Planning and Environment Committee

Report

12th Meeting of the Planning and Environment Committee
June 17, 2019

PRESENT:	Councillors A. Hopkins (Chair), J. Helmer, M. Cassidy, P. Squire, S. Turner
ABSENT:	Mayor E. Holder
ALSO PRESENT:	Councillors S. Lehman and M. van Holst; I. Abushehada, A. Anderson, G. Bailey, G. Barrett, M. Elmadhoon, M. Feldberg, J.M. Fleming, K. Killen, M. Knieriem, P. Kokkoros, C. Lowery, H. Lysynski, T. Macbeth, D. MacRae, H. McNeely, B. O'Hagan, M. Pease, L. Pompilii, M. Ribera, A. Salton, C. Saunders, J.-A. Spence; M. Sundercock, M. Tomazincic, S. Wise 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: S. Turner
Seconded by: M. Cassidy

That Items 2.3 to 2.9, inclusive, BE APPROVED.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

2.3 Proposed New Tree Protection By-law and Notice of Public Participation Meeting

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

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the proposed City of London Tree Protection By-law appended to the staff report dated June 17, 2019 as Appendix “A” BE REFERRED to a public participation meeting to be held at the Planning and Environment Committee on September 23, 2019 for the purpose of seeking public input on the proposed new by-law. (2019-E18)

Motion Passed

2.4 Initiation Report - Urban Design Peer Review Panel Terms of Reference Review

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 Terms of Reference for the Urban Design Peer Review Panel:

a) the staff report dated June 17, 2019, entitled "Initiation Report: Urban Design Peer Review Panel Terms of Reference Review" BE RECEIVED for information; and,

b) Civic Administration BE DIRECTED to initiate a review of the Urban Design Peer Review Panel Terms of Reference. (2019-D32)

Motion Passed

2.5 Application - Summerside Subdivision Phase 13B - Special Provisions 39T-92020-13B

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 entering into a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc., for the subdivision of land over Part of Lots 15 and 16, Concession 1, situated on the north side of Bradley Avenue, east of Highbury Avenue South;

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc., for the Summerside Subdivision – Phase 13b (39T-92020) appended to the staff report dated June 17, 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 June 17, 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 June 17, 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 fulfill its conditions. (2019-D12)

Motion Passed

2.6 Application - 2700 Asima Drive - Exemption from Part-Lot Control (P-9063)

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 by Rockwood Homes, to exempt Block 57, Plan 33M-699 from Part-Lot Control:

a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the staff report dated June 17, 2019 BE INTRODUCED at a future Council meeting, to exempt Block 57,

Plan 33M-699 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*; it being noted that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(2)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum garage front yard depth of 5.5m, a minimum exterior side yard main building depth of 3.0m and a minimum interior side yard depth of 1.5m;

b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Block 57, Plan 33M-699 as noted in clause (a) above:

i) the applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;

ii) the applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;

iii) the applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

iv) the applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;

v) the applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;

vi) the applicant shall enter into any amending subdivision agreement with the City, if necessary;

vii) the applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

viii) the applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

ix) the applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;

x) the applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

xi) the applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;

xii) the applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 3 and 4 by parts 2 and 5; and,

xiii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question. (2019-D25)

Motion Passed

2.7 Application - 1020 Coronation Drive - Removal of Holding Provision (H-9055)

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

That on the recommendation of the Director, Development Services, based on the application by Town & Country Developments Inc., relating to the property located at 1020 Coronation Drive, the proposed by-law appended to the staff report dated June 17, 2019 as Appendix “A” BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2019 to amend Zoning By-law Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R9 (h-89*h-90*h-91*R9-7*H45) Zone TO a Residential R9 (R9-7*H45) Zone to remove the “h-89”, “h-90” and “h-91” holding provisions from the lands. (2019-D09)

Motion Passed

2.8 Arva Sanitary Servicing Agreement Update

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

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to amending the servicing agreement between the City of London and Municipality of Middlesex Centre to increase sanitary servicing capacity for the community of Arva:

a) the staff report dated June 17, 2019, entitled "Arva Sanitary Servicing Agreement Update" BE RECEIVED for information;

b) NO FURTHER ACTION BE TAKEN to amend the current servicing agreement between the City of London and the Municipality of Middlesex Centre to increase sanitary servicing capacity for the Arva Sanitary Servicing Area; and,

c) the Civic Administration BE DIRECTED to participate in and comment on the Arva servicing area municipal wastewater treatment facility Environmental Assessment to ensure that any concerns of the City of London are addressed through that process. (2019-E01)

Motion Passed

2.9 1156 Dundas Street – Property Tax Assistance By-law Extension Request

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

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application made under the Community Improvement Plan for Brownfield Incentives by McCormick Villages Inc. (“McCormick Villages”), relating to the property located at 1156 Dundas Street:

a) the proposed by-law appended to the staff report dated June 17, 2019 as Appendix “A” being “A by-law to amend By-law No. C.P.-1520-548 being “A by-law to cancel a portion of the Municipal and Education taxes at 1156 Dundas Street” by changing the time period by which the Owner is required to file a record of site condition in the Environmental Site Registry” BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2019”; and,

b) subject to the enactment of the by-law noted in a) above, the Civic Administration BE DIRECTED to forward the above-noted by-law and related Municipal Council resolution, with an appropriate covering letter, to the Minister of Finance for consideration. (2019-F22A)

Motion Passed

2.1 Housing Supply: Defining Permit Ready Lots

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

That Items 2.1 and 2.2 BE APPROVED.

2.1 Housing Supply: Defining Permit Ready Lots

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the Permit Ready Lot Working Group:

a) the staff report dated June 17, 2019 entitled "Housing Supply: Defining Permit Ready Lots", outlining the output and analysis reviewed as part of the Permit Ready Lot Working Group BE RECEIVED for information; and,

b) the Civic Administration BE DIRECTED to prepare an Annual Development Report as an information and monitoring tool, summarizing development metrics for the previous year, forecasts of near-term growth and progress regarding continuous improvement initiatives, it being noted that the first Annual Development Report will be published by the end of the first quarter of 2020. (2019-D04)

2.2 Affordable Housing Development Planning Toolkit Update (18 AFF)

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with regard to the Affordable Housing Development Toolkit:

a) the Civic Administration BE DIRECTED to prepare and develop the new tools of the Affordable Housing Development Toolkit, as identified in the staff report dated June 17, 2019, entitled "Affordable Housing Development: Planning Toolkit Update";

b) the above-noted report BE CIRCULATED to stakeholders, agencies, and community groups including, but not limited to the London Development Institute, London Home Builders Association, Urban League, London Middlesex Community Housing and Housing Development Corporation London;

it being noted that the results of consultations regarding the Toolkit will also inform the development of the Affordable Housing Community Improvement Plan. (2019-S11)

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 - Scott Allen, MHBC - Request for Council Resolution, under Section 45 (1.4) of the Planning Act, 1990 - 3080 Bostwick Road: Site 5

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

That, the following actions be taken with respect to the property located at Site 5, 3080 Bostwick Road:

a) on the recommendation of the City Clerk, the staff report dated June 17, 2019 entitled “Request for Council Resolution, under section 45(1.4) of the *Planning Act, 1990* - 3080 Bostwick Road, Site 5" BE RECEIVED for information; and,

b) the Managing Director, Development Services and Compliance and Chief Building Official BE AUTHORIZED to accept a Minor Variance application by S. Allen, MHBC Planning Urban Design and Landscape Architecture, on behalf of 731675 Ontario Limited for the property located at Site 5, 3080 Bostwick Road;

it being noted that the Planning and Environment Committee heard a verbal delegation and reviewed and received the attached presentation from S. Allen, MHBC Planning Urban Design and Landscape Architecture , with respect to this matter. (2019-D09)

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 - 3493 Colonel Talbot Road - Zoning By-law Amendments (OZ-9032)

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

That, the following actions be taken with respect to the application by 2219008 Ontario Ltd, relating to the property located at 3493 Colonel Talbot Road:

a) the proposed attached, revised, by-law (Appendix "A") BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2019 to amend the Official Plan to change Section 20.5 in the Southwest Area Secondary Plan by ADDING a policy to section 20.5.10.1.iii – “North Lambeth, Central Longwoods and South Longwoods Residential Neighbourhoods – Low and Medium Density Residential Built Form and Intensity”;

b) the proposed attached, revised, by-law (Appendix "B") BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2019 to amend The London Plan to change section 1565_5 by ADDING a policy to section 20.5.10.1.iii – “North Lambeth, Central Longwoods and South Longwoods Residential Neighbourhoods – Low and Medium Density Residential Built Form and Intensity”;

c) the proposed attached, revised, by-law BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2019 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in part a) above), to change the zoning of the subject property FROM a Residential R1 Special Provision (R1-8(5)) Zone and a holding Residential R1 Special

Provision (h*h-100*R1-8(5)) TO a Residential R1 Special Provision/Residential R1 Special Provision (R1-8(5)/R1-8(_)) Zone and a holding Residential R1 Special Provision/Residential R1 Special Provision (h*h-100*R1-8(5)/R1-8(_)) Zone;

d) pursuant to Section 34(17) of the *Planning Act*, no further notice be given as the amendments to the proposed by-laws are minor in nature;

it being noted that the Planning and Environment Committee reviewed and received the attached communication dated June 14, 2019, from A. Soufan, President, York Developments, 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;

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

- the proposed amendment is consistent with the Provincial Policy Statement, which promotes appropriate residential land use within settlement areas;
- the proposed amendments conform to the North Lambeth Neighbourhood and low and medium density designations of the Southwest Area Secondary Plan, and will implement an appropriate form of residential development for the site;
- the proposed amendments conform to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan;
- the proposed amendments conform to the policies of the Low Density Residential, and Multi-Family, Medium Density Residential designation of the Official Plan (1989); and,
- the proposed zoning by-law amendments will provide adequate regulations to mitigate the projection of garages beyond the main dwelling façade for courtyard dwellings and will provide flexibility for housing form and layout. (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: 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 - Old East Village Dundas Street Corridor Secondary Plan (O-8879)

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

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Old East Village Dundas Street Corridor Secondary Plan:

a) the proposed by-law appended to the staff report dated June 17, 2019 as Appendix “A” BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2019 to amend the Official Plan, 2016, The London Plan, to adopt The Old East Village Dundas Street Corridor Secondary Plan, appended to the staff report dated June 17, 2019 as Schedule 1;

b) the proposed by-law appended to the staff report dated June 17, 2019 as Appendix “B” BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2019 to amend the Official Plan, 2016, The London Plan, to add the Old East Village Dundas Street Corridor Secondary Plan to Policy 1565, the list of adopted Secondary Plans; and,

c) the proposed by-law appended to the staff report dated June 17, 2019 as Appendix "C" BE INTRODUCED at a future Municipal Council meeting to amend the Official Plan, 2016, The London Plan at such time as Map 7 is in full force and effect by ADDING the Old East Village Dundas Street Corridor Secondary Plan to Map 7 – Specific Policy Areas.

it being noted that the Old East Village Dundas Corridor Secondary Plan may be amended at a future date, in accordance with the provisions of the *Planning Act*, to ensure that the Secondary Plan conforms to any changes to the *Planning Act* arising from the More *Homes, More Choice Act, 2019* (Bill 108);

it being noted that the Planning and Environment Committee reviewed and received the following communications with respect to these matters:

communications dated June 11, 2019 and 13, 2019, from S. Allen, Partner, MHBC; and,

a communication dated February 22, 2019, from W. Wake, Chimney Swift Liaison for Nature London;

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 amendments are consistent with the Provincial Policy Statement, 2014, which:

○ promotes opportunities for intensification and redevelopment where this can be appropriately accommodated, as well as new development within the existing built-up area that promotes compact form and a mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities.

○ promotes healthy, active communities by planning public streets, spaces, and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;

○ directs transportation and land use considerations to be integrated in all stages of the planning process; and,

○ supports long term-economic prosperity by maintaining and enhancing the vitality and viability of mainstreets as well as encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;

• the recommended amendments are consistent with the policies of The London Plan that provide direction to prepare a Secondary Plan where there is a need to elaborate on the parent policies of The London Plan, as well as identify Rapid Transit Corridors and Urban Corridors as having the potential to require a Secondary Plan to guide their transition; and,

• the recommended amendments support the continued revitalization of the Dundas Street and King Street corridors. (2019-D08)

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: P. Squire

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 Public Participation Meeting - Application - 945 Bluegrass Drive (Z-9020)

Moved by: P. Squire
Seconded by: A. Hopkins

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Gateway Church, relating to the property located at 945 Bluegrass Drive:

a) consistent with Policy 19.1.1. of the Official Plan, the subject lands, representing a portion of 945 Bluegrass Drive, BE INTERPRETED to be located within the Multi-Family, Medium Density Residential designation;

b) the proposed, revised, attached by-law BE INTRODUCED at the Municipal Council meeting to be held on June 25, 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 Community Facility Special Provision (h*h-1*h-18*CF1(3)/CF3(1)*D40*H12) Zone and Urban Reserve (UR3) Zone TO a Residential R8 Special Provision (R8-1(__)) Zone and an Open Space (OS1) Zone; and,

c) Civic Administration BE DIRECTED to consider a Specific Policy to the Neighbourhoods Place Type in The London Plan for the property at 945 Bluegrass Drive to permit low-rise apartment buildings up to three-storeys;

it being pointed out that the Planning and Environment Committee reviewed and received a communication dated February 24, 2019, from L. and A. Lefebvre, 1980 Cherryhill Trail; it being noted that two petitions signed by approximately 25 people is on file in the City Clerk's Office;

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 is in conformity with the Key Directions of The London Plan;
- the recommended amendment is in conformity with the 1989 Official Plan; and,
- the recommended amendment facilitates the development of an underutilized site with an appropriate form of development. (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: J. Helmer
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: P. Squire
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)

3.5 Public Participation Meeting- Application - Victoria Park Secondary Plan - Draft Secondary Plan (O-8978)

Moved by: J. Helmer
Seconded by: A. Hopkins

That, on the recommendation of the Managing Director, Planning and City Planner:

a) The Draft Victoria Park Secondary Plan, appended to the staff report dated June 17, 2019 as Appendix “A” BE RECEIVED for information purposes;

b) The Draft Victoria Park Secondary Plan BE CIRCULATED for further public engagement with the community and stakeholders;

it being noted that the feedback received through this consultation process, the outcome of supporting and informing studies, and the implementation of any changes to the *Planning Act* arising from the *More Homes, More Choices Act, 2019* (Bill 108) will feed into a revised Victoria Park Secondary Plan and implementing Official Plan Amendment that will be prepared for the consideration and approval of Municipal Council at a future Public Participation Meeting of the Planning and Environment Committee in the fourth quarter of 2019;

it being further noted that the Planning and Environment Committee reviewed and received a communication from B. Lansink, Woodfield Ratepayers Association, 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-D08)

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: J. Helmer
Seconded by: S. Turner

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: 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)

4. Items for Direction

4.1 Standard Form Railway Overpass Sign Licence Agreement

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

That, on the recommendation of the Managing Director, Development and Compliance Services & Chief Building Official, the proposed by-law appended to the staff report dated June 17, 2019 as Appendix 'A' BE INTRODUCED at the Municipal Council meeting to be held on June 25, 2019 to:

a) approve the standard form Railway Overpass Sign Licence Agreement to be entered into between The Corporation of the City of London, the Property Owner of the railway overpass, and corporations who wish to erect signs on railway overpasses, pursuant to Sign By-law No. S.-5868-183, as amended;

b) delegate authority to the Chief and Deputy Chief Building Official and their designate, to approve entering into the Railway Overpass Sign Licence Agreement with corporations to allow an encroachment on or over City public road allowance for railway overpass signs pursuant to Sign By-law No. S.-5868-183, as amended; and,

c) delegate authority to the Mayor and Clerk to execute such agreements as approved in b) above. (2019-T07)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

4.2 M Clawson, Clawson Group Inc. - Request for Delegation Status - 660 Sunningdale Road East

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

That M. Clawson, Clawson Group Inc., BE GRANTED delegation status at the July 22, 2019 Planning and Environment Committee meeting relating to the application by Extra Realty Limited, with respect to the property located at 660 Sunningdale Road East. (2019-D13)

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

5. Deferred Matters/Additional Business

None.

6. Confidential

6.1 (ADDED) Litigation or Potential Litigation/ Solicitor-Client Privileged Advice

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

That the Planning and Environment Committee convene, In Closed Session, at 9:26 PM, for the purpose of considering a matter pertaining to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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

Absent: (1): E. Holder

Motion Passed (5 to 0)

The Planning and Environment Committee convened, In Closed Session, from 9:26 PM to 9:41 PM.

7. Adjournment

The meeting adjourned at 9:42 PM.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **George Kotsifas, P. Eng.**
Managing Director, Development & Compliance Services &
Chief Building Official
Subject: **Housing Supply: Defining Permit Ready Lots**
Meeting on: **June 17, 2019**

Recommendation

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

a) this report outlining the output and analysis reviewed as part of the Permit Ready Lot Working Group **BE RECEIVED** for information; and,

b) Civic Administration **BE DIRECTED** to prepare an Annual Development Report as an information and monitoring tool, summarizing development metrics for the previous year, forecasts of near-term growth and progress regarding continuous improvement initiatives, it being noted that the first Annual Development Report will be published by the end of the first quarter of 2020.

Executive Summary

Over the past few years, members of the development industry (landowners and builders) have raised the issue of 'Permit Ready Lot' (PRL) availability through the annual Growth Management Implementation Strategy (GMIS) review. Although considerable infrastructure investments have been made, or are planned to be made in the near term, stakeholders expressed concerns that the city's supply of building lots for the construction of new homes is lower than it should be. A tight housing market can impact the amount of choice available to new homebuyers, opportunities for lots to be acquired by homebuilders, and potentially housing prices. These concerns have prompted a more in-depth review of the City's housing supply than has been undertaken in the past.

Following the adoption of the 2019 GMIS by Council in May 2018, Development Services staff have been working together with the local Development Industry and Home Builders in a Permit Ready Lot Working Group (PRLWG). The working group's main goal is to develop a common understanding of lot supply and how it can be measured.

The review has three major milestones:

- Step 1: Confirm Process and Baseline Assumptions
- Step 2: Establish Performance Measures
- Step 3: Develop a Regular Reporting Template and Format

Staff are recommending the publication of an Annual Development Report within the first quarter of each year. The Report will provide information on development metrics for the previous year, forecasts of near-term growth and progress regarding continuous improvement initiatives.

Background

For the development industry, 'Permit Ready Lots' represent lots that have been created, serviced and a building permit can be issued to construct a new dwelling. However depending on the individual developer and/or home builder's business plans, the timing of when these are "counted" varies. In response to this, City Staff proposed a working group made up of members of the London Development Institute (LDI) and the London Home

Builders' Association (LHBA) to help outline and identify how and when these units should be measured.

The key message to the community and development industry is that tracking PRL's and establishing a reporting mechanism are a priority for the City, but establishing performance measures based on the system in place is challenging. Previous reports provided through the GMIS process were ad-hoc and required that Staff manually develop the reports when requested. As such, Staff are of the view that the most important output of a PRL Working Group is to establish a common understanding and definition of PRL's, development performance measures, and standardize reporting to enable development proponents to identify when and where PRL's can be expected to be made available to the market over the near-term (1-3 years).

Aligning GMIS with Permit Ready Lots

The GMIS process creates future opportunity for development by providing major external services such as sanitary trunks, watermains, and stormwater management facilities. Each year, the City-led infrastructure projects listed in the GMIS are reviewed to determine if the planned construction year is still appropriate. Depending on levels of revenue being collected from Development Charges (DCs) and anticipated demand for new development, projects are moved forward or put off to a later date. This allows the City to budget for infrastructure costs during the yearly budget process in a fiscally prudent manner.

For lands where major external services are available, or are timed by GMIS to have major external services available over the next 3-5 years, owners can submit *Planning Act* applications to develop these lands. Application review processes are subject to policy/regulatory analysis, public participation and compliance with technical standards to ensure that provincial interests and local planning matters are satisfied. The outcome of these processes result in the creation of serviced, separate 'permit ready' lots for sale or development where building permits can be issued and new dwellings can be constructed.

The GMIS creates the context for new growth opportunities, but the development approvals process and landowner actions are what informs the amount and timing of new PRLs being brought to the market.

Permit Ready Lot Working Group

To identify how and when these 'permit ready' lots should be measured, a Permit Ready Lot Working Group (PRLWG) was initiated in May 2018 consisting of stakeholders from the development and building industry and City staff. The PRLWG is focused on activities related to development applications and the availability of building permits over a 2-3 year range. The scope of the Working Group was the following:

- Establishing definitions as the basis for measurement;
- Analysis of supply based on development status and point in the application review process;
- Focused on Greenfield Areas;
- Low Density Residential (LDR) and Medium Density Residential (MDR) data; and
- Developing the ability to incorporate PRL's into GMIS growth monitoring.

The PRLWG also engaged in a discussion on what is beyond the scope of the review. It was agreed the focus will be on Greenfield Area lands as that is where Plans of Subdivision are generally created. Furthermore, growth forecasts and discussions on Urban Growth Boundary expansions are considered outside of this working group. Finally, LDI and LHBA also agreed that the working group would not be assessing approval process timelines, recognizing that continuous improvement initiatives are currently underway.

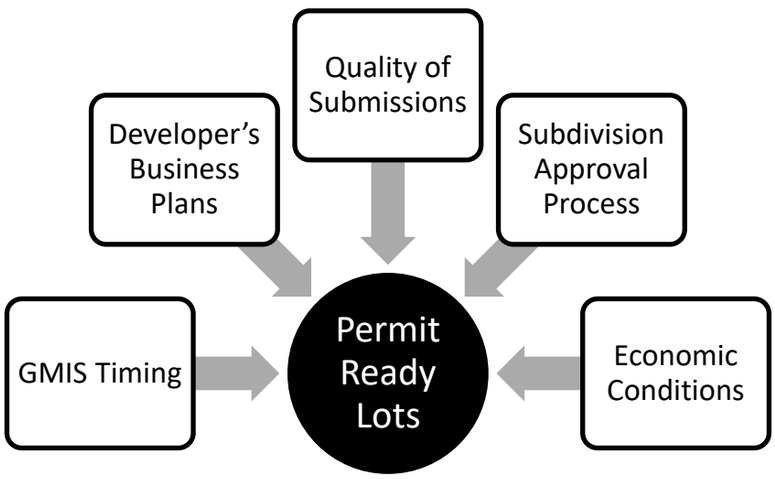
At the outset of the process, three major milestones were identified for which the group needed to build consensus prior to moving on to the next step.

- Step 1: Confirm Process and Baseline Assumptions

- Step 2: Establish Performance Measures
- Step 3: Develop a Regular Reporting Template and Format

Step 1: Confirm Process and Baseline Assumptions

Following the establishment of the Working Group, the group has met on several occasions to discuss a range of components that could inform the process and provide for baseline assumption. The group agreed that there are five main factors that affect the ability to produce a permit-ready building lot:



1. **GMIS Timing** - The timing of enabling City-led infrastructure is managed through the annual GMIS process, which includes significant stakeholder engagement.
2. **Developer's Business Plan** – Submitting development applications that take advantage of GMIS infrastructure investments is in the hands of each individual land owner. Decisions on application timing, product, scope and phasing of development for each parcel are based on an owner's independent analysis and decision making.
3. **Quality of Submissions** – With most applications, City-staff are able to address the site-specific development issues and move the concept through to an approval. In some cases, the quality of submissions is a challenge as the lack the details required for City-staff and third party approval agencies to make decisions delays the approvals and impacts the timing of lot availability.
4. **Subdivision Approval Process** – the entire Subdivision approval process was reviewed and overhauled in 2017 and 2018 by a stakeholder group consisting of the development industry and key Development Services staff.
5. **Economic Conditions** – The timing and availability of lots can be impacted by external market forces beyond the control of the City and the development community.

Table 1: Available Data Sources

Vacant Land Inventory Model (VLI)	An annual city-wide inventory of London's vacant land supply. Identifies unit counts by unit type (LDR/MDR/HDR) for vacant lands based on development approvals, formal development proposals and assumed densities for lands with no applications.
GMIS Growth Model	High level estimates of future annual registered lot supply and permit counts, based on discussions with development stakeholders. Used for long-range infrastructure modelling (i.e. 3-10 year outlook).
Geodatabase	Data repository related to all City infrastructure, planning information, property information, etc.
AMANDA	Active property based data used to track by-law, permit and other specific information related to a property within the city.

Following reviews of the various inputs to PRL, City-staff spent some time highlighting the available data sources. Through the use of the geodatabase and AMANDA, City-staff are building reporting models necessary to understand growth within the Urban Growth Boundary. It was agreed that the Vacant Land Inventory model, which tracks land supply by type, would be the output source of data from which to track PRL.

Definitions and Categories

The data sources, definitions and categories were presented to and reviewed by the PRLWG. Through these categories, it is recognized that both the City and the development industry have a hand in moving applications through the stages of approvals and construction. Consensus on these definitions and present timeline estimates (versus targets) was established by the PRLWG.

The next step in the discussion was to establish a common understanding and definition related to the timing and scope of available lots. To respond to PRLWG concerns with permit ready lot availability, Staff have developed an approach to identify the current and emerging supply of Low Density residential (LDR) and Medium Density residential (MDR) units. In anticipation of establishing performance measures, the approach categorizes supply into four categories as identified in Table 2.

Table 2: Development Categories and Timing

Category	Subdivision Approval Process	Time in Years[1]	Definition
Unknown	No Application	4.0	Developable land
Future Opportunity	Under Review	3.0	Under review, draft approved, Site Plan consultation
	Draft Approved	2.5	
On The Market	Subdivision Agreement	1.0	Subdivision agreement, Site Plan application, final approval without clearance
	Final Approval Clearance not granted	1.0 - 0.1	
Permit Ready	Final Approval Clearance granted	Today	Final approval granted, Site Plan agreement in place

[1] "Time in Years" reflects the amount of time anticipated before Permit Ready Lots are available

The ***Unknown*** category includes lands where the owner has not submitted a development application. For these lands, it is assumed that the earliest they could be developed into permit ready lots would be four years. This accounts for the time needed to prepare the necessary reports and studies for a complete application, followed by the required application process steps. Until the City has a complete application, Staff have no ability to encourage, track or address issues related to a piece of developable land. However, through the published GMIS materials, lands are identified that have external services in place, but have not been subject to a development application.

The ***Future Opportunity*** category reflects development applications that have been submitted and are Under Review or have received Draft Approval. The times noted recognize *Planning Act* requirements for applications (6-months for a decision on Draft Plan Applications) as well as the approximate 18-month timeline to move through technical report and engineering drawing reviews to a completed subdivision agreement.

The ***On The Market*** category includes lands where a subdivision agreement is in place, but the conditions of the agreement have not been fully cleared. For this category, it is assumed that these lands will become available as permit ready lots within 12 months.

The **Permit Ready** category reflects lots where services have been constructed, conditions have been cleared and a Building Permit can be issued.

Step 2: Establish Performance Measures

To understand historic trends and provide a means to assess and establish future performance measures, Staff have compiled data that reflect existing unit counts for each category as of January 1st of each year between 2015 and 2019. Only Future Opportunity, On The Market and Permit Ready counts are provided as these categories reflect units advancing to Permit Ready status through active planning applications; the Unknown category is excluded as these lands have no planning application that are advancing units to Permit Ready status.

Table 3: 2015-2019 LDR Lots (Single Detached/Semi-Detached) by Category

	2015	2016	2017	2018	2019
Future Opportunity	6,641	6,443	5,062	5,116	4,687
On The Market	528	630	950	965	1,031
Permit Ready Lot	1,171	823	1,046	803	1,043

Table 4: 2015-2019 MDR Blocks (Rowhouse/Townhouse) by Category

	2015	2016	2017	2018	2019
Future Opportunity	12,964	12,249	12,025	11,324	11,256
On The Market	924	576	578	1,012	1,061
Permit Ready Lot	590	976	747	743	682

These tables have been presented to the PRLWG and the group has some discussion on what the goals of the performance measures should be. Recognizing that there are many municipal benchmarking initiatives, City-staff have an interest in developing a measure that is actionable and is not a repetition of other tracking currently underway in other areas of the Corporation. If appropriate, the PRL numbers could inform business decisions by the Development Industry and the City by:

- using current lot supply by category to anticipate near-term (1-3 year) future PRL supply;
- assessing Developer, Home Builder and the City's effectiveness in moving applications through the process;
- establishing targets for permit ready supply of single family homes and townhouses;
- providing data for Development Services to make level of service and resource allocation decisions;
- providing information for the development industry to make business decisions; and,
- monitoring broader land supply policy/system implications.

To date, Staff and the PRLWG have discussed options for PRL metrics and methodologies. Refinement and further analysis is required before implementation. Draft metrics include the following parameters:

- establishing appropriate targets for Future Opportunity, On the Market and Permit Ready units;
- examination of near-term availability and opportunity with market absorption;
- assessment of conversion of designated land to applications; and,
- an understanding of historic activity relative to current activity.

Finalization of metrics and methodologies will occur in the coming months in order to be reflected in future reports.

Step 3: Develop a Regular Reporting Template and Format

At present, the City lacks a reporting "vehicle" to communicate development statistics and progress on continuous improvement initiatives that are improving development review processes. Although the annual GMIS Update does provide high-level growth information, the focus is on medium-to-long range infrastructure planning. Staff are therefore recommending that an Annual Development Report be created and published each year.

The Annual Development Report is anticipated to include the following:

- forecasted housing demand;
- raw data on vacant land supply by type for GMIS areas;
- current and estimated future Permit Ready supply of single family and townhouse units;
- Permit Ready performance metrics;
- residential building permits issued for the previous year and by location (greenfield and built area/intensification);
- a summary of major growth-related infrastructure investments; and,
- updates on process-based continuous improvement initiatives.

Although a general framework for the Annual Development Report has been examined, several components of the report are still being prepared. Staff will be able to publish the initial Report within the first quarter of 2020.

Next Steps

Permit Ready Lots Working Group:

Development Services staff reconvene the PRLWG to work through the details of Step 2 (Establish Performance Measures). The intention will be to develop a consistent approach to reporting in order to complete Step 3 (Develop a Regular Reporting Template and Format).

Development Services Future State:

As noted in the Background section of this report, the current reporting process is ad-hoc and requires the compilation of various sources of data into a format that can be used to measure performance. Development Services is in the process of developing a Multi-Year Budget Strategic Initiative Business Case to resource and develop a Digital Planning Application Tracking System. The proposal is to build and develop an open system for use by Development and Compliance Services, Environmental and Engineering Services and City Planning for workflow management and as a repository for application comments. This capability will result in better decisions due to the availability of more accurate and in-depth information.

Although very early in the process, at a conceptual level some of the intended outputs of the digital system may include:

- Providing the capability for sophisticated business intelligence analysis and enable reporting across the Corporation while minimizing the duplication of employee data in other systems.
- Creating tools for data entry into the system for typical processes which include the following benefits:
    - more consistent and trustworthy data (fewer errors);
    - less paperwork, which reduces the need to house hard copies saving physical space for filing systems (i.e., potential to store both hard copies and digital copies of legal files);
    - reduced workload on current resources since automated processes take less time; and,
    - deliver a better user experience for all stakeholders.

A key goal of the project will be to leverage the abilities of existing systems and build on the technology investments already made throughout the Corporation.

Conclusion

The Permit Ready Lot Working Group has broken permit ready lots up into four categories which can be tracked on a year-over-year basis and will be incorporated into an Annual Development Report:

- No Application – 4-years to complete pre-application studies, gain development approval, construct servicing and apply for a building permit.
- Future Opportunity – 3-years to gain development approval, construct servicing and apply for a building permit.
- On The Market – 1.0 year to construct servicing and apply for the building permit.
- Permit Ready – Lot is able to pull a building permit.

City staff will continue to work with the Development Industry to refine the performance measures and reporting template through the Permit Ready Lot Working Group.

Prepared By:	**Matt Feldberg MPA, CET** **Manager Development Services (Subdivisions)**
Prepared by:	**Kevin Edwards MCIP, RPP** **Manager, Development Finance**
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.	

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Planner: T. Macbeth

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, City Planning and City Planner
Subject: **Affordable Housing Development: Planning Toolkit Update**
Meeting on: **June 17, 2019**

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with regard to the Affordable Housing Development Toolkit:

a) That Staff **BE DIRECTED** to prepare and develop the new tools of the Affordable Housing Development Toolkit, as identified in this report;

b) That this report **BE CIRCULATED** to stakeholders, agencies, and community groups including, but not limited to: London Development Institute; London Home Builders Association; Urban League; London Middlesex Community Housing; and Housing Development Corporation London.

IT BEING NOTED THAT the results of consultations regarding the Toolkit will also inform the development of the Affordable Housing Community Improvement Plan.

Executive Summary

- Recent legislative changes have provided municipalities with new tools that can be used to support the development of affordable housing. The Province has also recently undertaken public consultation regarding increasing housing supply in Ontario.

- The City currently has various tools, such as policies, incentives, and regulations, which can be used to support the development of housing and assist with the affordability of housing; however, these tools can be enhanced to better support the provision of affordable housing.

- In November 2018, Council directed that the City's existing planning tools, as well as consideration of potentially introducing new tools, be coordinated through an affordable housing development strategy to promote the development of affordable housing.

- Since November 2018, City Planning, the Homeless Prevention and Housing Division, the Housing Development Corporation London (HDC), and London Middlesex Community Housing (LMCH) have identified that the affordable housing development "toolkit" may be prepared to support the framework of the City's "Homeless Prevention and Housing Plan".

- The purpose of this report is to identify the tools of the "Toolkit" which can be used to stimulate the development of affordable housing and to identify the timelines for preparing various new policies, incentives, regulations, and programs of the affordable housing development "Toolkit".

- The tools of the toolkit are intended to be used by private developers, non-profit organizations, and public agencies developing affordable housing units.

- Bill 108, the "More Homes, More Choice Act, 2019", proposes changes to various Provincial Acts, including the *Planning Act* and the *Development Charges Act*. Bill 108 is currently progressing through the legislative approval process, but at

time of writing this report the Bill has not yet received royal assent. This proposed legislation could have an impact on the number and scope of tools being considered.

Analysis

1.0 Background

1.1 Background

Recently, a number of affordable housing initiatives have been introduced at various levels of government. These initiatives include Secondary Dwelling Units, new regulations to support Inclusionary Zoning, the recent City policy for the municipal evaluation and acquisition of closed school sites, approval of the new Official Plan (*The London Plan*), and changes to the Federal Government's National Housing Strategy (NHS) programs and requirements. At the same time, housing affordability in the London area has been impacted by increasing housing costs, low residential rental vacancy rates, and a high level of "core housing" need. In recognition of these affordability issues and recent initiatives, at the Council meeting of November 6, 2018, Council directed the following:

> That Civic Administration **BE DIRECTED** to initiate an Affordable Housing Development Strategy to coordinate the various tools that support the development of affordable housing units; it being noted that the Strategy will also evaluate the potential opportunities, costs, and benefits of introducing additional tools to support the development of affordable housing.

Shortly after the Council direction was given, the Province of Ontario released a public and stakeholder consultation guide, seeking feedback on how to increase housing supply in Ontario. Feedback on the consultation guide was required by January 25, 2019. As part of the response to the Province, the City identified that housing affordability must be a key component in any new legislation or regulations proposed by the Province to increase the supply of housing. On May 2, 2019, the Province tabled Bill 108, the "More Homes, More Choice Act", which proposes changes to the *Planning Act*, *Development Charges Act*, and various other provincial legislation, all intended to increase housing supply in Ontario. This Bill has not yet received royal assent.

City Planning and the Homeless Prevention and Housing Division have also been working collaboratively with housing-related agencies, such as the LMCH and the HDC, to determine an approach to coordinating housing policy framework and implementation tools. Through these discussions, it is recognized that a coordinated approach to the entire range of housing options is required by the City in order to address housing affordability. The Affordable Housing Development Toolkit is intended to be a set of tools to support the broader framework of the "Homeless Prevention and Housing Plan" that can also be used by private market developers creating affordable units. The "Homeless Prevention and Housing Plan" is led by the City's Homeless Prevention and Housing division and is anticipated for completion in Q3 of 2019. The development of the tools of the "toolkit" will continue in parallel with the preparation of the Homeless Prevention and Housing Plan.

Implementing the Homeless Prevention and Housing Plan will be through tools and actions to be led by Homeless Prevention and Housing Services, Development Services, City Planning, as well as agencies such as the LMCH and HDC.

The Affordable Housing Development Toolkit is intended to be a consolidation of planning-related tools that could support the provision of affordable housing. While some of these tools currently exist, such as Secondary Dwelling Official Plan policies and Zoning By-law regulations, new Secondary Dwelling tools such as the preparation of a "how to" guide for homeowners to develop secondary dwelling units, or an incentive program to encourage the development of secondary dwelling units could be added to the "toolkit".

This report identifies existing tools, as well as the timing for preparing and developing new Planning and development-related tools of the Affordable Housing Development Toolkit.

1.2 London's Affordability Context: Core Need and Shelter Costs-to-Income

1.2.1 Affordable Housing

There are several ways to define "affordable housing". "Affordable Housing" is often defined in one of two ways:

- First, affordable housing is housing that costs less than 30% of the pre-tax income for low-to-moderate income households. This Canada Mortgage and Housing Corporation (CMHC) definition is also known as the "shelter cost to income ratio".

- Second, the term affordable housing is used to define housing that costs less than or equal to the "average market rent" or "average market price" of a city.

The definition of "affordable" for each tool will be based upon the objectives of that specific tool.

1.2.2 Core Housing Need

Affordability is one of three (3) tests of whether a household is meeting their housing needs. The three standards are: "adequacy", "affordability", and "suitability". A household is considered to be in "core housing need" if housing does not meet any one of the three standards of need, and the household would have to pay more than 30% of its pre-tax income to pay the median rent for alternative housing which would meet those three needs.

The standards of need are defined as follows:

- "**Adequate**" housing is housing not requiring any major repairs (as reported by the residents);

- "**Affordable**" housing is shelter costs that are less than 30% of the household's gross income (not including utilities or transportation); and

- "**Suitable**" housing has enough bedrooms for the size and make-up of the household.

1.2.3 Defining the Need in London

The 2016 Census found that 13.8% of all households in the city of London are in core housing need and that 23.8% of one person households are in core housing need. This reflects the percentage of population who, based on household income and local housing costs, could not move to find alternative housing that meets all three standards.

Recent trends in the London rental and ownership housing markets help demonstrate the city's housing need associated with affordable housing.

At a glance, the City of London's rental household market has the following characteristics:

- **39.9%** of all households in the city are within rental units (as of 2016 Census);

- Of these renter households, **46.4%** live in housing that costs more than 30% of their income;

- Costs for one bedroom apartments have risen **21.8%** since 2016, to an average of $983 (CMHC's 2018 Rental Market Report); and

- For renter households, only bachelor apartments are affordable (27.2% of monthly income), noting this is the average for single-income and multi-income renter households. See Figure 1, below, for chart showing costs versus renter household incomes.

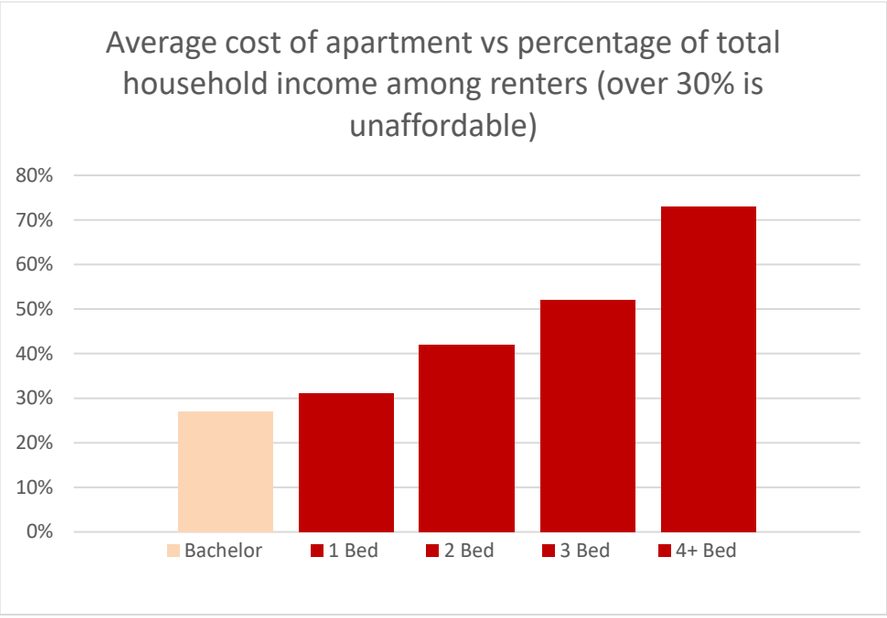


Figure 1: Rental Costs by Unit Type versus Renter Households Incomes

Compared to the rental market, ownership makes up a larger portion of the city housing market and has fewer households in unaffordable housing. At a glance, the City of London ownership market has the following characteristics:

- **60.1%** of households own their homes (as of 2016 Census);
- **14.8%** of these households spend more than 30% of their income on housing; and
- Since this data was collected in 2016, the average sale price has increased from the 2016 cost of $291,701 to $416,085 in March 2019 (**42.64%** increase).

Another housing market consideration is for single income households (both rental and owner households), where:

- Only Bachelor apartments are affordable to single income households (at an average of 29.8% of monthly income for households with a single income). See “Figure 2”, below, for average cost of apartment versus percentage of single income household’s income.

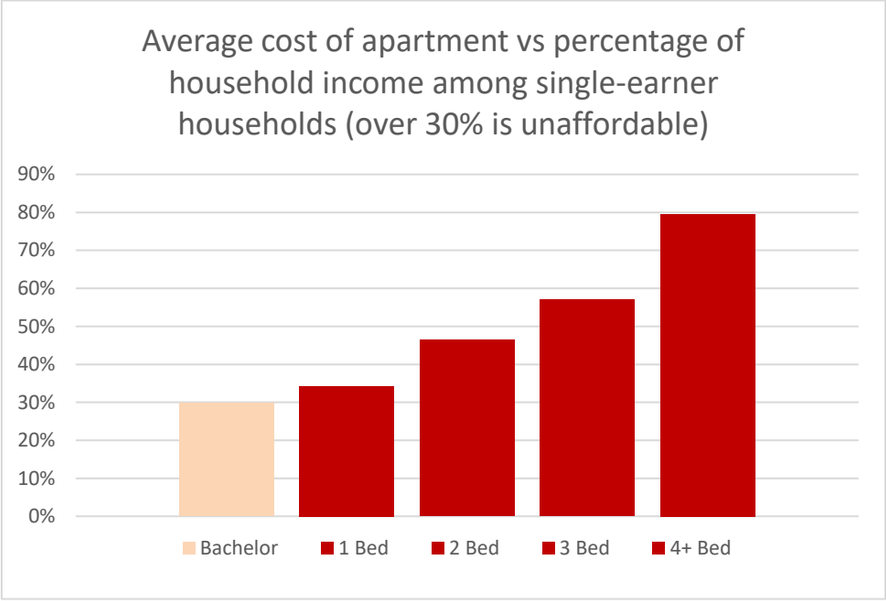


Figure 2: Average Cost of unit compared to single income household's income

Results of further market information will be brought forward to Council in coordination with the draft Community Improvement Plan for Affordable Housing. Different tools under the Toolkit, including various programs, incentives, and/or regulations may define terms differently in order to address various housing and demographic segments of the market.

2.0 Tools of the Affordable Housing Development Toolkit

2.1 Existing and On-going Tools and Activities

a) Implement Closed Schools Strategy and Undertake Ongoing Surplus Site Evaluations

- The Council policy for the evaluation and potential acquisition of surplus school sites was approved November 6, 2018. The policy identifies that there are three municipal needs that closed school properties may satisfy: sites for affordable housing; sites for community facilities; and/or sites for park land. In alignment with *The London Plan*, the evaluation process takes an "affordable housing first" approach.

- Staff and partner agencies will continue to evaluate sites as the school boards undertake their accommodation reviews and declare sites surplus. Reports to Council will bring forward the results of the evaluations of individual surplus sites.

b) Promote and Stimulate Development of Secondary Dwelling Units

- The City passed Official Plan Amendment and Zoning By-law Amendments to permit Secondary Dwelling Units in July 2017. Secondary Dwelling Unit regulations do not stipulate the price of rent in the by-law; however, because of their smaller size and number of bedrooms, they are anticipated to be priced at an affordable rate.

- The City may consider a program through a Community Improvement Plan for Affordable Housing to encourage homeowners to develop second units in eligible homes.

- The City may also consider further engagement and outreach to promote the opportunities available to homeowners to develop Secondary Dwelling Units.

c) Better Use Existing Community Improvement Plans to Incent Affordable Housing

- The City offers a number of Community Improvement Plans (CIPs) that include residential incentive programs which may encourage neighbourhood revitalization and regeneration through new unit construction.

- Existing CIPs are either geographically-based (e.g. Downtown, Old East Village, SoHo, and Hamilton Road), or criteria-based (e.g. Heritage and Brownfield).

- Incentive programs under the existing CIPs include Development Charges grants, Tax Increment Grants to defer the “lift” in taxes after development/redevelopment, and Upgrade to Building Code and Façade Improvement programs. These incentive programs are not specifically targeted or tied to an affordable price for the units.

- There is an opportunity for the current programs to be used to develop affordable units, however the units created are not currently required to be affordable to avail of these programs.

d) Integrate Affordable Housing into City-owned Land Sale Processes

- The City owns a number of properties, some which may provide the opportunity for regeneration and revitalization. The City may also develop partnerships with other governments and agencies (such as the Province, school boards or London Health Sciences Centre) whose surplus lands could provide regeneration and affordable housing opportunities.

- One such example is the “Old Victoria Hospital Lands” on South Street. These lands are a former hospital site, and the LHSC is transferring ownership to the City once the lands are cleared. Through a phased disposition process, these city-owned lands are to be sold as residential redevelopment opportunities, which can address multiple city-building objectives, including affordable housing and transit-oriented development that supports “inward and upward” growth.

- The City may consider specifically requiring the development of affordable housing as a component of development proposals submitted through upcoming RFP processes.

e) Ensure Adequate Supply of Permit Ready Land and Monitor Lot Supply

- A working group, including members of the local development industry, have been focused on defining and developing performance measures related to the permit-ready lot supply in London. Monitoring of lot supply includes the availability of new building lots, establishing consistent definitions, and developing actionable performance measures.

- The ongoing monitoring of land supply and permit ready lots will be used as a tool in support of the affordable housing development toolkit as it will assist in measuring the market housing supply.

2.2 Upcoming Work Plan Activities (New Tools)

a) Consider Affordable Housing Development Tools through ReThink Zoning Process (New Zoning By-law for the City)

- The Zoning By-law is the tool to implement the policies of a city's official plan. Now that the majority of the policies of *The London Plan* are in effect, the City is undertaking a comprehensive review and update of the Zoning By-law.

- The new Zoning By-law will implement the policy framework of *The London Plan*, including its policy directions regarding affordable housing and homelessness.

- As part of the preparation of the new Zoning By-law, the City will evaluate the potential for various zoning system options, including the Community Planning Permit System (CPPS), which is an alternative approval system that integrates Zoning with Site Plan and Minor Variance approvals, as a means of promoting the development of affordable housing.

b) Develop New Community Improvement Plan (CIP) for Affordable Housing

- The City's existing CIPs with residential components are generally geographically-based and residential units are not required to be tied to affordable prices or rents.

- In accordance with Section 28 of the *Planning Ac*t, Council can identify a community improvement project area under a CIP. The project area can be the entire municipality or an area within the municipality where improvement is considered to be required for environmental, social, or community economic development reasons. Affordable Housing is explicitly identified in the list of community improvements which may warrant a CIP under Section 28.

- CIPs allow for a range of strategic City and community-led actions, including but not limited to the provision of incentive programs in the identified "project areas". Program areas under an affordable housing CIP may consider grants or loans or other program incentives or regulations related to: Development Charges; Tax Increment Grants; multi-unit residential rental building development; City fees or cash-in-lieu requirements; second unit incentives; parking requirements; site or building design standards; or other programs.

- Programs recommended under the Affordable Housing CIP will be consistent with multi-year-budget considerations in coordination with the City's Finance Service Area (noting the 2020-2023 Strategic Plan has included a budget for such CIP programs).

- The public consultation process for the Affordable Housing Development Toolkit will provide direction and frame any new programs under the Affordable Housing CIP.

- In order to be eligible for Federal Canada Mortgage and Housing Corporation funding for affordable housing (termed "co-investment"), the City is required to be a financial partner and provide investment in affordable housing, such as programs offered through a CIP specifically targeted for affordable housing. An Affordable Housing CIP therefore allows the City to access affordable housing funding from other levels of government.

c) Clarify and Use Section 37 (Bonusing) Criteria to Stimulate Affordable Housing Development

- Council may authorize a Zoning By-law that increases height and density of development beyond what if otherwise permitted, if the increase is commensurate with the public benefit provided in return by the developer.

- The City is undertaking a municipal best practices review that will recommend how bonusing provisions may better reflect priorities of Council. The review will consider affordable housing targets and the value of the "uplift" of the bonus in relation to the development proposal.

- On May 2, 2019, the Provincial Government introduced Bill 108, the *More Homes, More Choice Act, 2019*. This Bill identifies changes to various pieces of legislation, including section 37 of the *Planning Act,* which is proposed to be changed to a "community benefits charge by-law". Bill 108 identifies that through the community benefits charge by-law a municipality can accept community benefits as a fee (based on land value) or the landowner can provide all or a portion of the benefit as an in-kind contribution of the required facilities, services or matters. The City's review will take into consideration any changes to section 37 or associated regulations that result from the final version of the *More Homes, More Choices Act 2019* (i.e. the royal assent version).

d) Leverage Secondary Plans (e.g. Masonville Transit Village and London Psychiatric Hospital) to Stimulate Affordable Housing Development Integrated into New Development

- *The London Plan* identifies four Transit Villages, which are intended to be exceptionally designed, high density, mixed-use urban neighbourhoods connected by rapid transit to the Downtown and to each other.

- Transit Villages are intended to support intense forms of mixed-use development. Transit Villages are located in existing built-up areas, but their locations have opportunities for significant infill, regeneration, and redevelopment to support transit.

- Secondary Plans such as the Masonville Transit Village Secondary Plan and the London Psychiatric Hospital Lands Secondary Plan are intended to provide a greater level of detail and more specific policy guidance in order to create a plan for the future development of a Transit Village. The Secondary Plans will also address issues of compatibility and transition to existing uses within the Transit Village and the surrounding neighbourhood. Affordable housing opportunities may be considered in the policies of the Secondary Plans.

e) Use Inclusionary Zoning to Require Affordable Housing Development

- Inclusionary Zoning is zoning regulations that would require private development proposals with residential units to include affordable units as part of those proposals, and require those units to be maintained as affordable over a period of time.

- Inclusionary Zoning regulations may include such matters as: the percentage of units "set aside" as affordable, the length of tenure as affordable, definitions of affordability, geographic locations of units, and target demographics and prices/rents at which units are to be set during the "affordability period".

- A municipal assessment report of income and housing needs is also required as part of the regulations to develop an IZ by-law. The

assessment report is required to include both an income and housing "gap" analysis as well as a market impact/feasibility analysis determining the impacts of Inclusionary Zoning regulations on the market rate units.

- Under the draft of the *More Homes, More Choice Act, 2019*, the Province identified that Inclusionary Zoning may be permitted through official plan policies in areas identified as "protected major transit station areas" or in areas where the Minister of Municipal Affairs and Housing has ordered a community planning permit system be established. The City's Inclusionary Zoning review will take into consideration any changes to the Provincial legislation or associated regulations that result from the final version of the *More Homes, More Choice Act 2019*.

f) Establish Rental Housing Conversion Policy to Limit Conversion of Rental Housing to Condominium Housing

- An Official Plan Amendment or Council policy may be introduced to identify when the conversion of multi-unit residential rental buildings to condominium ownership may be considered by the City.

- The potential for such a policy could be linked to the residential rental vacancy rate (e.g. a policy to limit such conversions if the rental vacancy rate is below an identified minimum threshold percentage).

g) Initiate Official Plan and Zoning Amendments to Allow for Appropriate Intensification on Housing Regeneration Sites

- There may be unique sites throughout the city which present the opportunity for intensification or regeneration. Such regeneration sites may include properties such as former school sites, former Provincial properties, or properties of London Middlesex Community Housing.

- A City-initiated review and amendments to *The London Plan* (official plan) and Zoning By-law may be undertaken to recognize the infill and urban regeneration potential of such sites across the city as well as identifying tenant-supportive uses that may be provided as part of the redevelopment of these sites.

- Such amendments would recognize the potential for these sites to deliver on affordable housing objectives as well as other city-building objectives.

h) Consider Affordable Housing through the Development Charges By-law 2023

- As part of the City's background study and review for the 2023 Development Charges By-law, the City may consider the collection of Development Charges for the purposes of establishing an affordable housing reserve fund (e.g. for site acquisition and development of affordable units). Noting that these charges may no longer be permitted under Bill 108.

- This review will be considered in coordination with the review of section 37 (bonusing/community benefits).

i) Use New "Community Benefits Charge" to Stimulate Affordable Housing Development

- Under Bill 108, the Provincial Government is proposing that the "Bonus Zoning" section of the *Planning Act* (section 37) be replaced with a "Community Benefits Charge By-law". The "Community Benefits Charge" by-law would replace bonusing and the City's ability to collect certain

charges through Development Charges, including for services like libraries, district parks, or recreation centres.

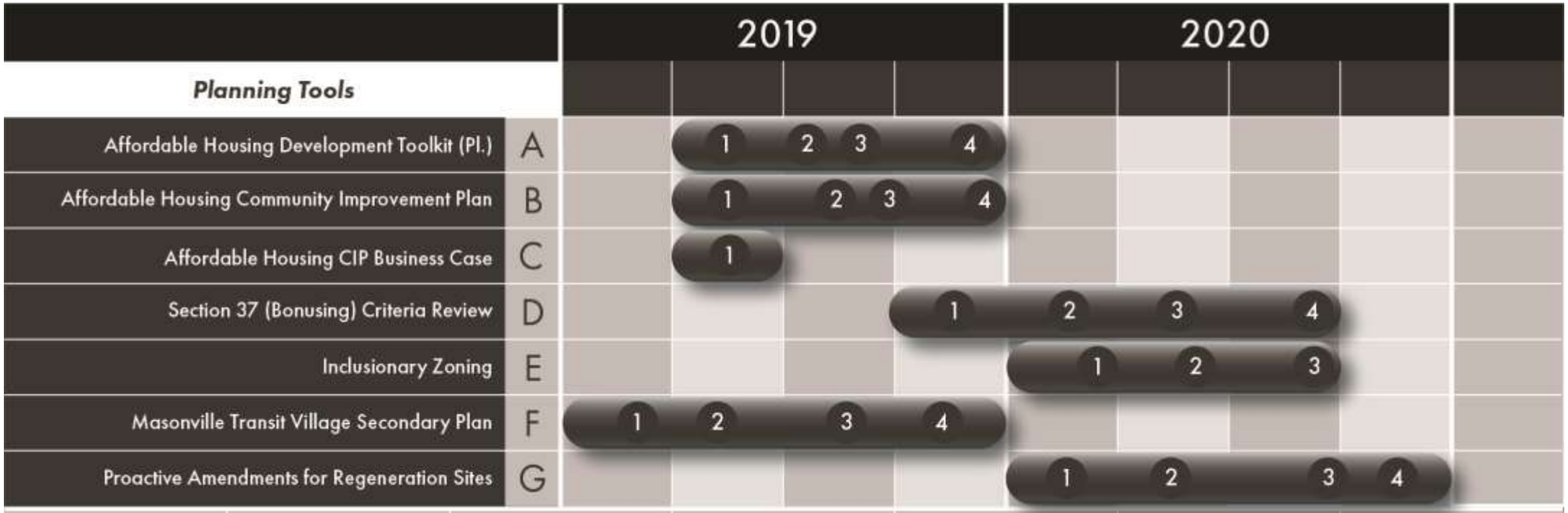
- If the final version of the *More Homes, More Choice Act 2019* includes the changes from "Bonusing" and "soft services" collected through DCs to a new "Community Benefits Charge", then a review will be undertaken by the City to consider how this new Community Benefit Charge can be used to stimulate the development of affordable housing. This review will be in coordination with the City's review of Bonusing Criteria and its update to the Development Charges By-law.

3.0 Timeline for Preparation and Development of the Tools

3.1 Timeline of Affordable Housing Development Tools

As noted above, the City is taking a coordinated approach in the delivery and planning of homeless prevention and housing options. The Affordable Housing Development Toolkit is a set of tools to support the broader framework of the forthcoming Homeless Prevention and Housing Plan as well as providing opportunities for private developers to create affordable units. Below is a table with anticipated timing for the preparation and development of some key initiatives of the Affordable Housing Development Toolkit. Additional tools may also be identified through the public and stakeholder consultations.

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Planner: T. Macbeth



A	B	C	D	E	F	G
Affordable Housing Development Toolkit	*Affordable Housing Community Improvement Plan*	*Affordable Housing CIP - Business Case*	*Section 37 (Bonusing) Criteria Review*	*Inclusionary Zoning*	*Masonville Transit Village Secondary Plan*	*Amendments for Regeneration Sites*
1 PEC Report - June	1 Launch and Consultation (coordinated with the Toolkit's consultation)	1 Prepare Business Case	1 Launch and research	1 Financial Impact Analysis	1 Launch and research	1 Launch and research
2 Consultation	2 Draft CIP and report		2 Engagement	2 Consultation and Draft OPA/ZBA regulations	2 Research and Community Meetings	2 Engagement
3 Housing Gap Analysis/ Needs Study	3 Consultation on Draft		3 Draft OP policies	3 Final Report	3 Draft Secondary Plan Policies and Community Meeting	3 Draft OPA/ZBA policies /regulations
4 Final Report	4 Final CIP		4 Final	4	4 Final Secondary Plan	4 Final OPA

3.2 Opportunities to address the Affordable Housing Need

Private market developers, non-profit organizations, and public agencies developing affordable housing units will be able to avail of the various tools of the toolkit. The following table identifies high-level objectives and the potential opportunity for housing providers that are anticipated through each tool.

Strategy (Tool)	Objectives	Potential Housing Opportunity - Provider/Benefit
Closed Schools Strategy (and on-going site evaluations)	- Create affordable housing units (and potential parkland and neighbourhood facilities). - Create catalyst for neighbourhood regeneration and infill.	- Affordable - Market - Assisted housing
Secondary Dwelling Units	- Create affordable rental units and assist with ownership affordability. - Create catalyst for neighbourhood regeneration and small-scale intensification.	- Affordable (rental) - Market (homeowner and rental)
Existing CIPs with Residential Component	- Create housing units in Downtown, business main streets and central area neighbourhoods.	- Affordable - Market - Assisted housing
City-owned Land Sales (Procurements)	- Create catalyst for neighbourhood regeneration and intensification. - Foster mixed, complete communities. - Provide opportunities to create units within established neighbourhoods.	- Affordable - Market
ReThink Zoning	- Implement policy framework of The London Plan. - Provide opportunities for “Inward and upward” growth. - Provide urban regeneration and affordable housing opportunities.	- Market - Affordable - Assisted housing - Homeowners
Community Improvement Plan for Affordable Housing	- Offer tools and incentive programs to encourage the development of affordable housing units (e.g. different tenures, forms of development, levels of affordability).	- Homeowners - Market - Affordable - Assisted housing
Section 37 Bonusing Criteria	- Encourage creation of affordable housing by prioritizing affordable housing as a community benefit under the provisions of section 37 of the *Planning Act* (noting potential changes through Province’s Bill 108).	- Affordable - Assisted housing
Secondary Plans	- Provide opportunity to create affordable housing units.	- Affordable - Market

Strategy (Tool)	Objectives	Potential Housing Opportunity - Provider/Benefit
	- Create catalyst for urban regeneration. - Provide opportunities for transit-oriented development. - Create mixed-use, complete communities.	- Assisted housing
Inclusionary Zoning	- Create mixed-income communities with a portion of housing required ("set aside") as affordable units.	- Affordable
Rental Housing Conversion Policy	- Preserve purpose-built rental housing stock. - Identify when rental housing may be converted to condominium ownership.	- Market (rental) - Affordable (rental)
Official Plan and Zoning Amendments on Housing Regeneration Sites	- Create opportunities for affordable housing and market housing units. - Provide for neighbourhood regeneration, infill and intensification on sites presenting unique opportunity. - Address the needs of private market developers and agency partners (e.g. London Middlesex Community Housing).	- Assisted housing - Affordable - Market
Development Charges By-law 2023	- Collect Development Charges for the purposes of establishing an affordable housing reserve fund. - Assist with site acquisition and development of affordable units by public agency.	- Affordable
Community Benefits Charge	- Collect a "Community Benefits Charge" and review potential for this charge to fund affordable housing development. - Note: subject to Province enacting this Charge through Bill 108, the "*More Homes, More Choice Act, 2019*".	- Affordable - Assisted housing

Table 1: Potential Opportunities to address Different Segments of Need

4.0 Conclusion

The City's interests in affordable housing cross many service areas. The City is currently undertaking an update to the Homeless Prevention and Housing Plan. This Plan will be the framework to guide the work of homeless prevention and housing over the next five years and will help London move towards the goal of housing stability for all individuals and families.

Through ongoing coordination, City Service Areas and housing Agencies will prepare and develop the various tools of the Affordable Housing Development Toolkit. The Affordable Housing Development Toolkit is intended to provide a number of tools that can be used to support the development of affordable housing units by both public and private developers of housing.

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This Toolkit will support various city initiatives related to affordable housing, including the policy directions of The London Plan, Council's Strategic Plan, and the Homeless Prevention and Housing Plan.

Public engagement will be coordinated between the Affordable Housing Development Toolkit and the Community Improvement Plan for affordable housing. Subsequent reports will be brought to Council following the public consultations summarizing the nature of public input received through the process.

A Community Improvement Plan for Affordable Housing will be prepared to identify programs to support the provision of affordable housing. These tools will be available to private and public applicants to provide affordable housing units.

Any new programs offered under the Affordable Housing Community Improvement Plan will include a financial analysis and consideration of the multi-year budget, noting that Council's Strategic Plan 2020-2023 has identified a budget for incentive programs under the Affordable Housing CIP.

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Planner: T. Macbeth

Prepared by:	**Travis Macbeth, MCIP, RPP** **Planning Policy, Long Range Planning and Sustainability**
Submitted by:	**Gregg Barrett, AICP** **Manager, Long Range Planning and Sustainability**
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	

June 4, 2019
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Appendix A – Relevant Background

Additional Reports

March 18, 2019 "Update on Response to Provincial Consultation on 'Increasing Housing Supply in Ontario'", Planning and Environment Committee.

January 7, 2019 "Provincial Consultation on 'Increasing Housing Supply in Ontario'", Planning and Environment Committee.

October 29, 2018 "Affordable Housing – Planning Tools to Support the Development of Affordable Housing", File 18 AFF, Planning and Environment Committee.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning and Environment Committee
From: **Kelly Scherr, P. Eng., MBA, FEC**
Managing Director, Environmental & Engineering Services and City Engineer
Subject: **Proposed New City of London Tree Protection By-law and Notice of PPM**
Date: **June 17, 2019**

Recommendation

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the attached proposed new City of London Tree Protection By-law (Appendix "A") **BE REFERRED** to a public participation meeting to be held at the Planning and Environment Committee on September 23, 2019 for the purpose of seeking public input on the proposed new by-law.

Executive Summary

Several issues with the existing Tree Protection By-law have emerged since it was passed by Council on 30 August 2016. Public consultation also revealed a number of administrative, interpretive or technical matters that were difficult to understand, or creating problems with compliance. There have also been observations of ambiguity made by the Hearings Officer that suggest improvements in by-law language is necessary. Given the extent of those changes, a new Tree Protection By-law will need to be put in place.

This report brings the proposed By-law forward for public review and comment while the existing Tree Protection By-law C.P.-1515-228 remains in place.

Analysis

1.0 Previous Reports

June 18, 2018	Planning & Environment Committee Report – The City of London Tree Protection By-Law C.P.-1515-228 Amendments and Implementation Update - Proposed new by-law received for information and referred to the Trees & Forest Advisory Committee for review and comment
November 20, 2017	Planning & Environment Committee Report - The City of London Tree Protection By-law-C.P.1515-228 Implementation Review
July 17, 2017	Planning & Environment Committee Report – Staffing Resources to support the new Tree Protection By-law
August 22, 2016	Planning & Environment Committee Report – Adoption of the Tree Protection By-law and direction to monitor the implementation of the By-law and provide a status report and any recommended amendments to the By-law within a period of one year
August 26, 2014	Planning & Environment Committee Report - Adoption of the Urban Forest Strategy and endorsement of an Implementation Plan that includes By-law revisions

2.0 History

Since Vision 96 in 1996, the City of London has had a private tree by-law in place, for the first twenty years in the form of a Tree Conservation By-law aimed at protecting

woodlands on private lands. Through public consultation for the Urban Forest Strategy (2014) it became clear that there was unmet, significant public demand for a better private tree by-law with 86% of respondents supporting this. One of the themes of the Urban Forest Strategy is to “Protect More” trees. Requiring replacement planting of protected trees that are destroyed with an approved Permit is an obvious way to help achieve our Urban Forest Strategy goal of 34% tree canopy cover by 2065

A new Tree Protection By-law was prepared and passed by Council on 30 August, 2016, scoped to protect:

(i) Distinctive Trees within the Urban Growth Boundary defined as having a trunk diameter 50cm or greater measured 1.4m above ground, and

(ii) all trees regardless of size that are within mapped Tree Protection Areas.

The passing of the By-law was subject to an end-of-first-year review, with reports submitted to this Committee in July and November of 2017. A more detailed report was prepared in 2018 with information gathered from public engagement, but due to the then-ongoing Boulevard Tree Protection By-law review and internal, organizational changes affecting Urban Forestry it was necessary to defer a public participation meeting about the private Tree Protection By-law until 2019.

3.0 Legislative and Policy Information

Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*

Bill 68 amended subsection 270 (1) of the *Municipal Act, 2001* by adding a new clause (7) that requires municipalities to adopt and maintain policies which sets out “*the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.*” This provision came into effect March 1, 2019.

The London Plan Policies, 2016

Policy 389 (6)	“We establish policies, by-laws, practice standards, and guidelines that clearly define what trees will be preserved and what trees may be removed, to ensure the structure and functions of the Urban Forest are not harmed.”
Policy 392	“Engagement of the public to manage private trees and woodlands is crucial to achieving tree canopy coverage targets and will be implemented through education, promoting stewardship, planting programs, and the development of policies, by-laws, standards and guidelines.”
Policy 399 (8)	“A tree conservation by-law for private property will be established to prohibit the destruction of trees, unless and until such time as a tree cutting permit is obtained, where required.”

4.0 Community Engagement & Feedback (see more detail in Appendix “B”)

The following community engagement since the By-law was passed has been considered in the development of the proposed new By-law.

Tree Care Professionals & Industry Workshop
In February 2018, a public workshop was held for tree care companies who had prior dealings with the Tree Protection By-law. Staff received feedback on criticisms and concerns about the By-law, mainly focussed on its language, interpretation and administration. There was strong industry support to reduce the Distinctive Tree size from 50cm or greater, so to protect far more trees and ensure more trees remain to be pruned regularly over a long timeframe. A reasonable application fee was not a concern, but the sliding scale of fees and the absence of a limit with respect to the fees for a number of Distinctive Trees was a concern. The fee of $1,000 for a good forestry

practices application (i.e. selective tree harvesting in a woodland) was viewed as too high.

Public Surveys – online and by email or mail
Two public surveys were undertaken in 2018. One was aimed primarily at those persons who had requested a permit under the existing By-law. Questions were asked about how satisfied was the client with the administrative process and what changes might be suggested. Details of that survey were included in the June 18, 2018 report.

The second survey was open to the public for three months asking for feedback on general tree protection topics, by-law awareness and tree planting (summary of survey results included in Appendix "B"). Some of the major findings of the survey included approximately 73% knew that there was a private tree by-law but did not necessarily know if it applied to their land. 87% replied that the size for "Distinctive" trees should stay the same or be decreased therefore protecting more trees.

Trees and Forests Advisory Committee
The Trees and Forests Advisory Committee provided detailed recommendations to staff regarding proposed changes to the By-law (included in Appendix "B"). This included a recommendation to reduce the size threshold for a Distinctive Tree to 25cm or greater.

Hearings Officer
All appeals that may be brought under the By-law are heard by the Hearings Officer. Several appeals have been upheld due to ambiguous language, with similar decisions by the Hearings Officer that ran counter to the original intent of the By-law. The proposed new By-law language should ensure that the By-law is clear and unambiguous, for everyone.

Comments to Staff
Staff received a letter from a consultant to bring forward concerns on behalf of two cemeteries (included in Appendix "B"). The exemption of the municipality from the By-law has been criticised as a financial or competitive advantage at municipally-run golf courses, whereas privately-owned golf courses must adhere to the By-law.

Meetings were also held with London Development Institute and staff attended the London's Planner Lunch to discuss the By-Law. Staff hear informal complaints during their day-to-day work about how to make improvements to the By-Law. Once such complaint was that the payment process is challenging as only cash and cheques can be received at one location. Staff have been able to address this recently with Recreation staff leading a project for other payment types being accepted at multiple City facilities outside of normal business hours.

5.0 City Response to Major Proposed Changes

Adoption of a Reduced Size for a Distinctive Tree
The Trees and Forests Advisory Committee and members of the tree-care industry are recommending that the size threshold for a Distinctive Tree should be reduced to 20cm or 25cm, or greater. This was a result of an observation from the industry that many healthy trees, in this size category, are being removed. Based on the data collected in the 2008 Urban Forests Effects Model (UFORE), it is estimated that approximately 60% (not including buckthorn) of our tree canopy are trees of this size. At our current size threshold approximately 6% of our tree canopy is being protected.

This change is not recommended. If the size threshold is decreased, it is estimated there would be a four-fold increase in Tree Protection By-law workload. This would remove any remaining ability of staff to conduct other necessary duties, tasks, programs and initiatives under the Implementation Plan for the Urban Forest Strategy (2014) without a corresponding deterioration in customer service levels. In addition, since March 2019, Urban Forestry staff have assumed additional duties to enforce the removal of hazardous trees under the Property Standards By-law, and enforcement

duties for the Boulevard Tree Protection By-law. Workloads remain high, especially in the spring to fall period.

Cemeteries and Golf Courses
In the existing By-law, cemeteries and golf courses, covered by Tree Protection Areas where all trees are protected regardless of size, follow a different application process. It was intended to avoid these businesses from having to make multiple applications and pay their associated fees when managing a dynamic, large tree resource. In the existing By-law, cemeteries and golf courses may apply for an extended 5-year Permit that implements an approved long term forest (tree) management plan. No application fee is required.

The City considers that the By-law has not proven to be the correct tool to bring about the long-term pro-active management as was envisioned. For these reasons that the City is considering to exempt active cemeteries and golf courses from the new By-law.

Cemeteries
Cemeteries have struggled with developing long term management plans as required for a complete application. Most applications received have been short-term, involving only one or a few large trees that must be removed to allow for a structure (e.g. a mausoleum) to be built. Cemeteries typically manage their trees for amenity and maintain them for as long as possible, removing trees only as they become unsafe. These circumstances cannot be predicted or planned up to 5 years in advance. While pro-active management occurs, this is usually achieved by pruning which is an exempted activity under the By-law.

Cemeteries are regulated under the *Funeral, Burial and Cremation Services Act, 2002* and have their own By-laws passed under that Act. Such By-laws include the manner in which vegetation may be managed. For example there may be clauses that govern where and what type of trees are acceptable to be planted, or not, which may conflict with our By-law.

Golf Courses
Golf courses have struggled with developing long-term management plans for similar reasons. Most often, golf courses need to remove trees when they present an unacceptable risk to the public that may enjoy walking over their lands, or to members and guests playing golf. The City is aware of one golf course having long-term plans to change its landscape to meet the expectations of the world-class professional players. The potential for a conflict between the By-law, and such actions the Board of Directors may desire so to continue to attract business, has been criticised, pointing out that municipally-owned golf courses operate and continue to generate revenue with no such barriers to their business.

Golf courses have relatively low tree canopy cover. Most of the Tree Protection Area is, in fact, open turf. Those trees and small woodlands that occur are highly valued for creating the interest and variety that attracts and retains players, and most trees are pruned regularly in winter to keep them safe and provide for line-of-sight.

Replacement Tree Planting & Fees
Requiring replacement planting of protected trees that are destroyed with an approved Permit is an obvious way to help achieve our Urban Forest Strategy goal of 34% tree canopy cover by 2065. At present, replacement tree planting is discretionary and may be determined by the approver of the Permit – which is sometimes the Hearings Officer. The applicant, as they proceed with their application, has no way of knowing if they will be required to plant, or not, how many replacement trees, or whether they may be required to pay a fee if they are unable to plant the required trees due to lack of suitable space on-site.

