized list of candidate areas which were identified based on a city-wide evaluation referencing a common set of selection criteria. File: O-8965 (contact: Laura Dent, Heritage Planner)
4. Priority levels on the Register (Inventory of Heritage Resources)

## Upcoming Heritage Events

- Janet Hunten – Eric Arthur Lifetime Achievement Award recipient – ACO Awards Gala – Thursday October 11, 2018 – Junction Craft Brewing, 150 Symes Road, Toronto:  
<https://events.eply.com/ArchitecturalConservancyOntarioAwardsParty20182563604>
- Canpex 2018 – October 13-14, 2018 – Hellenic Community Centre (133 Southdale Road West): <http://www.canpex.ca/>. 150 Years of the Western Fair
- “Engage, Involve, and Partner: Lessons in Community Engagement from SurveyLA” – Monday October 15, 2018, North York Civic Centre (5100 Yonge Street, Toronto): [www.bit.ly/HPSOctober15](http://www.bit.ly/HPSOctober15)
- *Histories of London: A Mini Doc Series* – Thursday October 25, 7:00pm-10:00pm. Register: <https://www.eventbrite.com/e/histories-of-london-on-mini-documentary-series-screening-tickets-50755902270>
- Do You Date? Grosvenor Lodge Haunted Mansion – October 26-30, 2018: <https://heritagelondonfoundation.ca/event/annual-halloween-haunted-mansion/>
- Terrific Tales of London & Area – Tuesdays, Central Library (Richmond Room) at 7pm
  - October 30: London Majors baseball team
  - November 6: John Davis Barnett's gift of 40,000 books to Western University
  - November 13: 1928 London City Hall Building
  - November 20: Oscar Wilde's London connection
  - November 27: Mohawk physician and Oxford scholar, Dr. Oronhyatekha
- A Night of Mystery at Elsie Perrin Williams Estate – Friday November 16, 2018  
<https://heritagelondonfoundation.ca/event/mystery-night-dinner-silent-auction-at-the-elsie-perrin-williams-estate/>
- Kilworth United Church Christmas Home Tour – Saturday November 24 and Sunday November 25. Ticket \$25. More information: [www.kilworthunited.ca](http://www.kilworthunited.ca) or 519-641-7367

# London heritage advocate earns provincial award

FREE PRESS STAFF Updated: October 10, 2018



Janet Hunten (Supplied photo)

One of London's long-time heritage boosters has clinched a provincial award.

Janet Hunten has earned the 2018 Eric Arthur lifetime achievement award from the Architectural Conservancy Ontario, an honour that recognizes people or community groups that have made an outstanding and lasting contribution to the heritage conservation movement in Ontario.

Hunten, 90, has been a fixture in London's heritage sector for nearly 50 years. She's been an active member of the Architectural Conservancy Ontario's London chapter, the London and Middlesex Historical Society and the London branch of the Ontario Archeological Society.

After graduating from Western University with a degree in chemistry and physics, Hunten joined the Stratford Festival's property and set design department in their inaugural season. Hunten started her museum career in London in the 1970s at the now-demolished Centennial Museum beside the old public library on Queens Avenue. In 1982, she became the first curator of the Fanshawe Pioneer Village.

Hunten was an original member of London's advisory committee on heritage and was part of the field team that scoured city streets to catalogue historically significant buildings and sites. The inventory later became the city's first round-up of its heritage properties.

Hunten was nominated by the London chapter of the Architectural Conservancy of Ontario.

The award is named for the provincial organization's founder Eric Arthur. The University of Toronto architecture professor, author and heritage advocate was instrumental in preserving several historic landmarks in Toronto.

Hunten will be given her award at the 12th annual Architectural Conservancy Ontario awards reception in Toronto Thursday.

[AWARDS \(HTTPS://LFPRESS.COM/TAG/AWARDS\)](https://lfpres.com/tag/awards)

[LONDON HERITAGE \(HTTPS://LFPRESS.COM/TAG/LONDON-HERITAGE\)](https://lfpres.com/tag/london-heritage)

## TRENDING IN CANADA



0.

