Planning and Environment Committee

Report

The 7th Meeting of the Planning and Environment Committee
April 15, 2019

PRESENT:	Councillors A. Hopkins (Chair), J. Helmer, M. Cassidy, P. Squire, S. Turner
ABSENT:	Mayor E. Holder
ALSO PRESENT:	I. Abushehada, M. Campbell, B. Debbert, J.M. Fleming, K. Gonyou, P. Kokkoros, C. Lowery, H. Lysynski, D. MacRae, H. McNeely, B. O'Hagan, N. Pasato, M. Pease, L. Pompilii, C. Saunders, J-A. Spence, S. Spring, J. Stanford, M. Sundercock, M. Tomazincic, R. Turk and P. Yeoman

The meeting was called to order at 4:02 PM

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

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

That Items 2.1 to 2.6, inclusive, and 2.8 BE APPROVED.

Yeas: (4): A. Hopkins, M. Cassidy, P. Squire, and S. Turner

Absent: (2): J. Helmer, and E. Holder

Motion Passed (4 to 0)

2.1 3rd Report of the Trees and Forests Advisory Committee

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

That the 3rd Report of the Trees and Forests Advisory Committee, from its meeting held on March 27, 2019, BE RECEIVED for information.

Motion Passed

2.2 Application - 1196 Sunningdale Road West - Removal of Holding Provisions (h and h-100) (H-9026)

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

That, on the recommendation of the Director, Development Services, based on the application by Landea Development Inc., relating to the property located at 1196 Sunningdale Road West, the proposed by-law appended to the staff report dated April 15, 2019 BE INTRODUCED at the Municipal Council meeting to be held on April 23, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Holding Residential R1 (h*h-100*R1-4) Zone, a Holding Residential R1 Special Provision (h*h-100*R1-4 (33))

Zone, a Holding Residential R1 Special Provision (h*h-100*R1-4 (34)) Zone, a Holding Residential R1 Special Provision (h*h-100*R1-4 (35)) Zone, a Holding Residential R1 (h*h-100*R1-13) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-13 (9)) Zone TO a Residential R1 (R1-4) Zone, a Residential R1 Special Provision (R1-4 (33)) Zone, a Residential R1 Special Provision (R1-4 (34)) Zone, a Residential R1 Special Provision (R1-4 (35)) Zone, a Residential R1 (R1-13) Zone and a Residential R1 Special Provision (R1-13 (9)) Zone to remove the h. and h-100 holding provisions. (2019-D09)

Motion Passed

2.3 Application - 1395 Riverbend Road - Removal of Holding Provisions (H-8933)

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

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to a portion of the lands located at 1395 Riverbend Road, the proposed by-law appended to the staff report dated April 15, 2019 BE INTRODUCED at the Municipal Council meeting to be held on April 23, 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 R6/R7 Special Provision (h•h-206•R6-5(42)/R7(22)•D115•H30) Zone TO a Residential R6/R7 Special Provision (R6-5(42)/R7(22)•D115•H30) Zone to remove the h and h-206 holding provisions. (2019-D09)

Motion Passed

2.4 Application - 660 Sunningdale Road East - Applewood Subdivision - Phase 1B - Special Provisions 39T-09501 - 1B

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

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited, for the subdivision of land over Part Lot 13, Concession 6, situated on the north side of Sunningdale Road East, west of Adelaide Street North, municipally known as 660 Sunningdale Road East:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited, for the Applewood Subdivision, Phase 1B (39T-09501) appended to the staff report dated April 15, 2019 as Appendix “A”, BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated April 15, 2019 as Appendix “B”;

c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated April 15, 2019 as Appendix “C”; and,

d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions. (2019-D09)

Motion Passed

2.5 Application - 146 Exeter Road - Richardson Subdivision - Phase 1 - Special Provisions 39T-15501

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

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Zedcor Inc., for the subdivision of land over Part of Lots 33 and 34, Concession 2, (former Township of Westminster), situated on the north side of Exeter Road, east of Wonderland Road South, municipally known as 146 Exeter Road:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Zedcor Inc., for the Richardson Subdivision, Phase 1 (39T-15501) appended to the staff report dated April 15, 2019 as Appendix “A”, BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated April 15, 2019 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 fulfill its conditions. (2019-D09)

Motion Passed

2.6 Application - 146 Exeter Road - Richardson Subdivision - Phase 1A - Special Provisions 39T-15501

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

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision 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, (former Township of Westminster), situated on the north side of Exeter Road, east of Wonderland Road South, municipally known as 146 Exeter Road:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the Richardson Subdivision, Phase 1A (39T-15501) appended to the staff report dated April 15, 2019 as Appendix “A”, BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated April 15, 2019 as Appendix “B”;

c) the financing for this project BE APPROVED as set out in the Source of Financing Report appended to the staff report dated April 15, 2019 as Appendix “C”; and,

d) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfil its conditions. (2019-D09)

Motion Passed

2.8 Building Division Monthly Report for February 2019

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

That the Building Division Monthly Report for the month of February, 2019 BE RECEIVED for information. (2019-A23)

Motion Passed

2.7 Annual Report on Building Permit Fees

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

That, on the recommendation of the Managing Director, Development and Compliance Services & Chief Building Official, the staff report dated April 15, 2019 entitled "Annual Report on Building Permit Fees" BE RECEIVED for information. (2019-F21)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3. Scheduled Items

3.1 Delegation - S. Levin, Chair, Environmental and Ecological Planning Advisory Committee - 4th Report of the Environmental and Ecological Planning Advisory Committee

Moved by: S. Turner
Seconded by: M. Cassidy

That, the following actions be taken with respect to the 4th Report of the Environmental and Ecological Planning Advisory Committee from its meeting held on March 21, 2019:

a) the Civic Administration BE ASKED to involve the Environmental and Ecological Planning Advisory Committee in the detailed design phase of the Clarke Road Environmental Assessment;

b) the revised Working Group comments appended to the 4th Report of the Environmental and Ecological Planning Advisory Committee, relating to the property located at 348 Sunningdale Road East BE FORWARDED to the Civic Administration for consideration;

c) the Working Group comments appended to the 4th Report of the Environmental and Ecological Planning Advisory Committee, relating to the Meadowlily Woods Environmentally Significant Area Conservation Plan - Phase 1 BE FORWARDED to the Civic Administration for consideration;

d) the following actions be taken with respect to the Environmental and Ecological Planning Advisory Committee Work Plan:

i) the 2019 Work Plan for the Environmental and Ecological Planning Advisory Committee (EEPAC) appended to the 4th Report of the EEPAC BE FORWARDED to the Municipal Council for consideration; and,

ii) the 2018 Environmental and Ecological Planning Advisory Committee (EEPAC) Workplan Summary appended to the 4th Report of the EEPAC BE FORWARDED to the Municipal Council for information.

e) the Civic Administration BE REQUESTED to mail the "Is Your Cat Safe Outdoors" brochure to new homeowners living adjacent to natural heritage areas; and,

f) clauses 1.1, 3.1 to 3.3, inclusive, 4.1, 5.1 a), 5.2, 5.5 to 5.7, inclusive, 6.1 and 6.2, BE RECEIVED for information.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.2 Public Participation Meeting - Application - 3425 Emily Carr Lane (North Portion) - Draft Plan of Subdivision Approval and Zoning By-law Amendment 39T-18506 (Z-8988)

Moved by: S. Turner
Seconded by: M. Cassidy

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2557727 Ontario Inc., relating to the property located at 3425 Emily Carr Lane:

a) the proposed by-law appended to the staff report dated April 15, 2019 BE INTRODUCED at the Municipal Council meeting to be held on April 23, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the London Plan and the Official Plan), to change the zoning of the subject property FROM an Urban Reserve (UR4) Zone TO a Holding Residential R1 Special Provision (h*h-100*R1-3 (7)) Zone and a Holding Residential R1 Special Provision (h*h-94*h-100*R1-3(7)) Zone to permit single detached dwellings with a 11 metre minimum lot frontage and 300 m^2 minimum lot area;

it being noted that the following holdings provision have also been applied:

- (h) holding provision - to ensure that there is orderly development through the execution of a subdivision agreement and the provision of adequate securities;
- (h-94) holding provision- to ensure that there is a consistent lotting pattern in this area, the “h-94” symbol shall not be deleted until the block has been consolidated with adjacent lands; and,
- (h-100) holding provision - to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol;

b) the Approval Authority BE ADVISED that no issues were raised at the public meeting with respect to the application by 2557727 Ontario Inc. for draft plan of subdivision relating to the property located at 3425 Emily Carr Lane;

c) the Approval Authority BE ADVISED that the Municipal Council supports issuing draft approval of the recommended plan of residential subdivision, which shows 48 single detached lots, seven (7) part lot blocks and two (2) local public street SUBJECT TO the conditions contained in Appendix "39T-18506" appended to the staff report dated April 15, 2019;

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

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

- the recommended residential development is consistent with the Provincial Policy Statement;
- the draft plan conforms to the Neighbourhood designation policies of The London Plan;
- the proposed road and lot pattern is integrated with a future subdivision to the south, and an existing residential subdivision to the east with public road access provided by an extension of Emily Carr Way and Street “A”;
- the recommended zoning and conditions of draft approval will ensure that development of services occurs in an orderly manner; and,
- the recommended development represents good land use planning. (2019-D09)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Turner
Seconded by: P. Squire

Motion to open the public participation meeting.

Yeas: (4): A. Hopkins, M. Cassidy, P. Squire, and S. Turner

Absent: (2): J. Helmer, and E. Holder

Motion Passed (4 to 0)

Moved by: S. Turner
Seconded by: J. Helmer

Motion to close the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.3 Public Participation Meeting - Application - 2170 Wharncliffe Road South (TZ-8999)

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

That, on the recommendation of the Director, Development Services, with respect to the application of Cedar Auto London Limited, relating to the property located at 2170 Wharncliffe Road South, the proposed by-law appended to the staff report dated April 15, 2019 BE INTRODUCED at the Municipal Council meeting on April 23, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), by extending the Temporary Use (T-72) Zone for a period not exceeding two (2) years:

it being noted that the owner will use the two (2) year time period to plan for, receive the appropriate approvals, and construct a permanent building to replace the temporary trailer; and,

it being further noted that during the two (2) year time period, City staff will monitor the property to ensure that all site operations are located on the portion of the property that is zoned Holding Arterial Commercial Special Provision/Temporary (h-17·h-142·AC2(11) /T-72) Zone and that there is only one trailer on the site, and that City staff will work with the property owner to establish an appropriate means of delineating the limits for automobile parking;

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

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

- the recommended extension of the temporary use of a trailer as a temporary sales office for a permitted automobile sales establishment, for a reduced two (2) year period is consistent with the Provincial Policy Statement, 2014;

- the recommended extension for a period of two (2) years conforms to the general intent and purpose of The London Plan, in particular Paragraph 1672 – Temporary Uses, by encouraging the removal of the temporary trailer and its replacement with a permanent structure in accordance with municipal development standards;

- the recommended extension for a period of two (2) years conforms to the general intent and purpose of the 1989 Official Plan, in particular the permitted uses for the Auto-oriented Commercial Corridor, and Section 19.4.5 – Temporary Use By-laws, by allowing a permitted commercial use to continue while encouraging the removal of the temporary trailer and its replacement with a permanent structure in accordance with municipal development standards; and,

- the recommended extension conforms to the general intent and purpose of the Southwest Area Secondary Plan, in particular the permitted uses for the Commercial lands in the Lambeth Residential Neighbourhood Area, which prevails over both the 1989 Official Plan and The London Plan where more detailed or alternative direction is provided in the Secondary Plan. (2019-D09)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Turner
Seconded by: M. Cassidy

Motion to open the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: M. Cassidy
Seconded by: S. Turner

Motion to close the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.4 Delegation - A. Tipping, Vice-Chair and M. A. Hodge, Advisory Committee on the Environment - 4th Report of the Advisory Committee on the Environment

Moved by: J. Helmer
Seconded by: S. Turner

That, the following actions be taken with respect to the 4th Report of the Advisory Committee on the Environment from its meeting held on April 3, 2019:

a) the following actions be taken with clause 2.1, relating to Chippewas of the Thames First Nations:

i) clause 2.1 BE REFERRED to the City Clerk for consideration with the Advisory Committee review; and,

ii) Government Relations staff BE ASKED to contact the neighbouring First Nations communities to discuss this matter; it being noted that clause 2.1 of the 4th Report of the Advisory Committee on the Environment reads as follows:

"Municipal Council BE REQUESTED to consider creating voting member positions on the Advisory Committee on the Environment and the Environmental and Ecological Planning Advisory Committee for each of the Indigenous communities that surround the City of London; it being noted that a verbal presentation from K. Riley, Chippewas of the Thames First Nation, with respect to the Chippewas of the Thames First Nation, was received;"

b) the following actions be taken with respect to Climate Change:

i) the Civic Administration BE REQUESTED to report back on tangible actions that the municipality can undertake with respect to Climate Change at a future meeting of the appropriate Standing Committee;

ii) the following Declaration of a Climate Emergency BE APPROVED:

"Whereas climate change is currently contributing to billions of dollars in property and infrastructure damage worldwide, stressing local and international economies;

Whereas climate change is currently jeopardizing the health and survival of many species and other natural environments worldwide, stressing local and international eco systems;

Whereas climate change is currently harming human populations through rising sea levels and other extraordinary phenomena like intense wildfires worldwide, stressing local and international communities;

Whereas recent international research has indicated a need for massive reduction in carbon emissions in the next 11 years to avoid further and devastating economic, ecological, and societal loss;

Whereas the climate in Canada is warming at twice the rate of the rest of the world, as per Canada’s Changing Climate report;

Whereas current initiatives such as the green of the city’s fleet and energy reduction initiatives are not sufficient to meet the targets as defined by the IPCC scientists,

Whereas an emergency can be defined as "an often dangerous situation requiring immediate action";

Whereas municipalities such as Kingston, Vancouver and Hamilton have already declared climate emergencies;

Therefore, a climate emergency BE DECLARED by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our eco systems, and our community from climate change.”; and,

c) clauses 1.1, 2.2, 3.1 to 3.6, inclusive, 5.2 to 5.4, inclusive, BE RECEIVED for information.

Motion Passed

Additional Votes:

Moved by: M. Cassidy
Seconded by: S. Turner

Motion to approve clause a), which reads as follows:

a) the following actions be taken with clause 2.1, relating to Chippewas of the Thames First Nations:

i) clause 2.1 BE REFERRED to the City Clerk for consideration with the Advisory Committee review; and,

ii) Government Relations staff BE ASKED to contact the neighbouring First Nations communities to discuss this matter; it being noted that clause 2.1 of the 4th Report of the Advisory Committee on the Environment reads as follows:

"Municipal Council BE REQUESTED to consider creating voting member positions on the Advisory Committee on the Environment and the Environmental and Ecological Planning Advisory Committee for each of the Indigenous communities that surround the City of London; it being noted that a verbal presentation from K. Riley, Chippewas of the Thames First Nation, with respect to the Chippewas of the Thames First Nation, was received."

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: J. Helmer
Seconded by: S. Turner

Motion to approve clause b), which reads as follows:

"b) the following actions be taken with respect to Climate Change:

i) the Civic Administration BE REQUESTED to report back on tangible actions that the municipality can undertake with respect to Climate Change at a future meeting of the appropriate Standing Committee."

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Turner
Seconded by: J. Helmer

Motion to move clause ii), which reads as follows:

ii) the following Declaration of a Climate Emergency BE APPROVED:

"Whereas climate change is currently contributing to billions of dollars in property and infrastructure damage worldwide, stressing local and international economies;

Whereas climate change is currently jeopardizing the health and survival of many species and other natural environments worldwide, stressing local and international eco systems;

Whereas climate change is currently harming human populations through rising sea levels and other extraordinary phenomena like intense wildfires worldwide, stressing local and international communities;

Whereas recent international research has indicated a need for massive reduction in carbon emissions in the next 11 years to avoid further and devastating economic, ecological, and societal loss;

Whereas the climate in Canada is warming at twice the rate of the rest of the world, as per Canada's Changing Climate report;

Whereas current initiatives such as the green of the city's fleet and energy reduction initiatives are not sufficient to meet the targets as defined by the IPCC scientists,

Whereas an emergency can be defined as "an often dangerous situation requiring immediate action";

Whereas municipalities such as Kingston, Vancouver and Hamilton have already declared climate emergencies;

Therefore, a climate emergency BE DECLARED by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our eco systems, and our community from climate change."

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

Nays: (1): P. Squire

Absent: (1): E. Holder

Motion Passed (4 to 1)

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

Motion to approve part c), which reads as follows:

"c) clauses 1.1, 2.2, 3.1 to 3.6, inclusive, 5.2 to 5.4, inclusive, BE RECEIVED for information."

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.5 Public Participation Meeting- Application - 1201 Huron Street (Z-8985)

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

That, on the recommendation of the Director, Development Services, based on the application by Agathos Dentistry, relating to the property located at 1201 Huron Street, the proposed by-law appended to the staff report dated April 15, 2019 BE INTRODUCED at the Municipal Council meeting to be held on April 23, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R1 (R1-9) Zone TO a Residential R1/Office Conversion Special Provision (R1-9/OC3(__)) Zone;

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

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

· the requested amendment is consistent with the policies of the Provincial Policy Statement, 2014;

· the requested amendment is in conformity with the maximum floor area policies for non-residential uses in the Neighbourhoods Place Type of The London Plan;

· the requested amendment is in conformity with the policies of the 1989 Official Plan; and,

· the requested amendment will recognize an existing non-conforming use which over time has demonstrated compatibility with the surrounding residential neighbourhood. (2019-D09)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Turner
Seconded by: J. Helmer

Motion to open the public participation meeting.

Yeas: (4): A. Hopkins, J. Helmer, P. Squire, and S. Turner

Absent: (2): M. Cassidy, and E. Holder

Motion Passed (4 to 0)

Moved by: S. Turner
Seconded by: M. Cassidy

Motion to close the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.6 Public Participation Meeting - Demolition Request for Heritage Listed Property - 160 Oxford Street East

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

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the demolition request for the heritage listed property located at 160 Oxford Street East:

a) the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the building on this property; and,

b) the property at 160 Oxford Street East BE REMOVED from the Register (Inventory of Heritage Resources);

it being noted that the Planning and Environment Committee reviewed and received a communication dated April 12, 2019, from B. Jones and K. McKeating, 329 Victoria Street, with respect to this matter;

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. (2019-P10D/R01)

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

Nays: (1): P. Squire

Absent: (1): E. Holder

Motion Passed (4 to 1)

Additional Votes:

Moved by: S. Turner
Seconded by: M. Cassidy

Motion to open the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Turner
Seconded by: M. Cassidy

Motion to close the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.7 Public Participation Meeting - 6682 Fisher Lane (Z-9002)

Moved by: S. Turner
Seconded by: M. Cassidy

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Joe Marche and Monique Rodriguez, relating to the property located at 6682 Fisher Lane:

a) the proposed by-law appended to the staff report dated April 15, 2019 BE INTRODUCED at the Municipal Council meeting to be held on April 23, 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 Agricultural AG (AG2) Zone and an Environmental Review (ER) Zone TO an Agricultural Special Provision/ Temporary (AG2(_)/T-_) Zone and an Environmental Review (ER) Zone; and,

b) subject to Policy 19.1.1. of the 1989 Official Plan, the land use designation of the subject site BE INTERPRETED as “Agriculture”;

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

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

· the recommended amendment is consistent with the Provincial Policy Statement, 2014;

· the recommended amendment conforms to the 1989 Official Plan policies and Farmland and Green Space Place type policies of The London Plan;

· the recommended amendment facilitates the continued use of an existing lot of record for a use that has been established on the subject site; and,

· the recommended temporary use will not continue on a long-term basis. (2019-D09)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Additional Votes:

Moved by: S. Turner
Seconded by: J. Helmer

Motion to open the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

Moved by: S. Turner
Seconded by: M. Cassidy

Motion to close the public participation meeting.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

3.8 Public Participation Meeting - Application - 536 and 542 Windermere Road (Z-8945)

That it BE NOTED that the Planning and Environment Committee was unable to reach a majority decision with respect to the application by 2492222 Ontario Inc., relating to the property located at 536 and 542 Windermere Road and pursuant to Section 19.3 of the Council Procedure By-law, the matter is hereby submitted to the Municipal Council for its disposition;

it being noted that the Planning and Environment Committee reviewed and received a communication dated April 10, 2019, from P. Masterson, ConservaTree Inc., with respect to this matter;

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. (2019-D09)

Motion Passed

Additional Votes:

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

That, the following actions be taken with respect to the application of 2492222 Ontario Inc., relating to the property located at 536 and 542 Windermere Road:

a) Zoning By-law No. Z-.1 attached as Appendix B BE INTRODUCED at the Municipal Council meeting to be held on April 23, 2019 to change the zoning of the subject property to a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone to permit cluster townhouse dwellings and cluster stacked townhouse dwellings with a reduced minimum front

yard depth of 2.1 metres, an increased maximum encroachment into the front yard depth of 0.2 metres from the front property line, and a reduced maximum height of 10.5 metres;

b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM a Residential R1 (R1-6) Zone TO a Residential R5 Special Provision (R5-7(_)) Zone, BE REFUSED for the following reasons:

i) the requested amendment does not conform to the residential intensification policies in the 1989 Official Plan or *The London Plan;

ii) the requested amendment did not provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood; and,

iii) the Zoning By-law does not contemplate this level of residential intensity in a cluster townhouse form outside of Central London; and,

c) the trees on the westerly and northerly boundary BE PROTECTED AND BE PRESERVED with the exception of invasive species or trees that are in poor condition;

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

- the recommended amendment is consistent with the 2014 Provincial Policy Statement (“PPS”) which encourages intensification and infill as a means to manage growth and achieve a compact form of development within settlement areas. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future;
- the recommended amendment conforms to The London Plan which contemplates townhouses as a primary permitted use, and a minimum height of 2-storeys and maximum height of 4-storeys within the *Neighbourhoods Place Type where the property has frontage on a *Civic Boulevard. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the periphery of an existing neighbourhood. The recommended amendment would permit development at an intensity that is appropriate for the site and the receiving neighbourhood. The recommended amendment would assist in providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities;
- the recommended amendment conforms to the 1989 Official Plan and would implement the residential intensification policies of the Low Density Residential (“LDR”) designation that contemplate residential intensification in the form of cluster townhouse dwellings and a density up to 75 uph. The recommended amendment would permit development at an intensity that is less than the upper range of the maximum density for residential intensification within the LDR designation to ensure the form of development is appropriate for the site and the receiving neighbourhood.

The recommended amendment would assist in providing housing options and opportunities for all people;

- in conformity to *The London Plan and the 1989 Official Plan policies that require a public Site Plan Approval (“SPA”) process for residential intensification proposals, a holding provision is recommended for public site plan review. The holding provision would allow the public a continued opportunity to comment on the form of development through the subsequent SPA process and ensure that the ultimate form of development is compatible with adjacent lands uses; and,

- consistent with the PPS and conforming to The London Plan and the 1989 Official Plan, a holding provision is recommended to ensure the subject lands area assessed for the presence of archaeological resources prior to site alteration or soil disturbance occurring. (2019-D09)

Yeas: (2): A. Hopkins, and M. Cassidy

Nays: (2): J. Helmer, and P. Squire

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

Motion Failed (2 to 2)

Moved by: J. Helmer
Seconded by: P. Squire

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2492222 Ontario Inc., relating to the property located at 536 and 542 Windermere Road:

a) the proposed by-law appended to the staff report dated April 15, 2019 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on April 23, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM a Residential R1 (R1-6) Zone TO a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone;

b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property FROM a Residential R1 (R1-6) Zone TO a Residential R5 Special Provision (R5-7(_)) Zone, BE REFUSED for the following reasons:

i) the requested amendment does not conform to the residential intensification policies in the 1989 Official Plan or *The London Plan;

ii) the requested amendment did not provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood; and,

iii) the Zoning By-law does not contemplate this level of residential intensity in a cluster townhouse form outside of Central London;

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

- the recommended amendment is consistent with the 2014 Provincial Policy Statement (“PPS”) which encourages intensification and infill as a means to manage growth and achieve a compact form of development within settlement areas. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents present and future;

- the recommended amendment conforms to The London Plan which contemplates townhouses as a primary permitted use, and a minimum height of 2-storeys and maximum height of 4-storeys within the *Neighbourhoods Place Type where the property has frontage on a *Civic Boulevard. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the periphery of an existing neighbourhood. The recommended amendment would permit development at an intensity that is appropriate for the site and the receiving neighbourhood. The recommended amendment would assist in providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities;

- the recommended amendment conforms to the 1989 Official Plan and would implement the residential intensification policies of the Low Density Residential (“LDR”) designation that contemplate residential intensification in the form of cluster townhouse dwellings and a density up to 75 uph. The recommended amendment would permit development at an intensity that is less than the upper range of the maximum density for residential intensification within the LDR designation to ensure the form of development is appropriate for the site and the receiving neighbourhood. The recommended amendment would assist in providing housing options and opportunities for all people;

- in conformity to *The London Plan and the 1989 Official Plan policies that require a public Site Plan Approval (“SPA”) process for residential intensification proposals, a holding provision is recommended for public site plan review. The holding provision would allow the public a continued opportunity to comment on the form of development through the subsequent SPA process and ensure that the ultimate form of development is compatible with adjacent lands uses; and,

- consistent with the PPS and conforming to The London Plan and the 1989 Official Plan, a holding provision is recommended to ensure the subject lands area assessed for the presence of archaeological resources prior to site alteration or soil disturbance occurring. (2019-D09)

Yeas: (2): J. Helmer, and P. Squire

Nays: (2): A. Hopkins, and M. Cassidy

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

Motion Failed (2 to 2)

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

Motion to open the public participation meeting.

Yeas: (4): A. Hopkins, M. Cassidy, P. Squire, and S. Turner

Absent: (2): J. Helmer, and E. Holder

Motion Passed (4 to 0)

Moved by: P. Squire
Seconded by: J. Helmer

Motion to close the public participation meeting.

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

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

Motion Passed (4 to 0)

4. Items for Direction

4.1 Repeal of Building By-law B-6 and Proposed Building By-law B-7

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

That, on the recommendation of the Managing Director, Development and Compliance Services & Chief Building Official, the following actions be taken with respect to the repeal of Building By-law B-6 and the proposed Building By-law B-7:

a) the staff report dated April 15, 2019 entitled “Repeal of Building By-law B-6 and Proposed Building By-law B-7” BE RECEIVED for information; and,

b) the Civic Administration BE REQUESTED to hold a public participation meeting with respect to the proposed Building By-law B-7 and the repeal of Building By-law B-6 at a future meeting of the Planning and Environment Committee. (2019-C01A)

Yeas: (3): A. Hopkins, J. Helmer, and M. Cassidy

Absent: (3): P. Squire, S. Turner, and E. Holder

Motion Passed (3 to 0)

4.2 Request for Delegation Status - R. Sidhu, Argyle Business Improvement Area - Community Improvement Plan (CIP) Study Request for the Argyle BIA and Surrounding Area

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

That R. Sidhu, Executive Director, Argyle Business Improvement Area, BE GRANTED delegation status at a future Planning and Environment Committee meeting with respect to the request for a Community Improvement Plan study for the Argyle Business Improvement Area and surrounding area. (2019-D09)

Yeas: (3): A. Hopkins, J. Helmer, and M. Cassidy

Absent: (3): P. Squire, S. Turner, and E. Holder

Motion Passed (3 to 0)

5. Deferred Matters/Additional Business

5.1 (ADDED) 5th Report of the London Advisory Committee on Heritage

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

That, the following actions be taken with respect to the 5th Report of the London Advisory Committee on Heritage:

a) on the recommendation of the Director of Development Services, with the advice of the Heritage Planner, the application made under Section 42 of the *Ontario Heritage Act* to construct a new high-rise building on the property located at 131 King Street, within the Downtown Heritage Conservation District, BE PERMITTED as proposed in the drawings appended to the staff report dated April 10, 2019, subject to the following terms and conditions:

i) the Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design prior to issuance of the Building Permit; and,

ii) the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that presentations from L. Dent, Heritage Planner and T. Dingman appended to the 5th Report of the London Advisory Committee on Heritage, with respect to this matter, were received;

b) the following actions be taken with respect to the One River Master Plan Environmental Assessment Cultural Heritage Assessment Reports (CHAR):

i) A. Rammeloo, Division Manager, Engineering, BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the CHAR for the Springbank Dam and "Back to the River" Schedule B Municipal Class Environmental Assessment, dated April 2, 2019, from Golder Associates Ltd.; it being noted that the LACH prefers Alternative 2, partial dam removal; and,

ii) A. Rammeloo, Division Manager, Engineering, BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the CHAR for the Forks Area and "Back to the River" Schedule B Municipal Class Environmental Assessment, dated April 2, 2019, from Golder Associates Ltd.; it being noted that the LACH does not support Alternatives 1 and 3 and, instead, prefers vegetated terracing for the area;

it being noted that a presentation from A. Rammeloo, Division Manager, Engineering, and a verbal delegation from C. Butler, appended to the 5th Report of the London Advisory Committee on Heritage, with respect to this matter, were received;

c) K. Killen, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is supportive of the Draft Old East Village Dundas Street Corridor Secondary Plan, dated February 2019; it being noted that the LACH supports a stronger approach to mandatory ground floor active uses being considered along the entire stretch of Dundas Street; it being further noted that the presentation from K. Killen, Senior

Planner, appended to the 5th Report of the London Advisory Committee on Heritage, with respect to this matter, was received;

d) P. Lupton, Environmental Services Engineer, BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the Cultural Heritage Screening Memo, contained within the Long Term Water Storage Municipal Class Environmental Assessment dated March 26, 2019, from AECOM; it being noted that the LACH supports the preferred alternative of the Springbank Reservoir and that a stage 1-2 archaeological assessment should be done at the location; it being further noted that a presentation from P. Lupton, Environmental Services Engineer, appended to the 5th Report of the London Advisory Committee on Heritage, with respect to this matter, was received;

e) on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the demolition request for the heritage listed property located at 160 Oxford Street East:

i) the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the building on this property; and,

ii) the property at 160 Oxford Street East BE REMOVED from the Register (Inventory of Heritage Resources);

it being noted that the London Advisory Committee on Heritage encourages the applicant to maintain the building and vegetation on the above-noted property until a redevelopment plan is submitted;

it being further noted that a presentation from K. Gonyou, Heritage Planner as well as verbal delegations from B. Jones and K. McKeating, appended to the 5th Report of the London Advisory Committee on Heritage, with respect to this matter, were received;

f) the revised 2018 London Advisory Committee on Heritage Work Plan Summary appended to the 5th Report of the London Advisory Committee on Heritage, BE FORWARDED to the Municipal Council for their information;

g) the expenditure of $200.00 from the 2019 London Advisory Committee on Heritage (LACH) budget BE APPROVED for M. Whalley to attend the 2019 Ontario Heritage Conference being held May 30 to June 1, 2019; it being noted that the LACH has sufficient funds in its 2019 budget to cover this expense; and,

h) clauses 1.1, 3.1 to 3.4, inclusive, 4.1 and 5.3 BE RECEIVED for information.

Yeas: (3): A. Hopkins, J. Helmer, and M. Cassidy

Absent: (3): P. Squire, S. Turner, and E. Holder

Motion Passed (3 to 0)

6. Adjournment

The meeting adjourned at 8:43 PM.

Trees and Forests Advisory Committee

Report

3rd Meeting of the Trees and Forests Advisory Committee
March 27, 2019
Committee Room #4

Attendance

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

ABSENT: C. Haindl, R. Mannella and G. Mitchell

ALSO PRESENT: A. Beaton and J. Spence

The meeting was called to order at 12:20 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 Oak Wilt

That it BE NOTED that the attached presentation from J. Spence, Manager, Urban Forestry, with respect to Oak Wilt, was received.

3. Consent

3.1 2nd Report of the Trees and Forests Advisory Committee

That the 2nd Report of the Trees and Forests Advisory Committee, BE DEFERRED to next meeting.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Boulevard Tree Protection By-Law

That it BE NOTED that the Trees and Forests Advisory Committee heard a verbal update from J. Spence, Manager Urban Forestry, with respect to the Boulevard Tree Protection By-Law.

5.2 Tree Protection By-Law

That it BE NOTED that the Trees and Forests Advisory Committee heard a verbal update from J. Spence, Manager, Urban Forestry, with respect to the Tree Protection By-Law.

5.3 Dingman SWM EA Update

That it BE NOTED that the Trees and Forests Advisory Committee heard a verbal update from C. Linton, with respect to the Dingman Stormwater Management Environmental Assessment.

5.4 City Emerald Ash Borer Program

That it BE NOTED that the Trees and Forests Advisory Committee heard verbal update from A. Beaton, Manager Operations-Forestry, and J. Spence, Manager, Urban Forestry, with respect to the Emerald Ash Borer Program.

5.5 Tree Location Policy for projects that impact lands not covered under the Boulevard or Private Tree By-Laws

That it BE NOTED that the Trees and Forests Advisory Committee held a general discussion, with respect to Tree Location Policy for projects that impact lands not covered under the Boulevard or Private Tree By-Laws.

6. Deferred Matters/Additional Business

None.

7. Adjournment

The meeting adjourned at 2:00 PM

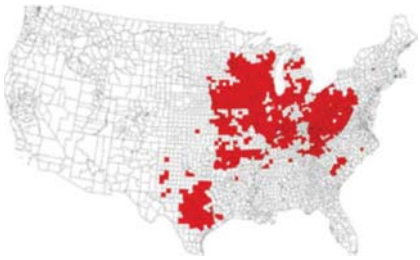
Urban Forest Health – Oak Wilt

Trees & Forests Advisory Committee
March 27, 2019

What is Oak Wilt

- Vascular disease of oak trees, caused by the fungus *Bretziella fagacearum*
- Fungus creates blockages in the tree's vascular system, killing it as water and nutrients cannot move throughout the tree
- Regulated pest under the Plant Health Act and Plant Protection Regulations enforced by the Canadian Food Inspection Agency (CFIA)
- There is no "cure" for Oak Wilt
- No confirmed cases in Canada

Where is Oak Wilt

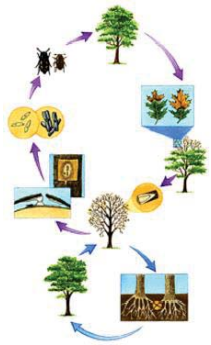


- Oak wilt has spread throughout the Eastern United States.
- Origin unknown but confirmed in Wisconsin in 1942
- Thought to be present much earlier through historical records 1890's

Where is Oak Wilt

- In 2016 Oak Wilt was confirmed on Belle Isle, Michigan
- 579 m from the Canadian Border
- 150 km from London

How Does Oak Wilt Spread



Above Ground

Beetles carry fungus spores from "spore mats" on infected trees to wounds on healthy trees during feeding or breeding.

Below Ground

Fungus travels from infected roots to healthy tree roots.

Oak Wilt Life Cycle (USDA Forest Service)

What Does it Look Like

FAST! Wilting and bronzing of foliage starting at top of the tree and moving downwards

What Does it Look Like

- Leaves turn dull green, brown or yellow
- Discolouration of leaves progressing from the edge of the leaf to the middle
- Premature leaf fall (including green leaves)

What Does it Smell Like

- White, grey or black fungal mats just under bark that emit a fruity smell
- Vertical black cracks in the trunk and large branches
- Fungal spore mats (also referred to as pressure pads) exerting outward pressure on the bark

Impact to Urban Forest

Proportion of Urban Forest at Risk

- Red Oak types vs White Oak types
- 2% of all London's trees are oaks or 140,000 trees; one-half of these trees are highly susceptible
- More oak are present in the rural areas of the City, located in woodlands and woodlots
- City urban area where oaks are the predominant species of the urban forest e.g. Oakridge, Warbler Woods, and Kiwanis Park
- 6,000 Street Trees are oak type species

What is the City Doing

Communicate & Educate

Brought Oak Wilt to the attention of Municipal Leaders

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.

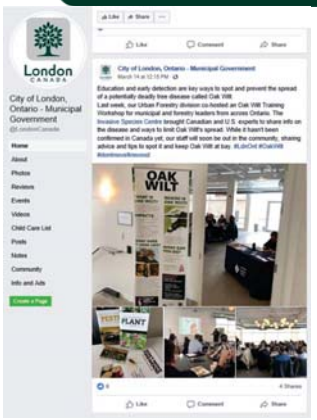
What is the City Doing

Communicate & Educate

What is the City Doing

Maintaining Regional & Local Partnerships

What is the City Doing

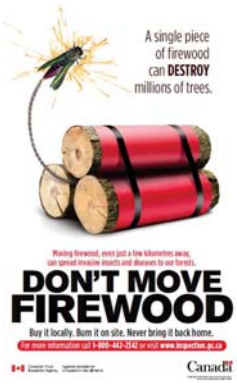


Main Messages
Overall positive
Get out ahead of the disease
Know what we are working with
Know the strategies and techniques
Early detection

What is the City Doing

Public Awareness
Oak Wilt Campaign

- Spring coincide with camping season highlight the risks with moving fire wood
- Creation of videos for social media
- Plan to host local educational sessions for residents & lunch and learns for businesses



What is the City Doing?

What is the City Doing

What is the City Doing

Staff Training and Best Management Practices

- Staying current with industry research attending workshops
- Participating in the regional efforts; co hosting event
- Internal training of City Staff (Forestry, Parks)
- Oak Wilt Qualification designation
- Upper Thames River Conservation Authority staff staying current on the pest
- Forestry Operations Best Management Practices
- Reducing the number of red oak trees planted under the current tree planting contract; white oak species still permitted.
- Updating tree inventory to ensure accurate information

What Can Londoners Do

Public Awareness

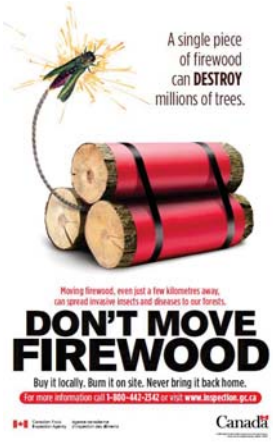
Early Detection - Awareness

- Attend a public information session or research online
- Learn how to identify oak trees and signs of Oak Wilt

Follow best practices:

- Do not prune oak trees from April - August
- Paint pruning wounds
- Dispose properly of debris; grind stumps
- Keep trees healthy
- Be on the look out! Monitor your oak trees for sudden leaf drop or leaf colour in the summer
- Contact and arborist

What Can Londoners Do



What Can Londoners Do

Continue to Encourage Communities to Plant Trees

National Forest Week
We are the Forest City
TREE GIVEAWAY

treeME
Tree Matching Fund

What Can Londoners Do

IF OAK WILT IS SUSPECTED, CONTACT:

Canadian Food Inspection Agency (CFIA)
www.inspection.gc.ca/pest

The City of London Urban Forestry Section
treeprotection@london.ca

Information

City of London's Website
www.london.ca/residents/Environment/Trees-Forests/Pages/Oak-Wilt
Canadian Food Inspection Agency (CFIA)
www.inspection.gc.ca/plants/plant-pests-invasive-species/diseases/oak-wilt
Invasive Species Centre
www.invasivespeciescentre.ca
Forest Invasives
www.forestinvasives.ca
Ontario's Invading Species Awareness Program
www.invadingspecies.com/oak-wilt

H-9026
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: Landea Development Inc.**
1196 Sunningdale Road West
Removal of Holding Provisions (h and h-100)
Meeting on: **April 15, 2019**

Recommendation

That, on the recommendation of the Director, Development Services, based on the application of Landea Development Inc**.** relating to the property located at 1196 Sunningdale Road West the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on April 23, 2019 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning of 1196 Sunningdale Road West **FROM** a Holding Residential R1 (h*h-100*R1-4) Zone, a Holding Residential R1 Special Provision (h*h-100*R1-4 (33)) Zone, a Holding Residential R1 Special Provision (h*h-100*R1-4 (34)) Zone, a Holding Residential R1 Special Provision (h*h-100*R1-4 (35)) Zone, a Holding Residential R1 (h*h-100*R1-13) Zone and a Holding Residential R1 Special Provision (h*h-100*R1-13 (9)) Zone **TO** a Residential R1 (R1-4) Zone, a Residential R1 Special Provision (R1-4 (33)) Zone, a Residential R1 Special Provision (R1-4 (34)) Zone, a Residential R1 Special Provision (R1-4 (35)) Zone, a Residential R1 (R1-13) Zone and a Residential R1 Special Provision (R1-13 (9)) Zone to remove the h. and h-100 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h. and h-100 holding symbols to permit the development of 125 single detached dwelling lots.

Rationale of Recommended Action

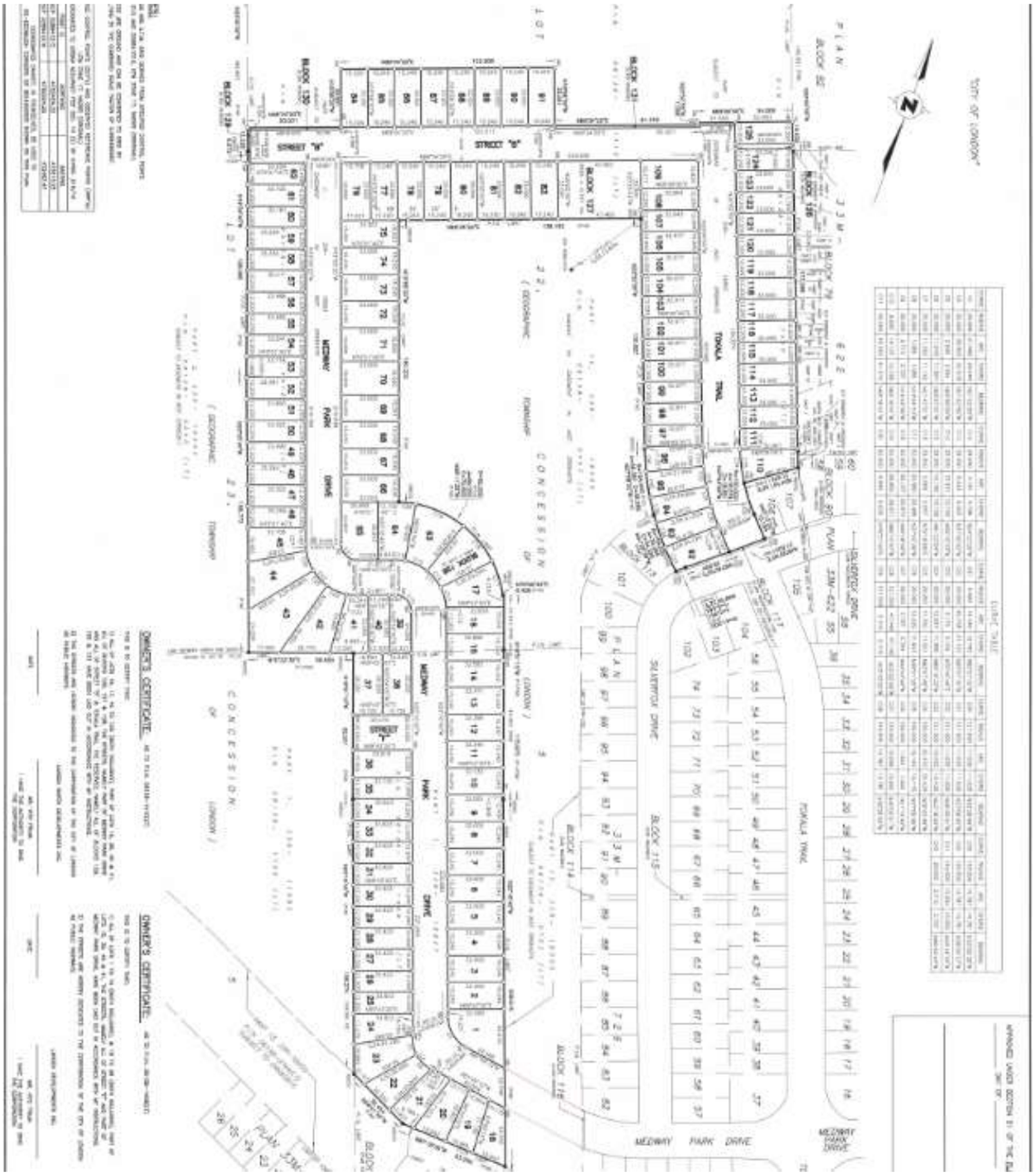
1. The conditions for removing the holding (h & h-100) provisions have been met and the recommended amendment will allow development of 125 single detached dwelling lots in compliance with the Zoning By-law.
2. Through the subdivision approval process the required security has been submitted to the City of London, the execution of the subdivision agreement is imminent, servicing and access arrangement are in place and the h. and h-100 holding provisions are no longer required.

Analysis

1.1 Location Map

H-9026
C. Smith

1.2 Subdivision 3rd Phase 1196 Sunningdale Road West



2.0 Description of Proposal

The proposed application is to remove the h. and h-100 holding provisions from the lands that ensures for the orderly development of land and for the provision of adequate water service and appropriate access, a development agreement shall be entered into to the satisfaction of the City. The removal of the h. and h-100 holding provision will allow for the construction of 125 single detached homes.

3.0 Revelant Background

3.1 Planning History

Two applications (39T-05511 and 39T-05512) for Draft Plan of Subdivision Approval were accepted on in August of 2005. The plans were draft approved in October of 2009. Extension were granted in 2012 and again in 2015. The draft approval expiry date for both approved draft plans (39T-05511 and 39T-05512) was October 14, 2018 (three years after the last draft approval extension lapse date).

On July 18, 2016 the applicant submitted a design study package for the development of a second subdivision phase of draft plan 39T-05512 (995 Fanshawe Park Road West). The proposed phase limit included lands outside of the limits of draft plan 39T-05512 that is located in draft approved plan 39T-05111 (1196 Sunningdale Road West). At the time of Draft Approval, the subdivisions were in separate ownership. Landea North Development Inc. is now the owner of both draft approved subdivisions. The applicant requested that the two separate draft approved plans be consolidated for the purpose of design study approvals and for final subdivision registration.

The above-noted draft plan consolidation and redline revisions of draft plan of subdivision for 39T-05512 and 39T-05511 as one draft plan of subdivision 39T-05512 was approved by City of London Approval Authority on March 6, 2017, subject to the consolidated conditions. The October 14, 2018 lapse date was not changed through the consolidation process.

The first phase of this subdivision which was comprised of 48 single family lots, various part lots all served by four (4) new streets was registered on December 31, 2012 (33M-652). The second phase of subdivision which was comprised of 111 single family lots, various part lots all served by three (3) new streets was registered on November 7, 2017 (33M-729).

This application is to remove the holding provisions from the third phase of the development. The third phase consists of 125 single detached lots and 2 park blocks along with several 0.3 metre reserves, all served by the extension of Tokala Drive, Medway Park Drive and one new local street. On August 29, 2018 Council endorsed the special provisions and recommended that a subdivision agreement be entered into with the City of London. The Owner and the City have signed the subdivision agreement and securites have been posted. Final registration for the subdivison is iminient.

4.0 Key Issues and Considerations

Why is it Appropriate to remove this Holding Provision?

The h. holding provision states that:

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

The applicant has submitted the required security to the City of London for the 3rd Phase of the Landea Developments Inc. subdivision. The special provisions have been endorsed by Council. The owner has provided the necessary security and the subdivision agreement is being finalized for execution by the owner and the City consistent with the draft plan conditions. This satisfies the requirement for removal of the "h" holding provision.

h-100 Holding Provision

The (h-100) holding provision states that:

> *"To ensure there is adequate water services and appropriate access, no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol."*

The h-100 holding provision requires that a looped watermain system be constructed and a second public access is available for these lands. A looped watermain has been constructed and Medway Park Drive is being extended northerly and Tokala Trial is being extended north from Silverfox Drive providing two public accesses into this phase. This satisfies the requirement for removal of the "h-100" holding provision.

More information and detail about public feedback and zoning is available in Appendix B & C.

5.0 Conclusion

It is appropriate to remove the h. and h-100 holding provisions from the subject lands at this time as a second public road access and water looping has been provided and the required security has been submitted to the City of London and registration of the subdivision agreement is imminent.

Prepared by:	**C. Smith, MCIP RPP** **Senior Planner, Development Services**
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.	

April 8, 2019

H-9026
C. Smith

Appendix A

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1196 Sunningdale Road West.

WHEREAS Landea Development Inc. have applied to remove the holding provisions from the zoning for the lands located at 1196 Sunningdale Road West, as shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provisions from the zoning of the said land;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1196 Sunningdale Road West, as shown on the attached map, to remove the h. and h-100 holding provisions so that the zoning of the lands as a Residential R1 (R1-4) Zone, a Residential R1 Special Provision (R1-4 (33)) Zone, a Residential R1 Special Provision (R1-4 (34)) Zone, a Residential R1 Special Provision (R1-4 (35)) Zone, a Residential R1 (R1-13) Zone and a Residential R1 Special Provision (R1-13 (9)) Zone comes into effect.

2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on April 23, 2019.

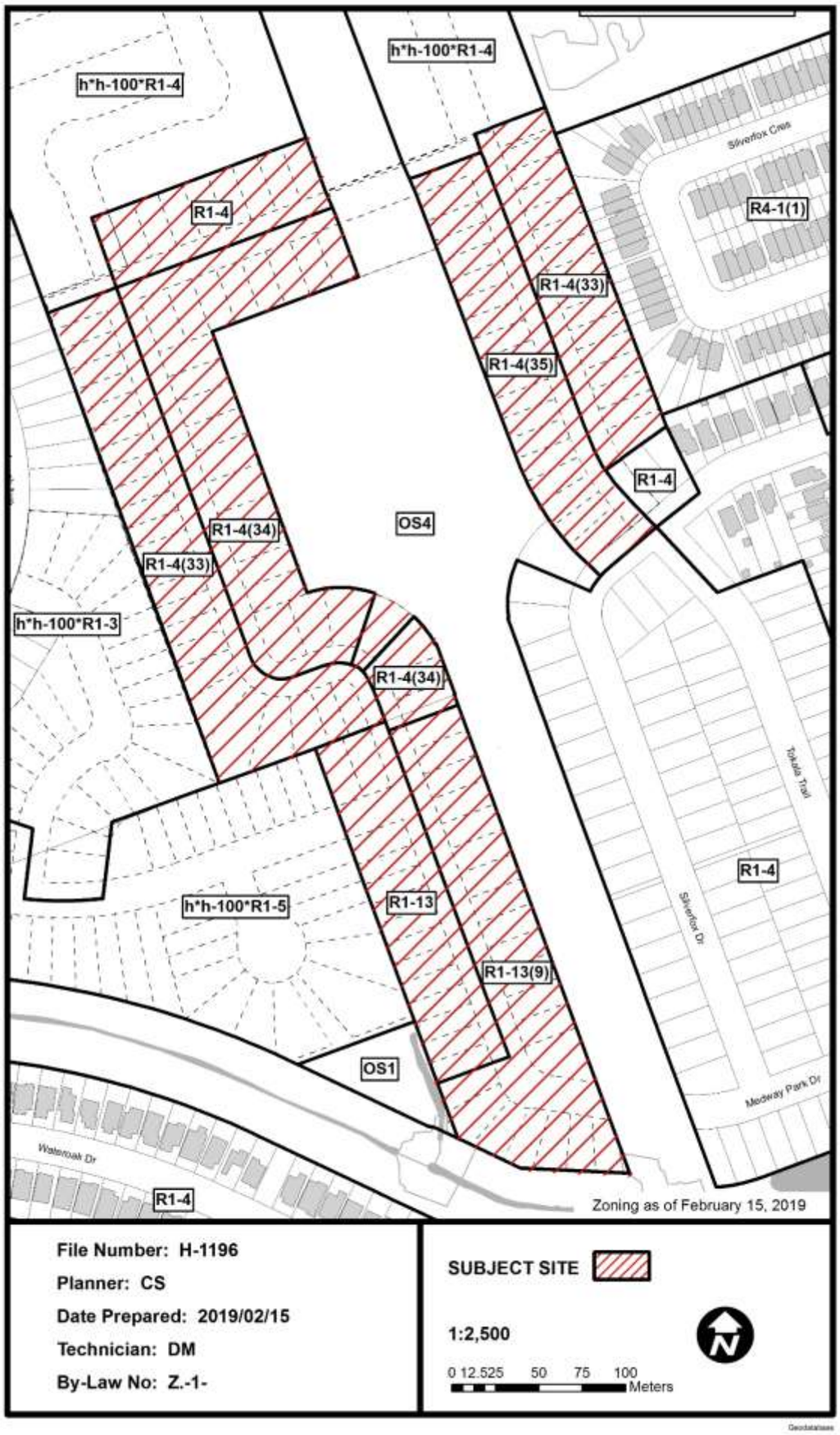
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading -April 23, 2019
Second Reading –April 23, 2019
Third Reading - April 23, 2019

H-9026
C. Smith

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



File Number: H-1196
Planner: CS
Date Prepared: 2019/02/15
Technician: DM
By-Law No: Z.-1-

SUBJECT SITE

1:2,500

0 12.525 50 75 100 Meters

Appendix B – Public Engagement

Community Engagement

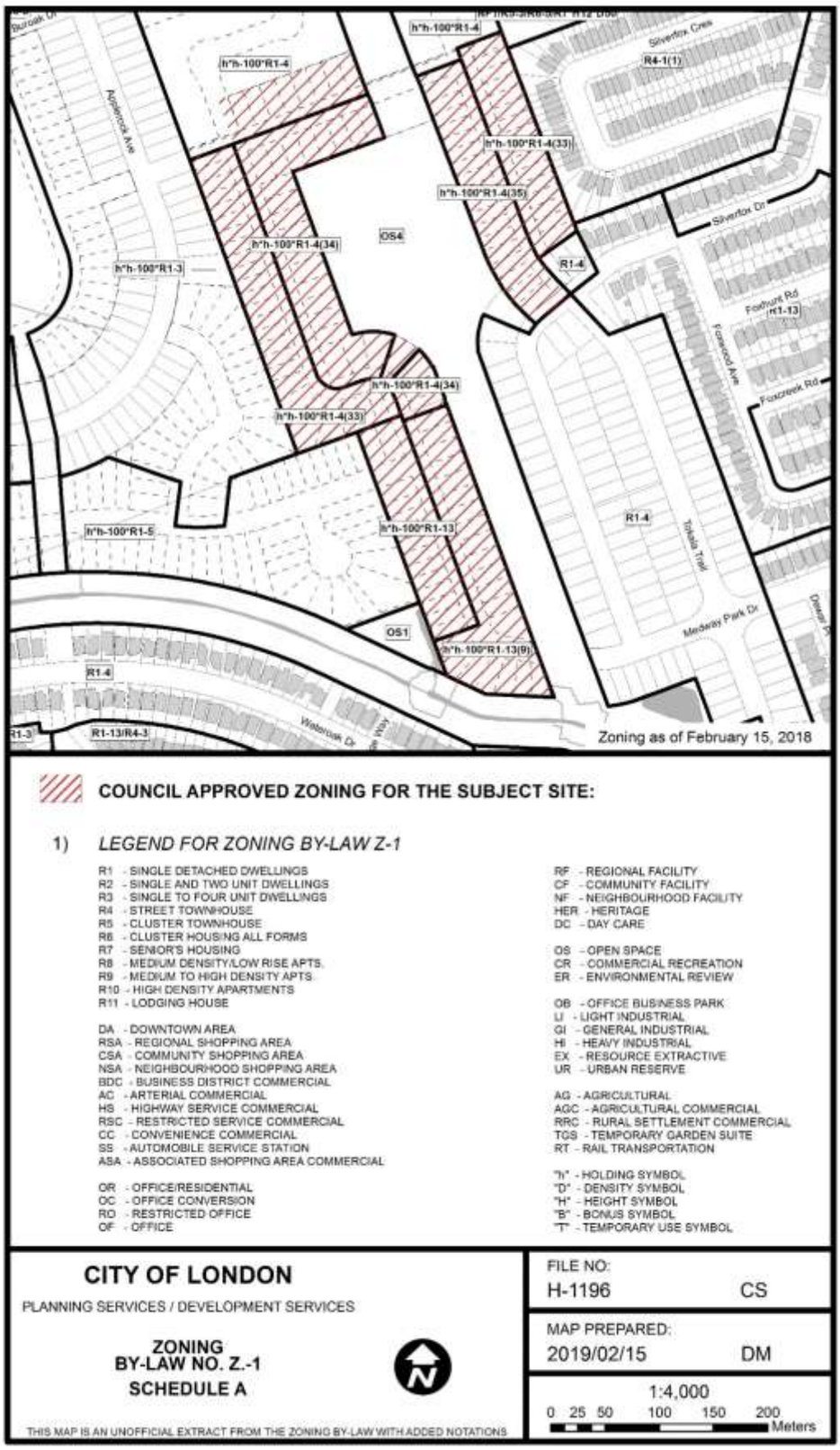
Public liaison: Notice of the application was published in the Londoner on February 28, 2019

0 replies were received

Nature of Liaison: City Council intends to consider removing the h and h-100 holding provisions from the lands that ensures for the orderly development of land and for the provision of adequate water service and appropriate access a development agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than April 1, 2019.

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: H-1196 CS

MAP PREPARED: 2019/02/15 DM

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

File: H-8933
Planner: L. Mottram

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**
1395 Riverbend Road
Removal of Holding Provisions
Meeting on: **April 15, 2019**

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to a portion of the 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 April 23, 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 R6/R7 Special Provision (h•h-206•R6-5(42)/R7(22)•D115•H30) Zone **TO** a Residential R6/R7 Special Provision (R6-5(42)/R7(22)•D115•H30) Zone to remove the h and h-206 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

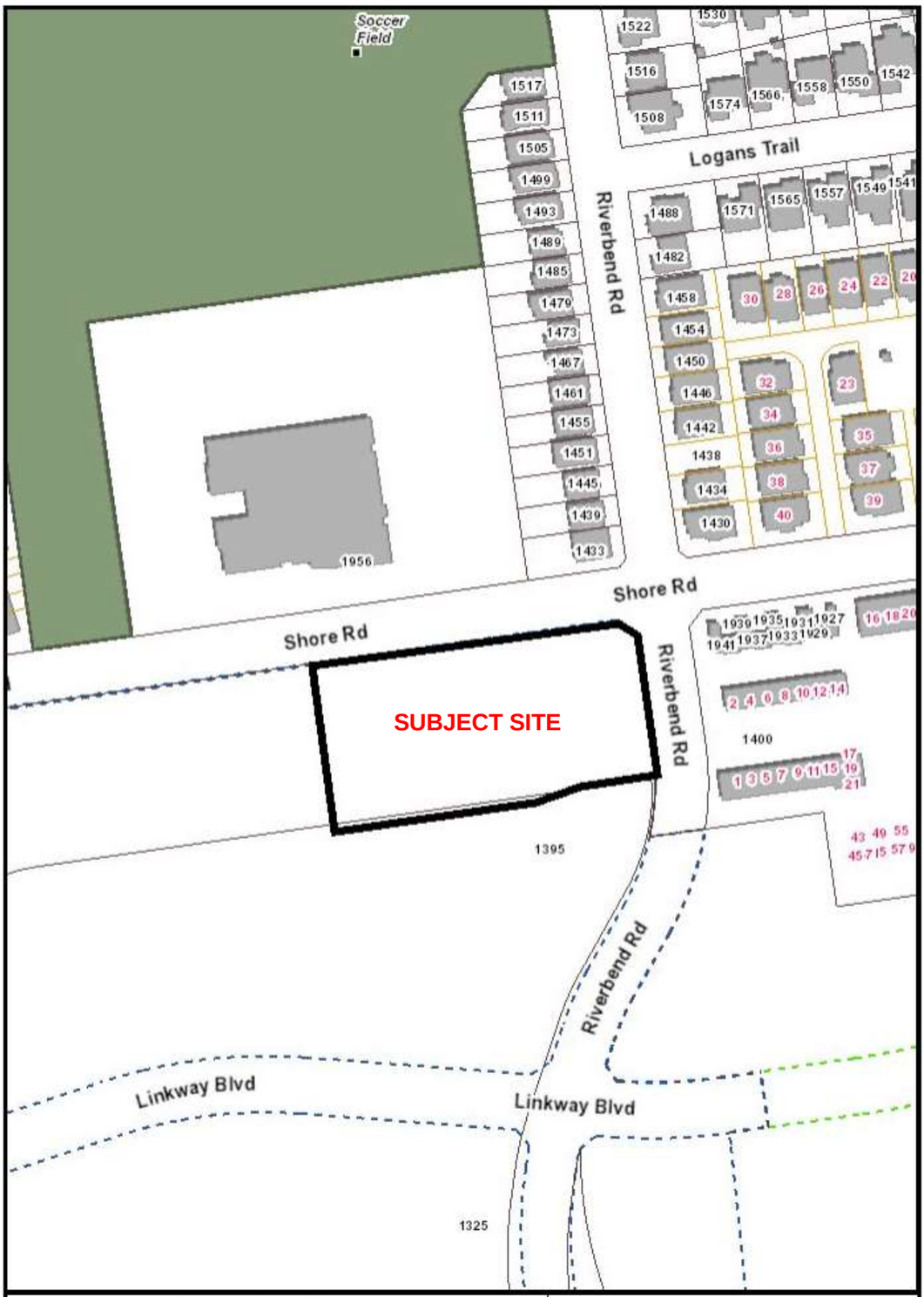
The purpose and effect of this zoning change is to remove the h and h-206 holding symbols from the zone map to permit the development of a seven to eight storey building consisting of 115 senior's apartment units and a 150 bed retirement residence.

Rationale of Recommended Action

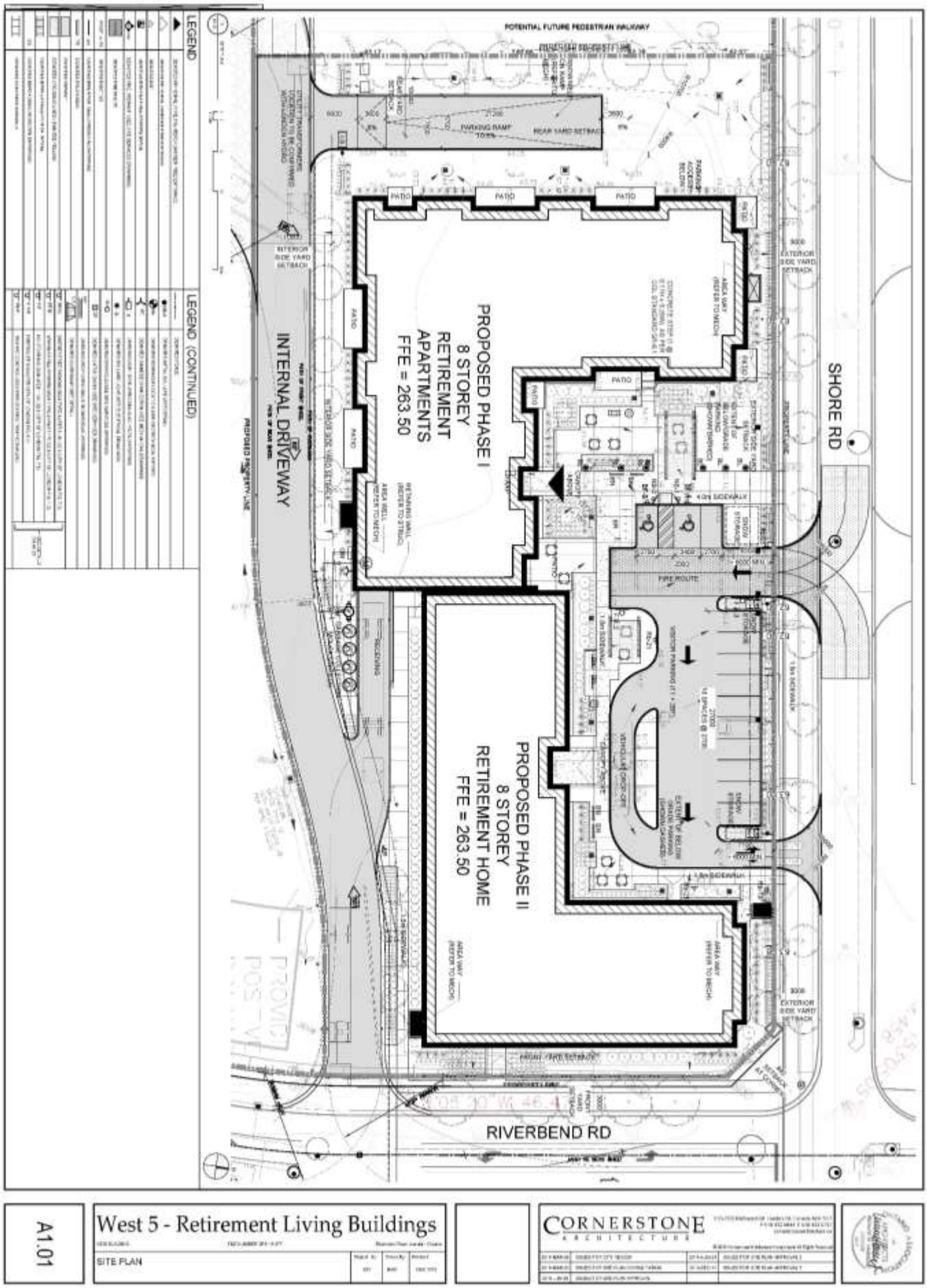
1. The conditions for removing the holding (h & h-206) provisions have been met and the recommended amendment will allow development of a proposed senior's apartment building and retirement residence in compliance with the Zoning By-law.
2. Performance security has been posted in accordance with City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

Analysis

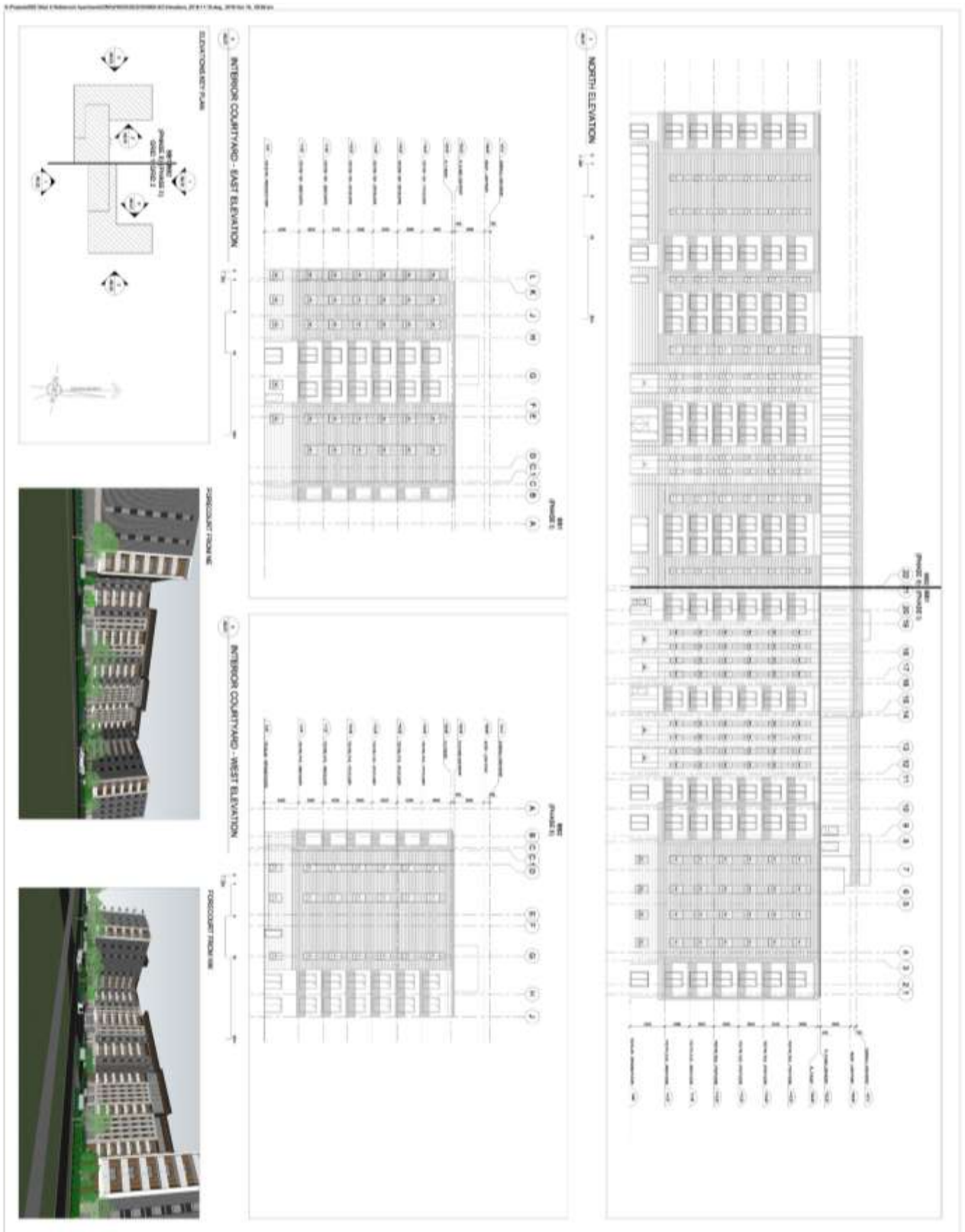
1.1 Location Map



1.2 Site Plan


POTENTIAL FUTURE PEDESTRIAN WALKWAY
PROPOSED PHASE I
8 STOREY
RETIREMENT
APARTMENTS
FFE = 263.50
PROPOSED PHASE II
8 STOREY
RETIREMENT HOME
FFE = 263.50
INTERNAL DRIVEWAY
SHORE RD
RIVERBEND RD
PATIO
FIRE ROUTE
LEGEND
LEGEND (CONTINUED)
A1.01
West 5 - Retirement Living Buildings
SITE PLAN
CORNERSTONE
ARCHITECTURE

1.3 Building Elevations



2.0 Description of Proposal

The purpose and effect of this zoning amendment is to remove the holding symbols to permit development of a seven (7) to eight (8) storey building consisting of 115 senior's apartment units and a 150 bed retirement residence. The facility is proposed to be constructed in two phases with the senior's apartment building (west wing) to be constructed as Phase 1, and retirement residence (east wing) to be constructed as Phase 2.

3.0 Revelant Background

3.1 Planning History

On January 8, 2016, the Approval Authority for the City of London approved a Draft Plan of Subdivision for approximately 30 hectares of land bounded by Oxford Street West, Westdel Bourne, Shore Road, and Kains Road. This tract of land is part of a long term development by Sifton Properties Limited known as "West Five". The development strategy was based on a vision of a sustainable, mixed-use community consisting of a range of office, retail, residential and public uses; and incorporating models of "smart" community design and significant renewable energy technologies and initiatives.

In conjunction with the draft plan of subdivision, Council adopted Official Plan and Zoning By-law amendments, including a specific-area policy to guide the development of the community vision, mixing of uses, form, scale and density. Urban design guidelines were also prepared and approved by Council through the adoption of a holding provision in the Zoning By-law.

On March 5, 2019, Municipal Council approved an application by Sifton for a proposed retirement residence within their "West Five" lands, at the southwest corner of Riverbend Road and Shore Road. The zoning was changed 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(22)•D115•H30) Zone. The special provision permits 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.

The purpose and effect of this application is to remove the holding provisions to allow development of the lands for the proposed retirement living facility as permitted under the Residential R6/R7 Special Provision (R6-5(42)/R7(22)•D115•H30) Zone. An application for Site Plan Approval has also been submitted by Sifton Properties Limited.

4.0 Key Issues and Considerations

4.1 Have the conditions for removal of the holding (h and h-206) provisions been met?

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

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

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

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

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

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

Permitted Interim Uses: *Existing uses*

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

• promote architectural and urban design excellence, sustainability, innovation, longevity, and creative expression with visionary design and high-quality materials and places;

• promote harmonious fit and compatibility, emphasizing relationships between buildings, streets and open space;

• create a safe, comfortable, accessible, vibrant, and attractive public realm and pedestrian environment all year round focusing on reducing the use of the car; and,

• ensure high-quality living and working conditions, including access to public space for all building occupants.

The development plans and drawings have been reviewed and are generally in keeping with these design principles and with the City's Placemaking Guidelines. It should be noted that the Master Plan Concept prepared for the West Five Community had always envisioned a residential retirement facility for the subject site. The concept plan originally consisted 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. It was recognized that the 'U' shape configuration does not create a continuous street wall along Shore Road; however, it does respect the existing school and single family homes to the north by setting the main building mass back, helping to minimize visual intrusion and shadowing. These concerns were reviewed as part of the rezoning application, and demonstrated through building elevation plans and shadow studies prepared by the applicant's architect.

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 1,375 mm (4.5 ft.) high garden walls with 1,524 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.

The West Five Urban Design Guidelines describe this type of built form as "Retirement Architecture" with the goal of providing a very high quality outdoor amenity space for its

residents and visitors, and is easily accessible and straight forward to occupy. The following provides a brief overview of how the guidelines have been followed, and the key design features that have been incorporated into the site development plans.

Retirement Entrances

- The site plan provides canopy-covered main entrances to the senior's apartment building and retirement residence which are highly visible, with clear wayfinding and barrier-free path of travel to each entrance.
- The site also provides safe, accessible and efficient integration of vehicular and pedestrian circulation, clear connections to the public sidewalk, designated pick-up/drop-off areas, convenience parking for visitors at the front, and underground parking accessed from the rear via an internal access driveway from Riverbend Road.

Building Articulation

- The elevation plans illustrate how fenestration patterns have been incorporated into the building facades to eliminate blank walls. Long building facades without variations in materials and/or composition are avoided.
- The east wing (Retirement Residence Building) emphasizes a strong orientation and massing towards the intersection of Riverbend Road and Shore Road.

Materials

- 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.

Amenity Spaces

- High quality indoor and outdoor amenity spaces for shared use and visitation are provided.
- The easterly building wing will be positioned to permit ground floor common spaces to face Riverbend Road and Shore Road. An access point will be provided through a proposed café space to be located at the southeast corner, serving as a secondary entrance to the building fronting Riverbend Road. An activity/games room will be located on the ground floor at the northeast corner of the building.

Semi-Public Outdoor Spaces/Courtyard

- 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.
- The entrance courtyard also encloses the outdoor amenity areas, including spaces for gathering, outdoor benches and seating areas, planter gardens and pergola canopies.

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

5.0 Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding ("h" and "h-206") symbols from the zoning applied to this site.

Prepared by:	**Larry Mottram, MCIP, RPP** **Senior Planner, Development Planning**
Recommended by:	**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)
Lou Pompilii, Manager, Development Services - Planning
Ismail Abushehada, Manager, Development Services - Engineering

April 8, 2019
GK/PY/LM/lm

Y:\Shared\ADMIN\1- PEC Reports\2019 PEC Reports\6- April 15\Draft PEC Report - H-8933.docx

File: H-8933
Planner: L. Mottram

Appendix A

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1395 Riverbend Road.

WHEREAS Sifton Properties Limited have applied to remove the holding provisions from the zoning over a portion of the lands located at 1395 Riverbend Road, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1395 Riverbend Road, as shown on the attached map, to remove the h and h-206 holding provisions so that the zoning of the lands as a Residential R6/R7 Special Provision (R6-5(42)/R7(22)•D115•H30) Zone comes into effect.

2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on April 23, 2019.

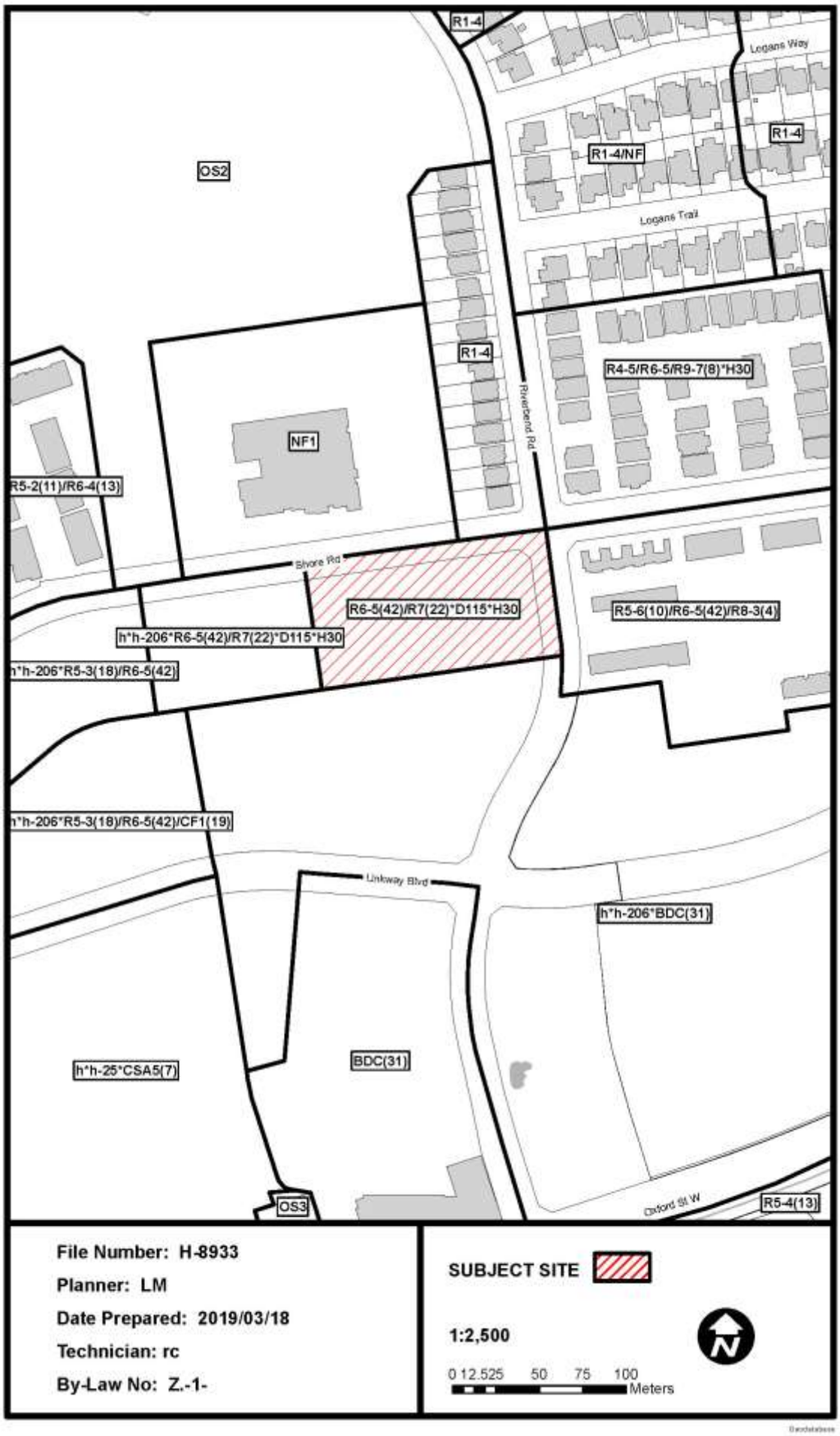
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – April 23, 2019
Second Reading – April 23, 2019
Third Reading – April 23, 2019

File: H-8933
Planner: L. Mottram

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



File: H-8933
Planner: L. Mottram

Appendix B – Public Engagement

Community Engagement

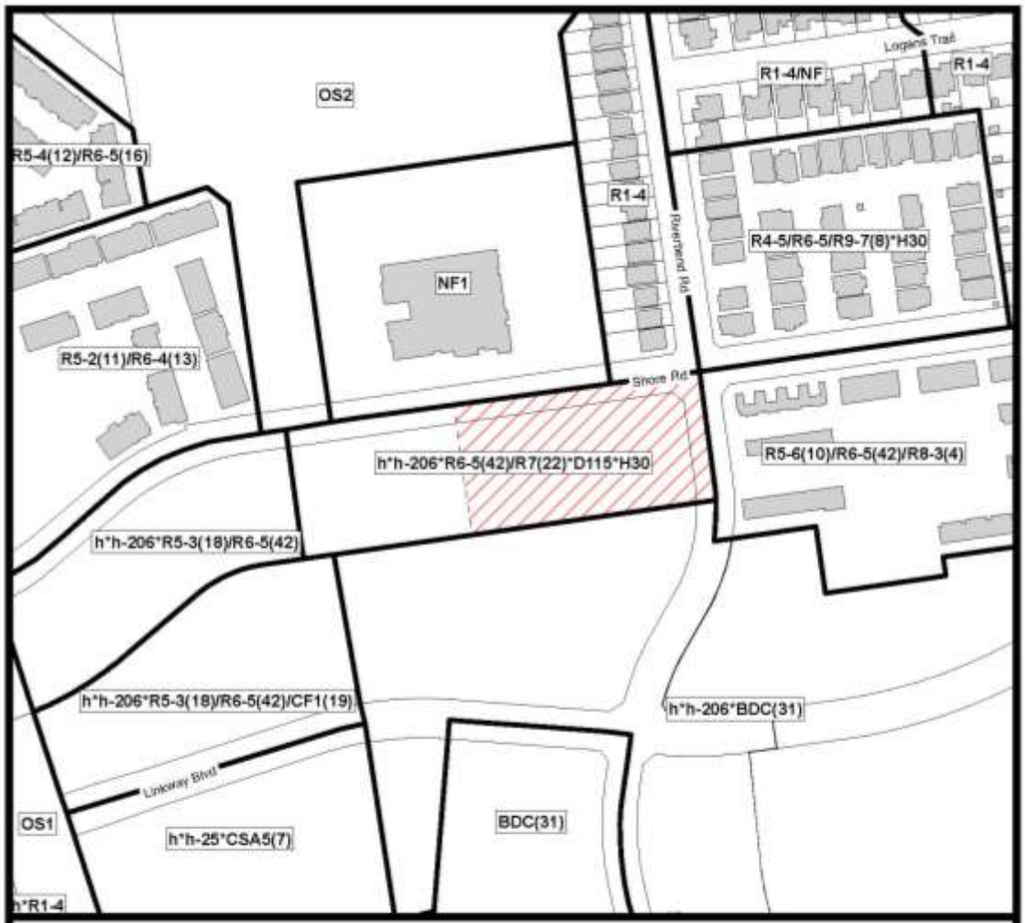
Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on September 27, 2018.

0 replies were received

Nature of Liaison: Portion of lands located at 1395 Riverbend Road, at the southwest corner of Shore Road and Riverbend Road – City Council intends to consider removing the Holding ("h" & "h-206") Provisions from the zoning of the subject lands. The purpose and effect is to allow development of the lands for a proposed retirement residence and seniors' apartments. The purpose of the "h" provision is to ensure the orderly development of lands and the adequate provision of municipal services. The "h" symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The "h-206" symbol is intended to ensure that urban design objectives established through the subdivision review process are being met, a site plan shall be approved and a development agreement shall be entered into which ensures that future development is in keeping with the design principles and concepts identified in the West Five Urban Design Guidelines, and subject to further refinement through the subdivision Design Studies and/or Site Plan Approval process, to the satisfaction of the City of London. Council will consider removing the holding provisions as it applies to these lands no earlier than November 6, 2018.

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

R1 - SINGLE DETACHED DWELLINGS
R2 - SINGLE AND TWO UNIT DWELLINGS
R3 - SINGLE TO FOUR UNIT DWELLINGS
R4 - STREET TOWNHOUSE
R5 - CLUSTER TOWNHOUSE
R6 - CLUSTER HOUSING ALL FORMS
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ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

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AG - AGRICULTURAL
AGC - AGRICULTURAL COMMERCIAL
RRC - RURAL SETTLEMENT COMMERCIAL
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"h" - HOLDING SYMBOL
"D" - DENSITY SYMBOL
"H" - HEIGHT SYMBOL
"B" - BONUS SYMBOL
"T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: H-8933 LM

MAP PREPARED: 2019/03/18 rc

1:3,000

0 15 30 60 90 120 Meters

File: 39T-09501-1B
Planner: N. Pasato

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: Extra Realty Limited**
660 Sunningdale Road East
Applewood Subdivision Phase 1B - Special Provisions
Meeting on: **April 15, 2019**

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited for the subdivision of land over Part Lot 13, Concession 6, situated on the north side of Sunningdale Road East, west of Adelaide Street North, municipally known as 660 Sunningdale Road East;

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Extra Realty Limited for the Applewood Subdivision, Phase 1B (39T-09501) attached as Appendix "A", **BE APPROVED**;

(b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B";

(c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "C"; and

(d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

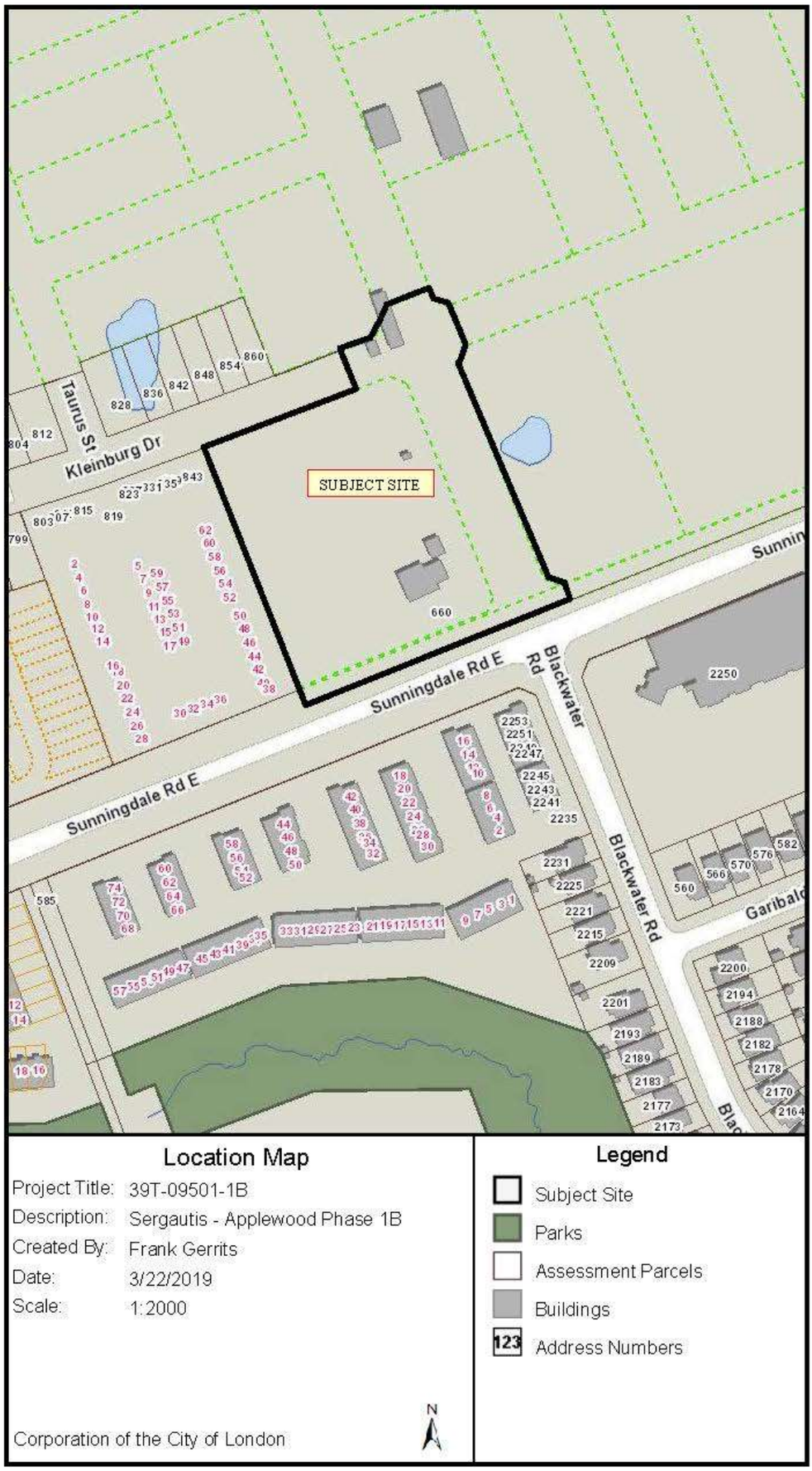
Analysis

1.0 Site at a Glance

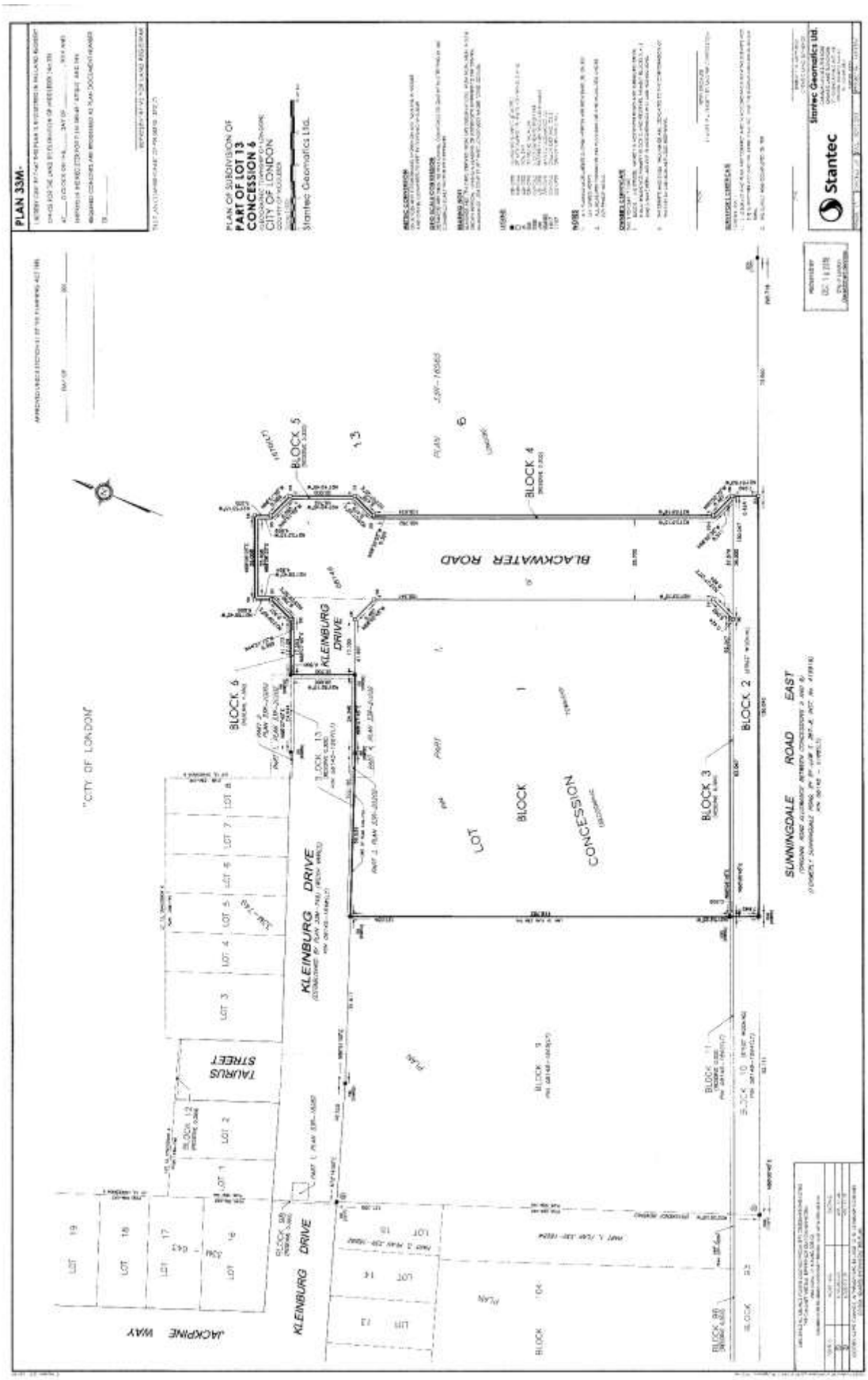
1.1 Property Description

The subject site consists of a portion (1.15 ha (2.84 acres)) of a 42 hectare parcel of land located at the northwest corner of Adelaide Street North and Sunningdale Road East. It is located at the northerly limit of the City and borders with the Township of Middlesex Centre. The property slopes generally from north to south with a rolling terrain. The site currently contains a 4 hectare woodlot (designated as Environmentally Significant Area), a small Provincially Significant Wetland, and existing buildings including a single detached dwelling (located towards the south end of the property, adjacent to the extension of Blackwater Road), and two brick barns designated under the provision of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18,.

1.2 Location Map Phase 1 Applewood Subdivision



1.3 Applewood Phase 1B Plan



2.0 Description of Proposal

2.1 Development Proposal

The draft plan of subdivision consists of 39 low density blocks (Blocks 1-39), four (4) medium density residential blocks (Blocks 40-44), two (2) commercial blocks (Blocks 46-47), two (2) commercial/mixed use residential blocks (Blocks 48-49), three (3) open space blocks (Blocks 49-51), eight (8) parkland and walkway blocks (Blocks 52-59), one (1) stormwater management block (Block 60), one (1) road widening block (Block 61), six (6) 0.3 m reserve blocks (Blocks 62-67), all served by one (1) primary collector road (Blackwater Road), one (1) secondary collector road (Street "D"/Superior Drive), and ten (10) new local streets.

The first phase of this subdivision, which consisted of eight (8) single detached lots and one (1) multi-family, medium density block was registered as 33M-749in August of 2018.The Applicant is registering the remaining stage of Phase 1 of this subdivision, which consists of one (1) commercial/mixed use residential block, located at the southwest corner of the future intersection of Kleinburg Drive and Blackwater Boulevard.

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:	**Nancy Pasato, MCIP, RPP** **Senior Planner, Development Services**
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.	

April 8, 2019

CC: Lou Pompilii, Manager, Development Planning
Ismail Abushehada, Manager, Development Engineering
Matt Feldberg, Manager, Development Services (Subdivisions)

Appendix A – Special Provisions

6. SOILS CERTIFICATE

Add the following new Special Provisions:

#1 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 geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.

10. COMPLETION, MAINTENANCE, ASSUMPTION AND GUARANTEE

Remove Subsection 10.7 and **replace** with the following:

10.7 The Owner hereby agrees that the City will assume each street in this subdivision when the following are completed to the satisfaction of the City:

(a) All works and services required on the street to be assumed, including all storm and sanitary private drain connections and water services, must be constructed in accordance with the final approval servicing plans based on the final Lot layout of Lots in this Plan;

(b) Either seven (7) years has elapsed from the date of registration of the Subdivision Agreement, or a minimum of seventy percent (70%) of the building Lots and Blocks fronting the street to be assumed are built upon, whichever is earlier, or other arrangements are made with and approved by the City; and

(c) The works, services and roads requested for assumption connect to already assumed works, services and roads.

(d) The City may 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 was 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 in accordance with City Standard No. SR-7.0.~~

Add the following new Special Provisions:

#2 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.

#3 The Owner shall maintain works and services in this Plan in a good state of repair from installation to assumption, to the satisfaction of the City, at no cost to the City.

#4 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 temporary works including temporary sediment basins and channels and associated works, external to this Plan to the east, an amount of $75,000; and

(ii) For the future removal of automatic flushing devices at the east limit of Kleinburg Drive and north limit of Blackwater Road, an estimated amount of $10,000 ($5,000 each automatic flusher).

#5 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements with the owner of Plan 33M-749 to construct new services and make adjustments to the existing works and services on Kleinburg Drive in Plan 33M-___ adjacent to this Plan to accommodate the proposed works and services on this streets to accommodate the Lots in this Plan fronting this street (eg. private services, street light poles, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer and at no cost to the City.

#6 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Sunningdale Road East,

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

#7 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove any existing buildings, private services and associated works, to the satisfaction of the City, at no cost to the City.

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 $7,320;

(ii) for the engineering fees for the design of the channelization on Sunningdale Road East at Blackwater Road, the estimated cost of which is $12,522.29, 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 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

#8 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install temporary erosion and sediment control measures and these measures are to be operational, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#9 The Owner shall decommission these temporary erosion and sediment control measures when warranted, to the satisfaction of the City, at no cost to the City.

25.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

#10 The Owner shall grade the portions of Block 1, which has a common property line with Sunningdale Road East, to blend with the ultimate profile of Sunningdale Road East, as per the accepted engineering drawings, to the satisfaction of the City and at no cost to the City.

#11 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owner to the north and east to regrade a portion of the property abutting this Plan, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.

#12 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall remove and/or decommission any temporary grading constructed as part of Phase 1 as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

25.8 STORM WATER MANAGEMENT

Add the following Special Provisions:

#13 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.

#14 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.

#15 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install the proposed temporary stormwater management system (eg. oil grit separators, sediment basins, temporary overland flow channel, headwalls, etc.) external to this Plan to the east, as identified on the accepted engineering drawings, to the satisfaction of the City.

#16 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have a sediment/erosion control monitoring program in place to ensure the development of the subject site shall not cause any adverse impact on the receiving storm/drainage servicing systems and SWM Facility, to the satisfaction of the City.

#17 The Owner shall decommission any temporary sediment basins and associated infrastructure in and external to this Plan upon development of Block 1, when the ultimate storm sewer outlet system(s) are constructed and operational, to the satisfaction of the City, at no cost to the City.

The Owner is responsible for all costs related to the decommissioning of any temporary sediment basin(s) work and any redirection of sewers and overland flow routes.

#18 The Owner shall co-ordinate the work associated with this Plan of Subdivision with the City's proposed construction of the Stoney Creek SWM Facility # 2, to the east, on external lands adjacent to this Plan.

#19 The Owner shall maintain the stormwater works and temporary maintenance access over lands external to this Plan as required herein until the said storm system and maintenance access are decommissioned, all to the satisfaction of the City Engineer and at no cost to the City.

#20 In the event that the Owner constructs temporary stormwater works and until said works are decommissioned, the Owner shall complete the following to the satisfaction of the City Engineer, and at no cost to the City:

i) operate, monitor and maintain the temporary works;

ii) remove and dispose of any sediment to an approved site;

iii) address forthwith any deficiencies of the temporary works and/or monitoring program; and

iv) decommission the temporary works within six months of the permanent works being constructed and operational.

The Owner is responsible for all costs related to the temporary works including decommissioning and any redirection of sewers and overland flow routes.

25.9 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 Stoney Creek Subwatershed, and connect them to the proposed temporary SWM Facility being constructed as part of this Plan and ultimately outletting to Stoney Creek SWM Facility # 2 being constructed by the City in the future.

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

(k) The Owner shall service the Blocks in this Plan by connecting them to the City's existing sanitary sewage system being the 200 mm diameter sanitary sewer on Kleinburg Drive in Plan 33M-749.

Add the following new Special Provisions:

#21 The Owner shall include in any Agreement of Purchase and Sale and/or Lease for the transfer of Block 1 of 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.

#22 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission, remove and dispose of the existing septic system and weeping bed which services Block 1 offsite to the satisfaction of the geotechnical engineer and the City, at no cost to the City.

25.10 WATER SERVICING

Remove Subsection 25.9 (d) as it is repeated in 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 (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 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; and

iv) all works and the costs of removing the devices when no longer required.

v) Ensure the automatic flushing devices are connected to an approved outlet;

Add the following new Special Provisions:

#23 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 high-level municipal system, namely, extend the existing 300 mm diameter watermain stub on Blackwater Road northerly to Kleinburg Drive and construct the 300 mm diameter watermain stub to the northerly limit of the subdivision and extend the 200 mm diameter watermain on Kleinburg Drive easterly to Blackwater Road and extend the 200 mm diameter watermain stub to the easterly limit of the subdivision;

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 confirm to the City that the watermain system has been constructed, is operational and is looped from the watermain on Kleinburg Drive through this Plan to the existing watermain stub on Blackwater Road.

#24 If the Owner requests the City to assume Blackwater Road and Kleinburg Drive with the automatic flushing devices still in operation, all as shown on this Plan of Subdivision, prior to its extension to the north and east, 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 automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the north limit of Blackwater Road and the east limit of Kleinburg Drive and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on these streets is $5,000 per automatic flushing device for a total amount of $10,000, 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 All development Blocks shall be serviced off the water distribution system internal to this Plan of Subdivision.

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 install street lights on each street shown on the plan of subdivision and walkway lighting on the walkway blocks in this Plan in accordance with the accepted engineering drawings and city standards, all to the satisfaction of the City and at no cost to the City

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

(iv) The Owner shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of Blocks 1 of this Plan, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Block away from the traffic calming measures at the intersection of Kleinburg Drive and Blackwater Road, including raised intersections, 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 East.

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

~~(r) Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained adjacent to the location of the future walkway that indicates Future Walkway Location, as identified on the accepted engineering drawings, and the Owner shall construct the walkway to a minimum granular base, to the satisfaction of the City Engineer.~~

Add the following new Special Provisions:

#26 The Owner shall remove the temporary turning circle on Kleinburg Drive and adjacent lands, in Plan 33M-749 to the west of this Plan, and complete the construction of Kleinburg Drive 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-749 for the removal of the temporary turning circle and the construction of this section of Kleinburg Drive 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 Kleinburg Drive in Plan 33M-749 is constructed as a fully serviced road by the Owner of Plan 33M-749, then the Owner shall be relieved of this obligation.

#27 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Blackwater Road and Kleinburg Drive adjacent to the raised intersection location that indicate Future Raised Intersection Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

#28 Prior to assumption or when required by the City Engineer, the Owner shall install the raised intersection at the intersection of Kleinburg Drive and Blackwater Road, including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.

#29 Prior to assumption, the Owner shall implement the Blackwater Road Streetscape Plan on Blackwater Road in accordance with the accepted engineering drawings, to the satisfaction of the City.

#30 Prior to assumption, the Owner shall make minor boulevard improvements on Sunningdale Road East, 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

#31 At the time of development, the Owner shall provide a cash-in-lieu of parkland payment equal to 2% of the value of land. As a condition of site plan control, the Owner will submit an appraisal undertaken by an Accredited Appraiser (AACI) indicating the value of the land on the day before the issuance of the building permit. Conversely, the owner may provide a cash payment equal to 2% of the value of land at the time of registration of this Plan.

#32 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.

File: 39T-09501-1B
Planner: N. Pasato

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Peter Sergautis to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Blackwater Road shall have a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 26.0 metres.

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

- Blackwater Road, from Sunningdale Road East to 70 metres north of Sunningdale Road East shall have a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 26.0 metres.

Sidewalks

A 1.5 metre sidewalk shall be constructed on both sides of Blackwater Road and Kleinburg Drive.

Pedestrian Walkways

There are no pedestrian walkways in this Plan.

File: 39T-09501-1B
Planner: N. Pasato

SCHEDULE “D”

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Peter Sergautis 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 3, 4, 5 and 6
Road Widening (Dedicated on face of plan):	Block 2
Walkways:	NIL
5% Parkland Dedication:	Cash-in-lieu payment is required as per Clause 25.12 (____)
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL

LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access:	NIL

File: 39T-09501-1B
Planner: N. Pasato

SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Peter Sergautis 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:	$ 218,286
BALANCE PORTION:	$1,236,956
TOTAL SECURITY REQUIRED	$1,455,242

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.

File: 39T-09501-1B
Planner: N. Pasato

SCHEDULE “F”

This is Schedule “F” to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Peter Sergautis to which it is attached and forms a part.

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

Multi-Purpose Easements:

(a) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:

    (i) Over lands to the east of Blackwater Road for temporary storm works as per accepted engineering drawings; and
    (ii) Over lands to the north for external grading

File: 39T-09501-1B
Planner: N. Pasato

Appendix B – Related Estimated Costs and Revenues

Applewood Acres (660 Sunningdale Road East) - Extra Realty
Phase 1B Subdivision Agreement
39T-09501

Related Estimated Costs and Revenues

Estimated DC Funded Servicing	Estimated Costs (excludes HST)
Claims for developer led construction from CSRF	
- Watermain - oversizing subsidy (DC14-WD01001) (1)	$7,320
- Roadworks - engineering fees for channelization on Sunningdale Road (DC14-RS00067) (3)	$12,522
Claims for City led construction from CSRF	
- None identified.	$0
Total	$19,842

Estimated Total DC Revenues (2) (2019 Rates)	Estimated Revenue
CSRF	$1,838,850
UWRF	$263,304
TOTAL	$2,102,154

1 The extent of oversized watermains will be finalized through the detailed design process which may change the values identified above.

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, the City employs a "citywide" approach to recovery of costs of growth. So the reader should use caution in comparing the Cost with the Revenue section.

3 The identified roadworks will be designed by the owner and constucted by the City.

Reviewed by:

Date

Matt Feldberg
Manager, Development Services (Subdivisions)

Date

Paul Yeoman
Director, Development Finance

File: 39T-09501-1B
Planner: N. Pasato

Appendix C – Source of Financing

#19053
April 15, 2019
(39T-09501)

RE: Subdivision Special Provisions - Applewood Subdivision Phase 1B
Extra Realty Limited - 660 Sunningdale Road East
Capital Budget Project EW3818 - Watermain Internal Oversizing (Subledger 2459387)
Capital Budget Project TS1651 Minor Roadworks - Channelization (Subledger 2459388)

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:

ESTIMATED EXPENDITURES		Approved Budget	Additional Funding	Revised Budget	Committed To Date	This Submission		Balance for Future Work
EW3818 - Watermain Internal Oversizing								
Construction		$844,829	$7,449	$852,278	$844,829	$7,449		$0
TS1651 - Minor Roadworks - Channelization								
Engineering		$482,487		$482,487	$434,062	$12,743		$35,682
Construction		3,091,248		3,091,248	3,054,323			36,925
Utilities		27,535		27,535	27,535			0
		3,601,270	0	3,601,270	3,515,920	12,743		72,607
NET ESTIMATED EXPENDITURES		**$4,446,099**	**$7,449**	**$4,453,548**	**$4,360,749**	**$20,192**	1)	**$72,607**
SOURCE OF FINANCING								
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)	2) & 3)	843,129	7,449	850,578	843,129	7,449		0
		844,829	7,449	852,278	844,829	7,449		0
TS1651 - Minor Roadworks - Channelization								
Capital Levy		$28,419		$28,419	$19,978	$76		$8,365
Other Contributions		186,311		186,311	186,311			0
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2)	3,386,540		3,386,540	3,309,631	12,667		64,242
		3,601,270	0	3,601,270	3,515,920	12,743		72,607
TOTAL FINANCING		**$4,446,099**	**$7,449**	**$4,453,548**	**$4,360,749**	**$20,192**		**$72,607**

1) **Financial Note**

	Construction EW3818	Engineering TS1371	Total
Contract Price	$7,320	$12,522	$19,842
Add: HST @13%	952	1,628	2,580
Total Contract Price Including Taxes	8,272	14,150	22,422
Less: HST Rebate	823	1,407	2,230
Net Contract Price	$7,449	$12,743	**$20,192**

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 $7,449 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.

ms

Kyle Murray
Director, Financial Planning & Business Support

File: 39T-15501
Planner: N. Pasato

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: ZEDCOR INC.**
146 Exeter Road
Richardson Subdivision Phase 1 - Special Provisions
Meeting on: **April 15, 2019**

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Zedcor Inc. for the subdivision of land over Part of Lots 33 and 34, Concession 2, (former Township of Westminster) situated on the north side of Exeter Road, east of Wonderland Road South, municipally known as 146 Exeter Road;

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Zedcor Inc. for the Richardson Subdivision, Phase 1 (39T-15501) attached as Appendix "A", **BE APPROVED**;

(b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B";

(c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Analysis

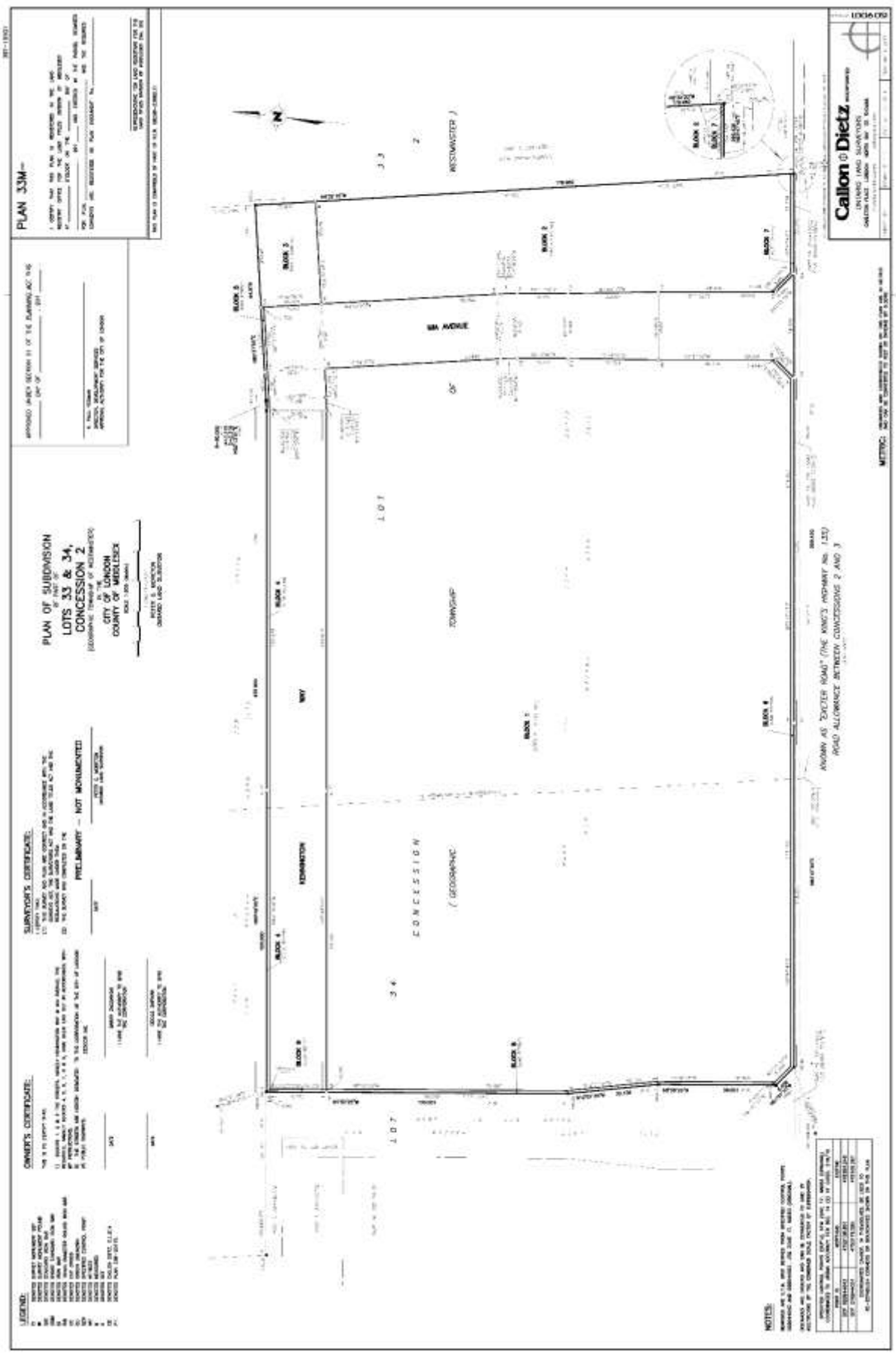
1.0 Site at a Glance

1.1 Property Description

The subject site consists of a portion (5.17 ha (12.8 acres)) of a 48.2 ha (119 acres) parcel of land located on the north side of Exeter Road. It is situated midpoint between Wonderland Road South and White Oaks Road, in the former Township of Westminster. Portions of the subject property include the former site of the Southwest Optimist Baseball Complex, which at one time contained up to 16 baseball diamonds. The subject site is located just south of existing retail/commercial uses (1352 Wharncliffe Road South), vacant lands to the east, existing industrial uses along Exeter Road, a wetland/natural heritage feature to the southwest (known as the Pincombe Drain).The property is relatively flat.

1.2 Location Map Phase 1 - Richardson Subdivision

1.3 Richardson Subdivision – Phase 1 Plan



2.0 Description of Proposal

2.1 Development Proposal

The draft plan of subdivision consists of 25 low density blocks, 18 medium density blocks, 2 park blocks, 4 multi-use pathway blocks, 1 stormwater management block, 1 future stormwater management or residential block, 1 light industrial block, 2 open space blocks, 1 school block, 1 future road block, as well as several 0.3 m reserves and road widenings, all served by 4 new secondary collector roads, and 11 new local streets.

The Applicant is registering the first phase of this subdivision, which consists of two (2) multi-family, medium density blocks, served by two new local roads, and one future road.
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.

Prepared by:	**Nancy Pasato, MCIP, RPP** **Senior Planner, Development Services**
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.	

April 8, 2019

CC: Lou Pompilii, Manager, Development Planning
Ismail Abushehada, Manager, Development Engineering
Matt Feldberg, Manager, Development Services (Subdivisions)

Appendix A – Special Provisions

6. SOILS CERTIFICATE

Add the following new Special Provision:

#1 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 geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to 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 was 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 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, all 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 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.

#6 The Owner shall decommission any abandoned infrastructure (eg. water irrigation, communication towers, lights, etc.) 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.

#7 The Owner shall include in all Agreements of Purchase and Sale or Lease for all Blocks in this Plan, a warning clause advising the purchaser/transferee that these Blocks are not to be developed until the existing services are removed, alternate services are installed, if necessary, to replace any existing private services and any existing easements are quit claimed, to the satisfaction of the City.

#8 The Owner shall decommission any works in any existing easements, as necessary, and the existing easements are to be released, to the satisfaction of the City.

#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 removal of the temporary turning circle on Kennington Way inside this Plan, an amount of $20,000;

(ii) For the removal of automatic flushing devices in the future in this Plan, an amount of $5,000 per automatic flushing device; and

(iii) For the maintenance and decommissioning of temporary erosion and sediment control and stormwater works, an amount of $10,000.

#10 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall provide the City with a blanket easement over lands external to this Plan until such time as external lands develop or as otherwise directed by the City.

25.2 CLAIMS

Remove Subsection 25.2 in its entirety as there are no claims and replace with:

There are no eligible claims for works by the Owner paid for from a Development Charges Reserve Fund or Capital Works Budget included in this Agreement.

25.6 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

#11 All temporary erosion and sediment control measures, including sediment basins, installed in conjunction with this Plan shall be decommissioned and/or removed when warranted or upon placement of Granular 'B' as per accepted engineering drawings, all to the satisfaction of the City Engineer and at no cost to the City.

25.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

#12 The Owner shall grade the portions of Blocks 1 and 2, which have a common property line with Exeter Road, to blend with the ultimate profile of Exeter Road, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

#13 The Owner shall include in all Agreements of Purchase and Sale and/or Lease for the transfer of Block 2, as an overland flow route/outlet channel is located along the easterly limit of Block 2, a covenant by the purchaser or transferee to observe and comply with the following:

i) The purchaser or transferee shall not alter or adversely affect the said overland flow route/outlet channel on the Block 2 as shown on the accepted engineering drawings for this subdivision unless otherwise approved by the City; and

ii) The purchaser or transferee may be required to provide a private easement to the Owner of this Plan of Subdivision at the time of site plan, enter into a joint use and maintenance agreement or an acceptable alternative, for the maintenance of the overland flow route/outlet channel until this overland flow route/outlet channel is decommissioned in the future, all to the satisfaction of the City.

The Owner further acknowledges that no landscaping, vehicular access, parking access, works or other features shall interfere with the above-noted overland flow route, grading or drainage.

#14 The Owner shall maintain the existing overland flow route/outlet channel at the easterly limit of Block 2 and over the future road block, Block 3, as per the accepted engineering drawings, all to the satisfaction of the City Engineer and at no cost to the City.

#15 The Owner shall be responsible for the decommissioning and/or removal of the interim overland flow route/outlet channel at the easterly limit of Block 2 and over future road block, Block 3, once the temporary basin # 3 has been decommissioned by the adjacent property owners and the ultimate stormwater management system is constructed and operational, to the satisfaction of the City.

#16 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile within this Plan, all to the satisfaction of the City and at no cost to the City.

#17 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owner to the north and west to regrade the northerly portion of this Plan abutting Kennington Way, in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.

25.8 STORM WATER MANAGEMENT

Add the following new Special Provisions:

#18 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.

#19 The Owner shall implement SWM Best Management Practices (BMP's) within this 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.

#20 The Owner shall decommission all existing temporary stormwater management and conveyance systems once the ultimate system(s) have been constructed and operational, to the satisfaction of the City.

#21 Prior to the issuance of any Certificate of Conditional Approval for Blocks 1 and 2 in this Plan, the Owner must have Site Plan Approval and all servicing on the adjacent roads must be constructed and operational, in accordance with the accepted engineering drawings and to the satisfaction of the City.

#22 The Owner shall decommission all existing temporary site alteration stormwater works constructed within this Plan of Subdivision that are no longer required, prior to the permanent work being constructed, as per the accepted engineering drawings. The Owner is responsible for all costs related to the decommissioning and any redirection of sewers and overland flow routes.

25.9 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 Dingman Creek Subwatershed, and connect them to the City's existing storm sewer system being the 975mm diameter storm sewer on Exeter Road.

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 being the 450 mm diameter sanitary sewer on Exeter Road

Add the following new Special Provisions:

#23 The Owner shall connect the existing hickenbottom outlet and associated works from Temporary Sediment Basin 3 to the proposed storm sewers on Kennington Way once these sewers are constructed and operational as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#24 The Owner shall repair or replace any existing field tiles that are disturbed or destroyed during construction to ensure the existing drainage is maintained unless otherwise specified, to the satisfaction of the City.

#25 Where street townhouses are planned for any Blocks in this Plan, the Owner shall make provisions for the installation of separate sanitary private drain connections connecting to municipal sanitary sewers and water services connecting to municipal watermains for each individual street townhouse unit, and for adequate storm private drain connections connecting to municipal storm sewers for the townhouse site, all in accordance with applicable City standards or to the satisfaction of the City Engineer.

#26 The Owner shall install servicing on streets in this Plan fronting proposed street townhouse blocks after site plan approval has been obtained for the proposed blocks by the City, all to the satisfaction of the City, at no cost to the City.

#27 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Exeter 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.

#28 The Owner shall protect the existing headwall and associated works within the Exeter Road right-of-way in this Plan, as per the accepted engineering drawings, to the satisfaction of the City.

25.10 WATER SERVICING

Remove Subsection 25.9 (d):

(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 (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 the Plan of Subdivision without their use. The Owner is responsible for the following:

iii) 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;

iv) 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;

v) payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal/assumption;

vi) all works and the costs of removing the devices when no longer required; and

vii) ensuring the automatic flushing devices are connected to an approved outlet.

Add the following new Special Provisions:

#29 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall 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 600 mm diameter watermain on Exeter Road;

ii) if the subject Plan develops in advance of the subdivision to the west and north of this Plan, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of watermain situated on private lands outside this Plan and shall provide satisfactory easements, as necessary, all to the specifications of 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 prepare a Completion of Works to confirm to the City that the watermain connection to the 600 mm diameter watermain on Exeter Road has been constructed, is operational and is complete.

#30 Future development of Blocks 1 and 2 shall be in keeping with the established fire flows @ 105 l/sec in order to ensure adequate fire protection is available, as per the accepted water servicing study.

#31 The Owner shall not request the removal of any holding provisions for any Blocks in this Plan until the restriction of a looped watermain system has been satisfied, to the satisfaction of the City.

#32 The Owner shall be advised no direct water connections to Exeter Road for Blocks 1 and 2 are to be permitted, to the satisfaction of the City.

#33 All development of Blocks shall be serviced off the water distribution system internal to this Plan of Subdivision.

#34 The Owner shall construct a temporary auto flushing device at the limits of Kennington Way as per the accepted engineering drawings, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Kennington Way prior to lands to the west developing, 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 at the west limit of Kennington Way and restoring all lands, all to the specifications of the City. The estimated cost for doing the above-noted work is $5,000, for which amount sufficient security is to be provided in accordance with Condition 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.

25.11 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 include in the Agreement of Purchase and Sale and/or Lease for the transfer of each Block, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said 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 Exeter Road or other routes as designated by the City.

Add the following new Special Provisions:

#35 The Owner shall construct a temporary turning circle at the west limit of Kennington Way, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Kennington Way, all as shown on this Plan of Subdivision, prior to its extension to the Kennington Way, 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 turning circle at the west limit of Kennington Way and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5metre concrete sidewalks on both sides, and restoring adjacent lands, including the relocation of any driveways, all to the specifications of the City. The estimated cost, including legal fees for releasing easements and/or transferring blocks, and doing the above-noted work on this street is $20,000 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.

When the lands abutting this Plan of Subdivision develop and the temporary turning circle is removed, the City will quit claim the easements which were used for temporary turning circle purposes which are no longer required at no cost to the City.

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

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

#37 Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Kennington Way and Mia Avenue adjacent to the raised intersection locations that indicate Future Raised Intersection Locations as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

#38 Prior to assumption or when required by the City Engineer, the Owner shall install the raised intersections at the intersection of Kennington Way and Mia Avenue, including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.

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

#40 The Owner is advised that this Plan of Subdivision will be limited to 80 units until a second access is constructed to serve this Plan, to the satisfaction of the City.

#41 The Owner shall remove any existing infrastructure, including but not limited to, hydro poles, lighting, CICBs (Curb Inlet Catch Basins), DICBs (Ditch Inlet Catch basins), curbs, etc. on Exeter Road and within this Plan and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.

#42 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a median on Exeter Road at Mia Avenue to ensure access to Mia Avenue is rights-in/rights-out only as per the accepted engineering drawings, to the specifications and satisfaction of the City Engineer.

#43 The Owner shall construct Mia Avenue to secondary collector road standards, to the satisfaction of the City Engineer.

#44 The Owner shall install enhanced landscape boulevards on Mia Avenue at Exeter Road on a right-of-way width of 22.5 metres with a minimum road pavement width of 9.5 metres (excluding gutters) for a distance of 45 metres tapered back over a distance of 30 metres to the standard secondary collector right-of-way width of 21.5 metres with a minimum road pavement width of 9.5 metres (excluding gutters), to the satisfaction of the City.

#45 The Owner shall convey Future Development Block 3 to the City for future use as needed, at no cost to the City. Should the adjacent lands develop for residential use and Future Development Block 3 is required for a private access, Block 3 shall be sold at market value, as determined by the City acting reasonably to the owners of the adjacent lands for access purposes, and the City shall pay the net proceeds of that sale (minus any City costs) to the Owner of this Plan within 30 days of such sale. If this Block is not needed upon development of the lands to the east for a road or a private access, the City agrees that the Block will be returned to the Owner for a nominal fee for use as a building lot.

#46 The Owner shall include in the Agreements of Purchase and Sale for Block 2 of this Plan a warning clause advising the purchaser/transferee that Block 3 may become a future right-of-way should lands to the east develop.

#47 Prior to assumption or as directed by the City, the Owner shall construct the following traffic calming measures, in accordance with the accepted engineering drawings, to the satisfaction of the City, as follows:

- Parking bay on the west side of Mia Avenue

#48 The Owner shall install barricades at the north limits of proposed street stubs and provide necessary easements, as identified on the accepted engineering drawings, to the satisfaction of the City.

#49 Should the street stubs and associated servicing stubs not be required to the north in future, the Owner shall remove these stubs, to the satisfaction of the City, at no cost to the City.

25.12 PARKS

Add the following new Special Provisions:

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

#51 The Owner shall agree to include a statement in all offers of purchase for Block 1 and in the subdivision agreement to include a suitable warning clause advising future purchasers that there are active industrial operations on going in the area and that nuisances can be expected:

> *"Purchasers/tenants are advised that due to the proximity of adjacent industrial operations, noise from the industrial facilities may at times be audible."*

File: 39T-15501
Planner: N. Pasato

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Zedcor Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

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

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

- Mia Avenue, from Exeter Road to 45 metres north of Exeter Road shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 22.5 metres, as per the accepted engineering drawings.

Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on both sides of Mia Avenue and Kennington Way.

Pedestrian Walkways

There are no pedestrian walkways in this Plan.

File: 39T-15501
Planner: N. Pasato

SCHEDULE “D”

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

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Blocks 4, 5, 6, 7, 8, 9 and 10
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Parkland is covered through 39T-15501 Phase 1A (Sifton Properties Limited)
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE: NIL

LANDS TO BE HELD IN TRUST BY THE CITY:

Future Development Block – Road/Access:	Block 3

File: 39T-15501
Planner: N. Pasato

SCHEDULE "E"

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

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

CASH PORTION:	$ 207,481
BALANCE PORTION:	$1,175,728
TOTAL SECURITY REQUIRED	$1,383,209

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.

File: 39T-15501
Planner: N. Pasato

SCHEDULE "F"

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

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

Multi-Purpose Easements:

(a) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer, as per the accepted engineering drawings, as follows:

(i) Blanket easement over external lands to the north owned by Zedcor Inc.

(b) At the time this Plan is registered, the Owner shall register all appropriate easements for all proposed municipal storm and sanitary works required in this Plan, to service external lands, all to the satisfaction of the City Engineer, at no cost to the City.

File: 39T-15501
Planner: N. Pasato

Appendix B – Related Estimated Costs and Revenues

Richardson Lands - Phase 1
Agreement - Z-Group
39T-15501

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs Note 1	**Estimated Cost** Note 3 (excludes HST)
Claims for developer led construction from CSRF - None.	$0
City led construction from CSRF Note 4 - Pincombe Drain SWMF 3 (DC14-MS00029)	$2,448,034
TOTAL	**$2,448,034**
Estimated Total DC Revenues (2019 Rates) Note 2	**Estimated Revenue** Note 3
CSRF	$1,890,025
UWRF	$171,079
TOTAL	**$2,061,104**

1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs excluding 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 SWMF will be constructed as per the timing identified in the GMIS. A future source of financing will commit the funds for these City led works.

Reviewed by:

Date

Matt Feldberg
Manager, Development Services (Subdivisions)

Reviewed by:

Date

Paul Yeoman
Director, Development Finance

File: 39T-15501
Planner: N. Pasato

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**
146 Exeter Road
Richardson Subdivision Phase 1A - Special Provisions
Meeting on: **April 15, 2019**

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision 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, (former Township of Westminster) situated on the north side of Exeter Road, east of Wonderland Road South, municipally known as 146 Exeter Road;

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the Richardson Subdivision, Phase 1A (39T-15501) attached as Appendix "A", **BE APPROVED**;

(b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B";

(c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "C"; and

(d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfil its conditions.

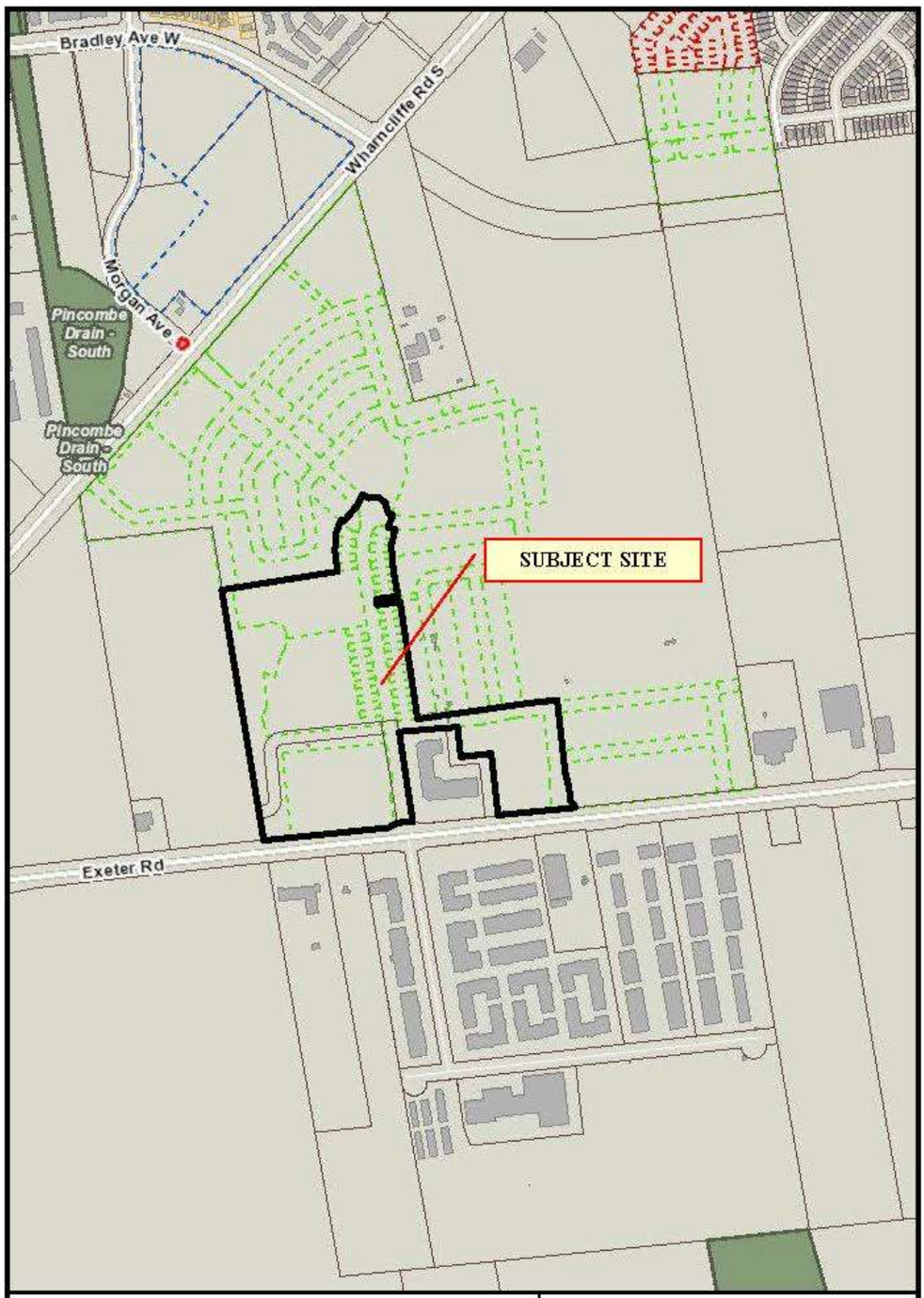
Analysis

1.0 Site at a Glance

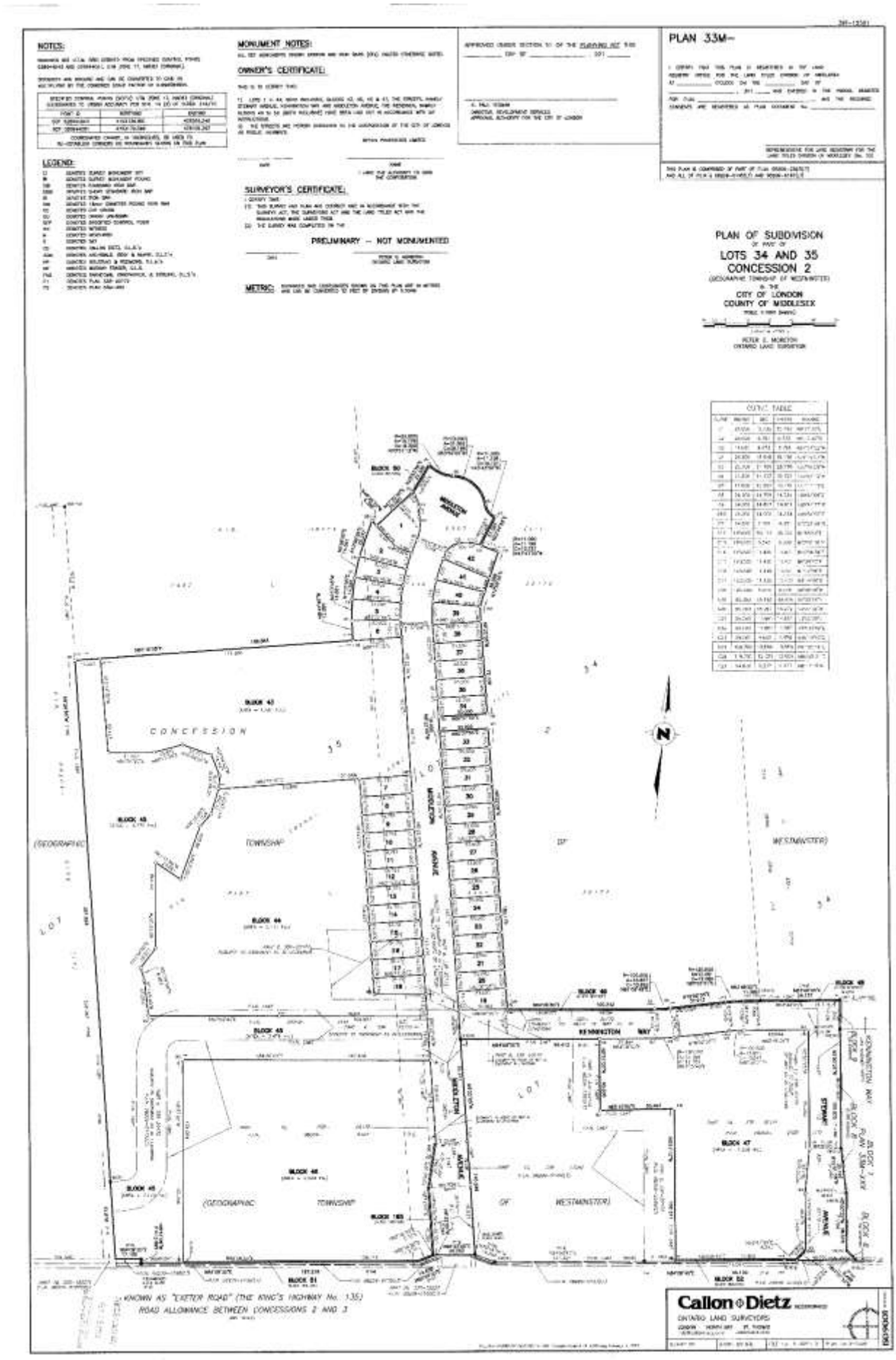
1.1 Property Description

The subject site consists of a portion (12.078 ha (19.8 acres)) of a 48.2 ha (119 acres) parcel of land located on the north side of Exeter Road. It is situated midpoint between Wonderland Road South and White Oaks Road, in the former Township of Westminster. Portions of this property include the former site of the Southwest Optimist Baseball Complex, which at one time contained up to 16 baseball diamonds. The subject site is located just south of existing retail/commercial uses (1352 Wharncliffe Road South), vacant lands to the east, existing industrial uses along Exeter Road, a wetland/natural heritage feature to the southwest (known as the Pincombe Drain).The property is relatively flat.

1.2 Location Map Phase 1 - Richardson Subdivision



1.3 Richardson Subdivision – Phase 1 Plan



2.0 Description of Proposal

2.1 Development Proposal

The draft plan of subdivision consists of 25 low density blocks, 18 medium density blocks, 2 park blocks, 4 multi-use pathway blocks, 1 stormwater management block, 1 future stormwater management or residential block, 1 light industrial block, 2 open space blocks, 1 school block, 1 future road block, as well as several 0.3 m reserves and road widenings, all served by 4 new secondary collector roads, and 11 new local streets.

The Applicant is registering the second phase of this subdivision, which consists of forty-two (42) single family residential lots, two 2 park blocks, two (2) multi-family, medium density blocks, served by one (1) new secondary road and one (1) new local road.

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.

Prepared by:	**Nancy Pasato, MCIP, RPP** **Senior Planner, Development Services**
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.	

April 8, 2019

CC: Lou Pompilii, Manager, Development Planning
Ismail Abushehada, Manager, Development Engineering
Matt Feldberg, Manager, Development Services (Subdivisions)

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 include in all Agreements of Purchase and Sale and/or Lease for the transfer of Lots 19, 20, 22, 23, 26, 27, 30, 31, 34, 35, 38 and 39 in this Plan, 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.

6. SOILS CERTIFICATE

Add the following new Special Provision:

#2 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 geotechnical report are implemented by the Owner, to the satisfaction of the City, at no cost to the City Engineer.

10. COMPLETION, MAINTENANCE, ASSUMPTION AND GUARANTEE

Add the following new Special Provision:

#3 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 was 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 in accordance with City Standard No. SR-7.0.~~

Add the following new Special Provisions:

#4 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.

#5 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.

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

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

#7 The Owner shall decommission any abandoned infrastructure (eg. water irrigation, communication towers, lights, etc.) 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.

#8 The Owner shall include in all Agreements of Purchase and Sale and/or Lease of all Blocks in this Plan, a warning clause advising the purchaser/transferee that these Blocks are not to be developed until the existing services are removed, alternate services are installed, if necessary, to replace any existing private services and any existing easements are quit claimed, to the satisfaction of the City.

#9 The Owner shall decommission any works in any existing easements, as necessary, and the existing easements are to be released, to the satisfaction of the City.

#10 Prior to assumption of this Plan 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 automatic flushing devices in the future in this Plan, an amount of $5,000 per automatic flushing device for a total amount of $10,000; and

(ii) For the maintenance and decommissioning of temporary erosion and sediment control and stormwater works, an amount of $20,000.

#11 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall provide

the City with a blanket easement over lands external to this Plan until such time as external lands develop or as otherwise directed by the City.

#12 Should any roads, boulevards, curb and sidewalks be disturbed during the installation of any services in this Plan, the Owner shall restore these services to match existing conditions, to the satisfaction of the City, at no cost to the City.

#13 In conjunction with the Design Studies submission, the Owner shall submit for approval an onstreet parking plan to the satisfaction of the City. An approved parking plan is required for each registered phase of development and will form part of the subdivision agreement for the registered plan.

#14 The Owner shall include a statement in any Agreements of Purchase and Sale or Lease for Lots 9 to 29, both inclusive and for Blocks 46 and 47 a suitable warning clause advising future purchasers that there are active industrial operations on going in the area and that nuisances can be expected:

"Purchasers/tenants are advised that due to the proximity of adjacent industrial operations, noise from the industrial facilities may at times be audible."

#15 The Owner shall include a statement in any Agreements of Purchase and Sale or Lease for Lots 1, 6, 7, 18, 19, 33, 34, and 42 the requirement that the homes to be designed and constructed on all corner lots in this plan (including lots with side frontages to parks and/or open spaces), are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the exterior sideyard road/park/open space frontage.

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 sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is $18,270.50;

(ii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is $177,734.60;

(iii) for the construction of pavement widening on Middleton Avenue at Exeter Road consistent with the City's standard practice of paying claims where a secondary collector is widened at a primary collector or an arterial road, the estimated cost of which is $9,068.93 as per the accepted work plan. 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;

(iv) for the engineering costs for the pavement widening on Middleton Avenue, the estimated cost of which is $1,360.34, 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 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

#16 All temporary erosion and sediment control measures, including sediment basins, installed in conjunction with this Plan shall be decommissioned and/or removed when warranted or upon placement of Granular 'B' as per accepted engineering drawings, all to the satisfaction of the City Engineer and at no cost to the City.

25.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

#17 The Owner shall grade the portions of Blocks 45 (Block 172 on accepted engineering drawings), 46 (Block 173 on accepted engineering drawings) and 47 (Block 174 on accepted engineering drawings) and 146 and 150 Exeter Road inclusive, which have a common property line with Exeter Road, to blend with the ultimate profile of Exeter Road, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

#18 The Owner shall include in any Agreement of Purchase and Sale and/or Lease for Lots 6, 19 to 30 both inclusive, Lots 34, 35, 36 and 37, in this Plan, as an overland flow route is located at the rear of these Lots, a covenant by the purchaser or transferee to observe and comply with the following:

i) The purchaser or transferee shall not alter or adversely affect the said overland flow route on the said Lots as shown on the accepted engineering drawings for this subdivision unless otherwise approved by the City.

The Owner further acknowledges that no landscaping, vehicular access, parking access, works or other features shall interfere with the above-noted overland flow route, grading or drainage.

#19 The Owner shall maintain the existing overland flow routes at the rear of Lots 6, 19 to 30, both inclusive, Lots 34, 35, 36 and 37 as per the accepted engineering drawings, to the satisfaction of the City Engineer.

#20 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile within this Plan, all to the satisfaction of the City and at no cost to the City.

#21 The Owner shall construct all proposed servicing and works (eg. swales, asphalt, etc.) on 146 and 150 Exeter Road as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#22 Prior to the issuance of any Certificate of Conditional Approval in this Plan, the Owner shall construct the proposed retaining wall 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.

#23 Prior to assumption, the Owner's Professional Engineer shall certify to the City, the retaining walls on Block 43 is in a state of good repair and functioning as intended, all to the satisfaction of the City and at no cost to the City.

25.8 STORM WATER MANAGEMENT

Add the following new Special Provisions:

#24 The Owner shall develop this Plan in accordance with the Design and Construction of Stormwater 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.

#25 The Owner agrees that no physical connection(s) from the internal subdivision storm sewer servicing for this phase shall be permitted to the Pincombe Drain SWM Facility # 3, to be built by the City, until the SWM Facility is deemed functional and operational and the internal subdivision storm sewer servicing and all associated works have been inspected, cleared and are deemed functional and operational, all to the satisfaction of the City.

#26 The Owner acknowledges that the City, in accordance with the City's current Growth Management Implementation Strategy (GMIS) with the City's proposed construction of the Pincombe Drain SWM Facility #3. The Owner shall co-operate with the City to complete the project, including providing access to their lands and easements as necessary.

#27 In the event 150 Exeter Road will be served by a new storm outlet to Pincombe Drain SWM Facility #3, the Owner shall maintain the existing storm outlet for 150 Exeter Road until storm servicing is available to service this property and is constructed and operational, to the satisfaction of the City Engineer, at no cost to the City. Once 150 Exeter Road has been provided storm servicing, the Owner shall decommission the existing storm system.

#28 The Owner shall grade the boundaries of the Lots and Blocks in this Plan to blend in with the SWM Facility #3 to the west, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#29 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.

#30 The Owner shall implement SWM Best Management Practices (BMP's) within this Plan 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.

#31 The Owner shall decommission all existing temporary stormwater management and conveyance systems once the ultimate systems have been constructed and operational, to the satisfaction of the City.

#32 The Owner shall decommission all existing temporary site alteration stormwater works constructed within this Plan of Subdivision that are no longer required, prior to the permanent work being constructed, as per the accepted engineering drawings. The Owner is responsible for all costs related to the decommissioning and any redirection of sewers and overland flow routes.

#33 Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.

25.9 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 Dingman Creek Subwatershed, and connect them to the City's existing storm sewer system being the 975 mm diameter storm sewer on Exeter Road, the 375 mm diameter storm sewer on Kennington Way, the 900 mm diameter storm sewer on Middleton Avenue and the 1800 mm diameter storm sewer on Middleton Avenue.

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 450 mm diameter sanitary sewer on Exeter Road and the 200 mm diameter sanitary sewer on Kennington Way.

Add the following new Special Provisions:

#34 The Owner shall construct a maintenance access on Block 43 of this Plan, (Block 170 on the accepted engineering drawings), as per the accepted engineering drawings, all to the specifications and the satisfaction of the City.

#35 The Owner shall connect the existing hickenbottom outlet and associated works from Temporary Sediment Basin 2 to the proposed storm sewers within Park Block 43 of this Plan, (Block 170 on accepted engineering drawings), once these sewers are constructed and operational as per the accepted engineering drawings, to the satisfaction of the City.

#36 The Owner shall repair or replace any existing field tiles that are disturbed or destroyed during construction to ensure the existing drainage is maintained unless otherwise specified, to the satisfaction of the City and at no cost to the City.

#37 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Exeter Road and Kennington Way, 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, al to the satisfaction of the City Engineer, at no cost to the City.

#38 The Owner shall provide a temporary sanitary holding tank and provide pumping and disposal of wastewater for 150 Exeter Road following decommissioning of the septic system until the ultimate sanitary connection is established, all to the satisfaction of the City, at no cost to the City.

#39 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct sanitary and storm private drain connections and a sanitary sampling manhole to service 150 Exeter Road as per the accepted engineering drawings, all to the satisfaction of the City and at no cost to the City.

#40 The Owner shall construct headwalls and associated works on Park Block 43 (Block 170 on the accepted engineering drawings) and Block 45 (Block 172 on accepted engineering drawings), as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#41 The Owner shall construct sanitary and storm sewers and any associated works on Park Block 43 (Block 170 on the accepted engineering drawings), as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#42 The Owner shall construct a storm sewer and associated appurtenances on external lands between Lots 33 and 34 as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

25.10 WATER SERVICING

Remove Subsection 25.9 (d):

(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 (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 the Plan of Subdivision without their use. The Owner is responsible for the following:

i) to meter and bay 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; and

iv) all works and the costs of removing the devices when no longer required; and

v) ensuring the automatic flushing devices are connected to an approved outlet.

Add the following new Special Provisions:

#43 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 600 mm diameter watermain on Exeter Road, the 250 mm diameter watermain on Middleton Avenue and the 250 mm diameter watermain on Kennington Way, as per the accepted engineering drawings;

ii) if the subject Plan develops in advance of the subdivision to the east of this Plan (Zedcor Inc. – 39T-15501 Phase 1), the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of watermain situated on private lands outside this Plan and shall provide satisfactory easements, as necessary, all to the specifications of 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) if the subject Plan develops in advance of the subdivision to the east of this Plan (Zedcor Inc. - 39T-15501 Phase 1), the Owner shall install a temporary automatic flushing device at the dead end watermain on Kennington Way and shall remain in place until the watermain from the subdivision to the east of this Plan has been constructed and connected into the internal system and until there is sufficient occupancy demand to maintain water quality within the Plan of Subdivision without their use.

#44 Future development of Blocks 46 and 47 (Blocks 173 and 174 as per the accepted engineering drawings) shall be in keeping with the established fire flows @ 105 l/sec in order to ensure adequate fire protection is available, as per the accepted water servicing study.

#45 The Owner shall not request the removal of any holding provisions on the Lots/Blocks in this Plan until the restriction of a looped watermain system has been satisfied, to the satisfaction of the City.

#46 The Owner shall be advised no direct water connections to Exeter Road for Blocks 46 and 47 (Blocks 173 and 174 as per the accepted engineering drawings) are to be permitted and shall be serviced off the water distribution system internal to this Plan of Subdivision, to the satisfaction of the City.

#47 The Owner shall construct temporary auto flushing devices at the east limit of Kennington Way and the north limit of Middleton Avenue, 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 Kennington Way and Middleton Avenue prior to lands to the west developing, 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 at the east limit of Kennington Way and north limit of Middleton Avenue and restoring all lands, all to the specifications of the City. The estimated cost for doing the above-noted work is $5,000 per automatic flushing device for a total of $10,000, for which amount sufficient security is to be provided in accordance

with Condition 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.

25.11 ROADWORKS

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

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

(i) prior to the issuance of any Certificate of Conditional Approval in this Plan 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;

(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) prior to the issuance of a Certificate of Conditional Approval, 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; and

(iv) the Owner shall include in any Agreement of Purchase and Sale and/or Lease for the transfer of each of all Lots and Blocks on Middleton Avenue, Roy McDonald Drive, Kennington Way and Stewart Avenue in this Plan, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including traffic calming circles, raised intersections, raised crosswalks, splitter islands and 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 Exeter Road or other routes as designated by the City.

Add the following new Special Provisions:

#48 Barricades are to be maintained at east limit of Kennington Way and east and west limits of Roy McDonald Drive until assumption of this Plan of Subdivision or as otherwise directed by the City. At the time of assumption of this Plan or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.

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

#49 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have temporary signs installed and maintained on Kennington Way and Stewart Avenue adjacent to the raised intersection location that indicate Future Raised Intersection Location as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

#50 Prior to assumption or when required by the City Engineer, the Owner shall install the raised intersections at the intersection of Kennington Way and Stewart Avenue, including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.

#51 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have temporary signs installed and maintained on Middleton Avenue adjacent to the raised pedestrian crosswalk location that indicate Future Raised Pedestrian Crosswalk Location

as identified on the accepted engineering drawings, to the satisfaction of the City Engineer, and at no cost to the City.

#52 Prior to assumption or when required by the City Engineer, the Owner shall install the raised pedestrian crosswalk on Middleton Avenue, as per the accepted engineering drawings, including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.

#53 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have temporary signs installed and maintained on Middleton Avenue and Roy McDonald Drive adjacent to the traffic calming circle that indicate Future Traffic Calming Circle 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 the Traffic calming circle at the intersection of Middleton Avenue and Roy McDonald Drive, including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.

#55 Prior to assumption or as directed by the City, the Owner shall construct a parking bay on the west side of Middleton Avenue, in accordance with the accepted engineering drawings, to the satisfaction of the City.

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

#57 The Owner is advised that this Plan of Subdivision will be limited to 80 units until a second access is constructed to serve this Plan, to the satisfaction of the City.

#58 The Owner shall remove any existing infrastructure, including but not limited to, hydro poles, lighting, CICBs (Curb Inlet Catch Basins), DICBs (Ditch Inlet Catch basins), curbs, etc. on Exeter Road and within this Plan and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.

#59 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a rights-in/rights-out (pork chop median) on Stewart Avenue to ensure access to Stewart Avenue is rights-in/rights-out only as per the accepted engineering drawings, to the specifications and satisfaction of the City Engineer.

#60 The Owner shall install enhanced landscape boulevards on Middleton Avenue at Exeter Road on a right-of-way width of 28.0 metres with a minimum road pavement width of 11.0 metres (excluding gutters) for a distance of 45 metres tapered back over a distance of 30 metres to the standard secondary collector right-of-way width of 21.5 metres with a minimum road pavement width of 9.5 metres (excluding gutters), to the satisfaction of the City.

#61 The Owner shall install enhanced landscape boulevards on Stewart Avenue at Exeter Road on a right-of-way width of 28.0 metres for a distance of 45 metres tapered back over a distance of 30 metres to the standard secondary collector right-of-way width of 21.5 metres, to the satisfaction of the City.

#62 The Owner shall construct/modify an entrance to 150 Exeter Road from Middleton Avenue and Kennington Way as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#63 The Owner shall install pavement markings on Exeter Road as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#64 Should a temporary turning circle be constructed on Kennington Way, east of this Plan, the Owner shall remove the temporary turning circle on Kennington Way and adjacent lands, in Plan 39T-15501 to the east of this Plan, and complete the construction of Kennington Way 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 39T-15501 for the removal of the temporary turning circle and the construction of this section of Kennington Way 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 Kennington Way in Plan 39T-15501 is constructed as a fully serviced road by the Owner of Plan 39T-15501, then the Owner shall be relieved of this obligation.

#65 The Owner shall install barricades at the east limits of the proposed street stub and provide necessary easements, as identified on the accepted engineering drawings, to the satisfaction of the City.

25.12 PARKS

Add the following new Special Provisions:

#66 The Owner shall construct a multi-use pathway on the west side of Middleton Avenue from Exeter Road to the north limit of Block 44 (Block 171 on accepted engineering drawings) adjacent to Lot 18, as per the accepted engineering drawings, to the satisfaction of the City.

#67 The Owner shall construct an asphalt pathway and associated works between Lots 33 and 34, external to this Plan, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.

#68 Within one (1) year of registration of this Plan, the Owner shall construct the park and pathways within Block 43 in accordance with the approved engineering plans, to the satisfaction of the City.

#69 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.

#70 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.

#71 Within one (1) year of registration, the Owner shall implement all recommendations from the Environmental Management Plan, the Environmental Impact Study – Revised (May 23, 2018) and approved addendums, as prepared by Stantec Consulting Inc., except for the wetland relocation, channel reconstruction, and monitoring, to the satisfaction of the City. The Owner shall provide written confirmation to the City as to when and how the recommendations were implemented.

#72 By June 1, 2021, the Owner shall reconstruct the channel, relocate the wetland feature and install all plantings/features, in accordance with the approved engineering drawings and landscape plan, to the satisfaction of the City.

#73 Once the Owner initiates the reconstruction of the channel and relocation of the wetland, the Owners ecological consultant shall provide monitoring reports to the City, as per the recommendation of the Environmental Impact Study – Revised (May 23, 2018).

File: 39T-15501
Planner: N. Pasato

SCHEDULE "C"

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

SPECIAL WORKS AND SERVICES

Roadways

- Middleton Avenue, Roy McDonald Drive and Stewart Avenue shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.

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

- Middleton Avenue, from Exeter Road to 45 metres north of Exeter Road shall have a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 28.0 metres. The widened road on Middleton Avenue 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.

- Stewart Avenue, from Exeter Road to 45 metres north of Exeter Road shall have a minimum road allowance of 28.0 metres. The widened road on Stewart Avenue shall be equally aligned from the centreline of the road and tapered back to the 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 streets:

i) Middleton Avenue – from Kennington Way to the north limits of the Plan
ii) Stewart Avenue
iii) Kennington Way
iv) Roy McDonald Drive

A 1.5 metre sidewalk shall be constructed on one side of Middleton Avenue from Kennington Way to Exeter Road on the east boulevard.

Pedestrian Walkways

There are no pedestrian walkways in this Plan of Subdivision.

File: 39T-15501
Planner: N. Pasato

SCHEDULE "D"

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

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Blocks 48 (Block 183), 49**,** 50 (Block 176), 51 (Block 186) and Block 185 (may be combined with Block 51)
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Blocks 43 and 45
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL **BLOCK 44 TO BE REMOVED FROM CALC PLAN**

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL

LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access:	NIL

File: 39T-15501
Planner: N. Pasato

SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Sifton Properties Limited 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:	$ 552,073
BALANCE PORTION:	$3,128,415
TOTAL SECURITY REQUIRED	$3,680,488

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.

File: 39T-15501
Planner: N. Pasato

SCHEDULE "F"

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

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

Multi-Purpose Easements:

(a) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:

  (i) A Blanket easement over external lands owned by Sifton Properties Limited

(b) Register all appropriate easements for all proposed municipal storm and sanitary works required in this Plan, to service external lands, all to the satisfaction of the City Engineer.

File: 39T-15501
Planner: N. Pasato

Appendix B – Related Estimated Costs and Revenues

Richardson Lands - Phase 1A
Agreement - Sifton Properties
39T-15501

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs Note 1	**Estimated Cost** Note 3 (excludes HST)
Claims for developer led construction from CSRF Note 4	
- Storm sewer - internal oversizing subsidy (DC14-MS01001)	$177,735
- Sanitary sewer - internal oversizing subsidy (DC14-WW02001)	$18,271
- Internal road widening (DC14-RS00063)	$9,069
- Internal road widening engineering (DC14-RS00063)	$1,360
City led construction from CSRF Note 5	
- Pincombe Drain SWMF 3 (DC14-MS00029)	$2,448,034
TOTAL	**$2,654,468**
Estimated Total DC Revenues (2019 Rates) Note 2	**Estimated Revenue** Note 3
CSRF	$2,939,180
UWRF	$265,174
TOTAL	**$3,204,354**

1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs excluding 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 Oversizing costs identified are based on preliminary estimates through the design study phase. The various oversized pipe sizes and lengths will be finalized through the design process and as part of an approved subdivision design.

5 The SWMF will be constructed as per the timing identified in the GMIS. A future source of financing will commit the funds for these City led works, the estimate referenced is contained in the 2014 Development Charges Background Study.

Reviewed by:

Date

Matt Feldberg
Manager, Development Services (Subdivisions)

Reviewed by:

Date

Paul Yeoman
Director, Development Finance

File: 39T-15501
Planner: N. Pasato

Appendix C – Source of Financing

#19049
April 15, 2019
(39T-15501)

RE: Subdivision Special Provisions - Richardson Lands - Phase 1A
Sifton Properties
Capital Budget Project ES5429 - Storm Sewer Internal Oversizing (Subledger 2460913)
Capital Budget Project ES5145 - Sanitary Sewer Internal Oversizing (Subledger 2460923)
Capital Budget Project TS1371 - Road Class Oversizing City Share (Subledger 2460926)

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:

ESTIMATED EXPENDITURES		**Approved Budget**	**Committed To Date**	**This Submission**		**Balance for Future Work**
ES5429-Storm Sewer Internal Oversizing						
Engineering		$177,463	$27,463			$150,000
Construction		6,892,621	5,742,635	180,864		969,122
		7,070,084	5,770,098	180,864		1,119,122
ES5415 - Sanitary Sewer Internal Oversizing						
Construction		$535,950	$171,484	$18,592		$345,874
TS1371-Road Class Oversizing City Share						
Engineering		$57,063	$17,350	$1,384		$38,329
Construction		542,937	119,469	9,229		414,239
		600,000	136,819	10,613		452,568
NET ESTIMATED EXPENDITURES		**$8,206,034**	**$6,078,401**	**$210,069**	**1)**	**$1,917,564**
SOURCE OF FINANCING						
ES5429 Storm Sewer Internal Oversizing						
Drawdown from Sewage Works Reserve Fund		$25,300	$20,648	$647		$4,005
Drawdown from City Services - Mjr. SWM Reserve Fund (Development Charges)	2)	7,044,784	5,749,450	180,217		1,115,117
		7,070,084	5,770,098	180,864		1,119,122
ES5415 - Sanitary Sewer Internal Oversizing						
Drawdown from Industrial Oversizing- Sewer R.F.		$12,200	$3,904	$423		$7,873
Drawdown from City Services - Sewer Reserve Fund (Development Charges)	2)	523,750	167,580	18,169		338,001
		535,950	171,484	18,592		345,874
TS1371-Road Class Oversizing City Share						
Capital Levy		$4,400	$1,003	$78		$3,319
Drawdown from Industrial Oversizing R.F.		10,400	2,372	184		7,844
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2)	585,200	133,444	10,351		441,405
		600,000	136,819	10,613		452,568
TOTAL FINANCING		**$8,206,034**	**$6,078,401**	**$210,069**		**$1,917,564**

1) **Financial Note**

	----------Construction----------			**Engineering**
	ES5429	**ES5415**	**TS1371**	**TS1371**
Contract Price	$177,735	$18,271	$9,069	$1,360
Add: HST @13%	23,106	2,375	1,179	177
Total Contract Price Including Taxes	200,841	20,646	10,248	1,537
Less: HST Rebate	19,977	2,054	1,019	153
Net Contract Price	$180,864	$18,592	$9,229	$1,384

Financial Note	**Total**
Contract Price	$206,435
Add: HST @13%	26,837
Total Contract Price Including Taxes	233,272
Less: HST Rebate	23,203
Net Contract Price	**$210,069**

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

lp

Jason Davies
Manager of Financial Planning & Policy

TO:	**CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON APRIL 15, 2019**
FROM:	**GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL**
SUBJECT:	**ANNUAL REPORT ON BUILDING PERMIT FEES**

RECOMMENDATION

That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the attached report on building permit fees collected and costs of administration and enforcement of the *Building Code Act* and regulations for the year 2018, **BE RECEIVED** for information purposes.

PREVIOUS REPORTS PERTINIENT TO THIS MATTER

March 19, 2018 – Planning & Environment Committee

BACKGROUND

The *Building Code Act* ("Act") and the regulations made thereunder (*Ontario's Building Code*) require that a report be prepared annually on building permit fees collected, and the costs incurred in the administration and enforcement of the *Building Code Act* and regulations. Specifically, Division C, Section 1.9.1.1., of the regulations state:

> (1) The report referred to in subsection 7(4) of the Act shall contain the following information in respect of fees authorized under clause 7(1)(c) of the Act:
>
> (a) total fees collected in the 12-month period ending no earlier than three months before the release of the report,
> (b) the direct and indirect costs of delivering services related to the administration and enforcement of the Act in the area of jurisdiction of the *principal authority* in the 12-month period referred to in Clause (a),
> (c) a breakdown of the costs described in Clause (b) into at least the following categories:
>
> (i) direct costs of administration and enforcement of the Act, including the review of applications for permits and inspection of *buildings*, and
> (ii) indirect costs of administration and enforcement of the Act, including support and overhead costs, and
>
> (d) if a reserve fund has been established for any purpose relating to the administration or enforcement of the Act, the amount of the fund at the end of the 12-month period referred to in Clause (a).
>
> (2) The *principal authority* shall give notice of the preparation of a report under subsection 7(4) of the Act to every person and organization that has requested that the *principal authority* provide the person or organization with such notice and has provided an address for the notice.

Revenues Collected

Building permit fees collected during 2018 totalled $4,454,395. However, consistent with revenue recognition principles governed by generally accepted accounting principles (GAAP), Building fee revenue recognized by the City of London for 2018 equated to $5,238,556 on an accrual basis.

As shown below, subject to completion of the 2018 year-end financial statement audit, the net revenue of building permit fees for 2018 was;

Deferred Revenue from 2017 [permits issued in 2018]	2,245,556
2018 Building Permit Fees	4,454,395
Deferred Revenues to 2019 [permits not issued in 2018]	(1,461,395)
2018 NET REVENUE	**5,238,556**

Costs Incurred

The total costs, both direct and indirect, incurred during 2018 were $6,163,926, as shown in the table below (subject to completion of the 2018 year-end financial statement audit).

	Costs ($)	Positions
DIRECT COSTS		
Administration	309,312	2
Permit Issuance	1,551,593	14
Inspection	1,815,338	22
Zoning Review and Property Standards	305,381	4
Operational Support	571,621	11
Operating Expenses (supplies, equipment, etc.)	352,253	
TOTAL DIRECT COSTS	**4,905,498**	**53**
INDIRECT COSTS		
Corporate Management and Support	912,358	
Risk Management	148,070	
Office Space	198,000	
TOTAL INDIRECT COSTS	**1,258,428**	
TOTAL COSTS	**6,163,926**	

Net Financial Position

At 2018 year end, the net revenue was $5,238,556. By deducting the total direct and indirect costs of $6,163,926 for administration and enforcement of the *Building Code Act* and the *Building Code*, would result in a ($925,370) withdrawal from the Building Permit Stabilization Reserve Fund.

Total Net Revenue	5,238,556
Total Cost of Enforcement	-6,163,926
YEAR END CONTRIBUTION (withdrawal if negative)	**-925,370**

Building Permit Stabilization Reserve Fund (BPSRF)

The issue of what constitutes an adequate reserve was discussed with the building industry as represented by the London Home Builders' Association in 2006. An agreement was reached that the reserve should be approximately 40% of the year's costs for the administration and enforcement of the *Building Code Act* and the *Building Code*. It was also agreed that when the reserve falls below 30% of the annual cost, a review would be undertaken with a view to increasing permit fees. Likewise, when the reserve exceeds 50% of the annual cost, a review would be undertaken with a view to decreasing permit fees.

The BPSRF 2018 opening balance was $2,553,963. A withdrawal of $50,000 occurred in 2018 to purchase and install a mobile application for building inspections as approved by Council, resulting in a balance of $2,503,963. Considering a withdrawal of $925,370 the revised closing balance of $1,578,593 in the reserve equates to 25.6% of the annual operating cost.

Staff consulted with the Financial Planning & Policy Division and it was determined that a prudent financial strategy would be to not draw from the BPSRF in light of the anticipated corporate year-end surplus to be reported to the Corporate Services Committee on April 16, 2019. The 2018 closing balance of $2,503,963 in the reserve equates to 40.6% of the annual operating cost.

Building Permit Fees

In 2012, a review was completed of the building permit fee structure in relation to volumes and effort, as well as a comparison of London fees in relation to other similar jurisdictions. Consequently, a new fee structure was adopted by Council effective November 1, 2012, which was consistent with the findings of the Building Control audit. This was the first increase in building permit fees since 2005 and the average increase was approximately 20%. The analysis undertaken during the Building By-law review in 2012 was based on a model of a 5 year cycle for permit fee review.

As indicated in the previous report, staff were to monitor and undertake an analysis of the current fee structure to determine if a fee increase is warranted. Staff completed the analysis and will be presenting proposed changes to the Building By-law this year.

Conclusion

In accordance with the legislation, building permit revenues are to be used for the cost of administration and enforcement of the *Building Code Act*. The balance in the BPSRF equates to 40.6% of annual operating costs.

Last year, staff committed to undertaking an analysis of the fee structure to determine if a fee increase is warranted to ensure adequate funding levels for the administration and enforcement of the *Building Code Act*. Staff will be reporting to Council this year on potential amendments to the Building By-law and will address any fee changes.

PREPARED AND RECOMMENDED BY:
GEORGE KOTSIFAS, P. ENG. **MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES** **& CHIEF BUILDING OFFICIAL**

cc: Peter Kokkoros, Deputy Chief Building Official, Development & Compliance Services
Kyle Murray, Director, Financial Planning & Business Support, Finance & Corporate Services
Laurie Green, Financial Business Administrator, Finance & Corporate Services

Development and Compliance Services
Building Division

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

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

Date: March 8, 2019

RE: **Monthly Report for February 2019**

Attached are the Building Division's monthly report for February 2019 and copies of the Summary of the Inspectors' Workload reports.

Permit Issuance

By the end of February, 528 permits had been issued with a construction value of $84.2 million, representing 193 new dwelling units. Compared to last year, this represents a 2.7% decrease in the number of permits, a 57.9% decrease in the construction value and a 63.9% decrease in the number of dwelling units.

To the end of February, the number of single and semi-detached dwellings issued were 78, which was a 33.3% decrease over last year.

At the end of February, there were 651 applications in process, representing approximately $595 million in construction value and an additional 1,295 dwelling units, compared with 780 applications having a construction value of $564 million and an additional 1,100 dwelling units for the same period last year.

The rate of incoming applications for the month of February averaged out to 11 applications a day for a total of 210 in 19 working days. There were 34 permit applications to build 34 new single detached dwellings, 3 townhouse applications to build 11 units, of which 1 was a cluster single dwelling units.

There were 253 permits issued in February totalling $42.5 million including 123 new dwelling units.

Inspections

BUILDING

Building Inspectors received 1,488 inspection requests and conducted 2,101 building related inspections. An additional 30 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 11 inspectors, an average of 186 inspections were conducted this month per inspector.

Based on the 1,488 requested inspections for the month, 96% were achieved within the provincially mandated 48 hour time allowance.

CODE COMPLIANCE

Building Inspectors received 310 inspection requests and conducted 487 building related inspections. An additional 128 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 5 inspectors, an average of 82 inspections were conducted this month per inspector.

Based on the 310 requested inspections for the month, 99% were achieved within the provincially mandated 48 hour time allowance.

PLUMBING

Plumbing Inspectors received 632 inspection requests and conducted 886 plumbing related inspections. An additional 4 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 6 inspectors, an average of 82 inspections were conducted this month per inspector.

Based on the 632 requested inspections for the month, 99% were achieved within the provincially mandated 48 hour time allowance.

NOTE:

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

AD:ld
Attach.

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

CITY OF LONDON

SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF February 2019

	February 2019			to the end of February 2019			February 2018			to the end of February 2018		
CLASSIFICATION	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	42	17,129,600	42	78	32,892,510	78	57	23,019,318	57	117	48,551,007	117
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0	0
TOWNHOUSES	21	15,523,460	75	29	22,000,890	104	10	4,771,450	18	21	12,047,747	45
DUPLEX, TRIPLEX, QUAD, APT BLDG	0	0	0	1	1,250,000	0	1	27,517,920	147	2	87,517,920	363
RES-ALTER & ADDITIONS	78	3,727,530	6	207	9,127,810	11	96	3,459,537	9	177	5,729,287	10
COMMERCIAL -ERECT	2	1,329,480	0	2	1,329,480	0	2	18,032,000	0	3	20,232,000	0
COMMERCIAL - ADDITION	0	0	0	1	2,500,000	0	0	0	0	1	215,000	0
COMMERCIAL - OTHER	31	3,161,600	0	76	11,848,320	0	31	4,345,149	0	64	10,262,317	0
INDUSTRIAL - ERECT	0	0	0	1	100,000	0	0	0	0	0	0	0
INDUSTRIAL - ADDITION	2	65,000	0	2	65,000	0	0	0	0	0	0	0
INDUSTRIAL - OTHER	8	1,063,200	0	15	1,873,700	0	3	743,000	0	10	2,665,949	0
INSTITUTIONAL - ERECT	0	0	0	0	0	0	0	0	0	0	0	0
INSTITUTIONAL - ADDITION	0	0	0	0	0	0	0	0	0	1	2,800,000	0
INSTITUTIONAL - OTHER	9	403,670	0	15	1,141,670	0	15	4,984,400	0	47	8,364,350	0
AGRICULTURE	0	0	0	1	10,000	0	0	0	0	0	0	0
SWIMMING POOL FENCES	2	83,000	0	3	98,000	0	1	10,000	0	2	13,500	0
ADMINISTRATIVE	5	0	0	12	0	0	9	0	0	13	10,000	0
DEMOLITION	2	0	1	11	0	6	5	0	4	7	0	5
SIGNS/CANOPY - CITY PROPERTY	2	0	0	7	0	0	0	0	0	1	0	0
SIGNS/CANOPY - PRIVATE PROPERTY	49	0	0	67	0	0	50	0	0	77	0	0
TOTALS	253	42,486,540	123	528	84,237,380	193	280	86,882,774	231	543	198,409,077	535

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Note: 1) Administrative permits include Tents, Change of Use and Transfer of Ownership, Partial Occupancy.
2) Mobile Signs are no longer reported.

