Planning and Environment Committee

Report

3rd Meeting of the Planning and Environment Committee
January 21, 2019

PRESENT:	Councillors A. Hopkins (Chair), J. Helmer, M. Cassidy, P. Squire
ABSENT:	S. Turner, Mayor E. Holder
ALSO PRESENT:	Councillor M. van Holst; I. Abushehada, A. Anderson, G. Belch, J.M. Fleming, K. Gonyou, P. Kokkoros, G. Kotsifas, C. Lowery, H. Lysynski, L. Maitland, H. McNeely, N. Pasato, M. Pease, L. Pompilii, C. Saunders, C. Smith, S. Spring, M. Tomazincic and P. Yeoman

The meeting was called to order at 4:01 PM

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

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

That Items 2.1 to 2.5, inclusive, BE APPROVED.

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

2.1 2nd Report of the London Advisory Committee on Heritage

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

That the following actions be taken with respect to the 2nd Report of the London Advisory Committee on Heritage (LACH), from its meeting held on January 9, 2019:

a) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the priority levels on the Register (Inventory of Heritage Resources), BE REMOVED; it being noted that the presentation appended to the 2nd Report of the LACH from K. Gonyou, Heritage Planner, with respect to this matter, was received;

b) the following actions be taken with respect to the Notice of Planning Application, dated January 4, 2019, from M. Corby, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the properties located at 462-472 Springbank Drive:

i) M. Corby, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is satisfied with the research, assessment and conclusions of the Heritage Impact Statement, appended to the above-noted Notice; and,

ii) the Stewardship Sub-Committee BE DIRECTED to compile a list of potential Cultural Heritage Landscapes and report back to a future meeting of the LACH;

c) H. McNeely, Manager, Development Services (Site Plan), BE ADVISED that the London Advisory Committee on Heritage (LACH) is satisfied with the research, assessment and conclusions of the Heritage Impact Statement, dated January 7, 2019, from Zelinka Priamo Ltd., with respect to the property located at 100 Kellogg Lane; it being noted that the LACH strongly encourages designating the building under the *Ontario Heritage Act*; and,

d) clauses 1.1, 3.1 to 3.5, inclusive, 5.2, 6.2, 6.4 and 6.5 BE RECEIVED for information.

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

2.2 Bird-Friendly Development

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

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to potential changes to the Site Plan Control By-law with respect to bird-friendly development:

a) the staff report dated January 21, 2019 entitled “Bird-Friendly Development” BE RECEIVED for information;

b) the Civic Administration BE DIRECTED to circulate the draft by-law appended to the staff report dated January 21, 2019 for review and comment on potential changes to the Site Plan Control By-law with respect to bird-friendly development; and,

c) the Civic Administration BE DIRECTED to report back on the possibility of instituting a limited lit period of high-rise buildings during an identified migratory bird season including any possible mechanism(s) for enforcement. (2019-T01)

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

2.3 Application - 1522 Kilally Road and 1654 Highbury North - Edgevalley Subdivision (39T-05505) (H-8892)

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

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Drewlo Holdings Inc., relating to the properties located at 1522 Kilally Road and 1654 Highbury Avenue North, the proposed by-law appended to the staff report dated January 21, 2019 BE INTRODUCED at the Municipal Council meeting to be held on January 29, 2019 to amend Zoning By-law Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 Special Provision (h*h-100*R1-3(7)) Zone, a Holding Residential R1 (h*h-100*R1-4) Zone, a Holding Residential R5/Residential R6 (h*h-54*h-100*R5-7/R6-5) Zone, a Holding Residential R5/Residential R6 (h*h-100*R5-7/R6-5) Zone, a Holding Residential R6/Residential R9 (h*h-54*h-100*R6-5/R9-7*H36) Zone TO a Residential R1 Special Provision (R1-3(7)) Zone, a Residential R1 (R1-4) Zone, a Holding Residential R5/Residential R6 (h*h-54*R5-7/R6-5) Zone, a Holding Residential R5/Residential R6 (h*R5-7/R6-5) Zone, a Holding Residential R6/Residential R9 (h*h-54*R6-5/R9-7*H36) Zone to remove the “h” holding provision from all lots and the “h-100” holding provision from all lots and blocks. (2019-D09)

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

2.4 Priority Levels on the Register (Inventory of Heritage Resources)

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

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the priority levels on the Register (Inventory of Heritage Resources) BE REMOVED. (2019-R01)

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

2.5 Building Division Monthly Report for November 2018

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

That the Building Division Monthly Report for the month of November, 2018 BE RECEIVED for information. (2019-D04)

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

3. Scheduled Items

3.1 Delegation - J. Plutino, Mainline Planning Services Inc. - 6188 Colonel Talbot Road - Obtain a Section 45(1.4) Council Resolution

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

That the staff report dated January 21, 2019, entitled "Delegation Request by Mainline Planning Services Inc. - 6188 Colonel Talbot Road - Obtain a Section 45(1.4) Council Resolution" BE RECEIVED; it being noted that the Planning and Environment Committee heard verbal presentations from J. Plutino, Mainline Planning Services Inc. and J. Fontana, Vice President, Business and Government Affairs, Shogun, with respect to this matter. (2019-D09)

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

3.2 Application - Portion of 146 Exeter Road (Richardson Subdivision 39T-15501, Block 30 and a Portion of Block 31, Wharncliffe Road Frontage) (Z-8969)

Moved by: M. Cassidy
Seconded by: P. Squire

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited, relating to the property located at 146 Exeter Road, the proposed by-law appended to the staff report dated January 21, 2019 BE INTRODUCED at the Municipal Council meeting to be held on January 29, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R5 Special Provision/Residential R6 Special Provision (h*h-100*h-198*R5-4(22)/R6-5(50)) Zone TO a Holding Residential R5 Special Provision/Residential R6 Special Provision/Residential R7 Special Provision (h*h-100*h-198* R5-4(22)/R6-5(50)/R7(__)*D45*H17) Zone;

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

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

- the recommended amendment is consistent with the Provincial Policy Statement (PPS), 2014, which encourages healthy, livable and safe communities by accommodating an appropriate range and mix of residential uses (including second units, affordable housing, and housing for older persons), encourages settlement areas to be the main focus of growth and development, and provide for a range of housing types and densities to meet projected requirements of current and future residents;
- the recommended amendment is consistent with the objectives and policies of the London Plan, and the policies of the “Neighbourhoods” Place Type for Use, Intensity, and Form;
- the recommended amendment is consistent with the objectives and policies of the Southwest Area Secondary Plan, as it encourages Seniors and Special Populations Housing within the Medium Density Residential Designation;
- the proposed amendment meets the policies of the 1989 Official Plan and the use is consistent with the Multi-Family, Medium Density Residential designation; and,

- the proposed special provisions for reduced front and exterior side yard and reduced interior and rear yard setbacks are supported to encourage and foster improved design for the site. (2019-D09)

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

Additional Votes:

Moved by: M. Cassidy
Seconded by: P. Squire

Motion to open the public participation meeting.

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

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

Motion to close the public participation meeting.

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

3.3 Application - 2156 Highbury Avenue North (OZ-8956)

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

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Chinmaya Mission (Canada), relating to the property located at 2156 Highbury Avenue North:

a) the proposed by-law appended to the staff report dated January 21, 2019 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on January 29, 2019 to amend the Official Plan by AMENDING Policy 10.1.3 cxxv) to permit a place of worship within the existing building;

b) the proposed by-law appended to the staff report dated January 21, 2019 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on January 29, 2019 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 Residential R1 Special Provision (R1-11(16)) Zone, Open Space (OS4) Zone and Environmental Review (ER) Zone TO a Holding Neighbourhood Facility Special Provision (h-18•NF(__)) Zone, Open Space (OS4) Zone, Environmental Review (ER) Zone and Agricultural Special Provision (AG1(__)) Zone;

c) the proposed by-law appended to the staff report dated January 21, 2019 as Appendix "C" BE INTRODUCED at the Municipal Council meeting to be held on January 29, 2019, to amend The London Plan by AMENDING Policy 1236_ for the Farmland Place Type AND ADDING a new policy to the Specific Policies for the Green Space Place Type AND AMENDING Map 7 – Specific Policy Areas – of The London Plan by adding the Green Space Place Type to Specific Policy Area 19; it being noted that the amendments will come into full force and effect concurrently with Map 1 and Map 7 of The London Plan;

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

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

- the request is consistent with the policies of the Provincial Policy Statement, 2014;
- the request is in conformity with the policies of The London Plan;
- the request is in conformity with the policies of the 1989 Official Plan;
- the request will facilitate the adaptive reuse of an existing residential building to a new use that is compatible with the surrounding agricultural area; and,
- the request will replace the urban residential uses currently permitted on the subject lands and reintroduce agricultural uses. (2019-D09)

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

Additional Votes:

Moved by: M. Cassidy
Seconded by: P. Squire

Motion to open the public participation meeting.

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

Moved by: M. Cassidy
Seconded by: P. Squire

Motion to close the public participation meeting.

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

4. Items for Direction

4.1 Councillor S. Lewis - Argyle Business Improvement Association

Moved by: P. Squire
Seconded by: M. Cassidy

That the communication dated January 12, 2019 from Councillor S. Lewis, with respect to operations at the Argyle Business Improvement Area BE RECEIVED. (2019-D19)

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

5. Deferred Matters/Additional Business

None.

6. Confidential

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

(Confidential Appendix enclosed for Members only.)

The Planning and Environment Committee convened in camera from 5:07 PM to 5:25 PM after having passed a motion to do so, with respect to the following matters:

6.1. Solicitor-Client Privileged Advice/Litigation or Potential Litigation

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

6.2. Solicitor-Client Privileged Advice/Litigation or Potential Litigation

A personal matter pertaining to litigation or potential litigation with respect to appeals to the Ontario Municipal Board, continued as the Land Use Planning Appeals Tribunal, arising out of the London Plan; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose and for the purpose of providing instructions and directions to external legal counsel, officers and employees of the Corporation with respect to appeals to the Ontario Municipal Board, continued as the Land Use Planning Appeals Tribunal, arising out of the London Plan.

Yeas: (4): A. Hopkins, J. Helmer, M. Cassidy, and P. Squire

Absent: (2): S. Turner, and E. Holder

Motion Passed (4 to 0)

7. Adjournment

The meeting adjourned at 5:26 PM

London Advisory Committee on Heritage

Report

The 2nd Meeting of the London Advisory Committee on Heritage
January 9, 2019
Committee Rooms #1 and #2

Attendance

PRESENT: D. Dudek (Chair), S. Adamsson, J. Cushing, H. Elmslie, H. Garrett, J. Manness, K. Waud and M. Whalley and J. Bunn (Secretary)

ABSENT: D. Brock, S. Gibson and T. Jenkins

ALSO PRESENT: R. Armistead, J. Dent, K. Gonyou and K. Gowan

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 6.1 and 6.3 of this report, having to do with a Notice of Planning Application for Official Plan and Zoning By-law Amendments for the properties located at 462-472 Springbank Drive and a Heritage Impact Statement for the property located at 100 Kellogg Lane, by indicating that her employer is the agent on the files.

2. Scheduled Items

None.

3. Consent

3.1 1st Report of the London Advisory Committee on Heritage

That it BE NOTED that the 1st Report of the London Advisory Committee on Heritage, from its meeting held on December 12, 2018, was received.

3.2 Municipal Council Resolution - 11th Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on December 18, 2018, with respect to the 11th Report of the London Advisory Committee on Heritage, was received.

3.3 Public Meeting Notice - Official Plan and Zoning By-law Amendments - 470 Colborne Street

That it BE NOTED that the Public Meeting Notice, dated December 19, 2018, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the property located at 470 Colborne Street, was received.

3.4 Masonville Transit Village Secondary Plan Terms of Reference

That it BE NOTED that the staff report dated January 7, 2019, from J.M. Fleming, Managing Director, Planning and City Planner, with respect to

the Masonville Transit Village Secondary Plan Terms of Reference, was received.

3.5 Notice of Planning Application - Draft Plan of Subdivision and Zoning By-law Amendments - 3087 White Oak Road

That it BE NOTED that the Notice of Planning Application, dated December 20, 2018, from S. Wise, Senior Planner, with respect to a Draft Plan of Subdivision and Zoning By-law Amendments for the property located at 3087 White Oak Road, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Priority Levels on the Register (Inventory of Heritage Resources)

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the priority levels on the Register (Inventory of Heritage Resources), BE REMOVED; it being noted that the attached presentation from K. Gonyou, Heritage Planner, with respect to this matter, was received.

5.2 Heritage Planners' Report

That it BE NOTED that the attached submission from K. Gonyou and K. Gowan, Heritage Planners, with respect to various updates and events, was received.

6. Deferred Matters/Additional Business

6.1 (ADDED) Notice of Planning Application - Official Plan and Zoning By-law Amendments - 462-472 Springbank Drive

That the following actions be taken with respect to the Notice of Planning Application, dated January 4, 2019, from M. Corby, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the properties located at 462-472 Springbank Drive:

a) M. Corby, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is satisfied with the research, assessment and conclusions of the Heritage Impact Statement, appended to the above-noted Notice; and,

b) the Stewardship Sub-Committee BE DIRECTED to compile a list of potential Cultural Heritage Landscapes and report back to a future meeting of the LACH.

6.2 (ADDED) Proposal to Install a Plaque in Labatt Memorial Park

That the communication dated December 31, 2018, from S. Harding, London Majors Alumni Committee, with respect to a proposal to install a plaque in Labatt Memorial Park to commemorate the 1948 London Majors BE REFERRED to the Education Sub-Committee for further research; it being noted that a verbal delegation from S. Harding and B. Boughner, was received.

6.3 (ADDED) Heritage Impact Statement - 100 Kellogg Lane

That H. McNeely, Manager, Development Services (Site Plan), BE ADVISED that the London Advisory Committee on Heritage (LACH) is satisfied with the research, assessment and conclusions of the Heritage Impact Statement, dated January 7, 2019, from Zelinka Priamo Ltd., with respect to the property located at 100 Kellogg Lane; it being noted that the LACH strongly encourages designating the building under the Ontario Heritage Act.

6.4 (ADDED) Victoria Park Secondary Plan

That it BE NOTED that the attached items from M. Knieriem, Planner II, with respect to the Victoria Park Secondary Plan, were received:

- Notice of Community Information Meeting; and,
- Notice of Planning Application, dated January 9, 2019.

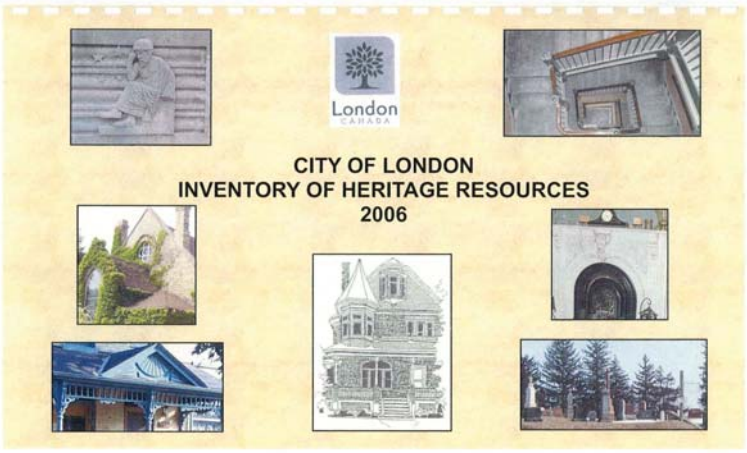
6.5 (ADDED) Public Meeting Notice - Zoning By-law Amendment - Portion of 146 Exeter Road

That it BE NOTED that the attached Public Meeting Notice, from N. Pasato, Senior Planner, with respect to a Zoning By-law Amendment for the property located on a portion of 146 Exeter Road (frontage on Wharncliffe Road), was received.

7. Adjournment

The meeting adjourned at 6:48 PM.

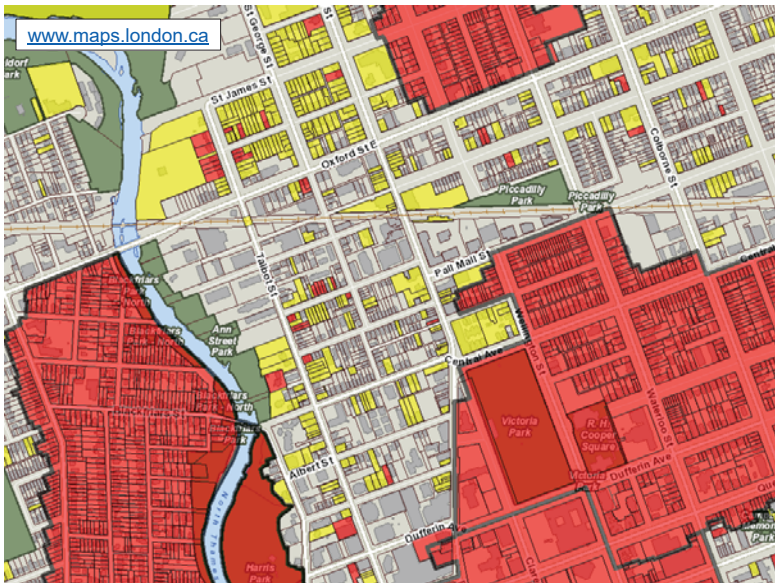
Priority Levels on the Register (Inventory of Heritage Resources)



London Advisory Committee on Heritage

Wednesday January 9, 2019

london.ca



Register

- *Inventory of Heritage Resources*, Register of Cultural Heritage Resources
- Adopted pursuant to Section 27, *Ontario Heritage Act*
- Includes:
  - Heritage Designated Properties
    - Individually designated (Part IV)
    - Heritage Conservation District (Part V)
  - Heritage Listed Properties

Ontario Heritage Act

Register

27 (1) The clerk of a municipality shall keep a register of property situated in the municipality that is of cultural heritage value or interest. 2005, c. 6, s. 15.

Contents of register

(1.1) The register kept by the clerk shall list all property situated in the municipality that has been designated by the municipality or by the Minister under this Part and shall contain, with respect to each property,

(a) a legal description of the property;

(b) the name and address of the owner; and

(c) a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property. 2005, c. 6, s. 15.

Same

(1.2) In addition to the property listed in the register under subsection (1.1), the register may include property that has not been designated under this Part but that the council of the municipality believes to be of cultural heritage value or interest and shall contain, with respect to such property, a description of the property that is sufficient to readily ascertain the property. 2005, c. 6, s. 15.

Consultation

(1.3) Where the council of a municipality has appointed a municipal heritage committee, the council shall, before including a property that has not been designated under this Part in the register under subsection (1.2) or removing the reference to such a property from the register, consult with its municipal heritage committee. 2005, c. 6, s. 15.

Why include non-designated properties on the Register?

- Recognize properties of cultural heritage value or interest in the community
- Demonstrate a municipal council's commitment to conserve cultural heritage resources
- Enhances knowledge and understanding of the community's cultural heritage
- Provides a database of properties of cultural heritage value or interest for planners, property owners, developers, tourism industry, educators, general public
- Should be consulted by municipal decision makers when reviewing development proposals or permit applications
- Provides interim protection from demolition (60-day delay)

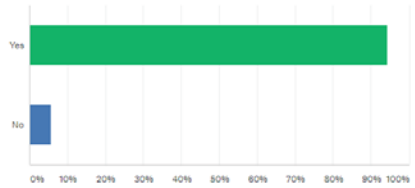
Issues with Priorities on the Register

- Absence of evaluation criteria for the application of priority levels/inconsistent use of priority levels
- Assigned priority level does not change review process when a demolition request is received
- Confusion created from priority levels and ranking in an HCD
- Bias towards architecture or physical criteria at potential expense of other criteria
- Perceptions that only Priority 1 resources are worth conserving

Survey of Other Municipalities

Does your Municipality maintain a Register pursuant to Section 27 of the Ontario Heritage Act?

Answered: 18 Skipped: 0

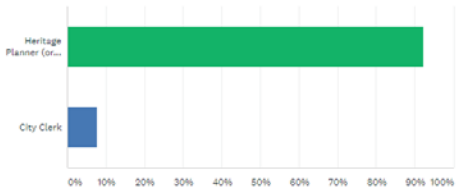


ANSWER CHOICES	RESPONSES	
Yes	94.44%	17
No	5.56%	1
Total Respondents: 18		

Survey of Other Municipalities

Who in your Municipality maintains the Register?

Answered: 13 Skipped: 5

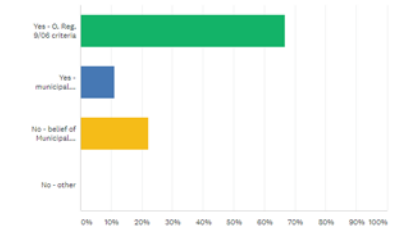


ANSWER CHOICES	RESPONSES	
Heritage Planner (or equivalent)	92.31%	12
City Clerk	7.69%	1
TOTAL		13

Survey of Other Municipalities

Does your Municipality have evaluation criteria for inclusion of a listed (non-designated) property on the Register?

Answered: 18 Skipped: 0

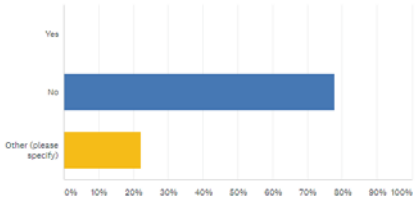


ANSWER CHOICES	RESPONSES	
Yes - O. Reg. 9/06 criteria	66.67%	12
Yes - municipal criteria other than O. Reg. 9/06 (please note below)	11.11%	2
No - belief of Municipal Council per Section 27, Ontario Heritage Act	22.22%	4
No - other	0.00%	0
TOTAL		18

Survey of Other Municipalities

Does your Municipality prioritize, rank, or score properties included on the Register? Note: this does not equate to a working list of what property to designate first, second, etc.

Answered: 18 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes		0.00%	0
No		77.78%	14
Other (please specify)	Responses	22.22%	4
TOTAL			18

Process

- All properties included on the Register are <u>believed</u> to have some cultural heritage value
- Processes to further consideration of cultural heritage value
  - *The London Plan* policies
  - Council Policy Manual (demolition requests)
- O. Reg. 9/06 – Criteria for Determining Cultural Heritage Value or Interest
- Required consultation with the LACH to add/remove a property from the Register

Updating the Register

- ✓ Include all listed and designated properties
- ✓ Record all by-law numbers
- ✓ Remove demolished properties
- ✓ Record Ratings (Part V properties)
- ✓ Identify properties with interior heritage attributes (Part IV properties)
- ✓ Identify properties with blue plaques (Part IV properties)
- ✓ Ensure properties are mapped on City Map

Recommendation

“That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the priority levels on the Register (Inventory of Heritage Resources) BE REMOVED.”

Heritage Planners' Report to LACH: January 9, 2019

1. Heritage Alteration Permits processed under Delegated Authority By-law:
    a. 145 Wortley Road (Wortley Village/ Old South HCD); Façade alteration
    b. 508 Waterloo Street (West Woodfield HCD); Window replacement
    c. 604 Waterloo Street (West Woodfield HCD); window replacement, gable recladding

2. Cultural Heritage Evaluation Reports (CHER) for Rapid Transit
    a. Next Stewardship Sub-Committee meeting: Wednesday January 30, 2019 at 6:30pm
        i. Richmond 5 Group CHER (before Christmas)
        ii. Wellington 35 Group CHER (January 17, 2019)
        iii. Highbury Avenue Overpass Bridge CHER (January 23, 2019)
        iv. University Drive Bridge CHER (January 23, 2019)
        v. Clark's Bridge (Wellington Street/Road) CHER (January 23, 2019)

3. Community Information Meeting: Victoria Park Precinct Secondary Plan – Thursday January 24, 2019 at 6:30pm-8:30pm at London Central Secondary School Cafeteria (509 Waterloo Street)

Upcoming Heritage Events

- Behind the Ropes Tour – Eldon House– January 12, 2019 - $20. For more information: https://eldonhouse.ca/events/
- Stone Homes Seminar at St. Mary's Museum – Thursday February 14, 2019 at 7:00pm. $12. Register at museum@town.st.marys.on.ca or 519-284-3556
- **Heritage Week – February 18- 24, 2019**
- London Heritage Fair 2019 –"Oldies but Goodies" – Saturday February 16, 2019. For more information https://www.londonheritage.ca/heritagefair/
- Drum Making Workshop – The Museum of Ontario Archaeology – Saturday February 16, 2019 & Saturday March 2, 2019. For more information http://archaeologymuseum.ca/visit-us/events/
- 12th Annual London Heritage Awards – Save the Date – Thursday February 21, 2019 at the Delta Armouries
- St. Mary's Heritage Fair – February 22, 2019 from 7:00-9:00pm at the Pyramid Recreation Centre. Register at museum@town.st.marys.on.ca or 519-284-3556
- Middlesex Centre Archives' Heritage Week Fair – Saturday February 23, 2019 from 10am-4pm, Delaware Community Centre (2652 Gideon Drive, Delaware)

City of London City Planning
COMMUNITY INFORMATION MEETING

M. Knieriem
Tel: 519-661-CITY (2489) ext. 4549 | Fax: 519-661-5397
Email: mknieriem@london.ca | Website: www.london.ca

WHAT

This is the second meeting to inform a new secondary plan to guide the future development of the properties surrounding Victoria Park. Your participation in this event and comments will help the consultant and City Staff prepare the secondary plan.

WHERE

London Central Secondary School
Cafeteria
Located at: 509 Waterloo Street

WHEN

Thursday January 24, 2019
From: 6:30 p.m. to 8:30 p.m.

WHO

Everyone, including residents, businesses, property owners and anyone interested in contributing, your opinion is needed.

HOW TO GIVE COMMENTS

Please call in, mail, email or fax your comments to the City of London City Planning, 206 Dundas Street, London, ON, N6A 1G7, Attn: Michelle Knieriem (phone: 519-661-2489 x4549; email: mknieriem@london.ca)

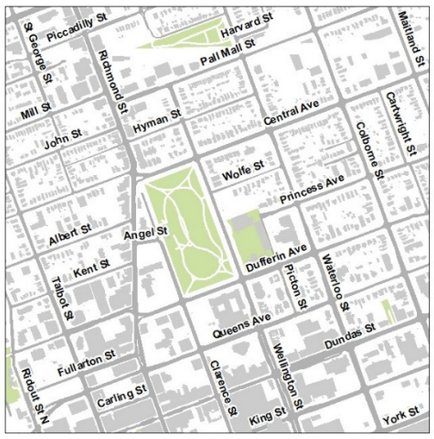
PLEASE NOTE: This meeting is a community meeting which the City's City Planning at times convenes when in the opinion of the Managing Director, Planning and City Planner, the community should have a further opportunity to obtain information regarding a planning application. There will be a future public participation meeting required under the Planning Act, held at the Planning and Environment Committee, which will give you an opportunity to comment to Municipal Council on the planning application.

Personal information collected at this meeting is collected under the authority of the Planning Act, R.S.O. 1990 and may be used for the purpose of informing you of future information meetings and Statuary Public meetings relating to this matter.

NOTICE OF PLANNING APPLICATION

Official Plan Amendment

Victoria Park Secondary Plan



File: O-8978
Applicant: The Corporation of the City of London

What is Proposed?

Official Plan amendment to allow:

- A Secondary Plan to be added to the 1989 Official Plan and The London Plan to guide any future Zoning By-law Amendment applications for the lands surrounding Victoria Park
- The Secondary Plan will consider such matters as building heights, setbacks, land use, public realm connections, and any other matters that arise through the study process

N

LEARN MORE & PROVIDE INPUT

Please provide any comments by **February 7, 2018**
Michelle Knieriem
mknieriem@london.ca
519-661-CITY (2489) ext. 4549
City Planning, City of London, 206 Dundas St., London ON N6A 1G7
File: O-8978
london.ca/planapps

You may also discuss any concerns you have with your Ward Councillor:
Councillor Arielle Kayabaga
akayabaga@london.ca
519-661-CITY (2489) ext. 4013

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

Date of Notice: January 9, 2019

Application Details

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

Requested Amendment to the Current Official Plan

To add a Secondary Plan to Chapter 20 of the 1989 Official Plan to apply to the properties surrounding Victoria Park to provide specific policies to guide any future development of these properties. Policies will be developed to address such matters as building heights, setbacks, land use, public realm connections, and any other matters that arise through the learnings of the study process.

Requested Amendment to The London Plan (New Official Plan)

To add a Secondary Plan to The London Plan to apply to the properties surrounding Victoria Park to provide specific policies to guide any future development of these properties. Policies will be developed to address such matters as building heights, setbacks, land use, public realm connections, and any other matters that arise through the learnings of the study process.

Planning Policies

These lands are currently designated in the 1989 Official Plan as Downtown Area, Office Area, Multi-Family, Medium Density Residential, Low Density Residential, and Community Facility in the Official Plan, which permit a variety of residential, office, retail, service, recreational, entertainment, institutional and cultural facilities as the main uses.

The subject lands are in the Downtown, Neighbourhood, and Rapid Transit Corridor Place Types in *The London Plan*, permitting a range of residential, retail, service, office, cultural, recreational, hospitality, entertainment, and institutional uses.

How Can You Participate in the Planning Process?

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

See More Information

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

- visiting City Planning at 206 Dundas Street, Monday to Friday between 8:30am and 4:30pm;
- contacting the City's Planner listed on the first page of this Notice; or
- viewing the application-specific page at london.ca/planapps.

Reply to this Notice of Application

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

Attend a Community Information Meeting

On Thursday January 24, 2019 City of London Staff will be hosting a community information meeting to present their proposal and obtain input from interested members of the public. Details of the meeting are enclosed with this package. This meeting is being held on a date in advance of the future Public Participation Meeting described below. The Community Information Meeting is not the public meeting required by the Planning Act and attendance at this meeting does not create a right to appeal the decision of Council to the Local Planning Appeal Tribunal.

Attend a Future Public Participation Meeting

The Planning and Environment Committee will consider the requested Official Plan changes on a date that has not yet been scheduled. The City will send you another notice inviting you to attend this meeting, which is required by the *Planning Act. Y*ou will also be invited to provide your comments at this public participation meeting. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting.

What Are Your Legal Rights?

Notification of Council Decision

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

Right to Appeal to the Local Planning Appeal Tribunal

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

If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of London before the proposed official plan amendment is adopted, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

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

Notice of Collection of Personal Information

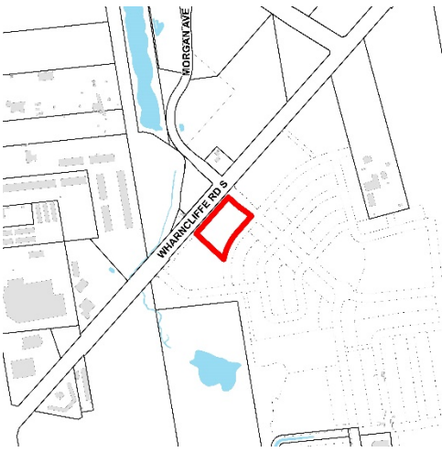
Personal information collected and recorded at the Public Participation Meeting, or through written submissions on this subject, is collected under the authority of the *Municipal Act*, 2001, as amended, and the *Planning Act*, 1990 R.S.O. 1990, c.P.13 and will be used by Members of Council and City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

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

PUBLIC MEETING NOTICE

Zoning By-Law Amendment

Portion of 146 Exeter Road (frontage on Wharncliffe Road)



File: Z-8969
Applicant: Sifton Properties Limited

What is Proposed?

Zoning By-law amendment to allow:

- A three-storey long term care facility with a maximum height of 17 metres
- Up to 163 beds (45 units per hectare)
- Consideration for reduced front and exterior side yards, and reduced rear and interior side yards.

YOU ARE INVITED!

Further to the Notice of Application you received on October 22, 2018, you are invited to a public meeting of the Planning and Environment Committee to be held:

Meeting Date and Time: Monday, January 21, 2019, no earlier than 4:00 p.m.

Meeting Location: City Hall, 300 Dufferin Avenue, 3rd Floor

For more information contact:

Nancy Pasato
npasato@london.ca
519-661-CITY (2489) ext. 4586
Development Services, City of London, 300 Dufferin Avenue, 6th Floor,
London ON PO BOX 5035 N6A 4L9
File: Z-8969
london.ca/planapps

To speak to your Ward Councillor:

Elizabeth Peloza
epeloza@london.ca
519-661-CITY (2489) ext. 4012

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

Date of Notice: January 4, 2019

Application Details

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

Requested Zoning By-law Amendment

To change the zoning from a Holding Residential R5 Special Provision/Residential R6 Special Provision (h h-100 h-198 R5-4(22)/R6-5(50)) Zone to a Residential R5 Special Provision/Residential R6 Special Provision/Residential R7 Special Provision (R5-4(22)/R6-5(50))/R7(_)•D45•H17) Zone. Changes to the currently permitted land uses and development regulations are summarized below. The complete Zoning By-law is available at london.ca/planapps.

Current Zoning
Zone: Holding Residential R5 Special Provision/Residential R6 Special Provision (h h-100 h-198 R5-4(22)/R6-5(50))
Permitted Uses: medium density cluster housing uses such as single detached, semi-detached, duplex, triplex, apartment buildings, townhouses and stacked townhouses, at a maximum height of 12.0 metres,
Special Provision(s): a minimum density of 30 units per hectare and maximum density of 75 units per hectare
Residential Density: 30 units per hectare and maximum density of 75 units per hectare
Height: 12 metres (39.4 feet)

Requested Zoning
Zone: Residential R5 Special Provision/Residential R6 Special Provision/Residential R7 Special Provision (R5-4(22)/R6-5(50))/R7(_)•D45•H17)
Permitted Uses: in addition to the already permitted uses (above) - senior citizen apartment buildings; handicapped persons apartment buildings; nursing homes; retirement lodges; continuum-of-care facilities; emergency care establishments
Special Provision(s): a reduced front and exterior side yard depth of 4.5 metres (14.8 feet) and a reduced interior side and rear yard depth of 4.5 metres (14.8 feet)
Residential Density: 45 units per hectare (beds are determined at a rate of 3 beds per unit)
Height: 17 metres (3 storeys)

The City may also consider special provisions on minimum and maximum densities and height, and the use of holding provisions for site design, orientation and services.

This property is also the subject of an application for draft plan of subdivision (39T-15501).

Planning Policies

Any change to the Zoning By-law must conform to the in-effect policies of the City's Official Plan(s).

The subject lands are in the in the 'Neighbourhoods' Place Type in The London Plan, permitting a range of residential uses, including low-rise apartments and emergency care establishments; and designated as Multi-Family, Medium Density Residential in the in the 1989 Official Plan, which permits multiple-attached dwellings; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes, and homes for the aged as the main uses.

How Can You Participate in the Planning Process?

You have received this Notice because someone has applied to change the zoning of land located within 120 metres of a property you own, or your landlord has posted the public meeting notice in your building. The City reviews and makes decisions on such planning applications in accordance with the requirements of the *Planning Act*. If you previously provided written or verbal comments about this application, we have considered your comments as part of our review of the application and in the preparation of the planning report and recommendation to the Planning and Environment Committee. The additional ways you can participate in the City's planning review and decision making process are summarized below. For more detailed information about the public process, go to the Participating in the Planning Process page at london.ca.

See More Information

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

- visiting Development Services at 300 Dufferin Ave, 6th floor, Monday to Friday between 8:30am and 4:30pm;

- contacting the City's Planner listed on the first page of this Notice; or
- viewing the application-specific page at london.ca/planapps.

Attend This Public Participation Meeting

The Planning and Environment Committee will consider the requested zoning changes at this meeting, which is required by the *Planning Act.* You will be invited to provide your comments at this public participation meeting. A neighbourhood or community association may exist in your area. If it reflects your views on this application, you may wish to select a representative of the association to speak on your behalf at the public participation meeting. The Planning and Environment Committee will make a recommendation to Council, which will make its decision at a future Council meeting.

What Are Your Legal Rights?

Notification of Council Decision

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

Right to Appeal to the Local Planning Appeal Tribunal

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

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

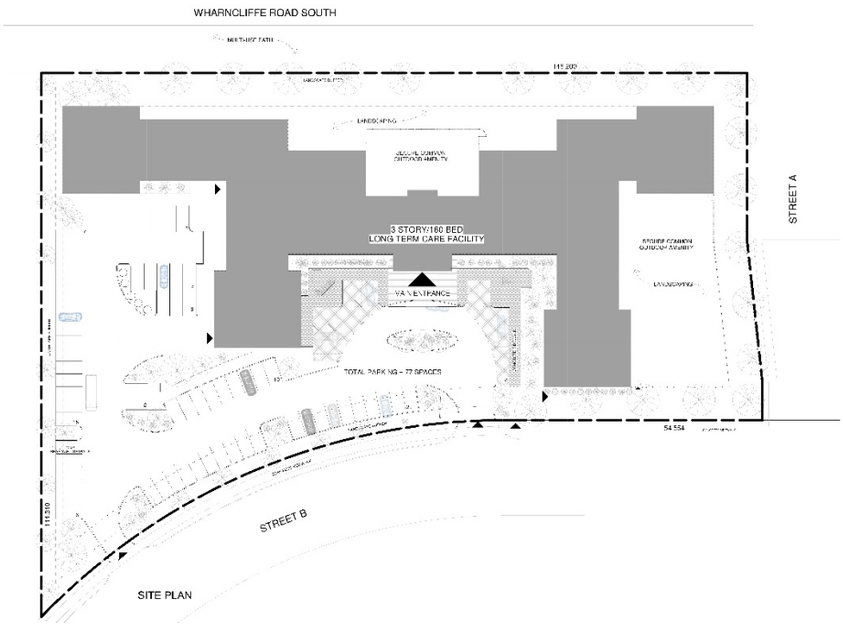
For more information go to http://elto.gov.on.ca/tribunals/lpat/about-lpat/.

Notice of Collection of Personal Information

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

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

Site Concept



Proposed Site Plan for Three Storey Long Term Care Facility

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

Building Renderings

SOUTH ELEVATION (SHIRAZ ROAD)

NORTH ELEVATION (WHARNCLIFFE ROAD)

Northwest Elevation (Wharncliffe Road) and Southeast Elevation (Future Street)

Building Renderings

Rendering – Entrance (along future street)

Rendering – Entrance along Street B (future street)

The above images represent the applicant's proposal as submitted and may change.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **George Kotsifas, P.Eng.**
Managing Director, Development and Compliance Services and Chief Building Official
Subject: **Bird-Friendly Development**
Meeting on: **January 21, 2019**

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken:

(a) with respect to the provisions for bird-friendly development the staff report **BE RECEIVED** for information; and,

(b) Civic Administration **BE DIRECTED** to circulate the attached draft by-law for review and comment for potential changes to the Site Plan Control By-law with respect to bird-friendly development; and,

(c) Civic Administration **BE DIRECTED** to report back on the possibility of instituting a limited lit period of high-rise buildings during an identified migratory bird season including any possible mechanism(s) for enforcement.

Background and Analysis

1.0 Background

1.1 Council Resolution

On April 10, 2018 Municipal Council resolved that:

> *the fourth draft of the Green Standards for Light Pollution and Bird-Friendly Development BE REFERRED to the Manager, Development Services, to review and to prepare a version for the Municipal Council's consideration; it being noted that three Advisory Committees have made this recommendation; it being further noted that Section 4.1 of the Guidelines contemplates a light curfew for London; the specific times have been left blank; a suggested light curfew would be from 1:00 AM to 7:00 AM; and*
>
> *the fourth draft of the Green Standards for Light Pollution and Bird-Friendly Development BE REFERRED to all City of London Advisory Committees for their consideration*

This report is in response to The Green Standards for Light Pollution and Bird-Friendly Development prepared as a joint initiative of several City advisory committees. The purpose of this report is to identify a proposed approach to ensure that bird-friendly development and reduced light pollution can be achieved through the existing site plan development process. The intent is to circulate the proposed changes to the Site Plan Control By-law for public input, and consult with the three identified Advisory Committees that initiated the review and the Development Industry regarding the proposed changes.

1.2 Bird-Friendly Design

Bird strikes occur from birds' inability to comprehend glass. Birds strike windows and die from the impact or from the subsequent fall while attempting to fly towards perceived vegetation reflected in a glass window pane or to the perceived vegetated space on the other side of clear glass.