With the proposed By-law, replacement tree planting will be required (see Schedule B) for all Permit types except for Dead Distinctive Tree Permits. This means where an otherwise healthy is proposed to be removed, replacement tree planting will apply. The

By-law states the number of replacement trees required (varying by the size of tree being destroyed), and an additional fee of $350 may be charged by the City for each replacement tree that is not planted for lack of suitable space.

Application Fees
It is proposed to introduce a flat fee of $100 regardless of the type of application and the number of protected trees being injured or destroyed. The City Engineer or designate will retain the ability to waive the fee where extenuating circumstances occur.

No fees at all will be collected before staff have considered the application and are prepared to proceed to a decision. This avoids requiring a fee be paid upfront as part of a complete application, only for staff to discover circumstances that the fee should not be paid, and then returning it. It also means the applicant can pay all the required fees (e.g. if required for a replacement tree that will not be planted) at one time, in one place.

There will continue to be no fee for trees that are dead, hazardous, or required to be destroyed by Order issued under other legislation.

Fees - Denial of a Permit and Right to Appeal
No application fee will be charged for an application that will end in a denial to issue a Permit. Should the denial be appealed, however, a new appeal fee of $100 will be required.

6.0 Conclusion

The proposed new By-law aims to strengthen and improve on the existing Tree Protection By-law C.P.-1515-228, with public input that will inform its existing and further development. Protected trees will continue to be protected under the existing Tree Protection By-law C.P.-1515-228 while the proposed By-law remains in development. The changes that have been made since the June 2018 report to the by-law are a result of further technical review by staff. These changes are noted as new language is underlined and deleted language is ~~struck through.~~

A detailed staff report will be submitted along with the proposed new By-law for the Public Participation Meeting on September 23, 2019.

Acknowledgements

Sara Rowland, R.P.F., Urban Forestry Planner with the Roads Operations & Forestry Division played a key role in authoring this report.

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

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Appendix A: Proposed By-law
Appendix: Public Engagement and Feedback

Appendix A

Bill No.
2018~~8~~9

By-law No.

A by-law to regulate the Injuring and Destruction of Trees and to encourage preservation and planting of Trees throughout the City of London

WHEREAS Municipal Council has determined that it is desirable to enact a By-law to generally prohibit the Injury and Destruction of Trees within the Urban Growth Boundary that have a diameter of at least 50 cm, and all trees located within Tree Protection Areas, and to allow for the Injury and Destruction of such Trees in limited circumstances with a Permit, and to encourage preservation and planting of Trees throughout the City of London;

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

AND WHEREAS section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act;

AND WHEREAS subsection 10(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS subsection 10(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: in paragraph 5, Economic, social and environmental well-being of the municipality, including respecting climate change"; in paragraph 6, Health, safety and well-being of persons; in paragraph 7, Services and things that the municipality is authorized to provide under subsection (1); in paragraph 8, Protection of persons and property; in paragraph 9, Animals;

AND WHEREAS pursuant to subsection 135(1) of the *Municipal Act, 2001*, without limiting sections 9 and 10, a municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS pursuant to subsection 135(7) of the *Municipal Act, 2001*, without limiting sections 9 and 10, a municipality may require that a permit be obtained to injure or destroy trees, and impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS subsections 151(1) to (4) of the *Municipal Act, 2001* apply with necessary modifications to a system of licences with respect to any activity, matter or thing for which a by-law may be passed under sections 9 and 10 as if it were a system of licences with respect to a business;

AND WHEREAS subsection 1(1) of the *Municipal Act, 2001* defines "licence" to include a permit;

AND WHEREAS section 23.2 of the *Municipal Act, 2001* permits a municipality to delegate certain legislative and quasi-judicial powers;

AND WHEREAS the Municipal Council for The Corporation of the City of London is of the opinion that the delegation of legislative powers under this by-law to the ~~City~~

~~Planner~~ City Engineer and the Hearings Officer including without limitation the power to issue, revoke, suspend and impose conditions on the permit and prescribe operational standards such as the format and content of forms or documents, are powers of a minor nature having regard to the number of people, the size of geographic area and the time period affected by the exercise of the power in accordance with subsection 23.2(4) of the *Municipal Act, 2001*;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons;

AND WHEREAS sections 429, 431, 444 and 445 of the *Municipal Act, 2001* provide for a system of fines and other enforcement orders;

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

Part 1 SHORT TITLE

1.1 This By-law may be cited as the "Tree Protection By-law".

Part 2 DEFINITIONS

2.1 For the purpose of this By-law:

"Applicant" means the Landowner or the Landowner's authorized representative who, pursuant to this By-law, applies for a Permit;

"Arborist" means an arborist qualified by the Ontario Ministry of Training, Colleges and Universities; a certified arborist with the International Society of Arboriculture; a consulting arborist registered with the American Society of Consulting Arborists; or a Registered Professional Forester;

"Arborist Opinion (Dead Distinctive Tree)" means a written opinion by an Arborist that contains the following:
(a) the Arborist's opinion that the Tree is a Dead Distinctive Tree as that term is defined;
(b) correct identification of the location, species and size of the Dead Distinctive Tree; ~~and~~
(c) a photograph or video of the Tree; and
(d) the professional accreditation of the Arborist (e.g. International Society of Arboriculture (ISA) Certification Number);

"Arborist Report" means a written report by an Arborist that contains the following:
(a) correct identification of the location, species, size and condition of Trees;
(b) states the Arborist's opinion why a Tree should be Injured or Destroyed~~;~~ , and whether it represents Good Arboricultural Practices or Good Forestry Practices;
(c) describes how the Tree is proposed to be Injured or Destroyed;
(d) ~~states~~ an analysis and description of any reasonable alternatives to the Tree Injury or Destruction or an analysis and description as to why ~~whether~~ there are no reasonable alternatives to the Tree Injury or Destruction;
(e) ~~calculate~~ calculation of the number of Replacement Trees based on Schedule B, and suggest the species and location, and if in a Tree Protection Area, the Trees that may be planted or established through appropriate natural regeneration, the number of Replacement Trees that can be planted on the Site;
(f) if Trees are to be Injured but not Destroyed, ~~describes~~ description of maintenance strategies and protection measures to be implemented; ~~and~~
(g) if requested by the ~~City Planner~~ City Engineer, further information ~~to include~~ such as Tree or Trees on adjacent properties that may be affected, and an aerial map representation showing the Critical Root Zone of those Trees; and
(h) the professional accreditation of the Arborist (e.g. International Society of Arboriculture (ISA) Certification Number);

"Boundary Tree" means a tree having any part of its trunk located on the boundary between adjoining lands. For the purposes of this definition, 'trunk' means that part of the tree from its point of growth away from its roots up to where it branches out to limbs and foliage;

"Building Permit" means a building permit issued under the *Building Code Act, 1992,* S.O. 1992, c. 23, or successor legislation;

"By-Law Enforcement Officer" means a person appointed pursuant to the *Police Services Act*, or any successor legislation, as a Municipal Law Enforcement Officer to enforce the provisions of this By-law;

"City" means The Corporation of the City of London;

~~"City Planner"~~ "City Engineer" means the person who holds the position of ~~City Planner~~ City Engineer for The Corporation of the City of London or their written Designate who is authorized by the ~~City Planner~~ City Engineer to act on their behalf in respect of this By-law;

"Conservation Authority" has the same meaning as defined in the *Conservation Authorities Act,* R.S.O. 1990 c.C.27;

"Critical Root Zone" means the area of land within a radius of ten (10) cm from the trunk of a tree for every one (1) cm of trunk diameter;

"Dead Distinctive Tree" means a Distinctive Tree that, as a result of natural causes, is dead~~,~~ or, as a result of natural causes, is in advanced and irreversible decline in health;

"Dead Distinctive Tree Permit" means a permit issued by the ~~City Planner~~ City Engineer to permit the Injury or Destruction of a Dead Distinctive Tree;

"Declared Emergency" means a situation or impending situation that has been declared an emergency under the *Emergency Management and Civil Protection Act* , R.S.O. 1990 c.E.9 or successor legislation;

"Designate" means any person acting with express authority conferred in writing by the ~~City Planner~~ City Engineer and may include but is not limited to City employees or Qualified Persons hired by the City;

"Destroy" means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or disturbance of any part of its Critical Root Zone is such that it is likely to die or be killed, excepting where a Tree and/or its roots are killed by natural causes. The terms "Destroyed" and "Destruction" shall have a corresponding meaning;

"Distinctive Tree" means a Tree that has a Trunk Diameter of 50cm or greater, and that is located on a property within the Urban Growth Boundary, excluding a Tree Protection Area;

"Distinctive Tree Permit" means a permit issued by the ~~City Planner~~ City Engineer to permit the Injury or Destruction of a Distinctive Tree or Trees;

"Emergency Services" means the fire, police, or ambulance services when responding to an emergency event;

"Good Arboricultural Practices" means the implementation of the most recent techniques or methods of Tree management as recommended by the International Society of Arboriculture or their successor;

"Good Forestry Practices" has the same meaning as defined in the *Forestry Act* R.S.O. 1990 c. F.26;

“Hearings Officer” means a Hearings Officer appointed under the City’s Hearings Officer By-law A. 6653-121, as amended, or any successor by-law;

“Injure” means to harm, damage or impair the natural function~~,~~ or form of a Tree, including its roots within the Critical Root Zone, by any means excepting ~~Injury~~ injury by natural causes, and includes but is not limited to carving, drilling, injection, exploding, shattering, improper Pruning that fails to meet Good Arboricultural Practices, removal of bark, deliberate ~~inoculation~~ introduction of decay fungi , ~~pest or disease,~~ inserting or driving foreign objects into or through the Tree or its roots, soil compaction, root excavation, suffocation, drowning, burying or poisoning. The terms “Injury”, “Injuring” and “Injured” shall have a corresponding meaning;

“Landowner” means a person having title in the land on which the Tree(s) are situated; ~~the term “Landowners” shall have the same meaning, plural~~;

“Natural Ground Level” means the unaltered and original level of the soil around the base of a Tree that is supporting or did support the Tree during its early growth and establishment phase; where the ~~Natural Ground Level~~ ground level varies around the Tree, it ~~any measurement that is referenced from Natural Ground Level~~ shall be measured from the highest part of the soil;

“Normal Farm Practice” means a normal farm practice defined in the *Farming and Food Production Protection Act 1998,* S.O. 1998, c.1.

“Order” means an Order to Discontinue Activity or a Work Order, as the context requires;

“Permit” means a Tree Protection Area Permit or a Distinctive Tree Permit, or a Dead Distinctive Tree Permit, as the context requires;

“Permit Holder” means the Landowner to whom a Permit has been issued;

“Pest” means ~~anything~~ any thing that is injurious or potentially injurious, whether directly or indirectly, to a Tree~~;~~ ,and includes any species that is invasive or new to Canada where the potential for harm is yet unknown or unpredictable;

“Pruning” means the removal of live or dead branches from a standing Tree. The terms “Prune” and “Pruned” shall have a corresponding meaning;

“Qualified Person” ~~shall~~ means a person who, in the opinion of the ~~City Planner~~ City Engineer, has satisfactory qualification, experience, education or knowledge to be an expert in the matter;

“Registered Professional Forester” means a person who is a registered and full member in good standing of the Ontario Professional Foresters Association and has the right to use the designation ‘Registered Professional Forester’ under the *Professional Foresters Act*, *2000,* S.O. 2000, *C. 1*8 or successor legislation;

“Replacement Tree” means a ~~native, shade or large growing~~ tree of a size and type determined by the City Engineer that is required to be planted to replace a tree Destroyed pursuant to a Permit;

“Security” means an agreement between the City and an Applicant where the Applicant arranges an irrevocable letter of credit from a financial institution to specify and lodge a sum of money as determined by the ~~City Planner~~ City Engineer as a condition of a Permit;

“Silvicultural Prescription” means an operational plan prepared by a Registered Professional Forester or Qualified Person that describes the existing conditions and the sustainable management objectives for Trees on a Site, and that prescribes the practice of controlling Tree establishment and the composition, growth and quality of Trees to achieve the objectives of management, the methods for managing the Trees and a

series of silvicultural treatments and Good Arboricultural Practices that will be carried out to perpetuate Tree cover and establish a free-growing state for Trees that accommodates other resource, environmental and social values as may be identified;

"Site" means the general area where activities subject to this By-law ~~is~~are planned or executed, and in the case of a tract of land that extends over multiple landholdings, each separate landholding is a separate "Site";

"Swimming Pool Fence Permit" means a swimming pool fence permit issued under the City's Swimming Pool Fence By-la PS-5, or successor legislation;

~~"Species at Risk" means any species listed in *Ontario Regulation* 242/08 under the *Species Act, 2007,* S. 0. 2007,c.6 and species listed in Schedules of the *Species at Risk Act*, S.C. 2002, c.29;~~

"Tree" means a woody perennial plant, whether alive or dead, healthy or unhealthy, including saplings or seedlings and including the root system, where the plant has reached, could reach, or could have reached a height of at least 4.5 metres (15 feet) at physiological maturity~~. The term "Trees" shall have the same meaning, plural~~;

"Tree Management Plan" means a written plan that sets out the scope, rationale and management intentions for managing an inventory of a Tree or Trees for a year or more. Other names for a "Tree Management Plan" include 'Landscape Management Plan', 'Tree Protection Plan', 'Tree Planting Plan', 'Woodland Management Plan' and 'Forest Management Plan';

"Tree Protection Area" means any geographic area of the City that appears as a Tree Protection Area on Schedule C of this By-law;

"Tree Protection Area Permit" means a permit issued by the ~~City Planner~~ City Engineer to permit the Injury or Destruction of a Tree or Trees within a Tree Protection Area;

"Trunk Diameter" means the diameter of the trunk of a Tree measured 1.4m above the Natural Ground Level;

"Urban Growth Boundary" means the Urban Growth Boundary as defined in the City's Official Plan;

~~"Woodland" shall have the same meaning as "Woodlands" as defined by the *Forestry Act,* R.S.O. 1990, c. F.26.~~

2.2. In this by-law, words importing the singular number include the plural and vice versa, unless the context requires otherwise.

Part 3 SCOPE

3.1 This By-law applies to private property in the City of London:
(a) to Trees that have diameter of at least 50 cm within the Urban Growth Boundary; and
(b) to Trees of any size within a Tree Protection Area.

Part 4 ADMINISTRATION

4.1 The administration of this By-law shall be performed by the ~~City Planner~~ City Engineer who shall generally perform all of the administrative functions conferred upon them by this By-law.

Part 5 EXEMPTIONS FROM BY-LAW

Exemptions from By-law

5.1 This By-law does not apply to:

(a) activities or matters undertaken by a municipality or a local board of a municipality;

(b) activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*;

(c) the Injuring or Destruction of Trees by a person licensed under the *Surveyors Act*, to engage in the practice of cadastral surveying or his or her agent, while making a survey;

(d) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

(e) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to a development permit or community planning permit authorized by regulation made under the *Planning Act* or as a requirement of an agreement entered into under the regulation;

(f) the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;

(g) the Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;

(h) the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,

  (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and

  (ii) on which a pit or quarry is a permitted land use under a By-law passed under section 34 of the *Planning Act*;

(i) the Injuring or Destruction of Trees that are a noxious weed as defined in the *Weed Control Act*, R.S.O. 1990, c. W.5 if the Injury or Destruction is being controlled by an appropriate method under the oversight or direction of a Qualified Person and no Trees other than a noxious weed are being Injured or Destroyed;

(j) the Injuring or Destruction of Trees undertaken by a Conservation Authority on its own lands or in response to a Declared Emergency;

(k) the Injuring or Destruction of Trees at the direction of Emergency Services;

(l) Pruning that is necessary to maintain the health and condition of the Tree and is carried out in accordance with Good Arboricultural Practices;

(m) Injury or Destruction of a Tree that is not a Distinctive Tree and is not located within a Tree Protection Area;

(n) Injury or Destruction of a Tree that is located within a building, a solarium, a rooftop garden or an interior courtyard;

(o) Injury or Destruction of a Tree located within an actively managed cultivated orchard, tree farm or plant nursery;

(p) Injury or Destruction of a Tree that is an immediate threat to health or safety;

(q) Injury or Destruction of the Tree that is required by a Property Standards Order issued under the *Building Code Act*; or

(r) Injury or Destruction that is a Normal Farm Practice as defined in the *Farming and Food Production Protection Act, 1998,* S.O. 1998, c.1.~~.~~

Part 6 PROHIBITIONS

Injure or Destroy Tree – Tree Protection Area

6.1 Subject to section 5.1 and Part 8, no person shall Injure or Destroy a Tree or cause or permit the Injury or Destruction of a Tree in a Tree Protection Area.

Injure or Destroy Tree – Distinctive Tree

6.2 Subject to section 5.1 and Part 8, no person shall Injure or Destroy a Distinctive Tree or cause or permit the Injury or Destruction of a Distinctive Tree. This section 6.2 shall not apply to a Tree located in a Tree Protection Area and section 6.1 shall apply instead.

Injure or Destroy Tree – Not in Accordance with Permit Conditions

6.3 No Permit Holder or person acting under authority of a Permit shall Injure or Destroy a Tree or cause or permit the Injury or Destruction of a Tree unless the Injury or Destruction is carried out in accordance with all conditions of the Permit.

Fail to Protect Tree in Accordance with Permit Conditions

6.4 No Permit Holder or person acting under authority of a Permit shall fail to protect a Tree in accordance with all conditions of a Permit.

Fail to Comply with Conditions of Permit

6.5 No Permit Holder or person acting under authority of a Permit shall fail to comply with all conditions of a Permit.

Fail to Comply with Order to Discontinue Activity or Work Order

6.6 No person who has been issued an Order to Discontinue Activity or a Work Order shall fail to comply with the Order.

Part 7 APPLICATION FOR PERMITS ~~– Exceptional Circumstances~~

7.1 Applicants for a Permit should refer to Part 8 of this By-law, as Permits are only issued for the grounds set out in section 8.2 ~~Only under the following exceptional circumstances~~ (and subject to all applicable requirements in this By-law including sufficient evidence of the ~~exceptional circumstances~~ grounds) ~~may a Permit be issued~~ for the Injury or Destruction of a Tree:

~~(a) the Tree is a dead or dying Distinctive Tree (Dead Distinctive Tree Permit);~~

~~(b) the Tree is unsafe (Tree Protection Area Permit);~~

~~(c) the Tree is causing or is likely to cause structural damage to load-bearing structures or roof structures (Tree Protection Area Permit or Distinctive Tree Permit);~~

~~(d) Tree removal is required to remediate contaminated soil (Tree Protection Area Permit or Distinctive Tree Permit);~~

~~(e) the Tree Injury or Destruction is required to install, provide or maintain utilities, water or sanitary wastewater infrastructure required for the construction or use of a building or structure for which a Building Permit has been issued (Tree Protection Area Permit or Distinctive Tree Permit);~~

~~(f) the Injury or Destruction of a Distinctive Tree represents Good Arboricultural Practices, or, for Trees within a Tree Protection Area it represents Good Forestry Practices (Tree Protection Area Permit or Distinctive Tree Permit);~~

~~(g) the Tree Injury or Destruction is required for purposes of a Building Permit (Tree Protection Area Permit or Distinctive Tree Permit);~~

~~(h) the Tree Injury or Destruction is required for purposes of locating a swimming pool (Tree Protection Area Permit or Distinctive Tree Permit).~~

Application to ~~City Planner~~ City Engineer

7.2 (1) Every application for a Permit shall be made to the ~~City Planner~~ City Engineer in a format provided by the ~~City Planner~~ City Engineer.

Application – Requirements

(2) Every application for a Permit shall include the following:

(a) payment of the Application Fee as set out in Schedule A of this By-law;

(b) the name, municipal address, email address (if available) and telephone number (if available) of the Landowner, and if not the same, the Applicant;

(c) if the Applicant is not the Landowner, written confirmation that the Applicant is making the application as the Landowner's authorized agent;

(d) if the Applicant or the Landowner is a corporation, the address of its head office;
(e) the municipal address and legal description of the land, upon which the Tree or Trees are to be Injured or Destroyed;
(f) if known, the name, municipal address, email address, and phone number of any contractor anticipated to Injure or Destroy the Tree or Trees;
(g) for a Dead Distinctive Tree Permit, an Arborist Opinion ~~(Dead Distinctive Tree)~~;
(h) for a Distinctive Tree Permit or a Tree Protection Area Permit, an Arborist Report;
(i) for a Distinctive Tree Permit or a Tree Protection Area Permit, where any of the following grounds for the proposed Tree Injury or Destruction apply:
    (i) an Arborist's written opinion that the Tree is unsafe;
    (ii) an Arborist's, Professional Engineer's or Insurance Loss Adjuster's written opinion that the Tree is causing or is likely to cause structural damage to load-bearing structures or roof structures;
    (iii) a "qualified person's" (as defined in the *Environmental Protection Act*, R.S.O. 1990, c. E.19) written opinion that Tree removal is required to remediate contaminated soil;
    (iv) a ~~Quantity Surveyor's~~ Qualified Person's written opinion that the Tree Injury or Destruction is required to install, provide or maintain utilities, water or sanitary wastewater infrastructure required for the construction or use of a building or structure for which a ~~building permit~~ Building Permit has been issued with no reasonable alternative to locating those utilities or infrastructure;
    (v) an Arborist's written opinion that the Distinctive Tree Injury or Destruction represents Good Arboricultural Practices, or a Registered Professional Forester's written opinion that the Injury or Destruction of a Tree within a Tree Protection Area represents Good Forestry Practices;
    (vi) a copy of the Building Permit if the Tree Injury or Destruction is required for purposes of a Building Permit;
    (vii) a copy of the Swimming Pool Fence Permit, where one is required, or other evidence that is satisfactory to the City Engineer that a pool is to be installed, if the Tree Injury or Destruction is required for purposes of locating a swimming pool.

Application – Additional Information May be Required

(3) In addition to the requirements in subsection~~s~~ (2), the ~~City Planner~~ City Engineer may require the Applicant to provide one or more of the following:

(a) for a Tree Protection Area Permit, an inventory, tally or estimates from sample plots of the species and size classes of all Trees to be Injured or Destroyed, including a map of the location of sample plots, to the satisfaction of the ~~City Planner~~ City Engineer;
(b) for a Tree Protection Area Permit, a Silvicultural Prescription that complies with Good Forestry Practices and is prepared by a Registered Professional Forester;
(c) a drawing of the Site showing any proposed development, construction, works, excavation or site alteration that may require the Tree Injury or Destruction, and a schedule for this proposed activity, including start and end dates;
(d) confirmation of any other matters (past or present Planning applications or otherwise) affecting the land upon which the Tree or Trees are to be Injured or Destroyed;
(e) a Tree Management Plan, which may be for one or more Trees, prepared by a Qualified Person;
(f) affidavits in support of an application.

Application – Further Information – Supplied within 60 days

(4) The Applicant must provide any further information requested by the ~~City Planner~~ City Engineer under subsection (3) to the ~~City Planner~~ City Engineer within 60 days of such request.

Application – Deemed Incomplete

7.3 An application that does not contain everything required in subsection 7.2(2) within 60 days of the receipt of the application by the City, or does not contain the information as further required under subsection 7.2 (3) within 60 days of the request, shall be deemed to be incomplete and will not be processed. The ~~City Planner~~ City Engineer shall notify the Applicant that the file has been closed for incompleteness. The Schedule A fees paid shall not be returned to the Applicant.

Application – Permission for City to Inspect

7.4 By submitting an application, the Landowner shall be deemed to have granted permission for the City to enter on the Landowner's land for purposes of this By-law.

Boundary Tree

7.5 If the Tree to be Destroyed or Injured is a Boundary Tree, all owners of the Boundary Tree or their authorized agents ~~must~~ would need to apply for a Permit, otherwise a Permit will not be issued. ~~If one of the adjoining lands upon which the Boundary Tree is located is City-owned boulevard, then the City's Boulevard Tree By-law will apply and this By-law will not apply~~. In the event that the City is an owner of a Boundary Tree (not on the City Boulevard) the written approval of the City Engineer would be required but such approval is entirely at the discretion of the City Engineer.

7.6 **Boundary Tree - City Boulevard Tree**

If one of the adjoining lands upon which the Boundary Tree is located is City-owned boulevard, then the City's Boulevard Tree By-law will apply and this By-law will not apply.

Part 8 POWERS OF THE ~~CITY PLANNER~~ CITY ENGINEER

8.1 The power and authority to issue a Permit, refuse to issue a Permit, to cancel, revoke or suspend a Permit, to impose terms and conditions on a Permit, including special conditions, are delegated to the ~~City Planner~~ City Engineer.

~~City Planner~~ City Engineer – When Permit Shall Issue

8.2 The ~~City Planner~~ City Engineer shall issue a Permit where all of the following are satisfied:

(1) the application is complete and all fees paid; and

(2) the ~~City Planner~~ City Engineer is satisfied that there are no reasonable alternatives to the proposed Tree Injury or Destruction; and

(3) the ~~City Planner~~ City Engineer has determined, in their discretion, that ~~is not aware of any~~ there are no grounds for refusing to issue a Permit under section 8.3; and

(4) the ~~City Planner~~ City Engineer is satisfied that one or more of the following grounds for issuing a Permit apply:

(a) the Tree is a Dead Distinctive Tree;

(b) based on the opinion of an Arborist, it is necessary to remove unsafe Trees;

(c) based on the opinion of a Professional Engineer, the Tree or Trees are causing or are likely to cause structural damage to load-bearing structures or roof structures;

(d) based on the opinion of a 'qualified person' (as defined in the *Environmental Protection Act*), the Tree Injury or Destruction is required to remediate contaminated soil;

(e) based on the opinion of a ~~Quantity Surveyor~~ Qualified Person, the Tree Injury or Destruction is required to install, provide or maintain utilities, water or sanitary wastewater infrastructure required for the construction or use of a building or structure for which a ~~building permit~~ Building Permit has been issued with no reasonable alternative to locating those utilities or infrastructure;

(f) the Tree Injury or Destruction is required for purposes of a Building Permit;

(g) the Tree Injury or Destruction is required for purposes of locating a swimming pool;

(h) based on the opinion of an Arborist, the Distinctive Tree Injury or Destruction represents Good Arboricultural Practices, or based on the opinion of a Registered Professional Forester, the Injury or Destruction of a Tree within a Tree Protection Area represents Good Forestry Practices.

(5) The ~~City Planner~~ City Engineer shall refuse to issue a Permit if (1), (2), (3) and (4) are not satisfied.

~~City Planner~~ City Engineer – May Refuse to Issue Permit, Revoke Permit, Suspend Permit, Impose Conditions on Permit

8.3 The ~~City Planner~~ City Engineer at their discretion may refuse to issue, may revoke, or may suspend a Permit or impose a term or condition on a Permit on any one or more of the following grounds:

(a) the species of Tree is an endangered species or threatened species as defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6, or the *Species at Risk Act*, S.C. 2002, c. 29;

(b) the Tree is designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18;

(c) ~~the presence, within the Tree, of breeding~~ migratory birds ~~as~~ are making use of the Tree, or migratory bird nests are in the Tree, as contemplated in the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22;

(d) the protection and preservation of ecological systems and their functions, including the protection and preservation of native flora and fauna;

(e) erosion, flood control and sedimentation of watercourses;

(f) any information contained in the original application form or any other information provided to the ~~City Planner~~ City Engineer has ceased to be accurate and the Applicant, Landowner or Permit Holder has not provided up-to-date accurate information to allow the ~~City Planner~~ City Engineer to conclude that the Permit should continue;

(g) an Applicant or Permit Holder does not meet one or more of the requirements of this By-law or a condition imposed on a Permit;

(h) the Applicant or Landowner is carrying on activities that are in contravention of this By-law;

(i) there are reasonable grounds to believe that an application or other documents provided to the ~~City Planner~~ City Engineer by or on behalf of the Applicant or Landowner contains a false statement.

~~City Planner~~ City Engineer – Additional Reasons to Revoke

8.4 In addition to section 8.3 above, the ~~City Planner~~ City Engineer may revoke a Permit if:

(a) the Permit was issued in error;

(b) the Landowner or Permit Holder requests, in writing, that it be revoked;

(c) the Landowner or Permit Holder fails to comply with any condition of the Permit or this By-law;

(d) the Permit Holder is no longer the owner of the land while the Permit is still valid or the owner on title to the lands has changed;

(e) the ~~City Planner~~ City Engineer is satisfied that there is a material

change in circumstances in connection with or on the Site and the ~~City Planner~~ City Engineer is satisfied that the Permit needs to be revoked to avoid further Injury or Destruction of a Tree or Trees.

~~City Planner~~ City Engineer – May Impose Conditions, Special Conditions

8.5 Notwithstanding any other provision of this By-law, the ~~City Planner~~ City Engineer may impose terms and conditions on any Permit at issuance or at any time during the term of the Permit, including special conditions, as are necessary in the opinion of the ~~City Planner~~ City Engineer to give effect to this By-law.

~~City Planner~~ City Engineer – Permit Decisions – Refuse, Revoke, Suspend, Conditions

8.6 (1) Where the ~~City Planner~~ City Engineer is of the opinion that:

(a) an application for a Permit should be refused;
(b) a Permit should be revoked;
(c) a Permit should be suspended for no more than 14 days; or
(d) a term or condition of a Permit should be imposed;

the ~~City Planner~~ City Engineer shall make that decision.

~~City Planner~~ City Engineer – Written notice of Decision under ss. 8.6(1)

(2) Where the ~~City Planner~~ City Engineer has made a decision under subsection 8.6(1) of this By-law, the ~~City Planner~~ City Engineer shall give written notice of that decision to the Applicant or Permit Holder by electronic mail or regular mail to the last known address of that person and shall be deemed to have been given on the third day after it is mailed. Written notice to a corporation may be given by registered mail to the address of the corporation's registered head office, or by electronic mail if requested by the corporation.

Contents of Written Decision – Can Appeal

(3) The written notice to be given under subsection 8.6(1) shall:

(a) set out the grounds for the decision;
(b) give reasonable particulars of the grounds;
(c) be signed by the ~~City Planner~~ City Engineer; and
(d) state that the Applicant or Permit Holder is entitled to a hearing by the Hearings Officer if the Applicant or Permit Holder delivers a notice of appeal to the City Clerk, within thirty (30) days after the notice in subsection 8.6(1) is given, and the appeal fee as set out in Schedule A attached to this By-law.

No Appeal – Decision Deemed Final

(4) Where no appeal is registered within the required time period, the decision of the ~~City Planner~~ City Engineer is deemed to be final.

Permit Voluntarily Surrendered – Revoke – No Notice Required

(5) Despite subsection 8.6(2), where a Permit is voluntarily surrendered by the Permit Holder for revocation, the ~~City Planner~~ City Engineer may revoke the Permit without notice to the Permit Holder.

~~City Planner~~ City Engineer – May Make Regulations – Forms, Documents

8.7 In addition to any other power, duty or function prescribed in this By-law, the ~~City Planner~~ City Engineer may make regulations under this By-law including prescribing the format and content of any forms or other documents required under this By-law.

Copy of Regulations to City Clerk – Available for Public Inspection

8.8 The ~~City Planner~~ City Engineer shall provide the City Clerk with copies of any regulations made under this By-law. The City Clerk shall maintain a record of all such regulations. The record of all regulations shall be available for public inspection at the office of the ~~City Planner~~ City Engineer and the office of the City Clerk during normal business hours.

Part 9 ISSUANCE OF PERMITS

Information on Permits

9.1 Every Permit issued under this By-law shall be in the form and manner as provided by the ~~City Planner~~ City Engineer and shall include on its face the following information:

(a) the Permit number;
(b) the name of the Permit Holder;
(c) the date the Permit was issued and the date it expires;
(d) the municipal address of the premises on which the Tree or Trees to be Injured or Destroyed is located;
(e) the Tree or Trees that are permitted to be Injured or Destroyed;
(f) the nature of the Injury or Destruction.

Permit – Automatic Conditions

9.2 Every Permit that is issued is subject to the following conditions of obtaining and continuing to hold a Permit, all of which shall be performed and observed by the Permit Holder and Landowner:

(a) the Permit Holder shall ensure that the number of living Replacement Trees as determined by the ~~City Planner~~ City Engineer, and the species, or choice of species, ~~range~~, size and location of Replacement Trees as determined by the ~~City Planner~~ City Engineer, are planted on the same Site by the date specified on the Permit;
(b) where there is insufficient space on the same Site to plant all the Replacement Trees, the Permit Holder shall plant as many Replacement Trees as the City Engineer determines the Site will allow and the Permit Holder shall ~~ensure that they~~ forthwith pay the fee as determined by the ~~City Planner~~ City Engineer in Schedule B with respect to the number of Replacement Trees that could not be planted due to insufficient space (Fee for Off-Site Tree Planting);
(c) the Permit Holder or Landowner shall pay all fees related to this By-law;
(d) the Permit Holder or Landowner shall pay all other fees and fines owed by the Permit Holder or Landowner to the City;
(e) the Permit Holder or Landowner shall allow, at any reasonable time, the City to inspect the Site;
(f) the use of the Site is permitted or conforms with the uses permitted under the applicable zoning by-law or is a legal non-conforming use;
(g) the Permit Holder or Landowner shall meet all of the requirements of this By-law~~.~~;
(h) the Permit Holder or Landowner shall ensure that it complies with applicable law including the *Migratory Birds Convention Act, 1994*, and the *Endangered Species Act, 2007*.

Permit – Additional Conditions That May be Imposed

9.3 The ~~City Planner~~ City Engineer may impose other conditions on a Permit, including but not limited to:

(a) the Permit Holder shall ensure that the Injury or Destruction of the Tree is carried out in accordance with Good Arboricultural Practices or Good Forestry Practices;
(b) the Permit Holder shall ensure that the Injury or Destruction of the Tree is carried out in a particular manner or at or during a particular time;
(c) the Permit Holder shall ensure that Permit is posted in a public location for a time period before, during and after the Injury or Destruction of the Tree or Trees;
(d) the Permit Holder shall ensure that the Injury or Destruction of the Tree is to be carried out by or under the supervision of a Qualified Person;

(e) the Permit Holder shall ensure that measures are to be implemented to protect any retained Trees for the period the Permit remains valid;
(f) the Permit Holder shall ensure that the ~~City Planner~~ City Engineer is informed within 48 hours of a change of Landowner;
(g) the Permit Holder shall ensure that a Tree Management Plan satisfactory to the ~~City Planner~~ City Engineer is implemented by a required date;
(h) the Permit Holder shall ensure posting of Security that the City may draw upon in full if the By-law is contravened or if there is a failure in the proper and complete execution of a Permit and its conditions, such that restoration of all or part of the Site has to be done by the City;
(i) the Permit Holder shall ensure it complies with any requirements to protect or relocate wildlife (including bees) as determined by the ~~City Planner~~ City Engineer;
(j) the Permit Holder shall ensure it implements the Silvicultural Plan or Tree Management Plan submitted with the application to the satisfaction of the ~~City Planner~~ City Engineer within a period of time specified by the ~~City Planner~~ City Engineer;
(k) a condition recommended by a Qualified Person that the ~~City Planner~~ City Engineer determines is appropriate.

Permit – Valid For Time Issued – 6 Month Maximum

9.4 A Permit issued under this By-law shall be valid only for the period of time for which it is issued. Unless expressly stated on the face of the Permit, all Permits issued under this By-law shall expire 6 months after issuance.

Permit Issuance – Not permission to Contravene Laws

9.5 The issuance of a Permit under this By-law is not intended and shall not be construed as permission or consent by the City for the Permit Holder or Landowner to contravene or fail to observe or comply with any law of Canada, Ontario or any By-law of the City.

Permit – Owned by City – Valid only to Person and Site Named On It

9.6 Every Permit, at all times, is owned by and is the property of the City and is valid only in respect of the person and the Site named on it.

Permit – Cannot be Sold, Transferred, etc.

9.7 No Permit issued under this By-law may be sold, purchased, leased, mortgaged, charged, assigned, pledged, transferred, seized, distrained or otherwise dealt with.

Permit – Notify ~~City Planner~~ City Engineer if Change of Information

9.8 The Permit Holder shall notify the ~~City Planner~~ City Engineer of any change in their name, business, home address, Site ownership, or any other information relating to the Permit within fifteen (15) days after such change and, if the ~~City Planner~~ City Engineer determines it necessary, shall immediately return their Permit to the ~~City Planner~~ City Engineer for amendment.

Requirement to obtain all other approvals required by any level of government

9.9 A Permit issued pursuant to this By-law does not preclude the responsibility of the Applicant or Landowner or Permit Holder to obtain all other approvals which may be required by any level of government and agencies.

Part 10 APPEALS – HEARINGS BEFORE THE HEARINGS OFFICER

10.1 The power and authority to conduct hearings of appeals under this By-law are delegated to the Hearings Officer.

10.2 The provisions of the City's Hearings Officer By-law A.-6653-121, as amended, and any successor by-law, apply to all hearings conducted by the Hearings Officer.

10.3 The Hearings Officer may uphold or vary the decision of the ~~City Planner~~ City Engineer or make any decision that the ~~City Planner~~ City Engineer was entitled to make in the first instance.

10.4 The decision of the Hearings Officer is final.

Part 11 ENFORCEMENT

Enforced By

11.1 This By-law may be enforced by a By-law Enforcement Officer.

Powers of Entry

11.2 The provisions of the City's Inspections By-law A-30, or any successor by-law, apply to Powers of Entry for the purpose of carrying out inspections.

Prohibition - Hinder or Obstruct By-law Enforcement Officer

11.3 No person shall hinder or obstruct or attempt to hinder or obstruct the By-law Enforcement Officer in the discharge of duties under this By-law.

Part 12 POWER TO MAKE ORDERS – REMEDIAL ACTION

Order to Discontinue Activity

12.1 (1) Where a By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the By-law Enforcement Officer may make an Order to Discontinue Activity requiring the person who contravened the By-law or a person that caused or permitted a contravention of the By-law or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity.

(2) The Order to Discontinue Activity shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the date and time by which there must be compliance with the Order to Discontinue Activity.

Work Order

12.2 (1) Where a By-law Enforcement Officer is satisfied that a contravention of this By-law has occurred, the By-law Enforcement Officer may make a Work Order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

(2) A Work Order shall set out reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred, and the work to be done and the date by which the work must be done.

Service of Order to Discontinue Activity or Work Order

12.3 (1) An Order to Discontinue Activity or Work Order may be served personally by the By-law Enforcement Officer, may be sent by registered mail to the person contravening the By-law, or may be posted in a conspicuous place on the property where the contravention occurred.

(2) Where an Order to Discontinue Activity or Work Order under this By-law is served personally by the By-law Enforcement Officer, it shall be deemed to have been served on the date of delivery to the person or persons named.

(3) The posting of the Order to Discontinue Activity or Work Order at the Site shall be deemed to be sufficient service of the Order to Discontinue Activity on the person or corporation to whom the Order to Discontinue Activity is directed on the date it is posted.

(4) Where an Order to Discontinue Activity or Work Order issued under the By-law is sent by registered mail, it shall be sent to the last known address of one or more of the following, as applicable:

(a) the Applicant;
(b) the Permit Holder;
(c) the Landowner;
(d) the person contravening the By-law;
(e) the person or company undertaking the Injury or Destruction~~,~~

and shall be deemed to have been served on the fifth day after the Order to Discontinue Activity or Order is mailed.

12.4 **Remedial Action**
If a person is required, under a Work Order under this By-law, to do a matter or thing, then in default of it being done by the person so required to do it, the matter or thing may be done at the person's expense under the direction of a By-law Enforcement Officer.

12.6 The City may recover the costs of doing a matter or thing under section 12.4 from the person required to do it, by adding the costs to the tax roll for the subject land and collecting them in the same manner as property taxes.

12.7 The amount of the costs under section 12.4, including interest, constitutes a lien on the land upon the registration in the proper land registry office of a notice of lien.

Part 13 PESTS - INSPECTION – REMOVAL OF INFESTED TREES

Inspection for Presence of Asian Long-Horned Beetles and Other Serious Pests; Removal of Infested Trees

13.1 The ~~City Planner~~ City Engineer is authorized to inspect for the presence of Asian Long-Horned Beetles and other Pests that may create serious widespread economic or ecological harm, and to remove such infested trees, on all public and private property, with the consent of the property owner.

13.2 **Inspection for Pests; Right to Enter Private Property – Consent Not Required**
Where the ~~City Planner~~ City Engineer has been designated as an "inspector" by the President of the Canadian Food Inspection Agency under section 13 of the *Canadian Food Inspection Agency Act*, S.C. 1997, c.6 for the purposes of enforcing the *Plant Protection Act*, S.C. 1990, c.22, the ~~City Planner~~ City Engineer has the authority to inspect for the presence of Pests and to take action including the removal of trees on all public and private property, with or without the consent of the property owner, if it is in accordance with the *Plant Protection Act*.

Part 14 OFFENCES AND PENALTIES

Offences

14.1 Any person who contravenes any provision of this By-law, or an Order to Discontinue Activity, or a Work Order, is guilty of an offence.

14.2 A director or officer of a corporation who knowingly concurs in the contravention of any provision of this By-law is guilty of an offence.

Penalties – Minimum and Maximum

14.3 A person convicted under this By-law is liable to a minimum fine of $500.00 and a maximum fine of $100,000.00, where the fine is not a set fine.

Penalties – Continuing Offence

14.4 Contravention of an Order to Discontinue Activity or a Work Order is a continuing offence, and a person who is convicted of an offence under this By-law is liable, for each day or part of a day that the offence continues, to a minimum fine of $500 and a maximum fine of $10,000 and the total of all daily fines for the offence is not limited to $100,000.

Penalties – Special Fines

14.5 A person convicted under this By-law is liable to a special fine of maximum $200,000.00 which may be imposed in addition to the regular fine, to eliminate or reduce any economic advantage or gain from contravening the By-law.

Court Order - Additional Order to Discontinue or Remedy – s. 431 *Municipal Act, 2001*

14.6 Under section 431 of the *Municipal Act, 2001*, when this By-law is contravened and a conviction entered, in addition to any other remedy and to any penalty imposed by the By-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order~~,~~:

(a) prohibiting the continuation or repetition of the offence by the person convicted; and

(b) in the case of a by-law described in section 135 of *Municipal Act, 2001*, requiring the person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

Part 15 MISCELLANEOUS

Transition

15.1 Any Permit issued under the provisions of By-law C.P.-1515-228 that has not expired or been revoked as of the date of ~~the coming into force of t~~his By-law coming into force shall be deemed to have been issued under this By-law and will be valid until such Permit is revoked, surrendered or expires.

Repeal

15.2 The Tree Protection By-law C.P.-1515-228 passed on August 30, 2016 is repealed.

Coming into force

15.3 This By-law shall come into force and effect on _____.

Passed in Open Council on , 201~~8~~9.

~~Matt Brown~~ Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – (Insert Council Meeting Date)
Second Reading – (Insert Council Meeting Date)
Third Reading – (Insert Council Meeting Date)

Schedule A - Fees

1. The following fees apply to this By-law:

DESCRIPTION OF FEE	**FEE AMOUNT**
Fee for Dead Distinctive Tree Permit	$0
Fee for Application for Distinctive Tree Permit	$100
Fee for Application for Tree Protection Area Permit	$100
Fee for Appeal Hearing Request	$100

Schedule B

Calculation of Number of Distinctive Tree Replacement Trees & Calculation of Fees for Off-Site Tree Planting (insufficient space on Site to plant Replacement Trees)

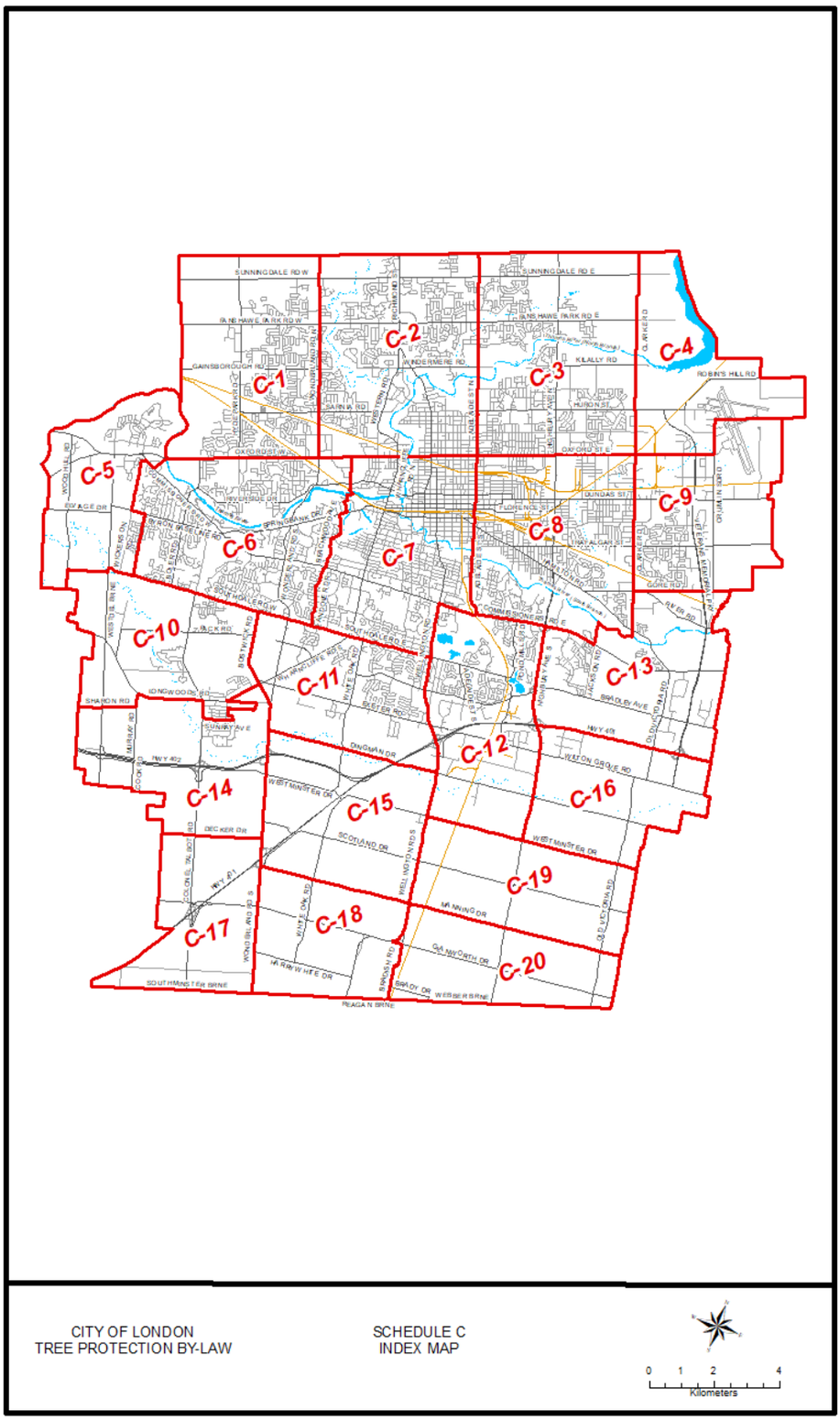
1. For the purposes of subsection 9.2(a) of this By-law with respect to a Distinctive Tree Permit, the ~~City Planner~~ City Engineer shall determine the number of living Replacement Trees that will be required based on the chart below. The diameter of the Tree to be Destroyed under a Distinctive Tree Permit, as set out in Column 1, shall correspond to the number of ~~replacement trees~~ Replacement Trees required, as set out in Column 2.

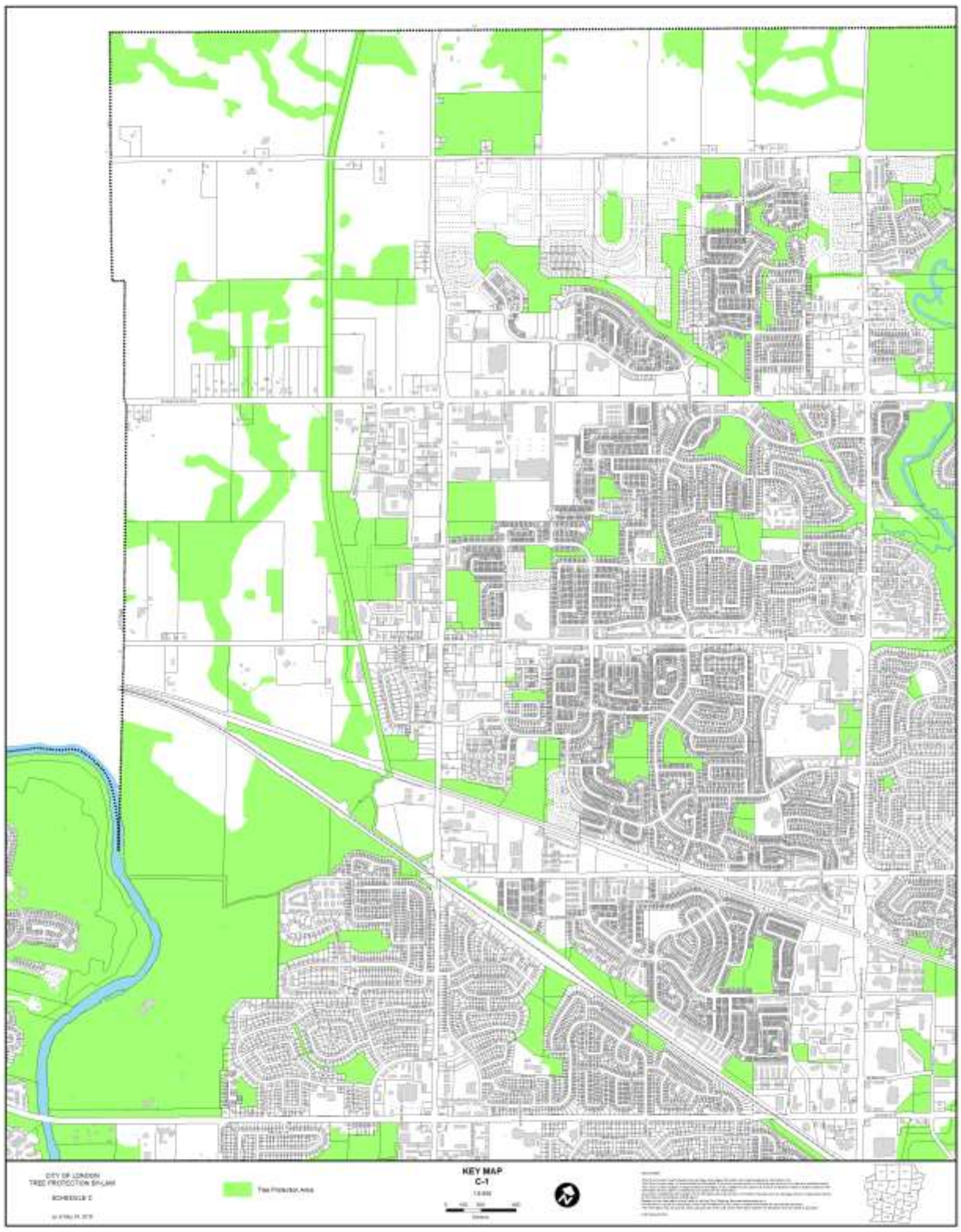
2. For the purposes of subsection 9.2(b) of this By-law with respect to a Distinctive Tree Permit, where there is insufficient space on the same Site to plant all of the number of Replacement Trees as calculated for 9.2(a) of this By-law, ~~the City Planner shall determine the amount of the fee based on the chart below~~ the Permit Holder shall plant as many Replacement Trees as the site will allow as determined by the City Engineer, and with respect to the number of Replacement Trees that could not be planted due to insufficient space, the ~~City Planner~~ City Engineer shall calculate the amount of the fee by multiplying the number of Replacement Trees that could not be planted on site due to insufficient space by $350 per tree. The diameter of the Tree to be Destroyed under a Distinctive Tree Permit, as set out in Column 1, shall correspond to the ~~Fee required, as set out in Column 3~~ number of Replacement Trees, as set out in Column 2.

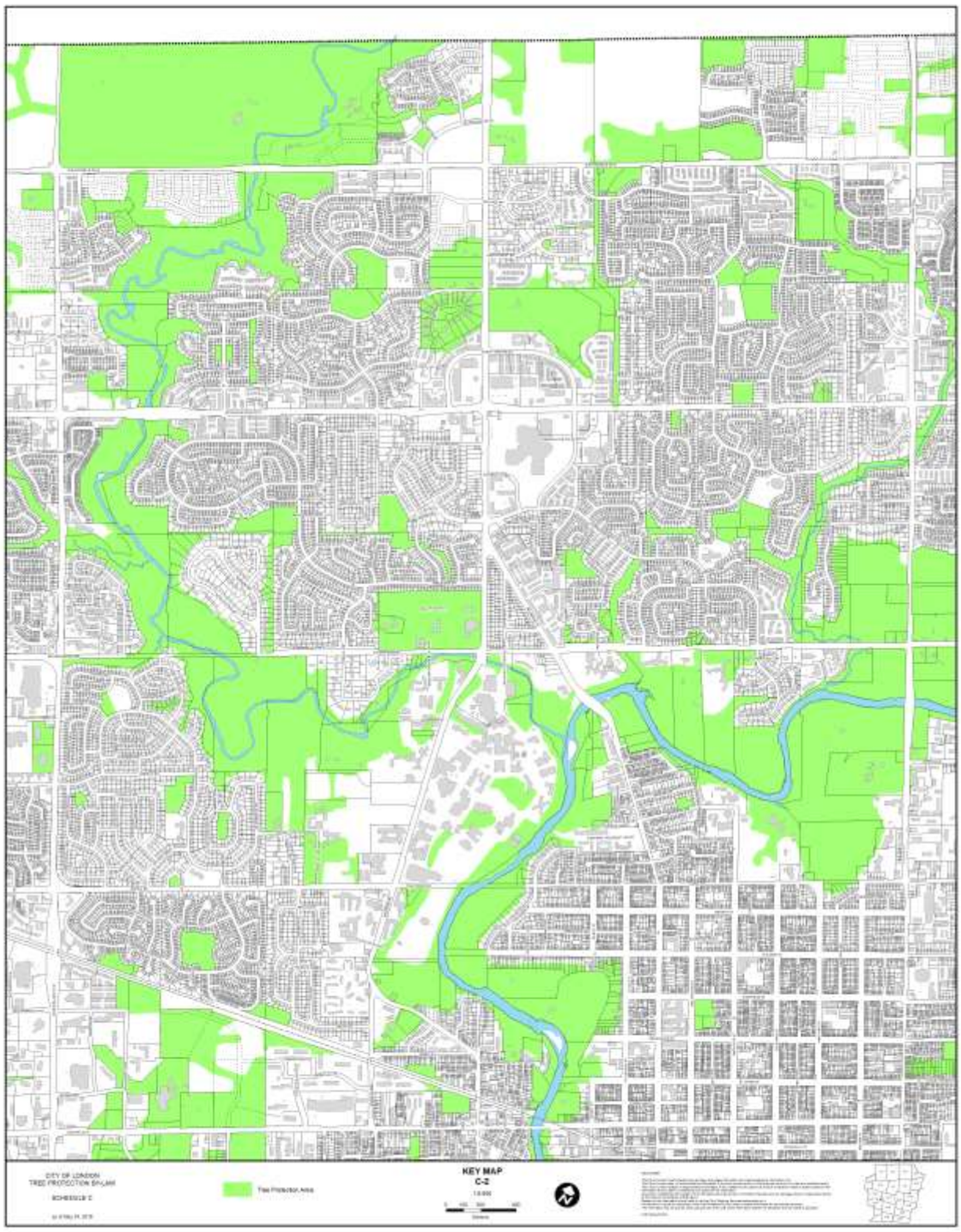
Column 1: Trunk Diameter of Distinctive Tree Destroyed	Column 2: Number of Replacement Trees Required	~~Column 3: Fee for Off-Site Tree Planting~~
50 cm	1	~~$350~~
51-60 cm	2	~~$700~~
61-70 cm	3	~~$1 050~~
71-80 cm	4	~~$1 400~~
81-90 cm	5	~~$1 750~~
91-100 cm	6	~~$2 100~~
101–110 cm	7	~~$2 450~~
111-120 cm	8	~~$2 800~~
121-130 cm	9	~~$3 159~~
131-140 cm	10	~~$3 500~~
>141cm	11	~~$3 850~~

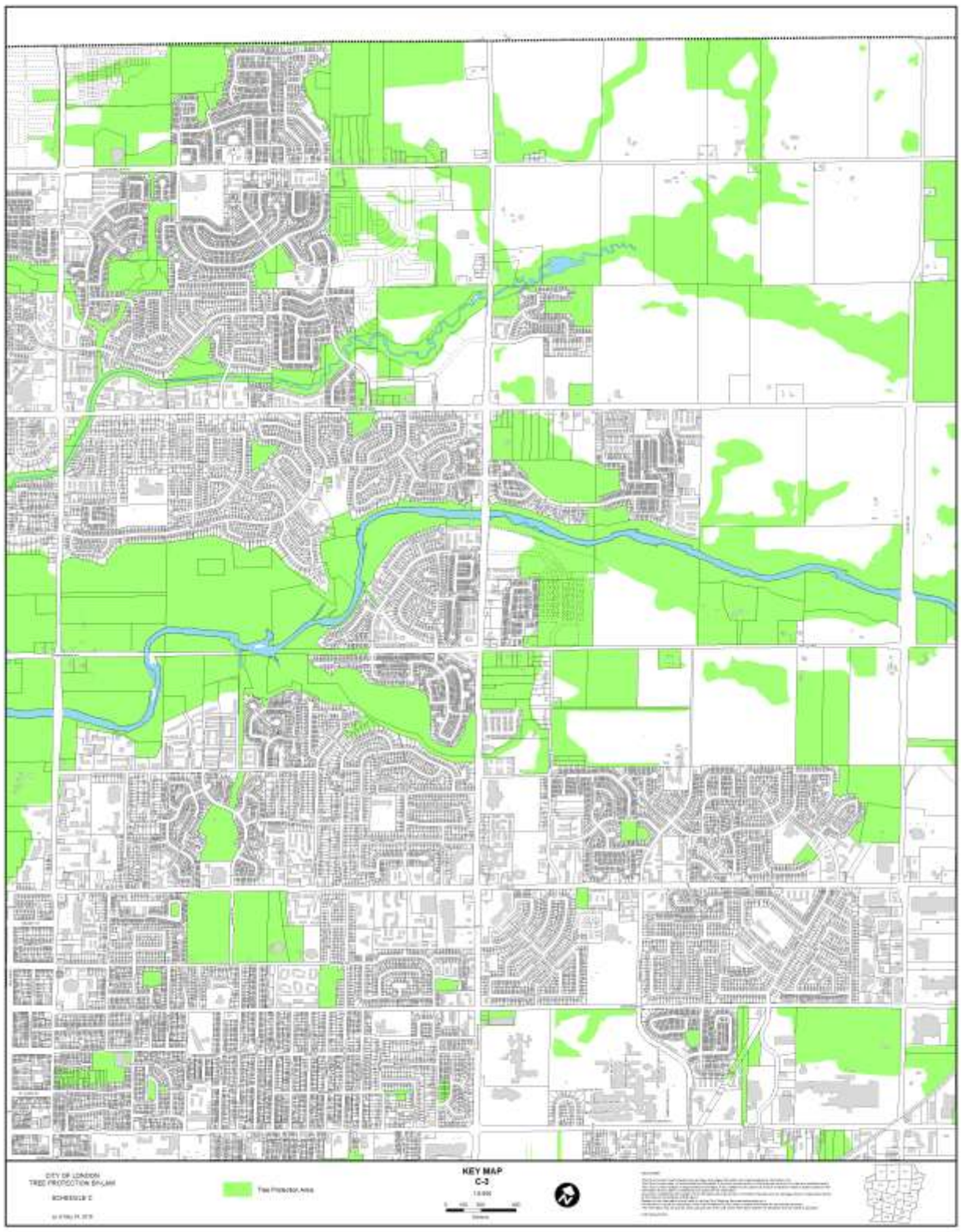
*NOTE: does not apply to Dead Distinctive Tree Permit