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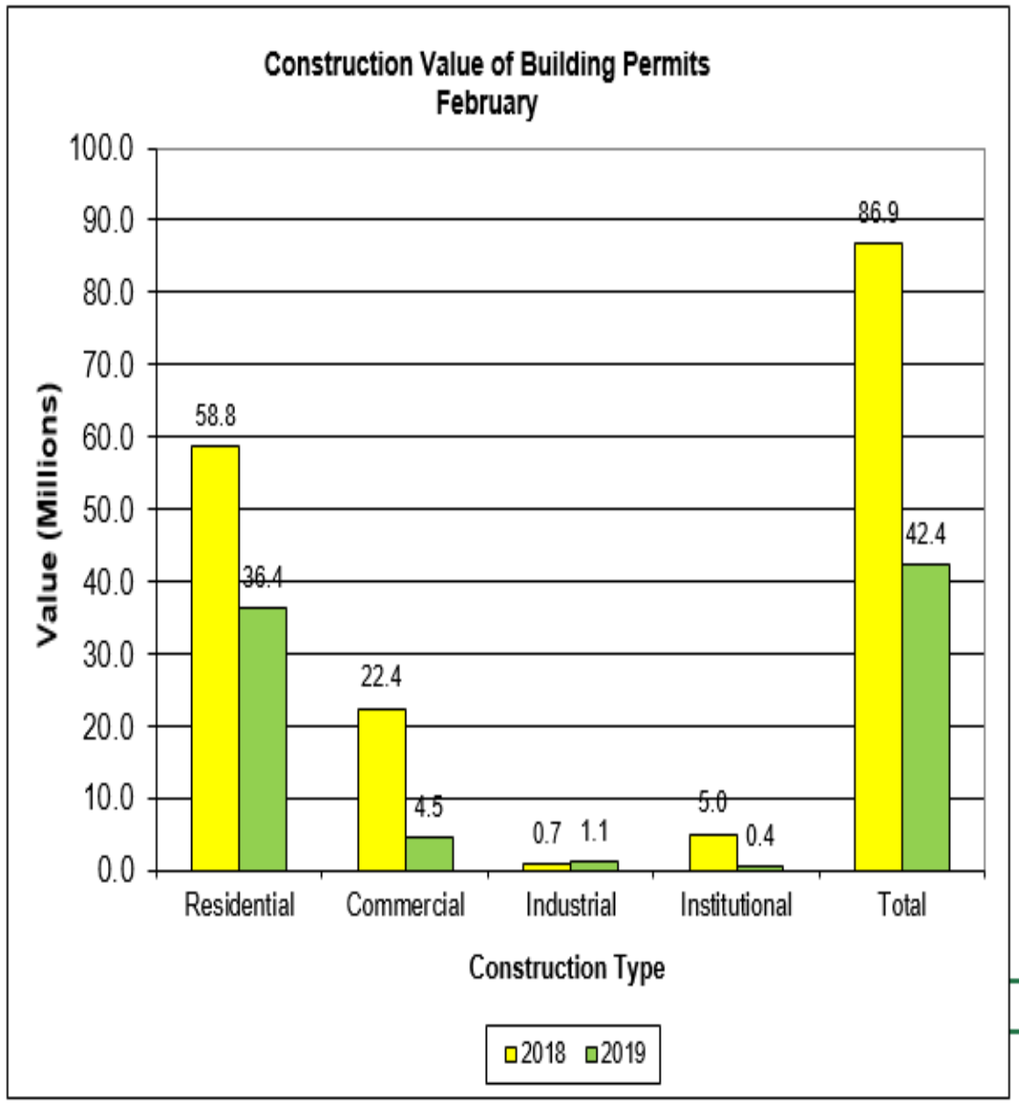

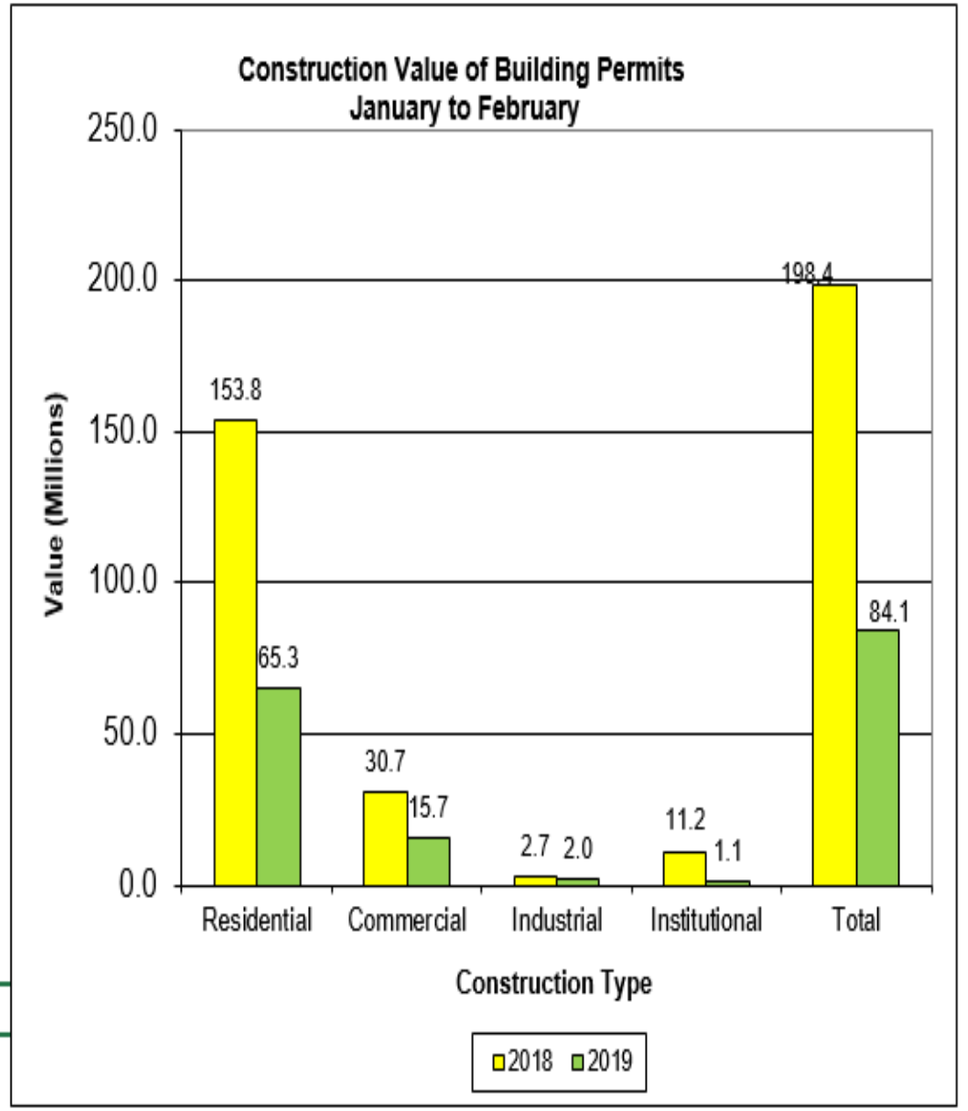

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March 8 2019

City of London - Building Division

Principal Permits Issued From February 01, 2019 to February 28, 2019

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
Dielco Contractors Ltd. Dielco Industrial Contractors Ltd.	100 Dundas St	Install-Offices-Install New Cooler And Chiller To Replace Existing	0	226,000
Sifton Limited Sifton Properties Limited	1080 Upperpoint Ave C	Erect-Street Townhouse - Condo-Erect New Street Townhouse Condo. Building C. 3 Un	3	538,800
Revere Developments Revere Developments	1195 Riverside Dr 8	Erect-Townhouse - Cluster Sdd-Erect New Cluster Sdd, 2 Storey, 2 Car Garage, 3 B	1	394,560
1331 Hyde Park Road Holdings Inc	1331 Hyde Park Rd	Alter-Offices-Alter - Cm Offices "Delltech Laboratories" -Tenant	0	140,800
1331 Hyde Park Road Holdings Inc	1331 Hyde Park Rd	Alter-Restaurant -Alter - Cm Restaurant Unit 1 - Interior Fit-Up For	0	175,000
1724995 Ontario Ltd	136 Stronach Cres	Install-Chemical Mfg Or Processing-Install Sprinkler System And Fire Alarm	0	370,000
Ironstone Company Inc. Ironstone Building Company Inc.	1375 Whetherfield St B	Erect-Street Townhouse - Condo-Erect - New 4 Unit Townhouse Block "B" - 1 Storey,	4	818,900
Ironstone Company Inc. Ironstone Building Company Inc.	1375 Whetherfield St C	Erect-Street Townhouse - Condo-Erect - New 4 Unit Townhouse Block 'C' - 1 Storey,	4	818,900
Ironstone Company Inc. Ironstone Building Company Inc.	1375 Whetherfield St D	Erect-Street Townhouse - Condo-Erect - New 3 Unit Townhouse Block 'D' - 1 Storey,	3	616,600
Ironstone Company Inc. Ironstone Building Company Inc.	1375 Whetherfield St E	Erect-Street Townhouse - Condo-Erect - New 3 Unit Townhouse Block 'E' - 1 Storey,	3	616,600
Drewlo Holdings Inc.	1375 Whetherfield St N	Erect-Townhouse - Condo-Erect New 3 Unit Townhouse Block N - 1 Storey, 3 B	3	616,600
Drewlo Holdings Inc.	1375 Whetherfield St O	Erect-Townhouse - Condo-Erect New 4 Unit Townhouse Block O - 1 Storey, 3 B	4	818,900
Drewlo Holdings Inc.	1375 Whetherfield St P	Erect-Townhouse - Condo-Erect New 4 Unit Townhouse Block P - 1 Storey, 3 B	4	818,900
Drewlo Holdings Inc.	1375 Whetherfield St Q	Erect-Townhouse - Condo-Erect New 4 Unit Townhouse Block Q - 1 Storey, 3 B	4	818,900
Wastell Developments Inc. Wastell Developments Inc.	1423 Michael Cir A	Erect-Townhouse - Condo-Erect Townhouse Block Building A, 4 Units, Dpn'S 1	4	719,000
Wastell Developments Inc. Wastell Developments Inc.	1423 Michael Cir B	Erect-Townhouse - Condo-Erect Townhouse Block Building B, 6 Units, Dpn'S 1	6	1,060,400
Dancor Creamery Inc	1425 Creamery Rd	Alter-Warehousing-Alter Interior In Warehouse Area, Create Electrica	0	218,400
Millstone Inc. Millstone Homes Inc.	1460 Byron Baseline Rd	Erect-Townhouse - Cluster Sdd-Erect New Townhouse Cluster Sdd, 2 Storey, 2 Car G	1	550,000
National Asset Recovery Inc	1490 North Routledge Pk	Install-Warehousing-Id - Install Of 5 New Roof Top Units And New Ductw	0	250,000
	1515 Shore Rd 14	Erect-Townhouse - Cluster Sdd-Erect New Build, 1.5 Storey, 3 Car Garage, 4 Bedro	1	505,600
Cf/Realty Holdings Inc. C/O Cadillac Fairview Corp. Cf/Realty Holdings Inc., C/O Cadillac Fairview Corp.	1680 Richmond St	Alter-Retail Store-Comm - Alter Interior For Lululemon Store In Unit	0	200,000
Oxford West Gateway Inc. C/O York Developments	1866 Oxford St W 4	Erect-Retail Store-Cm - Erect New Retail Store (Shell). Bldg 4. Frr	0	992,400
Liberty Square (London) Inc	1880 Phillbrook Dr	Alter-Offices-Alter - Cm Offices - Tenant Fitup On 2nd Floor, No	0	315,000
Oxford West Gateway Inc. C/O York Developments	1900 Oxford St W 1	Erect-Convenience Store-Cm- Erect New Convenience Store Shell.	0	337,080
Reem Abood Calloway Reit Inc	1925 Dundas St	Alter-Clubs, Non Residential-Interior Fit Up For Fit 4 Less Gym	0	390,800
Sifton Limited Sifton Properties Limited	2020 Logans Run B	Erect-Townhouse - Rental -Erect New Townhouse Building B. 5 Units, #7/8/9/10	5	825,000
Sifton Limited Sifton Properties Limited	2020 Logans Run C	Erect-Townhouse - Rental -Erect New Townhouse Building C. 5 Units. 1 Storey,	5	549,600
Station Park (London) Inc C/O Davpart Inc	252 Pall Mall St	Alter-Offices-Alter Cm Offices - Tennant Fit-Up, Washrooms To R	0	225,000
Sifton Limited Sifton Properties Limited	2610 Kettering Pl	Install-Site Services-Install Site Services	0	900,000
Foxwood (London) Inc. Foxwood Developments (London) Inc.	2900 Tokala Trail B	Erect-Townhouse - Condo-Erect - New 5 Unit Townhouse Block B - 2 Storey, 3	5	1,020,600
Foxwood (London) Inc. Foxwood Developments (London) Inc.	2900 Tokala Trail D	Erect-Townhouse - Condo-Erect - New 4 Unit Townhouse Block "D", 2 Storey,	4	914,900
2585306 Inc. 2585306 Ontario Inc.	3260 Singleton Ave S	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Unit - 3 Storey, 1 Car	4	956,200
2585306 Inc. 2585306 Ontario Inc.	3260 Singleton Ave T	Erect-Townhouse - Condo-Erect - Townhouse Block - 4 Unit - 3 Storey, 1 Car	4	896,000
London Centre London Health Sciences Centre	339 Windermere Rd	Alter-University-Alter - Robarts Research Institute - Convert One O	0	150,000
	5 St George St	Add-Duplex-Add Second And Third Storey, Alteration Of Main Fl	1	160,000

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March 8 2019

City of London - Building Division

Principal Permits Issued From February 01, 2019 to February 28, 2019

Owner	Project Location	Proposed Work	No. Of Units	Constr Value
Cedar Hollow Developments Limited	600 Guiness Way A	Erect-Townhouse - Condo-Rt - Erect 3-Unit Townhouse, Block A - Dpn'S 624,	3	648,500
Middlesex Condominium Corporation No. 87	600 Talbot St	Add-Garage For Apartment Building-Alter - Structural Repairs For Parking Garage Colu	0	104,000
785 Wonderland Road Inc C/O Mccor Management (East) In	785 Wonderland Rd S	Alter-Clubs, Non Residential-Alter Interior For Fitness Facility, Main Floor, P	0	250,000
785 Wonderland Road Inc C/O Mccor Management (East) In	785 Wonderland Rd S	Alter-Shopping Centre-Alter For Landlord Scope Of Work For Hvac, Fire Se	0	500,000
Applewood Acres Inc.	819 Kleinburg Dr	Install-Site Services-Townhouse - Install Site Servicing For Townhouse D	0	240,000

Total Permits 40 Units 76 Value 21,667,940

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

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

Owner

Oxford West Gateway Inc. C/O York Developments
Oxford West Gateway Inc. C/O York Developments

Commercial permits regardless of construction value.

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Environmental and Ecological Planning Advisory Committee Report

The 4th Meeting of the Environmental and Ecological Planning Advisory Committee
March 21, 2019
Committee Rooms #1 and #2

Attendance

PRESENT: S. Levin (Chair), E. Arellano, A. Boyer, R. Doyle, A. Duarte, C. Dyck, P. Ferguson, S. Hall, I. Mohamed, K. Moser, S. Sivakumar and I. Whiteside and H. Lysynski (Secretary)

ABSENT: B. Krichker and R. Trudeau

ALSO PRESENT: C. Creighton, J. MacKay and L. Pompilii

The meeting was called to order at 5:00 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 3rd Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 3rd Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on February 21, 2019, was received.

3.2 Municipal Council Resolution - 2nd Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on February 12, 2019, with respect to the 2nd Report of the Environmental and Ecological Planning Advisory Committee, was received.

3.3 Proposed 2019 City Funded ESA Capital Projects

That consideration of the proposed 2019 City-Funded Environmentally Significant Areas Capital Projects BE POSTPONED to the next meeting.

4. Sub-Committees and Working Groups

4.1 ESA Management Committee Minutes

That consideration of the Environmentally Significant Management Committee Minutes from its meeting held on October 24, 2018, BE POSTPONED to the next meeting.

5. Items for Discussion

5.1 Clarke Road Environmental Assessment Working Group Comments

That the following actions be taken with respect to the Clarke Road Environmental Assessment:

a) the Environmental and Ecological Planning Advisory Committee BE ALLOWED to review the Environmental Study Report (ESR) prior to the thirty day review; and,

b) the Environmental and Ecological Planning Advisory Committee BE INVOLVED in the detailed design phase of the project.

5.2 Environmentally Significant Areas and Your Dog Pamphlet

That it BE NOTED that a review of the proposed "Environmentally Significant Areas and Your Dog" pamphlet was undertaken and further amendments will be made.

5.3 Zoning By-law Amendment - 348 Sunningdale Road East Working Group Comments

That the attached, revised, Working Group comments relating to the property located at 348 Sunningdale Road East BE FORWARDED to the Civic Administration for consideration.

5.4 Meadowlily Woods Environmentally Significant Area Conservation Plan - Phase 1 Working Group Comments

That the attached Working Group comments relating to the Meadowlily Woods Environmentally Significant Area Conservation Plan - Phase 1 BE FORWARDED to the Civic Administration for consideration.

5.5 Notice of Planning Application - Draft Plan Subdivision and Zoning By-law Amendment - 1938 and 1964 Commissioners Road East and Portion of 1645 Hamilton Road

That the existing Working Group consisting of S. Levin, C. Dyck, S. Hall, K. Moser and I. Whiteside BE REQUESTED to review and report back at the next Environmental and Ecological Planning Advisory Committee meeting with respect to the draft Plan of Subdivision and Zoning By-law Amendment relating to the properties located at 1938 and 1964 Commissioners Road East and a portion of 1656 Hamilton Road.

5.6 Notice of Planning Application - Zoning By-law Amendment - 3900 Scotland Drive and Other Properties

That it BE NOTED that the Notice of Planning Application for the Zoning By-law Amendment relating to the property located at 3900 Scotland Drive, from C. Lowery, Planner II, was received.

5.7 Notice of Planning Application - Zoning By-law Amendment - 4680 Wellington Road South

That it BE NOTED that the Notice of Planning Application for the Zoning By-law Amendment relating to the property located at 4680 Wellington

Road South, from M. Sundercock, Site Development Planner, was received.

5.8 2019 Work Plan

That the following actions be taken with respect to the Environmental and Ecological Planning Advisory Committee Workplan:

a) the attached 2019 Work Plan for the Environmental and Ecological Planning Advisory Committee BE FORWARDED to the Municipal Council for consideration; and,

b) the attached 2018 Environmental and Ecological Planning Advisory Committee Workplan Summary BE FORWARDED to the Municipal Council for information.

6. Deferred Matters/Additional Business

6.1 (ADDED) Mud Creek Project - Phase 1 Construction - Update 2

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee reviewed and received a communication dated March 15, 2019, from S. Chambers, Division Manager, Stormwater Engineering, with respect to an update on the Mud Creek Phase 1 construction.

6.2 (ADDED) Parks and Recreation Master Plan.

That it BE NOTED that the Environmental and Ecological Planning Advisory Committee reviewed and received a communication from L. Livingstone, Managing Director, Neighbourhood, Children & Fire Services and S. Stafford, Managing Director, Parks and Recreation, with respect to the Parks and Recreation Master Plan; it being noted that representatives from the Parks and Recreation Department will be presenting at the next Environmental and Ecological Planning Advisory Committee with respect to this matter.

6.3 (ADDED) Is Your Cat Safe Outdoors? Brochure

That the Civic Administration BE REQUESTED to mail the "Is Your Cat Safe Outdoors" brochure to new homeowners living adjacent to natural heritage areas.

7. Adjournment

The meeting adjourned at 6:45 PM.

Review of EIS by BioLogic Incorporated, dated November 20, 2018.

Received by EEPAC at the February 2019 meeting
Reviewed by R. Doyle, A. Duarte, and I. Whiteside

Theme 1 – Characterization of the Provincially Significant Wetland present to the east, north, and west of the site.

The EIS highlights that the proposed development will be located within a pocket of land bordering the Powell Drain wetland (a unit of the Arva Moraine PSW Complex); the wetland boundary is 32m from the properties northwest corner, 95m from the west property line, and 60m from the northeast corner. As this PSW is located outside of the Subject Lands, a formal evaluation of the wetland's ecological function was not included in this report.

Additionally:

- Figure 3 of the report provides future land uses of the adjacent properties. Land surrounding the PSW has been designated either Low Density Residential or Multi-Family, Medium Density Residential.
- The PSW is likely fed via surface water flow predominately from regions to its north and south. The EIS notes that groundwater was found 41m bgs (pg. 7) and that there were no seeps or springs observed on the subject lands; given the groundwater depth, it is unlikely that groundwater would constitute a water source to the PSW.
- The EIS states that there are no species at risk or species of provincial interest listed by NHIC within 1 km of the site. However, this assertion was not based on field work in or around the PSW and a more thorough evaluation may find otherwise.
- Lastly, the EIS indicates that the PSW has not been evaluated (e.g. pg. 13 the report notes that the "functions of the wetland will require further consideration").

Our concern is that future developments in the area will also exclude any evaluation of the PSW as the wetland will be, of course, outside any area being developed. This piecemeal, site-by-site approach could result in degradation of the wetland as the individual impact of any one development may be minor, but the cumulative impact may indeed be consequential. Given the lands adjacent to the development will likely be developed in the future, EEPAC agrees with the EIS and considers it important to characterize the existing ecological functions of the wetland now, before these potential developments occur, in order to develop an overall strategy to protect the wetland's ecological integrity.

Recommendations:

1. Characterize the ecological functions PSW before any of the lands zoned for future development have been developed, including the parcel under consideration.
2. Conduct a water balance assessment in order to understand water flow into and out of the wetland.
3. Develop an area strategy for future developments that protects water flow into and out of wetland from both a quantity and quality perspective, as well as any additional measures necessary to protect the ecological heath of the PSW.

Theme 2 – Site water balance assessment

The report discussed that the northwest corner of the site slopes to the north and that the northeast quadrant of the site is flat with evidence of sheet flow to the east of the site, which in turn presumably drains to the PSW. Sheet flow to the east may also feed the unevaluated wetland patch identified 35m east of the site through air photo interpretation. (N.b. the size of the wetland is estimated at less than 100 m^2.) Furthermore, Figure 3 of the report appears to show a water channel from the northeast corner of the property, which the report seems to describe as "not a defined channel" but rather a "broad swale" dominated by terrestrial grasses (bottom of page 13). Regardless of whether it is a "swale" or a "channel", it is possible that this channel/swale provides flow to the PSW, especially during periods of higher precipitation.

The EIS does identify the importance of considering adjacent features and functions of the PSW; however, it does not quantify how the proposed site development will preserve the wetland's ecological heath.

Recommendations:

4. Conduct a water balance assessment to determine water flows pre and post development with a specific focus on water flows to the PSW. Based on this evaluation, propose specific mitigation

measures (if needed) to ensure that water quantity and quality objectives are met that ensure the PSW's existing functions are not impaired.
5. Reconsider wither the channel/swale from the east of the site should be included under section 15.4.15 "Other Drainage Features".

Theme 3 – Tree preservation/ replacement

The report states that investigations for Ecological Land Classification (ELC) were conducted on October 18, 2017, June 5, 2018 and June 20, 2018. These surveys found that the most densely treed section of the Subject Lands, classified as a Mineral Cultural Woodland Ecosite (CUW1), is concentrated in the southwest corner of the property. This community is dominated by Red Pine (*Pinus resinosa*), Norway Spruce (*Picea abies*) and Sugar Maple (*Acer saccharum*); however, near the south-central edge of the Subject Lands, a mature Tulip Tree (*Liriodendron tulipifera*) was found.

Following a site investigation for potential bat maternity roost habitat (April 25, 2018), 10 trees were identified as potential Species At Risk bat maternity roost habitat. Seven trees located on the Subject Lands have been deemed hazardous and marked for removal. It was recognized in the EIS that three of these trees are candidate bat roosting trees. To mitigate the removal of these trees, the report states that six bat boxes will be installed. In Table 7 (Net Effects Table), however, the report mentions that 17 residential yard lights will also be installed. Although the presence of light fixtures can result in increased foraging opportunities for some bats, these fixtures can negatively impact bats that are emerging, roosting and breeding. Specifically, artificial light can result in delayed emergence from roosts, roost abandonment or avoidance, reduced reproductive success and increased arousal from hibernation (Stone et al., 2015). Thus, light fixtures should be positioned in such a way that light is directed towards the townhouses and away from the surrounding trees.

Although seven trees have been explicitly marked for removal in the RKLA Tree Report, drawing T-1 (Drawing Preservation Plan) shows that several additional trees will be removed. Information about the total number of trees marked for removal should be provided so that the impact of their removal can be adequately assessed. In addition, the ecosystem services being provided by the trees, such as refuge to wildlife, will be lost due to the removal of some trees and the disturbance occurring around the remaining ones; thus, compensation for such loss should be provided.

<u>Recommendations:</u>
6. Light fixtures are positioned in such a way that light is directed towards the townhouse dwelling units and away from the surrounding trees and bat boxes. Alternatively, bat boxes could be positioned in areas where light pollution is minimized, and/or light intensity could be minimized.
7. Considering that the trees marked for removal are broad-leaf deciduous species, at least double as many trees of the same Functional Type should be planted in the surround of the construction area.

Meadowlily Woods Environmentally Significant Area (MW ESA)
Conservation Master Plan – Phase 1 (Natural Resource Solution Inc., Feb. 2019)
Received at EEPAC: Feb. 21, 2019 meeting
Reviewed by: Carol Dyck, Susan Hall, Sandy Levin, March 2019

OVERVIEW

This Phase 1 work identifies the ESA as a unique site that has a number of unique vegetation communities as well as an endangered plants. It also has a relatively low number of non-native plants. Given this ESA is only just becoming subject to new development pressures on its borders, it is imperative the City move quickly to complete the Master Plan and to begin to close informal trails that threaten this unique area, and enforce the no bike rules.

Locally rare communities identified by NRSI using Bergsman and DeYoung, 2006 to indicate frequency in London are:

MAS Shallow Marsh, 1.5% (within FOD7-3 along River) and cattail shallow marsh
Maple Hemlock Mixed Forest (FOM3-2) FOM is less than 2.5%
Meadow Marsh was 5.6%

In addition, two rare vegetation communities were found in multiple areas of the ESA:

Dry-Fresh Hickory Deciduous Forest (FOD2-3): This rare vegetation community encompasses two moderately sized portions of interior forest within the subject site.

Fresh-Moist Black Walnut Lowland Deciduous Forest (FOD7-4): This rare vegetation community is located to the east of Meadowlily Road South near the Thames River.

1. *"The subject site includes the currently mapped Meadowlily Woods ESA , as well as the Thames Talbot Land Trust west of Meadowlily Road South, public lands north of the Thames River and private lands east of the MW ESA where access was provided" (i).* EEPAC supports the extension of the ESA north of the river, particularly from the viewpoint of potential development north of the river in the Norlan/Highbury Ave. area.

The subject site and the revised, ESA boundary delineation doesn't include land east of Hamilton Road. Map 5, "Natural Heritage", in The London Plan depicts the ESA extending east beyond the subject area to the edge of the urban growth boundary. Though MW ESA is identified as one of the largest natural areas within the City of London (i), it still does not include all potential sensitive areas and significant valley lands. A study of the whole area has the potential of providing a more holistic/landscape view of the area. This holistic approach and assessment of biodiversity, migration and movement of species might be used to determine best management practices for the area as a whole even though some lands might not be part of the ESA.

Recommendation 1: Include the area to the east of the MW ESA boundary to the urban growth boundary, as identified on Map 5 of the London Plan, in the natural heritage inventory of Meadowlily Woods ESA.

Recommendation 1a: If this is not possible, Map 5 of the London Plan must be revised to show this area as a separate ESA as suggested in the NRSI report as well as revised to show the recommended revised boundaries of the Meadowlily Woods ESA.

2. The Park Farm Landscape Plan Report (Biologic 1998)) "*involved an examination of historical artifacts and methods to restore both the cultural and natural environment surrounding Park Farm, located with the MW ESA" (p.8).* The Friends of Meadowlily have also located an old mill that was not mentioned in report.

Recommendation 2: Identify the location of the old mill and examine any historical artifacts and methods to restore both the cultural and natural environment around the old mill.

3. "Field work consisting of a detailed, multi-season inventory and evaluation was carried out in 2013. Also, background info was gathered from a range of groups and studies. The MW ESA has been the site of numerous biological studies extending from the late 1970's to the present day including EIS's, EA's, Master Plans, Natural Heritage Studies, research programs and other inventories (p.6)". These have been reviewed and relevant information included in the CMP, Phase 1. As part of the fieldwork areas needing ecological restoration were identified. P.81 describes the restoration practices that are needed. "*They include: waste removal; invasive species management (Common Buckthorn, Tartarian Honeysuckle, Garlic Mustard and Japanese Knotwood); and vegetation plantings in areas where there has been an abundance of pedestrian traffic, unauthorized dumping of refuse and where invasive species have been removed"(p.81).*

Recommendation 3: Provide a listing of ecological restoration work that has been done since 2013 to remove refuse, to manage invasive species, to plant any vegetation, and to reroute or close trails in heavily used areas.

Recommendation 4: If not already part of the restoration work, remove buckthorn that is growing in or near rare vegetation communities such as the Hickory Forest ELCs east of the Sport's Park.

Recommendation 4a: EEPAC would appreciate knowing what is in the 2019 budget for the work identified in Recommendation 4.

Recommendation 5: Monitor the Red Oak Forest vegetation communities for oak wilt.

4. The MW ESA was "*identified as having a fairly healthy vegetation community. In total there are 435 species of which 316 species (73%) are native (p.21). It includes 3 SARs (Butternut, Kentucky Coffee Tree and wood poppy) as well as 2 rare vegetation communities (p.27). Other significant species observed are Barn swallow, Chimney swift, Eastern Wood Pee-Wee, Eastern Meadowlark, Snapping Turtle and Monarch"(p.85).* Given the richness of diversity and landscape, much of the ESA has been designated "Nature Reserve". Also, given the pressures from nearby development and the already observed off- trail use in the area, it will be important to protect this ecological jewel.

Recommendation 6: Map all informal trails and include a topographical map with both managed and unmanaged trails marked.

Recommendation 7: Identify areas of proposed and actual subdivision development near the recommended boundaries of the ESA. Increased population might result in increased pressure on the natural environment and harm to endangered species. Identify the location of managed trails before informal trails become the norm.

Recommendation 8: Three different Thames Valley Parkway projects are proposed for this area according to the Development Charges Background Study. Provide more information on where the trails are located, type of trail surface, use of bridges over the ravines and relationship in terms of timing with the next phases of the Conservation Master Plan process.

Recommendation 9: The property owners at the east end of the ESA should be approached to dedicate ESA lands to the City now or at least allow the UTRCA to manage the lands. Ravine J and K lands were part of scoping meetings.

Advisory Committee Work Plan – 2019

March 2019

Activity	Background	Responsibility	Timeline	Strategic Plan Alignment
Environmental Management Guidelines	This document was last updated in 2007. It has been a standing item in staff and EEPACs work plans since the last term of Council and EEPAC. There is money available from a Foundation to pay for the work and an agreement with the City has already been signed.	EEPAC will review the terms of reference and work with the consultant in cooperation with staff	As directed by staff	Building a Sustainable City
Protecting Environmentally Significant Areas	Communicating why it is important that dogs are controlled in and around Environmentally Significant Areas (cats indoors, dogs on leash) with the assistance of Corporate Communications; EEPAC will work with AWAC on this	P. Ferguson and Committee as a whole	To present to PEC no later than after EEPAC's May meeting	Building a Sustainable City
Collaboration with other Advisory Committees	An EEPAC representative is cross appointed to ACE where appropriate, EEPAC members will provide advice to its representative on this body Ongoing work with the Accessibility Advisory Committee to improve the process for accessible trails in ESAs	Chair and vice chair and Committee as a whole	As this involves staff, a timeline will be developed	Building a Sustainable City Strengthening our Community Leading in Public Service
Review of Environmental Impact Studies and Environmental Assessments submissions as part of Planning application and the *Environmental Assessment Act*	EEPAC is circulated and asked to review consultant submissions and provide input to City staff. In cases of significant disagreement, EEPAC advises PEC	Working Groups as required	As required, usually provide turnout in one meeting cycle	Building a Sustainable City

DRAFT

Conservation Master Plans for Environmentally Significant Areas	Review Phase 1 Natural Heritage Inventory, participate in Phase 2	Working Groups and Committee	Depends on timing of information from staff. Currently have received the Phase 1 Inventory for Meadowlily Woods Environmentally Significant Areas	Building a Sustainable City
Trail Advisory Group	EEPAC has a representative on this staff directed group. It reviews trail locations and potential new trails for compatibility with the Significant Wildlife Habitat, if any, in the area. Recent examples including Westminster Ponds/Pond Mills ESA, Medway Valley Heritage Forest ESA, Lower Dingman ESA.	Representative or alternative	As determined by staff	Building a Sustainable City Strengthening our Community
Wetland Relocation, Monitoring and Creation and Relocation of Wildlife	A Working Group has been established to do research on matters pertaining to wetland relocation. This has occurred in one location in the NW and is likely to be considered for the SW. There are no existing guidelines for this and how it should be included in development agreements.	R. Trudeau, C. Dyck, S. Sivakumar, C.	By the last meeting of this term of EEPAC	Building a Sustainable City

DRAFT

Advisory Committee Work Plan – 2018

January 2018

Activity	Background	Responsibility	Timeline	Strategic Plan Alignment
Environmental Management Guidelines	Design standards, including snake hibernacula; research whether or not there is something other than what is located at the Toronto Zoo and/or Long Point; bat boxes; barn swallow galleries; artificial nesting cavities/ roosting; aquatic habitat data collection for the Environmental Management Guidelines or Community Master Plans Restoration standards for wetlands, including microbes in soil and muck		Continuation of the work undertaken in 2016 with respect to the Environmental Management Guidelines	
Protecting Environmentally Significant Areas	Communicating why it is important that cats and dogs are controlled in and around Environmentally Significant Areas (cats indoors, dogs on leash) with the assistance of Corporate Communications; EEPAC will work with AWAC on this			
Collaboration with other Advisory Committees	An EEPAC representative is cross appointed to ACE and TFAC, and, where appropriate, EEPAC members will provide advice to its representative on this body Ongoing work with the Dark Sky/Bird deaths in relation to high rise buildings Working Group consisting of EEPAC, ACE & AWAC representatives	In Progress – Expect completion of Dark Sky/Bird Deaths in February		
Review of Environmental Impact Studies and Environmental Assessments submissions as part of Planning application and the *Environmental Assessment Act*	EEPAC is circulated and asked to review consultant submissions and provide input to City staff. In cases of significant disagreement, EEPAC advises PEC	Working Groups as required	As required, usually provide turnout in one meeting cycle	

Conservation Master Plans	During 2017, Phase 2 of the Medway Valley Environmentally Significant Area Conservation Master Plan is set to begin. EEPAC has a representative on the Local Advisory Committee and will provide review to the full plan. There may also be progress on the Conservation Master Plan for the Meadowlily Conservation Master Plan during this year.	Presenting at PEC – February 20, 2018		
Trail Advisory Group	EEPAC has a representative on this staff directed group. It reviews trail locations and potential new trails for compatibility with the Significant Wildlife Habitat, if any, in the area. Recent examples including Westminster Ponds/Pond Mills ESA and Medway Valley Heritage Forest ESA.			
Wetland Relocation, Monitoring and Creation and Relocation of Wildlife	A Working Group has been established to do research on matters pertaining to wetland relocation.	R. Trudeau, C. Dyck, S. Sivakumar, C. Therrien		

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **G. Kotsifas, P. Eng**
Managing Director, Development & Compliance Services and Chief Building Official
Subject: **Application By: 2557727 Ontario Inc.**
3425 Emily Carr Lane (North Portion)
Draft Plan of Subdivision Approval and Zoning By-law Amendment
Meeting on: **Monday, April 15, 2019**

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2557727 Ontario Limited relating to the property located at 3425 Emily Carr Lane:

(a) The proposed by-law attached hereto as **Appendix "A" BE INTRODUCED** at the Municipal Council meeting on April 23, 2019 to amend Zoning By-law No. Z.-1 (in conformity with the London Plan and the Official Plan) to change the Zoning of the subject property **FROM** an Urban Reserve (UR4) Zone **TO** a Holding Residential R1 Special Provision (h*h-100*R1-3 (7)) Zone and a Holding Residential R1 Special Provision (h*h-94*h-100*R1-3(7)) Zone to permit single detached dwellings with a 11 metre minimum lot frontage and 300 m^2 minimum lot area.

The following holdings provision have also been applied:

- (h) holding provision - to ensure that there is orderly development through the execution of a subdivision agreement and the provision of adequate securities.
- (h-94) holding provision- to ensure that there is a consistent lotting pattern in this area, the “h-94” symbol shall not be deleted until the block has been consolidated with adjacent lands.
- (h-100) holding provision - to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.

(b) Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application by 2557727 Ontario Limited for draft plan of subdivision relating to the property located at 3425 Emily Carr Lane;

(c) Council **SUPPORTS** the Approval Authority issuing draft approval of the recommended plan of residential subdivision, which shows 48 single detached lots, seven (7) part lot blocks and two (2) local public street **SUBJECT TO** the conditions contained in the attached **Appendix "39T-18506";**

Executive Summary

Summary of Request

The applicant has requested approval of Draft Plan of Subdivision, and Zoning By-law Amendments to facilitate the development of a residential subdivision consisting of low density single detached dwellings, and public road access via local street connections to Emily Carr Lane.

Purpose and the Effect of Recommended Action

The purpose and effect of this application is to permit the development of a Residential plan of subdivision on a 3.1 hectare parcel of land located southeast of Wharncliffe Road South, west of White Oak Road which will consist of:

- 48 single detached lots;
- 7 part lot blocks;
- 2 one foot reserve blocks;
- extension of Emily Carr Lane; and,
- one new local street.

Rationale of Recommended Action

1. The recommended residential development is consistent with the Provincial Policy Statement.

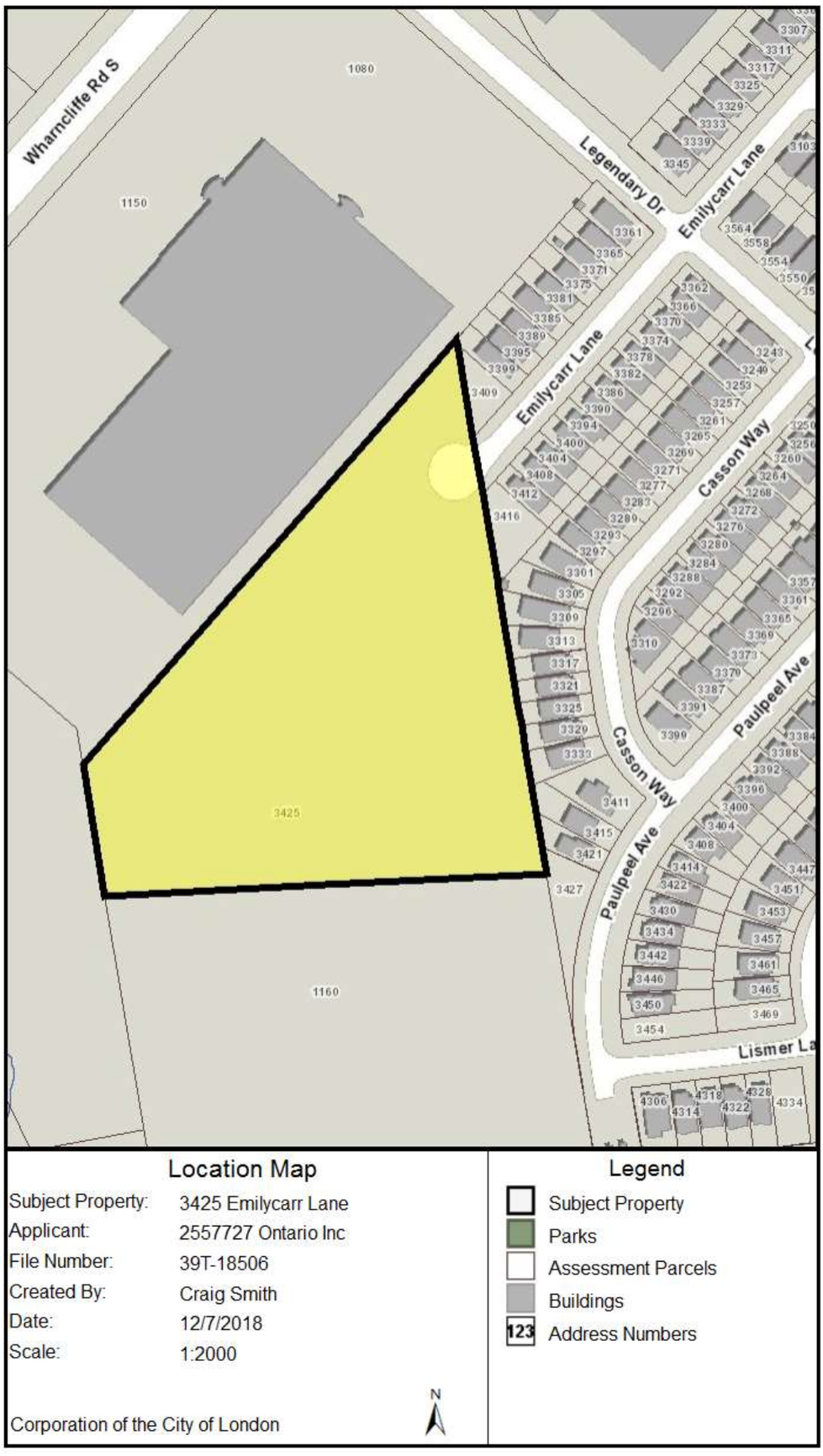
2. The draft plan conforms to the Neighbourhood designation policies of The London Plan.

3. The proposed road and lot pattern is integrated with a future subdivision to the south, and an existing residential subdivision to the east with public road access provided by an extension of Emily Carr Way and Street “A”.

4. The recommended zoning and conditions of draft approval will ensure that development of services occurs in an orderly manner.

5. The recommended development represents good land use planning.

Location Map



Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the north side of the proposed Bradley Ave extension, west of the Copperfield in the Longwoods residential subdivision. The subject site is approximately 3.1 ha in size, and is an irregular shape.

1.2 Current Planning Information

- The London Plan Place Type – Neighbourhood Place Type
- Official Plan Designation – Schedule “A” - Low Density Residential
- Existing Zoning –Urban Reserve (UR6)

1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – N/A
- Area - 3.1 ha
- Shape - irregular

1.4 Surrounding Land Uses

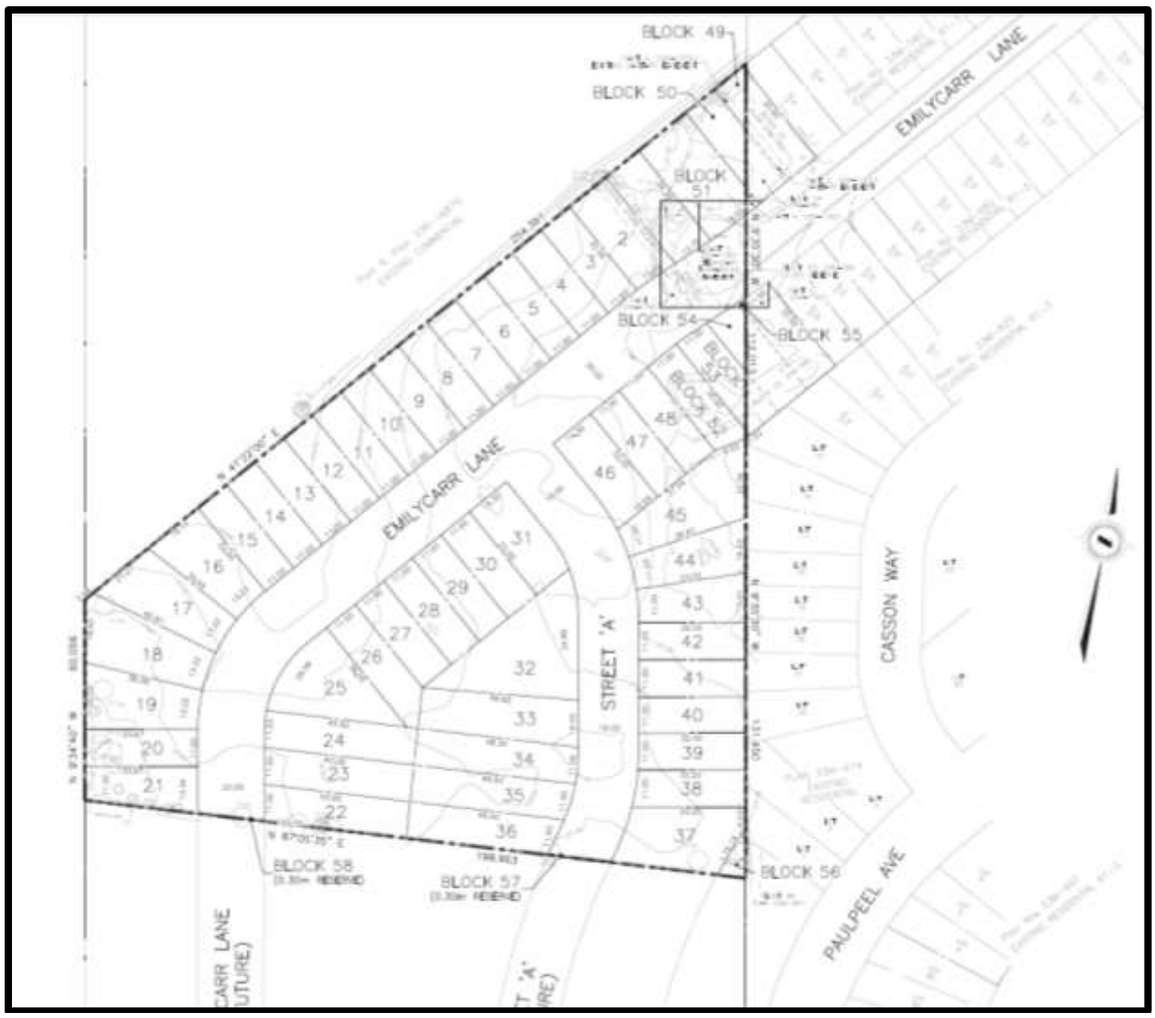
- North – commercial
- East – residential
- South – vacant draft approved subdivision
- West – commercial

2.0 Description of Proposal

2.1 Development Proposal

The Applicant is proposing a subdivision with 48 single detached lots, 7 part lot blocks and 2 one foot reserve blocks serviced by extension of Emily Carr Lane and one new local street.

Proposed Draft Plan of Subdivision



3.0 Revelant Background

3.1 Planning History

The subject lands were part of a subdivision application accepted by the City on January 25, 2006 (39T-0506). By letter dated May 10, 2016 the application was placed on hold, until a number of outstanding issues, primarily related to infrastructure and site servicing, could be addressed. A further letter dated May 11, 2011 was sent to the applicant requesting additional information to move the file forward. On December 3, 2018, following a required new Internal Proposal Review (IPR) process a “new” application for draft plan of subdivision approval and zoning by-law amendment was accepted as complete by the City. The 2006 subdivision file (39T-06502) has since been closed.

3.2 Requested Amendment

A request to amend the zoning of the subject property from an Urban Reserve (UR4) Zone to a Holding Residential R1 Special Provision (h*h-100*R1-3 (7)) Zone and a Holding Residential R1 Special Provision (h*h-94*h-100*R1-3 (7)) Zone. The holding provisions are to ensure the orderly development of lands and the adequate provision of municipal services, adequate water service and appropriate access, street orientation and implementation of the Southwest Area Design Guidelines.

3.3 Community Engagement (see more detail in Appendix B)

No public comments received.

3.4 Policy Context

Section 51(24) of the *Planning Act* provides municipalities with criteria which must be considered prior to approval of a draft plan of subdivision. The Act notes that in addition to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality, regard shall be had for,

- the effect of development of the proposed subdivision on matters of provincial interest;
- whether the proposed subdivision is premature or in the public interest;
- whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- the suitability of the land for the purposes for which it is to be subdivided;
- the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity, and the adequacy of them;
- the dimensions and shapes of the proposed lots;
- the restrictions or proposed restrictions, if any, on the land proposed to be subdivided the buildings and structures proposed to be erected on it, and the restrictions, if any, on adjoining land;
- conservation of natural resources and flood control;
- the adequacy of utilities and municipal services;
- the adequacy of school sites;
- the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area.

The London Plan and the ’89 Official Plan contains Council’s objectives and policies to guide the short-term and long-term physical development of the municipality. The policies promote orderly urban growth and compatibility among land uses. While the objectives and policies in the London Plan and the ’89 Official Plan primarily relate to the physical development of the municipality, they also have regard for social, economic and environmental matters.

More information and detail on comments received and applicable planning policy is

available in Appendix B and C of this report.

4.0 Key Issues and Considerations

4.1 Provincial Policy Statement (2014)

These applications have been reviewed for consistency with the 2014 Provincial Policy Statement. It is staff's position that the recommended draft plan of subdivision will provide for a healthy, livable and safe community. The proposed draft subdivision plan provides for 48 single detached lots, 7 part lot blocks and 2 one foot reserve blocks serviced by extension of Emily Carr Lane and one new local street. The plan incorporates residential forms of development to assist in meeting projected needs.

The proposed uses achieve objectives for efficient development and land use patterns, represents a form of intensification of a vacant parcel of land which is located within the City's urban growth area, utilizes existing public services and infrastructure, supports the use of public transit, and maintains appropriate levels of public health and safety.

4.2 Planning Act – Section 51(24)

Development Services staff have reviewed the requirements under section 2 of the Planning Act and regard has been given to matters of provincial interest. As previously noted it is staff's position that the proposed draft plan is consistent with the 2014 Provincial Policy Statement. There is access to nearby parks and recreational facilities, fitness facilities, medical facilities, and emergency and protective services. There is an elementary school and various cultural/social facilities in the immediate area. This area is predominantly low and medium density residential. The broader area contains a mix of low and medium density residential, and arterial commercial uses. There is adequate provision for a full range of housing.

The '89 Official Plan designates this area for low density forms of housing. The recommended plan will be integrated with adjacent subdivisions to the east with the extension of Emily Carr Way. The external transportation infrastructure will be designed to accommodate this development. The proposed draft plan implements the land use policies in accordance with The London Plan and the '89 Official Plan. The proposed draft plan supports public transit and promotes pedestrian movement through the adjacent subdivisions.

The proposed zoning provides for a range of low density forms of housing. There will be no restriction on adjoining land as a result of approving this draft plan of subdivision. There are no natural resources or natural hazards within the subject lands. The owner will be required as a condition of draft approval to construct the necessary utilities and services.

Required parkland dedication shall be calculated pursuant to section 51 of the *Planning Act* at 5% of the lands within the application. Municipal water is available to service this development. Municipal services are adequately provided including sewage, water, garbage collection, roads and transportation infrastructure. The requirements of London Hydro, Union Gas, and the City of London to adequately provide utilities and services will be addressed through conditions of draft approval. The proposed draft plan is located in a municipality which actively promotes waste recycling/recovery programs, and will be served by the Blue Box collection and other municipal waste recycling facilities.

Based on planning staff's review of the draft plan in conjunction with Section 51(24) of the *Planning Act*, the plan has regard for the health, safety, convenience, accessibility for persons with disabilities, and welfare of the present and future inhabitants of the municipality.

4.3 The London Plan, ' 89 Official Plan and Southwest Area Plan (SWAP)

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 London Plan includes criteria for the evaluation of *Planning Act* Applications. Section *1688 states: *Proposed plans of subdivision will be evaluated based on all of the policies of The London Plan.* The following London Plan policy section have been considered in evaluating the proposed Zoning By-law Amendment.

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

Our Strategy
59_Build a mixed-use compact city

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

The proposed Draft Plan of Subdivision and Zoning By-law Amendment to permit single detached dwellings will allow for a form of housing that takes advantage of the existing servicing and facilities. The proposed housing types ensure a compatible and complete form of residential use and could allow for an opportunity of aging in place.

61_ 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,
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.

The proposed Draft Plan of Subdivision and Zoning By-law Amendment to permit single detached dwellings will allow a form of housing that is street oriented. The proposed development will implement the Urban Design principles contained in the Southwest Area Plan. The resulting development, including the adjacent lands, will provide for a mix of housing types within the Southwest Area Plan that will allow for walkability, placemaking and a sense of place. The proposed housing type ensure a compatible and complete form of residential use that will be connected and promotes a healthy walkable lifestyle.

City Building Policies
193_ In all of the planning and development we do and the initiatives we take as a municipality, we will design for and foster:
1. A well-designed built form throughout the city.
2. Development that is designed to be a good fit and compatible within its context.

The proposed Draft Plan of Subdivision and Zoning By-law Amendment to permit single detached dwellings will allow for a form of housing that is compatible and a good fit within the Southwest Area Plan.

**197_ The built form will be designed to have a sense of place and character consistent with the planned vision of the place type, by using such things as topography, street patterns, lotting patterns and streetscapes.*

The proposed Draft Plan of Subdivision and Zoning By-law Amendment to permit single detached dwelling will allow for a form of housing that will create a sense of place and is consistent with the planned vision of the place types. The proposed single detached dwellings provide for lotting and streetscapes that are consistent with the vision of the Southwest Area Plan, Neighbourhood Place Type and abutting land uses.

221_ The design of streetscapes will support the planned vision for the place type and will contribute to character and sense of place. The parameters for street character are defined in Table 6 - Street Classification Design Features of the Mobility chapter of this Plan.

The proposed single detached dwellings are located in the Neighbourhood Place Type on Neighbourhood Streets. The height (2 storeys), density (30uph) and lot sizes are consistent with the Neighbourhood Place Type and Street Classification.

Place Types

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

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

These lands are within the Neighbourhoods Place Type of The London Plan. The vision for the Neighbourhoods place type includes a strong neighbourhood character, sense of place and identity, attractive streetscapes, buildings, and public spaces, 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, well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown, lots of safe, comfortable, convenient, and attractive alternatives for mobility, easy access to daily goods and services within walking distance, employment opportunities close to where we live, and parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.

The proposed development is consistent with The London Plan and is in conformity with the Our City, Our Strategy, City Building, and Place Type policies of this Plan. The proposal for single detached dwellings at this location meets the policies for the Neighbourhood Place types and street classifications. Municipal services are available, in conformity with the Civic Infrastructure chapter of the Plan and the Growth Management/Growth Financing.

The potential impacts on adjacent and nearby properties in the area and the degree to which such impacts can be managed and mitigated have been considered. The area is serviced by several streets including Wharncliffe Road South with a future connection from Paul Peel Avenue to the future Bradley Avenue extension. Street lighting and sidewalks on both sides of the street will be required as part of the design of the subdivision to ensure pedestrian safety. It is not expected that additional noise or emissions will be generated by the proposed development

Southwest Area Secondary Plan

The lands are located in the North Longwoods Residential Neighbourhood. The Southwest Area Plan (SWAP) designates the subject lands, Low Density Residential. The Low Density Residential (LDR) policies require residential development to be at a maximum density of 30 units/ha.

Based on the designation which applies to these lands the development potential for low density residential development would accommodate the proposed form of development that conforms to these policies.

The City of London Official Plan

The subject lands are designated “Low Density Residential” on Schedule “A” of the Official Plan.

The Low Density Residential designation supports low 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.

Section 3.1. of the Official Plan defines a series of broad goals and objectives for all forms of residential land use within the City. The following policy objectives are of particular relevance to this proposal:

i. Provide for a supply of residential land that is sufficient to accommodate the anticipated demand for a broad range of new dwelling types over the planning period;
ii. Support the provision of a choice of dwelling types according to location, size, affordability, tenure, design, and accessibility so that a broad range of housing requirements are satisfied;
iii. Support the distribution of a choice of dwelling types by designating lands for a range of densities and structural types throughout the City;
iv. Encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services and facilities;
v. Minimize the potential for land use compatibility problems which may result from an inappropriate mix of: low, medium and high density housing; higher intensity residential uses with other residential housing; or residential and non-residential uses;
vi. Support the provision of services and amenities that enhance the quality of the residential environment; and,
vii. Promote residential development that makes efficient use of land and services.

The proposed draft plan is consistent with the goals and objectives as outlined above.

This proposal is compatible with surrounding residential development and building placements. The development of the low density residential lots will continue the form and scale of the existing low density development to the east. The low density residential development is in a location that provides access to public transit, nearby shopping, cultural and recreational facilities. The proposed single detached dwelling subdivision represents an efficient use of these lands.

4.5 Zoning

The subject lands are currently zoned Urban Reserve (UR4).

The applicant has requested a Zoning By-law amendment to a Holding Residential R1 Special Provision (h*h-100*R1-3 (7)) Zone and a Holding Residential R1 Special Provision (h*h-94*h-100*R1-3 (7)) Zone to permit single detached dwellings with minimum lot frontage of 11 metres and minimum lot area of 300m^2.

Planning Impact Analysis under Section 1578 of The London Plan and Section 3.7 in the Official Plan is used to evaluate applications for an Official Plan and/or zoning amendment, to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses.

Compatibility
The surrounding land uses consist of single detached homes to the east, commercial uses to the north and future multi-family residential uses to the south and west. The proposed development is of a height, scale and form that has been identified thorough the Southwest Area Plan and the subsequent Official Amendment.

Ability of Site to Accommodate Development
The subject land is 3.1 hectares in size. The size and the shape of the parcel make it a suitable candidate for residential development. The existing topography does not pose a challenge.

Vacant Land in the Area
This parcel is located in this area which is currently being built out. There are vacant parcels of land within the immediate vicinity of the subject lands which are designated or zoned for residential development.

Vegetation and Natural Features
The site does not contain any natural heritage features. As part of the conditions of draft approval, a tree preservation plan is required to asses all existing trees and provide

maximum protection through mitigation measures. Also as a standard requirement of the subdivision agreement, street trees will be planted.

Site Access
The site will be accessed from the extension of Emily Carr Lane that will connect to Lismer Lane. Lismer Lane will provide for access to Paul Peel Avenue when the lands to the south (owned by others) are developed. One new local street is proposed to extend south and connect to Lismer Lane to the lands to the south. In accordance with the Southwest Area Plan, 1.5 metre (5') sidewalk will be constructed on both sides all streets.

Surrounding Natural Features and Heritage Resources
The surrounding area is developed and there are no significant natural features.

Environmental Constraints
Based on our review of the site and its surroundings, and the report on site decommissioning, there are no known environmental constraints, such as soil contamination or noise and vibration sources, which could adversely affect residents.

Compliance with The London Plan, Official Plan, Zoning By-law,
The applications being considered as part of this review are evaluated against the policies of The London Plan, Official Plan, and Zoning By-law to ensure compliance prior to approval by the City.

Holding Provisions

Holding provisions have been recommended as follows:

1. The h holding provision is implemented to address servicing, including sanitary, stormwater and water, to the satisfaction of the City Engineer, and the entering of a subdivision agreement.

2. The h-94 holding provision is implemented to address that there is a consistent lotting pattern in this area that the part residential blocks be consolidated with adjacent lands.

3. The h-100 holding provision is implemented with respect to water services and appropriate access that no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access is available, to the satisfaction of the City Engineer.

5.0 Conclusion

Approval and development of these lands is consistent with the Provincial Policy Statement, The London Plan, '89 Official Plan and the Zoning By-law. The recommended draft plan and conditions of draft approval ensures a compatible form of development with the existing neighbourhood. Overall, the draft plan of subdivision with associated conditions represents good land use planning and is an appropriate form of development.

Prepared by:	**C. Smith MCIP, RPP** **Senior Planner, 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.	

April 8, 2019
CS/

CC: Matt Feldberg, Manager, Development Services
Lou Pompilii, Manager Development Services
Ismail Abushehada, Manager, Development Services

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2018\39T-18506 - 3425 Emilycar Lane (CS)\39T-18506PECreport.docx

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 3425 Emily Carr Lane

WHEREAS have applied to rezone an area of land located at 3425 Emily Carr Lane 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:

Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3425 Emily Carr Lane, as shown on the attached map, from an Urban Reserve (UR4) Zone to a Holding Residential Special Provision (h*h-100*R1-3 (7)), and a Holding Residential Special Provision (h*h-94*h-100*R1-3 (7)) Zone.

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.

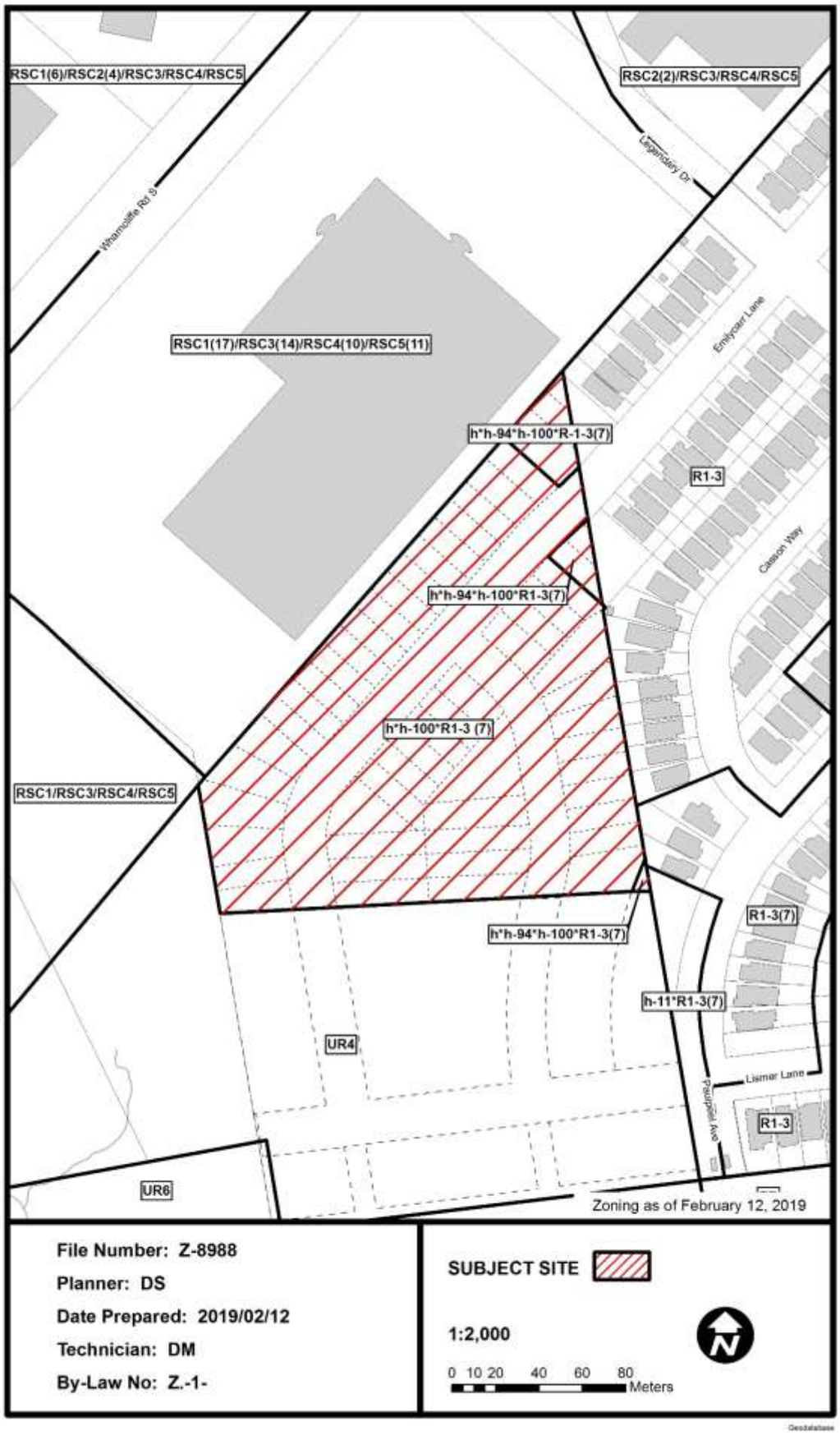
PASSED in Open Council on April 23, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – April 23, 2019
Second Reading – April 23, 2019
Third Reading – April 23, 2019

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



Appendix B – Circulation/Comments

Community Engagement

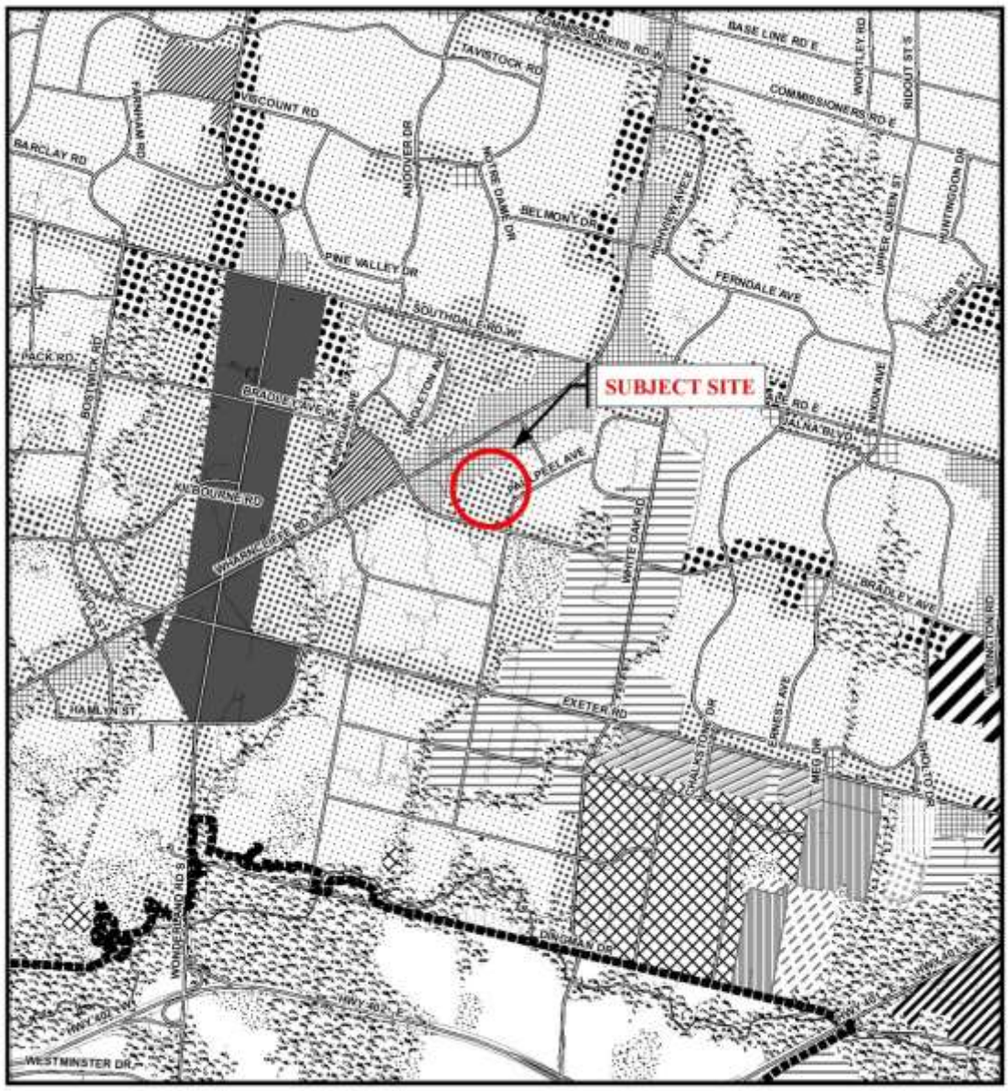
Public liaison: On December 20, 2019 Notice of Application was sent to all property owners within 120m of the subject property. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 20, 2018. On June 21, 2018 a Revised Notice of Application was sent to all property owners with 120m of the Subject Property and on June 28, 2018 the Revised Notice of Application was published in the Londoner.

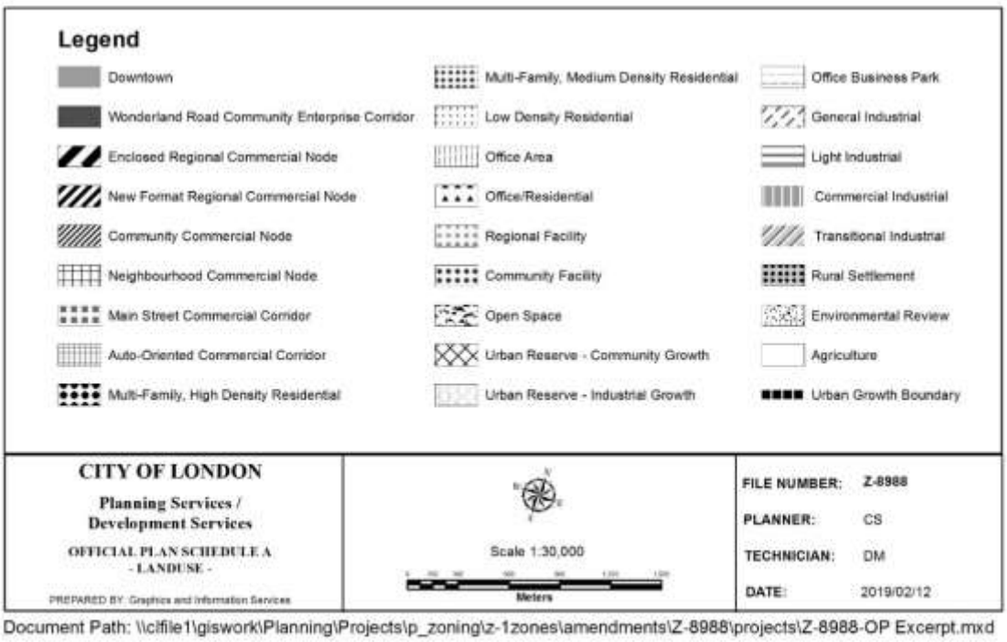
Nature of Liaison: The purpose and effect of this application is to permit the development of a subdivision with 48 single detached lots, 7 part lot blocks and 2 one foot reserve blocks serviced by extension of Emily Carr Lane and one new local street.

Responses: No Public Responses Received.

Appendix C – Relevant Background

Additional Maps
Official Plan Schedule "A" Excerpt





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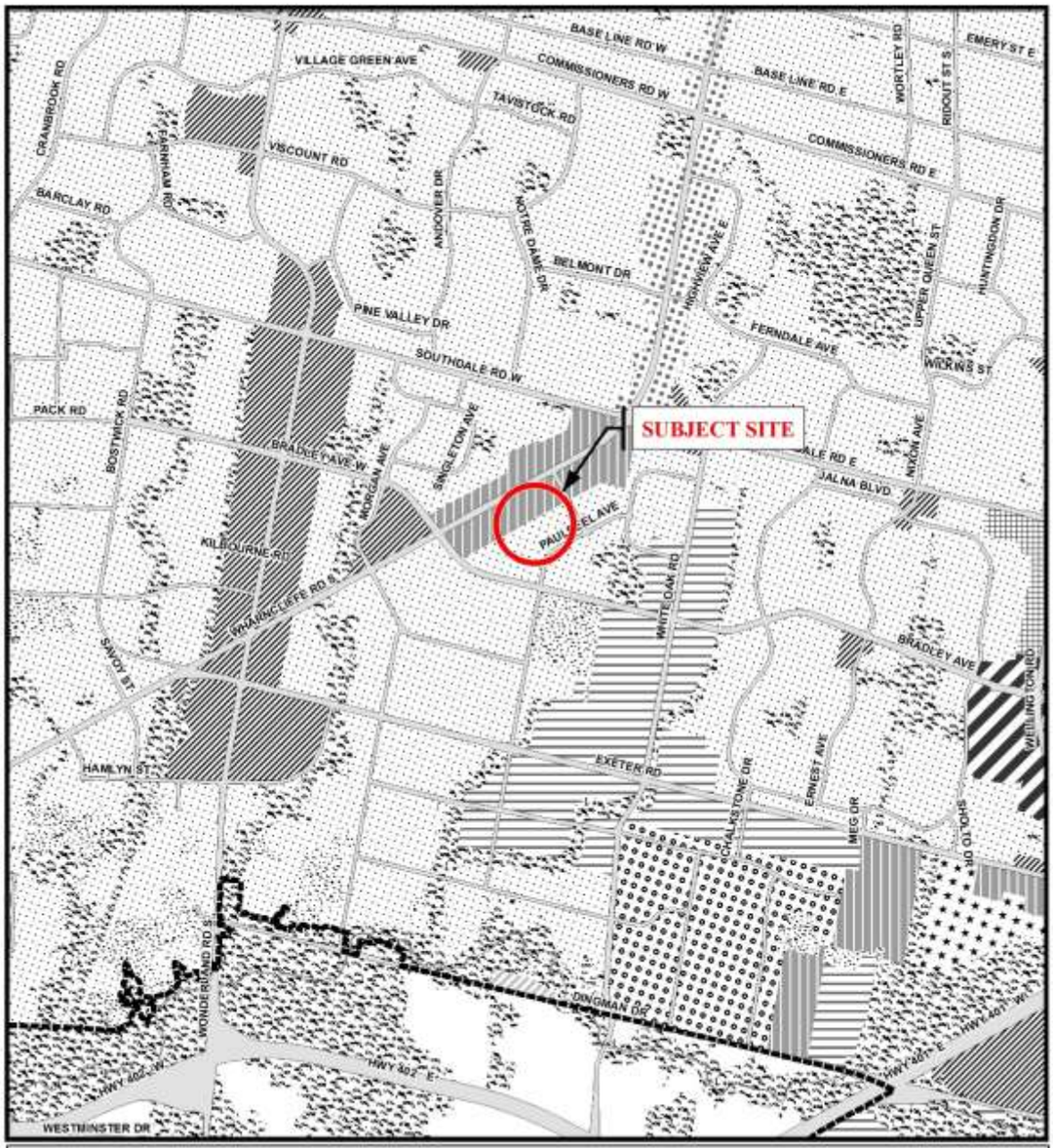
London Plan Place Types Excerpt



Legend

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

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

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

CITY OF LONDON
Planning Services /
Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services

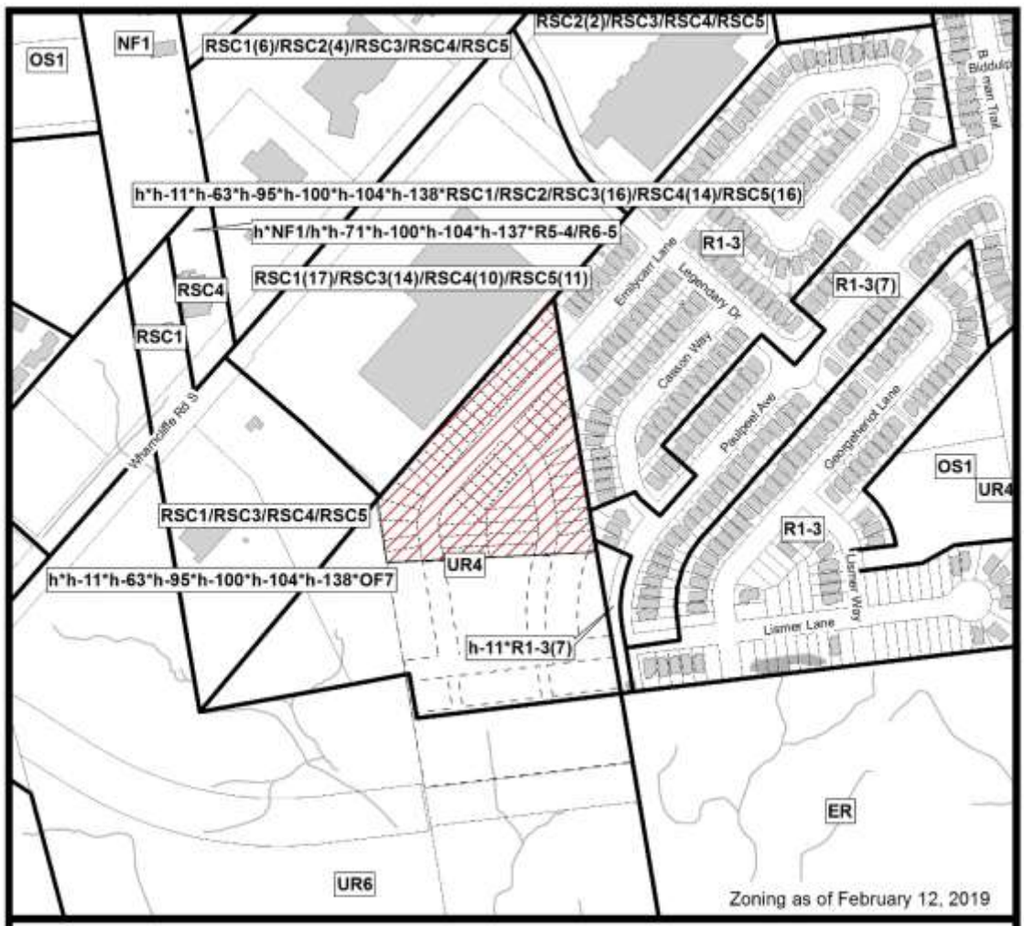
Scale 1:30,000

Meters

File Number:	Z-8988
Planner:	CS
Technician	DM
Date:	February 12, 2018

Project Location: \\clfile1\giswork\Planning\Projects\p_zoning\z-1zones\amendments\Z-8988\projects\Z-8988-London Plan Excerpt.mxd

Zoning By-law Map Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: Z-8988 CS

MAP PREPARED: 2019/02/12 DM

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

Appendix 39T-18506

Conditions of Draft Approval

THE CORPORATION OF THE CITY OF LONDON'S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-18506 ARE AS FOLLOWS:

NO. CONDITIONS

1. This approval applies to the draft plan, submitted by 2178254 Ontario Inc.. (File No. 39T-18506), prepared by AGM Ltd., certified by Jason Wilband, OLS, (dated October 17, 2018), which shows 48 single detached lots, 7 part lot blocks and 2 one foot reserve block serviced by 2 public streets (extension of EmilyCarr Lane and a new Street "A").

2. This approval of the draft plan applies for a period of three (3) years, and if final approval is not given within that time, 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 and dedicated as public highways.

4. The Owner shall within 90 days of draft approval submit proposed street names for 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. The Owner, prior to final approval, 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 enter into a subdivision agreement and 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 once the plan of subdivision has been registered.

10. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications 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, at no cost to the City.

11. No construction or installations of *any* kind (eg. clearing or servicing of land) involved with this plan shall be undertaken by the Owner 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 Manager of Development Planning in writing (eg. MOE certificates; City/Ministry/Agency permits: Approved Works, water connection, water-taking, navigable waterways; approvals: UTRCA, MNR, MOE, City; etc; etc.). No construction involving installation of services requiring an EA is to be undertaken

prior to fulfilling the obligations and requirements of the Province of Ontario's Environmental Assessment Act and the City of London.

12. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with City a complete submission consisting of all required clearances, fees, and final plans, and to advise the City 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 City, such submission will be returned to the Owner without detailed review by the City.

Planning

13. The Owner shall carry out an archaeological survey and rescue excavation of any significant archaeological remains found on the site to the satisfaction of the Southwestern Regional Archaeologist of the Ministry of Culture; and 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.

14. The Owner shall convey up to 5% of the lands included within this plan to the City of London for park purposes and/or a provide a cash-in-lieu payment in accordance with By-law CP-9.

15. In conjunction with the first submission engineering drawings, 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 City. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.

16. The Owner shall make all necessary arrangements to combine Blocks 49, 50, 51, 52 , 53, 54, 55, and 56 in this Plan with adjacent lands to create developable Lots and/or Blocks, to the satisfaction of the City; (eg. Block 86 in 33M-691 with Block 56 in this Plan). The above-noted Blocks shall be held out of development until they can be combined with adjacent lands to create developable Lots and/or Blocks.

SEWERS & WATERMAINS

Sanitary:

17. In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer prepare and submit a Sanitary Servicing Study to include the following design information:
    i.) Provide a sanitary drainage area plan, including the preliminary sanitary sewer routing and the external areas to be serviced and identify any existing external connections, to the satisfaction of the City. The sanitary drainage area plan is to include external areas from the north; namely, the existing commercial property at 1150 Wharncliffe Road (Tepperman Ltd.) ;
    ii.) Propose a suitable routing for the sanitary sewer to be constructed through this plan;
    iii.) Provide or confirm easements for the sanitary outlet and connection;
    iv.) To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, provide an hydrogeological report that includes 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;

18. 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 EmilyCarr Lane and the sanitary sewer system to the south of this Plan in Plan of Subdivision 39T-16508;
    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.

19. 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.) Installing Parson Manhole Inserts (or approved alternative satisfactory to the City Engineer) in all sanitary sewer maintenance holes at the time the maintenance hole(s) are installed within the proposed draft plan of subdivision. The Owner shall not remove the inserts until sodding of the boulevard and the top lift of asphalt is complete, all to the satisfaction of the City Engineer.
    iv.) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
    v.) Implementing any additional measures recommended through the detailed Engineering Drawing Stage.

20. Prior to registration of this Plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway 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.

Storm and Stormwater Management (SWM)

21. In conjunction with the first submission of engineering drawings, the Owner's consulting engineer shall 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, to the satisfaction of the City;
    iii.) Identify and demonstrate all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.
    iv.) Confirm capacity of the minor system for this plan to outlet to the existing White Oaks 2 SWM Facility via the existing 1350 mm storm sewer constructed by others along EmilyCarr Lane and that the White Oaks 2 SWM Facility servicing for this plan of subdivision can achieve minor storm requirements for water quality, quantity and erosion control;
    v.) Demonstrate major storm events can be safely conveyed within the Municipal right-of-way and accommodated to safely reach the ultimate outlet;
    vi.) Determine overland flow routes to be constructed and operational, all to the satisfaction of the City Engineer;
    vii.) Provide supporting overland flow route capacity calculations and associated drawings for the conveyance of the major overland flows from this plan of subdivision to the intended receiving system to the south of this plan;
    viii.) Providing an overall drainage area plan identifying the revised total catchment area reviewed in the report that will be contributing flows to the existing White Oaks SWM Facility # 2 (P2);
    ix.) 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
    x.) 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.

22. The above-noted 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 Addendum to the Municipal Class Environmental Assessment "Schedule B" for Storm/Drainage and Stormwater Management Servicing Works for the White Oak Area;
    ii.) The approved Stormwater Management Design for the White Oaks 2 SWM Facility;
    iii.) The Stormwater design associated with the Bradley Avenue extension detailed design;
    iv.) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
    v.) The City of London Environmental and Engineering Services Department

Design Specifications and Requirements, as revised;

vi.) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;

vii.) The Ministry of the Environment, Conservation and Parks (MECP) SWM Practices Planning and Design Manual (2003), including updates and companion manuals; and

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

23. 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 Dingman Creek Subwatershed, and connect them to the existing municipal storm sewer system to outlet to the existing White Oaks SWM Facility # 2, to the satisfaction of the City. Should the existing storm sewers require upsizing to accommodate this Plan, these sewers shall be increased at no cost to the City;

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.) 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

iv.) Address forthwith any deficiencies of the stormwater works and/or monitoring program.

24. 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.) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;

iii.) Implement all geotechnical/slope stability recommendations made by the geotechnical report accepted by the City; and

iv.) Implement all hydrogeological recommendations made by the updated hydrogeological report accepted by the City.

25. The Owner acknowledges that all major and minor flows shall be accommodated generally outletting to White Oaks SWM Facility #2. Should the Owner's professional engineer determine through detailed design that the major flows cannot be accommodated within the existing White Oaks SWM Facility # 2, the Owner acknowledges that these lands shall be tributary to the White Oak SWM Facility # 3 and shall be serviced in accordance with the final accepted Dingman Creek Stormwater Servicing Strategy Schedule C Municipal Class EA and in accordance with the final accepted Functional SWM Report for the White Oak SWM Facility # 3 or by an alternate servicing strategy, to the satisfaction of the City.

26. 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.

27. In conjunction with the first submission of engineering drawings, the Owner shall a qualified consultant provide an update to the detailed hydrogeological investigation, to include, but not limited to, the following:
    i.) provide an evaluation of the proposed final mitigation measures to be utilized in the Plan. Once determined, to minimize the infiltration deficit predicted by the water balance calculations;
    ii.) provide an evaluation of the LID considerations proposed for the development, if applicable;
    iii.) provide details related to the water taking requirements to facilitate construction (i.e. PTTW or EASR be required to facilitate construction), including sediment and erosion control measures and dewatering discharge locations;
    iv.) provide an evaluation of the Plan's water balance in the context of the potential impacts of the Plan's balance on nearby natural features, most notably the woodlot to the southeast;
    v.) provide details regarding mitigation measures associated with construction activities specific to the development (eg. special construction activities related to dewatering)
    vi.) identify a target infiltration rate in millimetres per hectare and implement Low Impact Development measures to achieve the water balance and meet groundwater recharge objectives, to the satisfaction of the City Engineer;
    vii.) the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area
    viii.) identify any abandoned wells in this plan
    ix.) assess the impact on water balance in the plan
    x.) any fill required in the plan
    xi.) provide recommendations for foundation design should high groundwater be encountered
    xii.) identify all required mitigation measures including Low Impact Development (LIDs) solutions
    xiii.) address any contamination impacts that may be anticipated or experienced as a result of the said construction
    xiv.) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.
    xv.) To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, include 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

    all to the satisfaction of the City.

28. 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 hydro geological report are implemented by the Owner, to the satisfaction of the City, at no cost to the City.

29. The Owner shall ensure the post-development discharge flow from the subject site must not exceed capacity of the stormwater conveyance system. In an event where the condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirements for permanent Private Stormwater Systems.

    <u>Watermains</u>

30. In conjunction with the engineering drawings submission the Owner shall have their consulting engineer prepare and submit a water servicing report which addresses the following, all to the satisfaction of the City Engineer:

    i.) Water distribution system analysis & modeling and hydraulic calculations

for the Draft Plan of Subdivision confirming system design requirements are being met (residential A.D.D. shall be 255 litres per capita per day; maximum residual pressure 80 psi);

ii.) Identify domestic and fire flows for the residential Lots and development Blocks from the low-level water distribution system;

iii.) Address water quality and identify measures to maintain water quality within all watermains throughout the entire subdivision from zero build-out through full build-out of the subdivision;

iv.) Include modeling for two fire flow scenarios as follows:

i. Max Day + Fire confirming velocities and pressures within the system at the design fire flows, and

ii. Max Day + Fire confirming the available fire flows at fire hydrants at 20PSI residual. Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);

v.) Include a staging and phasing report as applicable which addresses the requirement to maintain interim water quality;

vi.) Develop a looping strategy to the satisfaction of the City Engineer for when development is proposed to proceed beyond 80 units;

vii.) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;

viii.) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;

ix.) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;

x.) Identify the effect of development on existing water infrastructure – identify potential conflicts;

xi.) Include full-sized water distribution and area plan(s) which identifies the location of valves & hydrants, the type and location of water quality measures to be implemented (including automatic flushing device settings), the fire hydrant rated capacity & marker colour, and the design fire flow applied to development Blocks.

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

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

i.) to meter and pay the billed costs associated with any automatic flushing devices including water discharged from any device at the time of their installation until removal;

ii.) any incidental and/or ongoing maintenance of the automatic flushing devices;

iii.) payment for maintenance costs for these devices incurred by the City on an ongoing basis until removal;

iv.) all works and the costs of removing the devices when no longer required; and

v.) ensure the automatic flushing devices are connected to an approved outlet.

33. The Owner shall ensure the limits of any request for Conditional Approval shall conform to the staging and phasing plan as set out in the accepted water servicing report and shall include the implementation of the interim water quality measures. In the event the requested Conditional Approval limits differ from the staging and phasing as set out in the accepted water servicing report, the Owner would be

required to submit revised plans and hydraulic modeling as necessary to address water quality.

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 (high-level) municipal system, namely the existing 200 mm diameter watermain on EmilyCarr Lane.
    ii.) If the subdivision to the south, (39T-16508) develops in advance to the subject Plan, the Owner shall connect the watermains within the subject plan to the watermains on EmilyCarr Lane and LaurenHarris Way within the subdivision to the south (39T-16508). The Owner shall make arrangements with the affected property owner(s) for the construction of any portions of the watermain situated on private lands outside this Plan and shall provide satisfactory easements, as necessary, all to the specifications of the City and the satisfaction of the City Engineer;
    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;
    iv.) Available fire flows and appropriate hydrant rated capacity colour code markers are to be shown on the engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval; and
    v.) Have their consulting engineer confirm to the City that the watermain system has been constructed and is operational.

35. In the event either or both Plans 33M-582 and 39T-16508, as applicable, remain unassumed at the time of development, the Owner shall make the appropriate arrangements and co-ordinate with the adjacent affected property owner(s) to connect to those unassumed watermains.

STREETS, TRANSPORATION & SURVEYS

Roadworks

36. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets in Plan 33M-582 and 39T-16508 based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other and perpendicular, unless otherwise approved by the City Engineer.

37. In conjunction with the first submission of engineering drawings, the Owner shall have its consulting engineer include the following information on the engineering drawings, all in accordance with City standards and to the specifications and satisfaction of the City Engineer:
    i.) road geometries, including right-of-way widths, tapers, bends, tangents, bends, intersection layout, daylighting triangles, “Minimum Centreline Radii of Curve of Roads in Subdivisions” in accordance with City standards, etc., and any associated adjustments to the abutting lots. The roads shall be equally tapered and aligned based on the road centrelines and it should be noted tapers are not to be within intersections.
    ii.) prepare and submit a parking plan in areas where lot frontages of 11.0 metres are present;

38. At ‘tee’ intersection, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 6 metre tangent being required along the street lines of the intersecting road, to the satisfaction of the

City.

39. The Owner shall have it's professional engineer design and construct the roadworks in accordance with the following road widths:

40.

i.) EmilyCarr Lane has a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20 metres.

ii.) Street 'A' has a minimum road pavement width (excluding gutters) of 6.0 metres with a minimum road allowance of 18 metres.

41. The Owner shall comply with the Complete Streets Design Manual, to the satisfaction of the City.

Sidewalks

42. The Owner shall construct a 1.5 metre sidewalk on both sides of the following streets in accordance with the Southwest Area Plan:
i.) EmilyCarr Lane
ii.) Street 'A'

Street Lights

43. 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. The Owner shall be required to match the style of street lights in the Draft Plan of Subdivision to the south in Plan 39T-16508."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.

Boundary Road Works

44. The Owner shall make minor boulevard improvements on EmilyCarr Lane connecting to this Plan, if necessary, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.

45. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on EmilyCarr Lane in Plan 33M-582, adjacent to this plan to accommodate the proposed works and services on this street to accommodate this Plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted engineering drawings, all to the satisfaction of the City Engineer, at no cost to the City.

Construction Access/Temporary/Second Access Roads

46. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Wharncliffe Road South via Legendary Drive or other routes as designated by the City.

47. Prior to commencing any construction on this site, the Owner shall notify the City of London Police Services of the start of construction of this plan of subdivision.

48. 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 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.

49. The Owner shall construct a temporary turning facility for vehicles at the following location(s), to the specifications of the City:

    i.) EmilyCarr Lane – south limit
    ii.) Street 'A' – south 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.

50. The Owner shall remove the temporary turning circle on Emily Carr Lane and adjacent lands in Plan 33M-582 to the east of this Plan, and complete the construction of EmilyCarr Lane in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.

    If funds in the amount of $20,000 have been provided to the City by the owner of Plan 33M-582 for the removal of the temporary turning circle and the construction of this section of EmilyCarr Lane 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.

51. In the event that Emily Carr Lane in Plan 33M-582 and the street connections to the south in Plan 39T-16508 are constructed as fully serviced roads by the owners of Plans 33M-582 and 39T-16508, then the Owner shall be relieved of this obligation for any modifications or construction of new temporary turning circles for this Plan..

GENERAL CONDITIONS

52. 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.

53. 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.

54. 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, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.

55. The Owner shall comply with Geotechnical Investigation (LON -00016526-GE) dated October 9, 2018, to the satisfaction of the City. In the event that elements of the Investigation are changed due to design, the Owner shall update the Geotechnical Investigation as necessary to City standards.

56. The Owner shall implement all geotechnical recommendations to the satisfaction of the City.

57. Once construction of any private services, ie: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed relotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the City Engineer and at no cost to the City.

58. 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.

59. 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.

60. 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, 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.

61. 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.

    The connection into and use of the subject services by an outside Owner will be conditional upon the outside Owner satisfying any requirements set out by the City, and agreement by the outside Owner to pay a proportional share of the operational maintenance and/or monitoring costs of any affected unassumed services and/or facilities.

62. 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.

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.

63. 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, in accordance with the requirements of latest Ministry of Environment and Climate Change "Guidelines for Use at Contaminated Sites in Ontario" and file appropriate documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

    Should any contaminants be encountered within this Plan, the Owner shall implement the recommendations of the geotechnical engineer to remediate, removal and/or disposals of any contaminates within the proposed Streets, Lot and Blocks in this Plan forthwith under the supervision of the geotechnical engineer to the satisfaction of the City at no cost to the City.

    In the event no evidence of contamination is encountered on the site, the geotechnical engineer shall provide certification to this effect to the City.

64. 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.

65. In conjunction with the first submission of engineering drawings, 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.

66. The Owner shall have its professional 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".

67. 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.

68. In conjunction with the first submission of engineering drawings, 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.

69. 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.

70. 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.

71. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping the watermain, all to the specification and satisfaction of the City.

72. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.

73. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.

74. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile located within this Plan, all to the satisfaction of the City and at no cost to the City.

75. 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 arrangement 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.

76. The Owner shall include in the Agreements of Purchase and Sale or lease and in the transfer of deed of Lots 1 and 2 and Block 49 and 50 in this plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the said lots to observe and comply with the City easements, 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 municipal or private maintenance accesses, servicing, grading or drainage that services other lands.

PUBLIC PARTICIPATION MEETING COMMENTS

3.2 PUBLIC PARTICIPATION MEETING – Application – 3425 Emily Carr Lane (North Portion) – Draft Plan of Subdivision Approval and Zoning By-law Amendment 39T-18506 (Z-8988)

- Laverne Kirkness, Kirkness Consulting, on behalf of the applicant – expressing appreciation to staff for their report and recommendation; expressing agreement with the zoning, the holding conditions, the draft conditions; asking the Planning and Environment Committee to support the recommendation and move it on to Council and they will get building; indicating that this is an extension of what is already down there in the Legend regime and they aim to complete it.

File: TZ-8999
Planner: B. Debbert

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: **Cedar Auto London Limited**
2170 Wharncliffe Road South
Public Participation Meeting on: April 15, 2019

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of Cedar Auto London Limited relating to the property located at 2170 Wharncliffe Road South, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on April 23, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, by extending the Temporary Use (T-72) Zone for a period not exceeding two (2) years;

IT BEING NOTED that the owner will use the two (2) year time period to plan for, receive the appropriate approvals, and construct a permanent building to replace the temporary trailer;

IT BEING FURTHER NOTED that during the two (2) year time period, City staff will monitor the property to ensure that all site operations are located on the portion of the property that is zoned Holding Arterial Commercial Special Provision/Temporary (h-17·h-142·AC2(11)/T-72) Zone and that there is only one trailer on the site, and that City staff will work with the property owner to establish an appropriate means of delineating the limits for automobile parking.

Executive Summary

Summary of Request

The applicant is requesting the extension of the Temporary Use (T-72) Zone for a period of two (2) years. The Temporary Use (T-72) Zone allows the use of a temporary trailer instead of a permanent building or structure, in association with the permitted automobile sales establishment.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to allow the business to continue to operate with the temporary trailer, while the required approvals from the City and the Upper Thames River Conservation Authority are sought for the construction of a permanent building or structure to replace the trailer, and the development of the site in accordance with an approved development agreement. Such matters as approval of a private septic system and on-site stormwater management, flood control, protection of the Thornicroft Drain, building location, massing and design, building-street interface, driveway and parking area delineation, landscaping and lighting will be addressed.

Rationale of Recommended Action

1. The recommended extension of the temporary use of a trailer as a temporary sales office for a permitted automobile sales establishment, for a reduced two (2) year period is consistent with the *Provincial Policy Statement, 2014*.

2. The recommended extension for a period of two (2) years conforms to the general intent and purpose of The London Plan, in particular Paragraph 1672 –

Temporary Uses, by encouraging the removal of the temporary trailer and its replacement with a permanent structure in accordance with municipal development standards.

3. The recommended extension for a period of two (2) years conforms to the general intent and purpose of the 1989 Official Plan, in particular the permitted uses for the Auto-oriented Commercial Corridor, and Section 19.4.5 – Temporary Use By-laws, by allowing a permitted commercial use to continue while encouraging the removal of the temporary trailer and its replacement with a permanent structure in accordance with municipal development standards.

4. The recommended extension conforms to the general intent and purpose of the Southwest Area Secondary Plan, in particular the permitted uses for the Commercial lands in the Lambeth Residential Neighbourhood Area, which prevails over both the 1989 Official Plan and The London Plan where more detailed or alternative direction is provided in the Secondary Plan.

Analysis

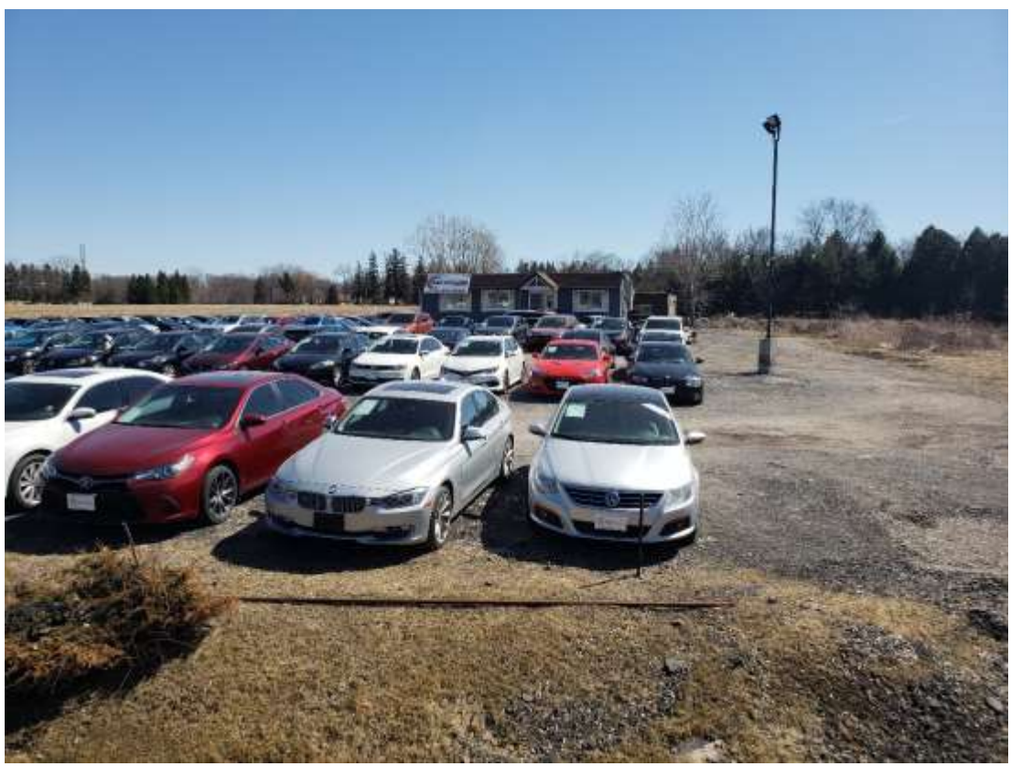
1.0 Site at a Glance

1.1 Property Description

The subject site is a relatively flat parcel located on the south side of Wharncliffe Road South between Campbell Street North and Bostwick Road. The site is serviced with municipal water but is reliant on private on-site wastewater and stormwater management control. The site is bounded on the west side by the Thornicroft Drain, which is tributary to Dingman Creek. As such, the entire property is within the Dingman Creek Screening Area for which the flood limits are under review as part of the Dingman Creek Environmental Assessment. Pre-existing mapping for the site shows approximately half of the property as being within the UTRCA Regulated Area.

The property is currently the site of an automobile sales establishment. The existing temporary zone (T-72) permits the use of a trailer instead of a permanent structure to serve as the sales office. Two trailers are currently placed on the site, one within the Arterial Commercial (AC2(9)) Zone, and one just within the limits of the Environmental Review (ER)Zone.

Wharncliffe Road South is an Arterial Road accommodating 16,500 vehicles per day.



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

- 1989 Official Plan Designation – Auto Oriented Commercial Corridor and Environmental Review
- The London Plan Place Type – Neighbourhoods and Green Space
- Southwest Area Secondary Plan – Commercial and Open Space (prevails over 1989 Official Plan and The London Plan where more detailed or alternative direction is provided in the Secondary Plan)
- Existing Zoning – Holding Arterial Commercial Special Provision/Temporary (h-17·h-142·AC2(11)/T-72) Zone

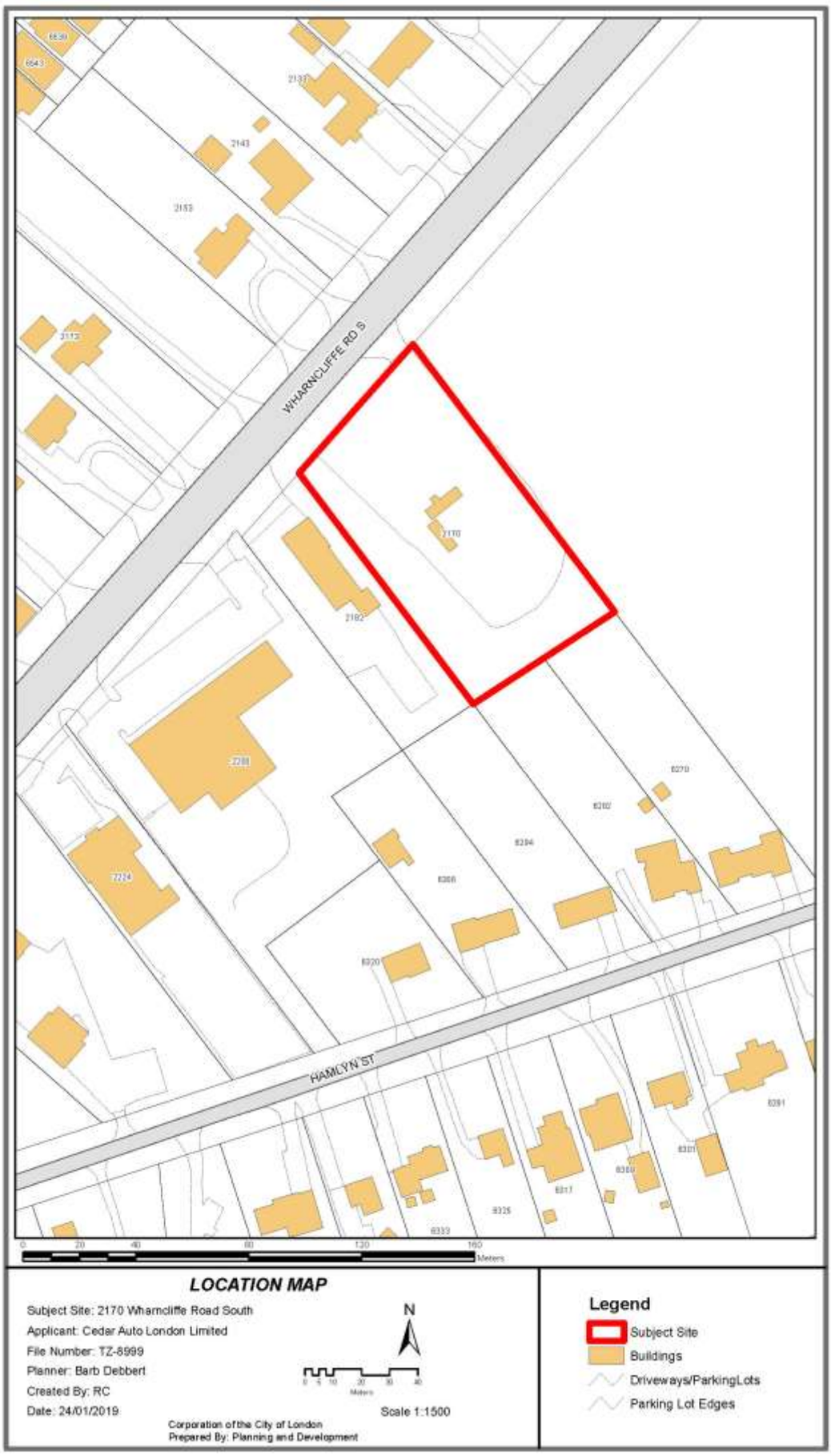
1.3 Site Characteristics

- Current Land Use – Automobile Sales Establishment (with a temporary trailer as the sales office)
- Frontage – 60.1 metres (197 feet)
- Depth – 110 metres (361 feet)
- Area – 0.6 ha (1.6 ac.)
- Shape – irregular rectangle

1.4 Surrounding Land Uses

- North – Residential
- East – Vacant land designated for future commercial and residential development
- South – Residential
- West – Commercial

1.5 LOCATION MAP



2.0 Description of Proposal

2.1 Development Proposal

No development is proposed as a result of this application. It is simply to allow for the extension of the Temporary Use (T-72) Zone.

3.0 Relevant Background

3.1 Planning History

In 2012, City Council passed a by-law changing the zoning of the east portion of the property from a Holding Arterial Commercial (h-17·AC2) Zone to a Holding Arterial Commercial Special Provision (h-17·h-142·AC2(9)) Zone.

The special provision zone added an automobile sales establishment as a permitted use and further allowed the automobile sales establishment to operate from a temporary sales trailer until December 5, 2015. The rationale was that that the timing of the provision of future services for the construction of a permanent building for the long term development of the land was unknown. The intent was that after December 5, 2015, the permissions for the temporary trailer would expire and the construction of a permanent building would be required. At that time, the site plan approval process would be required, and elements related to site design, parking, access, lighting, etc. would be dealt with to address neighbourhood concerns about the aesthetics and impacts of the site.

The h-17 holding provision requires full municipal sanitary sewer and water services to ensure the adequate provision of municipal services. Permitted interim uses include dry uses on individual sanitary facilities permitted by the applied zone.

The h-142 holding provision requires urban design objectives to be met, and provision made for joint access with the property to the east of the subject site, prior to development.

A review of aerial photographs of the site indicate that the use, including the temporary trailer, was established in 2012. In 2014, an additional trailer was placed on the property behind the original trailer, and in 2015 the additional trailer was moved to its current location perpendicular to Wharncliffe Road South adjacent to the original trailer.

In November, 2015, City Council passed a by-law changing the zoning of the east portion of the property from the Holding Arterial Commercial Special Provision (h-17·h-142·AC2(9)) Zone to a Holding Arterial Commercial Special Provision/Temporary (h-17·h-142·AC2(11)/T-72) Zone. The effect of this amendment was to retain an automobile sales establishment as a permitted use, create a temporary use provision to allow the temporary sales trailer in association with that use, and to extend the period of time during which the temporary sales trailer is permitted, to November 10, 2018.

3.2 Requested Amendment

The applicant has requested the extension of the Temporary Use (T-72) Zone for an additional period of three (3) years. The most recent Temporary Use Zone allows a temporary sales trailer, in association with an automobile sales establishment. The applicant also requested that an additional trailer located on the site be recognized as a permitted business-related structure, and that the recently adopted trailer regulations of Section 4.4 of the Zoning By-law not apply to the existing trailers on the site.

Following discussions with Staff, the applicant changed the application to request a two (2) year extension and to withdraw the request to permit the second trailer and the request to exempt that trailer from the trailer regulations of Section 4.4.

3.3 Community Engagement (see more detail in Appendix B)

One (1) member of the public replied to this application, objecting to the extension of the temporary by-law permitting the continued use of an automobile dealership. Reasons for the objection included:

- Not an appropriate location for the use;
- Aesthetics of the site;
- Negative impact of harmful chemicals leaching into the soil and into the Thornicroft Drain.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. 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 (1.1.1 b);
- avoiding development and land use patterns which may cause environmental or public health and safety concerns (1.1.1 c);
- promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (1.1.1 e).

In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

The two (2) year extension with the goal of the construction of a permanent building within that time will help to efficiently use the land in a manner that is privately serviced by the best available long-term servicing strategy for a dry use, in an area where municipal services are not planned. The intended removal of the second trailer from the Environmental Review (ER) Zone in the short term reduces the risk of environmental and safety concerns. Over the longer-term, the construction of a permanent building will require the approval of the UTRCA and the City, at which time a formal review of suitable floodproofing and stormwater management control measures will be conducted.

The recommended two (2) year extension for the temporary sales trailer is consistent with the Provincial Policy Statement.

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

The subject site is within the Neighbourhoods Place Type and the Green Space Place Type on *Map 1 – Place Types in The London Plan.

1989 Official Plan

The subject property is within the Auto-oriented Commercial Corridor and Environmental Review designations. The request for extension of the temporary use affects only those lands in the Auto-oriented Commercial Corridor.

Areas designated Auto-oriented Commercial Corridor are primarily intended for commercial uses that cater to the commercial needs of the traveling public. Types of service commercial uses that generate significant amounts of traffic and draw patrons from a wide area may also be located within these areas. These uses have limited

opportunity to locate within Commercial Nodes or Main Street Commercial Corridors by reason of their building form, site area, location, access or exposure requirements; or have associated nuisance impacts that lessen their suitability for a location near residential areas. (OP, 4.4.2)

The Auto-oriented Commercial Corridor designation permits a range of commercial uses, including automotive uses and services. (OP, 4.4.2.4).

Southwest Area Secondary Plan (SWAP)

The subject property is designated Commercial and Open Space within the Lambeth Residential Neighbourhood Area of the Southwest Area Secondary Plan. The Commercial policies provide for existing and future development of commercial uses on the south side of Wharncliffe Road South (SWAP, 20.5.7 i). Permitted uses include automotive uses and services, since the list of permitted uses refers back to the primary permitted uses of the Auto-oriented Commercial Corridor designation of the 1989 Official Plan (SWAP, 20.5.7.3). Where more detailed or alternative direction is provided in the SWAP, the SWAP policies prevail over those in the 1989 Official Plan and The London Plan (SWAP, 20.5.1.2). Notwithstanding the application of the Neighbourhoods Place Type in The London Plan, the automotive uses and services identified through SWAP have been and continue to be permitted from a policy perspective.

3.5 Additional Background

The addition of the second trailer, and its move to land within the Environmental Review (ER) Zone on the west part of the site do not comply with the Zoning By-law with respect to the Arterial Commercial land use regulations, and the trailer regulations that were adopted by Council in 2017. As such, they could be subject to enforcement activity by the City. From time to time, cars are also parked within the (ER) Zone. In addition, aerial photography overlaid with property lines would suggest that the cars parked along the east property boundary may be located wholly or partially on the neighbouring property, which could become a civil matter and is also not compliant with the Zoning By-law.

Further to discussions with City staff, the owner has agreed to work with City staff to ensure that cars are appropriately located on the site and have removed the second trailer from the site in order to bring the site into by-law compliance. The owner has also

amended the application to withdraw the request to permit the second trailer and the request to exempt that trailer from the trailer regulations of Section 4.4.

In the interim period prior to replacement of the remaining single trailer with a permanent building as discussed elsewhere in this report, City staff will monitor the property to ensure that all site operations are located on the portion of the property that is zoned Holding Arterial Commercial Special Provision/Temporary (h-17·h-142·AC2(11) /T-72) Zone and that there is only one trailer on the site. City staff will also work with the property owner to establish an appropriate means of delineating the limits for automobile parking adjacent to the Environmental Review (ER) Zone.

4.0 Key Issues and Considerations

4.1 Zoning Status of the Existing Automobile Sales Establishment

One area resident objected to the automobile sales establishment on this property for reasons related to the location of the automobile dealership, aesthetics and potential harmful impacts on the Thornicroft Drain.

The eastern portion of the property has been zoned to permit the automobile sales establishment use on a permanent basis since 2011. This zoning was approved by City Council following a public planning process and thorough review of the Auto-oriented Commercial Corridor designation and other relevant policies of the Official Plan in force at that time.

The Auto-oriented Commercial Corridor designation provides locations for a broad range of commercial uses, that, for the most part, are not suited to locations within Commercial Nodes or Main Street Commercial Corridors because of their building form, site area, access or exposure requirements. (OP, 4.4.2). Permitted uses include automotive services and uses, (OP, 4.4.2.4), allowing for the consideration of an automobile sales establishment at this location.

Site design and aesthetics concerns were also raised as issues and considered as part of the 2011 planning review process. As a result, the h-103 holding provision was applied to the site to require that urban design be considered as part of the site plan review process, and that a development agreement be entered into to ensure the orderly development of the site. Site plan approval will be required for the construction of a permanent building on the site. The general urban design policies (OP, Chapter 11) and specific urban design objectives for commercial properties in the 1989 Official Plan (OP, 4.4.2.2 i), policies respecting the character and commercial built form and intensity for commercial uses in the Lambeth Residential Neighbourhood Area (SWAP, 20.5.7 ii) and 20.5.7.3 iii)), and the in-force policies of the *(partially in force and effect) City Design Chapter of The London Plan will be evaluated as part of the site plan review. These policies include such principles as supporting and complementing the character of the Lambeth Village Core and contributing to the gateway into the community, enhanced street edge landscaping, joint access, and building aesthetics. The SWAP policies and the existing zoning also limit the gross floor area of the use to 300 square metres. In more detail, site plan approval will address such matters as building location, massing and design, building-street interface, parking design and delineation, landscaping and lighting.

The health of the Thornicroft Drain was also raised as an issue during Council's 2011 deliberations on the proposed automobile sales establishment and the use of a trailer as a temporary sales office on the site. At that time, City staff reported that "*the applicant had submitted to the City assurances, through a stamped engineer's letter that quality and quantity of storm water will not have an adverse impact on the Thornicroft Drain or the watershed. This letter has been reviewed by and is to the satisfaction of Engineering staff*" and further that "*The UTRCA has been contacted and has no concerns with the solution proposed*". The recommended two (2) year extension will not involve changes to the site that would change the assessment that was made at the time. At the site plan approval stage for a permanent building, the UTRCA will be consulted and involved in

the approval of permanent quality and quantity control stormwater management (SWM) measures that comply with the SWM criteria for the Thornicroft Drain and the Dingman Creek Subwatershed Study.

The use of an automobile sales establishment is not the subject of this application. It deals only with the appropriateness of allowing the use to be operated with a temporary trailer instead of a permanent building or structure. The merits of extending the permission for the temporary trailer are addressed in Section 4.2 of this report.

4.2 Servicing Limitations and Form of Development

No municipal sanitary sewer or storm sewer services are available on Wharncliffe Road South to service this site. Furthermore, the City's Growth Management Implementation Strategy Update 2019 (GMIS), which identifies the planned municipal infrastructure construction dates for 5 year, 6 – 10 year, and 10+ projects, does not include the construction of these services within the specified time frames. Since the original intent of the temporary (T-72) Zone was that construction of a permanent building on the site would occur by 2015, City staff reviewed the appropriateness of continuing permissions for a temporary trailer on the site, and the potential for a permanent building as an alternative.

The London Plan
The London Plan provides Council the ability to pass by-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited. Temporary uses may be established and renewed for periods not exceeding three (3) years. In enacting a Temporary Use By-law, council shall have regard for matters related to compatibility, temporary structures, services, transportation impacts, access, parking, the potential for long-term use of the subject lands, and the degree to which the temporary use may be frustrating the viability of the intended long-term use of the land. (TLP 1672_). Furthermore, it is not intended that temporary uses will be permitted on a long-term basis.

Three of the evaluation criteria for Temporary Uses in The London Plan merit further consideration:

- Any requirement for temporary buildings or structure in association with the proposed use;
- The potential long-term use of the temporary use.
- The degree to which the temporary use may be frustrating the viability of the intended long-term use of the land.

The temporary use provision allows for one temporary trailer yet it seems the business model for the permitted automobile sales establishment requires more space, as evidenced by the addition of a second trailer on the site. It is expected that the construction of a larger, functional permanent building to replace the trailer on the site will address ongoing pressure for additional temporary office and storage space.

The extension of any municipal storm or sanitary sewers fronting the site is not imminent and will depend on future local improvement initiatives. The extension of sanitary sewers fronting the site is not currently included in any future projects identified within City's Growth Management Implementation Strategy (GMIS). If the status quo is maintained and Council continues to renew permission for the temporary trailer, it is likely that the situation will exist for a number of years. This development is not considered beneficial for the gateway to the Lambeth main street corridor.

The site is currently occupied by a use for which it is zoned, however, from a broader perspective, the planning goal is for the site to be developed in accordance with site plan and engineering approvals that are best achieved through the implementation of a registered development agreement. Allowing the continued use of a trailer for the sales office does not encourage the owner to pursue a permanent building. The construction of a permanent building will trigger the need for site plan approval.

In an effort to evaluate whether the construction of a permanent building might be feasible, some investigation of engineering and hazard constraints was conducted.

With respect to the expected viability of a proposal to develop a dry use on these lands, The London Plan considers planning and development proposals that will not have access to the necessary civic infrastructure within a three year period to be premature (TLP, *460_). For sanitary services, partial services are permitted only where they are necessary to address failed individual on-site sewage services in existing developments where no other alternatives exist and where site conditions are suitable for the long-term provision of these services (TLP, 471_). This site is already serviced by a septic bed that may have outlived its usefulness and would benefit from a full technical review as part of the development approvals for the site. The property is already zoned and being used for the permitted use of an automobile establishment. The City will work with the applicant to ensure suitable on-site services are provided.

City staff consulted the Upper Thames River Conservation Authority regarding the likelihood permits under Section 28 of the *Conservation Authorities Act* could be considered in view of the inclusion of this property in the Dingman Creek Screening Area. The UTRCA replied it "*would be willing to consider the construction of a permanent dry structure on these lands. With this being said, we would require further information in terms of flood depth, building location, building floodproofing and an appropriate parking area for the car lot associated with the structure*."

Based on the above, it is not appropriate to allow a temporary trailer on the site over the long-term. The owner will, however, need time to conduct more detailed investigation and apply for site plan approval and Section 28 permits, and to develop the site in accordance with those approvals. It is, therefore, recommended that the Temporary Use By-law be extended for a reduced period of two (2) years in order to encourage the owner to take action on these items.

In its site specific context, the recommended two (2) year extension is appropriate and conforms to The London Plan

1989 Official Plan

The Official Plan provides Council the ability to pass by-laws to authorize the temporary use of land, buildings or structures for a purpose that is otherwise prohibited. Temporary uses may be established and renewed for periods not exceeding three (3) years. In enacting a Temporary Use By-law, council shall have regard for matters related to compatibility, temporary structures, services, transportation impacts, access, parking, and the potential for long-term use of the subject lands (OP, 19.4.5).

The temporary use provisions of The London Plan are in force and effect, and subsume and exceed the evaluation criteria under the 1989 Official Plan. Therefore the commentary in The London Plan with respect to the evaluation of Temporary Uses is sufficient and requires no further discussion.

As part of the evaluation of the potential for the construction of a permanent building on the site, the servicing policies of the 1989 Official Plan are relevant.

The Holding (h-17) zoning provision allows dry uses as a permitted interim use in the absence of full municipal services. The 1989 Official Plan establishes a sanitary servicing hierarchy, preferring the extension of servicing from one of the centralized municipal sewage treatment plants, but allowing other solutions including an individual on-site wastewater treatment system where the other solutions are not feasible. (OP, 17.2.2). A "dry use" must demonstrate compliance with the Ontario Building Code for the required water supply and sewage disposal requirements. Municipal water is available on Wharncliffe Road for this property. As part of a site plan application and application for building permit, the owner will be required to demonstrate that a septic system can be established to service an office building on the site.

In its site specific context, the recommended two (2) year extension is appropriate and conforms to the 1989 Official Plan.

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

5.0 Conclusion

The applicant has modified his application to request a two (2) year extension of the temporary trailer in association with the permitted automobile sales establishment. This modified request was a result of discussions between City staff and the owner regarding the merits of constructing of a permanent building as a dry use, to replace the trailer. The recommended two (2) year extension is intended to provide the owner time to obtain the necessary approvals and permits related to the long-term development of the site. Matters including approval of a private septic system and on-site stormwater management, flood control, protection of the Thornicroft Drain, building location, massing and design, building-street interface, driveway and parking area delineation, landscaping and lighting will be addressed. This strategy is consistent with the Provincial Policy Statement, conforms to The London Plan and the 1989 Official Plan, and represents good planning.

Prepared by:	**Barb Debbert, Senior Planner** **Development Services**
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

April 3, 2019
MT/mt

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File: TZ-8999
Planner: B. Debbert

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 2170 Wharncliffe Road South.

WHEREAS Cedar Auto London Limited has applied to rezone an area of land located at 2170 Wharncliffe Road South, 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) Section Number 50.2(72) of the Temporary Use (T) Zone is amended by adding the following subsection to the existing text, for the property known municipally as 2170 Wharncliffe Road South:

72) T-72

This Temporary Use is hereby extended for an additional two (2) years beginning April 23, 2019.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act*, *R.S.O. 1990, c. P13,* either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on April 23, 2019.

File: TZ-8999
Planner: B. Debbert

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – April 23, 2019
Second Reading – April 23, 2019
Third Reading – April 23, 2019

Appendix B – Public Engagement

Community Engagement

Public liaison: On January 16, 2019, Notice of Application was sent to 25 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 17, 2019. A "Planning Application" sign was also posted on the site.

1 reply was received

Nature of Liaison: Zoning amendment to allow continued use of property for a temporary sales trailer, in association with an automobile sales establishment for an additional three (3) years.

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

Concern for:

- Not an appropriate location for the use;
- Aesthetics of the site;
- Negative impact of harmful chemicals leaching into the soil and into the Thornicroft Drain.

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
	Gary Carmichael Address withheld

From: Jason N
Sent: Monday, January 28, 2019 12:05 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: Planning application for 2170 Wharncliffe Rd

I think it's in the best interest of the surrounding community and the environment that the temporary by law allowing for use of this site as an auto dealership not be renewed. The dealership is out of place, an eye sore and more importantly there is potential for harmful chemicals leaching into the soils on the site and ending up in the natural stream adjacent to the dealership, which will affect the ecology of the region.

Please consider rejecting this application, as it is not in the best interests of the community and the environment we so importantly need to protect. There is an abundance of sites further north on Wharncliffe Rd that are much better suited to this type of land use. The applicant / dealership should seek a lot there, next to all the other dealerships and not continue to disturb our environment, our stream and the community in Lambeth. I do not want to see any dead fish or an unnatural change in the ecology of the immediate area due to a misplaced auto dealership, especially when there are a plethora of other sites as options further to the north or even on other auto-oriented arteries in London, like Dundas St, Oxford St, etc.

Gary Carmichael
Concerned resident of Lambeth

Agency/Departmental Comments

Upper Thames River Conservation Authority (January 28, 2019)

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application with regard for the policies in the *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006).* These policies include

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

Proposal
The applicant is proposing to continue the existing use of the lands for temporary sales trailer, in association with an automobile sales establishment for an additional three (3) years.

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

Dingman Creek Stormwater Servicing Class Environmental Assessment (EA)
The subject lands are located within the Dingman Creek Subwatershed, forming part of the Dingman Creek EA. As shown on the attached Dingman Subwatershed Screening Area map, the subject lands are located within the Screening Area.

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

3.2.2 General Natural Hazard Policies
These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands which is consistent with the Provincial Policy Statement (PPS) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.
3.2.3 Riverine Flooding Hazard Policies
These policies address matters such as the provision of detailed floodplain mapping, floodplain planning approach, and uses that may be allowed in the floodplain subject to satisfying UTRCA permit requirements.

Drinking Water Source Protection, *Clean Water Act*
The *Clean Water Act* (CWA), 2006 is intended to protect existing and future sources of drinking water. The Act is part of the Ontario government's commitment to implement the recommendations of the Walkerton Inquiry as well as protecting and enhancing human health and the environment. The CWA sets out a framework for source protection planning on a watershed basis with Source Protection Areas established based on the watershed boundaries of Ontario's 36 Conservation Authorities. The Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have entered into a partnership for The Thames-Sydenham Source Protection Region.
The Assessment Report for the Upper Thames watershed delineates three types of vulnerable areas: Wellhead Protection Areas, Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas. Mapping which identifies these areas is available at:
http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport
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
As indicated, the subject lands are regulated by the UTRCA and are located within the Dingman Subwatershed Screening Area. As this application is for the continuation of an existing use, the UTRCA has no objections to the application and Section 28 Permit will not be required.

Upper Thames River Conservation Authority (March 8, 2019)

Development Services Note: This reply was provided in response to the City Development Services proposal to pursue the construction of a permanent building on the site.

Given the modeling of the Dingman Screening Area for this property and the generally flat landscape of the surrounding area, the UTRCA would be willing to consider the construction of a permanent dry structure on these lands. With this being said, we would require further information in terms of flood depth, building location, building floodproofing and an appropriate parking area for the car lot associated with the structure.

Heritage (February 18, 2019)

Please be advised that there is archaeological potential identified at 2170 Wharncliffe Rd S and there is no indication in our records that this property has been cleared of its potential. However, no archaeological assessment is being required due to the scope of work for this application (at this time) being limited to the extension of temporary use zoning. Note that an archaeological assessment may be required in the future if work will likely result in any ground disturbance.

Engineering (March 11, 2019)

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned pre-application:

There are no concerns with proposed Zoning By-Law Amendment. However, it is to be noted that extension of any municipal storm or sanitary sewers fronting the

site is not imminent and will depend on future local improvement initiatives. Extension of sanitary sewers fronting the site is not currently included in any future projects identified within City's Growth Management Implementation Strategy (GMIS).

The following items are to be considered during any future site plan application approval stage to establish a permanent structure on site.

Sanitary

- There is no municipal sanitary sewer on Wharncliffe Road South for the subject lands.
- Existing trailer and/or any future permanent structures must be serviced utilizing a private on-site sanitary sewage disposal system.

Transportation

- Detailed comments regarding access design and location will be provided through the site plan.

Water

- As set-out in Section 17.7.2(i) of the City of London Official Plan and Policy 474_4 of The London Plan, all development within the Urban Growth Area shall be serviced by the City of London water supply system. As such a new water service connection will be required to be installed to provide water servicing to the subject lands.
- All existing wells within the subject lands shall be abandoned and decommissioned in accordance with the applicable legislation and regulations.

Stormwater

- There is no municipal storm sewer on Wharncliffe Road South to service the subject land. Subject to UTRCA and City approval, the site will outlet directly to the Thornicroft Drain adjacent to the property.
- A hydraulic analysis will be required to establish the high water level associated with the 250 year storm for Thornicroft Drain adjacent to the property.
- Permanent quantity and quality control measures will be required for the site to comply with SWM criteria for Thornicroft Drain and Dingman Creek Subwatershed Study.
- For the proposed parking spaces, the owner shall be required to have a consulting Professional Engineer confirming how the water quality will be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) 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, Low Impact Development (LID) solutions, etc.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution and rationale about the following points:
    - Description of relevant site features, including topography and surface water drainage, regional overburden geology, regional hydrogeology, and proximity to nearby natural heritage features (e.g., stream, ponds, wetlands, woodlots, etc.).
    - Advancement of boreholes at the site, including the installation of a minimum of one monitoring well.
    - Infiltration measurements from areas within the Site using standards infiltration/percolation testing methods (e.g., Guelph Permeameter Test, Double-ring infiltrometer test, etc.).
    - Description of the measured relevant site hydrogeological information, including aquifer properties (e.g., hydraulic conductivity) and static groundwater levels.

  - Establishing seasonal fluctuations in water levels, including capturing a representative seasonal high elevation. Note that the use of borehole and/or test pit observations to establish both static water levels and potential seasonal fluctuations is not standard practice.
- Additional SWM related comments may be required and provided upon future review of this site.

Environmental and Parks Planning (February 14, 2019)

Required setback to the stream channel will be required to be delineated with some feature to ensure no encroachment.

Sun-Canadian Pipe Line (January 16, 2019)

Sun-Canadian has no facilities in this area and we have no objection to the proposed by-law amendment.

London Hydro (January 23, 2019)

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Appendix 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
Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
1.1.1 b)
1.1.1 c)
1.1.1 e)
1.1.3.2
1.1.3.7 b)
Section 1.6 Infrastructure and Public Service Facilities
1.6.6.2
1.7 Long Term Economic Prosperity
1.7.1 a)
1.7.1 d)
Section 2.1 Natural Heritage
2.1.1
Section 3.1 Natural Hazards
3.1.1

1989 Official Plan
Auto-oriented Commercial Corridor Designation
4.4.2
4.4.2.4 – Permitted Use
4.4.2.2 i) – Urban Design Objectives
Urban Design Priniciples
11.1 – Urban Design Principles
Sanitary Sewerage
17.2.2 – Servicing Hierarchy
Zoning
19.4.5 – Temporary Use

The London Plan
Neighbourhoods
*OUR VISION FOR THE NEIGHBOURHOODS PLACE TYPE – 916_
PERMITTED USES – *921_
FORM - *936_
*Table 10 – Range of Permitted Uses in Neighbourhoods Place Type
Our Tools
TEMPORARY USE PROVISIONS – 1671_, 1672_, 1673_
Civic Infrastructure
POLICIES FOR ALL INFRASTRUCTURE - *460_, 471_
SANITARY SEWER INFRASTRUCTURE – 473_
STORM DRAINAGE AND STORMWATER MANAGEMENT – 475_

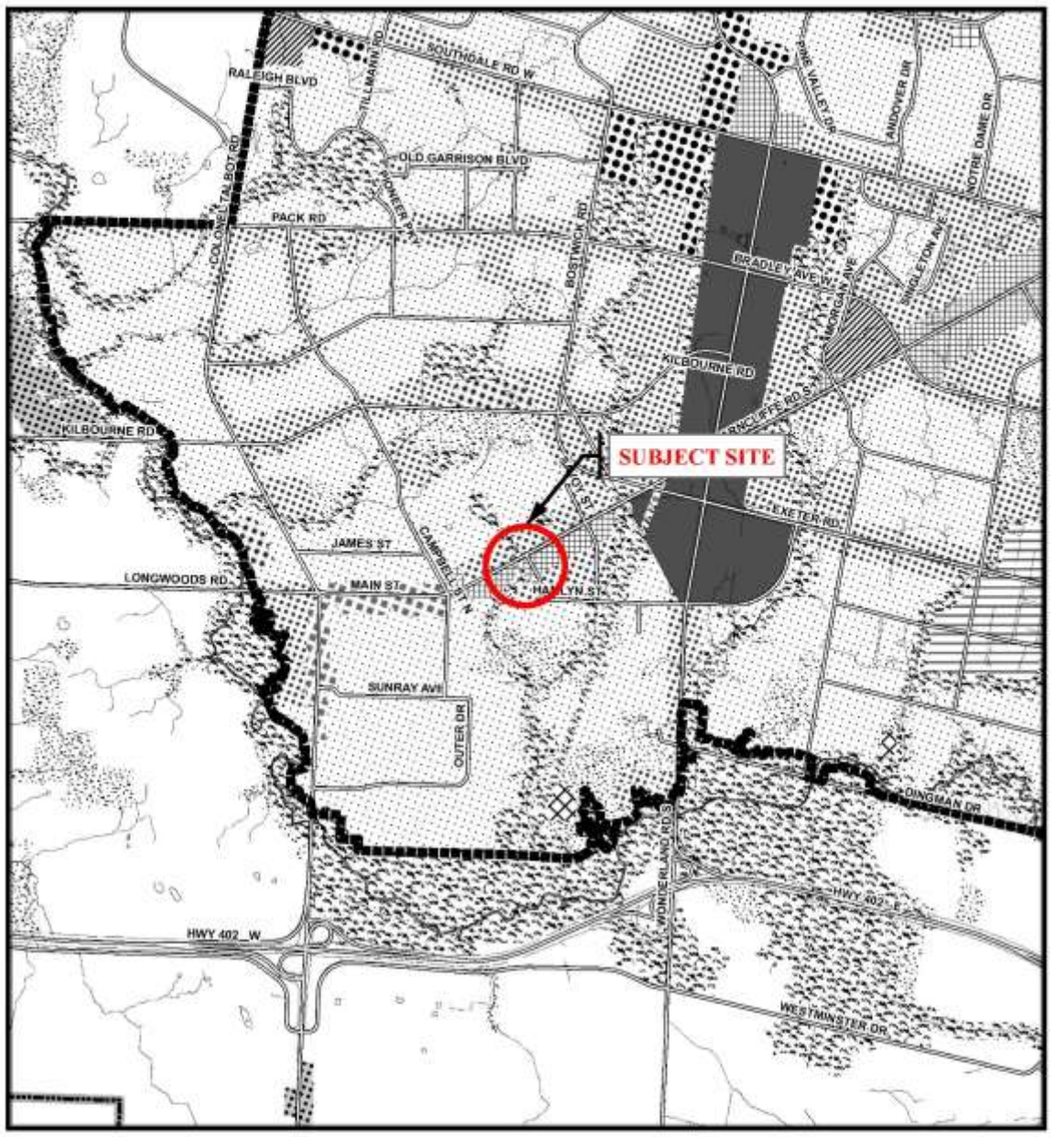
Southwest Area Secondary Plan
20.5.7 – Lambeth Neighbourhood
20.5.7 i) – Function and Purpose
20.5.7 ii) - Character
20.5.7.3 – Commercial
20.5.7.3 i) – Intent
20.5.7.3 ii) – Permitted Uses
20.5.7.3 iii) – Built Form and Intensity

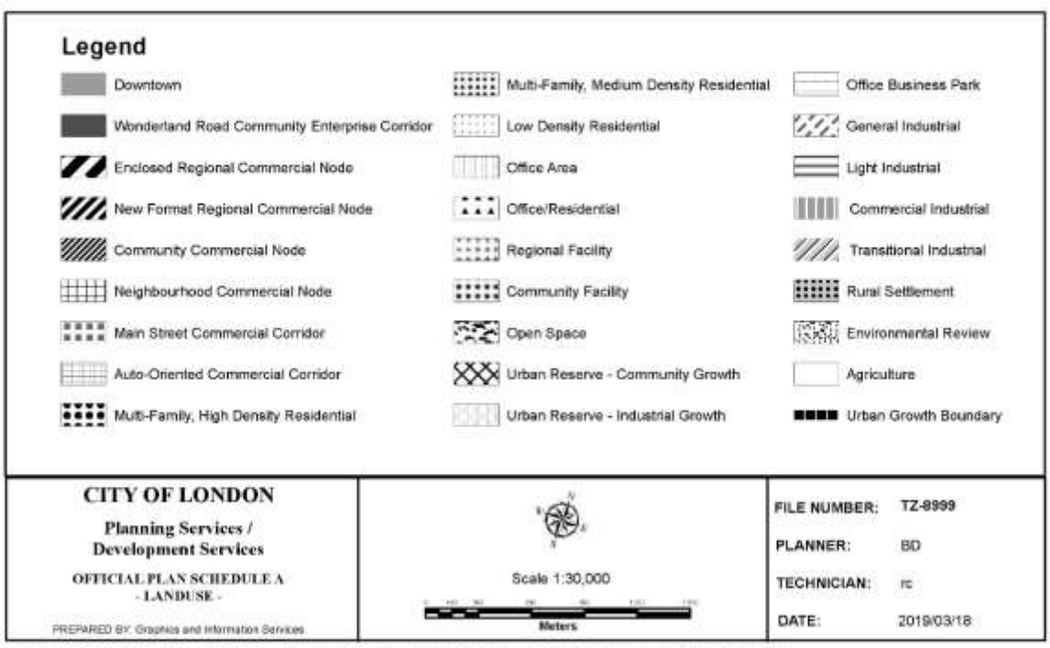
Zoning By-law Z.-1

Appendix D – Relevant Background

Additional Maps

1989 Official Plan Schedule A – Land Use





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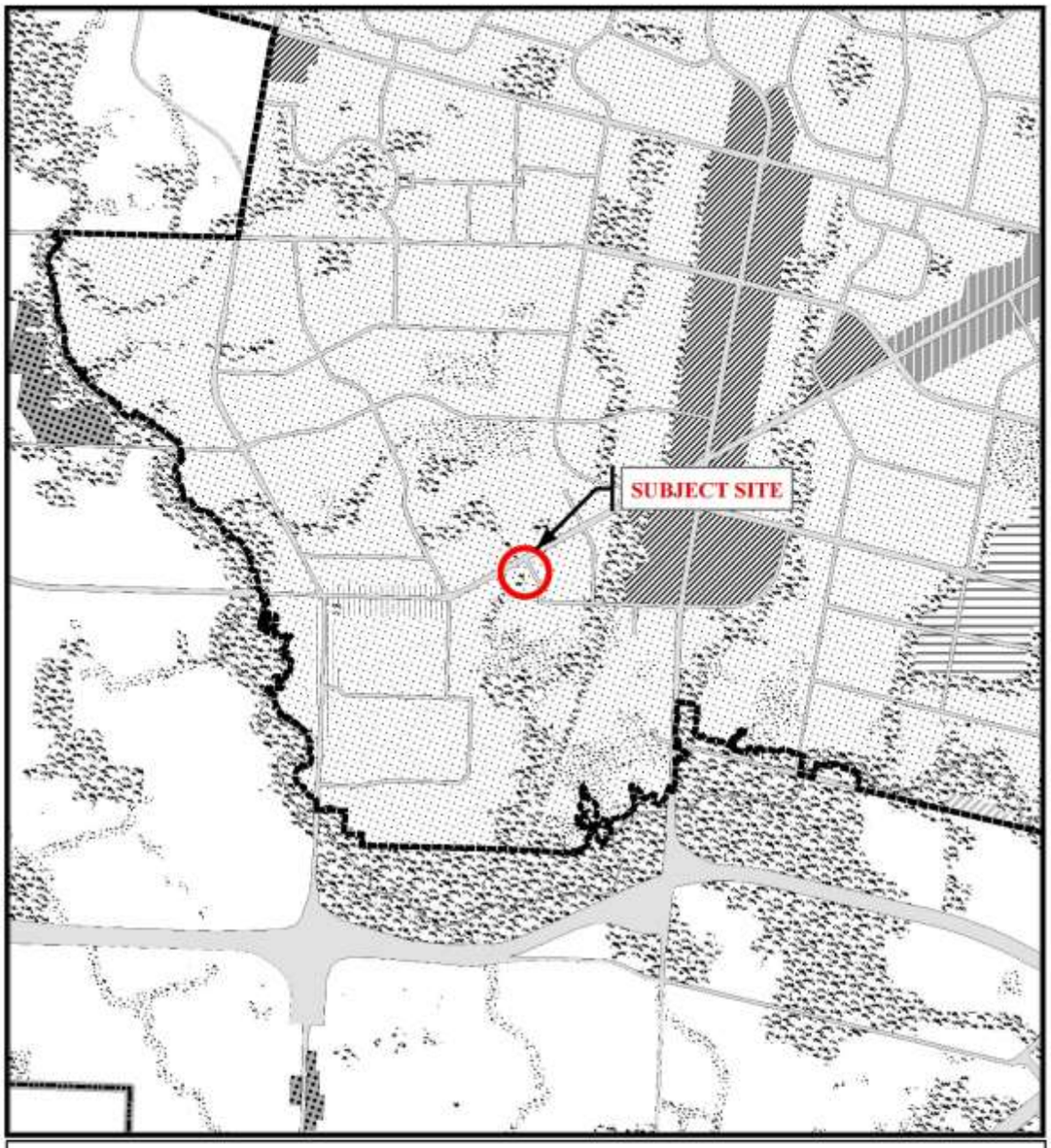
File: TZ-8999
Planner: B. Debbert

The London Plan – Map 1 – Land Use



Legend

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

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

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

CITY OF LONDON
Planning Services / Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services

Scale 1:30,000

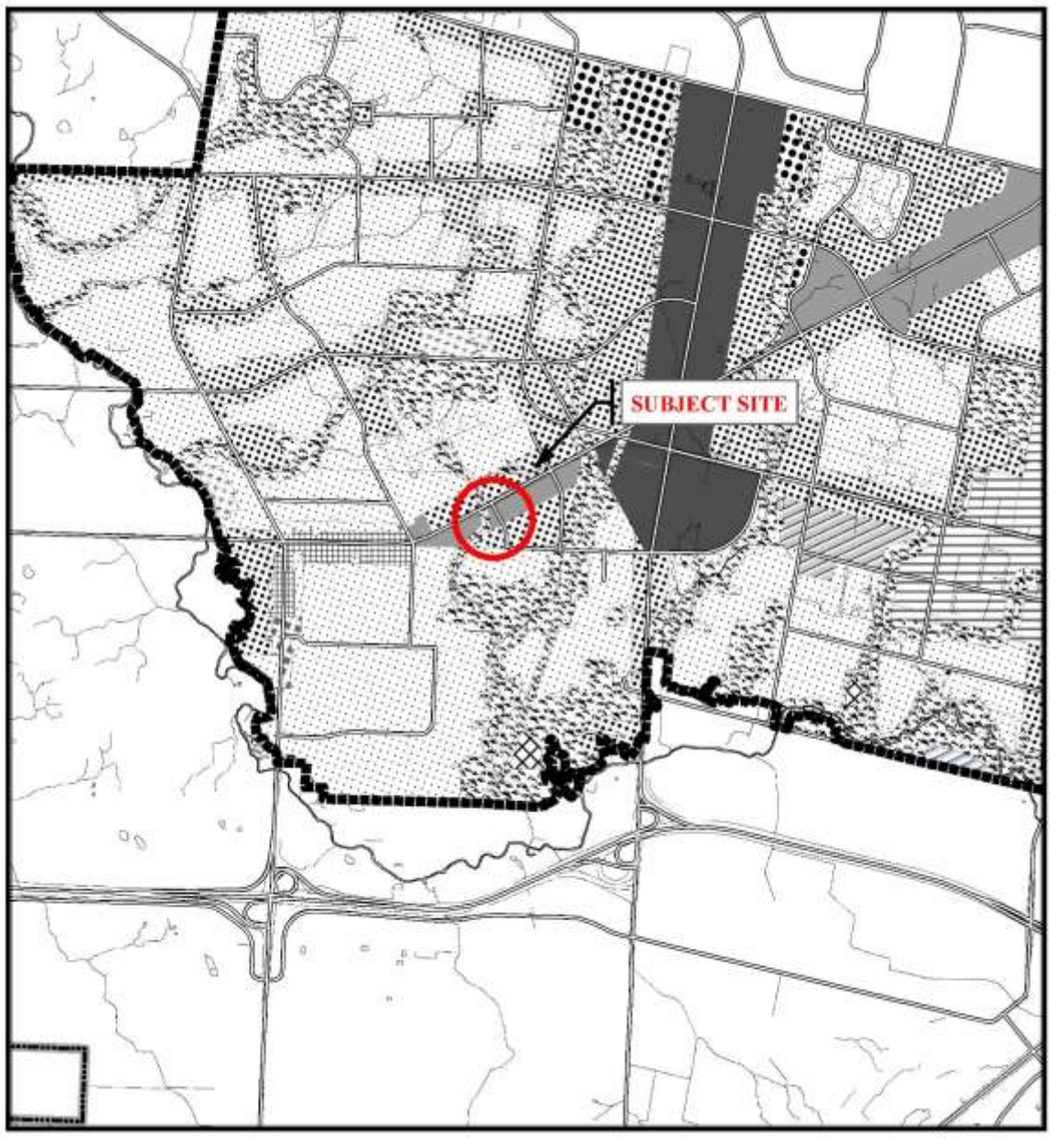
Meters

File Number:	TZ-8999
Planner:	BD
Technician	rc
Date:	March 18, 2019

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\10.3.1 Versions\mxds\TZ-8999 -EXCERPT_Map1_PlaceTypes_b&w_8x14.m

File: TZ-8999
Planner: B. Debbert

Southwest Area Secondary Plan – Land Use



Legend

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

CITY OF LONDON
Planning Services / Development Services
SOUTHWEST AREA STUDY SECONDARY PLAN - LANDUSE -
PREPARED BY: Graphics and Information Services

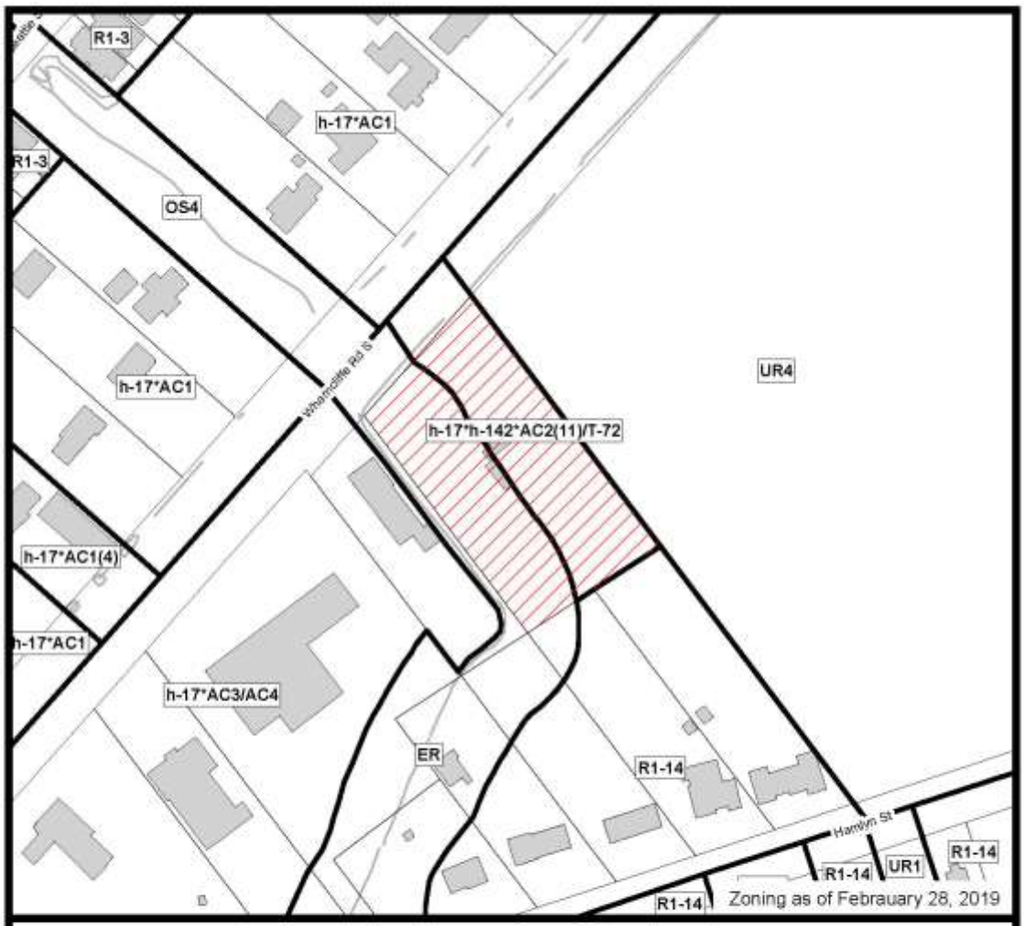
Scale 1:30,000
Meters

FILE NUMBER:	TZ-8999
PLANNER:	BD
TECHNICIAN:	rc
DATE:	2019/03/18

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

File: TZ-8999
Planner: B. Debbert

Zoning By-law Z.-1 Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: TZ-8999 BD

MAP PREPARED: 2019/03/18 rc

1:2,000
0 10 20 40 60 80 Meters

File: TZ-8999
Planner: B. Debbert

Additional Reports

Z-7944 – 2170 Wharncliffe Road South – Built and Natural Environment Committee October 17, 2011
Staff Recommendation – Change zoning from a Holding Arterial Commercial (h-17·AC2) Zone to a Holding Arterial Commercial Special Provision (h-80·h-103·AC2( )) Zone to permit the additional use of automobile sales and service establishment, with holding provisions to require full municipal services, and to require that urban design be considered during the site plan review process and a development agreement be entered into prior to development on the site.

Z-7944 – 2170 Wharncliffe Road South – Built and Natural Environment Committee November 28, 2011
Staff Recommendation as result of referral back – Change zoning from a Holding Arterial Commercial (h-17·AC2) Zone to a Holding Arterial Commercial (h-17·h-*·AC2( )) Zone to permit the additional use of automobile sales and service establishment, associated with a permanent structure or building, and an automobile sales and service establishment associated with a temporary sales trailer prior to December 5, 2015. Holding provisions to require water and sanitary services prior to development with the exception of dry uses on approved private sanitary services, and to require that urban design and joint access with the property to the east be addressed during the site plan review process and a development agreement be entered into prior to development on the site.

TZ-8520 – 2170 Wharncliffe Road South – Planning & Environment Committee November 2, 2015
Staff Recommendation – Change the zoning from a Holding Arterial Commercial Special Provision (h-17·h-142·AC2(9)) Zone to a Holding Arterial Commercial Special Provision/Temporary(h-17·h-142·AC2( ))·T-_) Zone to continue to permit an Automobile Sales Establishment and add a Temporary Use Zone to permit a temporary sales trailer, in association with an automobile sales establishment, for a period not exceeding three years beginning November 10, 2015.

PUBLIC PARTICIPATION MEETING COMMENTS

3.3 PUBLIC PARTICIPATION MEETING – Application – 2170 Wharncliffe Road South (TZ-8999)

- *(Councillor S. Turner wondering if the applicant has made any movement towards a permanent structure on this location during the period of time during the temporary use or if it has just been status quo since the last time they applied for a permit.)*; Ms. B. Debbert, Senior Planner, indicating that it is her understanding that the applicant has been intending to build a permanent building but was under the impression that, with the current zoning, it simply was not possible until services were provided so it was not until they took a more in-depth look at the details of the holding provision that they realized that if the applicant was willing to build a dry use he could go ahead and start looking at building a permanent building; it was a little bit of information provision to the applicant that helped prompt an agreement to this approach; *(Councillor S. Turner enquiring about the encroachment on the ER, the boundary delineations on the property, had any previous warnings or notifications been given as to the property delineation and appropriate uses.)*; Ms. B. Debbert, Senior Planner, indicating that, in 2015, when they renewed the holding provision, Planning staff, along with Parks Planning staff went out to the site to help the owner delineate that area, the difficulty has been because of the state of the site, planting trees or something quite permanent is difficult; there was a delineation made at the time with concrete barriers which she understands had to be removed for snow plowing in the winter time; thinking it is difficult on that site to see exactly where that parkable area; the owner is now very aware of the issue and staff will be working with them to ensure that there are not unwarranted encroachments over the next couple of years and then hopefully they will have a permanent building with permanent site plan, an asphalted area and it is going to be very clear at that point where the cars can park and where they cannot.
- *(Councillor A. Hopkins asking staff to explain what dry use means.)*; Ms. B. Debbert, Senior Planner, responding that she is not an Engineer, so if an Engineer wants to speak up they can do that but, in essence, a dry use means a use that can be accommodated with sufficient on-site sanitary system; typically, they are low water users, they would have maybe a kitchen, employee bathroom, higher water users may not be able to be accommodated on the private system and therefore it would not be permitted; *(Councillor A. Hopkins enquiring about municipal services and when they are expected in this area.)*; Mr. P. Yeoman, Director, Development Services, indicating that Ms. B. Debbert, Senior Planner, is correct, they do not have this in the GMIS; however, their 2019 DC Study does have a strategic link sewer for this portion of Wharncliffe Road South that has been identified; the 2019 Study is before you right now and, if approved, that will provide a source of funding for this; noting that we do not have a time for this that has been established, that will be looked at as being development driven in the area especially related to the lands that are immediately to the north of these lands; there will be a large development that would come in that would help trigger that work.
- *(Councillor M. Cassidy indicating that the report talks about the current septic system that is on the site and raises some concern about the condition of that septic system; wondering if we were to extend this two year temporary zoning, would there be any requirement from the applicant to make sure that that septic system is in good condition.)*; Ms. B. Debbert, Senior Planner, indicating that when that comment was included in the report, it was more with a view to this is an opportunity, if we go through the site plan process to ensure that there is a septic system there that is up to date, that is not overcapacity; no concern was expressed about that, it is more of an opportunity.
- Laverne Kirkness, Kirkness Consulting, on behalf of the applicant – advising that the owners have been operating a car dealership on the property since 2012

under temporary use; stating that this latest event that is before the Planning and Environment Committee tonight, is very helpful because the owners always wanted to have a permanent solution but because there were no services they had to stick with this trailer idea; believing that, from all sides, this two years will give them a chance to do a permanent solution with a permanent building, permanent services, even if they are private, depending on how the City's infrastructure is coming along and appropriate protection to the Thornicroft Drain and its environmental significance as well as even the woods at the back; stating that whether you are an area resident or part of the government or the applicant, this permanent solution will allow them to enter into a site plan approval application and a development agreement that will deal with all these issues comprehensively and basically implement the Official Plan and the existing zoning which permits auto dealerships, just not on a permanent basis given the situation as it was; advising that the applicants wanted him to thank the Planning Office, in particular Ms. B. Debbert, Senior Planner, who has been coming back and forth down to the site to work this thing through and yes, they have amended their application and they have pulled back and they have already gotten rid of the second trailer and they want to comply and now that they can do a permanent solution, and work towards a permanent solution over the next two years, things are really looking good for them; asking the Planning and Environment Committee to simply support what the Planning staff have brought to them so that they can get on with that permanent solution; *(Councillor S. Turner enquiring how the cars are washed; realizing that is a strange question but there was some discussion about dry use versus heavy water usage; there are approximately fifty cars on the lot from what he could see.*); Mr. L. Kirkness, Kirkness Consulting, responding that the owners have another site where that maintenance is looked after further along Wharncliffe Road South where there are services but there was a previous use on this site where there was a car wash with private services which the owners abandoned and do not use anymore.

Advisory Committee on the Environment

Report

4th Meeting of the Advisory Committee on the Environment
April 3, 2019
Committee Room #4

Attendance

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

ABSENT: J. Howell, L. Langdon and S. Ratz

ALSO PRESENT: T. Arnos, G. Barrett, A. Macpherson and J. Stanford

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

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Chippewas of the Thames First Nation

That Municipal Council BE REQUESTED to consider creating voting member positions on the Advisory Committee on the Environment and the Environmental and Ecological Planning Advisory Committee for each of the indigenous communities that surround the City of London; it being noted that a verbal presentation from K. Riley, Chippewas of the Thames First Nation, with respect to the Chippewas of the Thames First Nation, was received.

2.2 Parks and Recreation Master Plan

That it BE NOTED that the attached presentation from A. Macpherson, Division Manager, Parks Planning and Operations, with respect to the Parks and Recreation Master Plan, was received.

3. Consent

3.1 3rd Report of the Advisory Committee on the Environment

That it BE NOTED that the 3rd Report of the Advisory Committee on the Environment, from its meeting held on March 6, 2019, was received.

3.2 Municipal Council Resolution - 2nd Report of the Advisory Committee on the Environment

That it BE NOTED that the Municipal Council resolution, from its meeting held on March 5, 2019, with respect to the 2nd Report of the Advisory Committee on the Environment, was received.

3.3 Notice of Proposed Changes to the Site Plan Control By-law - Bird Friendly Development - Site Plan Control By-law Proposed Changes - Amendments to the Site Plan Control By-law

That it BE NOTED that the Notice of Proposed Changes to the Site Plan Control By-law, dated March 21, 2019, from L. Maitland, Site Development Planner, with respect to site plan control by-law proposed changes related to bird-friendly development, was received.

3.4 Letter of Resignation - T. Stoiber

That it BE NOTED that the letter of resignation from the Advisory Committee on the Environment from T. Stoiber, was received.

3.5 Blue Communities Program Feasibility

That it BE NOTED that the following items with respect to the Blue Communities Project and its application to the City of London, were received:

· a Municipal Council resolution from its meeting held on March 26, 2019; and,

· a staff report, dated March 18, 2019, from the Managing Director, Environmental and Engineering Services and City Engineer.

3.6 "Toilets are not Garbage Cans" Sticker Initiative

That it BE NOTED that the following items with respect to the “Toilets Are Not Garbage Cans” sticker initiative, were received:

· a Municipal Council resolution from its meeting held on March 26, 2019; and,

· a staff report, dated March 18, 2019, from the Managing Director, Environmental and Engineering Services and City Engineer.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Declaring a Climate Emergency

That Municipal Council BE REQUESTED to pass a motion, in the spirit of the following, to declare a climate emergency:

“Whereas climate change is currently contributing to billions of dollars in property and infrastructure damage worldwide, stressing local and international economies;

Whereas climate change is currently jeopardizing the health and survival of many species and other natural environments worldwide, stressing local and international eco systems;

Whereas climate change is currently harming human populations through rising sea levels and other extraordinary phenomena like intense wildfires worldwide, stressing local and international communities;

Whereas recent international research has indicated a need for massive reduction in carbon emissions in the next 11 years to avoid further and devastating economic, ecological, and societal loss;

Whereas the climate in Canada is warming at twice the rate of the rest of the world, as per Canada’s Changing Climate report;

Whereas current initiatives such as the green of the city's fleet and energy reduction initiatives are not sufficient to meet the targets as defined by the IPCC scientists,

Whereas an emergency can be defined as "an often dangerous situation requiring immediate action";

Whereas municipalities such as Kingston, Vancouver and Hamilton have already declared climate emergencies;

Therefore, a climate emergency BE DECLARED by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our eco systems, and our community from climate change."

5.2 2019 Federal Budget - Property Assessment for Clean Energy (PACE)

That it BE NOTED that the communication from M. Bloxam, with respect to the 2019 Federal Budget and Property Assessment for Clean Energy (PACE), was received.

5.3 Dark Sky Community/Park

That the communication dated March 18, 2019, from A. Tipping, with respect to a dark sky community/park, BE DEFERRED to the May 2019 meeting of the Advisory Committee on the Environment.

5.4 South Street Park

That the communication dated March 18, 2019, from A. Tipping, with respect to a South Street park, BE DEFERRED to the May 2019 meeting of the Advisory Committee on the Environment.

6. Deferred Matters/Additional Business

None.

7. Adjournment

The meeting adjourned at 2:02 PM.

City of London
Parks and Recreation Master Plan

April 2019

Advisory Committee on the Environment

About the Master Plan

Creating a "Game Plan" for Parks, Recreation Programs, Sport Services and Facilities

- The Master Plan provides an overall vision and direction for making decisions.
- It is based on public input, participation trends and usage, best practices, demographic changes and growth forecasts.
- The Plan will be used by the City to guide investment in parks, recreation programs, sport services, and facilities over the next ten years and beyond.

Project Scope

- **Recreation Programming**, such as aquatic, sport, wellness, arts/crafts, dance/music, and general interest programs provided by the City and other sectors
- **Recreation and Sport Facilities**, such as community centres, pools, sports fields, playgrounds and more
- **Parks & Civic Spaces**, such as major parks, neighbourhood parks, gardens and civic squares
- **Investment in the Community**, such as neighbourhood opportunities, public engagement, sport tourism and more

Project Scope

Items out of Scope:

- **Parkland Dedication Policies** (guided by the London Plan and Parkland Conveyance & Levy By-Law)
- **Cycling and Bike Lanes** (addressed in the London Plan and Cycling Master Plan)
- **Environmentally Significant Areas** (guided by the London Plan policies and technical recommendations within individual Conservation Master Plans)
- **Arts, Culture and Heritage** (guided by the Cultural Prosperity Plan and related reports)

Although these items are addressed in other studies, the Master Plan will ensure alignment

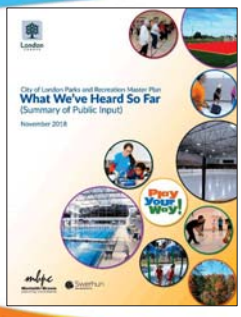
Project Overview

Phase One
Research and Consultation

Phase Two
Development of Recommendations and Strategies

Phase Three
Testing the Master Plan and Project Finalization

What We've Heard So Far (Background report)

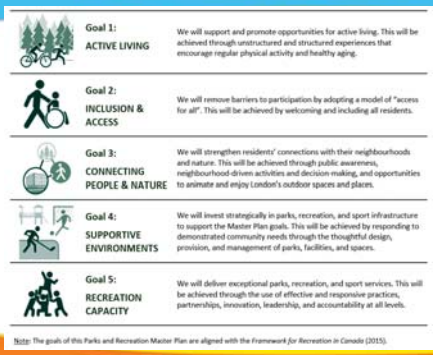


What the Draft Parks and Recreation Master Plan says….

- Did we miss anything?
- Is there anything else you would like to add?

VISION

- *In London, all residents – regardless of age, ability, culture, gender, income, or where they live – have opportunity to participate and share in meaningful and accessible parks, recreation and sport experiences.*



Goal 1:	ACTIVE LIVING	We will support and promote opportunities for active living. This will be achieved through unstructured and structured experiences that encourage regular physical activity and healthy aging.
Goal 2:	INCLUSION & ACCESS	We will remove barriers to participation by adopting a model of "access for all". This will be achieved by welcoming and including all residents.
Goal 3:	CONNECTING PEOPLE & NATURE	We will strengthen residents' connections with their neighbourhoods and nature. This will be achieved through public awareness, neighbourhood-driven activities and decision-making, and opportunities to animate and enjoy London's outdoor spaces and places.
Goal 4:	SUPPORTIVE ENVIRONMENTS	We will invest strategically in parks, recreation, and sport infrastructure to support the Master Plan goals. This will be achieved by responding to demonstrated community needs through the thoughtful design, provision, and management of parks, facilities, and spaces.
Goal 5:	RECREATION CAPACITY	We will deliver exceptional parks, recreation, and sport services. This will be achieved through the use of effective and responsive practices, partnerships, innovation, leadership, and accountability at all levels.

Note: The goals of this Parks and Recreation Master Plan are aligned with the *Framework for Recreation in Canada* (2015).

Active Living

Strategic Direction: Make parks and facilities walkable and accessible by residents through active transportation and connections to public transit.

Recommendations:

- Emphasis on physical activity and physical literacy
- Expansion of drop in programming – respond to changing demographics & diversity, offering at non-traditional sites, more accessible locations etc.
- More family recreation opportunities… to foster lifelong participation
- Working together with other service providers and stakeholders to understand participation rates and gaps

Inclusion and Access

Goal: We will remove barriers to participation by adopting a model of "access for all". This will be achieved by welcoming and including all residents.

Recommendations:

- Work with under-represented populations to identify participation rates in parks, recreation, and sport; remove barriers to participation and establish appropriate participation targets.
- Expand programs and services for the special needs population, with a focus on increasing physical activity options for school-aged children with special needs.
- Expand staff training around accessibility, including sensitivity training.
- Awareness

Connecting People and Nature

Strategic Directions:

- Enhance awareness of community initiatives and promote the personal and community benefits of parks, recreation, and sport.
- Support volunteerism and community engagement.
- Continue to emphasize initiatives focused on strengthening neighbourhoods, animation of public spaces, and unstructured activities.
- Collaborate with providers to exchange information and promote services and programs.
- **Use recreation to help people connect with nature and be stewards of the natural environment.**
- **Apply effective designs and management strategies that support healthy and sustainable environments, such as natural landscapes, native plants, and natural heritage education opportunities.**
- **Support efforts to expand active transportation networks**, including trails and pathways within and connecting to parks and open spaces.

Connecting People and Nature

Recommendations

- Education and awareness around naturalization projects, park maintenance, importance of exposure to nature, appreciation of nature (awareness, marketing, signage etc.)
- Enhance Thames shoreline access in keeping with best environmental practices
- Trails & Pathways – support opportunities to be immersed in, experience, respect and value nature, align with Cycling Master Plan and link with Provincial Cycling Routes

Connecting People and Nature

Recommendations

- Environmental Health & Stewardship – enhance management of woodlands and work with stakeholders, encourage stewardship of parks, gardens and other community resources – enhance sustainability
- Improve awareness & understanding about importance of Natural Heritage System and broader role in Carolinian Canada.
- Promote naturalization of appropriate municipal lands and beautification and greening efforts
- Management of urban wildlife and invasive species
- Outdoor Play Strategy

Supportive Environments

Recommendations

- Infrastructure – arenas, community centres, aquatics, pools, sport fields, amenities in parks, acquiring land for parks, parks and public space design
- Intensification – more multi-functional spaces, expand social and recreational opportunities to serve a diverse population
- Major retrofits and new construction projects consider climate change, environmental sustainability, and energy conservation
- Consideration of green technologies (e.g. Green roots, battery-powered maintenance tools, refrigeration plants, etc.) and low impact development practices (e.g. stormwater management, permeable surfaces, etc.) by building these items into City budgets.

Supportive Environments

Recommendations

- Support Community Garden program and related initiatives (e.g. pollinator habitat, community kitchens, etc.) through strategies that encourage broad participation, as identified in the City's Urban Agriculture Strategy and Community Gardens Strategic Plan, an emphasis should be places on community garden development in neighbourhoods.

Recreation Capacity

Goal: We will deliver exceptional parks, recreation and sport services. This will be achieved through the use of effective and responsive practices, partnerships, innovation, leadership, and accountability at all levels.

Recommendations:

- Collect feedback and act on it
- Evidence informed decision making
- Partnerships
- Collaborations

Stay Involved!

You may still provide input:

1. Any questions or comments to until mid-April:
   dbaxter@london.ca
2. You are encouraged to read through all of the recommendations online and provide comments online:
   getinvolved.london.ca/playyourway
3. Attend an Open House on April 3 – see postcard

Play Your Way!

Parks and Recreation

MASTER PLAN

We want your feedback

on the Parks and Recreation Master Plan draft recommendations

Visit **getinvolved.london.ca** to review the recommendations and provide feedback.

Or if you would prefer to provide input in person please visit one of our **Open Houses**:

- **Kinsmen Recreation Centre**, 20 Granville St.
  - Wednesday, April 3 | 1 - 3 p.m.
- **Kiwanis Seniors' Community Centre**, 78 Riverside Dr.
  - Wednesday, April 3 | 6 - 8 p.m.

London CANADA

London CANADA

File: Z-8985
Planner: C. Lowery

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: **Agathos Dentistry**
1201 Huron Street
Public Participation Meeting on: April 15, 2019

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of Agathos Dentistry relating to the property located at 1201 Huron Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on April 23, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-9) Zone **TO** a Residential R1/Office Conversion Special Provision (R1-9/OC3(__)) Zone

Executive Summary

Summary of Request

The requested action is to recognize the existing medical/dental office within the existing building on the subject lands.

Purpose and the Effect of Recommended Action

The purpose and the effect of the recommended action will be to permit the existing medical/dental office to continue within the existing building on the subject lands.

Rationale of Recommended Action

1) The requested amendment is consistent with the policies of the Provincial Policy Statement, 2014;
2) The requested amendment is in conformity with the maximum floor area policies for non-residential uses in the Neighbourhoods Place Type of The London Plan;
3) The requested amendment is in conformity with the policies of the 1989 Official Plan;
4) The requested amendment will recognize an existing non-conforming use which over time has demonstrated compatibility with the surrounding residential neighbourhood.

Analysis

1.0 Site at a Glance

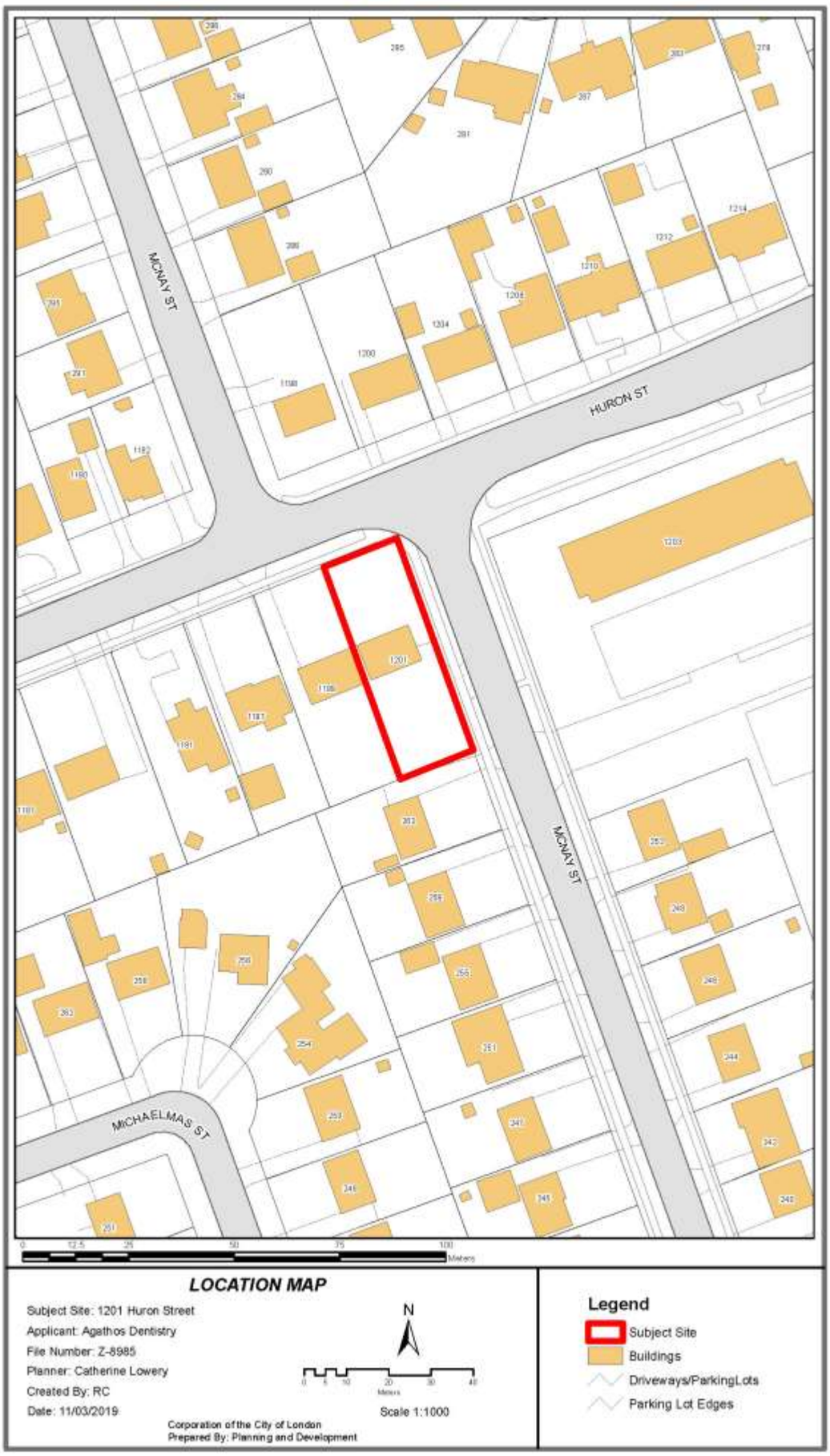
1.1 Property Description

The subject site is located on the southwest corner of Huron Street and McNay Street. The site is currently developed with a single-storey building which has been converted to a medical/dental office. The site is surrounded by single detached dwellings to the north, south, and west and cluster townhouses to the east.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Residential R1 (R1-9) Zone

1.3 Location Map



1.4 Site Characteristics

- Current Land Use – Medical/dental office
- Frontage – 18.6 metres (61 feet)
- Depth – 53.3 metres (174.86 feet)
- Area – 0.1 hectares (0.25 acres)
- Shape – Rectangular

1.5 Surrounding Land Uses

- North – Single detached dwellings
- East – Cluster townhouses
- South – Single detached dwellings
- West – Single detached dwellings

2.0 Description of Proposal

2.1 Development Proposal

The owner is requesting to rezone the subject site to recognize the existing medical/dental office use. No new development is proposed at this time.

Figure 1: Existing medical/dental office (front view from Huron Street)

Figure 2: Existing medical/dental office (rear view)

3.0 Relevant Background

3.1 Planning History

The site is currently zoned Residential R1 (R1-9) which permits single detached dwellings. The owner received approval for a minor variance in 1988 permitting a medical/dental office as a home occupation. Since then, the use has expanded to occupy the whole of the building and does not conform to the Zoning By-law. The use is not considered legal non-conforming, as a stand-alone medical/dental office was never legally permitted.

3.2 Requested Amendment

The owner is requesting to rezone the subject lands to a Residential R1/Office Conversion Special Provision (R1-9/OC3(__)) Zone to permit the existing medical/dental office use. Special provisions would permit the medical/dental office use within the existing building with no dwelling units, and recognize a reduced minimum parking area setback of 0 metres from McNay Street; a reduced minimum interior side yard depth of 1.2 metres; an increased maximum parking area coverage of 36%; a reduced minimum lot frontage of 17.9 metres; and a reduced minimum exterior side yard depth of 4.1 metres, as depicted on the site plan in Figure 3 below. The purpose of these special provisions is to recognize existing site conditions, as well as facilitate corner visibility triangle and road widening dedications.

Figure 3: Existing site plan

3.3 Community Engagement (see more detail in Appendix B)

One written response was received from a neighbouring property owner, which will be addressed later in this report. The primary concern cited was with respect to the intended use and whether this site was being considered for a Supervised Consumption Facility. One phone call from a neighbouring property owner requesting clarification on the purpose of the application and expressing support for the medical/dental office was also received.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

Section 1.1 *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns* of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It directs cities to make sufficient land available to accommodate this range and mix of land uses to meet projected needs for a time horizon of up to 20 years.

The PPS also directs planning authorities to promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

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 a Civic Boulevard intersecting a Neighbourhood Connector, as identified on *Map 1 — Place Types and *Map 3 — Street Classifications. The vision for the Neighbourhoods Place Type provides key elements for neighbourhoods, including easy access to daily goods and services within walking distance and employment opportunities close to where we live (*916_6 and *916_7). At this location, the Neighbourhoods Place Type permits a range of low-rise residential uses, including single detached, semi-detached, duplex and triplex dwellings, as well as stacked townhouses, fourplexes and low-rise apartments (*Table 10). Mixed use buildings are also permitted as a secondary use (*Table 10).

1989 Official Plan

The subject lands are designated Low Density Residential in the 1989 Official Plan, which applies to lands primarily planned for low rise residential development, such as single detached, semi-detached, and duplex dwellings. Uses that are considered to be integral to, or compatible with, residential neighbourhoods may also be contemplated as secondary permitted uses, including office conversions (3.2.vi).

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Use, Intensity, and Form

The requested amendment is to recognize the existing non-conforming use. As such, the appropriateness of the proposed use within the existing residential building must be considered, as well as the site's ability to accommodate the use. Through the circulation process, no significant agency or departmental concerns were expressed. A concern was expressed by a neighbouring property owner about the potential for a Supervised Consumption Facility being permitted at this location. It was clarified that the requested amendment would not permit this use, nor would it permit a Methadone Clinic.

Provincial Policy Statement, 2014 (PPS)

The PPS states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other land uses to meet long term needs (1.1.1b)). Land use patterns within settlement areas are to be based on densities and a mix of land uses which efficiently use land and resources (1.1.3.2a)1). The PPS also requires municipalities to provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a

wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.3.1b).

The PPS defines intensification as: *the development of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; and d) the expansion or conversion of existing buildings*. 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 (1.1.3.3).