Bird deaths as a result of bird strikes in Canada are estimated at 25 million annually. The majority of these deaths occur in urban areas as the light from urban areas interferes with cues they rely on from the night sky. Lighting of the sky at night has the

effect of drawing birds into urban areas where they then seek spaces to rest. “Light pollution” can also produce spaces which are confusing to birds through reflection and glare related to electric light.

Bird-friendly design is intended to achieve an approach to lighting and glass façade design which reduces the light pollution that interrupts birds’ natural movement patterns and creates bird strike probable situations, respectively.

1.3 Bird-Friendly Practice in Other Jurisdictions

Within North America, a number of policy and regulatory approachs have been undertaken to address bird safety in the design of urban areas. In 2011, a United States Congressman from Illinois' 5th District brought forward a Bill to ensure Bird-Safe Buildings. The proposed Bill recognized the work done in three cities: Chicago, Toronto and New York. Both Chicago and New York have building design guidelines which provide guidance on design elements which will reduce bird strikes, such as the application of patterns to glass to make it clear to birds that the glass presents a barrier thereby allowing birds to see the glass and avoid strikes to the glass .

The City of Toronto has established Bird-Friendly Development Guidelines as part of the Toronto Green Standard applied during the site plan process. This includes best practices on lighting and glass to prevent bird strikes and reduce light pollution. In practice, the City of Toronto requires applicants to demonstrate how they meet the Toronto Green Standard in submitted applications. Common site plan requirements include “IDA – Dark Sky Approved” fixtures, and application of a limited light period between 11PM to 6AM on site plan during the bird migratory season (defined as April - May and Mid-August – Mid-October in Toronto).

2.0 Existing Policy and Regulatory Framework

2.1 The London Plan Policy

Policies are already in place that provide direction to reduce light pollution and prevent bird strikes. Within *The London Plan,* the City Design chapter directs building design and materials be chosen to reduce the potential for bird strikes. Specifically, Policy 304 (under appeal) reads: “*Efforts should be made to design buildings and use materials that minimize bird strikes on high-rise buildings*.” This policy supports efforts to ensure bird-friendly development through the site plan process. The Green and Healthy City chapter of *The London Plan* promotes dark skies through Policy 745 (in force and effect) which reads: “*We will support initiatives to reduce glare, light trespass, and skyglow to promote energy conservation, reduce impacts on wildlife, and support healthy neighbourhoods*.” These two policy references provide the policy support for initiatives to reduce, or prevent light pollution and address bird strikes through the site design and development process.

2.2 Site Plan Design Manual

Lighting, a primary concern in bird-friendly design, is currently addressed through the site plan process. Although portions of the *Site Plan Design Manual* speak to various aspects of lighting for pedestrian safety, transit access and fire routes, Section 8 speaks specifically to the provision of facilities for lighting, including floodlighting. Section 8 “Facilities for Lighting, Including Floodlighting,” of the *Site Plan Design Manual* is available in its entirety in Appendix A.

Section 8 identifies the objectives for lighting facilities – specifically, objective (d) directs that illumination of a site be designed to “*reduce or eliminate the potential of any adverse effect of artificial light such as: glare, light trespass, light clutter, energy waste*.” Section 8 continues, directing that:

> *The type, location, height, intensity and direction of lighting shall ensure that glare or light is not cast onto adjacent residential properties or natural areas adversely affecting living environment, or onto adjacent public streets which would pose a vehicular safety hazard. Moreover, energy conservation measures must be considered to ensure that the site is not illuminated more than it need be. In some cases, the extent of lighting may be required to be reduced after normal business hours.*

This regulation provides the framework for requiring lighting design that does not result in adverse impacts from lighting including spillage and wastage. There is an opportunity to further identify bird-friendly development as an objective in this portion of the *Site Plan Design Manual*.

Section 8 of the *Site Plan Design Manual* also provides specific requirements for lighting. Section 8.2 (b) Height, limits the maximum height of all yard lighting fixtures to 15m (50 ft.) for non-residential uses and 6m (20 ft.) for multi-family residential uses. Limiting the height of fixtures is a part of ensuring that lighting provided is directed solely to those locations where it is required, thereby preventing light pollution. As applicable, the *Site Plan Design Manual* 8.2 (d) allows staff to require a Light Study where "*a qualified engineer will prepare and provide a report demonstrating how the lighting is contained on the site and that the selection/style of light will not create glare and/or broadcast light onto adjacent properties or roadways, by the adjustment of refractors and/or the placement of Shields*." To ensure bird-friendly development, this tool can be used for larger developments which have the potential for significant light pollution.

Section 8.3 of the *Site Plan Design Manual* provides a definition for "Fascia Lighting and Floodlighting of Building" allowing staff to provide direction on its applicability and prevent or control its use as necessary to reduce light pollution and prevent bird strikes. As an example, it would be anticipated that fascia lighting and floodlighting would not be supportable for glass buildings where the glare produces light pollution and creates conditions which amplify the probability of bird strikes.

The diagrams associated with Section 8, available in Appendix A, provide exemplars of proper lighting design, which re-iterate and clarify that lighting should not illuminate adjacent properties and that the lighting system should be designed to broadcast light downward so as to reduce glare and light pollution.

It is worthy of note that the provision of lighting, including orientation and intensity, is controlled in the final development agreement required to allow for development. The standard lighting facilities clause of the template development agreement reads:

> *16. Lighting Facilities: All lighting of the site shall be oriented and its intensity controlled so as to prevent glare on adjacent roadways and residential properties to the satisfaction of the Managing Director*

Enforcement of this clause, including modifications where necessary to address identified light pollution impacts, will ensure that the policy goals related to dark skies and bird strikes are met in any finalized and approved development. The existing standard language already speaks to orientation and intensities that provide safety for pedestrians without resulting in glare or other light pollution through improper lighting facilities design.

3.0 Implementing a Bird-Friendly Approach

3.1 Application of Bird-Friendly Development Criteria

The application of bird-friendly development standards is best done at the site plan approval stage. Under *The Planning Act (1990)* developers are to "*provide to the satisfaction of and at no expense to the municipality …facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon*." Using site plan control is the approach taken by the City of Toronto and reflects the opportunity the municipality has to control lighting and design at the site plan approval stage. All submitted site plan applications should be reviewed to ensure bird-friendly design as part of the review to address lighting.

3.2 Circulation in the Site Plan Process

Circulation of proposed site plans provides the mechanism to ensure that developments meet all applicable regulatory and policy requirements. Site Development Planning staff presently lack the specific training to ensure buildings can be considered 'Bird-Friendly' but can rely on other professional staff and advisory groups to provide the ecological expertise to direct bird-friendly development. The site plan circulation process will ensure site-specific approaches required to reduce bird strikes and light pollution are provided to the site plan staff to implement bird-friendly development comprehensively across all applications.

Possible exceptions to circulation would be made for residential development less than six storeys in height, unless the development abuts a property designated Green Space within *The London Plan.* This standard is in keeping with the approach taken by the City of Toronto, recognizing that smaller residential developments away from environmental areas create less issues with regards to bird strikes and light pollution.

The City's Ecologist is currently circulated on site plan proposals that potential impact Natural Heritage areas. Comments on bird-friendly development required beyond the standards set out within the *Site Plan Design Manual* would be provided by the Ecologist Planner at time of circulation. The Ecologist may provide comment on any design elements to be added to glass facades to prevent bird strikes, if warranted.

It is proposed that developments greater than four storeys and those involving primarily glass facades would be circulated additionally to the applicable Advisory Committees to allow for comment on more high-risk developments from a bird-friendly perspective. The draft guidelines developed by EEPAC in conjunction with the Advisory Committee on the Environment and the Animal Welfare Advisory Committee can form the basis of their review and comment on site plans with respect to bird friendly development.

In implementing the approach, it is the intent that site plan staff would consider the consulting Architect's recommendations for bird-friendly glass and lighting design on mid and high-rise developments. Additional circulation for bird-friendly review would occur as follows:

- The City's Ecologist Planner would be circulated when:
    - A proposed residential development proposes buildings greater than 6 storeys or abuts the Green Space Place Type; or,
    - All proposed non-residential development utilizing reflective material.

- Environmental and Ecological Planning Advisory Committee, Advisory Committee on the Environment, and the Animal Welfare Advisory Committee would be circulated when:
    - A proposed development is greater than 6 storeys; and/or
    - A proposed non-residential development utilizing reflective material.

3.3 Standard for Lighting

The implementation of an official standard for lighting is proposed to ensure consistency and objectivity in implementation of dark sky and bird-friendly lighting design. This standard can be achieved through establishing a requirement for any installed lights to be full cut-off and have zero up light. Full cutoff fixtures have a cap to direct all light downward to the surface intended for illumination. The cap prevents glare and light trespass which result from undirected light. Undirected upward light is the greatest source of light pollution which alters the natural patterns of birdlife.

3.4 Accessibility

The established standards, identified above, do not compromise the accessibility of spaces for those with visual impairment The standards, and the proposed City of London approach seek to reduce lighting which creates glare or which is not directed to produce necessary illumination. Neither glare nor light trespass provide assistance to those with visual impairment. The City of London's existing 2007 Facility Accessibility Design Standards also align with bird-friendly requirements by applying glazing to windows to ensure that broad expanse of glass are visible to those with visual impairment.

3.5 Recommended Changes to the Site Plan Design Manual

To ensure that bird-friendly design is fully implemented, there is the need to establish it as a requirement through a Council-approved by-law. As stated above, the appropriate location to make this addition is to amend the Site Plan Control By-law to direct that bird-friendly design is a specific objective in lighting design.

Proposed amendments would include amendments to Section 8 of the *Site Plan Design Manual* to:

- Provide additional language in in the Objectives (Section 8.2) of the Facilities for Lighting, Including Floodlighting, to establish bird-friendly design as a goal of

lighting design through Site Plan Control.

- Provide a new requirement that light fixture provided be full cut-off and have zero up light.

The combination of these changes will, in association with the revised circulation process, ensure that bird-friendly design requirements are reviewed for, and ultimately implemented, in the development process.

The proposed changes are available in Appendix B as a draft amendment to the Site Plan Control By-law.

3.6 Limited Light Period

The draft Green Standards for Light Pollution and Bird-Friendly Development presented the possibility of a period where lighting would be required to be limited or turned off. The benefits of reduced light pollution at night, particularly during migratory bird season are documented. The challenge for implementation is determing a mechanism to measure, determine and enforce compliance. Site Plan Control does not implement or control regulations with regards to hours of operation. Addressing a limited light period falls outside the site plan process.

Establishing a limited light period would require two additional steps outside of those implementable through the site plan process. First, the local migratory bird season would need to be established to determine when the limited light period would be applied. Second, a compliance mechanism needs to be evaluated and established to ensure lighting conforms to temporal operation requirements in addition to addressing any requirements set out through the development agreement, which follows the site plan process.

3.7 New Requirements for Development

The impact of the proposed changes will, for most new developments, be limited to ensuring that the lighting fixtures purchased and installed for their site are full cut-off and have zero up light. Any proposed designs which would previously have required changes to reduce the adverse effects of artifical light will continue to require those changes only to meet the additional objective of bird-friendly design. The potential establishment of a limited light period during an identified migratory bird season would require any lights be extinguishable during the night.

Developments with primarily glass facades will expect that comments received at the site plan approval stage will direct the applicant to provide glass treatments that prevent bird strikes.

4.0 Conclusion

Bird-friendly development can be achieved through the existing site plan process with only minor modifications. Policy support exists within *The London Plan* to promote dark skies and reduce bird strikes through effective lighting and site design. The existing site plan circulation process can be used to ensure that professional staff and advisory committee comments on bird-friendly design are implemented through the site development process. Minor changes to the Site Plan Control By-law, specifically to Section 8 of the *Site Plan Design Manual* will ensure that standards are applied to ensure bird-friendly development on all sites in accordance with exisitng objectives which seeks the elimination of unecessary and/or adverse lighting.

Prepared by:	**Leif Maitland,** **Site Development Planner, Development Services**
Reviewed by:	**Michael Pease, MCIP, RPP** **Manager, Development Planning**
Concurred in by:	**Heather McNeely, MCIP, RPP** **Manager, Development Services (Site Plan)**
Recommended by :	**Paul Yeoman, RPP, PLE** **Director, Development Services**
Submitted by:	**George Kotsifas, P.ENG** **Managing Director, Development and Compliance Services and Chief Building Official**

January 7, 2018

Cc: Environmental and Ecological Planning Advisory Committee (EEPAC)
Advisory Committee on the Environment (ACE)
Animal Welfare Advisory Committee (AWAC)

LM/

Y:\Shared\ADMIN\1- PEC Reports\2019 PEC Reports\2- January 21\Draft - Bird Friendly Development LM Report 1 of 1.docx

Appendix A – Site Plan Control By-law – Section 8

8. FACILITIES FOR LIGHTING, INCLUDING FLOODLIGHTING

8.1. Objectives

To provide sufficient illumination of the site for:

(a) pedestrian security and safety;

(b) functional vehicular movement;

(c) enhancement of external building design and landscaped open space;

(d) reduce or eliminate the potential of any adverse effect of artificial light such as: glare, light trespass, light clutter, energy waste.

The type, location, height, intensity and direction of lighting shall ensure that glare or light is not cast onto adjacent residential properties or natural areas adversely affecting living environment, or onto adjacent public streets which would pose a vehicular safety hazard. Moreover, energy conservation measures must be considered to ensure that the site is not illuminated more than it need be. In some cases, the extent of lighting may be required to be reduced after normal business hours.

8.2. Yard Lighting

(a) Definition - Yard lighting illuminates broad areas such as parking lots, driveways, landscaped and recreational areas. Yard lighting is generally provided from fixtures mounted on poles or building faces.

(b) Height - For non-residential uses, the maximum height of all yard lighting fixtures shall be 15m (50 ft). For multi-family residential uses, the maximum height of all yard lighting fixtures shall be 6m (20 ft.).

(c) Design - Ornamentally designed fixtures shall be encouraged, particularly for residential developments, and developments that include pedestrian walkways, at main entrances of buildings, internal roadways, parking areas and vehicular entrances and exits.

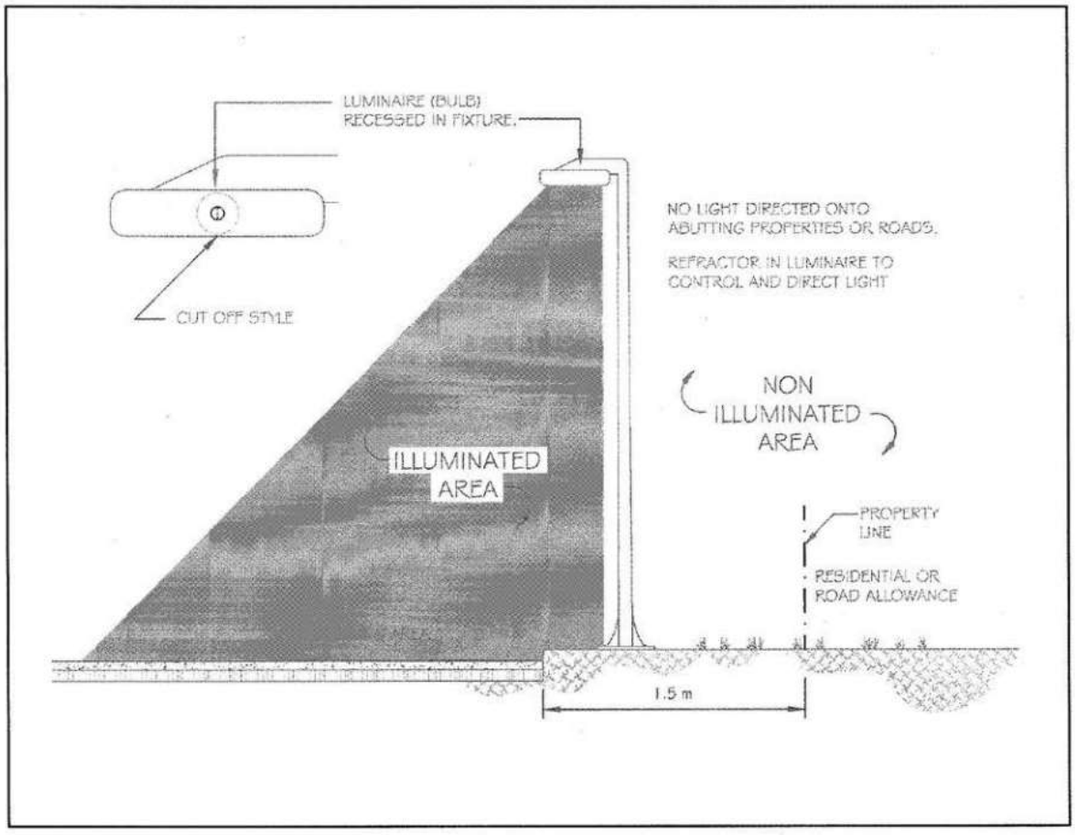
(d) "Light Study – a qualified engineer will prepare and provide a report demonstrating how the lighting is contained on the site and that the selection/style of light will not create glare and/or broadcast light onto adjacent properties or roadways, by the adjustment of refractors and/or the placement of shields (see Figure 8.1)."

8.3. Fascia Lighting and Floodlighting of Building

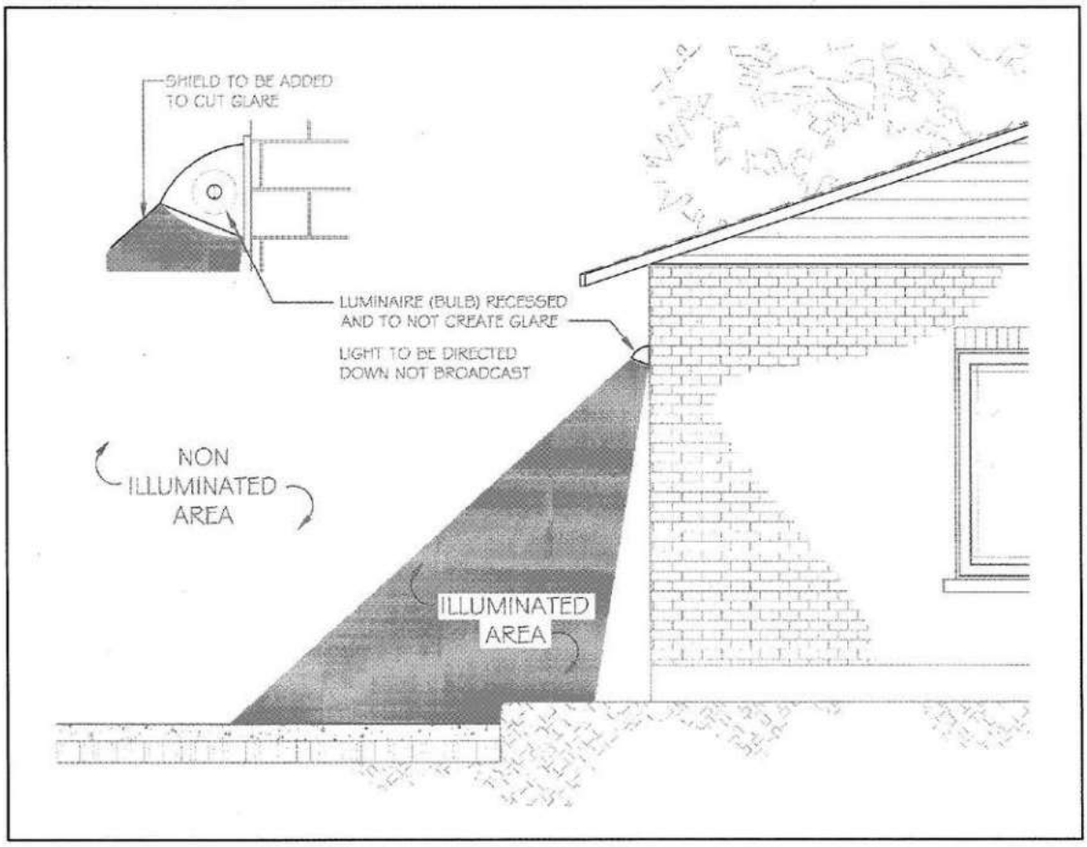
(a) Definition - Fascia lighting and floodlighting of the building illuminates precise areas of the building face(s) generally to compliment the architecture and provide illumination of the grounds adjacent to the building. Fascia lighting is usually provided by fixtures mounted on the building face(s) and/or located at grade in the immediate vicinity of the building.

FIGURE 8.1

LIGHT STANDARD - SAMPLE



WALL MOUNTED LIGHTS - SAMPLE



Appendix B – Draft Amendment to the Site Plan Control By-law

Bill No. XXX

By-law No. C.P.-1455(X)-XX

A by-law to amend By-law C.P.-1455-541, as amended, entitled the “Site Plan Control Area Bylaw”.

WHEREAS Section 41(3) of the Planning Act, R.S.O. 1990, provides that, where in an Official Plan an area is shown or described as a proposed site plan control area, the council of the local municipality may designate a site plan control area;

AND WHEREAS Section 41(7) of the Planning Act, R.S.O. 1990 provides that a municipality may require the owner of land to provide to the satisfaction of and at no expense to the municipality facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;

AND WHEREAS Municipal Council of The Corporation of the City of London passed Bylaw C.P.-1455-541 on June 26, 2006 being a by-law to designate a Site Plan Control Area and to delegate Council’s power under Section 41 of the Planning Act, R.S.O. 1990 c.P.13;

AND WHEREAS it is deemed expedient to amend the said By-law;

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

1. By-law C.P.-1455-541, as amended, is hereby further amended as follows:

    i) Section 8 is amended by adding to ‘8.1 Objectives- a new sentence at the end of the concluding paragraph to read: “All lighting should be limited to, and directed towards, the area requiring illumination so as to reduce skyglow and light pollution and thereby promote bird-friendly development.”

    ii) Section 8 is amended by adding to ‘8.2 Yard Lighting’ a new requirement

    (e) Elimination of Skyglow – So as to reduce skyglow, light pollution and related bird fatalities, all light fixtures to be provided are to be full cut-off and have zero up light.

2. This by-law comes into force and effect on the date that it is passed.

PASSED in Open Council on –

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

File: H-8892
Planner: Nancy Pasato

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **G. Kotsifas P. Eng.,**
Managing Director, Development & Compliance Services and Chief Building Official
Subject: **Application by: Drewlo Holdings Inc.**
1522 Kilally Road and 1654 Highbury Avenue North
Edgevalley Subdivision – 39T-05505
Meeting on: **January 21, 2019**

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application of Drewlo Holdings Inc. relating to the properties located at 1522 Kilally Road and 1654 Highbury Avenue North, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 15, 2019 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Residential R1 Special Provision (h*h-100*R1-3(7)) Zone, a Holding Residential R1 (h*h-100*R1-4) Zone, a Holding Residential R5/Residential R6 (h*h-54*h-100*R5-7/R6-5) Zone, a Holding Residential R5/Residential R6 (h*h-100*R5-7/R6-5) Zone, a Holding Residential R6/Residential R9 (h*h-54*h-100*R6-5/R9-7*H36) Zone **TO** a Residential R1 Special Provision (R1-3(7)) Zone, a Residential R1 (R1-4) Zone, a Holding Residential R5/Residential R6 (h*h-54*R5-7/R6-5) Zone, a Holding Residential R5/Residential R6 (h*R5-7/R6-5) Zone, a Holding Residential R6/Residential R9 (h*h-54*R6-5/R9-7*H36) Zone to remove the "h" holding provision from all lots and the "h-100" holding provision from all lots and blocks.

Executive Summary

Summary of Request

The applicant has requested removal of the "h" and "h-100" holding provision from the Zones within the Edgevalley Subdivision (39T-05505), which requires the necessary securities be provided and a subdivision agreement is executed prior to development, and requires the construction of a looped watermain and second access to the subdivision.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h") symbol from all lots within the plan of subdivision (Lots 1-129) and to remove the holding ("h-100") from all Lots (1-129) and all blocks (Blocks 132, 133, 134, 139 and 140) within the plan of subdivision to permit the development of single detached dwellings.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as the required security has been submitted and the subdivision agreement has been signed, and the required second access and looped watermain have been constructed. All issues have been resolved and the holding provision(s) are no longer required.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands include two properties comprising a total area of 25.01 ha.

1.2 Current Planning Information (Phase 1)

- Official Plan Designation – Multi Family, Medium Density Residential, Multi Family, High Density Residential, Open Space
- The London Plan Place Type – Neighbourhoods, Green Space
- Existing Zoning – Existing Zoning – a Holding Residential R1 Special Provision (h*h-100*R1-3(7)) Zone, a Holding Residential R1 (h*h-100*R1-4) Zone, a Holding Residential R5/Residential R6 (h*h-54*h-100*R5-7/R6-5) Zone, a Holding Residential R5/Residential R6 (h*h-100*R5-7/R6-5) Zone, a Holding Residential R6/Residential R9 (h*h-54*h-100*R6-5/R9-7*H36) Zone, Open Space (OS1) Zone, Open Space (OS5) Zone

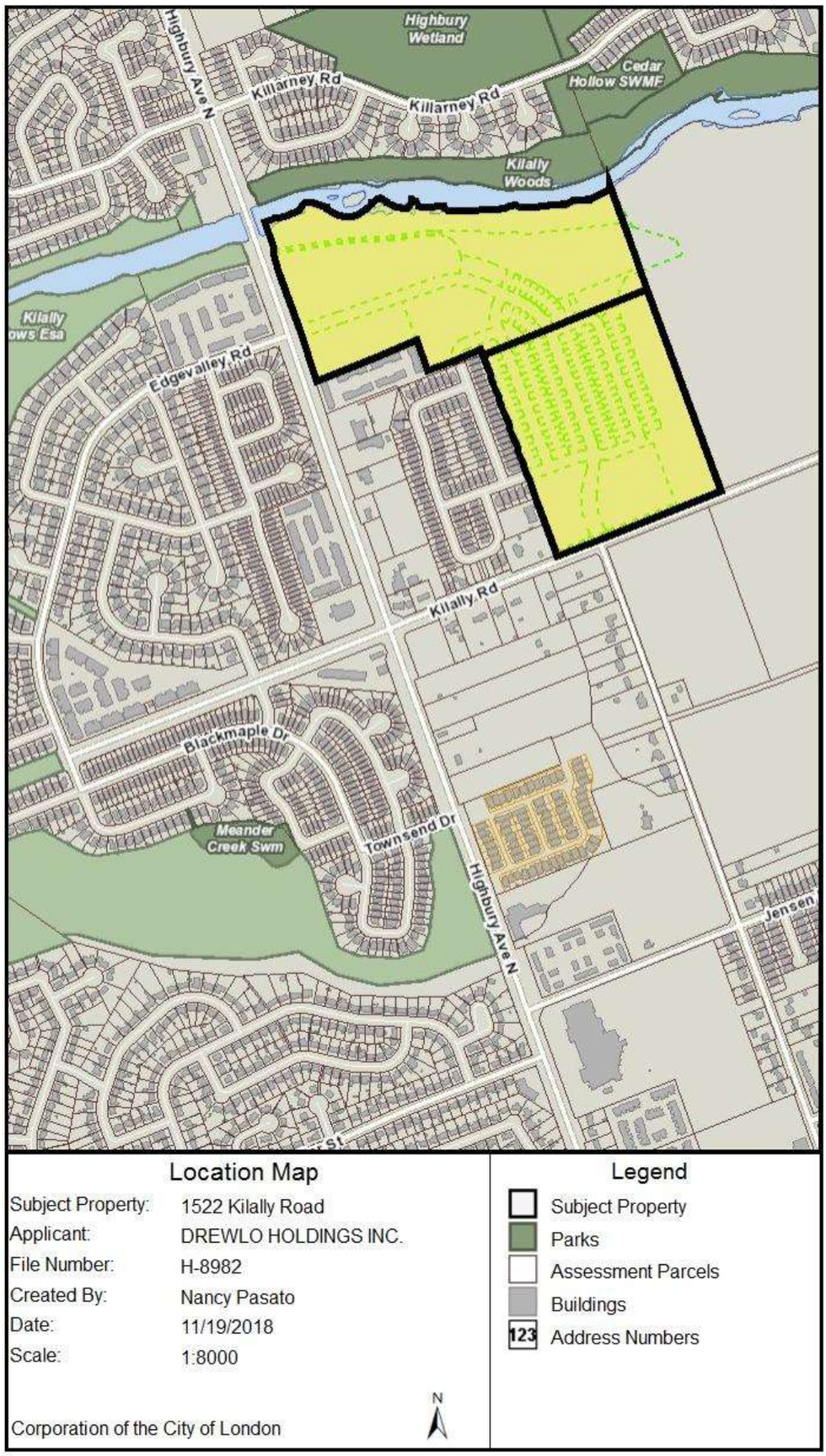
1.3 Site Characteristics (Phase 1)

- Current Land Use – vacant
- Area – 25.01 ha (61.8 acres)
- Shape – irregular

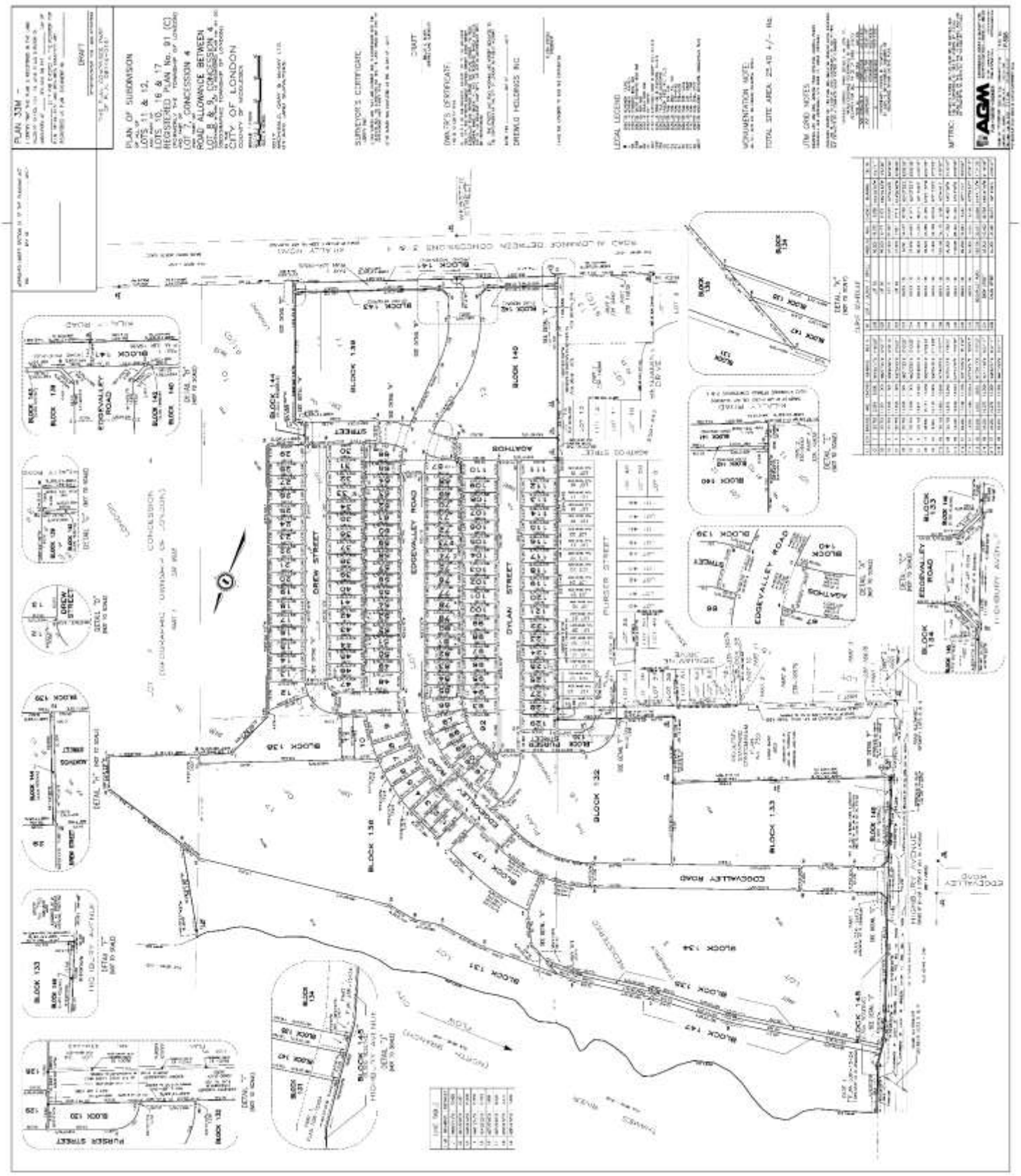
1.4 Surrounding Land Uses (Phase 1)

- North – Thames River
- East – vacant/agriculture
- South – existing single detached residential
- West – existing single detached residential

1.5 Location Map



Approved Edgevalley Subdivision Plan (39T-05505)- 33M-757



2.0 Description of Proposal

2.1 Development Proposal

The current plan consists of 129 single detached dwelling lots, 4 medium density blocks, 1 high density block, 1 stormwater management block, 1 open space block, 2 park blocks, and several road allowance/reserve/widening blocks, all served by the extension of Edgevalley Road, Agathos Street and Purser Street and 2 new local streets established through the subdivision process (39T-05505).

3.0 Relevant Background

3.1 Planning History

Drewlo Holdings Inc. submitted an application for draft plan of subdivision and zoning by-law amendment on March 31, 2005. The public meeting was held on February 27, 2006. Council resolved that the draft plan and concurrent zoning by-law amendment be approved on March 6, 2006. Draft approval was granted on March 22, 2006. A three year extension to the draft approval was granted by the Approval Authority on March 22, 2009.

On May 4, 2011, the applicant submitted a revised draft plan of subdivision consisting of 129 single detached lots, 5 medium density blocks, 1 high density block, 2 park blocks, all served by the extension of Edgevalley Road, Agathos Street and Purser Street and 2 new local streets. The public meeting was held on December 12, 2011. A three (3) year extension and approval of the revised draft plan/conditions was granted by the Approval Authority on February 10, 2012.

Since this time, several draft approval extensions have been granted by the Approval Authority and Council (August 2015, January 2017, and most recently, an emergency extension in July, 2018). Final Approval was granted on December 19, 2018 and the plan has been registered as 33M-757.

3.2 Requested Amendment

The applicant is requesting the removal of the “h” holding provision from all lots, and the “h-100” holding provision from all lots and blocks in this plan. It should be noted that the “h” will remain for all Blocks until such time as a development agreement has been entered into for the sites. As well, an “h-54” related to noise attenuation measures will also remain on Blocks 133, 134 139 and 140. A separate application(s) and fee(s) will be required for future holding provision removal(s).

3.3 Community Engagement (see more detail in Appendix B)

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

3.4 Policy Context (see more detail in Appendix C)

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

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

4.0 Key Issues and Considerations

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

The “h” holding provision states:

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

development.

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

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

4.2 What is the purpose of the "h-100" holding provision and is it appropriate to consider its removal?

The "h-100" holding provision states that:

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

Permitted Interim Uses: Existing Uses."

The h-100 holding provision requires a looped watermain system and a second public access be constructed. On January 8, 2019, it was confirmed that these works have been completed.

5.0 Conclusion

The Applicant has entered into a development agreement for this site, provided the necessary security, and constructed a looped watermain system and second public access. Therefore, the required conditions have been met to remove the "h" and "h-100" holding provision. The removal of the holding provision is recommended to Council for approval.

Prepared & Recommended by:	**Nancy Pasato, MCIP, RPP** **Senior Planner, Development Services**
Reviewed by:	**Lou Pompilii, MPA RPP** **Manager, Development Planning (Subdivision)**
Concurred in by:	**Paul Yeoman, RPP, PLE** **Director, Development Services**
Recommended by:	**George Kotsifas, P.ENG** **Managing Director, Development and Compliance Services and Chief Building Official**
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

Previous Reports and Applications Relevant to this Application

November, 1990 - Report to Planning Committee on Kilally Road Area Study and subsequent adoption of Official Plan amendments.

June, 2003 - – Report to Planning Committee to provide an update on the Kilally Road Area Study and amend the Official Plan.

July, 2005 - Report to Planning Committee to delete the aggregate resource designation from Schedule B of the Official Plan (O-6899)

February, 2006 - Report to Planning Committee to recommend approval of the draft plan of subdivision and associated zoning by-law amendments (39T-05505/Z-6897)

March, 2009 - Report to Planning Committee to recommend a three year extension to the draft approved plan of subdivision (39T-05505)

December, 2011 - Report to Built and Natural Environment Committee to recommend a revised draft plan of subdivision and associated zoning by-law amendments (39T-05505/Z-7942)

June 15, 2015 – Report to Planning Committee to recommend a one year extension to the draft approved plan of subdivision, with a two year extension to be done administratively (39T-05505)

September 6, 2016 – Report to Planning Committee to recommend a revised zone for the high density block within the draft plan (Z-8618)

January 8, 2018 - Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement (39T-05505)

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 1522 Kilally Road and 1654 Highbury Avenue North .

WHEREAS Drewlo Holdings Inc. has applied to remove the holding provision from the zoning for a portion of the lands located at 1522 Kilally Road and 1654 Highbury Avenue North, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule “A” to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1522 Kilally Road and 1654 Highbury Avenue North, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Residential R1 Special Provision (R1-3(7)) Zone, a Residential R1 (R1-4) Zone, a Holding Residential R5/Residential R6 (h*h-54*R5-7/R6-5) Zone, a Holding Residential R5/Residential R6 (h*R5-7/R6-5) Zone, a Holding Residential R6/Residential R9 (h*h-54*R6-5/R9-7*H36) Zone comes into effect.

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

PASSED in Open Council on January 29, 2019.

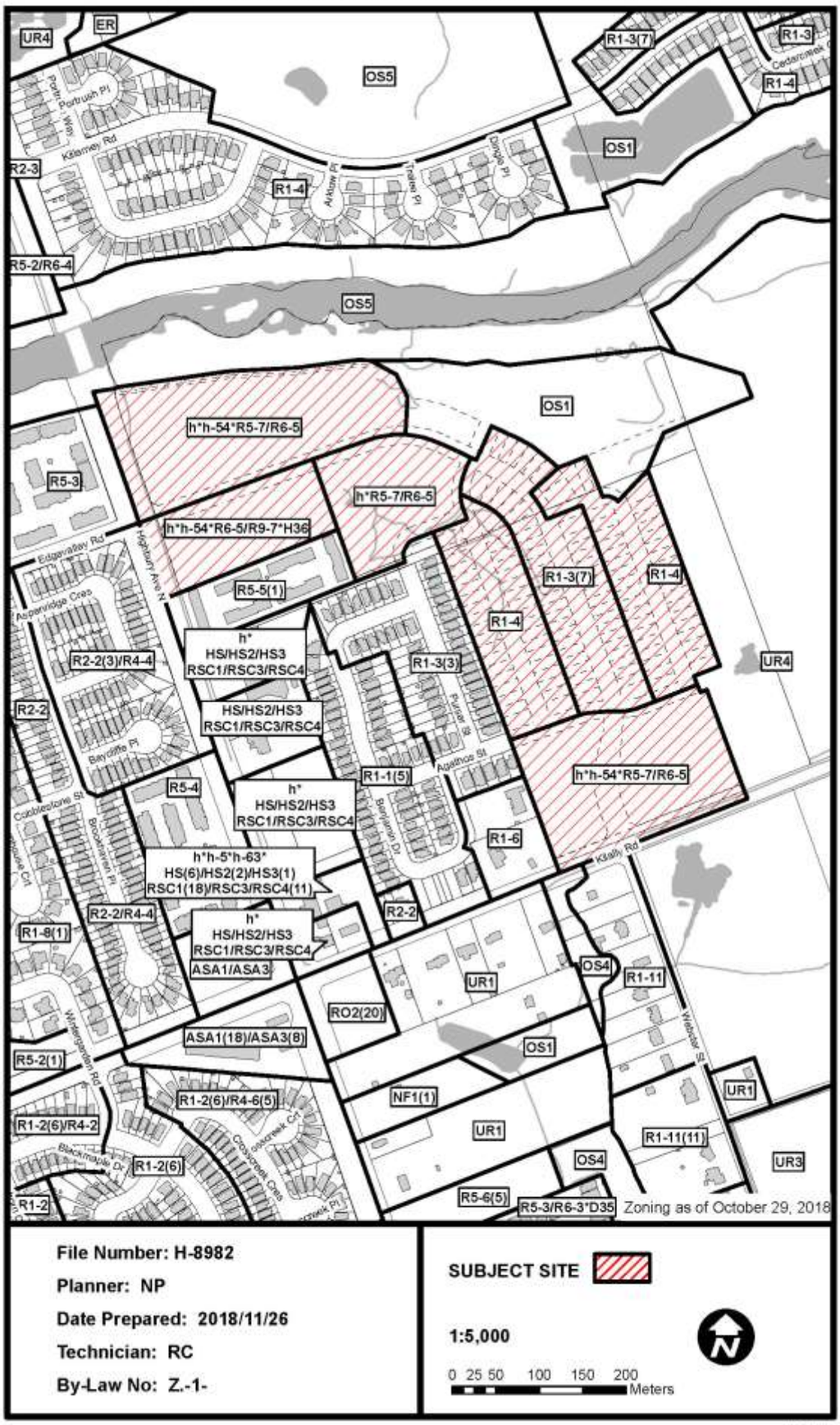
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – January 29, 2019
Second Reading – January 29, 2019
Third Reading – January 29, 2019

File: H-8892
Planner: Nancy Pasato

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



Report to Planning & Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, Planning and City Planner
Subject: **Priority Levels on the Register (Inventory of Heritage Resources)**
Meeting on: **Monday January 21, 2019**

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the priority levels on the Register (Inventory of Heritage Resource) **BE REMOVED**.

