

Agenda Including Addeds

Planning and Environment Committee

5th Meeting of the Planning and Advisory Committee

February 19, 2019, 4:00 PM

Council Chambers

Members

Councillors A. Hopkins (Chair), J. Helmer, M. Cassidy, P. Squire, S. Turner, Mayor E. Holder

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

	Pages
1. Disclosures of Pecuniary Interest	
2. Consent	
2.1 2nd Report of the Advisory Committee on the Environment	3
2.2 1st Report of the Trees and Forests Advisory Committee	10
2.3 Application - 132, 146 and 184 Exeter Road - Stormwater Management (SWM) Facility Land Acquisition Agreement - 39T-15501	14
2.4 Application - 810 Westdel Bourne, Portion of 1055 Westdel Bourne, 1079 Westdel Bourne, 1959 and 1997 Oxford Street West - Eagle Ridge Subdivision Phase 2 - Special Provisions - 39T-17501	27
2.5 Application - 379 Sunningdale Road West - Sunninglea Subdivision - Special Provisions - 39T-16504	51
2.6 Urban Forest Health - Oak Wilt	71
2.7 Application - 232-240 Oakland Avenue (H-8994)	78
2.8 Application - 1284 Sunningdale Road West - 3 Year Extension of Draft Plan Subdivision - 39T-04510	92
2.9 Passage of Amending By-law for Heritage Designated Property at 660 Sunningdale Road East	113
2.10 Passage of Heritage Designating By-law for 336 Piccadilly Street	118
2.11 Application - 2688 Asima Drive (P-9008)	125
3. Scheduled Items	
3.1 Not to be heard before 4:00 PM - Delegation - L. Kirkness, Kirkness Consulting Inc. - 131 King Street - Obtain a Section 45(1.4) Council Resolution	136

3.2	Not to be heard before 4:00 PM - Delegation - L. Kirkness, Kirkness Consulting Inc. - 894 Adelaide Street North - Obtain a Section 45(1.4) Council Resolution	143
3.3	Public Participation Meeting - Not to be heard before 4:00 PM - Application - 1820 Canvas Way - Draft Plan of Vacant Land Condominium - 39CD-18513	150
3.4	Public Participation Meeting - Not to be heard before 4:00 PM - Application - 2626 Sheffield Boulevard - Draft Plan of Vacant Land Condominium - 39CD-19501	167
3.5	Public Participation Meeting - Not to be heard before 4:00 PM - Application - 1395 Riverbend Road - Application for Zoning By-law Amendment (Z-8924)	178
3.6	Public Participation Meeting - Not to be heard before 4:30 PM - 447 Old Wonderland Road (Z-8962)	210
3.7	Public Participation Meeting - Not to be heard before 5:00 PM - Draft Old East Village Dundas Street Corridor Secondary Plan (O-8879)	251
3.8	Public Participation Meeting - Not to be heard before 5:30 PM - Proposed New City of London Boulevard Tree Protection By-law	315
4.	Items for Direction	
5.	Deferred Matters/Additional Business	
5.1	<i>(ADDED) 3rd Report of the London Advisory Committee on Heritage</i>	326
6.	Adjournment	

Advisory Committee on the Environment

Report

2nd Meeting of the Advisory Committee on the Environment
February 6, 2019
Committee Room #4

Attendance PRESENT: S. Ratz (Chair), K. Birchall, M. Bloxam, S. Brooks,
S. Hall, M. Hodge, L. Langdon, C. Lyons, D. Szoller and A.
Tipping and J. Bunn (Secretary)

ABSENT: J. Howell and T. Stoiber

ALSO PRESENT: J. Ackworth, T. Arnos, G. Barrett, L.
McDougall, J. Parsons and J. Stanford

The meeting was called to order at 12:16 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 London as a Bee City

That the Civic Administration BE ADVISED that the Advisory Committee on the Environment recommends that a communication program be developed related to the Bee City implementation that would increase awareness for members of the public as well as between City of London departments; it being noted that the following items were received with respect to London as a Bee City:

- the attached presentation from L. McDougall, Ecologist Planner, entitled "Protecting and Enhancing Pollinator Habitat in London;
- a verbal delegation from A.M. Valastro;
- a verbal delegation from G. Barrett, Manager – Long Range Planning and Research;
- the resubmitted Memo, appended to the agenda, dated August 22, 2018, entitled "Responses to the ACE's Plight of the Pollinators and Bee City Recommendations (2014 and 2018)"; and,
- the update document, appended to the agenda, dated Summer 2018, entitled "City of London A Leader in Habitat and Pollinator Protection, Engagement and Creation Initiatives".

3. Consent

3.1 1st Report of the Advisory Committee on the Environment

That it BE NOTED that the 1st Report of the Advisory Committee on the Environment, from its meeting held on December 5, 2018, was received.

3.2 1st Report of the Transportation Advisory Committee

That it BE NOTED that the 1st Report of the Transportation Advisory Committee, from its meeting held on January 22, 2019, was received.

3.3 Municipal Council Resolution - 1st Report of the Advisory Committee on the Environment

That it BE NOTED that the Municipal Council resolution, from its meeting held on December 18, 2018, with respect to the 1st Report of the Advisory Committee on the Environment, was received.

3.4 Notice of Planning Application - Zoning By-law Amendment - 6682 Fisher Lane

That it BE NOTED that the Notice of Planning Application, dated January 24, 2019, from M. Sundercock, Planner I, with respect to a zoning by-law amendment for the property located at 6682 Fisher Lane, was received.

3.5 West London Dyke Erosion Control - Municipal Class Environmental Assessment - Notice of Study Completion

That it BE NOTED that the Municipal Class Environmental Assessment Notice of Study Completion for the West London Dyke Erosion Control, from C. Gorrie and S. Bergman, Stantec Consulting Ltd., was received.

3.6 Thames Region Ecological Association Representative on the Advisory Committee on the Environment

That it BE NOTED that the communication dated December 4, 2018, from D. Szoller, Thames Region Ecological Association (TREA), with respect to the TREA representative on the Advisory Committee on the Environment, was received.

4. Sub-Committees and Working Groups

4.1 Energy and Built Sub-Committee Report

That the following actions be taken with respect to the Energy and Built Environment Sub-Committee Report dated January 2019:

a) the Civic Administration BE ADVISED that the Advisory Committee on the Environment recommends that the Discover Wonderland Environmental Assessment explore every possible avenue to avoid widening Wonderland Road to six lanes as there are a number of alternative methods that provide better traffic flow, improved options outside of driving ones own personal vehicle (public transit, cycling, walking, etc.), and proper access management; and,

b) the above-noted sub-committee report BE RECEIVED;

it being noted that verbal delegations from J. Ackworth, Transportation Design Technologist and J. Johnson, Dillon Consulting Limited, were received with respect to this matter.

5. Items for Discussion

5.1 Ice Management in Winter

That it BE NOTED that the submission dated January 28, 2019, from M. Bloxam as well as a verbal delegation from J. Parsons, Division Manager, Transportation and Roadside Operations, with respect to ice management in winter, were received.

5.2 The Precautionary Principle as it Applies to the City of London

That it BE NOTED that the attached hand out from K. Birchall with respect to the Precautionary Principle, was received; it being noted that there will be further discussion on this matter at the next meeting of the Advisory Committee on the Environment.

5.3 Revisiting a City Sustainability Office

That it BE NOTED that the Advisory Committee on the Environment held a general discussion with respect to a sustainability office in the City of London.

5.4 Current Recycling and Waste Diversion Efforts in the Downtown Core and the <https://getinvolved.london.ca/WhyWasteResource>

That it BE NOTED that the Advisory Committee on the Environment held a general discussion with respect to current recycling and waste diversion efforts in the Downtown core.

5.5 Advisory Committee Budget - 2019

That it BE NOTED that the Advisory Committee on the Environment (ACE) held a general discussion with respect to the 2019 ACE budget and work plan.

6. Deferred Matters/Additional Business

6.1 (ADDED) Green Bin Program

That it BE NOTED that the submission, dated December 19, 2018, from J. Kogelheide, with respect to a Green Bin Program, was received.

6.2 (ADDED) Municipal Council Resolution - Bird-Friendly Development

That it BE NOTED that the Municipal Council Resolution, from its meeting held on January 29, 2019 and the staff report dated January 21, 2019, with respect to bird-friendly development, were received.

7. Adjournment

The meeting adjourned at 2:28 PM.



Protecting and Enhancing Pollinator Habitat in London



Community planting prairie & native woodland species with Carolinian Canada, Friends of the Coves, City of London, 2017 at Elmwood Gateway/Coves ESA. Spicebush Swallowtail butterfly nectaring on Dense Blazing Star, 2018 at Elmwood Gateway/Coves ESA. Photo by Ben Porciuk 2018

ACE Pollinator Update - February 6, 2019

L. McDougall, Ecologist, City Planning



Protecting and Enhancing Pollinator Habitat in London



Milkweed with monarch caterpillar on residential front yard in Old East Village in London, 2018
London City By-laws permit naturalizations, perennial gardens and wildflower gardens on private property including planting of pollinator species such as milkweed.

- ACE's 10 "Plight of the Pollinator" Recommendations from 2014 were addressed
- Staff met with ACE in May 2017 to review in detail how ACE's 10 Recommendations were addressed
- ACE provided 3 new "Plight of the Pollinator" Recommendations in May 2018 – Memo from City Staff is included on ACE's September 2018 and February 2019 agenda providing detailed responses and updates.

ACE Council Resolution May 23, 2018:

- i) the Civic Administration BE REQUESTED to research and report back to the Advisory Committee on the Environment (ACE) with respect to the City of London being certified with Bee City Canada; it being noted that ACE supports the initiatives of Bee City Canada; and,
- ii) the Managing Director, Planning and City Planner, BE REQUESTED to present at a future meeting of the ACE with respect to an update on pollination work being done by the City of London;



Protecting and Enhancing Pollinator Habitat in London



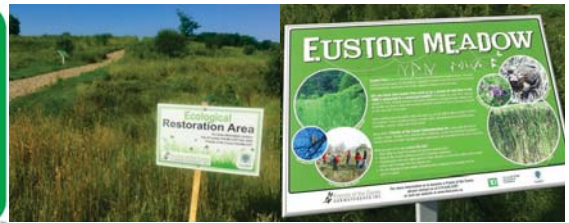
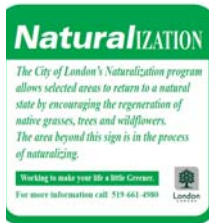
Milkweed with monarch caterpillar on residential front yard in Old East Village in London, 2018
London City By-laws permit naturalizations, perennial gardens and wildflower gardens on private property including planting of pollinator species such as milkweed.

- City Ecologist presented an update on "pollination work" being done by the City of London at ACE's September 5, 2018 Meeting
- City Ecologist reported back to ACE with respect to the City of London being certified with Bee City Canada at ACE's September 5, 2018 Meeting to address ACE's Council Resolution of May 23, 2018
- City Ecologist presented "Protecting and Enhancing Pollinator Habitat in London" and provided free milkweed seeds and City Pollinator Updates at ACE's "Green in the City" event "Bee-coming Pollinator Friendly: In Gardens and Across the City" event on November 23, 2018



Protecting and Enhancing Pollinator Habitat in London

- About 10% of the City is publically owned parkland, and over 60% of that area or about 1,600 hectares are naturalized, non-mowed areas that provide good pollinator habitat - this area increases every year.



City restoration projects & signs improve awareness and protection of pollinator habitats.



Protecting and Enhancing Pollinator Habitat in London

London City By-laws permit naturalizations, perennial gardens and wildflower gardens on private property including planting of pollinator species such as Milkweed.



Milkweed with monarch caterpillar on residential front yard in Old East Village in London, 2018



Protecting and Enhancing Pollinator Habitat in London

Many City programs empower community groups to plant pollinator habitats on City property, private property, and right of ways:

- NeighbourGood London programs: TreeMe and Neighbourhood Decision Making funded over half a million dollars in pollinator habitat projects since 2015.
- The Adopt a Park, Adopt a Street Adopt a Pond Program and Adopt an ESA programs offer more opportunities.





Protecting and Enhancing Pollinator Habitat in London

Many City programs empower community groups to plant pollinator habitats on City property, private property and right of ways:

- Urban Agriculture Strategy
- London Community Gardens - 17 Community Gardens
- London Invasive Plant Management Strategy
- The Growing Naturally Program
- Active & Green Communities
- Friends of the London Civic Garden Complex



Protecting and Enhancing Pollinator Habitat in London

Many groups are enhancing pollinator habitats in London:

- Pollinative
- Reforest London
- Upper Thames River Conservation Authority
- Kettle Creek Conservation Authority
- Lower Thames Conservation Authority
- Carolinian Canada
- Pollinator Pathway Project in London
- Dancor Bring Back the Bees Project
- Julia Hunter Fund
- St. Georges Presbyterian Church
- Ontario's Pollinator Health Action Plan
- Species at Risk Farm Incentive Program
- Species at Risk Partnership on Agricultural Lands
- Wildlife Preservation Canada - Native Pollinator Initiative
- TD Friends of the Environment Grants



Protecting and Enhancing Pollinator Habitat in London

Did you know?

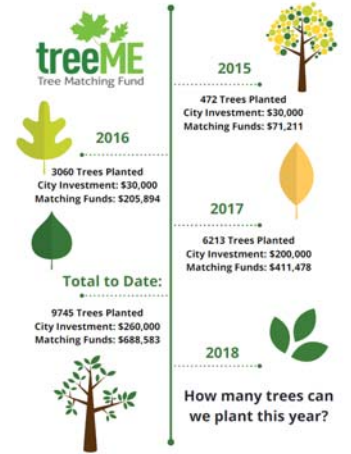
- Trees are critical for pollinators and support a greater diversity of butterflies and moths than most herbaceous plants.
- Trees provide most of the first available food for pollinators in the spring.
- London's urban forest is a key element in provision of habitat and food for pollinators, and, is closely tied to achieving the London Plan pollinator policies.
- The Council approved Tree Planting Strategy is on track and fully funded (\$450,000/year) to plant 20,000 trees from 2016 to 2019.
- The strategy outlines the long term plan to increase London's tree canopy cover from 24% to 34%.



Protecting and Enhancing Pollinator Habitat in London

treeME Tree Matching Fund – \$200,000 available in 2018 and 2019

- Leverages City funding to get even more trees and good pollinator habitat on private property.
- 90% of land in City is private property



Protecting and Enhancing Pollinator Habitat in London

Neighborhood Decision Making Program – \$250,000/year available

Winning Projects 2016 & 2017 that support pollinator habitat include:

- Plant Fruit Trees near Community Gardens
- Community Garden at First Saint Andrew's United Church
- Cedar Hollow Park Improvements and Plantings
- Natural Landscape Playground in Kiwanis Park
- Save the Bees Pollinator Garden in Byron
- Gleaning Food Forest



Protecting and Enhancing Pollinator Habitat in London

Neighborhood Decision Making Program – \$250,000/year available

Winning Projects that support pollinator habitat in 2018 included:

- Nature Sanctuary in Hyde Park
- Bat Boxes in Masonville
- Trees for Accessible Playground - Raised Gardens
- Bee Pollinator Garden
- London's Free Fruit Trees
- Pollinator Pathways Project
- Community Beehives
- F.D. Roosevelt Public School Yard Enhancements



Protecting and Enhancing Pollinator Habitat in London

Naturalization projects are coordinated every year by City staff and other groups to include opportunities for the Community, "Adopt a ..." Groups, and others to enhance pollinator habitat across the City.



Protecting and Enhancing Pollinator Habitat in London

Westminster Ponds ESA – Ecological Restoration of area with 80% non-native invasive buckthorn and dead ash trees



Before picture 2016 – Buckthorn / Dead Ash Monoculture 2018 – Ecological Restoration underway & habitat is improving

Canada 150 Grant from Federal Government helped fund restoration. Began in 2017 with wintertime mulching of the buckthorn and many standing dead ash trees. Project successfully restoring area back to healthy savannah, wetland & forest habitats, supporting a diversity of native species.



Protecting and Enhancing Pollinator Habitat in London

Ontario Nature Award

- City of London was recognized with the [Lee Symmes Municipal Award by Ontario Nature](#).
- The Award recognizes municipalities that demonstrate community leadership and exceptional achievement in planning or implementing programs that protect and regenerate the natural environment within a community.
- Ontario Nature commended the City of London for ensuring a natural legacy for future generations.



Sifton Bog Environmentally Significant Area, drone photo of accessible AODA boardwalk 2018



Protecting and Enhancing Pollinator Habitat in London

ACE Recommended that London be certified by Bee City Canada. "In this way we can be recognized as a leader within Canada in the creation of bee-friendly cities."



Agree that the City of London is already a leader in habitat and pollinator protection, demonstrating a proactive approach throughout the City

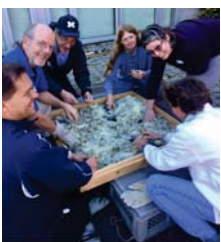


Ecological restoration of meadow habitat in Westminster Ponds & Coves ESAs



Protecting and Enhancing Pollinator Habitat in London

- Staff report to Planning and Environment Committee in 2019 will summarize how London will continue to meet Bee City Canada's requirements.
- Staff report will include a draft "Bee City" Council Resolution for Council's consideration



Adopt an ESA, Native Seed Collection Workshop, Common Milkweed Seeds



Make your garden and London a safe haven for pollinators



- London will continue to lead in:
- ✓ Creating, maintaining and improving pollinator habitat.
 - ✓ Educating about the importance of pollinators.
 - ✓ Celebrating pollinators



Protecting and Enhancing Pollinator Habitat in London

3 simple ways to make a difference:

- Plant pollinator species like Milkweed
- Request a boulevard tree at [Service.London.ca](#)
- Visit [NeighbourGoodLondon.ca](#) & [London Environmental Network](#) to enhance local habitat with your community



L. McDougall, Ecologist
519-661-2489 Ext. 6494
lmcDougall@london.ca
Planning Services

London: Precautionary Principle

The concept of the Precautionary Principle evolved (and continues to do so) first in Europe we are told. Multiple UN and EU sources have pointed to it first coming into being in the late 1850s and is attributed to persons deciding that they were not going to wait for further evidence that cholera was being spread via water distribution methods in use at the time.

For myself a short hand description is that when facing a decision, if there is a risk of negative outcomes, the possibilities have to be fully investigated and risk evaluated.

A 2013 Canadian Federal Government document titled: A Framework for the Application of Precaution in Science-based Decision Making about Risk (Framework) reads as follows:

The application of “precaution”, “the precautionary principle” or “the precautionary approach” recognizes that the absence of full scientific certainty shall not be used as a reason for postponing decisions where there is a risk of serious or irreversible harm.

The application of precaution is distinctive within science-based risk management and is characterized by three basic tenets: the need for a decision, a risk of serious or irreversible harm and a lack of full scientific certainty”¹

The idea behind the framework is that if you have your decisions guided by protection against risk of harm to the environment. Better to be safe than sorry is an equally applicable short form descriptor. It is a concept still being refined however, its use by municipalities has resulted in Supreme Court of Canada support in preserving a bylaw that prohibited the use of certain plant control chemicals in Quebec in a case reported as *Spraytech v Hudson (Town)*²

The major issue from that case that needs to be remembered is that the finding recognized the precautionary principle’s underlying purpose in International and Domestic law. They upheld a pesticide ban that was based on a reasonably held suspicion and not on a final determination after years of study. A city has the power to make changes without waiting on the Federal or Provincial government to take steps, provided they insure they are not in direct conflict with existing regulations.

I wanted to ask this committee to examine the interplay with City decision making and the Precautionary Principle as it currently exists in your opinion. My suggested subheading to this topic:

How is the Sustainable Purchasing framework within the City Procurement of Goods & Services Policy being measured currently?

My request to ACE. Please do some reading, I will circulate further materials by email including this one. Come in March prepared for a debate and vote on this.

¹ A Framework for the Application of Precaution in Science-based Decision Making about Risk (Framework), available at www.who.int/ifcs/documents/forums/forum5/precaution_e.pdf4

²Case: <https://www.canlii.org/en/ca/scc/doc/2001/2001scc40/2001scc40.pdf> Analysis: www.dragun.ca/precautionary-principle-and-canadian-environmental-law

Trees and Forests Advisory Committee

Report

1st Meeting of the Trees and Forests Advisory Committee
January 23, 2019
Committee Room #4

Attendance PRESENT: R. Mannella (Chair), T. Khan, J. Kogelheide, A. Meilutis, A. Morrison, M. Szabo, S. Teichert, R. Walker; and P. Shack (Secretary)

ABSENT: C. Haindl, C. Linton and G. Mitchell

ALSO PRESENT: A. Beaton, R. Cosby, J. Spence

The meeting was called to order at 12:15 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

1.2 Election of Chair and Vice Chair for the term ending June 1, 2019

That the existing appointments of the Chair and Vice Chair for the Trees and Forests Advisory Committee BE EXTENDED to June 1, 2019, to coincide with the end of the current term.

2. Scheduled Items

None.

3. Consent

3.1 11th Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 11th Report of the Trees and Forests Advisory Committee, from its meeting held on November 28, 2018, was received.

3.2 Municipal Council Resolution with respect to the recruitment and appointment of Advisory Committee members for the up coming term.

That it BE NOTED that the Municipal Council resolution from its meeting held on November 20, 2018, with respect to the recruitment and appointment of Advisory Committee members for the up coming term, was received.

3.3 ReThink Zoning Draft Terms of Reference

That it BE NOTED that the ReThink Zoning Draft Terms of Reference, dated October 31, 2018, was received.

3.4 City of London Trees Website - J. Kogelheide

That it BE NOTED that the communication from J. Kogelheide, dated December 9, 2018, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 1576 Richmond Street Project - A. Morrison

That it BE NOTED that the attached presentation from A. Morrison, with respect to the construction at the property located at 1576 Richmond Street, was received.

6. Deferred Matters/Additional Business

6.1 (ADDED) RFP 1903 Tree Inventory Update

That it BE NOTED the Trees and Forest Advisory Committee held a general discussion, with respect to RFP 1903, Tree Inventory Update and provided the following comment:

"the information that the City of London gathers may not be of good quality information to support the 2014 Urban Forestry Strategy due to the short timeline".

7. Adjournment

The meeting adjourned at 1:14 PM.

1576 RICHMOND





Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Sifton Properties Limited
132, 146 & 184 Exeter Road
Stormwater Management (SWM) Facility
Land Acquisition Agreement

Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into an Agreement between The Corporation of the City of London and Sifton Properties Limited for the subdivision of land over Part of Lots 34 and 35, Concession 2, (Geographic Township of Westminster), City of London, County of Middlesex, situated on the north side of Exeter Road, between White Oak Road and Wonderland Road South, municipally known as 132, 146 & 184 Exeter Road:

- (a) the attached Agreement between The Corporation of the City of London and Sifton Properties Limited (39T-15501) attached as Appendix "A", **BE APPROVED**;
- (b) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "B"; and
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

Background

The lands which are the subject of this agreement are within a Draft Approved Plan of Subdivision located at 132, 146 & 184 Exeter Road; north side of Exeter Road, between White Oak Road and Wonderland Road South, having a total area of approximately 48.208 hectares (119 acres).

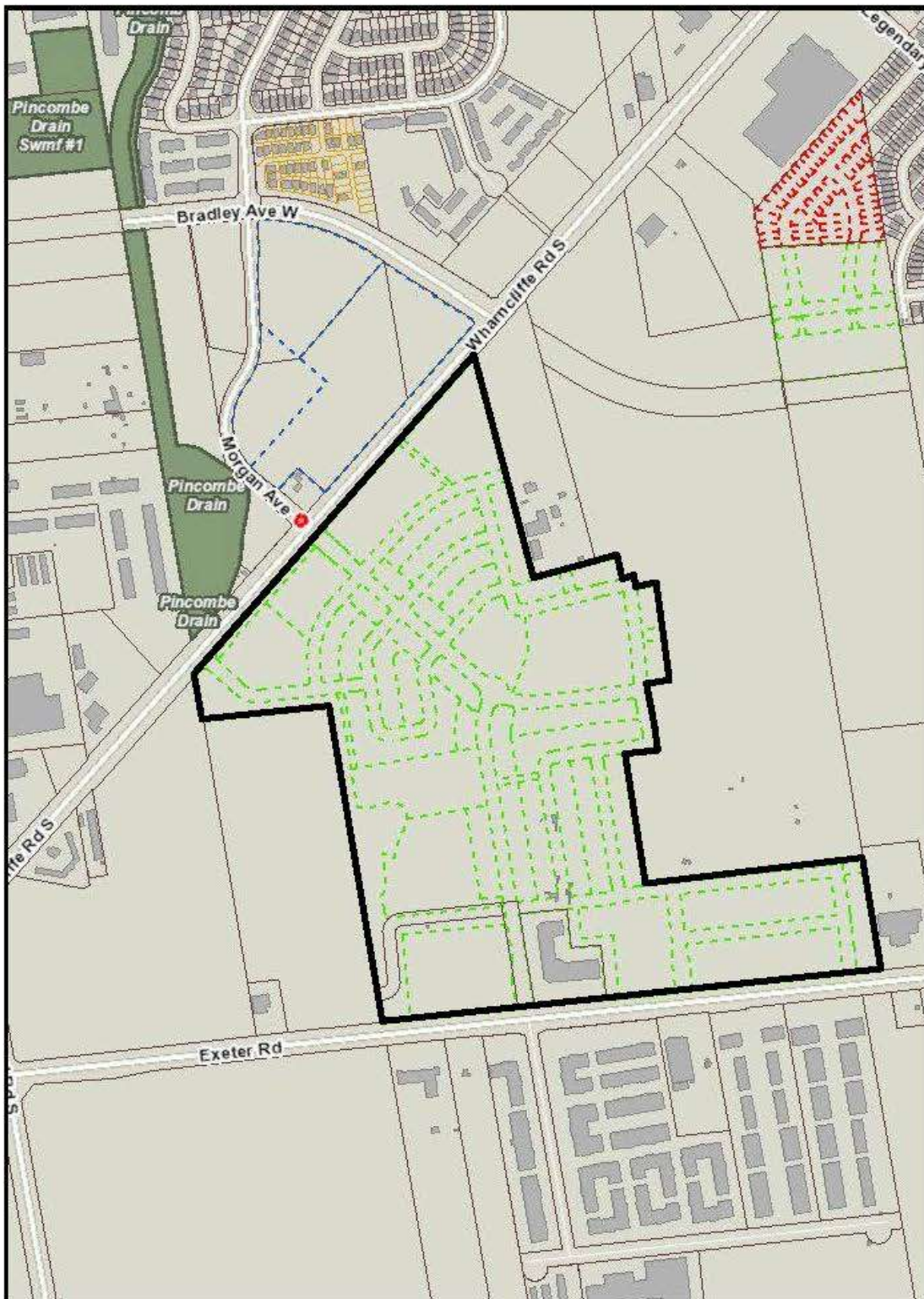
The original Draft approval was granted on January 27, 2017 by the Approval Authority. The draft plan consists of 26 low density blocks, 11 medium density blocks, 1 school block, 2 park blocks, 4 multi-use pathway blocks, 1 open space block, 1 stormwater management facility block, 1 future stormwater management facility or residential block, 1 light industrial block, 2 future road blocks, and several 0.3 m reserves and road widening, all served by 5 new secondary collector roads, and 11 new local streets.






This first Phase of the subdivision and special provisions for the subdivision agreement pertain to the stormwater management (SWM) pond, known as the Pincombe Drain SWM Facility No. 3 (Pincombe Drain SWMF3). Advancing a subdivision agreement for the SWMF will facilitate the transfer of the SWM Block to the City which will allow the tendering process to proceed. This subdivision agreement will only be registered against the SWM Facility Block of the draft approved plan.

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


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

Location Map

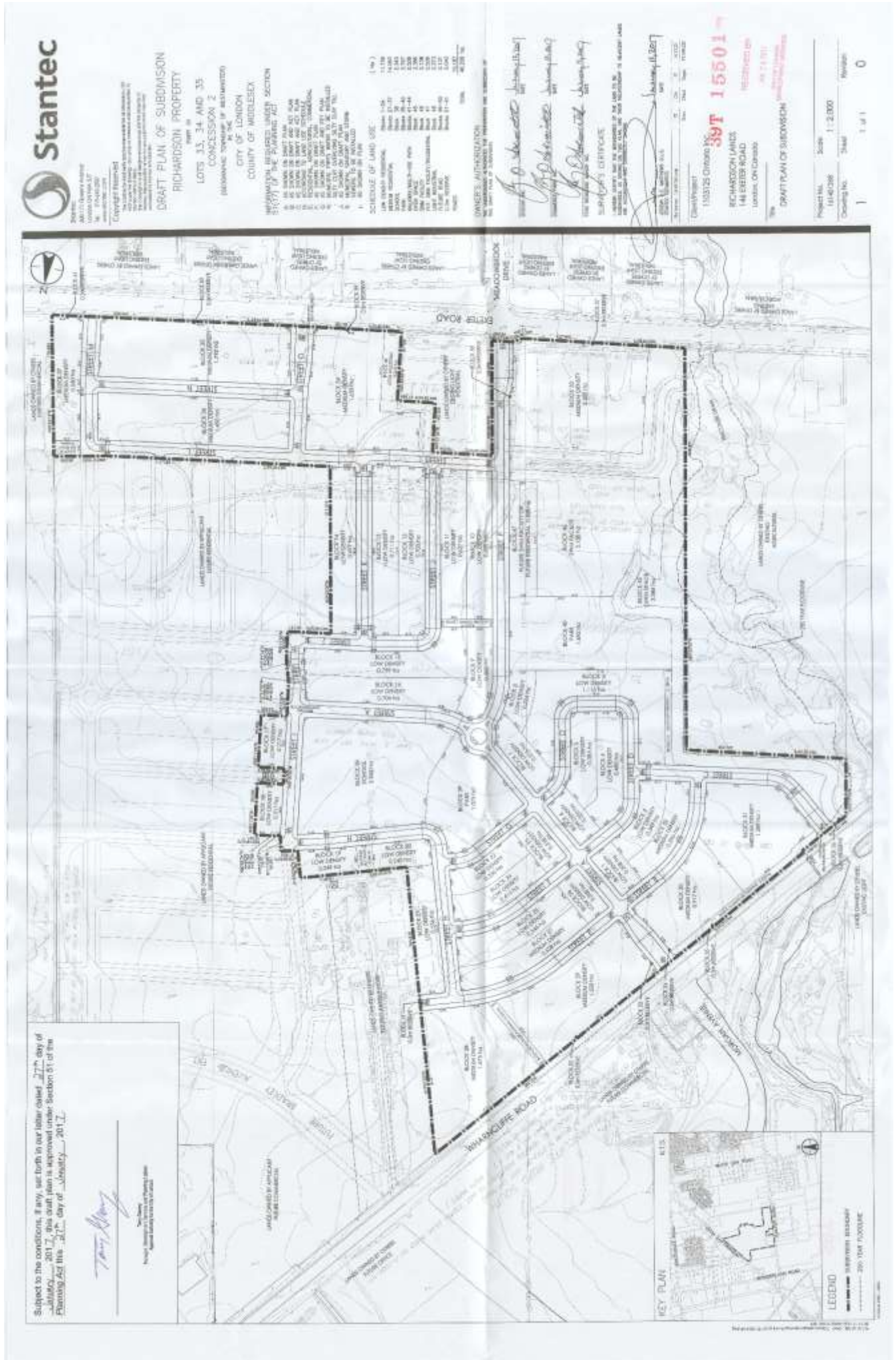


Location Map		Legend	
Subject Property:	184 Exeter Rd		Subject Property
Applicant:	Sifton Properties Limited		Parks
File Number:	39T-15501		Assessment Parcels
Created By:	Frank Gerrits		Buildings
Date:	1/10/2019		Address Numbers
Scale:	1:8000		

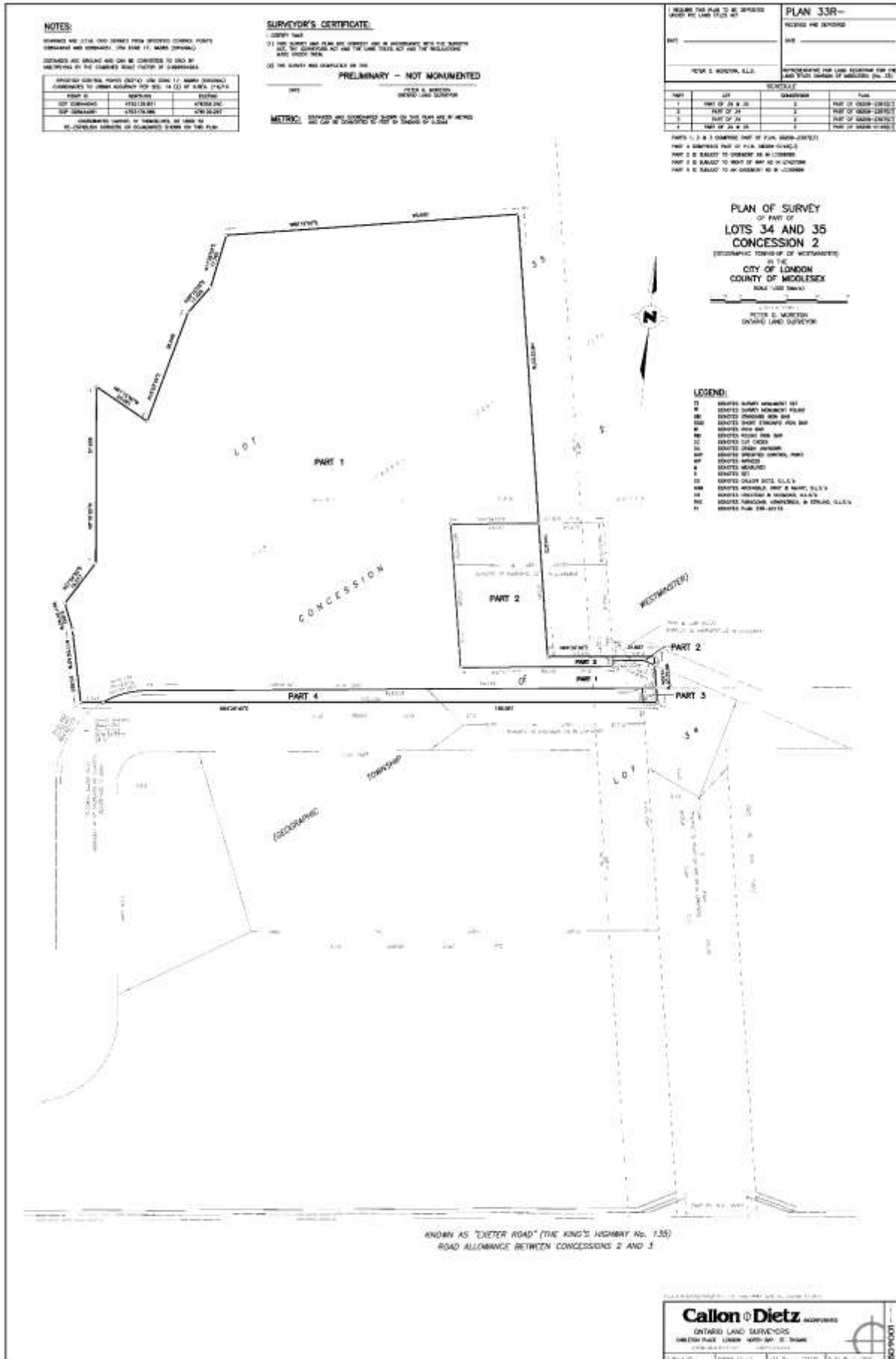
Corporation of the City of London



Draft Plan of Subdivision



SWM Pond Lands



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

February 12, 2019

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

NP/LP/MF/GK/fg Y:\Shared\ADMIN\1- PEC Reports\2019 PEC Reports\3a - February 19\134, 146 & 184 Exeter Road 39T-15501 StormWater Management SWM Facility FG Report 1of3.docx

Appendix A – Special Provisions

THIS AGREEMENT made in triplicate this _____ day of February, 2019.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON
(hereinafter called the “City”)

OF THE FIRST PART

AND

SIFTON PROPERTIES LIMITED
(hereinafter called “the Owner”)

OF THE SECOND PART

WHEREAS the Owner represents that it is seized of those lands situate in the City of London, (formerly the Township of London) in the County of Middlesex, more particularly described on **Schedule “A”** attached, (the Lands), and desires to obtain the approval of the City of London for the Draft Plan of Subdivision (39T-15501) of the said Lands.

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

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

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

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

1. DEFINITIONS

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

- (a) "Director - Development Finance" means that person who from time to time, is employed by the City as its Director of Development Finance.
- (b) "City Engineer" means that person who, from time to time, is employed by the City as its Engineer.
- (c) "CSRF" or "Fund" means the City Services Reserve Fund.
- (d) "Land" means the land described on Schedule "A".
- (e) "Planning Act" means the Planning Act R.S.O. 1990, c. P.13, as amended;
- (f) "SWM" means Stormwater Management; and
- (g) "SWM Facility Works" means those acts necessary for the construction of the Pincombe Drain SWM Facility No. 3.

2. LANDS FOR PINCOMBE DRAIN SWM FACILITY 3

Upon registration of this Agreement, the Owner shall transfer Parts 1, 2, 3 and 4 on Plan 33R- [REDACTED] to the City, free and clear of all encumbrances, all at no cost to the City and all to the satisfaction of the City Engineer. This land dedication is eligible for reimbursement from the CSRF as described in Section 3(a) of this Agreement to be paid in accordance with Section 3(b).

3. CLAIMS AGAINST THE CITY SERVICES RESERVE FUND

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

- (a) The anticipated reimbursements from the Fund are:
 - i. for lands dedicated to the City for the construction of Pincombe Drain SWM Facility No. 3, (being Part of Part 1 and all of Parts 2 and 3, on Reference Plan 33R- [REDACTED]) the estimated cost of which is \$604,478.00 Dollars (CDN), which is comprised of 1.957 hectares (4.835 acres) of Developable Land at \$308,880/hectare (\$125,000/acre), plus applicable taxes.
 - ii. for lands dedicated to the City for the construction of Pincombe Drain SWM Facility No. 3, (being Part of Part 1 and all of Part 4, on Reference Plan 33R- [REDACTED]) the estimated cost of which is \$2,446.00 Dollars (CDN), which is comprised of 0.18 hectares (0.44 acres) of Developable Land at \$13,590/hectare (\$125,000/acre), plus applicable taxes.
- (b) On a quarterly basis following the execution of this Agreement, the City will review the building permits issued and associated Development Charge payments received from new development within the catchment area. A running total will be maintained by the City. Once Development Charge payments totaling \$8.026 million have been received as a result of new development within the stormwater catchment area, as shown on **Schedule "B" and "C"** of this Agreement, the City will reimburse the Owner for the land cost in the quarter following achievement of the \$8.026 million threshold.

4. EASEMENTS

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

5. RELEASE

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

6. INCONTESTABILITY

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

7. REGISTRATION DOCUMENTS

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

8. GENERAL PROVISIONS

- (a) The parties hereby do authorize, empower and instruct their solicitors to enter into an appropriate escrow arrangement to facilitate the completion of those parts of this Agreement to be completed upon registration of this Agreement and those to be completed thereafter. In default of agreement between the parties' solicitors as to the terms such appropriate escrow arrangement; the Documentation Registration published by the Law Society of Upper Canada on its website shall be employed.
- (b) The division of this Agreement into sections and headings (or paragraphs) herein are for convenience or reference only and are not be used in the interpretation of the provisions related to them.
- (c) The Owner and its successors shall not assign this Agreement in whole or in part without the written consent of the City, which consent shall not be unreasonably withheld.
- (d) Subject to the provisions herein, the Owner shall be subject to all By-laws of the City. In the event of a conflict between the provisions of this Agreement and the provision of any By-law of the City, the provisions of the By-law shall prevail.
- (e) All of the provisions of this Agreement are, and are to be construed as, covenants and agreements as though the words importing such covenants and agreements were used in each separate clause hereof. Should any provision of this Agreement be adjudged unlawful or not enforceable, it shall be considered separate and severable from the agreement and its

SCHEDULE "A"

This is Schedule "A" to the Subdivision Agreement dated this _____ day of February, 2019, between The Corporation of the City of London and Sifton Properties Limited to which it is attached and forms a part.

(Pincombe Drain SWM Facility No. 3)

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying, and being Part of Lots 34 and 35, Concession 2, Designated as Parts 1, 2 3 and 4 Plan 33R- _____ (geographic Township of Westminster), now in the City of London, County of Middlesex.

SCHEDULE "B"

Pincombe 3 SWMF Land Acquisition Calculations

1. Land Valuation

- as per By-law C.P. – 1496-244 s. 25 Schedule 8, 4.7 ("Development Charges By-law")

Reference Plan 33R - xxxxx	Total Area (hectares)	DC By-law Classification	Rate (\$ per hectare)	Valuation
Parts 1,2,3,4	1.957	Developable	\$ 308,880	\$ 604,478
	0.18	Non-Developable	\$ 13,590	\$ 2,446

\$ 606,924

2. 25% Payment Trigger

- As per "just-in-time" stormwater management facility design and construction policy, Council endorsed July, 2013.

39T-15501

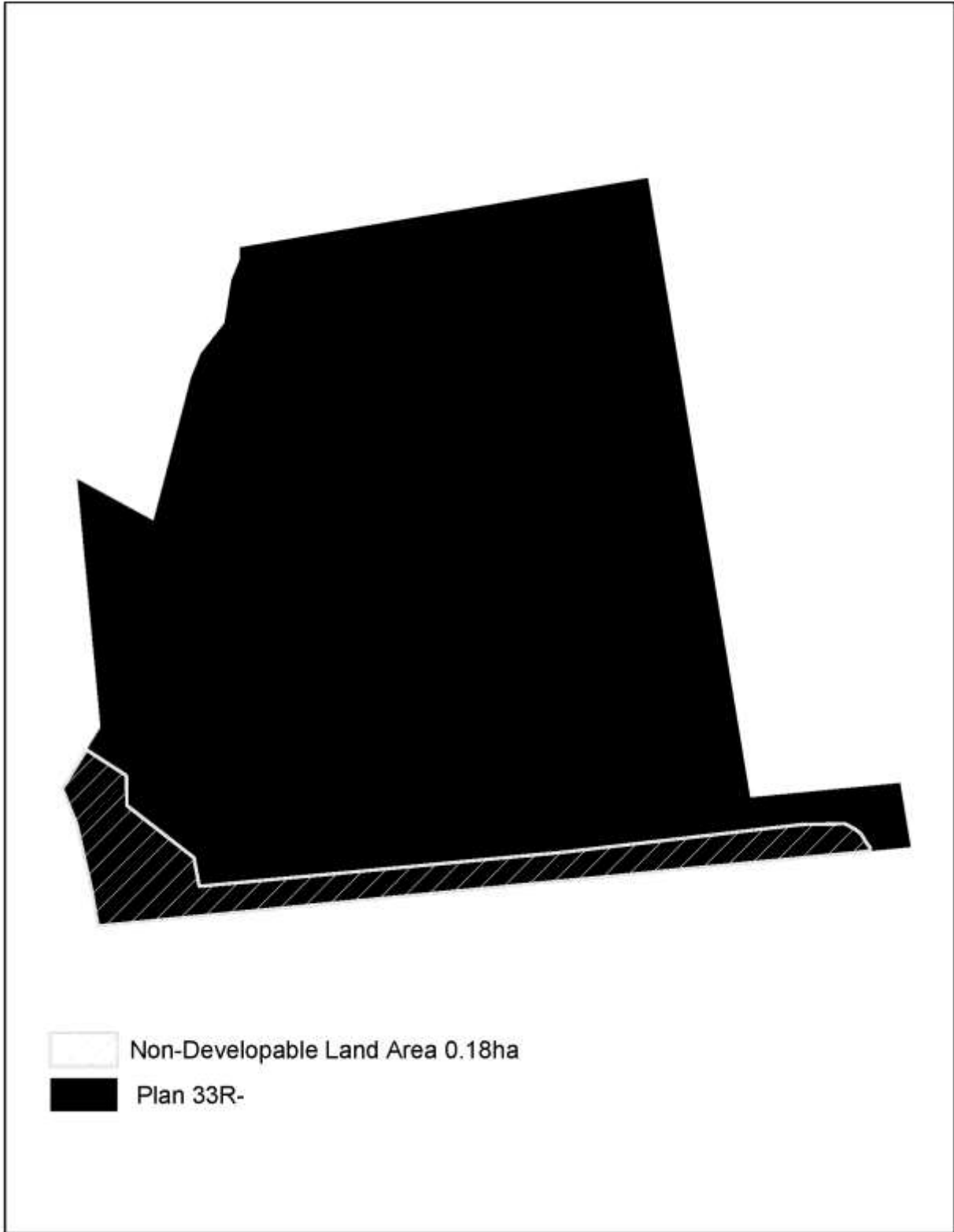
ID Label	Category	Area (ha)	Yields	CSRF DC Rate	Estimated Revenue
Blocks 1-16, 19-26 ¹	LDR	11.305	295	\$ 29,373	\$ 8,665,035
Blocks 27 & 32 ²	MDR	0.924	36	\$ 22,018	\$ 792,648
Blocks 28-31 ³	MDR	5.439	407	\$ 22,018	\$ 8,961,326
Block 33 ⁴	MDR	2.285	228	\$ 22,018	\$ 5,020,104

LDR Total \$ 8,665,035
MDR Total \$ 23,439,113
Grand Total \$ 32,104,148
25% **\$ 8,026,000**

- 1 LDR yields are a manual count, completed using the lotting pattern from the approved Draft Plan of Subdivision
- 2 These blocks yields were calculated on a net uph density factor of 40
- 3 These blocks yields were calculated on a net uph density factor of 75 based on zoning special provision
- 4 This block yield was calculated on a net uph density factor of 100 based on zoning special provision

SCHEDULE "C"

LAND VALUATION MAPPING



Appendix B – Source of Finance

Chair and Members
Planning & Environment Committee

#19010
February 19, 2019
(39T-15501)

RE: Stormwater Management Facility (SWM) Land Acquisition Agreement
Sifton Properties Limited (Work Order #2456017)
Capital Budget Project No. ESSWM-PD3 - SWM Facility - Pincombe Drain No. 3
132,146 & 184 Exeter Road

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

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

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Revised Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance For Future Work</u>
Engineering	\$475,999	\$475,999	\$475,999		\$0
Land Purchase	600,000	626,219		626,219	0
Construction	1,491,001	1,464,782			1,464,782
NET ESTIMATED EXPENDITURES	\$2,567,000	\$2,567,000	\$475,999	\$626,219	\$1,464,782
SOURCE OF FINANCING					
Drawdown from City Services - Mjr. SWM Reserve Fund (Development Charges)	2) \$2,091,001	\$2,091,001	\$475,999	\$626,219	\$985,783
Debtenture By-law No. W-5595-40 (Serviced through City Services Mjr. SWM Reserve Fund (Development Charges))	2) 475,999	475,999			475,999
TOTAL FINANCING	\$2,567,000	\$2,567,000	\$475,999	\$626,219	\$1,464,782

1) Financial Note:

Purchase Cost	\$606,924
Add: Land Transfer Tax	8,613
Add: HST @13%	78,900
Less: HST Rebate	(68,218)
Total Purchase Cost	\$626,219

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

JG

Jason Davies
Manager of Financial Planning & Policy

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: West Kains Land Corporation and
Dr. Hugh Allen (Liahn Farms)
810 Westdel Bourne, portion of 1055 Westdel Bourne,
1079 Westdel Bourne, 1959 and 1997 Oxford Street West
Eagle Ridge Subdivision Phase 2 - Special Provisions

Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and West Kains Land Corporation and Dr. Hugh Allen (Liahn Farms), for the subdivision of land over Part of Lot 1, Registrar's Compiled Plan No. 400 and Part of Lots 3, 4, 13 and 14, Registrar's Compiled Plan No. 376, (Geographic Township of Delaware) in the City of London, situated on the west side of Westdel Bourne and north side of Oxford Street West, municipally known as 810 Westdel Bourne, portion of 1055 Westdel Bourne, 1079 Westdel Bourne, 1959 and 1997 Oxford Street West.

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and West Kains Land Corporation and Dr. Hugh Allen (Liahn Farms) for the Eagle Ridge Subdivision, Phase 2 (39T-17501) attached as Appendix "A", **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B",
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "C"; and
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Analysis

1.0 Site at a Glance

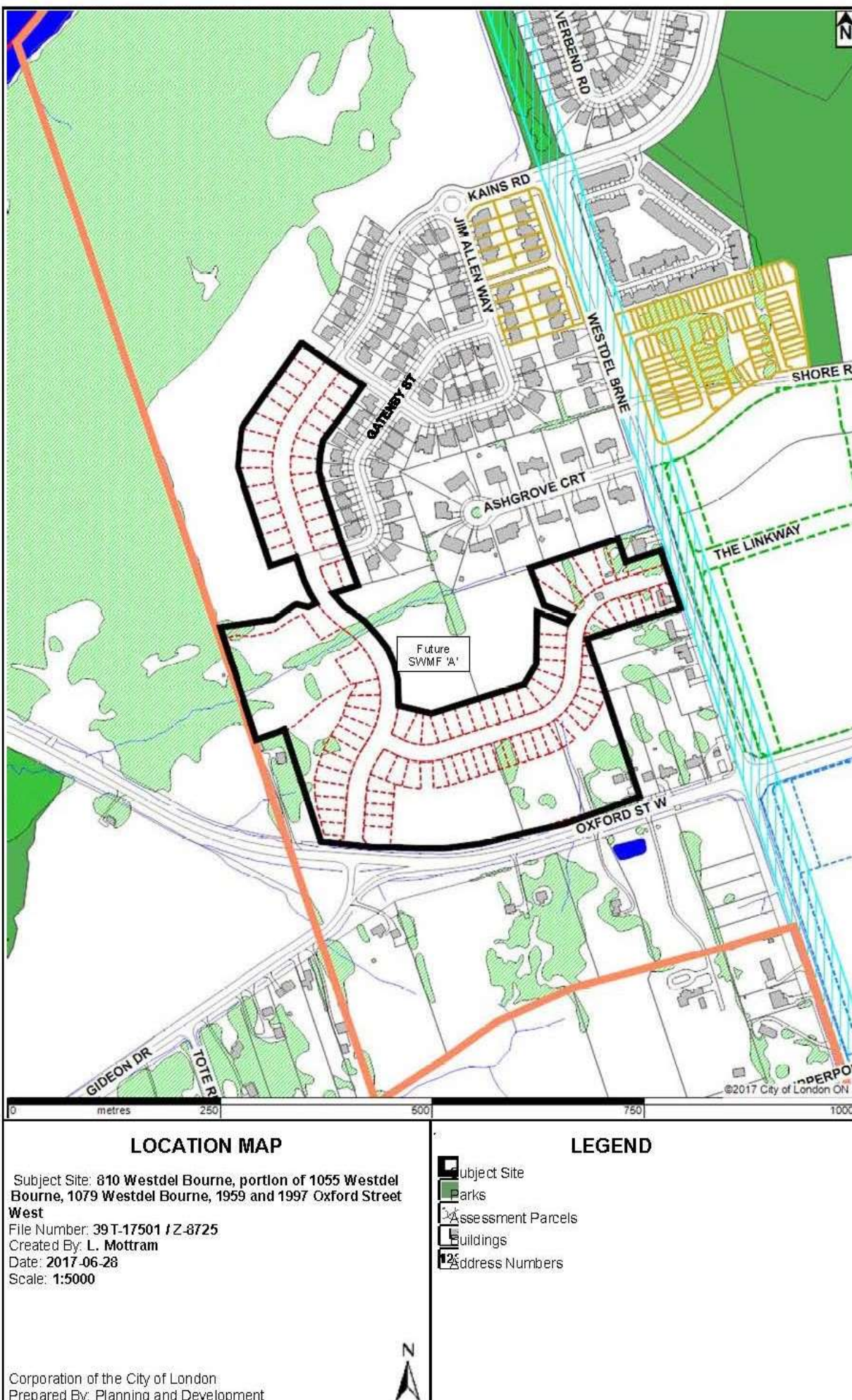
1.1 Property Description

The subject site is a 12.9 hectare (31.96 acre) parcel of land located at the northwest corner of Westdel Bourne and Oxford Street West. There is approximately 382 metres of frontage along the north side of Oxford Street West, and 73 metres of frontage on the west side of Westdel Bourne.

The proposed development shows eighty-nine (89) single detached residential dwelling lots, one (1) medium density residential block, two (2) open space blocks, three (3) park blocks, seven (7) part blocks for future development, five (5) reserve blocks, and one (1) road widening block.

This is the second and final phase of the development. Phase 1 – West Kains Subdivision was registered on September 12, 2008 as Plan 33M-596.

1.2 Location Map – Phase 2, Eagle Ridge Subdivision



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

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

Prepared by:	Larry Mottram, MCIP, RPP Senior Planner, Development Services
Recommended by:	Lou Pompili, MCIP RPP Manager, Development Planning (Subdivision)
Reviewed by:	Matt Feldberg Manager, Development Services (Subdivision)
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official

February 12, 2019

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

NP/FG Y:\Shared\ADMIN\1- PEC Reports\2019 PEC Reports\3a - February 19\39T-17501 - Eagle Ridge - West Kains - PEC REPORT - 1of3.docx

Appendix A – Special Provisions

5. STANDARD OF WORK

Add the following new Special Provisions:

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

The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Blocks 96 and 97 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease and in the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City Engineer.

10. COMPLETION, MAINTENANCE, ASSUMPTION AND GUARANTEE

Add the following new Special Provision:

- #2 Further to Clause 10.7 and subject to the conditions therein, the City will consider the assumption of the streets in this subdivision in stages, all to the satisfaction of the City.

16. PROPOSED SCHOOL SITES

Remove Subsections 16.3 to 16.8 as there are no School Blocks in this Plan.

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

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

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

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

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

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

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

25.1 STANDARD REQUIREMENTS

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

~~(h) Within one (1) year of registration of this Plan, or as otherwise directed by the City, the Owner shall construct a chain link fence without gates, adjacent to the walkway(s) (Block(s) _____) in accordance with City Standard No. SR-7.0.~~

Add the following new Special Provisions:

- #3 The City may require the works and services required under this Agreement to be done by a contractor whose competence is approved jointly by the City Engineer and the Owner, to the satisfaction of the City.
- #4 The Owner shall maintain works and services in this Plan in a good state of repair from installation to assumption, to the satisfaction of the City, at no cost to the City.
- #5 The Owner shall remove all existing buildings, structures and all associated appurtenances in order to develop this Plan, all to the satisfaction of the City, at no cost to the City.
- #6 The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this Plan quit claimed to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

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

The Owner shall include in all agreements of purchase and sale and registered on the title of all Lots/Blocks and in the transfer of deed in this Plan a warning clause advising the purchaser/transferee that these Lots/Blocks are not to be developed until the existing services are removed, alternate services are installed if necessary to replace the existing private services and the existing easement is quit claimed to the satisfaction of the City.

- #7 The Owner shall make arrangements with the owner of lands to the east to combine Blocks 96 to 102 of this Plan, in conjunction with lands to the east to create developable Blocks, all to the satisfaction of the City.
- #8 The Owner shall implement the recommendations of the Road Traffic Noise Feasibility Study - Eagle Ridge Subdivision Phase 2 - Oxford Street West and Westdel Bourne, prepared by HGC Engineering dated January 30, 2018, including the following:

Air Conditioning:

The Owner agrees not to submit building permit applications for Lots 49 and 50 unless the plans contain provisions for central air conditioning.

Provision for Future Installation of Air Conditioning (Forced Air Ventilation System)

The Owner agrees not to submit building permit applications for Lots 1, 2, Lots 25 to 43, Lots 45 to 48 and Lots 51 to 53 unless the plans include a forced air ventilation system and ducting, etc. which is sized to accommodate future installation of central air conditioning by the occupant.

Building Façade Construction - Lot 49:

The minimum necessary specification for the building envelope for Lot 49 shall be Acoustical Insulation Factor, AIF-28 for the living/dining rooms and AIF-26 for the bedrooms, based on the possibility of sound entering the building through walls and windows. Any exterior wall construction meeting the Ontario Building Code (OBC) will be acceptable for these dwellings, as long as the exterior wall area to room floor area ratio does not exceed 200%.

Any insulated metal exterior door meeting OBC requirements for Lot 49 will be sufficient to provide noise insulation. If patio doors are to be used in the dwellings, they must be included in the window area.

A standard glazing construction of two 3mm thick panes separated by a 13mm air space for Lot 49 will provide sufficient sound insulation as long as the window area to floor area ratio does not exceed 40% for the living/dining rooms and 63% for the bedrooms.

Building Façade Construction - Lot 50:

Should the Owner propose residential development in the future for Lot 50, the minimum necessary specification for the building envelope for Lot 50 shall be Acoustical Insulation Factor, AIF-26 for the living/dining rooms and AIF-24 for the bedrooms, based on the possibility of sound entering the building through walls and windows. Any exterior wall construction meeting the Ontario Building Code (OBC) will be acceptable for these dwellings, as long as the exterior wall area to room floor area ratio does not exceed 250%.

Any insulated metal exterior door meeting OBC requirements for Lot 50 will be sufficient to provide noise insulation. If patio doors are to be used in the dwellings, they must be included in the window area.

A standard glazing construction of two 3mm thick panes separated by a 13mm airspace for Lot 50 will provide sufficient sound insulation as long as the window area to floor area ratio does not exceed 63% for the living/dining rooms and 100% for the bedrooms.

Noise Barriers:

Prior to the issuance of any Certificates of Conditional Approval for Lots 49 and 50 in this Plan, the Owner shall construct the proposed noise attenuation barriers adjacent to the rear and/or side property lines of each of the said Lots as shown on the accepted engineering drawings and have its professional engineer certify that the said walls were constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.

The Owner shall register against the title of Lots 49 and 50 in this Plan, and include in the Agreement of Purchase and Sale or lease and in the transfer of deed for the said Lots, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Lot shall be responsible for the maintenance of the noise attenuation barrier in the future located on the said Lot, at no cost to the City.

Warning Clauses:

The following warning clause is required to be included in all agreements of purchase and sale or lease of Lots 49 and 50:

"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MOECC Publication NPC-216, Residential Air Conditioning Devices.)"

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the criteria of the Municipality and the Ministry of Environment."

"The City of London assumes no responsibility for noise issues which may arise from the existing or any increase in vehicle traffic on Oxford Street West and Westdel Bourne as it relates to the interior or outdoor living areas of any dwelling unit within this development. The City of London will not be responsible for constructing any form of noise mitigation for this development."

The following warning clause is required to be included in all agreements of purchase and sale or lease of Lots 1, 2, Lots 25 to 43, Lots 45 to 48 and Lots 51 to 53:

"This dwelling unit has been fitted with a forced air heating system and the ducting etc., was sized to accommodate central air conditioning. Installation of central air conditioning will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MOECC Publication NPC-216, Residential Air Conditioning Devices.)"

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of Environment's noise criteria."

"The City of London assumes no responsibility for noise issues which may arise from the existing or any increase in vehicle traffic on Oxford Street West and Westdel Bourne as it relates to the interior or outdoor living areas of any dwelling unit within this development. The City of London will not be responsible for constructing any form of noise mitigation for this development."

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

- (i) for the future removal of storm and sanitary sewer stubs on Gatenby Street, if necessary, an amount of \$12,232.

25.2 CLAIMS

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

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

The anticipated reimbursements from the development charge Reserve Funds are:

- (i) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$39,600, excluding HST;
- (ii) for the construction of left turn channelization on Oxford Street West at Kains Road, the estimated cost of which is \$128,497, excluding HST, as per the accepted work plan;
- (iii) for the engineering fees for the left turn channelization on Oxford Street West at Kains Road, the estimated cost of which is \$21,202.50, excluding HST, as per the accepted work plan;
- (iv) for the construction of pavement widening on Kains Road at Oxford Street West consistent with the City's standard practice of paying claims where a secondary collector is widened at a primary collector or an arterial road, the estimated cost of which is \$10,862.50. The claim will be based on a pavement widening of 1.5 metres for a distance of 45 metres with a 30 metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense, as per the accepted work plan;
- (v) for the engineering fees for the internal widening of Kains Road, the estimated cost of which is \$1,782, excluding HST, as per the accepted work plan;
- (vi) for the construction of the Thames Valley Parkway in Blocks 91, 92, 93 and 94, the estimated cost of which is \$93,929, excluding HST, as per the accepted work plan;
- (vii) for the engineering fees for the construction of the Thames Valley Parkway, the estimated cost of which is \$15,400, excluding HST, as per the accepted work plan;
- (viii) for the construction of the trunk sanitary sewer as per the accepted engineering drawings, the estimated cost of which is \$829,862, excluding HST, as per the accepted work plan;
- (ix) for the engineering fees for the construction of the trunk sanitary sewer, the estimated cost of which is \$136,923, excluding HST, as per the accepted work plan;

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

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

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

25.6 GRADING REQUIREMENTS

Add the following new Special Provisions:

- #10 The Owner shall grade the portions of Block 90, which has a common property line with Oxford Street West, to blend with the ultimate road grades on Oxford Street West, in accordance with the City Standard "Subdivision Grading Along Arterial Roads", all to the satisfaction of the City and at no cost to the City.
- #11 The Owner shall grade the portion of Lots 1 and 49, which has a common property line with Westdel Bourne, to blend with the ultimate road grades on Westdel Bourne, in accordance with the accepted engineering drawings, all to the satisfaction of the City and at no cost to the City
- #12 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile located in this Plan, all to the satisfaction of the City and at no cost to the City.
- #13 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the proposed retaining wall on Block 93, as shown on the accepted engineering drawings and have its professional engineer certify that the said walls were constructed in accordance with the accepted engineering drawings, all to the satisfaction of the City.
- #14 Prior to assumption, the Owner's professional engineer shall certify to the City, the retaining wall in Park Block 93 is in a state of good repair and functioning as intended, all to the satisfaction of the City.
- #15 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owner to the west to regrade lands external to this Plan, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.

25.7 STORM WATER MANAGEMENT

Add the following new Special Provisions:

- #16 The Owner shall accommodate the major stormwater overland flows within this Plan from upstream (external) lands in accordance with the approved design studies and accepted engineering drawings, and to the satisfaction of the City Engineer, at no cost to the City.
- #17 The Owner shall implement SWM Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.

- #18 The Owner shall provide the winter maintenance operations protocol for all proposed road infrastructures within this Plan that have the potential to directly impact the Tributary 'C' environmentally sensitive area(s), as per the accepted Design Studies, all to the specifications and satisfaction of the City Engineer.
- #19 The Owner shall hold Lots 8 to 24, both inclusive from development until such time as the Interim SWM Facility 'A' is decommissioned and the ultimate SWMF is constructed and operational, all to the satisfaction of the City.
- #20 The Owner shall construct asphalt maintenance access to the existing SWM Facility from Kains Road and Linkway Boulevard as per the accepted engineering drawings, to the satisfaction of the City.
- #21 Prior to any construction activity in this Plan, the Owner shall submit a separate application for Section 28 approvals from the Upper Thames River Conservation Authority.
- #22 Prior to undertaking any works or site alteration including filling, grading, construction or alteration to a watercourse in a Conservation Regulated Area, the Owner shall obtain a permit or receive clearance from the Upper Thames River Conservation Authority
- #23 The Owner shall grade and drain the boundary of any Lots adjacent to the abutting SWM Facility to blend in with the abutting SWM Facility as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

25.8 SANITARY AND STORM SEWERS

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

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Downstream Thames Subwatershed, and connect them to the City's existing storm sewer system being the 675 mm diameter storm sewer on Kains Road and outletting to the SWM Facility 'A' within the Tributary 'C' Functional design area via the internal storm sewer servicing for this Plan.

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

- (k) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 200 mm diameter sanitary sewer, the 750 mm diameter sanitary sewer on Kains Road and the 200 mm diameter sanitary sewer located on Gatenby Street.

Add the following new Special Provisions:

- #24 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the remainder of the trunk sanitary sewer on the proposed Kains Road extension as per the accepted engineering drawings, all to the satisfaction of the City Engineer.
- #25 Within one (1) year of registration of this Plan, the Owner shall install fencing at the rear of Lots 4, 5 and 6, abutting Block 95, to the satisfaction of the City.
- #26 The Owner shall construct a storm sewer over Block 98 to connect to existing temporary culvert as per the accepted engineering drawings, to the satisfaction of the City.
- #27 The Owner shall remove the existing storm and sanitary sewer stubs on Kains Road in Plan 33M-596, west of Jim Allen Way and connect to the existing local sanitary and storm sewers as per the accepted engineering drawings, to the satisfaction of the City.
- #28 The Owner shall construct a storm sewer to the existing 900 mm diameter storm sewer on Lot 24.

- #29 The Owner shall construct sanitary and storm private drain connections and temporary ditch inlet catchbasins at both entrances to Blocks 90 as per the accepted engineering drawings. Once Block 90 has been developed, any temporary works that are no longer required, may be removed, to the satisfaction of the City.
- #30 The Owner shall construct a sanitary private drain connection at the rear of Lot 1 to service 1055 Westdel Bourne as per the accepted engineering drawings, to the satisfaction of the City.
- #31 The Owner shall include in the Agreements of Purchase and Sale or lease and in the transfer of deed of Lot 1 in this Plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the said lot to observe and comply with the private easements and private sewer services needed for the servicing of external lands to the north of this Plan. No landscaping, vehicular accesses, parking access, works or other features shall interfere with the above-noted private easement, servicing, grading or drainage that services other lands.
- #32 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Gatenby Street and Kains Road in Plan 33M-596, Westdel Bourne and Oxford Street West, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the lots in this Plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer, at no cost to the City.
- #33 If the Owner requests the City to assume Gatenby Street, all as shown on this Plan of Subdivision, prior to its extension to the Gatenby Street, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the temporary sanitary and storm sewer stubs in the future if it is determined these sewer stubs will no longer be required and reconstructing the City right-of-way as shown on the accepted engineering drawings, all to the specifications of the City. The estimated cost and doing the above-noted work on this street is \$12,232 for which amount sufficient security is to be provided in accordance with 25.1 (___). The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

25.9 WATER SERVICING

Remove Subsection 25.9 (d) as there is a new Special Provision:

~~(d) The Owner shall construct the watermains to service the Lots and Blocks in this Plan and connect them to the City's existing water supply system, being the ___ mm (___ inch) diameter water main on ___, as per the accepted engineering drawings, to the specifications of the City Engineer.~~

Remove Subsection 25.9 and **replace** with the following:

- (f) The Owner shall ensure that implemented water quality measures remain in place until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use. The Owner is responsible for the following:
 - i) to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal/assumption;
 - ii) any incidental and/or ongoing maintenance, periodic adjustments, repairs, replacement of broken, defective or ineffective product(s), poor workmanship, etc. of the automatic flushing devices;

- iii) payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal/assumption;
- iv) all works and the costs of removing the devices when no longer required; and
- v) Ensure the automatic flushing devices are connected to an approved outlet.

Add the following new Special Provisions:

- #34 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
- i) construct watermains to serve this Plan and connect them to the existing low-level municipal system, namely, the existing 150 mm diameter watermain on Gatenby Street, the 600 mm diameter watermain on Westdel Bourne, the 300 mm diameter watermain on Oxford Street West and the 300 mm diameter watermain on Kains Road.
 - ii) deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and
 - iii) have their consulting engineer prepare a Certificate of Completion of Works to confirm to the City that the watermain connection to the 600 mm diameter watermain on Westdel Bourne has been constructed, is operational and is complete.
- #35 All development Blocks shall be serviced off the water distribution system internal to this Plan of Subdivision.
- #36 Future development of Block 90 shall be in keeping with the established fire flows, as established through the subdivision water servicing study, in order to ensure adequate fire protection is available.
- #37 Prior to the initiation of construction activities for this subdivision, the Owner shall extend a municipal water connection to 2085 Oxford Street West. The Owner shall also undertake decommissioning activities for the existing domestic well located at 2085 Oxford Street West.
- #38 Where any water service connection is required to be made following the construction of curb, gutter, concrete sidewalk and/or top coat surface asphalt on any street in a new subdivision, such water service connections shall not be made using “open cut” methods but shall be made using drilling or boring techniques and in such a manner to eliminate the possibility of settlement of such curb, gutter, concrete sidewalk or top coat surface asphalt, except where in the opinion of the City Engineer, ground conditions are such that the use of drilling and boring methods become unreasonable or uneconomical.
- #39 The Owner shall ensure that the installation of services associated with this Agreement does not cause a depletion or reduction of water in any wells on adjacent lands. Where this is unavoidable, the Owner shall provide for adequate water supply to the affected properties to the satisfaction of the City Engineer and at no cost to the City.

25.10 HYDROGEOLOGICAL WORKS

Add the following new Special Provisions:

- #40 The Owner shall have a qualified professional develop and undertake both a short term and long term monitoring and contingency plan for private water supply wells in the area, as well as a groundwater monitoring program, to the satisfaction of the City Engineer. Both the monitoring and contingency plans shall include locations (both monitoring wells and domestic wells, as required) for sampling and monitoring, a summary of sampling and monitoring protocols, triggering criteria and contingency plans. The Owner shall undertake the measures outlined in the contingency plan if groundwater interference is confirmed through the monitoring plan, to the satisfaction of the City and at no cost to the City. The groundwater monitoring program shall be undertaken from the commencement of construction until no less than 2 years following 90% build out of the subject subdivision.
- #41 Prior to the initiation of construction, the Owner shall prepare an environmental monitoring program and water taking discharge plan for construction related dewatering activities. Both the environmental monitoring program and water taking discharge plan shall be prepared to the satisfaction of the City Engineer. The contingency plan shall recognize that Easter Seals Ontario Wooded Camp (2265, 2311 Oxford Street West) daily water taking requirements are significantly higher than other groundwater users in the area. In the event of suspected well interference, a temporary pipe municipal water supply capable of meeting typical daily camp requirements shall be promptly provided and maintained by the Owner until the well has fully recovered, or a mutually agreeable permanent solution has been reached.
- #42 Prior to the issuance of any Certificate of Conditional Approval, based on advice from the Owner's professional engineer, the Owner shall undertake all necessary mitigation measures at their cost, to ensure that effects of the proposed construction and post-development conditions on the subject lands will not adversely impact on the adjacent properties and the existing private water wells. The Owner's professional engineer shall certify that any remedial or other works as recommended in the accepted hydrogeological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.
- #43 The Owner shall decommission the existing monitoring wells in this Plan only after the groundwater monitoring program is complete, to the satisfaction of the City.

25.11 ROADWORKS

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

- (p) Where traffic calming measures are required within this Plan:
- (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.
 - ~~(ii) The Owner shall notify the purchasers of all lots abutting the traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.~~
 - ~~(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~
 - (iv) The Owner shall register against the title of all Lots and Blocks on Linkway Boulevard, Kains Road and Gatenby Street in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating

the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including ~~traffic calming circles~~, **raised intersections**, ~~splitter islands~~ and speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.

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

- (q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Westdel Bourne or other routes as designated by the City.

Add the following new Special Provisions:

- #44 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the following works, all in accordance with all Tributary 'C' EA functional design parameters, design studies and accepted engineering drawings, to the specifications and satisfaction of the City and at no cost to the City:
- i) construct a municipal right-of-way crossing, including a culvert, watermain and all associated works on Kains Road extension southerly to Oxford Street West, in accordance with accepted design studies and engineering drawings.
- #45 The Owner shall construct enhanced landscape boulevards on Kains Road at Oxford Street West and on Linkway Boulevard at Westdel Bourne as per the accepted engineering drawings, to the satisfaction of the City.
- #46 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall complete the required roadworks to address the sight line requirements at Oxford Street West at Kains Road, if necessary, to the satisfaction of the City Engineer. at no cost to the City.
- #47 Prior to the issuance of any Certificate of Conditional Approval or as otherwise directed by the City, the Owner shall install temporary street lighting at the intersection of Oxford Street West and Kains Road and on Westdel Bourne at Linkway Boulevard, to the satisfaction of the City Engineer, at no cost to the City.
- #48 The Owner shall reconstruct or relocate any surface or subsurface works or vegetation necessary to connect Linkway Boulevard to Westdel Bourne and Kains Road to Oxford Street West, to the satisfaction of the City and at no cost to the City.
- #49 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct left and right turn lanes on Oxford Street West at Kains Road and left turn lanes on Westdel Bourne at Linkway Boulevard, as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- #50 Should an emergency access be required to accommodate development, the Owner shall locate, construct, maintain and close the access to the satisfaction of the City Engineer. Should it be necessary to locate the access onto Oxford Street West, the Owner shall ensure it will be restricted to emergency vehicle use only.
- #51 Should a temporary/emergency access be required, the Owner shall provide sufficient security for the future removal of this temporary/emergency access and all restoration costs associated with the removal once a second access for this subdivision is available.

#52 The Owner shall remove the temporary turning circles on Gatenby Street and adjacent lands, in Plan 33M-596 to the east of this Plan, and complete the construction of Gatenby Street in this location as fully serviced roads, including restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Plan 33M-596 for the removal of the temporary turning circles and the construction of this section of Gatenby Street and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that Gatenby Street in Plan 33M-596 are constructed as fully serviced roads by the Owner of Plan 33M-596, then the Owner shall be relieved of this obligation.

#53 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Kains Road and Linkway Boulevard adjacent to the speed cushion locations that indicate Future Speed Cushion Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

#54 Prior to assumption or when required by the City Engineer, the Owner shall install speed cushions on Linkway Boulevard and on Kains Road, including permanent signage and pavement marking as per the accepted engineering drawings, to the satisfaction of the City Engineer.

#55 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Kains Road at Gatenby Street adjacent to the raised intersection location that indicate Future Raised Intersection, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

#56 Prior to assumption or when required by the City Engineer, the Owner shall construct the raised intersection on Kains Road at Gatenby Street, including permanent signage and pavement marking as per the accepted engineering drawings, to the satisfaction of the City Engineer.

#57 The Owner shall construct a parking bay on Kains Road as per the accepted engineering drawings, to the satisfaction of the City.

#58 The Owner shall reprofile and/or construct external works on Oxford Street West, including but not limited to, regrading of the ditch, relocating street lights, installation of DICB's, as per the accepted engineering drawings, to the satisfaction of the City.

#59 The Owner shall be required to make minor boulevard improvements on Oxford Street West and Westdel Bourne adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

25.12 Parks

Add the following Clauses

#60 The owner shall ensure all open space blocks are sufficiently protected from sediment throughout the construction period. A robust sediment barrier and other erosion control measures, as shown on the approved Engineering drawings, shall be installed and maintained along all identified block limits to the satisfaction of the City. The Owner's consulting engineer shall provide written certification of the barrier installation and monthly site inspection reports to the City during all development activity in proximity to the edge of Tributary C.

- #61 Within one (1) year of registration of this Plan, the Owner shall implement all the recommendations of the approved Environmental Impact Study and Addendum to the satisfaction of the City. The Owner shall provide written confirmation to the City as to when and how the recommendations were implemented including a monitoring program.
- #62 Within one (1) year of registration of this Plan, the Owner shall grade, service and seed Blocks 92, 93 and 94 in accordance with the approved engineering plans, to the satisfaction of the City.
- #63 Within one (1) year of registration of this Plan, the Owner shall construct the multi-use pathway system in Blocks 92, 93, 94 in accordance with the approved Engineering drawings.
- #64 The Owner shall deliver to all purchasers and transferees of the lots in this Plan, a homeowner guide/education package as approved by the Manager of Parks Planning and Design that explains the stewardship of natural areas and the value of existing tree cover, as well as indirect suburban effects on natural areas.

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and West Kains Land Corp. and Liahn Farms to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

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

- Linkway Boulevard and Gatenby Street shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

- Kains Road from Oxford Street West to 45 metres north has a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 22.5 metres. The widened road on Kains Road shall be equally aligned from the centreline of the road and tapered back to the 9.5 metres of road pavement width (excluding gutters) and 21.5 metres of road allowance width for this street with 30 metre long tapers on both street lines.

- Linkway Boulevard from Westdel Bourne to 30 metres west has a minimum road pavement width (excluding gutters) of 10.0 metres with a minimum road allowance of 21.5 metres. The widened road on Linkway Boulevard shall be equally aligned from the centreline of the road and tapered back to the 8.0 metres of road pavement width (excluding gutters) and 20.0 metres of road allowance width for this street with 30 metre long tapers on both street lines.

Sidewalks

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

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

- (i) Gatenby Street – south boulevard
- (ii) Linkway Boulevard – north boulevard

Pedestrian Walkways

There are no pedestrian walkways in this Plan.

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and West Kains Land Corp. and Liahn Farms to which it is attached and forms a part.

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Block 104 (to be extended along Oxford St W) Blocks 105, 106, 107 of this Plan.
Road Widening (Dedicated on face of plan):	Block 103
Walkways:	NIL
5% Parkland Dedication:	Partially satisfied through the dedication of Blocks 92, 93 and 94 of this Plan.
Dedication of land for Parks in excess of 5%:	Block 91
Dedication of Future Servicing/Access Block:	Block 95
Stormwater Management:	NIL
LANDS TO BE SET ASIDE FOR SCHOOL SITE:	NIL
LANDS TO BE HELD IN TRUST BY THE CITY:	NIL

SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and West Kains Land Corp. and Liahn Farms to which it is attached and forms a part.

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

CASH PORTION:	\$1,032,998
BALANCE PORTION:	<u>\$5,865,889</u>
TOTAL SECURITY REQUIRED	\$6,898,887

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

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

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

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

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

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and West Kains Land Corp. and Liahn Farms to which it is attached and forms a part.

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

Multi-Purpose Easements:

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

Appendix B – Claims and Revenues

Agenda Item # Page #

810 and 1079 Westdel Bourne - West Kains Land Corp. and Liahr Farms Ltd.
Subdivision Agreement
39T-17501 Phase 2

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs ^(Note 1)	Estimated Cost
Claims for developer led construction from CSRFB	
- Watermain-oversizing subsidy (DC14-WD01001) ^{Note 5}	\$39,600
- Roadworks - channelization (DC14-RS00067) ^{Note 4}	\$128,497
- Roadworks - engineering fees for channelization (DC14-RS00067) ^{Note 4}	\$21,202
- Roadworks - internal widening (DC14-RS00063) ^{Note 4}	\$10,862
- Roadworks - engineering fees (DC14-RS00063) ^{Note 4}	\$1,782
- Sanitary Trunk Sewer RB1B (DC14-WW00002) ^{Note 4}	\$829,882
- Sanitary Trunk Sewer RB1B - Engineering fees (DC14-WW00002) ^{Note 4}	\$136,923
- Parks - Thames Valley Parkway (DC14-PR00097) ^{Note 4}	\$93,929
- Parks - engineering fees for Thames Valley Parkway (DC14-PR00097) ^{Note 4}	\$15,400
Total	\$1,278,057
Estimated Total DC Revenues ^(Note 2) (2019 Rates)	Estimated Revenue
CSRFB	\$3,523,740
UWRF	\$317,293
TOTAL	\$3,841,033

- 1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
- 2 Estimated Revenues are calculated using 2019 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
- 3 The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
- 4 The developer led construction work above will require a work plan to be provided and approved by the City. The work plan shall include summary of work completed to date as well as estimated costs of all Engineering and construction of the eligible subdivision works.
- 5 Oversizing costs identified are based on preliminary estimates through draft plan phase. The extent of roadworks and the various pipe sizes and length of oversized sewers and watermain will be finalized through the detailed design process which may change the values noted.

Reviewed by:

Date

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

Date

Paul Yeoman
Director, Development Finance

Appendix C – Source of Finance

Chair and Members
Planning and Environment Committee

#19016
February 19, 2019
(39T-17501 Phase 2)

RE: Subdivision Special Provisions - Eagle Ridge Subdivision Phase 2
West Kains Land Corporation and Dr. Hugh Allen (Liahm Farms)
Capital Budget Project EW3818 - Watermain Internal Oversizing Subsidy (Subledger 2456330)
Capital Budget Project TS1651 - Minor Roadworks-Channelization (Subledger 2456331)
Capital Budget Project TS1371 - Road Class Oversizing Subsidy (Subledger 2456332)
Capital Budget Project ES5253 - Riverbend Trunk Sanitary Sewer Extension (Subledger 2456333)
Capital Budget Project PD212418 - New Thames Valley Pathway (Subledger 2456335)

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

Finance & Corporate Services confirms that these works can be accommodated within the Capital Works Budget and that, subject to the adoption of the recommendations of the Managing Director, Development and Compliance and Chief Building Official and the Manager, Development Planning, the detailed source of financing is:

	<u>Approved Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
<u>ESTIMATED EXPENDITURES</u>				
<u>EW3818 - Watermain Internal Oversizing</u>				
Construction	\$835,562	\$785,562	\$40,297	\$9,703
	835,562	785,562	40,297	9,703
<u>TS1651 - Minor Roadworks - Channelization</u>				
Engineering	\$482,487	\$412,487	\$21,575	\$48,425
Construction	3,091,248	2,948,733	130,759	11,756
Utilities	27,535	27,535		0
	3,601,270	3,388,755	152,334	60,181
<u>TS1371 - Road Class Oversizing Subsidy</u>				
Engineering	\$57,063	\$14,567	\$1,814	\$40,682
Construction	542,937	101,959	11,053	429,925
	600,000	116,526	12,867	470,607
<u>ES5253 - Riverbend Trunk Sanitary Sewer Extension</u>				
Engineering	\$325,966	\$110,561	\$139,333	\$76,072
Construction	1,692,000	151,060	844,468	696,472
Other City Related	100,000			100,000
	2,117,966	261,621	983,801	872,544
<u>PD212418 - New Thames Valley Pathway</u>				
Engineering	\$80,000	\$0	\$15,671	\$64,329
Construction	1,275,000		95,582	1,179,418
	1,355,000	0	111,253	1,243,747
NET ESTIMATED EXPENDITURES	\$8,509,798	\$4,552,464	\$1,300,552 1)	\$2,656,782
<u>SOURCE OF FINANCING</u>				
<u>EW3818 - Watermain Internal Oversizing</u>				
Drawdown from Industrial Oversizing- Water R.F.	\$1,700	\$1,700		\$0
Drawdown from City Services - Water Reserve Fund (Development Charges)	2) 833,862	783,862	40,297	9,703
	835,562	785,562	40,297	9,703
<u>TS1651 - Minor Roadworks - Channelization</u>				
Capital Levy	\$28,419	\$19,844	\$934	\$7,641
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2) 3,386,540	3,182,600	151,400	52,540
Other Contributions (Developer)	186,311	186,311		0
	3,601,270	3,388,755	152,334	60,181
<u>TS1371 - Road Class Oversizing Subsidy</u>				
Capital Levy	\$4,400	\$855	\$94	\$3,451
Drawdown from Industrial Oversizing R.F.	10,400	2,020	223	8,157
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2) 585,200	113,652	12,550	458,999
	600,000	116,526	12,867	470,607
<u>ES5253 - Riverbend Trunk Sanitary Sewer Extension</u>				
Debenture By-law No. W.-5236-9 (Served through City Services - Sewer Reserve Fund (Development Charges)	2) \$2,062,000	\$205,655	\$983,801	\$872,544
Other Contributions (Developer)	55,966	55,966		0
	2,117,966	261,621	983,801	872,544
<u>PD212418 - New Thames Valley Pathway</u>				
Debenture Quota	3) \$573,900	\$0	\$47,283	\$526,617
Drawdown from City Services - Parks & Rec Reserve Fund (Development Charges)	2) 781,100		63,970	717,130
	1,355,000	0	111,253	1,243,747
TOTAL FINANCING	\$8,509,798	\$4,552,464	\$1,300,552	\$2,656,782

RE: Subdivision Special Provisions - Eagle Ridge Subdivision Phase 2
West Kains Land Corporation and Dr. Hugh Allen (Liahm Farms)
Capital Budget Project EW3818 - Watermain Internal Oversizing Subsidy (Subledger 2456330)
Capital Budget Project TS1651 - Minor Roadworks-Channelization (Subledger 2456331)
Capital Budget Project TS1371 - Road Class Oversizing Subsidy (Subledger 2456332)
Capital Budget Project ES5253 - Riverbend Trunk Sanitary Sewer Extension (Subledger 2456333)
Capital Budget Project PD212418 - New Thames Valley Pathway (Subledger 2456335)

1) Financial Note - Construction	EW3818	TS1651	TS1371	ES5253	PD212418
Contract Price	\$39,600	\$128,497	\$10,862	\$829,862	\$93,929
Add: HST @13%	5,148	16,705	1,412	107,882	12,211
Total Contract Price Including Taxes	44,748	145,202	12,274	937,744	106,140
Less: HST Rebate	4,451	14,443	1,221	93,276	10,558
Net Contract Price	<u>\$40,297</u>	<u>\$130,759</u>	<u>\$11,053</u>	<u>\$844,468</u>	<u>\$95,582</u>

Financial Note - Engineering	TS1651	TS1371	ES5253	PD212418	
Contract Price	\$21,202	\$1,782	\$136,923	\$15,400	
Add: HST @13%	2,756	232	17,800	2,002	
Total Contract Price Including Taxes	23,958	2,014	154,723	17,402	
Less: HST Rebate	2,383	200	15,390	1,731	
Net Contract Price	<u>\$21,575</u>	<u>\$1,814</u>	<u>\$139,333</u>	<u>\$15,671</u>	
Total - Construction & Engineering	<u>\$40,297</u>	<u>\$152,334</u>	<u>\$12,867</u>	<u>\$963,801</u>	<u>\$111,253</u>

Financial Note - Total	Total
Total Contract Price	\$1,278,057
Add: HST @13%	166,148
Total Contract Price Including Taxes	1,444,205
Less: HST Rebate	143,653
Net Contract Price(Construction & Engineering)	<u>\$1,300,552</u>

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

Note to City Clerk:

- 3) Administration hereby certifies that the estimated amounts payable in respect of this project does not exceed the annual financial debt and obligation limit for the Municipality of Municipal Affairs in accordance with the provisions of Ontario Regulation 403/02 made under the Municipal Act, and accordingly the City Clerk is hereby requested to prepare and introduce the necessary authorizing by-laws.

An authorizing by-law should be drafted to secure debenture financing for project PD212418-New Thames Valley Pathway for the net amount to be debentured of \$573,900.

ms

Jason Davies
 Manager of Financial Planning & Policy

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Sunningdale Golf and Country Club Ltd.
379 Sunningdale Road West
Sunninglea Subdivision - Special Provisions

Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Club Ltd. , for the subdivision of land over Part of Lot 12, Registrar's Compiled Plan 1028 and Part of Block 104, 33M-633 in the City of London, County of Middlesex, situated on the north side of Sunningdale Road West, between Richmond Street and Wonderland Road North , municipally known as 379 Sunningdale Road West.