# Grosvenor Lodge

[Home](#) [Blog](#) [History](#) [Weddings](#) [Photos](#) [Upcoming Events](#) [Member Organizations](#)  
[Volunteer Opportunities](#) [Contact](#)

## DO YOU DARE? Grosvenor Lodge Haunted Mansion 2018

[« All Events](#)

## DO YOU DARE? Grosvenor Lodge Haunted Mansion 2018

October 26 - October 30 \$10



For a limited time only the haunted inn of London is opening it's doors to offer you a guided room by room experience you will never forget (seriously!). Inn staff will be on site to answer any questions you may have and to take your reservations! DO YOU DARE?!?! check out the space everyone is talking about with the promise you will never be the same after being inside this historical inn.

This 20-30 minute tour includes an escape room.

All proceeds go towards preserving two historical buildings in the city, Grosvenor Lodge and Elsie Perrin Williams Estate.

**Dates: October 26, 27, 28, 29, 30**

Evening Performances – 6:30-10 pm nightly – Recommended for audiences 13+ years old

Daytime (Lights On) Performances – 1-4 pm Saturday, October 27 and Sunday, October 28 – Recommended for audiences 12 years old and under

**Tickets: \$10.00+HST per person in advance, \$15 per person at the door.**

Get your tickets here: <https://www.eventbrite.ca/e/do-you-dare-grosvenor-lodge-haunted-mansion-2018-tickets-38781168519>

FREE parking is available on Platts Lane in the Western University townhouse parking lot. Refreshments available on site.

\*Evening performances not recommended for young children.

\*Unfortunately, refunds are not available for this event; however, know that your ticket value is going to the upkeep of heritage properties in London, and we thank you very much!

## VOLUNTEERS NEEDED

If you are interested in volunteering for this event, please contact [dan@day2knightevents.com](mailto:dan@day2knightevents.com).

+ GOOGLE CALENDAR

+ ICAL EXPORT

### Details

**Start:**  
October 26

**End:**  
October 30

**Cost:**

### Organizer

Heritage London  
Foundation

**Phone:**  
519-432-6620

# Christmas HOME TOUR

BY KILWORTH UNITED CHURCH

**November 24th & 25th, 2018**



**Kilworth United Church has lined up 6 interesting properties, all professionally decorated, for you to explore! Get to know your community by exploring these properties in the Kilworth/Delaware area.**

The years seem to fly by but some things have remained the same and that can be seen in the historic stone buildings that are located in what was the village of Kilworth. There was a thriving community with many businesses, mills and houses around the stone church built in 1850. With the new Christmas Home Tour organized by the Kilworth United Church the public will see inside properties that they may have driven by many times. The stone cottage shown above was built c. 1850s and was owned by William Comfort who was a woollen merchant. The woollen mill was situated on the Thames River behind this once two-room stone cottage.

The owners have carefully renovated the "Comfort cottage" respecting the history of the building. It is the oldest part of the house, with a fire blazing in the hearth, that the family is drawn to in the winter months. The house and barn both have heritage designation and this is the only heritage property incorporated into the City of London by annexation in 1993.

Properties on the Christmas Home Tour - 1860s farm house, stone church, stone cottage, house in Kilworth Heights, Belvoir Estate and Antler River Archery gallery in Delaware. Visit the website [kilworthunited.ca](http://kilworthunited.ca) for more details. **Tickets are \$25** - call Marilyn **519 641-7367**.

submitted by Beth Moyer, author of *Kilworth - The Woodhull Settlement*

## Report to Planning and Environment Committee

**To:** Chair and Members  
Planning & Environment Committee

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

**Subject:** Section 37 of the Planning Act (Bonusing) Revisions  
and Additional Opportunities for Implementation  
The Corporation of the City of London

Meeting on October 29, 2018

## Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken:

- 1) this report **BE RECEIVED** for information; and
- 2) Civic Administration **BE DIRECTED** to research and review best practices for the implementation of Section 37 (Bonusing) of the *Planning Act*; review City needs and priorities; and, report back on findings and recommendations.

## Executive Summary

### Purpose and the Effect of Recommended Action

The purpose and effect of this report is to;

1. Provide information on 2015 updates to Section 37 of the *Planning Act*;
2. Provide background information on how Section 37 (bonusing) is implemented in London and,
3. Request direction to undergo a comprehensive review of best practices for the implementation of Section 37 across Ontario and consider how to apply it within London in a more rigorous way that reflects the priorities of Council and the value uplift in relation to the development proposal.

### Rationale of Recommended Action

The City's 1989 *Official Plan*, as well as *The London Plan*, both allow for the use of Section 37 of the *Planning Act* (bonusing) to permit an increase in height and density in exchange for public benefits.