Executive Summary

The provisions of the *Ontario Heritage Act* enable Municipal Council to include properties that are not designated but that it believes to be of cultural heritage value on its Register. Municipal Council has availed of this general approach since the 1990s, and the *Inventory of Heritage Resources* was adopted as the Register pursuant to Section 27 of the *Ontario Heritage Act* in 2007.

Municipal Council, with the recommendation of the London Advisory Committee on Heritage (LACH), adds a property to the Register (*Inventory of Heritage Resources*) that it considers worthy of further cultural heritage considerations.

Priority levels have been assigned to properties listed on the Register since the 1990s. Since then, both the approach to heritage conservation and the legislative framework of the *Ontario Heritage Act* has evolved. Mandated criteria are now used to determine if a property is a significant cultural heritage resource that merits designation under the *Ontario Heritage Act*. Properties are now added to the Register by Municipal Council with the belief that they may meet the criteria for designation, however further research and evaluation is required. Priority levels no longer serve a critical function to the Register and should be removed.

Background

1.0 Introduction

The Register (*Inventory of Heritage Resources*) is an essential resource used by staff and the public to identify the cultural heritage status of properties in the City of London. The first Municipal Council-adopted *Inventory of Heritage Resources* was created in 1991, and was compiled from previous inventories dating back to the 1970s. The *Inventory of Heritage Resources* was reviewed and revised in 1997 to include newly annexed areas of the City of London. In 2005-2006, Municipal Council adopted the revised *Inventory of Heritage Resources*. The *Inventory of Heritage Resources* (2006) in its entirety was adopted as the Register pursuant to Section 27 of the *Ontario Heritage Act* in 2007.

The cultural heritage status of properties within the City of London is mapped on the City's CityMap web application in the "Heritage Conservation Districts and Properties" layer. In addition to mapping properties of cultural heritage value, it has been the local convention to publish a printed copy of the *Inventory of Heritage Resources*. The last published copy of the *Inventory of Heritage Resources* dates to 2006 and is available for downloading off the City's website. While CityMap has been maintained, staff are working to publish an updated version of the Register (*Inventory of Heritage Resources*).

1.1 Previous Reports

October 3, 1988. Resolution of Municipal Council regarding the “Inventory of Buildings of Interest in the City of London.”

May 15, 1989. Resolution of Municipal Council regarding establishing priority levels for the protection of heritage resources.

August 6, 1991. Resolution of Municipal Council regarding approval of the Heritage Resources Inventory.

June 23, 1997. Resolution of Municipal Council regarding approval of the Inventory of Heritage Resources.

December 11, 2006. Report to Planning Committee. Revised Inventory of Heritage Resources.

February 12, 2007. Report to Planning Committee. *Inventory of Heritage Resources adopted as a Guideline Document within Section 19.2.2 of the* Official Plan.

March 19, 2007. Report to Planning Committee. *Adding the Heritage Inventory to the Heritage Register.*

March 26, 2007. Resolution from Municipal Council regarding the addition of the Inventory of Heritage Resources to the Register of Property of Cultural Heritage Value or Interest in accordance with Section 27 of the *Ontario Heritage Act*.

September 12, 2018. Report to the London Advisory Committee on Heritage. “Removal of Properties from the Register.” (Housekeeping Report).

2.0 Legislative/Policy Framework

2.1 *Ontario Heritage Act*

Section 27 of the *Ontario Heritage Act* requires that the Clerk of every municipality to keep a Register of properties that are of cultural heritage value or interest located within the municipality. This includes heritage designated properties.

In addition, Section 27(1.2) of the *Ontario Heritage Act* enables a Municipal Council to include properties that it believes to be of cultural heritage value or interest, but are not designated under the *Ontario Heritage Act*, on its Register. These properties are commonly referred to as “heritage listed properties.”

The Ministry of Tourism, Culture and Sport (2016) has highlighted a number of benefits of including properties on a municipal Register, including but not limited to:

- Recognizes properties of cultural heritage value or interest in the community;
- Demonstrates a municipal council’s commitment to conserve cultural heritage resources;
- Enhances knowledge and understanding of the community’s cultural heritage;
- Provides a database of properties of cultural heritage value or interest for land use planners, property owners, developers, the tourism industry, educators, and the general public;
- Should be consulted by municipal decision makers when reviewing development proposals or permit applications; and,
- Provides interim protection from demolition.

To include a heritage listed property on the Register, a municipal council, in consultation with its municipal heritage committee, believe that a property has cultural heritage value or interest. The Ministry of Tourism, Culture and Sport (2016) notes that detailed research and evaluation of the property are not required to add it to a municipal Register. Property owner consultation or consent is not required to add a property to the Register pursuant to Section 27 of the *Ontario Heritage Act*.

2.2 *Official Plan*

Policy 13.2.1, *Official Plan* – Inventory of Properties of Cultural Heritage Value or Interest

> *Council, through its London Advisory Committee on Heritage (LACH) as provided for in Section 13.6.1, will prepare and maintain a descriptive inventory of properties of cultural heritage value or interest within the City of London. The Inventory will establish priority levels for the protection of each heritage resource based on a set of established criteria relating to the importance of heritage resources. The location of properties included in the descriptive inventory of heritage resources will be identified in a guideline document as provided for in Section 19.2.2 of this Plan (Subsection 13.2.1 amended by OPA No. 88 – OMB Order No. 2314 – approved 99/12/23) (Section 13.2.1 amended by OPA 438 and Ministry Mod. #32 Dec. 17/09).*

Through the Official Plan Review process of Vision '96, policy was included in the *Official Plan* regarding the *Inventory of Heritage Resources*. Policy 13. 2.1 required the *Inventory of Heritage Resources* to "establish priority levels for the protection of each heritage resource based on a set of established criteria relating to the important of heritage resource."

2.3 *The London Plan*

Policy 557_, *The London Plan* - The Register of Cultural Heritage Resources

> *In accordance with the* Ontario Heritage Act*, City Council, in consultation with the London Advisory Committee on Heritage (LACH), will prepare and maintain a Register listing properties of cultural heritage value or interest. The Register may also be known as the City of London Inventory of Heritage Resources. In addition to identifying properties designated under the* Ontario Heritage Act*, the Register may include properties that are not designated by that Council believes to be of cultural heritage value or interest*.

The policies of *The London Plan* enable the preparation and maintenance of the *Register of Cultural Heritage Resources* (also known as the *Inventory of Heritage Resources*), but not priority levels.

3.0 Register (Inventory of Heritage Resources)

Efforts to prepare inventories of properties of cultural heritage value in London date back to the 1970s. In 1988, this resulted in the *Inventory of Buildings of Interest in the City of London*, which was "received and recognized by the City of London as the initial unprioritized listing of existing buildings or architectural and historical value" by Municipal Council. The *Inventory of Buildings of Interest in the City of London* was geographically limited the Thames River, Oxford Street East, and Adelaide Street North, with the intention of expanding the area over time.

At its meeting on May 15, 1989, Municipal Council directed the Local Architectural Conservation Advisory Committee (LACAC; precursor to the London Advisory Committee on Heritage, the City of London's Municipal Heritage Committee) to "establish priority levels for the protection of heritage resources including, or to be included, in the inventory." That direction resulted in the preparation of *Discussion Paper: Inventory of Heritage Resources: Format and Prioritization* (1990). The *Discussion Paper* provided an overview of the process of developing the *Inventory of Heritage Resources*, including suggested guidance on the prioritization and evaluation of resources using standardized criteria.

Recognizing that all properties included on the *Inventory of Heritage Resources* have some architectural, historic, or contextual importance, determining priority levels was intended as a means of assessing the value of heritage resources. Categories of Priority 1, 2, 3, and 4 were developed. It was initially considered that A, B, and C rankings be used, however it was felt that school grades could be implied and potential assumptions that anything below a Grade A was expendable. Likewise, scoring was also dispensed. Categories were preferred as a property scoring 74 may not differ

substantially from a property scoring 69 but could be treated differently. Priority 1 would be assigned to properties of “major significance”; Priority 2 would be assigned to properties of “importance”; Priority 3 would be assigned to properties of “value as part of environment”; and Priority 4 would be assigned to properties “of little importance.” The terms significant, importance, and value were not defined.

In the *Inventory of Heritage Resources* (1991), Priority 1, 2, 3, and 4 were used (Appendix A). It noted that, “Priority One buildings deserve more consideration, have greater precedence and require more stringent intervention, while Priority Four buildings do not require such a rigorous response and may only require photographic documentation should they be demolished.” By the *Inventory of Heritage Resources* (1998), Priority 4 properties had become Priority 9 properties, which was then restricted to buildings in a Heritage Conservation District which individually have little or no heritage value (non-contributing) (see Appendix A). Priority levels continued to evolve in the *Inventory of Heritage* (see Appendix A).

Priority ratings were not formalized beyond the descriptions that were included in the *Inventory of Heritage Resources* document that was approved by Municipal Council in 1991. At the time, the *Inventory of Heritage Resources* was characterized as having no legal status; nonetheless, it was considered to be an indicator of community interest in the heritage resource. Priority levels were described, however no evaluation criteria were included.

At its meeting on March 26, 2007, Municipal Council adopted the *Inventory of Heritage Resources* as its Register pursuant to Section 27 of the *Ontario Heritage Act*. This action took advantage of new provisions of the *Ontario Heritage Act* established in 2005 which provided a 60-day delay in the issuance of a demolition permit for a property listed on the Register. This 60-day period is intended to provide the City time to determine if the property is of significant cultural heritage value and merits designation under the *Ontario Heritage Act*.

In addition to this new provision of the *Ontario Heritage Act* that provided the 60-day delay in the issuance of a demolition permit for a heritage listed property in 2005 and the adoption of the *Inventory of Heritage Resources* as the Register in 2007, the Province established minimum criteria for determining cultural heritage value or interest in Ontario Regulation 9/06 (O. Reg. 9/06, Appendix B). Moving away from historical value or architectural value of the old *Ontario Heritage Act*, the criteria of O. Reg. 9/06 were intended to be more inclusive of broadened values attributed to cultural heritage resources. This reinforced a shift to values-based heritage conservation in Ontario.

Analysis

From its origins, the *Inventory of Heritage Resources* has always noted that further historical research and evaluation is required to designate a property under the *Ontario Heritage Act*. Information included on the *Inventory of Heritage Resources* for heritage listed properties complies with the minimum requirements of the *Ontario Heritage Act* by providing a description to readily ascertain the property (its address). The application of priority levels, however, has been inconsistent in the history of the *Inventory of Heritage Resources*. Most properties included on the Register do not have evaluation sheets (or equivalent) that can document the priority level that was assigned. The assigned priority level often reflects a perceived value of a property at the time it was added to the Register (*Inventory of Heritage Resources*).

A survey of Heritage Planners in Ontario was undertaken to identify best practice and obtain insight from other communities. The survey results informed this analysis and are presented in Appendix C.

A number of issues/matters related to the prioritization of properties on the Register have been identified:

- Absence of evaluation criteria for the application of priority levels/inconsistent use of priority levels;

- Assigned priority level does not change review process when a demolition request is received;
- Confusion created from priority levels of the *Inventory of Heritage Resources* and the ranking of an Heritage Conservation District Plan;
- Bias towards architectural or physical criteria, at the potential expense of contextual or historical criteria; and,
- Perceptions that only Priority 1 resources are worth conserving.

While priority levels are described in the *Inventory of Heritage Resources*, no evaluation criteria to determine the appropriate priority are included. The original "category" approach of the priorities has been eroded over time. Most properties added to the Register by resolution of Municipal Council are added because it is believed that they have potential cultural heritage value. These properties have generally not been subject to a comprehensive evaluation of their cultural heritage value, but have demonstrated sufficient potential to warrant further consideration and are often characterized as being "of interest" from a cultural heritage perspective. A recent example of this are the 347 properties that were added to the Register by Municipal Council, with the advice of the LACH, arising from the Cultural Heritage Screening Report (CHSR) prepared for Rapid Transit. These properties were identified as potential cultural heritage resources by the CHSR, but were not individually evaluated or assigned a priority level.

The Council Policy Manual describes the process by which a demolition request for a heritage listed property is considered by Municipal Council. All properties listed on the Register are afforded the same process and consideration, which includes an evaluation using the criteria of O. Reg. 9/06 to determine if the property is a significant cultural heritage resources that merits designation under the *Ontario Heritage Act*. The assigned priority of a property does not affect this process.

Confusion has emerged from multiple priority and ranking systems applicable to some properties. For a property included on the Register that is now part of a Heritage Conservation District, the property could have both a prioritization and a ranking. For example, 485 English Street is an A-Ranked property in the *Old East Heritage Conservation District Plan* but is a Priority 2 property on the *Inventory of Heritage Resources*. The property at 535 Colborne Street is an A-Ranked property by the *West Woodfield Heritage Conservation District Plan* but is a Priority 3 property on the *Inventory of Heritage Resources*. The property at 2096 Wonderland Road North is another example; the property was initially listed as a Priority 1 resource, but was later changed to a Priority 2 resource, and was recently designated under Part IV of the *Ontario Heritage Act*. Conversely, the property at 4100 Glanworth Road was a Priority 1 resource but was determined to not meet the criteria of O. Reg. 9/06. Assigned priorities often have the impact of confusing the cultural heritage value attributed to a property or resource without having the benefit of a comprehensive evaluation or research to substantiate.

All properties included on the Register are believed to have some cultural heritage value. Through their listing on the Register by Municipal Council, properties are flagged for further consideration. This can result in their removal from the Register if found to not meet the criteria for designation prescribed in O. Reg. 9/06.

Elimination of the priority levels from the Register would not preclude the LACH or its sub-committees from establishing its own "priority list" of properties that it was pursuing research or designation.

5.0 Conclusion

Priority levels should be removed from the Register. The application of priority levels is not consistently supported by research and evaluation to apply the suitable priority level, resulting in the uneven application of this system as well as perceptions or assumptions about the cultural heritage value of a property. The use of a prioritization or scoring system is not considered to be best practice and it has no basis under the current legislation.

The cultural heritage protection afforded to a heritage listed property is a 60-day delay in the issuance of a demolition permit; all heritage listed properties are afforded the same process and consideration when a demolition request is received despite what their assigned priority level may be. The 60-day delay is intended to provide time to undertake an evaluation of the property and to pursue designation if warranted.

Municipal Council should continue to add properties to the Register as a flag – signaling that these properties are believed to be of potential cultural heritage value and merit further consideration. The application of priority levels are not required in order for a property to be added to the Register and should be removed.

Prepared by:	**Kyle Gonyou, CAHP** **Heritage Planner**
Submitted by:	**Gregg Barrett, AICP** **Manager, Long Range Planning & Research**
Recommended by:	**John M. Fleming, MCIP, RPP** **Managing Director, Planning and City Planner**
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

January 14, 2019
KG/

\\FILE2\users-z\pdpl\Shared\policy\HERITAGE\HERITAGE INVENTORY\2018 Priority Levels\2019-01-21 PEC Register Priority Levels.docx

Appendix
Appendix A – Description of Priority Levels on the *Inventory of Heritage Resources* (1991, 1998, 2006)
Appendix B – Ontario Regulation 9/06
Appendix C – Survey Results of Best Practice in Ontario

Sources
"Inventory Status Report to Planning Committee." March 25, 1991.
Gladysz, Mark. *Discussion Paper: Inventory of Heritage Resources: Format and Prioritization*. Local Architectural Conservation Advisory Committee. April 19, 1990.
Ministry of Tourism, Culture and Sport. *InfoSheet: The Municipal Register of Heritage Properties.* 2016.

Appendix A – Description of Priority Levels on the *Inventory of Heritage Resources* (1991, 1998, 2006)

Inventory of Heritage Resources (1991)

Section 4.0 Priority Levels

Priority levels indicate and justify the value of heritage resources as objectively as possible. Structure are generally assessed using a numeric grading formula and the buildings fall into one of several categories. All buildings listed in the Inventory of Heritage Resources have already been screened and represent the most interesting 2% of the city's building stock. Therefore, all listed buildings have architectural, historical or contextual importance.

Priorities can also indicate the degree of change that should be allowed to a structure. Generally, the most important structures should be protected and restored as far as practical, whereas less important structures could have a greater degree of flexibility to accommodate changes in personal taste, land-use, market conditions, etc.

Priority levels of heritage resources in London should be based on the following principles:

1. *All buildings should be assessed according to standardized evaluation criteria.*
2. *Preservation of heritage structures should reflect every aspect of a community's history. It should be concerned with buildings in less affluent areas as well as those in more affluent areas. Buildings should be evaluated in relation to their important within their own neighbourhood (or area).*
3. *It is recommended that the categories of heritage resource be referred to as Priority One, Two, Three or Four. Priority One buildings deserve more consideration, have greater precedence and require more stringent intervention, while Priority Four buildings do not require such a rigorous response and may only require photographic documentation should they be demolished.*
4. *It is inappropriate to draw fine distinctions between evaluated buildings with different numeric scores. An evaluated building with a score of 74 is not significantly "better" than a building with a score of 69, because both buildings would likely be in the same category (Priority Two). It is appropriate, however, to infer that there is a qualitative difference between buildings in different categories.*

Section 4.1 City of London's Heritage Categories for Built Form

Priority One

These buildings are London's prime heritage buildings worthy of individual designation under Part IV of the Ontario Heritage Act, based on their architectural and/or historic value. These buildings have otherwise be designated under Part V of the Ontario Heritage Act, as part of a heritage district.

In general, repair and maintenance of the exterior and listed interior features of these structures should be the only work permitted. Significant alterations, deletions, and additions to these buildings is considered inappropriate.

Priority Two

Priority Two buildings also have significant architectural and/or historical value. In potential heritage districts, they are integral heritage components of areas and, collectively, they prove responsible for its character. Like Priority One buildings, those in the Priority Two usually warrant individual designation under Part IV of the Ontario Heritage Act.

Sympathetic alterations and/or additions to the exterior and to listed interior elements may be allowed in order to maintain the economic viability of the structure.

Priority Three

Priority Three buildings in a heritage district are heritage components of the area and contribute to its overall heritage identity. Outside of heritage districts these buildings exhibit good design elements or demonstrate building forms that were significant in London's architectural development. They may warrant individual designation.

Exterior alterations are permitted where deemed appropriate.

Priority Four
Priority Four buildings are of minor heritage value but are located in potential heritage districts. If demolished, the buildings may warrant photographic documentation.

Inventory of Heritage Resources (1998)

Section 4.0 Priority Levels
Priority levels indicate and justify the heritage value of the resource as objectively as possible. Buildings are generally assessed using a numeric grading formula and fall into one of several categories. All buildings listed in the Inventory of Heritage Resources have already been screened and represent the most valuable of the City's building stock. Therefore, all listed buildings have architectural, historical or contextual importance.

Priorities can also indicate the degree of change that should be allowed to a structure. The most important structures should be protected and restored as far as practical.

Priority levels of heritage resources in London are based on the following principles:

1. *All buildings are assessed according to standardized evaluation criteria.*
2. *Preservation of heritage resources should reflect every aspect of a community's history. It should be concerned with buildings in less affluent areas as well as those in more affluent areas. Buildings are evaluated in relation to their importance within their own neighbourhood (or area).*
3. *The categories of heritage resources are referred to as Priority One, Two, Three, or Nine. Priority One buildings deserve more consideration, have greater precedence and require more stringent intervention, while Priority Three buildings do not require such a rigorous response and may only require photographic documentation should they be demolished.*

Priority 1 *buildings are London's most important heritage structures and all merit designation under Part IV of the Ontario Heritage Act. They are worthy of protection through whatever incentives may be provided in terms of zoning, bonusing or financial advantages and, if necessary, may be designated without owner's consent. This group includes not only landmark buildings and buildings in pristine condition, but also less well-known structures with major architectural and/or historical significance and important structures that have been obscured by alterations which are reversible.*

Priority 2 *buildings warrant designation under Part IV of the Ontario Heritage Act on application by owner. They have significant architectural and/or historical value and may be worthy of protection by whatever incentives may be provided through zoning considerations, bonusing, or financial advantages.*

Priority 3 *buildings may warrant designation as part of a group of buildings designated under Part IV of the Ontario Heritage Act or as part of a heritage conservation district designated under Part V of the Act, even though these buildings are seldom worthy of designation individually. They may have some important architectural features or historical associations, be part of a significant streetscape or provide an appropriate context for buildings of a higher priority.*

Priority 9 *is restricted to buildings in heritage conservation districts which individually have little or no heritage value.*

Inventory of Heritage Resources (2006)

Section 4.0 Priority Levels

Priority levels indicate and justify the heritage value of the resources as objectively as possible. Buildings are generally assessed using a numeric grading formula and fall into one of four categories. All buildings listed in the Inventory of Heritage Resources have already been screened and represent the most valuable of the City's building stock. Therefore, all listed buildings have architectural, historical, and/or contextual importance.

Priorities can also indicate the degree of change that should be allowed to a structure. The most important structures should be protected and restored as far as practical.

Priority levels of heritage resources in London are based on the following principles:

i. *All buildings are assessed according to standardized evaluation criteria*
ii. *Preservation of heritage resources should reflect every aspect of a community's history. It should be concerned with buildings in less affluent areas as well with those in more affluent areas. Buildings are evaluated in relation to their importance within their own neighbourhood (or area).*
iii. *The categories of heritage resources are referred to as Priority One, Two, Three or Nine. Priority One buildings deserve more consideration, have greater precedence and require more stringent intervention, while Priority Three buildings may not require such a rigorous response.*

Priority 1 *buildings are London's most important heritage structures and all merit designation under Part IV of the Ontario Heritage Act. They are worthy of protection through whatever incentives may be provided in terms of zoning, bonusing or financial advantage and may be designated without the owner's consent. This group includes not only landmark buildings and buildings in pristine condition, but also lesser well-known structures with major architectural and/or historical significance and important structures that have been obscured by alterations which are reversible.*

Priority 2 *buildings merit evaluation for designation under Part IV of the Ontario Heritage Act. They have significant architectural and/or historical value and may be worthy of protection by whatever incentives may be provided through zoning considerations, bonusing or financial advantages.*

Priority 3 *buildings may merit designation as part of a group of buildings designated under Part IV of the Ontario Heritage Act or as part of a Heritage Conservation District designated under Part V of the Act, even though these buildings are often not worthy of designation individually. They may have some important architectural features or historical associations, be part of a significant streetscape or provide an appropriate context for buildings of a higher priority.*

Priority 9 *is restricted to buildings in Heritage Conservation Districts which individually have little or no heritage value.*

Appendix B – Ontario Regulation 9/06

Ontario Heritage Act

ONTARIO REGULATION 9/06

CRITERIA FOR DETERMINING CULTURAL HERITAGE VALUE OR INTEREST

Consolidation Period: From January 25, 2006 to the e-Laws currency date.

No amendments.

This is the English version of a bilingual regulation.

Criteria

1. (1) The criteria set out in subsection (2) are prescribed for the purposes of clause 29 (1) (a) of the Act. O. Reg. 9/06, s. 1 (1).

(2) A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,

i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,

ii. displays a high degree of craftsmanship or artistic merit, or

iii. demonstrates a high degree of technical or scientific achievement.

2. The property has historical value or associative value because it,

i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,

ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or

iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. The property has contextual value because it,

i. is important in defining, maintaining or supporting the character of an area,

ii. is physically, functionally, visually or historically linked to its surroundings, or

iii. is a landmark. O. Reg. 9/06, s. 1 (2).

Transition

2. This Regulation does not apply in respect of a property if notice of intention to designate it was given under subsection 29 (1.1) of the Act on or before January 24, 2006. O. Reg. 9/06, s. 2.

Appendix C – Survey Results of Best Practice in Ontario

A survey was distributed to Heritage Planners in Ontario to identify benchmarks and best practice in other communities in the management of heritage listed properties included on a Register pursuant to Section 27 of the *Ontario Heritage Act*. In total, eighteen responses were received.

Municipalities:

- City of Kingston
- Municipality of Trent Hills
- City of Windsor
- City of Markham
- Town of Niagara-on-the-Lake
- City of Pickering
- City of Peterborough
- City of Burlington
- Town of Ajax
- Town of Oakville
- City of Vaughn
- City of Hamilton
- Town of Richmond Hill
- City of Toronto
- Municipality of Port Hope
- Region of Waterloo
- Township of North Dumfries
- Town of Cobourg

Seventeen of the eighteen respondent municipalities maintain a register pursuant to Section 27 of the *Ontario Heritage Act*. In some municipalities, the Register is maintained by the Clerk or the Heritage Planner (and some jointly), whereas the Municipal Heritage Committee maintain the Register in other municipalities. Some municipalities had no heritage listed properties (non-designated properties) included on the Register, whereas other municipalities had over 30,000 heritage listed properties included on their Register.

The majority of municipalities use the criteria of O. Reg. 9/06 to determine the eligibility of a property to be added to their Register. Some municipalities have additional criteria that are considered in addition to the criteria of O. Reg. 9/06. Evaluations to determine a property's eligibility for inclusion on the Register focuses on the property's potential for cultural heritage value pursuant to the criteria of O. Reg. 9/06, often stopping short of a comprehensive evaluation of the property. Four of the eighteen municipalities rely on the belief of Municipal Council to add a property to the Register, which could be informed by a belief in the property's potential to meet the criteria of O. Reg. 9/06.

None of the municipalities surveyed indicated that properties listed on their Register are ranked, prioritized, or scored. In comments received, it was characterized as an older methodology that prioritized age of a structure and its architectural merits, often at the expense of broader cultural heritage values recognized today. General trends in heritage conservation discourage scoring properties.

Many municipalities noted legacy issues with ranking, prioritizing, or scoring properties. One Heritage Planner noted:

> *We used to score or rank through a process called the Built Heritage Evaluation (BHE). However, in 2016, we decided against further use of the form. It prioritized very few buildings and would sometimes even screen out culturally significant properties from having a high enough "value" because it wasn't old enough or unique enough in architecture. Many modest heritage buildings in HCDs were lost in this fashion. Another example of the form's problems was how*

it graded according to age - anything from before 1820 the highest points, but anything from 1821-1850 would start at a significantly "lesser" value. However, the [redacted] *history has many settlements with a later founding date because gradual settlement of the area prior to 1880's. This does not make them any less significant locally, but it was used by anti-conservation individuals as "proof" to not conserve. Basically, what was meant to be a tool in the late 1990's to identify potential heritage properties, became a weapon. Now, we use Ont. Reg. 9/06 because it better allows us to see a property in context, although we are still having problems with borderline heritage properties in our HCDs.*

The only cultural heritage protection afforded to a property listed on a Register pursuant to Section 27 of the *Ontario Heritage Act* was a 60-day delay in the issuance of a demolition permit. The 60-day delay is intended to provide time to undertake an evaluation of the property and to pursue designation and protection if warranted. Identifying a property as a lower priority could be problematic if found to have more significant or different cultural heritage value than originally anticipated (or vice versa) through more detailed research and evaluation. Generally, most municipalities list properties on the Register as “of interest” and undertake detailed evaluation when under threat of demolition or a designation is requested.

Because heritage approvals are not required by most municipalities to alter a heritage listed property, ranking or prioritization could be affected by alterations to a property. Ranking or prioritization would require re-assessment to maintain its validity over time.

Development and Compliance Services
Building Division

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

From: P. Kokkoros, P. Eng.
Deputy Chief Building Official

Date: December 17, 2018

RE: **Monthly Report for November 2018**

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

Permit Issuance

By the end of November, 4,376 permits had been issued with a construction value of approximately $917 million, representing 2,270 new dwelling units. Compared to last year, this represents a 13.5% decrease in the number of permits, a 15.5% decrease in the construction value and a 6.5% decrease in the number of dwelling units.

To the end of November, the number of single and semi-detached dwellings issued were 641, which was a 36% decrease over last year.

At the end of November, there were 633 applications in process, representing approximately $540 million in construction value and an additional 1,364 dwelling units, compared with 689 applications having a construction value of $237 million and an additional 628 dwelling units for the same period last year.

The rate of incoming applications for the month of November averaged out to 12.5 applications a day for a total of 275 in 22 working days. There were 32 permit applications to build 32 new single detached dwellings, 12 townhouse applications to build 56 units, of which 2 were cluster single dwelling units.

There were 260 permits issued in November totalling $70.1 million including 272 new dwelling units.

Inspections

BUILDING

Building Inspectors received 1,935 inspection requests and conducted 3,053 building related inspections. No inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 11 inspectors, an average of 268 inspections were conducted this month per inspector.

Based on the 1,935 requested inspections for the month, 95% were achieved within the provincially mandated 48 hour time allowance.

CODE COMPLIANCE

Building Inspectors received 524 inspection requests and conducted 659 building related inspections. An additional 84 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 5 inspectors, an average of 130 inspections were conducted this month per inspector.

Based on the 524 requested inspections for the month, 98% were achieved within the provincially mandated 48 hour time allowance.

PLUMBING

Plumbing Inspectors received 867 inspection requests and conducted 1,132 plumbing related inspections. No inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 6 inspectors, an average of 189 inspections were conducted this month per inspector.

Based on the 867 requested inspections for the month, 99% were achieved within the provincially mandated 48 hour time allowance.

NOTE:

In some cases, several inspections will be conducted on a project where one call for a specific individual inspection has been made. One call could result in multiple inspections being conducted and reported. Also, in other instances, inspections were prematurely booked, artificially increasing the number of deferred inspections.

AD:cm
Attach.

c.c.: A. DiCicco, T. Groeneweg, C. DeForest, O. Katolyk, D. Macar, M. Henderson

CITY OF LONDON

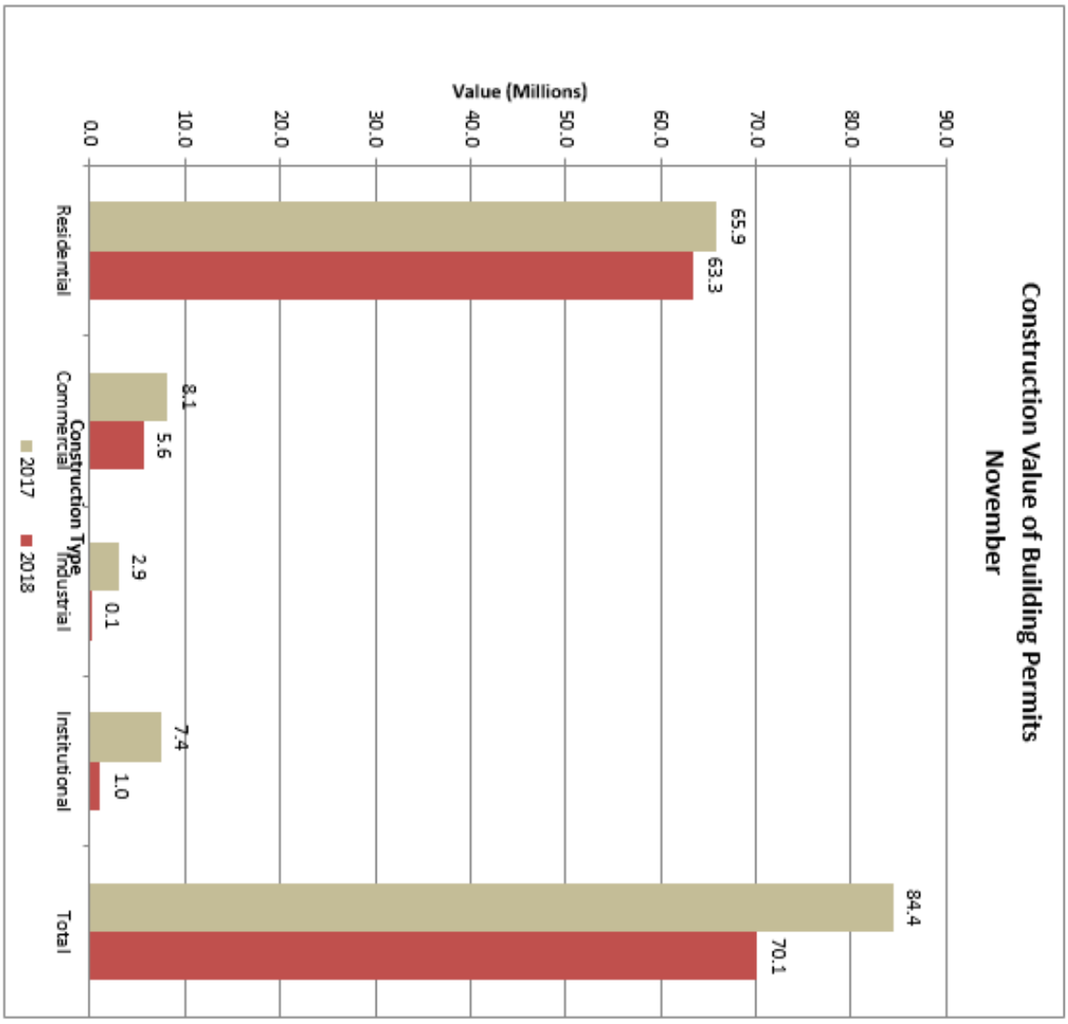
SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF November 2018

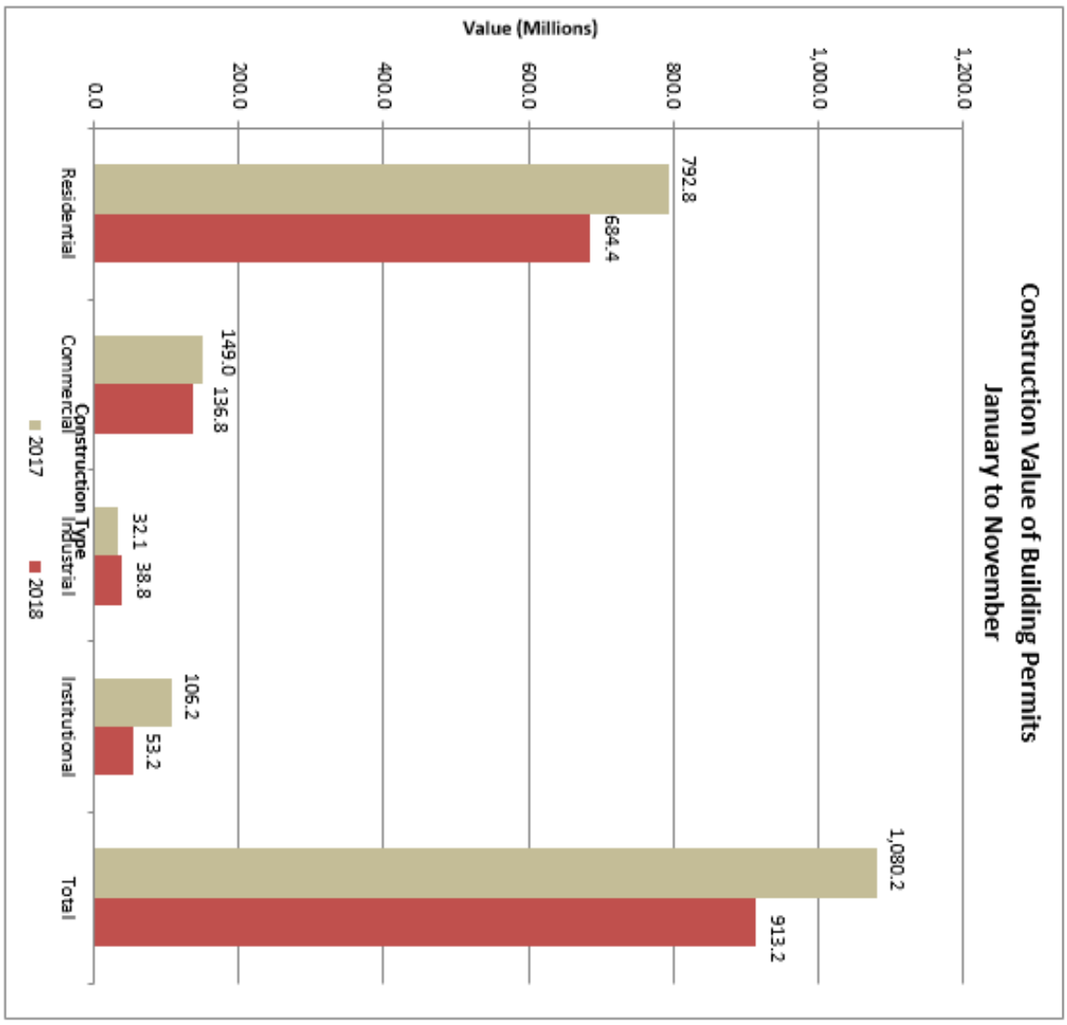
	November 2018			to the end of November 2018			November 2017			to the end of November 2017		
CLASSIFICATION	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE FAMILY DWELLINGS	44	20,763,680	44	641	271,347,705	641	108	41,821,314	108	1,002	411,032,297	1,002
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0	0
TOWNHOUSES	11	7,410,654	35	198	151,482,923	622	26	19,324,242	73	234	174,098,533	711
DUPLEX, TRIPLEX, QUAD,APT BLDG	1	32,000,000	182	10	203,356,520	922	0	0	0	9	143,730,260	665
RES-ALTER & ADDITIONS	137	3,168,040	10	1,736	58,189,299	84	174	4,753,077	0	1,910	63,985,458	52
COMMERCIAL - ERECT	2	1,817,100	1	33	60,801,403	1	1	2,450,000	0	23	50,775,442	0
COMMERCIAL ADDITION	0	0	0	13	10,780,718	0	0	0	0	11	15,533,460	0
COMMERCIAL - OTHER	21	3,773,700	0	426	65,247,039	0	38	5,696,000	0	370	82,675,822	0
INDUSTRIAL - ERECT	0	0	0	3	9,450,000	0	3	2,250,000	0	7	6,677,476	0
INDUSTRIAL - ADDITION	0	0	0	7	7,330,000	0	0	0	0	15	15,835,475	0
INDUSTRIAL - OTHER	8	85,750	0	63	22,002,054	0	7	692,000	0	67	9,629,910	0
INSTITUTIONAL - ERECT	0	0	0	0	0	0	1	664,060	0	4	71,121,560	0
INSTITUTIONAL - ADDITION	0	0	0	5	14,049,600	0	1	713,000	0	2	1,913,000	0
INSTITUTIONAL - OTHER	16	1,041,000	0	224	39,174,942	0	21	6,023,700	0	158	33,170,423	0
AGRICULTURAL	0	0	0	3	210,000	0	0	0	0	3	520,000	0
SWIMMING POOL FENCES	4	53,000	0	220	4,972,972	0	2	45,000	0	213	4,225,338	0
ADMINISTRATIVE	7	3,000	0	180	456,850	0	10	3,000	0	184	824,200	0
DEMOLITION	9	0	7	82	0	42	12	0	4	114	0	71
SIGNS/CANOPY - CITY PROPERTY	0	0	0	14	0	0	2	0	0	35	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	111	0	0	518	0	0	55	0	0	414	0	0
TOTALS	371	70,115,924	272	4,376	918,852,024	2,270	461	84,435,393	181	4,775	1,085,748,654	2,430

Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.
2) Mobile Signs are no longer reported.
3) Construction Values have been rounded up.