The requested amendment represents a form of intensification, as defined by the PPS, through the conversion of an existing building to a new use. The conversion of the existing residential building to a small-scale medical/dental office represents an appropriate opportunity for intensification, as it takes into account existing building stock and availability of existing infrastructure. The requested amendment to permit the medical/dental office use gives opportunity to recognize an existing use which is an efficient use of land and existing infrastructure, contributes to a mix of land uses in a predominantly residential neighbourhood, and provides a service to the residents of the neighbourhood.

Given the foregoing, the requested amendment is consistent with the policies of the Provincial Policy Statement, 2014.

The London Plan

The subject site is located within the Neighbourhoods Place Type of The London Plan at the intersection of a *Civic Boulevard (Huron Street) and a *Neighbourhood Connector (McNay Street). 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). *Table 12 – Retail, Service and Office Floor Area Permitted in Neighbourhoods Place Type, shows floor area limits for retail, services and offices uses by street classification (*935_2).

Policy 931_ defines office conversions as the conversion of all or a portion of a residential building to office uses. Office conversions, retaining one or more residential units, may be permitted where mixed-use buildings are allowed in conformity with *Table 10, or without a residential unit where stand-alone offices are permitted. In accordance with *Table 10, an office conversion containing one or more dwelling units would be permitted on this site, however stand-alone offices are only permitted where a site intersects a higher order street such as another Civic Boulevard or an Urban Thoroughfare.

Non-residential uses may be permitted only when it is demonstrated that the proposed form of development can fit well within the context of the residential neighbourhood (*936_3). The existing building is consistent with adjacent residential buildings in terms of scale, massing, and design, as the residential character of the building has not been altered. No changes to the exterior of the building are proposed, therefore the building form fits well within the context of the residential neighbourhood. In accordance with *Table 11, the minimum height required for properties in the Neighbourhood Place Type on a Civic Boulevard is two-storeys. Given that the building is existing and no changes are proposed, the building cannot conform to the height requirement of *Table 11.

For sites located on a Civic Boulevard intersecting a Neighbourhood Connector, the maximum floor area for office use would be 200 square metres (*Table 12). While the intent of this policy is to cap the floor area of this use as permitted in accordance with *Table 10, it should be noted that the proposed office conversion is under this cap at 108 square metres, per the site plan in Figure 3.

It is a goal of The London Plan to allow for an appropriate range of retail, service and office uses within neighbourhoods, however the range of these uses that may be permitted in the Neighbourhoods Place Type will only be permitted if they are appropriate and compatible within a neighbourhood context (*924_). The proposed medical/dental office has existed on the subject lands for over 30 years, and over time has demonstrated a level of appropriateness and compatibility within the neighbourhood context.

While the proposed office conversion use does not conform to *Table 10 and the existing building intensity does not conform to *Table 11, these policies are currently under appeal and not in force and effect. Accordingly, these policies are informative but are not determinative and cannot be relied on for the review of the requested amendment. Further, while Policy 931_ is not under appeal, it relies on *Table 10 to establish the locational criteria used to determine where office conversions in the form of mixed-use buildings and stand-alone offices are permitted.

1989 Official Plan

The subject lands are designated Low Density Residential in the 1989 Official Plan, which permits a range of low-rise residential uses including single detached, duplex, and semi-detached dwelling as the primary permitted uses (3.2.1). Certain uses that are considered to be integral to, or compatible with, residential neighbourhoods may be contemplated as secondary permitted uses, including office conversions (3.2.1.vi).

Section 3.6.9 defines office conversions as the total or partial conversion of a residential building for office use, and may involve minor additions but requires retention of the general form and character of the building proposed to be converted (3.6.9.i)). The preferred locations for office conversions are specific areas identified in Section 3.6.9.ii) of the 1989 Official Plan. However, Council may consider office conversions on a site specific basis where the proposed use is compatible with adjacent uses and an area approach is not warranted (3.6.9.iii). Section 3.6.9.iii) further establishes the following criteria under which office conversions outside of identified areas are to be evaluated:

a) whether the site is a desirable location for office conversions;
The location of the subject site at the corner of an arterial road (Huron Street) and secondary collector (McNay Street), as identified on Schedule C – Transportation Corridors, is an ideal location for an office conversion.

b) the potential impact of the proposed conversion(s) on the surrounding neighbourhood;
The proposed medical/dental office has occupied the existing building since 1988. While the predominant surrounding land use is low density residential in the form of single detached dwellings, the medical/dental office has demonstrated compatibility with the surrounding residential neighbourhood for over 30 years. As such, no impacts on the surrounding neighbourhood are anticipated.

c) location on an arterial road that sustains significant traffic volumes;
The subject lands front on Huron Street, an arterial road as identified on Schedule C – Transportation Corridors, which sustains high traffic volumes.

d) potential impact of the office conversion(s) on traffic movement;
No impact on traffic movement is anticipated as a result of the proposed office conversion. The use has existed at this location for over 30 years and has not resulted in any identified traffic issues. Access to the site will remain from McNay Street; no new accesses are proposed.

e) proximity to commercial land uses, or existing office conversions;
The site is located in proximity to other commercial uses, including two convenience commercial plazas located approximately 300 metres east and west of the site on Huron Street. Larger commercial shopping centres exist further towards Adelaide Street North and Highbury Avenue North. Other dental offices and a chiropractor also exist further down Huron Street near Adelaide Street North.

f) general condition of residential buildings in the immediate surrounding area;
The residential buildings in the immediate surrounding area have generally been well maintained.

g) ability of existing municipal services and infrastructure to accommodate the proposed conversion(s); and
The site has existing access to municipal water, sanitary, and storm sewer. Engineering staff have reviewed the requested amendment and cited no concerns with respect to capacity.

h) Planning Impact Analysis according to the provisions of Section 3.7.
A Planning Impact Analysis according to the provisions of Section 3.7 is provided below.

Planning Impact Analysis
A Planning Impact Analysis is used to determine the appropriateness of a proposed change in land use, and to identify ways of reducing any adverse impacts on surrounding uses (3.7.1). Section 3.7.2 establishes specific criteria to be considered through the review of an Official Plan Amendment and/or Zoning By-law Amendment. The following relevant Planning Impact Analysis criteria have been considered in determining the appropriateness of the proposed office conversion:

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;
The proposed medical/dental office has existed on the subject lands for over 30 years with no known impact on surrounding land uses. As no new development or changes to the site are proposed, no impacts are anticipated as a result of the proposed office/conversion.

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 subject site is rectangular in shape and is of adequate size to support the proposed medical/dental office conversion, as demonstrated on the site plan in Figure 3 of this report. Minor reductions in frontage and exterior side yard setback have been requested as special provisions as a result of the corner visibility triangle and road widenings on Huron Street and McNay Street. The rear yard is of adequate size to accommodate the number of parking spaces required for the use.

c) the supply of vacant land in the area which is already designated and/or zoned for the proposed use;
There is no vacant land in the direct vicinity that is already zoned for the proposed use. Other medical/dental offices and a chiropractor exist further down Huron Street near Adelaide Street North. Commercial shopping centres zoned to permit the medical/dental office use also exist in the area however appear to be fully tenanted.

f) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;
The height, location, and spacing of the existing building is consistent with that of neighbouring single detached dwellings. The residential appearance of the building has been maintained through the conversion to the medical/dental office use. No changes to the exterior of the building are proposed, therefore no impacts on surrounding land uses are anticipated.

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;

Landscaping of the site has been maintained in the front, interior side, and exterior side yards. Landscape buffering exists between the parking area and neighbouring residential properties. Further buffering and refinement of the parking area will be determined at the Site Plan Approval stage.

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;

The site is currently accessed off of McNay Street. No new accesses to the site are proposed and no impacts to traffic, pedestrian and vehicle safety, and surrounding properties are anticipated. Any required refinement to the site access and parking area will be determined at the Site Plan Approval stage.

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;

The bulk, scale, and layout of the existing building is consistent with neighbouring single detached dwellings. No changes are proposed to the exterior of the building, therefore there are no concerns with respect to integration of the proposed use with present and future land uses.

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;

Staff is satisfied the proposed office conversion is in conformity with the 1989 Official Plan and meets the general intent of the Zoning By-law. Special provisions are required to recognize existing non-compliances, as well as non-compliances resulting from future conveyance of the corner visibility triangle and road widenings. The Site Plan Control By-law will be implemented at the Site Plan Approval stage although no inconsistencies have been identified as part of the review of this Zoning By-law amendment.

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;

Opportunities for additional landscape buffers providing separation between the parking area and adjacent residential properties will be determined at the Site Plan Approval stage. No other adverse impacts have been identified.

n) impacts of the proposed change on the transportation system, including transit.

No impacts on the transportation system, including transit, are anticipated as a result of the requested zoning. No changes to the size or scale of the medical/dental office are proposed, nor are additional site accesses.

Planning staff is satisfied the requested amendment is in conformity with the office conversion criteria of Section 3.6.9 as well as the relevant Planning Impact Analysis criteria of Section 3.7. As such, the requested amendment is in conformity with the 1989 Official Plan.

4.2 Issue and Consideration # 2: Encroachments and Parking

Through the review of this application, Engineering staff commented that the existing sign encroaches into the road widening dedication required on Huron Street. Staff further commented that the sign will be permitted to remain in place, however the owner is required to enter into an encroachment agreement at the Site Plan Approval stage. All other encroachments, such as any existing or proposed parking spaces, must be removed from the road widening on McNay Street.

As depicted on the site plan in Figure 3, the existing parking spaces fronting on McNay Street encroach into the 0.67 metre road widening dedication. Given that the proposed office conversion is small-scale, the minimum number of parking spaces required by the Zoning By-law can still be accommodated on site. Removal of these spaces would give opportunity for additional landscape buffering between the parking area and the street, while still maintaining the minimum number of spaces required by the Zoning By-law.

The owner has requested a special provision to recognize the existing 0 metre setback between the parking area and the street. Staff is recommending approval of this special provision in order to give flexibility while refining the design of the parking area at the Site Plan Approval stage.

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 maximum floor area policies for non-residential uses in the Neighbourhoods Place Type of The London Plan and the policies of the 1989 Official Plan. The recommended amendment will recognize an existing non-conforming use that has demonstrated compatibility with the surrounding residential neighbourhood through its long-term existence on the subject lands.

Prepared by:	**Catherine Lowery, MCIP, RPP** **Planner II, 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.	

cc: Michael Tomazincic, Manager, Current Planning

April 8, 2019
MT/mt

Y:\Shared\implemen\DEVELOPMENT APPS\2018 Applications 8865 to\8985Z - 1201 Huron St (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 1201 Huron Street.

WHEREAS Agathos Dentistry has applied to rezone an area of land located at 1201 Huron Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1201 Huron Street, as shown on the attached map comprising part of Key Map No. A103, from a Residential R1 (R1-9) Zone to a Residential R1/Office Conversion Special Provision (R1-9/OC3(__)) Zone.

2) Section Number 17.3 c) of the Office Conversion (OC3) Zone is amended by adding the following Special Provision:

) OC3(__) 1201 Huron Street

a) Permitted Use
   i) A medical/dental office in an existing building with or without dwelling units

b) Regulations

i)	Parking Area Setback (minimum)	0 metres (0 feet)
ii)	Interior Side Yard Depth (minimum)	1.2 metres (3.9 feet)
iii)	Exterior Side Yard Depth (minimum)	4.1 metres (13.4 feet)
iv)	Parking Area Coverage (maximum)	36%
v)	Lot Frontage (minimum)	17.9 metres (58.7 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 April 23, 2019.

File: Z-8985
Planner: C. Lowery

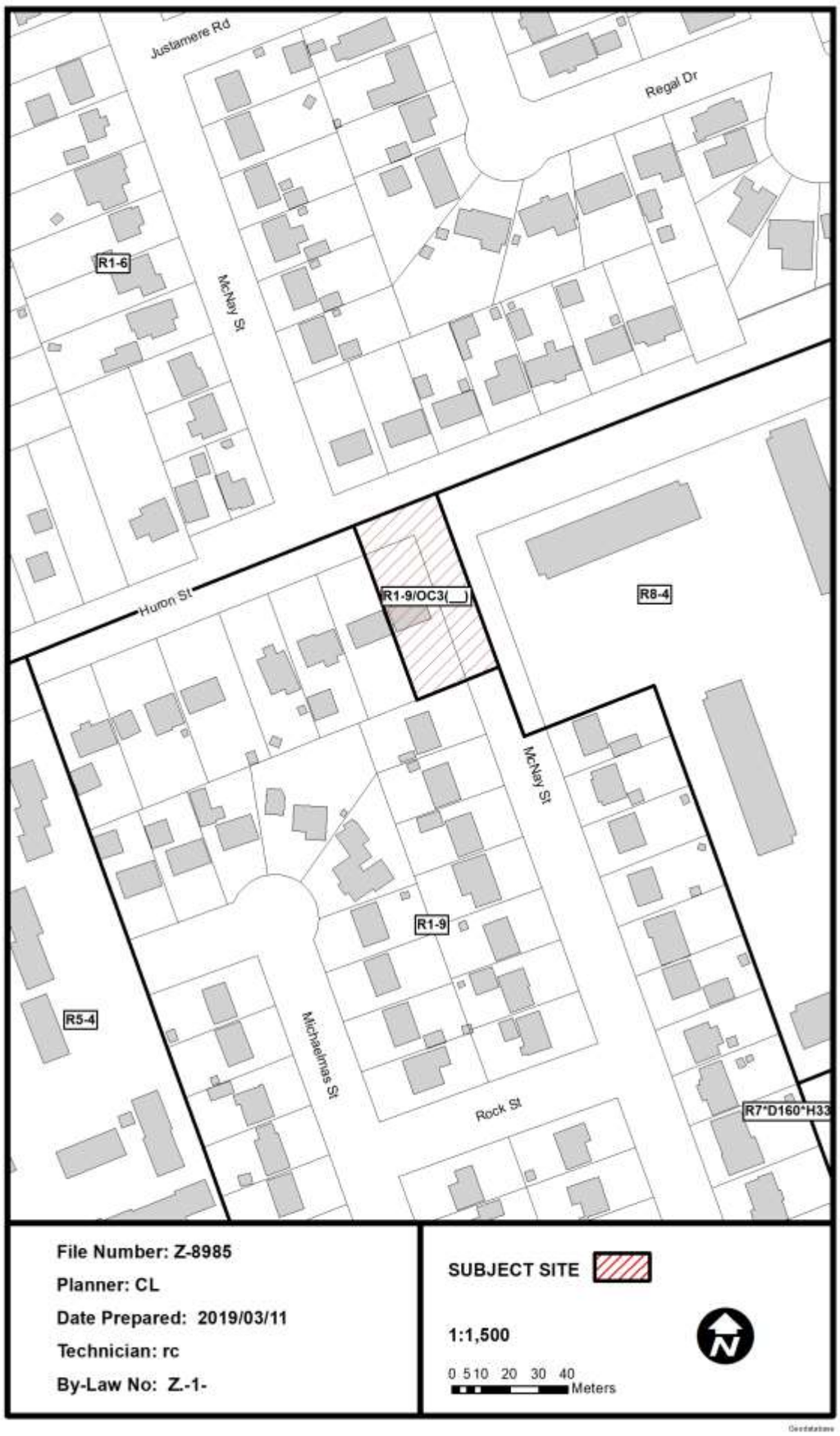
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – April 23, 2019
Second Reading – April 23, 2019
Third Reading – April 23, 2019

File: Z-8985
Planner: C. Lowery

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On December 12, 2018, Notice of Application was sent to 63 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 13, 2018. A "Planning Application" sign was also posted on the site.

Two replies were received.

Nature of Liaison: The purpose and effect of this zoning change is to permit a medical/dental office in the existing building. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-9) Zone **TO** a Residential R1/Holding Office Conversion Special Provision (R1-9/h-18•OC3(__)) Zone to permit a medical/dental office in the existing building with no dwelling units; a reduced minimum parking area setback of 0 metres from McNay Street; a reduced minimum interior side yard depth of 1.2 metres; an increased maximum parking area coverage of 36%; a reduced minimum lot frontage of 17.9 metres; and a reduced minimum exterior side yard depth of 4.1 metres.

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

Concern for:
Use

Concern whether the site was being considered for a Supervised Consumption Facility and whether this Zoning By-law Amendment would justify future applications of a similar nature.

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
Bernadette Doucet 1204 Huron Street	Steve Waechter 1185 Huron Street

From: Steve waechter
Sent: Saturday, December 22, 2018 11:35 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: z-8985

Hi Cathy. I live at 1185 huron street in London. I have two questions and a concern about an application to change the zoning bylaw at 1201 huron street. The dentist office there currently has been there since 1990 or 1991.Why is there a need now to change the bylaw. Second does this make it easier for other residential properties in this area to open up to medical spaces. My concern is this space is being considered for a safe injection site. I do not know if a residential area would even be considered for one. There has been no information that I could find as to were these sights are going to be. I would like to know that 1201 huron is not being considered for this purpose. thanks steve.

Agency/Departmental Comments

December 17, 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.

December 28, 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.

January 2, 2019: Engineering

General

No comments for the re-zoning application. The existing business sign can remain in place but an encroachment agreement with the City will be required. However, all other encroachments will have to be removed from the road widening (i.e. parking, asphalt, etc.)

Wastewater

- The medical building at 1201 Huron Street requires a 150mm san. p.d.c. and a sanitary inspection manhole all to City Standards and to the satisfaction of the City Engineer.

Transportation

- Road widening dedication of 18.0m from centre line required on Huron Street.
- Road widening dedication of 10.75m from centre line required on McNay Street.
- 6.0m x 6.0m daylight triangle required.
- Remove any encroachments from road widening dedication.
- Detailed comments regarding access design and location will be made through the site plan process.

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

Intensification: *means the development of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; and d) the expansion or conversion of existing buildings.*

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;

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

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.

1.3.1 Planning authorities shall promote economic development and competitiveness by:

a) providing for an appropriate mix and range of employment and institutional uses to meet long-term needs;

b) providing opportunities for a diversified economic base, including maintaining a

range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

*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:

6. Easy access to daily goods and services within walking distance.

7. Employment opportunities close to where we live.

*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.

*924_ It is a goal of this Plan to allow for an appropriate range of retail, service and office uses within neighbourhoods. The range of retail, service and office uses that may be permitted in this Place Type will only be permitted if they are appropriate and compatible within a neighbourhood context.

925_ Mixed-use buildings identified on Table 10 must include a residential use and may also include appropriately-sized retail, service or office uses on the ground floor. Mixed-use buildings may include purpose-designed buildings or converted buildings.

931_ Office conversions are defined as the conversion of all or a portion of a residential building to office uses. Office conversions, retaining one or more residential units, may be permitted where mixed-use buildings are allowed in conformity with Table 10, or without a residential unit where stand-alone offices are permitted. Office conversions may also be permitted subject to the Specific Policies for the Neighbourhoods Place Type section of this chapter

*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.

2. Floor area limits for retail, services and offices uses are shown on Table 12 - Retail, Service and Office Floor Area Permitted in Neighbourhoods Place Type.

*936_ The following form policies will apply within the Neighbourhoods Place Type:

3. Non-residential uses may be permitted only when it is demonstrated that the proposed form of development can fit well within the context of the residential neighbourhood.

*Table 10: Range of Permitted Uses in Neighbourhood Place Type

*Table 11: Range of Permitted Heights in Neighbourhoods Place Type

*Table 12 – Retail, Service and Office Floor Area Permitted in Neighbourhoods Place Type

1989 Official Plan

3.2.1. Permitted Uses
The primary permitted uses in areas designated Low Density Residential shall be single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2. Residential Intensification may be permitted subject to the provisions of policy 3.2.3. Zoning on individual sites would not normally allow for the full range of permitted uses.

Secondary Permitted Uses

vi) Uses that are considered to be integral to, or compatible with, residential neighbourhoods, including group homes, home occupations, community facilities, funeral homes, and office conversions, may be permitted according to the provisions of

3.6.9. Office Conversions

The conversion of dwellings within Residential designations for office purposed shall be allowed within specifically identified areas subject to the following criteria:

Definition of Office Conversions

i) For the purposed of the Plan, office conversion shall be defined as the total or partial conversion of a residential building for office use. Office conversions may involve minor additions to the existing building where these facilitate the use of the building for offices. Retention of the general form and character of buildings converted for office use will be required.

Office Conversions Outside of Identified Areas

iii) The preferred locations for office conversions are those areas identified in 3.6.9. ii). Consideration may also be given to proposed office conversions in other residential areas that are located on arterial roads which have lost some of their residential amenity for a variety of reasons, including, but not limited to, traffic. Proposals will be assessed on an area basis to determine if the area is appropriate for office conversions and whether the area should be identified as an office conversion area under policy 3.6.9. ii). In some cases, Council may permit an office conversion(s) on a site specific basis by Zoning By-law amendment where the proposed use is compatible with adjacent uses and an area approach is not warranted. Proposals for an office conversion(s) outside of identified areas will be evaluated on the basis of the following criteria:

a) whether the site is a desirable location for office conversions;
b) the potential impact of the proposed conversion(s) on the surrounding neighbourhood;
c) location on an arterial road that sustains significant traffic volumes;
d) potential impact of the office conversion(s) on traffic movement;
e) proximity to commercial land uses, or existing office conversions;
f) general condition of residential buildings in the immediate surrounding area;
g) ability of existing municipal services and infrastructure to accommodate the proposed conversion(s); and
h) Planning Impact Analysis according to the provisions of Section 3.7.

Permission for Office Use

vi) Where office conversions are permitted in Residential designations through the provisions of the Plan, the permission for office use shall be retained only as long as the life of the building, and shall not be used as the basis for a redesignation or rezoning of the property for office use.

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.

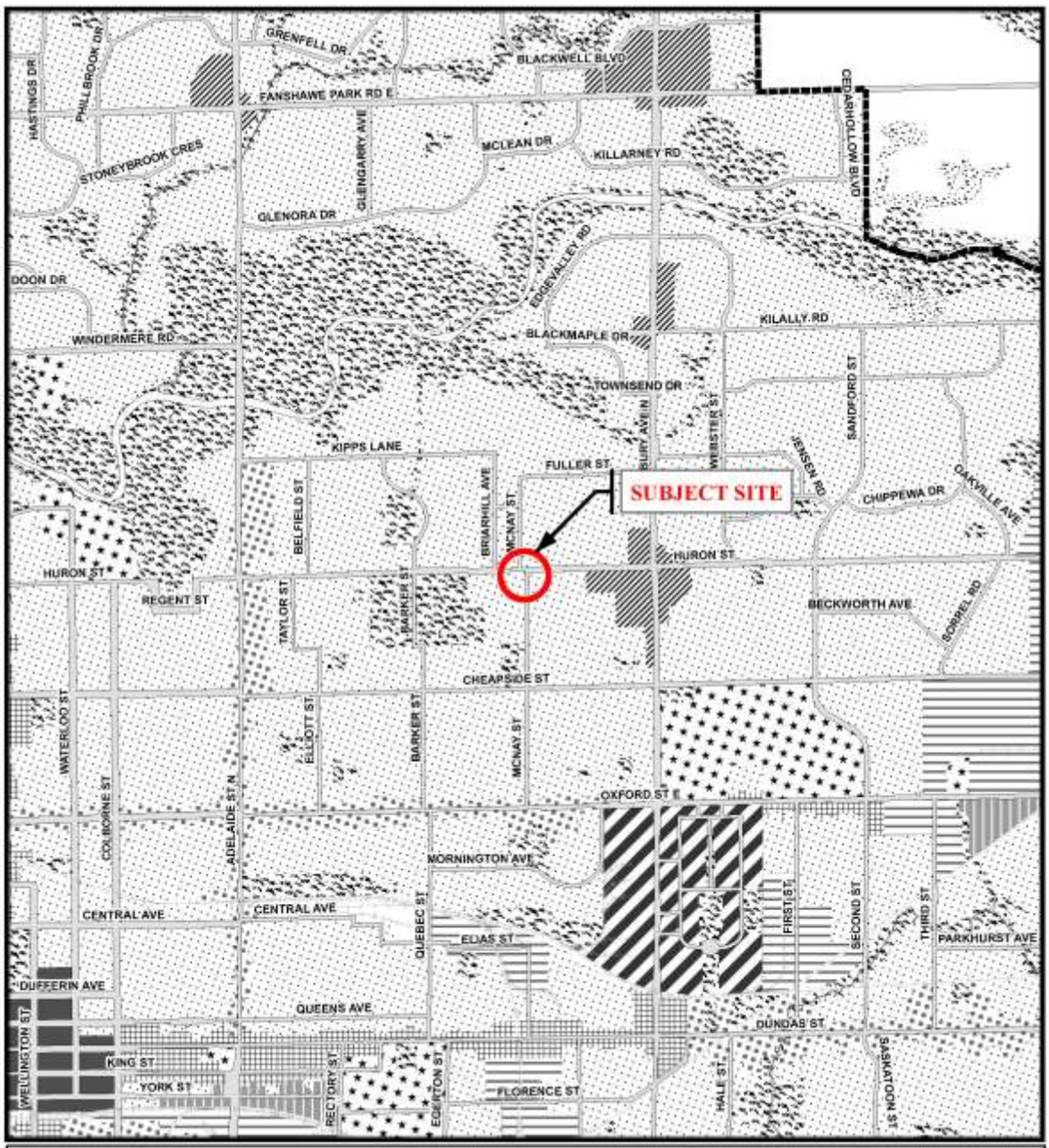
Where an Official Plan amendment and/or zone change application is being considered the following criteria may be considered:

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.

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.

Appendix D – Relevant Background

Additional Maps



Legend

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

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

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

CITY OF LONDON
Planning Services /
Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services

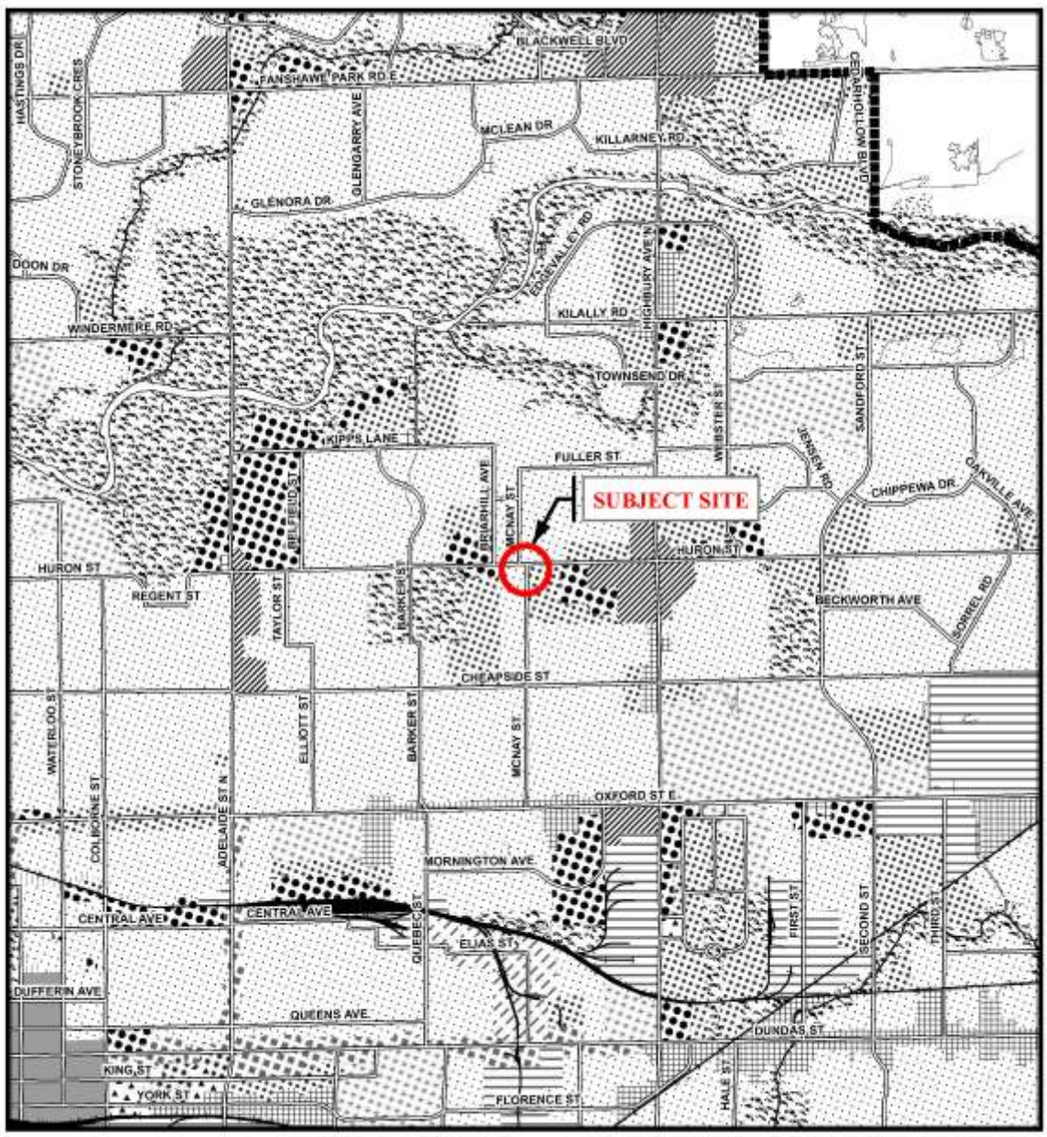
Scale 1:30,000

Meters

File Number:	Z-8985
Planner:	CL
Technician	rc
Date:	March 11, 2019

Project Location: E:\Planning\Projects\p_zoning\z-1zones\amendments\Z-8985\projects\Z-8985-LP-Placetypes-Excerpt.mxd

File: Z-8985
Planner: C. Lowery



Legend

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

CITY OF LONDON

Planning Services / Development Services

OFFICIAL PLAN SCHEDULE A - LANDUSE -

PREPARED BY: Graphics and Information Services

Scale 1:30,000

Meters

FILE NUMBER:	Z-8985
PLANNER:	CL
TECHNICIAN:	rc
DATE:	2019/03/11

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

File: Z-8985
Planner: C. Lowery

COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO:
Z-8985 CL

MAP PREPARED:
2019/03/11 rc

1:2,000
0 10 20 40 60 80
Meters

PUBLIC PARTICIPATION MEETING COMMENTS

3.5 PUBLIC PARTICIPATION MEETING – Application – 1201 Huron Street (Z-8985)

- Ben McCauley, Zelinka Priamo Ltd., on behalf of the applicant – expressing support for the staff recommendation; indicating that they have no additional comments; *(Councillor S. Turner indicating that 1988 was when the home occupancy was first incorporated so it has been about thirty-one years, it has been a long time; wondering when the last time there was actually any home occupancy going on.)*; Mr. B. McCauley, Zelinka Priamo Ltd., responding that from his understanding it was prior to the dentist office and the residential use was a little bit dilapidated back in the 1980's apparently so they have done a pretty good job of improving the landscaping around the property, keeping it up-to-date and including it in the neighbourhood pretty well; *(Councillor S. Turner enquiring how long the dentistry use has been in place.)*; Mr. B. McCauley, Zelinka Priamo Ltd., responding that it has been thirty-one years; *(Councillor S. Turner enquiring if that was through this current owner.)*; Mr. B. McCauley, Zelinka Priamo Ltd., responding that it correct; *(Councillor S. Turner stating that back in 1988 when it had changed and that is when they created the home occupation, there was no home occupation in the dental after 1988, it was used soley as a dental office at that time.)* Mr. B. McCauley, Zelinka Priamo Ltd., responding that is correct; *(Councillor S. Turner indicating that it was not a home occupancy.)*
- Bernie MacDonald, former Councillor – expressing full support for the application of Dr. Agathos; indicating that he has been involved in this neighbourhood for thirty-some years; advising that he has spoken to the residents on both sides of the property, who are friends of his and the one who has lived there for thirty years has no complaints about the dental office and on the other side, the other gentleman on McNay Street, he has no complaints; reiterating his full support for the application; thinking that it is good for the neighbourhood, it has always been good for the neighbourhood and he hopes it is approved at the Planning and Environment Committee tonight.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, Planning and City Planner
Subject: **Demolition Request for Heritage Listed Property at 160 Oxford Street East by Northwest Healthcare Properties Ltd.**
Public Participation Meeting on: Monday April 15, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions **BE TAKEN** with respect to the demolition request for the heritage listed property located at 160 Oxford Street East:

a) The Chief Building Official **BE ADVISED** that Municipal Council consents to the demolition of the building on this property; and,

b) The property at 160 Oxford Street East **BE REMOVED** from the Register (Inventory of Heritage Resources).

Executive Summary

A demolition request was received for the heritage listed property at 160 Oxford Street East. The subject property was added to the Register (Inventory of Heritage Resources) as part of the recommended Great Talbot Heritage Conservation District. A Heritage Impact Assessment accompanied the demolition request for the property. Its evaluation of the property using the criteria of O. Reg. 9/06 found that the property, on an individual basis, did not meet the criteria for designation.

Analysis

1.0 Background

1.1 Property Location

The property at 160 Oxford Street East is located on the north side of Oxford Street East on the northwest corner of Oxford Street East and St. George Street (Appendix A).

1.2 Cultural Heritage Status

The property at 160 Oxford Street East is a heritage listed property. It was included in the St. George-Grosvenor Heritage Conservation District Study area. The St. George-Grosvenor Heritage Conservation District Study area was generally bound by Oxford Street East, Richmond Street, Victoria Street, and the Thames River. An inventory of properties located within the study area was completed (Appendix B). The St. George-Grosvenor Heritage Conservation District Study recommended the designation of two Heritage Conservation Districts pursuant to Part V of the *Ontario Heritage Act*: the Great Talbot Heritage Conservation District and the Gibbons Park Heritage Conservation District. At its meeting on January 17, 2017, Municipal Council added all properties within the recommended boundaries of the two recommended Heritage Conservation Districts to the Register (Inventory of Heritage Resources) pursuant to Section 27 of the *Ontario Heritage Act*.

The property at 160 Oxford Street East is located within the recommended Great Talbot Heritage Conservation District (see Appendix A).

1.3 Description

The building located on the subject property at 160 Oxford Street East is a single storey, vernacular frame cottage with a hipped roof (Appendix C). The main façade of the

building faces Oxford Street East, with its main entry door located in the eastern-most bay of the three-bay façade which indicates its side hall plan. Windows occupy the other two bays of the south (main) façade. The main entry is accessed via a wood verandah which spans the frontage of the building. The shed-style roof of the verandah connects with the hipped roof of the building. The building is clad in vinyl siding. There does not appear to be any original or historic doors or windows located on the building.

The rectangular building is constructed on what appears to be a concrete block foundation. However, this is inconsistent for a structure with an approximate date of construction circa 1877.

The building is identified as an “Ontario Cottage” within the Heritage Impact Assessment (see Section 3.2.1 and Appendix D; ARA 2019, 23). While this definition may be applicable across Ontario, within the City of London a more precise definition of an “Ontario Cottage” has been part of the lingua franca since the 1990s. For a building to be identified as an “Ontario Cottage” within the City of London, it must be a centre-hall plan, symmetrical, single-storey building, with a hipped roof and centre gable. The building located at 160 Oxford Street East is a not an Ontario Cottage per London’s definition; it is a side hall plan cottage. Side hall plan cottages are common in London.

Access to the rear-yard parking for the property is provided off of St. George Street. Private concrete sidewalks connect the building to the municipal concrete sidewalks on both Oxford Street East and St. George Street.

The subject property is adjacent to several cultural heritage resources:

- 155 Oxford Street East – heritage listed property
- 163 Oxford Street East – heritage designated property (By-law No. L.S.P.-3474-126)
- 165 Oxford Street East – heritage designated property (By-law No. L.S.P.-3076-202)
- 176 Oxford Street East – heritage listed property
- 165 St. George Street – heritage listed property

To the north of the subject property, along the west side of St. George Street, the built form was replaced in the mid-twentieth century (built 1955-1965) with two- to three-and-a-half storey, brick, multi-unit apartment buildings.

The north side of Oxford Street East was once occupied by built forms similar to the subject property at 160 Oxford Street East. The 1912, Revised 1922 *Fire Insurance Plan* shows a contiguous row of one-storey frame dwellings on the north side of Oxford Street East from 128 Oxford Street East to St. George Street (see Figure 3, Appendix A). The area around the subject property has continued to change, with the greatest change being the construction of the adjacent four-storey Post Modern medical building at 140 Oxford Street East completed in 1994.

1.4 Property History

The precise date of construction for the building located at 160 Oxford Street East has not been clearly established. The inventory work completed in the *St. George-Grosvenor Heritage Conservation District Study* (2016), dates the building as “pre 1875” (Volume IV, Appendix F, 184; see Appendix B). Comments regarding the potential occupancy of William Friendship was noted in the inventory, however direct links to this property and building could not be confirmed. Historical research undertaken by the Heritage Impact Assessment (see Section 3.2.1 and Appendix D), indicate that the building was constructed between 1877 and 1896 (ARA 2019, 11).

An approximate date of construction of the building at 160 Oxford Street East in circa 1877 is believed because of the mortgage taken out by Henry Taylor in 1877, following his purchase of the property in April 1875 and subdivision of the property in July 1875. The Heritage Impact Assessment notes, “It is possible that the mortgage is indicative of construction activities on the property” (ARA 2019, 11). The building located on the

subject property appears to conform to the simple vernacular characteristics expected of a circa 1870s building in this location outside of the historic core of the City.

The subject property was sold by the executors of the Henry Taylor estate in 1924 to Brenda Scott, who sold it the following year to Archibald Rogers. It was sold by Elizabeth Rogers in 1970 to Frank Johnson, who owned the subject property until it was transferred in 1994 to a numbered company. In about 1994, the building was converted from a residential dwelling into a dental office. The building at 160 Oxford Street East has been vacant for several years.

As noted above, the building has a concrete block foundation which does not correlate with the approximate date of construction. It was not possible to determine this conundrum, but could indicate major interventions to the building in its past.

2.0 Legislative and Policy Framework

2.1 Provincial Policy Statement

Section 2.6.1 of the *Provincial Policy Statement* (2014) directs that "significant built heritage resources and significant cultural heritage landscapes shall be conserved." "Significant" is defined in the *Provincial Policy Statement* (2014) as, in regards to cultural heritage and archaeology, "resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, and event, or a people."

The *Provincial Policy Statement* (2014) defines "conserved" as: "Means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is maintained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments."

2.2 Ontario Heritage Act

Section 27 of the *Ontario Heritage Act* requires that a register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2) of the *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council "believes to be of cultural heritage value or interest" on the Register.

The only cultural heritage protection afforded to heritage listed properties is a 60-day delay in the issuance of a demolition permit. During this time, Council Policy directs that the London Advisory Committee on Heritage (LACH) is consulted, and a public participation meeting is held at the Planning & Environment Committee.

Section 29 of the *Ontario Heritage Act* enables municipalities to designate properties to be of cultural heritage value or interest. Section 29 of the *Ontario Heritage Act* also establishes consultation, notification, and process requirements, as well as a process to appeal the designation of a property. Appeals to the Notice of Intent to Designate a property pursuant to Section 29 of the *Ontario Heritage Act* are referred to the Conservation Review Board (CRB).

2.2.1 Criteria for Determining Cultural Heritage Value or Interest

The criteria of Ontario Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are:

1. Physical or design value:
    i. Is a rare, unique, representative or early example of a style, type, expression, material or construction method;
    ii. Displays a high degree of craftsmanship or artistic merit; or,
    iii. Demonstrates a high degree of technical or scientific achievement.

2. Historical or associative value:
    i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
    ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
    iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. Contextual value:
    i. Is important in defining, maintaining or supporting the character of an area;
    ii. Is physically, functionally, visually or historically linked to its surroundings; or,
    iii. Is a landmark.

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. Should the property not meet the criteria for designation, the demolition request should be granted and the property removed from the *Inventory of Heritage Resources* (Register).

2.3 The London Plan

The policies of *The London Plan* articulate the contributions that our cultural heritage resources made to our community. Our cultural heritage resources distinguish London from other cities, and made London a more attractive place for people to visit, live, or invest. Importantly, "our heritage resources are assets that cannot be easily replicated and they provide a unique living environment and quality of life. By conserving them for future generations, and incorporating, adapting, and managing them, London's cultural heritage resources define London's legacy and its future" (Policy 552_, *The London Plan*).

With the cultural heritage policies of *The London Plan*, we will (Policy 554_):

1. *Promote, celebrate, and raise awareness and appreciation of London's cultural heritage resources.*
2. *Conserve London's cultural heritage resources so they can be passed onto our future generations.*
3. *Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources.*

Generally, the policies of *The London Plan* support the conservation and retention of significant cultural heritage resources. The criteria for the evaluation of an individual property, which match the criteria of O. Reg. 9/06, can be found in Policy 573_; the policies for the evaluation of a potential Heritage Conservation District can be found in Policy 576_.

Policy 591_ states,

> *Where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure that the owner undertakes mitigation measures including a detailed documentation of the cultural heritage features to be lost, and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development*.

2.4 Register (Inventory of Heritage Resources)

Municipal Council may include properties on the Register (Inventory of Heritage Resources) that it "believes to be of cultural heritage value or interest." These properties are not designated, but are considered to have potential cultural heritage value or interest. The property at 160 Oxford Street east is considered to have potential cultural heritage value or interest as a heritage listed property.

3.0 Demolition Request

The property owner submitted written notice of their intention to demolish the building located at 160 Oxford Street East received on March 19, 2019. This demolition request

was accompanied by a Heritage Impact Assessment (prepared by Archaeological Research Associates Ltd., dated March 8, 2019) (Appendix D).

Municipal Council must respond to a request for the demolition of a heritage listed property within 60 days, or the request is deemed consented. During this 60-day period, the London Advisory Committee on Heritage (LACH) is consulted and, pursuant to Council Policy, a public participation meeting is held at the Planning & Environment Committee.

The 60-day period for the demolition request for the heritage listed property at 160 Oxford Street East expires on May 18, 2019.

4.0 Cultural Heritage Evaluation

4.1 Evaluation

The subject property at 160 Oxford Street East was identified as a potential cultural heritage resource as part of the recommended Great Talbot Heritage Conservation District. It was included in the evaluation undertaken in the St. George-Grosvenor Heritage Conservation District Study, resulting in the recommendation to include the property at 160 Oxford Street East within the boundaries of the recommended Great Talbot Heritage Conservation District.

Unlike the mandated criteria of O. Reg. 9/06 for the evaluation of an individual property, there are no provincially-mandated criteria for the evaluation of a potential Heritage Conservation District. Instead, the City relies on the application of the criteria for the evaluation of a potential Heritage Conservation District in the policies of its *Official Plan*/*The London Plan*. The evaluation of a potential Heritage Conservation District, pursuant to Part V of the *Ontario Heritage Act*, relies on the cumulative cultural heritage value of a group of properties together.

The demolition request for the property at 160 Oxford Street East presents methodological challenges as the property was identified as a potential cultural heritage resource related to the recommended Great Talbot Heritage Conservation District, but the demolition request requires an evaluation of the cultural heritage value of the property on an individual basis.

An evaluation of the property at 160 Oxford Street East was undertaken using the criteria of O. Reg. 9/06 (see Section 2.2.1 for criteria) by the Heritage Impact Assessment (ARA 2019). This evaluation found that the property did not meet any of the criteria of O. Reg. 9/06 (see Appendix D). The Heritage Impact Assessment (ARA 2019, 26-27) stated regarding contextual value,

> *160 Oxford Street East is no longer important in defining, maintaining or supporting the character of the area. The property has been altered through the removal of all of its historic architectural elements with the exception of its one-storey scale and massing, hipped roof and arrangement of window and door openings on the south façade. The cohesive, historic low-density residential character of the streetscape has been diminished over time through the introduction of contemporary development, notably the immediately adjacent four-storey medical building.*

The evaluation of the potential contextual values of the subject property has found that is has been isolated by past redevelopment. In the Heritage Impact Assessment (ARA 2019), the evaluation focused on the adjacent property at 140 Oxford Street East, however a similar evaluation could be made for the adjacent properties at 165 St. George Street, 171 St. George Street, and 175 St. George Street. These twentieth century buildings isolate the nineteenth century building at 160 Oxford Street East from other nineteenth century buildings within the recommended Great Talbot Heritage Conservation District.

And, in summary,

> *… 160 Oxford Street East has undergone modifications that have impacted the integrity of the structure's architectural features and as such it is no longer a vernacular representation of the Ontario Cottage style. The property is associated primarily with the Friendships and Taylors who were early families residing in this area of London. Research conducted did not suggest any notable contributions to the community made by the individuals who lived on the property. The contextual value of the property has been diminished through adjacent contemporary development on Oxford Street East that has isolated the structure on the east end of the block. As such, the property does not meet any O. Reg. 9/06 criteria.*

Staff reviewed the Heritage Impact Assessment (ARA 2019) and the evaluation of the property using the criteria of O. Reg. 9/06. Staff concur with the findings of the evaluation, that the property did not meet any of the criteria of O. Reg. 9/06.

The documentation provided in the Heritage Impact Assessment (ARA 2019) is sufficient documentation of the subject property at 160 Oxford Street East. No further documentation is recommended.

4.2 Recommended Great Talbot Heritage Conservation District

Within the *St. George-Grosvenor Heritage Conservation District Study*, properties on Oxford Street East were recognized as being part of a "very different planning regime" and were considered differently than properties on the interior of the study area. Section 8.3.2 of the *St. George-Grosvenor Heritage Conservation District Study* (2016) noted,

> *Some select gateway properties have been included at the intersections of Oxford Street East and Talbot Street and at Oxford Street East and St. George Street. These gateway properties have architectural features and a history similar to the properties in the interior of the Study Area and visually have more in common with properties further into the Study Area than with properties on Oxford Street East.*

The evaluation of the property at 160 Oxford Street East found that it has been isolated from the historic residential area of the recommended Great Talbot Heritage Conservation District by redevelopment of adjacent properties in the twentieth century, diminishing the potential contextual values of the subject property.

4.4 Consultation

Pursuant to Council Policy for the demolition of a heritage listed property, notification of the demolition request for the property at 160 Oxford Street East was sent to 77 property owners within 120m of the subject property on March 27, 2019, as well as community groups including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, the Urban League, and the St. George-Grosvenor Neighbourhood Association. Notice was also published in *The Londoner* on March 28, 2019.

4.5 Other

As the subject property abuts another heritage listed property and is adjacent to two heritage designated properties, a Heritage Impact Assessment may be required as part of the submission of a future planning or development application for the redevelopment of the subject property. Within Section 9.5 of the Heritage Impact Assessment (ARA 2019, 35), mitigative suggestions are provided that should be considered to ensure the compatibility of future development on the subject property with adjacent cultural heritage resources and the character of the recommended Great Talbot Heritage Conservation District.

Additionally, the subject property has been identified as demonstrating archaeological potential; an archaeological assessment may be required as part of a future planning or development application.

5.0 Conclusion

The evaluation of the property at 160 Oxford Street East found that the property, as an individual property, does not meet the criteria of O. Reg. 9/06 and therefore does not merit designation under the *Ontario Heritage Act*.

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

April 2, 2019
KG/kag

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Appendix A Property Location

Appendix B Images

Appendix C Extract – 160 Oxford Street East – *St. George-Grosvenor Heritage Conservation District Study – Volume IV, Appendix F*

Appendix C Archaeological Research Associates Ltd., Heritage Impact Assessment 160 Oxford Street East, City of London, Ontario (March 8, 2019)

Sources

Archaeological Research Associates Ltd. Heritage Impact Assessment 160 Oxford Street East, City of London, Ontario March 8, 2019)

City of London. Property files: 160 Oxford Street East.

City of London. *St. George-Grosvenor Heritage Conservation District Study* (2016).

City of London. *The London Plan* (2016).

Ontario Heritage Act.

Ontario Regulation 9/06.

Appendix A

Figure 1: Property location of the subject property at 160 Oxford Street East.

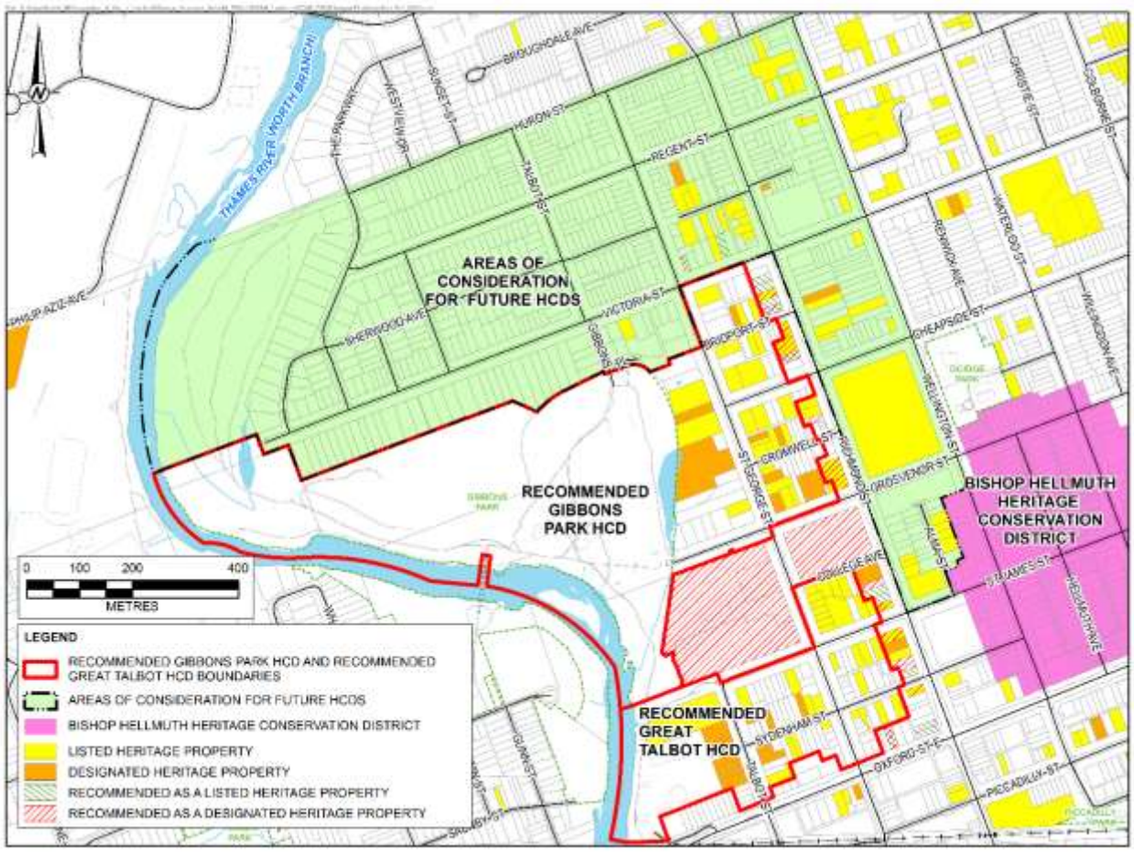

Figure 2: Map of the recommendations of the St. George-Grosvenor Heritage Conservation District Study*, including the recommended Great Talbot Heritage Conservation District*.

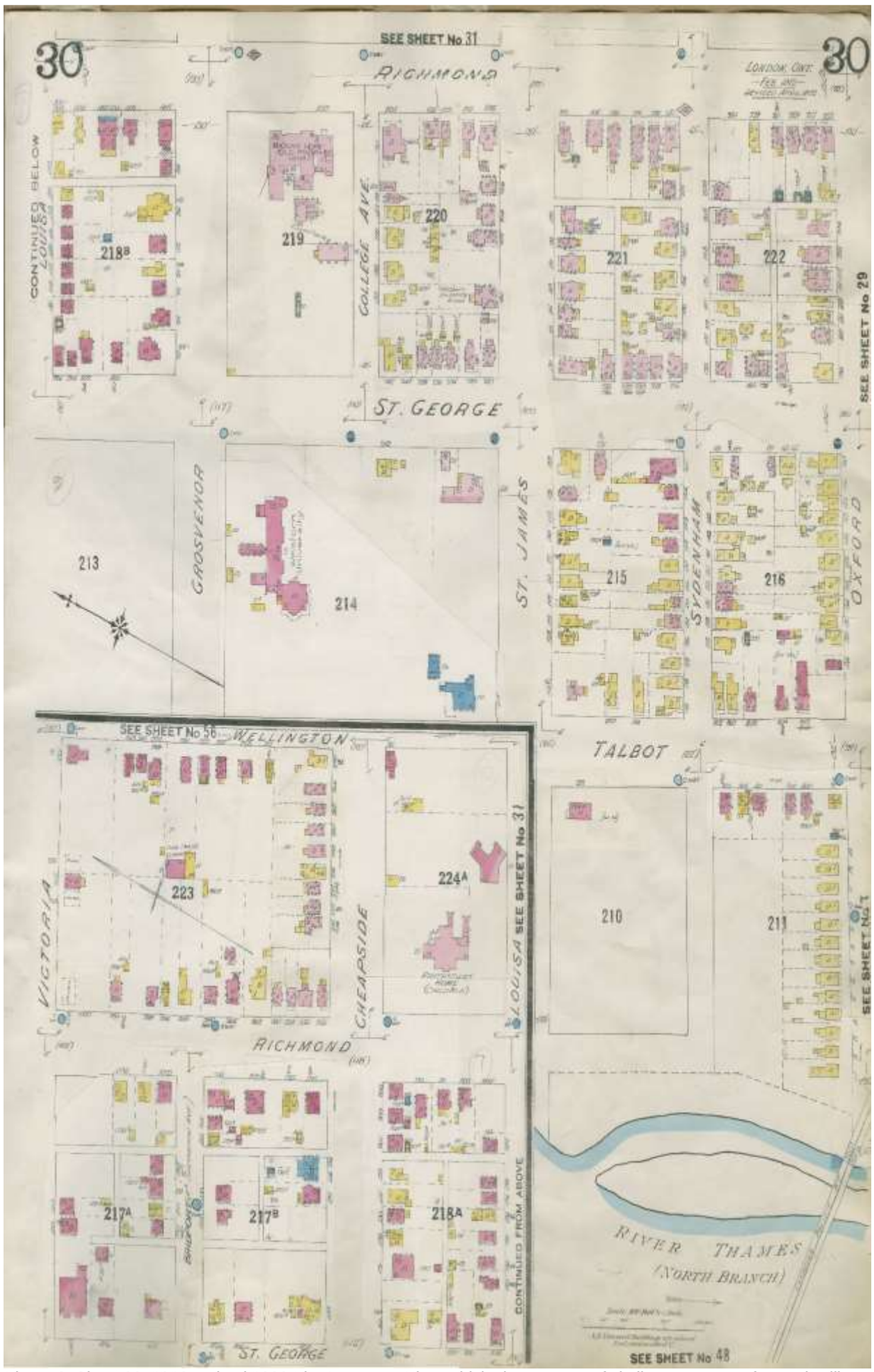

Figure 3: Sheet 30, 1912 revised 1922 Fire Insurance Plan, which shows a row of similar one-storey, frame dwellings on the north side of Oxford Street East. Courtesy Western Archives.

Appendix B

Civic Address: 160 Oxford Street East
Assessment Roll No: 010500103000000

Legal Description: PLAN 65 PT LOT 1 W/S ST GEORGE 4018.00SF 41.50FR 96.83D

Designation/Listing Status: None

Property History
Date of Construction: Pre 1875

Architect and/or Builder: Unknown

Historic Associations: City directories indicate that William Friendship may have lived at this address in 1875. By 1881 Henry Taylor owned this property, living here to 1891. After 1891 several tenants, changing often after a year, lived at this address.

Property Description
This house at 160 Oxford Street is a single storey vernacular cottage with a hipped roof and front porch along the entire front of the building. The front door is off centre on the east side of the building. The front elevation has two tall windows, one in the centre of the elevation and one on the west side of the front elevation. The front porch is five steps above grade. The roof extends over the porch on the front of the house. This house is clad in vinyl siding.

The house at 160 Oxford Street East is a small cottage on the corner of Oxford Street and St. George Street. This house is on the front property line and is set back 8.5 metres from the edge of Oxford Street East. Driveway access is off of St. George Street.

Heritage Attributes
- One storey scale and massing
- Hipped roof
- Setback from the streets
- Arrangement of window and door openings on the front elevation.

Contributing/Non-Contributing: TBD

Sources
- London City Directories

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Figure 4: Extract from Volume IV, Appendix F of the St. George-Grosvenor Heritage Conservation District Study *with the property inventory sheet completed for the property at 160 Oxford Street East*.

Appendix C

Image 1: Converted slide image of the subject property at 160 Oxford Street East (not dated). Noted the metal railing and porch skirting, as well as the hoods above the window openings with segmented-arch two-over-two wood windows (storm windows on front windows under verandah).

Image 2: Undated photograph of the subject property at 160 Oxford Street East.

Image 3: The subject property at 160 Oxford Street East (2016).

Image 4: The subject property at 160 Oxford Street East.

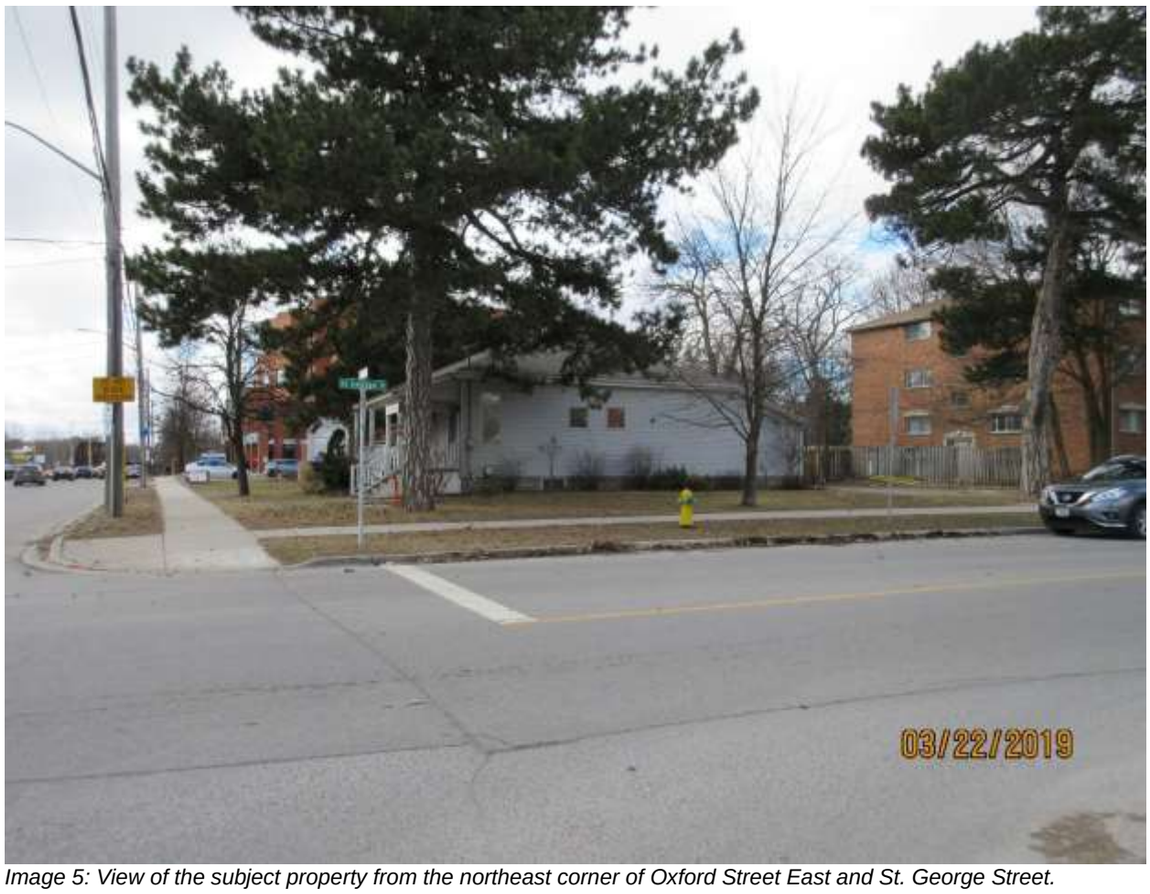

Image 5: View of the subject property from the northeast corner of Oxford Street East and St. George Street.

Image 6: View of the subject property at 160 Oxford Street East, showing the south (main) façade and the east façade.

Image 7: The Oxford Health Centre building, located at 140 Oxford Street East, adjacent to the subject property.

Image 8: Adjacent and nearby properties on St. George Street, north of the subject property.

Image 9: A representative streetscape of the recommended Great Talbot Heritage Conservation District. The east side of St. George Street, north of Sydenham Street, shown.

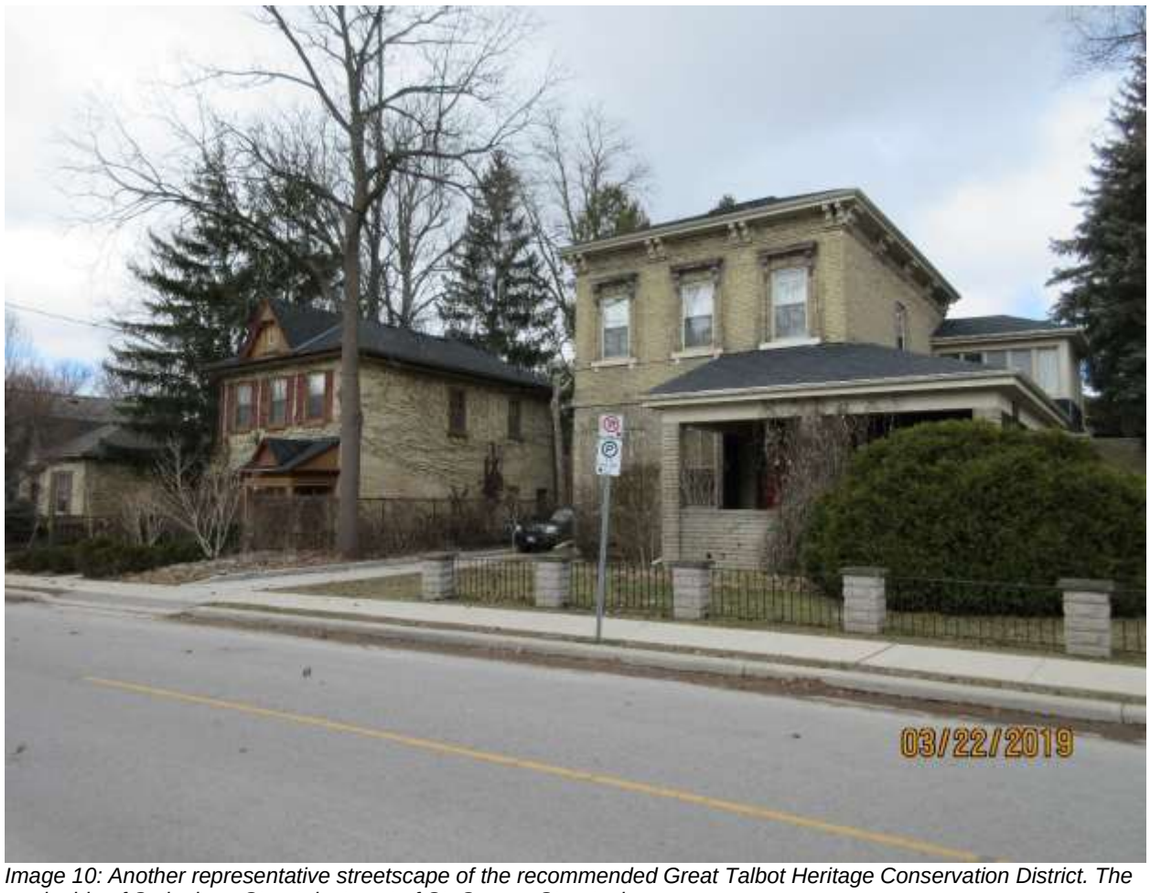

Image 10: Another representative streetscape of the recommended Great Talbot Heritage Conservation District. The north side of Sydenham Street, just east of St. George Street, shown.

Appendix D

Archaeological Research Associates Ltd., Heritage Impact Assessment 160 Oxford Street East, City of London, Ontario (March 8, 2019) [attached separately].

ARCHAEOLOGY | HERITAGE | OUTREACH | EDUCATION

Heritage Impact Assessment
160 Oxford Street East
City of London, Ontario

Prepared for
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HR-142-2018
Project # 2018-0391

8/03/2019

Original Report

EXECUTIVE SUMMARY

Under a contract awarded in December 2018 by Northwest Healthcare Properties REIT, Archaeological Research Associates Ltd. carried out a Heritage Impact Assessment for the property at 160 Oxford Street East in the City of London, Ontario. 160 Oxford Street East is listed on the City of London's Municipal Heritage Register (*Inventory of Heritage Resources*).

The property located at 160 Oxford Street East is located in the historic core of the City of London. It was the first area of the city to be annexed in 1840 following the establishment of the town site of London in 1826. The property is located within part of lot 1 N/S of Oxford Street, Plan 65, in the City of London, County of Middlesex, Ontario.

The Heritage Impact Assessment approach consisted of the following:

- Background research concerning the project context, natural context and historical context of the study area;
- Consultation with the Heritage Planner for the City of London;
- Identification of any designated or recognized cultural heritage properties within and adjacent to the subject lands;
- On-site inspection and identification of all properties with potential Built Heritage Resources and Cultural Heritage Landscapes within, adjacent to or otherwise in close proximity to the subject lands;
- A description of the location and nature of potential cultural heritage resources;
- Evaluation of potential cultural heritage resources against the criteria set out in Ontario Regulation 9/06 for determining *cultural heritage value or interest*;
- Evaluation of potential project impacts of the proposed development; and
- Provision of suggested strategies for the future conservation of identified cultural heritage resources.

Following consultation, historical research, field survey and evaluation against the criteria set out in O. Reg. 9/06 of the *Ontario Heritage Act*, the property at 160 Oxford Street East was not found to meet any of the criteria. 160 Oxford Street East has undergone modifications that have impacted the integrity of the structure's architectural features and as such it is no longer a vernacular representation of the Ontario Cottage style. The property is associated primarily with the Friendships and Taylors who were early families residing in this area of London. Research conducted did not suggest any notable contributions to the community made by the individuals who lived in the extant structure. The contextual value of the property has been diminished through adjacent contemporary development along the Oxford Street East streetscape. Archival research undertaken by ARA suggests that the extant structure was not built until after 1875. Specifically, research has indicated that the structure was likely constructed between 1877 and 1896.

As a result of consultation, field survey and evaluation, the following properties adjacent to the project location were identified as having CHVI: 155 Oxford Street East (BHR 1), 163 Oxford Street East (BHR 2), 165 Oxford Street East (BHR 3), 176 Oxford Street East (BHR 4), 176 St. George Street (BHR 5), 165 St. George Street (BHR 6), and the Great Talbot Heritage Conservation District (CHL1). Each of these cultural heritage resource may warrant mitigation of project impacts to allow for their conservation in the project planning process.

The proponent's current plan for the property entails the demolition and removal of the existing dwelling at 160 Oxford Street East. As outlined in Section 8.0, the proposed demolition of the structure will have direct impacts on the subject property. At the time of writing this report a preferred redevelopment plan had not been disclosed.

Potential impacts stemming from the proposed demolition of 160 Oxford Street East include the alteration of the historic low-density residential character of the Oxford Street East and St. George Street streetscapes. Impacts on adjacent buildings may include the presence of a new land use that may create shadows and/or not be compatible with the character of the area and that may alter views to the recommended Great Talbot HCD looking north down St. George Street from Oxford Street East.

The following conservation/mitigation strategies are recommended moving forward:

- That although the building at 160 Oxford Street East was not found to meet *Ontario Heritage Act* O. Regulation 9/06 criteria, it does contain historic fabric that may be worthy of salvage and reuse.
- That a development plan is not yet available for the project location, however symbolic conservation opportunities should be considered for the property in the future.
- That an updated Heritage Impact Assessment may be requested by the City of London for 160 Oxford Street East once a redevelopment plan is proposed for the property. And that to adhere to the City's Official Plan, the design of any new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area and consider potential impacts on adjacent properties.
- That if a parking lot or open space is considered for the property, a landscaping plan should be developed that provides a visual transition from the commercial property at 140 Oxford Street East to the properties included in the recommended Great Talbot HCD boundary to the east to assist in mitigating, in a minor way, the loss of the historic fabric at 160 Oxford Street East.

Most development projects propose some sort of impact to the local heritage fabric. The 2014 *Provincial Policy Statement* notes that cultural heritage value or interest is bestowed upon cultural heritage resources by communities. Accordingly, the system by which heritage is governed in this province places emphasis on the decision-making of local municipalities in determining cultural heritage value or interest. It is hoped that the information presented in this report will be useful in those deliberations.

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GLOSSARY OF ABBREVIATIONS

ARA – Archaeological Research Associates Ltd.
BHR – Built Heritage Resource
CHVI – Cultural Heritage Value or Interest
CHL – Cultural Heritage Landscape
HCD – Heritage Conservation District
HIA – Heritage Impact Assessment
MCL – (Former) Ministry of Culture

MTC – (Former) Ministry of Tourism and Culture
MTCS – Ministry of Tourism, Culture and Sport
OHA – Ontario Heritage Act
OHT – Ontario Heritage Trust
OP – Official Plan
O. Reg. – Ontario Regulation
PPS – Provincial Policy Statement

PERSONNEL

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1.0 PROJECT CONTEXT

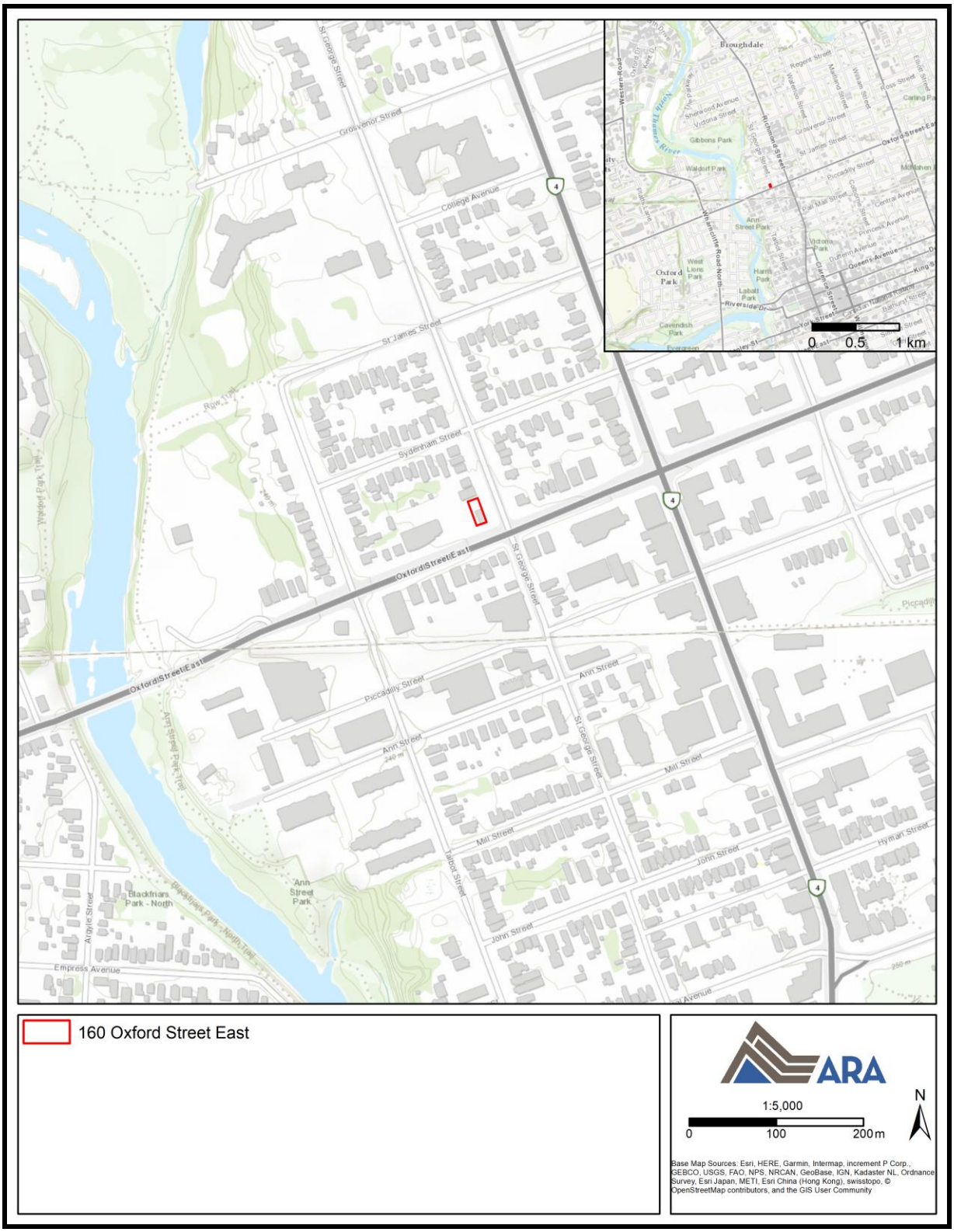
Under a contract awarded in December 2018 by Northwest Healthcare Properties REIT, Archaeological Research Associates Ltd. carried out a Heritage Impact Assessment (HIA) of the property at 160 Oxford Street East in the City of London, Ontario. 160 Oxford Street East is listed on the City of London's Municipal Heritage Register (*Inventory of Heritage Resources*) pursuant to Section 27 of the *Ontario Heritage Act*. The property was included on the Register by resolution of the City's Municipal Council arising out of the *St. George-Grosvenor Heritage Conservation District Study* (2016), which recommended the designation of two Heritage Conservation Districts (HCD): Great Talbot and Gibbons Park. The property at 160 Oxford Street East is located on the southern boundary of the recommended Great Talbot HCD. Municipal Council has directed that a Plan for the Great Talbot HCD be prepared. At the time of writing this HIA report, a Plan had not been completed. As such, policy direction specific to the recommended HCD was not available and the City's Official Plan (OP), *The London Plan* (2016), was relied upon to provide policy context.

The current owner of the property, Northwest Healthcare Properties REIT, is proposing to demolish the subject house.

The subject property is located in the historic core of the City of London. It was the first area of the city to be annexed in 1840 following the establishment of the town site of London in 1826 (City of London 2012). The property is located within part of Lot 1 N/S of Oxford Street, Plan 65, in the City of London, County of Middlesex, Ontario (see Map 1).

The purpose of this assessment is to identify and evaluate the cultural heritage resources (built heritage resources and cultural heritage landscapes) located at the 160 Oxford Street East project location, as well as the adjacent properties that may be impacted by the proposed demolition of the house at 160 Oxford Street East. This assessment was conducted in accordance with the aims of the *Planning Act* R.S.O. 1990, c. P.13, *Provincial Policy Statement* (2014), *Ontario Heritage Act*, R.S.O. 1990, c. O.18, and *The London Plan* (2016).

All notes, photographs and records pertaining to the heritage assessment are currently housed in ARA's processing facility located at 1480 Sandhill Drive – Unit 3, Ancaster, Ontario. Subsequent long-term storage will occur at the same location.



Map 1: Subject Property in the City of London
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri)

2.0 METHOD

The framework for this assessment report is provided by provincial planning legislation and policies as well as municipal Official Plans and guidelines. Section 2 of the *Planning Act* indicates that a council of a Municipality have regard for matters of provincial interest such as: "(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest." Section 3 of the *Planning Act* directs a municipal Council's decisions to be consistent with the *Provincial Policy Statement* (PPS 2014). Policy 2.6.1 states: *"*Significant built heritage resources and significant cultural heritage landscapes shall be conserved."

With respect to cultural heritage, the City of London's OP, *The London Plan*, Policy 554 states that the City will:

1. Promote, celebrate, and raise awareness and appreciation of London's cultural heritage resources.
2. Conserve London's cultural heritage resources so they can be passed on to our future generations.
3. Ensure that new development and public works are undertaken to enhance and be sensitive to our cultural heritage resources (2016:138).

Policy 592 details that "areas of the city that City Council considers to have cultural heritage value or interest may be considered for designation as heritage conservation districts under the *Ontario Heritage Act*" (City of London 2016:144). The Great Talbot HCD, located within the St. George-Grosvenor HCD study area, has been recommended for designation, however a HCD Plan detailing the policies that will guide change in the district has not yet been adopted by Council. As such, policies included within *The London Plan* that focus on managing development and change related to cultural heritage resources will be adhered to until such time as a HCD Plan is adopted. The absence of a HCD designation should not be taken as an indication that these properties or areas are not worthy of cultural heritage protection or that the area lacks cultural heritage value or interest (CHVI).

Specifically, Policy 565 of *The London Plan* states that, "new development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources. A Heritage Impact Assessment will be required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes" (City of London 2016:140). This report was triggered as a result of the City's HIA requirement. Lastly, Policy 591 indicates that "where a heritage designated property or a property listed on the Register is to be demolished or removed, the City will ensure the owner undertakes mitigation measures including a detailed documentation of the cultural heritage features to be lost and may require the salvage of materials exhibiting cultural heritage value for the purpose of re-use or incorporation into the proposed development" (2016:144).

Through careful analysis of the heritage values and attributes of identified resources and landscapes, coupled with an analysis of project impacts and an outline of potential mitigation measures, the requirements of the *PPS,* the OP and their guidelines can be met.

2.1 Key Concepts

The following concepts require clear definition in advance of the methodological overview; proper understanding is fundamental for any discussion pertaining to cultural heritage resources:

- **Cultural Heritage Value or Interest** (CHVI), also referred to as Heritage Value, is identified if a property meets one of the criteria outlined in O. Reg. 9/06 namely historic or associate value, design or physical value and/or contextual value. Provincial significance is defined under *Ontario Heritage Act (OHA) O. Reg*. 10/06.
- **Built Heritage Resource** (BHR) can be defined in the *PPS* as: "a building, structure, monument, installation or any manufactured remnant that contributes to a property's cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *OHA*, or included on local, provincial and/or federal registers" (MMAH 2014:39).
- **Cultural Heritage Landscape** (CHL) is defined in the *PPS* as: "a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g., a National Historic Site or District designation, or a UNESCO World Heritage Site)" (MMAH 2014:40).

  It is recognized that the heritage value of a CHL is often derived from its association with historical themes that characterize the development of human settlement in an area (Scheinman 2006). In Ontario, typical themes which may carry heritage value within a community include, but are not limited to: 1) Pre-Contact habitation, 2) early European exploration, 3) early European and First Nations contacts, 4) pioneer settlement, 5) the development of transportation networks, agriculture and rural life, 6) early industry and commerce, and/or 7) urban development. Individuals CHLs may be related to a number of these themes simultaneously.

  The *Operational Guidelines for the Implementation of the World Heritage Convention* defines several types of CHLs: 1) designed and created intentionally by man, 2) organically evolved landscapes which fall into two-subcategories (relic/fossil or continuing), and 3) associative cultural landscapes (UNESCO 2008:86). MCL (at the time) *Information Sheet #2 Cultural Heritage Landscapes* (MCL 2006c) repeats these definitions to describe landscapes in Ontario.
- **Conserved** means "the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments" (MMAH 2014:40).

- **Heritage Attributes** are defined in the *Ontario Heritage Act* as: "the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a protected heritage property means, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest" (Government of Ontario 2009).
- **Significant** in reference to cultural heritage is defined as: "resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people" (MMAH 2014:49).

Key heritage definitions from *The London Plan* are as follows:

- **Adjacent** when considering potential impacts to cultural heritage resources means "sites that are contiguous; sites that are directly opposite a cultural heritage resource separated by a laneway, easement, right-of-way, or street; or sites upon which a proposed development or site alteration has the potential to impact identified visual character, streetscapes or public views as defined within a statement explaining the cultural heritage value or interest of a cultural heritage resource" (City of London 2016:448).
- **Conservation** of cultural heritage resources is defined by "actions or processes that are aimed at safeguarding the heritage attributes of a cultural heritage resource so that it retains its cultural heritage value or interest and extends its physical life. This may involve preservation, rehabilitation, restoration or a combination of these actions or processes" (City of London 2016:449).
- **Cultural Heritage Resource** means a "human work or a place that gives evidence of human activity or has spiritual or cultural meaning or value, and which has been determined to have historic value. Cultural heritage resources include both the physical and intangible resources, properties protected under the *Ontario Heritage Act*, built heritage resources, cultural heritage landscapes, archaeological resources, paleontological resources and both documentary and material heritage" (City of London 2016:449).

2.2 Types of Recognition

BHRs and CHLs are broadly referred to as cultural heritage resources. A variety of types of recognition exist to commemorate and/or protect cultural heritage resources in Ontario.

The National Historic Sites program commemorates important sites, people or events that had a nationally significant effect on, or illustrate a nationally important aspect of, the history of Canada. The Minister of Canadian Heritage on the advice of the Historic Sites and Monuments Board of Canada (HSMBC) makes recommendations to the program. Yet another form of recognition at the federal level is the Canadian Heritage Rivers System program. It is a federal program to recognize and conserve rivers with outstanding natural, cultural and recreational heritage. It is important to note that both of these federal commemoration programs do not offer protection from alteration or destruction.

The Ontario Heritage Trust (OHT) operates the Provincial Plaque Program that has over 1,250 plaques located across the province recognizing key people, places and events that shaped Ontario. Additionally, properties owned by the province may be recognized as a "provincial heritage property" (MTC 2010).

Protected properties are those designated under Part IV (individual properties) or Part V (Heritage Conservation District) of the *OHA*. Once designated, a property cannot be altered or demolished without the permission of the local council. A cultural heritage resource may also be protected through a municipal or OHT easement. Many heritage committees and historical societies provide plaques for local places of interest.

Under *Section 27* of the *OHA*, a municipality must keep a Municipal Heritage Register of properties of cultural heritage value or interest. A register lists designated properties as well as other properties of cultural heritage value or interest in the municipality. Properties on this list that are not formally designated are commonly referred to as "listed." Listed properties are flagged for planning purposes and are afforded a 60-day delay in demolition if a demolition request is received.

2.3 Approach

The City of London's Official Plan (2016) broadly outlines the requirements to determine the impacts to known and potential heritage resources within a defined area proposed for future development. This HIA records a detailed site history; a location map; complete listing and full written descriptions of all existing structures on the property; documentation, including current photographs; an outline of the proposed development; an assessment of alternative development options and mitigation measures; a summary of conservation principles; an explanation of proposed demolitions/alterations; alternatives for salvage mitigation; and a clear statement of the conclusions regarding the significance and heritage attributes of the cultural heritage resource.

2.3.1 Historical Research

Background information is obtained from aerial photographs, historical maps (i.e., illustrated atlases), archival sources (i.e., historical publications and records), published secondary sources (online and print) and local historical organizations. Historic tax assessment rolls can provide insight into historic property tenants. These records are available for the City of London at the London Public Library on microfilm for the years 1905-1930, paper for the years 1895, 1910, 1916, 1927, 1939, 1953, 1959, 1966 and microfiche for 1984, 1986, 1990. Tax assessment records were not reviewed for this project as the available records (circa 1905-1990) provide the same data that was more readily available in other formats, such as city directories.

Given that research is constrained to sources in the public record and conducted in a limited timeframe there is the possibility that additional historical information exists but may not have been identified.

2.3.2 Consultation

Consultation with the local community is essential for determining the community value of cultural heritage resources. At project commencement, ARA contacts the local municipality to inquire about: 1) protected properties in the study area, 2) properties with other types of

recognition in the study area, 3) previous studies relevant to the current study, and 4) other heritage concerns regarding the study area or project. Where possible, information is sought directly from the MTCS and OHT. In this case, the City of London was contacted to obtain feedback on the potential cultural heritage resources in the vicinity as well as the scope of the study.

2.3.3 Field Survey

The field survey component of an assessment involves the collection of primary data through systematic photographic documentation of all potential cultural heritage resources within the study area, as identified through historical research and consultation. Additional cultural heritage resources may also be identified during the survey itself. Photographs capturing all properties with potential BHRs and CHLs are taken, as are general views of the surrounding landscape. The site visit also assists in confirming the location of each potential cultural heritage resource and helps to determine the relationship between resources.

2.4 Evaluation of Significance

In order to objectively identify cultural heritage resources, O. Reg. 9/06 made under the *OHA* sets out three principal criteria with nine sub-criteria for determining CHVI (MCL 2006a:20–27). The criteria set out in the regulation were developed to identify and evaluate properties for designation under the *OHA*. Best practices in evaluating properties that are not yet protected employ O. Reg. 9/06 to determine if they have CHVI. These criteria include: design or physical value, historical or associative value and contextual value.

Design or Physical Value manifests when a feature:

- is a rare, unique, representative or early example of a style, type, expression, material or construction method;
- when it displays a high degree of craftsmanship or artistic value; or
- when it displays a high degree of technical or scientific achievement.

Historical or Associative Value appears when a resource has:

- direct associations with a theme, event, belief, person, activity, organization or institution that is significant to the community;
- yields or has the potential to yield information that contributes to the understanding of a community or culture; or
- demonstrates or reflects work or ideas of an architect, builder, artist, designer or theorist who is significant to the community.

Contextual Value is implied when a feature:

- is important in defining, maintaining or supporting the character of an area;
- is physically, functionally, visually or historically linked to its surroundings; or
- is a landmark.

If a potential cultural heritage resource (BHR or CHL) is found to meet any one of these criteria, it can then be considered an identified resource.

2.5 Evaluation of Impacts

Any potential project impacts on identified BHRs or CHLs must be evaluated, including direct and indirect impacts. *InfoSheet #5: Heritage Impact Assessments and Conservation Plans* (2006b:3) provides an overview of several major types of negative impacts, including but not limited to:

- Destruction of any, or part of any, significant heritage attributes;
- Alteration that is not sympathetic, or is incompatible, with the historic fabric and appearance;
- Shadows created that alter the appearance of a heritage attribute or change the viability of a natural feature or plantings, such as a garden;
- Isolation of a heritage attribute from its surrounding environment, context or significant relationship;
- Direct or indirect obstruction of significant views or vistas within, from, or of built and natural features;
- A change in land use such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces; and
- Land disturbances such as a change in grade that alters soils, and drainage patterns that adversely affect an archaeological resource.

2.6 Mitigation Strategies

If potential impacts to identified heritage resources are determined, proposed conservation or mitigative/avoidance measures must be recommended.

The Ministry of Culture's *InfoSheet #5: Heritage Impact Assessments and Conservation Plans* (2006b:3) lists several specific methods of minimizing or avoiding a negative impact on a cultural heritage resource, including but not limited to:

- Alternative development approaches;
- Isolating development and site alteration from significant built and natural features and vistas;
- Design guidelines that harmonize mass, setback, setting, and materials;
- Limiting height and density;
- Allowing only compatible infill and additions;
- Reversible alterations; and
- Buffer zones, site plan control, and other planning mechanisms.

2.7 Summary of Approach

The approach outlined herein is supported by the best practices, guidelines and policies of the following:

- *Provincial Policy Statement* (2014);
- *Ontario Heritage Act* (R.S.O. 1990);
- *Ontario Heritage Tool Kit* series (MCL 2006a); and
- *The London Plan* (2016).

The staff included P.J. Racher, M.A., CAHP, Principal. The Heritage Operations Manager was K. Jonas Galvin, M.A., CAHP and the Project Manager was L. Benjamin, M.A.E.S., CAHP. The site visit was completed by L. Benjamin and S. Clarke, B.A. S. Clarke completed the historical research. K. Jonas Galvin, P. Young, M.A., CAHP, J. McDermid, B.A., and L. Benjamin were the technical writers. Curriculum Vitae for these key personnel can be found in Appendix E.

3.0 SITE HISTORY

Below is a chronological history of the subject property including details that place the property's history within the development of the City of London.

3.1 London Township, Middlesex County

The early history of the project location can be effectively discussed in terms of major historical events. The principal characteristics associated with these events are summarized in Table 3.

Table 1: Post-Contact Settlement History
(Smith 1846; H.R. Page & Co. 1878; Mulvany 1885; Coyne 1895; Lajeunesse 1960; Cumming 1972; Mika 1972; Smith 1987; Ellis and Ferris 1990; Surtees 1994; NRC 2010; AO 2011)

Historical Event	Timeframe	Characteristics
Early Contact	Early 17th century	Brûlé explores the area in 1610; Champlain visits in 1613 and 1615/1616; Iroquoian-speakers (Huron, Petun and Neutral) and Algonkian-speakers (Anishinabeg) encountered; European goods begin to replace traditional tools
Five Nations Invasion	Mid-17th century	Haudenosaunee (Five Nations) invade circa 1650; Neutral, Huron and Petun Nations are defeated/removed; vast Iroquoian hunting territory established in the second half of the 17th century; Explorers continue to document the area
Anishinabeg Influx	Late 17th and early 18th century	Ojibway, Odawa and Potawatomi expand into Haudenosaunee lands in the late 17th century; Nanfan Treaty between Haudenosaunee and British in 1701; Anishinabeg occupy the area and trade directly with the French and English
Fur Trade Development	Early and mid-18th century	Growth and spread of the fur trade; Peace between the French and English with the Treaty of Utrecht in 1713; Ethnogenesis of the Métis; Hostilities between French and British lead to the Seven Years' War in 1754; French surrender in 1760
British Control	Mid-18th century	*Royal Proclamation* of 1763 recognizes the title of the First Nations to the land; Numerous treaties arranged by the Crown; First acquisition is the Seneca surrender of the west side of the Niagara River in August 1764
Loyalist Influx	Late 18th century	United Empire Loyalist influx after the American Revolutionary War (1775–1783); British develop interior communication routes and acquire additional lands; 'Between the Lakes Purchase' in 1784 orchestrated by Haldimand to obtain lands for Six Nations; *Constitutional Act* of 1791 creates Upper and Lower Canada
Middlesex County Development	Late 18th and early 19th century	The area that would eventually become Middlesex County was initially part of the London District. The lands comprising Middlesex were purchased from the Ojibway through the Long Woods Purchase (1822) and the Huron Tract Purchase (1827). In 1849 following the abolition of the district system, Middlesex County comprised the Townships of Adelaide, Aldborough, Bayham, Caradoc, Delaware, Dorchester, Dunwich, Ekfrid, London, Metcalfe, Mosa, Malahide, Southwold, Westminster, Williams, Yarmouth, and the Town of London. The Township remained one of the most well settled areas in Southwestern Ontario due to excellent land and being well timbered with both pine and high-quality hardwoods. By the mid-19th century 52,783 ha were under cultivation. By 1842, the population reached 31,350 and in 1844 there were 93 saw mills and 35 grist mills. By 1861 the population reached 48,736 individuals.

Historical Event	Timeframe	Characteristics
London Township Formation and Development	19th century	The Township of London was first surveyed from 1812-1813 by Col. Burwell, with the first land patent being granted in 1812 to Hon. John Hale. No permanent settlement was made in the Township of London until 1817 when a few lots were purchased by residents from the neighbouring City of London. Settlement increased substantially after this date. The City of London was incorporated as a village in 1840 with a population of almost 2000. Following this, villages and other municipalities continued to experience population increase due to the excellent farming conditions and the enterprise of the settlers.

3.2 Study Area

As discussed in Section 1.0, the project location for this assessment falls on part of Lot 1 N/S of Oxford Street, Plan 65, in the City of London, County of Middlesex, Ontario.

To reconstruct the historic land use of the study area, ARA examined four historical maps that documented past residents, structures (i.e., homes, businesses and public buildings) and features between the mid-19th and mid-20th centuries. In addition, two aerial images from the mid-20th century were examined. Specifically, the resources outlined in Table 2 were consulted.

Table 2: Maps and Aerial Photographs Consulted

Year	Map Title	Reference
1862	Tremaine's Map of the County of Middlesex, Canada West	Tremaine
1878	Map of the Township of London, County of Middlesex	Page
1907	London, Ontario Fire Insurance Plan	Goad
1913	St. Thomas Sheet No. 37 [040I14] Topographic Map	OCUL
1922	Aerial Photo	UWO
1954	Aerial Photo	U of T

The limits of the study area are shown on: 1) georeferenced versions of the consulted historical maps, and 2) georeferenced versions of aerial images from 1922 and 1954 (see Map 2-7).

The *Tremaine's Map of the County of Middlesex, Canada West* (1862) indicates that the City of London was well established, with current street alignments and ward divisions laid out by 1862. Settlement in the City of London was primarily situated east of the Thames River, with streets laid out on the west side of the river accessible via the Blackfriars Bridge. Some buildings are depicted on the 1862 map; however, given the established street grid, it is unlikely that the buildings shown on the map are comprehensive (Map 2).

The Township of London map of 1878 mirrors the street alignment seen on the earlier Tremaine's map. Subdivided lots are indicated, as are public buildings and industries such as Huron College and the Carling Brewery (Map 3).

Goad's Fire Insurance Plan for the City of London from 1907 indicates that 160 Oxford Street East was a one-storey frame building with a one-storey rear addition at that time. Neighbouring

buildings were primarily one-storey frame construction as well, though with differing plans. From the fire insurance plan, we learn that the subject building was constructed by 1907 (Map 4).

A historic topographic map from 1913 helps to situate the subject property within the growing City of London. The Oxford Street bridge crossing the Thames River was constructed by this time, and rail lines traversed the City east–west (Map 5). An aerial photo from 1922 indicates that the plan of the subject building remained unchanged since the fire insurance plan of 1907 was produced (Map 6). The resolution of the 1954 aerial image is too poor to aid in describing the subject property with any clarity, but it is evident that mature trees were numerous in the neighbourhood (Map 7).

3.3 Subject Property

The Crown Patent for Lot 1 on the north side of Oxford Street was not located during research, however it is known that John B. Askin, clerk of the peace and district court, established Plan 65 in the City of London in 1854 (Talman 1976). It does not appear that the subject property was developed prior to 1875, with Lot 1 on the north side of Oxford Street being sold by Askin to F.C. Cornish in 1854 and Cornish releasing the property to C.B. Rudd in 1872. A Bird's Eye View map from 1872 indicates that a structure was not constructed on the lot at that time (Figure 2). In April of 1875, Rudd sold the property to Henry Taylor. In July of that same year, Taylor sold the west half of the lot to James Sharpe (Table 3).

In 1877, Taylor took out a mortgage for $800, which was released one year later in 1878. It is possible that the mortgage is indicative of construction activities on the property. Henry Taylor was a tea merchant that resided at the subject property with his wife and children. H. Taylor and Sons Teas was located on Ridout Street. No additional details about the operation or extent of the business was found during research. Available city directories indicate that the Taylors resided at the property minimally from 1884–1895 (Table 4). According to the census of 1891, Henry Taylor (51) was residing in a one-storey, eight-room frame house with his wife Jane (39) and their nine children (LAC 1891).

Between 1883 and 1896, Taylor took out three mortgages, valued at $1,000, $1,700 and $2,000 respectively (Table 3). The large mortgages may indicate the period of new build on his property at Oxford Street. Alternatively, Taylor may have used his property on Oxford Street to raise the necessary capital to construct a new residence for his large family elsewhere. It is known that the Taylors moved from 160 Oxford Street by 1896, though they maintained ownership of the property and rented it to tenants (Table 5). Tenant Annie Chalmers rented the subject property from Taylor in 1895 and 1896, and the property was vacant in 1898. Successive tenants occupied the property from 1899–1924, at which time the property was sold by executors following Taylor's death (Table 3; Table 4).

In 1925, Brenda Scott sold the subject property to Archibald Rogers. Rogers and his wife Elizabeth resided on the property until Archibald's death in 1960. Elizabeth Rogers sold the property to Frank Johnson in 1970 (Table 3;Table 4). The property later came under the ownership of William and Deniese Kost in 1994 at which time the subject building functioned as a dental office.

Archival research undertaken by ARA has determined that the extant structure was likely not built until after 1875. Specifically, research suggests the structure was constructed between 1877 and 1896.

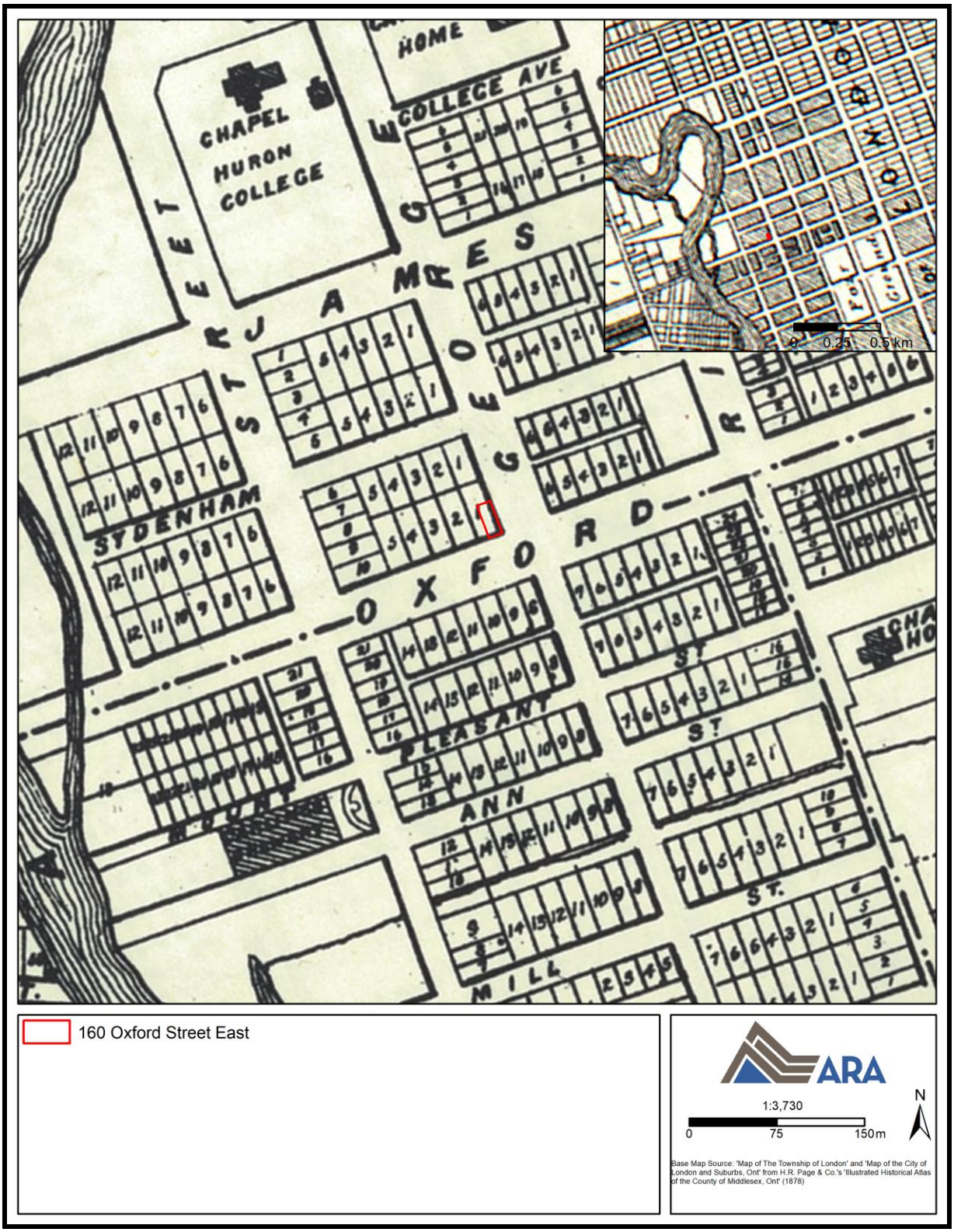
Table 3: Abstract Index for Part Lot 1, North Side Oxford Street, Plan 65 City of London, ON (LRO 33)

Instrument	Date	Grantor	Grantee	Acreage	Amount
Crown Patent registration not located					
B&S	11 Feb 1854	John B. Askin	F.C. Cornish	Lot 1, N/S Oxford St.	N/A
Release of Dower	28 Feb 1872	P.L. Cornish	C.B. Rudd	Lot 1, N/S Oxford St.	N/A
B&S	30 Apr 1875	C.B. Rudd	H. Taylor	Lot 1, N/S Oxford St.	N/A
B&S	13 Jul 1875	Henry Taylor and wife	James Sharpe	Pt. Lot 1, N/S Oxford St., 10 ft.	N/A
Mortgage	11 Apr 1877	Henry Taylor and wife	Canada Loan Co.	Pt. Lot 1, N/S Oxford St.	$800
Release of Mortgage	18 Jun 1878	Canada Loan Co.	Henry Taylor and wife	Pt. Lot 1, N/S Oxford St.	
Mortgage	10 Jul 1883	Henry Taylor and wife	Canada Savings and Loan Co.	Pt. Lot 1, N/S Oxford St.	$1000
Mortgage	15 Apr 1891	Henry Taylor and wife	Mary Boyle et al	Pt. Lot 1, N/S Oxford St.	$1700
Mortgage	26 Oct 1896	Henry Taylor and wife	Mary Boyle and Jane Anderson	Pt. Lot 1, N/S Oxford St.	$2000
Release of Mortgage	30 Oct 1896	Mary Boyle and Jane Anderson	Henry Taylor and wife	Pt. Lot 1, N/S Oxford St.	N/A
Grant	16 Jun 1924	Executors of Henry Taylor	Brenda Scott	Pt. Lot 1, N/S Oxford St.	N/A
Grant	4 Aug 1925	Brenda Scott	Archibald Rogers	Pt. Lot 1, N/S Oxford St.	N/A
S/D Certificate	28 Sep 1960	Re: Estate of Archibald Rogers		Pt. Lot 1, N/S Oxford St.	
Grant	25 Jun 1970	Elizabeth Rogers	Frank G. Johnson	Pt. Lot 1, N/S Oxford St.	N/A
Development Agreement	10 Nov 1970	Frank G. Johnson	City of London	Pt. Lot 1, N/S Oxford St.	N/A
Transfer	21 May 1994	931643 Ontario Inc.	William and Deniese Kost	Pt. Lot 1, N/S Oxford St.	N/A

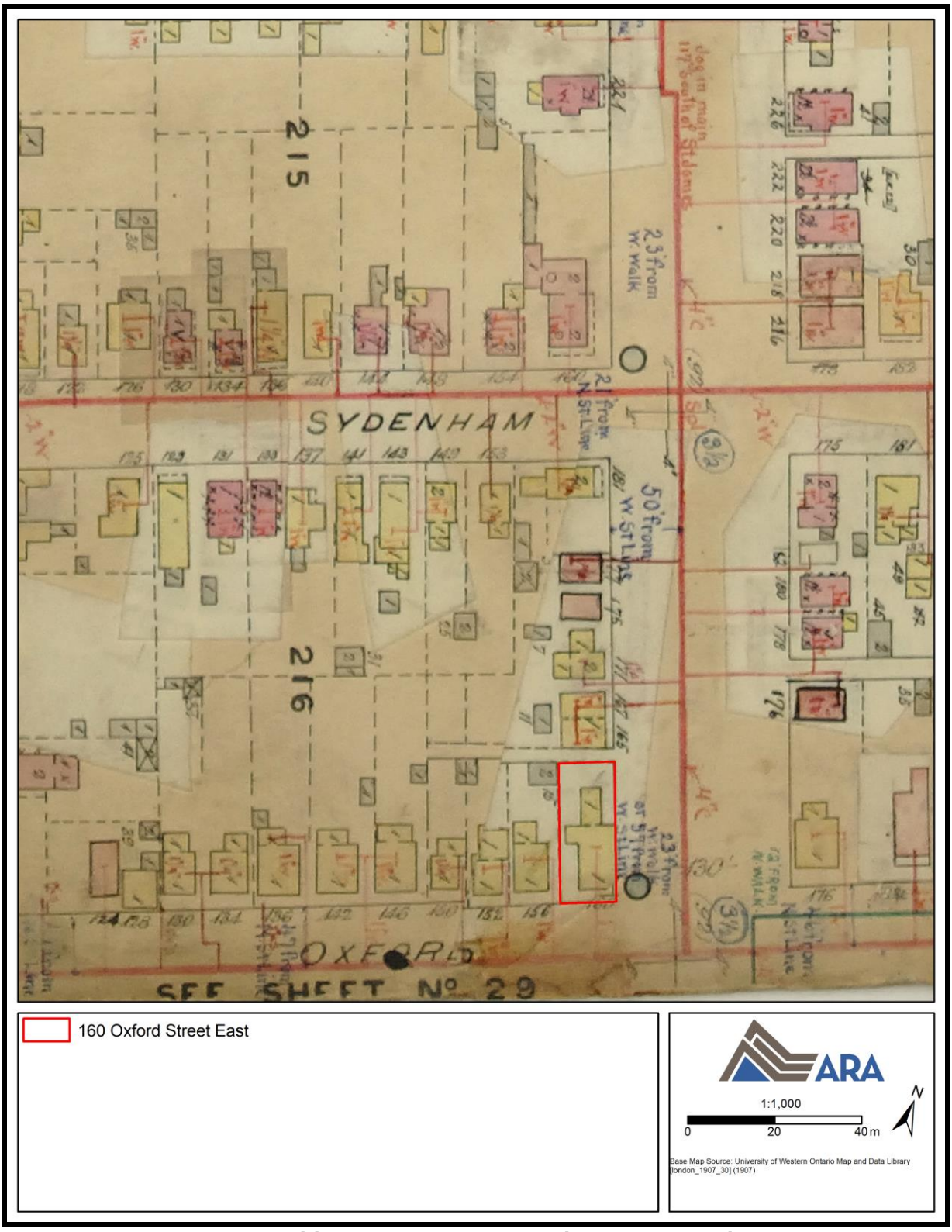
Table 4: Past Occupants of 160 Oxford Street East According to Directories and Voters' Lists

Year	Occupant	Reference
1875	William Friendship, shoemaker (Street address not included, could be residence of various residents)	(McAlpine 1975:244)
1884	Henry Taylor	(Polk & Co. 1884:34)
1886	Henry Taylor, Freeholder	(Hills & Co. 1886:52)
1890	Henry Taylor, teas	(Polk & Co. 1890:84)
1895	Henry Taylor, [teas?]	(Might 1895:64)
1896	Mrs. Annie Chalmers	(Foster 1896:102)
1897	Mrs. Annie Chalmers	(Foster 1897:102)
1898	Vacant	(Foster 1898:104)
1899	Henry A. Plastow	(Foster 1899:92)
1901	William W. Sutherland	(Foster 1901:)
1901	William Sutherland	(LAC 1901)
1911	Mrs. W.H. Mills	(LAC 1911)
1920	R. Wallis	(Vernon 1920:119)
1921	John Shoebottom and family	(LAC 1921)
1930	Archibald Rogers	(Vernon 1930:712)
1957	Archibald and Elizabeth Rogers	(Voter's List 1957:1

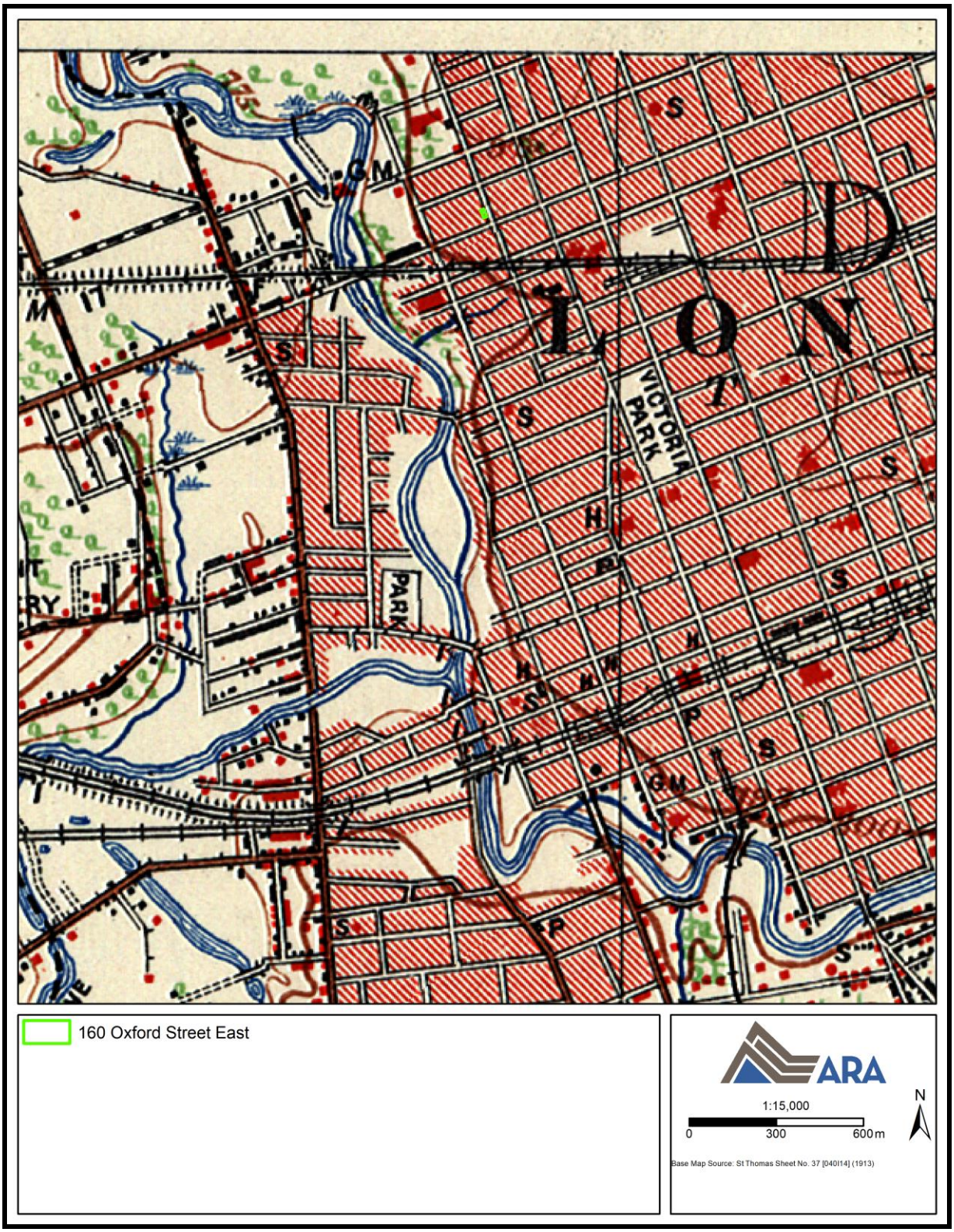
Map 2: Subject Property on Tremaine's Map of the County of Middlesex, Canada West (1862)
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri; Tremaine 1862)



Map 3: Subject Property on "Map of The Township of London" from the Illustrated Historical Atlas of the County of Middlesex (1878)
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri; H.R. Page & Co. 1878)

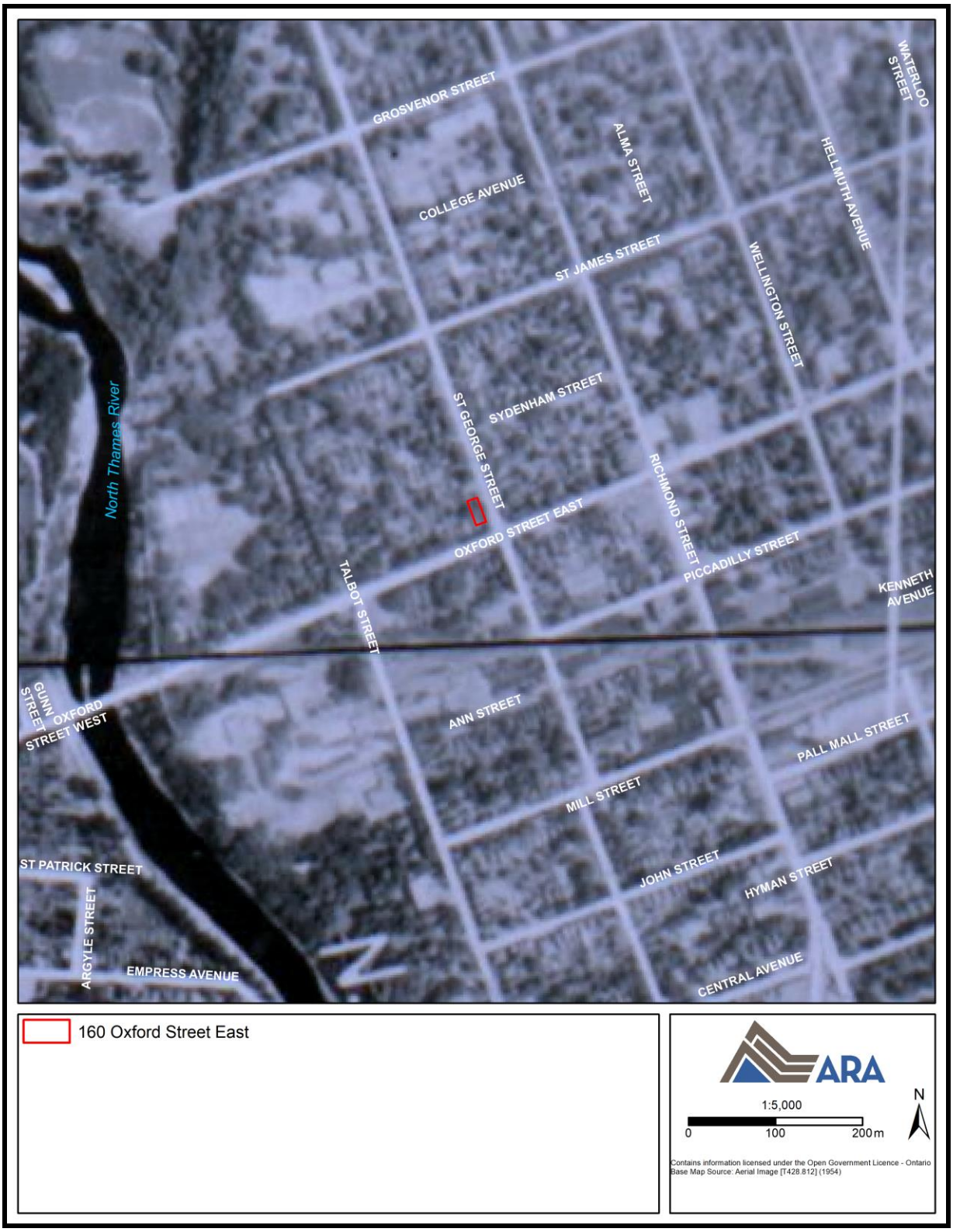


Map 4: Subject Property on 1907 Fire Insurance Plan
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri; Goad 1907)



Map 5: Subject Property on 1913 Topographic Map
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri; OCUL 2018)

Map 6: Subject Property on 1922 Aerial Photograph
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri; University of Western Ontario 1922)



Map 7: Subject Property on a 1954 Aerial Photograph
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri; University of Toronto 1954)

4.0 HERITAGE CONTEXT

In order to determine whether any previously-identified properties with CHVI are located within the study area ARA consulted a number of heritage groups, the municipality and online heritage resources.

4.1 Consultation

MTCS's current list of Heritage Conservation Districts was consulted. No designated districts were identified in the study area (MTCS 2018). The list of properties designated by the Ministry of Tourism, Culture and Sport under Section 34.5 of the *OHA* was consulted. No properties in the study area are listed. The OHT plaque database and the Federal Canadian Heritage Database were searched. None of the properties within the study area are commemorated with an OHT plaque or are recognized as a Federal Heritage Building, National Historic Site, Event or Person.

ARA staff contacted the City of London's Heritage Planner via email on December 10, 2018. The City responded on the same day and indicated that the property at 160 Oxford Street East is not designated under Part IV or Part V of the *Ontario Heritage Act* but that the property is listed. It was listed after being added to the City of London's Municipal Heritage Register (*Inventory of Heritage Resources*) by resolution of Municipal Council arising out of the *St. George-Grosvenor Heritage Conservation District Study*, which recommended the designation of two HCDs: Great Talbot and Gibbons Park. The property at 160 Oxford Street East is located within the Great Talbot area and Municipal Council has directed that a HCD Plan be prepared for the recommended district. The City's Heritage Planner provided a link to the district study along with an extract for the property at 160 Oxford Street East that was included in the study's *Inventory of Cultural Heritage Resources*, Volume IV, Appendix F (see Appendix B).

The City's Heritage Planner stated that the property at 160 Oxford Street East is listed on the City of London's Register pursuant to Section 27 of the *Ontario Heritage Act* and that a number of properties located adjacent to the project location within the study area possess CHVI and have been formally recognized:

- 155 Oxford Street East – Listed
- 163 Oxford Street East – Designated under Part IV of the *OHA*
- 165 Oxford Street East – Designated under Part IV of the *OHA*
- 176 Oxford Street East – Listed
- 165 St. George Street – Listed

The City also indicated that there are no active Notice of Intent to Designate for the property at 160 Oxford Street East or any of the adjacent properties. 160 Oxford Street East is not protected by a municipal heritage conservation easement agreement, nor are any of the adjacent properties.

4.2 Site Visit

A site visit was conducted on December 17, 2018 to photograph and document the study area, record any local features that could enhance ARA's understanding of their setting in the landscape and contribute to the cultural heritage evaluation process. ARA staff had permission to enter the property to conduct the site visit. Interior access to the dwelling was also provided,

however the house was in poor condition with many of the interior elements having been removed (i.e., plaster walls and ceilings, window and doors surrounds, fixtures, etc.).

The project location is situated at 160 Oxford Street East. The exterior of the one-storey structure on the property was documented in a clockwise manner (see Appendix A, Image 1-Image 25) and the interior of the structure was documented beginning at the entrance and moving north through the upper storey, ending in the basement (see Appendix A, Image 26-Image 40).

5.0 PROPERTY DESCRIPTION – 160 OXFORD STREET EAST

The property at 160 Oxford Street East contains a vacant single-storey vernacular cottage, converted to a commercial use (dental office), located on the northwest corner of Oxford Street East and St. George Street (see Image 21). The house is set back 28 feet from the edge of the property line fronting Oxford Street East. The lot is 4,018 square feet with 41.5 feet of frontage and is 96.8 feet deep.

5.1 Context

The land abutting 160 Oxford Street East to the west contains the Oxford Health Centre (140 Oxford Street East), a four-storey contemporary medical building on a large lot flanked by paved surface parking to the north and east (see Image 23). The land to the south, east and north of the project location is characterized by detached residential and converted commercial structures that are predominately one to two-and-half-storeys in height, with the exception of a four-storey residential apartment building located on the lot abutting 140 Oxford Street East to the north (see Image 22). The surrounding neighbourhood to the north and east has been recommended for HCD designation through the *St. George-Grosvenor Heritage Conservation District Study* (2016) and is characterized by historic residential structures of a variety of architectural styles that date to the early residential development of London north of the city's core in the mid-19th to early-20th century (see Image 24-Image 25) (Letourneau Heritage Consulting et al. 2016).

5.2 Arrangement of Buildings and Structures

The dwelling at 160 Oxford Street East is located on the southwest side of the lot with the façade oriented to the south, fronting Oxford Street East. The property is accessed via a short driveway from St. George Street located at the rear of the lot (see Image 20). A paved parking pad spans the north end of the property. There are no ancillary buildings located on the lot.

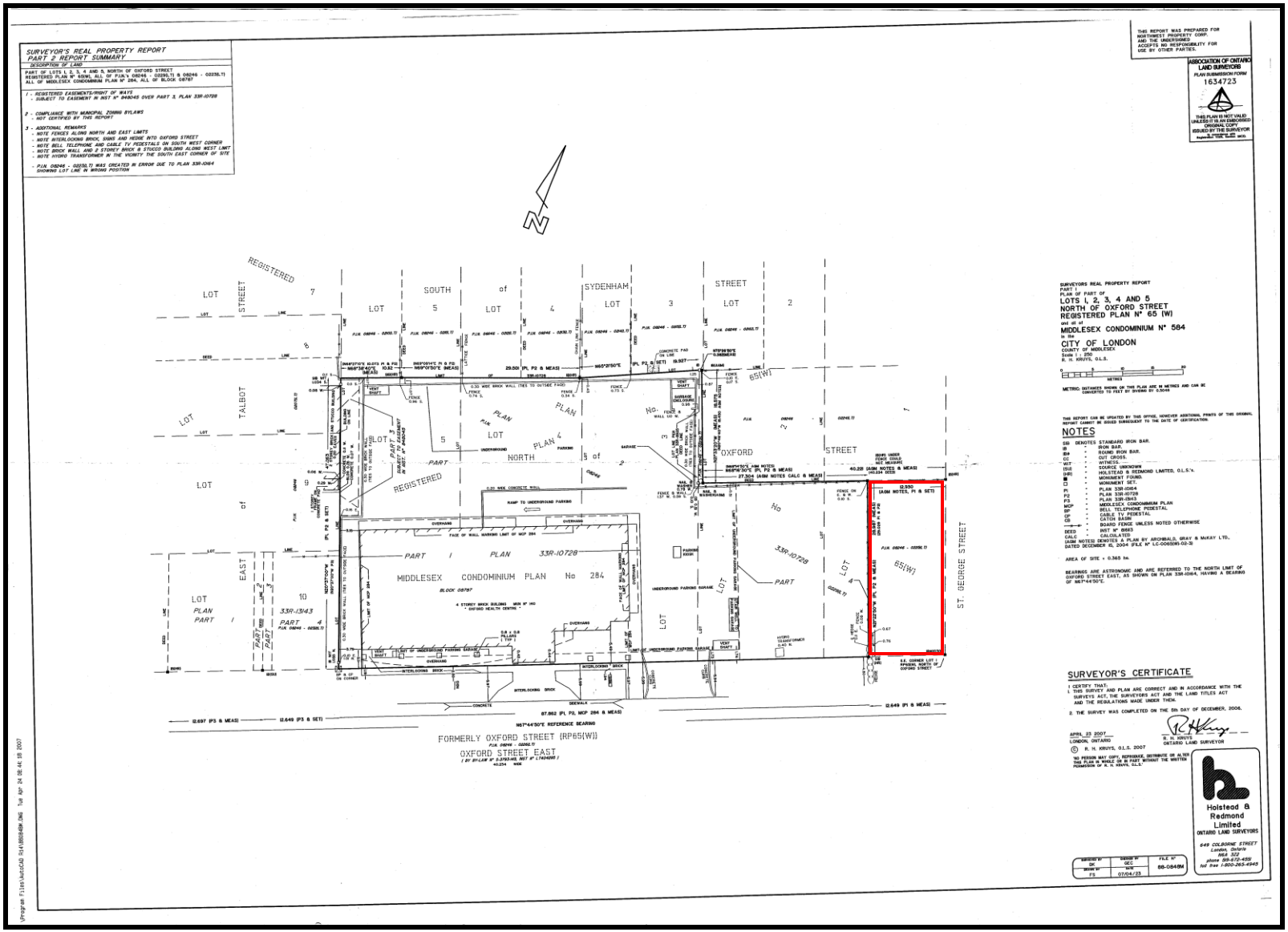


Figure 1: Site Plan Illustrating the Project Location
(Holstead & Redmond 2007)

5.3 Landscape Features

The house is situated on the flat topography of the property's narrow rectangular lot. The southeast portion of the property is grassed while the northwest portion is paved. A concrete path runs parallel to the house on the east side from the parking lot at the rear to the entrance of the house and connects to the public sidewalk along Oxford Street East in the south (see Image 15). Mature coniferous and deciduous trees are located along the property line, some growing very close to the foundation of the house (see Image 19-Image 21). A variety of foundation plantings (vegetation planted close to the building's foundation) surround the south and east elevations of the house (see Image 4-Image 15).

5.4 Exterior

The dwelling is a one-storey wood frame structure clad in vinyl siding with a shallow hip roof clad in asphalt shingles that extends over the front porch and rear addition, sloping at both the north and south extents (see Image 1, Image 5). The foundation is constructed of rusticated concrete blocks (see Image 10, Image 13, Image 25). The south three-bay façade has an offset entrance to the east, with a pair of square single-pane contemporary windows, one in the centre of the façade and one to the west (see Image 1, Image 3). The paneled entrance door with two rectangular windows is also a contemporary addition (see Image 2). An open verandah spans the full length of the façade and is supported by four simple wooden Doric columns with an open railing accessed via five steps above grade (see Image 1, Image 4). At the time of the site visit the contemporary porch and steps were collapsing.

There are no remaining exterior details of the structure that are indicative of a 19th century construction date. All doors and windows are late-20th century single pane replacements with the exception of the remaining three-pane wood awning basement windows (see Image 17). The west elevation contains two small rectangular window openings on the first storey and two basement window openings (see Image 5), the southernmost of which has been enclosed with concrete block (see Image 9). A concrete block chimney protrudes from the west elevation (see Image 7). The north elevation contains an entryway accessing the rear addition via a wood porch, three steps above grade (see Image 12). The foundation window on the façade has been filled with concrete (see Image 14). The east elevation contains a tall rectangular window opening closest to the façade, a pair of small square window openings in the centre of the elevation, and two basement windows (see Image 16).

5.5 Interior

5.5.1 Main Floor

As a result of the site visit conducted by ARA, it was observed that the floor plan of the main floor was modified to accommodate the dental practice that had formerly operated in the building (beginning in 1994). The main floor comprises a side-hall floor plan that leads into a vestibule (see Image 26), two rooms along the south side of the building (see Image 27-Image 28), a central hall that spans to the rear addition (see Image 32), a small bathroom followed by two examination rooms on the west side of the hall (see Image 30-Image 31) and an office and contemporary kitchen off the east side of the hall (see Image 33). The addition at the rear of the building is composed of one large rectangular shaped room (see Image 34) with basement access and an exterior door from the back (north) wall.

Due to the condition of the structure at the time of the site visit, it was difficult to determine the full extent of interior modifications. It was evident that the original configuration of the building's layout had been altered to accommodate a waiting room, office and examination rooms. The ceilings were removed in their entirety (see Image 27-Image 35). Many areas of the main floor were drywalled; however, some plaster remained while other sections were stripped revealing the lath (see Image 28). Most of the window and door surrounds and fixtures were removed (see Image 26-Image 28 and Image 30-Image 34). No original woodwork or decorative features remain.

5.5.2 Basement

The basement is accessed by a staircase located in the centre of the rear addition (north) at the back entrance (see Image 36). The basement is constructed of concrete blocks with a poured concrete floor (see Image 37). Some portions of the concrete blocks are spalling and eroding (see Image 40). The lower portion of the basement wall in the southeast corner is constructed of brick (see Image 38). Wood beam and concrete block piers support the upper storey. Three original three-pane wood awning windows remain in the basement (see Image 38-Image 39), one of which has been filled with concrete on the exterior.

5.6 Architectural Style/Design

The dwelling at 160 Oxford Street East is a one-storey vernacular structure displaying elements of the Ontario Cottage style. The Ontario Cottage, "at its simplest, is a symmetrical, single-storey building with three bays" and a hip roof (Distefano 2001:34). The Ontario Cottage is a vernacular form with a symmetrical plan that was favoured for "reasons of simple and sturdy construction" (Mace 2013:33). The Ontario Cottage is the vernacular design of the Regency Cottage, which generally has a more ornate doorway and a partial or full verandah surrounding it (Kyles 2007).

The 1872 Bird's Eye View of London (see Figure 2) shows that the housing stock in the blocks between Oxford Street East and St. James Street were almost exclusively one-storey cottages. This area was one of the few parts of the city to show significant suburban development in the late 19th century (Letourneau Heritage Consulting et al. 2016). The most popular form of cottage in this area of London was the Ontario Cottage. Few of the earliest cottages built still exist, but the Ontario Cottage form remained popular in the neighbourhood into the turn of the 20th century (Letourneau Heritage Consulting et al. 2016).

The centre door of the Ontario Cottage often led into a centre hall, however variations on this floor plan exist. Property width was required for a cottage to have ample sized rooms on each side of the hall, which was not always possible on urban or suburban lots. The solution was a side-hall variation of the centre-hall cottage. This modified style became popular and allowed for a single, larger room to exist on the side of the hall. By the 1870s, a side-hall variant had become popular in this part of the city and may explain the design choice for the property at 160 Oxford Street East (*Inventory, Volume 4, Appendix 4*, Letourneau Heritage Consulting et al. 2016:8).

Although original floor plans are not available, it is possible that the rear addition of 160 Oxford Street East was first constructed to house a kitchen. It was common in the Ontario Cottage style for the kitchen to take on the form of an added "tail" attached to the main block at the rear of the house (Distefano 2001:34). Practical reasons, such as heat, odour and fire risk, often guided the choice to build the kitchen as a separate structure. As well, an integral part of

many Ontario Cottages is the verandah, which adds considerable aesthetic appeal and provides useful additional space, especially during the warmer months (Distefano 2001:34).

Although Letourneau Heritage Consulting et al. noted in the 2016 inventory undertaken as part of the *St. George-Grosvenor Heritage Conservation District Study* that many of the cottages in the surrounding area have undergone changes, the alterations made to 160 Oxford Street East have been significant, removing most of the original material and decorative elements from both the interior and exterior of the structure.

The one-storey scale and massing, hipped roof and arrangement of window and door openings on the south façade are the remaining features reflective of the Ontario Cottage style. The modifications include the application of vinyl siding over the exterior, the replacement of windows and doors, and the significant alteration of the interior floor plan. These modifications have impacted the architectural integrity of the house and as such it is no longer a representative example of the Ontario Cottage style, even in a vernacular form.

Ontario Cottages are commonly found across Ontario as well as in the City of London. Representative examples of this architectural style that have retained their characteristic features can be found at 176 Oxford Street East, located directly to the east of the project location (see BHR 4 Information Sheet in Appendix D), and 149 and 155 Oxford Street East (see BHR 1 Information Sheet in Appendix D), located immediately to the south of the project location. Further representative examples of the Ontario Cottage style in the surrounding neighbourhood, such as 149 St. James Street (see Image 42) and 131 Sydenham Street (see Image 41), are highlighted in the *St. George-Grosvenor Heritage Conservation District Study – Inventory, Volume 4, Appendix 4* (Letourneau Heritage Consulting et al. 2016).

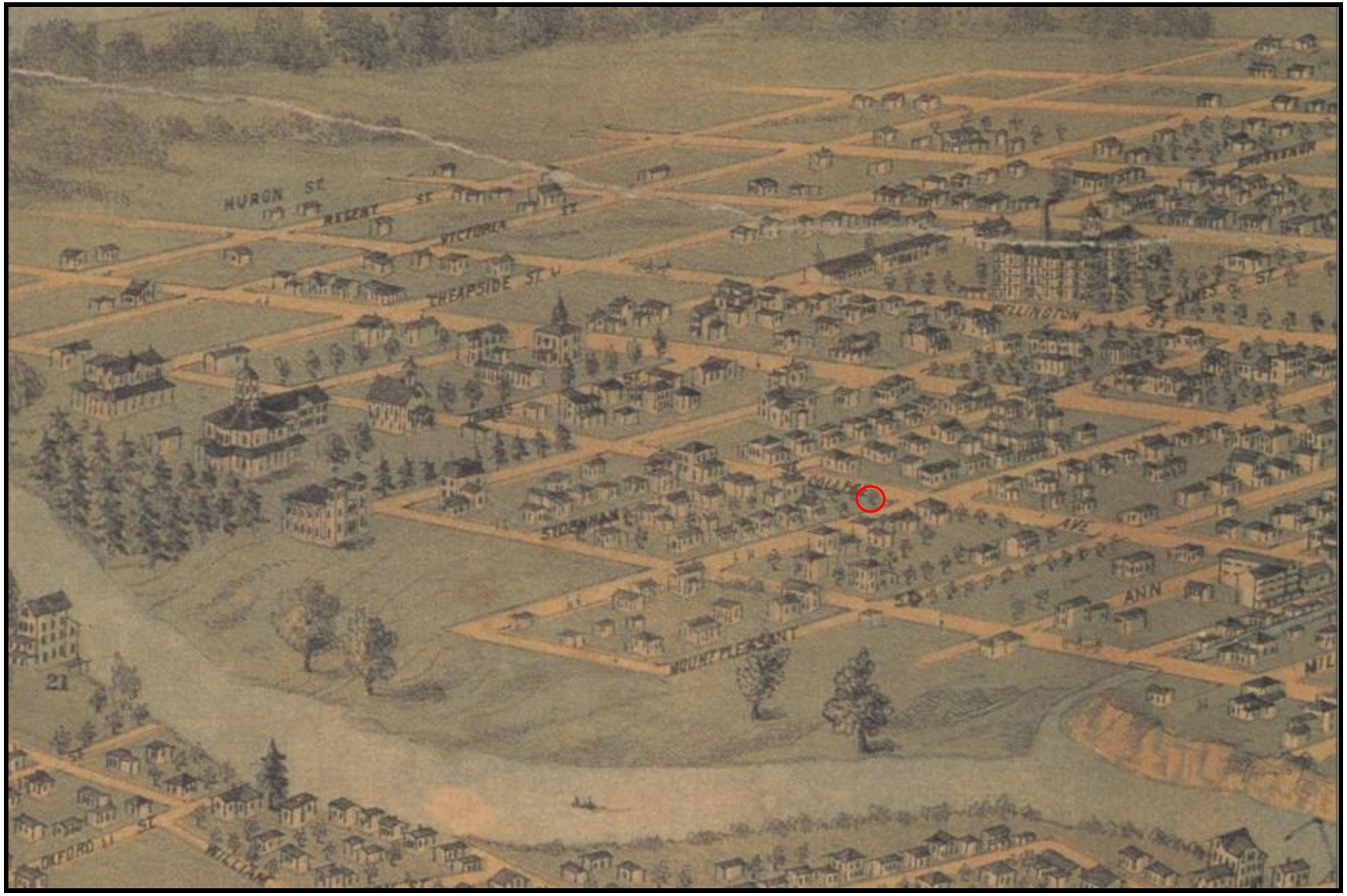


Figure 2: Detail from Bird's-Eye View London Ontario 1872 Map by Eli Sheldon Glover, Project Location Indicated
(Glover 1872)

6.0 HERITAGE ASSESSMENT – SUBJECT PROPERTY

Based on the results of consultation, historical research, field survey and evaluation of the study area, the CHVI of 160 Oxford Street East is examined in this section.

6.1 Evaluation of Value According to 9/06

An evaluation of 160 Oxford Street East according to O. Reg. 9/06 can be found in Table 5 below.

Table 5: Evaluation of 160 Oxford Street East According to *O. Reg. 9/06*

Evaluation of Property			
Criteria	**Description**	✓	**Value Statement(s)**
Design or Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material or construction method		The one-storey scale and massing, hip roof and arrangement of window and door openings on the south façade of 160 Oxford Street East are reflective of the Ontario Cottage architectural style. However, modifications over time have impacted the architectural integrity of the structure and as such it is no longer representative of the Ontario Cottage style.
	Displays a high degree of craftsmanship or artistic value		160 Oxford Street East does not display a high degree of craftsmanship or artistic value.
	Displays a high degree of technical or scientific achievement		160 Oxford Street East does not display a high degree of technical or scientific achievement.
Historical or Associative Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community		160 Oxford Street East is not directly associated with a theme, event, belief, person, activity, organization or institution that is significant to the community. The property is associated with early London families such as the Friendships and Taylors. Research conducted did not suggest any notable contributions to the community from the individuals who lived on this property.
	Yields or has the potential to yield information that contributes to the understanding of a community or culture		160 Oxford Street East does not yield information that contributes to the understanding of a community or culture.
	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		160 Oxford Street East does not demonstrate or reflect the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community. The research conducted did not identify an individual associated with the construction of the building.
Contextual Value	Is important in defining, maintaining or supporting the character of an area		160 Oxford Street East is no longer important in defining, maintaining or supporting the character of the area. The property has been altered through the removal of all of its historic architectural elements with the exception of its one-storey scale and massing, hip roof and arrangement of window and door openings on the south façade.The cohesive, historic low-density residential character of the streetscape has been diminished over time through the introduction of contemporary development, notably the immediately adjacent four-storey medical building.

	Is physically, functionally, visually or historically linked to its surroundings		160 Oxford Street East is not physically, functionally, visually or historically linked to its surroundings. The removal of the historic architectural elements from the structure's exterior has reduced its integrity and observed physical ties with the character of the surrounding historic residential neightbouhood.
	Is a landmark		160 Oxford Street East is not a landmark.

160 Oxford Street East does not meet any of the O. Reg. 9/06 criteria.

In summary, 160 Oxford Street East has undergone modifications that have impacted the integrity of the structure's architectural features and as such it is no longer a vernacular representation of the Ontario Cottage style. The property is associated primarily with the Friendships and Taylors who were early families residing in this area of London. Research conducted did not suggest any notable contributions to the community made by the individuals who lived on the property. The contextual value of the property has been diminished through adjacent contemporary development on Oxford Street East that has isolated the structure on the east end of the block. As such, the property does not meet any O. Reg. 9/06 criteria.

7.0 HERITAGE ASSESSMENT – ADJACENT CULTURAL HERITAGE LANDSCAPES AND BUILT HERITAGE RESOURCES

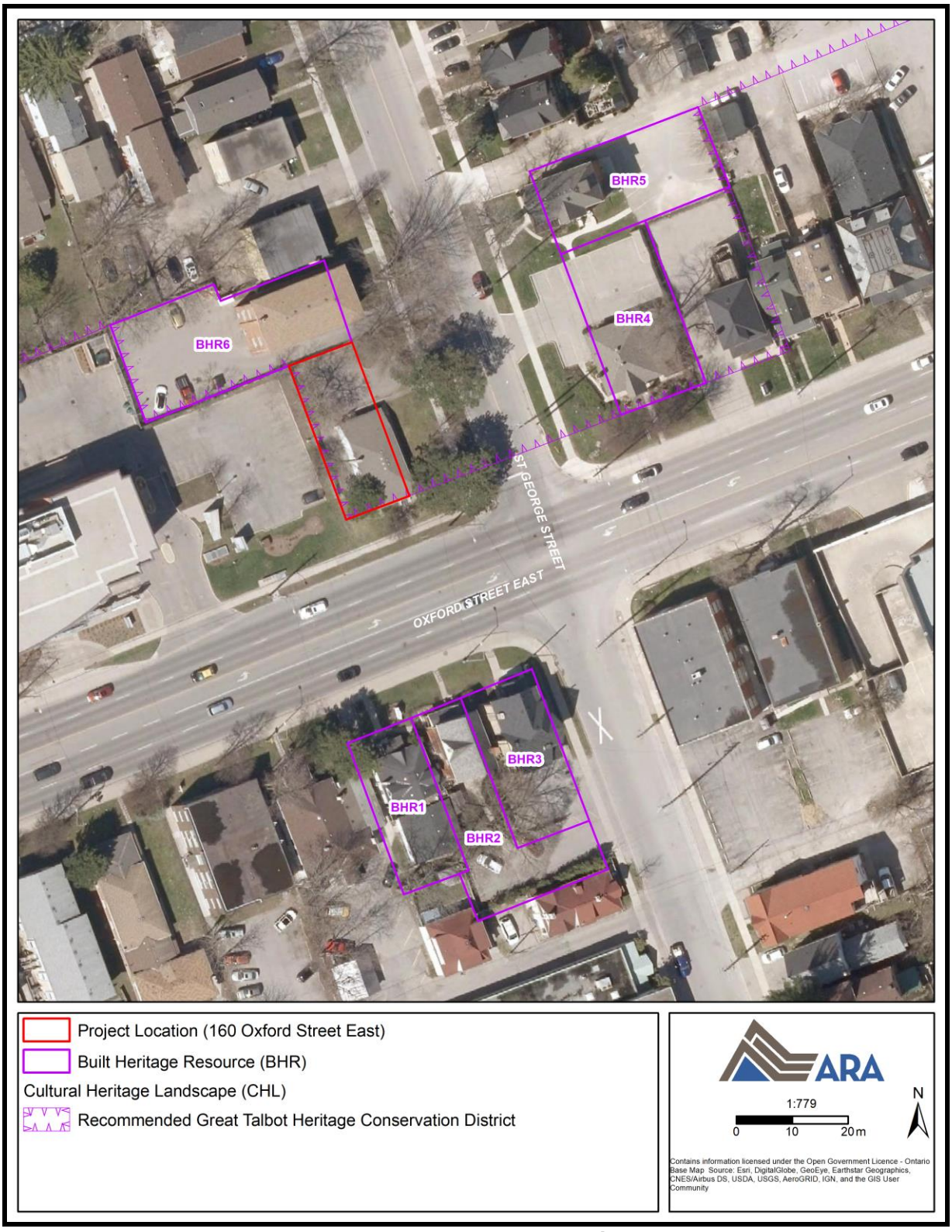
In addition to the subject property, ARA examined adjacent properties and any potential Cultural Heritage Landscapes to ensure a through examination of impacts that may result from the proposed activity.

A standardized checklist based on the criteria in O. Reg. 9/06 was created to aid in the evaluation process and was used to judge whether a given resource (CHL or BHR) possessed design or physical value, historical or associative value, or contextual value. The individual forms found in Appendix D include the location, description and photographic documentation of each property. A synthesis of the results of the evaluation of the CHLs and BHRs is found in Table 6–Table 7 below.

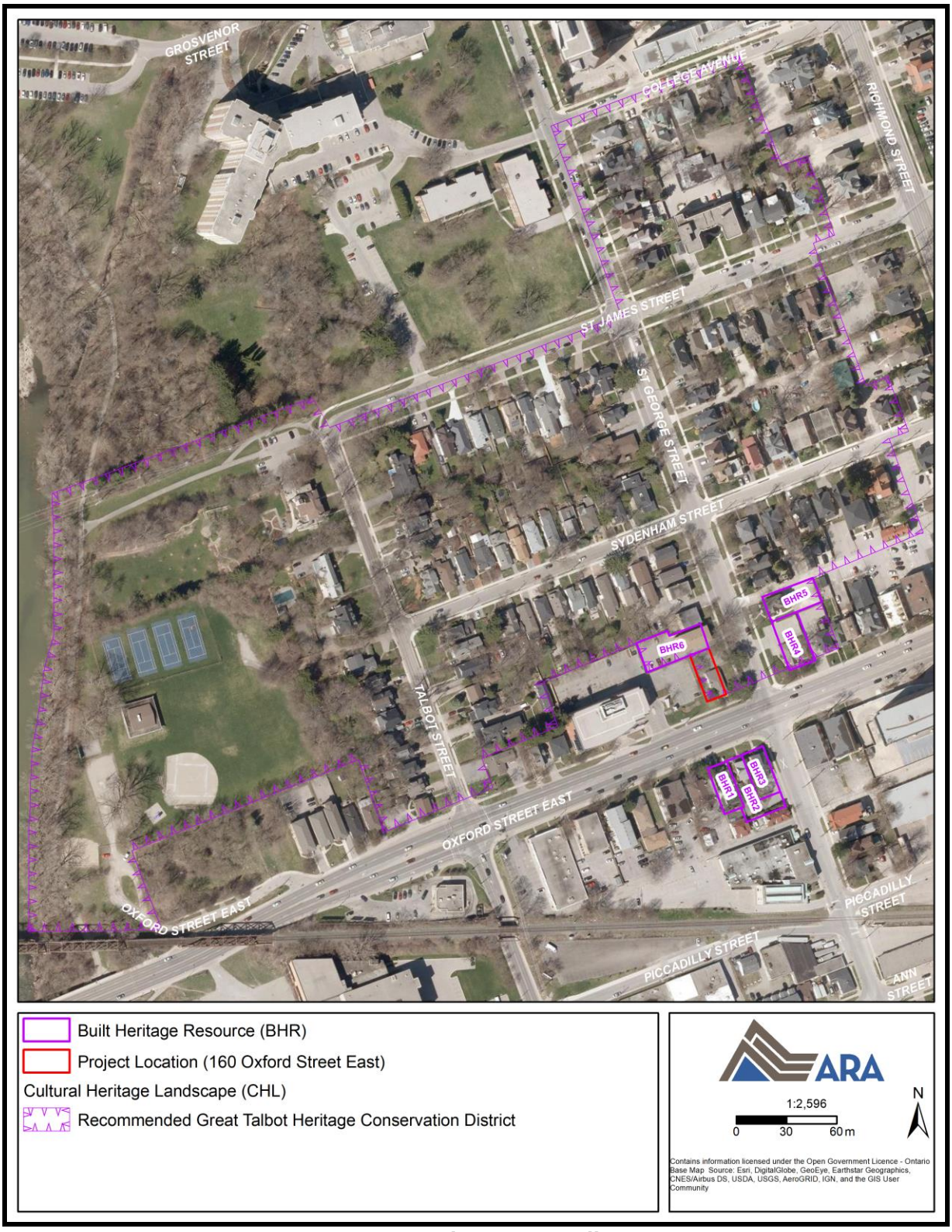
As a result of consultation, field survey and evaluation, the following properties located adjacent to the project location were identified as possessing CHVI: 155 Oxford Street East (BHR 1), 163 Oxford Street East (BHR 2), 165 Oxford Street East (BHR 3), 176 Oxford Street East (BHR 4), 176 St. George Street (BHR 5), 165 St. George Street (BHR 6), and the Great Talbot Heritage Conservation District (CHL1). The locations of the BHRs and CHL as well as their relationship to the project location appear on Map 8, and a context map indicating the location of the BHRs within the boundary of the recommended Great Talbot HCD is illustrated on Map 9.

Table 6: BHRs and CHLs with CHVI

Type and Number	Address/Name	CHVI (Y/N)	Criteria Met
BHR 1	155 Oxford Street East	Yes	Design or Physical Value and Contextual Value
BHR 2	163 Oxford Street East	Yes	Design or Physical Value and Contextual Value
BHR 3	165 Oxford Street East	Yes	Design or Physical Value and Contextual Value
BHR 4	176 Oxford Street East	Yes	Design or Physical Value and Contextual Value
BHR 5	176 St. George Street	Yes	Design or Physical Value and Contextual Value
BHR 6	165 St. George Street	Yes	Contextual Value
CHL 1	Great Talbot HCD	Yes	Design or Physical Value, Historical or Associative Value and Contextual Value



Map 8: Assessment Results
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri)



Map 9: Assessment Results - Great Talbot HCD Context
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri)

Table 7: Value Statements and Heritage Attributes of Identified BHRs and CHL

Type and Number	Address/ Name	Value Statement(s)	Heritage Attributes*
BHR 1	155 Oxford Street East	Representative example of the Gothic Revival Cottage style of architecture and supports the historic residential character the Oxford Street East streetscape and the core of the City of London.	One-and-a-half-storey Gothic Revival Cottage style building; brick cladding; hip roof and front gable peak over central entrance and covered verandah; dormer windows project from hip roof on east and west elevations; small round window opening in centre gable peak with decorative wood bargeboard; corbelled bricks decorate roof line of house, dentils decorate roof line of porch; open porch supported by two columns, bound by an open decorative wood railing; brick chimney on west elevation; segmentally arched window openings with decorative brick voussoirs flank front entrance; centrally placed entrance with square door opening and single-pane transom; rear addition; setback from road and located on rise of land accessed by five steps from sidewalk.
BHR 2	163 Oxford Street East	Representative example of the Edwardian style of architecture and contributes to the eclectic character of buildings found in the Talbot North area of London and reinforces the original residential nature of the Oxford Street East streetscape.	Two-and-one-half-storey residential building; set back from Oxford Street East, with a wide boulevard and concrete steps to access sidewalk; slate roof with octagonal-shaped tiles; red brick veneer; front and rear gable pediments with wood shingle imbrication; wooden sunburst motif design in front, rear and side gables; rectangular gable window with flat, modestly designed wooden trim; overhanging eaves, molded wooden soffit and simple decorative wooden frieze; exterior brick chimney located on eastern elevation; segmental arched window openings with original double hung wooden windows, brick voussoirs and plain lug sills; large window opening with stained glass transoms found on main level of façade; stained glass window found on western elevation; semi-elliptical arch window opening on eastern elevation with plain lug sill, brick header voussoirs and decorative stain glass window; open porch with offset gable peak (over the doorway and stairs) with inset vertical wooden planks in pediment and shed-style roofline made with a slate roof with octagonal-shaped tiles; decorative wood fascia with dentils found on porch roofline; open porch supported by decorated wooden columns with capitals, bases, and collars that rest on tapered brick engaged piers; wooden balustrade with upper and lower wooden railing; wooden plank porch flooring and wooden porch skirt; original wooden door found on facade with circular glass insert and rectangular transom with clear glass insert (City of London 2018).

Type and Number	Address/ Name	Value Statement(s)	Heritage Attributes*
BHR 3	165 Oxford Street East	Representative example of the Queen Anne/Stick styles of architecture and contributes to the eclectic character of buildings found in the Talbot North area of London and reinforces the original residential nature of the Oxford Street East streetscape.	Two-and-a-half-storey construction; white-brick exterior; offset façade; multi-gable roof; brick chimney; open veranda with balcony; extensive wood decoration; stained glass windows on façade and east elevation; brick voussoirs; main double door; location on a prominent corner lot fronting Oxford Street (Parks Canada 2008).
BHR 4	176 Oxford Street East	Representative example of the Ontario Cottage style of architecture and supports the historic residential character of the recommended Great Talbot HCD.	One-storey scale and massing; hip roof; central peaked gable roof over the front door; central front door; sidelights on either side and above the front door; symmetrical front elevation (the addition on the east side of the building is part of the front of the building but is set forward from the main and original building, it is not considered part of a contiguous façade; simple entablature above the front door; peaked window trim; central walkway leading to the front steps (Letourneau Heritage Consulting et al. 2016:185-186).
BHR 5	176 St. George Street	Representative example of the Edwardian style of architecture and supports the historic residential character of the recommended Great Talbot HCD.	Two-and-a-half-storey Edwardian residence; front gable roof; wood shingle and fish-scale imbrication in the gable; red brick exterior cladding; rectangular structure; arrangement of window and door openings on the front elevation; veranda spanning the width of the building; Palladian window in the front gable; located in the recommended Great Talbot HCD (Letourneau Heritage Consulting et al. 2016:278-279).
BHR 6	165 St. George Street	Supports the historic residential character of the recommended Great Talbot HCD.	Property's support of the historic residential character of the recommended Great Talbot HCD.

Type and Number	Address/ Name	Value Statement(s)	Heritage Attributes*
CHL 1	Great Talbot HCD	The recommended Great Talbot HCD is a representative example of the early phases of speculative development in North London, exhibiting examples of building types and styles from the 1850s to the present. Architectural styles and details in the HCD transition from Ontario Cottage styles through more elaborate Italianate and Queen Anne Revival inspired buildings. It demonstrates a wide range of craftsmanship in the decorative details of buildings. The district is historically associated with Col. Askin and William Barker, two significant individuals in the history of London. It contains small groupings of properties that reflect the ideas of an architect or builder such as the set of homes constructed or renovated by J.M. Moore and O. Roy Moore. The Great Talbot HCD has significant links that contribute to the historic sense of place and uniqueness of this part of London and is historically linked to the phases of development in North London.	Three different block configurations (two with lanes, three without, and one irregular); double wide street right-of-way (132 feet/ 40.23 metres) on Talbot Street, St. George Street and St. James Street defining the streetscape; standard street right-of-way (66 feet/20.12 metres) on Sydenham Street and College Avenue, defining the streetscape; form, scale and massing of the existing built form, including the mostly late 19th and early 20th century architectural influences throughout the recommended HCD, the streetscapes with relatively consistent setbacks from the street for most buildings on each street, the one and a half to two and a half storey size of buildings and the relationship of buildings to each other on their streets; residential form of the buildings; representative examples of different building styles reflective of their era; collection of buildings that demonstrate a high degree of craftsmanship; narrow front and side yard setbacks; views west along St. James Street and Sydenham Street of the Thames River; historical associations with Col. Askin and William Barker; streetscapes of the area, including: broad rights-of-way of St. James Street, St. George Street, and Talbot Street and the relative narrowness of Sydenham Street; tree-lined streets, especially along boulevards; laneways in the blocks between St. George Street, Richmond Street, Oxford Street East and St. James Street; and continuing view up and down St. George Street (Letourneau Heritage Consulting et al. 2016:113).

*Access was not provided to these properties. As such, the heritage attributes may include, but are not limited to, those listed in this table.

8.0 PROPOSED DEVELOPMENT

8.1 Description of Proposed Development

Northwest Healthcare Properties REIT retained the planning consulting firm, The Lakeshore Group, to coordinate the demolition of the structure at 160 Oxford Street East and to explore intensification options for the property. At the time of writing this report a preferred redevelopment plan had not been disclosed and demolition and removal of the residential dwelling on the project location represents the proponent's preliminary initiative.

8.2 Purpose and Rationale for Proposed Development

The demolition of the property is being sought as a preliminary step in the process of exploring the intensification and development potential of the site.

8.3 Analysis of Potential Impacts including Demolitions/Alterations

The proposed plan for the project location entails the demolition of the existing dwelling at 160 Oxford Street East. At the time of writing this report the proponent had not disclosed a preferred redevelopment plan. The following analysis of project impacts is based upon the

guidance provided in the Ministry of Culture's *InfoSheet #5: Heritage Impact Assessments and Conservation Plans* (2006b:3).

The effects of the proposed demolition would result in the loss of a residential structure along the Oxford Street East streetscape.

As development plans have not been disclosed, known impacts to the properties adjacent to 160 Oxford Street East cannot be examined. However, should the lot be left vacant and landscaped or used for parking following demolition, potential impacts will include an alteration of the surrounding historic residential and commercial context of the Oxford Street East and St. George Street streetscapes as a result of the removal of the historic residential land use. If a new building is constructed on the project location there is the potential for shadows to be cast on the adjacent BHRs. In addition, the view looking north up St. George Street from Oxford Street East, which was identified as a heritage attribute in the *St. George-Grosvenor Heritage Conservation District Study* (2016), may be altered (see CHL 1 Information Sheet in Appendix D).

9.0 ASSESEMENT OF ALTERNATIVE DEVELOPMENT OPTIONS AND MITIGATION MEASURES

Several different development alternatives and mitigation measures have been examined for the property at 160 Oxford Street East and are outlined below. These alternatives and mitigation measures address the approaches outlined in *InfoSheet #5: Heritage Impact Assessments and Conservation Plans* (MLC 2006b*)*. The feasibility of each of the options is described based on guidance described in *InfoSheet #5* and considers the O. Reg. 9/06 evaluation of the project location as outlined in Section 6.0.

9.1 Retention *In Situ*

The best mitigation option for heritage properties is generally retention. Retention allows cultural heritage resources to be retained in their original location and encourages adaptive re-use and sympathetic or compatible development (i.e., mass, setback, setting and materials). The *Eight Guiding Principles in the Conservation of Built Heritage Properties* (2007) provides details regarding the conservation of an entire building primarily *in situ.*

Given the deteriorating condition of the structure and the removal of many of its interior elements, both historic and contemporary, the retention of the building in its current condition is not the desired outcome of the property owner.

9.2 Relocation

The relocation option allows for a cultural heritage resource to be moved within or beyond the subject property provided an appropriate context is maintained. This option assumes that the cultural heritage resource could be moved to retain its heritage integrity and value. However, given that 160 Oxford Street East does not meet O. Reg. 9/06, relocation is not a warranted option.

9.3 Reuse and Salvage of Materials

This option allows for the retention of components of a building for reuse prior to its demolition. This mitigation strategy typically involves photographic documentation of all identified structures,

including interior and exterior features, the façade, elevations and floor plans in order to provide a public record. The documentation and photographs contained in this report may serve as a sufficient record of the house on the subject property.

The selective removal of identified architectural or landscape elements preserves portions or features of buildings and structures that possess historical, architectural or cultural value and can divert them from becoming landfill material (Town of Aurora 2016). This mitigation option is not the strongest option from a heritage perspective, however a removal and reuse program would allow for the conservation of key components of a structure. Reuse and salvage can be achieved by the identification, removal and repurposing through symbolic conservation, or reusing of heritage materials from buildings prior to their demolition. These materials may then be used in other heritage structures as sourcing materials for repair and replacement can be challenging, especially if the materials are from an historic source that no longer exists, such as a quarry, an old-growth forest, or a manufacturing facility that has closed (Parks Canada 2010). As such, the careful salvage of materials from one historic structure can represent an opportunity for the in-kind replacement of quality historic materials in another.

Although the building at 160 Oxford Street East was found not to possess CHVI, it may contain historic fabric that may be worthy of salvage and reuse. The materials listed below are suggested for salvage and reuse based on the site visit conduced on December 17, 2018 (the list may be modified based on their condition at the time of salvage):

- Any remaining historic wood windows;
- Any remaining historic glass; and
- Any well-preserved wood over 3/4” thick.

The following recommendations for the salvage and reuse of materials are suggested:

- A reputable contractor(s) with proven expertise in cultural heritage resource removal should be obtained to salvage the identified building components recommended above;
    - The Architectural Conservancy of Ontario (ACO) North Waterloo Region maintains a Directory of Heritage Practitioners located in Ontario that claim to have experience with heritage properties. The section dedicated to “House Moving, Dismantling and Salvage” could be referred to for salvage contacts, however, it is recommended that references and/or previous work be assessed before engaging with any of the listed businesses. The ACO directory is available online at: www.aconwr.ca/directory-of-heritage-practitioners/house-moving-dismantling-and-salvage/.
- The chosen contractor should propose an approach for the labelling, storage and reassembly of material salvaged from the property, as appropriate, in accordance with guidance taken from the *Standards and Guidelines for the Conservation of Historic Places in Canada*, Section 4: Guidelines for Materials;
- The ultimate destination of salvaged materials should be determined prior to the initiation of any salvage process;
- Materials should only be salvaged if they are suitable for re-use in other buildings or projects, i.e., the material must not be irreparably damaged or infested;
- The material must be extracted in a manner that ensures that it is not irreparably damaged;
- Should any of the material recommended for salvage not be harvested by a reputable contractor(s) with proven expertise in cultural heritage resource removal, donation to a

teaching institution should be considered to allow the material to provide an educational opportunity rather then being sent to a landfill.
    - A list of Conservation Programs in Ontario is available on the National Trust for Canada's website here: www.nationaltrustcanada.ca/resources/education/conservation-programs.
- Any materials not deemed salvageable or suitable for educational purposes, but which are still recyclable should be recycled in an effort to reduce the amount of material sent to a landfill.

9.4 Symbolic Conservation

Symbolic conservation allows for the recovery of heritage components of a property and reuses them to make possible a visible record of the resource(s). It, along with the reuse of portions of a property, is often the recommended mitigation strategy when retention or relocation of a structure is not feasible. Options for symbolic conservation include:

- Incorporation of salvaged materials, such as timber beams, wood planks, floor boards, etc. into entry gates, retaining walls, benches or landscape features (i.e., planters) within a development in a public space; and
- The construction of interpretive plaques, which may be located on site, that commemorate the area and/or property's history.

Plaque bases and/or frames may be constructed of materials salvaged from the building on the subject property and represent an example of symbolic conservation that can be integrated into a proposed development. The Region of Waterloo's historic plaque program provides examples of salvaged materials incorporated into plaques. As part of this program, salvaged materials from historic structures have been incorporated into plaque bases providing a physical tie to the historic area or resource being commemorated. Yellow bricks salvaged from a prominent home in the former settlement of German Mills were used to construct the base for a historic plaque celebrating the area's significance. Another plaque prepared for the Huron Road Bridge as part of the Region's *Heritage Bridge Recognition Program* incorporated a piece of steel I-beam removed from the uniquely constructed bridge before it was reconstructed.

Symbolic conservation could be utilized to incorporate reflections of the area's heritage into a proposed development. While not the preferred option, it can, when thoughtfully executed, result in the retention of significant building materials and tie a new development to the history of the area. As a preferred development plan has not been disclosed, symbolic conservation should be considered going forward.

9.5 Site Redevelopment

In addition to the retention or relocation development alternatives discussed above, the following mitigative suggestions from *InfoSheet #5: Heritage Impact Assessments and Conservation Plans* should be considered if a new development is proposed on the project location:

- Thorough exploration of alternative development approaches;
- Isolating development and site alteration from adjacent significant built and natural heritage features and vistas;
- Utilizing design guidelines that harmonize mass, setback, setting, and materials;
- Limiting height and density;

- Allowing only compatible infill and additions; and
- Establishing buffer zones, site plan control, and other planning mechanisms, as appropriate.

These suggestions could inform the design of a new development that is sympathetic to the adjacent cultural heritage resources and character of the recommended Great Talbot HCD. If a new development is to be constructed on the project location, it should be designed to respect the setbacks, heights, mass, density, materials and architectural character of the surrounding neighbourhood. Specifically, the City's OP requires that the design of any new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area (City of London 2018:145).

Alternatively, if the property is to be used as a parking lot or left as open space, a landscaping plan should be developed that provides a visual transition from the commercial property at 140 Oxford Street East to the surrounding low-density residential properties included in the recommended Great Talbot HCD boundary to the north and east. The establishment of a vegetative buffer may assist in mitigating, in a minor way, the removal of the historic fabric of 160 Oxford Street East within the streetscape.

An updated Heritage Impact Assessment may be requested by the City of London for the property at 160 Oxford Street East once a development plan is proposed for the property.

10.0 RECOMMENDATIONS AND CONCLUSIONS

160 Oxford Street East is listed on the City of London's Municipal Heritage Register (*Inventory of Heritage Resources*). The property was included on the Register by resolution of the City's Municipal Council arising out of the *St. George-Grosvenor Heritage Conservation District Study* (2016), which recommended the designation of two HCDs: Great Talbot and Gibbons Park. The project location is located at the southern boundary of the recommended Great Talbot HCD. Following consultation, historical research, field survey and evaluation against the criteria set out in O. Reg. 9/06 of the *OHA*, the property at 160 Oxford Street East was not found to meet any criteria and thus does not possess CHVI. The archival research undertaken by ARA has determined that the extant structure was not built until after 1875. Specifically, research has indicated that the structure was likely constructed between 1877 and 1896.

As a result of consultation, field survey and evaluation, the following properties adjacent to the property location were identified as having CHVI: 155 Oxford Street East (BHR 1), 163 Oxford Street East (BHR 2), 165 Oxford Street East (BHR 3), 176 Oxford Street East (BHR 4), 176 St. George Street (BHR 5), 165 St. George Street (BHR 6), and the Great Talbot Heritage Conservation District (CHL1). Each of these cultural heritage resources may warrant mitigation of project impacts to allow for their conservation in the project planning process.

The proponent's current plan for the property entails the demolition and removal of the existing dwelling at 160 Oxford Street East. As outlined in Section 8.0, the proposed demolition of the structure will have direct impacts on the subject property. At the time of writing this report a preferred redevelopment plan had not been disclosed.

Potential impacts stemming from the proposed demolition of 160 Oxford Street East include the alteration of the historic low-density residential character of the Oxford Street East and St. George Street streetscapes. Impacts on adjacent buildings may include the presence of a

new land use that may cast shadows and/or not be compatible with the character of the area and which may alter views to the recommended Great Talbot HCD looking north down St. George Street from Oxford Street East.

The following conservation/mitigation strategies are recommended moving forward:

- That although the building at 160 Oxford Street East was not found to meet *OHA* O. Reg. 9/06, it does contain historic fabric that may be worthy of salvage and reuse.
- That a development plan is not yet available for the project location, however symbolic conservation opportunities should be considered for the property in the future.
- That an updated Heritage Impact Assessment may be requested by the City of London for 160 Oxford Street East once a redevelopment plan is proposed for the property. And that to adhere to the City's OP, the design of any new development, either as infilling, redevelopment, or as additions to existing buildings, should complement the prevailing character of the area and consider potential impacts on adjacent properties.
- That if a parking lot or open space is considered for the property, a landscaping plan should be developed that provides a visual transition from the commercial property at 140 Oxford Street East to the properties included in the recommended Great Talbot HCD boundary to the east to assist in mitigating, in a minor way, the loss of the historic fabric at 160 Oxford Street East.

Most development projects propose some sort of impact to the local heritage fabric. The 2014 *Provincial Policy Statement* notes that CHVI is bestowed upon cultural heritage resources by communities (MMAH 2014). Accordingly, the system by which heritage is governed in this province places emphasis on the decision-making of local municipalities in determining CHVI. It is hoped that the information presented in this report will be useful in those deliberations.

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Appendix A: 160 Oxford Street East Images

Exterior Images

Map 10: Photo Location Map (Exterior Photographs)
(Produced by ARA under licence using ArcGIS® software by Esri, © Esri)

Image 1: Façade of 160 Oxford Street East
(Photo taken on December 17, 2018; Facing North)

Image 2: Detail of Entrance and Porch of 160 Oxford Street East
(Photo taken on December 17, 2018; Facing North)

Image 3: Detail of window openings on façade
(Photo taken on December 17, 2018; Facing Northwest)

Image 4: Southwest corner of 160 Oxford Street East
(Photo taken on December 17, 2018; Facing Northeast)

Image 5: West elevation of 160 Oxford Street East
(Photo taken on December 17, 2018; Facing Northeast)

Image 6: Detail of porch construction
(Photo taken on December 17, 2018; Facing East)

Image 7: Detail of chimney
(Photo taken on June 13, December 17, 2018; Facing Northeast)

Image 8: Detail of window opening in west elevation
(Photo taken on December 17, 2018; Facing East)

Image 9: Detail of basement window opening in west elevation (enclosed)
(Photo taken on December 17, 2018; Facing East)

Image 10: Detail of foundation
(Photo taken on December 17, 2018; Facing Northeast)

Image 11: Northwest corner of 160 Oxford Street East
(Photo taken on December 17, 2018; Facing Southeast)

Image 12: North elevation of 160 Oxford Street East
(Photo taken on December 17, 2018; Facing South)

Image 13: Detail of foundation on north elevation
(Photo taken on December 17, 2018; Facing South)

Image 14: Detail of enclosed basement window opening on north elevation
(Photo taken on December 17, 2018; Facing South)

Image 15: Northeast corner of 160 Oxford Street East
(Photo taken on December 17, 2018; Facing Southwest)

Image 16: East elevation of 160 Oxford Street East
(Photo taken on December 17, 2018; Facing West)

Image 17: Detail of basement window opening in east elevation
(Photo taken on December 17, 2018; Facing West)

Image 18: Southeast corner of 160 Oxford Street East
(Photo taken on December 17, 2018; Facing Northwest)

Contextual Images

Image 19: Contextual view of 160 Oxford Street East from Oxford Street East
(Photo taken on December 17, 2018; Facing Northeast)

Image 20: Contextual view of 160 Oxford Street East from St. George Street
(Photo taken on December 17, 2018; Facing Southwest)

Image 21: Contextual view of 160 Oxford Street East
(Photo taken on December 17, 2018; Facing West)

Image 22: Contextual view directly across the street from 160 Oxford Street East
(Photo taken on December 17, 2018; Facing South)

Image 23: Contextual view of the neighbouring property at 140 Oxford Street East
(Photo taken on December 17, 2018; Facing Northwest)

Image 24: Contextual view of properties on the east side of St. George
(Photo taken on December 17, 2018; Facing Southeast)

Image 25: Contextual view of properties on the west side of St. George Street
(Photo taken on December 17, 2018; Facing Southwest)

Interior Images

Image 26: Front entrance
(Photo taken on December 17, 2018; Facing Southeast)

Image 27: Front foyer and bathroom
(Photo taken on December 17, 2018; Facing West)

Image 28: Front room (south)
(Photo taken on December 17, 2018; Facing Southwest)

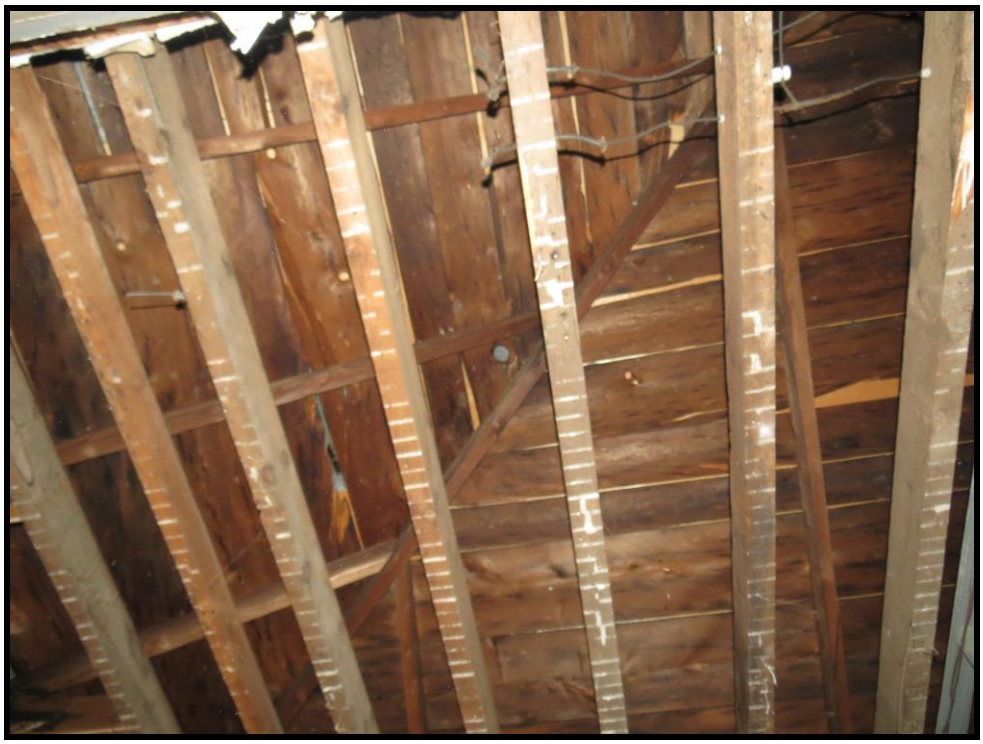


Image 29: Detail of ceiling construction in front room
(Photo taken on December 17, 2018; Facing Southwest)

Image 30: Detail of ceiling joists, wood trim and window surrounds in middle room (west)
(Photo taken on December 17, 2018; Facing West)

Image 31: Detail of middle room (west)
(Photo taken on December 17, 2018; Facing Northwest)

Image 32: Hallway
(Photo taken on December 17, 2018; Facing South)

Image 33: Kitchen (east)
(Photo taken on December 17, 2018; Facing Southeast)

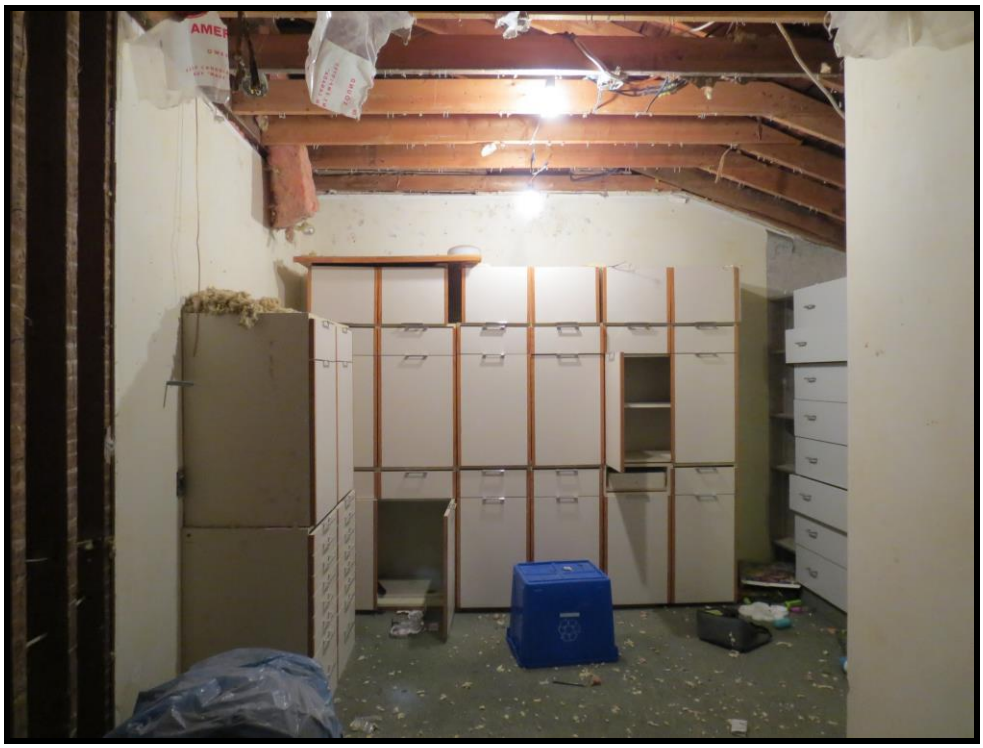


Image 34: Rear addition
(Photo taken on December 17, 2018; Facing West)

Image 35: Detail of ceiling joists in rear addition
(Photo taken on December 17, 2018; Facing West)

Image 36: Basement staircase
(Photo taken on December 17, 2018; Facing East)

Image 37: Basement
(Photo taken on December 17, 2018; Facing Southwest)

Image 38: Detail of basement
(Photo taken on December 17, 2018; Facing Southeast)

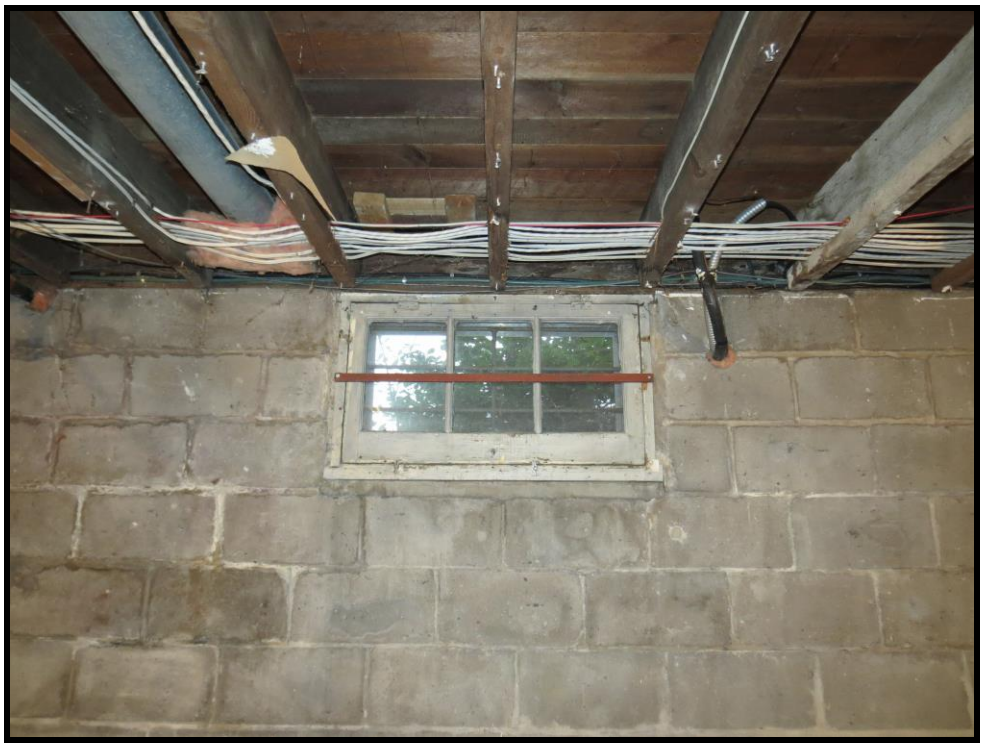


Image 39: Detail of basement window
(Photo taken on December 17, 2018; Facing East)

Image 40: Detail of condition of cinderblock basement wall construction
(Photo taken on December 17, 2018; Facing North)

Image 41: 131 Sydenham Street, London - Ontario Cottage (Side-Hall Plan)
(Letourneau Heritage Consulting et al. 2016)

Image 42: 149 St. James Street, London - Ontario Cottage
(Letourneau Heritage Consulting et al. 2016)

Appendix B: St. George-Grosvenor HCD Study Entry for 160 Oxford Street East (Appendix F Volume IV Page 184)

Civic Address: 160 Oxford Street East

Assessment Roll No: 010500103000000

Legal Description: PLAN 65 PT LOT 1 W/S ST GEORGE 4018.00SF 41.50FR 96.83D

Designation/Listing Status: None

Property History

Date of Construction: Pre 1875

Architect and/or Builder: Unknown

Historic Associations: City directories indicate that William Friendship may have lived at this address in 1875. By 1881 Henry Taylor owned this property, living here to 1891. After 1891 several tenants, changing often after a year, lived at this address.