The City of London does not current have standards or guidelines to inform the use of bonusing during planning applications. Priorities have not been identified by Council in regards to the types of public benefits that are desirable, particularly within different geographic locations. Furthermore, an analysis of the value uplift achieved through the increased height and density, and how it relates to the public benefit being proposed, has not been conducted.

A more methodical application of Section 37 would increase efficiency and transparency when negotiating bonus zones, as well as better implement the priorities of Council through the planning application process.

## Background

### What Is Section 37 of the Planning Act?

Section 37 of the *Planning Act* has been in existence since 1983 and has allowed for the acquisition of community benefits in return for increases in height and/or density.

Unlike other financing tools such as Development Charges and Parkland contributions, Section 37 benefits are meant to have a reasonable and direct relationship with the local community within which the development is located. It allows greater flexibility and precision than the other tools, allowing secured benefits to be direct, tangible and responsive to local community needs, and reflective of the new residential units that are being created and the increased need for community amenities that results.

### Updates to Section 37 of the Planning Act

Section 37 of the *Planning Act* (for full policies see Appendix A.1) sets out the requirements for a municipality to use bonusing, including the following:

1. have a by-law which allow increases in height and/or density in return for “*facilities, services or matters...*”
2. have an official plan which has provisions relating to the authorization of increases in height and density;
3. enter into an agreement with the landowner;
4. have the agreement registered against the land;
5. put all monies received into a special account to be spent only to pay for “*facilities, services or matters specified in the by-law*”;
6. the money in the account may be invested but any interest must go into the account, which must be reported on annually in an Auditor’s report;
7. prepare a yearly detailed financial statement, with specific “*facilities, services or matters*” acquired, and present to Council;
8. the statement will include opening and closing balances and transactions relating to the account;
9. provide a copy of the statement to the Minister on request; and,
10. provide statement to the public.

Subsections (5) through (10) above, were added to the *Planning Act* in 2015. These additional subsections require the maintenance of special accounts for the funds received under this section, with annual financial statements from the City Treasurer to Municipal Council regarding the balance and spending details from these accounts.

### How Section 37 Has Been Implemented To Date

The *Official Plan* was approved by Council on June 19, 1989, and since then, the City has used bonusing to secure community benefits in return for increases in height and/or density. The application of bonusing has evolved over time in response to the unique context, constraints and opportunities of individual projects. There has not been a standard method of implementing bonusing.

Traditionally, public benefits have been “in-kind benefits” provided by the developer as part of their development, including such things as underground parking. Recently, the City has begun to bonus for monetary contributions to off-site community benefits including public art, and contributions to major public projects including Dundas Place and Back to the River.

Bonusing has also been used to lock in urban design concepts to ensure compatible development forms are being implemented where there is an increased height and/or density. This is particularly important within built-up areas, as compatible built forms are

essential to protecting existing residential amenity. Locking in the design provides the public with a degree of certainty that the concepts agreed upon by staff, the community and the developer through the rezoning process will remain unchanged through the subsequent Site Plan review and Building Permit, and ultimately be built out.

Section 4.3 (General Provisions/Bonus Zones) of *Zoning By-law Z-1*, currently includes fifty (50) site specific bonus zones which have been approved between 1993 and 2018.

### **Financial Considerations**

As noted above, the addition of subsections (5) through (10) to Section 37 of the *Planning Act* require the City to maintain special accounts, to restrict spending for the funds received under this section, with annual financial statements from the City Treasurer to Municipal Council regarding balances and spending details from these accounts.

A process has been put in place to establish the required special accounts so that contributions, spending and account balances can be maintained separately for each development agreement and reported on annually.

To date, only one development agreement has reached the point of monies being received by the City under Section 37. The agreement for Tricar's Azure building at 505 Talbot includes a contribution of \$250,000 for public art. In May 2016, \$31,000 of this amount was used to commission the London Arts Council to select an artist for the public art (see **Appendix B**). The artist was chosen in September 2018. The remaining funds will be used to purchase the art piece upon completion.

### **Key Issues with Bonusing**

A number of issues have been identified through staff and developer experience with Section 37 implementation. The following subsections outline key issues with bonusing.