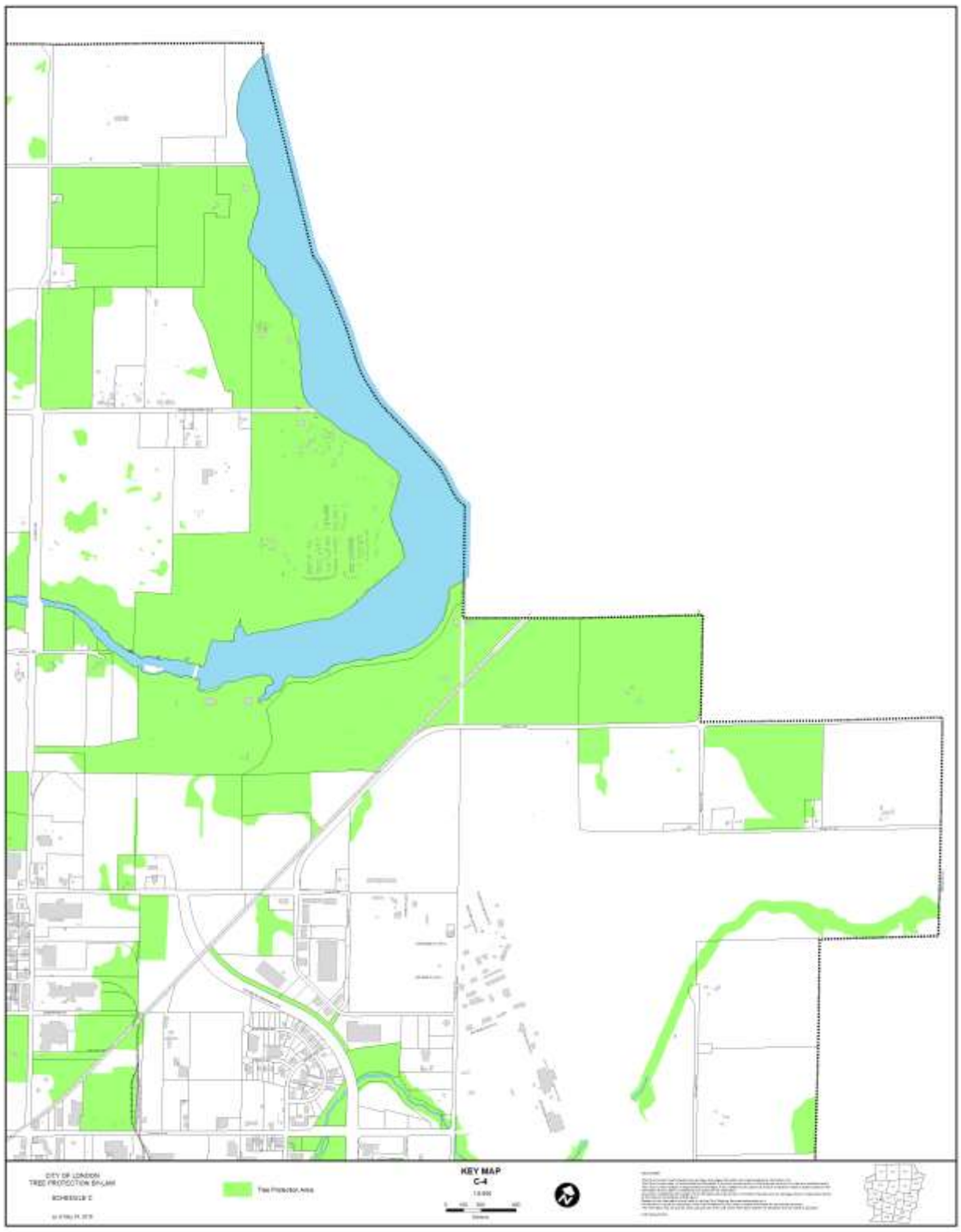
Schedule C - Tree Protection Area Maps

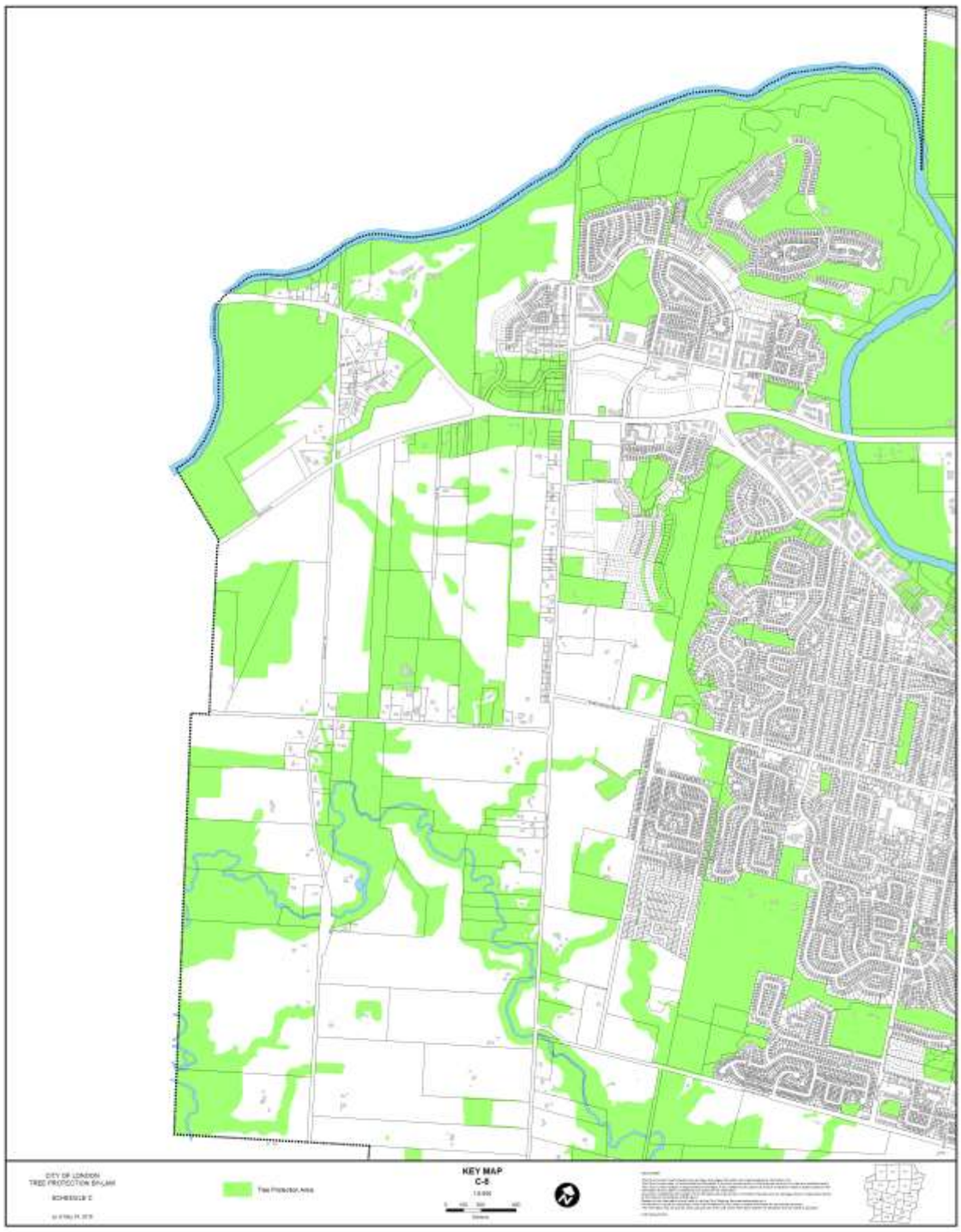


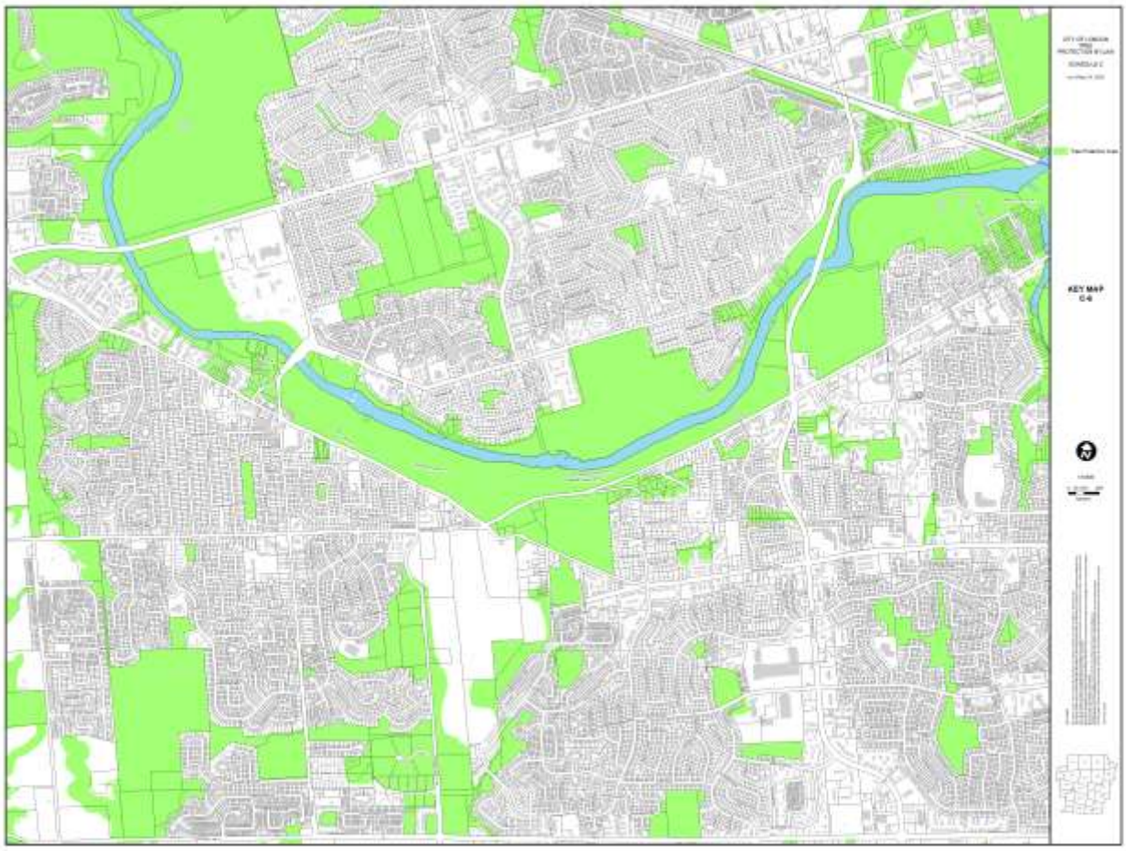

CITY OF LONDON
TREE PROTECTION BYLAW
SCHEDULE C
Tree Protection Area
KEY MAP
C-1

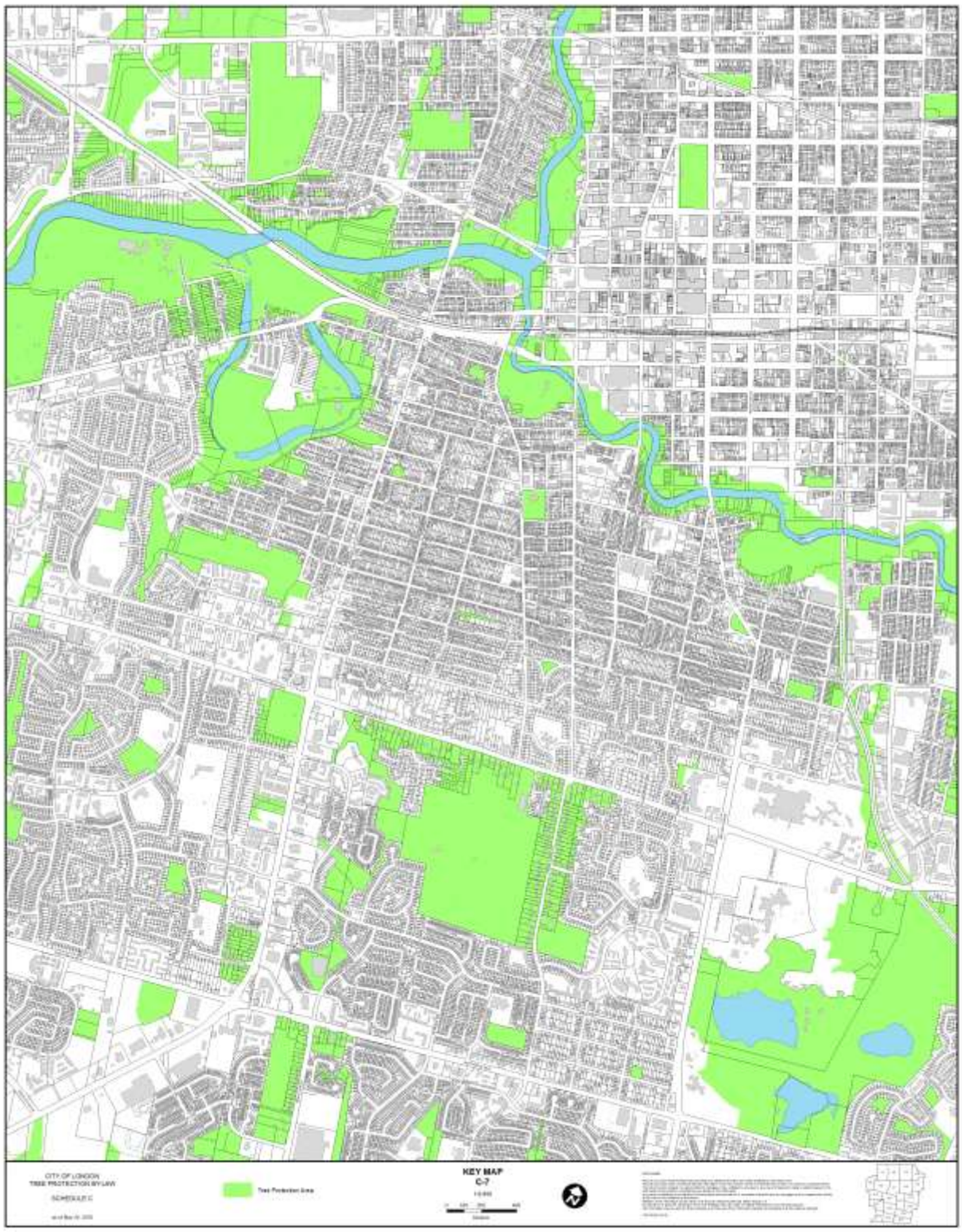

CITY OF LONDON
TREE PROTECTION BYLAW
SCHEDULE C
Tree Protection Area
KEY MAP
C-2

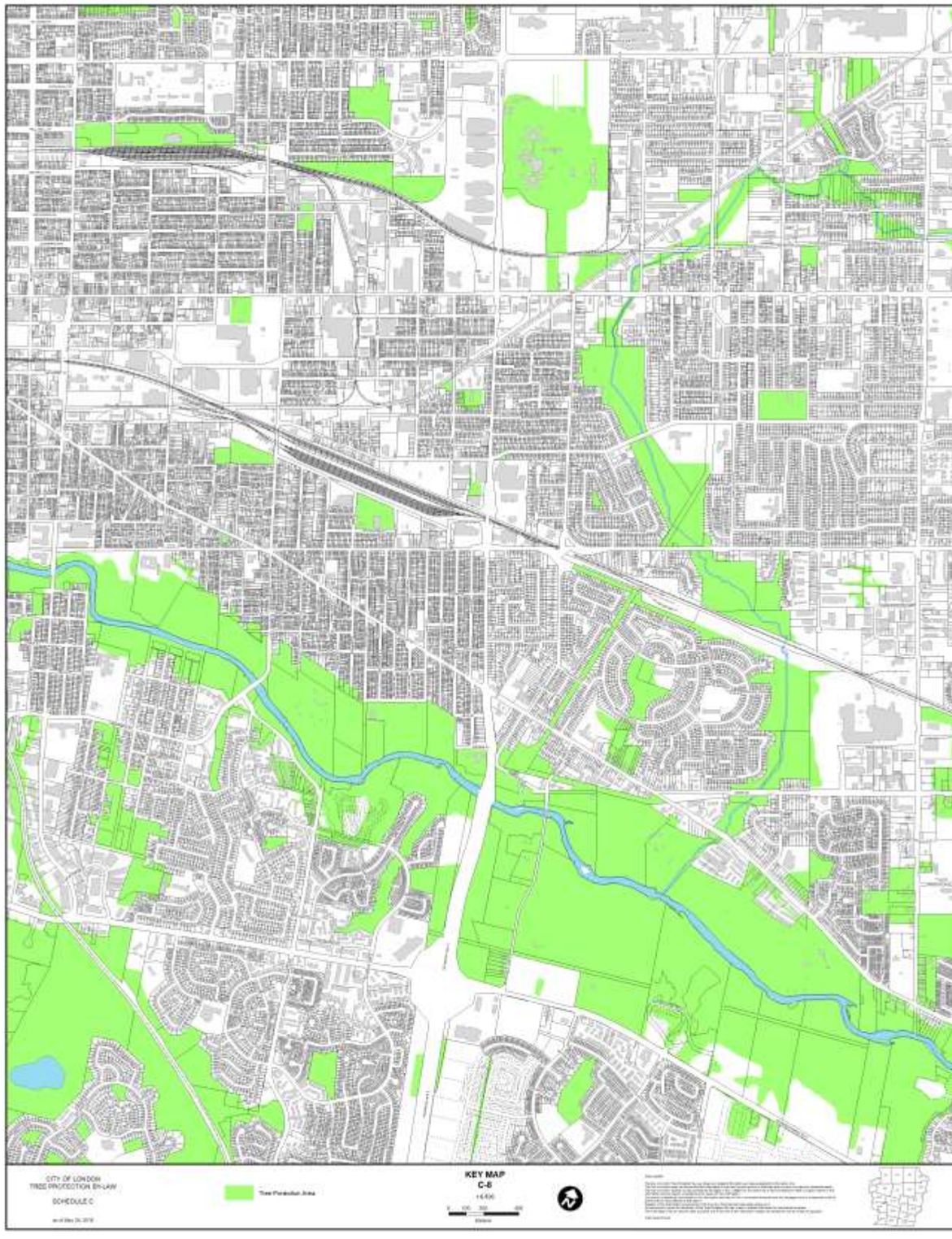

CITY OF LONDON
TREE PROTECTION BYLAW
SCHEDULE C
Tree Protection Area
KEY MAP
C-3

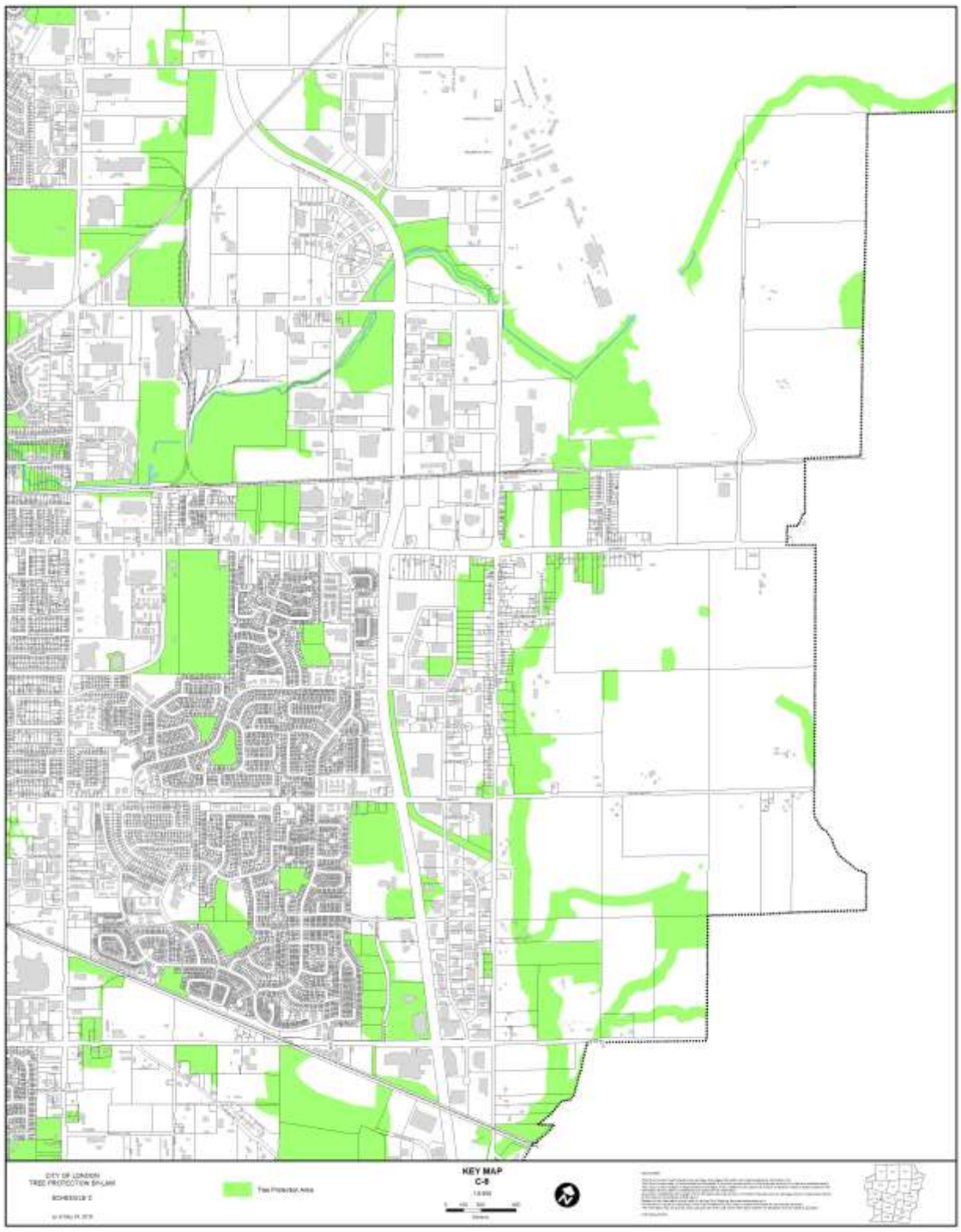

CITY OF LONDON
TREE PROTECTION BYLAW
SCHEDULE C
Tree Protection Area
KEY MAP
C-4

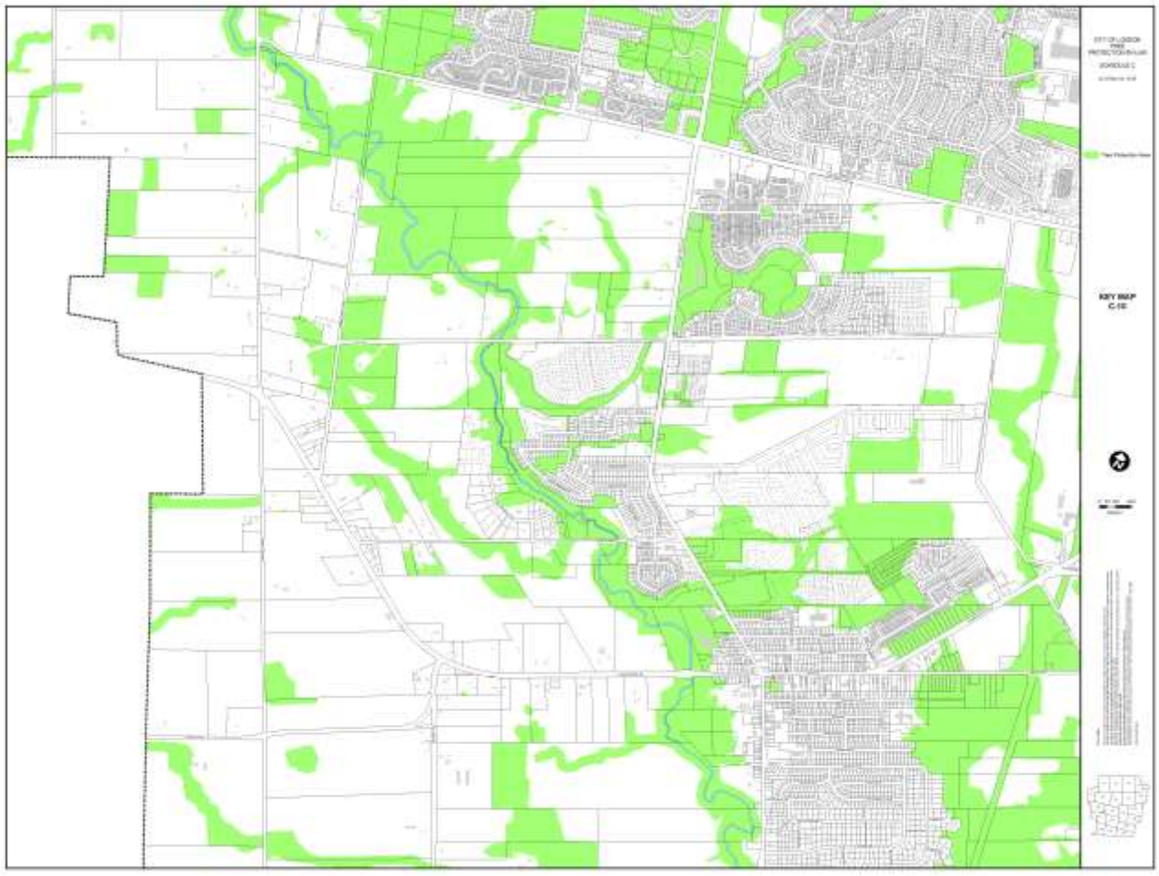

CITY OF LONDON
TREE PROTECTION BYLAW
SCHEDULE C
Tree Protection Area
KEY MAP
C-5


KEY MAP
C-6

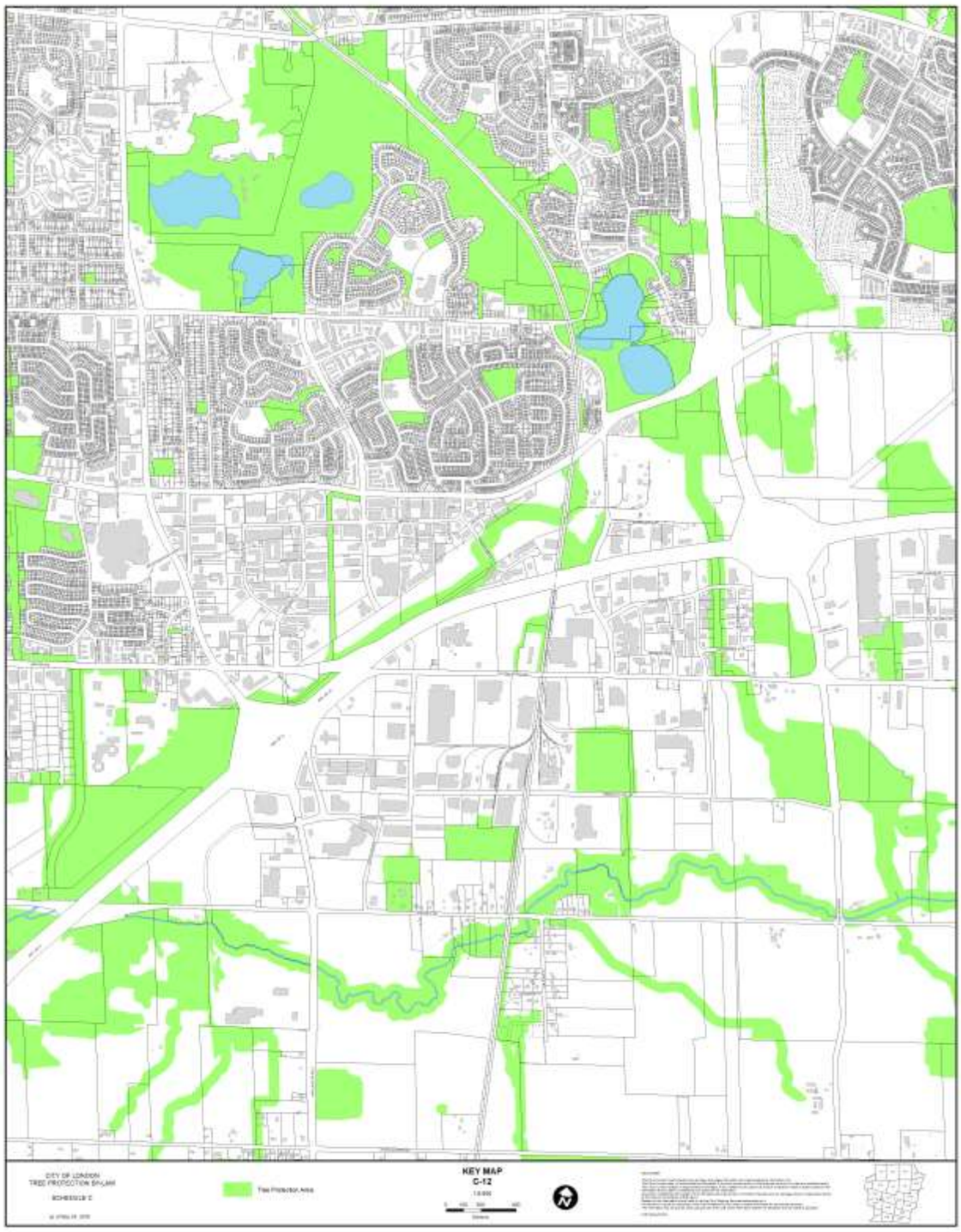

CITY OF LONDON
TREE PROTECTION BY-LAW
SCHEDULE C
Tree Protection Area
KEY MAP
C-7


CITY OF LONDON
TREE PROTECTION BY-LAW
SCHEDULE C
Tree Protection Area
KEY MAP
C-5

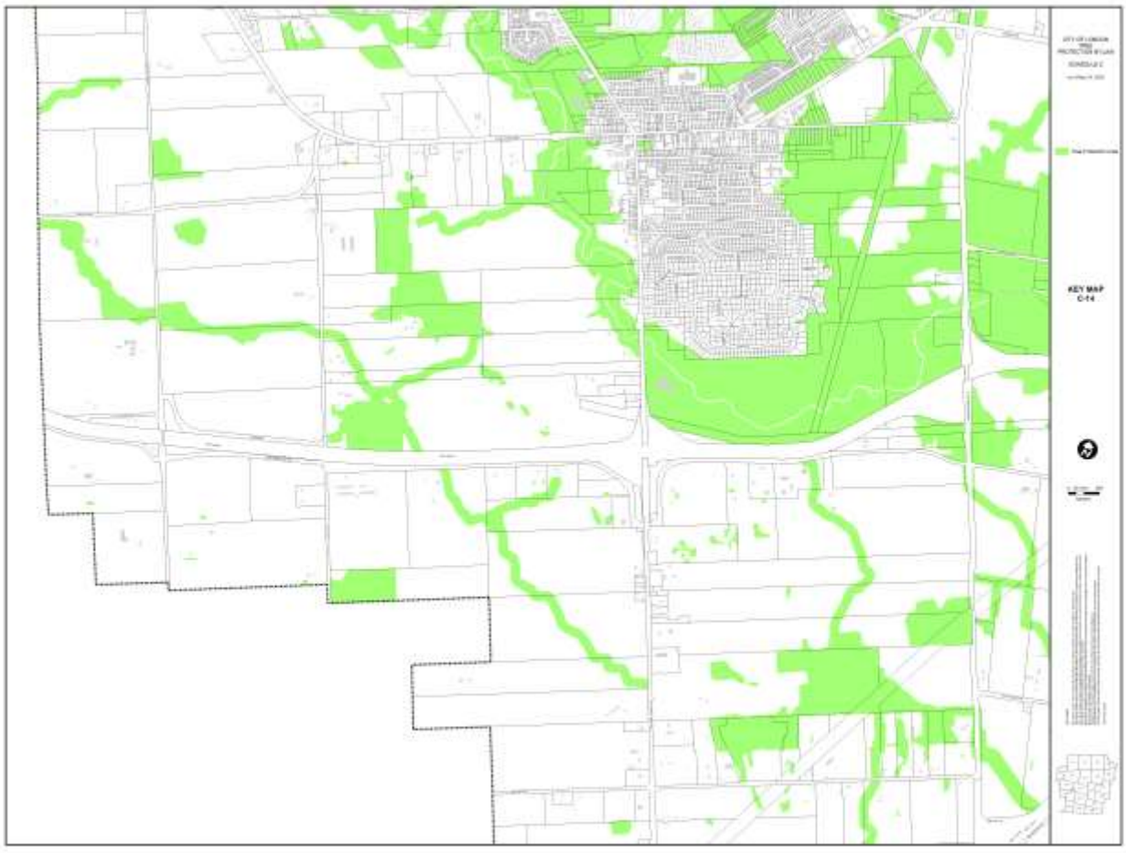

CITY OF LONDON
TREE PROTECTION BYLAW
SCHEDULE C
Tree Protection Area
KEY MAP
C-8





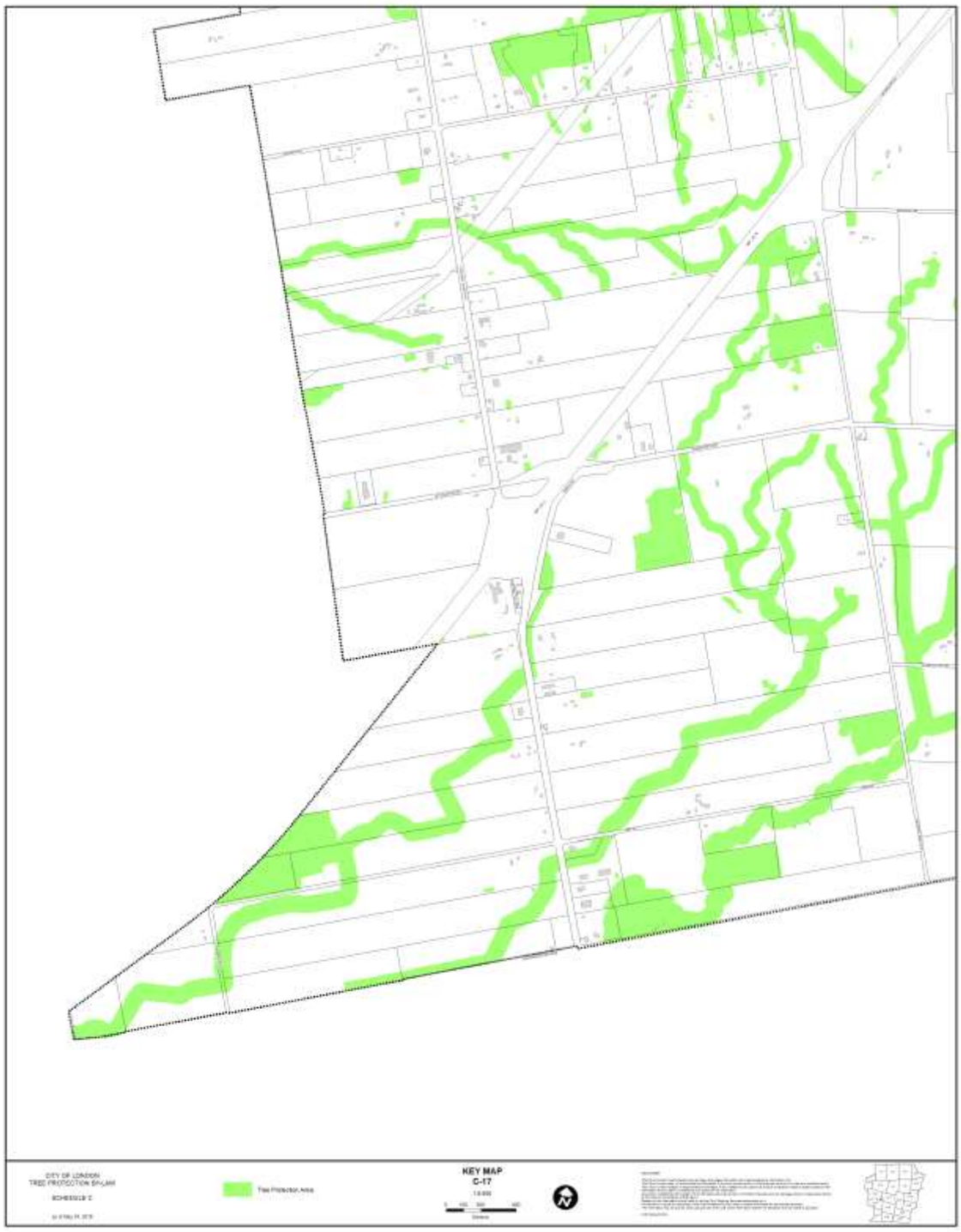

CITY OF LONDON
TREE PROTECTION BYLAW
SCHEDULE C
KEY MAP
C-12


KEY MAP
C-13

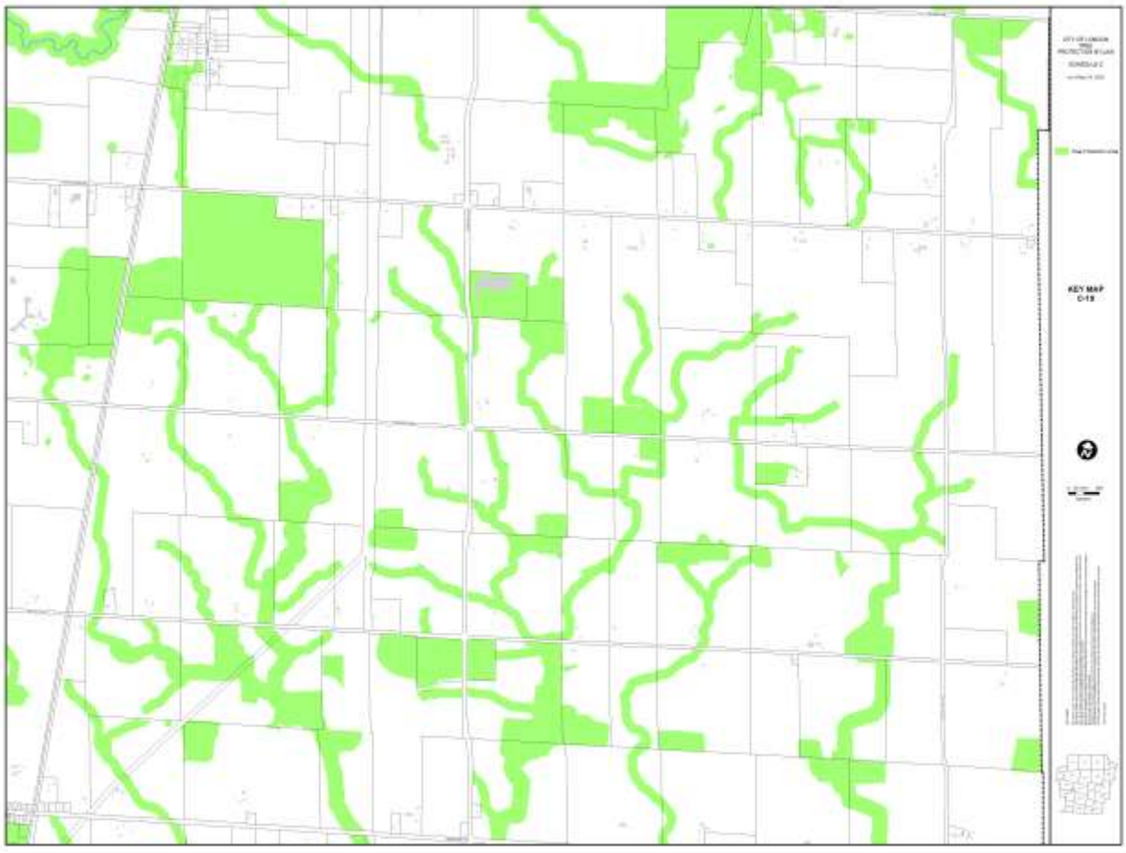

KEY MAP
C-14


KEY MAP
C-15


KEY MAP
C-16


CITY OF LONDON
TREE PROTECTION BYLAW
SCHEDULE C
Tree Protection Area
KEY MAP
C-17


KEY MAP
C-19


KEY MAP
C-19


KEY MAP
C-03

Appendix B- Public Engagement & Feedback

Trees and Forests Advisory Committee (TFAC) Comments
7th Meeting of the Trees and Forests Advisory Committee
July 25, 2018

That the Civic Administration **BE ADVISED** of the following comments of the Trees and Forests Advisory Committee with respect to the City of London Tree Protection By-law:

- there should be a standardized form as part of the application package for both the "Arborist Report" and the "Arborist Opinion";
- the by-law should include a minimum canopy target of 51% of irreversible die back;
- the definition of "Pest" should be revised to include an infestation causing detrimental and irreversible damage to the direct health of a tree;
- the distinctive tree size should be reduced to 25 cm for a permit;
- the definition of "Replacement Tree" should be revised to clarify that "native" is required and that "shade" and "large growing tree" are synonymous;
- golf courses should be added to the exemption list in Section 5 of the by-law; and,
- wildlife values and interests within a tree should be considered more carefully with respect to provincial and federal Acts and Regulations and tied back to the by-law process to ensure a consistent approach;

it being noted that the attached communication from the Tree Protection By-law Working Group, with respect to this matter, was received.

Official Recommendations for City of London Tree Protection By-law

1. Standardized form as part of the application package for both the "Arborist Report" and "Arborist Opinion"

REASONING: Make the application process more streamlined and accessible for applicants and city staff reviewing application package material.

2. Include a minimum canopy target of irreversible die back within the by-law

REASONING: Give arborists an acceptable and standardized target for reports and opinions.

3. Review the definition of "Pest" to include an infestation causing detrimental and irreversible damage to the direct health of a tree

REASONING: Many trees can become "infested" with aphids and other "pests" that do not impact the overall long term health of the tree, and just cause physical appearance to change.

4. Review "Replacement Tree" definition to clarify "native" is required, and "shade or large growing tree" are synonymous.
a. *** Should the distinctive tree size recommendation go forward (25cm), the replacement definition should be altered to

REASONING: As the by-law currently reads, native appears independent from shade or large growing tree, and doesn't give the impression it is mandatory.

5. Golf courses be added to the exemption list

REASONING: Golf courses currently manage trees on a "required removal for safety" rational, and many do not have the resources to include replacement programs, nor do they want to increase forest density. Overall, the forest cover across the City on golf course land is not significant to raise concern about overall large scale canopy loss.

6. Reduce distinctive tree size to 25cm for a permit (=14% of trees protected in London compared to the current 4% with 50cm diameter)

REASONING: At current 50cm diameter standards, 4% of trees in the City of London are protected under this bylaw. Changing protection to 25cm diameter increases the protection of trees to 14%, and encompasses a greater species diversity.

7. Adding Species at Risk Act (Ontario 2004) to section 8.3 (including other wildlife in the tree), or consider removing other specific provincial legislation and speak generally to halting work when wildlife are present.

REASONING: Select provincial legislation is included (Migratory Birds Convention Act, 1994), but does not encompass all potential wildlife issues that are addressed at the provincial level.

RON KOUDYS LANDSCAPE ARCHITECTS INC

September 17, 2018

Jill-Anne Spence Manager
Urban Forestry City of London
267 Dundas Street, 3rd Floor
London, ON
N6A 1H2

Re: Proposed Amendments to the City Tree Protection Bylaw

Dear Jill-Anne,

The following comments and suggestions are offered in response to the stakeholder feedback process regarding the draft amendments to The City of London Tree Protection Bylaw C.P. 1515- 228. These comments have been prepared by Ron Koudys Landscape Architects Inc. after consultation with St. Peters Cemetery and Mount Pleasant Cemetery. We welcome the opportunity to provide input to help shape this bylaw.

A. Introductory Comments

The sites of London's two oldest cemeteries, St. Peter's (1861) and Mount Pleasant (1875) have been designated as Tree Protection Zones in the current draft of the Bylaw. These cemeteries have been actively maintained for over 140 years, are in excellent condition and are widely regarded as significant natural areas. The trees form an important part of the heritage of these sites and help to reinforce the quiet, serene character of each location. The trees are important to the quality of the experience people have at these cemeteries and are significant when establishing the value of the plots available for sale. As a result, the management of each site places a great deal of emphasis on the proper care of the trees and the protection of the forested character of the site.

The cemeteries have clearly demonstrated that they have been excellent stewards of the trees on their property and they believe that the recommended restrictions are unreasonable and unnecessary. Some of the proposed regulations outlined in the Tree Protection Bylaw are entirely inappropriate when applied to cemetery sites and will pose significant management challenges and financial burdens.

B. Specific References

The Tree Protection Bylaw section 6.1 stipulates that "no person shall injure or destroy a tree or cause or permit the injury or destruction of a tree in a tree protection area".

tree is defined as "…a woody perennial plant, whether alive or dead, healthy or unhealthy, including saplings or seedlings and including the root system, where the plant has reached, could reach, or could have reached a height of at least 4.5 metres (15 feet) at physiological maturity."

And "'Injure' means to harm, damage or impair the natural function, form of a Tree, including its roots within the Critical Root Zone, by any means…".

Section 3.1 (b) stipulates that the bylaw applies to "Trees of any size within a Tree Protection Area".

C. Concerns

1. The digging of graves near trees will damage roots within the Critical Root Zone and would require a permit under the bylaw. The issuance of a permit typically takes 4 to 6 weeks. A burial is not something that can be anticipated in advance and requires immediate response. Waiting for a permit to dig each grave site is not practical or necessary.

   The cutting of roots to open a new grave site has been a normal practice at all cemetery sites for a very long time. Since only a small portion of the root mass is removed with each grave, the affected trees recover quickly from this impact and continue to grow as is evidenced by the number of healthy large trees throughout the cemetery sites.

2. The general maintenance practice of removing seedlings and small trees that have sprung up in formal planting areas, in lawns, alongside grave stones or in areas that are not actively maintained is prohibited under the bylaw and would require an arborist report and a permit. The way the bylaw is written, it is intended to promote natural growth and regeneration in wooded areas. A cemetery is a formal setting and is actively maintained. Seeds blowing onto the site or squirrels planting nuts that sprout into trees is a common occurrence and the removal of these seedlings is important to preserve the character of the property.

3. Section 9.2 (a) stipulates that "the permit holder shall ensure that the number of living replacement trees as determined by the City Planner, and the species, range, size and location of Replacement Trees as determined by the City Planner, are planted on the same Site by the date specified on the Permit.

   The cemeteries have been diligently replanting when large trees are removed but undertake this work as new sections are opened, or donations are made to plant memorial trees on the site.

   Replanting in a short time frame and as part of a permitting process would be very difficult to implement and would negate opportunities for families to donate memorial trees. In addition, the requirement to pay a fee to the City to facilitate the planting of trees on other properties is not warranted and onerous. The cemeteries are not land developers in the way the bylaw envisions. They are actively managing the land and they must accommodate the needs of bereaved families while maintaining a beautiful,

park-like setting. This has been going on for many decades and has resulted in three beautiful sites that are now surrounded by the City. There is no evidence that the current practice needs to change or that they have been deficient in the replacement of trees.

4. The previous bylaw permitted the development of a Tree Management plan which provided the framework for the ongoing care of the trees on the property over an extended period of time. The suggested change to require a permit every time a tree is to be injured or removed is cumbersome and simply won't work. City staff complain that they don't have the resources to administer the permitting process now so adding cemeteries (and golf courses) to their workload would require additional funding and is unnecessary.

D. Recommendations

1. Section 7.3 (e) indicates that the City Planner may require the applicant to provide, "a Tree Management Plan, which may be for one or more Trees". We would respectfully submit that a plan such as this could be prepared for each Cemetery site that outlines a general management program and sets out the arboricultural principals that will continue to be the standard of care for the trees on the property. The plan would be for an extended period of time (10 to 20 years) and could be monitored by City staff on an infrequent basis.
2. Cemetery sites should not be included in the Tree Protection Zone and should be given specific exemptions that reflect the practical issues outlined in this report.
3. Permits should not be required every time a grave is dug near a tree or to remove "weed' trees that appear on site.
4. No compensation for the few distinctive trees that are removed is necessary. The cemeteries will continue to replant trees as space permits and manage the mature trees under their care.

Again, we thank you for the opportunity to submit our thoughts and suggestions. If you have any questions or concerns, we would encourage you to contact us.

Yours truly,

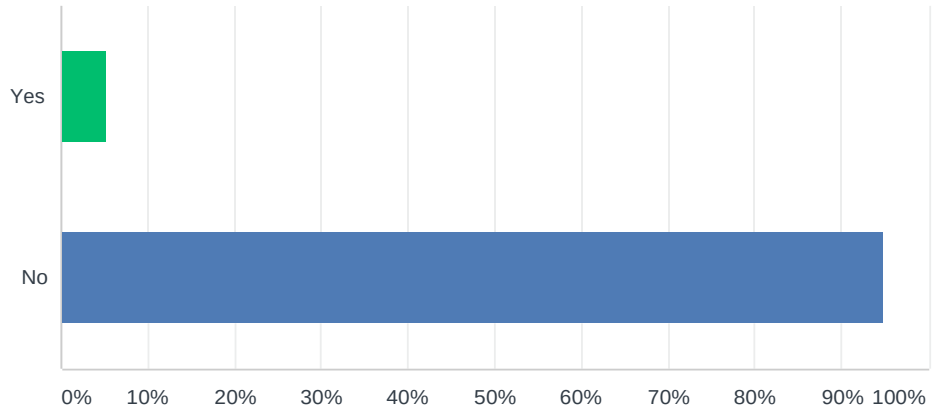


Ron Koudys
B.L.A., M.Ed.,
O.A.L.A., F.C.S.L.A., A.S.L.A., C.L.D., R.L.A. (Mich)

PUBLIC FEEDBACK SURVEY SUMMARY JULY 2018

Q1 Have you ever submitted an application under the Tree Protection By-Law to remove a tree from private property?

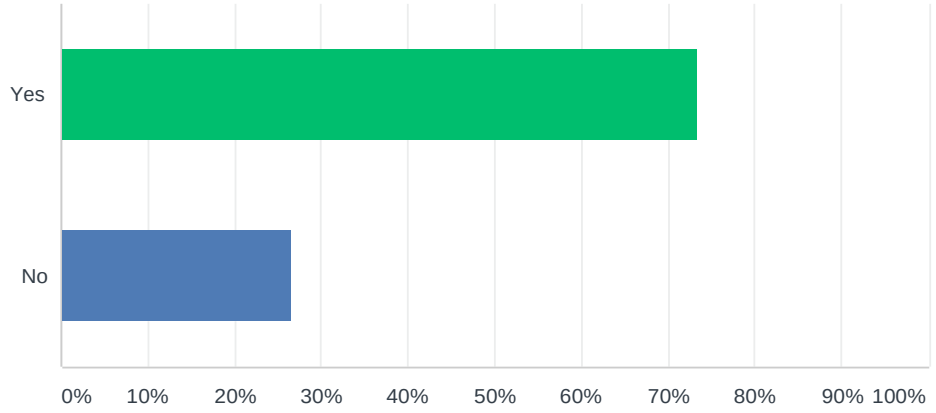
Answered: 135 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	5.19%	7
No	94.81%	128
TOTAL		135

Q2 Did you know there is a Tree Protection By-Law that protects trees on private property?

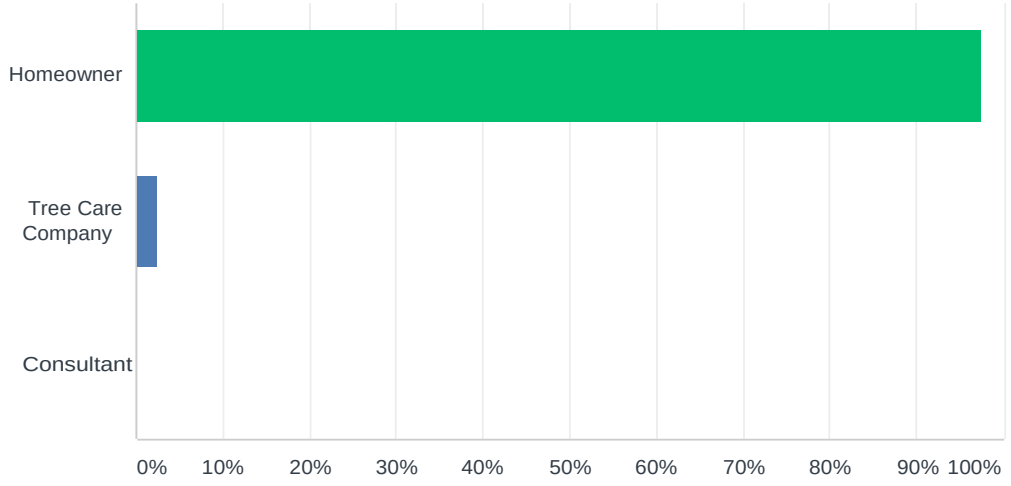
Answered: 135 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	73.33%	99
No	26.67%	36
TOTAL		135

Q3 Please tell us a little about yourself and who you are.

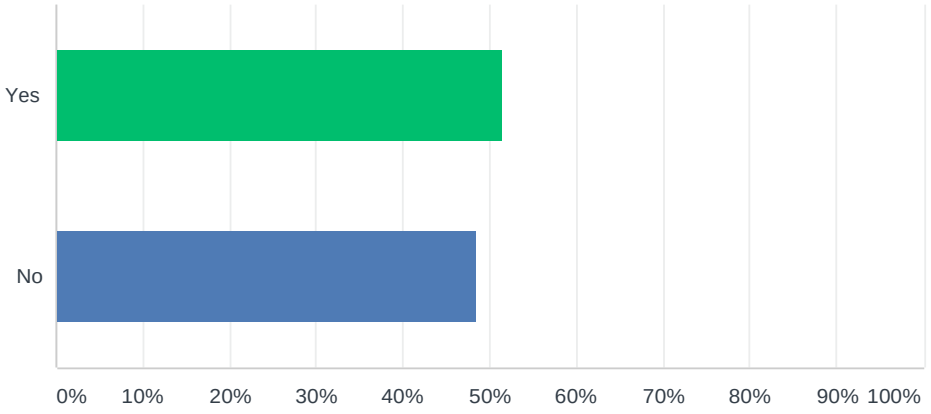
Answered: 122 Skipped: 14



ANSWER CHOICES	RESPONSES	
Homeowner	97.54%	119
Tree Care Company	2.46%	3
Consultant	0.00%	0
TOTAL		122

Q4 Do you know if the Tree Protection By-Law applies to yourproperty?

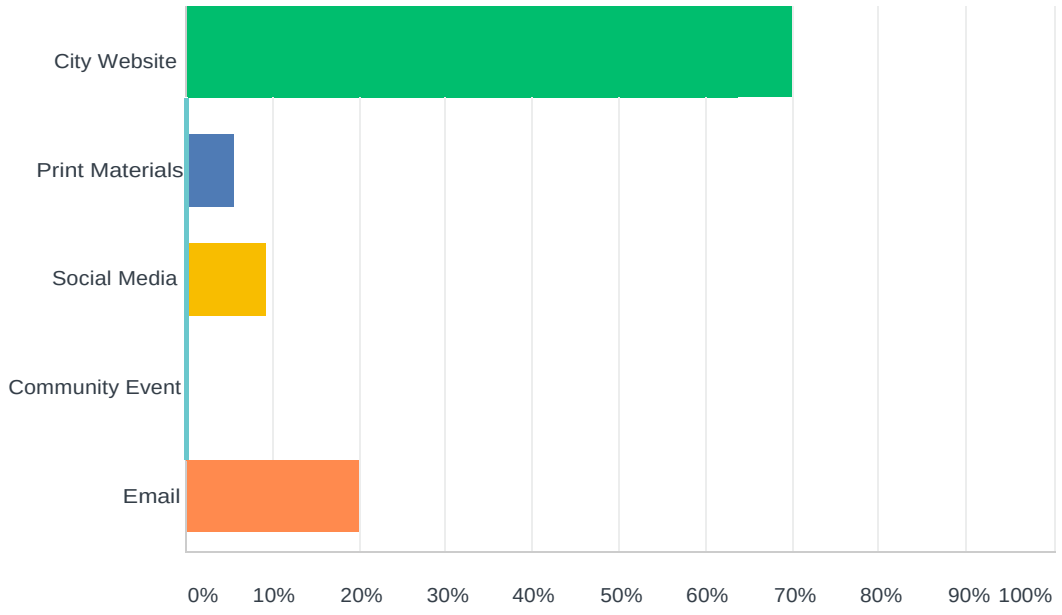
Answered: 132 Skipped: 4



ANSWER CHOICES	RESPONSES	
Yes	51.52%	68
No	48.48%	64
TOTAL		132

Q5 If you needed information about the By-Law, how would you like to receive it?

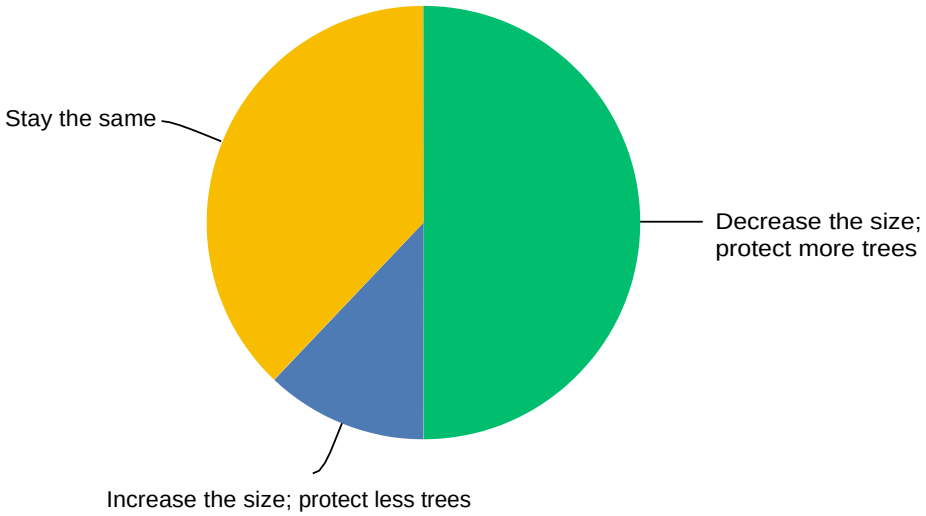
Answered: 129 Skipped: 7



ANSWER CHOICES	RESPONSES	
City Website	63.57%	82
Print Materials	5.43%	7
Social Media	9.30%	12
Community Event	0.78%	1
Email	20.93%	27
TOTAL		129

Q6 **Our current by-law protects trees that are located in specially mapped Tree Protection Areas (TPAs) and ALL trees that are 50 cm diameter at breast height (DBH) or larger. *Do you think the size of the "Distinctive" tree should change?***

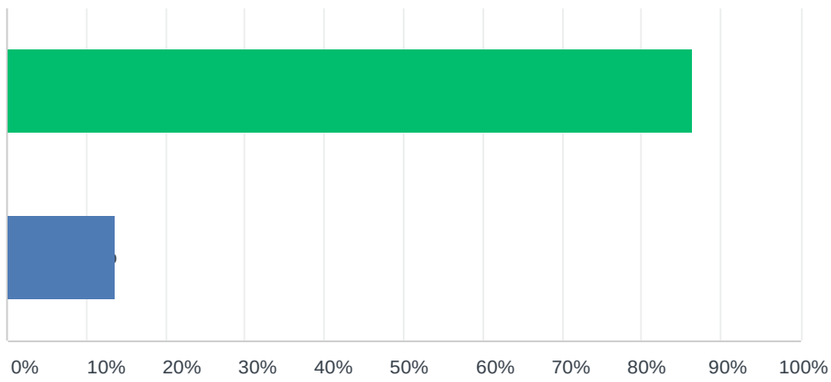
Answered: 124 Skipped: 12



ANSWER CHOICES	RESPONSES	
Decrease the size which means more trees and tree types will be protected	50.00%	62
Increase the size which means fewer trees and less tree types will be protected	12.10%	15
Stay the same	37.90%	47
TOTAL		124

Q7 If you were to receive a permit to remove a tree, would you attend an event at a later date to get a discounted tree to replace it?

Answered: 132 Skipped: 4



City Wide
J. Smolarek

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **George Kotsifas, P. Eng.**
Managing Director, Development and Compliance Services & Chief Building Official
Subject: **Initiation Report: Urban Design Peer Review Panel Terms of Reference Review**
Meeting on: **June 17, 2019**

Recommendation

That, on the recommendation of the Director, Development Services, the following actions **BE TAKEN** with respect to the Terms of Reference for the Urban and Design Peer Review Panel:

a) the following report **BE RECEIVED** for information; and

b) Civic Administration **BE DIRECTED** to initiate a review of the Urban Design Peer Review Panel (UDPRP) Terms of Reference.

Executive Summary

Summary of Request

This report is seeking direction from the Planning and Environment Committee to initiate a review of the Urban Design Peer Review Panel Terms of Reference.

Purpose and the Effect of Recommended Action

The purpose and effect of this report will allow Civic Administration to engage with stakeholders on the Urban Design Peer Review Panel Terms of Reference, to identify any issues and areas for improvements to the Terms of Reference, and update the document in response to stakeholder input.

Rationale of Recommended Action

As part of informal discussions with current and past members of the UDPRP, and development and community stakeholders, Civic Administration recommends a review of the Terms of Reference to ensure that issues and improvements are explored and implemented.

Analysis

1.0 Relevant Background

The Urban Design Peer Review Panel (UDPRP) was established by Municipal Council in April 2008 in order to provide expert opinion, input, and peer review on planning and development applications, as well as municipal projects. Terms of Reference were established at that time (see Appendix ‘A’) to provide direction for how the panel was to function and operate. As the panel has now been operating for over ten years, Staff are of the opinion that a review of the Terms of Reference for the Urban Design Peer Review Panel should be initiated in response to feedback from stakeholders and past/current panel members.

2.0 Key Issues and Considerations

2.1 Purpose of Review

In recent years, Staff have maintained a list of issues and areas for potential improvement to the Terms of Reference as a result of suggestions provided from past and current Panel members, and the development industry. As part of the review process, Staff intend to engage all relevant stakeholders to ensure a comprehensive review. The list of potential areas to be addressed in the review include, but are not limited to, the following list of issues and areas for improvement.

Identified Issues

Scope of work/review

- Clarify the scope of review by the Panel, and ensure that the discussion remains focused on a peer review of urban design matters.
- Identify the level of detail of submissions to, and discussed, at the Panel meetings reflective of the type of development application.

Quorum/Alternative ways to review applications

- A request by panel members is to include a set of quorum conditions in the Terms of Reference.
- Investigate possible alternative methods for review of submitted proposals if quorum cannot be met.

Quality of submissions made to the Panel

- Addressing the “Panel as a checkbox” approach.
- Ensuring all materials submitted to the Panel are of a consistent quality.
- Exploring what materials need to be submitted in the submissions.

Elevations not stamped by Architects

- Investigate the requirement for an Architect’s stamp.
- Clarify the extent of submitted drawings required to have an Architect’s stamp, including conceptual plans for Zoning-By Law Amendment Applications (ZBA) that are in the very early stages of consultation with City staff.
- Determine the City’s ability to request drawings/elevations be stamped by an Architect for all projects submitted to the UDPRP.

Recruiting new members

- Consider the need to recruit three member every year given the local pool of eligible candidates is limited.
- Examine length of membership/service period for Panel members.
- Explore alternative ways to recruit new members, and evaluate the required qualifications and general make-up of the Panel.

Areas for Potential Improvement

Identify the types of development applications that should go to UDPRP:

- Focus on development applications that will benefit most from a peer review.
- Establish a clear set of criteria (location and size based) for the type of applications to be reviewed by the Panel.
- Provide clarity to the Development Industry for the type of applications that need to be reviewed by the Panel.

Meeting structure and timelines

- Evaluate meeting agenda schedule that is organized depending on size and complexity of application.

- Explore appropriateness of timelines for projects to be reviewed by the Panel.
- Integration of timelines for review by the Panel within the prescribed application process (i.e. Zoning By-law Amendments and Site Plans).

How Comments have been addressed

- Develop a protocol to address how the Panel's comments and recommendations have been integrated into the process/proposed development.
- Clarify and confirm how Panel recommendations are communicated to Council or the Approval Authority.

Other areas for consideration

Staff will seek further input from the stakeholder group through the consultation phase of the review.

2.2 Stakeholders

Staff will engage stakeholders that interact with the Urban Design Peer Review Panel on a regular basis. The identified groups include:

- Current and Past Panel members;
- The Development Industry, including Planners, Architects, and other related professionals;
- The Urban League.

Following the initial meetings with each of the identified groups, the intent is to form a working group with key members of these groups along with City staff in Development Services and City Planning. The working group will have a focused approach to the review, as outlined above, and will provide feedback to staff in order to form the recommended changes to the Terms of Reference. The outcome of the review will be an update to the Terms of Reference, and a status report to Planning and Environment Committee on the results of the review.

Next steps

The proposed timeline for the review of the Terms of Reference is as follows:

June 2019 – October 2019

- Consult with identified stakeholders
- Establish working group
- Prepare a draft revised Terms of Reference

November 2019

- Report to Planning and Environment Committee with the updates to the UDPRP Terms of Reference

January 2020 to June 2020

- Implementation of changes and monitoring

3.0 Conclusion

At Council's direction, an update to the Urban Design Peer Review Panel Terms of Reference will be brought forward to a future meeting of the Planning and Environment Committee.

City Wide
J. Smolarek

Prepared by:	**Jerzy Smolarek MAUD** **Urban Designer, 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**
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.	

June 7, 2019
JS/js

CC: Heather McNeely, Manager, Development Services (Site Plan)
Michael Pease, Manager, Development Services – Planning
Michael Tomazincic, Manager, Current Planning
Britt O'Hagan, Manager, Urban Regeneration

Appendix A

URBAN DESIGN PEER REVIEW PANEL

TERMS OF REFERENCE

April 7, 2008

1.0 PROTOCOL

1.1 PURPOSE

To provide timely, consistent and effective urban design advice within the development approvals process by:

(a) clarifying urban design policy goals to development proponents that will aid them in delivering projects which contribute good quality design to the public realm;

(b) reviewing development proposals to ensure the goals of the Official Plan and other City policies are met within in the context of urban design;

(c) ensuring that new buildings and public spaces demonstrate a high level of design, that fit well within their context, to contribute to London's economic success, competitive advantage and the quality of life for its citizens;

(d) supporting creative design responses in new development;

(e) fostering an effective working relationship with the development industry; and

(f) broadening public discussion about design in London and strengthening public input within the development approvals process.

1.2 COMPOSITION, SELECTION, TERM AND REMUNERATION

Composition:

The Urban Design Peer Review Panel (UDPRP) shall be comprised of not less than six (6) members, with at least three (3) architects, one (1) landscape architect, one (1) LEED Accredited professional; and, one (1) urban planner/designer.

Selection:

Panel members shall be selected from a qualified pool of candidates and approved by Council upon the recommendation of the General Manager of Planning and Development, in consultation with the City's Urban Designer. No member shall be appointed to the UDPRP if they are employees of The Corporation of the City of London or if they are a Member of Council.

Term:

Panel members shall serve a two (2) year term from the date of their appointment and shall not sit for two consecutive terms, noting that there will be staggered terms for the inaugural members, based upon the following schedule, in order to provide for a degree of continuity on the UDPRP:

Two (2) architects; and, one (1) landscape architect for a term ending twelve (12) months from the first meeting of the UDPRP.

One (1) architect; one (1) LEED Accredited professional; and, one (1) urban planner/designer for a term ending twenty-four (24) months from the first meeting of the UDPRP.

Upon completion of the first term of the Panel's existence all new members will then operate on a two year term basis in staggered fashion as mentioned above.

Remuneration:

There shall be no remuneration for UDPRP members.

1.3 OPERATION

- The UDPRP shall provide advice to Planning staff on Planning applications with respect to Official Plan amendments, rezonings and subdivision and site plan applications in the context of urban design.
- The UDPRP shall provide advice to Planning staff on urban design policy, guidelines and other initiatives.
- Applications that are to be reviewed by the UDPRP will be selected by the General Manager of Planning and Development based on the identification of substantive design issues. At the pre-consultation stage characteristics of the project, which will be considered in identifying substantive design issues may include, size, location, prominence, visibility, design sensitivity and surrounding context.

Meetings:

- Submission materials for projects to be reviewed shall be compiled by Planning staff and sent to UDPRP members to review not less than three weeks in advance of the UDPRP's meeting to ensure the Members' familiarity with the project(s).

- Submission materials should provide enough detail to be understood by the UDPRP members and should include the following:

  1. key plan;
  2. coloured copies of the site plan, building elevation plans and landscape plans;
  3. photographs of the surrounding streetscape and adjacent lands;
  4. coloured renderings, digital perspectives or a physical massing model showing the proposed development and its relationship to the adjacent lands;
  5. floor plans for all ground related floors and as required to explain the scheme;
  6. building elevations and materials;
  7. a sun/shadow study;
  8. a brief project description;
  9. a letter from the design consultants addressing the merits of the proposed design recognizing: the design policies contained in the Official Plan and any applicable planning policies and urban design guideline documents and the surrounding building context;

it being noted that:

(a) all presentation material should be mounted on panels of no more than 0.9m x 1.2 m (3' x 4') in size;
(b) the preferred method for submissions to the UDPRP will be electronically; and,
(c) the applicant may choose to prepare a PowerPoint presentation with the above information to further explain the proposed application at the UDPRP Panel Meeting.

- UDPRP meetings shall be attended by City planning staff and, where needed, Development Services and Transportation Planning and Design staff.
- UDPRP meetings shall be open to the public, but there shall be no written or verbal submissions by any individuals other than staff, except by the proponent and their design consultant who shall have an opportunity to make a brief presentation to explain the project's objectives and how it responds to the City's Official Plan and associated policies. Others will have an opportunity to make written or verbal submissions on an application at the appropriate time during the Planning Committee's review process.
- The UDPRP will commence its review of a project with a brief presentation by Planning and other relevant staff to provide the UDPRP with an understanding of the planning and technical analysis and community context, including comments from any public information meetings held in relation to the project. The presentation by Planning and other relevant staff will then be followed by a brief presentation by the proponent and their design consultant who shall explain the

project's objectives and how it responds to the City's Official Plan and associated policies.

- Following staff and proponent presentations, the UDPRP will have the opportunity to ask questions for clarification before beginning their deliberations and developing its advice with respect to the project(s).
- The UDPRP's comments will be based on Council-approved Official Plan policy and associated policies of the City. UDPRP comments will range from an acknowledgement of the positive design qualities of a proposal, to suggestions that encourage a design which better complies with Official Plan Policy and relevant guidelines..
- Within 10 business days of the relevant UDPRP meeting, a communication signed by the UDPRP Chair, or his/her designate, will be issued to the coordinating development review planner and/or site plan approvals officer and the applicant. The communication will summarize the UDPRP's comments with respect to the proposed development in relation to the Official Plan and applicable City policies.
- If the Planning Committee holds a public participation meeting after a meeting of the UDPRP, which relates to a matter under review by the UDPRP, the comments of the UDPRP will be presented at the public participation meeting by City staff.

Note: Details of all required documentation noted above is outlined in the document Staff Protocol for the Urban Design Peer Review Panel.

1.4 CONFLICT OF INTEREST

The *Municipal Conflict of Interest Act* shall apply to the UDPRP Members in carrying out their duties as a Member of the UDPRP. Accordingly, each member of the UDPRP will be expected to disclose any conflict of interest with respect to matters before the UDPRP and shall not participate in deliberations pertaining to any matter for which they have declared a conflict.

1.5 CONFIDENTIALITY

UDPRP Members may be required to sign a confidentiality agreement pertaining to any material of a proprietary nature which is forwarded to them in carrying out the UDPRP's mandate.

2.0 INTEGRATION WITH THE DEVELOPMENT APPROVALS PROCESS

2.1 COORDINATION OF DESIGN REVIEW

- The assigned planner or site plan approvals officer processing an application that is subject to design review shall coordinate the design review process for those development applications.

2.2 DEVELOPMENT APPROVALS PROCESS

- The UDPRP will operate as part of the established development review process for the City of London.
- The UDPRP will be given the opportunity to comment to Planning staff on proposed applications prior to the commencement of a statutory public meeting relating to the applicable planning application.
- Upon consideration of the application by the UDPRP, should it be determined that the requested changes are significant, the applicant may request or be asked by way of a written communication from the General Manager of Planning and Development or his/her designate, to reappear before the UDPRP to advise the UDPRP as to how the applicant has addressed the requested changes.
- The advice of the UDPRP will be included in the applicable planning application staff reports to the Planning Committee.

Note: Proponents should meet with the City and planning staff (Urban Designer) as early as possible in the planning process. Accordingly, the applicant's appearance before the UDPRP will not present the first discussion regarding urban design that applicant has been engaged in through the process.

File: 39T-92020-13B
Planner: F.Gerrits/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: Drewlo Holdings Inc.**
Summerside Subdivision Phase 13B - Special Provisions
Meeting on: **June 17, 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 Drewlo Holdings Inc. for the subdivision of land over Part of Lots 15 and 16, Concession 1, situated on the north side of Bradley Avenue, East of Highbury Avenue South;

(a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Drewlo Holdings Inc. for the Summerside Subdivision – Phase 13b (39T-92020) attached as Appendix "A", **BE APPROVED**;

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

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

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

Analysis

1.0 Site at a Glance

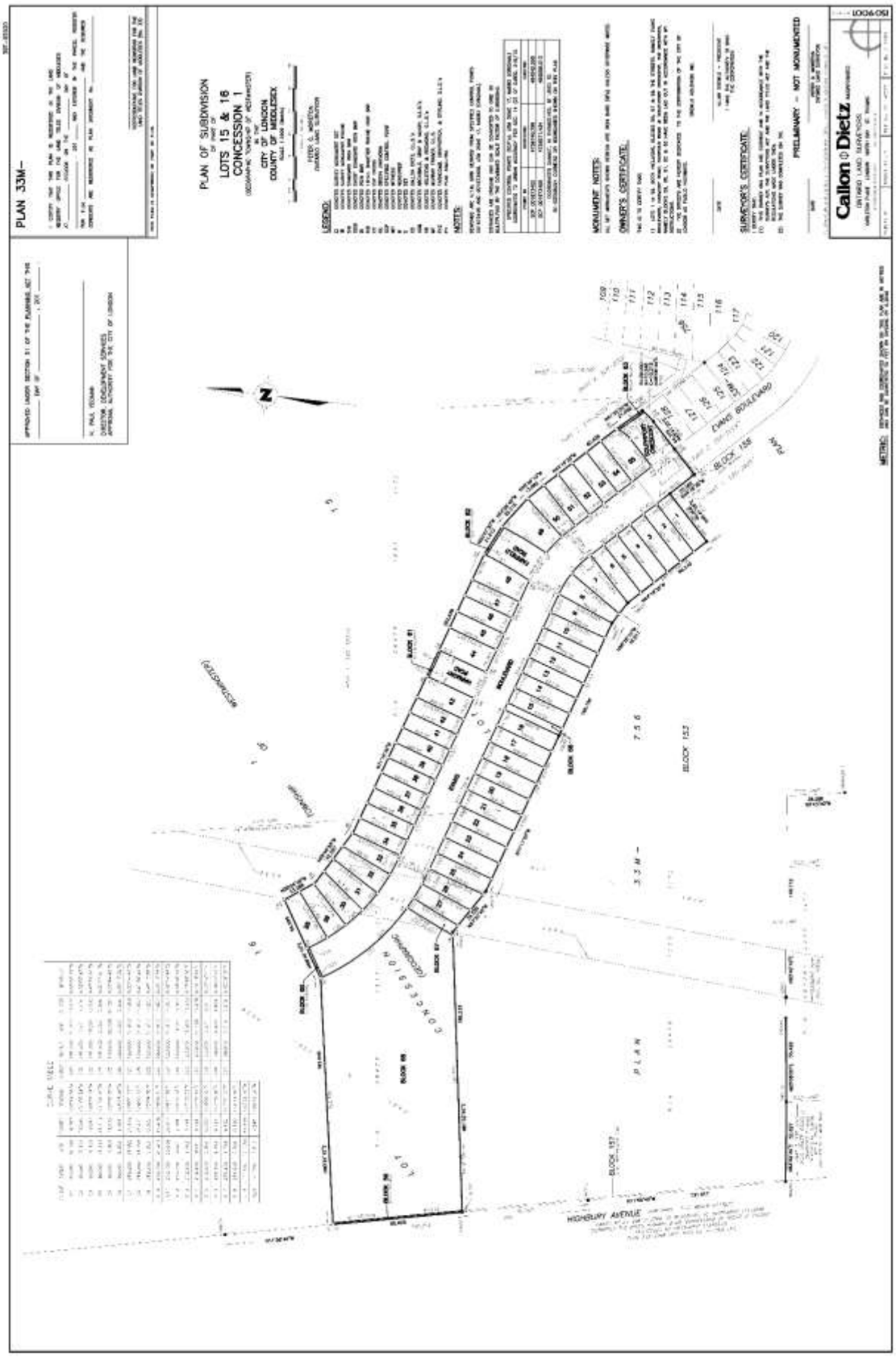
1.1 Property Description and Background

On February 9, 2016, a request was received from Drewlo Holdings Inc. for approval of red-line revisions to a portion of the Summerside Subdivision located in the north-east quadrant of Highbury Avenue and Bradley Avenue (Draft Plan 39T-92020 - Phase "E" and a portion of Draft Plan 39T-92020). The total area consists of approximately 43 hectares of former cultivated agricultural fields for future development of low, medium and high density residential uses, commercial uses, and a wetland and wooded area to be preserved as open space. The request was circulated to the required agencies and municipal departments on February 22, 2016 and advertised in the "Londoner" on March 10, 2016. A Notice of Public Meeting was sent out to area property owners on November 30, 2016 and a notice of Public Meeting was advertised in the "Londoner" on November 24, 2016. The Public Meeting of the Planning and Environment Committee was held on December 12, 2016. The City of London Approval Authority granted approval to the Draft Plan of Subdivision, as red line revised, on January 9, 2017.

1.2 Location Map Phase 13B Summerside Subdivision



1.3 Summerside Subdivision Phase 13B Plan



2.0 Description of Proposal

2.1 Development Proposal

The Draft Plan is being registered in multiple phases. The first phase (Phase 13A) was registered as Plan 33M-756 on December 5, 2018, consisting of 148 single detached dwelling lots, one (1) medium density residential block, one (1) multi-family, high density residential block, two (2) commercial blocks, one (1) open space block, one (1) walkway block, seven (7) 0.3 metres reserve blocks, served by the extensions of Evans Boulevard, Chelton Road, and Meadowgate Boulevard; and two (2) new streets. Servicing of this phase has been completed, and both Chelton Road and Meadowgate Road have been extended through to Bradley Avenue.

This current phase to be registered consists of 55 single detached dwelling lots, one (1) medium density residential block, two (2) walkway blocks, four (4) 0.3 metres reserve blocks, along with the extension of Evans Boulevard, and three (3) new streets, being Southport Crescent, Fairfield Road and Candice Road (to replace Harmony Road).

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 $11,102.50;

(ii) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is $263,013.50;

(iii) for the construction and engineering costs of an eligible parks pathway in connection with this Plan, at an estimated cost of which is $29,200.63 as per the accepted work plan; and

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:	**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.	

June 7, 2019

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

NP/FG Y:\FGerrits\doumentation coordinator\Working Files\39T-92020-13B - Summerside Phase 13B\39T-92020E - Summerside Phase 13B - PEC REPORT.docx

Appendix A – Special Provisions

5. STANDARD OF WORK

Add the following Special Provisions:

#1 The City may require the works and services required under this Agreement to be done by a contractor whose competence is approved jointly by the City Engineer and the Owner, all to the satisfaction of the City Engineer.

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

#3 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 any Agreement of Purchase and Sale or Lease for the transfer of Lots 28, 29, 31, 32, 36, 37, 41, 42, 44, 45, 47, 48, 49, 50, 54 and 55 in this Plan and all other affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule "I"** and on the servicing drawings accepted by the City Engineer.

#4 The Owner shall implement all recommendations of the accepted Scoped Environmental Impact Study (EIS) for Phase 13B Summerside Subdivision (39T-92020) dated September 22, 2017, as may be amended by subsequent addendums, to the satisfaction of the City.

#5 In conjunction with any application for Site Plan Approval for Block 58 of this Plan, adjacent to Highbury Avenue, the Owner shall submit a noise report to the City for acceptance. The noise report shall be prepared in accordance with MOE Guidelines and City of London policies. Any recommended noise attenuation measures shall be incorporated into approved Site Plan and Development Agreement between the Owner and the City of London.

6. SOILS CERTIFICATE

Add the following new Special Provision:

#6 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 geological 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:

10.7(d) Subject to the conditions therein, the City will consider the assumption of the streets in this Plan of 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 accordance with City Standard No. SR-7.0.~~

Add the following new Special Provisions:

#7 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.

#8 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 Evans Boulevard outside this Plan, an amount of $5,000; and

(ii) For the removal of the temporary automatic flushing devices, an amount of $5,000/automatic flusher.

#9 It is hereby agreed by all parties that the terms and conditions outlined in the agreement dated December 5, 1994 between The Corporation of the City of London and Jackson Land Corp. and Jackson Summerside Land Corp., registered on January 27, 1995 as Instrument No. 374208 and annexed to this Agreement as **Schedule "N"** are hereby transferred to this Agreement and will apply mutatis mutandis to all the lands within this Plan. The parties hereto agree that this Agreement and the agreement attached as Schedule 'N' will be read as one, and in the event of any conflicts between the provisions of this Agreement and the provisions of the Schedule 'N' Agreement then the provisions of the Schedule 'N' Agreement will prevail, except for the Insurance and Indemnity requirements as provided herein.

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:

(iv) for the construction of eligible sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is $11,102.50;

(v) for the construction of eligible storm sewers in conjunction with the Plan, subsidized at an estimated cost of which is $263,013.50;

(vi) for the construction of an eligible parks pathway in connection with this Plan, at an estimated cost of which is $25,391.85 as per the accepted work plan; and

(vii) for the engineering costs for the construction of an eligible parks pathway in connection with this Plan, at an estimated cost of which is $3,808.78 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.

25.5 EROSION AND SEDIMENT CONTROL

Add the following new Special Provision:

#10 The Owner shall develop a sediment and erosion control plan(s) that will identify all required sediment and erosion control measures for the subject lands in accordance with City of London and Ministry of the Environment, Conservation and Parks standards and requirements, all to the satisfaction of the City. The sediment and erosion control plan(s) shall identify all interim and long term measures that would be required for both registration and construction phasing/staging of the development and any major revisions to these plans after the initial acceptance shall be reviewed/accepted by the City of London for conformance to our standards and Ministry of the Environment, Conservation and Parks requirements

25.6 GRADING REQUIREMENTS

Add the following new Special Provisions:

#11 The Owner shall grade the portions of Block 58, which has a common property line with Highbury Avenue, to blend with the ultimate profile of Highbury Avenue, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

#12 The Owner shall include in any Agreement of Purchase and Sale or Lease for the transfer for Lots 28 to 43 inclusive, 45 to 48 inclusive and 50 to 55 inclusive in this Plan, as an overland flow route is located at the rear of the said 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 lot grading and servicing drawings for this subdivision.

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.

#13 The Owner shall maintain the existing overland flow routes at the rear of Lots 28 to 43 inclusive, 45 to 48 inclusive and 50 to 55 inclusive as per the accepted engineering drawings, to the satisfaction of the City Engineer.

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

#15 Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owner to the north 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.

25.7 STORM WATER MANAGEMENT

Add the following new Special Provisions:

#16 The Owner shall accommodate the major stormwater overland flows within this Plan from upstream (external) lands in accordance with the approved design studies and accepted engineering drawings, and to the satisfaction of the City Engineer, at no cost to the City.

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

#18 The Owner shall ensure that the quality and quantity of stormwater flow from lands within the subdivision to the Class 1 wetland in the south-west corner of the site be controlled to protect wetland resources and functions, all to the satisfaction of the City and the Upper Thames River Conservation Authority.

#19 The Owner shall discharge stormwater flows from these lands to the storm outlet which is the existing Summerside SWM Facility via Evans Boulevard storm sewers. Furthermore, the Owner shall convey drainage from the rear yards within and exterior to these lands through a "third pipe" system, to the wetland area in the southwest portion of this Plan and to maintain clean flows to the wetland during all phases of construction as per the accepted drawings, to the satisfaction of the City, at no cost to the City. The outlet is located within the Dingman Creek Subwatershed and these lands are tributary to both the South Branch of the Thames River and to the Dingman Creek via proposed servicing and/or Stormwater Management (SWM) Facilities.

#20 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the storm/drainage servicing works, including but not limited to headwalls and associated works, for the relevant portion of the approved third pipe system to maintain the water balance in the existing wetland area located to the south of this Plan, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City. The Owner shall immediately accommodate upstream flows from portions of the third pipe already constructed and currently using temporary outlets to existing minor flow systems.

#21 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.

25.8 SANITARY AND STORM SEWERS

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

(b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Dingman Creek Subwatershed, and connect them to the City's existing storm sewer system being the 1500 mm diameter storm sewer on Evans Boulevard.

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 300 mm diameter sanitary sewer on Evans Boulevard.

Add the following new Special Provisions:

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

#23 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct make adjustments to the existing works and services on Evans Boulevard in Plan 33M-756, 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.

#24 At the time this Plan is registered, the Owner shall register all appropriate easements for all proposed private and 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.

25.9 WATER SERVICING

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

(d) Prior to the issuance of any Certificates of Conditional Approval, and in accordance with accepted engineering drawings and 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, the existing 250 mm diameter watermain on Evans Boulevard;

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) Available fire flows and appropriate hydrant rated capacity colour code markers are to be shown on the accepted engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval.

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;

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

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

Add the following new Special Provisions:

#25 If the Owner requests the City to assume Evans Boulevard with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, prior to its extension to the Evans Boulevard, 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 west limit of Evans Boulevard and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is $5,000 per automatic flushing device 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.