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sunningdale Golf and Country Club Ltd. for the Sunninglea Subdivision, (39T-16504), attached as Appendix "A", **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B",
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "C"; and
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Analysis

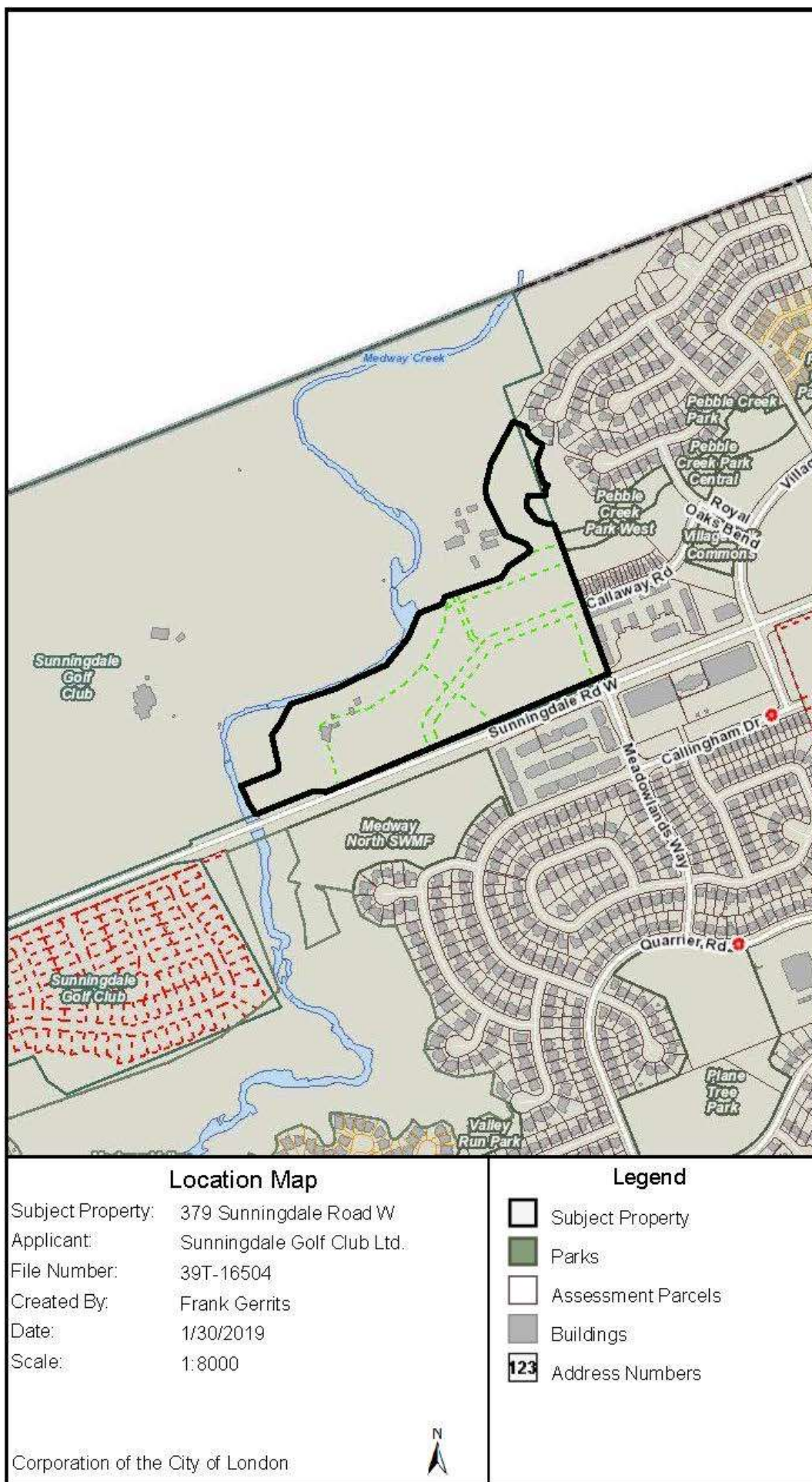
1.0 Site at a Glance

1.1 Property Description

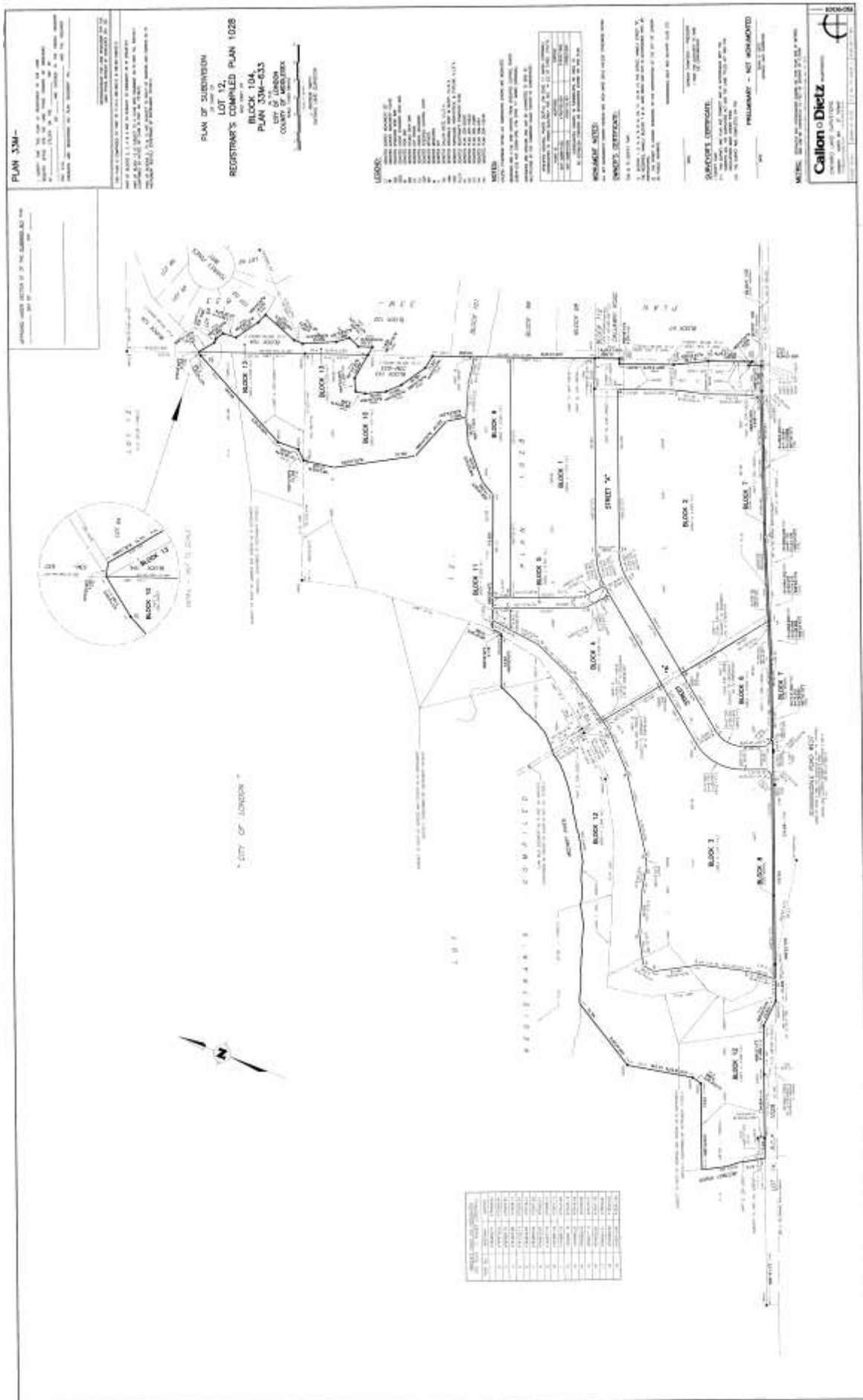
The subject site is a 9.3 hectare parcel of land known municipally as 379 Sunningdale Road West. There are several residential buildings located on the property that are currently being used as office space for Corlon Properties and rental properties, with the balance of the property currently being farmed. The Medway Valley Heritage Forest is located directly to the west and north of the subject lands. The lands generally slope downward from east to west toward Medway Creek.

The proposed development shows four residential blocks (Blocks 1, 2, 3 and 4), an open space block (Block 5), and office/residential block (Block 6) with local public streets (including the extensions of Callaway Road to the west and Meadowlands Way to the north).

1.2 Location Map – Sunninglea Subdivision



1.3 Sunninglea – Plan of Subdivision



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

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

Prepared by:	Craig Smith, MCIP, RPP Senior Planner, Development Services
Recommended by:	Lou Pompilii, MPA RPP Manager, Development Planning
Reviewed by:	Matt Feldberg Manager, Development Services (Subdivisions)
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official

February 12, 2019

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

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Appendix A – Special Provisions

PROVISIONS OF DEVELOPMENT

5. STANDARD OF WORK

Add the following new Special Provisions:

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

Revise the highlighted:

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

16. PROPOSED SCHOOL SITES

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

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

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

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

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

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

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

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

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

25. STANDARD REQUIREMENTS

Remove Subsection 2.51 (f) as there are no walkways in this Plan.

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

Add the following new Special Provisions:

#3 The Owner, at his sole expense, shall restore all disturbed areas to existing or better conditions, to the satisfaction of the City.

#4 The Owner shall comply with any requirements of Imperial Oil Pipeline with regards to the 20 metre buffer and easement within this Plan of Subdivision and for the crossing of Callaway Road over the pipeline in this Plan, to the satisfaction of the City, and at no cost to the City.

#5 Prior to the issuance of any Certificate of Conditional Approval, the Owner's Professional Engineer shall certify that any remedial or other works as recommended in the accepted hydrogeological and geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.

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

(i) For the removal of any automatic flushing devices/blowoffs in future, if necessary, an amount of \$5,000 for each automatic flushing device.

#7 The Owner shall provide an 8 metre wide easement in favour of the City within the Union Gas easement from Sunningdale Road West to the Medway Creek natural heritage system for the purposes of a multi-use pathway easement, all to the satisfaction of the City and at no cost to the City.

#8 The Owner shall provide an 8 metre wide easement along the west and northern limits of Blocks 3 and 4 of this Plan, adjacent to the Medway Creek natural heritage system and outside of the approved 6 metre UTRCA access allowance as a multi-use pathway easement, on an alignment and of sufficient width acceptable to the City, and at no cost to the City.

#9 Prior to the development of any Block in this Plan, the Owner shall submit a Noise Impact Study that recommends noise mitigation measures in accordance with the Ministry of the Environment Guidelines and the City of London policies and guidelines that excludes the requirement for a continuous berm/barrier along the Sunningdale Road West frontage, all to the satisfaction of the City.

25.2 CLAIMS

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

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

The anticipated reimbursements from the development charge Reserve Funds are:

- (i) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is \$39,022, excluding HST;
- (ii) for the construction of eligible watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$18,642, excluding HST;
- (iii) for the construction of pavement widening on Meadowlands Way at Sunningdale Road West consistent with the City's standard practice of paying claims where a secondary collector is widened at an arterial road, the estimated cost of which is \$6,345, excluding HST, as per the accepted work plan;
- (iv) for the engineering costs for pavement widening on Meadowlands Way at Sunningdale Road West, the estimated cost of which is \$952, excluding HST, as per the accepted work plan;
- (v) for the construction of the Multi Use Pathway within this Plan, as per the accepted engineering drawings, the estimated cost of which is \$139,372, excluding HST, as per the accepted work plan; and
- (vi) for the engineering costs for the Multi Use Pathway within this Plan, as per the accepted engineering drawings, the estimated cost of which is \$20,837, excluding HST, as per the accepted work plan.

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

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

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

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

25.6 GRADING REQUIREMENTS

Add the following new Special Provisions:

- #10 The Owner shall maintain until assumption the overland flow route between Blocks 2 and 6 as per the accepted engineering drawings, to the satisfaction of the City Engineer, and at no cost to the City.

25.7 STORM WATER MANAGEMENT

Add the following new Special Provision:

- #11 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall complete any modifications within the existing Sunningdale SWM Facility # 4 SWM Block (330 Sunningdale Road West) due to the proposed major and minor storm drainage servicing outlet(s) in accordance with the accepted engineering drawings, at no cost to the City, all to the satisfaction of the City.

25.8 SANITARY AND STORM SEWERS

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

- (b) The Owner shall construct the storm sewers to service the Blocks in this Plan, which is located in the Medway Creek Subwatershed, and connect them to the City's existing storm sewer system as per the accepted engineering drawings, to the satisfaction of the City.

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

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

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

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

Add the following new Special Provisions:

- #12 The Owner shall construct a temporary hickenbottom between Blocks 2 and 6 of this Plan, and provide any necessary easements as per the accepted engineering drawings, to the specifications and satisfaction of the City, all at no cost to the City.
- #13 The Owner shall remove any existing Ditch Inlet Catch Basins (DICBs), culverts, storm sewers, temporary work, etc. as per the accepted engineering drawings, all to the specifications and satisfaction of the City, at no cost to the City.
- #14 The Owner shall construct sanitary and storm private drain connections to Block 5 to service the existing golf maintenance facility to the north of this Plan, external to the plan, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
- #15 The Owner shall maintain the storm sewer and maintenance access (to service the storm sewer) between Blocks 2 and 6 in this Plan as required herein until the said sewers and maintenance access are assumed by the City, all to the satisfaction of the City Engineer and at no cost to the City.
- #16 The Owner shall include in the Agreement of Purchase and Sale or Lease and in the Transfer of Deed of Block 6, in this Plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Block may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain

connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.

- #17 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Sunningdale Road West and Callaway Road, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the lots in this Plan fronting this street (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer, at no cost to the City.

25.9 WATER SERVICING

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

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

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

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

- (f) The Owner shall ensure implemented water quality measures shall remain in place until there is sufficient occupancy demand to maintain water quality within this Plan of Subdivision without their use. The Owner is responsible for the following:
- i) to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal/assumption;
 - ii) any incidental and/or ongoing maintenance, periodic adjustments, repairs, replacement of broken, defective or ineffective product(s), poor workmanship, etc. of the automatic flushing devices;
 - iii) payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal/assumption;
 - iv) all works and the costs of removing the devices when no longer required; and
 - v) ensure the automatic flushing devices are connected to an approved outlet.

Add the following new Special Provisions:

- #18 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
- i) construct a water stub, approximately sized adjacent to Block 5 in this Plan to service the existing golf maintenance facility to the north of this Plan, external to this Plan as per the accepted engineering drawings and allowing for the abandonment of the well currently servicing the external lands;
 - ii) extend the existing 300 mm diameter watermain on Sunningdale Road West at Meadowlands Way across the frontage of this Plan to Callaway Road in this Plan as per the accepted engineering drawings, at no cost to the City;

- iii) deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and
 - iv) have their consulting engineer confirm to the City that the watermain system has been constructed, is operational, and is looped from the watermain on Callaway Road through this Plan to Callaway Road in Plan 33M-633 to the east.
- #19 The Owner shall construct temporary auto flushing devices, if necessary, as per the accepted engineering drawings, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner request the City to assume any streets in this Plan where an automatic flushing device has been installed prior to the extension of adjacent streets, the Owner shall pay to the City at the time of assumption of this subdivision by the City, the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm sewer system and restoring adjacent lands, all to the specifications of the city. The estimated cost for doing the above-noted work is \$5,000 for each auto flushing device, if necessary, for which amount sufficient security is to be provided in accordance with Condition 25 (___). The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

25.10 HYDROGEOLOGICAL WORKS

Add the following new Special Provisions:

- #20 The Owner shall include in the Agreement of Purchase and Sale or Lease and in the Transfer of Deed of Block 3 in this Plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the said Block to observe and comply with, that in conjunction with site Plan review/approval process associated with the development of Block 3, the owner shall complete post-development water balance calculations for the wetland catchment area as delineated on Figure 13 of the Stantec (2017) Hydrogeological Assessment, Sunninglea Development, City of London, Ontario report. The water balance shall be completed using the Thornthwaite and Mather method to calculate monthly precipitation, evapotranspiration, runoff and infiltration values, which are then totaled to provide annual values, based on the final Plan of Subdivision design. If a runoff and/or infiltration deficit is predicted to occur as a result of the development of the site plan proposed on Block 3 under the post-development condition, the owner shall be responsible for assessing and recommending the implementation of suitable Low Development Impact (LID) techniques, where possible within Block 3 that will attempt to match post-development runoff and infiltration volumes to those volumes calculated to contribute to the wetland catchment area under the pre-development condition (as provided in the Hydrogeological Assessment Report).
- #21 The Owner shall include in the Agreement of Purchase and Sale or Lease and in the Transfer of Deed of Block 3 in this Plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the said Block shall implement a groundwater monitoring program that commences with the construction on Block 3 and continues for a period of one (1) year post construction. As a minimum, the monitoring program is to include the following:
- i) continuous monitoring, using an automated datalogging device (eg. levellogger), of water levels in the multi-level monitoring well installed along western limits of the table lands (ME1-15(S/1/D));
 - ii) continuous monitoring, using an automated datalogging device (eg. levellogger), of water wells in the following multi-level drive-point piezometers installed within the wetland: DP1-15(S/D), DP2-15(S/D) and DP3-15(S/D);
 - iii) collection of annual groundwater samples from MW1-15(S/1/D) for the analysis of

general chemistry (alkalinity, ammonia, chloride, DOC, hardness, nitrate, orthophosphate, pH, sulfate and TDS) parameters and metals as presented in Table 4 of the Stantec (2017) Hydrogeological Assessment, Sunninglea Development City of London, Ontario report;

- iv) establish trigger values for groundwater levels and quality at the previously mentioned monitoring wells and drive-point piezometers to provide an early warning mechanism that identifies whether the form and/or function of the groundwater system underlying the wetland catchment area is potentially being impacted by onsite construction activities, and, subsequently, whether the implementation of mitigation measures are required before such impacts reach unacceptable levels; and
- v) results of the post-development monitoring be reported on an annual basis to the Upper Thames River Conservation Authority (UTRCA).

25.11 ROADWORKS

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

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

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

Remove Subsection 25.11 (p) as there are no traffic calming measures in this Plan.

~~(q) Where traffic calming measures are required within this Plan:~~

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

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

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

Add the following new Special Provisions:

- #22 The Owner shall construct a 5.0 metre wide private asphalt access road as per SPO 1.1 over Block 5 of this Plan, for access to external lands, as per the accepted engineering drawings, all to the satisfaction of the City, at no cost to the City.
- #23 The Owner shall remove the existing gravel driveway and maintain the existing utilities serving lands to the north of this Plan, until new utility connections are established, to the satisfaction of the City and at no cost to the City.
- #24 Prior to the issuance of any Certificate of Conditional Approval for this Plan of Subdivision, the Owner shall:
- (i) construct temporary pavement markings for left and right turn lanes on Sunningdale Road West at Meadowlands Way, as per the accepted engineering drawings, to the satisfaction of the City Engineer, at no cost to the City;
 - (ii) construct Callaway Road as a rights-in/rights-out only access and any associated works, in accordance with the accepted engineering drawings, to the satisfaction of the City, at no cost to the City, and
 - (iii) complete interim road connections to Sunningdale Road West, at Callaway Road and Meadowlands Way and any associated works, as per the accepted engineering drawings, to the satisfaction of the City. These interim road connections shall remain in place until the City completes work on Sunningdale Road West.
- #25 Prior to the issuance of any Certificate of Conditional Approval for this Plan of Subdivision or at an alternative time as agreed to by the City, the Owner shall install temporary street lighting at the intersection of Callaway Road with Sunningdale Road West, to the specifications of the City, at no cost to the City
- #26 The Owner shall restore Sunningdale Road West, where Sunningdale Road West requires restoration due to the installation of services (sewers, water), to the satisfaction of the City, at no cost to the City.
- #27 The Owner shall remove the temporary turning circle and temporary maintenance access road on Callaway Road and adjacent lands, in Plan 33M-633 to the east of this Plan, and complete the construction of Callaway Road in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Plan 33M-633 for the removal of the temporary turning circle and temporary maintenance access and the construction of this section of Callaway Road and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work, in the amount of \$5,000.

In the event that Callaway Road in Plan 33M-633 is constructed as a fully serviced road by the Owner of Plan 33M-633, then the Owner shall be relieved of this obligation.

- #28 The Owner shall construct a gateway treatment on Meadowlands Way as per the accepted engineering drawings, to the specifications of the City Engineer.
- #29 The Owner acknowledges that the City, in accordance with the City's current Growth Management Implementation Strategy (GMIS) may be reconstructing Sunningdale Road West. The Owner shall co-ordinate the work associated with

this Plan of Subdivision, if necessary, with the City's proposed construction of Sunningdale Road West adjacent to this Plan.

- #30 The Owner shall make minor boulevard improvements on Sunningdale Road West adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

25.12 PARKS

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

- (c) The Owner shall not grade into any open space area without City approval. Where lots or blocks abut an open space area, all grading of the developing Lots or Blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Manager of Parks and Open Space Design and City Engineer.

Add the following new Special Provision:

- #31 Within one (1) year of registration of the plan this Plan of subdivision, the Owner shall prepare and deliver to all homeowners adjacent to lands zoned as Open Space, an education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared as part of the Design Review Package to the satisfaction of the Director Development Services.
- #32 Within three (3) years of registration of this Plan, the Owner shall implement all the recommendations of the approved Environmental Impact Study and Addendum, including a monitoring program to the satisfaction of the City. The Owner shall provide written confirmation to the City as to when and how the recommendations were implemented.
- #33 Within one (1) year of registration of this Plan, the Owner shall grade, service and seed Blocks 9, 11 and 12 in accordance with the approved engineering plans, to the satisfaction of the City.
- #34 Within one (1) year of registration of this Plan, the Owner shall construct the multi-use pathway within Blocks 9, 11 and 12 in accordance with the approved engineering plans, to the satisfaction of the City.
- #35 Prior to any site works, the Owner shall ensure that the recommendations of the approved Tree Preservation Report and implemented. The Owner shall provide written confirmation to the City detailing the manner in which each recommendation has been satisfied.
- #36 Within one (1) year of registration of this plan, the Owner shall prepare and deliver to all homeowners adjacent to a natural heritage area, an education package which explains the stewardship of the natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage patterns on these lots. The educational package shall be prepared to the satisfaction of the City.
- #37 The Owner shall not grade into any open space area without City approval. Where lots or blocks abut an open space area, all grading of the developing Lots or Blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the Manager of Parks and Open Space Design and City Engineer.

#38 The Owner acknowledges that there is a deficiency of parkland dedication through this development, equivalent to 0.225 hectares, and therefore agrees that he shall provide the outstanding parkland credits through the future development of their proposed development at 600 Sunningdale Road West, City File: 39T-18501, all to the satisfaction of the City.

This is Schedule “C” to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Sunningdale Golf and Country Ltd. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

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

- Callaway Road shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

- Meadowlands Way, from Sunningdale Road West to 45 metres north of Sunningdale Road West shall have a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 28.0 metres (75’), including a gateway treatment. The widened road on Meadowlands Way shall be equally aligned from the centreline of the road and tapered back to the 9.5 metre road pavement width (excluding gutters) and 21.5 metre road allowance for this street, with 30 metre tapers on both street lines.

Sidewalks

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

- (i) Meadowlands Way
- (ii) Callaway Road

Pedestrian Walkways

There are no pedestrian walkways in this Plan.

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Sunningdale Golf and Country Ltd. to which it is attached and forms a part.

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Block 7 and 8
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Blocks 9, 10, 11, 12 and 13 as partial satisfaction. Balance of the required parkland dedication shall be provided through the plan of subdivision for 39T-18501, in accordance with Clause 25.12 (_____) of this Agreement.
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Sunningdale Golf and Country Ltd. to which it is attached and forms a part.

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

CASH PORTION:	\$ 425,536
BALANCE PORTION:	<u>\$2,411,371</u>
TOTAL SECURITY REQUIRED	\$2,836,907

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

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

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

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

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

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Sunningdale Golf and Country Ltd. to which it is attached and forms a part.

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

Multi-Purpose Easements:

- (a) Multi-purpose easements for servicing shall be deeded to the City in conjunction with this Plan, within this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
 - (i) Between Blocks 2 and 6 of this Plan, for servicing between Callaway Road and Sunningdale Road West as per the accepted engineering drawings, and
 - (ii) West and north limit of Blocks 3 and 4 for multi-use path.

Appendix B – Claims and Revenues

Agenda Item # Page #

259 Sunningdale Road West - Sunningdale Golf and Country Ltd.
 Subdivision Agreement
 39T-16504

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs ^{Note 1}	Estimated Cost (excludes HST)
Claims for developer led construction from CSRF	
- Storm sewer oversizing (DC14-MS01001) ^{Note 6}	\$39,022
- Watermain oversizing (DC14-WD01001) ^{Note 6}	\$18,642
- Roadworks - internal widening on Meadowlands Way (DC14-RS00063) ^{Note 4}	\$6,345
- Roadworks - engineering fees for internal widening (DC14-RS00063) ^{Note 4}	\$952
- Parks - Multi Use Pathway (DC14-PR00085) ^{Note 4}	\$139,372
- Parks - engineering fees for Multi Use Pathway (DC14-PR00085) ^{Note 4}	\$20,837
Claims for City led construction from CSRF	
- None identified.	\$0
Total	\$225,170
Estimated Total DC Revenues ^{Note 2} (2019 Rates)	Estimated Revenue
CSRF	\$12,708,149
UWRF	\$1,180,734
TOTAL	\$13,888,883

- 1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.
- 2 Estimated Revenues are calculated using 2019 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.
- 3 The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.
- 4 The developer led construction work above will require a work plan to be provided and approved by the City. The work plan shall include summary of work completed to date as well as estimated costs of all Engineering and construction of the eligible subdivision works.
- 5 In anticipation of the Sunningdale Rd. Phase 3 project (DC14-RS00017), all minor roadworks connecting the proposed development are considered local servicing and/or temporary and shall be funded by the developer.
- 6 The extent of oversized sewers and watermains will be finalized through the detailed design process which may change the values noted.

Reviewed by:

Date

Matt Feldberg
Manager, Development Services (Subdivisions)

Reviewed by:

Date

Paul Yeoman
Director, Development Finance

Appendix C – Source of Finance

#19017
February 19, 2019
(39T-16504)

RE: **Subdivision Special Provisions - Sunninglea Subdivision**
Sunningdale Golf and Country Club Ltd. - 379 Sunningdale Road West
Capital Budget Project ES5429 - Storm Sewer Internal Oversizing (Subledger 2456345)
Capital Budget Project EW3818 - Watermain Internal Oversizing (Subledger 2456346)
Capital Budget Project TS1371 - Road Class Oversizing City Share (Subledger 2456347)
Capital Budget Project PD204318 - New Major Open Space Network (Subledger 2456351)

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

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

	Approved Budget	Additional Funding	Revised Budget	Committed To Date	This Submission	Balance for Future Work
ESTIMATED EXPENDITURES						
ES5429-Storm Sewer Internal Oversizing						
Engineering	\$177,463		\$177,463	\$27,463		\$150,000
Construction	6,892,621		6,892,621	5,702,926	39,709	1,149,986
	7,070,084	0	7,070,084	5,730,389	39,709	1,299,986
EW3818 - Watermain Internal Oversizing						
Construction	\$835,562	\$9,267	\$844,829	\$825,859	\$18,970	\$0
TS1371-Road Class Oversizing City Share						
Engineering	\$57,063		\$57,063	\$16,381	\$989	\$39,713
Construction	542,937		542,937	113,012	6,457	423,468
	600,000	0	600,000	129,393	7,426	463,181
PD204318 - New Major Open Space Network						
Engineering	\$50,000		\$50,000	\$12,986	\$21,204	\$15,810
Construction	345,000		345,000	91,413	141,825	111,782
	395,000	0	395,000	104,399	163,029	127,572
NET ESTIMATED EXPENDITURES	\$8,900,646	\$9,267	\$8,909,913	\$6,790,040	\$229,134 ¹⁾	\$1,890,739

SOURCE OF FINANCING

ES5429 Storm Sewer Internal Oversizing						
Drawdown from Sewage Works Reserve Fund	\$25,300		\$25,300	\$20,506	\$142	\$4,652
Drawdown from City Services - Mjr. SWM Reserve Fund (Development Charges)	7,044,784		7,044,784	5,709,883	39,567	1,295,334
	7,070,084	0	7,070,084	5,730,389	39,709	1,299,986
EW3818 - Watermain Internal Oversizing						
Drawdown from Industrial Oversizing- Water R.F.	\$1,700		\$1,700	\$1,700		\$0
Drawdown from City Services - Water Reserve Fund (Development Charges)	833,862	9,267	843,129	824,159	18,970	0
	835,562	9,267	844,829	825,859	18,970	0
TS1371-Road Class Oversizing City Share						
Capital Levy	\$4,400		\$4,400	\$949	\$54	\$3,397
Drawdown from Industrial Oversizing R.F.	10,400		10,400	2,243	129	8,028
Drawdown from City Services - Roads Reserve Fund (Development Charges)	585,200		585,200	128,201	7,243	451,756
	600,000	0	600,000	129,393	7,426	463,181
PD204318 - New Major Open Space Network						
Debtenture Quota	\$167,300		\$167,300	\$44,218	\$89,050	\$54,032
Drawdown from City Services - Parks & Rec Reserve Fund (Development Charges)	227,700		227,700	60,181	93,979	73,540
	395,000	0	395,000	104,399	163,029	127,572
TOTAL FINANCING	\$8,900,646	\$9,267	\$8,909,913	\$6,790,040	\$229,134	\$1,890,739

1) **Financial Note - Construction**

	ES5429	EW3818	TS1371	PD204318
Contract Price	\$39,022	\$18,642	\$9,345	\$139,372
Add: HST @13%	5,073	2,423	825	18,118
Total Contract Price Including Taxes	44,095	21,065	7,170	157,490
Less: HST Rebate	4,386	2,095	713	15,685
Net Contract Price	\$39,709	\$18,970	\$6,457	\$141,825

Financial Note - Engineering

	TS1371	PD204318
Contract Price	\$952	\$20,837
Add: HST @13%	124	2,709
Total Contract Price Including Taxes	1,076	23,546
Less: HST Rebate	107	2,342
Net Contract Price	\$969	\$21,204

Total - Construction & Engineering per project

\$39,709	\$18,970	\$7,426	\$163,029
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Financial Note - Total

Contract Price	\$225,170
Add: HST @13%	29,272
Total Contract Price Including Taxes	254,442
Less: HST Rebate	25,306
Net Contract Price - Construction & Engineering	\$229,134

- 2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Study completed in 2014.
- 3) The additional funding requirement of \$9,267 for Project EW3818 is available as a drawdown from the City Services - Water Levies Reserve Fund. Committed to date includes claims for DC eligible works from approved development agreements that may take many years to come forward. The 2014 DC Study identified a 20 year program for watermain internal oversizing (DC14-WD01001/EW3818) with total projected growth needs of \$1,000,000. The total funding is allocated to the capital budget proportionately by year across the 20 year period. The total requirements for EW3818 exceeds the funding for the 20 year program and therefore an additional drawdown from City Services-Water Reserve Fund is required. The DC funded programs are presented to Council in the annual DC Monitoring Report. Adjustments can also be made by Council through the annual Growth Management Implementation Strategy process and the multi-year budget updates. If total growth exceeds the estimates, the growth needs can be adjusted through the DC Bylaw update which is required every five years by the DC Act.

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Kyle Murray
Director, Financial Planning & Business Support

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Kelly Scherr, P. Eng., MBA, FEC
Managing Director, Environmental & Engineering Services
and City Engineer
Subject: Urban Forest Health - Oak Wilt
Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, that this report **BE RECEIVED** for information.

Executive Summary

2015-2019 Strategic Plan Alignment: Building a Sustainable City: 3. Strong and Healthy Environment; C. Plant more trees and better protect them from deforestation, invasive species and other threats.

Council approved in its Urban Forest Strategy (2014) to plan for the effective management of invasive species of pests that will be harmful to trees, with the development of an Invasive Species Strategy.

The purpose of this report is to inform Council of the potential future forest health threat to London's urban forest from [Oak Wilt](#). Oak Wilt is a fungal disease that poses a threat to oak trees and certain other species and could result in their rapid decline, death and removal throughout the city of London. We know where Oak Wilt is, we know how it has moved through parts of the United States, and we can assume that it may appear in London.

There is currently no known "cure" for this disease and its management centres on early detection and reporting through community awareness and education. This report includes what the City is doing to anticipate its arrival and examines the possible costs of managing this disease among City-owned trees and woodland assets.

Analysis

1.0 What Is Oak Wilt

Oak Wilt is a fungal organism called *Ceratocystis fagacearum* (syn. *Bretziella fagacearum*) and it is a regulated pest under the Plant Health Act and Plant Protection Regulations enforced by the Canadian Food Inspection Agency (CFIA). The fungal organism, once in the tree, creates blockages in the tree's vascular system, killing the tree as important water and nutrients cannot move throughout the tree.

The Oak Wilt fungal organism can be spread the following ways:

- through contact with the native sap beetles (known as picnic beetles or beer beetles) as they move from tree to tree,
- by human movement of firewood from infected (mostly red) oak trees,
- by root grafts below ground between adjacent infected and uninfected red oaks.

Oak trees are divided into two “family types” red oaks (includes red, pin, black) and white oaks (includes white, bur). Oak Wilt affects all species of oak, with the most rapid decline seen in the red oak family. In these types of oaks this can happen in just a few weeks, while white oaks may persist after infection for decades. Oaks typically resist decay and retain their strength. There is generally little immediate risk to human life property from an oak tree when it dies. A dead oak may stay standing for decades. However, the ongoing presence of an infected tree as a host is a serious concern.

Infection can happen at any time the fungus is producing spores, which is usually in the warmer, wetter months of spring. The most noticeable symptom will be a sudden wilting of the foliage, which may appear to be water-soaked. Green leaves as well as discoloured leaves may drop prematurely in the summer, or leaves may turn brown and remain on the tree. Fungal sporulation mats or patches develop on the infected red oak trees, very rarely on white oaks, appearing on the trunk or larger branches. These mats typically appear the spring following a summer infection by Oak Wilt and can be associated with vertical cracks that are created by the outwards pressure of the mats. The mats produce a peculiar and diagnostic sweet smell described as being identical to Juicy Fruit™ gum. Beetles are attracted to these fungal mats and may carry the fungal spores to the next host tree. The fungus can be found still viable in infected sawn lumber 24 weeks after sawing.

Oaks are native to the Americas, supporting a strong domestic and international market for quality lumber, dyes and tannins. Oaks are also an important component of our Carolinian forest and contribute to diverse and spectacular fall colour. Oaks are extremely valuable for wildlife, usually being very long-lived trees, with each oak species capable of supporting hundreds of other species over its lifetime, as well as providing useful shade, amenity and other ecosystem and cultural benefits. Our first official Heritage Tree, The Meeting Tree at Westminster Ponds, is a white oak.

Where Is Oak Wilt Found?

Oak Wilt has never been detected in Canada, but it has been identified within 600m of Canadian shores. Oak Wilt has been known in the United States since the 1940s and it is now a widespread serious economic pest in many mid-west to eastern States (Fig. 1). The closest known host infection site is Belle Isle, Michigan just under 600m from Windsor, Ontario (Fig. 2) which was detected in 2016.

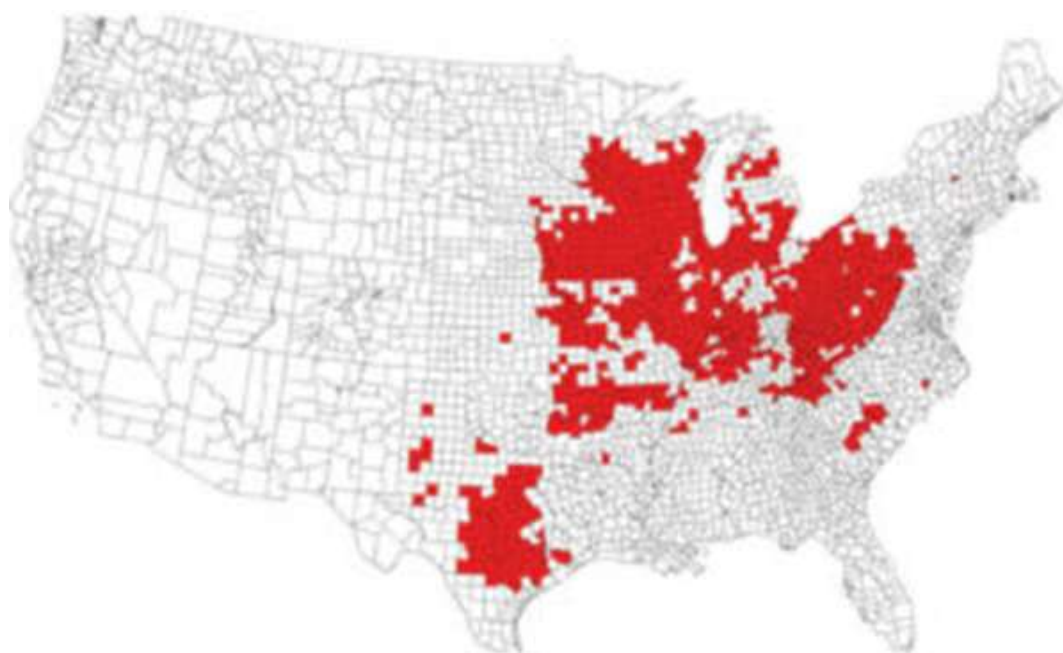


Fig. 1 Oak Wilt occurrence in the United States (Source: USDA Forest Service, 2010)

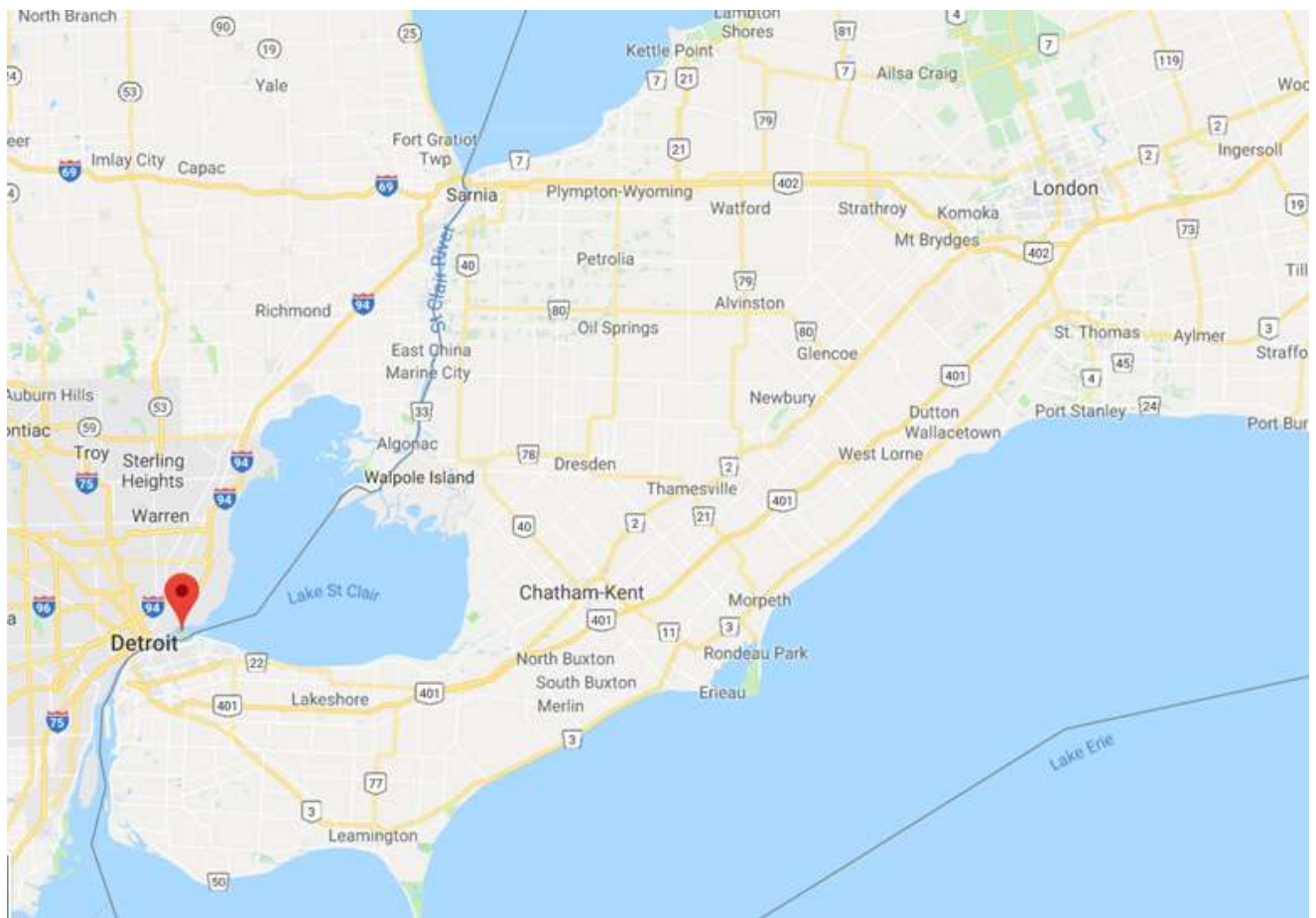


Fig. 2 Current closest-known location of Oak Wilt - Belle Isle, Michigan - indicated by point marker. 600 m from the Canadian Border.

2.0 Management of Oak Wilt

Education, Early Detection and Reporting

London is located along the Highway 401 corridor where it is anticipated the disease will possibly travel. Based on the experience of the Emerald Ash Borer Highway 401 was a conduit that saw the spread of the pest. The main tool to help limit the spread of Oak Wilt is early detection through education. By law, finding this disease, or suspecting it, must be reported to the Canadian Food Inspection Agency. The City of London is planning an Oak Wilt Awareness campaign in spring of this year. The cities of Windsor and Sarnia, both on the front line to defend against this disease, have released Oak Wilt campaigns to inform and educate their communities on early detection and reporting.

Mechanical Techniques

- Avoid pruning oak trees in late spring to summer (April to July) when the beetles are most active.
- If pruning of oak trees cannot be avoided in that period then the current advice is to cover the wound immediately with tree pruning paint, or a latex paint. Good arboricultural practices have for many years stated not to paint pruning wounds but the exception in this case is to create a barrier to interfere with the picnic beetle spreading the fungus between oak trees.
- Root prune between closely situated oak trees to sever between infected and non-infected red oak trees to a depth of 1.6m (5'), if possible.
- Do not move firewood as the disease can be present up to 24 months after cutting.
- Cut down infected trees and disposed of quickly, locally, to minimize the risk to other oak trees. This includes grinding the stump.
- Alternatives are burning, or disposal to landfill, with prompt burial. If the federal government order permits movement of valuable lumber off site, saw logs can be kiln-dried, or chemically treated with various wood preservatives that will kill the fungus.

Chemical Techniques

At the time of writing, there are no approved methods for chemical (pesticide) prevention of the disease in Canada. Experience from inoculations of ash trees against Emerald Ash Borer here in the City, and reports from US companies treating oaks is challenging. Reports have shown that unless the tree is still really healthy, on good soils, and primed by recent rain, it can take many hours for the inoculated solution to be taken up. Preliminary estimates are between \$2,000-\$3,000 to treat a 25cm diameter oak tree for the costs of the injection kit, licensed labor and pesticide product.

3.0 Impact to the Urban Forest

When or if Oak Wilt arrives in the City, the impact to the urban forest in any one year may be modest, but cumulatively Oak Wilt will likely lead to the loss of our most valued large trees, and decimate oak-rich parts of the City. When the City conducted its Urban Forest Effects study in 2008, approximately 2% of all London's trees were oaks. By stem count, this is about 140,000 trees. Roughly one-half, or 70,000 of those trees (1% of all trees) are highly susceptible species of oak that would die within a year after infection by Oak Wilt. The remaining 70,000 are more resistant, but would still become infected, dying slowly over a decade or so. It is estimated that the City owns about 30,000 oak trees across all its lands, and that 20,000 of those, including 6,000 on City streets, would be highly susceptible to Oak Wilt.

Proportionally, slightly more oak are present in the rural areas of the City, located in woodlands and woodlots. There are, however, certain parts of the City urban area where oaks are the predominant species of the urban forest e.g. Oakridge, Warbler Woods, and Kiwanis Park. Generally, oaks are very long-lived, large-stature trees so considerable canopy could be lost with each tree that dies. Property values would be likely to drop in neighbourhoods where oak trees are lost, a consequence of loss of shade, privacy and landscape degradation, as has been experienced through many cities in the US.

4.0 Key Issues and Cost Considerations

Root Trenching

Root trenching is the process of using a piece of equipment with rotating sharp blades to cleanly cut the root connections between trees. Current research is to cut to a recommended depth of 1.6m (5') if possible and 10cm (4") in width to create "suppression trenches" between healthy and impacted oak trees in natural settings. Proper placement and location of the trench is very important in the containment of Oak Wilt. While root trenching aims to minimize the number of oak trees removed while achieving control of infection, it is unlikely to be a viable option in the urban area of the City because of the presence of utilities and infrastructure in City streets and yards, and the lack of suitable access for machinery to enter, move through, and exit an urban woodland. Many of our woodlands in Parks have inadequate or no access suitable for machinery or vehicles. If access were available, most woodland soil is sensitive to compaction and erosion, so the use of geotextile mats, silt fencing and temporary roads could be an extra budget consideration.

Root trenching costs would likely vary between \$1,500 and \$4,500 per tree, depending on whether good access above and below ground is available for the machinery to work around the tree or if brush-mowing is necessary.

Logistical Considerations Woodlands

Should the Canadian Food Inspection Agency require complete destruction of infected oak trees to control Oak Wilt, the logistics of complying with such an order may be considerable. The challenges may be severe in park woodlands where equipment and the logs and tree debris may have to be taken to and from site by helicopter (This is what occurred on Belle Isle.), on foot, or by horse. In some woodlands it may be possible to remove other trees to create appropriate access routes for machinery, and staging areas for oak disposal operations (e.g. chipping or shredding, burning or burial) within the woodland.

Costs of control may be highest in Park woodlands if equipment and the logs and tree debris that result from work have to be taken to and from site by helicopter, on foot, or by horse. Lesser, but still significant, costs may occur with removal of other trees to create appropriate access routes for machinery, and staging areas for oak disposal operations within the woodland. To remove the infected tree entirely, disposing of all the waste to a landfill, or chipped, burned or buried on site, is estimated to cost around \$1,500 to \$5,000 per tree depending on tree volume, assuming the tree is easily accessible by machinery. If not readily accessible, costs of control on site (with additional trees removed as necessary for accessibility) would likely be in the region of \$5,000 - \$10,000 per infected tree, depending on tree volume and method chosen to remove or dispose of waste.

On City streets there are about 6,000 oaks that are susceptible to Oak Wilt, and around 3,000 oak trees that are resilient. Theoretically, if preventative treatment by chemical means were permitted in Canada, it might cost around \$2 million per year (treating 50% of the trees each year) to inoculate all these street oak trees, and would require a large team of Licensed Exterminators. But even if this method was available to us, it is doubtful the City could hire sufficient Licensed Exterminators to complete the work inside the June – August period.

Other costs that could be seen as a potential result of Oak Wilt are costs to City services such as disposing of debris, impact to landfills and associated operational costs. Chipping and shredding of the wood appears to be typical practice in the hot, southern United States such as Texas, so it dries quickly, causing the fungus to desiccate and die. It is not clear whether this would be an option here in Ontario.

It remains to be seen whether the Canadian Food Inspection Agency will provide financial support to any municipality that may be ordered to control Oak Wilt by root trenching or tree destruction. The Canadian Food Inspection Agency does provide some financial compensation to municipalities ordered to destroy trees to control another invasive pest in Ontario, the Asian Long-horned Beetle. However, the level of financial support to a municipality may not be enough to cover the full costs for removal and replacement by new trees.

Cost Implications – Private Lands

It can be expected that private citizens will have the same challenges if Oak Wilt impacts their private lands. This includes not only residential land owners, but also golf courses, commercial areas and conservation lands.

It is unknown whether the Canadian Food Inspection Agency will provide financial support to any landowner that is ordered to control Oak Wilt on their property. The Canadian Food Inspection Agency did provide some financial compensation to landowners in Ontario that were ordered to destroy trees to control Asian Long-horned Beetle.

5.0 What is The City of London Doing

Communicate and Educate

The City of London Urban Forestry Division continues to be in close contact with the Canadian Food Inspection Agency and other regional stakeholders such as The Invasive Species Centre on emerging research and information on Oak Wilt. Staff are participating in the regional Oak Wilt Technical Advisory Committee (TAC).

The City of London's Urban Forestry Division is planning a regional Oak Wilt workshop with these groups for industry leaders, such as other municipalities, conservation authorities and/or golf courses in early March. An evening public meeting with experts in the field is planned to be held for interested residents to drop in and learn about Oak Wilt.

With support from Communications staff, an Oak Wilt Awareness campaign will be implemented this spring to coincide with camping/cottage season informing residents

about Oak Wilt and the risks with moving fire wood. Videos have been created for social media – “Don’t Move Firewood” and “The Meeting Tree” and plan to be launched via Twitter and Facebook. In addition, Urban Forestry has updated its web content to include a page for Oak Wilt. <http://www.london.ca/residents/Environment/Trees-Forests/Pages/Oak-Wilt.aspx>

Staff Training and Practice

City staff from Parks Planning, Forestry Operations and Urban Forestry attended a presentation of the symptoms, signs and control of Oak Wilt at an internal staff meeting. Also, several City staff have attended educational workshops about Oak Wilt with a recent new hire holding one of the first Oak Wilt Qualification designation in Ontario. The Upper Thames River Conservation Authority staff who manage seven of the City’s Environmentally Significant Areas (ESAs) have been educated about Oak Wilt. Field staff have been trained and are aware of the signs and symptoms and will be implementing best practises in managing the disease.

Pruning of City oak trees in the months of April to July has been halted by Forestry Operations, except for public safety emergencies. Where pruning of oak trees is unavoidable in the April-July period, wounds will be painted. Similar to other municipalities, The City is reducing the number of red oak trees planted under the current tree planting contract, subject to the minimum that has been contractually obliged to date and will plant no red oaks moving forward. Substitution by white oak species may be permitted.

Woodland Acquisition and Management Reserve Fund

On March 21, 2017 Council approved a proactive revision to the Woodland Acquisition and Management Reserve Fund that identified invasive pests as a potential issue for the long-term health of the City’s woodlands. With this revision, it would be possible to utilize the reserve fund to assist with the costs of addressing the impacts of Oak Wilt within woodlands. This fund is also used to acquire woodlands and manage other invasive species.

6.0 Financial Impact

For illustrative purposes, the City has budgeted \$400,000 per year in the capital budget since 2012 to deal with the Emerald Ash Borer. This annual funding anticipated to continue until approximately 2032. In the event that Oak Wilt arrives in the City of London. A future budget request may be required to provide the necessary resources to address the infection. As described in this report, the costs of managing Oak Wilt can be anticipated to be significant for both the City and for landowners in our community. It is expected that the City of London would be responsible for a portion of the costs should an infection occur on its lands, although the magnitude of those costs would be dependent on the extent of the disease, the method of control, and the funding contributed by other partners such as the Canadian Food Inspection Agency.

7.0 Conclusion

Oak Wilt is and will continue to be a threat to London’s oak trees and is likely to arrive here within their lifetime. Public education and awareness, early detection and reporting are important components in limiting the spread of Oak Wilt. Staff training should continue to be supported so that personnel involved in tree care are able to assess oak trees for early signs of infection. The cost to control this new disease is unknown, but likely to be considerable for both the City and for landowners in our community. If Oak Wilt is discovered in the City, control and cost recovery will be managed through agreement with, and regulations enforced by, the Canadian Food Inspection Agency.

Acknowledgments

This report was prepared with the assistance of Sara Rowland, Urban Forestry Planner.

Prepared by:	Jill-Anne Spence Manager, Urban Forestry, Road Operations & Forestry Division
Submitted by:	John S. Parsons, CET Division Manager, Road Operations & Forestry Division
Concurred by:	Doug MacRae, P.Eng., MPA Director, Roads & Transportation
Recommended by:	Kelly Scherr, P.Eng., MBA, FEC Managing Director, Environmental & Engineering Services and City Engineer

January 30, 2019

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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: BlueStone Properties Inc.
232-240 Oakland Avenue

Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Manager, Development Planning, the following actions be taken with respect to the application of BlueStone Properties Inc. relating to the property located at 240 Oakland Avenue the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 5, 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 R8 Special Provision (h-5•R8-4(31)) Zone **TO** a Residential R8 Special Provision (R8-4(31)) Zone to remove the h-5 holding provision.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-5" holding provision from the zoning on 232-240 Oakland Avenue.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding (h-5) symbol from the zoning applied to this site to permit the development of a 113-unit 6-storey apartment building.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as a public site plan meeting was held February 4, 2019.

Analysis

1.0 Site at a Glance

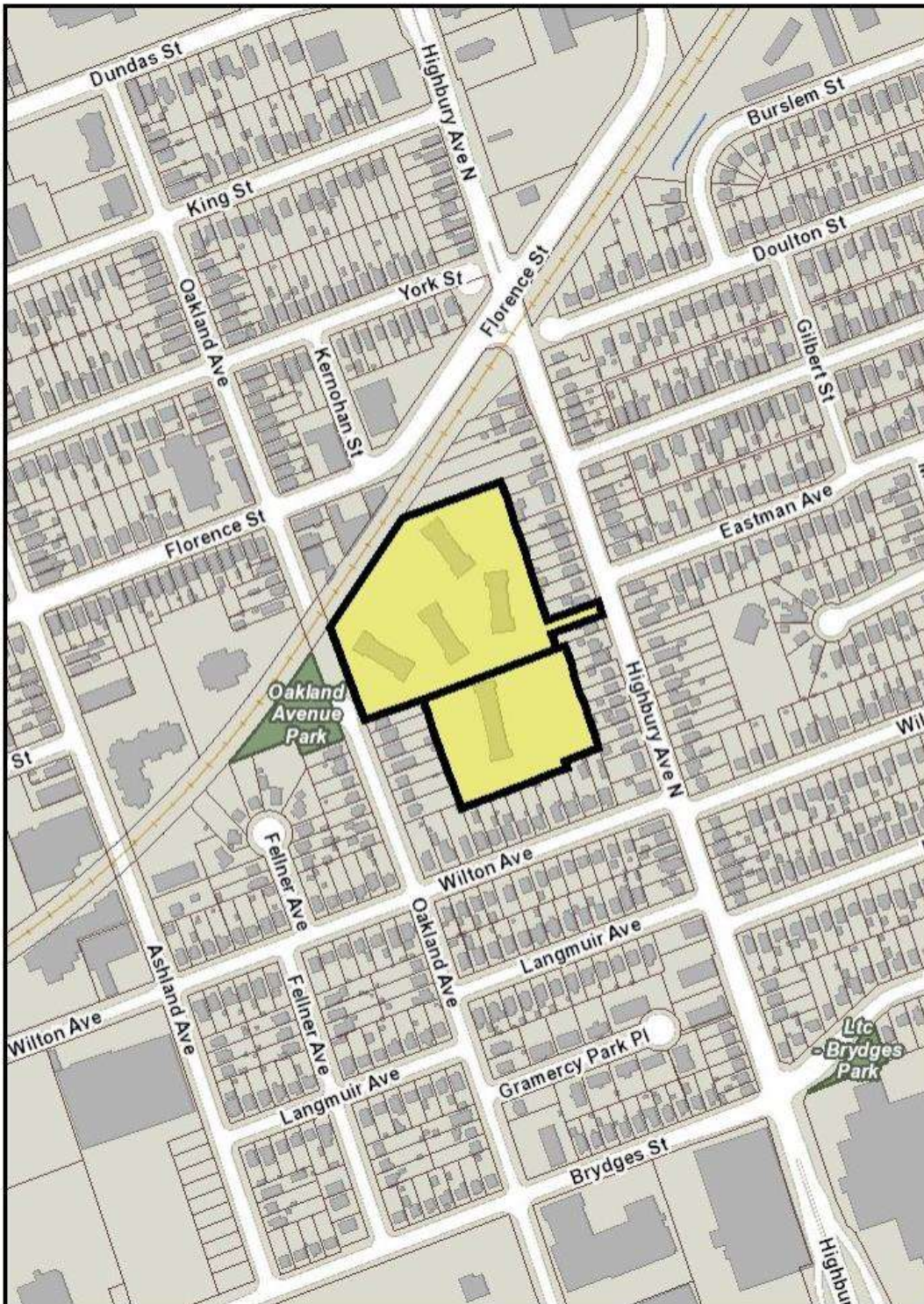
1.1 Property Description

The property at 240 Oakland Ave is located alongside 232-238 Oakland Ave and together the two properties function as one site. 240 Oakland Ave specifically is surrounded on the west and south by single-detached dwellings with one and two-unit dwellings to the east. The 240 Oakland Ave property faces the backyards of the dwellings it abuts. Notable to the east is a pedestrian access to Highbury Avenue, the only vehicular access to the site is to the west onto the cul-de-sac portion of Oakland Ave, this entrance is shared with 232-238 Oakland Ave. 232-238 Oakland Ave currently contains four existing apartment buildings of three storeys, and there is another additional three storey apartment building on 240 Oakland Ave itself. To the immediate west is the Oakland Avenue Park which features a play structure and swing-set. To the immediate north is a rail line with some auto-oriented and light industrial uses on the opposite side to the northwest of the site.

1.2 Current Planning Information


- The London Plan Place Type – Neighbourhoods
- Official Plan, 1989, Designation – Low Density Residential
- Existing Zoning – h-5•R8-4(31) Zone

Location Map

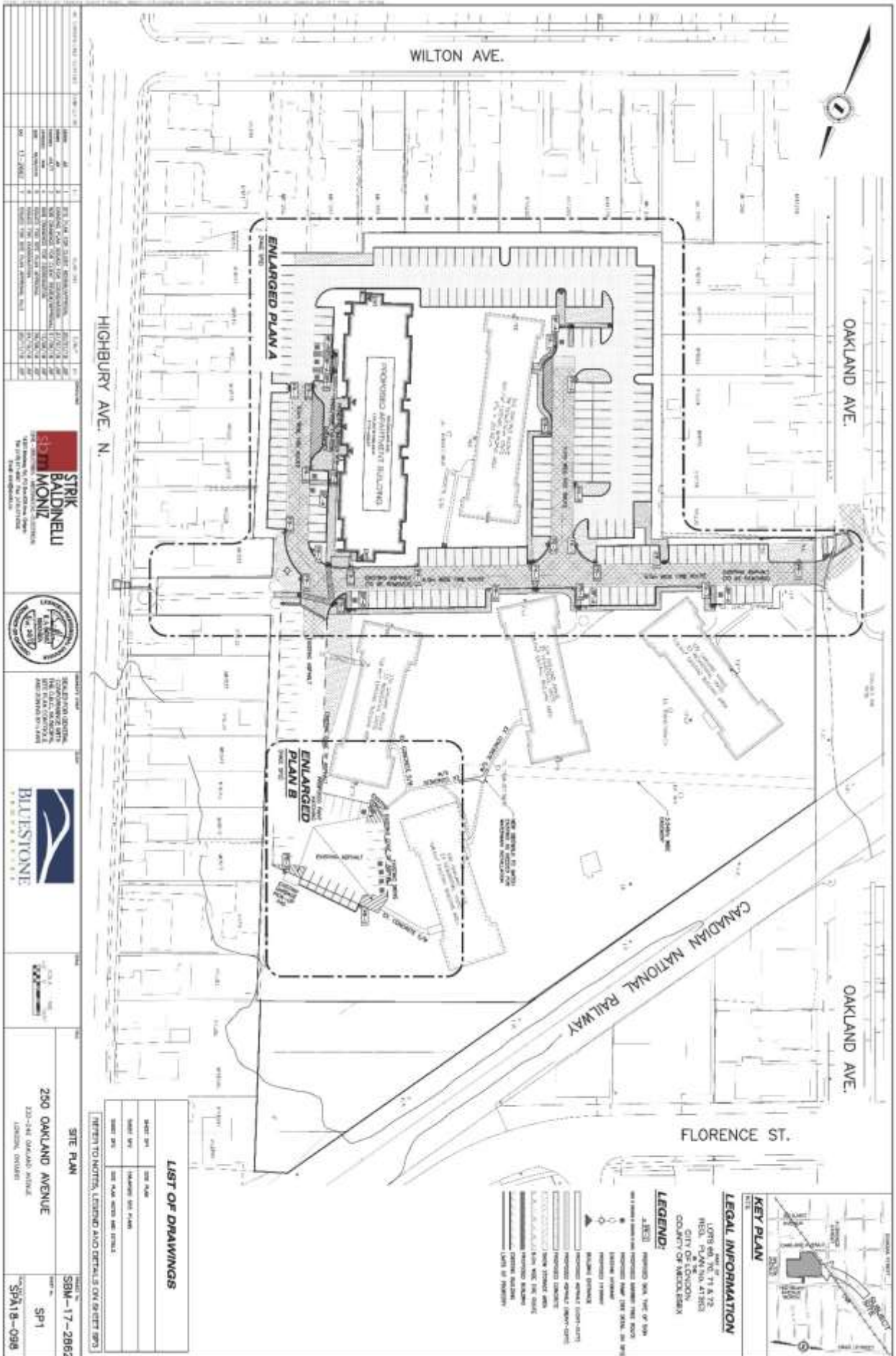


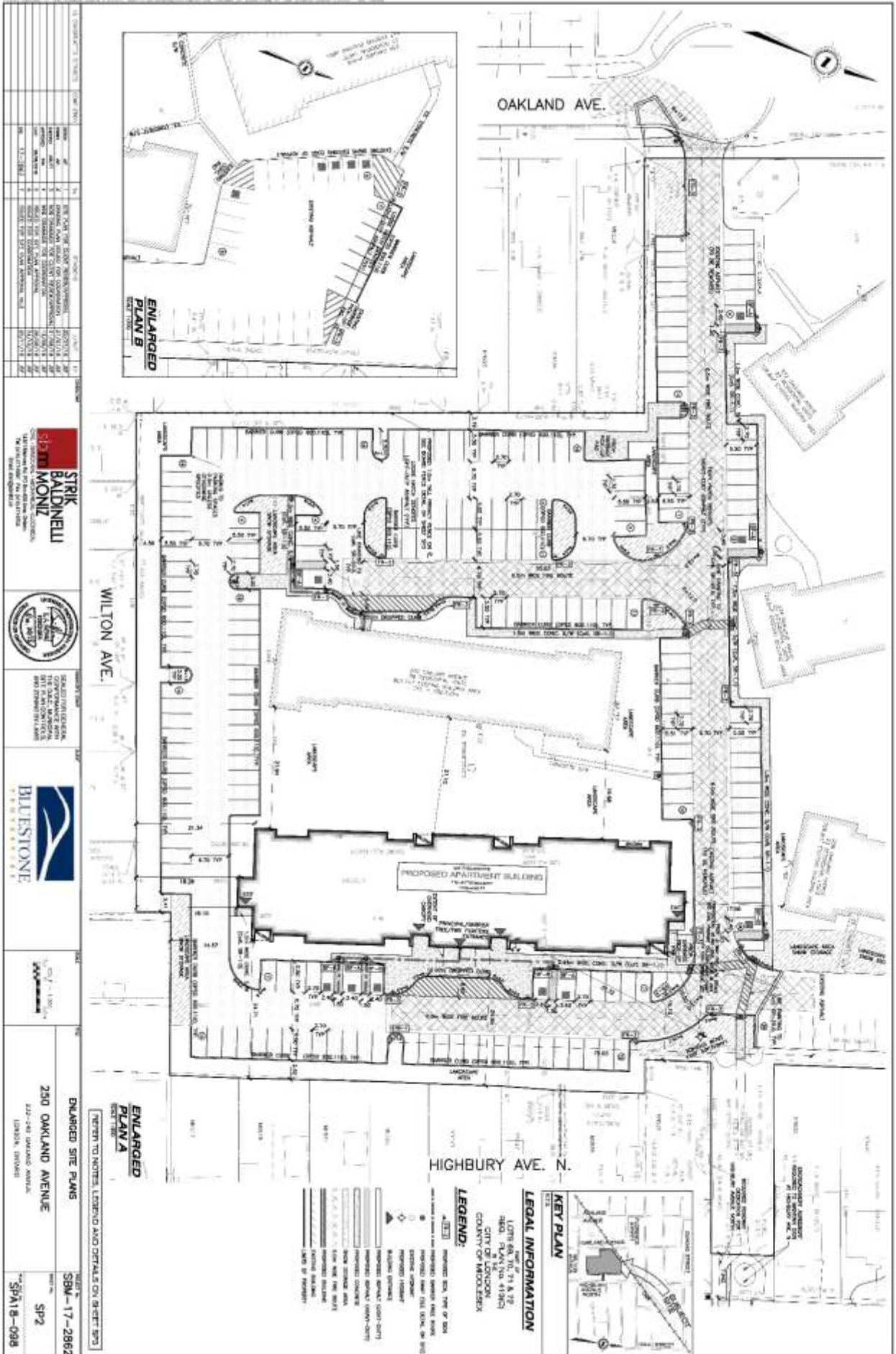
Location Map		Legend	
Project Title:	SPA18-98		Subject Site
Description:	Application to remove h-5 holding provision		Parks
Created By:	Leif Maitland		Assessment Parcels
Date:	12/6/2018		Buildings
Scale:	1:4000		Address Numbers

Corporation of the City of London



Site Plan





1.3 Site Characteristics

- Current Land Use – five 3-storey apartment buildings
- Frontage – 11.3m
- Depth – 205m
- Area – 3.158 ha
- Shape – Irregular polygon

1.4 Surrounding Land Uses

- North – Low density residential up to two-units per lot, a railway and auto-oriented commercial and industrial uses on the opposite side of the railway
- East – Low density residential up to two-units per lot.
- South – Single-detached dwellings
- West – Single-detached dwellings, a park and the railway

2.0 Description of Proposal

2.1 Development Proposal

On September 5, 2018, staff received a Site Plan Control (SPA18-098) application from BlueStone Properties Inc. for a 6 storey apartment building with 113 Units at 240 Oakland Avenue. The proposal adds a sixth apartment building to the existing site where five 3-storey buildings are already present. The proposal would result in the creation of additional parking spaces to reach the maximum 264 permitted by the zoning on the site. The proposed new building is located in the southwest corner of the site and relies on the existing accesses (vehicular access from Oakland and pedestrian access from Highbury Ave N). The removal the holding provision would permit the issuance of building permits for the proposed development.

3.0 Revelant Background

3.1 Planning History

The site plan application of June 7, 2018 is the third planning application for 240 Oakland Avenue.

A Zoning By-law amendment application was received December 15, 2015 for 232-240 Oakland Avenue. The Zoning By-law Amendment, file no: Z-8578 was passed by Municipal Council April 19, 2016. The amendment changed the applicable zoning to the lands located at 232-240 Oakland Avenue, from a Residential R1/Residential R8 (R1-4/R8-2) Zone to a Holding Residential R8 Special Provision (h-5*R8-4(31)) Zone. This had the effect of adding two additional permitted uses: townhouse and stacked townhouses. Regulations within the special provision included permission for 264 parking spaces and a lot frontage of 11 metres (minimum). At that time the Holding (h-5) provision was added to require a public site plan review process.

A minor variance application for 240 Oakland was received July 17, 2018 which resulted in a decision of the Committee of Adjustment, August 20, 2018 to grant the variance subject to conditions. The variance granted permits a height of 17.3m (56.8ft), whereas 13.0 m (42.7ft) is the maximum. Conditions for the variance included the completion of a Noise and Vibration Study, the addition of a warning clause to future sale and lease agreements and the granting of an environmental easement.

The applicant provided a third submission February 1, 2019.

3.2 Requested Amendment

The applicant is requesting the removal of the h-5 holding provision on the site.

3.3 Community Engagement

In response to the notice provide regarding the Intent to Remove a Holding Provision no comments were received.

3.4 Policy Context

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

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

4.0 Key Issues and Considerations

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

The “h-5” holding provision states that:

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

Permitted Interim Uses: Existing uses.”

A public site plan meeting was held at the Planning and Environment Committee (PEC) on February 4, 2019.

At the February 4, 2019 meeting one committee member questioned whether the site would permit additional density after the development proposed through the site plan application was completed: the site would not permit additional development without a further zoning by-law amendment. One committee member questioned the perimeter landscaping approach: the approach includes both shade trees and screening landscaping except where tree preservation is an identified priority, at those locations additional landscaping which would require work in the existing trees’ root zone has been avoided.

No members of the public spoke to the application.

The applicant has entered into a development agreement with the City the site plan and securities for the development were provided in accordance with the City of London Security Policy. Removal of the holding provision is appropriate.

5.0 Conclusion

A public site plan meeting has been held at PEC, and the committee has had the opportunity to provided direction to the Approval Authority. Therefore, the required conditions have been met to remove the “h-5” holding provision. The removal of the holding provisions are recommended to Council for approval.

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

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

February 7, 2019
 LM

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 232-240 Oakland Avenue.

WHEREAS BlueStone Properties Inc. has applied to remove the holding provision from the zoning for lands located at 232-240 Oakland Avenue, 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 232-240 Oakland Avenue, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R8 Special Provision (R8-4(31)) Zone comes into effect.
- 2) The By-law shall come into force and effect on the date of passage.

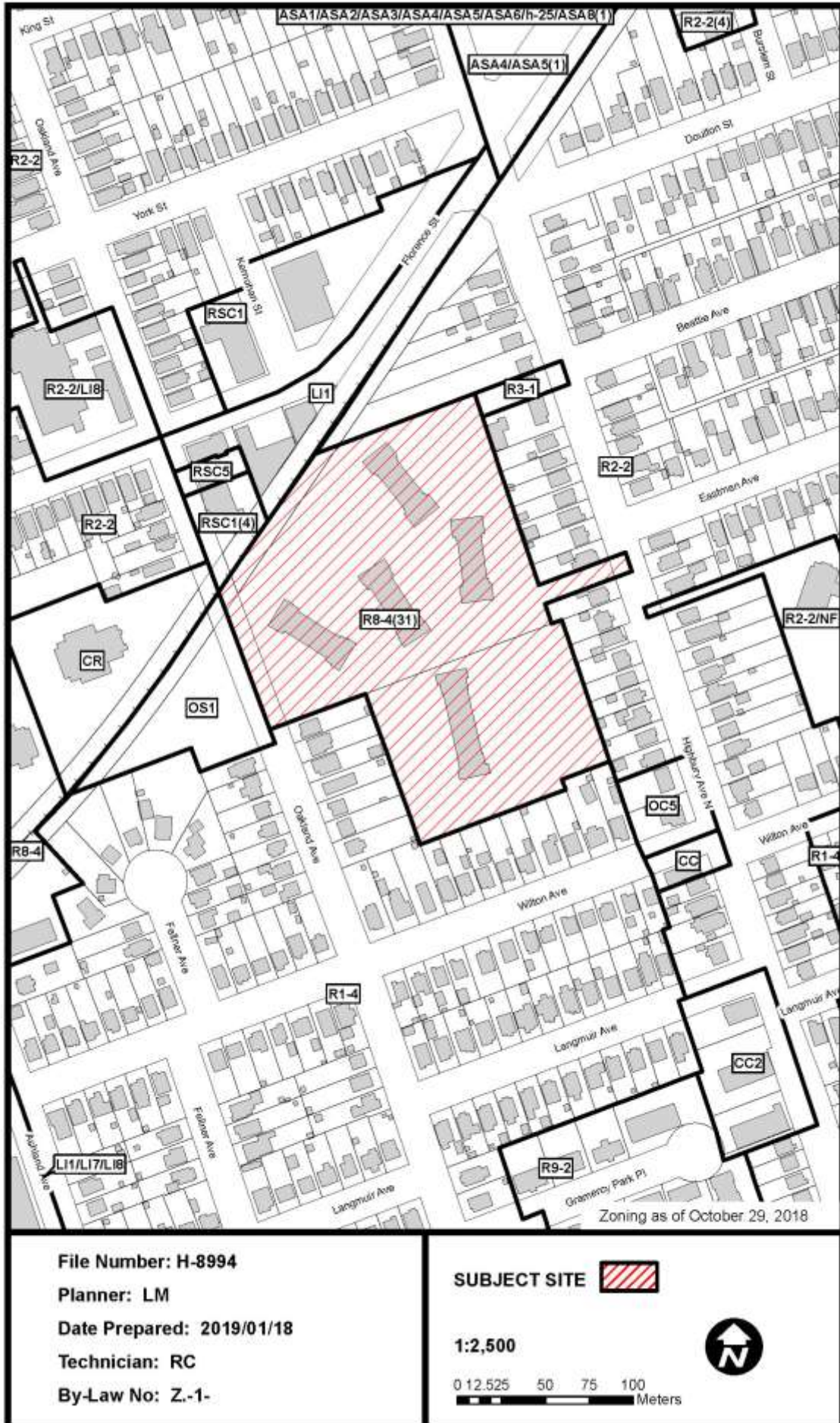
PASSED in Open Council on March 5, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 5, 2019
Second Reading – March 5, 2019
Third Reading – March 5, 2019

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



© 2018

Appendix B – Public Engagement

Public liaison: On January 2, 2019, Notice of Application was sent to 98 property owners in the surrounding area (including those that requested notice through the previous zoning amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 3, 2019.

On January 31, 2019, Notice of Notice of Intent to Remove a Holding Provision was sent to 98 property owners in the surrounding area (including those that requested notice through the previous zoning amendment). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 31, 2019.

No replies were received.

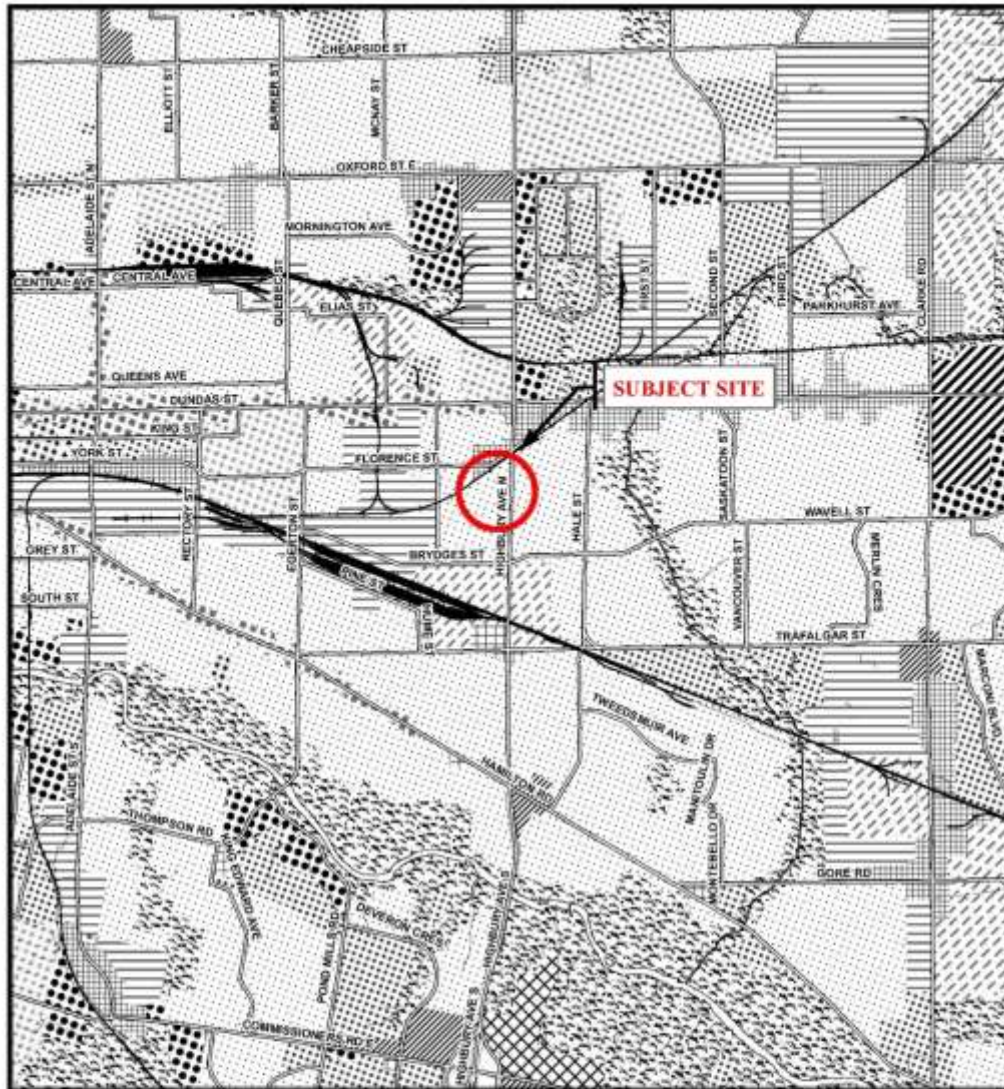
Nature of Liaison:

232-240 Oakland Ave - City Council intends to consider removing the holding (h-5) provision which was put in place to require public site plan review. A public site plan meeting is scheduled for the site February 4, 2019 as file SPA18-098. Council will consider removing the holding provision as it applies to these lands no earlier than February 19, 2019 File H-8994 Planner: L. Maitland (City Hall).

Appendix C – Relevant Background

Additional Maps

Official Plan Schedule “A” Excerpt

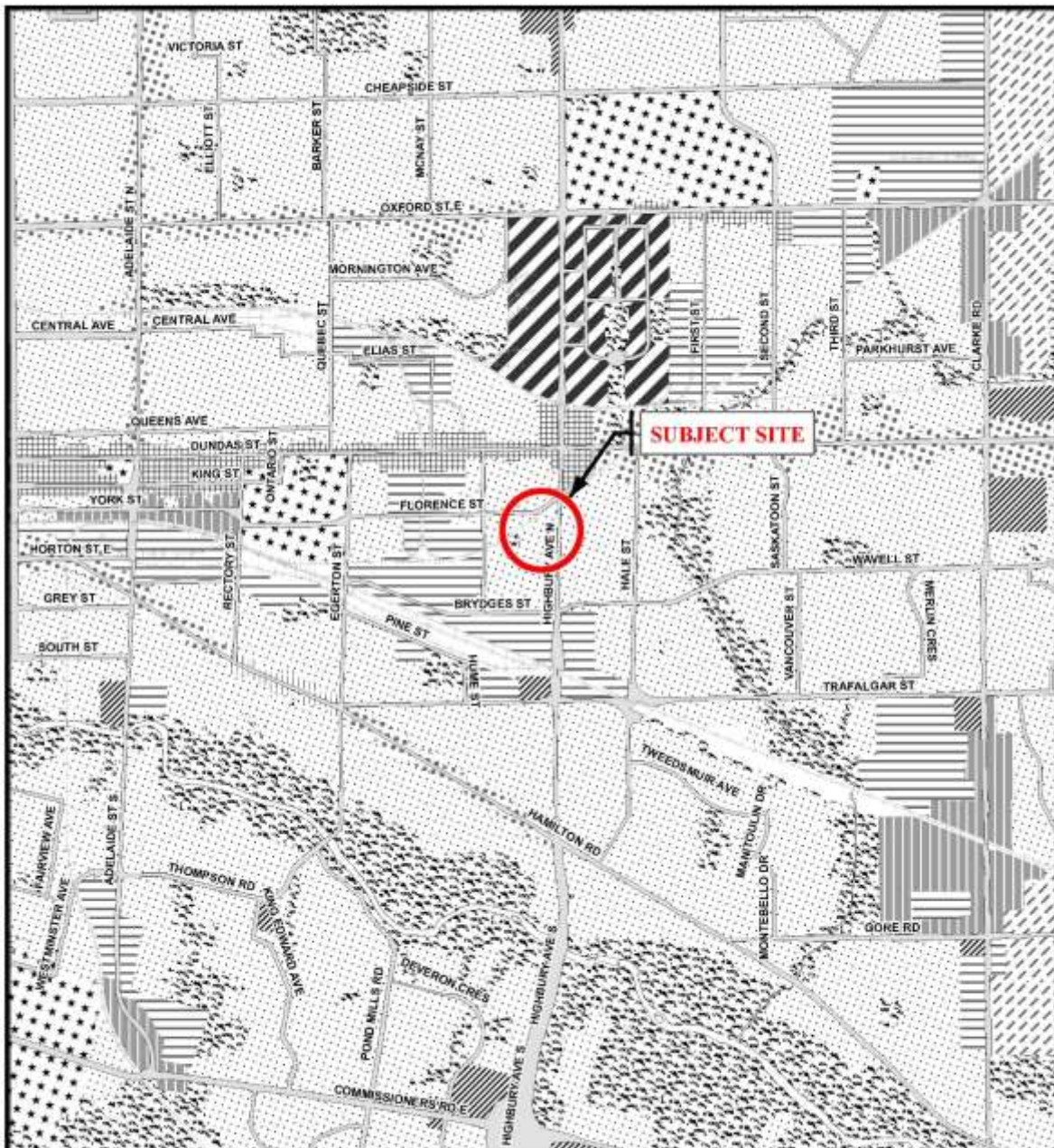


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Formal Regional Commercial Node	Office/Residential	Commercial Industrial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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	FILE NUMBER: H-8994
		PLANNER: LM
		TECHNICIAN: RC
		DATE: 2019/01/18

PROJECT LOCATION: e:\planning\projects\official\plan\work\concord\00\excerpt\mat_template\exched\ea_mw_bx14_wth_SWAP.mxd

London Plan Place Types Excerpt



Legend

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

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

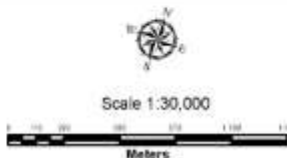
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
 Development Services

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

PREPARED BY: Planning Services



File Number: H-8994

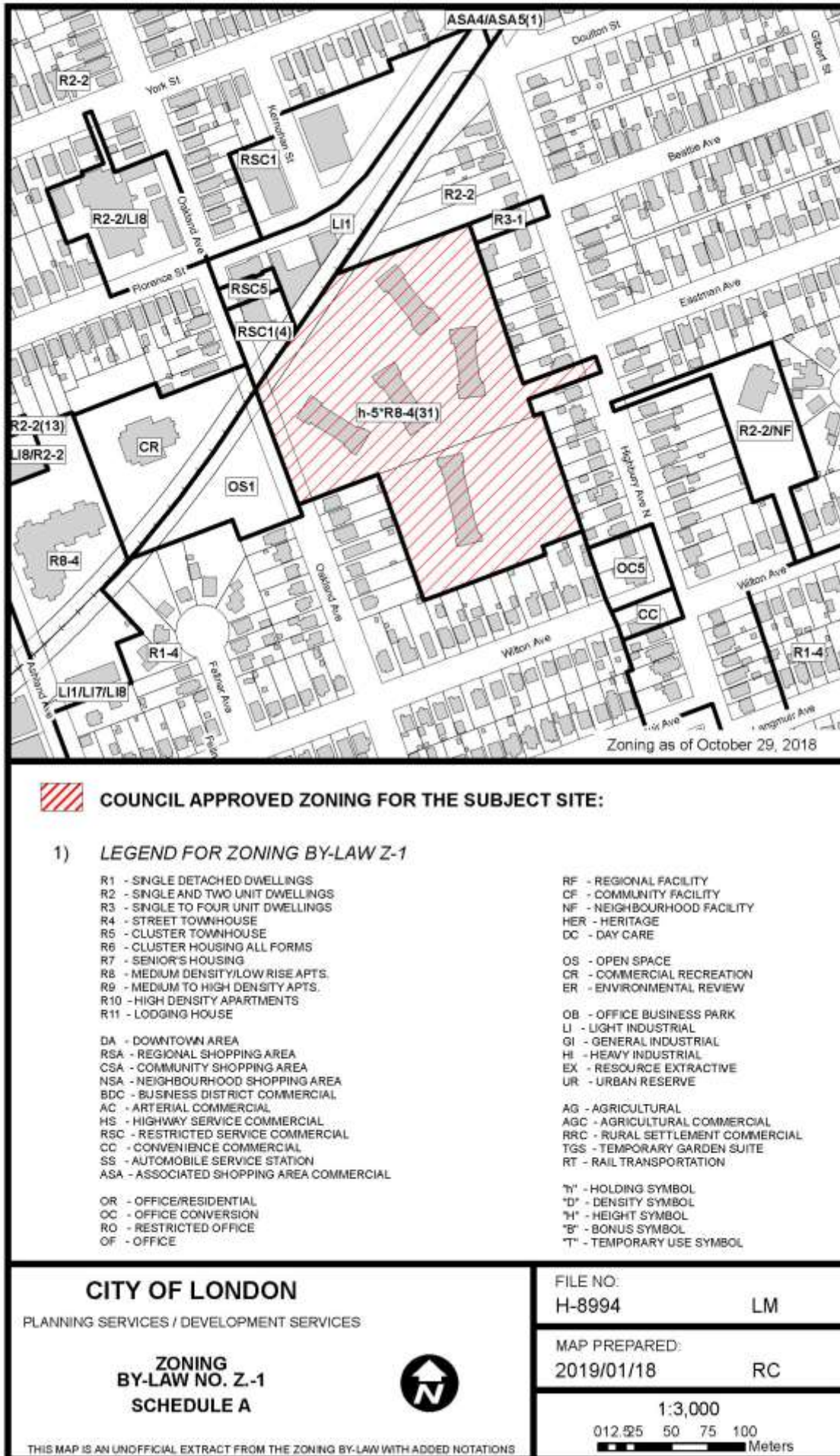
Planner: LM

Technician: RC

Date: January 18, 2019

Project Location: E:\Planning\Projects\p_officialplan\work\conso\00\excerpts_LondonPlan\EXCERPT_Map1_PlaceTypes_b&w_8x14.mxd

Zoning By-law Map Excerpt



Previous Reports Relevant to this Application

SPA18-098 – Report to the Planning and Environment Committee on for public site plan review February 4, 2019

A.105/18 - A minor variance granted by the Committee of Adjustment, August 20, 2018 subject to conditions.

File Z-8327 – Report to the Planning and Environment Committee to amend the Zoning By-law passed April 19, 2016.

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39T-04510
C.Smith

Report to Planning and Environment Committee

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

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

**Subject: Application By: Auburn Developments Inc.
 1284 Sunningdale Road West
 3 Year Extension of Draft Plan of Subdivision (39T-04510)**

Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the request from Auburn Development Inc., for the property located at 1284 Sunningdale Road West that the Approval Authority **BE ADVISED** that Council supports the granting of a three (3) year extension of the draft plan of subdivision, submitted by Auburn Development Inc. (File No. 39T-04510) prepared by Stantec Consulting Inc., certified by Jeremy C. E. Matthews (Drawing No. DP2, dated March 31, 2009), as redline revised which shows thirty (30) low density residential blocks, three (3) medium density residential blocks, three (3) park blocks, one (1) SWM Block, walkway blocks and various reserve blocks served by two (2) new collector roads and ten (10) new local streets, **SUBJECT TO** the revised conditions contained in the attached Appendix “39T-04510”.