Property Description

This house at 160 Oxford Street is a single storey vernacular cottage with a hipped roof and front porch along the entire front of the building. The front door is off centre on the east side of the building. The front elevation has two tall windows, one in the centre of the elevation and one on the west side of the front elevation. The front porch is five steps above grade. The roof extends over the porch on the front of the house. This house is clad in vinyl siding.

The house at 160 Oxford Street East is a small cottage on the corner of Oxford Street and St. George Street. This house is on the front property line and is set back 8.5 metres from the edge of Oxford Street East. Driveway access is off of St. George Street.

Heritage Attributes

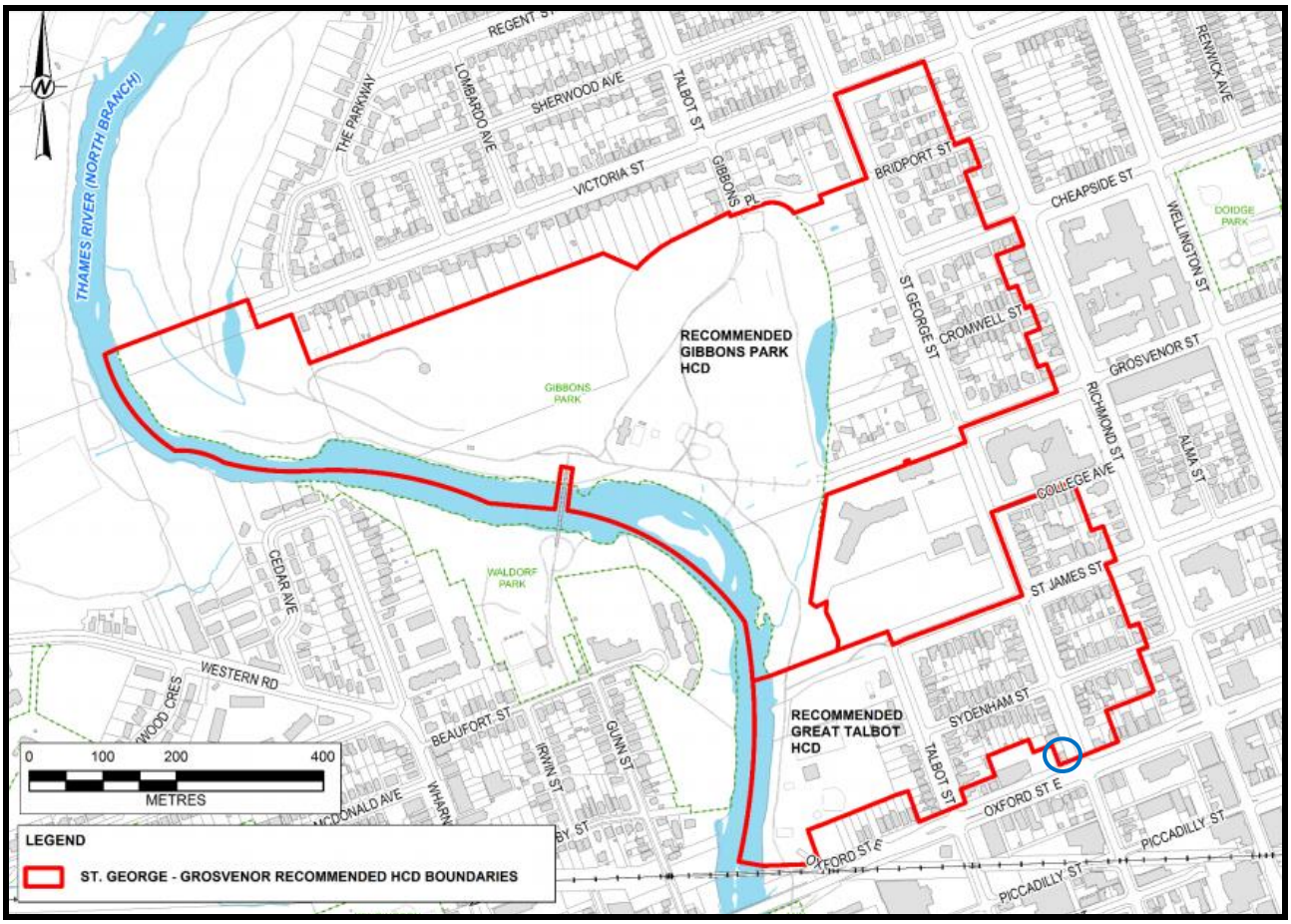
- One storey scale and massing
- Hipped roof
- Setback from the streets
- Arrangement of window and door openings on the front elevation.

Contributing/Non-Contributing: TBD

Sources

- London City Directories

Appendix C: St. George-Grosvenor Recommended HCD Boundaries



(Letourneau Heritage Consulting et al. 2016:107)

Appendix D: Identified Cultural Heritage Landscapes and Built Heritage Resources

BUILT HERITAGE RESOURCE NO. 1

DESCRIPTION OF PROPERTY	
Street Address	155 Oxford Street East
Name	n/a
Recognition	Listed
Location	City of London
Type of Property	Commercial
Style	Gothic Revival Cottage
Date	Circa 1881
Description	• One-and-a-half storey Gothic Revival Cottage style building • Brick cladding (painted white) • Hip roof and front gable peak over central entrance and covered verandah • Dormer windows project from hip roof on east and west elevations • Small round window opening in centre gable peak with decorative wood bargeboard • Corbelled bricks decorate roof line of house, dentils decorate roof line of porch • Open porch supported by two columns, bound by an open decorative wood railing • Brick chimney on west elevation • Segmentally arched window openings with decorative brick voussoirs flank front entrance • Centrally placed entrance with square door opening and single-pane transom • Rear addition • Set back from the road and located on a rise of land accessed by five steps from the sidewalk
Photograph	
Date of Photo	December 17, 2018

EVALUATION OF PROPERTY			
Criteria	**Description**	✓	**Value Statement(s)**
Design or Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	✓	Representative example of the Gothic Revival Cottage style of architecture.
	Displays a high degree of craftsmanship or artistic value		
	Displays a high degree of technical or scientific achievement		
Historical or Associative Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community		
	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
Contextual Value	Is important in defining, maintaining or supporting the character of an area	✓	Supports the historic residential character the Oxford Street East streetscape and the core of the City of London.
	Is physically, functionally, visually or historically linked to its surroundings		
	Is a landmark		

RESULTS OF HERITAGE ASSESSMENT	
CHVI Evaluation	Has CHVI.
Heritage Attributes	Key heritage attributes include: one-and-a-half-storey Gothic Revival Cottage style building; brick cladding; hip roof and front gable peak over central entrance and covered verandah; dormer windows project from hip roof on east and west elevations; small round window opening in centre gable peak with decorative wood bargeboard; corbelled bricks decorate roof line of house, dentils decorate roof line of porch; open porch supported by two columns, bound by an open decorative wood railing; brick chimney on west elevation; segmentally arched window openings with decorative brick voussoirs flank front entrance ; centrally placed entrance with square door opening and single-pane transom; rear addition; set back from road and located on rise of land accessed by five steps from sidewalk.

BUILT HERITAGE RESOURCE NO. 2

DESCRIPTION OF PROPERTY	
Street Address	163 Oxford Street East
Name	n/a
Recognition	Part IV Designation
Location	City of London
Type of Property	Residential
Style	Edwardian
Date	Circa 1908
Description	The following Statement of Cultural Heritage Value or Interest was included in the *Passage of Designation By-law for 163 Oxford Street East – Schedule "B"* (City of London 2018): ***Description of Property*** *The property at 163 Oxford Street East is located on the south side of Oxford Street East between Talbot Street and St. George Street. Oxford Street is a five lane street which runs in an east-west direction; curbs and sidewalks are found on both the north and south side. The property is on an L-shaped lot and the building is set back from the street in alignment with the front facades of neighbouring buildings. A paved driveway located at the rear of the house offers vehicular access and pedestrian access from the Oxford Street East sidewalk is achieved through concrete steps.* ***Statement of Cultural Heritage Value or Interest*** *The property located at 163 Oxford Street East, London, Ontario is of significant cultural heritage value because of its physical or design value and its contextual value.* *The property consists of a narrow two-and-one-half-storey, front gable, brick-veneer residential structure built in an Edwardian architectural style. Architectural features which represent the Edwardian style include the use of imported red brick, the three stained glass windows, the full length façade front porch, porch columns and balustrade with restrained classical detailing and gable pediment. This infill building was built c. 1908 and occupied by a variety of middle class residents throughout the 20th century.* *The building located at 163 Oxford Street East has a combination of architectural features and modest design elements that make it unique while still contributing to the eclectic character of buildings found in the Talbot North area of London. The property is nestled between 155 Oxford Street East (a listed property) and 165 Oxford Street East (Designated under Part IV of the OHA) and is a representative example of a compatible early 20th century infill building. The property works to reinforce the original residential nature of the streetscape. The numerous refined, but modest, design features help express the socio-economic mix of buildings associated with Talbot North area of London at the turn of the century.*

Photograph	
Date of Photo	December 17, 2018

EVALUATION OF PROPERTY			
Criteria	**Description**	✓	**Value Statement(s)**
Design or Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	✓	Representative example of the Edwardian style of architecture.
	Displays a high degree of craftsmanship or artistic value		
	Displays a high degree of technical or scientific achievement		
Historical or Associative Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community		
	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
Contextual Value	Is important in defining, maintaining or supporting the character of an area	✓	Contributes to the eclectic character of buildings found in the Talbot North area of London and reinforces the original residential nature of the Oxford Street East streetscape.
	Is physically, functionally, visually or historically linked to its surroundings		
	Is a landmark		

RESULTS OF HERITAGE ASSESSMENT	
CHVI Evaluation	Has CHVI.
Heritage Attributes	Key heritage attributes include: two-and-one-half-storey residential building; setback from Oxford Street East, with a wide boulevard and concrete steps to access sidewalk; slate roof with octagonal-shaped tiles; red brick veneer; front and rear gable pediments with wood shingle imbrication; wooden sunburst motif design in front, rear and side gables; rectangular gable window with flat, modestly designed wooden trim; overhanging eaves, molded wooden soffit and simple decorative wooden frieze; exterior brick chimney located on eastern elevation; segmental arched window openings with original double hung wooden windows, brick voussoirs and plain lug sills; large window opening with stained glass transoms found on main level of façade; stained glass window found on western elevation; semi-elliptical arch window opening on eastern elevation with plain lug sill, brick header voussoirs and decorative stain glass window; open porch with offset gable peak (over the doorway and stairs) with inset vertical wooden planks in pediment and shed-style roofline made with a slate roof with octagonal-shaped tiles; decorative wood fascia with dentils found on porch roofline; open porch supported by decorated wooden columns with capitals, bases, and collars that rest on tapered brick engaged piers; wooden balustrade with upper and lower wooden railing; wooden plank porch flooring and wooden porch skirt; original wooden door found on facade with circular glass insert and rectangular transom with clear glass insert (City of London 2018).

BUILT HERITAGE RESOURCE NO. 3

DESCRIPTION OF PROPERTY	
Street Address	165 Oxford Street East
Name	H.J. Skelton Ltd.
Recognition	Part IV Designation
Location	City of London
Type of Property	Commercial
Style(s)	Queen Anne/Stick
Date	1892
Description	The following Statement of Significance was included on the *Canadian Register of Historic Places* entry for 165 Oxford Street East (Parks Canada 2008): ***Description of Historic Place*** *165 Oxford Street East is situated on the southwest corner of Oxford Street East and St George Street in the City of London. The property consists of a two-and-a-half-storey white-brick residence that was constructed in 1892. The property was designated by the City of London in 1990 for its heritage value under Part IV of the Ontario Heritage Act (By-law L.S.P.-3076-202).* ***Heritage Value*** *Constructed in 1892, the residence at 165 Oxford Street East is an interesting blend of the Queen Anne and Stick styles. Typical of the Queen Anne style is the multiple gable roof with decorative bargeboards and brackets and prominent brick chimney. An offset left facade contains the main double door with single light transom. Side windows flanked by brick voussoirs are also of note. On the northeast corner is an open veranda with a finely decorated second storey balcony.* *165 Oxford Street East is located at a prominent corner in the City of London near the renowned shopping district, Richmond Row. Distinguished by its interesting architectural styling, the residence is a landmark which has been home to several prominent citizens in the commercial history of London. Most notable is the Brock family who owned a successful sporting goods business for many years.*

Photograph	
Date of Photo	December 17, 2018

EVALUATION OF PROPERTY			
Criteria	**Description**	✓	**Value Statement(s)**
Design or Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	✓	Representative example of the Queen Anne/Stick styles of architecture.
	Displays a high degree of craftsmanship or artistic value		
	Displays a high degree of technical or scientific achievement		
Historical or Associative Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community		
	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
Contextual Value	Is important in defining, maintaining or supporting the character of an area	✓	Contributes to the eclectic character of buildings found in the Talbot North area of London and reinforces the original residential nature of the Oxford Street East streetscape.
	Is physically, functionally, visually or historically linked to its surroundings		

	Is a landmark	✓	The structure is a landmark due to its interesting architectural styling and prominent location on a corner lot fronting Oxford Street East.

RESULTS OF HERITAGE ASSESSMENT	
CHVI Evaluation	Has CHVI.
Heritage Attributes	Key heritage attributes include: two-and-a-half-storey construction; white-brick exterior; offset façade; multi-gable roof; brick chimney; open veranda with balcony; extensive wood decoration; stained glass windows on façade and east elevation; brick voussoirs; main double door; location on a prominent corner lot fronting Oxford Street East (Parks Canada 2008).

BUILT HERITAGE RESOURCE NO. 4

DESCRIPTION OF PROPERTY	
Street Address	176 Oxford Street East
Name	n/a
Recognition	Listed
Location	City of London
Type of Property	Commercial
Style	Ontario Cottage
Date	Pre-1872
Description	The following description was provided for the property at 176 St. George Street in the *St. George-Grosvenor Heritage Conservation District Study* - Inventory (Letourneau Heritage Consulting et al. 2016:185-186): *Historic Associations: The house at 176 Oxford Street East was built around 1872. John McCurdy a shoemaker lived here by 1872/1873 according to city directories. He appears to have passed away between 1888 and 1890 and Mrs. McCurdy lived in this house until 1894 when a Robert McCurdy is listed as living here. A Mrs. Jane McCurdy is listed as living at this address in 1896 -1899 followed by a Timothy Toohey in 1900. Mrs. Jane McCurdy is again listed at this address from 1901 - 1907 and an R. McCurdy is listed here in 1908 and 1909. In 1910 the house is no longer occupied by a member of the McCurdy family and occupants remained for short one to three year periods into the 1920's.* *Property Description: The house at 176 Oxford Street East is a single storey Ontario Cottage with a hipped roof and centrally located gable peak roof over the front door. An addition has been built out the east side of the building which projects slightly towards Oxford Street. The addition has moved the front elevation from being centred on the door to off-set. The façade of this addition is partially a false front. The roof of the building extends over the addition without changing its slope. The roof meets the outer eastern wall approximately ¾ of the way up the front wall.* *The front door of his house is framed with two sidelight windows and a transom light above the door. The door is topped with entablature trim. The roof above the front door is supported by square posts. The front door is two steps above grade and above a concrete stoop. Trim around the door and windows is fairly plain. Top trim above each window is shaped coming to a peak in the centre. Windows have modest sills and vinyl shutters. This building has three windows along the western side and a yellow brick chimney. The property has been converted to commercial use and the back yard with access off St. George Street is a parking lot. The older part of the house is framed by two mature trees. The house at 176 Oxford Street is on a busy arterial road. This property is a corner lot. The house is approximately 2 metres from the front property line and 13.5 metres from the edge of the street.* The property is located in the recommended Great Talbot HCD.

Photograph	
Date of Photo	December 17, 2018

EVALUATION OF PROPERTY			
Criteria	**Description**	✓	**Value Statement(s)**
Design or Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	✓	Representative example of the Ontario Cottage style of architecture.
	Displays a high degree of craftsmanship or artistic value		
	Displays a high degree of technical or scientific achievement		
Historical or Associative Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community		
	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
Contextual Value	Is important in defining, maintaining or supporting the character of an area	✓	Supports the historic residential character of the recommended Great Talbot HCD.
	Is physically, functionally, visually or historically linked to its surroundings		
	Is a landmark		

RESULTS OF HERITAGE ASSESSMENT	
CHVI Evaluation	Has CHVI.
Heritage Attributes	Key heritage attributes include: one-storey scale and massing; hip roof; central peaked gable roof over the front door; central front door; sidelights on either side and above the front door; symmetrical front elevation (the addition on the east side of the building is part of the front of the building but is set forward from the main and original building, it is not considered part of a contiguous façade; simple entablature above the front door; peaked window trim; central walkway leading to the front steps (Letourneau Heritage Consulting et al. 2016:185-186).

BUILT HERITAGE RESOURCE NO. 5

DESCRIPTION OF PROPERTY	
Street Address	176 St. George Street
Name	n/a
Recognition	Listed
Location	City of London
Type of Property	Residential
Style	Edwardian
Date	1909
Description	The following description was provided for the property at 176 St. George Street in the *St. George-Grosvenor Heritage Conservation District Study* - Inventory (Letourneau Heritage Consulting et al. 2016:278-279): *The house at 176 St. George Street was first lived in by Mr. Robert McCurdy. It is a two and a half storey Edwardian building. The building is a red brick rectangular structure. It has a front veranda. This house has a front gable roof with medium pitch. The front gable has wood shingle style and fish-scale imbrication and a Palladian window. The second floor on the front elevation is symmetrical with two vertically oriented sash windows. These window openings have plain concrete sills and brick segmented arches.* *The first floor front elevation has a door near the south side of the façade and a single large window off centre to the north side of the façade. The front door and first floor window openings have segmented arches. The front door has a transom light.* *The roof of the front veranda is supported by smooth tapered columns that rest on square wood plinths on brick foundation plinths. The veranda has a flat roof and wraps around the south side of the building. The railing is plain wood with square spindles. An engaged column supports the veranda roof on the north side of the front elevation of the building. The deck of the veranda is wood and the skirt is a plain lattice.* *This house has a moderate setback from the street. It is on the front property line and is 12 metres from the edge of the street. It is adjacent to a laneway on the north side. The south side of the house is a parking lot for buildings fronting on Oxford Street East. A large mature tree is in front of the house.* The property is located in the recommended Great Talbot HCD.

Photograph	
Date of Photo	December 17, 2018

EVALUATION OF PROPERTY			
Criteria	**Description**	✓	**Value Statement(s)**
Design or Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	✓	Representative example of the Edwardian style of architecture.
	Displays a high degree of craftsmanship or artistic value		
	Displays a high degree of technical or scientific achievement		
Historical or Associative Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community		
	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
Contextual Value	Is important in defining, maintaining or supporting the character of an area	✓	Supports the historic residential character of the recommended Great Talbot HCD.
	Is physically, functionally, visually or historically linked to its surroundings		
	Is a landmark		

RESULTS OF HERITAGE ASSESSMENT	
CHVI Evaluation	Has CHVI.
Heritage Attributes	Key heritage attributes include: two-and-a-half-storey Edwardian residence; front gable roof; wood shingle and fish-scale imbrication in the gable; red brick exterior cladding; rectangular structure; arrangement of window and door openings on the front elevation; veranda spanning the width of the building; Palladian window in the front gable; located in the recommended Great Talbot HCD (Letourneau Heritage Consulting et al. 2016:278-279).

BUILT HERITAGE RESOURCE NO. 6

DESCRIPTION OF PROPERTY	
Street Address	165 St. George Street
Name	The Saxony
Recognition	Listed
Location	City of London
Type of Property	Multi-Residential
Date	1960
Description	The following description was provided for the property at 165 St. George Street in the *St. George-Grosvenor Heritage Conservation District Study* - Inventory (Letourneau Heritage Consulting et al. 2016:275): *This three-and-a-half-storey apartment building is one of the Modern structures located within the* [St. George-Grosvenor HCD] *Study Area. It is clad with polychromatic modern buff brick and its street-facing façade consists of symmetrical windows with aluminum-covered lintels. A pair of windows is also located at grade level. This building has a hip roof. A large mature tree is located at the front of the apartment building, and a narrow paved laneway provides access to the side and rear of the building. This building is approximately 0.5 metres from the front property line and almost 15 metres from the edge of the street.* The property is located in the recommended Great Talbot HCD.
Photograph	
Date of Photo	December 17, 2018

EVALUATION OF PROPERTY			
Criteria	**Description**	✓	**Value Statement(s)**
Design or Physical	Is a rare, unique, representative or early example of a style, type, expression,		

Value	material or construction method		
	Displays a high degree of craftsmanship or artistic value		
	Displays a high degree of technical or scientific achievement		
Historical or Associative Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community		
	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		
Contextual Value	Is important in defining, maintaining or supporting the character of an area	✓	Supports the historic residential character of the recommended Great Talbot HCD.
	Is physically, functionally, visually or historically linked to its surroundings		
	Is a landmark		

RESULTS OF HERITAGE ASSESSMENT	
CHVI Evaluation	Has CHVI.
Heritage Attributes	Key heritage attribute includes the property's support of the historic residential character of the recommended Great Talbot HCD.

CULTURAL HERITAGE LANDSCAPE NO. 1

DESCRIPTION OF PROPERTY	
Boundary	From Oxford Street East to St. James Street and College Avenue and includes the London Life Recreation Grounds and a section of the Thames Valley Parkway and lands to the Thames River.
Name	Great Talbot Heritage Conservation District
Recognition	HCD Study complete, Plan pending
Location	City of London
Type of Property	Residential
Date	1850-present
Description	The following draft Statement of CHVI was provided for the Great Talbot HCD in the *St. George-Grosvenor Heritage Conservation District Study* (Letourneau Heritage Consulting et al. 2016:112-113): *The recommended Great Talbot HCD has cultural heritage value or interest as a representative example of the early phases of speculative development in North London, exhibiting examples of building types and styles from the 1850s to the present. The recommended HCD exhibits a range of block types, configurations and street rights-of-way that are responses to the topographical features of the Study Area as well as to the different types of buildings built there. The potential Great Talbot HCD contains a high concentration of properties included on the City of London's Inventory of Heritage Resources. The recommended Great Talbot HCD area is historically associated with Col. Askin and William Barker, two significant individuals in the history of London.* *The arrangement of lots, lot sizes, built form of this section of the Study Area demonstrates a transition from properties occupied by individuals, both tenants and owners from working-class backgrounds to owners with more wealth, in the architectural styles and evidence of renovation and infill in this section of the Study Area. The evolution of this section of the Study Area is further evident in the number of modern renovations, infill and replacement buildings that are represented in this recommended HCD. The recommended Great Talbot HCD contains small groupings of properties that reflect the ideas of an architect or builder such as the set of homes constructed or renovated by J.M. Moore and O. Roy Moore. Architectural styles and details in the recommended Great Talbot HCD transition from Ontario Cottage styles, through more elaborate Italianate and Queen Anne Revival inspired buildings. This part of the Study Area demonstrates a wide range of craftsmanship in the decorative details of buildings.* *The landscape of the recommended Great Talbot HCD includes a number of long viewscapes along the streets with a combination of juvenile and mature trees.* *The community values the historic built form; the spatial arrangement of streets, laneways and properties; the connection to the Thames Valley Parkway; and the variation in the landscape, that are the result of the historic development of the Study Area.* *The recommended Great Talbot HCD includes individual elements with specific heritage values including individually designated and listed heritage properties, buildings with unique architectural details, historic ties between properties through early land holders and speculators, and a spatial arrangement that reflects the historic development of the Study Area. This section of the Study Area has historical/*

	associative connections to significant persons for London, including Col. Askin and William Barker. Collectively the cultural heritage value and interest in this section of the Study Area have significant links that contribute to the historic sense of place and uniqueness of this part of London.
Photographs	
Date of Photo	December 17, 2018

EVALUATION OF PROPERTY			
Criteria	**Description**	✓	**Value Statement(s)**
Design or Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material or construction method	✓	The recommended Great Talbot HCD is a representative example of the early phases of speculative development in North London, exhibiting examples of building types and styles from the 1850s to the present. Architectural styles and details in

			the HCD transition from Ontario Cottage styles through more elaborate Italianate and Queen Anne Revival inspired buildings.
	Displays a high degree of craftsmanship or artistic value	✓	The Great Talbot HCD demonstrates a wide range of craftsmanship in the decorative details of buildings.
	Displays a high degree of technical or scientific achievement		
Historical or Associative Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community	✓	Historically associated with Col. Askin and William Barker, two significant individuals in the history of London.
	Yields or has the potential to yield information that contributes to the understanding of a community or culture		
	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community	✓	Contains small groupings of properties that reflect the ideas of an architect or builder such as the set of homes constructed or renovated by J.M. Moore and O. Roy Moore.
Contextual Value	Is important in defining, maintaining or supporting the character of an area	✓	The Great Talbot HCD has significant links that contribute to the historic sense of place and uniqueness of this part of London.
	Is physically, functionally, visually or historically linked to its surroundings	✓	The Great Talbot HCD is historically linked to the phases of development in North London.
	Is a landmark		

RESULTS OF HERITAGE ASSESSMENT	
CHVI Evaluation	Has CHVI.
Heritage Attributes	Key heritage attributes include: three different block configurations (two with lanes, three without, and one irregular); double wide street right-of-way (132 feet/ 40.23 metres) on Talbot Street, St. George Street and St. James Street defining the streetscape; standard street right-of-way (66 feet/20.12 metres) on Sydenham Street and College Avenue, defining the streetscape; form, scale and massing of the existing built form, including the mostly late 19th and early 20th century architectural influences throughout the proposed HCD, the streetscapes with relatively consistent setbacks from the street for most buildings on each street, the one-and-a-half to two-and-a-half-storey size of buildings and the relationship of buildings to each other on their streets; residential form of the buildings; representative examples of different building styles reflective of their era; collection of buildings that demonstrate a high degree of craftsmanship; narrow front and side yard setbacks; views west along St. James Street and Sydenham Street of the Thames River; historical associations with Col. Askin and William Barker; streetscapes of the area, including: broad rights-of-way of St. James Street, St. George Street, and Talbot Street and the relative narrowness of Sydenham Street; tree-lined streets, especially along boulevards; laneways in the blocks between St. George Street, Richmond Street, Oxford Street East and St. James Street; and continuing view up and down St. George Street (Letourneau Heritage Consulting et al. 2016:113).

Appendix E: Key Team Member Two-Page Curriculum Vitae

Curriculum Vitae
Paul J. Racher, M.A., CAHP
Principal - Management and Senior Review (MSR) Team
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Biography

Paul Racher is a Principal of ARA. He has a BA in Prehistoric Archaeology from WLU and an MA in anthropology from McMaster University. He began his career as a heritage professional in 1986. Over the three decades since, he has overseen the completion of several hundred archaeological and cultural heritage contracts. Paul has years of experience related to linear transportation and rail projects, notably through the ongoing work to complete a Cultural Heritage Inventory for the Region of Waterloo's Stage 2 LRT from Kitchener to Cambridge, Ontario. He holds professional license #P007 with the MTCS. Paul is a former lecturer in Cultural Resource Management at WLU. He is a professional member of the Canadian Association of Heritage Professionals (CAHP) and the President of the Ontario Archaeological Association (OAS).

Education

1992-1997	PhD Programme, Department of Anthropology, University of Toronto. Supervisors: E.B. Banning and B. Schroeder. Withdrawn.
1989-1992	M.A., Department of Anthropology, McMaster University, Hamilton, Ontario. Thesis titled: "The Archaeologist's 'Indian': Narrativity and Representation in Archaeological Discourse."
1985-1989	Honours B.A., Wilfrid Laurier University, Waterloo, Ontario. Major: Prehistoric Archaeology.

Professional Memberships and Accreditations

Current	Ministry of Tourism Culture and Sport Professional Licence (#P007). Professional Member of the Canadian Association of Heritage Professionals (CAHP), Volunteer on the ethics committee. Member of the Ontario Archaeological Society (OAS), Volunteer on the Professional Committee. Associate of the Heritage Resources Centre, University of Waterloo. RAQS registered with MTO.

Work Experience

Current	**Vice-President, Operations, Archaeological Research Associates Ltd.** Responsible for winning contracts, client liaison, project excellence, and setting the policies and priorities for a multi-million dollar heritage consulting firm.
2000-2011	**Project Manager/Principal Investigator, Archaeological Research Associates Ltd.** Managed projects for a heritage consulting firm. In 10 field seasons, managed hundreds of projects of varying size.

2008-2011 **Part-Time Faculty, Wilfrid Laurier University.**
Lecturer for Cultural Resource Management course (AR 336). In charge of all teaching, coursework, and student evaluations.

1995 **Field Archaeologist, University of Toronto.**
Served as a supervisor on a multinational archaeological project in northern Jordan.

1992-1995 **Teaching Assistant, University of Toronto.**
Responsible for teaching and organizing weekly tutorials for a number of courses.

1991-1994 **Part-Time Faculty, Wilfrid Laurier University.**
Lectured for several courses in anthropology. Held complete responsibility for all teaching, coursework, and student evaluations.

1992-1996 **Partner in Consulting Company, Cultural Management Associates Incorporated.**
Supervised several archaeological contracts in Southern Ontario. Participated in a major (now published) archaeological potential modeling project for MTO.

1989-1991 **Partner in Consulting Company, Cultural Resource Consultants.**
Managed the financial affairs of a consulting firm whilst supervising the completion of several contracts performed for heritage parks in central Ontario.

1988-1991 **Principal Investigator/Project Director, Archaeological Research Associates Ltd.**
Oversaw the completion of large contracts, wrote reports, and was responsible for ensuring that contracts were completed within budget.

1988 **Assistant Director of Excavations, St. Marie among the Hurons, Midland, Ontario.**
Duties included crew supervision, mapping, report writing and photography.

1986-1987 **Archaeological Crew Person, Archaeological Research Associates Ltd., Waterloo, Ontario.**
Participated in background research, survey, and excavation on a number of Archaeological sites across Ontario.

Kayla Jonas Galvin, M.A., CAHP
Heritage Operations Manager
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Biography

Kayla Jonas Galvin, Archaeological Research Associates Ltd.'s Heritage Operations Manager, has extensive experience evaluating cultural heritage resources and landscapes for private and public-sector clients to fulfil the requirements of provincial and municipal legislation such as the *Environmental Assessment Act*, the *Standards & Guidelines for the Conservation of Provincial Heritage Properties* and municipal Official Plans. She served as Team Lead on the Ministry of Tourism, Culture and Sport Historic Places Initiative, which drafted over 850 Statements of Significance and for *Heritage Districts Work!*, a study of 64 heritage conservation districts in Ontario. Kayla was an editor *of Arch, Truss and Beam: The Grand River Watershed Heritage Bridge Inventory* and has worked on Municipal Heritage Registers in several municipalities. Kayla has drafted over 150 designation reports and by-laws for the City of Kingston, the City of Burlington, the Town of Newmarket, Municipality of Chatham-Kent, City of Brampton and the Township of Whitchurch-Stouffville. Kayla is the Heritage Team Lead for ARA's roster assignments for Infrastructure Ontario and oversees evaluation of properties according to *Standards & Guidelines for the Conservation of Provincial Heritage Properties*. Kayla is a professional member of the Canadian Association of Heritage Professionals and sits on the board of the Ontario Association of Heritage Professionals. She is also a Candidate member of the Ontario Professional Planners Institute (OPPI).

Education

2016	MA in Planning, University of Waterloo. Thesis Topic: *Goderich – A Case Study of Conserving Cultural Heritage Resources in a Disaster*
2003-2008	Honours BES University of Waterloo, Waterloo, Ontario Joint Major: Environment and Resource Studies and Anthropology

Professional Memberships and Accreditations

Current	Professional Member, Canadian Association of Heritage Professionals (CAHP) Board Member, Ontario Association of Heritage Professionals. Candidate, Ontario Professional Planners Institute

Work Experience

Current	**Heritage Operations Manager, Archaeological Research Associates Ltd.** Oversees business development for the Heritage Department, coordinates completion of designation by-laws, Heritage Impact Assessments, Built Heritage and Cultural Heritage Landscape Assessments, and Cultural Heritage Resource Evaluations.
2009-2013	**Heritage Planner, Heritage Resources Centre, University of Waterloo** Coordinated the completion of various contracts associated with built heritage including responding to grants, RFPs and initiating service proposals.
2008-2009, 2012	**Project Coordinator–Heritage Conservation District Study, ACO** Coordinated the field research and authored reports for the study of 32 Heritage Conservation Districts in Ontario. Managed the efforts of over 84 volunteers, four staff and municipal planners from 23 communities.

2007-2008 **Team Lead, Historic Place Initiative, Ministry of Culture**
Liaised with Ministry of Culture Staff, Centre's Director and municipal heritage staff to draft over 850 Statements of Significance for properties to be nominated to the Canadian Register of Historic Places. Managed a team of four people.

Selected Professional Development

2018 Indigenous Canada, University of Alberta
2017 Empowering Indigenous Voices in Impact Assessments, Webinar, International Association for Impact Assessments
2015 Introduction to Blacksmithing, One-Day
2015 Leadership Training for Managers Course, Dale Carnegie Training
2014 Heritage Preservation and Structural Recording in Historical and Industrial Archaeology, Wilfrid Laurier University, 12 weeks
2014 Conservation and Craftsmanship in Sustainable City Building Presented by the Hamilton Burlington Society of Architects
2012 Region of Waterloo Workshop on Heritage Impact Assessments, Half-Day
2012 Conducting Historic Building Assessments Workshop, One-Day
2012 Window Restoration Workshop, One-Day
2011 Lime Mortars for Traditionally Constructed Brickwork, Two-Day Workshop, ERA Architects and Historic Restoration Inc., Toronto
2011 Energy & Heritage Buildings Workshop Two-Day Workshop, Heritage Resources Centre
2010 Architectural Photography, Mohawk College
2010 Project Management Fundamentals, University of Waterloo Continuing Education
2009 Cultural Heritage Landscapes Two-Day Workshop, Heritage Resources Centre
2009 Urban Landscape and Documentary Photography, Mohawk College
2008 Introduction to Digital Photography, Mohawk College
2008 Heritage Planning Four-Day Workshop, Heritage Resources Centre

Selected Publications

2018 "Restoring Pioneer Cemeteries" *Ontario Association of Heritage Professionals Newsletter.* Spring 2018.
2015 "Written in Stone: Cemeteries as Heritage Resources." *Municipal World*, September 2015.
2015 "Bringing History to Life." *Municipal World*, February 2015, pages 11-12.
2014 "Inventorying our History." *Ontario Planning Journal*, January/February 2015.
2014 "Mad about Modernism." *Municipal World*, September 2014.
2014 "Assessing the success of Heritage Conservation Districts: Insights from Ontario Canada." with R. Shipley and J. Kovacs. *Cities*.
2014 "Veevers Estate Hamilton: From Historic Farmhouse to Environmental Showpiece." *ACORN*, Spring 2014.

Lindsay Benjamin, M.A.E.S., CAHP
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Biography

Lindsay Benjamin is practiced at providing professional planning recommendations and expertise on complex studies, research projects, cultural heritage impact and archaeological assessments. Through her work as a Cultural Heritage Planner, Lindsay researched, drafted and implemented policies for the Regional Official Plan and other planning documents regarding the recognition, review and conservation of cultural heritage resources, including archaeological resources, heritage bridges, cultural heritage landscapes and scenic roads. She was the Primary Author of *Arch, Truss and Beam: The Grand River Watershed Heritage Bridge Inventory*, served as a Team Lead on the MTCS Historic Places Initiative that drafted over 850 Statements of Significance, and was Series Editor for Phase 2 of *Heritage Districts Work!* a study of 32 heritage districts in Ontario. Lindsay has developed heritage property tax relief programs, worked on Municipal Heritage Registers and drafted designation by-laws in several municipalities. She holds a Master of Applied Environmental Studies degree from the University of Waterloo School of Planning, is a Professional Member of the Canadian Association of Heritage Professionals (CAHP) and a Candidate member of the Ontario Professional Planners Institute (OPPI).

Education

2013	MAES, University of Waterloo, Waterloo, ON Focus: Planning
2009	Post-Graduate Diploma, Centennial College, Toronto, ON Publishing & Professional Writing
2007	Honours BES, University of Waterloo, Waterloo, ON Major: Urban Planning, Co-op Distinction: Dean's Honours List

Professional Memberships and Accreditations

Current	Professional Member, Canadian Association of Heritage Professionals (CAHP) Candidate Member, Ontario Professional Planners Institute (OPPI)

Work Experience

2017-Present	**Project Manager – Heritage, Archaeological Research Associates Ltd.** Coordinate the completion of heritage projects, including the evaluation of the cultural heritage value or interest of a variety of cultural heritage resources.
2013-2017	**Cultural Heritage Planner, Region of Waterloo** Planned and implemented Arts, Culture and Heritage initiatives that support creativity and quality of life in the Region of Waterloo. Researched, developed and implemented Regional cultural heritage policies and programs. Fulfilled Regional and Provincial cultural heritage and archaeological review responsibilities under the Planning Act and Ontario Heritage Act.
2009-2013	**Heritage Planner, Heritage Resources Centre, University of Waterloo** Facilitate the completion of various cultural heritage contracts by undertaking archival research, site visits, report writing, liaising with municipal staff and

stakeholders and coordinating project scheduling and budgetary responsibilities.

2006-2007 **Project Manager, Heritage Resources Centre, University of Waterloo**
Established the process of nominating heritage properties to the National Register of Historic Places. Primary liaison between all stakeholder groups, responsible for motivating each group to participate and provide funding. Drafted over 130 Statements of Significance for properties to be nominated to the National Register. Managed a team of five employees.

2005-2006 **Heritage Conservation Easement Planning Assistant, Ontario Heritage Trust**
Supported easement acquisitions through researching the historical and architectural value of potential acquisitions and extensive photo documentation. Screened and processed activity requests from property owners and stakeholders relating to the easement program. Conducted site visits to monitor conservation easement sites and prepared condition assessment reports.

Professional Development

2018 How to Plan for Communities: Listen to the Them. Webinar, Canadian Institute of Planners
2013-2017 Ontario Heritage Planners Network Workshops
2017, 2016 National Trust for Canada Conference
2016 Heritage Inventories Workshop, City of Hamilton & ERA Architects
2011-2016 Ontario Heritage Conference
2012 Heritage Impact Assessments Workshop, Region of Waterloo
2012 National Trust for Historic Preservation Conference, Spokane, WA
2012 Conducting Historic Building Assessments Workshop, National Trust for Historic Preservation Conference, Spokane, WA
2012 Canadian Institute of Planners National Conference, Banff, ON
2012 Historic Window Restoration Workshop, Ontario Heritage Conference
2011 Energy and Heritage Buildings Two-Day Workshop, Heritage Resources Centre
2011 Heritage Conservation Districts Workshop, Heritage Resources Centre

Publications

2019 "A history of the Village of German Mills." *Waterloo Historical Society Annual Volume*. In print.
2018 "Conserving Cultural Heritage Landscapes in Waterloo: An Innovative Approach." *Ontario Association of Heritage Professionals Newsletter*, Winter 2018.
2017 Historic Interpretive Plaque, Village of German Mills
2016 Historic Interpretive Plaque, Huron Road Bridge
2015 Region of Waterloo Public Building Inventory
2015 Cultivating Heritage Gardens & Landscapes Workshop
2014 Historic Interpretive Plaque, West Montrose Covered Bridge
2014 Series of 17 Practical Conservation Guides for Heritage Properties

Awards

2014 Heritage River Award, Watershed Awards & Canadian Heritage River Celebration, Grand River Conservation Authority
2009 A. K. (Alice King) Sculthorpe Award for Advocacy - Architectural Conservancy of Ontario

Volunteer Experience

2017-Present Lieutenant Governor's Ontario Heritage Awards Jury Member

Penny M. Young, M.A., CAHP (#P092)
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Penny Young has 27 years of cultural heritage management experience, 21 years working in government, as a Heritage Planner, Heritage Coordinator, Regional Archaeologist and Archaeological Database Coordinator where she managed and coordinated the impacts to cultural heritage resources including built heritage, archaeological sites and cultural heritage landscapes for compliance with municipal, provincial and federal legislation and policy. She has conducted results-driven and collaborative management of complex cultural heritage resource projects within the public sector involving developing project terms of reference, defining scope of work, preparation of budgets and conducting sites visits to monitor and provide heritage/archaeological and environmental advice and direction. At the Ministry of Transportation Penny revised, updated and developed policy, as part of a team, for the *Ontario Heritage Bridge Guidelines for Provincially Owned Bridge Guidelines for Provincially Owned Bridges*. She received the MTO Central Region Employee Recognition Award in 2001 and 2002. While at MTO she provided technical advice and input into the development of the *MTO Environmental Reference for Highway Design - Section 3.7 Built Heritage and Cultural Heritage Landscapes* and the *MTO Environmental Guide for Built Heritage and Cultural Heritage Landscapes.* She is a professional member of the Canadian Association of Heritage Planners (CAHP) and holds Professional License #P092 from MTCS. She also holds memberships in the Ontario Professional Planners Institute (OPPI) and the Ontario Archaeological Society (OAS).

Education

1990-1993	Master of Arts, Department of Anthropology McMaster University, Hamilton Ontario. Specializing in Mesoamerican and Ontario archaeology.
1983-1987	Honours Bachelor of Arts (English and Anthropology), McMaster University, Hamilton, Ontario.

Professional Memberships and Accreditations

Current	Professional Member of the Canadian Association of Heritage Professionals (CAHP) Member of Ontario Archaeological Society Pre-Candidate, Ontario Professional Planners Institute Ministry of Tourism Culture and Sport Professional Licence (#P092)

Work Experience

Current	**Project Manager – Heritage, Archaeological Research Associates Ltd.** Coordinates ARA project teams and conducts heritage assessment projects including Heritage Impact Assessments, Built Heritage and Cultural Heritage Landscape Assessments, and Cultural Heritage Resource Evaluations. Additional responsibilities include the completion of designation by-laws and heritage inventories. Liaises with municipal staff, provincial ministries and Indigenous communities to solicit relevant project information and to build relationships.

2008-2016 **Heritage Planner, Culture Services Unit, Ministry of Tourism, Culture & Sport (MTCS)**
Responsible for advising and providing technical review for management of cultural heritage resources in environmental assessment undertakings and planning projects affecting provincial ministries, municipalities, private sector proponents and Indigenous communities. Advised on municipalities' Official Plan (OP) policies cultural heritage conservation policies. Provided guidance on compliance with the Public Work Class EA, other Class EA legislation and 2010 *Standards and Guidelines for Provincial Heritage Properties*.

2014 **Senior Heritage Planner, Planning and Building Department, City of Burlington** (temporary assignment)
Project manager of the study for a potential Heritage Conservation District. Provided guidance to a multiple company consultant team and reported to municipal staff and the public. Liaised with Municipal Heritage Committee and municipal heritage property owners approved heritage permits and provided direction on Indigenous engagement, archaeological site assessments and proposed development projects.

2011 **Heritage Coordinator, Building, Planning and Design Department, City of Brampton** (temporary assignment)
Project lead for new Heritage Conservation District Study. The assignment included directing consultants, managing budgets, organizing a Public Information Session, and reporting to Senior Management and Council. Reviewed development/planning documents for impacts to heritage including OP policies, OP Amendments, Plans of subdivision and Committee of Adjustment applications and Municipal Class EA undertakings.

2010-2011 **Senior Heritage Coordinator, Culture Division, City of Mississauga** (temporary assignment)
Provided advice to Senior Management and Municipal Council on heritage conservation of built heritage, archaeological sites and cultural heritage landscapes. Liaised with multiple municipal staff including the Clerks' office, Parks and development planners and the public. Supervised and directed project work for junior heritage planner.

1999-2008 **Regional Archaeologist, Planning and Environmental Section, Ministry of Transportation (MTO)**
Responsibilities included: project management and coordination of MTO archaeology and heritage program, managed multiple consultants, conducted and coordinated field assessments, surveys and excavations, liaised with First Nations' communities and Band Councils, estimated budgets including $200,000 retainer contracts.

Sarah Clarke, B.A.
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Sarah Clarke is Archaeological Research Associates Ltd.'s Heritage Research Manager. Sarah has over 12 years of experience in Ontario archaeology and 10 years of experience with background research. Her experience includes conducting archival research (both local and remote), artifact cataloguing and processing, and fieldwork at various stages in both the consulting and research-based realms. As Team Lead of Research, Sarah is responsible for conducting archival research in advance of ARA's archaeological and heritage assessments. In this capacity, she performs Stage 1 archaeological assessment site visits, conducts preliminary built heritage and cultural heritage landscape investigations and liaises with heritage resource offices and local community resources in order to obtain and process data. Sarah has in-depth experience in conducting historic research following the *Ontario Heritage Toolkit* series, and the *Standards and Guidelines for Provincial Heritage Properties*. Sarah holds an Honours B.A. in North American Archaeology, with a Historical/Industrial Option from Wilfrid Laurier University and is currently enrolled in Western University's Intensive Applied Archaeology MA program. She is a member of the Ontario Archaeological Society (OAS), the Society for Industrial Archaeology, the Ontario Genealogical Society (OGS), the Canadian Archaeological Association, and is a Council-appointed citizen volunteer on the Brantford Municipal Heritage Committee. Sarah holds an R-level archaeological license with the MTCS (#R446).

Education

Current	MA Intensive Applied Archaeology, Western University, London, ON. Proposed thesis topic: Archaeological Management at the Mohawk Village.
1999–2010	Honours BA, Wilfrid Laurier University, Waterloo, Ontario Major: North American Archaeology, Historical/Industrial Option

Professional Memberships and Accreditations

Current	Member of the Ontario Archaeological Society
Current	Member of the Society for Industrial Archaeology
Current	Member of the Brant Historical Society
Current	Member of the Ontario Genealogical Society
Current	Member of the Canadian Archaeological Association
Current	Member of the Archives Association of Ontario

Work Experience

Current	**Team Lead – Research; Team Lead – Archaeology, Archaeological Research Associates Ltd.** Manage and plan the research needs for archaeological and heritage projects. Research at offsite locations including land registry offices, local libraries and local and provincial archives. Historic analysis for archaeological and heritage projects. Field Director conducting Stage 1 assessments.
2013-2015	**Heritage Research Manager; Archaeological Monitoring Coordinator, Archaeological Research Associates Ltd.** Stage 1 archaeological field assessments, research at local and distant archives at both the municipal and provincial levels, coordination of construction monitors for archaeological project locations.

2010-2013 **Historic Researcher, Timmins Martelle Heritage Consultants Inc.**
Report preparation, local and offsite research (libraries, archives); correspondence with the Ministry of Tourism, Culture, and Sport; report submission to the MTCS and clients; and administrative duties (PIF and Borden form completion and submission, data requests).

2008-2009 **Field Technician, Archaeological Assessments Ltd.**
Participated in field excavation and artifact processing.

2008-2009 **Teaching Assistant, Wilfrid Laurier University.**
Responsible for teaching and evaluating first year student lab work.

2007-2008 **Field and Lab Technician, Historic Horizons.**
Participated in excavations at Dundurn Castle and Auchmar in Hamilton, Ontario. Catalogued artifacts from excavations at Auchmar.

2006-2010 **Archaeological Field Technician/Supervisor, Wilfrid Laurier University.**
Field school student in 2006, returned as a field school teaching assistant in 2008 and 2010.

Professional Development

2018 Grand River Watershed 21st Annual Heritage Day Workshop and Celebration
2018 Mississaugas of the New Credit First Nation Historical Gathering and Education Conference
2017 Ontario Genealogical Society Conference
2016 Ontario Archaeological Society Symposium
2015 Introduction to Blacksmithing Workshop, Milton Historical Society
2015 Applied Research License Workshop, MTCS
2014 Applied Research License Workshop, MTCS
2014 Heritage Preservation and Structural Recording in Historical and Industrial Archaeology. Four-month course taken at Wilfrid Laurier University, Waterloo, ON, Professor: Meagan Brooks

Presentations

2018 The Early Black History of Brantford. Brant Historical Society, City of Brantford.
2017 Mush Hole Archaeology. Ontario Archaeological Society Symposium, City of Brantford.
2017 Urban Historical Archaeology: Exploring the Black Community in St. Catharines, Ontario. Canadian Archaeological Association Conference, Gatineau, QC.

Volunteer Experience

Current Council-appointed citizen volunteer for the Brantford Municipal Heritage Committee.

Jacqueline McDermid, B.A.
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Biography

Jacqueline recently finished a 6-month contract with MTO as the Heritage Specialist for Central Region, returning to her permanent position at ARA in the Fall 2018 where she had been the acting Heritage Team Lead for the year previous. As the lead, she directed the preparation and oversaw the submission of deliverables to clients. Currently, she is the Heritage Team Technical Writer and Researcher, where she continues to research and evaluate the significance of cultural heritage resources using *Ontario Regulation 9/06* and *10/06*, most recently completing designation reports for the City of Burlington, City of Kingston and Town of Newmarket and the Town of Whitchurch-Stouffville. Further, Jacqueline has overseen the completion of many Built Heritage and Cultural Heritage Landscape Studies as well as Heritage Impact Assessments including reports for a proposed aggregate pit, road widening, the LRT in the Region of Waterloo and a National Historic Site in St. Catharines. As well as being a proficient technical writer, Jacqueline is skilled at writing in approachable language demonstrated by my crafting of 30 properties stories and 35 thematic stories for Heritage Burlington's website. She holds an Honours Bachelor of Arts in Near Eastern Archaeology from Wilfrid Laurier University. In addition to heritage experience, Jacqueline also has archaeological experience working as field crew, as an Assistant Lab Technician and archaeological technical writer.

Education

2000-2007 Honours B.A., Wilfrid Laurier University, Waterloo, Ontario
Major: Near Eastern Archaeology

Work Experience

2015-Present **Technical Writer and Researcher – Heritage, Archaeological Research Associates Ltd., Kitchener, ON**
Research and draft designation by-laws, heritage inventories, Heritage Impact Assessments, Built Heritage and Cultural Heritage Landscape Assessments, and Cultural Heritage Resource Evaluations using Ontario Regulation 9/06, 10/06 and the Ontario Heritage Bridge Guidelines.

2018 **Environmental Planner – Heritage Ministry of Transportation, Central Region** – Six-month contract.
Responsibilities included: project management and coordination of MTO heritage program, managed multiple consultants, conducted and coordinated field assessments and surveys, estimated budgets including $750,000 retainer contracts. Provided advice on heritage-related MTO policy to Environmental Policy Office (EPO) and the bridge office.

2017-2018 **Acting Heritage Team Lead – Heritage Archaeological Research Associates Ltd., Kitchener, ON**
Managed a team of Heritage Specialists, oversaw the procurement of projects, retainers; managed all Heritage projects, ensured quality of all outgoing products

2014-2015 **Technical Writer – Archaeology, Archaeological Research Associates Ltd., Kitchener, ON**
Report preparation; correspondence with the Ministry of Tourism, Culture, and Sport; report submission to the Ministry and clients; and administrative duties (PIF and Borden form completion).

2012-2013 **Lab Assistant, Archaeological Research Associates Ltd., Kitchener, ON**
Receive, process and register artifacts.

2011-2012 **Field Technician, Archaeological Research Associates Ltd., Kitchener, ON**
Participated in field excavation and artifact processing.

2005-2009 **Teaching Assistant, Wilfrid Laurier University, Waterloo, ON**
Responsible for teaching and evaluating first, second, third- and fourth-year student lab work, papers and exams.

2005-2007 **Lab Assistant, Wilfrid Laurier University – Near Eastern Lab, Waterloo, ON**
Clean, Process, Draw and Research artifacts from various sites in Jordan.

Selected Professional Development

2017 Empowering Indigenous Voices in Impact Assessments, Webinar, International Association for Impact Assessments
2015 Introduction to Blacksmithing, One-Day
2015 Leadership Training for Managers Course, Dale Carnegie Training

Selected Cultural Heritage Projects

2018 **Credit River Bridge Strategic Conservation Plan**
Worked with environmental planners, consultants and MTO management advising and providing technical review for the MTO's pilot SCP, submission to MTCS.

2017-2018 **500 Bloomington Road CHER, Aurora** Client: Infrastructure Ontario

2018 **Queen Victoria Park Heritage Impact Assessment, Niagara Falls**
Client: Canadian Niagara Hotels

2016 **700 University Avenue CHER, Toronto** Client: Infrastructure Ontario

2017 **Weston Heritage Conservation District Phase II Study**
Client: Weston Heritage Conservation District Board

2017 **Cultural Heritage Assessment of 176 Rennick Road, Burlington**
Client: City of Burlington

2017 **Westdale Theatre Cultural Heritage Assessment**
Client: City of Hamilton

2017 **Documentation & Salvage Report for 264 Governors Road, Hamilton**
Client: Intero Development Group Inc.

2016-2018 **Cultural Heritage Inventory for Region of Waterloo LRT** Client: WSP

2016 **Town of Newmarket Designation Reports** Client: Town of Newmarket

2016 **Jigs Hollow Pit Cultural Heritage Impact Study, Township of Woolwich**
Client: Preston Sand & Gravel Company Limited

2016 **Municipal Register of Cultural Heritage Resources** Client: City of Burlington

2016 **East Side Sanitary Pumping Station Built Heritage and Cultural Heritage Landscape Assessment, Port Colborne** Client: Niagara Region

PUBLIC PARTICIPATION MEETING COMMENTS

3.6 PUBLIC PARTICIPATION MEETING – Application – 160 Oxford Street East

- *(Councillor S. Turner indicating that under the Ontario Heritage Act they have the statutory time period to make a decision whether to designate or not so the clock is ticking on that; choosing not to designate is deemed approval for demolition; indicating that the question that came up in reading some of the package is the concern that this may be used for a future surface parking lot or an expansion of the existing parking; stating that in his presentation, Mr. K. Gonyou, Heritage Planner, said that a Heritage Impact Assessment would be required for any future use, would that extend as well to a parking lot and would the Archaeological Impact Assessment also be required.)*; Mr. K. Gonyou, Heritage Planner, responding that it is his understanding that to establish a commercial parking lot on this property, site plan approval would be required; advising that one thing that he neglected to mention in his presentation is that it is not possible to attach terms and conditions of the demolition request for a heritage listed property unfortunately; it is possible to attach terms and conditions for a demolition request for a designated property; however, we do not have that afforded to them for a heritage listed property; Mr. P. Yeoman, Director, Development Services, indicating that for a commercial parking lot, if this was a standalone parking lot, it would require site plan approval, if it was accessory parking to the property immediately to the west, that is something that they would be looking at amending the Development Agreement for; believing that there is a Development Agreement on the site.
- Kelly McKeating, 329 Victoria Street – indicating that, with her husband, she owns the two heritage designated properties across the street and adjacent to this; noting that they own 165 and 163 Oxford Street East; advising that, in addition to them owning those two properties, her small business is one of the commercial tenants at 165 Oxford Street East so she has an interest here with her husband as a property owner and she also has an interest as a tenant, someone who works right across the street; stating that their reasons for opposing this demolition relate primarily to the shortcomings that have been revealed to them in this request; indicating that there are shortcomings in the current demolition request process that they believe unfortunately can only be rectified by City Council denying the request for demolition; stating that what they found out, as Mr. K. Gonyou, Heritage Planner, explained, is that if the demolition application was being made in conjunction with a redevelopment plan then the property owner would be required to prepare an updated Heritage Impact Assessment based on that redevelopment plan and to propose measures to mitigate the negative impacts of the redevelopment on their properties; however, because they do not have a plan, there is no requirement for any mitigation measures, the City’s only options, as they have been told, is to either approve the application without conditions or to deny the application; believing that the trouble with approving the application is that they are very very concerned that if that happens and the demolition occurs that the lot at 160 Oxford Street East will sit in limbo for a very long period of time; advising that we are all familiar with the lot at the southwest corner of Central Avenue and Waterloo Street which has been a stretch of ugly gravel for more than twenty years, almost the entire time that she has lived in the City of London; indicating that a friend of hers, over the weekend, brought to her attention another property at 101 Empress Avenue and if you Google street view it, she thinks you will be horrified to see in the middle of a modest residential area there is a vacant lot full of weeds and a hill of dirt and an orange plastic fence around the hill of dirt and it has apparently been there for almost five years; stating that this is what happens when people demolish buildings, you rely on the goodwill of that property owner to not let that happen; advising that the building located at 160 Oxford Street East is in a prominent

intersection on a major London thoroughfare and she thinks that they would all agree that they do not want it to become an eyesore; stating that, if, despite their concerns, the Planning and Environment Committee does decide to grant approval of the demolition request they respectfully request that staff be directed to take all necessary steps to be absolutely certain that those lovely mature trees on the City's property are preserved and protected; pointing out that the London Advisory Committee on Heritage noted in their recommendations on this file that they encouraged the applicant to maintain the building and the vegetation on the property until a redevelopment plan is submitted; noting that is not a condition that the City can impose however; reiterating the fact that it does seem strange to them that the requirements on a property owner who demolishes a building adjacent to a heritage designated property should differ based on whether or not they have a plan on what to do post demolition and that the requirements be less onerous to those who do not have a plan; regardless of what the decision is at the Planning and Environment Committee, they do respectfully request that the Planning and Environment Committee and City Council consider directing city staff to review this issue with the objective of identifying procedures that could be adopted to require reasonable mitigation measures regardless of the existence of a redevelopment plan.

329 Victoria Street
London, Ontario
N6A 2C6

April 12, 2019

By Electronic Mail Only

Members of the Planning and Environment Committee:
Anna Hopkins (Chair) – ahopkins@london.ca
Maureen Cassidy – mcassidy@london.ca
Jesse Helmer – jhelmer@london.ca
Phil Squire – psquire@london.ca
Stephen Turner – sturner@london.ca

Dear Councillors:

Re: Demolition Request for 160 Oxford Street East

We own two heritage-designated properties – 163 and 165 Oxford Street East – that are adjacent to 160 Oxford Street East, and we are writing to inform you of our objection to the application to demolish the listed building located at 160 Oxford Street East.

This application has revealed shortcomings in the current demolition request process that, we believe, can only be rectified by city council denying the request for demolition.

If the demolition application was being made in conjunction with a redevelopment plan for the property, then the property owner would be required to prepare an updated Heritage Impact Assessment based on that redevelopment plan and to propose measures to mitigate the negative impacts of the redevelopment on our adjacent heritage-designated properties. According to Policy 565 of the London Plan:

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

However, since the demolition application is being made without an accompanying redevelopment plan, there is no requirement for any mitigation measures. The city's only options (we are told) are either to approve the application without any conditions or to deny the application. If this demolition application is approved without any conditions attached, we are very concerned that the property at 160 Oxford Street East will sit in "limbo" for an extended period of time – much like the vacant lot on the southwest corner of Central Avenue and Waterloo Street. The only way to prevent such an outcome – given the available options – is to deny the demolition request until such time as the property owner submits a redevelopment plan and an updated Heritage Impact Assessment that

includes a proposal for appropriate mitigation measures. In our view, appropriate mitigation would include:

- If the property is to become a parking lot:
  - a landscaping plan that includes preservation of the existing mature trees to the west, south, and east of the building (most of which are on city property); installation of trees and bushes near the north and south property lines; and substantial sign-posting to frame this important gateway into the proposed Great Talbot HCD
  - no new access to or from the existing, enlarged parking lot from either Oxford Street or St. George Street

- If the property is to be redeveloped as a commercial or residential building:
  - a new building of similar massing to the demolished building, with architectural features consistent with the adjacent and neighbouring 19th century and early 20th century streetscape and not consistent with the style and features of nearby buildings constructed in the mid to late 20th century
  - preservation of the existing mature trees to the west, south, and east of the building (most of which are on city property)

For the reasons outlined above, we respectfully request that the PEC recommend to city council that the application to demolish the subject building be denied.

If the PEC decides to recommend approval of the demolition request, we respectfully request that they direct city staff to take all necessary steps to ensure that the mature trees on the city's property adjacent to 160 Oxford Street East are preserved and protected during the demolition.

It seems strange to us that the requirements on a property owner who demolishes a building adjacent to a heritage-designated property should differ based on whether or not they have a plan for their property post-demolition – and that the requirements would be less onerous on those without a plan. Regardless of the decision taken with respect to this specific demolition application, we respectfully request that the PEC and city council consider directing city staff to review this issue with the objective of identifying procedures that could be adopted to require reasonable mitigation measures – with respect to visual and other impacts on adjacent heritage-designated properties – at the demolition stage even in the absence of a redevelopment plan.

Thank you for considering our views.

Sincerely,

Bruce Jones and Kelley McKeating
329 Victoria Street
London, Ontario N6A 2C6

Copies: Cathy Saunders, City Clerk (csaunder@london.ca)
Heather Lysynski, PEC Committee Secretary (hlysynsk@london.ca)

File: Z-9002
Planner: M. Sundercock

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: **Joe Marche and Monique Rodriguez**
6682 Fisher Lane
Public Participation Meeting on: April 15, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Joe Marche and Monique Rodriguez relating to the property located at 6682 Fisher Lane:

(a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting April 23, 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 Agricultural AG (AG2) Zone and an Environmental Review (ER) Zone **TO** an Agricultural Special Provision/ Temporary (AG2(_)/T-_) Zone and an Environmental Review (ER) Zone.

(b) Subject to Policy 19.1.1. of the 1989 Official Plan, the land use designation of the subject site **BE INTERPRETED** as “Agriculture”.

Executive Summary

Summary of Request

The requested amendment would permit a new single detached dwelling on an existing lot of record.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to allow for a single detached dwelling with special provisions for reduced lot area, reduced front yard setback, reduced interior side yard setback, reduced rear yard setback, reduced lot frontage, a reduced deck setback, and to recognize the existing driveway width. The amendment would also temporarily permit the use of the land for two single detached dwellings and allow for a temporary increase in lot coverage.

Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS 2014.
2. The recommended amendment conforms to the 1989 Official Plan policies and Farmland and Green Space Place Type policies of The London Plan.
3. The recommended amendment facilitates the continued use of an existing lot of record for a use that has been established on the subject site.
4. The recommended temporary use will not continue on a long-term basis.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located along Fisher Lane immediately north of the intersection of Wellington Road South and Fisher Lane. The site is currently used for residential

purposes and is occupied by a single detached dwelling and detached accessory structure. The southeast portion of the subject site is regulated by the Kettle Creek Conservation Authority and contains a watercourse known as the Harry White Drain. The property to the south of the subject site is also occupied by a single detached dwelling, while the lands to the northeast are farmed for agricultural purposes. On the west side of Fisher Lane are remnant parcels which are occupied by single detached dwellings and commercial buildings.

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

- Official Plan Designation – Agriculture and Open Space
- The London Plan Place Type – Farmland and Green Space
- Existing Zoning – Agricultural (AG2) Zone and Environmental Review (ER) Zone

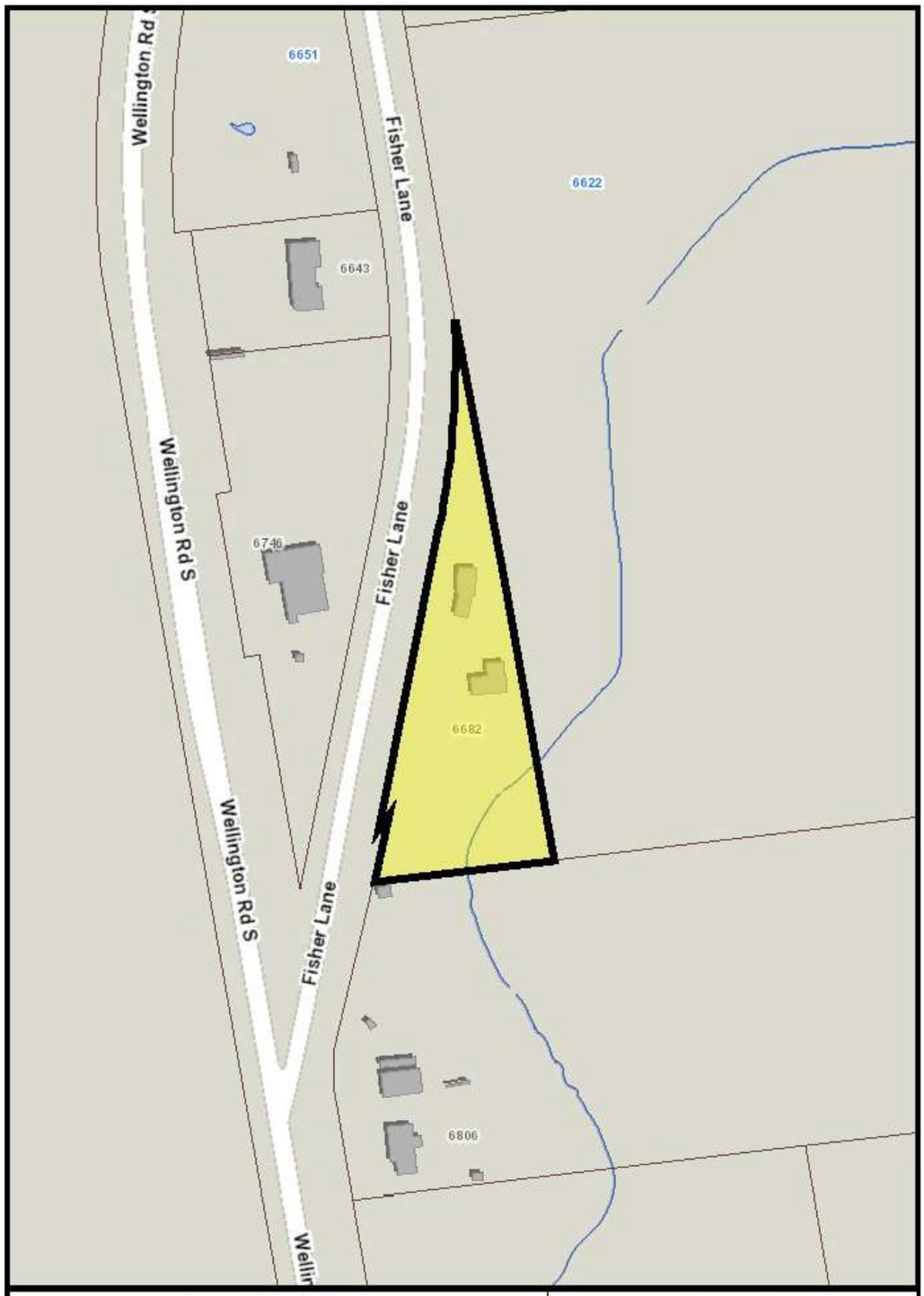
1.3 Site Characteristics

- Current Land Use – Residential
- Frontage – 209 m (685 ft)
- Depth – Irregular
- Total Lot Area – 7425m^2 (79922 ft^2)
- Shape – Triangular

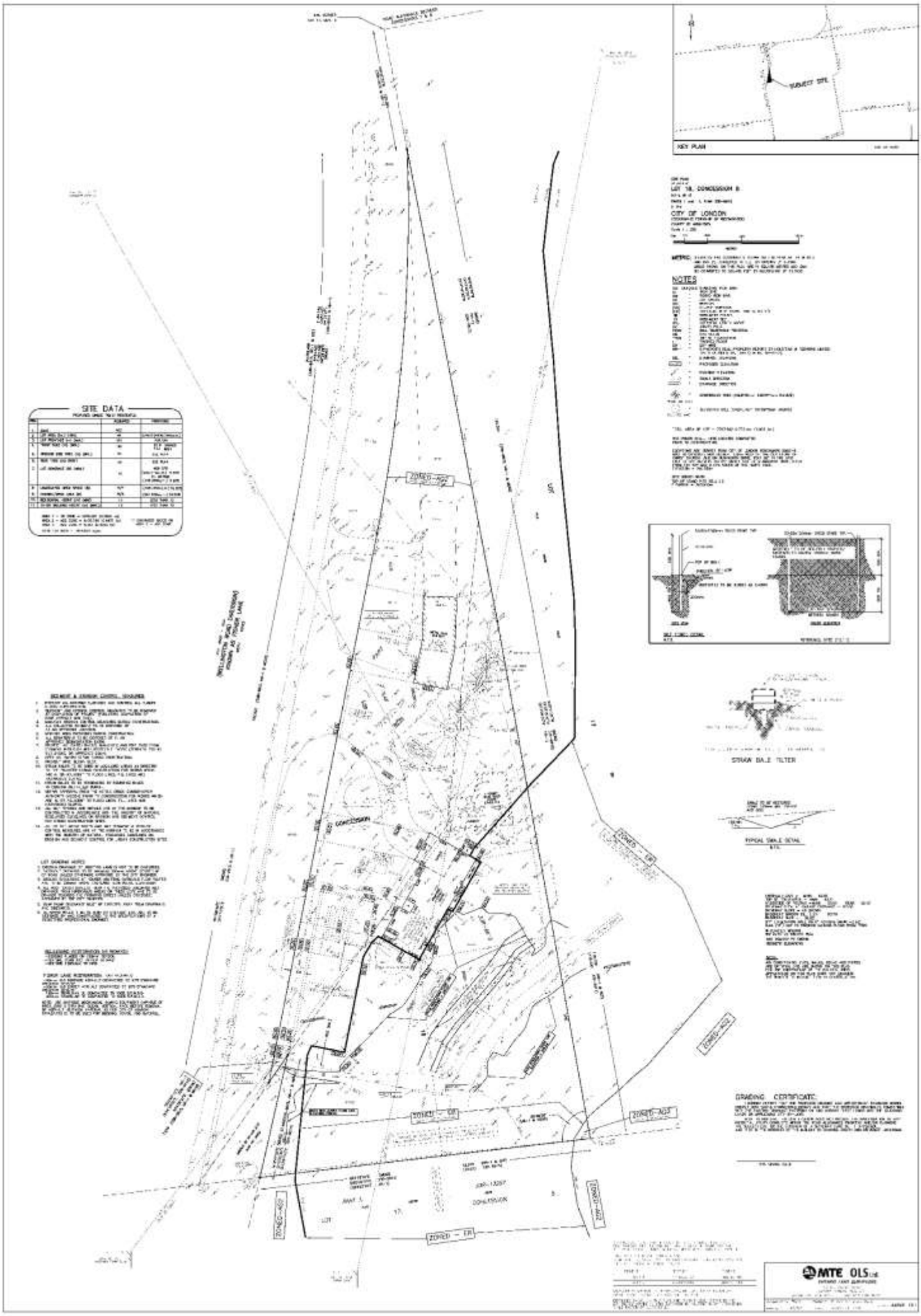
1.4 Surrounding Land Uses

- North – Agricultural
- East – Agricultural
- South – Residential
- West – Residential and Commercial

1.5 Location Map



1.6 Proposed Site Plan



2.0 Description of Proposal

2.1 Development Proposal

The proposed development is for a new 1-storey single detached dwelling which is being moved to the subject lands, and for the demolition of the existing 1-storey single detached dwelling once the new dwelling is habitable.

3.0 Relevant Background

3.1 Planning History

The subject site is occupied by an existing single detached dwelling which was constructed in approximately 1890. The property is irregularly shaped due to the nature of the Fisher Lane road allowance which has existed in this manner since at least 1862 and was formerly known as County Road No. 36. The subject site has never been the subject of a *Planning Act* application.

3.2 Requested Amendment

The requested amendment would permit a new single detached dwelling that recognizes the existing:

- A lot area of 4436 m^2 whereas a minimum of 40 hectares is required.
- A lot frontage of 209 metres whereas a minimum of 300 metres is required; and,
- The existing driveway width of 22 metres.

The amendment would also permit the following special provisions for the new dwelling:

- A reduced minimum front yard depth of 18 metres whereas a minimum of 30 metres is required;
- A reduced interior side yard depth of 0 metres whereas a minimum of 30 metres is required;
- A reduced rear yard depth of 0 metres whereas a minimum of 30 metres is required; and,
- A deck setback of 0 metres whereas 1.2 metres is the minimum required.

The requested Temporary Use Zone would permit the use of the property for two single detached dwellings for a period of time not exceeding 6 months, and allow for increased lot coverage of 12% whereas 10% is the maximum permitted.

The amendment will require a change to the Zoning By-law Z.-1 from an Agricultural AG (AG2) Zone and an Environmental Review (ER) Zone to an Agricultural Special Provision/ Temporary (AG2(_)/T-_) Zone and an Environmental Review (ER) Zone.

3.3 Community Engagement (see more detail in Appendix B)

On January 24, 2019, Notice of Application was sent to all property owners within 120 metres of the subject lands. Notice of Application was published in The Londoner on January 25, 2019, and a Revised Notice of Application was published on March 21, 2019. No responses were received at the time this report was prepared.

3.4 Policy Context (see more detail in Appendix C)

The subject site is currently located in the Agriculture and Open Space designations of the 1989 Official Plan. The London Plan also identifies the subject site as being in the Farmland and Green Space Place Types.

Provincial Policy Statement, 2014

The Provincial Policy Statement 2014 (PPS) provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, integrated, and viable rural areas to be supported by promoting regeneration and encouraging the conservation and redevelopment of existing rural housing stock on rural lands (1.1.4.1.). Rural areas may include rural settlement areas, prime agricultural areas, and natural heritage features and areas (1.1.4.). The PPS permits limited residential development on rural lands provided it is compatible with the landscape and can be sustained by rural service levels

(1.1.5.2., 1.1.5.4.). The PPS requires that prime agricultural areas are to be protected for long-term agricultural use, and impacts from any new or expanding non-agricultural uses on surrounding agricultural operations and lands are to be mitigated to the extent feasible (2.3.6.2.).

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

The London Plan provides Key Directions (54_) to be considered in reviewing applications which provide direction and focus that serve as a foundation to the policies of the Plan. Each direction encompasses a variety of strategies intended to guide planning and development over the twenty year planning horizon. Due to the nature of the proposed development outside of the Urban Growth Boundary and defined settlement area in the City, the relevant Key Direction, Direction #8 Make wise planning decisions (62_) is most applicable in this context which presents the following strategies:

1. Ensure that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement.
2. Plan for sustainability – balance economic, environmental, and social considerations in all planning decisions.
3. Think “big picture” and long-term when making planning decisions – consider the implications of a short-term and/ or site-specific planning decision within the context of this broader view.
8. Avoid current and future land use conflicts – mitigate conflicts where they cannot be avoided.
9. Ensure new development is a good fit within the context of an existing neighbourhood.

Balancing the environmental and social considerations with respect to the proposed development and the continuation of the existing use of the land forms the basis for the recommendation, while land use conflicts have been mitigated to the extent feasible recognizing that the proposed development is not considered an intensification of the use, nor a change in use.

The London Plan also provides clear direction for each Place Type. The Farmland Place Type provides for agricultural uses and promotes sustainable farm practices in addition to the conservation of natural heritage features (1180_). Uses which are not supportive of agriculture are discouraged from locating within the Place Type and may be permitted only where the use is consistent with the Provincial Policy Statement, including non-farm residential lots, the creation of which is also discouraged so as to limit the potential for land use conflicts (1181_). However, despite the foregoing, non-farm residential uses are permitted on existing lots of record (1182_).

Farmland Place Type policies 1190_, 1191_, and 1192_ provide specific direction for residential dwellings on existing lots of record, and permits new dwellings subject to a zoning by-law amendment provided it does not create conflicts with farming operation or adjacent natural heritage features. Minimum Distance Separation (MDS I) setbacks must also be applied prior to the issuance of the building permit. New residential units may be permitted only where adequate water and sanitary facilities are or can be made available.

With respect to the intensity of uses in the Farmland Place Type, policy 1213_ limits residential uses to existing lots of record to prevent the establishment of estate lots, but are encouraged to locate in urban areas of the City or within the Rural Neighbourhoods

Place Type. This policy also directs non-agricultural uses to be grouped.

A portion of the subject lands are also within the Green Space Place Type which provides for the protection and enhancement of natural heritage features and areas recognized as having city-wide, regional, or provincial significance. The Harry White Drain bisects the subject site, and is identified as a significant valleyland on Map 5 – Natural Heritage, which is subject to LPAT appeal PL170100. Where development is proposed adjacent to components of the Natural Heritage System, the Environmental Policies of the Plan require environmental impact studies to confirm or redefine the boundaries of such components to ensure the development does not negatively impact the natural features and their ecological function (1431_). The applicant has demonstrated to the satisfaction of the Kettle Creek Conservation Authority and City staff that the proposed location of the dwelling will not negatively impact the natural heritage features on site, and is outside of the flood and erosion hazard limits.

The 1989 Official Plan

The subject site is currently designated Agriculture and Open Space. Non-farm residential uses are not permitted as primary or secondary uses in the Agriculture designation, however, where they legally existed on the date of adoption the use may be regarded as permitted (9.2.3). The minimum farm parcel size is established through the Zoning By-law as 40 hectares to encourage the retention or consolidation of farm parcels so that farms are of a sufficient size to maintain long term viability. It is recognized that there are existing properties in the designation that do not meet the minimum farm parcel size. Policy 9.2.9 provides the following direction which allows for single detached dwellings on undersized lots within the agriculture designation:

> *Single detached dwellings are also subject to the following policies:*
>
> *i) An adequate and potable water supply is available or can be made available on the site subject to the approval of the authority having jurisdiction.*
>
> *ii) The lot size is sufficient and the soils are suitable to support an individual on-site waste disposal system subject to the approval of the authority having jurisdiction.*

Policy 9.2.10 also speaks to Minimum Distance Separation Requirements, which requires that existing livestock operations are to be protected from the encroachment of all new development through the application of Minimum Distance Separation (MDS I) requirements.

Similarly to the Green Space Place Type applied through The London Plan, a portion of the subject site is also designated Open Space by the 1989 Official Plan which is applied to lands within a flood plain or are susceptible to erosion and unstable slopes, including natural heritage areas. Permitted uses are limited to non-intensive uses including agriculture, conservation, essential public utilities and municipal services, and recreational and community facilities subject to applicable zoning. Residential uses are not considered a permitted use (8A.2.2).

Chapter 15 – Environmental Policies provides additional direction with respect to natural heritage features and environmentally sensitive areas, and expands on the range of permitted uses within the Open Space Designation. Policy 15.3.2.ii) states that notwithstanding policy 8A2.2, expansions to existing uses are permitted provided that it can be demonstrated to the satisfaction of Council that there will be no negative impacts on the natural features or their ecological functions.

Chapter 19 of the 1989 Official Plan provides guidance regarding the interpretation of the policies, objectives, and Schedules of the Plan. The boundaries between land use designations are not intended to be rigid where they do not coincide with physical features, and as such Council may permit minor departures from the boundaries as shown provided that the general intent of the Plan is maintained and that the departure is advisable and reasonable.

4.0 Key Issues and Considerations

Through the circulation process there were no substantial concerns or issues raised by internal departments or commenting agencies based on the proposal submitted, and there were no responses from the public regarding this application. The section below identifies key issues and considerations in detail.

4.1 Issue and Consideration # 1 – Use

The development proposed through the requested amendment is not specifically contemplated under the current policy framework. As noted above, policies are in place which prohibit non-farm residential uses from locating in areas intended for agricultural and conservation uses, but speak largely to the creation of new uses through lot creation or the permission to maintain existing non-conforming uses.

In this instance, the applicant is proposing to establish a new dwelling on the property which is larger than the existing dwelling and requires an amendment to the Environmental Review (ER) Zone line in order to accommodate the new dwelling. The proposed development is not considered an expansion of a non-conforming use, as it will lose its non-conforming status under the Zoning By-law, due to the proposed modification to the zone line. This change has triggered the requirement for a Zoning By-law Amendment to permit the use in the form proposed. Were the proposed dwelling to be located on the portion of the property within the existing Agricultural (AG2) Zone an amendment would not be required.

Provincial Policy Statement, 2014 (PPS)

The PPS is intended to be read in its entirety with all relevant policies applied based on the development proposed. When considering development on rural lands, which includes prime agricultural land, a planning authority shall apply the relevant policies of Section 1: Building Strong Healthy Communities, Section 2: Wise Use and Management of Resources, and Section 3: Protecting Public Health and Safety (1.1.5.1). The proposal is consistent with the goals and intent of the PPS 2014 as it would permit the redevelopment of existing rural housing stock and is compatible with the rural landscape by way of accommodating adequate services and facilities appropriate for the use (1.1.5.2).

The PPS policies in Section 2 regarding agriculture and the protection of agricultural land prohibit residential dwellings which are unrelated to farm uses, but require that any impacts from new or expanding non-agricultural uses on surrounding agricultural operations are mitigated to the extent feasible (2.3.6.2). The Building Division has confirmed that the proposed dwelling and septic system are adequately setback from adjacent agricultural uses and did not raise any concerns with respect to the MDS I setbacks.

The policies of Section 1 allow for limited residential development on rural lands in municipalities which are appropriate to the infrastructure planned or available, while prioritizing agriculture and agriculture-related uses so as to avoid the need for unjustified or uneconomical expansion of infrastructure and potential land use conflicts with livestock facilities or agriculture-related industries (1.1.5.2, 1.1.5.4). In this instance, the expansion of an existing residential use on an existing lot of record conforms to the policies of the PPS in that it is representative of *limited residential development* in a rural area that is compatible with the rural landscape and would not have the effect of removing prime agricultural land currently being used for agriculture from its intended use. The applicant is able to accommodate the required water and sanitary infrastructure on the subject lands and would not represent an unjustified extension of civic infrastructure.

The London Plan

The Farmland Place Type applied to the subject site does not permit residential dwellings except for where they are located on existing lots of record (1182_). Limited

non-agricultural uses may be permitted only where it can be demonstrated that the proposed use is consistent with the Provincial Policy Statement. As addressed previously, the proposed development is consistent with the PPS.

The proposed development complies with policies 1190_, 1191_, and 1192_, which are in force, and allow for residential uses on existing lots of record, subject to a zoning by-law amendment. The new residential dwelling will not create new impacts on abutting agricultural uses beyond what current exists and the applicant has demonstrated that the proposed development will not negatively impact the natural heritage component on the subject property, as confirmed by the KCCA and Development Services.

With respect to the proposed intensity of the use, policy 1213_ directs non-agricultural uses to be grouped. 6746 Wellington Road South, which is located to the west of the subject property on the east side of Wellington Road South is assessed as a commercial building, and the adjacent property to north, 6643 Fisher Lane is assessed as a single detached dwelling. As evidenced by historical surveys, Fisher Lane originally formed part of Wellington Road before it was re-aligned while still within the Township of Westminster. This created a small number of parcels which are not of a sufficient size and shape to support agricultural uses and created a group of properties which are not being used for agricultural purposes. The continued use of the subject property for a single detached dwelling is not out of character with adjacent uses.

1989 Official Plan

The Agriculture designation does not permit residential dwellings which are not being used in conjunction with agriculture-related uses except where the use was legally existing on the date of Council adoption of Policy 9.2.3 – Existing Uses. The existing dwelling was constructed in approximately 1890 and reference plan 33R-8615 was deposited with the Land Registry Office on February 2, 1989 and registered on the title of the lands. This confirms that the use and the current boundaries of the subject property were existing on the date of annexation to the City of London in 1993, and are recognized as having non-conforming status under both the Plan and the Z.-1 Zoning By-law.

Section 19.5 of the 1989 Official Plan contains policies regarding non-conforming uses and where they are non-conforming to the Official Plan, the Zoning By-law, or both. However, the policies do not specifically address a situation where a use is recognized as being existing under the Official Plan but requires a slight modification to the zone boundary. As noted above, by amending the zone line the use is no longer considered a legal, non-conforming situation under the By-law but retains its status under the Official Plan. The use of the lands for a single detached dwelling is proposed to remain unchanged and the recommended amendment will not result in the loss of land zoned for agricultural use and is consistent with policies 9.2.9. (Existing Agricultural Lots), and 9.2.10. (Minimum Distance Separation Requirements). The lot is of a sufficient size and soil quality to support an on-site waste disposal system and has an adequate potable water supply to facilitate the use, and as such is compliant with the policies of the 1989 Official Plan.

Z.-1 Zoning By-law

The regulations of the Zoning By-law permit the continued use of land for a purpose legally existing on the date the By-law was passed so long as it continues to be used for that purpose. The By-law also allows for the rebuilding and repair of a building which is legally existing, provided that the dimensions of the building or structure are not increased, or, where extensions or additions are proposed, the building complies with the regulations of the By-law. Where a proposed building addition or enlargement does not comply with the Zoning By-law, the Committee of Adjustment may consider applications to allow the extension or enlargement of a non-conforming use. However, the Committee of Adjustment does not have the authority to allow for an extension or enlargement beyond the limits of the lands that had been used in conjunction with that building.

The regulations of the Agricultural (AG) Zone recognize existing agricultural lots which are deficient in lot area and permits the use of such lots for existing single detached dwellings. The subject site as it currently exists is deemed to be conforming. Were the applicant proposing to rebuild or expand the existing dwelling it would be considered by the Committee of Adjustment. As noted above, the use of the land for a single detached dwelling is recognized as an existing use under the Official Plan. However, the applicant is proposing to demolish the existing dwelling and locate the new, larger dwelling in a location which requires an amendment to the limit of the AG Zone boundary. As such, it loses its non-conforming status under the regulations of the Zoning By-law and the proposed development is beyond the purview of the Committee of Adjustment. Were the applicant to locate the proposed dwelling within the boundary of the existing AG2 Zone, a Zoning By-law Amendment would not be required to achieve compliance.

4.2 Issue and Consideration # 2 – Intensity

1989 Official Plan and The London Plan

The 1989 Official Plan and The London Plan permit the use of temporary use by-laws which enable a property owner to temporarily use the land for a purpose which would otherwise not be permitted under the current zone. In this instance the applicant is requesting a temporary zone in addition to the requested zoning by-law amendment to allow for two single detached dwellings on the subject site for a period of no more than 6 months.

As the applicant is proposing to move an existing house from outside the City, there will temporarily be two dwellings on the property. Under the Ontario Building Code the applicant may be granted a conditional permit which would require the existing dwelling to be demolished within 3 months of occupancy of the new dwelling. The temporary zone would require the property owner to complete the required works to obtain occupancy of the new dwelling and the subsequent demolition of the existing dwelling within 6 months, functionally allowing 3 months for construction and 3 months for demolition.

The intensity of the site is not increasing permanently as part of this application, as additional units are not being proposed. The purpose of the requested Zoning By-law Amendment is to recognize the existing use of the land for a single detached dwelling and to permit special provisions to allow for the proposed dwelling, while the temporary use by-law is to allow for the existing and proposed dwellings to be located on the same lot for no more than 6 months.

Z.-1 Zoning By-law

Chapter 45 of the Zoning By-law regulates land in the Agricultural (AG) Zone and contains specific provisions for lots containing single detached dwellings existing prior to the passing of the By-law. These specific regulations (45.3) differ from the regulations of the base zone in that they allow for reduced lot sizes but still provide for setback and lot frontage requirements which are in excess of typical residential zone permissions to discourage the establishment of estate lots.

As the proposed use of the subject lands is not considered legally existing under the Zoning By-law, it is subject to the regulations of the Agricultural (AG2) Zone and not the Existing Single Detached Non-Agricultural Dwellings regulations of Section 45.3.2. As such, the applicant is requesting a number of special provisions to permit the use of the land for a new single detached dwelling as follows.

Permitted use: Single detached dwelling

The AG2 Zone permits a range of agricultural and conservation uses which includes farm dwellings, but not single detached dwellings where they are not already existing. As previously addressed, the construction of a new dwelling negates the non-conforming status of the use despite the fact that the use is functionally remaining the

same. No additional units are proposed and the subject property will continue to be used for a single detached dwelling.

Lot area: 4437 m^2

The minimum lot size in the AG Zone is 40 hectares to ensure the continued use of lands in the Agriculture designation for agricultural purposes. Exceptions are made for properties within the AG4 Zone, which permits existing single detached dwellings with lot areas as legally existing on the date the By-law was passed.

The subject site has a total lot area of approximately 7424m^2, with 4437m^2 zoned AG2, and the remainder being within the Environmental Review (ER) Zone. There is a small portion at the southeastern portion of the site which is also zoned AG2 but remains unchanged as part of this application. As per regulation 3.9.2 of the Zoning By-law, where a lot is divided into two or more zones each portion is considered to be a separate lot. As such, the requested special provision to allow a lot area of 4436m^2 applies to the portion of the property located within the AG2 Zone on the west side of the Harry White Drain.

While the site is not subject to policy 45.3.2, the regulations provide guidance into the appropriate lot size for single detached, non-agricultural dwellings. In these instance, the zone requires a minimum lot area of 4000m^2. As a result of this application, the Agricultural Zone will be expanded onto lands which are presently zoned ER and, in this instance, represents a relatively minor and appropriate deviation from the requirements of the zone.

Lot Frontage: 209m

The AG2 Zone requires a minimum lot frontage of 300m to support appropriately sized and shaped agricultural lots. The subject site has a frontage of 208m2. The requirement for existing non-conforming lots is a minimum lot frontage of 60m. Based on previous analysis of the context of this amendment, the requested special provision to allow for a relatively minor deficiency in lot frontage which exceeds the minimum requirement for existing non-farm residential lots is considered appropriate in this instance.

Front Yard Depth: 18m
Rear Yard Depth: 0m
Interior Side Yard Depth: 0m

The regulations of the AG2 Zone require a minimum front, rear, and interior side yard depth of 30m. Due to the irregular shape of the lot and the proposed amendment to the ER Zone line, the applicant is requesting special provisions to allow for reduced setbacks. The proposed zone line will abut the foundation of the proposed dwelling, and due to the provisions of 3.9.2, the zone line functions as a lot line and will result in 0m setbacks for the rear and interior side yard. The ER Zone is intended to protect natural heritage features from development impacts, and the in this instance the KCCA has confirmed that the proposed setbacks are acceptable. Environmental and Parks Planning has also confirmed that provided the structure and associated septic bed are outside of the ER Zone, they have no concerns with respect to the proposed development on the watercourse. There are also no concerns with respect to setbacks from adjacent properties for Minimum Distance Separation purposes. As such, the 0m rear and interior side yard setbacks are suitable for the proposed development.

The reduced front yard setback is due to the shape of the lot and the location of the natural heritage feature on the subject property. An additional 12 metre front yard setback to comply with the zone regulations would result in the dwelling being located closer to the watercourse and the adjacent agricultural property to the east. The regulations for existing dwellings require a 20m setback, which while not applicable, provides guidance for considering the reasonableness of the proposed special provisions. A front yard setback of 18m is consistent with the intent and purpose of the regulation and adequate for the development proposed.

Deck Setback: 0m

Decks are regulated under the General Provisions of Chapter 4 of the Zoning By-law, which requires unenclosed decks to be located no closer than 1.2 metres to a lot line. Similarly to the interior and rear yard setbacks above, the proposed deck at the rear of the dwelling will abut the ER Zone line and would be considered to have a 0m setback as the zone line functions as a lot line. Reduced deck setbacks are common applications made to the Committee of Adjustment and are typically given Staff support provided no structure is located closer than 0.6 metres from the property line to allow sufficient space for access and maintenance, and to prevent the encroachment of footings on adjacent properties. In this instance, the reduced setback is to a zone line and is located sufficiently far enough from abutting properties that no impacts to privacy or encroachments are expected as a result of the reduced setback.

Given Subsection 34.10.0.0.1 of the *Planning Act* prohibits an application for a minor variance within 2 years of the approval of a Zoning By-law Amendment without permission from Council, the inclusion of this special provision will prevent the applicant from needing additional approvals to construct a deck, which is considered a generally appropriate and desirable feature for single detached dwellings.

Driveway Width: 22m

Maximum driveway width is also regulated under Chapter 4 of the Zoning By-law. The subject lands have two driveways with access from Fisher Lane, and have a total combined width of 22 metres. For agricultural uses, driveways are not permitted to be wider than 10 metres. For residential lots with frontage of greater than 12 metres, the regulation allows for a driveway width of 50% of the required lot frontage to a maximum of 8 metres, whichever is less.

Site Plan Approval is not required for the proposed development and the applicant is not proposing to increase the driveway width beyond what presently exists save to extend the driveway to the new dwelling. The main access is 17.8 metres in width, with a second access at 3.4 metres in width. The proposed special provision is to recognize an existing situation.

When considering minor variances applications for increased driveway width, Staff are typically unsupportive of major departures from the maximum regulation due to the potential impacts on neighbourhood character and streetscape. In this instance, the driveway is an existing condition and the access is not formalized with a curb, but forms part of the gravel shoulder of Fisher Lane. Given the context of the subject site and its adjacent uses, maintaining the existing driveway width is an appropriate departure from the regulations.

Coverage: 12%

The requested special provision for an increase of lot coverage by 2% is being applied through the temporary zone. The maximum permitted lot coverage in the AG2 Zone is 10%. The proposed development will ultimately result in a total lot coverage of 9% comprised of the existing detached accessory structure and the proposed single detached dwelling, which is compliant with the regulations of the By-law. The temporary condition of two detached dwellings and the accessory structure results in a lot coverage of 12% and as such is requested as a special provision to the temporary zone. Once the existing dwelling is demolished the lot will once again be compliant and the provision will no longer apply.

4.3 Issue and Consideration # 3 – Temporary Use By-law

1989 Official Plan and The London Plan

Both the 1989 Official Plan and The London Plan contain policies regarding the implementation of temporary use by-laws to authorize the temporary use of land, buildings or structures for a purpose otherwise prohibited by the Plan. The criteria for evaluating a temporary use by-law are largely similar between Plans, only differing in The London Plan by the inclusion of two additional matters which City Council will have regard for. Policy 19.4.5. in the 1989 Official Plan and Policies 1671_, 1672_ and 1673_ require that when enacting a temporary use by-law, City Council will have regard for the following matters:

1. *Compatibility of the proposed use with surrounding land uses.*

The applicant has demonstrated compliance with Minimum Distance Separation (MDSI) Guidelines for the proposed dwelling in relation to adjacent agricultural uses, and the temporary use of the subject property for two dwellings will not impact the character of the surrounding area nor limit the ability of these lands to function in their intended manner.

2. *Any requirement for temporary buildings or structures in association with the proposed use.*

The temporary use would allow for a second dwelling to occupy the subject lands for a period of no more than 6 months to allow the applicant to receive a conditional occupancy permit which will require the existing dwelling to be demolished within 3 months of occupancy of the new dwelling.

3. *Any requirement for temporary connection to municipal services and utilities.*

The new dwelling will be required to connect to adequate on-site water and sanitary facilities which will be addressed during the permit process through the Building Division. The existing dwelling will be disconnected from existing services, and any on-site infrastructure will be decommissioned.

4. *The potential impact of the proposed use on mobility facilities and traffic in the immediate area.*

As no additional units are proposed as part of the temporary use, there will be no increase in traffic or additional impacts on mobility facilities in the area.

5. *Access requirements for the proposed use.*

The proposed access on the subject site is not changing as part of this application and is adequate for the proposed use.

6. *Parking required for the proposed use, and the ability to provide adequate parking on-site.*

There are adequate parking facilities on the subject site, as the use of the lands for a single detached dwelling requires two parking spaces.

7. *The potential long-term use of the temporary use.*

The occupancy of the proposed dwelling is conditional on the demolition of the existing dwelling within 3 months, and as such will not continue over the long-term.

8. *In the case of temporary commercial surface parking lots in the Downtown, the impact on the pedestrian environment in the Downtown.*

This application will not facilitate a temporary commercial surface parking lot in the Downtown.

9. *The degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands*

The legal use of the lands for a single detached dwelling predates the adoption of the 1989 Official Plan and Z.-1 Zoning By-law. The temporary use by-law is to facilitate the unique situation of moving an existing house to the subject lands while the property owner continues to live in the existing dwelling during construction. Were the property owner to repair or rebuild the existing dwelling the use would be permitted as of right. As such, the introduction of a temporary use by-law to facilitate this particular circumstance will not frustrate the viability of the long-term use of the lands.

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

5.0 Conclusion

The requested amendment to amend the existing Agricultural (AG2) Zone line and to add a number of special provisions on the subject site as well as a temporary use by-law to permit the temporary use of the lands for two single detached dwellings would facilitate the continued use of the site for a single detached dwelling. The recommended zoning is consistent with the PPS 2014 and with the City of London 1989 Official Plan and The London Plan.

Prepared by:	**Meg Sundercock, BURPL** **Site Development Planner, Development Services**
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	

April 5, 2019
MT\mt

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

Appendix A

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

By-law No. C.P.-1284-

A by-law to amend the Official Plan for the City of London, 1989 relating to 6682 Fisher Lane.

WHEREAS Joe Marche and Monique Rodriguez have applied to rezone a portion of the property located at 6682 Fisher Lane as shown on the map attached as Schedule "A" to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

1. Schedule "A" to By-law No. Z.-1 as amended, is amended by changing the zoning applicable to a portion of the lands located at 6682 Fisher Lane as shown on the map attached as Schedule "A" to this by-law from an Agricultural AG (AG2) Zone and an Environmental Review (ER) Zone to an Agricultural Special Provision/ Temporary (AG2(_)/T-_) Zone and an Environmental Review (ER) Zone

2. Section Number 45.4 of By-law No. Z.-1, as amended being the Agricultural AG2 Zone is amended by adding the following Special Provisions:

) AG2(_) 6682 Fisher Lane

a) Additional Permitted Use:

i) Single Detached Dwelling

b) Additional Regulations:

i) Lot Area (m^2) (Minimum) ($47759.5ft^2$)	4437 m^2
ii) Lot Frontage (m) (Minimum) (685.7ft)	209 m
iii) Front Yard Depth (m) (Minimum)	18 m (59 ft)
iv) Rear Yard Depth (m) (Minimum)	0 m (0 ft)
v) Interior Side Yard Depth (m) (Minimum)	0 m (0 ft)
vi) Driveway Width (m) (Maximum)	22 m (72 ft)
vii) Rear Yard Setback for an unenclosed deck (m) (Minimum)	0 m (0 ft)

3. Section Number 50.2 of the Temporary (T) Zone is amended by adding the following subsection for a portion of lands known municipally as 6682 Fisher Lane:

) T-_ 6682 Fisher Lane

A portion of lands located at 6682 Fisher Lane, may be occupied by two (2) single detached dwellings and may be permitted a maximum lot coverage of 12% for a temporary period not

exceeding six (6) months from the date of the passing of the by-law beginning April 23, 2019.

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990, c. P13, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on April 23, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – April 23, 2019
Second Reading – April 23, 2019
Third Reading – April 23, 2019

File: Z-9002
Planner: M. Sundercock

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

Appendix B – Public Engagement

Community Engagement

Public liaison: On January 24, 2019, Notice of Application was sent to eight (8) property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 25, 2019. A "Planning Application" sign was also posted on the site. On March 20, 2019, Revised Notice of Application was sent to eight (8) property owners in the surrounding area. Revised Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 21, 2019.

No replies were received

Nature of Liaison: The purpose and effect of this zoning change is to permit a single detached dwelling with reduced setbacks and to temporarily permit two dwellings on the subject property. Possible change to Zoning By-law Z.-1 **FROM** an Agricultural AG (AG2) Zone and an Environmental Review (ER) Zone **TO** an Agricultural Special Provision/ Temporary (AG2(_)/T-_) Zone and an Environmental Review (ER) Zone. Special provisions would permit: a new single detached dwelling with a reduced minimum front yard depth of 18 metres whereas 30 metres is the minimum required; a reduced lot area of 4437m^2; a reduced interior side yard and rear yard depth of 0 metres whereas 30 metres is the minimum required; a lot frontage of 209 metres whereas 300 metres is the minimum required; a deck setback of 0 metres whereas 1.2 metres is the minimum required, and; to recognize the existing driveway width of 22 metres. The requested Temporary Use Zone would permit the use of the property for two single detached dwellings for a period of time not exceeding 6 months, and to temporarily permit a lot coverage of 12% whereas 10% is the maximum permitted.
Responses: A summary of the various comments received include the following:

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written

Agency/Departmental Comments

Kettle Creek Conservation Authority

Staff of Kettle Creek Conservation Authority (KCCA) has reviewed the subject application and associated lands with regard to delegated responsibilities for Natural Hazard policies of the 2014 Provincial Policy Statement (PPS), and KCCA regulations enacted under Section 28 of the Conservation Authorities Act (O.Reg.181/06).

Please be advised that KCCA has no objection to its approval.

We offer the following additional comments:

1. In review of the MTE/OLS Ltd. Survey, dated December 5, 2018, KCCA is satisfied that the proposed development (ie. new single detached dwelling and septic system) are located away and outside of any flooding hazard associated with the abutting watercourse.

2. A permit from KCCA will be required prior to construction of the new single detached dwelling as a portion of the subject property is affected by KCCA Regulations. Pursuant to Section 28 of the Conservation Authorities Act, the proponent must obtain a permit from KCCA prior to any development and/or alteration. The current regulation is "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, Ontario Regulation 181/06".

Kettle Creek Conservation Authority – March 19, 2019 as a revised plan was submitted

I have reviewed the revised drawing with the proposed deck and confirm that KCCA would have no objections to proposed zoning line with the inclusion of the proposed deck as shown on the drawing provided.

Environmental and Parks Planning

The Environmental and Parks Planning Section has reviewed the request for the proposed zoning by-law amendment and notes no concerns with the application as proposed provided the new dwelling unit and associated septic field are located outside of the ER zone. Staff understand a Section 28 permit is required and will be processed through the Kettle Creek Conservation Authority.

Development Services – Engineering

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned pre-application:

Comments for the re-zoning application:

If the applicant is proposing to install a new well and a new septic system, then the following comments will need to be addressed;

1. The applicant is required to confirm the proposed private wells and septic systems meet the required setbacks as per the OBC. Highlight the setback dimensions on the drawing and provide a table which shows the OBC requirements. Consultation with a qualified professional may be required.

Appendix C – Policy Context

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

Provincial Policy Statement

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- 1.1.4 Rural Areas in Municipalities
  - 1.1.4.1 b, c, d, h
- 1.1.5 Rural Lands in Municipalities
  - 1.1.5.2 c
  - 1.1.5.4
  - 1.1.5.9

2.0 Wise Use and Management of Resources
- 2.3 Agriculture
- 2.3.3 Permitted Uses
- 2.3.6 Non-Agricultural Uses in Prime Agricultural Areas
  - 2.3.6.1 a, b
  - 2.3.6.2

1989 Official Plan

Open Space
8A.2. Open Space
8A.2.2 Permitted Uses

Agriculture
9.2.3 Existing Uses
9.2.9 Existing Agricultural Lots
9.2.10 Minimum Distance Separation Requirements

Environmental Policies
15.2.3 Natural Heritage Policies – Open Space – Environmental Review
15.3 Natural Heritage Areas Designated as Open Space
15.3.2 ii) a) Permitted Uses

Implementation
19.1.1 i) Boundaries Between Land Use Designations
19.1.1 ii) Delineation of Flood Plain, Environmental Features
19.4 Zoning
19.4.5 Temporary Use By-laws
16.5 Non-Conforming Uses

The London Plan

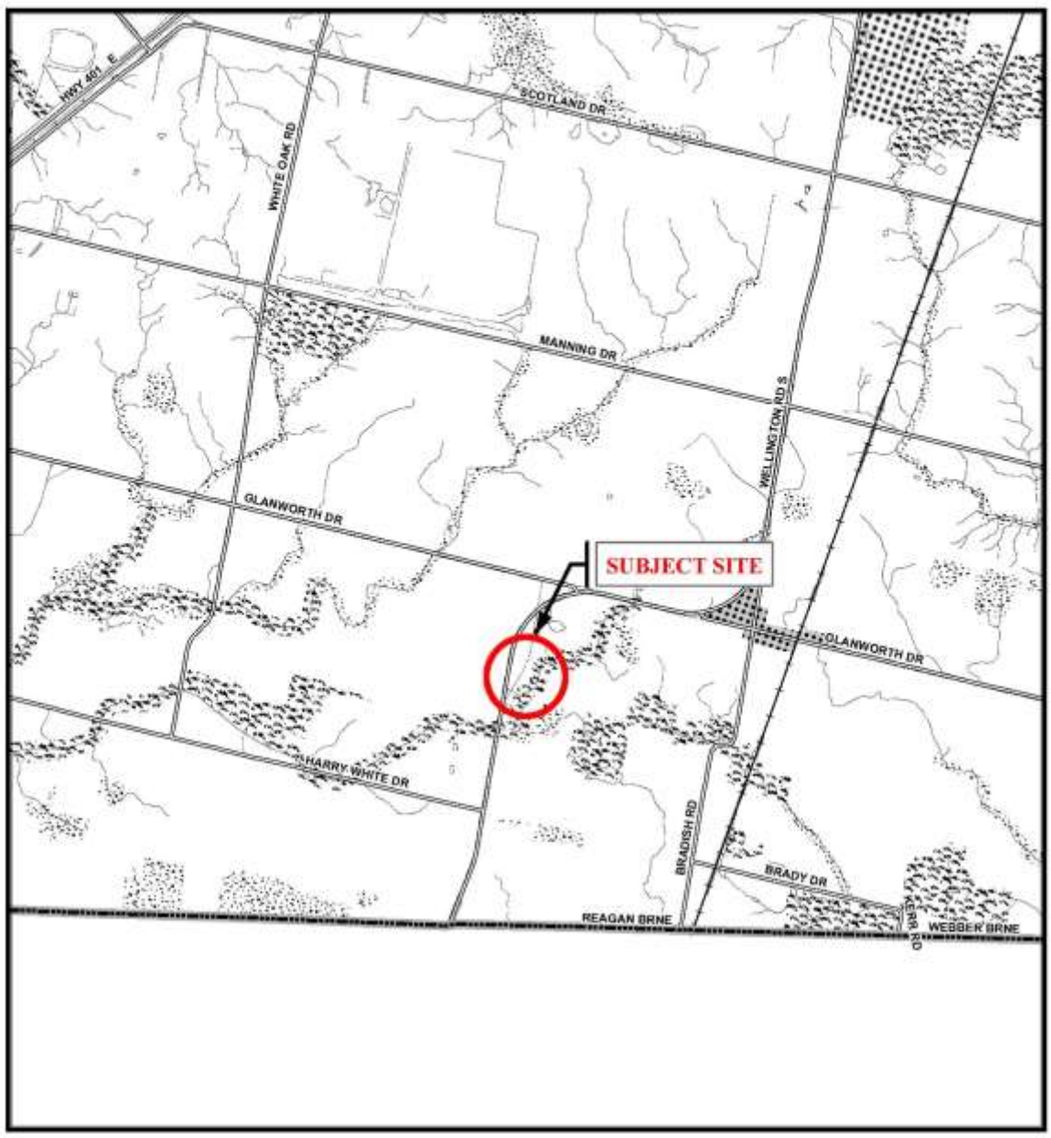
Our Strategy
58_ Direction #4 Become one of the greenest cities in Canada
62_ Direction #8 Make wise planning decisions

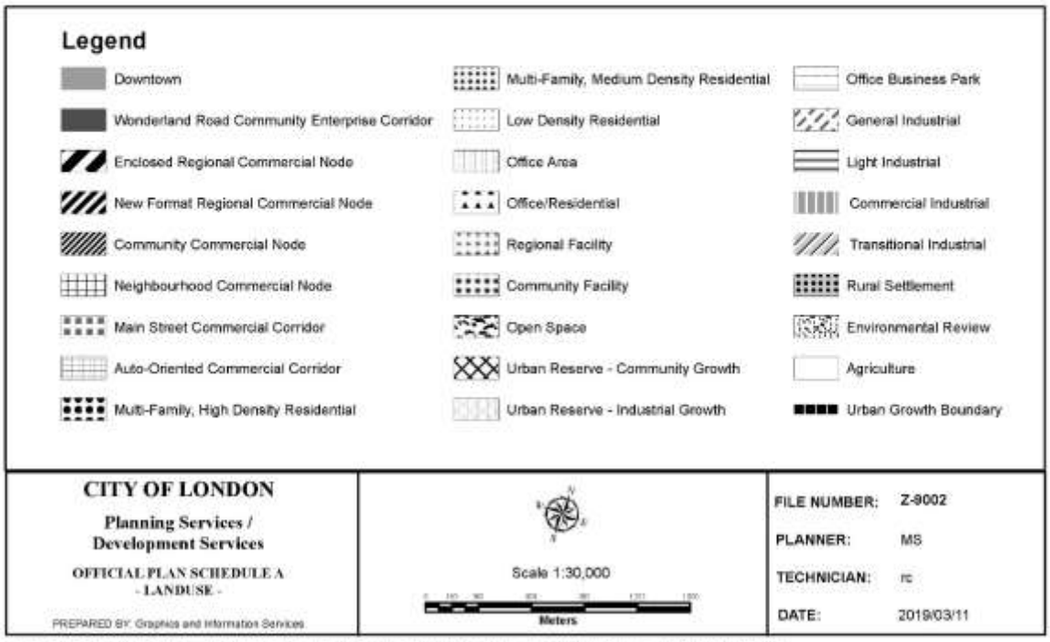
Green Space
760_ Role within the City Structure
761_ How will we realize our Vision?
762_ Permitted Uses

Farmland
1180_ Role within the City Structure
1181_ How will we realize our Vision?
1182_ Permitted Uses
1190_ - 1192_ Residential Uses on Existing Lots of Record
1213_ Intensity

Appendix D – Relevant Background

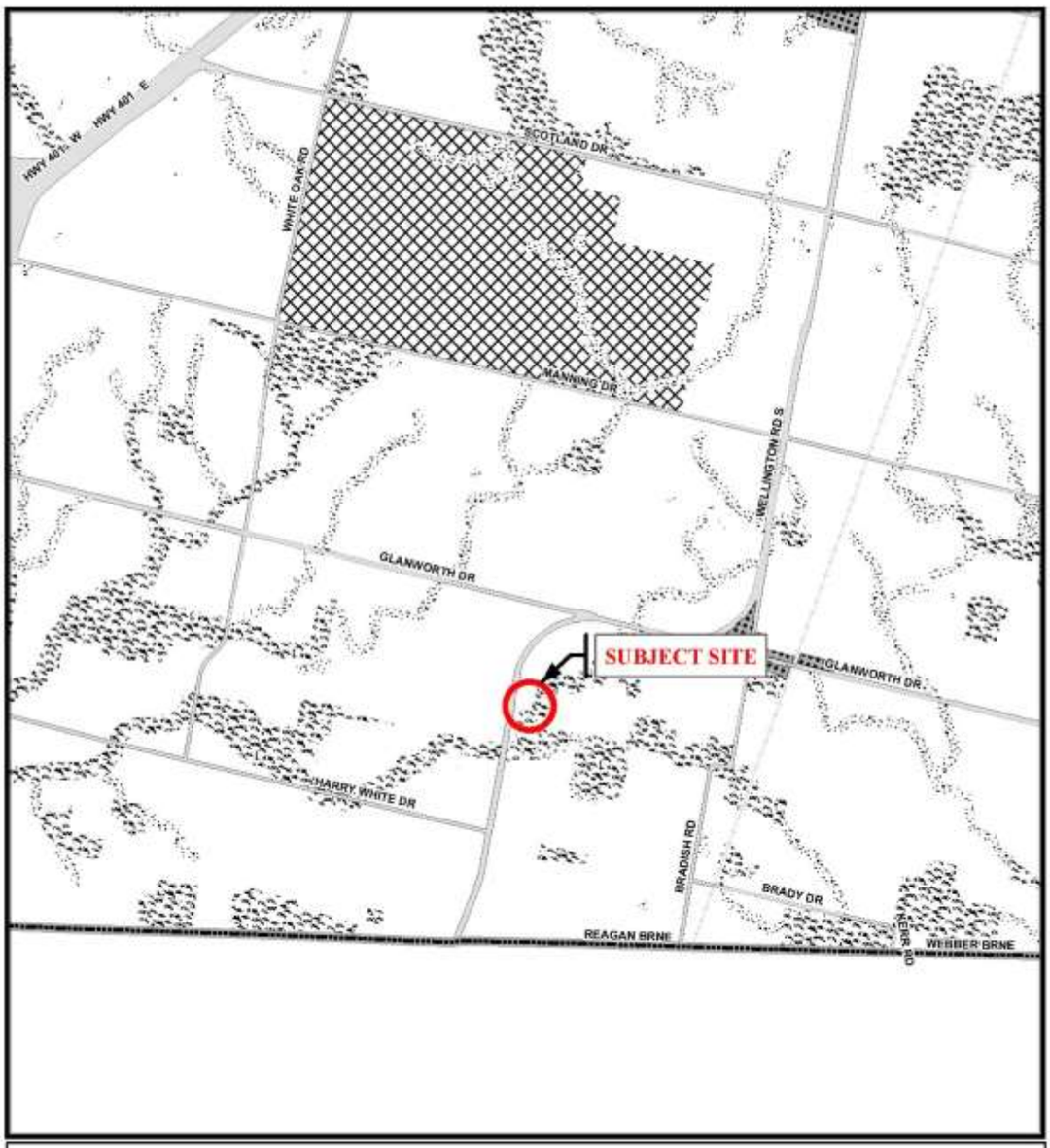
Additional Maps





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

File: Z-9002
Planner: M. Sundercock



Legend

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

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

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

CITY OF LONDON
Planning Services / Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services

Scale 1:30,000

Meters

File Number:	Z-9002
Planner:	MS
Technician	rc
Date:	March 11, 2019

Project Location: E:\Planning\Projects\p_zoning\z-1zones\amendments\Z-9002\projects\Z-9002-LP-Placetypes-Excerpt.mxd

File: Z-9002
Planner: M. Sundercock

COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: Z-9002 MS

MAP PREPARED: 2019/03/11 rc

1:3,000
0 15 30 60 90 120 Meters

PUBLIC PARTICIPATION MEETING COMMENTS

3.7 PUBLIC PARTICIPATION MEETING – Application – 6682 Fisher Lane (Z-9002)

- *(Councillor S. Turner indicating that Ms. M. Sundercock, Site Development Planner, addressed his one question at the end that he could not find in the report, the Kettle Creek Conservation Authority has assessed for no negative impacts on the natural heritage features, he was worried about the natural heritage features having impact on the housing locations specifically the drain and he thinks that Ms. M. Sundercock, Site Development Planner, said that it was assessed for flooding and its proximity to any flood plain or flood limits and they do not believe that one exists; wondering if that is correct as it seems to be getting really close to that drain.)*; Ms. M. Sundercock, Site Development Planner, nodding yes; *(Councillor S. Turner expressing concern with having the decreased front yard setback that it might get it too close to Wellington Road but when he looks at the map it is really Fisher Lane which is never really used at all other than perhaps as a driveway for this property and a very high speed cut through for anybody trying to shorten the corner on Wellington Road; indicating that he does not believe that anyone has contemplated these but in the west end of the city, there have been some questions of adjacency to cannabis cultivation operations in Hyde Park; pointing out that right across the street is where Believe is setting up shop in their greenhouses; advising that he does not think that there is any minimum distance separation calculations for cannabis operations but he does not know if we have any concerns about the adjacencies and impacts associated with that operation and land use and new residential land use here.)*; Mr. M. Tomazincic, Manager, Current Planning, responding that this is not something that they specifically contemplated in this application but if it is an agricultural use that is contemplated by the existing zoning; we certainly would not be in any position to refuse that proposed use; *(Councillor S. Turner recognizing that there is probably not a circumstance here where because he does not think that cannabis operations are contemplated in the minimum distance separation, if there were anything that if there was a manure pit or a barn or something like that, those would trigger the minimum distance separation provisions and they would not be making this recommendation he would imagine if it was within the minimum distance separation, wondering if that is correct; noting that Mr. M. Tomazincic, Manager, Current Planning, is nodding yes; Councillor S. Turner indicating that at this point we do not have any contemplation of cannabis operations through a minimum distance separation either in the type one or type two reciprocally but he thinks that perhaps now that we are starting to see a couple of these and he thinks that they will probably see a lot more, is it prudent for the Committee to start contemplating that due to odours which are, as they are hearing in the Hyde Park situation, fairly significant, is that something that they might be getting into here, this is the greenhouse operation that is being contemplated on Wellington Road South so he thinks it would be very similar to what is happening in Hyde Park.)*; Mr. P. Yeoman, Director, Development Services, responding that is a very good question and is one that they do not have a good answer for on, the Councillor is correct that to their knowledge, minimum distance separation does not currently consider cannabis as part of the calculation, something that they can perhaps take up with the province and seek some further direction on for a future review of applications; *(Councillor S. Turner indicating perhaps even on our own Zoning By-laws and considerations about how adjacencies work and how we might contemplate those going forward because he thinks that we are going to start seeing a lot more of those.)*
- *Councillor A. Hopkins enquiring about the temporary use, having two houses for six months on the property, can that be extended to a further term; she knows that it was suggested that there is a three month period after that that if it is not*

removed that they will come in but she just wants to know if the temporary use can be extended.); Ms. M. Sundercock, Site Development Planner, responding that yes the Temporary Use By-law can be extended in this case, the conditional occupancy permit cannot so it is limited to three months whereas the zone can be extended; the temporary use zone can allow for additional time for construction and once they have occupancy of that new dwelling, they will have to demolish the existing within three months; Mr. Peter Kokkoros, Deputy Chief Building Official, indicating that the conditional permit is issued at the sole discretion of the Chief Building Official, any conditions imposed on that conditional permit are again at the sole discretion of the Chief Building Official so should there be any hardship or for whatever matter of that three months needs to be four or five months that is a something that the Chief Building Official can consider.

File: Z-8945
Planner: M. Campbell

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: **2492222 Ontario Inc.**
536 and 542 Windermere Road
Public Participation Meeting on: April 15, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2492222 Ontario Inc. relating to the property located at 536 and 542 Windermere Road:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting April 23, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-6) Zone, **TO** a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone.

(b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R1 (R1-6) Zone, **TO** a Residential R5 Special Provision (R5-7(_)) Zone, **BE REFUSED** for the following reasons.

i) The requested amendment does not conform to the residential intensification policies in the *1989 Official Plan* or **The London Plan*.

ii) The requested amendment did not provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.

iii) The Zoning By-law does not contemplate this level of residential intensity in a cluster townhouse form outside of Central London.

(c) **IT BEING NOTED** that should Council wish to amend the Zoning By-law No. Z-.1 to change the zoning of the subject property to a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone to permit cluster townhouse dwellings and cluster stacked townhouse dwellings with a reduced minimum front yard depth of 2.1 metres, an increased maximum encroachment into the front yard depth of 0.2 metres from the front property line, and a reduced maximum height of 10.5 metres, an alternative by-law has been attached hereto as Appendix “B”.

Executive Summary

Summary of Request

The initial request by the applicant proposed to change the zoning of the subject lands from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(_)) Zone to permit cluster housing in the form of sixteen (16) “back-to-back” townhouse dwellings; the equivalent of 58 units per hectare (“uph”). The special provisions would recognize and permit site-specific exceptions to the standard R5-7 Zone regulations for a reduced minimum front yard depth; an increased maximum yard encroachment into the front yard depth (for the proposed below-grade private outdoor amenity spaces); and a reduced (westerly) minimum interior side yard depth.

Through subsequent correspondence received from the applicant's agent it was proposed that as an alternative to the initial request, revisions to the special provisions could include the addition of a bedroom maximum and a height maximum, and that the reduced (westerly) minimum interior side yard depth be increased so that the magnitude of the reduction from the standard regulation would be less. The correspondence received from the applicant's agent also indicated that the applicant would be agreeable to a possible zone change to the Residential R5 Special Provision (R5-5(_)) Zone with the revised special provisions noted above and a special provision that would permit a total of 16 dwelling units; whereas, the standard regulations of the R5-5 Zone only permits a maximum density of 45 uph that would be equivalent to 12 townhouse dwelling units on the subject lands.

The January 7th, 2019 PEC recommendation to Council, and subsequent January 15th, 2019 Council resolution, ultimately referred the zone change application back to staff for further review. The applicant has since chosen to submit and proceed with a revised conceptual site plan dated January 2019. The revised conceptual site plan is consistent with the staff recommendation contained in the January 7th, 2019 report to the PEC. The revised conceptual site plan proposes twelve (12) "back-to-back" townhouse dwellings, the equivalent of 44 uph. Special provisions would recognize and permit site-specific exceptions to the standard R5-5 Zone regulations for a reduced minimum front yard depth, an increased maximum yard encroachment into the front yard depth (for the proposed below-grade private outdoor amenity spaces), a reduced (westerly) minimum interior side yard depth, and a reduced maximum height.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended zone change to a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone is to permit cluster housing in the form of twelve (12) "back-to-back" townhouse dwellings; the equivalent of 44 uph.

The holding provisions would ensure that development takes a form compatible with adjacent land uses following public site plan review at a future public participation meeting before the PEC; and to ensure that the subject lands are assessed for the presence of archaeological resources prior to development or site alterations that would involve soil disturbance.

Special provisions would recognize and permit site-specific exceptions to the standard R5-5 Zone regulations. The recommended special provisions include a reduced minimum front yard depth of 2.1 metres; an increased maximum yard encroachment into the front yard depth for the proposed below-grade private outdoor amenity spaces 0.2 metres from the front lot line; a reduced (westerly) minimum interior side yard depth of 3.0 metres when the end wall of a unit contains no widows to habitable rooms; and a reduced maximum height of 10.5 metres.

Rationale of Recommended Action

1. The recommended amendment is consistent with the *2014 Provincial Policy Statement* ("*PPS*") which encourages intensification and infill as a means to manage growth and achieve a compact form of development within settlement areas. The *PPS* directs municipalities to permit all forms of housing required to meet the needs of all residents present and future.

2. The recommended amendment conforms to *The London Plan* which contemplates townhouses as a primary permitted use, and a minimum height of 2-storeys and maximum height of 4-storeys within the *Neighbourhoods Place Type where the property has frontage on a *Civic Boulevard. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the periphery of an existing neighbourhood. The recommended amendment would permit development at an intensity that is appropriate for the site and the receiving neighbourhood. The recommended amendment would assist in providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities.

3. The recommended amendment conforms to the *1989 Official Plan* and would implement the residential intensification policies of the Low Density Residential ("LDR") designation that contemplate residential intensification in the form of cluster townhouse dwellings and a density up to 75 uph. The recommended amendment would permit development at an intensity that is less than the upper range of the maximum density for residential intensification within the LDR designation to ensure the form of development is appropriate for the site and the receiving neighbourhood. The recommended amendment would assist in providing housing options and opportunities for all people.

4. In conformity to **The London Plan* and the *1989 Official Plan* policies that require a public Site Plan Approval ("SPA") process for residential intensification proposals, a holding provision is recommended for public site plan review. The holding provision would allow the public a continued opportunity to comment on the form of development through the subsequent SPA process and ensure that the ultimate form of development is compatible with adjacent lands uses.

5. Consistent with the *PPS* and conforming to *The London Plan* and the *1989 Official Plan,* a holding provision is recommended to ensure the subject lands area assessed for the presence of archaeological resources prior to site alteration or soil disturbance occurring.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located on the north side of Windermere Road between Richmond Street and Adelaide Street. The subject lands consist of two (2) rectangular shaped lots known municipally as 536 and 542 Windermere Road. The development proposal will require the consolidation of the subject lands into one (1) lot, resulting in a combined lot area of approximately 0.27 hectares (0.68 acres) prior to a road widening dedication along 536 Windermere Road.

536 Windermere Road is currently occupied by a 2-storey, red brick, single detached dwelling and detached garage (Figure 1). 542 Windermere Road is currently occupied by a 1-storey, buff brick, single detached dwelling and detached garage (Figure 2). There are a number of mature coniferous and deciduous trees located on the subject lands. The existing trees help to screen the subject lands from adjacent properties. There is an elevation change of approximately 2.0 metres from a highpoint in the northwest (Orkney Crescent) to a low point in the southeast (Windermere Road). Stormwater flows are carried overland via a swale running along the westerly interior property line, the northerly rear property line, and into an inlet/catchbasin located in the north-easterly corner of 542 Windermere Road. There is an existing 7.0 meter wide easement that applies to the easterly-most portion of the subject lands which contains a major city-wide watermain.

A road widening dedication will be required along 536 Windermere Road to provide for the ultimate road allowance requirement specified in the City's Zoning By-law. A road widening has previously been provided along 542 Windermere Road. Windermere Road is a higher-order street within the City's mobility network (a *Civic Boulevard – *The London Plan* and an Arterial road – *1989 Official Plan*). Dedicated cycling lanes are provided on the north and south side of Windermere Road. Bus public transit operated by the London Transit Commission is located in proximity to the subject lands running along portions of Windermere Road and along Doon Drive, although there is no public transit immediately adjacent to the subject lands.

Doon Drive is a "U"-shaped street that intersects with Windermere Road approximately 230 metres west of the subject lands, and 340 metres east of the subject lands, and provides the nearest street connection to the residential neighbourhood that surrounds the subject lands to the north. Pedestrian walkway connections are provided from

Orkney Crescent to Windermere Road and from Angus Court to Windermere Road approximately 78 metres west of the subject lands and approximately 10 metres east of the subject lands respectively.

The surrounding land uses on the north side of Windermere Road consist of low-rise, low density, residential land uses (predominately single-detached dwellings) that developed as part of a phased residential plan of subdivision dating from the late 1980's. Although, the subject lands front onto Windermere Road, other residential properties in the immediate vicinity are "rear-lotted" onto the north side of Windermere Road. Immediately adjacent to the subject lands are 1- and 2-storey single detached dwellings that front onto Orkney Crescent or Angus Court. Cluster housing in the form of single-detached dwellings and townhouse dwellings are located in the broader surrounding neighbourhood.

The surrounding land uses on the south side of Windermere Road consist of institutional uses on large lots, including Spencer Lodge, the Ivey Spencer Leadership Centre, and Sisters of St. Joseph. Valley lands associated with the north branch of the Thames River also extend to the south side of Windermere Road opposite the subject lands.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – *Neighbourhoods (frontage *Civic Boulevard)
- Existing Zoning – Residential R1 (R1-6) Zone

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.

1.3 Site Characteristics

- Current Land Use – Single Detached Dwellings
- Frontage – 58 metres (189 feet)
- Depth – 46 metres to 49 metres (150 feet to 160 feet)
- Area – 2, 771 square metres (0.68 acres)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Single Detached Dwellings
- East – Single Detached Dwellings
- South – Institutional Uses
- West – Single Detached Dwellings

1.5 Intensification (identify proposed number of units)

- Twelve (12) units within the Built-area Boundary
- Twelve (12) units within the Primary Transit Area

1.6 Location Map

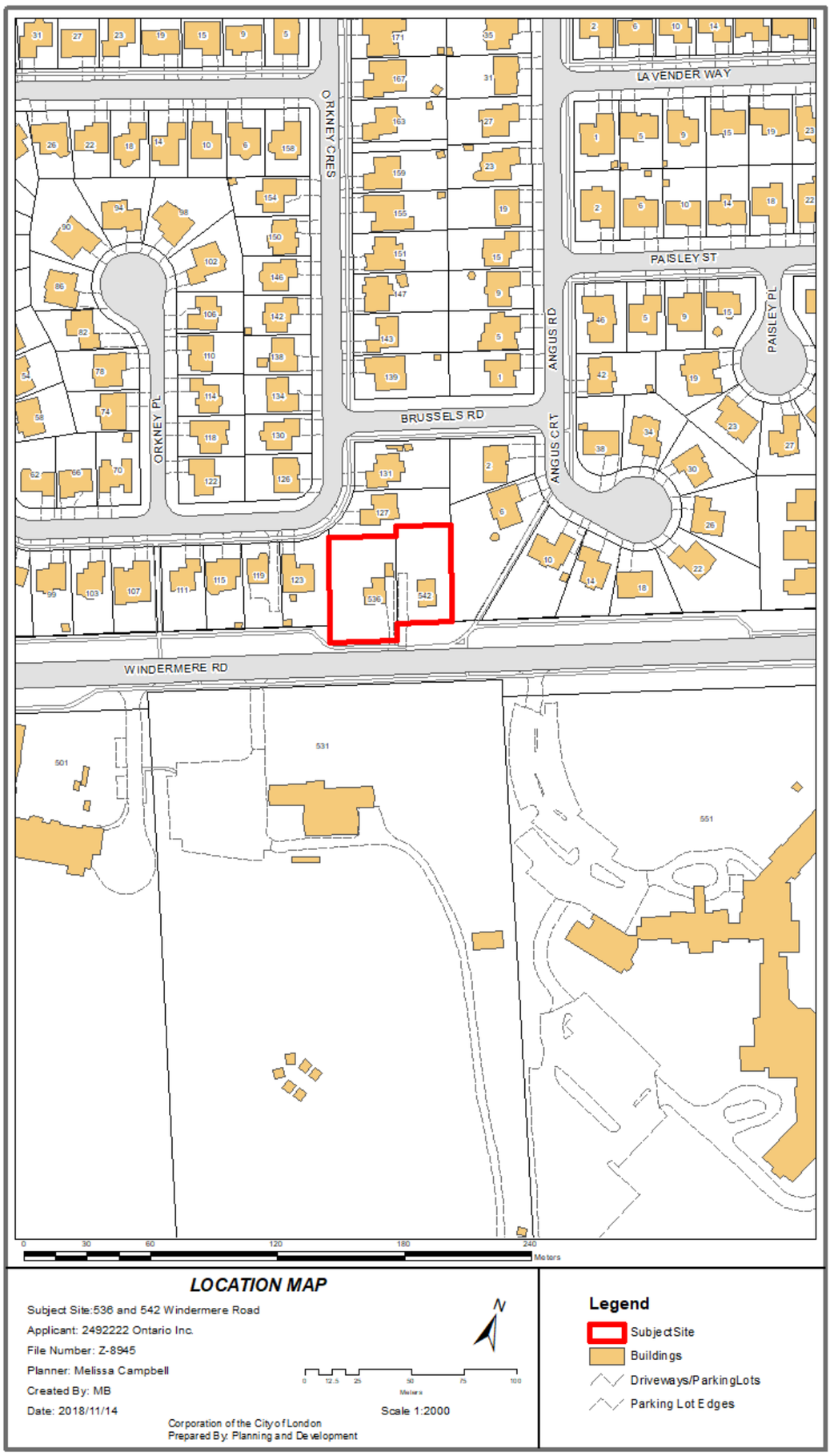


Figure 1: 536 Windermere Road

Figure 2: 542 Windermere Road

2.0 Description of Proposal

2.1 Development Proposal

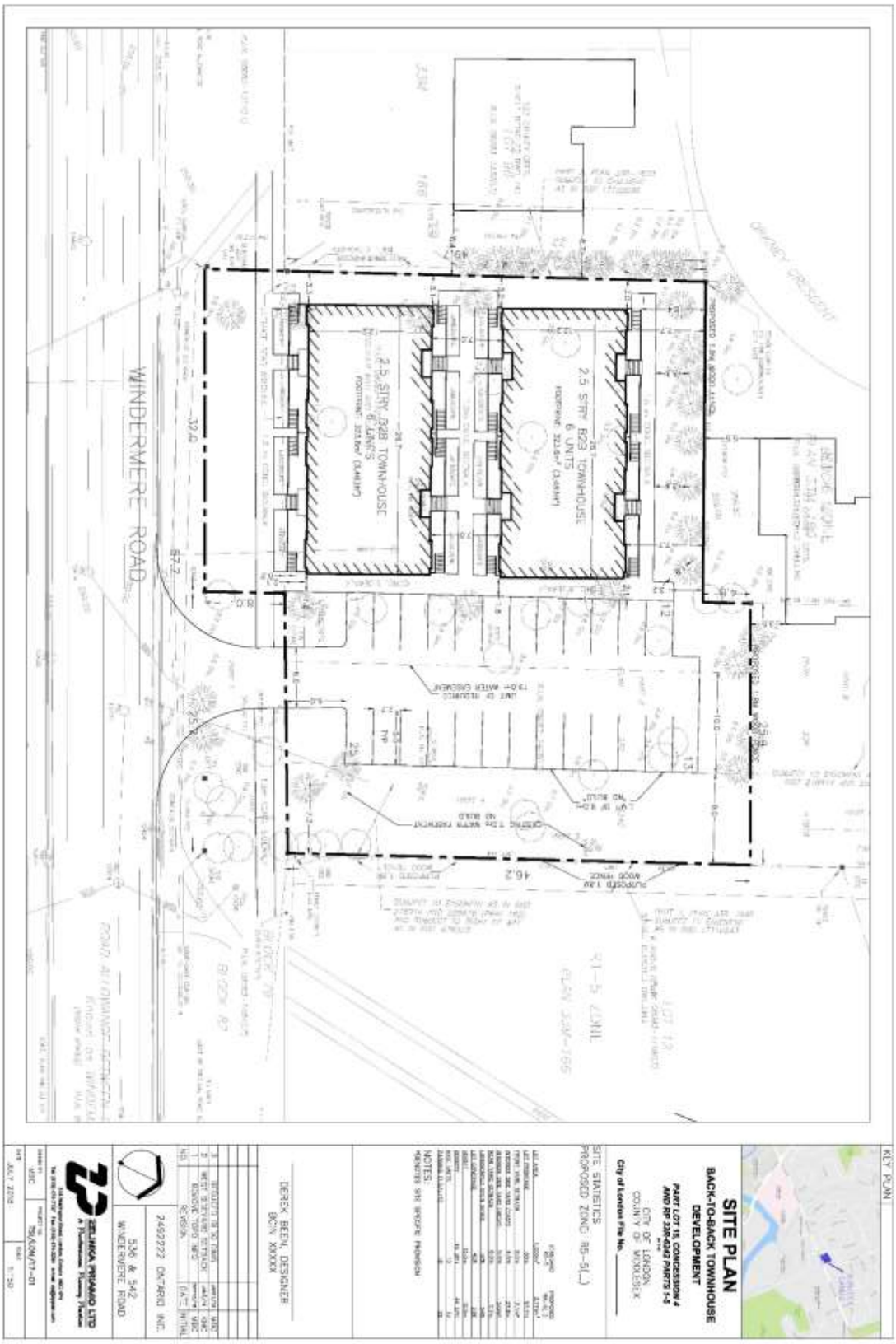
Twelve (12) "back-to-back" townhouse dwellings are shown on the revised conceptual site plan, which is equivalent to a density of 44 uph (Figure 3). The townhouse dwellings are proposed to be approximately 2 ½-storeys in height, up to a maximum height of 10.5 metres. The revised conceptual site plan shows the townhouse dwellings separated into two townhouse blocks, with each block consisting of six townhouse dwellings units. The separation distance between the two townhouse blocks is proposed to be approximately 7.0 metres. A reduced minimum front yard depth of approximately 2.1 metres is proposed, as well as, an increased maximum yard encroachment into the front yard for the proposed below-grade private outdoor amenity spaces 0.2 metres from the front lot line. A reduced (westerly) minimum interior side yard depth of approximately 3.0 metres is proposed. All other standard yard depths for the Residential R5 (R5-5) Zone are met by the revised conceptual site plan.

There is an identified need to expand the existing 7.0 meter wide easement that applies to the easterly-most portion of the subject lands to a 19.0 metre wide easement to accommodate the watermain underneath as well as a maintenance area to stage and complete periodic repairs to the watermain in compliance with current health and safety standards. The existing and expanded easement present a constraint to development on the easterly-most portion of the subject lands. No buildings or permanent structures would be permitted on the easterly-most 9.0 metres of the expanded easement, with the balance of the expanded easement available for a surface parking area.

The on-site surface parking area is proposed between the townhouse blocks and the westerly edge of the 9.0 metre un-developable portion of the watermain easement. The proposed on-site surface parking area would provide twenty-five (25) parking spaces. A minimum of eighteen (18) parking spaces are required based on the minimum parking rate of 1.5 spaces per unit for cluster townhouses in Parking Area 3. Private outdoor amenity space for residents is proposed in the form of below-grade patios located immediately adjacent to the dwelling units, and in the form of the landscaped open space located on the easterly-most portion of the subject lands.

The revised conceptual site plan illustrates the design response to the recommendation contained in the January 7th, 2019 report to the PEC. Further revisions to the revised conceptual site plan are possible through the SPA process. As such, an h-5 holding provision is recommended to ensure that development takes a form compatible with adjacent land uses following public site plan review at a future public participation meeting before the PEC.

Figure 3: Revised Conceptual Site Plan



3.0 Relevant Background

3.1 Requested Amendment

The initial request by the applicant proposed to change the zoning of the subject lands from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(_)) Zone to permit and facilitate the development of cluster housing in the form of sixteen (16) "back-to-back" townhouse dwellings on the subject lands which would be equivalent to a density of 58 uph. The requested special provisions included:

- a reduced minimum front yard depth of 2.1 metres (after the required road widening dedication); whereas, a minimum front yard depth of 8.0 metres is required;
- an increased maximum yard encroachment into the front yard depth for the proposed below-grade outdoor amenity spaces 0.2 metres from the front lot line; whereas, the below-grade patios would be permitted no closer than 1.2 metres to a lot line; and
- a reduced (westerly) minimum interior side yard depth of 1.7 metres; whereas, a minimum interior side yard depth of 4.5 metres is required when the end wall of a unit contains no widows to habitable rooms (for the proposed building height of 9.0 metres as indicated in the Urban Design Brief prepared by Zelinka Priamo Ltd.).

In response to community and staff concerns regarding the intensity of the proposed development and the use of appropriate development standards to regulate the proposed form of development, it was proposed by the applicant's agent through correspondence dated November 23, 2018 that the following special provisions could also be considered as an alternative to the initial request:

- a maximum of 60 bedrooms (i.e. 2 or 3 bedrooms per unit); whereas in the City's Zoning By-law Z.-1, Section 2 (Definitions), the definition of "Dwelling Unit" permits up to five bedrooms per unit;
- a reduced maximum height of 10.5 metres; whereas, a maximum height of 12.0 metres is permitted;
- a reduced minimum front yard depth of 2.1 metres (after the required road widening dedication); whereas, a minimum front yard depth of 8.0 metres is required (this is unchanged from the initial proposal);
- an increased maximum yard encroachment into the front yard depth for the proposed below-grade outdoor amenity spaces 0.2 metres from the front lot line; whereas, the below-grade patios would be permitted no closer than 1.2 metres to a lot line (this is unchanged from the initial proposal); and
- a reduced (westerly) minimum interior side yard depth of 3.0 metres; whereas, a minimum interior side yard depth of 5.5 metres is required when the end wall of a unit contains no widows to habitable rooms for a reduced maximum building height of 10.5 metres as proposed above (the initial request sought a (westerly) minimum interior side yard depth of 1.7 metres for a building height of 9.0 metres).

The November 23rd, 2018 correspondence also indicated that the applicant would be agreeable to a possible zone change to the Residential R5 Special Provision (R5-5(_)) Zone with the revised special provisions noted above and a special provision that would also permit a total of 16 dwelling units; whereas, the standard regulations of the R5-5 Zone only permits a maximum density of 45 uph that would be equivalent to 12 townhouse dwelling units on the subject lands.

3.2 Recommended Amendment & Revised Conceptual Site Plan

The initial January 7th, 2019 public participation meeting before the PEC for this zone change application was well attended by immediate neighbours as well as members of the broader community and the general public. Several additional pieces of written correspondence were received by the PEC and many individuals made presentations or provided oral comments to the PEC. The PEC recommendation and subsequent January 15th 2019 Council resolution on the matter referred the zone change application back to staff for further review.

The PEC recommendation and Council resolution directed that staff report back at future public participation meeting before the PEC after taking into consideration the following matters: the comments and concerns of the general public; a tree preservation plan and the preservation of as many trees as possible on site; the presence of fencing that would restrict access to Orkney Crescent; and yard depths including a minimum front yard depth of 2.1 metres, an interior side yard depth of 0.5 metres for 1.0 meter of

building height, and minimum rear yard depth of 6.0 metres.

Staff met with the applicant in January 2019 to discuss revisions to the conceptual site plan that would respond to Council's direction. The applicant chose to submit and proceed with a revised conceptual site plan dated January 2019 that is consistent with the staff recommendation contained in the January 7th, 2019 report to the PEC, although slightly different from the Council resolution in regards to the minimum interior side yard depth. The Council resolution indicated that consideration be given to the standard regulation of the R5-5 Zone for the minimum interior side yard depth. The revised conceptual site plan proposes the following special provisions to the R5-5 Zone:

- a reduced maximum height of 10.5 metres; whereas, a maximum height of 12.0 metres is permitted;
- a reduced minimum front yard depth of 2.1 metres (after the required road widening dedication); whereas, a minimum front yard depth of 8.0 metres is required;
- an increased maximum yard encroachment into the front yard depth for the proposed below-grade outdoor amenity spaces 0.2 metres from the front lot line; whereas, the below-grade patios would be permitted no closer than 1.2 metres to a lot line; and
- a reduced (westerly) minimum interior side yard depth of 3.0 metres; whereas, a minimum interior side yard depth of 5.5 metres is required when the end wall of a unit contains no widows to habitable rooms for a building height of 10.5 metres as proposed above.

On February 19th, 2019, the revised conceptual site plan was posted on the City's Current Planning and Development Applications webpage and emailed directly to individuals who had previously expressed interest in this planning application and had provided an email contact. Approximately, 5 additional replies were received (see more detail in Appendix "C"). On March 20th, 2019, a revised tree preservation plan and a revised tree assessment report reflecting the revisions made to the conceptual site plan were posted on the City's Current Planning and Development Applications webpage and emailed directly to individuals who had previously expressed interest in this planning application and had provided an email contact.

3.3 Community Engagement

Notice of Application was sent to property owners in the surrounding area on August 30, 2018 and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 31, 2018. The notice advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(_)) Zone to permit and facilitate the development of cluster housing in the form of sixteen (16) "back-to-back" townhouse dwellings on the subject lands. The notice advised of special provisions to the standard Residential R5 (R5-7) Zone regulations to permit a reduced minimum front yard depth of 2.1 metres and a reduced (westerly) minimum interior side yard depth of 1.7 metres.

Notice of Revised Application was sent to property owners in the surrounding area on September 26, 2018, and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 27, 2018. The revised notice advised of an additional special provision to permit an increased maximum yard encroachment into the front yard depth for the proposed below-grade outdoor amenity spaces, 0.2 metres from the front lot line notwithstanding the yard encroachments permitted in Section 4.27 – General Provisions in the City's *Zoning By-law Z.-1*. The below-grade outdoor amenity spaces were shown on the conceptual site plan circulated with the original Notice of Application, but a special provision to permit an increased maximum yard encroachment for the proposed below-grade outdoor amenity spaces was not initially requested.

Approximately, 40 replies were received as part of the community engagement process prior to the January 7th, 2019 public participation meeting before the PEC.

4.0 Key Issues and Considerations

4.1 Outcome/Changes

The January 15th, 2019 Council resolution directed staff to report back after considering a tree preservation plan to preserve as many trees as possible on the site, the presence of fencing that would restrict access to Orkney Crescent, and multiple specific yard depths. The applicant has chosen to submit and proceed with a revised conceptual site plan dated January 2019 that is consistent with the staff recommendation contained in the January 7th, 2019 report to the PEC, although slightly different from the Council resolution in regards to the minimum interior side yard depth.

Tree preservation and fencing are notably matters for Site Plan Approval ("SPA") and will be coordinated through the SPA process. Staff, in response to the direction of Council, have reviewed the revised tree preservation plan (March 2019) and the revised tree assessment report (March 2019) for consistency with best practices for tree preservation as discussed below in detail. The revised conceptual site plan (January 2019) indicates that a 1.8 metre high board-on-board privacy fence would be provided along the northerly, easterly and westerly property lines. Yard depths as well as separation distances are also discussed below, and some changes to yard depths and separation distances were achieved and are shown on the revised conceptual site plan. Should the PEC and/or Council want to consider and proceed with a zone change that reflects all of the specific yard depths identified in the January 15th, 2019 Council Resolution, an alternative by-law has been attached to this report as Appendix "B". For a complete planning analysis regarding the zone change application for the subject lands, the January 7th, 2019 report to the PEC should also be reviewed and is attached as Appendix "D" to this report.

4.1.1 Yard Depth/Setbacks

It was the preference expressed by some community members during the January 7th, 2019 public participation meeting before the PEC that if there was to be cluster townhouse development on the subject lands, that the standard regulations for the R5-5 Zone variation be applied, and that the only exception to those standard regulations be a reduced maximum height of 10.5 metres.

With regards to the recommended reduced minimum front yard depth of 2.1 metres, and the increased maximum yard encroachment into the minimum front yard depth for below-grade outdoor amenity spaces 0.2 metres from the front lot line, community concerns were focused on potential impacts to pedestrian and cyclist safety and providing a setback which would be consistent with the streetscape character along Windermere Road.

The ultimate right-of-way width recognized in Zoning By-law Z.-1 has been taken into account as part of this planning application with the understanding that a road widening dedication will be taken along 536 Windermere Road through the subsequent SPA process. The requested reduced minimum front yard depth and the requested increased maximum yard encroachment into the front yard depth for the below-grade outdoor amenity spaces is not expected to negatively-impact the future widening of Windermere Road. The City's Transportation Planning and Design Division did not express concerns about the requested reduction in the minimum front yard depth nor the requested encroachment into the front yard depth affecting sightlines for safe circulation, so long as there are no encroachments into the public right-of-way. The proposed development and recommended amendments would not result in any encroachments into the public right-of-way. The proposed development is wholly contained on lands under private ownership.

In terms of the streetscape character along the north side of Windermere Road, *The London Plan* directs that the prevailing street wall or street line be maintained and reinforced (policy 256_). Many of the properties located on the north side of Windermere Road are "rear-lotted" onto Windermere Road. As such, it is the fence line along the rear lot lines that establishes the street wall/street line on the north side of Windermere Road. The requested reduction in the minimum front yard depth and requested increase in the maximum yard encroachment into the front yard depth to accommodate the proposed below-grade outdoor amenity spaces (with railings or

guards where required by the Ontario Building Code ("OBC")) would allow for the proposed buildings to be positioned closer to the existing fence line than the standard regulations of the recommended R5-5 Zone to maintain and reinforce the street wall/street line. Contemporary best practices and *The London Plan* discourage rear-lotting (policy 229_). The Council resolution requested that staff consider these reduced front yard regulations as part of a future recommendation to the PEC.

With regards to the recommended minimum (westerly) interior side yard depth of 3.0 metres, community concerns were focused on providing an appropriate yard depth that could mitigate impacts of the proposed development on the adjacent property to the west and maximize the preservation of existing trees. The revised conceptual site plan is consistent with the staff recommended minimum (westerly) interior side yard depth of 3.0 metres (whereas, previously 1.7 metres was provided). The January 15th, 2019 Council resolution directed that the referral back to staff take into consideration side yard depths reflective of 0.5 metres per 1.0 metre of building height.

The standard interior side yard depth regulations for the R1-6 Zone that is intended to regulate development in the form of single-detached dwellings and currently applies to the subject lands, would require a 2.4 metre minimum interior side yard depth for a building 2 ½-storeys (maximum 10.5 metres) in height, calculated as follows:

> *1.2 metres (3.9 feet) plus, for any portion of the side yard adjacent to a part of the building exceeding one storey in height, 0.6 metre (2.0 feet) for each storey or part thereof above one storey.*

Meanwhile, the standard interior side yard depth regulations for the recommended R5-5 Zone that is intended to regulate development in the form of cluster townhouse dwellings would require a 5.5 metre minimum interior side yard depth for a building 2 ½-storeys (maximum 10.5 metres) in height, calculated as follows:

> *0.5 metres (1.6 feet) per 1.0 metres (3.28 feet) of main building height, or fraction thereof, but in no case less than 3.0 metres (9.8 feet) when the end wall of a unit contains no windows to habitable rooms.*

Both zones use a variable minimum side yard depth that increases in conjunction with increases in building height. In terms of land use planning considerations, increases in building height could have the effect of impairing access to sunlight and could provide more opportunity for overlook. A corresponding increase in yard depth is a possible mitigation measure to offset those impacts.

In recommending a reduced (westerly) minimum interior side yard depth of 3.0 metre, staff thought it appropriate to respect existing standards for minimum interior side yard depths based on the current zoning permissions, while providing an opportunity for intensification and infill where Official Plan policies contemplate more intensive forms of residential development. The recommended reduced minimum (westerly) interior side yard depth for the proposed 2-½ storey townhouse dwellings (up to a maximum height of 10.5 metres) would meet and exceed the standard minimum interior yard depth required under the R1-6 Zone for a single-detached dwelling of the same height as the proposed townhouse dwellings. Notably, building mass, not building type (i.e. single-detached dwellings vs. multi-family dwellings), would be an impediment to sunlight. With regards to privacy, although the proposed cluster townhouse dwellings could result in more "eyes" overlooking adjacent properties, the reduced minimum (westerly) internal side yard depth is only recommended where the end wall of a unit contains no windows to habitable rooms therefore, restricting overlook from the additional units.

In addition to the above, there is a 7.0 metre wide sanitary sewer easement located on the adjacent property to the west (123 Orkney Crescent) over which buildings or permanent structures would not be permitted. This easement ensures a sizable separation distance of approximatley10.0 metres (3.0 metre for the minimum interior side yard depth, plus 7.0 metres for the easement)would be provided between the proposed townhouse dwellings on the subject lands and the existing single-detached dwelling on the adjacent property to the west.

Other site considerations for which the recommended reduced (westerly) minimum internal side yard depth has implications include landscape screening and tree preservation. The recommended reduced (westerly) minimum interior side yard depth of

3.0 metres represents an increase from the initial request for a side yard depth of 1.7 metres, and will ensure sufficient space is provided between the proposed buildings and property line to provide for enhanced landscaping that would screen the proposed development from the adjacent property. It will also provide a barrier to informal pedestrian circulation along the (westerly) interior side yard to discourage potential "cut-though" from Windermere Road to Orkney Crescent. The recommended (westerly) minimum interior side yard depth of 3.0 metres is also expected to provide an adequate separation distance from the existing trees located on the adjacent property to west (123 Orkney Crescent) along the shared property line as a protective buffer for the preservation of those trees. The tree preservation is discussed in greater detail below.

The January 15th, 2019 Council resolution also directed that the referral of the zone change application back to staff take into consideration a minimum rear yard depth of 6.0 metres. The revised conceptual site plan provides a rear yard depth of 7.7 metres; whereas, the previous conceptual site plan provided 6.0 metres.

Staff are not opposed to the application of the standard minimum interior side yard depth regulation for the recommended R5-5 Zone, however staff have previously recommended a reduced side yard to the PEC and have not been presented with information that would require a change to the recommendation. Infill situations such as this application, often require a more flexible approach, and the use of site-specific exceptions to the standard regulations to accommodate change. Moreover, contemporary planning policies are focused on planning for sustainable and resilient communities, and encourage intensification and infill as a means to manage growth and achieve a compact form of development. The City's Zoning By-law Z.-1 that provides the development standards by which to achieve this intensification, was developed 30 plus years ago under a different planning policy framework. A new Zoning By-law for the City of London, consistent with the *2014 PPS* and intended to implement *The London Plan*, is proposed to be developed over the next few years.

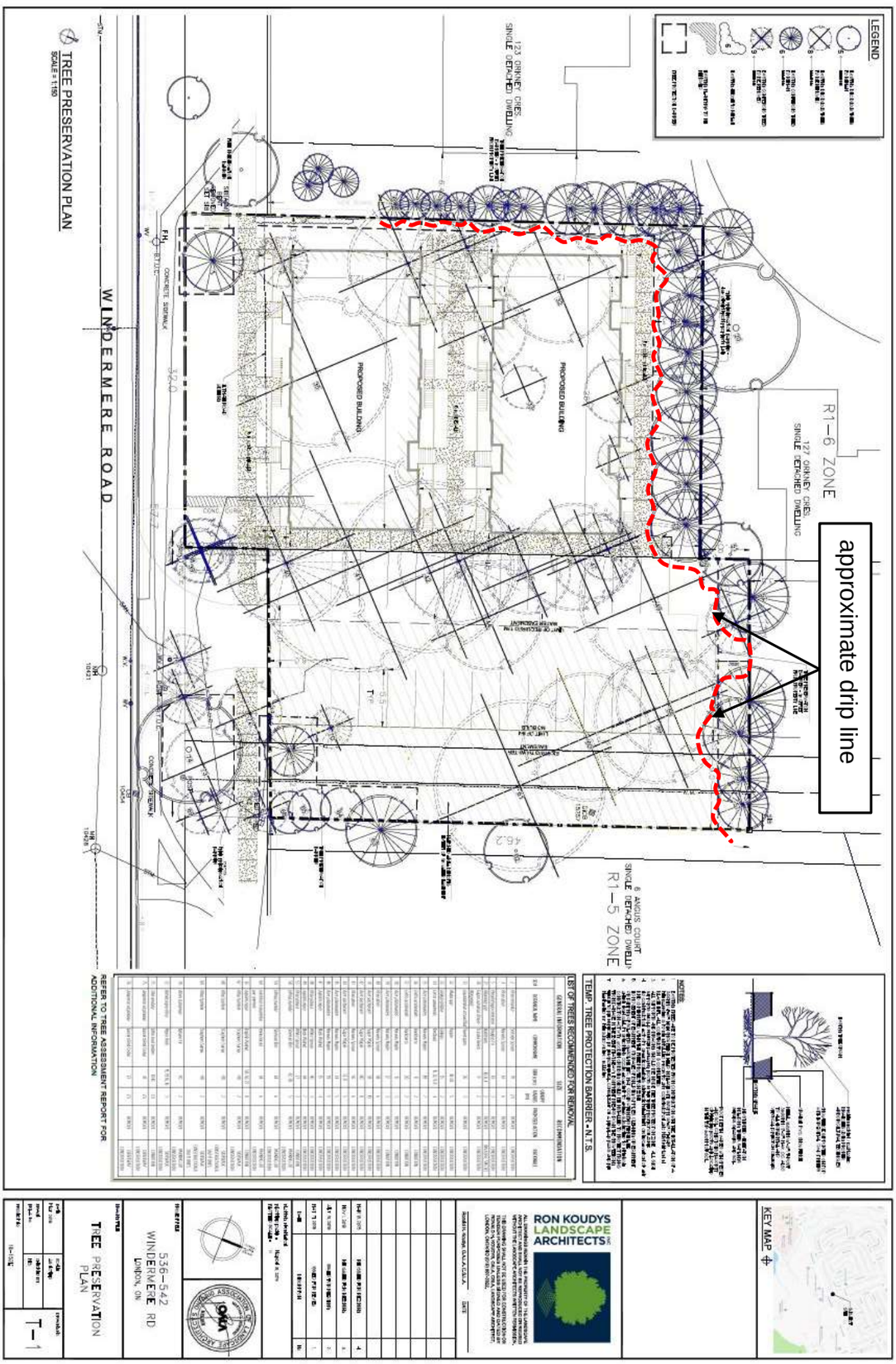
4.1.2 Tree Preservation

In response to community concerns regarding the preservation of existing trees, the January 15th, 2019 Council resolution directed staff to consider a tree preservation plan to preserve as many trees as possible on the subject lands. Much of the discussion on this topic has focused on existing trees, located both on-site and off-site, proximate to the northerly and westerly perimeter of the subject lands for the purpose of screening views between properties and preserving privacy. There are also policies in *The London Plan* aimed at protecting and enhancing the City's tree canopy for the purposes of mitigating climate change, improving air quality, controlling water movement and water quality and for beautification of properties and streetscapes.

The revised conceptual site plan is consistent with the staff recommendation contained in the January 7th, 2019 report to the PEC and contains fewer dwelling units and smaller building footprints than the previous conceptual site plan considered by the PEC. A revised tree preservation plan (March 2019) and revised tree assessment report (March 2019) have also been provided by the applicant, The revised tree preservation plan shows greater separation distances between the proposed area of development, including pedestrian walkways, stairways, and below grade amenity spaces, and the existing trees to the north and west (Figure 3). Those separation distances are expected to provide an adequate protection buffer for the survival of the existing trees. In keeping with best practices, the area of development depicted on the revised tree preservation plan is generally shown to be outside of the drip line of the existing trees, with the outermost circumference of the tree canopy generally representative of the drip line. The revised tree preservation plan and revised tree assessment report indicate that a greater number of on-site trees along the northerly property line could be preserved than was previously indicated in earlier versions of the plan and report.

It should be noted that tree preservation and the enhancement of the tree canopy coverage is typically a matter to be considered in detail through the SPA process, with the Site Plan Control By-law containing the standards and requirements for tree preservation and additional tree planting.

Figure 3: Revised Tree Preservation Plan (March 2019)



4.1.3 Building Separation Distance

The separation distances between the two (2) townhouse blocks proposed for the subject lands was identified as a community concern, and regarded by staff as an indicator of the over-intensification of the subject lands. The separation distance between buildings on the same lot is not typically regulated by the Zoning By-law. The City's Site Plan Control By-law does provide guidance on separation distances for multi-family residential development, with the objective of providing adequate penetration of direct daylight into habitable spaces, natural ventilation, visual privacy as well as

separation and/or screening from noise. Within built-up areas under redevelopment, the City's Site Plan Control By-law contemplates a separation distance of 8.0 meters for row houses or similarly attached dwellings with habitable room windows. The separation distance between the two townhouse blocks was initially shown as approximately 4.0 metres to 4.9 metres, and was subsequently increased to 7.0 metres as shown on the revised conceptual site plan. The revised conceptual site plan was reviewed with input from Site Plan staff at the City, who have expressed satisfaction that the revised conceptual site plan and separation distance between the two townhouse blocks now meets the general intent of the Site Plan Control By-law.

It is worth noting that some of the community concern regarding the building separation distance focused on fire protection under the OBC, specifically that the amount of unprotected building openings (i.e. windows) relative to the building separation distance that would require fire protection mitigation measures in the form of fire shutters. The community expressed concern that the fire shutters would be unattractive as well as in conflict with the requirement for safe secondary egress from bedrooms. As part of the initial application review, Building Staff were engaged in a preliminary discussion regarding fire protection. Building Staff advised that a variety of possible refinements through the SPA process, including other fire protection measures such as a fire sprinkler system, could address fire protection issues. Compliance with the OBC will be reviewed through the subsequent SPA process to ensure the ultimate form of development would be consistent with the OBC.

5.0 Conclusion

The requested amendment to permit and facilitate the redevelopment of the subject lands for cluster townhouse dwellings is recommended to be refused because the proposed intensity and form of development is an over intensification of the subject lands and does not represent good planning. The requested amendment did not provide the appropriate development standards by which to minimize or mitigate potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.

The recommended amendment would alternatively provide for a less intense form of development than the requested amendment. The recommended amendment is consistent with the *2014 Provincial Policy Statement* that encourages a range and mix of land uses to support intensification and achieve compact forms of growth. The recommended amendment is consistent with the *2014 Provincial Policy Statement* that directs municipalities to identify appropriate locations for intensification and plan for all forms of housing required to meet the needs of current and future residents.

The recommended amendment conforms to *The London Plan* that contemplates residential intensification in the *Neighbourhoods Place Type, where townhouses are contemplated as a primary permitted use on all street classifications. The recommended amendment conforms to the *1989 Official Plan* that contemplates residential intensification in the Low Density Residential designation in the form of multiple-attached dwellings, such as the recommended cluster townhouse dwellings.

The recommended amendment also conforms to the height minimum and height maximums contemplated in the *Neighbourhood Place Type on a *Civic Boulevard (Windermere Road) in *The London Plan.* The recommended amendment conforms to the *1989 Official Plan* and the maximum density contemplated in the Low Density Residential designation through residential intensification.

The recommended amendment provides for a form of residential intensification that can be implemented on subject lands in light of the constraint to development on the easterly-most portion of the property. The recommended amendment would provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.

Holding provisions are recommended to ensure that development takes a form compatible with adjacent land uses following public site plan review; and to ensure the subject lands are assessed for the presence of archaeological resources prior to development or site alterations that would involve soil disturbance.

The recommendation of the PEC and subsequent Council resolution directed staff to report back after considering the following matters: the comments and concerns of the community; a tree preservation plan to preserve as many trees as possible on the site; the presence of fencing that would restrict access to Orkney Crescent; and multiple specific yard depths. The applicant has since chosen to submit and proceed with a revised conceptual site plan that proposes fewer dwelling units and smaller building footprints on the subject lands than initially requested.

The revised conceptual site plan is able to provide a separation distance between the two townhouse blocks that meets the general intent of the Site Plan Control By-law. The revised conceptual site plan also shows greater separation distances between the proposed area of development and the existing trees to the north and west; and those separation distances are expected to provide an adequate protection buffer for the survival of the existing trees. The revised conceptual site plan shows a 1.8 metre high board-on-board privacy fence along the northerly, easterly and westerly property lines. The proposed privacy fence, along with the preservation of existing trees and opportunities for enhanced landscaping, will restrict access to Orkney Crescent from the subject lands. With the exception of the (westerly) interior side yard depth, the revised conceptual site plan meets the specific yard depths that the Council resolution requested staff consider. The (westerly) interior side yard depth shown on revised conceptual site plan, is consistent with the staff recommendation contained in the January 7th, 2019 and staff having not been presented with information that would require a change to that recommendation.

Prepared by:	**Melissa Campbell, MCIP, RPP** **Planner II, City Building and Design**
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**
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	

April 8, 2019
MC/mc

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

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 536 and 542 Windermere Road.

WHEREAS 2492222 Ontario Inc. has applied to rezone an area of land located at 536 and 542 Windermere 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 536 and 542 Windermere Road, as shown on the attached map comprising part of Key Map No. A102, from a Residential R1 (R1-6) Zone to a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone.

2) Section Number 3.8 2) of the Holding "h" Zone is amended by adding the following Holding Provision:

) h-(*) *Purpose:* The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No soil disturbance arising from demolition, construction, grading, or any other activity, shall take place on the subject property prior to the City of London receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

3) Section Number 9.4 e) of the Residential R5 (R5) Zone is amended by adding the following Special Provision:

)	R5-5(_)	536 and 542 Windermere Road		
	a)	Regulations		
		i)	Front Yard Depth (minimum)	2.1 metres (6.96 feet)
		ii)	West Interior Side Yard Depth (minimum)	3.0 metres (9.84 feet) when the end wall of a unit contains no windows to habitable rooms
		iii)	Height (maximum)	10.5 metres (34.45 feet)
		iv)	Notwithstanding the regulations of Section 4.27 of this By-law to the contrary, on lands zoned R5-5(_) open or covered but unenclosed decks or porches not exceeding one storey in height may project no closer than 0.2 metres (0.66 feet) from the front lot line.	

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 April 23, 2019.

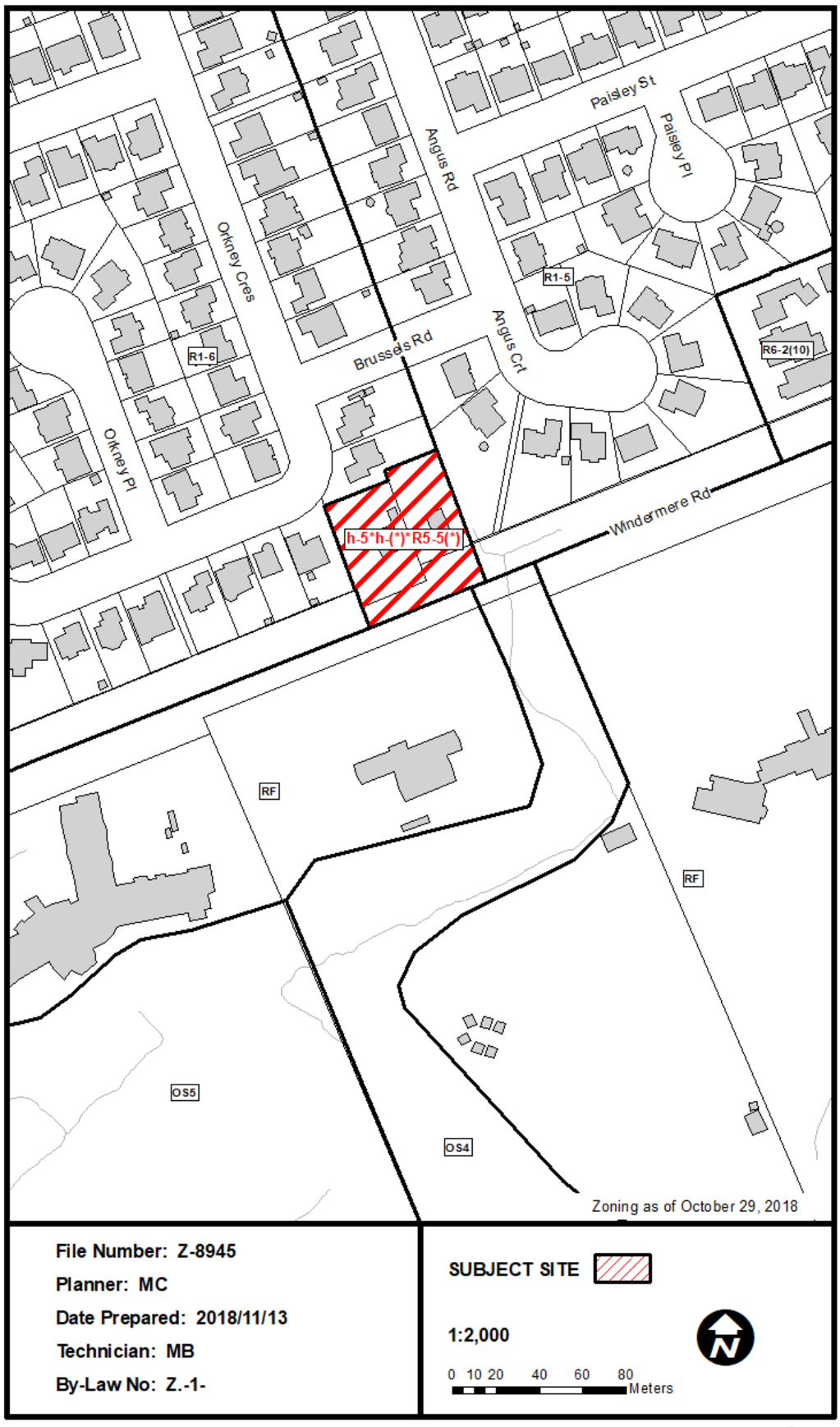
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – April 23, 2019
Second Reading – April 23, 2019
Third Reading – April 23, 2019

File: Z-8945
Planner: M. Campbell

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



Appendix B – Alternative By-law

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 536 and 542 Windermere Road.

WHEREAS 2492222 Ontario Inc. has applied to rezone an area of land located at 536 and 542 Windermere 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 536 and 542 Windermere Road, as shown on the attached map comprising part of Key Map No. A102, from a Residential R1 (R1-6) Zone to a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone.

2) Section Number 3.8 2) of the Holding "h" Zone is amended by adding the following Holding Provision:

) h-(*) *Purpose:* The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No soil disturbance arising from demolition, construction, grading, or any other activity, shall take place on the subject property prior to the City of London receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

3) Section Number 9.4 e) of the Residential R5 (R5) Zone is amended by adding the following Special Provision:

)	R5-5(_)	536 and 542 Windermere Road		
	a)	Regulations		
		i)	Front Yard Depth (minimum)	2.1 metres (6.96 feet)
		ii)	Height (maximum)	10.5 metres (34.45 feet)
		iii)	Notwithstanding the regulations of Section 4.27 of this By-law to the contrary, on lands zoned R5-5(_) open or covered but unenclosed decks or porches not exceeding one storey in height may project no closer than 0.2 metres (0.66 feet) from the front lot line.	

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.

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PASSED in Open Council on April 23, 2019.