#26 Future development of Block 58 within this Plan shall be consistent with the established fire flows through the subdivision water servicing design study in order to ensure adequate fire protection is available.

25.11 ROADWORKS

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

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

(i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.

~~(ii) The Owner shall notify the purchasers of all lots abutting the traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.~~

~~(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~

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

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

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

Add the following new Special Provisions:

#27 The Owner shall construct a temporary turning circle at the west limit of Evans Boulevard, to the satisfaction of the City Engineer and at no cost to the City.

If the Owner requests the City to assume Evans Boulevard, all as shown on this Plan, prior to its extension to the Evans Boulevard, 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 Evans Boulevard and completing the curb and gutter, asphalt pavement, Granular 'A', Granular 'B', sodding of the boulevard, 1.5 metre 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 $5,000 for which amount sufficient security is to be provided in accordance with Section 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 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.

#28 The Owner shall remove the temporary turning circle on Evans Boulevard and adjacent lands, in Plan 33M-756 to the east of this Plan, and complete the construction of Evans Boulevard 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-756 for the removal of the temporary turning circle and the construction of this section of Evans Boulevard 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 Evans Boulevard in Plan 33M-756 is constructed as a fully serviced road by the Owner of Plan 33M-756, then the Owner shall be relieved of this obligation.

#29 Barricades are to be maintained at west limit of Evans Boulevard 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**.**

25.12 PARKS

Add the following new Special Provisions:

#30 Within one (1) year of registration of this Plan or otherwise approved by the City, the Owner shall construct 1.5 metre high chain link fencing without gates in accordance with current City park standards (SPO 4.8) along the southerly property limit of Block 58 adjacent Open Space Block 153 in Plan 33M-756; and along the property limit interface of Lots 1 to 27 inclusive adjacent Open Space Blocks 56 and 57 in this Plan, and Open Space Block 153 in Plan 33M-756, to the satisfaction of the City. Any alternative fencing arrangements shall be to the approval and satisfaction of the City.

#31 Within one (1) year of registration of this Plan, the Owner shall prepare and deliver to all homeowners adjacent to Open Space lands, an education package which explains the stewardship of natural areas, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the City.

#32 Within one (1) year of registration of this Plan, the Owner shall construct the multi-use pathway along the rear of Lots 1 to 27 of this Plan, as per the approved Engineering Drawings, all to the satisfaction of the City.

File: 39T-92020-13B
Planner: F.Gerrits/L. Mottram

SCHEDULE "C"

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

SPECIAL WORKS AND SERVICES

Roadways

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

- Candice Road and Southport Crescent shall have a minimum road pavement width (excluding gutters) of 7.0 metres with a minimum road allowance of 19 metres.

Sidewalks

A 1.5 metre sidewalk shall be constructed on both sides of Evans Boulevard and Fairfield Road.

A 1.5 metre sidewalk shall be constructed on one side of

(i) Candice Road – west boulevard

Pedestrian Walkways

There are no pedestrian walkways in this Plan.

File: 39T-92020-13B
Planner: F.Gerrits/L. Mottram

SCHEDULE “D”

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Drewlo Holdings 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 60, 61, 62, 63 and 64
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Parkland was satisfied through the dedication of the wetland block, Block 153 on 33M-756
Dedication of land for Parks in excess of 5%:	Blocks 56 and 57
Dedication of land for Open Space:	Block 59
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE: NIL

LANDS TO BE HELD IN TRUST BY THE CITY: NIL

File: 39T-92020-13B
Planner: F.Gerrits/L. Mottram

SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Drewlo Holdings 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:	$ 408,987
BALANCE PORTION:	$2,317,592
TOTAL SECURITY REQUIRED	$2,726,579

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-92020-13B
Planner: F.Gerrits/L. Mottram

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2019, between The Corporation of the City of London and Drewlo Holdings 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 follows:

    (i) At the north limits of Candice Road and Southport Crescent and at the west limit of Evans Boulevard for servicing stubs, DICB's and associated works.

(b) Temporary turning circle easements shall be deeded to the City in conjunction with this Plan over lands outside this Plan at the west limit of Evans Boulevard.

File: 39T-92020-13B
Planner: F.Gerrits/L. Mottram

SCHEDULE ‘N’

This is Schedule ‘N’ to the Subdivision Agreement dated _____ between The Corporation of the City of London and Jackson Land Corp. to which it is attached and forms a part.

(NOTE: Schedule ‘N’ is the agreement dated December 5, 1994 between Jackson Land Corp and Jackson Summerside Land Corp. and The Corporation of the City of London, registered January 27, 1995, as Instrument No. 347208, covering the servicing and cost sharing of the entire Summerside Subdivision draft plan.)

Appendix B – Related Estimated Costs and Revenues

Summerside Phase 13B - Drewlo Holdings Inc.
Subdivision Agreement
39T-92020 and 39T-92020E

Related Estimated Costs and Revenues

Estimated DC Funded Servicing Costs (Note 1)	Estimated Cost (excludes HST)
Claims for developer led construction from CSRF:	
- 300 mm sanitary (DC14-WW02001) - oversizing subsidy	$11,103
- 1350 mm and 1500 mm storm sewer (DC14-MS01001) - oversizing subsidy	$263,014
- Parks - Major Open Space Network (DC14-PR00078)	$25,392
- Parks - Major Open Space Network Engineering Fees (DC14-PR00078)	$3,809
Claims for developer led construction from UWRF:	
- None identified.	$0
Claims for City led construction from CSRF:	
- None identified.	$0
Total	$303,317

Estimated Total DC Revenues (Note 2) (2019 Rates)	Estimated Revenue
CSRF	$2,326,696
UWRF	$209,464
TOTAL	$2,536,160

1 Estimated Costs are based on approximations provided by the applicant and include engineering, construction and contingency costs without HST. Final claims will be determined based on actual costs incurred in conjunction with the terms of the final subdivision agreement and the applicable By-law.

2 Estimated Revenues are calculated using 2019 DC rates and may take many years to recover. The revenue estimates includes DC cost recovery for "soft services" (fire, police, parks and recreation facilities, library, growth studies). There is no comparative cost allocation in the Estimated Cost section of the report, so the reader should use caution in comparing the Cost with the Revenue section.

3 The revenues and costs in the table above are not directly comparable. The City employs a "citywide" approach to recovery of costs of growth – any conclusions based on the summary of Estimated Costs and Revenues (above table) should be used cautiously.

Reviewed by:

Date

Matt Feldberg
Manager, Development Services (Subdivisions)

Date

Paul Yeoman
Director, Development Finance

Appendix C – Source of Finance

File: 39T-92020-13B
Planner: F.Gerrits/L. Mottram

#19083
June 17, 2019
(39T-92020 / 39T-92020E)

RE: Subdivision Special Provisions
Summerside Subdivision Phase 13B - Drewlo Holdings Inc.
Capital Budget Project ES5145 - Sanitary Sewer Internal Oversizing (Subledger 2462945)
Capital Budget Project ES5429 - Storm Sewer Internal Oversizing (Subledger 2462946)
Capital Budget Project PD204319 - New Major Open Space Network (Subledger 2466763)

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**
ES5145 - Sanitary Sewer Internal Oversizing					
Construction		$535,950	$190,076	$11,298	$334,576
ES5429 - Storm Sewer Internal Oversizing					
Engineering		177,463	27,463		150,000
Construction		6,892,621	5,923,499	267,643	701,479
		7,070,084	5,950,962	267,643	851,479
PD204319 - New Major Open Space Network					
Engineering		130,000		3,876	126,124
Construction		1,000,000	15,637	25,839	958,524
		1,130,000	15,637	29,715	1,084,648
NET ESTIMATED EXPENDITURES		**$8,736,034**	**$6,156,675**	**$308,656** 1)	**$2,270,703**
SOURCE OF FINANCING					
ES5145 - Sanitary Sewer Internal Oversizing					
Drawdown from Industrial Oversizing - Sewer R.F.		$12,200	$4,327	$257	$7,616
Drawdown from City Services - Sanitary Sewer R.F. (Development Charges)	2)	523,750	185,749	11,041	326,960
		535,950	190,076	11,298	334,576
ES5429 - Storm Sewer Internal Oversizing					
Drawdown from Sewage Works R.F.		25,300	21,295	958	3,047
Drawdown from City Services - Major SWM Reserve Fund (Development Charges)	2)	7,044,784	5,929,667	266,685	848,432
		7,070,084	5,950,962	267,643	851,479
PD204319 - New Major Open Space Network					
Debenture Quota	3)	478,800	6,626	12,591	459,584
Drawdown from City Services - Parks & Recreation R.F. (Development Charges)	2)	651,200	9,011	17,124	625,064
		1,130,000	15,637	29,715	1,084,648
TOTAL FINANCING		**$8,736,034**	**$6,156,675**	**$308,656**	**$2,270,703**

1) **Financial Note - Construction**

	ES5145	**ES5429**	**PD204319**	**Total**
Contract Price	$11,103	$263,014	$25,392	$299,509
Add: HST @13%	1,443	34,192	3,301	38,936
Total Contract Price Including Taxes	12,546	297,206	28,693	$338,445
Less: HST Rebate	1,248	29,563	2,854	33,665
Net Contract Price	$11,298	$267,643	$25,839	$304,780

Financial Note - Engineering

	PD204319	**Total**
Contract Price	$3,809	$3,809
Add: HST @13%	495	495
Total Contract Price Including Taxes	4,304	$4,304
Less: HST Rebate	428	428
Net Contract Price	$3,876	$3,876

Total - Construction & Engineering	$11,298	$267,643	$29,715	$308,656

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

Note to City Clerk:

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

An authorizing by-law should be drafted to secure debenture financing for project PD204319 New Major Open Space Network for the net amount to be debentured of $478,800.

lp

Jason Davies
Manager of Financial Planning & Policy

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **George Kotsifas, P. Eng.**
Managing Director, Development and Compliance Services
And Chief Building Official
Subject: **Exemption from Part-Lot Control**
Application By: Rockwood Homes c/o Al Allendorf
Address: 2700 Asima Drive
Meeting on: **June 17, 2019**

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Rockwood Homes to exempt Block 57, Plan 33M-699 from Part-Lot Control:

(a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 57, Plan 33M-699 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(2)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum garage front yard depth of 5.5m, a minimum exterior side yard main building depth of 3.0m and a minimum interior side yard depth of 1.5m;

(b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 57, Plan 33M-699 as noted in clause (a) above:

i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;

ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;

iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;

v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;

vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;

vii. The applicant shall agree to construct all services, including private drain

connections and water services, in accordance with the approved final design of the lots;

viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;

x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;

xii. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 3 and 4 by parts 2 and 5; and,

xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Block 57 in Registered Plan 33M-699 from the Part-Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

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

Rationale for Recommended Action

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

Analysis

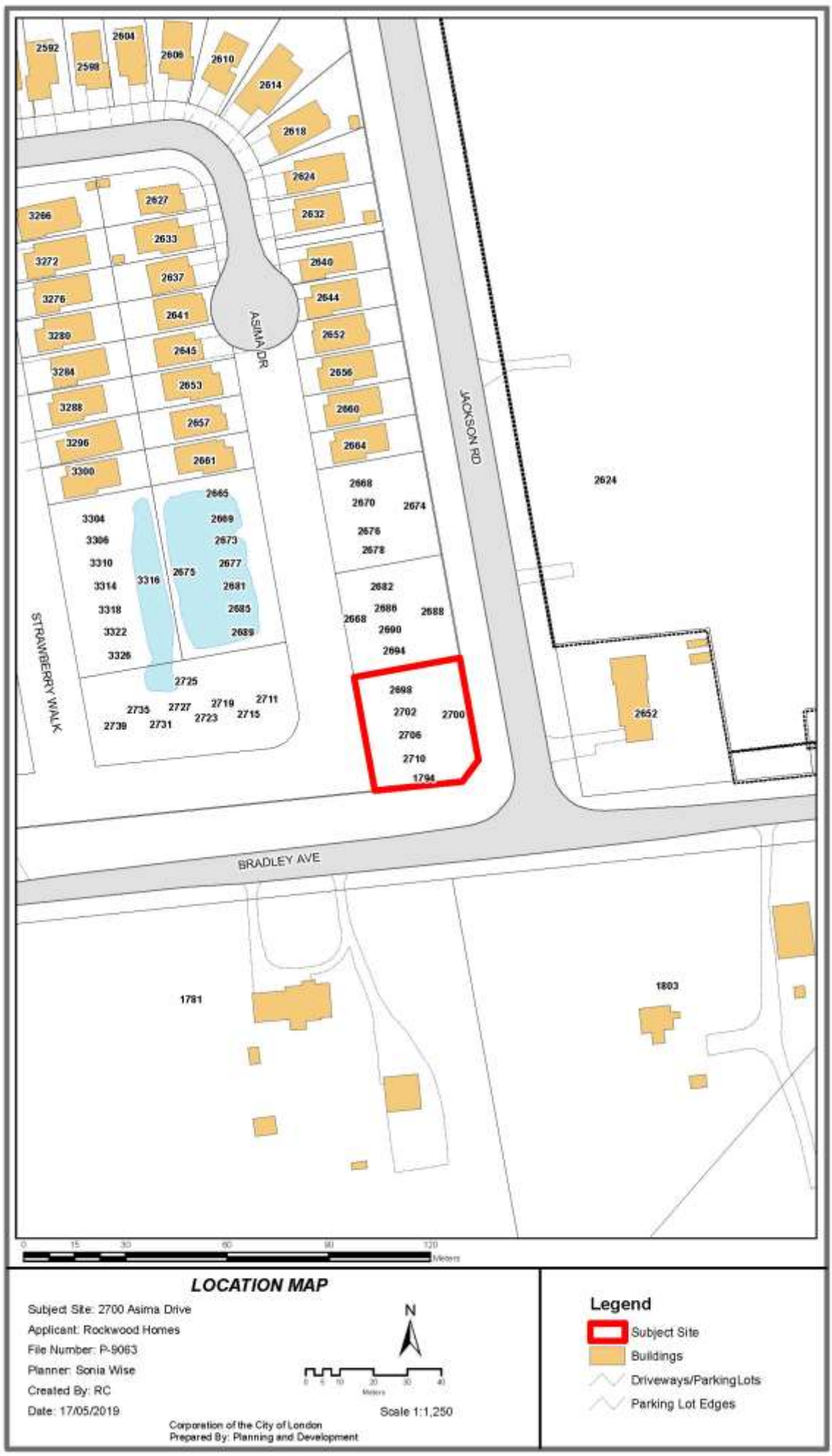
1.0 Property Description

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

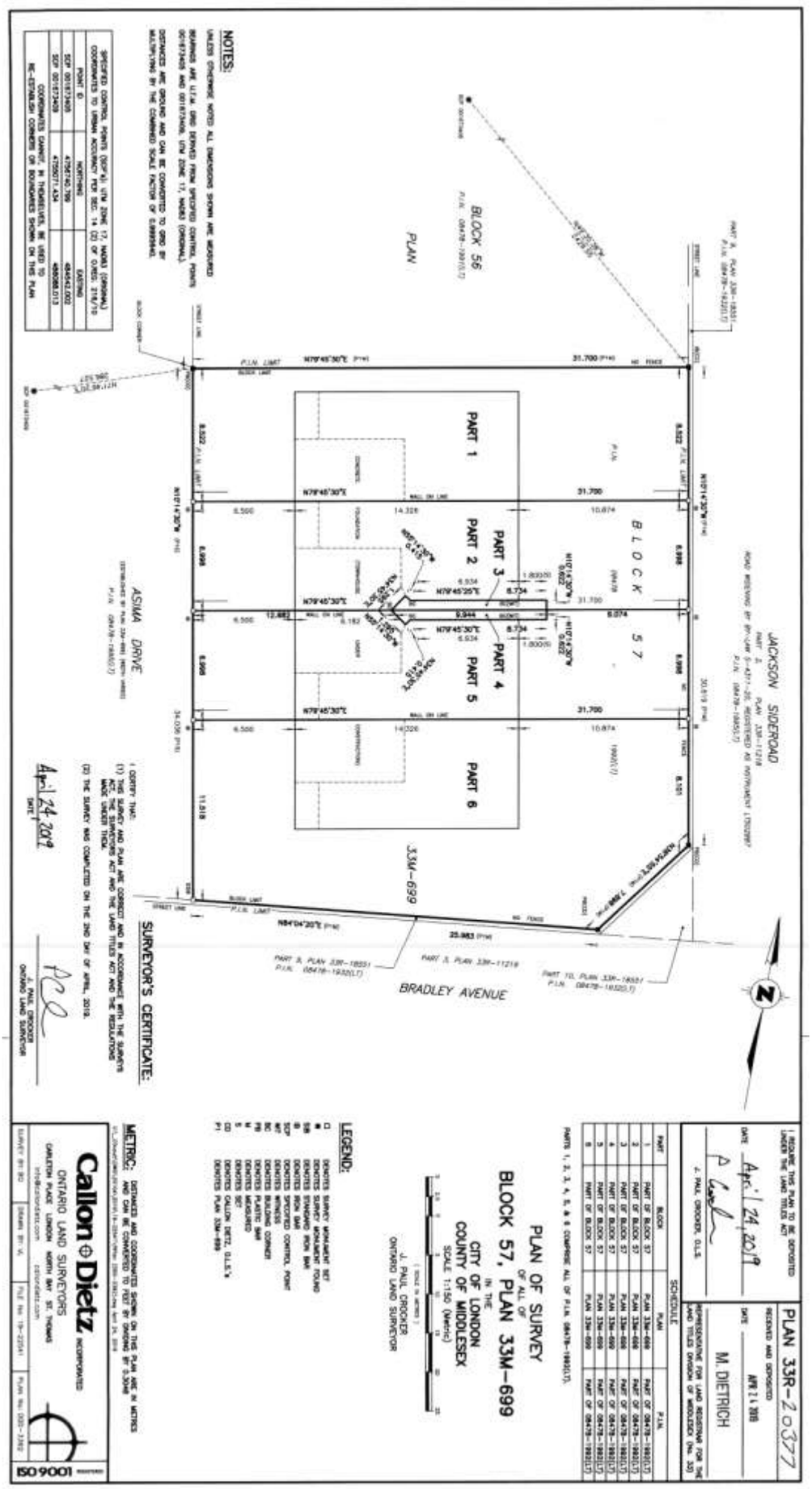
1.1 Current Planning Information

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

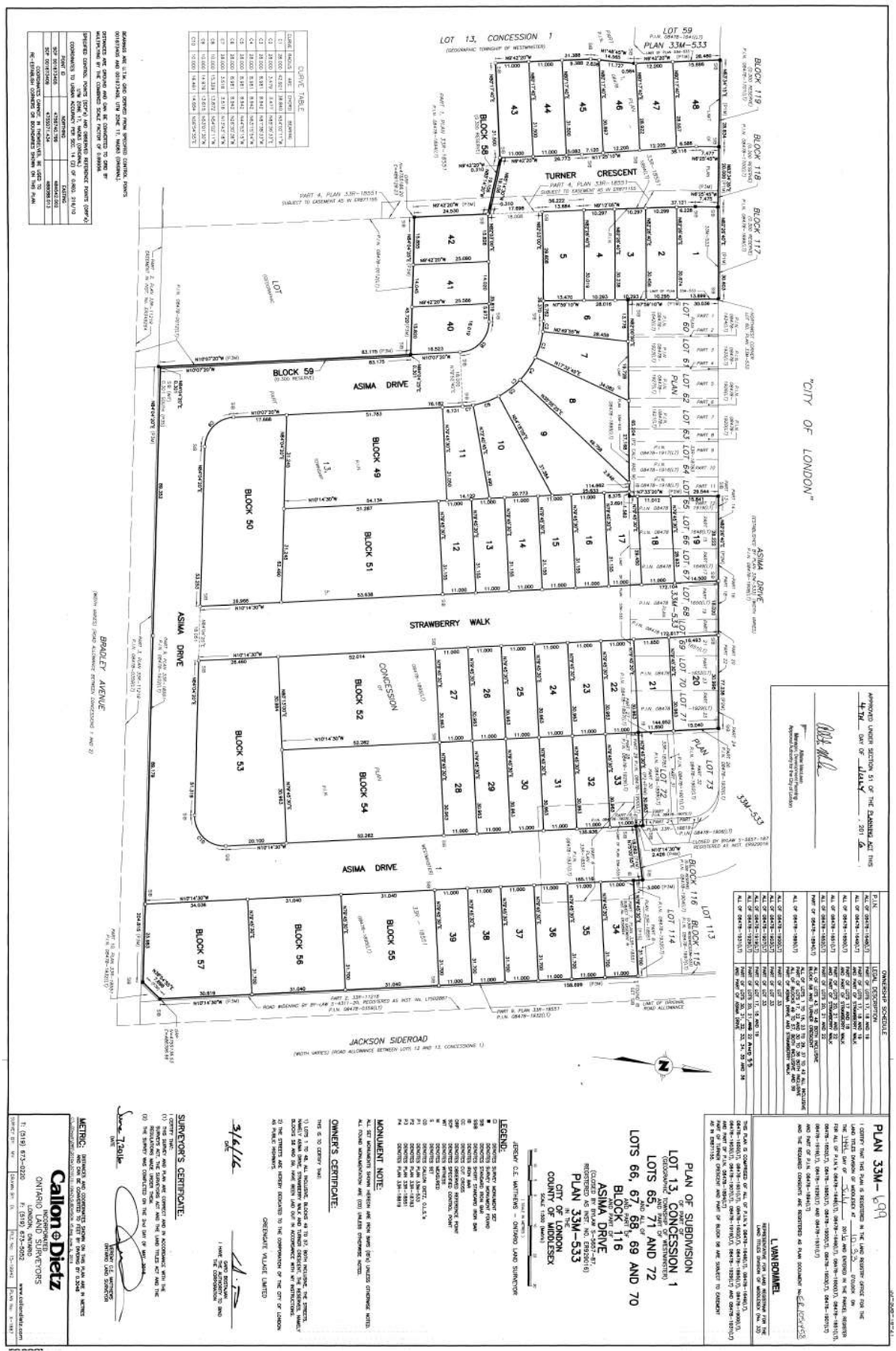
1.3 Location Map



1.4 Site Plan


PLAN 33R-20377
RECEIVED AND DEPOSITED
APR 24 2018
M. DIETRICH
REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF MIDDLESEX (No. 33)
I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT
DATE Apr. 24, 2018
J. PAUL CROOKER, O.L.S.
SCHEDULE
PART | BLOCK | PLAN
1 | PART OF BLOCK 57 | PLAN 33M-699 | PART OF 08478-1892(LT)
2 | PART OF BLOCK 57 | PLAN 33M-699 | PART OF 08478-1892(LT)
3 | PART OF BLOCK 57 | PLAN 33M-699 | PART OF 08478-1892(LT)
4 | PART OF BLOCK 57 | PLAN 33M-699 | PART OF 08478-1892(LT)
5 | PART OF BLOCK 57 | PLAN 33M-699 | PART OF 08478-1892(LT)
6 | PART OF BLOCK 57 | PLAN 33M-699 | PART OF 08478-1892(LT)
PARTS 1, 2, 3, 4, 5, & 6 COMPRISE ALL OF P.I.N. 08478-1892(LT).
PLAN OF SURVEY
OF ALL OF
BLOCK 57, PLAN 33M-699
IN THE
CITY OF LONDON
COUNTY OF MIDDLESEX
SCALE 1:150 (Metric)
J. PAUL CROOKER
ONTARIO LAND SURVEYOR
LEGEND:
DENOTES SURVEY MONUMENT SET
DENOTES SURVEY MONUMENT FOUND
DENOTES STANDARD IRON BAR
DENOTES IRON BAR
DENOTES SPECIFIED CONTROL POINT
DENOTES WITNESS
DENOTES BUILDING CORNER
DENOTES PLASTIC BAR
DENOTES MEASURED
DENOTES SEC
DENOTES CALLON DIETZ, O.L.S.'s
DENOTES PLAN 33M-699
METRIC: DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048
NOTES:
UNLESS OTHERWISE NOTED ALL DIMENSIONS SHOWN ARE MEASURED
BEARINGS ARE U.T.M. GRID DERIVED FROM SPECIFIED CONTROL POINTS 001873405 AND 001873406, UTM ZONE 17, NAD83 (ORIGINAL).
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9995946.
SPECIFIED CONTROL POINTS (SCP'S), UTM ZONE 17, NAD83 (ORIGINAL) COORDINATES TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10
POINT ID | NORTHING | EASTING
SCP 001873405 | 4756740.760 | 484642.002
SCP 001873406 | 4756071.434 | 485088.013
COORDINATES CANNOT BE THEMSELVES BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN
SURVEYOR'S CERTIFICATE:
I CERTIFY THAT:
(1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
(2) THE SURVEY WAS COMPLETED ON THE 2ND DAY OF APRIL, 2018.
April 24, 2018
DATE
J. PAUL CROOKER
ONTARIO LAND SURVEYOR
JACKSON SIDEROAD
PART 2, PLAN 33R-11219
ROAD WIDENING BY BY-LAW G-4371-26, REGISTERED AS INSTRUMENT LT920987
P.I.N. 08478-1885(LT)
PART 3, PLAN 33R-18551
P.I.N. 08478-1920(LT)
BLOCK 56
P.I.N. 08478-1901(LT)
PLAN
BLOCK 57
PART 1
PART 2
PART 3
PART 4
PART 5
PART 6
33M-699
ASIMA DRIVE
DISTANCES BY Plan 33R-18551 P.I.N. 08478-1885(LT)
BRADLEY AVENUE
PART 3, PLAN 33R-18551
P.I.N. 08478-1920(LT)
PART 3, PLAN 33R-11219
PART 10, PLAN 33R-18551
P.I.N. 08478-1920(LT)
P.I.N. LIMIT
BLOCK LIMIT
STREET LINE
WALL ON LINE
CONCRETE
FOUNDATION
CONSTRUCTION
HEDGE
N79°45'30"E (P1&)
31.700 (P1&)
N10°14'30"W (P1&)
N79°45'30"E
31.700
N79°45'25"E
6.724
N10°14'30"W
0.922
1.800(D)
6.934
N79°45'30"E
6.934
6.724
1.800(D)
N10°14'30"W
0.922
N79°45'30"E
31.700
N84°04'20"E (P1&)
25.983 (P1&)
Callon Dietz
ONTARIO LAND SURVEYORS
CARLETON PLACE LONDON NORTH BAY ST. THOMAS
info@callondietz.com
callondietz.com
ISO 9001
SURVEY BY: BD
DRAWN BY: VL
FILE No: 18-22041
PLAN No: 0001-3362

1.5 Plan of Subdivision 33M-699



1.6 Site Characteristics

- Current Land Use – townhouse dwellings under construction
- Frontage – 34m (111.5 ft.) along Asima Drive
- Area –1,100m^2 (11,840 sq. ft.)
- Shape – irregular

1.7 Surrounding Land Uses

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

2.0 Description of Proposal

2.1 Development Proposal

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

3.0 Revelant Background

3.1 Planning History

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

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

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

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

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

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

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

3.3 Community Engagement

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

3.4 Policy Context

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

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

4.0 Key Issues and Considerations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The applicant has applied for and received site plan approval (SPA18-058) to construct four (4) street townhouse units on a local street which was registered on title as a Development Agreement on September 13, 2018. Securities have also been taken through the site plan process.

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of four (4) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the 1989 Official Plan, The London Plan and the applicable zoning, and has been determined to meet existing policies and the City's Zoning By-law.

4.1 Conditions

It is recommended that the following conditions be applied and that the By-law for Block 57 in Plan 33M-699 be passed at a future meeting of Municipal Council only when the following conditions have been complied with:

i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;

ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;

iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;

v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;

vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;

vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;

x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;

xii. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 3 and 4 by parts 2 and 5; and

xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

5.0 Conclusion

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

Prepared by:	**Sonia Wise, 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.	

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

June 6, 2019
/sw
Y:\Shared\ADMIN\1- PEC Reports\2019 PEC Reports\10- June 17\P-9063 2700 Asima Drive SW 1 of 1.docx

P-9063
S. Wise

Appendix A

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

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

A by-law to exempt from Part-Lot Control, lands located at 2700 Asima Drive, legally described as Block 57 in Registered Plan 33M-699.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13,* as amended, and pursuant to the request from Rockwood Homes, it is expedient to exempt lands located at 2700 Asima Drive, legally described as Block 57 in Registered Plan 33M-699, from Part Lot Control;

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

1. Block 57 in Registered Plan 33M-699, located at 2700 Asima Drive, west of Jackson Road, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4 Special Provision (R4-5(2)) Zone of the City of London Zoning By-law No. Z-1.

3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

File:H-9055
Planner: Nancy 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: **Removal of Holding Provisions**
Application by: Town & Country Developments Inc.
Address: 1020 Coronation Drive
Meeting on: **June 17, 2019**

Recommendation

That on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Town & Country Developments Inc. relating to the property located at 1020 Coronation Drive, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2019 to amend Zoning By-law Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a Holding Residential R9 (h-89*h-90*h-91*R9-7*H45) Zone **TO** a Residential R9 (R9-7*H45) Zone to remove the "h-89", "h-90" and "h-91" holding provision from the lands.

Executive Summary

Summary of Request

The applicant has requested removal of the "h-89, "h-90" and "h-91" holding provision from the site, which requires a stormwater servicing report, the construction of Coronation Drive, and the implementation in site plan of urban design concepts established through the Zoning By-law amendment review process.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h-89", "h'90", and "h-91") symbol from the subject site to permit a 6 storey, 59 unit residential apartment building.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as the stormwater servicing report has been accepted and recommendations incorporated into the final site plan, Coronation Road has been constructed, and the urban design concepts have been implemented in the final site plan. All issues have been resolved and the holding provisions are no longer required.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the west side of Coronation Drive, north of South Carriage Road. It is a 0.4ha parcel of land.

1.2 Current Planning Information

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Multi-Family, High Density Residential
- Existing Zoning – a Holding Residential R9 (h-89*h-90*h-91*R9-7*H45) Zone

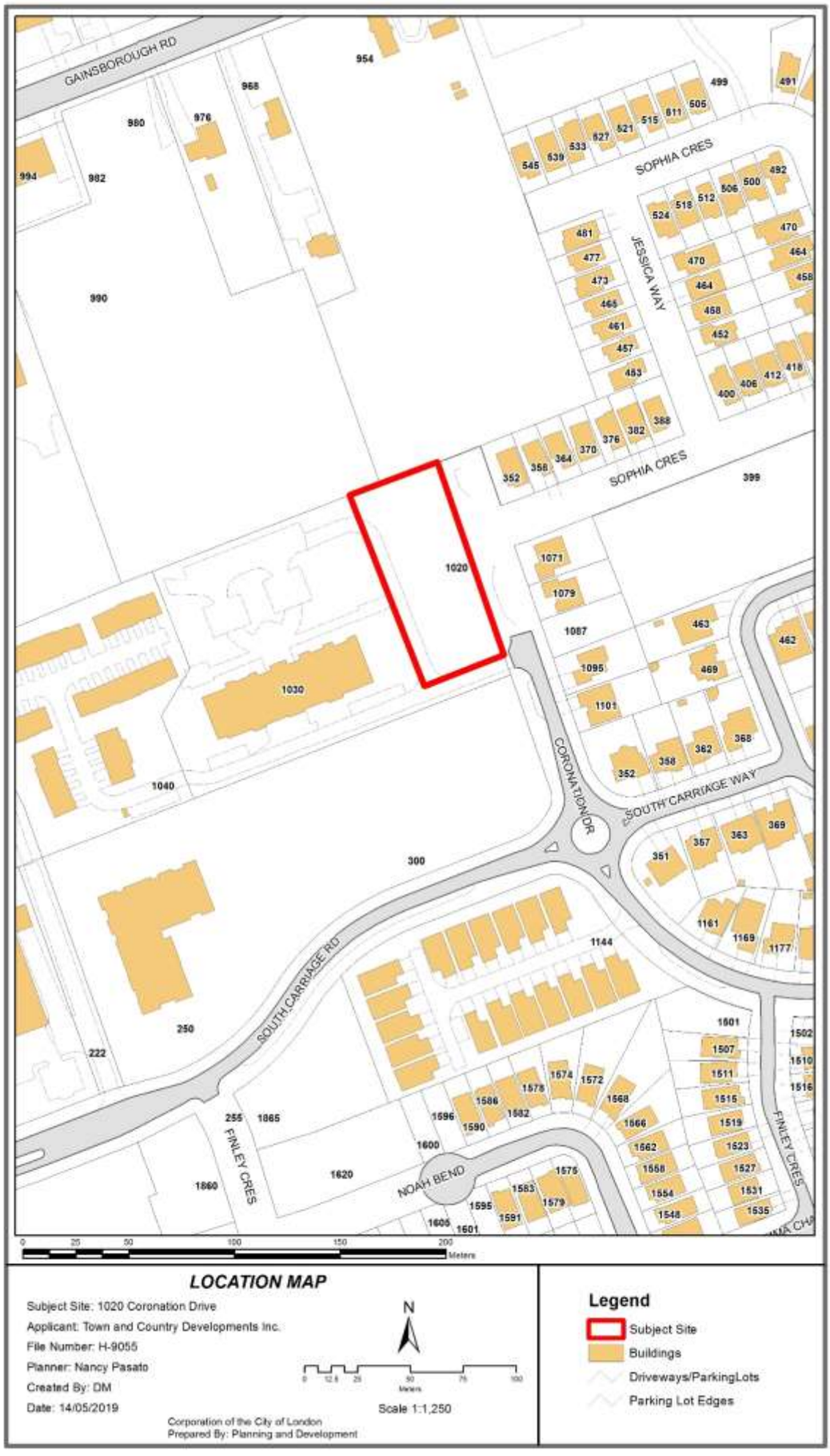
1.3 Site Characteristics

- Current Land Use – vacant
- Area – 0.4 ha (1.0 acres)
- Shape – rectangular

1.4 Surrounding Land Uses

- North – vacant/future residential
- East – single detached dwellings
- South – apartment building/vacant/future residential
- West – apartment building

1.5 Location Map



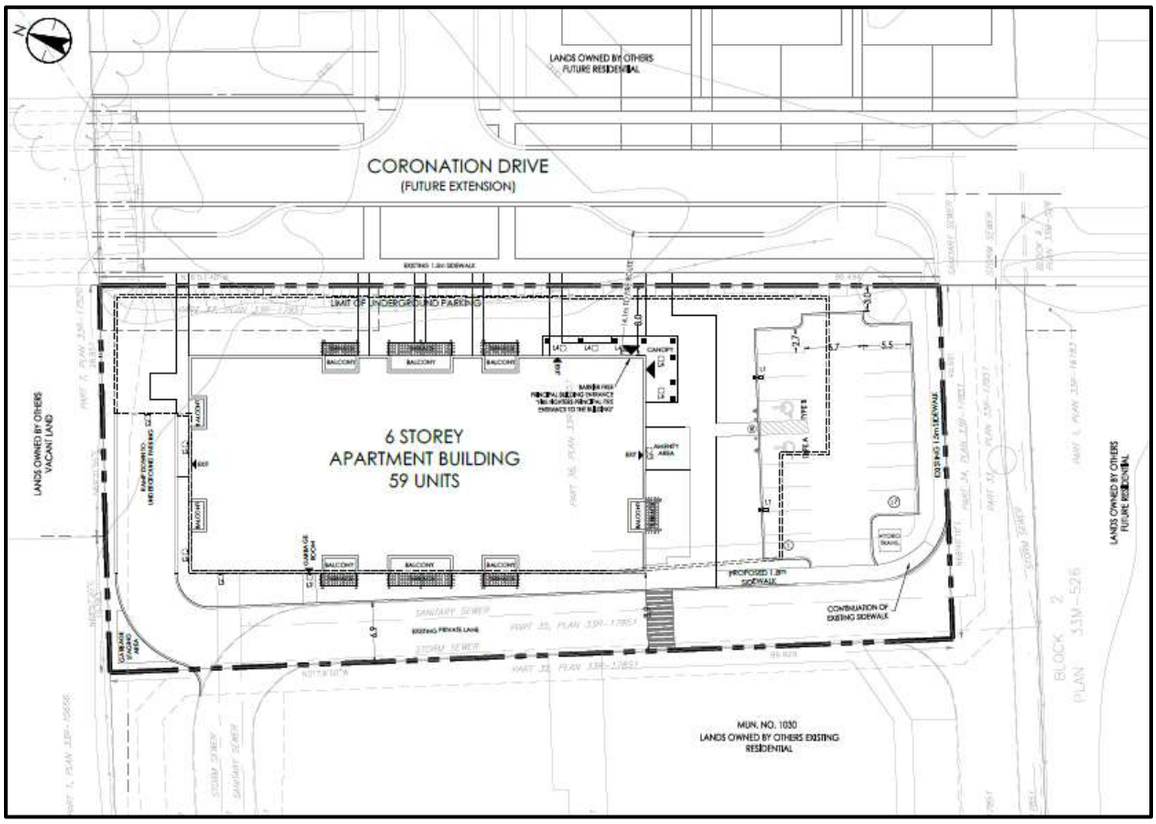


Figure 1 - Proposed Site Plan 1020 Coronation Drive



Figure 2 - Proposed Elevation (Coronation Drive)

2.0 Description of Proposal

2.1 Development Proposal

The parcel is the subject of a site plan application (SPA-18-096) to develop a 6 storey, 59 unit residential apartment building. The removal of holding provisions will facilitate the development of this site.

3.0 Relevant Background

3.1 Planning History

The lands were designated Multi-Family, High Density Residential and Business District Commercial through the Hyde Park Community Plan process. Council adopted the Hyde Park Community Plan on April 17, 2000. OPA 193 was adopted by Council in 2001 implementing the land use designation as adopted through the Community Plan process.

The subject site was part of a larger parcel, municipally addressed as 1503 Hyde Park Road. In 2007, a zoning by-law amendment was initiated (Z-7399) to permit the front portion of the property to be developed for commercial purposes (BDC1/BDC2), and apply a Residential R9 (R9-7*H45) Zone to permit the development of two fourteen storey residential apartment buildings on the rear portion of the site, subject to design considerations to be addressed through the site plan approval process. One 14 storey tower was constructed at 1030 Coronation Drive in 2010. In 2013, a zoning by-law amendment was initiated for a portion of the lands adjacent to the commercial lands (Z-8201) to permit cluster townhouses. The R9-7 Zone, however, was not amended for this site, and remains on the balance of the lands.

An application for site plan was submitted in August of 2018 (SPA18-096) for a 6 storey, 59 unit residential apartment building.

3.2 Requested Amendment

The applicant is requesting the removal of the “h-89”, “h-90” and “h-91” holding provision from the lands.

3.3 Community Engagement

In response to the Notice of Intent to Remove the Holding Provision, two written comments were received. The comments related to the type of development and potential issues related to access and ingress, density, pedestrian connections, snow storage, parking and urban design.

The use and form are permitted through the zoning (R9-7) for the site. The proposed density of the development (144 units per hectare) meets the maximum required through the zoning (150 units per hectare). No variances are required for the site. The proposed site plan has provided adequate parking and access/egress to the site via Coronation Drive. Urban design has been addressed through the final site plan.

3.4 Policy Context

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

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

4.0 Key Issues and Considerations

4.1 What is the purpose of the "h-89" holding provision and is it appropriate to consider its removal?

The "h-89" holding provision states:

Purpose: To ensure the orderly development of the lands the "h-89" symbol shall not be deleted until a stormwater servicing report has been prepared and confirmation that stormwater management systems are implemented to the satisfaction of the City Engineer.

A stormwater servicing report was submitted and accepted as part of the application for site plan. The site will outlet to municipal sewers fronting the site and ultimately discharge to a municipal stormwater management pond all in accordance with the functional stormwater management servicing report.

4.2 What is the purpose of the "h-90" holding provision and is it appropriate to consider its removal?

The "h-90" holding provision states that:

Purpose: To ensure the orderly development of the lands the "h-90" symbol shall not be deleted until the construction of Coronation Drive is undertaken to the satisfaction of the City Engineer.

The construction of Coronation Drive for the full length of the block has been completed in this location, and the proposed development will have access to Coronation Drive. This satisfies the requirement for removal of the "h-90" holding provision.

4.3 What is the purpose of the "h-91" holding provision and is it appropriate to consider its removal?

The "h-91" holding provision states that:

Purpose: To ensure that the urban design concepts established through the Zoning amendment review process are implemented, a site plan will be approved and a development agreement will be entered into which, to the satisfaction of the General Manager of Planning and Development, incorporates these concepts and Addresses identified urban design issues.

As part of the Municipal Council resolution for Z-7399, the following urban design considerations were to be addressed as part of any development application:

***"….IT BEING NOTED** that the specific design issues to be addressed through the site plan review process include:*

- *Support for a high quality pedestrian streetscape on Coronation Drive*
- *Conformity with the Hyde Park Community Design Guidelines for both residential and commercial uses.*
- *Design elements which minimize the impact of high density residential development on adjacent and nearby residential uses.*
- *Pedestrian connection through the site, connecting the inner neighbourhood with the proposed main street design of Hyde Park Road.*
- *Creation of a central focal point for the development through the recreational and open space area between the proposed buildings.*
- *Minimization of vehicular access and pedestrian conflict points.*
- *Access to parking garage(s) located internal to the site.*
- *Provision of the commercial laneway.*
- *Mitigating design measures which provide for a positive interface between the Business District Commercial uses and the proposed residential uses."*

The Site Plan has addressed the above noted urban design considerations in the following manner:

- *Support for a high quality pedestrian streetscape on Coronation Drive* - the building design has provided individual access points and courtyards onto Coronation Drive to provide an enhanced pedestrian environment;
- *Conformity with the Hyde Park Community Design Guidelines for both residential and commercial uses* - the design of the site is in keeping with the Hyde Park Community Design Guidelines, as well as the 1989 Official Plan and London Plan policies related to urban design;
- *Design elements which minimize the impact of high density residential development on adjacent and nearby residential uses* - the addition of a 6 storey building will provide the transition in height and intensity towards Coronation Drive from the 14 storey building internal to the site;
- *Pedestrian connection through the site, connecting the inner neighbourhood with the proposed main street design of Hyde Park Road* - a pedestrian corridor has been added to this development and will connect Coronation Drive to Hyde Park Road;
- *Creation of a central focal point for the development through the recreational and open space area between the proposed buildings* - not applicable to this phase;
- *Minimization of vehicular access and pedestrian conflict points* - only one access point has been provided for the whole development via Coronation Drive;
- *Access to parking garage(s) located internal to the site* - a parking garage is proposed for this building, to be located underground on the north side of the building. Access has been provided internally to this garage;
- *Provision of the commercial laneway* - not applicable to this phase;
- *Mitigating design measures which provide for a positive interface between the Business District Commercial uses and the proposed residential uses* - not applicable to this phase

Overall, Staff have indicated that the Urban Design considerations have been addressed and the holding provision can be removed for the site.

5.0 Conclusion

The Applicant has entered into a development agreement for this site, and has provided the necessary stormwater management report, construction of Coronation Drive is completed, and has incorporated the necessary urban design considerations. Therefore, the required conditions have been met to remove the “h-89”, “h-90” and “h-91” holding provision. The removal of the holding provisions is recommended to Council.

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	

June 7, 2019
NP/np

\\CLFILE1\users-x\pdda\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2019\H-9055 - 1020 Coronation Drive (NP)\Draft Report H-9055 1020 Corontaion Drive NP 1of1.docx

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

Previous Reports and Applications Relevant to this Application

December 10, 2007 - Report to Planning Committee to recommend approval of a rezoning at 1503 Hyde Park Road (now 1503 Hyde Park Rd, 1020-1040 Coronation Drive) to permit commercial development (at 1503 Hyde Park Rd) and to permit the development of two fourteen storey residential apartment buildings on the rear portion of the site subject (1020-1040 Coronation Drive) (Z-7399)

File:H-9055
Planner: Nancy Pasato

Appendix A

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

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

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for an area of land located at 1020 Coronation Drive.

WHEREAS Town & Country Developments Inc. has applied to remove the holding provision from the zoning of the lands located at 1020 Coronation Drive, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule “A” to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1020 Coronation Drive, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as a Residential R9 (R9-7*H45) Zone comes into effect.

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

PASSED in Open Council on June 25, 2019.

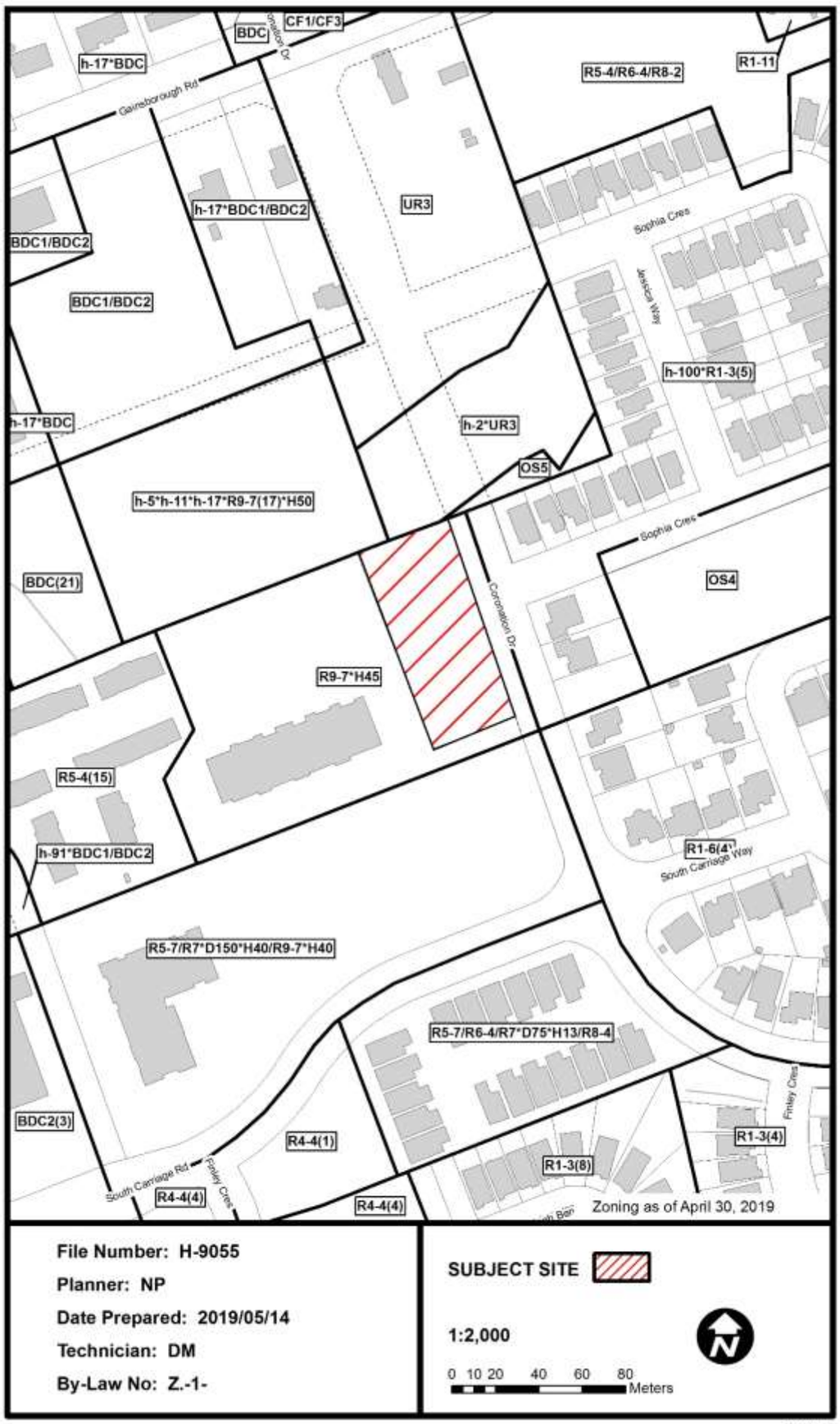
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading –June 25, 2019
Third Reading – June 25, 2019

File:H-9055
Planner: Nancy Pasato

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On May 1, 2019, Notice of Intent to Remove Holding Provision was sent to 3 property owners in the surrounding area (as per the previous application Z-7399). Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 9, 2019.

Two replies received.

Nature of Liaison: Possible change to Zoning By-law Z.-1 by deleting the Holding (h-89, h-90 and h-91) Provisions from the subject lands. The removal of the holding provisions is contingent on: a stormwater servicing report has been prepared and confirmation that stormwater management systems are implemented to the satisfaction of the City Engineer (h-89); the construction of Coronation Drive is undertaken to the satisfaction of the City Engineer (h-90); and the urban design concepts established through the zoning amendment review process are implemented, a site plan will be approved and a development agreement will be entered into which incorporates these concepts and addresses identified urban design issues (h-91).

Responses: See email responses below.

Concern for: should be townhomes, density, access/egress, lack of pedestrian connection, access for large vehicles, snow storage, inadequate parking

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
	Keith and Barbara Taylor 309-1030 Coronation Drive
	Dan Foster/Shelley O'Connor 509-1030 Coronation Drive

K. Taylor, via email
May 17, 2019

We would like to voice our concerns to the proposed development at 1020 Coronation Drive. The disclosure statement for Northcliff at Hyde Park by the Tricar Group page 14 - adjacent lands. This states that the lands immediately to the East of 1030 Coronation Drive was for future development of residential townhomes, if we had known that this was to be changed to a mid-rise rental apartment building we would never have bought a condo from Tricar at 1030 Coronation Drive. All the residents I have spoken to have the same opinion. Getting back to 1020, building 59 units seems to be too dense for the site, it is obvious that this was to maximise profits for both Tricar and Johnstone Homes without any consideration for the residents who purchased at 1030 under Tricar Group Disclosure Statement.

The access/egress points could not be more dangerous, (blind spot & too close to the intersection of our two private roads) these points should not be utilizing the shared 1020/1030 laneway they should be exiting onto Coronation Drive, the pedestrian path that was incorporated into the site plan running from Hyde Park to Coronation Drive would be incomplete due to the oversize building. Looking at the building plan how do moving and delivery vehicles gain access and service the building? Where do they put their snow when plowing the property?

D. Foster, via e-mail
May 15, 2019

This holding provision (h-91) relates to the Site Plan/Urban Design Concept.

File:H-9055
Planner: Nancy Pasato

We initially sent our objections to the height of the building and the density of the infill for such a small property (this was supposed to be a townhouse development not unlike 1040 Coronation); the location of the access point to the visitors parking (blind spot & too close to the intersection of our two private roads); and the as well as the lack of the continuity and thereby the loss of the aesthetic nature of the public walking path which was originally designed to bisect the entire 3 properties (1020/1030/1040) and eventually give access to Hyde Park Road.

We will take this opportunity to also point out that we feel there is inadequate provision for resident parking as there is only one parking space planned per unit.

File: Arva Servicing
Planner: G. Barrett

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming, MCIP, RPP**
Managing Director, Planning and City Planner
Subject: **Arva Sanitary Servicing Agreement Update**
Meeting on: **June 17, 2019**

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to amending the servicing agreement between the City of London and Municipality of Middlesex Centre to increase sanitary servicing capacity for the community of Arva:

(a) The attached report **BE RECEIVED** for information;

(b) **NO FURTHER ACTION BE TAKEN** to amend the current servicing agreement between the City of London and the Municipality of Middlesex Centre to increase sanitary servicing capacity for the Arva Sanitary Servicing Area; and,

(c) Staff **BE DIRECTED** to participate in and comment on the Arva servicing area municipal wastewater treatment facility Environmental Assessment to ensure that any concerns of the City of London are addressed through that process.

Executive Summary

- The City of London has been providing sanitary sewage treatment services to the Municipality of Middlesex Centre for the Arva Sewage Service Area since April 3, 2000.
- The current servicing agreement provides for the equivalent of 10 units per year, not to exceed an equivalency of 50 units during each 5 year period.
- In 2010, 2011, 2013 and 2015, the Municipality of Middlesex Centre made requests and submissions to the City requesting amendments to the servicing agreement.
- On September 25, 2017, staff presented a report to the Planning and Environment Committee identifying possible amendments to the current servicing agreement.
- A draft amended agreement was provided to Middlesex Centre staff in January, 2018.
- At the April 10, 2019 meeting of the Middlesex Centre Council, the Council directed that staff proceed with the Phase 3 and 4 Environmental Assessment for the Arva Servicing Area to construct a new municipal wastewater treatment facility, thereby making any amendment to the current servicing agreement between the City and Middlesex Centre unnecessary .

Analysis Background

The City of London provides servicing to several communities within the Municipality of Middlesex Centre. Water servicing is provided through the agreement with the City of London Water System to the communities of Arva, Ballymote and Delaware. Wastewater Servicing is also provided by the City of London by agreement to the Village of Arva via a pumping station owned and operated by Middlesex Centre that discharges to the City of London sanitary sewer collection system. In October 2013, a delegation from the Municipality of Middlesex Centre appeared before the Civic Works Committee requesting that the current Sanitary Service Agreement be amended to allow for future growth servicing of Arva.

File: Arva Servicing
Planner: G. Barrett

In March, 2015, Middlesex Centre again approached the City regarding amending the current agreement to accommodate additional growth in Arva, specifically, the provide servicing for a proposed 184 lot subdivision within the identified Settlement Area boundary of Arva.

In December 2016, City Staff were requested to provide comments on an Environmental Assessment (EA) being undertaken by Middlesex Centre for the community of Delaware. The Delaware Water Supply and Storage Municipal Class Environmental Assessment considers the provision of growth-related water servicing to the community of Delaware and includes a recommendation to amend the current agreement with the City of London to provide additional servicing capacity to the community of Delaware.

In response to this request, staff prepared a report for the September 25, 2017 meeting of the Planning and Environment Committee indicating that no City action was required regarding the Delaware Water Supply and Storage EA. The report did identify matters to be addressed if the City was to proceed with an amendment to the current sanitary servicing agreement for the Arva Servicing Area. These matters included:

- No change in the Agreement to the current cap on flows or number of units
- Middlesex Centre to pay all capital costs associated with the provision of sanitary services
- Agreement to be amended to explicitly permit the carry-over of unused capacity to future years.
- Agreement to be amended to require a payment equal to the City of London's current water and wastewater servicing component of the Development Charge.
- Agreement to be amended to require a payment equal to the City's current water and wastewater servicing component of the Development Charge.

In early 2018, a draft amended agreement incorporating the amendments noted above was provided the Middlesex Centre. There was no response from Staff through 2018, and in early 2019 City staff followed up and were advised that Middlesex Centre staff would be recommending that the Municipality proceed with completing the Environmental Assessment process for a new municipal wastewater treatment facility to provide for additional growth in the Arva Serving Area. A copy of the Middlesex Centre staff report is attached as Appendix "A".

It should be noted that the anticipated discharge from a municipal wastewater treatment facility for the Arva Servicing Area will be to the Medway Creek north of the City boundary. City staff will provide input to the Middlesex Centre EA process to ensure that potential impacts on the Medway Creek are addressed. In addition to matters related to the impacts of any discharge on the natural heritage system, water quality impacts from a treatment facility on the Medway Creek and downstream impacts to the Thames River will be need to be addressed through the EA process.

Conclusion

As Middlesex Centre has now decided to proceed with the completion of an Environmental Assessment for a new wastewater treatment facility to support future growth in the Arva Servicing Area, they are no longer pursuing an amendment to the current servicing agreement with the City, therefore, no further action is required.

Staff from Engineering and Environmental Services and City Planning will participate in the EA process to ensure that any City concerns are addressed, noting that staff will report to Council if any further direction is required.

Submitted by:	**Gregg Barrett, AICP** **Manager, Long Range Planning and Sustainability**
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	

June 7, 2019
Y:\Shared\policy\Arva Servicing\PEC 2019 Update.docx

Appendix "A"

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Staff Report

Report No.:	PWE 10-2019
Meeting Date:	April 10th, 2019
Submitted by:	Jake Straus, C.E.T. – Transportation Manager
Written by:	Jake DeRidder, C.Tech. – Development Review Coordinator
Subject:	Arva Sanitary Servicing – Environmental Assessment

Recommendation:

THAT Report PWE 10-2019 be received as information.

Purpose:

The purpose of this report is to provide Council with information regarding the potential need for an Arva Community Wastewater Treatment Municipal Class Environmental Assessment and the impacts of the assessment.

Background:

In early 2000, the City of London received a request from then the Township of Middlesex Centre to allow sanitary sewage flows from the hamlet of Arva to be directed into the City's sewer system with all related costs to be borne by the Township. The request followed an environmental assessment (EA) of Arva servicing issues and options which determined that faulty septic systems and illegal storm sewer connections were contributing to unacceptable pollutant loading in Medway Creek. The environmental assessment identified a connection to the London sewer system as the preferred alternative and this solution was supported by the Ministry of the Environment. The negotiated agreement was clear in expressing that the servicing was being provided for "new development in the Arva Sewage Service Area pending finalization of negotiations on the staging of development in the growth area and that there shall be no extension of its sanitary sewer system beyond the limits of the Arva Sewage Service Area without the approval by the City".

In April 2010, a Master Servicing Plan Class EA was completed for Middlesex Centre by Stantec Consulting. The study was conducted in accordance with the requirements of phases 1 and 2 of the Municipal Class Environmental Assessment. The study reviewed Municipal Services including water, sanitary, storm, transportation and solid waste for both existing and future developments in the Municipality. The Master Plan reviewed Arva's current wastewater treatment and identified that the cap on increased sanitary servicing in the current agreement with the City of London and the lack of an Arva WWTF both limit the total potential growth and rate of growth in Arva. Three options were identified in the Master Plan,

- **Do nothing** – this option does not solve the lack of sanitary capacity in Arva and would restrict future growth.
- **Amend City of London Agreement** – This option was identified as the preferred solution; it would require Middlesex Centre to negotiate with the City of London to amend the current agreement to increase allowable flows/development rate from Arva to the City thereby

providing sanitary capacity to allow for increased development within the current Arva settlement boundary.

- **Construct a new Municipal wastewater treatment facility (WWTF)** – This would involve the construction of a new WWTF, the facility would be sized (or designed to be expandable) to support existing and future development in Arva. The WWTF would be constructed to service future development first and existing development over time, existing residents would not be brought onto the new system until it's deemed in the rate payers' best interest.

In 2010, 2011, and in 2013, delegations from Middlesex Centre officials led by Mayor Al Edmondson attended committee meetings to request that City Council consider having the existing sanitary servicing agreement amended to increase the allowable amount of sanitary sewage flows directed from the Arva settlement area into the City's sanitary collection and treatment system.

In March 2015, Middlesex Centre administration staff again approached the City regarding amending the current agreement to accommodate additional growth in Arva, specifically, the provision of servicing for a proposed 184 lot subdivision within the identified Settlement Area boundary of Arva.

In October 2017, City planning staff presented City Council with a report following Middlesex Centre's request to amend the current servicing agreement. City Council directed staff to draft an amendment to the agreement; however this amendment would not include an increase to the permitted capacity, it would remove the annual cap of 10 units per year but still retain a maximum of 50 units in each five year period. At this time the agreement signed April 3, 2000 (subject to amending agreements signed in June, 2000 and August, 2001).is still in effect

Analysis:

A Class EA is a planning document which sets out the process that a proponent must follow in order to meet the requirements of the EA Act. There are 5 key elements of the Class EA planning process:

Phase 1 – Identification of the problem

Phase 2 – Identification of alternative solutions to address the problem

Phase 3 – Examination of alternative methods of implementing the preferred solution

Phase 4 – Preparation of an Environmental Study Report

Phase 5 – Completion of contract drawings and documents

The Master Servicing plan that was completed in April 2010, satisfied the requirements for a phase 1 and 2 EA, it can be assumed the portion for the phase 1 and 2 Arva WWTF EA would be equivalent to roughly $15,000-$25,000. The costs for a phase 1 and 2 EA can vary based on the project in question, however phases 1 and 2 are the initial steps of an EA and do not included extensive details therefore the costs are typically minimal compared to the costs of the entire EA process.

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Staff Report

In general, an Environmental Assessment is valid for a period of 10 years following its completion (completion and approval of the ESR). The current progress made on the Arva WWTF EA is not subject to this 10-year expiration because a WWTF requires a Schedule C EA, which includes all the phases mentioned above. The EA would only be subject to a 10 year expiration if Phases 1 to 4 had been completed. The cost to complete phases 1 and 2 today is estimated to be $30,000. It should be noted that this cost could be considered negligible as during the remaining EA phases, the consultant will need to reconsider and/or revaluate the problem and the alternate solutions to that problem. Typically it is best practice to complete the entire EA process from start to finish rather than separating out the phases.

The Arva WWTF Class EA was identified in the 2014 Development Charge Background Study at a cost of $150,000 and later updated in the 2017 Development Charge Background Update Study to a cost of $234,446. The costs for the remaining phases (Schedule C) of the EA will be recoverable through development charges over the next several years, however the upfront cost will need to be borne by the Municipality.

Timing of the completion of the remaining phases (Schedule C) of the WWTF EA should also be considered. The Municipality is currently in the beginning stages of its Official Plan review whereby one of the tasks is to review the current settlement area boundaries in all of our communities. Under the current servicing agreement with the City of London, Arva's growth is restricted due to the lack of sanitary capacity therefore Arva's settlement area boundary is likely to be unchanged during the Official Plan review. Completion of the remaining phases of the WWTF Schedule C EA would assist in giving planning staff direction on whether or not the construction of a WWTF in Arva is possible and if so, would help potentially support the justification for expanding Arva's current settlement area boundary, however completion of the EA in no way guarantees the expansion of the settlement area boundary. If the Municipality undertakes a full Schedule C EA for a WWTF and the development boundary is changed as a result, there may be increased pressure to proceed with the construction of the WWTF.

The Municipal Class Environmental Assessment process would typically be led by an Engineering consultant on behalf of the Municipality. The Municipality will issue a request for proposal which will include the terms of reference outlining the requirements of the selected consultant. The terms of reference have been drafted by a previous staff member for the undertaking of a Schedule C environmental assessment.

Conclusion

The Municipality of Middlesex Centre has sought additional sanitary servicing capacity from the City of London in order to support growth in Arva with little success and have exhausted the preferred solution identified in the phase 2 of the Arva WWTF EA. In order to support growth in Arva, the remaining option would be to proceed with a Schedule C Municipal Class Environmental Assessment for a new waste water treatment facility.

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Staff Report

Staff propose the following options for Council to consider

Option	Pros	Cons
Add the Arva WWTF EA back into the 2019 budget and proceed with undertaking the EA this year	- Support timing of the Official Plan review - Support eager developers in Arva	- Debt incurred in 2019 and 2020 - No full time Engineer
Postpone the undertaking of the EA to next year (2020)	- Potential Full time Engineer - No debt incurred for 2019	- May cause potential impacts to the Official Plan review
Do nothing and leave the current agreement with the City of London in place	- No debt for EA and construction of a WWTF	- Limited growth in Arva - Lost tax revenue from the new homes -

Departmental administrative staff request direction from Council as to whether or not to proceed with the undertaking of an Arva Community Wastewater Treatment Municipal Class Environmental Assessment.

Financial Implications:

All costs associated with the installation of a new Arva Community Wastewater Treatment Facility would be detailed in a future staff report following the conclusions of the Municipal Class Environmental Assessment.

Strategic Plan:

Middlesex Centre's 2012-2017 Strategic Plan identifies three relevant strategic themes such as Increase Customer Satisfaction, Manage Costs, and Environmental Sustainability.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, Planning and City Planner
Subject: **1156 Dundas Street – Property Tax Assistance By-Law – Extension Request**
Meeting on: **June 17, 2019**

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application made under the Community Improvement Plan for Brownfield Incentives by McCormick Villages Inc. ("McCormick Villages") relating to the property located at 1156 Dundas Street:

(a) the proposed attached by-law (Appendix "A") being "A by-law to amend By-law No. C.P.-1520-548 being "A by-law to cancel a portion of the Municipal and Education taxes at 1156 Dundas Street" by changing the time period by which the Owner is required to file a record of site condition in the Environmental Site Registry" **BE INTRODUCED** at the Municipal Council meeting to be held on June 25, 2019"; and,

(b) subject to the enactment of the by-law noted in a) above, the Civic Administration **BE DIRECTED** to forward the above-noted by-law and related Municipal Council resolution with an appropriate covering letter to the Minister of Finance for consideration.

Executive Summary

McCormick Villages is approximately 95% finished the environmental remediation work program at 1156 Dundas Street; however, McCormick Villages do not believe that they will be able to complete the remediation efforts and file the necessary record of site condition before the end of the rehabilitation period as required by the approved property tax cancellation by-law.

On behalf of McCormick Villages, the City will apply to the Minister of Finance for an extension to file the record of site condition for the property at 1156 Dundas Street. If the extension is granted, it will allow McCormick Villages to remain eligible for the cancellation of 25% of education property taxes. An amended by-law is needed to allow the filing of the Record of Site Condition within either of the Rehabilitation Period or Development Period and not just the Rehabilitation Period as prescribed in the by-law.

Discussion

1.0 Background

At its meeting held on May 2, 2017, Municipal Council resolved:

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the application made under the Community Improvement Plan for Brownfield Incentives and the business case submission received from McCormick Villages Inc. ("McCormick"), relating to the property located at 1156 Dundas Street:

a) a total expenditure of up to a maximum of $2,500,000 in municipal brownfield financial incentives BE APPROVED and allocated under the

following three programs in the Community Improvement Plan (CIP) for Brownfield Incentives:

i. provide a rebate equivalent to 50% of the Development Charges that are required to be paid by McCormick Villages Inc. on the project;
ii. provide tax increment equivalent grants on the municipal component of property taxes for up to three years post development; and,
iii. provide for cancellation of 25% of municipal property taxes for up to three years during the rehabilitation period and development period, as defined in the CIP;

b) the Civic Administration BE DIRECTED to introduce a by-law at a future Municipal Council meeting after the draft Property Tax Assistance by-law has been reviewed by the Ministry of Finance, which will provide for the cancellation of 25% of matching Education taxes by the Province during the rehabilitation and development period; it being noted that this separate request is subject to evaluation and approval by the Minister of Finance;

c) the Civic Administration BE DIRECTED to process the brownfield incentive application to provide for eligibility for tax increment equivalent grants for up to three years for the development project under the Brownfields CIP and up to the full 10 year term of the Tax Increment Grant Program of the Heritage CIP for the project;

d) the applicant BE REQUIRED to enter into an agreement with The Corporation of the City of London outlining the relevant terms and conditions for the incentives that have been approved by the Municipal Council under the Brownfield CIP;

it being noted that the Agreement between the Corporation of the City of London and McCormick Villages Inc. will be transferable and binding on any subsequent property owner(s).

Further, at its meeting held on November 28, 2017, Municipal Council resolved:

That, on the recommendation of the Managing Director, Planning and City Planner, with respect to the application made under the Community Improvement Plan for Brownfield Incentives by McCormick Villages Inc. (“McCormick”), relating to the property located at 1156 Dundas Street, the proposed by-law appended to the staff report dated November 20, 2017 BE INTRODUCED at the Municipal Council meeting to be held on November 28, 2017 to cancel a portion of the Municipal and Education property taxes.

Approval from the Minister of Finance to cancel the matching education property taxes was received by a letter dated May 8, 2018.

2.0 Extension Request

The Property Tax Assistance Program provides tax relief through the cancellation of 25% of current municipal and education property taxes for up to three years during the site Rehabilitation Period and Development Period as defined under the Community Improvement Plan (CIP) for Brownfield Incentives.

The matching education component which is under the jurisdiction of the Ministry of Finance was applied for separately by the City on behalf of McCormick Villages.

The potential value of incentive that may be provided under the Property Tax Assistance Program is limited to 25% of current property taxes.

On May 8, 2018, the City received approval from the Minister of Finance for the application to provide relief in the amount of 25% of the education property tax for 1156 Dundas Street. The total amount of education property tax relief over the Rehabilitation Period and Development Period is estimated at $9,854.

McCormick Villages and its environmental consultant, Englobe Corp. (“Englobe”) have been working diligently to remediate the site to allow for the conservation and adaptive re-use of the heritage designated McCormick's Biscuit Company factory. As of writing this report, Englobe estimates 95% of the environmental remediation work program is completed (see Appendix B); however, McCormick Villages and Englobe do not believe that they will be able to complete the remediation efforts and file the necessary record of site condition before the end of the Rehabilitation Period as required by the approved property tax cancellation by-law.

As a result, with Municipal Council’s enactment of the attached by-law, the City will formally request on behalf of McCormick Villages, to the Minister of Finance that an extension be granted to allow Englobe to file the record of site condition within either of the Rehabilitation Period or Development Period.

This request will be made by a formal letter to the Ministry of Finance which will include the amended by-law, Municipal Council resolution, and Englobe letter.

If the request is denied by the Minister of Finance, McCormick Villages would remain eligible for the municipal property tax cancellation estimated at approximately $18,000 over three years.

3.0 By-law Amendment

The only change to the by-law is to replace the existing section 9 with the following:

The Owner shall, within either of the Rehabilitation Period or Development Period, ~~18 months of the anniversary of the commencement of Tax Assistance,~~ or such later date agreed to in writing by The Corporation of the City of London and the Minister of Finance, file a record of site condition with respect to the Eligible Property in the Environmental Site Registry under section 168.4 of the Environmental Protection Act. The Owner shall, within 30 days, notify The Corporation of the City of London of the filing. Within 30 days after receiving the notice from the Owner, The Corporation of the City of London shall advise the Minister of Finance of the filing.

Prepared by:	**Graham Bailey, MCIP, RPP** **Planner II, Urban Regeneration**
Submitted by:	**Britt O'Hagan, MCIP, RPP** **Manager, Urban Regeneration**
Recommended by:	**John M. Fleming, MCIP, RPP** **Managing Director, Planning and City Planner**
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning	

June 7, 2019
GB/gb

Y:\Shared\policy\Brownfields\Applications\1156 Dundas Street (McCormick)\Property Tax Assistance\Request for Extension 2019\1156 Dundas Street - Property Tax Assistance Extenion Request - June 17 2019 PEC Report.docx

Appendix A

Bill No. *(number to be inserted by Clerks Office)*
2019

By-law No. C.P.-

A by-law to amend By-law No. C.P.-1520-548 being “A by-law to cancel a portion of the Municipal and Education taxes at 1156 Dundas Street” by changing the time period by which the Owner is required to file a record of site condition in the Environmental Site Registry.

WHEREAS By-law No. C.P.-1450-56, designated the lands within the City of London Urban Growth Boundary as a Community Improvement Project Area pursuant to Section 28(2) of the *Planning Act*, was passed by Municipal Council on February 6, 2006;

AND WHEREAS By-law No. C.P.-1451-70, being “A by-law to adopt the City of London Community Improvement Plan for Brownfield Incentives”, was passed by Municipal Council on February 20, 2006;

AND WHEREAS Section 365.1 of the *Municipal Act, 2001* enables municipalities to provide municipal property tax assistance in connection with a community improvement plan, and Minister of Finance approval is required before matching education property tax assistance will be provided;

AND WHEREAS McCormick Villages Inc., the registered owner of the property known as 1156 Dundas Street applied to The Corporation of the City of London for brownfield incentives including the cancellation of property taxes for this property, in accordance with the Community Improvement Plan and section 365.1 of the *Municipal Act, 2001*;

AND WHEREAS the property is located within the Community Improvement Project Area and is eligible for Tax Assistance pursuant to section 365.1 of the *Municipal Act*;

AND WHEREAS the subject property meets the definition of an “eligible property” as set out in subsection 365.1(1) of the *Municipal Act, 2001*;

AND WHEREAS the Municipal Council of The Corporation of the City of London enacted By-law C.P.-1520-548 being “A by-law to cancel a portion of the Municipal and Education taxes at 1156 Dundas Street” on November 28, 2017;

AND WHEREAS the Municipal Council deems it appropriate to amend section 9 of By-law C.P.-1520-548 to change the time period by which the Owner is required to file a record of site condition in the Environmental Site Registry;

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

1. By-law C.P.-1520-548 be amended by deleting section 9 in its entirety and by replacing it with the following new section 9:

“9. The Owner shall, within either of the Rehabilitation Period or Development Period, or such later date agreed to in writing by The Corporation of the City of London and the Minister of Finance, file a record of site condition with respect to the Eligible Property in the Environmental Site Registry under section 168.4 of the Environmental Protection Act. The Owner shall, within 30 days, notify The Corporation of the City of London of the filing. Within 30 days after receiving the notice from the Owner, The Corporation of the City of London shall advise the Minister of Finance of the filing.”

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

PASSED in Open Council on June 25, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First reading – June 25, 2019
Second reading – June 25, 2019
Third reading – June 25, 2019

Appendix B

Englobe
englobecorp.com

Email Correspondence

May 14, 2019

Corporation of the City of London
300 Dufferin Avenue
London, ON N6B 1Z2

Attn: Mr. Graham Bailey
Planner

Subject: Status Update
Environmental Site Remediation Work
Former McCormick's Facility, 1156 Dundas Street, London, Ontario

Dear Sirs:

At the request of our Client, McCormick Villages Inc., we have prepared this letter to serve as an update regarding the status of the Environmental Site Remediation Work completed to-date at the Former McCormick's Facility, 1156 Dundas Street, London, Ontario (subject property).