Analysis

1.0 Description of Proposal

The application for Draft Plan of Subdivision Approval was originally accepted on November 17, 2004. After the submission and review of a number of modified versions of the Plan, the Approval Authority granted draft approval on October 14, 2009. The owner requested a three (3) year extension of draft approval in January of 2012. Draft approval was extended to October 14, 2015.

On March 15, 2016 City Council requested that the Approval Authority approve the request for revision and a three year extension of the draft plan of subdivision approval for this subdivision subject to the revised conditions of draft approval. On July 21, 2016 this draft plan was approved by the Approval Authority.

The first phase of this subdivision which included 69 single detached residential lots served by two (2) new streets, being Red Pine Trail and Heardcreek Trail was registered on November 7, 2017 (33M-730). The second phase which included 120 single detached residential lots and two (2) multi-family residential blocks served by two (2) new streets, being Applerock Drive and Twilight Boulevard and the extension of Buroak Drive was registered on October 10, 2018 (33M-750).

On November 6, 2018 Council endorsed Special Provisions to enter into subdivision agreements for phase 3 (consisting of 165 single detached lots and two (2) multi-family

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39T-04510
C.Smith

blocks) and the final phase, phase 4 (consisting of 85 single detached lots and one (1) park block).

On September 10, 2018 a six (6) month emergency extension was granted by the Approval Authority in accordance with Section 2.2(p) of the Subdivision and Condominium Delegation and Approval By-law, to allow sufficient time for the completion of the detailed engineering review and registration of the remaining. The draft approved lapse date is April 14, 2019.

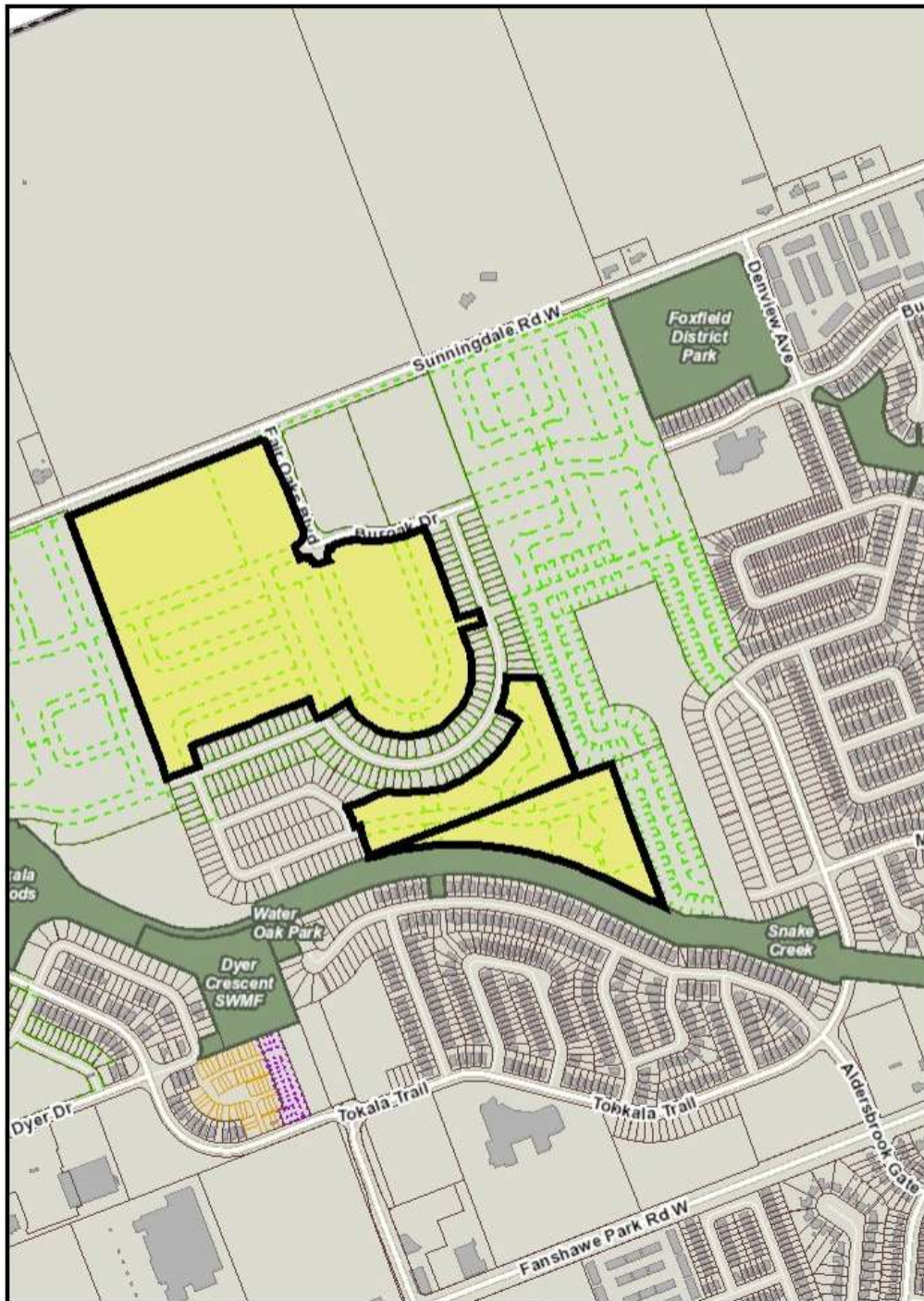
The attached amendments to the conditions of draft approval are required to ensure that these lands are developed to today's standards and to address engineering issues. The amendments to the conditions of draft approval are shown as strikeouts (deletions) and bold italic lettering (additions) on the attached Appendix. If granted, the new draft approval lapse date would be April 14, 2022.

As a result of these minor changes to the conditions of draft approval, an extension may be granted and there is no requirement for public notice of the changes (in accordance with Section 51 (33) & (47) of the *Planning Act*).

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39T-04510
C.Smith

Location Map



Location Map

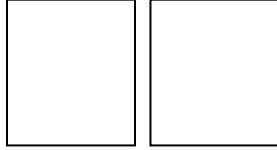
Project Title: 39T-04510
 Description: 3 year extension application
 Created By: Craig Smith
 Date: 12/10/2018
 Scale: 1:8000

Legend

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



Corporation of the City of London



Approved Draft Subdivision Plan



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2.0 Conclusion

The attached revised conditions of draft approval are appropriate to ensure that this subdivision is developed under current City standards.

Prepared and Recommended by:	C. Smith MCIP, RPP Senior Planner, Development Planning
Reviewed by:	Lou Pompilii, MPA, RPP Manager, Development Planning
Concurred in by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng. Managing Director, Development and Compliance Services and Chief Building Official
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.	

CS/

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

Appendix 39T-04510

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-04510 ARE AS FOLLOWS:

NO. CONDITIONS

1. This draft approval applies to the draft plan submitted by Auburn Developments Inc., prepared by Stantec Consulting Inc., certified by Jeremy C. E. Matthews (Drawing No. DP2, dated March 31, 2009), as redline revised which shows 30 low density residential blocks, three (3) medium density residential blocks, three (3) park blocks, one (1) SWM Block, walkway blocks and various reserve blocks served by two (2) new collector roads and ten (10) new local streets.
2. This approval of the draft plan applies until ~~April 14, 2019~~ **April 14, 2022**, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways.
4. ~~Street B from shall be named Buroak Drive. The Owner shall within 90 days of draft approval submit proposed street names for all other streets within this subdivision to the City.~~
5. The Owner shall request that addresses be assigned to the satisfaction of the City in conjunction with the request for the preparation of the subdivision agreement.
6. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
8. The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
9. The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies.
10. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (eg. 0.3 metre reserve blocks) as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City Engineer, at no cost to the City.
11. Phasing of this subdivision (if any) shall be to the satisfaction of the General Manager of Planning and Development and the City Engineer. If phasing is to occur, a Phasing plan must be submitted by the Owner as part of the Design Studies Submission.
12. ~~In conjunction with the Design Studies submission, the Owner shall develop an erosion/sediment control plan (ESCP) that will identify all erosion and sediment control measures for the subject lands in accordance with the Functional SWM and/or Drainage Servicing Report for these lands, the City of London and Ministry of the Environment standards and requirements, for review and acceptance by the~~

~~City (SWM unit). This Plan is to include measures to be used during all phases of construction. Prior to any work on the site, the Owner shall implement erosion and sediment control measures satisfactory to the City. The Owner shall correct any deficiencies of the erosion and sediment control measures forthwith.~~

- ~~13. In conjunction with the Design Studies submission, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, to determine the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area and identify any abandoned wells in this plan, assess the impact on water balance and any fill required in the plan, to the satisfaction of the City. If necessary, the report shall address any contamination impacts that may be anticipated or experienced as a result of the said construction as well as provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.~~

Prior to the issuance of any Certificate of Conditional Approval, any remedial or other works as recommended in the above accepted hydro geological report shall be implemented by the Owner, to the satisfaction of the City, at no cost to the City.

14. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.
15. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.
16. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City.
17. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, and final plans, and to advise the Approval Authority in writing how each of the conditions of draft 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 Approval Authority, such submission will be returned to the Owner without detailed review by the City.
18. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the Director, Development and Compliance Division and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the Director, Development and Compliance Division and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
19. Prior to final approval for the registration of the subdivision the Approval Authority, is to be advised in writing by the City that all financial obligations/encumbrances on the said lands have been paid in full, including property taxes and local improvement charges.

20. ~~Prior to any work on the site the Owner shall obtain and submit to the Director, Development and Compliance Division a letter of archaeological clearance from the Southwestern Regional Archaeologist of the Ministry of Culture. No final approval shall be given, and no grading or other soil disturbance shall take place on the subject property prior to the letter of release from the Ministry of Culture.~~

Sanitary

21. ~~In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following sanitary servicing design information:~~
- ~~i) Provide a sanitary drainage area plan, including the preliminary sanitary sewer routing and the external areas to be serviced, to the satisfaction of the City;~~
 - ~~ii) Propose a suitable routing for the trunk sanitary sewer to be constructed through this plan. Further to this, the consulting engineer shall be required to provide an opinion for the need for an Environmental Assessment under the Class EA requirements for this sanitary trunk sewer;~~
 - ~~iii) Provide an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken to meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407; and~~
 - ~~iv) Prepare and submit a report(s) describing the functional designs of the sanitary and stormwater servicing confirming that the upstream connections are adequate to serve any upstream lands in the sewershed satisfactory to the City Engineer. Further, at the same time, the Owner shall provide copies of the report(s) to the upstream landowners (stakeholders) for an opportunity to comment. Development Services will consider any comments received from third parties up to the time of acceptance of the Design Studies.~~
22. The Owner shall install municipal sanitary servicing to the limits of their property, to the satisfaction of the City Engineer, in order to provide for the servicing of external parcels of land adjacent to their draft plan and within the community plan.
23. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
- i) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 200 mm diameter sanitary sewer located on Buroak Drive, 200 mm diameter sanitary sewer on Twilite Boulevard, 200 mm diameter sanitary sewer on Applerock Avenue, 200 mm diameter sanitary sewer on Bridge Haven Drive, 200 mm diameter sanitary sewer on Heardcreek Trail and the 250 mm diameter sanitary sewer on Applerock Avenue, as per the accepted engineering drawings. ~~Should the connecting sanitary sewer in the draft plan 39T-05512 to the east not be available prior to development of this plan, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of sewers situated on private lands outside this plan, and shall provide satisfactory easements over the sewers, as necessary, all to the specifications and satisfaction of the City Engineer;~~
 - ~~ii) Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City;~~
 - iii) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
 - iv) ~~Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary~~

~~sewer to provide servicing outlets for private drain connections, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.~~

24. Prior to registration of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway/Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

25. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:
- i) Not allowing any weeping tile connections into the sanitary sewers within this Plan;
 - ii) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer;
 - iii) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
 - iv) Implementing any additional measures recommended through the Design Studies stage.

SWM

26. ~~In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:~~
- ~~i) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;~~
 - ~~ii) Identifying major and minor storm flow routes for the subject and external lands, and ensuring that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, to the satisfaction of the City;~~
 - ~~iii) Providing a preliminary plan demonstrating how the proposed grading and road design will match the grading of the Heard Drain built by the City;~~
 - ~~iv) Providing a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to construction, grading and drainage of this subdivision and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability associated with open watercourses that services an upstream catchment are adequately addressed for lands within this plan, if necessary, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback;~~
 - ~~v) Developing an erosion/sediment control plan that will identify all erosion and sediment control measures for the subject lands in accordance with City of London and Ministry of the Environment standards and requirements, all to~~

- ~~the satisfaction of the City. This plan is to include measures to be used during all phases on construction; and~~
- ~~vi) Implementing SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.~~
27. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:
- i) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ~~ii) Provide confirmation the Fox Hollow SWM Facility # 3 (to be constructed by others) and all associated works and the Heard Drain Channel Reconstruction/Remediation and Servicing (to be constructed by Others), have been constructed and deemed functional and operational and the proposed storm/drainage servicing works for the subject site can be connected, all to the specifications and satisfaction of the City Engineer.~~
 - iii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;
 - iv) Implement all geotechnical/slope stability recommendations
 - v) Implementing SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer.
28. ~~The Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:~~
- ~~i) The SWM criteria and environmental targets for the Medway Creek Subwatershed Study and any addendums/amendments;~~
 - ~~ii) The preferred storm/drainage and SWM servicing option of the Municipal Class EA and any addendum for the Fox Hollow lands;~~
 - ~~iii) The accepted Functional SWM Report for the proposed Fox Hollow SWM Facility # 3 (to be constructed by others) and any addendums/amendments;~~
 - ~~iv) The Stormwater Letter/Report of Confirmation for the subject development prepared and accepted in accordance with the file manager process;~~
 - ~~v) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control. Erosion, stream morphology, etc.~~
 - ~~vi) The City of London Environmental and Engineering Services Department Design Specifications and Requirements (October 2003), as revised;~~
 - ~~vii) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;~~
 - ~~viii) The Ministry of the Environment and Climate Change SWM Practices Planning and Design Manual, as revised; and~~
 - ~~ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.~~
29. Prior to the acceptance of engineering drawings, the Owner's professional engineer shall certify the subdivision has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner

shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision

30. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
- i) Construct storm sewers to serve this plan, located within the Medway Creek Subwatershed, and connect them to the existing municipal sewer system, namely, the 600 mm diameter storm sewer on Heardcreek Trail, the 1500 mm diameter storm sewer on Applerock Avenue, the 1800 mm diameter storm sewer on Bridge Haven Drive, the 450 mm diameter storm sewer on Twilite Boulevard, the 750 mm diameter storm sewer on Applerock Avenue, the 900 mm diameter storm sewer on Buroak Avenue and the 375 mm diameter storm sewer on Fair Oaks Boulevard, as per the accepted engineering drawings; ~~outlet the major and minor flows to the proposed regional Fox Hollow SWM Facility # 3 and the existing realigned Heard Drain via the proposed major and minor storm system design for this plan of subdivision;~~
 - ii) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan;
 - iii) Grade and drain the south boundary of blocks in this plan to blend in with the abutting Heard Drain, at no cost to the City;
 - iv) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - v) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
31. The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of the stormwater conveyance system. In an event where the above condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirement for Permanent Private Stormwater Systems.
32. ~~The Owner shall develop the proposed plan of subdivision in accordance with the Design and Construction of Storm Water Management Facilities policies and processes identified in Appendix 'B-1' and 'B-2' Stormwater Management Facility "Just In Time" Design and Construction Process adopted by Council on July 30, 2013 as part of the Development Charges Policy Review: Major Policies Covering Report.~~
33. All lots/blocks abutting Open Space blocks used primarily for stormwater management facilities and or conveyance systems shall be monumented as per City standards and to the satisfaction of the City Engineer. Further, the subdivision agreement shall include a clause that should the property owner desire to construct a fence at the interface (on the property line) with the Open Space SWM blocks, fencing shall be in accordance with current City park standards (SPO 4.8) or approved alternate at no cost to City.

Water Mains:

34. ~~In conjunction with the Design Studies submission, the Owner shall have his consulting engineer prepare and submit the following water servicing design information, all to the satisfaction of the City Engineer:~~
- ~~i) A water servicing report which addresses the following:
 - ~~— Identify external water servicing requirements;~~
 - ~~— Confirm capacity requirements are met;~~~~

- ~~— Identify need to the construction of external works;~~
 - ~~— Identify the effect of development on existing water infrastructure — identify potential conflicts;~~
 - ~~— Water system area plan(s)~~
 - ~~— Water network analysis/hydraulic calculations for subdivision report;~~
 - ~~— Phasing report;~~
 - ~~— Oversizing of watermain, if necessary and any cost sharing agreements.~~
 - ~~— Water quality~~
 - ~~— Identify location of valves and hydrants~~
35. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water services for this draft plan of subdivision:
- i) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the 200 mm diameter watermain on Applerock Avenue, the 200 mm diameter watermain on Heardcreek Trail, the 200 mm diameter watermain on Buroak Drive, the 200 mm diameter watermain on Fair Oaks Boulevard and 250 mm diameter watermain on Twilite Boulevard, as per accepted engineering drawings, ~~300 mm diameter watermain on Medway Park Drive, the existing 300 mm diameter watermain on Silverfox Drive and to other future municipal watermain as identified in the accepted water servicing report,~~ satisfactory to the City Engineer. This draft plan of subdivision shall be serviced from the Hyde Park Water Pumping Station;
 - ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units; and
36. The Owner shall install temporary automatic flushing devices at all dead ends to ensure that water quality is maintained during build out of the subdivision. They are to remain in place until there is sufficient occupancy use to maintain water quality without their use. The location of the temporary automatic flushing devices as well as their flow settings are to be shown on engineering drawings. The auto flushing devices and meters are to be installed and commissioned prior to the issuance of a Certificate of Conditional Approval. The Owner is responsible to meter and pay billed cost of the discharged water from the time of their installation until their removal. Any incidental and/or ongoing maintenance of the auto flushing devices is/are the responsibility of the Owner.
37. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations to address the water quality requirements for the watermain system, to the satisfaction of the City Engineer, at no cost to the City.

STREETS, TRANSPORTATION & SURVEYS

38. The Owner shall construct all roads shown in this plan of subdivision such that alignments match joining roads outside this plan.
39. The Owner shall construct a cul-de-sac on Shields Place ~~Street 'I'~~ in accordance with City of London Standard DWG. SR-5.0. The Owner shall provide a raised circular centre island (R=8.25m) within the cul-de-sac or as otherwise directed by the City Engineer.
40. The Owner shall provide a minimum of 5.5 metres (18') along the curb line between the projected property lines of irregular shaped lots around the bends and/or around the cul-de-sacs on ~~Street 'G', Shields Place Street 'I'~~ and Bush Hill Link ~~Street 'J'~~.
41. The Owner shall limit the bulge in the curb line on ~~Street 'G' and Bush Hill Link Street 'J'~~ to only a maximum offset from the standard radius required to achieve

the minimum curb distance for driveways, as approved by the City Engineer. Further, the bulge in the street line is only to be to the extent required to achieve the minimum frontage for the abutting lots.

42. The Owner shall have its professional engineer design and construct the roadworks in accordance with the following road widths:
 - i) ~~Street 'A'~~ and Buroak Drive ~~Street 'B'~~ have a minimum road pavement with (excluding gutters) of 9.5 metres (31.2') with a minimum road allowance of 21.5 metres (70').
 - ii) ~~Street 'E'~~, Heardcreek Trail ~~Street 'F'~~, ~~Street 'H'~~, ~~Street 'K'~~, Applerock Avenue ~~Street 'L'~~ and ~~Street 'M'~~ have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').
 - iii) Bob Schram Way ~~Street 'C'~~, Heardcreek Trail ~~Street 'D'~~, ~~Street 'G'~~ and Bush Hill Link ~~Street 'J'~~ have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62').
 - iv) Shields Place ~~Street 'I'~~ have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').
43. ~~The Owner shall construct Street 'A' at the intersection of Sunningdale Road West with a right of way width of 28.0 metres for a minimum length of 45.0 metres (150') tapered back over a distance of 30 metres to the standard secondary collector road right of way width of 21.5 metres, to the satisfaction of the City. Any landscaped gateway features shall be installed within a widened boulevard area and to the specifications and satisfaction of the City Engineer.~~
44. ~~In conjunction with the Design Studies submission, the Owner shall identify how Blocks 31, 32, 33, 34 and 35 can be served through the internal road network to prevent the creation of local road intersections along the arterial road network, should these lands be developed with low density residential development.~~
45. ~~The Owner shall construct Street 'B' at the eastern boundary of the subject property in alignment with the proposed secondary collector road to the east as shown in the proposed draft plans of subdivision 39T-05511 and 39T-05512.~~
46. ~~If necessary, the Owner may provide an alternative design acceptable to the City Engineer to realign the easterly leg of street B (between Street A and the connecting street to the east in plan 39T-05511) in order to eliminate the excess parkland between Blocks 27 & 28.~~
47. The Owner shall construct ~~Street 'A'~~ and Buroak Drive ~~Street 'B'~~ to secondary collector road standards as identified in the Official Plan, to the satisfaction of the City.
48. The Owner shall construct a 1.5 metre (5') sidewalk on both sides of the following streets:
 - i) ~~Street 'A'~~
 - ii) Buroak Drive ~~Street 'B'~~
49. The Owner shall construct a 1.5 (5') sidewalk on one side of the following streets:
 - i) Bob Schram Way ~~Street 'C'~~ – outside (south and west) boulevard
 - ii) Heardcreek Trail ~~Street 'D'~~ – outside boulevard
 - iii) ~~Street 'E'~~ – south boulevard
 - iv) Heardcreek Trail ~~Street 'F'~~ – south boulevard
 - v) ~~Street 'H'~~ – west boulevard
 - vi) Shields Place ~~Street 'I'~~ – west boulevard to walkway

- ~~vii) Street 'K' – south boulevard~~
- viii) Applerock Avenue Street 'L' – outside boulevard
- ~~ix) Street 'M' – outside boulevard~~

50. The Owner shall ensure that the pedestrian walkways are constructed to the “City Standard for Pedestrian Walkways”, including lighting if necessary, in accordance with City requirements and standards.
51. ~~In conjunction with the Design Studies submission, the Owner shall undertake a transportation study in accordance with the Transportation Impact Study Guideline to determine the impact of this development on the abutting arterial roads to the satisfaction of the City Engineer. Prior to undertaking this study, the Owner shall contact the Transportation Planning and Design Division regarding the scope and requirements of this study. The Owner shall undertake any recommendations of the study as required by the City Engineer, to the satisfaction of the City Engineer and at no cost to the City.~~
52. Prior to any work on the site the Owner shall install signage advising construction traffic that loads on Sunningdale Road West are restricted to a maximum weight of five (5) tonnes per axle for any vehicle traveling on this road during the period March 1 to April 30, inclusive, in any year.
53. ~~Prior to the issuance of a Certificate of Conditional Approval for Street 'A', the Owner shall construct a left turn lane on Sunningdale Road West at Street 'A' with sufficient storage and taper to accommodate the traffic demand anticipated as a result of full build-out of the Fox Hollow Community, to the satisfaction of the City.~~
54. ~~Prior to the issuance of a Certificate of Conditional Approval for Street 'A', the Owner shall install a right turn taper on Sunningdale Road West at Street 'A', to the satisfaction of the City Engineer.~~
55. ~~The Owner shall be required to dedicate sufficient land to widen Sunningdale Road West to 18.0 metres (59.06') from the centerline of the original road allowance.~~
56. ~~The Owner shall ensure that no vehicular access will be permitted to Blocks 31, 32, 33 and 35 from Sunningdale Road West. All vehicular access is to be via the internal subdivision streets~~
57. The Owner shall construct a raised intersection at the following locations, all to the satisfaction of the City Engineer:
 - i) ~~Saddlerock Avenue Street 'M' at the intersections of Street 'C' and Bridge Haven Drive Street 'K'~~
 - ii) ~~Applerock Avenue Street 'L' at the intersections of Bob Schram Way Street 'C', Street 'E', Street 'J', Street 'K' and Street 'B'~~
 - iii) ~~Heardcreek Trail Street 'F' at the intersections of Twillite Boulevard Street 'E' and Wateroak Drive Street 'H'~~
58. ~~Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a roundabout at the intersection of Street 'A' and Street 'B'. The Owner shall ensure that driveways for lots that abut the roundabout are located in accordance with the EESD Design Specification and Requirements Manual. The Owner shall install street lighting at this intersection to the satisfaction of the City Engineer.~~
59. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Sunningdale Road West or other routes as designated by the City Engineer.
60. ~~The Owner shall ensure any emergency access required is satisfactory to the City Engineer with respect to all technical aspects, including adequacy of site lines,~~

~~provision of channelization, adequacy of road geometries and structural design etc.~~

- ~~61. Should an emergency access be required to accommodate development, the Owner shall locate, construct, maintain and close the access to the satisfaction of the City Engineer. Should it be necessary to locate this access onto Sunningdale Road West, the Owner shall ensure it will be restricted to emergency vehicle use only.~~
- ~~62. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on existing public roadways. The Owner shall have it's contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.~~
63. Should lands to the east not be developed, the Owner shall construct a temporary turning facility for vehicles at the following location(s), to the specifications of the City:
 - i) Heardcreek Trail Street 'F' – east limit

Temporary turning circles for vehicles shall be provided to the City as required by the City, complete with any associated easements. When the temporary turning circles(s) are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.
- ~~64. The Owner shall remove all other existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.~~
- ~~65. All through intersection and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City.~~
- ~~66. In conjunction with the submission of detailed design drawings, the Owner shall have his consulting engineer provide a proposed layout of the tapers for streets in this plan that change right-of-way widths with minimum 30 metre tapers (eg. from 20.0 metre to 19.0 metre road width), all to the satisfaction of the City Engineer. The roads shall be tapered equally aligned based on the alignment of the road centrelines.~~
- ~~67. In conjunction with the Design Studies submission, the Owner shall have it's professional engineer provide a conceptual design layout of the proposed gateway design on Street 'A' at Sunningdale Road West if there is any deviation from City standards.~~
- ~~68. Prior to the issuance of a Certificate of Conditional Approval for Street 'A', the Owner shall install temporary street lighting at the intersection of Street 'A' and Sunningdale Road, to the specifications of the City, at no cost to the City.~~
- ~~69. In conjunction with the Design Studies submission, the Owner shall have it's professional consulting engineer submit design criteria for the left turn lane and right turn taper on Sunningdale Road West at Street 'A' for review and acceptance by the City.~~
70. Within one year of registration of the plan, the Owner shall install street lighting on all streets and walkways in this plan to the satisfaction of the City, at no cost to the City. Where an Owner is required to install street lights in accordance with this draft plan of subdivision and where a street from an abutting developed or

developing area is being extended, the Owner shall install street light poles and luminaires, along the street being extended, which match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the London Hydro for the City of London.

- 71. ~~In conjunction with the Design Studies submission, the Owner shall provide a conceptual layout of the roads and rights-of-way of the plan to the City Engineer for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots.~~
- 72. ~~In conjunction with the Design Studies submission, the Owner shall have its professional consulting engineer confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions."~~
- 73. The Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:

Road Allowance	S/L Radius
20.0 m	9.0 m
19.0 m	9.5 m
18.0 m	10.0 m

- 74. The Owner shall construct Heardcreek Trail Street 'F' at the eastern boundary of the subject property in alignment with the proposed road to the east as shown in the proposed draft plan of subdivision 39T-05512.
- 75. The Owner shall construct Buroak Drive Street 'B' at the western boundary of the subject property in alignment with the proposed secondary collector road to the west as shown in the proposed draft plan of subdivision 39T-11503.
- 76. ~~The Owner shall construct Street 'E' at the western boundary of the subject property in alignment with the proposed road to the west as shown in the proposed draft plan of subdivision 39T-11503.~~
- 77. ~~The Owner shall construct Street 'H' at the southern boundary of the subject property in alignment with the proposed road to the south as shown in the registered plan of subdivision in Plan 33M-676.~~
- 78. Should the Owner direct any servicing within the walkway or the walkway is to be used as a maintenance access, the Owner shall provide a 4.6 metre wide walkway designed to the maintenance access standard, to the specifications of the City.
- 79. The Owner shall ~~be required to~~ make minor boulevard improvements on Sunningdale Road West adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
- 80. ~~The Owner shall be required to dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Street 'A' with Sunningdale Road West in accordance with the Z-1 Zoning By-law, Section 4.24.~~
- 81. ~~In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide a conceptual design of the proposed traffic calming measures along streets in this plan, including roundabouts, raised intersections, raised cross-walks, parking bays, curb extensions and other measures, to the satisfaction of the City.~~
- 82. The Owner shall construct raised cross-walks on Heardcreek Trail Street 'F' at the midpoint of Block 39 and Block 38, on Applerock Avenue Street 'L', at the midpoint of ~~Block 38 and Block 37~~ and on Saddlerock Avenue Street 'M' at the midpoint of

Block 37 and Block 36, and on Saddlerock Avenue at the midpoint of the redlined Park Block and Block 36, as per the accepted engineering drawings, to the satisfaction of the City Engineer.

83. ~~In conjunction with the Design Studies submission, the Owner shall provide a conceptual design and the location of the temporary/emergency/construction access to Sunningdale Road West, if necessary, to the satisfaction of the City. The Owner shall also have its professional engineer verify the adequacy of decision sight distance on Sunningdale Road West at the temporary access road, to the satisfaction of the City. If the sight lines are not adequate, the temporary access is to be relocated and/or road work undertaken to establish adequate decision sight distance at the intersection, to the satisfaction of the City.~~

Planning

84. Within one (1) year of registration of the plan of subdivision, the owner shall fence all lots/blocks abutting park blocks with 1.5meter high chain link fence in accordance with current City park standards (SPO 4.8) or approved alternate. Fencing shall be completed to the satisfaction of the City.
85. All park blocks lands shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the Open Space limits to the satisfaction of the City ~~Planner~~.
86. No grading shall occur within proposed park blocks except where determined to be appropriate by the City ~~Planner~~.
87. The Owner shall convey Block 36, 37, 38, 39 and 40 as indicated on the attached draft plan for park purposes to satisfy the parkland dedication requirements.
88. Within one (1) year of registration of the plan, the Owner shall prepare and deliver to all homeowners adjacent to the open space, and education package which explains the stewardship of natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the ~~Director, Development and Compliance Division~~ **City**.
89. As part of the Design Studies submission, the Owner shall have a Tree Preservation Report and Plan prepared for lands within the proposed draft plan of subdivision. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans to the satisfaction of the Director, Development and Compliance Division. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.
90. As part of the Design Studies submission, the Owner shall submit for approval a concept park plan for Blocks 37, 38 and 39 delineating the multi-use pathway alignment, roadway and park treatments for the intersection of the pathway blocks and Streets "L" and "F" and roadway crossing treatments for Streets "L" and "F".

As part of the Design submission, the Owner shall submit for approval a conceptual park plan for Block 36 to the satisfaction of the City ~~Planner~~.

91. As part of the Design submission, the Owner shall submit a plan to the Approval Authority proposing the lotting pattern for all residential Blocks, which shall be consistent with the approved zoning for these blocks and acceptable to the ~~Director, Development and Compliance Division~~ **City**. The proposed block lotting plan shall be reviewed and accepted with respect to City services, road

geometries, easements requirements, minimum centerline radii of curvature of roads in subdivisions, etc., to the satisfaction of the City. The accepted lotting pattern shall be reflected on the final registered plan.

92. Within one (1) year of registration of the plan, the Owner shall prepare and deliver to all homeowners an education package which advises potential purchasers of the ongoing agricultural activities occurring in the vicinity. The educational package shall be prepared to the satisfaction of the ~~Director, Development and Compliance Division~~ **City**.
93. The Owner shall obtain all necessary permits from the UTRCA prior to the commencement of any soil disturbance within the regulated area under the jurisdiction of the UTRCA.
94. The Owner shall register on title and include in all Purchase and Sale or Lease Agreements the requirement that the homes to be designed and constructed on all corner lots including lots flanking the park corridor blocks in this Plan, are to have design features, such as but not limited to porches, windows or other architectural amenities that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard. Further, the owner shall obtain approval of their proposed design from the ~~Managing Director of Planning and City Planner and his/her designate~~ prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan.

GENERAL CONDITIONS

95. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.
96. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works the sewers as necessary, all to the specifications and satisfaction of the City Engineer, at no cost to the City.
97. In the event that relotting of the plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City Engineer.
98. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.
99. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.
100. The Owner shall have the common property line of Sunningdale Road West graded in accordance with the accepted engineering drawings, ~~City of London Standard "Subdivision Grading Along Arterial Roads"~~ at no cost to the City.
101. ~~Further, the grades to be taken as the centerline line grades on Sunningdale Road West are the future centerline of road grades as determined by the Owner's professional engineer satisfactory to the City Engineer. From these, the Owner's professional engineer is to determine the elevations along the common property~~

~~line which will blend with the reconstructed road, all to the satisfaction of the City Engineer.~~

102. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and Conditionally Accepted by the City;
- ii) The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

103. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities, to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City Engineer, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties, shall:

- i) commence upon completion of the Owner's service work connections to the existing unassumed services; and
- ii) continue until the time of assumption of the affected services by the City.

104. With respect to any services and/or facilities constructed in conjunction with this plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.

105. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City Engineer and review for the duration of the approval program.

106. If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the plan.

107. ~~The Owner's professional engineer shall provide inspection services for all work during construction by its professional engineer for all work to be assumed by the City, and have its professional engineer supply the City with a Certificate of Completion of Works upon completion in accordance with the plans accepted by the City Engineer.~~
108. ~~In conjunction with the Design Studies submission, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this plan. All class EA's must be completed prior to the submission of engineering drawings.~~
109. The Owner shall have its engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
110. The Owner shall not commence construction or installations of any services including clearing or servicing of lands with this plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing; (eg. Ministry of the Environment Certificates; City/Ministry/Government permits: Approved Works, water connection, water-taking, crown Land, navigable waterways; approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of Environment, City; etc.)
111. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.
112. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
113. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City Engineer.
114. Should any temporary turning circle exist on the abutting streets at the time this plan is registered, the Owner shall remove any existing temporary turning circles and restore the road including sidewalks to the satisfaction of the City, at no cost to the City.
115. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.
116. ~~In conjunction with the Design Studies submission, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, servicing, grading and drainage of this subdivision, road pavement structure, dewatering, etc., for lands within this plan and any other requirements as needed by the City.~~
117. Prior to the acceptance of engineering drawings, ~~In conjunction with the Design Studies submission,~~ in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan

to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.

118. Should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "Schedule A – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site. The City may require a copy of the report should there be City property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.
 119. ~~The Owner shall submit confirmation that they have complied with any requirements of Upper Thames River Conservation Authority.~~
 120. In the event this plan develops prior to ~~Plan 39T-05511~~ and Plan 39T-05512, to the east, the Owner shall make all necessary arrangements to construct adequate municipal services, grading, drainage and accesses over the external lands, to develop this plan, all to the satisfaction of the City Engineer, at no cost to the City.
- # ***The Owner shall incorporate the accepted recommendations of the various accepted servicing reports/studies (eg. sanitary servicing design, storm and SWM design, water servicing, transportation requirements, hydrogeological, geotechnical, etc.) in the accepted engineering drawings to address all servicing issues, to the satisfaction of the City Engineer, at no cost to the City.***

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Passage of Amending By-law for Heritage Designated
Property at 660 Sunningdale Road East

Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the attached by-law to amend the heritage designating by-law for the property at 660 Sunningdale Road East, By-law No. L.S.P.-3476-474, **BE INTRODUCED** at the Municipal Council meeting to be held on March 5, 2019; it being noted that this matter has been considered by the London Advisory Committee on Heritage and notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*.

Executive Summary

At its meeting on September 18, 2018, Municipal Council passed the heritage designating by-law to protect the two red clay tile barns located at 660 Sunningdale Road East. An error occurred in the legal description of the property included in the heritage designating by-law and an amendment to the heritage designating by-law is required. This will remove the heritage designating by-law from the title to lands that are now part of a phased development of the property and ensure that the heritage designating by-law can be registered against the appropriate property where the red clay tile barns are located.

It is anticipated that subsequent amendments to the heritage designating by-law may be necessary as future phases of the development of the property are registered.

Analysis

1.0 Background

1.1 Property Location

The property at 660 Sunningdale Road East is on the northwest corner of Sunningdale Road East and Adelaide Street North.

1.2 Cultural Heritage Resources

The two red clay tile barns located at 660 Sunningdale Road East are significant cultural heritage resources. The property was evaluated using the criteria of O. Reg. 9/06, and it found that the barns are of cultural heritage value because of their physical/design values and their contextual values. The significance of the barns located at 660 Sunningdale Road East comes from their use of the red clay tile material, the intersection of a material more typically found in industrial structures but applied here in an agricultural form, and their existing location. These materials and forms are authentically displayed in their built form which has significance particularly the rarity of its materials used in this form.

The use of materials and construction method is rare for barns. The red clay tiles, used as the primary cladding material for the barns, is rare and not found elsewhere in the City of London. The use of protruding concrete piers in the construction of the barns is also rare, where barns more typically have concrete or stone foundations, rather than concrete piers, with a timber frame. The application of these materials is more

commonly found in industrial applications, such as factory buildings, which makes the barns rare examples of this expression not seen elsewhere in London.

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

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

1.3 Cultural Heritage Status

At its meeting on September 18, 2018, Municipal Council passed By-law No. L.S.P.-3476-474 to designate the property at 660 Sunningdale Road East to be of cultural heritage value or interest pursuant to Section 29 of the *Ontario Heritage Act*.

The passage of the heritage designating by-law was the culmination of a process that commenced in May 2017 and resulted in two separate demolition requests for the (then) heritage listed property. As an outcome of the settlement reached with the property owner regarding the designation of the property under the *Ontario Heritage Act*, only the part of the property where the red clay tile barns are located was intended to be designated under the *Ontario Heritage Act*. To facilitate this, the property owner prepared a reference plan (33R-20149) to recognize the block on which the two red clay tile barns are located within the draft plan of subdivision for the larger property.

Unfortunately, the heritage designating by-law, By-law No. L.S.P.-3476-474, was registered against the entire property at 660 Sunningdale Road East. While the location of the red clay tile barns is limited to Part 1 on the reference plan (Plan 33R-20149), Part 1 is not a separate parcel for registration purposes. In an effort to not frustrate the development of the property, it is necessary to remove the heritage designating by-law from the title to the lands that are now in the first phase of the subdivision (Plan 33M-749).

2.0 Analysis

At its meeting on December 18, 2018, Municipal Council resolved to issue its notice of intent to amend the heritage designating by-law for the property located at 660 Sunningdale Road East to correct the legal description recorded in the by-law. Notice was issued to the property owner and Ontario Heritage Trust in compliance with the requirements of Section 30.1(3) of the *Ontario Heritage Act* on December 20, 2018. Following the 30-day appeal period, no appeals were received.

3.0 Conclusion

Amending the legal description recorded in the heritage designating by-law for the red clay tile barns located at 660 Sunningdale Road East will ensure that these significant cultural heritage resources remain protected by the provisions of the *Ontario Heritage Act* while removing encumbrances from the development of the remainder of the property.

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

February 7, 2019
KG/

\\FILE2\users-z\pdp\Shared\policy\HERITAGE\Heritage Alteration Permit Reports\Sunningdale Road East, 660\By-law\2019-02-19 PEC Passage of Amending By-law 660 Sunningdale Road East.docx

Appendix A A by-law to amend By-law No. L.S.P.-3476-474, entitled, “A by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest” to correct the legal description of the subject property.”

Appendix A

Bill No.
2019

By-law No. L.S.P.-3476()-____

A by-law to amend By-law No. L.S.P.-3476-474, entitled, "A by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest" to correct the legal description of the subject property."

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

AND WHEREAS Municipal Council enacted By-law No. L.S.P.-3476-474 on September 18, 2018 being "A by-law to designate 660 Sunningdale Road East to be of cultural heritage value or interest";

AND WHEREAS subsequent to the enactment of By-law No. L.S.P.-3476-474, it was found that the legal description of the property at 600 Sunningdale Road East, described in Schedule "A" to the by-law was incorrect;

AND WHEREAS the Municipal Council deems it appropriate to amend By-law No. L.S.P.-3476-474 to correct the legal description for the subject property;

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

1. That By-law L.S.P.-3476-474 is hereby amended by replacing Schedule "A" with the attached Schedule "A".
2. The City Clerk be authorized to cause a copy of the amended by-law to be registered upon the title to the subject property at the appropriate Land Registry Office.
3. The City Clerk be authorized to cause a copy of this amended by-law to be served upon the owner of the subject property and upon the Ontario Heritage Trust and to cause notice of this amended by-law to be published once in a newspaper of general circulation in the City of London, to the satisfaction of the City Clerk, and to enter the description of the subject property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

SCHEDULE "A"

To By-law No. L.S.P.-3476-474

Legal Description

"Part of Lot 13, concession 6, Township of London in the City of London designated as Part 1 on 33R-16565 save and except Plan 33M-749 being all of PIN 08145-1570".

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Passage of Heritage Designating By-law for 336 Piccadilly Street
Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the attached by-law to designate 336 Piccadilly Street to be of cultural heritage value or interest **BE INTRODUCED** at the Municipal Council meeting to be held on March 5, 2019; it being noted that this matter has been considered by the London Advisory Committee on Heritage and public notice has been completed with respect to the designation in compliance with the requirements of the *Ontario Heritage Act*.

Executive Summary

The property at 336 Piccadilly Street was built as the home of C. R. Somerville in 1909, who was Mayor of London in 1918-1919, following a successful business career. Staff completed an evaluation of the property using the mandated criteria of O. Reg. 9/06 and found the property to be a significant cultural heritage resource that merits designation under the Ontario Heritage Act. The property owners were consulted through the research and evaluation process, and have concurred with the designation of their property. At its meeting on December 18, 2018, Municipal Council resolved to issue its Notice of Intent to Designate the property at 336 Piccadilly Street to be of cultural heritage value or interest pursuant to Part IV of the Ontario Heritage Act. No appeals were received. The passage of the heritage designating by-law is the last step in the designation of the property at 336 Piccadilly Street under the Ontario Heritage Act.

Analysis

1.0 Background

1.1 Property Location

The property at 336 Piccadilly Street is located on the northeast corner of Piccadilly Street and Waterloo Street.

1.2 Previous Reports

November 14, 2018. Report to the London Advisory Committee on Heritage (LACH). Request for Heritage Designation for Heritage Listed Property at 336 Piccadilly Street by N. & T. Tattersall.

1.3 Cultural Heritage Resource

Known as “Kenross,” the building located at 336 Piccadilly Street, is a monumental, landmark building. It is a unique and representative example and expression of the late Queen Anne Revival architectural style which demonstrates the exuberance of the Edwardian Period prior to the Great War (World War I). Completed in 1909 for the Somerville family, the building is complicated in its massing and refined in its high degree of craftsmanship found in its details and finishes.

The Queen Anne Revival architectural style is the most eclectic of the nineteenth century style, a cocktail of styles drawing inspiration from fifteenth century English architecture, with a blend and revival of Classical and Medieval motifs suited to a local vernacular. The particular execution of these architectural motifs in Kenross

demonstrates the enthusiasm and flamboyance of the Edwardian Period and a culmination of the Queen Anne Revival architectural style and its expression. Kenross was designed to impress.

1.4 Cultural Heritage Status

The property at 336 Piccadilly Street has long been recognized for its potential cultural heritage value or interest in London. It was formally identified as part of the Local Architectural Conservancy Advisory Committee (LACAC; precursor to the London Advisory Committee on Heritage) “Inventory of Buildings of Interest in the City of London” that was adopted by Municipal Council in 1988. The property has been included on the Inventory of Heritage Resources, which was adopted as the Register pursuant to Section 27 of the *Ontario Heritage Act* in 2007.

Staff completed an evaluation of the property using the criteria of O. Reg. 9/06, and found the property to be a significant cultural heritage resource that merits designation under the *Ontario Heritage Act*. The property owners were consulted through the research and evaluation process, and have concurred with the designation of their property.

2.0 Analysis

Supported by the recommendation of the LACH at its meeting on November 14, 2018, Municipal Council resolved to issue its Notice of Intent to Designate the property under Section 29 of the *Ontario Heritage Act* at its meeting on December 18, 2018. Notice was served on the Ontario Heritage Trust and the property owners. The notice was also published in *The Londoner* on December 27, 2018. No appeals were received.

3.0 Conclusion

The property at 336 Piccadilly Street is a significant cultural heritage resources that warrants protection and celebration as a property designated under the *Ontario Heritage Act*.

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

February 7, 2019
KG/

Appendix A

Bill No.
2019

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

A by-law to designate 336 Piccadilly Street to be of cultural heritage value or interest.

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

AND WHEREAS notice of intention to so designate the property known as 336 Piccadilly Street has been duly published and served and no notice of objection to such designation has been received;

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

1. The real property at 336 Piccadilly Street, more particularly described in Schedule "A" attached hereto, is designated as being of cultural heritage value or interest for the reasons set out in Schedule "B" attached hereto.
2. The City Clerk is authorized to cause a copy of this by-law to be registered upon the title to the property described in Schedule "A" hereto in the proper Land Registry Office.
3. The City Clerk is authorized to cause a copy of this by-law to be served upon the owner of the aforesaid property and upon the Ontario Heritage Trust and to cause notice of this by-law to be published once in a newspaper of general circulation in The City of London, to the satisfaction of the City Clerk, and to enter the description of the aforesaid property, the name and address of its registered owner, and designation statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property in the Register of all properties designated under the *Ontario Heritage Act*.
4. This by-law comes into force and effect on the day it is passed.

PASSED in Open Council on DATE.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – DATE
Second Reading – DATE
Third Reading – DATE

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

Legal Description

Part Lot 16, e/s Waterloo Street, as in LC131018, London

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

Statement for Designation

Description of Property

The property located at 336 Piccadilly Street, known as Kenross, is located on the northeast corner of Piccadilly Street and Waterloo Street. A two-and-a-half storey red brick residence with a prominent central tower is located on the property.

Statement of Cultural Heritage Value or Interest

The property at 336 Piccadilly Street is of significant cultural heritage value or interest because of its historical or associative values, its physical or design values, and its contextual values.

Historical or Associative Values

The property at 336 Piccadilly Street has direct historical associations with Charles R. Somerville (1856-1931). Following a successful career as a paper box manufacturer, the home at 336 Piccadilly Street was built in 1909 for the Somerville family replacing an earlier structure on the property. The home was named “Kenross,” a portmanteau for the two children of Charles R. Somerville, Kenneth Ian (1895-1918) and Charles Ross “Sandy” (1903-1991). During their occupation of the home, Charles R. Somerville served as the Mayor of London in 1918-1919. Sandy Somerville later became the first Canadian to win the coveted U.S. Amateur Title in 1932 and was a Canadian golfing legend.

The home was sold in 1923 to Arthur H. Brener, in 1929 to George W. Little, in 1932 to James L. Thayer, in 1935 to Albert H. Murphy, in 1951 to Alex M. Auchterlonie (during whose tenure the property at 340 Piccadilly Street was sold off), in 1958 to Donald J. Matthews, in 1967 to Norman Hills, and in 2007 to Natalie and Timothy Tattersall.

Physical or Design Values

Kenross, the building located at 336 Piccadilly Street, is a monumental, landmark building. It is a unique and representative example and expression of the late Queen Anne Revival architectural style which demonstrates the exuberance of the Edwardian Period prior to the Great War (World War I). Completed in 1909 for the Somerville family, the building is complicated in its massing and refined in its demonstration of a high degree of craftsmanship in its details and finishes.

The building has a t-shaped plan, with a central, prominent three storey tower. The building is two and a half storeys in height, with the tower being a full three storeys in height. The foundation of the building is clad in coursed, rusticated red sandstone blocks. Rusticated sandstone is also used for the plinths of the porch. Dressed sandstone can also be found in the lintels of most window openings as well as coping on the Flemish gable on the west façade. The building is clad in smooth-finished red brick masonry laid in a stretcher bond pattern. This brick was imported, in keeping with the styles popular with London’s affluent classes at the time. The round tower component features particularly decorative sandstone and moulded brickwork, including a full entablature with moulding, dentils, and pilaster-like finishes which emphasizes a Palladian motif.

The building is capped by a cross-gable roof, and accented by dormers. The roof features a wide overhang accented by modillions, projecting eaves, and a plain frieze in the soffits. The slate roof is composed of rounded or fishscale shingles. Slate cladding

can also be found in the chimneys protruding from gables on the west façade. Metal cresting accentuates the ridges of the roof and metal flashing in the valleys of the roof. A metal finial is located at the top of the conical tower roof. The building features four brick chimneys with decorative brickwork detailing. Dormers are located on the north and south slopes of the roof. The dormer roofs have a hipped roof with a slight bellcast slope, which is also accented by metal cresting. The main gables of the cross-gable roof feature half timbering in a different style. The south end-gable features half-timbering in a Tudor Revival-inspired motif with braces, beams, and struts painted in a contrasting colour to the stucco. The end-gable on the north façade features similarly-inspired details, but emphasizes quatrefoil motifs in its woodwork details. The end-gable on the east façade also features half-timbering, but here with a greater emphasis on the sloping aesthetic of the braces.

The majority of windows of the building are located in triplets. This includes the triple window with quarry, or diamond-shaped leaded glass motif, on the main floor, the three-bay oriel window with leaded window in the second storey, the Palladian window in the gable and the same motif in the doorway to the upper porch, the triple arched windows of the tower, and the triplet of plain rectangular sash windows on the second storey. Additionally, the single, paired, and triplet columns of the porch create three main bays across the porch and the three chimneys of the west façade also create a motif that accentuates the Flemish gable.

Wood windows are located throughout the building in a variety of styles compatible with the period and style of the building. In addition to the quarry windows of the main storey, diamond-shaped motifs in beveled leaded windows and fanlights are found throughout the building. All of the windows and doors, including the main front door, located in the tower are curved to match the curve to fit the curve of the walls of the round tower, which demonstrates a high degree of craftsmanship found throughout Kenross. In addition to its leaded windows and beveled glass, Kenross includes a number of important, decorative stained glass windows and the 'Tree of Life' window program found in the Dining Room.

The porch wraps around part of the south and east sides of the building which emphasizes an asymmetrical, Queen Anne Revival composition to the building. The flat roof of the porch is supported by single, paired, and triplet wood columns set on rusticated red sandstone blocks. The columns are intricate, with two-thirds fluting, bases, and Scamozzi Ionic capitals. Dressed sandstone steps provide access to the porch via its middle bay. A low, solid red sandstone wall closes the ends of the steps; a painted metal handrail accentuates the sloping curvature of the entrance steps. The porch railings are composed of small, delicately-spun wood spindles set between a carved top and bottom rail. The low height of the railing curves up to match the height of the cap stone of the plinths. The porch deck is painted tongue and groove wood, which is accentuated by a moulded frieze affixed immediately below on the porch skirt. A plain frieze with moulding forms part of the porch's entablature. An oak enclosure or vestibule provides access to the main front door to the building.

On the interior, the refined details and craftsmanship continues. The home is centred on the bifurcated main staircase, providing a focal point for the home and its circulation where semi-public and private spaces are distinctly defined. The location of the staircase on the west wall is articulated on the exterior by the Flemish gable; its windows flood the staircase with natural light. The home features eight fireplaces, each of a unique design and detail. Of further note is the mosaic flooring of the front foyer and the wood Palladian style column entry feature between the front foyer and main hall.

The property is defined by a stone curb, which acts as a short retaining wall to formally define the property at the municipal sidewalk.

The Queen Anne Revival architectural style is the most eclectic of the nineteenth century style, a cocktail of styles drawing inspiration from fifteenth century English architecture, with a blend and revival of Classical and Medieval motifs suited to a local vernacular. The particular execution of these architectural motifs in Kenross

demonstrates the enthusiasm and flamboyance of the Edwardian Period and a culmination of the Queen Anne Revival architectural style and its expression. Kenross was designed to impress.

Contextual Values

The property at 336 Piccadilly Street is a landmark that defines the character of the Piccadilly area through its prominent location at the corner of Piccadilly Street and Waterloo Street. The Piccadilly area is characterized by late Victorian and Edwardian homes, ranging in size and architectural style. Kenross is the grandest and largest historic home in the area.

Heritage Attributes

Heritage attributes that contribute to and support the cultural heritage value of the property at 336 Piccadilly include:

- Form, scale, and massing of the building, including the tower;
- Location of the building on the northeast corner of Piccadilly Street and Waterloo Street;
- Complex and flamboyant expression of the late Queen Anne Revival architectural style
- Red sandstone, including foundation cladding, coping of the Flemish gable, and lintels
- Red brick exterior cladding, including decorative detailing
- Slate-clad cross-gable roof with cresting, as well as the conical tower roof with finial
- Projecting eaves with plain frieze in the soffit and modillions
- Dormers with slight bellcast roof
- Half-timbering of the end-gables
- Four chimneys with decorative brick detailing
- Windows, including the quarry or diamond-shaped leaded windows, three-bay oriel window with leaded windows, the Palladian window motifs, arched and square-topped windows, as well as the curved windows, fan lights, leaded windows, bevelled details, and stained glass throughout
- Porch, including red sandstone plinths, turned wooden balustrade, wood columns, plain frieze, tongue and groove decking
- Oak enclosure/vestibule at the front door
- Curved wood front door
- Mosaic tile in the front foyer of the main storey
- Wood, Palladian style column entry feature between the front foyer and main hall with the staircase
- The wood bifurcated main staircase from the main storey of the house to the attic storey, including wood balustrade and desk at main level
- The eight fireplaces (including mantle and surrounds):
 - White mantle with rosettes and marble surround in the living room
 - Classically-inspired wood mantle with paired columns with green tile surround and brass firebox cover in the study
 - Stained wood mantle beneath the staircase with blue tile and brass firebox detailing
 - Arts and Crafts style tile fireplace with heavy metal brackets and hood, with wood mantle located in the dining room
 - Puce-colour tile with green tile detail located in the south bedroom on the second storey with brass firebox detailing and paneled metal firebox insert and painted wood mantle
 - Light peach and blue tile Neoclassical fireplace and mantle located in the east bedroom on the second storey
 - Blue tile, three-sided fireplace located in the corner of the northeast bedroom on the second storey
 - Arts and Crafts style fireplace with tile and wood mantel, with decorative carving, located in the ballroom of the attic storey
- Stone curb at the sidewalk edge of Piccadilly Street and Waterloo Street

The staircase affixed to the north façade of the building and detached garage are not considered to be heritage attributes of the property.

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: Application By: Rockwood Homes c/o Al Allendorf
2688 Asima Drive

Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the following actions be taken with respect to the application by Rockwood Homes to exempt Block 56, Plan 33M-699 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 56, Plan 33M-699 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(2)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum garage front yard depth of 5.5m, a minimum exterior side yard main building depth of 3.0m and a minimum interior side yard depth of 1.5m;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 56, Plan 33M-699 as noted in clause (a) above:
 - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
 - ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of

the lots;

- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 3 and 4 by parts 2 and 5; and,
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Block 56 in Registered Plan 33M-699 from the Part-Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of four (4) street townhouse units, with access provided via Asima Drive.

Rationale for Recommended Action

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

Analysis

1.0 Property Description

The subject site is located on Asima Drive, which is generally located south of Evans Boulevard, west of Jackson Road, and north of Bradley Avenue. The site has street townhouse blocks located to the north and south, future townhouse blocks to the west, and agricultural lands to the east. The site has proximity to Meadowgate Park and École Secondaire Gabriel-Dumont - French First Language Secondary School.

1.1 Current Planning Information

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

1.3 Location Map



Location Map

Subject Property: 2688 Asima Drive
 Applicant: ROCKWOOD HOMES INC
 File Number: P-9008
 Created By: Sonia Wise
 Date: 1/16/2019
 Scale: 1:2000

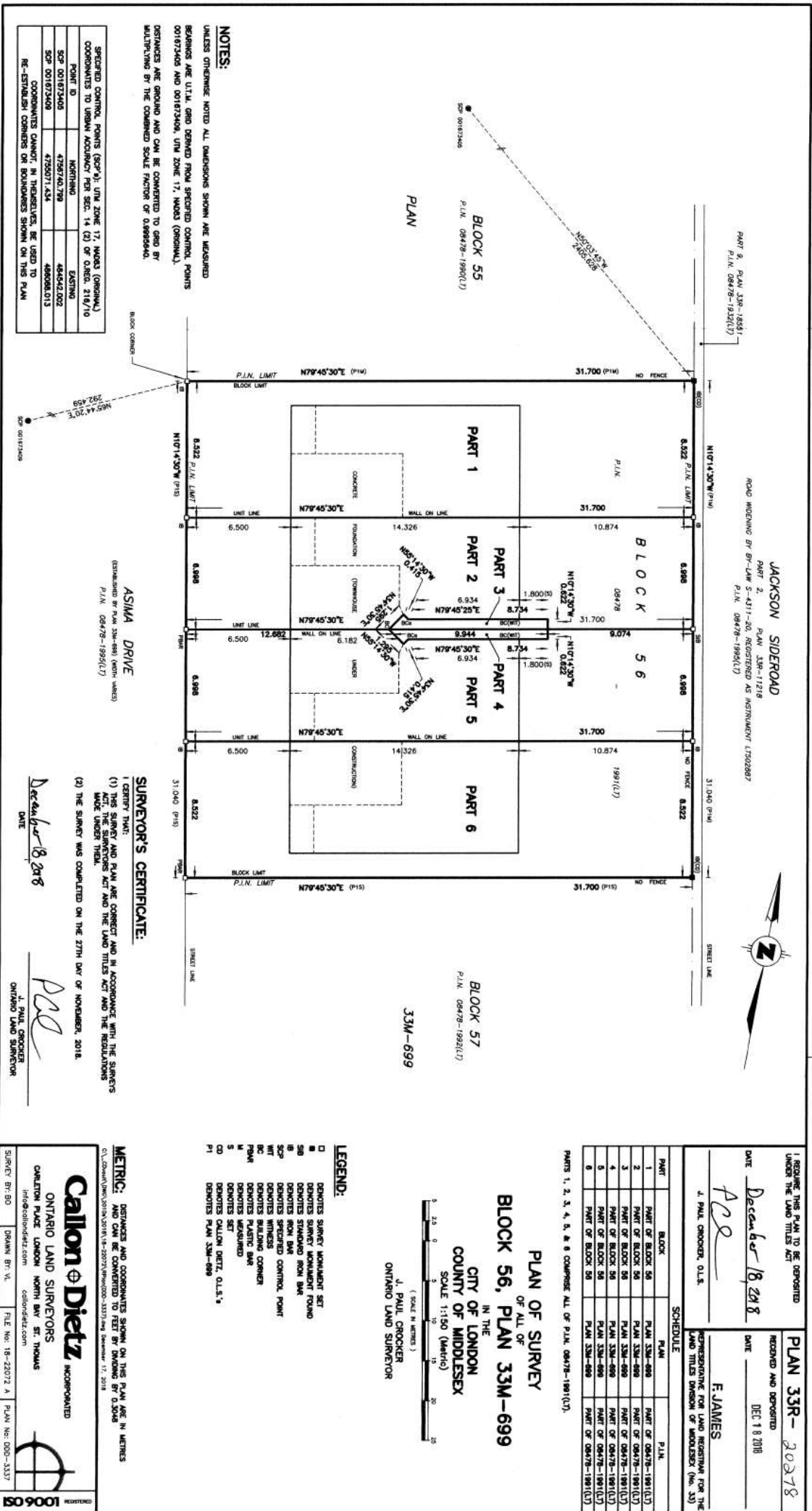
Legend

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

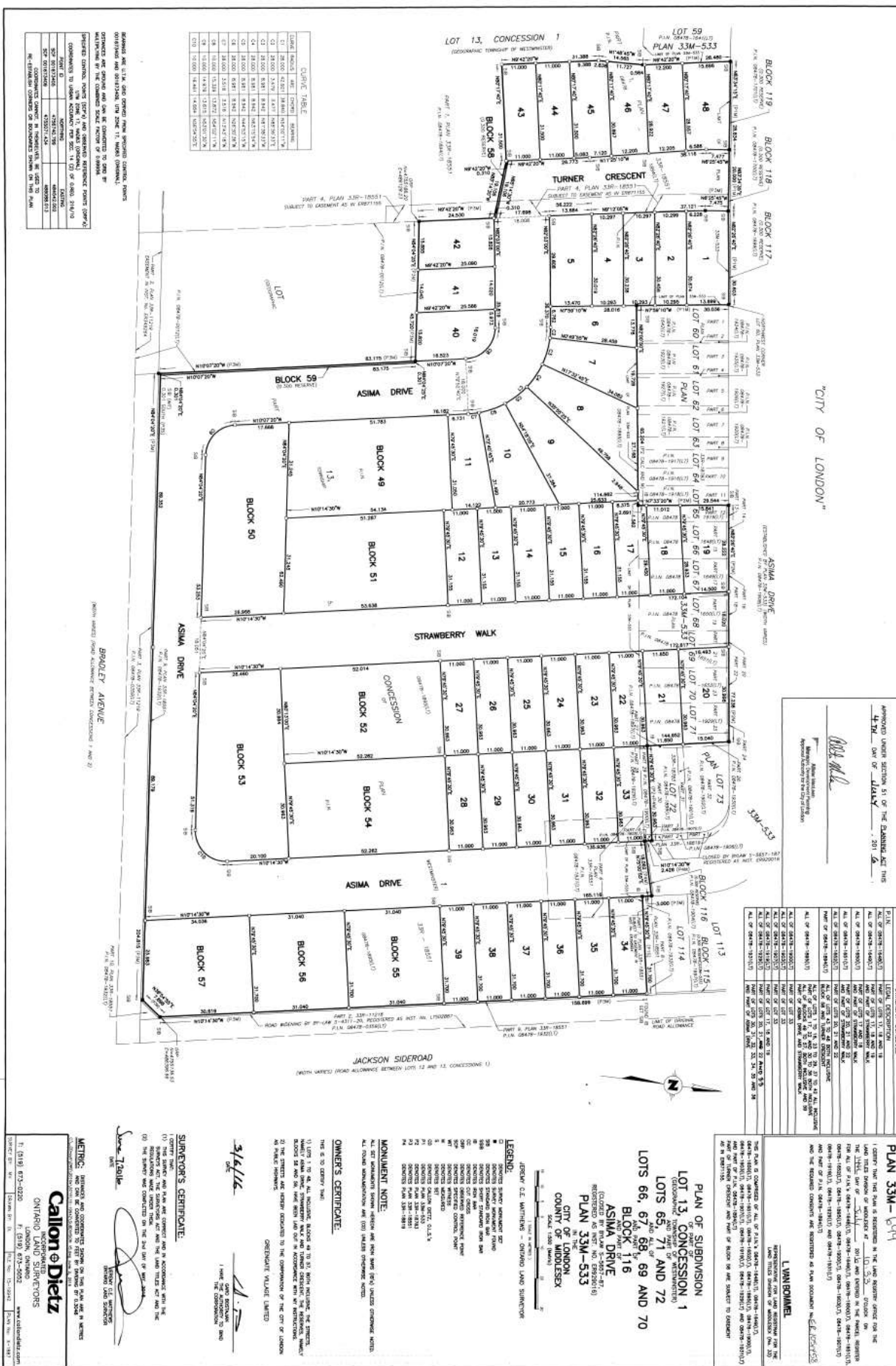
Corporation of the City of London



1.4 Site Plan



1.5 Plan of Subdivision 33M-699



1.6 Site Characteristics

- Current Land Use – townhouse dwellings under construction
- Frontage – 31m (101.7 ft.) along Asima Drive
- Area – 984.0m² (10,591.7 sq. ft.)
- Shape – square

1.7 Surrounding Land Uses

- North – street townhouses
- East – agricultural uses
- South – future townhouses
- West – future townhouses

2.0 Description of Proposal

2.1 Development Proposal

The Applicant, Rockwood Homes, has requested exemption from part-lot control to create a total of four (4) freehold townhouse dwelling units on a local street (Asima Drive). The plan of subdivision was registered on July 14, 2016 as 48 single detached dwelling lots and nine (9) multi-family medium density residential blocks, all served by three (3) new local streets (Turner Crescent, Strawberry Walk and Asima Drive). The dwellings will be freehold street townhouse units, approximately two storeys in height, and accessed from Asima Drive.

3.0 Relevant Background

3.1 Planning History

The subject lands were originally included in a 1992 subdivision application submitted by Jackson Land Corp. for lands bounded by Commissioners Road East, Jackson Road, Bradley Avenue, and Highbury Ave South (also referred to as Summerside Subdivision). The Ministry of Municipal Affairs granted draft approval in September of 1993.

In October of 2003, Jackson Land Corp requested revisions to 14.2 ha (35 acres) of lands within the draft approved Summerside subdivision, specifically the lands bounded by Evans Boulevard, Jackson Road, Bradley Avenue and Meadowgate Boulevard. The changes from the 1993 draft plan were of such significance a new draft plan application was required (File No. 39T-03513). Municipal Council adopted the Official Plan and Zoning By-law Amendments in May of 2004 and at the same time recommended the City of London Approval Authority grant draft plan of subdivision approval to a revised plan subject to conditions.

On October 21, 2005, the City of London Approval Authority granted final approval to the first phase of draft plan 39T-03513. This phase contained 114 single detached dwelling blocks served by the extension of Meadowgate Boulevard and two new local streets being Turner Crescent and Asima Drive. This phase, commonly referred to as Phase 12A, was registered on October 27, 2005 as Plan 33M-533.

In September of 2007, Jackson Land Corp. submitted a new plan consisting of 96 single detached lots and 21 multi-family blocks containing approximately 115 street townhouse dwellings all served by 3 local streets, including portions that would be developed as “window streets” (file 39T-07508).

In 2012, the London Consent Authority granted a consent to Jackson Land Corp. (file B.019/12) to sever the lands within this draft plan from the remaining Summerside Subdivision to create two new parcels (divided east and west of the future southerly extension of Turner Crescent).

The draft plan of subdivision 39T-07508 was approved by the Approval Authority as one

(1) phase, consisting of 48 single family detached lots, and nine (9) multi-family medium density blocks, was registered on July 4, 2016 as plan 33M-699.

3.3 Community Engagement

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

3.4 Policy Context

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

Exemption from part-lot control is used to create street townhouse lots to ensure that the eventual lot lines match the foundation for the building, and are constructed exactly on the property boundaries. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

4.0 Key Issues and Considerations

Council has adopted a policy to guide consideration of requests for exemption to Part-Lot Control, as follows:

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

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

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

The subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual lots at the time of the subdivision was not practical, and is appropriate through part-lot control and successfully attaining site plan approval.

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

This request is consistent with the intended use of the block as established through the

plan of subdivision and zoning. The development of the site for four (4) townhouse units is consistent with the development in the area and specifically to the lands located directly north.

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

The exemption of part lot control creates four (4) individual lots and two (2) easements as one transaction instead of requiring separate and individual land divisions to create the interest in land.

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

The subject lands are designated Multi-Family, Medium Density Residential in the 1989 Official Plan, and within the Neighbourhoods Place Type in The London Plan which permits street townhouse uses. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided by Asima Drive and no private roads are proposed.

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

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

The applicant has applied for and received site plan approval (SP18-058) to construct four (4) street townhouse units on a local street which was registered on title as a Development Agreement on September 13, 2018. Securities have also been taken through the site plan process.

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of four (4) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the Official Plan, The London Plan and the applicable proposed zoning, and has been determined to meet existing policies and the City's Zoning By-law.

4.1 Conditions

It is recommended that the following conditions be applied and that the By-law for Block 56 in Plan 33M-699 be passed at a future meeting of Municipal Council only when the following conditions have been complied with:

- i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
- ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
- iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
- iv. The applicant submit each draft reference plan to London Hydro showing

- driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
 - viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
 - ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
 - x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
 - xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
 - xii. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 3 and 4 by parts 2 and 5; and
 - xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

5.0 Conclusion

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to establish lot lines for the individual townhouse units, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the Summerside subdivision, subject to the completion of the proposed conditions.

Recommended by:	Sonia Wise, 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 Development Services.	

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

February 4, 2019

/sw

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Appendix A

Bill No. *Number inserted by Clerk's Office*
2019

Office

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

A by-law to exempt from Part-Lot Control, lands located at 2688 Asima Drive, legally described as Block 56 in Registered Plan 33M-699.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Rockwood Homes, it is expedient to exempt lands located at 2688 Asima Drive, legally described as Block 56 in Registered Plan 33M-699, from Part Lot Control;

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

1. Block 56 in Registered Plan 33M-699, located at 2688 Asima Drive, west of Jackson Road, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4 Special Provision (R4-5(2)) Zone of the City of London Zoning By-law No. Z-1.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Delegation Request By: Kirkness Consulting Inc.
131 King Street
Obtain a Section 45(1.4) Council Resolution

Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following information report regarding 131 King Street, **BE RECEIVED** for information.

Executive Summary

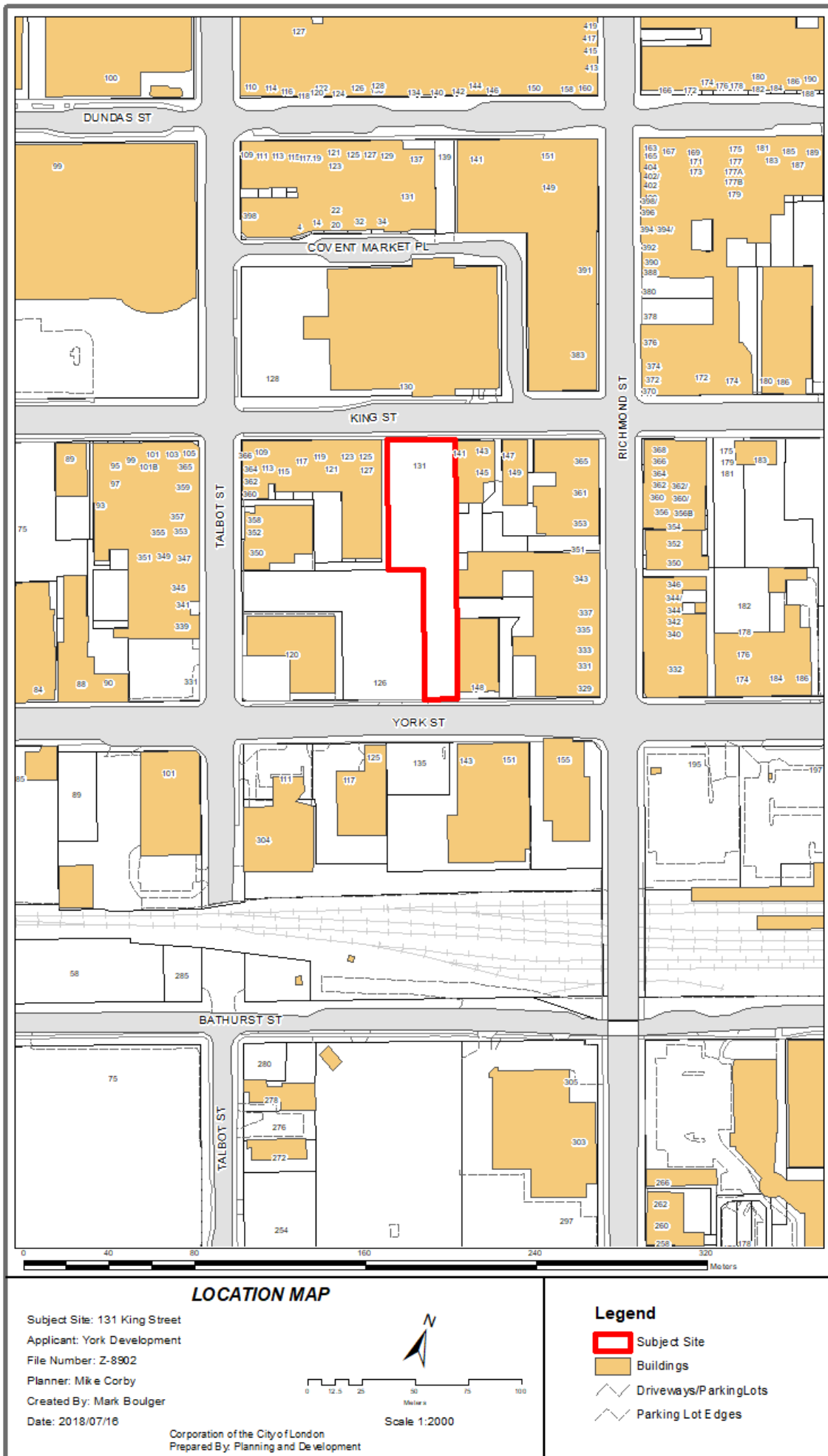
Purpose and the Effect

The purpose and effect of this report is to provide information to Municipal Council about the planning history and policy context for the subject site. This information is being provided in response to a delegation request (see Appendix A) from a potential applicant requesting approval to submit a Minor Variance Application to seek permission for relief to the Zoning By-law to assist with a proposed 30 storey apartment building at 131 King Street. 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.

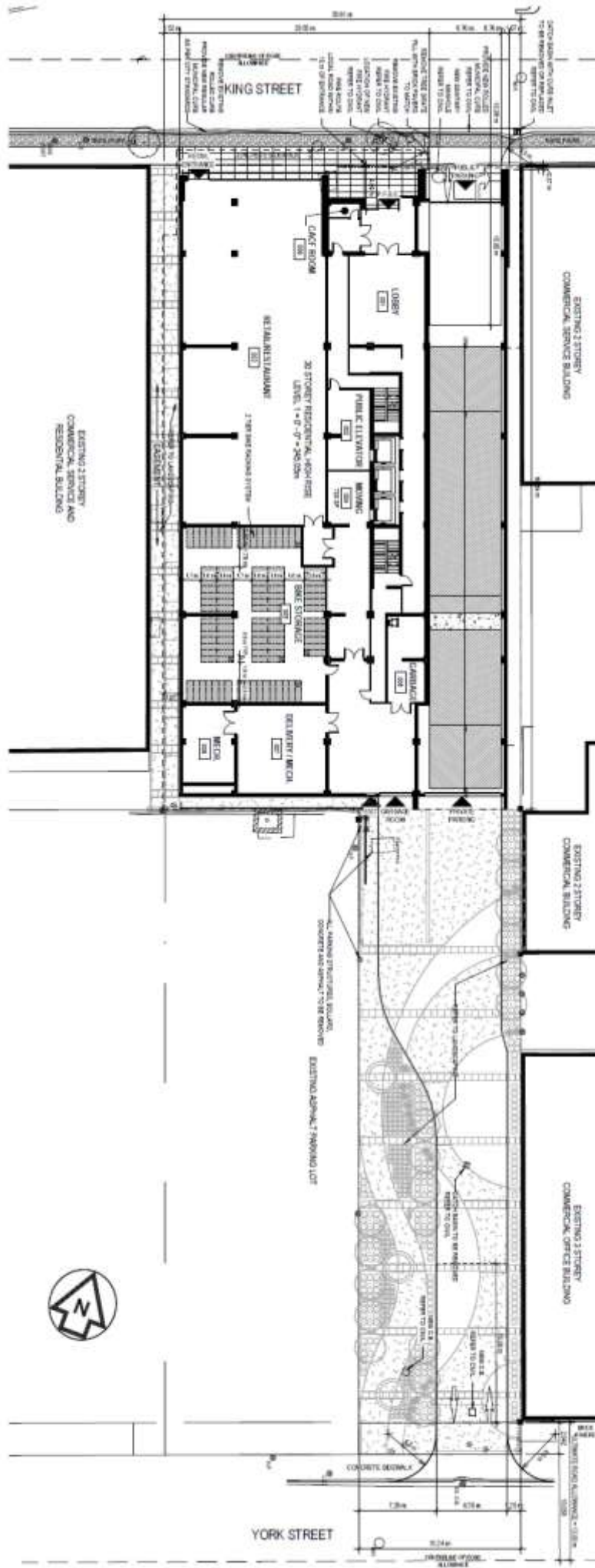
If Municipal Council resolves that the applicant is permitted to request an application to the Committee of Adjustment, the merits of the proposed application would be evaluated following the submission of a complete application to the Secretary-Treasurer, Committee of Adjustment.

Analysis

1.1 Location Map



1.2 Proposed Site Plan – 131 King Street



2.0 Revelant Background

2.1 Previous Reports Pertinent To This Matter

Z – 8902 – 131 King Street — Report to Planning and Environment Committee (November 12, 2018). City Staff submitted a planning report recommending approval of the requested application to amend the Zoning By-law to permit a 30-storey (102 metre) apartment building with 266 residential units (931uph). The development was approved through the use of a bonus zone which ensures that the development will provide ground floor commercial space, three levels of underground parking (together with two storeys above ground), 41 publicly accessible parking spaces, a publically accessible civic space, \$250,000 financial contribution toward public art, and the construction of the high quality form of development. Council approved the amendment at its meeting on November 20, 2018.

2.2 Planning History

Prior to the aforementioned Zoning By-law amendment application, the subject site had been used as a surface parking lot for over 30 years.

In November 2018, subsequent to Councils approval of the Zoning By-law amendment (Z-8902), York Developments submitted an application for Site Plan Control approval for the development of the approved 30 storey apartment building. Staff reviewed the application and provided conditional approval for the development on December 24, 2018. Final approval is subject to the applicant satisfying their conditions outlined by staff in their conditional approval letter. Staff are anticipating a follow-up submission from the applicant to address outstanding comments.

On January 25, 2019, Kirkness Consulting Inc. submitted a letter (Appendix A) to the Chair and Members of Planning and Environment Committee, requesting delegation status at an upcoming meeting of the committee. The request is being made to seek a resolution of the Planning and Environment Committee and Council to allow the applicant to proceed with a Minor Variance application for the proposed development. The Planning Act prohibits an Owner from making a minor variance application within two years of their zoning approval date, unless a resolution is passed by Council.

At the February 4, 2019, Planning and Environment Committee, It was resolved that staff prepare a report with respect to the request made by Kirkness Consulting Inc.

2.3 Delegation Request

The January 25, 2019 request from Kirkness Consulting sought a request to proceed with a Minor Variance application to the Committee of Adjustment. As indicated, the Planning Act does not permit an application for Minor Variance within two-years of the passing of a Zoning By-law amendment, unless a Council resolution is passed allowing them to do so. The applicant is requesting an increase to the height of the building, to allow 31 storeys (a maximum of 30 storeys is presently permitted), and to change the location of the access to the site for the publicly accessible parking spaces, from York Street to King Street. No change to the number of approved units is being sought in association with the increase in height.

Kirkness Consulting has stated that the changes are being requested because they were not foreseen at the time of the Zoning By-law amendment, and that they do not significantly affect the development.

2.4 Pertinent Matters from the Staff Report – November 12, 2018 – Z-8902

In support of the Zoning By-law amendment application (Z-8902), Staff, in their report, indicated that both Staff and the Urban Design Peer Review Panel were generally supportive of the proposed design (as applied for) but had some concerns with the

visual massing of the building due to the length of the building along the north/south axis. In response to the comments made by staff and the panel, the massing of the tower was reduced at the top portion to improve its overall visual massing and scale. Detailed revisions included adding an additional setback on the west side of the building, an introduction of additional balconies and glazing, and a significant reduction in height in the south-east portion of the building to help reduce the visual massing of the structure.

With respect to the publicly accessible parking space access location, the Owner sought approval for two accesses to the site. The bonus zone included language to permit access to the public parking spaces from York Street, as they were applied for in this manner.

3.0 Policy Context

3.1 Planning Act

The Planning Act provides the basis for the establishment of a Committee Adjustment to evaluate requests for relief from regulations of a Zoning By-law.

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).

On July 1, 2016, Bill 73 came into effect and implemented a number of legislative changes to the Planning Act. As part of Bill 73, Section 45 of the Planning Act was amended (45 (1.3)) by putting in place a two-year moratorium for minor variance applications within two years of the date of passing of a zoning by-law amendment. The intent of the changes to the Planning Act were to give greater control to Municipalities to prevent the reversal of zoning provisions that council determined to be important through the by-law amendment processes. It was also recognized that there may be instances where material changes to development proposals are necessary and that minor relief from regulations are required to permit the development. To address this, provisions were further included in the Planning Act (45 (1.4)) to allow, by Council resolution, the opportunity to submit an application for a Minor Variance.

Two-year period, no application for minor variance

45 (1.3) 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. 2015, c. 26, s. 29 (2).

Exception

45 (1.4) 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. 2015, c. 26, s. 29 (2).

The applicant has made a request of Council by way of the Planning and Environment Committee in accordance with Section 45 (1.4), to permit such a resolution to be passed.

It should be noted that minor variances are deliberated by the Committee of Adjustment and that public notice to neighbouring properties would be provided should the application be permitted to be made.

4.0 Conclusion

This report is to be read in conjunction with the delegation provided by the applicant for the property at 131 King Street.

Should Municipal Council resolve to allow the applicant to submit a Minor Variance application to provide relief to the height (maximum) and location of access for the publicly accessible parking, Staff will present recommendations to the Committee of Adjustment with regard to the merits of the application.

Prepared by:	Michael Pease, MCIP 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: Michael Tomazincic, Manager, Current Planning
Aisling Laverty, Minor Variance Coordinator
Dan Fitzgerald, Site Development Planner, Development Services

February 8, 2019
GK/PY/MP/mp

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APPENDIX A



Kirkness
Consulting
INC.
Urban and
Rural Planning



1647 Cedar Creek Crescent
London, ON. N5X 0C8

laverne@kirknessconsultinginc.ca
www.kirknessconsultinginc.ca

January 25, 2019

Chair and Members
Planning and Environment Committee
City Hall
300 Dufferin Avenue,
London, ON N6A 4L9

Re: REQUEST FOR DELEGATION STATUS for 131 KING WEST INC. (York Developments) at 131 King Street, London ON.

Dear Chair and Members:

As you are aware, the Civic Administration is unable to accept Planning Act applications that amend the City's Comprehensive Zoning Bylaw Z-1 for two years. Council adopted the site specific amending Bylaw Z-1-182708 on November 20, 2018. I respectfully request delegation status at the February 4, 2019 Planning and Environment Committee to request that the Civic Administration accept the applications relating to the properties located at 131 King Street for a 30 storey mixed use residential apartment- commercial building with 266 dwelling units.

The purpose of the new application is to consider the following:

1. The property was zoned for 266 units but urban design discussion outcomes made the building more slender and an additional storey is now needed to achieve the 266 dwelling units. The new application would increase the height by one storey to 31 storeys.
2. The public parking is zoned to be accessed from York Street and underground. Our proposed building has underground parking accessing from King Street.

The reasons that we believe that the applications should be accepted by the Civic Administration are:

- a) The changes are refinements that could not have easily been foreseen at the time PEC considered the ZBA application;
- b) The changes do not significantly affect the overall development and the many public benefits that would be gained.

Kirkness Consulting Inc., Urban and Rural Planning

A handwritten signature in cursive script, appearing to read 'Laverne Kirkness'.

Per: Laverne Kirkness BES.RPP.MCIP

cc. Michael Pease – Manager of Site Plan Approvals
cc. Michael Tomazincic, MCIP, RPP Manager, Planning Review

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: Kirkness Consulting Inc.
894 Adelaide Street North
Obtain a Section 45(1.4) Council Resolution

Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following information report regarding 894 Adelaide Street North, **BE RECEIVED** for information.

Executive Summary

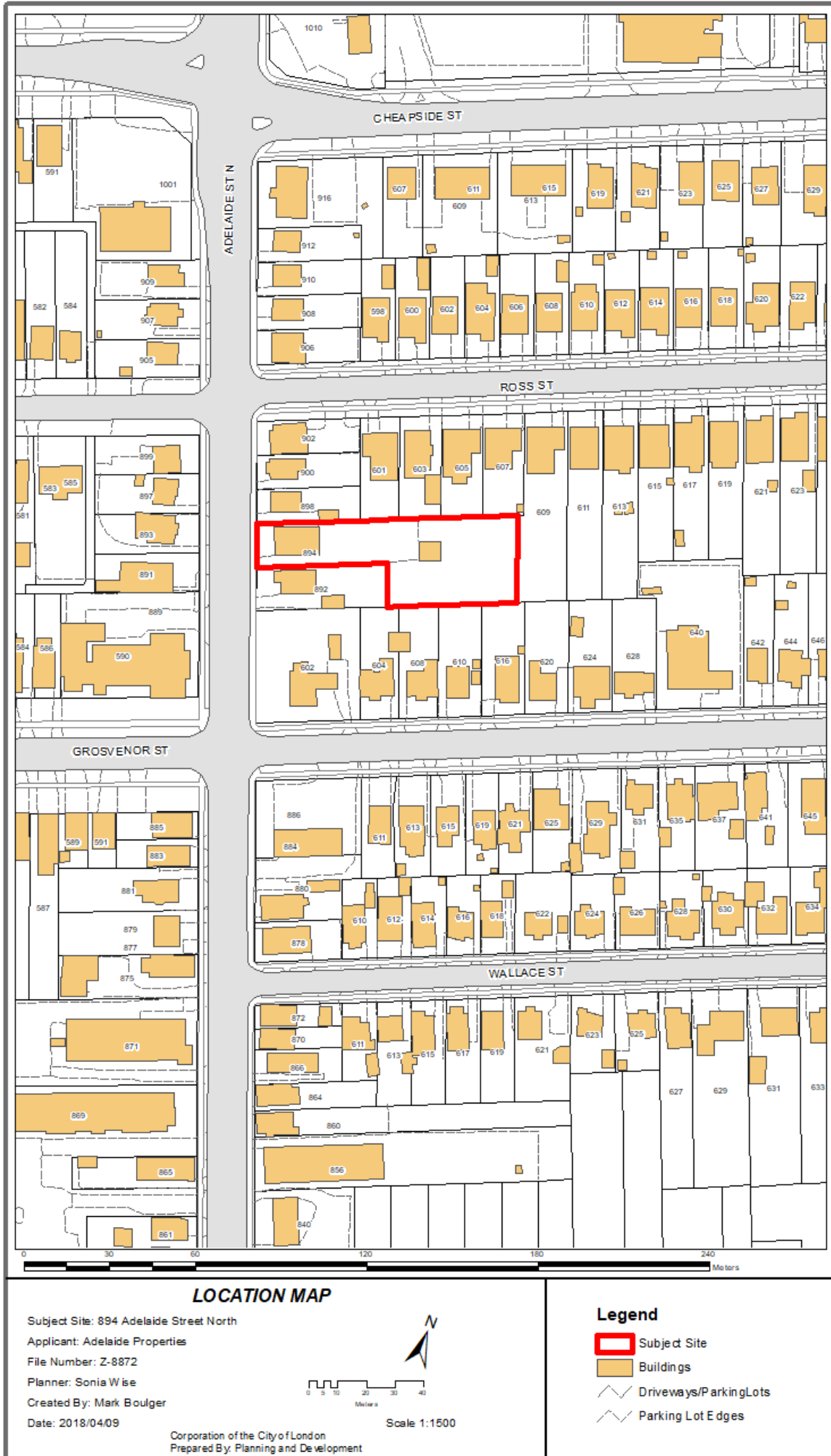
Purpose and the Effect

The purpose and effect of this report is to provide information to Municipal Council about the planning history and policy context for the subject site. This information is being provided in response to a delegation request (see Appendix A) from a potential applicant requesting approval to submit a Minor Variance Application to seek permission for relief to the Zoning By-law to assist with a proposed 9 unit apartment building at 894 Adelaide Street North. 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.