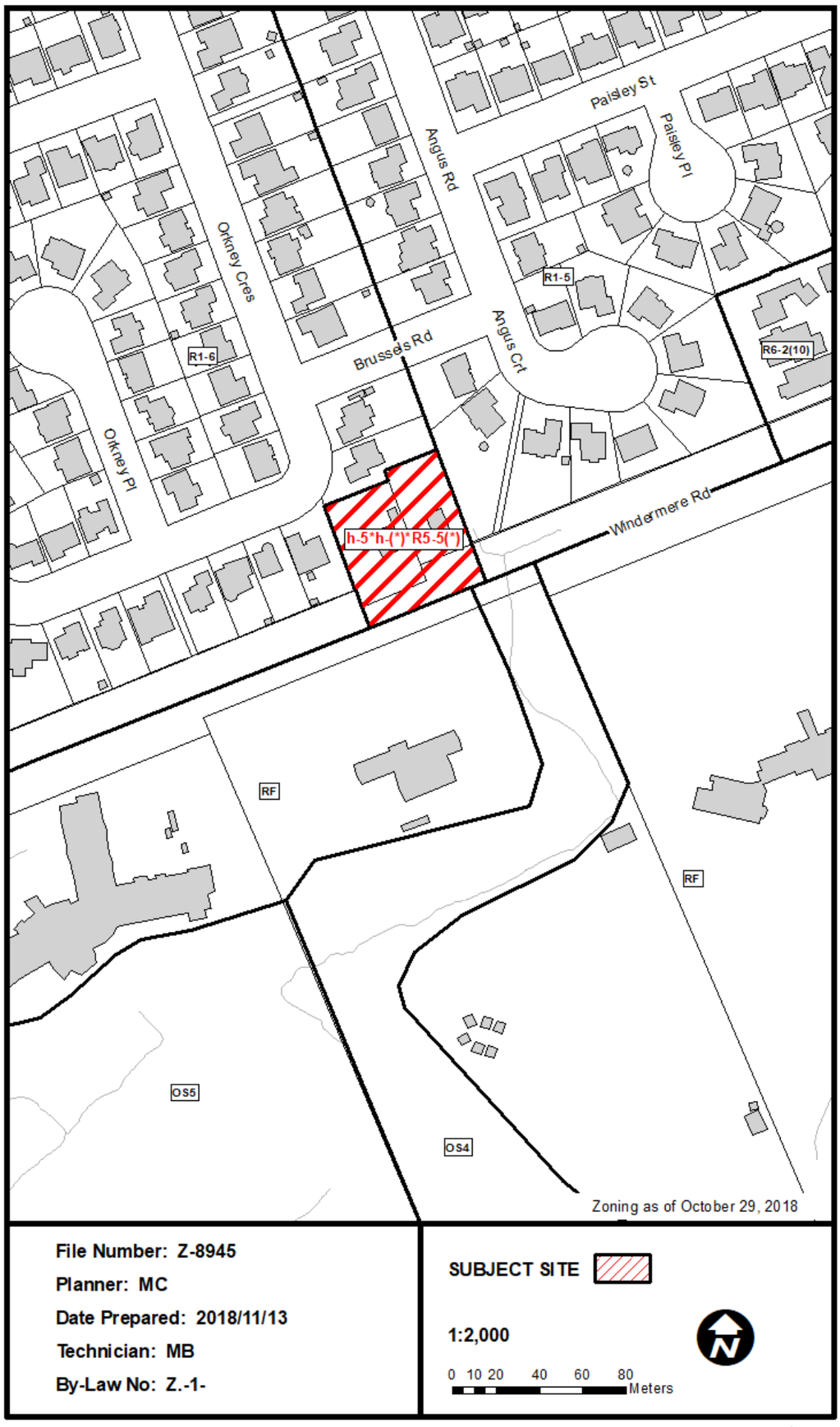
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – April 23, 2019
Second Reading – April 23, 2019
Third Reading – April 23, 2019

File: Z-8945
Planner: M. Campbell

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



Appendix C – Community Engagement

From: Tony Mara On Behalf Of Tony Mara
Sent: Monday, April 1, 2019 12:07 PM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>
Subject: [EXTERNAL] response to application Z-8945 revisions

Hi Melissa,

This is a response to the revisions made to re-zoning application Z-8945 (536, 542 Windermere Rd).

I felt the councillors on the city's Planning Committee (PEC) made themselves very clear about the concerns regarding this application and the directions they gave for changes to be made.

a) Stick to the standard interior yard setback requirements as specified in the R5 zoning bylaw for the westerly setback between 536 Windermere Rd and 123 Orkney Crescent - which requires a 5.5m setback for a building height of 10.5m
- I can not see how the city planning department can continue to recommend an interior side yard setback less than the full 5.5m, as indicated by the zoning bylaw and directed by the PEC. This is not acceptable and will be challenged

b) Change the site plan sufficiently to protect and retain the trees along the perimeter of the site, especially between 536 Windermere and 127 Orkney, as well 123 Orkney. This was highlighted and prioritized by the PEC.
- It appears that the building has been moved an additional 1.7m further from the northern property line, based on a new rear yard setback of 7.7m, indicated on the revised site plan provided. This 7.7m separation distance does not include the lowered amenity spaces extending an additional 1.9m, nor 1.5m for the surfaced sidewalk. It also does not include the extra space that will be required for landscaping in front of each of the lowered amenity spaces - as per London's site plan approval requirements, and as indicated on the application's revised site plan for the amenity spaces between the two buildings which appear to be approximately 1m each. Based on the revised 7.7m setback (to the building face), the net separating distance TO THE PROPERTY LINE would be approximately 3.3m. The existing trees range from 1-2m from the property line to their trunk. Their trucks extend as much as 0.5m. The drip line for the majority of these trees extend beyond 3m from their trunk, with some extending as much as 4.5m.
- Based on this simple math, it still appears that the revised designed submitted by the applicant still fails to provide sufficient separation from these existing trees in order to protect and retain them during construction. So how, if the city planning staff have done their proper due diligence, can you support and recommend the revised applicant as currently submitted? Again, this does not meet the directions provided by the PEC in January. It is not acceptable and will be challenged

c) While a front yard set back of 2.1m was deemed reasonable by the PEC, this did not in any way include a further encroachment as originally requested in the application. I recommend you go back and review the video from January's PEC for the comments made by the councillors regarding the front yard setback. I think you will find their position clear regarding the extra encroachment distance requested within the application as not being appropriate or recommended forward.

Melissa, I have attached a document I found on the City of London's website which discusses the urban planning process. If the city is following their own points outlined in this document, especially under #4, then this application should not meet the standards set by the city.

Infill development can represent the most challenging type of development. Both the 1989 Official Plan and the current London Plan acknowledge the sensitivity of this type

of development and repeatedly use terms like “fit” and “compatibility” when describing the type of infill development that is desired by the city. I referenced many of these specific points from the 1989 Official Plan and the London Plan in my previous submissions. While small adjustments have been made to the site plan for this application, these changes have not been sufficient to justify the re-zoning requested by this application. This application still fails to qualify as the type of development that will work with the adjacent properties and surrounding neighbourhood and has not done enough to justify a positive recommendation to the PEC by London’s planning department. If the planning department continues to recommend this re-zoning application forward to the PEC, we will oppose this recommendation and the application in every way possible.

Tony Mara
127 Orkney Crescent

http://www.london.ca/business/Planning-Development/urban-design/Documents/Howdoesurbandesignfitwithintheplanningprocess.pdf

Urban Design & the Planning Process

Urban design is incorporated into a variety of planning processes, including:
- Official Plan and Zoning By-law amendment applications
- Site Plan applications
- Minor variance & consent applications
- Subdivision applications

Generalized process diagrams illustrate how urban design fits within the Official Plan amendment & zoning amendment, and site plan approval processes. Some common messages are noteworthy:

1. It is important to begin the urban design discussion early in your project process. Problems often arise when applicants go through expensive processes to design their buildings in detail, establish floor plans, or prepare expensive architectural and/or engineering drawings prior to entering into an urban design discussion.
2. Begin with an urban design brief. This will take you through the process of evaluating your site from the perspective of its surroundings, potential linkages, important features and other relevant considerations and then through the process of establishing key urban design objectives. Once you have established those objectives and discussed them with Urban Design staff, you will have a solid foundation for designing a site and building that responds to those objectives.
3. Incorporating quality urban design elements into a project DOES NOT have to be expensive. Its all about responding to urban design objectives and in many cases urban design can bring cost savings to a project.
4. Urban design IS NOT simply about aesthetics or architectural design. In general terms, urban design seeks to facilitate:

a) “People first” development
b) Quality public spaces and places
c) Better connected forms of development
d) Mixed use development – in a variety of different forms
e) More compact forms of development
f) Higher quality built form – both buildings and the spaces between them
g) Functionally and economically successful development
h) Development which preserves natural and built heritage
i) Development that recognizes and builds local character

From: Frederick Rodger
Sent: Sunday, March 31, 2019 11:53 PM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Allan Brocklebank; Joel Faflak; Linda May; Tony Mara; Mario Scopazzi; Cassidy, Maureen <mcassidy@london.ca>; Dennis & Connie Kirkconnell
Subject: [EXTERNAL] RE: Z-8945 536 & 542 Windermere Rd - Revised Tree Preservation Plan & Revised Tree Assessment Report

Hello Melissa,

File: Z-8945
Planner: M. Campbell

I have reviewed the tree preservation plan and the revised site plan. Neither document fulfills the directives as mandated at the January PEC meeting nor the bylaws of a R5-5 zone. The building is still too large for R5-5 zoning on this parcel of land.

1.) The temporary fence in the written portion of the tree preservation document does not clearly state a 'no dig, no cover' specification. 'No dig, no cover' is implied but it is not clearly stated. The 'no dig, no cover' has to be extended to the future after the initial construction is complete and the temporary fence is removed. This needs stronger wording such that there is no misunderstandings. An easement would be a good way to preserve this area and keep it natural. I believe the PEC members understood that the tree preservation plan would be created by an impartial arborist, not one in the employ of the developer, in order to eliminate any bias or weak content.
2.) The diagram and measurements on the site plan are inaccurate because they do not show the actual extent of the drip line. The drip line of the trees at the back of the building (trees 22, 23, 24, 25, 26, 27, 28 and 29) extend 5.8 meters from the fence / 4.5 meters from the tree stem. The drip line as shown on the tree preservation plan is grossly understated. The temporary fence needs to be moved further away from the trees such that the temporary fence is 5.8 meters from the property line. As currently shown on the site plan, the branches if not cut, would be rubbing up against the side of the building. This current plan will cause too much damage to the tree roots and branches as well as too much shading. Similarly, the temporary fence distance from the property line for trees 52, 54, 55, 56, and 57 is inadequate. The actual drip line for these trees extends 4.2 meters from the fence line and needs to be extended to 4.2 meters from the property line. It is clear that the developer has minimized the size of these trees. The PEC meeting in January stated clearly that the building had to be reduced in size to fit within the R5-5 boundary side lot and back lot setbacks. This building is still too large for the site and infringes upon the trees' living space. It is clear that the trees need more root protection space and more protection from shading.
3.) The odd shaped piece of curb and sidewalk infringes too far into the root zone of tree #29. This odd shaped piece will have to be removed from the plan. This protrusion also impacts item 5 below (drainage).
4.) The trees along the west lot line on the adjacent property are not addressed at all. The PEC was very clear that these trees were to be included in the tree preservation plan. Here too the building encroaches into the trees' space both from a shading and root protection perspective. The PEC directive stated that the side lot distance from the building was to be 0.5 meters per meter of height (or fraction thereof). This side lot distance from the building to the side lot needs to be 5.5 meters. The temporary fence needs to be moved out to 2.3 meters from the side lot property line. The building needs to be reduced in size to fit this criteria and the tree preservation plan requires updating to include the westerly trees.
5.) There are just a few general sentences about the existing drainage patterns. There is no plan whatsoever about how these drainage patterns are to be maintained. A water retention and drainage plan needs to be defined in detail. The area at the back of these properties is a water collection area for rainwater runoff and snow melt. I have seen years when the spring water is three feet deep. The spring water saturation of the soil at the back of the property is essential for the ongoing health of the larger trees. The tree preservation plan does not address this at all. The two parking spaces closest to rear property line need to be removed in order to maintain the saturation zone for the trees along the back of the property as well as an increased protection zone as stated in #2 above (increase to 4.2 meters).
6.) There is no reference to how the owner of the trees along the west border will be compensated for any trees that die as a result of construction or shading. The tree preservation plan needs to include strong wording and terminology that accounts for both root damage and shading. This wording has to include tree replacement and financial penalties to ensure that the builder/developer will be held accountable for any tree damage or dead trees. It may be in everyone's

best interest that builder/developer include a substantial deposit before the clearing of the site begins. There needs to be well-crafted directives of how the builder/developer is mandated to replace trees and financially compensate for trees that are damaged or die within a specified time period (i.e. 10 years).

In summary, the tree preservation plan and revised site plan documents do not fulfil the directives given to the planning department at the January 2019 PEC meeting. The revised building is still too big. The documents lack any binding statements that will hold the builder/developer accountable for negligence or willful damage. Could you please review the tree preservation plan and create a plan that has more specifics and improvements on the 'no dig, no cover' and drainage aspects. There needs to be better wording and more information about penalties for the developer/builder should any of the trees be damaged, or worse, if they die due to construction or future shading.

Regards,
Fred Rodger

From: Frederick Rodger
Sent: Monday, March 4, 2019 12:17 PM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Linda May; Tony Mara; Mario Scopazzi
Subject: RE: Z-8945 536 & 542 Windermere Rd - Revised Conceptual Site Plan

Good morning,

I was wondering when we are going to get more information on the revised Windermere project. Can you give us an ETA?

Further to that, I am wondering what reasoning you have for ignoring the PEC's directives on how this project was to move forward. To begin, the developer has not 'worked with community' in any shape or form. The building is now 2 ½ story's and the side yard allowance does not conform to the bylaw specifications for that height of building. The alley way between the building is only 7m which is only half of what is required for the amount of glazing that the builder is proposing for these facades. The windows need to be reduced in size considerably if planning is to allow a 7 m alleyway.

When will we see the tree preservation plan and the fencing plan?

Mostly. I wish to know the logic behind ignoring the PEC's directives. Please send me the a detailed report along with any documentation that supports your position for ignoring the PEC's directives.

Thank you in advance,
Fred

From: Charles Spina
Sent: Thursday, March 14, 2019 11:09 AM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: RE: General question

Hi Melissa,

I am on your list of parties having an interest in the proposed Windermere development. Although I share most of the concerns expressed by those in my neighborhood who spoke at the City Hall session, ultimately leading to the developer's submission of the revised site plan, my negative reaction to this plan was actually prompted by the artist's rendering that graces the re-zoning notice board that has been erected on the site itself.

This leads me to the purpose of this email message.

My question to you-actually a request for assistance- relates to The London Plan, specifically the extent to which the aesthetic aspects of architectural control are addressed by it, and where. I realize I need to do my own homework here, so out of respect for your heavy workload, a simple "yes, it is addressed in this source and section etc." would be of immense directional value to me, not to mention a big timesaver.

I am certainly not alone is questioning the decision making process that has led over the years to the issuance of permits for the following, to name just a few:

-the zero setback apartment building on Richmond north, west side, just south of the bridge -the cinder block facade of the building on the southwest corner of Oxford and Richmond -the monstrosity that now occupies the southwest corner of Richmond and Hillview across from Masonville -some of the condo designs that one now sees on Sarnia Rd. west of Wonderland -the new pedestrian bridge that crosses Stoney Creek on the path that runs between Windermere and Adelaide, which is already rusted its entire length, and to be candid, looks like hell, in the midsts of such natural beauty, not to mention its very late completion -and now, the proposed design of those Windermere condos, which I have earlier referred to as "contemporary bunker"

I don't drive around looking for opportunities to criticize others' tastes; I don't need to, since these sore thumbs stick out on their own, to the chagrin, I should note, of many other Londoners. It comes up in random conversations these days, and often, as in "who is in charge at City Hall that they would let this happen to the City?"

Let me be clear, I know that the decision making is outside of the scope of your role. I am simply asking for authoritative documentary sources here, and you were the person I thought might be able to identify them for me.

The time has come for a grass roots Beautify London campaign. Before it starts, with or without my championship of the cause, it needs to depart from an informed position i.e. does the City currently have controls, where are they, are they being enforced, and by whom? Hence my reason for reaching out, and for providing you with the context for my request.

Thanks for any assistance you might be able to provide me, Melissa.

From: Bob Barker
Sent: Tuesday, February 19, 2019 11:10 AM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Re: Z-8945 536 & 542 Windermere Rd - Revised Conceptual Site Plan

Hi. A 7 foot front yard to the now normal setback is way to small. Nothing on Windermere is that close. For ever it will look out of place and not at all conforming to the normal. This is not good business practise. This is still WRONG, why is the City even considering such a mistake, that can never be correct, if allowed! ...Bob and Ellen Barker

Appendix D – January 7, 2019 Report to the Planning and Environment Community

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: **2492222 Ontario Inc.**
536 and 542 Windermere Road
Public Participation Meeting on: January 7, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2492222 Ontario Inc. relating to the property located at 536 and 542 Windermere Road:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting January 15, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Residential R1 (R1-6) Zone, **TO** a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone.

(b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a Residential R1(R1-6) Zone, **TO** a Residential R5 Special Provision (R5-7(_)) Zone, **BE REFUSED** for the following reasons.

i) The requested amendment does not conform to the residential intensification policies in the *1989 Official Plan* or *The London Plan*.

ii) The requested amendment did not provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.

iii) The Zoning By-law does not contemplate this level of residential intensity in a cluster townhouse form outside of Central London.

Executive Summary

Summary of Request

The applicant requested a Zoning By-law Amendment ("ZBA") to *Zoning By-law Z.-1* to change the zoning of the subject lands from a Residential R1 (R1-6) Zone which permits the use of the subject lands for single-detached dwellings (one (1) dwelling unit per lot) to a Residential R5 Special Provision (R5-7(_)) Zone to permit the use of the subject lands for cluster housing (more than one (1) dwelling unit per lot) in the form of sixteen (16) "back-to-back" townhouse dwellings; the equivalent of 58 units per hectare ("uph"). Special provisions are requested to recognize and permit site-specific exceptions to the standard Residential R5 (R5-7) Zone regulations. The applicant requested a reduced minimum front yard depth, a reduced (westerly) minimum interior side yard depth and an increased maximum yard encroachment for the proposed below-grade private outdoor amenity spaces.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended ZBA to *Zoning By-law Z.-1* is to permit the use of the subject lands for cluster housing in the form of twelve (12) "back-to-back" townhouse dwellings; the equivalent of 45 uph. The recommended ZBA would change the zoning of the subject lands from a Residential R1 (R1-6) Zone to a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone.

Holding provisions are recommended to ensure that development takes a form compatible with adjacent land uses following public site plan review; and to ensure the subject lands are assessed for the presence of archaeological resources prior to development or site alterations that would involve soil disturbance.

Special provisions are proposed to recognize and permit site-specific exceptions to the standard Residential R5 (R5-5) Zone regulations. The recommended special provisions include a reduced minimum front yard depth of 2.1 metres; a reduced (westerly) minimum interior side yard depth of 3.0 metres, a reduced maximum height of 10.5 metres and an increased maximum yard encroachment for the proposed below-grade private outdoor amenity spaces of 0.2 metres from the front lot line. The magnitude of the recommended reduction in the (westerly) minimum interior side yard depth is less than the applicant's request; and the recommended reduction in the maximum height is proposed by Staff.

Rationale of Recommended Action

1. The recommended amendment is consistent with the *2014 Provincial Policy Statement* ("*PPS*") which encourages the regeneration of settlement areas and land use patterns within settlement area that provide for a range of uses and opportunities for intensification and redevelopment. The *PPS* directs municipalities to permit all forms of housing required to meet the needs of all residents present and future.

2. The recommended amendment conforms to *The London Plan* which contemplates townhouses as a primary permitted use, and a minimum height of 2-storeys and maximum height of 4-storeys within the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard. The subject lands represent an appropriate location for residential intensification, along a higher-order street at the periphery of an existing neighbourhood, and the recommended amendment would permit development at an intensity that is appropriate for the site and the receiving neighbourhood. The recommended amendment would help to achieve the vision of neighbourhoods providing a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities.

3. The recommended amendment conforms to the *1989 Official Plan* and would implement the residential intensification policies of the Low Density Residential ("LDR") designation that contemplate residential intensification in the form of cluster townhouse dwellings and a density up to 75 uph. The recommended amendment would permit development at an intensity that is less than the upper range of the maximum density for residential intensification within the LDR designation to ensure the form of development is appropriate for the site and the receiving neighbourhood. The recommended amendment would help to achieve the goal of providing housing options and opportunities for all people.

4. Conforming to the *1989 Official Plan* and *The London Plan* which require a public site plan approval process for residential intensification proposals, a holding provision is recommended for public site plan review to allow the public a continued opportunity to comment on the form of development through the subsequent Site Plan Approval ("SPA") process and to ensure that the ultimate form of development is compatible with adjacent lands uses.

5. Consistent with the *PPS* and conforming to the *1989 Official Plan* and *The London Plan,* a holding provision is provided to ensure the subject lands area assessed for the presence of archaeological resources prior to site alteration or soil disturbance occurring.

Analysis

1.0 Site at a Glance

1.5 Property Description

The subject lands are located on the north side of Windermere Road between Richmond Street and Adelaide Street. The subject lands consist of two (2) rectangular shaped lots known municipally as 536 and 542 Windermere Road. The development proposal will require the consolidation of the subject lands into one (1) lot resulting in a combined lot area of approximately 0.27 hectares (0.68 acres) prior to a road widening dedication along 536 Windermere Road.

536 Windermere Road is currently occupied by a 2-storey, red brick, single detached dwelling and detached garage (Figure 1). The existing dwelling and garage are dated c. 1939. 542 Windermere Road is currently occupied by a 1-storey, buff brick, single detached dwelling and detached garage (Figure 2). The dwelling and garage are dated c. 1920. Building dates are based on property information from the Municipal Property Assessment Corporation ("MPAC"). There are a number of mature coniferous and deciduous trees located on the subject lands. The existing trees help to screen the subject lands from adjacent properties. There is an elevation change of approximately 2.0 metres from a highpoint in the northwest (Orkney Crescent) to a low point in the southeast (Windermere Road). The subject lands are generally lower in elevation than the adjacent properties at street level. Stormwater flows are carried overland via a swale running along the westerly (interior) property line, the northerly (rear) property line, and into an inlet/catchbasin located in the north-easterly corner of 542 Windermere Road (Figure 3).

A road widening dedication will be required along 536 Windermere Road to provide for the ultimate road allowance requirement specified in the City's Zoning By-law. A road widening has previously been provided along 542 Windermere Road. Windermere Road is a higher-order street within the City's mobility network (an Arterial road – *1989 Official Plan* and a Civic Boulevard – *The London Plan*); and is intended to move medium to high volumes of vehicular traffic at moderate speeds. *The London Plan* prioritizes pedestrian, cycling and transit movements along Windermere Road, and as such, a high quality pedestrian realm and high standard of urban design is to be provided along Windermere Road. Dedicated cycling lanes are provided on the north and south side of Windermere Road. A bus route, operated by the London Transit Commission, runs along portions of Windermere Road and along Doon Drive interior to the residential neighbourhood that surrounds the subject lands to the north. The routing of the bus interior to the surrounding residential neighbourhood means that the bus route does not run immediately in front the subject lands

The surrounding land uses on the north side of Windermere Road consist of low-rise, low density, single detached residential land uses that developed as part of a phased residential plan of subdivision dating from the late 1980's. Unlike the subject lands that front onto Windermere Road, other residential properties in the vicinity of the subject lands are rear-lotted onto the north side of Windermere Road. Immediately adjacent the subject lands are 1- and 2-storey single detached dwellings that front onto Orkney Crescent or Angus Court. Cluster housing in the form of single-detached dwellings and townhouse dwellings are located in the broader surrounding neighbourhood.

Doon Drive is a "U"-shaped street that intersects with Windermere Road approximately 230 metres west of the subject lands, and 340 metres east of the subject lands, and provides the nearest street connection to the residential neighbourhood that surrounds the subject lands. Pedestrian walkway connections are provided from Orkney Crescent to Windermere Road and from Angus Court to Windermere Road approximately 78 metres west of the subject lands and approximately 10 metres east of the subject lands respectively.

The surrounding land uses on the south side of Windermere Road consist of institutional uses on large lots, including Spencer Lodge, the Ivey Spencer Leadership Centre, and Sisters of St. Joseph. Valley lands associated with the north branch of the

Thames River also extend as far north as the south side of Windermere Road opposite subject lands.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods (frontage Civic Boulevard)
- Existing Zoning – Residential R1 (R1-6) Zone

1.7 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 58 metres (189 feet)
- Depth – 46 metres to 49 metres (150 feet to 160 feet)
- Area – 2, 771 square metres (0.68 acres)
- Shape – Irregular

1.8 Surrounding Land Uses

- North – Single Detached Dwelling
- East – Single Detached Dwelling
- South – Institutional Uses
- West – Single Detached Dwelling

1.5 Intensification (identify proposed number of units)

- Sixteen (16) units within the Built-area Boundary
- Sixteen (16) units within the Primary Transit Area

1.6 Location Map

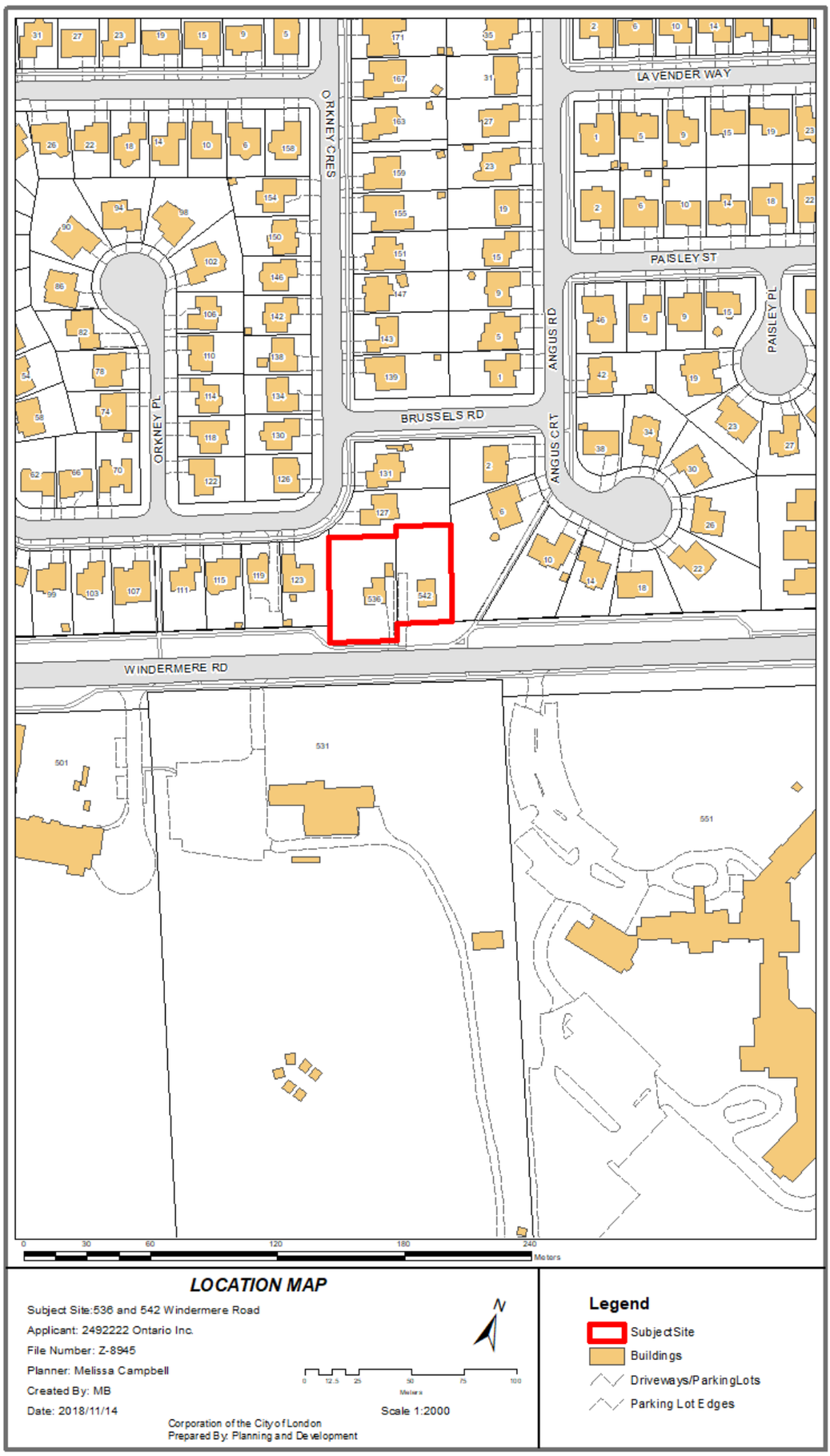


Figure 1: 536 Windermere Road

Figure 2: 542 Windermere Road

Figure 3: Stormwater inlet/catchbasin on 542 Windermere Road

2.0 Description of Proposal

2.1 Development Proposal

The requested amendment is intended to permit and facilitate the development of cluster housing in the form of sixteen (16) “back-to-back” townhouse dwellings on the subject lands (Figure 4). Once the two (2) lots that comprise the subject lands are consolidated the density of the proposed development would be equivalent to 58 units per hectare.

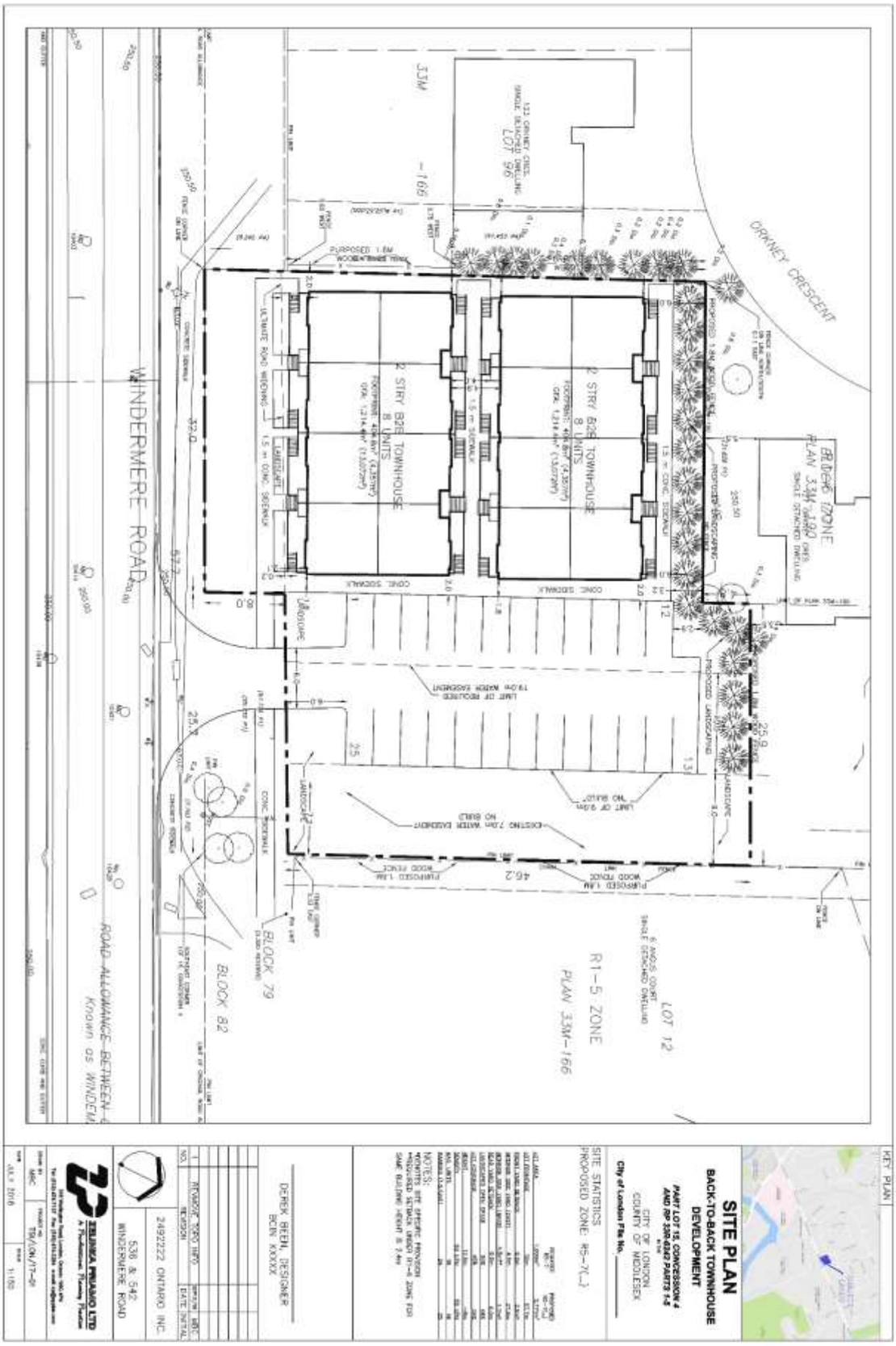
The conceptual site plan submitted in support of the requested amendment shows the proposed townhouse dwelling units arranged into two (2) separate blocks. The townhouse blocks are proposed to be positioned on the westerly-most portion of the subject lands, with one townhouse block located in front of the other, and each townhouse block consisting of eight (8) “back-to-back” dwelling units. The townhouse blocks are proposed to be approximately 2 ½ storeys, or 8.0 metres in height, and a separation distance of approximately 4.9 metres is proposed between the blocks. The “front” or southerly-most townhouse block is proposed to be situated close to the street-edge, and a reduced minimum front yard depth of approximately 2.1 metres is requested. A reduced (westerly) minimum interior side yard depth of approximately 1.7 metres is also requested.

Walkways, approximately 1.5 to 2.0 metres in width, connecting the dwelling unit entrances to the public sidewalk and to the on-site surface parking area are proposed to be located between the two (2) townhouse blocks; in the rear yard; along the easterly side of the townhouse blocks and in the front yard and encroaching into the City-owned boulevard. The on-site surface parking area is proposed to be located to the east of the townhouse blocks. The proposed on-site surface parking area would provide twenty-five (25) parking spaces. Private outdoor amenity space for residents is proposed in the form of below-grade patios located immediately adjacent to the dwelling unit entrances, and in the form of the landscaped open space located on the easterly-most portion of the subject lands. The private outdoor amenity space proposed to be located on the easterly-most portion of the subject lands would be separated from the dwelling units by the proposed on-site surface parking area. The proposed below-grade patios would encroach into the required front yard and would require a special provision for an increased maximum yard encroachment of 0.2 metres from the front lot line.

There is an existing 7.0 meter wide easement that applies to the easterly-most portion of the subject lands which contains a major city-wide watermain. There is an identified need to expand the existing easement to a 19.0 metre wide easement to accommodate the watermain as well as a maintenance area to stage and complete periodic repairs to the watermain in compliance with current health and safety standards. The existing and

expanded easement present a constraint to development on the easterly-most portion of the subject lands. No buildings or permanent structures would be permitted on the easterly-most 9.0 metres of the expanded easement, with the balance of the expanded easement available for a surface parking area.

Figure 4: Conceptual Site Plan


SITE PLAN
BACK-TO-BACK TOWNHOUSE DEVELOPMENT
PART LOT 15, CONCESSION 4
AND RP 33R-6582 PARTS 1-5
CITY OF LONDON
COUNTY OF MIDDLESEX
City of London File No. _____
SITE STATISTICS
PROPOSED ZONE: R5-7(_)
NOTES:
DEREK BEEN, DESIGNER
BCIN: XXXXX
ZELINKA PRIAMO LTD
24922222 ONTARIO INC.
536 & 542
WINDERMERE ROAD
KEY PLAN
WINDERMERE ROAD
ROAD ALLOWANCE BETWEEN
KNOWN AS WINDERMERE
ORKNEY CRESCENT
BLOCK 79
BLOCK 82
LOT 12
R1-5 ZONE
PLAN 33M-166
2 STRY 8DR TOWNHOUSE
8 UNITS
PROPOSED LANDSCAPING
CONC. SIDEWALK
LIMIT OF REQUIRED 19.0m WATER EASEMENT
EXISTING 7.0m WATER EASEMENT
NO BUILD
PROPOSED 1.8M WOOD FENCE
PROPOSED 1.8M WOOD FENCE
PROPOSED 1.8M WOOD FENCE

3.0 Relevant Background

3.1 Requested Amendment

The applicant requested an amendment to change the zoning of the subject lands from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(_)) Zone. The requested Residential R5 Special Provision (R5-7(_)) Zone would permit and facilitate the development of cluster housing in the form of sixteen (16) "back-to-back" townhouse dwellings on the subject lands; equivalent to 58 uph. The proposed development would require special provisions from the standard R5-7 Zone regulations. The requested special provisions are as follows:

- a reduced minimum front yard depth of 2.1 metres (after the required road widening dedication); whereas, a minimum front yard depth of 8.0 metres is required;
- a reduced (westerly), minimum, interior side yard depth of 1.7 metres; whereas, a minimum interior side yard depth of 4.5 metres is required when the end wall of a unit contains no widows to habitable rooms; and
- an increased maximum yard encroachment for the proposed below-grade patios of 0.2 metres from the front lot line; whereas, the below-grade patios would be permitted no closer than 1.2 metres to a lot line.

3.2 Community Engagement (see more detail in Appendix B)

Notice of Application was sent to property owners in the surrounding area on August 30, 2018 and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 31, 2018. The notice advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(_)) Zone to permit and facilitate the development of cluster housing in the form of sixteen (16) "back-to-back" townhouse dwellings on the subject lands. The notice advised of special provisions to the standard Residential R5 (R5-7) Zone regulations to permit a reduced minimum front yard depth of 2.1 metres and a reduced westerly minimum interior side yard depth of 1.7 metres.

Notice of Revised Application was sent to property owners in the surrounding area on September 26, 2018, and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 27, 2018. The revised notice advised of an additional special provision to permit an increased maximum yard encroachment for the proposed below-grade patios of 0.2 metres from the front lot line notwithstanding the yard encroachments permitted in Section 4.27 – General Provisions in the City's *Zoning By-law Z.-1*. The below-grade patios were shown on the conceptual site plan circulated with the original Notice of Application, but a special provision to permit an increased maximum yard encroachment for the proposed below-grade patios was not initially requested.

Approximately, 40 replies were received from the public as part of the community engagement process.

3.3 Policy Context (see more detail in Appendix C)

3.3.1 Provincial Policy Statement, 2014 (PPS)

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

3.3.2 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 under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report and include many of the Neighbourhoods Place Type policies pertinent to this

planning application. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject lands are located within the Neighbourhoods Place Type on *Map 1 – Place Types in *The London Plan*, with frontage on a Civic Boulevard (Windermere Road).*The London Plan* contemplates a broad range of residential land uses for the subject lands including, but not limited to, single-detached, semi-detached, duplex and converted dwellings, triplexes, fourplexes, townhouses, stacked townhouses and low-rise apartments. *The London Plan* utilizes height as a measure of intensity in the Neighbourhoods Place Type. Within the Neighbourhoods Place Type, fronting onto a Civic Boulevard, the range of building heights contemplated include a minimum height of 2-storeys and a maximum height of 4-storeys, and up to 6-storeys through Bonus Zoning. *The London Plan* provides opportunities for residential intensification and redevelopment within the Neighbourhoods Place Type where appropriately located and a good fit with the receiving neighbourhoods.

The London Plan also provides policies related to specific sites or areas within the Neighbourhoods Place Type which includes the policies for Near Campus Neighbourhoods carried over from the *1989 Official Plan*. As noted below, the subject lands are outside of the Near Campus Neighbourhoods and are therefore not subject to those policies or associated regulations.

3.3.3 1989 Official Plan

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

The subject lands are designated Low Density Residential (“LDR”) on Schedule “A” – Land Use to the *1989 Official Plan*. The LDR designation is intended for low-rise, low-density, housing forms including single-detached, semi-detached and duplex dwellings. Where appropriate, some multiple attached dwellings at densities similar to, but not necessarily the same as neighbouring detached units, may be permitted. Development should enhance the character of the residential area. Residential intensification is contemplated in the LDR designation through an amendment to the Zoning By-law. The residential intensification policies for the LDR designation contemplate infill housing in the form of multiple-attached dwellings such as rowhouses or cluster housing.

The *1989 Official Plan* provides *Policies for Specific Residential Areas* where it is appropriate to address development opportunities and constraints through specific policies, and these specific policies serve to augment the standard land use policies. Among the *Policies for Specific Residential Areas* are policies for Near Campus Neighbourhoods located near Western University (and its affiliated colleges) and Fanshawe College, which are affected by near-campus neighbourhood impacts. It is important to note that the subject lands are outside of the Near Campus Neighbourhoods area and are not subject to those policies or associated regulations.

4.0 Key Issues and Considerations

4.1 Land Use Compatibility

Through an analysis of the use, intensity and form, Staff have considered the compatibility and appropriateness of the requested amendment and proposed development, and the recommended amendment revised by Staff, with the subject lands and within the receiving neighbourhood.

4.1.1 Use

Provincial Policy Statement, 2014 (PPS)

The *PPS* directs growth and development to settlement areas and encourages their regeneration (Policy 1.1.3.1). Land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.2 b)). The *PPS* directs that planning authorities consider the housing needs of all residents (Policy 1.4.3 a) and b)).

The London Plan
The London Plan promotes a choice of housing types so that a broad range of housing requirements can be satisfied in a wide range of locations (497_ 7.). The subject lands are located within the Neighbourhoods Place Type with frontage on a Civic Boulevard in *The London Plan*. The range of uses permitted within the Neighbourhoods Place Type is directly related to the classification of street onto which a property has frontage (*Table 10- Range of Permitted Uses in Neighbourhoods Place Type). *The London Plan* contemplates a broader range of uses along higher-order streets within the Neighbourhoods Place Type (*919_ 2. & 3.). Townhouses, such as the proposed cluster townhouse use, are contemplated within the Neighbourhoods Place Type on all street classifications in *The London Plan*. The planning approach of connecting the range of land uses to street classifications for the Neighbourhoods Place Type was intended to balance neighbourhood stability and predictability with providing a range and mix of housing types (*919_6.).

1989 Official Plan
The *1989 Official Plan* supports the provision of a choice of dwelling types so that a broad range of housing requirements are satisfied (Section 3.1.1 ii)). The subject lands are designated LDR in the *1989 Official Plan.* The LDR designation is applied to lands that are primarily developed or planned for low-rise, low-density housing forms (Preamble Section 3.2 – Low Density Residential).The primary permitted uses for the LDR designation include detached, semi-detached and duplex dwellings (Section 3.2.1). Multiple-attached dwellings, such as the proposed cluster townhouse use, are contemplated in the LDR designation in the *1989 Official Plan* as a permitted form of residential intensification (Section 3.2.3.2).

Analysis:
Consistent with the *PPS, and conforming to the 1989 Official Plan* and *The London Plan,* the recommended cluster townhouse use will add to the range and mix of housing types and provide for an alternative housing option within the receiving neighbourhood that predominately consists of single detached dwellings. As an alternative housing option, the recommended cluster townhouse use has the potential to assist in providing a diverse range of housing needs within the community consistent with the *PPS,* and conforming to the *1989 Official Plan* and *The London Plan*. The recommended cluster townhouse use is contemplated in the LDR designation in the *1989 Official Pla*n as a permitted form of residential intensification, and is included in the range of primary permitted uses contemplated within the Neighbourhoods Place Type on all street classifications. Although, the proposed cluster townhouse dwellings are a different housing type than single detached dwellings that are predominant in the area, through an analysis of intensity and form below, it is believed that cluster townhouse dwellings can be developed on the subject lands in a way that is appropriate for the site and the receiving neighbourhood.

4.1.2 Intensity
Provincial Policy Statement, 2014 (PPS)
The *PPS* directs growth to settlement areas and encourages their regeneration (Policy 1.1.3.1). The *PPS* states that land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.2). Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated considering matters such as existing building stock, brownfield sites, and suitable existing or planned infrastructure and public service facilities. (Policy 1.1.3.3). The *PPS* is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4).

The London Plan
The London Plan contemplates intensification where appropriately located and provided in a way that is sensitive to and a good fit with existing neighbourhoods (*Policy 83_, *Policy 937_, *Policy 939_ 6. and *Policy 953_ 1.). The *London Plan* directs that intensification may occur in all Place Types that allow for residential uses (Policy 84_). The Primary Transit Area will be the focus of residential intensification and transit investment within the City of London (*Policy 90_).

The London Plan utilizes height as a measure of intensity in the Neighbourhoods Place Type. A minimum height of 2-storeys and a maximum height 4-storeys, with bonusing up to 6-storeys, is contemplated within the Neighbourhoods Place Type where a property has frontage on a Civic Boulevard (*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The intensity of development must be appropriate for the size of the lot (*Policy 953_3.).

1989 Official Plan

The scale of development in the LDR designation shall have a low-rise, low-coverage form, and shall typically be considered in a range up to 30 uph. (Section 3.2.2). Residential intensification in the LDR designation may be permitted up to a maximum density of 75 uph (Section 3.2.3.2). Residential intensification is contemplated in the LDR designation through an amendment to the Zoning By-law and subject to a Planning Impact Analysis ("PIA") to demonstrate compatibility with the character of the receiving neighbourhood (Section 3.2.3, Section 3.7.2 and Section 3.7.3).

Analysis:

The subject lands have frontage on a Civic Boulevard (Windermere Road) which is a higher-order street. The subject lands also have access to full municipal services, are within walking distance of public transit, and are located at the periphery of an existing residential neighbourhood within the Primary Transit Area. The subject lands are sized and situated within the City's mobility network appropriately to accommodate additional development, and in terms of the policy framework in *The London Plan*, are underutilized by the existing single detached dwellings. Consistent with the *PPS*, the subject lands are located where the City's Official Plans directs and supports residential intensification and redevelopment.

The proposed development of 16-townhouse dwellings on the subject lands equates to 55 uph and would conform to the maximum density of 75 uph contemplated in the LDR designation through the residential intensification policies of the *1989 Official Plan*. The height of the proposed townhouse dwellings (2 ½ –storeys, approximately 8 metres) also conforms to the minimum height of 2-storeys and maximum height of 4-storeys contemplated in the Neighbourhoods Place Type on a Civic Boulevard (Windermere Road) in *The London Plan.* Although, the requested amendment and proposed development would conform to the maximum intensity of development contemplated in the *1989 Official Plan* and *The London Plan*, the intensity of development contemplated is not recommended on the subject lands given certain site constraints and the compatibility concerns with the receiving neighbourhood.

The watermain and associated easement located on the easterly-most portion of the subject lands is a constraint to the location of buildings and permanent structures on the subject lands. Having reviewed and circulated the conceptual site plan that was submitted in support of the planning application for the subject lands, Staff are concerned about the ability of the westerly-most portion of the subject lands to accommodate the number of townhouse dwelling units proposed and whether the proposed development is an over intensification of the subject lands. It is important to note that the requested Residential R5 (R5-7) Zone variation and associated maximum density of 60 uph is intended for inner-city areas and locations near major activity centres, and has been designed to accommodate stacked townhouses. The requested Residential R5 (R5-7) Zone variation is not intended for the suburban context of subject lands, nor designed to accommodate the (non-stacked townhouse) housing type proposed. As such, Staff have recommended the Residential R5 (R5-5) Zone variation, with the intent of reducing the number of dwelling units that would be permitted to a maximum density of 45 uph, which is the equivalent of twelve (12)-townhouse dwelling units on the subject lands. The reduction from 16-townhouse dwelling units to 12-townhouse dwelling units would provide more space on the site for other site functions and improve the ability to minimize or mitigate any adverse impacts on adjacent properties as discussed in subsection 4.1.3 of this report. The recommended amendment would alternatively provide for a less intense form of development than the requested amendment.

The applicant through correspondence received from their agent dated November 23, 2018, has expressed a preference for 16-towhouse dwelling units with a mix of 3- and 4- bedroom units, resulting in a total of 60 bedrooms; rather than the Staff

recommended 12-townhouse dwelling units, with the potential for up to 5 bedrooms in each dwelling unit in accordance with the definition of “Dwelling Unit” in Zoning By-law Z.-1, also resulting in a total of 60 bedrooms. Staff note that the intent of the applicant to manage intensity through number of bedrooms is not consistent with the standard conventions in the *1989 Official Plan* or *Zoning By-law Z.-1*, which measures intensity by the number of units per hectare. Only in the Near Campus Neighbourhoods has a policy basis been established to manage intensity by regulating the number of bedrooms; and the subject lands are not located within the Near Campus Neighbourhoods. The number of bedrooms may be regulated to supplement the prescribed maximum density (as expressed in “units per hectare”), but it is not intended to rationalize an increase in the density that can be accommodated on the subject lands and fit with the receiving neighbourhood. Staff note that the requested amendment did not include a special provision to formally limit the number of bedrooms per dwelling unit to 4-bedrooms.

With regards to intensity, the public expressed concern about the number of parking spaces proposed relative to the number of dwelling units proposed. The minimum parking space requirement for cluster townhouse dwellings in Parking Area 3 is 1.5 spaces per unit. The section of the City’s Zoning By-law that regulates minimum parking space requirements, divides the City into three "Parking Areas"; and the minimum parking space requirements can vary for individual uses based on the Parking Area in which the site is located. The proposed development of 16-cluster townhouse dwelling units would require a minimum of twenty-four (24) parking spaces based on the applicable minimum parking space requirements. The conceptual site plan submitted in support of the planning application shows a total of twenty-five (25) parking spaces, and complies with the minimum parking space requirements of the Zoning By-law. The minimum parking space regulations are inclusive of resident, visitor and accessible parking space requirements. For planning purposes, policies and regulations, including minimum parking space requirements, generally do not distinguish or vary based on the make-up or composition of households (i.e. no “people zoning”).

Transportation Planning and Design Division were circulated on the planning application and did not comment on the minimum parking requirement or proposed parking supply. With regards to off-site parking impacts there is no on-street parking permitted on Windermere Road in the vicinity of the subject lands. On-street parking is permitted on neighbourhood streets in the vicinity of the subject lands, and pedestrian walkways located to the east and west of the subject lands would facilitate ease of access to those neighbourhood streets. The right to access on-street parking is not controlled through zoning, on-street parking is controlled through the City’s Parking By-laws.

4.1.3 Form

Provincial Policy Statement, 2014 (PPS)

The *PPS* is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The *PPS* also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form, and by conserving features that help define character (Policy 1.7.1(d)).

The London Plan

The London Plan encourages compact forms of development as a means of planning and managing for growth (Policy 7_, Policy 66_). *The London Plan* encourages growing “inward and upward” to achieve compact forms of development (Policy 59_ 2., Policy 79_). *The London Plan* plans for infill and intensification of various types and forms (Policy 59_ 4.). To manage outward growth, *The London Plan* encourages supporting infill and intensification in meaningful ways (Policy 59_ 8.). The urban regeneration policies of *The London Plan* provide for intensification within urban neighbourhoods, where it is deemed to be appropriate and in a form that fits well with the receiving neighbourhood (Policy 154_8.).

Within the Neighbourhoods Place Type, and according to the urban design considerations for residential intensification, compatibility and fit will be evaluated from a form-based perspective through consideration of the following: site layout in the context of the surrounding neighbourhood; building and main entrance orientation; building line

and setback from the street; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (*Policy 953_ 2. a. –f.).

Similar to the PIA criteria within the *1989 Official Plan,* the Our Tools section of *The London Plan* contains various considerations for the evaluation of all planning and development applications (*Policy 1578_).

1989 Official Plan

The scale of development in the LDR designation shall have a low-rise, low-coverage form (Section 3.2.2). The *1989 Official Plan* recognizes residential intensification as a means of providing for the efficient use of land and achieving a compact urban form (Section 3.2.3). In the *1989 Official Plan* the redevelopment of underutilized sites constitutes infill; and infill may be in the form of cluster housing. Zoning By-law provisions are to ensure that infill housing proposals recognize the scale of the adjacent land uses and reflect the character of the area (Section 3.2.3.2). Residential intensification must be sensitive to, and a good fit with the receiving neighbourhood based on a review of built form, massing and architectural treatment (Section 3.2.3.4). The Planning Impact Analysis ("PIA") criteria in the *1989 Official Plan,* are to be used to evaluate the appropriateness of a proposed change in land use and identify ways to reduce any adverse impacts on surrounding land uses (Section 3.7). See Appendix C of this report for complete PIA.

Analysis:

Consistent with the *PPS,* and conforming to the *1989 Official Plan* and *The London Plan,* the recommended intensification of the subject lands would optimize the use of land and public investment in infrastructure and public service facilities in the area. Located within the built-up area of the City and within the Primary Transit Area, the redevelopment and intensification of the subject lands would contribute to achieving more compact forms of growth that are transit supportive. The proposed cluster townhouse dwellings would be a more compact form of development than the single-detached dwellings that currently exist on the subject lands.

With regard to whether the recommended amendment would result in a form of development that is compatible and a good fit with the receiving neighbourhood, concerns regarding scale and height; yard depths/setbacks and separation distances; shadow impacts/access to daylight; privacy and overlook; and tree protection are analyzed below:

Scale and Height

The scale or height of the proposed townhouse dwellings (2 ½ –storeys, approximately 8.0 metres), would conform to the minimum height of 2-storeys and maximum height of 4-storeys contemplated in the Neighbourhoods Place Type where the property has frontage on a Civic Boulevard; as well as conform to the low-rise form of development contemplated in the LDR designation and would be compatible with the scale of the adjacent land uses in the surrounding residential neighbourhood that are 1- and 2-storey(s) in height.

To ensure that the ultimate form of development would maintain a 2 ½-storey height that is compatible with the scale of the adjacent land uses, the recommended amendment includes among the special provisions a maximum height of 10.5 metres, which was not explicitly requested by the applicant. A maximum height of 10.5 metres is the standard condition permitted in the Residential R1 Zone variations that surround the subject lands, and represents a reduction from the maximum height of 12 metres that is the standard condition permitted in the Residential R5 Zone variations.

Yard Depth/Setbacks and Separation Distance

The requested amendment includes a reduced (westerly) minimum interior side yard depth of 1.7 metres. Staff are concerned about the impact of the requested reduction, since it is less than the minimum interior side yard depth of 2.4 metres required of a similar height building in the Residential R1 Zone variations that surround the subject lands. To demonstrate compatibility and fit, the yard depths/setbacks should generally maintain the character of the surrounding residential neighbourhood. Moreover, a reduced minimum interior side yard depth of 1.7 metres would not provide sufficient

space for a landscape screen to buffer the proposed development from the adjacent property to the west.

The recommended amendment increases the (westerly) minimum interior side yard depth to 3.0 metres in order to maintain a feasible minimum width between building and property line to provide for landscaping. The ability to provide enhanced landscaping within the (westerly) interior side yard would also be useful to discourage informal pedestrian circulation along the westerly interior side yard where it is not planned, as well as discourage “cut-though” ingress/egress to the site from Windermere Road to Orkney Crescent.

There is support in *The London Plan* for the requested reduction in the minimum front yard depth to maintain and reinforce the prevailing street wall or street line (policy 256) and position buildings with minimal setbacks from public rights-of-way to create a street wall/edge that provides a sense of enclosure within the public realm (*Policy 259_). Since the adjacent residential properties are rear-lotted onto Windermere Road, it is the fence line along the rear lot lines that establish the street wall/edge on the north side of Windermere Road. The requested reduction in the minimum front yard depth would allow for the proposed buildings to be positioned closer to the existing fence line to maintain and reinforce the street wall/edge. The requested reduction in the minimum front yard depth, and requested increase in permitted yard encroachments to accommodate the proposed below-grade outdoor amenity spaces 0.2 metres from the front line is not expected to negatively affect the future expansions of Windermere Road. The ultimate right-of-way width recognized in *Zoning By-law Z.-1* has been taken into account as part of this planning application with the understanding that a road widening dedication will be taken along 536 Windermere Road through the subsequent SPA process.

The separation distances between the two (2) proposed townhouse blocks is regarded as an indicator of the over-intensification of the subject lands. The separation distance between buildings on the same lot is not regulated by the Zoning By-law, but the City’s Site Plan Control By-law does provide guidance on separation distances for multi-family residential development, with the objective of providing adequate penetration of direct daylight into habitable spaces, natural ventilation, visual privacy as well as separation and/or screening from noise. Within built-up areas under redevelopment, the City’s Site Plan Control By-law contemplates a separation distance of 8.0 meters for row houses or similarly attached dwellings with habitable room windows. The proposed separation distance of approximately 4.9 metres would not be consistent with the City’s Site Plan Control By-law. While an appropriate separation distance will ultimately be determined through the SPA process, the recommended amendment would permit fewer townhouse dwellings on the subject lands than requested by the applicant, which would provide more space for a greater separation distance and ultimately improve the form of development.

Adequate separation distance is also required for fire protection under the Ontario Building Code (“OBC”). The Planning Justification Report prepared by Zelinka Priamo Ltd. and submitted in support of the requested amendment identified that the separation distance between the proposed townhouse blocks, relative to the area of unprotected openings, would require fire protection mitigation measures in the form of fire shutters. As part of the review of the planning application for the subject lands, Building Staff were engaged in a preliminary discussion regarding fire protection. Building Staff advised that there are other fire protection measures that could be considered as alternative to fire shutters. Compliance with the OBC will be reviewed through the subsequent SPA process to ensure the ultimate form of development would be consistent with the OBC.

Shadow Impacts/Access to Daylight
Within the built-up area of the City it should be understood that there will be shadow impacts from adjacent development; but adjacent development should not significantly obstruct access to daylight. Shadow impacts will be reviewed in detail through the subsequent SPA process. The low-rise form of the proposed townhouse dwellings, together with the provision of appropriate yard depths revised by Staff and which correspond to building height, are expected to result in modest, intermittent shadow

impacts for adjacent properties and do not exceed the potential shadow impacts that may be cast be a dwelling constructed under the existing Residential R1 Zone.

Privacy/Overlook
Loss of privacy and overlook is important to achieving residential intensification that is sensitive to, and compatible with the receiving neighbourhood. It is recognized that the yard depths alone required to achieve absolute visual privacy and prevent overlook are much greater than those that can be feasibly provided in the built-up area of the City while providing for meaningful intensification. By exceeding the minimum interior side yard depth that would be required for a similar height building in the existing Residential R1 Zone, the recommended amendment does not exacerbate the potential for overlook that could occur with the existing as-of-right zoning on the subject lands.

With regard to the "back-to-back" configuration of the proposed townhouse dwellings that would result in principle dwelling entrances and the below grade outdoor amenity spaces facing adjacent properties, the provision of board-on-board boundary fencing, at least 1.8 metres in height, together with a landscaped screen can readily limit views from those grade-related active spaces as well as mitigate noise and artificial light impacts.

Tree Protection
The subject lands contain several mature trees that contribute to the character of the streetscape along Windermere Road as well provide an established landscape screen between the subject lands and adjacent properties. The Tree Preservation Plan prepared by Ron Koudys Landscape Architects and submitted in support of the planning application for the subject lands, showed the removal of the majority of the trees on site, with only a few trees in the south-easterly corner of the site being preserved and protected. This does not demonstrate a sensitivity to the character of the receiving neighbourhood.

It is a goal of *The London Plan* to manage the tree canopy proactively and increase the tree canopy over time (*Policy 389_). It is a target of *The London Plan* to achieve a tree canopy cover of 28% within the Urban Growth Boundary by 2035, and 34% by 2065 (Policy 393_ and Policy 394_). To achieve tree canopy targets *The London Plan* directs that action shall be taken to protect more, maintain and monitor the tree canopy better, and plant more (Policy 398_).*The London Plan* directs that large, or rare, culturally significant, or heritage trees deemed healthy or structurally sound should be retained (*Policy 399_ 3.) *The London Plan* provides direction to the Site Plan Approval Authority that the removal of existing trees will require replacement at at a ratio of one replacement tree for every ten centimetres of tree diameter that is removed (*Policy 399_ 4. b.). The recommended amendment provides yard depths that are of a sufficient size to retain and supplement landscaped screening along the shared boundary with adjacent residential properties. The recommended reduction in the number of units that can be achieved on site should also assist with the goal of maximizing tree preservation and protection on the subject lands.

Design issues to be considered through the SPA process include the following:

- an appropriate building separation distance be implemented between buildings on the subject lands to provide for the provision of daylight, natural ventilation and privacy;
- the type, location, height, intensity and direction of outdoor artificial lighting be identified to minimize light trespass onto adjacent properties;
- the preservation and protection of existing trees wherever possible;
- a board-on-board fence at least 1.8 metres high, together with enhanced landscaping wherever possible, to visually screen the subject lands from adjacent properties and assist with the reduction of noise and outdoor artificial light transfer to adjacent properties;
- enhanced landscaping along the westerly interior side yard to discourage informal pedestrian circulation in that space and/or "cut-through" from Windermere Road to Orkney Crescent;
- existing stormwater drainage routes should not be negatively impacted by development.

- a review of the development application by the Urban Design Peer Review Panel to provide advice to the applicant, Staff and City Council on design issues.

4.2 Holding Provision for Public Site Plan Review

In response to a considerable amount of public input and comment on this planning application and common concerns which relate to the form of development as well as matters to be addressed by site plan control (e.g. location and design of exterior artificial lighting, landscaping, buffering, fencing, outdoor storage and garbage disposal facilities; measures to minimize loss of daylight and privacy to adjacent properties; location and design of outdoor recreational areas; and the location and type of trees to be planted), Staff considered the need for an (h-5) holding provision for public site plan review.

The London Plan

The London Plan requires a public site plan process for residential intensification proposals with certain exceptions similar to the *1989 Official Plan* (*Policy 952_, Policy 1682_ and *Policy 1683_) The requirement for a public site plan process may also be Council directed according to *The London Plan* (*Policy 952_). The public site plan process is to assist in encouraging the integration of new development with adjacent land uses. *The London Plan* explicitly identifies that holding provisions may be used to address requirements relating to a public site plan process (Policy 1657_)

1989 Official Plan

The *1989 Official Plan* requires a public site plan approval process for residential intensification proposals (Section 3.2.3.5 i)). An exception to the public site plan process can be provided when residential intensification proposals are subject to another planning application that requires public consultation and through that planning application the public is invited to comment on site plan matters (Section 3.2.3.5 i) (b)). There is a policy basis for a holding provision in Section 19.4.3 i) in the *1989 Official Plan* that would ensure that development takes a form compatible with adjacent land uses so that issues identified as a condition of approval can be implemented, among other specified matters.

The recommend (h-5) holding provision for public site plan review would provide the public a continued opportunity to comment on the form of development through the subsequent SPA process. The conceptual site plan that was submitted in support of the requested ZBA is intended to be illustrative of what *could* be developed, but would not preclude other site designs at the time of SPA. The recommended ZBA is not intend to ascertain or secure a particular site design, but rather establishes the permitted use(s) and regulations for a general ‘developable envelope’. The layout and organization of buildings and other site functions within the ‘developable envelope’ will be addressed in detail and finalized through the SPA process.

4.3 Cultural Heritage and Archaeology

Properties of cultural heritage value or interest, including archeological sites, are to be conserved. The potential that the subject lands may be a cultural heritage resource was reviewed as part of this planning application.

Provincial Policy Statement, 2014

The *PPS* supports the wise use and management of resources, including cultural heritage and archaeological resources for economic, environmental and social benefit. The *PPS* directs that significant built heritage resources and significant cultural heritage landscapes shall be conserved (Policy 2.6.1). The *PPS* directs that development and site alteration shall not be permitted on lands having archaeological potential unless significant archaeological resources have been conserved (Policy 2.6.2).

In the *PPS*, the term “built heritage resource” means a building, structure, monument, installation or any manufactured remnant. The term “significant” means to have cultural heritage value or interest contributing to the understanding of the history of a place, event, or people. The term “conserved” means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the Ontario Heritage Act (“OHA”) (Section 6 – Definitions).

The London Plan

The London Plan directs cultural heritage resources will be conserved for future generations, and that new development will be undertaken to enhance and be sensitive to cultural heritage resources (Policy 554_ 2. and 3.) *The London Plan* directs that in accordance with the OHA, and in consultation with the LACH, City Council will prepare and maintain a Register listing properties of cultural heritage value of interest (Policy 557_). The Register will be known as *The City of London Inventory of Heritage Resources* (Policy 557_). *The London Plan* is more explicit than the *1989 Official Plan* in identifying that the Register may include designated properties as well as properties that City Council believe to be of cultural heritage value or interest (Policy 557_). *The London Plan* recognizes that there may be properties that are not identified in the Register, but the absence of those properties in the Register should not diminish the potential for those properties to be identified as significant cultural heritage resources which may be designated under the OHA (Policy 574_).

The London Plan requires new development, redevelopment and all civic works located on or adjacent to heritage designated properties and properties listed on the Register to be designed to protect the heritage attributes and character of those resources and minimize the visual and physical impact on those resources (Policy 565_). *The London Plan* allows development adjacent to heritage designated properties and properties listed on the City's Register only where the proposed development has been evaluated and it has been demonstrated that the significant attributes of the cultural heritage resource will be conserved (Policy 586_).

The London Plan directs that the City will identify, designate and conserve archaeological resources in accordance with the OHA (Policy 579_ and Policy 608_). Archaeological resources may be included on the Register (Policy 581_). *The London Plan* identifies the requirement for an *Archaeological Management Plan* that will identify archaeological resources and areas of archaeological potential and provide direction and requirements for the identification, evaluation, conservation and management of archaeological resources in accordance with the OHA (Policy 609_). *The London Plan* requires an archaeological assessment where development or site alteration is proposed on a property that demonstrates archaeological potential or known archeological resources as determined through the *Archaeological Management Plan* (Policy 616_). The archaeological assessment shall be undertaken to the applicable level of assessment as determined by a consultant archaeologist in compliance with provincial requirements and standards (Policy 617_).

1989 Official Plan

The *1989 Official Plan* directs that Council, through its London Advisory Committee on Heritage ("LACH"), will prepare and maintain a descriptive inventory of properties of cultural heritage value or interest (Section 13.2.1). The *1989 Official Plan* directs that no alterations, removal or demolition of heritage buildings will be undertaken on heritage properties designated under the OHA that would adversely affect the reasons for designation except in accordance with the OHA (Section 13.2.3).

The *1989 Official Plan* directs that Council will facilitate efforts to preserve and excavate archaeological resources (Section 13.4.1). ZBA applications will be reviewed to determine their impact on potential archaeological resources. An archaeological assessment may be required if it is determined through the application of the archaeological potential model that any part of the subject lands have archeological potential or known archaeological resources and some form of soil disturbance is proposed (Section 13.4.3).

Correspondence from the public requesting that 536 Windermere Road be reviewed to determine whether it has cultural heritage value or interest was received by the LACH at their October 10, 2018 meeting and was forwarded on to the LACH Stewardship Sub-committee. The Stewardship Sub-committee also received a Building Assessment Report prepared by M. W. Hall Corporation on behalf of the applicant for the same property. According to the Stewardship Sub-Committee Report to the LACH dated October 24, 2018, based on local knowledge and preliminary research by the Stewardship Sub-committee, it is believed that no further action regarding 536 Windermere Road or 542 Windermere Road should be taken.

The recommendation of the LACH regarding 536 Windermere Road will be received by the Planning and Environment Committee ("PEC") on December 10, 2018, and was not known at the time of preparing this report. The subject lands are not listed on the Register, meaning that the subject lands are not designated under the OHA nor are they believed to have cultural heritage value or interest by City Council. Based on the Stewardship Sub-Committee Report to the LACH, it is not anticipated that the planning application or proposed development for the subject lands represents a cultural heritage concern outside of the archeological potential discussed below.

The subject lands are identified as having archeological potential in the *2017 Archeological Management Plan*. The *2017 Archaeological Management Plan* reflects legislative changes and an evolution of best practices in archaeological resource management. Subsequently the *2017 Archaeological Management Plan* identifies more properties within the built-up area of the City as having archeological potential than the *1996 Archaeological Master Plan* which it replaced. The subject lands were *not* identified as having archeological potential in the *1996 Archaeological Master Plan*. The *1996 Archaeological Master Plan* was referenced for the purposes of determining the complete application requirements for this planning application in February 2018. The amendment to the Official Plan and Zoning By-law to recognize the *2017 Archeological Management Plan* as a guiding document came in to force in June 2018, after the mandatory pre-application consultation process had occurred for this planning application and, as a result, an archaeological assessment was not required as part of a "complete application". To provide general awareness that the subject lands are to be assessed for the presence of archaeological resources prior to development and site alterations occurring, an (h-_) holding provision is included as part of the recommended amendment.

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

5.0 Conclusion

The requested amendment to permit and facilitate the redevelopment of the subject lands for cluster townhouse dwellings is recommended to be refused because the proposed intensity and form of development is an over intensification of the subject lands and does not represent good planning. The requested amendment did not provide the appropriate development standards by which to minimize or mitigate potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.

The recommended amendment would alternatively provide for a less intense form of development than the requested amendment. The recommended amendment is consistent with the *2014 Provincial Policy Statement* that encourages a range and mix of land uses to support intensification and achieve compact forms of growth. The recommended amendment is consistent with the *2014 Provincial Policy Statement* that directs municipalities to identify appropriate locations for intensification and plan for all forms of housing required to meet the needs of current and future residents.

The recommended amendment conforms to the *1989 Official Plan* that contemplates residential intensification in the Low Density Residential designation in the form of multiple-attached dwellings, such as the recommended cluster townhouse dwellings. The recommended amendment conforms to *The London Plan* that contemplates residential intensification in the Neighbourhoods Place Type, where townhouses are contemplated as a primary permitted use on all street classifications.

The recommended amendment conforms to the *1989 Official Plan* and the maximum density contemplated in the Low Density Residential designation through residential intensification. The recommended amendment also conforms to the height minimum and height maximums contemplated in the Neighbourhood Place Type on a Civic Boulevard (Windermere Road) in *The London Plan.*

The recommended amendment provides for a form of residential intensification that can be implemented on subject lands in light of the constraint to development on the easterly-most portion of the property. The recommended amendment would provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood.

Holding provisions are recommended to ensure that development takes a form compatible with adjacent land uses following public site plan review; and to ensure the subject lands are assessed for the presence of archaeological resources prior to development or site alterations that would involve soil disturbance.

Prepared by:	**Melissa Campbell, MCIP, RPP** **Planner II, City Building and Design**
Reviewed by:	**Michael Tomazincic, MCIP, RPP** **Manager, Current Planning**
Recommended by:	**Paul Yeoman, RPP, PLE** **Director, Development Services**
Submitted by:	**George Kotsifas, P.ENG** **Managing Director, Development and Compliance Services and Chief Building Official**
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services	

April 8, 2019
MC/mc

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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 536 and 542 Windermere Road.

WHEREAS 2492222 Ontario Inc. has applied to rezone an area of land located at 536 and 542 Windermere 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 536 and 542 Windermere Road, as shown on the attached map comprising part of Key Map No. A102, from a Residential R1 (R1-6) Zone to a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone.

2) Section Number 3.8 2) of the Holding "h" Zone is amended by adding the following Holding Provision:

) h-(*) *Purpose:* The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No soil disturbance arising from demolition, construction, grading, or any other activity, shall take place on the subject property prior to the City of London receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

3) Section Number 9.4 e) of the Residential R5 (R5) Zone is amended by adding the following Special Provision:

)	R5-5(_)	536 and 542 Windermere Road		
	a)	Regulations		
		i)	Front Yard Depth (minimum)	2.1 metres (6.96 feet)
		ii)	West Interior Side Yard Depth (minimum)	3.0 metres (9.84 feet) when the end wall of a unit contains no windows to habitable rooms
		iii)	Height (maximum)	10.5 metres (34.45 feet)
		iv)	Notwithstanding the regulations of Section 4.27 of this By-law to the contrary, on lands zoned R5-5(_) open or covered but unenclosed decks or porches not exceeding one storey in height may project no closer than 0.2 metres (0.66 feet) from the front lot line.	

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 January 15, 2019.

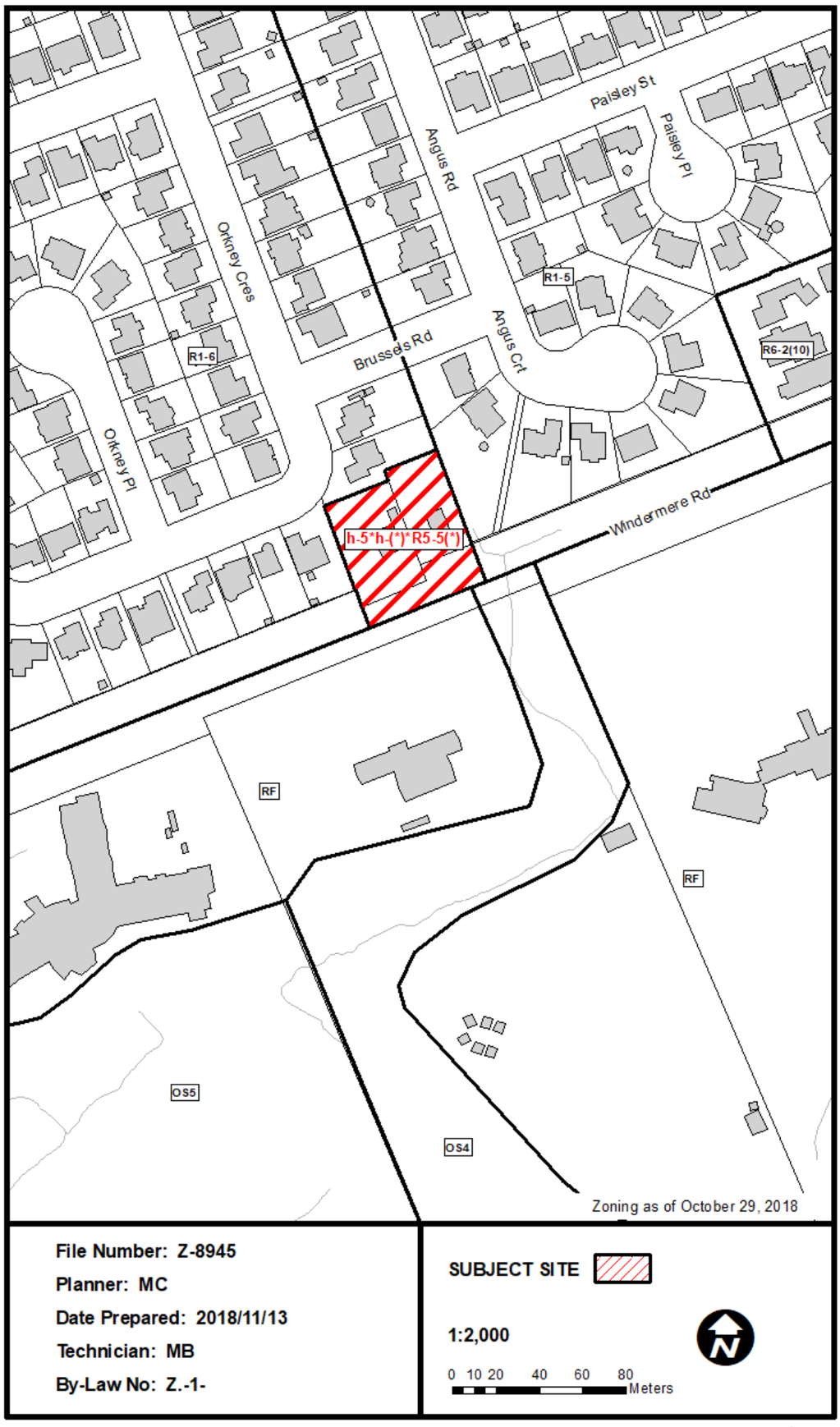
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – January 15, 2019
Second Reading – January 15, 2019
Third Reading – January 15, 2019

File: Z-8945
Planner: M. Campbell

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On August 30, 2019, Notice of Application was sent to 56 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on August 31, 2019. A "Planning Application" sign was also posted on the site.

On September 26, 2019, Notice of Revised Application was sent to 60 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 September 27, 2019.

Approximately 40 replies were received

Nature of Liaison: The notice advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R1 (R1-6) Zone to a Residential R5 Special Provision (R5-7(_)) Zone to permit and facilitate the development of cluster housing in the form of sixteen (16) "back-to-back" townhouse dwelling units on the subject lands. The notice advised of special provisions to the standard R5-7 Zone regulations to permit a reduced minimum front yard depth of 2.1 metres and a reduced westerly minimum interior side yard depth of 1.7 metres. The revised notice advised of an additional special provision to permit an increased maximum yard encroachment for the proposed below-grade patios of 0.2 metres from the front lot line notwithstanding the yard encroachments permitted in Section 4.27 – General Provisions in the City's *Zoning By-law Z.-1*. The below-grade patios were shown on the conceptual site plan circulated with the original Notice of Application, but a special provision to permit an increased maximum yard encroachment for the proposed below-grade patios was not initially requested.

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

Concern for:

- the intensity of proposed development too great, and the scale of the proposed buildings too dominate; generally out of character for the neighbourhood;
- townhouse dwellings inconsistent with surrounding properties zoned for single detached dwellings;
- number of variance to standard zone conditions, an indication proposed buildings are too large of site/number of units an over-intensification of the site;
- shadow impact, loss of privacy/overlook, loss of views given scale of the proposed buildings;
- lack of space for proper garage storage and/or snow storage;
- intrusion of boundary fencing and proposed buildings on Orkney Crescent streetscape;
- elevation change will diminish effectiveness of fencing and landscaping to visually screen proposed buildings from adjacent properties;
- diminished quality of life/intrusions of noise, light and traffic, loss of mature trees, garbage (property maintenance);
- insufficient parking for the number of townhouse dwellings and potential off-site parking impacts on adjacent neighbourhood streets;
- insufficient separation distance between proposed buildings on site, and insufficient yard depths/setbacks between proposed buildings and adjacent properties;
- improper classification of Windermere Road as higher-order street/improper location of intensification;

- proposed development exacerbating traffic congestion on Windermere Road
- insufficient front yard depth and encroachment into pedestrian space along Windermere Road effecting safety of pedestrians and cyclists;
- appearance, architectural style of proposed building relative to existing buildings in the area, and the quality and/or durability of materials and/or construction;
- opportunity for crime in confined spaces (Crime Prevention Through Environmental Design);
- reduction in property value; and
- impact of proposed surface parking area/pavement over watermain easement.

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
Dennis Kirkconnell 6 Angus Court London, ON N5X 3J4	Dennis and Connie Kirkconnell 6 Angus Court London, ON N5X 3J4
Marleen Suzuki 14 Doon Drive, Unit 17 London, ON N5K 3P2	Tony Mara 127 Orkney Crescent London, ON N5X 3R9
Joy Abbott 14 Doon Drive, Unit 7 London, ON N5K 3P2	William and Randi Fisher 127 Orkney Crescent London, ON N5X 3R9
Harry Tugender 18 Angus Court London, ON N5X 3J4	David A. Leckie 138 Orkney Crescent London, ON N5X 3S1
Loraine Gray 30 Doon Drive, Unit 11 London, ON N5X 3X1	Jain Mahabir 139 Orkney Crescent London, ON N5X 3R9
	Dr. and Mrs. Chagla 66 Orkney Crescent. London ON N5X 3R9
	Karen Weilgosh 106 Orkney Place London, ON N5X 3S1
	Bob Barker 47 Bracebridge Crt. London, ON N5X 3V2
	Fred Rodger 131 Orkney Crescent London ON N5X 3R9
	Lucy Hampton 94 Orkney Place London, ON N5X 3S1
	Allan Brocklebank 58 Orkney Crescent London ON N5X 3R9

	Rocky and Marilyn Cerminara 26 Angus Court London, ON N5X 3J4
	Andrew Fox 22 Angus Court London, ON N5X 3J4
	Donglin Bai 74 Orkney Place London, ON N5X 3S1
	Mario Scopazzi 123 Orkney Crescent London, ON N5X 3R9
	Mathew Trovato 115 Orkney Crescent London, ON N5X 3R9
	Frank and Iva MacNeil 159 Orkney Crescent London, ON N5X 3R5
	Patricia and John Orlebar, 26 Ravine Ridge Way London ON N5X 3S7
	J. Gary Turner 130 Orkney Crescent London, ON N5X 3R9
	Andrea Pollard 107 Orkney Crescent London, ON N5X 3R9
	Don Bodrug 10 Angus Court London, ON N5X 3J4
	Gordon Payne 70 Orkney Crescent London, ON N5X 3R9
	Christine DeVouge 71 Doon Drive London, ON N5X 3V2
	Paul Culliton 163 Orkney Crescent London, ON N5X 3R9
	Joel Faflak and Norm LeNeve 2 Angus Court London, ON N5X 3J4
	Charles Spina 9 Lavender Way London, ON N5X 3J2

From: Jain Mahabir
Sent: Tuesday, June 12, 2018 8:16 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Windermere Re-zoning Concerns

Hi Melissa,
I spoke to you today at the meeting regarding rezoning on Windermere. Here're my concerns. I have also forwarded to MPP. Thank you for information you provided.

I live very close to the proposed multi-unit townhouse development.
I am concerned that this development will negatively impact the lives of me, my family and my neighbours. The residents of this area have chosen to live here because it consists of single family households, in a quiet neighbourhood and away from the hustle and bustle of a crowded space.
If rezoned, the density of people in the area will be much higher and the neighbourhood will be busier and nosier. Parking will likely spill out to surrounding streets which are very quiet now. The landscaping, trees and general feel of the area will be negatively affected. The night lighting will increase and make it brighter for surrounding houses, making it difficult to sleep. I am concerned that the height of the buildings, and related structures will block light, and make nearby homes boxed in.
I cannot make sense of why, when an area is zoned for one type of use, the city will even consider re-zoning a small piece of that area. Makes no sense to me.
I sincerely hope the city does not rezone this area and listen to residents of the area.

From: Dennis Kirkconnell
Sent: Wednesday, June 13, 2018 11:29 AM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>;
Subject: Proposed Townhose Project on Windermere Rd

Hi Melissa,

First, I would like to thank you for attending last nights meeting at Maureen's request.

As you can appreciate, there is a lot of resistance to this proposed townhouse project. We bought our homes on the premise this was zoned low density single family homes. Like most of our neighbours, we are opposed to this project for numerous reasons.

Our property (6 Angus Crt) and the other 4 properties that back onto the proposed project are all at higher elevation levels so no fence would help block the view of these buildings and the parking lot. Hopefully, City Planning is aware of this elevation change and will take that into consideration. As mentioned, you are welcome to visit us our home to see what we would be faced with if this project proceeds.

I will send you a separate e-mail on our other concerns.

Regards,

Dennis & Connie Kirkconnell

From: Dennis Kirkconnell
Sent: Wednesday, June 13, 2018 8:28 PM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>;
Subject: Proposed Townhouse Project - Windermere Rd.

Hi Melissa,

Needless to say we have numerous concerns with this proposed townhouse project. Our major concerns are:

- Two 8 unit buildings being built in a low density single home housing zone
- Zoning variances that are likely required to "shoe horn" this project into such a small space
- The 5 existing homes that border this property are at higher elevations, so a fence would not help to block the view or provide any privacy. If existing trees bordering these 5 homes are removed or compromised, it would be devastating!! Personally, we would be overlooking a parking lot.
- The above elevation changes could provide water issues with the new rear building
- Parking is also a major concern. If these units turn into rentals, we anticipate a serious parking problem as the plan does not include adequate space for overflow parking. Our concern is guests will then park in the Scout Hall parking lot, which I assume would be a potential issue the Scout Hall would prefer to avoid.
- Since the plan does not provide adequate space for a buffer zone, I suspect the light generated from these 16 units and the parking lot will impact the 5 existing homes that border this property.

It is imperative that our City Hall planners visit the 5 bordering properties to visualize and fully understand the issues we would face. If at any point you would like to visit these 5 properties, please call or email me and I will arrange a convenient date and time.

Regards,

Dennis & Connie Kirkconnell
6 Angus Crt

From: Dennis Kirkconnell
Sent: Sunday, June 17, 2018 12:32 PM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>;
Subject: Proposed Townhouse Development - Windermere Road

Hi Melissa,

Another concern I neglected to mention is garbage storage and pick-up for the 16 proposed townhouse units. In most area homes, we store garbage in the garage during the week and take it to the curb for pick-up on our scheduled garbage day.

Since these 16 proposed townhouses don't have a garage to store garbage, would the developer arrange for bins/dumpsters? If so, how many and where would they be located? Hopefully, as close to Windermere Rd as possible since the 5 bordering properties have bedrooms that back onto these proposed units and these homeowners would not want to be subjected to raunchy garbage smells, excessive noise from early morning garbage pick-ups or overflowing bins/dumpsters that would lead to rodent and bird issues.

Would City Planing allow for normal city garbage pick-up for these proposed units or require this service be contracted out? If it's the latter, what assurance would existing homeowners have that this will be properly maintained?

Regards,

Dennis Kirkconnell
6 Angus Crt

File: Z-8945
Planner: M. Campbell

From: Tony Mara
Sent: Monday, August 27, 2018 11:11 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Re: 542 & 536 Windermere Rd development application

Hi Melissa,

My name is Tony Mara. We met at the neighbourhood meeting related to the 542 & 536 Windermere Rd development proposal. I understand from my neighbour Dennis that the application for this development project has been received by your department.

I live at 127 Orkney Crescent. My property adjoins both of the Windermere properties on the north side. I believe Dennis mentioned that you are planning to visit the site sometime soon. I would like to invite you to review the site and the development plans from the perspective of our property. Please consider this permission for you and your colleagues to access our property during this site visit.

I would also like to ask you to also look at this development plan from the street level perspective of Orkney Crescent in order to assess the potential impact from all sides. Especially when considering the difference in elevation and the planned removal of the existing tree line separating the Windermere properties from our property and the Orkney Crescent neighbourhood.

Thank you Melissa, I appreciate your consideration in this matter.

Best regards

Tony

David A. Leckie
138 Orkney Cres. London, Ontario N5X 3S1

Planning Services
206 Dundas St.
London, ON, N6A 1G7
Attention: Melissa Campbell
Submitted by E-mail: mecampbell@london.ca
Dear Ms. Campbell:
Re: Zoning By-Law Amendment; File Z-8945; Applicant 2492222 Ontario Inc.
536 and 542 Windermere Road

I am writing in opposition to the noted application for rezoning. My reasons for this are as follow.

The two noted properties presently contain single-family dwellings and reflect the corresponding zoning that prevails for the extensive subdivision around them. They are likely two of the original properties that have taken access from Windermere Road in times that preceded such subdivision development. I'm guessing that the owners of the day resisted sale of their properties to the developer (who would have been assembling land for the eventual subdivision). Otherwise, these lots would have been incorporated into the overall subdivision and likely would not have had access to Windermere.

Today's reality is that the present subdivision, containing properties on Orkney Crescent, Orkney Place, and Angus Court (among many other residential roads) is a mature subdivision, populated by a demographic that seeks an area in which to enjoy a quiet quality of life. This demographic has purposely purchased in the area to enjoy that very quality of life. The neighbourhood is indeed very quiet. Traffic is light. Outdoor socialization is subdued and low key, with the few backyard activities winding down by

11:00 pm or so. The proposed development wants to strip two of those idyllic lots from the milieu and intensify them into what is clearly a student housing intrusion – functionally totally out of character with its surroundings.

Stepping back a bit, it would appear that City of London planners have not discouraged the developer from investing its resources to further the pursuit of rezoning. Although "The London Plan" is tied up in the appeal process, I expect that the City supports the rezoning based on the London Plan. The London Plan effectively promotes the elimination of such quiet and popular success stories by advocating intensification and the intrusion of development types incompatible with sustaining such an ambiance. Is it saying that London is a city and thus must have heightened hustle and bustle everywhere? I cannot support the re-characterizing of existing neighbourhood success stories – especially this one.

The design submission alleges attractiveness and physical integration with the existing neighbourhood. It does create a reasonable case for its appearance, although it is hard to understand why a stark, stonefaced façade is more attractive than the existing country lane look (with towering mature trees planned for removal). Notwithstanding, *physical* features are one thing; *functional* considerations are substantially another. The buildings are clearly meant to be student housing, with bedrooms above and below a common area. Our neighbourhood is not part of the student housing industry as seen in the Broughdale and Fleming Drive areas – nor do we want it to be. Student residential areas consistently demonstrate characteristics that, at best, are noisy and unkempt and, not uncommonly, unruly and even unlawful. I do not wish to see our neighbourhood transformed in that manner and I do not wish the corresponding erosion in quality of life and devaluation of property.

Council has shown consideration for the sanctity of our subdivision in a number of instances. I would draw attention to a relatively recent re-development of 570 Windermere Road. That lot, though drawing access from Windermere, was also a single-family, detached dwelling, completely compatible with the newer subdivision that surrounded it. Council supported zoning for that that was compatible to the zoning of the greater neighbourhood by approving a three, single-family detached condominium style of development there.

There are other examples of how past Councils have supported the nature of our subdivisions in the Richmond/Fanshawe/Adelaide/Windermere quadrant. The first phase of development was the Stoneybrook area on the north half of this quadrant. When the southern half of that quadrant was developed, circa 1990, no north-south connections were permitted between the two areas – thus preventing traffic flows between them. Furthermore, development of the southern half endeavoured to manage traffic as well - by eliminating a proposed Angus Road connection to Windermere. Alternatively, traffic was diverted along Doon Drive, past the higher density condominium complexes there.

A key factor for intensification in The London Plan is the nature of adjoining roads. Specifically, arterial roads, such as Windermere, are targeted for intensification. Although the development in question does take access outwardly to Windermere, rather than inwardly to our subdivision, I would argue that this access is irrelevant in this discussion because the development is enveloped by the subdivision. Hence, the effects of the development are felt inwardly. Accordingly, the roadway designation of Windermere Road as an arterial is a moot point and should not form a basis for promoting intensification.

On the subject of Windermere's classification as an "arterial road" in current Official Plan parlance or "Civic Boulevard" in London Plan parlance, I suggest that this designation could merit downgrading. The London Plan argues that arterial roads are busier roads that often support public transit routes and that there are economies in providing civic services to properties along that route. Indeed, good public transit is supported by greater populations along their routes and vice versa. I would argue that defining Windermere Road as a true arterial, worthy of intensification, is overstated. For

Windermere to be a true arterial, it should be connected at least to Gainsborough Road (across Medway Creek) in the west and desirably to Highbury Avenue in the east. Past Councils have faced considerable opposition to the westerly connection for decades and it is unlikely that that 'hot potato' will ever be mashed. As for connection of Windermere to Highbury, it just won't happen. A substantial area of environmentally sensitive lands would have to be traversed in doing so. Accordingly, it is hard to argue that Windermere is much of an arterial, worthy of justifying intensification. Accepting such realities, Council might consider downgrading Windermere's designation within the Official Plan.

In summary, I oppose the noted development for the following reasons:

1) Intensification is inconsistent with the existing zoning milieu around it;

2) There is no strong case for intensification, given Windermere's secondary functionality;

3) The introduction of the student housing development into an existing single-family detached neighbourhood is incompatible.

4) Student housing will degrade the peacefulness of the neighbourhood;

5) Council has a history of supporting the current nature of the neighbourhood through historical development of this quadrant and the more recent development at 570 Windermere Road;

6) This is entirely a win/lose scenario. The developer makes money; the neighbourhood loses money and quality of life; the City gains nothing of consequence. This is purely a money-making undertaking.

For all of the foregoing reasons, I petition the City to protect the existing nature of the neighbourhood by rejecting this application for re-zoning.

Respectfully Submitted,

David Leckie, P.Eng. (Retired)

From: William Fisher
Sent: Sunday, September 9, 2018 12:31 PM
To: Campbell, Melissa <mecampbell@london.ca>; Cassidy, Maureen <mcassidy@london.ca>
Cc:
Subject: Concerns About Zoning Amendment Requested for 536 and 542 Windermere Road (File Z-8945)

Dear Ms. Campbell and Ms. Cassidy,

I have some concerns about the zoning amendment that has been requested for 536 and 542 Windermere Road (File Z-8945). My family lives at 143 Orkney Crescent, and we walk along our street and along Windermere Road on a daily basis and have contact as neighbours and as community residents with the planned development's intrusions on Orkney Crescent and Windermere Road. My specific concerns are as follows. First, according to the site plan, there will be a highly visible 1.8 meter high wooden fence corner abutting Orkney Crescent that will diminish enjoyment of our street, without the benefit I would add of apparent landscaping on the Orkney Crescent side of the 1.8 meter wooden fence that is proposed. Second, there proposed building would appear to be quite tall, if I read the elevation plan correctly, and it would appear to be visible to us on Orkeny Crescent. Moreover, it would appear that the Orkney Crescent facing back group of apartments—eight of them--will look down directly into neighbours' yards. Finally, it would appear that the portion of the plan facing Windermere Road will leave a very minimal strip of sidewalk for us to walk on and it will be fenced with a wooden fence facing the street, with no apparent landscaping, diminishing our enjoyment of our daily walks. The size of the proposed apartment development is too great for the

neighbourhood and the lot and the plans show no respect for the aesthetics of the neighbourhood. The requested amendments will leave us with a tall dominant building, fenced with unlandscaped wooden fences 1.8 feet tall, intruding on Orkney Crescent and on Windermere Road.

Thank you for taking the time to read about our concerns.

Cordially,

William and Randi Fisher

From: Karen Weilgosh

106 Orkney Place

London, On, N5X 3S1

To : Melissa Campbell

Planning Services, City of London

206 Dundas St. London, N6A 1G7

September 11, 2018

RE: File Z-8945, Applicant 2492222 Ontario Inc

Dear Ms. Campbell,

I am the owner of 106 Orkney Place, a property that is located near this proposed development, where I live with my two young daughters. As such, I have some serious concerns in regarding the proposed development and application for a zoning amendment to allow cluster "back-to-back" townhouse dwellings. To begin, our neighbourhood is composed of single family homes which are quiet and safe for young families and older residents. Having "back-to- back" townhouse dwelling would mean student rentals with a significant increase in noise levels due to student parties. This would also create a parking issue as the townhomes have limited parking, and the overflow would fall onto Orkney Crescent and Angus Court as no parking is allowed on Windermere Road. Having student rentals also diminishes the sense of family community that we take pride in. Finally, the value of our homes will likely suffer a decrease due to this development. I sincerely hope that our community voice is heard in regards to opposition to this proposed development. Thank you for your consideration,

Sincerely, Karen M. Weilgosh

From: abdulchagla
Sent: Thursday, September 13, 2018 1:51 PM
To: Campbell, Melissa <mecampbell@london.ca>; Cassidy, Maureen <mcassidy@london.ca>
Cc: 'Yasmine Chagla'
Subject: Zoning By law amendment File Z-8945 -536 & 542 Windermere Rd

Dear Ms. Campbell and Ms. Cassidy,
Thank you for sending us the note regarding rezoning application of above property.
We have been resident in the area for 35 years and selected this area for 2 main reasons:

1. Low density populated area
2. Secure and peaceful area to raise our children.

With zoning changes and eventual building of these properties, it will change the dynamics of this area,
We oppose change of zoning due to following reasons:

1. There will be increase is residential units and population increase in our area, changing the living dynamics of our area.
2. High density will decrease valuation of our current residence.
3. Increase noise, traffic etc. (especially as students rental)
4. Cutting of mature trees, changing habitat of the area
5. Noise pollution due to increase in traffic.
6. Unsafe for children who bike or walk from school.

7. Due to limited parking, “new residents” will use neighbourhood side streets to park, hazardous during winter cleaning.
8. Encroachment of sidewalks due to reduced front yard depth.

We want our Ward Councillor to intervene and stop the rezoning application.
Thanks
Dr. and Mrs. Chagla

Dr. Abdul. H. Chagla. Ph.D., FCCM.,D(ABMM).
Consultant Microbiologist
American Society for Microbiology –
International Capacity Building Program.

From: Bob Barker
Sent: Saturday, September 15, 2018 1:04 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: 536 and 542 Windmere Rd.

Hi. I am astounded that planning would even consider such a maximum density development, that far exceeds the normal density, setbacks, parking that the community surrounding it was planned, and built to. This site should be required to adhere to the normal max. of 16 units per acre , with 2 parking spaces per unit and already established site requirements in the community with conventional side yards and set backs. To say the area already has commercial uses already, and use Masonville Mall as a neighbour to this site that is 2 plus km away by road, is stretching the truth.
I am in favour of using existing planning standards and developing the site, but Do Not Bend the rules, to accommodate an investor, trying to create extra dollars, by cramming the site for their own gain, and ignoring already established and approved requirements.

I have lived in the area with in approx. 1 km. of this site Since 1986 and built a new home on Bracebridge Crt. 1989, and still live there. I appreciate your consideration, and look forward to the city doing the Right thing ...Bob Barker, 47 Bracebridge Crt. London.
Sent from my iPad

From: Frederick Rodger
Sent: Saturday, September 15, 2018 8:38 PM
To: Campbell, Melissa <mecampbell@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>
Subject: Zelinka Priamo Ltd - Re 536/542 Windermere

Hello Melissa,

I was reviewing the Zelinka Priamo website and I noticed that Melissa Campbell is listed as an employee. Are you that employee, I thought you said that you worked for the City of London.

I hoped this is not too personal but are you related to the Mathew Campbell that also works there?

I am not trying to be offensive, I am just trying to get a clear understanding who all the players are. Can I be confident that the correspondence that I send to you is not being shared with Zelinka Priamo Ltd?

Routing around the internet, I also noticed that Richard Zelinka and Greg Priamo are past employees of the London Planning Department.

It appears to me right now is that the deck is stacked against the current neighborhood that includes 536 and 542 Windermere. I have imaginings that phone calls have been made (possibly quiet money tossed around) and that this exercise of neighborhood participation is just a process to go through because the decision to build has already been guaranteed.

All that said, I would like to hear your side.

Kindest Regards,
Fred Rodger
131 Orkney Cres.

Subject:
Lots 536 and 542 Windermere Road - Re-zoning application from Zelinka Priamo on behalf of numbered company 2492222
London Planning file number: Z-8945
Comments from Lucy Hampton 94 Orkney Place, London, ON N5X 3S1

- Replacing 2 single family dwellings with 16 single family dwellings is excessive. A minimum of thirty-two (32) parking spaces would be required for the residents and additional parking spots are required to accommodate visitors. I could not see how that would be accommodated in the proposed plan. Will the residents and visitors start parking on Orkney Place near the walkway close to the proposed unit? If so, our street is too narrow. not long enough and just barely accommodates the visitors of the residents of Orkney Place, especially in the winter. If this goes through as proposed, it is very sad that the city supported a project knowing that they may be creating a parking issue for some of their highest residential tax payers.
- The building footprint is too large. There is very little green space and no backyard for children to play. Therefore, it is clearly not being built to attract families but instead university students. There is a 4-bedroom house on our street that was rented by university students for the last 2 – 3 years. They owned 4 cars. They put their blue boxes and garbage on top of snow banks which fell over before the city came to pick it up. Because the garbage was scattered all over, the city did not pick it up. It laid there scattered on the property and street for weeks. This was a normal occurrence.
- With no green space, rain water from the heavy rainfalls that we've been having will not be absorbed by the land and will have no place to go except the street and the storm drains. Will this development introduce flooding issues to this area? I would like to see the City Engineer's calculations that show that the storm drains will be able to handle the extra rain water that is currently being absorbed by the land of these two properties during major downpours.
- How will garbage be handled for 64+ people? There will be at least 32 bags of garbage per week plus blue box materials. Will there be a garbage bin at the back of the lot? If so, this garbage bin will start attracting more wildlife from the river area across the road. We have too many deer, skunks, racoons and groundhogs roaming our properties at night as it is and do not want more. I especially do not want to start seeing rats.
- How will snow removal be handled? Where will the snow from the parking lot be piled? Will it reduce the amount of parking spaces making the parking issue worse?
- Getting from Doon Drive onto Windermere Road in the morning when everyone is driving to work and the students are driving to school is a real problem and adding more traffic from this building is in my opinion an issue. This corner will need a street light, similar to the other end of Doon Drive and the speed limit should be lowered.
- Lastly, I am very disappointed that this is even being discussed since we have precedent at 570 Windermere Road where two similar lots were purchased a few years ago and replaced with 4 single family dwellings, a win-win solution for the developer and the neighbors. It is my understanding that the developer at the time went through the re-zoning process of these lots. Why isn't the city using 570 Windermere Road as precedent for the two proposed lots. What makes the proposed project eligible for different zoning

other than single family residences? Increasing the number of family units from 2 to 4 meets the city's objective of increasing density through infill and maintains the single-family concept which was the reason we bought here 31 years ago.

Thank you for your consideration.
Lucy Hampton

From: Brocklebank, Allan
Sent: Wednesday, September 19, 2018 10:10 AM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: 536 and 542 Windermere Rd.

re. Notice of Planning Application

Zoning By-Law Amendment

File: Z8945

Melissa Campbell:

My name is Allan Brocklebank and I own, and reside at, 58 Orkney Crescent, within the subject property's notification area.

Please allow me to provide my input related to what has been proposed. My comments cover a broad range of topics and I assume that you, as the forward person, will refer all related issues to the appropriate city departments (Planning/Zoning, Building, Fire Department, etc.) for their perusal and comment; please let me know if I must do this directly.

The planning consultants (Zelinka) have spent considerable time and effort, using their Planning Justification Report (PJR) to make a case for rezoning that would permit a development having a density considerably higher then the existing subject and abutting properties. The documents referenced, the Provincial Policy Statement, the City of London Official Plan and The London Plan (Under appeal) are guiding principles and are not intended to be interpreted (literally) and certainly not applied solely for the monetary benefit of the developer at the exclusion of quality of life issues for the future inhabitants of the development, the neighbours and all the citizens of London.

In principle intensification is admirable but this specific proposal is severely flawed.

Rezoning: from R1-6 to R5-7: Not including Site Specific Concessions requested.

Density:

- the 75 units/ha number as quoted in the Planning Justification Report (from the City of London Official Plan; Density and Form) is a guiding principle and therefor moot
- the max. permitted density for the R5-7 zone is 60 units/ha.
- the entire site (both properties) including the city boulevard (assumed by the city) is 30,437 ft2 or 0.2804 ha. (Zelinka says 0.277 ha)
- the site excluding the boulevard (approx. 8m x32m) is 27,437 ft2 or 0.254898 ha.
- Zelinka has used the larger area (incl. boulevard) to rationalize their proposed density; 0.2804 x 60 = 16.824 units (or 0.277 x 60 = 16.62 units)
- I would suggest that the density for this development should be based on the smaller lot size (not including the boulevard); 0.254898 x 60 = 15.29388: **Zelinka is proposing one more unit then permitted in a R5-7 zone thus requiring another site specific concession**

It is interesting to consider that, due to the "'no build' portion of the site (half of the site), for all intents and purposes, the actual density will be (effectively) twice that permitted.

Special Provisions: Site Specific Concessions requested.

Reduced front yard setback from 8m to 2.1m:

- it is reasonable to expect that this setback will be measured from a virtual property line from the south-west corner of 542 Windermere and the south-east corner of 123 Orkney Cres., providing for the city (assumed) boulevard; that being the case, this line indicated on the Zelinka Site Plan is shown inaccurately resulting actual setbacks less than those stated.

- according to the definitions provided in the Zoning By-Law (defined italicized words) this *Setback* is to the *Structure;* therefore this setback (from the virtual PL.) should be measured to the front face of the window well (or should I say 'Amenity Space') and not the building face (in the PJR, Zelinka has noted this as being only 200mm); note that a enclosed guard (that must prevent climbing) is required continuously around all window wells (to prevent people from falling 6 feet into these pits); conveniently Zelinka has used 'artistic license' (in their drawings) to downplay this reality

- Zelinka (in the PJR) states that this 200mm (8") will promote 'An active streetscape….. ….. (with) direct pedestrian connection to the public sidewalk and patios at the front of the building'; this is an understatement, but unfortunately in a very negative way; later I will comment on these bleak amenity spaces and their proximity to public sidewalks, etc.

- Zelinka (in the PJR) acknowledges the problem with this non-setback by proposing that these areas 'will be highly landscaped with a generous amount of plantings, as shown in the conceptual rendering'; unfortunately this is more smoke and mirrors as no significant planting could be provided in a space less than 8"; Zelinka suggests/shows additional landscaping on the assumed city boulevard which is unreasonable and presumptuous

- A zero setback would be unprecedented for the Windermere streetscape; Site Plan Control 2.13.1.(c) states 'Buildings should where possible reinforce the prevailing street pattern by aligning with the established building line or street edge'; the (relatively new) development at 570 Windermere has a setback of 8m which would be essential (the minimum) for the occupants, considering any future (planned for) road widening for the new realigned road edge (sound and snow removal issues to name a few)

To be clear this proposed non-setback is not based on good design principles but is required so the developer can shoehorn 64 bedrooms on the subject site

Reduced (west) side yard setback from ***5.0m** (not 4.5m) to 1.7m:

- *Note that Zelinka's stated setback on the Zoning Referral Record of 4.5m and is based on the proposed building height of 9m; using the actual height is 9.144m (see Zelinka drawing attached) results in a required setback of 5.5m (.5m of setback for 9+1m of building ht.= **5.0m setback required**)

- Zelinka (in the PJR) attempts to rationalize (I would say ignore and subvert the aforementioned guiding principles) why this 5.5m setback is not required by saying the following:

1. the height of the proposed townhouse buildings is of similar height to adjacent single detached dwellings because the lower grade of the site reduces the impact of the proposed height; **Response - A more explicit grading plan is required to make this determination; the Zelinka Site Cross Sections shows the subject site flat and at the same elevation as the street; actually there is a significant localized depression at the back of the property that is not representative of an actual building founding elevation**

2. the side yard is not an active space; **Response – I disagree, this dead zone will be uncontrolled, unmonitored and ripe for misuse**

3. the buildings do not contain any windows on the facing elevation; **Response – please look at the Cross Section and Side Elevation provided by Zelinka to realize how high and offensive (with no relief) this face would be to the neighbour; note that if windows were provided here, then the required setback would have to be increased to 6m for the R5-7 zone**

4. existing vegetation and trees on 123 Orkney Cres. will screen the buildings; **Response – the fact that there is some existing vegetation on the adjacent property is moot; amenities to mitigate this problem must be provided on the subject site at the developers expense; at any point these trees may have to be removed due to disease or to allow for permitted future expansion (building or deck)**

5. and a large hedge (identified as hedge #3 on the Tree Preservation Report) will screen the buildings; **Response – the shrub referenced is short, located only at the south of property offering zero screening; also note that it is proposed that this shrub is to be removed for construction**

6. shrubs and 1.8m fence are proposed for the area between the proposed buildings and the west lot line; **Response – BIG DEAL; these will do nothing to screen the proposed monstrosity (see attached sketch)**

7. as a comparison that a single detached dwelling is currently permitted under the R1-6 zoning regulations to locate at a 1.2m setback (1.8m setback for a 2-dwelling) with unlimited window coverage; **Response – once again moot; what is being proposed is not a single family dwelling and the setback requirements for a R5-7 must apply (see attached sketch); note that for a two and half storey building on a R1-6 zone the setback would be 2.4m (1.2+.6+.6=2.4)**

A minimum required setback of 5.0m for the R5-7 zone is mandated (and required) due the increased density of the subject site and the impact on the neighbouring lower density R1-6 zone. Any concession here will severely impact the neighbours now, severely limit the utilization of their property and ultimately tramples the occupant's rights.

Melissa, these are my concerns relate specifically to the re-zoning and site-specific concessions requested. Please anticipate another email shortly where I will comment on the following issues:

Other:

Insufficient 6m (south) rear yard setback:

Impossible 4.6m distance between opposing building faces

Ignored OBC Spatial Separation Issues

Inadequate amenity spaces

Problematic fire fighting

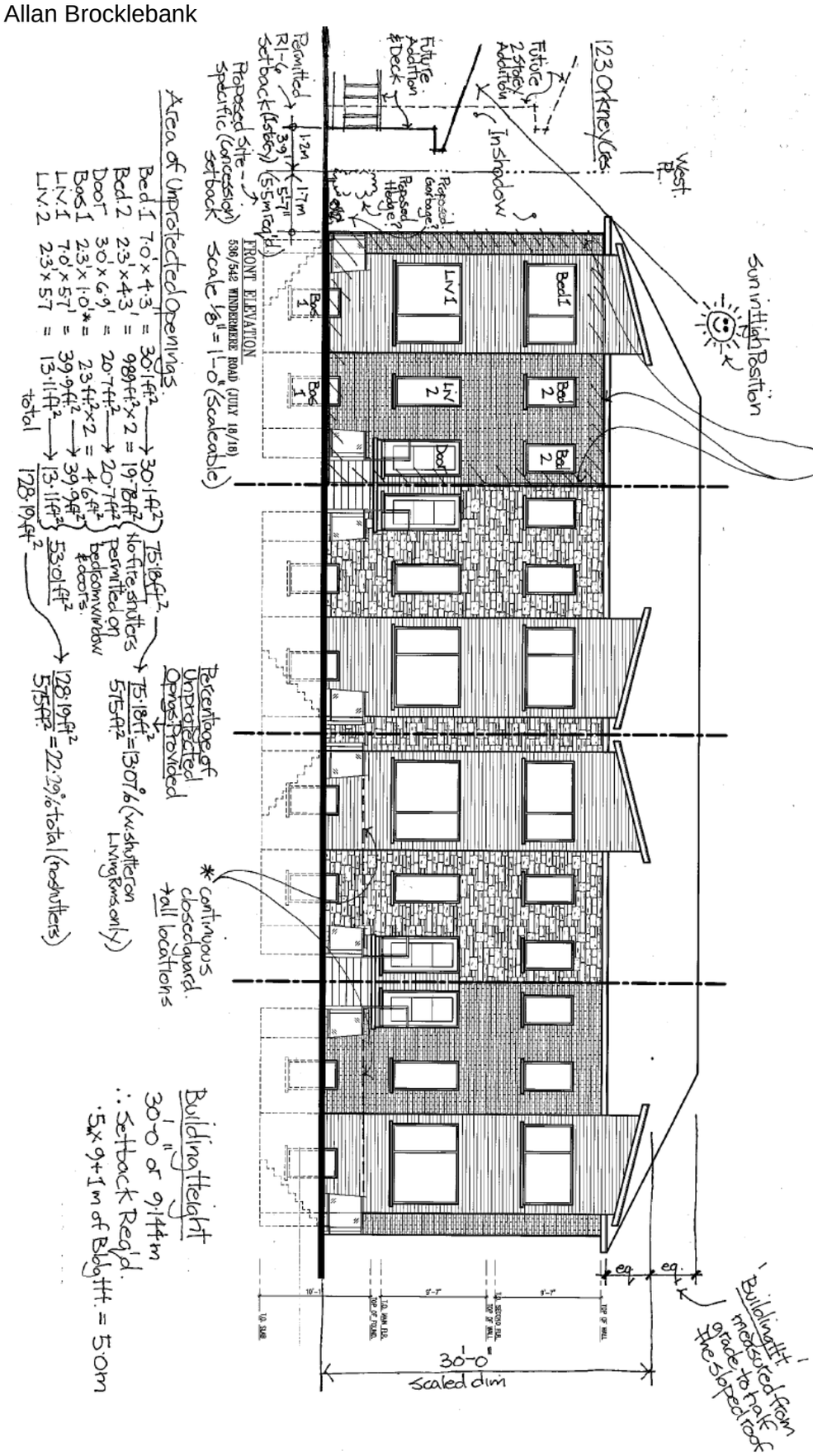
Unresolved parking

Unaddressed garbage collection

Melissa, thanks for your attention. I will talk to you soon.

Regards,

Allan Brocklebank



From: Rocky
Sent: Thursday, September 20, 2018 4:45 PM
To: 'Frederick Rodger'
Cc: Cassidy, Maureen <mcassidy@london.ca>; Campbell, Melissa <mecampbell@london.ca>
Subject: RE: Draft Response to Rezoning - Part 1

Hi Fred

I have reviewed the application and have also discussed it with the planner Melissa Campbell this afternoon. I too, have concerns over the level of intensification proposed for the site. As I stated to you earlier there will be some development on the sire, the issue is how much. At the start my personal opinion is that one building with 8 units would be more than appropriate. That represents a 400% increase over what exists there now and surely satisfies the infill polices of the City. Some of my comments are listed below;

1. The application seeks variances from zoning setbacks on the front and west side of the west lot. There is no need for these variances other than to cram more units in. The restriction on the east lot (watermain easement) was surely priced in on the purchase of the lot and the developer should not profit further by pushing the second building on to the west lot.
2. There no reason to cut down mature trees along any property line other than to facilitate the placing of 2 buildings on the west lot.
3. The issue of parking raises red flags. The provided 24 spaces meets the bylaw for townhouse units (1.5 per unit) however it is clear to me that what is proposed is student housing and 64 bedrooms. How many of the 64 student renters will have cars. I doubt that 24 parking spaces are sufficient. Please refer to the Planning justification report that states for social events on street parking is available on Orkney Cres, Brussels Rd and Angus Crt. Social events really? or just student parties.
4. This site is close to Richmond st (the east limit of the near campus zoning regs), it should be included in those zoning regs and limit the number of bedrooms to 3 per unit. This would help reduce the over intensification.
5. The 2 buildings are less than 5m apart (along the east west line). This leaves barely room for a 1.5 m walkway due to the sunken patios. I personally have not seen this before. This causes fire separation issues uncommon in townhouse development and problems for first responders as well as efficient garbage collection. This issue requires further comment as more detailed information is provided by the developer or the City.

My neighbour Andrew Fox at 22 Angus Crt has reviewed and concurred in the comments noted above.

Rocky and Marilyn Cerminara

26 Angus Crt.

From: Leckie Sandra
Sent: Thursday, September 20, 2018 1:59 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Zoning By-Law Amendment; File Z-8945; Applicant 2492222 Ontario Inc.; 536 and 542 Windermere Road

Hi Melissa,

Further to my submission on September 8, 2018 the following quotation from the developer’s planning submission has come to my notice:

"Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to

the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands."

This further demonstrates how intrusive the proposed development will be upon our quiet neighbourhood. The developer clearly shows that their proposal's design is inadequate to accommodate their needs. No mention is made of visitor parking and the generation of visitor needs for the development will certainly exceed those commonly experienced by our existing neighbourhood.

David Leckie

From: Donglin Bai
Sent: Thursday, September 20, 2018 4:26 PM
To: City of London, Mayor <mayor@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Squire, Phil <psquire@london.ca>; Morgan, Josh <joshmorgan@london.ca>; Salih, Mo Mohamed <msalih@london.ca>; van Holst, Michael <mvanholst@london.ca>; Armstrong, Bill <BArmstro@london.ca>; Helmer, Jesse <jhelmer@london.ca>; Hubert, Paul <phubert@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Ridley, Virginia <vridley@london.ca>; Turner, Stephen <sturner@london.ca>; Usher, Harold <husher@london.ca>; Park, Tanya <tpark@london.ca>; Zaifman, Jared <jzaifman@london.ca>; Corby, Mike <mcorby@London.ca>
Subject: Reject Rezoning Application of 536 and 542 Windermere Road (File: Z-8945)

Dear City Councillors,

My name is Donglin Bai and I have been living at 74 Orkney Place for the past 16 years. My home is very close to this rezoning application at 536 and 542 Windermere Road. I love our home area with low density of single houses with very light traffic and noise issues. However, this may no longer the case with the proposed 3 story building contained 16 units and each with 4 bedrooms at 536 and 542 Windermere Road. This proposed building is much higher density in our neighbourhood and will create many issues to reduce the quality of life in our neighbours, including, the building is a lot larger than almost every building in our neighbourhood and directly affect the privacy of immediate neighbours around Orkney Crescent, much higher density with 16 units and 4 bedrooms each will bring in 16 families or more than 60 students which is 8 times more than the two independent single houses (2 families). The increase in higher density will create issues on the use of shared facilities (shared road), noise control issues, the parking space currently proposed (25 parking spots, including visitors parking spaces) is definitely not enough for 16 families or 64 individual students to use. The developer propose to use local street for the resident parking, which will severely change the local traffic in our current quiet neighbourhood. Higher density will also increase the local traffic, which is already getting worse with all students came back to school in September. This reduced quality of life will influence our local house resale values in the future. I believe that the by-law is created to protect the interests of our community and I hope that you guys can help to voice our local residents concerns to reduce the building size and the total number of units in this property. Thank you for your consideration,

Donglin Bai

From: Matthew Trovato
Sent: Friday, September 21, 2018 4:01 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: London Planning File Z-8945 and Orkney Crescent

Good afternoon Melissa,

I am writing in response to the proposed zoning change adjacent to Orkney Crescent. The London Planning file number is Z-8945. The developer is – 249222 Inc. The developer's consultants are Zelinka Priamo Ltd.

File: Z-8945
Planner: M. Campbell

First and foremost, I would like to briefly give you some background as to why I am contacting you. My wife, one year old daughter and myself moved to Orkney Crescent in May of 2018. Our primary reason for moving was based on the beautiful, quite, family centered neighborhood that was afforded on Orkney Crescent. My wife's and my goal was to find a home where we could raise our family in a quite and well established neighborhood, where our daughter could enjoy time in our private backyard, and we would not have to worry about high traffic and noise in our front yard. We believed we found that in Orkney Crescent, and have been extremely happy with our decision since moving. However, this city and developer's plans to rezone lot 536, specifically as it relates to circumventing the established easements, causes us great concern. Below, please find a list of our concerns., Please note that this list is not exhaustive, and we would be happy to further discuss our concerns with you.

1. The building itself is too big for available land. The applicant is not only asking for rezoning beyond ‘single family residential’ but is also asking for concessions of reduced side lot clearance of 1.7m, reduced clearance at the back of the lot 3.2m and reduce front lot setback of 2.1m which in no way blends in with surrounding neighborhood.. These small spaces along the fence line do not allow for any buffer space between the lot lines and the proposed buildings. As if this is not bad enough, the space that is there will become mostly concrete walkway at the front and back. In essence the applicant wants to cover the entirety of the west lot 536 with two buildings right up to the lot lines. There is no buffer space and no ‘green’. (Taken from the site plan.)
2. What is the proper zoning for these lots and what is an appropriate building? I could not find a precedent where R5-7 was used to subvert a single family residence area. The buildings do not adhere strictly to R5-7 and R5-7 is not used adjacent to R1, R2 nor R3 zones. The developer wants to build an apartment complex yet not adhere to the buffer zone requirements for that type of structure they want to build located in this type of neighborhood let alone this part of the city. The developer is trying to apply the rules for R5-7, to an area where R5-7 is not intended to be used. The developer is doing this in order to squeeze these buildings into the whole space of lot 536 because the developer was negligent and did not research the easement on lot 542 prior to purchase. Prior to this application the developer was planning for a single building that would be built across the two properties close Windermere with buffer space behind. Since the developer did not do its due diligence before making offers on the two properties it wants to jam two buildings onto lot 536 with no buffer zones and is expecting the planning committee to bail them out. The developer is arguing that it deserves to use R5-7 in this R1 zone to make up for its mistake and not have to apply for variances which it would normally have to do. There is a real mish-mash of zoning specifications around this project that need to be sorted out. I am sure R5-7 is not one of them. Planning committee, please do your due diligence and reject this application..
3. The east lot has a large easement passing north to south that houses the Huron to London water delivery pipeline. This easement cannot be built upon. In the proposal, the rest of lot 542 is taken up with an asphalt parking lot. This is counter to the rest of the housing in the area where large expanses of concrete and asphalt would not be tolerated. This is a parking lot and cannot be considered buffer zone. There is no buffer zone at the back of the parking lot. Hence, the scheme of the entire proposed project is out of balance with the properties throughout the neighborhood. In essence, the buildings are too big for the property and are being jammed entirety onto lot 536 with no green space around them. A smaller better designed multi residential building with proper buffer zones and with its basement buried (as with the surrounding properties) would be more acceptable.
4. The area over the easement will be grassed over and called an amenity space. With this design, a mother (resident) is going to have to transport her children over the parking lot in order to enjoy the grass. The mother would then have to remain with the children to ensure parking lot activity did not threaten her children. That is a lot to ask. With a proper grassed buffer zone around the buildings these concerns would not be an issue and children could enjoy the out of doors at their unit. There is

nothing in the proposed design anywhere to accommodate the residents' children having access to the out of doors and a play area.

5. Far too many trees are slated to be removed from the properties for no other reason than to facilitate construction right up to the north and west property lines. According to the tree survey the trees between 127 Orkney and 536 Windermere are healthy. These trees only have to be removed to allow a backhoe to dig the foundations that are too close to the trees and property lines. These are valuable and irreplaceable trees. The developer has suggested replacement trees which are a scrub tree from Norway with weak branches and susceptible to damage from light/moderate storm winds. Even under ideal conditions it would be 25 to 30 years before these trees would provide any adequate coverage comparable to what is already in place. I suspect that the proposed replacement trees were the cheapest trees that the developer could find.
6. Lighting Pollution will be a problem for neighboring residences. The proposed development will require lighting 24/7 not only on the buildings but also around the parking lot. The proposed development and parking lot will literally glow throughout the night radiating light across the adjacent properties. This will interfere directly with neighbors who sit outside throughout the night time hours enjoying the night time and the stars.. It will reduce/restrict the current neighbor's enjoyment of their properties.
7. Garbage has not been addressed in the rezoning docs. A garbage plan has to be developed that does not include a dumpster sitting at the back of the property. Why should the existing residents have to tolerate a smelly dumpster in their midst. The neighboring residents keep their garbage inside until garbage day then put it out for pick up. This proposed development should have to follow the same rule and keep their garbage inside until pick up.
8. The parking spaces for this property are totally inadequate. There are 16 units each with four bedrooms, a common room and a kitchen. These units are clearly designed to be rented out by the bedroom. There are currently several four bedroom homes in the neighborhood that have been purchased by absentee landlords and are rented out by the bedroom. In each case there are a minimum of four cars crammed into the laneway. Even though bus routes are nearby and walking to the university is easily doable, every renter has a vehicle. This is the reality and not some BRT dream. Using the same criteria a building with 64 bedrooms will require 64 parking spaces. Even if these units were to be rented out to families, the parking is still inadequate. In most cases, each family has two cars thus requiring 32+ parking spaces. The end result is a poor balance between the units and parking spaces. This will likely result in overflow parking going onto Orkney Cres. Orkney Pl. Angus Ct. and Angus St via the walkways. There is no provision for visitor parking nor handicapped parking.
9. Shadow from the proposed buildings will harm the trees and landscaping on the adjacent properties of 123 and 127 Orkney. Again this is a result of the buildings being too big for the property and being built right up to the property line. The additional height with the basement being built partially above ground and the close proximity to the property lines will create a shadow effect detrimental to the adjacent properties trees and vegetation.
10. The proposed rezoning will create a number of noise and privacy issues not only for the neighbors but for the residents of the proposed buildings as well. As stated above the proposed buildings are designed to be rented out by the bedroom. I am not stating that students should not live in the neighborhood. Far from it, they are already here. The problem with this rezoning application is the overbearing population density within the proposed buildings. This increased population density will impose stress on the residents/students within these buildings. Students are not livestock to be packed in as tightly as possible in order for greedy developers to maximize their profit. The buildings lack proper natural lighting. The narrow alley way between the two buildings have the windows of one apartment looking directly into the windows of the opposite apartment with only 4 m of separation. As if higher education is not stressful enough, these are additional social stressors that will be

imposed on the inhabitants because of the poor building design. In the case of students, they are naturally noisy, unruly and sometimes riotous as seen over the past few years with police cars and press vehicles being burned and neighboring fences completely torn out and destroyed. With this in mind we should not be adding subtle stressors to the inhabitants through poorly designed buildings. This housing proposal should be a more restful and calming design for both the inhabitants and the neighbors adjacent to the proposed apartment complex.

11. The fence as shown in the site plan appears to be an open board design with 1.8 m height and no other specifications stated. This simple type of fence is inadequate to provide any privacy to the neighboring properties. The site plan does not adequately define the issues as they pertain to the surrounding neighbors relative to the proposed site. The proposed site is the lowest point of all the surrounding properties. Historically, the area was an old runoff swale. The adjacent properties to 536/542 where built up with dirt and rock when the subdivision was created. Lots 536 and 542 where already occupied so these lots were not built up and the adjacent lots around them all slope down towards 536 and 542 starting at Brussels St. In fact, I compare this topographical layout to the Coliseum in Rome. The <u>further back</u> neighboring properties look down into the 'stage' that is 536/542 Windermere. With the current trees in place, privacy and noise containment has never been an issue. The fence will have to be sufficiently high enough to provide privacy both ways. Privacy for the inhabitants of the proposed building from the farther away lots peering down at them. Then privacy for the properties immediately adjacent (127/123/6) from the second floor units of the proposed buildings built so close to the property line. Again if there were a proper buffer space between the building and the property lines this would be much less of an issue. If the basement was to be dug into the ground, it would mitigate this problem further. The fence needs to be sufficiently strong enough to prevent the inhabitants of the proposed buildings from ripping the fence boards off so that they can 'short cut' to their cars parked on Orkney and Angus. (as has been reported to be happening at other locations) due to the lack of adequate parking. The fence will have to be significantly taller in order to create any margin of privacy for the occupants on both sides of the fence. The members of the planning committee need to visit the site in order to fully comprehend the topographical issues associated with the proposed apartment buildings and neighboring lands. The developer's documents are overly simplified and show the properties as relatively flat which they are not. The topography issues are not addressed in the application.

12. Surface drainage also needs to be addressed. Currently the eastern side and back of the proposed sight is a water storage area for the spring runoff and snowmelt. Any fill added to this area will cause water backup onto the adjacent properties. During the spring, there can be 12 to 18 inches of water collected here until it eventually drains away or evaporates.

13. The prosed buildings abut right up to the public side walk on Windermere with insufficient setback from the roadway. In fact the public sidewalk is so close that it becomes part of the building development. Again the proposed buildings are too big for the property and need to be redesigned to a smaller footprint to provide the proper street setback and so that buffer zones can be incorporated to make the project better blend into the neighborhood. Nowhere near this residential area is there a building such as this butting right up to the public sidewalk? This type of sidewalk frontage is usually seen in commercial, downtown and light industrial/craft areas. It certainly does not fit into this area. (Taken from site plan).

14. Further to the above, why the developer would think that the stone/glass façade facing Windermere is better than the current trees along the front and side lots is anyone's guess. The trees near and along Windermere should be preserved.

15. It should be noted that the beautiful trees along the property line between 123 Orkney and the proposed building site belong to the owner of 123 Orkney. These trees benefit the whole subdivision. With the proposed building construction so close to the property line these mature tree's roots will be damaged. To the owner of 123 especially and the rest of the neighborhood as a whole these trees are priceless. Not only do they provide a visual barrier but they also provide sound

damping for all of the residences to the north of 123. Construction so close to this beautiful stand of pines will cause considerable harm to their root systems possibly killing these wonderful specimens. Damaging them or killing them in order to build so close to the property lines should not even be considered. How would the owner of 123 Orkney and the neighborhood as a whole be compensated in this scenario. The developer ignores all responsibility in the application should events such as this occur.

16. There are two safety concerns for the future residents of the proposed buildings. The unprotected window wells that surround both buildings (termed amenity spaces by the developer) are a safety hazard. It is not difficult imaging inebriated residents falling into these oversized window well dugouts and suffering injury or possible death. The window well dug outs (amenity spaces) are sufficiently deep enough to cause serious concern for injury. These holes are a lawsuit waiting to happen. That said, no lawsuit pay out would be enough if the victim were to become a paraplegic from a fall into one these holes. The row of window well dug outs (amenity spaces) adjacent to the public sidewalk along Windermere are particularly concerning for parents with children and toddlers passing by using the public sidewalk. These dugouts would be a curiosity magnet for children. Then there is the multiple window dugouts (amenity spaces) in the narrow alley way between the buildings, is it fair to expect an inebriated resident (or otherwise distracted) to safely traverse from one end of the alley to the other without falling into one of these drop zones? (Taken from site plan)

17. The second safety concern is the narrow alley way space is between the two buildings. The alley way is 4m wide and could not possibly be to the building code. In Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way would inhibit emergency services and fire response teams. Further to this, the windows and doors on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install ‘fire shudders’. This is a very radical and expensive solution to the poor design that is creating this fire/safety issue in the first place. The fire shudders in of themselves create another whole list of concerns and safety issues. If the roll up/roll down type fire shudders are used then there is the possibility of the occupants being trapped inside? Electronic controlled fire shudders are complex and require re-certification on a defined schedules. The electronic fire shudders would at least allow a person to escape provided that they were aware enough to find and press the release. Smoke inhalation, intoxication etc. could make it difficult for a trapped individual to locate and activate the shudder release. With a better project design, the person could simply exit through the door. Fire shudders are something that an absentee landlord is not likely to monitor and keep up to date. Again as mentioned above, fire shudders are a radical, expensive and complicated solution to bad design. I urge the planning committee to take these public safety and fire issues very seriously. (Taken from the site plan)

It appears that the developer is looking to the R5-7 zoning to bail themselves out for not having researched the deeds properly and is now constrained by the easements. R5-7 does not belong next to a R1 area. If the application was for R2, R3 or even R4 it would be much more suited to the location. It is not the planning committee’s responsibility to bail out a developer or guarantee them a profit. This developer wants to come in, jam the biggest buildings it can onto lot 536, pull out as much profit as it can and then run off and leave the problems for the City of London and the neighbors to deal with. A smaller multi residential project that would help build good community probably would not experience any resistance from the neighborhood. With a better design, the new residents of the project would have a better quality of life and feel part of the neighborhood. As it stands now, this application is about quantity over quality. If we are looking for long term success, we have to focus on quality first. A good quality of life for these new residents should take precedence over cramming as many residents as possible in to a building with nothing to offer but four square walls. I solicit the planning committee to reject this R5-7 zoning and for them to request that the developer

come back with a project more fitting for the neighborhood that provides for good quality infill.

Thank you for your time,

Matthew A. Trovato, CPA, CA, HBA

From: Frank and Iva Joy MacNeil
Sent: Sunday, September 23, 2018 3:26 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: London Planning file number Z-8945

I wish to object to the proposed rezoning from Zelinka Priamo acting on behalf of the numbered company 2492222 at 536 and 542 Windermere Ave. I live in the neighborhood and feel this proposed building should not be allowed, for the fowling reasons. This a residential neighborhood of single family homes and is zoned as such. Why have zoning if it can just be ignored or changed to suit a developer. This proposed buildings are too large and not appropriate for this neighborhood. There are not enough parking places and the developer is proposing that overflow parking can use both Orkney Crescent and Angus court as available parking places. This would not be allowed anywhere else.

On June 29, 2012 we received Access Requirements for the Watermain Easement on your Property from the City of London. In it is states according to the easement terms, you are restricted from placing any structures, or plant large trees with the easement boundaries as they may block access or worse, could damage the pipeline. The easement states that no person shall “excavate, drill, install or erect thereon, any pit, well, foundation, pavement, building or other structure or installation without the consent in writing” of the City of London. It also states that the City of London’s Water Service Department is strongly committed to both the delivery of safe and reliable drinking water and to the safety and longevity of its infrastructure. Have they been notified of this proposal? Why would the city even consider giving permission to pave over the pipeline?

We think this would be setting a precedent. There are two large properties on Sunnyside and Carriage Hill. There would be lots of space to put similar buildings like the ones proposed by Zelinka Priamo. Will they be next.

We moved to area because we liked the neighborhood and now if this goes through it will be ruined.

Frank and Iva MacNeil

From: Brocklebank, Allan
Sent: Sunday, September 23, 2018 1:16 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: RE: 536 and 542 Windermere Rd.

Hello Melissa:

Thank you for the prompt email response and for taking the time for our subsequent (and lengthy) telephone conversation that day.

I would like to emphasis that the first set of comments I've sent you, relate specifically to the rezoning request (and Site Specific concessions) and had nothing to do with the Site Plan Approval or Building Permit processes. I did say I intend to comment (later) on a range of issues (including Building Code) that I feel have significant bearing on what has been proposed, particularly as it relates to the concession requested as part of the ZBA.

In your email you have suggested that some of my comments will be sent to Development Services. Specifically, which of my issues cannot be dealt with in the ZBA? Will those departments review and and comment on the all deficiencies in the proposal as part of the rezoning request? Will any issues, deemed insignificant, be ignored until after rezoning is granted?

I'm having difficulty with the suggestion that the proposal being considered is conceptual. I am concerned that the decision to allow rezoning will be made in a vacuum without considering all the issues in this flawed proposal. What has been proposed will significantly influence the nature of any new development and have a profound impact on the neighbourhood. I am not confident that there will be any significant public consultation once the die is cast (rezoning granted) in spite of your assurances.

Like many of my neighbours, I am endeavoring to understand this process. Anything you can do to help us understand is appreciated.

ps. You mentioned that Zelinka has or will be submitting an amendment to to the ZBA to give further relief for the the Front Yard Setback. Was this made before or after I had raised the issue?

We'll speak again.

Allan Brocklebank

From: m s
Sent: Tuesday, September 25, 2018 7:11 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: 536 & 542 Windermere Rd Proposed Development

Hi Melissa,

Please find below some of my concerns/issues regarding the proposed development that is located next to my home at 123 Orkney Crescent.

1. According to the Tree Preservation Plan submitted by the Landscape Architect there are 10 emerald cedars (#3 on the plan) shown to be located on the property belonging to 736 Windermere Rd and slated to be removed due to construction. These cedars are actually located on my property in the southeast corner of my lot. I have attached a picture for clarification.

2. The side yard to the west of the proposed development will **not** be an active space according to the developer. I see it as another pathway for pedestrian traffic. The developer plans to locate shrubs in this area to prevent occupant use. The shrubs will not survive due to lack of sunshine and irrigation. If the shrubs were to be replaced with hardscaping this would not deter occupants from using this space. There is also the problem of litter accumulation and refuse being left here.

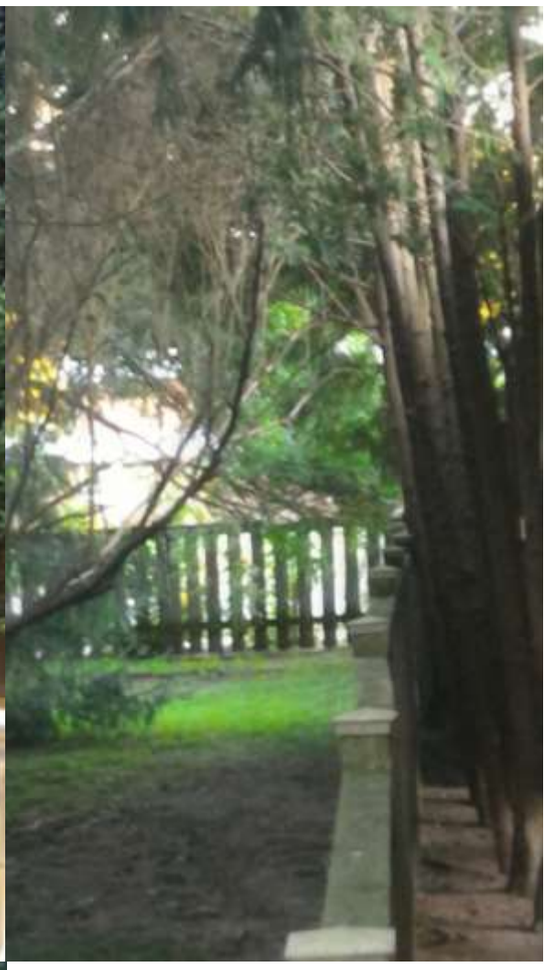
3. The Planning Justification Report states that "No shadowing, beyond which would otherwise be present with a single detached dwelling, is expected as a result of the proposed development....Lands to the west are already shadowed by existing mature trees." From the attached pictures you can see that the sunlight that is cast on the east side of my property would be significantly reduced by the proposed multi storey development. As well this lack of sunlight would significantly impact the health and longevity of the current mature spruce trees that run along the property line.

I am looking forward to your visit to gain a better understanding of the issues I have expressed.

File: Z-8945
Planner: M. Campbell

Sincerely,

Mario Scopazzi
123 Orkney Cr.



File: Z-8945
Planner: M. Campbell

From:
Sent: Thursday, September 27, 2018 7:51 PM
To: Planning <Planning@london.ca>
Subject: File Z-8945

Re:536 and 542 Windermere Road
London.ca/planapps

We are completely opposed to the application for this building project going ahead as it is very unsatisfactory to our neighbourhood.
It is very unfair to construct a building of this nature that attaches itself to several neighbours properties after so many trees have to be removed to build there.
It will definitely devalue several properties in the area, especially on Orkney Cres.
Good taxpayers do not deserve to be treated this way.
The parking is another Hugh issue. Just where do you expect all of these tenants will be able to park. They will probably all be students, and most students try to get as close to there school as possible. Therefore I believe they will park on all of the streets around the area and be annoying to many families.
As well I do know that many students (not all) love to party and they also leave many messes behind. This is not a subdivision for that type of behaviour.
I also can imagine that these buildings will certainly look out of place for this lovely area.
Please take into consideration that many, many of us and our neighbours are very very upset with you even considering this project.
Hopefully your clients can find a much better property on which to build these out of place buildings.
This is a request from Patricia and John Orlebar, at 26 Ravine Ridge Way, London Ontario
I hope you will add this request to stop these buildings from ever being built.
Thank you in advance
Sent from my iPad

From: Gary turner
Sent: Friday, September 28, 2018 11:52 AM
To: Planning <Planning@london.ca>
Cc: Campbell, Melissa <mecampbell@london.ca>; gary turner
Subject: Response to Rezoning App. Z-8945 – 536/542 Windermere

Response to Rezoning App. Z-8945 – 536/542 Windermere

Why is this particular project so important, and to whom, that this committee would grant such drastic and unreasonable variations to current bylaws? The following points clarify that the developer is misleading in its application and more importantly it highlights that the planning department has failed in its obligation to properly assess and provide due diligence to city tax payers.

This response is broken up into several sections to make it easier for the planning committee members to cross reference details with the documents submitted by the planning consultant. The first section is a preamble: a message directly to the members of the planning committee. The second section has a focus on the first three of the submitted documents and primarily on the Planning Justification Report. This section includes quotes directly from various documents and my responses to those quotes. The third section is a list of concerns and issues with the proposed rezoning application written in a conversational manner and without quoting specific documents.

Section 1 – Message directly to the Planning Committee Members

The proposed structure if allowed to be constructed will leave behind numerous problems for the City of London and the neighbors to deal with long after the developer has taken its profit and fled. The submitted documents in and of themselves are rather odd. For example, the Planning Justification document could have been about six

pages in length. For some reason the author felt he/she had to keep repeating specific points over and over and over however, I suspect this repetition is not an accident and is intentional. The author knows that the planning committee is made of citizens that are not familiar with this type of dogma. Nowhere in the rezoning documents does the author clearly state what the beneficial aspects of these buildings are to the neighborhood, the City of London and the greater community. The author's constant repetition of his selected points gives the impression that the author his/her self is not convinced of the benefits of the proposal. It appears that the author is attempting to convince him/her self of the benefits.

Further to this, much of this repetitive mantra is about statements that are not factually correct. Regardless of how many times the falsehoods are repeated, it still does not make the falsehoods factual.

Some of the author's repetitive hammering is to use aspects of the London Plan and the 1989 Official Plan to justify the over-intensification proposed in this project. Small portions of these policies are quoted to justify a point the author is trying to make. Upon further examination when the quote is read in its larger context of these policies we see that the author is violating the spirit of these plans. The London Plan and the 1989 Official Plan state a desire for development and quality infill that will benefit the city and its citizens in the long term. These plans envision development that builds community and does not create ongoing problematic issues that will have to be dealt with for decades to come. You will see these misleading passages brought to light in my response as well as the responses of my fellow neighbors.

The proposed development is about quantity over quality. In many places within the rezoning documents the author attempts to describe the proposed building as a townhouse complex like other townhouse complexes within the city. Throughout the city other townhouses generally consist of 1, 2- or 3-bedroom units. This proposal is designed for every unit to have four bedrooms, a common room and a kitchen. If you try to find a four-bedroom townhouse within the city, what you might find is a unit where a handyman has added a bedroom to the basement. There are very few townhouse units designed to have four bedrooms. So, make no mistake, the buildings in this proposal do not fit the normal townhouse description as laid out in the City of London's zoning policies. The proposed buildings are a high-density housing complex specifically designed to be rented out by the bedroom. This is where the over-intensification of this project becomes apparent. You will see the related math identifying the over-intensification later in Section 2 of my response. This housing complex more resembles the student residence buildings at the University of Western Ontario than it does a townhouse. Over-intensification is more about quantity and profits than it is about a quality of life for the inhabitants and a design that is based on good urban design principals.

A planning consultant's certification comes with an oath and the expectation of honest, truthful and ethical behavior. These qualities are expected of every professional in their field of expertise. As you review the rezoning documents, question what you are reading and evaluate if the author is being honest in his depiction of the proposed buildings and their relationship to the existing neighborhood and its residents. Has the author presented an ethical case or is the author trying to 'bully' his way forward with little respect for the neighboring citizens? Has the author made this proposal based on the spirit of the 1989 Official Plan and the London Plan? Are the details of the proposal based on sound urban design principles? From my perspective, the author's over-intensification proposal has elevated profit above all else regardless of who gets trampled in the aftermath. The human component is not mentioned in the proposal, not the inhabitants of the new building nor the existing neighbors. When we consider how many people will be impacted, it is apparent that this proposal is of a very low professional standard. This proposal is over bearing and uncaring of the affected individuals. As you review the rezoning documents, I believe that this will become self-evident.

The members of the planning committee are elected by the citizens of the City of London. It is everyone's understanding that it is the duty of the elected official to represent the citizens that elected them. Nowhere in that mandate is it the responsibly of the Planning Committee Member to ensure that a developer makes a profit, nor to

ensure a maximized profit. This proposal is all about maximized profit to the detriment of anything that gets in the way. The proposed buildings do not fit the specifications of the R5-7 zoning and this application should have been rejected before the application was sent out to the neighborhood. This will also become evident as we proceed.

In section two I analyze the first three proposal documents in some detail. It is going to be somewhat repetitious as it is required that I follow the pattern in the rezoning application documents

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

Section 2 - Document Review

1. From zoning by-law documentation, section 9 (R5 zoning) Section 9.1 General Purpose of the R5 Zone states "This R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. Different intensities of development are permitted using the seven zone variations. **Density provisions range from 25 units per hectare (10 units per acre), designed to accommodate town housing development adjacent to lower density areas**, to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centers. The **higher density zone variation** has been designed to **accommodate stacked townhouses**. The middle range zone variations are designed for most suburban town housing developments". Since all the surrounding area of the proposed site is low density R1-6 the maximum units per hectare (UPH) is 25 units as stated by the above policy. However, in the rezoning application the author is requesting the maximum of 60 UPH which as the policy states used in high density areas. When we do the calculations, we see the following: The area of lot 536 is 32m x 41.7m = 1,334.4 sqm. The area of lot 542 is 25.7m x 46.2m = 1,187.3 sqm. The total area available is 2,521.7 sqm or 0.25 hectares. With 16 units and .25 hectares we see a UPH of 64 UPH which exceeds even the 60 UPH that is used for high density areas. In the Planning Justification Report. Page 17, Section 3.2.2 near the top middle the author quotes the 1989 Plan" Within *the Low-Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare."* Here we have a statement taken out of context. When the referred section is taken as whole we see that 75 UPH is a possible upper limit providing a whole series of conditions are meet that include buffering, landscaping, privacy mechanisms, height, massing etc. and does not mandate a 75 UPH density next to a low-density area.

   Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

2. On the Conceptual Site Plan the author is misleading the viewer by including land area that will not be available to the developer. Lot 536 was designated long ago possibly when Windermere was still a gravel road and as such juts out into the current boulevard portion of Windermere. If this property changes hands the city will recover 8.1m from the property's frontage. The dark line that outlines the old property lines is not what will be available to the new purchaser of the property. It appears that the author did this intentionally to make the buildings appear to have more set back than what they would actually have once the property transfer took place. If a new dark line is placed where the new property line will be after the 8.1m is removed, it is easy to see how the building has no setback and impinges on the streetscape. The author could have been more forthright by placing a bold line to show the loss of the front 8.1m. This would more correctly show the buildings in proportion to the land that would be available at the time of construction.

   Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

3. Building Elevation and Site Plan Document: The pages are not numbered but the Site Cross Section (North to South) page is grossly out of scale. It overestimates the distance between the buildings and the property lines including the adjacent dwelling. This diagram also understates the gradient difference between 127 Orkney and the proposed buildings while not show the gradient changes at 123 Orkney. The artist is attempting is to show the site as more acceptable than it really is (with these errors). By 'squashing' the buildings down in the diagram, the artist is trying to show the buildings as not too big. But remember that these buildings are 35 ft tall and abut right up to the property lines. It is important for all members of the planning committee to visit this site and see for themselves the multiple grading issues between the adjacent properties and the proposed site. I would be happy to provide a tour at any time either as a group or individually. This can be checked against the site plan.

   Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

4. Building Elevation and Site Plan Document: Site Cross Section (North to South) page (same page as above) shows Windermere lower in elevation than the property. Currently this is not the case which means that fill would have to be used to increase the grade thus raising the buildings up. This further complicates this diagrams lack of scale and proportion because the roof lines of the proposed buildings will be much higher than the adjacent residents at 127 and 123 Orkney. Adding fill to have the road a lower than the buildings as the image shows will raise the roof line even higher (35 ft plus). This diagram shows the proposed buildings not to scale but the artist has squashed them down to make the image more pleasing. These images are even more deceiving because these images do not include the window well drop zones. This is an attempt to create the effect further that the buildings fit in. These details can be checked against the site plan.

   Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

5. Planning Justification Report. The image on the title page of the report plus the image Figure 3, page 6 and the image on the title page of the Urban design brief are very misleading and do not portray some very negative aspects of the two buildings. The image does not represent how the building appear will relative to Windermere and the public sidewalk. You will notice that the window well drop zones have been eliminated in the diagram. From the site plan we see that these drop zones almost touch the public sidewalk. The grass in front of the building will be just a narrow strip between the public sidewalk and the building (from site plan). The foundation plants in the image are currently hovering in space over the window well drop zones. There simply is no space for the landscaping plants to exist. The broad expanse of grass between the sidewalk and the building will not exist. At the back of the building should see a fence and the side of 127 Orkney. It certainly will not be the forest setting as depicted in the image. The actual street scene will be much starker due the lack of setback. Upon reviewing this sketch, I am sure that you will realize that this building falls under the description of 'curb sprawl'. These details can be checked against the site plan.

   Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

6. Planning Justification Report. Page 7 paragraph below figure 5 the statement "allows maximum sunlight into all units from the front and rear" is clearly erroneous and deceptive. The units facing the narrow alleyway between the

building and the basement units with the window well/amenity space dugouts will certainly not receive maximum sunlight. For the units in the narrow walkway, only a very minimum of sunlight will penetrate to ground level much less the windows in the window well drop zones. The south building will completely shade the alley way between the buildings for most of the year. There will possibly some weaker sunlight entering the alleyway from the west end starting in mid-September through November/December.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

7. Planning Justification Report. Page 8 at the top. The statement "it is anticipated that the front of the development, visible from the street, will be highly landscaped with a generous amount of plantings, as shown in the conceptual rendering" This statement is clearly false as there is only 0.2m available. This is repeat and has already been discussed in #5 above. Considering that the building is basically right on the public sidewalk there is very little room for any landscaping at all (See site plan). The developer wants the planning committee member to focus on the pretty picture. The reality will be much starker. Again, this highlights the lack of proper street set back. This can quickly be verified via the Site Plan.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

8. Planning Justification Report. Page 10 at the top. The author states "Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code." This statement is highly suspect and needs to be checked by a certified architect. (see #10 below) If this alley way is to building code I am sure that it is a code that applies to an existing downtown or commercial area and would not apply to fixed residences.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

9. Planning Justification Report. Page 10 at the top. The author states "Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code." That are a number of safety concerns associated with this narrow alley way between the two buildings. As a comparison, in Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way will inhibit emergency services and fire response teams. Further the windows on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install 'fire shudders' on the windows. This is a very radical and expensive solution to the poor design. Is it poor design that is creating the fire/safety issues in the first place. The fire shudders in of themselves create another whole list of concerns. If the roll up/roll down type fire shudders are used, then there is the possibility of the occupants being trapped inside? Electronic controlled fire shudders are complex and require re-certification on defined schedules. The electronic fire shudders would at least allow a person to escape provided that the person was aware enough to find and press the release. Smoke inhalation, sleepiness, intoxication, drug use could make it difficult for a trapped individual to activate the shudder release. With better design, the person could simply exit

through a door. Fire shudders are something that an absentee landlord is not likely to monitor and keep up to date.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

10. Planning Justification Report. Page 10 para 2 states “Given the building height of 2.5 storeys, these setbacks are generally consistent with typical low-density residential side yard setbacks.” This is like comparing apples to bulldozers. This is another false equivalency statement. These two proposed building are full scale apartment buildings and as such the setbacks cannot be compared to a single-family dwelling in a R1 zone. These larger buildings require larger setbacks and buffer zones as per Table 9.3 ‘Regulations for R5 Zone Variations of the London Zoning Bylaws. This table states a front set back of 8m. The side lot is 0.5m per 1.0m of building height; for these buildings at 10.7 meters tall the side lot clearance would be 5.35m with a minimum of 6.0m if the wall did not have any windows. Since the wall between the buildings and 123 Orkney does not have any windows (as stated by the developer) the side lot clearance is 6.0m. The back-lot clearance would be 5.35m because the back of the building has windows. This can be verified on the www.london.ca website.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

11. Planning Justification Report. Page 10 para 2 states “It is anticipated that landscaping, tree plantings, and fencing will be implemented around the perimeter of the subject lands to screen the development from adjacent low-density residential uses, thereby preserving privacy.” The “anticipated” screening measures to preserve privacy are completely inadequate for the topography of the surrounding properties. A simple 1.8m fence is totally inadequate to provide privacy to anyone on either side of the fence much less contain the occupants of the proposed buildings. Given the topography challenges, a 12-foot closed type of fence would be required. The proposed species of trees are an imported Norway scrub species that have weak branches and are susceptible to mild/moderate wind damage. Since the trees are on the fully shaded side of the north building they would receive little if any sun. It is doubtful that any species of tree would take hold here. If a species of tree were to survive at this location it would 35 to 40 years before they provided any coverage anywhere near what the existing trees currently provide. It is imperative that the existing healthy trees be preserved, and a proper buffer zone established at the back and side of the buildings. Again, it is important that the members of the planning committee visit the site to appraise the topographical issues for themselves.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

12. Planning Justification Report. Page 10 para 3 from the top states “A total of 25 surface parking spaces are proposed. Accessible parking can be accommodated on the site with the removal of 1 parking space.” As highlighted above, since the buildings are designed to be rented out by the bedroom (64 bedrooms) the parking is totally inadequate. If the developer insists that it is designed for families, professionals etc. which would generally mean 2 vehicles per unit which would equate to 32 parking spaces. This does not account for handicap spaces or visitor parking. The developer is counting on overflow packing that will land on Orkney and Angus via the walk ways or holes ripped in the fence. Then again on page 21 near the bottom the author states “Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on

Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands." In this statement the proposal itself is stating that the project does not provide enough parking spaces. The calculation of 1.5 spaces per townhouse unit is inadequate for the over-intensification of these buildings. The 1.5 calculation is designed for townhouses with 1, 2 or 3 bedrooms. These buildings are designed to rent out by the bedroom and each unit has four bedrooms. Due to this intensification beyond that of a normal townhouse, a more accurate calculator factor of 2.5 parking spaces per unit would be more realistic.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

13. Planning Justification Report. Page 10 para 4 from the top states "residential intensification redevelopments may be permitted to provide a residential density of 75 units per hectare (UPH) in the *"Low Density Residential"* land use designation, the proposed development with 16 units provides a lower density of 58 UPH." As shown in #1 above the 75 UPH is a possible upper limit as defined by 1989 Plan with other specifications. The 58 UPH calculated by the author is based on land the developer will not own once the land is transferred to the new owner. My calculation as shown in #1 above uses the correct land surface that the developer will have to work with and gives a correct result of 64 UPH. I revisit this topic here again to show the tactics used by the author to try and subvert the spirit of the 1989 Plan and the London Plan. If this were a normal infill project the buildings would be spread across the two properties with parking in the rear. Due to easement constraints the developer has decided to put both buildings onto lot 536. If we want to be silly about it, we will use just the surface area of lot 536 and the result would be over 100 UPH. This further illustrates that these buildings and the associated level of intensification the developer is proposing are seriously over the limit for the available property. The density calculations are skewed by the four bedrooms per unit and the fact that these buildings are designed to be rented out by the bedroom. This skewing of the density calculations is an attempt to cloud over the spirit of official plans vs the singular calculation.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

14. Planning Justification Report. Page 10 Section 5.0 states "The proposed development is not currently permitted under the *R1-6* zoning. As such, it is proposed that the subject lands be re-zoned from the *"Residential R1 Zone (R1-6)"* to a site-specific *"Residential R5 Zone (R5-7(_))"* to permit two, 2.5-storey, back-to-back, 8-unit townhouse buildings (total of 16 units), with special provisions as follows: Minimum front yard setback of 2.1m and Minimum interior side yard setback of 1.7m" The reason that the developer is requesting these two 'special provisions' (read variances) is because the developer is unwilling to design a building that fits the property. This speaks directly to the greed that is driving the developer to maximize its profit at all costs. When speaking with the developers at the July neighborhood meeting, Christopher Tsiropoulos and Danny Partalas told me that they had to have 16 units with a minimum of 1500 sq. ft each and that they would accept nothing smaller. The topics of the discussion never included good urban design, sustainability, harmony with neighborhood, privacy for the existing neighbors or the new residents or any other topics that part of good urban design. The developer's goal is to get the largest buildings possible onto this site regardless of anything else. The fact that these oversized buildings will impinge on the neighbor's properties does not seem to matter to the developer. This request for the 'special provisions" (variances) is a result of the fact that the developer did not adequately search the

property titles prior to making offers on the two lots (536/542) After submitting the offer to purchase the two properties the developer learned of the easement on the east of lot 542. only after the planning consultants became involved. Now the developer wants to jam two buildings onto lot 536 instead of having a single building spread across both lots that would have had proper buffer zones and more parking in the rear. The developer wants the planning council to bastardize the existing proper zones and bail the developer out. Please know that the developer has only conditional offers on the properties and can exit easily. Any pleadings from the developer should turned down and this rezoning application declined with prejudice for wasting everyone's time. It is not council's responsibility to ensure the profitability of the developer. This proposed application is urban design at its worst. A smaller building with proper setbacks and buffer zones would be welcomed.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

15. Planning Justification Report. Page 11 Section 7.1.1 states "The proposed development makes efficient use of underutilized lands well suited for increased density, and appropriately adds to the mix of residential dwelling types in the area to meet the housing needs in this area". Is this really correct? Currently the two properties are fully utilized with fully functioning habitable homes. The residence at 542 is currently rented out to students and 536 is also a fully functioning habituated home. Based on this, there is no reason for rezoning at all. As for housing needs in this area, well they are fully met with the current occupants happily living their lives.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

16. Planning Justification Report. Page 12 near top states "The proposed development contributes to the range of residential forms and intensities in the area…." There is plenty of diversified housing in this and adjacent areas as identified later in these rezoning applicant documents. There really is no need to jam the maximum number of people onto these two small lots. Intensification is not about putting the maximum number of people into the smallest possible volume of space. Intensification is also about good urban design and comfortable living for everyone. That includes those living in the 'intensified building as well as neighboring properties. We should be building harmonious neighborhoods where everyone can grow and develop to their full potential. An 'overly intensified' building(s) will add stress to the occupants as well as the neighborhood resulting in a multitude of problems that are left for the city and residents to deal with long after the developer has fled the scene. Have we not seen enough of this already? Turn down this application for rezoning and send it back to the developer to come back with a better design. Have them come back with a design that better suits the property, the neighborhood and provides a stress reduced quality of life for the residents of the proposed development.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

17. Planning Justification Report. Page 12 near middle states "The proposed development is consistent with the development standards set out in the City of London Site Plan Control By-Law and requires only minor site-specific zoning regulations." The site-specific changes certainly are not minor and are not consistent with other apartment intensification projects in the city. Similar projects are designed with adequate buffer spaces etc. which are missing from this request.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

18. Planning Justification Report. Page 12 near middle states “There are no risks to public health and safety.” As shown with examples in paragraphs above there certainly are public health and safety issues not only to the occupants but also to passer’s by on the public sidewalk. There are issues of fire safety as well as the problems with window well/amenity dug outs. These dug outs are unprotected and deep enough that a fall would certainly result in injury.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

19. Planning Justification Report. Page 12 near middle states “The subject lands are unique in that they are the only lands that front onto Windermere Road in the area and therefore are separate and distinct from the residential lands to the north, east, and west.” Well this statement is just plain wrong, the homes on these lots are exactly the same as the rest of the neighborhood. Their laneway joins Windermere but that certainly does not make the properties distinct from the rest of subdivision. The logic is faulty because the fact that my house faces Orkney and my neighbor’s house faces Angus it does not meet the criteria as being distinct as citied in Section 1.1.3 of the London Plan. Again, this is a violation of the spirit of the London Plan relative to the developer’s ‘spin’ to justify the rezoning request.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

20. Planning Justification Report. Page 13 near the top states “The proposed development is located within the existing built-up area; is a compact form of residential development; and makes efficient use of land, infrastructure, and public service facilities. The efficiency of the development is evidenced by the proposed density of 58 UPH.” This is a red herring to draw attention away from the fact that the buildings are too big for the available property. Yes, the building is compact but there is too much of the ‘compact’ (read building volume) to allow suitable buffer zones and street set back. As shown above, with both buildings are situated entirely on lot 536. Hence the 58 uph is calculated spin. The corrected calculation gives a result over 100 which violates the zoning restrictions.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

21. Planning Justification Report. Page 13 near the bottom states, “the proposed development contributes to an appropriate range and mix of housing types to accommodate future growth in the City of London and contributes to Council’s intent to encourage appropriate intensification” The proposed buildings do NOT comply with appropriate intensification. These buildings will leave behind a whole series of problems for the city to deal with going forward. A smaller footprint with appropriate buffer areas and street setbacks would be welcomed. Intensification in not about quantity of humans in a property this size. Intensification is more about quality of life, building compatible communities and better use of resources. This proposal does meet any of these qualities

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

22. Planning Justification Report. Page 13 near the bottom states “The massing, although larger than the adjacent single detached dwellings, is appropriate for the site.” As stated above, the two buildings are too massive for the available property. If the developer did not have to deal with the easement and the buildings were side by side across the properties there would be proper buffer zones and setbacks. The people of the City of London should not be responsible to compensate the developer for its error by allowing a badly designed project just, so the developer can make a larger profit. Again, a building with a smaller foot print with a better design to fit onto the property would be welcomed. The current design is urban design at its worst.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

23. Planning Justification Report. Page 14 Section 1.6.6.1 talks about servicing the proposed development. Clearly absent from this discussion is the servicing for garbage collection. A plan will have to be developed that does NOT include a smelly dumpster sitting against the back fences (which would be next to the adjacent properties.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

24. Planning Justification Report. Page 14 near bottom states “The proposed development has been designed to be respective and compatible with adjacent low-density residential uses to the north, east, and west.” I suppose this the developer’s opinion. It clearly is not a fact. The existing residents of the neighborhood vehemently disagree with this opinion.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

25. Planning Justification Report. Page 15 above the diagram states “The subject lands are well suited to accommodate the proposed development and can contribute to the supply of a range of housing forms and tenures to meet current demand in the area.” Well again this not factually correct. It may be the developer’s opinion, but it certainly is not fact. If the proposed development were suited the subject lands, the developer would not be requesting the elimination of buffer zones around the buildings. Clearly the buildings are too big for the property. Therefore, the buildings are not suitable as verified by the fact that the developer is requesting special consideration zoning exceptions (the elimination of buffer zones and street setbacks) that a suitable apartment building would recognize. If it was a suitable building for the property we would not even be having this discussion.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

26. Planning Justification Report. Page 16 near the top states “There are no concerns with soil conditions, topographic features, and environmental considerations on the subject lands as they pertain to the proposed development.” Again, this is not correct. The back and easterly side of the 542 property is a collection area for water during the spring runoff and snow melt. This is a topographic feature and has not been identified in this proposal. This year’s water level can be seen by the flotsam debris adhering to the landscaping timbers at the back of 6 Angus Ct.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

27. Planning Justification Report. Page 16 near the top states “The proposed development has been designed to be compatible with existing land uses with the use of similar height, low-rise massing, and significant buffering/screening mechanisms for the maintenance of privacy for abutting uses.” I suspect the author had his fingers cross when this was penned. AS argued in numerous paragraphs the proposed development is NOT compatible with existing land uses because buffering and screening mechanisms are totally absent or in the case of the fence total inadequate. As for the privacy issues, there is nothing about these overbearing structures that facilitates privacy of any sort for either of the parties involved. This statement is so absurd that is indeed laughable.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

28. Planning Justification Report. Page 16 near the top states “the lands to the north and west are higher in elevation that the subject lands and therefore the proposed development will appear shorter than its actual height relative to abutting single detached dwellings to the north and west.” Clearly the author has never left his desk and visited the site. See the paragraph above siting the ‘Coliseum’ effect. I invite each of the planning committee members to the site so that they can gauge for themselves how the surrounding topography renders the developers statement incorrect.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

29. Planning Justification Report. Page 16 near the top states “the proposed development fits well within its surrounding context, in terms of height, massing and exterior materials. The combination of no windows on the west elevation, landscaping, tree plantings, retention of existing trees, and new fencing will contribute to the goal of maintaining privacy for adjacent residents.” It does not matter how many times the developer states these erroneous statements it does not make them true. This is ‘spin’ and ‘fake news’. The tree plantings are inadequate and a poor choice of species. A simple 1.8m fence is not going to provide any privacy for anyone on either side of it. Again, the planning committee need to visit the site. I will be happy to accommodate the committee as a group or as individuals any day, at any time. You can see for yourself how short of the mark the developer’s remedial proposals are.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

30. Planning Justification Report. Page 16, Section 3.1.1 near the bottom states “In addition to the lowered patios, the proposed development provides a landscaped area east of the parking lot for outdoor amenity space.” As pointed out previously the lowered unprotected patios are a health and safety concern. As for the outdoor amenity space, I guess a mother with children would have to drag the children across the parking in order to get to the grass. As I work through this document I have realized that this design is a joke to the point it is just plain sad. For the people that would live here, it would not be funny. It seems that there are work-arounds required for practically everything.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

31. Planning Justification Report. Page 17, Section 3.1.2 near the top states “The height, massing, privacy mechanisms, and design of the proposed development create a compatible site and building design within its surrounding context of

single detached dwellings and institutional uses." The developer states this over and over and no matter how many times it is stated, it is still a lie. This monstrosity of a building does not fit into the surrounding are in any shape or form.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

32. Planning Justification Report. Page 17, Section 3.1.2 near the top states "The proposed development has frontage on Windermere Road (an Arterial Road), creating a separate and distinct lot that will enhance Windermere Road streetscape with the site's development." This project will not be distinct because the drive goes south to Windermere and will stand out in its starkness on the Windermere street scape. No other buildings on Windermere are plopped down right at the public sidewalk. All other buildings adhere to proper street setbacks. This building will ruin the Windermere streetscape by its obtrusiveness.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

33. Planning Justification Report. Page 17, Section 3.1.2 near the top states "frontage on Windermere Road (an Arterial Road)" This was addressed several years ago, and millions of dollars were spent to widen Fanshaw Road for it to become the main east/west arterial road. It was decided at that time that Windermere would remain as it is. The environmentally sensitive area to the east and west of Windermere prevents it expansion.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

34. Planning Justification Report. Page 17, Section 3.1.2 near the top states "The character of the existing residential areas to the north, east, and west along Orkney Crescent, Brussel's Road, and Angus Court will not be affected." This again is lies and spin. These areas are going to be affected grossly.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

35. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states" no shadowing impacts are anticipated beyond what would be present with a single detached dwelling." For these paragraphs to be true the building would have to be setback from the property lines. Since the buildings are being built up to the property lines the shadowing effect will kill vegetation on the neighboring properties including a row of emerald cedars and a row of pines to the west.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

36. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states "Privacy will be maintained with the use of tree plantings, fencing, and the presence of mature trees on abutting lands." As stated repeatedly above and below. The 1.8 m fence will not provide privacy for anyone on either side of the fence. The scrawny scrub trees proposed for the plantings are weak structurally and will not provide any cover for 30 to 35 years if perchance they survive that London with their roots buried under concrete.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

37. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states" Within *the Low-Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare."*

The proposed development adds a greater number of units to the subject lands than what currently exists and is therefore considered intensification. The proposed development is below the maximum permitted density of 75 UPH, being 58 UPH." This is contradiction to the R5-7 Zoning which states that the UPH maximum will be 60. The actual UPH for this project is 64 which is over the zoning allowance. Calculations as follows: Current lot sizes are:
536 Windermere: 32m x 41.7m=1,334.4sqm
542 Windermere: 25.7m x 46.2m =1,187.3sqm
Combined lot size (after new public sidewalk is installed) 2,521.7sqm or 0.252 hectares. This gives us a 61.7 uph which is well over the R5-7 specification of 60. This alone should have had the planning coordinator reject this application it should not have been allowed to proceed.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

38. Planning Justification Report. Page 18, Section 3.2.3.5 ii near the middle is mostly 'Trump speak'. The building without any common sense of setback in any direction imposes significant privacy concerns for existing properties with no concern to any design principles let alone good ones.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

39. Planning Justification Report. Page 18 near the bottom states" while the northernmost patios provide a similar interface with 127 Orkney Crescent as would a typical townhouse rear yard. "A typical town house will have a green space buffer behind the building. This statement is false.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

40. Planning Justification Report. Page 18 near the bottom states" the positioning of the proposed buildings, combined with the proposed setbacks, creates a non-functional space between the buildings and 123 Orkney Crescent, which aids in the maintenance of privacy" Well that is a pretty stupid assumption. It is well known throughout the city that these empty non-functional spaces become locations of crime and the disposal of stolen. This is already happening at the Bell property adjacent to 123 Orkney where the neighbors have to call the police regularly to come and pick up stolen bicycles and other materials. As at the Bell property, this "non-functional area" will become a functioning criminal hide spot. Also, according to the site diagram this will be the buildings garbage collection point.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

41. Planning Justification Report. Page 18 near the bottom states "Fencing, landscaping, and planting buffers are proposed to be used to maintain privacy between the proposed development and abutting single detached dwellings. Additional urban design details are discussed in the *Urban Design Brief*. Considering the above information, the proposed development complies with the policies of **Section 3.2.3.5.ii."** There are no buffers at all, the fence offers no

privacy and the project as whole does not adhere to the R5-7 specifications and should be rejected.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

42. Planning Justification Report. Page 19 near the top states "The proposed development provides adequate off-street parking supply and buffering from adjacent low density residential dwellings. The use of existing trees, along with tree plantings, landscaping, and fencing will be used to screen and buffer the parking area from the abutting uses." Again, more spin of the same thing. There is not enough parking for 64 rental bedrooms and there are no buffer areas at all between the buildings and the neighbors. This whole section is spin and Trump speak because it certainly is not true.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

43. Planning Justification Report. Page 19 near the top states "No Traffic Impact Study (TIS) was required from the City of London, as no significant impacts to traffic are anticipated." Do not believe this either because the developer has severely understated the number of cars that will reside here. A traffic study is necessary. The developer is understating the facts so that the planners will not look further.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

44. Planning Justification Report. Page 19 near the bottom states "One of the design goals of the proposed development is to ensure compatibility and fit within the surrounding context. The two proposed 2.5-storey height of the buildings is similar to the 2-storey, single-detached dwellings to the north of the subject lands, maintaining the low rise character of the area." This is a deceitful statement in that the building mass is much larger than the surrounding 2 story houses. This building is actually over 30 feet tall whereas the next tallest building is 24 feet tall with average surrounding houses are in the 20-foot-tall range. The proposed rises well above anything else along Windermere until you get to the apartment buildings closer to Adelaide. This building is a hideous monstrosity and belongs down town rather that polluting a residential area. Anyone who has studied design in any form can see that. For example, see Figure 24, 25, 26 and 27 of the Urban Design Brief. The size of the proposed buildings has been downsized in appearance by giving them a flattened roof. This is another example of the developer being deceptive and misleading because these buildings would appear much larger if the drawings were done to scale. The lack of scale proportion makes the proposed buildings look smaller than they really are.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

45. Planning Justification Report. Page 19 near the bottom states "As there is an approximately 2.0 m elevation drop between the abutting properties to the north and west and the subject lands, the proposed buildings will appear to be shorter than their actual height relative to the abutting single detached dwellings." Notice how the developer refutes the grade topography issues previously when it works against the proposal but here is trying to spin it as an advantage. Here again we see false statements.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

46. Planning Justification Report. Page 19 near the bottom states “The exterior design of the building provides a well-executed design with modern architectural details, drawing from existing designs and materials of the surrounding residential area, while being noticeably distinct. The combination of similar height, exterior materials and colours (i.e. brick/masonry in neutral colours) create a compatible proposed design with the adjacent single detached dwellings. The use of landscaping, tree plantings, existing mature trees and fencing maintain the existing level of privacy for adjacent residents. The use of these elements will screen the building and parking areas from view (Figure 11).” What landscaping? The buildings butt up to the property lines, there is no room for landscaping. The planting is too small, and it will be 30 years before they can replace the coverage of the existing trees. A 1.8 m fence will do nothing for privacy. The fence will have to be 4 m tall before any privacy comes into play. For the first part, the building material are no more drawn from the surrounding residential area than pixie dust. These are the cheapest materials the developer can find, and everybody know it.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

47. Planning Justification Report. Page 20, top Figure 11. This is a very deceptive image and was intentionally taken out of scale to show more space between the property lines and the buildings as well as at the front where the side walk is actually touching the window well pits. There is not green inside the sidewalk. This is a clear example of the dishonesty that the developer is putting forth in these documents. (Check against the site plan)

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

48. Planning Justification Report. Page 20, near middle states “Privacy will be maintained for 123 Orkney Crescent as the interior side yard is not an active space and the buildings do not contain any windows on the facing elevation.” This interior space will obviously become a garbage collection area as well as an area for criminal planning sessions similar to the Bell building two doors down.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

49. Planning Justification Report. Page 20, near top states “Due to the frontage of the subject lands onto Windermere Road, the lands are a separate, but related, component of the single detached neighbourhood to the north.” Notice the double speak here, previously the developer stated that properties were not related. The author flips back and forth on the details as it suits the spin at the moment. This goes to the lack of integrity of the author and these documents.
50. Planning Justification Report. Page 20, near top states “There are currently no lands that are proximate to the subject lands (within 1 km) that are available for redevelopment and are appropriately zoned that could accommodate the proposed development.” Well these lands aren’t appropriately zoned either for what they wat to do. You cannot find another project like this in the entire city where buildings such as these are jammed up against the property lines. These types of projects always have suitable setbacks and buffer spaces.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

51. Planning Justification Report. Page 20, near middle states “Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.” Here the developer freely admits that he has not provided enough parking spaces for the two buildings. This is a 64-bedroom complex that is designed for the units to be rented out by the bedroom. The parking spaces normally allocated to a townhouse such as this are inadequate. Normal townhouses do not have four-bedroom units and are more family orientated. This sort of project requires much more parking.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

52. Planning Justification Report. Page 20 is asking the neighbors at 123 and 127 Orkney and 6 Angus to supply vegetative screening for the project. It is the developer’s responsibility to provide vegetation and screening on their property which is to be maintained by the developer. The developer should not be riding on the backs of the neighbors. The proposed vegetation and fence screen are totally inadequate and the current mature tree along the property lines need to be preserved.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

53. Planning Justification Report. Page 21, near top states “There is no reasonable expectation that the proposed development would generate noise beyond what would typically be expected from a residential development.” This is false speak again, there is every expectation that there will be a large increase in noise from this complex. Anyone with a synapse know this and there is no mitigation effort made.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

54. Planning Justification Report. Page 21, near top states “The visual impacts of the proposed development are minimal given the height of the proposed buildings and proposed landscape and fencing treatments.” This is a deceitful statement in that the building mass is much larger than the surrounding 2 story houses. This building is actually over 30 feet tall whereas the next tallest building is 24 feet tall with average surrounding houses are in the 20-foot-tall range. The proposed rises well above anything else along Windermere until you get to the apartment buildings closer to Adelaide. This building is a hideous monstrosity and belongs down town rather that polluting a residential area. Anyone who has studied design in any form can see that. For example, see Figure 24, 25, 26 and 27 of the Urban Design Brief. In the images the size of the proposed buildings has been downsized in appearance by giving them a flattened roof. This is another example of the developer being deceptive and misleading because these buildings would appear much larger if the drawings were done to scale. The lack of scale proportion makes the proposed buildings look smaller than they really are.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

55. Planning Justification Report. Page 22, near top states “As noted above, no shadowing on abutting lands is anticipated from the proposed development beyond which would be present with a single detached dwelling. The proposed

setbacks are generally consistent with setbacks normally permitted for single detached dwellings in the R1-6 zone. As such, adverse impacts are appropriately mitigated." The author continually quotes that this project should be able to use the setbacks of a normal single detached dwelling. BUT THIS IS NOT A SINGLE DETACHED DWELLING! This is a 64-bedroom housing complex designed as a high return income property. It should not have the same specifications as a single-family dwelling. This is a commercial building and as such requires proper street set back and green buffer zones around the buildings on its own property.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

56. Planning Justification Report. Page 22, near middle states "the proposal represents an appropriate and compatible form of residential intensification and is consistent with the policies and the intent of the 1989 City of London Official Plan, including residential intensification policies, urban design, compatibility, scale and massing, and maintenance of privacy. The proposal is consistent with the planned function of the *"Low Density Residential"* land use designation to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH." This is not true, this is not a good quality intensification plan. The building is too big for the property and the developer through various modes of spin is trying to skim off the rules from three different zoning requirements to facilitate jamming this commercial residential building into a property that cannot sustain on the ongoing healthy livelihood of the building nor its residents. The developer is trying to fit an elephant onto a postage stamp.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

57. Planning Justification Report. Page 22, near middle states "to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH." This 75 UPH does not apply in this situation. R5-7 clearly states a maximum UPH of 60 and this project has UPH of 61.7 as calculated above. The planning committee mush also consider that both buildings are jammed onto and take up the whole of lot 536. Normally the buildings would be spread across both lots, but since both buildings are jammed onto one lot the UPH is now over 100.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

58. Planning Justification Report. Page 22, near bottom states "The proposed development, at 2.5-storeys, is consistent with the range of permitted uses and heights." This is a deceptive statement, this is not a 2.5 story single dwelling. It is a commercial 2.5 building and as such it is much higher than a normal single detached dwelling. The buildings are over 30 ft high and surpassed anything in sight.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

59. Planning Justification Report. Page 25, near top states "More than adequate parking is provided for the proposed development (24 spaces required; 25 spaces are provided)." 25 parking spaces might be adequate for a townhouse complex of 2 and 3 bedrooms (according to the formula). However, 25 spaces will not be enough for a 64-bedroom housing complex. If this is left as is, it will be causing problems for the neighbors and the London Police Force for centuries to come.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

60. Planning Justification Report. Page 25, near middle states “Dark sky lighting is proposed for the surface parking lot, walkways, and building exterior lights. This form of lighting reduces the amount of upward projected lighting, projecting all the light to the ground. This significantly reduces or eliminates light pollution into adjacent yards and windows of abutting single detached dwellings.” Regardless of what lightning is used this project is going to emit a bright glow that will prevent the neighbors from enjoying the nighttime and star watching. This will greatly reduce the neighbor’s enjoyment of their properties.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

61. Planning Justification Report. Page 25, near middle states “Numerous screening and buffering mechanisms are proposed to maintain and/or enhance privacy between the proposed development and adjacent single detached dwellings.” This is deceptive statement. With buildings butting up against the properties, there is no buffer area which is part of the screen process. The proposed trees are cheap imports and will not amount to any noticeable coverage. The mature trees around the property need to remain and a suitable buffer zone around these two buildings established. These buildings are not a similar height to the neighboring buildings it rises over 30 ft tall and overwhelms the neighborhood. A building with a smaller foot print would help mitigate all of these problems and create a better living experience for the new residents.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?
Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

62. Planning Justification Report. Page 25, near middle states “No shadowing is expected beyond which would otherwise be present with a single detached dwelling. Existing off-site mature trees to the north and east currently provide shadowing on those properties.” Again, notice the double speak and the twisting of words. Yes, there is vegetation on the adjoining properties and the shadowing from the project will cause irreparable harm to this vegetation if not kill it. Again, this is not a 2.5 single family dwelling. This is a 2.5 story commercial housing building that is well over 30 ft in height. THEY ARE NOT THE SAME!