Based on the findings of previous Environmental Site Assessment work, the scope of the Environmental Site Remediation Work required at the subject property consisted of the following:

- the removal and off-site disposal of one (1) out-of-service underground fuel oil storage tank and associated liquid waste contents;
- the remediation of petroleum-impaired soils at four (4) locations on-site;
- the remediation of soils/fill materials impaired with Metals and PAH Compounds at three (3) locations on-site;
- the management of groundwater at one (1) location on-site impaired with Selenium and Vanadium; and,
- the assessment of soils and groundwater in the area of the four (4) in-ground hydraulic elevator systems, and the decommissioning/removal of the elevator systems and remediation of any associated environmental impacts.

The first four (4) above-noted components of the environmental site remediation work program are now complete. The out-of-service underground fuel oil storage tank, and its liquid waste contents and associated impacted soils and groundwater, the petroleum-impaired soils, and the soils/fill materials impaired with Metals and PAHs have all been remediated. During the final component of the program, the assessment of soils and groundwater in the area of the four (4) in-ground hydraulic elevator systems, an elevated concentration of petroleum hydrocarbons was detected in groundwater sampled near one (1) of the four (4) locations. Accordingly, Englobe is currently re-assessing the groundwater to confirm this previous finding, and if required, will develop an action plan to manage the petroleum-impacted groundwater. At this time, Englobe anticipates that the management (i.e. either the remediation or the management through risk assessment) of this groundwater issue at one (1) single location should be of minor consequence to attaining of the Record of Site Condition for the site.

To-date, Englobe estimates that greater than 95% of the environmental remediation work program is complete.

I trust this letter meets your current needs. Should there be any questions or the need for clarification, please do not hesitate to contact the undersigned.

Englobe Corp.
T 519 680 3868 • F 519 680 3870 • [redacted]
417 Exeter Road • London (ON) • Canada N6E 2Z3

Yours truly,
Englobe Corp.

Kevin Barendregt, C.E.T., EP
Team Leader, Environmental Services

Delegation Request
C. Saunders

Report to Planning and Environment Committee

To: **Chair and Members**
Planning and Environment Committee
From: **Cathy Saunders, City Clerk**
Subject: **Request for Council Resolution, under section 45(1.4) of the *Planning Act, 1990* – 3080 Bostwick Road: Site 5**
Meeting on: **June 17, 2019**

Recommendation

That, on the recommendation of the City Clerk, the report dated June 17, 2019 and entitled "Request for Council Resolution, under section 45(1.4) of the *Planning Act, 1990* - 3080 Bostwick Road: Site 5" **BE RECEIVED** for information.

Background

This report is submitted in response to a request from MHBC Planning Urban Design and Landscape Architecture on behalf of their client 731675 Ontario Limited (c/o York Developments), to obtain approval from the Municipal Council to submit a Minor Variance application with respect to the property known as Site 5, 3080 Bostwick Road in the City of London.

Section 45(1.3) of the *Planning Act, 1990* states:

> "Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect to the land, building or structure before the second anniversary of the day on which the by-law was amended."

Section 45(1.4) of the *Planning Act, 1990* states:

> "Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made with respect of a specific application, a class of application or in respect of such applications generally."

The Planning and Environment Committee at its meeting held on May 27, 2019 approved the following recommendation to Municipal Council:

> "That S. Allen, MHBC, BE GRANTED delegation status at the June 17, 2019 Planning and Environment Committee meeting relating the application by 731675 Ontario Limited (c/o York Developments), with respect to the property located at 3080 Bostwick Road. (2019-D09)"

In accordance with the above-noted sections of the *Planning Act, 1990*, 731675 Ontario Limited is requesting authorization from Municipal Council to submit a Minor Variance application with respect to the property known as 3080 Bostwick Road: Site 5.

To assist Municipal Council in consideration of the request, the balance of this Report provides background information with respect to the previous *Planning Act* applications and zoning by-law information pertaining to the subject property.

Delegation Request
C. Saunders

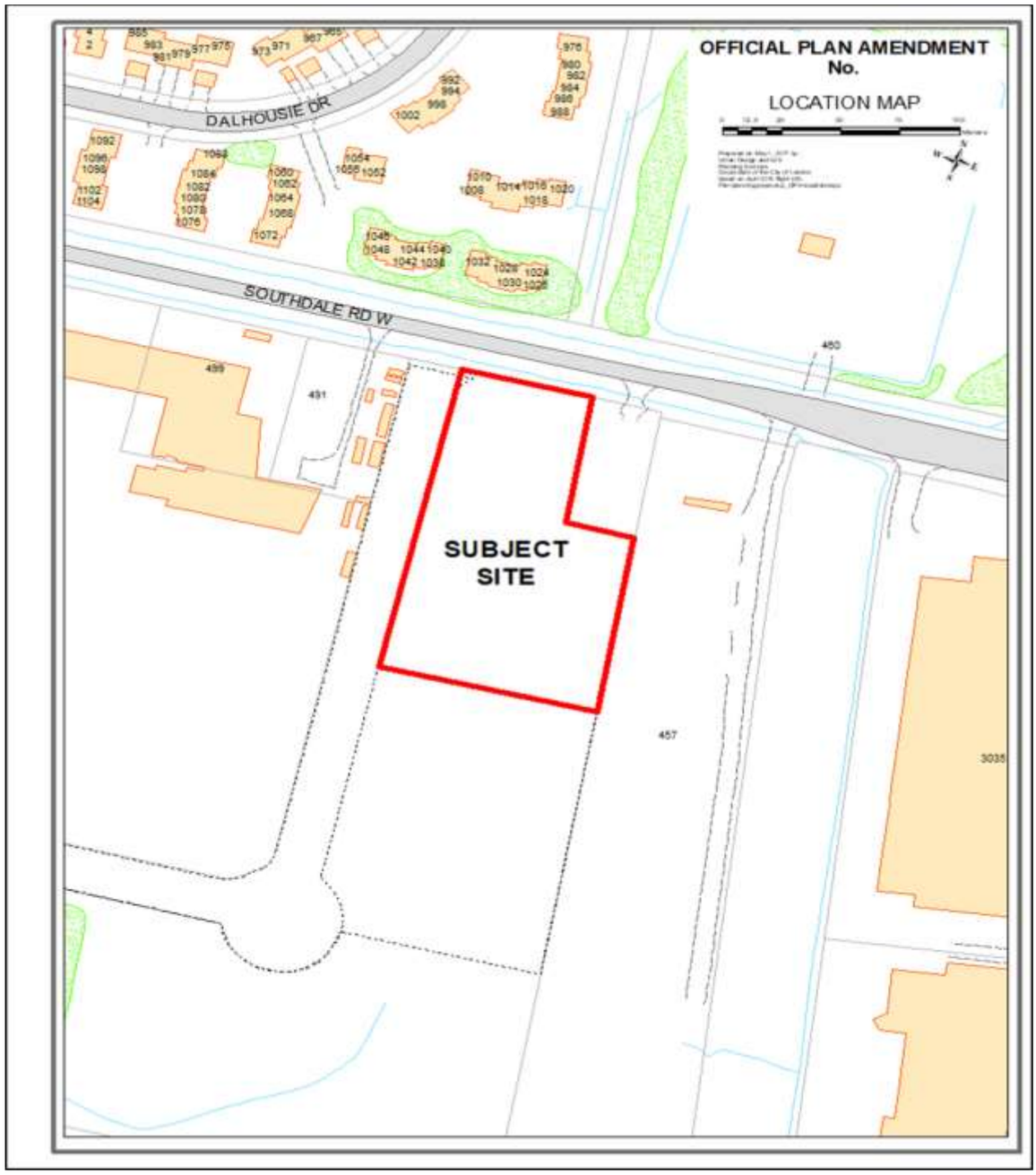
Property History

The request for delegation to speak to the subject matter is attached as Appendix “A” to this report. The request is to seek a resolution from Municipal Council to approve the submission of a Minor Variance Application to seek permission for relief to the Zoning By-law to assist with a proposed three (3) storey (13.5m (44 ft)) mixed office and commercial building and one seventeen (17) storey (68m (223ft)) tower at 3080 Bostwick Road (Site 5). The *Planning Act* does not permit the consideration of Minor Variance for two years following the date of the enactment of a Zoning By-law amendment with respect to the property, unless otherwise permitted by Municipal Council.

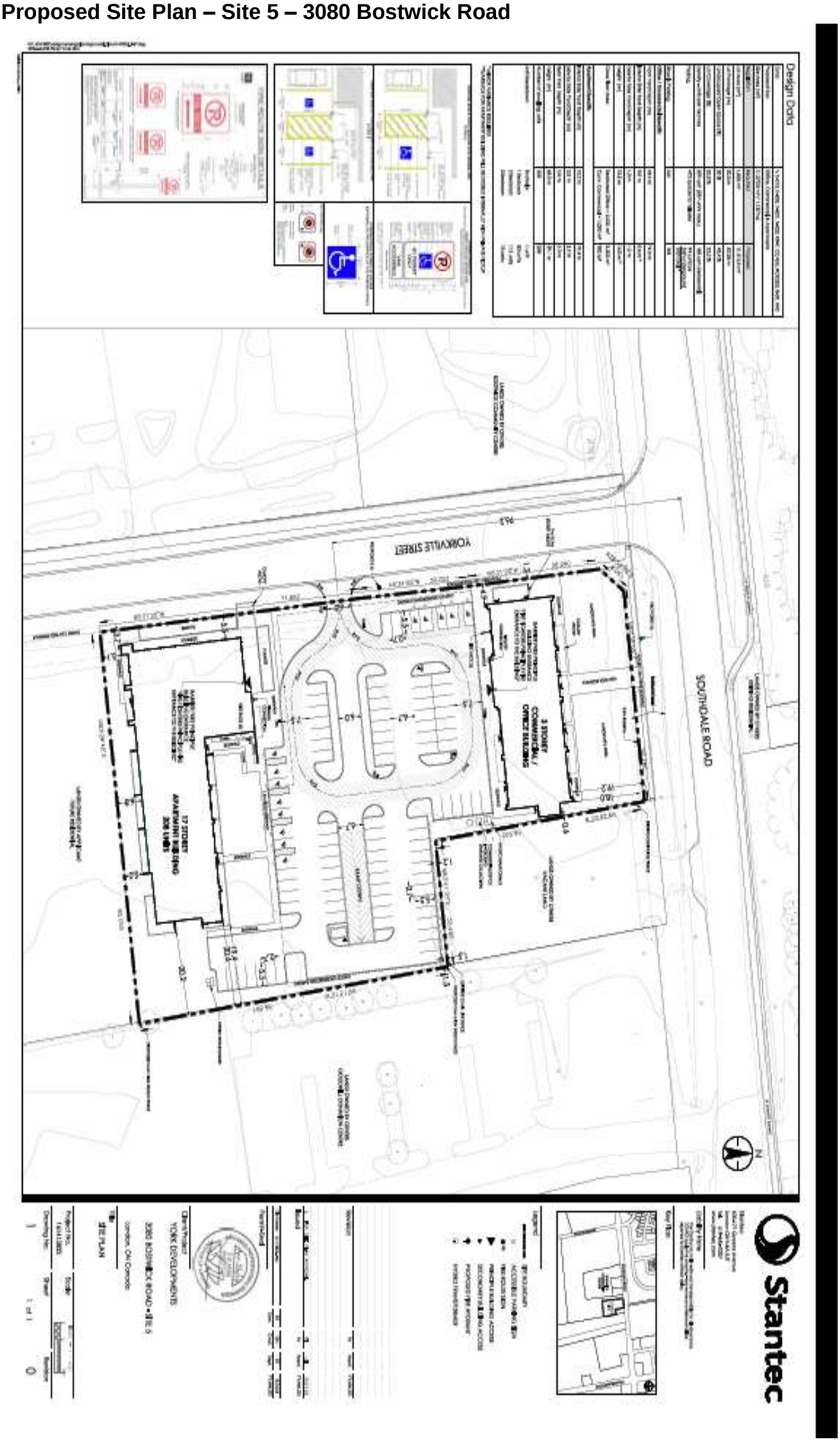
If Municipal Council resolves that the applicant is permitted to submit an application to the Committee of Adjustment for a Minor Variance, the merits of the proposed application would be evaluated for consideration by the Committee of Adjustment.

Delegation Request
C. Saunders

Location Map



Proposed Site Plan – Site 5 – 3080 Bostwick Road



Previous Reports Pertinent To This Matter

OZ – 8943 – 3080 Bostwick Road (Site 5) — Report to Planning and Environment Committee (November 12, 2018). The requested amendment was to permit site-specific Official Plan and Zoning By-law Amendments to allow for a stand-alone mixed office and commercial building with 3,000m² of commercial and office space, with a separate 17 storey apartment building, and a total density of 201 units per hectare. The Civic Administration submitted a planning report recommending refusal of the requested application. Notwithstanding the Civic Administration's recommendation, the Planning and Environment Committee, and ultimately Municipal Council, granted approval of OPA 689 to permit a site-specific Official Plan Amendment to allow for a stand-alone mixed office and commercial building with 3,000m² of commercial and office space, with a separate 17 storey apartment building, and a total density of 209 units per hectare. Municipal Council also approved an amendment to the Zoning By-law to change the zoning of the subject property FROM an Urban Reserve (UR4) Zone TO a holding Residential R9/Convenience Commercial Special Provision/Restricted Office Special Provision Bonus (h*h-213*h-(220)*h-(221)*h-(222)*R9-7/CC4(5)/RO2(32)*B-57*H40) Zone.

The development was approved through the use of a Bonus Zone (B-57) which shall be implemented through one or more agreements to provide for a three storey (13.5m (44 ft)) mixed office and commercial building and one 17 storey (68m (223ft)) tower, with an increased density up to 209 units per hectare in return for the provision of the following facilities, services, and matters, to the specification and satisfaction of the City:

1) A high quality development which is generally in accordance with the site plan and elevations as appended as Schedule "1" and Schedule "2" to the amending by-law, except where described in more detail below or in the Urban Design Guidelines for the High Density Residential designated lands within the Bostwick Neighbourhood;

   Base
   i) A ground floor design that includes large proportions of clear glazing;
   ii) A ground floor to ceiling height that is greater than the height of all other individual storeys to activate the street and create a vibrant pedestrian realm; and,
   iii) Two levels of underground parking;

   Middle
   iv) Slim tower architectural style to minimize the overall mass, visual impact and sunlight disruption of the tower;
   v) Tower that utilizes a high proportion of vision glass as the primary form of cladding for the tower, to mitigate the overall visual building mass and provide a light and refined appearance;
   vi) A stepback of the tower portion of the building above the fourth storey along the Street B frontage; and,
   vii) Utilize changes in colour and material to visually break up the massing of the tower;

   Top
   viii) Utilize building step-backs and variation in massing to define the building cap and completely conceal the mechanical and elevator penthouse within the overall architectural design of the top of the building to contribute to a dynamic skyline;

2) Contribution of $25,000 towards creating a skate park on the Community Centre lands;

3) Provision of 20% accessible apartment units;

4) Large caliper boulevard tree planting with a minimum 100mm caliper and a minimum distance of 10m between tree planting for the extent of the site frontage for Southdale Road West, and both sides of Street B;

5) Provision of one accessible electric vehicle charging station located on the Community Centre lands or in a publicly accessible location on Site 5;

6) Provision of two publicly accessible vehicle share facilities/spaces;

7) Provision of ten publicly accessible bicycle share facilities;

8) The following provisions shall be delivered as part of the first development phased of either Site 1 or Site 5 at the time of the development agreement:

    i) Dedication of 0.64ha of park land identified as Block 4 in the draft plan of subdivision 39T-18502 to the City of London, above and beyond (in excess of) the full standard dedication requirements of by-law CP-9 for parkland or cash-in-lieu for both Sites 1 and 5;
    ii) Provision of a pavilion and lighting within the dedicated park land, or the commensurate financial equivalent for the features as a identified in by-law C.P.-1496-244, to the City's discretion; and,
    iii) Provision of a pedestrian bridge from the park land across the Thornicroft Drain to the Bostwick Community Centre, or the commensurate financial equivalent for the feature as a identified in by-law C.P.-1496-244, to the City's discretion;

Municipal Council's resolution of November 20, 2018, also included the following:

The Site Plan Approval Authority BE REQUESTED to consider the following through the site plan process:

    i) Site enhancements such as theme lighting, public seating, masonry walls, bicycle lanes, and wrapped LED lighting for non-boulevard trees
    ii) Dedicated bicycle parking along Southdale Road West

The following special regulations apply within the Bonus Zone:

    a) Regulations:

i)	Density (Maximum)	209 units per hectare
ii)	Height (Maximum)	68 metres (223 ft)
iii)	Exterior Side Yard Setback (Minimum)	3.5m (11 ft)
iv)	Rear Yard Setback (Minimum)	5m (16 ft)
v)	Interior Side Yard Setback (Minimum)	15m (42 ft)

vi)	Number of dwelling units (Maximum)	208
vii)	Parking Total for All Uses	472 spaces

Section Number 18.4 of the Restricted Office (RO) Zone is amended by adding the following Special Provision:

RO2(32) 3080 Bostwick Road (Site 5)

a) Regulations

i)	Front Yard Depth (Minimum)	18m (59 ft)
ii)	Exterior Side Yard Depth (Minimum)	1.2m (4 ft)
iii)	Interior Side Yard Depth (Minimum)	3m (9 ft)
iv)	Height (Maximum)	13.5m (44ft)

Section Number 29.4 of the Convenience Commercial (CC) Zone is amended by adding the following Special Provision:

CC4(5) 3080 Bostwick Road (Site 5)

a) Additional Permitted Uses:
   i) Uses permitted under the CC6 Zone Variation

b) Regulations
   i) Convenience Commercial uses restricted to location within a Restricted Office (RO2) zoned building

Municipal Council approved all the above noted amendments at its meeting on November 20, 2018.

Planning History

The site is within the Southwest Area Secondary Plan (SWAP), which came into full force and effect in April of 2014. Through the review of the SWAP, the Multi-Family, High Density Residential designation was approved by Municipal Council in October of 2012. In 2014, a portion of the lands at 3080 Bostwick Road were severed and re-zoned (Z-8386) to facilitate development of the Bostwick Community Centre which is located to the west of this site.

On April 30, 2019, York Developments submitted an application for Site Plan Control approval (SPA19-036) for the development of what is referred to as Site 5 of 3080 Bostwick Road (see 1.2 Proposed Site Plan). The Civic Administration reviewed the application and provided conditional approval for the development on May 30, 2019. Final approval is subject to the applicant satisfying their conditions outlined by the Civic Administration in their conditional approval letter. The Civic Administration is anticipating a follow-up (second) submission from the applicant to address outstanding comments.

Delegation Request
C. Saunders

On May 17, 2019, Scott Allen of MHBC Planning, Urban Design & Landscape Architecture, submitted a letter (Appendix A) to the Chair and Members of Planning and Environment Committee, requesting delegation status at an upcoming meeting of the Committee. The request is being made to seek a resolution of the Municipal Council to allow the applicant to proceed with a Minor Variance application for the proposed development. The *Planning Act* prohibits an owner from making a minor variance application within two years of their zoning approval date, unless a resolution is passed by Municipal Council to allow same.

At the May 27, 2019, Planning and Environment Committee, It was resolved that staff prepare a report with respect to the request made by Scott Allen of MHBC Planning, Urban Design & Landscape Architecture.

Pertinent Matters from the Municipal Council Direction granting Approval – OZ-8943

In support of the Official Plan and Zoning By-law Amendments, Municipal Council adopted a Bonus Zone that sought to increase the height to 68m (17 storeys) and permit density at 209 uph. The proposed bonusable facilities, services or matters (as noted above) include:

1) A high quality development which is generally in accordance with a submitted site plan and elevations and future Urban Design Guidelines for the High Density Residential designated lands within the Bostwick Neighbourhood;
2) Financial Contributions towards creating a skate park on the Community Centre lands;
3) Provision for accessible apartment units;
4) Inclusion of Large caliper boulevard tree plantings along Southdale Road West, and both sides of Street B;
5) Provision for accessible electric vehicle charging station located on the Community Centre lands or in a publicly accessible location on Site 5;
6) Provision for publicly accessible vehicle share facilities/spaces;
7) Provision for publicly accessible bicycle share facilities; and,
8) Additional provisions that relate to:
    i) Dedication of park land above and beyond (in excess of) the full standard dedication requirements and cash-in-lieu;
    ii) a pavilion and lighting within the dedicated park land, or the commensurate financial equivalent for this features; and,
    iii) a pedestrian bridge from the park land across the Thornicroft Drain to the Bostwick Community Centre, or the commensurate financial equivalent for the feature.

Delegation Request

The May 27, 2019 request from Scott Allen sought a request to proceed with a Minor Variance application to the Committee of Adjustment. As indicated, the *Planning Act* does not permit an application for Minor Variance within two-years of the passing of a Zoning By-law amendment, unless a Municipal Council resolution is passed allowing them to do so. The applicant is seeking relief from the following zoning regulations applied to Site 5:

1) Permit a 0.6 m minimum interior side yard setback for the office/commercial building (current permission: 3.0 m);
2) Permit a maximum 14.0 m building height for the commercial/office building to accommodate a parapet wall (current permission: 13.5 m);
3. Permit a reduction in the parking space requirement from 472 stalls to a maximum of 363 stalls; and,
4. Permit a maximum residential density of 210 units/ha (current permission allows 209 units /ha.)

Scott Allen of MHBC Planning, Urban Design & Landscape Architecture has stated that the changes are being requested because they were not foreseen at the time of the Zoning By-law amendment, and that they do not significantly affect the development.

3.0 Policy Context

3.1 *Planning Act*

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

Powers of Committee

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

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

Two-year period, no application for minor variance

45 (1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).

Exception

45 (1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).

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

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

4.0 Conclusion

Should Municipal Council resolve to allow the applicant to submit a Minor Variance application to provide relief to the building setback (interior Yard) for the office/commercial building, height (maximum) for the office/commercial building, density increase for the residential building and overall parking requirements for the entire site, staff will present recommendations to the Committee of Adjustment with regard to the planning merits of the application.

SUBMITTED BY:	**CATHY SAUNDERS** **CITY CLERK**

CC: Paul Yeoman Director, Development Services
Michael Tomazincic, Manager, Current Planning
Aisling Laverty, Minor Variance Coordinator
Vanessa Santos, Site Development Planner, Development Services
Michael Pease, Manager, Development Planning
Sonia Wise, Senior Planner

June 11, 2019
GK/PY/LP/CS

APPENDIX A

MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

May 17, 2019

Chair Anna Hopkins: Members of City of London Planning and Environment Committee
City of London
300 Dufferin Avenue,
London ON, N6A 4L9

Dear Chair Hopkins and Committee Members:

RE: Request for Delegation Status
731675 Ontario Limited (c/o York Developments)
3080 Bostwick Road: Site 5
OUR FILE: 1094'B'

Council adopted the site-specific Zoning By-law Amendment (Z.-1-182713) on November 20, 2018 pertaining to lands referred to as 'Site 5' of 3080 Bostwick Road. Generally, this amendment permits a three storey commercial/office building and a 17-storey apartment building on the subject lands. A site-specific Bonus Zone (B-57) was approved to implement the proposed development plan.

Through the detailed design process, it was determined that minor changes to the existing zoning permissions are required to fully implement the proposed development set out in the approved Bonus Zone. In light of the two-year moratorium on minor variances to amend site specific Zoning by-Law amendments, York Developments respectfully requests delegation status at the May 27, 2019 meeting of the Planning and Environment Committee. The intent of this delegation is to request that the Committee recommend Civic Administration accept a Minor Variance application to permit this revised proposal.

Please be advised that the Minor Variance application will be seeking relief from the following zoning regulations applied to Site 5:

1. Permit a 0.6 m minimum interior side yard setback for the office/commercial building (current permission: 3.0 m);

2. Permit a maximum 14.0 m building height for the commercial/office building to accommodate a parapet wall (current permission: 13.5 m);

3. Permit a reduction in the parking space requirement from 472 stalls to a maximum of 363 stalls; and

4. Permit a maximum residential density of 210 units/ha (current permission: 209 units/ha).

We thank you for your consideration of this request. Please contact the undersigned if you have any questions pertaining to this matter.

Yours truly,

MHBC



Scott Allen, MA, RPP
Partner

cc. H. Lysynski; L. Pompilii, City of London
A. Soufan, York Developments

CITY OF LONDON PLANNING AND ENVIRONMENT COMMITTEE **I MHBC PRESENTATION**

MINOR VARIANCE REQUEST (DELEGATION): 3080 BOSTWICK ROAD (SITE 3)

June 17, 2019



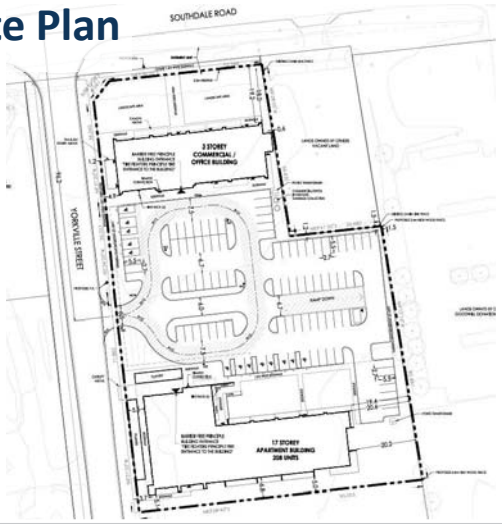
Project Site



Southdale Road West Frontage



Proposed Site Plan





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: 2219008 Ontario Ltd (York Developments)**
Address: Zoning By-law Amendment at
3493 Colonel Talbot Road
Public Participation Meeting on: June 17, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2219008 Ontario Ltd relating to the property located at 3493 Colonel Talbot Road:

(a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2019 to amend the Official Plan to change Section 20.5 in the Southwest Area Secondary Plan by **ADDING** a policy to section 20.5.10.1.iii – "North Lambeth, Central Longwoods and South Longwoods Residential Neighbourhoods – Low and Medium Density Residential Built Form and Intensity";

(b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2019 to amend The London Plan to change section 1565_5 by **ADDING** a policy to section 20.5.10.1.iii – "North Lambeth, Central Longwoods and South Longwoods Residential Neighbourhoods – Low and Medium Density Residential Built Form and Intensity";

(c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on June 25, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in part (a) above, to change the zoning of the subject property **FROM** a Residential R1 Special Provision (R1-8(5)) Zone and a holding Residential R1 Special Provision (h*h-100*R1-8(5)), **TO** a Residential R1 Special Provision/Residential R1 Special Provision (R1-8(5)/R1-8(_)) Zone and **TO** a holding Residential R1 Special Provision/Residential R1 Special Provision (h*h-100*R1-8(5)/R1-8(_)) Zone.

Executive Summary

Summary of Request

The requested amendment will allow for an alternative development form of a single detached dwelling as 'courtyard dwellings' for a portion of the Silverleaf Subdivision. The proposed courtyard dwellings have an 'L' shape with the garage located perpendicular to the main dwelling and principle entrance, and a maximum garage projection of 8m (26.2ft) beyond the principle entrance or front porch.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is for a specific policy to allow garages to project in front of the dwelling façade for courtyard dwellings.

Rationale of Recommended Action

1. The proposed amendment is consistent with the Provincial Policy Statement, which promotes appropriate residential land use within settlement areas;

2. The proposed amendment conforms to the North Lambeth Neighbourhood and low and medium density designations of the Southwest Area Secondary Plan, and will implement an appropriate form of residential development for the site;

3. The proposed amendment conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan;

4. The proposed amendment conforms to the policies of the Low Density Residential, and Multi-Family, Medium Density Residential designation of the Official Plan (1989); and,

5. The proposed zoning by-law amendment will provide adequate regulations to mitigate the projection of garages beyond the main dwelling façade for courtyard dwellings and will provide flexibility for housing form and layout.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site forms a portion of lands within the Silverleaf Subdivision which are characterized by generally large single detached dwelling lots. Part of the plan has been registered as plan 33M-742 which is currently under construction (western half), and part of the plan has been draft approved but not yet registered (eastern half). The subdivision provides for larger lot sizes which will address the demands of a certain portion of the London housing market. The property is within the City of London's Southwest Area Secondary Plan and forms part of the North Lambeth Residential Neighbourhood.

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

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Low Density Residential & Multi-Family, Medium Density Residential
- Existing Zoning – R1-8(5); h*h-100*R1-8(5) Zone

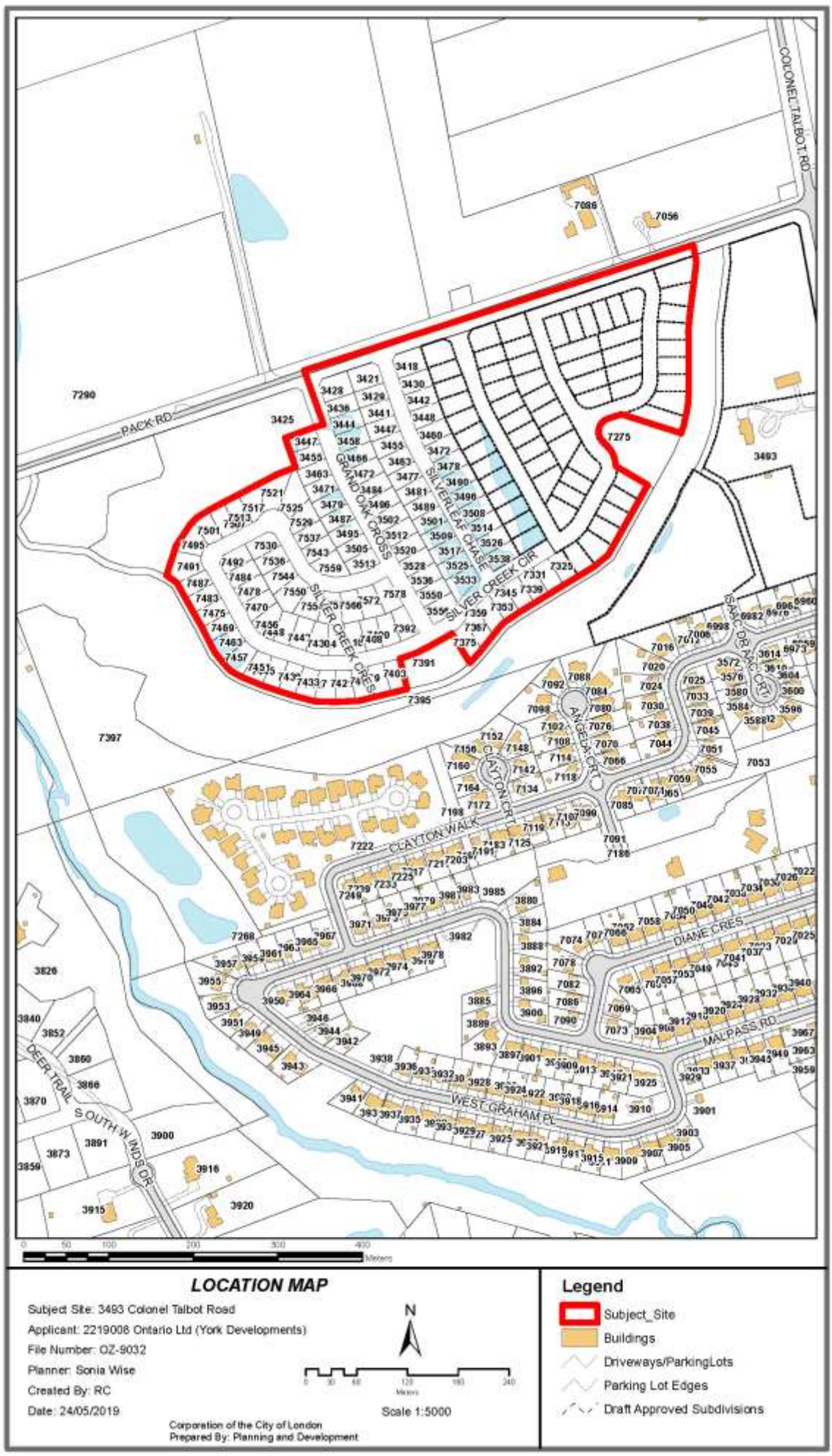
1.3 Site Characteristics

- Current Land Use – vacant
- Frontage – 482m (Pack Road)
- Depth – 380m - varies
- Area – 18.3ha
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Agricultural & Rural Settlement
- East – Future residential and mixed use
- South – Mathers Stream and Residential
- West – Mathers Stream and Open Space

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment is to allow for 'L' shaped single detached dwellings which have attached garages that project beyond the main dwelling façade. The proposal is for 1 – 1.5 dwellings with an attached garage that projects beyond the front façade of the dwelling and is oriented at 90 degrees to the garages.



Figure 1: Indicative design of Courtyard Dwellings

3.0 Relevant Background

3.1 Silverleaf Subdivision

The subject site is part of the Silverleaf Subdivision (39T-14504) which is situated in the southwest quadrant of the City, and at the southwest corner of Colonel Talbot Road and Pack Road. The total subdivision area is approximately 40.5 ha (100ac) in size and is situated entirely within the City's Urban Growth Boundary with frontage along Colonel Talbot Road and Pack Road (both identified as arterial roads).



Figure 2: Silverleaf Subdivision

The application for Draft Plan of Subdivision was received on September 15, 2014, and was granted draft approval on March 24, 2016. The draft approval included: 172 single detached dwellings lots, three (3) medium density residential blocks, one (1) mixed use block, five (5) walkway blocks, one (1) future development block, two (2) park blocks, two (2) open space blocks, and a stormwater management block; serviced by Pack Road, and six (6) local public streets (including the extension of Isaac Drive to the north).

Phase 1 of the subdivision has been registered as plan 33M-742, which consists of 108 single family detached lots, the Stormwater Management Facility Dingman Tributary B4, six (6) park blocks, one (1) medium density block and several road widening's and 0.3 m (one foot) reserve blocks. Future phase(s) will include the balance of the lands which are draft approved but have not yet received final approval.

3.2 Planning History

Municipal Council has led and endorsed numerous initiatives for over the past 20 years to address and minimize the impact of residential garages, driveways and projections on the streetscape. The Small Lot Study (OZ-5767) began in 1999 to address the land use planning impacts for small lot subdivisions, including the impacts of garage widths and projections on small lots. Small lots are considered to have frontages of less than 12m (39.4ft), and were especially susceptible to having a loss of residential amenity due to very large garages occupying the majority of available frontage. The requested amendment will occur on large lots with an average frontage of 20m, though certain learnings from the Small Lot Study regarding the impacts of garage projections and driveways on the streetscape provide relevant considerations for this application.



Figure 3: Examples of typical 'Snout Houses'

The Small Lot Study included recommendations to regulate maximum garage width for small lots to mitigate the effect characterized as a "bland monotony of protruding garages on the streetscape". The Study encouraged a range of different garage projections including: garages with no projection, those that had from 0.5 - 2.5m (half the length of a car), and those that were fully projecting. The intent was to add variety to the streetscape and provide opportunities for presenting the front window and front doors as the focal point of the house. It also added an improved perception of street security by adding more 'eyes on the street'

In July of 2007 a report was submitted to Planning Committee outlining several small lot and subdivision design issues. Council directed that the report be circulated and that a zoning monitoring file be initiated to limit the impacts of garage projections commonly referred to as "snout houses". The Zoning Amendment Application Z-7412 was prepared in response. The amendment complemented one of the goals of the Small Lot Subdivision Design Guidelines "to achieve a functional and visually appealing

streetscape which reduces the visual dominance of the garage on a small lot streetscape". In April, 2008 the Small Lot Subdivision Design Guidelines were introduced, which also included amendments to the General Provisions (Chapter 4) of the Zoning By-law to restrict the location and projection of garages beyond the main front entry features or main front entrance.

The most recent direction from May of 2017 includes the introduction of general provisions in the Zoning By-law for infill and intensification of new residential development in the Primary Transit Area. A garage must now be setback a minimum of 6m, or be in line with the setback of the main building whichever is greater (4.23.1.b.ii). This establishes the current direction for garage location in areas that are not governed by a more specific policy direction like the Southwest Area Secondary Plan, and reinforces the preferred arrangement of minimizing the impacts of garages on the streetscape.

3.3 Requested Amendment

The amendment requested is to exempt the lands from certain policies that govern design in the Official Plan (Southwest Area Secondary Plan), and to zone the lands to allow for garages to be located in front of the main dwelling. The requested amendment was to exempt the lands from provision 20.5.3.9.iii.e) which is as follows:

"In residential areas, garages shall be designed so that they are not the dominant feature in the streetscape. In particular, attached garages shall not:
• project beyond the façade of the dwelling or the façade (front face) of any porch; or
• contain garage doors that occupy more than 50% of the frontage of a lot unless the City is satisfied through the submission of detailed plans by the applicant that the garage doors can be appropriately integrated with the streetscape."

The requested amendment would potentially allow for the creation of both the proposed built form as courtyard dwellings, but also the creation of traditional garage fronting and projecting 'snout houses'.

The recommended action is instead to separately define the L shaped dwellings as 'courtyard dwellings' and to specifically regulate their form to ensure only the requested dwelling form is permitted instead of introducing less desirable design outcomes that may undermine the intent of the policy. More information is available in section 7.0 'zoning' of this report.

3.4 Community Engagement (see more detail in Appendix D)

One call was received requesting more information and clarification between the proposal and previous examples of garage forward buildings.

4.0 Policy Context

Provincial Policy Statement

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. These lands are located within the City's Urban Growth Boundary and in an area of the City where residential growth is planned and appropriate.

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. *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 in The London Plan, and front primarily neighbourhood streets with some frontage on a Civic Boulevard.

1989 Official Plan

The subject site is located within the Low Density Residential (LDR), and Multi-Family Medium Density Residential designations in the 1989 Official Plan, which primarily permits a range of low to mid-rise residential uses.

Southwest Area Secondary Plan

Both The London Plan and the 1989 Official Plan recognize the need and role of a Secondary Plan to provide more detailed policy guidance for a specific area that goes beyond the general policies. The Southwest Area Secondary Plan (SWAP) forms part of The London Plan and the 1989 Official Plan, and its policies prevail over the more general Official Plan policies if there is a conflict (1556 & 1558*). The subject site is within the North Lambeth Residential Neighbourhood, and within the Low Density Residential (LDR) and Medium Density Residential (MDR) designations. The Secondary Plan serves as a basis for the review of planning applications, which will be used in conjunction with the other policies of the Official Plan.

5.0 Evaluation

Provincial Policy Statement, 2014

The PPS identifies that settlement areas “shall be the focus of growth and development”, and the subject site is located within the Urban Growth Boundary and within an area of designated residential growth (1.1.3.1). The PPS further directs that “new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities” (1.1.3.6). The lands cater to exclusively large lot single detached dwellings, they are also part of the broader Silverleaf Subdivision that provides for a range of different housing forms and densities, as well as some local convenience commercial uses.

The PPS encourages “a sense of place, by promoting well-designed built form” which emphasizes the importance of urban design in the planning for new neighbourhoods such as Silverleaf (1.7.1.d). Careful attention has been given to the proposed dwelling form, as well as the implementing regulations of the by-law to ensure any adverse development impacts are mitigated to the extent possible and the dwellings contribute to a sense of place.

The London Plan

The London Plan includes criteria for evaluating Applications for Official Plan and Zoning By-law Amendment through policy 1577* that requires consideration of:

1. Our Strategy
2. Our City
3. City Building policies
4. The policies of the place type
5. Our Tools
6. Relevant Secondary Plans and Specific Policies

<u>Our Strategy</u>

The Our Strategy policies of The London Plan implements the vision of the plan through the use of overarching key directions (54).

Direction #7 - to build strong, healthy and attractive neighbourhoods for everyone, promotes neighbourhood design that creates safe, diverse, walkable healthy and connected communities that create a sense of place and character (61). The proposed

courtyard dwellings will contribute to the sense of identity and place for the new neighbourhood through the style of dwelling, without detracting from the planned safety, health or connectivity.

Direction #8 - to make wise planning decisions ensures that new development is a "good fit within the context of an existing neighbourhood" and to "ensure health and safety is achieved in all planning processes" (62_9 & 10). The proposed built form is an alternative style of single detached dwellings that fully complements nearby traditionally designed single detached dwellings. The proposed design has been considered with respect to the impacts of *Crime Prevention Through Environmental Design* (CPTED) and have not been found to create any health or safety concerns.

Our City

The City Structure Plan in the Our City section of The London Plan provides a framework for London's growth and change in the future (69). The City Structure Plan is comprised of the following framework policy areas: growth, green, mobility, economic and community. Within the Community Framework, neighbourhoods are categorized by properties that exhibit "an identifiable character and style of development" (143). The Silverleaf subdivision is characterized by newly registered and draft approved large single detached dwelling lots. The proposed alternative single detached dwelling design will be provided as a new style of dwelling in the Silverleaf Subdivision which will contribute to, and form part of, the local character for that neighbourhood.

City Building

The policies of the City Building section provide the over-arching direction for how the City will grow over the next 20 years (184). The City Design is shaped by both its built form comprised of streets, streetscapes, and buildings, as well as the natural setting (189). The London Plan recognizes that the "way in which our neighborhoods, buildings, streetscapes, public spaces and landscapes are designed will play a major role in supporting and shaping the impact of our city and creating a sense of place" (190). The proposed courtyard dwellings have been evaluated for the cumulative impacts on the streetscape and neighbourhood design and represent an appropriate dwelling form within this subdivision.

Streetscapes

The design of streetscapes will "support the planned vision for the place type and will contribute to character and sense of place" (221). The Silverleaf Neighbourhood streetscape will be comprised of, and characterized by, the large, low density residential single detached dwelling lots that have been recently registered or draft approved. The London Plan identifies that "the proportion of building and street frontages used for garages and driveways should be minimized to allow for street trees, provide for on-street parking and support pedestrian and cycling-oriented streetscapes" (222A). The recommended by-law will have a minimum requirement for lot frontages of 19m to ensure that the lot is large enough to provide for the various components such as the street trees and on-street parking that make up complete streets. The maximum driveway width as specified by the general provisions of the Z.-1 Zoning By-law will continue to apply for the lands, and an additional special provision will ensure that the driveway does not exceed 8m for the entire width to ensure that forecourts in front of the principle entrance do not become fully hard surfaced.

Neighbourhood streets will be planned and designed to enhance safety by implementing the principles of *Crime Prevention Through Environmental Design*, which encourages greater levels of passive surveillance (228). While the best arrangement for maximum 'eyes on the street' would be for the dwelling and garage to be in line to create unobstructed views from the dwellings to the street, the proposed courtyard dwellings will be located on very large lots with 19m minimum frontage which preserves partial sightlines to the street from the main dwelling façade. If the dwellings were located on smaller lots, the obstruction of the protruding garages to the natural surveillance would be more pronounced as the dwellings would be closer to one

another, which would constrain and 'squeeze' the available views to the street. Additionally, the by-law is recommending minimum amounts of glazing on the front façade of the garage that is closest to the street, as well as the exterior façade of the garage which is opposite to the garage doors. The assurance of windows will activate the space when it is in use, and provide opportunities for visual connection to the street.

Site Layout

Buildings should be sited so that they "maintain and reinforce the prevailing street wall or street line of existing buildings" (256). The recommended by-law will include a reduced front yard setback of 4.5m for the front façade of the garage to be aligned with the rest of the built form in the subdivision which also includes a 4.5m reduced front yard setback for dwellings. Policy 260 identifies that "projecting garages will be discouraged", which reflects the preferred arrangement for aligned dwelling and garages spaces instead of traditional 'snout houses' that have a garage located closer to the street and tend to dominate the streetscape. The courtyard dwellings represent a unique style of dwelling that includes a projected garage, but one that is on an angle that does not directly address the street, to preserve residential amenity. Buildings should be sited to "minimize the visual exposure of parking areas to the street" (269). The courtyard dwellings will have the garage space located on a perpendicular angle from the street, which will minimize the exposure of the garage area for views directly from the street.

Buildings

To support pedestrian activity and safety, "blank wall will not be permitted along the street edge" (285*). The by-law is recommended to have a minimum proportion of windows (glazing) along the street edge to ensure there is not a blank wall as the closest façade to the street.

Urban Design Peer Review Panel

The Urban Design Peer Review Panel (UDPRP) may provide advice to development applicants, planning and development staff, and Municipal Council through the evaluation of *Planning Act* applications (306). The requested amendment was brought to the UDPRP for their consideration on March 20, 2019 to receive feedback on the proposed change. The comments provided by the panel and how it has been addressed or incorporated is as follows:

- *The Panel would like to commend the applicant for offering to prepare a Design Guideline document that would illustrate the design intent of the subdivision. This would include ensuring a high-quality designed elevation, increased landscaping, more windows, better materials on the side of the garage.*
- *It would be worth considering how these Guidelines could work with the Zoning. Are there ways the Zoning could be adjusted to accommodate a variation in building type?*

  The implementation of any Urban Design Guidelines would be achieved through the Site Plan Approval Process. Single detached dwellings are not required to go through the site plan process unless they represent infill and intensification in an established residential neighbourhood, which is not the case with the newly approved greenfield development of the Silverleaf Subdivision. The various actionable items that are implementable by the Zoning By-law have been incorporated where possible. The design guidelines that were prepared by the applicant can be used for their own external review and guidance prior to submission of permits to the City.

- *The presentation illustrated good examples of this type of house in a streetscape.*
- *All lots can accommodate this style of home, but they anticipate only 25% of them would be of this design style.*

The recommended zoning by-law will allow for both the existing permitted dwelling style, as well as the new courtyard dwellings to provide flexibility in choice and style lot by lot. The intent is to introduce the courtyard dwellings as a style option in the subdivision without specifically identifying which lots may or may not be constructed in this style.

- *In order to make a recommendation, it would be important to see what the alternative model would look like.*

  Noted.

- *The Panel has noted concern over the visual experience of the proposed garage(s) when approaching from either side. One would either see the garage, or the back of the garage. It is still very much garage focused on the streetscape.*

  Noted. The exterior façade (back) of the garage (opposite to the garage doors) is recommended to have a certain percentage of the façade provided as windows/glazing to minimize the potential for a blank wall presented to that view from the street.

- *There is apprehension that with this house type, the front door is pushed further back from the street, which will reduce street activity and eyes on the street.*

  A special provision is proposed to ensure that the garage depth or projection in front of the main dwelling façade and principle entrance is limited to 8m to ensure the front door is not pushed unreasonably far from the street to ensure there is still connection and activation of the dwelling to contribute to passive surveillance.

- *Although windows are provided at the end of the garage, they are not connected to the main living spaces and as such would likely not contribute to an 'eyes on the street' approach from a safety (CPTED) perspective.*

  Noted. The windows will provide 'eyes on the street' when in use, but will not function the same way as habitable or active living space. The generous frontages proposed for the courtyard dwellings will help provide eyes on the street by maintaining partial views from the main dwelling, which would not be possible from smaller lots.

- *Ideally, these homes would be shown on a site plan before approval could be given. Though we recognize this is not always possible.*

  Noted.

Place Type

The subject site is within the Neighbourhoods Place Type which primarily allows for low and mid-rise residential uses. Neighbourhoods are intended to be vibrant, exciting places to live which will be delivered through: a strong neighbourhood character, sense of place and identity; and attractive streetscapes, buildings and public spaces (916_1 & _2*). The requested amendment is proposed to be implemented on a neighbourhood basis, which will contribute to a sense of neighbourhood character for the Silverleaf Subdivision. The alternative dwelling forms proposed will influence the streetscape and development pattern in this location. The Neighbourhoods role within the City is that "each of our neighbourhoods provides a different character and function, giving Londoners abundant choice of affordability, mix, and urban vs. suburban character" (917*). The subject site represents very large lots and subsequently large homes which contributes to the housing choice for the City in this suburban/periurban context without requiring those wishing to find a large home with a large lot to leave the City limits. The dwelling and lot sizes are not geared to providing affordable options, but serve a

purpose providing housing variety for those looking for additional space or with large families.

Neighbourhoods will be planned for diversity and mix and should avoid the broad segregation of different housing forms (918_2*). The proposed approach would allow for a mix of dwelling forms with both traditional and courtyard dwellings without broadly segregating the forms or specifying how each individual lot would be constructed. Approximately 25% of the Silverleaf subdivision that is registered has been constructed which ensures the mix will be provided.

Form and Intensity

The intensity of the subdivision is not proposed to change which will be consistent with the planned intent of Silverleaf. The form of the dwelling will be regulated through the zoning to ensure the development is appropriate to the neighbourhood context with respect to setbacks, frontage, driveway location and width and glazing.

Our Tools

The evaluation criteria for planning and development applications in addition to consideration for use, intensity and form include potential impacts on adjacent lands and nearby properties, and the degree to which the impacts can be managed and mitigated (1578_6*). An analysis of potential impacts on nearby properties may include such things as:

h. Shadowing

The shadow impacts will be similar to that of a traditional single detached dwelling as the proposal is for one storey dwellings, with the potential for the same massing to occur if the garage was instead habitable floor space.

i. Visual impact

The courtyard dwellings represent a different architectural form than the traditional layout of single detached dwellings in the southwest area which will collectively influence the visual impact of the streetscape. The proposal is specific to single or 1.5 storey dwellings, as two storey dwelling forms that have a similar 'L' shape layout, but an active habitable living area above the garage are currently permitted. The visual impact on the streetscape will be the most noticeable impact, however the form proposed is still a single detached dwelling, which is compatible with other single detached dwellings, and allows for different styles and design choices.

j. Loss of views

The proposed courtyard dwellings with the projecting garages will result in a partial loss of views from the street to the main dwelling, from certain perspectives, i.e.- the exterior garage wall. The impacts of the loss of views are mitigated by the large frontage requirements which ensures that more of the main dwelling is visible instead of having the majority of the frontage occupied by the garage which is characterized as inactive space.

k. Loss of trees and canopy cover

The minimum requirement for a large frontage ensures that there will be adequate space for tree planting on private lands in addition to street trees. Additionally, a special provision will restrict the location of driveways and garage doors in front of the front garage façade, which will ensure landscaped open space and tree planting is available at that location.

An analysis of the degree to which the proposal fits within its context may include such things as:

e. Street Wall

The street wall will be maintained in this location with a consistent front yard setback for both dwellings and the front projecting garages with 4.5m setback from the street edge. The consistent setback will provide a more cohesive streetscape and establish a consistent built edge among properties.

f. Proposed architectural attributes such as windows, doors and rooflines

The by-law will require the provision of a certain percentage of glazing for both the front garage façade that faces the street, as well as the exterior garage façade that is opposite to the garage doors. The use of glazing will provide the same materials and design as the dwelling which will reduce the impact of the garage space and instead enhance the residential character.

Southwest Area Secondary Plan

The Southwest Area Secondary Plan contains general policies that are applicable for all designations within the plan area. Section 20.5.3.9 contains the plan's urban design policies which emphasize a strong reliance on a high quality public realm delivered by buildings and public spaces.



Figure 4: Proposed floor plan

The SWAP acknowledges that buildings constructed within the study area "will directly respond to the design of the public right of way" which is why there is a strong reliance on a high quality public realm (20.5.3.9). The integration between the private and public realm ensures that neighbourhoods are vibrant, dynamic and with "a character that encourages social interaction" (20.5.3.9). Design that encourages social interaction can be achieved through features such as front porches as well as providing passive opportunities where interaction can occur between neighbours.

While the garage location will occupy a portion of the front yard that would not be activated in the same way as habitable dwelling space would be, the frontage will be large enough for the proposed design to ensure there is still adequate front dwelling façade that is visually connected and can interact with the street.

The general policies apply to the entire study area including section 20.5.3.9.iii.e) which provides specific policies for the design and location of garages:

"In residential areas, garages shall be designed so that they are not the dominant feature in the streetscape. In particular, attached garages shall not:
• project beyond the façade of the dwelling or the façade (front face) of any porch; or
• contain garage doors that occupy more than 50% of the frontage of a lot unless the City is satisfied through the submission of detailed plans by the applicant that the garage doors can be appropriately integrated with the streetscape."

The SWAP policy provides clear direction for the location and size of garages within the study area to ensure they do not become the dominant feature on the streetscape. The proposed courtyard dwellings are requesting to have the garage project beyond the dwelling façade and any habitable dwelling floor area which requires relief from policy 20.5.3.9.iii.e). The angle of the garage to the dwelling removes the direct visual of the garage doors from the streetscape, and the requirement for similar treatment of the garage front façade as the dwelling will minimize the impact of the non-habitable floor space from the public realm. Zoning regulations will effectively implement the requested design and mitigate the impacts of the courtyard dwellings on the streetscape to ensure a positive fit, and maintenance of the residential amenity.

The site is within the North Lambeth Neighbourhood in the Southwest Area Secondary Plan (SWAP) and within the low and medium density residential designations. The intent of the low and medium density residential designations is to "encourage a mix of housing types, forms and intensities throughout", which is achieved on a subdivision-wide basis for Silverleaf (20.5.10.1.i). The subject lands and proposed amendment relate only the single detached dwelling lots associated with the subdivision, and not the medium density or mixed use blocks.

(1989) Official Plan Amendment: Chapter 10 Site Specific Policy

The requested amendment is for a specific policy to allow for an exemption from a policy that restricts the projection of garages from single detached dwellings, without re-designating the lands. Policies for Specific Areas may be applied where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the land. The adoption of policies for Specific Areas may be considered where one or more of the following conditions apply (10.1.1):

i) The change in land use is site specific, is appropriate given the mix of uses in the area, and cannot be accommodated within other land use designations without having a negative impact on the surrounding area.

The proposed courtyard dwellings are only intended for the Silverleaf Subdivision. The Low Density and Medium Density Residential designations are appropriate to implement the desired built form, and the specific policy will allow relief from existing specific policy direction that restricts the garage projection in front of the dwelling where it is located perpendicular to the main dwelling and principle entrance.

ii) The change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.

The proposed use is only for single detached dwellings and courtyard dwellings which are appropriate for the low and medium density residential designations. The specific policy will allow for the alternative design for the dwellings, but the underlying designations continues to be appropriate for the lands.

Applications for new specific policy areas require a planning impact analysis to determine the potential impacts on surrounding land use designations. The relevant criteria from the Planning Impact Analysis for residential designations is as follows:

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 amendment will provide for a mix of dwelling styles throughout the subdivision of both courtyard dwellings and traditional single detached dwellings. The various single detached residential dwellings are compatible and the zoning will ensure minimum design considerations are employed for the courtyard dwellings.

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 courtyard dwellings will only be permitted for lots that have 19m frontage or greater which is the prevailing lot fabric in the Silverleaf Subdivision. The frontage requirement directly correlates to the functionality of the site and impact on the streetscape and provides an important measure of the appropriateness of a courtyard dwelling.

c) *The supply of vacant land in the area which is already designated and/or zoned for the proposed use;*

The proposed single detached dwelling use is found as planned and future land uses within the general area, however as all lands within the Southwest Area Secondary Plan are subject to its policies, there are no zoned lands available for the proposed use that have not already been developed.

f) *The height, location and spacing of any buildings on the proposed development, and any potential impacts on surrounding land uses*;

The garage forward design creates the focus from the street on the garage instead of the dwelling. This can result in a loss of residential presence, a garage dominated streetscape, and a loss of natural surveillance. The recommended zoning by-law amendment provides sufficient regulations to ensure that the impacts from this arrangement are mitigated to the extent feasible, and that alternative traditional dwelling forms are also permitted in this area.

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; and

The Silverleaf Subdivision is generally contained by the Mather's Stream to the west, south and east, with Pack Road to the north. The requested amendment will only apply to the single detached dwelling lots within this subdivision, which will contribute to the local character for Silverleaf, without having any impact on future uses in the area.

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.

The applicant has identified certain design guidelines that will be considered by the proponent (externally) prior to submission to the City for a courtyard dwelling. The extra consideration may help certain design targets are met and that zoning is implemented prior to submission for a building permit.

6.0 Key Issues and Considerations

6.1 Garages Dominating the Streetscape

The intent of the policy is to ensure that garages are not the dominant feature in the streetscape, or the dominant feature of a dwelling or lot. The policy includes a restriction of no more than 50% of the frontage to be occupied by a garage, which is in place to address designs where garages face the street. The proposed 'L' shaped dwellings do not have garage doors facing the street, as the garage is turned 90º from the street edge. The design of the garage along the street is proposed to be in keeping with the design of the dwelling portion, which creates a more attractive streetscape than the typical approach of garage doors facing the street which results in a garage dominated streetscape. Further, that the side of the garage that does face the street will be designed as an extension of the design of the home, including windows and other architectural details that will read as part of the house. When viewed directly from the sidewalk, the garage doors are not visible from the street.

6.2 Crime Prevention Through Environmental Design (CPTED)

Crime Prevention Through Environmental Design (CPTED) is a multi-disciplinary approach for reducing crime through urban and environmental design and the management and use of built environments. The London Plan requires that Neighbourhood Streets be planned and designed to enhance safety by implementing the principles of *Crime Prevention Through Environmental Design*, to encourage greater levels of passive surveillance (228). One way to facilitate natural surveillance is to ensure there are sufficient opportunities for it to occur through building design to provide clear sightlines where visual obstructions are minimized or eliminated. Garages that are set in line with dwellings, or have habitable space above the ground floor maintain a broad visual connection to the street and bolster the ability to naturally survey the area.

Additionally, the principle of natural surveillance can be enhanced with the inclusion of front porches, windows overlooking sidewalks of habitable spaces, and designing streets to encourage pedestrian and bicycle traffic. The turned garage design provides large garage windows facing the street, and will have similar impacts as a street facing garage which is typically designed without windows facing the street, or only having minimal windows at the top of garage doors. Further, there is still a large portion of the frontage occupied by the habitable floor space of the dwelling which ensures the front door has a clear sightline to the street.

6.3 Current Permissions

The proposed provisions relate specifically to a one-storey or 1.5 storey dwelling form without any habitable floor area above the garage. For dwellings with a second storey of habitable floor area above the garage, the garage is aligned with the habitable space of the dwelling edge and is permitted. The second storey provides active space above the garage and allows for the overlooking, clear sightlines, and activation associated with passive surveillance. Without this active habitable space above the garage provided by the second storey, the garage projection could result in the same negative impacts as the common ‘snout house’ without appropriate regulation.

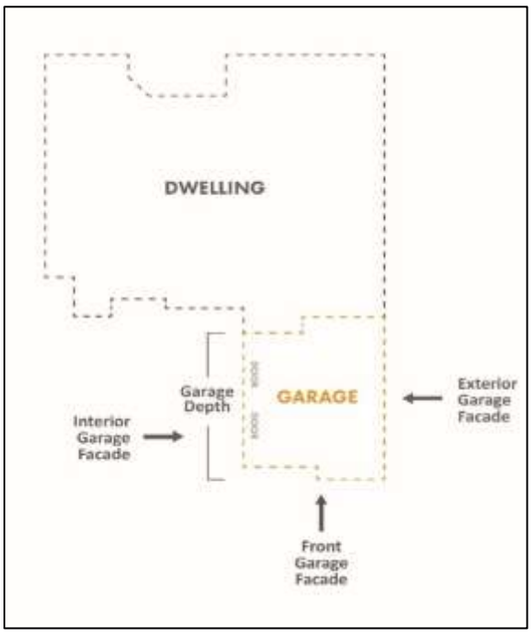


Figure 5: Example of ‘L’ shaped dwelling with active floor space in front of garage

Additionally, there have been some instances where a small portion of habitable space has been proposed at the front of the garage on the ground floor (i.e.-gym/workout space) that constitutes habitable space associated with the dwelling. The interpretation is that the garage is then located behind the habitable dwelling space which does not contradict the policies. This approach results in a partial activation of the space when in use, though could result in a loss of the habitable space through future conversion to additional garage or storage space.

7.0 Zoning By-law Amendment

The proposal is to have an alternative design for single detached dwellings which is implemented by the Zoning By-law and eventually building permits. Single detached dwellings are not subject to the requirements of Site Plan Approval unless they are proposed in an infill and intensification context. As such, the approach is to ensure the Zoning By-law Amendment will be able to facilitate the building outcome through the delivery of various special provisions.



The Urban Design Peer Review Panel suggested an alternative approach with the preparation and implementation of design guidelines to shape the Courtyard dwellings. The applicant has prepared some design guidelines that they are suggesting could be applied to the satisfaction of the developer prior to submission of any building permits. This approach, however, does not provide certainty and would be up to the developer's interpretation of the consistency with design goals. Having the by-law crafted in a more specific manner provides greater certainty to the eventual built form and ensures that only the specific design of the courtyard dwellings eventuates.

Frontage

The impacts of garage width and projections are more pronounced for lots with small frontages, which typically includes lots with less than 12m frontage, as the garage would occupy a substantial portion of the available frontage, leaving less room for the entrance and dwelling to be a prominent feature of the streetscape. One unique feature of the Silverleaf Subdivision is the generous lot pattern which is able to support the proposed dwelling design. The proposed by-law amendment is specific for only those lots with a minimum of 19m frontage which is considered to constitute a large lot, and able to provide adequate space to ensure the dwelling is equally present in the streetscape. Additionally, it provides the necessary space for manoeuvering to and from the perpendicular garage, and also provides sufficient area for landscape open space and snow storage. The minimum frontage is a critical element in allowing for the exemption from the projection regulation as only larger lots would be able to increase the proportion of frontage occupied by the habitable dwelling floor space.

Driveway Width

For courtyard dwellings, there is a risk of having a large amount of hard surfacing occupying the front yard due to the perpendicular location of the garage and requirement for vehicle manoeuverability. A maximum driveway width of 8m is recommended which will extend from the street edge to the width as extended from the interior garage façade (garage doors). The 8m width allows for adequate turnaround room, which is a slightly greater width than the two way drive aisle requirement of 6.7m from the site plan approval by-law to ensure adequate space for functionality. The 8m width will ensure that the entire forecourt area in front of the dwelling and garage does not become fully hard surfaced.

Garage Projection

The greater the distance the front door, windows and dwelling façade are from the street, the greater the impacts will be for reduced natural surveillance, reduced

residential presence and activation associated with the habitable space of the dwelling, and the more dominant the garage becomes on the streetscape. The by-law is recommending a maximum garage depth regulation to ensure that though the garage may project in front of the dwelling, it is not at an unreasonable or unmitigated level to control impacts. The recommendation is for a maximum of 8m (26.2ft) which would allow for a double car garage width in front of the dwelling. The maximum garage depth plus the required front yard setback results in the front dwelling portion located approximately 12.5m (41 ft) from the street edge, which would be exacerbated if additional projection were allowed.

Glazing

The front garage wall or façade of the garage will be the closest portion of the building that addresses the street, and will require enhanced design and detail to contribute positively to the streetscape. A special provision requires 25% of clear glazing (windows) on the front garage façade to avoid having a blank wall present to the street and to mimic traditional dwelling features so the garage use is not immediately obvious. A similar approach is also required for the exterior garage wall (opposite to the garage doors) for a minimum of 8% glazing to mitigate the impact of having a blank wall along the extent of that façade.

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

5.0 Conclusion

The proposed amendment is consistent with the Provincial Policy Statement, and conforms to the policies of The London Plan, the Southwest Area Secondary Plan and the (1989) Official Plan. The proposal implements an appropriate form of residential development for the lands, and mitigates the impacts of the courtyard dwellings through the Zoning By-law regulations.

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

May 30, 2019
/sw
Cc: Matt Feldberg, Manager of Development Services (Subdivisions)
Cc: Ismail Abushehada, Manager of Development Engineering

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 3493 Colonel Talbot Road.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on June 25, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading – June 25, 2019
Third Reading – June 25, 2019

OZ-9032
L. Pompilii

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a new policy in Section 20.5.10.1.iii to the Official Plan (Southwest Area Secondary Plan) for the City of London to permit an alternative form of single detached dwelling.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3493 Colonel Talbot Road in the City of London.

C. BASIS OF THE AMENDMENT

Section 20.5 of the Official Plan is the Southwest Area Secondary Plan which includes more specific policy guidance for the plan area. The recommended amendment will permit an alternative dwelling form that what is permitted by the Southwest Area Secondary Plan policies.

D. THE AMENDMENT

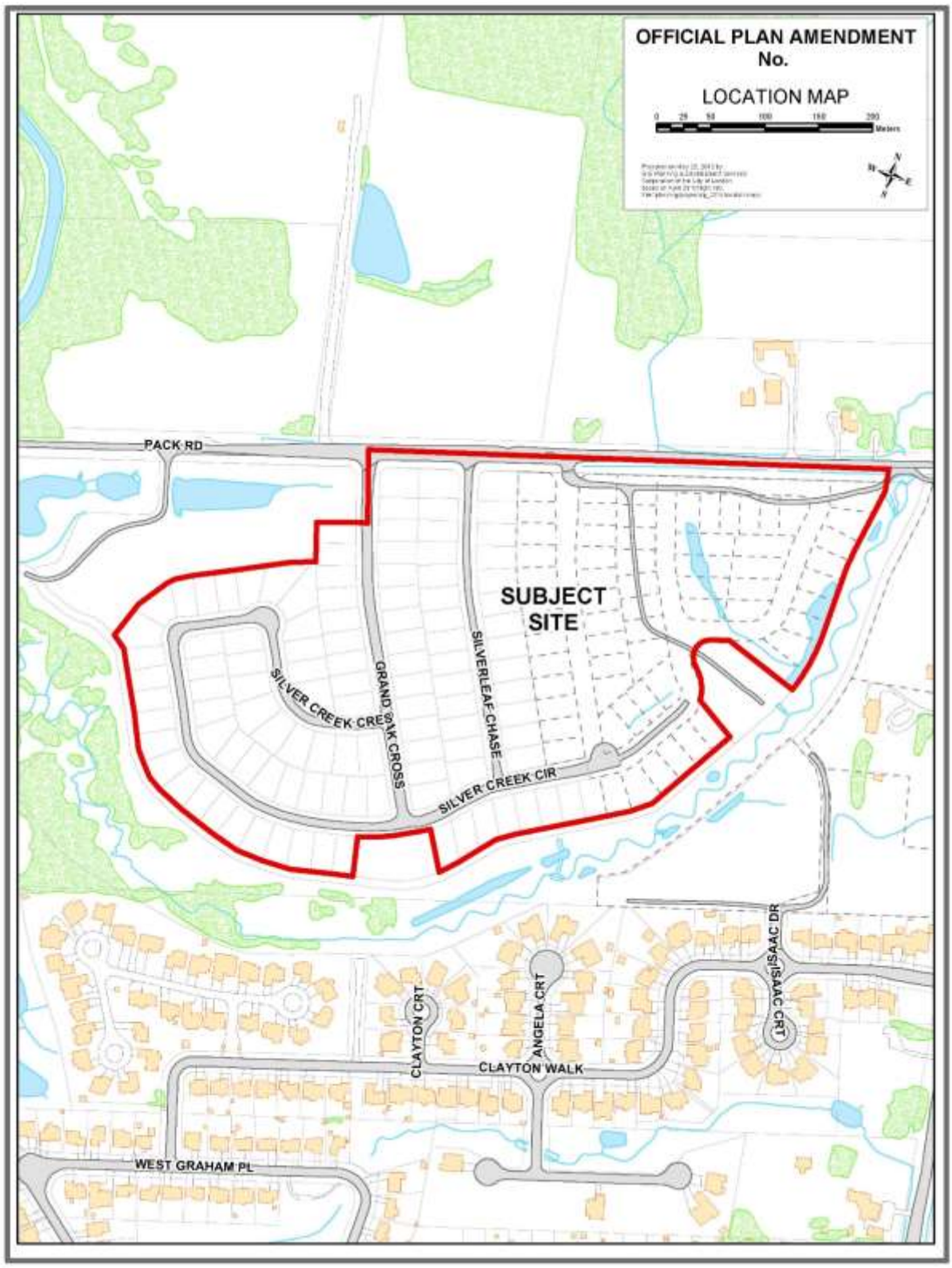
The Official Plan for the City of London is hereby amended as follows:

1. Section 20.5.10.1.iii “North Lambeth, Central Longwoods and South Longwoods Residential Neighbourhoods – Low and Medium Density Residential Built Form and Intensity” of the Official Plan – Southwest Area Secondary Plan for the City of London is amended by adding the following:

   3493 Colonel Talbot Road

   For the single detached dwellings lots within the Silverleaf Subdivision Phase 2 and registered plan 33M-742, notwithstanding policy 20.5.3.9.iii.e), for courtyard dwellings, garages may project beyond the façade of the dwelling, or the façade (front face) of any porch, where the interior garage façade that includes the garage door(s) is located at no more than 90 degrees to the main building and principle entrance.

OZ-9032
L. Pompilii



Appendix B

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

By-law No. C.P.-XXXX-___

A by-law to amend The London Plan for the City of London, 2016 relating to 3493 Colonel Talbot Road.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on June 25, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading – June 25, 2019
Third Reading – June 25, 2019

OZ-9032
L. Pompilii

AMENDMENT NO.
to the

THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a new policy in Section 1565_5 of The London Plan (Southwest Area Secondary Plan) for the City of London to permit an alternative form of single detached dwelling.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3493 Colonel Talbot Road in the City of London.

C. BASIS OF THE AMENDMENT

Section 1565_5 of The London Plan is the Southwest Area Secondary Plan which includes more specific policy guidance for the plan area. The recommended amendment will permit an alternative dwelling form that what is permitted by the Southwest Area Secondary Plan policies.

D. THE AMENDMENT

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

1. Section 20.5.10.1.iii "North Lambeth, Central Longwoods and South Longwoods Residential Neighbourhoods – Low and Medium Density Residential Built Form and Intensity" of the Official Plan – Southwest Area Secondary Plan for the City of London is amended by adding the following:

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   For the single detached dwellings lots within the Silverleaf Subdivision Phase 2 and registered plan 33M-742, notwithstanding policy 20.5.3.9.iii.e), for courtyard dwellings, garages may project beyond the façade of the dwelling, or the façade (front face) of any porch, where the interior garage façade that includes the garage door(s) is located at no more than 90 degrees to the main building and principle entrance.

Appendix C

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 3493 Colonel Talbot Road.

WHEREAS 2219008 Ontario Ltd has applied to rezone an area of land located at 3493 Colonel Talbot Road, as shown on the map attached to this by-law, as set out below;

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

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3493 Colonel Talbot Road, as shown on the attached map, from a Residential R1 Special Provision (R1-8(5)) Zone and a holding Residential R1 Special Provision (h*h-100*R1-8(5)) Zone to a Residential R1 Special Provision/Residential R1 Special Provision (R1-8(5)/R1-8(_)) Zone and a holding Residential R1 Special Provision/Residential R1 Special Provision (h*h-100*R1-8(5)/R1-8(_)) Zone.

2) Section Number 5.4 of the Residential R1 Zone is amended by adding the following Special Provision:

R1-8 ( )

a) Additional Permitted Use

Courtyard Dwelling: means a single detached dwelling, less than 2 storeys in height that has an attached garage projecting beyond the principle entrance or front façade of any porch. For the purpose of this definition, the definition of garage shall be comprised of an interior garage façade that includes the garage door(s) located at no more than 90 degrees to the main building and principle entrance, an exterior garage façade located opposite to the interior garage façade, and a front garage façade being parallel to the street.

b) Regulations for Courtyard Dwellings

i) Notwithstanding Section 5.3.1) or anywhere else in this by-law to the contrary, the lot frontage shall be as follows:

Lot Frontage (Minimum)	19m (62ft)

ii) Garage door(s) to be located perpendicular (not more than 90 degrees) to the main building façade and principle entrance

iii) Garage door(s) and driveways are prohibited between the street and the front garage façade

iv)	Garage projection (depth) from the principle entrance or the façade (front face) of any porch, whichever is closer to the street. (Maximum)	8m (26.2ft)
v)	Amount of transparent glazing (windows) on first storey of front garage façade (façade parallel to street) (Minimum)	25%
vi)	Amount of transparent glazing (windows) on first storey of exterior garage façade (façade opposite to interior garage façade and garage door(s)) (Minimum)	8%
vii)	Front yard depth of garage (Minimum)	4.5m (14.7ft)
viii)	Notwithstanding section 4.19.6.a) paragraph 2, the maximum driveway width shall not exceed 8m maximum for any portion of the driveway between the street line and the interior garage façade.	

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 June 25, 2019.