#### 1) Prioritization of Public Benefits

The 1989 *Official Plan*, as well as *The London Plan*, include policy related to the facilities, services and matters that may be provided as public benefit in exchange for increased height and density. However, staff have not received specific direction from Council on their priorities within the list of bonusable items, outside of site-specific applications where staff have been directed to include affordable housing. To date, the onus has largely been on the developer to propose what public benefits they are willing to provide, and staff have refrained from dictating the nature of the public benefits or the amount.

It has been expressed at recent Planning and Environment Committee meetings that there is a desire to investigate how affordable housing can be achieved through bonus zoning. There are also a number of other facilities, services and matters that Council may want to prioritize as bonusing opportunities arise. Identifying priorities upfront will help to inform both staff and the development community what appropriate bonusable features are, early on in the planning process.

#### 2) Geographic Considerations

As is the case with contributions to Back to the River and Dundas Place, many bonusing considerations have a geographic component, and the priorities of Council and the community may vary by location. For example, where a development is located on a Rapid Transit route, contributions to a Rapid Transit station may be desirable and appropriate.

A number of strategies and plans have been produced by various service areas throughout the Corporation identifying priorities and needs based on geography.

However, these have not been consolidated in any meaningful way in order to inform bonus zone negotiations. Compiling these various strategies and plans will help inform Council in setting priorities, particularly based on geography.

### 3) Value Uplift

There has not been a rigorous evaluation by staff to identify the value uplift realized by developers through increased density, since the act of bonusing zoning began in 2009. There has not been any monetary equation or calculation used to identify the value of additional units, and therefore, no methodical linkage has been made between the proportion of value uplift and the amount and type of public benefit that is being received. As a result, developer-staff negotiations have not had a standard starting point or expectation.

It would be beneficial to investigate how integrating some form of technical equation as a guideline would provide greater certainty and transparency of expectations when negotiating the uplift in value realized by the developer from increased density. This, in turn, could more closely link the public benefit outcomes to the uplift.

## Next Steps

Many Ontario municipalities have taken advantage of Section 37 of the *Planning Act*. Some of these municipalities, including Toronto, Ottawa and Vaughan, have also adopted standards or guidelines for the implementation of Section 37 in order to provide some direction and consistency to bonus zoning applications.

By way of this report, staff are seeking Council direction to initiate a comprehensive review of best practices for Section 37 implementation, as well as an internal assessment of needs and priorities that can be achieved through bonusing. Staff will report back at a future Planning and Environment Committee with findings and recommendations.

It is important to note that this study and the resulting report back to Planning and Environment Committee will focus only on the City's bonusing practices and will not review or alter the *1989 Official Plan* or *The London Plan* policy framework.

## Conclusion

In 2015, the Province amended Section 37 of the *Planning Act* to increase accountability for monies contributed through bonusing, and in response, the City has developed a process by which to set up special accounts, monitor contributions and report out going forward.

City staff can now investigate the use of bonus zoning more closely and recommend implementation options based on best practices across Ontario, taking into account City of London priorities.

<p><b>Prepared and Submitted by:</b></p>	<p><b>Britt O’Hagan, MCIP, RPP Manager, Urban Regeneration</b></p>
<p><b>Concurred by:</b></p>	<p><b>Anna Lisa Barbon, CPA, CGA Managing Director, Corporate Services and City Treasurer, Chief Financial Officer</b></p>
<p><b>Recommended by:</b></p>	<p><b>John M. Fleming, MCIP, RPP Managing Director, Planning and City Planner</b></p>
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services</p>	

October 18, 2018  
BO/bo

Y:\Shared\policy\URBAN REGENERATION\Projects\Section 37 Implementation\2018-10-29 PEC-Report (Section 37).docx

Appendix A – Policy Context  
Appendix B – Financial Statement of Special Accounts

## Appendix A – Policy Context

The following policy and regulatory documents were considered in their entirety as part of the Section 37 Review. The most relevant policies, by-laws, and legislation are identified as follows:

### A.1 Planning Act

#### Section 37

##### Increased density, etc., provision by-law

37. (1) The council of a local municipality may, in a by-law passed under section 34, authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law.

##### Condition

(2) A by-law shall not contain the provisions mentioned in subsection (1) unless there is an official plan in effect in the local municipality that contains provisions relating to the authorization of increases in height and density of development.

##### Agreements

(3) Where an owner of land elects to provide facilities, services or matters in return for an increase in the height or density of development, the municipality may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or matters.

##### Registration of agreement

(4) Any agreement entered into under subsection (3) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land. R.S.O. 1990, c. P.13, s. 37.