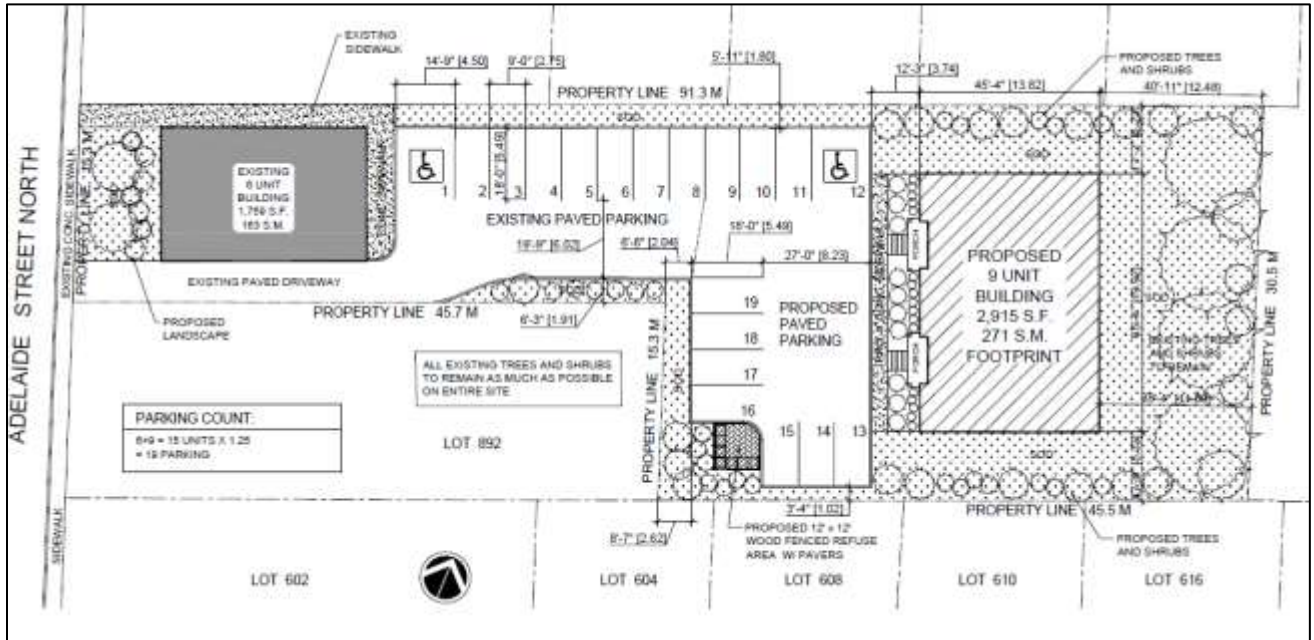
If Municipal Council resolves that the applicant is permitted to request an application to the Committee of Adjustment, the merits of the proposed application would be evaluated following the submission of a complete application to the Secretary-Treasurer, Committee of Adjustment.

Analysis

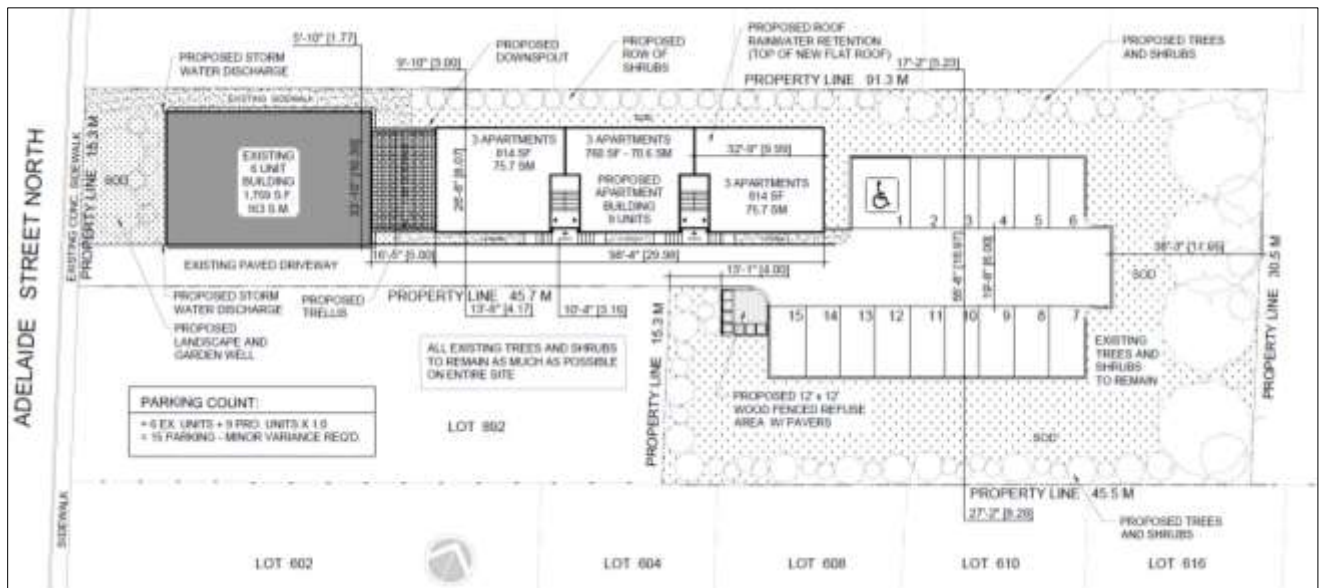
1.1 Location Map



1.2 Proposed Site Plan (as per Z-8992)



1.3 Proposed Revised Site Plan – 894 Adelaide Street North



2.0 Relevant Background

2.1 Previous Reports Pertinent To This Matter

Z – 8872 – 894 Adelaide Street North — Report to Planning and Environment Committee (May 14, 2018). City Staff submitted a planning report recommending approval of the requested application to amend the Zoning By-law to permit a nine (9) residential unit apartment building. Special provisions were included in the amendment to permit an interior side yard setback of 5m, a maximum height of 10m, and a maximum density of 72 units per hectare for the lands. An existing six (6) unit apartment building exists on the lands. The six unit apartment building was proposed to be independent of the nine (9) unit apartment building. Special provisions were also included in the amendment to recognize front and side yard setbacks for the existing building. Council approved the amendment at its meeting on May 22, 2018.

2.2 Planning History

There is an existing two storey, six-unit apartment building located on-site. The apartment was originally constructed as a fourplex in 1963 and was converted from four to six units between 1963 – 1987. There is an existing garage/carport located in the

Delegation Request Michael Pease

rear which was also constructed 1963. The garage was proposed to be demolished to allow for the development.

On January 25, 2019, Kirkness Consulting Inc. submitted a letter (Appendix A) to the Chair and Members of Planning and Environment Committee, requesting delegation status at an upcoming meeting of the committee. The request is being made to seek a resolution of the Planning and Environment Committee and Council to allow the applicant to proceed with a Minor Variance application for the proposed development. The Planning Act prohibits an Owner from making a minor variance application within two years of their zoning approval date, unless a resolution is passed by Council.

At the February 4, 2019, Planning and Environment Committee, It was resolved that staff prepare a report with respect to the request made by Kirkness Consulting Inc.

To-date an application for Site Plan Control approval has not been received by the City of London.

2.3 Delegation Request

The January 25, 2019 request from Kirkness Consulting sought a request to proceed with a Minor Variance application to the Committee of Adjustment. As indicated, the Planning Act does not permit an application for Minor Variance within two-years of the passing of a Zoning By-law amendment, unless a Council resolution is passed allowing them to do so. The applicant is requesting to further reduce the interior side yard setback, from five metres to three metres. In addition, the applicant is requesting a reduction in parking, from 1.25 parking spaces per unit, to 1.0 parking space per unit. No change to the number of approved units is being sought in association with the request.

Kirkness Consulting Inc. has stated that the detailed analysis of the storm water management system resulted in a change to the conceptual site layout. They further state that the changes do not significantly affect the overall size of the development (with some residents potentially finding the new layout more compatible), and that the Owner will be circulating correspondence to surrounding land owners with respect to the changes. The correspondence would be in addition to the statutory requirements for notice under the Planning Act, with respect to circulation of Minor Variance applications.

2.4 Pertinent Matters from the Staff Report – May 14, 2018 – Z-8872

Stormwater Management

As part of the Zoning By-law amendment application, staff identified that on-site stormwater management had been raised as an item of specific concern by residents and internal departments. The community had identified that flooding and pooling occurred during storm events. Staff had identified that the subject site does not have access to municipal stormwater infrastructure in this location and the alternative is for the site to manage stormwater through Low Impact Development (LID). A stormwater servicing report that may include geotechnical soil analysis would have to be required at the Site Plan Approval stage to ensure that the on-site management techniques proposed are feasible. A holding provision was added as part of the amendment to ensure that a stormwater management strategy was accepted by the City prior to development occurring.

Form and Site Layout

Further to concerns about stormwater management, residents in the area (12 responses provided to the Notice of Application), were concerned about a loss of privacy, loss of trees and open space, inappropriate garbage storage location, concern for safety and security in the neighbourhood, impact of light and noise and vehicular access and traffic.

With respect to the staff report, it was articulated that the location of the proposed apartment, in the rear of the lot, was identified as taking advantage of under-utilized space in an urban environment. The proposed building was identified as being appropriately setback from the property boundaries and away from nearby dwellings (as all surrounding parcels were rear-lotted to the apartment building).

The building location at the time of the amendment was also said to be one which provides for opportunity to maintain some of the mature trees along the perimeter of the site, and opportunities to plant additional enhanced vegetation to improve the buffer from adjacent residential uses. To this end, the resolution of Council also provided direction to the Site Plan Approval Authority to consider the inclusion of board on-board fencing, tree preservation and enhanced landscaping, and interior garbage storage.

3.0 Policy Context

3.1 Planning Act

The Planning Act provides the basis for the establishment of a Committee Adjustment to evaluate requests for relief from regulations of a Zoning By-law.

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).

On July 1, 2016, Bill 73 came into effect and implemented a number of legislative changes to the Planning Act. As part of Bill 73, Section 45 of the Planning Act was amended (45 (1.3)) by putting in place a two-year moratorium for minor variance applications within two years of the date of passing of a zoning by-law amendment. The intent of the changes to the Planning Act were to give greater control to Municipalities to prevent the reversal of zoning provisions that council determined to be important through the by-law amendment processes. It was also recognized that there may be instances where material changes to development proposals are necessary and that minor relief from regulations are required to permit the development. To address this, provisions were further included in the Planning Act (45 (1.4)) to allow, by Council resolution, the opportunity to submit an application for a Minor Variance.

Two-year period, no application for minor variance

45 (1.3) 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. 2015, c. 26, s. 29 (2).

Exception

45 (1.4) 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. 2015, c. 26, s. 29 (2).

The applicant has made a request of Council by way of the Planning and Environment Committee in accordance with Section 45 (1.4), to permit such a resolution to be passed.

**Delegation Request
Michael Pease**

It should be noted that minor variances are deliberated by the Committee of Adjustment and that public notice to neighbouring properties would be provided should the application be permitted to be made.

4.0 Conclusion

This report is to be read in conjunction with the delegation provided by the applicant for the property at 894 Adelaide Street North.

Should Municipal Council resolve to allow the applicant to submit a Minor Variance application to provide relief to the interior side yard setback and parking, Staff will present recommendations to the Committee of Adjustment with regard to the merits of the application.

Prepared by:	Michael Pease, MCIP 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: Michael Tomazincic, Manager, Current Planning
Aisling Lavery, Minor Variance Coordinator
Vanessa Santos, Site Development Planner, Development Services

February 8, 2019

GK/PY/MP/mp

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APPENDIX A



Kirkness
Consulting
Urban and
Rural Planning
inc



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www.kirknessconsultinginc.ca

January 25, 2019

Chair and Members
Planning and Environment Committee
City Hall
300 Dufferin Avenue,
London, ON N6A 4L9

Re: REQUEST FOR DELEGATION STATUS for ADELAIDE PROPERTIES at 894 Adelaide Street North, London ON.

Dear Chair and Members:

As you are aware, the Civic Administration is unable to accept a Minor Variance application that affect the City's Comprehensive Zoning Bylaw Z-1 for two years. Council adopted the site specific amending Bylaw Z-1-182670 on May 31, 2018. I respectfully request delegation status at the February 4, 2019 Planning and Environment Committee to request that the Civic Administration accept the applications relating to the property located at 894 Adelaide Street North for a 9 unit 2 1/2 storey residential apartment building.

The property was zoned for 9 units (in addition to the 6 existing dwelling units) but storm water management discussion outcomes with City staff have caused the apartment building to be in a different location on the site. The purpose of the Minor Variance application is to consider decreasing the required 5 m interior side yard to 3 m and to decrease the parking from 1.25 per dwelling unit to 1 space per dwelling unit.

The reasons that we believe that the applications should be accepted by the Civic Administration are:

- a) Detailed examination of the Storm Water system has caused the site design to change. There is a Storm Water holding provision in the current zoning;
- b) The changes do not significantly affect the overall size of the development and some of the abutting residents may find the new site design more compatible;
- c) The client has instructed the team to send a letter to all abutting neighbours to inform them of these changes (which would be in addition to the Minor Variance Notices).

Kirkness Consulting Inc., Urban and Rural Planning

Laverne Kirkness

Per: Laverne Kirkness BES.RPP.MCIP

cc. Michael Pease – Manager of Site Plan Approvals

cc. Michael Tomazincic, MCIP, RPP Manager, Planning Review

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: 2584857 Ontario Inc.
1820 Canvas Way
Draft Plan of Vacant Land Condominium (39CD-18513)

Public Participation Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application of 2584857 Ontario Inc. for Draft Plan of Vacant Land Condominium relating to the property located at 1820 Canvas Way.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended actions is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to an application for Draft Plan of Vacant Land Condominium consisting of 43 single detached dwellings and 20 townhouse dwellings and a common element for private access driveway and services to be registered as one Condominium Corporation.

Rationale of Recommended Action

1. The submitted draft plan of vacant land condominium is consistent with the 2014 Provincial Policy Statement and is in conformity with The London Plan and the '89 Official Plan.
2. The proposed development is compatible and in keeping with the character of the surrounding residential neighbourhood.
3. The submitted draft plan of vacant land condominium is in conformity with the City's Condominium Submission Review and Approval Guidelines and the regulations of the Residential R5 Special Provision/ Residential R6 Special Provision (R5-3 (14)/R6-5 (21)) Zone.

Analysis

1.0 Site at a Glance

1.1 Property Description

The property is located on the northeast corner of Sunningdale Road East and Canvas Way. The block was created through registered plan 33M-643 (Block 104). The block is designated and zoned to permit cluster forms of residential dwellings and is currently vacant.

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
- Zoning – Residential R5 Special Provision/ Residential R6 Special Provision (R5-3 (14)/R6-5 (21)) Zone

1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – approx. 90 metres
- Depth – approx. 225 metres
- Area – approx. 2.0 hectares total area
- Shape – rectangular

1.4 Surrounding Land Uses

- North – residential single detached dwellings
- East – vacant multifamily residential
- South – multifamily residential
- West – storm water management facility

1.5 Location Map

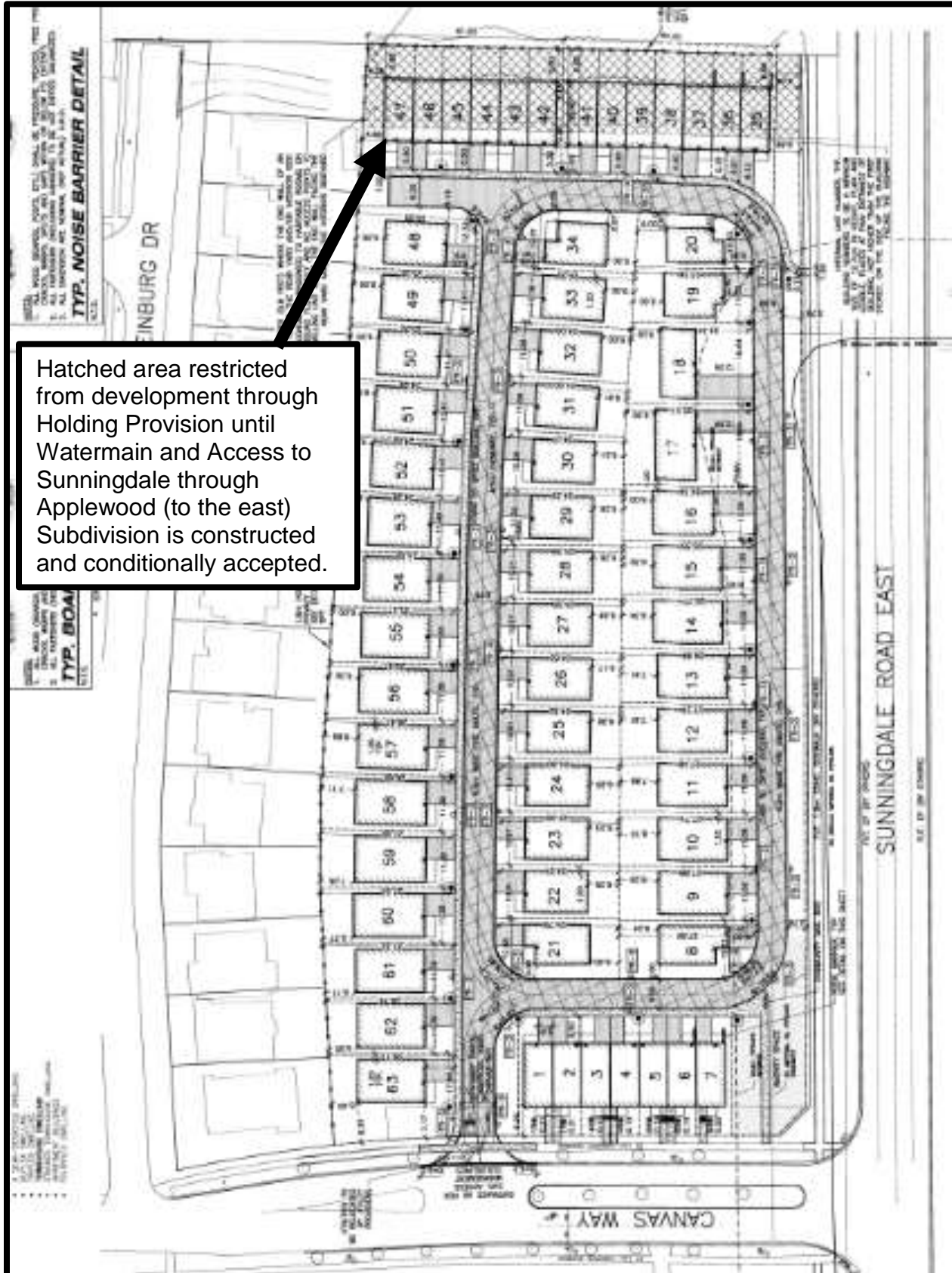


2.0 Description of Proposal

2.1 Development Proposal

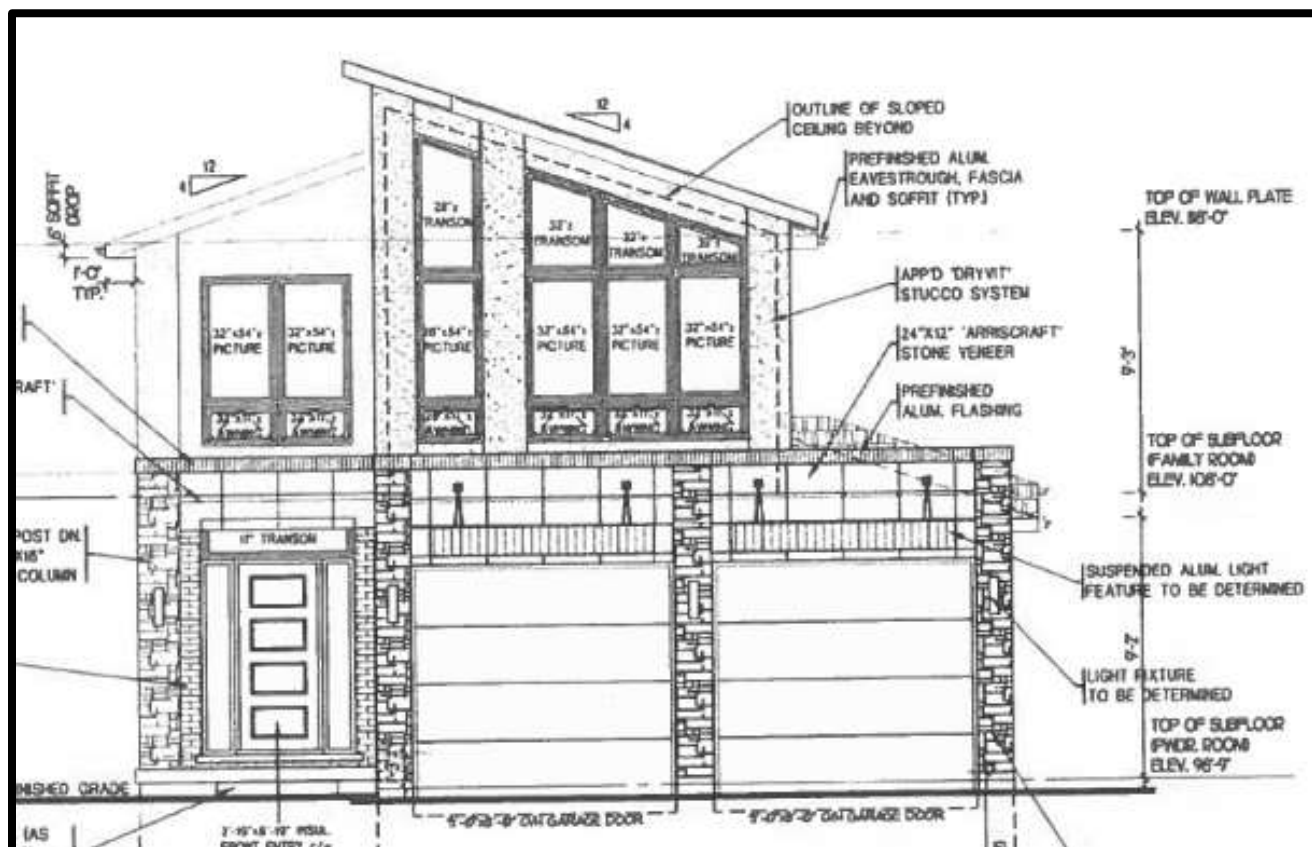
Proposal for a 43 single detached dwellings and 20 townhouse dwellings and a common element for private access driveway and services to be registered as one Condominium Corporation.

2.2 Proposed Draft Plan of Vacant Land Condominium



Approved Site Plan (SPA18-015) Showing Location of Easement for Temporary 2nd Access to the Subdivision.

2.3 A Proposed Single Detached Elevation.



Sample elevation showing architectural detail of a proposed building façade

3.0 Revelant Background

3.1 Planning History

The development block was created through the draft plan of subdivision application process (39T-05510). The block was designated and zoned to permit multi-family, medium density residential uses which includes cluster single detached dwellings and townhouses. The subdivision was registered on May 8, 2012. The lands are currently vacant.

On February 6, 2018 an application for site plan approval was received by the City to develop 43 single detached dwellings and 20 townhouse dwellings accessed by a private driveway to Canvas Way. A Development Agreement was entered into and securities were received by the City on October 15, 2018.

3.2 Community Engagement (see more detail in Appendix C)

Three comments were received from the public noting the following concerns:

- Lack of extra parking spaces.
- Subdivision is at risk with only one access road. The "Superior to Adelaide" extension must be completed very soon.
- Access Location.
- Lights at Canvas Way and Sunningdale are needed.
- Dirt and noise.
- More green space and parks.
- Need for bus stops.
- Temporary sidewalks must be installed along both side of Sunningdale Road East.
- ETA for Sunningdale Road West widening and sidewalk installation.
- Location and form of noise walls.

3.3 Policy Context (see more detail in Appendix B)

Provincial Policy Statement, 2014

The proposal must be consistent with the Provincial Policy Statement (PPS) policies and objectives aimed at, 1. Building Strong Healthy Communities, 2. Wise Use and Management of Resources, and 3. Protecting Public Health and Safety. As this development proposal represents a form of residential development, the PPS contains strong policies to direct growth to settlement areas, encourage a diversity of densities and land uses within settlement areas, where this can be accommodated taking into account existing building stock, and availability and suitability of infrastructure and public service facilities required to accommodate projected needs (Section 1.1.3).

The London Plan

The subject site is located within the Neighbourhoods Place Type in The London Plan. The London Plan, through the vision articulated in the Our City policies, places an emphasis on growing “inward and upward” to achieve a compact form of development, as well as encouraging and supporting growth within the existing built-up area of the city.

1989 Official Plan

These lands are designated “Multi Family, Medium Density Residential” on Schedule ‘A’ of the 1989 Official Plan. This land use designation permits single detached, semi-detached, and duplex dwellings, townhouse and low rise apartments as the primary permitted uses up to a maximum density of 75 units per hectare. The proposal to develop this parcel with 43 single detached dwellings and 20 townhouse dwellings is permitted and will result in an overall density of 33 units per hectare which is within the density limits prescribed in the Multi Family, Medium Density Residential policies.

4.0 Key Issues and Considerations

4.1 Evaluation of the Vacant Land Condominium Application

The same considerations and requirements for the evaluation of draft plans of subdivision also apply to draft plans of vacant land condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan, Official Plan, and the Foxhollow Community Plan;
- Sewer and water services are available to service this site;
- The proposed development is in close proximity to a high school, community parks and open space;
- From a Placemaking perspective, the proposed development is oriented to Sunningdale Road West and Canvas Way which creates a sense of place by providing an active street frontage. The proposed development meets the intent of the Placemaking principles;
- The applicant is proposing to construct 43 single detached dwellings and 20 new townhouse dwellings on vacant land condominium units (lots). The proposed satisfies the locational and compatibility criteria of the The London Plan and Official Plan as they abut an Arterial (Civic Boulevard) and Secondary Collector (Neighbourhood Collector) roads which requires cluster forms of residential uses. Based on the size of the proposed lots and building footprints it is anticipated that the design of these single detached dwellings and townhomes will not have a negative impact on the character of the surrounding neighbourhood;
- The subject land is 2.1 hectares in size. The draft plan of Vacant Land Condominium illustrates how these lands are to develop for townhouse dwellings. The size of units and proposed buildings meet the community demand for housing type, tenure and affordability with the existing development in the area; and,
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties. All grading and drainage

issues will be addressed by the applicants consulting engineer to the satisfaction of the City through the Site Plan Approval process.

The City may require applicants to satisfy reasonable conditions prior to final approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the *Planning Act*.

In order to ensure that this vacant land condominium development functions properly, the following issues among others will be addressed through conditions of draft approval:

- completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- installation of fire route signs prior to registration;
- confirmation of addressing information;
- payment of outstanding taxes or local improvement charges, if any;
- provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- ensuring that any homes already constructed at the time of registration are located within the unit boundaries to be registered;
- ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, fencing, and any other structures in the common elements;
- appropriate fencing; and,
- drainage and stormwater management.

4.2 SERVICING

Sanitary

The sanitary sewer available for the subject lands is the 300mm sanitary sewer located on Canvas Way.

Storm

The stormwater sewer available for the subject lands is the 750mm stormwater sewer located on Canvas Way.

Water

Water is available from the 300 mm diameter PVC watermain on Canvas Way.

4.3 Public Circulation Comments

The following section provides information regarding the matters raised through public notice of the application:

Extra parking spaces.

Through the site plan approval process (SPA18-015) all required parking has been provided in the draft plan of condominium.

Subdivision is at risk with only one access road. The "Superior to Adelaide" extension must be completed very soon.

An existing temporary watermain and emergency access is located at the easterly limit of the subject land that provides water looping and secondary access for the Powell Farm Subdivision, Plan 33M-643. The existing h. holding provision will remain on this temporary watermain and secondary access easement and will not be removed prior to an acceptable alternative being provided to the satisfaction of the City Engineer.

Access Location

An emergency access and watermain easement exists on the east side of the proposed development. This easement provides two accesses and water looping for the existing subdivision (including this block). No development over this easement will be permitted until such as a second access is provided that connects Kleinburg Drive to Blackwater Drive and ultimately to Sunningdale Road to the east. Sunningdale Road is a Civic Boulevard and access location onto Civic Boulevards are intended to be limited. When the lands to the east and west develop and additional accesses and water looping will be provided through these lands and the existing easement will not be required and will be closed.

Lights at Canvas Way and Sunningdale Road West are needed

By email dated January 11, 2019 the City of London Transportation Planning and Design division provided the following: *The construction of traffic signals are subject to the traffic signal warrant being met, at this time the volumes on Sunningdale Road and Canvas Way do not trigger the need for traffic signals at this time. The intersection is being monitored for possible future signalisation. The emergency access located east of Canvas Way will remain until such time as a second public access is available.*

Dirt and noise

A Development Agreement has been entered into with the City. Section 13 of the agreement requires that: *The Owner shall employ measures during the course of Development (including any demolition) so that debris, dirt or other rubbish or refuse is not deposited on any street by vehicles delivering materials to or removing materials from the Land or, if unavoidably deposited on any street is removed as soon as practicable and the street restored to a clean condition.*

Construction noise is regulated by the City of London's Sound By-law PW-12.

Through the Development Agreement and City's Sound By-law PW-12, noise and dust issues will be mitigated.

More green space and parks

Through the subdivision process (39T-05510) the property owner dedicated 5% of the development lands as parks and open space. No further dedication is required.

Need for bus stops

Through the subdivision process (39T-05510) the London Transit Commission was circulated. Future bus stops were identified during that process.

Temporary sidewalks must be installed along both side of Sunningdale Road East.

The applicant is not responsible for the cost and installation of temporary sidewalks. The City of London Transportation Planning & Design division has been notified of the concern. Sidewalks will be installed during the Sunningdale Road East widening process.

ETA for Sunningdale Road East Widening

By email dated January 11, 2015 the City of London Transportation Planning and Design division provided the following: *Sunningdale Road has been identified for widening in the draft 2019 Development Charges study for 2027; sidewalks and other infrastructure would be constructed at this time.*

Will There be Noise Walls along Sunningdale Road East

Noise walls are only required on units 6, 7, 35, 36, 37. The required noise barriers are 1.8m in height and will be made of wood and are intended to protect the amenity areas of the units. Units 1 to 7 front onto Canvas Way and no noise walls or fencing is permitted along Canvas Way.

5.0 Conclusion

The recommended application for Approval of Vacant Land Condominium is considered appropriate and conforms to The London Plan and the 1989 Official Plan, and is consistent with the Provincial Policy Statement. The proposal will permit development that is appropriate for the subject lands, and compatible with the surrounding land use pattern.

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

February 11, 2019
CS/

Appendix A – Public Engagement

Community Engagement

Public liaison: On November 5, 2018, Notice of Application was sent to 129 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 8, 2018. A “Planning Application” sign was also posted on the site.

Responses: 3 written replies were received (see attached below).

Nature of Liaison: Consideration of an application for approval of a proposed Draft Plan of Vacant Land Condominium consisting of 43 single detached cluster dwellings and 20 townhouse cluster dwellings and a common element for private access driveway and services to be registered as one Condominium Corporation.

Response to Notice of Application and Publication in “The Londoner”

Dear Craig and Maureen,

As a homeowner within 120m of the said proposal, and as requested by you as subsequent city developer and ward counsellor, I would like to make the following comments.

Overall, my largest concern is the traffic fit and flow subsequent to the new population increase from this development. Until the final Sunningdale Road corridor solution is built, will the extra 63 units be able to fit into the current neighbourhood access and egress, without more Sunningdale or Canvas Way traffic and safety issues?

Also, there is extreme pressure right now to have Canvas Way lights immediately become available at Sunningdale for the whole Uplands North population. An extra 60 units, along with the final Uplands North phase completion, will need these lights installed at least by the end of this projects completion.

Some corollary issues that need to be addressed for this increased density include:

- I do not see extra parking spaces being made available within the cluster complex. Along with extremely narrow lot widths, it is not acceptable to assume Canvas Way can handle any extra parking on it before or after this development. Canvas Way is the only current entrance to the subdivision so it is not acceptable to have no parking within the site for extra resident cars, guests, service vehicles, etc.
- It appears that there will be no extra access to Uplands North once this site is finished, Currently, there is an emergency vehicle access road around 100m north of Canvas Way, If that is filled in, and until Superior Road is extended to Adelaide (a must), the subdivision is at risk with only one access road. The "Superior to Adelaide" extension must be done very soon. And a set of lights at Canvas Way and Sunningdale is needed even sooner!
- No resident is seeking the continued dirt and noise issues from trucks and construction access. While inevitable, a bond is maybe needed by the developer to ensure Canvas Road is cleaned at least weekly. This street cleaning was not regularly done on the fall 2018 initial site preparation with earth movers and it was a constant irritation to neighbouring homeowners. Increased construction vehicle access to this new project will surely need traffic lights as well for turning into and leaving the project onto Sunningdale..
- I trust that the city is planning more green space and parks in lieu of this development and the final phase of Uplands North being close to complete. The current new park at Superior Road east has already become too small for the higher densities that live in the subdivision. Does adjacent land development file 39T-0950/Z-8818 address this? And more trees could be planted in the Uplands

North Swmf and Wetland, along the road, to help accommodate this extra traffic noise and volume.

- The LTC will soon want to have bus stops in the subdivision, off of Sunningdale, Do these condo's, close to Sunningdale, allow for a close bus stop? Ideally, any new stop close to this entrance, would not hinder Canvas Way traffic or safety concerns. Perhaps, Canvas Way should be widened at the entrance to allow for this potential busing stop issue.
- Even if Sunningdale is not widened until well into the 2020's, temporary sidewalks must be installed along both side of it for the safety of all pedestrians in Uplands North including these new residents. Sunningdale is now too busy with higher traffic speeds and too many blind spots (hills) along this subdivision to not insist of such installation. New growth (residential and commercial) east of this area to Adelaide, on both sides, make this imperative to have a well planned community and before being over-built. A huge safety issue at present.

Thank you for your communication and request for input. I would appreciate your response to these comments and I hope to be included in further communications in this regard.

Sincerely,

Brian Fones
1883 Canvas Way
London, ON
N5X 0J8

Hello Craig,

My family and I reside in Uplands North and we recently saw the application for the new condominium plan for the entrance of our subdivision.

I would like to formally recommend that a traffic entrance / exit for this phase be considered onto Sunningdale, east of the current entrance, at the top of the hill. This would alleviate the traffic at the current (and only) entrance / exit to the subdivision. (Photo example attached).

Trying to get in and out of the subdivision around 8 am and 5 pm is extremely busy, and this additional volume will seriously impact an already overburdened traffic flow.

Thank you for the consideration.

Kristin and Kevin Ladd

Hi Craig,

Is it still possible to provide comments or questions for 1820 Canvas Way.

See below.

Who is the home builder for this condominium?

Are there no additional parking spaces for guests? Condo streets are usually narrow with no street parking due to fire route.

How tall is the noise barrier wall and what is the proposed material and design?

Will the Canvas Way median be shortened to allow condo entry?

Will units 1-7 have a privacy fence, barrier wall and/or sufficient landscaping / shrubs to avoid being fully visible from Canvas Way street view.

What's the eta for Sunningdale Rd widening to 4 lanes + sidewalk

Thanks,
Kenny

Appendix B – Policy Context

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

The London Plan

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in The London Plan have been reviewed and consideration given to how the proposed Draft Plan of Vacant Land Condominium and Zoning By-law Amendment contributes to achieving those policy objectives, including the following specific policies:

Our Strategy

Key Direction #5 - Build a Mixed-Use Compact City

- 1. Plan for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward.*

This proposal represents a development which contributes to broader strategic objectives of building a mixed-use compact City of London. It is compatible with the scale and the form of housing in the surrounding area, and a good fit within the context of the existing neighbourhood.

City Building and Design Policies

199_ All planning and development proposals within existing and new neighbourhoods will be required to articulate the neighbourhood's character and demonstrate how the proposal has been designed to fit within that context. The Our Tools chapter and the Residential Intensification policies in the Neighbourhoods Place Type chapter of this Plan provide further guidance for such proposals.

Based on the Site Plan Approval process (SPA18-015), this proposal represents development which satisfies the City Building and Design, Our Tools and Residential Intensification policies of the London Plan.

Neighbourhood Place Type

Vision for the Neighbourhoods Place Type

916_ In 2035 our neighbourhoods will be vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Some of the key elements of our vision for neighbourhoods include:

- 1. A strong neighbourhood character, sense of place and identity.*
- 2. Attractive streetscapes, buildings, and public spaces.*

3. *A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.*
4. *Well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown.*
5. *Lots of safe, comfortable, convenient, and attractive alternatives for mobility.*
6. *Easy access to daily goods and services within walking distance.*
7. *Employment opportunities close to where we live.*
8. *Parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.*

This proposal is generally in keeping with the Neighbourhood Place Type vision and its key elements, including a strong neighbourhood character and sense of identity, diversity of housing choices and affordability, safe and convenient alternatives for mobility, and close proximity to employment and recreational opportunities.

Our Tools

Evaluation Criteria for Planning and Development Applications

1578_ 6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated. Depending upon the type of application under review, and its context, an analysis of potential impacts on nearby properties may include such things as:

- a. Traffic and access management.*
 - b. Noise.*
 - c. Parking on streets or adjacent properties.*
 - d. Emissions generated by the use such as odour, dust, or other airborne emissions.*
 - e. Lighting.*
 - f. Garbage generated by the use.*
 - g. Loss of privacy.*
 - h. Shadowing.*
 - i. Visual impact.*
 - j. Loss of views.*
 - k. Loss of trees and canopy cover.*
 - l. Impact on cultural heritage resources.*
 - m. Impact on natural heritage features and areas.*
 - n. Impact on natural resources.*
- The above list is not exhaustive.*

- Canvas Way is classified as a Neighbourhood Connector carrying on average 10,000 vehicle trips per day, and under the 15,000 vehicles per day capacity. The proposed development is not expected to contribute significantly to traffic volumes, and the site plan approval will ensure safe vehicular access.
- All required parking will be provided on-site.
- The proposed development is not expected to generate excessive noise and emissions.
- On-site exterior lighting can be managed and mitigated so as not to overcast on adjacent properties.
- Individual units will have 2-car garages which should be large enough for storage of domestic garbage.
- Perimeter fencing and landscape planting buffers will be incorporated for screening and privacy.
- The proposed 2-storey dwellings is expected to result in minimal loss of sunlight or shadowing on adjacent properties.
- The topography falls gradually from east to west and there will not be any loss of natural view corridors or vistas.
- There are no natural heritage features, and no concerns for cultural heritage or natural resources.

Official Plan

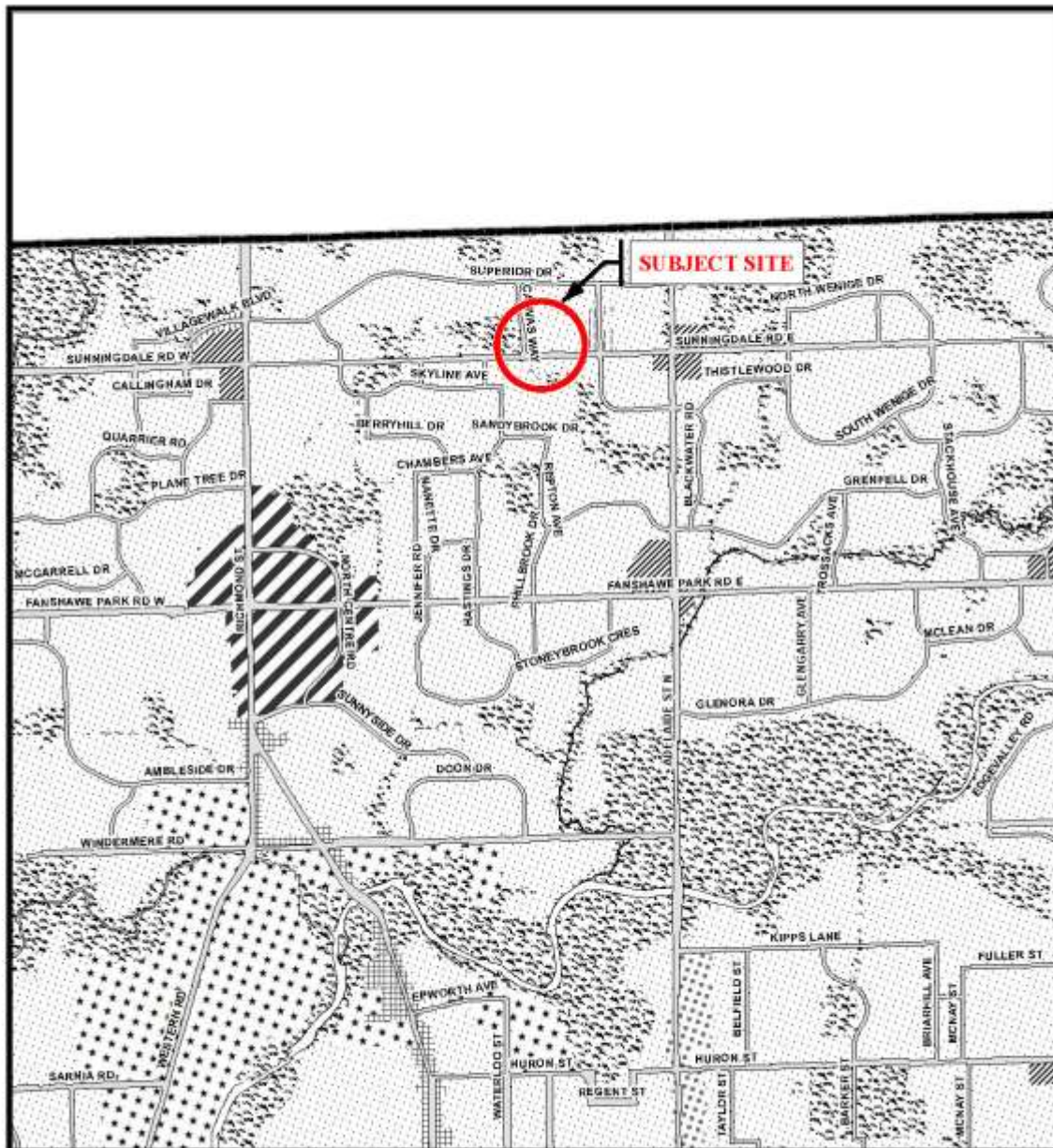
These lands are designated “Medium Density Residential” on Schedule ‘A’ of the City’s Official Plan. This land use designation permits single detached, semi-detached, and duplex dwellings as the primary permitted uses up to a maximum density of 30 units per hectare. The proposal to develop this parcel with 43 single detached dwelling and 20 townhouse units is a permitted and will result in an overall density of 33 units per hectare which is within the density limits prescribed in the Medium Density Residential policies.

Z.-1 Zoning By-law

The zoning is currently Residential R5 Special Provision/ Residential R6 Special Provision (R5-3 (14)/R6-5 (21)) Zone which permits single detached dwellings and townhouse development. Through the Site Plan Approval Process (SPA18-015) the proposed development conforms to all regulations of the zone.

Appendix C – Relevant Background

London Plan Map Excerpt



Legend

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

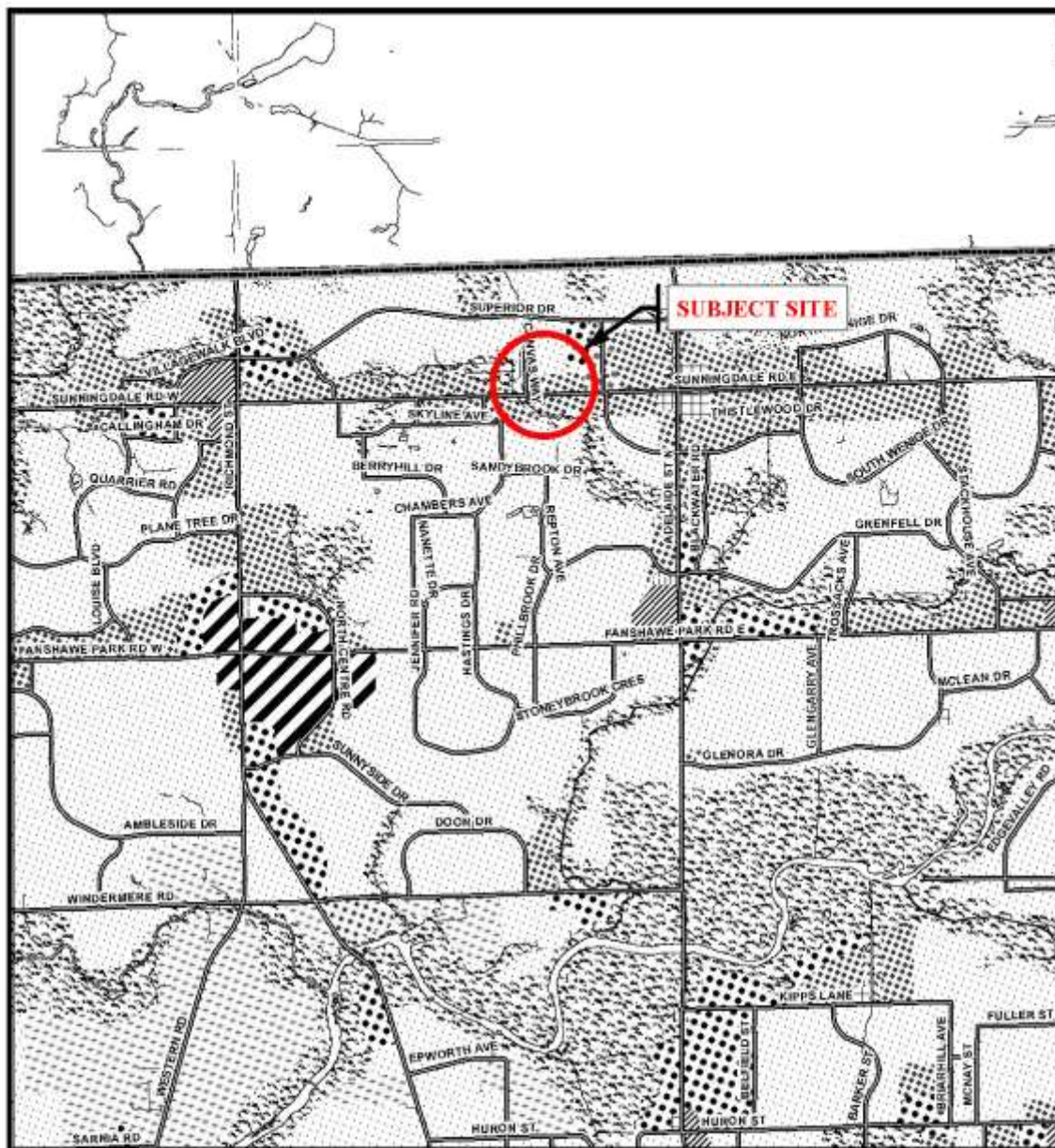
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

<p>CITY OF LONDON Planning Services / Development Services</p> <p>LONDON PLAN MAP 1 - PLACE TYPES -</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>File Number: 39CD-18513</p> <p>Planner: CS</p> <p>Technician: RC</p> <p>Date: December 20, 2016</p>
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Project Location: E:\Planning\Projects\p_official\planwork\consolid00\excerpts_LondonPlan\10.31\versions\mxd\39CD_18513-EXCERPT_Map1_PlaceTypes_bdw_Bx14_Arc10.3.1.mxd

Official Plan Map Excerpt

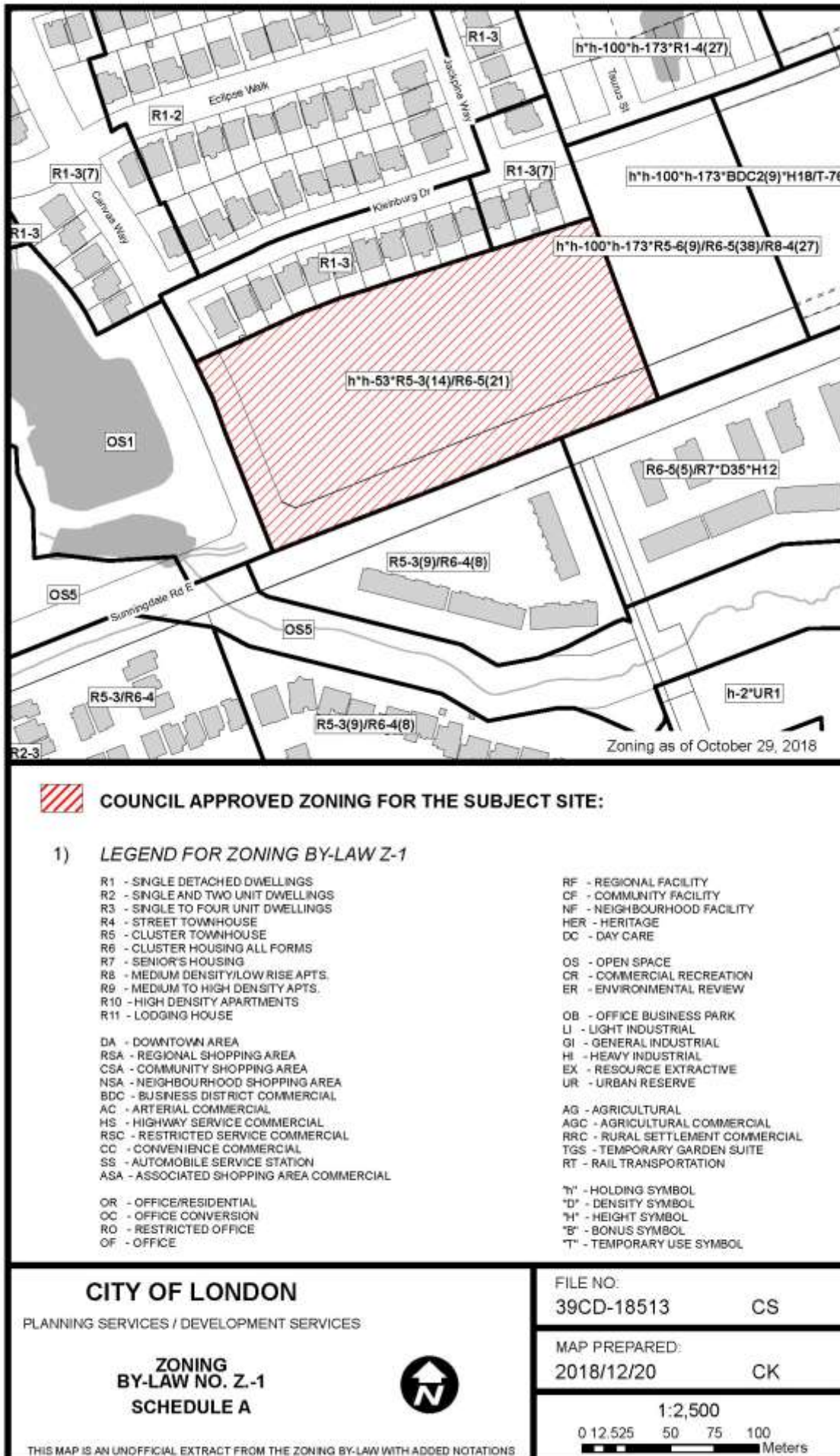


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: 39CD-18513</p> <p>PLANNER: CS</p> <p>TECHNICIAN: RC</p> <p>DATE: 2018/12/20</p>
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PROJECT LOCATION: e:\planning\projects\sp_officialplan\work\consolid00\excerpt\mxd_templates\scheduleA_b\w_bk14_with_SWAP.mxd

Zoning By-law Map Excerpt



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
2626 Sheffield Boulevard
Draft Plan of Vacant Land Condominium

Public Participation Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Senior Planner, Development Services, the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application of Sifton Properties Limited for approval of a Draft Plan of Vacant Land Condominium relating to the property located at 2626 Sheffield Boulevard.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to an application for Draft Plan of Vacant Land Condominium consisting of 44 multiple-attached, townhouse dwelling units.

Rationale of Recommended Action

1. The Draft Plan of Vacant Land Condominium application is consistent with the Provincial Policy Statement.
2. The submitted draft plan of vacant land condominium is in conformity with The London Plan and the 1989 Official Plan
3. The proposed residential use is also permitted under the Zoning By-law. Application for Site Plan Approval has also been reviewed and has advanced to the drawing acceptance stage.
4. The proposed development is compatible and in keeping with the character of the surrounding residential neighbourhood.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site consists of a multi-family development block within a registered plan of subdivision (Block 50, Registered Plan No. 33M-707). The development will be fully serviced and have public road access to Sheffield Boulevard and the future Kettering Street.

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

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Multi-family, Medium Density Residential
- Zoning – Residential R5/R6/R7/R8 Special Provision (R5-6(8)/R6-5(31)/R7(16)•D75•H13/R8-4(17))

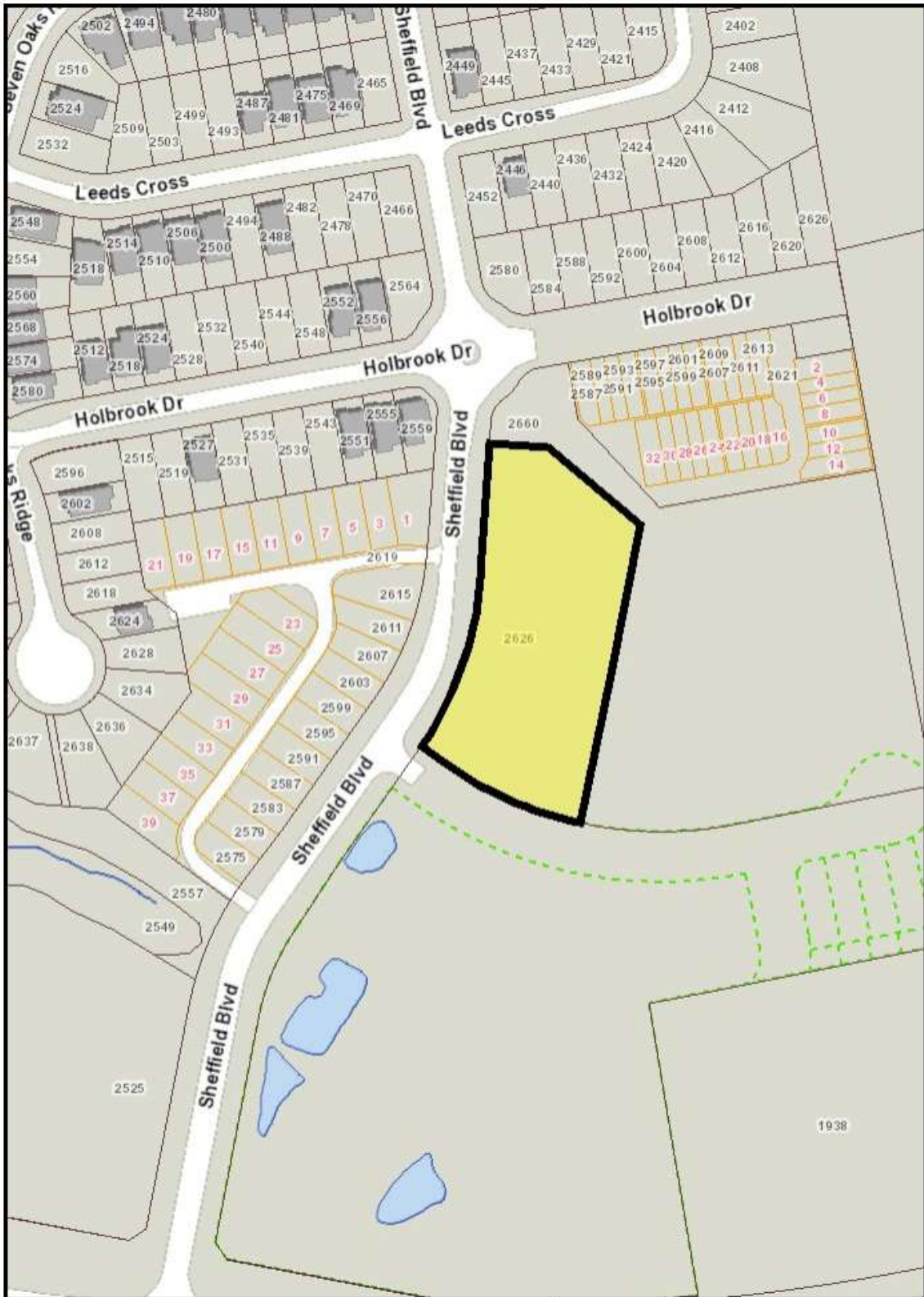
1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – approx. 60 metres
- Depth – approx. 135 metres
- Area – 0.793 hectares
- Shape – irregular

1.4 Surrounding Land Uses

- North – neighbourhood park
- East – neighbourhood park
- South – vacant land for future development
- West – residential cluster detached housing

1.5 Location Map



Location Map		Legend	
Subject Property:	2626 Sheffield Boulevard		Subject Property
Applicant:	SIFTON PROPERTIES LIMITED		Parks
File Number:	39CD-19501		Assessment Parcels
Created By:	Larry Mottram		Buildings
Date:	1/15/2019		Address Numbers
Scale:	1:2000		
Corporation of the City of London			

3.0 Relevant Background

3.1 Planning History

On November 8, 2016 the Approval Authority for the City of London granted Final Approval for the third phase of the Victoria on the River subdivision consisting of 48 single detached lots, three (3) medium density residential blocks and one (1) 0.3 m reserve block, served by a primary collector road (Sheffield Boulevard), and the extension of Seven Oaks Ridge, Holbrook Drive and Leeds Crossing. The plan was subsequently registered on November 16, 2016 as Plan 33M-707.

The subject Block 50 in Plan 33M-707 is the third medium density residential block within the subdivision to be developed as a vacant land condominium. On December 18, 2018, Municipal Council approved an amendment to remove the holding provisions from the zoning on the block.

An application for Site Plan Approval was submitted by Sifton Properties Limited and has also been processed and approved for development of 44 cluster townhouse dwelling units.

3.2 Community Engagement (see more detail in Appendix A)

There were no comments/concerns received from the community.

3.4 Policy Context (See more detail in Appendix B)

Provincial Policy Statement, 2014

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies and must consider:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and
3. Protecting Public Health and Safety.

The London Plan

The site is located within the Neighbourhoods Place Type in The London Plan. The policies of this Place Type, as well as the Our Strategy, City Building and Design, and Our Tools policies, have been applied in the review of this application.

1989 Official Plan

The site is designated Multi-family, Medium Density Residential on Land Use Schedule A of the Official Plan.

As further described in Appendix B, Staff are of the opinion that the condominium draft plan is consistent with the PPS, The London Plan, and the 1989 Official Plan.

Z.-1 Zoning By-law

The zoning of this block is Residential R5/R6/R7/R8 Special Provision (R5-6(8)/R6-5(31)/R7(16)•D75•H13/R8-4(17)) which permits a range of uses, such as single detached cluster housing, attached townhouses, stacked townhouses, low-rise apartment buildings, senior citizens apartment buildings, and continuum of care facilities; with a special provision for a front and exterior side yard depth of 4.5 metres minimum.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Site design and orientation in relation to the adjacent streets and neighbourhood park.

The proposed condominium development consists of 44 townhouse dwellings arranged in clusters of units attached side-by-side, as well as several units attached back-to-back. The site plan demonstrates front facades of dwelling units with strong street-orientation to the abutting streets (Sheffield Boulevard and the future Kettering Street). As part of the site plan review process, the plans and building elevations were also reviewed for

compliance with the City's Placemaking Guidelines and with the Old Victoria Area Plan Design Guidelines, and have been accepted as part of that review. Due to topography and site grading/drainage challenges, a retaining wall along a portion of the easterly property boundary adjacent a neighbourhood park will be required, and as a consequence, three blocks of units are shown backing onto the public park. However, the site continues to achieve a reasonable level of orientation and exposure to the public realm as active rear yard spaces will provide 'eyes on the park' and help to activate the park space.

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

5.0 Conclusion

The application for Approval of Vacant Land Condominium is considered appropriate, consistent with the Provincial Policy Statement, and conforms to The London Plan and the 1989 Official Plan. The proposed vacant land condominium in the form of cluster townhouses also complies with the City's Z.-1 Zoning By-law.

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

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

February 8, 2019
GK/PY/LP/LM/Im

Y:\Shared\ADMIN1- PEC Reports\2019 PEC Reports\3a - February 19\2626 Sheffield Boulevard - 39CD-19501.docx

Appendix A – Public Engagement

Community Engagement

Public liaison: On January 15, 2019, a combined Notice of Application and Notice of Public Meeting was sent to 85 property owners in the surrounding area. Notice of Public Meeting was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 31, 2019. A “Planning Application” sign was also posted on the site.

Responses: No replies were received.

Nature of Liaison: Consideration of a Draft Plan of Vacant Land Condominium consisting of 44 multiple-attached dwelling units and common element for internal driveway, services, and common amenity area to be registered as one Condominium Corporation.

Agency/Departmental Comments:

No significant comments were received.

Appendix B – Policy Context

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

Provincial Policy Statement, 2014

The proposed development achieves objectives for efficient development and land use patterns. It represents new development taking place within the City’s urban growth area, and within an area of the City that is currently building out. It also achieves objectives for compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, and maintains appropriate levels of public health and safety. The subject lands are within a registered plan of subdivision and are designated and intended over the long term for medium density residential uses. There are no natural heritage features present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the subdivision approval process. The proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

The London Plan

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, and townhouse dwellings, and small-scale community facilities. The proposed Draft Plan of Vacant Land Condominium in the form of cluster townhouse dwellings conforms with the Place Type policies.

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed Draft Plan of Vacant Land Condominium contributes to achieving those policy objectives, including the following specific policies:

Our Strategy

Key Direction #5 - Build a Mixed-Use Compact City

- 5. Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place.*

7. Build quality public spaces and pedestrian environments that support walking.

Key Direction #7 - Building strong, healthy and attractive neighbourhoods for everyone

3. Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.

This proposal vacant land condominium contributes to a mix of housing types and tenure. The development will promote a pedestrian-friendly environment that is supportive of walking; help to create a safe, healthy and connected community; and is in keeping with the character of the surrounding neighbourhood.

City Building and Design Policies

252_ The site layout of new development should be designed to respond to its context and the existing and planned character of the surrounding area.

254_ Site layout, and the corresponding building design, should respond to the topography of a site.

256_ Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings. Where a streetscape has not been built out, buildings should be sited with regard for the planned street wall or street line.

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

The proposed condominium development consists of 44 townhouse dwellings arranged in clusters of units attached side-by-side, as well as back-to-back. The site plan demonstrates front facades of dwelling units with strong street-orientation to the abutting streets (Sheffield Boulevard and future Kettering Street). As part of the site plan review process, the plans and building elevations were also reviewed for compliance with the City’s Placemaking Guidelines and with the Old Victoria Area Plan Design Guidelines, and have been accepted as part of the Site Plan Approval process. Due to topography and site grading challenges, a retaining wall along a portion of the easterly property boundary adjacent a neighbourhood park is required, and as a consequence three blocks of units are shown backing onto the public park. However, the site still continues to achieve a reasonable level of exposure, particularly along its northerly property boundary.

** Policy subject to LPAT Appeal PL170100 - August 27, 2018*

Neighbourhood Place Type

Vision for the Neighbourhoods Place Type

*916_ * In 2035 our neighbourhoods will be vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Some of the key elements of our vision for neighbourhoods include:*

- 1. A strong neighbourhood character, sense of place and identity.*
- 2. Attractive streetscapes, buildings, and public spaces.*
- 3. A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.*
- 4. Well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown.*
- 5. Lots of safe, comfortable, convenient, and attractive alternatives for mobility.*
- 6. Easy access to daily goods and services within walking distance.*
- 7. Employment opportunities close to where we live.*

8. Parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.

This proposal is generally in keeping with the Neighbourhood Place Type vision and its key elements, including a strong neighbourhood character and sense of identity, building-orientation that contributes to an attractive streetscape, diversity of housing choices and affordability, safe and convenient alternatives for mobility, and close proximity to employment and recreational opportunities.

** Policy subject to LPAT Appeal PL170100 - August 27, 2018*

Our Tools

1709_ The following policies will apply to consideration of an application for a vacant land condominium:

- 1. The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium.*
- 2. The applicant may be required to provide site development concepts and meet design requirements consistent with the Site Plan Control By-law as part of the consideration of a draft plan of vacant land condominium.*
- 3. Proposals for vacant land condominiums which will result in units above or below any other unit will not be supported.*
- 4. Only one dwelling will be permitted per unit.*
- 5. At the time of registration, structures cannot cross unit boundaries.*
- 6. The registration of a proposed development as more than one vacant land condominium corporation may be permitted if the proposal is supportive of comprehensive development and planning goals. The minimum number of units to be included in each condominium corporation will be adequate to allow for the reasonable, independent operation of the condominium corporation.*

1989 Official Plan

The subject lands are designated Multi-family, Medium Density Residential on Schedule A of the City's Official Plan. The primary permitted uses include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. The proposal to develop this parcel with 44 residential townhouse dwellings will result in an overall density of approximately 55 units per hectare which is within the density limits in the Multi-family, Medium Density Residential designation. The proposed vacant land condominium represents a cluster housing form of development in compliance with the policies for use, form and scale as contemplated by the Official Plan.

Vacant Land Condominium Application

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan and the 1989 Official Plan.
- Sewer and water services will be provided in accordance with an approved Site Plan and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster townhouses. Building elevation plans have been reviewed as part of site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.
- The applicant must ensure that the proposed grading and drainage of this development does not adversely impact adjacent properties. All grading and drainage

issues will be addressed through the accepted engineering and servicing drawings included in the approved Site Plan and Development Agreement.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. In order to ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- The development of the site under Draft Plan of Vacant Land Condominium shall comply with all final approved site plan conditions and approved engineering drawings. Any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other facilities and structures in the common elements.

Z.-1 Zoning By-law

The zoning of this block is Residential R5/R6/R7/R8 Special Provision (R5-6(8)/R6-5(31)/R7(16)•D75•H13/R8-4(17)) which permits such uses as single detached cluster housing, attached townhouses, stacked townhouses, low-rise apartment buildings, senior citizens apartment buildings, and continuum of care facilities; with a special provision for a reduced front yard setback of 4.5 metres (minimum) to permit buildings to be located closer to the street in accordance with the City's Placemaking Guidelines. A minor variance was granted by the Committee of Adjustment on September 10, 2018 to permit a density of 56 units per hectare, whereas 50 units per hectare is the maximum permitted for townhouses and stacked townhouses under the R5-6(8) Zone (File No. A.108/18). The proposed vacant land condominium complies with the Zoning By-law.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Sifton Properties Limited
1395 Riverbend Road
Application for Zoning By-law Amendment

Public Participation Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Senior Planner, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 1395 Riverbend Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on March 5, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands **FROM** a Holding Residential R5/R6/R7/R8 Special Provision (h•h-206•R5-6(10)/R6-5(42)/R7•D75•H18/R8-4(29)) Zone and a Holding Residential R5/R6 Special Provision (h•h-206•R5-3(18)/R6-5(42)) Zone **TO** a Holding Residential R6/R7 Special Provision (h•h-206•R6-5(42)/R7()•D115•H30) Zone with a special provision to permit a seniors apartment building with a maximum 115 units and a retirement lodge with a maximum 150 beds; front and exterior side yard depth to main building (minimum) of 3.0 metres; front and exterior side yard depth to the sight triangle (minimum) of 0.8 metres; lot coverage (maximum) of 40%; and required parking (minimum) of 123 spaces.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended actions is to amend the Zoning By-law to permit the development of a seven to eight storey senior's apartment building and retirement residence on the easterly portion of the site, and to permit the development of future townhouses on the westerly portion of the site.

Rationale of Recommended Action

1. The recommended Zoning By-law Amendment is consistent with the Provincial Policy Statement.
2. The recommended zoning special provisions are appropriate, and conform with The London Plan, the (1989) Official Plan, and the Riverbend West Five Specific Area Policies.
3. The proposal is found to be compatible in terms of form, scale, and intensity within the context of existing and planned future development for this area.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site consists of vacant lands within a recently registered plan of subdivision (part of Block 1 Plan 33M-743). The site is currently being used as a construction staging area, and was previously cultivated for field crops. The topography is relatively flat with a slight downward slope from south to north. There are no natural heritage features, vegetation or tree cover within the site. Both Riverbend Road and Shore Road are classified as Neighbourhood Connectors in The London Plan. Shore Road is classified as Secondary Collector in the 1980 Official Plan. Riverbend Road is classified as a Primary Collector south of Shore Road, and a Secondary Collector north of Shore Road.

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

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Multi-family, Medium Density Residential
- Existing Zoning – Holding Residential R5/R6/R7/R8 Special Provision (h•h-206•R5-6(10)/R6-5(42)/R7•D75•H18/R8-4(29)) Zone and Holding Residential R5/R6 Special Provision (h•h-206•R5-3(18)/R6-5(42)) Zone

1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 57 metres
- Depth – 220 metres
- Area – 1.45 hectares overall area (portion of site for seniors/retirement residence - 0.814 hectares)
- Shape – regular

1.4 Surrounding Land Uses







- North – Elementary school, neighbourhood park and single detached residential dwellings
- East – townhouses and stacked townhouses
- South – vacant lands for future development
- West – vacant lands for future development



 Proposed Seniors Apartment and Retirement Residence

1.5 Location Map



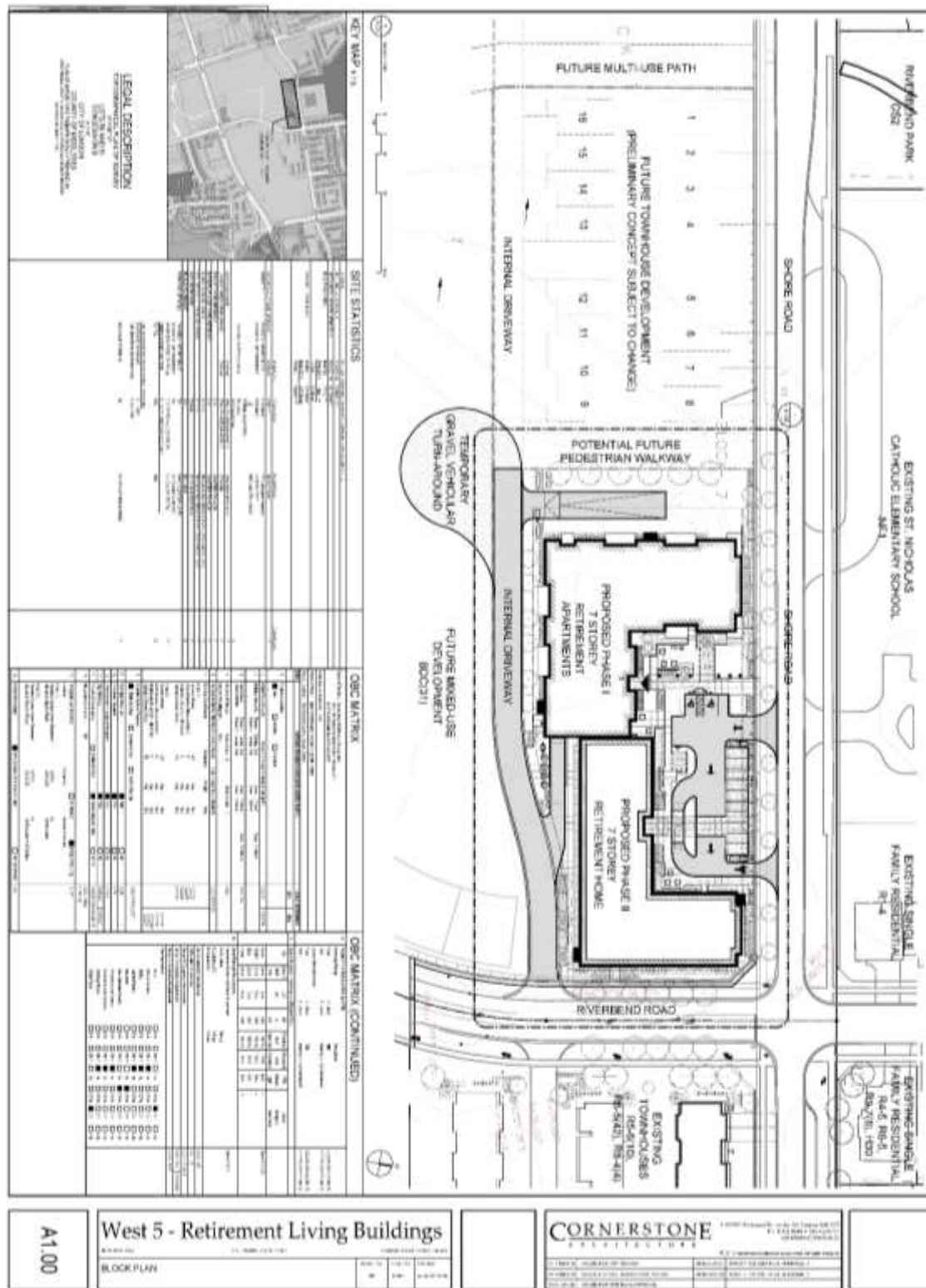
Location Map		Legend	
Subject Property:	1395 Riverbend Road		Subject Property
Applicant:	SIFTON PROPERTIES LIMITED		Parks
File Number:	Z-8924		Assessment Parcels
Created By:	Larry Mottram		Buildings
Date:	10/1/2018		Address Numbers
Scale:	1:4000		
Corporation of the City of London			

2.0 Description of Proposal

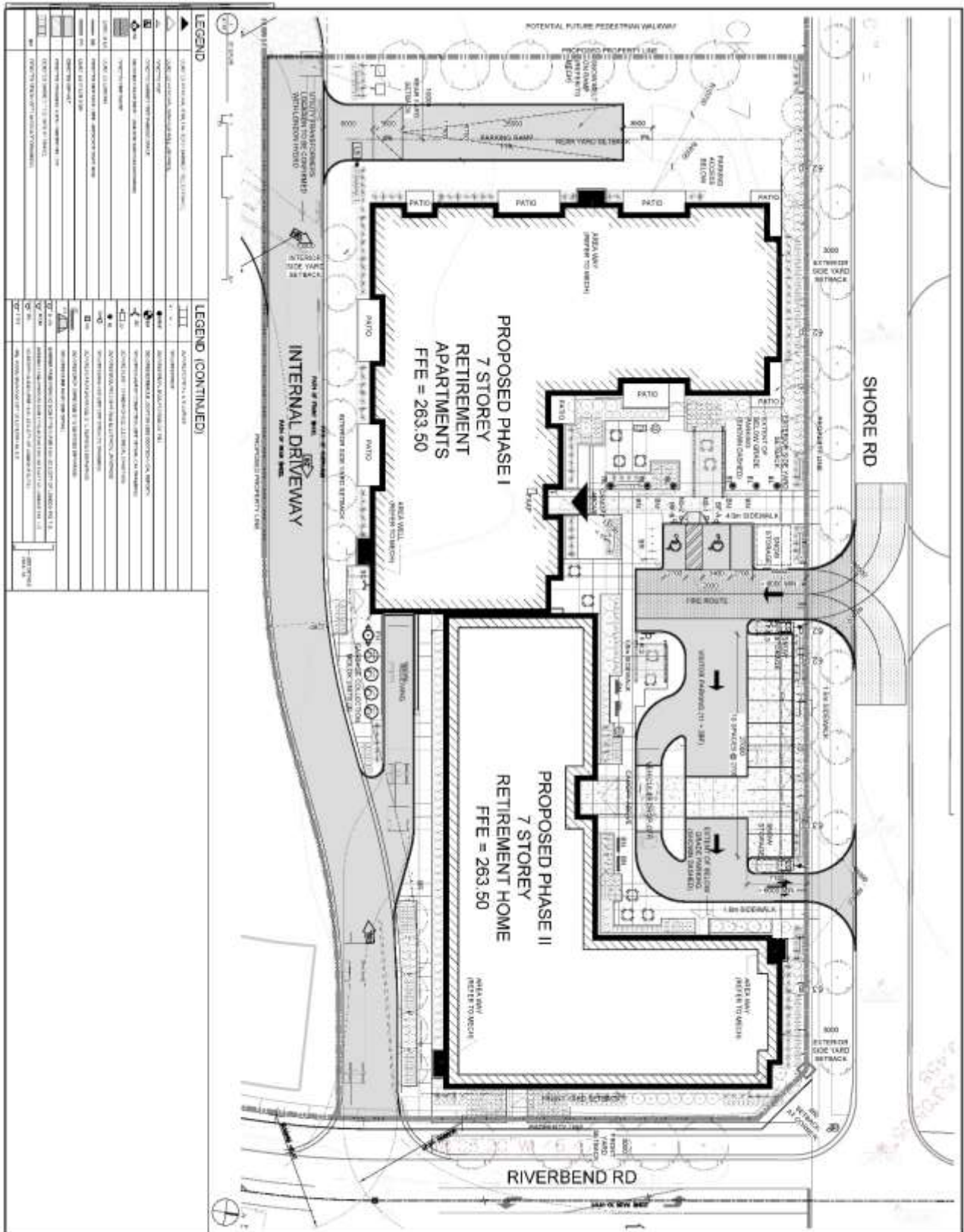
2.1 Development Proposal

This is a proposed two-phase development consisting of a seniors' apartment building (west wing) to be constructed as Phase 1 and a retirement residence (east wing) to be constructed as Phase 2. The two wings will be physically connected as one upon completion. Phase 1 is proposed to accommodate 115 retirement apartments plus common lounge and dining space. Phase 2 is proposed to accommodate a total of 150 beds plus a common lounge and separate activity, therapy, administrative, and dining spaces. The building will consist of a seven storey residential wings and a partial eighth floor accommodating the main dining rooms for both buildings. It will feature a single slope, cantilevered roof to optimize roof top solar energy production. Parking is proposed underground with access from Riverbend Road via a common access driveway. Visitor parking is also provided on-site with access from Shore Road. The remainder of the site to the west is anticipated to be developed for future townhouses, as illustrated on the Concept Plan below.

2.2 Concept Block Plan



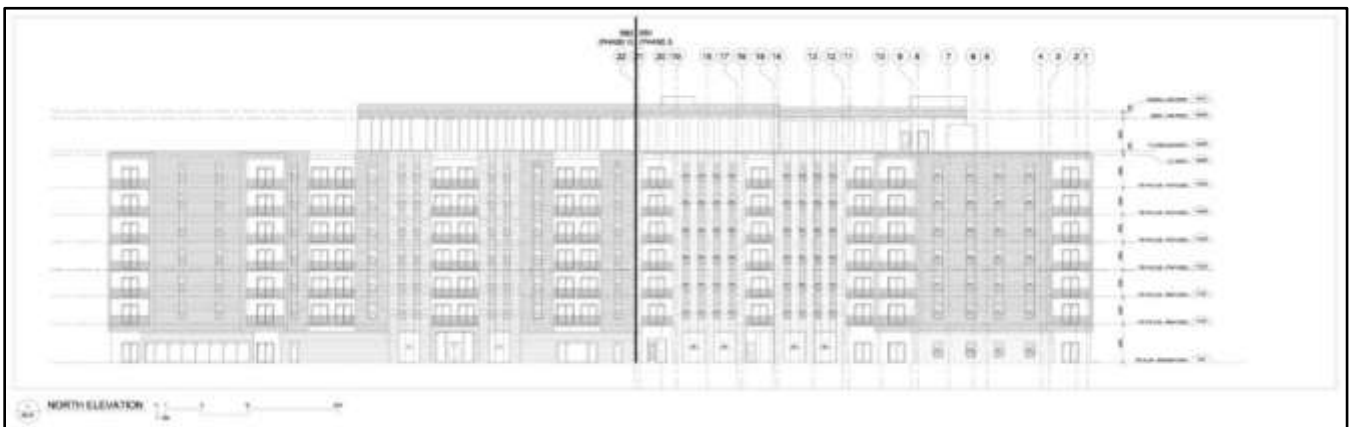
2.3 West Five Retirement Living Buildings – Site Plan
 Prepared by Sifton Properties Limited and Cornerstone Architecture



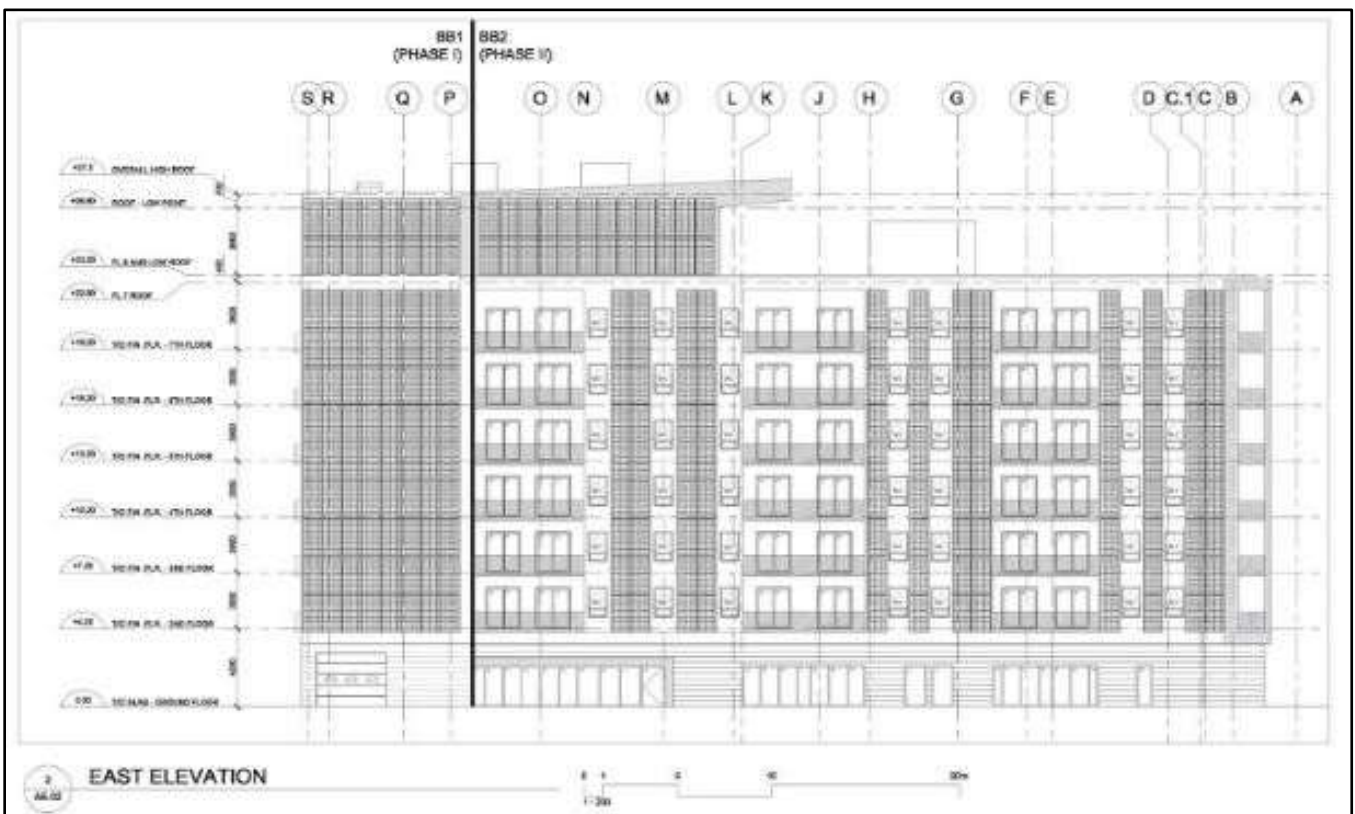
A1.01	West 5 - Retirement Living Buildings SITE PLAN Project Name: West 5 - Retirement Living Buildings Project No: 2023-001	CORNERSTONE ARCHITECTURE 17000 8 Avenue SE, Suite 200, Calgary, Alberta T2C 1A7 Tel: (403) 243-8888 www.cornerstonearch.com
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Aerial perspective looking south-east towards the Shore Road frontage.



North building elevation along Shore Road.



East building elevation along Riverbend Road.

3.0 Relevant Background

3.1 Planning History

On October 29, 2018, the Planning and Environment Committee held a public participation meeting to consider an application by Sifton Properties Limited for amendments to the Zoning By-law to permit development of a seniors' apartment building and retirement residence in two phases. Phase 1 was proposed to accommodate 98 retirement apartment units. Phase 2 was proposed to accommodate 100 retirement home suites having a total of 124 beds. The buildings would be physically connected upon completion, and consist of six storey residential wings and a partial seventh floor accommodating the main dining rooms for both buildings.

At the public participation meeting representatives from Sifton Properties Limited requested the application be referred back to allow them to submit a revised application to increase the number of seniors' apartment units and retirement home beds.

At its meeting held on November 6, 2018, Municipal Council resolved:

That, the application by Sifton Properties Limited, relating to the lands located at 1395 Riverbend Road BE REFERRED to the Civic Administration to work with the applicant to increase the density of units to the senior's apartments and the retirement suites;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-D09) (3.5/16/PEC)

(A copy of the Municipal Council resolution is found in **Appendix D**)

3.2 Requested Amendment

The revised application request is to change the zoning of the lands by removing the Residential R5 Special Provision (R5-6(10)) and Residential R8 Special Provision (R8-4(29)) Zones; maintaining the existing Residential R6 (R6-5(42)) Zone; and rezoning to a Residential R7 Special Provision (R7()*D115*H30) Zone to permit a seniors apartment building with a maximum 115 units and a retirement lodge with a maximum 150 beds, together with a special provision for a front and exterior side yard depth to the main building (minimum) of 3.0 metres, a front and exterior side yard depth to the sight triangle (minimum) of 0.8 metres, a lot coverage (maximum) of 40%, and required parking (minimum) of 120 spaces.