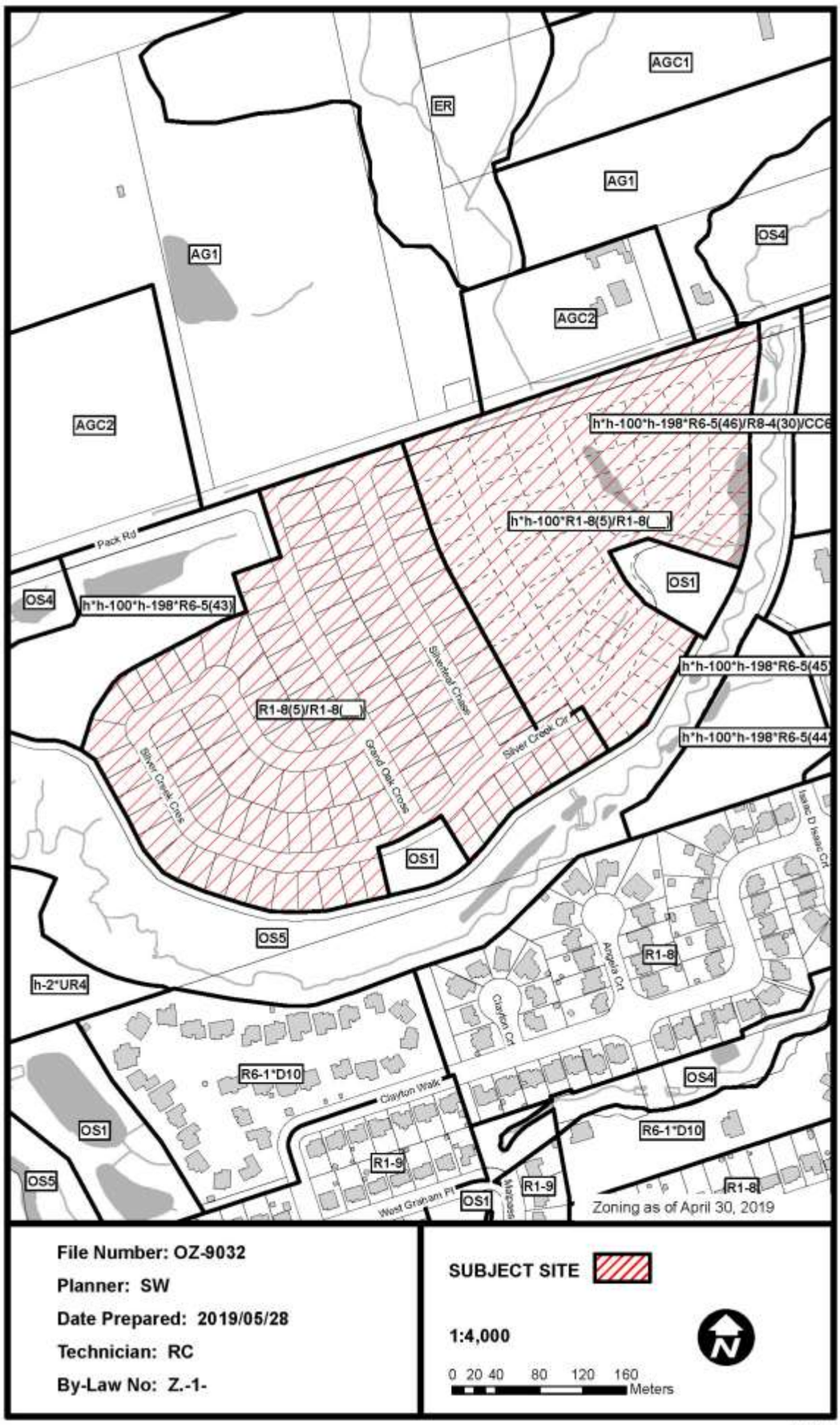
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading – June 25, 2019
Third Reading – June 25, 2019

OZ-9032
L. Pompilii

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



File Number: OZ-9032
Planner: SW
Date Prepared: 2019/05/28
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE

1:4,000

0 20 40 80 120 160
Meters

Appendix D – Public Engagement

Community Engagement

Public liaison: On March 6, 2019, Notice of Application was sent to 79 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 7, 2019.

One call was received requesting more information and clarification between the proposal and previous examples of garage forward buildings.

Nature of Liaison: The request is to permit single detached dwellings with attached garages that may extend beyond a dwelling façade and include doors that may exceed 50% of the lot frontage. Possible amendment to the Official Plan to exempt the lands from the provisions of section 20.5.3.9 iii. e), which restricts garages from projecting beyond the façade of the dwelling or porch, and restricts garage doors from occupying more than 50% of the frontage of a lot. Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 Special Provision (R1-8(5)) **TO** a Residential R1 Special Provision (R1-8(_)) Zone to exempt the lands from the regulation that restricts garages from projecting beyond the façade of the dwelling or porch and occupying more than 50% of the lot frontage.

Agency/Departmental Comments

London Hydro – March 22, 2019 – Memo Excerpt

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.

Urban Design Peer Review Panel – March 14, 2019

URBAN DESIGN PEER REVIEW PANEL

To: Proponents
- Ali Soufan, York Developments
- Andrea Sinclair, Urban Designer, MHBC
- Scott Allen, Planner, MHBC

City of London Personnel
- Sonia Wise, Senior Planner
- Jerzy Smolarek, Urban Designer

From: **Urban Design Peer Review Panel (UDPRP)**
- Steven Cooper, Architect (declared conflict)
- Andrew Bousfield, Urban Designer
- Heather Price, Urban Designer
- McMichael Ruth, Architect
- Tim O'Brien, Landscape Architect
- Ryan Ollson, Architect

RE: Site Plan Application: 3493 Colonel Talbot Road
Presentation & Review, March 20, 2019

The Panel provides the following feedback on the submission to be addressed through the Site Plan application:

- The Panel would like to commend the applicant for offering to prepare a Design Guideline document that would illustrate the design intent of the subdivision. This would include ensuring a high-quality designed elevation, increased landscaping, more windows, better materials on the side of the garage.

- It would be worth considering how these Guidelines could work with the Zoning. Are there ways the Zoning could be adjusted to accommodate a variation in building type?
- The presentation illustrated good examples of this type of house in a streetscape.
- All lots can accommodate this style of home, but they anticipate only 25% of them would be of this design style.
- In order to make a recommendation, it would be important to see what the alternative model would look like.
- The Panel has noted concern over the visual experience of the proposed garage(s) when approaching from either side. One would either see the garage, or the back of the garage. It is still very much garage focused on the streetscape.
- There is apprehension that with this house type, the front door is pushed further back from the street, which will reduce street activity and eyes on the street.
- Although windows are provided at the end of the garage, they are not connected to the main living spaces and as such would likely not contribute to an 'eyes on the street' approach from a safety (CPTED) perspective.
- Ideally, these homes would be shown on a site plan before approval could be given. Though we recognize this is not always possible.

Concluding comments:
The Panel requests that urban design guidelines be prepared and adopted in support of the draft plan of subdivision and zoning bylaw amendments. The Panel requests the opportunity to review and comment on the urban design guidelines. Additionally, the Panel will provide detailed comments at the time of the overall development submission.

Urban Design – May 27, 2019

London
CANADA

Memo

To: Sonia Wise
Senior Planner

From: Jerzy Smolarek
Urban Designer

Date: May 27, 2019

RE: OZ 9032 – L-Shaped Houses in Silverleaf Subdivision

Sonia,

I have reviewed the proposed Official Plan and Zoning By-Law Amendment application and provide the following comments consistent with the Southwest Area Secondary Plan, the Official Plan, applicable By-Laws and guidelines, as well as the recommendations from the Urban Design Peer Review Panel:

- Urban design staff have been working closely with the planner assigned to the file to ensure the following concerns have been addresses through the proposed Zoning By-Law regulations;
    - Reduce the potential of blank wall facades visible from the street by including a minimum percentage of transparent glazing on both the street facing façade and the side yard facing façade of the garage;

- Reduce the appearance of a “snout house” and ensure that the livable portions of the house are visible from and as close as possible to the street by including a minimum lot frontage as well as a maximum garage projection, beyond the main portion of the house;
- Further reduce the appearance of a “snout house” by ensuring that the garage doors must be perpendicular to the main building façade and principle entrance with no garage on the front (street facing) façade.
- Ensure that the front yard, in front of the main house, does not become a hard surface area for parking cars by including a maximum driveway width for the entire driveway.

If you have any questions or concerns please do not hesitate to get in touch with me.

Sincerely,



Jerzy Smolarek, MAUD
Urban Designer

Appendix E – Policy Context

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

Provincial Policy Statement, 2014
1.1.3.1 – settlement areas
1.1.3.6 – compact form, mix of uses
1.7.1.d – sense of place

The London Plan
54 – key directions
62 – development fits neighbourhood
69 – city structure
143 – identifiable character
184 – city growth over next 20 years
189 – built form and natural form
190 – sense of place
221 – design of streetscapes
222A – driveway and garage proportions should be minimized
228 – CPTED
256 – street wall
260 – projecting garages will be discouraged
269 – minimize visual exposure of parking
285 – blank walls
306 – UDPRP
916 – Neighbourhoods place type
917 – different character and mix of neighbourhoods
918 – avoid the broad segregation of forms
1556 Status of Secondary Plans
1577 evaluation criteria for amendments
1578 – impacts on nearby properties and context

1989 Official Plan
3.7 – Planning Impact Analysis
10.1.1 – criteria for specific policy

Southwest Area Secondary Plan
20.5.3.9 – public realm and social interaction
20.5.3.9.iii.e – garages shall not project beyond the dwelling
20.5.10.1 – north Lambeth neighbourhood

Z.-1 - Zoning By-law
Chapter 2 – Definitions
Chapter 4 – General Provisions
Chapter 5 – Residential R1 Zone

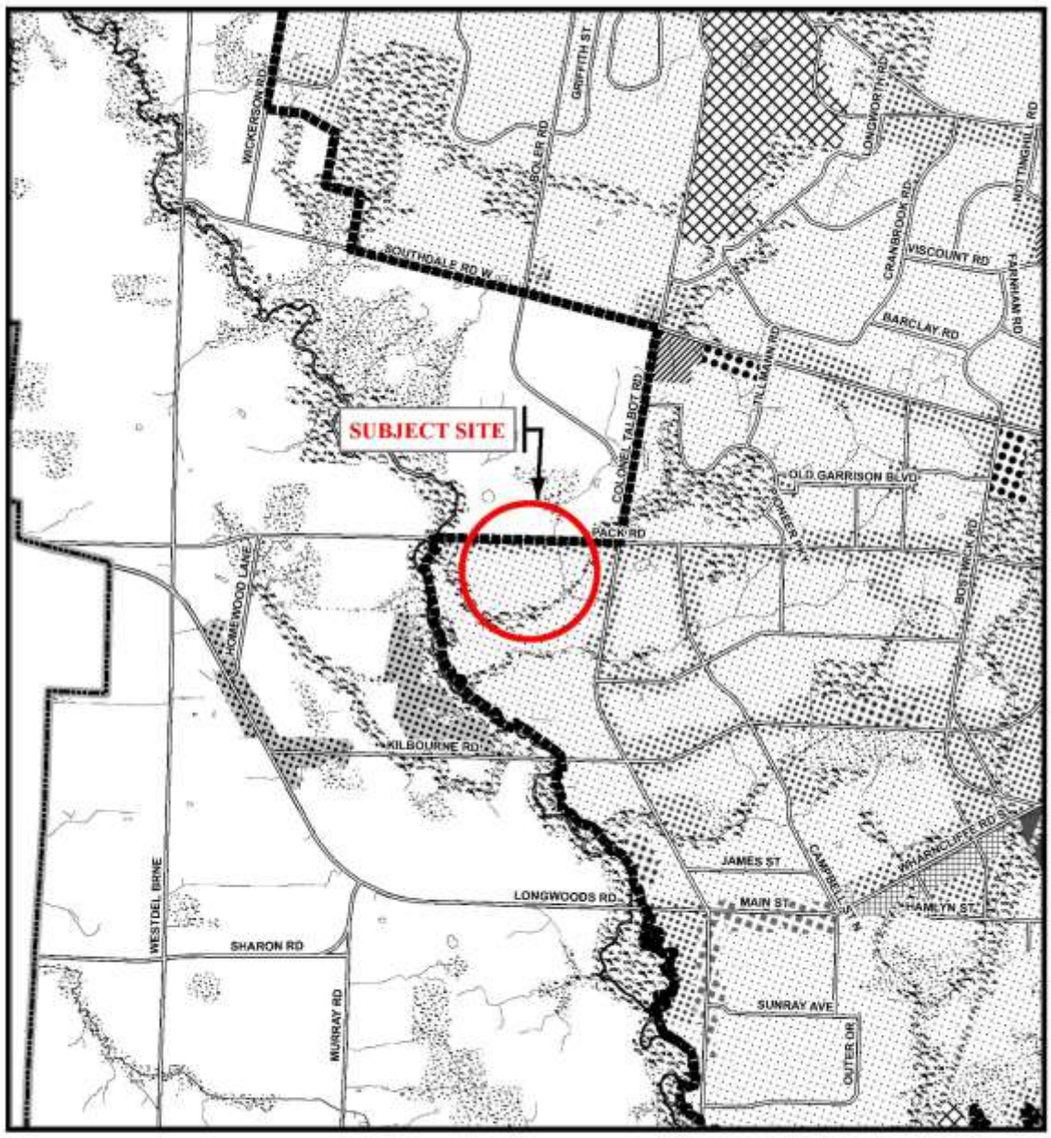
Site Plan Control Area By-law

Appendix F – Additional Maps

Additional Maps



OZ-9032
L. Pompilii



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

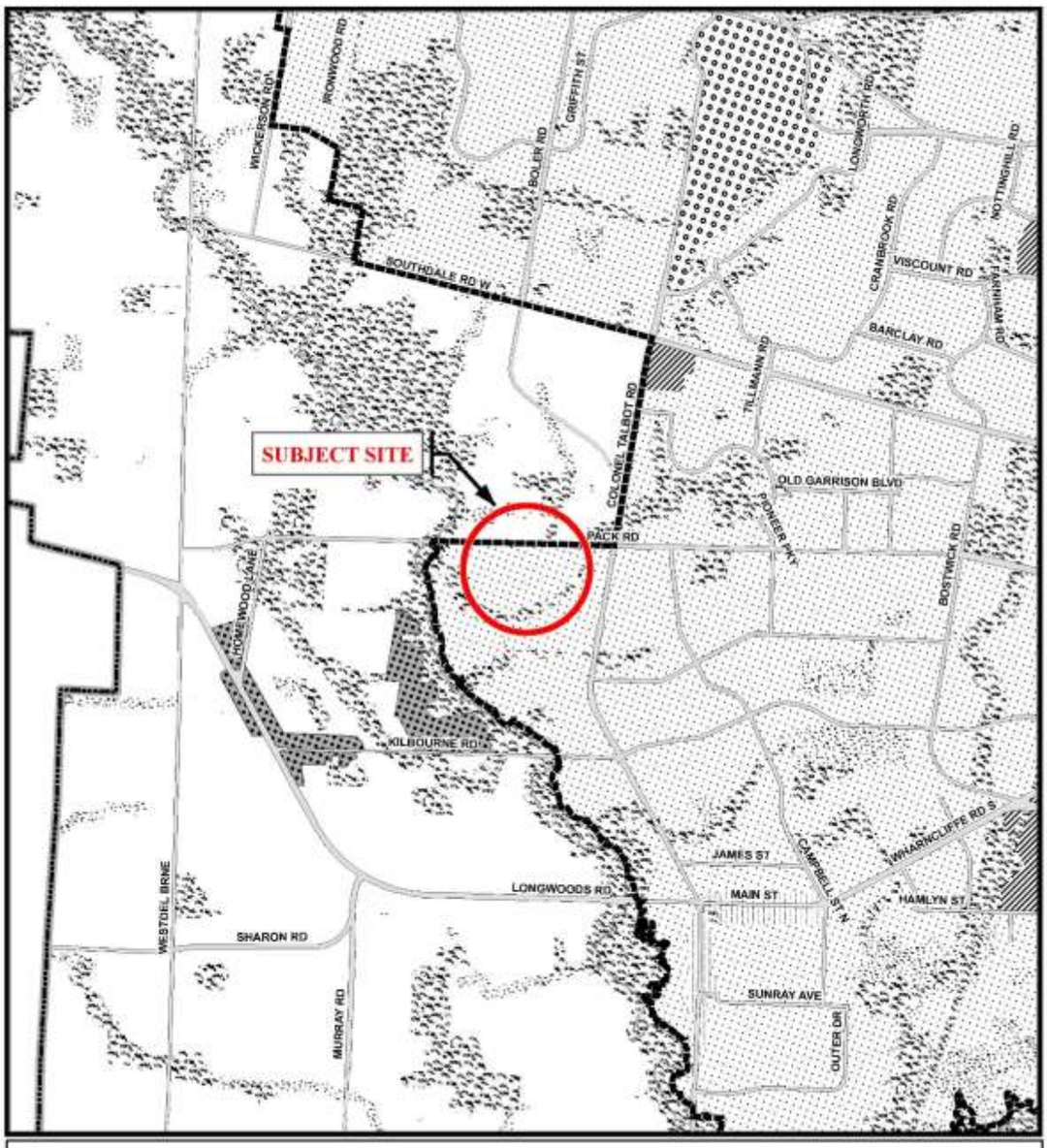
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FILE NUMBER:	OZ-9032
PLANNER:	SW
TECHNICIAN:	RC
DATE:	2019/05/27

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

OZ-9032
L. Pompilii



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

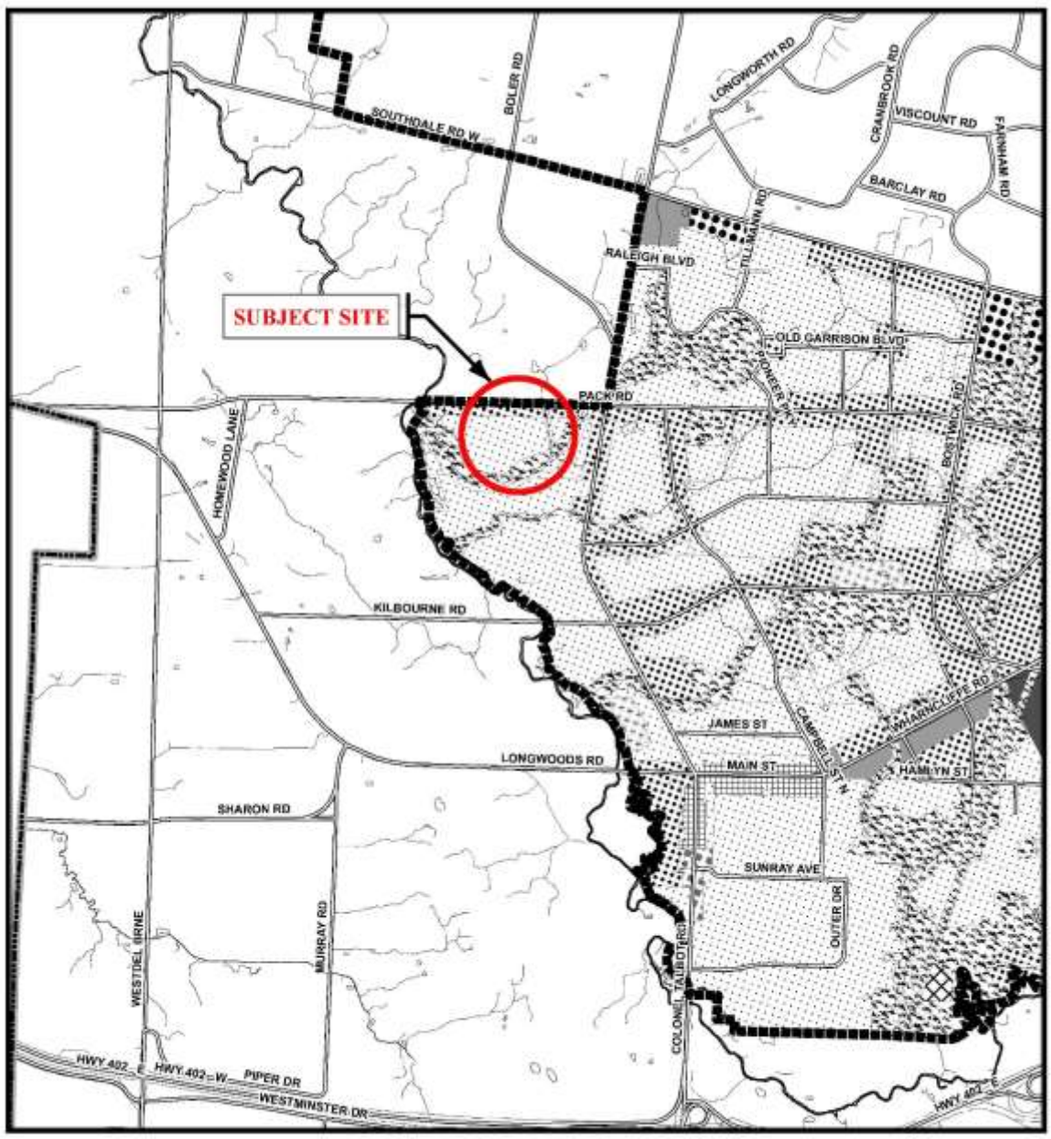
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File Number:	OZ-9032
Planner:	SW
Technician	RC
Date:	May 27, 2019

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxds\OZ-9032-_Map1_PlaceTypes_b&w_8x11.mxd

OZ-9032
L. Pompilii



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 -

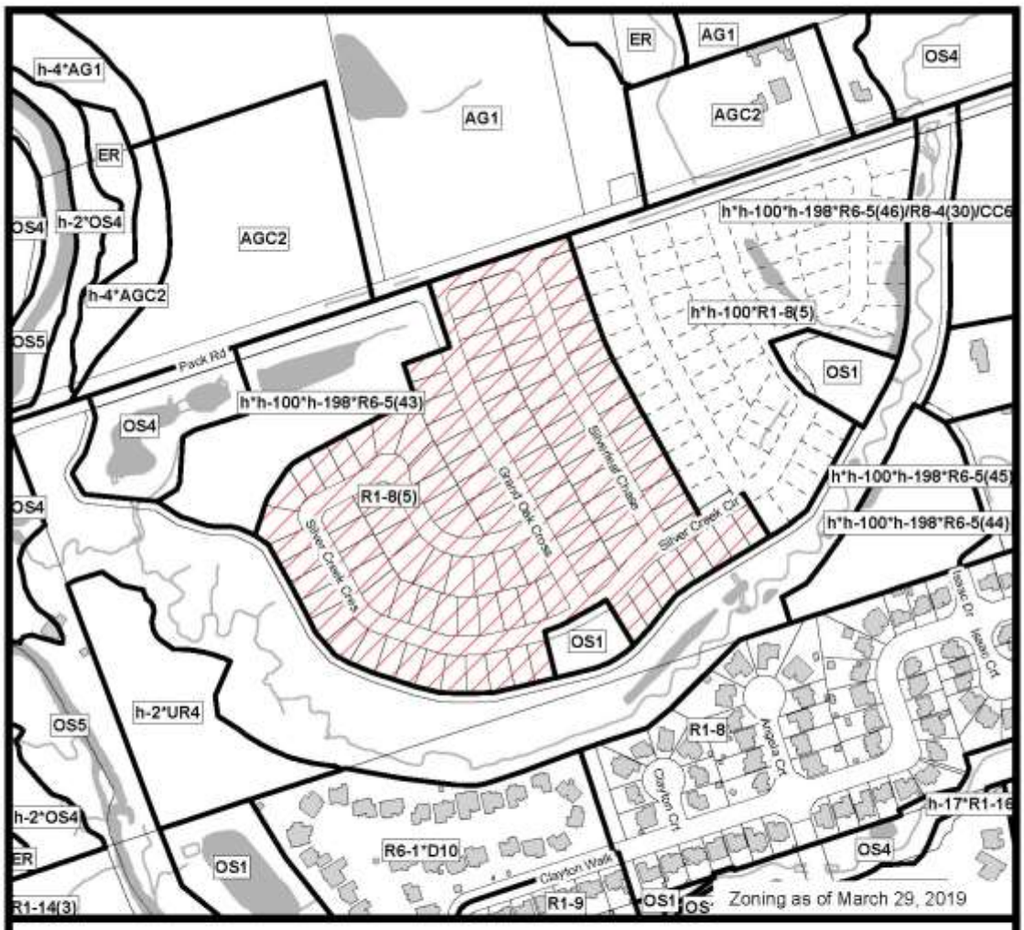
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FILE NUMBER:	OZ-9032
PLANNER:	SW
TECHNICIAN:	RC
DATE:	2019/05/28

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



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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

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

FILE NO: OZ-9032 SW

MAP PREPARED: 2019/05/28 RC

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

Additional Reports

OZ-5767: 1999 Small Lot Study
Z-7412: 2007 Small Lot Design Guidelines Subdivision Design Guidelines
39T-14504/OZ-8417: Silverleaf Subdivision Public Participation Meeting

Appendix A

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

By-law No. C.P.-1284-
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2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on June 25, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading – June 25, 2019
Third Reading – June 25, 2019

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

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B. LOCATION OF THIS AMENDMENT

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C. BASIS OF THE AMENDMENT

Section 20.5 of the Official Plan is the Southwest Area Secondary Plan which includes more specific policy guidance for the plan area. The recommended amendment will permit an alternative dwelling form that what is permitted by the Southwest Area Secondary Plan policies.

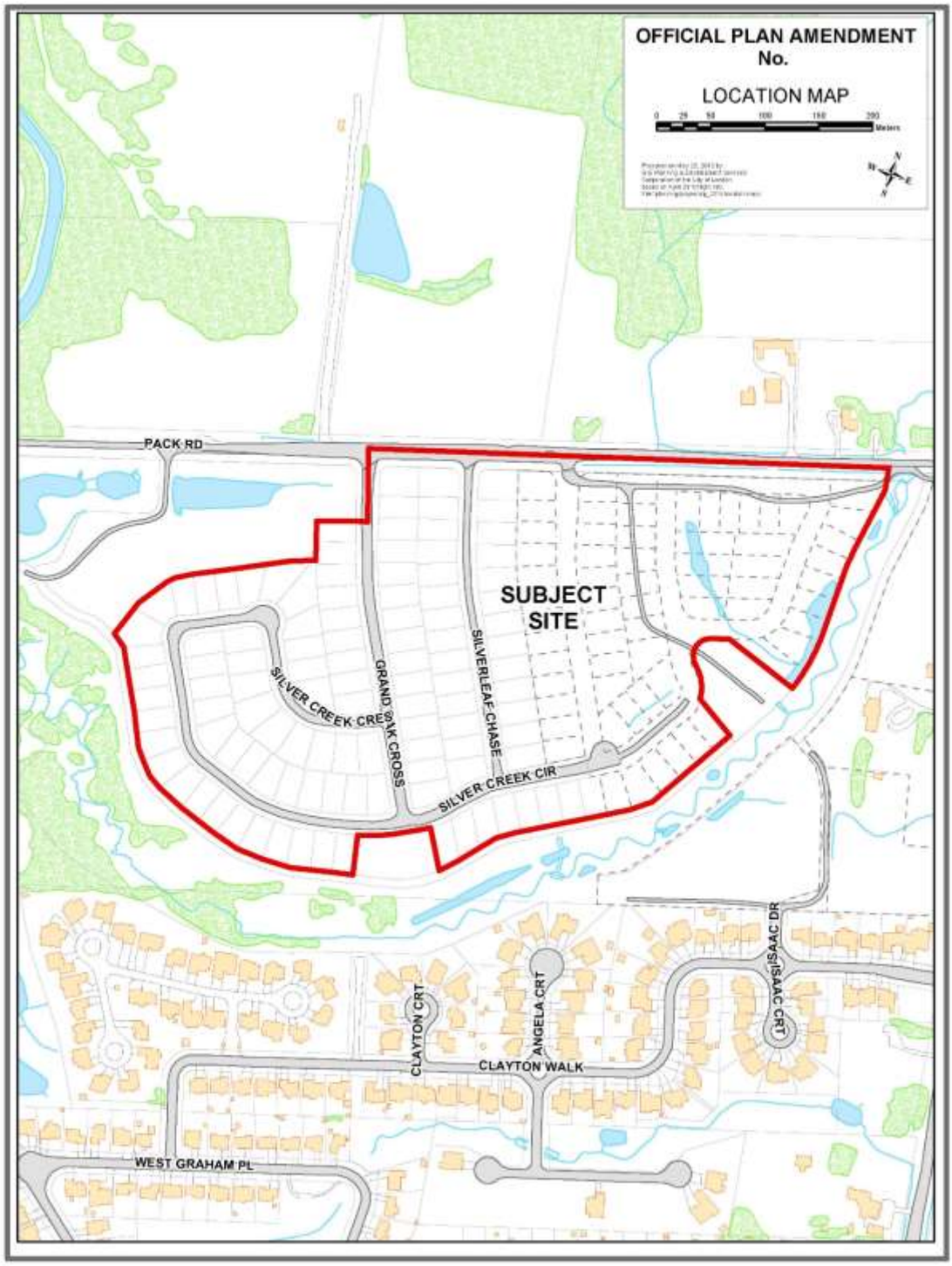
D. THE AMENDMENT

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

1. Section 20.5.10.1.iii “North Lambeth, Central Longwoods and South Longwoods Residential Neighbourhoods – Low and Medium Density Residential Built Form and Intensity” of the Official Plan – Southwest Area Secondary Plan for the City of London is amended by adding the following:

   3493 Colonel Talbot Road

   For not more than 30% of the single detached dwellings lots within the Silverleaf Subdivision Phase 2 and registered plan 33M-742, notwithstanding policy 20.5.3.9.iii.e), for courtyard dwellings, garages may project beyond the façade of the dwelling, or the façade (front face) of any porch, where the interior garage façade that includes the garage door(s) is located at no more than 90 degrees to the main building and principle entrance.


OFFICIAL PLAN AMENDMENT
No.
LOCATION MAP
PACK RD
SUBJECT
SITE
SILVER CREEK CRES
GRAND OAK CROSS
SILVERLEAF CHASE
SILVER CREEK CIR
CLAYTON CRT
ANGELA CRT
CLAYTON WALK
ISAAC CRT
WEST GRAHAM PL

Appendix B

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

By-law No. C.P.-XXXX-___

A by-law to amend The London Plan for the City of London, 2016 relating to 3493 Colonel Talbot Road.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on June 25, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading – June 25, 2019
Third Reading – June 25, 2019

AMENDMENT NO.
to the

THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a new policy in Section 1565_5 of The London Plan (Southwest Area Secondary Plan) for the City of London to permit an alternative form of single detached dwelling.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3493 Colonel Talbot Road in the City of London.

C. BASIS OF THE AMENDMENT

Section 1565_5 of The London Plan is the Southwest Area Secondary Plan which includes more specific policy guidance for the plan area. The recommended amendment will permit an alternative dwelling form that what is permitted by the Southwest Area Secondary Plan policies.

D. THE AMENDMENT

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

1. Section 20.5.10.1.iii “North Lambeth, Central Longwoods and South Longwoods Residential Neighbourhoods – Low and Medium Density Residential Built Form and Intensity” of the Official Plan – Southwest Area Secondary Plan for the City of London is amended by adding the following:

   3493 Colonel Talbot Road

   For not for than 30% of the single detached dwellings lots within the Silverleaf Subdivision Phase 2 and registered plan 33M-742, notwithstanding policy 20.5.3.9.iii.e), for courtyard dwellings, garages may project beyond the façade of the dwelling, or the façade (front face) of any porch, where the interior garage façade that includes the garage door(s) is located at no more than 90 degrees to the main building and principle entrance.

Appendix C

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 3493 Colonel Talbot Road.

WHEREAS 2219008 Ontario Ltd has applied to rezone an area of land located at 3493 Colonel Talbot Road, as shown on the map attached to this by-law, as set out below;

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

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3493 Colonel Talbot Road, as shown on the attached map, from a Residential R1 Special Provision (R1-8(5)) Zone and a holding Residential R1 Special Provision (h*h-100*R1-8(5)) Zone to a Residential R1 Special Provision/Residential R1 Special Provision (R1-8(5)/R1-8(_)) Zone and a holding Residential R1 Special Provision/Residential R1 Special Provision (h*h-100*R1-8(5)/R1-8(_)) Zone.

2) Section Number 5.4 of the Residential R1 Zone is amended by adding the following Special Provision:

R1-8 ( )

a) Additional Permitted Use

Courtyard Dwelling: means a single detached dwelling, less than 2 storeys in height that has an attached garage projecting beyond the principle entrance or front façade of any porch. For the purpose of this definition, the definition of garage shall be comprised of an interior garage façade that includes the garage door(s) located at no more than 90 degrees to the main building and principle entrance, an exterior garage façade located opposite to the interior garage façade, and a front garage façade being parallel to the street.

b) Regulations for Courtyard Dwellings

i) Notwithstanding Section 5.3.1) or anywhere else in this by-law to the contrary, the lot frontage shall be as follows:

Lot Frontage (Minimum)	19m (62ft)

ii) Garage door(s) to be located perpendicular (not more than 90 degrees) to the main building façade and principle entrance

iii) Garage door(s) and driveways are prohibited between the street and the front garage façade

iv) Garage projection (depth) from the 8m (26.2ft)

	principle entrance or the façade (front face) of any porch, whichever is closer to the street. (Maximum)	
v)	Amount of transparent glazing (windows) on first storey of front garage façade (façade parallel to street) (Minimum)	18%
vi)	Amount of transparent glazing (windows) on first storey of exterior garage façade (façade opposite to interior garage façade and garage door(s)) (Minimum)	8%
vii)	Front yard depth of garage (Minimum)	4.5m (14.7ft)
viii)	Notwithstanding section 4.19.6.a) paragraph 2, the maximum driveway width shall not exceed 8m maximum for any portion of the driveway between the street line and the interior garage façade.	
ix)	The maximum garage width (inner side of the interior garage wall to the inner side of the exterior garage wall) shall not exceed 8 m or 45% of the overall building width, whichever is greater.	
x)	Courtyard Dwellings shall be limited to not more that 30% of single detached lots to which the Zone applies to.	

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 June 25, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading – June 25, 2019
Third Reading – June 25, 2019

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



File Number: OZ-9032

Planner: SW

Date Prepared: 2019/05/28

Technician: RC

By-Law No: Z.-1-

SUBJECT SITE

1:4,000

0 20 40 80 120 160 Meters

PUBLIC PARTICIPATION MEETING COMMENTS

3.2 PUBLIC PARTICIPATION MEETING – Application – 3493 Colonel Talbot Road – Zoning By-law Amendments (OZ-9032)

- *(Councillor S. Turner enquiring with respect to the façades and some of the neighbourhood characteristics, blanking on the name of the policy where they look to the streetscapes and how much of the façade of the house may be taken up by garage; noting that Mr. L. Pompilii, Manager, Development Planning, talked a little about the 50% maximum to that; in this he did not see offhand how much of the front façade of the garage itself facing the street would be allowed to take up of the total width of that house, the total front elevation of the house, would it be limited to any extent; seeing the garage amount, the garage doors themselves are limited in how much that can come out and how much it can be set back from the street but the actual width facing the street of the garage component.);* Mr. L. Pompilii, Manager, Development Planning, responding that generally, within the South West Area Plan, and within some of their infill policies, their regulations relate to that garage doors themselves cannot occupy more than 50% of the width of the lot, in this case, with the courtyard dwelling they have not included anything similar, there is no control over what that width at the street level can be, it is that projection from the main dwelling that they are regulating here; *(Councillor S. Turner wondering if there is any limitation to how many in a row would be available or could every lot conceivably be of this design.)*; Mr. L. Pompilii, Manager, Development Planning, responding that through this recommendation there is no control in terms of specific lots; believing the developer in this case has indicated through their submission that they will control that so this is not on a lot by lot basis within the street but they will spread it out, the only other alternative that staff would have is to zone specific lots for this type of dwelling; *(Councillor S. Turner wondering if it would be possible in that zone overall to say that a certain proportion of lots, say 30% of the lots could have that design type.)*; Mr. L. Pompilii, Manager, Development Planning, responding that they are creating a special provision zone as well as a specific policy within the South West Area Plan, they could put a percentage on that if that is desirable; believing that is the intent of what the applicant and the developer in this case is doing through their approval process.
- Scott Allen, MHBC, on behalf of the applicant – agreeing with staff's recommended Official Plan Amendments to The London Plan and the South West Area Secondary Plan to permit the courtyard housing in the Silverleaf subdivision; advising that they are largely in agreement with the zoning that has been proposed through the proposed Zoning By-law Amendment in Schedule "C" of the staff report; commending staff for their work crafting that Zoning By-law Amendment and they worked closely with staff and they had consultations with York Developments own builders on this matter as well and they do appreciate the effort that was put in; noting that this has been a challenging file; pointing out that, unfortunately, as Mr. L. Pompilii, Manager, Development Planning, spoke to it, there are certain disagreements they have on two specific items relating to the proposed regulations that were set out in Schedule "C"; firstly, City staff are recommending that the front garage façade, the courtyard drawings, incorporate a minimum of 25% window glazing and that is to avoid the blank wall designs and while they fully agree that blank wall designs are not appropriate, they are concerned that 25% is too high based on contemporary designs; indicating that based on their assessment, glazing in the range of 15% to 18% of the façade is appropriate for well-balanced contemporary house design as they identified in their letter; requesting that this minimum glazing be reduced to 15% recognizing again that it is a minimum and that there is opportunities for additional glazing; expressing concern from a proportionality perspective that too much glazing on a garage may not be an appropriate design for the broader house; secondly, City staff are recommending that the garage depth of the courtyard dwellings be

limited to eight metres from the main building to accommodate two car garages but not three car garages and this regulation is being proposed as Mr. L. Pompilii, Manager, Development Planning, spoke to basically focus on eyes on the street and help activate the dwelling area and space in front of the houses; supporting these community based initiatives; however, in their opinion, a third garage bay would not necessarily undermine the intent of these design initiatives; additionally, as Mr. L. Pompilii, Manager, Development Planning, spoke, a three bay design with a bonus room above the garage space is already permitted by the Zoning By-law, and would, in fact, not be affected by this particular Zoning By-law Amendment as bonus rooms are considered to be part of the main building, they provided a figure in their letter to illustrate that it is relatively difficult to distinguish between the various forms of L-shaped or courtyard housing regardless if they are or not permitted by the by-law; in light of that consideration, they would request that that maximum garage depth from the main building be established at 11.5 metres rather than 8 metres and that would permit two and three car garages in Silverleaf without the need for bonus rooms; advising that, in their opinion, this modification is appropriate for the development in context with this area and promote greater variation and streetscape design; mentioning with respect to Councillor S. Turner's comments, they would support an additional provision being added to that Zoning By-law Amendment to maximize the number of courtyard houses in the R1-8(5) site specific zone to 30% and that would therefore apply only to Silverleaf subdivision and that would help to not only provide greater variation in housing designs but also to distribute L-shaped housing throughout the development area; respectfully requesting that the Planning and Environment Committee endorse their three proposed modifications, two of which are illustrated in Appendix "C" that they included a modified version in their letter. (See attached presentation.)

303 Richmond St., Suite 201
London, ON N6B 2H8

June 14, 2019

By email:

Chair Anna Hopkins and Members of City of London Planning and Environment Committee
City of London
300 Dufferin Avenue
PO Box 5035
London, ON N6A 4L9

Dear Chair Hopkins and Committee Members:

Re: Official Plan Amendment/Zoning By-law Amendment Application (OZ-9032)
3493 Colonel Talbot Road, London (Silverleaf Subdivision)

We have reviewed the Development Services Division report pertaining to our referenced planning application requesting courtyard (L-shaped) dwelling permissions for Silverleaf Subdivision.

At this time, we wish to advise that we agree with recommendations set out in the City staff report relating to the proposed Official Plan Amendment. Additionally, we are largely in agreement with the Zoning By-law Amendment recommended in this report. However, **we disagree with two elements of the proposed zoning regulations and offer the following comments in response to these matters:**

1. Front Garage Wall Glazing (25% Minimum Requirement)

City staff have recommended that front garage walls for courtyard dwellings incorporate a minimum of 25% window treatment (glazing) to help enhance the streetscape appearance and to avoid a 'blank wall' design. We fully agree that this front façade should include enhanced design treatments including glazing, however we are concerned that a 25% minimum glazing requirement is excessive relative to the proportion of windows typically provided for living space. In our experience, providing approximately 15% glazing on the front façade is appropriate for a well-balanced, contemporary design (refer to Figure 1 enclosed with this letter)

In order to provide a better balance and distribution of windows on the front facades of courtyard dwellings, **we request that a minimum glazing provision of 15% be established through this Zoning By-law Amendment.** In our opinion, this provision will be sufficient to support attractive housing designs that will contribute positively to the local streetscape.

2. Garage Projection (8.0 m Maximum Requirement)

City staff have also recommended that the garage depth for courtyard dwellings be limited to 8.0 m (26.2 ft) from the main building entrance or porch to accommodate a double car garage. As outlined in this report, City staff are proposing this regulation to mitigate possible impacts from extended building setbacks (e.g., limit natural surveillance, reduced residential presence and street activation). We fully support community-wide initiatives to encourage 'eyes on the street' and pedestrian-oriented neighbourhoods, however in our opinion limiting courtyard dwellings in Silverleaf to double car garages is not necessary to achieve these objectives.

Additionally, it is important to consider that courtyard homes with 'bonus' rooms above the garage bays are permitted under existing zoning regulations and the proposed regulations, as these rooms are considered part of the main building. Figure 2 enclosed with this letter illustrates that there is little difference between the appearance of courtyard dwellings that are, or are not permitted, under the proposed zoning regulations (regardless of the number of garage bays).

Given these considerations, **we request that the maximum garage depth from the main building entrance be increased to 11.5 m (37.7 ft)** to allow courtyard dwellings in Silverleaf to be configured for both two- and three-bay garages. In our opinion, this modification will provide for a broader mix of single detached housing within this subdivision, while also promoting greater variation in building designs, façade treatments, entrance (forecourt) features and landscaping arrangements.

3. Alternative Recommendation

In summary, we respectfully request that the Planning and Environment Committee endorse our proposed modifications to Appendix "C" of the City staff report which sets out the proposed site-specific zoning. As such, we have enclosed a revised Appendix "C" for the Committee's consideration.

Our team is available to address any questions you may have regarding the matters discussed. Please be advised that we intend to make a presentation to the Committee at the public participation meeting scheduled for June 17, 2019.

Yours Truly,

Ali Soufan
President, York Developments
519.640.8968 (ali.soufan@yorkdev.ca)

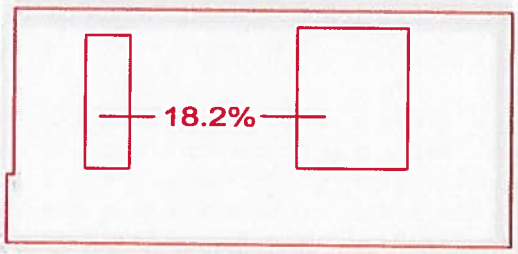
Carmine Gargarella
President, Bridlewood Homes
519.521.4979 (carmine@bridlewoodhomes.ca)

Cc: L. Pompilii, S. Wise; City of London
Encl



FRONT ELEVATION

Proposed Glazing Requirement: 25% (min.)
Requested Glazing Requirement: 15% (min.)



Bridlewood HOMES

Figure 1

Courtyard Dwellings: Front Garage Wall Glazing Calculation (Sample Design)

PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE
MHBC PLANNING

630 COLBORNE STREET,
SUITE #202
LONDON, ON, N6B 2V2
P. 519 858 2797 F. 519 858 2930
WWW.MHBCPLAN.COM

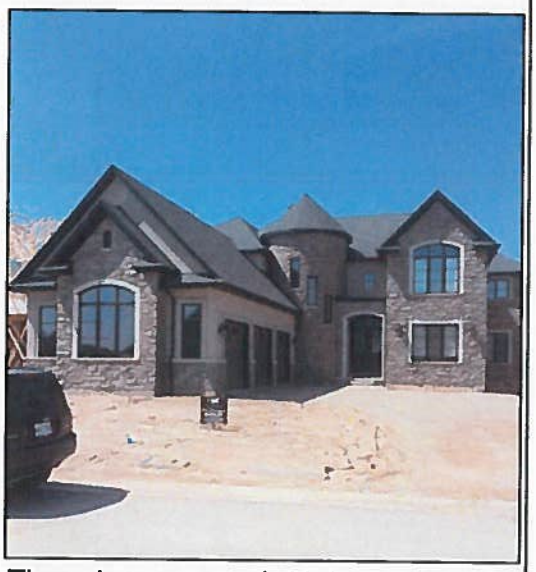
DATE: June 13, 2019

N:\10941\I\Graphics\
Figure 1 - Front Garage Wall Glazing Calculation - June 13, 2019

Permitted under proposed zoning requirements:



Two-bay garage



Three-bay garage (with bonus room)

Not permitted under proposed zoning requirements:



Three-bay garage (without bonus room)

Bridlewood HOMES

Figure 2

Courtyard Dwellings: Design Comparision (Proposed Zoning)

630 COLBORNE STREET, SUITE #202
LONDON, ON. N6B 2V2
P 519 858 2797 F 519 858 2920
WWW.MHBCPLAN.COM

PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE
MHBC PLANNING

DATE: June 13, 2019

N:\1094\H\Graphics\
Figure 2 - Comparison of Existing Houses - June 13, 2019

Appendix C

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 3493 Colonel Talbot Road.

WHEREAS 2219008 Ontario Ltd has applied to rezone an area of land located at 3493 Colonel Talbot Road, as shown on the map attached to this by-law, as set out below;

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

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

1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 3493 Colonel Talbot Road, as shown on the attached map, from a Residential R1 Special Provision (R1-8(5)) Zone and a holding Residential R1 Special Provision (h*h-100*R1-8(5)) Zone to a Residential R1 Special Provision/Residential R1 Special Provision (R1-8(5)/R1-8(_)) Zone and a holding Residential R1 Special Provision/Residential R1 Special Provision (h*h-100*R1-8(5)/R1-8(_)) Zone.

2) Section Number 5.4 of the Residential R1 Zone is amended by adding the following Special Provision:

R1-8 ( )

a) Additional Permitted Use

Courtyard Dwelling: means a single detached dwelling, less than 2 storeys in height that has an attached garage projecting beyond the principle entrance or front façade of any porch. For the purpose of this definition, the definition of garage shall be comprised of an interior garage façade that includes the garage door(s) located at no more than 90 degrees to the main building and principle entrance, an exterior garage façade located opposite to the interior garage façade, and a front garage façade being parallel to the street.

b) Regulations for Courtyard Dwellings

i) Notwithstanding Section 5.3.1) or anywhere else in this by-law to the contrary, the lot frontage shall be as follows:

iv)	Garage projection (depth) from the principle entrance or the façade (front face) of any porch, whichever is closer to the street. (Maximum)	11.5m	(37.7ft)
v)	Amount of transparent glazing (windows) on first storey of front garage façade (façade parallel to street) (Minimum)	15%	
vi)	Amount of transparent glazing (windows) on first storey of exterior garage façade (façade opposite to interior garage façade and garage door(s)) (Minimum)	8%	
vii)	Front yard depth of garage (Minimum)	4.5m	(14.7ft)
viii)	Notwithstanding section 4.19.6.a) paragraph 2, the maximum driveway width shall not exceed 8m maximum for any portion of the driveway between the street line and the interior garage façade.		

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 June 25, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk



MHBC PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE

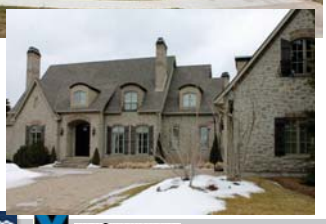
York DEVELOPMENTS

Bridlewood HOMES

Courtyard Garage
(Representative Designs)









Permitted under proposed zoning requirements:



Two-bay garage



Three-bay garage (with bonus room)

Not permitted under proposed zoning requirements:



Three-bay garage (without bonus room)

Thank You



Natural Surveillance





Streetscape Arrangement
(Mix of Courtyard and Conventional Garages)



File: O-8879
Planner: K. Killen

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, Planning and City Planner
Subject: **Old East Village Dundas Street Corridor Secondary Plan**
Public Participation Meeting on: June 17, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner, the following actions be taken with respect to the Old East Village Dundas Street Corridor Secondary Plan:

(a) the proposed by-law, attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on June 25, 2019 to amend the Official Plan, 2016, The London Plan, to adopt The Old East Village Dundas Street Corridor Secondary Plan, attached hereto as Schedule 1;

(b) the proposed by-law, attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting to be held on June 25, 2019 to amend the Official Plan, 2016, The London Plan, to add the Old East Village Dundas Street Corridor Secondary Plan to Policy 1565, the list of adopted Secondary Plans; and,

(c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at a future Municipal Council meeting to amend the Official Plan, 2016, The London Plan at such time as Map 7 is in full force and effect by **ADDING** the Old East Village Dundas Street Corridor Secondary Plan to Map 7 – Specific Policy Areas.

IT BEING NOTED that the Old East Village Dundas Corridor Secondary Plan may be amended at a future date, in accordance with the provisions of the *Planning Act*, to ensure that the Secondary Plan conforms to any changes to the *Planning Act* arising from the *More Homes, More Choice Act, 2019* (Bill 108).

Executive Summary

Summary of Request

To adopt the *Old East Village Dundas Street Corridor Secondary Plan*, and as a part of an amendment to *The London Plan*, add the *Old East Village Dundas Street Corridor Secondary Plan* to the list of adopted Secondary Plans to create a policy framework specific to the Old East Village Dundas Street Corridor Secondary Plan area.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action will establish policies that provide guidance on land use, built form, public realm design, mobility, cultural heritage, and natural heritage that are tailored to the Dundas Street and King Street corridors.

Rationale of Recommended Action

i) The recommended amendment is consistent with the *Provincial Policy Statement, 2014*, which:

- promotes opportunities for intensification and redevelopment where this can be appropriately accommodated, as well as new development within the existing built-up area that promotes compact form and a mix of uses and densities that allow for the efficient use of land, infrastructure, and public service facilities.

- promotes healthy, active communities by planning public streets, spaces, and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.
- directs transportation and land use considerations to be integrated in all stages of the planning process.
- supports long term-economic prosperity by maintaining and enhancing the vitality and viability of mainstreets as well as encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

ii) The recommended amendment is consistent with the policies of *The London Plan* that provide direction to prepare a Secondary Plan where there is a need to elaborate on the parent policies of *The London Plan*, as well as identify Rapid Transit Corridors and Urban Corridors as having the potential to require a Secondary Plan to guide their transition.

iii) The recommended amendment supports the continued revitalization of the Dundas Street and King Street corridors.

Analysis

1.0 Pertinent Reports

- Downtown OEV East-West Bikeway Corridor Evaluation; Civic Works Committee – February 20, 2019
- Draft Old East Village Dundas Street Corridor Secondary Plan; Planning and Environment Committee – February 19, 2019
- Old East Village Dundas Street Corridor Secondary Plan Draft Terms of Reference; Planning and Environment Committee – April 30, 2018

2.0 Background

2.1 Purpose of the Secondary Plan

Secondary Plans provide more detailed guidance by establishing policies which build on the parent policies of the Official Plan. In cases where the policies of the two plans are inconsistent, the Secondary Plan policies prevail. In the case of the *Old East Village Dundas Street Corridor Secondary Plan*, the intent is to provide more detailed guidance for future development within the identified area, building on the general policies of *The London Plan*.

It is important to note that where the *Old East Village Dundas Street Corridor Secondary Plan* is silent on a matter that is addressed within *The London Plan or 1989 Official Plan*, official plan policies apply.

2.2 Terms of Reference

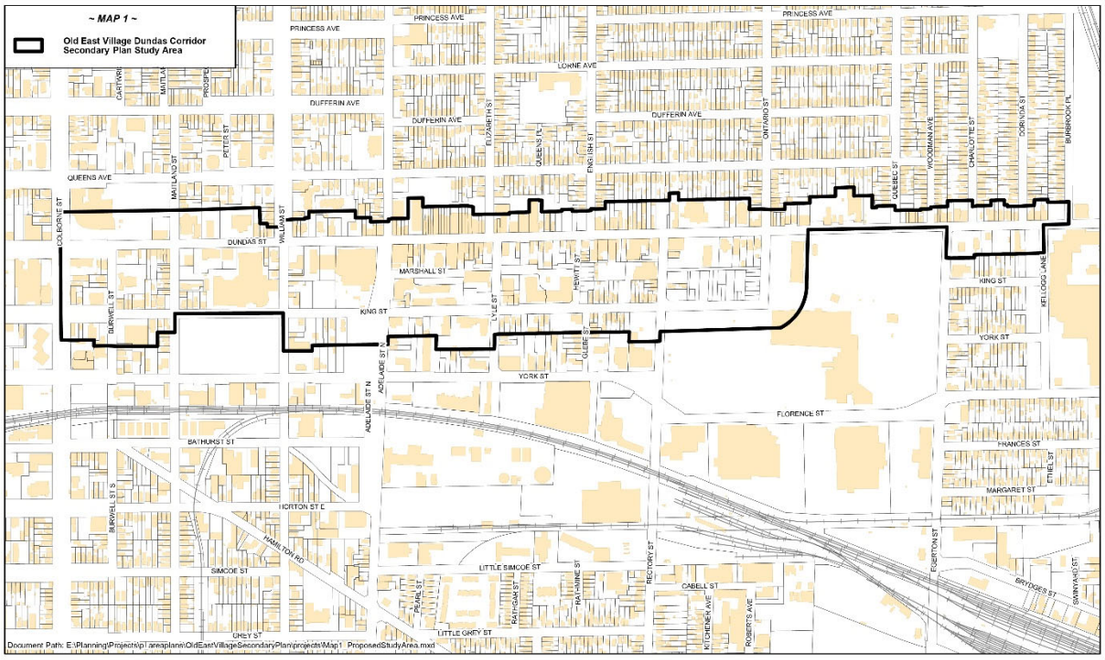
The Terms of Reference was endorsed by Municipal Council on May 9, 2018. Outlined in the Terms of Reference were the following ongoing and upcoming initiatives:

- The future implementation of rapid transit service along King Street from the downtown to Ontario Street and continuing east along Dundas Street.
- The evaluation and implementation of cycling infrastructure to establish an east-west corridor connecting east London with the downtown.
- A planned infrastructure renewal project, which will include upgrades to underground services and streetscape reconstruction along Dundas Street between Adelaide Street North and Ontario Street.
- The planned construction of the Adelaide Street/CP Rail underpass.
- Proposed redevelopment of a portion of the Western Fair grounds, as well as multiple development applications along both Dundas Street and King Street.
- Ongoing investment in heritage building conservation and adaptive reuse.

2.3 Secondary Plan Study Area

The *Old East Village Dundas Street Corridor Secondary Plan* study area generally includes properties fronting onto Dundas Street, between Colborne Street and Burbrook Place/Kellogg Lane, properties fronting onto King Street, between Colborne Street and Ontario Street, and properties fronting onto Ontario Street.

2.4 Secondary Plan Boundary Map



2.5 Draft Secondary Plan

The draft *Old East Village Dundas Street Corridor Secondary Plan* was presented to the Planning and Environment Committee on February 19, 2019. On March 5, 2019, Municipal Council received the draft *Old East Village Dundas Street Corridor Secondary Plan*, noting that the draft Secondary Plan would serve as the basis for further consultation with the community and stakeholders and the feedback received through this consultation process and the outcomes of supporting and informing studies would feed into a revised Secondary Plan and implementing Official Plan Amendment, and that this revised Secondary Plan would be prepared for the consideration and approval of the Planning and Environment Committee at a future public participation meeting in the second quarter of 2019.

3.0 Overview of the Secondary Plan

The *Old East Village Dundas Street Corridor Secondary Plan* policies were prepared by Urban Strategies Inc. and the City of London City Planning service area with input from the community, internal and external stakeholders.

3.1 Vision and Principles

The *Old East Village Dundas Street Corridor Secondary Plan* vision statement is:

A vibrant commercial core with a unique heritage character that serves as a community hub for local residents and draws visitors as a distinct destination.

The guiding principles outlined in the Secondary Plan are:

- Foster the local and creative entrepreneurial spirit and support community economic development;
- Respect and reinvest in heritage resources to enhance the unique character of the area;
- Provide distinct retail options with a wide range of commercial uses including restaurants and cafes;
- Create a welcoming and safe environment for pedestrians and cyclists of all

ages and abilities;
- Establish safe connections to the local transit system and surface parking lots; and,
- Support appropriately-scaled residential growth.

3.2 Character Areas

Four distinct character areas are identified within the Secondary Plan area, including:

- Midtown;
- Old East Village Core;
- Old East Village Market Block; and,
- King Street.

These character areas define the existing context of the Secondary Plan area and establish a future vision. In some instances they are used to determine the applicability of specific policies within the Secondary Plan area.

3.3 Policies

The policies of the Secondary Plan provide guidance on land use, built form, public realm design, mobility, cultural heritage, and natural heritage.

The land use policies within the Secondary Plan promote a mixed-use community focussing on active ground-floor uses. A broad range of residential, retail, service, office, cultural, recreational and institutional uses are proposed, consistent with the vision for the Rapid Transit Corridor Place Type, and Main Street segment policies in *The London Plan*.

The public realm policies of the Secondary Plan focus on creating an environment that is pedestrian-oriented to enhance the mainstreet atmosphere of the Dundas Street corridor and to cater to future rapid-transit users on King Street. In addition, policies aim to enhance the pedestrian experience along north-south linkages, connecting the residential populations north and south of Dundas Street to the corridor to support local business. As well, emphasis is placed on creating safe connections between the Municipal parking lots and Dundas Street with the overall intent of making the Secondary Plan area safe and walkable.

Also central to the public realm policies is the integration of new and/or upgraded cycling infrastructure and facilities into the Secondary Plan area. The Downtown OEV East-West Bikeway Corridor Evaluation identifies Dundas Street as a key location for future cycling infrastructure and cycling infrastructure upgrades. The policies reflect the route endorsed by Council through this evaluation and integrate the dedicated cycling lanes into the streetscape design.

The mobility policies establish the modal priority within the Secondary Plan area, which emphasizes walking and cycling through the Dundas Street and King Street corridors. It also acknowledges the importance of parking and loading for businesses within the area and aims to strengthen the connections to and from Municipal parking lots to Dundas Street.

The built form policies of the Secondary Plan include consideration for the nearby established heritage conservation districts and the historical streetscape of the Dundas Street corridor. Taking into consideration the proximity of heritage conservation districts and stable low-rise residential uses, the Secondary Plan policies provide direction for a sensitive transition when properties fronting Dundas Street redevelop. The Secondary Plan policies take into account the average building height of the primary structures on the properties just outside of the Secondary Plan area boundary, primarily single-detached dwellings. This average was determined as seven metres, and this height is used as a basis for determining a 45-degree angular plane, in which the massing of new development must be contained within. Acknowledging the character of the Dundas Street corridor, the built form policies direct new development to provide step backs to retain the established mainstreet scale.

Built form policies also provide direction to new high-rise development, nine storeys in height and taller. For these developments, policies provide direction on podium design, and step backs, as well as tower design and location to support a pedestrian-scaled environment and protect sunlight access.

The cultural heritage policies were guided by the recommendations of the *Cultural Heritage Assessment Background Report*. The policies focus on approaches for mitigating impacts from new developments on or adjacent to listed, designated and potential cultural heritage resources. The policies also indicate that a Heritage Impact Assessment will be required in certain instances to ensure that significant cultural heritage resources are conserved.

The natural heritage policy highlights the potential for Chimney Swifts, a threatened species in Ontario, within the Secondary Plan area.

4.0 Relevant Background

4.1 Public Engagement (see more detail in Appendix D)

To assist in the preparation of the draft Secondary Plan, two community information meetings were jointly held by City Planning and Transportation Planning and Design to engage the community on both the *Old East Village Dundas Street Corridor Secondary Plan* and the Downtown OEV East-West Bikeway Corridor Evaluation. In addition, four meetings were held at the request of the Manager of the Old East Village Business Improvement Area (BIA).

Since the release of the draft *Old East Village Dundas Street Corridor Secondary Plan* in February 2019, the document has been available publicly to review on the Get Involved project webpage and at the City Planning office.

Comments submitted through the webpage and emailed directly to Councillors and/or staff after February 19, 2019, can be generally summarized as:

- Desire to see a two-way cycling facility continuously along Dundas Street;
- Emphasis on the importance of on-street parking for businesses along Dundas Street;
- Emphasis for front-door loading for businesses along Dundas Street;
- Concern that the Secondary Plan did not include a commitment to conserve significant natural heritage resources, specifically Chimney Swifts;
- Support for the draft Secondary Plan objectives and policies; and,
- Concern that the Secondary Plan study area does not include 446 York Street and address Supervised Consumption Facilities.

A third community information meeting was held on May 15, 2019. This meeting took the form of an open house to provide the opportunity for feedback on the draft policies of the Secondary Plan as presented at the February 19, 2019 Planning and Environment Committee meeting. City Planning staff were available to answer questions. Comment cards were also available.

Approximately 50 community members were in attendance at this third meeting. Comments were received during the meeting and noted by staff, as well as collected through comments cards.

The comments received can be can be generally summarized as:

Support for:

- Midblock connections.
- Separated, protected cycling lanes (no sharrows).
- People-friendly design focus.
- The transparency of the process.
- The general organization of the meeting and the meeting materials.
- The overall Secondary Plan policies.

- Building mass/height transition to the low-rise residential forms north of the study area.
- Connectivity to and from Dundas Street.
- Creating a consistent built form edge along Dundas Street by requiring a step back at the third or fourth storey.

Suggestions included:

- The step back after the second storey on Dundas Street be increased from five metres to ten metres.
- Concern over whether or not the historic buildings on the south side of Dundas Street have been identified.
- Funding for lighting, murals, art and beautification in midblock connections.
- Ensure connections from parking to transit be well light, safe and funding to do so is a priority.
- General concern that “under-market” rent is being mislabelled as “affordable housing”.
- Bonusing provisions for electric car charging stations on Dundas Street.
- Bonusing provisions for residential units with two or more bedrooms.
- Include a park in Midtown.

In addition, written comments from various people were submitted by a Life Spin representative at the meeting. These comments indicated the importance of loading and parking in front of the Life Spin building at 866 Dundas Street to support those with disabilities, the elderly and people with small children, as well as Life Spin’s ability to receive donations. These comments were provided to Transportation Planning and Design to ensure that the feedback could be addressed through the appropriate project and process.

London Advisory Committee on Heritage
At the April 10, 2019 meeting of the London Advisory Committee on Heritage (LACH), the Committee indicated support for the draft *Old East Village Dundas Street Corridor Secondary Plan*, dated February 2019, noting that the LACH supports a stronger approach to mandatory ground floor active uses being considered along the entire stretch of Dundas Street.

4.2 Policy Context (see more detail in Appendix E)

Old East Village and the surrounding area has been the focus of revitalization efforts through numerous plans and studies, including the Mayor’s Task Force on Old East London Report in 1998 and the *Re-establishing Value: A Plan for the Old East Village* report in 2003. In 2004, the Old East Village Community Improvement Plan Area was established. The *Old East Village Commercial Corridor Urban Design Manua*l was adopted in 2016.

Re-establishing Value: A Plan for the Old East Village, 2003
Re-establishing Value: A Plan for the Old East Village was prepared by the Planners Action Team (PACT), a team of members from the Ontario Professional Planners’ Institute (OPPI). This provided a detailed analysis of the corridor and identified issues facing the area as well as strategies for improvement and revitalization.

Old East Village Community Improvement Plan, 2004
One recommended strategy of the *Re-establishing Value: A Plan for the Old East Village* report was the creation of a community improvement area, which was established in 2004. The purpose of the *Old East Village Community Improvement Plan* is to provide context for a coordinated municipal effort to improve the physical, economic, and social conditions of Old East Village and to stimulate private investment and property maintenance and renewal.

Old East Village Commercial Corridor Urban Design Manual, 2016
The *Old East Village Commercial Corridor Urban Design Manual* was prepared by the City of London and adopted in 2016. The purpose of this design manual is to provide design guidance in the review of all planning and development applications, as well as façade improvements. It promotes high-quality design that responds to the area’s

unique context and overall vision.

The London Plan
Policy 1556 of *The London Plan* provides the direction to prepare a Secondary Plan to elaborate on the policies of *The London Plan*. Policy 1557 identifies instances that may warrant the preparation and adoption of a Secondary Plan, this includes areas within the Rapid Transit Corridor Type that may require vision and more specific policy guidance for transitioning from their existing form to the form envisioned by *The London Plan*.

The Secondary Plan area is predominantly located within the Rapid Transit Corridor Place Type. Dundas Street, between Colborne Street and Quebec Street, is a Main Street segment of the Rapid Transit Corridor. A few properties within the Secondary Plan area are Institutional. The Dundas Street and King Street segments within the Secondary Plan area are both classified as Rapid Transit Boulevards by *The London Plan*. It should be noted that the Rapid Transit Environmental Assessment (EA) is still underway at this time and *The London Plan* recognizes potential alignments. The Place Types and street classifications will be modified to align with the results of the EA process for the final version of *The London Plan*.

Provincial Policy Statement, 2014
The *Provincial Policy Statement, 2014* (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The policies support efficient and resilient development patterns within settlement areas through the promotion of opportunities for intensification and redevelopment where this can be accommodated by the existing context. It also promotes long term economic prosperity by enhancing the vitality and viability of mainstreets, as well as encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes. The PPS also directs transportation and land use consideration to be integrated at all stages of the planning process.

4.3 Bus Rapid Transit

The Draft Environmental Project Report for London's Bus Rapid Transit project was approved by Municipal Council on May 8, 2018. This report identified the north-east route as running through the Secondary Plan area along King Street, Ontario Street, and Dundas Street. Proposed rapid transit stop locations within the Secondary Plan area include King Street at Colborne Street, King Street at Adelaide Street North, and King Street at Ontario Street.

4.4 Downtown OEV East-West Bikeway Corridor Evaluation

Transportation Planning and Design retained WSP to undertake an evaluation of east-west cycling corridors to identify a safe and continuous connection between the downtown and east London. This evaluation was coordinated with the Secondary Plan process. The results of the feasibility study were presented at the Civic Works Committee on February 20, 2019 and subsequently on March 5, 2019, Municipal Council resolved:

> That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following actions be taken with respect to the Downtown OEV East – West Bikeway Corridor Evaluation:
>
> a) the preferred alternative identified herein as the Dundas Street and Queens Avenue Old East Village (OEV) Hybrid BE ENDORSED for implementation which is generally described as:
>
> i) an improved connection between the Thames Valley Parkway and Dundas Place;
>
> ii) a shared cycling route along Dundas Place between Ridout Street and Wellington Street;

iii) an uni-directional cycle tracks on Dundas Street between Wellington Street and William Street;

iv) a cycle track couplet on Dundas Street (eastbound) and Queens Avenue (westbound) between William Street and Quebec Street through the Old East Village; and,

b) The proposed recommendations of the Evaluation BE INCORPORATED into the Cycling Master Plan;

c) the Civic Administration BE DIRECTED to further assess pedestrian connectivity in the Old East Village for consideration in the development of capital programs; and,

d) the Civic Administration BE DIRECTED to undertake additional public consultation during project design and implementation phases.

4.5 Cultural Heritage Assessment

City Planning retained ASI to conduct a Cultural Heritage Assessment of the Old East Village Dundas Street Corridor Secondary Plan area. The Cultural Heritage Assessment Report was submitted on January 14, 2019. Coming from the Cultural Heritage Assessment Report, a number of properties within the Secondary Plan area were recommended by the LACH to be added to the Register (Inventory of Heritage Resources).

5.0 Key Issues and Considerations

5.1 Use

The London Plan contemplates a range of residential, retail, service, office, cultural, recreational and institutional uses (Policy 837.1) and encourages mixed-use buildings (Policy 837.2) within Rapid Transit Corridors. Retail and services uses are encouraged to front the street at grade within mixed-use buildings (Policy 837.4). The Old East Village Main Street segment contemplates a broad range of uses at a walkable neighbourhood scale to support local shopping and commercial options (Policy 845). The uses proposed within the Secondary Plan area are consistent with the vision for the Old East Village Main Street segment and will support future rapid transit services within the Rapid Transit Corridor.

5.2 Intensity

Within the Old East Village Main Street segment (Dundas Street, between Colborne Street and Quebec Street), *The London Plan* contemplates buildings that are a minimum of two storeys (or eight metres) and a maximum of 12 storeys in height (Policy 847.1 and 847.2). Bonusing up to a maximum height of 16 storeys is contemplated (Policy 847.2). *The London Plan* also directs us to carefully manage the interface between corridors and the adjacent lands within less intense neighbourhoods (Policy 830.6). This is achieved through the Secondary Plan policies requiring building heights in close proximity to existing established low-rise residential neighbourhoods, predominantly north of the Secondary Plan area, to be stepped back from the low-rise residential properties to provide a sensitive height transition, and by limiting opportunities to obtain increased height through a bounsing.

The London Plan contemplates a wide range of uses and greater intensities of development along Rapid Transit Corridors close to transit stations (830.5). The policies contemplate a minimum of two storeys (or eight metres) and a maximum height of 12 storeys with bonusing (Table 9). Greater residential intensity may be permitted within the Rapid Transit Corridor Place Type on sites that are located within 100 metres of a rapid transit station (Policy 840.6) up to a maximum of 16 storeys with bonusing (Table 9).

Within the Secondary Plan, high-rise development is directed along the King Street

corridor and the south side of Dundas Street, consistent with general intent of the aforementioned policies. Rapid transit stations are planned at the King Street and Adelaide Street North intersection, the King Street and Ontario Street intersection, and the King Street and Colborne Street intersection. Increasing the residential intensity south of Dundas Street and along King Street, to permit bonusing for a height beyond 12 storeys is proposed within the policies of the Secondary Plan. This residential intensity is intended to support the functions of the future rapid transit service and further promote the revitalization of the Dundas Street corridor.

5.3 Form

The London Plan's vision for Rapid Transit Corridors includes transit-oriented and pedestrian-oriented development forms (Policy 830.7), creating a strong building edge (Policy 841.2) and breaking down the mass of large buildings (Policy 841.3). Buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure and general site layout that reinforces pedestrian safety and easy navigation (Policy 841.5). The policies of the Secondary Plan are consistent with this approach to building form and mode priority in the design of new development.

5.4 Reduction of On-street Parking

The Downtown OEV East-West Bikeway Corridor Evaluation results identify Dundas Street as the primary cycling corridor connecting the downtown with east London. As the right-of-way provides limited space to fully accommodate all modes of transportation, the approach taken seeks to balance the needs of all users. The proposed cycling network aims to reduce the impact of the added cycling lanes through the core of Old East Village by shifting the dedicated west-bound cycling lane to Queens Avenue, between William Street and Quebec Street. At this same segment, a single east-bound cycling lane will be integrated into the right-of-way design of Dundas Street. Vehicle travel lanes widths will be reduced and sidewalks widened to redistribute modal priority.

To accommodate the additional cycling lane as well as widened sidewalks and street trees, the existing on-street parking on the south side of Dundas Street will be removed. Concern has been raised from the business community along the corridor that this loss of parking may negatively impact business. Within this core area, there are three underutilized Municipally-owned parking lots. Policies within the Secondary Plan address strengthening the connection between the Dundas Street corridor and these parking lots both physically and through a co-ordinated signage program to address the loss of on-street parking through changing drivers' habits.

5.5 Cultural Heritage

The Old East Village Dundas Street Corridor Secondary Plan area is located in close proximity to three heritage conservation districts: the East Woodfield Heritage Conservation District, the West Woodfield Heritage Conservation District, and the Old East Heritage Conservation District. Furthermore, there are a number of listed and individually designated properties within the Secondary Plan area. Recognizing this, a Cultural Heritage Assessment was undertaken for the area in parallel to the Secondary Plan process. The *Cultural Heritage Assessment Background Report* has been considered in the policies of the Secondary Plan.

5.6 Natural Heritage

As previously mentioned, after the release of the draft *Old East Village Dundas Street Corridor Secondary Plan*, a comment was received pertaining to the potential for Chimney Swifts within the area. The revised Secondary Plan now contains a policy acknowledging the potential for Chimney Swift nesting and roosting within the Secondary Plan area.

6.0 Bill 108 – Changes to the Planning Act

The Minister of Municipal Affairs and Housing introduced Bill 108, More Homes, More Choice Act, 2019 on May 2, 2019. The Bill proposes a number of amendments to 13 different statutes including the *Planning Act*. The intention of Bill 108 is to address the housing crisis in Ontario by minimizing regulations related to residential development through changes to various Acts related to the planning process, including revisions to Section 37 of the *Planning Act* which provides municipalities with the ability to bonus for increased heights and densities.

As of the date of this report, Bill 108 has received Royal Ascent. The resulting impact on municipal policies and regulations is not known at this time. Transition regulations are also unknown at this time. With the enactment of Bill 108, changes to Official Plan policies including those in The London Plan and the Old East Village Secondary Plan will be required to align policies with any modifications to the *Planning Act* encompassed in Bill 108. This is a situation being faced by all municipalities throughout the province, as Official Plan policies may need to be revised to align with any changes to the *Planning Act* that arise from Bill 108.

7.0 Conclusion

The *Old East Village Dundas Street Corridor Secondary Plan* was guided by the policies of *The London Plan* in combination with community and stakeholder input as well as expert knowledge from Urban Strategies Inc. staff. The adoption of the Secondary Plan will create a policy framework specific to the Old East Village Dundas Street Corridor Secondary Plan area.