December 17, 2018

Y:Shared/building/BuildingMonthlyReports/MONTHLYREPORTS/2018BCASUMMARY/BCA-NOV2018


Construction Value of Building Permits
November
Value (Millions)
0.0
10.0
20.0
30.0
40.0
50.0
60.0
70.0
80.0
90.0
Residential
65.9
63.3
Commercial
8.1
5.6
Industrial
2.9
0.1
Institutional
7.4
1.0
Total
84.4
70.1
Construction Type
2017
2018


Construction Value of Building Permits
January to November
Value (Millions)
0.0
200.0
400.0
600.0
800.0
1,000.0
1,200.0
Residential
792.8
684.4
Commercial
149.0
136.8
Industrial
32.1
38.8
Institutional
106.2
53.2
Total
1,080.2
913.2
Construction Type
2017
2018

December 11 2018

City of London - Building Division

Principal Permits Issued From November 01, 2018 to November 30, 2018

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
Rick Morschauser Forest Park Homes (Hazeleden) Inc	1195 Riverside Dr 10	Erect-Townhouse - Cluster Sdd-Erect - New Cluster Sfd - 2 Storey, 4 Bedroom, 2	1	440,700
Revere Developments (Riverside) Inc.	1195 Riverside Dr 5	Erect-Townhouse - Cluster Sdd-Erect New Sdd, 2 Storey, 2 Car Garage, 3 Bedrooms,	1	390,310
Wastell Developments Inc. Wastell Developments Inc.	1280 Michael Cir A	Erect-Townhouse - Condo-Erect Townhouse Block Building A, 4 Units, Dpn'S 1	4	652,600
Doug Wastell Wastell Developments Inc	1280 Michael Cir B	Erect-Townhouse - Condo-Erect - Townhouse Block Building B, 4 Units, Dpn'S	4	715,800
Hm Holdings (London) Inc	129 Exeter Rd	Erect-Retail Store And Warehouse-Erect Warehouse And Offices Shell Only ¿Sealed Ac	0	1,500,000
Ryan Hevey Wonderland Commercial Centre Inc.	1365 Beaverbrook Ave	Alter-Offices-Alter - Cm - Interior Tenant Fit-Up. No Structura	0	132,900
2155110 Ontario Inc	140 Fullarton St	Alter-Shopping Centre-Alter - Cm Talbot Centre Mall - Exterior Works To	0	1,000,000
Old Oak Properties Inc. Old Oak Properties Inc.	140 Fullarton St	Alter-Shopping Centre-Alter - Cm Talbot Centre Mall - Interior Alteratio	0	1,000,000
Stefan Soumalies Summit Properties	148 Fullarton St	Alter-Offices-Alter - Cm Offices - Tenant Fit-Up, No Structural	0	150,000
Sifton Properties Limited Sifton Properties Limited	1527 Moe Norman Pl	Erect-Townhouse - Cluster Sdd-Erect New Cluster Sdd, 1 Storey, 2 Car, 2 Bed, Un	1	306,000
2583285 Ontario Inc.	1532 Western Rd	Add-Duplex-Add - To Replace Existing Slab On Grade Addition W	1	121,200
Erin Mercer Cf/Realty Holdings Inc C/O Cadillac Fairview Corp	1680 Richmond St	Alter-Retail Store-Cm - Interior Alter For M-Boutique Frr/Fpo Shell	0	175,000
Canadian Tire Properties Inc	1895 Hyde Park Rd	Alter-Restaurant <= 30 People-Alter - Cm Rest <30 - Renovate Service And Public	0	300,000
Anas Srour 1865512 Ontario Inc.	2621 Holbrook Dr C	Erect-Townhouse - Condo-Erect Rt - 4 Unit, Block C, Dpn'S 2607, 2609, 2611	4	754,100
Foxwood (London) Inc. Foxwood Developments (London) Inc.	2910 Tokala Trail J	Erect-Townhouse - Condo-Erect New 3 Units Townhouse Bldg J	3	506,000
Chris Goodman Traditional Construction Inc.	300 York St	Alter-Municipal Buildings-Repair Exterior Stairs, Reinstall Electromagnetic	0	170,000
2585306 Inc. 2585306 Ontario Inc.	3260 Singleton Ave Q	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Unit - 3 Storey, 1 Car	4	956,200
Thames Valley District School Board Thames Valley District School Board	450 Millbank Dr	Install-Schools Secondary, High, Jr. High-Is- Install Fire Alarm Upgrade And Emergency Light	0	600,000
West Coronation Developments Inc West Coronation Developments Inc	499 Sophia Cres	Erect-Townhouse - Condo-Erect - New 3 Unit Townhouse Block 'A' - 2 Storey,	3	719,000
Ali Soufan Captain Generation Mall Limited	530 Oxford St W	Alter-Gymnasia-Alter - Hybrid Fitness - Interior Alter For Tenant	0	573,600
Salt Clinic Canada Inc	583 Oxford St E	Erect-Offices-Erect - Cm - 2 Storey, Main Floor Unit Group D (Se	1	317,100
Cedar Hollow Developments Limited	600 Guiness Way B	Erect-Townhouse - Condo-Th - Erect 3 Unit Townhouse Block B - Dpn'S 618, 6	3	638,600
M & R Suites Inc	75 High St	Alter-Apartment Building-Ra- Interior Alter To Create 5 Units. Frr Fpo	5	300,000
2126555 Ontario Inc	79 Ridout St S	Alter-Offices-Cm- Interior Office Renovations And Residential Ab	0	180,000
2425293 Ontario Inc. C/O Farhad Noori	811 Sarnia Rd A	Erect-Street Townhouse - Condo-Erect - New Townhouse Block A - 2 Storey, 3 Bedroo	7	1,331,344
Drewlo Holdings Inc.	848 Blythwood Rd	Erect-Apartment Building-Erect 12 Storey Apartment Building. Frr Fpo 96 -	182	32,000,000

Total Permits 26 Units 224 Value 45,930,454

Includes all permits over $100,000, except for single and semi-detached dwellings

Commercial building permits issued - subject to Development Charges under By-law C.P.-1496-244

Owner

December 11 2018

City of London - Building Division

Principal Permits Issued From November 01, 2018 to November 30, 2018

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
Salt Clinic Canada Inc				
Hm Holdings (London) Inc				

Commercial permits regardless of construction value.

Delegation Request
Lou Pompilii

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: **Delegation Request By: Mainline Planning Services Inc**
6188 Colonel Talbot Road
Obtain a Section 45(1.4) Council Resolution
Meeting on: **January 21, 2019**

Recommendation

That, on the recommendation of the Director, Development Services, the following information report regarding 6188 Colonel Talbot Road, **BE RECEIVED** for information.

Executive Summary

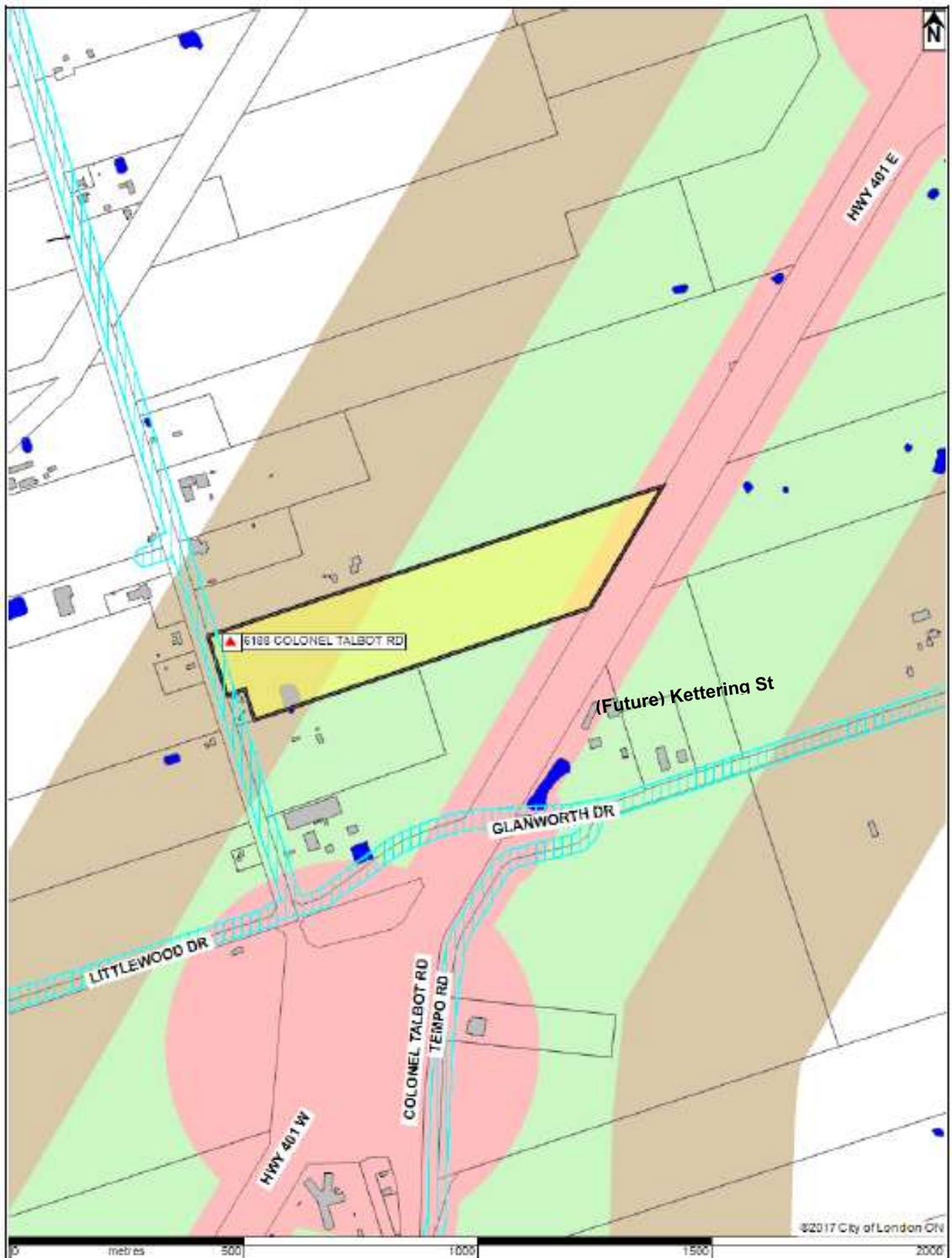
Purpose and the Effect

The purpose and effect of this report is to provide information to Municipal Council about the planning history and policy context for the subject site. This information is being provided in response to a delegation request (see Appendix C) from a potential applicant requesting approval to submit a Minor Variance Application to seek permission for relief to the Zoning By-law to assist in facilitating the creation of 2 undersized agricultural parcels. The *Planning Act* does not permit the consideration of Minor Variance for two years following the date of the adoption that the by-law was amended, unless otherwise permitted by Municipal Council.

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

Analysis

1.1 Location Map



LOCATION MAP

Subject Site: **6188 Colonel Talbot Road**
Applicant: **MAINLINE PLANNING SERVICES INC**
File Number: **B.047/17**
Planner: **Sean Meksula**
Created By: **Barb Mellen**
Date: **2017-11-22**
Scale: **1:10100**

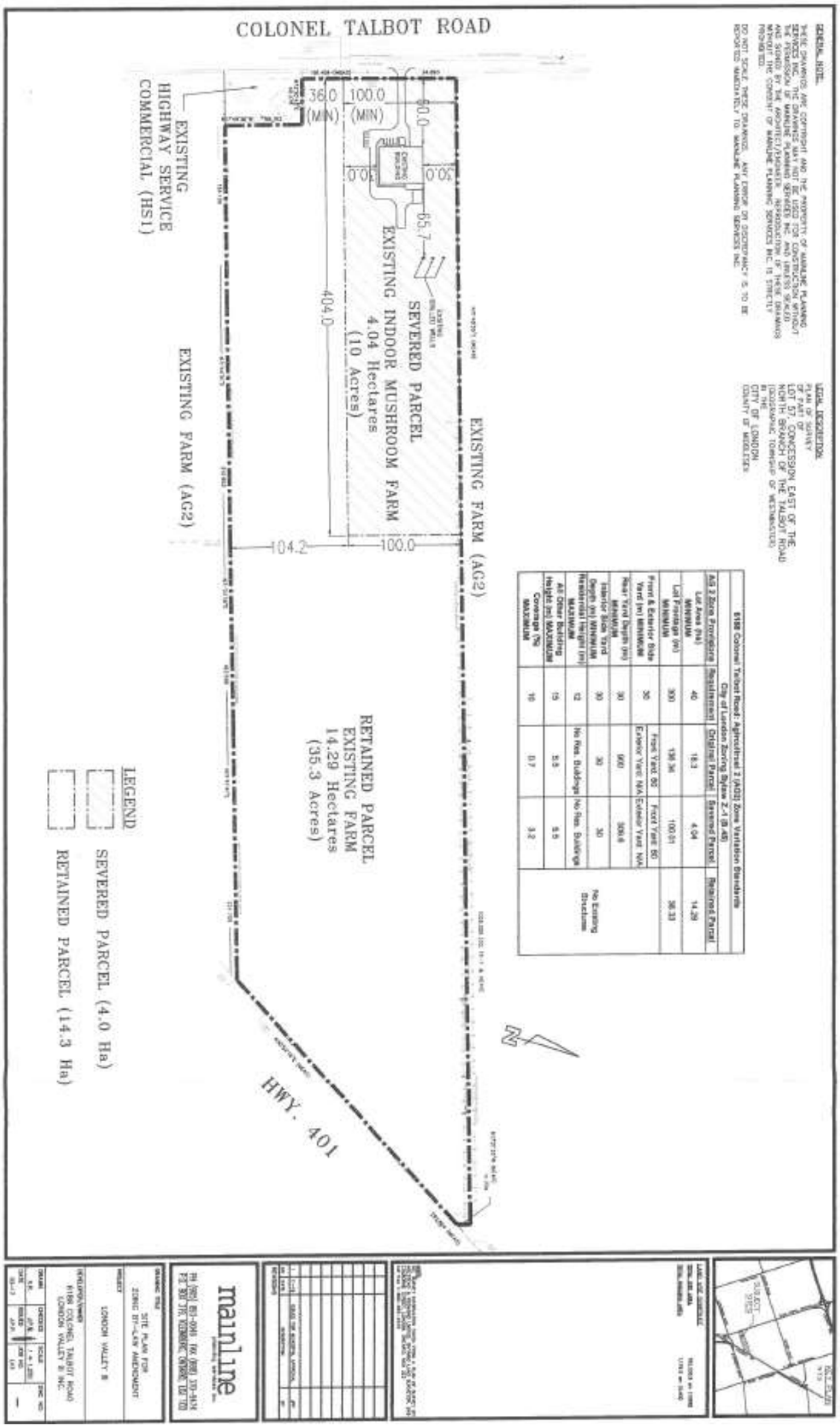
Corporation of the City of London
Prepared By: Planning and Development

N

LEGEND

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

1.2 Proposed Severance Map – 6188 Colonel Talbot



2.0 Revelant Background

2.1 Previous Reports Pertinent To This Matter

Z – 8795 - 6188 Colonel Talbot Road — Report to Planning and Environment Committee (October 23, 2017). City Staff submitted a planning report recommending refusal of the requested application to amend the Zoning By-law to facilitate a severance to create a 4.04 ha parcel and a 14.29 ha parcel within an Agricultural land use designation/place type .

Z – 8795 - 6188 Colonel Talbot Road (On October 16, 2017 Municipal Council directed staff to report back to PEC with a solution to facilitate the applicant's previous request) City Staff submitted a planning report to Planning and Environment Committee (November 6, 2017) that included a Zoning By-law amendment to facilitate a future severance of a 4.04 ha agricultural parcel. The amendment also required that the property owner, through the consent process, to merge the proposed 14.29 ha parcel with another parcel to meet the 40ha minimum lot area required within an Agricultural land use designation/place type.

2.2 Planning History

In November 2017, Mainline Planning Services Inc., c/o Joseph Plutino, submitted an application for consent on behalf of 2533430 Ontario Inc. for lands located at 6188 Colonel Talbot Road. The application would permit the severance of agricultural land from a property with an Agricultural designation for Maitake Mushroom Farm. Notice of the application was published in *The Londoner* on November 30, 2017 and circulated to internal and external agencies for comment. On November 29, 2017 a mail circulation to all residents within a 60m radius was sent out. On May 3, 2018, based on the recommendation by Development Services (see Appendix 'A') the Consent Authority granted provisional approval of the application for consent subject to the applicant satisfying nine conditions prior to obtaining final approval (see Appendix 'B').

The applicant previously applied for and was granted a Zoning By-law Amendment (Z-8795) to permit a reduced lot frontage of 100 m and reduced lot area for the retained parcel (Maitake Mushroom Farms) and a reduced lot frontage only of 36 m for the conveyed parcel.

In granting provisional consent (B.047/17) the Consent Authority included a condition that the applicant be required to ensure that the lands comply with the provisions of the Zoning By-law as amended (Z-8795). As such, the proposed conveyed parcel is required to either be conveyed to an abutting property and/or seek additional Planning Act application approval. No public comment was received as part of the consent application.

The subject lands are located in a prime agricultural area, which requires protection for long-term use as per Section 2.3 of the Provincial Policy Statement (PPS). The permitted uses outlined in the PPS for prime agricultural areas are agricultural uses, agriculture-related uses and on-farm diversified uses. The Maitake Mushroom farm is considered an on-farm diversified use which is compatible with, and does not hinder, surrounding agricultural operations. The conveyance of the surplus lands to an adjacent use would increase the size of the agricultural parcel and further facilitate normal farm practices for the conveyed parcel which are promoted and protected in accordance with provincial standards.

During the course of the review of the consent application a request for an archeological investigation was identified and was included as part of conditions for granting consent. This is consistent with the h-18 holding provision which is included with the Zone of the subject property requiring the completion of an archaeological study prior to development occurring, including the granting of Consent.

Appeal
On May 18, 2018, an appeal to the Local Planning Appeals Tribunal (LPAT) was submitted by Mainline Planning Services Inc. c/o Joseph Plutino, in opposition to the Notice of Provisional Decision of Consent approved by the Consent Authority (see Appendix 'C'). There were two parts to the appeal; the first related to a condition regarding an archeological assessment and the second related demonstrating compliance with the Zoning By-law for both parcels at the time of consent.

With regards to the second part of the applicants appeal, Staff provide that the Zoning By-law that was recently amended (Z-8795) to permit a reduced lot frontage and lot area for the proposed Maitake Mushroom Farm operation (retained parcel) and a reduced lot frontage only for the proposed severed parcel (14+hectares) is in force and effect. The approved Zone did not include a regulation for a reduced lot area for the proposed severed parcel. To facilitate the Consent and demonstrate compliance with the Zone, the applicant would either have to merge the proposed severed parcel with an adjoining parcel and/or seek additional *Planning Act* Approvals. As a result, the Consent Authority included a condition for granting consent that *at the time of consent the severed and retained lands shall comply with the minimum requirements of the Z.-1 Zoning By-law. The applicant may be required to obtain further Planning Act approvals to accommodate this requirement. The above shall be satisfied by applicant, and at no cost to the City*.

A date for the Land Planning Appeal Tribunal hearing for the appeal has not yet been determined.

3.0 Policy Content

The following policies include a list of Provincial Policy Statement policies and *Planning Act* policies that would apply to the proposed Consent / Minor Variance as well as policies in The London Plan that apply.

Additional policies that apply to the subject site may be identified through the review of any future *Planning Act* application for the subject site.

3.1 Provincial Policy Statement

2.3 Agriculture

2.3.1 *Prime agricultural areas* shall be protected for long-term use for agriculture. *Prime agricultural areas* are areas where *prime agricultural lands* predominate. *Specialty crop areas* shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the *prime agricultural area*, in this order of priority.

2.3.2 Planning authorities shall designate *prime agricultural areas* and *specialty crop areas* in accordance with guidelines developed by the Province, as amended from time to time.

2.3.3 Permitted Uses

2.3.3.1 In *prime agricultural areas*, permitted uses and activities are: *agricultural uses*, *agriculture-related uses* and *on-farm diversified uses*.

Proposed *agriculture-related uses* and *on-farm diversified uses* shall be compatible with, and shall not hinder, surrounding agricultural operations. Criteria for these uses may be based on guidelines developed by the Province or municipal approaches, as set out in municipal planning documents, which achieve the same objectives.

2.3.3.2 In *prime agricultural areas*, all types, sizes and intensities of *agricultural uses* and *normal farm practices* shall be promoted and protected in accordance with provincial standards.

2.3.3.3 New land uses, including the creation of lots, and new or expanding livestock facilities shall comply with the *minimum distance separation formulae*.

2.3.4 Lot Creation and Lot Adjustments

2.3.4.1 Lot creation in *prime agricultural areas* is discouraged and may only be permitted for:

a. *agricultural uses*, provided that the lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations;
b. *agriculture-related uses*, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*;
c. a *residence surplus to a farming operation* as a result of farm consolidation, provided that:
    1. the new lot will be limited to a minimum size needed to accommodate the use and appropriate *sewage and water services*; and
    2. the planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective; and
d. *Infrastructure*, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

2.3.4.2 Lot adjustments in *prime agricultural areas* may be permitted for *legal or technical reasons*.

2.3.4.3 The creation of new residential lots in *prime agricultural areas* shall not be permitted, except in accordance with policy 2.3.4.1(c).

3.2 *Planning Act*

Powers of Committee

45 (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Sched. 21, s. 10 (11).

3.3 The London Plan

1181_ Farmland in London is intended to:

1. Provide necessary agricultural goods for residents and businesses in the City of London, the region and beyond.
2. Produce food, fuel, and fibre now and into our future
3. Allow for innovative practices that are sustainable, and support green technology and farm management.
4. Foster an agricultural sector that is diverse, profitable, and able to adapt.
5. Continue in a manner which does not have a negative impact on our Natural Heritage System.
6. Allow for flexibility as farm practices and management techniques evolve.

7. Permit on-farm diversified uses that are compatible with and do not hinder surrounding agricultural operations such as secondary farm businesses and home occupations
8. Support a pattern of agricultural land holdings that increases the viability of farm operations and avoids the fragmentation of land ownership.
9. Discourage uses which are not supportive of agriculture from locating in the Farmland Place Type. Limited non-agricultural uses may be permitted only where it can be demonstrated that the proposed use is consistent with the *Provincial Policy Statement*.
10. Minimize the potential for land use conflicts between residential uses and farm operations
11. Mitigate impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands by directing any proposed non-agricultural uses in the Farmland Place Type to lands that are classified as having a lower soil capability in the *Canada Land Inventory* and to areas where the potential for conflict between agriculture and the proposed non-agricultural uses will be minimized.

Existing Farmland Lots

1215_ It is the intent of this Plan, as set out in the Agricultural Land Consent policies of this chapter and the Minimum Distance Separation policies in the Our Tools part of this Plan, to:

1. Encourage the retention or consolidation of farm parcels so that farms are of sufficient size to promote efficient operations and responsible environmental management, and to maintain long-term agricultural viability and flexibility.
2. A minimum farm parcel size of 40 hectares will be established in the Zoning By-law in keeping with this intent.
3. Recognize that existing land holdings in the Farmland Place Type that do not meet the minimum 40 hectare farm parcel size and that are under separate ownership from abutting parcels of land at the date of adoption of this Plan, may be used for agricultural purposes, including one single detached dwelling, subject to Minimum Distance Separation (MDS I) setback(s).

AGRICULTURAL LAND CONSENT GENERAL CONSENT POLICIES

1225_ Within the Farmland Place Type consent to sever will be granted where consistent with the *Provincial Policy Statement* and only if the use of the land is in conformity with all applicable policies of this Plan, and in accordance with the provisions of the *Zoning By-law*, and it is clear that a plan of subdivision is not required for the orderly development of the lands. Where a consent contravenes the *Zoning By-law*, the granting of a consent will be conditional upon the approval of a zoning by-law amendment.

1226_ Applications for consent will be reviewed for conformity with the following criteria:

1. An uneconomical extension of any major municipal service will not be required.
2. Ribbon development of any type along highways or major streets will be prevented.
3. As a condition of consent being granted, the applicant shall demonstrate that an adequate supply of potable water that meets the requirements of the Ontario Drinking Water Standards can be provided to the proposed lot(s), and that there will be no impacts on adjacent properties that are serviced by private water wells. The applicant shall also demonstrate that the development of private on-site waste water systems and private stormwater systems on the proposed lot(s) will not have an adverse impact on existing area properties serviced by private water wells. The reporting must meet the requirements of the Ministry of the Environment and Climate Change Procedure D-5 Technical Guidelines for Private Wells: Water Supply Assessment. A peer review by a qualified professional of this report may be required, at the applicant’s expense.

4. As a condition of consent being granted, soils will be suitable or made suitable to support an individual on-site wastewater treatment system subject to the approval of the authority having jurisdiction.
5. All parcels must have access to a public street.
6. The Minimum Distance Separation policies in the Our Tools part of this Plan are complied with.
7. Both the severed and retained parcels created by the consent would conform with the provisions of the Zoning By-law and are appropriate for the use proposed.
8. The proposed consent will not detract from or result in the loss of area of any wetland, woodland, or other environmental feature identified or delineated on Map 5 - Natural Heritage
9. Both the severed and retained parcels would conform with the Consent to Sever Lands policies in the Our Tools part of this Plan, where applicable

1227_ A consent to sever land in the Farmland Place Type may be granted only under the following circumstances and in conformity with the Rural Place Type policies of this Plan:

1. Consent for farming operations.
2. Lot corrections.
3. Surplus farm dwellings.
4. Agricultural-related commercial and industrial uses

CONSENTS FOR FARMING OPERATIONS

1228_ It is the policy of this Plan to discourage the severing of smaller parcels from larger land holdings. In this regard, 40 hectares will be regarded as the minimum size for a basic farm parcel. City Council will discourage the severing of farm parcels which exceed 40 hectares in size. An application to sever may be permitted if the land is to be used for agricultural purposes and provided that the following criteria are met:

1. Both the severed and retained parcels are of sufficient size for the predominant type of agricultural uses common in the area, and are sufficiently large to maintain flexibility to provide for future changes in the type or size of agricultural operations.
2. The size of both the severed and retained parcels conforms with the provisions of the Zoning By-law. Should the severed or retained parcel not conform with the minimum lot area requirements of the Zoning By-law, a zoning by-law amendment will be required.

LOT CORRECTIONS

1229_ The granting of consent for purposes of minor corrections or adjustments to lot boundaries will be permitted provided:

1. The conveyance does not lead to the creation of an undersized or irregularly shaped lot unsuited to the purpose for which it is being used or to be used.
2. The lands being conveyed will be registered in the same name and title as the lands to which they are being added and will be deemed from that date to be one parcel. .

SURPLUS FARM DWELLINGS

1230_ Consent to sever agricultural land to create a lot for an existing dwelling is permitted in conformity with the policies of the Farmland Place Type, where the land being severed from the dwelling lot is to be added to an adjoining parcel, subject to the following:

1. The land being conveyed from the dwelling lot parcel will be registered in the same name and title as the adjoining parcel and will be deemed from that date to be one parcel.
2. The retained dwelling lot will be kept to a minimum size necessary to comply with the Zoning By-law and to accommodate individual on-site waste water treatment and water supply.

3. The dwelling lot cannot be severed if it is part of the farm cluster. The farm cluster is the grouping of buildings and structures on the farm unit that would include the principal farm residence and any secondary dwelling unit and farm-related buildings and structures.
4. No new residential dwelling units are permitted on any remnant parcel of farmland created by the severance. Such restriction will be recognized in zoning.

LOT CREATION FOR AGRICULTURAL-RELATED USES

1231_ A consent to sever agricultural land to create a lot for an agricultural-related commercial or industrial use may be permitted subject to the policies of the Farmland Place Type and provided the lot is kept to the minimum size necessary to support the use, comply with the *Zoning By-law*, and to accommodate individual on-site wastewater treatment and water supply.

Consent Criteria

1699_1. That any lot(s) to be created would conform to the policies of this Plan, the Zoning By-law, and any applicable area study or guideline document.

1699_2. That the matters which, according to the Planning Act, are to be regarded in the review of a draft plan of subdivision have been taken into account.

1699_3. That the size and shape of any lot(s) to be created would be appropriate for the intended use, and would generally conform with the intent of the policies of this Plan and the Zoning By-law as they pertain to the subject area.

1699_4. That the size and shape of any lot(s) to be created is compatible with adjacent development and conforms to any development agreements registered against the title of the subject land.

1699_5. That the creation of any lot(s) would have the effect of infilling an existing developed area where the pattern of land use has been established, and would not have the effect of extending a developed area.

1699_6. That the proposed lot(s) would front on, or have access to, an existing public street and would not involve the opening or extension of a public street.

1699_7. That the proposed lot(s) would not unduly reduce the accessibility of abutting lands suitable for development.

1699_8. That access to the proposed lot(s) would not create traffic problems or hazards and that policies of this Plan regarding street access would be complied with.

1699_9. That adequate municipal services and utilities would be available.

1699_10. That any health and safety matters relating to the Building Code are adequately addressed.

1699_11. For a consent application pertaining to lands within the Farmland or Future Growth Place Types, that the lot to be created would conform to the Farmland policies of this Plan.

1699_12. For a consent application pertaining to natural features located on lands within a Green Space or Environmental Review Place Type the potential impacts resulting from fragmentation of natural features corridors and linkages will be taken into consideration.

1699_13. That potential impacts on components of the Natural Heritage System will be addressed in conformity with the policies of this Plan.

4.0 Conclusion

This report is to be read in conjunction with the delegation provided by the potential applicant for the property at 6188 Colonel Talbot Road.

Should Municipal Council resolve to allow the request for a Committee of Adjustment application (Minor Variance) to be submitted to provide relief to the lot area (minimum) regulations of the Agricultural (AG2) Zone applicable to this site, and such an application is submitted, Staff will present future recommendations to the Committee of Adjustment with regard to the merits of the application.

Prepared by:	**Lou Pompilii, MPA, RPP** **Manager, Development Planning**
Recommended by:	**Paul Yeoman, RPP, PLE** **Director, Development Services**
Submitted by:	**George Kotsifas, P. Eng.** **Managing Director, Development and Compliance Services and Chief Building Official**
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.	

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

January 14, 2019
GK/PY/LP/lp
Y:\Shared\DEVELOPMENT SERVICES\ADMIN\PEC REPORTS\2019\Jan21\Delegation Report to PEC -6188 Colonel Talbot (LP)

APPENDIX A

THE CORPORATION OF THE CITY OF LONDON

Date: **April 6, 2018**

To: **J.M. Fleming**
London Consent Authority

From: **Paul Yeoman**
Development Services – S. Meksula

Subject: **Development Planning - Consents**

B.047/17 **6188 Colonel Talbot Road (Severance) REVISED II**

OFFICIAL PLAN DESIGNATION:
• Agriculture
PLACE TYPE:
• Farmland
EXISTING ZONING:
• h-18*AG2(24) and h-18*AG2(25)

PURPOSE AND EFFECT

	Area	Frontage	Depth	Use
Severed Lot	4.04ha	100m	404m	Existing Maitake Mushroom Farm
Retained Lot	14.29ha	36m	1,028m	Existing Agricultural Uses

The purpose and effect of this severance will permit the severance of surplus land from an agricultural property. The severance will result in the retention of an existing agricultural use (Maitake Mushroom farm) at 6188 Colonel Talbot Road and the conveyance of a severed parcel for the purposes of a farm consolidation with an abutting agricultural parcel.

PROPOSED CONSENT

The applicant, Mainline Planning Services Inc. c/o Joseph Plutino for 6188 Colonel Talbot Road, is requesting to sever and convey 14.29ha (35.3acres) to an abutting parcel, to meet the 40ha (100 acre) minimum lot area requirement and to retain 4.04ha (10 acres) for an existing agricultural use (Maitake Mushroom farm).

RECOMMENDATION

Development Services are recommending that the Consent Authority **approve** the requested severance.

RATIONALE

1. The consent is consistent with PPS 2014.
2. The severance is consistent with the Official Plan, and the London Plan.
3. With the final approval of Z-8795, the severance is consistent with the regulations of the Zoning By-law.
4. The consent will not impact the ability of the surrounding lands to be developed in their intended manner.
5. The consent will not permit an increase in the number of agricultural lots but facilitates the creation of a new agricultural parcel by way of consolidation that meets the minimum lot area requirement, and is consistent with the goal to support a pattern of agricultural land holdings that increases the viability of farm operations and avoids the fragmentation of land ownership.

INTRODUCTION

Notice of Application for Consent was mailed to area residents on November 29, 2017 and Notice of Application for Consent was published in the "The Londoner" on November 30, 2017. The applicant is proposing the severance of the subject lands to create one parcel for the existing Maitake Mushroom farm and the conveyance of the surplus farm land to an abutting parcel to meet the 40ha (100 acre) minimum lot area requirement, for the purpose of existing agricultural uses. The applicant applied for a Zoning By-law Amendment (Z-8795) to permit a reduced lot frontage of 100m for retained parcel and a lot frontage of 36m for the conveyed parcel. The applicant shall be required to ensure that the lands comply with provisions of the Zoning By-law and the conditions of the Zoning By-law amendment are satisfied at the time of consent.

PLANNING ACT

In considering this application, Development Services staff had regard for the health, safety, convenience, accessibility for persons with disabilities and welfare of present and future inhabitants of the municipality and to Section 51 (24) of the *Planning Act.*

It is the opinion of Development Services staff that the attached conditions are reasonable having regard for the nature of the development proposed and are in accordance with Section 51 (25) of the *Planning Act.*

PROVINCIAL POLICY STATEMENT

The consent has been reviewed in conjunction with the 2014 Provincial Policy Statement.

Building Strong Communities: This consent application is outside the Urban Growth Boundary, and within an Agricultural designation that encourages the consolidation of farm parcels through consent.

Wise Use and Management of Resources: The lands are located in a prime agricultural area which shall be protected for long-term use for agriculture as per Section 2.3 of the PPS. The permitted uses in the PPS for prime agricultural areas and activities are agricultural uses, agriculture-related uses and on-farm diversified uses. The Maitake Mushroom farm is a related on-farm diversified use which is compatible with, and shall not hinder, surrounding agricultural operations. The conveyance of the surplus agricultural lands to an adjacent use agricultural use increases the size and intensifies agricultural uses and normal farm practices which are promoted and protected in accordance with provincial standards.

This consent application is also within an area of identified cultural heritage and has been identified as an area with potential archaeology significance which shall be addressed through a condition of consent. The h-18 holding provision was applied to the entire property through the Zoning By-law Amendment (Z-8795) which was passed on November 14, 2017 and is in force and effect. However, as part of this application (Z-8795) the applicant completed a Stage 1-2 Archeological investigation and provided a letter from the Ministry of Tourism, Culture and Sport. The letter states that a Stage 3 archaeological assessment should be conducted to precisely define the nature and extent of the site. The results of the Stage 3 assessment will be used to evaluate the significance of the site and to develop a series of recommendations concerning any further mitigative options that may be necessary. The City's Heritage Planner has not received the Stage 1-2 Archeological report for review and has acknowledged that further archaeological assessment of the site is required. A Consent Condition has been included to ensure that appropriate archeological assessments are completed.

Protecting Public Health and Safety: There are no known Natural Hazards or Human-Made Hazards issues associated with this consent application.

In the opinion of the Development and Compliance Services the proposal is consistent with the PPS.

OFFICIAL PLAN

These lands are designated Agriculture (AG) designation on Schedule "A", which is intended primarily for the cultivation of land and the raising of livestock. A full range of farming types shall be permitted including, but not limited to, general farming, livestock farming, cash crop farming, market gardening, specialty crops, nurseries, forestry, aquaculture and agricultural research. The severed lands are currently occupied by the Maitake Mushroom farm operation on what would be a 4.04 hectare parcel. The retained parcel, with a lot area of 14.29 hectares shall be required to comply with provisions of the Zoning By-law and the conditions of the Zoning By-law Amendment (Z-8795) at the time of consent.

Section 9.2.14.2 of the City of London Official Plan states that a consent to sever land in the agricultural designation may only be granted under the following circumstances i) consent for farming operation in accordance with 9.2.14.3 ii) consent for mortgage purposes in accordance with 9.2.14.4 iii) lot corrections in accordance with 9.2.14.5 iv) surplus farm dwellings in accordance with 9.2.14.6 and v) agricultural commercial and industrial uses in accordance with 9.214.7. The AG2 agriculture zone requires minimum lot size for both the severed and retained parcel of 40ha (98.8ac). As per Section 9.2.14.3 iii) the size of both the severed and retained parcels shall conform to the provisions of the Zoning By-law. Should the severed or retained parcel not conform to the minimum lot area requirements of the Zoning By-law, an amendment to the By-law will be required. In this situation the applicant applied for and has received the Zoning By-law Amendment (Z-8795) for the retained parcel.

The application conforms to the existing (1989) Official Plan and the London Plan. The subject lands are designated Agricultural. Pursuant to Section 9.2.1 of the Official Plan, the minimum area required for a severance in an Agricultural designation is 40 ha. The areas of the severed and retained parcel are 4.04ha (10 acres) for the existing Maitake Mushroom farm use and 14.29ha (35.3 acres) respectively for agricultural use which will have been rezoned to permit the use (Z-8795; Z.-1-172625). The 14.29ha (35.3 acres) shall be conveyed to an abutting agricultural lot when consolidated the new lot an area of 40 hectares (99 acres) or greater, which exceeds the area required for a severance in an Agricultural designation. The lands being severed are being conveyed to an adjoining parcel and the Maitake Mushroom farm parcel is being kept to a minimum size to comply with the Zoning By-law amendment.

Chapter 19 - Implementation

Policies of the Official Plan that are directly relevant to the consideration of this consent application include the following:

19.7.1.i(a) Requires that any lot(s) to be created conforms with the provisions of the Official Plan, Zoning By-law and any applicable area study or guideline document.

The proposed severed and retained lands conform to both the Official Plan, London Plan and Zoning By-law, as the approved Zoning By-law amendment (Z-8795) is now in force and effect. The applicant shall be required to ensure that the lands comply with provisions of the Zoning By-law and the conditions of the Zoning By-law amendment (Z-8795) are satisfied at the time of consent.

19.7.1.i(b) Requires that the matters which, according to the Planning Act, are to be regarded in the review of a draft plan of subdivision have been taken into account;

The matters of Section 51(24) have been considered as part of the evaluation for consent.

19.7.1.i(c) Requires that the size and shape of any lots to be created would be appropriate for the intended use, and would generally conform to adjacent development and to any development agreements registered against the title of the subject land.

The proposed severance is in accordance with the size requirements to support permitted uses within the AG. This severance produces parcels that are generally in accordance with adjacent development.

19.7.1.i(d) that the creation of any lot(s) would have the effect of infilling an existing developed area where the pattern of land use has been established, and would not have the effect of extending a developed area;

The proposed severance would not be out of character with the surrounding uses, and would not have the effect of extending a developed area.

19.7.1.i(e) Requires that the proposed lot(s) would front on, or have access to, an existing public road and would not involve the opening or extension of a public road.

The proposed lot and the retained lot will have access to a Colonel Talbot Road.

19.7.1.i(f) Requires that the proposed lot(s) would not unduly reduce the accessibility of abutting lands suitable for development;

The proposed severance should not affect the accessibility of abutting lands, as the abutting lands are currently agricultural lands which are not suitable at this time for development.

19.7.1.i(g) That access to the proposed lot(s) would not create traffic problems or hazards and that Official Plan policies regarding road access would be complied with.

The proposed severance will not result in any traffic problems.

19.7.i(h) That adequate municipal services and utilities would be available.

The subject lands are on private services.

19.7.i(i) For a consent application pertaining to lands within the Agriculture or Urban Reserve designations, that the lot to be created would conform to policy 9.2.14.;

The proposal conforms to section 9.2.14 of the agricultural consent policies.

Section 19.7.1 (i) (j) requires for a consent application pertaining to natural features designated as "Open Space" or "Environmental Review" the potential impacts resulting from fragmentation of natural features corridors and linkages will be taken into consideration.

The subject lands do not include lands designated "Open Space" or "Environmental Review".

Section 19.7.1 (i) (k) requires that potential impacts on components of the Natural Heritage System will be addressed in accordance with the provisions of Section 15.5.