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

63. Planning Justification Report. Page 25, near bottom states, “Together with the proposed similar height of the development with the adjacent single detached dwellings, the proposed buildings create a compatible development with limited visual impacts” The author continues with his mantra over and over similar to as I said before. I hope the planning committee can see through this nonsense. Again, this is not a 2.5 single family dwelling. This is a 2.5 story commercial housing building that is well over 30 ft in height. THEY ARE NOT THE SAME!

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

Section Two – Descriptive Discussion

64. There is no need to rezone these two properties. Both lots are NOT vacant and are currently in use. The house at 542 has been a student rental for some time which is making good use of the property. The home 536 is currently occupied and is a beautiful brick home that makes good use of the property. Both are properly zoned and provide excellent housing that blends in with the surrounding neighborhood. As such no rezoning is required because the properties are not underutilized. Since 542 has already been used for student housing it would be not difficult to convert the home at 536 into student housing as well. This would give a good level of intensification and still not require rezoning and both building would continue to blend in with the neighborhood.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

65. The two buildings are simply too big for available land that these two properties provide. To make the situation worst, instead of balancing the buildings across both properties, the developer wants to jam both buildings onto the single lot of 536. By doing so, the buildings take up the whole of lot 536 right up to the property lines. The applicant is not only asking for rezoning beyond 'single family residential' but is also asking for concessions of reduced side lot clearance of 1.7m, reduced clearance at the back of the lot 3.2m and reduce front lot setback of 2.1m. These small spaces along the fence line do not allow for any buffer space between the lot lines and the proposed buildings. These small spaces that are left between the buildings and the lot lines are mostly covered by concrete and window well drop zones (dug outs) at the front and back. In essence the applicant wants to cover the entirety of the west lot with the two buildings right up to the lot lines. The only location this type of construction is done is in the down town area or commercial areas. There is absolutely no buffer space or 'green' space around these buildings.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

66. The developer attempts to compare these buildings with town houses. Throughout the rest of the city town houses have proper buffer zones and appropriate set back from the streets. However, this proposal is not a townhouse, this proposal is a commercial type residence that does not qualify for the 'townhouse' designation. This building is designed to have four bedrooms per unit. Normally, townhouses come in two- or three-bedroom varieties. This difference then requires a discussion about population density. The proposed buildings are designed such that it the units will be rented out by the bedroom. These units with four bedrooms, a living room and kitchen are not designed for families the way townhouses are. By renting by the bedroom the population density increases by 30% to 50% over a regular townhouse.

    Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

67. The developer wants to build an apartment complex yet not adhere to the buffer zone requirements for those type of structures. The developer is trying to mix the rules for low density housing zoning and a high/medium density housing zoning in order to squeeze these buildings into the small space of lot 536. The developer is arguing that it deserves the best of both zoning areas using the R5-7 with additional concessions in order to avoid providing a proper urban design principal in order to maximize the developer's profit. The important point here is that R5-7 zoning as laid out by the applicant is not to be used adjacent to R1

single family residences. It is to be used in built up areas, the downtown and commercial.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

68. The east lot has a large easement passing north to south that houses the Huron to London water delivery pipeline. This easement cannot be built upon. In the developer's proposal, with the two buildings jammed onto lot 536, lot 542 is then taken up with an asphalt parking lot. This is a parking lot and cannot be considered buffer zone. The parking lot is close to the property at 127 Orkney which results in no buffer zone the parking lot and 127 Orkney. The site diagram shows the parking lot covering up the drainage swale that runs across the back of lot 542. This swale drains the water from the south side of lot 127 and some water and snow melt from the north corner of lot 123 via the depression along the fence line at the back of 536. The drainage swale at the back and eastern side of 542 collects rain runoff and snowmelt for the properties up to Brussels Road to the north and Angus Court to the east. This area floods in the spring with standing water. Measuring from the lowest point of the swale there has been water here 3 and 4 feet deep in the spring. The water eventually evaporates and seeps away. The elevation of the swale area cannot be changed. Any soil added to this area to facilitate the building of the parking lot will cause water to back up onto the neighboring properties.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

69. The entirety of the proposed project is out of balance not only with the properties throughout the neighborhood but out of balance within itself. These proposed buildings are huge. These buildings cannot be compared to the surrounding building and homes. This building with its basement two thirds of which is exposed above ground is 35 ft tall. The average of the surrounding one floor and two floor homes would be 18 feet tall. The proposed buildings will tower over everything in the neighborhood. The proposed buildings are too big for the property and are being jammed entirety onto lot 536 with no green space around them, hence the balance within the project is lopsided as well. A smaller single building with proper buffer zones and with its basement buried (as with the surrounding properties) would be more acceptable.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

70. Far too many trees are slated to be removed from the properties for no other reason than to facilitate construction right up to the north and west property lines. According to the tree survey the trees between 127 Orkney and 536 Windermere are healthy. These trees only have to be removed to allow a backhoe to dig the foundations that are so close to the trees and property lines. These are valuable and irreplaceable trees. The developer's suggested replacement trees are a scrub tree from Norway with weak branches and susceptible to damage from light/moderate storm winds. Even under ideal conditions it would be 25 to 30 years before these or any replacement trees would provide any adequate coverage comparable to what is already in place. It is likely that the proposed replacement Norway trees were the cheapest trees that the developer could find.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

71. Lighting Pollution will be a problem for neighboring residences. The proposed development will require lighting 24/7 not only on the buildings but also around the parking lot. The proposed development will literally glow throughout the night. This will interfere directly with neighbors who sit outside throughout the night time hours. It will reduce/restrict the current resident's enjoyment of their property.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

72. Garbage has not been addressed in the rezoning docs. A garbage plan has to be developed that does not include a dumpster sitting at the back of the property. Why should the existing residents have to tolerate a smelly dumpster in their midst. The neighboring residents keep their garbage inside until garbage day then put it out for pick up. This proposed development should have to follow the same rule and keep their garbage inside until pick up. The developer describes the small space between the proposed buildings and the fence at 123 Orkney as a non-functional space. For any residents that 'missed garbage day', this non-functional space is where the garbage will end up.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

73. The parking for this property is totally inadequate. There are 16 units each with four bedrooms, a common room and a small kitchen. These units are clearly designed to be rented out by the bedroom. There are currently several four-bedroom homes in the neighborhood that have been purchased by absentee landlords and are rented out by the bedroom. In each case there are a minimum of four cars in the laneway in each property. Even though bus routes are nearby, every bedroom renter has a vehicle. With 64 bedrooms, the proposed buildings will require 64 parking spaces. Even if these units were to be rented out to families, the parking is still inadequate. In most cases, each family has two cars thus requiring 32+ parking spaces. The end result of this poor balance between units and parking spaces is that there will be overflow parking going onto Orkney Cres. Orkney Pl. Angus Ct. and Angus St via the walkways. There is no provision for visitor parking nor handicapped parking. The developer quotes that 1.5 parking spaces per unit would be adequate. Here again, this is not a normal townhouse where the 1.5 might work. The proposed buildings are an apartment complex designed for a transient demographic. As with the other rentals in the area, the allotted parking spaces are inadequate for the anticipated demographic and the increased population density of the units. The 1.5 multiplier does not meet the reality and will cause problems for the city and neighbors long after the developer has left.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

74. Shadow from the proposed buildings will harm the trees and landscaping on the adjacent properties of 123 and 127 Orkney. Again, this is a result of the buildings being too big and too tall for the property. This is further complicated with the buildings being built right up to the property line. The additional height with the basement being built partially above ground and the close proximity to the property lines will create a shadow effect detrimental to the adjacent properties' trees and vegetation. The shadowing will cause irreparable damage or death to the vegetation on adjoining properties. Again, this project will remove the enjoyment of their properties that the neighbors now have.

Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?

75. The fence as shown in the site plan appears to be an open board design with 1.8 m height and no other specifications stated. This simple type of fence is inadequate to provide any privacy to the neighboring properties. The site plan does not adequately define the issues as they pertain to the surrounding neighbors relative to the proposed site. The proposed site is the lowest point of all the surrounding properties. Historically, the area was an old ravine/runoff swale where the adjacent properties where built up with dirt and rock when the subdivision was created (See #5 above). Lots 536 and 542 where already occupied so these lots were not built up and the adjacent lots around them all slope down towards 536 and 542. In fact, this topographical layout can be compared to the Coliseum in Rome. The <u>further back</u> neighboring properties look down into the 'stage' that is 536/542 Windermere. With the current trees in place, privacy and noise containment has never been an issue. The fence will have to be sufficiently high enough to provide privacy both ways. Privacy for the inhabitants of the proposed building from the farther away lots peering down at them. Also, privacy for the properties immediately adjacent (127/123/6) from the second-floor units of the proposed buildings built so close to the property line. Again, if there were a proper buffer space between the building and the property lines this would be less of an issue. If the basement was to be dug into the ground, it would mitigate this problem further. The fence needs to be sufficiently strong enough to prevent the inhabitants of the proposed buildings from ripping the fence boards off so that they can 'short cut' to their cars parked on Orkney and Angus. (as has been reported to be happening at other locations) due to the lack of adequate parking. Because of this 'Coliseum effect' the fence would have to be significantly taller to create any margin of privacy for the occupants on both sides of the fence. The members of the planning committee need to visit the site in order to fully comprehend the topographical issues associated with the 'Coliseum effect'.

    <u>Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?</u>

76. The proposed design has the shear front face of the building sitting right up to the public sidewalk. Nowhere on Windermere or any streets for miles around is there such a hideous affront to the street sightlines. This design would be a hideous wart on the Windermere streetscape. Why the developer would think that the stone façade facing Windermere is better than the current trees along the front of the properties is anyone's guess. The trees near and along Windermere should be preserved. We see again the proposed buildings are too big for the property. Buildings designed with a smaller footprint to provide the proper buffer zones and street setback would be welcomed.

    <u>Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?</u>

77. It should be noted that the beautiful trees along the property line between 123 Orkney and the proposed building site belong to the owner of 123 Orkney. With the proposed buildings construction so close to the property line these mature tree's roots will be damaged. To the owner of 123 especially and the rest of the neighborhood as a whole these trees are priceless. Not only do they provide a visual barrier, but they also provide sound damping for all of the subdivision to the north of 123. Damaging them or killing them in order to build so close to the property lines should not even be considered.

    <u>Why is this particular project so important, and to whom, that this committee would turn a blind eye to the following?</u>

78. The second safety concern is how narrow the alley way space is between the two buildings. This could not possibly be to building code. In Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way would inhibit emergency services and fire response teams. Further the windows on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install 'fire shudders' on the windows. This is a very radical and expensive solution to the poor design that is creating this fire/safety issue in the first place. It is a radical and costly solution for poor design.

In closing let me state that the collective neighbourhood is vehemently against this development as it is presented today. The city planning department appears to have grossly failed in its obligation to properly vet this proposal and this rebuttal should provide the basis of an independent review of the department.

J. Gary Turner
130 Orkney Crescent
London, ON N5X 3R9

From: Andrea Qureshi
Sent: Friday, September 28, 2018 10:42 AM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Windermere rezoning

Hello Melissa,

In regards to the rezoning application from Zelinka Priamo acting on half of the numbered company 2492222 who is requesting rezoning for 536 and 542 Windermere.

As a resident of Orkney crescent (specifically one that lives beside one of the pathways listed in the developers plans as a walkway to street parking available on Orkney crescent- specially listed as overflow parking for residents of the new proposed building that doesn't have enough parking of its own) I am opposed to this building development for a number of reasons.

Most importantly and most simply:

1) This plan does not include enough parking spaces for the the units which will undoubtedly be rented by students - several students per unit means several cars per unit which are not accounted for in the plans. In facts, it is even suggested that overflow parking will be available on Orkney and angus via nearby pathways. - this is especially concerning as my young family and I live alongside the path and would not withstand noisy students walking up and down the path at all hours and starting their cars and parking in front of our property.

2)This building is too large for the land is it being placed on. Too much green space and too many mature trees will be lost.

3)The excess light, noise, garbage etc that will be created by a structure this size will pollute the residents surrounding the building and beyond.
Below you will see a more detailed listing of what our neighbourhood concerns are:

1. The building itself is too big for available land. The applicant is not only asking for rezoning beyond 'single family residential' but is also asking for concessions of reduced side lot clearance of 1.7m, reduced clearance at the back of the lot 3.2m and reduce front lot setback of 2.1m which in no way blends in with surrounding neighborhood.. These small spaces along the fence line do not allow for any buffer space between the lot lines and the proposed buildings. As if this is not bad enough, the space that is there will become mostly concrete walkway at the front and back. In essence the applicant wants to cover the entirety of the west lot 536 with two buildings

right up to the lot lines. There is no buffer space and no 'green'. (Taken from the site plan.)

2. What is the proper zoning for these lots and what is an appropriate building? I could not find a precedent where R5-7 was used to subvert a single family residence area. The buildings do not adhere strictly to R5-7 and R5-7 is not used adjacent to R1, R2 nor R3 zones. The developer wants to build an apartment complex yet not adhere to the buffer zone requirements for that type of structure they want to build located in this type of neighborhood let alone this part of the city. The developer is trying to apply the rules for R5-7, to an area where R5-7 is not intended to be used. The developer is doing this in order to squeeze these buildings into the whole space of lot 536 because the developer was negligent and did not research the easement on lot 542 prior to purchase. Prior to this application the developer was planning for a single building that would be built across the two properties close Windermere with buffer space behind. Since the developer did not do its due diligence before making offers on the two properties it wants to jam two buildings onto lot 536 with no buffer zones and is expecting the planning committee to bail them out. The developer is arguing that it deserves to use R5-7 in this R1 zone to make up for its mistake and not have to apply for variances which it would normally have to do. There is a real mish-mash of zoning specifications around this project that need to be sorted out. I am sure R5-7 is not one of them. Planning committee, please do your due diligence and reject this application..
3. The east lot has a large easement passing north to south that houses the Huron to London water delivery pipeline. This easement cannot be built upon. In the proposal, the rest of lot 542 is taken up with an asphalt parking lot. This is counter to the rest of the housing in the area where large expanses of concrete and asphalt would not be tolerated. This is a parking lot and cannot be considered buffer zone. There is no buffer zone at the back of the parking lot. Hence, the scheme of the entire proposed project is out of balance with the properties throughout the neighborhood. In essence, the buildings are too big for the property and are being jammed entirety onto lot 536 with no green space around them. A smaller better designed multi residential building with proper buffer zones and with its basement buried (as with the surrounding properties) would be more acceptable.
4. The area over the easement will be grassed over and called an amenity space. With this design, a mother (resident) is going to have to transport her children over the parking lot in order to enjoy the grass. The mother would then have to remain with the children to ensure parking lot activity did not threaten her children. That is a lot to ask. With a proper grassed buffer zone around the buildings these concerns would not be an issue and children could enjoy the out of doors at their unit. There is nothing in the proposed design anywhere to accommodate the residents' children having access to the out of doors and a play area.
5. Far too many trees are slated to be removed from the properties for no other reason than to facilitate construction right up to the north and west property lines. According to the tree survey the trees between 127 Orkney and 536 Windermere are healthy. These trees only have to be removed to allow a backhoe to dig the foundations that are too close to the trees and property lines. These are valuable and irreplaceable trees. The developer has suggested replacement trees which are a scrub tree from Norway with weak branches and susceptible to damage from light/moderate storm winds. Even under ideal conditions it would be 25 to 30 years before these trees would provide any adequate coverage comparable to what is already in place. I suspect that the proposed replacement trees were the cheapest trees that the developer could find.
6. Lighting Pollution will be a problem for neighboring residences. The proposed development will require lighting 24/7 not only on the buildings but also around the parking lot. The proposed development and parking lot will

literally glow throughout the night radiating light across the adjacent properties. This will interfere directly with neighbors who sit outside throughout the night time hours enjoying the night time and the stars.. It will reduce/restrict the current neighbor's enjoyment of their properties.

7. Garbage has not been addressed in the rezoning docs. A garbage plan has to be developed that does not include a dumpster sitting at the back of the property. Why should the existing residents have to tolerate a smelly dumpster in their midst. The neighboring residents keep their garbage inside until garbage day then put it out for pick up. This proposed development should have to follow the same rule and keep their garbage inside until pick up.
8. The parking spaces for this property are totally inadequate. There are 16 units each with four bedrooms, a common room and a kitchen. These units are clearly designed to be rented out by the bedroom. There are currently several four bedroom homes in the neighborhood that have been purchased by absentee landlords and are rented out by the bedroom. In each case there are a minimum of four cars crammed into the laneway. Even though bus routes are nearby and walking to the university is easily doable, every renter has a vehicle. This is the reality and not some BRT dream. Using the same criteria a building with 64 bedrooms will require 64 parking spaces. Even if these units were to be rented out to families, the parking is still inadequate. In most cases, each family has two cars thus requiring 32+ parking spaces. The end result is a poor balance between the units and parking spaces. This will likely result in overflow parking going onto Orkney Cres. Orkney Pl. Angus Ct. and Angus St via the walkways. There is no provision for visitor parking nor handicapped parking.
9. Shadow from the proposed buildings will harm the trees and landscaping on the adjacent properties of 123 and 127 Orkney. Again this is a result of the buildings being too big for the property and being built right up to the property line. The additional height with the basement being built partially above ground and the close proximity to the property lines will create a shadow effect detrimental to the adjacent properties trees and vegetation.
10. The proposed rezoning will create a number of noise and privacy issues not only for the neighbors but for the residents of the proposed buildings as well. As stated above the proposed buildings are designed to be rented out by the bedroom. I am not stating that students should not live in the neighborhood. Far from it, they are already here. The problem with this rezoning application is the overbearing population density within the proposed buildings. This increased population density will impose stress on the residents/students within these buildings. Students are not livestock to be packed in as tightly as possible in order for greedy developers to maximize their profit. The buildings lack proper natural lighting. The narrow alley way between the two buildings have the windows of one apartment looking directly into the windows of the opposite apartment with only 4 m of separation. As if higher education is not stressful enough, these are additional social stressors that will be imposed on the inhabitants because of the poor building design. In the case of students, they are naturally noisy, unruly and sometimes riotous as seen over the past few years with police cars and press vehicles being burned and neighboring fences completely torn out and destroyed. With this in mind we should not be adding subtle stressors to the inhabitants through poorly designed buildings. This housing proposal should be a more restful and calming design for both the inhabitants and the neighbors adjacent to the proposed apartment complex.
11. The fence as shown in the site plan appears to be an open board design with 1.8 m height and no other specifications stated. This simple type of fence is inadequate to provide any privacy to the neighboring properties. The site plan does not adequately define the issues as they pertain to the surrounding neighbors relative to the proposed site. The proposed site is the lowest point of all the surrounding properties. Historically, the area was an old runoff

swale. The adjacent properties to 536/542 where built up with dirt and rock when the subdivision was created. Lots 536 and 542 where already occupied so these lots were not built up and the adjacent lots around them all slope down towards 536 and 542 starting at Brussels St. In fact, I compare this topographical layout to the Coliseum in Rome. The further backneighboring properties look down into the 'stage' that is 536/542 Windermere. With the current trees in place, privacy and noise containment has never been an issue. The fence will have to be sufficiently high enough to provide privacy both ways. Privacy for the inhabitants of the proposed building from the farther away lots peering down at them. Then privacy for the properties immediately adjacent (127/123/6) from the second floor units of the proposed buildings built so close to the property line. Again if there were a proper buffer space between the building and the property lines this would be much less of an issue. If the basement was to be dug into the ground, it would mitigate this problem further. The fence needs to be sufficiently strong enough to prevent the inhabitants of the proposed buildings from ripping the fence boards off so that they can 'short cut' to their cars parked on Orkney and Angus. (as has been reported to be happening at other locations) due to the lack of adequate parking. The fence will have to be significantly taller in order to create any margin of privacy for the occupants on both sides of the fence. The members of the planning committee need to visit the site in order to fully comprehend the topographical issues associated with the proposed apartment buildings and neighboring lands. The developer's documents are overly simplified and show the properties as relatively flat which they are not. The topography issues are not addressed in the application.

12. Surface drainage also needs to be addressed. Currently the eastern side and back of the proposed sight is a water storage area for the spring runoff and snowmelt. Any fill added to this area will cause water backup onto the adjacent properties. During the spring, there can be 12 to 18 inches of water collected here until it eventually drains away or evaporates.

13. The prosed buildings abut right up to the public side walk on Windermere with insufficient setback from the roadway. In fact the public sidewalk is so close that it becomes part of the building development. Again the proposed buildings are too big for the property and need to be redesigned to a smaller footprint to provide the proper street setback and so that buffer zones can be incorporated to make the project better blend into the neighborhood. Nowhere near this residential area is there a building such as this butting right up to the public sidewalk? This type of sidewalk frontage is usually seen in commercial, downtown and light industrial/craft areas. It certainly does not fit into this area. (Taken from site plan).

14. Further to the above, why the developer would think that the stone/glass façade facing Windermere is better than the current trees along the front and side lots is anyone's guess. The trees near and along Windermere should be preserved.

15. It should be noted that the beautiful trees along the property line between 123 Orkney and the proposed building site belong to the owner of 123 Orkney. These trees benefit the whole subdivision. With the proposed building construction so close to the property line these mature tree's roots will be damaged. To the owner of 123 especially and the rest of the neighborhood as a whole these trees are priceless. Not only do they provide a visual barrier but they also provide sound damping for all of the residences to the north of 123. Construction so close to this beautiful stand of pines will cause considerable harm to their root systems possibly killing these wonderful specimens. Damaging them or killing them in order to build so close to the property lines should not even be considered. How would the owner of 123 Orkney and the neighborhood as a whole be compensated in this scenario. The developer ignores all responsibility in the application should events such as this occur.

16. There are two safety concerns for the future residents of the proposed buildings. The unprotected window wells that surround both buildings (termed amenity spaces by the developer) are a safety hazard. It is not difficult imaging inebriated residents falling into these oversized window well dugouts and suffering injury or possible death. The window well dug outs (amenity spaces) are sufficiently deep enough to cause serious concern for injury. These holes are a lawsuit waiting to happen. That said, no lawsuit pay out would be enough if the victim were to become a paraplegic from a fall into one these holes. The row of window well dug outs (amenity spaces) adjacent to the public sidewalk along Windermere are particularly concerning for parents with children and toddlers passing by using the public sidewalk. These dugouts would be a curiosity magnet for children. Then there is the multiple window dugouts (amenity spaces) in the narrow alley way between the buildings, is it fair to expect an inebriated resident (or otherwise distracted) to safely traverse from one end of the alley to the other without falling into one of these drop zones? (Taken from site plan)
17. The second safety concern is the narrow alley way space is between the two buildings. The alley way is 4m wide and could not possibly be to the building code. In Toronto these inter building walking spaces are to be 11m minimum. This narrow alley way would inhibit emergency services and fire response teams. Further to this, the windows and doors on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns the planning consultant stated that they would install 'fire shudders'. This is a very radical and expensive solution to the poor design that is creating this fire/safety issue in the first place. The fire shudders in of themselves create another whole list of concerns and safety issues. If the roll up/roll down type fire shudders are used then there is the possibility of the occupants being trapped inside? Electronic controlled fire shudders are complex and require re-certification on a defined schedules. The electronic fire shudders would at least allow a person to escape provided that they were aware enough to find and press the release. Smoke inhalation, intoxication etc. could make it difficult for a trapped individual to locate and activate the shudder release. With a better project design, the person could simply exit through the door. Fire shudders are something that an absentee landlord is not likely to monitor and keep up to date. Again as mentioned above, fire shudders are a radical, expensive and complicated solution to bad design. I urge the planning committee to take these public safety and fire issues very seriously. (Taken from the site plan)

The developer is looking to the R5-7 zoning to bail themselves out for not having researched the deeds properly and is now constrained by the easements. R5-7 does not belong next to a R1 area. If the application was for R2, R3 or even R4 it would be much more suited to the location. It is not the planning committee's responsibility to bail out a developer or guarantee them a profit. This developer wants to come in, jam the biggest buildings it can onto lot 536, pull out as much profit as it can and then run off and leave the problems for the City of London and the neighbors to deal with. A smaller multi residential project that would help build good community probably would not experience any resistance from the neighborhood. With a better design, the new residents of the project would have a better quality of life and feel part of the neighborhood. As it stands now, this application is about quantity over quality. If we are looking for long term success, we have to focus on quality first. A good quality of life for these new residents should take precedence over cramming as many residents as possible in to a building with nothing to offer but four square walls. I solicit the planning committee to reject this R5-7 zoning and for them to request that the developer come back with a project more fitting for the neighborhood that provides for good quality infill.

Please consider the unnecessary impact a building of this stature would have on our neighbourhood. This is not okay and this is not what we as a neighbourhood value.

Sincerely,
Andrea Pollard (resident of Orkney Crescent)

From: Frederick Rodger
Sent: Saturday, September 29, 2018 1:38 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Response to Z-8945 - Parts 1 & 2 - Part 3 to Follow

Hello Melissa,

Please find attached Parts 1 and 2 of my response to Z-8945 in MSWord format. Part 3 will follow under separate cover.

I have left my response in MSWord format to make it easy for you to transfer it to the public record document. If you would like me to send my response in another format, please let me know.

Also could you please reply with confirmation of receipt.

All the Best,
Fred Rodger
131 Orkney Cr.

Response to Rezoning App. Z-8945 – 536/542 Windermere Road

"How many legs does a dog have if you call the tail a leg……? Four. Calling the tail a leg doesn't make it a leg." --- Abraham Lincoln

This is my response to the Z-8945 rezoning application. My response is divided into three sections to make it easier for the planning committee members to cross reference details with the documents submitted by the planning consultant. The first section is a preamble: a message directly to the members of the planning committee. The second section has a focus on the first three of the submitted documents and primarily on the Planning Justification Report. This section includes quotes directly from various documents and my responses to those quotes. The third section is a summary of the concerns and issues with the proposed rezoning application written in a more conversational manner and will follow under separate cover.

Section 1 – Preamble: A message directly to the Planning Committee Members

The proposed structure if allowed to be constructed will leave behind numerous problems for the City of London and the neighbors to deal with long after the developer has taken their profit and fled. The submitted documents in and of themselves are rather odd. For example the Planning Justification document could have been about six pages in length. For some reason the Planning Justification document keeps repeating specific points over and over. The document's repetitive mantra leaves the reader frustrated and dare I say bored. However, I suspect this repetition is not an accident and is intentional. Knowing that the planning committee is made of elected citizens that may not be familiar with this type of dogma, the purpose of this repetitive mantra may be to induce a state of boredom and suggestibility within the planning committee member's mind, thereby stimulating the member to approve the application just to get rid of it. I know this may sound a little lame but as you read through the Planning Justification Report and the Urban Design Brief see if you notice what I have mentioned here.

Nowhere in the rezoning documents does it clearly state what the beneficial aspects of these buildings are to the neighborhood, the City of London and the greater community as a whole. The document's constant repetition of its selected points gives the impression that the authors themselves are not entirely convinced of the benefits of the proposal.

Further to this, much of this repetitive mantra is about statements that are not factually correct. Regardless of how many times a falsehood is repeated, it still does not make the falsehood factual. You will see this yourself as you review the rezoning documents and Section 2 below.

Some of the document's repetitive hammering is to use aspects of the London Plan and the 1989 Official Plan to justify the over-intensification proposed in this project. Small portions of these policies are quoted in the Planning Justification document in order to justify a particular point the document is trying to make. Upon further examination when the quote from the official plans is read in its larger context of these policies we see that the quote in the Planning Justification document is actually violating the spirit of these plans. The London Plan and the 1989 Official Plan state a desire for development and quality infill that will benefit the city and its citizens in the long term. These plans envision development that builds community and does not create problems that will have to be dealt with for decades to come. You will see misleading passages in the Planning Justification Report brought to light in my responses as well as the responses of my fellow neighbors.

The proposed development is about quantity over quality. In many places within the rezoning documents there is the attempt to describe the proposed building as a townhouse similar to other townhouse complexes within the city. This is a false equivalency. Throughout the city other townhouses generally consist of a mix of 1, 2 or 3 bedroom units. During the June neighborhood meeting with the neighbors and the developer, Chris Tsiropoulos and Danny Partalas (who identified themselves as the developer) informed me that the buildings would contain 16 units of 1500 sq. ft. each and have four bedrooms each. If you try to find a four bedroom townhouse within the city, what you might find is a unit where a handyman has added a bedroom to the basement. There are very few townhouse units designed to have four bedrooms. So make no mistake, the buildings in this proposal do not fit the normal townhouse description as laid out in the City of London's zoning policies. The proposed buildings are a high density housing complex specifically designed to be rented out by the bedroom. This is one element where the over-intensification of this project becomes apparent. You will see the related math identifying the over-intensification later in Section 2 of my response. This housing complex more resembles the student residence buildings at the University of Western Ontario than it does a townhouse. Over-intensification is more about quantity and profits than it is about a quality of life for the inhabitants. The 1989 Plan and the London Plan desire intensification that is based on good urban design principals and harmonious integration into its surroundings that provide for a vibrant community with a good quality of life for both the neighbors and the new residents.

As you review the rezoning documents, question what you are reading and evaluate if the documents are being honest in their depiction of the proposed buildings and their relationship to the existing neighborhood and its residents. Does the document present an ethical and truthful case for this project or is the proposal trying to 'bully' its way forward with little respect for the neighboring citizens? Is this proposal based on the spirit of the 1989 Official Plan and the London Plan? Are the details of the proposal based on sound urban design principles? From my perspective, the over-intensification of this project has elevated profit above all else regardless of who gets trampled in the aftermath. The human component is not mentioned in the proposal, not the inhabitants of the new building nor the existing neighbors. When we consider how many people will be impacted, it is apparent that the value added aspect of this proposal is questionable. It appears to me that this proposal is over bearing to the adjacent properties and uncaring of the affected individuals. As you review the rezoning documents, I believe that this will become self-evident.

The members of the planning committee are elected by the citizens of the City of London. It is everyone's understanding that it is the duty of the elected officials to represent the citizens that elected them. Nowhere in that mandate is it the responsibly of the Planning Committee Members to ensure that a developer makes a maximized profit. This proposal is all about maximized profit to the detriment of anything that gets in the way. The proposed buildings do not fit the specifications of the R5 zoning specifications. This will also become apparent in Paragraph 1 of Section 2 below.

In Section 2, I analyze the first three proposal documents in some detail. It is going to be somewhat repetitious. The repetition is required as I follow the pattern in the Planning Justification Report. I apologize that this will be a lengthy read, however, it is necessary in order to validate the statements in the preamble above.

Section 2 - Document Review

1. From zoning by-law documentation, section 9 (R5 zoning) Section 9.1 General Purpose of the R5 Zone states "*This R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. Different intensities of development are permitted through the use of the seven zone variations.* ***Density provisions range from 25 units per hectare (10 units per acre), designed to accommodate townhousing development adjacent to lower density areas****, to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres. The* ***higher density zone variation*** *has been designed to* ***accommodate stacked townhouses****. The middle range zone variations are designed for most suburban town housing developments".* From the bold typeface above we see that the maximum UPH for R5-7 building sites adjacent to low density areas is 25 Units Per Hectare (UPH). Clearly the surrounding area of the proposed site is low density zoned R1-6 with single family homes. Therefore the maximum units per hectare is 25 as stated by the London zoning bylaws. However, the rezoning application document is requesting the maximum of 60 UPH which as the policy states is used in high density areas. When we do the calculations we see the following: The area of lot 536 is 32m x 41.7m = 1,334.4 sqm. The area of lot 542 is 25.7m x 46.2m = 1,187.3 sqm. The total area available is 2,521.7 sqm or 0.25 hectares. With 16 units and .25 hectares of surface area we see a UPH of 64 UPH which exceeds even the 60 UPH that is used for high density areas. In the Planning Justification Report Page 17, Section 3.2.2 near the top middle the document quotes the 1989 Plan *"Within the Low Density Residential designation, Residential Intensification, with the exception of dwelling conversions, will be considered in a range up to 75 units per hectare."* Here we have a statement taken out of context. When the referred section is taken as whole we see that 75 UPH is a possible upper limit providing a whole series of conditions are met that include buffering, landscaping, privacy mechanisms, height, massing etc. The 1989 Plan clearly does not mandate a 75 UPH density next to a low density area without all of the associated conditions being met.
2. On the Conceptual Site Plan the document is misleading to the viewer by including land area that will not be available to the developer. Lot 536 was designated long ago possibly when Windermere Road was still a gravel road and as such the lot juts out into the current boulevard portion of Windermere Road. If and when this property changes hands the city will recover 8.1m from the property's frontage. The dark line that outlines the old property lines is not what will be available to the new purchaser of the property. I suggest that the document does this intentionally in order to make the buildings appear to have more setback from Windermere Road than what land would actually be available once the property transfer takes place. If a new dark line is placed where the new property line will be after the 8.1m is removed, it is easy to see how the building has no setback and impinges on the streetscape. The document could have been more forthright by placing a bold line to show the loss of the front 8.1m. This would more correctly show the buildings in proportion to the land that would be available at the time of construction. When a matching dark line is placed on the new property boundary it becomes much more apparent how the two buildings are being squeezed onto the property.
3. Building Elevation and Site Plan Document: The pages are not numbered but the Site Cross Section (North to South) page is grossly out of scale. It overestimates the distance between the buildings and the property lines including the adjacent 127 Orkney. This diagram also understates the gradient difference between 127 Orkney and the proposed buildings while not showing the gradient

changes at 123 Orkney. The artist is attempting to show the site as more acceptable than it really is (with these errors). By 'squishing' the buildings down in the diagram, the artist is trying to show the buildings as less massive than they actually would be. But remember that these buildings are 35 ft tall and abut right up to the property lines. It is important for all members of the planning committee to visit this site and see for themselves the multiple grading issues between the adjacent properties and the proposed site. I would be happy to provide a tour at any time either as a group or individually. The scaling details of this paragraph can be checked against the proposed site plan.

4. Building Elevation and Site Plan Document: Site Cross Section (North to South) page (same page as above) shows Windermere Road lower in elevation than the property. Currently this is not the case which means that fill would have to be used to increase the grade thus raising the buildings up even higher. This further complicates this diagram's lack of scale and proportion because the roof lines of the proposed buildings will already be much higher than the adjacent residents at 127 and 123 Orkney. Adding the required fill to the site in order to make Windermere Road lower than the buildings will raise the roof line even higher above the 35 ft. that is currently shown in the image. This diagram shows the proposed buildings not to scale and again the artist has squashed them down to make the image more pleasing. These images are even more deceiving because these images do not include the window well drop zones. This is an attempt to create the effect that the buildings fit in. The scaling details can be checked against the site plan.

5. Planning Justification Report. The image on the title page of the report, plus the image in Figure 3, page 6, plus the image on the title page of the Urban Design Brief (all three are the same image) are very misleading and do not portray some very negative aspects of the two buildings. The image does not represent how the building will appear relative to Windermere Road and the new public sidewalk. You will notice that the window well drop zones have been eliminated in the image. From the site plan we see that these window well drop zones almost touch the new public sidewalk. The grass in front of the building will be just a narrow strip (approx. 1.0m) between the public sidewalk and the building (from site plan). The foundation plants in the image are currently hovering in empty space over the window well drop zones. There simply is no space for the landscaping plants to exist. The broad expanse of grass between the sidewalk and the building will not exist as shown in the image. At the back of the building you should see a fence and the side of 127 Orkney. It certainly will not be the forest setting as depicted in the image. The actual street scene will be very much starker due the lack of setback. These details can be checked against the site plan.

6. The Planning Justification Report refers to the London Plan, please keep in mind that the London Plan is currently under appeal and probably should not be relied on heavily as justification. Note that not all parts of the London Plan are in force yet including elements relating to intensification which are currently experiencing opposition.

7. Planning Justification Report. Page 7 paragraph below figure 5 the statement *"allows maximum sunlight into all units from the front and rear"* is clearly erroneous and deceptive. The units facing the narrow alleyway between the buildings and the basement units with the window well drop zones will certainly not receive maximum sunlight. For the units in the narrow walkway, only a very minimum of sunlight will penetrate to ground level much less the windows in the window well drop zones. This alley way will almost always be in constant shade. The south building will completely shade the alley way between the buildings for most of the year. There will possibly be some weaker sunlight entering the

alleyway from the west end starting in mid-September through November/December. The north side of the northern building will experience the same absence of sunlight as will the alley way between the buildings. This will include the window well drop zones on the north side.

8. Planning Justification Report. Page 8 at the top. The statement *"it is anticipated that the front of the development, visible from the street, will be highly landscaped with a generous amount of plantings, as shown in the conceptual rendering"* This statement is clearly false as there is only approx. 1.0m available. This is a repeat and has already been discussed in #5 above. Considering that the building is basically right on the public sidewalk there is very little room for any landscaping at all (See site plan). The document wants the planning committee member to focus on the pretty picture. The reality will be much starker. Again, this highlights the lack of a proper street setback. This can quickly be verified via the Site Plan.

9. Planning Justification Report. Page 10 at the top. The author states *"Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code."* This statement is highly suspect and needs to be checked by a certified architect. (see #10 below) If this alley way is to building code I am sure that it is a code that applies to an existing downtown or commercial area. A restrictive alley way such as described surely would not be allowed as part of an apartment residence complex.

10. Planning Justification Report. Page 10 at the top. The author states *"Aside from requiring fire shutters on some windows of the units facing the centre 1.5 m sidewalk, the proposed buildings are consistent with the spatial separation and unprotected openings requirement within the Ontario Building Code."* There are a number of safety concerns associated with this narrow alley way (1.5m sidewalk) between the two buildings. As a comparison, in Toronto these inter townhouse walking spaces are to be 11m minimum. This narrow alley way will inhibit emergency services and fire response teams. In an emergency situation, how a fire team would be expected to maneuver and set up a ladder on the 1.5m sidewalk with the window well drop zones on both sides is hard to imagine. Further the windows on either side of the walkway directly face each other creating a fire mitigation problem. Responding to these fire safety concerns during the July meeting, the planning consultant stated that they would install "fire shutters" on the windows. This is a very radical and expensive solution to the poor design. Especially when it is poor design that is creating the fire/safety issues in the first place. The fire shutters in and of themselves create another whole list of safety concerns. If the roll up/roll down type fire shutters are used then there is the possibility of the occupants being trapped inside? Electronic controlled fire shutters are complex and require re-certification on defined schedules. The electronic fire shutters would at least allow a person to open the shutters to escape provided that the person was aware enough to find and press the release and physically open the shutters. Smoke inhalation, sleepiness and/or intoxication could make it difficult for a trapped individual to activate the shutter release and open the shutters. With better design, the person could simply exit quickly through a door. Fire shutters are something that an absentee landlord is not likely to monitor and keep up-to-date. I am sure that the City of London does not want to set a precedent by allowing builders to start installing fire shutters to compensate for poor design.

11. From 10 above; another safety concern for the future residents of the proposed buildings is related to the window well drop zones in both the narrow alley way and front/back of the buildings. These unprotected window well drop zones that

surround both buildings are termed “amenity spaces” by the developer. These drop zones are a safety hazard especially when placed into an overly dense population such as these buildings are designed to house. The window well dug outs are sufficiently deep enough to cause serious concern. I suggest that these unprotected drop zones are a lawsuit waiting to happen. The row of window well drop zones adjacent to the public sidewalk along Windermere Road are particularly concerning for parents with children and toddlers passing by. These drop zones would be a curiosity magnet for children. For the multiple window well drop zones in the narrow alley way, is it fair to expect an inebriated or otherwise distracted resident to safely make it from one end of the alley to the other without falling into one of these drop zones? I urge the Planning Committee members to give these fire and safety concerns very serious thought. I would not want to see anyone injured.

12. Planning Justification Report. Page 10 para 2 states *“Given the building height of 2.5 storeys, these setbacks are generally consistent with typical low-density residential side yard setbacks.”* This is like comparing apples to bulldozers. This is false equivalency statement. The two proposed buildings are full scale townhouse apartment buildings and as such the setbacks cannot be compared to a single family dwelling in a R1 zone. These larger buildings require larger setbacks and buffer zones as per Table 9.3 Regulations for R5 Zone Variations of the London Zoning Bylaws. This table states for R5 a front setback of 8m. The side lot is 0.5m per 1.0m of building height; for these buildings at 10.7 meters tall the side lot clearance would be 5.35m with a minimum of 6.0m if the wall did not have any windows. Since the wall between the buildings and 123 Orkney does not have any windows (as stated by the developer) the side lot clearance required is 6.0m. The back lot clearance would be 5.35m because the back of the building has windows. These specifications can be verified in the zoning bylaws on the www.london.ca website. It is clear that these buildings do not meet the specifications for R5 zone and the variances being requested are not small and practically eliminate the setbacks entirely.

13. Planning Justification Report. Page 10 para 2 states *“It is anticipated that landscaping, tree plantings, and fencing will be implemented around the perimeter of the subject lands to screen the development from adjacent low density residential uses, thereby preserving privacy.”* The “anticipated” screening measures to preserve privacy are completely inadequate for the topography of the surrounding properties. A simple 1.8m fence is totally inadequate to provide privacy to anyone on either side of the fence much less contain the occupants of the proposed buildings. Given the topography challenges, a 12 foot closed type of fence would be required. The developer’s proposed species of trees are an imported Norway scrub species that have weak branches and are susceptible to mild/moderate wind damage. Since the trees are on the fully shaded side of the north building they would receive little if any sun. It is doubtful that any species of tree would take hold here. If a species of tree were to survive at this location it would be 40 to 50 years before they provided any coverage anywhere near what the existing trees currently provide. It is imperative that the existing healthy trees be preserved and a proper buffer zone established at the back and side of the buildings. Again, it is important that the members of the planning committee visit the site to appraise the topographical issues for themselves. I would be happy to provide a tour on any day at any time.

14. Planning Justification Report. Page 10 para 3 from the top states *“A total of 25 surface parking spaces are proposed. Accessible parking can be accommodated on the site with the removal of 1 parking space.”* As highlighted above, since these buildings are designed to be rented out by the bedroom (64 bedrooms) the parking is totally inadequate. If the developer changes its mind about the targeted demographic and states the buildings are designed for families,

professionals etc. then reality dictates that family/professional couples parking would require 2 vehicles per unit which would equate to 32 parking spaces. This does not take into account two handicap spaces nor visitor parking. The developer is counting on overflow parking that will land on Orkney and Angus via the walkways (or possibly holes ripped in the fence as a short cut). Then again on page 21 near the bottom the developer states *"Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands."* In this statement the proposal itself is stating that the project does not provide enough parking spaces. The calculation of 1.5 spaces per townhouse unit is NOT adequate for the over-intensification of these buildings. The 1.5 calculation is designed for townhouses with a mix of 1, 2 or 3 bedrooms. These buildings are designed to rent out by the bedroom and each unit has four bedrooms. Due to this intensification beyond that of a normal townhouse, a more accurate calculation factor of 2.5 parking spaces per unit would be more realistic.

15. Planning Justification Report. Page 10 para 4 from the top states *"residential intensification redevelopments may be permitted to provide a residential density of 75 units per hectare (UPH) in the "Low Density Residential" land use designation, the proposed development with 16 units provides a lower density of 58 UPH."* As shown in #1 above the 75 UPH is a possible upper limit as defined by 1989 Plan along with other specifications. The 58 UPH calculated by the document is based on land the developer will not own once the land is transferred to the new owner. My calculation as shown in #1 above uses the correct land surface that the developer will have to work with (once the land transfer occurs) and gives a correct result of 64 UPH. I revisit this topic here again, along with the document itself, to show the tactics used to try to subvert the spirit of the 1989 Plan and the London Plan. If this were a normal infill project the buildings would be spread across the two properties with parking in the rear. Due to easement constraints the developer has decided to put both buildings onto lot 536. If we want to be silly about the calculations we will use just the surface area of lot 536 and the result would be over 100 UPH. This further illustrates that these buildings and the associated level of intensification of this proposal are seriously over the specifications limit for the available property. In this project the density calculations is skewed by the four bedrooms per unit and the fact that these buildings are designed to be rented out by the bedroom. By not taking this skewing of the density calculations into account it appears as an attempt to cloud over the spirit of the 1989 Plan and the London Official Plan.

16. Planning Justification Report. Page 10 Section 5.0 states *"The proposed development is not currently permitted under the R1-6 zoning. As such, it is proposed that the subject lands be re-zoned from the "Residential R1 Zone (R1-6)" to a site-specific "Residential R5 Zone (R5-7(_))" to permit two, 2.5-storey, back-to-back, 8-unit townhouse buildings (total of 16 units), with special provisions as follows: Minimum front yard setback of 2.1m and Minimum interior side yard setback of 1.7m"* The reason that the developer is requesting these two "special provisions" (read variances) is to get the largest buildings possible onto the property. This is driven by the effort to maximize profitability. At this time the developer is unwilling to design a smaller building that better fits the property. During the June neighborhood introductory meeting, myself and several neighbors had conversations with Christopher Tsiropoulos and Danny Partalas (the developers). During our discussion Chris and Danny told us that they must have 16 individual four bedroom units of 1500 sq. ft. each to make a profit on the site. During our lengthy conversation with Chris and Danny we discussed the size of the buildings, appearance of the buildings and closeness of

the buildings to the property lines. We were trying to convince Chris and Danny that other sizes and types of projects could be viable as well such as the new condo buildings at 580 Windermere Road. It is not my goal to tarnish Chris and Danny's reputation. I liked them both, they were sincere and I enjoyed speaking with them. I do hope that we can still talk when all of this is settled. All that said, it is the developer's goal to get the largest buildings possible onto this site. The fact that these oversized buildings will impinge on the neighbor's properties does not seem to be a factor in the rezoning proposal. During our discussion we learned that this request for the "special provisions" (variances) is a result of the fact that the developer did not adequately search the property titles prior to making conditional offers on the two lots (536/542). Chris and Danny made the offers to purchase and then learned later about the easement on the east side of lot 542 once the planning consultants became involved. The developer has conditional (upon rezoning) offers on the properties and can exit easily. This proposal wants to cram two buildings onto lot 536 instead of having a single building spread across both lots. This rezoning request with its variances is asking the City of London to bastardize proper zoning specifications in order to bail the developer out. This proposal should be rejected and this rezoning application declined. This proposed application is urban design at its worst, a smaller building with proper setbacks and buffer zones would be welcomed.

17. Planning Justification Report. Page 11 Section 7.1.1 states *"The proposed development makes efficient use of underutilized lands well suited for increased density, and appropriately adds to the mix of residential dwelling types in the area to meet the housing needs in this area"* These properties are not underutilized. These two properties are efficiently used R1-6 addresses with fully functioning habitable homes as they stand today. These are not vacant lots. Two perfectly good homes will have to be demolished to facilitate this project. The residence at 542 is currently rented out to students and 536 is a fully functioning family home that is currently inhabited. Based on this, there is no reason for rezoning at all. As for housing needs in this area, they are fully met with the current occupants living their normal lives. These lands are not underutilized.

18. Planning Justification Report. Page 12 near top states *"The proposed development contributes to the range of residential forms and intensities in the area…."* Currently there are a variety of diversified housing in this and adjacent areas as identified later in these rezoning documents. There is no need to jam the maximum number of people onto these two small lots as if they are livestock. Intensification is not about putting the maximum number of people into the smallest possible volume of space. Intensification is also about good urban design and a comfortable, good quality of life for everyone. That includes those that will be living in the intensified building as well as neighboring properties. We should be building harmonious neighborhoods where everyone can grow and develop to their full potential. An 'overly intensified' building(s) will add stress to the occupants as well as the neighborhood resulting in a multitude of problems that will be left for the city and residents to deal with long after the developer has fled the scene. Have we not seen enough of this already? This application for rezoning should be rejected and sent back to the developer to come back with a better design. Have them come back with a design that better suits the property, the neighborhood and provides a stress reduced quality of life for the future residents of the proposed development.

19. Planning Justification Report. Page 12 near middle states *"The proposed development is consistent with the development standards set out in the City of London Site Plan Control By-Law and requires only minor site-specific zoning regulations."* This proposal does not honor the specifications R5-7 as detailed in Table 9.3 Regulations for R5 Zone Variations which were also identified in

paragraph 12 above. The site specific changes certainly are not minor and are not consistent with other townhouse intensification projects within the city. Upon review of the City of London Zoning Bylaws we see that the description of townhouses fall into the R4 zoning designation. The R4 zoning is likely where this project should be zoned. The buildings would then have the adequate buffer spaces, setbacks etc. which are missing from this zoning request.

20. Planning Justification Report. Page 12 near middle states *"There are no risks to public health and safety."* As shown in paragraphs 9, 10 & 11 above there certainly are public health and safety issues not only to the occupants but also to people and children walking on the public sidewalk. There are issues of fire safety as well as the problems with window well drop zones. These drop zones are unprotected and deep enough that a fall would certainly result in injury.

21. Planning Justification Report. Page 12 near middle states "*The subject lands are unique in that they are the only lands that front onto Windermere Road in the area and therefore are separate and distinct from the residential lands to the north, east, and west."* This statement is just plain wrong, the homes on lots 532 and 542 are exactly the same as the rest of the neighborhood and zoned R1. Their laneway points South towards Windermere Road but that certainly does not make the properties distinct from the rest of subdivision. The document's logic is faulty. For example, the fact that my house faces Orkney and my neighbor's house faces Angus, it cannot be said that they meet the criteria as being distinct as citied in Section 1.1.3 of the London Plan. Again, this is a violation of the spirit of the London Plan when compared to the documents spin in order to justify its rezoning request.

22. Planning Justification Report. Page 13 near the top states *"The proposed development is located within the existing built-up area; is a compact form of residential development; and makes efficient use of land, infrastructure, and public service facilities. The efficiency of the development is evidenced by the proposed density of 58 UPH."* This is a red herring to draw attention away from the fact that the buildings are too big for the available property. Yes, the building is compact but there is too much of the "compact" (read building volume) to allow suitable buffer zones and street setback with both buildings situated entirely on lot 536. Hence the 58 UPH is calculated spin with the corrected calculation shown in paragraph 1 above. The zoning bylaws for R5 state clearly that the maximum UPH is 25 for a townhouse adjacent to a R1 zone. This again is an example of the repetition that is identified in the preamble.

23. Planning Justification Report. Page 13 near the bottom states " *the proposed development contributes to an appropriate range and mix of housing types to accommodate future growth in the City of London, and contributes to Council's intent to encourage appropriate intensification"* The proposed buildings do NOT comply with appropriate intensification. This has been stated above in paragraph 1 and within the City of London Zoning Bylaws. A UPH of 25 is the maximum allowed. These buildings will leave behind a series of problems for the city to deal with going forward. A smaller footprint with appropriate buffer areas and street setbacks would be welcomed. Intensification in not about the quantity of humans that can be housed in a property this size. Intensification is more about quality of life, building compatible communities and better use of resources. This proposal does NOT meet these qualities nor does it encompass the spirit of the 1989 Plan or the London Plan.

24. Planning Justification Report. Page 13 near the bottom states "*The massing, although larger than the adjacent single detached dwellings, is appropriate for the site."* As stated above, these two buildings are too massive for the available property not to mention too massive in relation to the neighboring homes. If the massing was appropriate for the site we would not be continually coming back to

the problems of setback and buffer zones. Also, these buildings are 35 feet tall while the average height of the surrounding buildings is 18 to 20 feet tall. These buildings are going rise above everything around them. This will be particularly evident when approaching from either Orkney or Angus. If the developer had done their due diligence they would not have to be dealing with the problem of the easement constraints. Without the easement constraints the buildings could have been built across the two properties with proper buffer zones and setbacks. The people of the City of London should not be responsible to compensate the developer for its error by allowing a badly designed project just so that the developer can make the same profit as if the property did not have an easement. Again to the Planning Committee I say, a building with a smaller foot print with a better design and buffer zones to save the trees which would fit properly onto the property would be welcomed. This current proposal is urban design at its worst.

25. Planning Justification Report. Page 14 Section 1.6.6.1 talks about servicing the proposed development. Clearly absent from this discussion is the servicing for garbage collection. A plan will have to be developed that does NOT include a smelly dumpster sitting against the back fences (which would be next to the adjacent properties).

26. Planning Justification Report. Page 14 near bottom states *"The proposed development has been designed to be respective and compatible with adjacent low density residential uses to the north, east, and west" This* clearly is not factual and should not be stated as such. The existing residents of the neighborhood vehemently disagree with this opinion and want this rezoning rejected and instructions sent back to the developer to return with a smaller and better designed building. This is another example of the repetition described in the preamble.

27. Planning Justification Report. Page 15 above the diagram states *"The subject lands are well suited to accommodate the proposed development and can contribute to the supply of a range of housing forms and tenures to meet current demand in the area."* Well again this clearly is not factual and should not be stated as such. It may be the developer's opinion but it certainly is not fact. If the proposed development were suited to the subject lands, the developer would not be requesting the elimination of buffer zones around the buildings. Clearly the buildings are too big for the property. Therefore the buildings are not suitable as verified by the fact that the developer is requesting special consideration zoning exceptions (the elimination of buffer zones and street setbacks) that a suitable townhouse apartment building would recognize. If it was a suitable building for the property we would not even be having this discussion.

28. Planning Justification Report. Page 16 near the top states *"There are no concerns with soil conditions, topographic features, and environmental considerations on the subject lands as they pertain to the proposed development."* Again, this is not correct. There are a number of topography issues as identified in Section 3 to follow and my response in Section 2. The back and easterly side of the 542 property is a collection area for water during the spring runoff and snow melt. This is a topographic feature that has not been identified in this proposal. This year's water level can be seen by the flotsam debris adhering to the landscaping timbers at the back of 6 Angus Ct.

29. Planning Justification Report. Page 16 near the top states "*The proposed development has been designed to be compatible with existing land uses with the use of similar height, low-rise massing, and significant buffering/screening mechanisms for the maintenance of privacy for abutting uses."* This section's statements are a repeat of many of the above paragraphs above. In this quote the document bunches a number of these misleading statements together. These statements were not true in the above paragraphs and repeating them

again does not make them true now. As argued in numerous paragraphs above the proposed development is NOT compatible with existing land uses. The buffering and screening mechanisms are totally absent and in the case of the fence totally inadequate. As for the privacy issues, there is nothing about these overbearing structures that facilitates privacy of any sort for any of the parties involved.

30. Planning Justification Report. Page 16 near the top states *"the lands to the north and west are higher in elevation that the subject lands and therefore the proposed development will appear shorter than its actual height relative to abutting single detached dwellings to the north and west."* The overbearing massing of these buildings still overpower everything in the neighborhood regardless of the grade difference. There is nothing the grade difference can do to shorten the height (35 ft tall) of these structures. The property to the west known as 123 Orkney tapers from 3 ft difference at the front to no difference midway across the property towards the back. These grading issues have no power to shrink these large buildings. I invite each of the planning committee members to the site so that they can gauge for themselves how the surrounding topography renders the statement above incorrect.

31. Planning Justification Report. Page 16 near the top states *"the proposed development fits well within its surrounding context, in terms of height, massing and exterior materials. The combination of no windows on the west elevation, landscaping, tree plantings, retention of existing trees, and new fencing will contribute to the goal of maintaining privacy for adjacent residents."* This is a plagiarized repeat of the documents statement in Paragraph 3 above. It does not matter how many times the document repeatedly states these erroneous statements, it does not make them true. This is 'spin' and a waste of everyone's time. So to respond again, the tree plantings are inadequate and a poor choice of species. The healthy trees already on the site perimeter that currently provide cover need to be preserved. A simple 1.8m fence is not going to provide any privacy for anyone on either side of it. Again, the planning committee need to visit the site. I will be happy to accommodate the Planning Committee Members as a group or as individuals any day, at any time. You can see for yourself how short of the mark the developer's remedial proposals are.

32. Planning Justification Report. Page 16, Section 3.1.1 near the bottom states *"In addition to the lowered patios, the proposed development provides a landscaped area east of the parking lot for outdoor amenity space."* As pointed out previously the lowered unprotected patios are a health and safety concern. As for the outdoor amenity space, a mother with children would have to take the children across the parking area in order to get to the grass. There is no other area on the site for children to be outdoors nor is there a playground for children. The 1989 Plan directs developers to provide children play areas in multifamily residential areas. If there were adequate green buffer spaces around the buildings there would at least be something for the children. Personally I think that the planning committee should direct the builder to create a play area for children as well as the buffer zones. As I work with these rezoning documents I have come to realize that this design is lacking in so many ways that relate to the livability of this project. It gets a little absurd and humorous because it seems that there are work-arounds required for practically everything. From the dugout window well patio things, the fire shutters, the narrow alleyway, the front apartments being right on top of the public sidewalk, extensive shadowing, lack of parking, lack of privacy, too fat to fit etc., etc. For the people that would live here, this would not be funny! I now see that this project has not been designed but rather it has been cobbled together.

33. Planning Justification Report. Page 17, Section 3.1.2 near the top states *"The height, massing, privacy mechanisms, and design of the proposed development create a compatible site and building design within its surrounding context of single detached dwellings and institutional uses."* This document states this over and over and over. No matter how many times it is stated, it still is not true. This monstrosity of the building does not fit into the surrounding area in any shape or form nor does it fit onto lot 536.

34. Planning Justification Report. Page 17, Section 3.1.2 near the top states *"The proposed development has frontage on Windermere Road (an Arterial Road), creating a separate and distinct lot that will enhance Windermere Road streetscape with the site's development."* This document has repeated this a number of times already. This project will not be distinct just because the driveway goes south to Windermere Road. It will be part of the Orkney Angus landscape regardless of which direction the laneway points. The front facade of the south building will stand out in its starkness on the Windermere street scape. No other buildings anywhere along Windermere Road are plopped down right at the public sidewalk. This building is not set back from the street. ALL other buildings on Windermere do adhere to proper street setbacks. This building will ruin the Windermere streetscape by it obtrusiveness. It will stick out as a massive wart. Its appearance will be that of something that needs to be removed.

35. Planning Justification Report. Page 17, Section 3.1.2 near the top states *"frontage on Windermere Road (an Arterial Road)"* The "Windermere as an Arterial Road" issue was addressed several years ago. Millions of dollars were spent to widen Fanshawe Road for it to become the main east/west arterial road in the north end. At that time, council decided that Windermere Road is what it is and will stay that way for a long time to come. The environmentally sensitive areas to the east and west of Windermere Road prevent its expansion. Windermere Road was considered for 'Arterial' in the past but that changed after the multiple Fanshawe Road expansion projects. Construction was completed just last year. It was decided that the moniker 'arterial' would be removed from Windermere Raod. This topic is discussed again below in paragraph 50 and I have responded with the same response.

36. Planning Justification Report. Page 17, Section 3.1.2 near the top states "*The character of the existing residential areas to the north, east, and west along Orkney Crescent, Brussells Road, and Angus Court will not be affected."* Again this document is spinning nothing more than the tiresome spin it has repeated numerous times previously. It is as if the author is trying to convince himself that this project is a good design. To the Planning Committee Members, see it for what it is, misleading and spin. Make no mistake that these areas are going to be affected grossly with noise and the loss of privacy. Everyone in the area will lose some of the enjoyment of their properties as well as the loss of a beautiful stand of trees. All of the neighbors will have to tolerate the interruption of the sight lines by these obese buildings as people approach via Angus, Orkney and Windermere streets. For these problems and the many more that are identified in my response and the responses of my neighbors, please know that the character of our neighborhood will be assaulted in a very major way that can never be remedied once the damage is done.

37. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states "*no shadowing impacts are anticipated beyong what would be present with a single detached dwelling."* This statement is clearly not true. This is a false equivalency since you cannot compare these oversized townhouses to a single family dwelling and expect the shadowing to be the same. For these paragraphs to be true the building would have to be setback from the property lines the same as single detached dwellings and be the same size as single detached dwellings.

The buildings would have to be reduced in height and size for the shadowing to be comparable. Since the buildings are being constructed right up to the property lines, the excessive height will cause a shadowing effect that will kill vegetation on the neighboring properties including a row of emerald cedars and a row of pines to the west on 123 Orkney.

38. Planning Justification Report. Page 17, Section 3.2.2 near the top middle states "*Privacy will be maintained with the use of tree plantings, fencing, and the presence of mature trees on abutting lands."* This is another example of the documents repetitive hammering. As stated numerous times above and below, the 1.8 m fence will not provide privacy for anyone on either side of the fence. The scrawny scrub trees proposed for the plantings are weak structurally and will not provide any cover for 40 to 50 years if perchance they survive the lack of sunshine from the shadowing of the building.

39. Planning Justification Report. Page 18, Section 3.2.3.5 ii near the middle refers to Public Site Plan Review. *"Residential intensification site plan proposals shall address the following matters: a.) Sensitivity to existing private amenity spaces as they relate to the location of the proposed building entrances, garbage receptacles, and parking spaces and other features that may impact the use and privacy of such spaces: b.) the use of fencing, landscaping and planting buffers to mitigate the impacts of the proposed development on existing properties; and c.) Consideration of …Design Principles."* The developer has missed the mark on every one of these policies. Many of the response paragraphs above and below identify the shortcomings of the above stated policies. These buildings are without any common sense of setback in any direction which imposes significant privacy concerns for existing properties in any direction. The proposed site shows little concern for design principles as specified in the 1989 Plan. As mentioned in paragraph 32 above, this project has not used good Urban Design Principals to build a reasonably sized building that would fit into either the R4 or the R5 zoning specifications. This project has been cobbled together with different odd work-arounds to mitigate the constraints of the easement without doing any work other than mashing the buildings together one behind the other on one lot. There really has not been any design work done to effectively deal with the constraints of the easement. The goal seems to be to build something big and fast in order to get the profit rolling in. I hope that the London Planning Committee can certainly see the misleading and deceptive statements that are spun continuously throughout these submitted documents. This is not good urban design. It is rather obvious that this is a developer taking advantage of the citizens of London in order maximize its profit and then leave behind a variety of problems for the City and the neighbors to deal with. There are no principals here, urban or otherwise.

40. Planning Justification Report. Page 18 near the bottom states" *while the northernmost patios provide a similar interface with 127 Orkney Crescent as would a typical townhouse rear yard".* This is not a true statement, a typical town house will have a green space buffer behind the building. This document specifies holes in the ground (window drop zones) and is trying to convince the reader that these holes are the same as grass (a typical townhouse rear yard). The logic here is ludicrous not to mention flawed.

41. Planning Justification Report. Page 18 near the bottom states" *The positioning of the proposed buildings, combined with the proposed setbacks, creates a non-functional space between the buildings and 123 Orkney Crescent, which aids in the maintenance of privacy"*. This statement is extremely misleading. The narrow alley way between these two building leads right onto this non-functional space. Residents traversing the alleyway look directly into the dining room window of 123 Orkney. How that would aid to privacy is beyond any sensible

rational. The proposal documents make no mention of any structure or building element that will provide privacy to the dining room window at 123 Orkney from residents traversing the narrow alley way between the building and onto the non-functional space. Moving farther along the non-functional spaces (northward and southward) become a narrow walkway. It is well known throughout the city that these empty non-functional spaces become meeting places and a place for the disposal of all manner of items. A non-functional space such as this will become a garbage collection point especially for "missed garbage pickup day" bags of trash. Human nature dictates that this non-functional space will become a handy spot for all sorts of refuse and discarded items.

42. Planning Justification Report. Page 18 near the bottom states *"Fencing, landscaping, and planting buffers are proposed to be used to maintain privacy between the proposed development and abutting single detached dwellings. Additional urban design details are discussed in the Urban Design Brief. Considering the above information, the proposed development complies with the policies of* ***Section 3.2.3.5.ii."*** Here again we see aspects of the proposal that have been repeated numerous times in this proposal previously. As I indicated several times above there are no buffer or green spaces around the buildings, the fence offers no privacy and the project as whole does not adhere to the R5-7 specifications and should be rejected.

43. Planning Justification Report. Page 19 near the top states "*The proposed development provides adequate off-street parking supply and buffering from adjacent low density residential dwellings. The use of existing trees, along with tree plantings, landscaping, and fencing will be used to screen and buffer the parking area from the abutting uses."* Again this document presents spin around the same parking problems. Please review my response in paragraph 14 above stating that there is not enough parking for the intended intensity of this project. This document freely admits to the shortage of parking spaces in the following quote from page 21 of the Planning Justification Report *"Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands".* There is no visitor parking and not enough parking for the intended demographic expected to reside here.

44. Planning Justification Report. Page 19 near the bottom states *"One of the design goals of the proposed development is to ensure compatibility and fit within the surrounding context. The two proposed 2.5-storey height of the buildings is similar to the 2-storey, single-detached dwellings to the north of the subject lands, maintaining the low rise character of the area."* This is a misleading statement in that the building mass is much larger than the surrounding 2 story houses by approximately 450%. These buildings are actually over 35 feet tall whereas the next tallest building is 24 feet tall with average surrounding houses' heights being in the 18 - 20 foot tall range. The proposed buildings rise above anything else along Windermere Road until you get to the apartment buildings closer to Adelaide. This building would be a monstrosity on Windermere Road. It would be better suited downtown rather that polluting a residential area. For example, see Figure 24, 25, 26 and 27 of the Urban Design Brief. The size of the proposed buildings have been downsized in appearance by giving them a flattened roof. On the site plan the buildings extend almost to the back of 127 Orkney. Yet in these images the building's width only extends slightly past the garage of 127 Orkney. Compare these images to the site plan to see the difference. This is another example of the document being deceptive in its presentation. These buildings would appear much larger if the drawings were

drawn to scale and the roof height was added proportionally. The lack of scale makes the proposed buildings look smaller than they actually would be.

45. Planning Justification Report. Page 19 near the bottom states *"As there is an approximately 2.0 m elevation drop between the abutting properties to the north and west and the subject lands, the proposed buildings will appear to be shorter than their actual height relative to the abutting single detached dwellings."* Notice how the developer refuted the grade topography issues previously when it works against the proposal but here the author is trying to spin it as an advantage. The grading difference is meaningful only when it comes to fencing. The buildings are so big that the any grading discussion relative to the size of the buildings is a moot point. Factually, there is a 2m grade difference at the height of the driveway at 127 Orkney. However that grade quickly reduces to 1.0m at the north corner. Further to that the grade to the west at 123 Orkney is only 1.0m at the corner and diminishes to no grade difference half way down the lot where it matches the grading of lot 536. Even with the grade difference, it does not reduce the heavy massing of the buildings nor the 35 ft tallness of the buildings. To the Planning Committee, it is important that you see the grading and topographical issues that this Planning Justification Document entails. I would be happy to provide a tour any day at any time.

46. Planning Justification Report. Page 19 near the bottom states *"The exterior design of the building provides a well-executed design with modern architectural details, drawing from existing designs and materials of the surrounding residential area, while being noticeably distinct. The combination of similar height, exterior materials and colours (i.e. brick/masonry in neutral colours) create a compatible proposed design with the adjacent single detached dwellings. The use of landscaping, tree plantings, existing mature trees and fencing maintain the existing level of privacy for adjacent residents. The use of these elements will screen the building and parking areas from view (Figure 11)."* This is another of the document's repetition of statements made previously in the Planning Justification document. This time the document bunches together previous statements in order to continue the spin with a different arrangement of the words. As in my previous responses, the buildings butt up so close to the property lines that there is no room for landscaping of any significance. The plantings are too small and it will be 40 to 50 years before they can replace the coverage of the existing trees if perchance they survive the shading on the north side of the buildings. A 1.8 m fence will do nothing for privacy for persons on either side of the fence. The fence will have to be 4m tall before any privacy comes into play. For the first part of the quote, the building materials are no more drawn from the surrounding residential area than pixie dust.

47. Planning Justification Report. Page 20, top Figure 11. This is a very deceptive image. The artist has included the 8.1m of frontage that will not be part of the property after the land transfer. This 8.1m of frontage becomes boulevard owned by the city. You can see in this diagram that the cement window well drop zones are very close to touching the true property line at the front of the south building. Remove the 8.1m from the image and the viewer can then see how packed onto lot 536 these buildings are. Use a piece of paper and cover the 8.1m that will be lost from the front of the property. Line the edge of the paper with the property line across the front of the parking lot. See how this easy correction changes the whole dynamic of the site. You can now see the correct available surface area and see how congested the site becomes. Building arrangements such at this are common in a downtown or commercial area, however, there is no place for this within a R1 single dwelling residential area. Additionally this image was intentionally taken out of scale to show more space between the property lines and the buildings at both the north and west sides. This is a clear attempt to

make the buildings appear more presentable than they would actually be. You can check these details against the site plan.

48. Planning Justification Report. Page 20, near middle states *"Privacy will be maintained for 123 Orkney Crescent as the interior side yard is not an active space and the buildings do not contain any windows on the facing elevation. "* This is another repetitive passage within the Planning Justification document that I responded to in paragraph 41 above. This interior space will obviously become a garbage/refuse collection area.

49. Planning Justification Report. Page 20, near bottom states" *A larger fence may be utilized in consultation with the City and with abutting landowners.'* This is not a consideration but an absolute must. I would suggest that since the grade difference at 127 Orkney is 2.0m that the fence should be 4.0m. of a solid type construction

50. Planning Justification Report. Page 20, near top states" *The proposed development is located along an Arterial Road"* This is a repeat of paragraph 35 above so I am responding with the **same** response for your convenience. The "Windermere as an Arterial Road" issue was addressed several years ago. Millions of dollars were spent to widen Fanshawe Road for it to become the main east/west arterial road in the north end. It was decided at that time that Windermere Road would remain as it is. The environmentally sensitive areas to the east and west of Windermere Road prevent its expansion. Council decided that Windermere Road is what it is and will stay that way for a long time to come. Windermere Road was considered for 'Arterial' in the past time but that changed with multiple Fanshawe Road expansion projects. Construction was completed just last year. It was decided at the time that moniker 'arterial' would be removed from Windermere Road.

51. Planning Justification Report. Page 20, near top states *"Due to the frontage of the subject lands onto Windermere Road, the lands are a separate, but related, component of the single detached neighbourhood to the north."* This is another repetition within the Planning Justification document but notice the flip-flop here. Previously the document stated that properties were not related but in this instance now they are. The author flips back and forth on the details as it suits the spin of the argument being presented.

52. Planning Justification Report. Page 20, near top states *"There are currently no lands that are proximate to the subject lands (within 1 km) that are available for redevelopment and are appropriately zoned that could accommodate the proposed development."* Well you can say that again! To be clear, these are not vacant lots. There are two stable functioning single dwelling homes here. You cannot find another project like this in the entire city where buildings such as these are jammed up against the property lines with no street setbacks in an R1 zoned residential area. Townhouse projects always have suitable setbacks and buffer spaces not to mention child play areas. The document laments that this is the only space available to abuse in such a manner. I respond by asking to be shown a similar project with two tall townhouse apartment buildings jammed onto a single lot that is built right up to the property lines in an R1 residential area. I am playing the devil's advocate here and simply saying "Show me?"

53. Planning Justification Report. Page 20, near middle states *"Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands."* As I have pointed out in several paragraphs above using this very quote, there is insufficient parking for the anticipated demographic of residents as well as the

lack of visitor parking. With this statement the developer admits that they have not provided adequate parking spaces for the two buildings. The developer is asking the neighborhood to supply some of the townhouse parking requirements. Also of note is the fact that overnight parking is not allowed from September to May. This project has no provision for visitor parking as part of its design. This is an apartment complex that is designed for the units to be rented out by the bedroom which creates intensification above a normal townhouse complex. The parking spaces normally allocated to a townhouse are inadequate for a project such as this. Normal townhouses are more family orientated and have a different parking demographic. This project simply requires more parking.

54. Planning Justification Report. Page 20, is asking the neighbors at 123 and 127 Orkney and 6 Angus to supply vegetative screening for the project. The 1989 Plan and the London Plan clearly state that it is the developer's responsibility to provide vegetation and screening on their property which is to be maintained by the developer. The developer should not be riding on the backs of the neighbors. The proposed vegetation and fence screen are totally inadequate. The current mature trees along the property lines need to be preserved.

55. Planning Justification Report. Page 21, near top states *"There is no reasonable expectation that the proposed development would generate noise beyond what would typically be expected from a residential development."* This is a false equivalency. The reason is because we already know what noise is generated by the two single dwelling homes at 536 and 542 Windermere Road and other single family homes in the neighborhood. The proposed units are designed to be rented out by the bedroom creating a higher than normal population density. It is easy to envision parties with loud music and raucous behavior which is normal for this transient demographic. The fact is that there is every expectation that there will be a significant increase in noise from this complex. Anyone with a synapse knows this. There is no effort to mitigate this extra noise in this proposal, neither in the design nor the screening.

56. Planning Justification Report. Page 21, near top states *"The visual impacts of the proposed development are minimal given the height of the proposed buildings and proposed landscape and fencing treatments."* This is another misleading statement of the documents repetitive mantra of issues that have already been responded to in previous paragraphs. Clearly the buildings mass is very much larger than anything in the neighborhood. The mass of just one of these buildings is larger than four of the surrounding houses put together. These buildings are 35 feet tall whereas the next tallest building is 24 feet tall with the average surrounding houses in the 22 foot tall range. The house beside these building at 123 Orkney is only 18 feet tall. There can be no question that the proposed buildings will tower over 123 Orkney. In addition the proposed buildings will rise well above anything else along Windermere Raod until you get to the apartment buildings closer to Adelaide about a 1 km away. This townhouse apartment complex is a monstrosity that belongs downtown rather than polluting a R1 residential area. Anyone who has studied design or appreciates art can see how incongruous this project will be for the whole Windermere streetscape as well as the surrounding neighborhood. Once again by using Figure 24, 25, 26 and 27 of the Urban Design Brief you can see how huge and incongruous these buildings are in comparison to the surrounding houses. In the images the size of the proposed buildings have been downsized in appearance by giving them a flattened roof and a lack of scale proportion. This is where the artist was trying to make the buildings look smaller as identified in previous paragraphs. These buildings would appear much larger if the drawings were done to scale and the roof was drawn in proportion to the rest of the building.

57. Planning Justification Report. Page 22, near top states *"As noted above, no shadowing on abutting lands is anticipated from the proposed development beyond which would be present with a single detached dwelling. The proposed setbacks are generally consistent with setbacks normally permitted for single detached dwellings in the R1-6 zone. As such, adverse impacts are appropriately mitigated."* Here again the document has grouped several previous false and misleading statements from above together. This document continually pushes the idea that it should have the same shadowing specification and setback as a normal single detached dwelling. BUT THIS IS NOT A SINGLE DETACHED DWELLING! This is a large townhouse type apartment housing complex designed as a high return income property. It clearly should not have the same specifications as a single family dwelling. This is a building designed to create income and profit and as such requires proper street setback and green buffer zones around the buildings on its own property. The developer wants to mix zoning requirements of the R1 zone with the R5 zone. The developer should be made to pick one zone or the other and develop a design accordingly.

58. Planning Justification Report. Page 22, near middle states *"the proposal represents an appropriate and compatible form of residential intensification and is consistent with the policies and the intent of the 1989 City of London Official Plan, including residential intensification policies, urban design, compatibility, scale and massing, and maintenance of privacy. The proposal is consistent with the planned function of the "Low Density Residential" land use designation to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH."* Here again this Planning Justification document has grouped together a series of statements that have been addressed in previous paragraphs. Regardless of how many times the document repeats this mantra, the statements are still untrue and misleading. This is not a good quality intensification plan. It is an over-intensification plan to build a townhouse apartment complex that will generate high returns. The planning committee surely must realize that it is the carrot of high profits that is driving this project rather than creating a wholesome livable residence for its occupants. The building is too big for the property plain and simple. This document through various modes of spin is trying to pick the best of the rules from three different zoning specifications to justify jamming these two buildings onto a property that cannot sustain the ongoing healthy livelihood of the buildings nor its residents. The developer is trying to fit an elephant onto a postage stamp.

59. Planning Justification Report. Page 22, near middle states *"to permit appropriate residential intensification with a variety of dwelling types and residential densities of up to 75 UPH."* The document has made this statement several times previously trying to convince us that 75 is the magic UPH number. However when we read the greater context of the 1989 Plan this number is only a possible maximum and it use is in combination with a series of constraints and specifications that are not met by this proposal document. As stated in above paragraphs this 75 UPH does not apply in this situation. R5-7 clearly states a maximum UPH of 25 for a project within a R1 residential area. The planning committee must also consider how both buildings are squeezed onto one side of the project and does not resemble a normal townhouse project. The setbacks and buffer zones need to be established such that a building of some sort can be built here within a reasonable zoning framework.

60. Planning Justification Report. Page 22, near bottom states *"The proposed development, at 2.5-storeys, is consistent with the range of permitted uses and heights."* This is a deceptive statement, this is not a 2.5 story dwelling in the manner of a R1 single detached dwelling. The proposed building is an apartment type townhouse with an overall height of 35 ft. and a hugely more

significant massing when compared to a single dwelling. There is absolutely nothing comparable to this proposed structure anywhere near the site.

61. Planning Justification Report. Page 25, near top states *"More than adequate parking is provided for the proposed development (24 spaces required; 25 spaces are provided)."* This document has come back to the parking problems again. Please review my responses in paragraphs 14 and 53 above. The 25 parking spaces might be adequate for a townhouse complex that consists a mix of 1, 2 and 3 bedrooms (according to the formula). However, 25 spaces will not be enough for a 64 bedroom rooming complex. If this situation is left as is, it will cause problems for the neighbors and the London Police Force for years to come.

62. Planning Justification Report. Page 25, near middle states *"Dark sky lighting is proposed for the surface parking lot, walkways, and building exterior lights. This form of lighting reduces the amount of upward projected lighting, projecting all the light to the ground. This significantly reduces or eliminates light pollution into adjacent yards and windows of abutting single detached dwellings."* Regardless of what lightning is used this project is going to emit a continuous bright glow that will prevent the neighbors from enjoying the nighttime out of doors. This will greatly reduce the neighbor's enjoyment of their properties.

63. Planning Justification Report. Page 25, near middle states *"Numerous screening and buffering mechanisms are proposed to maintain and/or enhance privacy between the proposed development and adjacent single detached dwellings."* This is a deceptive statement that I have responded to in previous paragraphs. With buildings butting up against the neighboring properties, there is no buffer area which is part of the normal screen process. The proposed tree replacements are cheap imports and will not amount to any noticeable coverage for 40 to 50 years. The mature trees around the property need to be preserved. A suitable buffer zone around these two buildings needs to be established so that the trees can remain healthy and provide some 'distance screen' between these buildings and the neighboring homes. These buildings are not a similar height to the neighboring residences and are over 35 ft tall. These tall buildings will overwhelm the neighborhood. A building with a smaller footprint would help mitigate all of these problems and create a better living experience for the new residents. A smaller building with appropriate buffer zones would be welcomed by the Orkney/Angus Ratepayers Association.

64. Planning Justification Report. Page 25, near middle states *"No shadowing is expected beyond which would otherwise be present with a single detached dwelling. Existing off-site mature trees to the north and east currently provide shadowing on those properties."* Once again the document cycles back to the shadowing problems only changing a few words. I have responded to the shadowing problems in previous paragraphs. You certainly cannot compare the shadowing from a 35 ft tall building abutting right up to the property lines with a single detached dwelling sitting in the middle of its lot. There is vegetation and trees on the neighboring residences that will die from the shadowing that these buildings will project. This will be irreparable harm to that vegetation and trees. The tall trees around these properties must be protected at all costs.

65. Planning Justification Report. Page 25, near bottom states "*Together with the proposed similar height of the development with the adjacent single detached dwellings, the proposed buildings create a compatible development with limited visual impacts"* Here it is again, this document continues with this mantra over and over again. I have responded to this in previous paragraphs. Regardless, this project is two townhouse apartment buildings and there is no rational comparison with a single family dwelling. THEY ARE NOT NEARLY THE SAME! I mentioned in previous paragraphs how the sightlines as you approach from

Angus and Orkney are going be very adversely affected. In a previous paragraph relating to the sightlines as you approach on Windermere Road, this building will appear as a huge wart on the streetscape. All of the other buildings on Windermere Road from one end to the other have proper street setbacks without exception. There is nothing for miles that this building is comparable to.

66. Planning Justification Report pages 25 to 31 are regurgitations of most of the topics addressed above. There is nothing new in these last pages other than the topics are jumbled around and grouped into segments and paragraphed differently. I will save the Planning Committee member's time and not address these same topics over again. These building do not fit into the landscape and indeed will be an eye sore from any angle whether you are in the subdivision on Orkney or Angus or driving down Windermere Road. I urge the London Planning Committee to reject this application with intensity.

From: Don Bodrug
Sent: Sunday, September 30, 2018 12:18 AM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Plann Z-8945 Development

To; Melissa Campbell, City Planner,

City of London, Ontario.

From; Don Bodrug

10 Angus Court, London, Ontario

Re; Planning File Z-8945, Developer 249222Inc

I was given notice of a rezoning application for the R-1 designated properties at 536 and 542 Windermere Ave. I attended the meeting with the developers prior to the above application when input provided by a very large contingent of residents was not favourable at all about the proposed building plan. There are critical concerns that were put forward by the assembly at that time that have been completely ignored by the developers and the consultants. I concur with my neighbours' viewpoints and the concerns that include the following;

- The properties are not suitable for the apartment complex proposed given the extreme lack of buffer space and inadequate parking for the potential number of residents.

- The tree population now present will be destroyed resulting in a loss of forestation and the benefits associated with the large trees in the neighbourhood such as the reduction of sound from the very busy Windermere Ave.

- Privacy and noise will be issues with the building design overshadowing the current adjacent single family residences especially since all the existing trees will be gone from the properties and a large population of residents will occupy the apartments.

- The proximity of the buildings to Windermere Ave. will not provide the required easement for proper future development of the main traffic corridor to and from Western University and the Hospital.

- The development does not consider the quality of the existing housing in the area and will present as a ghetto-like eyesore with population congestion, more traffic, motion, and noise that is not a good fit for the area.

I implore the planning committee to reject the R5-7 rezoning and request the committee to direct the developer to come back with a plan providing good quality infill. I believe the residents will support a Zone change to R3 or R4 that I am given to understand would see a development of single storey units, detached or attached, with

individual garages. The development in this case would take on the appearance of a housing enclave community similar to what we see on East Doon Drive.

Respectfully Submitted

Don Bodrug

From: Gordon Payne
Sent: Wednesday, October 3, 2018 10:24 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Rezoning Application for 536 and 542 Windermere

Dear Ms. Campbell,

It is my understanding that the proposed development at 536/542 Windermere Road will house 16 units that will have 4 bedrooms each. It is therefore reasonable to assume that this complex will house approximately 64 university students. This seems more like a university residence than a family-friendly complex.

It is certain that many of the residents will have cars, as will their visiting guests. According to the proposal, "A total of 25 surface parking spaces are proposed." Where will all of these cars be parked? I cannot understand how the City can entertain such a ridiculous proposal.

When I built my dental office in 2015 on Adelaide Street, I was required by the City to have 27 parking spaces, even though no more than 10 spaces are required at any given time. So, my dental office would actually have more parking spaces than this proposed development.

Where will all of these extra vehicles be parked overnight? Let's look at the options:

1) Along Windermere Road – No parking allowed there.
2) Spencer Leadership parking lot – They will likely put a stop to that.
3) Scouts Canada parking lot – Not likely to be allowed either.
4) Orkney Crescent, Angus Road and Brussels Road with access via two walkways onto Windermere Rd.

As I live on Orkney Crescent, I do not wish to have overnight vehicles parked in front of my home. Myself and other residents are concerned for the following reasons:

1) Those areas are meant for our own occasional guests – day or night.
2) Parked cars will prevent proper snow removal in the winter.
3) Several parked cars also pose a threat for playing children, as driver visibility will be reduced.
4) Parked cars also interfere with garbage pick-up, lawn-cutting, etc.
5) People walking to and from their cars late at night will cause unnecessary noise and be a disturbance for homeowners, especially those whose homes are proximate to the walkways.

The developer has, in fact stated that, "Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands."

It therefore appears that even the developers have recognized that their project does not have enough parking spaces. What local resident could possible find this acceptable? Would you or any other City planner want vehicles constantly parked in front of their own homes?

This proposal either needs to be dramatically scaled down, so that an appropriate number of parking spaces can be planned, or the rezoning application denied.

Please feel free to contact me if you have any questions.

Sincerely,

Gord Payne (70 Orkney Crescent)

From: DeVouge, Christine
Sent: Friday, October 05, 2018 9:21 AM
To: Planning <Planning@london.ca>; Cassidy, Maureen <mcassidy@london.ca>
Subject: 536 and 542 Windermere Road

Good morning,

I would like to provide my comments on the proposed development at 536 and 542 Windermere Rd. I live on Doon Drive and have a number of concerns.

I am opposed to the City allowing the developers to reduce the depth minimums. If townhomes are to be built on the property, they should not be allowed to cram as many as possible on this land. The drawings show buildings and parking very close to the property lines with very limited green space. The surrounding properties include a lot of green space and trees. Cluster “back-to-back” townhouse dwellings are not appropriate at this location. It would impose on the homes behind it and be an absolute eyesore on a street that includes beautiful properties set back from the road such as the Ivey Spencer Leadership Centre, Scouts Canada – Spencer Lodge and the Sisters of St. Joseph.

I am very much concerned with the following paragraph in the planning justification report:

> “No significant transportation impacts are anticipated with the proposed development, as evidence by the fact that the City of London has not requested a Traffic Impact Study. The increase in residential units to the neighbourhood supports public transit ridership, especially for the planned future Bus Rapid Transit development along the Richmond Street corridor approximately 750 m to the west. Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands.”

Why has the City not requested a Traffic Impact Study? The plan clearly points out that there is limited parking – only 24 spaces for 16 units. They actually plan to send vehicular traffic though our neighbourhood to use the street parking on a quiet cul-de-sac. To just suggest that this parking would be needed for the occasional social event is dishonest and unrealistic. We already have a big problem with vehicles speeding on Doon Drive, which the City should have a record of because my neighbours and I have been in contact with the City numerous times about this issue over the years.

For the record, I am not concerned that the homes may be occupied by students. I live near the University and love how students contribute to our City. I went to Western and took the 32 Windermere bus route to school every day. My concern solely lies with the greedy plan to build as much cheap housing as they can fit on the property with no concern for the surrounding neighbourhood. I am very opposed to the City amending the by-laws to help the developers turn this property into as much profit as possible.

The planning justification report states “The overall design goal of the development is to ensure compatibility and fit with the surrounding properties, specifically in terms of height, massing, and privacy.” I have read every word of the report and am not convinced that they have made a strong case. I hope that this is also apparent to those that are not familiar with the neighbourhood. I could go on with numerous other

concerns, but I do not want to bore you with an even longer email. I'm sure that anyone reading the plan can find as many holes in it as I have.

Thanks for your time and consideration.

Christine DeVouge

From: DeVouge, Christine
Sent: Monday, October 15, 2018 10:37 AM
To: Cassidy, Maureen <mcassidy@london.ca>
Cc: Rafuna, Liridona <lrafuna@london.ca>
Subject: RE: 536 and 542 Windermere Road

Hi Maureen,

Thanks for following up. If needed, my address is 71 Doon Drive.

No, I have not been in touch with any other neighbours. You can share my information.

Not mentioned in my previous email is my concern for the loss of trees. Between the large townhomes and the parking lot, there will not be much room to replace them. I very strongly disagree with the assessment in the report that the development would improve the streetscape on Windermere. If you take a walk down Windermere, you will see that it is characterized by large front and back yards populated with many trees. On what basis can they conclude that a huge GTA-style row of townhomes built as close to the street as possible will improve the streetscape? All other buildings are set back much further. The townhouses would really stick out.

Overall, the plan is just too much for the property. I strongly feel that the City should require the developers to scale back.

Thanks

Christine DeVouge

Rebuttal of Proposed By-Law Amendment & Building Plan.

Response to: Application for Zoning By-Law Amendment

536 & 542 Windemere Road

File Number: Z-8945

Applicant: 2492222 Ontario Inc.

Submission date: August 9th., 2018.

To: **City of London Planning Department**

From: **Paul C. Culliton**
163 Orkney Crescent
London, Ontairo, N5X 3R5

Date: October 16, 2018

Introduction & Initial Comments.

As a resident in the area, I have no issues with re-development of a property. As long as the design is realistic and the target audience is in sync with the surrounding community. The above proposal is totally unrealistic in it's intent to introduce "student housing" and higher density residential buildings.

Student Housing Creep & destruction of London neighborhoods.

If it doesn't, then the City of London needs to have a policy to address "Student Housing Creep". There needs to be limits to how much this is allowed to expand. There needs to be protective measures that safe guard the nearby communities from erosion and degradation.

One only needs to drive around the neighborhoods that surround both Western University and Fanshawe College to see this social erosion at work. The purchase of nearby homes for rent and the jamming in of multiple housing units and apartments to facilitate the appetite for student housing. This is great for the students. It is great for the land lords. But it is never good or beneficial for the once thriving neighborhoods that are swallowed up in their path.

This was painfully evident in the aftermath of the Western University "Fake Home Coming" in early October, 2018.

Student Housing Creep is a disturbing trend that has been death knell of residential areas surrounding Western University & Fanshawe College. Bringing with it a population that is disruptive and not in harmony with long term community growth or stability.

This is already a neighborhood under duress. Homes in the area are being bought for rental purposes. Result being the introduction of a transient student & adult population and lack of care & upkeep of rental homes. Most of all a degradation of the community.

The following are observations & counter points directed toward the proposal for development for 536 & 542 Windemere Road.

1.) The design submitted by the developer is unrealistic.

- It is clear the developer failed to research the actual potential and applicable restrictions attached to the two properties.

- To compensate for the fact that only one of the two properties will allow construction, they propose to shoe horn two buildings on to lot 536 with no buffer zones. Asking the planning committee to allow them to circumvent current zoning in favor of a revised zoning decision to allow them to increase capacity of land use.

- Two buildings on one property is too much congestion. With only 4 meters separating them, the buildings are on top of each other. Residents would literally be looking into each others front window.

- Fire Hazard? With the close proximity of the two buildings what is the potential danger in the event of a fire? In the event of a fire could the London Fire Dept. get equipment between the buildings?

2.) North to south easement due to Huron - London water delivery pipeline.

- Per City of London, status quo within the neighborhood is the easement cannot be built upon. Why should an exception be made for a developer over residents?

- The development plan has lot 542 taken up with an asphalt parking lot. A parking lot has been proposed to compensate. However a parking lot and cannot be considered buffer zone.

- Two buildings on lot 536 with no green space around them is totally unrealistic.

- Residential building with proper buffer would be more acceptable.

3.) Removal of trees

- The removal of 50+ trees mainly because they are deemed in the way is simply wrong. Showing a lack of will to be in harmony with the city plan to increase and maintain current tree canopy. Especially with regard to the existing canopy of the surrounding the property & neighborhood. Many of the trees in the neighborhood are 30-40 years old, with life spans in excess of 200+ years.

- Removal of trees will cause a lack of privacy for the properties on Orkney Crescent & Angus Court.

- Replacement trees suggested are barely adequate and will take decades to reach the current level of maturity of the existing trees on the property.

4) Lighting & Noise Pollution

- Lighting will have to be installed to accommodate 24/7 parking and access coming & going from the buildings. Vehicles starting & running.

- Will seriously infringe on adjacent residential properties.

5.) Garbage disposal bins

Where in the developers plan do they propose to put the garbage disposal bins? There appears to be no allocation for placement of bins.

- The only available area is dedicated to parking. The bins would mean the loss of at least 2-3 parking spots. Parking which is already minimal.

- Where are the residents going to store garbage in between pick-ups?

6.) Parking & Snow Removal

Parking alone has potential to be the biggest issue with the most potential for disruption.

- There is no allocation for handicapped parking in the plan.

- It is painfully obvious parking will be inadequate. Allocation of -24 parking spaces for a development proposing up to 64 students is very clearly short sighted and will be a 24/7 and year round problem.

- Residents without assigned spots & visitors can't park on Windemere, meaning they would park behind the development on Orkney Cresc. & Angus Court.

- The planners flippantly suggest excess parking during "social events" can overflow on the streets behind in front of the residential homes on Orkney Crescent & Angus Court.

- This would also increase foot traffic using the walkways linking the residential area to Windemere road. Bringing strangers and non residents in to the neighborhood.

- Snow removal will be a problem. It would have to be removed after every snow event as there is no room for a pile in the parking area.

Conclusion

The developer's plan is flawed and totally unrealistic. There is a lack of professional due diligence and research on their part.

As pointed out by other residents of the Orkney Crescent & Angus Court areas, the objective of the developer is very clear. Maximize the size of the buildings. Maximize profit. Get out of Dodge and leave the local residents and city of London to deal with the issues.

Even though the development targets students, the project does not invoke an ideal setting for academic lifestyle. It indicates maximum congestion of living space, lack of privacy and lack of adequate accommodation. In particular parking and sanitation. A development such as this would not do the students any favors.

A revised plan with a more realistic non student based residency design and land usage is clearly required. The Planning Committee needs to reject the current development proposal and it's request for rezoning.
The Planning Committee should direct the developer to return to the drawing board and come back with a proposal that is geared toward permanent residents and more appropriate and in sync with the community & surrounding area.

Sincerely,

Paul Culliton
163 Orkney Crescent
London, Ontario
N5X 3R5

Re-Zoning Application Z-8945

Proposal for the re-development of 536 and 542 Windermere Road

Submitted **17 October 2018** to the Planning Staff at the City for their consideration and inclusion in the Staff Report to the Planning and Environmental Committee.

Dear Melissa Campbell,

Below is our coordinated response to the Re-Zoning Application, File # Z-8945, specifically to the Urban Design Brief (UDB) and Planning Justification Report (PJR) submitted by Zelinka Priamo Ltd., Consultant to the Developer 249222 Inc. Please also refer to feedback from individual residents affected by the Application, which responds in further detail.

We thank you and the Planning Staff for your consideration of the following response. We have been encouraged by your willingness to gain a proper perspective on how this development would affect surrounding properties, including on-site visits. We look forward to continued discussions as we head toward the Public Participation Meeting.

Signed,

Members of the Orkney-Angus Ratepayers Association and
Concerned residents within the Orkney-Angus neighbourhood
United in opposition to development application Z-8945

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INTRODUCTION

We are sympathetic to the City's mandate to re-develop existing sites within City limits in order to curtail urban sprawl. However, Re-Zoning Application Z-8945 – a proposal to re-develop single-family properties at 532 and 542 Windermere Road to accommodate 16 stacked townhomes (4 bedrooms each) – **contravenes the limits of responsible, sustainable intensification and is inconsistent, often glaringly so, with the 1989 Official City of London Plan and the current London Plan**.

Our concerns outlined in the following pages stem from one central fact: **the proposed development is far too large for the existing properties**, resulting in unprecedented and unnecessary excessive density. Even with the requested R5-7 zoning designation, which allows for the maximum level of density, the proposed development cannot meet the zoning by-law requirements regarding minimum setbacks. Moreover, the dramatic shift in scale and massing from the current R1-6 designation to R5-7 would introduce a host of negative issues for adjacent properties, for pedestrian and auto traffic along Windermere Road, and for residents of the townhomes themselves: **inadequate buffers and green space between adjacent properties leading to loss of privacy, insufficient on-site parking, insufficient space for proper waste management, significant height transitions causing lack of access to sunlight and excessive shadowing, significant loss of trees,** among others.

The PJR states: "The subject lands are unique in that they are the only lands that front onto Windermere Road in the area and therefore are separate and distinct from the residential lands to the north, east, and west" (page 12). This claim is a red herring, for currently 536 and 542 Windermere Road, regardless of the fact that they access Windermere Road and not the streets behind, fit precisely with the current density and makeup of the surrounding neighbourhood on the north side of Windermere Road. The PJR also states: "The massing [of buildings], although larger than the adjacent single detached dwellings, is appropriate for the site" (page 13). As we will go on to show with reference to the 1989 Plan and current London Plan, these are also misleading claims.

Windermere Road between Adelaide and Richmond Streets is a productive mix of low to high density residential, institutional, religious, and professional properties – **in all cases with appropriate setbacks**. Z-8945 would constitute **an utterly singular development that has no precedent along Windermere Road and would result in a blight on the current neighbourhood, community, and urban landscape**. If the City is sincere in its desire to strike a healthy balance between progressive and sustainable development for the sake of maintaining liveable, vibrant community spaces across the City, then it will recognize Z-8945 as an extraordinary overreach of this desire.

Z-8945 as it currently stands is indefensible. In the strongest possible terms, we urge the Planning and Environment to reject the re-zoning application.

ZONING & DENSITY

536 and 542 Windermere Road are zoned R1-6, *"the **most restrictive** residential zone, and . . . is restricted to only single detached dwelling units"* (City Zoning By-laws, 5.1 General Purpose of the R1 Zone). Application Z-8945 asks to re-zone these properties from R1-6 to R5-7:

> *This R5 Zone provides for and regulates medium density residential development in the form of cluster townhouses. . . . **Density provisions range from 25 units per hectare (10 units per acre), designed to accommodate townhousing development adjacent to lower density areas,** to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres. The higher density zone variation has been designed to accommodate stacked townhouses.* (9.1 General Purpose of the R5 Zone)

Why would the City consider a re-zoning application that moves from the "most restrictive," lowest residential density designation to the highest possible density designation for townhouses when the R5 By-law clearly states that the lower density provisions are designed for "townhousing developments adjacent to lower density areas"?

Using stacked townhouses, Z-8945 proposes "a compact form of residential development" that "makes efficient use of land, infrastructure, and public service facilities" by proposing a slightly lesser density of "58 UPH" (PJR pp. 13).[1] However, Z-8945 must obey a 19 metre easement along the east side of 542 Windermere to accommodate the Lake Huron pipeline, which reduces available construction space to 2/3 of the remaining total property. This necessitates cramming the complex on the north, west, and south sides of the subject lands – essentially onto 536 Windermere alone – **which thus recalculates density for the proposed development at 100+ UPH, far beyond any acceptable standard.**

Even with the requested maximum density zoning for townhouses, Application Z-8945, as currently designed, can not meet minimum setbacks as required by the R5 zoning by-law. The applicant is requesting special consideration for variances on multiple sides (elevations). These requests for variances are not minimal, but significant. In fact, as originally filed this application did not accurately disclose the true setbacks on two elevations. When our community pointed this out, the developer's response was not to re-design in order to reduce the "footprint" of their townhouse buildings, but instead to request further exemptions by making allowances for additional encroachments.

- **Along the south side (facing Windermere):** from the required 8m to the requested 2.1m, although the actual setback from the Site Plan is estimated at 0.2m – **almost zero!** This minimal space between building and public sidewalk would be unprecedented for the Windermere streetscape.[2]

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[1] The PJR also states: "residential intensification redevelopments may be permitted to provide a residential density of **75 units per hectare** (UPH) in the *'Low Density Residential'* land use designation" (p. 10). It is not clear what this density provision is referencing, but is far in excess of the allowable density within the R5 zoning by-law.

[2] Site Plan Control 2.13.1. (c) states: "Buildings should where possible reinforce the prevailing street pattern by aligning with the established building line or street edge." Images in the Proposed Site Plan (PJR p. 8) do not reflect how the southern building will next to Windermere and minimize the size and impact of amenity patios, and Conceptual Renderings (cover page, p. 6) greatly exaggerate the minimal green space between building and public sidewalk. The 8m setback at **570 Windermere** is far more amenable for future road widening, adequate and safe snow removal, etc.

- **To the west side:** from the required 5m (based on building height greater than 9m) to the requested 1.7m.
- **To the north side:** from required 6m to 4m (from edge of stairs and patios, which are part of the building).

The PJR reads: "The proposed development is consistent with the development standards set out in the City of London Site Plan Control By-Law and requires only minor site-specific zoning regulations" (p. 12). And again: "Given the building height of 2.5 storeys, these setbacks are generally consistent with typical low-density residential side yard setbacks" (p. 10). **How are these extraordinary concessions "generally consistent" with other intensification projects within similar areas/neighbourhoods?**

The zoning by-law concessions requested clearly indicate that the proposed buildings are not suitable for the site.

We thus call upon London's Planning Staff, Planning and Environmental Committee, and City Council to follow its own rules. Consider these statements from official City documents:

> *The development of low density residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses, and shall result in net densities that range to an approximate* ***upper limit of 30 units per hectare****.* (1989 Official London Plan, 3.2.2. Scale of Development: Density of Residential Uses)

> *While residential intensification located within the Low Density Residential designation may be allowed up to a maximum scale permitted under the Multi-Family, Medium Density Residential Designation, Zoning By-law provisions will* ***ensure that new development recognize the scale of adjacent land uses and are compatible with the character of the area.*** (3.2.3.8, Zoning By-law)

> *Zoning will be applied to ensure an intensity of development that is appropriate to the neighbourhood context,* ***utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open spaces.*** (current London Plan, Neighbourhood Place Type Policies)

> *The City of London's Zoning By-law establishes and regulates the use of land by implementing the policies of the City's Official Plan. It provides the municipality with a* ***legally enforceable means of regulating land use, scale and intensity of development****. Zoning also serves to protect areas by preventing or limiting incompatible uses, and* ***establishing appropriate standards for development****. . . . Zoning By-laws regulate how land and buildings are used, the location of buildings, lot coverage, building heights, and other provisions* ***necessary to ensure proper development****.* (City of London's Zoning By-law web page)

The City of London cannot approve this application. To do so disregards its mandate to protect the integrity of its neighbourhoods and communities and undermines the integrity of its policies and zoning by-laws.

In short, the Subject Lands are **not** "of a sufficient size and configuration to accommodate the proposed residential intensification" (PJR p. 21). **Even if the highest density R5-7 zoning designation was acceptable (which it is not), Z-8945 does not meet the city's zoning requirements and should be rejected.**

PRIVACY

The 1989 Official London Plan states:

> *Development within areas designated Low Density Residential shall have a low- rise, low coverage form that minimizes problems of shadowing, view obstruction and* ***loss of privacy***. (3.2.2. Scale of Development)
>
> *Residential Intensification site plan proposals shall address the following matters:* ***Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, garbage receptacles, parking areas and other features that may impact the use and privacy of such spaces***. (3.2.3.5 Public Site Plan Review and Urban Design)
>
> *Buildings should be positioned to define usable and secure open space areas on the site and to afford a* ***reasonable measure of privacy to individual dwelling units***.

From the Z-8945 application: "Ensure the maintenance, and enhancement where possible, of privacy between the subject lands and abutting properties" and "anticipate[s] that landscaping, tree plantings, and fencing will be implemented around the perimeter of the subject lands to screen the development from adjacent low density residential uses, thereby preserving privacy" (PJR p. 10).

However, required setback variances that would locate the buildings as close as possible to the north, west, and south perimeters of the proposed site would vastly limit if not eliminate altogether the current level of privacy ensured between adjacent properties. Several issues arise here:

- The development would remove mature trees (12m+) between 536 Windermere and 127 Orkney. Until equally mature, new trees would not compensate for this loss of privacy.[3]
- A 1.8m replacement wood fence between 536 Windermere and 123 and 127 Orkney would not ensure greater privacy, even with the minimal elevation difference between 123 Orkney and townhomes. The difference between 536 Windermere and 127 Orkney requires a significantly higher level of fencing and tree line to provide an effective buffer between properties.

[3] The UDB states: "Although specific landscape treatments will be refined through the Site Plan Approval process, evergreen plantings (Christina Norway Spruce) are proposed along the north lot line and additional evergreen shrubs are proposed between the buildings and westerly lot line. Street trees will also be added along the Windermere Road frontage." The .1 – 0m setback along Windermere affords little to no room for trees of any kind. The planned replacements along the north lot line are scrub trees susceptible even to light storm damage. Moreover, even under ideal conditions it would be 25 to 30 years before any replacements would provide adequate coverage or create a buffer equal to existing vegetation.

- The proposed development "allows for views into and out of the building," what it calls "**passive surveillance**" (UDB p. 13). However, considering that the building facing 127 Orkney is almost identical to the one facing Windermere; that 127 Orkney is a single-family dwelling for a family of 6 with bedroom and bathroom windows directly facing the townhomes; that the interior faces of the townhome buildings will have a clear view of 123 Orkney Crescent; and that there will be significant glazing (windows) on both the north and south sides of the townhouse buildings, the use of the term "passive surveillance" by the applicant is important. Based on building design within Z-8945, this same level of surveillance will be applied to the properties of 127 Orkney and 123 Orkney. This demonstrates a significant lack of "sensitivity" to the privacy of these adjacent properties.

- Both 123 and 127 Orkney would be subject to noise pollution – 123 Orkney because of its close proximity to the walkway between the townhome buildings and two of its entrances, and 127 Orkney because of the proposed outdoor patios for townhouse residents.

- The UDB notes: "no windows are proposed on the east or west elevations to enhance privacy." However, it fails to mention how close 123 Orkney is to the townhouse walkway and entrances and lowered "amenity spaces." Residents of each building will have a clear view of the home and rear yard of 123 Orkney.

- The interior faces of the townhouse buildings are also designed similarly to the front side facing Windermere, full of primary entrances, windows and lowered "amenity spaces." With very little space separating each building (only 4m separating the building faces and approximately 1.5m separating each building's lowered amenity areas), there will be little privacy available for units within each building.

MASSING

According to the 1989 City of London Official Plan (6.2.2 Additional Urban Design Considerations for Residential Intensification), the "intensity (i.e. massing, height, scale) and design" of a proposed development must be "compatible with character and features of the surrounding neighbourhood." Z-8945 argues that its proposed development "is compatible and fits within the existing context." **Our review of the PJR and UDB, however, raises serious concerns about this development's Massing.**

The 1989 Official London Plan states that any application for residential intensification must "***clearly demonstrate*** *that the proposed project* ***is sensitive to, compatible with, and a good fit within, the existing surrounding neighbourhood*** *based on, but not limited to, a review of both the existing and proposed built form, massing and architectural treatments as outlined in section 3.7.3.1. of the plan*" (3.2.3.4 Compatibility of Proposed Residential Intensification Development).

The current London Plan states that "*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***" (199, City Building Policies) and that the "*Site layout should be designed to minimize and mitigate impacts on adjacent properties*" (253) in order "*to realize our goals of purposeful,* ***sensitive, and compatible intensification within our neighbourhoods***" (939, Neighbourhood Place Type Policies).

The Plan thus calls for the following design policies to govern all intensification proposals:

1. *A Planning and Design Report . . . [that] will* ***clearly demonstrate that the proposed intensification project is sensitive to, compatible with, and a good fit within the existing surrounding neighbourhood.***

2. *Compatibility and fit, from a form perspective, will be evaluated based on such matters as:*
    a. *Site layout within the context of the surrounding neighbourhood, considering such things as access points, driveways, landscaping, amenity areas,* ***building location, and parking.***
    b. ***Building and main entrance orientation.***
    c. ***Building line and setback from the street.***
    d. ***Character and features of the neighbourhood.***
    e. ***Height transitions with adjacent development.***
    f. ***Massing appropriate to the scale of the surrounding neighbourhood.***

3. *The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area,* ***adequate buffering and setbacks,*** *and garbage storage areas.* (953)

Z-8945 implies that it follows the above principles and policies from both the 1989 Official and current London Plans in order to "enhance" and "activate" the surrounding community.

Nowhere does the application effectively do so, however.

HEIGHT TRANSITION

536 Windermere is adjacent to 123 Orkney, a **1-storey**, single family home less than 5m in height. **There is no significant elevation difference between 123 Orkney and the proposed building on 536 Windermere** (less than 1m at the front of the house and almost level at the rear of the house).

536 and 542 Windermere are adjacent to 127 Orkney, a **2-storey**, single family home. 127 Orkney and 536 Windermere are currently separated by a 1.2m wood fence as well as mature (12m+) trees on the 536 Windermere side, which provide significant privacy for each side and **all of which will be removed due to proposed construction.** 127 Orkney sits approximately 2m higher than 536 Windermere.

The current London Plan states that "*Within the context of the relevant place type policies, the height of buildings should have a proportional relationship to the width of the abutting public right-of-way to achieve a sense of enclosure*" (287) and that "***An appropriate transition of building height, scale and massing should be provided between developments of significantly different intensities***" (298).

The UDB for Z-8945 argues the following:

- The housing stock within the "Low Density Residential" areas are primarily large single detached dwellings, 1 to 2.5 storeys in height (3.0 Spatial Analysis).

  This if false, unless further evidence of 2.5-storey buildings within the residential area is provided.

- The buildings are proposed to be approximately 9m in height, generally consistent with proximate single detached dwellings in the area. (Part 2 5.0 Proposed Development).

  This is false. The proposed buildings exceed 9m. Also, no residential buildings in the neighbourhood are even close to 9m in height.

- The height of the buildings is consistent with the upper end of typical low-density residential buildings heights, being 2-3 storeys.[4] However, due to the grade differential between the subject lands and lands to the north and west, the proposed buildings will appear approximately 2m shorter, when viewed from the north or west. (8.0 Compatibility Report).

  This is false. Because the grade elevation between 536 Windermere and 123 Orkney is 0-1m, **no** significant grading differential will help to offset height differences between a 1-storey home and adjacent 2.5- storey townhouses. In fact, their close proximity to 123 Orkney (1.7m) makes for an **even more extreme height transition**.

[4] Since 123 and 127 Orkney are 1-storey and 2-storey single family homes respectively, what examples of 3-storey residences in the neighbourhood is the ODB referring to?

ACCESS TO SUNLIGHT / SHADOWING and LIGHTING

The 1989 Official London Plan states: "*The design and positioning of new buildings should have regard for the impact of the proposed development on year-round sunlight conditions on adjacent properties and streets*" (3.2.3.5. Public Site Plan Review and Urban Design).

To address this impact, the UDB states: "No shadowing on abutting lands is expected beyond which would otherwise be present with a two-storey single detached dwelling, especially given the lower elevation of the subject lands relative to lands to the north and west."

This is false. The current two-storey home on 536 Windermere sits in the middle of the lot, more than 10 m from the western property line shared with 123 Orkney. The proposed townhomes, substantially higher than the current residence and much closer to the adjacent property, would significantly shadow the property and home at 123 Orkney. Moreover, there is no substantial elevation difference between the development 123 Orkney, which would feel the encroaching difference in height that much more. Finally, shadowing would compromise the health of trees currently along the property line not represented in the application but intended to maintain privacy.

Similarly, the UDB states: "Existing off-site mature trees to the north already shadow the interior side yard of the single detached dwelling to the north." Most of these trees, however, are actually on 536 Windermere and would be removed for construction (Tree Preservation Plan – trees 22, 23, 24, 25, 26, 27, 28, 29).

The UDB states: "Appropriate glazing is proposed on all north and south elevations, maximizing the amount of natural light that will enter each unit. The buildings are sufficiently separated to exceed Ontario Building Code requirements. Interior units (facing the opposite building) are provided with ample windows to allow for natural light penetration" (Section 11.1.1 ix). This claim fails to mention that the close proximity of each building will allow limited to no direct sunlight. The northern most elevation (facing 127 Orkney) will also suffer from limited to none direct sunlight.

Finally, the complex would require 24/7 lighting for its buildings and parking lot. Between removing existing tees, inadequate fencing, and building heights, few to no buffers would exist to prevent excessive light reflection from affecting the adjacent properties.

TREES

To facilitate construction, the developer would remove 85% of existing mature trees that provide an attractive and necessary buffer against noise and light pollution between properties. Construction would further compromise the health and integrity of remaining trees, especially those along the west side between 536 Windermere and 123 Orkney. The tree survey indicates that the trees between 127 Orkney and 536 Windermere are healthy, so why sacrifice them when they, like the existing vegetation, would greatly enhance the development's aesthetic and ecological integrity as well as act as a significant buffer between properties and facilitate privacy?

WASTE MANAGEMENT

The 1989 Official London Plan states: "*Residential Intensification-site plan proposals shall address the following matters: Sensitivity to existing private amenity spaces as they relate to the location of proposed building entrances, **garbage receptacles**, parking areas and other features that may impact the use and privacy of such spaces*" (Residential Land Use Designations).

The current London Plan states: "*Loading, garbage and other service areas will be located where they will not detract from pedestrian connections and where they will not have a negative visual impact from the street*" (266). And: *The City Design policies of this Plan will apply to all intensification proposals. In addition, the following design policies will apply: The intensity of the proposed development will be appropriate for the size of the lot such that it can accommodate such things as driveways, adequate parking in appropriate locations, landscaped open space, outdoor residential amenity area, adequate buffering and setbacks, and **garbage storage areas**.* (953)

The PJR (p. 14) mentions servicing the development, but fails to provide garbage removal for 16 x 4-bedroom units. The current Site Plan leaves little room for outdoor facilities given that most existing space will be covered by buildings and parking. Waste management is typically a matter for the site plan approval process, but this issue is crucial to the zoning by-law approval process given that the development is too large for the available space and that inadequate waste management would impact adjacent properties.

We assume that individual tenants would pile garbage on Windermere, which would attract animals, already a problem along the adjacent streets and, indeed, across the City. Or dumpsters would be located toward the northeast side of the complex abutting neighbours' properties or very close to Windermere. Neither option is optimal or desirable. Any centralized waste collection would require trucks to negotiate a parking lot that limits maneuverability except for driving onto, but then backing out from the property onto Windermere. Or, if residents piled garbage along Windermere, the City's garbage removal trucks would stop each week to pick up 48+ bags of garbage, then recyclables, creating further safety and congestion issues.

PLAY AREA

The 1989 Official London Plan states that "*Residential developments that are likely to house families should include an appropriately sized outdoor children's play area that is **safely accessible** from all units in the development.*"

Oddly, Z-8945 mentions no such play area, which suggests the Developer's intended market. The PJR does state that "In addition to the lowered patios, the proposed development provides a landscaped area east of the parking lot for outdoor amenity space" (p. 16) – the green space created by the 19m easement. However, any garbage facilities, or snow from snow removal efforts, if located at the north end of the parking lot to the northeast of the property, would automatically obstruct safe pedestrian access from the townhomes, along the north side of the property, to any play area, which would then require crossing a busy parking lot.

PARKING

The UDB states: "Vehicular access to the site is provided by a single driveway from Windermere Road. **Ample parking is provided within the surface parking lot**." The PJR states: "A total of 25 surface parking spaces are proposed. Accessible parking can be accommodated on the site with the removal of 1 parking space" (p. 10). This accords with City By-laws: 1.5 spaces/unit x 16 = 24 spaces. This proposal speaks to single-family occupancy, unless a family owns two vehicles, which would already burden the existing plan. Moreover, Z-8945 makes no accommodation for handicap parking. One handicap space would eliminate two other spaces, a reduction to 23 spaces for 16 units, below the minimum requirement. Finally, the proposal never mentions visitor parking.

The 4-bedroom/1500 square feet configuration of each unit, however, as well as the proximity to Western University, suggests a denser occupancy for which 24 spaces are in no way adequate. We have no claim to determine tenancy, but already our neighbourhood contains several homes, rented by bedroom, inadequately maintained, and introducing parking congestion, and noise and garbage pollution. Neighbourhoods across the City must deal with noise, privacy, congestion, maintenance, and safety issues created by student housing. Z-8945 would leave adjacent home owners to the north of Windermere as well as institutional properties to the south to deal with these problems.

Z-8945 offers one solution: **"Given that there is no on-street parking on Windermere Road, should additional temporary parking be required (i.e. for a social event), on-street parking is available to the subject lands on Orkney Crescent, Brussels Road, and Angus Court, accessible via the pedestrian sidewalk connections to the east and west of the subject lands"** (PJR p. 21). Given the likely demand for parking, and not only for social events, this solution would create recurring noise, congestion, privacy, and garbage problems for surrounding residents. We do not imagine that the Spencer Leadership Center or Scouts Canada would welcome overflow parking on their sites, a possibility Z-8945 fails to consider.

The Developer cannot ignore these issues and needs to accept responsibility for the fact that the residents their proposal would attract necessitates considering important conditions that affect design, planning, and zoning decisions. While minimum parking standards may allow for 1.5 spaces per unit, in this specific site situation a greater requirement for parking spaces is appropriate and needed. Alternatively, if the townhouse development were reduced in size and number of units, the currently designed parking space may prove more adequate.

CONCLUSION

The PJR states: "The proposed development contributes to the range of residential forms and intensities in the area" (p. 12) and "contributes to an appropriate range and mix of housing types to accommodate future growth in the City of London and contributes to Council's intent to encourage appropriate intensification" (p. 13). Again: "the proposed development has been designed to be compatible with existing land uses with the use of similar height, low-rise massing, and significant buffering/screening mechanisms for the maintenance of privacy for abutting uses" (p. 16). And again: "the proposed development fits well within its surrounding context, in terms of height, massing and exterior materials. The combination of no windows on the west elevation, landscaping, tree plantings, retention of existing trees, and new fencing will contribute to the goal of maintaining privacy for adjacent residents" (p. 16).

Given the excessive density proposed by Z-8945 and resulting negative impact on the surrounding neighbourhood outlined above, we find all of these rationales to be misleading if not false.

The 2014 Provincial Policy Statement (Section 1.1.1., cited in the PJR), calls for the appropriate growth of "**healthy, liveable and safe communities**" sustained by:

- efficient development and land use patterns [that ensure the] financial well-being of the Province and municipalities over the long term
- an appropriate range and mix of residential, employment, . . . recreational and open space uses to meet long-term needs
- promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.

We have no doubt that the development resulting from Z-8945 will be "efficient" and "cost-effective." **We do not accept that it is "appropriate," "healthy," "liveable," or "safe."**

The PJR states: "The proposed development has been designed to be respective and compatible with adjacent low-density residential uses to the north, east, and west" (p. 16). Z-8945 is ***un*respective and not compatible with the surrounding neighbourhood due to its failure to meet its key design objectives:**

- **Provide a built form compatible with adjacent low-density residential dwellings.**
- **Integrate this built form into the existing context with proper massing, height, etc.**
- **Enhance and ensure the maintenance of privacy between the development and adjacent properties.**

This failure is the direct result of the Developer's attempt to squeeze an oversized complex onto the available space, partly to compensate for the easement along the east side of 542 Windermere. The UDB states: "Given the site's constraints, the buildings are located as far from abutting residential uses as possible" – but only because the developer has not adjusted its design to provide more reasonable density levels, given the constraints of this site. **It seems the Developer is intent on maximizing in every way, including their own financial gain. Why should our properties and our neighbourhood be required to make all of the sacrifices when the Developer appears unwilling to sacrifice on their part?**

File: Z-8945
Planner: M. Campbell

Protect the integrity of the surrounding neighbourhood by considering the following:

- **Reasonable zoning.** If re-zoning is permitted, choose a zoning which allows for increased density over the existing single family homes but at a more reasonable density level. A different R5 zoning (R5-1, -2, or -3) that is more appropriate within the adjacent low-density neighbourhood. Another example, the R6-2 (10) designation at **570 Windermere Road,** increases the density of single family homes while meeting proper setbacks and allowing an adequate buffer between the development and adjacent properties.

- **Adequate and appropriate parking.** Apparently designed for student housing, Z-8945 would need a minimum of 2 parking spaces per unit *plus* handicap and visitor parking. At a density level of 8-10 units, the currently proposed 24 parking spaces should be appropriate.

- **Establish an Easement (minimum 6 m) between the development and 123 Orkney Crescent and 127 Orkney Crescent.** This buffer would protect existing trees and allow for additional landscaping, which would provide adequate separation and privacy between each of these properties.

- **Higher (4m+), more durable fence (pre-cast concrete).** This would help to alleviate elevation differences and privacy issues with adjacent properties on the east, north, and west sides, would preclude more regular maintenance issues, and would prevent possible breaches that would allow for unofficial access to overflow parking on Orkney Crescent, Brussels Road, or Angus Court.

- Assurances – **established as by-law additions to the Re-zoning designation** – that any setbacks, buffers, or other conditions agreed to at the time of Re-zoning will be upheld at the future time of Site Plan approval and construction.

We trust in the City's desire to promote sustainable infill by innovative yet sensible urban design.

But this proposal feels like a slap in our neighbourhood's face.

Z-8945 asks for over-intensification without due concern for residents' daily lives – development for development's sake that will create future problems for residents and the City to deal with. This developer may attempt to assure long-term responsibility for potential headaches, but evidence of such situations disrupting the harmony of well-established neighbourhoods proves otherwise.

Respectfully submitted, October 17, 2018

Members of Orkney-Angus Ratepayers Association and concerned residents within the Orkney-Angus neighbourhood united in opposition to Z-8945

From: Brocklebank, Allan
Sent: Wednesday, October 17, 2018 11:00 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: RE: 536 and 542 Windermere Rd.

Hi Melissa:

I do have some additional questions and comments but first I'd like to clarify some points from our earlier correspondence.

In my email of Sept 23, I emphasized that my comments (from Sept. 19) only related to the rezoning (and site specific concessions) application. Items no. 2, 5, and 6, that you have referenced, are not Site Plan Control issues and cannot dismissed (editorialized?) as they endeavor to refute points Zelinka's has made to rationalize the specific west side yard reduction from 5m to 1.7m.

To your point "The City of London typically relies on the OBC for guidance or standards……", I do understand this. In my email from Sept. 19, I attached a sketch having some calculations for percentages of unprotected opening; note that these calculations are referenced below under 'Other: Ignored OBC Spatial Separation Issues' and address real issues that cannot be sloughed off (for the ZBA) as they relate to the 'fit and compatibility' that you have referred to.

My comment related to the closed guard is not an OBC issue and cannot dismissed as this again refutes a point Zelinka's has made to specifically rationalize the front yard reduction from 8m to 2.1m. My objective here was clear, I endeavored to emphasis the need to understand and apply good planning principles as they relate to this significant element (the guard) and the insensitivity (being 200mm from the property line) to the human scale.

I am still looking to understand your position on some issues that I had raised earlier, in my Sept. 19 email:

Density:

- Zelinka has used the larger lot area (incl. boulevard) to determine the proposed density (0.277 ha. x 60 units / ha = 16.62 units). Is this acceptable? and if so, what specific city regulation/requirement allows this? This is of particular significance because Section 9, Residential R5 Zone, General Purpose of the R5 Zone states that the highest permitted density (60 units / ha.) is not intended to be applied 'adjacent to lower density areas'.

Reduced front yard setback from 8m to 2.1m:

- The definitions provided in the Zoning By-Law for *Setback* and *Structure* are unambiguous and require the setback to measured to the front face of the window well and not the building face. Are you able to tell me why is this being ignored? If you believe these definitions say otherwise, please advise me as soon as possible; I intend to challenge this seemingly arbitrary interpretation.
- The Site Plan Control Bylaw 2.13.1.(c) states 'Buildings should where possible reinforce the prevailing street pattern by aligning with the established building line or street edge'. In your opinion, does this non-setback reinforce the prevailing street pattern? and what is the precedent for accepting this significant deviation from the norm? Please refer to City of London Site Plan Control By-law 2.4 (a) for this apparent disconnect.

I also have some question related to the recently revised Zoning By-Law Amendment that would permit an encroachment for porches/patios located a minimum 0.2 metres from the front property line.

- The Zoning By-Law defines a 'porch'. Is this encroachment intended to permit the projection of the entrance stoops beyond the face of the building?
- The Zoning By-Law does not define a 'patio'. Is this encroachment intended to permit the projection of the window wells beyond the face of the building?
- These window wells are not patios. Please see above 'Reduced front yard setback from 8m to 2.1m' and the definitions provided in the Zoning By-Law for *Setback* and *Structure* for a definitive interpretation.

Other important issues related to 'Fit and Compatibility'

Insufficient 6m (south) rear yard setback:

- The City of London Site Plan Control By-law 2.5 - Multi-Family Residential Setbacks and Separation Spaces (Table 2.1) state clearly that an **8m setback to a building having habitable room windows is required**.
- OBC Spatial Separation Issues – see issue below
- City of Toronto Townhouse and Low-rise Guidelines 4.2 Facing Distances and Setbacks call for 'a minimum 7.5m rear yard setback from the property line at grade'

- For all intents and purposes this is not a rear yard setback and the proposed 6m setback will have significant impact on the neighbouring properties.

Impossible 4.6m distance between opposing building faces

- The City of London Site Plan Control By-law 2.5 - Multi-Family Residential Setbacks and Separation Spaces (Table 2.1) state clearly that an **8m separation between buildings having habitable room windows is required.**
- City of Toronto Townhouse and Low-rise Guidelines 4.2 Facing Distances and Setbacks (Table 1) call for 'a minimum 11m facing distance plus 1m when private below grade amenity spaces are provided'
- OBC Spatial Separation Issues – see issue below
- The sound emanating from this space will have significant impact on the neighbouring properties.

Ignored OBC Spatial Separation Issues

- For those that are unfamiliar, the Ontario Building Code limits the amount of doors and windows (area of 'unprotected openings', expressed as percentage) in a building facade ('exposed building face'); the amount of openings permitted is function of the distance ('limiting distance') from a street, a property line or an imaginary line midway between two buildings on the same site. Simply put, the shorter the distance, reduces the amount of openings permitted.
- Some basic calculation using the conceptual (?) Front Elevation (see attached) submitted by Zelinka show a total percentage (of unprotected openings) presently at more than 22%. Zelinka (in the PJR) suggests by the use of window fire shutters, could allow for a greater limiting distance. If the use of shutter is plausible (there would be significant technical and cost issues to overcome) I contend that these would not be permitted on any doors or bedroom windows (incl. basement bedrooms) as exit/egress must be maintained. Presupposing shutter could be used (on living room windows only) a calculation show a percentage (of unprotected openings) at 13%.
- Using OBC Table 9.10.14.4:
    a) the limiting distance required for the (south) rear yard set back would be more than 7m (to have 22% unprotected openings) **not 6m as being proposed**.
    b) Based on the conceptual (?) Site Plan submitted by Zelinka, the limiting distance between the two opposing building faces is 2.3m (to an imaginary line midway between two buildings that are 4.6m apart)
- **only 8 to 9% unprotected openings** would be permitted not the 22% (or 13%) proposed.
- a limiting distance of more than 7m would be required to accommodate 22% of unprotected openings, therefore **separation between buildings of more than 14m would be required.**
- a limiting distance of more than 4m would be required to accommodate 13% of unprotected openings, therefore **separation between buildings of more than 8m would be required.**

Unresolved parking

- More on this later

Inadequate amenity spaces

- More on this later

Problematic fire fighting

- More on this later

Unaddressed garbage collection

- More on this later

Thank you. That's all for now.

Allan Brocklebank

From: Tony Mara
Sent: Wednesday, October 17, 2018 11:59 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: response to application Z-8945

Hi Melissa,

The following in my response to application Z-8945, related to 536 and 542 Windermere Rd:

My contention is that this application represents significant and egregious over intensification that in NO WAY is compatible with the adjacent Orkney Crescent, Angus Court neighbourhood.

This application requests that the applicable zoning be changed from R1-6, which is the “most restrictive residential zone” intended for single detached dwelling units (London Zoning By-law Section 5.1) to the highest variation of the R5 zoning - R5-7, which allows for townhouses at the highest density level (maximum 60 units per ha). The proposed stacked townhouse buildings total 16 units. After 8m x 32m (256 sqm) frontage of 536 Windermere Rd is re-claimed by the City during this development process, the density calculation with these 16 units over the remaining combined lot size (.25ha) is 64 units per ha - beyond the maximum allowed by the R5-7 zoning.

In addition to the re-zoning requested, the applicant is also requesting MAJOR setback variances on multiple sides of the property.

- From the minimum required setback for the front yard (south side facing Windermere Rd) of 8m to the requested 2.1m
    - The actual setback is 0.2m when including the "lower amenity spaces” which are part of the structure but extend outwards from the building facing

- From the minimum required setback for the interior side yard (west side shared with 123 Orkney Crescent) of 5m (based on the building size greater than 9m) to the requested 1.7m

- While not specifically mentioned in the application, the minimum required setback for the rear yard (north side facing 127 Orkney Crescent) of 6m to the planned 4.1m (when including the "lower amenity spaces” which are part of the structure but extend outwards from the building facing)
    - an additional argument can/should be made that with the proposed townhouse buildings (as presented within the application), there will no true rear side. Each North, South elevation is a front side with primary entrances and significant window presence (glazing), including the building elevation facing Orkney Crescent and 127 Orkney Crescent. Therefore, a front side setback should be required at a minimum of 8m

None of these requested setback variances are minor. These are MAJOR variances and significant in their contribution to the overall negative impact on the adjacent properties, Orkney neighbourhood as well as the Windermere Rd streetscape. The bottom line is that the applicant can NOT fit the proposed townhouse buildings, as designed with the 16 units for maximum density within the available lot space without these MAJOR setbacks variances. There is no additional value to these setback variances other than allowing the developer to cram in buildings whose massing is too large to fit the available space otherwise.

This application fails to demonstrate any level of sensitivity to the adjacent properties and surrounding neighbourhood. This can best be demonstrated by the building positioning so close to the property lines adjacent to 123 Orkney Crescent as well as 127 Orkney Crescent. The applicant states "..locate the buildings as far from abutting properties as possible, given the design intent and constraints of the site" (Urban Design Brief, page 23). In other words, when presented with the challenge caused by the 19m easement along the eastern property line, the developer chose to keep the massing and density the same, but squeeze the buildings as far to the west on the property as possible - rather than reducing the massing and density of the building to allow it more appropriately fit within the remaining lot space

Another example of the poor design choices resulting from trying to maintain the currently proposed massing level is the exceptionally small 4m separation space between buildings. Considering that both building elevations facing each other are primary entrances including porches, steps and include the extended "lower amenity spaces", the actual space between buildings is little more than the 1.5m walkway in between the buildings. That is ridiculous and presents several additional problems for the expected residents of these townhouses.

- I challenge the city planner to provide precedence for similar development with all special considerations required for this application already approved or in existence within the city of London

It is because of the massing level being too large for the available lot space that the other major factors are concerns including:
- privacy
- height transitions
- access to sunlight
- parking
- waste storage and removal
- snow removal / storage
- storm water drainage

While we have been told that many of the identified considerations are site planning related matters, because these concerns are directly impacted by the scale and massing which is made possible by the zoning change requested, they must be considered as part of the zoning decision.

If the buildings were smaller, more appropriately massed for the available lot space, which allows minimum setbacks to be respected and provides for a proper buffer space between the development and adjoining properties to the west (123 Orkney Crescent) and north (127 Orkney Crescent), my concerns may be mitigated.

There are several other variations available for the R5 zoning. "Different intensities of development are permitted through the use of the seven zone variations. Density provisions range from **25 units per hectare** (10 units per acre), designed to accommodate townhousing development **adjacent to lower density areas**, to 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres (London Zoning By-law Section 9.1). Also, "The middle range zone variations are designed for most suburban town housing developments". Based on the R5 zoning by-law's general purpose statement, a different, lower density variation should be considered for this site, which is adjacent to the most restrictive, low density residential zone.

An additional possible zoning option for consideration, which allows for increased density, but in a form that is more compatible with the surrounding neighbourhood is R6-2, similar to the single story condos recently developed at 570 Windermere Rd.

In summary. Do not place the value of urban intensification and developer enrichment over the value of our properties and our neighbourhoods. Both the 1989 Official London Plan and the recent London Plan provide several policies that speak to the requirement

for balance, along with fit, compatibility and sensitivity for infill intensification development within existing neighbourhoods.

Best regards

Tony Mara

From:
Sent: Tuesday, October 23, 2018 4:02 PM
To: Planning <Planning@london.ca>
Subject: planned townhouses on windermere

Hello. I had a look at the planning proposal image for the townhouse to be built on Windermere and was very disappointed at the appearance. They look just like a student residence and are far from attractive!! I was thinking there might be pretty porches and/or balconies, but they are extremely ugly and certainly don't align with some of the gorgeous nature landscape in that area.

From:
Sent: Thursday, November 1, 2018 12:52 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: Public Record

I realize that I have missed the deadline for comments, and that in any event, my residence being on Lavender Way, I have no formal rights of protest.

I nonetheless want to sensitize planning staff to the aesthetic aspects of these types of applications. Can any objective person make the case that the front elevation of these proposed units in any way harmonizes with their surroundings? The design is the familiar Contemporary Bunker style that is creeping into every low-mid price residential development in this city.

Even the awful colour tells the tale, and no doubt the material quality, though to code, will follow suit; materials such as wafer board use in joists, walls and (yes) roofing, no doubt exposed for long periods to the elements, thus heightening their urea formaldehyde emissions risk for the ultimate owners.

Such materials, I would argue, have no place in residential buildings, and certainly not as flooring and roofing. The product was never designed for such uses. Ask any home owner how their wafer board roof stood up to re-shingling, or if their floor creaks within five years of ownership.

Another $50,000 is all it would have taken to make this an acceptable addition to the streetscape, but the developer has chosen to economize, knowing full well that he/she will obtain council approval to build. More power to them. This is a governance issue, not a developer issue.

We need designers who have cultural sensitivity at City Hall because you are the people who should be making the difference between mediocrity and street enhancement. Mediocrity seems to be the default these days.

I would have replied sooner, but have been out of the country for a month and only recently saw the sign on Windermere during one of my runs.

Charles

From: Brocklebank, Allan
Sent: Sunday, November 4, 2018 2:23 PM
To: Campbell, Melissa <mecampbell@london.ca>
Subject: RE: 536 and 542 Windermere Rd.

Melissa:

Thanks for the response, to some of my questions and concerns.

Density:

I was aware of the provision that would allow for the density calculation to include the road widening dedication. The point I was making is that you are willing to accept this application at the highest permitted density (60 units / ha.) which is clearly not intended (in a the R5 zone) to be applied 'adjacent to lower density areas'.

Setbacks and Revised Notice of Application:

Your position becomes clearer now. If you don't get the definition you desire, you will facilitate this concession by moving the goal posts yet again. I'm having difficulty understanding the roll of the Planning Department; is it to acknowledge the concerns of the taxpayer or to do anything to aid the 'applicant' (I believe this is term you use)? From my point of view, the optics are bad, and have been from Day 1.

Prevailing Street Pattern:

You make the argument that a front yard context has not been established because of the adjacent rear facing properties. Hypocritically you have not heard the contention that the (norther most) north facing building is located (only 6m from the property line) using a minimum rear yard setback for a principle façade, which is completely out of context to the adjacent properties. Also, I'm not certain that The London Plan provides for 'bring(ing) the building towards the street' means on the street.

I note that you did not respond my other issues related to 'Fit and Compatibility'. What happens with these concerns?; Do these also become 'part of the public record' and otherwise ignored?

Melissa, this has been a very discouraging process for me (and for others). I naively thought I could be involved in a substantive discourse and to exercise my civic right. I endeavored to avoid nimbyism and thought I had stuck to the issues. I had hoped to engage you in a meaningful discussion that might result in an appropriate development, compatible with the neighbourhood. I feel my concerns have been discounted at every turn.

There is something significantly wrong with this process, in no shape or form, has this been a public consultation.

I'm afraid the fix is in, I don't anticipate any surprizes in your report (which I understand we'll receive just days before the PEC on Jan.7th).

Thanks for taking the time.

Allan Brocklebank

Agency/Departmental Comments

September 20, 2018: Development Services (Site Plan)
Based on the submitted drawings Site Plan offer the following comments for your consideration during the Zoning By-law amendment process for 536 Windermere Road.

- With regards to the easement for water:
    - The existing trees can remain (however there is no guarantee that they will be there in perpetuity – maintenance/emergency could see their removal). We will probably put something in the Development Agreement ("DA") to this effect.
    - Site plan would seek protection of the existing trees within the easement as the site is within a tree protection area and the existing trees present a feasible option to retain developed treecover.
- With regards to the proposed reduce side yard setback:
    - A 1.7m setback, as requested, does not provide adequate space to provide for the landscaping and screening required under the Site Plan Control By-law. This requested setback is of particular concern as the need for screening is more pronounced in infill developments like the one proposed. Maintaining the buffer of mature trees as requested at Site Plan Consultation cannot be achieved by intruding to the proposed extent into the standard setback and removing those trees, both of which would be the case should the site plan be developed as proposed. Trees currently along the property line, require space to remain healthy long term.
- Further to the issues raised with the proposed setback, issues which could prevent future site plan approval are clearly present with regards to functional amenity space in the proposed site layout.
    - Section 2.5 of the Site Plan Design Manual speaks to daylight/sunlight, visual privacy, quiet and setbacks. Table 2.1 of the SPDM requires an 8m setback between habitable windows. Neither these objectives nor the regulatory standard are met by the less than 4.9m currently proposed between the north and south block of townhomes.
    - OBC requires private outdoor space in association with dwellings which is not contemplated for the units front the central sidewalk as proposed at this time. Furthermore amenity spaces required are to be separated by distance or screening, with the later not proposed and the later impossible given the proposed layout.
- Consideration should be given to alternate site arrangements should the client continue to seek the target density. Site Plan notes that:
    - *The London Plan* on a Civic Boulevard allows for height beyond 2 storeys another configuration which though greater in height allows for greater buffering would be preferable.

September 20, 2018: Development Services (Environmental and Engineering Services Department)
General:

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

- Based on the proposed access location, the existing streetlight and hydro pole may need to be relocated. The access will need to comply with the City's Streets by-law.

Transportation:

No comments for the re-zoning application.
The following items are to be considered during the site plan application approval stage:

- Road widening dedication of 18.0m from centreline required on Windermere Road.
- Properties to be consolidated, or a joint access, or easement for access is required.
- Sidewalk fronting the property to be relocated to standard location and the boulevard restored with topsoil and sod.
- Access design and details will be discussed in greater detail through the site plan process.

Wastewater:

No comments for the re-zoning application.
The following items are to be considered during the site plan application approval stage:

- The sanitary sewer available for the subject lands is the existing 200mm sanitary sewer on Windermere Road. The 2 sanitary p.d.c.'s from the existing houses must be cut and capped as per the demolition permit at streetline.
- A new sanitary p.d.c. adequately sized by the Owner's Engineer and to City Standards will be required for the proposed buildings.
- Please note that there is an existing 7.0m wide sanitary sewer easement located on the adjacent property to the west and along the west limit of the proposed development. Refer toreference plan 33R-7820.

Stormwater:

No comments for the re-zoning application.
The following items are to be considered during the site plan application approval stage:

- The Site is not tributary to the existing 1050mm storm sewer on Windermere Road and therefore, the consultant is to confirm available surplus capacity in the 1050mm storm pipe and downstream system by running a storm sewer design analysis. On-site SWM controls should be design for the most restrictive condition between the peak discharge of storm run-off under predevelopment conditions and the available surplus capacity in the storm sewer. LID alternatives should also be explore.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.
- The owner agrees to provide an erosion/sediment control plan associated with any proposed LID features that will identify all erosion and sediment control measures to be used prior during and after the LID features are implemented. These measures shall be a component of the required Storm/Drainage Servicing Report along with any other identified erosion and sediment control measures for the site, all to the satisfaction of the City Engineer.
- 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:

No comments for the re-zoning application.
The following items are to be considered during the site plan application approval stage:

- A new 19.0m wide municipal water servicing easement from the east property line of 542 Windermere to 19.0m west. The new easement shall be registered on title and shall be subject to the terms and conditions of the agreement.
- No buildings or encroachment for buildings within any part of the new easement will be permitted.
- No trees shall be located within the grassed area of the watermain easement.
- Ensure no impacts to the existing transmission watermain during the demolition of the existing building.

September 20, 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.

September 7, 2018: Upper Thames River Conservation Authority ("UTRCA")

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

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 (PPS)

Policy 1.1.3.1 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.2 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.3 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.4 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.4.3 Building Strong Health Communities, Housing

Policy 1.7.1 Building Strong Health Communities, Long Term Economic Prosperity

Policy 2.6.1 Wise Use and Management of Resources, Cultural Heritage and Archaeology

Policy 2.6.2 Wise Use and Management of Resources, Cultural Heritage and Archaeology

1989 Official Plan

Section 3.1.1 vi) Residential Land Use Designations, General Objectives For All Residential Designations

Section 3.2 Residential Land Use Designations, Low Density Residential, Preamble

Section 3.2.1 Residential Land Use Designations, Low Density Residential, Permitted Uses

Section 3.2.2 Residential Land Use Designations, Low Density Residential, Scale of Development

Section 3.2.3 Residential Land Use Designations, Low Density Residential, Residential Intensification

Section 3.2.3.2 Residential Land Use Designations, Low Density Residential, Residential Intensification, Density and Form

Section 3.2.3.4 Residential Land Use Designations, Low Density Residential, Residential Intensification, Compatibility of Proposed Residential Intensification Development

Section 3.7 Residential Land Use Designations, Planning Impact Analysis,

Section 3.7.2 Residential Land Use Designations, Planning Impact Analysis, Scope of Planning Impact Analysis

Section 3.7.3 Residential Land Use Designations, Planning Impact Analysis, Required Information

Section 19.4.3 Implementation, Zoning, Holding Zones

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 7_ Our Challenge, Planning of Change and Our Challenges Ahead, Managing the Cost of Growth

Policy 59_2., 4., and 8. Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 66_ Our City, Planning for Growth and Change

Policy 79_ Our City, City Structure Plan, The Growth Framework, Intensification

*Policy 83_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 84_ Our City, City Structure Plan, The Growth Framework, Intensification

*Policy 90_ Our City, City Structure Plan, The Growth Framework, Primary Transit Area

Policy 154_8. Our City, Urban Regeneration

Policy 256_City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

*Policy 259_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

*Policy 389_City Building Policies, Forest City, What Are We Trying to Achieve

Policy 393_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 394_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 398_ City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach

*Policy 399_3. and 4. b. City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach, Protect More

Policy 497_ City Building Policies, Homelessness Prevention and Housing, What Are We Trying to Achieve

Policy 554_2. and 3. City Building Policies, Cultural Heritage, What Are We Trying To Achieve

Policy 557_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, The Register of Cultural heritage Resources

Policy 565_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 566_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 567_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 568_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 574_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Individual Heritage Properties

Policy 579_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 581_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 586_ City Building Policies, Cultural Heritage, Specific Policies for the Protection, Conservation, and Stewardship of Cultural Heritage Resources, Individual Heritage Properties

Policy 608_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 609_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 616_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 617_ City Building Policies, Cultural Heritage, Archaeological Resources

*Table 10 Range of Permitted Uses in Neighbourhoods Place Type

*Table 11 Range of Permitted Heights in Neighbourhood Place Type

*Policy 919_ Place Type Policies, Urban Place Types, Neighbourhoods, Approach for Planning Neighbourhoods – Use, Intensity and Form

*Policy 937_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods

*Policy 939_6. Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

*Policy 952_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Site Plan Approval for Intensification Proposals, Public Site Plan Approval Process

*Policy 953_2 a.-f. and 3. Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

*Policy 1578_ Our Tools Planning and Development Applications, Evaluation Criteria for Planning and Development Applications

Policy 1657_ Our Tools, Holding Provision By-law

Policy 1682_ Our Tools, Planning and Development Controls, Site Pan Control, Public Site Plan Process

*Policy 1683_ Our Tools, Planning and Development Controls, Site Pan Control, Public Site Plan Process

3.7 Planning Impact Analysis	
Criteria	Response
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.	The proposed land *use* is a different housing type than the prevailing land use on the north side of Windermere Road, but is compatible. The intensity and form of development as requested by the applicant is not compatible. The recommended amendment would reduce the intensity development to provide for an alternative development form able to mitigate impacts on adjacent properties in manner that is compatible with the surrounding land use.
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;	It has not been demonstrated that the requested intensity can be accommodated on the subject lands in a form that is compatible with the receiving neighbourhood. The recommended amendment would reduce the number of dwelling units that can be achieved on the site, and would subsequently have the effect of creating more space for other site functions
The supply of vacant land in the area which is already designated and/or zoned for the proposed use; and	The residential land in the vicinity of the subject lands is largely developed. The designation and the zoning is generally indicative prevailing use of the residential land for single detached dwellings. There are no vacant lands designated and/or zoned for cluster townhouse dwellings in the vicinity of the subject lands.
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.	N/A – the proposed development is not considered to be medium density residential development or high density residential development.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	As an alternative housing type, the proposed townhouse dwellings may help satisfy a diverse range of housing needs within the community, and would be inherently more affordable than the prevailing single detached dwellings.

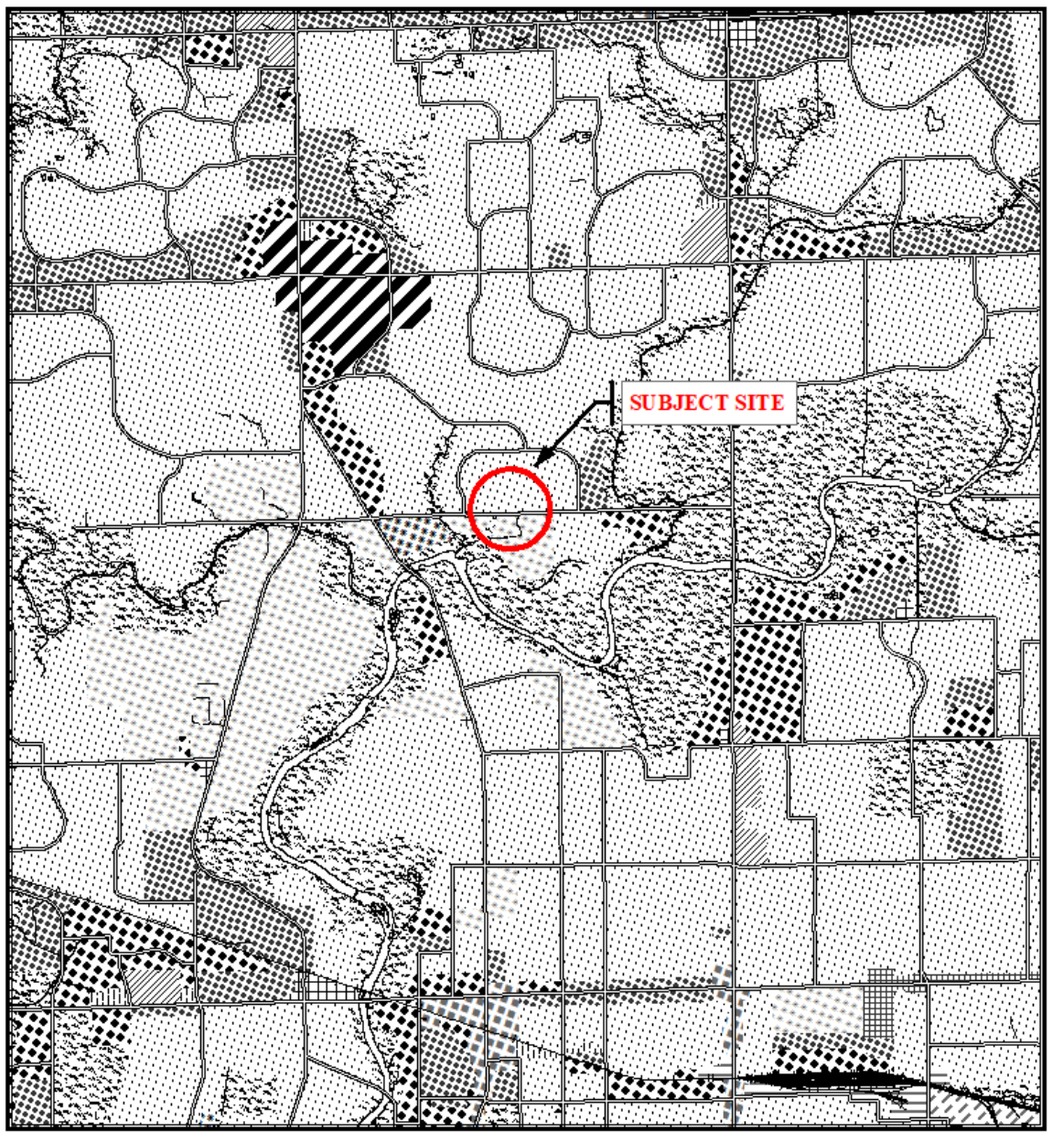
The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The scale or height of the proposed townhouse dwellings and their positioning on the site through the use of appropriate yard depths or setbacks, would preserve the low-rise, low-coverage character of the receiving residential neighbourhood, and impacts on adjacent properties such shadow, overlook, noise and light penetration would be mitigated through a combination of yard depth and appropriate space for landscape screening. Reducing the number of townhouse dwellings that would be permitted on the subject lands would provide for an appropriate separation distance between buildings on the subject lands for the provision of daylight, natural ventilation and privacy.
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;	Through the Site Plan Approval process the number of dwelling units and/or positioning of the dwelling units on the subject lands may need to be revised to accommodate the retention and protection of existing trees along the boundary of the site. The recommended reduction in the number of dwelling units that can be achieved on the site should assist in the goal of maximizing tree preservation and retention on the subject lands.
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	Transportation Planning and Design was circulated on the planning application and development proposal and did not comment on the driveway access or traffic to be generated by the proposal. Windermere Road is a high-order street and is intended to move medium to high volumes of vehicular traffic at moderate speeds. The recommended amendment and total number of dwelling units (12), it could add along Windermere Road is not expected to affect capacity of the Windermere Road in a significant way.

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;	The 2 ½ -storey, approximately 8 metre scale or height of the proposed townhouse dwelling is consistent with the heights that can be achieved on adjacent residential properties. The massing (bulk) of the proposed townhouse blocks is likely to be affected by the recommended reduction in the number of dwelling units that can be achieved on the site. Concerns regarding the layout of the townhouse blocks on site (setback to adjacent properties and separation distances between the buildings on the same site) would be improved by the recommended reduction in the number of dwelling units and recommended increase in the westerly minimum interior side yard depth. The massing (bulk), scale and layout of the proposed buildings will be reviewed and evaluated in greater detail through the Site Plan Approval process.
The potential impact of the development on surrounding natural features and heritage resources;	Natural heritage features and functions and cultural heritage resources, outside of potential archaeological resources, are not expected to be affected by the proposed development. A holding provision is recommended to ensure that the subject lands are assessed for the presence of archaeological resources prior to development or site alterations that would involve soil disturbance.
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;	The watermain and associated easement located on the easterly-most portion of the subject lands is a constraint to the location of buildings and permanent structures on the subject lands. The recommended amendment would reduce the number of dwelling units that can be achieved on the site, and would subsequently have the effect of creating more space on the site for other site functions.

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	The recommended amendment is expected to result in revisions to the proposed form of development. The proposed form of development will be required to conform to the in force Official Plan policies and comply with the City's regulatory documents prior to approval of the ultimate form of development through the Site Plan Approval process. The requested separation distance of approximately 4.9 metres between the proposed buildings on the subject lands would not be consistent with the City's Site Plan Control By-law. The recommended amendment would permit fewer townhouse dwellings on the subject lands than requested by the applicant, which would provide more space for a greater separation distance between buildings on the subject lands and ultimately improve the form of development. An appropriate separation distance will be determined through the Site Plan Approval process.
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;	Concerns that the requested amendment and conceptual site plan did not do enough to mitigate adverse impacts on adjacent residential properties were addressed by Staff's alternative recommendation. The recommended amendment would reduce the maximum permitted height to the match the standard condition permitted in the Residential R1 Zone variations that surround the subject lands to be compatible with the scale of development that could be achieved on the adjacent residential properties. The recommended amendment would provide appropriate yard depths consistent with the yard depths that would be required for a building of a similar height in the Residential R1 Zone variations that surround the subject lands and provide sufficient space for landscaped screening as a buffer to adjacent residential properties. The recommended amendment would reduce the number of dwelling units that could be achieved on the site creating more space for other site functions.
Impacts of the proposed change on the transportation system, including transit	The residential intensification of the subject lands would support public transit by increasing potential ridership along existing bus routes.

Appendix D – Relevant Background

Additional Maps



Legend

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

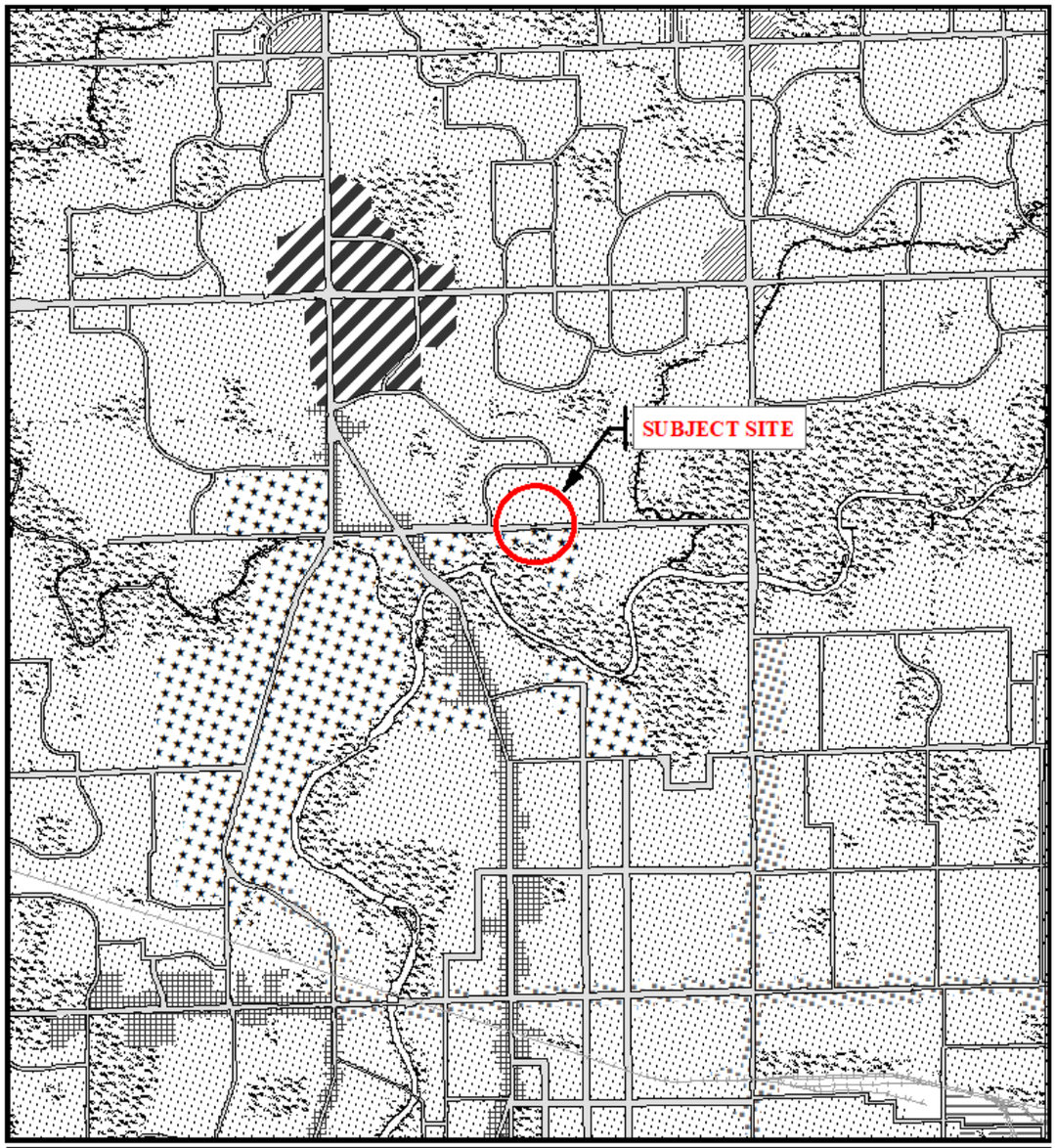
CITY OF LONDON
Planning Services / Development Services
OFFICIAL PLAN SCHEDULE A - LANDUSE -
PREPARED BY: Graphics and Information Services

Scale 1:30,000
Meters

FILE NUMBER:	Z-8945
PLANNER:	MC
TECHNICIAN:	MB
DATE:	2018/11/14

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

File: Z-8945
Planner: M. Campbell



Legend

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

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

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

CITY OF LONDON
Planning Services /
Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services

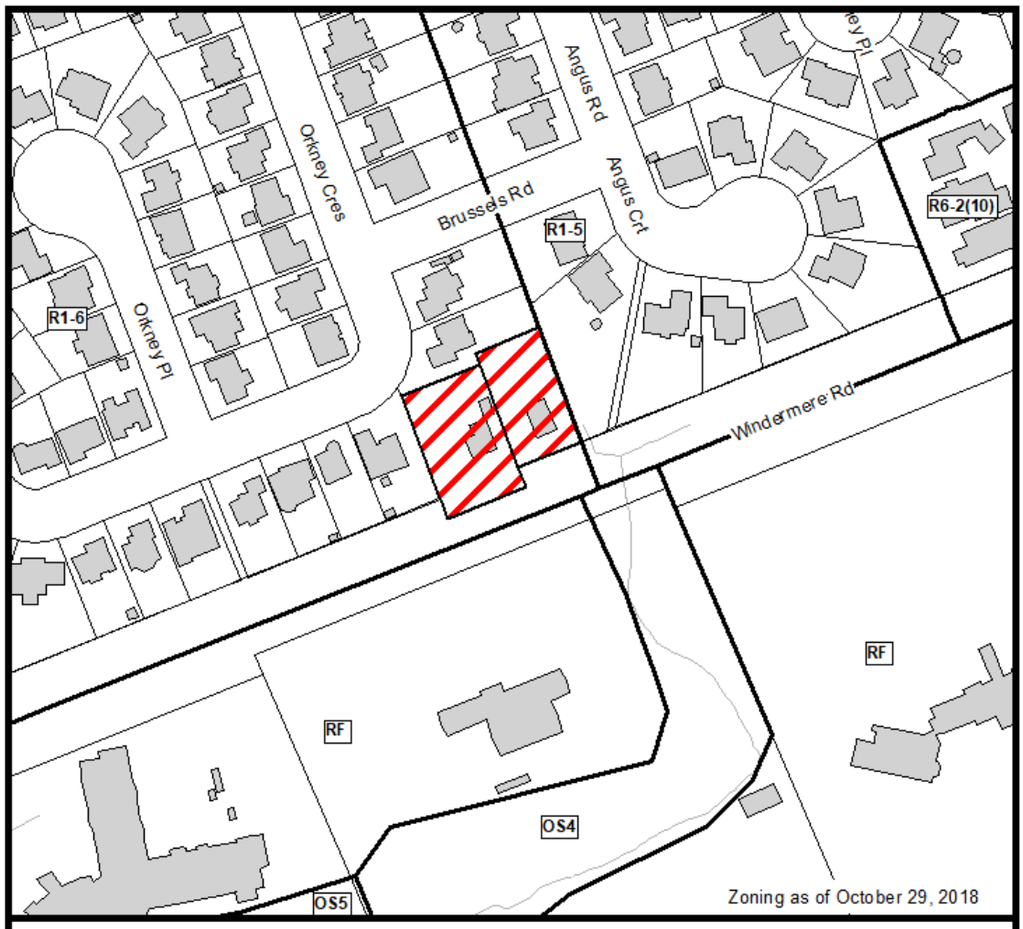
Scale 1:30,000

Meters

File Number:	Z-8945
Planner:	MC
Technician	MB
Date:	November 14, 2018

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\EXCERPT_Map1_PlaceTypes_b&w_8x14.mxd

File: Z-8945
Planner: M. Campbell



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R1-6

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO:
Z-8945 MC

MAP PREPARED:
2018/11/14 CK

1:2,000
0 10 20 40 60 80
Meters

PUBLIC PARTICIPATION MEETING COMMENTS

3.8 PUBLIC PARTICIPATION MEETING – Application – 536 and 542 Windermere Road (Z-8945)

- Harry Froussios, Zelinka Priamo Ltd., on behalf of the applicant – expressing appreciation to staff for their comprehensive report to analyze the application very well, much better than he ever could have done it; thanking the public, it has been a very long process, there has been a lot of communication back and forth with the neighbours and he wants to thank them for that, it has been very informative and they hope that the application this evening has addressed their comments to the best of their abilities; indicating that this application, since the Planning and Environment Committee saw it in January has transitioned from an application that was centred around constraints and they have gone from that now to providing the Committee with an application that provides opportunities for a proposed development that is consistent with provincial policies, with the municipal policies for intensification, for a mix of land uses, for types of tenure and is compatible and within respect to surrounding uses; stating that, as the Committee has been advised already, since the January public meeting their client has revised several aspects of the application in an attempt to address the concerns of the public, staff and Council and Committee; reiterating that they have this site plan up on the screen, the revisions of note that have been made include a twenty-five percent reduction in the number of units, from sixteen to twelve, which results in a density of forty-four units per hectare; noting that this is significantly less than what would be permitted for residential intensification within the low density designation areas in the 1989 Official Plan which results in a smaller building footprint as well; advising that the increased rear yard setback at the north end of the property from 6 metres to 7.7 metres allows for retention of trees along the north property line which was something that was requested by the neighbours; indicating that there is an increased separation between buildings from approximately 4.9 metres to 7 metres; reiterating that this is not a zoning issue but rather a site plan issue and they have heard from staff that this is not overly a concern for them any longer; stating that they are providing parking at slightly more than two spaces per unit, the project now provides twenty-five spaces which otherwise would have required eighteen spaces, which is at a 1.5 per unit rate; indicating that the increased west side yard setback from 1.7 metres to 3 metres, again, the only applies if they do not have any habitable windows face on the west side of the elevation otherwise they are required to meet the 5.5 metre setback; believing that is important to point out; advising that he setback also gradually increases from north to south, 3 metres is only at one point but it just slightly increases as you move further south along the property; indicating that the 3 metres give them sufficient opportunities for landscaping and buffering and fencing and a retention of trees on the west side of the property; indicating that it has already been noted that, and you can see it on the site plan, to the left, the existing dwelling on the west property line is approximately 6.5 to 7 metres away from the property line due to the sanitary easement that exists within their property so effectively you have a 9.5 to 10 metre separation from the two buildings also added to the fact that it is going to be non-habitable rooms on their clients property; pointing out that as noted in the staff report, the current zone for the subject lands would permit a side yard of 2.4 metres for a 10.5 metre building; noting that in this situation they have a maximum height of 10.5 metres with a requested side yard setback of 3 metres; believing that the proposed 3 metre west yard setback is appropriate for this form of residential intensification which allows some flexibility for from the normal standards and any potential impacts on the abutting lands can be dealt with through tree preservation buffering, landscaping and the restriction of the overlook; all of the revision including the original request for the reduced front yard setback and the maximum front yard encroachment have been supported by staff as noted in the

recommendation in the report; touching briefly on the tree retention that has come up, in his opinion, and as stressed by staff, this is a matter that should be dealt with through site plan approval, the staff recommendation includes a holding provision that requires their client to go through the public site plan process which will give Council and the public additional opportunity to comment on the nature of tree retention for the property; however, on behalf of his client, he would like to address the correspondence that the Planning and Environment Committee might have received from Mr. Masterson, ConservaTree Inc., that was attached to the April 15, 2019 Planning and Environment Committee Agenda, he is not a qualified arborist to speak to the report, Mr. R. Koudys, will speak to the letter shortly but he just wanted to point out to the Committee that neither the City, their client or themselves authorized this report to take place, there was no permission given to enter the site to prepare this report and it would appear that this work was authorized by Mr. T. Mara who resides at 127 Orkney Crescent, which is directly north of their property; stating that, as this is an unauthorized report by the Approval Authority or by the applicant, they cannot be certain if the updated measurements noted in the report taken are correct or if they can be validated; advising that the preferable course of action would have been to have received some contact from the consultant and then they would have allowed him to go on the property together with their Arborist so that the experts could talk about what the methodology is and if there are any concerns, if those could be worked out; similar to that was done last Thursday, they received a call from the City's Arborist to grant them access to the property and they obviously agreed and they had their Arborist go on the site as well so they could have some meaningful dialogue as to whether there were any issues with the tree preservation report that was prepared on behalf of the client; notwithstanding all of that, it is their opinion that the City has sufficient information through the Ron Koudys Landscape Architect (RKLA) report to ensure the trees along the north property line can be retained and that additional setbacks to ensure their survival are not necessary; the RKLA report has been prepared in accordance and accepted by the City practice in the provisions of the Tree Protection By-law which determines how the critical root zone is measured and the City staff, to their knowledge, does not have any concerns with the Koudys report; stating that ConservaTree acknowledges that the recommended measures contained in their letter are more restrictive than the City's normal practice for tree preservation and that the more restrictive measures should apply to the proposed development; advising that he respectfully disagrees with that recommendation as there is no mechanism in place within the City's Tree Protection By-law to implement more restrictive protection measures in this circumstance and this application is not the appropriate form to consider changes of this Tree Protection By-law; notwithstanding and as he mentioned before, this process will be going through the public site plan process where tree preservation can be more thoroughly examined by Council, by the public and by staff; indicating that the recommendation put forward by staff, in his opinion, is appropriate as it satisfies the intent of the Provincial Policy Statement and the Official Plan as they relate to residential intensification, the provision of alternative forms of housing, it is in a compact form, makes efficient use of services and it provides for a compatible form of development within the surrounding land uses; requesting that the Planning and Environment Committee endorse subsection a) of the staff recommendation. (See attached site plan.)

- Ron Koudys, Ron Koudys Landscape Architects Inc. – advising that he was asked to address is the issue of tree preservation; giving the Planning and Environment Committee assurance that every effort has been taken in the planning to preserve the trees on the boundary; showing the site they are talking about and you can see where their property is located, the red box around them; it is interesting to note that this site is located within a Tree Preservation Area and the neighbours might be interested to know that everybody who has that green on their property cannot remove anything that might become a tree, the

tree policy they should probably be familiar with that, that is very restrictive and even if a squirrel plants a walnut in your garden and it starts springing up, you need a permit to remove it; advising that the City is reviewing that policy now but that is the restrictive nature of the site; pointing out that the other box that you see there, 591 Windermere Road, is also in the tree preservation boundary; showing the site and it is interesting to note that there are no trees on that property and the only trees that are there are outside of the boundary of the tree preservation area; pointing out that we need to do some work on the definition of boundaries in the tree preservation area; showing the chart that ConservaTree refers to in defining the recommended distances from the stem of the tree to the tree preservation zone and you will notice that there are two columns there, one column talks about the minimum protection for City-owned trees and the other column is just distances required for open spaces or woodlands; stating that this site is neither owned by the City or an open space or a woodland and this particular chart is a difficult one to use; ConservaTree elected to use the most generous one which is for open spaces and woodlands; suggesting that what is good enough for a City tree is probably good enough for his clients' site and he would suggest that they use, as a guide, the chart column to the left; referring to trunk diameter that is referred to as dbh diameter measured at breast height and there are various categories; going to a larger version so everyone can see it, a tree smaller than ten centimeters, then 10 to 29 and 30 to 40 and so on and the larger the tree is the greater the setback that is recommended; the largest tree within the zone that they are looking to preserve is 46 centimeters so you can see between 41 and 50 centimeters you either go to the drip line or 3 metres from the stem of the tree, whichever is larger; showing the plan, the redline shows where the recommended distance based on diameter of tree stem; advising that they elected to go with the drip line because it is greater and, in fact, they made it a straight line so in many cases the boundary that they have defined exceeds the recommended distances established by the City guidelines and City policies; will a tree survive, that is an important question; indicating that he happens to live in this neighbourhood, he lives across the street in Tetherwood and he has been actively working on tree preservation in this neighbourhood for twenty-five years; showing a project that he did which is an infill just down the road, a little bit east of this site; indicating that you can see many of the houses that are in that infill are under the drip line of the mature trees; these trees are much bigger than the trees on the lower portion of the screen that you see there are actually beech which are much more sensitive to incursion, construction activity than the white spruce that we are talking about on this site; 67 to 71 Tetherwood Boulevard, he did the location of the houses and the preservation of all those trees, they raised the grade and in many cases the trees are much closer to the house than what they are proposing here and all the trees survived; 78 and 82 Tetherwood Boulevard, the same kind of thing happening there; showing the high rise apartment building on 1510 Richmond Street, a parking garage right under the trees and his own house, the tree in the corner is 1.5 metres from the garage, the driveway runs right next to the trees. (See attached presentation.)