##### Special account

(5) All money received by the municipality under this section shall be paid into a special account and spent only for facilities, services and other matters specified in the by-law. 2015, c. 26, s. 27.

##### Investments

(6) The money in the special account may be invested in securities in which the municipality is permitted to invest under the Municipal Act, 2001 or the City of Toronto Act, 2006, as the case may be, and the earnings derived from the investment of the money shall be paid into the special account, and the auditor in the auditor's annual report shall report on the activities and status of the account. 2015, c. 26, s. 27.

##### Treasurer's statement

(7) The treasurer of the municipality shall each year, on or before the date specified by the council, give the council a financial statement relating to the special account. 2015, c. 26, s. 27.

##### Requirements

(8) The statement shall include, for the preceding year,

- (a) statements of the opening and closing balances of the special account and of the transactions relating to the account;
- (b) statements identifying,
  - (i) any facilities, services or other matters specified in the by-law for which funds from the special account have been spent during the year,
  - (ii) details of the amounts spent, and

- (iii) for each facility, service or other matter mentioned in subclause (i), the manner in which any capital cost not funded from the special account was or will be funded; and,
- (c) any other information that is prescribed. 2015, c. 26, s. 27.

#### **Copy to Minister**

(9) The treasurer shall give a copy of the statement to the Minister on request. 2015, c. 26, s. 27.

#### **Statement available to public**

(10) The council shall ensure that the statement is made available to the public. 2015, c. 26, s. 27.

### **A.2 1989 Official Plan**

London has had bonusing policies in the Official Plan since 1989 and has met the first two conditions contained in the Planning Act since 1989. Section 19.4.4 (Implementation – Bonus Zoning) of the Official Plan identifies the “facilities, services or matters” the City has historically received in return for increase in height/density;

1. development which supports the City’s urban design principles in Chapter 11;
2. affordable housing;
3. provision of common open space;
4. enhanced landscaped open space;
5. underground parking;
6. employment-related day care facilities;
7. structures and/or districts of heritage or cultural value;
8. innovative and environmentally sensitive development;
9. preservation of natural areas; and,
10. universal accessibility in new construction and/or redevelopment.

**19.4.4. Bonus Zoning** Under the provisions of the Planning Act, a municipality may include in its Zoning By-law, regulations that permit increases to the height and density limits applicable to a proposed development in return for the provision of such facilities, services, or matters, as are set out in the By-law. This practice, commonly referred to as bonus zoning, is considered to be an appropriate means of assisting in the implementation of this Plan.

**Principle** i) The facilities, services or matters that would be provided in consideration of a height or density bonus should be reasonable, in terms of their cost/benefit implications, for both the City and the developer and must result in a benefit to the general public and/or an enhancement of the design or amenities of a development to the extent that a greater density or height is warranted. Also, the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services.

**Objectives** ii) Bonus Zoning is provided to encourage development features which result in a public benefit which cannot be obtained through the normal development process. Bonus zoning will be used to support the City’s urban design principles, as contained in Chapter 11 and other policies of the Plan, and may include one or more of the following objectives:

- (a) to support the provision of the development of affordable housing as provided for by 12.2.2.
- (b) to support the provision of common open space that is functional for active or passive recreational use;
- (c) to support the provision of underground parking;
- (d) to encourage aesthetically attractive residential developments through the enhanced provision of landscaped open space;
- (e) to support the provision of, and improved access to, public open space, supplementary to any parkland dedication requirements;
- (f) to support the provision of employment-related day care facilities;
- (g) to support the preservation of structures and/or districts identified as being of cultural heritage value or interest by the City of London, in consideration for their designation under the Ontario Heritage Act; (Clause (g) amended by Ministry Mod. #63 Dec. 17/09)
- (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. (Clauses (i) and (j) added by OPA 438 Dec. 17/09)

Implementation      iii) The Zoning By-law may contain bonus zoning provisions for all forms of development. These provisions will describe the facilities, services or matters that qualify for the density bonus provisions and the extent of the height and density increases that will be received.

The Zoning By-law will include bonusing for the provision of day care facilities located in commercial or mixed-use buildings of larger than 1,858 square metres (20,000 square feet) in size by excluding the amount of floor space which is devoted to day care from the floor area ratio calculation. The amount of floor space devoted to day care will also be excluded from the calculation of parking requirements for the building.