The subject lands do not include any lands within the Natural Heritage System.

19.7.1.ii(a) the proposed development is consistent with the surrounding area in terms of pattern and size;

The proposed lot is generally consistent with the surrounding development.

19.7.1.ii(b) the proposed development does not represent an extension to an area for existing development on individual services; and

The proposed conveyance does not represent an extension to an existing developed area.

19.7.1.ii(c) the proposed development would not create a precedent for future similar applications on adjacent or nearby lots.

The proposed severance is in keeping with the intent of lands zoned Agricultural (AG2). The proposed severance would not create a precedent for similar applications based on Agricultural (AG2) Zone as it would permit a form of development consistent with the provisions of the zone.

9.3.6 – Minimum Distance Separation Requirements

Any proposed rezoning or consent within an Agricultural designation that would reduce the distance between the built-up area and an existing livestock operation will be reviewed for its effects on the livestock operation in accordance with the Minimum Distance Separation (MDS) requirements. If the proposed rezoning or consent will result in a development that imposes operating constraints on the livestock operation, the rezoning or consent shall not be permitted.

Staff performed an aerial analysis of the subject lands and their surrounding area. There were no significant livestock facilities identified within a 1km radius of the subject lands

THE LONDON PLAN

The London Plan was adopted by City Council on June 23, 2016. As a result, *Planning Act* applications within the City of London shall have regard for the Plan.

The subject lands are designated as a '*Farmland*' Place Type. Agricultural uses, agricultural-related commercial and industrial uses and on-farm diversified uses will be permitted.

Similar to the Official Plan, policies are present in the London Plan which provide guidance for and promoted sustainable farm practices on *Farmlands*, and criteria in the consideration of consent proposal. Based on staff analysis, the provisions of the Plan have been substantially addressed in the previous section of this report.

ZONING

At the time of application, the proposed severance was not consistent with the requirements under the Agricultural (AG2) Zone. As a result, the applicant applied for a Zoning By-law Amendment to amend the regulations that would have the effect of permitting a retained parcel with a minimum lot area of 4 ha and a lot frontage of 100m and a severed parcel with a minimum lot frontage of 36m to be created through the consent process (Z-8795). The subject severance is conditional upon the Zoning By-law Amendment coming into full force and effect which occurred on November 14, 2017 as By-law No. Z.-1-1 72625 as follows:

Severed Land - 6188 Colonel Talbot Road
Holding Agricultural Special Provision (h-18*AG2(24)) 6188 Colonel Talbot Road
a) Regulations
i) Lot Area (Minimum) 4 hectares (10 acres)
ii) Lot Frontage (Minimum) 100 metres (328 feet)

Retained Land - 6188 Colonel Talbot Road
Holding Agricultural Special Provision (h-18*AG2(25))
a) Regulations
i) Lot Frontage (Minimum) 36 metres (118 feet)

Since the Zoning By-law Amendment is in full force and effect as per By-law No. Z.-1-1 72625, ensuring the consent conforms to the regulations of the Zoning By-Law. The applicant shall be required to ensure that the lands comply with provisions of the Zoning By-law and the conditions of the Zoning By-law amendment (Z-8795) are satisfied at the time of consent.

CONDITIONS

Based on the above, Development Services has **no objection** to the proposed consent application provided that the following conditions are satisfied prior to the certification of any documents:

1. That, pursuant to Section 53(41) of the Planning Act, if the applicant has not within a period of one year after notice was given of a decision to grant a provisional consent fulfilled all of the following conditions, the application shall be deemed to be refused.

2. That a certificate fee shall be paid at the London Consent Authority's office in the amount current at the time of the issuance of the Consent Authority's Certificate.

3. For the purposes of satisfying any of the conditions of provisional approval herein contained, the Owner shall file with Development Services Staff (6th floor, City Hall), at a minimum of 3 working days in advance of final consent approval, a complete submission consisting of all required clearances, fees, draft transfer(s) and final plans, and to advise in writing how each of the conditions of provisional approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Consent Authority, such submission will be returned to the Owner without detailed review by the City.

4. That the Owner shall submit 2 white prints of a reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan. That approval of the draft reference plan shall be obtained from the Consent Authority, and; 2 prints of the resultant deposited reference plan shall be received.

5. That prior to issuance of certificate of consent, the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.

6. The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport. No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

7. At the time of consent the severed and retained lands shall comply with the minimum requirements of the Z.-1 Zoning By-law. The applicant may be required to obtain further Planning Act approvals to accommodate this requirement. The above shall be satisfied by applicant, and at no cost to the City.

8. The Owner transfer at no cost to the City sufficient lands free of encumbrances, to widen Colonel Talbot Road to a maximum width of 18.0m in perpendicular width from the centerline of Colonel Talbot Road along the Colonel Talbot Road frontage of the subject lands as determined by the City's Chief Surveyor. The reference plan describing the widening to be transferred must be pre-approved by the City's Chief Surveyor.

9. The Consent Certificate shall lapse after 6 months of issuance if the transaction has not been completed.

NOTES TO CONSENT:

I. Draft addressing shall be assigned, at the time of consent, by Development Services.

II. No municipal watermain, storm and sanitary sewers available along Colonel Talbot Road.

III. Property is located within the MTO control zone, MTO permits may be required.

PREPARED BY:	**REVIEWED BY:**
SEAN MEKSULA MCIP RPP **PLANNER II, DEVELOPMENT SERVICES**	**CRAIG SMITH MCIP RPP** **SENIOR PLANNER, DEVELOPMENT SERVICES**
REVIEWED BY:	**SUBMITTED BY:**
LOU POMPILII MPA RPP **MANAGER, DEVELOPMENT PLANNING**	**PAUL YEOMAN RPP, PLE** **DIRECTOR, DEVELOPMENT SERVICES**

Y:\Shared\DEVELOPMENT SERVICES\2 - Consents\2017 Consents\B.047-17 - 6188 Colonel Talbot Road (SM)\Notice of Decision\B.047-17 - 6188 Colonel Talbot Road_DS Comments.doc

Delegation Request
Lou Pompilii

GENERAL NOTE:

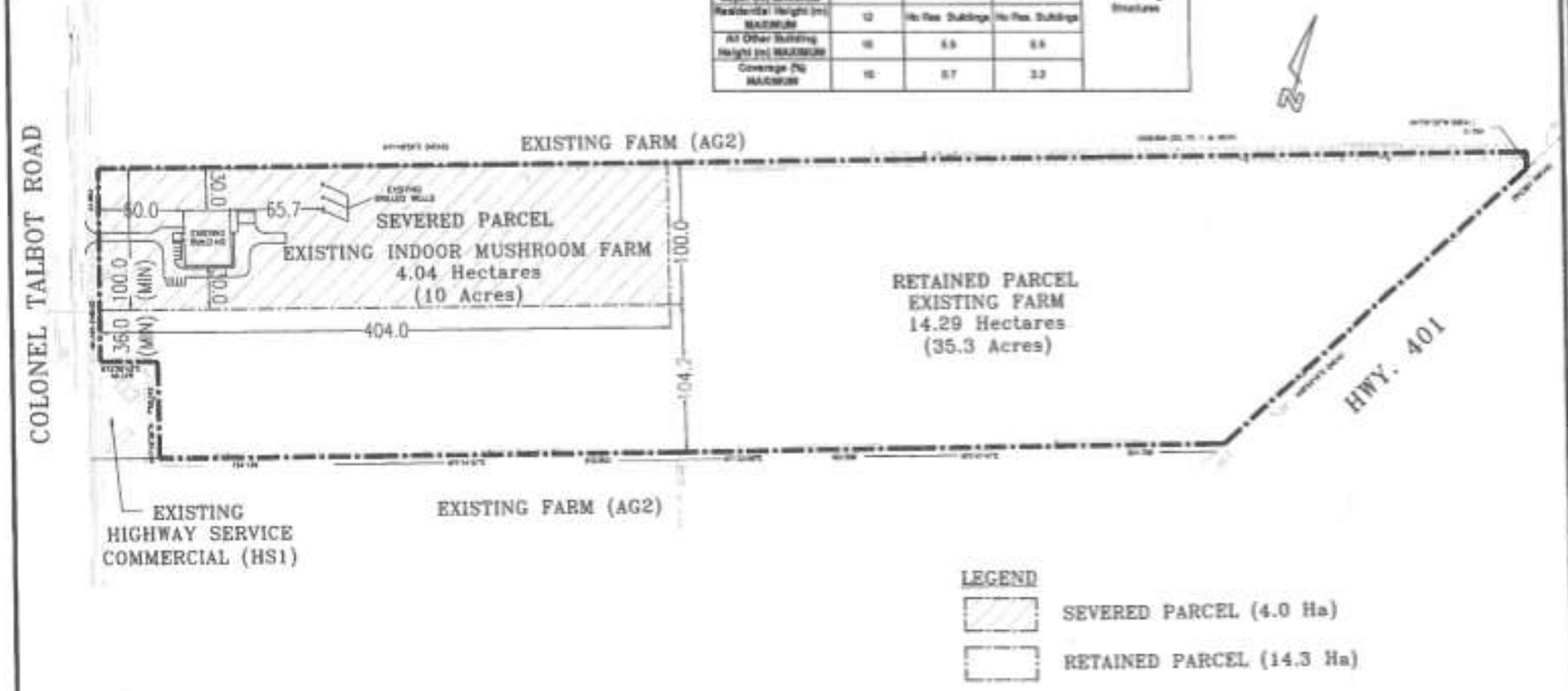
THESE DRAWINGS ARE COPYRIGHT AND THE PROPERTY OF MAINLINE PLANNING SERVICES INC. THE DRAWINGS MAY NOT BE USED FOR CONSTRUCTION WITHOUT THE PERMISSION OF MAINLINE PLANNING SERVICES INC. AND UNLESS SEALED AND SIGNED BY THE ARCHITECT/ENGINEER. REPRODUCTION OF THESE DRAWINGS WITHOUT THE CONSENT OF MAINLINE PLANNING SERVICES INC. IS STRICTLY PROHIBITED.

DO NOT SCALE THESE DRAWINGS. ANY ERROR OR DISCREPANCY IS TO BE REPORTED IMMEDIATELY TO: MAINLINE PLANNING SERVICES INC.

LEGAL DESCRIPTION:

PLAN OF SURVEY
OF PART OF
LOT 57, CONCESSION EAST OF THE
NORTH BRANCH OF THE TALBOT ROAD
(GEOGRAPHIC TOWNSHIP OF WESTMINSTER)
IN THE
CITY OF LONDON
COUNTY OF MIDDLESEX

6188 Colonel Talbot Road: Agricultural 2 (AG2) Zone Variation Standards				
City of London Zoning Bylaw Z-1 (S.4d)				
AG 2 Zone Provisions	Requirement	Original Parcel	Severed Parcel	Retained Parcel
Lot Area (ha) MINIMUM	40	18.3	4.04	14.29
Lot Frontage (m) MINIMUM	300	138.54	100.01	38.53
Front & Exterior Side Yard (m) MINIMUM	30	Front Yard: 60	Front Yard: 60	No Existing Structures
		Exterior Yard: N/A	Exterior Yard: N/A	
Rear Yard Depth (m) MINIMUM	30	800	359.6	
Interior Side Yard Depth (m) MINIMUM	30	30	30	
Residential Height (m) MAXIMUM	12	No Res. Buildings	No Res. Buildings	
All Other Building Height (m) MAXIMUM	15	6.5	6.5	
Coverage (%) MAXIMUM	10	0.7	3.2	



LEGEND

SEVERED PARCEL (4.0 Ha)

RETAINED PARCEL (14.3 Ha)

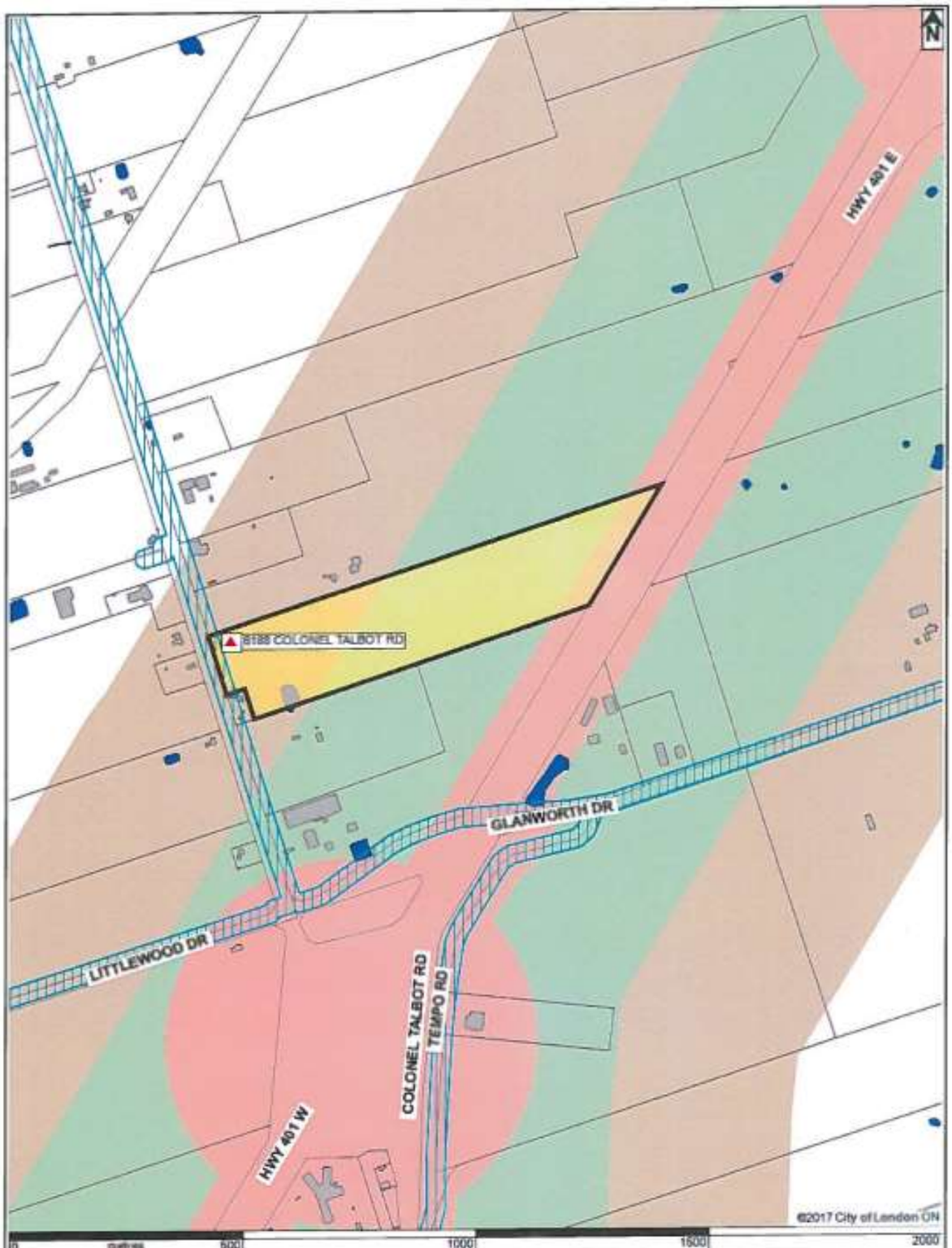
mainline planning services inc.

SITE PLAN FOR
ZONE BY-LAW AMENDMENT

LONDON VALLEY III

6188 COLONEL TALBOT ROAD
LONDON VALLEY III INC.

Delegation Request
Lou Pompilii



LOCATION MAP

Subject Site: **6188 Colonel Talbot Road**
Applicant: **MAINLINE PLANNING SERVICES INC**
File Number: **B.047/17**
Planner: **Sean Meksula**
Created By: **Barb Mellen**
Date: **2017-11-22**
Scale: **1:10100**

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

N

LEGEND

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

APPENDIX B

Applicant: Mainline Planning Services Inc. c/o Joseph Plutino **Date of Decision: May 3, 2018**
File No: 047/17 **Date of Notice: May 3, 2018**
Municipality: City of London **Last Date of Appeal: May 23, 2018**
Subject Lands: 6188 Colonel Talbot Road **Lapsing Date: May 3, 2019**

London
CANADA

NOTICE OF PROVISIONAL CONSENT DECISION

Section 53 of the Planning Act

TAKE NOTICE that the City of London Consent Authority, **GRANTED** applicant Mainline Planning Services Inc. c/o Joseph Plutino for 6188 Colonel Talbot Road consent to sever 4.04ha (10 acres) for an existing agricultural use (Maitake Mushroom farm) and retain 14.29ha (35.3acres) for the purpose of existing agricultural uses, file No. B.47/17 on the 3rd **day of May, 2018**, under Section 53 of the *Planning Act*, R.S.O., 1990, c.P.13, as amended, subject to **CONDITIONS** which must be satisfied before any certificates of consent are issued. A copy of the Provisional Decision is attached. It being noted that no public comment was received as part of this application.

AND TAKE NOTICE that any person or public body may appeal this decision or any of the conditions imposed by the Consent Authority to the Local Planning Appeal Tribunal by filing a notice of appeal with the City of London Consent Approval Authority, Development Services, 300 Dufferin Avenue, London, ON N6A 4L9, **NOT LATER THAN THE 23rd day of May, 2018.** The notice of appeal must set out the reasons for the appeal and must be accompanied by the $300.00 fee prescribed by the Local Planning Appeal Tribunal Act, in the form of a **certified cheque or money** order made payable to the Minister of Finance and must be accompanied by an **Appellant Form (A1)** found on http://elto.gov.on.ca/tribunals/lpat/forms/appellant-applicant-forms/ or from the office of the London Consent Authority. If you have any questions regarding the appeal process, please contact the ELTO Citizen Liaison Office toll free at 1-866-448-2248, by email at elto.clo@ontario.ca or in person at 655 Bay Street, Suite 1500, Toronto, ON.

The land to which this application applies is not the subject of an application under the *Planning Act.*

Only individuals, corporations or public bodies may appeal decisions in respect for consent to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

You will be entitled to receive notice of any changes to the conditions of the Provisional Consent if you have either made a written request to be notified of the decision of the London Consent Authority or you made a written request to the London Consent Authority to be notified of changes to the conditions for the provisional consent.

Please note that all conditions of the Provisional Consent must be fulfilled within one year from May 3rd, 2018 prior to the issuance of any Certificate by the London Consent Authority failing which this consent shall be deemed to be refused. It is the responsibility of the applicant to satisfy all the conditions. **PLEASE ALLOW THREE WORKING DAYS FOR THE CERTIFICATE TO BE ISSUED.** There is an issuance of certification charge of $100.00 for the first certificate and $200.00 for each additional lot/document.

Additional information on this consent decision is available from Development Services, 6th floor, City Hall or by telephoning 519-930-3500 during business hours/weekdays from 8:30 a.m. to 4:30 p.m.

Dated at the City of London this 3rd day of May, 2018

J. M. Fleming
City Planner
City of London Consent Authority
300 Dufferin Avenue, London, ON N6A 4L9

Delegation Request
Lou Pompilii

Applicant: Mainline Planning Services Inc. c/o Joseph Plutino
File No: 047/17
Municipality: City of London
Subject Lands: 6188 Colonel Talbot Road

Date of Decision: May 3, 2018
Date of Notice: May 3, 2018
Last Date of Appeal: May 23, 2018
Lapsing Date: May 3, 2019

OWNER:
2533430 Ontario Inc.
3380 Service Road
Burlington ON, L7N 3J5

AGENT:
Mainline Planning Services Inc.
c/o Joseph Plutino
P.O. Box 319
Kleinburg ON, L0J 1C0

THE CORPORATION OF THE CITY OF LONDON'S CONSENT AUTHORITY PROVISIONAL DECISION FOR CONSENT, FILE NUMBER B.047/17 IS AS FOLLOWS:

The City of London Consent Authority on Decision date 3rd day of May, 2018 **GRANTED** Provisional Approval to the applicant, Mainline Planning Services Inc. c/o Joseph Plutino for 6188 Colonel Talbot Road consent to sever 4.04ha (10 acres) for an existing agricultural use (Maitake Mushroom farm) and retain 14.29ha (35.3acres) for the purpose of existing agricultural uses, subject to **CONDITIONS** which must be satisfied before any Certificates of Official are issued.

NO. **CONDITIONS**

1. That, pursuant to Section 53(41) of the Planning Act, if the applicant has not within a period of one year after notice was given of a decision to grant a provisional consent fulfilled all of the following conditions, the application shall be deemed to be refused.

2. That a certificate fee shall be paid at the London Consent Authority's office in the amount current at the time of the issuance of the Consent Authority's Certificate.

3. For the purposes of satisfying any of the conditions of provisional approval herein contained, the Owner shall file with Development Services Staff (6th floor, City Hall), at a minimum of 3 working days in advance of final consent approval, a complete submission consisting of all required clearances, fees, draft transfer(s) and final plans, and to advise in writing how each of the conditions of provisional approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information required by the Consent Authority, such submission will be returned to the Owner without detailed review by the City.

4. That the Owner shall submit 2 white prints of a reference plan of survey, showing the subject land which conforms with the application submitted and which shows the dimensions and areas of each part shown on the plan. That approval of the draft reference plan shall be obtained from the Consent Authority, and; 2 prints of the resultant deposited reference plan shall be received.

5. That prior to issuance of certificate of consent, the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.

6. The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport. No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

7. At the time of consent the severed and retained lands shall comply with the minimum requirements of the Z.-1 Zoning By-law. The applicant may be required to obtain further Planning Act approvals to accommodate this requirement. The above shall be satisfied by applicant, and at no cost to the City.

8. The Owner transfer at no cost to the City sufficient lands free of encumbrances, to widen Colonel Talbot Road to a maximum width of 18.0m in perpendicular width from the centerline of Colonel Talbot Road along the Colonel Talbot Road frontage of the subject lands as determined by the City's Chief Surveyor. The reference plan describing the widening to be transferred must be pre-approved by the City's Chief Surveyor.

9. The Consent Certificate shall lapse after 6 months of issuance if the transaction has not been completed.

Delegation Request
Lou Pompilii

Applicant: Mainline Planning Services Inc. c/o Joseph Plutino
File No: 047/17
Municipality: City of London
Subject Lands: 6188 Colonel Talbot Road

Date of Decision: May 3, 2018
Date of Notice: May 3, 2018
Last Date of Appeal: May 23, 2018
Lapsing Date: May 3, 2019

NOTES TO CONSENT:

I. Draft addressing shall be assigned, at the time of consent, by Development Services.

II. No municipal watermain, storm and sanitary sewers available along Colonel Talbot Road.

III. Property is located within the MTO control zone, MTO permits may be required.

Delegation Request
Lou Pompilii

Applicant: Mainline Planning Services Inc. c/o Joseph Plutino **Date of Decision: May 3, 2018**
File No: 047/17 **Date of Notice: May 3, 2018**
Municipality: City of London **Last Date of Appeal: May 23, 2018**
Subject Lands: 6188 Colonel Talbot Road **Lapsing Date: May 3, 2019**

APPEALS TO THE LOCAL PLANNING APPEAL TRIBUNAL CONSENTS
SECTION 53. PLANNING ACT.R.S.O1990, c.P.13 (as amended)

The following extracts from Section 53 of the Planning Act outline the appeal process for appealing consents:

Appeal
53 (19) (19) Any person or public body may, not later than 20 days after the giving of notice under subsection (17) is completed, appeal the decision or any condition imposed by the council or the Minister or appeal both the decision and any condition to the Tribunal by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (6); 2017, c. 23, Sched. 5, ss. 80, 81.

Note: The fee for an appeal is $300.00 and $25.00 for a related appeal and should be in the form of a ***certified cheque or money order*** made payable to the Minister of Finance of Ontario.

Appeal
53 (27) (27) Any person or public body may, not later than 20 days after the giving of notice under subsection (24) is completed, appeal any of the changed conditions imposed by the council or the Minister by filing with the clerk of the municipality or the Minister a notice of appeal setting out the reasons for the appeal, accompanied by the fee charged under the *Local Planning Appeal Tribunal Act, 2017*. 1994, c. 23, s. 32; 1996, c. 4, s. 29 (10); 2017, c. 23, Sched. 5, s. 81.

Record
53

(28) If the clerk or the Minister, as the case may be, receives a notice of appeal under subsection (19) or (27), the clerk or the Minister shall ensure that,

(a) a record is compiled which includes the information and material prescribed; and

(b) the record, the notice of appeal and the fee are forwarded to the Tribunal within 15 days after the last day for filing a notice of appeal under subsection (19) or (27). 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 100 (4).

Hearing
53 (30) On an appeal, the Tribunal shall hold a hearing, of which notice shall be given to such persons or public bodies and in such manner as the Tribunal may determine. 2017, c. 23, Sched. 5, s. 100 (6).

Dismissal without hearing
53

(31) Despite the *Statutory Powers Procedure Act* and subsection (30), the Tribunal may dismiss an appeal without holding a hearing, on its own initiative or on the motion of any party, if,

(a) it is of the opinion that,

(i) the reasons set out in the notice of appeal do not disclose any apparent land use planning ground upon which the Tribunal could give or refuse to give the provisional consent or could determine the question as to the condition appealed to it,

(ii) the appeal is not made in good faith or is frivolous or vexatious,

(iii) the appeal is made only for the purpose of delay, or

(iv) the appellant has persistently and without reasonable grounds commenced before the Tribunal proceedings that constitute an abuse of process;

(b) the appellant did not make oral submissions at a public meeting or did not make written submissions to the council or the Minister before a provisional consent was given or refused and, in the opinion of the Tribunal, the appellant does not provide a reasonable explanation for having failed to make a submission;

Applicant: Mainline Planning Services Inc. c/o Joseph Plutino **Date of Decision: May 3, 2018**
File No: 047/17 **Date of Notice: May 3, 2018**
Municipality: City of London **Last Date of Appeal: May 23, 2018**
Subject Lands: 6188 Colonel Talbot Road **Lapsing Date: May 3, 2019**

(c) the appellant has not provided written reasons for the appeal;

(d) the appellant has not paid the fee charged under the *Local Planning Appeal Tribunal Act, 2017*; or

(e) the appellant has not responded to a request by the Tribunal for further information within the time specified by the Tribunal. 2017, c. 23, Sched. 5, s. 100 (6).

Representation

(32) Before dismissing an appeal, the Tribunal shall notify the appellant and give the appellant the opportunity to make representation on the proposed dismissal but this subsection does not apply if the appellant has not complied with a request made under clause (31) (e). 2000, c. 26, Sched. K, s. 5 (7); 2017, c. 23, Sched. 5, s. 80.

Dismissal

(32.1) The Tribunal may dismiss an appeal after holding a hearing or without holding a hearing on the motion under subsection (31), as it considers appropriate. 2017, c. 23, Sched. 5, s. 100 (6).

Decision final

(33) If all appeals under subsection (19) or (27) are dismissed or withdrawn, the Tribunal shall notify the council or the Minister and, subject to subsection (23), the decision of the council or the Minister to give or refuse to give a provisional consent is final. 1994, c. 23, s. 32; 2017, c. 23, Sched. 5, s. 80.

Powers

(34) On an appeal under subsection (14) or (19), the Tribunal may make any decision that the council or the Minister, as the case may be, could have made on the original application and on an appeal of the conditions under subsection (27), the Tribunal shall determine the question as to the condition or conditions appealed to it. 2017, c. 23, Sched. 5, s. 100 (6).

Amended application

(35) On an appeal, the Tribunal may make a decision on an application which has been amended from the original application if, at any time before issuing its order, written notice is given to the persons and public bodies prescribed under subsection (10) and to any person or public body conferred with under subsection (11) on the original application. 2017, c. 23, Sched. 5, s. 100 (6).

APPENDIX C

mainline
planning services inc

November 30, 2018

c/o Heather Lysynski
City Clerk's Office
City of London
300 Dufferin Avenue
PO BOX 5035
London, ON N6A 4L9

Attention: Heather Lysynski, City Clerk

Re: Delegation Status Before Planning Committee to Obtain a Section 45(1.4) Council Resolution. Related Files: Zoning Bylaw Amendment File No. Z-1-172625, Consent File No. B.047-17, LPAT File No. PL180521. 2533430 Ontario Inc. 6188 Colonel Talbot Road.

Mainline Planning Services Inc. is retained as the owner's agent with respect to the above referenced applications.

Delegation Request:

On behalf of the owner of the subject property ('2533430 Ontario Inc.'), kindly accept this letter as his formal request that we are scheduled as a delegation before the Planning and Environmental Committee on December 10, 2019

Request for Council Resolution:

The owner requires a Council Resolution pursuant to Section 45(1.4) of the Planning Act. The purpose of the proposed resolution is to:

- Facilitate the creation of 2 lots that conform to the bylaw as required by conditional consent approval granted.
- Direct the City Clerk to accept a minor variance application to amend the Zoning Bylaw as necessary to ensure that both the severed and retained lots comply.

Reason for the Resolution

The resolution will allow staff to accept an application to amend the zoning bylaw and fulfill a condition of Consent Approval recently granted (City file no. 'B.047-17'). The matter is before the Local Planning Appeal Tribunal ('LPAT'), however, with the support of Council, the owner will be able to comply with the zoning condition avoiding costly litigation which is in the interest of all concerned. The severance is needed to convey a 4 Ha parcel to the existing hydroponic farm tenant to make the business viable avoiding the need to relocate.

Section 45(1.4):

A Council resolution is required under Section 45 (1.4) of the Planning Act, if section 45 (1.3) applies. Section 45 (1.3) states, *"Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended"*. Section 45 (1.4) states, *"Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally"*. City of London Zoning staff informed that since a zoning by-law amendment for the subject site was passed on November 16, 2017, Section 45 (1.3) applies and a minor variance application cannot be submitted without the resolution of council (Section 45(1.4)) which makes the condition of consent approval unobtainable.

Background

In June of 2016, a building permit was issued to construct a 5-million-dollar farm building used to

hydroponically grow a rare maitake mushroom crop. The current farm operation utilizes a small fraction of the existing 18.3 Ha lot ('subject property') leaving nearly 16 Ha of land fallow and underutilized. In order to obtain financing, the Shogun Maitake Canada Co., Ltd. ('tenant' / 'Maitake') agreed with his investor(s) to purchase the land necessary for his farm operation. In order to keep the tenant, the owner agreed to sever the land into 2 lots and sell a 4.04 Ha lot to Maitake. The tenant has plans to expand the indoor farm operation and must own the parcel to obtain the millions of dollars investment capital to operate the business and remain in London.

In February of 2017, Mainline attended a pre-application consultation prior to submitting a consent application. At this meeting, staff from The City of London reported that "*... a Zoning By-law amendment [is required to support the consent] if the severed or retained parcels do not conform to the existing Zoning requirements*".

In response to staff advice, applications for zoning by-law amendment and consent were submitted in June of 2017. Both applications requested the creation of two lots from the subject property and consideration for reduced frontage and lot area for both the severed and retained parcels. Despite the clarity of both our application and a staff report to council acknowledging our request ([excerpt] "***FROM** Agricultural (AG2) Zone, which permits agricultural uses and includes a minimum lot area of 40 ha and a minimum lot frontage of 300m, **TO** a Holding Agricultural Special Provision (h-18 • AG2(_)) Zone, which permits the same agricultural uses but also permits two parcels having a lot area of 4.04 ha **and 14.29 ha**, and a lot frontage of 100m and 36.3")* the By-law amendment approved by Council on November 16, 2017 (see attached pdf) failed to provide an area reduction for the retained lot.

The Consent application (City file no. 'B.047-17') was reactivated in November 2017 and provisionally approved on May 3, 2018. The provisional approval includes a condition requiring both the severed and retained parcels to comply with the by-law. The consent approval was appealed to LPAT as the zoning condition appeared unattainable. In considering legal advice concerning the condition, the owner is requesting relief under Section 45(1.4) to Section 45(1.3) of the Planning Act. A Council Resolution would allow the owner to comply with the Zoning Bylaw and obtain final consent approval.

Our Professional Opinion

A Section 45 (1.4) exception by Council Resolution is appropriate because without it the consent approval is unattainable. The consent was approved to facilitate the creation of two lots in accordance with zoning bylaw amendment **Z-1-172625** so that a 4 Ha parcel of land would be conveyed to the Maitake Corporation. The conveyance is necessary to keep a newly constructed $5 million-dollar indoor hydroponic farm business economically viable so that it can remain in the City of London. The only way that zoning compliance can occur is by amendment to the bylaw. I trust that Council will provide this necessary relief so that we may submit a minor variance application and avoid litigation as it is in the best interest of all parties concerned.

Sincerely,
Mainline Planning Services Inc.

Joseph P. Plutino, M.C.I.P, R.P.P
jplutino@mainlineplanning.com
905-893-0046

cc. Members of Council
City Clerk
Aynsley Anderson, City Solicitor
client

File:Z-8969
Planner: Nancy Pasato

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**
146 Exeter Road
(Richardson Subdivision 39T-15501, Block 30 and a portion of Block 31, Wharncliffe Road frontage))
Public Participation Meeting on: January 21, 2019 at 4:00PM

Recommendation

That, on the recommendation of the Senior Planner, Development Services based on the application of Sifton Properties Limited relating to the property located at 146 Exeter Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 29, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Residential R5 Special Provision/Residential R6 Special Provision (h*h-100*h-198*R5-4(22)/R6-5(50)) Zone, **TO** a Holding Residential R5 Special Provision/Residential R6 Special Provision/Residential R7 Special Provision (h*h-100*h-198* R5-4(22)/R6-5(50)/R7(__)*D45*H17) Zone.

Executive Summary

Summary of Request

The requested amendment is to rezone a portion of land within a draft plan of subdivision by adding an additional Residential (R7) Zone to permit a long term care facility in addition the existing range of residential uses permitted. The Applicant has also requested a density of 45 units per hectare, and a maximum height of 17 metres.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended amendment will allow for a three storey long term care facility with 163 beds.

Rationale of Recommended Action

i) The recommended amendment is consistent with the *Provincial Policy Statement (PPS), 2014,* which encourages healthy, livable and safe communities by accommodating an appropriate range and mix of residential uses (including second units, affordable housing, and housing for older persons), encourages settlement areas to be the main focus of growth and development, and provide for a range of housing types and densities to meet projected requirements of current and future residents;

ii) The recommended amendment is consistent with the objectives and policies of the London Plan, and the policies of the “Neighbourhoods” Place Type for Use, Intensity, and Form;

iii) The recommended amendment is consistent with the objectives and policies of the Southwest Area Secondary Plan, as it encourages Seniors and Special Populations Housing within the Medium Density Residential Designation;

iv) The proposed amendment meets the policies of the 1989 Official Plan and the use is consistent with the Multi-Family, Medium Density Residential designation; and,

v) The proposed special provisions for reduced front and exterior side yard and reduced interior and rear yard setbacks are supported to encourage and foster improved design for the site.

Analysis

1.0 Site at a Glance

1.1 Property Description

The property is legally described as Part of Lot 34, Concession 2 in the geographic Township of Westminster in the City of London. The overall parcel to be rezoned is 1.21 hectares in size (3 acres). The municipal address is 146 Exeter Road. Lot frontage (assumed to be on Street A based on zoning definitions) for the site is 73 metres (239.5 ft.). Access to the site will be internally from Street B (not yet a registered street). The site is characterized as being relatively flat with elevations ranging from approximately 264 metres to 269 metres, sloping downwards towards the southerly limits of the site. Agricultural uses (crop production) occurred on this portion of the site until 2017. There are no structures on the site. No vegetation, other than remnants of former crops, exists on the site with the exception of a small number of remnant hedgerow trees / shrubs, most of which were removed as per a site alteration agreement in 2018. UTRCA mapping identifies a small portion of the site at the southern limits as being within the Conservation Authority Regulated Areas. These areas correspond to the regulatory limit of the Pincombe Drain which exists farther to the west. It is recognized that permits from the UTRCA will be required in advance of development occurring.

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

- Official Plan Designation – Multi-Family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Holding Residential R5 Special Provision/Residential R6 Special Provision (h*h-100*h-198*R5-4(22)/R6-5(50)) Zone

1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – varies - 73 metres (239.5 feet) along secondary collector/neighbourhood connector; 114.3 metres (375 feet) adjacent to Block 31
- Depth – 148.2 metres (486.2 feet) (Wharncliffe Road South)
- Area – 1.21 hectares (3 acres).
- Shape – rectangular/irregular

1.4 Surrounding Land Uses

- North – Wharncliffe Road, vacant (future commercial uses)
- East – Vacant (future low density and multi-family residential
- South – Vacant (future low density and multi-family residential)
- West – Wharncliffe Road, vacant (future commercial uses)

1.5 Location Map

2.0 Description of Proposal

2.1 Development Proposal

The proposed concept plan for the site illustrates a long-term care facility that is three (3) storeys in height with 160 beds on the site. However, the requested zoning proposes to retain the existing townhouse/cluster forms of housing to provide flexibility for the ultimate site plan, should market conditions identify a need for a broader range of housing forms.

The proposed site plan (included in Appendix B) and preliminary building concept and elevations incorporates the following elements:

- Access to the site internally from Shiraz Road, due to separation distance requirements from the intersection of Wharncliffe Road and Street A .
- A three-story building, consisting of 4 wings extending from a central service and entrance area. Two of the wings are parallel to and in close proximity to Wharncliffe Road and will provide views to the street and architectural interest along Wharncliffe.
- Facade articulation and building setbacks provide visual interest and break up the mass of the building. Outdoor amenity areas along both Wharncliffe Road and Street A frontages also provide activity at the street level for residents and those passing by.
- The main entrance and street orientation occurs along Street B, with the proposed building showing a range of materials and facade articulation.
- The majority of parking is situated internally or along the frontage of Street B.
- Substantial landscaping is proposed to help screen views of the parking from the street.
- Extensive landscaping and outdoor amenity area will be situated adjacent to Wharncliffe Road and Street A.
- It is anticipated that further refinements of the building design and elevations will occur during the site plan approval process. Additional detail regarding the site plan and building design is contained in the Urban Design Brief submitted in conjunction with the rezoning application.

3.0 Relevant Background

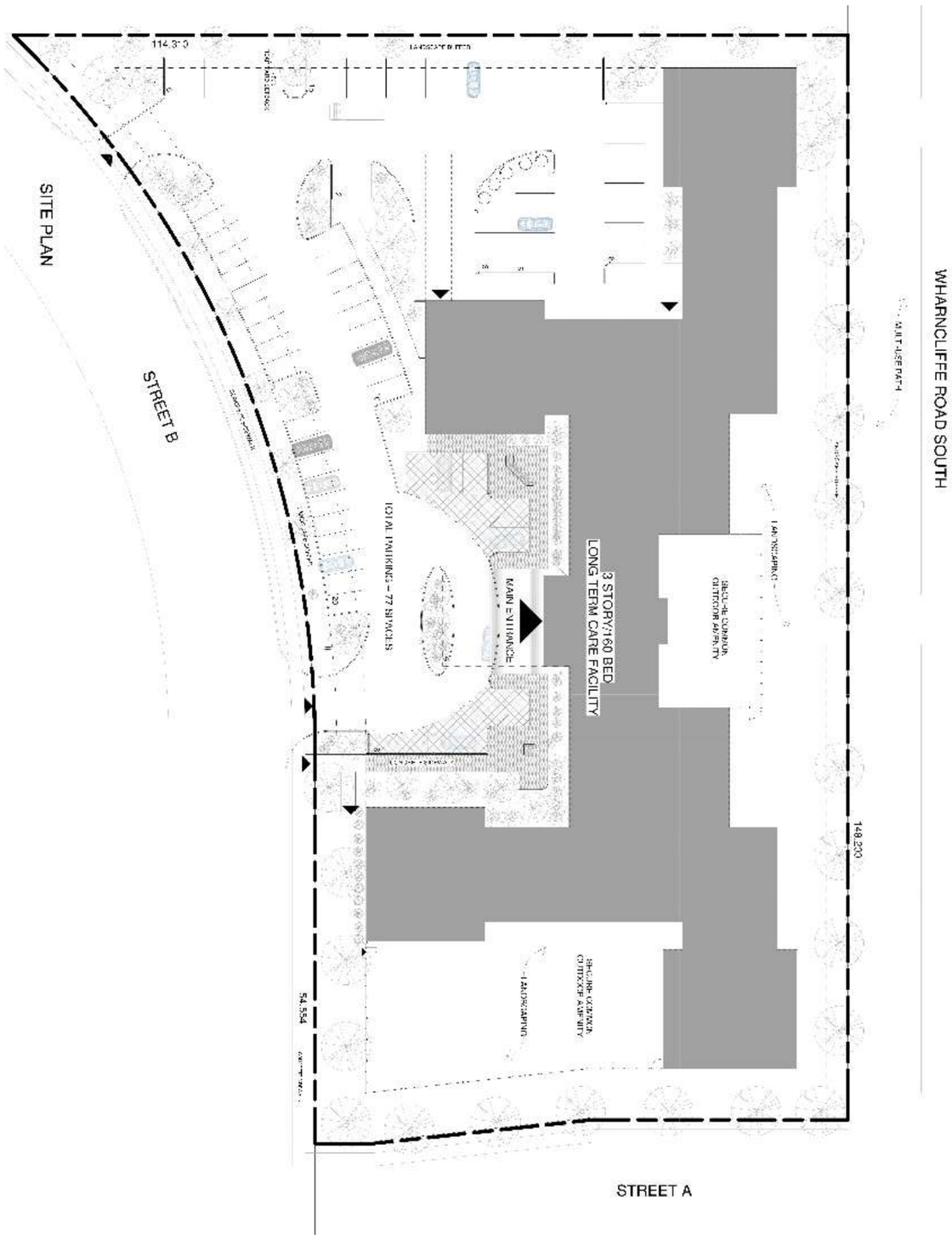
3.1 Planning History

The Southwest London Area Plan (SWAP) was initiated in 2009 and presented to Planning Committee on April 26, 2010. The Area Plan was intended to provide a comprehensive land use plan, servicing requirements and a phasing strategy for future development within the Urban Growth Area south of Southdale Road, east of Dingman Creek and north of the Highway 401/402 corridor. On November 20, 2012, Municipal Council passed By-Law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541 (relating to the Secondary Plan). The Secondary Plan was appealed by numerous parties on the basis that it was incomplete and incapable of providing direction expected of a secondary plan and for various site specific land use issues. The outcome of the appeal resulted in changes to the plan. The plan (with amendments) was approved by the Ontario Municipal Board on April 29, 2014.