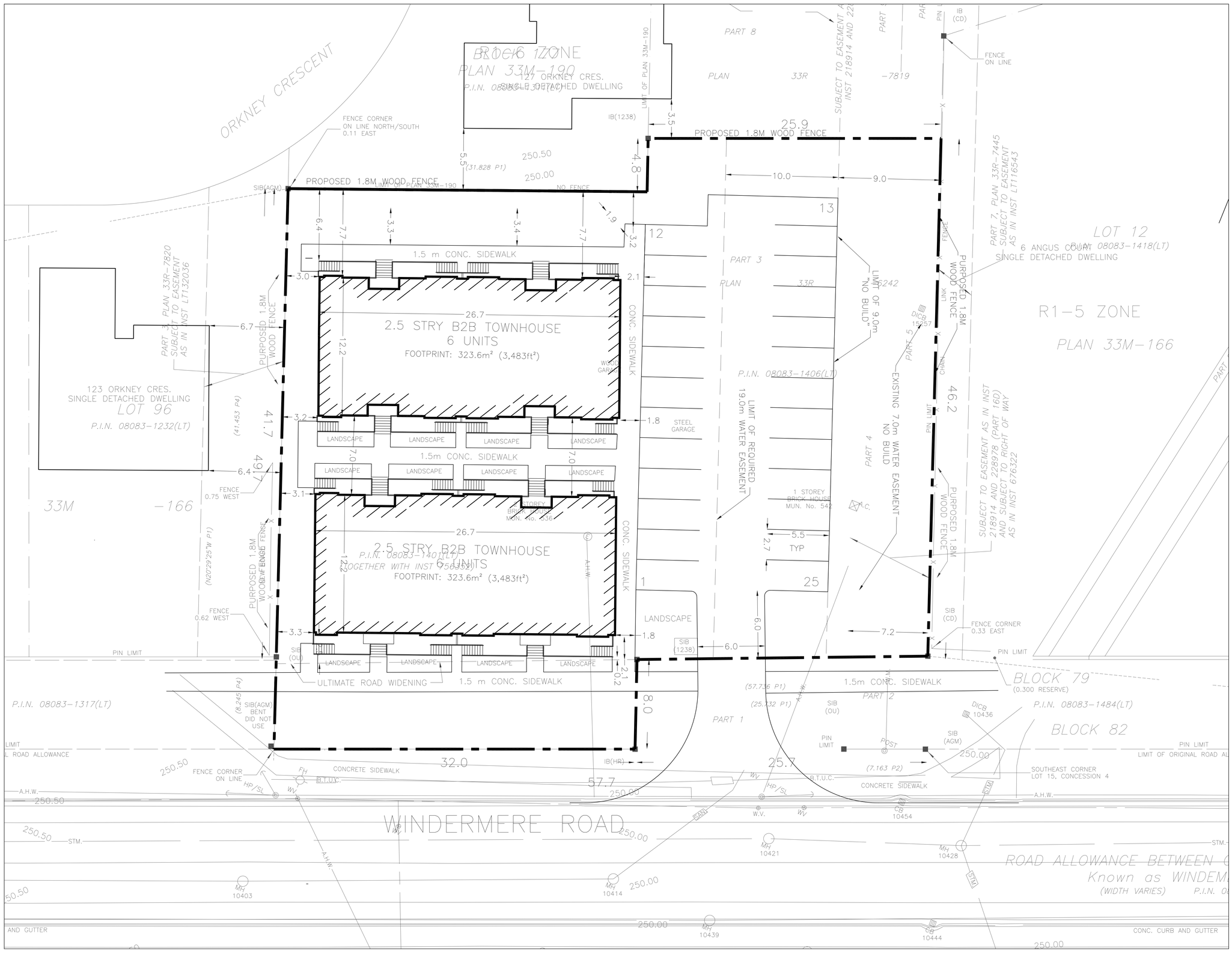
- Gentleman – enquiring who will pay for the widening of the road.
- Fred Rodger, 131 Orkney Crescent – (See attached presentation.)
- Alex Morrison, 95 Tecumseh Avenue East – indicating that he has been working with the Ratepayers Association to assess the tree preservation report that was prepared and he spoke at the January 15, 2019 Planning and Environment Committee meeting; thanking the Committee for suggesting the preservation of those trees as important in this matter; apologizing to the landowners for accessing their property without their permission. (See attached presentation.)
- Dave Leckie, 138 Orkney Crescent – advising that he and his wife, Sandy, collaborated on a presentation to the Planning and Environment Committee in January and Sandra delivered that in his absence; stating that the position that they took was to oppose any rezoning of the subject properties; to that end they

appear to be voices in the wilderness so they are moving on from that; the concept of intensifying the land use on 536 and 542 Windermere Road is clearly following the intensification theme of The London Plan, that being said, it is inconceivable to him that The London Plan is contemplating the degree of intensification that is being debated here; stating that in his view it is incompatible with the surrounding established neighbourhood and in itself provides a questionable quality of life for its future inhabitants; indicating that there are a number of zoning types that might have been sought by the developer but the developer not only chose one of much higher density than the present zoning but also has pursued concessions on building setbacks; believing the whole exercise might be viewed as trying to shoehorn an elephant into a refrigerator; while concessions on setbacks pervayed the entire development perhaps the most obvious is the developments frontage along Windermere Road; indicating that Ms. M. Campbell, Planner II, already spoke to the various setbacks but just to reiterate the basic setback as he understands it is eight metres, the proposed is seeking three deviations from that; personally, the 8 metre building setback to 2.1 metres, secondly shrinking that to 0.2 metres to the face of the sunken amenities and thirdly the 2 metre landscape screening in front of the amenities actually protrudes onto the future public property; believing that Ms. M. Campbell, Planner II, referred to the fences along there as a street wall and used that as a rationalization to have the front wall align more or less with the street of the fence wall; indicating that he does not know of anyone who lives on a fence but someone lives on the other side of that wall so he is not sure that that philosophy of continuing the street wall pertains to that instance; thinking that a lot of the discussion that the Committee has seen from their neighbourhood is trying to challenge the deviations from the standard setbacks that apply to this zoning; there is a new canvas being set up here under a certain zoning and if you are going with that zoning, how about going with the setbacks that pertain to that zoning and discussion about things like tree preservation and so on, those are all aimed at trying to nail down that development footprint or building envelope or whatever you want to call it at this stage so that they know what kind or what form of building is going on that site; stating that this is a little bit redundant but the Committee has already seen some of this, the Committee has seen the slide from Ms. M. Campbell, Planner II, showing where the new property line is relative to the amenities and illustrating in green at the bottom how the landscaping protrudes into the future public property; speaking about quality of life, the quality of life for residents living so close to pedestrians is questionable; conversely, the intimate proximity of pedestrians to amenity spaces must pose some degree of discomfort for them as well; indicating that this looks awfully awkward for both sides of the fence to him; speaking to the frontage concessions on the setbacks are symbolic about the setbacks on the entire site, as he said before, they are trying to get the right footprint here and if you are going with a clean slate with established setbacks, why band aid it right from the front, why change it from what the zoning calls for regularly; advising that it is pretty clear that intensification is the way of the future in London but let us be sensible about the scale and not try to jam something too big in on this, this is an area that is completely R-1 and up goes this monolith right within that boundary; asking the Committee to consider holding to all of the setbacks that apply if they are going forward with a zoning that represents greater intensity, do not make concessions that allow it to be even larger than perhaps it should be. (See attached presentation.)

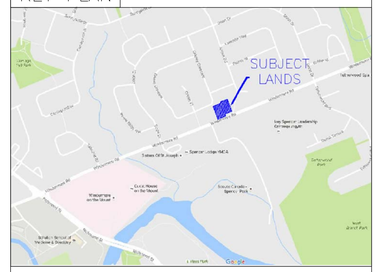
- Tony Mara, 127 Orkney Crescent – (See attached presentation.)
- William Fisher, 143 Orkney Crescent – advising that he is adjacent to the proposed development; adding his voice to many that have already spoken; noting that none of them are opposed to development per se but the scale of the development seems very inconsistent with the surrounding neighbourhood and inconsistent with an enjoyable, healthy and safe environment, words that they heard earlier describing the desired intensification; stating that the scale of the

development is simply too big for the lot; this has nothing to do with tree preservation, as important as that is, the building footprint is massive given the available space, the population density whatever it is will not have access to any notable usable public space and that is problem; this represents an over scale inconsistent with the surrounding community and poor development lacking in amenities, lacking in public space for those who are going to live there and it is inconsistent with the safe, enjoyable healthy environment envisioned by intensification; indicating that it is simply too big.

- Gord Payne, 70 Orkney Crescent – indicating that this all seems very familiar; as he recalls they were all here a few short months ago addressing exactly the same issue; advising that this Committee, in its wisdom, recognized and agreed with the collective view of their neighbourhood that this development is just too large for the available real estate; believing that many of his neighbours, like himself, are wondering why they all had to take time from their busy lives to come back here again tonight and argue the same points that were decided back then; stating that, in January, the Committee agreed with them and recommended that the by-law mandated setbacks be respected; it seems that the developer has chosen to largely ignore the Committee's recommendations; their future neighbours in any new development as well as current local residents will appreciate a reasonable amount of separation in order to provide an acceptable degree of privacy and green space for everyone; asking the Committee to please stand firm with its previous decision.
- Sal Agostinelli, 175 Orkney Crescent – indicating that, as previously stated, density bothers him and he is against this proposal.
- Bernadette Pitt, 167 Orkney Crescent – reiterating that everyone has mentioned that zoning has these setbacks for reasons and the one that she would really like to talk about is the one in the front; indicating that it is supposed to be 8 metres but now it is ok because it is 2.1 metres but not only is 2.1 metres not ok, now we should have a 5 foot drop and make it 20 centimeters; wondering how safe is that for people that they are walking by and if they have to put a fence or something where is that fence going; showing a 20 centimeter ruler to show how big 20 centimeters is; stating that is the setback; wondering how you can put anything on 20 centimeters, how safe is that for the people who are living in them, who are sitting outside, 20 centimeters and the suggestion is that this is ok, it is sort of consistent with the fences that are on the other properties, well, they are back fences, they are talking about front, how people are coming, there is snow removal, there is people walking with their dogs, there are kids walking down, there is no privacy for anybody particularly for the people who live there, there are no public spaces, is the public space that is being provided it is like living in a fish bowl; asking the Committee to please continue to support the community.
- John Levy, 147 Orkney Crescent – indicating that he was also here in January and he felt that the decision that the Planning and Environment Committee made was fair and equitable and asking the Committee to please uphold their decision; asking that this not be twisted and turned; reiterating that he believes what the Committee did is a reasonable compromise between what the applicant wanted and what the community wanted.



KEY PLAN



SITE PLAN

BACK-TO-BACK TOWNHOUSE DEVELOPMENT

PART LOT 15, CONCESSION 4 AND RP 33R-6242 PARTS 1-5

IN THE

CITY OF LONDON
COUNTY OF MIDDLESEX

City of London File No. _____

SITE STATISTICS
PROPOSED ZONE: R5-5(_)

	STANDARD R5-5	PROPOSED R5-5(_)
LOT AREA	1,000m²	2,771m²
LOT FRONTAGE	30m	57.7m
FRONT YARD SETBACK	8.0m	2.1m*
INTERIOR SIDE YARD (EAST)	4.5m	27.8m
INTERIOR SIDE YARD (WEST)	5.5m	3.0m*
REAR YARD SETBACK	6.0m	7.7m
LANDSCAPED OPEN SPACE	30%	54%
LOT COVERAGE	45%	23%
HEIGHT	12.0m	10.5m
DENSITY	45 UPH	44 UPH
MAX. UNITS	12	12
PARKING (1.5/unit)	18	25

NOTES:
*DENOTES SITE SPECIFIC PROVISION

DEREK BEEN, DESIGNER
BCIN XXXXX

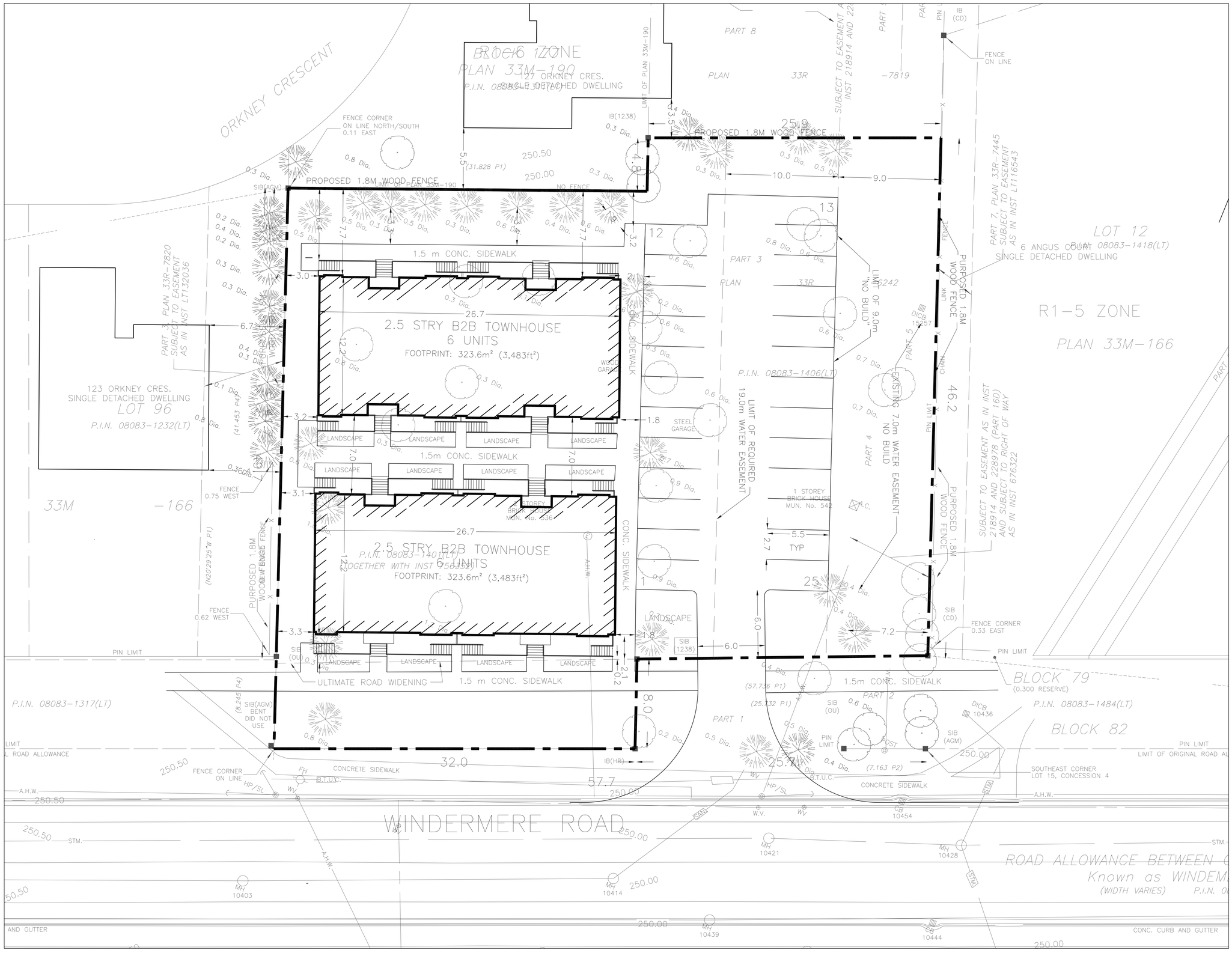
NO.	REVISION	DATE	INITIAL
3	REDUCED BLDG DIMS	JAN11/19	MBC
2	WEST SIDEYARD SETBACK	JAN3/19	KMC
1	REMOVE TOPO INFO	SEP10/18	MBC

2492222 ONTARIO INC.

536 & 542
WINDERMERE ROAD

ZELINKA PRIAMO LTD
A Professional Planning Practice
318 Wellington Road, London, Ontario N6C 4P4
Tel: (519) 474-7137 Fax: (519) 474-2284 e-mail: zp@zpplan.com

DRAWN BY	PROJECT NO.
MBC	TSI/LON/17-01
DATE	SCALE
JULY 2018	1:150



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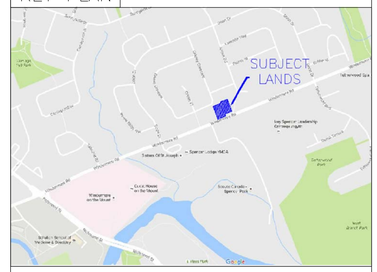

SITE PLAN

BACK-TO-BACK TOWNHOUSE DEVELOPMENT

PART LOT 15, CONCESSION 4 AND RP 33R-6242 PARTS 1-5
IN THE
CITY OF LONDON
COUNTY OF MIDDLESEX

City of London File No. _____

SITE STATISTICS
PROPOSED ZONE: R5-5(_)

	STANDARD R5-5	PROPOSED R5-5(_)
LOT AREA	1,000m²	2,771m²
LOT FRONTAGE	30m	57.7m
FRONT YARD SETBACK	8.0m	2.1m*
INTERIOR SIDE YARD (EAST)	4.5m	27.8m
INTERIOR SIDE YARD (WEST)	5.5m	3.0m*
REAR YARD SETBACK	6.0m	7.7m
LANDSCAPED OPEN SPACE	30%	54%
LOT COVERAGE	45%	23%
HEIGHT	12.0m	10.5m
DENSITY	45 UPH	44 UPH
MAX. UNITS	12	12
PARKING (1.5/unit)	18	25

NOTES:
*DENOTES SITE SPECIFIC PROVISION

DEREK BEEN, DESIGNER
BCIN XXXXX

NO.	REVISION	DATE	INITIAL
3	REDUCED BLDG DIMS	JAN11/19	MBC
2	WEST SIDEYARD SETBACK	JAN3/19	KMC
1	REMOVE TOPO INFO	SEP10/18	MBC

2492222 ONTARIO INC.

536 & 542
WINDERMERE ROAD

ZELINKA PRIAMO LTD
A Professional Planning Practice
318 Wellington Road, London, Ontario N6C 4P4
Tel: (519) 474-7137 Fax: (519) 474-2284 e-mail: zp@zpplan.com

DRAWN BY	PROJECT NO.
MBC	TSI/LON/17-01
DATE	SCALE
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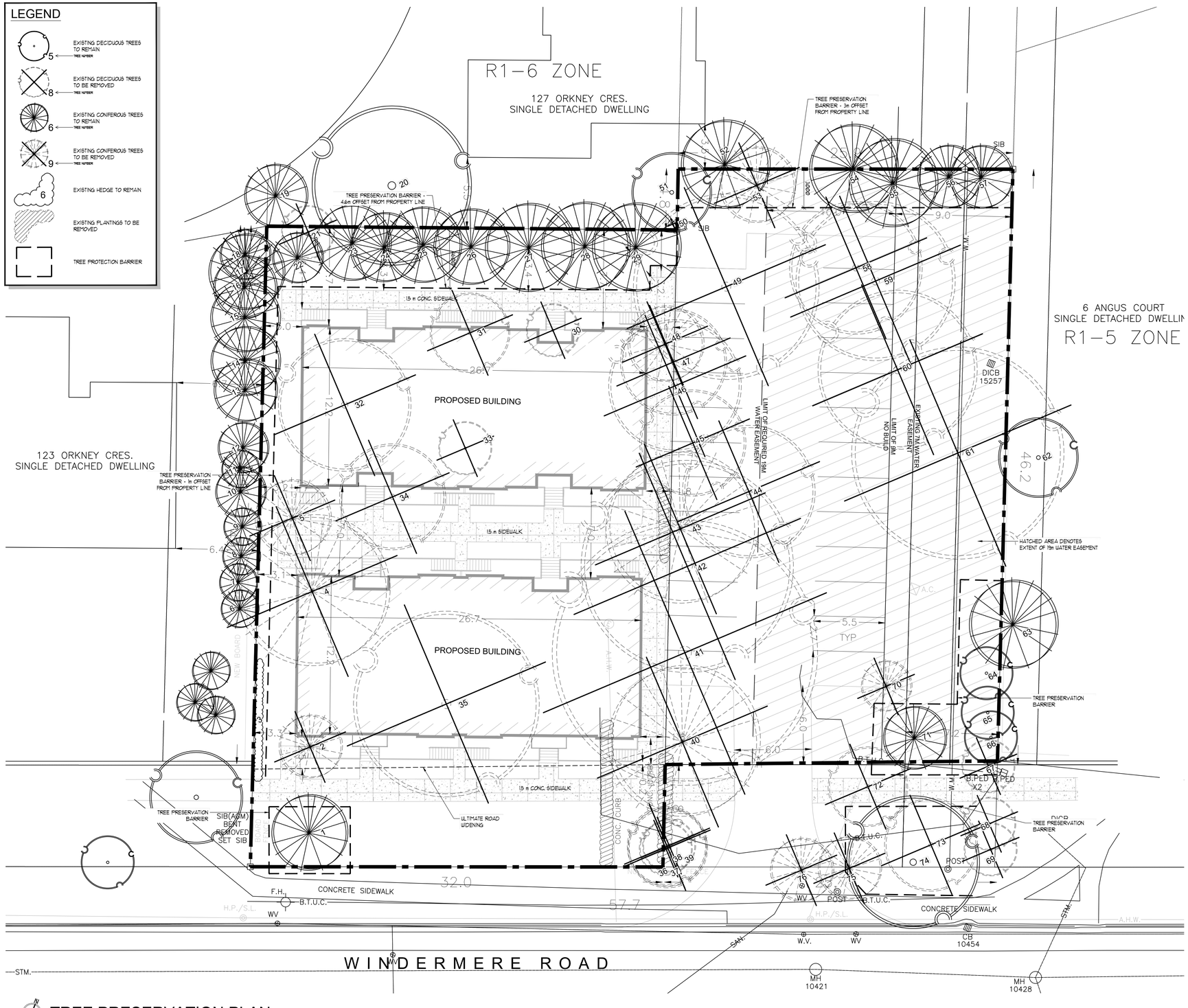
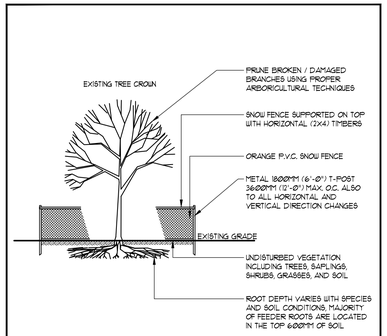


TREE PRESERVATION PLAN
SCALE = 1:150



NOTES:

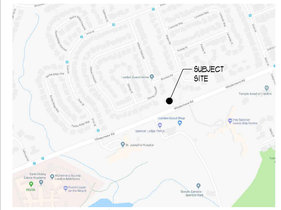
1. EXISTING TREES ARE TO BE PROTECTED FROM CONSTRUCTION WITH THE INSTALLATION OF A 1000MM (4'-0") HIGH SNOW FENCE, HELD IN PLACE WITH 1800MM (6'-0") T-BAR.
2. THE BARRIER IS TO BE INSTALLED PRIOR TO ANY CONSTRUCTION AND MUST REMAIN IN PLACE UNTIL ALL CONSTRUCTION IS COMPLETED.
3. ALL SUPPORTS AND BRACING SHALL BE INSIDE THE TREE PROTECTION ZONE. ALL SUCH SUPPORTS SHALL MINIMIZE DAMAGING ROOTS IN THE TREE PROTECTION ZONE.
4. NO CONSTRUCTION ACTIVITY, GRADE CHANGES, SURFACE TREATMENT, OR EXCAVATION OF ANY KIND IS PERMITTED WITHIN THE TREE PROTECTION ZONE.
5. NO MOVEMENT OF EQUIPMENT, STORAGE OF BUILDING SUPPLIES, CLEANING OR EQUIPMENT, OR DUMPING OF SOLVENTS, GASOLINE, ETC., MAY OCCUR WITHIN THIS FENCE LINE.
6. WHERE HIGH QUALITY SPECIMENS OCCUR ADJACENT TO AREAS SUBJECTED TO INTENSIVE CONSTRUCTION ACTIVITY, WOODEN CRIBBING SHOULD BE INSTALLED TO PROTECT TRUNKS FROM DAMAGE IN THE EVENT THAT HEAVY EQUIPMENT BREAKS DOWN THE SNOW FENCING.
7. FENCE TO BE INSPECTED BY ENVIRONMENTAL CONSULTANT ON A REGULAR BASIS AND BE MAINTAINED BY THE SUBDIVIDER / BUILDER.

TEMP. TREE PROTECTION BARRIER - N.T.S.

LIST OF TREES RECOMMENDED FOR REMOVAL

GENERAL INFORMATION			SIZE		RECOMMENDATION	
ID #	BOTANICAL NAME	COMMON NAME	DBH (cm)	CANOPY RADIUS (m)	PROPOSED ACTION	RATIONALE
2	*Picea omorika*	Serbian Spruce	19	2.5	REMOVE	CONSTRUCTION
4	*Picea abies*	Norway Spruce	61	6	REMOVE	CONSTRUCTION
5	*Pseudotsuga menziesii*	Douglas Fir	45	3	REMOVE	CONSTRUCTION
21	*Rhamnus spp*	Buckthorn	10, 8, 4	2	REMOVE	INVASIVE SPECIES
30	*Fagus sylvatica Roseo-Marginata*	Tricolor Beech	9	2	REMOVE	CONSTRUCTION
31	*Liquidambar styraciflua*	Sweetgum	26	3	REMOVE	CONSTRUCTION
32	*Malus spp*	Apple	18-30	5	REMOVE	CONSTRUCTION
33	*Ginkgo biloba*	Ginkgo	15	2	REMOVE	CONSTRUCTION
34	*Cercis canadensis*	Redbud	15, 12, 9, 8	4	REMOVE	CONSTRUCTION
35	*Acer platanoides*	Norway Maple	89	7	REMOVE	CONSTRUCTION
36	*Celtis occidentalis*	Hackberry	11	2	REMOVE	CONDITION
37	*Celtis occidentalis*	Hackberry	20	2	REMOVE	CONDITION
38	*Acer platanoides*	Norway Maple	11	3	REMOVE	CONDITION
39	*Acer platanoides*	Norway Maple	12	3	REMOVE	CONDITION
40	*Picea abies*	Norway Spruce	58	6	REMOVE	CONSTRUCTION
41	*Acer saccharum*	Sugar Maple	78	10	REMOVE	CONSTRUCTION
42	*Acer saccharum*	Sugar Maple	80	8	REMOVE	CONSTRUCTION
43	*Picea abies*	Norway Spruce	56	6	REMOVE	CONSTRUCTION
44	*Acer saccharum*	Sugar Maple	31, 31	5	REMOVE	CONSTRUCTION
45	*Acer platanoides*	Norway Maple	24	5	REMOVE	CONSTRUCTION
46	*Acer platanoides*	Norway Maple	39	5	REMOVE	CONSTRUCTION
47	*Juglans nigra*	Black Walnut	15	4	REMOVE	CONSTRUCTION
48	*Picea glauca*	White Spruce	40	3	REMOVE	CONSTRUCTION
49	*Juglans nigra*	Black Walnut	44	7	REMOVE	CONSTRUCTION
53	*Picea glauca*	White Spruce	27	3	REMOVE	CONDITION
58	*Ulmus pumila*	Siberian Elm	42, 38	5	REMOVE	PARKING LOT CONSTRUCTION
59	*Ulmus pumila*	Siberian Elm	44	6	REMOVE	PARKING LOT CONSTRUCTION
60	*Gleditsia triacanthos var. inermis*	Honeylocust	44	6	REMOVE	PARKING LOT CONSTRUCTION
61	*Juglans regia*	English Walnut	58, 56, 27	8	REMOVE	CONDITION
67	*Rhus typhina*	Staghorn Sumac	<10	2	REMOVE	SIDEWALK CONSTRUCTION
68	*Rhus typhina*	Staghorn Sumac	<10	2	REMOVE	SIDEWALK CONSTRUCTION & SIGHT LINES
69	*Rhus typhina*	Staghorn Sumac	<10	2	REMOVE	SIDEWALK CONSTRUCTION & SIGHT LINES
70	*Abies balsamea*	Balsam Fir	30	2	REMOVE	PARKING LOT CONSTRUCTION
72	*Betula papyrifera*	Paper Birch	18, 19, 16, 16	3	REMOVE	SIDEWALK CONSTRUCTION
73	*Tilia cordata*	Little Leaf Linden	10-16	3.5	REMOVE	CONDITION
75	*Juniperus virginiana*	Eastern Red Cedar	41	2.5	REMOVE	DRIVEWAY CONSTRUCTION
76	*Juniperus virginiana*	Eastern Red Cedar	33	2.5	REMOVE	DRIVEWAY CONSTRUCTION

REFER TO TREE ASSESSMENT REPORT FOR ADDITIONAL INFORMATION



KEY MAP

RON KOUDYS LANDSCAPE ARCHITECTS INC

ALL DRAWINGS REMAIN THE PROPERTY OF THE LANDSCAPE ARCHITECT AND SHALL NOT BE REPRODUCED OR REUSED WITHOUT THE LANDSCAPE ARCHITECTS WRITTEN PERMISSION.

THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION OR TENDER PURPOSES UNLESS SIGNED AND DATED BY RONALD H. KOUDYS, OALA, CSLA, LANDSCAPE ARCHITECT, LONDON, ONTARIO (519) 667-3322.

Ronald H. Koudys, O.A.L.A. C.S.L.A. — DATE

MAR 18, 2019	RE ISSUED FOR REZONING	4.
NOV 1, 2018	RE ISSUED FOR REZONING	3.
JULY 19, 2018	ISSUED FOR REZONING	2.
MAY 17, 2018	ISSUED FOR REVIEW	1.
DATE	DESCRIPTION	No.

PLOTTING INFORMATION:
PLOTTED DATE = MARCH 18, 2019
PLOTTED SCALE = 1:1

ASSOCIATION OF LANDSCAPE ARCHITECTS ONTARIO
MARTHA C. GEORGE
OALA
MEMBER

PROJECT TITLE:
536-542 WINDERMERE RD
LONDON, ON

DRAWING TITLE:
TREE PRESERVATION PLAN

DATE: MAY 2018	SCALE: AS NOTED	DRAWING No. T-1
DRAWN: RKLA Inc.	CHECKED BY: M.B.	
PROJECT No. 18-152Lj		

Tree Preservation Analysis

536 – 542 Windermere Road

12.1.2.6 If there is maintenance required on any tree that is designated for retention, that maintenance should be completed prior to construction or demolition. This can include but is not limited to crown pruning, deep root fertilization, tree watering, and/or soil replacement.

12.1.3 Tree Protection Zones

12.1.3.1 Tree protection zones (TPZ) shall be established based on the criteria in Table 1;

12.1.3.2 Barriers will not be placed within the TPZ rather on the outside of the predetermined area.

Table 1 Tree Protection Zones:

Trunk Diameter (DBH)	Minimum Protection Distances Required City-owned Trees	Minimum Protection Distances Required For areas designated Open Space or Woodlands
	Whichever of the two is greater:	Whichever of the two is greater:
< 10cm	The drip line or 1.2 m	The drip line or 1.2 m
10-29 cm	The drip line or 1.8 m	The drip line or 3.6 m
30-40 cm	The drip line or 2.4 m	The drip line or 4.8 m
41-50 cm	The drip line or 3.0 m	The drip line or 6.0 m
51-60 cm	The drip line or 3.6 m	The drip line or 7.2 m
61-70 cm	The drip line or 4.2 m	The drip line or 8.4 m
71-80 cm	The drip line or 4.8 m	The drip line or 9.6 m
81-90 cm	5.4 m	The drip line or 10.8 m
91-100 cm	6.0 m	The drip line or 12.0 m
>100 cm	6 cm protection for each 1 cm diameter	12 cm protection for each 1cm diameter or the drip line

12.1.3.3 An exception to the minimum distance of the TPZ may be when the tree is flanked by a curb, sidewalk, and or asphalt road. In such cases the barrier may be limited to the furthest extent of the grassed boulevard area however root pruning using approved methods must be incorporated to reduce impacts on tree roots due to ripping or tearing of roots. Hand digging, low pressure hydo-vac or air spades may be used to uncover roots for pruning or avoidance by an arborist and roots may be pruned to a depth which will meet the construction requirements. This operation is only to be done with the approval of the City. Roots that are exposed should be covered with wet burlap or soil as soon as possible and watered regularly to prevent them from drying out. Watering is required until such time as the topsoil and sod has been replaced satisfactorily or as otherwise directed by the City.

Table 1 Tree Protection Zones:

Trunk Diameter (DBH)	Minimum Protection Distances Required City-owned Trees	Minimum Protection Distances Required For areas designated Open Space or Woodlands
	Whichever of the two is greater:	Whichever of the two is greater:
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91-100 cm	6.0 m	The drip line or 12.0 m
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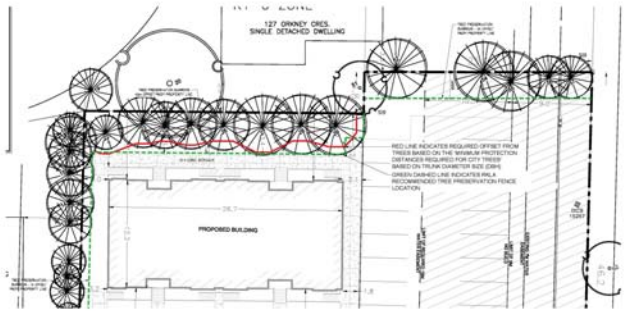
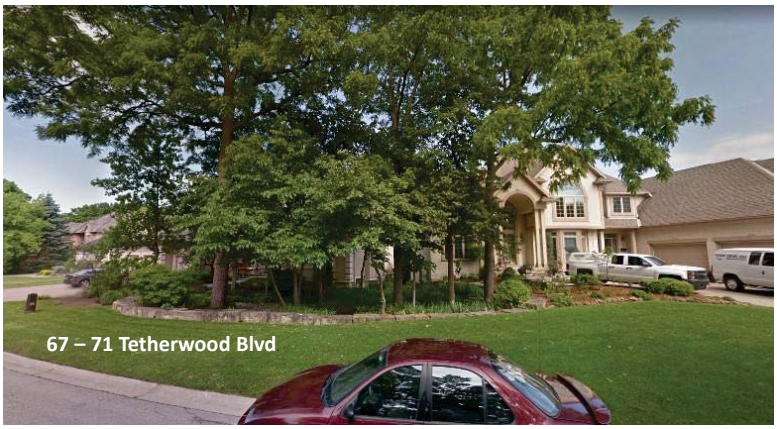
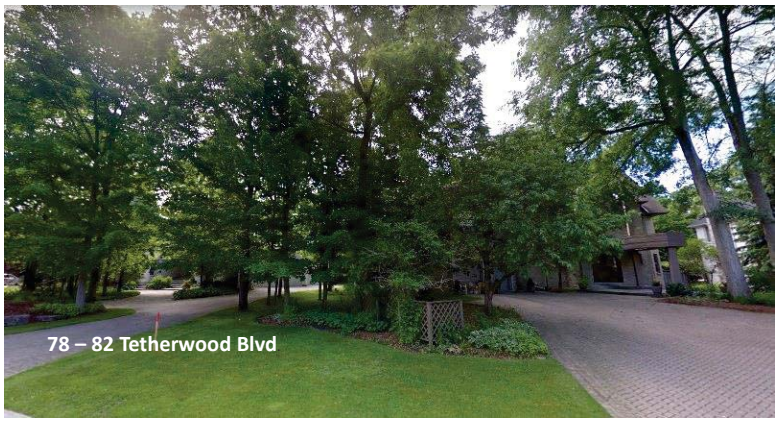
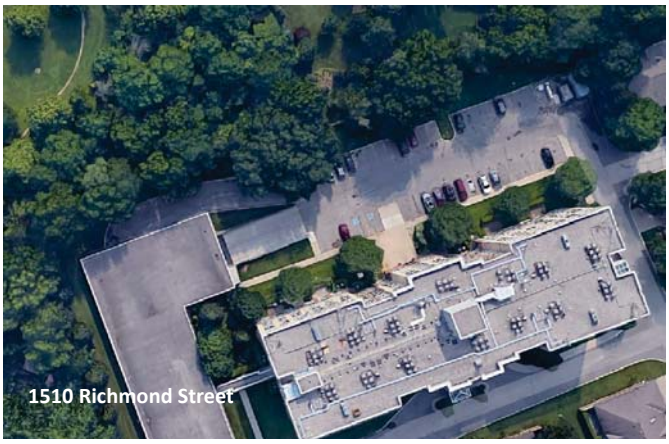








Conclusions

1. Set back recommended exceeds the distance recommended under City Guidelines
2. White Spruce is tolerant of construction impacts
3. Preservation area is much larger than similar set backs used for surrounding properties
4. With good monitoring during and post construction the trees have a very high likelihood of little or no detrimental impact

Buffer Zones Z-8945

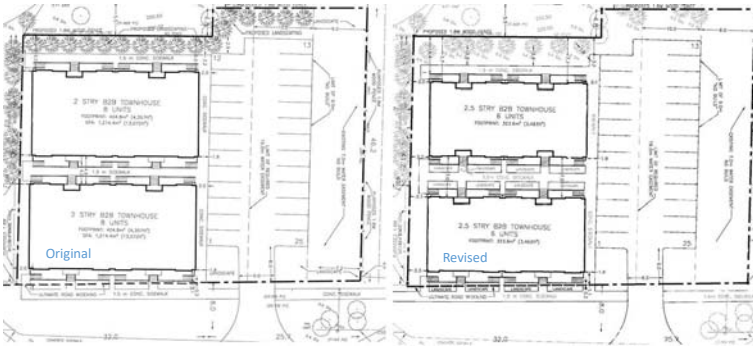
Directives from January PEC Meeting

- Tree preservation plan
- Side yard setback of 0.5m per 1m of building height
- Minimum front yard setback 2.1m
- Minimum rear yard setback of 6m
- Perimeter barrier fencing

Not much has changed on the Revised Site Plan

- Reduction to 12 units
- Expect a 20% - 25% reduction in footprint and massing

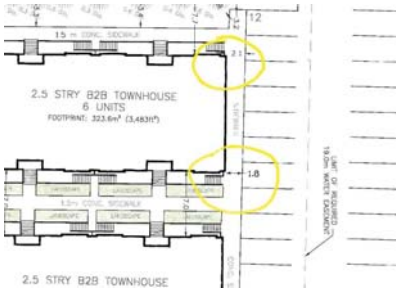
Building envelope has been reduced by only 7.17%



Building massing has been reduced by only 6.74%

Revised Site Plan cont'd

Enlargement of site plan showing amenity spaces adjacent to the parking lot



Note the measurements between the amenity spaces and the parking lot

Site Plan Control Bylaw
- Section 2.6.3 -- Private Outdoor Space (Amenity Space)

Private Outdoor spaces require 7.5m of separation from a parking lot with screening and 15m without screening

(d) Parking Separation (See Figure 2.1)

(i) Common parking lots should not be closer than 3 m (9.8 feet) to a private outdoor space.

(ii) Private outdoor spaces which are more than 1 m (3 feet) lower than a common parking lot should be separated by not less than 7.5 m (25 feet) with appropriate screening and by not less than 15 m (50 feet) without appropriate screening.

(iii) Parking spaces should be oriented so that headlights and fumes are not directed towards the private outdoor space by using a parallel parking arrangement or by screening with planting or fencing.

(e) Orientation

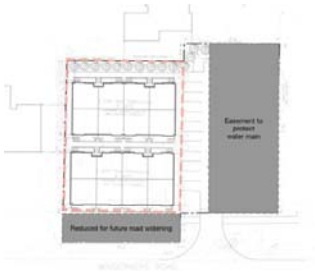
(i) The private outdoor space should be designed and oriented to take advantage of interesting views.

Section 2.6.3 -- Private Outdoor Space cont'd

40% of the site unable to be used for building

There is no way to fix the parking lot/amenity space separation issue

Similar to the January version, this project should not pass site control



Logic for 3m West Side Lot Setback

- Section 4.1.1 of the planning report suggests that R1 set back specifications be applied to these R5 buildings based on similar heights
- The logic used is known as a "false equivalency"
- Taking one criteria from two scenarios and saying that other aspects are equal
- This is comparing apples to bulldozers; where 123 Orkney is the apple and the townhouses are the bulldozer
- The staff report does not refer to any specific policy or bylaw that support the mixing of one zoning bylaw with another

Logic for 3m West Side Lot Setback cont'd

11	REAR AND INTERIOR SIDE YARD DEPTH	STANDARD REGULATION	0.5 metres (1.6 feet) per 1.0 metres (3.28 feet) of main building height, or fraction thereof, but in no case less than 3.0 metres (9.8 feet) when the end wall of a unit contains no windows to habitable rooms, or 6.0 metres (19.7 feet) when the wall of a unit contains windows to habitable rooms. 3.0 metres (9.8 feet) where the end wall of an end unit facing the rear yard and/or interior side yard may contain a window(s) to habitable rooms on the group floor only and no access points to the dwelling unit along the end wall facing the rear yard and/or the interior sideyard.(Z.-1-00761)(Z.-1-021025)

- Part 4 of the staff report refers to Section 9, Table 9.3, Line 11 – that defines setback as a factor of height
- Clearly this 3m minimum is used where a building is less than 6m in height; it does not mean a 3m minimum regardless of height
- The highlighted phrase does not disqualify the preceding calculation and has no foundation as a stand alone minimum
- The 0.5m/1m height is to be used

Logic for 3m West Side Lot Setback cont'd

- 4.1.1 of the on page 12 (near bottom) suggests that a sewer easement on 123 Orkney somehow justifies the 3m set back on the adjacent property
- 4.1.1 on page 13 (near top) states the 3m set back is needed so that plantings can be used to discourage pedestrian traffic in the side lot
- A fence would discourage pedestrian traffic even better
- The staff report does not refer to any specific policy or bylaw that support these suggestions

R5 Zone Regulations cont'd

- Considering that the builder will have to dig up to 2m into the setback to build the foundation, the 3m setback is not adequate protect the trees

January PEC Directives

- Near the end of Part 4.1.1 the report suggests that the 3m setback "will fulfill the bylaws that may be proposed in the next few years"
- (or may not)
- We cannot base current decisions on what future bylaws might be

Summary

- The proposed buildings are too big for this small site evident by the requests for variances on every side
- I said that I would support R5-5 and the 2.1m setback at the front
- I supported the directives mandated by PEC councillors in January
- I ask that all other R5 bylaws be enforced and that the Tree Preservation Plan is improved to maximize the survival of the trees

In closing……

- Some images created by a 3D Modeller

Alley looking into kitchen window of 123 Orkney

Sidewalk at the front – Massing like this is nowhere else in this "Neighbourhood Place Type"

Public sidewalk at the front and its proximity to the building

Public sidewalk at front – Showing Overview – Residents will have to keep their curtains closed – this is not good infill

Human Aspect

- The setbacks in the 1989 Official Plan will never be “antiquated”. They were designed to meet the basic needs of humans and humans have not changed.
- Humans flourish in an environment where there is space and privacy embedded in their living conditions.
- Please provide a livable condition for both the residents of these buildings and the neighbors thereby fulfilling this fundamental human requirement.

January PEC Directives

- The PEC clearly directed the Planning Dept to use the 0.5m set back per 1m of height (or fraction thereof) criteria in their referral back to the Planning Dept
- As we can see, the planning report is trying everything it can to change the setback to 3m (what is the justification to suggest that the PEC directive was not what the PEC desired).
- The concluding statement of section 5.0 suggests the PEC did not have enough information to request the 0.5m/1m height bylaw standard be used. I propose that PEC did have enough information which was presented at the January PEC meeting.
- That said, my previous slides show the information that supposedly the PEC did not have.
- The planning report logic for a 3m side lot set back are not based on the existing policies or bylaws.

R5 Zone Regulations cont’d

- 4.1.1 on page 13 (near top) states the 3m set back is needed so that plantings can be used to discourage pedestrian traffic in the side lot
- An extension of the proposed fence would discourage pedestrian traffic even better
- The staff report does not refer to any specific policy or bylaw that supports this suggestion.

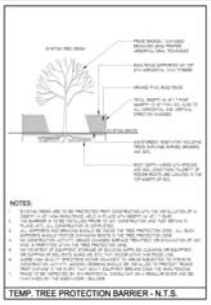
PROTECTING TREES DURING CONSTRUCTION

DBH v Dripline

Determining the Critical Root Zone to be protected during development

- Is using the measure of Diameter at Breast Height (DBH) appropriate?
  - *More Standardized*
  - *More Difficult to Modify*
  - *Recommended by International Society of Arboriculture (ISA)*
- Why is a Dripline measurement based protection inadequate?
  - *Excurrent tree structures (Coniferous) prone to pruning which modifies drip line.*
  - *Better suited for Decurrent Tree structures (Deciduous) with Asymmetric Canopies*
  - *Out of date guideline with little consistency for tree protection*

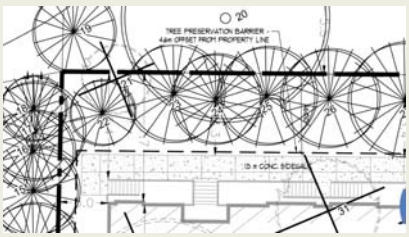
Page 12 of Tree Preservation Report Using Decurrent Structure



Examples At 536-542 Windermere Rd

- Tree Preservation Report Tree #22 and Tree # 23
  - *Tree #22 DBH = 39 cm*
  - *Tree # 23 DBH = 40 cm*
  - *Hedge # 3 - Low limb pruning (slide 7)*

Visual Representation of Dripline from Tree Preservation Report



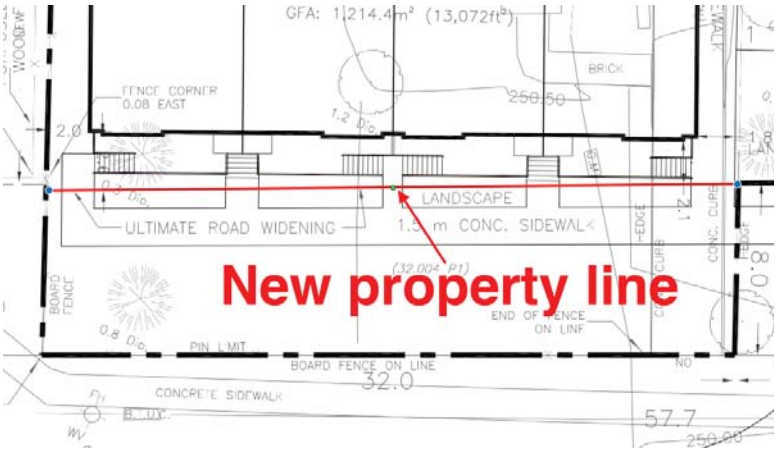
View from the ground

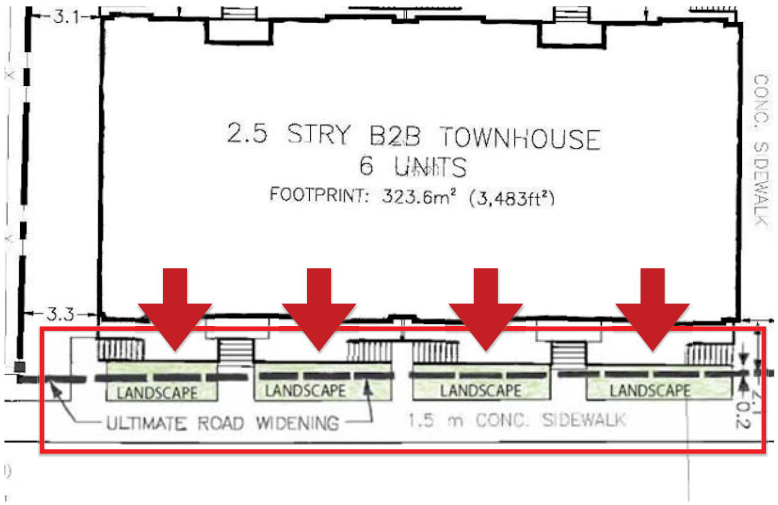
Hedge # 3

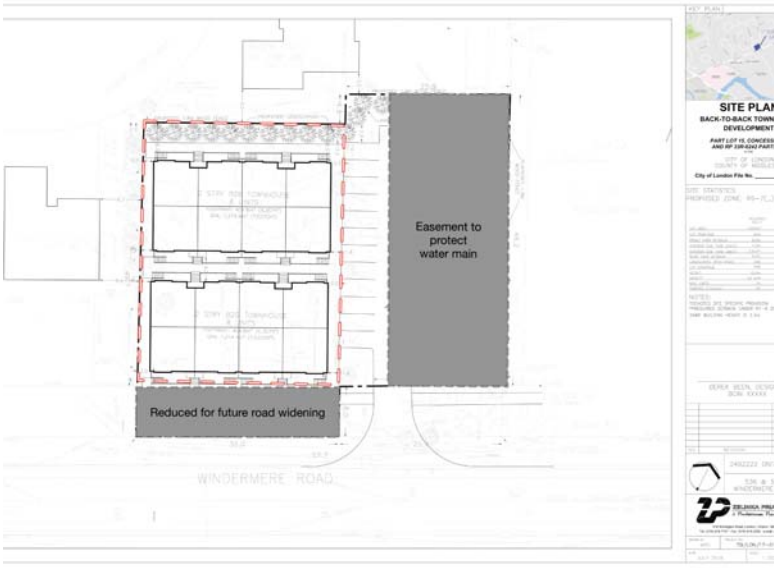
Recommendation: Updating Tree Protection Methodology to Favour DBH based Critical Root Zones, Especially when dealing with Excurrent Tree Structures.

Dripline should be considered an antiquated guideline.

Front Encroachments







Requested Zoning By-law Amendment

Reasons for Recommending Refusal

- The requested amendment does not conform to the residential intensification policies in *The London Plan* or the *1989 Official Plan*.

Specifically, appropriate development standards were not provided to minimize or mitigate potential adverse impacts for adjacent properties to ensure compatibility & good fit with the receiving neighbourhood

- The Zoning By-law does not contemplate the proposed level of residential intensity in a cluster townhouse form outside of Central London & the proposed intensity & form of development is an over intensification of the site

Slide 1

What we asked

- Provide a buffer between this development and our adjacent properties by requiring standard setbacks to the west and rear (north).
- Protect and preserve the perimeter trees, especially to the west and north

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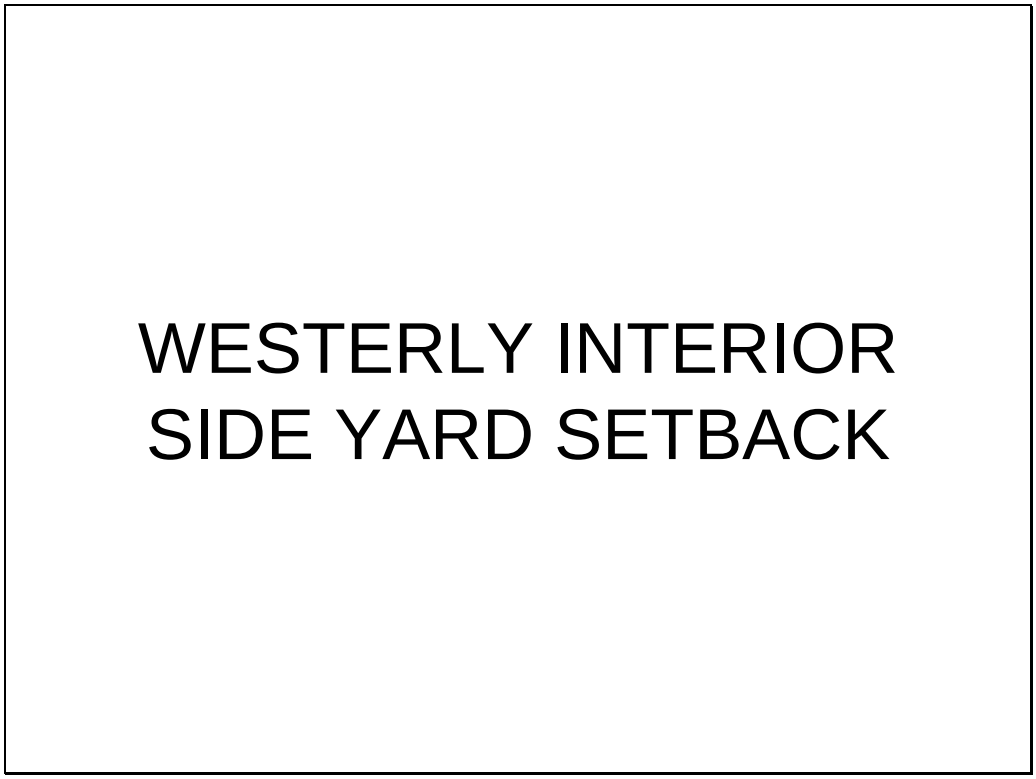
- Protect and preserve the perimeter trees, especially to the west and north

Slide 2

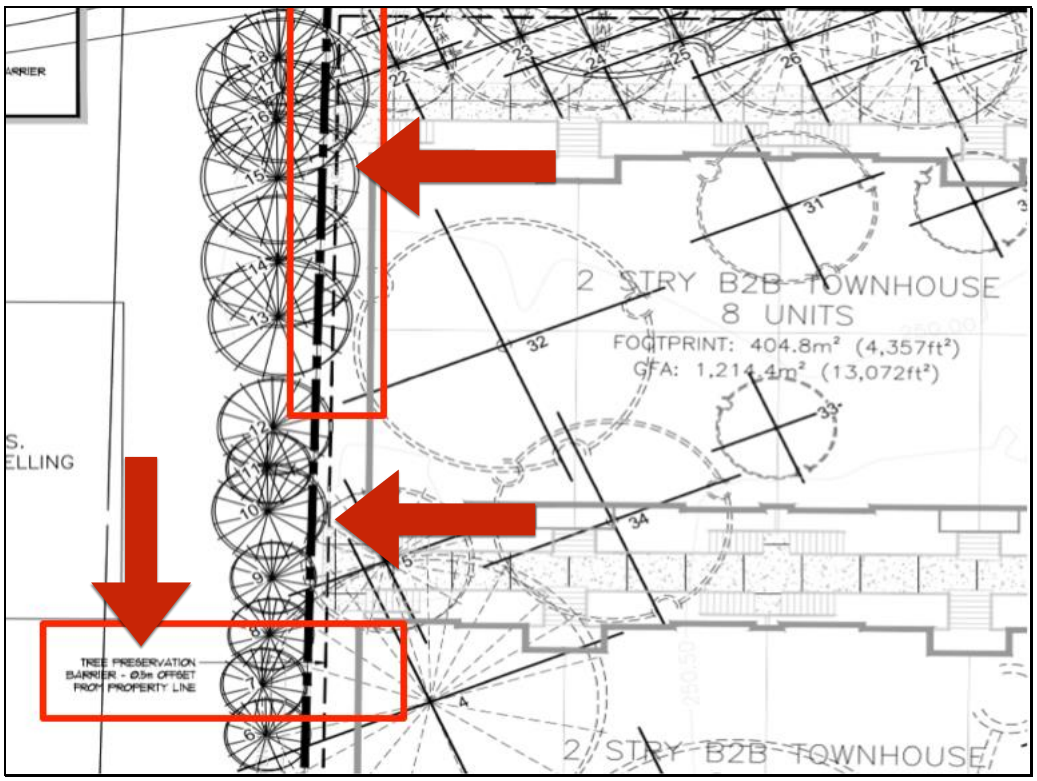


I am going to prove the 3m side yard setback is NOT sufficient to protect and preserve the trees along western property line

Slide 3

There are several inaccuracies within the tree report and tree plan that are key to staff recommendations regarding the side yard setback

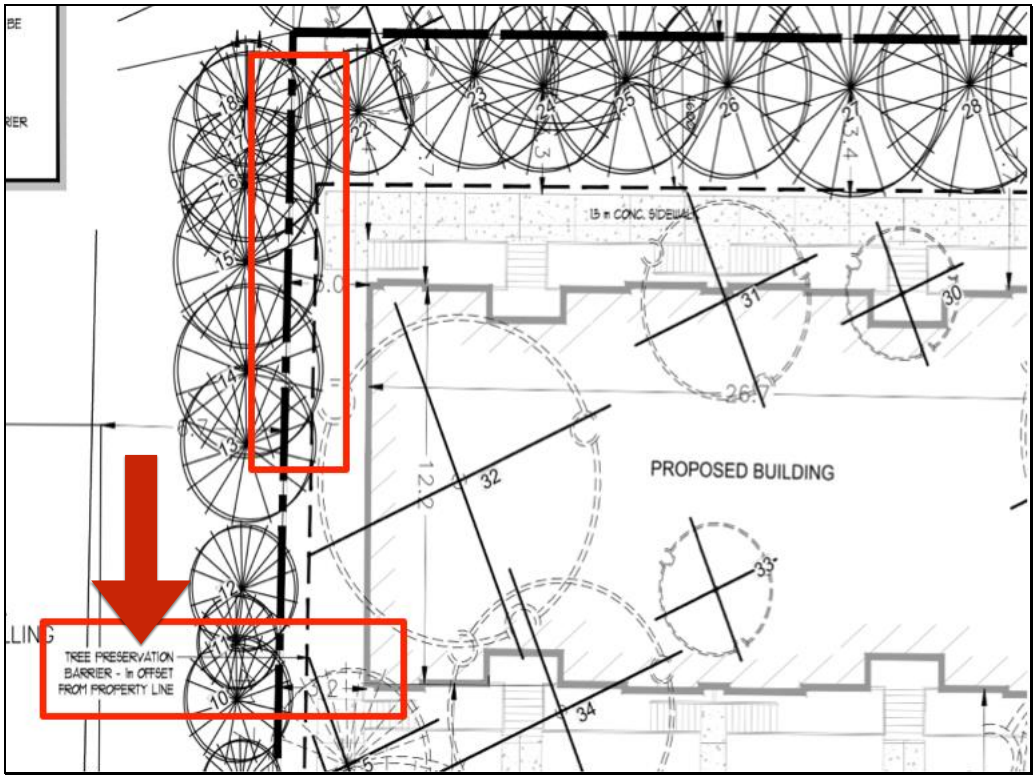
Slide 4



- when side yard setbacks were 1.7m, the original tree plan set the tree protection zone - indicated by the dashed line, at 0.5m from the west property line.
- The tree protection zone is supposed to establish the necessary distance required to protect the trees
- Notice how the canopy for the larger trees extend beyond this zone.

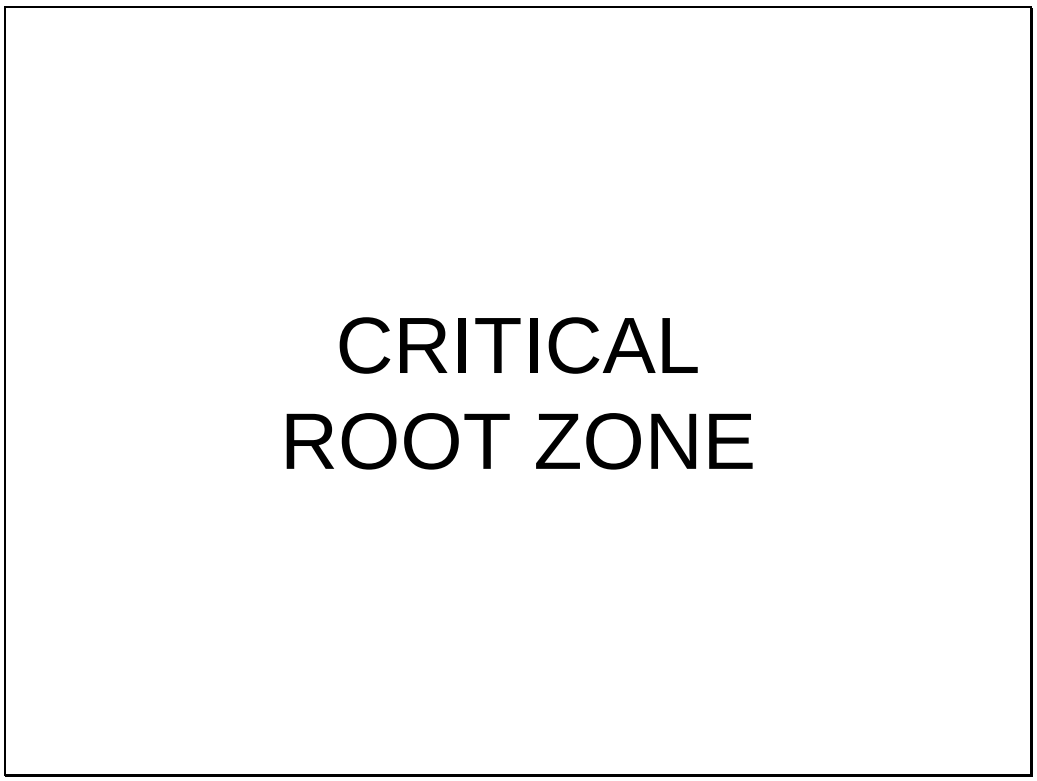
- these trees are on the neighbouring property and are not supposed to be impacted by this development.

Slide 5



- With side yard setbacks now at 3m, the latest tree plan sets the tree protection zone at 1m
- Which is correct and why is it changing?

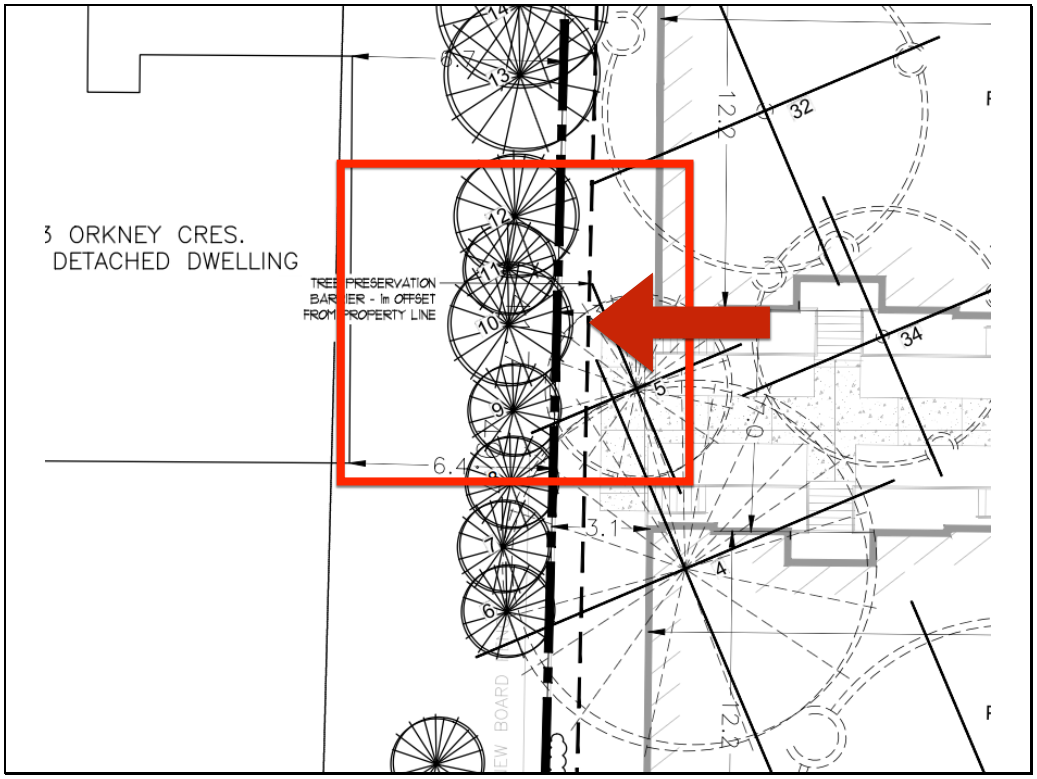
Slide 6



The critical root zone determines how much separation distance is required to protect and preserve these trees

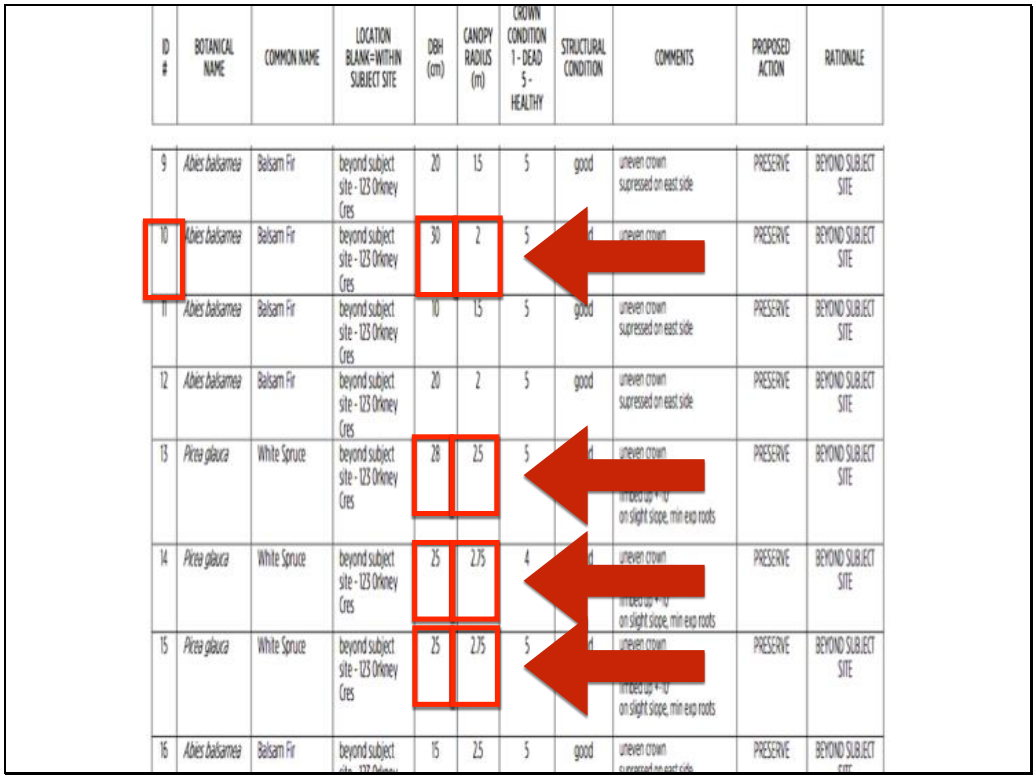
1. The canopy measurements represent the drip line of the trees. Several of the canopy measurements are **incorrect**, in some cases by greater than 1m

Slide 7



- Focusing on tree #10 located on the 123 Orkney Cres property but close to the shared property line

Slide 8



ID #	BOTANICAL NAME	COMMON NAME	LOCATION BLANK=WITHIN SUBJECT SITE	DBH (cm)	CANOPY RADIUS (m)	CROWN CONDITION 1 - DEAD 5 - HEALTHY	STRUCTURAL CONDITION	COMMENTS	PROPOSED ACTION	RATIONALE
9	*Abies balsamea*	Balsam Fir	beyond subject site - 123 Orkney Cres	20	1.5	5	good	uneven crown supressed on east side	PRESERVE	BEYOND SUBJECT SITE
10	*Abies balsamea*	Balsam Fir	beyond subject site - 123 Orkney Cres	30	2	5			PRESERVE	BEYOND SUBJECT SITE
11	*Abies balsamea*	Balsam Fir	beyond subject site - 123 Orkney Cres	10	1.5	5	good	uneven crown supressed on east side	PRESERVE	BEYOND SUBJECT SITE
12	*Abies balsamea*	Balsam Fir	beyond subject site - 123 Orkney Cres	20	2	5	good	uneven crown supressed on east side	PRESERVE	BEYOND SUBJECT SITE
13	*Picea glauca*	White Spruce	beyond subject site - 123 Orkney Cres	28	2.5	5		uneven crown on slight slope, min exp roots	PRESERVE	BEYOND SUBJECT SITE
14	*Picea glauca*	White Spruce	beyond subject site - 123 Orkney Cres	25	2.75	4		uneven crown on slight slope, min exp roots	PRESERVE	BEYOND SUBJECT SITE
15	*Picea glauca*	White Spruce	beyond subject site - 123 Orkney Cres	25	2.75	5		uneven crown on slight slope, min exp roots	PRESERVE	BEYOND SUBJECT SITE
16	*Abies balsamea*	Balsam Fir	beyond subject	15	2.5	5	good	uneven crown	PRESERVE	BEYOND SUBJECT

- The drip line for tree #10 is shown as 2m, which is smaller than several other trees, even though the diameter is the largest in this section at 30cm.

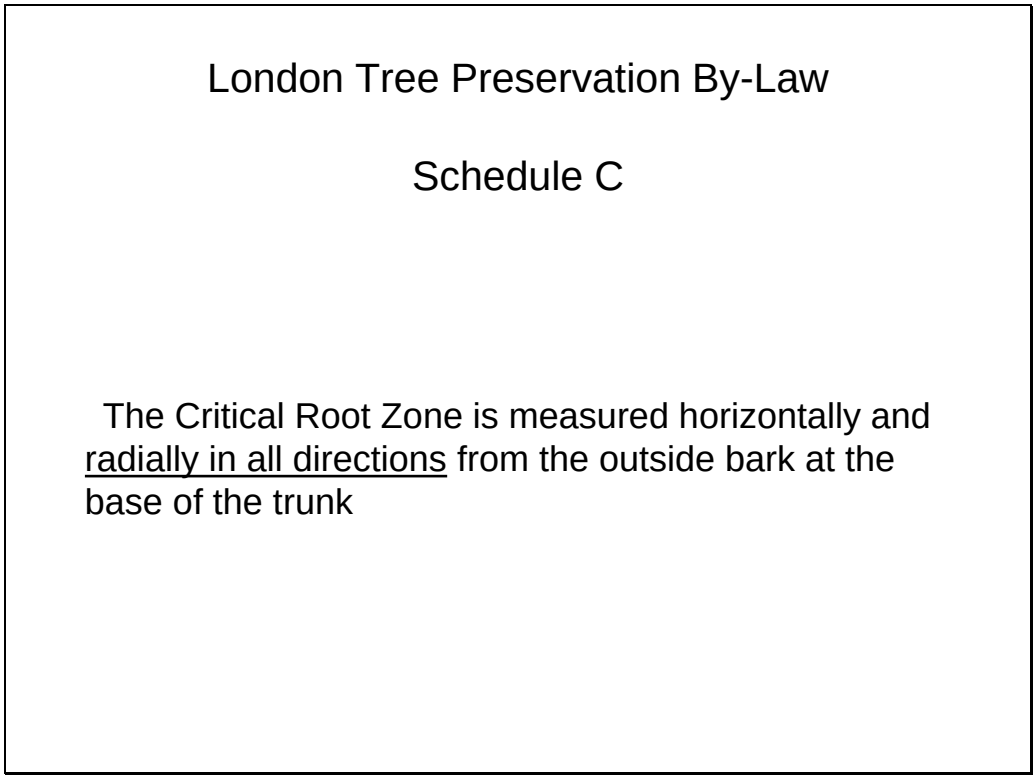
Slide 9

- It appears the drip line measurement for tree #10 was taken based on the canopy on the east side of the tree, which is sparse

Slide 10

- rather than the west side which is much larger, measuring 3.3m even AFTER PRUNING BY THE OWNER

Slide 11



- Critical Root Zone should be measured horizontally and radially in all directions

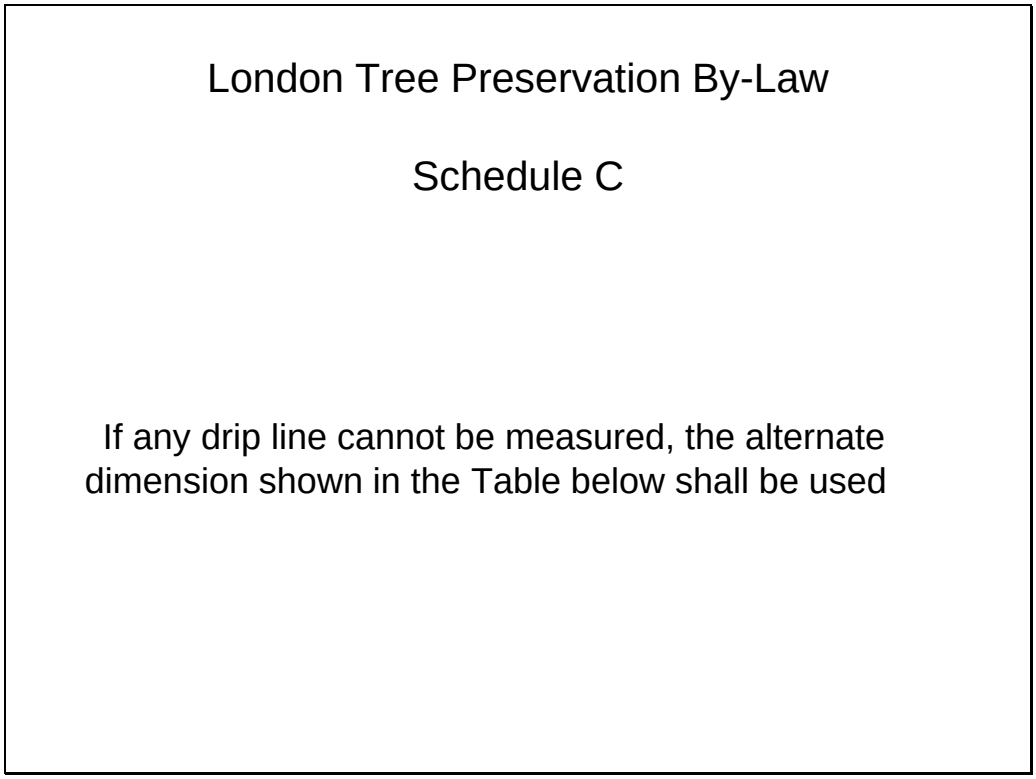
Slide 12

- meaning that the west side canopy should have been considered to establish the drip line of this tree

Slide 13

- the majority of the trees on the property of 123 Orkney have been pruned with lower branches/boughs removed

Slide 14



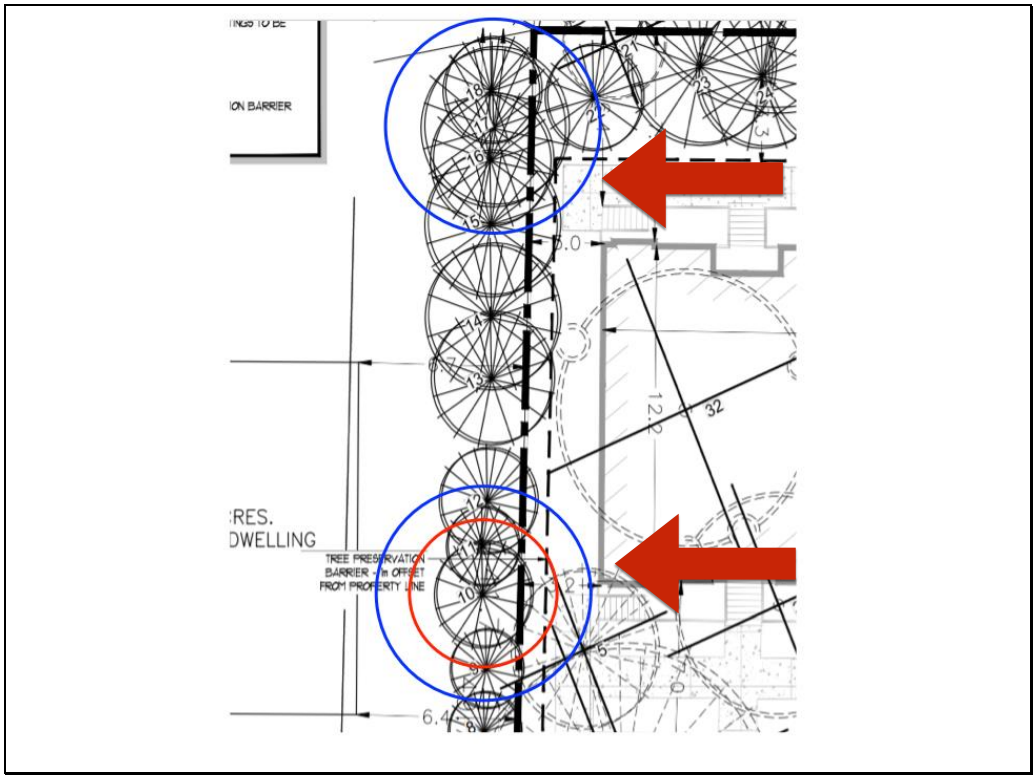
if drip line can’t be measured the alternative DBH method shall be used

Slide 15

Trunk diameter measured at 1.4m above Natural Ground Level	Critical Root Zone shall be:
Less than 10cm	1.2 m
10 -29 cm	3.6 m
30 - 40 cm	4.8 m
41 - 50 cm	6.0 m
51 - 60 cm	7.2 m
61 - 70 cm	8.4 m
71-80 cm	9.6 m
81-90 cm	10.8 m
91-100 cm	12.0 m
>100 cm	12 cm for each 1cm of diameter

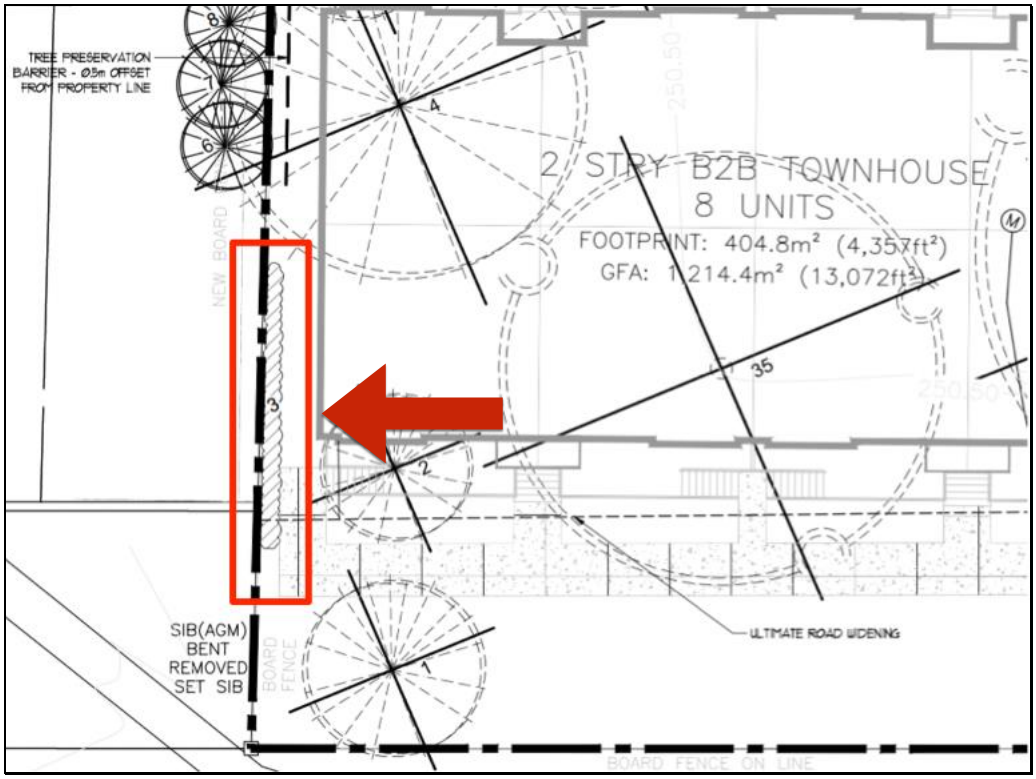
- For tree #10, with a diameter of 34cm, based on up to date measurements, the critical root zone shall be 4.8m

Slide 16



- red circle represents the more recent measurement of tree #10's canopy.
- blue circle represents the DBH method which is recommended in this case
- notice the proximity of the critical root zone to the proposed building at a 3m setback
- notice also the critical root zone for tree #17 near the top and how it extends well past the tree protection zone

Slide 17



An additional example of the tree report and plan not accurately representing the trees on this site

- this is highlighting cedar hedge #3 from the tree plan.

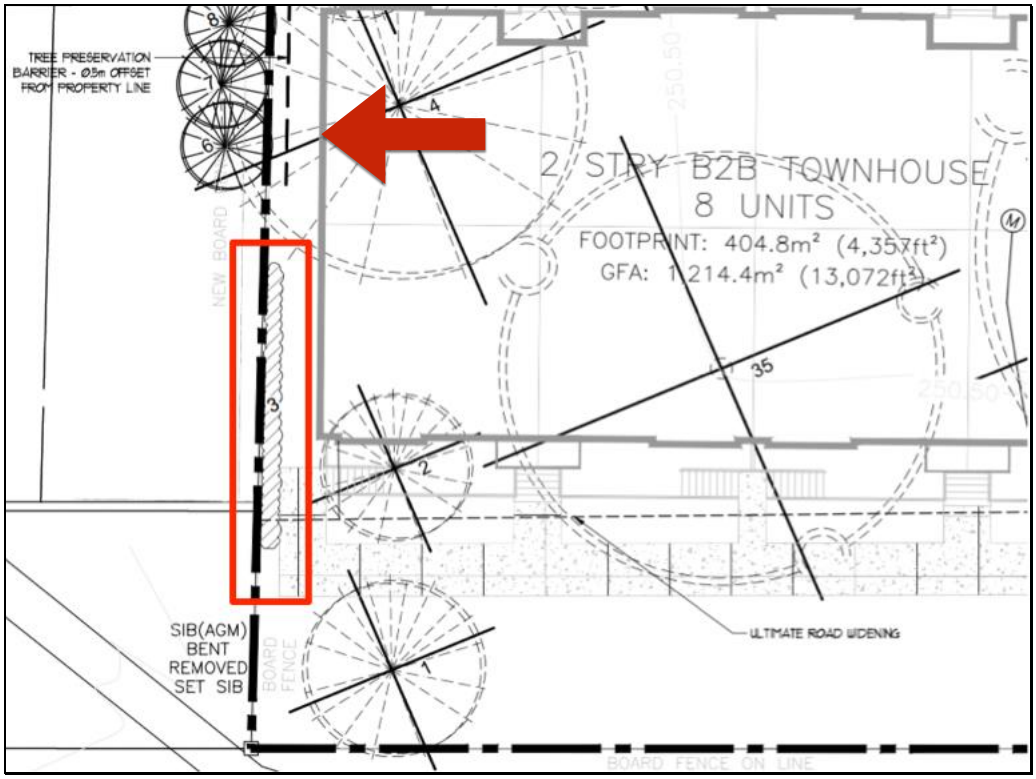
Slide 18

- which is in fact a row of trees

Slide 19

- these trees are located on 123 Orkney Cres property, NOT 536 Windermere as shown on the tree plan

Slide 20



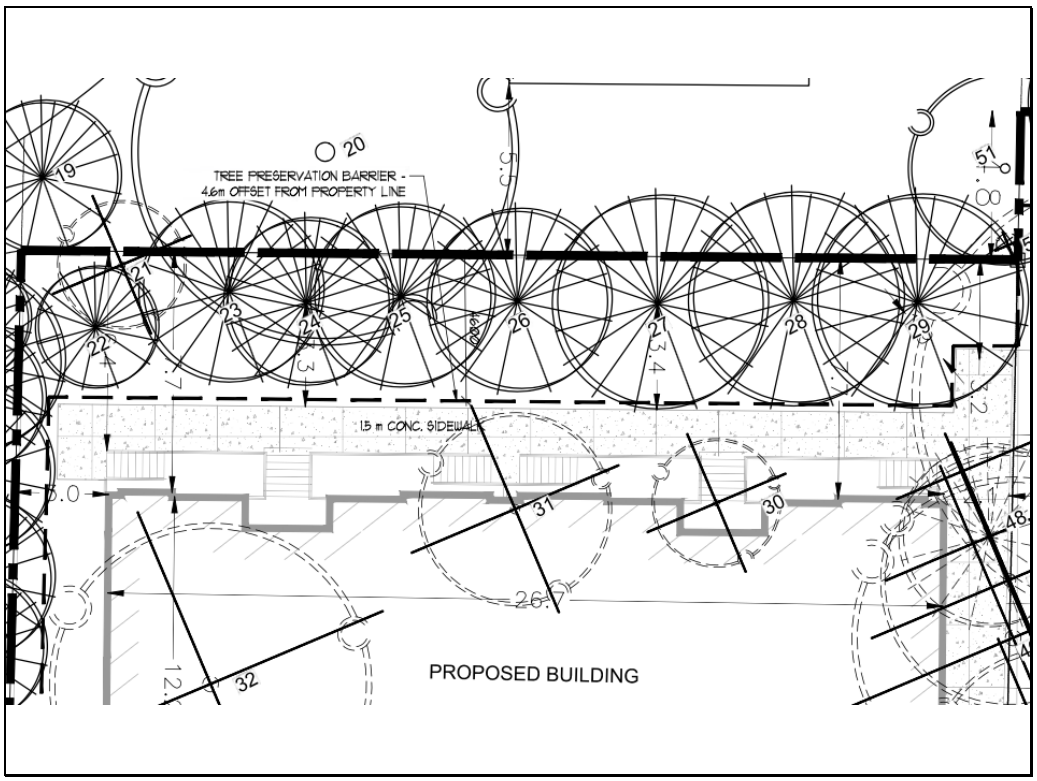
- these trees do not appear to be considered when establishing the tree protection zone, as you can see from where the dashed line ends.

Slide 21

Trunk diameter measured at 1.4m above Natural Ground Level	Critical Root Zone shall be:
Less than 10cm	1.2 m
10 -29 cm	3.6 m
30 - 40 cm	4.8 m
41 - 50 cm	6.0 m
51 - 60 cm	7.2 m
61 - 70 cm	8.4 m
71-80 cm	9.6 m
81-90 cm	10.8 m
91-100 cm	12.0 m
>100 cm	12 cm for each 1cm of diameter

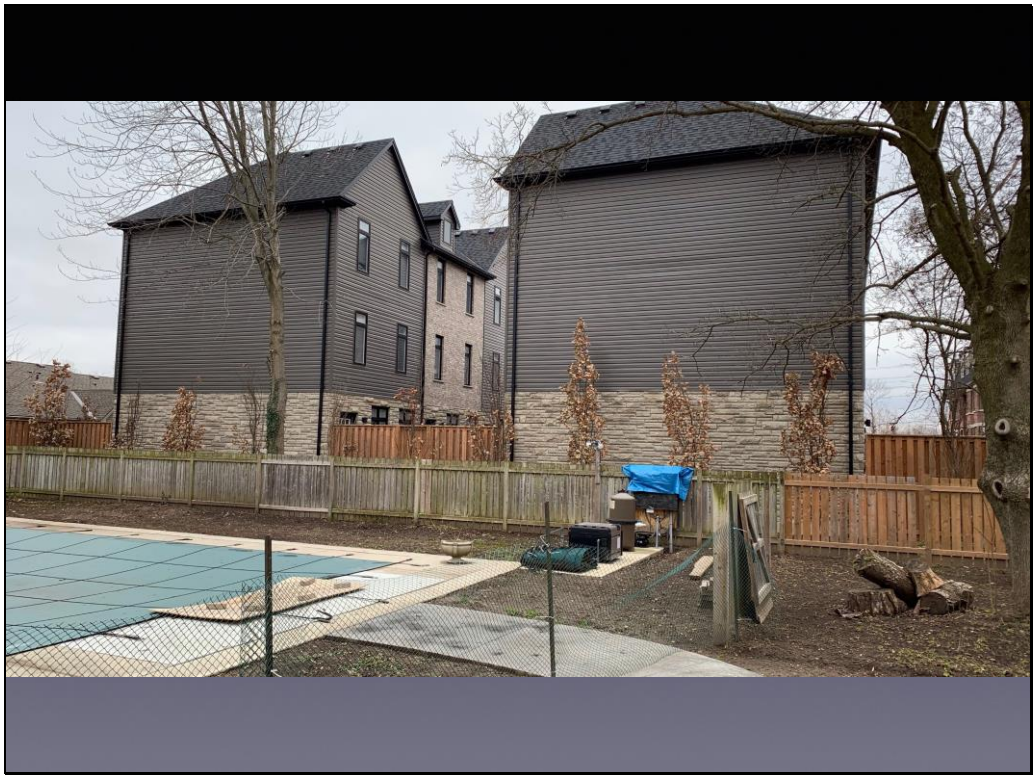
- One of these trees has a diameter of 14cm, and a critical root zone of 3.6m.
- which extends beyond the 3m side yard setback recommended.

Slide 22



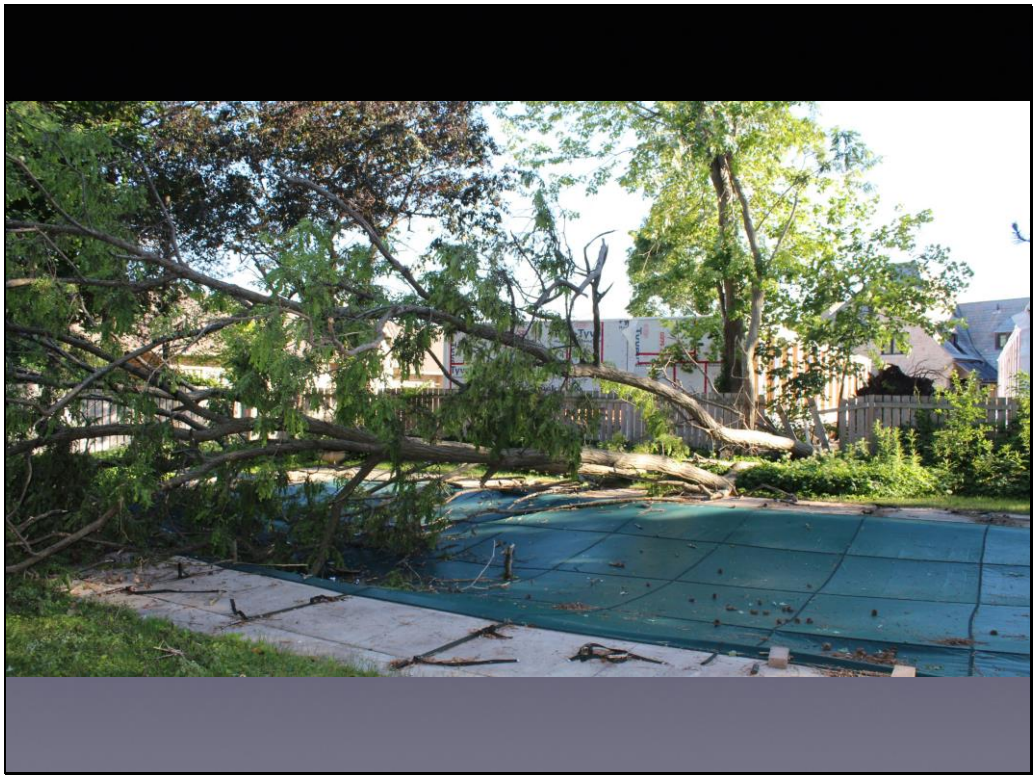
- A similar situation regarding inaccurate canopy measurements also occurs with regards to the trees along the northern property line
- some measures are off by more than 1m
- calling in to question the tree protection zone on this side as well.
- If we don't get this right, these trees, and the screening they provide may be lost

Slide 23



This is the back yard of 1 Medway Cres, behind another recent townhouse development at 1576 Richmond St.

Slide 24



This is the tree that came down during the construction of these townhouses

Slide 25

- here is the cause. The foundation was established too close to the tree and significantly compromised the critical root zone.

Slide 26

It may be possible to support 12 townhouse units on this site. I don't know. What I do believe is that the concept we all have been asked to consider only serves to prove what can NOT be supported in a positive, sustainable manner

- Please, lets follow best practices and not cut corners in order to make a development fit when it can not meet existing standards

Slide 27

What we are asking

- Maintain the existing setback rules for the westerly interior side yard setback and the northerly rear yard setback to ensure appropriate buffer space between adjacent properties
- Provide strong and specific language to protect and preserve all existing trees along the perimeter of the site with 123 Orkney Crescent and 127 Orkney Crescent, with the following exceptions (#21 - invasive species, #53 and #61 - dead or poor condition)
- Approve the reduced front yard setback of 2.1m, but reject the requested special provision for increased maximum encroachment into the front yard depth of 0.2 metres from the front property line

Appendix B – Alternative By-law

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 536 and 542 Windermere Road.

WHEREAS 2492222 Ontario Inc. has applied to rezone an area of land located at 536 and 542 Windermere 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 536 and 542 Windermere Road, as shown on the attached map comprising part of Key Map No. A102, from a Residential R1 (R1-6) Zone to a Holding Residential R5 Special Provision (h-5•h-*•R5-5(_)) Zone.

2) Section Number 3.8 2) of the Holding “h” Zone is amended by adding the following Holding Provision:

) h-(*) *Purpose:* The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No soil disturbance arising from demolition, construction, grading, or any other activity, shall take place on the subject property prior to the City of London receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

3) Section Number 9.4 e) of the Residential R5 (R5) Zone is amended by adding the following Special Provision:

)	R5-5(_)	536 and 542 Windermere Road	
	a)	Regulations	
		i) Front Yard Depth (minimum)	2.1 metres (6.96 feet)
		ii) Height (maximum)	10.5 metres (34.45 feet)
		iii) Notwithstanding the regulations of Section 4.27 of this By-law to the contrary, on lands zoned R5-5(_) open or covered but unenclosed decks or porches not exceeding one storey in height may project no closer than 0.2 metres (0.66 feet) from the front lot line.	

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.

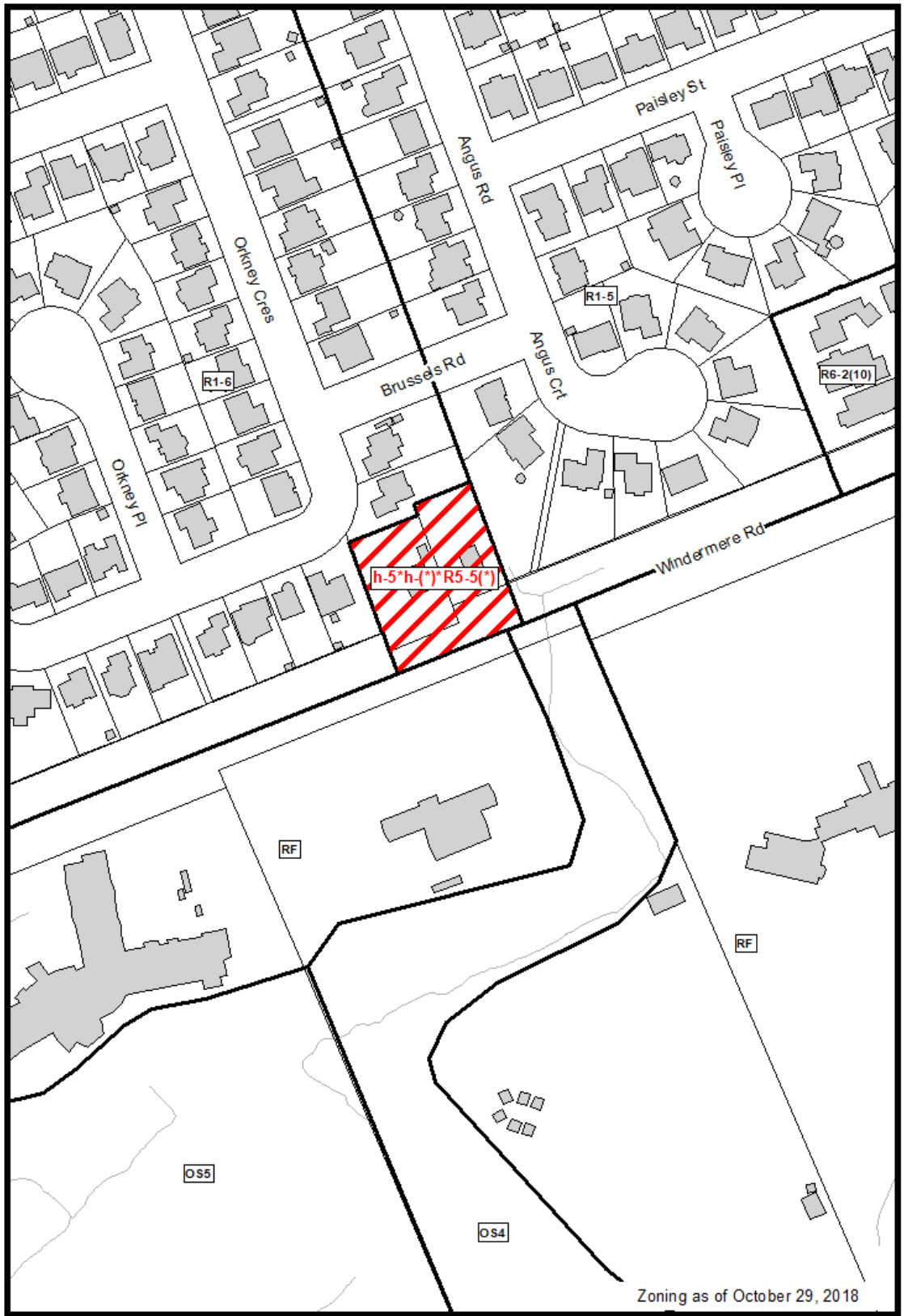
PASSED in Open Council on April 23, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – April 23, 2019
Second Reading – April 23, 2019
Third Reading – April 23, 2019

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



File Number: Z-8945

Planner: MC

Date Prepared: 2018/11/13

Technician: MB

SUBJECT SITE

1:2,000

Tree Assessment 536-542 Windermere Rd. (Update)

To: Tony Mara
127 Orkney Cres.
London, On

April 10, 2019

From: Patrick Masterson
ISA Certified Arborist #ON-1467A
ConservaTree Inc.

This is a follow-up in response to the City Planner's comments concerning methodology used to prepare the Tree Preservation Report for the development project at 536-542 Windermere Rd.

I have been asked to compare suitability for use of DBH vs drip line measurements, as it pertains to determining appropriate Tree Protection Barrier sizing. I have been asked to comment on whether or not the previous DBH Critical Root Zone analysis prepared by ConservaTree Staff member Alex Morrison should be deemed warranted by the City Planner.

Analysis

The following is an excerpt from the City of London Tree Protection ByLaw: Schedule C

Critical Root Zone

The trunk diameter shall be measured at a point of 1.4m above Natural Ground Level. It shall be rounded up or down to the nearest centimetre, with measurements having a decimal nominal of 0.5 or greater rounded up.

The Critical Root Zone is measured horizontally and radially in all directions from the outside bark at the base of the trunk or its root flare, if present, where the Tree emerges above Natural Ground Level. The drip line is where intercepted rain may fall off the outermost branches and leaves of a Tree canopy (Tree crown).

For the purpose of this By-law, where an asymmetric Tree canopy occurs, the drip line shall be the greatest of the drip line distances measured horizontally from the base of the trunk at the points corresponding to North, South, East and West.

If any drip line cannot be measured, the alternate dimension shown in the Table below shall be used. The City Planner, solely at their discretion, may make an alternative interpretation of the Critical Root Zone that they deem to be reasonable and warranted.

Trunk diameter measured at 1.4m above Natural Ground Level Critical Root Zone shall be:

Less than 10cm = 1.2 m
10 -29 cm = 3.6 m
30 - 40 cm = 4.8 m
41 - 50 cm = 6.0 m
51 - 60 cm = 7.2 m
61 - 70 cm = 8.4 m
71-80 cm = 9.6 m
81-90 cm = 10.8 m
91-100 cm = 12.0 m
>100 cm = 12 cm for each 1cm of diameter

Drip line has been used historically for determining critical root zone of decurrent trees. Decurrent trees (aka hardwoods such as maples, walnuts, etc.) exhibit a growth habit that is generally spready and asymmetric. Excurrent trees (aka softwoods/conifers such as spruce, fir, etc.) exhibit a growth habit that is generally pyramidal, having an inverted conical structure that spreads the most at the bottom of the tree. Typical maintenance on these trees in urban settings includes pruning lower limbs to provide access for lawn maintenance or mulch application. This quickly modifies the size of the drip line. All of the trees #22-#29 are coniferous (excurrent).

It is my strongly held belief that DBH is a much better, more consistent, and more scientific means of determining appropriate tree protection requirements, as compared to using the drip line. The International Society of Arboriculture (ISA) also recommends using DBH for determining tree protection requirements[1]. They recommend 12cm for every 1cm DBH, as in schedule C above. Many other Canadian municipalities, such as Vancouver, use DBH exclusively, and disregard drip line[2].

The basis for ConservaTree's argument in this case is that a drip line is easily modified, by simply cutting off branches, while DBH is nearly impossible to modify. There are in fact a number of strong evidence points in the current Tree Preservation Report revised March 2019 to support DBH as a better standard. The most illustrative is tree #22, this tree is noted as having been limbed up to 20', effectively reducing the drip line as seen on the Tree Preservation Drawing. Right beside is tree #23 with an obviously larger illustrated drip line on the drawing, yet when compared by DBH in the tree analysis portion of the report they only differ by 1 cm. This should give an idea of how DBH is a much better measure for standardized analysis. There is a second example present in Hedge #3, there has

been recent trimming to the lower canopy of the cedar hedge. Thus reducing drip line yet having no effect on dbh.

Reasoning, stated by city staff at the previous PEC meeting, to allow for special zoning ammendments for this development were that City Zoning specifications are currently 'antiquated'. If this is the case for height and set back specifications, I would suggest that Tree Protection is also antiquated. My colleague, Alex Morrison, is currently a representative of TFAC and has informed me that in fact the Advisory Committee has been presented to about "ReThink Zoning", and that they will be participating as a committee to help update requirements. I intend to continue to support Alex and his participation as the only Tree Care Industry representative on the Advisory Committee. The outlined above is an excellent example of an improvement that could be considered.

It should also be noted that the previous critical root zone protection was suggested to be placed at 10cm for every 1cm in dbh. In Schedule C of the Tree Protection Bylaw noted above, 12cm for every 1cm in DBH is the minimum standard used. This was an oversite by our staff, yet using Schedule C, with DBH for trees # 22-29 in the Tree Preservation Report, larger critical root zones will be required.

However, as nearly a year has passed since these measurements have been made, updated measurements should be required to determine proper sizing. We took some updated measurements on trees #29, #27, #22 and Hedge #3. These have the largest DBH's as well as largest drip lines, please see the summary on the following page.

Tree #29 – Drip line of 355cm
South edge of drip line from North fence is 490cm
DBH is 40.6cm resulting in a protection of 487 cm

490cm – 355cm = 135cm
135cm + 487cm = **622cm (South edge of protection from North fence based on dbh.)**

Tree #27 – Drip line of 473cm
South edge of drip line from North fence is 618cm
Dbh is 45.8cm resulting in a protection of 550cm

618cm – 473cm = 145cm
145cm + 550cm = **695cm (South edge of protection from North fence based on dbh.)**

Tree #22 – dbh is 41.4cm resulting in 468cm protection.

This tree is 200 cm from fence line, **resulting in a protection at 668cm**

Hedge #3 – Max drip line is 200cm
Max dbh 14cm resulting in 168 cm of protection

Most of the measurements taken by Conservatree Inc. suggest the initial measurements in the Tree Protection Plan are currently inaccurate. A further revision should be completed by RKLA to update current measurements on this plan. This will allow for accurate identification of appropriate Tree Protections.

Conclusion

As stated above, it is my strongly held belief that DBH is a much better, more consistent, and more scientific means of determining appropriate tree protection requirements, as compared to using the drip line, especially in the case of excurrent trees such as those in question. Because of this, I would argue strongly that it is the DBH standard which should be applied in the case of this development project. Thank you for your time.

Patrick Masterson
ISA Certified Arborist #ON-1467A
ConservaTree Inc.

Footnote

1. International Society of Arboriculture, pamphlet “Avoiding Tree Damage During Construction”.

2. City of Vancouver, Protection of Tree Bylaw 9958, Schedule A, “Protection barrier distance from tree”

TO:	**CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON APRIL 15, 2019**
FROM:	**G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL**
SUBJECT:	**REPEAL OF BUILDING BY-LAW B-6 AND PROPOSED BUILDING BY-LAW B-7**

RECOMMENDATION

That on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the following actions be taken:

(a) the attached report **BE RECEIVED** for information; and

(b) that Civic Administration **BE REQUESTED** to hold a public participation meeting, with respect to the proposed Building By-law B-7 and repeal of Building By-law B-6, at a future meeting of the Planning and Environment Committee.

PREVIOUS REPORTS

Building By-law Amendments – August 20, 2012; Planning & Environment Committee

EXECUTIVE SUMMARY

The current Building By-law was enacted in November 2012. A recent comprehensive review of the By-law resulted in an opportunity to make revisions that will result in a more efficient service delivery. New definitions are proposed, new fee categories have been introduced and existing fee categories have been consolidated making the new By-law more simple to administer. A permit fee increase, as a result of a fee analysis, and annual permit fee indexing are also proposed. As a result, the current Building By-law (B-6) will be repealed and replaced by By-law B-7.

BACKGROUND

The Building By-law is passed by municipal council pursuant to section (7) of the *Building Code Act*, 1992 as amended. Historically, the Building By-law has been reviewed approximately every five years to ensure it properly reflects changes to the *Building Code Act* and the Ontario Building Code. The review has always Included the permit fees charged as well.

The purpose of this report is to have municipal council receive the proposed Building By-law B-7 and to direct Civic Administration to hold a public participation meeting at a future meeting of the Planning & Environment Committee.

BUILDING DIVISION COSTS

The Building Division costs, are considered to be fixed costs that cannot be easily or immediately adjusted to reflect changes in the levels of construction activity.
A significant portion is directly associated with employee salaries. The Building Division employs a total of 62 full time employees, including administration staff, customer service representatives, plans examiners, building and plumbing inspectors, and building support clerks. With respect to permit application reviews, the Division employs 15 full time plans examiners and in the permit inspection unit, 11 full time building inspectors and 6 plumbing inspectors. *The Building Code Act* requires municipal Council to appoint staff as necessary for the enforcement of the *Act*.

In the Fall of 2017, the Building Division assumed the responsibility of Building Code fire protection elements in buildings; something that was previously conducted by Fire Prevention Officers employed by London Fire Services. As a result, two professional engineers were hired for the related plan reviews and inspections.

Under current provincial legislation, building permit applications must be reviewed within prescribed timeframes. After establishing whether a permit application is complete, the Chief Building Official is given a prescribed number of business days to either issue a building permit or provide all reasons as to why the issuance of a permit has been refused. These legislated timeframes are shown in Appendix 'A'.

As mentioned, the majority of the Building Division's costs are attributed to staff salaries. It should be noted that the core staff complement has remained approximately the same for the past 20 years, in an effort to mitigate costs. This however, resulted in permit processing timeframes not being met. As reported by Delloitte[1] during their audit, approximately 20% of the permits sampled were not being processed within the prescribed timeframes in 2017. "*Not processed within the prescribed timeframes*" can also include permits issued one day up to five days or more after their due date. A chart depicting the total permits issued as well as staffing levels from 2008 to 2018 is provided in Figure 1 in Appendix 'C'

In 2016, 2017 and 2018 the Building Division processed a significant amount of permit applications with all-time record total construction values that consecutively exceeded $1 billion each year.

The current staffing levels have been reviewed and it has been determined that additional staff hirings are required due to the increase in the review complexity of building designs and corresponding Building Code demands, as well as the inability to meet the provincially prescribed timeframes for the processing of permit applications.

As shown in the chart in Figure 3 in Appendix 'C', the legislated timeframes to process building permits are not being met.

The proposed building permit fee model contemplates for the hiring of two managers, one full-time Customer Service Representative, one full time Architectural Plans Examiner and two Plan/Building Inspectors. The costs incurred will be offset by the additional revenues generated as a result of the proposed permit fee increase. It is anticiapated that the additional staff hiring will result in a significant improvement in service delivery ensuring compliance with the provincially legislated requirements.

It should also be noted that there is a significant backlog of dormant permits (issued prior to 2016) that require follow up in terms of both inspection and administration

1. Deloitte; Building Permit Review Internal Audit Report – Audit Committee February 7, 2018

processes. Of these, 5,959 are building permits while 1,036 are plumbing permits. These permits need to be closed, requiring additional staff efforts.

Despite ongoing changes to the Building Code regulations, requiring even more items to be reviewed during the plans examination process and inspected in the field, the provincially prescribed timeframes allotted have remained unchanged since the time they were first introduced in January 2006. This places further constraints on the ability to provide efficient service delivery.

The Building Division, despite a growth in building permits issued, combined with an increase in the complexity of reviews, in the last three years experienced significant challenges in the ability to recruit qualified candidates. This is not an issue pertaining to London and is experienced province-wide. Additional costs are anticipated for training as well, as the staff that are recent hires to fill vacancies are not fully qualified to conduct reviews and/or inspections related to all building types.

BUILDING DIVISION REVENUES

The source of revenues for the Building Division arises from the permit fees charged to review permit applications, issue building permits, inspect construction related to the permits issued and in general for the administration & enforcement of the Building Code.

It has been generally accepted, that the intent of the *Building Code Act* (BCA) is to require permit fees to be established in a manner so that they:

- reflect the benefit of service to the user;
- not exceed the operating cost of the service;
- are not be designed to create profit;
- do not act as a deterrent to use.

A historical overview with respect to Building Division Revenues associated with the administration and enforcement of the Building Code is provided in a chart in Figure 2 in Appendix 'C'. The costs are also shown on this chart for comparison purposes.

It should be noted that in London, building permit fees have remained unchanged since November 2012. Also, permit fees are currently not indexed, whereas this is the case for other municipalities such as Burlington, Clarington, Guelph, and Brampton, for example. The proposed By-law includes the annual indexing of permit fees moving forward.

The majority of permit fees are solely based on a service index that is applied on a per floor area basis of the proposed work (per m^2). A permit fee rate comparison with the Large Municipalities Chief Building Officials (LMCBO) cities was conducted and is consistent with the approach other London municipal departments follow. Charts depicting 2018 permit fee rates amongst some LMCBO cities, based on building types are provided in Appendix 'B'.

A review of the current permit fee rates, clearly shows the rates for London are well below the average levels, when compared with other cities.

Since 2000, BMA Consulting Inc., on a yearly basis, surveys just over 100 municipalities and amongst other information, provides building permit fees for a typical 167 sq.m. single detached dwelling. Based on their 2017 data, in London, the permit fee for this dwelling was $1,470; well below the average ($2,248). The median permit fee for this type of dwelling was $2,174. The proposed rate increase would result in a permit fee of $1,920. The proposed permit fee would be less than what surrounding towns such as Ingersoll, Strathroy-Caradoc, Chatham-Kent, and Middlesex Centre charge. A

comparison chart, adapted from BMA consulting Inc., depicting the 2017 permit fees applicable to this dwelling, is provided in Appendix 'D' of this report.

In November 2012, permit fees were increased, on average, by 20%. Despite this increase, due to the decreasing volume of permits issued from 2012 to 2015, the additional revenues were not able to cover the costs incurred. The current permit fee analysis conducted indicated, that in order to allow for the anticipated costs, as stipulated by the *Building Code Act*, and to allow for sufficient building permit stabilization reserve fund balance, a permit fee increase is warranted.

The increased revenues will not be realised until Building By-law B-7 comes into force and effect (mid or late 2019). Additional staff will be hired in 2019 giving rise to an 'early' increase in costs as full cost recovery is not anticipated until 2020.

It should be noted that with respect to changes in permit fees, the *Building Code Act*, s.7(6) requires a public meeting be held.

"Change in fees

(6) If a principal authority proposes to change any fee imposed under clause (1) (c), the principal authority shall,

(a) give notice of the proposed changes in fees to such persons as may be prescribed; and

(b) hold a public meeting concerning the proposed changes. 2002, c. 9, s. 11 (2); 2006, c. 22, s. 112 (6)."

ANNUAL REPORT ON BUILDING PERMIT FES

The *Building Code Act* s.7(4) requires the principal authority to prepare a report related to fees and costs for its enforcement.

"Report on fees

(4) Every 12 months, each principal authority shall prepare a report that contains such information as may be prescribed about any fees authorized under clause (1) (c) and costs of the principal authority to administer and enforce this Act in its area of jurisdiction. 2002, c. 9, s. 11 (2)."

Each year, the Chief Building Official prepares and submits this report to municipal council through the Planning and Environment Committee.

The annual report, also addresses the status of the Building Permits Stabilization Reserve Fund (BPSRF). The purpose of this reserve, established by several other municipalities as well, is to account for both capital expenditures and to cover any deficits incurred during economic downturns where building permit activity is at a decline. It is also in place to account for the time lag between when revenues are collected and costs are incurred. An example of the latter would pertain to building permit applications received (revenues) towards the end of one year, whereas plans reviews and inspections (costs) would occur in the subsequent year.

There was a time when any building revenue surplus could be used on a corporate-wide basis. However, as of 2005, under the current *Building Code Act*, any revenues collected above the cost of providing the service, must be transferred to a reserve and be used for building permit administration and enforcement purposes only.

In 2006, the BPSRF target was set at 40% of costs to administer and enforce the *Building Code Act* and its regulations, following discussions with the London Home Builders' Association; one of our key industry stakeholders. A lower and upper limit of 30% and 50% respectively was also set.

Since inception in 2005, $4,205,244 has been contributed to the BPSRF, $1,651,281 has been withdrawn from the Fund to cover operating deficits and $2,748,590 of operating deficits have been covered by corporate surpluses to mitigate draws from the BPSRF.

From 2012 to 2015, despite a 20% average increase of building permit fees in 2012, the revenues generated did not cover the costs incurred due to a decline in permit activity. During the period from 2016 to 2018 there was an increase in permit activity with a total construction value of all permits issued at all-time consecutive records of $1.4, $1.1, and $1.08 billion respectively**.** At year end 2018, the BPSRF sits at $2,503,963 (40.6% of 2018 operating costs). As previously stated however, this was based on permit activity that saw all-time records in terms of total construction value of all permits issued over the past three years.

In London, the BPSRF range of 30% to 50% of costs is the lowest in comparison with other municipalities that belong to the Large Municipalities Chief Building Officials group where the range of their reserve is set from 100% to 250% of costs, thus having a significant reserve balance available at year end.

Staff is recommending the BPSRF be set at 100% of the aforementioned costs to allow for situations due to economic dowturns and to avoid future Corporate subsidies.

BUILDING PERMIT FEE INDEXING

Historically, the City of London's Building Division has not included annual indexed building permit fee adjustments. Permit fees were reviewed approximately every five years and increased accordingly.

Following discussion with industry stakeholders, the Building Division explored the possibility of annually indexing the building permit fees. Staff is recommending that effective January 1, 2020, all Building permit fees included in the Building By-law and in Schedule 'A' of the By-law, be subject to an annual adjustment in a similar manner with Development Charge rates and fees for Planning and Development Approval applications. Staff is proposing the use of the Statistics Canada Non-residential building construction price index (Toronto).

Staff surveyed other cities that index their building permit fees and found that vaiour indices were used including a fixed 3% annual increase (Clarington), the property tax rate (Guelph), or the Consumer Price Index (Burlington).

PROPOSED BY-LAW SUMMARY

All proposed changes from the current By-law, that will be incorporated in the new By-law are tabulated and provided in Appendix 'E' of this report.

1. Definitions

A new 'Not Ready' definition is being proposed to address situations where a building or plumbing inspection has been requested and upon attendance the inspector determines that the worksite is not ready for inspection. In addition to the definition, a fee is proposed to be applied in this situation. Building inspectors have come across situations where sites are not ready to be inspected resulting in a reduced service level (lost time) and inefficient service delivery to permit holders whose sites are ready to be inspected. During meetings with stakeholders, industry is in agreement that an inspection

cancellation can be requested to avoid a 'Not Ready' status and the imposition of the fee. To facilitiate a 'soft transition', the fee will not be imposed until 60 calendars days from the passing of the new By-law.

Cities such as Hamilton, Guelph, Whitby, Burlington, Brantford, Waterloo and others have provisions for a 'Not Ready' or re-inspection fee.

2. Construction Fences

The Building Division periodically receives complaints related to construction sites not fenced-in and unprotected open excavations.
It should be noted that municipalities such as, Waterloo, Guelph, Hamilton, Kingston, and Cambridge to name a few, have provisions in their By-laws related to construction fences.

It is proposed that this section be added to the Building By-law where the Chief Building Official can request the provision of construction fencing if he/she determines that the site warrants it. The proposal is geared towards sites where there is a significant amount of work carried out; primarily at Institutional, Commercial, Industrial and Row Townhouse /Aparment building construction sites.

The above proposal is also in alignment with s.7(1) of the *Building Code Act*, where municipal council may pass by-laws:

> *"(i) requiring the person to whom a permit is issued to erect and maintain fences to enclose the site of the construction or demolition within such areas of the municipality as may be prescribed;*
>
> *(j) prescribing the height and description of the fences required under clause (i). 1992, c. 23, s. 7; 1997, c. 30, Sched. B, s. 6; 1999, c. 12, Sched. M, s. 3; 2002, c. 9, s. 11 (1); 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. O, s. 1 (5); 2006, c. 22, s. 112 (3-5); 2017, c. 34, Sched. 2, s. 4 (1)."*

3. Containment of Construction or Demolition Debris

As a result of complaints received from adjacent land owners and the general public, it is being proposed to include a clause that would prohibit debris, resulting from either construction or demolition, to be deposited on adjacent lands. This is geared towards solid material and would not involve dust resulting from the aforementioned activities, as dust control is regulated by the the Ministry of the Environment, Conservation and Parks and the Ministry of Labour.

4. Administrative and housekeeping items

- **Fee class consolidation** – Various fees, related to individual and minor scope of work in existing buildings, are proposed to be consolidated under the 'alteration' fee category. For example, the "ceiling replacement" fee category will be eliminated and considered under the 'alteration' permit category. This will eliminate fee categories that were extremely underutilized.
- **Notices for cancellation in writing** – A housekeeping item to clarify that all permit application cancellation notices are to be received in written format.
- **Removal of forms from Schedules** – Provincially prescribed forms are updated periodically and in order to avoid amending the By-law each time this occurs, and ensuring the most current form is used, it is proposed to remove the actual forms from the By-law Schedules and instead simply

refer to them in terms of where they are available. This will reduce the overall size of the By-law as well.

- **Submission of permit applications at year-end** – A clause is proposed to clarify that permit applications submitted during the year-end holiday closure will be deemed as accepted in the new year. This will eliminate instances of confusion that existed in the past and is also consistent with a similar clause that exists in the Development Charges By-law.
- **Minimum fee changes** - The minimum fee category is proposed to be charged based on the two main categories of buildings as classified in the Building Code. Currently the minimum permit fee applies across all building types. Further review warranted an increase in minimum permit fees slightly higher for 'commercial' buildings that require more involved reviews, compared to smaller 'residential' buildings with a limited scope of work.

CONCLUSION

The Building By-law was enacted in November 2012. The proposed Building By-law (B-7) will repeal and replace the existing By-law B-6. The introduction of a new definition of 'not ready' is proposed in order to improve service delivery associated with building inspections. A requirement for construction fencing is also introduced. Fee categories have been consolidated to provide clarity with respect to the By-law's administration. A permit fee analysis was conducted and a permit fee increase has been proposed. Annual increases are proposed using the StatCan building construction index, in alignment with other municipal By-laws.

A public participation meeting is proposed to be held at a future meeting of PEC, so that PEC can receive comments from the public and industry stakeholders on the proposed By-law.

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c.c. Aynsley Anderson, Solicitor II, Legal & Corporate Services
Laurie Green, Financial Business Administrator, Finance & Corporate Services

Bill No.
2019

By-law No. B **-** 7

A By-law to provide for CONSTRUCTION, DEMOLITION, CHANGE OF USE, OCCUPANCY PERMITS, TRANSFER OF PERMITS AND INSPECTIONS.

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WHEREAS section 7 of the *Building Code Act, 1992*, S.O. 1992, c. 23 as amended, empowers Council to pass certain by-laws respecting construction, demolition, change of use, transfer of permits, inspections and the setting and refunding of fees;

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

SHORT TITLE
BUILDING BY-LAW

Part 1
DEFINITIONS

1.1 Definitions
In this By-law:

Act - defined
"*Act*" means the *Building Code Act, 1992, S.O. 1992, c.23,* as amended.

Applicant-defined
"*applicant*" means the *owner* of a building or property who applies for a *permit* or any person authorized by the *owner* to apply for a *permit* on the *owner*'s behalf, or any person or *corporation* empowered by statute to cause the construction or demolition of a building or buildings and anyone acting under the authority of such person or *corporation*.

Architect - defined
"*architect*" means the holder of a licence, certificate of practice or a temporary licence issued under the Architects Act as defined in the *Building Code*.

Building Code - defined
"*Building Code*" means the regulations made under section 34 of the *Act*.

Chief Building Official - defined
"*Chief Building Official*" means a *Chief Building Official* appointed by by-law by the Corporation of the City of London for the purposes of enforcement of the *Act*.

Construct – defined
"*construct*" means construct as defined in subsection 1(1) of the *Act*.

Corporation – defined
"*Corporation*" means The Corporation of the City of London.

Corporation Engineer - defined
"*Corporation engineer*" means the **City Engineer** for the *Corporation*.

Demolish – defined
"*demolish*" means demolish as defined in subsection 1(1) of the *Act*.

Holiday – defined
"*holiday*" means:

- **(a)** Any Saturday or Sunday;
- **(b)** Family Day;
- **(c)** Good Friday;
- **(d)** Easter Monday;
- **(e)** Victoria Day;
- **(f)** Canada Day;
- **(g)** Civic Holiday;
- **(h)** Labour Day;
- **(i)** Thanksgiving Day;

(j) Christmas Day-New Year's Day: the period generally between December 24 and December 31 each year when City Hall is closed; and

(k) where Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a Holiday.

Statistics Canada Index – defined

"Stastistics Canada Index" means the Statistics Canada Non-residential building construction price index (Toronto)

Inspector - defined

"*inspector*" means an inspector appointed by By-law by the Corporation of the City of London for the purposes of enforcement of the *Act*.

Not Ready - defined

"*not ready*" means a work site condition identified by an *inspector* upon attendance, as a result of receipt of written notice of readiness for inspection, unless written notice of cancellation of inspection is provided no later than 10:00 a.m. (EST) on the day the inspector is to physically attend, where the inspection is not able to be conducted, and includes inspection for any item related to a prior deficiency wherein the same deficiency remains outstanding and not remedied.

Owner - defined

"*owner*" means the registered owner of the property and includes a lessee, mortgagee in possession, and the authorized agent in lawful control of the property.

Permit - defined

"*permit*" means permission or authorization given in writing from the *Chief Building Official* to perform work , to change the use of a building or part thereof, or to occupy a building or part thereof, as regulated by the *Act* and *Building Code*.

Permit holder - defined

"*permit holder*" means the *owner* to whom a *permit* has been issued or where a *permit* has been transferred, the new *owner* to whom the *permit* has been transferred.

Permit Issued based on Previously Approved Permit-defined

"p*ermit issued based on previously approved permit*" means a building *permit* that has been issued based on a previous building *permit* issued, for the construction of an exact same building, including exact same drawings or other related documentation, under the provisions of the same *Building Code*. This type of *permit* is strictly limited to the construction of new single detached and semi-detached dwelling unit buildings classified under Part 9 of the *Building Code*.

Professional Engineer - defined

"p*rofessional engineer*" or "engineer" means a person who holds a licence or temporary licence under the Professional Engineers *Act*, R.S.O. 1990, c. P.28, as defined in the *Building Code*.

Registered Code Agency - defined

"r*egistered code agency*" means a registered code agency as defined in subsection 1(1) of the *Act*.

Sewage system – defined

"*sewage system*" means a sewage system as defined in subsection 1(1) of the *Act*.

Temporary building – defined

"*temporary building*" means a building or structure that is intended to be occupied or otherwise used for a duration of not more than one continuous calendar year.

Three day permit –defined

"*three day permit*" means a *permit* issued within three (3) business days from the date of submission of a complete application, for the construction, addition or alteration of a residential, commercial, industrial or institutional building not requiring site plan control approval or a zero lot line housing with an approved site plan. *Permit*s issued in association with an online application shall not be issued as a *three day permit*.

Work - defined

"*work*" means construction, alteration, addition**,** or demolition of a building or part thereof, as the case may be.

1.2 Word - term - not defined - meaning

Any word or term not defined in this By-law, that is defined in the *Act* or *Building Code* shall have the meaning ascribed to it in the *Act* or the *Building Code*. Should a word or term not be defined in the Act or the *Building Code*, it shall have the meaning that is commonly assigned to it in the context in which it is used, taking into account the specialized use of terms by the various trades and professions to which the terminology applies.

1.3 Words -italicized

Any word italicized in this By-law may refer to a definition as per subsection 1.1.

Part 2
COMPUTATION OF TIME

2.1 Computation of Time - clarification

In the computation of time under this By-law,

(a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;

(b) where a period of seven days or less is prescribed, holidays shall not be counted;

(c) where the time for doing something expires on a Holiday, the act may be done on the next day that is not a Holiday;

(d) service of a document, including an application made after 4:30 p.m. (EST) or at any time on a Holiday shall be deemed to have been made the next day that is not a Holiday.

2.2 Year-End closure

Where a building *permit* application is submitted to the *Chief Building Official* after the close of business prior to the holiday break being the period generally between December 24 and December 31 each year, then the *permit* application shall be deemed to be received in the new year.

2.3 Unsafe or emergency conditions

Nothing in 2.1 or 2.2 above shall prevent the *Chief Building Official* from providing notice and requiring action during a Holiday if the action is to address an unsafe or emergency condition.

Part 3
CLASSES OF PERMITS

3.1 Classes of Permits Set out - Schedule "A"

The classes of permits set out in Schedule "A" of this By-law are hereby established.

Part 4
PERMITS

4.1 File application - on forms – prescribed

To obtain a *permit*, the *owner* or an agent authorized in writing by the *owner* shall file an application in writing, or where applicable, electronically in the case of an online application, by completing the Provincially-prescribed form, as amended, available from the *Chief Building Official* or from the Ministry of Municipal Affairs website www.mah.gov.on.ca and supply any other information as required by the *Chief Building Official* related to the permit application.

4.2 Information - submitted - to *Chief Building Official*

Every application for a *permit* shall be submitted to the *Chief Building Official*, and shall contain the following information, in accordance with Part 5 of this By-law, in order for said application to be considered as complete:

(1) Where application is made for a *construction permit* under subsection 8(1) the Act, the a*pplicant* shall:

(a) use the Provincially-prescribed form, as amended, "Application for a Permit to Construct or Demolish", available from the *Chief Building Official* or from the Ministry of Municipal Affairs website www.mah.gov.on.ca;

(b) include complete plans and specifications, documents and other information as required by Article 1.3.1.3(5)-Division C of the *Building Code* and as described in this By-law for the *work* to be covered by the *permit*;

(c) for new single detached, duplex or semi-detached dwellings submit:

(i) in the case of land in respect of which an accepted area or subdivision grading plan has been filed with the *Corporation engineer*, a lot grading plan bearing the signature and seal of the subdivider's *Professional Engineer* who is responsible for the overall subdivision grading certifying thereon that the lot grading plan conforms with the accepted area or subdivision grading plan filed with the *Corporation engineer*;

(ii) in the case of land in respect of which no accepted area or subdivision grading plan has been filed with the *Corporation engineer*, a lot grading plan bearing the signature and seal of a *Professional Engineer*, or a Landscape Architect (a member of the Ontario Association of Landscape Architects) or an Ontario Land Surveyor who certifies thereon that the drainage scheme depicted by the plan will be compatible with the existing drainage patterns; or,

(iii) in the case of land to be developed and where Section 51 of the Planning Act applies, or where Site Plan Control approval would otherwise be required, a geotechnical report, signed and sealed by a *Professional Engineer*, confirming areas of imported (non-native) soils and the presence of methane, if any;

(d) for single detached, duplex, triplex, semi-detached, or row townhouse buildings intended to be continuously occupied during the winter season, include a completed Energy Efficiency Design Summary form available from the *Chief Building Official*;

(e) include plans and specifications in compliance with the requirements as set out in Schedule "B" when the work involves water provisions for fire fighting purposes where a municipal supply of water is not available on site; and

(f) include any supporting documentation or approvals as may be required under applicable law as defined in the *Building Code*.

(2) Where application is made for a *demolition permit* under subsection 8(1) of the Act, the *applicant* shall:

(a) use the Provincially-prescribed form, as amended, "Application for a Permit to Construct or Demolish", available from the *Chief Building Official* or from the Ministry of Municipal Affairs *Building Code* website www.mah.gov.on.ca;

(b) include complete plans and specifications, documents and other information as required by Articles 1.3.1.3(5) and 1.3.1.1.(3) - Division C of the *Building Code* and as described in this By-law for the *work* to be covered by the *permit*;

(c) include a completed Commitment to General Reviews By Architect And Engineer form available from the *Chief Building Official*, when Subsection 1.2.2. –Division C of the *Building Code* applies;

(d) submit a copy of the "Required Clearances for Demolition Permit" form available from the *Chief Building Official*, completed by the *applicant*, Heritage Planner, and utility representatives for any applicable utilities servicing the building to be demolished;

(e) when applying as an authorized agent of the *owner* for a demolition *permit* , submit the "Authorization to Demolish" form.

(f) at the discretion of the *Chief Building Official*, in situations where adjacent structures or property may be compromised, submit a demolition control plan, prepared by a professional engineer, for the demolition work where existing conditions, including proximity to adjacent property or buildings, justify such a requirement; and

(g) include any supporting documentation or approvals as may be required under applicable law as defined in the *Building Code*.

(3) Where a request is received for a *conditional permit* under subsection 8(3) of the Act, the *applicant* shall:

(a) include complete plans and specifications, documents and other information as required by Article 1.3.1.3(5)-Division C of the *Building Code* and as described in this By-law for the *work* to be covered by the *permit*;

(b) state, in writing to the *Chief Building Official*, or to the *Registered Code Agency* where one is appointed, the reasons why the *applicant* believes that unreasonable delays in construction would occur if a conditional *permit* is not granted;

(c) state the necessary approvals which must be obtained in respect of the proposed building and the time in which such approvals will be obtained;

(d) state the time in which plans and specifications of the complete building will be filed with the *Chief Building Official*, if a complete *permit* application has not already been made;

(e) shall enter into a conditional *permit* agreement with the *Corporation* utilizing the agreement available from the *Chief Building Official*. In the event that the conditions are not satisfied in accordance with the agreement, a *permit holder* may request an extension of time for completion of conditions, prior to the expiry of the compliance date as stipulated in the agreement.
In the event that an extension is required, the conditional fee shall be paid at the time the extension request is made. No building inspections shall be conducted if there are outstanding conditional *permit* fees;

(f) pay the Conditional *Permit* fee as provided in Schedule "A", in addition to any other fees;

(g) in the case of conditional *permit* issuance for a Single Detached Dwelling unit, Semi-Detached Dwelling Unit, Duplex, or Row Townhouse, provide a $10,000.00 security deposit in form of a certified cheque, money order, or letter of credit. The security shall be used in the event the building may need to be removed and the site restored to its original condition. The security amount shall be refunded upon the issuance of a full *permit;*

(h) shall ensure that the documentation and items as listed on the "Model Home-Conditional *Permit*s" checklist as provided in Schedule "C" have been submitted to the *Chief Building Official* , or a *Registered Code Agency* where one is

appointed, prior to the issuance of a conditional *permit* request as per clause (g); and

(i) note the *Chief Building Official* is authorized to execute, on behalf of The Corporation of the City of London, conditional *permits* as provided for in the *Building Code Act*. The issuance of conditional *permits* is at the sole discretion of the *Chief Building Official*.

(4) Where application is made for a *change of use permit* issued under subsection 10(1) of the Act, the *applicant* shall:

(a) submit the form "change of use, transfer of permits and partial occupancy permits" available from the *Chief Building Official*;

(b) identify and describe in detail the current and proposed occupancies of the building or part of a building for which the application is made; and

(c) include complete plans and specifications showing the current and proposed occupancy of all parts of the building, and which contain sufficient information to establish compliance with the requirements of the *Building Code*, including: floor plans; details of wall, ceiling and roof assemblies identifying required fire resistance ratings and load bearing elements, and details of the existing *sewage system*, if any.

(5) Where application is made for a *sewage permit* issued under subsection 8(1) of the Act, the *applicant* shall:

(a) use the Provincially-prescribed form, as amended, "Application for a Permit to Construct or Demolish", and the "Schedule 2: Sewage System Designer Information Form", available from the *Chief Building Official* or from the Ministry of Municipal Affairs *Building Code* website www.mah.gov.on.ca;

(b) include complete plans and specifications, documents and other information as required under Article 1.3.1.3(5)-Division C of the *Building Code* and as described in this By-law for the *work* to be covered by the *permit*; and

(c) include a site evaluation report , prepared by a qualified person as identified in Section 3.3 -Division C of the *Building Code*, which shall include all of the following items, unless otherwise specified by the *Chief Building Official*:

(i) the date the evaluation was done;

(ii) the name, address, telephone number and signature of the person who prepared the evaluation; and

(iii) a scaled map of the site showing:

(I) the legal description, lot size, property dimensions, existing rights-of-way, easements or municipal / utility corridors;

(II) dimensional clearances of items listed in 8.2.1.5 and 8.2.1.6 Division B of the *Building Code*;

(III) the location of the proposed *sewage system*;

(IV) the location of any unsuitable, disturbed or compacted areas;

(V) proposed access routes for system maintenance;

(VI) depth to bedrock;

(VII) depth to zones of soil saturation;

(VIII) soil properties, including soil permeability; and

(IX) soil conditions, including the potential for flooding.

(6) Where application is made for a *transfer of permit* because of a change of ownership of the land, as permitted under clause 7.(1) (h) of the Act, the *applicant* shall:

(a) submit the application form for "change of use, transfer of permits and partial occupancy permits" available from the *Chief Building Official*;

(b) provide the names and addresses of the previous and new *owner*;

(c) provide the date that the ownership change took place;

(d) provide a description of the *permit* that is being transferred ; and

(e) submit legal documentation confirming proof of new ownership, to the satisfaction of the *Chief Building Official.*

(7) Where application is made for *occupancy of an unfinished building* as provided for in Subsection 1.3.3 -Division C of the *Building Code*, the *applicant* shall:

(a) submit the application form for "change of use, transfer of permits and partial occupancy permits" available from the *Chief Building Official*;

(b) provide a description of the part of the building for which occupancy is requested ; and

(c) submit plans showing portion(s) of the floor area(s) to be occupied complete with location(s) of temporary exits as applicable.

4.3 Incomplete application

The *Chief Building Official* may, in their discretion and at the request of the *applicant*, begin to process an application prior to it being deemed complete, however, incomplete applications shall not subject to the processing timeframes as prescribed in 1.3.1.3-Division C of the *Building Code.*

4.4 Partial *permit* - requirements

When, in order to expedite *work*, approval of a portion of the building or project is desired prior to the issuance of a *permit* for the complete building or project, a partial *permit* may be requested and the *applicant* shall:

(a) pay all applicable fees for the complete project; and

(b) file with the *Chief Building Official* complete plans and specifications covering the portion of the *work* for which immediate approval is desired.

(c) file with the *Chief Building Official* professional consultants' field review letters pertaining to the portion of the *work* for which immediate approval is desired

Where a partial *permit* is requested, the application is deemed to be incomplete as described in Section 4.3 of this By-law. Partial *permit*s shall not be issued for single detached, semi-detached dwelling units, duplexes, triplexes, or row townhouses.

4.5 Partial *permit* - limitations

Where a *permit* is issued for part of a building or project this shall not be construed to authorize construction beyond the plans for which approval was given nor shall this indicate that approval will necessarily be granted for the entire building or project. Construction beyond the partial *permit* limitations shall be considered commencement of construction without a *permit* and an additional fee, in accordance with Section 7.5 of this By-law shall be due.

4.6 Inactive *Permit* Application

Where, at the discretion of the *Chief Building Official,* any of the following conditions apply, an application is deemed to be abandoned, notice of same will be provided by the Corporation to the *applicant*, and any further construction/demolition will require the filing of a new application:

- six (6) months have elapsed from the time an application was received and the application remains incomplete; or,
- six (6) months have elapsed from the time of notification that additional information is required to be provided by the *applicant,* and such information has not been provided.

Prior notice may be served to the permit applicant advising of abandonment, and following a 30 day period from the prior notice, the permit application will be deemed to be abandoned, without any further notice.

4.7 Inactive Permit Application to occupy unfinished building

Notwithstanding section 4.6 above, where an application for a *permit* to occupy an unfinished building remains incomplete or inactive for twenty business days after it is made, the application, at the discretion of the *Chief Building Official*, may be deemed to have been abandoned and notice thereof shall be given to the *applicant*. If an application is deemed to be abandoned, a new application must be filed to occupy an unfinished building. An inactive *permit* application may also include an application where information required to be submitted by the *applicant* is outstanding, twenty business days or more after it is made, in such a manner that the *permit* cannot be issued.

4.8 Request to cancel *Permit* Application

Where an *applicant* wishes to cancel a *Permit* Application, said request shall be made in writing, by the *applicant,* to the attention of the Chief Building Official, and acknowledgment of request to cancel shall be provided by the Corporation to the *applicant.* Notwithstanding the above, nothing in this section shall prevent the Chief Building Official from issuing or enforcing any orders in accordance with the Building Code Act.

Part 5
PLANS AND SPECIFICATIONS

5.1 Information - sufficient - to determine conformity

Sufficient information shall be submitted with each application for a *permit* to enable the *Chief Building Official* to determine whether or not the proposed construction, demolition, change of use or transfer of *permit*, will conform with the *Act*, the *Building Code,* and any other applicable law.

5.2 Two complete sets - required - unless specified

Each application shall, unless otherwise specified by the *Chief Building Official*, be accompanied by two complete sets of the plans and specifications as described in this By-law and Schedule "B" of this By-law in order for an application to be deemed as complete.

5.3 Plans - drawn to scale - on durable material - legible

Plans shall be drawn to a scale on paper (max. 24"x36"; D size), electronic media approved by the *Corporation*, or other durable material approved by the *Corporation*, and shall be legible. Free hand drawings are not permitted to be submitted.

5.4 Site plans - referenced to plan of survey

Site plans shall be referenced to an up-to-date survey and, when required to demonstrate compliance with the Act, the *Building Code* or other applicable law, a copy of the survey shall be submitted to the *Chief Building Official*. Site plans shall show:

(a) lot size and the dimensions of property lines and setbacks to any existing or proposed buildings;

(b) existing and finished ground levels or grades; and

(c) existing rights-of-way, easements and municipal services.

5.5 As-constructed plans

On completion of the construction of a building, the *Chief Building Official* may require a set of as-constructed plans, including a plan of survey showing the location of the building(s).

5.6 Plans property of *Corporation*
Plans and specifications furnished according to this By-law or otherwise required by the Act, become the property of the *Corporation* and will be disposed of or retained in accordance with the *Corporation*'s Record Retention By-law, or other applicable legislation.

5.7 Revisions on plans, documents
Revisions submitted to the *Chief Building Official*, either before or after a *permit* has been issued, shall be clearly delineated on all documents submitted.

Part 6
REGISTERED CODE AGENCIES

6.1 *Registered Code Agency* - hired - by *Chief Building Official*
Where the *Corporation* enters into an agreement with a Registered Code Agency, the *Chief Building Official* is authorized to appoint Registered Code Agencies to perform specified functions in respect of the construction of a building or a class of buildings from time to time in order to maintain the prescribed time periods for *permit* issuance as prescribed in Article 1.3.1.3-Division C of the *Building Code*.

6.2 Functions of Registered Code Agency
The *Registered Code Agency* may be appointed to perform one or more of the specified functions described in section 15.15 of the *Act*.

Part 7
FEES AND REFUNDS

7.1 Due - payable - Schedule "A"
The *Chief Building Official* shall determine the required fees for the *work* proposed calculated in accordance with Schedule "A" of this By-law, and the *applicant* shall pay such fees upon submission of an application for a *permit*, except for applications submitted electronically through the *Corporation*'s e- services at www.london.ca for online applications to erect single detached, semi-detached dwellings and townhouse dwellings for which the required *permit* fee must be paid within 5 business days from the date the *applicant* is notified by the *Chief Building Official* by way of email that the *permit* application has been accepted, failing which the electronically submitted application shall be cancelled without further notice.

In the event where fees are due as a result of revisions, after a *permit* has been issued, no building inspections associated with said revisions shall be carried out until such time the outstanding fees have been paid in full.

Any fees applicable in accordance with this or other Municipal By-laws, related to the work proposed, must be paid prior to the issuance of the building permit.

7.2 Fees - indexing

On January 1, 2020 and the first day of January in each year thereafter, the fees indicated in Schedule 'A' and anywhere in this By-law, shall be adjusted using the following formula:

$$A \times \frac{C}{B} = D$$

Where:

A = the fees shown in Schedule 'A', in effect for the preceding year;
B = the *Statistics Canada Index* for the third quarter 2018;
C = the *Statistics Canada Index* for the latest month for which the Index is available (likely the index for the quarter ending in September) in the year preceding the subject year; and
D = the fees for the subject year, effective January 1.

Notwithstanding the above, the Chief Building Official may at any time, change the fees in accordance with the prescribed requirements in the *Act*, if the costs to administer and enforce the *Act* exceed fees charged.

7.3 *Three day permits*

Any person or *corporation* proposing to *construct*, add to or alter a residential, commercial, industrial or institutional building not requiring site plan control approval or a zero lot line housing with an approved site plan, may request a three-day fast track permit. Any such request must be accompanied by full and complete submission of all requirements for *permit* applications in accordance with Parts 4 and 5 of this By-law, and payment in full must be made of the *permit* fee as set out in Schedule "A" plus an additional fee of 50% of the regular *permit* fee, or the flat fee in Schedule "A", whichever is higher. Requests for three-day fast track permits will be granted at the sole discretion of the *Chief Building Official* and take into account available staff resources.

7.4 *Permit Issued based on Previously Approved Permit*-Revisions

Should design revisions be submitted with respect to a *permit* issued based on a previously approved *permit*, additional *permit* fees, shall be due as follows:

(a) fees based on a fee rate applicable to a regular *permit* (not the reduced rate for a *permit* to be issued based on a previously approved *permit*), for any additional floor area(s), in addition to,

(b) fees as set out in 4 (a)(i) of Schedule "A", unless the design revisions entail a model change or changes to over 50% of the original floor areas, in the case of single detached dwellings, duplexes, semi-detached dwellings, or row townhouses, whereas in such case the additional fee shall be assessed based on the regular *permit* fee rate (not the reduced rate for a *permit* to be issued based on a previously approved *permit*) for the entire revised floor area.

Pursuant to subsection 7.1, no building inspections associated with these revisions shall be carried out if outstanding fees are due.

7.5 *Work* without *permit*

Any person or *corporation* who commences construction, demolition or changes the use of a building before submitting an application for a *permit* or commences any *work* that would otherwise require a building *permit* in accordance with the *Act* unless the *permit* has already been issued, shall in addition to any other penalty imposed by a court of competent jurisdiction under the *Act*, *Building Code*, this By-law , or any other applicable legislation, pay an additional fee equal to 100% of the amount calculated as the regular *permit* fee but in no case shall the additional fee exceed the amount shown in Schedule "A", in order to compensate the *Corporation* for the additional expenses incurred by such early start of *work.*

7.6 Refunds

In the case of withdrawal of an application or the abandonment of all or a portion of the *work*, or refusal of a *permit*, or the non-commencement of any project, the *Chief Building Official* shall determine the amount of paid *permit* fees that may be refunded to the *applicant*, if any, in accordance with Schedule "A" of this By-law.

(a) At the discretion of the *Chief Building Official*, no refund shall be issued in the case where a request to cancel a *permit* application is made more than one year after the date it was received.

(b) No refund shall be issued when an application for *occupancy of an unfinished building,* as provided for in Subsection 1.3.3 -Division C of the *Building Code,* is cancelled.

(c) No refund shall be issued for any fees associated with the issuance of Orders under the *Act*.

7.7 *Not Ready* - fee

In the event that upon attendance by an *inspector* pursuant to Part 10 of this By-law, the *inspector* deems that an inspection is not able to be conducted due to a *not ready* condition, a fee as prescribed in Schedule 'A' shall be payable prior to the last mandatory inspection required, or the issuance of an occupancy permit, where applicable.

The fee, where applicable, shall not be imposed until 60 calendar days from the day this By-law comes into force and effect.

Part 8
TRANSFER OF PERMITS

8.1 Application - completed - by new *owner*
A *permit* may be transferred in the name of a new *owner*, if the new *owner* completes the *permit* application form in accordance with the requirements of Part 4 of this By-law.

8.2 Fee – Schedule "A"
A fee shall be payable on an application for a transfer of *permit* as set out in Schedule "A" of this By-law.

8.3 New *owner* - *permit holder* - upon transfer
The new *owner* shall, upon a transfer of a *permit*, be the *permit holder* for the purpose of the *Act* and the *Building Code*.

Part 9
REVOCATION OF PERMITS

9.1 Revocation- Powers of Chief Building Official
Pursuant to subsection 8(10) of the *Act*, the *Chief Building Official* may revoke a *permit* if after six months after its issuance, the construction or demolition in respect of which it was issued has not, in the opinion of the *Chief Building Official*, been seriously commenced. The *Chief Building Official* may also revoke a *permit* due to additional reasons as stipulated in subsection 8(10) of the *Act*.

9.2 Notice of Revocation
Prior to revoking a *permit* under subsection 8(10) of the *Act*, the *Chief Building Official* may serve a notice by personal service or registered mail at the last known address to the *permit holder*, and, following a 30 day period from the date of service, the *Chief Building Official* may revoke the *permit* if grounds to revoke still exist, without any further notice.

9.3 Deferral of Revocation
A *permit holder* may within 30 days from the date of service of a notice under this Part, request in writing that the *Chief Building Official* defer the revocation by stating reasons why the *permit* should not be revoked. The *Chief Building Official* having regard to any changes to the *Act*, *Building Code* or other applicable law may allow the one-time deferral, applicable to a period of no later than twelve (12) months from the date the *permit* was issued, in writing. In the event where a *permit* was issued as a result of an Order issued under the Building Code *Act*, no deferral of revocation shall be granted.

9.4 Fee for Deferral
A request for deferral shall be accompanied by the non-refundable fee set out in Schedule "A" of this By-law.

Part 10
NOTICE REQUIREMENTS FOR INSPECTIONS

10.1 Notice prior - each stage - to *Chief Building Official*
The *permit holder* shall notify the *Chief Building Official* or a *Registered Code Agency* where one is appointed, of each stage of construction for which a mandatory notice is required under Article 1.3.5.1 -Division C of the *Building Code*. In addition to the notice of completion as prescribed by Section 11 of the *Act*, the *permit holder* shall provide another mandatory notice after the completion of demolition *work* to ensure the completion of site grading and other *work*s described in Section 4.2 (2)(d) of this By-law.

10.1a Notice prior – occupancy *permit* request - to *Chief Building Official*

The *permit holder* shall notify the *Chief Building Official* or a *Registered Code Agency* where one is appointed, requesting an occupancy *permit* be issued, for certain buildings in accordance with Articles 1.3.3.4 and 1.3.3.5 -Division C of the *Building Code*.

10.2 Effective - when received - by *Chief Building Official*

A notice pursuant to this Part of the By-law is not effective until notice is actually received by the *Chief Building Official* or the *Registered Code Agency* and the *permit holder* receives a confirmation number issued by the *Corporation* or the Registered Code Agency.

10.3 Time Periods - Inspection

Upon receipt of proper notice, the *inspector* or a Registered Code Agency, if one is appointed, shall, no later than two days as per article 1.3.5.3-Division C of the *Building Code*, after receipt of the notice, undertake a site inspection for notices to which articles 1.3.5.1. and 1.3.5.2. – Division C of the *Building Code* apply, except where the notice relates to matters described in clauses 1.3.5.1.(2)(k) or (l), the site inspection shall be conducted no later than 5 days after the receipt of notice.

10.4 Grading Certificates

For new single detached, duplex or semi-detached dwellings, the *permit holder* shall:

(a) prior to giving notice to inspect the construction of the foundations, provide to the *Chief Building Official* ,or a *Registered Code Agency* where one is appointed, an interim grading certificate bearing the signature and seal of a *Professional Engineer*, or a Landscape *Architect* (a member of the Ontario Association of Landscape *Architect*s) or an Ontario Land Surveyor certifying that the elevation of the top of the foundations will conform with the lot grading plan specified in clauses 4.2 (1) (c) (i) and (ii) of this By-law ; and

(b) provide to the *Chief Building Official,* or a *Registered Code Agency* where one is appointed, within seven (7) months from the date an occupancy *permit* has been issued, a final grading certificate:

(i) bearing the signature and seal of the subdivider's *Professional Engineer* certifying that the finished elevations and grading of the land generally conforms with the accepted area or subdivision grading plans and the lot grading plan specified in clauses 4.2 (1) (c) (i) and (ii) of this By-law; or

(ii) where no accepted area or subdivision grading plan exists, bearing the signature and seal of a *Professional Engineer*, or a Landscape *Architect* (a member of the Ontario Association of Landscape *Architect*s), or an Ontario Land Surveyor certifying that the finished elevations and grading of the land generally conforms to the lot grading plan specified in clauses 4.2 (1) (c) (i) and (ii) of this By-law.

Part 11
CONSTRUCTION /DEMOLITION SITES

11.1 Fencing of Construction or Demolition Sites

(a) Where, at the discretionary opinion of the *Chief Building Official*, a construction or demolition site presents a hazard to the public, the *Chief Building Official* may require the *owner* to erect such fence types as the *Chief Building Official* deems appropriate to the circumstances to prevent unauthorized entry to the site.

(b) When required by the *Chief Building Official,* a fence shall be erected and maintained enclosing the construction/demolition in accordance with the provisions of this By-law until the hazards are eliminated to the satisfaction of the *Chief Building Official*.

(c) Every fence required under this section shall be located on the perimeter of the construction/demolition site as determined by the *Chief Building Official* and shall be constructed as follows:

(i) have a minimum height of 1.2 m and a maximum height of 2.4 m, measured from grade along any point along the fence's perimeter, unless directed otherwise by the *Chief Building Official*;

(ii) if the fence is of chain link construction, the chain link shall be securely fastened to a 25mm diameter metal bar which is securely fastened to metal posts spaced no more than 3.0 m on centre and embedded into the ground in such a manner as to provide a rigid support;

(iii) if the fence is of wood construction, the sheathing surface facing away from the construction or demolition shall be constructed of 16mm exterior grade plywood, particle board or equivalent material that will not provide footholds for climbing. The sheathing shall be supported by 89mm x 89mm wood posts spaced no more than 2.4 m on centre and embedded into the ground in such a manner as to provide a rigid support;

(iv)if the fence is of the snow fence or plastic mesh type, the fencing shall be securely fastened to metal T-bar posts spaced no more than 1.8 m on center and embedded into the ground in such a manner as to provide a rigid support.

(v) if the fence is constructed of any material other than that prescribed in sentences (i) through to (iv), it shall meet the intent of this section and may be approved at the discretion of the *Chief Building Official*.

(vi) the fence may provide for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the construction or demolition site provided that these openings are closed when the site is unattended.

(d) Where the *Chief Building Official* has requested a fence be erected under this section, the *owner* shall request a site inspection for the confirmation of fence erection, within 24 hours from the time the fence installation request has been made; and

(e) When the fence is erected on public lands, it shall be done so in accordance with the *Corporation's* Streets By-law.

11.2 Containment of Construction or Demolition Debris

Debris, such as but not limited to solid airborne particles resulting from construction or demolition work shall be contained within the limits of the property to which the building permit has been issued for.

Part 12
ALTERNATIVE SOLUTIONS

12.1 Alternative Solutions – Submissions

Where application is made for a *permit* that contains materials, systems or building designs which authorization is required under Section 2.1-Division C of the Building Code, the *applicant* shall:

(a) use the form prescribed by the *Chief Building Official*;

(b) submit supporting documentation demonstrating that the proposed materials, systems or building designs will provide the required level of performance according to Article 1.2.1.1. -Division A of the *Building Code*;

(c) submit supporting documentation and test methods providing information according to Section 2.1 –Division C of the Building Code;

(d) note that the *Chief Building Official* or *Registered Code Agency* may accept or reject any proposed equivalents or may impose conditions or limitations on their use; and

(e) note that any equivalents which are accepted under this Section shall be applicable only to the location to which the approval is given and are not transferable to any other construction *permit*.

(f) submit a separate form described in (a), for each item whereupon conformance with Division B of the *Building Code* cannot be achieved; and

(g) note that the fee paid for alternative solution review shall not be refundable.

Part 13
VALIDITY

13.1 Severability
In the event that any provision of this By-law is declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the remaining provisions of this By-law.

Part 14
CONTRAVENTION OF BY-LAW - ENFORCEMENT

14.1 Offence
Every person who contravenes any provision of this By-law is guilty of an offence and on conviction is liable to a fine as provided in section 36 of the *Building Code Act, 1992*, S.O. 1992, c.23, as amended.

14.2 Enforcement
Where any person is directed or required by this By-law to do any matter or thing, such matter or thing may be done in default of its being done by the person directed or required to do it, at that person's expense, and such expense may be recovered by action or as municipal taxes in the manner prescribed by the Municipal Act and the *Building Code Act.*

Part 15
REPEAL - ENACTMENT

15.1 By-law previous
By-law B-6 and all of its amendments are hereby repealed.

15.2 Short Title
This By-law may be referred to as the Building By-law.

15.3 Effective date
This By-law comes into force and effect on XXXXX, XX, 2019.

Passed in Open Council on XXXX, XX, 2019.

Ed Holder
Mayor

Catherine Saunders
Corporation Clerk

First Reading -
Second Reading -
Third Reading -

SCHEDULE"A"

BY-LAW B-7

CLASSES OF PERMITS AND FEES

1. **CALCULATION OF *PERMIT* FEES**

Permit fees shall be calculated based on the formula given below, unless otherwise specified in this schedule:

Permit Fee (rounded to the nearest dollar) = SI x A

where SI = Service Index for Classification of the *work* proposed and,
A = floor area in m^2 of *work* involved

In all cases, more than one fee category may apply unless noted otherwise.

2. **MINIMUM *PERMIT* FEE**

A minimum fee of $175.00, unless otherwise indicated, shall be charged for any work in buildings classified under the *Building Code* as a Part 9 building. For Part 3 buildings a minimum fee of $375.00 shall be charged, unless otherwise indicated herein or listed as a flat fee.

3. **CLASSES OF *PERMIT*S AND FEES**

3.1 CONSTRUCTION (new finished floor area unless noted otherwise)

BUILDING CLASSIFICATION (per *Building Code*)	SERVICE INDEX (SI) $/m^2$, unless otherwise indicated
Group A [Assembly Occupancies]	
All Recreation Facilities, Schools, Libraries, Places of Worship, Restaurants (Finished), Theatres, Arenas, Gymnasiums, Indoor Pools	18.75
Restaurants (Shell)	14.20
Outdoor Public Swimming Pools or Public Spas	10.00
All other Group A Buildings	21.00
Group B [Institutional Occupancies]	
Institutional, Hospitals, Nursing Homes, and other Group B Buildings	24.30
Group C [Residential Occupancies]	
Single Detached Dwellings, Semis, Duplexes	11.50
• with private septic system (additional fee)	900.00 flat fee
• with geothermal system (additional fee)	420.00 flat fee
Live/Work Units, Previously approved (single detached, semis), Townhouses	9.40
• with private septic system (additional fee)	900.00 flat fee
• with geothermal system (additional fee)	420.00 flat fee
Apartment Buildings	7.50
• with geothermal system (additional fee)	$540.00 flat fee

Motels (greater than 2 stories) and Hotels	18.00
All other residential Occupancies	14.00

Group D [Business and Personal Service Occupancies]	
Group D Buildings (Shell)	14.00
Group D Buildings (Finished)	17.00

Group E [Mercantile Occupancies]	
Group E Mercantile Occupancies (Shell)	8.80
Group E Mercantile Occupancies (Finished)	12.00

Group F [Industrial Occupancies]	
Industrial Buildings, Warehouses(Shell)	7.00
Industrial Buildings, Warehouses(Finished)	8.50
Gas Stations, Car Washes	8.60
Parking Garages (Underground, Open Air)	4.60
All Other Group F Buildings including self storage buildings	9.10

3.2 ALTERATIONS, RENOVATIONS, and REPAIRS (to existing floor areas)

Group C - Dwelling units	2.80
Group A and B occupancies	5.75
All other Occupancies	4.60

Balcony Repairs or Guard Replacement	$17.00/$1,000 construction value
Parking Garage Repairs	$17.00/$1,000 construction value
Fire alarms	$375.00 flat fee
Fire alarm annunciator panel replacement (stand alone)	$300.00 flat fee
Electromagnetic Locks	$35.00 each (max. fee $420.00)
Sprinklers (based on sprinkler coverage area)	0.50

3.3 DEMOLITION

Single Detached Dwellings, Semis, Duplexes	$350.00 flat fee
All other buildings:	
• with gross floor area equal to or less than 600 m^2	0.45
• with gross floor area greater than 600 m^2	1.00

3.4 DESIGNATED STRUCTURES (OBC Div. A-1.3.1.1)

Communication Tower supported by a building,	$380.00/Tower
Crane Runway	$380.00 flat fee
Exterior Tank and Support (not on slab on grade)	$380.00 /Tank
Pedestrian Bridge (when applied as a separate *permit*)	$380.00 /Structure
Retaining Wall	$11.20/linear m.
Stand alone structure supporting a wind turbine generator having a rated output of more than 3kW	$380.00 flat fee

3.5 STAND ALONE AND MISCELLANEOUS *WORK*

Air Supported Structures	4.75
Canopy (with no signage/lettering)	$175.00/canopy
Farm Buildings, Agricultural Greenhouses	3.50
Manure storage facility	$450 flat fee
Portable Classrooms	$200.00 each
Residential Decks, Porches,	
• uncovered	$175.00 each
• covered (supporting roof loads)	$300.00 each
Shoring of excavations (stand alone *permit* application)	$ 11.00/lineal m.
Single Detached Dwelling Garages, Carports, Accessory structures:	
• equal to or less than 55 sq.m.	$175.00 each
• over 55 sq.m.	$275.00 each
• additional fee of $175.00 if plumbing is involved	
Temporary Structures	
Tents (individual or each group)	
• from 60 sq.m to 225 sq.m.	$175.00 each
• exceeding 225 sq.m.	$250.00 each
Temporary buildings	$175.00 each
Underpinning (stand alone permit)	$15.00/lineal m.
Solar Panels installed on:	
• Single detached/semi-detached buildings	$180.00 per building
• All other buildings	$17.00 /$1,000 of construction value of works excluding solar panel costs
Underground structures (excluding fuel tanks)	$400.00/ structure
Rack storage systems	2.50 (minimum $500.00)

3.6 STAND ALONE MECHANICAL WORK (HVAC & PLUMBING)

More than one fee category may apply per building/*work* proposed.

3.6.1 Heating, Ventilating and Air Conditioning (HVAC)

Group A, B, D, E, F	2.00
Group C – single/detached/semi-detached dwelling units	$175.00 flat fee
– other Group C Buildings	2.00

Plus an additional flat fee of $175.00 if work proposed includes Make-up Air Units, or Rooftop Units.

Commercial Kitchen Exhausts, Spray Booths, Dust Collectors, etc. (applies to installations on existing buildings when no other mechanical/plumbing work is proposed) $350.00 flat fee

3.6.2 Plumbing and Drainage Systems-Fixtures-Equipment-Systems

Piping Single Detached or Semi Detached Dwellings**:** $175.00 flat fee

- Water services, Sanitary and Storm buried piping, repairs, replacements and additions of buried plumbing and drainage piping, pool drains

Piping (All Other Buildings) $3.00 /lineal m.

- Inside Sanitary and Storm Piping, Outside Water Services, Sanitary and Storm Piping

Manholes, Catchbasins, Interceptors, and Sumps complete with pumps, roof drains	$ 12.10 each
Backflow prevention devices (requiring testing)	$175.00 each
Backwater valves (sanitary) including weeping tile disconnection	$175.00 each

Private *Sewage system* (new or replace):

- Holding Tank $620.00 flat fee
- Septic System (complete) $850.00 flat fee
- Septic Bed $620.00 flat fee
- Septic System Tank only $360.00 flat fee

Geothermal system for single/semi-detached/duplex	$420.00 flat fee
Geothermal system for all other buildings	$620.00 flat fee

4. **ADMINISTRATIVE FEES**

a) Additional Plan review fees (in addition to *permit* fees charged due to any increase in floor area) as a result of changes made to the original *permit* application submission.

(i) After all reviews have been completed prior to *permit* issuance or after the *permit* has been issued (excludes new model submission for single detached dwellings, duplexes, semi-detached dwellings, or row townhouses, review of proprietary products/systems/equipment/ components)	$130.00 per hour (min. fee $175.00)
(ii) New Model submission (single detached dwellings, semi-detached dwellings, duplexes, or row townhouses) made more than five business days after original *permit* application was submitted or post *permit* issuance	50% of the original permit fee

b) Partial Occupancy *permit* $560.00 flat fee

c) Conditional *Permit (as per* Section 8.(3) of *Building Code Act)* in addition to fee in section 3 above,

(i) single detached dwellings, duplexes, semi-detached dwellings, or row townhouses	$275.00 per *permit*
(ii) all other uses	$600.00 per *permit*

d) Inspection to Clear Deficient *Permit* $500.00 flat fee

e) Inspection conducted after Order issued under the *Building Code Act* where Order has not been complied with $175.00 per visit

f) Permission to defer permit revocation $300.00 per *permit*

g) *Permit* for Change of Use (no construction) $175.00 flat fee

h) Special Inspection, excluding fire protection inspection (outside office hours-max. 3 hours-upon request-based on staff availability) $400.00 flat fee

i)	Special inspection for fire protection items (outside office fee hours-max. 3 hours-upon request-based on staff availability)	$500.00 flat
j)	Special inspection on holidays and weekends (max. 3 hours-upon request-based on staff availability)	Special inspection fee plus 50% of the special inspection fee
k)	Transfer of *Permit* (Ownership)	$175.00 flat fee
l)	Special Research Requests of Building Division	$175.00 per hour or part thereof
m)	Certification of an additional set of drawings on the basis of which a *permit* was issued by the *Chief Building Official*	$175.00 per set
n)	Spatial separation (Limiting distance) agreements	$400.00 per agreement
o)	Alternative solution~~s~~ review	$400.00 per alternative solution form submission
p)	*Three day permit* • Residential use (excluding apartment buildings) • All other uses	additional fee equal to 50% of the original *permit* fee (min. $275.00) additional fee equal to 50% of the original *permit* fee (min. $550.00)
q)	Occupancy *permit* (in accordance with Ontario *Building Code* Div. C -1.3.3.4 & 1.3.3.5) • Additional copy of occupancy *permit*	(included in *permit* fee) $150.00 flat fee
r)	Liquor Licence Clearance Letter • Not Associated with a Building *Permit or* Business License • Associated with a Building *Permit* or Business License	 $480.00 flat fee $275.00 flat fee
s)	Drainlayers' Examination Fee	$150.00 flat fee
t)	Review of proprietary systems/equipment/ components for Ontario *Building Code* conformance (including Compliance letter issuance)	$300.00 flat fee per item reviewed
u)	Review of proprietary systems/equipment/ components for Ontario *Building Code* conformance associated with a specific building permit or permit application	$200.00 flat fee per item reviewed
v)	'Not Ready' re-inspection	$175.00 flat fee
w)	Construction Fence inspection	$175.00 flat fee per inspection
x)	Order issued pursuant to the *Act*, except for Stop Work Order (Payment of these fees does not relieve any person or corporation from complying with the *Act*, the Building Code or any applicable law.)	$200.00 flat fee
y)	Stop Work Order issued pursuant to	$275.00 flat fee

section 14 of the *Act*.
(Payment of these fees does not relieve any person or corporation from complying with the *Act*, the Building Code or any applicable law.)

z)	Work without permit	100% of original permit fee (max. $7,500.00)

5. **MISCELLANEOUS - CHARGES**

For classes of *permit*s not described or included in this schedule, a reasonable *permit* fee shall be determined by the *Chief Building Official*.

6. **REFUNDS**

Pursuant to Part 7 of this By-law, the fees that may be refunded shall be a percentage of the fees payable under this By-law, calculated by the *Chief Building Official* as follows:

(a) 90 percent if administrative functions only have commenced;

(b) 80 percent if administrative and zoning functions only have commenced;

(c) 60 percent if administrative, zoning and plan examination functions have commenced;

(d) 50 percent if the *permit* has been issued and no field inspections have been conducted subsequent to *permit* issuance;

(e) a $175.00 fee for each field inspection that has been conducted after the *permit* has been issued will be deducted from all refunds.

(f) If the calculated refund is equal to or less than the minimum fee applicable to the *work*, no refund shall be made of the fees paid.

(g) The additional 50% fee paid in the case of a *permit* application for a *three day permit* shall not be refunded in any case.

(h) The additional fee equal to 100% of the amount calculated as the regular *permit* fee but not more than $7,500 paid in the case of *work* without a *permit* pursuant to Section 6.4 of this By-law, shall not be refundable in any case.

(i) no refund shall be payable in the case where a *permit* has been revoked.

(j) any fee paid for alternative solution review shall not be refundable.

7. **NOTES**

The following explanatory notes are to be observed in the calculation of *permit* fees:

- The Building Classification above shall be the classification for the use as determined by the *Building Code* and Appendix A of the *Building Code*.
- Floor area of the proposed *work* is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls (excluding attached residential garages).
- In the case of interior alterations or renovations, area of proposed *work* is the actual space receiving the *work* (i.e. tenant space).
- Mechanical penthouses and floors, mezzanines, lofts, habitable attics, and interior balconies are to be included in all floor area calculations.
- Except for interconnected floor spaces, no deductions are made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, etc.).
- Unfinished basements for single detached dwellings (including semis, duplexes, and townhouses) are not included in the floor area.

- Attached garages are included in the *permit* fee for single detached dwellings and semi-detached dwellings.
- Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable.
- Where new construction or extensive interior alterations also include the addition of items identified under Stand Alone Mechanical Work (HVAC & Plumbing) the *permit* fee shall be solely based on the service index applicable to the building's classification.
- Where demolition of partitions or alteration to existing ceilings is a part of an alteration or renovation *permit*, no additional *permit* fee is applicable.
- Corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major classification for the floor area on which they are located.
- The occupancy categories in the Schedule correspond with the major occupancy classifications in the Ontario *Building Code*. For mixed occupancy floor areas, the Service Index for each of the applicable occupancy categories may be used, except where an occupancy category is less than 10% of the floor area.
- Fees and charges imposed by the Corporation constitute a debt to the municipality and may be added to the tax roll in accordance with s. 398 of the Municipal Act.

SCHEDULE "B"

BY-LAW B-

PLANS AND SPECIFICATIONS

Type of Building	*Required Plans and Specifications
Detached house, semi detached house, townhouse or row house containing not more than two dwelling units in each house and the building systems, works, fixtures and service systems appurtenant to these buildings including ancillary buildings that serve the main building.	Architectural, structural, HVAC, site services and electrical as determined by the scope of the work involved, noting that for alterations or repairs the Chief Building Official may accept less.
All other buildings including their ancillary buildings.	Architectural, structural, mechanical (including HVAC and plumbing), site services and electrical as determined by the scope of the work involved noting that for alterations and repairs the Chief Building Official may accept less.
*This required information is in addition to any information specified in Parts 4 and 5 of this By-law.	

SCHEDULE "C"

BY-LAW B-

Model Home-Conditional Permits Checklist

MODEL HOME CONDITIONAL PERMITS

SUBDIVISION: _____ **Lot(s):** _____

Items Required to Comply with Council Policy	**Date Rec'd.**
1. Copy of the executed subdivision agreement by owner.	_____
2. Letter from owner acknowledging items in agreement they are responsible for, example: a. Grading Engineer for subdivision; b. Pollution Plant Capacity restriction in agreement; c. Model Home No Occupancy; d. Plan indicating the lots model homes request is for and proposed lot numbers; e. Security; f. Roads are to be maintained; g. Street signs are installed.	_____
3. Letter from subdivision engineer confirming all prior to construction and "prior to" building permit items in subdivision agreement, if they affect requested lots, are complied with.	_____
4. Letter from subdivision engineer concerning: a) Water supply for firefighting within 300' of each requested lot; b) Services are available for each lot; c) Access roads for firefighting to each lot at least granular "B" condition; d) Estimate of construct of works remaining to completion for these lots (paving, sodding, etc.); e) Tree preservation requirements if applicable/noise vibration. f) Sediment and erosion control measures	_____
5. Geotechnical report for building foundations from soils and methane consultant.	_____
6. Owner to provide security in amount indicted in 4d above (letter of credit or certified cheque).	_____
7. Conditional permit agreement by owner.	_____
8. Conditional permit agreement by contractor.	_____
9. $10,000 security for each dwelling unit (letter of credit or certified cheque) by owner or contractor.	_____
10. Conditional permit fee paid for each permit application.	
11. Applicant to indicate on application under 'Description' : "Model Home".	

SCHEDULE "D"

BY-LAW B-

City of London

Requirements for Drafting Port Connections

The information provided is for buildings without sprinkler or standpipe systems, unless other provisions have been designed.

1) An engineer registered with the Professional Engineers Ontario (PEO) shall design and certify all drafting systems used for water supply in areas where municipal water is not available.

2) Drafting systems, as described in Section 1 above, shall:
   a) for Firefighter safety, ideally locate drafting port(s) on north or northwest side of structure, if possible, to account for the prevailing winds;
   b) be designed so that drafting ports are a minimum of 120 feet (36.5 m) and a maximum of 300 feet (91.5 m) away from the structure on the property (see Appendix A);
   c) include a number of drafting ports to meet the flow rates as required by Division B, Part 3, Article 3.2.5.7* of the Ontario Building Code (OBC);
      Note: The OBC required on site water supply may only be sufficient enough to allow for evacuation and be inadequate to extinguish the fire.
   d) where more than one (1) drafting outlet/port is required to achieve the required flow, provide an individual drafting pipe for each outlet/port (not on a manifold system);
   e) be designed and constructed so that each individual drafting port can maintain a minimum draft flow of 1,000 imp. gpm (4,546 lpm); and
      Note: Consider the impact of the design of strainers installed on the intake(s) as they can significantly reduce the flow
   f) where more than one (1) drafting port is required to achieve the OBC required flow rates, provide a minimum of spacing between the drafting ports of 60 feet (18.3 m) to allow fire engines sufficient space to hook up to the other drafting connection (see Appendix A).