3.3 Community Engagement (see more detail in Appendix B)

No comments/concerns were received from the community in response to the notice of revised application, and there were no significant departmental/agency comments. Responses from the public to the previous notice of application were summarized in the staff report to Planning and Environment Committee on October 29, 2018. The main concerns were related to increase in traffic on Shore Road, building height, and loss of privacy.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2014

The proposal must be consistent with Provincial Policy Statement (PPS) policies and objectives aimed at, 1. Building Strong Healthy Communities, 2. Wise Use and Management of Resources, and 3. Protecting Public Health and Safety. The PPS contains strong policies regarding the importance of promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of land uses, housing types, and densities to meet projected needs of current and future residents (Sections 1.1 and 1.4). Section 1.1.1 specifically references residential uses and housing to meet the needs of older persons. The policies for Settlement Areas require that new

development should occur adjacent to existing built up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Section 1.1.3.6). Policies for Transportation promote a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (Section 1.6.7.4). Planning Authorities shall also support energy conservation and efficiency through land use and development patterns which, among other matters, promotes design and orientation which maximizes opportunities for the use of renewable and alternative energy systems (Section 1.8.1).

The London Plan

The subject lands are located within the Neighbourhoods Place Type in The London Plan, and are situated at the intersection of two Neighbourhood Connector streets. The range of primary permitted uses include single detached, semi-detached, duplex, triplex, townhouses, secondary suites, home occupations, group homes, and small-scale community facilities. Secondary permitted uses include stacked townhouses, fourplexes, low-rise apartments, and mixed-use buildings. The lands are also located within the Riverbend West Five Lands Specific Area Policies which were carried over from the 1989 Official Plan, and are considered in more detail in Appendix 'C'. Consideration has also been given to the policies of the Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools sections. An excerpt from The London Plan Map 1 – Place Types is found at Appendix 'D'.

1989 Official Plan

These lands are designated as Multi-family, Medium Density Residential under Section 3.3 in the Official Plan, which permits multiple attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; and small-scale nursing homes, rest homes, and homes for the aged, as the main uses. The lands are also within the West Five Specific Area Policies in Section 10.1.3.

Planning Justification Report and an Urban Design Brief for the West Five Retirement Living Buildings were prepared and submitted by Sifton Properties Limited and their consultants, including a concept site plan, building floor plans and elevations, colour renderings, shadow studies, massing model and areal perspective views showing the proposed development within the context of the neighbourhood.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Impact of proposed building height, shadowing, and loss of privacy.

The Master Plan Concept prepared for the West Five Community has always shown retirement uses for the subject site consisting of two 'L' shape buildings, including one 5 storey building on the easterly side of the site, forming a street wall along Riverbend Road and Shore Road, opposite a 6 storey building on the westerly side of the site. As detailed site design and building plans emerged, the general configuration was revised so that the two buildings could be connected physically. The 'U' shape configuration of the building does not create a continuous street wall along Shore Road. However, staff agree with the applicant's justification report that it does respect the existing elementary school and single family homes to the north by setting the main building mass back, helping to minimize visual intrusion and shadowing.

As noted in the Urban Design Brief, the intent is to provide a consistent street frontage along Shore Road that is bracketed by the end wings of the two buildings and landscaped to create a buffer between the parking and public sidewalk through drought tolerant landscaping and low masonry garden walls to match the building. Tree planting will be required at a rate of 1 per 15 metres along all interior property lines and 1 per 12 metres along all street property lines, in addition to boulevard street tree plantings. The enhanced

landscaped buffer will help lessen the visual impact as well as provide screening for adjacent properties to the north.

The east and west wings are to be 7 storeys in height, with a partial 8th floor incorporating the common dining room over the southerly back half of the building. Revised shadow studies were prepared to illustrate the effects of shadowing at different times of the day during different seasons, as well as to compare the difference in shadow cast by a 7-8 storey versus the 6-7 storey building as originally proposed. The model demonstrates there will be very little change in the shadow cast on surrounding residential and school properties for most of the year under either scenario. The illustrations indicate the only substantial shadow cast on the properties north of Shore Road would be experienced during the Winter Solstice - December 21st.

The Our Strategy, City Building and Design, Neighbourhood Place Type, and Our Tools policies in The London Plan, as well as the West Five Specific Area Policies, have been reviewed and consideration given to how the proposal contributes to achieving those policy objectives. This proposal is found to represent a compatible fit in terms of form, scale, and intensity within the context of existing and planned future development for this area.

4.2 Issue and Consideration # 2 – Traffic congestion on Shore Road.

Shore Road and Riverbend Road, north of Shore Road, are classified as Neighbourhood Connectors carrying on average 2,000 and 500 vehicle trips per day average annual daily traffic (AADT), respectively. The proposed development is not expected to contribute significantly to traffic volumes on either road. The responses received from the community indicates that traffic congestion in this area is heavy, particularly during school drop-off and pick-up times. Vehicular access to the site is proposed from both Shore Road and Riverbend Road. The site plan indicates the proposed west access on Shore Road will be aligned with the elementary school parking lot access to the north. The west access will also be designed to be inbound only, and meet access requirements for the fire route. The east access is designed to be outbound only and be wide enough to accommodate one-way traffic flow. Access to the building's underground parking garage, loading and receiving ramp, and garbage/recycling collection facilities will be provided by a common internal driveway from Riverbend Road.

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

5.0 Conclusion

The recommended amendments to the Zoning By-law are considered appropriate, are consistent with the Provincial Policy Statement, and conform to The London Plan, the West Five Specific Area Policies, and the 1989 Official Plan. The applicant's proposal will permit a mid-rise, seniors' apartment building and retirement residence that is appropriate for this location, and compatible with the surrounding land use pattern.

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

February 8, 2019
GK\PY\LP\LM\lm

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

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
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 1395
Riverbend Road.

WHEREAS Sifton Properties Limited has applied to rezone an area of land located at 1395 Riverbend Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1395 Riverbend Road, as shown on the attached map, from a Holding Residential R5/R6/R7/R8 Special Provision (h•h-206•R5-6(10)/R6-5(42)/R7•D75•H18/R8-4(29)) Zone and a Holding Residential R5/R6 Special Provision (h•h-206•R5-3(18)/R6-5(42)) Zone to a Holding Residential R6/R7 Special Provision (h•h-206•R6-5(42)/R7(_))•D115•H30) Zone.
- 2) Section Number 11.4 of the Residential R7 Zone is amended by adding the following Special Provision:

R7()

a) Permitted Uses

- i) Seniors apartment building – maximum 115 units
- ii) Retirement lodge – maximum 150 beds

b) Regulations

- i) Front and Exterior Side Yard Depth to Main Building (Minimum) 3.0 metres
- ii) Front and Exterior Side Yard Depth to Sight Triangle (Minimum) 0.8 metres
- iii) Lot Coverage (Maximum) 40%
- iv) Parking (Minimum) 123 spaces

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

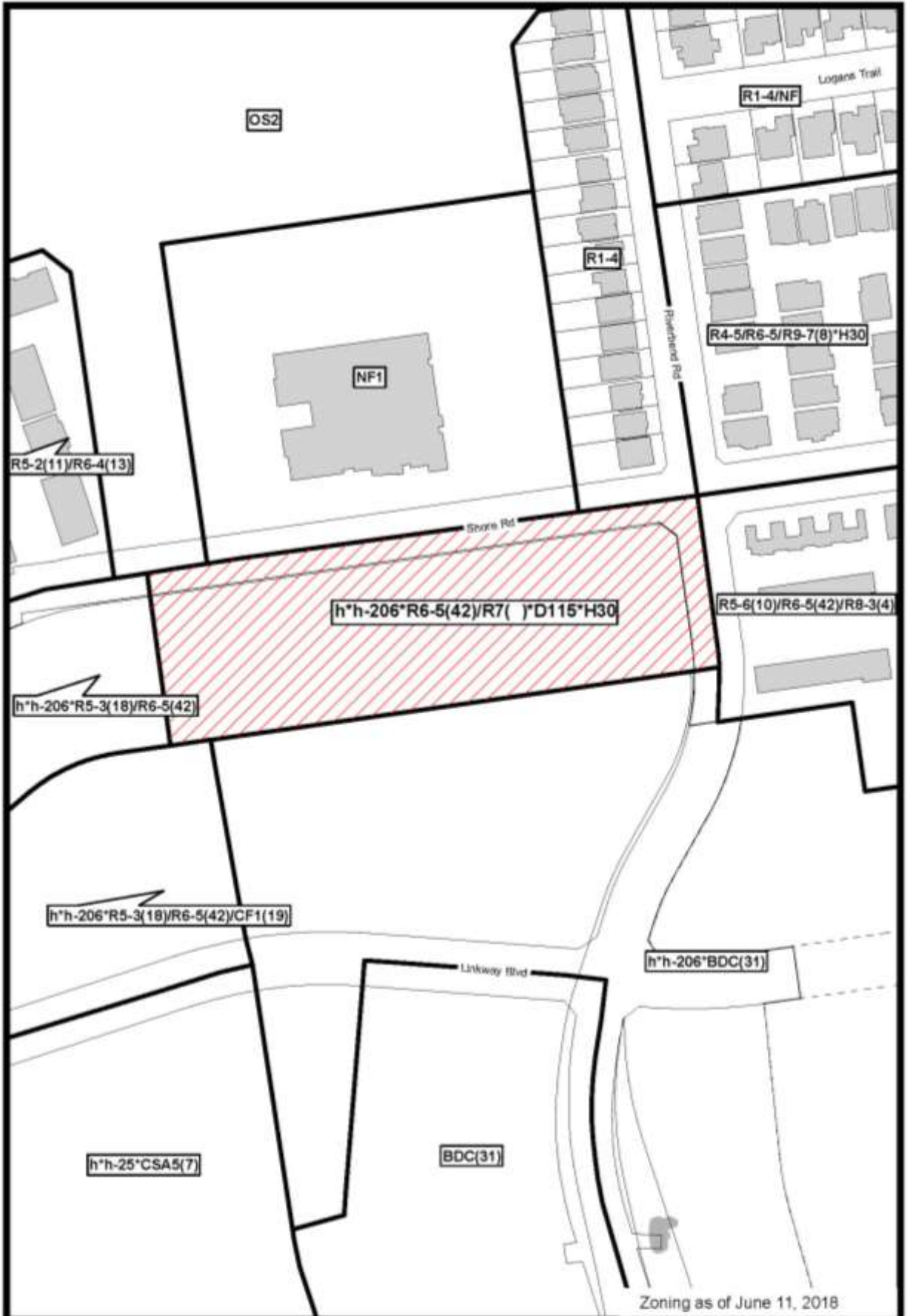
PASSED in Open Council on March 5, 2019.




Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 5, 2019
Second Reading – March 5, 2019
Third Reading – March 5, 2019

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



<p>File Number: Z-8924 Planner: LM Date Prepared: 2019/01/31 Technician: rc By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:2,000</p> <p>0 10 20 40 60 80 Meters </p> <p></p>
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Appendix B

Community Engagement

Public liaison: On December 17, 2018, Notice of Revised Application was sent to 129 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 January 3, 2019. A “Planning Application” sign was also posted on the site.

Nature of Liaison: The purpose and effect of this application is to allow development of a seven (7) to eight (8) storey senior’s apartment building and retirement residence on the easterly portion of the site, and development of future townhouses on the westerly portion of the site. Possible Amendment to Zoning By-law Z.-1 to change the zoning of the lands to remove the Residential R5 Special Provision (R5-6(10)) and Residential R8 Special Provision (R8-4(29)) Zones; maintain the existing Residential R6 (R6-5(42)) Zone; and, rezone to a Residential R7 Special Provision (R7()*D115*H30) Zone to permit a seniors apartment building – maximum 115 units and retirement lodge – maximum 150 beds, together with a special provision for a front and exterior side yard depth to main building (minimum) of 3.0 metres, a front and exterior side yard depth to sight triangle (minimum) of 0.8 metres, lot coverage (maximum) of 40%, and required parking (minimum) of 120 spaces.

Responses: No replies were received.

Agency/Departmental Comments

Upper Thames River Conservation Authority:

The subject lands are not affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the Conservation Authorities Act. The UTRCA has no objection to this application.

Appendix C – Policy Context

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

Provincial Policy Statement, 2014

The proposal must be consistent with Provincial Policy Statement (PPS) policies and objectives aimed at 1. Building Strong Healthy Communities, 2. Wise Use and Management of Resources, and 3. Protecting Public Health and Safety. The PPS contains strong polices regarding the importance of promoting efficient development and land use patterns, as well as accommodating an appropriate range and mix of land uses, housing types, and densities to meet projected needs of current and future residents (Sections 1.1 and 1.4). Section 1.1.1 specifically references residential uses and housing to meet the needs of older persons. The proposed development will promote efficient land use by adding to the range of housing choices and providing for a higher intensity development specifically geared to senior’s residential accommodation. The site is in close proximity to public parks and open space, as well as a range of future mixed-use/commercial facilities and services. It promotes an efficient and cost effective development and land use pattern, and will not cause environmental or public health and safety concerns.

The policies for Settlement Areas require that new development should occur adjacent to existing built up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Section 1.1.3.6). The subject lands are located within the City’s Urban Growth Boundary, and are part of a planned mixed-use community development known as West Five. The site is immediately

adjacent existing built-up areas to the north, lands currently under development to the east, and designated and zoned future development lands to the south and west. The proposed development will utilize full municipal services which are currently available at the property boundary.

Policies for Transportation promote a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (Section 1.6.7.4). The proposed development is in close proximity to future mixed use/commercial development to minimize the length and number of vehicle trips, as well as close to anticipated future public transit routes.

Long term economic prosperity is supported by encouraging a sense of place and promoting well-designed built form and cultural planning (Section 1.7.1(d)). An Urban Design Brief was prepared and submitted for this development to ensure a well-designed built form consistent with the West Five Urban Design Guidelines. A sense of place will be provided through well designed building form, landscape buffers, and amenity areas.

Planning Authorities shall also support energy conservation and efficiency through land use and development patterns which, among other matters, promotes design and orientation which maximizes opportunities for the use of renewable and alternative energy systems (Section 1.8.1). Investment in energy conservation and the use of renewable and alternative energy systems, in particular solar-powered electricity technology to be integrated into the building design, is being promoted as a central objective of this development.

There are no identified concerns for protection of natural heritage features or functions, agricultural, mineral aggregates, or cultural heritage and archaeological resources. The proposed development is outside of any natural hazards and there are no known human-made hazards. Therefore, Development Services staff are satisfied that the recommended Zoning By-law Amendment is found to be consistent with the Provincial Policy Statement.

The London Plan

Our Strategy

Key Direction #4 – Become one of the greenest cities in Canada

- 8. Promote green development standards such as LEED Neighbourhood Development and LEED Building Design and Construction standards.*
- 13. Conserve water and energy and deliver these resources in a sustainable and affordable fashion.*

Key Direction #5 – Build a mixed-use compact city

- 5. Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place.*
- 6. Mix stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity.*

Key Direction #7 – Build strong, healthy and attractive neighbourhoods for everyone

- 1. Plan for healthy neighbourhoods that promote active living, provide healthy housing options, offer social connectedness, afford safe environments, and supply well distributed health services.*
- 2. Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services.*

3. Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.

4. Create social gathering places where neighbours can come together, such as urban parks and public spaces, community centres, family centres, community gardens, cafés, restaurants, and other small commercial services integrated within neighbourhoods.

These strategic directions are generally reflected in the Riverbend West Five Specific Area Policies that were adopted by Municipal Council in 2015 as an amendment to the 1989 Official Plan, and carried over into Place Type Policies of The London Plan in Section 884.

City Building and Design Policies

198_ All proposals for new neighbourhoods will be required to establish a vision to guide planning for their character and sense of place.

The future planned vision for this area is articulated in the Riverbend West Five Lands Specific Area Policies. These policies were adopted in the 1989 Official Plan and have been carried over into The London Plan. The vision for the West Five Community is as follows:

886_ The West Five community will consist of a mixture of uses - office, retail, residential and public spaces. It is to be a model of “smart” community design incorporating significant energy saving and renewable initiatives, to promote a healthy and sustainable lifestyle. Its success will be achieved by establishing unique architecture, aesthetically pleasing public spaces and vistas, and identifiable landmarks and focal points.

A Planning Justification Report and Urban Design Brief accompanying the application have been reviewed. Staff generally agree with the finding that overall the proposed development contributes to the mix of uses, by being specifically targeted to senior citizens. It incorporates significant sustainability features, with a strong focus placed on unique architecture and attractive outdoor spaces for residents and visitors.

252_ The site layout of new development should be designed to respond to its context and the existing and planned character of the surrounding area.

The immediate context includes St. Nicholas Catholic Elementary School to the north, existing single family residential to the northeast, existing West Five townhouses to the east, future residential to the west, and future West Five mixed use retail and high density residential to the south. The site spatial analysis prepared as part of the Urban Design Brief identified the intersection of Riverbend and Shore Road as a prominent location with the proposed retirement living buildings standing as a focal point at the northern edge of the West Five Community. Bordered by residential lots and in close proximity to St. Nicholas Catholic Elementary School, it is important for the proposed development to complement its residential context and transition to the higher density development at Riverbend Road and Linkway Boulevard.

253_ Site layout should be designed to minimize and mitigate impacts on adjacent properties.

The Shore Road frontage is bracketed by the building’s east and west wings. This frames the entrance courtyard which includes a continuous landscaped street wall including drought tolerant planting and garden walls to highlight the vehicular and pedestrian entrances to the site. It also helps transition from the scale of the proposed high density development to the south to the existing St. Nicholas Catholic Elementary School and the single family residential developments to the north. The Urban Design Brief addressed the transition in building height to adjacent buildings and neighbourhood. A 45 degree

angular transition plane will be maintained from the school property on the north side of Shore Road to the proposed new development.

256_ Buildings should be sited so that they maintain and reinforce the prevailing street wall or street line of existing buildings. Where a streetscape has not been built out, buildings should be sited with regard for the planned street wall or street line.

As outlined in the Planning Justification Report and Urban Design Brief, the stated intentions for the building design is to create a 'U' shaped building which optimizes south-facing wall and roof exposure for BIPV (Building Integrated Photovoltaics) while creating a shared landscaped forecourt, which achieves the following:

- Provide clear wayfinding to the Apartment and Retirement Home entrances;
- Provide a safe, accessible and efficient integration of vehicular and pedestrian circulation with clear connections to the public sidewalk;
- Alignment of the vehicular and Fire Route entrance along Shore Road with the vehicular access of St. Nicholas Catholic Elementary School;
- Provide a vehicle lay-by on the south side of the parking lot for convenient drop-off and pick-up at the Retirement Home;
- Limit the amount of on-grade parking to provide landscaped seating areas that are integrated into and accessible from the sidewalks;
- Provide a consistent street frontage along Shore Road that is bracketed by the end wings of the two buildings and landscaped to create a buffer between the parking and public sidewalk through drought tolerant landscaping and low masonry landscape walls to match the building; and,
- Incorporate building signage into the landscape buffer/street frontage adjacent to the main vehicular and pedestrian site entrance.

While this configuration does not create a continuous "street wall" along Shore Road, it does respect the existing elementary school and single family homes to the north by setting the main building mass back and minimizing shadows. The Landscape Plan indicates the street edge along Shore Road will be softened by a substantial landscaped buffer incorporating a variety of deciduous and coniferous plantings (Sugar Hackberry, Dwarf Japanese Yew, Hick's Yew, Smooth Rose, Autumn Joy Sedum and other drought tolerant plantings) as well as 1375 mm (4.5 ft.) high garden walls with 1524 mm (5.0 ft.) high piers to match the building. The 'U' shape building also maximizes the solar potential of the south elevation, contributing to West Five's goal of net zero energy use.

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

The zoning request for a minimum front and exterior side yard depth to the main building of 3.0 metres is consistent with the zone setbacks regulations that are currently in place. When the original zoning was approved for West Five by Council, consideration was given to reduced front and exterior yards based on the West Five Urban Design Guidelines, and City of London Placemaking Guidelines which suggest a minimum of 3.0 metres and maximum of 4.5 metres building setback. The goal is to ensure streets are well framed by buildings that front the street encouraging a stronger relationship between the public and private realm.

269_ Buildings should be sited to minimize the visual exposure of parking areas to the street.

Underground parking will serve residents and staff, with a limited number of surface parking spaces provided for visitors at the entrance. Access to underground parking, receiving area, and garbage/recycling collection will be off of the south internal driveway to keep these operations separate from the main vehicular and pedestrian activity located in the forecourt.

294_ * In conformity with the Green and Healthy City policies of this Plan, buildings should incorporate green building design and associated sustainable development technologies and techniques.

The proposed Retirement Living Buildings will be designed to meet West Five's sustainable design principles for achieving a net zero smart community. The Planning Justification Report and Urban Design Brief identify numerous sustainability features being incorporated into the buildings, including:

- Building integrated photovoltaic cells;
- High efficient exterior envelope, and high SRI roof membrane;
- Lower window to wall ratio;
- High performance glazing;
- Air source variable refrigerant heating/cooling system;
- Energy recovery ventilation equipment;
- Energy star appliances;
- Heat recovery for use in the building from kitchen area;
- Low maintenance and drought tolerant native vegetation plantings;
- Occupancy sensors; and,
- Excellent southerly and westerly exposure for solar energy capture.

290_ * Buildings located on corner sites should address the corner through building massing, location of entrances, and architectural elements.

The east wing (Retirement Residence Building) to be constructed in Phase 2 will be designed with a strong orientation and massing to the corner, with architectural fenestration eliminating the appearance of blank side walls. The Urban Design Brief further notes that the building will be positioned along Riverbend Road to permit the ground floor common spaces to face Riverbend Road and Shore Road. An access point to the building is provided through the café space which is located at the southeast corner of the building. The Activity/Games Room is located at the northeast corner of the building.

301_ * A diversity of materials should be used in the design of buildings to visually break up massing, reduce visual bulk and add interest to the building design.

The elevation plans illustrate how fenestration patterns have been incorporated into the building facades to eliminate blank walls. Simple and durable building materials are proposed, including such materials as brick, architectural concrete block, aluminum composite panel, photovoltaic panels, wood-look metal siding, and aluminum curtain wall system and fibreglass windows.

** Policies subject to LPAT Appeal PL170100 - August 27, 2018*

Neighbourhood Place Type

The subject site is within the Neighbourhoods Place Type in *The London Plan*, as well as identified on Map 7 within with the Riverbend West Five Lands Specific Policy Area. (Map subject to LPAT Appeal PL170100)

“Riverbend West Five Lands” Specific Policies

885_ In the Shopping Area and Neighbourhoods Place Types and the High Density Residential Overlay (from 1989 Official Plan), the following policies apply to the “West Five” lands bounded by Oxford Street West, Westdel Bourne, Shore Road, and Kains Road.

Vision

886_ The West Five community will consist of a mixture of uses - office, retail, residential and public spaces. It is to be a model of “smart” community design incorporating significant energy saving and renewable initiatives, to promote a

healthy and sustainable lifestyle. Its success will be achieved by establishing unique architecture, aesthetically pleasing public spaces and vistas, and identifiable landmarks and focal points.

Staff generally agree that overall the proposed development contributes to the stated community vision for the West Five area.

Built Form

887_ West Five will be compact in form, and contain a mix of low-, mid- and high-rise development. There will be transition of building height and mass with the tallest buildings located at the intersection of Oxford Street and Kains Road, and centred on Riverbend Road and The Linkway, gradually transitioning to lower heights to the north. The vision for West Five contemplates a variety of building typologies, including townhouses, apartments, several commercial formats, office buildings and multi-storey mixed use buildings. The scale and orientation of these built form typologies around a modified grid road network reflects a logical and traditional neighbourhood design pattern. Buildings will generally be oriented to the street to create a vibrant pedestrian-oriented atmosphere that supports transit services. Minimum and maximum setbacks, building heights and other regulations may be implemented in the Zoning By-law to achieve the desired built form.

The proposed retirement and seniors apartment building represents a compact, mid-rise form. It will provide transition between the existing school and residential uses to the north of Shore Road and other mixed use buildings to the south which include a 10 storey mixed use building (apartment and commercial) currently under development south of Linkway Boulevard and anticipated buildings that would be of similar height and profile between it and the proposed seniors building. The building is oriented to the street with active uses on the ground floor along Riverbend Road, with the east and west wings oriented to Shore Road, with a landscaped courtyard and outdoor amenity area integrated with the driveway/drop-off area.

Density

888_ The overall residential density of the entire West Five area will not exceed an approximate density of 65 units per hectare, or a total of 2,000 residential units maximum. The appropriate density of individual developments within the area may be further defined in the Zoning By-law.

An updated breakdown of the number of units was provided with the revised application indicating that the overall residential density of West Five to date, based on approved site plans, combined with the density of the retirement/seniors building is approximately 58 units per hectare (total of 440 units over an area of 7.57 hectares), and is well within the anticipated overall density of West Five. This represents a slight increase in density compared to the 55 units per hectare (total of 414 units over an area of 7.57 hectares) in the original application.

Scale and Form of Commercial Uses

889_ The total retail gross floor area permitted in the West Five Special Policy Area will be 30,000 square metres. Gross floor area permitted for retail uses does not include office uses, commercial recreation establishments, institutions or day care centres. In addition, a maximum of 9,500 square metres of office space will be permitted. Office uses will be encouraged to locate on the upper storeys of buildings or in purpose built office buildings, while retail and service-oriented uses will be encouraged on the ground floor of multi-storey buildings or in livework forms and oriented to the street to create a pedestrian-oriented environment in a “main street” format.

890_ Larger retail formats will have a campus-oriented form to accommodate required parking; however, these larger stores will be designed to integrate with the “main street” areas and minimize visual impact of large open parking areas and will offer strong pedestrian connections.

This component addresses the office and retail commercial uses and is not applicable to the subject application.

Sustainability

891_ West Five is intended to be a showcase of sustainable design and development. The goal is to achieve net zero annual energy usage to the extent feasible through various design considerations. West Five may be developed with alternative/renewable energy solutions such as solar energy, district energy/heating, energy storage systems and other technologies that are or may become available over the span of its development through public and private sector partnerships. Ecologically efficient transportation systems will be integrated where feasible, including electric vehicles and charging facilities. Other sustainability initiatives, including low impact development alternatives for stormwater management such as rainwater capture and reuse for irrigation, bioswales, permeable pavement, etc. may also be encouraged and supported. The City will encourage and facilitate opportunities for partnerships, incentives and funding opportunities that assist in implementing sustainability initiatives, and may consider alternative development standards for streets, utilities and infrastructure.

The proposed building will incorporate a number of alternative energy and sustainability features, such as solar panel arrays mounted on the roof top and exterior of the building. A list of other features previously mentioned are expected to be incorporated into the building and site design towards the goal of net zero energy consumption.

Urban Design

892_ West Five will be developed with a high standard of urban design and architectural design. Creativity and individual architectural expression will be encouraged. The City of London Placemaking Guidelines and the Urban Design Guidelines for the River Bend West Five Lands, prepared in accordance with the City Design policies of this Plan, will be used to provide guidance regarding building design, orientation, massing, height, public streets, public spaces, sustainable design, landscaping, and other related design matters.

893_ An emphasis will be placed on achieving an attractive and functional public realm that supports a diverse and vibrant community. The streets, sidewalks and buildings will be designed to collectively create comfortable, cohesive and vibrant public spaces. Private streets within the development will also adhere to the design principles with respect to creating pedestrian friendly, cohesive, comfortable and vibrant spaces. Continuity of the public and private space network within the West Five area and to the broader community will be a priority.

The proposed Phase 1 and 2 buildings will have a high standard of design, in general accordance with the Urban Design Guidelines for West Five. The Urban Design Brief has addressed the Design Guidelines and architectural goals for the retirement living component of the West Five community. The Master Plan Concept for West Five, included in the Urban Design Guidelines, identifies building heights of 5 to 6 storeys for this block. The proposed building is 7 storeys, with a partial 8th floor penthouse incorporating the common dining room across the southerly portion of the building. It serves to provide additional architectural interest, excellent views to the surrounding area and reduces the building footprint, allowing for increased landscaping and amenity area for residents.

Street Network

894_ Riverbend Road and The Linkway will serve as “main streets” and have a strong street-related built edge, wide sidewalks and other design features to support its role. Street design shall maximize on-street parking opportunities. Off street parking requirements in the Zoning By-law may be reduced if supported by a parking study to recognize the pedestrian oriented, mixed use nature of the development and the shared parking strategy along with the on street parking supply. Alternative street design standards which minimize right-of-way widths will be considered.

The proposed building provides a strong street-related built edge along Riverbend Road. The majority of parking is provided underground (53 spaces in Phase 1, 65 spaces in Phase 2, plus 4 accessible underground parking spaces). Reduced parking standards have been requested in the ZBA to reflect the nature of the use and the developer's experience with parking requirements in other retirement and seniors apartment facilities.

Mixed Use

895_ The central portion of West Five bounded by Logans Run, Oxford Street West, a line drawn approximately 100 metres south of Shore Road, and a line drawn approximately 200 metres east of Westdel Bourne, represents the "Mixed Use" area. This area provides for a mix of housing and compatible commercial and office uses that support a vibrant, compact, walkable and mixed use neighbourhood. Housing is permitted in live-work form, as well as in mid to high rise apartment form. Buildings may be built as single purpose (e.g. residential apartments or office buildings). Mixed use buildings are encouraged; with commercial uses along the ground floor with residential units or office space located in upper floors. A variety of community-scale, neighbourhood based and convenience-based commercial and personal service uses are permitted. They are intended to accommodate the needs of the surrounding residential neighbourhoods located within convenient walking and/or driving distance. High quality urban design is an important consideration for the successful integration of different uses and is implemented through the urban design policies of the Official Plan, the Site Plan Control By-law, the City of London Placemaking Guidelines, and the West Five Urban Design Guidelines.

896_ The primary permitted uses shall include low, mid- and high-rise apartment buildings and a broad range of retail, service, office, institutional and community facilities, recreation, entertainment and related activities. Both mixed use and single use buildings shall be permitted. Buildings may be purpose built or designed for future adaptability of use to respond to changing market conditions.

897_ Net density within the Mixed Use area will not exceed 100 units per hectare, on an overall basis for the Mixed Use area. Building heights will typically range from two to twelve storeys. Buildings exceeding twelve storeys may be permitted through bonusing at key locations such as gateways and focal points so long as they meet the intent of these policies and associated Urban Design Guidelines.

This site is north of and immediately adjacent to the designated Mixed Use area.

Our Tools

Evaluation Criteria for Planning and Development Applications

1578_ 6. Potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated. Depending upon the type of application under review, and its context, an analysis of potential impacts on nearby properties may include such things as:*

- a. Traffic and access management.*
- b. Noise.*
- c. Parking on streets or adjacent properties.*
- d. Emissions generated by the use such as odour, dust, or other airborne emissions.*
- e. Lighting.*
- f. Garbage generated by the use.*
- g. Loss of privacy.*
- h. Shadowing.*
- i. Visual impact.*
- j. Loss of views.*
- k. Loss of trees and canopy cover.*
- l. Impact on cultural heritage resources.*
- m. Impact on natural heritage features and areas.*
- n. Impact on natural resources.*

The above list is not exhaustive.

- Shore Road and Riverbend Road, north of Shore Road, are classified as Neighbourhood Connectors carrying on average 2000 and 500 vehicle trips per day, respectively. The proposed development is not expected to contribute significantly to traffic volumes on either road. The site plan approval process will ensure safe vehicular access is achieved.
- All required parking will be provided on-site. Underground parking will serve residents and staff, with a limited number of surface parking spaces provided for visitors at the entrance.
- The proposed development is not expected to generate excessive noise and emissions.
- On-site exterior lighting can be managed and mitigated so as not to overcast on adjacent properties.
- Garbage/recycling storage and collection facilities will be off of the south internal driveway to keep these operations separate from the main forecourt area that faces the residential neighbourhood to the north.
- As noted above, the 'U' shape configuration of the building does not create a continuous street wall along Shore Road. However, staff would agree that it does respect the existing elementary school and single family homes to the north by setting the main building mass back, helping to minimize visual intrusion and shadowing. As noted in the Urban Design Brief, the intent is to provide a consistent street frontage along Shore Road that is bracketed by the end wings of the two buildings and landscaped to create a buffer between the parking and public sidewalk through drought tolerant landscaping and low masonry garden walls to match the building. Tree planting will be required at a rate of 1 per 15 metres along all interior property lines and 1 per 12 metres along all street property lines, in addition to boulevard street tree plantings. The enhanced landscaped buffer will help lessen the visual impact as well as provide low level screening.
- Revised shadow studies were prepared to illustrate the effects of shadowing at different times of the day during different seasons, as well as to compare the difference in shadow cast by a 7-8 storey versus the 6-7 storey building as originally proposed. The model demonstrates there will be very little change in the shadow cast on surrounding residential and school properties for most of the year. The illustrations indicate the only substantial shadow cast on the properties north of Shore Road would be experienced during the Winter Solstice - December 21st.
- There are no significant natural view corridors or vistas.
- There are no trees or natural heritage features on site, and no concerns for cultural heritage or natural resources.

1578_7. The degree to which the proposal fits within its context. It must be clear that this not intended to mean that a proposed use must be the same as development in the surrounding context. Rather, it will need to be shown that the proposal is sensitive to, and compatible with, its context. It should be recognized that the context consists of existing development as well as the planning policy goals for the site and surrounding area. Depending upon the type of application under review, and its context, an analysis of fit may include such things as:*

- a. Policy goals and objectives for the place type.*
- b. Policy goals and objectives expressed in the City Design chapter of this Plan.*
- c. Neighbourhood character.*
- d. Streetscape character.*
- e. Street wall.*
- f. Height.*
- g. Density.*
- h. Massing.*
- i. Placement of building.*
- j. Setback and step-back.*
- k. Proposed architectural attributes such as windows, doors, and rooflines.*
- l. Relationship to cultural heritage resources on the site and adjacent to it.*
- m. Landscaping and trees.*
- n. Coordination of access points and connections.*

Many of the items listed above such as street wall, height, massing, placement of building,

architectural design, and setbacks have been covered in the previous sections. Therefore, based on Staff's review of The London Plan policies, this proposal is found to be in keeping and conformity with the Key Directions, City Building and Design, and Place Type policies, and the Riverbend West Five Specific Area Policies.

** Policies subject to LPAT Appeal PL170100 - August 27, 2018*

1989 Official Plan

These lands are designated as Multi-family, Medium Density Residential under Section 3.3 in the Official Plan, which permits multiple attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; and small-scale nursing homes, rest homes, and homes for the aged, as the main uses. The Official Plan was amended in December 2015 to incorporate the West Five Specific Area Policies found under Section 10.1.3. These policies and the West Five Urban Design Guidelines are the current and relevant documents to guiding future development within the West Five lands, and have been reviewed in the previous section.

Z.-1 Zoning By-law

The zoning for this site is currently Holding Residential R5/R6/R7/R8 Special Provision (h•h-206•R5-6(10)/R6-5(42)/R7•D75•H18/R8-4(29)) Zone. This zone variation permits a range of residential uses, including cluster housing in the form of single detached, semi-detached, duplex, triplex, and fourplex dwellings. Townhouses and stacked townhouses are permitted up to a maximum density of 50 units per hectare with a special provision for a maximum lot coverage of 50%, maximum height of 15 metres, and minimum front and exterior side yard depth to main building of 3.0 metres. The a zoning also permits apartment buildings, senior citizens apartment buildings, retirement lodges, nursing homes, continuum-of-care facilities, and emergency care establishments up to a maximum density of 75 units per hectare and maximum height of 18 metres (approx. 6 storeys). A narrow sliver of land along the westerly limit of the subject site is zoned Holding Residential R5/R6 Special Provision (h•h-206•R5-3(18)/R6-5(42)) Zone. Holding (h and h-206) Provisions have been put in place in order to ensure that the owner/developer enters into a Development Agreement with the City, and to ensure that the West Five Urban Design Guidelines are implemented at the Site Plan Approval stage.

The applicant's zoning request is to remove the Residential R5 Special Provision (R5-6(10)) and Residential R8 Special Provision (R8-4(29)) Zones; maintain the existing Residential R6 (R6-5(42) Zone; and rezone to a Residential R7 Special Provision (R7()•D115•H30) Zone to permit a seniors apartment building – maximum 115 units and retirement lodge – maximum 150 beds, together with a special provision for a front and exterior side yard depth to main building (minimum) of 3.0 metres, a front and exterior side yard depth to sight triangle (minimum) of 0.8 metres, lot coverage (maximum) of 40%, and required parking (minimum) of 120 spaces.

Density

The original Block Plan prepared for the West Five Community has always shown retirement living buildings on the subject site with the expectation of approximately 200 retirement units and approximately 17 to 20 townhouse units on the lands immediately to its west. However, as the proposed development will consist of a seniors apartment building integrated with the retirement home, the 3 beds to 1 unit equivalency ratio as set out in Zoning By-law Z.-1 cannot be used for the seniors apartment as these units will have full kitchens. Consequently, the density of the site would be calculated as follows:

Seniors apartment – 115 units
Retirement residence – 150 beds = 50 units (based on the 3:1 equivalency ratio)
Future townhouses – 20 (approximately)
Total density for the overall site – 185 units/1.45 ha = **128 units/ha**

While this is an increase from the currently approved density, it should be considered primarily a technical amendment due to the inability to use the 3:1 equivalency factor,

even though the proposed use is consistent with the original intended use for the site. Therefore, it is recommended that proposed densities in terms of the allocation of units and beds be clearly stated in the special provision zone.

The major difference between the two phases, as described in the Planning Justification Report, is that Seniors Apartment Building (Phase 1) caters to more independent individuals who are provided with dining and emergency call services, whereas individuals in the Retirement Residence (Phase 2) are less independent and receive a range of care services in addition to dining. Consequently, the suites in Phase 1 are larger with less common space provided, and in Phase 2 the suites are smaller and there is much more common space. The suites in Phase 1 would include normal kitchens whereas suites in Phase 2 would have kitchenettes only. Residents in Phase 1 would, however, have full access to all the common areas in both phases as part of creating a 'continuum of care' setting that encourages social interaction among all residents.

Height

The additional height requirement requested (maximum 30 metres) is required primarily to accommodate ground floor ceiling heights of 4.5 metres and the eighth floor dining pavilion with its cantilevered, single slope roof. The original concept plans for West Five, included in the Urban Design Guidelines, identifies building heights of 5 to 6 storeys for this block. The revised building height of 7 storeys, with a partial 8th floor incorporating the common dining room over the southerly portion of the building provides additional architectural interest, excellent views to the surrounding area and reduces the building footprint, allowing for increased landscaping and amenity area for residents.

Setback

The zoning request for a minimum front and exterior side yard depth to the main building of 3.0 metres is consistent with the zone setback regulations that are currently in place. A 6.0 m x 6.0 m sight triangle at southwest corner of Riverbend Road and Shore Road was established through the subdivision plan. The request for a 0.8 metre building setback is appropriate and will provide for some relief in order to maintain a right-angle corner for the building, and will not result in an encroachment into the sight triangle.

Coverage

The maximum lot coverage under the Residential R7 zone is 35 percent and the requested increase to 40 percent would be consistent with what is currently permitted for the site under the Residential R8 Special Provision (R8-4(29)) Zone.

Parking

The Zoning By-law amendment includes a special provision for reduced parking requirements for the retirement residence / senior's apartment building. According to the current Zoning Bylaw, parking must be provided at a ratio of 1.25 parking spaces per unit for the seniors' apartment and 1 space per 3 beds for the retirement residence. In addition, visitor parking must also be provided. Total parking requirements according to the Zoning By-law have been determined to be 194 spaces. However, based on the proposed site plan concept, 135 parking spaces are proposed (13 surface and 122 underground parking spaces).

The Planning Justification Report provided a parking needs analysis and justification for the reduction based Sifton's experience with a number of existing retirement residences and seniors apartment buildings which they own. Siftons also commissioned a study for a similar retirement facility in Mississauga undertaken by Paradigm Transportation Solutions in late 2017. The following is a synopsis of the detailed analysis provided in the Planning Justification Report Section 3.4 - Parking Requirements.

Data was collected for three retirement and seniors facilities in London, one in Waterloo, and one in Mississauga. Based on the number of units, unit occupancy, number of parking spaces provided, and number of parking spaces actually used by residents, the parking

space usage ratio ranges from 1 per 1.7 units to 1 per 18.6 units. From these observations, it was concluded that parking spaces provided significantly exceeds the actual parking demand / usage for both retirement homes and seniors apartments.

Siftons also commissioned a study for a similar retirement facility in Mississauga undertaken by Paradigm Transportation Solutions in late 2017. In that study, data was collected from the Richmond Woods Retirement Village at 200 North Centre Road as it was a similar type of development and was considered a suitable proxy for analysis. The Richmond Woods site consists of 102 senior's independent living units and 130 retirement dwelling units, which is similar to the proposed West Five development. Parking utilization surveys were conducted for four days over two weeks. Hourly parking demand and utilization percentages were observed for the four days of data collection. The weekday parking demand observed for the four days suggests the following parking rates:

Resident parking demand – 0.32 spaces per unit;
Visitor parking demand – 0.06 spaces per unit; and
Employee parking demand – 0.08 spaces per unit.

Based on that information, the number of parking spaces required for the proposed West Five retirement residence and senior's apartment site with a combined 265 units would be as follows:

Residents	85
Visitors	16
Employees	<u>22</u>
Total:	123 spaces

The current Zoning By-law requirement is 194 spaces for the completed development. The proposed site plan provides a total of 135 parking spaces, which is well in excess of what would be required based on parking demand studies of similar facilities. While this will be a privately owned and operated residential facility, it was pointed out for comparison purposes that the standard parking rate in the Zoning By-law for senior citizens apartment buildings owned and operated by non-profit, public housing or charitable institutions is 0.5 spaces per unit for this area of the city. Based on the parking justification provided for this application, Staff are prepared to support the special zone provision for required parking (minimum) of 123 spaces.

Holding Provisions

It is recommended that the holding (h and h-206) provisions that are currently in place be maintained until Site Plan Approval and a Development Agreement has been entered into.

Appendix D – Relevant Background

Municipal Council Resolution November 6, 2018



P.O. Box 5035
300 Dufferin Avenue
London, ON
N6A 4L9

November 7, 2018

M. Zunti
Sifton Properties Limited
Suite 300, 1295 Riverbend Road
London, ON N6K 0G2

I hereby certify that the Municipal Council, at its meeting held on November 6, 2018 resolved:

That, the application by Sifton Properties Limited, relating to the lands located at 1395 Riverbend Road BE REFERRED to the Civic Administration to work with the applicant to increase the density of units to the senior's apartments and the retirement suites;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2018-D09) (3.5/16/PEC)

C. Saunders
City Clerk
/lm

- cc. G. Kotsifas, Managing Director, Developments and Compliance Services and Chief Building Official
P. Yeoman, Director, Development Services
M. Feldberg, Manager III, Development Finance
L. Pompili, Manager, Development Planning
L. Mottram, Senior Planner
J. Minor, Documentation Services Representative
External cc List in the City Clerk's Office

The Corporation of the City of London
Office 519.661.2500 x4856
Fax 519.661.4892
hlysynsk@london.ca
www.london.ca

PUBLIC PARTICIPATION MEETING COMMENTS

.5 PUBLIC PARTICIPATION MEETING – Application – 1395 Riverbend Road (Z-8924)

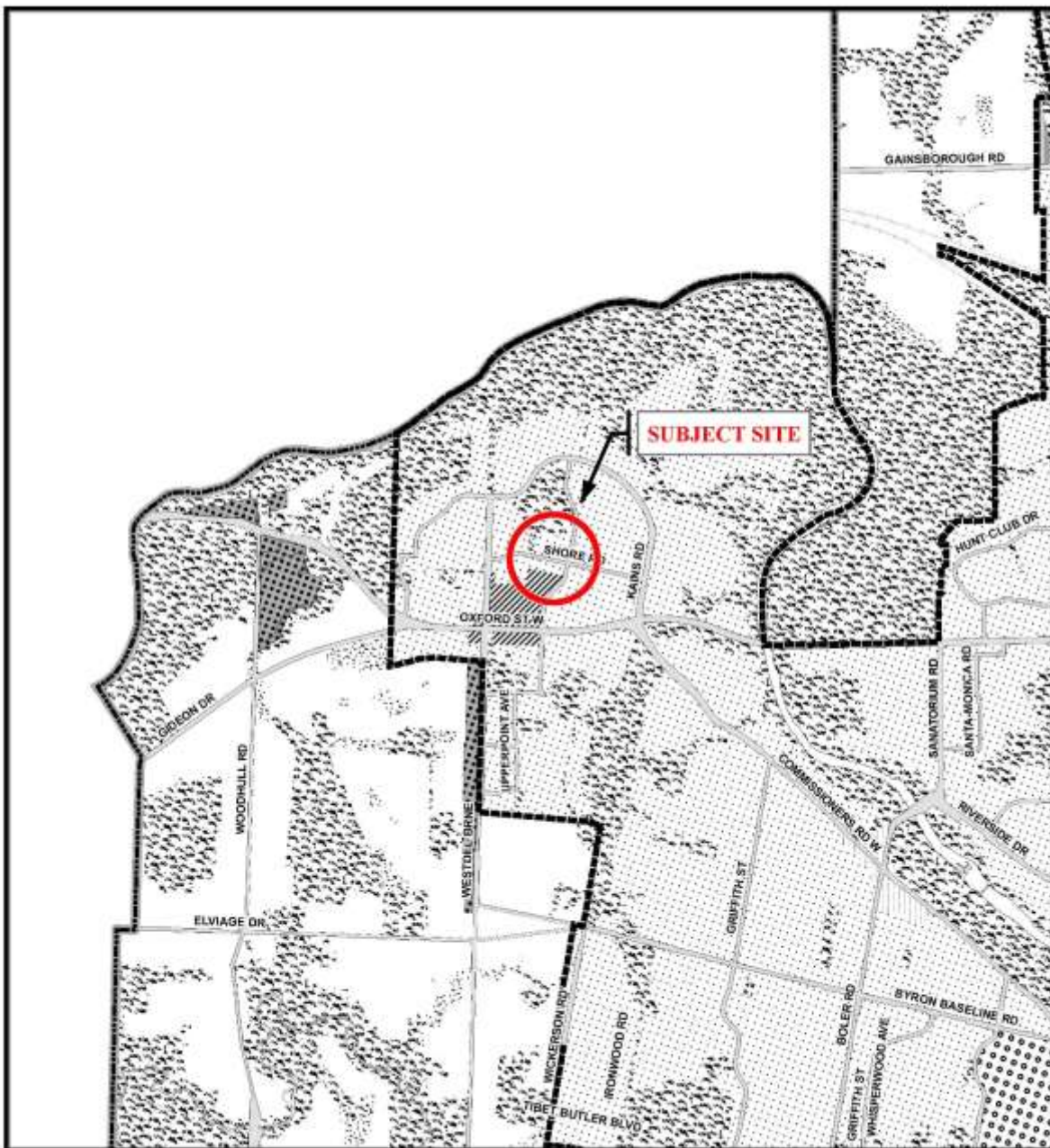
Mr. P. Yeoman, Director, Development Services - clarifying the recommendation that is before the Planning and Environment Committee, Ms. M. Zunti and the representatives from Sifton Properties Limited are going to be requesting a referral of this application at this time, there have been some challenges in details that have been provided related to this application late last week, she will speak to that but the recommendation will be coming back to the Committee along these lines with the changes that will be before the Committee.

M. Zunti, Sifton Properties Limited – thanking staff for processing this application quite quickly, they really appreciate that; ironically, they are going to be requesting a deferral on this decision because something came to light about a week to ten days ago that they are going to be submitting a revision to the application; talking about that in a little more detail after their architect makes a presentation; advising that they held an informal public meeting with people in the neighbourhood on August 21, 2018, prior to this meeting because they wanted to get comments and concerns and as noted in Mr. L. Mottram, Senior Planner's, report, the primary issue that came up was the issue of the traffic on Shore Road, which they do not believe that they will be contributing to in any major amount; asking Mr. Richard Hammond from Comerstone Architecture to provide the Committee with a brief overview of the proposed development and then she is going to speak to what they are going to look at in terms of changes so the Committee is aware of that but they still want to have the meeting proceed and then they can respond to any comments or concerns on this application; presuming there will be a second public meeting that will be required as part of their revisions that will be coming in; advising that they have recently been made aware that with new construction techniques, it would be possible to add some additional units to both the seniors apartment and the retirement suites so they will be revising the application to increase the number of units for both of those units and that will require a change to the density that is associated with the R-7; advising that they will not be requesting a change to any of the other special provisions, the height and the setbacks will all remain the same but because of how they are doing the construction and how the floors work and so on, they are actually going to be able to get another floor in there because the number of units would increase by approximately seventeen units for the apartment building and approximately twenty retirement suites; noting that she is not an architect so she cannot explain it; indicating that they will be coming back with a revised application just to change the density but not to change anything else in the proposed Zoning By-law.

R. Hammond, Comerstone Architecture – highlighting a couple of things to show the Planning and Environment Committee how they arrived at the current proposal; advising that they started with the overall Master Plan for West 5 that shows these two "L" shaped buildings here in this location and as they began the design process, they realized that that configuration was quite constraining for this type of use, it limits the amount of open space and also, because of the building mass along Shore Road has a significant impact on the street space so looking at all those factors together, they developed the "U" shaped plan that you have seen to accommodate the residential units in Phase 1 as apartments, Phase 2 as retirement homes so that they have more separation from one another; also, to open up more amenity space on the main floor and permit drop off on the site rather than on the street that would have been necessary under the original scheme; advising that, to do that, they have moved the dining room up to the top floor; noting that has a number of advantages including adding a little bit of interest to the profile of the building, making a lovely place for dining, the view should be great from there, you should be able to see the River to the

north and allow more circulation and amenity space at grade on the site; showing a 3-D model of the view looking from Shore Road, you can see the drop off area in front, the six storey wings on the side and you can just see the seventh storey dining room on the roof so they think that really adds some interest to the building and makes for better quality residential units on the first few floors and the dining space on the top floor; showing a view from Shore Road, showing the building set back as opposed to the original idea which would be set out all the way along to the street; showing some quick images from the shadow study; noting they compared the footprint from the original proposed configuration and the shadows that it would cast to the proposed design and the overall outline of the shadows are very similar but the shadows are lessened along the center of the site simply because that mass of the building, that higher proportion is back further; hoping that provides a little context. (See attached presentation.)

The London Plan Map Excerpt



Legend

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

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

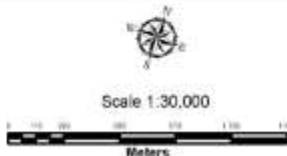
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
 Development Services

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

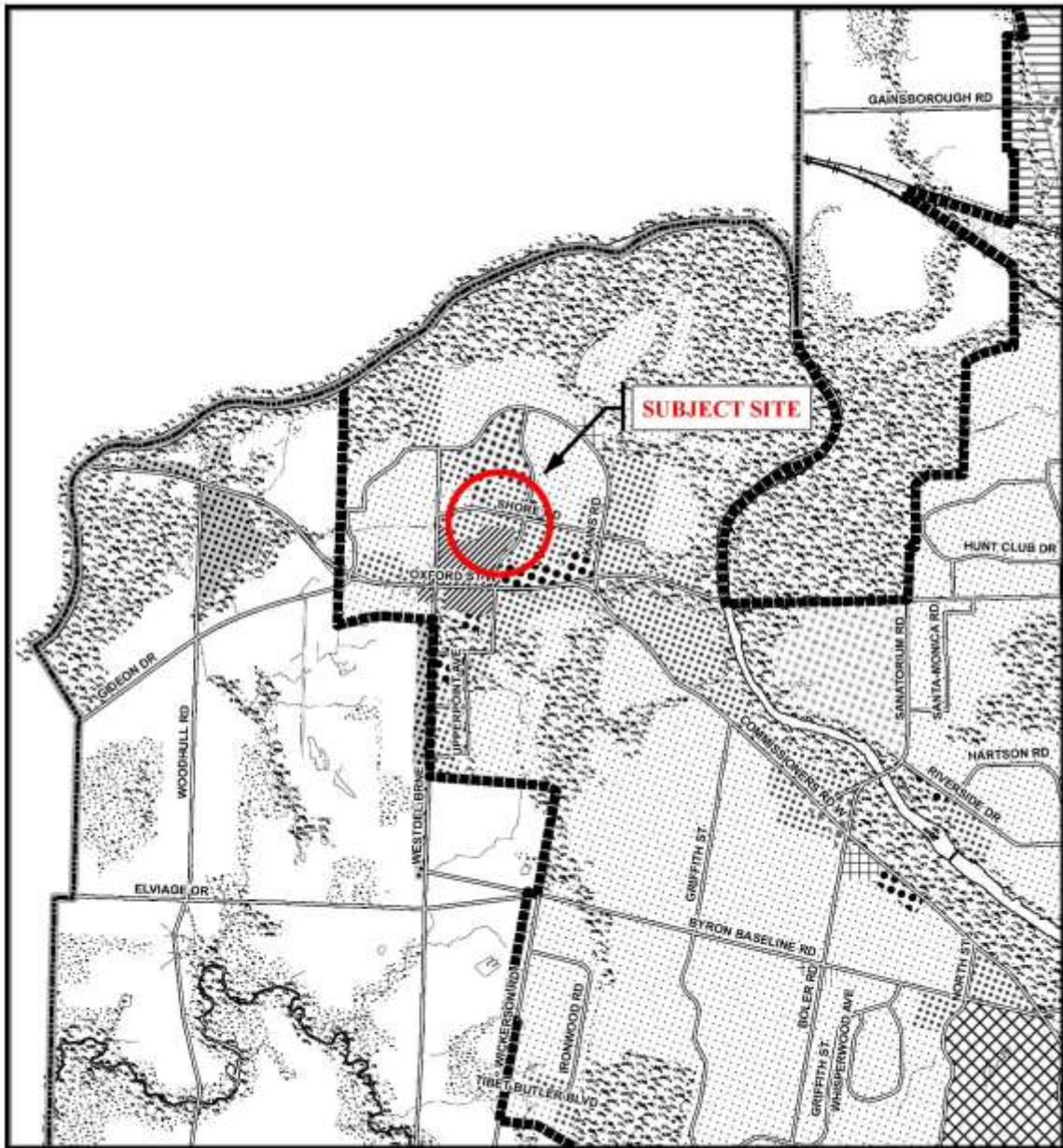
PREPARED BY Planning Services



File Number: Z-8924
Planner: LM
Technician: RC
Date: September 26, 2018

Project Location: E:\Planning\Projects\p_official\plan\workconsolid\excerpts_LondonPlan\10.3.1 Versions\mxd\Z-8924-EXCERPT_Map1_PlaceTypes_b&w_8x14_Arc10.3.1.mxd

1989 Official Plan Map Excerpt

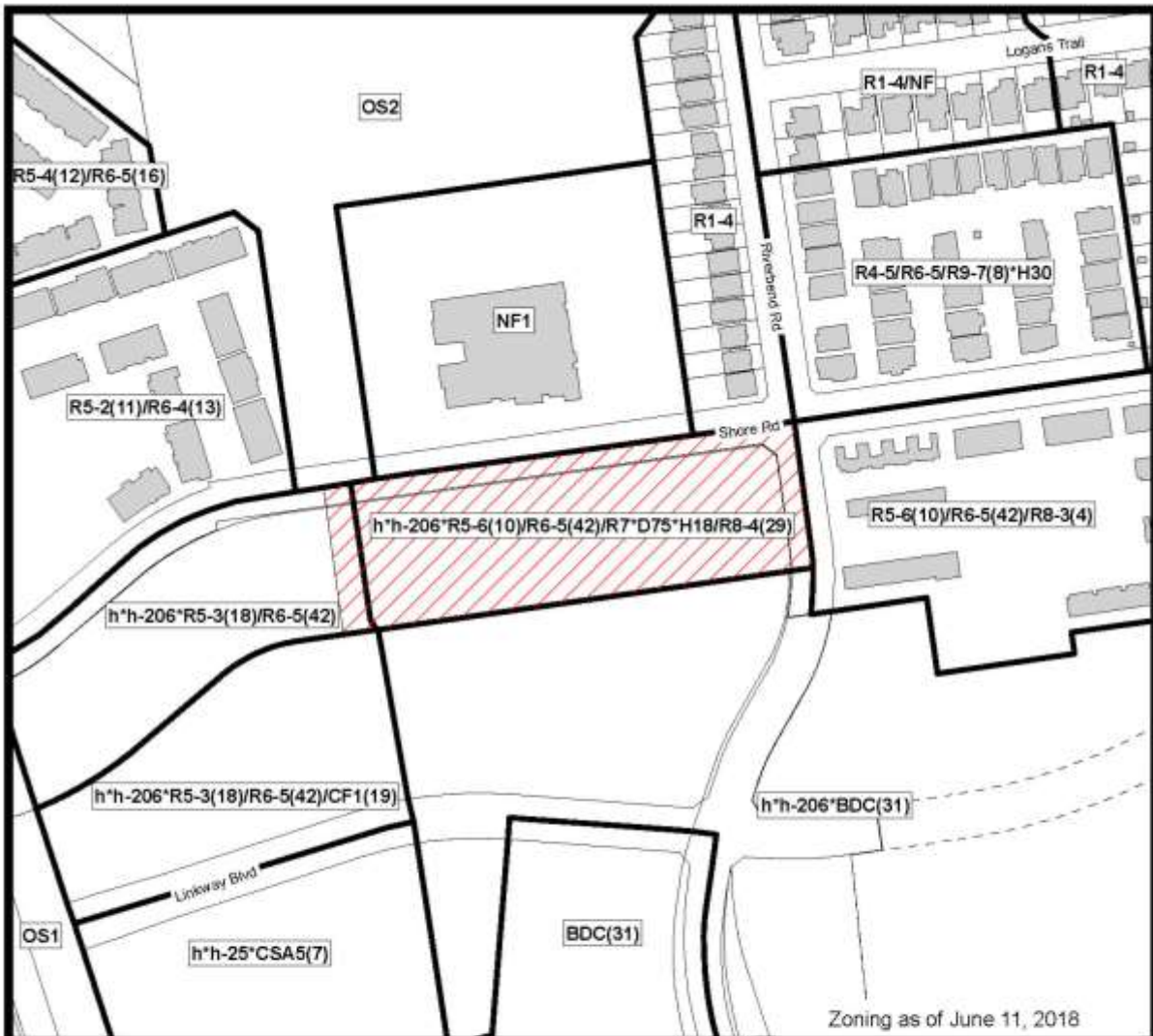


Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8924 PLANNER: LM TECHNICIAN: RC DATE: 2018/09/28</p>
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Zoning By-law Map Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

CITY OF LONDON
 PLANNING SERVICES / DEVELOPMENT SERVICES

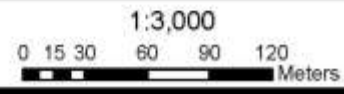
ZONING BY-LAW NO. Z-1 SCHEDULE A



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

FILE NO:
 Z-8924 LM

MAP PREPARED:
 2018/09/28 rc



Additional Reports

October 29, 2018 - Planning and Environment Committee – Application by Sifton Properties Limited for approval of a Zoning By-law Amendment for lands located at 1395 Riverbend Road to permit development of a senior’s apartment building and retirement residence. (Agenda Item #3.5)

November 30, 2015 – Planning and Environment Committee – Application by Sifton Properties Limited for approval of Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments for the lands located at 1080 Westdel Bourne and bounded by Oxford Street West, Westdel Bourne, Shore Road and Kains Road. (Agenda Item #7)

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Nest on Wonderland
447 Old Wonderland Road

Public Participation Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Nest on Wonderland relating to the property located at 447 Old Wonderland Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 5, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Open Space (OS1) Zone and Residential R1 (R1-10) Zone **TO** a Residential R8 Special Provision/Restricted Office Special Provision (R8-4(__)/RO2(__)) Zone and a Residential R1 (R1-10) Zone;
- (b) subject to policy 19.1.1 ii) of the 1989 Official Plan where '*Minor variations from numerical requirements in the Plan may be permitted by Council without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained*', the requested density of 78 units per hectare **BE INTERPRETED** to conform to the policies of the 1989 Official Plan.

Executive Summary

Summary of Request

The requested action is to permit the development of a 4-storey, 41-unit apartment building and to add the Restricted Office Special Provision (RO2(30)) Zone, which was approved by the Ontario Municipal Board subject to final site plan approval prior to issuance of the order.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action will be to facilitate the development of a 4-storey, 41-unit apartment building and re-apply the office permissions previously approved by the Ontario Municipal Board in 2015. Further, the recommended action will maintain the existing Residential R1 (R1-10) Zone which currently applies to the narrow portion of the site extending to Old Wonderland Road causing a slight increase in the density calculation for which an interpretation for conformity with the 1989 Official Plan is being recommended.

Rationale of Recommended Action

- 1) The recommended amendment is consistent with the policies of the Provincial Policy Statement, 2014;
- 2) The recommended amendment is in conformity with the policies of The London Plan; and,
- 3) The recommended amendment is in conformity with the policies of the 1989 Official Plan.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located at the northeast corner of Wonderland Road South and Teeple Terrace. The lands are currently vacant and surrounding land uses are: City-owned parkland to the north, low rise residential to the east, a commercial plaza to the south across Teeple Terrace, and low rise residential to the west across Wonderland Road South. A narrow, linear portion of the site extends to the east giving frontage on Old Wonderland Road.

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

- 1989 Official Plan Designation – Multi-Family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Open Space (OS1) Zone and Residential R1 (R1-10) Zone

1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 5 metres (16.4 feet) along Old Wonderland Road and 49.97 metres (163.94 feet) along Teeple Terrace
- Depth – 128 metres (420 feet)
- Area – 0.55 hectares (1.35 acres)
- Shape – Irregular

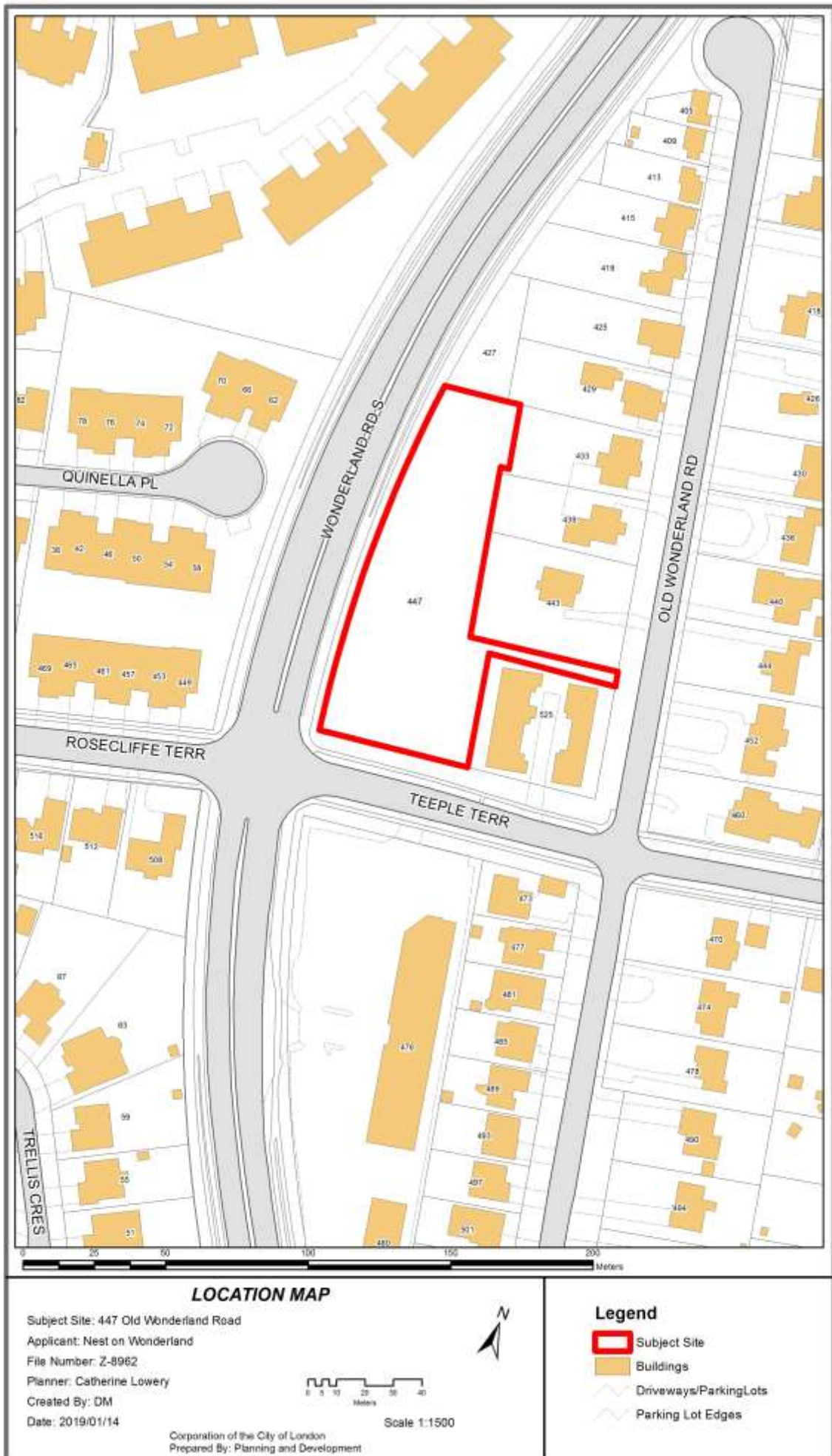
1.4 Surrounding Land Uses

- North – Parkland
- East – Low Rise Residential
- South – Commercial Plaza
- West – Low Rise Residential

1.5 Intensification (41 Units)

- The proposed residential units represents intensification within the Built-Area Boundary
- The proposed residential units are outside of the Primary Transit Area

1.6 LOCATION MAP



2.0 Description of Proposal

2.1 Development Proposal

The applicant is proposing to develop the site with a 4-storey, 41-unit apartment building oriented towards Wonderland Road South and Teeple Terrace. A parking lot containing 60 parking spaces to service the apartment building is also proposed.



Figure 1: 447 Old Wonderland Road (view from Teeple Terrace)



Figure 2: 447 Old Wonderland Road (view from Wonderland Road South)

3.0 Relevant Background

3.1 Planning History

The subject site is currently zoned Open Space (OS1) for the majority of the site and Residential R1 (R1-10) for the narrow portion of the site with frontage on Old Wonderland Road. The site was previously subject to Zoning By-law Amendment application Z-8228, submitted by the former owner, which sought to rezone the subject site from an Open Space (OS1) Zone to a Restricted Office Special Provision (RO2(__)) Zone in order to permit a medical/dental office. The application was appealed due to

indecision and ultimately approved by the Ontario Municipal Board (OMB) in March of 2015, however the order was withheld until completion of the site plan approval process. The site plan application was submitted but to date has not received approval, therefore the final order was never issued by the Board. As such, the zoning requested at that time has not yet come into full force and effect and the Open Space (OS1) Zone still applies. The property ownership has since changed and the new owner is now proposing a 4-storey, 41-unit apartment building on the subject lands.

3.2 Requested Amendment

The owner is requesting to rezone the site to a Residential R8 Special Provision/Restricted Office Special Provision (R8-4(__)/RO2(30)) Zone. The requested R8-4 Zone would permit the proposed apartment building use. Special provisions would recognize the existing lot frontage on Old Wonderland Road of 5 metres; reduced minimum yard setbacks of 0 metres from Wonderland Road South and Teeple Terrace; balconies on an apartment building to project 0 metres from the lot line; and an increased maximum height of 15.5 metres. The requested RO2 Zone would add the previous OMB-approved (but never in force) zoning, permitting clinics, medical/dental offices, medical/dental laboratories, and offices. Special provisions would permit reduced yard setbacks of 0 metres from Wonderland Road South and Teeple Terrace; recognize Teeple Terrace as the front lot line; a reduced minimum parking requirement; and a maximum height of 9 metres.

3.3 Community Engagement (see more detail in Appendix B)

Nine (9) written responses and six (6) telephone calls were received from neighbouring property owners, which will be addressed later in this report. Primary concerns were related to: 1) the proposed Restricted Office Special Provision (RO2(30)) Zone and the potential for both residential and medical/dental office uses; 2) the possible inability to widen Wonderland Road South in the future due to the proposed 0 metre setback; 3) traffic and queuing issues on Teeple Terrace as a result of the proposed site access, as well as increased congestion on Wonderland Road South; and, 4) overlook and loss of privacy.

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 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) are not in force and effect and 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 site is located within the Neighbourhoods Place Type on an Urban Thoroughfare intersecting a Neighbourhood Connector, as identified on *Map 1 – Place Types and *Map 3 – Street Classifications. Permitted uses within this Place Type include a range of low rise residential uses, including low rise apartments (*Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The maximum permitted height is 4-storeys (*Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

1989 Official Plan

The subject site is designated Multi-Family, Medium Density Residential in the 1989 Official Plan. The primary permitted uses in this designation include multiple-attached

dwelling, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged (3.3.1). Height and density limitations in the Multi-Family, Medium Density Residential designation is normally 4-storeys and 75 units per hectare (3.3.3.i) and 3.3.3.ii). Minor variations from numerical requirements in the Plan may be permitted by Council without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained (19.1.1.iii)).

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Use, Intensity, and Form

4.1.1 Use and Intensity

As the proposed development would result in intensification of an underutilized infill lot, the proposed use and intensity has been considered.

Provincial Policy Statement, 2014 (PPS)

Section 1.1.1 of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas to be the main focus of growth and development (1.1.3.1) and directs municipalities to establish land use patterns within settlement areas based on efficient use of land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2a)).

The recommended amendment is consistent with the policies of the PPS as it will facilitate the development of an underutilized site within an established settlement area. The proposed 4-storey, 41-unit apartment building contributes to a mix of housing types and provides choice and diversity in housing options. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of existing services. As such, the recommended amendment is consistent with the policies of the PPS.

The London Plan

The subject site is located within the Neighbourhoods Place Type of The London Plan at the intersection of an Urban Thoroughfare (Wonderland Road South) and a Neighbourhood Connector (Teeple Terrace). Where development is being considered at the intersection of two streets of different classifications, the higher-order street onto which the property has frontage, is used to establish the permitted uses and intensity of development in *Tables 10 to 12 (*920_4a).

*Table 10 - Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type, by street classification (*921_). *Table 11 - Range of Permitted Heights in the Neighbourhoods Place Type, provides the range of permitted heights based on street classification (*935_1). Accordingly, *Table 10 permits a range of low rise residential uses, including low-rise apartments, and *Table 11 permits a maximum height of 4-storeys. As such, the recommended amendment to rezone a portion of the site to a Residential R8 Special Provision (R8-4(__)) Zone is in conformity with The London Plan.

1989 Official Plan

The subject site is designated Multi-Family, Medium Density Residential in the 1989 Official Plan, which permits multiple-unit residential developments having a low-rise profile, and densities that exceed those found in Low Density Residential areas but do not approach the densities intended for the Multi-Family, High Density Residential

designation (3.3). Permitted uses include a range of medium density residential uses, including low-rise apartment buildings (3.3.1). Lands abutting an arterial, primary collector or secondary collector street are preferred locations for the Multi-Family, Medium Density designation (3.3.2). The subject site, located at the intersection of Wonderland Road South (an arterial road) and Teeple Terrace (a secondary collector), fits this locational criteria.

Development in the Multi-Family, Medium Density Residential designation is intended to have a maximum height of 4-storeys and a density of 75 units per hectare (3.3.3 i) and ii)). Through the review of this application, it was deemed appropriate to retain the existing Residential R1 (R1-10) Zone, which currently applies to a small portion of the site extending towards Old Wonderland Road. Because zone boundaries are treated as lot lines, this portion of the site does not contribute to the site area for the purpose of calculating density. As such, the density of the site is approximately 77.3 units per hectare, exceeding the maximum permitted in the Multi-Family, Medium Density Residential designation. However, policies in the 1989 Official Plan give Council the ability to approve minor variations from numerical requirements in the Plan without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained (19.1.1iii)).

The increase in density is a technical adjustment resulting from the zone boundary. Had this portion of the site been included in the recommended amendment, the density of the site would be 74.5 units per hectare, slightly under the maximum permitted 75 units per hectare. However, it has been determined that it is most appropriate to retain the existing zoning on this portion of the site. The minor increase in density maintains the general intent and objectives of the Plan and given the foregoing, staff is satisfied the recommended amendment is in conformity with the 1989 Official Plan.

4.1.2 Form

Through the circulation of this application, several concerns were raised by the public with respect to the proposed building form. In particular, concerns were raised regarding the proposed building height and 0 metre front and exterior yard setbacks along Wonderland Road South and Teeple Terrace. As such, consideration has been given to the building form and requested setbacks.

The owner has requested an increased building height of 15.5 metres, whereas 13 metres is permitted in the proposed R8-4 Zone. Notwithstanding the increase in height, the proposed building is 4-storeys which is in conformity with *Table 11 - Range of Permitted Heights in the Neighbourhoods Place Type of The London Plan and Section 3.3.3 i) of the 1989 Official Plan. The purpose of the increased height is to accommodate greater ceiling heights consistent with market demand, as well as enhanced architectural features such as a parapet.

Several neighbouring property owners expressed concerns that the requested 0 metre setbacks along Wonderland Road South and Teeple Terrace would limit the City's ability to widen and make improvements to Wonderland Road South. A road widening dedication would be required through a future site plan application and regard must be given at the rezoning stage to ensure the proposed development can be supported post-widening. Accordingly, the requested 0 metre setback was measured from the new lot line post-dedication of any future widenings to the City.

By positioning the building closer to the street, a larger buffer is created between the proposed apartment building and low-rise residential dwellings fronting on Old Wonderland Road. This, in combination with a grade change lowering the subject site from neighbouring dwellings, assists in alleviating concerns related to separation, privacy, and the requested increased height. Issues with respect to overlook and privacy will be further addressed through the site plan approval process, through consideration of landscaping and fencing. It should also be noted that the owner has confirmed that no retaining walls are required on site, particularly between the site and neighbouring residential properties, as a result of the grade change.

The proposed development was presented to the City's Urban Design Peer Review Panel (the Panel) on November 21, 2018. The Panel was generally supportive of the rezoning, but noted that additional design resolution would be required at the site plan stage. It was requested the proposal be brought back to the Panel at that time for further discussion. Full comments from the Panel, as well as the owner's response to these comments, are available in Appendix B of this report.

Transportation staff have reviewed the requested amendment and do not support the proposed 0 metre setback. However, a 0.75 metre setback is supported which would accommodate door swings and avoid any encroachments into the public right-of-way.

4.2 Issue and Consideration # 2: Proposed Restricted Office (RO2) Zone

Through the review of the original request, it was discovered that the OMB-approved Restricted Office Special Provision (RO2(30)) Zone was not in full force and effect, as the OMB had withheld its final order until such time as the site plan received final approval. The site plan has not yet been approved, therefore the order has not been issued and the Restricted Office zoning has not come into in full force and effect. As such, the owner amended their application to request to rezone the subject lands from the in force and effect Open Space (OS1) Zone to a Residential R8 Special Provision/Restricted Office Special Provision (R8-4(__)/RO2(30)) Zone.

Though the development proposal submitted with the application contemplates a 4-storey, 41-unit residential development, the requested Restricted Office Special Provision (RO2(30)) Zone has been previously evaluated by planning staff and the OMB and deemed appropriate for this site. It should be noted that should the applicant choose to finish the site plan approval process, an order could be issued by the OMB approving the RO2(30) Zone on site. The OMB decision is available in Appendix D of this report.

The London Plan

In accordance with *Table 10 of The London Plan, stand-alone office buildings are permitted where an Urban Thoroughfare intersects a higher order street, such as a Civic Boulevard or Urban Thoroughfare. As this site is located on an Urban Thoroughfare intersecting a Neighbourhood Connector, a lower-order street, the requested amendment to rezone the site to a Restricted Office Special Provision (RO2(30)) Zone is not in conformity with The London Plan. However, these policies are currently under appeal and not in force and effect.

1989 Official Plan

The Multi-Family, Medium Density Residential designation establishes a range of secondary permitted uses which are considered to be integral to, or compatible with, medium density residential development (3.3.1iv)). These uses include small-scale offices subject to the provisions of Section 3.6.

The request for a medical/dental office is contemplated by the policies of the 1989 Official Plan. The Restricted Office Zone provides for and regulates new office uses outside of the Downtown area in small-scale office buildings primarily in areas designated Multi-Family Medium Density or High Density Residential. A small scale office is considered to be 2,000 square metres or less and is capped at that gross floor area in the Restricted Office (RO2) Zone.

Section 3.6.8 permits small-scale, free-standing office buildings as secondary uses in the Multi-Family, Medium Density Residential designation, subject to the following specific provisions:

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

- ii) *Provision shall be made for landscaping, privacy screening, building setbacks and other appropriate measures necessary to protect the amenity of adjacent residential properties.*
- iii) *The proposed building shall be sensitive to the scale and appearance of adjacent residential uses.*
- iv) *Proposals for new office developments shall require a Zoning By-law amendment. A Planning Impact Analysis as described in Section 3.7 will be required to determine if the proposed development is appropriate.*

The proposal is located at the intersection of an arterial road (Wonderland Road South) and a secondary collector (Teeple Terrace), and office development would be appropriate in this location. On the west side of the street, all residential development backs onto Wonderland Road South and have some form of fencing protecting the rear yards. To the south of the subject site is mainly commercial uses with no residential components present. To the north is City-owned parkland. Site plan approval would be required for any office development and would establish appropriate buffers with landscaping and privacy screening.

In accordance with Section 3.7, where an Official Plan amendment and/or zone change application is being considered the following applicable criteria for a Planning Impact Analysis may be considered:

(a) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area;

Office uses and other permitted uses under the recommended Restricted Office (RO2) Zone are compatible with the surrounding low density and medium density residential uses as they generally operate during the day with limited night time traffic, noise, and lighting concerns. Office uses can also be accommodated in a form that is compatible with the surrounding land uses.

(b) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;

The parcel is of adequate size to support the office use. The reduction in parking is minimal and is appropriate along a transit corridor where the building is sited to accommodate pedestrian traffic. Other special provisions are being recommended to implement good urban design and mitigate impacts but are not necessarily required to meet the zone regulations. As such, the site can accommodate this intensity.

(c) the supply of vacant land in the area which is already designated and/or zoned for the proposed use;

There is limited opportunity in the area where vacant lands are designated and zoned to accommodate the proposed uses.

(f) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;

The proposed special provision caps the maximum height for any office building on site at 9 metres. This height is in keeping with permitted heights on the abutting residential lands.

(g) the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;

The site no longer contains any vegetation to be retained.

(h) the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated

by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;

Vehicular access location will be refined during the site plan review process. A Transportation Impact Study was submitted with the previous Zoning By-law Amendment application and reviewed by City Transportation staff. No traffic concerns were raised, however at that time it was determined that a left turning lane on Teeple Terrace would be required through the site plan process.

(i) the exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;

Although preliminary building designs were discussed and reviewed through the consideration of the zoning amendment, final building design will be addressed through the site plan process. Reduced setbacks will site the building closer to the street and farther from the existing residential development on Old Wonderland Road. A maximum height of 9 metres will ensure office development occurs at an appropriate scale and is integrated with present and future land uses.

(j) the potential impact of the development on surrounding natural features and heritage resources;

The site does not contain any natural features or heritage resources.

(l) compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;

The requested Restricted Office Zone includes special provisions to permit reduced front and exterior side yards, as well as a reduction in parking. The implementation of these provisions will ensure the proposed site plan conforms to the Zoning By-law. The proposal will be required to go through the site plan process which will ensure that it conforms to the Site Plan Control By-law.

(m) measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;

Given that the proposed siting of the building towards the Wonderland Road South corridor (and away from the abutting residential properties) as well as the topography of the site which slopes downhill towards the proposed building location, significant impacts are not anticipated on surrounding land uses. To mitigate any minor impacts, standard fencing and landscaping will be applied during the site plan approval process.

(n) impacts of the proposed change on the transportation system, including transit.

No impacts on the transportation system are anticipated.

Given the foregoing, staff is satisfied the requested Restricted Office Special Provision (RO2(30)) Zone is in conformity with the 1989 Official Plan.

4.3 Issue and Consideration # 3: Traffic

Through the circulation of the application, concerns were raised regarding increased traffic on Wonderland Road South and queuing along Teeple Terrace. Transportation staff have reviewed the requested amendment and cited no concerns with respect to traffic. The number of units proposed did not warrant submission of a Traffic Impact Study as part of the complete application. Site-level details, such as access location and design, will be reviewed and addressed through a future site plan approval application.

4.4 Issue and Consideration # 4: Archaeology

The site has been identified as having archaeological potential. As part of a complete application, the owner submitted a Stage 1 Archaeological Assessment, in which the consultant archaeologist recommended that no further archaeological work be required for the property.

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

5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement and conforms to the policies of The London Plan and the 1989 Official Plan. The recommended amendment will enable the development of a vacant, underutilized parcel of land with a use and density that is appropriate for the site.

Prepared by:	Catherine Lowery, MCIP, RPP Planner II, Current Planning
Submitted 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	

February 8, 2019
 MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8962Z - 447 Old Wonderland Rd (CL)\PEC Report

Appendix A

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 447
Old Wonderland Road.

WHEREAS Nest on Wonderland has applied to rezone an area of land
located at 447 Old Wonderland 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 447 Old Wonderland Road, as shown on the attached map
comprising part of Key Map No. A106, from an Open Space (OS1) Zone and a
Residential R1 (R1-10) Zone to a Residential R8 Special Provision/Restricted Office
Special Provision (R8-4(__)/RO2(__)) Zone and a Residential R1 (R1-10) Zone.

2) Section Number 12.4(d) of the Residential R8 (R8-4) Zone is amended by adding
the following Special Provision:

-) R8-4() 447 Old Wonderland Road
 - a) Regulations
 - i) Front Yard Depth (Minimum) 0.75 metres (2.46 feet)
 - ii) Exterior Side Yard Depth (Minimum) 0.75 metres (2.46 feet)
 - iii) Setback of Balcony Projection to Lot Line (Minimum) 0.75 metres (2.46 feet)
 - iv) Building Height (Maximum) 15.5 metres (50.85 feet)
 - v) Density (Maximum) 78 units per hectare

3) Section Number 18.4(c) of the Restricted Office (RO2) Zone is amended by adding
the following Special Provision:

-) RO2() 447 Old Wonderland Road
 - b) Regulations
 - i) Front Yard Depth (Minimum) 0.75 metres (2.46 feet)

- | | | |
|------|--|--|
| ii) | Exterior Side
Yard Depth
(Minimum) | 0.75 metres (2.46 feet) |
| iii) | Parking (minimum) | In accordance with Section
4.9(10) or 85 spaces, whichever
is lesser |
| iv) | Height
(maximum) | 9 metres (29.53 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.

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 March 5, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 5, 2019
Second Reading – March 5, 2019
Third Reading – March 5, 2019

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On October 10, 2018, Notice of Application was sent to 156 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 11, 2018. A “Planning Application” sign was also posted on the site.

On October 24, 2018, Notice of Revised Application was sent to 156 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.

On November 14, 2018, a second Notice of Revised Application was sent to 156 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 15, 2018.

15 replies were received.

Nature of Liaison: The purpose and effect of this zoning change is to permit a 4-storey, 41 unit apartment building. Possible change to Zoning By-law Z.-1 **FROM** an Open Space (OS1) Zone and a Residential R1 (R1-10) Zone **TO** a Residential R8 Special Provision/Restricted Office Special Provision (R8-4(__)/RO2(30)) Zone. The requested R8-4 Zone would permit the proposed apartment building use. Special provisions would permit a reduced minimum lot frontage from Old Wonderland Road of 5 metres; reduced minimum front and exterior side yard setbacks of 0 metres; balconies on an apartment building to project 0 metres from the lot line; and an increased maximum height of 15.5 metres. The requested RO2 Zone would permit clinics, medical/dental offices, medical/dental laboratories, and offices. Special provisions would permit reduced minimum front and exterior side yard setbacks of 0 metres; recognize Teeple Terrace as the front lot line; a reduced minimum parking requirement; and a maximum height of 9 metres.

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

Concern for:

The proposed Restricted Office Special Provision (RO2(30)) Zone and the potential for both residential and medical/dental office uses on site.

The possible inability to widen Wonderland Road South in the future due to the proposed 0 metre setback.

Traffic and queuing issues on Teeple Terrace as a result of the proposed site access, as well as increased congestion on Wonderland Road South.

Overlook and loss of privacy.

Neighbourhood Open House

On November 28, 2018, the applicant hosted a neighbourhood open house to discuss the proposed development, answer questions, and respond to concerns. 24 members of the public were in attendance.

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

Telephone	Written
Dave Rutherford 525 Teeple Terrace, Unit 1	Mary Read 440 Old Wonderland Road
Bernadette Wainwright 457 Rosecliffe Terrace	Bernadette Wainwright 457 Rosecliffe Terrace
Barbara White 35-499 Teeple Terrace	Lynn Webb 70 Quinella Place
Mary Read 440 Old Wonderland Road	Demra Walker
Liz Lorusso 477 Old Wonderland Road	Donna Brush 453 Teeple Terrace
	Barbara White 35-499 Teeple Terrace
	Dave Rutherford 525 Teeple Terrace, Unit 1
	Grant Hall 36-499 Teeple Terrace
	David and Sara Hall 439 Old Wonderland Road

From: Mary Read
Sent: Thursday, October 11, 2018 9:35 AM
To: Lowery, Catherine <clowery@london.ca>
Cc: Turner, Stephen <sturner@london.ca>; Tomazincic, Michael <mtomazin@London.ca>
Subject: Notification: Z-8962 - 447 Old Wonderland Road

Hello Catherine,

Stephen Turner was kind enough to forward a copy of the Zoning By-law Amendment application for Z-8962 to me last night. I've had a chance to speak to neighbours immediately adjacent to the property and none of them have received hard copy as of today's date. I followed up with someone in your office who said she personally mailed them out just yesterday, which means we will not be in receipt of official notice until early next week, depending on Canada Post. Your letter asks that we submit comments by October 30, 2018.

Our association and its members will be grateful if you could extend the deadline to a more reasonable date to accommodate the busy working lives we all lead. I hope that the planning department will be willing to shift the date to November 12th, which will give us approximately 30 days to gather and submit our comments.

Thank you very much,
Mary

From: Bernadette Wainwright
Sent: Friday, October 19, 2018 2:05 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: Your File:Z-8962

This is further to our conversation on Thursday, October 18, 2018. As we discussed, I have concerns about the proposed Zoning By-law Amendment that would allow for the building of a 41 unit apartment building on the north-east corner of Wonderland Rd. and Teeple Terrace.

One of my concerns was that comments were to be provided by October 30, which was very little time, given the Municipal Election on October 22. I was pleased to learn that a revised map is being sent out, which would have the added benefit of extending the time frame for comments.

I was also concerned that the proposed description and map suggested that it would be difficult to widen Wonderland Rd. to 3 lanes in each direction along that stretch, given the topography of the road on the west side, essentially a gully. You indicated that the official city plan takes this into consideration when approving proposed Zoning By-law amendments.