The Zoning By-law will include bonusing for the provision of transit amenities or facilities provided on-site to a proposed development. The amount of bonus to be provided will be determined by the Zoning By-law based on the type or types of transit amenities or facilities provided in the development. (Clause iii) amended by OPA 438 Dec. 17/09)

Agreements            i) 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.

### **A.3 The London Plan (under appeal)**

The London Plan expands the policies to include two types of bonusing provisions (Appendix A.3). Type 1 Bonus Zoning is for sites where the proposed height and density is within the standard maximum height and density limit allowed in the applicable place type and is intended to mitigate compatibility impacts.

Type 2 Bonus Zoning is for sites where requests for an increase in height and/or density are requested which exceed the maximum height and density allowed in the applicable place type. Additional height and/or density may be permitted in return for;

1. exceptional site and building design;
2. cultural heritage resources designation or 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 the 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; and,
17. other facilities, services or matters that provide substantive public benefit.

The London Plan also contains Policy 1639 which addresses Condition 2 of the Planning Act and states “Where an owner of land elects to provide facilities, services, or matters in return for an increase in the height or density of development, the municipality will require the owner to enter into one or more agreements with the City dealing with the facilities, services, or matters. This agreement may include such things as drawings, elevations and site plans. The agreement may be registered against the land to which it applies and the City will be entitled to enforce the agreement against the owner and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent owners of the land.”

### **Bonus Zoning**

**1638.** City Council may pass a by-law, known as a bonus zone, to authorize increases in the height and density of development beyond what is otherwise permitted by the Zoning By-Law, in return for the provision of such facilities, services, or matters as are set out in the bonus zone.

**1639.** Where an owner of land elects to provide facilities, services, or matters in return for an increase in the height or density of development, the municipality will require the owner to enter into one or more agreements with the City dealing with the facilities, services, or matters. This agreement may include such things as drawings, elevations and site plans. The agreement may be registered against the land to which it applies and the City will be entitled to enforce the agreement against the owner and, subject to the provisions of the Registry Act and the Land Titles Act, against any and all subsequent owners of the land.

**1640.** Each proposal for bonus zoning will be considered on its own merits. The allowance for greater height and density on one site in return for certain facilities, services and matters will not be considered to establish a precedent for similar height and density on any other site.

**1641.** The facilities, services and matters to be provided in return for greater height or density do not necessarily have to be provided on the same site as the proposed

development. City Council may want to have such benefits directed to a property in the applicable neighbourhood or to lands within the wider city.

**1642.** Where an application has been made for a Type 1 or Type 2 Bonus Zone, the applicant shall submit a Justification Report that identifies the facilities, services or matters that are to be provided and how their public benefit is commensurate with the extent of the greater height and density that is being requested.

**1643.** Bonus zoning may be utilized to achieve any of the policy objectives of The London Plan. Consistent with the Planning Act, The London Plan establishes the following two separate classifications of Bonus Zoning:

1. Type 1 Bonus Zoning – where the proposed bonus zone allows for a height or density that is within the standard maximum height or density limit allowed in the applicable place type.
2. Type 2 Bonus Zoning – where the proposed bonus zone allows for a height or density that exceeds the standard maximum height or density limit allowed in the applicable place type.

**1644.** A framework of heights, permitted under Type 1 and Type 2 Bonus Zoning, is shown on Table 8 at the beginning of the Urban Place Type policies.

### **Type 1 Bonus Zoning**

**1645.** In order to provide certainty and to ensure that the features required to mitigate the impacts of the additional height and densities are provided, Type 1 Bonus Zoning may be applied, within the standard maximum height or density limit for a place type, where the requested height or density would not be appropriate unless significant measures are put in place to support or mitigate this additional height or density. Through the bonus zone, the community, City Council and other stakeholders can be assured that such measures will be implemented in return for additional height or density as a development agreement must be entered into that fulfills the bonus provisions before this additional height or density is allowed. In this way, the bonus zone serves to lock in the important mitigating measures that ensure the development represents good planning.

**1646.** While City Council may invoke Type 1 Bonus Zoning under a wide variety of circumstances, it is primarily intended to be used under one or more of the following circumstances:

1. When the proposed development is at the upper threshold of the standard maximum height limit.
2. When there is a significant difference between the proposed development and the surrounding existing uses in terms of height, intensity or form.
3. When there are significant compatibility and/or fit issues that rely heavily upon mitigating measures for the proposed development to represent good planning.