A draft plan of subdivision (file 39T-15501/Z-8470) was submitted for the lands located at 132, 146 and 184 Exeter Road on March 12, 2015. After several revisions and a recirculation, a public meeting was held on December 12, 2016. Municipal Council approved the plan and the associated zoning by-law amendment, and the Approval Authority granted draft approval on January 27, 2017. The approved plan consists of 25 low density blocks, 18 medium density blocks, 2 park blocks, 4 multi-use pathway blocks, 1 stormwater management block, 1 future stormwater management or

residential block, 1 light industrial block, 2 open space blocks, 1 school block, 1 future road block, as well as several 0.3 m reserves and road widenings, all served by 4 new secondary collector roads, and 11 new local streets. The subject site encompasses all of Block 30 and a portion of Block 31 within the draft approved plan.

Proposed Site Plan



Proposed Elevations (South and Wharncliffe Road)

Rendering – Entrance along Street B

Rendering – Entrance

3.2 Requested Amendment

The Applicant has requested the addition of the R7 Zone to Block 30 and a portion of Block 31. The current R5 and R6 Zoning permits a range of cluster and multi-family housing, including medium density cluster housing uses such as single detached, semi-detached, duplex, triplex, apartment buildings, townhouses and stacked townhouses, at a minimum density of 30 units per hectare, and maximum density of 75 units per hectare, and a maximum height of 12.0 metres. The addition of the R7 Zone to the site will permit a range of senior's accommodations, such as senior citizen apartment buildings; handicapped persons apartment buildings; nursing homes; retirement lodges; continuum-of-care facilities; emergency care establishments, in addition to the currently permitted uses.

The Applicant has requested a density of 45 units per hectare, and a maximum height of 17 metres. The Zoning By-law calculates density for Nursing Homes, Rest Homes, Retirement Lodges, Continuum-of-Care Facilities, Emergency Care Establishments and Hospitals as three beds equal to one dwelling unit. For example, a 0.75 ha lot zoned Residential R7 permits a density of 150 units per hectare. With three beds equalling one unit, the nursing home could contain 337 beds (0.75 ha. x 150 uph. x 3 beds). In this instance, the applicant has requested a density of 45 units per hectare, which based on the area of the site (1.21 ha) and multiplied by 3, equals a possible 163 beds for this development. A height of 17 metres (56 feet) is requested to allow for flexibility in architectural design and to ensure there is sufficient space for HVAC equipment, architectural detailing, and various forms of roof structures/treatments. The Applicant has indicated at this time that they wish to develop a three storey building. Special provisions have also been requested for a reduced front and exterior side yard of 4.5 metres (14.8 feet) in place of 7.0 metres, and reduced interior and rear yard depth of 4.5 metres (14.8 feet) in place of 7.2 metres. This will provide greater flexibility for final site plan design and urban design measures, if necessary.

The Applicant has not requested any holding provisions for the site, however, the current zoning includes several holding provisions approved during the subdivision process that will be retained.

3.3 Community Engagement (see more detail in Appendix B)

There were no comments received during the community consultation period.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement 2014
The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities. The PPS identifies that healthy and liveable communities are sustained by accommodating an appropriate range and mix of residential uses (including second units, affordable housing, and housing for older persons) (1.1.1(b)). It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and are also transit-supportive (1.1.3.2).

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing). It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed.

The PPS ensures consideration is given to culturally significant heritage properties and that they are protected from adverse impacts by restricting development and site alteration on adjacent lands to protected heritage property unless it has been demonstrated that the heritage attributes of the protected heritage property will be conserved." (2.6.3.).The subject lands are not located within an area identified as having potential archaeological significance .There are no known Natural Hazards or Human-Made Hazards issues associated with this application (3.0).

The recommended amendment will permit the development of a long term care facility on the subject site which will add to the range and mix of uses in the area.

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 or which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterix throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The London Plan provides direction to build a mixed-use compact city by ensuring a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (59_5)

The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by designing complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services. (61_2)

The subject site is located within the *'Neighbourhoods' Place Type in the London Plan, and is located on a Civic Boulevard (Wharncliffe Road South). The subject site's location on the Civic Boulevard permits a wider range of housing types in a form that can include buildings up to four (4) storeys*.

*Use
The recommended amendment to permit the development of a long term care facility is consistent with the vision of the Neighbourhoods Place Type (Table 10)*. Similar uses, such as low-rise apartments, and emergency care establishments, are permitted along Civic Boulevards. Although the London Plan does not specifically mention long-term care facilities as a permitted use, the form and intensity (discussed below) and similarities to emergency care establishments (in terms of impact, parking and traffic) are permitted at this location.

*Intensity
*Policy 935_ 1. and *Table 11 provides the range of permitted heights in the Neighbourhoods Place Type based on street classification.

Overall, the proposed three storey height of this development meets the intensity requirements for the subject site. Density will be limited to 45 units per hectare, which is also in keeping with the density considerations under the 1989 Official Plan. Special provisions are also considered to reduce front, interior and rear yard setbacks, in order to facilitate a higher quality design.

*Form
*Policy 936_2 discourages rear lotting and noise walls to protect amenity areas. The proposed long term care facility will not rear lot onto the Civic Boulevard or the proposed Neighbourhood Connector to the north.

The London Plan policies are in addition to the Southwest Area Secondary Plan ("SWAP") policies that also provide guidance on form issues, such as building form, parking locations, landscaping, etc. When considering the two policy documents, the more detailed or alternative policy direction in SWAP would supersede the policies in the London Plan.

Southwest Area Secondary Plan
The Southwest Area Secondary Plan ("SWAP") provides the primary policy guidance regarding the use and development of land within the SWAP boundary.

Through the General Policies of the SWAP, 20.5.3.1 ii), Seniors and Special Populations Housing is encouraged in the Medium Density Residential Designation, which should be located within or in close proximity to the Wonderland Boulevard Neighbourhood or areas of intensive residential development. The City may pre-zone specific areas of the Multi-Family, Medium Density Residential designation to permit small-scale nursing homes, homes for the aged, rest homes, and continuum of- care facilities. This site is in close proximity of the Wonderland Neighbourhood and can provide a low rise smaller scale form of housing, which is encouraged.

Urban Design policies that relate to Development Design (Section 20.5.3.6.9 i)) and Building and Site Design (Section 20.5.3.6.9 iii)) are also included in the SWAP. No formal application for site plan has been submitted, however the preliminary design has been reviewed by the Urban Design Peer Review Panel and criteria for site plan submission has been provided and included in the recommendations clause of the report (and analysis has been provided under the "Key Issues and Considerations" section). These policies direct that all development within the SWAP boundary be pedestrian-oriented and transit supportive (as opposed to auto-oriented) and have a strong built-form relationship to the street. Specifically, buildings are to provide a "sense of enclosure" by minimizing the setback of buildings to the street, and by providing taller buildings where the street is wide. On-site parking areas are to be designed to reduce their visual impact on the street, and may require screening through the use of features such as low fences, walls, and landscaping.

SWAP includes the subject site in the "Medium Density Residential" designation in the "Central Longwoods Residential Neigbourhood". The intent of the Low and Medium Density Residential designations is to encourage a mix of housing types, forms and

intensities throughout the Central Longwoods Neighbourhood and within individual developments, at an intensity that is higher than is found in more recent suburban neighbourhoods. This is to be achieved by requiring a minimum density of development and encouraging the integration of a range of housing types within individual developments. The primary permitted uses in the Medium Density Residential designation will be permitted in the Low and Medium Density Residential designations, including low density forms such as single detached, semi-detached and duplex dwellings, triplexes and fourplexes, and higher intensity uses, such as low rise apartments. The Central Longwoods Residential Neighbourhood requires development within the Medium Density Residential (MDR) designation to be at a minimum density of 30 units/ha and a maximum density of 75 units/ha.

The Applicant has requested reductions in front, rear and side yards to ensure any proposed building will meet the intent of the SWAP. Staff have worked with the applicant through the Zoning By-law Amendment process to arrive at a revised development proposal that satisfies the Urban Design policies in SWAP. The proposed site plan shows the building positioned at the minimum required yard setback, consistent with the policy direction to provide a strong built-form relationship to the street and a sense of enclosure along the street. There are no parking areas proposed in front of the proposed building along Wharncliffe Road, instead large landscape areas provide opportunities to screen on-site parking areas and servicing and loading areas from view along the majority of the Wharncliffe Road frontage. A long-term care facility has specific operational requirements that require a single secure main building entrance near on-site parking areas to ensure the safety of residents with dementia and to provide access for residents with limited mobility. Consistent with the policy direction in SWAP, the on-site parking areas are located to the rear of the proposed building, as is the main building entrance. Additional matters for site plan design review are described further in this report.

1989 Official Plan
Like its successor the London Plan, the 1989 Official Plan (“Official Plan”) contains policies that guide the use and development of land within the City of London. The subject site is designated “Multi-Family, Medium Density Residential”. The more detailed or alternative policy direction in SWAP also supersedes the policy direction in the 1989 Official Plan.

The requested Zoning By-law Amendment is subject to the requirements of a Planning Impact Analysis (“PIA”). The proposed long term care facility provides a community based service that is compatible with the existing and planned surrounding residential land uses. The subject site is of a sufficient size and configuration to accommodate the proposed development. The development meets or exceeds the minimum lot area, coverage, landscaped open space and yard requirements of the requested Residential R7 Zone. The site is also able to accommodate on-site vehicular parking. A long-term care facility is also located on the north/west side of Wharncliffe Road and Morgan Avenue, but otherwise, there are no other lands designated and/or zoned to permit a long term care facility. Two (2) vehicular access points are shown on the proposed site plan. The location and design of the proposed vehicular access points will be discussed in greater detail through the Site Plan Approval process. No issues were raised with respect to the capacity of the road network surrounding the subject site. The proposed building is three (3) storeys in height and the site plan shows the building positioned close to Wharncliffe Road to provide a desired “sense of enclosure” that will contribute to a pedestrian-friendly environment. The proposed low-rise form is consistent with the height requirements of the Official Plan. The subject site is removed from the natural heritage features (wetland complex) located to the south. An Environmental Impact Study (EIS) was completed through the subdivision application process and the extent of the natural heritage features and buffers were zoned accordingly through that process (OS5). No additional setbacks are required. The UTRCA has no objections to the proposed application but has indicated that a Section 28 permit will be required. The development proposal will serve to strengthen the existing transportation system. The proposed land use will support public transit by introducing an employment generator to

assist with ridership in the area.

Zoning By-law No.Z.-1
The current Holding Residential R5/R6 Special Provision (h*h-100*h-198*R5-4(22)/R6-5(50)) Zone permits medium density cluster housing uses such as single detached, semi-detached, duplex, triplex, apartment buildings, townhouses and stacked townhouses, at a maximum height of 12.0 metres, with a special provision for a minimum density of 30 units per hectare and a maximum density of 75 units per hectare. These zones permit a wide range of housing forms. The special provision to require minimum and maximum densities is as per the SWAP.

The recommended amendment proposes to add an R7 Special Provision (R7(__)*D45*H17) Zone to the existing zoning to facilitate the development of the proposed long term care facility, to a maximum density of 45 units per hectare and a maximum building height of 17.0 meters (three storeys). The Residential R7 Zone provides for and regulates senior citizen apartment building, handicapped persons apartment buildings, nursing homes, retirement lodges, continuum of care facilities (long term care facility) and emergency care establishments. These uses are low rise in nature and are generally contemplated through the 1989 Official Plan and The London Plan. The proposed density of 45 units per hectare (based on the 3:1 ratio of beds to units, as per the zoning by-law) is in keeping with the density requirements for the Multi-Family Medium Density Residential designation in the 1989 Official Plan. The request for a 17m building height is also in keeping with the form requirements of the London Plan, which require a minimum two storeys and a maximum of four storeys along a Civic Boulevard (Wharncliffe Road). These additional height provisions (two-four stories) will be specified in the special provisions. The proposed special provisions for reduced front and exterior side yard (4.5m, whereas 7m is required) and reduced interior and rear yard setbacks (4.5m, whereas 7.2m (based on 17m height) is required) are supported to encourage and foster improved design for the site.

Staff are also recommending a special provision to clarify the frontage of the site as Wharncliffe Road. Through The London Plan, the frontage for a site is to be the highest order street (in this case, Wharncliffe Road – a Civic Boulevard). However, in the current Zoning By-Law, the frontage is considered to be the shortest lot line that abuts a street. In order to reflect regulations which are in keeping with The London Plan, a special provision will be added which recognizes that Wharncliffe Road is the frontage for the subject lands.

The existing holding provisions that were added to the Zone through the subdivision application will be retained on the subject site.

More information and detail on applicable planning policy is available in Appendix C of this report.

Matters for Site Plan Approval
As part of the circulation process, additional considerations have been raised by the Urban Design Peer Review Panel and our internal Urban Design Staff. The following design issues will be addressed through the site plan process:

i) Incorporate further building articulation, massing and material changes that create a human scale rhythm along the Wharncliffe Rd and Street ‘A’ frontages;
ii) Further develop the Wharncliffe Road facing elevation, as this is the primary frontage along the higher order street - ensure blank walls are minimized and explore opportunities to activate the street edge by including active in ground floor uses such as, but not limited to, entrances, lobbies, common rooms, amenity areas, etc.;
iii) Further develop the proportion of the elevations to de-emphasize the height and massing, in particular explore opportunities for alternative roof design that could simplify this portion of the building;
iv) Ensure any fencing surrounding the outdoor amenity areas is low and transparent, in order to establish a visual connection between these areas

and the public realm; and,

v) Provide a wider landscape area to carry landscape design around the parking area.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1- Urban Design

As shown on the previous renderings and proposed site plan, the Applicant has submitted a concept showing a three storey building with a gross floor area of approximately 3,472 m2 (37,372.3 ft2). The ground floor will include a wing for services common to the entire long-term care residence such as the kitchen, laundry, utility, etc. and a wing for one Resident Home Area consisting of resident bedrooms and common facilities such as care staff work area, dining room, lounge, activity room, bathing facilities, etc. The two upper floors will hold two Resident Home Area wings each. The long-term care home will accommodate five (5) Resident Home Areas for 160 residents. The design goals and objectives of this development are to create a place that visually and socially integrates with the developing Central Longwoods Residential Neighbourhood.

Through the process, design concepts and a proposed site plan were submitted to the Urban Design Peer Review Panel for review. The following comments were made:

i) Overall, the Panel is supportive of the zoning bylaw amendment with the site comments for consideration through the detailed design. Further design comments could apply at the time of the site plan consultation.

ii) The Panel questioned whether or not there are opportunities to shift the amenity areas internal to the site.

iii) The Panel recognizes the challenge of designing a project with three street frontages.

iv) Further investigate the proportion of the elevations to de-emphasize the height and massing.

v) Provide a wider landscape area to carry landscape design around the parking area. Consider setbacks and whether shifting the building northerly could assist with enhancing buffer area to parking from Shiraz Street.

vi) Consider opportunities to draw pedestrians into site through alternative treatment to asphalt driveway e.g. pavers/enlarging the pedestrian connection to front entry. The interface of the development with Wharncliffe Road needs further consideration, as it is the higher order street of the three, and planned to have a multi-use trail along the frontage. The Panel recognizes that there is a need to provide ‘back of house’ function, where it cannot be relocated landscaping and vegetation should be used to screen the blank wall condition.

vii) The Panel is supportive of permeable fence to the amenity areas to visually connect the site to the community. Consider using rail fencing around the north amenity area fronting on to Wharcliffe Road rather than a wall to allow for visual connection to the public realm.

viii) Landscape design to consider privacy of window units and the amenity area/programmable space.

As well additional Urban Design Comments were provided:

- Ensure this site and building design has regard for the Urban Design Guidelines developed for this subdivision. In particular as it relates to its gateway function into the community;
- Incorporate further building articulation, massing and material changes that create a human scale rhythm along the Wharncliffe Rd and Street ‘A’ frontages. In particular, along the west half of the building along Wharncliffe Rd and the portion of the building at the corner of Wharncliffe Rd and Street ‘A’;
- Further develop the Wharncliffe Road facing elevation, as this is the primary frontage along the higher order street. Ensure blank walls are minimized and explore opportunities to activate the street edge by including active in ground

floor uses such as, but not limited to, entrances, lobbies, common rooms, amenity areas, etc.;
- Further develop the proportion of the elevations to de-emphasize the height and massing, in particular explore opportunities for alternative roof design that could simplify this portion of the building;
- Ensure any fencing surrounding the outdoor amenity areas is low and transparent, in order to establish a visual connection between these areas and the public realm; and,
- Provide a wider landscape area to carry landscape design around the parking area. In order to enhance the buffer area to parking from street 'B'.

Provincial Policy Statement, 2005 (PPS)
Built design is emphasized in the PPS by "encouraging a sense of place by promoting well-designed built form" (1.7.1 d) PPS). Generally, the proposal represents an attractive and appropriate built form in a newly developing area.

The London Plan/Southwest Area Secondary Plan
The London Plan and the SWAP included urban design objectives for all development. The London Plan incorporates specific objectives for City Design by focusing mainly on Character, Street Network, Streetscape, Public Spaces, Site Layout, Parking, and Buildings, in an effort to promoting well-designed buildings that fit and are compatible within their context, supporting active mobility and universal accessibility, and creating safe, accessible, attractive and vibrant public spaces that foster a sense of place.

Under the "Neighbourhoods" Place Type, the site is located on a Civic Boulevard (Wharncliffe Road South). The subject site's location on the Civic Boulevard permits a wider range of housing types in a form that can include low rise apartment buildings up to four (4) storeys, and minimum of two (2) storeys.

The SWAP, Policy 20.5.3.9, also gives further urban design guidance for development.

Other Guidelines
As part of the subdivision application, an Urban Design Guideline was required to provide detailed urban design guidelines (for Architectural Control) for the entire subdivision, including all proposed building forms and implementation processes for low density and medium density blocks. Conceptual block plans for all medium density blocks detailing locations of buildings, parking areas, building orientation towards the public streets and open spaces, and streetscapes were also provided in the guidelines. These guidelines have been accepted by the City through the drawing review process and will be used for the evaluation of any future site plan application.

The use, intensity and form are consistent with The London Plan objectives, however, the design of the development will require additional considerations through a future site plan submission. Recommendations for further urban design considerations are included in the recommendation clause of this report. A holding provision (h-198) was applied through the subdivision process but is recommended to be retained for this development site. The holding provision will ensure that new development is designed and approved consistent with the design guidelines in the Southwest Area Plan, and will encourage street oriented development and discourage noise attenuation walls along arterial roads.

4.2 Issue and Consideration # 2 - Servicing
As part of the draft approval for the subdivision, servicing/engineering drawings will be required. This block is not part of Phase 1 of the servicing drawings, so no formal engineering drawings have been approved for this portion of the subdivision. Proposed servicing for the long term care facility should be in accordance with the engineering drawings for the subdivision and any submission through a future site plan application will need to ensure coordination with the ultimate servicing strategy for the subdivision.

5.0 Conclusion

The recommended amendment is consistent with the *Provincial Policy Statement (PPS), 2014,* which encourages healthy, livable and safe communities by accommodating an appropriate range and mix of residential uses (including second units, affordable housing, and housing for older persons), encourages settlement areas to be the main focus of growth and development, and provide for a range of housing types and densities to meet projected requirements of current and future residents. The proposed development is in conformity with the objectives and policies of the London Plan, and the policies of the "Neighbourhoods" Place Type for Use, Intensity, and Form. The recommended amendment is in conformity with the objectives and policies of the Southwest Area Secondary Plan, as it encourages Seniors and Special Populations Housing within the Medium Density Residential Designation, and it also conforms with the policies of the 1989 Official Plan and the use is consistent with the Multi-Family, Medium Density Residential designation. The proposed special provisions for reduced front and exterior side yard and reduced interior and rear yard setbacks are supported to encourage and foster improved design for the site. Urban Design considerations will be further addressed through a future site plan review and application.

Prepared & Recommended by:	**Nancy Pasato, MCIP, RPP** **Senior Planner, Development Services**
Reviewed by:	**Lou Pompilii, MPA, RPP** **Manager, Development Planning (Subdivision)**
Concurred in by:	**Paul Yeoman, RPP, PLE** **Director, Development Services**
Submitted by:	**George Kotsifas, P.ENG** **Managing Director, Development and Compliance Services and Chief Building Official**
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

January 14, 2019
NP/np

\\CLFILE1\users-x\pdda\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\Z-8969 - 146 Exeter Road (NP)\PEC Sifton Seniors Home Wharncliffe (146 Exeter Rd) Z8969.docx

File:Z-8969
Planner: Nancy Pasato

Appendix A

Bill No.(number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-19_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 146 Exeter Road.

WHEREAS Sifton Properties Limited has applied to rezone an area of land located at 146 Exeter 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 146 Exeter Road, as shown on the attached map comprising part of Key Map No. A11, from a Holding Residential R5 Special Provision/Residential R6 Special Provision (h*h-100*h-198*R5-4(22)/R6-5(50)) Zone to a Holding Residential R5 Special Provision/Residential R6 Special Provision/Residential R7 Special Provision (h*h-100*h-198* R5-4(22)/R6-5(50)/R7(__)*D45*H17) Zone.

2) Section Number 11.4 of the Residential R7 (R7) Zone is amended by adding the following Special Provision:

__) R7( ) Portion of 146 Exeter Road

a) Regulation[s]

i)	Front and Exterior Yard Depth (Minimum)	4.5 metres (14.8 feet)
ii)	Rear and Interior Side Yard Depth (Minimum)	4.5 metres (14.8 feet)
iii)	Height (Minimum) (Maximum)	 Two (2) storeys Four (4) storeys
iv)	Notwithstanding the provisions of Section 2 "LOT LINE, FRONT", the frontage for this lot will be deemed to be along the Civic Boulevard/Arterial Road (Wharncliffe Road South).	

3) 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.

4) This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990, c. 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 January 29, 2019.

File:Z-8969
Planner: Nancy Pasato

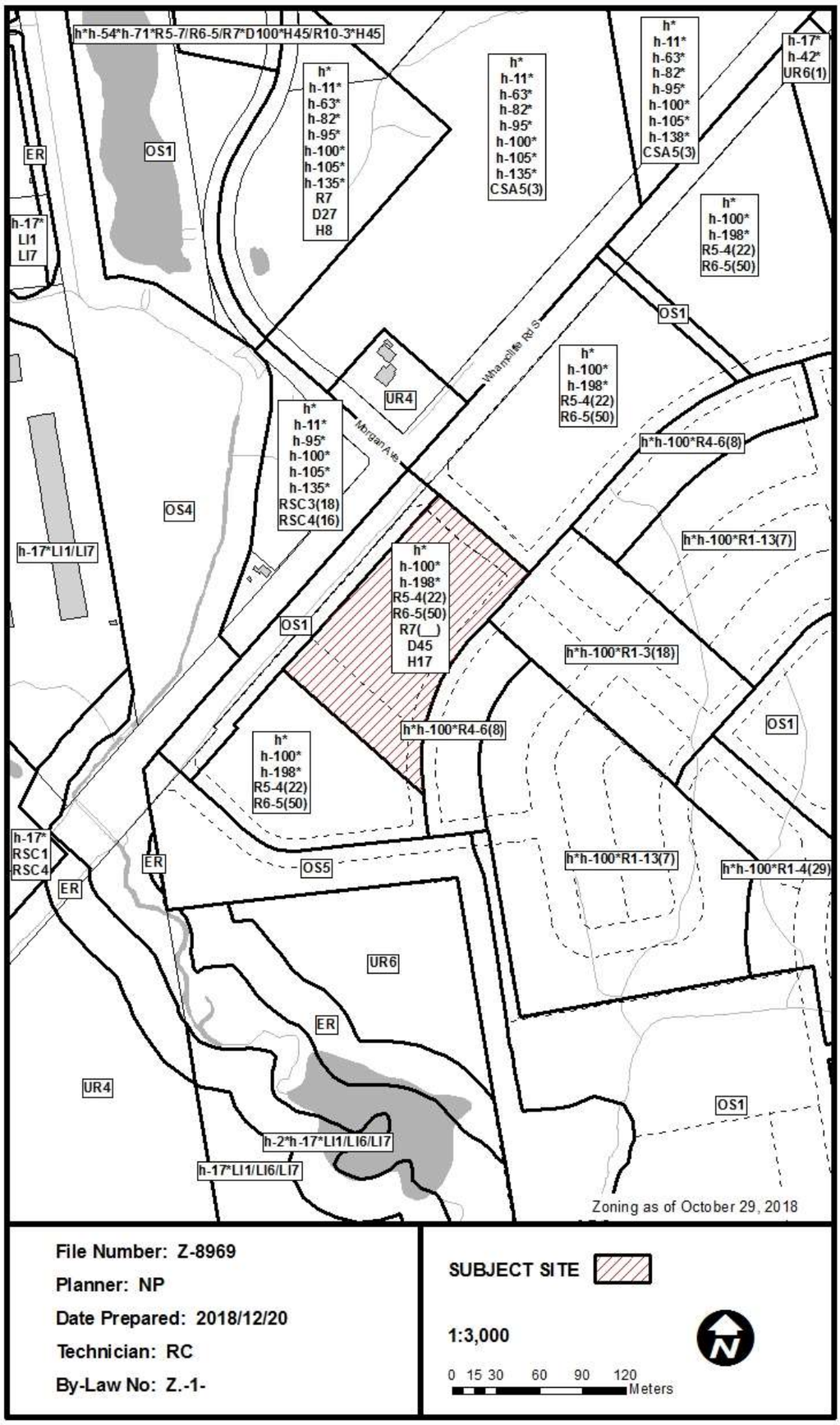
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – January 29, 2019
Second Reading – January 29, 2019
Third Reading – January 29, 2019

File:Z-8969
Planner: Nancy Pasato

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On October 22, 2018, Notice of Application was sent to six (6) property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 25, 2018. A "Planning Application" sign was also posted on the site.

No replies were received

Nature of Liaison: The purpose and effect of this zoning change is to permit a long term care facility. Possible change to Zoning By-law Z.-1 **FROM** a Holding Residential R5 Special Provision/Residential R6 Special Provision (h h-100 h-198 R5-4(22)/R6-5(50)) Zone **TO** a Residential R7 Special Provision (R7(_)•D45•H17) Zone to permit senior citizen apartment buildings; handicapped persons apartment buildings; nursing homes; retirement lodges; continuum-of-care facilities; and emergency care facilities to a density of 45 units per hectare and a height of 18 metres; with a special provision to permit a reduced front and exterior side yard depth and a reduced interior and rear yard setback.

Responses: No comments were received.

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

General
- Subdivision design drawings shows a multi-use pathway (block 43) running parallel to Wharncliffe Road towards Middleton Avenue. This pathway is not shown in the site plan concept and therefore revisions to the site layout or to the subdivision design will be needed to make them compatible.
- Access to the site may be in conflict with the proposed parking plan drawing 47.
- Coordination will also be required to ensure services and access from Richardson Subdivision Phase 1 are provided ahead of the site plan. Middleton Avenue and/or Southbridge Avenue appears to be part of future phases.
- It is to be noted that during Richardson Subdivision Phase 2 the applicant will be required to confirm the developments calculated fire flow demand. This is required to identify any required external works or upsizing of watermains to accommodate the proposed development to the satisfaction of the City Engineer at no cost to the City.

Wastewater
No comments for the re-zoning application.

Stormwater
No comments for the re-zoning application.

The following items are to be considered during the development application approval stage:
- The site is located within Richardson Subdivision Phase 1 (39T-15501). The City is currently revising the 4th subdivision of servicing drawings and therefore the design of the proposed three story long term care facility should be in accordance with the subdivision design, otherwise, the engineering drawings for the subdivision should be revised/updated to reflect the final site design (e.g. drawing 4 "Storm Area Plan 1" revised to eliminate one of the proposed storm sewer stubs to service areas P7 and P10). It is noted that the proposed three story long term care facility will be providing 68 parking spaces and therefore it will be our expectation to have an OGS (or equivalent devise) installed for MECP

water quality compliance and therefore having only one storm outlet will be expected.

Water
No comments for the re-zoning application.

Additional comments may be provided upon future review of the site.

Environmental and Parks Planning
No issues with the proposed zoning amendments. A pathway block is located along the frontage of this block adjacent on Wharncliffe Road.

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

CONSERVATION AUTHORITIES ACT
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 the 120 metre area of interference surrounding a wetland. 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
The UTRCA's Environmental Planning Policy Manual is available online at:
http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/
The policy which is applicable to the subject lands includes:
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. The Authority also does not support the fragmentation of hazard lands which is consistent with the Provincial Policy Statement (PPS) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc. 3.2.6 & 3.3.2 Wetland Policies
New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.
An EIS has been completed for the entirety of the subject lands at 146 Exeter Road. Should any further scoping be required for this proposal it will be determined through Site Plan Consultation and the Section 28 permitting process.

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
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.

As indicated, the subject lands are regulated and a Section 28 permit may be required. We recommend that the applicant to contact a UTRCA Lands Use Regulations Officer regarding the Section 28 permit requirements for the proposed development.

Urban Design Peer Review Panel (UDPRP)
The Panel provides the following feedback on the submission to be addressed through zoning bylaw amendment application.

- Overall, the Panel is supportive of the zoning bylaw amendment with the site comments for consideration through the detailed design. Further design comments could apply at the time of the site plan consultation.
- The Panel questioned whether or not there are opportunities to shift the amenity areas internal to the site.
- The Panel recognizes the challenge of designing a project with three street frontages.
- Further investigate the proportion of the elevations to de-emphasize the height and massing.
- Provide a wider landscape area to carry landscape design around the parking area. Consider setbacks and whether shifting the building northerly could assist with enhancing buffer area to parking from Shiraz Street.
- Consider opportunities to draw pedestrians into site through alternative treatment to asphalt driveway e.g. pavers/enlarging the pedestrian connection to front entry. The interface of the development with Wharncliffe Road needs further consideration, as it is the higher order street of the three, and planned to have a multi-use trail along the frontage. The Panel recognizes that there is a need to provide ‘back of house’ function, where it cannot be relocated landscaping and vegetation should be used to screen the blank wall condition.
- The Panel is supportive of permeable fence to the amenity areas to visually connect the site to the community. Consider using rail fencing around the north amenity area fronting on to Wharcliffe Road rather than a wall to allow for visual connection to the public realm.
- Landscape design to consider privacy of window units and the amenity area/programmable space.

Concluding comments:
The Panel is supportive of the zoning bylaw amendment but notes that additional design comments may apply at the site plan stage. The Panel has provided some detailed design comments for consideration in working through the site design and requests that the project returns for additional comment at the site plan consultation stage.

Development Services – Site Plan (Urban Design)
1. Provide a response to the UDPRP Memo issued following the November 2018 meeting detailing how the Panels comments have been considered.

2. Ensure this site and building design has regard for the Urban Design Guidelines developed for this subdivision. In particular as it relates to its gateway function into the community.

3. Incorporate further building articulation, massing and material changes that create a human scale rhythm along the Wharncliffe Rd and Street ‘A’ frontages. In particular, along the west half of the building along Wharncliffe Rd and the portion of the building at the corner of Wharncliffe Rd and Street ‘A’.

4. Further develop the Wharncliffe Road facing elevation, as this is the primary frontage along the higher order street. Ensure blank walls are minimized and explore opportunities to activate the street edge by including active in ground floor uses such as, but not limited to, entrances, lobbies, common rooms, amenity areas, etc…

5. Further develop the proportion of the elevations to de-emphasize the height and massing, in particular explore opportunities for alternative roof design that could simplify this portion of the building.

6. Ensure any fencing surrounding the outdoor amenity areas is low and transparent, in order to establish a visual connection between these areas and the public realm.

7. Provide a wider landscape area to carry landscape design around the parking area. In order to enhance the buffer area to parking from street ‘B’.

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
1.0 Building Strong Communities
1.1.1 a), b), c), e), h);
1.1.2
1.1.3 Settlement Areas
1.1.3.1
1.1.3.2.
1.1.3.3.
1.1.3.6
1.3 Employment Areas
1.3.1 Planning authorities shall promote
1.4 Housing
1.4.1
1.6 Infrastructure & Public Services
1.6.1
1.6.2
1.6.5
1.6.6.2
1.6.6.7
1.6.11 Energy Supply
1.6.11.1
1.7
1.7.1 a), c) i) j)
1.8 Long-term Economic Prosperity Energy Conservation, Air Quality, and Climate Change
2.1 Natural Heritage
2.1.1
2.3 Agriculture
2.3.1
2.4 Minerals and Petroleum
2.5 Mineral Aggregate Resources
2.6 Cultural Heritage and Archaeology
3.1 Natural Hazards
3.2 Human-made Hazards

London Plan
Our Strategy - 59_5, 61_2
City Design – 189_, 190_, 191_, 192_, *193_, *197_, *199_, *211_, 221_, 230_, 235_, 236_, 252_, 253_, 254_, *255_, 256_, *257_, *258_, *259_, *261_, *266_, 268_, 269_, *270_, *272_, *284_, *285_, *286_, 306_
Homeless Prevention and Housing - 497_8
Green and Healthy City - 700_
Neighbourhoods – *916_, *918_, *919_, *920_, *921_, *922_, *Table 10, *935_, *936_, *Table 11, *937_
Secondary Plans – 1556_, 1557_, *1558_, 1559_, 1565_
Our Tools – 1576_, *1577_, *1578_
Glossary of Terms - *1795_

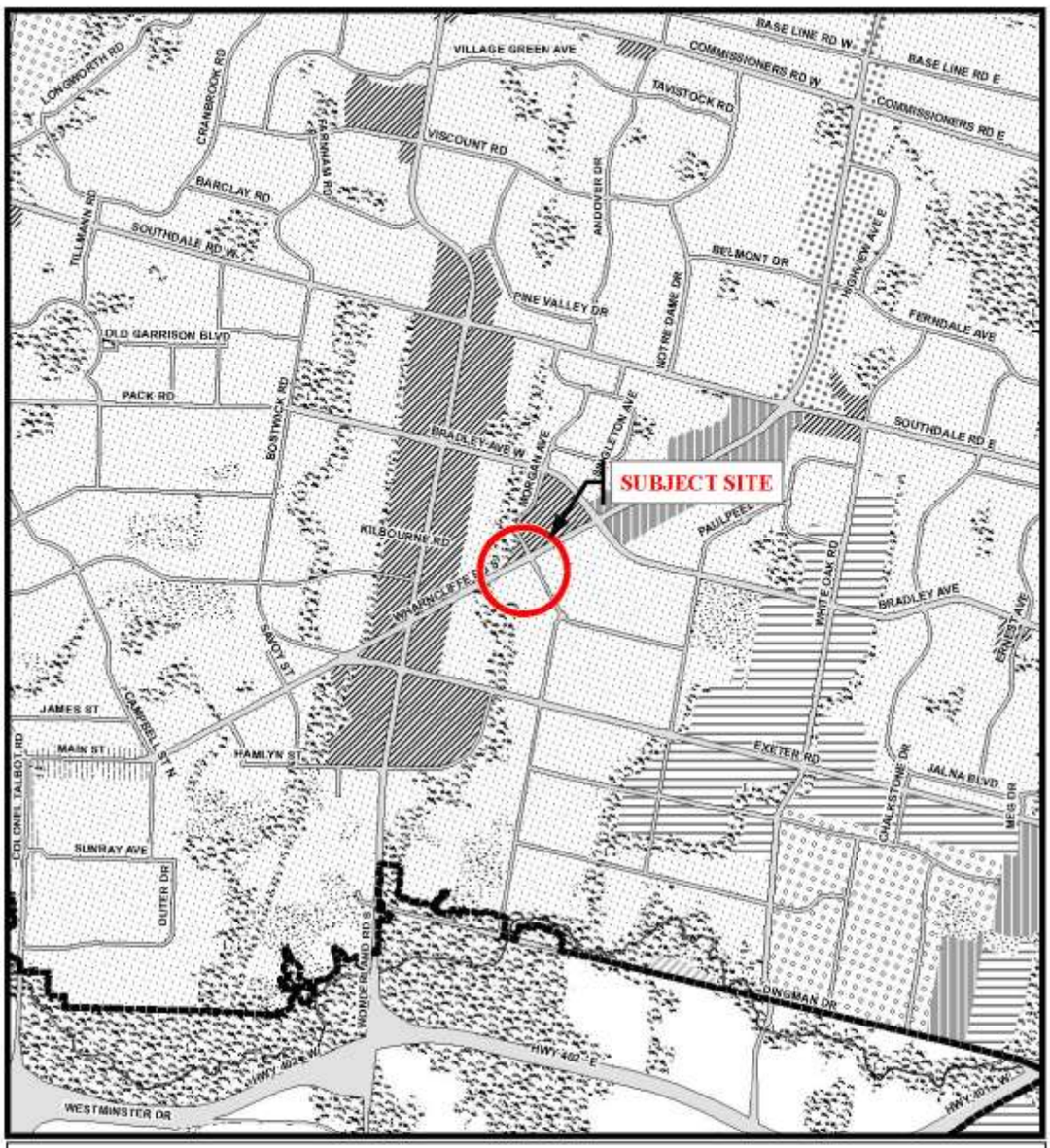
Southwest Area Secondary Plan
20.5.3.1 ii)
20.5.3.3.
20.5.3.9
20.5.4.1

20.5.10
20.5.10.1

1989 Official Plan
Chapter 3 – Residential Land Use Designations – 3.1., 3.1.1., 3.1.3., 3.3., 3.7.
Chapter 11 – Urban Design Principles – 11.1.
Chapter 19 – Implementation – 19.2.1., 19.4.1., 19.4.3., 19.9.2., 19.12., 19.14.