My biggest concern with the possibility of an apartment building at this intersection is the added congestion of traffic on Wonderland Rd. especially between Springbank and Teeple Terrace/Rosecliffe Terrace. My understanding is that an 11-storey apartment building is being planned for the south west corner of Springbank and Wonderland. There are already 3-storey walk-ups at that intersection, and a high-rise just north of it, and (at least) 3 more just west of it. Springbank Drive narrows to one lane in each direction just west of it. The volume of traffic on Wonderland is already a nightmare; at times the road is a virtual parking lot. This is only going to increase with the new 11-storey building, and would be magnified even further with the addition of a 41 unit building.

For these reasons, I would be opposed to the amendment allowing for said apartment building.

Thank you in anticipation of your attention to my input.

Yours sincerely,

Bernadette Wainwright
457 Rosecliffe Terrace

From: Lynne Webb
Sent: Tuesday, October 30, 2018 1:45 PM
To: Lowery, Catherine <clowery@london.ca>; Turner, Stephen <sturner@london.ca>
Subject: 447 Old Wonderland Rd File: Z-8962

Hello Catherine and Stephen. I don't understand how the city can allow a 0 meter setback from Teeple Terrace and from Wonderland Rd. No room for grass or trees. What happens when Wonderland is widened? Does that mean all the widening will be on the west side which backs onto lovely residential homes? I am not so much against the complex as it's footprint. Thankyou, Lynne Webb, 70 Quinella Pl.

From: Demra Walker
Sent: Saturday, November 3, 2018 12:58 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: File: Z - 8962

Hello.

I am writing to express my concern re this development.

The plan without the requested reduction in frontage, front yard setback and side yard setback is bad enough but with the requested adjustments is simply abhorrent.

The visual effect alone should be reason enough to not grant any request for change. It will be like a tunnel without the roof. What an eyesore! Why would anyone want to rent on a property that basically sits on Wonderland Road?

The developers knew what they had to work with when they bought the property, and should be made to build within the property's restrictions. However, they also knew that, in the this city, whatever a developer wants a developer gets.

Also, what about the proposed widening of Wonderland? Will the sidewalk be removed completely from the area in front of this building?

Please think carefully about this request. Make the builder work with the original boundaries of a building on that property.

Demra Walker

From: Donna Brush
Sent: Monday, November 5, 2018 12:43 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: Zoning Bylaw File Z-8962

I wish to oppose the rezoning of 447 Old Wonderland Rd "Nest on Wonderland". The corner of Teeple/Rosecliffe Terr & Wonderland Rd is spot of many accidents. This building would add 40-60 more cars turning there. There is no advance green traffic light. Wonderland Rd is very backed up not just rush hrs but most of the time. Thinking ahead when the high rise apartment building is completed at Wonderland/Springbank Rd. there will be much added traffic.

The sketch of this apartment building is showing no landscape at all & is just jammed into the corner looking like it's hanging over Wonderland Rd. with no respect for the neighborhood families that have lived close by for many years. Please reconsider this rezoning from Open Space.

Donna Brush
453 Rosecliffe Terr

From: Barbara White
Sent: Friday, November 9, 2018 1:29 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: 447 Old Wonderland Rd

Hi Catherine,

Sorry to bother you again but I have a few more questions re Special Provisions on the application:

- 1) What are the standard and requested reduced parking numbers for a building this size?
- 2) What is the standard maximum height?
- 3) What is the standard balcony projection from a lot line?

Thanks!
Barbara.

447 Wonderland Road
File: Z-8962
Applicant: Nest on Wonderland

November 11, 2018

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

Dear Catherine Lowery

Please be advised that I am the President Of Middlesex Standard Condominium Corporation #502 and as such, I will be representing all five owners that reside at this complex at 525 Teeple Terrace.

I am writing with regards to the (revised, November 13, 2018) application for an amendment to the Zoning By-law on the property at 447 Old Wonderland Road. The applicant is requesting a change from Open Space (OS1) and Residential R1 (R1-10) to Residential R8 Special Provision/Restricted Office Special Provision (R8-4(_)/R02(30)).

We believe the building is just too large for the lot size. Specifically, the applicant is requesting setbacks of zero metres from both Teeple Terrace and Wonderland Road South; this seems extraordinary given that the standard required setbacks are **7 metres** in both cases. When Wonderland Road is widened this building will be **touching** the street! Such a bloated size is aesthetically unattractive, and completely out of character with the setbacks and yards of the surrounding single family homes.

We understand (conversation with Catherine Lowery, November 9, 2018) the applicant is also requesting a maximum building height of 15.5 metres, whereas the standard maximum is 13 metres. As above, this would create an over-sized building, unlike the neighbouring 1 or 2 storey homes. It would block the sun for our condo, and destroy the privacy of the units on our west side. We are also concerned that although a landscape buffer is shown between our west boundary and the proposed parking spaces, we do not believe this will be sufficient to protect us from traffic noise, nor our loss of privacy. We believe a fence needs to be provided along the eastern boundary of the proposed development.

In addition, we understand that the apartment units on the east side of the building will be using individual external air-conditioning units. The noise and heat generated by 20 (or more?) different air conditioners, rather than a single central air system, will be extremely unpleasant for adjacent property owners.

Both the Official Plan and *The London Plan* clearly designate this property for (medium-density) residential uses. However, if this re-zoning is approved, we are concerned that it would open the door to a future re-application under the secondary Restricted Office Special Provision Zone, such as for medical/dental offices or clinics. These would not be consistent with the residential character of our neighbourhood.

We trust that you will submit these comments for consideration.
Thank you,

Dave Rutherford
President
Middlesex Standard Condominium Corporation No. 502
1-525 Teeple Terrace

From: Grant Hall and Paulette Renaud
Sent: Tuesday, November 13, 2018 10:28 PM
To: Lowery, Catherine <clowery@london.ca>; Turner, Stephen <sturner@london.ca>
Subject: comments about File Z-8962 (447 Old Wonderland Road)

Dear Ms. Lowery and Mr. Turner:

I have some concerns about the proposed development, mostly with regard to traffic flow and setbacks.

Quite often, the left turn lane on Teeple Terrace (for vehicles turning southbound onto Wonderland Road) is occupied to capacity. Without an additional eastbound lane for through traffic on Teeple Terrace, eastbound traffic which is attempting to turn left into the driveway to the proposed apartment could obstruct eastbound through traffic.

Secondly, it seems that two of the four required setbacks require variances, as does the lot frontage (all by very large amounts). What is the point of having setback and frontage requirements if they can be ignored to that degree? It seems to me that the proposed development is being somewhat "shoehorned" in.

I would also say that the proposal for four storeys will mean that some residents in the condominium at #525 Teeple Terrace will suffer a great loss of privacy. Three storeys would better suit the conditions.

I can't see this apartment building as being a desirable place to live, due to the constant noise of traffic on Wonderland Road. Although many on Old Wonderland Road may disagree with me, it seems to me that if the site must be developed, then a small commercial development would be more appropriate for the site. I realize that the official plan calls for the parcel to be residential, and that there was opposition to the previous proposal for commercial development.

Regards,

Grant Hall
36-499 Teeple Terrace

447 Old Wonderland Rd
File Z-8962
Applicant: Nest on Wonderland

December 11, 2018

Planning Department
City of London
206 Dundas St.
London, ON
N6A 1G7

Dear Catherine Lowery

We wish to respond to this application for zone changing. We live at 439 Old Wonderland Rd. Our property backs on to the property concerned. Up until Christmas 2013 we enjoyed the woods provided by the OS1 zoning. Since the callous destruction of the woods by the previous owner five years ago we have had to endure the muddy and then weed-infested wasteland behind us. It was altered a few years ago by the creation of a small mountain higher than my 2 storey house. While this has returned some privacy to our back yard it has also provided a launch pad for the seeds of weeds and thistles that blow across our property. Needless to say, the condition of the property has been a sore point in the neighbourhood. We know the woods are not coming back. It is time for some sort of development to commence. We are not opposed to rezoning the property to a residential area, in keeping with the Official Plan.

We do however have concerns regarding variances requested by the developer. A reduced setback of 0 metres from both Teeple Terrace and Wonderland Rd S, whereas 8 metres is required, is a drastic request and places the building far too close to the intersection, particularly once the widening of Wonderland Rd occurs. The only reason I can see for this request is so that the developers can build something bigger than the property can accommodate and thus maximize their profits. The required setbacks at 8 metres I am sure have been established for a very good reason. We suggest that if the developers cannot do business within the policy of the city they should not have purchased the property in the first place.

The developers are also requesting an increase of 1.5 metres to the height from the maximum of 13 metres. This is like adding almost another storey. There is nothing as high as this in our neighbourhood and will create a longer afternoon/evening shadow onto the condominiums to the east.

In short, the building proposed is too large for the property. If they keep the same size footprint but move it back from the property line it will place the building closer to the condominiums. But the proposal places the building too close to the condos as it is. This is not acceptable.

The parking lot is an acceptable size but the proposal places a large buffer between Wonderland Rd and the parking area, and a small buffer between my property and the parking area. Could this not be made more even so that the buffer behind me would be larger and thus place the cars further from my property? The proposal makes no mention of a fence. Surely this is an absolute necessity.

In addition, we are concerned about the aesthetic look of the proposed building. All buildings in the neighbourhood are 1 or 2 stories, mostly built of brick, including the plaza to the south and the wall fence on the west side of Wonderland Rd. The huge dimensions, boxy shape and non-brick materials do not fit in with the neighbourhood and would detract from the pleasure we residents derive from living here.

Finally, we have concerns about the viability of this proposed development. The developers tell us that these will be high-end rentals, at \$1800 per month. While there is a need for more rental units in the city, if someone is going to pay that much for an apartment, we have to wonder why they would choose this proposed building. Anyone living on the ground floor will be right at the sidewalk and possibly the final stop of an out-of control car coming through the intersection. Anyone living on one of the higher floors gets a close-up view from their balcony of either the condominium backyards or one of the busiest roads in the city complete with traffic noise, trucks changing gears as they ascend the hill, sirens, fumes, etc. Really, why would anyone want to pay that much to live here? Once it is determined that this is not financially viable, what happens to the property? Does it then become low-income housing? Commercial? A boarded up eye-sore?

While we are in favour of finally getting some development accomplished, it must be done with careful thought. Let's do this right.

We trust you will submit our concerns for consideration.

Sincerely,

David & Sara Hall
439 Old Wonderland Rd.

Agency/Departmental Comments

October 25, 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

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

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** identified as being within a vulnerable area.

Provincial Policy Statement (PPS, 2014)

Section 2.2.1 requires that "*Planning authorities shall protect, improve or restore the quality and quantity of water by:*

- e) implementing necessary restrictions on development and site alteration to:*
- 1. protect all municipal drinking water supplies and designated vulnerable areas; and*
 - 2. protect, improve or restore vulnerable surface and ground water features, and their hydrological functions."*

Section 2.2.2 requires that "*Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored."*

Municipalities must be consistent with the Provincial Policy Statement when making decisions on land use planning and development.

Policies in the *Approved Source Protection Plan* may prohibit or restrict activities identified as posing a *significant threat* to drinking water. Municipalities may also have or be developing policies that apply to vulnerable areas when reviewing development applications. Proponents considering land use changes, site alteration or construction in these areas need to be aware of this possibility. The *Approved Source Protection Plan* is available at: <http://www.sourcewaterprotection.on.ca/source-protection-plan/approved-source-protection-plan/>

RECOMMENDATION

The UTRCA has no objections to this application.

November 21, 2018: Urban Design Peer Review Panel

The Panel provides the following feedback on the submission to be addressed through zoning bylaw amendment application:

- The Panel is generally supportive of the height of the building and relationship to the street corner, while maximizing the separation to adjacent low rise residential buildings.
- The Panel is supportive of the reduced setbacks to the street with landscape encroachments in the right of way.
- The Panel has comments regarding the building design to be resolved through the site plan stage of the project.
- Building Design:
 - The building as it sits appears “pre-designed” for another site. The Panel strongly suggests reviewing the relationship of the build form and site factors to find a more cohesive resolution as detailed in the following comments.
 - The building design should be further resolved to effectively address the corner. The end of building and corner are important in design expression and should have more emphasis.
 - The building footprint should respond to the street curvature to create a design that is better suited to its site. Consideration should be given to the building’s shape, orientation and relationship to the parking behind, as it gets adjusted to suit the curving property line along Wonderland Road.
 - The underdevelopment of the entrances, and their specific locations, is problematic. The proponent should reconsider their placement relative to the site and floor plan.
 - An increased setback between ground floor units and parking is recommended.
 - North end of the building will also be highly visible along Wonderland Road and will require additional design detail.
- Outdoor Amenity Area:
 - The design of the amenity area should be appropriately buffered from Wonderland Road and have a good relationship to the function of the building (e.g. exit design should incorporate glazing to open onto the space and units should provide views to the space).
 - The programming and function of this space as an amenity for building residents needs further consideration, in addition to its function as a visual screen of the surface parking area.
 - Consider microclimate in the design of the amenity area, particularly given its location to the north of the proposed building.
 - The indoor and outdoor amenity areas should be located close to each other to provide a stronger adjacency.
- Landscape design to consider grading to ensure there is the ability to plant trees along the property line adjacent to residential buildings.
- The driveway connection between two parking lots seems at odds with the geometry and design of the site, and consideration should be given to straighten it to add a greater landscape buffer between the building and the driveway.
- Please note that a development of this type requires that an architect be involved from the onset of the site plan development, as required by the Ontario Association of Architects. The Panel understands the City’s minimum requirement of an architect to be involved in the building permit submission, but based on the OAA requirements recommends one be engaged earlier in the process to better address the comments made by this Panel as the project moves into the SPA stage.

Concluding comments:

The Panel is supportive of the zoning bylaw amendment but notes that addition design resolution is needed through 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.

Sincerely on behalf of the UDPRP,

Janine Oosterveld, MCIP RPP (UDPRP Chair)

November 29, 2018: London Hydro

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

December 10, 2018: Urban Design

Urban Design staff commend the applicant for incorporating the following into the design; locating the proposed building close to the Wonderland Road and Teeple Terrace property lines; Providing appropriate scale of the building along the Wonderland Road and Teeple Terrace frontages in keeping with the vision for the Neighbourhoods Place Type; Orienting the proposed building to Wonderland Road with a primary entrance facing Wonderland Road; and locating all parking in the rear and interior side yard of the site.

Urban design staff have been working closely with the applicant through the rezoning process to address many of the design concerns that have been raised by the Urban Design Peer Review Panel, and City staff. Some of the design concerns that remain outstanding, and can be addressed through the site plan process include;

- Treatment of the building at the intersection of Wonderland Road and Teeple Terrace; Highlight the corner of the building through an increase in massing, articulation and change in materials and/or increased glazing.
- Treatment of the building on the south elevation; ensure this street facing façade includes a similar level of architectural detail as is included on the west elevation, include an emphasis on the design of the entrance/exit door on this elevation.
- Amenity area; ensure the amenity space has a good relationship to the function of the building (e.g. exit design should incorporate glazing to open onto the space and units should provide views to the space).
- Parking area; ensure all exposed parking is screened using a combination of low landscape walls and landscaping.

The applicant should provide a response to the UDPRP Memo issued following the November 2018 meeting detailing how they have considered all of the Panels comments.

December 11, 2018: Applicant's Response to UDPRP Memo

Dear Ms. Lowery,

RE: Zoning By-Law Amendment Application
447 Old Wonderland Road/555 Teeple Terrace

Further to our meeting of December 7, 2018, we offer the following comments in response to the Urban Design Peer Review Panel memo of November 21, 2018.

Building Design

- The building was designed for this site and is reflective as such through the inclusion of clear glazing along the west elevation and the configuration of interior common spaces towards the intersection;
- The building elevations will be revised to more effectively address the intersection through a change in materials to accentuate the southwest corner of the building;
- Design elements (ie. canopy) are being considered on the west elevation to provide a design response to the curvature of Wonderland Road;

- The south entrance will be enhanced to provide a stronger prominence along Teeple Terrace;
- The setback between the ground floor units and the parking spaces is sufficient and has not been problematic on our other apartment building in Byron;
- A glass door will be provided from the north entrance to the outdoor amenity space;

Outdoor Amenity Area

- Appropriate landscape buffering will be provided for the amenity space along Wonderland Road;
 - A functional amenity space will be designed for the outdoor area through the site plan approval process;
 - Shadowing impacts will be addressed when designing the outdoor amenity space on the north side of the building;
 - Due to the proximity of the indoor amenity space close to the intersection to activate the streetscape, it cannot be located at the north end of the building;
-
- The landscape plan will be prepared to account for the final grading on the site;
 - The driveway connection between the two parking areas cannot be adjusted due to the irregular shape of the property; and
 - An architect has been retained since the commencement of this project. We are working closely to finalize the design of the building to ensure it meets all Building Code and OAA requirements.

We trust the above is sufficient for your review. Should you have any questions or require additional information, please feel free to contact our office.

Yours very truly,

BECO Developments

January 7, 2019: Engineering

General

Transportation division is not in support of a zero meters set back to Wonderland Road South, a minimum set back of 1.0m is required.

Wastewater

No comments for the re-zoning application. The following items are to be considered during the development application approval stage;

- The sanitary sewer available for the subject lands is the 250mm sanitary sewer on Wonderland Road.
- There is a 200mm sanitary PDC from the subject lands to the first sanitary maintenance hole north of the intersection of Wonderland Road and Teeple Terrace.
- This development is tributary to the Berkshire Pumping Station.

Transportation

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

- Road widening dedication of 22.0m from centre line required on Wonderland Road South (3.70m)
- 6.0m x 6.0m daylight triangle is required
- Eastbound left turn lane on Teeple Terrace required which would be side-by-side with the existing westbound left turn lane.
- Environmental Assessment (EA) for the widening of Wonderland Road between Southdale Road and Sarnia Road is underway for details and information regarding the EA please use the following web link:
<https://getinvolved.london.ca/WonderlandRoadEA>
- External works drawing including pavement marking drawings are required due to required side-by-side left turn lane.

Stormwater

No comments for the re-zoning application. The following items are to be considered during the site plan approval stage:

- The site at C=0.70 is tributary to the 1500mm storm sewer on Wonderland Road South fronting the site. Changes in the "C" value or size of the catchment area required to accommodate any proposed redevelopment will trigger the need for hydraulic calculations (storm sewer capacity analysis) to demonstrate the capacity of the existing storm sewer system is not exceeded and that on-site SWM controls will be design to the satisfaction of the City Engineer.
- For the proposed parking area the applicant shall be required to address the water quality to the standards of the Ministry of the Environment and Climate Change and to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc.
- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.

Water

The report provided as part of the zoning application was deemed acceptable; however, If the fire flow calculations\demands for the ultimate form of development on the subject lands change from the report submitted, revised fire flow calculations would be required to be submitted with any required external works or watermain upsizing wholly at the applicants expense. No additional comments for the re-zoning application.

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

January 11, 2019: Engineering (Supplementary Comments)

Transportation staff would support a minimum 0.75 metre setback.

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

1.1.1 Healthy, liveable and safe communities are sustained by:

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

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

a) densities and a mix of land uses which:

- 1. efficiently use land and resources;

2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

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

Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

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

*918_ We will realize our vision for the Neighbourhoods Place Type by implementing the following in all the planning we do and the public works we undertake:

2. Neighbourhoods will be planned for diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms.

*920_ Tables 10 to 12 give important guidance to the permitted uses, intensity, and form of development that may be permitted on lands within the Neighbourhoods Place Type. The following policies provide direction for the interpretation of these tables:

4. Where development is being considered at the intersection of two streets of different classifications

a. The higher-order street onto which the property has frontage, will be used to establish the permitted uses and intensity of development on Tables 10 to 12.

b. The development will be oriented toward the higher-order street.

c. The development will be permitted only if it can be demonstrated, in conformity with the policies of this Plan, that it will be a good fit and will not undermine the character of the lower-order street.

*921_ Table 10 - Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type, by street classification.

*Table 10: Range of Permitted Uses in Neighbourhood Place Type

*935_ The following intensity policies will apply within the Neighbourhoods Place Type:

1. Table 11 - Range of Permitted Heights in Neighbourhoods Place Type, provides the range of permitted heights in the Neighbourhoods Place Type, based on street classification.

*Table 11: Range of Permitted Heights in Neighbourhoods Place Type

1989 Official Plan

3.1.3. MULTI-FAMILY, MEDIUM DENSITY RESIDENTIAL OBJECTIVES

i) Support the development of multi-family, medium density residential uses at locations which enhance the character and amenity of a residential area, and where there is safe and convenient access to public transit, shopping, public open space, recreation facilities and other urban amenities.

3.3. MULTI-FAMILY, MEDIUM DENSITY RESIDENTIAL

The Multi-Family, Medium Density Residential designation permits multiple-unit residential developments having a low-rise profile, and densities that exceed those found in Low Density Residential areas but do not approach the densities intended for the Multi-Family, High Density Residential designation.

3.3.1. Permitted Uses

The primary permitted uses in the Multi-Family, Medium Density Residential designation shall include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged.

3.3.1 iv) Secondary Permitted Uses

Uses that are considered to be integral to, or compatible with, medium density residential development, including group homes, home occupations, community facilities, funeral homes, commercial recreation facilities, small-scale office developments, and office conversions, may be permitted according to the provisions of Section 3.6.

3.3.2. Location

In addition to areas predominantly composed of existing or planned medium density residential development, the preferred locations for the Multi-Family, Medium Density Residential designation include lands in close proximity to Shopping Areas, Commercial Districts, designated Open Space areas or Regional Facilities; lands adjacent to a Multi-Family, High Density Residential designation; and, lands abutting an arterial, primary collector or secondary collector street.

3.3.3. Scale of Development

Development within areas designated Multi-Family, Medium Density Residential shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of commercial, industrial, or high density residential development.

Height

i) Development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood. Normally height limitations will not exceed four storeys. In some instances, height may be permitted to exceed this limit

Density

ii) Medium density development will not exceed an approximate net density of 75 units per hectare (30 units per acre).

3.6 GENERAL REGULATIONS FOR ALL RESIDENTIAL LAND USE DESIGNATIONS

3.6.8 New Office Development

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

Location

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

Buffering

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

Scale, Appearance

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

Zoning, Planning Impact Analysis

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

3.7. PLANNING IMPACT ANALYSIS

3.7.1. Purpose Planning Impact Analysis will be used to evaluate applications for an Official Plan amendment and/or zone change, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses. Planning Impact Analysis is intended to document the criteria reviewed by municipal staff through the application review process to assess an application for change. Depending upon the situation, other criteria may also be considered. (Amended by OPA 438 Dec. 17/09)

3.7.2. Scope of Planning Impact Analysis

Planning Impact Analysis will be undertaken by municipal staff and will provide for participation by the public in accordance with the provisions for Official Plan amendment and/or zone change applications as specified in Section 19.12.

General Proposals

Proposals for changes in the use of land which require the application of Planning Impact Analysis will be evaluated on the basis of criteria relevant to the proposed change. Other criteria may be considered through the Planning Impact Analysis to assist in the evaluation of the proposed change.

Where an Official Plan amendment and/or zone change application is being considered the following criteria may be considered:

(a) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.

(b) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;

(c) the supply of vacant land in the area which is already designated and/or zoned for the proposed use; and

(d) the proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.

(e) the need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.

(f) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;

(g) the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;

(h) the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;

(i) the exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;

(j) the potential impact of the development on surrounding natural features and heritage resources;

(k) constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;

(l) compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and

(m) measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;

(n) impacts of the proposed change on the transportation system, including transit. (Section 3.7.2. amended by OPA 438 Dec. 17/09)

An applicant for a proposed change in land use may be required to provide information and details on the development and its likely impacts, for the purpose of assisting the City in undertaking Planning Impact Analysis.

19.1. INTERPRETATION

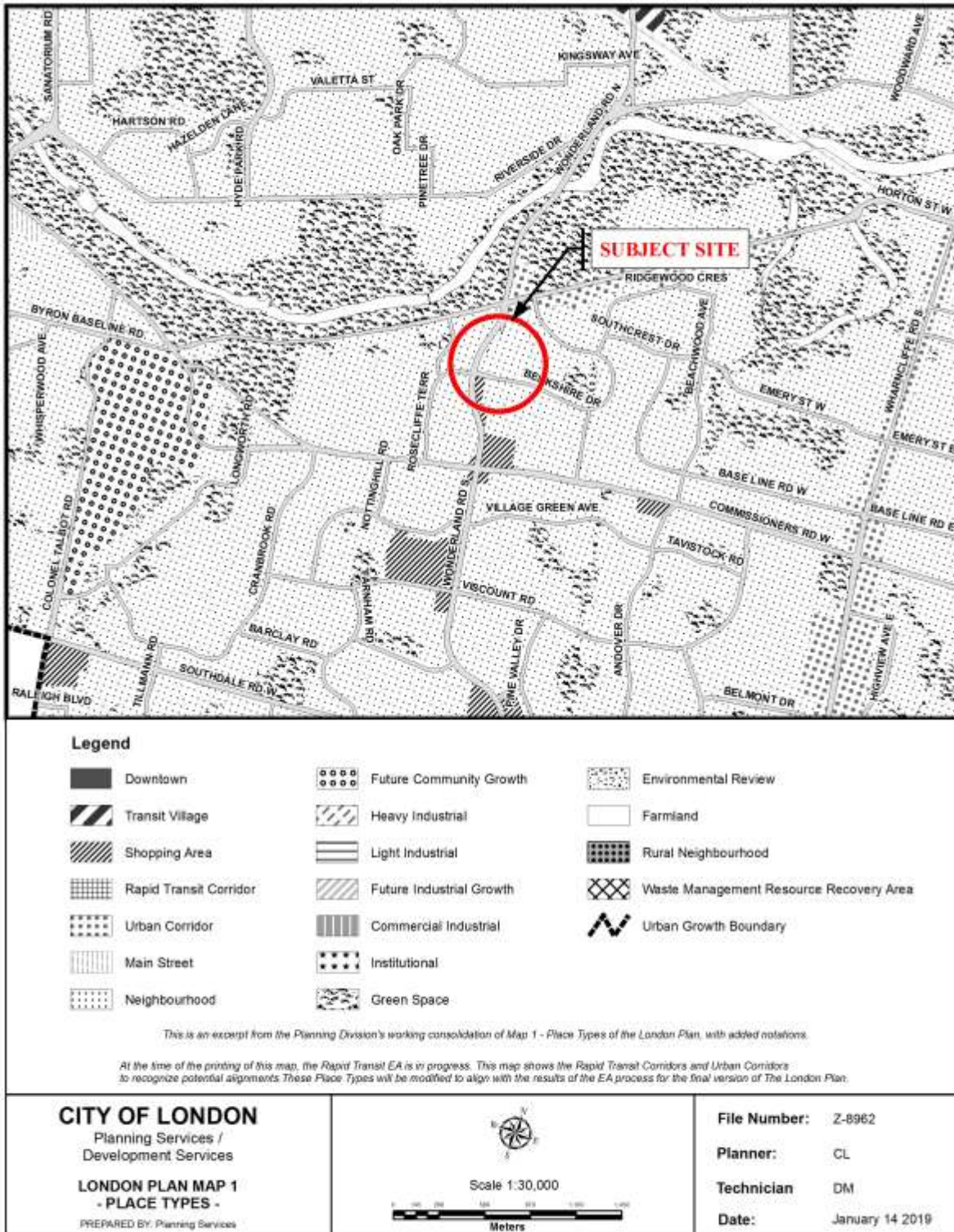
The following policies are intended to provide guidance in the interpretation and understanding of the policies, objectives, and Schedules of the Plan.

19.1.1. The objectives and policies contained in the Plan are intended to assist in the achievement of the purposes of the Official Plan, as described in Chapter 1. It is intended that the interpretation of these policies should allow for a limited degree of flexibility according to the following provisions:

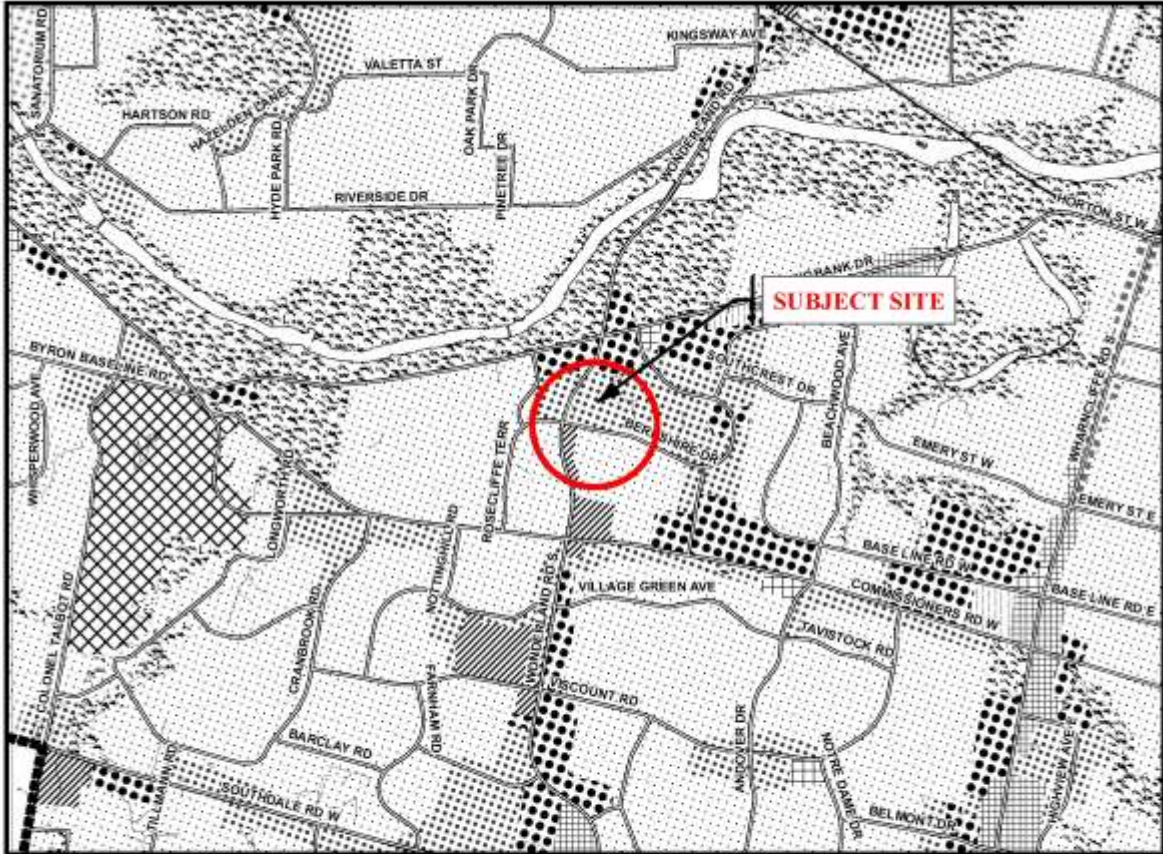
Numbers iii) Minor variations from numerical requirements in the Plan may be permitted by Council without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained.

Appendix D – Relevant Background

Additional Maps



Project Location: E:\Planning\Projects\p_zoning\z-1zones\amendments\Z-8962\projects\Z-8962 London PPlan Excerpt.mxd



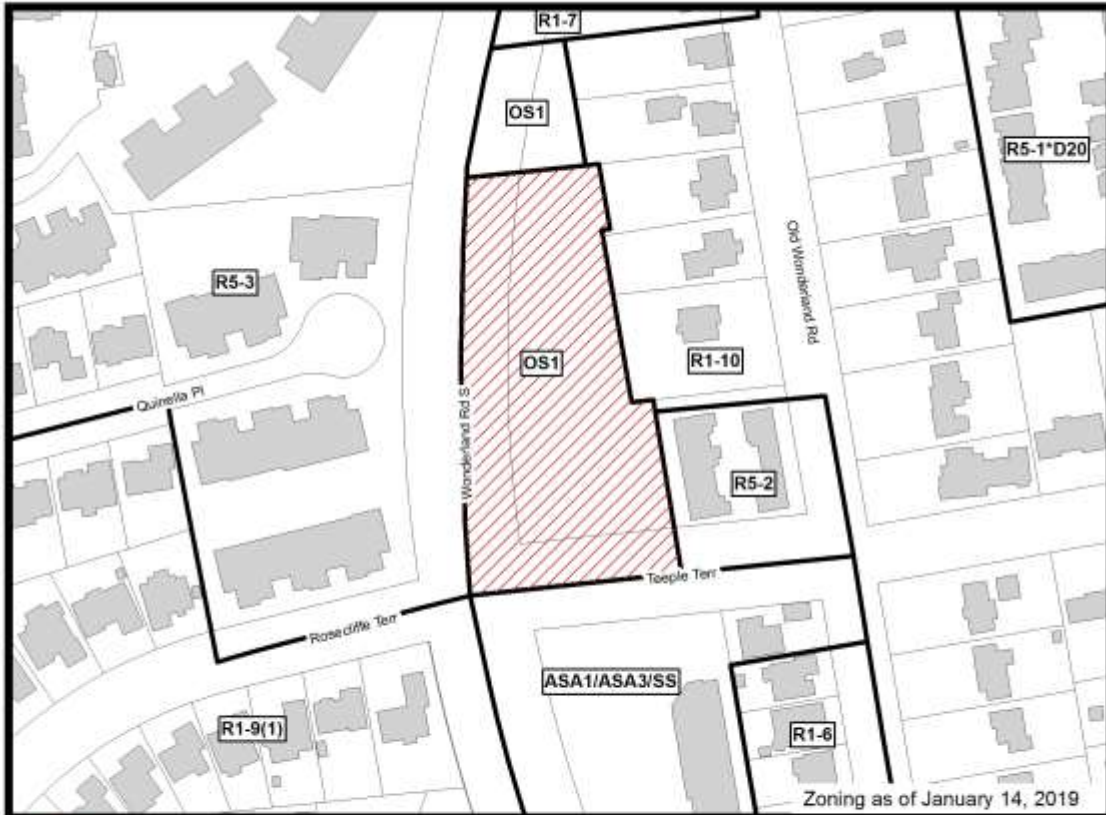
Legend

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

This is an excerpt from the Planning Division's working consultation of Schedule A to the City of London Official Plan, with added notations.

<p>CITY OF LONDON Planning Services / Development Services</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-8962</p> <p>PLANNER: CL</p> <p>TECHNICIAN: DM</p> <p>DATE: 2019/01/14</p>
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 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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

- | | | |
|---|-----------------------------|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | OR - OFFICE/RESIDENTIAL | AG - AGRICULTURAL |
| R2 - SINGLE AND TWO UNIT DWELLINGS | OC - OFFICE CONVERSION | AGC - AGRICULTURAL COMMERCIAL |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | RO - RESTRICTED OFFICE | RRC - RURAL SETTLEMENT COMMERCIAL |
| R4 - STREET TOWNHOUSE | OF - OFFICE | TGS - TEMPORARY GARDEN SUITE |
| R5 - CLUSTER TOWNHOUSE | RF - REGIONAL FACILITY | RT - RAIL TRANSPORTATION |
| R6 - CLUSTER HOUSING ALL FORMS | CF - COMMUNITY FACILITY | "H" - HOLDING SYMBOL |
| R7 - SENIOR'S HOUSING | NF - NEIGHBOURHOOD FACILITY | "D" - DENSITY SYMBOL |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | HER - HERITAGE | "H" - HEIGHT SYMBOL |
| R9 - MEDIUM TO HIGH DENSITY APTS. | DC - DAY CARE | "B" - BONUS SYMBOL |
| R10 - HIGH DENSITY APARTMENTS | OS - OPEN SPACE | "T" - TEMPORARY USE SYMBOL |
| R11 - LODGING HOUSE | CR - COMMERCIAL RECREATION | |
| DA - DOWNTOWN AREA | ER - ENVIRONMENTAL REVIEW | |
| RSA - REGIONAL SHOPPING AREA | | |
| CSA - COMMUNITY SHOPPING AREA | | |
| NSA - NEIGHBOURHOOD SHOPPING AREA | OB - OFFICE BUSINESS PARK | |
| BDC - BUSINESS DISTRICT COMMERCIAL | LI - LIGHT INDUSTRIAL | |
| AC - ARTERIAL COMMERCIAL | GI - GENERAL INDUSTRIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | HI - HEAVY INDUSTRIAL | |
| RSC - RESTRICTED SERVICE COMMERCIAL | EX - RESOURCE EXTRACTIVE | |
| CC - CONVENIENCE COMMERCIAL | UR - URBAN RESERVE | |
| SS - AUTOMOBILE SERVICE STATION | | |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | | |

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-8962 CL

MAP PREPARED:
 2019/01/14 DM



Additional Reports

Z-8228: March 25, 2014 – Report to Planning and Environment Committee: request to rezone the subject lands from an Open Space (OS1) Zone to a Holding Restricted Office Special Provision (h-5*h-64*RO2(__)) Zone

Z-8228: August 26, 2014 – Report to Planning and Environment Committee regarding the appeal to the Ontario Municipal Board

**Ontario Municipal Board
Commission des affaires municipales
de l'Ontario**



ISSUE DATE: March 05, 2015

CASE NO(S): PL140366

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Applicant and Appellant: 2376563 Ontario Inc.
Subject: Application to amend Zoning By-law Z.-1 – Refusal or neglect of the City of London to make a decision.
Existing Zoning: Open Space (OS1) Zone, which permits conservation lands, conservation works, and cultivation of land for agricultural/horticultural purposes, golf courses, private parks, public parks, recreational golf courses, recreational buildings associated with conservation lands and public parks, campgrounds and managed forests.
Proposed Zoning: Restricted Office Special Provision (R02(_)) Zone which permits clinics, medical/dental offices, medical/dental laboratories, offices.
Purpose: To permit the development of a small scale medical/dental office
Property Address/Description: 447 Old Wonderland Road
Municipality: City of London
Municipal File No.: No.Z-8828
OMB Case No.: PL140366
OMB File No.: PL140366

Heard: February 3, 2015 in London, Ontario

APPEARANCES:

Parties

Counsel

2376563 Ontario Inc.

A. Patton

City of London

N. Hall

Participants

William Bauer

David Hall

Vivien Scott

DECISION OF THE BOARD DELIVERED BY S. JACOBS

BACKGROUND

[1] The applicant, 2376563 Ontario Inc., wishes to construct a medical / dental office building at the north east corner of Wonderland Road and Teeple Terrace in the City of London (“City”). The applicant requested from the City a zoning by-law amendment to permit this use and appealed to the Board pursuant to s. 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (“Act”) for council’s failure to make a decision on the application. Since the time of the appeal, the applicant and the City have worked to narrow the issues for the hearing

[2] The Board qualified and heard opinion evidence from two land use planners. Richard Zelinka, retained by the applicant, testified in support of the application. Mike Corby, a planner with the City, testified in support of the application, but also in support of the City’s requested revisions to the applicant’s proposed zoning by-law amendment.

[3] Frank R. Berry was qualified to provide opinion evidence in the area of transportation engineering and testified in support of the application. Ron Koudys was qualified as a landscape architect and tree expert and also testified in support of the application.

[4] Three area residents were identified as participants in the proceedings. The Board heard detailed evidence from two of these residents, David Hall and William Bauer. The third resident, Vivien Scott, did not provide evidence to the Board, as it was determined that her interest in the development focussed solely on a strip of property adjacent to her own property that she wishes to purchase from the developer. This piece of property is not part of the application before the Board.

The Subject Property

[5] The subject site is a vacant 0.55 hectare (“ha”) parcel located at the northeast corner of Wonderland Road, a four-lane arterial road, and Teeple Terrace, a secondary-collector road. It is irregularly shaped: it has approximately 129 metres (“m”) of frontage along Wonderland Road, 53.7 m of frontage along Teeple Terrace, as well as 5.2 m of frontage along Old Wonderland Road, a residential cul-de-sac behind the property. The site is known municipally as 447 Old Wonderland Road due to this narrow frontage; however, as described above, the narrow strip of land fronting Old Wonderland Road is not part of the zoning amendment application before the Board.

[6] The site is located within a built-up area of the City, with primarily single detached residential development to the east, as well as a townhouse condominium development. There is a commercial plaza located directly to the south of the subject site, which forms the northerly limit of a community commercial node containing a range

of goods and services. Directly to the north of the site is a small vacant parcel owned by the City, and there are several apartment buildings further to the north.

The Proposal

[7] The applicant wishes to construct a two-storey, 1452 square metre (“sq. m.”) office building, likely to contain medical and dental offices. The concept plan presented to the Board shows the proposed building located at the street on the southwest corner of the property, right at the street. It would have vehicular access from Teeple Terrace, directly across from the existing access to the commercial plaza to the south.

[8] The site is currently zoned Open Space (OS1) in the City Zoning By-law No. Z.-1, which Mr. Zelinka described as a “status” zone, which had been used in the By-law to describe a zone awaiting development. The lands are designated Multi-Family, Medium Density Residential in the City Official Plan (“OP”), which permits a range of multi-family residential uses as well as small-scale office uses. Mr. Zelinka explained that this site, along with the City-owned site adjacent to the north that shares the Open Space (OS1) zoning, has never functioned as a park.

[9] The applicant therefore requires a zoning amendment to change the zoning to a Restricted Office Special Provision (RO2(*)) Zone. The applicant is also requesting revisions to certain regulations of the RO2 zone, which would result in a minimum front yard depth of 0.0 m, a minimum exterior side yard setback of 0.0 m, designating the frontage along Teeple Terrace as the front lot line, a minimum parking requirement in accordance with s. 4.19(10) or 85 spaces, whichever is the lesser, and a maximum height of 9 m. The applicant’s proposed by-law is found in Exhibit 8.

[10] The City requested two revisions to the applicant’s proposed by-law, which form the basis for the issues at the hearing. First, the City requested a holding provision that would require a public site plan review process. Second, the City requested that the by-law include an east side yard setback from the parking area adjacent to the residential area, and that this setback should ideally be 6.0 m in width, or at least 3.0 m in width.

ISSUES AND ANALYSIS

[11] The Board must consider the proposal in light of provincial policy, as well as the local planning context, including conformity with the OP, potential for adverse impact on neighbouring properties, and generally whether the proposal represents good planning.

[12] In addition, the parties focussed on two sub-issues relating to the City’s requested revisions to the applicant’s proposed zoning by-law amendment:

1. Should the rezoning be subject to a holding provision requiring a public site plan review process?
2. Should the easterly side yard setback from the parking area be included in the zoning by-law amendment?

Provincial Policy Statement

[13] Mr. Zelinka provided evidence that, in his opinion, the proposed zoning by-law amendment is consistent with the Provincial Policy Statement, 2014 (“PPS”). In Mr. Zelinka’s opinion, the proposed development would make efficient use of an underused parcel of land in an existing built up area with access to full services, consistent with s. 1.1.1, 1.1.3.6, 1.6.6.2, and 1.6.7.2 of the PPS. He also noted that the zoning by-law amendment would permit a compact commercial development on an appropriately sized parcel of land, at a scale consistent with surrounding existing development, and is transit supportive, consistent with s. 1.1.3.2, 1.1.3.4, and 1.3.1. Mr. Corby agreed that the proposed zoning by-law amendment is consistent with the PPS, and the Board concurs with these two planners.

Official Plan Conformity

[14] The subject site is designated Multi-Family, Medium Density Residential in s. 3.3. of the City’s OP, which permits a range of housing forms, including townhouses, cluster houses and apartment buildings up to four (4) storeys in height, as well as secondary uses, including small scale office developments. Small scale office developments are permitted subject to location and compatibility criteria found in s. 3.6.

[15] The location criteria requires office developments to be located on an arterial or primary collector road, and permits this type of development in established neighbourhoods only where the residential amenity of properties fronting onto the arterial or primary collector road has been substantially reduced (s. 3.6.8(i)). Mr. Zelinka provided evidence that the proposed development’s location on Wonderland Road meets the criteria, as Wonderland Road experiences high traffic volumes and related traffic noise with few residential properties fronting directly onto the roadway.

[16] The compatibility criteria found in s. 3.6.8(ii) and (iii) concern buffering, scale, and appearance of the proposed development. Mr. Zelinka indicated that the proposed office building would be positioned at the south west corner of the site, thereby maximizing the setback from the adjacent residential properties on Old Wonderland Road, and also acting a partial visual and noise screen from traffic along Wonderland Road. He also noted that the proposed site plan contemplates landscape areas, privacy fencing, and appropriate buildings setbacks to protect the amenity of the adjacent

residential properties. In particular, he described as proposed along the east property line a landscape strip, ranging in width from 3.0 m to 5.0 m, a 1.8 m privacy fence, and large deciduous trees.

[17] Mr. Zelinka and Mr. Corby agreed that the proposed zoning by-law amendment conforms with the OP. The Board concurs.

Compatibility and Adverse Impact

[18] Both Mr. Zelinka and Mr. Corby were of the opinion that the proposed development is compatible with the surrounding area, and would not result in an adverse impact on adjacent properties. The evidence given by Mr. Hall and Mr. Bauer, both residents of Old Wonderland Road, raised more specific concerns relating to traffic and vegetation that will be addressed here.

(i) Traffic

[19] Mr. Bauer expressed concerns about traffic on Teeple Terrace, in particular the current flow of traffic turning from Wonderland Road and traffic entering and exiting the commercial plaza to the south of the subject site. In his opinion, Teeple Terrace would need to be widened to accommodate the additional traffic created by the proposed development.

[20] Mr. Berry's firm completed a Transportation Impact Assessment in August, 2013 (Exhibit 3), with an addendum in September 2013 (Exhibit 4). His study concluded that the proposed development would generate about 36 vehicle trips in the morning peak hour and about 54 vehicle trips in the afternoon peak hour. Based on the study, it was Mr. Berry's opinion that the intersection currently operates at a good level of service, and will continue to do so with the proposed development. The study also projects the queue length of traffic traveling westbound on Teeple Terrace during the afternoon peak hour at 42.5 m, which Mr. Berry indicated would not interfere with the operation of the driveway of the proposed development, as it is located at a corner clearance distance of 68 m from Wonderland Road.

[21] It was also Mr. Berry's opinion that the proposed development would not create a negative traffic impact to the residents on Old Wonderland Road, as the only traffic generated there from the proposed development would be from residents travelling to or from the proposed development. Based on Mr. Berry's detailed evidence and projections, the Board finds that there would be no unacceptable adverse traffic impact caused by the proposed development.

(ii) Vegetation

[22] Mr. Hill provided evidence of vegetation that previously existed on the subject site, which had the effect of screening the rear of his property, and other properties, from Wonderland Road. Mr. Hill and Mr. Bauer indicated that they were concerned when this vegetation was cleared from the site in December, 2013. The Board appreciates that the residents of Old Wonderland Road may have enjoyed the privacy and screening created by the vegetation on the subject site and were surprised by its removal, however the Board heard evidence from all witnesses that this was done in accordance with the applicable City by-law.

[23] The Board heard extensive evidence from Mr. Koudys, who prepared a Vegetative Assessment for the site (Exhibit 6). Mr. Koudys studied the site itself as well as adjacent vegetation to determine whether construction of the proposed development would impact vegetation on neighbouring properties. He found no rare species on the site itself. In his opinion, the proposed development would not have a negative impact on adjacent vegetation, and the proposed landscape buffer strip would be more than adequate to foster the proposed vegetation as well as the existing vegetation at the property line. Based on this evidence, the Board concurs with Mr. Koudys' opinion that the proposed development will allow for adequate landscaping on site and will not interfere with adjacent vegetation.

Setback from Parking Area

[24] The Board heard evidence from both parties regarding the inclusion of a minimum easterly side yard setback from the proposed parking area. The Board understands that the applicant, in its concept plan, is proposing a setback that is 3 m in width, with one narrower area that is approximately 2.4 m in width. Mr. Corby explained that the City would prefer a 6 m setback, while Mr. Zelinka explained that the City's site plan approval control by-law would only require a 1.5 m setback for such a development. It appears, from Mr. Corby's evidence, that the City is requesting a wider setback as a buffer for the adjacent residents, as well as to address the possible need for a retaining wall. The Board notes that it heard no expert evidence regarding site grading or the need for a retaining wall.

[25] While both planners expressed the opinion that their preferred setback represents good planning, the Board finds that it is premature to make this determination at this early stage. With only a concept plan before it, there is not sufficient evidence for the Board to determine the appropriate setback width and include it in the zoning by-law amendment. This is a matter that the City, with the benefit of detailed site plan drawings, has the ability to determine through its site plan approval process.

Public Site Plan Process

[26] The City requested that the zoning by-law amendment include a holding provision that would require a public site plan process once the applicant proceeds with a site plan. The City's rationale for this request is that this is a matter of significant public interest, and that such a provision will ensure that the residents are able to participate in the site plan approval process. The applicant, in response, argued that there is no planning rationale for such a provision and that it will cause unnecessary delay.

[27] The Board heard no land use planning evidence that would justify including this holding provision in the zoning by-law amendment. The Board understands that the City typically includes such a provision where it has determined that a matter is of significant public interest; however, the Board is not in a position, based on the evidence presented at the hearing, to make this determination. The Board also understands that the City, in its Site Plan Control By-law, has delegated its site plan approval power to a site plan authority, which may preclude a public site Plan Process. However, the Board notes, based on the submissions of the parties, that council may choose to revoke that authority for a specific application, which would then result in a public site plan meeting. This again is a determination more appropriately made based on a detailed site plan, and not by the Board in this instance.

CONCLUSION

[28] The Board finds that the proposal conforms to relevant official plan and provincial policies, and represents good planning. The Board also finds, given that there was not a site plan before it, that the parking setback issue is one more appropriately dealt with through the City's site plan approval process. The Board also finds that City will be in a better position than the Board to make a determination regarding the need for a public site plan meeting as the site plan process for this development unfolds.

DISPOSITION

[29] The Board will allow the appeal and the City's Comprehensive Zoning By-law is amended in accordance with the zoning-by-law amendment contained in Exhibit 8. The Board will withhold its order pending the parties advising the Board that the site plan approval process has been completed. In the event of a dispute regarding site plan approval, the Board may be spoken to and I will remain seized.

"S. Jacobs"

S. JACOBS
MEMBER

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: John M. Fleming
Managing Director, Planning and City Planner
Subject: Draft Old East Village Dundas Street Corridor Secondary Plan
Public Participation Meeting on: February 19, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the draft *Old East Village Dundas Street Corridor Secondary Plan*, attached as Appendix "B" **BE RECEIVED** for information purposes; it being noted that:

- (a) The draft Secondary Plan will serve as the basis for further consultation with the community and stakeholders;
- (b) The feedback received through this consultation process and the outcomes of supporting and informing studies will feed into a revised Secondary Plan and implementing Official Plan amendment that will be prepared for the consideration and approval of the Planning and Environment Committee at a future Public Participation Meeting in the second quarter of 2019.

Executive Summary

The purpose and effect of the recommended action is for Municipal Council to receive the draft *Old East Village Dundas Street Secondary Plan* and for it to be subsequently circulated for public review and for staff to return with a revised Secondary Plan in the second quarter of 2019.

Analysis

1.0 Pertinent Reports

- Old East Village Dundas Street Corridor Secondary Plan Draft Terms of Reference; Planning and Environment Committee – April 30, 2018
- Downtown OEV East-West Bikeway Corridor Evaluation; Civic Works Committee – February 20, 2019

2.0 Background

2.1 Purpose of the Secondary Plan

Secondary Plans provide more detailed guidance by establishing policies which build on the parent policies of the Official Plan. In cases where the policies of the two plans are inconsistent, the Secondary Plan policies prevail. Where the Secondary Plan is silent on a matter that is addressed within the Official Plan, the Official Plan policies apply. In the case of the *Old East Village Dundas Street Corridor Secondary Plan*, the intent is to provide more detailed guidance for future development within the identified area building on the general policies of *The London Plan*.

2.2 Terms of Reference

The Terms of Reference was endorsed by Municipal Council on May 9, 2018. Outlined in the Terms of Reference were the following ongoing and upcoming initiatives:

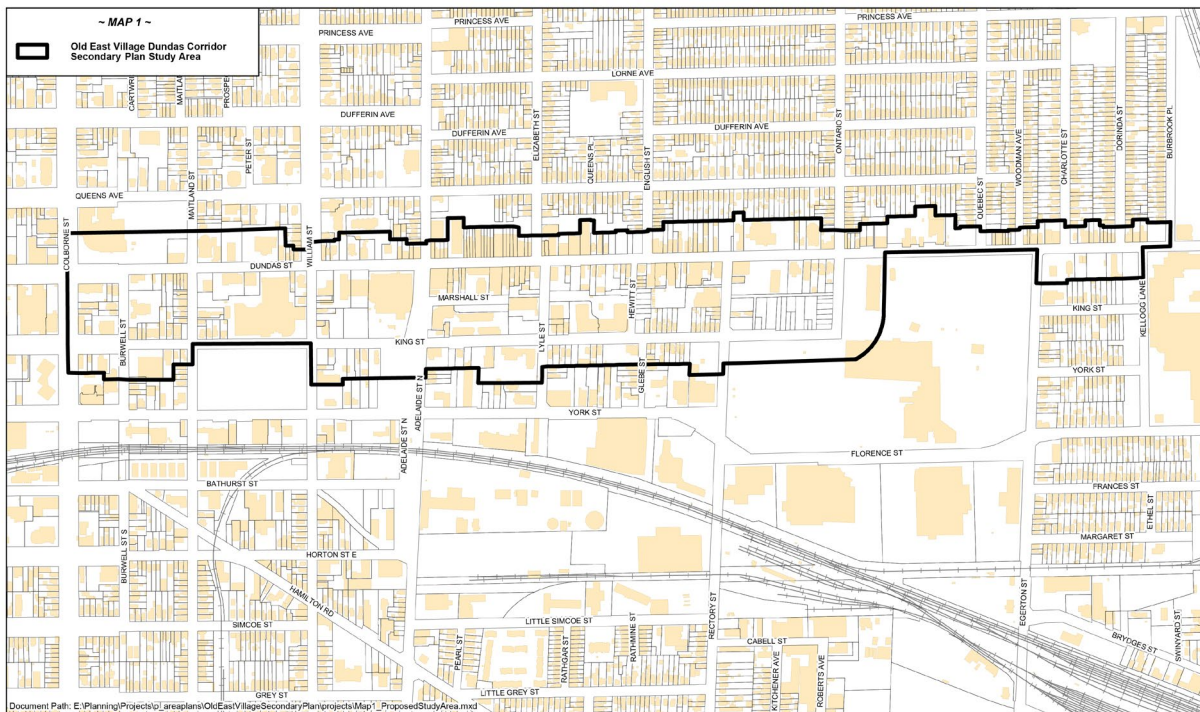
- The future implementation of rapid transit service along King Street from the downtown to Ontario Street and continuing east along Dundas Street.

- The evaluation and implementation of cycling infrastructure to establish an east-west corridor connecting east London with the downtown.
- A planned infrastructure renewal project, which will include upgrades to underground services and streetscape reconstruction along Dundas Street between Adelaide Street North and Ontario Street.
- The planned construction of the Adelaide Street/CP Rail underpass.
- Proposed redevelopment of a portion of the Western Fair grounds, as well as multiple development applications along both Dundas Street and King Street.
- Ongoing investment in heritage building conservation and adaptive reuse.

2.3 Secondary Plan Study Area

The *Old East Village Dundas Street Corridor Secondary Plan* study area generally includes properties fronting onto Dundas Street, between Colborne Street and Burbrook Place/Kellogg Lane, properties fronting onto King Street, between Colborne Street and Ontario Street, and properties fronting onto Ontario Street.

2.4 Secondary Plan Boundary Map



3.0 Overview of the Draft Secondary Plan

The draft *Old East Village Dundas Street Corridor Secondary Plan* policies were prepared by Urban Strategies Inc. and the City of London City Planning service area.

3.1 Vision and Principles

The *Old East Village Dundas Street Corridor Secondary Plan* vision statement is:

A vibrant commercial core with a unique heritage character that serves as a community hub for local residents and draws visitors as a distinct destination.

The guiding principles outlined in the Secondary Plan are:

- Foster the local and creative entrepreneurial spirit and support community economic development;
- Respect and reinvest in heritage resources to enhance the unique character of the area;

- Provide a distinct retail offer with a wide range of commercial uses including restaurants and cafes;
- Create a safe and welcoming environment to pedestrians and cyclists of all ages and abilities;
- Establish safe connections to the local transit system and surface parking lots; and,
- Support properly scaled residential growth.

3.2 Character Areas

Four distinct character areas are identified within the Secondary Plan area, including:

- Dundas Street – Midtown;
- Dundas Street – Old East Village Core;
- Dundas Street – Old East Village East; and,
- King Street.

These character areas define the existing context of the Secondary Plan area. In some instances they are used to determine the applicability of specific policies within the Secondary Plan area.

3.3 Policies

The policies of the draft Secondary Plan provide guidance on land use, the design of the public realm and mobility framework, heritage, and built form.

The land use policies within the draft Secondary Plan promote a mixed-use community focussing on active ground-floor uses. A broad range of residential, retail, service, office, cultural, recreational and institutional uses are proposed, consistent with the vision for the Rapid Transit Corridor Place Type, and Main Street segment policies in *The London Plan*.

The public realm policies of the draft Secondary Plan focus on creating an environment that is pedestrian-oriented to enhance the mainstreet atmosphere of the Dundas Street corridor and to cater to future rapid-transit users on King Street. In addition, policies aim to enhance the pedestrian experience along north-south linkages, connecting the residential populations north and south of Dundas Street to the corridor to support local business. As well, emphasis is placed on creating safe connections between the Municipal parking lots and Dundas Street with the overall intent of making the Secondary Plan area safe and walkable.

Also central to the public realm policies is the integration of new and/or upgraded cycling infrastructure and facilities into the Secondary Plan area. The Downtown OEV East-West Bikeway Corridor Evaluation identifies Dundas Street as a key location for future cycling infrastructure and cycling infrastructure upgrades. The policies reflect the route identified by this evaluation and integrate the dedicated cycling lanes into the streetscape design.

The heritage policies were guided by the recommendations of the Cultural Heritage Assessment Background Report. The policies focus on approaches for mitigating impacts from new developments on or adjacent to listed, designated and potential cultural heritage resources. The policies also indicate that a Heritage Impact Assessment will be required in certain instances to ensure that significant cultural heritage resources are conserved.

The built form policies of the Secondary Plan also include consideration for the nearby established heritage conservation districts and the historical streetscape of the Dundas Street corridor. Height policies within the draft Secondary Plan require new developments to provide a height transition when adjacent to residential properties and/or properties within a heritage conservation district. Acknowledging the character of the Dundas Street corridor, the built form policies direct new development to provide step backs to retain the established mainstreet scale.

Built form policies also provide direction to new high-rise development, nine storeys in

height and taller. For these developments, policies provide direction on podium design, step backs as well as tower design and location to support a pedestrian-scaled environment and protect sunlight access.

4.0 Relevant Background

4.1 Community Engagement (see more detail in Appendix C)

To assist in the preparation of the draft Secondary Plan, two community information meetings were jointly held by City Planning with Transportation Planning and Design to engage the community on both the *Old East Village Dundas Street Corridor Secondary Plan* and the Downtown OEV East-West Bikeway Corridor Evaluation. The timelines and study areas for these projects overlapped significantly and the results of the Downtown OEV East-West Bikeway Corridor Evaluation were intended from the onset of the process to be integrated into the policies of the *Old East Village Dundas Street Corridor Secondary Plan*.

The first community information meeting was held on June 27, 2018. This meeting was organized to collect the community members' feedback regarding high-level concepts such as the overall vision for the Secondary Plan area and their preferences for the initial east-west cycling route options. Approximately 70 community members were in attendance. A presentation was made by City staff and members of the consultant teams from Urban Strategies Inc. and WSP. The detailed report of the feedback received from this meeting was prepared by Urban Strategies Inc. and can be found in Appendix C.

A project webpage for the *Old East Village Dundas Street Corridor Secondary Plan* was created on the Get Involved website to allow those unable to attend the June 27, 2018 community information meeting the opportunity to view the presentation and submit comments.

Comments were primarily suggestions for the study area, which generally included:

- Improving walkability
- Removing crosswalk buttons to change the light
- Improving bikeability
- Providing wide and/or separated bicycle lanes on Dundas Street
- Removing bicycling lanes from Dundas Street
- Redesigning the King Street and Adelaide Street North intersection to be less intimidating to pedestrians and cyclists
- Removing on-street parking in favour of wider sidewalks and protected cycling lanes
- Retaining on-street parking for delivery trucks
- Improving access to parking lots
- Increasing the number of parking spaces through parking lots and/or parking garages
- Removing vehicular traffic on Dundas Street, between the core and Quebec Street
- Increasing the spacing of bus stops in the area to save time from loading/unloading passengers
- Filling in the gaps in the commercial corridor
- Preserving the mainstreet feel; restoring old buildings
- Locating high-rise buildings along King Street and low- to mid-rise on Dundas Street
- Improving the perception of safety
- Helping those at risk on the street
- Increasing the number of street trees, benches, and garbage receptacles
- Providing low planters instead of street trees, as trees block signs
- Creating a cohesive streetscape and distinct character; artistic or themed street furniture
- Burying electrical wires
- Keeping the sidewalk clean

- Providing bike lockers in parking lots; more bicycle parking generally
- Preserving existing trees
- Creating clear signage for landmark locations in the area
- Reducing the impact of or eliminating construction
- Increasing “eyes on the street”

Comments also included suggestions on how the key connections between the King Street and Dundas Street should be designed, which generally included:

- De-emphasizing the car
- Widening sidewalks or other connections
- Planting trees
- Creating new pedestrian-only connections
- Improving lighting
- Providing signage, including directional signage and maps
- Creating a smoke-free environment

A second community information meeting was held on November 1, 2018. This meeting was also jointly held with Transportation Planning and Design to coordinate the Downtown OEV East-West Bikeway Corridor Evaluation with the Secondary Plan. This meeting was organized to present the draft policy direction of the Secondary Plan, which was developed from the feedback received at the initial community information meeting and web submissions. The preferred bikeway option was also presented. The meeting provided an open-house component to allow community members to engage City staff and staff from the consultant teams in discussions and to ask questions and provide feedback in a less structured way.

Approximately 50 community members were in attendance at this second community information meeting. Comments cards were distributed to attendees as an additional means of providing feedback. Each attendee was provided one comment card specific to the Secondary Plan and one for the Bikeway Evaluation; 19 comment cards specific to the Secondary Plan were filled out and returned to City staff.

Comments relating to the Secondary Plan generally included:

Support for:

- Prioritizing existing and emerging cultural and creative businesses
- De-emphasizing vehicle priority
- Creating an accessible space for pedestrians and cyclists
- Retail only at ground floor frontages

Concerns for:

- The increase in pedestrian and vehicle traffic
- The impact of construction on businesses
- The impact of transit stops on Dundas Street creating car traffic congestion
- The loss of customers due to loss of on-street parking

Suggestions or consideration, including:

- Provide more benches along the corridor
- Improve lighting
- Preference for cycling lanes in both directions continuously along Dundas Street
- Inconvenience to commuters; loss of “drive by” advertising for local businesses if fewer cars travel along Dundas Street
- Include incentive programs to create a unified appearance to facades
- Reference the McCormick Area Secondary Plan
- Protect heritage buildings through sensitive design of new adjacent buildings
- Keep tall buildings off of Dundas Street; if tall buildings are proposed, set them back north and south of Dundas Street

- Require more policing
- Specific bonusing policies for the area; do not allow bonusing to increase the 8-storey maximum proposed
- Connectivity of Municipal parking lots 1, 2, 4 and 7 to Dundas Street
- Provide funding for connections between parking and Dundas Street
- Provide shelters for those sitting on the sidewalk
- Preference for a bike lane on King Street

Several additional meetings were held at the request of the Manager of the Old East Village Business Improvement Area (BIA) relating to the *Old East Village Dundas Street Corridor Secondary Plan*, including:

- October 17, 2018: City staff from City Planning and Transportation Planning and Design attended and presented at the Old East Village BIA board meeting
- November 13, 2018: City staff from City Planning and Transportation Planning and Design met with Old East Village BIA board members and additional community stakeholders invited by the Old East Village BIA; BIA members gave a presentation to City staff
- December 13, 2018: Old East Village BIA members held a walking tour of the Dundas Street corridor and subsequent meeting with City staff from City Planning and Transportation Planning and Design as well as representatives from the consultants teams from Urban Strategies Inc. (Secondary Plan), WSP (Bikeway Evaluation), and Dillon (infrastructure renewal).
- January 7, 2019: City staff from City Planning met with Old East Village BIA members

It is important to note that since the Downtown OEV East-West Bikeway Corridor Evaluation was undertaken in parallel with the Secondary Plan process, City staff from City Planning and Transportation Planning and Design shared comments received with both project teams to ensure that the feedback could be addressed through the appropriate project and process. Additional feedback specific to the Downtown OEV East-West Bikeway Corridor Evaluation that was collected by City Planning was provided to Transportation Planning and Design staff and may not be reflected in detail above.

4.2 Policy Context (see more detail in Appendix D)

Old East Village and the surrounding area has been the focus of revitalization efforts through numerous plans and studies, including the Mayor's Task Force on Old East London Report in 1998 and the *Re-establishing Value: A Plan for the Old East Village* report in 2003. In 2004, the Old East Village Community Improvement Plan Area was established. The *Old East Village Commercial Corridor Urban Design Manual* was adopted in 2016.

Re-establishing Value: A Plan for the Old East Village, 2003

Re-establishing Value: A Plan for the Old East Village was prepared by the Planners Action Team (PACT), a team of members from the Ontario Professional Planners' Institute (OPPI). This provided a detailed analysis of the corridor and identified issues facing the area as well as strategies for improvement and revitalization.

Old East Village Community Improvement Plan, 2004

One recommended strategy of the *Re-establishing Value: A Plan for the Old East Village* report was the creation of a community improvement area, which was established in 2004. The purpose of the *Old East Village Community Improvement Plan* is to provide context for a coordinated municipal effort to improve the physical, economic, and social conditions of Old East Village and to stimulate private investment and property maintenance and renewal.

Old East Village Commercial Corridor Urban Design Manual, 2016

The *Old East Village Commercial Corridor Urban Design Manual* was prepared by the

City of London and adopted in 2016. The purpose of this design manual is to provide design guidance in the review of all planning and development applications. It promotes high-quality design that responds to the area's unique context and overall vision.

The London Plan

Policy 1556 of *The London Plan* provides the direction to prepare a Secondary Plan to elaborate on the policies of *The London Plan*. Policy 1557 identifies instances that may warrant the preparation and adoption of a Secondary Plan, this includes areas within the Rapid Transit Corridor Type that may require vision and more specific policy guidance for transitioning from their existing form to the form envisioned by *The London Plan*.

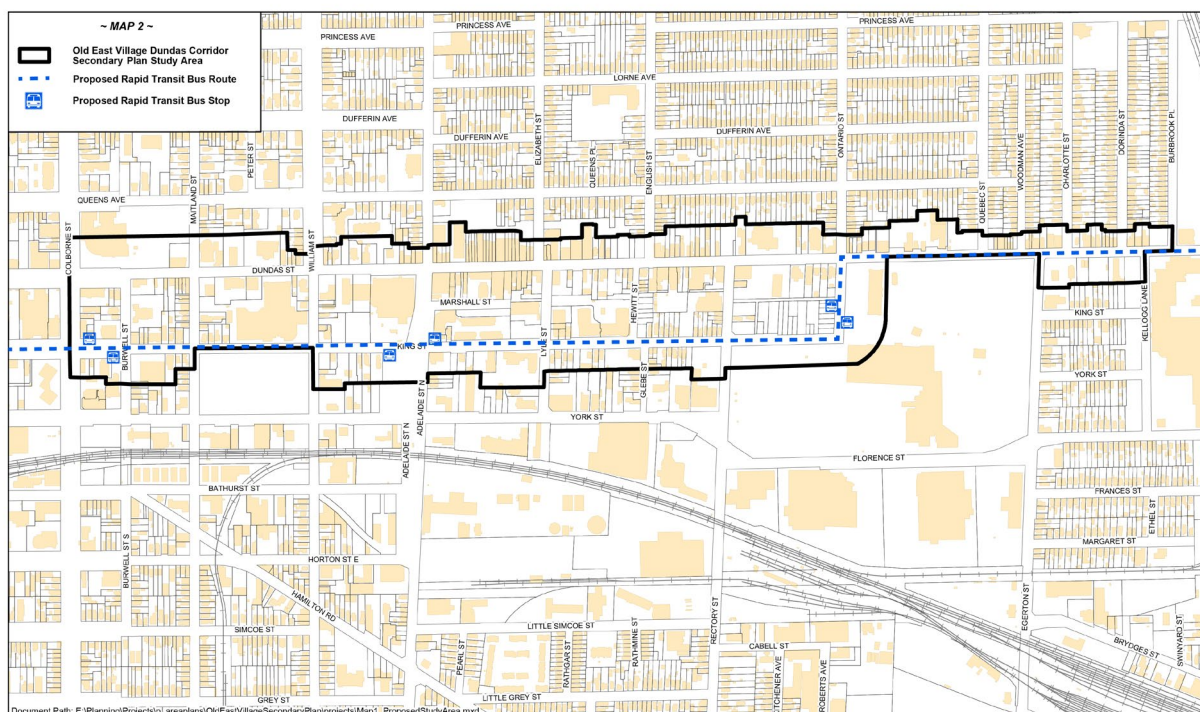
The Secondary Plan area is predominantly located within the Rapid Transit Corridor Place Type. Dundas Street, between Colborne Street and Quebec Street, is a Main Street segment of the Rapid Transit Corridor. A few properties within the Secondary Plan area are Institutional. The Dundas Street and King Street segments within the Secondary Plan area are both classified as Rapid Transit Boulevards by *The London Plan*. It should be noted that the Rapid Transit Environmental Assessment (EA) is still underway at this time and *The London Plan* recognizes potential alignments. The Place Types and street classifications will be modified to align with the results of the EA process for the final version of *The London Plan*.

Provincial Policy Statement, 2014

The *Provincial Policy Statement, 2014* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The policies support efficient and resilient development patterns within settlement areas through the promotion of opportunities for intensification and redevelopment where this can be accommodated by the existing context. It also promotes the long term economic prosperity by enhancing the vitality and viability of mainstreets as well as encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes. The PPS also directs transportation and land use consideration to be integrated at all stages of the planning process.

4.3 Bus Rapid Transit

The Draft Environmental Project Report for London's Bus Rapid Transit project was approved by Municipal Council on May 8, 2018. This report identified the north-east route as running through the Secondary Plan area along King Street, Ontario Street, and Dundas Street as illustrated below. Proposed rapid transit stop locations within the Secondary Plan area include King Street at Colborne Street, King Street at Adelaide Street North, and King Street at Ontario Street.



4.4 Downtown OEV East-West Bikeway Corridor Evaluation

Transportation Planning and Design retained WSP to undertake an evaluation of east-west cycling corridors to identify a safe and continuous connection between the downtown and east London. This evaluation has been coordinated with the Secondary Plan process and the results of the feasibility study will be presented at the Civic Works Committee on February 20, 2019.

4.5 Cultural Heritage Assessment

City Planning retained ASI to conduct a Cultural Heritage Assessment of the Old East Village Dundas Street Corridor Secondary Plan area. The Cultural Heritage Assessment was submitted on January 14, 2019.

5.0 Key Issues and Considerations

5.1 Use

The London Plan contemplates a range of residential, retail, service, office, cultural, recreational and institutional uses (Policy 837.1) and encourages mixed-use buildings (Policy 837.2) within Rapid Transit Corridors. Retail and services uses are encouraged to front the street at grade within mixed-use buildings (Policy 837.4). The Old East Village Main Street segment contemplates a broad range of uses at a walkable neighbourhood scale to support local shopping and commercial options (Policy 845). The uses proposed within the draft Secondary Plan area are consistent with the vision for the Old East Village Main Street segment and will support future rapid transit services within the Rapid Transit Corridor.

5.2 Intensity

Within the Old East Village Main Street segment (Dundas Street, between Colborne Street and Quebec Street), *The London Plan* contemplates buildings that are a minimum of two storeys (or eight metres) and a maximum of 12 storeys in height (Policy 847.1 and 847.2). Bonusing up to a maximum height of 16 storeys is contemplated (Policy 847.2). *The London Plan* also directs us to carefully manage the interface between corridors and the adjacent lands within less intense neighbourhoods (Policy 830.6). This is achieved through the draft Secondary Plan policies requiring building heights in close proximity to existing established low-rise residential neighbourhoods, predominantly north of the Secondary Plan area, to be stepped back from the low-rise residential properties to provide a sensitive height transition and by limiting opportunities to obtain increased height through a bonusing.

The London Plan contemplates a wide range of uses and greater intensities of development along Rapid Transit Corridors close to transit stations (830.5). The policies contemplate a minimum of two storeys (or eight metres) and a maximum height of 12 storeys with bonusing (Table 9). Greater residential intensity may be permitted within the Rapid Transit Corridor Place Type on sites that are located within 100 metres of a rapid transit station (Policy 840.6) up to a maximum of 16 storeys with bonusing (Table 9).

Within the draft Secondary Plan, high-rise development is directed along the King Street corridor and the south side of Dundas Street, consistent with general intent of the aforementioned policies. Rapid transit stations are planned at the King Street and Adelaide Street North intersection, the King Street and Ontario Street intersection, and the King Street and Colborne Street intersection. Increasing the residential intensity south of Dundas Street and along King Street, to permit bonusing for a height beyond 12 storeys is proposed within the policies of the Secondary Plan. This residential intensity is intended to support the functions of the future rapid transit service and further promote the revitalization of the Dundas Street corridor.

5.3 Form

The London Plan's vision for Rapid Transit Corridors includes transit-oriented and pedestrian-oriented development forms (Policy 830.7), creating a strong building edge (Policy 841.2) and breaking down the mass of large buildings (Policy 841.3). Buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure and general site layout that reinforces pedestrian safety and easy navigation (Policy 841.5). The policies of the draft Secondary Plan are consistent with this approach to building form and mode priority in the design of new development.

5.4 Reduction of On-street Parking

The Downtown OEV East-West Bikeway Corridor Evaluation results identify Dundas Street as the primary cycling corridor connecting the downtown with east London. As the right-of-way provides limited space to fully accommodate all modes of transportation, the approach taken seeks to balance the needs of all users. The proposed cycling network aims to reduce the impact of the added cycling lanes through the core of Old East Village by shifting the dedicated west-bound cycling lane to Queens Avenue, between William Street and Quebec Street. At this same segment, a single east-bound cycling lane will be integrated into the right-of-way design of Dundas Street. Vehicle travel lanes widths will be reduced and sidewalks widened to redistribute modal priority.

To accommodate the additional cycling lane as well as widened sidewalks and street trees, the existing on-street parking on the south side of Dundas Street will be removed. Concern has been raised from the business community along the corridor that this loss of parking may negatively impact business. Within this core area, there are three underutilized Municipally-owned parking lots. Policies within the draft Secondary Plan address strengthening the connection between the Dundas Street corridor and these parking lots both physically and through a co-ordinated signage program to address the loss of on-street parking through changing drivers' habits.

5.5 Heritage

The *Old East Village Dundas Street Corridor Secondary Plan* area is located in close proximity to three heritage conservation districts: the East Woodfield Heritage Conservation District, the West Woodfield Heritage Conservation District, and the Old East Heritage Conservation District. Furthermore, there are a number of listed and individually designated properties within the Secondary Plan area. Recognizing this, a Cultural Heritage Assessment was undertaken for the area in parallel to the Secondary Plan process. The *Cultural Heritage Assessment Background Report* has been considered in the policies of the draft Secondary Plan. This background report will also be provided to the London Advisory Committee on Heritage for further consideration and for recommendations that may further refine the heritage policies of the Secondary Plan.

6.0 Next Steps

The draft *Old East Village Dundas Street Corridor Secondary Plan* will be circulated to the community and stakeholders. Feedback received will be considered through revisions to the Secondary Plan. The revised Secondary Plan will be brought forward to the Planning and Environment Committee in the second quarter of 2019.

7.0 Conclusion

The draft *Old East Village Dundas Street Corridor Secondary Plan* was guided by the policies of *The London Plan* in combination with community and stakeholder input as well as expert knowledge from Urban Strategies Inc. staff.

Prepared by:	Kerri Killen, MCIP, RPP Senior Planner, Urban Regeneration
Submitted by:	Britt O'Hagan, MCIP, RPP Manager, Urban Regeneration
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	

February 12, 2019
KK/kk

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Appendix A

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 the Old East Village Dundas Street Corridor Secondary Plan area.

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 XXXX.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

To add the Old East Village Dundas Street Corridor Secondary Plan to the list of adopted Secondary Plans in policy 1565 of The London Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands generally fronting Dundas Street, between Colborne Street and Burbrook Place/Kellogg Lane, lands fronting King Street, between Colborne Street and Ontario Street, and lands fronting Ontario Street in the City of London.

C. BASIS OF THE AMENDMENT

The preparation of the Old East Village Dundas Street Corridor Secondary Plan was undertaken to coordinate a number of ongoing and upcoming initiatives in the area, including: (1) the future implementation of rapid transit service along King Street from the downtown to Ontario Street and continuing east along Dundas Street; (2) the evaluation and implementation of cycling infrastructure to establish an east-west corridor connecting east London with the downtown; (3) a planned infrastructure renewal project, which will include upgrades to underground services and streetscape reconstruction along Dundas Street between Adelaide Street North and Ontario Street; (4) the planned construction of the Adelaide Street/CP Rail underpass; (5) proposed redevelopment of a portion of the Western Fair grounds, as well as multiple development applications along both Dundas Street and King Street; and, (6) ongoing investment in heritage building conservation and adaptive reuse .

The City of London was responsible undertaking public consultation through community meetings and satisfying certain planning requirements and criteria as set out in the Terms of Reference adopted by Council. The background studies, community and agency input, and proposed policies were, in turn, reviewed and assessed by municipal staff in the context of the Provincial Policy Statement and The London Plan, and used in the finalization of the Secondary Plan. This background work forms the basis and rationale for amendments to The London Plan.

The Secondary Plan will be used in the consideration of all applications including Official Plan amendments, zoning by-law amendments, site plans, consents, minor variances and condominiums within the Planning Area.

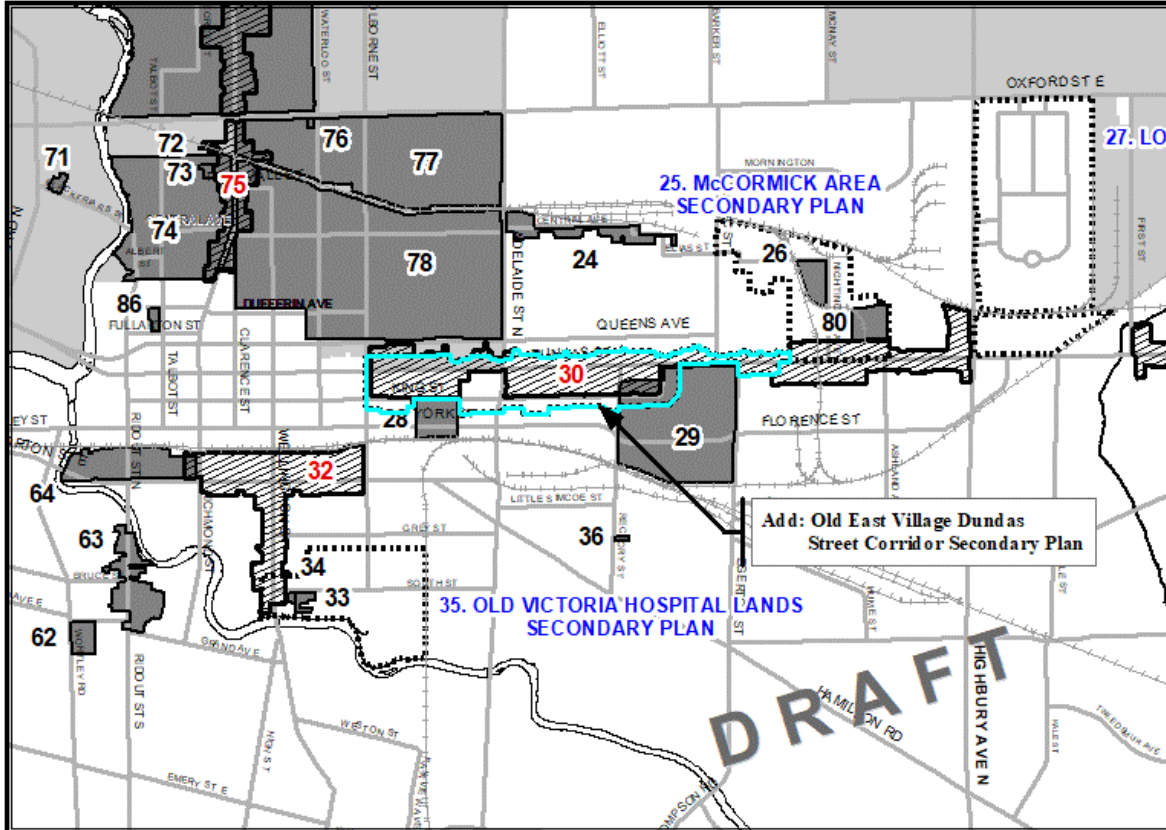
D. THE AMENDMENT

The London Plan is hereby amended as follows:

1. Policy 1565 – List of Secondary Plans of The London Plan for the City of London is amended by adding the following:

(). Old East Village Dundas Street Corridor Secondary Plan
2. Map 7 – Special Policy Areas to The London Plan for the City of London Planning Area is amended by the boundary of the Old East Village Dundas Street Corridor Secondary Plan area in the City of London, as indicated on “Schedule 1” attached hereto.

AMENDMENT NO:



LEGEND

- Specific Policies
- Rapid Transit and Urban Corridor Specific-Segment Policies
- Near Campus Neighbourhood
- Secondary Plans

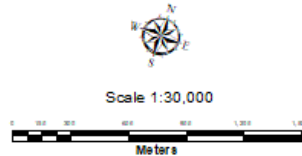
BASE MAP FEATURES

- 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



FILE NUMBER: O-8879
 PLANNER: KK
 TECHNICIAN: MB
 DATE: 2/7/2019

**Appendix B – Draft Old East Village Dundas Street Corridor
Secondary Plan**



Old East Village Dundas Street Corridor Secondary Plan

DRAFT February 2019

Contents

1.0	INTRODUCTION	1
1.1	Background	1
1.2	Location	2
1.3	Purpose and Use	3
1.4	Vision and Principles	4
2.0	CHARACTER AREAS	5
2.1	Overview	5
2.2	Dundas Street – Midtown Character Area	6
2.3	Dundas Street – Old East Village Core Character Area	7
2.4	Dundas Street – Old East Village East Character Area	8
2.5	King Street Character Area	9
3.0	POLICIES	11
3.1	Overview	11
3.2	Land Use	12

3.3	Built Form	14
3.3.1	Permitted Heights	14
3.3.2	General Built Form	16
3.3.3	Mid-Rise Form	18
3.3.4	High-Rise Form	19
3.4	Bonusing	21
3.5	Public Realm	22
3.6	Connectivity and Mobility	24
3.6.1	Pedestrian Priority	25
3.6.2	Cycling	26
3.6.3	Transit	26
3.6.4	Parking and Vehicle Access	27
3.6.5	Rights-of-Way Design	27
3.7	Cultural Heritage	32
4.0	SCHEDULES	35
	Schedule 1: Secondary Plan Area	36
	Schedule 2: Ground-Floor Uses	37
	Schedule 3: Permitted Heights	38
	Schedule 4: Connectivity Framework	39

1.0 Introduction

1.1 BACKGROUND

Important regeneration efforts have been carried out in Old East Village and the surrounding area for more than three decades. In 2003, the Ontario Professional Planners Institute's Planners Action Team came together to undertake a detailed analysis of the corridor. Their report, *Re-establishing Value: A Plan for the Old East Village*, included a number of strategies for improvement and revitalization. Guided by these recommendations, the Community Improvement Plan area was established in 2004. The associated *Old East Village Community Improvement Plan* was created to provide context for a coordinated municipal effort to improve the physical, economic, and social conditions of Old East Village and to stimulate private investment and property maintenance and renewal.

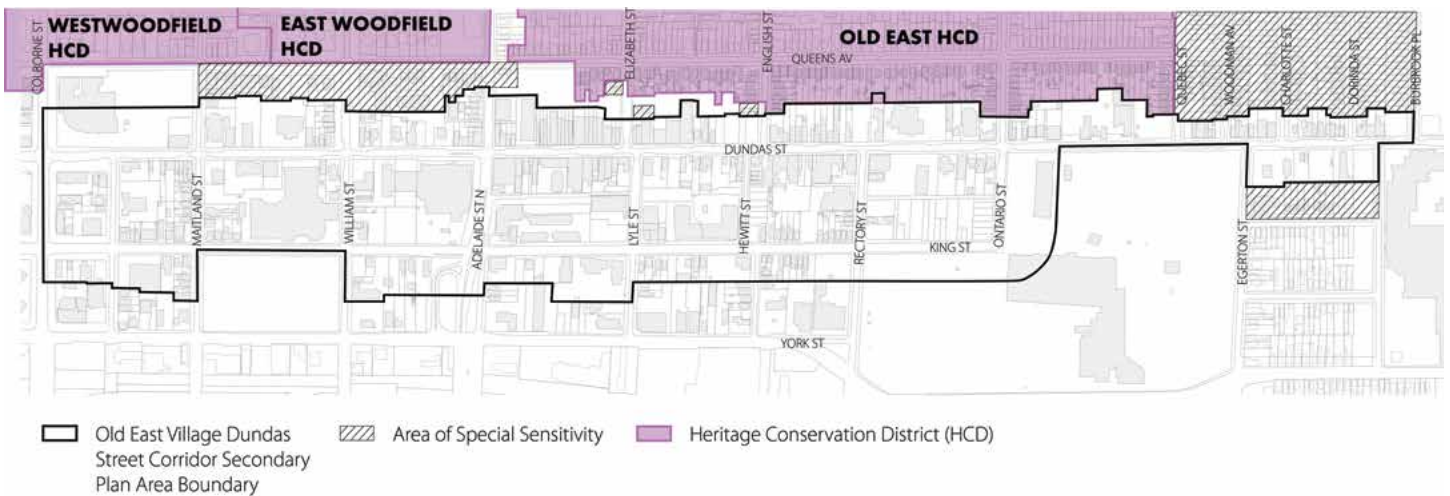
Following this, the *Old East Village Commercial Corridor Urban Design Manual* was prepared by the City of London and adopted in 2016. The purpose of this design manual is to promote high-quality design that responds to the area's unique context and overall vision. Throughout all of these projects and initiatives, the neighbourhood and business community has been instrumental, working closely with staff to ensure the project outcomes are appropriate for the local context.