**1647.** The standard maximum height and intensity limits of the place type will not be exceeded through Type 1 Bonus Zoning.

**1648.** Heritage conservation requirements may be addressed through Type 1 Bonus Zoning.

### **Type 2 Bonus Zoning**

**1649.** Type 2 Bonus Zoning may allow for a height or density that exceeds the standard height or density limit otherwise permitted by the applicable place type. Table 8 can be consulted for easy reference to standard heights as well as the height limits under Type 2 Bonus Zoning.

**1650.** Type 2 Bonus Zoning may permit greater height or density in favour of a range of facilities, services, or matters that provide significant public benefit in pursuit of the City Building goals of this Plan. However, an applicant must demonstrate that this greater height or density represents good planning.

**1651.** In all cases, proposals for Type 2 Bonus Zoning shall meet the requirements of Type 1 Bonus Zoning.

**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.

**1653.** Type 2 Bonus Zoning will only be permitted where it is demonstrated that the resulting intensity and form of the proposed development represents good planning within its context.

**1654.** Greater height or density offered through Type 2 Bonus Zoning will be commensurate with the public value of the facility, service or matter that is provided.

**1655.** Where cash is received by the municipality in favour of greater height or density through bonus zoning, all money received shall be paid into a special account and spent only for the facilities, services or matters specified in the implementing by-law.

## **A.4 Zoning By-Law**

### **4.3 BONUS ZONES**

- 1) HERITAGE BUILDING DESIGNATION BONUS - FLOOR AREA AND DWELLING UNIT DENSITY BONUS:

For buildings and/or structures designated as historically significant by the City of London, under the Ontario Heritage Act, in consideration for their designation, the following regulations shall apply for:

Non Residential Uses:

- a) a 25 percent (25%) increase in the gross floor area of the existing building and/or a 25 percent (25%) decrease in the required minimum parking for a permitted use on the lot or;

Residential Uses:

- b) for every 15 square metres of existing gross building floor area of a designated building, 1 additional dwelling unit shall be permitted for a permitted use on the lot to a maximum increase of 25% of the dwelling units permitted in the zone.

The increase in gross floor area and/or dwelling units shall be permitted in accordance with the regulations of the applicable zone. Where the proposed building is a mixture of residential and non-residential permitted uses, the bonus shall not exceed a combined total percentage of 25 percent (25%) increase in maximum number of dwelling units and non-residential floor area for the lot.

(Excluding 120 Kent Street - Z.-1-95316)

2) PUBLIC OPEN SPACE

For every 100.0 square metres (1,074 square feet) of public open space which is dedicated to the City (in excess of the required parkland dedication any undevelopable floodplain lands and Class 1,2, or 3 Wetlands), the density of the residential development may be increased by one unit per each 100.0 square metres (1,074 square feet) up to 25 percent (25%) of the total number of units that would otherwise be permitted by this By-Law.

(Excluding 120 Kent Street - Z.-1-95316)

3) DAY CARE FACILITIES

Where day care facilities are provided within commercial or mixed-use buildings of larger than 1858.0 square metres (20,000 square feet), the floor area devoted to the day care facilities shall not be included in the floor area ratio, the maximum gross or gross leasable floor area permitted, or in the calculation of the parking requirements for the building

## Appendix B – Financial Statement of Special Accounts

**Planning Act - Section 37  
Special Accounts for Bonus Provisions included in Development Agreements  
Financial Statement as of December 31, 2017**

<b>Project</b>	<b>Commitment</b>	<b>Funds Received</b>	<b>Description/ Purpose of Funds Received</b>	<b>Funds Spent</b>	<b>Description/ Purpose of Funds Spent</b>	<b>Remaining Commitment</b>
505 Talbot St – Tricar (Azure) <sup>(1)</sup>	\$250,000	\$31,000	Public Art	\$31,000	London Arts Council – selection of artist	\$219,000
40 York St - Tricar <sup>(2)</sup>	\$100,000	\$0	Downtown Heritage	\$0		\$100,000
	\$150,000	\$0	Back to the River	\$0		\$150,000
<b>Total</b>	<b>\$500,000</b>	<b>\$31,000</b>		<b>\$31,000</b>		<b>\$469,000</b>

**Notes:**

- 1 City holds letter of credit for commitment
- 2 City holds promissory note for commitment