Appendix D – Relevant Background

Additional Maps



Legend

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

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

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

CITY OF LONDON
Planning Services / Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services

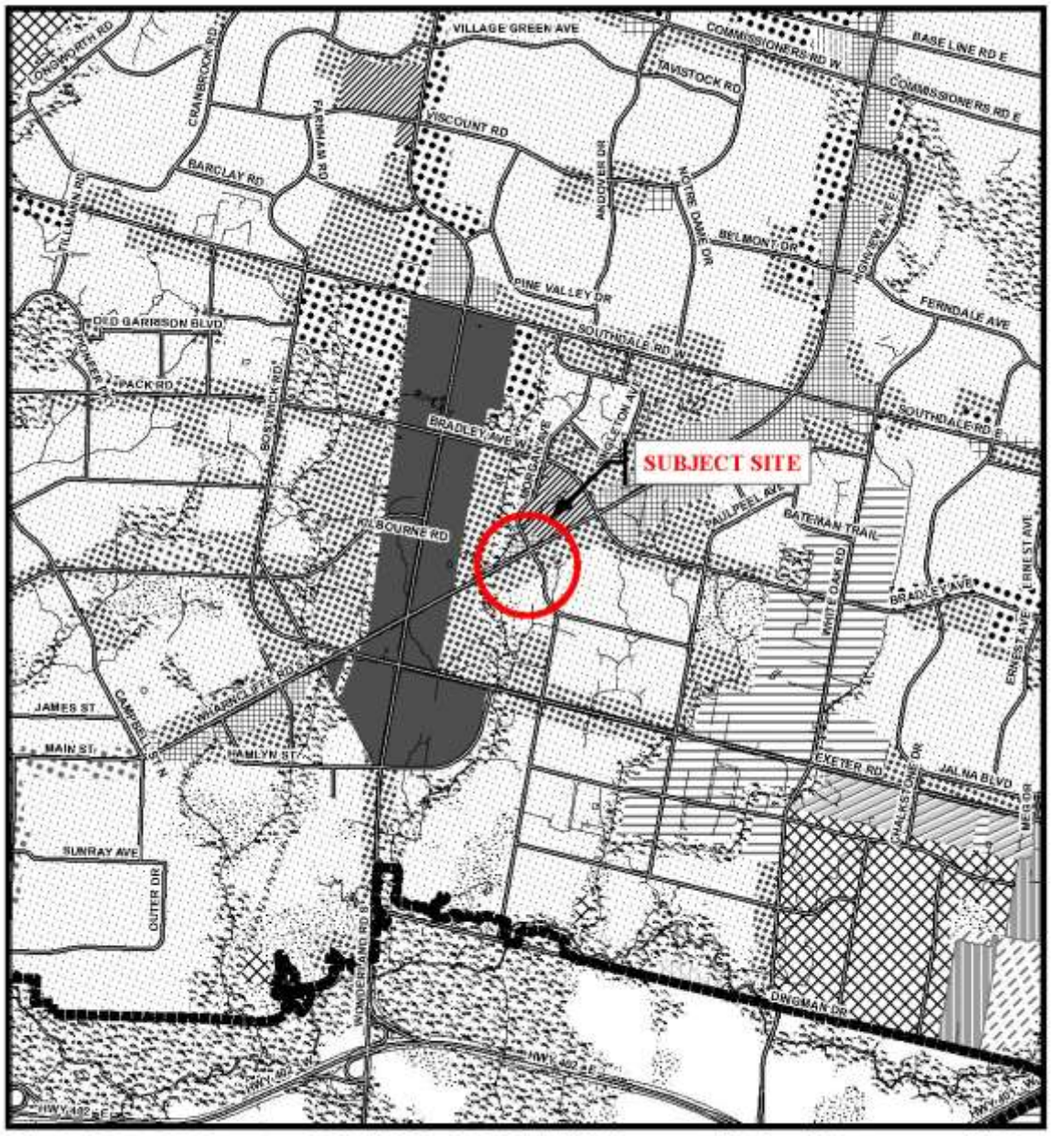
Scale 1:30,000

Meters

File Number:	Z-8969
Planner:	NP
Technician	RC
Date:	December 21, 2018

Project Location: E:\Planning\Projects\p_zoning\z-1zones\amendments\Z-8969\projects\EXCERPT_Map1_PlaceTypes_b&w_8x14_Arc10.3.1.mxd

File:Z-8969
Planner: Nancy Pasato



Legend

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

CITY OF LONDON

Planning Services / Development Services

OFFICIAL PLAN SCHEDULE A
- LANDUSE -

PREPARED BY: Graphics and Information Services

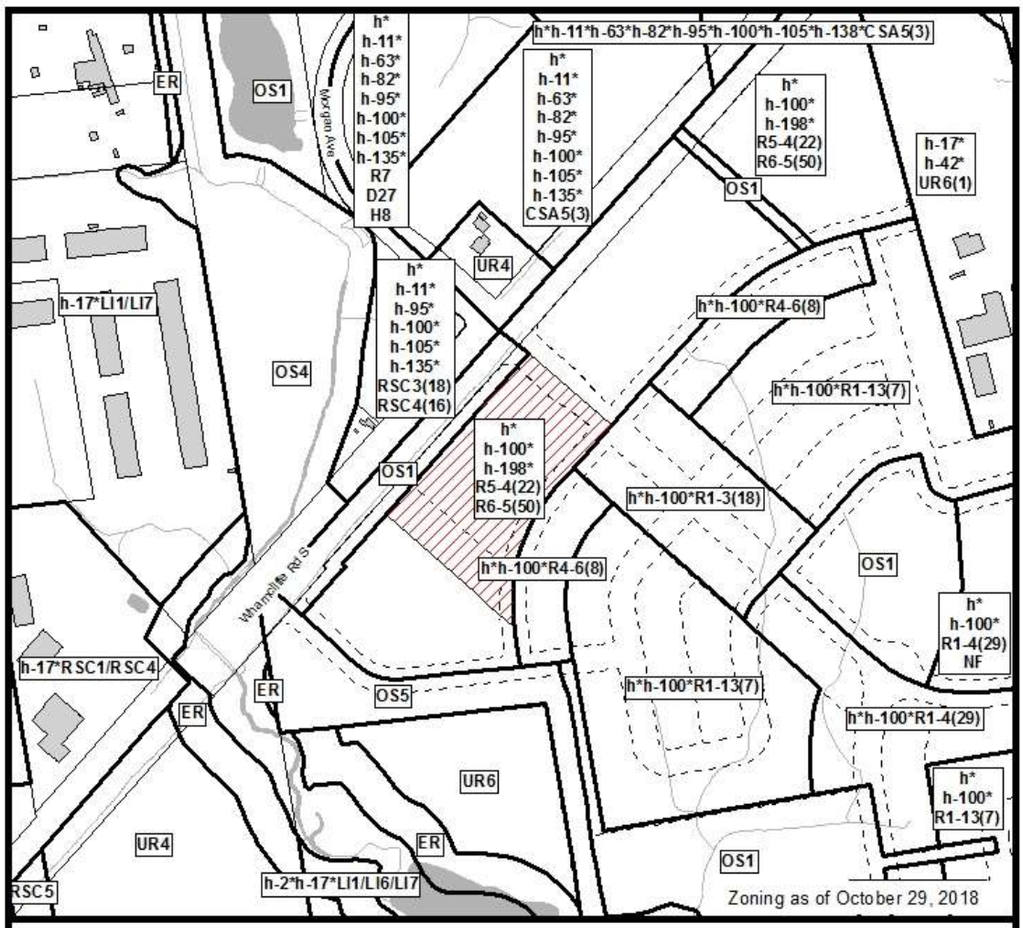
Scale 1:30,000

Meters

FILE NUMBER:	H-8929
PLANNER:	MS
TECHNICIAN:	LT
DATE:	2018/07/20

PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

File:Z-8969
Planner: Nancy Pasato



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: Z-8969 NP

MAP PREPARED: 2018/12/21 CK

1:4,000
0 25 50 100 150 200 Meters

Additional Reports

April 26, 2010 – Report to Planning Committee to present the draft Southwest Area Plan and associated background studies.

November 20, 2012 - Municipal Council passed By-Law No. C.P.-1284-(st)-331 to approve Official Plan Amendment 541 (Southwest Secondary Plan).

December 12, 2016 – Report to Planning and Environment Committee to recommend approval of the draft plan of subdivision and associated zoning by-law amendments (39T-15501/Z-8470)

PUBLIC PARTICIPATION MEETING COMMENTS

3.2 PUBLIC PARTICIPATION MEETING – Application – Portion of 146 Exeter Road (Richardson Subdivision 39T-15501, Block 30 and a Portion of Block 31, Wharncliffe Road Frontage) (Z-8969)

- Lindsay Clarke, Sifton Properties Limited, applicant – concurring with the staff recommendations; thanking staff for their report.
- Gary Brown, 35A – 59 Ridout Street South – believing that the Planning Office recommended against the South West Area Plan originally and were forced to do it to be honest with you; talking about a company that just clear cut a forest in the area and clear cut a forest at Kilally and he does not believe that we should be changing the setbacks, the rules exist for a reason; remembering that Councillor J. Baechler very often pointed out that we should not be planning by plot; advising that no one is sure what is being built around it at this moment in time and he thinks that it would be very premature to make an exception for this setback here; thinking that once a site plan is provided would be a more appropriate time to be approving this.

File: OZ-8956
Planner: C. Lowery

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **George Kotsifas**
Managing Director, Development and Compliance Services and Chief Building Official
Subject: **Chinmaya Misson (Canada)**
2156 Highbury Avenue North
Public Participation Meeting on: January 21, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Chinmaya Mission (Canada) relating to the property located at 2156 Highbury Avenue North:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on January 29, 2019 to amend the Official Plan by **AMENDING** Policy 10.1.3 cxxv) to permit a place of worship within the existing building.

(b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on January 29, 2019 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 Residential R1 Special Provision (R1-11(16)) Zone, Open Space (OS4) Zone, and Environmental Review (ER) Zone **TO** a Holding Neighbourhood Facility Special Provision (h-18•NF(__)) Zone, Open Space (OS4) Zone, Environmental Review (ER) Zone, and Agricultural Special Provision (AG1(__)) Zone.

(c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on January 29, 2019, to amend The London Plan by **AMENDING** Policy 1236_ for the Farmland Place Type **AND ADDING** a new policy to the Specific Policies for the Green Space Place Type **AND AMENDING** Map 7 – Specific Policy Areas – of The London Plan by adding the Green Space Place Type to Specific Policy Area 19.

IT BEING NOTED THAT the amendments will come into full force and effect concurrently with Map 1 and Map 7 of The London Plan.

Executive Summary

Summary of Request

The requested action is to permit a place of worship within the existing building on a portion of the subject lands.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to permit the conversion of the existing residential building to a place of worship. Further, the recommended action would replace the existing urban residential uses currently permitted on the property and reintroduce agricultural uses.

Rationale of Recommended Action

1) The request is consistent with the policies of the Provincial Policy Statement, 2014;

2) The request is in conformity with the policies of The London Plan;
3) The request is in conformity with the policies of the 1989 Official Plan;
4) The request will facilitate the adaptive reuse of an existing residential building to a new use that is compatible with the surrounding agricultural area; and,
5) The request will replace the urban residential uses currently permitted on the subject lands and reintroduce agricultural uses.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located in northeast London on the east side of Highbury Avenue North. The site is approximately 700 metres north of Fanshawe Park Road East abutting natural heritage features which includes the Fanshawe Wetland ESA and a Significant Valley Corridor. The lands are regulated by the Upper Thames River Conservation Authority. The site is also located outside of the Urban Growth Boundary. The site has an area of approximately 2.02 hectares and contains a small creek running north/south through the centre and an existing single detached dwelling. Currently no sanitary or storm sewers service the site.

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

- ’89 Official Plan Designation – Agricultural, Open Space, Environmental Review
- The London Plan Place Type – Farmland, Green Space
- Existing Zoning – Residential R1 Special Provision (R1-11(16)), Open Space (OS4), and Environmental Review (ER) Zone

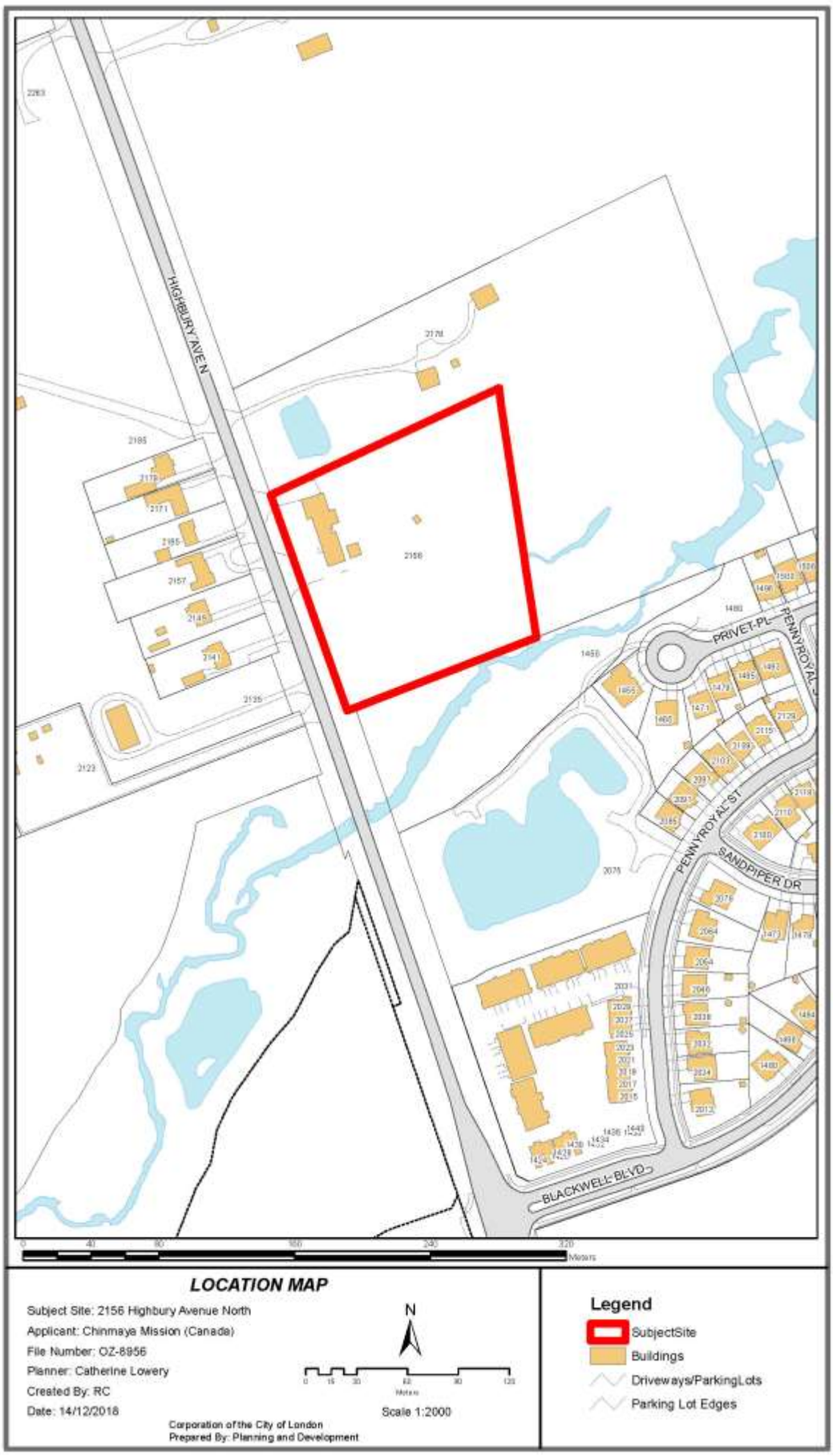
1.3 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 135.6 metres (444.8 feet)
- Depth – Approximately 140 metres (459.3 feet)
- Area – 2.02 hectares (5 acres)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Natural Heritage Features/Agricultural
- East – Agricultural/Natural Heritage Features
- South – Natural Heritage Features/Low Density Residential
- West – Low Density Residential

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The applicant is proposing to convert the existing residential building to a place of worship. A parking lot is also proposed to the south of the existing building to support the place of worship.

Figure 1: 2156 Highbury Avenue North existing building

Figure 2: 2156 Highbury Avenue North location of proposed parking area

3.0 Relevant Background

3.1 Planning History

The subject site was annexed by the City of London in 1993 and was previously zoned to permit Agricultural uses under the former Township of London Zoning By-law. The subject site was originally used as a farm dwelling, with an additional dwelling unit being added at a subsequent point in time.

The site has been through multiple planning applications with the first Official Plan and Zoning By-law amendment application [OZ-6422] being applied for in 2003. The amendment requested a change to the 1989 Official Plan from Agricultural, Open Space and Environmental Review to a Multi-Family, Medium Density Residential designation. It also requested to amend Zoning By-law No. Z.-1 to change the zoning of the subject

property from an Agriculture (A1) Zone to a Residential R1 Special Provision (R1-9( )) Zone, Residential R7 Zone, Restricted Office (RO2) Zone; and Neighbourhood Facility (NF) Zone.

A report to Planning Committee on May 26, 2003 recommended refusal of the above noted amendments. It was Staff's opinion that:

1. *The requested office and residential uses are considered to be premature due to the lack of municipal services including: storm and sanitary services; public transit; schools and libraries.*

2. *The subject property is located outside of the Urban Growth Area. Expansion of the Growth Area to accommodate additional land for residential development is not warranted given the current supply of vacant land to accommodate urban growth, and the recent five year Official Plan review which did not support expansion of the Growth Area for residential purposes.*

3. *The requested Official Plan amendment does not have adequate regard for the Provincial Policy Statement which provides criteria for the expansion of urban growth areas.*

On June 2, 2003 Council supported Staff's recommendation and refused the application.

A similar Official Plan and Zoning By-law amendment application [OZ-6827] was applied for in 2004. The application requested to amend the Official Plan to add a special policy to create residential lots for non-farm dwellings and a concurrent Zoning amendment from the existing Agricultural (AG1) zone to a Residential R1 (R1-11) Zone. On February 28, 2005 Staff provided a report to Planning Committee recommending refusal of the above mentioned amendments. It was Staff's opinion that:

1. *The requested Zoning By-law amendment does not conform to the Agricultural policies in the Official Plan, which restricts the creation of lots for non-farm residential uses.*

2. *Approval of the requested amendment could set a precedent for the creation of additional residential lots in the Agriculture designation.*

3. *The proposed residential uses are considered to be premature due to the lack of municipal services.*

4. *The subject property is located outside of the Urban Growth Area. Amending the Official Plan to include a special policy to accommodate additional land for residential development is not warranted given the current supply of vacant land to accommodate urban growth.*

5. *The requested Official Plan amendment does not have adequate regard for the Provincial Policy Statement which only permits residential infilling in agricultural areas. Residential infilling is only permitted in Rural Settlement designations.*

6. *The proposal to sever and create two additional lots for single detached dwellings could compromise the future development pattern of the area. Official Plan policies discourage the development of new single detached dwellings along arterial road frontages.*

7. *Official Plan policies, Upper Thames Valley Conservation Authority (UTRCA) policies and Provincial policies discourage the fragmentation of hazard lands.*

Notwithstanding the Staff recommendation, on March 7, 2005, Municipal Council introduced by-laws to amend the Official Plan and Zoning By-law to implement a new special policy in the Official Plan to allow for the creation of residential lots for non-farm

dwellings and amended the zoning from an Agricultural (AG1) Zone to a Residential R1 Special Provision (R1-11(_)) Zone, Open Space (OS4) Zone, and Environmental Review (ER) Zone to permit three single detached dwellings.

In 2005 a severance application [B.069/05] and minor variance application [A.113/05] were also applied for however the conditions of consent were never completed and lots were never formally created.

Most recently, a report was brought forward to the Planning and Environment Committee in 2016 as the approved zoning in 2005 was inadvertently removed from the subject site shortly after Council approval. At the time of the application, Planning Staff were simultaneously finalizing the comprehensive Zoning By-law amendment to incorporate the Zoning of the five separate municipalities that had been annexed to the City, into the current City of London Z.-1 Zoning By-law. This “Annexed Area Zoning Amendment” was approved by Council shortly after the approval of the Zoning amendment for the subject site. Amongst all of these amendments was one clause which inadvertently deleted the special zoning provisions of the approved R1-11(14) zone recently adopted by Council for the subject site. Therefore, while the zone map showed the subject site as being zoned R1-11(14), there was no corresponding text within the Zoning By-law listing the permitted uses and regulations. The Staff recommendation in 2016 simply re-applied those special provisions to the subject site that had been inadvertently deleted and it was supported by Council.

The site-specific special policy to permit three (3) lots for single detached dwellings was carried over into The London Plan (1236_), with applicable modifications to replace the phrase “agricultural designation” with “Farmland Place Type”.

3.2 Requested Amendment

The requested Official Plan Amendment is to amend Policy 10.1.3 cxxv) in the 1989 Official Plan and Policy 1236_ in The London Plan. The requested Zoning By-law Amendment is to re-zone the subject lands from a Residential R1 Special Provision (R1-11(16)) Zone, Open Space (OS4) Zone, and Environmental Review (ER) Zone to a Holding Neighbourhood Facility Special Provision (h-18•NF(__)) Zone, Open Space (OS4) Zone, Environmental Review (ER) Zone, and Agricultural Special Provision (AG1(__)) Zone.

Further, this application seeks to rezone a portion of the subject land from a Residential R1 Special Provision (R1-11(16)) Zone to an Agricultural Special Provision (AG1(__)) Zone. Special provisions are required to recognize a reduced lot area and lot frontage as a result of the creation of the AG1 zone boundary. An additional special provision to prohibit farm dwellings is also recommended.

The purpose of the application is to permit the conversion of the existing residential building to a place of worship. It should be noted that the owner had originally applied to rezone the lands to a Neighbourhood Facility Special Provision (NF2(__)) Zone. The NF2 Zone variation is typically applied to facilitate uses in rural areas where larger lot areas are required because of servicing constraints. The NF2 zone variation also requires larger setbacks, therefore the owner had requested special provisions for reduced interior side and rear yard setbacks.

Given that the place of worship is proposed to occupy an existing building on an existing lot of record, it was determined through the review of the application that the NF zone variation was appropriate. The applicant has amended their application to request the NF Zone with a special provision to permit parking in the front yard. All other zoning regulations are satisfied, therefore the previously requested special provisions for reduced setbacks are no longer required.

3.3 Community Engagement (see more detail in Appendix B)

One written response was received from a neighbouring property owner, which will be addressed later in this report. The primary concern was with respect to increased traffic

on Highbury Avenue North, particularly on Sundays, caused by the proposed place of worship and nearby Stoney Creek Baptist Church.

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 subject lands are located within a prime agricultural area as defined in the PPS, which shall be protected for long-term agricultural use (2.3.1). However, the PPS provides opportunity for planning authorities to permit limited non-agricultural uses in prime agricultural areas where it is demonstrated that specific criteria under the PPS is satisfied.

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 London Plan policies and maps under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject lands are located in the Farmland and Green Space Place Types of The London Plan on an Urban Thoroughfare, as identified on *Map 1 – Place Types and *Map 2 – Street Classifications. The subject lands are further located within Specific Policy Area 19, as identified on *Map 7 – Specific Policy Areas. The Farmland Place Type is comprised of Prime Agricultural Land, and lands located outside of the Urban Growth Boundary are typically intended for agriculture or agriculturally-related uses. The Green Space Place Type is comprised of public and private lands; flood plain lands; lands susceptible to erosion and unstable slopes; natural heritage features and areas recognized by City Council as having city-wide, regional, or provincial significance; lands that contribute to important ecological functions; and lands containing other natural physical features which are desirable for green space use or preservation in a natural state (758_).

1989 Official Plan

The subject site is designated Agricultural, Open Space, and Environmental Review in the City's 1989 Official Plan, however the existing building proposed to be converted to the place of worship, as well as the rear portion of the site proposed to be rezoned to an Agricultural (AG1) Zone, are located exclusively within the Agricultural and Open Space designations.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Proposed Place of Worship Use

Uses contemplated for sites located outside of the Urban Growth Boundary on Prime Agricultural Land are primarily agriculturally-related such that they do not detract from existing or future agricultural uses. As such, the appropriateness of the proposed place of worship use on this site must be considered.

Provincial Policy Statement, 2014

The subject lands are located within a prime agricultural area, as defined in the PPS. Uses permitted in these areas include agricultural uses, agriculture-related uses and on-farm diversified uses. Proposed agriculture-related uses and on-farm diversified uses shall be compatible with, and shall not hinder, surrounding agricultural operations (2.3.1).

Planning authorities may permit limited non-agricultural uses, provided it is demonstrated that the proposed use satisfies Section 2.3.6.1b), which establishes the following criteria to determine the appropriateness of non-agricultural uses in prime agricultural areas:

1. the land does not comprise a specialty crop area;
2. the proposed use complies with the minimum distance separation formulae;
3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use;
4. alternative locations have been evaluated, and
    i. there are no reasonable alternative locations which avoid prime agricultural areas; and
    ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

The subject site has not been used for agricultural purposes for a considerable amount of time, and has been used exclusively as a residential dwelling since at least 2003 when the initial planning application was submitted. The land has been disturbed by the existing residential use for several years, making it less conducive to farm operation. The lot is undersized, encumbered by the creek running north/south in the centre of the site, and in close proximity to nearby residential uses within the Urban Growth Boundary. These existing conditions further detract from the site's agricultural viability.

The site is not identified as a specialty crop area, as defined in the PPS, as there are no specialty crop areas in the City of London. In accordance with provincial implementation guidelines, amendments to rezone or redesignate land already zoned or designated for a non-agricultural use shall only need to meet the Minimum Distance Separation I (MDS I) setbacks if the amendments will permit a more sensitive land use than existed before. The proposed place of worship use is less sensitive than both the existing residential use and the three single detached dwellings currently permitted on the site. As such, there are no issues with respect to the proposed non-agricultural use and the Minimum Distance Separation Formula.

While there is no specific identified need for additional lands outside of the Urban Growth Boundary to be designated for the place of worship use, the site's usability is limited given the constraints preventing agricultural uses. As such, the subject site would be considered lower priority agricultural lands and the proposed place of worship a more compatible use with adjacent agricultural uses than the currently permitted residential uses. The site is located close to the congregation and includes outdoor areas for uses associated with the place of worship, making this site an ideal location for the proposed place of worship. Further, the existing building is suitably sized to accommodate the congregation.

Given the foregoing, it is reasonable to conclude that the proposed place of worship use satisfies the criteria under Section 2.3.6.1b) for non-agricultural uses in prime agricultural areas, and therefore can be considered an appropriate non-agricultural use for this site. As such, the requested amendment is consistent with the PPS.

The London Plan

The Farmland Place Type is the prime agricultural area of London, consisting of prime agricultural land (Canada Land Inventory Classes 1, 2, and 3 soils) and associated Class 4 through 7 soils that are to be protected and maintained for the long term as the base to support a healthy, productive, and innovative agricultural industry as a key component of the city's economic base and cultural heritage (1179_). Permitted uses in the Farmland Place Type are primarily agriculturally-related, however limited non-agricultural uses may be permitted where consistent with the policies of the PPS (1182_).

Policy 1208_ in the Farmland Place Type permits new or expanding institutional and recreational uses only where consistent with the PPS and where the ability of the

adjacent farmland area to function is maintained by retaining the soil viability and open space character. Sensitive uses which would preclude future livestock operations in the area are not permitted. Permitted uses in the Green Space Place Type are primarily parks and open space related, but also include agriculture, woodlot management, horticulture and urban gardens, conservation, essential public utilities and municipal services, storm water management, and recreational and community facilities (762_).

According to Canada Land Inventory mapping, two small portions of the subject lands contain Class 1 soils. These are the areas along Highbury Avenue North and at the rear of the site where the Farmland Place Type applies (Figure 3). The balance of the site is classified as “Not Ranked”, which is assigned to lands along river and stream corridors and are less conducive to farm operations. The existing building is located outside of these areas, however the proposed parking area would encroach into the Farmland Place Type adjacent to Highbury Avenue North.

Figure 3: Place Types

The proposed place of worship is a less sensitive use than the existing residential uses and is proposed within the existing building. The requested amendment will further replace the existing residential zoning at the rear of the site with an agricultural zone, and in effect replace the existing urban permissions with agricultural permissions. It is not anticipated that the proposed place of worship use will impact the functionality of the adjacent farmland area, as the subject lands have already been disturbed by the existing residential use and the proposal will maintain the open space character of the area.

The requested amendment would amend the existing specific policy for the subject property, which currently permits a severance to create three residential lots for non-farm dwellings. The amended specific policy would permit the existing site specific residential use within the Farmland and Green Space Place Types to be converted to the place of worship:

> *In the Farmland Place Type applied to the lands located at 2156 Highbury Avenue North (Part Lot 8, Concession 5), in addition to the uses permitted in the Farmland Place Type, a place of worship will also be permitted in the existing building.*
>
> *In the Green Space Place Type applied to the lands located at 2156 Highbury Avenue North (Part Lot 8, Concession 5), in addition to the uses permitted in the Green Space Place Type, a place of worship will also be permitted in the existing building.*

The London Plan contemplates a range of permitted uses, including non-agricultural

uses where consistent with the policies of the PPS. Through the use of a specific policy, the requested amendment will not prohibit Farmland or Green Space uses on this site. Rather, the range of permitted uses will be modified to replace the non-agricultural residential uses with a place of worship use within the existing building. Additionally, areas of the site that once permitted non-agricultural uses will be repurposed to agricultural uses exclusively, and the non-agricultural permissions removed. Given that the proposed place of worship use satisfies the criteria under Section 2.3.6.1b) of the PPS, the requested amendment is in conformity with The London Plan.

1989 Official Plan

The Agricultural land use designation is applied to lands outside of the urban community, rural settlement areas and areas designated for urban growth over the planning period, where agriculture and farm-related activities are the predominant land use. In addition to productive farm land the agricultural area includes lands of lesser or marginal value for crop production as well as woodlots and other natural features. The Open Space designation is applied to lands which are to be maintained as park space or in a natural state. These lands include public and private open space, flood plain lands, lands susceptible to erosion and unstable slopes and natural heritage areas which have been recognized by Council as having city-wide, regional, or provincial significance (8A).

Primary permitted uses in the Agricultural land use designation include a full range of farming types shall be permitted including, but not limited to, general farming, livestock farming, cash crop farming, market gardening, specialty crops, nurseries, forestry, aquaculture and agricultural research (9.2.1). Permitted uses in the Open Space designation include public and private open space uses, as well as agriculture, woodlot management, horticulture, conservation, essential public utilities and municipal services, and recreational and community facilities (8A.2.2).

The 1989 Official Plan provides the ability to implement Policies for Specific Areas (Chapter 10) which allows for a change in land use that is site specific and located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use. The requested amendment would amend the existing specific policy for the subject property, which currently permits a severance to create three residential lots for non-farm dwellings. The amended specific policy would permit the existing site specific residential use within the Agriculture and Open Space designations to be converted to the place of worship:

> *In the Agriculture and Open Space designations on the lands municipally known as 2156 Highbury Avenue North (Part Lot 8, Concession 5), in addition to the uses permitted in the Agricultural and Open Space designations, a place of worship will also be permitted within the existing building.*

Through the use of a specific policy, the requested amendment will not prohibit agricultural or open space uses on this site. Rather, the range of permitted uses will be modified to replace the existing non-agricultural residential use with a place of worship use within the existing building. Additionally, areas of the site that once permitted non-agricultural uses will be repurposed to agricultural uses exclusively, and the non-agricultural permissions removed. As such, the requested amendment is in conformity with the 1989 Official Plan.

4.2 Issue and Consideration # 2: Proposed Agricultural (AG1) Zone

The current Residential R1 Special Provision (R1-11(16)) Zone applies to a large portion of the site, spanning the Highbury Avenue North frontage and wrapping around the creek and Open Space (OS4) Zone boundary towards the rear of the site (Figure 4).

Figure 4: Existing Zoning

The requested amendments to The London Plan and the 1989 Official Plan will remove the existing residential permissions granted in 2005. While no development is proposed at the rear of the site, the current Residential R1 Special Provision (R1-11(16)) Zone will no longer be in conformity with either the 1989 Official Plan or The London Plan should the recommended amendments to both Official Plans be approved. As such, the applicant has requested to rezone the rear portion of the site to an Agricultural Special Provision (AG1(__)) Zone. This would replace the existing urban residential uses with agricultural uses, and in effect, return this portion of the site to the zoning that existed prior to the rezoning in 2005.

Where a property consists of more than one zone, Section 3.9.2 of Zoning By-law Z.-1 requires each separate zone to be treated as a lot. As such, special provisions are required to the Agricultural (AG1) Zone to permit the zoned area to have a reduced lot area of 0.6 hectares, whereas a minimum of 40 hectares is required, and a lot frontage of zero metres, whereas a minimum of 200 metres is required. An additional special provision to prohibit farm dwellings is also recommended in order to restrict the usability of this portion of the site exclusively to agricultural uses.

The requested Agricultural Special Provision (AG1(__)) Zone is consistent with the PPS and is in conformity with The London Plan and the 1989 Official Plan.

4.3 Issue and Consideration # 3: Archaeological Potential

The subject site is identified as having archaeological potential. Accordingly, the requested zoning includes the h-18 holding provision, which requires an archaeological assessment to be completed and accepted by the Ministry of Tourism, Culture and Sport prior to any development on site.

> *h-18 The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.*
>
> *All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.*

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

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

5.0 Conclusion

The requested amendment gives opportunity to adaptively reuse an existing underutilized rural residential building with a new use that will not hinder existing or future agricultural uses in the area. The requested amendment will further replace existing urban residential permissions that currently apply to the site and reintroduce agricultural permissions. As such, the requested amendment to permit a place of worship within the existing building, and to rezone a portion of the lands to an agricultural zone, is consistent with the Provincial Policy Statement, 2014 and conforms to the policies of The London Plan and the 1989 Official Plan.

Prepared by:	**Catherine Lowery, MCIP, RPP** **Planner II, Current Planning**
Reviewed by:	**Michael Tomazincic, MCIP, RPP** **Manager, Current Planning**
Recommended by:	**Paul Yeoman, RPP, PLE** **Director, Development Services**
Submitted by:	**George Kotsifas, P. Eng** **Managing Director, Development and Compliance Services and Chief Building Official**
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

January 14, 2019
MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8956OZ - 2156 Highbury Ave N (CL)\PEC Report

File: OZ-8956
Planner: C. Lowery

Appendix A

Bill No.(number to be inserted by Clerk's Office)
2019

By-law No. C.P.-1284-
A by-law to amend the Official Plan for the City of London, 1989 relating to 2156 Highbury Avenue North.

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 January 29, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – January 29, 2019
Second Reading – January 29, 2019
Third Reading – January 29, 2019

File: OZ-8956
Planner: C. Lowery

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend a policy in Section 10.1.3 cxxv) of the Official Plan for the City of London to permit a place of worship.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 2156 Highbury Avenue North in the City of London.

C. BASIS OF THE AMENDMENT

This amendment will facilitate the adaptive reuse of an existing building to a place of worship and remove the existing residential permissions that currently apply to the site.

D. THE AMENDMENT

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

1. Section 10.1.3 cxxv) of the Official Plan for the City of London is amended by deleting the following:

   2156 Highbury Avenue North

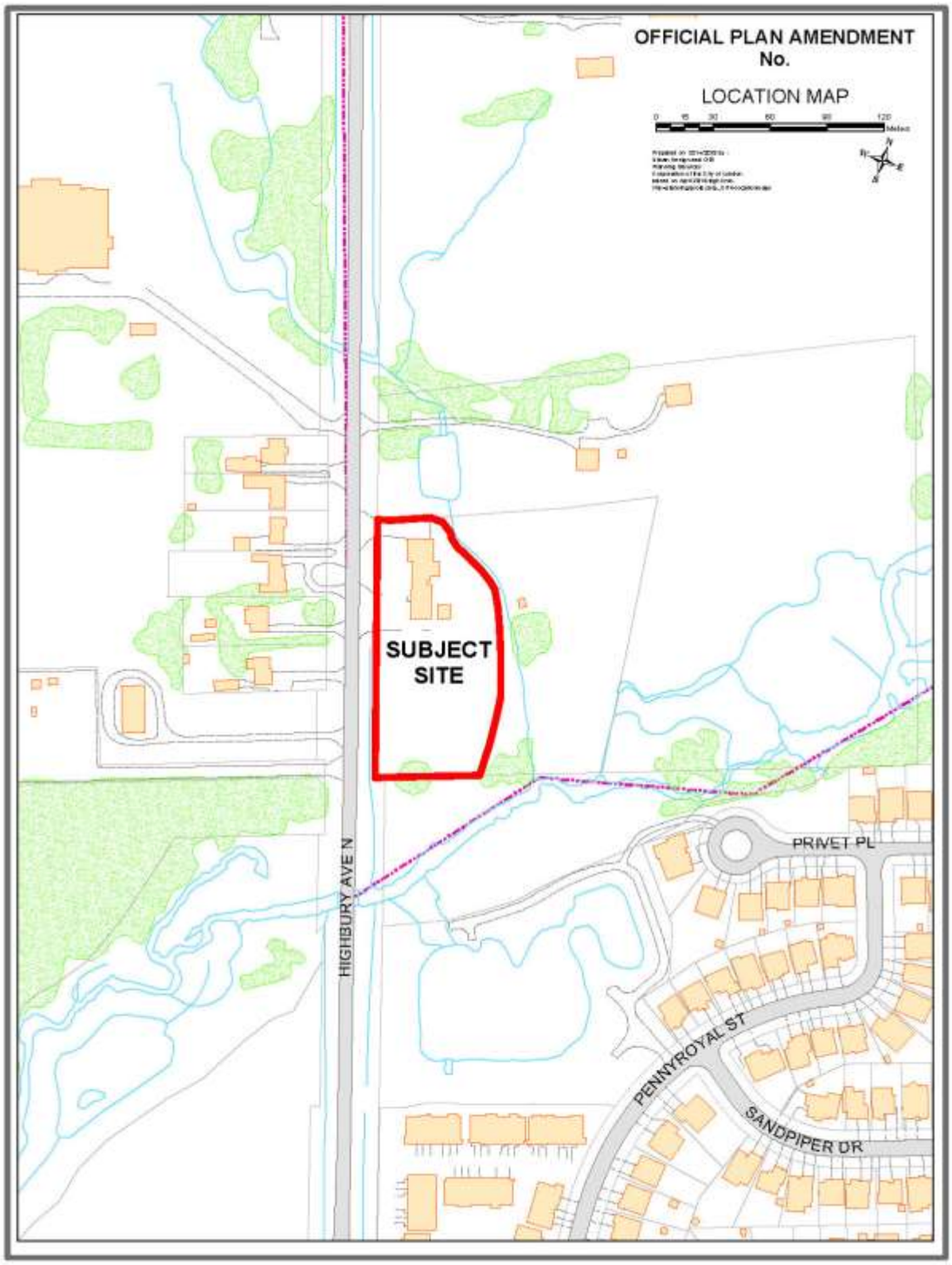
   In the agricultural designation on the lands municipally known as 2156 Highbury Avenue North (Part Lot 8, Concession 5), a severance to create three residential lots for non-farm dwellings will be permitted.

2. Section 10.1.3 cxxv) of the Official Plan for the City of London is amended by adding the following:

   2156 Highbury Avenue North

   In the Agriculture and Open Space designations on the lands municipally known as 2156 Highbury Avenue North (Part Lot 8, Concession 5), in addition to the uses permitted in the Agricultural and Open Space designations, a place of worship will also be permitted within the existing building.

File: OZ-8956
Planner: C. Lowery



File: OZ-8956
Planner: C. Lowery

Appendix "B"

Bill No.(number to be inserted by Clerk's Office)
2019

By-law No. Z.-1-19_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 2156 Highbury Avenue North.

WHEREAS Chinmaya Mission (Canada) has applied to rezone an area of land located at 2156 Highbury Avenue North, 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 2156 Highbury Avenue North, as shown on the attached map comprising part of Key Map No. A103, from a Residential R1 Special Provision (R1-11(16)) Zone, Open Space (OS4) Zone, and Environmental Review (ER) Zone to a Holding Neighbourhood Facility Special Provision (h-18•NF(__)) Zone, Open Space (OS4) Zone, Environmental Review (ER) Zone, and Agricultural Special Provision (AG1(__)) Zone.

2) Section Number 33.4a) of the Neighbourhood Facility (NF) Zone is amended by adding the following Special Provision:

) NF( ) 2156 Highbury Avenue North

a) Permitted Use

i) A place of worship shall only be permitted within the existing building

b) Regulations

i) Parking shall be permitted in the front yard

3) Section Number 45.4a) of the Agricultural (AG1) Zone is amended by adding the following Special Provisions:

) AG1( ) 2156 Highbury Avenue North

a) Prohibited Use

i) Farm dwelling

b) Regulations

i) Lot Area (Minimum) 0.6 hectares (1.48 acres)

ii) Lot Frontage (Minimum) 0 metres (0 feet)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

File: OZ-8956
Planner: C. Lowery

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 January 29, 2019.