3) Each drafting port area (see Figure 4) provided shall:
   a) because of varying ground conditions associated seasonal changes, include a hard all-weather surface, preferably asphalt or concrete, immediately beside the drafting port from which the fire engine will draft, noting that the fire trucks that will operate from this location are two (2) axle vehicles weighing 40,000 lbs (18,143 kg) or three (3) axle vehicles weighing 60,000 lbs (27,216 kgs);
   b) be demarcated with a sign with reflective material indicating the location;
   c) incorporate bollards to protect the drafting port and vent assembly;
   d) noting that each London Fire Department's drafting hoses are 10 feet (3 m) long, be so located such that the drafting port is not more than 10 feet (3 m) from location where fire engine will be positioned during drafting operations; and
   e) designed such that the grade of the asphalt or concrete surface on which the fire engine is positioned (on a fire access route as defined by Division B, Article 3.2.5.6 of the OBC)is at same height as the point where drafting port piping comes out of ground.

   f) Consider the drafting port design as follows (see Figures 1 through Figure 4 for examples):
      i) the drafting piping from the water source shall:
         (1) be a minimum of 6 inches (152 mm) in diameter;
         (2) use a piping sized to provide the required OBC flow and account for friction losses and/or flow losses attributable to the pipe size, pipe fittings, strainers, etc.; and
         (3) piping shall meet OBC Division C, Part 7 requirements (Article 7.2.11.) for water service pipes and fire service mains.

      ii) the design of the drafting pipe assembly (including the elbow) shall be as follows:

(1) the distance from the end of the intake pickup to the centreline of the drafting port outlet shall be ideally 10 feet (3 m) to a maximum of 12 feet (3.7 m); and
(2) the centreline of the outlet shall be approximately 24 inches (0.6 m) above grade.

iii) the drafting pipe outlet design shall be as follows:

(1) the pipe coming from the ground shall have a 90 degree elbow attached to the end (see Figure 1);

Figure 1: Drafting Port Side View - 90 Deg Elbow

(2) the terminating end of the 90 degree elbow shall be equipped with a 5 inch (127 mm) NH female swivel (see Figure 2);

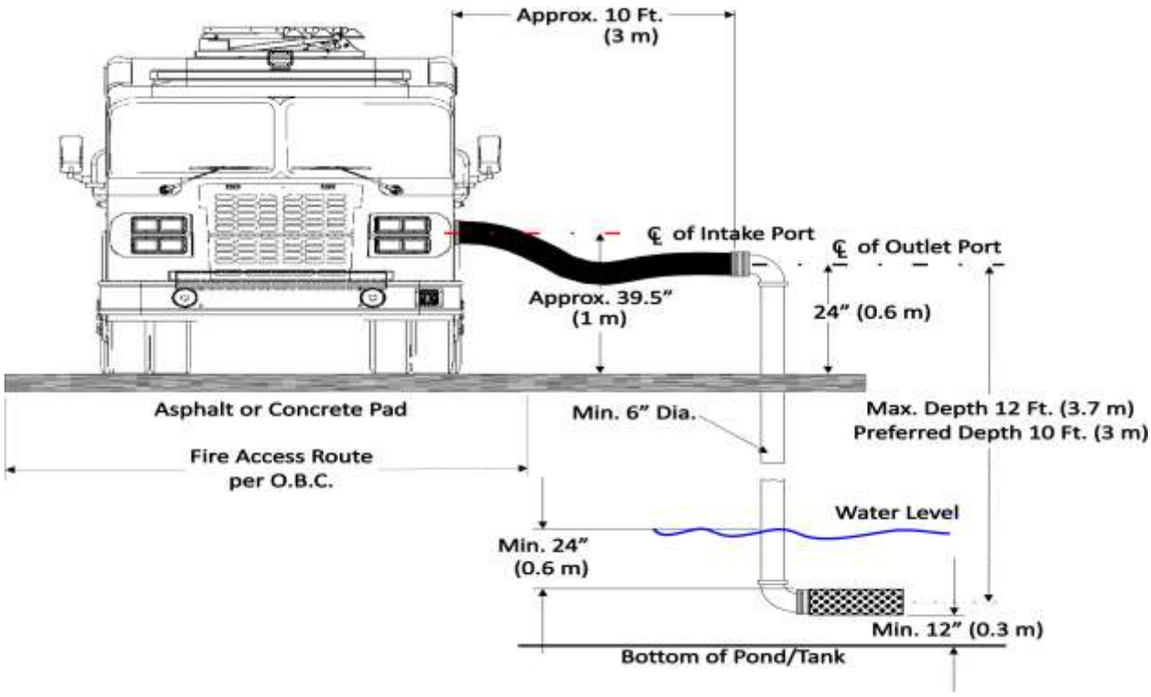
Figure 2: Swivel Fitting w/ 5" NH Female Swivel

(3) to prevent debris being thrown into the drafting port, the 5 inch (127mm)NH female swivel shall be closed with a 5 inch(127 mm) NH thread male cap or plug (see Figure 3); and

Figure 3: 5" NH Male Cap

(4) the aforementioned threaded connection must be perpendicular to the side of the fire truck when positioned (see Figure 4).

Figure 4: Drafting Port Setup



g) 4 inch (100 mm) STORZ connections are only designed for high pressure connections by the London Fire Department, like connecting to a hydrant, etc. and are not to be used for drafting ports, etc.

h) 5 inch (127 mm) NH female connections are used for ALL drafting connections by the London Fire Department, like drafting port connections, etc.

4) The provided water supply(ies) shall:
   a) include an easily identifiable mechanism to confirm minimum water level (the total volume required by OBC);
   b) be designed so that freezing temperatures or the 50 year anticipated lowest water level will not affect total OBC required volume or ability to draft from the connections provided;
   c) be designed based on *OBC water supply requirements and Ontario Fire Marshal Guidelines (OFM-TG-03-1999) for rural water supply;

   d) If underground tanks are used, include vent pipes and internal access for maintenance (see Figure 5);

Figure 5: Underground Tank with Vent and Access

Note: permanent water storage containers should be the preferred water supply since ponds and streams are subject to environmental conditions such as freezing and drought.

   e) where the water supply is an external pond, ensure the following is incorporated into the design:
      i) the intake should <u>NOT</u> be located closer than 12 inches (0.3 m) from the bottom of the pond to prevent sediment being drawn into the intake; and
      ii) for OBC* requirements, the overall volume of the same shall take into consideration that the lowest level cannot drop below 24 inches (0.6 m) during the drafting operation (see Figure 4) or a vortex may result in pump cavitation;

Example: An asphalt or concrete pad enabling water trucks to backup and dump directly into the pond or into the underground tanks (may require a chute).

f) Establish a means to replenish required water supply by way of contracted supplier, keeping in mind off loading capabilities;
g) A permanent water level marker, which indicates the minimum water level per design, is to be installed adjacent to the intake.

5) Prior to obtaining final approval from the Chief Building Official, an engineer registered with the Professional Engineers Ontario shall certify the drafting pipe assembly showing:
   a) the drafting pipe assembly(ies) is free of vacuum leaks; and
   b) the actual water flow achieved at each drafting port meets or exceeds the *OBC design requirements.

6) An approved (by the Fire Department) fire safety plan will be required for any occupancy that has a private water supply and beyond the standard requirements shall include the following:
   a) detailed information concerning the water supply design;
   b) documented process describing general maintenance;
   c) where the water supply is a pond, what actions will be taken to prevent sludge from clogging the intake, as well as the prevention of the growth of seaweed like growth that may clog the intake;
   d) where the water supply is a pond that is not fed by a water source, outline the contingency plan describing actions to be taken should the water supply fall below *OBC required levels. Variable environmental condition such as drought shall be taken into consideration;
   e) The approved plan shall be readily available on site; and
   f) Access to the drafting ports shall be maintained at all times.

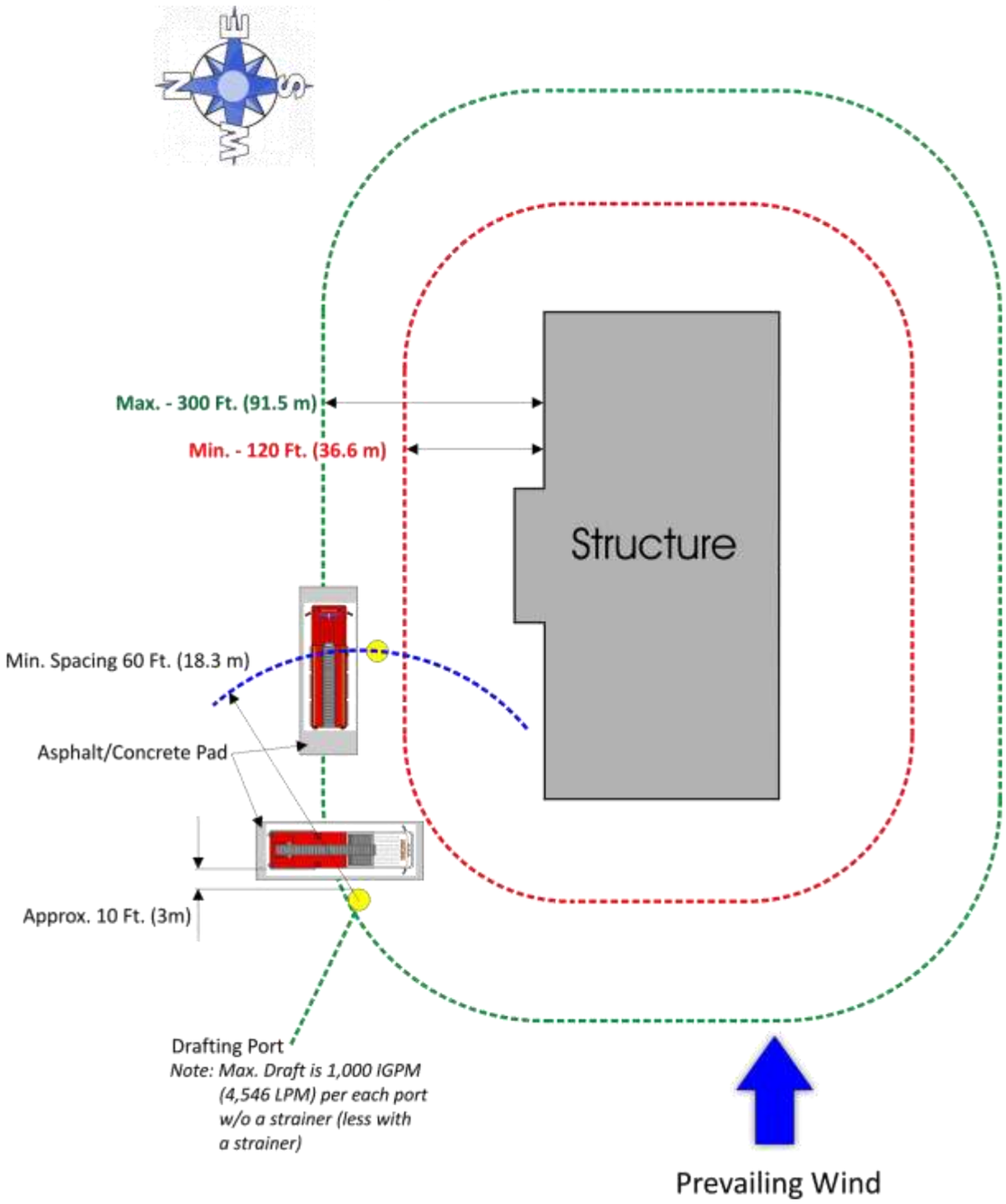
* An “adequate water supply” as reference in Division B, Part 3, Article 3.2.5.7 of the Ontario Building Code (OBC) shall be determined by good engineering practice. (See OBC Volume 2, Appendix A, A-3.2.5.7 and NFPA 1142- *Standard on Water Supply for Suburban and Rural Firefighting)*

References:

- *NFPA 1142 – Standard on Water Supply for Suburban and Rural Firefighting*
- *NFPA 22 – Standard for Water Tanks for Private Fire Protection*
- *OFM TG-03-1999 – Fire Protection Supply Guideline for Part 3 in the Ontario Building Code*

APPENDIX “A”

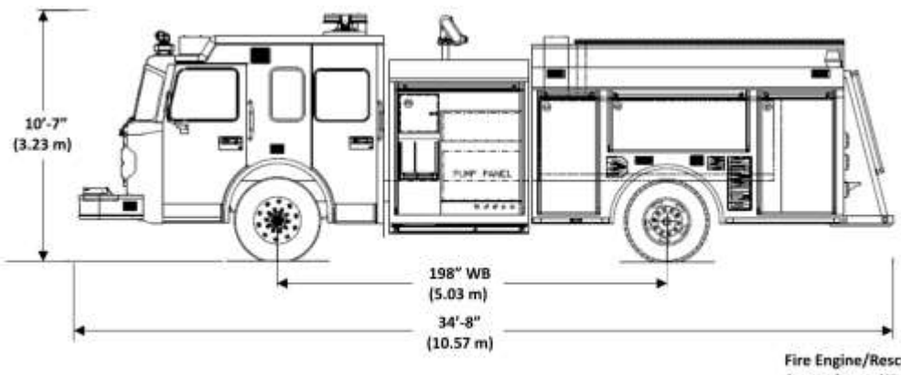
Drafting Ports Standards



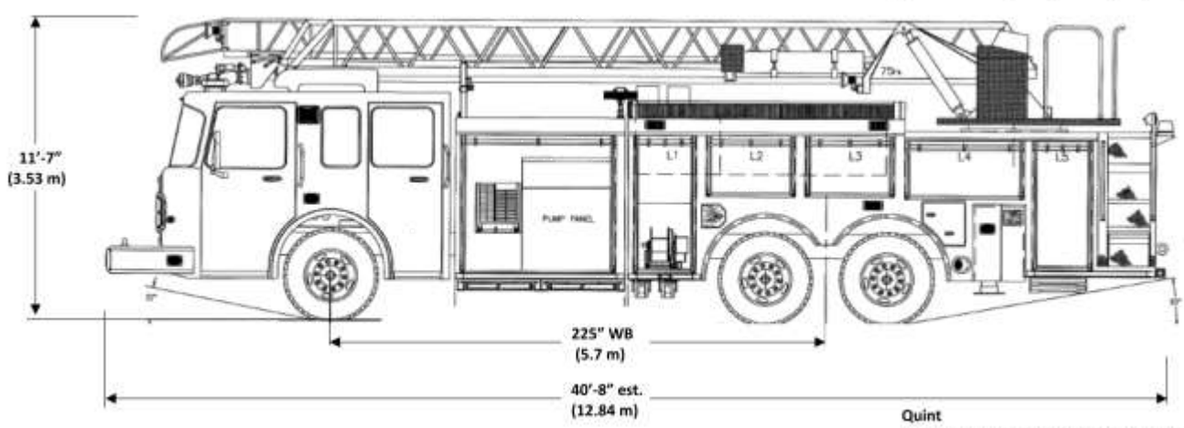
APPENDIX “B”

2012 London Fire Department

Vehicle Configuration (Drafting Only)



Fire Engine/Rescue Pumper
Approximate Weight: 40,000 lbs (18,143 kg)



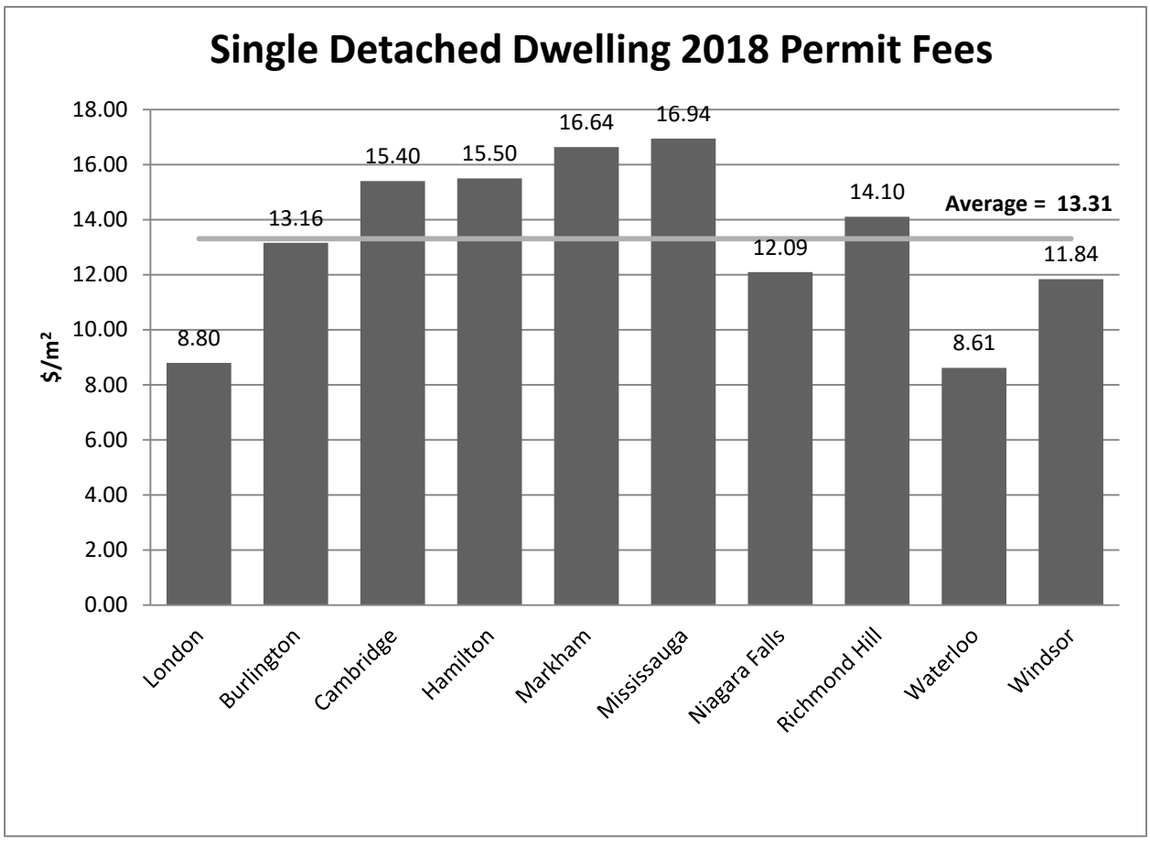
Quint
Approximate Weight: 60,000 lbs (27,216 kg)

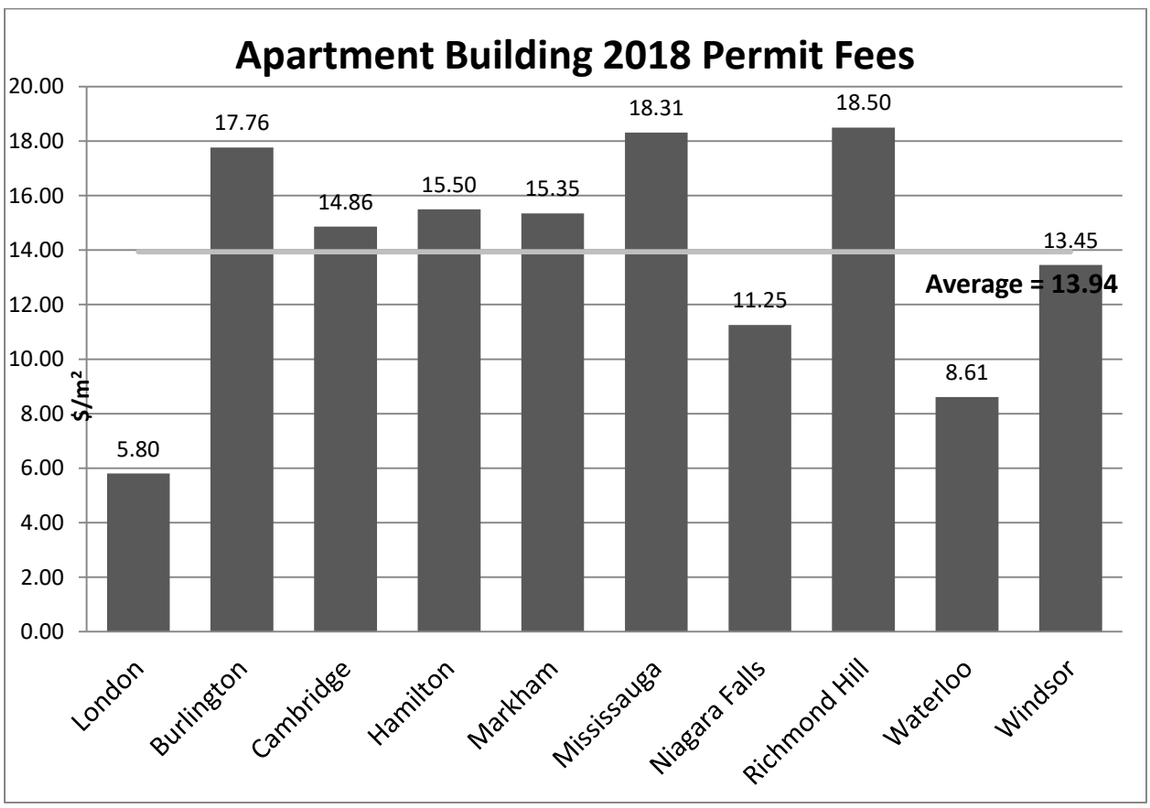
APPENDIX 'A' Permit Application Processing Timeframes

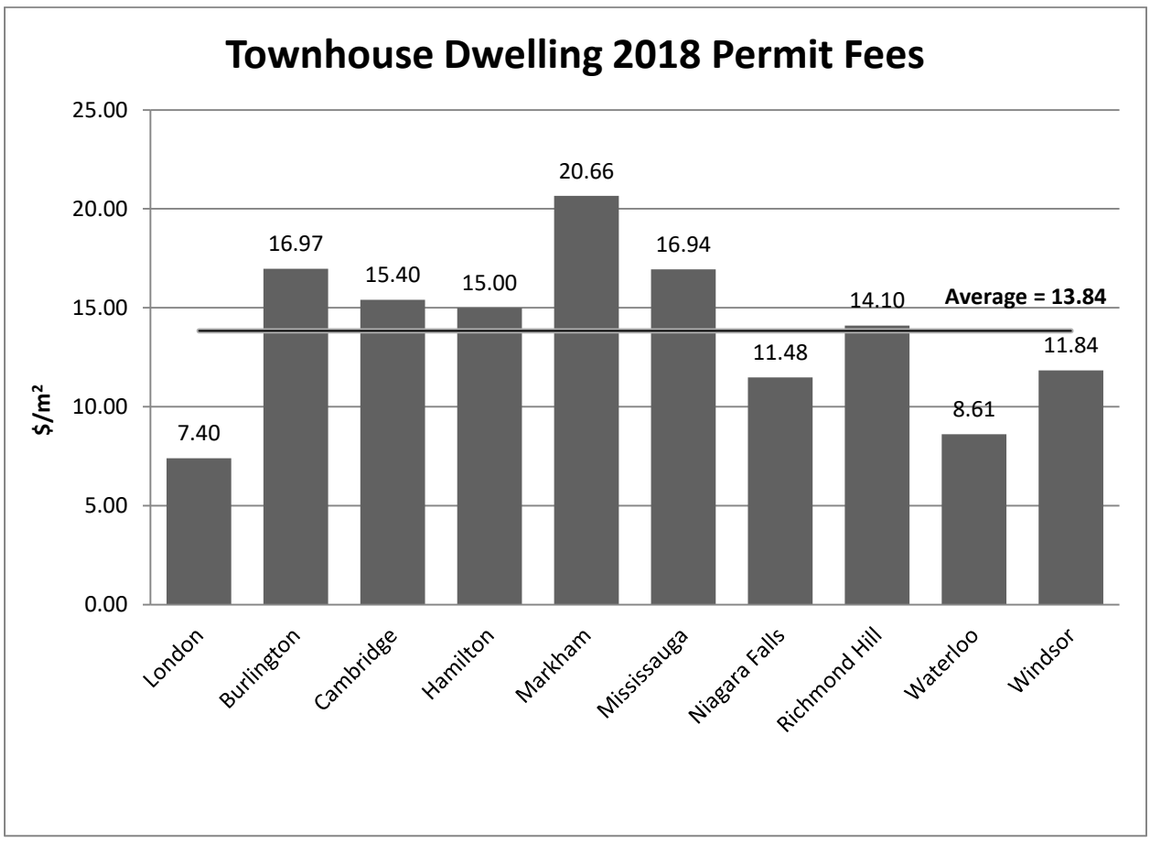
Building Type Examples	Days* to Issue permit
a) A detached house, semi-detached house,where no dwelling unit is located above another dwelling unit, except for a retirement home. b) A detached structure (i.e. garage, shed, carport, deck e.t.c.) that serves a building described in Clause (a) and does not exceed 55 m^2 in building area. c) A tent in excess of 60 m^2 in area. d) "Designated Structures" such as: Retaining walls, Communication towers, Pedestrian bridge appurtenant to a building, Crane runways, Exterior storage tanks, Dish antennae or solar collectors, Outdoor pools, Public pools, Public spas	10 days
<u>Part 9 Buildings (Small Buildings)</u> a) Office, Residential, Mercantile, Low or Medium Hazard Industrial b) Where the building area is greater than 10 m^2 but not greater than 600 m^2 in building area, and 3 storeys or less in building height. c) Farm buildings equal to or less than 600 m^2 in building area.	15 days
<u>Part 3 Buildings (Large Buildings)</u> a) Assembly, Office, Residential, Mercantile, Institutional, High Hazard Industrial Where the building is greater than 600 m^2 in building area, and more than 3 storeys in building height. b) Farm buildings exceeding 600 m^2 in building area c) Retirement Homes	20 days
a) Hospitals, Emergency treatment facilities and Blood banks, b) Telephone Exchanges, c) Power generating stations and Electrical substations, d) Control centres for land transportation, e) Public water treatment and storage facilities, f) Water and sewage pumping stations, g) Emergency response facilities, h) Fire, rescue and police stations, i) Storage facilities for vehicles or boats used for fire, rescue and police purposes, and j) Communications' facilities, including radio and television stations	30 days

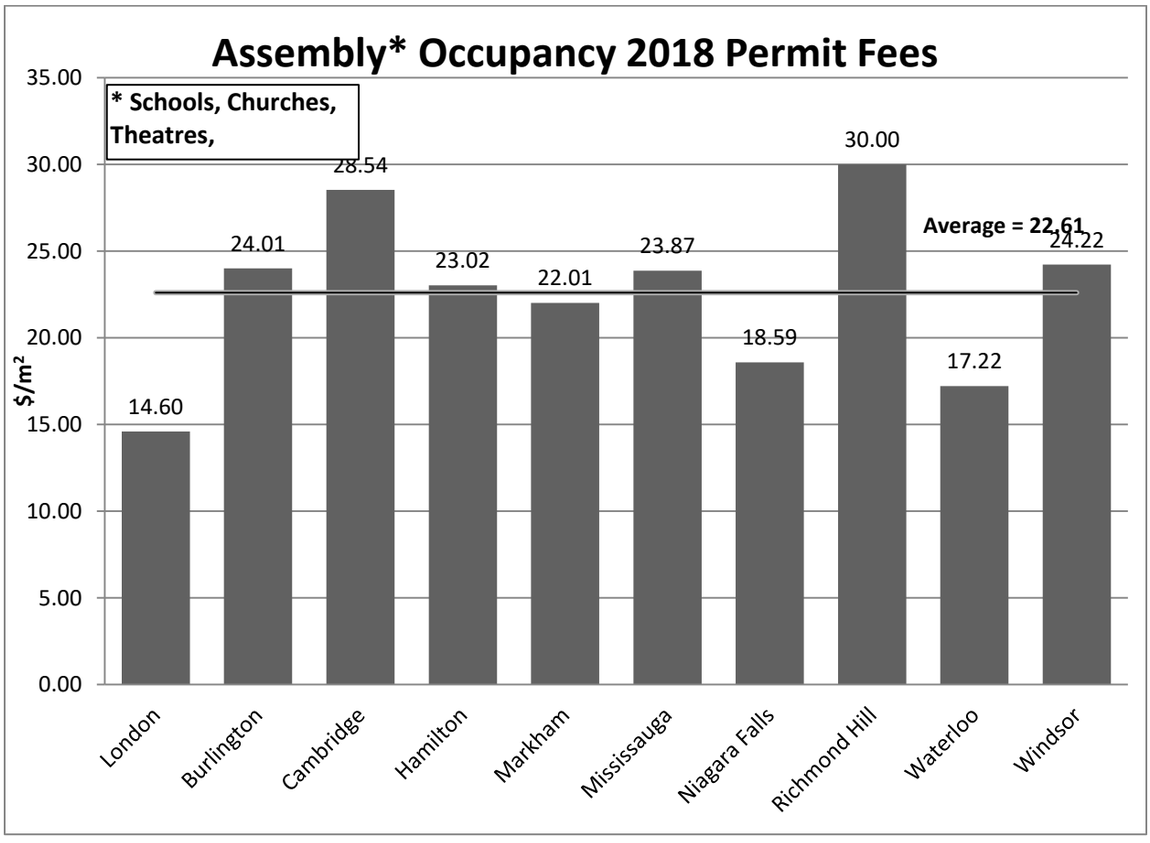
*Denotes business days or days when the Building Division is operating under regular office hours

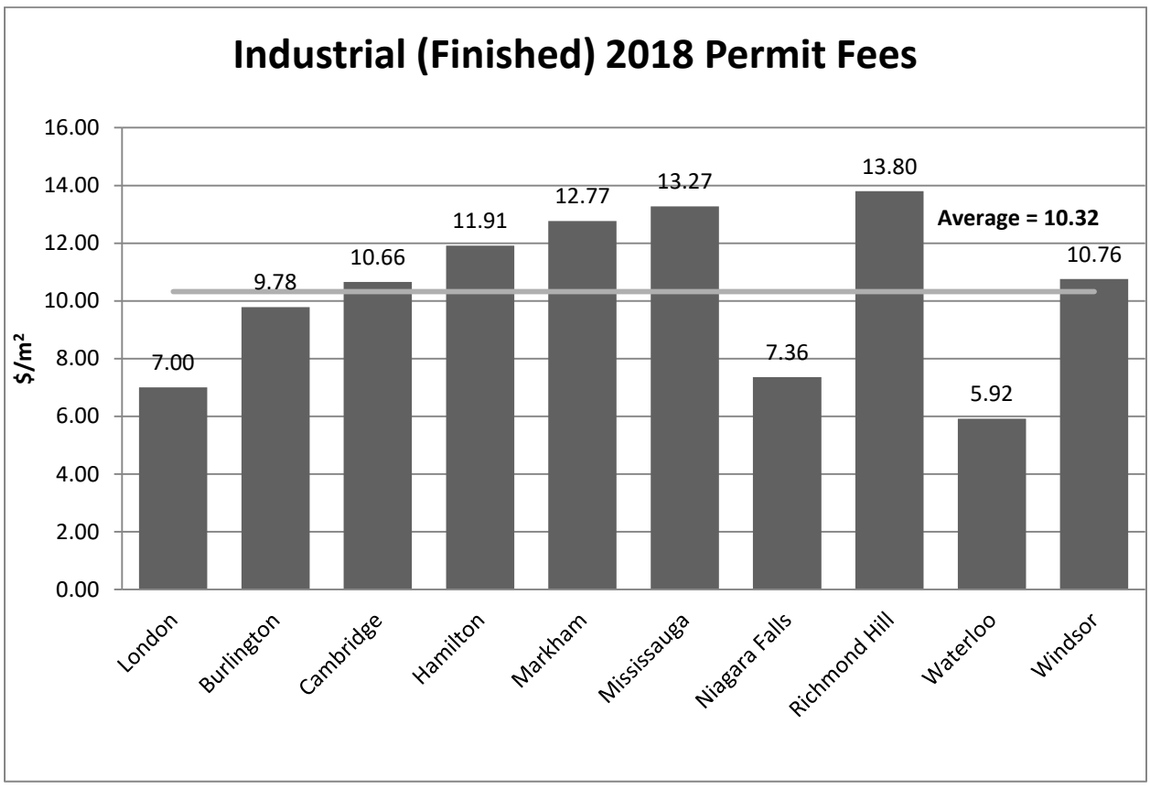
APPENDIX 'B' 2018 Permit Fee Rate Comparisons

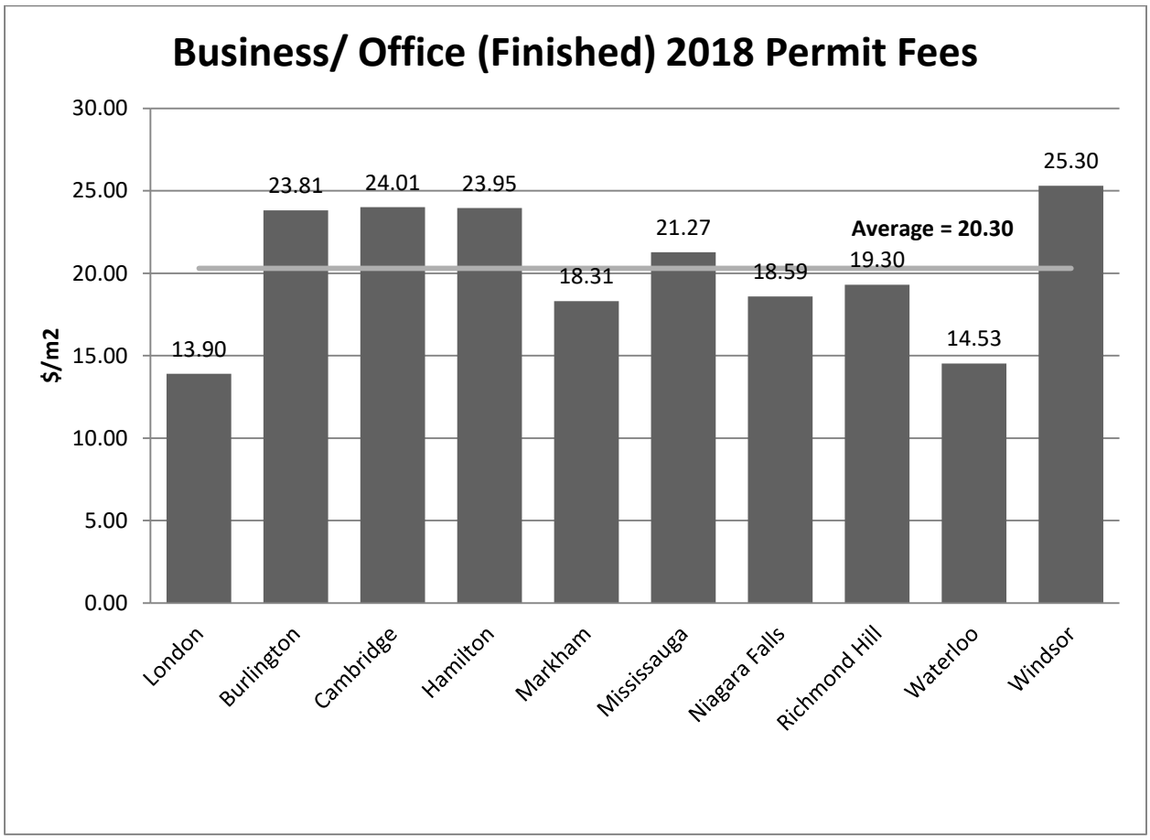


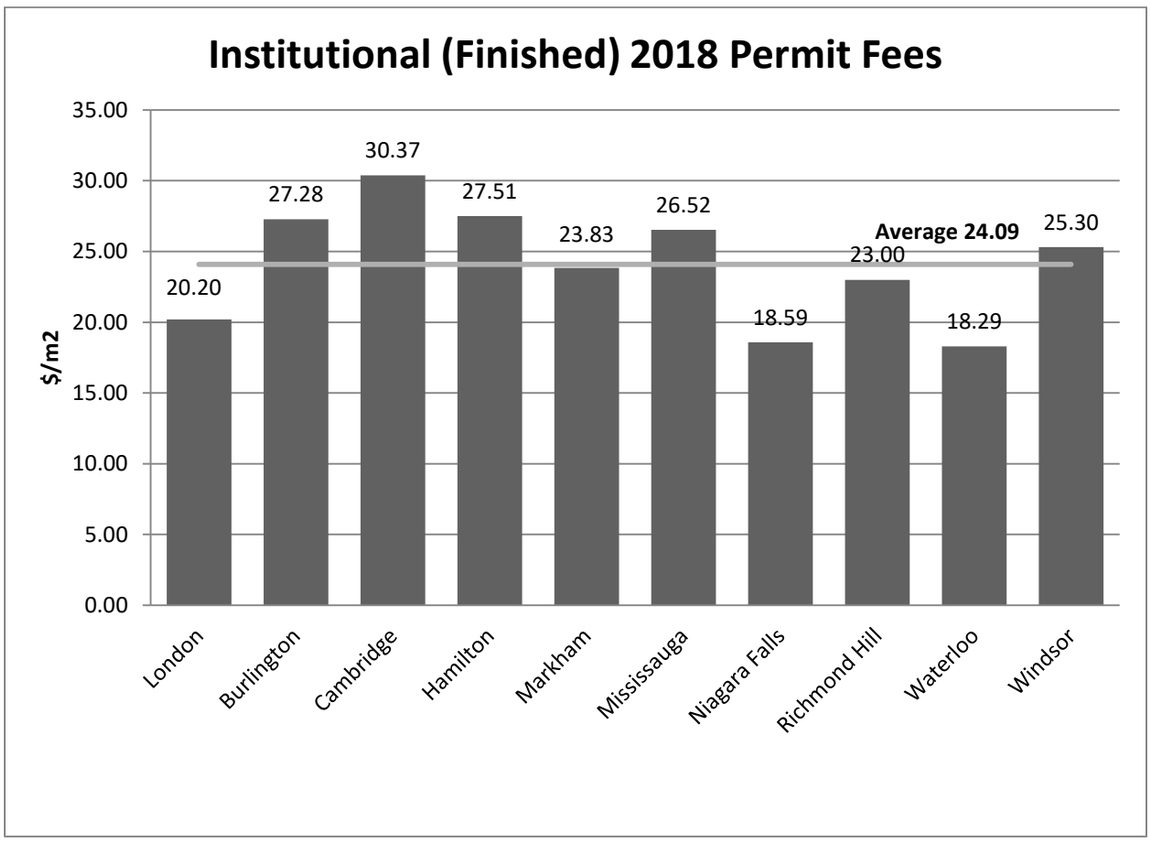


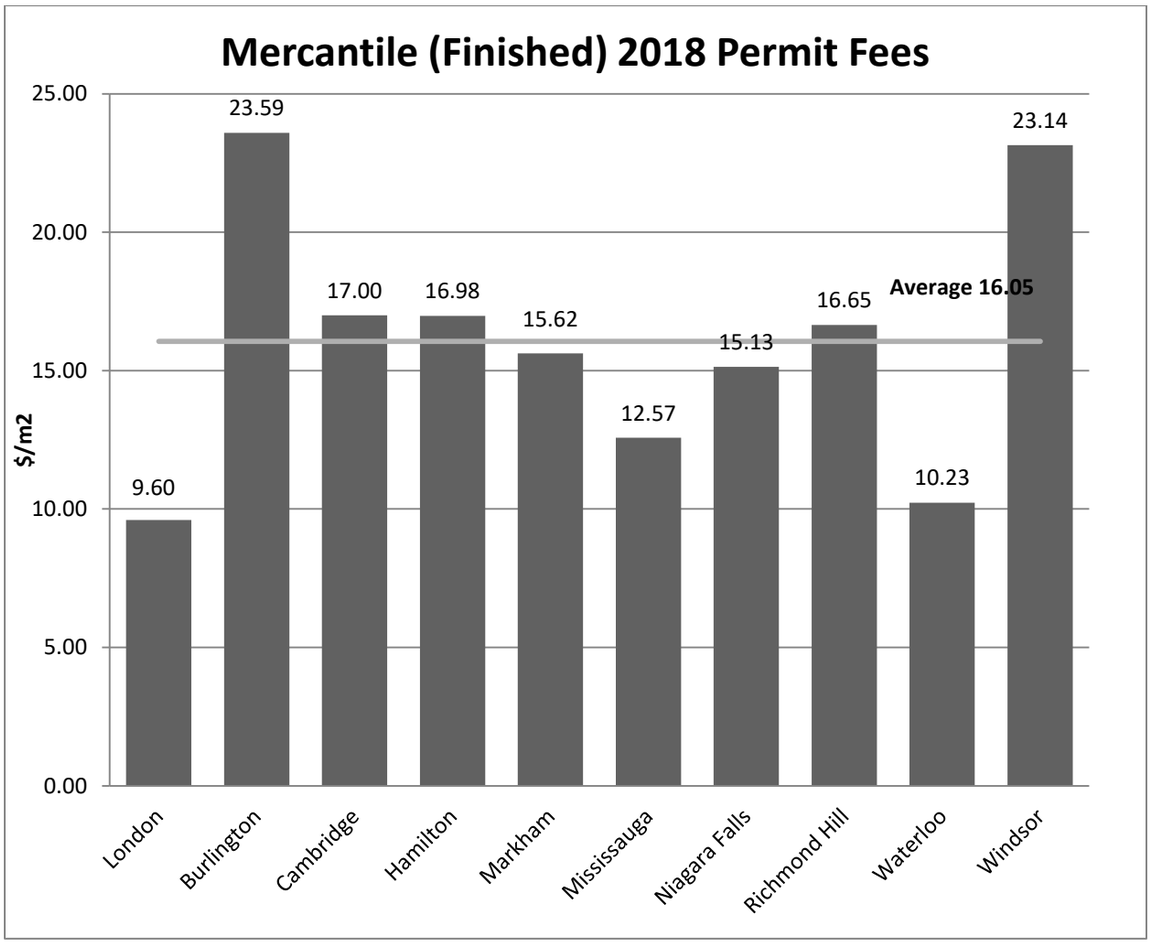

Townhouse Dwelling 2018 Permit Fees
25.00
20.00
15.00
10.00
5.00
0.00
$/m²
7.40
16.97
15.40
15.00
20.66
16.94
11.48
14.10
8.61
11.84
Average = 13.84
London
Burlington
Cambridge
Hamilton
Markham
Mississauga
Niagara Falls
Richmond Hill
Waterloo
Windsor


Assembly* Occupancy 2018 Permit Fees
* Schools, Churches, Theatres,
35.00
30.00
25.00
20.00
15.00
10.00
5.00
0.00
$/m²
14.60
24.01
28.54
23.02
22.01
23.87
18.59
30.00
17.22
24.22
Average = 22.61
London
Burlington
Cambridge
Hamilton
Markham
Mississauga
Niagara Falls
Richmond Hill
Waterloo
Windsor


Industrial (Finished) 2018 Permit Fees
$/m²
16.00
14.00
12.00
10.00
8.00
6.00
4.00
2.00
0.00
7.00
9.78
10.66
11.91
12.77
13.27
7.36
13.80
5.92
10.76
Average = 10.32
London
Burlington
Cambridge
Hamilton
Markham
Mississauga
Niagara Falls
Richmond Hill
Waterloo
Windsor


Business/ Office (Finished) 2018 Permit Fees
$/m2
30.00
25.00
20.00
15.00
10.00
5.00
0.00
13.90
23.81
24.01
23.95
18.31
21.27
18.59
19.30
14.53
25.30
Average = 20.30
London
Burlington
Cambridge
Hamilton
Markham
Mississauga
Niagara Falls
Richmond Hill
Waterloo
Windsor


Institutional (Finished) 2018 Permit Fees
$/m2
35.00
30.00
25.00
20.00
15.00
10.00
5.00
0.00
20.20
27.28
30.37
27.51
23.83
26.52
18.59
23.00
18.29
25.30
Average 24.09
London
Burlington
Cambridge
Hamilton
Markham
Mississauga
Niagara Falls
Richmond Hill
Waterloo
Windsor


Mercantile (Finished) 2018 Permit Fees
$/m2
25.00
20.00
15.00
10.00
5.00
0.00
9.60
23.59
17.00
16.98
15.62
12.57
15.13
16.65
10.23
23.14
Average 16.05
London
Burlington
Cambridge
Hamilton
Markham
Mississauga
Niagara Falls
Richmond Hill
Waterloo
Windsor

APPENDIX 'C' Building Permit Activity

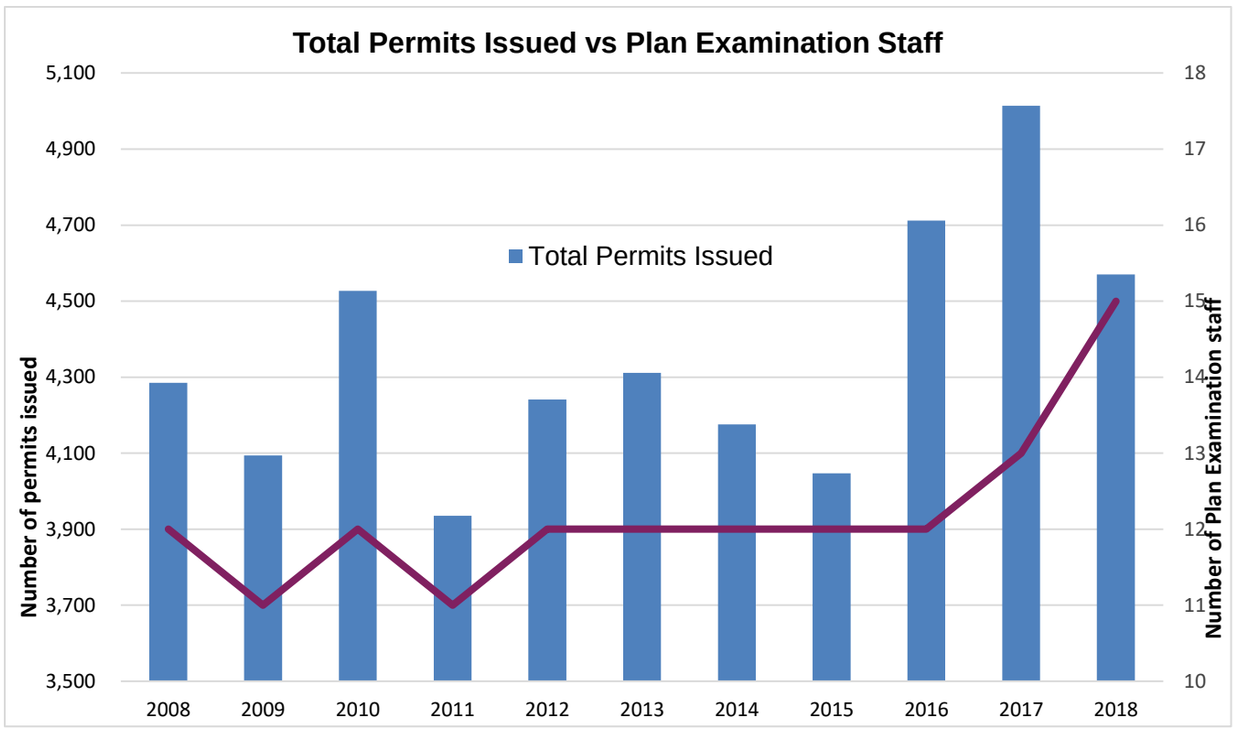


Figure 1.

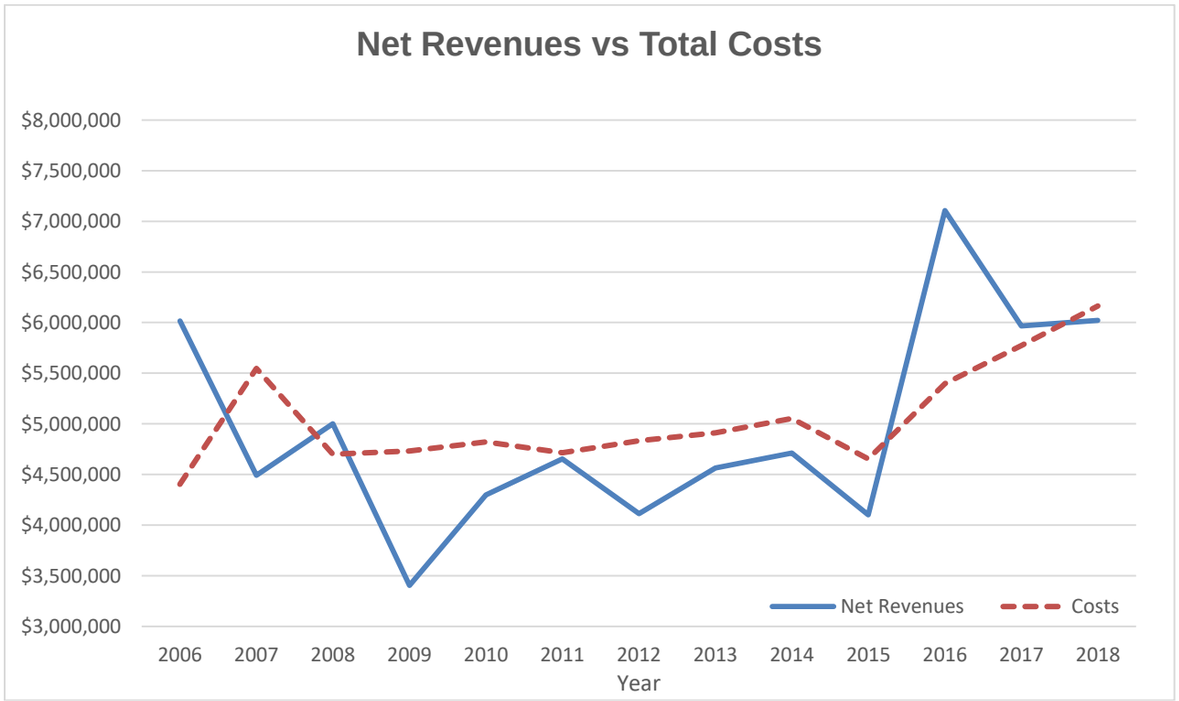


Figure 2

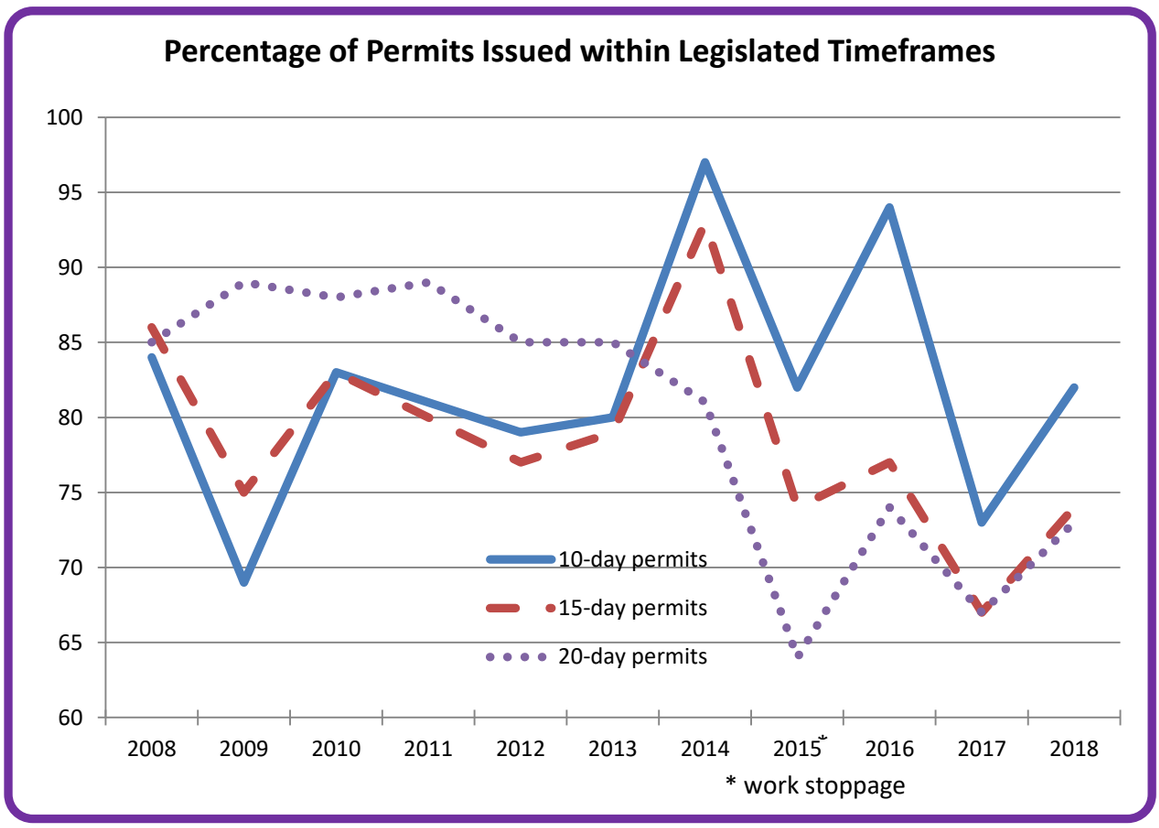

Percentage of Permits Issued within Legislated Timeframes
100
95
90
85
80
75
70
65
60
2008
2009
2010
2011
2012
2013
2014
2015*
2016
2017
2018
10-day permits
15-day permits
20-day permits
* work stoppage

Figure 3

APPENDIX 'D' SDD Building Permit Fee Comparison

2017 Residential Building Permit Fees-Single Detached Dwelling (sorted lowest to highest)
(adapted from the BMA Management Consulting Inc. report)

Municipality	Residential ($/ m^2)	Residential ($/$1000)	Permit Fee (167m^2, $270,000)
Kenora	$5.38		$ 898
Greenstone		$10, 1st $1,000 + $3.00/$1,000	$ 1,120
Grey Highlands	$7.00		$ 1,168
North Perth	$100 + $7.21/$m^2$		$ 1,304
Kincardine	$8.07		$ 1,348
Prince Edward County	$100 + $7.50/$m^2$		$ 1,353
Leamington	$8.61		$ 1,438
Waterloo	$8.61		$ 1,438
London	**$8.80**		**$ 1,470**
Lambton Shores	$9.00		$ 1,503
Ottawa	$9.10		$ 1,520
Owen Sound	$9.10		$ 1,520
Saugeen Shores	$9.25		$ 1,545
Mapleton	$325 + $6.99 m^2		$ 1,585
Central Elgin	$9.68		$ 1,617
Sarnia	$9.75		$ 1,628
St. Marys	$1,700 up to 186 m^2		$ 1,700
Quinte West	$10.20		$ 1,703
Minto	$300 + $8.61/$m^2$		$ 1,738
Springwater	$10.55		$ 1,762
Kingsville	$10.76		$ 1,798
Vaughan	$10.80		$ 1,804
Orillia	$11.09		$ 1,852
Wellington North	$255 + $9.58 m^2		$ 1,855
Brock	$11.30		$ 1,887
Port Colborne	$11.30		$ 1,887
St. Thomas		$25 first $1,000, plus $7/ $1,000	$ 1,908
Brockville	$1,925 + $8.07 m^2 if > 186 m^2		$ 1,925
Milton	$11.60		$ 1,937
Wellesley	$11.73		$ 1,959
North Middlesex	$75 + $11.30/$m^2$		$ 1,962
Whitby	$11.76		$ 1,964
Thorold	$11.84		$ 1,977
West Lincoln	$11.92		$ 1,991
Ingersoll	$2,000 + $6.67 m^2 > 186 m^2		$ 2,000

2017 Residential Building Permit Fees (sorted lowest to highest) (cont'd)

Municipality	Residential (m 2)	Residential ($/$1000)	Residential Fee 167m 2, $270,000
North Dumfries	$12.06		$ 2,013
Stratford	$12.06		$ 2,013
Niagara Falls	$12.09		$ 2,019
Oshawa	$12.36		$ 2,064
Grimsby	$12.37		$ 2,066
Woolwich	$12.38		$ 2,067
Strathroy-Caradoc	$1,736 1st 139 m^2 + $12.38/$m^2$ there after		$ 2,081
Fort Erie	$12.49		$ 2,085
Pickering	$12.50		$ 2,088
Burlington	over 300 m^2		$ 2,111
Clarington	$12.68		$ 2,118
Kitchener	$12.81		$ 2,139
Lincoln	$12.81		$ 2,139
Wilmot	$12.92		$ 2,157
Barrie	$13.00		$ 2,171
Thunder Bay	$13.00		$ 2,171
Orangeville	$13.03		$ 2,176
Centre Wellington	$13.13		$ 2,193
Chatham-Kent	$11.84 m^2 above ground, $1.61 m^2 unfinished below, $2.15 m^2 garage		$ 2,195
Erin	$2,200 + $9.47 m^2 if > 236 m^2		$ 2,200
Caledon	$13.20		$ 2,204
Wainfleet	$1,533.16, + $13.07 m^2 > 115 m^2		$ 2,213
Meaford	$13.35		$ 2,229
St. Catharines	$13.45		$ 2,247
Welland	$13.45		$ 2,247
Georgina	$13.77		$ 2,300
Guelph	$13.77		$ 2,300
Brampton	$13.80		$ 2,305
Richmond Hill	$14.10		$ 2,355
Pelham	$14.21		$ 2,373
Windsor	$11.73 m^2 + $450		$ 2,409
North Bay	$14.64		$ 2,445
Newmarket	$14.65		$ 2,447
Hamilton	$14.72		$ 2,458
Cambridge	$14.75		$ 2,463

2017 Residential Building Permit Fees (sorted lowest to highest) (cont'd)

Municipality	Residential (m 2)	Residential ($/$1000)	Residential Fee 167m 2, $270,000
Markham	$14.79		$ 2,470
Parry Sound		$50 + $9/$1,000	$ 2,480
Niagara-on-the-Lake	$14.85		$ 2,481
Aurora	$15.50		$ 2,589
East Gwillimbury	$15.61		$ 2,606
Gravenhurst	$15.61		$ 2,606
Whitchurch-Stouffville	$15.61		$ 2,606
Puslinch	$15.72		$ 2,625
Middlesex Centre	$2,638 up to 186 m^2 + $9.90/$m^2$		$ 2,638
Elliot Lake	$2,200 + $15.71 m^2 if > 139 m^2		$ 2,640
Mississauga	$15.97		$ 2,667
The Blue Mountains	$16.00		$ 2,672
Belleville		$10.00	$ 2,700
Huntsville		$10.00	$ 2,700
Oakville	$16.30		$ 2,722
Oro-Medonte	$16.68		$ 2,786
Halton Hills	$16.91		$ 2,824
Greater Sudbury		$10.70	$ 2,889
Peterborough	$17.32		$ 2,892
Toronto	$52.08 + $17.16 /$m^2$		$ 2,918
Timmins		$55 + $11/$1,000	$ 3,025
Bracebridge		$11.30	$ 3,051
Guelph-Eramosa		$11.46	$ 3,094
Tillsonburg		$125 + $11/$1,000	$ 3,095
Kingston		$12.00	$ 3,240
Collingwood		$125 for first $1,000, $12.00/$1,000 thereafter	$ 3,353
Cornwall		$12.50	$ 3,375
Innisfil	$20.24		$ 3,380
King	$3,500 up to 511 m^2		$ 3,500
Haldimand		$75 for the 1st $3,000; $13/$1,000 thereafter	$ 3,546
Brant		$14.00	$ 3,780
Sault Ste. Marie	$24.03		$ 4,013
Average			**$ 2,248**
Median			**$ 2,174**

APPENDIX 'E' Table of Changes with respect to the current By-law

Change Description	**Part/Section/Subsection/clause**
NEW definition 'Holiday'	ADD **Holiday – defined** **"*holiday*" means:** **(l) Any Saturday or Sunday;** **(m) Family Day;** **(n) Good Friday;** **(o) Easter Monday;** **(p) Victoria Day;** **(q) Canada Day;** **(r) Civic Holiday;** **(s) Labour Day;** **(t) Thanksgiving Day;** **(u) Christmas Day-New Year's Day: the period generally between December 24 and December 31 each year when City Hall is closed; and** **(l) where Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a Holiday.**
NEW definition 'Statistics Canada Index'	ADD **Statistics Canada Index – defined** **"*Statistics Canada Index*" means the Statistics Canada Non-residential building construction price index (Toronto)**
NEW definition 'Not Ready'	ADD **Not Ready - defined** "***not ready*" means a work site condition identified by an *inspector* upon attendance, as a result of receipt of written notice of readiness for inspection, unless written notice of cancellation of inspection is provided no later than 10:00 a.m. (EST) on the day the inspector is to physically attend, where the inspection is not able to be conducted, and includes inspection for any item related to a prior deficiency wherein the same deficiency remains outstanding and not remedied.**
REVISED ' Permit Issued based on Previously Approved Permit-defined'	DELETE "p*ermit issued based on previously approved permit*" means a building *permit* that has been issued based on a previous building *permit* issued, for the construction of an identical building, under the provisions of the same *Building Code*. This type of *permit* is strictly limited to the construction of new single detached and semi-detached dwelling unit buildings classified under Part 9 of the *Building Code*. REPLACE WITH "p*ermit issued based on previously approved permit*" means a building *permit* that has been issued based on a previous building *permit* issued, for the construction of an **exact same** building, **including exact same drawings or other related documentation**, under the provisions of the same *Building Code*. This type of *permit* is strictly limited to the construction of new single detached and semi-detached dwelling unit buildings classified under Part 9 of the *Building Code*.

REVISED 'Temporary building – defined'	DELETE Temporary building – defined "*temporary building*" means a building or structure that is intended to be occupied or otherwise used for a duration of not more than one calendar year. REPLACE WITH Temporary building – defined "*temporary building*" means a building or structure that is intended to be occupied or otherwise used for a duration of not more than one **continuous** calendar year.
NEW 'Part 2 – Computation of Time' and renumbering of subsequent Parts.	NEW **Part 2** **COMPUTATION OF TIME** **2.1 Computation of Time - clarification** **In the computation of time under this By-law,** **(a) where there is a reference to a number of days between two events, they shall be counted by excluding the day on which the first event happens and including the day on which the second event happens;** **(b) where a period of seven days or less is prescribed, holidays shall not be counted;** **(c) where the time for doing something expires on a Holiday, the act may be done on the next day that is not a Holiday;** **(d) service of a document, including an application made after 4:30 p.m. or at any time on a Holiday shall be deemed to have been made the next day that is not a Holiday.** **2.2 Year-End closure** **Where a building *permit* application is submitted to the *Chief Building Official* after the close of business prior to the holiday break being the period generally between December 24 and December 31 each year, then the *permit* application shall be deemed to be received in the new year.** **2.3 Unsafe or emergency conditions** **Nothing in 2.1 or 2.2 above shall prevent the *Chief Building Official* from providing notice and requiring action during a Holiday if the action is to address an unsafe or emergency condition.**
REVISED Section 3.1 ' File application - on forms – prescribed', renumbered to 4.1	DELETE 3.1 File application - on forms – prescribed To obtain a *permit*, the *owner* or an agent authorized in writing by the *owner* shall file an application in writing, or where applicable, electronically in the case of an online application, by completing a prescribed form available from the *Chief Building Official* or from the *Building Code* website www.mah.gov.on.ca. The application form prescribed by the *Corporation* under clause 7.(1),(f) of the Act is set out in Schedule "B" or Schedule "C" to this By-law REPLACE WITH 4.1 File application - on forms – prescribed To obtain a *permit*, the *owner* or an agent authorized in writing by the *owner* shall file an application in writing, or where applicable, electronically in the case of an online application, by completing **the Provincially-prescribed form, as amended,** available from the *Chief Building Official* or from the **Ministry of Municipal Affairs** website www.mah.gov.on.ca **and supply any other information as required by the *Chief Building Official* related to the permit application.**

REVISED Section 3.2 'Information - submitted - to *Chief Building Official',* renumbered to 4.2	DELETE 3.2 Information - submitted - to *Chief Building Official* Every application for a *permit* shall be submitted to the *Chief Building Official*, and shall contain the following information, in order for said application to be considered as complete: REPLACE WITH 4.2 Information - submitted - to *Chief Building Official* Every application for a *permit* shall be submitted to the *Chief Building Official*, and shall contain the following information, **in accordance with Part 5 of this By-law,** in order for said application to be considered as complete:
REVISED 3.2 (1)(a), renumbered to 4.2 (1) (a)	DELETE (a) use the provincial application form, "Application for a Permit to Construct or Demolish", as set out in Schedule "B"; REPLACE WITH (a) use the **Provincially-prescribed form, as amended,** "Application for a Permit to Construct or Demolish", **available from the *Chief Building Official* or from the Ministry of Municipal Affairs website www.mah.gov.on.ca;**
DELETED 3.2 (1) (c), renumbered to 4.2(1) (c)	DELETE (c) include completed forms as set out in Schedules "E" and "G" where applicable;
REVISED 3.2(1)(e), renumbered to 4.2(1)(d)	DELETE (e) for single detached, duplex, triplex, semi-detached, or row townhouse buildings intended to be continuously occupied during the winter season, include a completed form as set out in Schedule "F" ; and REPLACE WITH **(d)** for single detached, duplex, triplex, semi-detached, or row townhouse buildings intended to be continuously occupied during the winter season, include a completed **Energy Efficiency Design Summary** form **available from the *Chief Building Official***;
NEW clause 4.2(1)(f)	ADD **(f) include any supporting documentation or approvals as may be required under applicable law as defined in the *Building Code*.**
REVISED 3.2(2)(a), renumbered to 4.2(2)(a)	DELETE (a) use the provincial application form, "Application for a Permit to Construct or Demolish", as set out in Schedule "B"; REPLACE WITH (a) **use the Provincially-prescribed form, as amended, "Application for a Permit to Construct or Demolish", available from the *Chief Building Official* or from the Ministry of Municipal Affairs *Building Code* website www.mah.gov.on.ca;**
REVISED 3.2(2)(c) , renumbered to 4.2(2)(c)	DELETE (c) include a completed form as set out in Schedule "E" when Subsection 1.2.2. – Division C of the *Building Code* applies; REPLACE WITH

	(c) include a completed **Commitment to General Reviews By Architect And Engineer** form **available from the *Chief Building Official*,** when Subsection 1.2.2. –Division C of the *Building Code* applies;
REVISED 3.2(2)(e)	DELETE (e) note that when an authorized agent of the *owner* has applied for a demolition *permit* , submission of the "Authorization to Demolish" form as set out in Schedule "M" shall be made to the *Chief Building Official*; REPLACE WITH (e) when applying as an authorized agent of the *owner* for a demolition *permit* , submit the "Authorization to Demolish" form.
NEW clauses 4.2(2)(f) and (g)	NEW **(f) at the discretion of the *Chief Building Official*, in situations where adjacent structures or property may be compromised, submit a demolition control plan, prepared by a professional engineer, for the demolition work where existing conditions, including proximity to adjacent property or buildings, justify such a requirement; and** **(g) include any supporting documentation or approvals as may be required under applicable law as defined in the *Building Code*.**
DELETE 3.2(3)(a) and reletter clauses following	DELETE (a) use the provincial application form, "Application for a Permit to Construct or Demolish", as set out in Schedule "B";
REVISED 3.2(3)(f)	DELETE (f) shall enter into a conditional *permit* agreement with the *Corporation* utilizing the agreement as set out in Schedule "K" of this By-law. In the event that the conditions have not been satisfied beyond the date that is prescribed in said agreement, the agreement shall be considered as expired, and a request for an extension shall be made by the *permit holder*. In the event that an extension is required the conditional fee shall be paid at the time the extension request is made. No building inspections shall be conducted if there are outstanding conditional *permit* fees; REPLACE WITH **(e)** shall enter into a conditional *permit* agreement with the *Corporation* utilizing the agreement available from the *Chief Building Official*. In the event that the conditions are not satisfied in accordance with the agreement, a *permit holder* may request an extension of time for completion of conditions, prior to the expiry of the compliance date as stipulated in the agreement. In the event that an extension is required, the conditional fee shall be paid at the time the extension request is made. No building inspections shall be conducted if there are outstanding conditional *permit* fees;
REVISED 3.2(4)(a)	DELETE (a) use the prescribed form in Schedule "C" of this By-law; REPLACE WITH (b) **submit the form "change of use, transfer of permits and partial occupancy permits" available from the *Chief Building Official*;**
DELETE 3.2(4)(b) and reletter clauses following	DELETE (b) describe the building in which the occupancy is to be changed, by a description that will readily identify and locate the building ;

REVISED 3.2(5)(a)	DELETE (a) use the provincial application form, “Application for a Permit to Construct or Demolish”, as set out in Schedule “B” and the “Schedule 2: Sewage System Designer Information Form”, as set out in Schedule “H” of this By-law; REPLACE WITH (a) use the **Provincially-prescribed form, as amended, “**Application for a Permit to Construct or Demolish”, and the “Schedule 2: Sewage System Designer Information Form”, **available from the *Chief Building Official* or from the Ministry of Municipal Affairs *Building Code* website www.mah.gov.on.ca;**
REVISED 3.2(5)(c)(iii)(II)	DELETE (IV) the location of items listed in Column 1 of Tables 8.2.1.6.A., 8.2.1.6.B. and 8.2.1.6.C.-, Divsion B of the *Building Code*; REPLACE WITH (I) **dimensional clearances of items listed in 8.2.1.5 and 8.2.1.6 Division B of the *Building Code*;**
REVISED 3.2(6)(a)	DELETE (a) the prescribed form in Schedule “C” of this By-law; REPLACE WITH **(a) submit the application form for “change of use, transfer of permits and partial occupancy permits” available from the *Chief Building Official*;**
REVISED 3.2(6)(e)	DELETE (e) legal documentation confirming proof of new ownership, REPLACE WITH **(e) legal documentation confirming proof of new ownership,to the satisfaction of the *Chief Building Official.***
REVISED 3.2(7)(a)	DELETE (a) the prescribed form in Schedule “C” of this By-law; REPLACE WITH **(d) submit the application form for “change of use, transfer of permits and partial occupancy permits” available from the *Chief Building Official*;**
REVISED 3.3	DELETE Incomplete application Where the *Chief Building Official* determines that an application is incomplete, the *Chief Building Official* may commence to process the application if the *applicant* acknowledges that the application is incomplete. REPLACE WITH **Incomplete application** **The *Chief Building Official* may, in their discretion and at the request of the *applicant*, begin to process an application prior to it being deemed complete, however, incomplete applications shall not subject to the processing timeframes as prescribed in 1.3.1.3-Division C of the *Building Code.***

REVISED 3.6	DELETE Inactive *Permit* Application Where an application for a *permit* remains incomplete or inactive for six months after it is made, the application may be deemed by the *Chief Building Official* to have been abandoned and notice thereof shall be given to the *applicant*. If an application is deemed to be abandoned, a new application must be filed for any *work* proposed in the abandoned application. An inactive *permit* application may also include an application where information is outstanding, six months or more after it is made, in such a manner that a full or partial *permit* cannot be issued. REPLACE WITH **Where, at the discretion of the *Chief Building Official,* any of the following conditions apply, an application is deemed to be abandoned, notice of same will be provided by the Corporation to the *applicant*, and any further construction/ demolition will require the filing of a new application:** • **six (6) months have elapsed from the time an application was received and the application remains incomplete; or,** • **six (6) months have elapsed from the time of notification that additional information is required to be provided by the *applicant,* and such information has not been provided.** **Prior notice may be served to the permit applicant advising of abandonment, and following a 30 day period from the prior notice, the permit application will be deemed to be abandoned, without any further notice.**
REVISED 3.5 –Renumbered to 4.4 and ADDED subclause (c)	**(c) file with the *Chief Building Official* professional consultants' field review letters pertaining to the portion of the *work* for which immediate approval is desired**
REVISED 4.3 – Renumbered to 5.3	DELETE 4.3 Plans - drawn to scale - on durable material - legible Plans shall be drawn to scale (min. 1:75 or 3/16"=1'-0") on paper, electronic media approved by the *Corporation*, or other durable material approved by the *Corporation*, and shall be legible. Free hand drawings are not permitted to be submitted. REPLACE WITH 5.3 Plans - drawn to scale - on durable material - legible Plans shall be drawn to **a** scale on paper **(max. 24"x36"; D size)**, electronic media approved by the *Corporation*, or other durable material approved by the *Corporation*, and shall be legible. Free hand drawings are not permitted to be submitted.
New Section 4.7 ' **Inactive Permit Application to occupy unfinished building'**	NEW **4.7 Inactive Permit Application to occupy unfinished building** **Notwithstanding section 4.6 above, where an application for a *permit* to occupy an unfinished building remains incomplete or inactive for twenty business days after it is made, the application, at the discretion of the *Chief Building Official* , may be deemed to have been abandoned and notice thereof shall be given to the *applicant*. If an application is deemed to be abandoned, a new application must be filed to occupy an unfinished building. An inactive *permit* application may also include an application where information required to be submitted by the *applicant* is outstanding, twenty business days or more after it is made, in such a manner that the *permit* cannot be issued.**
New Section 4.8 ' **Request to cancel**	NEW **4.8 Request to cancel *Permit* Application**

Permit Application'	**Where an *applicant* wishes to cancel a *Permit* Application, said request shall be made in writing, by the *applicant,* to the attention of the Chief Building Official, and acknowledgment of request to cancel shall be provided by the Corporation to the *applicant.* Notwithstanding the above, nothing in this section shall prevent the Chief Building Official from issuing or enforcing any orders in accordance with the *Building Code Act*.**
New Section 5.7 ' **Revisions on plans, documents'**	NEW **5.7 Revisions on plans, documents** **Revisions submitted to the *Chief Building Official*, either before or after a *permit* has been issued, shall be clearly delineated on all documents submitted.**
REVISED Section 7.1	DELETE **7.1 Due - payable - Schedule "A"** The *Chief Building Official* shall determine the required fees for the *work* proposed calculated in accordance with Schedule "A" of this By-law, and the *applicant* shall pay such fees upon submission of an application for a *permit*, except for applications submitted electronically through the *Corporation*'s e- services at www.london.ca for online applications to erect single detached, semi-detached dwellings and townhouse dwellings for which the required *permit* fee must be paid within 5 business days from the date the *applicant* is notified by the *Chief Building Official* by way of email that the *permit* is ready for issuance, failing which the electronically submitted application shall be cancelled without further notice. REPLACE WITH **7.1 Due - payable - Schedule "A"** The *Chief Building Official* shall determine the required fees for the *work* proposed calculated in accordance with Schedule "A" of this By-law, and the *applicant* shall pay such fees upon submission of an application for a *permit*, except for applications submitted electronically through the *Corporation*'s e- services at www.london.ca for online applications to erect single detached, semi-detached dwellings and townhouse dwellings for which the required *permit* fee must be paid within 5 business days from the date the *applicant* is notified by the *Chief Building Official* by way of email that the *permit* **application has been accepted**, failing which the electronically submitted application shall be cancelled without further notice. ADD **Any fees applicable in accordance with this or other Municipal By-laws, related to the work proposed, must be paid prior to the issuance of the building permit.**
New Section 7.2 **'Fees-Indexing'**	NEW **7.2 Fees - indexing** **On January 1, 2020 and the first day of January in each year thereafter, the fees indicated in Schedule 'A' and anywhere in this By-law shall be adjusted using the following formula:** $$A \times \frac{C}{B} = D$$ **Where:** **A = the fees shown in Schedule 'A', in effect for the preceding year;** **B = the *Statistics Canada Index* for the third quarter 2018;** **C = the *Statistics Canada Index* for the latest month for which the Index is available (likely the index for the quarter ending in September) in the year preceding the subject year; and** **D = the fees for the subject year, effective January 1.** **Notwithstanding the above, the Chief Building Official may at any time, change the fees in accordance with the prescribed requirements in the Act, if the costs to administer and enforce the Act exceed fees charged.**

REVISED Section 6.2, renumbered as 7.3	DELETE *Three day permit*s Any person or *corporation* proposing to *construct*, add to or alter a residential, commercial, industrial or institutional building not requiring site plan approval or a zero lot line housing with an approved site plan, may, subject to staff resources, upon payment of an additional fee equal to the greater of 50% of the regular *permit* fee or the flat fee as set out in Schedule "A", request a three day fast track *permit*. Any such request must be supported by full and complete submission of all the requirements for *permit* applications as set out in Part 3 of this By-law. REPLACE WITH **Any person or *corporation* proposing to *construct*, add to or alter a residential, commercial, industrial or institutional building not requiring site plan control approval or a zero lot line housing with an approved site plan, may request a three-day fast track permit. Any such request must be accompanied by full and complete submission of all requirements for *permit* applications in accordance with Parts 4 and 5 of this By-law, and payment in full must be made of the *permit* fee as set out in Schedule "A" plus an additional fee of 50% of the regular *permit* fee, or the flat fee in Schedule "A", whichever is higher. Requests for three-day fast track permits will be granted at the sole discretion of the *Chief Building Official* and take into account available staff resources.**
REVISED 6.4, renumbered as 7.5	DELETE *Work* without *permit* Any person or *corporation* who commences construction, demolition or changes the use of a building before submitting an application for a *permit* or commences any *work* that would otherwise require a building *permit* in accordance with the *Act* unless the *permit* has already been issued, shall in addition to any other penalty under the *Act*, *Building Code*, or this By-law , pay an additional fee equal to 100% of the amount calculated as the regular *permit* fee but in no case shall the additional fee exceed $7,500, in order to compensate the *Corporation* for the additional expenses incurred by such early start of *work.* REPLACE WITH *Work* without *permit* Any person or *corporation* who commences construction, demolition or changes the use of a building before submitting an application for a *permit* or commences any *work* that would otherwise require a building *permit* in accordance with the *Act* unless the *permit* has already been issued, shall in addition to any other penalty **imposed by a court of competent jurisdiction** under the *Act*, *Building Code*, this By-law , **or any other applicable legislation,** pay an additional fee equal to 100% of the amount calculated as the regular *permit* fee but in no case shall the additional fee exceed **the amount shown in Schedule "A"**, in order to compensate the *Corporation* for the additional expenses incurred by such early start of *work.*
REVISED 6.5, renumbered as 7.6	DELETE Refunds In the case of withdrawal of an application or the abandonment of all or a portion of the *work*, or refusal of a *permit*, or the non-commencement of any project, the *Chief Building Official* shall determine the amount of paid *permit* fees that may be refunded to the *applicant*, if any, in accordance with Schedule "A" of this By-law. REPLACE WITH Refunds In the case of withdrawal of an application or the abandonment of all or a portion of the *work*, or refusal of a *permit*, or the non-commencement of any project, the *Chief Building Official* shall determine the amount of paid *permit* fees that may be refunded to the *applicant*, if any, in accordance with Schedule "A" of this By-law.

	(a) At the discretion of the *Chief Building Official*, no refund shall be issued in the case where a request to cancel a *permit* application is made more than one year after the date it was received. **(b) No refund shall be issued when an application for *occupancy of an unfinished building,* as provided for in Subsection 1.3.3 -Division C of the *Building Code,* is cancelled.** **(c) No refund shall be issued for any fees associated with the issuance of Orders under the Act.**
NEW Section 7.7 'Not Ready- fee'	NEW ***Not Ready* – fee** **In the event that upon attendance by an *inspector* pursuant to Part 10 of this By-law, the *inspector* deems that an inspection is not able to be conducted due to a *not ready* condition, a fee as prescribed in Schedule 'A' shall be payable prior to the last mandatory inspection required, or the issuance of an occupancy permit, where applicable.** **The fee, where applicable, shall not be imposed until 60 calendar days from the day this By-law comes into force and effect.**
REVISED 8.3, renumbered to 9.3	DELETE Deferral of Revocation A *permit holder* may within 30 days from the date of service of a notice under this Part, request in writing that the *Chief Building Official* defer the revocation by stating reasons why the *permit* should not be revoked. The *Chief Building Official* having regard to any changes to the *Act*, *Building Code* or other applicable law may allow the one-time deferral, applicable to a period of no later than twelve (12) months from the date the *permit* was issued, in writing. REPLACE WITH Deferral of Revocation A *permit holder* may within 30 days from the date of service of a notice under this Part, request in writing that the *Chief Building Official* defer the revocation by stating reasons why the *permit* should not be revoked. The *Chief Building Official* having regard to any changes to the *Act*, *Building Code* or other applicable law may allow the one-time deferral, applicable to a period of no later than twelve (12) months from the date the *permit* was issued, in writing. **In the event where a *permit* was issued as a result of an Order issued under the *Building Code Act*, no deferral of revocation shall be granted.**
REVISED Section 10.1a	DELETE Notice prior – occupancy *permit* request - to *Chief Building Official* The *permit holder* shall notify the *Chief Building Official* or a *Registered Code Agency* where one is appointed, requesting an occupancy *permit* be issued, for certain buildings of residential occupancy in accordance with Article 1.3.3.4-Division C of the *Building Code*. REPLACE WITH 10.1a Notice prior – occupancy *permit* request - to *Chief Building Official* The *permit holder* shall notify the *Chief Building Official* or a *Registered Code Agency* where one is appointed, requesting an occupancy *permit* be issued, for certain buildings in accordance with Article**s** 1.3.3.4 **and 1.3.3.5** -Division C of the *Building Code*.
NEW Section 11.1 ' Fencing of Construction	NEW **Fencing of Construction or Demolition Sites**

or Demolition Sites'	**(a) Where, at the discretionary opinion of the *Chief Building Official*, a construction or demolition site presents a hazard to the public, the *Chief Building Official* may require the owner to erect such fence types as the *Chief Building Official* deems appropriate to the circumstances to prevent unauthorized entry to the site.** **(b) When required by the *Chief Building Official,* a fence shall be erected and maintained enclosing the construction/demolition in accordance with the provisions of this By-law until the hazards are eliminated to the satisfaction of the *Chief Building Official*.** **(c) Every fence required under this section shall be located on the perimeter of the construction/demolition site as determined by the *Chief Building Official* and shall be constructed as follows:** **(i) have a minimum height of 1.2 m and a maximum height of 2.4 m, measured from grade along any point along the fence's perimeter, unless directed otherwise by the *Chief Building Official*;** **(ii) if the fence is of chain link construction, the chain link shall be securely fastened to a 25mm diameter metal bar which is securely fastened to metal posts spaced no more than 3.0 m on centre and embedded into the ground in such a manner as to provide a rigid support;** **(iii) if the fence is of wood construction, the sheathing surface facing away from the construction or demolition shall be constructed of 16mm exterior grade plywood, particle board or equivalent material that will not provide footholds for climbing. The sheathing shall be supported by 89mm x 89mm wood posts spaced no more than 2.4 m on centre and embedded into the ground in such a manner as to provide a rigid support;** **(iv)if the fence is of the snow fence or plastic mesh type, the fencing shall be securely fastened to metal T-bar posts spaced no more than 1.8 m on center and embedded into the ground in such a manner as to provide a rigid support.** **(v) if the fence is constructed of any material other than that prescribed in sentences (i) through to (iv), it shall meet the intent of this section and may be approved at the discretion of the *Chief Building Official*.** **(vi) the fence may provide for openings sufficient to accommodate construction vehicles, machines and any other equipment providing services to the construction or demolition site provided that these openings are closed when the site is unattended.** **(d) Where the *Chief Building Official* has requested a fence be erected under this section, the *owner* shall request a site inspection for the confirmation of fence erection, within 24 hours from the time the fence installation request has been made; and** **(e) When the fence is erected on public lands, it shall be done so in accordance with the *Corporation's* Streets By-law.**
New Section 11.2 ' Containment of Construction or Demolition Debris'	NEW **Containment of Construction or Demolition Debris** **Debris, such as but not limited to solid airborne particles resulting from construction or demolition work shall be contained within the limits of the property to which the building permit has been issued for.**
REVISED 10.1, renumbered as 12.1	DELETE 10.1(a) use the prescribed form in Schedule "J" of this By-law;

	REPLACE WITH **12.1(a) use the form prescribed by the *Chief Building Official*;**
REVISED 10.1, renumbered to 12.1	NEW **(e) submit a separate form described in (a), for each item whereupon conformance with Division B of the *Building Code* cannot be achieved; and** **(f) note that the fee paid for alternative solution review shall not be refundable.**
New Section 14.2 'Enforcement'	NEW **14.2 Enforcement** **Where any person is directed or required by this By-law to do any matter or thing, such matter or thing may be done in default of its being done by the person directed or required to do it, at that person's expense, and such expense may be recovered by action or as municipal taxes in the manner prescribed by the Municipal Act and the *Building Code Act.***
REVISED Schedule 'A' to reflect new permit fees and changes to existing fees.	**SCHEDULE"A"** **BY-LAW B-~~6~~ 7** **CLASSES OF PERMITS AND FEES** 1. **CALCULATION OF *PERMIT* FEES** *Permit* fees shall be calculated based on the formula given below, unless otherwise specified in this schedule: *Permit* Fee (rounded to the nearest dollar) = SI x A where SI = Service Index for Classification of the *work* proposed and, A = floor area in m^2 of *work* involved In all cases, more than one fee category may apply unless noted otherwise. 2. **MINIMUM *PERMIT* FEE** ~~A minimum fee of $110.00 shall be charged for all *work*, unless otherwise indicated.~~ **A minimum fee of $175.00, unless otherwise indicated, shall be charged for any work in buildings classified under the *Building Code* as a Part 9 building. For Part 3 buildings a minimum fee of $375.00 shall be charged, unless otherwise indicated herein or listed as a flat fee.** 3. **CLASSES OF *PERMIT*S AND FEES** 3.1 CONSTRUCTION **(new floor area unless noted otherwise)** BUILDING CLASSIFICATION **(per *Building Code*)** SERVICE INDEX (SI) $/m^2$**,** unless otherwise indicated **Group A [Assembly Occupancies]** All Recreation Facilities, Schools, Libraries, Places of Worship, Restaurants (Finished), Theatres, Arenas, Gymnasiums, Indoor Pools ~~14.60~~ **18.75** Restaurants (Shell) ~~11.80~~ **14.20** Outdoor Public Swimming Pools or Public Spas ~~7.80~~ **10.00** All other Group A Buildings ~~17.50~~ **21.00**

Group B [Institutional Occupancies]

Institutional, Hospitals, Nursing Homes, and other Group B Buildings	~~20.20~~ **24.30**

Group C [Residential Occupancies]

Single Detached Dwellings, Semis, Duplexes	~~8.80~~ **11.50**
• with private septic system (additional fee)	~~750~~ $**820.00 flat fee**
• with geothermal system (additional fee)	~~350~~ $**390.00 flat fee**
Live/Work Units, Previously approved (single detached, semis), Townhouses	~~7.40~~ **9.40**
• with private septic system (additional fee)	~~750.00~~ **$900.00 flat fee**
• with geothermal system (additional fee)	~~350.00~~ **$420.00 flat fee**
Apartment Buildings	~~5.80~~ **7.50**
• with geothermal system (additional fee)	~~$450.00~~ **$540.00 flat fee**
Motels (greater than 2 stories) and Hotels	~~14.60~~ **18.00**
All other residential Occupancies	~~11.00~~ **14.00**

Group D [Business and Personal Service Occupancies]

Group D Buildings (Shell)	~~11.00~~ **14.00**
Group D Buildings (Finished)	~~13.90~~ **17.00**

Group E [Mercantile Occupancies]

Group E Mercantile Occupancies (Shell)	~~7.00~~ **8.80**
Group E Mercantile Occupancies (Finished)	~~9.60~~ **12.00**

Group F [Industrial Occupancies]

Industrial Buildings, Warehouses(Shell)	~~5.50~~ **7.00**
Industrial Buildings, Warehouses(Finished)	~~7.00~~ **8.50**
Gas Stations, Car Washes	~~7.20~~ **8.60**
Parking Garages (Underground, Open Air)	~~3.80~~ **4.60**
All Other Group F Buildings including self-storage buildings	~~7.00~~ **9.10**

3.2 ALTERATIONS, RENOVATIONS, and REPAIRS (existing floor areas)

Group C - ~~Detached~~ Dwelling units	~~2.30~~ **3.00**
Group A and B occupancies	~~4.80~~ **6.00**
All other Occupancies	~~3.50~~ **4.60**
~~Façade alterations (only)~~	~~0.30~~
Balcony Repairs or Guard Replacement	~~$13.20~~ **17.00** /$1,000 construction value
~~Emergency lighting, Fire alarms, Standpipes (retrofit)~~	~~$50.00/storey (max.fee $600.00)~~
Parking Garage Repairs	~~$13.20~~ **17.00**/$1,000 construction value
Fire alarms	**$375.00 flat fee** ~~$60.00/storey (max. fee $ 600.00)~~
Fire alarm annunciator panel replacement (stand alone)	**$300.00 flat fee**
~~Ceilings (Added or Replacement)~~	~~$110.00~~

~~Demising Walls (no other construction)~~ ~~$150.00~~
Electromagnetic Locks (max. fee ~~$360.00~~ **420.00**) $ ~~30.00~~ **35.00**each
Sprinklers (based on sprinkler coverage area) ~~0.30~~ **0.50**
~~Storefront (complete replacements)~~ ~~$110.00~~

3.3 DEMOLITION

Single Detached Dwellings, Semis, Duplexes ~~$250.00~~ **350.00 flat fee**
All other buildings:

- with gross floor area equal to or less than 600 m^2 ~~0.30~~ **0.45**
- with gross floor area greater than 600 m^2 ~~0.50~~ **1.00**

3.4 DESIGNATED STRUCTURES (OBC Div. A-1.3.1.1)

Communication Tower supported by a building, ~~$290.00~~ **380.00**/Tower
Crane Runway ~~Set~~ ~~$290.00~~ **380.00**~~/Set~~ **flat fee**
Exterior Tank and Support (not on slab on grade) ~~$290.00~~ **380.00** /Tank
Pedestrian Bridge (when applied as a separate *permit*) ~~$290.00~~ **380.00** /Structure
Retaining Wall ~~$8.60~~ **11.20**/linear m.

~~Wind turbine generator (more than 3 kW) supported by a building $275/generator~~
Stand alone structure supporting a wind turbine generator having a rated output of more than 3kW **$380 flat fee**

3.5 STAND ALONE AND MISCELLANEOUS *WORK*

Air Supported Structures ~~3.50~~ **4.75**
Canopy (with no signage/lettering) ~~$60.00~~ **1750.00**/canopy
Farm Buildings, **Agricultural** Greenhouses ~~2.50~~ **3.50**
~~Mechanical Service Spaces and Penthouses~~ ~~7.20~~
Manure storage facility **$450.00 flat fee**
Portable Classrooms $ ~~110.00~~ **200.00** each
Residential Decks, Porches,

- uncovered $ ~~110.00~~ **175.00** each
- covered (supporting roof loads) $ ~~250.00~~ **300.00** each

Shoring **of excavations** (stand alone *permit* application) $ ~~9.60~~ **11.00**/lineal m.
Single ~~Family~~ Detached **Dwelling** Garages, Carports, Accessory structures:

- equal to or less than 55 **sq.m**. ~~m^2~~ $ ~~110.00~~ **175.00** each
- over 55 **sq.m**. ~~m^2~~ $ ~~200.00~~ **275.00** each
- additional fee of ~~$140~~ **175.00** if plumbing is involved

Temporary Structures
~~Individual~~ Tent**s (individual or each group)**

- **from 60 sq.m to 225 sq.m.** $ ~~110.00~~ **175.00** each
- **exceeding 225 sq.m.** **$ 350.00 each**

Temporary buildings ~~$ 110.00~~ **175.00** each

Underpinning **(stand alone permit)** $ ~~11.00~~ **15.00**/lineal m.

Solar Panels installed on:

- Single detached/semi detached buildings ~~$120.00~~ **180.00 per building**
- All other buildings ~~$13.20~~ **17.00**/$1,000 of construction value **of works excluding solar panel costs**

Underground structures (excluding fuel tanks) ~~$300~~ **400.00**/ structure
Rack storage systems ~~1.50~~ **2.50** (minimum ~~$350~~ **500.00**)

3.6 STAND ALONE MECHANICAL WORK (HVAC & PLUMBING)

~~Min Fee $ 110.00 , unless noted in this subsection (when applied for as a separate *permit*).~~ More than one fee category may apply per building/*work* proposed.

3.6.1 Heating, Ventilating and Air Conditioning (HVAC)

Group A,B,D ~~&~~ E, F ~~1.00~~ **2.00**
Group C – single/detached/semi-detached dwelling units ~~$ 110.00~~ **175.00 flat fee**
– other Group C Buildings ~~1.00~~ **2.00**
~~Group F~~
~~- laboratories 1.00~~
~~- parking garages 0.50~~
~~- other Group F buildings 0.90~~

Plus an additional flat fee of $175.00 if work proposed includes
~~Add on System, $ 110.00~~
~~Unit Heaters,~~ Make-up Air **Units or Rooftop Units**. ~~, or Exhaust Fan~~

~~And/or Ductwork Alternations~~
~~Plus:~~
~~Structural work for HVAC replacement or new $13.20 / $1,000 construction value~~

Commercial Kitchen Exhausts, Spray Booths, Dust Collectors, etc. (applies to installations on existing buildings **when no other mechanical/plumbing work is proposed**) ~~$200.00~~ **350.00**

3.6.2 Plumbing and Drainage Systems-Fixtures-Equipment-Systems

~~Roof Drains $ 11.00 each~~

Piping- Single Detached or Semi Detached Dwellings**:** ~~$ 110.00~~ **175.00 flat fee**

- Water services, Sanitary and Storm buried piping, repairs, replacements and additions of buried plumbing and drainage piping, pool drains

Piping (All Other Buildings) ~~$ 2.00~~ **3.00** /lineal m

- Inside Sanitary and Storm Piping, Outside Water Services, Sanitary and Storm Piping

Manholes, Catchbasins, Interceptors, and Sumps ~~$ 11.00~~ **12.10** each complete with pumps

Backflow prevention devices (requiring testing) ~~$110.00~~ **$175.00 each**

Backwater valves (sanitary) including weeping tile disconnection **$175.00 each**

Private *Sewage system* (new or replace):

- Holding Tank ~~$500.00~~ **620.00 flat fee**
- Septic System (complete) ~~$750.00~~ **850.00 flat fee**
- Septic Bed ~~$500.00~~ **620.00 flat fee**
- Septic System Tank **only** ~~$300.00~~ **360.00 flat fee**

Geothermal system for single**/semi** detached/duplex ~~$350.00~~ **420.00 flat fee**
Geothermal system for all other buildings ~~$500.00~~ **620.00 flat fee**

4. **ADMINISTRATIVE FEES**

	b)	Additional Plan review fees (in addition to *permit* fees charged due to any increase in floor area) as a result of changes made to the original *permit* application submission.	
		(i) After all reviews have been completed prior to *permit* issuance or after the *permit* has been issued (excludes new model submission for single detached dwellings, duplexes, semi-detached dwellings, or row townhouses**, review of propietory products/systems/equipment/ components)**	~~$90.00~~ **130.00** per hour (min. fee ~~$110.00~~ **175.00**)
		(ii) New Model submission (single detached dwellings, semi-detached dwellings, duplexes, or row townhouses) made more than five business days after original *permit* application was submitted or post *permit* issuance	50% of the original *permit* fee
	b)	Partial Occupancy ***permit*** ~~(before completion)~~	~~$430.00~~ **560.00 per *permit***
	d)	Conditional *Permit (as per* Section 8.(3) of *Building Code Act)* in addition to fee in section 3 above, (iii) single detached dwellings, duplexes, semi-detached dwellings, or row townhouses	~~$200.00~~ $**275.00 per *permit***
		(iv) all other uses	~~$400.00~~ **$600.00 per *permit***
	d)	Inspection to Clear Deficient *Permit*	~~$250.00~~ **500.00 flat fee**
	f)	**Inspection conducted after Order issued under the *Building Code Act* where Order has not been complied with**	**$175.00 per visit**
	~~e~~ f)	Permission to Defer Revocation	$ ~~200.00~~ **300.00** per *permit*
	~~f)~~ g)	*Permit* for Change of Use **(no construction)**	~~$110.00~~ **175.00 flat fee**
	h)	Special Inspection, **excluding fire protection inspection** (**outside office hours-max 3 hours-upon request-based on staff availability)**	~~$300.00~~ **400.00 flat fee**
	i)	**Special inspection for fire protection items** (**outside office hours-max 3 hours-upon request-based on staff availability)**	$ **500.00 flat fee**
	j)	**Special inspection on holidays and weekends (max. 3 hours-upon request-based on staff availability)**	**Special inspection fee plus 50% of the special inspection fee**
	~~h)~~ k)	Transfer of *Permit* (Ownership)	$ ~~110.00~~ **175.00** flat fee

~~i)~~ l) Special Research Requests of Building Division~~, **Microfilm and Plans**~~ Records — $~~110.00~~ **175.00** per hour or part thereof

~~j)~~ m) Certification of an additional set of drawings on the basis of which a *permit* was issued by the *Chief Building Official* — $~~110.00~~ **175.00** per set

~~k)~~ n) Spatial separation (Limiting distance) agreements $~~300.00~~ **400.00 per agreement**

~~l)~~ o) Alternative solution~~s~~ review $~~300.00~~ **400.00 per alternative solution form submission**

~~m)~~ p) *Three day permit*

- Residential use (excluding apartment buildings) — additional fee equal to 50% of the original *permit* fee (min. $~~150.00~~ **275.00**)
- All other uses — additional fee equal to 50% of the original *permit* fee (min. $~~300.00~~ **550.00**)

~~n)~~ q) Occupancy *permit* (in accordance with Ontario *Building Code* Div. C -1.3.3.4 **and 1.3.3.5**) (included in *permit*)

Additional copy of occupancy *permit* — $~~100.00~~ **150.00 flat fee**

~~o)~~ r) Liquor Licence Clearance Letter

- Not Associated with a Building *Permit or Business License* $~~360.00~~ **480.00 flat fee**
- Associated with a Building *Permit* or Business License $~~150.00~~ **275.00 flat fee**

~~p)~~ s) Drainlayer's Examination Fee — $~~100.00~~ **150.00 flat fee**

~~q~~) t) Review of proprietary systems/equipment/ components forOntario *Building Code* conformance (including Compliance letter issuance) — $~~200.00~~ **300.00 per item reviewed**

u) Review of proprietary systems/equipment/ components for Ontario *Building Code* conformance associated with a specific building permit or permit application — **$200.00 flat fee per item reviewed**

v) 'Not Ready' re-inspection — **$175.00 flat fee**

w) Construction Fence inspection — **$175.00 flat fee per inspection**

x) Order issued pursuant to the Act, except for Stop Work Order
(Payment of these fees does not relieve any person or corporation from complying with the Act, the Building Code or any applicable law.) — **$200.00 flat fee**

y) Stop Work Order issued pursuant to section 14 of the Act.
(Payment of these fees does not relieve any person or corporation from complying with the Act, the Building Code or any applicable law.) — **$275.00 flat fee**

z)	**Work without permit**	**100% of original permit fee (max. $7,500.00)**

5. **MISCELLANEOUS - CHARGES**

For classes of *permit*s not described or included in this schedule, a reasonable *permit* fee shall be determined by the *Chief Building Official*.

6. **REFUNDS**

Pursuant to Part **~~5~~ 7**of this By-law, the fees that may be refunded shall be a percentage of the fees payable under this By-law, calculated by the *Chief Building Official* as follows:

(a) 90 percent if administrative functions only have commenced;

(b) 80 percent if administrative and zoning functions only have commenced;

(c) 60 percent if administrative, zoning and plan examination functions have commenced;

(d) 50 percent if the *permit* has been issued and no field inspections have been conducted subsequent to *permit* issuance;

(e) a ~~$110.00~~ **175.00** fee for each field inspection that has been conducted after the *permit* has been issued will be deducted from all refunds.

(f) If the calculated refund is equal to or less than the minimum fee applicable to the *work*, no refund shall be made of the fees paid.

(g) The additional 50% fee paid in the case of a *permit* application for a *three day permit* shall not be refunded in any case.

(h) The additional fee equal to 100% of the amount calculated as the regular *permit* fee but not more than $7,500 paid in the case of *work* without a *permit* pursuant to Section 6.4 of this By-law, shall not be refundable in any case.

(ii) no refund shall be payable in the case where a *permit* has been revoked.

(j) any fee paid for alternative solution review shall not be refundable.

7. **NOTES**

The following explanatory notes are to be observed in the calculation of *permit* fees:

- The Building Classification above shall be the classification for the use as determined by the *Building Code* and Appendix A of the *Building Code*.
- Floor area of the proposed *work* is to be measured to the outer face of exterior walls and to the centre line of party walls or demising walls (excluding **attached** residential garages).
- In the case of interior alterations or renovations, area of proposed *work* is the actual space receiving the *work* (**i.e**. ~~**e.g.**~~ tenant space).
- Mechanical penthouses and floors, mezzanines, lofts, habitable attics, and interior balconies are to be included in all floor area calculations.
- Except for interconnected floor spaces, no deductions are made for openings within the floor area (e.g. stairs, elevators, escalators, shafts, ducts, etc.).

	• Unfinished basements for single detached dwellings (including semis, duplexes, and townhouses) are not included in the floor area. • Attached garages are included in the *permit* fee for single detached dwellings and semi-detached dwellings. • Where interior alterations and renovations require relocation of sprinkler heads or fire alarm components, no additional charge is applicable. • **Where new construction or extensive interior alterations also include the addition of items identified under Stand Alone Mechanical Work (HVAC & Plumbing) the *permit* fee shall be solely based on the service index applicable to the building's classification.** • ~~**Ceilings are included in both new shell and finished (partitioned) buildings. The Service Index for ceiling applies only when alterations occur in existing buildings. Minor alterations to existing ceilings to accommodate lighting or HVAC improvements are not chargeable.**~~ • Where demolition of partitions or alteration to existing ceilings is a part of an alteration or renovation *permit*, no additional ~~**charge**~~ ***permit* fee** is applicable. • Corridors, lobbies, washrooms, lounges, etc. are to be included and classified according to the major classification for the floor area on which they are located. • The occupancy categories in the Schedule correspond with the major occupancy classifications in the Ontario *Building Code*. For mixed occupancy floor areas, the Service Index for each of the applicable occupancy categories may be used, except where an occupancy category is less than 10% of the floor area. • ~~**For Rack Storage use, the square metre charge for industrial uses shall apply.**~~ • **Fees and charges imposed by the Corporation constitute a debt to the municipality and may be added to the tax roll in accordance with s. 398 of the Municipal Act.**
Deletion of Schedules 'B','C', 'E', 'F','G','H','I',' J','K','M'	DELETE Schedules B','C', 'E', 'F','G','H','I','J','K','M'
REVISED 'Schedule N' (3) , relettered as 'Schedule H' and add two new clauses	ADD To 3), **g) 4 inch (100 mm) STORZ connections are only designed for high pressure connections by the London Fire Department, like connecting to a hydrant, etc. and are not to be used for drafting ports, etc.** **h) 5 inch (127 mm) NH female connections are used for ALL drafting connections by the London Fire Department, like drafting port connections, etc."**
	Note : Sections that were not altered and simply renumbered or relettered have not been listed in the above Table.

ARGYLE
BUSINESS IMPROVEMENT AREA

City of London
300 Dufferin Ave.
London, ON
N6B 1Z2

April 4, 2019

ATTN: Planning and Environment Committee

CC: Heather Lysynski, Committee Secretary
Britt O'Hagan, Manager, Urban Regeneration - City Planning, City of London

RE: Community Improvement Plan (CIP) Study Request for the Argyle BIA and Surrounding Area

To the Members of the Planning and Environment Committee,

The Argyle area has a well established and integral commercial stretch on Dundas, between Highbury and Wavell - that currently does not have a Community Improvement Plan (CIP) in place. Up until recently, there has not been an attempt to form a CIP. Recently, we at the Argyle Business Improvement Area (Argyle BIA) decided that a crucial way forward as a community is to start the process of putting in place a CIP - not just the area within the Argyle BIA, but for the Argyle community at large. We are kindly requesting that City Planning staff undertake the study of implementing a CIP for the Argyle area.

With the East Community Centre almost at completion, we believe this is the start of something great for East London. All it takes in a single project of this magnitude to act as a catalyst and start the process of area revitalization and intensification. With a CIP in place, there will be more opportunities for investment coming in, with redevelopment incentives for commercial property owners, along with the prioritization of public infrastructure improvements within the zone.

To elaborate further, the Argyle BIA believes that the CIP needs to be in place in order to allow for certain long-term capital improvements that will renew and revitalize the area. This starts with commercial property owners and giving them the enticement to redevelop their properties via grant programs. Also, to have the CIP in place will create a sense of urgency for certain public infrastructure projects that would improve the safety and aesthetics of the public realm and overall area, which is desperately needed in the Argyle area.

We hope that you will agree that the request from the Argyle Business Improvement Area is valid and necessary for long-term improvement realization and regeneration of the Argyle community.

Sincerely,

Randy Sidhu
Executive Director
Argyle Business Improvement Area

London Advisory Committee on Heritage

Report

The 5th Meeting of the London Advisory Committee on Heritage
April 10, 2019
Committee Rooms #1 and #2

Attendance

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

ABSENT: H. Elmslie

ALSO PRESENT: J. Dent, L. Dent, K. Gonyou, K. Killen, P. Lupton and A. Rammeloo

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 Heritage Alteration Permit Application (York Developments) 131 King Street - Downtown Heritage Conservation District

That, on the recommendation of the Director of Development Services, with the advice of the Heritage Planner, the application made under Section 42 of the *Ontario Heritage Act* to construct a new high-rise building on the property located at 131 King Street, within the Downtown Heritage Conservation District, BE PERMITTED as proposed in the drawings appended to the staff report dated April 10, 2019, subject to the following terms and conditions:

a) the Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design prior to issuance of the Building Permit; and,

b) the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the attached presentations from L. Dent, Heritage Planner and T. Dingman, with respect to this matter, were received.

2.2 One River Master Plan Environmental Assessment - Cultural Heritage Assessment Reports

That the following actions be taken with respect to the One River Master Plan Environmental Assessment Cultural Heritage Assessment Reports (CHAR):

a) A. Rammeloo, Division Manager, Engineering, BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the CHAR for the Springbank Dam and "Back to the River" Schedule B Municipal Class Environmental Assessment, dated April 2, 2019, from Golder Associates Ltd.; it being noted that the LACH prefers Alternative 2, partial dam removal; and,

b) A. Rammeloo, Division Manager, Engineering, BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the

conclusions of the CHAR for the Forks Area and “Back to the River” Schedule B Municipal Class Environmental Assessment, dated April 2, 2019, from Golder Associates Ltd.; it being noted that the LACH does not support Alternatives 1 and 3 and, instead, prefers vegetated terracing for the area;

it being noted that the attached presentation from A. Rammeloo, Division Manager, Engineering, and a verbal delegation from C. Butler, with respect to this matter, were received.

2.3 Draft Old East Village Dundas Street Corridor Secondary Plan

That K. Killen, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is supportive of the Draft Old East Village Dundas Street Corridor Secondary Plan, dated February 2019; it being noted that the LACH supports a stronger approach to mandatory ground floor active uses being considered along the entire stretch of Dundas Street; it being further noted that the attached presentation from K. Killen, Senior Planner, with respect to this matter, was received.

2.4 Long Term Water Storage Municipal Class Assessment Project

That P. Lupton, Environmental Services Engineer, BE ADVISED that the London Advisory Committee on Heritage (LACH) supports the conclusions of the Cultural Heritage Screening Memo, contained within the Long Term Water Storage Municipal Class Environmental Assessment dated March 26, 2019, from AECOM; it being noted that the LACH supports the preferred alternative of the Springbank Reservoir and that a stage 1-2 archaeological assessment should be done at the location; it being further noted that the attached presentation from P. Lupton, Environmental Services Engineer, with respect to this matter, was received.

3. Consent

3.1 4th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 4th Report of the London Advisory Committee on Heritage, from its meeting held on March 13, 2019, was received.

3.2 Municipal Council Resolution - Property located at 195 Dundas Street

That it BE NOTED that the Municipal Council resolution, from its meeting held on March 26, 2019, with respect to the property located at 195 Dundas Street, was received.

3.3 Ministry of Government and Consumer Services – Land Registry Office

That it BE NOTED that the communication dated March 21, 2019, from D. Petoran, Ministry of Government and Consumer Services, with respect to the land registry office, was received.

3.4 Notice of Planning Application - Official Plan and Zoning By-law Amendments - 146 Exeter Road

That it BE NOTED that the Notice of Planning Application, dated April 2, 2019, from N. Pasato, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the property located at 146 Exeter Road, was received.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That it BE NOTED that the Stewardship Sub-Committee Report, from its meeting held on March 27, 2019, was received.

5. Items for Discussion

5.1 Demolition Request for Heritage Listed Property at 160 Oxford Street East by Northwest Healthcare Properties Ltd.

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to the demolition request for the heritage listed property located at 160 Oxford Street East:

a) the Chief Building Official BE ADVISED that Municipal Council consents to the demolition of the building on this property; and,

b) the property at 160 Oxford Street East BE REMOVED from the Register (Inventory of Heritage Resources);

it being noted that the London Advisory Committee on Heritage encourages the applicant to maintain the building and vegetation on the above-noted property until a redevelopment plan is submitted;

it being further noted that the attached presentation from K. Gonyou, Heritage Planner as well as verbal delegations from B. Jones and K. McKeating, with respect to this matter, were received.

5.2 2018 Work Plan

That the revised, attached 2018 London Advisory Committee on Heritage Work Plan Summary BE FORWARDED to the Municipal Council for their information.

5.3 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) London Advisory Committee on Heritage 2019 Budget

That the expenditure of $200.00 from the 2019 London Advisory Committee on Heritage (LACH) budget BE APPROVED for M. Whalley to attend the 2019 Ontario Heritage Conference being held May 30 to June 1, 2019; it being noted that the LACH has sufficient funds in its 2019 budget to cover this expense.

7. Adjournment

The meeting adjourned at 8:26 PM.

Heritage Alteration Permit 131 King Street

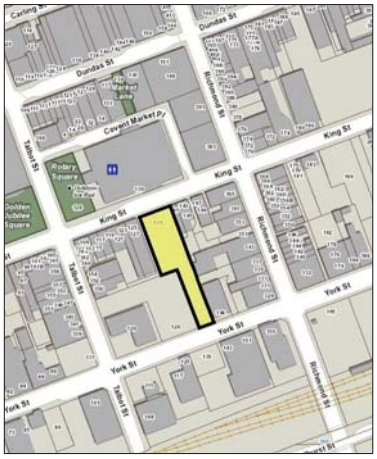
London Advisory Committee on Heritage

Wednesday April 10, 2019

london.ca

Property Location and Heritage Status

- Vacant lot
- Part V designation as part of Downtown HCD
- Classification w/in HCD –
  - infill within a commercial landscape
- Guidelines in HCD –
  - subject to new construction and commercial landscape pattern



Property Description

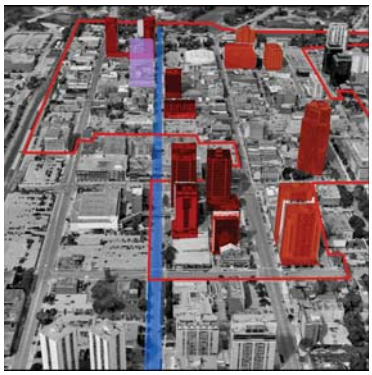
Aerial image of the subject site outlined in red with the laneway along the west boundary of the property shaded in green

Aerial view of block at the corner of King and Talbot Streets – facing south east

Surrounding Context

View along King Street facing west

View of along King Street facing east



Aerial photograph of Downtown HCD highlighting multi-storey buildings. King St. is shaded blue, 131 King shaded violet

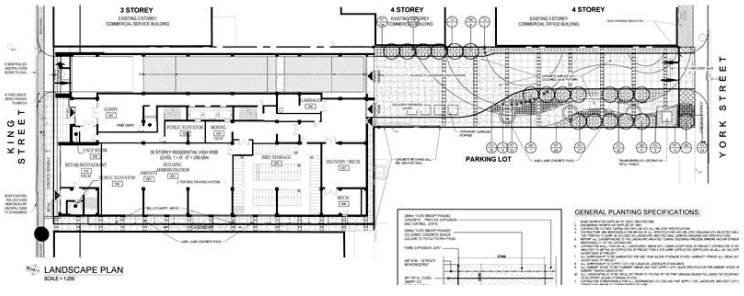
Heritage Alteration Permit

- Meets “conditions for referral” – consultation with the LACH
- Subject to previous ZBA and current Site Plan Approval
  - HAP drawings include features that have been previously approved by Council for a Bonus Zone

HAP application includes:

- podium design (multiple step-backs, canopies, street level retail w/pedestrian interest, screening of multi-level parking)
- tower design (30-storeys, articulated form, design wall feature from podium to top of tower – textured panels and window wall of clear and coloured glazing, varied step-back, complimentary material + colour palette)
- publically accessible parking spaces (41 spaces, level 1, York St)
- design feature (King Street podium façade above vehicular access)
- underground parking (3-levels)
- civic space (publically accessible, at York Street)

Proposal – Landscape Plan



Proposal Elevations

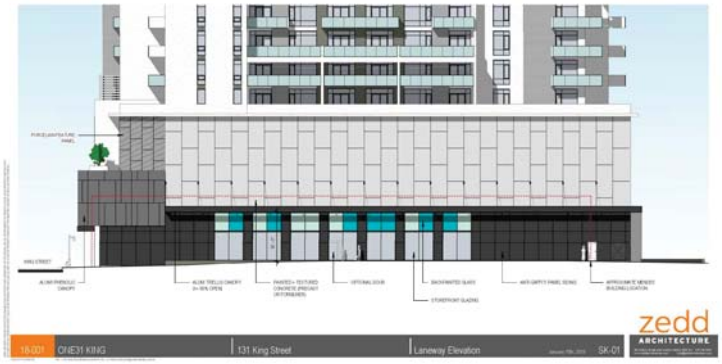
North and south elevations (respectively)

Proposal Elevations

East and west elevations (respectively)

Proposal – Renderings

Proposal – Rendering



Laneway elevation

Proposal – Rendering

Rendering of podium @ King Street

Proposal – Rendering

Rendering of podium @ King Street

Downtown HCD Policies

General Principles
- "importance of preserving the traditional setting and that a new building is perceived as part of a grouping and requires its neighbours to illustrate the original design intent; a new building should reflect and support its context."

Goals
- "a successful [downtown] district will delicately balance preserved buildings, modern infill, and increased density for a vibrant and diverse downtown."

Heritage Character (commercial – streetscape type)
- "development of lots built out to the front and side lot lines, creating a continuous street wall with the rhythm of recessed entrances and storefronts that foster interest at street level; it is identifiable by a narrow busy corridor of pedestrian movement with walkways tight to the buildings, level and continuous…"

Specific Principles + Guidelines
- retention of a three to four storey height at the building line
- enhancement of the street character and pedestrian movement
- maintain and enhance continuous street edge by building out to the front property line;
- setbacks consistent with adjacent buildings
- entrances oriented to street with architectural interest
- buildings of varying heights (2-6 storeys) creating a varied street wall profile
- materials predominantly masonry - brick, stone, and concrete – w/a variety of ornamentation

Analysis

Areas of analysis derived from broad conservation principles and specific guidelines, addressing 'fit and compatibility' of new development in relation to adjacent and surrounding properties

- ✓ **general principles**
- ✓ (+mitigated) **façade composition**
  - step back varies more or less than 5m to benefit aesthetics of apartment tower
  - 5 levels of parking make glazing impractical; mitigate glazing area with art installation and terraced greenscaping
- ✓ (+mitigated) **setback, height and massing**
  - development is 103.5m high with podium setback; additional setback not feasible
- ✓ **Landscape and streetscape**

Rendered Elevations within Street Context

Rendering of podium @ King Street

Conclusions

The construction of a new building and associated site development at 131 King Street:

- ✓ 1) maintains the general intent of the Provincial Policy Statement, the Ontario Heritage Act, the Official Plan and The London Plan;
- ✓ 2) supports City goals of downtown urban regeneration, intensification and economic investment, articulated in London's Strategic Plan, Cultural Prosperity Plan, Community Economic Roadmap and Downtown Plan; and,
- ✓ 3) is compliant with the goals and objectives of the Downtown Heritage Conservation District Plan through mitigative measures aimed at compatible infill development.

It is the opinion of Staff that the Heritage Alteration Permit application should be approved.

Recommendation

Construction of a new building on the property located at 131 King Street, within the Downtown HCD, **BE PERMITTED** subject to the following terms and conditions:

(a) The Heritage Planner be circulated on the applicant's Building Permit application drawings to verify compliance with the submitted design prior to issuance of the Building Permit; and,

(b) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

Analysis – 1

		guideline/principles	design response/comment	
A | general principles	1	conserve character-defining elements of neighbouring buildings	proposed development will define street edge continuity across the mid-block void	✓
	2	new dev. physically and visually compatible w/ historic place while not replicating in whole	podium design responds to fundamental scale and rhythm of District streetscape character; utilizing distinctive, contemporary design	✓
	3	new dev. decipherable from historic precedent and complementing adjacent heritage buildings	distinctive contemporary design with upper tower stepped back from the street edge as per Plan	✓
	4	roof shapes/major design elements complementary to surrounding buildings and heritage patterns	new tower continues and extends trend of multi-storey buildings in the District	✓
	5	setbacks of new development consistent with adjacent buildings	no similar building adjacent	n/a
	6	new buildings/entrances oriented to street; encouraged to have architectural interest	suspended canopy for residents, fully glazed tenant storefront suite and entry	✓
	7	new development respond to unique conditions or location (i.e. corner properties); provide architectural interest/details @ both street facades	articulated street façade provides tension and interest across from south Market entrance	✓

Analysis – 2

		guideline/principles	design response/comment	
B | façade composition	1	new dev. to enhance character of street using high quality materials (brick, stone and slate)	porcelain panels, stainless steel, zinc standing seam, ACM panels, curtain wall glazing	✓
	2	detailing to add visual interest and texture	podium façade divided into a myriad of planes and colliding rectilinear forms; tower animated massing and textured materials	✓
	3	one-storey commercial face of new development	yes	✓
	4	retain a 3 to 4-storey height at the building line; above 18m step back 5m	step back varies more or less than 5m to benefit aesthetics of apartment tower	mitigated
	5	at grade - up to 80% glazing is appropriate; 2nd floor and above +/- 50% glazing (with between 25%< and <75%)	5 levels of parking make glazing impractical; mitigate glazing area with art installation and terraced greenscaping	mitigated
	6	horizontal rhythm/visual transitions between floors articulated	podium well-articulated; parking levels are not evident	✓
	7	floor-ceiling height of ground floor to be consistent w/heights + respect scale of adjacent buildings	yes	✓
	8	new dev. to respect significant design features and horizontal rhythm of adjacent buildings	existing building heights are echoed in several cornice heights	✓
	9	blank façades not permitted facing main or side streets	None	✓
	10	new development sympathetically designed to District heritage attributes (massing, rhythm of solids and voids, significant design features, and high quality materials)	the contemporary architecture responds adequately to meet fundamental design requirements that are characteristic to the District	✓

Analysis – 3

		guideline/principles	design response/comment	
C | setback + height + massing	1	new dev. to maintain and enhance the continuity of the street edge by building out to front property line	the project is built to the property limit on all sides	✓
	2	façades to be 2-storeys min. no more than 18m max	building is 30-storeys as a result of bonusing; height exception permitted by London Plan	✓
	3	new dev. to consider perception of building height from the pedestrian's view on the sidewalk	multi-level terraced building step backs are used	✓
	4	scale and spatial understanding of district be retained while allowing for new dev.	podium design allows visual relief from tower and provides a tripartite division of base, body and attic	✓
	5	2-storeys <, setback upper floors of building from building line (2m for each two metres of height)	development is 103.5m high with podium setback; additional setback not feasible	mitigated
	6	upper floor setbacks required on buildings exceeding heights of neighbouring buildings by over one storey	unclear if policy reflected in design	mitigated
	7	setback/step-backs not permitted <13m bldg. height		n/a
	8	new dev. abutting existing structures at the building line to match adjacent building height—or provide visible/apparent offset in height to maintain the visual integrity of the existing structure	podium design responds to, and continues on line of adjacent buildings.	✓
	9	with/exception of York St., new dev. w/in district encouraged to retain 3-4-storey height @ building line	building is 30-storeys as a result of bonusing; height exception permitted by London Plan	✓
	10	single storey, new development is discouraged		n/a
	11	new dev. to build the full extent of the property width fronting the HCD streets	yes, fully built out to street line	✓

Analysis – 4

		guideline/principles	design response/comment	
D | landscape + streetscape	1	discourage the placement of non-heritage service facilities such as service boxes, parking and utilities in highly visible locations or within view sheds	site servicing, transformers, garbage collection is concealed in dedicated service area	✓
	2	new development built out to the front and side lot lines	yes fully built out to street line	✓
	3	new tree plantings where sidewalk is greater than3.0m in width	planting provided in dedicated "bump out" along pedestrian pathway	✓
	4	provide landscaping to screen parking and for pedestrian quality	parking is primarily provided with parking garage levels within the building	✓
	5	reinforce significant historic cultural gardens and landscapes	restores historic King St edge bordering the Covent Market and Market Square	✓
	6	existing lanes and pathways shall be preserved and positive uses enhanced	existing laneway is preserved and enhances with possible new storefront opening onto alleyway	✓

Policy Framework

- Provincial Policy Statement
- Ontario Heritage Act
- Official Plan and The London Plan
- Strategic Plan for the City of London (2015-2019)
- Cultural Prosperity Plan
- London's Community Economic Road Map
- Our Move Forward: London's Downtown Plan

TD-BAS Inc

131 King Street - HIA

Street Level Perspective View

Key Map

TD-BAS Inc

131 King Street - HIA

North Elevation

West Elevation

TD-BAS Inc

131 King Street - HIA

South Elevation

East Elevation

TD-BAS Inc

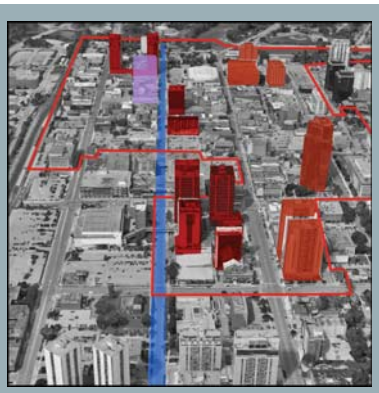
131 King Street - HIA

Down Town Heritage Conservation District Context

TD-BAS Inc

131 King Street - HIA

Proposed Building



Down Town Heritage Conservation District Context

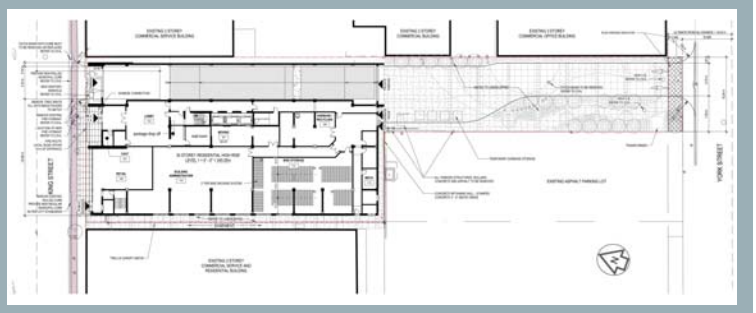
TD-BAS Inc

131 King Street - HIA

TD-BAS Inc | 131 King Street - HIA | Streetscape Context

TD-BAS Inc | 131 King Street - HIA | North Elevation Study

TD-BAS Inc | 131 King Street - HIA | Street Level Elevation Study



TD-BAS Inc | 131 King Street - HIA | Street Level Plan

TD-BAS Inc | "Whiskey Row" | 131 King Street - HIA | 1915 Insurance Map

TD-BAS Inc | 131 King Street - HIA | Street Level Perspective View

ONERIVER

Creating a Master Plan for the Thames River

One River Master Plan

Ashley M. Rammeloo, P.Eng.

Share your vision for the future and learn more:

getinvolved.london.ca/OneRiver

One River Master Plan

One River Master Plan EA

One River, Three Streams

- **River Management Strategy**
  Master Plan level
- **Springbank Dam Decommissioning**
  Schedule B EA
- **Forks of the Thames Design Elements**
  Schedule B EA

Springbank Dam Alternatives

- Do Nothing
  Dam is left as-is
- Partial Removal
  Some components, including the steel gates are removed. Cannot function as a dam. Could be repurposed.
- Full Removal
  Dam is completely removed including the concrete superstructure

CHAR Highlights

- Springbank Dam has heritage value or interest based on historical and contextual criteria
- Nearby designated heritage properties are not directly impacted by any of the alternatives
- Documentation of existing conditions and views recommended prior to removal of elements
- No mitigation measures are required for nearby heritage properties

Back to the River: Forks of the Thames

Four alternatives evaluated, along with "Do Nothing" as the baseline for comparison:

- Original design competition pier-supported walkway
- Suspended walkway
- Modifications to Kensington Bridge to provide pedestrian, cycling, and lookout features
- Land-based walkway

Forks of the Thames Design Preferred Alternative

CHAR Highlights

- Adjacent to a number of heritage features including Kensington Bridge and 1 Dundas
- The preferred alternative may have an impact on existing views, but will offer new opportunities for viewing the river and encouraging appreciation for the area
- Transparent or low visibility materials are encouraged for railings
- Monitor 1 Dundas Street during construction for vibration impact
- Alterations to Ivey Park must comply with the Downtown HCD Plan and may require a heritage alteration permit

Archaeological Assessments

- Stage II assessments completed including hand dug test pits at both sites; COTTFN monitor was on site
- Indigenous artifacts were recovered from a location near Springbank Dam. A Stage 3 site specific assessment will be required. Mitigation measures will be in place during construction.
- There were no findings at the Forks. Construction monitoring will be required if excavation exceeds certain depths.

Next Steps

- Receive and incorporate comments from LACH into final document
- Present final report to CWC
- Notice of Completion followed by public review period and Ministry review

Draft Old East Village Dundas Street Corridor Secondary Plan

April 10, 2019

Timeline

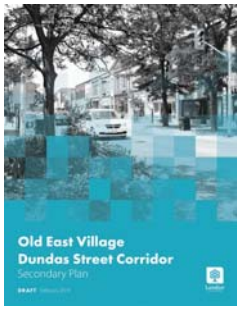
- **May 8, 2018** – Terms of Reference adopted by Council
- **May 9, 2018** – Terms of Reference presented to the LACH
- **June 2018** – Urban Strategies Inc. was retained
- **June 27, 2018** – Community Information Meeting #1
- **November 1, 2018** – Community Information Meeting #2

Timeline Continued

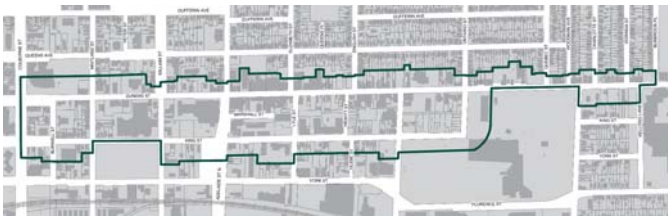
- **January 13, 2019** – Cultural Heritage Assessment Background Report prepared by ASI presented to the LACH
- **February 19, 2019** – Draft Secondary Plan presented to PEC
- **March 5, 2019** – Council direction to continue consultations and return with a revised Plan

Purpose

- Respond to the context of a specific area through more detailed policies than provided in *The London Plan*
- Where the Secondary Plan is silent on a matter addressed in *The London Plan*, *The London Plan* policies apply



Secondary Plan Area

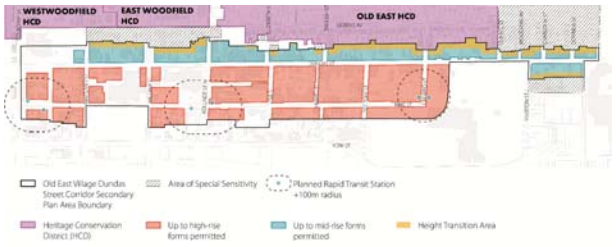


Vision

- 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.

Land Uses

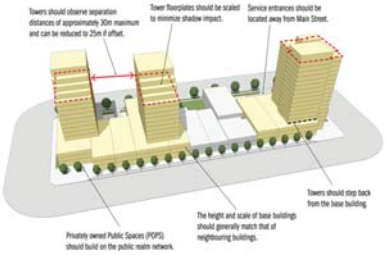
Permitted Heights



Mid-Rise Building Form

Built Form

- Consistent with the *Old East Village Commercial Corridor Urban Design Manual*
- Pedestrian-scale podiums, step backs from public rights-of-way
- Slender towers to reduce shadow impact and maximize sky views
- No blank facades at grade



Cultural Heritage

- Cultural heritage policies are consistent with the recommendations of the ASI Background Report
- Identifies the requirement for a Heritage Impact Assessment (HIA) for 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
- Identifies potential mitigation approaches that may be suitable for consideration and application for minimizing impacts from proposed developments

Next Steps

- **May 15, 2019** – Community Information Meeting #3
- **June 2019** – Final Secondary Plan to PEC

Welcome
City of London
Long Term Water Storage

Municipal Class Environmental Assessment
Public Information Centre #2

November 28, 2018

The purpose of this Public Information Centre (PIC) is to:

- Present an overview of the results from PIC #1 (June 2018);
- Summarize the work undertaken since June;
- Present the evaluation of reservoir locations;
- Present the preferred alternatives; and,
- Meet the project team and get your feedback.

Please take a comment form and a pen. As you review the information presented today, we encourage you to ask questions and provide feedback.

Municipal Class Environmental Assessment

What is a Municipal Class Environmental Assessment?

- A Municipal Class Environmental Assessment (EA) is a process approved under Ontario's ***Environmental Assessment Act.***
- It enables municipal infrastructure projects to be planned with a proven process for protecting the environment.
- This project is following the Municipal Class EA process for **Schedule 'B'** projects.
- Schedule 'B' projects must follow **Phases 1 and 2** of the Class EA process.
- At the end of the EA process, a Project File report will be prepared for public review and comment.

What is the Purpose of this Class EA?

To select a preferred storage location through a comprehensive, environmentally sound planning process that is open to public participation.

Municipal Class Environmental Assessment Process

Phase 1 Identify the Problem and Opportunity Statement — See Board 3

Phase 2 Identify Alternative Solutions to address the Problem and Opportunity Statement — See Boards 4-12 — **WE ARE HERE**

Phase 3 Identify Alternative Design Concepts

Phase 4 Prepare Environmental Study Report

Schedule 'C' Projects Only

Phase 5 Implement the Solution — See Board 13

Problem and Opportunity Statement

Problems and Opportunities

- The City of London's water system provides safe drinking water to residents, businesses and industries within the City limits.
- Springbank Reservoir #2 requires continued maintenance and repair and is reaching the end of its service life. The City would like to consider retiring the facility when it reaches the end of its life expectancy anticipated in 2022. As a result, comparable reservoir capacity (45ML) will need to be replaced or better located within the City's water system.
- The Arva Reservoir and Pumping Station can provide water via the Lake Huron Water Supply System to the entire City during a power outage. However, the water supply rate and pressure is reduced compared to normal operating conditions and emergency needs. The City needs to have adequate standby power to operate the Arva distribution pumps to the City and be able to utilize the volume of water in storage at the Arva Reservoir.
- Additional water storage is necessary to meet future growth demands to 2054 and beyond.
- The City must also consider the potential of a disruption or reduction in water supply during emergency situations in planning for the storage needs of the City's water system, as well as Ministry of Environment and Climate Change fire balancing and daily peak demand needs.

Problem and Opportunity Statement

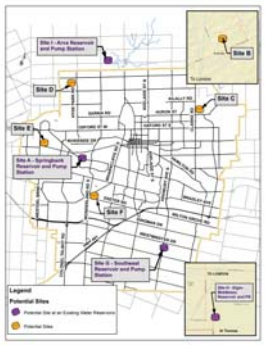
The City of London provides water storage and distribution from the Arva, Elgin-Middlesex, Southeast and Springbank reservoirs. From these sources, water is provided for drinking water, daily household use, business and industrial needs and fire protection. Water can also be provided during water disruptions or if pressures within the City's water system are reduced. However, the existing water system is not able to provide flows at a supply rate and pressure necessary to meet peak demand, fire and/or emergency needs based on future growth. Additionally, Reservoir #2 at Springbank is subject to ongoing maintenance associated with this aging facility and is nearing the end of its service life.

This Class EA study will examine opportunities to address these issues and determine a preferred solution for future water storage that will contribute to the overall City water system to meet daily operation and emergency needs, to meet future growth.

PIC #1 Summary

The Long List of Candidate Reservoir Locations (9) were evaluated and reduced to a Short List of Candidate Reservoir Locations (4).

Within 2 of these locations (Site A and Site C), multiple sites were identified.



Site A: Option 1 – Reservoir on top of and adjacent to the Reservoir #2 footprint

Site A: Option 2 - Reservoir adjacent to the Reservoir #2 footprint

Site C: City Northeast (7 potential sites)

Site G: Southeast Reservoir (1 potential site)

Site I: Arva Reservoir (1 potential site)

Natural Heritage, Archaeology and Cultural Heritage

Natural Heritage

- A preliminary background review was conducted to identify existing natural heritage features at the four candidate sites. Species at Risk (SAR), Species of Conservation Concern (SOCC) and relevant Official Plan Schedules outlining natural heritage land use designations were utilized to inform the review. (See boards 8-9 for results and rankings)
- Previous reports undertaken by AECOM within the study area were also used and include:
  - *North Huron Subject Land Status Report (AECOM, 2015)*
  - *Southeast Reservoir Subject Lands Status Report (Earth Tech Canada Inc., 2004)*
  - *Southeast Reservoir & Pumping Station Environmental Impact Study (Earth Tech Canada Inc, 2005)*

Archeology

- A preliminary background review was conducted to document the archaeological and land use history as well as the existing conditions at the four candidate sites. Data sources included recent historical maps, previous archaeological assessments, The Ministry of Tourism Culture and Sport's and Ontario Heritage Trust Databases and the City of London's heritage register mapping. (See board 8 for results and rankings)

Cultural Heritage

- A preliminary background review was conducted to determine whether the four candidate sites have the potential to impact cultural heritage resources. Data sources included the City of London's Inventory of Heritage Properties, Ontario Heritage Trust's online inventory, the Canadian Register of Historic Places and the Directory of Federal Heritage Designations. (See board 8 for results and rankings)

Geotechnical and the Evaluation of Long Term Storage Requirements

Geotechnical

- A background review was conducted to document the historical geotechnical and hydrogeological data obtained during various field investigations completed. Reports completed in the vicinity of the proposed locations were referenced to establish location suitability. (See boards 9 for results and rankings)

Evaluation of Long Term Storage Requirements

- A preliminary background review was conducted to review and confirm system design criteria, such as minimum pressures under emergency supply conditions as well as storage sizing criteria, in general and for future growth. Available storage, estimates for storage capacity requirements for each design year and potential storage locations and configurations were also identified. An analysis of the results for each alternative storage site was completed. (Boards 10-11 outline the results and rankings)
- Previous reports reviewed by AECOM within the study area were also used and include:
  - *2002 Water Supply Reliability Assessment, Final Report (Dillon, 2002)*
  - *2008 City of London Water Master Plan Update (City of London, 2008)*
  - *2014 City of London Water Master Plan Update (City of London, 2014)*
  - *Elgin Area Primary Water Supply System – 2008 Water Master Plan Update (Delcan, 2010)*
  - *Lake Huron Primary Water Supply System – 2008 Water Master Plan Update (Delcan, 2010)*
  - *City of London InfoWater hydraulic model (AECOM, 2014)*

A qualitative evaluation was undertaken for the evaluation of alternatives based on the reports presented on Boards 5 and 6. Table 1 summarizes the criteria and measures including environmental components that address the broad definition of the environment as described in the Environmental Assessment Act, used for evaluation purposes, to assist in determining the best possible solution.

Evaluation of Long Term Storage Requirements

- A detailed assessment of each short listed alternative solution was completed based on the previously described evaluation components and criteria. The evaluation approach used to consider the suitability and feasibility of alternative solutions for the study was a qualitative assessment. In this evaluation approach, trade-offs consider the advantages and disadvantages of each alternative to address the problem and opportunity statement with the least environmental effects and the most technical benefits for relative comparison between alternatives. This formed the rationale for identification of the preferred alternative.
- A comprehensive evaluation in a matrix format was prepared and used to present the evaluation of alternative solutions as shown in Boards 8 - 12.

Evaluation Framework and Criteria

Table 1 – Evaluation Framework

Category	Criteria	Indicator
Public Health	Long/short Term Impacts	• Noise quality • Air quality
Social and Cultural Evaluation	Property Impacts and Acquisition	• Need for Land Purchase in part or in whole
	Residential Land Use	• Potential long or short-term impacts to surrounding neighbourhoods/land use - due to project and/or construction
	Built and Cultural Heritage Resources	• Potential impacts to built and cultural heritage resources
Natural Environment	Terrestrial	• Potential Effects on flora, fauna and associated habitat. • Potential Effects to Species at Risk (SAR).
	Aquatic	• Number and nature of water crossings, including upgrade requirements. • Potential Effects on aquatic species and associated habitat. • Potential Effects to Aquatic SAR.
	Ground and Surface Water	• Impacts to water quality.
Engineering	Hydraulics	• Ability to service northeast London
	Energy Optimization	• Optimizes Energy use and transient protection • Need for booster pumping and backup power
	Operations Improvement	• Ease of normal system operation, water turnover and quality.
	Infrastructure	• Use of existing infrastructure • Distribution routing/ New Water System infrastructure
	Climate	• Water supply source and system/ climate resilience
Economic and Financial	Operating Costs	• Total project costs (design and construction) • Operating and Maintenance Costs • Land Costs

Impact Criteria	Indicators	Reservoir Location					
		Site A Vicinity of Existing Springbank Reservoir and PS		Site C North East System: Clarke Road and Huron Road Area	Site G Existing Southeast Reservoir and PS	Site I Existing Arva Reservoir and PS	
		A1	A2				
Public Health and Safety	Long/Short Term Impacts due to air and noise quality	-Little to no change from existing for long term. Some impacts due to construction given residential proximity	-Some change from existing for long term with impacts due to construction in closer proximity to residents.	-Some change from existing in long term due to construction subject to which of 7 sites is chosen. -More significant for those options closer to existing residences.	-No change from existing in long term or due to construction in short term due to remote location.	-No change from existing in long term. -Some impacts due to construction in short term given proximity to some nearby residences.	
Public Health and Safety Evaluation Summary							
Social and Cultural	Need for Land Purchase in part or in whole	-City owned land for purpose, currently used as open space.	-City owned land for purpose, but currently used as open space.	-Some City owned land with some sites having to be purchased. -Land intended for industrial or residential development.	-City owned land ready for purpose.	-Outside of City boundary but is owned by the Regional Water System with London being the major user. (Potential to provide land at no low cost if the decision is to have storage here to optimize the City's water supply). -Currently used as open space.	
	Potential long or short term impacts to surrounding neighbourhoods/land use – due to project and/or construction.	-Impact to existing due to: loss of open space that can be replaced in part; reservoir closer to residences and higher slopes; Infrastructure work across Commissioners Road impacts roadway and the work onsite is closer to existing residences.	-Impact to existing due to: loss of open space, reservoir much closer to residences; and even higher slopes; Infrastructure work across Commissioners Road impacts roadway and the work onsite is much closer to existing residences.	-Impact to existing residents/businesses and land use (now and/or future), which could be mitigated to some extent based on which of 7 locations chosen. -Impacts to City's industrial land strategy by reducing available land. - New site requires extensive work on Clarke road for inlet/outlet, watermains, construction and permanent access.	-No impacts to surrounding land uses. -No impacts to existing residences/businesses. -Minimal construction impact given all works are setup for the site and it is well away from existing residents.	-Minor impacts to existing area and/or land use with nearest residence being greater than 300m away from a potential expansion, which is a more than adequate buffer. -Minimal impact due to construction to nearby residences. Available site with no road works other than increased construction traffic.	

Low Impact is considered preferred compared to moderate or high impact.

Legend	Low Impact	Low to Moderate Impact	Moderate Impact	Moderate to High Impact	High Impact	Most Preferred

Impact Criteria	Indicators	Reservoir Location					
		Site A Vicinity of Existing Springbank Reservoir and PS		Site C North East System: Clarke Road and Huron Road Area	Site G Existing Southeast Reservoir and PS	Site I Existing Arva Reservoir and PS	
		A1	A2				
	Potential impact to archaeological / heritage resources. (2)	-Moderate impact – Stage 1 archaeological work completed, requires Stage 2 study. -CHER or HIA may be required to fully evaluate cultural heritage impacts.	-Moderate impact – Stage 1 archaeological work completed, requires Stage 2 study. -CHER or HIA may be required to fully evaluate cultural heritage impacts.	-Slight impact – Stage 1 archaeological work completed for the most part except for 2 sites. -Depending on the site chosen, CHER or HIA may be required to fully evaluate cultural heritage impacts.	-No impact. Stage1,/2 archaeological work completed. -CHER or HIA may be required to fully evaluate cultural heritage impacts.	-Low to Moderate impact, archaeological potential with Stage 1/2 required. -No Cultural Heritage impacts.	
Social and Cultural Evaluation Summary							
Natural Environment (3)	Terrestrial – ecological impacts resulting from removal or damage to vegetation and trees (Species at Risk).	- Woodland is a total of 9.77 hectares of which ~0.70 ha will be potential affected by proposed works. - Approximately 35 trees may be affected to extend the reservoir to the east into existing open space area.	- Woodland is a total of 9.77 hectares of which ~1.25 ha will be potential affected by proposed works. - Approximately 80 trees may be affected to extend the reservoir to the east into existing open space area. - More green space and natural areas impacted.	- Candidate sites primarily agricultural, however, unevaluated wetlands and woodlands are present. Any proposed facility should be kept away from wetlands/woodlots of significant value. If not, additional assessment and mitigation work is required. - Park impacts for 1 potential site.	- Natural Feature is approximately 15 hectares in size, with approximately 1.56 ha falling within the study area. Low amount of impact based on Natural Heritage review and that proposed works can be implemented without impacts to the wooded area already allowed for by previous assessments and work.	- Natural Feature is approximately 14 ha with 1.29 ha falling within the study area. Least amount of impact based on Natural Heritage review and that proposed work can be implemented without impacts to woodland areas; however, the boundary of the existing woodland would need to be confirmed through field investigations.	
	Impacts to Wildlife (Species at Risk)	- Potential impacts to 18 SAR Of these, 15 (10 Endangered (END), 5 Threatened (THR)) are protected under the *Endangered Species Act* (2007). The other 3 species are listed as Species of Conservation Concern (SCC) and do not have any permitting implications.	- Potential impacts to 18 SAR Of these, 15 (10 END, 5 THR) are protected under the *Endangered Species Act* (2007). The other 3 species are listed as SCC and do not have any permitting implications.	- Potential impacts to 20 SAR Of these, 11 (5 END, 6 THR) are protected under the *Endangered Species Act* (2007). The other 9 species are considered SCC and do not have any permitting implications.	- Potential impacts to 13 SAR Of these, 8 (5 END, 3 THR) are protected under the *Endangered Species Act* (2007). The other 5 species are considered SCC and do not have any permitting implications. - Potential impacts are limited to 3 SAR cultural meadow species (3 THR) based on the proposed reservoir footprint. - Some impacts for 9 SAR were pre-assessed and mitigated during the Subject Land Status Report (Earth Tec, 2004).	- Potential impacts to 11 SAR Of these, 10 (5 END, 5 THR) are protected under the *Endangered Species Act* (2007). The other 1 species is considered SCC and does not have any permitting implications. - Potential impacts are limited to 5 SAR cultural meadow species (4 THR and 1 SCC) based on the proposed reservoir footprint.	

Low Impact is considered preferred compared to moderate or high impact.

Legend	Low Impact	Low to Moderate Impact	Moderate Impact	Moderate to High Impact	High Impact	Most Preferred

Impact Criteria	Indicators	Reservoir Location					
		Site A Vicinity of Existing Springbank Reservoir and PS		Site C North East System: Clarke Road and Huron Road Area	Site G Existing Southeast Reservoir and PS	Site I Existing Arva Reservoir and PS	
		A1	A2				
	Aquatic – ecological impacts resulting from construction in or near water with potential to harm aquatic species (watermain crossings, Species at Risk).	- No watercourses were observed within 100 m of the proposed reservoir. There are no anticipated impacts to SAR; however, potential impacts cannot be determined without further study.	- No watercourses were observed within 100 m of the proposed reservoir. There are no anticipated impacts to SAR; however, potential impacts cannot be determined without further study.	- 1 SAR species (THR) was flagged by NHIC during the background review; however, suitable aquatic habitat was not identified during aquatic surveys in within the Site C study area (AECOM, 2015). The Thames River is located approximately 100 metres north of the study area and contains SAR. - Impacts cannot be determined without further study. A moderate impact will be assumed until proposed reservoir footprints are established.	- A small portion of Pert Dram was identified in the southwest corner of the study area and therefore also falls within the KCCA's Regulation Limit. Aquatic SAR were not identified in the 2004 report (Earth Tec, 2004). There are no anticipated impacts to SAR. - Impacts cannot be determined without further study, however they are less likely given the proposed location of the reservoir.	- 1 SAR species was identified during the NHIC background review; however OFO mapping did not flag any aquatic SAR species. There are no anticipated impacts to SAR species. - Impacts cannot be determined without further study; however, they are less likely given the proposed location of the reservoir.
	Impacts to ground/surface water quality (1)	- Minimal ground or surface water impacts but should be confirmed given soil type / groundwater conditions in the area.	- Minimal ground or surface water impacts but should be confirmed given soil type / groundwater conditions in the area.	-Higher ground and/or surface water impacts subject to the preferred site location of the 7 options.	-No groundwater/surface water quality impacts. Already addressed as part of initial facility construction and allowance for expansion.	-Minimal ground or surface water impacts anticipated. Subject to onsite confirmation at later project stages. -Water ponds onsite/adjacent to site due to poor drainage currently being addressed by adjacent landowners.	
Natural Environment Summary							
Technical Considerations (4)	Ability to service northeast London (Hydraulics)	- Does not improve operation and pressure under peak/emergency response in NE London, but maintains water supply above minimum MOEC pressures.	- Does not improve operation and pressure under peak/emergency response in NE London, but maintains water supply above minimum MOEC pressures.	-Best addresses systemic operation and peak/emergency response and hydraulic issues in NE London.	- Does not improve operation and peak/emergency response in NE London.	-Addresses system operation and peak/emergency response hydraulics issues in NE London for the most part.	

Low Impact is considered preferred compared to moderate or high impact.

Legend	Low Impact	Low to Moderate Impact	Moderate Impact	Moderate to High Impact	High Impact	Most Preferred

Impact Criteria	Indicators	Reservoir Location					
		Site A Vicinity of Existing Springbank Reservoir and PS		Site C North East System: Clarke Road and Huron Road Area	Site G Existing Southeast Reservoir and PS	Site I Existing Arva Reservoir and PS	
		A1	A2				
	Optimizes Energy use and transient protection	-No improvement or detriment to transient protection under peak/emergency conditions. Much reduced energy costs due to gravity feed and somewhat improved operations with the Arva PS.	-No improvement or detriment to transient protection under peak/emergency conditions. Much reduced energy costs due to gravity feed and somewhat improved operations with the Arva PS.	-Decreased transient protection with increased energy needs (highest of all the alternatives)	-No improvement or detriment to transient protection or increase in energy costs but pumping intensive.	-No improvements or detriment to transient protection but pumping intensive, Energy costs can be optimized at PS with storage in place.	
	Operational Improvement (ease of normal system operation, water turnover and quality)	-No significant improvement or detriment to existing operations. Longer water residence time necessitating operational changes at the Arva PS. Gravity based operation.	-No significant improvement or detriment to existing operations. Longer water residence time necessitating operational changes at the Arva PS. Gravity based operation.	-Water system operation more complex with a 4th major reservoir and PS. Maintains water quality but increases water turnover necessitating Arva PS operational changes.	-No significant improvement or detriment to existing operations. New storage not fully utilized and reliant on Elgin water supply expansion. Additional pumping capacity required.	-No significant improvement or detriment to existing City water operations, with improved potential for Regional Water Supply for filling. Maximizes new reservoir volume use with pumping capacity optimized.	
	Use of existing infrastructure	-Replaces existing 50ML being retired. An additional 50ML can be constructed on available land and connected to the existing reservoir with some height and slope issues.	-Replaces existing 50ML being retired. An additional 50ML can be constructed on available land and connected to the existing reservoir with greater height, proximity and slope issues.	-New greenfield, land to be purchased and revised land use for City owned. -Does not maximize use of existing infrastructure.	-Existing infrastructure already in place as facility is designed for 113 ML expansion. Additional pumping capacity required.	-Connecting to existing reservoir on existing land for purpose.	
	Need for booster pumping and backup power.	-No PS or backup power required (gravity system).	-No PS or backup power required (gravity system).	-Yes, a new PS and backup power is required.	-No new PS or backup power is required but additional pumping capacity is needed.	-No new PS or pumping capacity is required, but emergency backup power is needed to access full reservoir capacity.	
	Distribution routing / New Water System infrastructure	-Interconnection to existing PS and Reservoirs only.	-Interconnection to existing PS and Reservoirs only.	-New infrastructure and connections required to the Clarke Road watermain.	-No new infrastructure required.	-Interconnection to existing PS and Reservoir only.	

Low Impact is considered preferred compared to moderate or high impact.

Legend	Low Impact	Low to Moderate Impact	Moderate Impact	Moderate to High Impact	High Impact	Most Preferred

Impact Criteria	Indicators	Reservoir Location					
		Site A Vicinity of Existing Springbank Reservoir and PS		Site C North East System: Clarke Road and Huron Road Area	Site G Existing Southeast Reservoir and PS	Site I Existing Arva Reservoir and PS	
		A1	A2				
	Water Supply Source and System/Climate Resilience	-Lake Huron supply, gravity based servicing to all of London under all conditions. Lowest climate impacts.	-Lake Huron supply, gravity based servicing to all of London under all conditions. Lowest climate impacts.	-Lake Huron supply for NE London only. New infrastructure and pumping required with backup power for emergency operations. Increased climate impacts.	-Lake Erie supply for SE London, with infrastructure and backup power in place for pumped operations. Current storage necessitates additional supply from Lake Erie. Greatest impact to climate.	-Lake Huron supply with pump based operations to the entire City. Backup power required for improved emergency operations to that currently available, with some climate impacts.	
Technical Considerations Evaluation Summary							
Economic and Financial	Capital and Land Cost	-Lowest capital cost with no land cost.	-3rd Lowest capital cost but with no land cost.	-2nd Highest capital and land costs of all alternatives.	-Lowest capital cost of all alternatives with no land costs. -However necessitates Elgin Water system expansion at highest cost.	-2nd lowest capital cost with no land cost and some potential capital cost that could be mitigated with Regional Water Supply.	
	Operating Costs	-Lowest operating cost.	-Lowest operating cost.	-Highest operating cost.	-3rd lowest operating cost.	-2nd lowest operating.	
Economic and Financial Evaluation Summary							
Overall Summary / Recommendation							

Notes:
(1) Geotechnical and Hydrogeotechnical Summary (October 2018)
(2) Water Storage Options EA – Draft Preliminary Background Review – Archaeology /Cultural Heritage (October 2018)
(3) Water Storage Options EA – Draft Preliminary Background Review – Natural Heritage Background Review (October 2018)
(4) Evaluation of Long Term Storage Requirements (October 2017)

Low Impact is considered preferred compared to moderate or high impact.

Legend	Low Impact	Low to Moderate Impact	Moderate Impact	Moderate to High Impact	High Impact	Most Preferred

Springbank Reservoir: Site A1

- 100ML of additional storage capacity be implemented at the existing Springbank Reservoir Site (Option A1) by 2024 to replace the existing 45 ML of storage to be retired, and meet storage deficit/growth projections to that point in time as per table 4.1 from the Evaluation of Long Term Storage Requirements Study.

Evaluation of Long Term Storage Requirements

Table 4.1 – Required Storage Capacity – 48 hour Emergency

Year		Demands (ML/d) (1)		Emergency - MDD / ADD (2 days)					
		ADDw	MDD	Required Storage (ML)	Elgin Supply Volume (ML)	Total Supply (ML)	Net Required Storage (ML)	Available Storage (ML)	Storage Surplus (defecit) (ML)
	Existing	133.2	267.3	482.7	80.0	80.0	403	312	-91
0	2014	134.4	269.8	486.9	115.0	115.0	372	312	-60
5	2019	140.1	281.5	507.1	115.0	115.0	392	312	-80
10	2024	145.9	293.3	527.4	115.0	115.0	412	283	-130
15	2029	151.6	304.9	547.4	170.0	170.0	377	283	-95
20	2034	157.4	316.9	568.0	170.0	170.0	398	283	-115
25	2039	163.3	328.9	588.7	170.0	170.0	419	283	-136
30	2044	169.4	341.4	610.2	170.0	170.0	440	283	-157
35	2049	175.8	354.4	632.5	170.0	170.0	462	283	-180
40	2054	182.4	367.8	655.7	170.0	170.0	486	283	-203

Future Storage

- A further 100ML of additional storage capacity to be implemented at the existing Arva Reservoir Site (Option I) by 2044 to meet storage deficit/growth projections to that point in time as per Table 4.1 from the Evaluation of Long Term Storage Requirements Study dated October 2017.
- Additional Storage capacity to be implemented at the existing Southeast Reservoir Site (Option G) once the Elgin Water Supply System treatment and supply capacity is expanded to meet future growth needs in addition to or as part of the further 100ML of additional storage capacity recommended at the Arva Reservoir Site (Option I).

Natural Environment

- Work with the UTRCA/MNRF/DFO/City of London to address potential impacts to natural features.
- Ensure all regulatory requirements to protect the environment are followed.
- Ensure construction occurs outside of the nesting bird window.
- Ensure opportunities to provide a net benefit to ecosystem function be explored.
- Consideration of the London Invasive Plant Management Strategy (Clean Equipment Protocol).

Social Environment

- Access to existing park amenities, businesses, institutions and commercial areas are maintained (where possible) during and after construction.
- Meet with affected property owners during detailed design to explain how and when construction is expected to take place.
- Comply with City of London noise by-law (day time works)
- Provide advanced notification to affected property owners prior to construction, including estimated timing/durations and project contact information for asking questions and requesting information.

Archeological

- A Stage 2 archaeological assessment must be conducted for all lands determined to retain archaeological potential that will be used for construction or that will be subject to ground disturbance.

Economic

- Ensure UTRCA and City resources are allocated effectively.

Restoration

- All disturbed areas will be restored to equal or greater than existing condition.

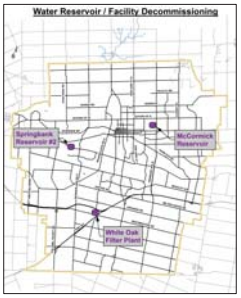
Monitoring

- Monitor post construction performance to ensure effectiveness.
- Take corrective actions as required.

Water reservoir or facility **decommissioning** occurs when a facility is taken out of service or when an 'offline' facility is being physically removed.

As part of this study, the City is considering decommissioning three water facilities to better optimize the overall water system for the City. Each of these facilities have been or will be considered no longer necessary for operational purposes.

Location	Date of Construction	Anticipated End of Service Life	Replacement
Springbank Reservoir #2	1920	2022	Replace capacity at new reservoir (TBD)
McCormick Reservoir	1959	Not in service	No replacement necessary
White Oak Filter Plant	1959	Not in service	No replacement of treatment or reservoir capacities is proposed. Future bulk water facility and chamber for the new Pressure Zone.



The Municipal Engineers Association Municipal Class EA document defines decommissioning as:

> *'taking out of operation, abandonment, removal, demolition or disposal of a road, sewage, stormwater management or water facility for which approval under the Environmental Assessment Act would have been necessary for its establishment and includes, sale, lease, or other transfer of the facility for purposes of taking out of operation, abandonment, removal, demolition or disposal'.*

Each of the above facilities were constructed prior to the initiation of the *Environmental Assessment Act*, however, the implementation of each of these projects would have required approval under the Act. As such, it is determined that the decommissioning of each of these facilities is considered an Schedule A+ Class EA undertaking.

Schedule A+ projects require that the public be notified of the work prior to construction or decommissioning occurring.

Backup Power or **standby power systems** are needed to ensure pumping can maintain service in the event that primary power supplies fail.

Currently, no backup power supply exists for the Arva PS. In the event of an emergency and/or to service under day to day or peak water need conditions, water supply and minimal pressure would be provided by the Lake Huron Water Supply System to the City of London water system by opening by pass valves at the Arva PS. As part of this study AECOM assessed:

- Dual power supplies from London Hydro and/or Hydro One from separate feeds, complete with the required transmission and/or switchgear infrastructure needed to provide backup power to the Arva PS.
- The provision of a standby generator set in a new or existing structure to provide backup power to the Arva PS.

Both alternatives would allow the Arva PS to meet the City's day to day, peak or emergency needs.

O.Reg. 524/98 Environmental Compliance Approvals defines standby power systems as:

> *"standby power system" means any apparatus, mechanism, equipment or other thing, and any related fuel tanks and piping, that includes one or more generator units and that is intended to be used only for the provision of electrical power during power outages or involuntary power reductions;*

The Arva PS was constructed prior to the initiation of the *Environmental Assessment Act*, however, the implementation of this project would have required approval under the Act. As such, it is determined that the installation of standby power equipment located in a new building or structure is considered an Schedule A Class EA undertaking. Should the standby power equipment be installed in an existing building the undertaking would be considered a Schedule A+ Class EA.

Schedule A+ projects require that the public be notified of the work prior to construction or decommissioning occurring.

Schedule A projects are preapproved activities whereby the proponent may proceed without following the procedures set out in this Class EA.

Next Steps

- Comments received from the general public, stakeholders, the City and Approval Agencies will be considered.
- The preferred servicing strategy will be confirmed.
- A report will be prepared and made available for public review for 30 days.
- If no issues are raised within the 30 days review period, the City can proceed to detailed design, approvals and construction.

Please remember to drop off your completed comment form before you leave or send it to us before **December 12 2018**.

Thank You for Attending

- We appreciate the time you have taken to learn more about the Project.
- We value your input to this study and encourage you to stay connected.
- Please visit the City's website: http://www.london.ca/residents/Environment/EAs/Pages/LongTermWaterStorageOptions.aspx
- Join our mailing list: leave us an email or mailing address so we can keep you up-to-date as the project progresses.
- Contact us with additional comments or questions at any time.

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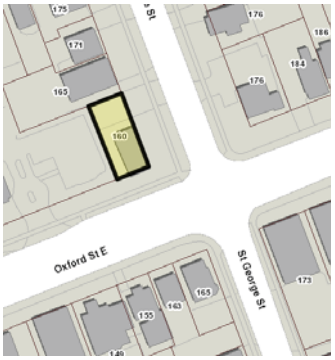
Demolition Request
160 Oxford Street East

London Advisory Committee on Heritage
Wednesday April 10, 2019

160 Oxford Street East

- One storey, side hall plan cottage
- Built c. 1877
- Vernacular
- Heritage Listed Property
- Recommended Great Talbot HCD area



160 Oxford Street East

160 Oxford Street East

Evaluation

Design or Physical Value	Is a rare, unique, representative or early example of a style, type, expression, material or construction method		The one-storey scale and massing, hip roof and arrangement of window and door openings on the south façade of 160 Oxford Street East are reflective of the Ontario Cottage architectural style. However, modifications over time have impacted the architectural integrity of the structure and as such it is no longer representative of the Ontario Cottage style.
	Displays a high degree of craftsmanship or artistic value		160 Oxford Street East does not display a high degree of craftsmanship or artistic value.
	Displays a high degree of technical or scientific achievement		160 Oxford Street East does not display a high degree of technical or scientific achievement.

Source: ARA (2019) Heritage Impact Assessment 160 Oxford Street East, City of London, Ontario

Evaluation

Historical or Associative Value	Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community		160 Oxford Street East is not directly associated with a theme, event, belief, person, activity, organization or institution that is significant to the community. The property is associated with early London families such as the Friendships and Taylors. Research conducted did not suggest any notable contributions to the community from the individuals who lived on this property.
	Yields or has the potential to yield information that contributes to the understanding of a community or culture		160 Oxford Street East does not yield information that contributes to the understanding of a community or culture.
	Demonstrates or reflects the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community		160 Oxford Street East does not demonstrate or reflect the work or ideas of an architect, builder, artist, designer or theorist who is significant to a community. The research conducted did not identify an individual associated with the construction of the building.

Source: ARA (2019) Heritage Impact Assessment 160 Oxford Street East, City of London, Ontario

Evaluation

Contextual Value	Is important in defining, maintaining or supporting the character of an area		160 Oxford Street East is no longer important in defining, maintaining or supporting the character of the area. The property has been altered through the removal of all of its historic architectural elements with the exception of its one-storey scale and massing, hip roof and arrangement of window and door openings on the south façade.The cohesive, historic low-density residential character of the streetscape has been diminished over time through the introduction of contemporary development, notably the immediately adjacent four-storey medical building.
	Is physically, functionally, visually or historically linked to its surroundings		160 Oxford Street East is not physically, functionally, visually or historically linked to its surroundings. The removal of the historic architectural elements from the structure's exterior has reduced its integrity and observed physical ties with the character of the surrounding historic residential neightbouhood.
	Is a landmark		160 Oxford Street East is not a landmark.

Source: ARA (2019) Heritage Impact Assessment 160 Oxford Street East, City of London, Ontario

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, with the advice of the Heritage Planner, the following actions **BE TAKEN** with respect to the demolition request for the heritage listed property located at 160 Oxford Street East:

a) The Chief Building Official **BE ADVISED** that Municipal Council consents to the demolition of the building on this property; and,

b) The property at 160 Oxford Street East **BE REMOVED** from the Register (Inventory of Heritage Resources).

Redevelopment Potential

- Adjacent to heritage listed and heritage designated properties – HIA required
- Archaeological potential
- HIA (ARA 2019): new development sympathetic to adjacent cultural heritage resources, vegetative buffer

LONDON ADVISORY COMMITTEE ON HERITAGE
2018 WORK PLAN
(as of April 10, 2019)

	Project/Initiative	Background	Lead/ Responsible	Proposed Timeline	Proposed Budget (in excess of staff time)	Link to Strategic Plan	Status
1.	-Recurring items as required by the Ontario Heritage Act (consider and advise the PEC (Planning and Environment Committee) and Municipal Council on matters related to HAPs (Heritage Alteration Permits), HIS (Heritage Impact Statement) reviews, HCD (Heritage Conservation District) designations, individual heritage designations, (etc.); -Research and advise the PEC and Municipal Council regarding recommendations for additions to the Register (Inventory of Heritage Resources); -Prioritize and advise the PEC and Municipal Council on top recommendations for heritage designation (final number to be determined by available time – taken from the Registerand elsewhere as appropriate); -Consider and advise the PEC on ad hoc recommendations from citizens in regard to individual and Heritage Conservation District designations and listings to the Register (refer to Stewardship for advice); -Perform all other functions as indicated in the LACH Terms of Reference.	• Section 28 of the Ontario Heritage Act mandates that the City shall establish a municipal heritage committee. Further, Council shall consult with that committee in accordance with the Ontario Heritage Act; • Please see the London Advisory Committee on Heritage: Terms of Reference for further details; • The LACH supports the research and evaluation activities of the LACH Stewardship Subcommittee, Policy and Planning Subcommittee, Education Subcommittee, Archaeological Subcommittee, and all other LACH Subcommittees which may serve from time to time.	LACH (main) and subcommittees	As required	None	Strengthening our Community 4d; Building a Sustainable City 1c, 6b; Growing our Economy 1f, 2d	Ongoing
2.	Introduce all represented organisations and individuals on LACH at the first meeting of the new year, discuss member background and areas of knowledge/ expertise, and consider possible changes or additions.	• The LACH is made of a diverse and knowledgeable group of engaged individuals, professionals and representatives of various organizations. Once per year (or when a new member joins the committee) each member will introduce themselves to the committee and provide his/her relevant background.	LACH (main)	January meeting	None	Building a Sustainable City 6b	**Completed**

	Project/Initiative	Background	Lead/ Responsible	Proposed Timeline	Proposed Budget (in excess of staff time)	Link to Strategic Plan	Status
3.	Ontario Heritage Act enforcement.	• The LACH will assist in identifying properties that have not obtained necessary approvals, and refer these matters to civic administration. The LACH will assist in monitoring alterations to HCD and heritage designated properties and report deficiencies to civic administration.	LACH (main)	Ongoing	None	Building a Sustainable City 6b	Ongoing
4.	Great Talbot Heritage Conservation District	• The St George Grosvenor HCD Study is complete resulting in the Great Talbot HCD and Gibbons Park HCD. The LACH will monitor, assist and advise in the preparation of the both plans, following the timeline as approved by Council.	LACH (main)	2019	None	Building a Sustainable City 6b	Ongoing
5.	Heritage Places Review	• The LACH will participate and support the review of *Heritage Places* (1994), the guidelines document which identifies potential Heritage Conservation Districts		2019	None	Building a Sustainable City 6b	
6.	Property insurance updates.	• The LACH will monitor, assist and advise on matters pertaining to the securing of property insurance for heritage designated properties in the City of London.	Policy and Planning Sub-Committee	Ongoing.	None	Building a Sustainable City 6b	With Policy and Planning Sub-Committee
7.	City Map updates.	• The LACH will work with City staff to ensure that 'City Map' and searchable City databases are up to date in regard to the heritage register/ designations/ districts/ etc.	Policy and Planning Sub-Committee	Ongoing	None	Building a Sustainable City 6b	With Policy and Planning Sub-Committee
8.	Heritage Impact Assessment Terms of Reference	• The LACH will support staff in their efforts to formalize an approach to reviewing and advising on HIS reports (including what triggers the reports, expectations, and who completes them.	Policy and Planning subcommittee	2019	None	Building a Sustainable City 6b	Partially Complete
9.	Review of Delegated Authority	• The LACH will participate and support the review of the Delegated Authority for Heritage Alteration Permits	LACH (main)	2019	None	Building a Sustainable City 6b	

	Project/Initiative	Background	Lead/ Responsible	Proposed Timeline	Proposed Budget (in excess of staff time)	Link to Strategic Plan	Status
10.	New and ongoing heritage matters.	• Through its connections to various heritage groups, and the community at large, the LACH is aware of emerging and ongoing heritage matters in the City of London. The LACH will monitor and report to City staff and PEC on new and ongoing cultural heritage matters where appropriate. (ex. Ontario Cultural Strategy, Community Economic Roadmap, etc.).	LACH (main)	As required	None	Building a Sustainable City 6b	As required
11.	Archaeological Master Plan completion.	• The LACH will work with City staff to complete the Archaeological Master Plan currently underway.	Archaeological subcommittee	Q2 2018	None	Building a Sustainable City 6b	Completed
12.	The Mayor's New Year Honour List recommendation.	• For a number of years, members of the LACH have been asked to provide advice to Council on the heritage addition to the "Mayor's New Year Honour List". The LACH will continue to serve this function as requested to do so by Council.	Ad hoc committee of the LACH	Generally in the fall of each year	None	Building a Sustainable City 6b	Annually
13.	Provide advice to the London Community Foundation on heritage grant distribution.	• For a number of years, members of the LACH have been asked to provide advice to the London Community Foundation on heritage grant distribution: "The London Endowment for Heritage". The LACH will continue to serve this function as requested to do so by the Foundation.	Ad hoc committee of the LACH	Generally in April of each year	None	Building a Sustainable City 6b	Annually
14.	Conference attendance.	• For a number of years, members of the LACH have attended the Ontario Heritage Conference when available. This conference provides an opportunity for LACH members to meet with other heritage committee members and heritage planning professionals, and to learn about current and ongoing heritage matters in the Province of Ontario (and beyond). Up to four (4) members of the LACH will attend the Ontario Heritage Conference.	LACH (main)	May annually	None	Building a Sustainable City 6b	Annually

	Project/Initiative	Background	Lead/ Responsible	Proposed Timeline	Proposed Budget (in excess of staff time)	Link to Strategic Plan	Status
15.	Public awareness and education (& possible heritage fair/ day/ symposium).	• The LACH initiates, assists and/or advises on education and outreach programs to inform the citizens of London on heritage matters. This year, the LACH will also consider contributing to the organization of a city wide heritage fair/ day/ symposium (to provide information and outreach including – HAP process, professional advice on repairs and maintenance, current research on heritage matters, insurance advice, real estate matters, and a general exchange of ideas (etc.)). The LACH will coordinate with the efforts of the Historic Sites Committee of the London Public Library.	Education subcommittee	Ongoing	None	Building a Sustainable City 6b	Ongoing – in progress
16.	Public awareness and education collaboration with the London Heritage Council.	• The LACH will be supported by the London Heritage Council in its role to promote public awareness of and education on the community's cultural heritage resources. Collaborative initiatives may include LACH-related news updates in the LHC newsletter, LACH involvement in LHC programming and events (i.e. Heritage Fair), outreach support, and/or school-related programming as part of Citizen Culture: Culture-Infused LEARNING (LHC and London Arts Council).	LACH (main) and Education subcommittee in collaboration with the London Heritage Council	Ongoing	None	Building a Sustainable City 6b	Annually
17.	LACH member education/ development.	• Where possible, the LACH will arrange an information session for LACH members to learn more about the Ontario Heritage Act, and the mandate and function of Heritage Advisory Committees. The LACH will also explore ongoing educational opportunities for LACH members (such as walking tours, meetings with heritage experts/ professionals, meetings with community leaders, etc.).	LACH (main)	Ongoing	None	Building a Sustainable City 6b	Ongoing
18.	City of London Archives.	• The LACH will continue to discuss and advise on possible locations (and contents) for a City of London Archives.	LACH (main)	Ongoing	None	Building a Sustainable City 6b	Ongoing

	Project/Initiative	Background	Lead/ Responsible	Proposed Timeline	Proposed Budget (in excess of staff time)	Link to Strategic Plan	Status
19.	LACH subcommittee member outreach.	• The LACH will continue to reach out to heritage and planning professionals/ experts to serve on LACH subcommittees (and advise the LACH on certain matters).	LACH (main)	Ongoing	None	Building a Sustainable City 6b	Ongoing
20.	Heritage signage and plaque placement/funding.	• Through its connections to various heritage groups, and the community at large, the LACH is generally aware of potential locations for heritage signage and plaques. The LACH will consult with City Staff and heritage groups in regard to the occasional placement of heritage signage and/or plaques (and assist with funding where deemed appropriate by the committee). These efforts will be considered in the context of the City of London Heritage Interpretative Signage Policy.	Education subcommittee	Ongoing	Up to $8000	Building a Sustainable City 6b	Ongoing
21.	Council outreach.	• If requested, the LACH will arrange an information session for Council members to learn more about the mandate and function of the LACH, the Ontario Heritage Act, and other City heritage matters.	LACH (main) and Education subcommittee	TBD	None	Building a Sustainable City 6b	Ongoing
22.	Work Plan review.	• The LACH will review items on this Work Plan on a quarterly basis, and will thoroughly review this Work Plan at least once annually.	LACH (main)	Ongoing	None	Building a Sustainable City 6b	Ongoing (March, June, Sept, Dec 2018)
23.	Rapid Transit EA	• The LACH will participate in heritage related matters associated with the Rapid Transit (Shift) EA including review of properties identified the Cultural Heritage Screening Report; identifying where further work is or is not required for potential cultural heritage resources; and identifying properties along rapid transit corridors that have not yet been identified and merit further consideration for cultural heritage evaluation	LACH (main) and Stewardship subcommittee	2019	None	Building a Sustainable City 6b	Ongoing
					$8000		

Heritage Planners' Report to LACH: April 10, 2019

1. Heritage Alteration Permits processed under Delegated Authority By-law:
    a. 8 Cherry Street (Blackfriars/ Petersville HCD): Window replacement
    b. 54 Argyle Street (Blackfriars/ Petersville HCD): Window replacement
    c. 1017 Western Road (Grosvenor Lodge, Part IV): Landscape alterations
    d. 287 St James Street (Bishop Hellmuth HCD): Porch alterations
    e. 201 King Street (Downtown HCD): Signage
    f. 20 Oxford Street (Blackfriars/ Petersville HCD): Gable re-siding
    g. 135 Duchess Avenue (Wortley Village- Old South HCD): Porch alterations
    h. 349-359 Ridout Street North (Downtown HCD): Signage and awnings
    i. 147 Wortley Road (Wortley Village-Old South HCD): Signage and cladding
    j. 200 Queens Avenue (Downtown HCD): Signage

2. 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)

Upcoming Heritage Events

- Sacred Places Understanding the Great War Cemeteries: A Unique Perspective on Great War History, presented by Norm Christie – Thursday April 11, 2019 at 701 Oxford Street East from 6pm-8pm. Free. For more information visit: http://www.thercrmuseum.ca/en-ca/
- Local History Trivia Night – Friday April 12, 2019 at Eldon House. $20. For more information visit: https://eldonhouse.ca/product/behind-the-ropes-2/
- Thames Valley Regional Heritage Fair – Thursday April 25, 2019 at Fanshawe Pioneer Village (2609 Fanshawe Park Rd E) from 9:45am to 1:45pm.
- Hear Here Launch Party – Saturday April 27, 2019 from 1pm-4pm at Goodwill Industries, 255 Horton Street West. For more information visit https://hearherelondon.org/
- Mother's Day Tea – Sunday May 12, 2019 at Eldon House. $20-$40. 12:00, 1:30 and 3:00 p.m. Seating. By reservation only. For more information visit: https://eldonhouse.ca/product/mothers-day-tea/
- Fanshawe Pioneer Village Opening Weekend – Saturday May 18, 2019. For more information visit: http://fanshawepioneervillage.ca/events/opening-weekend-1
- Spring Tea – Sunday May 26, 2019 at Grosvenor Lodge. $25 per person. Tickets available now. For more information, please contact: events@heritagelondonfoundation.ca
- Ontario Heritage Conference in Goderich and Bayfield, May 30-June 1, 2019. https://www.ontarioheritageconference.ca/ (early bird registration ends April 30)
- ACO Geranium Heritage House Tour – Save the date – Sunday June 2, 2019. Tickets on sale soon. https://acolondon.ca/events