Prepared by:	**Kerri Killen, MCIP, RPP** **Senior Planner, Urban Regeneration**
Submitted by:	**Britt O'Hagan, MCIP, RPP** **Manager, Urban Regeneration**
Recommended by:	**John M. Fleming, MCIP, RPP** **Managing Director, Planning and City Planner**
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

June 10, 2019
KK/kk

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File: O-8879
Planner: K. Killen

Appendix A – Adoption of the Secondary Plan

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

By-law No. C.P.-XXXX-___

A by-law to amend The Official Plan for the City of London, 2016 relating to the Old East Village Dundas Street Corridor Secondary Plan area.

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

1. The Old East Village Dundas Street Corridor Secondary Plan, as contained in Schedule 1, attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on XXXX.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading – June 25, 2019
Third Reading – June 25, 2019

File: O-8879
Planner: K. Killen

AMENDMENT NO.
to the

THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

To adopt the Old East Village Dundas Street Corridor Secondary Plan.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands generally fronting Dundas Street, between Colborne Street and Burbrook Place/Kellogg Lane, lands fronting King Street, between Colborne Street and Ontario Street, and lands fronting Ontario Street in the City of London.

C. BASIS OF THE AMENDMENT

The preparation of the Old East Village Dundas Street Corridor Secondary Plan was undertaken to coordinate a number of ongoing and upcoming initiatives in the area, including: (1) the future implementation of rapid transit service along King Street from the downtown to Ontario Street and continuing east along Dundas Street; (2) the evaluation and implementation of cycling infrastructure to establish an east-west corridor connecting east London with the downtown; (3) a planned infrastructure renewal project, which will include upgrades to underground services and streetscape reconstruction along Dundas Street between Adelaide Street North and Ontario Street; (4) the planned construction of the Adelaide Street/CP Rail underpass; (5) proposed redevelopment of a portion of the Western Fair grounds, as well as multiple development applications along both Dundas Street and King Street; and, (6) ongoing investment in heritage building conservation and adaptive reuse.

The City of London undertook significant public engagement throughout the secondary plan process. The background studies, community and agency input, and proposed policies were, in turn, reviewed and assessed in the context of the Provincial Policy Statement and The London Plan, and used in the finalization of the Secondary Plan. This background work forms the basis and rationale for amendments to The London Plan.

The Secondary Plan will be used in the consideration of all applications including Official Plan amendments, zoning by-law amendments, site plans, consents, minor variances and condominiums within the Planning Area.

D. THE AMENDMENT

The Official Plan, 2016, The London Plan is hereby amended as follows:

Old East Village Dundas Street Corridor Secondary Plan, attached as Schedule 1.

File: O-8879
Planner: K. Killen

Schedule 1 – Old East Village Dundas Street Corridor Secondary Plan



Old East Village Dundas Street Corridor

Secondary Plan

June 2019

London
CANADA



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1.0 Introduction

1.1 BACKGROUND

Important regeneration efforts have been carried out in Old East Village and the surrounding area for more than three decades. In 2003, the Ontario Professional Planners Institute's Planners Action Team came together to undertake a detailed analysis of the corridor. Their report, *Re-establishing Value: A Plan for the Old East Village*, included a number of strategies for improvement and revitalization. Guided by these recommendations, the Community Improvement Plan area was established in 2004. The associated *Old East Village Community Improvement Plan* was created to provide context for a coordinated Municipal effort to improve the physical, economic, and social conditions of Old East Village and to stimulate private investment and property maintenance and renewal.

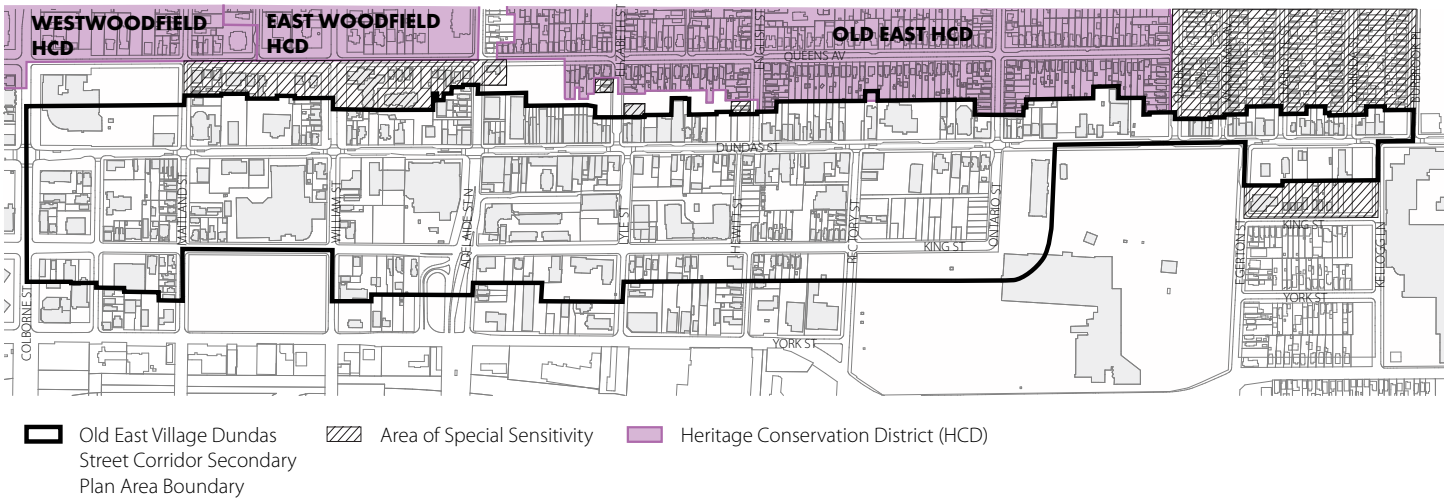
Following this, the *Old East Village Commercial Corridor Urban Design Manual* was prepared by the City of London and adopted in 2016. The purpose of this design manual is to promote high-quality design that responds to the area's unique context and overall vision. Throughout all of these projects and initiatives, the neighbourhood and business community has been instrumental, working closely with staff to ensure the project outcomes are appropriate for the local context.

The area faces future challenges and opportunities that come with rapid transit service, infrastructure upgrades, cycling infrastructure and development. This Secondary Plan aims to build on the ongoing efforts to revitalize the community, knitting together planned transit and cycling infrastructure upgrades with development pressures and public realm design priorities.

1.2 LOCATION

The Old East Village Dundas Street Corridor Secondary Plan applies to the general area along Dundas Street between Colborne Street and Burbrook Place, and King Street between Colborne Street and Ontario Street. The Secondary Plan boundary is illustrated in Schedule 1. This Secondary Plan incorporates the area that extends beyond the boundaries of what is traditionally considered Old East Village to ensure that appropriate connections are created to the downtown to the west as well as to the McCormick Area Secondary Plan area and former Kellogg's property to the east.

The East Woodfield Heritage Conservation District, the West Woodfield Heritage Conservation District, and the Old East Heritage Conservation District are in close proximity to the Secondary Plan area. In addition, there are areas located adjacent to the Secondary Plan boundary, each identified as an 'Area of Special Sensitivity' (illustrated in Schedule 1), where additional development guidance helps to prevent conflicts with the existing built form and uses.



Schedule 1: Secondary Plan Area

1.3 PURPOSE AND USE

The purpose of this Secondary Plan is to establish a vision, principles, and detailed policies for the Old East Village and surrounding areas and to continue the neighbourhood's evolution into a unique destination and a vibrant community core. This Secondary Plan provides a policy framework for future developments and for public realm improvements within the Old East Village Dundas Street Corridor Secondary Plan area. The intent of the policies is to ensure that the Secondary Plan area finds continuing uses for its cultural heritage resources and provides a rich, diverse, and balanced street life for residents, businesses owners, shoppers, pedestrians, cyclists, and transit users.

The policies of this Secondary Plan provide a greater level of detail than the general policies of the Official Plan. Where the policies of the Official Plan provide sufficient guidance to implement the vision of this Secondary Plan, these policies are not duplicated. As such, the polices of this Secondary Plan should be used in conjunction with the policies of the Official Plan and other applicable policy documents. If an instance arises where the Official Plan and the *Old East Village Dundas Street Corridor Secondary Plan* appear to be inconsistent, consideration shall be given to the additional specificity of the Secondary Plan, and the Secondary Plan shall prevail.

The schedules form part of this Secondary Plan and have policy status whereas other figures and photographs included in this Secondary Plan are provided for graphic reference, illustration, and information.

Any required funding associated with the recommendations in the Secondary Plan are subject to the availability and approval of funding through the Corporation's multi-year budget process.





1.4 VISION AND PRINCIPLES

The Old East Village Dundas Street Corridor Secondary Plan area is envisioned as a vibrant commercial core with a unique heritage character that serves as a community hub for local residents and draws visitors as a distinct destination. The vision for this area has been developed to continue the momentum of three decades of revitalization efforts, the ongoing evolution and the current success of Old East Village and the surrounding areas.

The development of this Secondary Plan has been guided by the following principles:

- Foster the local and creative entrepreneurial spirit and support community economic development;
- Respect and reinvest in cultural heritage resources to enhance the unique character of the area;
- Provide distinct retail options with a wide range of commercial uses including restaurants and cafes;
- Create a welcoming and safe environment for pedestrians and cyclists of all ages and abilities;
- Establish safe connections to the local transit system and surface parking lots; and,
- Support appropriately-scaled residential growth.

2.0 Character Areas

2.1 OVERVIEW

The Old East Village Dundas Street Corridor Secondary Plan area is broadly made up of four character areas: Midtown, Old East Village Core, Old East Village Market Block, and King Street. Each character area has distinct characteristics that together create a unique identity for the Secondary Plan area.



Figure 1: Character Areas



2.2 MIDTOWN CHARACTER AREA

Midtown is characterized by low-rise buildings with institutional and commercial uses fronting Dundas Street. Significant cultural heritage resources line both sides of the street. The area provides a transition between the downtown to the west, and the core of Old East Village to the east.

The vision for Midtown is for the area to be a vibrant and pedestrian-oriented connection between the downtown and Old East Village. Supporting the continued retail health is a priority for this character area. New development is envisioned, especially on the south side of the corridor, in a form that is well-integrated into the existing context and is respectful of the cultural heritage resources in the area. This portion of Dundas Street is identified as a Main Street within the Rapid Transit Corridor Place Type in *The London Plan*, where street-oriented built form is supported, meaning that buildings are close to the street and parking is deemphasized. A broad range of uses and intensification is envisioned to take place at a walkable neighbourhood scale.



2.3 OLD EAST VILLAGE CORE CHARACTER AREA

The Old East Village Core is located along Dundas Street, between Adelaide Street and Ontario Street, and is the heart of Old East Village anchoring the overall Secondary Plan area. Today, this segment of Dundas Street is lined with independent shops and restaurants. This area has a history of grassroots revitalization efforts that have created a distinct and attractive character. The momentum of revitalization needs to be maintained and fostered for the area's continued success.

The vision for the Old East Village Core is a vibrant pedestrian-oriented district with a broad range of commercial uses. In *The London Plan*, this segment of Dundas Street is identified as a Main Street within the Rapid Transit Corridor Place Type, where continuous street-oriented built form is supported, with a broad range of uses and intensification designed at a walkable neighbourhood scale.

Retaining and enhancing the character of the Old East Village Core to achieve a continuous streetscape is a key strategy of this Secondary Plan. New development should be harmonious with the existing character, rhythm, and massing of the current built form, and have building materials that are sympathetic to the character of the existing structures, cultural heritage resources, and the street.



2.4 OLD EAST VILLAGE MARKET BLOCK CHARACTER AREA

The Old East Village Market Block is located along Dundas Street, between Ontario Street and Burbrook Place, and is characterized by Western Fair District and Queens Park to the south and small-scale retail uses on the north side of the street. The Market at Western Fair District anchors this character area, and has been an incubator for independent local businesses, some of which have opened storefront locations along Dundas Street. This segment of Dundas Street connects the Old East Village Core to the McCormick Area Secondary Plan area and the former Kellogg's property, two industrial areas with distinct heritage character undergoing substantial transformation and revitalization.

The vision for the Old East Village Market Block is to strengthen the walkability of the area with a strong retail and restaurant presence to sustain year-round activity and to enhance the symbiotic relationship between these uses and Western Fair District. Change is anticipated with future rapid transit service planned for this segment of the Dundas Street corridor. Strengthening the physical connection to the Old East Village Core will be a priority for this character area.



2.5 KING STREET CHARACTER AREA

King Street is characterized by varying land uses ranging from residential to light industrial and institutional. The built form is also varied with low-rise single-detached dwellings alongside high-rise apartment buildings. Today along King Street, there are a number of large surface parking lots offering excellent opportunities for transit-oriented intensification. The area between Dundas Street and King Street is characterised by deep lots which offer good high-rise development opportunities.

Rapid transit service is anticipated along King Street, from the downtown through to Ontario Street. King Street is identified as a Rapid Transit Boulevard within the Rapid Transit Corridor Place Type in *The London Plan*. The Plan encourages intensification here, especially around future rapid transit stations planned along King Street at Colborne Street, Adelaide Street North and Ontario Street.

High-rise residential and office uses may be appropriate along King Street, and have recently been introduced to the corridor. It is envisioned that the highest residential intensity will be accommodated in the King Street Character Area to strengthen the market for Old East Village businesses, especially within walking distance to the future rapid transit stations.


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EAST
765
BAR & GRILL
LIVE MUSIC
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3.0 Policies

3.1 OVERVIEW

The intent of this Secondary Plan is to provide a policy framework to guide future development and public projects in the Old East Village Dundas Street Corridor Secondary Plan area. Policies in this Secondary Plan support the vision by providing guidance on: land use, built form, public realm design, mobility, cultural heritage, natural heritage, and housing options.

The policies of this Secondary Plan generally provide a greater level of detail than the general policies of the Official Plan. Where the policies of the Official Plan provided sufficient guidance to implement the vision of this Secondary Plan, these policies were not repeated. As such, the policies of this Secondary Plan should be read in conjuncture with the Official Plan. In instances where the overall policies of the Official Plan and the *Old East Village Dundas Street Corridor Secondary Plan* are inconsistent, the Secondary Plan shall prevail.

The policies of this Secondary Plan that use the words "will" or "shall" express a mandatory course of action. Where the word "should" is used, suitable alternative approaches to meet the intent of the policy may be considered.

The policies of this Secondary Plan will be implemented through mechanisms set out in this Secondary Plan, public investments in infrastructure and public realm improvements, as well as other tools available to the City including the Zoning By-law, and the Site Plan Control By-law. Planning and development applications will be evaluated based on the Planning and Development Application policies in the Our Tools section of *The London Plan* to ensure that the permitted range of uses and intensities are appropriate within the surrounding context.



3.2 LAND USE

Today, Old East Village, Midtown, and King Street feature a diverse mix of land uses and an artisanal spirit which contribute to its positioning as an active urban node and an area of entrepreneurial activity. The intent of the following land use policies is to allow for the Secondary Plan area to continue to evolve as a thriving mixed-use community and a cultural hub. The Zoning By-law will provide more detail on individual permitted uses; this may not include the full range of uses identified in this Secondary Plan.

The following land use policies apply to the entire Secondary Plan area, unless otherwise specified by the individual policy:

a) Mixed-use buildings are encouraged as the preferred form of development within the Secondary Plan area.

b) A broad range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted.

c) Dundas Street properties, between Adelaide Street North and Burbrook Place, shall provide street-oriented active uses on the ground floor for the majority of the Dundas Street frontage. Street-oriented active uses include, but are not limited to:

- Retail;
- Service;
- Recreational;
- Cultural; and,
- Institutional.

Street-oriented non-active uses, such as residential lobbies and office uses, may be permitted if they comprise less than the majority of the Dundas Street frontage of an individual property. The segment where this policy is applicable is illustrated in Schedule 2: Ground-Floor Uses.



Schedule 2: Ground-Floor Uses

d) Street-oriented active uses are encouraged at the ground floor of properties fronting Dundas Street, between Colborne Street and Adelaide Street North, as well as properties on Colborne Street, Adelaide Street North and Ontario Street between Dundas Street and King Street, illustrated in Schedule 2: Ground-Floor Uses.

e) Residential uses are encouraged above the ground floor to increase the residential population and provide a variety of housing options.

f) Primary access to residential units located above the ground floor should be located on a street-facing facade for pedestrian comfort and safety.

g) Artisanal workshops and craft breweries may be permitted to support the emerging businesses.

h) Community facilities and institutional uses may be permitted for the continued provision of neighbourhood services. The ground floor of these uses will be designed to contribute to the vibrancy and animation of the street.



3.3 BUILT FORM

One of the Secondary Plan area's strongest assets is its rich and complex built environment with various building forms and types that contribute to a unique sense of place. From the historic low-rise houses and retail buildings fronting on Dundas Street to the high-rise buildings emerging along King Street, the variety of building types that allow diverse uses to flourish will be key to the area's continued evolution and vibrancy. The purpose of this Secondary Plan is to provide guidelines to coordinate and guide future developments while celebrating the continued diversity in the urban fabric.

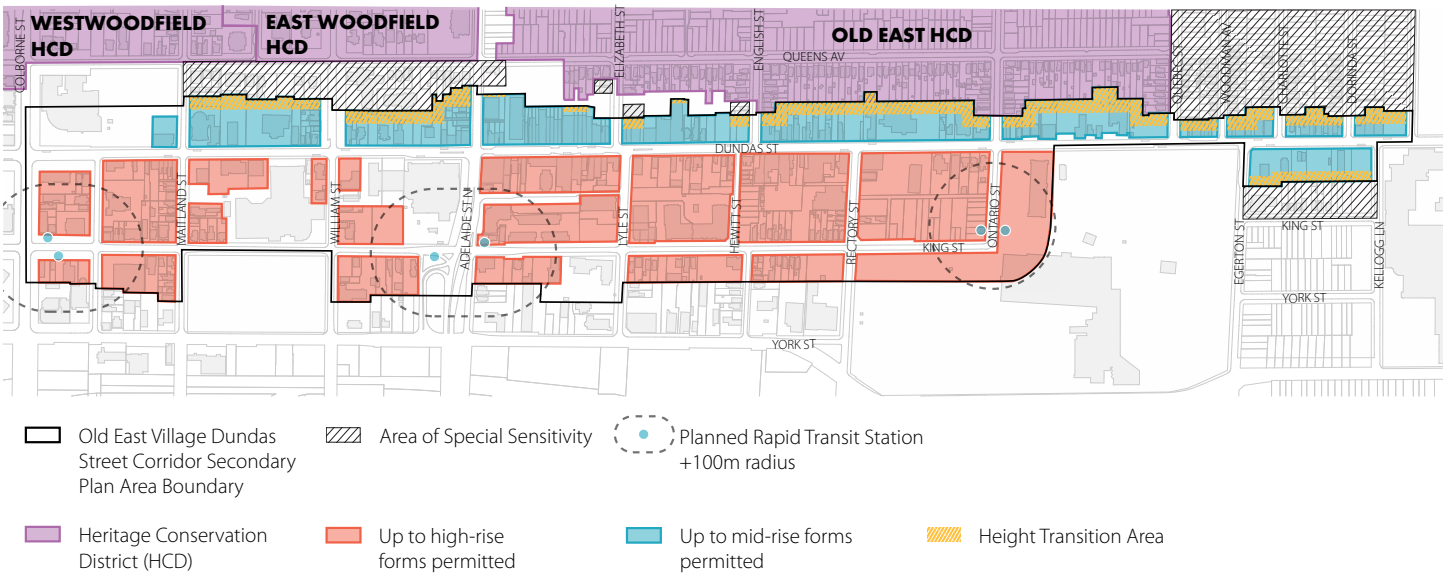
3.3.1 PERMITTED HEIGHTS

The Zoning By-law will provide more detail on individual permitted heights; this may not include the full range of heights identified in this Secondary Plan.

a) For the purposes of this Secondary Plan, low-rise will describe buildings up to, and including, three storeys in height. Within the entirety of the Secondary Plan area, low-rise buildings will be permitted, with a required minimum of height of two storeys or eight metres.

b) For the purposes of this Secondary Plan, mid-rise will describe buildings four storeys and up to and including eight storeys in height.

c) For the purposes of this Secondary Plan, high-rise will describe buildings nine storeys in height and taller.



Schedule 3: Permitted Heights

d) Low-rise and mid-rise buildings are generally permitted on the north side of Dundas Street and on the south side of Dundas Street between Egerton Street and Kellogg Lane. Refer to Schedule 3: Permitted Heights. Maximum building heights may be less than eight storeys as determined through the policies in Section 3.3.3 Mid-Rise Form.

e) Low-rise, mid-rise, and high-rise buildings up to 12 storeys are generally permitted on the south side of Dundas Street, on both sides of King Street, and on both sides of Ontario Street. Refer to Schedule 3: Permitted Heights.

f) Within the Secondary Plan area, permitted maximum building heights shall be up to 16 storeys within a 100 metre radius of a rapid transit station to promote transit-oriented development.

g) Where high-rise forms are permitted (refer to Schedule 3: Permitted Heights), height exceeding the established maximum, up to 24 storeys, may be permitted through a site-specific bonus zone, where it can be demonstrated that significant measures are put in place to support or mitigate this additional height or density, subject to the policies of Section 3.4 Bonusing.

h) Development proposals for residential intensification may require a Heritage Impact Assessment, as well as studies to determine servicing capacity and necessary upgrades. The results of these studies may influence the maximum height and density that is permitted through zoning.

3.3.2 GENERAL BUILT FORM

a) The Old East Village Core and Old East Village Market Block character areas have an existing relatively consistent built form which establishes a continuous street wall. The placement of buildings within these character areas should support this continuous street wall, and exceptions for small plazas, courtyards or patios spaces should be designed to carefully integrate into this established streetscape.

b) The Midtown character area has an existing built form condition which is highly diverse. The placement of buildings will respond to the immediately adjacent built form context.

c) The King Street character area is planned to accommodate rapid transit service and high-rise development. To create a comfortable pedestrian environment along King Street, new buildings in this character area will be set back from the right-of-way to provide space for landscaping.

d) Parking shall not be located between the building and public right-of-way.

e) Landscape treatment should be provided along the edge of parking lots and within parking lots to mitigate water runoff, heat island effect and enhance the user experience.

f) Access for parking and service areas should be located away from main streets and on side streets and laneways where possible. Where it is not possible, parking access will be minimized to reduce pedestrian conflict and will be integrated in a way that does not detract from the character of the street.

g) Corner buildings should be designed with the primary building entrances fronting onto the higher order street.

h) High- and mid-rise buildings should be designed to express three defined components: a base, middle, and top. Alternative design solutions that address the following intentions may be permitted:

- The base should establish a humanscale façade with active frontages including, where appropriate, windows with transparent glass, awnings, lighting, and the use of materials that reinforce a human scale.
- The middle should be visually cohesive with, but distinct from, the base and top.
- The top should provide a finishing treatment, such as a roof or a cornice treatment, and will serve to hide and integrate mechanical penthouses.

i) Buildings should have articulated façades that complement the façade rhythm of the existing streetscape. No large blank walls should be visible from the street.

j) Building façades should address and frame the public street at grade.

k) Façade elements of infill development or new construction fronting onto Dundas Street will be designed to support the existing character along the Dundas Corridor. These elements may include:

- Entryways and doors;
- Windows;
- Window bases;
- Sign band and signage;
- Awnings; and,
- Lighting.

l) Regardless of the intended use, the ground floor of new buildings should be designed with the flexibility to accommodate future conversion to non-residential uses in the future. Strategies could be considered, such as providing a raised floor over the slab that can be removed to provide additional ground floor height in the future.

m) All development fronting onto Dundas Street should be consistent with the *Old East Village Commercial Corridor Urban Design Manual* to coordinate the façade and built form with the existing character of Dundas Street.

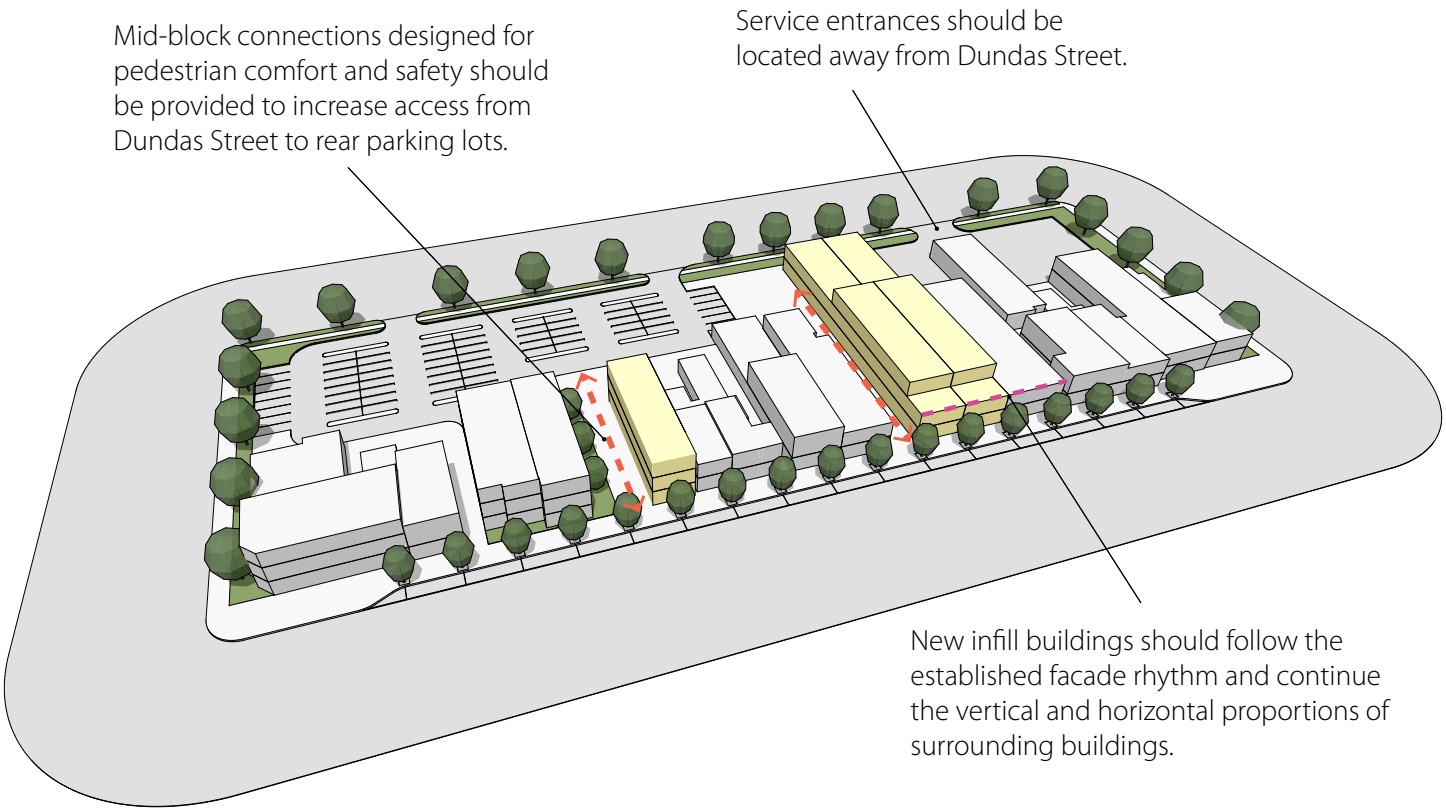


Figure 2: Illustration of New Low-Rise Buildings

3.3.3 MID-RISE FORM

a) To provide a sensitive transition of built form to the existing established built form outside of the Secondary Plan Area, transition policies will apply to properties within the Height Transition Areas, illustrated in Schedule 3: Permitted Heights.

b) Within a Height Transition Area, all building massing should be contained within a 45-degree angular plane taken from a height of 7.0 metres above the closest property line of the nearest property within an Area of Special Sensitivity or a Heritage Conservation District, to ensure an appropriate transition to as illustrated in Figure 4 and 5.

c) Mid-rise buildings shall stepback a minimum of five metres at the second, third or fourth storey, depending on the built form context, along public rights-of-way to mitigate downward wind shear and support the existing street character at street level.

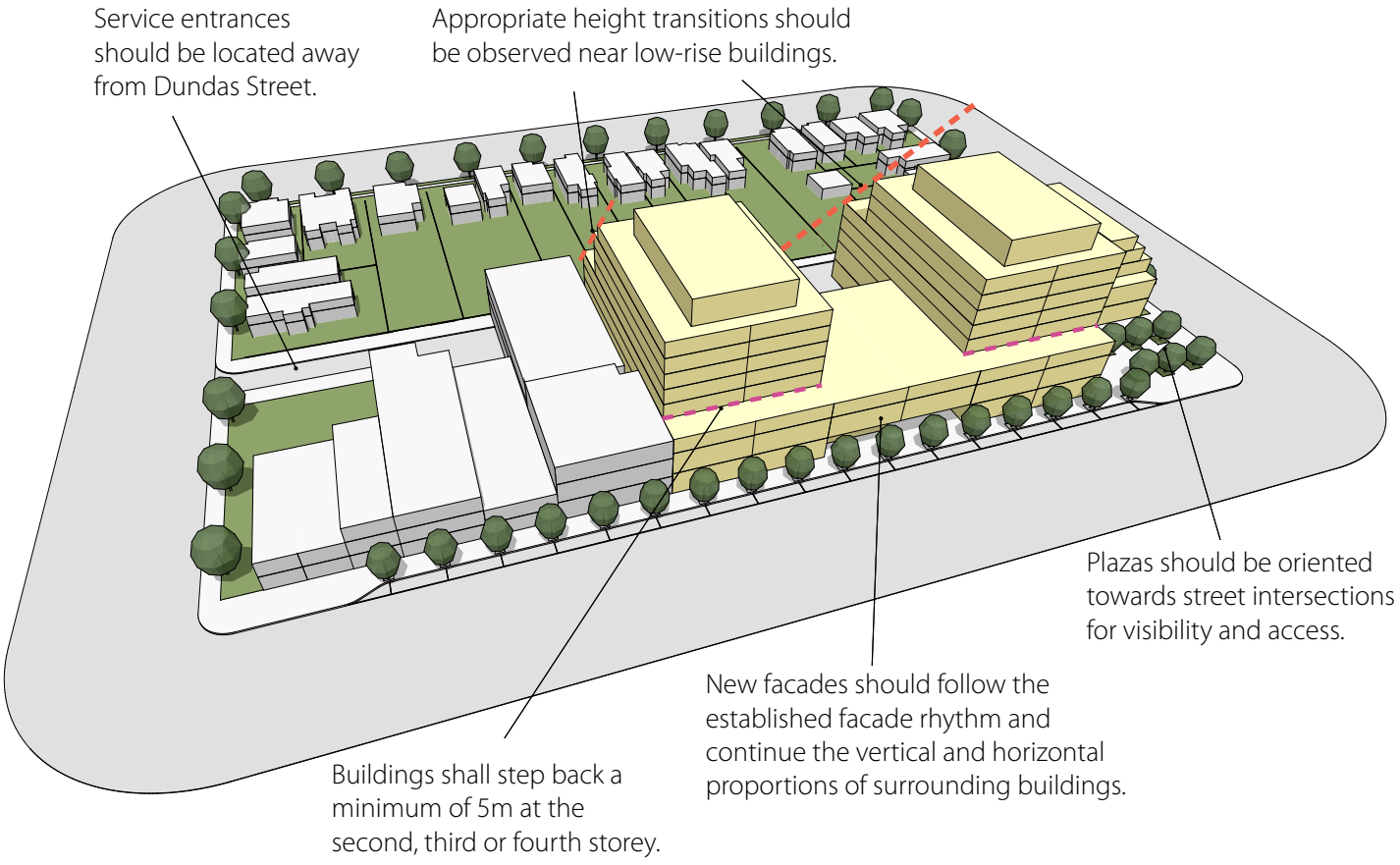


Figure 3: Illustration of New Mid-Rise Buildings

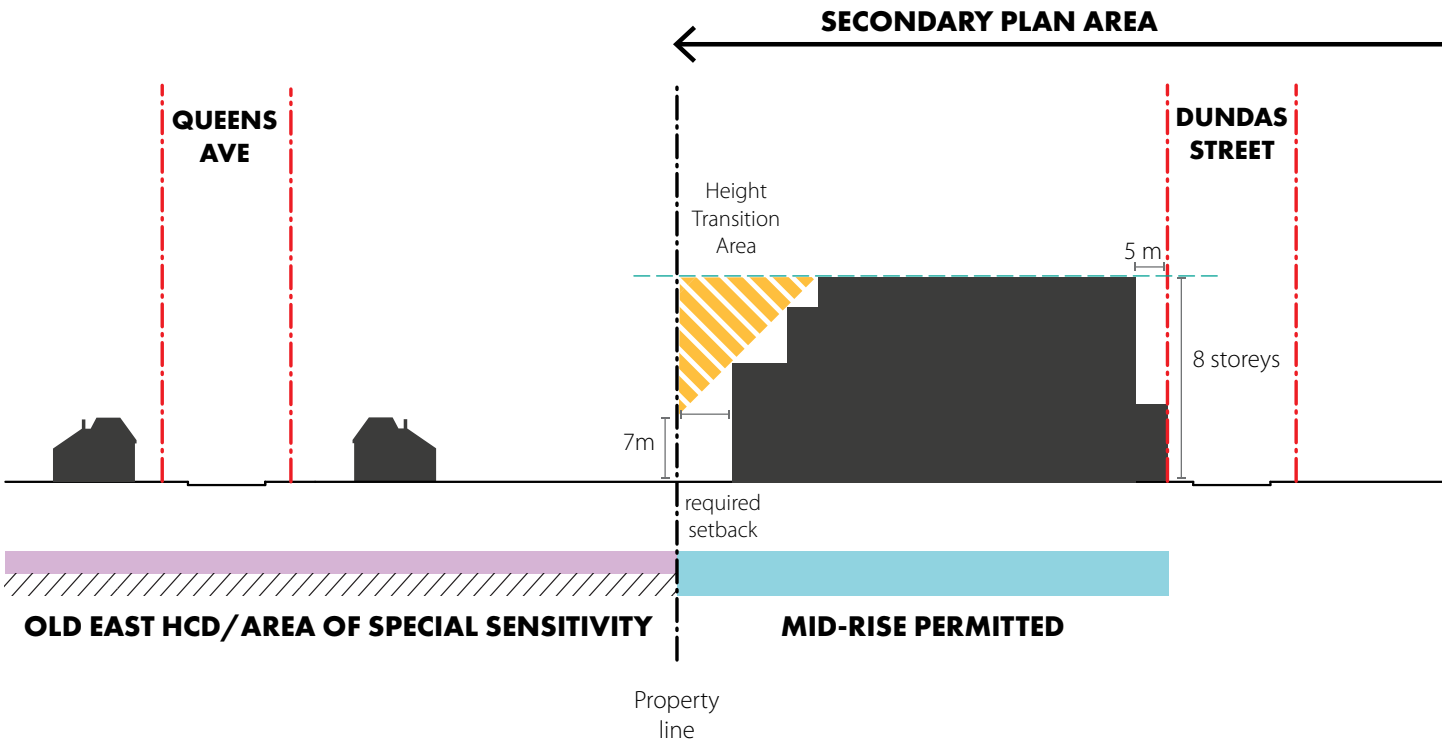


Figure 4: 45-degree Angular Plane Transition Abutting an HCD/Area of Special Sensitivity

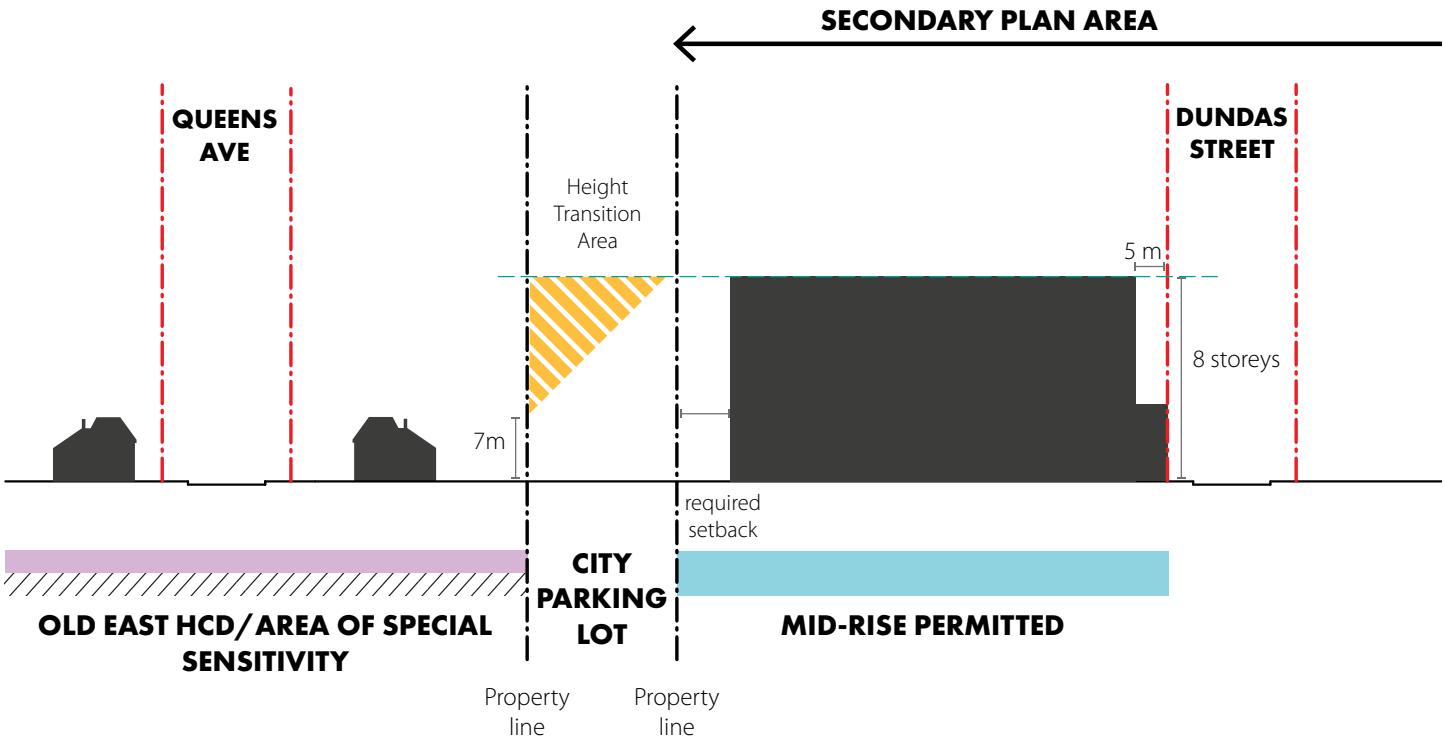


Figure 5: 45-degree Angular Plane Transition Abutting City Parking Lot Example



3.3.4 HIGH-RISE FORM

a) The podium of a high-rise buidling shall be designed to support a pedestrian-scaled environment at street level.

b) High-rise buildings shall stepback a minimum of five metres at the second, third or fourth storey, depending on the built form context, along public rights-of-way to mitigate downward wind shear, support or enhance the existing street character at street level, and limit the visual impact of the building at street level.

c) High-rise buildings should be designed with slender towers that reduce shadow impact, minimize the obstruction of views, and are less massive to neighbouring properties. Point towers with floor plates of approximately 1,000 square metres or less is a reasonable target to achieve this goal.

d) Towers shall not have any blank façades.

e) The top portions of the tower shall be articulated through the use of a small setback, difference in articulation, or the use of an architectural feature. The mechanical penthouse shall be integrated into the design of the tower.

f) High-rise buildings should have a minimum separation distance of 30 metres between towers. This separation distance is intended to:

- Minimize the impacts of shadowing and loss of sunlight access on surrounding streets and nearby properties;
- Ensure natural light, a reasonable level of privacy, and views between towers are provided to occupants of high-rise buildings;

- Provide pedestrian-level views of the sky between high-rise buildings, particularly as experienced from adjacent streets; and,
- Limit uncomfortable wind conditions on adjacent streets and nearby properties.

g) Towers of high-rise buildings should be setback a minimum distance of 15 metres from interior property lines. This separation distance is intended to protect opportunities for future high-rise development on adjacent sites.

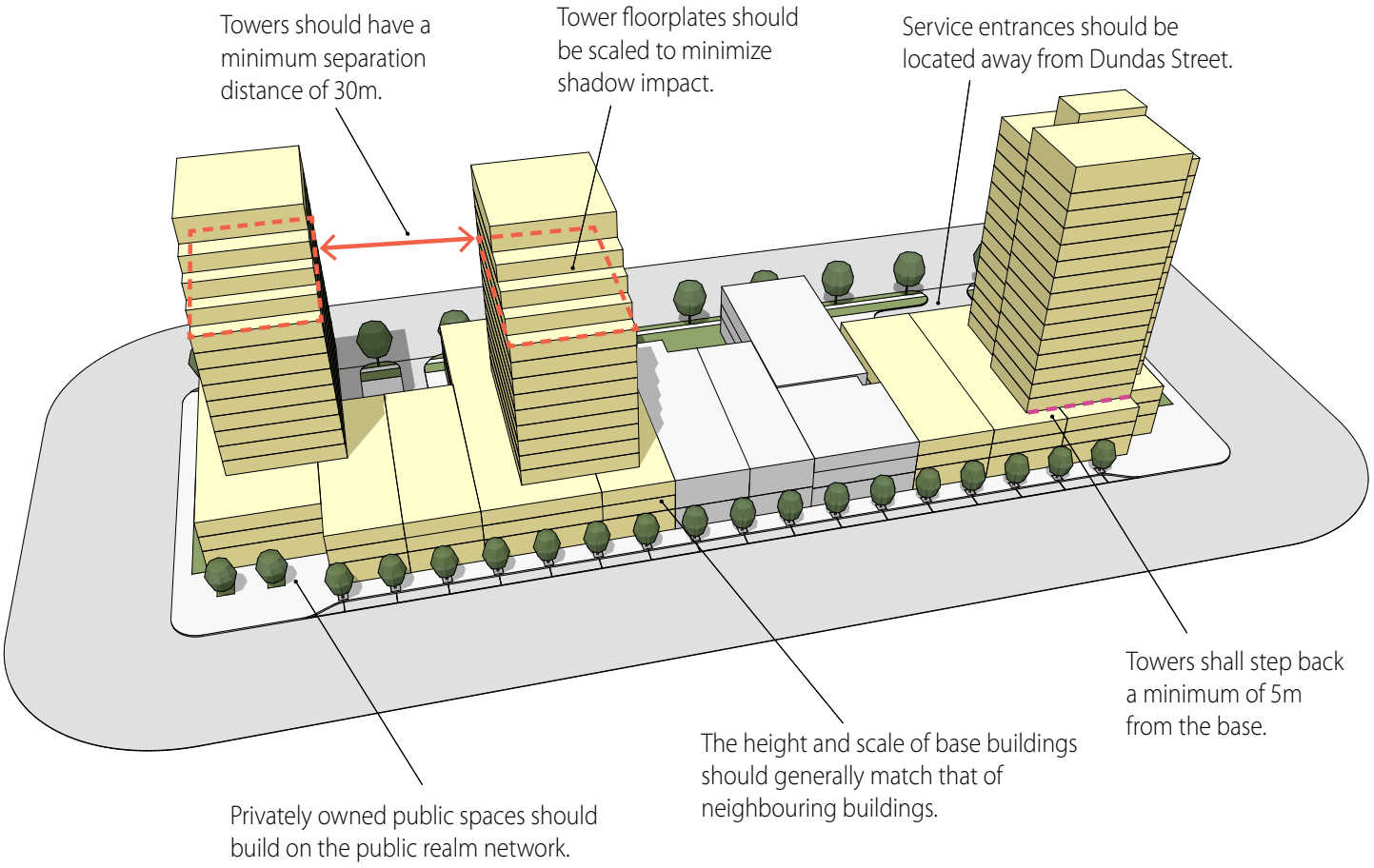


Figure 6: Illustration of New High-Rise Buildings

3.4 BONUSING

a) Where high-rise forms are permitted and where it can be demonstrated that significant measures are put in place to support or mitigate additional height or density, City Council may pass a by-law, known as a bonus zone, to authorize increases in the height and density of development beyond what is otherwise permitted by the *Zoning By-Law*, in return for the provision of such facilities, services, or matters as are set out in the bonus zone.

b) In accordance with the permitted heights identified in Section 3.3.1 Permitted Heights, additional height or density may be permitted in favour of facilities, services, or matters such as:

- Cultural heritage resources designation and conservation.
- Affordable housing.
- Public art.
- Provision of off-site community amenities, such as parks, plazas, civic spaces, or community facilities.
- Publicly-accessible mid-block connections and laneways, or widening of existing mid-block connections.
- Generous front yard setbacks along King Street to widen the public right-of-way, provide landscaping and noise buffer, and act as a spatial relief for high-rise building forms.
- Contribution to the development of transit amenities, features and facilities, available to the public during transit operating hours.
- Substantial contribution to publicly accessible secure bicycle parking, and cycling infrastructure such as lockers and change rooms.
- Contribution to façade restoration and other heritage investments within the Secondary Plan area.
- Other facilities, services, or matters that provide substantive public benefit.

c) The facilities, services and matters to be provided in return for greater height or density do not necessarily have to be provided on the same site as the proposed development. City Council may want to have such benefits directed to another property within the Secondary Plan area.

d) Each proposal for bonus zoning will be considered on its own merits. The allowance for greater height and density on one site in return for certain facilities, services and matters will not be considered to establish a precedent for similar height and density on any other site.



3.5 PUBLIC REALM

A thoughtfully designed public realm will contribute to the success of the Old East Village Dundas Street Corridor Secondary Plan area as an attractive and safe place for people to live and visit. A coordinated approach to streetscape design will help to define this area of the city as a unique destination and a network of public spaces will provide focal points within the neighbourhood for community gatherings. Safe and convenient connections to cycling facilitates, transit, and parking will achieve a functional design that accommodates multiple transportation options. The public realm and streetscape will be designed in a way that allows flexibility and the ability for adaptation over time as resources become available and as the area and its needs evolve.

The following policies apply to the public realm, including all public streets and mid-block connections within the Old East Village Dundas Street Corridor Secondary Plan area:

a) Pedestrian comfort, connectivity, and safety will be prioritized in the design of the public realm.

b) Main building entrances, terraces, and gathering spaces will be oriented towards public rights-of-way and provide direct access from the sidewalk to promote safety.

c) Safety and accessibility of connections to municipal parking lots from public rights-of-way will be enhanced with appropriate sightlines, pedestrian-scaled lighting, and signage.

d) A comprehensive and coordinated wayfinding approach should be developed for the Secondary Plan area, which includes directional signage and unique pavement treatments.

e) Existing street trees will be retained where possible, and new trees with potential for large canopies to provide shade will be planted within the identified landscape zones.

f) The integration of open spaces, such as plazas or parkettes, are encouraged to be incorporated into the design of new development, especially at street intersections for visibility and accessibility.



g) The incorporation of gateway features should be considered at key intersections when the opportunity arises through development or infrastructure projects.

h) A coordinated approach to the location and design of street furniture, including elements such as bicycle parking, benches, planters, waste receptacles, and lighting will be implemented through infrastructure projects. Development projects should coordinate with and enhance the established approach to the design and location of street furniture, where applicable.

i) Opportunities to add walkways and/or widen and extend laneways to provide midblock connections should be explored to provide safe connections to municipal parking lots, mid- and high-rise residential development, and transit stops and stations.

j) Opportunities to accommodate outdoor patios within the sidewalk and within on-street parking spaces should be considered in the design of Dundas Street.

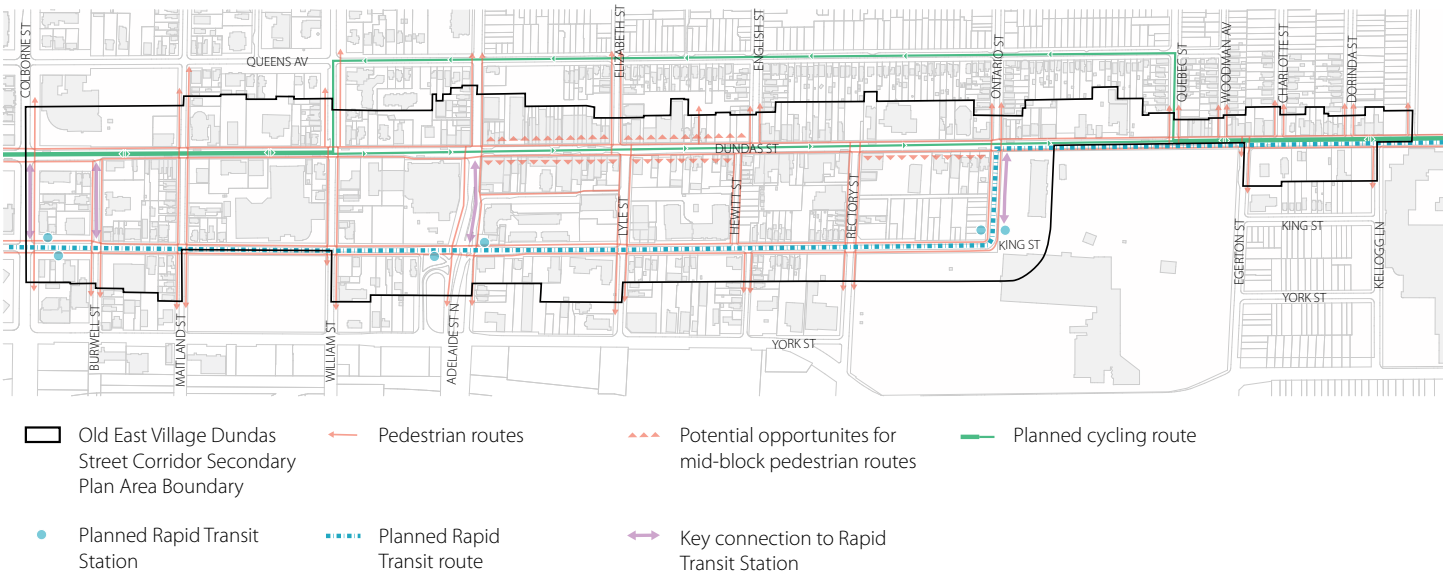
k) To accommodate events of different scales and sizes as well as seasonal decorations, consideration should be given to electrical outlet access and capacity as well as moveable features in the design of Dundas Street.

3.6 MOBILITY

The Old East Village Dundas Street Corridor Secondary Plan area is located in close proximity to established residential neighbourhoods, new high-rise residential development, the downtown, the evolving industrial areas of the McCormick Area Secondary Plan area and the former Kellogg's property, and at the juncture of three Heritage Conservation Districts. The area is anticipating cycling infrastructure improvements on Dundas Street and Queens Avenue, as well as rapid transit service along King Street, Ontario Street, and Dundas Street. To serve residents, attract visitors, and support the local businesses in the area, establishing safe access by various modes of transportation is vital to ensure the Secondary Plan area functions for everyone.

Schedule 4: Mobility Network provides an overview of the current pedestrian routes and future areas for mid-block connections as well as the planned Rapid Transit routes and the proposed cycling network.

The following section outlines policies that provide directions for pedestrian, cycling, transit, and automobile connections. The intent of these policies is to improve existing mobility, and to identify potential opportunities for new connections to be established as the area evolves.



Schedule 4: Mobility Network



3.6.1 PEDESTRIAN PRIORITY

The core of Old East Village is a pedestrian supportive environment today with landscaping and street furniture. With anticipated improvement to the cycling infrastructure and introduction of rapid transit service, the walking environment requires special attention and upgraded treatments. Well-designed streetscapes with opportunities to incorporate street furniture and patio space will also encourage visitors to linger and patronise the local businesses, enhancing Old East Village's appeal as an urban destination.

The design of Dundas Street, King Street, connections to municipal parking lots, and all intersecting north-south streets will be designed to prioritize pedestrian connectivity, safety, and comfort by:

a) Ensuring generous sidewalk widths;

b) Incorporating attractive paving, plantings, and lighting;

c) Seeking opportunities to create safe new connections to provide public access to municipal parking lots, public space or public streets. This will include exploring opportunities to create new mid-block connections where appropriate, through acquisition of property as it becomes available, or through redevelopment as it occurs;

d) Installing coordinated directional signage at key locations, particularly on north-south streets that provide connections between commercial uses, residential neighbourhoods rapid transit service, and municipal parking lots; and/or,

e) Ensuring that rights-of-way, mid-block connections, and laneways that provide access to municipal parking lots are safe and well lit with pedestrian-scale lighting.



3.6.2 CYCLING

Cycling infrastructure upgrades are planned for Dundas Street and Queens Avenue. Eastbound and westbound cycling lanes will be provided on Dundas Street between the downtown and William Street. At William Street the network will split, with the eastbound cycling lane continuing along Dundas Street and the westbound cycling lane along Queens Avenue. At Quebec Street, the cycling lanes will merge again onto Dundas Street, as illustrated in Schedule 4: Mobility Network. This arrangement accommodates the limited right-of-way width through the core of Old East Village and allows for the retention of on-street parking and widened sidewalks as well as opportunities for bicycle parking facilities on Dundas Street.

Cycling within the Secondary Plan area will be further supported by:

a) Integrating cycling infrastructure, such as separated cycling lanes and route signage, into the design of the rights-of-way; and,

b) Providing cycling facilities, such as bicycle parking and repair stations, in accessible and highly visible locations.

3.6.3 TRANSIT

Local bus routes along Dundas Street, Adelaide Street North, and Quebec Street currently service the Secondary Plan area. Rapid transit service is anticipated to run along King Street from the downtown to Ontario Street, then proceed along Dundas Street from Ontario Street eastward, as illustrated in Schedule 4: Mobility Network.



As the Secondary Plan area is and will continue to be highly accessible by transit, considerations for transit-oriented intensification informed the built form policies and streetscape design throughout the Secondary Plan area.

a) Pedestrian connections between Dundas Street and planned rapid transit stations on King Street at Colborne Street, Adelaide Street North, and Ontario Street will be prioritized for future enhancements to the pedestrian environment.

b) Where possible, local transit stops will be designed and located to minimize the impact to vehicular traffic.

3.6.4 PARKING AND VEHICLE ACCESS

a) Considering the needs of the existing commercial uses as well as new businesses emerging in the area, loading spaces and on-street parking will continue to be provided, and considered in the design of the rights-of-way within the Secondary Plan area. Loading spaces will be provided in the rear of buildings where possible.

b) Pedestrian and vehicle access to existing municipal parking lots will be improved by securing new access points through redevelopment, extending existing laneways, and enhancing existing public laneways with improved lighting and design treatment.

c) Safe and accessible pedestrian routes connecting municipal parking lots to the public sidewalk are a priority and should be provided whenever possible.

3.6.5 RIGHTS-OF-WAY DESIGN

The rights-of-way within the Secondary Plan area have limited space, but are in high demand by a variety of users. The following section provides guidance for the rights-of-way design within the Secondary Plan for the following segments:

- Dundas Street, between Colborne Street and William Street
- Dundas Street, between William Street and Ontario Street
- Dundas Street, between Ontario Street and Burbrook Place
- King Street, between Colborne Street and Ontario Street
- Connector streets, between Dundas Street and King Street





3.6.5.1 Dundas Street, between Colborne Street and William Street

The design of Dundas Street between Colborne Street and William Street will include:

a) Widened sidewalks on both sides of the street to create a comfortable and safe pedestrian environment;

b) Landscape zones on both sides of the street with soil volumes suitable to encourage the growth of large canopy trees to provide shade to the sidewalks and create a comfortable pedestrian environment;

c) Street furniture and bicycle parking with coordinated design throughout the Secondary Plan area, which may be alternated with landscaping where space is constrained;

d) Pedestrian-scaled lighting with coordinated design throughout the Secondary Plan area;

e) Separated cycling lanes travelling in both directions;

f) Loading zones on the north side of the street to support institutional functions; and,

g) Two vehicular travel lanes, travelling in both directions.

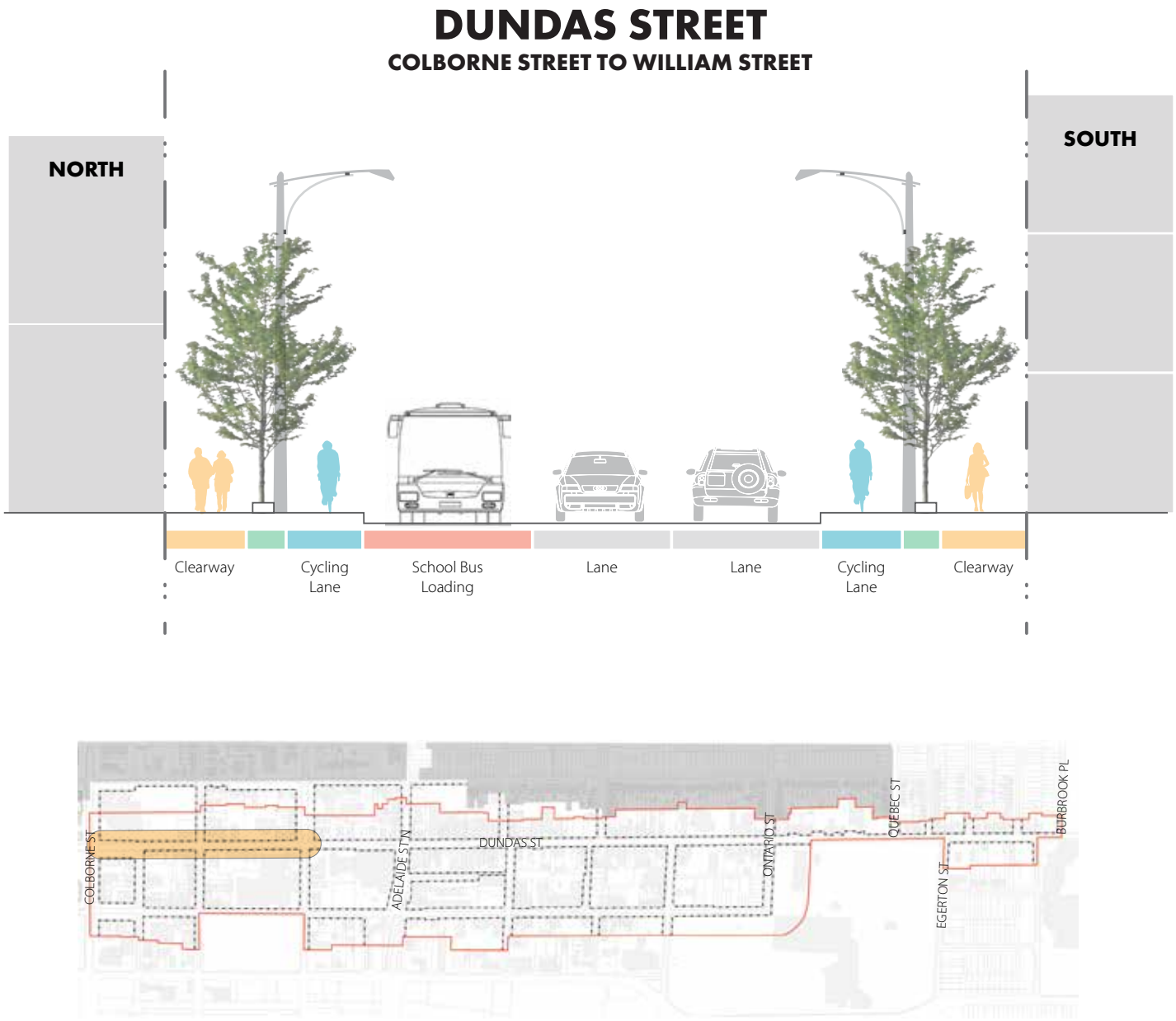


Figure 6: Dundas Street, Colborne Street to William Street



3.6.5.2 Dundas Street, between William Street and Ontario Street

The design of Dundas Street between William Street and Ontario Street will include:

a) Widened sidewalks on both sides of the street to create a comfortable and safe pedestrian environment;

b) Landscape zones on both sides of the street with soil volumes suitable to encourage the growth of large canopy trees to provide shade to the sidewalks and create a comfortable pedestrian environment;

c) Street furniture and bicycle parking with coordinated design throughout the Secondary Plan area, which may be alternated with landscaping where space is constrained;

d) Opportunities for restaurant patios on the south side of the street, which may be alternated with landscaping;

e) Pedestrian-scaled lighting with coordinated design throughout the Secondary Plan area;

f) On-street parking alternating with bus bays and loading spaces on the north side of the street to support retail and commercial functions on both sides of the street;

g) A separated cycling lane on the south side of the street travelling eastbound, designed to be visually distinct from the on-street parking on the north side of the street to provide clear direction to users;

h) Loading zones and bus bays, where space can accomodate these functions, on the south side of the street; and,

i) Two vehicular travel lanes, travelling in both directions.

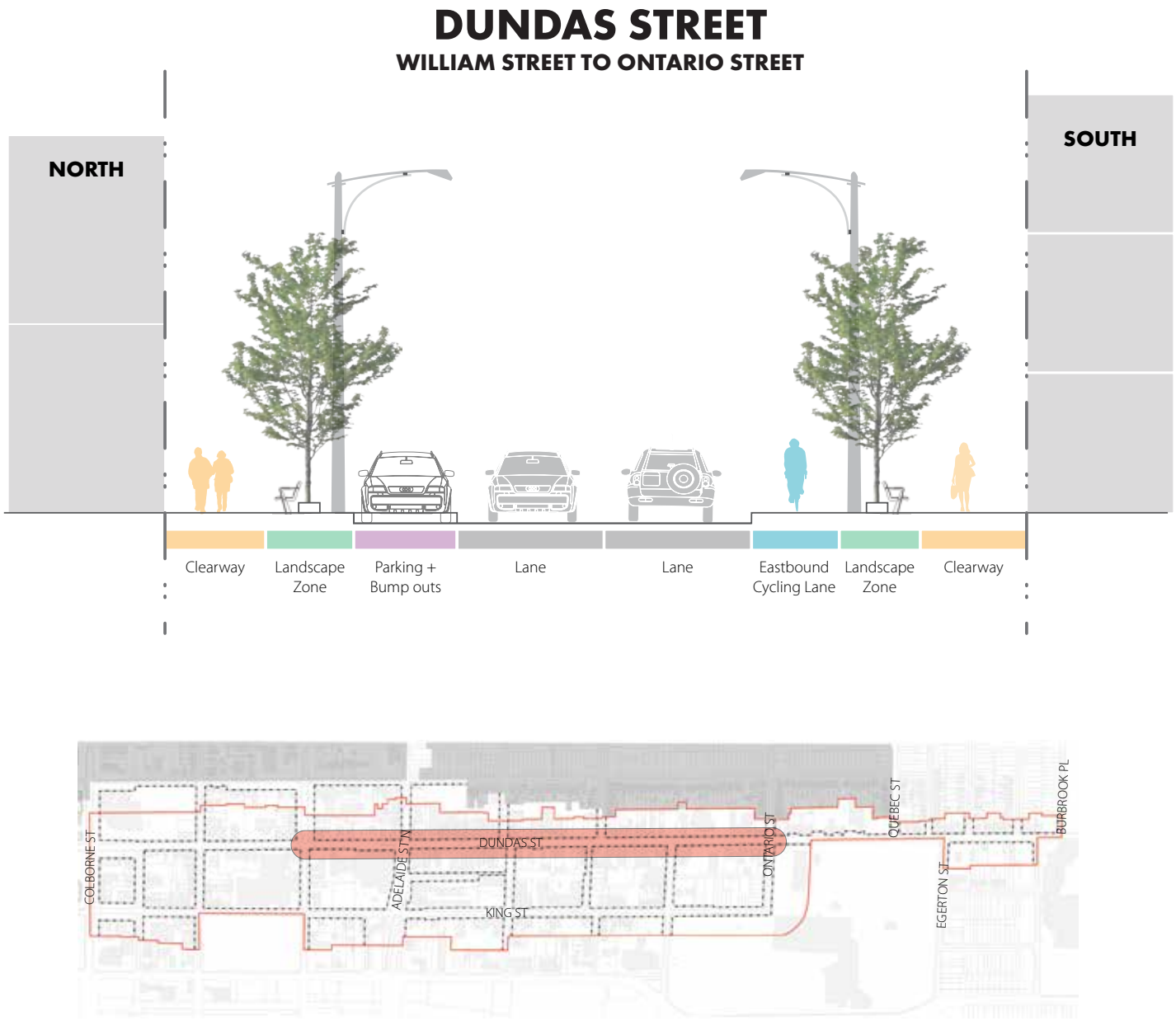


Figure 7: Dundas Street, William Street to Ontario Street

3.6.5.3 Dundas Street, between Ontario Street and Burbrook Place

The design of Dundas Street between Ontario Street and Burbrook Place will be subject to the results of the Bus Rapid Transit Environment Assessment. The principles that will guide the design include:

a) Incorporating street trees with soil volumes suitable to encourage the growth of large canopy trees to provide shade to the sidewalks and create a comfortable pedestrian environment;

b) Incorporating street furniture and bicycle parking with coordinated design throughout the Secondary Plan area, which may be alternated with landscaping where space is constrained;

c) Incorporating pedestrian-scaled lighting with coordinated design throughout the Secondary Plan area;

d) Creating safe and visually clear connections to the cycling network east and west of this street segment; and,

e) Accommodating two dedicated rapid transit lanes and two vehicular travel lanes, travelling in both directions.

3.6.5.4 King Street, between Colborne Street and Ontario Street

The design for King Street will be subject to the results of the Bus Rapid Transit Environment Assessment. The principles that will guide the design include:

a) Accommodating increased pedestrian traffic, as a result of transit use, by maximizing sidewalk widths;

b) Encouraging generous front-yard setbacks, secured through development, with landscaping, including large canopy trees to provide shade to the sidewalks and relief from frequent transit service;

c) Incorporating street trees with soil volumes suitable to encourage the growth of large canopy trees, where possible, to provide shade to the sidewalks and create a comfortable pedestrian environment;

d) Incorporating pedestrian-scaled lighting with coordinated design throughout the Secondary Plan area;

e) Designing transit stations to coordinate with the streetscape design and elements within the Secondary Plan area and to reflect the unique character of the area; and,

f) Accommodating two dedicated rapid transit lanes, travelling in both directions, and one eastbound vehicular travel lane.

3.6.5.5 North-South Connector Streets

North-south streets within the Secondary Plan area have an important role of connecting people between Dundas Street, King Street, and Queens Avenue. With future planned cycling infrastructure upgrades on Queens Avenue and Dundas Street, there is an imperative to create safe cycling connections between these two streets. As well, the north-south connections between King Street and Dundas Street will play an important role in facilitating pedestrian movement, particularly near transit stations on King Street.

The design of connector streets will include:

a) Widened sidewalks, where possible, to create a comfortable and safe pedestrian environment;

b) Landscape zones with soil volumes suitable to encourage the growth of large canopy trees, where possible, to provide shade to the sidewalks and create a comfortable pedestrian environment;

c) Street furniture and bicycle parking with coordinated design throughout the Secondary Plan area, which may be alternated with landscaping where space is constrained;

d) Pedestrian-scaled lighting with coordinated design throughout the Secondary Plan area;

e) Cycling lanes and/or on-street parking, where possible; and,

f) Directional signage for pedestrians and cyclists.





3.7 CULTURAL HERITAGE

The Old East Village Dundas Street Corridor Secondary Plan area has a substantial number of cultural heritage resources. It is the intent of the Secondary Plan to promote the restoration and enhancement of heritage properties. Significant cultural heritage resources shall be integrated with new development and public realm improvements in respectful and creative ways.

The City of London maintains a Register (Inventory of Heritage Resources). Any proposed development on or adjacent to a property designated under the *Ontario Heritage Act* or a property listed in City of London's Register shall require a Heritage Impact Assessment (HIA) to ensure that significant cultural heritage resources are conserved. Any assessment must include consideration of its historical and natural context within the City of London, and should include a comprehensive evaluation of the design, historical, and contextual values of the property.

The following potential mitigation approaches may be suitable for consideration and application for minimizing impacts from proposed developments on or adjacent to listed, designated, and potential cultural heritage resources within the Secondary Plan area:

g) Avoidance and mitigation to allow development to proceed while retaining the cultural heritage resources in situ and intact;

h) Adaptive re-use of built heritage structures or cultural heritage resources, including the integration of cultural heritage resources into new developments;

i) Transitions of height, form, and mass compatible with nearby heritage designated and heritage listed properties, and properties with potential cultural heritage resources;

j) Commemoration of the cultural heritage of a property/structure/area through historical commemoration means such as plaques or cultural heritage interpretive signs; and,

k) Urban design policies and guidelines for building on, adjacent, and nearby to heritage designated and heritage listed properties, and properties with potential cultural heritage resources to ensure compatibility by integrating and harmonizing mass, setback, setting, and materials.

3.8 NATURAL HERITAGE

a) The Chimney Swift (*Chaetura pelagica*), listed as a threatened species in Ontario, receives protection under the *Endangered Species Act*, for individual members of the species and their habitat. Past observations of Chimney Swifts have been made in the Old East Village Dundas Street Corridor Secondary Plan area, with a potential for nesting and/or roosting in chimneys and other built features. Where required by legislation, consultation with the Ontario Ministry of Natural Resources and Forestry must occur prior to any activity, such as building demolitions or alterations, within the Secondary Plan area that may impact potential Chimney Swift habitat including human-made nests/roosts and natural nest/roost cavities.





3.9 HOUSING OPTIONS

Housing is a basic need for all Londoners and accessible, affordable, quality housing options are a necessary component of a city that people want to live and invest in. *The London Plan* provides extensive direction and policies for achieving this city-wide. Consistent with this policy framework:

a) A 25% affordable housing component should be achieved within the Secondary Plan area through a mix of housing types and sizes;

b) Planning and other tools will be used to support the provision of affordable housing, including such things as bonusing and incentives, where they are available;

c) Affordable housing units that are integrated into market housing buildings will be encouraged to avoid affordable housing monoculture and stigma that often goes with it;

d) Subject to the other policies of this Secondary Plan and the Official Plan, infill and intensification in a variety of forms, including secondary dwelling units, will be supported to increase the supply of housing in areas where infrastructure, transit, and other public services are available and accessible;

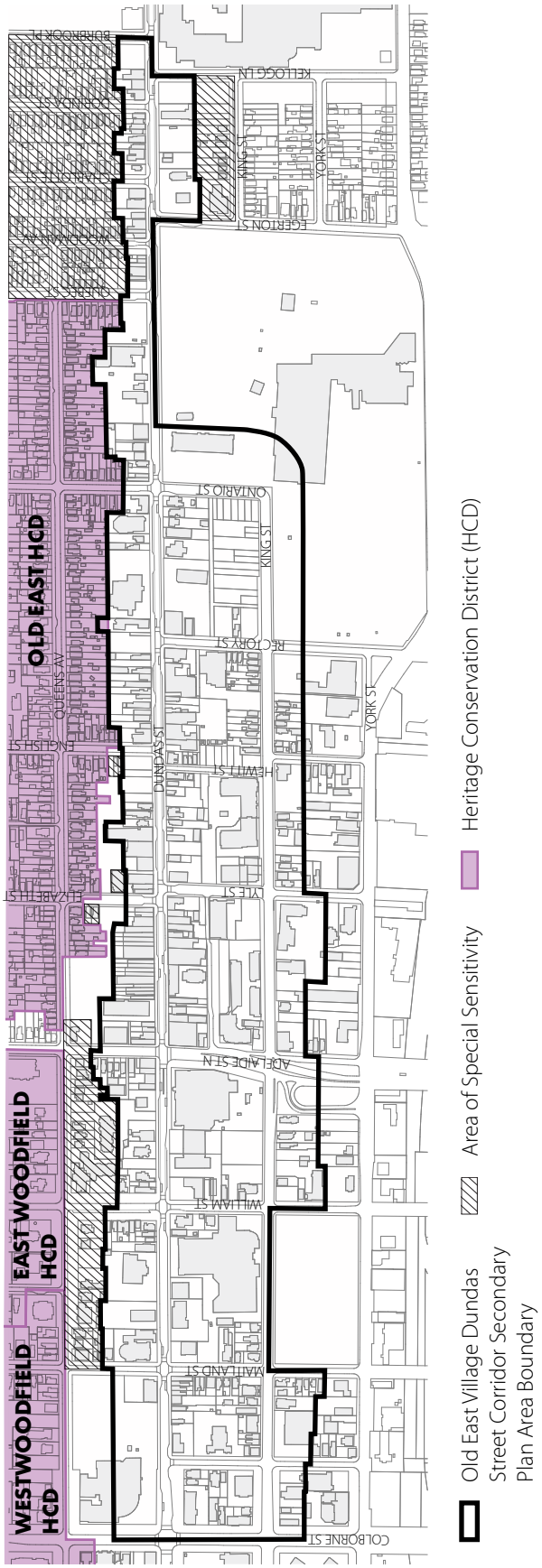
e) The Secondary Plan area will strive to provide a mix of housing types and integrated mixed-use developments, accessible housing and integrated services, as well as a mix of housing forms and densities;

f) Opportunities will be sought out for brownfield rehabilitation and redevelopment; and,

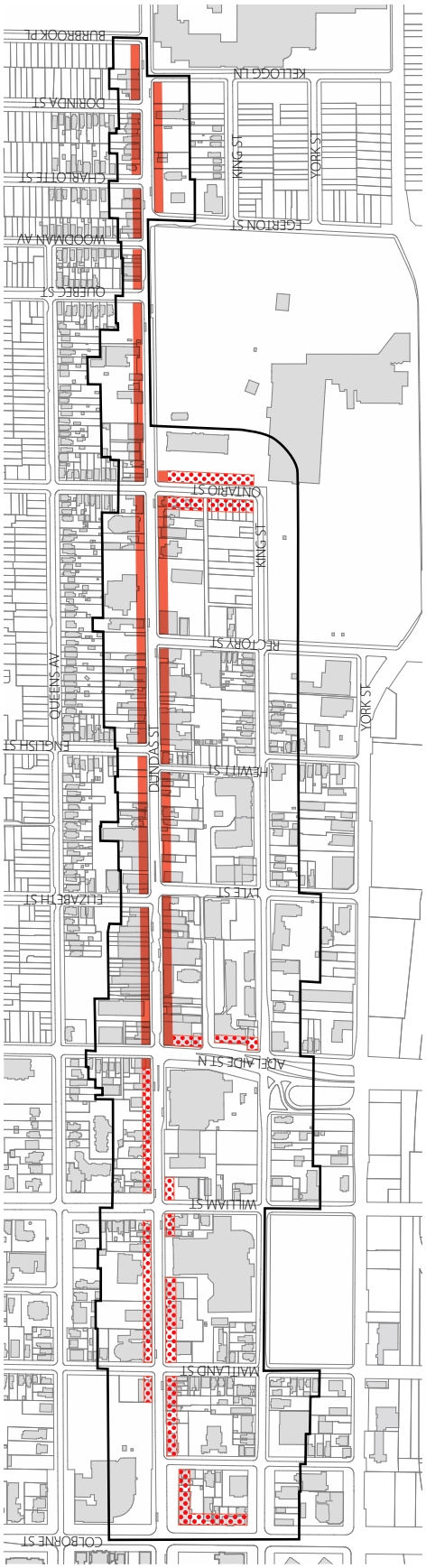
g) Residential developments that offer innovative design features, construction techniques, or tenure arrangements, which broaden the range of available housing alternatives, will be encouraged.