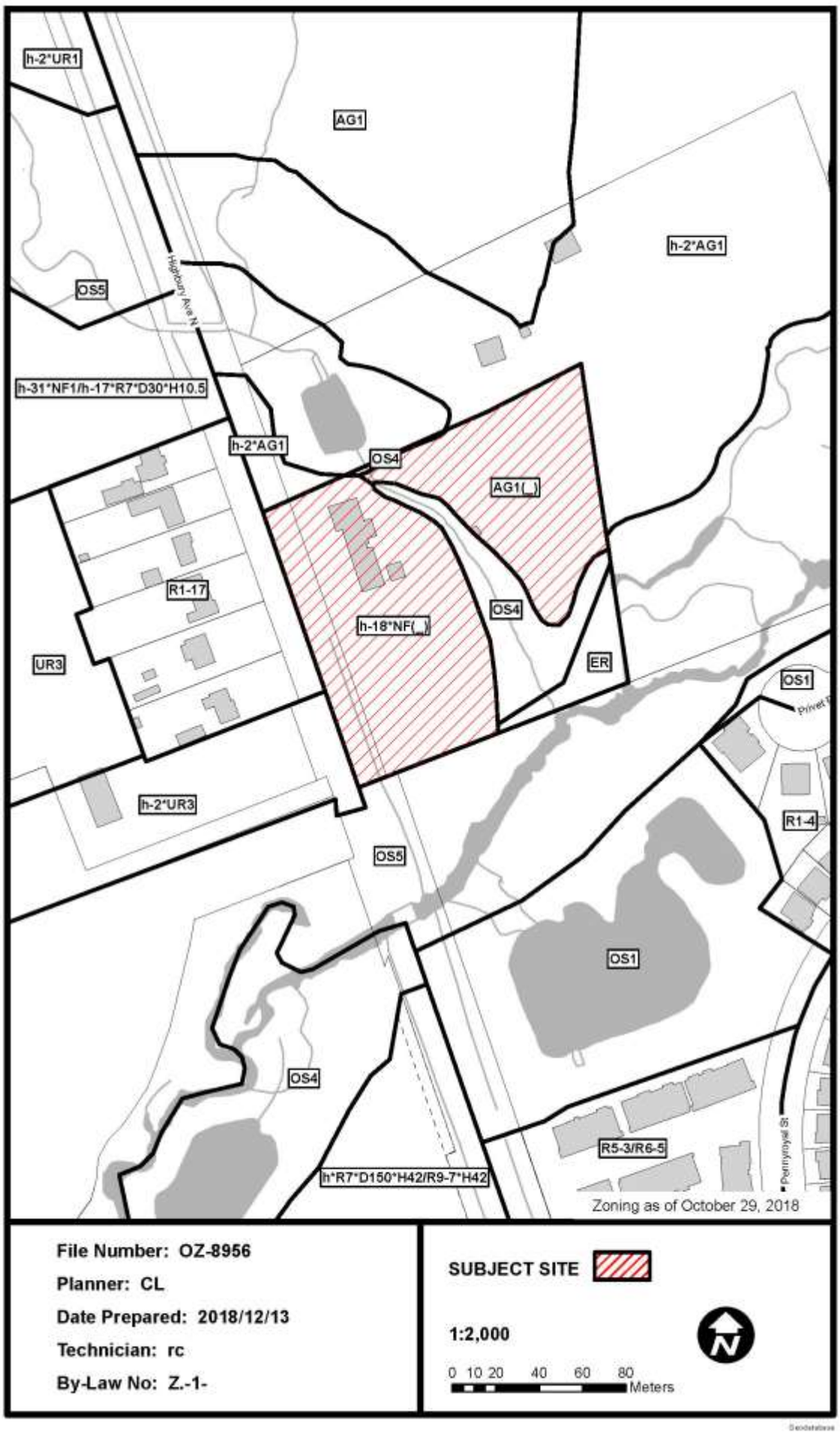
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – January 29, 2019
Second Reading – January 29, 2019
Third Reading – January 29, 2019

File: OZ-8956
Planner: C. Lowery

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



File Number: OZ-8956
Planner: CL
Date Prepared: 2018/12/13
Technician: rc
By-Law No: Z.-1-

SUBJECT SITE

1:2,000

0 10 20 40 60 80 Meters

File: OZ-8956
Planner: C. Lowery

Appendix "C"

Bill No. (number to be inserted by Clerk's Office)
2019

By-law No. C.P.-XXXX-___

A by-law to amend The London Plan for the City of London, 2016 relating to 2156 Highbury Avenue North.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on January 29, 2019

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – January 29, 2019
Second Reading – January 29, 2019
Third Reading – January 29, 2019

File: OZ-8956
Planner: C. Lowery

AMENDMENT NO.
to the

THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to amend Policy 1236_ and add a new specific policy of The London Plan for the City of London to permit a place of worship.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 2156 Highbury Avenue North in the City of London.

C. BASIS OF THE AMENDMENT

This amendment will facilitate the adaptive reuse of an existing building to a place of worship and remove the existing residential permissions that currently apply to the site.

D. THE AMENDMENT

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

The London Plan is hereby amended as follows:

1. Policy 1236_ Specific Policies for the Farmland Place Type of The London Plan for the City of London is amended by deleting the following:

   1236_ In the Farmland Place Type applied to the lands located at 2156 Highbury Avenue North (Part Lot 8, Concession 5), a severance to create three residential lots for non-farm dwellings will be permitted.

2. Policy 1236_ Specific Policies for the Farmland Place Type of The London Plan for the City of London is amended by adding the following:

   1236_ In the Farmland Place Type applied to the lands located at 2156 Highbury Avenue North (Part Lot 8, Concession 5), in addition to the uses permitted in the Farmland Place Type, a place of worship will also be permitted in the existing building.

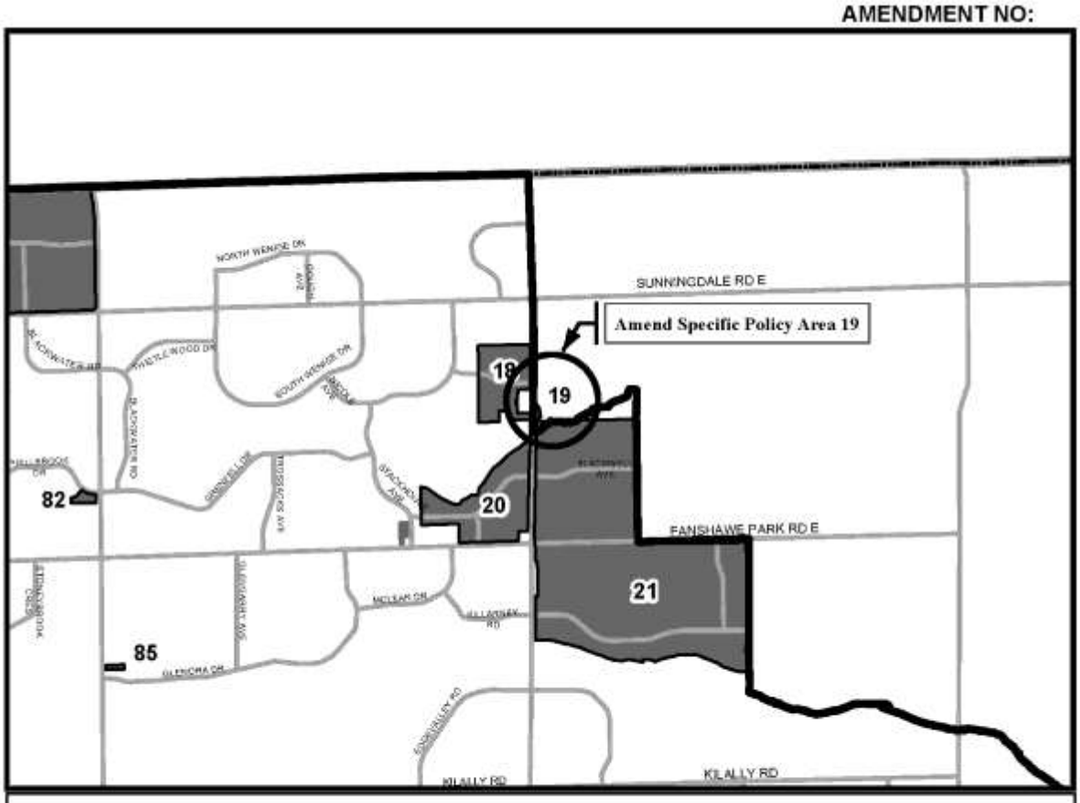
3. Specific Policies for the Green Space Place Type of The London Plan for the City of London is amended by adding the following:

   ( )_ In the Green Space Place Type applied to the lands located at 2156 Highbury Avenue North (Part Lot 8, Concession 5), in addition to the uses permitted in the Green Space Place Type, a place of worship will also be permitted in the existing building.

4. Map 7 – Specific Policy Areas to The London Plan for the City of London Planning Area is amended by adding lands within the Green Space Place Type to Specific Policy Area 19 for the lands located at 2156 Highbury Avenue North in the City of London, as indicated on “Schedule 1” attached hereto.

File: OZ-8956
Planner: C. Lowery

AMENDMENT NO:



LEGEND

- Specific Policies
- Rapid Transit and Urban Corridor Specific-Segment Policies
- Near Campus Neighbourhood
- Secondary Plans

BASE MAP FEATURES

- Streets (See Map 3)
- Railways
- Urban Growth Boundary
- Water Courses/Ponds

This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

SCHEDULE # **TO** **THE LONDON PLAN** **AMENDMENT NO. _____** PREPARED BY: Planning Services	Scale 1:30,000 Meters	**FILE NUMBER:** OZ-8956 **PLANNER:** CL **TECHNICIAN:** RC **DATE:** 12/14/2018

Document Path: E:\Planning\Projects\p_zoning\z-1zones\amendments\OZ-8956\projects\AMENDMENT_Map7_SpecialPolicyAreas_b&w_8x11.mxd

Appendix B – Public Engagement

Community Engagement

Public liaison: On September 26, 2018, Notice of Application was sent to 25 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 27, 2018. A "Planning Application" sign was also posted on the site.

On November 28, 2018, Notice of Revised Application was sent to 25 property owners in the surrounding area. Notice of Revised Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 29, 2018.

One reply was received.

Nature of Liaison: The purpose and effect of this Official Plan and zoning change is to permit the existing building to be used as a place of worship. Possible amendments to policy 10.1.3 cxxv) in the 1989 Official Plan and specific policy 1236 in The London Plan to permit the proposed place of worship use. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 Special Provision (R1-11(16)) Zone, Open Space (OS4) Zone, and Environmental Review (ER) Zone **TO** a Holding Neighbourhood Facility Special Provision (h-18•NF2(__)) Zone, Open Space (OS4) Zone, Environmental Review (ER) Zone, and Agricultural (AG1) Zone. The requested NF2 Zone would permit the place of worship use. Special provisions would permit parking in the front yard; a reduced rear yard setback of 10 metres, whereas 15 metres is required; and a reduced interior side yard setback of 11 metres, whereas 15 metres is required.

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

Concern for:

Traffic

Concerned that the proposed place of worship would result in an increase in traffic on Highbury Avenue North, particularly on Sundays.

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
None	Cindy and Darryl Stewart

From: Cindy Stewart
Sent: Sunday, October 7, 2018 7:22 PM
To: Lowery, Catherine <clowery@london.ca>
Cc: Salih, Mo Mohamed <msalih@london.ca>
Subject: File OZ-8956

Good Day
I am writing in regards to location 2156 Highbury Ave N
We have viewed the documents in regards to the proposed change
And while we agree with most of the changes
We do have a concern with traffic issues that we have already witnessed for that property
I noticed that it states most traffic would be on Sunday and as Stoney Creek Church is across the street and we have difficult times to be able to enter/exit our own driveway (we live across the street) this will lend more traffic at an already congested time
So our only concern would be the excess traffic on an already busy roadway
Is there a plan to address this issue?
If so could you please share that with us
Thanks so much
Cindy & Darryl Stewart

Agency/Departmental Comments

October 11, 2018: London Hydro

The site is presently serviced by London Hydro. Contact Engineering Dept. if a servicing upgrade is required to facilitate the new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements and availability.

October 15, 2018: UTRCA

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

CONSERVATION AUTHORITIES ACT
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 flooding hazard, a Provincially Significant Wetland (known as the Fanshawe Wetlands) and the associated area of interference. 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
The UTRCA's Environmental Planning Policy Manual is available online at: http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/
The policy which is applicable to the subject lands includes:

2.2.4 Natural Hazard Features
An allowance of 15 metres has been added to the Riverine Hazard Limit for the purpose of maintaining sufficient access for emergencies, maintenance and construction activities. The allowance provides for an extra factor of safety providing protection against unforeseen conditions that may affect the land located adjacent to a natural hazard area.

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.

3.2.6 & 3.3.2 Wetland Policies
New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

For the purpose of this application, an EIS will not be required.

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

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
As indicated, the subject lands are regulated and a Section 28 permit will be required. We recommend that the proposed parking area remain at current grade and that applicant contact a UTRCA Lands Use Regulations Officer regarding the Section 28 permit requirements for the proposed development. Furthermore, please ensure that any future development applications for these lands are circulated to our office.

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 is $375.00 and will be invoiced to the owner under separate cover.

<u>October 16, 2018: Engineering</u>

- The subject lands are located within conservation regulated lands. Any proposed development will trigger the need for a section 28 permit from the UTRCA.

Wastewater
- No comments for the re-zoning application.
- The following items are to be considered during the development application approval stage:
    - There is no municipal sanitary sewer on Highbury Avenue North fronting the subject lands.
    - The Owner shall have a Consulting Engineer confirm that the existing septic system for the site is adequate for the proposal. If any alterations are require, the Owner must ensure that any proposed alternative septic system will not adversely impact the area's ground water and any surrounding wells, or leach into the nearby watercourses or storm sewer systems. Septic systems should have regard for the water table, proximity to water wells, open watercourses and the effects any proposed septic systems will have on them. Given the nature of the intended use, the developer is to ensure that all criteria/ requirements/ approvals have been met with respect to the governing external agencies and authorities.

Transportation
- No comments for the re-zoning application.
- The following items are to be considered during the development application approval stage:
    - Road widening dedication of 18.0m from centre line required on Highbury Ave North
    - Ensure sufficient onsite parking for the intended use
    - The northerly access to the site is to be closed and restored to City standards
    - Parking can be expanded and formalized on the south side of the building

Stormwater

- No comments for the re-zoning application.
- The following items are to be considered during the development application approval stage;
- The design and construction of SWM servicing works for the subject land shall be in accordance with:
    - The SWM criteria and targets for the Stoney Creek Subwatershed.
    - The City Design Requirements for on-site SWM controls which may include but not be limited to quantity/quality and erosion controls, and
    - The City's Waste Discharge and Drainage By-Laws; the Ministry of the Environment Planning & Design Manual; as well as all applicable Acts, Policies, Guidelines, Standards and Requirements of all approval agencies (i.e. UTRCA, etc.)
- The site is outside the Urban Growth Boundary.
- There is no municipal storm sewer or storm sewer outlet available to service the site.

Water

- No comments for the re-zoning application.
- The following items are to be considered during the development application approval stage;
    - There is a 1200mm diameter watermain along Highbury Ave.

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 (PPS) 2014

2.3.1 Prime agricultural areas shall be protected for long-term use for agriculture.

Prime agricultural areas are areas where prime agricultural lands predominate. Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.

2.3.6 Non-Agricultural Uses in Prime Agricultural Areas

2.3.6.1 Planning authorities may only permit non-agricultural uses in prime agricultural areas for:

a) extraction of minerals, petroleum resources and mineral aggregate resources, in accordance with policies 2.4 and 2.5; or
b) limited non-residential uses, provided that all of the following are demonstrated:
1. the land does not comprise a specialty crop area;
2. the proposed use complies with the minimum distance separation formulae;
3. there is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and
4. alternative locations have been evaluated, and
i. there are no reasonable alternative locations which avoid prime agricultural areas; and
ii. there are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Farmland

1180_ The Farmland Place Type will promote sustainable farm practices which encourage the conservation of surface and groundwater resources, aquatic habitat, woodlands, wetlands, wildlife habitat and other natural features, where such practices do not impose undue limitations on the farming community. This Place Type will also discourage the creation of non-farm residential lots in the agricultural area. Impacts from any new non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible.

1181_ How Will We Realize Our Vision?

9. Discourage uses which are not supportive of agriculture from locating in the Farmland Place Type. Limited non-agricultural uses may be permitted only where it can be demonstrated that the proposed use is consistent with the Provincial Policy Statement.

11. Mitigate impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands by directing any proposed non-agricultural uses in the Farmland Place Type to lands that are classified as having a lower soil capability in the Canada Land Inventory and to areas where the potential for conflict between agriculture and the proposed non-agricultural uses will be minimized.

Permitted Uses

1182_ The following uses may be permitted within the Farmland Place Type in conformity with the policies of this Plan:

1. Agricultural uses, including the principal farm residence, secondary farm dwelling units that may be required for the farm operation, and associated on-farm buildings and structures that support the farm operation, such as barns, silos, drive sheds, and manure storage facilities.
2. Residential uses on existing lots of record.
3. Home occupation.
4. Secondary farm occupation and on farm diversified uses.
5. Agricultural-related commercial and industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations and provide direct products and/or services to farm operations as a primary activity.
6. Ancillary retail for on-farm grown and/or produced goods.
7. Limited non-agricultural uses where it can be demonstrated that the proposed use is consistent with the Provincial Policy Statement.
8. Natural resource extraction.
9. Small Wind Energy Conversion System (SWECS) consisting of one wind turbine and blades, one supporting tower and associated control or Small Wind Energy Conversion System conversion electronics.
10. Green Energy Projects.
11. Existing uses.

Green Space

756_ The majority of place types in The London Plan apply to either Urban London, or Rural London, but do not apply to both. There are two Place Types, however, that apply city-wide:

1. Green Space Place Type – applies to the Natural Heritage System, the parks and open space system, hazard lands, and natural resources. The Environmental Policies of this Plan provide clear guidance on how the Natural Heritage System will be protected, conserved and enhanced within this Place Type, in accordance with provincial policy.

762_ Permitted Uses

The following uses will be permitted within the Green Space Place Type:

1. Permitted uses on the lands identified on Map 5 and Map 6, are contained in the Environmental Policies part of this Plan.
2. Lands within the Green Space Place Type vary considerably, and the uses that are permitted within these areas will be dependent upon the natural heritage features and areas contained on the subject lands, the hazards that are present, and the presence of natural resources which are to be protected.
3. District, city-wide, and regional parks. Some neighbourhood parks, urban parks and civic spaces are not shown on Map 1, but are included as uses allowed within the Neighbourhoods Place Type.
4. Private green space uses such as cemeteries and private golf courses.
5. Agriculture, woodlot management, horticulture and urban gardens, conservation, essential public utilities and municipal services, storm water management, and recreational and community facilities.
6. The full range of uses described above will not necessarily be permitted on all sites within the Green Space Place Type, and shall be subject to all relevant policies of this Plan.

Environmental Policies

Permitted Uses and Activities

1388_ In the Green Space Place Type, certain activities or uses will not be permitted, or may be permitted only after studies have been undertaken and approved by the City. This policy of the Plan identifies those uses.

1389_ The following uses may be permitted in the Green Space Place Type:

1. Expansion to existing development and uses provided that it can be demonstrated to the satisfaction of City Council that there will be no negative impacts on natural heritage features and areas or their ecological functions.
2. Recreational uses associated with the passive enjoyment of natural features including pathways and trails provided that such uses are designed, constructed and managed to protect the natural heritage features and their ecological functions.
3. Creation or maintenance of infrastructure subject to the infrastructure policies below.
4. The harvesting of trees in accordance with good forestry management practices and applicable federal, provincial and municipal requirements. 5. Conservation, mitigation and rehabilitation works.

1989 Official Plan

9. Agriculture, Rural Settlement and Urban Reserve Land Use Designations

Introduction

The Agriculture land use designation is applied to lands outside of the urban community, rural settlement areas and areas designated for urban growth over the planning period, where agriculture and farm-related activities are the predominant land use. In addition to productive farm land the agricultural area includes lands of lesser or marginal value for crop production as well as woodlots and other natural features. The objectives and policies of this Chapter are intended to protect the agricultural land resource and maintain the viability of farming within these areas so that agriculture continues to make a significant contribution to London's economy. The policies recognize the need for a long term commitment to agriculture and are intended to prohibit the fragmentation of land holdings, minimize the loss of prime agricultural land to non-farm development, and prohibit the introduction of land uses that are incompatible with, or may potentially constrain farm operations.

9.2.1. Primary Permitted Uses

Within areas designated "Agriculture" on Schedule "A", the primary permitted use of land shall be for the cultivation of land and the raising of livestock. A full range of farming types shall be permitted including, but not limited to, general farming, livestock farming, cash crop farming, market gardening, specialty crops, nurseries, forestry, aquaculture and agricultural research.

A farm residence is permitted as is a home occupation and a secondary farm occupation in accordance with the provisions of policies 9.2.5. and 9.2.6. of this Plan.

9.2.2. Secondary Permitted Uses

Secondary permitted uses in the Agriculture designation include secondary farm dwellings in accordance with the provisions of policy 9.2.7., agriculturally-related commercial and industrial uses, subject to the provisions of policy 9.2.8.; public open space and conservation uses subject to the provisions of policy 9.2.12.; public utilities and storm water management facilities subject to the provisions of Chapter 17. Oil and gas extraction may be permitted in accordance with the provisions of Chapter 15 of this Plan.

8A. Open Space Land Use Designation

Introduction

The Open Space designation is applied to lands which are to be maintained as park space or in a natural state. These lands include public and private open space, flood plain lands, lands susceptible to erosion and unstable slopes and natural heritage areas which have been recognized by Council as having city-wide, regional, or provincial significance. It is the intent of the Plan to conserve such areas and, where appropriate, to integrate these lands into the City's overall parks network. These lands also serve the added function of enhancing the City's image as the "Forest City", and in providing a break in the urban landscape.

8A.2.2. Permitted Uses

Public open space uses including district, city-wide, and regional parks; and private open space uses such as cemeteries and private golf courses are permitted in the Open Space designation. Agriculture; woodlot management; horticulture; conservation; essential public utilities and municipal services; and recreational and community facilities; may also be permitted. Zoning on individual sites may not allow for the full range of permitted uses.

10. Policies for Specific Areas

10.1. Purpose

10.1.1. Criteria Notwithstanding the other land use policies contained in Section II of this Plan, policies for Specific Areas may be applied where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the land.

The adoption of policies for Specific Areas may be considered where one or more of the following conditions apply:

i) The change in land use is site specific, is appropriate given the mix of uses in the area, and cannot be accommodated within other land use designations without having a negative impact on the surrounding area.

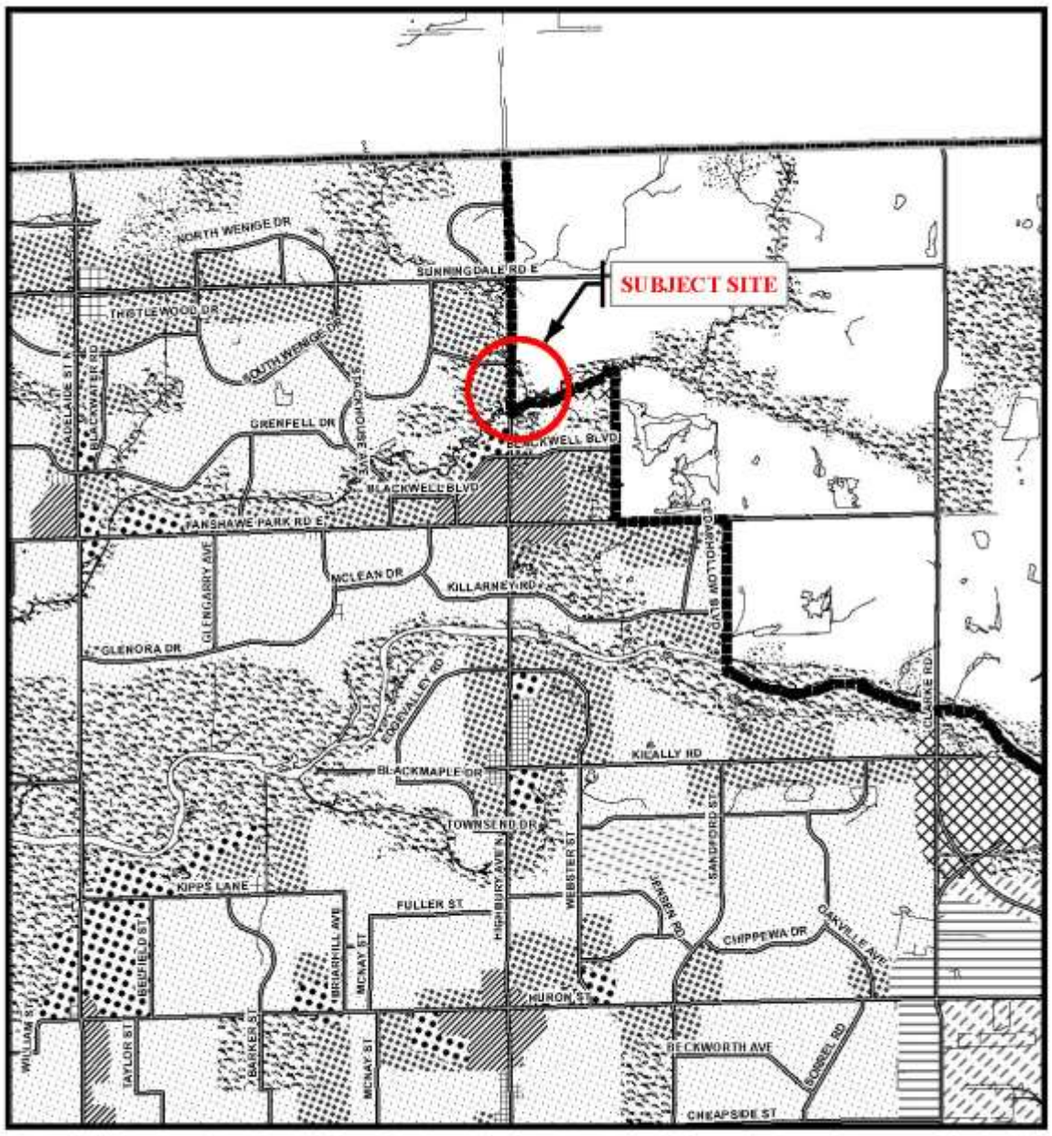
ii) The change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.

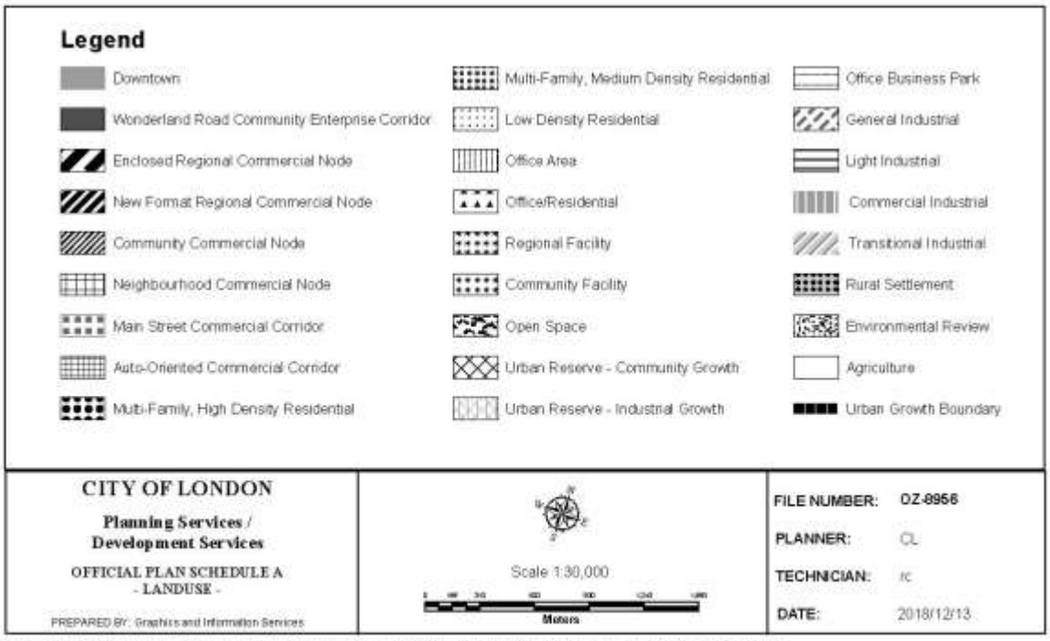
iii) The existing mix of uses in the area does not lend itself to a specific land use designation for directing future development and a site specific policy is required.

iv) The policy is required to restrict the range of permitted uses, or to restrict the scale and density of development normally allowed in a particular designation, in order to protect other uses in an area from negative impacts associated with excessive noise, traffic, loss of privacy or servicing constraints.

Appendix D – Relevant Background

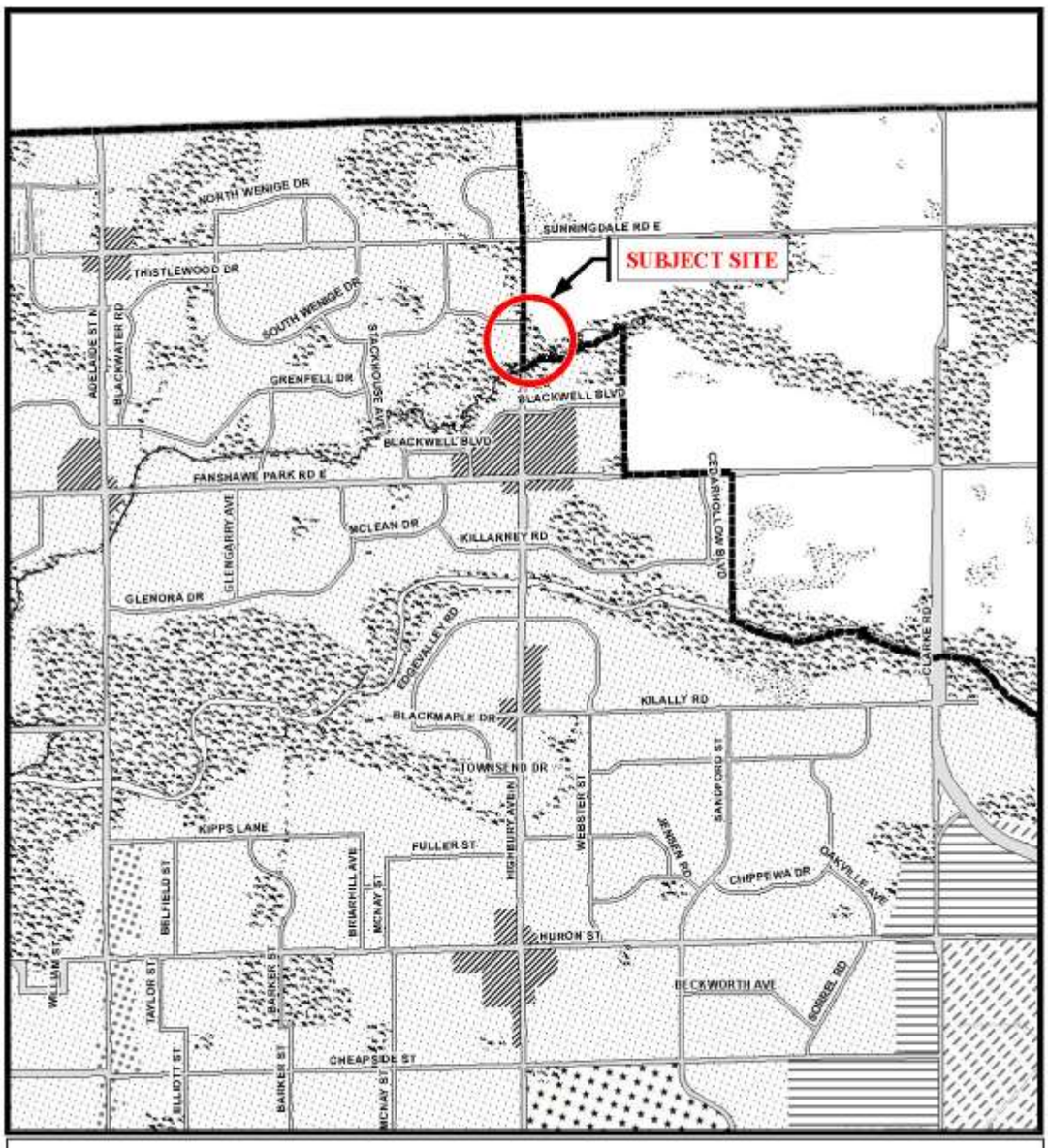
Additional Maps





PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsol00\excerpts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd

File: OZ-8956
Planner: C. Lowery



Legend

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

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

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

CITY OF LONDON
Planning Services /
Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services

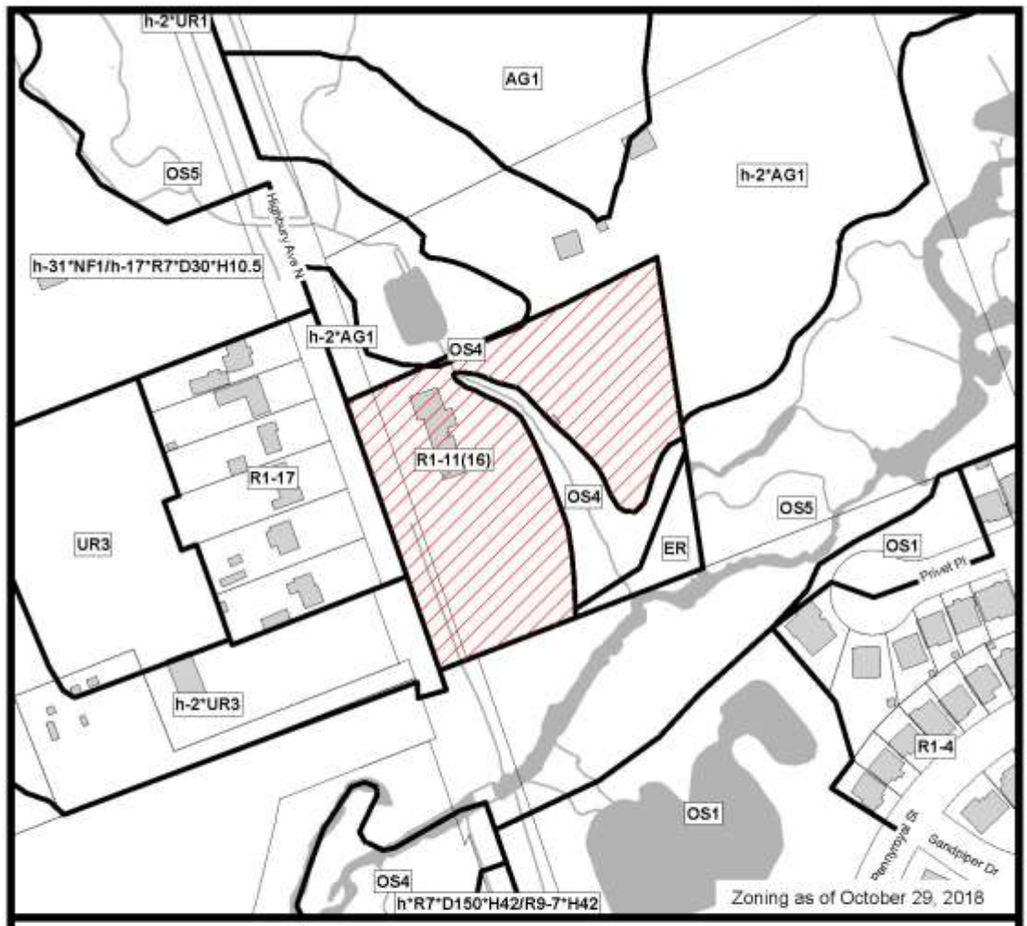
Scale 1:30,000

Meters

File Number:	Z-8956
Planner:	CL
Technician	rc
Date:	December 13, 2018

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\10.3.1 Versions\mxds\OZ-8956-EXCERPT_Map1_PlaceTypes_8.5w_8.5h_Arc10.3.1.mxd

File: OZ-8956
Planner: C. Lowery



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO:
OZ-8956 CL

MAP PREPARED:
2018/12/13 CK

1:2,500
0 12.525 50 75 100
Meters

Additional Reports

OZ-6422: May 26, 2003 – Report to Planning Committee: request to redesignate and rezone the subject lands to permit office and residential uses

OZ-6827: February 28, 2005 – Report to Planning Committee: request to add a special policy and rezone the subject lands to permit single detached dwellings

Z-8688: November 28, 2016 – Report to Planning and Environment Committee: a technical amendment to reinstate land use permissions which were inadvertently deleted by the comprehensive Annexed Area Zoning By-law amendment

August 13, 2018 – Report to Planning and Environment Committee: Information report in response to a delegation requesting an amendment to The London Plan before the second anniversary of a portion of the Plan coming into effect

PUBLIC PARTICIPATION MEETING COMMENTS

3.3 PUBLIC PARTICIPATION MEETING – Application – 2156 Highbury Avenue North (OZ-8956)

- Laverne Kirkness, Kirkness Consulting, on behalf of the applicant – advising that there are approximately twenty-five people in the gallery to show their support for this application; noting that there are approximately one hundred people that meet at Jack Chambers Public School every Sunday; advising that, instead of meeting there, they would like to have their own place and they purchased this property hoping that they could get it redesignated, replace typed and rezoned to permit the conversion of the residence to a place of worship; introducing Vasu and Binod and the rest of the audience are members of the congregation; indicating that this is a complicated property, it has a long history, as you can tell by the Planning and Environment Committee Agenda; appreciating working with Mr. M. Tomazincic, Manager, Current Planning, and C. Lowery, Planner II, to come to an agreeable position with Chinmaya such that they support the report and recommendation that they put before the Planning and Environment Committee; reiterating their appreciation to staff for working with them in this regard; indicating that the policy framework is extremely complicated; reiterating that the property is quite complicated with a stream going through it, four zones on it; advising that their focus is to create the development along the front with a refurbished conversion, a slightly larger parking area and the rest will basically remain the same; advising that they have to go through site plan approval as well and the City will see those refinements; asking the Planning and Environment Committee to approve the recommendation and take it to Council.
- Member, Chinmaya – advising that she has been a member of Chinmaya for over five years now and they do a great job for the community; indicating that they involve children and youth and help people with self-development and by having their own property and their own congregation, they will be able to bring more to the city and create a greater community; indicating that they incorporate everyone there, they are inclusive.

January 12, 2019

UPDATE TO COUNCIL: ARGYLE BUSINESS IMPROVEMENT ASSOCIATION

Dear Colleagues,

I am writing to update you on operations at the Argyle BIA.

In Ward 2 the Argyle Business Improvement Association is working hard to make the Argyle neighbourhood a great place to work, shop, dine, and play.

In December I participated as a member of the "Hiring Committee" to interview applicants for the Executive Director position which had been vacant for several months.

I am pleased to inform council, through PEC, that Randy Sidhu has been hired for this position and assumed the role on January 7th. Randy is a resident of the area and his family are customers of the BIA businesses so he understands the local realities. He also brings a wealth of experience to the role, including 5 years as the ED of the Downtown Younge St. BIA in Toronto.

In addition to Randy's hiring, Sarah McConnell, who has been an administrative assistant with the BIA for several years on a part-time basis and filled in admirably on an interim basis as the ED while the position was vacant—including organizing and executing the Santa Claus parade—will be taking on an expanded role as the BIA's Director of Communications.

With these two individuals in place, I am confident that good things lay ahead for the Argyle BIA. Of course for the BIA to truly be successful, the City of London will also have to play a role in addressing infrastructure needs in the Argyle area, in particular the condition of Dundas St. as the eastern gateway to the city and as the primary commercial corridor of the Argyle Planning Area. I know that the BIA Board members and staff are looking forward to working with council and city staff to enhance the Argyle neighbourhood and help east London succeed.

Sincerely,

Shawn Lewis
Councillor, Ward 2