The area faces future challenges and opportunities that come with rapid transit service, infrastructure upgrades, cycling infrastructure and development. This Secondary Plan aims to build on the ongoing efforts to revitalize the community, knitting together planned transit and cycling infrastructure upgrades with development pressures and public realm design priorities.

1.2 LOCATION

The Old East Village Dundas Street Corridor Secondary Plan applies to the general area along Dundas Street between Colborne Street and Burbrook Place, and King Street between Colborne Street and Ontario Street. The Secondary Plan boundary is illustrated in Schedule 1. This Secondary Plan incorporates the area that extends beyond the boundaries of what is traditionally considered Old East Village to ensure that appropriate connections are created to the downtown to the west as well as to the McCormick Area Secondary Plan area and former Kellogg’s property to the east.

The East Woodfield Heritage Conservation District, the West Woodfield Heritage Conservation District, and the Old East Heritage Conservation District are in close proximity to the Secondary Plan area. In addition, there are areas located adjacent to the Secondary Plan boundary, identified as ‘Areas of Special Sensitivity’ (illustrated in Schedule 1), where development guidance would help prevent conflicts with the existing built form and uses.



Schedule 1: Secondary Plan Area

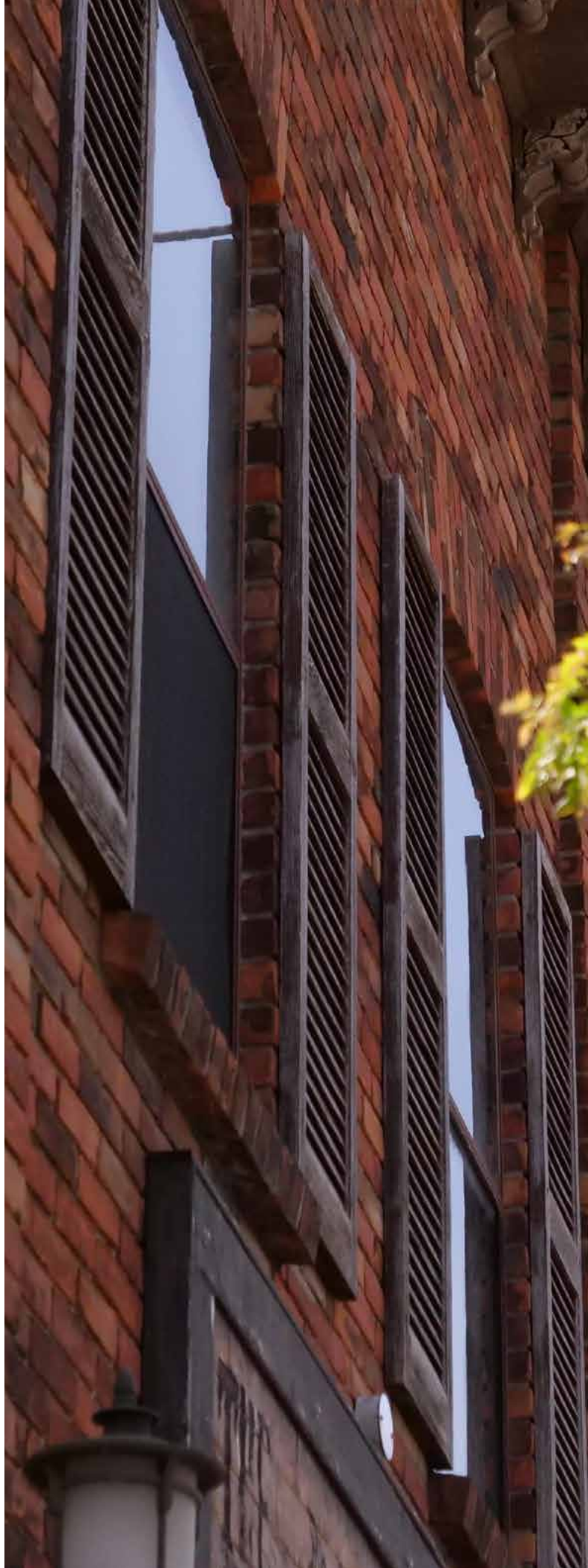
1.3 PURPOSE AND USE

The purpose of this Secondary Plan is to establish the vision, principles, and detailed policies for the Old East Village and surrounding areas and to continue the neighbourhood's evolution into a unique destination and a vibrant community core. This Secondary Plan provides a policy framework for future developments and for public realm improvements within the Old East Village Dundas Street Corridor Secondary Plan area. The intent of the policies is to ensure that the Secondary Plan area finds continuing uses for its cultural heritage resources and provides a rich, diverse, and balanced street life for residents, shoppers, pedestrians, cyclists, transit users, vehicles, and other modes of transportation.

This Secondary Plan provides a greater level of detail than the general policies in *The London Plan* and is guided by the policies of the *Provincial Policy Statement*. This Secondary Plan shall be used for the review of planning applications. This Secondary Plan is further intended to be used in conjunction with other policies of *The London Plan*. In instances where the overall policies of *The London Plan* and the *Old East Village Dundas Street Corridor Secondary Plan* are inconsistent, the Secondary Plan shall prevail.

The text and schedules of the *Old East Village Dundas Street Corridor Secondary Plan* will be added to Policy 1565 of *The London Plan*. The schedules form part of this Secondary Plan and have policy status whereas other figures and photographs included in this Secondary Plan are provided for graphic reference, illustration, and information.

Any required funding associated with the recommendations in the Secondary Plan are subject to the availability and approval of funding through the Corporation's multi-year budget process.





1.4 VISION AND PRINCIPLES

The Old East Village Dundas Street Corridor Secondary Plan area is envisioned as a vibrant commercial core with a unique heritage character that serves as a community hub for local residents and draws visitors as a distinct destination. The vision for this area has been developed to continue the momentum of three decades of revitalization efforts, the ongoing evolution and the current success of Old East Village and the surrounding areas.

The development of this Secondary Plan has been guided by the following principles:

- Foster the local and creative entrepreneurial spirit and support community economic development;
- Respect and reinvest in heritage resources to enhance the unique character of the area;
- Provide a distinct retail offer with a wide range of commercial uses including restaurants and cafes;
- Create a safe and welcoming environment to pedestrians and cyclists of all ages and abilities;
- Establish safe connections to the local transit system and surface parking lots; and,
- Support properly scaled residential growth.

2.0 Character Areas

2.1 OVERVIEW

The Old East Village Dundas Street Corridor Secondary Plan area is broadly made up of four character areas: Dundas Street – Midtown, Dundas Street – Old East Village Core, Dundas Street – Old East Village East, and King Street. Each character area has distinct characteristics that together create a unique identity for the Secondary Plan area.

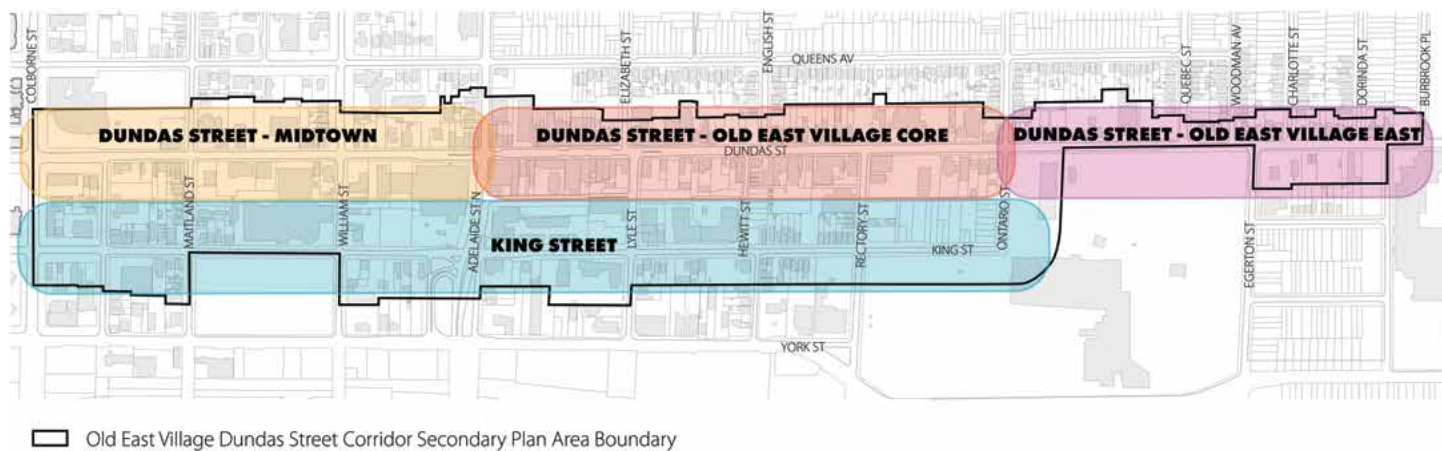


Figure 1: Character Areas



2.2 DUNDAS STREET – MIDTOWN CHARACTER AREA

Midtown is characterized by low-rise buildings with institutional and commercial uses fronting Dundas Street. High-quality cultural heritage resources line both sides of the street. The area provides a transition between the downtown to the west, and the core of Old East Village to the east.

The vision for Midtown is for the area to be a vibrant and pedestrian-oriented connection between the downtown and Old East Village. Supporting the continued retail health is a priority for this character area. New development is envisioned, especially on the south side of the corridor, in a form that is well-integrated into the existing context and is respectful of the cultural heritage resources in the area. This portion of Dundas Street is identified as a Main Street within the Rapid Transit Corridor Place Type in *The London Plan*, where street-oriented built form is supported, meaning that buildings are close to the street and parking is generally located to the rear of the building, underground, or within the architectural mass of the building. A broad range of uses and intensification is envisioned to take place at a walkable neighbourhood scale.



2.3 DUNDAS STREET – OLD EAST VILLAGE CORE CHARACTER AREA

The Old East Village Core is located along Dundas Street, between Adelaide Street and Ontario Street, and is the heart of Old East Village anchoring the overall Secondary Plan area. Today, this segment of Dundas Street is lined with independent shops and restaurants. This area has a history of grassroots revitalization efforts that have created a distinct and attractive character. The momentum of revitalization needs to be maintained and fostered for the area's continued success.

The vision for the Old East Village Core is a vibrant pedestrian-oriented district with a broad range of commercial uses. In *The London Plan*, this segment of Dundas Street is identified as a Main Street within the Rapid Transit Corridor Place Type, where continuous street-oriented built form is supported, with a broad range of uses and intensification designed at a walkable neighbourhood scale.

Retaining and enhancing the character of the Old East Village Core to achieve a continuous streetscape is a key strategy of this Secondary Plan. New development should be harmonious with the existing character, rhythm, and massing of the current built form, and have building materials that are sympathetic to the character of the existing structures, cultural heritage resources, and the street.



2.4 DUNDAS STREET – OLD EAST VILLAGE EAST CHARACTER AREA

Old East Village East is located along Dundas Street, between Ontario Street and Burbrook Place, and is characterized by the Western Fair Grounds and Queens Park to the south and fine-grained retail uses on the north side of the street. The Western Fair Farmer and Artisan Market anchors the character area, and has been an incubator for independent local businesses, some of which have opened storefront locations along Dundas Street. This segment of Dundas Street connects the Old East Village Core to the McCormick Area Secondary Plan area and the former Kellogg’s property, two industrial neighbourhoods with distinct heritage character undergoing significant transformation and revitalization.

The vision for Old East Village East is to strengthen the walkability of the area with strong retail and restaurant presence to sustain year-round activity, in addition to supporting its marquee events like the Western Fair. Significant change is anticipated on this segment of Dundas Street with future rapid transit service and the associated streetscape redesign. Strengthening the physical connection to the Old East Village Core will be a priority for this character area.



2.5 KING STREET CHARACTER AREA

King Street is characterized by varying land uses ranging from residential to light industrial and institutional. The built form is also varied with low-rise single-detached dwellings alongside high-rise apartment buildings. Today along King Street, there are a number of large surface parking lots offering excellent opportunities for transit-oriented intensification. The area between Dundas Street and King Street is characterised by deep lots which offer good high-rise development opportunities.

Rapid transit service is anticipated along King Street, from the downtown through to Ontario Street. King Street is identified as a Rapid Transit Boulevard within the Rapid Transit Corridor Place Type in *The London Plan*. The Plan encourages intensification here, especially around future rapid transit stations planned along King Street at Colborne Street, Adelaide Street North and Ontario Street.

High-rise residential and office uses are appropriate along King Street, and have recently been introduced to the corridor. It is envisioned that the highest residential intensity will be accommodated in the King Street Character Area to strengthen the market for Old East Village businesses, especially within walking distance to the future rapid transit stations.



3.0 Policies

3.1 OVERVIEW

The intent of this Secondary Plan is to provide a policy framework to guide future development and public projects in the Old East Village Dundas Street Corridor Secondary Plan area. Policies in this Secondary Plan support the vision by providing guidance on:

- land uses;
- built form;
- public realm design and the mobility framework; and,
- heritage.

The policies of this Secondary Plan generally provide a greater level of detail than the general policies of *The London Plan*. Where the policies of *The London Plan* provided sufficient guidance to implement the vision of this Secondary Plan, these policies were not repeated in this Secondary Plan. As such, the policies of this Secondary Plan should be read in conjuncture with *The London Plan*. In instances where the overall policies of *The London Plan* and the *Old East Village Dundas Street Corridor Secondary Plan* are inconsistent, the Secondary Plan shall prevail.

The policies of this Secondary Plan that use the words “will” or “shall” express a mandatory course of action. Where the word “should” is used, suitable alternative approaches to meet the intent of the policy may be considered.

The policies of this Secondary Plan will be implemented through mechanisms set out in this Secondary Plan, Municipal investments in infrastructure and public realm improvements, as well as other tools available to the City



including the Zoning By-law, the Site Plan Control By-law, and urban design review.

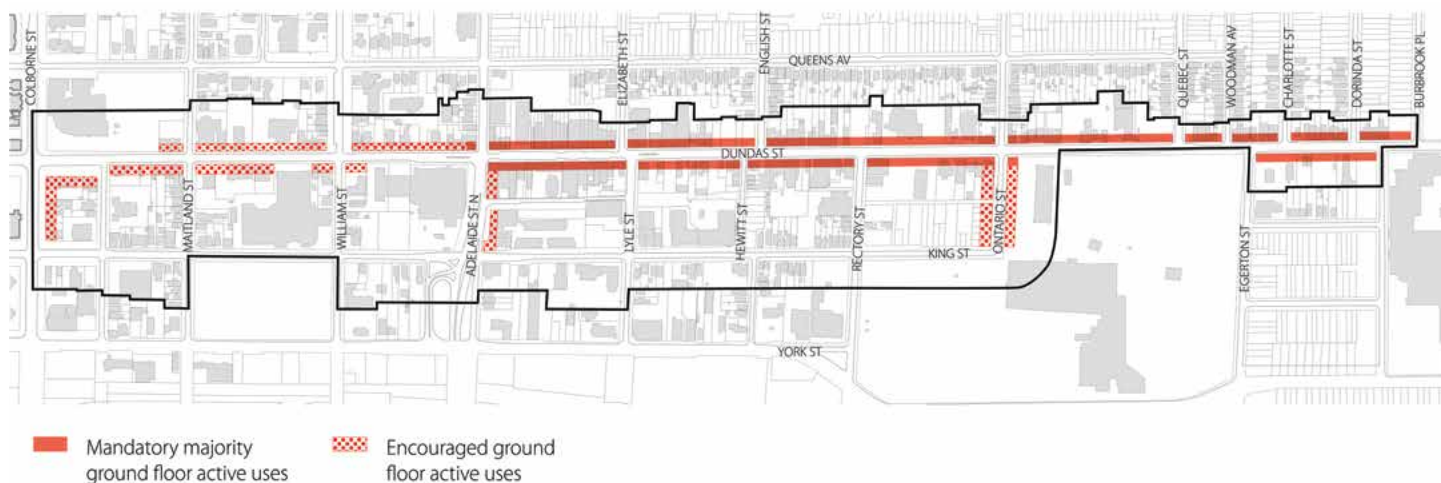
3.2 LAND USE

Today, Old East Village, Midtown, and King Street feature a diverse mix of land uses and an artisanal spirit which contribute to its positioning as an active urban node and an area of entrepreneurial activity. The intent of the following land use policies is to allow for the Secondary Plan area to continue to evolve as a thriving mixed-use community and a cultural hub. The Zoning By-law will provide more detail on individual permitted uses; this may not include the full range of uses identified in this Secondary Plan.

The following land use policies apply to the entire Secondary Plan area, unless otherwise specified within the individual policy:

- a) Mixed-use buildings are encouraged as the preferred form of development within the Secondary Plan area.
- b) A broad range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted.
- c) Dundas Street properties, between Adelaide Street North and Burbrook Place, shall provide street-oriented active uses on the ground floor for the majority of the Dundas Street frontage. Street-oriented active uses include, but are not limited to:
 - Retail;
 - Service;
 - Recreational;
 - Cultural; and,
 - Institutional.

Street-oriented non-active uses, such as residential lobbies and office uses, may be permitted if they comprise less than the majority of the Dundas Street frontage of



Schedule 2: Ground-Floor Uses

an individual property. The segment where this policy is applicable is illustrated in Schedule 2: Ground-floor Uses.

- d) Street-oriented active uses are encouraged at the ground floor of properties fronting Dundas Street, between Colborne Street and Adelaide Street North, as well as properties on Colborne Street, Adelaide Street North and Ontario Street between Dundas Street and King Street.
- e) Residential uses are encouraged above the ground floor to increase the residential population and provide a variety of housing options.
- f) Primary access to residential units above the ground floor should be located on a street-facing facade.
- g) Artisanal workshops and craft breweries may be permitted to support the emerging businesses.
- h) Community facilities and institutional uses may be permitted for the continued provision of neighbourhood services. The ground floor of these uses will be designed to contribute to the vibrancy and animation of the street.
- i) Drive-through facilities may be permitted where it can be clearly demonstrated that they will not detract from the vision and role of the Place Type and the quality and character of the pedestrian-oriented street environment. Proposals for new drive through facilities will be subject to a zoning by-law amendment and site plan approval, in conformity with the policies of this Secondary Plan and The London Plan.

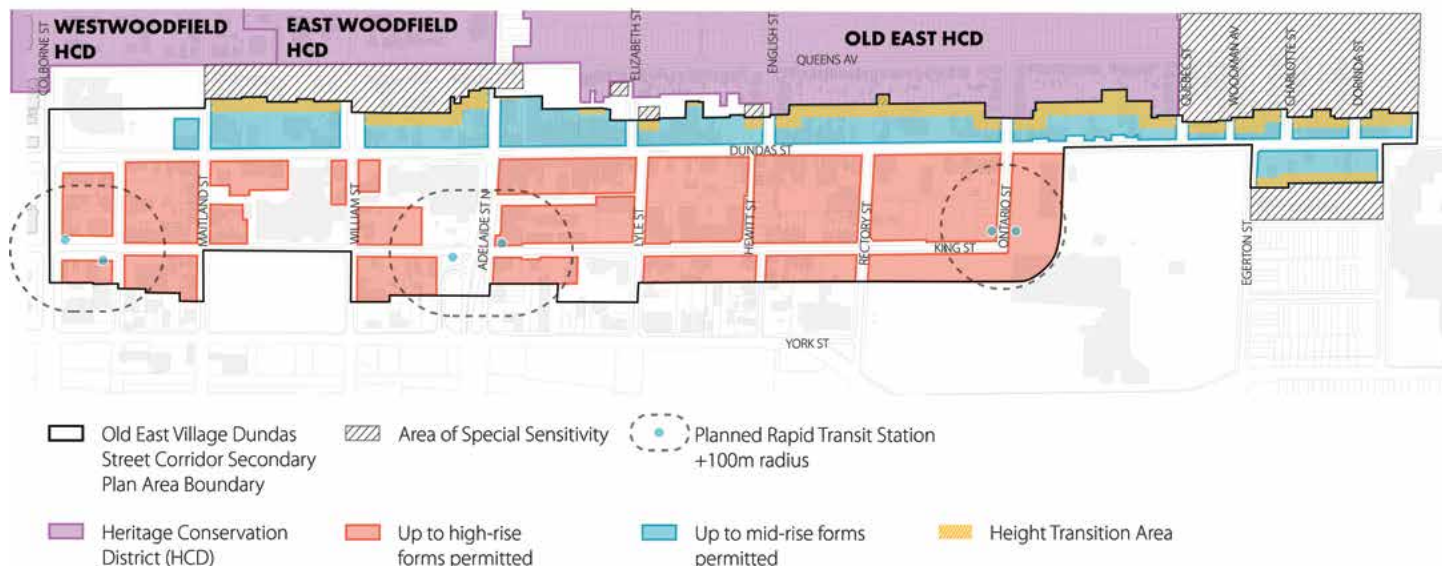


3.3 BUILT FORM

One of the Secondary Plan area's strongest assets is its rich and complex built environment with various building forms and types that contribute to a unique sense of place. From the historic low-rise houses and retail buildings fronting on Dundas Street to the high-density podium-tower condominiums emerging along King Street, the variety of building types that allow diverse uses to flourish will be key to the area's continued evolution and vibrancy. The purpose of this Secondary Plan is to provide guidelines to coordinate and guide future developments while celebrating the continued diversity in the urban fabric.

3.3.1 PERMITTED HEIGHTS

- a) For the purposes of this Secondary Plan, low-rise will describe buildings up to, and including, three storeys in height. Within the entirety of the Secondary Plan area, low-rise buildings will be permitted, with a required minimum of height of two storeys or eight metres.
- b) For the purposes of this Secondary Plan, mid-rise will describe buildings four storeys and up to and including eight storeys in height.
- c) Low-rise and mid-rise buildings are generally permitted on the north side of Dundas Street and on the south side of Dundas Street between Egerton Street and Kellogg Lane. Refer to Schedule 3: Permitted Heights. Maximum building heights may be less than eight storeys as determined through the policies in Section 3.3.3 Mid-Rise Form.
- d) For the purposes of this Secondary Plan, high-rise will describe buildings nine storeys in height and taller.



Schedule 3: Permitted Heights

- e) Low-rise, mid-rise, and high-rise buildings up to 12 storeys are generally permitted on the south side of Dundas Street, on both sides of King Street, and on both sides of Ontario Street. Refer to Schedule 3: Permitted Heights.
- f) Within a 100 metre radius of a rapid transit station and within the boundary of the Secondary Plan area, permitted building height shall be up to 16 storeys to promote transit-oriented development.
- g) Where high-rise forms are permitted (refer to Schedule 3), height exceeding the established maximum, up to 24 storeys, may be permitted through a site-specific bonus zone, where it can be demonstrated that significant measures are put in place to support or mitigate this additional height or density, subject to the policies of Section 3.4 Bonusing.
- h) Development proposals for residential intensification may require studies to determine servicing capacity and necessary upgrades. The results of these studies may influence the maximum permitted height and density that is permitted through zoning.

3.3.2 GENERAL BUILT FORM

- a) The Old East Village Core and Old East Village East character areas have an existing relatively consistent built form which establishes a continuous street wall. The placement of buildings within these character areas should support this continuous street wall, and exceptions for small plazas, courtyards or patios spaces should be designed to carefully integrate into this established streetscape.
- b) The Midtown character area has an existing built form condition which is highly diverse. The placement of buildings will respond to the immediately adjacent built form context.
- c) The King Street character area is planned to accommodate rapid transit service and high-rise development. To create a comfortable pedestrian environment along King Street, new buildings in this character area will be set back from the right-of-way to provide space for landscaping.
- d) Portions of buildings at intersections may be setback for small plazas, courtyards, patios spaces, or to accommodate enhanced sidewalk treatments.
- e) Parking shall not be located between the building front and public right-of-way.
- f) Landscape treatment should be provided along the edge of parking lots and within parking lots to mitigate water runoff, heat island effect and enhance the user experience.
- g) Access for parking and service areas should be located away from main streets and on side streets and laneways where possible. Where it is not possible, parking access will be minimized to reduce pedestrian conflict and will be integrated in a way that does not detract from the character of the street.
- h) Corner buildings should be designed with the primary building entrances fronting onto the higher order street.
- i) High- and mid-rise buildings should be designed to express three defined components: a base, middle, and top. Alternative design solutions that address the following intentions may be permitted:
- The base should establish a humanscale façade with active frontages including, where appropriate, windows with transparent glass, forecourts, patios, awnings, lighting, and the use of materials that reinforce a human scale.
 - The middle should be visually cohesive with, but distinct from, the base and top.
 - The top should provide a finishing treatment, such as a roof or a cornice treatment, and will serve to hide and integrate mechanical penthouses.
- j) Buildings should have articulated façades that complement the façade rhythm of the existing streetscape and no large blank walls should be visible from the street.
- k) Building façades should address and frame the public street at grade.
- l) Façade elements of infill development or new construction fronting onto Dundas Street will be designed to support the existing character along the Dundas Corridor. These elements may include:
- Entryways and doors;
 - Windows;
 - Window base;
 - Sign band and signage;
 - Awnings; and,
 - Lighting.

- m) Regardless of the intended use, the ground floor of new buildings should be designed with the flexibility to accommodate future conversion to non-residential uses in the future. Strategies could be considered, such as providing a raised floor over the slab that can be removed to provide additional ground floor height in the future.
- n) All development fronting onto Dundas Street should be consistent with the *Old East Village Commercial Corridor Urban Design Manual* to coordinate the façade and built form with the existing character of Dundas Street.

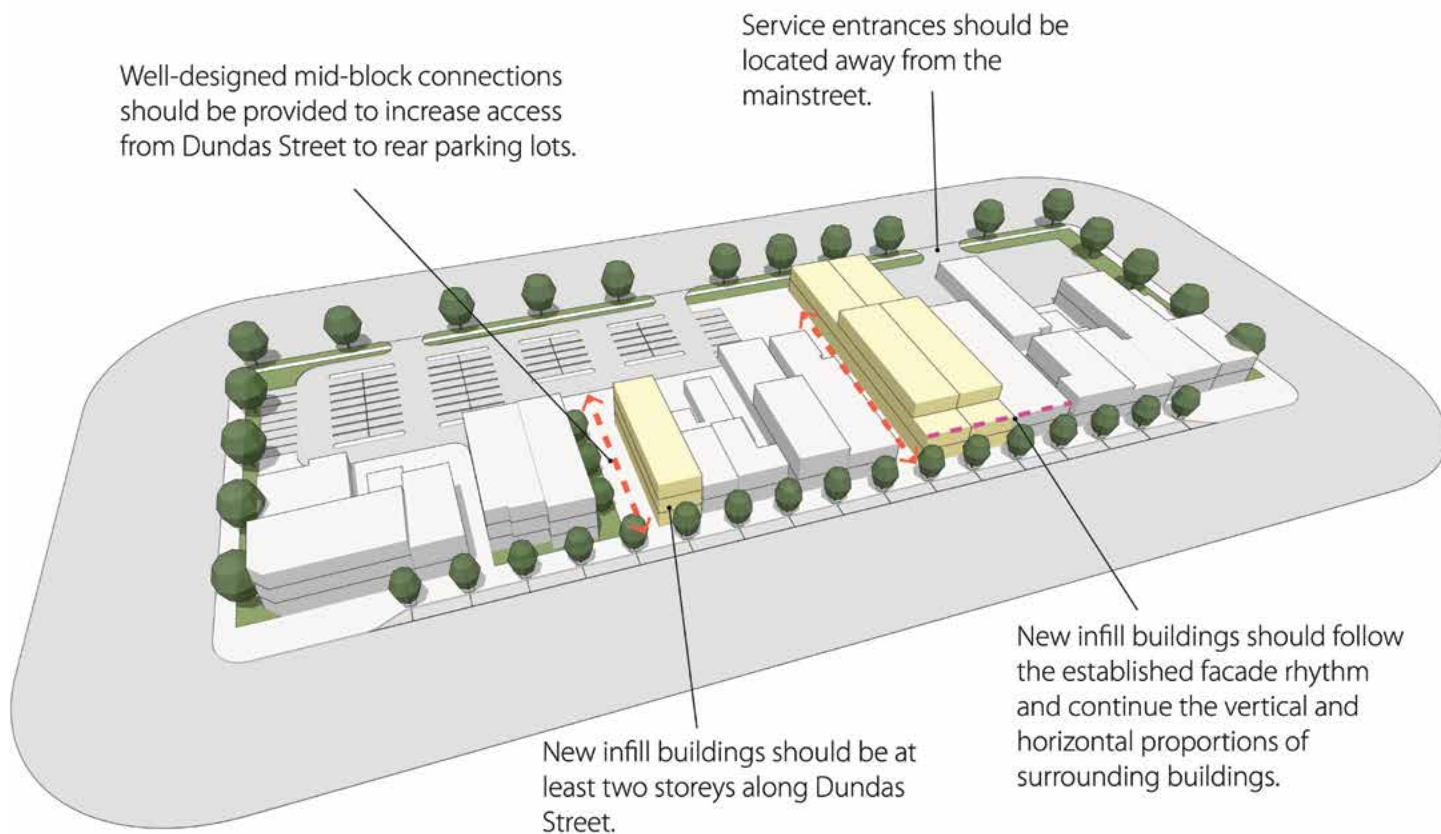


Figure 2: Illustration of New Low-Rise Buildings

3.3.3 MID-RISE FORM

- a) To provide an appropriate transition of building scale to the adjacent low-rise neighbourhood areas, transition policies will apply in Height Transition Areas illustrated in Schedule 3: Permitted Heights.
- b) A 45-degree angular plane beginning from the rear of the low-rise properties fronting Queens Avenue will set the limit to the height of new buildings located on the north side of Dundas Street. A 45-degree angular plane beginning from the rear of the low-rise properties fronting King

Street will set the limit to the height of new buildings on the south side of Dundas Street east of Burbrook Street, to ensure an appropriate transition to the low-rise neighbourhoods as illustrated in Figure 3 and 4.

- c) Mid-rise buildings should stepback a minimum of five metres at the third or fourth storey, depending on the built form context, to mitigate downward wind shear and support the existing street character at street level.

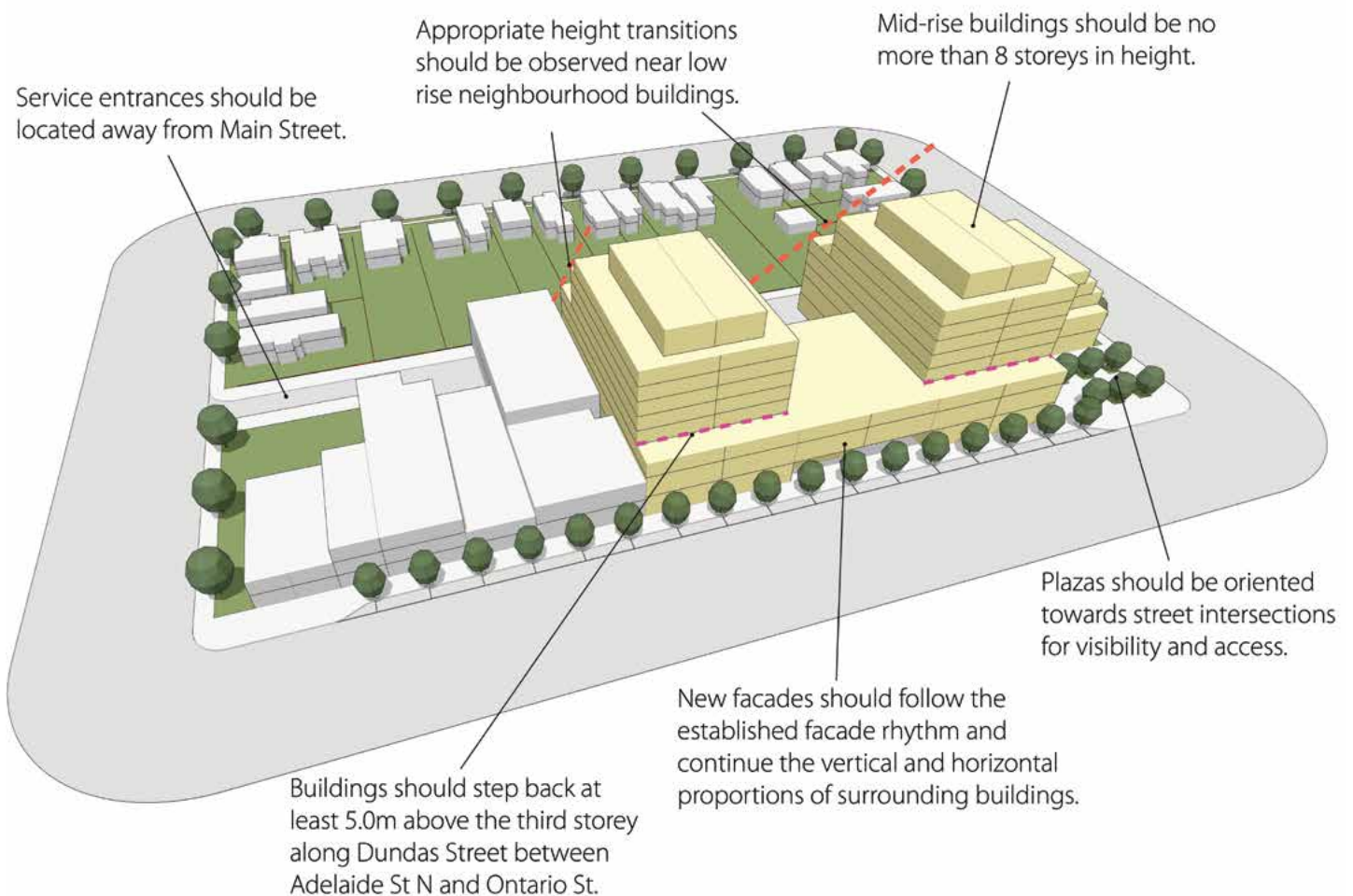


Figure 3: Illustration of New Mid-Rise Buildings

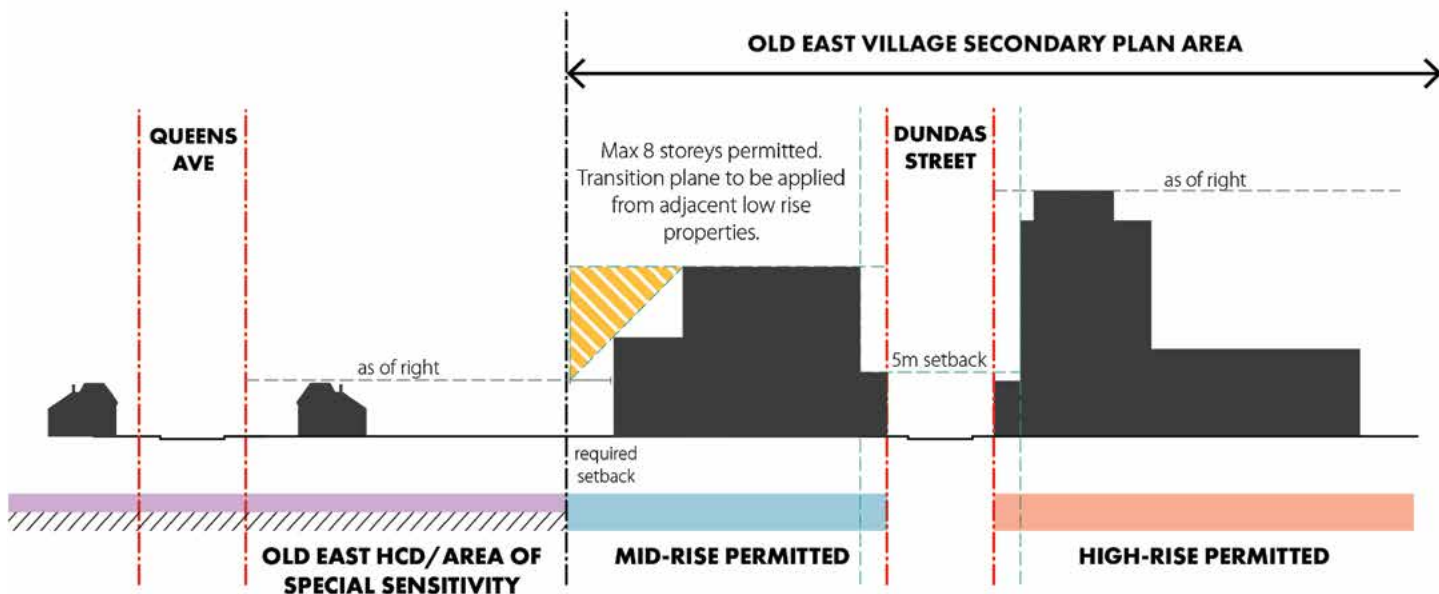


Figure 4: 45-degree Angular Plane Transition

3.3.4 HIGH-RISE FORM

- The podium shall be designed to support a pedestrian-scaled environment at street level.
- The tower portion should be stepped back above the podium along all public rights-of-way, at the third or fourth storey, to mitigate downward wind shear and limit the visual impact of the building at street level.
- High-rise buildings should be designed with slender towers that reduce shadow impact, minimize the obstruction of views, and are less massive to neighbouring properties. A typical floor plate of approximately 1,000 square metres is a reasonable target to achieve this goal.
- Separation distance between towers should generally be not less than 30 metres to ensure adequate privacy.

- e) Where possible, towers should be offset to provide maximum access to sunlight and views. In cases where towers can be offset, reduction of tower separation distance may be considered to approximately 25 metres.
- f) Towers shall not have any blank façades.
- g) The top portions of the tower shall be articulated through the use of a small setback, difference in articulation, or the use of an architectural feature. The mechanical penthouse shall be integrated into the design of the tower.

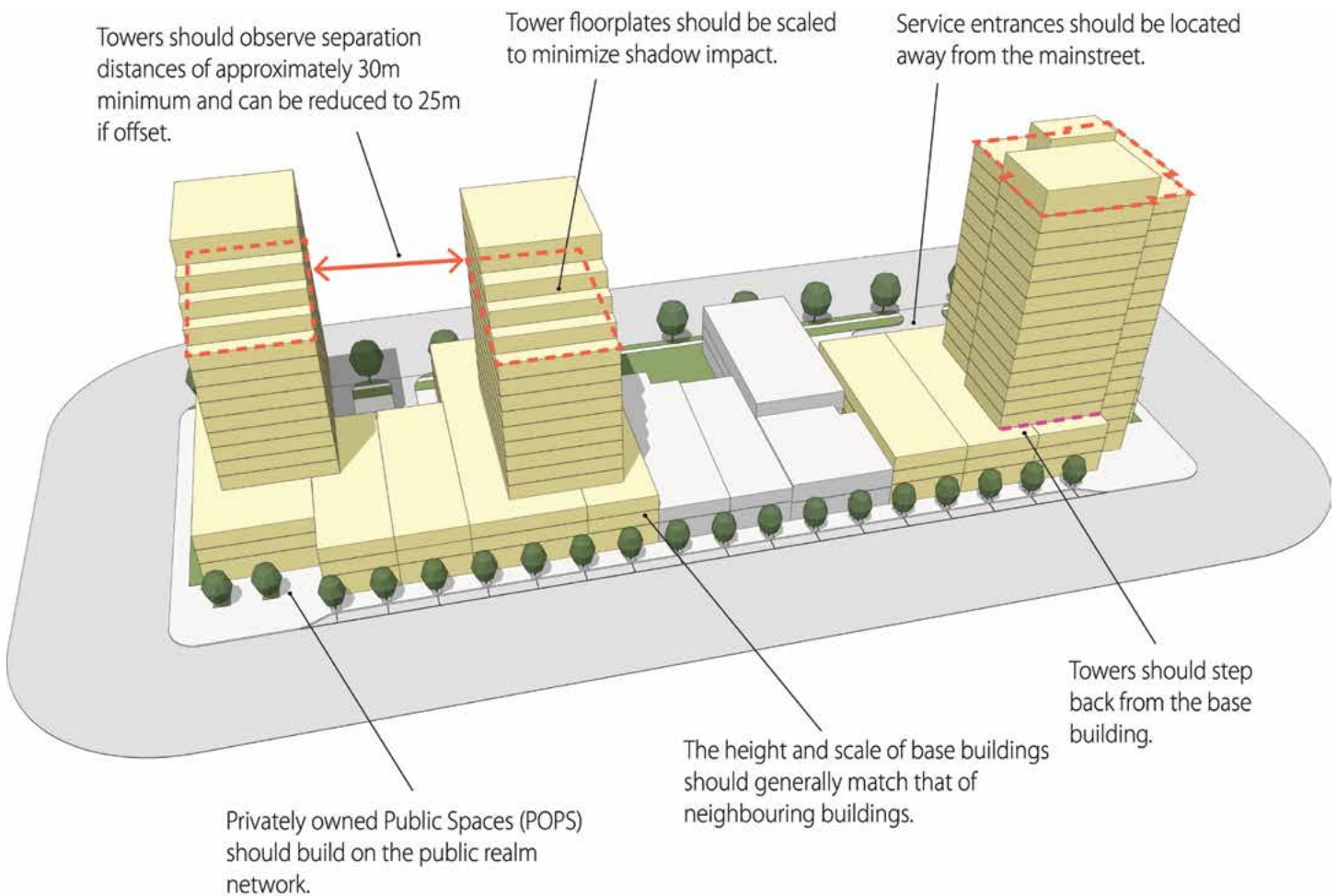


Figure 5: Illustration of New High-Rise Buildings

3.4 BONUSING

- a) Where high-rise forms are permitted and where it can be demonstrated that significant measures are put in place to support or mitigate additional height or density, City Council may pass a by-law, known as a bonus zone, to authorize increases in the height and density of development beyond what is otherwise permitted by the *Zoning By-Law*, in return for the provision of such facilities, services, or matters as are set out in the bonus zone.
- b) In accordance with the permitted heights identified in Section 3.3.1 Permitted Heights, additional height or density may be permitted in favour of facilities, services, or matters such as:
 - Cultural heritage resources designation and conservation.
 - Affordable housing.
 - Public art.
 - Provision of off-site community amenities, such as parks, plazas, civic spaces, or community facilities.
 - Publicly-accessible mid-block connections and laneways, or widening of existing mid-block connections that provide access from Dundas Street to municipal parking lots.
 - Generous front yard setbacks along King Street to widen the public right-of-way, provide landscaping and noise buffer, and act as a spatial relief for high-rise building forms.
 - Contribution to the development of transit amenities, features and facilities, available to the public during transit operating hours.
- Substantial contribution to publicly accessible secure bicycle parking, and cycling infrastructure such as lockers and change rooms.
- Contribution to façade restoration and other heritage investments within the Secondary Plan area.
- Other facilities, services, or matters that provide substantive public benefit.
- c) The facilities, services and matters to be provided in return for greater height or density do not necessarily have to be provided on the same site as the proposed development. City Council may want to have such benefits directed to another property within the Secondary Plan area.
- d) Each proposal for bonus zoning will be considered on its own merits. The allowance for greater height and density on one site in return for certain facilities, services and matters will not be considered to establish a precedent for similar height and density on any other site.



3.5 PUBLIC REALM

A well-designed public realm will contribute to the success of the Old East Village Dundas Street Corridor Secondary Plan area as a safe and attractive place for people to live and visit. An excellent pedestrian environment, lively public spaces, a coordinated streetscaping approach, and safe and convenient connections to transit and parking will help to achieve this. In addition to enhancing the pedestrian thoroughfares of the Secondary Plan area, there is a need to build up a network of public spaces that will provide places to gather and act as focal points for the community. There is also a need to safeguard landscape areas which will help act as a buffer between the pedestrian zones and the proposed rapid transit infrastructure along King Street.

The design of the public realm within Old East Village and the surrounding areas should provide a safe, comfortable, and attractive environment. The public realm and streetscape will be designed in a way that allows flexibility and the ability for adaptation over time as resources become available and as the area evolves. The following policies apply to the public realm, including all public streets and mid-block connections to municipal parking lots within the Old East Village Dundas Street Corridor Secondary Plan area:

- a) Pedestrian comfort, connectivity, and safety will be prioritized in the design of the public realm.
- b) Main building entrances, terraces, and gathering spaces will be oriented towards public rights-of-way to support safety and provide direct access from the sidewalk.

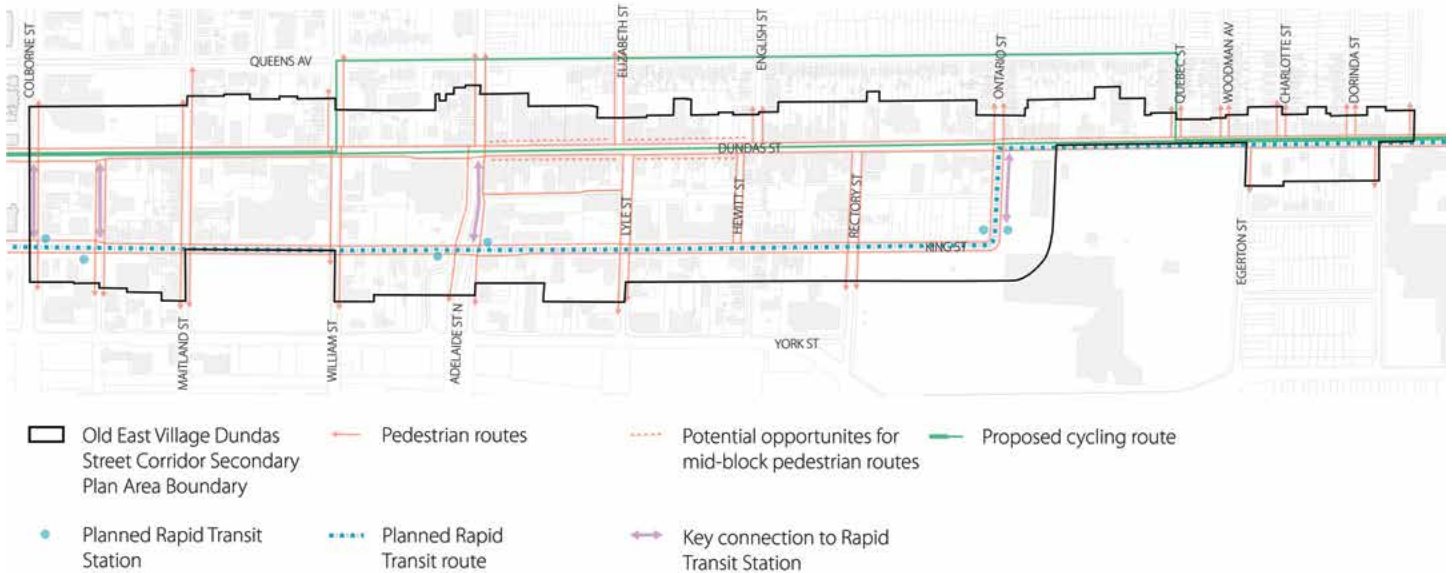
- c) All north-south streets connecting Queens Avenue, Dundas Street, and King Street are essential pedestrian and cycling connections, and will be enhanced through:
- Ensuring generous sidewalk width;
 - Adding integrated and coordinated directional signage;
 - Incorporating pedestrian-scaled lighting;
 - Creating safe cycling conditions on north-south streets that connect the existing and future cycling infrastructure;
 - Providing bicycle parking facilities; and,
 - Designing attractive and high-quality landscaping, planted in conditions that support a future mature landscape.
- d) Safety and accessibility of connections to municipal parking lots from public rights-of-way will be enhanced with appropriate sightlines, pedestrian-scaled lighting, and signage.
- e) A coordinated wayfinding approach should be developed for the Secondary Plan area, which includes municipal parking lots.
- f) Existing street trees will be retained where possible, and new trees with potential for large canopy will be planted in landscape zones with adequate soil volume to provide shade.
- g) The integration of open spaces, such as plazas or parkettes, are encouraged with new development, especially at street intersections for visibility and accessibility.
- h) Opportunities to incorporate gateway features should be considered at key intersections.
- i) Coordinated street furniture, including bicycle parking, benches, planters, waste receptacles, and lighting will be incorporated into the street design.
- j) Opportunities to add walkways and/or widen and extend laneways to provide safe midblock connections and connections to municipal parking lots should be explored.
- k) Opportunities to accommodate outdoor restaurant patios within the sidewalk and in on-street parking spaces should be considered.
- l) Dundas Street will be designed with the flexibility to accommodate events of different scales and sizes; consideration should be given to electrical outlet access and capacity as well as moveable features.

3.6 CONNECTIVITY AND MOBILITY

The Old East Village Dundas Street Corridor Secondary Plan area is located in close proximity to established residential neighbourhoods, new high-rise residential development, the downtown, the evolving industrial areas of the McCormick Area Secondary Plan area and the former Kellogg’s property, and at the juncture of four heritage conservation districts. The area is anticipating cycling infrastructure improvements on Dundas Street and Queens Avenue, as well as rapid transit service along King Street, Ontario Street, and Dundas Street. To serve residents, attract visitors, and support the local businesses in the area, establishing safe access by various modes of transportation is vital to ensure the Secondary Plan area functions for everyone.

Schedule 4: Connectivity Framework provides an overview of the current pedestrian routes and future areas for mid-block connections as well as the planned Rapid Transit routes and the proposed cycling network.

The following section outlines policies that provide directions for pedestrian, cycling, transit, and automobile connections. The intent of these policies is to improve existing connectivity, and to identify potential opportunities for new connections to be established as the area evolves.



Schedule 4: Connectivity Framework

3.6.1 PEDESTRIAN PRIORITY

The core of Old East Village is a pedestrian supportive environment today with landscaping and street furniture. With anticipated improvement to the cycling infrastructure and introduction of rapid transit service, the walking environment requires special attention and upgraded treatments. Well-designed streetscapes with opportunities to incorporate street furniture and patio space will also encourage visitors to linger and patronise the local businesses, enhancing Old East Village's appeal as an urban destination.

The design of Dundas Street, King Street, connections to municipal parking lots, and all intersecting north-south streets will be designed to prioritize pedestrian connectivity, safety, comfort, and enjoyment by:

- a) Ensuring a generous sidewalk width;
- b) Incorporating attractive paving, plantings, and lighting;
- c) Seeking opportunities to create safe new connections to provide public access to municipal parking lots, public space or public streets. This will include exploring opportunities to create new mid-block connections where appropriate, through acquisition of property as it becomes available, or through redevelopment as it occurs;
- d) Installing coordinated directional signage at key locations, particularly on north-south streets that provide connections between commercial uses, residential neighbourhoods rapid transit service, and municipal parking lots; and,
- e) Ensuring that rights-of-way, mid-block connections, and laneways that provide access to municipal parking lots are safe and well lit with pedestrian-scale lighting.





3.6.2 CYCLING

Cycling infrastructure upgrades are planned for Dundas Street and Queens Avenue. Eastbound and westbound cycling lanes will be provided on Dundas Street between the downtown and William Street. At William Street the network will split, with the eastbound cycling lane continuing along Dundas Street and the westbound cycling lane along Queens Avenue. At Quebec Street, the cycling lanes will merge again onto Dundas Street, as illustrated in Schedule 4: Connectivity Framework. This arrangement accommodates the limited right-of-way width through the core of Old East Village and allows for the retention of on-street parking and widened sidewalks as well as opportunities for bicycle parking facilities on Dundas Street.

Cycling within the Secondary Plan area will be further supported by:

- a) Integrating cycling infrastructure, such as separated cycling lanes and route signage, into the design of the rights-of-way; and,
- b) Providing cycling facilities, such as bicycle parking and repair stations, in accessible and highly visible locations.

3.6.3 TRANSIT

Local bus routes along Dundas Street, Adelaide Street North, and Quebec Street currently service the Secondary Plan area. Rapid transit service is anticipated to run along King Street from the downtown to Ontario Street, then proceed along Dundas Street from Ontario Street eastward, as illustrated in Schedule 4: Connectivity Framework.

As the Secondary Plan area is and will continue to be highly accessible by transit, considerations for transit-oriented intensification informed the built form policies and streetscape design throughout the Secondary Plan area.

- a) Pedestrian connections between Dundas Street and planned rapid transit stations on King Street at Colborne Street, Adelaide Street North, and Ontario Street will be prioritized for future enhancements to the pedestrian environment.
- b) Where possible, local transit stops will be designed and located to minimize the impact to vehicular traffic.

3.6.4 PARKING AND VEHICLE ACCESS

- a) Considering the needs of the existing commercial uses as well as new businesses emerging in the area, loading spaces and on-street parking will continue to be provided and considered in the design of the rights-of-way within the Secondary Plan area. Loading spaces will be provided in the rear of buildings where possible.
- b) Pedestrian and vehicle access to existing municipal parking lots will be improved through securing new access points through redevelopment, extending existing laneways, and enhancing existing public laneways with improved lighting and design treatment.
- c) Pedestrian access to existing municipal parking lots should be delineated and separated from vehicle access whenever possible for pedestrian safety.

3.6.5 RIGHTS-OF-WAY DESIGN

The following section illustrates the design of rights-of-way within the Secondary Plan area alongside applicable policies for the following segments:

- Dundas Street, between Colborne and William Streets
- Dundas Street, between William and Ontario Streets
- Dundas Street, between Ontario and Quebec Streets
- Dundas Street, between Quebec and Egerton Streets
- King Street, between Colborne and Ontario Streets
- Connectors street, between Dundas and King Streets

3.6.5.1 Dundas Street, between Colborne Street and William Street

The design of Dundas Street between Colborne Street and William Street will include:

- a) Widened sidewalks on both sides of the road to create a comfortable pedestrian condition;
- b) Landscape zones on both sides of the road with large canopy trees with appropriate soil volume, and spaces for street furniture;
- c) Pedestrian-scaled lighting with coordinated design throughout the Secondary Plan area;
- d) Separated cycling lanes travelling in both directions;
- e) Loading zones on the north side of the street to support institutional functions; and,
- f) Two traffic lanes, travelling in both directions.

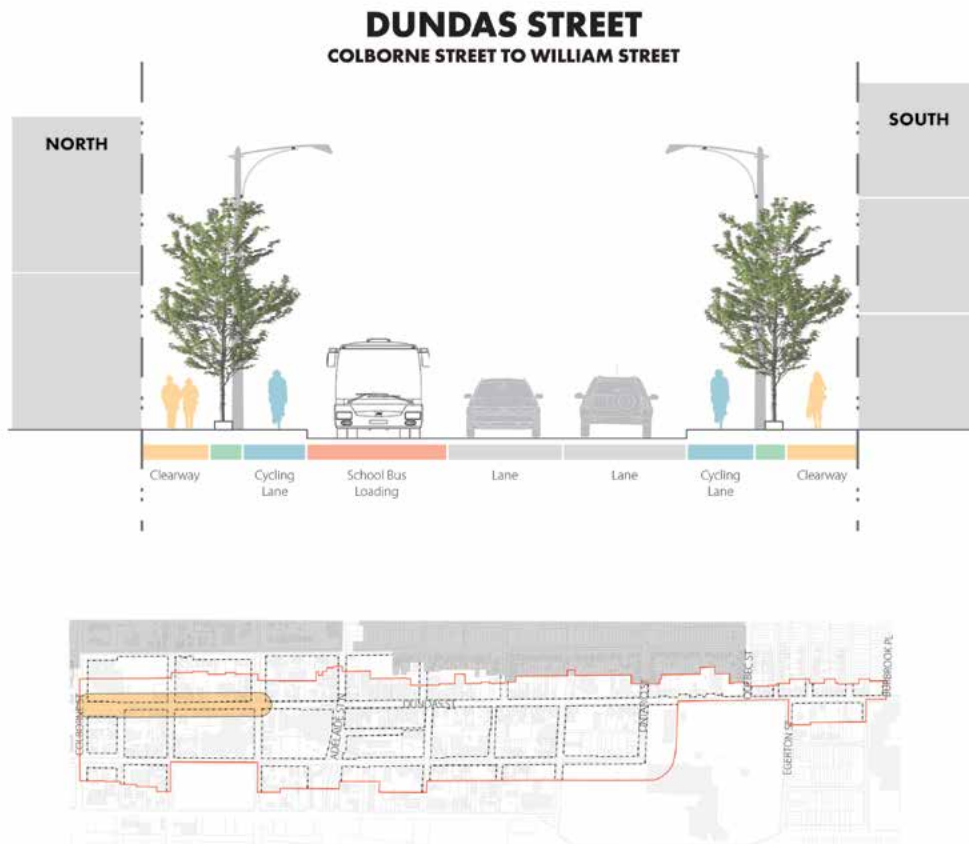


Figure 6: Dundas Street, Colborne Street to William Street

3.6.5.2 Dundas Street, between William Street and Ontario Street

The design of Dundas Street between William Street and Ontario Street will include:

- Widened sidewalks on both sides of the road to create a comfortable and safe pedestrian environment;
- Generous landscape zones on both sides of the road with large canopy trees with appropriate soil volume, and spaces for street furniture;
- Pedestrian-scaled lighting with coordinated design throughout the Secondary Plan area;
- A separated cycling lane travelling eastbound;
- On-street parking on the north side of the street to support retail and commercial functions on both sides of the street;
- Two traffic lanes, travelling in both directions; and,
- Opportunities for restaurant patios between transit stops and loading areas on the south side of the street.

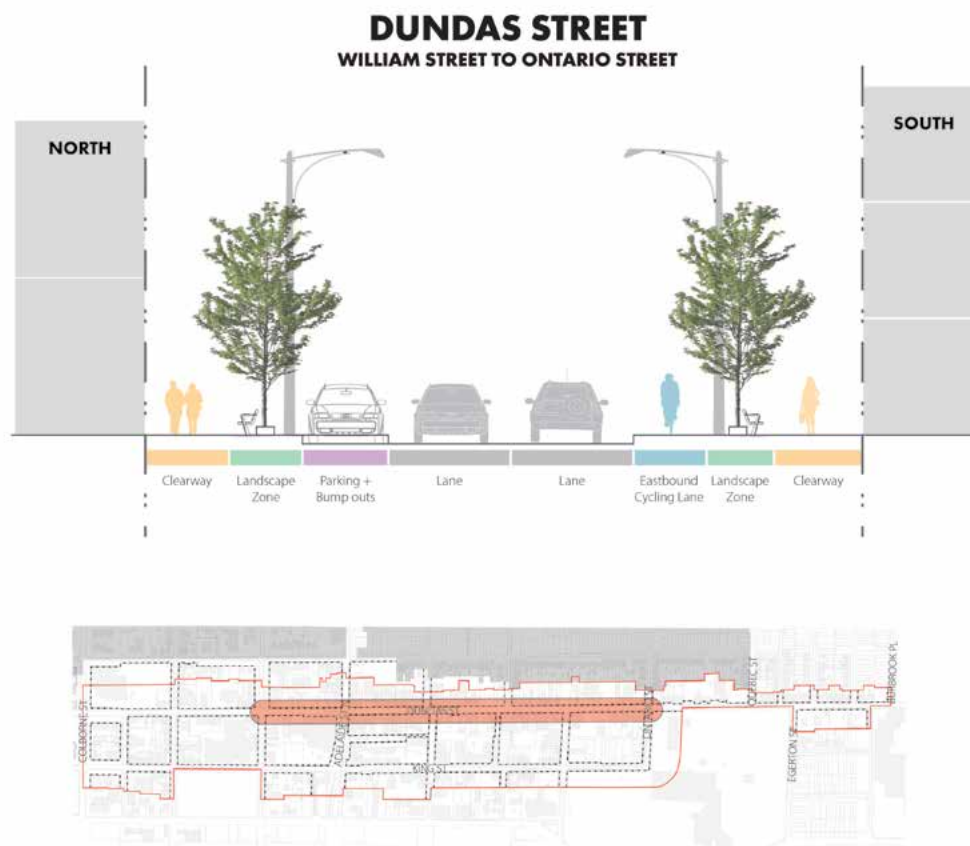


Figure 7: Dundas Street, William Street to Ontario Street

3.6.5.3 Dundas Street, between Ontario Street and Quebec Street

The design of Dundas Street between Ontario Street and Quebec Street will include:

- a) A widened sidewalk on the north side of the road with generous landscape zones for large canopy trees with appropriate soil volume, and street furniture;
- b) A widened south sidewalk to accommodate street furniture;
- c) Pedestrian-scaled lighting with coordinated design throughout the Plan area;
- d) A separated cycling lane travelling eastbound;
- e) Two dedicated rapid transit lanes, travelling both directions, subject to the results of the Bus Rapid Transit Environment Assessment; and,
- f) Two traffic lanes, travelling both directions.

3.6.5.4 Dundas Street, between Quebec Street and Egerton Street

The design of Dundas Street between Quebec Street and Egerton Street will include:

- a) A widened sidewalk on the north side of the road with generous landscape zones for large canopy trees with appropriate soil volume, and street;
- b) A widened south sidewalk to accommodate street furniture;
- c) Pedestrian-scaled lighting with coordinated design throughout the Plan area;
- d) Separated cycling lanes travelling both directions;

- e) Two dedicated rapid transit lanes, travelling both directions, subject to the results of the Bus Rapid Transit Environment Assessment; and,
- f) Two traffic lanes, travelling both directions.

3.6.5.5 Dundas Street, between Egerton Street and Burbrook Place

The design of Dundas Street between Egerton Street and Burbrook Place will include:

- a) Widened sidewalks on the north side of the road with generous landscape zones for large canopy trees with appropriate soil volume, and street;
- b) A widened south sidewalk to accommodate street furniture;
- c) Pedestrian-scaled lighting with coordinated design throughout the Plan area;
- d) On-street parking on the north side of the street to support the emerging retail and commercial functions;
- e) Two dedicated rapid transit lanes, travelling both directions, subject to the results of the Bus Rapid Transit Environment Assessment; and,
- f) Two traffic lanes, travelling both directions.

3.6.5.6 King Street, between Colborne Street and Ontario Street

The streetscape design for King Street will include:

- a) Generous sidewalks on both sides of the road to accommodate the rapid transit function of the corridor and ensure adequate room for pedestrians and transit riders;
- b) Generous landscape zones on the both sides of the road with large canopy trees



with appropriate soil volume, and space for street furniture including benches, waste receptacles, and rapid transit stations;

- c) General front-yard setback for landscaping between the sidewalk and the private realm to be secured through development;
- d) Pedestrian-scaled lighting with coordinated design throughout the Plan area;
- e) Two dedicated rapid transit lanes, travelling both directions, subject to the results of the Bus Rapid Transit Environment Assessment; and,
- f) One traffic lane, travelling eastbound.

3.6.5.7 North-South Connector Streets

North-south streets within the Secondary Plan area have an important role of connecting people between Dundas Street, King Street, and Queens Avenue. With future planned cycling infrastructure upgrades on Queens Avenue and Dundas Street, there is an imperative to create safe cycling connections between these two streets. Furthermore, the north-south connections between King Street and Dundas Street will

play an important role in facilitating pedestrian movement, particularly near transit stations on King Street.

To enhance pedestrian and cycling connections, the design of connector streets will include:

- a) Wide sidewalks on both sides of the street to create comfortable pedestrian conditions;
- b) Cycling infrastructure and/or on-street parking where possible;
- c) Directional signage for pedestrians and cyclists;
- d) Generous landscape zones with large canopy trees with appropriate soil volume; and,
- e) Pedestrian-scaled lighting with coordinated design.



3.7 CULTURAL HERITAGE

The Old East Village Dundas Street Corridor Secondary Plan area has a substantial number of cultural heritage resources. It is the intent of the Secondary Plan to promote the restoration and enhancement of heritage properties. Significant cultural heritage resources shall be integrated with new development and public realm improvements in respectful and creative ways.

The City of London maintains a Register (Inventory of Heritage Resources). Any proposed development on or adjacent to a property designated under the *Ontario Heritage Act* or a property listed in City of London's Register shall:

- a) Require a Heritage Impact Assessment (HIA) to ensure that significant cultural heritage resources are conserved. Any assessment must include consideration of its historical and natural context within the City of London, and should include a comprehensive evaluation of the design, historical, and contextual values of the property.



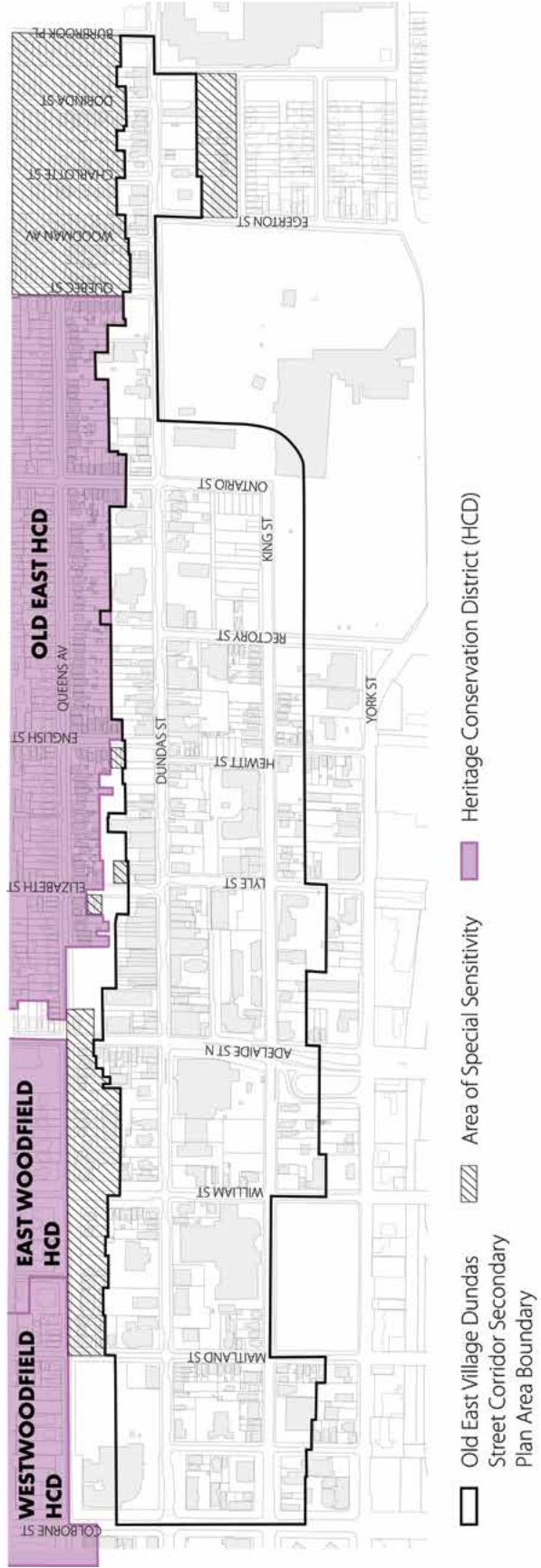
The following potential mitigation approaches may be suitable for consideration and application for minimizing impacts from proposed developments on or adjacent to listed, designated, and potential cultural heritage resources within the Secondary Plan area:

- b) Avoidance and mitigation to allow development to proceed while retaining the cultural heritage resources in situ and intact;
- c) Adaptive re-use of a built heritage structure or cultural heritage resources;
- d) Commemoration of the cultural heritage of a property/structure/area, historical commemoration means such as plaques or cultural heritage interpretive signs; and,
- e) Urban design policies and guidelines for building on, adjacent, and nearby to heritage designated and heritage listed properties, and properties with potential cultural heritage resources to ensure compatibility by integrating and harmonizing mass, setback, setting, and materials.

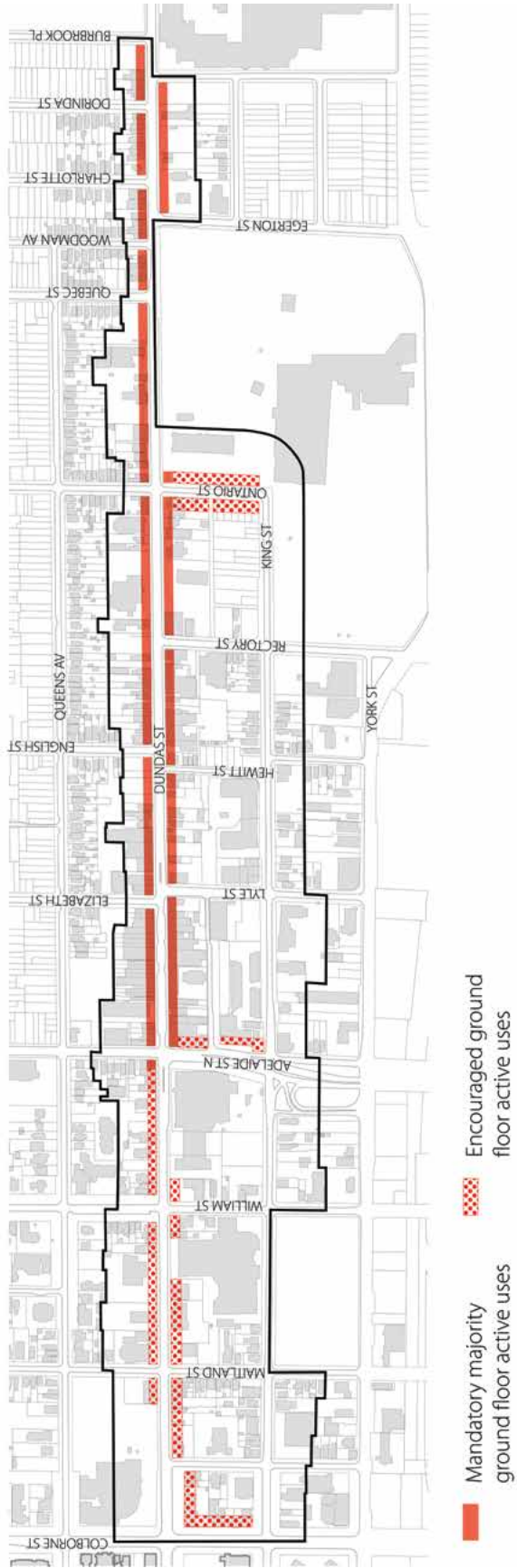


4.0 Schedules

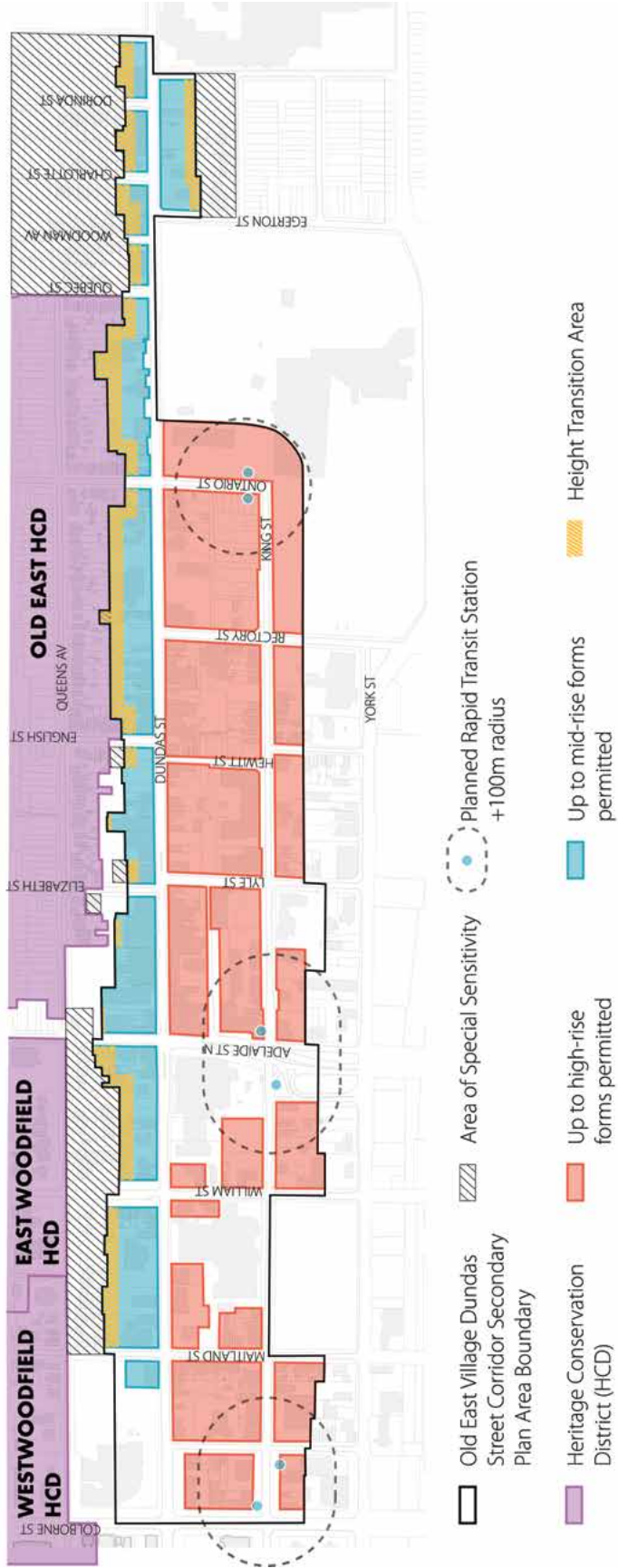
SCHEDULE 1: SECONDARY PLAN AREA



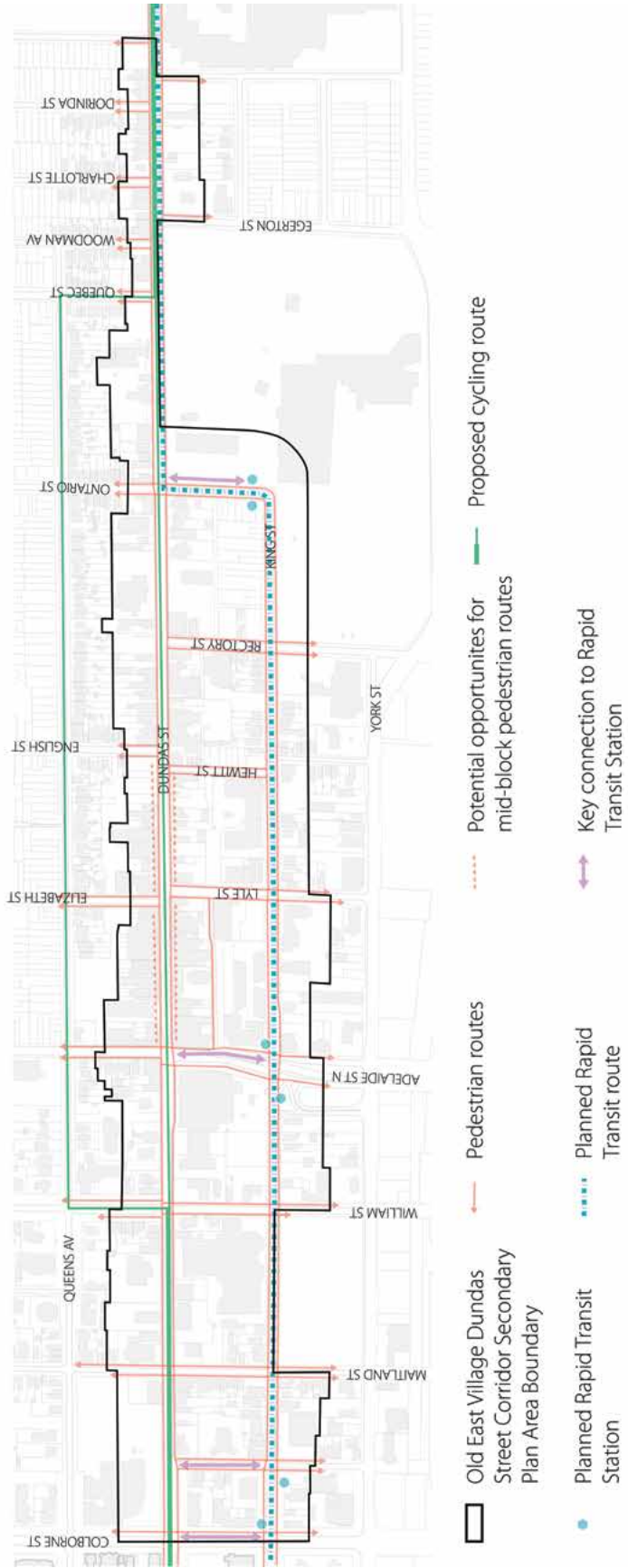
SCHEDULE 2: GROUND-FLOOR USES



SCHEDULE 3: PERMITTED HEIGHTS



SCHEDULE 4: CONNECTIVITY FRAMEWORK



Appendix C – Public Engagement

Notice of Application

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 15, 2018.

No replies were received.

Nature of Liaison: The need for an Old East Village Dundas Street Corridor Secondary Plan was identified through discussions on the implementation of the Bus Rapid Transit System. The east-west bus rapid transit route is proposed to run eastward from the Downtown along King Street onto Ontario Street and then eastward along Dundas Street within the study area (see attached Map).

The purpose of the Secondary Plan is to establish a long term vision for the area and guide the future character of development through more specific policies than those contained in the Rapid Transit and Urban Corridors Section of the London Plan. The Secondary Plan can also be used to implement a vision or design concept, specifically, an urban design framework to connect the King Street rapid transit corridor and the Old East Village business district to the north. The Plan will provide a framework for the evaluation of future planning applications and public and private investment in the area.

Possible amendments to Sections 20.2 and 20.3 and Schedule D of the existing Official Plan and Policy 1565 and Map 7 of The London Plan to add the Old East Village Dundas Street Corridor Secondary Plan as a new Secondary Plan.

Community Information Meeting – June 27, 2018

Public liaison: Notice of the Community Information Meeting was sent to 1,527 property owners in the Secondary Plan area.

Approximately 70 people were in attendance at the Community Information Meeting.

Meeting Summary:

The following meeting summary was provided by Urban Strategies Inc.:

On June 27th, 2018, the City of London hosted a Public Information Meeting for the Old East Village Dundas Street Corridor Secondary Plan Study. At this meeting, participants were also consulted for their opinion on preferred cycle lane options for an ongoing Bikeway study. The consultation was held at Aeolian Hall on 795 Dundas Street between 6:30 – 8:30 pm and consisted of a presentation and facilitated table-based discussions. Approximately 70 community members attended the meeting. Participants provided feedback by writing directly or placing notes and place markers on boards, providing feedback on comment sheets, and by speaking directly with staff and consultants. This report provides a high-level summary of participant feedback and is not intended to provide a verbatim transcript of the meeting.

The purpose of the consultation was to:

- consult community members on identifying a vision for the study area
- discuss preferred land uses and building heights along Dundas and King Streets
- focus the discussion on the character and design of Dundas Street; and
- receive feedback on East-West Bikeway options.

Presentation and Activities:

The public meeting consisted of two parts. First, a presentation was given by staff and consultants to provide an overview and context for the Secondary Plan Study as well as

the Bikeway study. The second part involved a series of facilitated table discussions based on the following questions:

1. What are the key characteristics of Dundas Street, King Street and the surrounding area? What would you like to see preserved? What is missing? What would you like to see change?
2. How should Dundas Street be designed? What would you like to see included in the streetscape? (i.e. trees, patios, benches, etc.)
3. How would you rank the proposed Bikeway corridors?
4. Where are the key connections between the Dundas corridor and the future BRT stops on King Street? How would you like them designed?
5. Where would intensification (mid-to high-rise buildings) be best suited within the study area?

Working with a staff facilitator at each desk, participants at 10 tables were encouraged to discuss and provide input to the questions. Report-back period followed, where tables took turns to share a summary of their discussion with the rest of the participants. Diagrams, images, and maps of the study area and Bikeway options were provided for the discussion.

Response Summary:

Question 1

What are the key characteristics of Dundas Street, King Street and the surrounding area? What would you like to see preserved?

Participants at most tables mentioned heritage buildings and attributes as key characteristics that they would like to see preserved. Some participants identified specific landmark buildings and destinations that they felt were important, including Aeolian Hall, Farmer's Market, and the Western Fairgrounds. Preserving independent businesses was also frequently mentioned, as well as the importance of the artisan culture and the artistic character of the area. Pubs and restaurants were mentioned as important anchors along Dundas Street.

What would you like to see more on Dundas Street and the surrounding area?
Having more trees and other landscaping elements such as planters were frequently mentioned, as well as integrating more public art to the area. Some participants mentioned a long-standing need in the community for a coherent identity for the area. A couple tables suggested that adding a gateway feature to the Western Fairgrounds could help reinforce the identity of the area. Some participants mentioned the importance of accessibility and inclusivity. Wanting to feel a sense of community was also mentioned several times. At the same time, other participants mentioned a desire to see more intensification and human-scale development. Participants also expressed that they would like to see a more diverse mix of uses along Dundas Street that include retail and services that can support their everyday needs and give them more reasons to visit the area. Safety was also one of the main concerns for many participants.

What would you like to see changed on Dundas Street and the surrounding area?
Several comments were made about gaps in the street wall and empty sites. Concerns were expressed about the concentration of social services in two blocks on Dundas Street in close proximity to businesses. Some participants mentioned a desire to see Dundas Street cater to all ages and offer a more family-friendly environment. A need for safer crossings was also mentioned.

What is missing from Dundas Street and the surrounding area?

A few comments were made about the missing visual and physical connections from Dundas Street to the existing parking behind buildings. There was a general agreement on the missing rhythm and pedestrian activities on Dundas Street. A need for gathering places were also mentioned. Some participants expressed that Dundas Street lacks multi-modal travel options, although there were conflicting opinions on whether Dundas Street should have cycle lanes.

Question 2

How should Dundas Street be designed? What would you like to see included in the streetscape?

Elements that residents would like to see in the design of Dundas Street include:

- Trees
- Public art and identity markers including signs and wayfinding elements
- Parkette or square
- Improved lighting
- Road diet
- Pedestrian amenities including benches, flexible seating, and chess-board tables
- Garbage cans
- Traffic calming measures
- Patios (possibly flexible/seasonal patio in parking spaces)
- Maximizing sidewalk width
- On street parking
- Outdoor power outlet for events and buskers
- Cycle lanes
- Cycle parking
- Improvements to traffic flow and safety at intersections (particularly at Elizabeth Street and Dundas Street)

Question 3

What do you think of the four proposed East-West Bikeway route candidates?

Tables equally ranked Dundas Street and the Queens and King Street Couplet option as the top choice among the four Bikeway route candidates. Dufferin Street was deemed less preferable mainly due to being too far away from destinations, although some participants expressed that the section in downtown may be suitable. All tables universally expressed negativity towards the York Street option as they felt that the street is unsafe due to high traffic volume and speed.

Question 4

Where would intensification (mid-to high-rise buildings) be best suited within the study area?

Participants were asked to mark where they thought intensification would be best suited using place markers, with red markers for where mid-rise buildings may be appropriate and green markers for where high-rise buildings may be appropriate.

Generally, participants thought that high-rise buildings are appropriate to the south side of the study area near King Street. Some participants also marked the east end of Dundas Street near the fairgrounds and the west end of Dundas Street towards the downtown as being appropriate for high-rise development. Participants thought that mid-rise buildings are appropriate along Dundas Street, mostly on the north side of the street. On Dundas Street, participants emphasized the importance of appropriate integration of heritage buildings. Many participants also added that new developments to step down towards the existing low-rise neighbourhood.

Community Information Meeting – November 1, 2018

Public liaison: Notice of the Community Information Meeting was sent out by Transportation Planning and Design to property owners adjacent to the cycling route options.

Approximately 50 people were in attendance at the Community Information Meeting.

Comment cards were provided to submit comments regarding the Secondary Plan; 19 comment cards were filled out and returned.

Response Summary:

Land uses:

- Support for prioritizing the existing/emerging cultural and artistic presence/businesses in the Old East Village, as well as of creative entrepreneurial businesses.
- Please reference the McCormick Secondary Plan. There are positive exciting activities happening in that area already which need to and are already connecting to the OEV Corridor. There are two craft brewers, a climbing gym, the redevelopment of Kellogg's that needs to be supported and integrated.
- Need to ensure mandated commercial areas are thoroughly thought out.
- Ensure new building along Dundas Street have retail only at the ground floor frontage.
-

Intensity:

- Concern that the area cannot handle the increase in pedestrians and traffic.

Building heights and bonusing:

- Support for the stepped building massing.
- Tall buildings aren't required along Dundas Street. The heights now there (original) are to scale. Stepback further north and south of Dundas if high-rise buildings are proposed.
- Suggestion that bonusing may need to be different in Old East Village than elsewhere in the city.
- Concern for bonusing that turns eight storeys into 10 and 12.
-

Modal priority:

- Support a vision that integrates a more inclusive and accessible space for cyclists/pedestrians and a de-emphasizing of motorways/parking. Businesses need the business that east/west traffic will provide via a protected bike lane. Remove 10 parking spaces to provide the additional bike lane on Dundas Street. Reduce speed limit to 30km/hr.
- Dundas Street business owner relies on commuters driving past their store and needs the area to remain a convenient location for people to commute in their personal vehicles.
- Preference for two bike lanes continuously on Dundas Street.
- Have the bike lane going east on King Street.

Parking:

- Elaborate on connectivity of available parking in municipal lots to Dundas Street.
- Determine how many businesses on the south side of Dundas Street where parking will be lost have rear access.
- Provide funding for enhanced parking connections between the parking lots and Dundas Street. Complete enhancements in conjuncture with other improvements.
- Reducing parking spaces to half would hurt all the businesses in this area. Ease of access to reach to us is of utmost importance to our customers.
- Maintain good parking for businesses – especially professional businesses.

Streetscape:

- The area needs more benches.
- Connections to BRT from Dundas Street need to be well lit.

- Glad to see plans that include more bike paths, pedestrian space, public space, green space, patios etc.
- Would like to see Dundas Place continued in Old East Village.

Heritage:

- Protect heritage facades. Blend new buildings with surrounding heritage buildings.
- Any high-rise on the south side of Dundas Street, Adelaide to Ontario, should not be allowed to reduce heritage properties to visual insignificance.
- Protect heritage buildings. Keep the structures intact.

Other:

- Business owner disapproves of any further construction for at least three years.
- Incentive programs need to both provide financial resources to help renovate facades (in particular) but through the provision as well of design guidelines & principles that specify a unified “appearance” that is welcoming without being wholly contrived.
- Not in favour of BRT.
- Suggestion to demolish the former dive locker building to improve access to Dundas Street at that point from the parking lot north of Dundas Street. It is currently a very narrow passage tightly hemmed in by buildings on either side – no amount of lighting can compensate that.
- Provide a space for those waiting for the food shelters can wait around – shelter our park.

Appendix D – Policy Context

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

The Provincial Policy Statement, 2014

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

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

1.5.1 Healthy, active communities should be promoted by a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

1.7.1 Long-term economic prosperity should be supported by:

- c) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets.
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

The London Plan

830_ Where the term “corridor” is used, without the “rapid transit” or “urban” modifier, it is meant to apply to both of these types of corridors. We will realize our vision for our corridors by implementing the following in all the planning we do and the public works we undertake:

- 5) Allow for a wide range of permitted uses and greater intensities of development along Rapid Transit Corridors close to transit stations
- 6) Carefully manage the interface between our corridors and the adjacent lands within less intense neighbourhoods.

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

- 1) A range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted within the Corridor Place Type.
- 4) Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade.

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

6) As shown on Table 9, greater residential intensity may be permitted within the Rapid Transit Corridor Place Type on sites that are located within 100 metres of a rapid transit station.

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

- 2) Buildings should be sited close to the front lot line, and be of sufficient height, to create a strong street wall along Corridors and to create separation distance between new development and properties that are adjacent to the rear lot line.
- 3) The mass of large buildings fronting the street should be broken down and articulated at grade so that they support a pleasant and interesting pedestrian environment. Large expanses of blank wall will not be permitted to front the street, and windows, entrances, and other building features that add interest and animation to the street will be encouraged.
- 5) Buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure and general site layout that reinforces pedestrian safety and easy navigation.

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

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

- 1) Within the Old East Village, Richmond Row, and SoHo segments, buildings will be a minimum of either two storeys or eight metres in height. Podiums for taller buildings will be a minimum of either two storeys or eight metres in height.
- 2) Buildings in these three Main Street segments will be a maximum of 12 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 16 storeys, may be permitted in conformity with the Our Tools part of this Plan.

1556_ Where there is a need to elaborate on the parent policies of *The London Plan*, or where it is important to coordinate the development of multiple properties, a secondary plan may be prepared by the City of London. Secondary plans will allow for a comprehensive study of a secondary planning area, considering all of the City Building and Environmental Policies of this Plan. It will also allow for a coordinated planning approach for the secondary planning area and the opportunity to provide more detailed policy guidance for the area that goes beyond the general policies of *The London Plan*.

1557_ Secondary Plans may be applied to areas of varying sizes – from large planning districts and neighbourhoods to small stretches of streetscape or even large individual sites. Areas that may warrant the preparation and adoption of a secondary plan include:

- 11) Areas, in whole or in part, within the Transit Village, Rapid Transit Corridor, or Urban Corridor Place Types that may require vision and more specific policy guidance for transition from their existing form to the form envisioned by this Plan.

Report to Planning and Environment Committee

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

**From: Kelly Scherr, P. Eng., MBA, FEC
Managing Director, Environmental & Engineering
Services and City Engineer**

**Subject: Proposed New City of London Boulevard Tree
Protection By-law**

Public Participation Meeting on: February 19, 2019

Recommendation

That on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, that the attached proposed new Boulevard Tree Protection By-law (Appendix "A") **BE INTRODUCED** at the Municipal Council meeting on March 5th, 2019.

Executive Summary

This report and proposed new Boulevard Tree By-Law supports Council's 2015-2019 Strategic Plan *Building a Sustainable City* through a *Strong and Healthy Environment to Plant more trees and better protect them from deforestation, invasive species and other threats*. In addition, The City of London's Urban Forestry Strategy (adopted 2014) includes the pillars to "Protect More" and "Plant More". These pillars are in place to reach Council's goal of 34% tree canopy cover by 2065. The Urban Forest Strategy specifically addresses the action item to "Review and revise the current Boulevard Tree Protection By-law, to set fines consistent with other by-laws, and to strengthen tree protection".

Purpose

The purpose of this report is to inform a public participation meeting (PPM) in support of approval of the new attached by-law. Consultation on the by-law has occurred since it was introduced on September 10, 2018 at the Planning and Environment Committee. The updated version after consultation was identified in a February 4 PEC report to provide those interested with time to review prior to the PPM.

Analysis

1.0 Previous Reports

February 4, 2019	Planning and Environment Committee Report – Proposed New City of London Boulevard Tree Protection By-law setting public participation meeting date and minor updates to by-law language for public review
September 10, 2018	Planning and Environment Committee Report - The City of London Boulevard Tree Protection By-law – Proposed new by-law received for information and referred to the Trees & Forest Advisory Committee for review and comment
February 15, 2015	Planning and Environment Committee report to repeal the Boulevard Tree Protection By-law and approve the City Tree Protection By-law to update administrative clauses and increase fees
August 26, 2014	Planning and Environment Committee report for adoption of the Urban Forest Strategy and endorsement of an Implementation Plan that includes recommendations for by-law revisions

2.0 Summary

The proposed new by-law has remained generally unchanged from the September 10, 2018 report except for a few changes made by staff on a technical nature. Below lists the major changes from the existing by-law to the new proposed.

Major Administrative Changes

- Scope of by-law applies to trees located in the “Boulevard” and specifically excludes unassumed lanes. Trees located in unassumed lanes will be managed on a case-by-case basis subject to being able to gain to access the tree from City property with the necessary equipment.
- Added the new definition of Boundary Tree and a provision for Civic Administration to provide notification to the private property owner when the City is going to remove a Boundary Tree.
- Removed “Prohibited Species List” and prior “Schedule C” as the Managing Director has the authority to approve all tree planting and the removal of any trees regardless of species on the boulevard.
- Removed the “Consensual Tree Removal Process” and prior “Schedule B” (Consensual Tree Removal and Replanting Fees) as it only captured the costs to remove the tree. It does not capture costs such as stump grinding, restoration of the boulevard if needed or administrative costs. Current fees are not sufficient for tree replacement(s).
- Added “Tree Removal, Restoration and Replanting Fees” (Schedule “A”). The new fees proposed include an updated amount for tree removals based on class size, and an average/estimated cost for stump grinding, boulevard restoration and administrative costs. It also outlines the replacement tree fee of \$350 per tree for every 10 cm of diameter at breast height (DBH) of tree removed. For example, a 30 cm DBH tree would require three (3) replacement trees with a total fee of \$1,050. The purpose of these new fees is to capture the real costs of the tree work and ultimately replacing lost tree canopy.

Street Tree Removals Fee Comparisons:

Street Tree Type	Size cm DBH	Current Fees	Proposed Fees	Appraised Value Cost - varies
Sugar Maple	81	\$2,300	\$5,840	\$30,300
Norway Spruce	65	\$2,300	\$4,440	\$25,000
Thornless Honey Locust	43	\$1,600	\$3,740	\$20,700
Flowering Crab-apple	24	\$800	\$2,240	\$1,820

Appraised Tree Value

The proposed fees for tree removal are not based on the appraised value of the tree. However, if a City tree is illegally removed, the appraised value of the tree might be considered by the courts if damages are assessed.

Civic Administration will continue to follow up with the appropriate divisions, such as Development Services, to investigate how the tree appraisal method can fit into their processes, such as site plan and subdivision conditions, to better reflect the true asset value of our trees.

3.0 Public Engagement & Feedback

The proposed new by-law was referred out to the Trees and Forests Advisory Committee for their review and comment. A working group of the committee met on October 30, 2018 and reported back at their November meeting the following:

“That the Trees and Forests Advisory Committee are satisfied with the proposed revisions to the Boulevard Tree Protection Bylaw; it being noted that the Boulevard Tree Protection working group met with staff with respect to this matter”.

Engagement was completed earlier in the year with the development community. Civic Administration attended meetings with the Building and Development Liaison Forum (BDLF) and London and Area Planners' Association where they were provided a brief update on the status of the by-law and a summary of the proposed changes. Civic Administration attended the September meeting of the Building and Development Liaison Forum providing an update on the by-law, general changes and the timeline for comments. Civic Administration met with the members of the Urban Agriculture as they were interested in the by-law. The topics of being able to plant trees without permission and the planting of fruit trees on the boulevard were discussed.

Due to Council approving an increase in the tree planting budget more trees have been planted and wait times have significantly decreased. Depending upon the time of the year residents can see a request for a tree to be planted within that same planting season (spring/fall) or the next up-coming planting season.

At the meeting, Civic Administration brought forward the challenges associated with the public planting on boulevards without oversight such as safety, tree maintenance, species selection, inventory management and liability concerns. Civic Administration supports the planting of fruit trees in appropriate locations but the boulevard provides unique challenges. Safety concerns due to low-branching trees, possible lack of maintenance, and concerns related to messy fruit dropping on sidewalks are routine complaints heard by staff. The current City of London "Approved Species List" includes trees that produce fruit and nuts such as serviceberry and walnut trees. At this meeting, the members did not necessarily agree with Civic Administration's position. However, requests for planting fruit trees, in addition to other type of species, can still be brought forward for locations where they can be maintained over the long term and not cause safety and/or long term maintenance concerns.

Information about the new Boulevard Tree Protection By-law was posted on the Urban Forestry's webpage from mid-September until the end of November. Civic Administration brought forward a recent report to give the public advance notice along with the proposed draft by-law for review in preparation of this public meeting. To date there has been very little comment or feedback on the proposed Boulevard Tree Protection By-law.

4.0 Resources & Budget

With the recent consolidation of Urban Forestry within Environmental & Engineering Services, there has been opportunity to find areas of improvements particularly with customer service. There are some functions in the current by-law and the proposed new by-law that are similar such as inspections for tree removals and collecting fees. However, any enforcement activities as a result of this by-law are new responsibilities to Urban Forestry. These activities can include performing investigations, issuing tickets, preparing evidence and attending court hearings if needed. Based on the experience of the Tree Protection By-law, other costs that can be anticipated include costs for staff to attend Municipal By-law Enforcement Officers training, uniforms, and supplies.

Civic Administration will continue to monitor the impact of this By-law on resources and services. Future identification of any additional required resources to support the implementation of the Boulevard Tree Protection By-law will be forwarded for consideration under the 2020-2023 multi-year budget process.

5.0 Conclusion

Reviewing this by-law as part of the action items in the Urban Forestry Strategy has provided the opportunity to evaluate current practices (consensual removal), incorporate new industry standards (boundary trees) and improve upon our work to "Protect More" and "Plant More".

Acknowledgments

This report was prepared with the assistance of L. Marshall, Solicitor, Sara Rowland, Urban Forestry Planner and Andy Beaton, Manager Forestry Operations.

Prepared by:	Jill-Anne Spence Manager, Urban Forestry, Road Operations & Forestry Division
Submitted by:	John S. Parsons, C.E.T. Division Manager, Road Operations & Forestry Division
Concurred by:	Doug MacRae, P.Eng., MPA Director, Roads & Transportation
Recommended by:	Kelly Scherr, P.Eng., MBA, FEC Managing Director, Environmental & Engineering Services and City Engineer

Attachment: Proposed New By-law

Y:\Shared\Urban Forestry\PEC Reports\Final\PECNewBlvdTreeTreeProtectionByLaw02192019

Bill No.
2019

By-law

A by-law relating to planting and preserving of trees on boulevards in the City of London

WHEREAS Municipal Council has determined that it is desirable to enact a By-law to prohibit the Injury and Destruction of Trees of any size located on City boulevards, to prohibit the planting of trees on City boulevards without the City's consent, and to establish a requirement for payment of the City's estimated costs of removing the tree and purchasing and planting new trees in the event an abutting owner wishes the City to remove a City boulevard tree with the City's consent;

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

AND WHEREAS subsection 8(2) of the *Municipal Act, 2001* provides that in the event of ambiguity in whether or not a municipality has the authority to pass a by-law under s. 10, the ambiguity shall be resolved so as to include, rather than exclude, municipal powers that existed on December 31, 2002;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001* provides that a by-law under section 10 respecting a matter may regulate or prohibit respecting the matter, require persons to do things respecting the matter, provide for a system of licenses (including permits, approvals, registrations and any other type of permission) respecting the matter;

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality, including respecting climate change; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 9, Animals;

AND WHEREAS subsection 44(1) of the *Municipal Act, 2001* provides that a municipality that has jurisdiction over a highway shall keep it in a state of repair that is reasonable in the circumstances, and in subsection 44(2) that a municipality that defaults in complying with subsection (1) is (subject to the *Negligence Act*) liable for all damages any person sustains because of the default;

AND WHEREAS subsection 44(8)(b) of the *Municipal Act, 2001* provides that no action shall be brought against a municipality for damages caused by any obstruction, or any siting or arrangement of any tree adjacent to or on any untraveled portion of a highway;

AND WHEREAS subsection 62(1) of the *Municipal Act, 2001* provides with respect to highways that a municipality may, at any reasonable time, enter upon land lying along

any of its highways, to inspect trees and conduct tests on trees, and to remove decayed, damaged or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using the highway;

AND WHEREAS subsection 62(2) of the *Municipal Act, 2001* provides with respect to highways that an employee or agent of the municipality may remove a decayed, damaged or dangerous tree or branch of a tree immediately and without notice to the owner of the land upon which the tree is located if, in the opinion of the employee or agent, the tree or branch poses an immediate danger to the health or safety of any person using the highway;

AND WHEREAS subsection 62.1(1) of the *Municipal Act, 2001* authorizes a municipality to apply to a judge of the Superior Court of Justice for an order requiring an owner of land lying along a highway to remove or alter any vegetation that may obstruct the vision of pedestrians or drivers of vehicles on the highway, cause the drifting or accumulation of snow or harm the highway if the municipality is unable to enter into an agreement with the owner of the land to alter or remove the vegetation;

AND WHEREAS the *City of London Act, 1953*, c. 118 declares that all trees growing upon highways within the City of London are the property of The Corporation of the City of London;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the Municipal Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the Managing Director, including the power to prescribe operational standards such as the format and content of forms or documents, are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;

AND WHEREAS section 132.1 of the *Municipal Act, 2001* authorizes a municipality to enter on land adjoining land owned or occupied by the municipality, at any reasonable time, for the purpose of maintaining or making repairs or alterations to the land owned or occupied by the municipality but only to the extent necessary to carry out the maintenance, repairs or alterations;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons;

AND WHEREAS sections 429, 431, 444 and 445 of the *Municipal Act, 2001* provide for a system of fines and other enforcement orders;

AND WHEREAS subsection 40(4) of the *Electricity Act, 1998* provides that a transmitter or distributor may enter any land for the purpose of cutting down or removing trees, branches or other obstructions if, in the opinion of the transmitter or distributor, it is necessary to do so to maintain the safe and reliable operation of its transmission or distribution system;

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

Part 1 SHORT TITLE

Short Title

1.1 The short title of this by-law is the Boulevard Tree Protection By-law.

Part 2 DEFINITIONS

Definitions

2.1 For the purposes of this By-law:

“Boulevard” means that portion of every City road allowance within the geographic area of the City of London which is not used as a sidewalk, driveway, travelled roadway or shoulder, and specifically excludes unassumed lanes;

"Boundary Tree" means a tree having any part of its trunk located on the boundary between adjoining lands. For the purposes of this definition, ‘trunk’ means that part of the tree from its point of growth away from its roots up to where it branches out to limbs and foliage;

"By-Law Enforcement Officer" means a person appointed pursuant to the *Police Services Act*, or any successor legislation, as a Municipal Law Enforcement Officer to enforce the provisions of this By-law;

“City” means The Corporation of the City of London;

“Managing Director” means the person who holds the position of Managing Director of Environmental and Engineering Services & City Engineer for the City or their written designate who is authorized by the Managing Director to act on their behalf in respect of this By-law;

"Destroy" means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of injury caused to a live Tree or its roots is such that it is likely to die or be killed. The terms "Destroyed" and "Destruction" shall have a corresponding meaning;

“Injure” means to harm, damage or impair the natural function or form of a Tree, including its roots, by any means, and includes but is not limited to cutting, carving, drilling, injecting, exploding, shattering, pruning, removal of bark, deliberate inoculation of decay fungi, pest or disease, inserting or driving foreign objects into or through the Tree or its roots, soil compaction, root excavation, suffocation, drowning, burying or poisoning. The terms “Injury”, “Injuring” and “Injured” shall have a corresponding meaning;

“Tree” means a woody perennial plant and including the root system, where the plant has reached, could reach, or could have reached a height of at least 4.5 metres (15 feet) at physiological maturity. The term “Trees” shall have a corresponding meaning.

Part 3 SCOPE

3.1 This By-law applies to City Boulevards within the City of London.

Part 4 ADMINISTRATION

4.1 The administration of this by-law shall be performed by the Managing Director.

Part 5 PROHIBITIONS

Plant tree without permission

5.1 No person shall plant or cause to be planted a Tree on a Boulevard without written permission of the Managing Director.

Injure Tree – Destroy Tree - prohibited

5.2 No person shall Injure or Destroy a Tree located on a Boulevard without written permission of the Managing Director.

- Attaching objects prohibited without permission**
- 5.3 No person shall attach any object or thing to a Tree upon a Boulevard without written permission of the Managing Director.

- Undertaking work - Injure Tree**
- 5.4 No person shall undertake any work over, upon or under a Boulevard so as to Injure a Tree, without written permission of the Managing Director.

- Hinder Managing Director in duties**
- 5.5 No person shall hinder or obstruct, or attempt to hinder or obstruct, the Managing Director or any other person in the exercise of the powers and performing the duties authorized and contained in this by-law.

- Fail to Comply with Order to Discontinue Activity**
- 5.6 No person who has been issued an Order to Discontinue Activity shall fail to comply with the Order.

- Exceptions – City – *Electricity Act***
- 5.7 The prohibitions in this Part shall not apply to the City nor to a person acting under authority of the City. The prohibitions in sections 5.2 and 5.4 shall not apply to a person acting under authority of the *Electricity Act, 1998* or any successor legislation.

Part 6 POWERS OF THE MANAGING DIRECTOR

- Managing Director - authority**
- 6.1 The Managing Director is authorized to plan, regulate, supervise and carry out all planting, removal, and maintenance (including pruning) with respect to Trees situated on a Boulevard in the City of London.

- Branch extending over highways**
- 6.2 The Managing Director may trim any Trees on private property where the branches extend over a highway.

- Trees may be removed**
- 6.3 The Managing Director may, in their sole discretion and for any reason, remove any Tree from the Boulevard.

- Trees on adjacent lands – enter upon land – Trees removed - dangerous**
- 6.4 (1) Pursuant to subsection 62(1) of the *Municipal Act, 2001*, or successor legislation, the Managing Director may, at any reasonable time, enter upon land lying along any of its highways to:
- (a) inspect Trees and conduct tests on Trees,
 - (b) remove decayed, damaged or dangerous Trees or branches of Trees if, in the opinion of the municipality, the Trees or branches pose a danger to the health or safety of any person using the highway.

(2) Pursuant to subsection 62(2) of the *Municipal Act, 2001*, or successor legislation, an employee or agent of the City may remove a decayed, damaged or dangerous Tree or branch of a Tree immediately and without notice to the owner of the land upon which the Tree is located if, in the opinion of the employee or agent, the Tree or branch poses an immediate danger to the health or safety of any person using the highway.

- Abutting owner request for Boulevard Tree removal - costs - Tree replacement**
- 6.5 (1) An owner of property that is abutting the Boulevard may submit a written request to the Managing Director, in the form prescribed by the Managing Director, requesting the Managing Director to remove a Tree located on that part of the Boulevard that is abutting the owner's property.

(2) Upon a request under subsection (1) above, the Managing Director has the sole discretion to decide whether a Tree may be removed from the Boulevard, and the sole authority to remove such a Tree.

(3) If the Managing Director determines that a Tree may be removed from the Boulevard at the request of an abutting property owner under subsection (2) above, then prior to the Tree being removed by the Managing Director, the person requesting the Boulevard Tree removal is required to give to the City:

- (a) payment of fees for the City's estimated costs of removing the tree and purchasing and planting similar new trees as set out in Schedule "A" to this by-law; and
- (b) a survey if required by the Managing Director.

(4) Where the City removes a Tree pursuant to this section, the Managing Director, at their sole discretion, may plant another Tree or Trees of a species as determined by the Managing Director, at the same or a different location as determined by the Managing Director.

(5) Nothing in this section shall be construed to limit the Managing Director's authority to remove a Tree located on a Boulevard at any time and for any reason.

Boundary trees – at least 72 hours' notice to abutting owners

- 6.6 If it comes to the attention of the Managing Director that a Tree that is to be removed by the City under this By-law is or may be a Boundary Tree, the Managing Director shall provide notice at least 72 hours prior to the removal of the Tree to all apparent abutting owners. Such notice can be effected by leaving the notice at the property (e.g. door-hanger). This requirement to provide notice shall not apply with respect to the City's authority to remove decayed, damaged or dangerous Trees or branches if in the opinion of the municipality the Trees or branches pose a danger to the health or safety of any person using the highway.

Part 7 ENFORCEMENT

Enforced By

- 7.1 This By-law may be enforced by a By-law Enforcement Officer.

Part 8 POWER TO MAKE ORDERS – TO DISCONTINUE ACTIVITY

Orders to Discontinue Activity

- 8.1 (1) Where a By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the By-law Enforcement Officer may make an Order to Discontinue Activity requiring the person who contravened the By-law or a person that caused or permitted a contravention of the By-law or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

(2) The Order to Discontinue Activity shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date and time by which there must be compliance with the Order to Discontinue Activity.

Service of Order to Discontinue Activity

- 8.2 (1) An Order to Discontinue Activity may be served personally by the By-law Enforcement Officer, may be sent by registered mail to the person contravening the By-law, or may be posted in a conspicuous place on the property where the contravention occurred.

(2) Where an Order to Discontinue Activity under this By-law is served personally by the By-law Enforcement Officer, it shall be deemed to have been served on the date of delivery to the person or persons named.

(3) The posting of the Order to Discontinue Activity on the property where the contravention occurred shall be deemed to be sufficient service of the Order to Discontinue Activity on the person or corporation to whom the Order to Discontinue Activity is directed on the date it is posted.

(4) Where an Order to Discontinue Activity issued under the By-law is sent by registered mail, it shall be sent to the last known address of one or more of the following:

- (a) the person contravening the by-law;
 - (b) the person or company undertaking the Injury or Destruction,
- and shall be deemed to have been served on the fifth day after the Order to Discontinue Activity is mailed.

Part 9 OFFENCES AND PENALTIES

Offences

9.1 Any person who contravenes any provision of this By-law is guilty of an offence.

Director or officer of corporation

9.2 A director or officer of a corporation who knowingly concurs in the contravention of this By-law is guilty of an offence

Penalties – Minimum and Maximum

9.3 A person convicted under this By-law is liable to a minimum fine of \$500.00 and a maximum fine of \$100,000.00.

Continuation - repetition - prohibited by order

9.4 The court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted, and such order shall be in addition to any other penalty imposed on the person convicted.

Civil remedies

9.5 The City's enforcement remedies under this By-law are in addition to its common law or other statutory rights to damages or other compensation, including compensation to the City for damages for the cost of treating or removing Boulevard Trees and the diminution in the value of the Boulevard calculated by reference to the cost of replacing the injured or destroyed Tree.

Part 10 MISCELLANEOUS

Repeal

10.1 By-law No. P.-69 and all amendments are repealed.

Effective date

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

PASSED in Open Council on _____, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

Schedule A

Tree Removal, Restoration and Replanting Fees	
Tree Size (DBH) Diameter at Breast Height	Fees
<10cm	\$ 1,240
11cm-20cm	\$ 1,890
21cm-30cm	\$ 2,240
31cm-40cm	\$ 2,590
41cm-50cm	\$ 3,740
51cm-60cm	\$ 4,090
61cm-70cm	\$ 4,440
71cm-80cm	\$ 5,490
81cm-90cm	\$ 5,840
91cm-100cm	\$ 7,190
101cm-120cm	\$ 9,040
121cm-130cm	\$ 9,390
131cm-140cm	\$ 10,940
141cm-150cm	\$ 11,290
151cm-160cm	\$ 11,640
161cm-170cm	\$ 11,990
171cm-180cm	\$ 12,340
181cm-190cm	\$ 12,690
>191cm	\$ 13,040

London Advisory Committee on Heritage

Report

3rd Meeting of the London Advisory Committee on Heritage
February 13, 2019
Committee Rooms #1 and #2

Attendance PRESENT: D. Dudek (Chair), S. Adamsson, D. Brock, J. Cushing, H. Elmslie, S. Gibson, T. Jenkins, J. Manness, K. Waud and M. Whalley and J. Bunn (Secretary)

ABSENT: H. Garrett

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

The meeting was called to order at 5:30 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Stewardship Sub-Committee Report

That the following actions be taken with respect to the Stewardship Sub-Committee Report, from its meeting held on January 30, 2019:

a) the attached Stewardship Sub-Committee Report, as noted above, BE FORWARDED to J. Ramsay, Project Director, Rapid Transit Implementation so that the comments within it can be incorporated into future Cultural Heritage Evaluation Reports (CHER) and Environmental Project Reports; it being noted that the London Advisory Committee on Heritage supports an individual CHER or Heritage Impact Assessment (HIA) being completed during detailed design for the following six properties that the Stewardship Sub-Committee recommended be further reviewed:

- 740 Richmond Street;
- 744 Richmond Street;
- 746 Richmond Street;
- 136 Wellington Road;
- 138 Wellington Road; and,
- 142 Wellington Road; and,

b) the following items, related to the above-noted matter, BE RECEIVED:

- the attached presentation and hand-out from M. Tovey and J. Hunten with respect to properties located on Richmond Street;
- the attached presentation and hand-out from J. Ramsay, Project Director, Rapid Transit Implementation with respect to the Rapid Transit CHERs; and,
- the above-noted Stewardship Sub-Committee Report.

3. Consent

3.1 2nd Report of the London Advisory Committee on Heritage

That it BE NOTED that the 2nd Report of the London Advisory Committee on Heritage, from its meeting held on January 9, 2019, was received.

3.2 Municipal Council Resolution - 1st Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on January 15, 2019, with respect to the 1st Report of the London Advisory Committee on Heritage, was received.

3.3 Municipal Council Resolution - 2nd Report of the London Advisory Committee on Heritage

That it BE NOTED that the Municipal Council resolution, from its meeting held on January 29, 2019, with respect to the 2nd Report of the London Advisory Committee on Heritage, was received.

3.4 Public Meeting Notice - Official Plan Amendment - Draft Old East Village Dundas Street Corridor Secondary Plan

That the following actions be taken with respect to the Notice of Public Meeting, dated January 24, 2019, from K. Killen, Senior Planner, with respect to an Official Plan Amendment for the Draft Old East Village Dundas Street Corridor Secondary Plan as well as the Old East Village-Dundas Street Corridor Secondary Plan Cultural Heritage Assessment Report (CHAR) prepared by ASI Archaeological and Cultural Heritage Services:

- a) K. Killen, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage recommends that the properties included on the attached Appendix C of the above-noted Old East Village-Dundas Street Corridor Secondary Plan Cultural Heritage Assessment Report, be added to the Register (Inventory of Heritage Resources); and,
- b) the above-noted Notice of Public Meeting and CHAR, BE RECEIVED.

3.5 Notice of Planning Application - Zoning By-law Amendment - 2096 Wonderland Road North

That B. Debbert, Senior Planner, BE ADVISED of the following with respect to the Notice of Planning Application for a Zoning By-law Amendment for the property located at 2096 Wonderland Road North:

- the London Advisory Committee on Heritage (LACH) is not satisfied with the research and assessment of the Heritage Impact Statement (HIS) Addendum, appended to the agenda, from zedd Architecture and Kirkness Consulting;
- the LACH does not support the conclusions of the above-noted HIS Addendum;
- the LACH suggests that further consideration be given to the conservation of the heritage attributes, described in the designating by-law, for the property located at 2096 Wonderland Road North; and,
- the LACH has concerns about the following with respect to this application:

- o retaining the Georgian character of the current building;
 - o massing of the proposed development related to the Georgian farmhouse, particularly townhouse 1, 2, 8 and 9 on the submitted plans;
 - o proposed window and door replacement, which was proposed to match design treatment of the new townhouses, but should, instead, reflect the Georgian character of the farmhouse;
 - o the lack of green space to retain the context of the Georgian farmhouse; and,
 - o potential construction impacts on the heritage building;
- it being noted that the attached presentation from L. Dent, Heritage Planner, was received with respect to this matter.

3.6 Community Heritage Ontario Newsletter - Winter 2019

That it BE NOTED that the CHOnews newsletter for Winter of 2019 was received; it being noted that a copy is on file in the City Clerk's Office.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Request for Designation - 75 Langarth Street East

That the communication, dated January 30, 2019, from L. Curnoe, with respect to a request for designation for the property located at 75 Langarth Street East, BE REFERRED to the Stewardship Sub-Committee for further research and review.

5.2 Community Heritage Ontario Questionnaire

That it BE NOTED that the Community Heritage Ontario Questionnaire entitled "Finding Out From Members of Municipal Heritage Committees what Training Do You Need?", was received.

5.3 2018 Heritage Planning Program

That it BE NOTED that the attached Memo, dated February 6, 2019, from K. Gonyou, L. Dent and K. Gowan, Heritage Planners, with respect to the 2018 Heritage Planning Program, was received; it being noted that the London Advisory Committee on Heritage commends the work done by the Heritage Planners in 2018.

5.4 Heritage Planners' Report

That it BE NOTED that the attached submission from K. Gonyou and L. Dent 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 - 124 St. James Street

That it BE NOTED that the Notice of Planning Application, dated February 6, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments related to the property located at 124 St. James Street, was received.

7. Adjournment

The meeting adjourned at 7:25 PM.

**LACH Stewardship Sub-Committee
Report**

Wednesday January 30, 2019

Location: City Planning Office, 206 Dundas Street

Start Time: 6:30pm

Present: M. Whalley, J. Hunten, J. Cushing, M. Tovey, K. Waud, T. Regnier, H. Elmslie; K. Gowan, K. Gonyou (staff)

Agenda Items:

Rapid Transit – Cultural Heritage Evaluation Reports (CHERs)

1. CHER University Drive Bridge

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by WSP for the University Bridge, located on Western University campus over the north branch of the Thames River. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project, with the following comments:

- The name of the bridge is “University Bridge”
- It should be noted that there are additional resources at the Western Archives, and other potential sources including historic photographs and postcards, regarding the construction of University Bridge which could contribute to an understanding of its history, that should be consulted in preparing a Heritage Impact Assessment

2. CHER Highbury Avenue North Overpass

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by WSP for the Highbury Avenue North Overpass, located between Dundas Street and Oxford Street East over the CPR tracks. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project, with the following comments:

- Historic photographs of the previous structure are available and should be included within this CHER to complete its historical research and documentation; these photographs from the *London Free Press* collection could be included within newspaper articles related to the replacement of the previous structure and should be investigated

3. CHER Clark’s Bridge (Wellington Road/Wellington Street)

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by WSP for Clark's Bridge, which carries Wellington Road/Wellington Street over the south branch of the Thames River. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project, with the following comments:

- Should the bridge be expanded or rebuilt, the bridge at this location should be named Clark's Bridge and the bridge plaque be salvaged and reinstated

4. CHER Richmond 5 Group

Overall comment

- The comparative examples that were provided were not sufficient or entirely applicable for the properties discussed in the Richmond 5 Group CHER

a. 736 Richmond Street

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by WSP for the heritage listed property located at 736 Richmond Street. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project, with the following comments:

- The front gablet (hipped gable) is believed by the Stewardship Sub-Committee to be original as it relates to the stable style/type
- The structure is constructed of brick, and believed to be an early example of a brick stable (and a potential rare example, as few stable buildings remain)
 - Known historic stables: at rear of property at 400 Princess Avenue, 620 Marshall Street (livery), 4257 Colonel Talbot Road (barn), 850 Highbury Avenue North (barn), 660 Sunningdale Road East (barn), 1017 Western Road (coach house), 566 Dundas Street (coach house), 335 St. George Street (coach house)
- The Stewardship Sub-Committee believes the property is important in defining, maintaining or supporting the character of the area through the continued application of the red brick upper façade cladding, a material which defines the character of The Village particularly the east block of Richmond Street between Piccadilly Street and Oxford Street East (724-750 Richmond Street) and later echoed at 205 Oxford Street East, 743 Richmond Street

- The applied red rug brick veneer is consistent with the materials found in The Village and appears to have been applied before July 1940 based on archival photographs (see Glenbow Archives)
- Historical information on the Campus Hi-Fi restaurant was not sufficient; further research should be completed
- The Stewardship Sub-Committee disagrees with the comments on the integrity of this cultural heritage resource (Section 4.1.3 of the CHER), as this building has continued to evolve and be adapted to new uses
- As a former stable, is it a rare example of a type – meeting an additional criteria of physical/design value
- The heritage attributes (Section 4.1.6 of the CHER) identified do not fully reflect the cultural heritage value of this property
- The Cultural Heritage Evaluation Report be revised and provided to Stewardship Sub-Committee for review

b. 740 Richmond Street

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by WSP for the heritage listed property located at 740 Richmond Street. The Stewardship Sub-Committee does not support the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

The Stewardship Sub-Committee believes that the property at 740 Richmond Street demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project. The Stewardship Sub-Committee would like the following to be considered in a re-evaluation of the property:

- Consultation should undertake with the former property owner at the time of construction of the present building, as this may assist in the identification of further details which illuminate the building's past (e.g. architect, plans, etc.)
- The information provided by M. Tovey be reviewed and applied in the evaluation of the property
- The Stewardship Sub-Committee believes the property meets the criteria of O. Reg. 9/06 in the following ways:
 - The property is a rare example of a purpose-built, independent bookstore
 - The property is important in defining, maintaining or supporting the character of the area through the continued application of the red brick upper façade cladding, a material which defines the character of The Village particularly the east block of Richmond Street

between Piccadilly Street and Oxford Street East (724-750 Richmond Street) and later echoed at 205 Oxford Street East, 743 Richmond Street

- The Cultural Heritage Evaluation Report be revised and provided to Stewardship Sub-Committee for review

c. 742 Richmond Street

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by WSP for the heritage listed property located at 742 Richmond Street. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project, with the following comments:

- The Stewardship Sub-Committee believes that the comparative examples provided were not sufficient and believes this property meets the design/physical value criteria as the property is a rare example of a 1925 Taxi Building
 - A more appropriate comparative example is the J.C. Beemer building (131 Queens Ave; demolished) that appears in *London 1914*
- The Stewardship Sub-Committee believes the property is important in defining, maintaining or supporting the character of the area through the continued application of the red brick upper façade cladding, a material which defines the character of The Village particularly the east block of Richmond Street between Piccadilly Street and Oxford Street East (724-750 Richmond Street) and later echoed at 205 Oxford Street East, 743 Richmond Street
- The Cultural Heritage Evaluation Report be revised and provided to Stewardship Sub-Committee for review

d. 744 Richmond Street

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by WSP for the heritage listed property located at 744 Richmond Street. The Stewardship Sub-Committee does not support the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

The Stewardship Sub-Committee believes that the property at 744 Richmond Street demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project. The

Stewardship Sub-Committee would like the following to be considered in a re-evaluation of the property:

- The photograph of the property at 744 Richmond Street does not clearly depict the property as numerous cars in front of the property and the shadow hinders the depiction of the building's facade
- It should be noted that the cladding is Queenston limestone not Angel Stone
- John A. Irvine, property owner and proprietor of Irvine Appliance, was the builder of the building. John A. Irvine was also a City Councillor (Alderman; 1960-1963) and Member of Parliament (1963-1965, 1965-1968)
- The information provided by M. Tovey be reviewed and applied in the evaluation of the property
- Noting the following design features of the building:
 - Large rectangular opening for windows and doors
 - Inset window that contrasts with the rusticated wall detailing
 - In the style of the 1950s
 - Stringcourse of smooth stone that unifies the buildings at 744 Richmond Street and 746 Richmond Street
 - Tile flashing of the parapet (still extant on the building at 744 Richmond Street)
 - Although replaced, the windows and doors maintain the original openings and surrounding details
- The building at 744 Richmond Street was built a few years after the building at 746 Richmond Street; it was constructed between 1950 and 1955
- The Stewardship Sub-Committee believes the property meets the criteria of O. Reg. 9/06 in the following ways:
 - A representative example of Mid-Century commercial architecture
 - Has direct historical associations with John A. Irvine, who is significant to the community as a former City Councillor and Member of Parliament
 - Is important in defining, maintaining or supporting the character of the area through the continued application of the red brick upper façade cladding, a material which defines the character of The Village particularly the east block of Richmond Street between Piccadilly Street and Oxford Street East (724-750 Richmond Street) and later echoed at 205 Oxford Street East, 743 Richmond Street
 - Is physically, functionally, visually and historically linked to its surroundings, particularly the building at 746 Richmond Street; the building at 744 Richmond Street was built as an infill project to match the design of the building at 746 Richmond Street.

- The Stewardship Sub-Committee emphasized the connection between the properties at 744 Richmond Street and 746 Richmond Street
- The Cultural Heritage Evaluation Report be revised and provided to Stewardship Sub-Committee for review

e. 746 Richmond Street

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by WSP for the heritage listed property located at 746 Richmond Street. The Stewardship Sub-Committee does not support the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

The Stewardship Sub-Committee believes that the property at 746 Richmond Street demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project. The Stewardship Sub-Committee would like the following to be considered in a re-evaluation of the property:

- The photograph of the property at 746 Richmond Street does not accurately depict the property as numerous cars in front of the property and the shadow hinders the depiction of the building's facade
- It should be noted that the cladding is Queenston limestone not Angel Stone
- John A. Irvine, property owner and proprietor of Irvine Appliance, was the builder of the building. John A. Irvine was also a City Councillor (Alderman; 1960-1963) and Member of Parliament (1963-1965, 1965-1968)
- The information provided by M. Tovey be reviewed and applied in the evaluation of the property
- Further properties for comparative analysis be sought, including: 766 Adelaide Street North, 228 Oxford Street East, 1050 Dundas Street, 608 Dundas Street, 762 Dundas Street
 - As a contrast comparison: major Downtown bank locations
- Noting the following design features of the building:
 - Large rectangular opening for windows and doors, which are dark and contrast with pale grey limestone surrounding
 - Inset window, which is outlined by strips of smooth stone that contrasts with the rusticated wall detailing
 - In the style of the 1950s
 - Stringcourse of smooth stone that unifies the buildings at 744 Richmond Street and 746 Richmond Street
 - Tile flashing of the parapet (still extant on the building at 744 Richmond Street)

- Although replaced, the windows and doors maintain the original openings and surrounding details
- The Stewardship Sub-Committee believes the property meets the criteria of O. Reg. 9/06 in the following ways:
 - A representative example of Mid-Century commercial architecture, particularly small bank branch architecture
 - Has direct historical associations with John A. Irvine, who is significant to the community as a former City Councillor and Member of Parliament
 - Is important in defining, maintaining or supporting the character of the area through the continued application of the red brick upper façade cladding, a material which defines the character of The Village particularly the east block of Richmond Street between Piccadilly Street and Oxford Street East (724-750 Richmond Street) and later echoed at 205 Oxford Street East, 743 Richmond Street
 - Is physically, functionally, visually and historically linked to its surroundings, particularly the building at 744 Richmond Street; the building at 744 Richmond Street was built as an infill project to match the design of the building at 746 Richmond Street
- The Stewardship Sub-Committee emphasized the connection between the properties at 744 Richmond Street and 746 Richmond Street
- The Cultural Heritage Evaluation Report be revised and provided to Stewardship Sub-Committee for review

5. CHER Wellington 35 Group

Sub-Group 1

a. 1 Kennon Place

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 1 Kennon Place. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

b. 26 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 26 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

The Stewardship Sub-Committee would like to provide the following comments:

- There may be more examples of concrete buildings in London than the 5 noted, however this building is still believed to be a rare example of this material overall and particularly significant as it has a rare cladding pattern with rusticated and smooth blocks
- Comparison to the properties at 28 Wellington Road and 30 Wellington Road may be suitable in the evaluation, but should this be included as a heritage attribute of the property?
- Further research into concrete block houses as a building material may be fruitful to better contextual these properties

c. 28 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 28 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

The Stewardship Sub-Committee would like to provide the following comments:

- There may be more examples of concrete buildings in London than the 5 noted, however this building is still believed to be a rare example of this material overall and particularly significant as it has a rare cladding pattern with rusticated and smooth blocks
- Comparison to the properties at 26 Wellington Road and 30 Wellington Road may be suitable in the evaluation, but should this be included as a heritage attribute of the property?
- Further research into concrete block houses as a building material may be fruitful to better contextual these properties

d. 30 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 30 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

The Stewardship Sub-Committee would like to provide the following comments:

- There may be more examples of concrete buildings in London than the 5 noted, however this building is still believed to be a rare example of this

material overall and particularly significant as it has a rare cladding pattern with rusticated and smooth blocks

- Comparison to the properties at 26 Wellington Road and 28 Wellington Road may be suitable in the evaluation, but should this be included as a heritage attribute of the property?
- Further research into concrete block houses as a building material may be fruitful to better contextual these properties

e. 32 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 32 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

f. 34 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 34 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

Sub-Group 2

g. 74 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 74 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

h. 78 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 78 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

i. 88 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 88 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

j. 98 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 98 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

k. 118 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 118 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

Sub-Group 3

l. 134 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 134 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

m. 136 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 136 Wellington Road. The Stewardship Sub-Committee does not support the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

The Stewardship Sub-Committee believes that the property at 136 Wellington Road demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project. The Stewardship Sub-Committee would like the following to be considered in a re-evaluation of the property:

- The bay window is unusual, particularly with the hipped roof that intersects with the gable roof over the porch
- This built heritage resource demonstrates a high degree of integrity
- Noting the stylistic connection between the buildings at 136 Wellington Road, 138 Wellington Road, and 142 Wellington Road, that the buildings were constructed by Simon Smith in c. 1930
- Further comparison to similar buildings should be undertaken
- The Cultural Heritage Evaluation Report be revised and provided to Stewardship Sub-Committee for review

n. 138 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 138 Wellington Road. The Stewardship Sub-Committee does not support the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

The Stewardship Sub-Committee believes that the property at 138 Wellington Road demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project. The Stewardship Sub-Committee would like the following to be considered in a re-evaluation of the property:

- A high degree of integrity of the built heritage resource
- Noting the stylistic connection between the buildings at 136 Wellington Road, 138 Wellington Road, and 142 Wellington Road, that the buildings were constructed by Simon Smith in c. 1930
- Further comparison to similar buildings should be undertaken
- The Cultural Heritage Evaluation Report be revised and provided to Stewardship Sub-Committee for review

o. 140 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 140 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property

does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project, with the following comments:

- The property at 140 Wellington Road may have been originally designed and constructed in a manner consistent with the properties at 136 Wellington Road, 138 Wellington Road, and 140 Wellington Road however subsequent alterations have compromised the integrity of this property

p. 142 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 142 Wellington Road. The Stewardship Sub-Committee does not support the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

The Stewardship Sub-Committee believes that the property at 142 Wellington Road demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project. The Stewardship Sub-Committee would like the following to be considered in a re-evaluation of the property:

- The bay window is unusual, particularly with the hipped roof that intersects with the gable roof over the porch
- A high degree of integrity of the built heritage resource
- Noting the stylistic connection between the buildings at 136 Wellington Road, 138 Wellington Road, and 142 Wellington Road, that the buildings were constructed by Simon Smith in c. 1930
- Further comparison to similar buildings should be undertaken
- The Cultural Heritage Evaluation Report be revised and provided to Stewardship Sub-Committee for review

q. 166 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 166 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

r. 174 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 174 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property demonstrates sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project, with the following comments:

- Noting that former property owner, Robert Livingstone, QC is a Judge
- Consultation with the former property owners is recommended; both still maintain active legal practices
- This may be an early example of a split level house in London; comparison with this type of residential building (split level) should be undertaken

s. 19 Raywood Avenue

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 19 Raywood Avenue. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

Sub-Group 4

t. 247 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 247 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

u. 249 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 249 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

v. 251 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 251 Wellington Road. The Stewardship Sub-Committee supports the conclusions of

the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

w. 261 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 261 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

x. 263 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 263 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

y. 265 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 265 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

z. 267 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 267 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

aa. 269 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 269 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property

does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

bb.271 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 271 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

Sub-Group 5

cc. 273 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 273 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project, with the following comments:

- What is described as a “buttress or a Flemish gable” should be referred to as a buttress

dd.275 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 275 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

ee.285 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 285 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

ff. 287 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 287

Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

gg. 289 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 289 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project.

hh. 297 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 297 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project, with the following comments:

- The Stewardship Sub-Committee had a discussion regarding the use of bungalow as a style or a type, with no conclusion

ii. 301 Wellington Road

The Stewardship Sub-Committee reviewed the Cultural Heritage Evaluation Report prepared by AECOM for the heritage listed property located at 301 Wellington Road. The Stewardship Sub-Committee supports the conclusions of the evaluation (based on the criteria of Ontario Regulation 9/06) that the property does not demonstrate sufficient cultural heritage value or interest to warrant further cultural heritage assessment related to the Rapid Transit project, with the following comments:

- This larger house is unusual within its context of smaller houses on Wellington Road
- This is the former location of the Archibald, Gray & McKay Land Surveyors in the 1970s-1980s

6. Old East Village Dundas Street Corridor Secondary Plan – Cultural Heritage Assessment Report (CHAR)

The Stewardship Sub-Committee reviewed the Cultural Heritage Assessment Report prepared as a background study for the Old East Village Dundas Street Corridor. The

Stewardship Sub-Committee commended the inventory compiled for this CHAR, and noted some additional information to update the inventory.

The Stewardship Sub-Committee recommends that the potential cultural heritage resources identified by the Cultural Heritage Screening Report prepared as a background study for the Old East Village Dundas Street Corridor Secondary Plan be added to the Register (Inventory of Heritage Resources). A list of the potential cultural heritage resources is appended to the Stewardship Sub-Committee's report.

APPENDIX C: Summary of Previously-Identified and Potential Cultural Heritage Resources in the Study Area for this Cultural Heritage Assessment Report

Table 3: Summary of Previously-Identified and Potential Cultural Heritage Resources in the Study Area

Heritage Listed Properties	
Feature ID	Address
CHR1	360 Adelaide St N
CHR2	429 Adelaide St N
CHR3	430 Adelaide St N
CHR10	376 Burwell St
CHR11	387 Burwell St
CHR12	389 Burwell St
CHR13	386 Colborne St, 412 King St
CHR18	459 Dundas St
CHR19	461-463 Dundas St
CHR20	465 Dundas St
CHR21	467 Dundas St
CHR22	469 Dundas St
CHR23	471 Dundas St, 381-387 Maitland Street
CHR25	520-526 Dundas St
CHR26	525 Dundas St
CHR39	609-619B Dundas St, 390-400 Adelaide St N
CHR45	625 Dundas St
CHR49	632 Dundas St
CHR58	662 Dundas St
CHR59	663 Dundas St
CHR61	665 Dundas St
CHR62	666-668 Dundas St
CHR64	670 Dundas St
CHR65	672-674 Dundas St
CHR68	694-698 Dundas St
CHR72	715 Dundas St
CHR78	754-760 Dundas St
CHR79	762 Dundas St
CHR85	776 Dundas St
CHR87	782-784 Dundas St
CHR92	848 Dundas St
CHR93	850 Dundas St
CHR94	857-859 Dundas St
CHR95	858 Dundas St
CHR96	865 Dundas St
CHR99	874 Dundas St, 420 Ontario St
CHR100	876 Dundas St
CHR101	880 Dundas St
CHR102	884-890 Dundas St
CHR103	892-898 Dundas Street
CHR104	900 Dundas St
CHR108	920-940 Dundas St
CHR109	976 Dundas St
CHR110	980 Dundas St

CHR111	982 Dundas St
CHR112	984 Dundas St
CHR113	992-994 Dundas St
CHR114	998 Dundas St, 422-424 Woodman St
CHR116	1010-1010B Dundas St
CHR117	1014-1018 Dundas St
CHR118	1030 Dundas St
CHR119	1033 Dundas St
CHR120	1034-1036 Dundas St
CHR121	1038 Dundas St
CHR122	1042 Dundas St
CHR123	1044 Dundas St
CHR124	1046 Dundas St
CHR125	1048 Dundas St
CHR126	1050 Dundas St
CHR128	1062 – 1066 Dundas St
CHR129	1068 Dundas St
CHR131	413 King Street
CHR132	414 King Street
CHR133	440-442 King Street
CHR134	454 King St
CHR135	457-459 King St
CHR136	458-460 King St
CHR137	463 King St
CHR138	466 King St
CHR139	469 King St
CHR140	470 King St
CHR141	474 King St
CHR142	478 King St
CHR143	546 King St
CHR144	551 King St
CHR145	567 King St
CHR147	579-583 King St
CHR148	629-631 King St
CHR149	649 King St
CHR150	689 King St
CHR152	697 King St
CHR153	701 King St
CHR154	713-715 King St
CHR155	721 King St
CHR156	723 King St
CHR159	757 King St
CHR161	762 King St
CHR162	763 King St
CHR163	764 King St
CHR164	765 King St
CHR165	768 King St
CHR166	769 King St
CHR167	771 King St
CHR168	773 King St
CHR169	774 King St
CHR170	786 King St
CHR171	790 King St



CHR172	794 King St
CHR173	796 King St
CHR175	900 King St, 925 Dundas St
CHR176	347 Lyle St
CHR181	367 Maitland St
CHR182	369 Maitland St
CHR184	371 Maitland St
CHR186	373-375 Maitland St
CHR187	377-379 Maitland St
CHR191	620 Marshall St
CHR193	485 Queens Ave
CHR194	507 Queens Ave
CHR195	513 Queens Ave
CHR197	533 Queens Ave
CHR200	575 Queens Ave
CHR210	432 Rectory St
CHR217	421 William St

Heritage Designated Properties

Feature ID	Address
CHR9	442 Adelaide St N
CHR24	482 Dundas St
CHR35	566 Dundas St
CHR60	664 Dundas St
CHR70	710 Dundas St
CHR74	717-721 Dundas St
CHR86	778-780 Dundas St
CHR90	795 Dundas St
CHR97	869-871 Dundas St
CHR98	864-872 Dundas St, 471 Ontario St
CHR185	372 Maitland St
CHR199	571 Queens Ave
CHR220	429 William St
CHR222	442 William St

Potential Cultural Heritage Resources

Feature ID	Address
CHR4	431 Adelaide St N
CHR5	433 Adelaide St N
CHR6	435 Adelaide St N
CHR7	437 Adelaide St N
CHR8	439 Adelaide St N
CHR14	390 Colborne St
CHR15	421 Dundas St
CHR16	425 Dundas St
CHR17	451 Dundas St
CHR27	528 Dundas St
CHR28	532 Dundas St
CHR29	533 Dundas St
CHR30	534 Dundas St
CHR31	538 Dundas St



CHR32	540-544 Dundas St, 422-424 William St
CHR33	541 Dundas St, 399 William St
CHR34	546 Dundas St
CHR36	572 Dundas St
CHR37	602 Dundas St
CHR38	604-606 Dundas St
CHR40	610-612 Dundas St
CHR41	614 Dundas St
CHR42	616 Dundas St
CHR43	621 Dundas St
CHR44	623 Dundas St
CHR46	627 Dundas St
CHR47	629 Dundas St
CHR48	630 Dundas St
CHR50	634 Dundas St
CHR51	636 Dundas St
CHR52	638 Dundas St
CHR53	640-644 Dundas St
CHR54	646-650 Dundas St
CHR55	656 Dundas St
CHR56	658 Dundas St
CHR57	660 Dundas St
CHR63	675 Dundas St
CHR66	680 Dundas St, 420 Elizabeth Street
CHR67	682 Dundas St
CHR69	700-706 Dundas St
CHR71	714 Dundas St
CHR73	720 Dundas St
CHR75	724 Dundas St
CHR76	745 Dundas St
CHR77	755-761 Dundas St
CHR80	765 -769 Dundas St
CHR81	768 Dundas St
CHR82	772 Dundas St
CHR83	773 Dundas St
CHR84	775-791 Dundas St
CHR88	788 Dundas St
CHR89	790 Dundas St
CHR91	796 Dundas St
CHR105	920 Dundas St
CHR106	924 Dundas St
CHR107	930 Dundas St
CHR115	1006-1008 Dundas St
CHR127	1051 Dundas St
CHR130	430 Elizabeth Street
CHR146	575 King St
CHR151	693-695 King St
CHR157	754 King St
CHR158	755 King St
CHR160	758 King St
CHR174	800 King St
CHR177	343 Maitland St
CHR178	345 Maitland St



CHR179	347 Maitland St
CHR180	349 Maitland St
CHR183	370 Maitland St
CHR188	434 Maitland St
CHR189	438 Maitland St
CHR190	440 Maitland St
CHR192	477 Queens Ave
CHR196	529 Queens Ave
CHR198	567 Queens Ave
CHR201	587 Queens Ave
CHR202	595 Queens Ave
CHR203	601 Queens Ave
CHR204	603 Queens Ave
CHR205	607 Queens Ave
CHR206	415 Rectory St
CHR207	417 Rectory St
CHR208	418 Rectory St
CHR209	419 Rectory St
CHR211	350 William St
CHR212	356 William St
CHR213	384 William St
CHR214	388 William St
CHR215	393 William St
CHR216	419 William St
CHR218	425-427 William St
CHR219	426 William St
CHR221	433 William St

Bank of Nova Scotia Building
746 Richmond Street

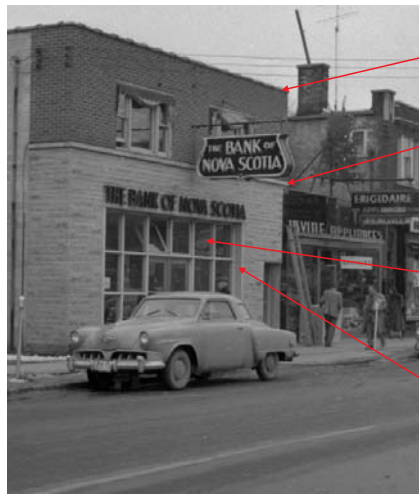
Irvine Appliance Building
744 Richmond Street

Photographs illustrating
quotations drawn from LACH Stewardship report

Delegation to London Advisory Committee on Heritage, February 13, 2019

Mark Tovey
Janet Hunten

“Noting the following design features of the building”



- Tile flashing of the parapet (still extant on the building at 744)
- Stringcourse of smooth stone that unifies the buildings at 744 Richmond Street and 746 Richmond Street
- Large rectangular opening for windows and doors, which are dark and contrast with pale grey limestone surrounding
- Inset window, which is outlined by strips of smooth stone that contrasts with the rusticated wall detailing in the style of the 1950s

“A representative example of Mid-Century Modern commercial architecture, particularly small bank branch architecture.”

Large Branch



746 Richmond

Small Branch



228 Oxford St.



746 Richmond St.

Courtesy: London Free Press Collection of Photographic Negatives, Western Archives, Western University



“Has direct historical associations with John A. Irvine, who is significant to the community as a former City Councillor and Member of Parliament”

- John A. (“Jack”) Irvine (b. Wolfe Island, Ontario, 26 January 1912 – d. Simcoe, Ontario, 20 July 1996)
- Served London City Council as Alderman from 1960-1963.
- Member of Parliament for two terms:
 - 1963 (April 8) to 1965 (November 8)
 - 1965 (November 8) to (1965 June 25)

- “Is important in defining, maintaining or supporting the character of the area through the continued application of the red brick upper façade cladding”



Bank of Nova Scotia Building
746 Richmond Street

Irvine Appliance Building
744 Richmond Street

Oxford Book Shop Building
740 Richmond Street

*Photographs illustrating
chronology*

Delegation to London Advisory Committee on Heritage, February 13, 2019

LFP = Photo Courtesy of The London Free Press Collection of Photographic
Negatives, Western Archives, Western University

Mark Tovey
Janet Huntten



LFP - July 3, 1950

John A. Irvine, of Irvine Appliances at 744 Richmond is contracted to build the new Bank of Nova Scotia branch at 746 Richmond using Queenston limestone facing. Cost: \$30,000. Irvine is owner, builder, and general contractor.



LFP - Dec 1, 1950

Bank building still under scaffolding, bank sign not yet erected. Rusticated limestone facing on bottom story, red brick on top story. String course of smooth limestone separates limestone and brick.

Upper-story red brick responds to Davis Taxi Building and to Campus Hi-Fi Building.



LFP - December 14, 1954

Completed bank branch next to one-storey Irvine Appliances.
High contrast between dark window at centre and light limestone surround, a Mid-Century Modern design element.



LFP - November 11, 1955

Hoarding in front of Irvine Appliances suggests that construction of second storey of Irvine Appliances has begun.

The red brick and limestone facing will be extended to Irvine Appliances, divided by a smooth limestone string course. Roof tile from bank will be extended to Irvine Appliances.



LFP - July 28, 1959

Bank building and Irvine Appliances building now have a single façade covering two buildings.



1990s

The Oxford Book Shop Building at 740 Richmond Street (rounded awnings) was constructed in 1980-81 using same color of red brick as earlier buildings in the grouping.

Photo courtesy: Maggie Brannen



AGENDA

Questions on:

- Richmond 5 Group CHER
- Wellington 35 Group CHER
- Clark's Bridge CHER
- Highbury Avenue Overpass CHER
- University Drive Bridge CHER



NEXT STEPS

Based on feedback from LACH, further cultural heritage studies will be completed post-TPAP, during detail design.

An individual CHER and/or an HIA will be completed for the following properties:

- 136 Wellington Road
- 138 Wellington Road
- 142 Wellington Road
- 740 Richmond Street
- 744 Richmond Street
- 746 Richmond Street



TIMELINES / NEXT STEPS

- Receive MTCS comments on CHSR, CHERs previously reviewed by LACH
- Revise grouped and individual CHERs based on LACH / MTCS comments and include in Environmental Project Report
- Environmental Project Report will be posted for 30-days for public comments as part of the Transit Project Assessment Process



RICHMOND 5 GROUP CHER





Richmond Street Group CHER



736 Richmond Street



740 Richmond Street



742 Richmond Street



744 and 746 Richmond Street

WELLINGTON 35 GROUP CHER



136 WELLINGTON ROAD



138 WELLINGTON ROAD



142 WELLINGTON ROAD



SUB-GROUP 1:

- 1 KENNON PLACE
- 26 WELLINGTON ROAD
- 28 WELLINGTON ROAD
- 30 WELLINGTON ROAD
- 32 WELLINGTON ROAD
- 34 WELLINGTON ROAD



SUB-GROUP 2:

- 74 WELLINGTON ROAD
- 78 WELLINGTON ROAD
- 88 WELLINGTON ROAD
- 98 WELLINGTON ROAD
- 118 WELLINGTON ROAD



SUB-GROUP 3:

- 134 WELLINGTON ROAD
- 136 WELLINGTON ROAD
- 138 WELLINGTON ROAD
- 140 WELLINGTON ROAD
- 142 WELLINGTON ROAD
- 166 WELLINGTON ROAD
- 174 WELLINGTON ROAD
- 19 RAYWOOD AVENUE



SUB-GROUP 4:

- 247 WELLINGTON ROAD
- 249 WELLINGTON ROAD
- 251 WELLINGTON ROAD
- 261 WELLINGTON ROAD
- 263 WELLINGTON ROAD
- 265 WELLINGTON ROAD
- 267 WELLINGTON ROAD
- 269 WELLINGTON ROAD
- 271 WELLINGTON ROAD

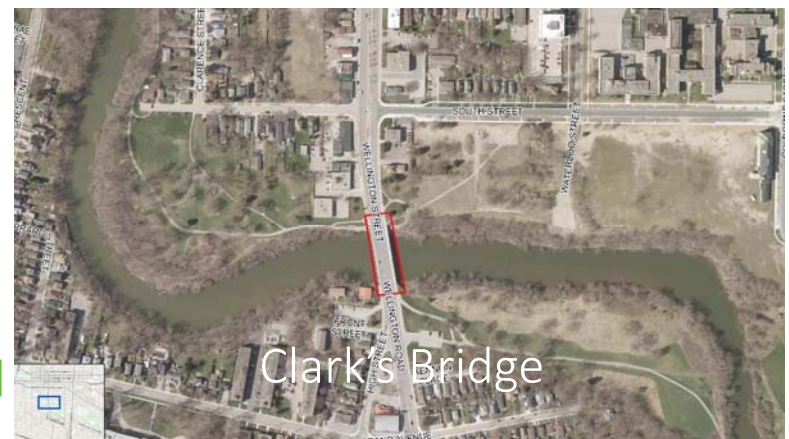


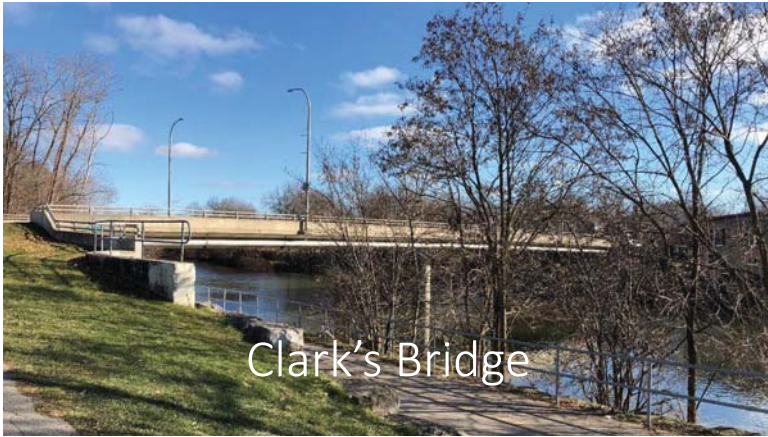
SUB-GROUP 5:

- 273 WELLINGTON ROAD
- 275 WELLINGTON ROAD
- 285 WELLINGTON ROAD
- 287 WELLINGTON ROAD
- 289 WELLINGTON ROAD
- 297 WELLINGTON ROAD
- 301 WELLINGTON ROAD



BRIDGES

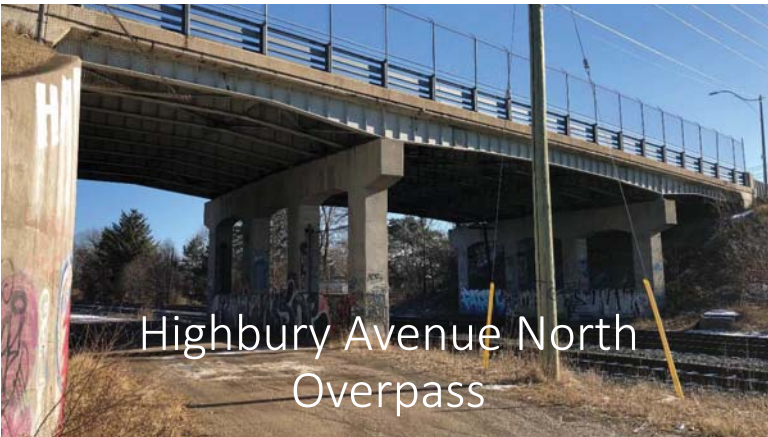




Clark's Bridge



Highbury Avenue North Overpass



Highbury Avenue North Overpass



University Drive Bridge



University Drive Bridge

QUESTIONS?



LONDON BRT CULTURAL HERITAGE PLAN – NEXT STEPS

HERITAGE IMPACT ASSESSMENTS:

Heritage Impact Assessments (HIA) will be conducted to evaluate design options during the early stages of detail design. The HIA should assess the impacts of the proposed alternatives and provide appropriate mitigation recommendations. HIAs are planned for:

- 11 properties with known cultural heritage value or interest that may be directly or indirectly impacted:

North Corridor:

Victoria Park
1132 Richmond Street
1603 Richmond Street

East Corridor:

163 Oxford Street West
871 Dundas Street
1156 Dundas Street
850 Highbury Avenue N

Downtown Corridor:

399 Ridout Street N
481 Ridout Street N,
531 Ridout Street N

West Corridor:

75 Riverside Drive
77 Riverside Drive

- 10 properties determined to have cultural heritage value or interest:

North Corridor:

736 Richmond Street
742 Richmond Street
1110 Richmond Street
University Bridge

South Corridor:

16 Wellington Road
26 Wellington Road
28 Wellington Road
30 Wellington Road
174 Wellington Road
243 Wellington Road

- 32 properties within a Heritage Conservation District that may be directly or indirectly impacted:

North Corridor:

472 Richmond Street
568 Richmond Street

Downtown:

100 Queens Avenue
120 Queens Avenue
421 Ridout Street N
99 Dundas Street
195 Dundas Street
130 King Street

East Corridor:

320 King Street

West Corridor

10 Riverside Dr (3 parcels)
53 Riverside Dr
59 Riverside Dr
61 Riverside Dr
63 Riverside Dr
65 Riverside Dr
67 Riverside Dr
69 Riverside Dr
70 Riverside Dr
71 Riverside Dr

West Corridor Con't

73 Riverside Dr
78 Riverside Dr
227 Wharncliffe Road N
230 Wharncliffe Road N
232 Wharncliffe Road N
40 Oxford Street West
42 Oxford Street West
46 Oxford Street West
12 Wilson Ave
25 Wilson Ave (2 parcels)

LONDON BRT CULTURAL HERITAGE PLAN – NEXT STEPS

CULTURAL HERITAGE EVALUATION REPORTS:

Cultural Heritage Evaluation Reports (CHER) will be prepared during the early stages of detail design for properties that were not evaluated during TPAP. If a CHER finds a property has cultural heritage value or interest, an HIA will be completed during the early stages of detail design. CHERs are planned for:

- 12 properties with potential cultural heritage value or interest that may be directly or indirectly impacted:

North Corridor:

1111 Richmond Street

East Corridor:

1033 Dundas Street

100 Kellogg Lane

West Corridor:

127 Oxford Street West

South Corridor:

72 Wellington Street

90 Wellington Street

92 Wellington Street

120 Wellington Street

327 Wellington Street

331 Wellington Street

333 Wellington Street

- In coordination with Western University, a CHER is planned for the Western University property (1151 Richmond Street), including the University Gates, and to be coordinated with the HIA for the University Bridge, as a part of the Master Site Development Agreement, prior to detail design of the north corridor.
- Either an individual CHER or HIA will be completed during detail design for the six properties that the Stewardship Sub-Committee recommended be further reviewed:

North Corridor:

740 Richmond Street

744 Richmond Street

746 Richmond Street

South Corridor:

136 Wellington Road

138 Wellington Road

142 Wellington Road

- Prior to construction, identified cultural heritage resources will be documented and archived in advance of landscape alteration. This work should be conducted in concert with LACH, and include photographic documentation of individual resources with representative views, histories, mapping, and historic photographs where available and appropriate.
- Following the TPAP, design principles and branding strategies for the BRT network will be developed that compliment adjacent cultural heritage resources, are sensitive to contextual values and character. There are opportunities to integrate the proposed infrastructure into London's heritage resources, including stop infrastructure, shelters, platforms, signage, lighting, art and seating, resulting in a project that compliments existing cultural heritage resources.

APPENDIX C: Summary of Previously-Identified and Potential Cultural Heritage Resources in the Study Area for this Cultural Heritage Assessment Report

Table 3: Summary of Previously-Identified and Potential Cultural Heritage Resources in the Study Area

Heritage Listed Properties	
Feature ID	Address
CHR1	360 Adelaide St N
CHR2	429 Adelaide St N
CHR3	430 Adelaide St N
CHR10	376 Burwell St
CHR11	387 Burwell St
CHR12	389 Burwell St
CHR13	386 Colborne St, 412 King St
CHR18	459 Dundas St
CHR19	461-463 Dundas St
CHR20	465 Dundas St
CHR21	467 Dundas St
CHR22	469 Dundas St
CHR23	471 Dundas St, 381-387 Maitland Street
CHR25	520-526 Dundas St
CHR26	525 Dundas St
CHR39	609-619B Dundas St, 390-400 Adelaide St N
CHR45	625 Dundas St
CHR49	632 Dundas St
CHR58	662 Dundas St
CHR59	663 Dundas St
CHR61	665 Dundas St
CHR62	666-668 Dundas St
CHR64	670 Dundas St
CHR65	672-674 Dundas St
CHR68	694-698 Dundas St
CHR72	715 Dundas St
CHR78	754-760 Dundas St
CHR79	762 Dundas St
CHR85	776 Dundas St
CHR87	782-784 Dundas St
CHR92	848 Dundas St
CHR93	850 Dundas St
CHR94	857-859 Dundas St
CHR95	858 Dundas St
CHR96	865 Dundas St
CHR99	874 Dundas St, 420 Ontario St
CHR100	876 Dundas St
CHR101	880 Dundas St
CHR102	884-890 Dundas St
CHR103	892-898 Dundas Street
CHR104	900 Dundas St
CHR108	920-940 Dundas St
CHR109	976 Dundas St
CHR110	980 Dundas St



CHR111	982 Dundas St
CHR112	984 Dundas St
CHR113	992-994 Dundas St
CHR114	998 Dundas St, 422-424 Woodman St
CHR116	1010-1010B Dundas St
CHR117	1014-1018 Dundas St
CHR118	1030 Dundas St
CHR119	1033 Dundas St
CHR120	1034-1036 Dundas St
CHR121	1038 Dundas St
CHR122	1042 Dundas St
CHR123	1044 Dundas St
CHR124	1046 Dundas St
CHR125	1048 Dundas St
CHR126	1050 Dundas St
CHR128	1062 – 1066 Dundas St
CHR129	1068 Dundas St
CHR131	413 King Street
CHR132	414 King Street
CHR133	440-442 King Street
CHR134	454 King St
CHR135	457-459 King St
CHR136	458-460 King St
CHR137	463 King St
CHR138	466 King St
CHR139	469 King St
CHR140	470 King St
CHR141	474 King St
CHR142	478 King St
CHR143	546 King St
CHR144	551 King St
CHR145	567 King St
CHR147	579-583 King St
CHR148	629-631 King St
CHR149	649 King St
CHR150	689 King St
CHR152	697 King St
CHR153	701 King St
CHR154	713-715 King St
CHR155	721 King St
CHR156	723 King St
CHR159	757 King St
CHR161	762 King St
CHR162	763 King St
CHR163	764 King St
CHR164	765 King St
CHR165	768 King St
CHR166	769 King St
CHR167	771 King St
CHR168	773 King St
CHR169	774 King St
CHR170	786 King St
CHR171	790 King St



CHR172	794 King St
CHR173	796 King St
CHR175	900 King St, 925 Dundas St
CHR176	347 Lyle St
CHR181	367 Maitland St
CHR182	369 Maitland St
CHR184	371 Maitland St
CHR186	373-375 Maitland St
CHR187	377-379 Maitland St
CHR191	620 Marshall St
CHR193	485 Queens Ave
CHR194	507 Queens Ave
CHR195	513 Queens Ave
CHR197	533 Queens Ave
CHR200	575 Queens Ave
CHR210	432 Rectory St
CHR217	421 William St

Heritage Designated Properties

Feature ID	Address
CHR9	442 Adelaide St N
CHR24	482 Dundas St
CHR35	566 Dundas St
CHR60	664 Dundas St
CHR70	710 Dundas St
CHR74	717-721 Dundas St
CHR86	778-780 Dundas St
CHR90	795 Dundas St
CHR97	869-871 Dundas St
CHR98	864-872 Dundas St, 471 Ontario St
CHR185	372 Maitland St
CHR199	571 Queens Ave
CHR220	429 William St
CHR222	442 William St

Potential Cultural Heritage Resources

Feature ID	Address
CHR4	431 Adelaide St N
CHR5	433 Adelaide St N
CHR6	435 Adelaide St N
CHR7	437 Adelaide St N
CHR8	439 Adelaide St N
CHR14	390 Colborne St
CHR15	421 Dundas St
CHR16	425 Dundas St
CHR17	451 Dundas St
CHR27	528 Dundas St
CHR28	532 Dundas St
CHR29	533 Dundas St
CHR30	534 Dundas St
CHR31	538 Dundas St



CHR32	540-544 Dundas St, 422-424 William St
CHR33	541 Dundas St, 399 William St
CHR34	546 Dundas St
CHR36	572 Dundas St
CHR37	602 Dundas St
CHR38	604-606 Dundas St
CHR40	610-612 Dundas St
CHR41	614 Dundas St
CHR42	616 Dundas St
CHR43	621 Dundas St
CHR44	623 Dundas St
CHR46	627 Dundas St
CHR47	629 Dundas St
CHR48	630 Dundas St
CHR50	634 Dundas St
CHR51	636 Dundas St
CHR52	638 Dundas St
CHR53	640-644 Dundas St
CHR54	646-650 Dundas St
CHR55	656 Dundas St
CHR56	658 Dundas St
CHR57	660 Dundas St
CHR63	675 Dundas St
CHR66	680 Dundas St, 420 Elizabeth Street
CHR67	682 Dundas St
CHR69	700-706 Dundas St
CHR71	714 Dundas St
CHR73	720 Dundas St
CHR75	724 Dundas St
CHR76	745 Dundas St
CHR77	755-761 Dundas St
CHR80	765 -769 Dundas St
CHR81	768 Dundas St
CHR82	772 Dundas St
CHR83	773 Dundas St
CHR84	775-791 Dundas St
CHR88	788 Dundas St
CHR89	790 Dundas St
CHR91	796 Dundas St
CHR105	920 Dundas St
CHR106	924 Dundas St
CHR107	930 Dundas St
CHR115	1006-1008 Dundas St
CHR127	1051 Dundas St
CHR130	430 Elizabeth Street
CHR146	575 King St
CHR151	693-695 King St
CHR157	754 King St
CHR158	755 King St
CHR160	758 King St
CHR174	800 King St
CHR177	343 Maitland St
CHR178	345 Maitland St

CHR179	347 Maitland St
CHR180	349 Maitland St
CHR183	370 Maitland St
CHR188	434 Maitland St
CHR189	438 Maitland St
CHR190	440 Maitland St
CHR192	477 Queens Ave
CHR196	529 Queens Ave
CHR198	567 Queens Ave
CHR201	587 Queens Ave
CHR202	595 Queens Ave
CHR203	601 Queens Ave
CHR204	603 Queens Ave
CHR205	607 Queens Ave
CHR206	415 Rectory St
CHR207	417 Rectory St
CHR208	418 Rectory St
CHR209	419 Rectory St
CHR211	350 William St
CHR212	356 William St
CHR213	384 William St
CHR214	388 William St
CHR215	393 William St
CHR216	419 William St
CHR218	425-427 William St
CHR219	426 William St
CHR221	433 William St



Z-9010 Notice of Planning Application – Circulation 2096 Wonderland Rd N

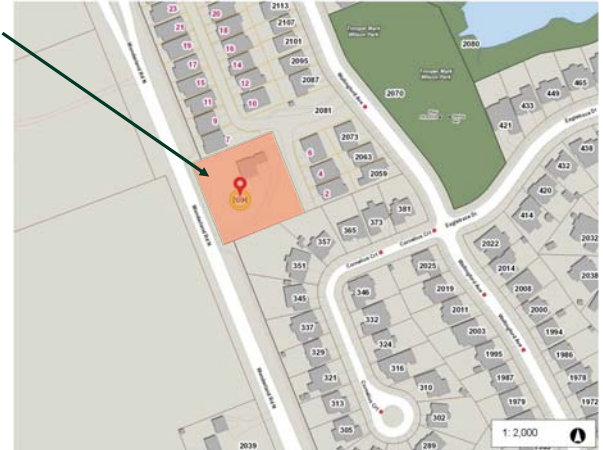
London Advisory Committee on Heritage
Wednesday February 13, 2019

london.ca



Property Location

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



Background

- Pre-consultation(s) – Mar-Nov 2018
- Request for demolition of property – May 2018
- Part IV Designation (OHA) – Sept 2018
- Notice of Application circulated to the LACH for Request for Zoning By-law Amendment (OZ-9010) to rezone 2096 Wonderland Road N – Jan 2019
 - to permit cluster townhouses and cluster stacked townhouses where currently single detached dwelling (one per lot) are allowed

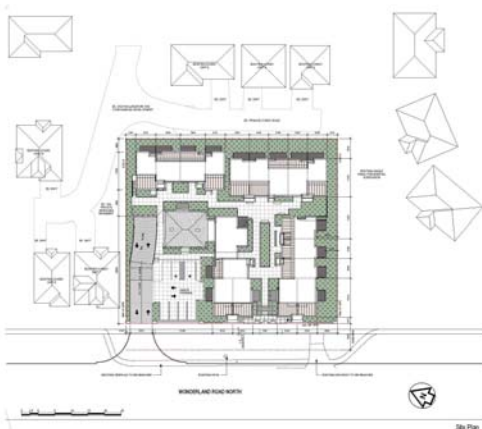


Heritage Status

- Designated under Part IV of the Ontario Heritage Act
- The heritage attributes which support or contribute to the cultural heritage value or interest include:
 - Georgian two storey farmhouse
 - Square shaped plan
 - Low pitched hip roof with bookend chimneys
 - Buff brick construction
 - Field stone foundation
 - Brick voussoirs above windows
- The addition at the rear of the brick building is not considered to be a heritage attribute.



Proposal – Site Plan



Proposal – Elevations





Proposal – Elevations



Northwest Isometric View



Considerations – LACH Commenting

- Is the LACH satisfied by the research, assessment and conclusions of the HIA/HIS?
- Is the proposed development appropriate?
 - Does the proposed development conserve the cultural heritage value/heritage attributes of **on-site resource(s)**?
 - What will be the impacts to the cultural heritage resource? (consider positive and adverse impacts)
 - Are these impacts mitigated? How?
 - Does the proposed development conserve the cultural heritage value/heritage attributes of **adjacent resource(s)**?
 - What will be the impacts to the cultural heritage resource? (consider positive and adverse impacts)
 - Are these impacts mitigated? How?



MEMO

To: Chair and Members, London Advisory Committee on Heritage

From: Kyle Gonyou, Heritage Planner
Laura Dent, Heritage Planner
Krista Gowan, Heritage Planner

Date: February 6, 2019

Re: **2018 Heritage Planning Program**

Overview

The following provides a summary of the 2018 Heritage Planning Program.

In 2018, Krista Gowan, Heritage Planner was hired increasing the overall staff capacity to three Heritage Planners.

At the end of 2018, the City of London has:

- Seven Heritage Conservation Districts with over 4,000 heritage designated properties;
- 339 individually designated heritage properties
- 2,303 heritage listed properties
- One cultural heritage landscape

London Advisory Committee on Heritage

The London Advisory Committee on Heritage (LACH) continued to implement its Work Plan.

Archaeological Resources

Following its endorsement by Municipal Council in 2017, staff brought forward an Official Plan Amendment and Zoning By-law Amendment to bring the *Archaeological Management Plan* (AMP) into force and effect in 2018. The AMP (2017) is now in force and effect. Staff continue to work on improvements to the archaeological potential model while maintaining its high degree of efficacy.

Municipally Owned Heritage Properties

The Elsie Perrin Williams Estate (101 Windermere Road) was the focus of life cycle renewal work during 2018. Work included full stucco repair and exterior painting and extensive mechanical and electrical upgrades. There was also additional work completed which was not forecasted within the original life cycle renewal scope such as the replacement of the beam at front entrance and roof repair.

Register (Inventory of Heritage Resources)

Staff continued to review the Register (Inventory of Heritage Resources) in 2018. This included removing properties from the Register, by resolution of Municipal Council, which had been previously considered and subsequently demolished. Staff also consulted with the LACH on the application of priority levels on the Inventory of Heritage Resources.

On-going review of entries in the Register is being completed by staff. This may result in the reduction of number of heritage listed properties (i.e. properties with multiple municipal addresses consolidated into one entry on the Register).

Three-hundred and forty-three properties were added to the Register by Municipal Council in 2018:

- 1070 Colborne Street (Aquinas House)
- 1070 Waterloo Street (Diocesan Centre)
- 347 properties from Rapid Transit's Cultural Heritage Screening Report (CHSR)
- 306 Simcoe Street
- 397 Wortley Road
- 399 Wortley Road
- 1903 Avalon Street

Individually Designated Heritage Properties

The following properties were designated pursuant to Part IV of the *Ontario Heritage Act* by Municipal Council in 2018:

- 440 Grey Street
- 163 Oxford Street East
- 2096 Wonderland Road North
- 660 Sunningdale Road East
- 172 Central Avenue (Dr. Oronhyatekha's House)

Additionally, the former heritage designating by-law for 1040 Waterloo Street (St. Peter's Seminary) was repealed and replaced by a new heritage designating by-law.

In 2017, Municipal Council's Notice of Intent to Designate the property at 660 Sunningdale Road East was appealed to the Conservation Review Board (CRB). In advance of the CRB hearing, the City and the property owner were able to reach a settlement regarding the designation of the two red clay tile barns located on the property in 2018. The property is now designated under the *Ontario Heritage Act*.

Furthermore, at the end of 2018, Municipal Council issued its Notice of Intent to Designate the properties at 432 Grey Street (Fugitive Slave Chapel) and 336 Piccadilly Street (Kenross). Should no appeals be received, these heritage designating by-laws will be brought forward for passage in 2019.

Demolition Requests

Demolition requests were received for the following heritage listed properties. Municipal Council did not designate the properties, and the following properties were removed from the Register (Inventory of Heritage Resources) in 2018:

- 2154 Richmond Street

Demolition requests were received for the following properties, which were refused by Municipal Council in 2018:

- 467-469 Dufferin Avenue, East Woodfield Heritage Conservation District
- 660 Sunningdale Road East
- 2096 Wonderland Road North
- 172 Central Avenue

The following properties located within a Heritage Conservation District obtained approval from Municipal Council to be demolished with terms and conditions in 2018:

- 491 English Street, Old East Heritage Conservation District
- 504 English Street, Old East Heritage Conservation District

The refusal of the demolition request for 183 King Street, located in the Downtown Heritage Conservation District, was appealed to the Ontario Municipal Board in 2015 and has not yet been resolved.

The demolition request for the property located at 467-469 Dufferin Avenue, located in the East Woodfield Heritage Conservation District, is the subject of an active appeal to the Local Planning Appeal Tribunal (LPAT).

Staff completed Step 2 of the Required Clearances for Demolition Permit for 93 properties in 2018.

Heritage Conservation Districts

Following direction from Municipal Council in 2017 to update the *Heritage Places* (1993), staff brought forward *Heritage Places 2.0* in November 2018. *Heritage Places 2.0* includes a prioritized list of candidate areas for designation as Heritage Conservation Districts. A total of 14 areas were identified as future, potential HCDs in London based on a City-wide evaluation referencing a common set of criteria. In 2019, the final *Heritage Places 2.0* guideline document and proposed amendment to *The London Plan* (O-8965) will be presented to the Planning & Environment Committee and Municipal Council.

Staff continued to implement the Heritage Conservation District Street Sign program, with the street signs in East Woodfield Heritage Conservation District and West Woodfield Heritage Conservation District being replaced. Staff are working on completing the program in the Bishop Hellmuth Heritage Conservation District as well as engaging with the Blackfriars/Petersville Heritage Conservation District on potential street sign designs.

Heritage Alteration Permits

Eighty-three Heritage Alteration Permits were processed in 2018. Of those, 13 required consultation with the LACH and a decision by Municipal Council. Four Heritage Alteration Permit applications were for new buildings within a Heritage Conservation District, one Heritage Alteration Permit was for alterations to a major civic amenity, and the remaining eight Heritage Alteration Permit applications were referred to the LACH arising from non-compliance or work initiated without receiving Heritage Alteration Permit approval. Staff were made aware of at least twelve occurrences of work or alterations undertaken to a heritage designated property without Heritage Alteration Permit approval.

The remaining 70 Heritage Alteration Permits were approved by the City Planner under the Delegated Authority By-law.

Table 1: Heritage Alteration Permits approved in 2018 by Approval Type

Municipal Council Approval	Delegated Authority Approval
67 Euclid Avenue	115 Askin Street
200 Wharnccliffe Road North	130 King Street
504 English Street	14 Covent Market Place
491 English Street	89 York Street
529 Princess Avenue	252 Dundas Street
841 Princess Avenue	478 Richmond Street
165 Elmwood Avenue East (The Green)	203-205 Dundas Street
33 Beaconsfield Avenue	124 Dundas Street
104 Wharnccliffe Road North	431 Richmond Street
836 Wellington Street	253 St. James Street
187 Dundas Street	309-311 Wolfe Street
550 Dufferin Avenue	151 Dundas Street
508 Waterloo Street	577 Maitland Street
	340 Richmond Street
	234 Dundas Street
	16 Cummings Avenue
	83 Duchess Avenue
	35 St. Andrew Street
	72 Byron Avenue East
	126-132 Dundas Street
	242 Dundas Street
	163 Mill Street
	28 Palace Street
	81 Albion Street
	440 Princess Avenue
	215 Wharnccliffe Road North
	74 Albion Street
	66 Blackfriars Street
	353 Central Avenue
	349 Talbot Street

Municipal Council Approval	Delegated Authority Approval
	31 St. Patrick Street 362 Commissioners Road West 559 Waterloo Street 350-356 Queens Avenue 186 King Street 182 Duchess Avenue 430 Wellington Street 808 Talbot Street 24 Bruce Street 187 Dundas Street 162 Wortley Road 106 Elmwood Avenue East 939 Queens Avenue 165 Oxford Street East 111 York Street 345-359 Ridout Street North 211 Dundas Street 491 English Street 145 Wortley Road 370 Richmond Street 562 Dufferin Avenue 742 Elias Street 215 Dundas Street 82 Empress Avenue 68 Rogers Avenue 226 Dundas Street 228 Dundas Street 20 Oxford Street West 4402 Colonel Talbot Road 325 Dundas Street 23 Kensington Avenue 604 Waterloo Street 769 Elias Street 427 Central Avenue

Note: some properties received multiple Heritage Alteration Permits

Heritage Planners' Report to LACH: February 13, 2019

1. Heritage Alteration Permits processed under Delegated Authority By-law:
 - a. 138 Wellington Street (Part IV): Roof replacement
 - b. 68 Rogers Avenue (Blackfriars/Petersville HCD): Siding Replacement
 - c. 366 Richmond Street (Downtown HCD): Window Replacement
 - d. 491 English Street (Old East HCD): Amendments to HAP
 - e. 6 Moir Street (Wortley Village-Old South HCD): Façade Alterations
 - f. 20 Oxford Street West (Blackfriars/Petersville HCD): Amendments to HAP
2. London Endowment for Heritage – application open (due April 9, 2019):
<http://www.lcf.on.ca/receive/london-endowment-heritage-grant-program>
3. Ad Hoc Allocation Committee for London Endowment for Heritage
 - a. Lunch meeting on Thursday April 18, 2019 (12:00 noon-1:30pm) at the London Community Foundation office (mezzanine, Covent Garden Market, 130 King Street – parking passes provided)
4. Heritage Week Postcard
5. Heritage Designating By-laws – PEC February 19, 2019:
 - a. 660 Sunningdale Road East
 - b. 336 Piccadilly Street (Kenross)
6. London Doorway: 151 William Street (newly identified)

Upcoming Heritage Events

- Black History Month – events: <http://www.lcclc.org/index.php/black-history-month>
- 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/>
- Eldon House Gone Awry! Murder Mystery Dinner – February 16, 2019. For more information <https://eldonhouse.ca/product/eldon-house-gone-awry/>
- ACO-HLF 12th Annual Heritage Awards Gala – Thursday February 21, 2019 at the Delta Armouries. <https://www.eventbrite.ca/e/12th-annual-aco-london-hlf-heritage-awards-gala-tickets-51863441951>
- 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)
- History Symposium – March 23, 2019 at the Central Library - www.historysymposium.com
- Dr. Ariel Beaujot, “Uncomfortable Lies, Uncomfortable Truths: Public History, Private Memory and Race in 21st Century North America” – Friday March 1, 2019, 4:00-5:30pm, Room 41, UCC Building, Western University