4.0 Schedules

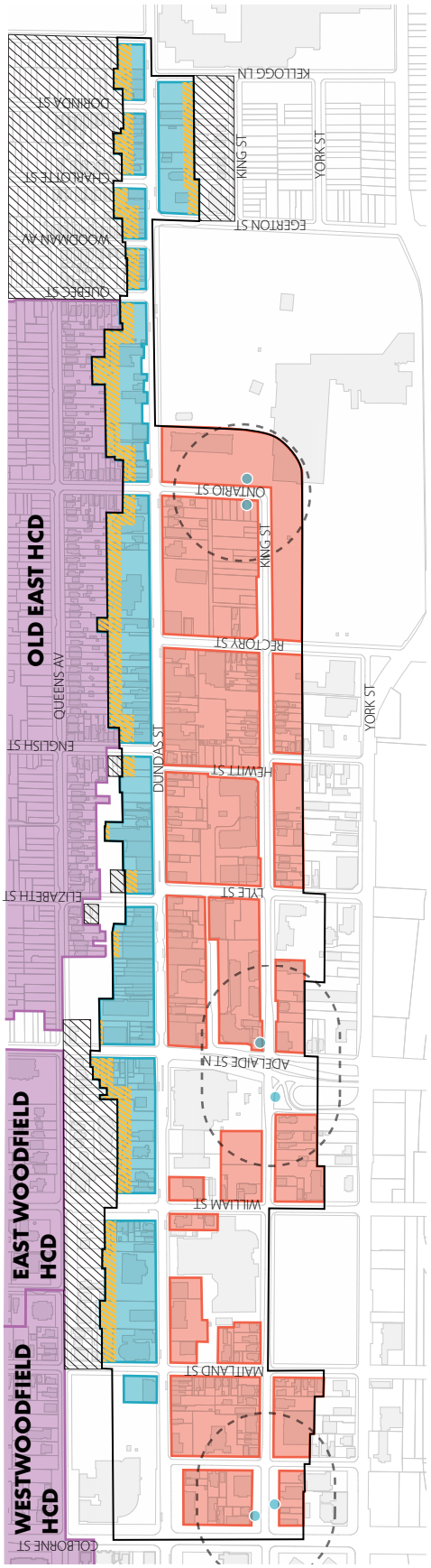
SCHEDULE 1: SECONDARY PLAN AREA



SCHEDULE 2: GROUND-FLOOR USES

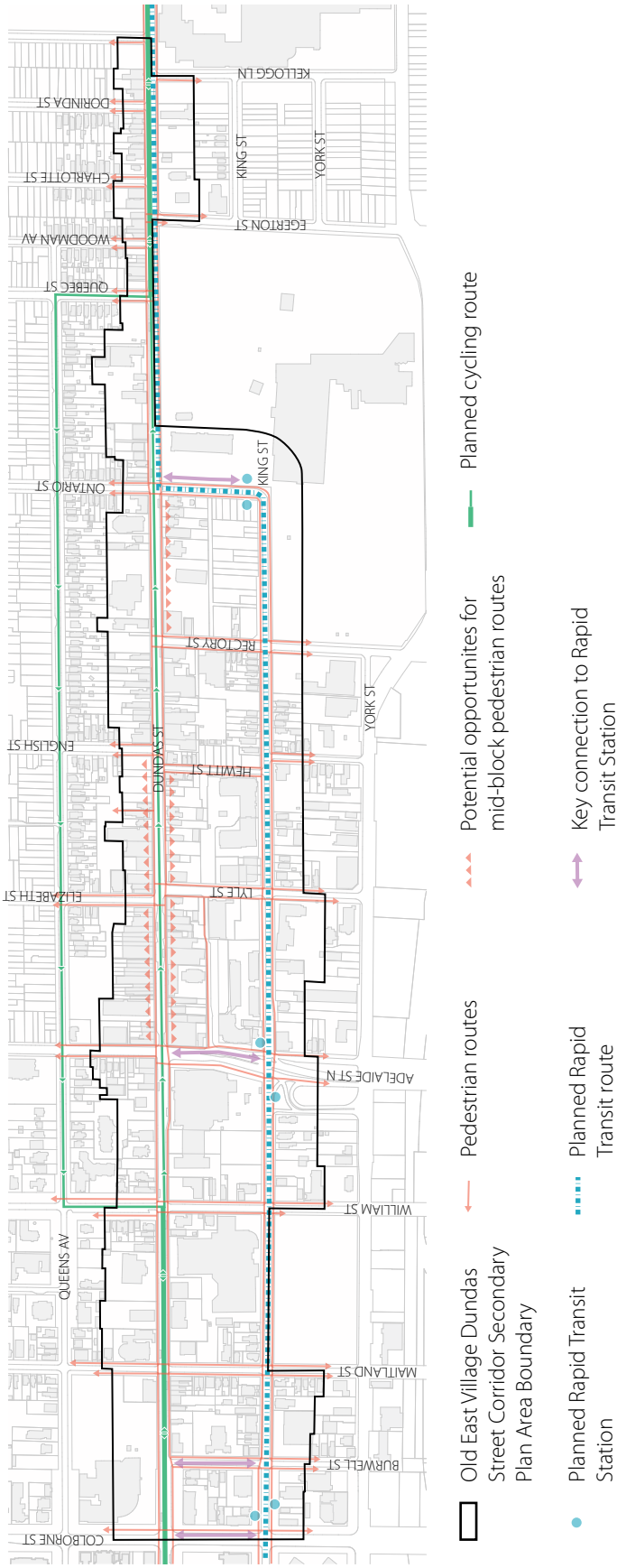


SCHEDULE 3: PERMITTED HEIGHTS



Note, the policies of this Secondary Plan provide specific height allowances for each of the areas defined in this schedule.

SCHEDULE 4: MOBILITY NETWORK





City Planning
June 2019

London
CANADA

File: O-8879
Planner: K. Killen

Appendix B – Amendment to the List of Adopted Secondary Plans

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

By-law No. C.P.-XXXX-___

A by-law to amend The Official Plan for the City of London, 2016 relating to the Old East Village Dundas Street Corridor Secondary Plan area.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on XXXX.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading – June 25, 2019
Third Reading – June 25, 2019

File: O-8879
Planner: K. Killen

AMENDMENT NO.
to the

THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

To add the Old East Village Dundas Street Corridor Secondary Plan to the list of adopted Secondary Plans in policy 1565 of the Official Plan, 2016, The London Plan.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands generally fronting Dundas Street, between Colborne Street and Burbrook Place/Kellogg Lane, lands fronting King Street, between Colborne Street and Ontario Street, and lands fronting Ontario Street in the City of London.

C. BASIS OF THE AMENDMENT

The preparation of the Old East Village Dundas Street Corridor Secondary Plan was undertaken to coordinate a number of ongoing and upcoming initiatives in the area, including: (1) the future implementation of rapid transit service along King Street from the downtown to Ontario Street and continuing east along Dundas Street; (2) the evaluation and implementation of cycling infrastructure to establish an east-west corridor connecting east London with the downtown; (3) a planned infrastructure renewal project, which will include upgrades to underground services and streetscape reconstruction along Dundas Street between Adelaide Street North and Ontario Street; (4) the planned construction of the Adelaide Street/CP Rail underpass; (5) proposed redevelopment of a portion of the Western Fair grounds, as well as multiple development applications along both Dundas Street and King Street; and, (6) ongoing investment in heritage building conservation and adaptive reuse.

The City of London undertook significant public engagement throughout the secondary plan process. The background studies, community and agency input, and proposed policies were, in turn, reviewed and assessed in the context of the Provincial Policy Statement and The London Plan, and used in the finalization of the Secondary Plan. This background work forms the basis and rationale for amendments to The London Plan.

The Secondary Plan will be used in the consideration of all applications including Official Plan amendments, zoning by-law amendments, site plans, consents, minor variances and condominiums within the Planning Area.

D. THE AMENDMENT

The Official Plan, 2016, The London Plan, is hereby amended as follows:

1565_

6. Old East Village Dundas Street Corridor Secondary Plan

File: O-8879
Planner: K. Killen

Appendix C – Amendment to Map 7 – Specific Policy Areas

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

By-law No. C.P.-XXXX-___

A by-law to amend The London Plan for the City of London, 2016 relating to the Old East Village Dundas Street Corridor Secondary Plan area.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in Schedule 1 attached hereto and forming part of this by-law, is adopted.

2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on XXXX.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

File: O-8879
Planner: K. Killen

AMENDMENT NO.
to the

THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

To add the Old East Village Dundas Street Corridor Secondary Plan to Map 7 – Specific Policy Areas of the Official Plan, 2016, The London Plan.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands generally fronting Dundas Street, between Colborne Street and Burbrook Place/Kellogg Lane, lands fronting King Street, between Colborne Street and Ontario Street, and lands fronting Ontario Street in the City of London.

C. BASIS OF THE AMENDMENT

The preparation of the Old East Village Dundas Street Corridor Secondary Plan was undertaken to coordinate a number of ongoing and upcoming initiatives in the area, including: (1) the future implementation of rapid transit service along King Street from the downtown to Ontario Street and continuing east along Dundas Street; (2) the evaluation and implementation of cycling infrastructure to establish an east-west corridor connecting east London with the downtown; (3) a planned infrastructure renewal project, which will include upgrades to underground services and streetscape reconstruction along Dundas Street between Adelaide Street North and Ontario Street; (4) the planned construction of the Adelaide Street/CP Rail underpass; (5) proposed redevelopment of a portion of the Western Fair grounds, as well as multiple development applications along both Dundas Street and King Street; and, (6) ongoing investment in heritage building conservation and adaptive reuse.

The City of London undertook significant public engagement throughout the secondary plan process. The background studies, community and agency input, and proposed policies were, in turn, reviewed and assessed in the context of the Provincial Policy Statement and The London Plan, and used in the finalization of the Secondary Plan. This background work forms the basis and rationale for amendments to The London Plan.

The Secondary Plan will be used in the consideration of all applications including Official Plan amendments, zoning by-law amendments, site plans, consents, minor variances and condominiums within the Planning Area.

D. THE AMENDMENT

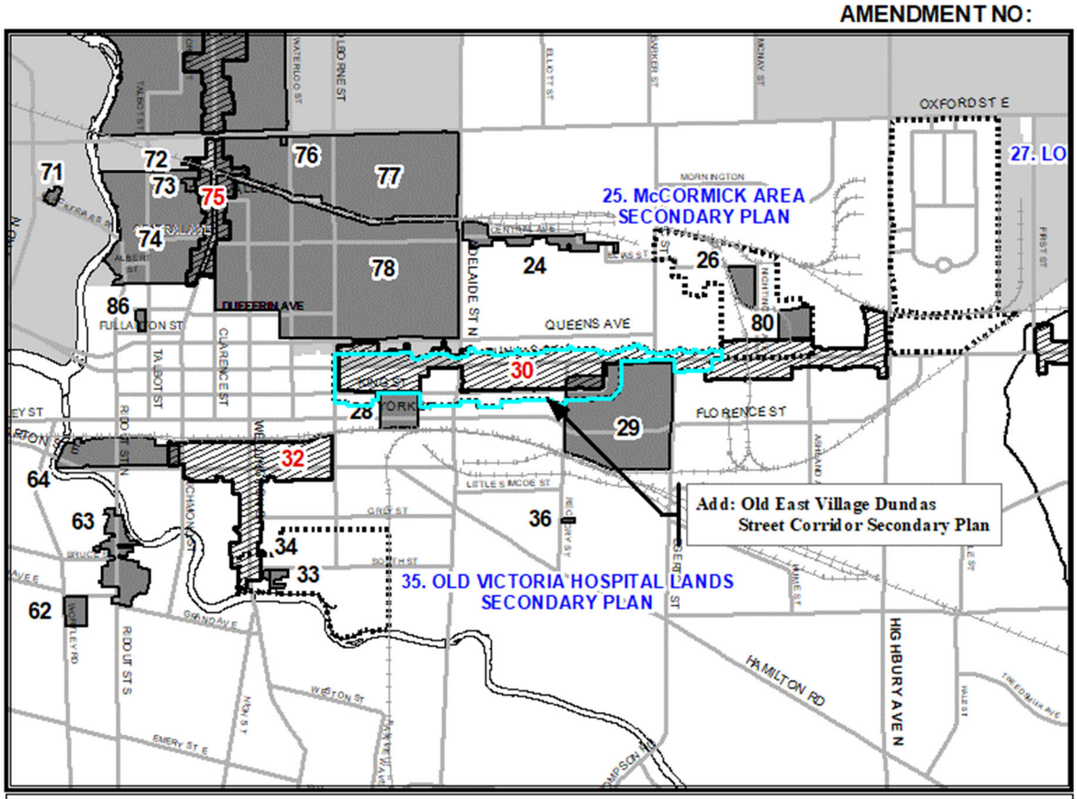
The Official Plan, 2016, The London Plan is hereby amended as follows:

Map 7 – Specific Policy Areas is amended by adding the boundary of the Old East Village Dundas Street Corridor Secondary Plan area, as indicated on “Schedule 1” attached hereto.

File: O-8879
Planner: K. Killen

Schedule 1 – Old East Village Dundas Street Corridor Secondary Plan Area

AMENDMENT NO:



LEGEND

- Specific Policies
- Rapid Transit and Urban Corridor Specific-Segment Policies
- Near Campus Neighbourhood
- Secondary Plans

BASE MAP FEATURES

- Streets (See Map 3)
- Railways
- Urban Growth Boundary
- Water Courses/Ponds

This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

SCHEDULE # TO THE LONDON PLAN AMENDMENT NO. _____ PREPARED BY: Planning Services	Scale 1:30,000 Meters	FILE NUMBER: O-8879 PLANNER: KK TECHNICIAN: MB DATE: 4/12/2019

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Appendix D – Public Engagement

Notice of Application

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 15, 2018.

No replies were received.

Nature of Liaison: The need for an Old East Village Dundas Street Corridor Secondary Plan was identified through discussions on the implementation of the Bus Rapid Transit System. The east-west bus rapid transit route is proposed to run eastward from the Downtown along King Street onto Ontario Street and then eastward along Dundas Street within the study area (see attached Map).

The purpose of the Secondary Plan is to establish a long term vision for the area and guide the future character of development through more specific policies than those contained in the Rapid Transit and Urban Corridors Section of the London Plan. The Secondary Plan can also be used to implement a vision or design concept, specifically, an urban design framework to connect the King Street rapid transit corridor and the Old East Village business district to the north. The Plan will provide a framework for the evaluation of future planning applications and public and private investment in the area.

Possible amendments to Sections 20.2 and 20.3 and Schedule D of the existing Official Plan and Policy 1565 and Map 7 of The London Plan to add the Old East Village Dundas Street Corridor Secondary Plan as a new Secondary Plan.

Community Information Meeting – June 27, 2018

Public liaison: Notice of the Community Information Meeting was sent to 1,527 property owners in the Secondary Plan area.

Approximately 70 people were in attendance at the Community Information Meeting.

Meeting Summary:

The following meeting summary was provided by Urban Strategies Inc.:

On June 27th, 2018, the City of London hosted a Public Information Meeting for the Old East Village Dundas Street Corridor Secondary Plan Study. At this meeting, participants were also consulted for their opinion on preferred cycle lane options for an ongoing Bikeway study. The consultation was held at Aeolian Hall on 795 Dundas Street between 6:30 – 8:30 pm and consisted of a presentation and facilitated table-based discussions. Approximately 70 community members attended the meeting. Participants provided feedback by writing directly or placing notes and place markers on boards, providing feedback on comment sheets, and by speaking directly with staff and consultants. This report provides a high-level summary of participant feedback and is not intended to provide a verbatim transcript of the meeting.

The purpose of the consultation was to:

- consult community members on identifying a vision for the study area
- discuss preferred land uses and building heights along Dundas and King Streets
- focus the discussion on the character and design of Dundas Street; and
- receive feedback on East-West Bikeway options.

Presentation and Activities:

The public meeting consisted of two parts. First, a presentation was given by staff and consultants to provide an overview and context for the Secondary Plan Study as well as

the Bikeway study. The second part involved a series of facilitated table discussions based on the following questions:

1. What are the key characteristics of Dundas Street, King Street and the surrounding area? What would you like to see preserved? What is missing? What would you like to see change?
2. How should Dundas Street be designed? What would you like to see included in the streetscape? (i.e. trees, patios, benches, etc.)
3. How would you rank the proposed Bikeway corridors?
4. Where are the key connections between the Dundas corridor and the future BRT stops on King Street? How would you like them designed?
5. Where would intensification (mid-to high-rise buildings) be best suited within the study area?

Working with a staff facilitator at each desk, participants at 10 tables were encouraged to discuss and provide input to the questions. Report-back period followed, where tables took turns to share a summary of their discussion with the rest of the participants. Diagrams, images, and maps of the study area and Bikeway options were provided for the discussion.

Response Summary:

Question 1

What are the key characteristics of Dundas Street, King Street and the surrounding area? What would you like to see preserved?

Participants at most tables mentioned heritage buildings and attributes as key characteristics that they would like to see preserved. Some participants identified specific landmark buildings and destinations that they felt were important, including Aeolian Hall, Farmer's Market, and the Western Fairgrounds. Preserving independent businesses was also frequently mentioned, as well as the importance of the artisan culture and the artistic character of the area. Pubs and restaurants were mentioned as important anchors along Dundas Street.

What would you like to see more on Dundas Street and the surrounding area?
Having more trees and other landscaping elements such as planters were frequently mentioned, as well as integrating more public art to the area. Some participants mentioned a long-standing need in the community for a coherent identity for the area. A couple tables suggested that adding a gateway feature to the Western Fairgrounds could help reinforce the identity of the area. Some participants mentioned the importance of accessibility and inclusivity. Wanting to feel a sense of community was also mentioned several times. At the same time, other participants mentioned a desire to see more intensification and human-scale development. Participants also expressed that they would like to see a more diverse mix of uses along Dundas Street that include retail and services that can support their everyday needs and give them more reasons to visit the area. Safety was also one of the main concerns for many participants.
What would you like to see changed on Dundas Street and the surrounding area?
Several comments were made about gaps in the street wall and empty sites. Concerns were expressed about the concentration of social services in two blocks on Dundas Street in close proximity to businesses. Some participants mentioned a desire to see Dundas Street cater to all ages and offer a more family-friendly environment. A need for safer crossings was also mentioned.

What is missing from Dundas Street and the surrounding area?

A few comments were made about the missing visual and physical connections from Dundas Street to the existing parking behind buildings. There was a general agreement on the missing rhythm and pedestrian activities on Dundas Street. A need for gathering places were also mentioned. Some participants expressed that Dundas Street lacks multi-modal travel options, although there were conflicting opinions on whether Dundas Street should have cycle lanes.

Question 2

How should Dundas Street be designed? What would you like to see included in the streetscape?

Elements that residents would like to see in the design of Dundas Street include:

- Trees
- Public art and identity markers including signs and wayfinding elements
- Parkette or square
- Improved lighting
- Road diet
- Pedestrian amenities including benches, flexible seating, and chess-board tables
- Garbage cans
- Traffic calming measures
- Patios (possibly flexible/seasonal patio in parking spaces)
- Maximizing sidewalk width
- On street parking
- Outdoor power outlet for events and buskers
- Cycle lanes
- Cycle parking
- Improvements to traffic flow and safety at intersections (particularly at Elizabeth Street and Dundas Street)

Question 3

What do you think of the four proposed East-West Bikeway route candidates?

Tables equally ranked Dundas Street and the Queens and King Street Couplet option as the top choice among the four Bikeway route candidates. Dufferin Street was deemed less preferable mainly due to being too far away from destinations, although some participants expressed that the section in downtown may be suitable. All tables universally expressed negativity towards the York Street option as they felt that the street is unsafe due to high traffic volume and speed.

Question 4

Where would intensification (mid-to high-rise buildings) be best suited within the study area?

Participants were asked to mark where they thought intensification would be best suited using place markers, with red markers for where mid-rise buildings may be appropriate and green markers for where high-rise buildings may be appropriate.

Generally, participants thought that high-rise buildings are appropriate to the south side of the study area near King Street. Some participants also marked the east end of Dundas Street near the fairgrounds and the west end of Dundas Street towards the downtown as being appropriate for high-rise development. Participants thought that mid-rise buildings are appropriate along Dundas Street, mostly on the north side of the street. On Dundas Street, participants emphasized the importance of appropriate integration of heritage buildings. Many participants also added that new developments to step down towards the existing low-rise neighbourhood.

Community Information Meeting – November 1, 2018

Public liaison: Notice of the Community Information Meeting was sent out by Transportation Planning and Design to property owners adjacent to the cycling route options.

Approximately 50 people were in attendance at the Community Information Meeting.

Comment cards were provided to submit comments regarding the Secondary Plan; 19 comment cards were filled out and returned.

Response Summary:

Land uses:

- Support for prioritizing the existing/emerging cultural and artistic presence/businesses in the Old East Village, as well as of creative entrepreneurial businesses.
- Please reference the McCormick Secondary Plan. There are positive exciting activities happening in that area already which need to and are already connecting to the OEV Corridor. There are two craft brewers, a climbing gym, the redevelopment of Kellogg's that needs to be supported and integrated.
- Need to ensure mandated commercial areas are thoroughly thought out.
- Ensure new building along Dundas Street have retail only at the ground floor frontage.

Intensity:

- Concern that the area cannot handle the increase in pedestrians and traffic.

Building heights and bonusing:

- Support for the stepped building massing.
- Tall buildings aren't required along Dundas Street. The heights now there (original) are to scale. Stepback further north and south of Dundas if high-rise buildings are proposed.
- Suggestion that bonusing may need to be different in Old East Village than elsewhere in the city.
- Concern for bonusing that turns eight storeys into 10 and 12.

Modal priority:

- Support a vision that integrates a more inclusive and accessible space for cyclists/pedestrians and a de-emphasizing of motorways/parking. Businesses need the business that east/west traffic will provide via a protected bike lane. Remove 10 parking spaces to provide the additional bike lane on Dundas Street. Reduce speed limit to 30km/hr.
- Dundas Street business owner relies on commuters driving past their store and needs the area to remain a convenient location for people to commute in their personal vehicles.
- Preference for two bike lanes continuously on Dundas Street.
- Have the bike lane going east on King Street.

Parking:

- Elaborate on connectivity of available parking in municipal lots to Dundas Street.
- Determine how many businesses on the south side of Dundas Street where parking will be lost have rear access.
- Provide funding for enhanced parking connections between the parking lots and Dundas Street. Complete enhancements in conjuncture with other improvements.
- Reducing parking spaces to half would hurt all the businesses in this area. Ease of access to reach to us is of utmost importance to our customers.
- Maintain good parking for businesses – especially professional businesses.

Streetscape:

- The area needs more benches.
- Connections to BRT from Dundas Street need to be well lit.
- Glad to see plans that include more bike paths, pedestrian space, public space, green space, patios etc.
- Would like to see Dundas Place continued in Old East Village.

Heritage:

- Protect heritage facades. Blend new buildings with surrounding heritage buildings.
- Any high-rise on the south side of Dundas Street, Adelaide to Ontario, should not be allowed to reduce heritage properties to visual insignificance.
- Protect heritage buildings. Keep the structures intact.

Other:

- Business owner disapproves of any further construction for at least three years.
- Incentive programs need to both provide financial resources to help renovate facades (in particular) but through the provision as well of design guidelines & principles that specify a unified “appearance” that is welcoming without being wholly contrived.
- Not in favour of BRT.
- Suggestion to demolish the former dive locker building to improve access to Dundas Street at that point from the parking lot north of Dundas Street. It is currently a very narrow passage tightly hemmed in by buildings on either side – no amount of lighting can compensate that.
- Provide a space for those waiting for the food shelters can wait around – shelter our park.

Community Information Meeting – May 15, 2019

Public liaison: Notice of the Community Information Meeting was sent to 2,363 individual properties within and surrounding the Secondary Plan area and emailed to over 100 unique email addresses.

Approximately 50 people were in attendance at the Community Information Meeting.

Comment cards were provided to attendees to submit comments regarding the Secondary Plan; 4 comment cards were filled out and returned.

Response Summary:

Building form:

- Five metres step back after the second storey for mid-rise and high-rise buildings on Dundas Street is not enough. The step back should be ten metres.
- A list of potentially historic buildings on the south side where high-rise are allowed is needed.

Mobility:

- Midblock connections and alleys to parking lots should continue to be part of the plan and receive funding for lighting, murals, art and beautification.
- Cycle lanes should continue to be planned and constructed as a separate and protected from car traffic, and that sharrows be avoided.
- Connectivity will continue to be a big part of this plan, both in the Old East Village and with adjacent districts. Transit cycling infrastructure and pedestrian spaces are all very important moving forward.
- Looks good overall. The execution of making everything people friendly should be a focus.
- The connections from parking to transit should be well light, safe and funding to do so should be a priority.

Other:

- “Affordable Housing” is 70% of lower of market rent including utilities. Please stop referring to “under-market” rent as affordable. It is not.
- No park in Midtown. Want a park.

In addition to the comments submitted by comment cards, approximately 17 individual comments were submitted by a Life Spin representative, which included:

- The Accessible Canada Act works on behalf of 6 million Canadians who are facing disabilities. Identifying barriers to accessibility is essential. Building a concrete landscape feature defies accessibility and creates exclusionary access. This makes no sense in front of a building who serves a wide community.
- "London's Strategic Plan!" Build a sustainable city that increases mobility and accessibility to meet the long term needs!
- Without a loading zone families in need will go without! No access to free store. No access to Life Spin living room. No access to our advocates.
- Don't block my access to my advocate.
- "Londoners can safely and easily move around the city in a manner that meets their needs." Not with a cement barrier.
- Many of our clients have physical limitations so are unable to be [unclear word] without the aid of a walker, wheelchair, or scooter. Putting a cement feature in front of our office at Life Spin is totally disruptive to us serving our clients productively.
- Disabled access to the services offered by Life Spin is critical for our family as we rely on specialized transit to access disability support services. I believe the city is aware of Bill C-81 and yet you continue to ignore input that not only asks you to remove barriers – but not construct them in the first place.
- We regularly have elderly, disabled, mothers with young children frequent our offices. Front parking makes LifeSpin accessible for all.
- We don't need a cement feature, we need access!
- Do not create the barriers.
- It's convenient to have park at the front of the office for Christmas sponsorship program as well as our multiple free store donations drop off. And for our disability clients.
- On Feb. 6, 2018 we submitted our concerns with the BRT design that would remove 2 essential parking spots from 864-872 Dundas Street. As noted, they are critical for disabled clients to access the Life Spin office. Life Spin services 5000+ families every year.
- Drop off/pick up 1. For seniors and people with disabilities. __% of our clients are either senior or people with disabilities making it difficult to enter the building and being dropped off via special transportation (Voyageur) paratransit and especially during winter. Program drop off abilities will be impeded. Free Store. Christmas program. Gift – donations (sponsors). [unclear word] vehicles to up Christmas. 2. Apartments with front entrances – loading ability will be eliminated – mother and child, seniors. Parking is at a minimum for businesses in our block – parking in front assists in providing opportunity to these businesses for customers as well as clients take away on street and other organizations or groups using our facilities – i.e. Ruby Tuesday or reading clubs utilize our LR because it is wheelchair accessible – they get dropped off in front via special transportation. Parking presents 'safety' barricade for children lining up for events – backpacks – Christmas – Easter. Vehicles parked present a line of safety from traffic.
- "Nothing about us without us." Don't make decisions that affect accessibility without partnering with persons with disabilities.
- A barrier will make it difficult for me to come to my appointments. No barriers.
- I need access to my advocate!
- I work with Christmas donors who unload gifts for 1300 families plus. They require a loading zone in front of Life Spin 866 Dundas Street.

Written Submissions

Submission by Winifred Wake on February 22, 2019:

Dear Kerri Killen,

File: O-8879
Planner: K. Killen

See below for an e-mail I sent to Anna Hopkins, Chair of PEC. I trust you will find the contents pertinent to the development of the Old East Village Dundas Street Corridor Secondary Plan.

Sincerely,
Winifred Wake

From: W or D Wake [email redacted]
Sent: Friday, February 22, 2019 9:23 AM
To: ahopkins@london.ca
Subject: draft Old East Village Dundas Street Corridor Secondary Plan,

Anna Hopkins
Chair, Planning and Environment Committee
City of London

Dear Anna Hopkins,
I have just made a careful reading of the draft "Old East Village Dundas Street Corridor Secondary Plan" and the associated report to PEC from John Fleming dated February 19, 2019.

While the draft plan contains many commendable features, I am surprised and disappointed that I was unable to find any mention of a commitment to conserving significant natural heritage resources that occur in the area.

I am specifically referring to a bird known as the Chimney Swift, which nests in a number of chimneys within the plan boundary. The Chimney Swift is designated as a Threatened Species both federally and provincially and is protected under both federal and provincial species-at-risk legislation. In chimneys used by swifts, alterations to chimneys and/or the heating systems associated with them can have very negative consequences for this species, which has declined in Canada by 90% since 1970.

From time to time in past years I have provided the City Planning Department with locations for some chimneys within the Secondary Plan area known to be used by swifts. The area contains quite a few additional chimneys that either are used by swifts or have high potential to be so used. All such chimneys should be carefully investigated for swift use before alterations are made to these chimneys or buildings.

Chimney Swifts nest and roost in a number of chimneys in the McCormick area, and their conservation issues were addressed in the McCormick Area Plan. This makes it all the more surprising that Chimney Swifts and their habitat needs have not been incorporated into the current Old East Village Secondary Plan.

I urge the city

1) To include in the Old East Village Dundas Street Corridor Secondary Plan a commitment to identify and conserve significant natural heritage resources, such as Chimney Swifts and their nesting habitat, and
2) To contact Kathleen Buck, Management Biologist | Aylmer District (Natural Resources and Forestry) | 519-773-4785 | kathleen.buck@ontario.ca for additional information.

Sincerely,

Winifred Wake,
Chimney Swift Liaison for Nature London

Submission by Nick Dyjach on March 11, 2019:

Attention: Ms. Kerri Killen
206 Dundas Street
London, ON, N6A 1G7

File: O-8879
Planner: K. Killen

Dear Ms. Killen,

Reference: Letter of Support for the Old East Village Dundas Street Secondary Plan; Medallion Developments Inc.

On behalf of Medallion Developments Inc (Medallion), owners of lands municipally known as 729/735/737 Dundas St. and 393 Hewitt St and located within the Old East Village Dundas Street (OEVDS) Secondary Plan, Stantec Consulting Ltd (Stantec) would like to thank you for the opportunity to review the draft Secondary Plan document and express our interest and intent to participate in the planning process of the OEVDS Secondary Plan. As keen stakeholders in the Secondary Plan, Medallion is alongside other land and business owners of the Old East Village and Business Improvement Area that are elated to have the City of London spearheading this planning process to further plan for future development and improvement in the area.
Please accept this letter recognizing Medallion's support of the objectives and policies of the draft Secondary Plan dated February 2019. Further, it is Medallion's intent to subsequently submit a development proposal for their above-mentioned landholdings that will be consistent with the draft policies of this Plan and will bring a transformative mixed use project to the Dundas Street corridor.

Medallion

Medallion is a Toronto based development and property management company with a successful history of community investment and real estate development, with over 1,785 rental apartment dwellings built and managed in London. More importantly, Medallion is actively involved in redeveloping lands in the Old East Village. Medallion's had remediated the extensively contaminated brownfield site prior to construction. The first phase at 700 King Street constructed two residential towers. The second phase at 400 Lyle Street erected a third residential tower, completing a total revamp of the north side of King St., between Lyle St. and Hewitt St.

Proposed Development

This site is located north of Phases 1 and 2 and will be an extension of Medallion's success in the Old East Village. The new development, fronting onto Dundas Street, proposes to erect a 24 storey mixed-use building, with approximately 300 dwellings of 1 and 2 bedroom rental apartments, and ground-floor retail space.

The infill project will invigorate and elevate the "main street" presence of Dundas Street, providing active retail uses and continuous pedestrian oriented streetscape. Increased residential density in the area will help maintain commercial viability and increase prospective business into the area with increased foottraffic and high visibility.
Medallion is proposing to amend the Zoning Bylaw to accommodate the proposed development. It is intended that Medallion will be part of the ongoing Secondary Plan planning process to incorporate the proposed development, contribute to the design principles and criteria of the Plan, and assist the planning application process.

Planning Policy

In review of the Provincial Policy Statement and municipal planning documents, the proposed development is consistent with the intentions of these policies and will efficiently intensify underutilized land, increase residential density in an area that is fully serviced, contributing to housing choice and attainability, and ensuring new construction represents the characteristics of the existing neighbourhood. Both the City of London's Official Plan (1989) and the London Plan provide direction for maximizing underdeveloped sites and making use of existing infrastructure and municipal facilities.

Under the 1989 Official Plan, Medallion's Phase 3 site is designated under the 'Main Street Commercial Corridor' and the proposed development will consider the policies under Section 4.4.1.13.2 that are specific to the Old East Village and permits

revitalization of this corridor, “where the proposed development supports a continuous commercial streetscape and incorporates buildings which are important to the streetscape”. A designated heritage building is located east west of the site and a Heritage Impact Assessment (HIA) will be submitted with the Zoning By-Law amendment application to identify the benefits and opportunities of the nearby resource, as well as provide architectural elements to “fit in” with the existing streetscape.

Currently, a large portion of the City’s new Official Plan (London Plan) is currently under appeal before the Ontario Municipal Board and until resolved, the proposed development will have regard for its policies and guidance. Generally, the London Plan supports redevelopment of the site under the Rapid Transit and Urban Corridors Place Type. The London Plan considers Dundas St. as a ‘Main Street’ and King St. as a planned ‘Rapid Transit’ route in this area. The east arm of the proposed Bus Rapid Transit (BRT) network will be an important catalyst to intensification on Dundas Street. The proposed development is located within walking distance (800 m) of two future BRT platforms, providing vital connections to the downtown and beyond. Although the London Plan considers a maximum building height of 16 storeys (Table 9), there is considerable opportunity for bonusing that is appropriate for transit-supportive development by improving transit viability and increasing ridership within walking distance of station stops. It is anticipated that an increase to the maximum height and density will be facilitated through the adoption of the OEVDS Secondary Plan and be made available to accommodate ambitious and transformative redevelopment such as Medallion’s proposed project.

Since Council’s adoption of the Old East Village Corridor Community Improvement Plan (CIP) in 2004 and OEV Commercial Corridor Urban Design Manual in 2016, the OEV continues to undergo revitalization and development that supports improved pedestrian-oriented streetscape, brownfield redevelopment, retention of heritage buildings, and mixed-use development within the community. The vision of the CIP will be supported in the proposed development by creating a strong and continuous pedestrian-oriented street edge along Dundas Street and promoting compact development that is cognizant of the existing neighbourhood character.

Draft Old East Village Secondary Plan

We have had the opportunity to review the draft Secondary Plan made available to the public for review and feedback. Generally, the policies of the draft Secondary Plan paint a picture for landowners within the OEVDS that support transportation options, higher density residential, and a mix of uses including ground floor commercial opportunities. Medallion’s next phase of development is located within the ‘Dundas Street Old East Village Core Character Area’ (2.3). The proposed development will consist of a point tower on a four storey podium, providing a more human-scale presence at street-level and a continuous pedestrian streetscape with ground-floor retail and activated streetscape. The proposed building is consistent with the permitted highrise form of development planned in this area (3.3.4). The development will endeavor to demonstrate the provision of contributions, facilities and/or services that will permit the use of Bonusing (3.4) to permit increased density and a building height of 24 storeys (3.3.1.g.), that will maximize the redevelopment potential for this location on Dundas Street.

Conclusion

Stantec, on behalf of our client Medallion, would like to emphasize our support for the draft Old East Village Dundas Street Secondary Plan. We are excited to be part of the opportunities afforded by the Plan that will improve the efficiency and viability of redevelopment in the OEV area. We look forward to working with city staff to provide as much information about Medallion’s land development intentions so that there is transparency and mutually beneficial outcomes to progress the redevelopment project in this unique and vibrant community. Moving forward, please consider Stantec as well as Medallion as committed stakeholders, to be included in correspondence and notification of the planning process and any opportunities for community engagement.

Regards,

Stantec Consulting Ltd.
Nick Dyjach
Planner

Submissions by Denise Krogman on May 5, 2019 and May 12, 2019:

From: Denise [email redacted]
Sent: Sunday, May 5, 2019 4:49 PM
To: Killen, Kerri <kkillen@london.ca>
Subject: [EXTERNAL] Old East Village Plan Mtg May 15 2019

My concern regarding the development of “Old East Village Corridor” is the proposed “Drug Consumption Site” at 446 York St. , which borders the site plan. This will NOT be a positive asset to the City’s ‘plans’. It will attract many drug dealers and drug users, who will inevitably spill out over the entire area. (As seen at 186 King St., current Injection Site) Please let it be known that 446 York St is , in fact, part of this area. Also note that at 444 York st stand 2 heritage properties. We did not receive notification of the meeting; it was given to us from a resident of King st. Please address the proposed “consumption site” and include us in any future ‘plans’. Thank you, Denise Krogman 448 York St. [phone number redacted]

From: Denise [email redacted]
Sent: Sunday, May 12, 2019 5:10 PM
To: Killen, Kerri <kkillen@london.ca>
Subject: [EXTERNAL] RE: Old East Village Plan Mtg May 15 2019

Thank you for your reply and information. Yes, I would like my comments to be included in the “Old East Village Corridor” report to Council and any city files pertaining to this (including the overseeing Manager re 446 York st) I find it asinine that a line on a paper excludes certain properties. In reality, there are no boundaries with dangers involved in an area where illegal drugs are condoned and consumed. Revitalization should include rehabilitation and the priority should be saving troubled lives from the street. A larger facility with rehab and housing is needed to make our city meet it’s amazing potential. I appreciate your correspondence. Thank you, Denise Krogman [phone number redacted]

Appendix E – Policy Context

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

The Provincial Policy Statement, 2014

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

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

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

1.5.1 Healthy, active communities should be promoted by a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity.

1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.

1.7.1 Long-term economic prosperity should be supported by:

c) maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets.
d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

The London Plan

830_ Where the term “corridor” is used, without the “rapid transit” or “urban” modifier, it is meant to apply to both of these types of corridors. We will realize our vision for our corridors by implementing the following in all the planning we do and the public works we undertake:

5) Allow for a wide range of permitted uses and greater intensities of development along Rapid Transit Corridors close to transit stations
6) Carefully manage the interface between our corridors and the adjacent lands within less intense neighbourhoods.

837_ The following uses may be permitted within the Rapid Transit Corridor and Urban Corridor Place Types, unless otherwise identified by the Specific-Segment policies in this chapter:

1) A range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted within the Corridor Place Type.
4) Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade.

840_ The following intensity policies apply within the Rapid Transit and Urban Corridor Place Types unless otherwise identified:

6) As shown on Table 9, greater residential intensity may be permitted within the Rapid Transit Corridor Place Type on sites that are located within 100 metres of a rapid transit station.

841_ The following form policies apply within the Rapid Transit and Urban Corridor Place Types:

2) Buildings should be sited close to the front lot line, and be of sufficient height, to create a strong street wall along Corridors and to create separation distance between new development and properties that are adjacent to the rear lot line.
3) The mass of large buildings fronting the street should be broken down and articulated at grade so that they support a pleasant and interesting pedestrian environment. Large expanses of blank wall will not be permitted to front the street, and windows, entrances, and other building features that add interest and animation to the street will be encouraged.
5) Buildings and the public realm will be designed to be pedestrian, cycling and transit-supportive through building orientation, location of entrances, clearly marked pedestrian pathways, widened sidewalks, cycling infrastructure and general site layout that reinforces pedestrian safety and easy navigation.

845_ Main Street segments are streets that have been developed, historically, for pedestrian oriented shopping or commercial activity in the older neighbourhoods of the city. In an effort to provide local shopping and commercial options so that residents can walk to meet their daily needs, this Plan will support main streets within specific segments of the Rapid Transit Corridor and Urban Corridor Place Types. These areas will be in a linear configuration and street-oriented, meaning buildings will be close to the street with parking generally located to the rear of the site, underground, or integrated into the mass of the building. A broad range of uses at a walkable neighbourhood scale will be permitted within these areas.

847_ The Intensity policies for the Rapid Transit Corridor Place Type will apply, in addition to the following policies:

1) Within the Old East Village, Richmond Row, and SoHo segments, buildings will be a minimum of either two storeys or eight metres in height. Podiums for taller buildings will be a minimum of either two storeys or eight metres in height.
2) Buildings in these three Main Street segments will be a maximum of 12 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 16 storeys, may be permitted in conformity with the Our Tools part of this Plan.

1556_ Where there is a need to elaborate on the parent policies of *The London Plan*, or where it is important to coordinate the development of multiple properties, a secondary plan may be prepared by the City of London. Secondary plans will allow for a comprehensive study of a secondary planning area, considering all of the City Building and Environmental Policies of this Plan. It will also allow for a coordinated planning approach for the secondary planning area and the opportunity to provide more detailed policy guidance for the area that goes beyond the general policies of *The London Plan.*

1557_ Secondary Plans may be applied to areas of varying sizes – from large planning districts and neighbourhoods to small stretches of streetscape or even large individual sites. Areas that may warrant the preparation and adoption of a secondary plan include:

11) Areas, in whole or in part, within the Transit Village, Rapid Transit Corridor, or Urban Corridor Place Types that may require vision and more specific policy guidance for transition from their existing form to the form envisioned by this Plan.

1558_ Secondary plans will be adopted by City Council and form part of The London Plan. Where there is a conflict or inconsistency between the parent policies or maps of The London Plan and the policies or maps of a secondary plan, the secondary plan policies or maps will prevail. Otherwise, the parent policies and maps of The London Plan will be read together and in conjunction with the secondary plan.

1564_ Secondary plans will be written under separate cover, but will constitute part of this Plan.

Old East Village
London, Ontario
Business Improvement Area

June 17, 2019

To: City of London Planning Committee Chair and Members
Re: The Old East Village Dundas Corridor Secondary Plan

Thank you for the opportunity to speak to this plan and our process to get here. Planning has been our partner in the Old East Village Revitalization since the early days. John Fleming, our now City Planner was at the table early and often as a part of the Planners Action Team, a group of planners from across Ontario who committed time to create a long term plan for area revitalization. That report, the PACT report was the foundation for the OEV Community Improvement Plan. And while local and grass root work was being done by area businesses and residents, the CIP was the policy that truly allowed area renewal to formally begin.

The PACT report had included dozens of recommendations both large and small which all contributed to the area improvements of which kept long standing businesses in place which allowed for new businesses to build on existing area business draws. The PACT report and then the CIP was our roadmap to revitalization and over the past 15 and for the most part we have successfully completed its requirements.

This is why the Old East Village Dundas Corridor Secondary Plan is the next step in furthering area development. It speaks to intensification, connectivity, multi-modal transportation, building use, street design and beautification and affordable housing. Intensification challenges are being experienced across the city, but the feedback we have received is that the mid-rise scaling to the north and limited high rise heights to the south is generally acceptable understanding that in both cases that the heritage buildings and design, through our Urban Design Guidelines must be integrated.

The issue of connectivity has been on the lips of area businesses and residents for a long time and even more so since the City invested a badly needed 1 million dollars into our Municipal parking lots in 2018. We now have great parking. Dundas Infrastructure Renewal is about to provide street upgrades. This policy emphasizes the importance of connecting these two significant investments to they can both be enjoyed. Connectivity is imperative to our residential neighbourhoods and to connecting the corridor to the proposed Rapid Transit stops on King at Adelaide and Ontario.

316 Rectory Street, P.O. Box 7550, London, ON, N5Y 5P8 • Phone: 519-645-7662 • Fax: 519-645-7041
Web Site: www.oldeastvillage.com • Email: info@oldeastvillage.com

Connectivity is also key to support a neighbourhood that is multi-modal. Once the infrastructure improvements have been completed including the East West Bikeway and Rapid transit implemented, the Secondary Plan of wide sidewalks completes a neighbourhood that welcomes all modes of transportation. However, the loss of street parking created legitimate concerns from the businesses most directly affected by parking removal so we *need* safe and intuitive connections for everyone to the commercial Corridor regardless of how they move. In addition, enhanced street design and opportunities for better functionality and beautification as a policy will increase area activity also.

As we grow we need to ensure that there is a healthy stock of retail spaces facing Dundas in order to continue to welcome new businesses to the area. That is why mixes use development with commercial on the main floor is imperative to ongoing area renewal.

Regarding Affordable Housing, the Old East Village was the first in the City to embrace affordable housing programs; therefore we have a solid *existing* stock of affordable units along the commercial corridor. Affordability is very important however, equally as important is to create balance by offering a wide variety of housing along Dundas Street including affordable, at-market and above market units.

The BIA is pleased to respond to this report. I would like to thank City of London Planner, John Fleming, and his Urban Regeneration team of Brit O'Hagan and Kerri Killen.
I understand that Bill 108 will likely change elements of the Planning Act which may affect this policy so I look forward to working with staff to identify and manage any changes required.

One final thank you, to all of Council for voting approving the Old East Village Streetscape Improvement funding that was bundled within Rapid Transit funding earlier this year. The policy written in this Secondary Plan is important but will not be realized without funding. The funding you approved will assist to implement badly needed connectivity and street beautification which will fulfill requests from businesses and residents going back almost 20 years. That is what that funding, if received from the province, will provide to our community.

Thank you for your time.
Jennifer Pastorius



Manager
Old East Village BIA

Cc: Maria Drangova, BIA Board Chair
John Fleming, City of London Planning Department
Brit O'Hagan, Manager, Urban Regeneration

PUBLIC PARTICIPATION MEETING COMMENTS

3.3 PUBLIC PARTICIPATION MEETING – Application – Old East Village Dundas Street Corridor Secondary Plan (O-8878)

- Jen Pastorius, Manager, Old East Village Business Improvement Area – (See attached presentation).
- Scott Allen, MHBC, on behalf of Amiraco Properties Inc. – advising that they submitted a letter very recently to City staff as well as forwarding it to the Planning and Environment Committee's consideration; indicating that Amiraco Properties Inc. recently purchased a property in late March of this year at 496 Dundas Street and that property currently enjoys high rise permissions under the 1989 Official Plan, The London Plan and the Zoning By-law; advising that Amiraco Properties Inc.'s objective is to develop a mixed-use high rise development at that location and they have just recently initiated a process of assembling a consultant team and developing conceptual design plans; indicating that under the Secondary Plan because 496 Dundas Street is located on the north side of the street in what is referred to as the mid-town development area, building heights are limited to mid-rise form or eight storeys and they are seeking an opportunity to develop to a higher level based on current permissions and, as noted in their letter, they are interested in working with staff to evaluate options, explore options that is to see if high rise conditions could be considered on that site; apologizing for the lateness of this submission and he did talk with Ms. B. O'Hagan, Manager, Urban Regeneration, this last week essentially MHBC was asked into the project in May and their clients had done some due diligence before they purchased and recognized existing permissions but the Secondary Plan apparently slipped through the cracks and so they were unaware of the impending policy and adjustments unfortunately and as noted in their letter they are interested in potentially seeing a brief deferral to the Secondary Plan and that is unfortunate from their perspective recognizing the amount of work that has been carried out to date; reiterating that they were involved in May and they took noted of the fact that the Secondary Plan was underway, contacted staff but more importantly started to work with their architectural consultant to try to come up with a plan so they could sit down with City staff and review what they were considering for that site and unfortunately, the notice of the meeting came forward and they are here tonight but again if the Committee supports the deferral it would be a very short deferral from their perspective, they think it is pretty clear what they are asking for in their letter and they would be more than happy to work with staff expeditiously to address their concerns.

MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE
BURLINGTON

June 13, 2019

Chair Anna Hopkins: Members of City of London Planning and Environment Committee
City of London
300 Dufferin Avenue,
London ON, N6A 4L9

Dear Chair Hopkins and Committee Members:

RE: Old East Village Dundas Street Corridor Secondary Plan (O-8879)
496 Dundas Street, London
Amiraco Properties Inc.
OUR FILE: 14212'A'

Please find enclosed a letter recently submitted by MHBC to the City of London Planning Division regarding the draft Old East Village Dundas Street Corridor Secondary Plan and pertaining to the above-referenced property. It is noted in this letter that our client, Amiraco Properties Inc., is considering a plan to redevelop these lands for a mixed-use, high-rise tower consistent with current Official Plan and Zoning By-law permissions. It is further noted that under the proposed Secondary Plan, this property is to be designated for mid-rise development given its location on the north side of Dundas Street.

As summarized in our letter, we are not supportive of the mid-rise building height restriction being proposed for these lands as it results in a loss of development permissions relative to those established in the City's 1989 Official Plan, The new Official Plan (The London Plan) and the Zoning By-law. We are therefore seeking additional building height permissions for this property under the proposed Secondary Plan (1) to accommodate the high-rise form being contemplated for these lands and (2) to reflect current development permissions.

At this time, we are seeking an opportunity for further dialogue with Planning Division staff to discuss the proposed development for 496 Dundas Street in more detail and to explore options to address our specific concern. We therefore respectfully request that the Committee consider deferring its recommendation on the Secondary Plan until further discussions can by carried out between our client and City staff.

We thank you for your consideration of this request. Please contact the undersigned if you have any questions pertaining to this matter.

Yours truly,

MHBC



Scott Allen, MA, RPP
Partner

C *Britt O'Hagan, Gregg Barrett, John Fleming; City of London*
Mike Meddaoui, Said Meddaoui; Amiraco Properties Inc.

Encl.

MHBC
PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

KITCHENER
WOODBRIDGE
LONDON
KINGSTON
BARRIE

June 11, 2019

Kerry Killen, Senior Planner
City Planning – Urban Regeneration
City of London
206 Dundas Street
London, ON N6A 1G7

Dear Ms. Killen:

RE: Old East Village Dundas Street Corridor Secondary Plan (O-8879)
496 Dundas Street, London
Amiraco Properties Inc.
OUR FILE 14212'C'

On behalf of the Amiraco Properties Inc., owner of 496 Dundas Street, we have had the opportunity to review the consultation materials circulated by your office for the above-referenced Secondary Plan. As the owner of lands being considered for redevelopment within the defined project area, our client has a particular interest in this planning process.

At this time, we wish to provide comments for your consideration. The following discussion (1) provides a brief overview of the planning framework applicable to this property and (2) outlines our specific concerns with the development permissions proposed for these lands under the draft Secondary Plan, dated February 2019.

Planning Context (Existing Permissions)

City of London Official Plan (1989)

The subject lands are designated Main Street Commercial Corridor pursuant to Schedule 'A' (Land Use) of the City's 1989 Official Plan. Section 4.4.1 of this Official Plan prescribes that a variety of urban uses are permitted within this designation, including small-scale retail uses, small-scale offices and residential uses. With respect to residential permissions, it is also stated in this Section that residential densities in this designation should be consistent with those allowed for in the Multi-Family, High Density and Medium Density Residential designations. In accordance with Section 3.4.3 of this Official Plan, exclusive of bonusing, net densities in the Multi-Family, High Density Residential designation are to normally be less than 250 units/ha (100 unit/ac) for Central London (which encompasses the subject lands). There is no maximum building height permission defined for this designation.

New City of London Official Plan (The London Plan)

This property is located in the Rapid Transit Corridor place type pursuant to Map 1 (Land Use) of the City's new Official Plan (The London Plan). Policy 837 of The London Plan states that a range of residential, retail, service, office, cultural, recreational, and institutional uses are permitted in this place type. Further, Table 9 of this Plan prescribes that the maximum building heights are normally eight storeys with 'Type 1' bonusing and up to twelve storeys with 'Type 2' bonusing. There is no maximum building residential density permission defined for this place type. It is also important to note that the permitted use and intensity policies for this place type are currently subject to appeal and are not in effect.

City of London Zoning By-law Z.-1

A compound zoning structure is applied to these lands under the City's Zoning By-law comprised of Office Residential (OR) and Business District Commercial (BDC) components. Principally, the applicable OR Zone permits apartment buildings with small-scale office uses. Key development regulations of this zone include: a maximum residential density of 250 units/ha (consistent with the 1989 Official Plan), a site-specific maximum height permission of 46 m (approximately 15 storeys) and a maximum lot coverage of 50%.

Old East Village Dundas Street Secondary Plan (Draft Permissions)

By contrast, Schedule 3 (Permitted Heights) of the draft Old East Village Dundas Street Corridor Secondary Plan designates this property for 'up to mid-rise forms'. Section 3.0 of the draft Secondary Plan states that a range of residential, retail, service, office, cultural uses are permitted in mid-rise forms, with maximum building heights limited to eight storeys (subject to built form policies set out in Section 3.3.3). Bonusing permissions identified in Section 3.4 of the draft Secondary Plan only apply to high-rise forms and are therefore not currently applicable to this property.

Commentary

For your information, our client is considering a plan to redevelop this site for a mixed-use, high-rise tower consistent with current Official Plan and Zoning By-law permissions. The intent of this project is to promote housing choice and compact, efficient development along the Dundas Street corridor, in close proximity to: commercial, entertainment, employment and recreational uses; other high-rise forms; existing transit service; and the future Bus Rapid Transit system.

In light of these considerations, we are not supportive of the mid-rise building height restriction being proposed for these lands as it results in a loss of development permissions relative to those established in the 1989 Official Plan, The London Plan and the Zoning By-law. Accordingly, our client is seeking additional building height permissions for this property under the proposed Secondary Plan (1) to accommodate the high-rise form being contemplated for these lands and (2) to reflect current development permissions.

In our opinion, this request can be achieved through one of the following revisions to the draft Secondary Plan:

(1) Establish a site-specific policy within the Secondary Plan to permit high-rise buildings and/or building heights in excess of eight storeys on 496 Dundas Street (notwithstanding any other policies to the contrary set out in the Secondary Plan).

(2) Amend Schedule 3 (Permitted Heights) and any corresponding schedules or policies to identify 496 Dundas Street as a property where high-rise forms are permitted. Under this approach, it is assumed that bonusing opportunities, or a similar program to increase standard maximum building heights, would therefore be available for this property.

In summary, we recommend that the building height permissions applicable to 496 Dundas Street be amended to permit the redevelopment of this property for a high-rise form reflective of current development permissions.

We thank you for the opportunity to provide comments on the draft Secondary Plan. We trust that ongoing discussions and dialogue will be available to address the issue noted above. We reserve the right to raise additional issues and provide further comments on the Secondary Plan as the review process moves forward.

Yours truly,

MHBC



Scott Allen, MA, RPP
Partner

C Britt O'Hagan, Gregg Barrett, John Fleming; City of London
Mike Meddaoui, Said Meddaoui; Amiraco Properties Inc.

From: W or D Wake
Sent: Friday, February 22, 2019 9:23 AM
To: ahopkins@london.ca
Subject: draft Old East Village Dundas Street Corridor Secondary Plan,

Anna Hopkins
Chair, Planning and Environment Committee
City of London

Dear Anna Hopkins,

I have just made a careful reading of the draft "Old East Village Dundas Street Corridor Secondary Plan" and the associated report to PEC from John Fleming dated February 19, 2019.

While the draft plan contains many commendable features, I am surprised and disappointed that I was unable to find any mention of a commitment to conserving significant natural heritage resources that occur in the area.

I am specifically referring to a bird known as the Chimney Swift, which nests in a number of chimneys within the plan boundary. The Chimney Swift is designated as a Threatened Species both federally and provincially and is protected under both federal and provincial species-at-risk legislation. In chimneys used by swifts, alterations to chimneys and/or the heating systems associated with them can have very negative consequences for this species, which has declined in Canada by 90% since 1970.

From time to time in past years I have provided the City Planning Department with locations for some chimneys within the Secondary Plan area known to be used by swifts. The area contains quite a few additional chimneys that either are used by swifts or have high potential to be so used. All such chimneys should be carefully investigated for swift use before alterations are made to these chimneys or buildings.

Chimney Swifts nest and roost in a number of chimneys in the McCormick area, and their conservation issues were addressed in the McCormick Area Plan. This makes it all the more surprising that Chimney Swifts and their habitat needs have not been incorporated into the current Old East Village Secondary Plan.

I urge the city

1) To include in the Old East Village Dundas Street Corridor Secondary Plan a commitment to identify and conserve significant natural heritage resources, such as Chimney Swifts and their nesting habitat, and
2) To contact Kathleen Buck, Management Biologist **|** Aylmer District (Natural Resources and Forestry) **|** 519-773-4785 **|** for additional information.

Sincerely,

Winifred Wake,
Chimney Swift Liaison for Nature London

File: Z-9020
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: **Gateway Church**
945 Bluegrass Drive
Public Participation Meeting on: June 17, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Gateway Church relating to the property located at 945 Bluegrass Drive:

(a) Consistent with Policy 19.1.1. of the Official Plan, the subject lands, representing a portion of 945 Bluegrass Drive, **BE INTERPRETED** to be located within the Multi-Family, Medium Density Residential designation;

(b) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting June 25, 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 Community Facility Special Provision (h*h-1*h-18*CF1(3)/CF3(1)*D40*H12) Zone and Urban Reserve (UR3) Zone **TO** a holding Residential R8 Special Provision (h*h-1*R8-1(__)) Zone and an Open Space (OS1) Zone;

(c) Civic Administration **BE DIRECTED** to consider a Specific Policy to the Neighbourhoods Place Type in The London Plan for the property at 945 Bluegrass Drive to permit low-rise apartment buildings up to three-storeys.

Executive Summary

Summary of Request

The requested amendment is to permit the development of two 3-storey, 40-unit apartment buildings (80 units total) at a density of approximately 46 units per hectare. The requested amendment would also permit a reduced parking rate of 0.825 spaces per unit (66 spaces), whereas 1.25 spaces per unit (100 spaces) is required. The requested amendment also seeks rezone a portion of the site to an Open Space (OS1) Zone.

Purpose and the Effect of Recommended Action

The purpose and effect of the recocmmended amendment is to permit two 3-storey, 40-unit apartment buildings (80 units total) at a density of approximately 46 units per hectare. The recommended action will permit a reduced parking rate of 66 spaces, whereas 100 spaces are required. Further, the recommended action will rezone a portion of the site, currently used as Sunrise Park through an easement in favour of the City, to an Open Space (OS1) Zone.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2014;
2. The recommended amendment is in conformity with the Key Directions of The London Plan;

3. The recommended amendment is in conformity with the 1989 Official Plan;
4. The recommended amendment facilitates the development of an underutilized site with an appropriate form of development.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the south side of Bluegrass Drive. An easement in favour of the City exists at the rear of the site and forms Sunrise Park. Surrounding land uses include a place of worship (Gateway Church) to the north, low density residential in the form of single detached dwellings to the east and west, and the CN Railway right-of-way to the south. The site is currently undeveloped.



Figure 1: Subject site (front view from Bluegrass Drive)



Figure 2: Subject site (rear view from Sunrise Park)

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

- Official Plan Designation – Low Density Residential, Multi-Family, Medium Density Residential, and Open Space
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – holding Community Facility Special Provision (h*h-1*h-18*CF1(3)/CF3(1)*D40*H12) Zone and Urban Reserve (UR3) Zone

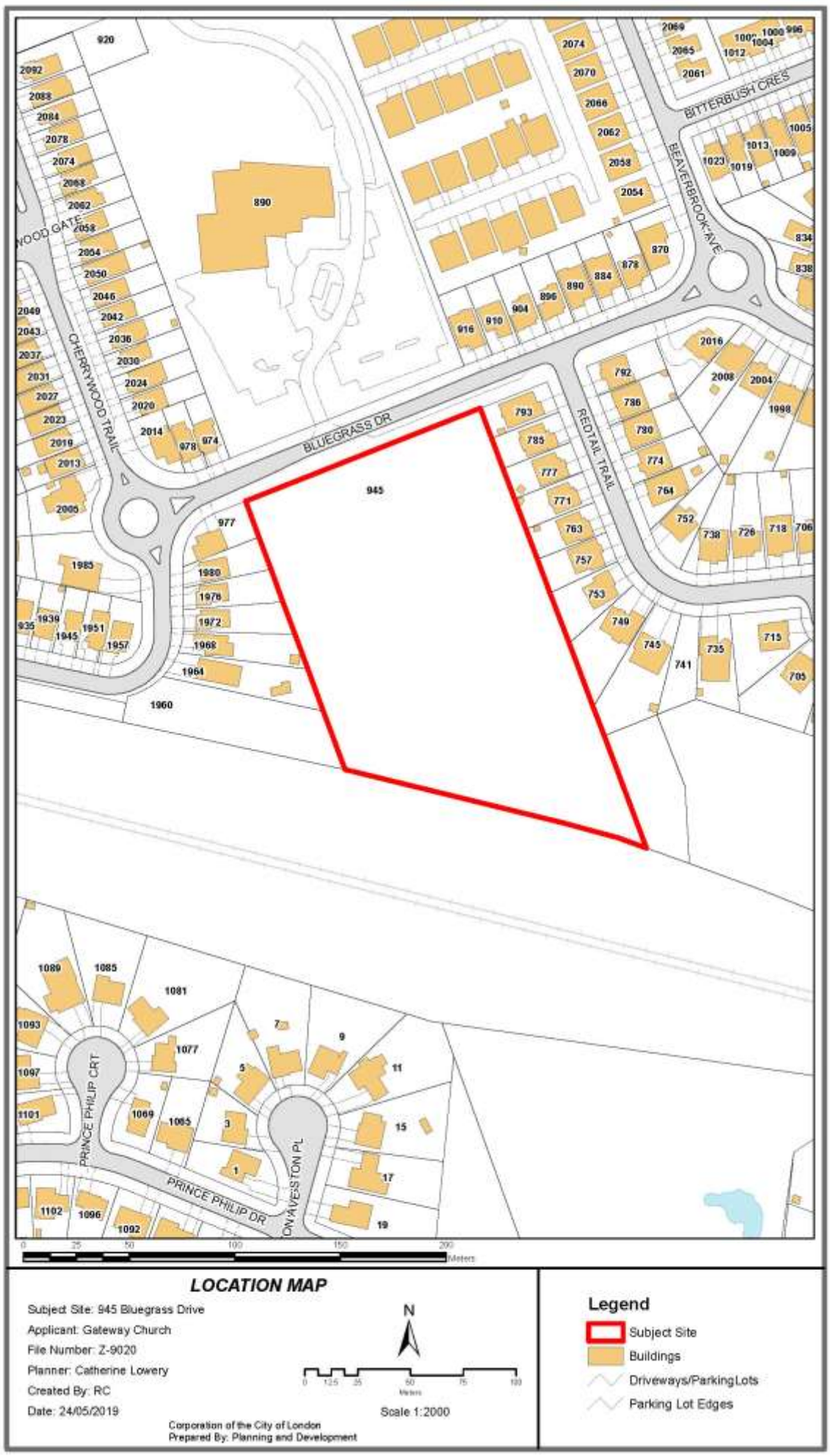
1.3 Site Characteristics

- Current Land Use – Undeveloped
- Frontage – 118.07 metres (387.36 feet)
- Depth – 132.52 metres (434.77 feet)
- Area – 2.1287 hectares (5.26 acres)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Place of Worship
- East – Low Density Residential
- South – CN Railway Right-of-Way
- West – Low Density Residential

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The applicant is proposing two 3-storey apartment buildings, each containing 40 units for the purpose of affordable housing. A parking area containing 66 parking spaces is also proposed, the majority of which will be located towards the rear of the site. Several amenity areas are proposed on-site including: a playground, tennis courts or open space, a multi-use gathering area, and a gazebo/seating area. The applicant intends for these areas to be publicly accessible and open to the community, much like the site currently is. The applicant has initiated discussions with Housing Development Corporation, London (HDC) to integrate the affordability component into the proposed development.

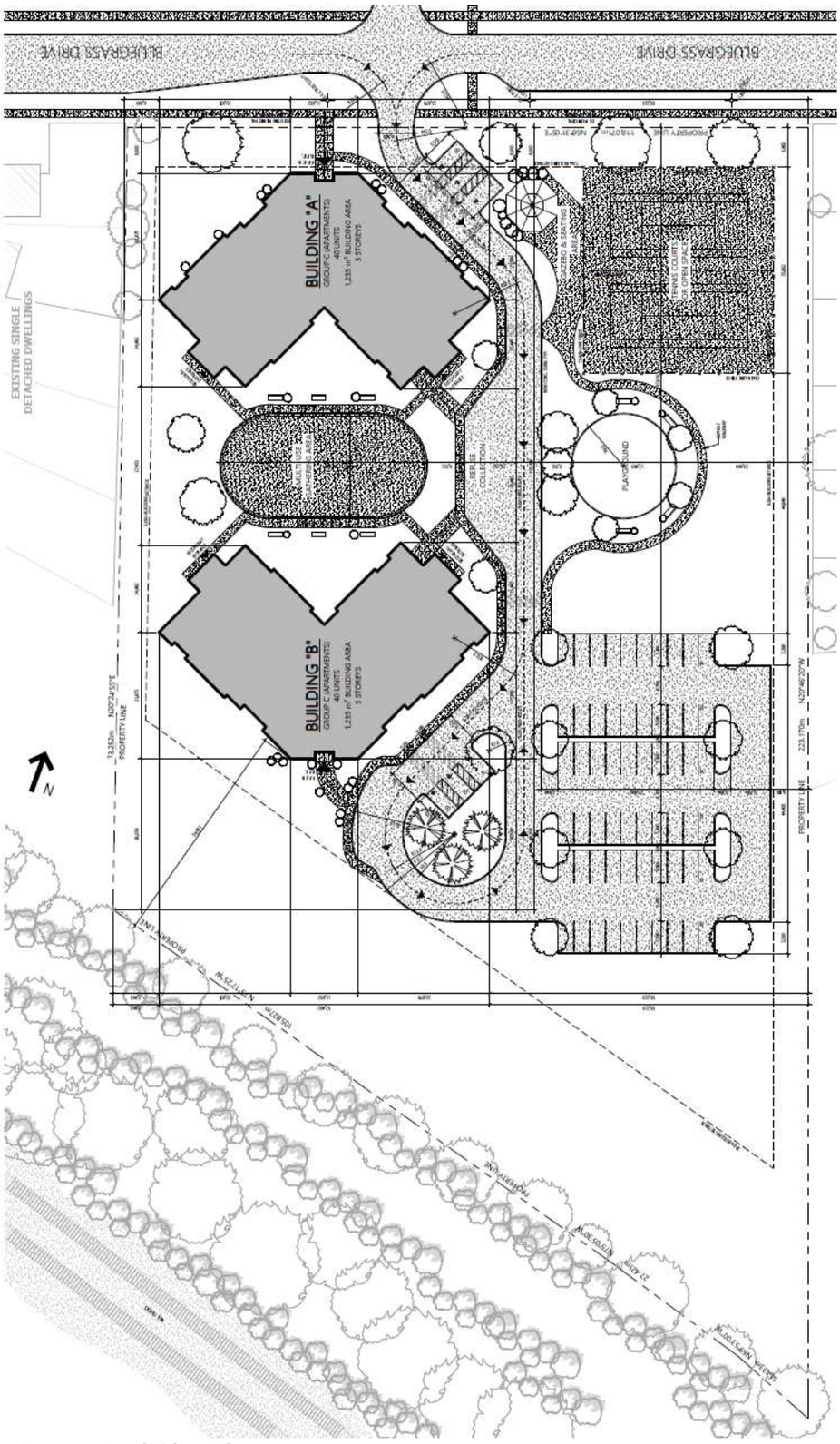


Figure 3: Conceptual Site Plan



Figure 4: Conceptual Rendering

3.0 Relevant Background

3.1 Planning History

In 1996, City Council adopted an amendment to the Official Plan (OPA No. 88) for the annexed areas which placed these lands in an Urban Reserve - Community Growth designation. This property is located within the Hyde Park Community Planning Area, and a community plan was prepared to identify the land use pattern and road network for future development. Through an Official Plan amendment (OPA No. 193) adopted by Council on April 17, 2000 for the Hyde Park Community Planning Area, the subject lands were re-designated from Urban Reserve - Community Growth to Multi-Family, Medium Density Residential, Low Density Residential, and Open Space.

The subject lands were subsequently rezoned in February 2003 (Z-6364) to the current holding Community Facility Special Provision (h*h-1*h-18*CF1(3)/CF3(1)*D40*H12) Zone. The purpose of this rezoning was to permit institutional type uses including: places of worship; community centres; day care centres; elementary schools; group home type 2; libraries; post office depots; private schools; secondary schools; police stations; clinics (in association with other permitted uses); continuum-of-care facilities (for seniors), hostels; medical/dental offices (in association with other permitted uses); nursing homes; personal service establishment (in association with the main permitted uses); rest homes; retirement lodges. The current zoning permits a maximum density of 40 units per hectare and a maximum building height of 12 metres.

3.2 Requested Amendment

The applicant is requesting to rezone the subject lands to a holding Residential R8 Special Provision (h*h-1*R8-1(__)) Zone and an Open Space (OS1) Zone to facilitate the development of the proposed apartment buildings. Special provisions would permit a reduced parking rate of 66 spaces (0.825 spaces per unit) and an increased density of 45.24 units per hectare.

3.3 Community Engagement (see more detail in Appendix B)

Staff have received 21 written responses from neighbouring property owners, which will be addressed later in this report. The primary concerns were related to: decreased property values; compatibility; loss of privacy; lighting; construction impacts (noise, dust, trucks); traffic and parking; and loss of parkland. Three phone calls were received citing similar concerns and requesting clarification on the application. Two petitions were also submitted in opposition to the application: one containing 21 signatures and the other containing 13 signatures. A community meeting was held by the applicant on April 3, 2019; 17 people were in attendance and four provided comments.

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 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. Planning authorities are also directed to provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4).

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. *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 majority of the site is located in the Neighbourhoods Place Type on a Neighbourhood Connector, as identified on *Map 1 – Place Types and *Map 3 – Street Classifications. Permitted uses within this Place Type include a range of low rise residential uses, such as townhouses and triplexes (*Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). The maximum permitted height is 2.5-storeys (*Table 11 – Range of Permitted Heights in Neighbourhoods Place Type).

The rear portion of the site, currently used as Sunrise Park, is located in the Green Space Place Type. This portion of the site is proposed to be rezoned to an Open Space (OS1) Zone and dedicated to the City as parkland dedication.

1989 Official Plan

The subject site is split designated Low Density Residential, Multi-Family, Medium Density Residential, and Open Space in the 1989 Official Plan. In the Multi-Family, Medium Density Residential designation the primary permitted uses include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged (3.3.1). Height and density limitations in the Multi-Family, Medium Density Residential designation is normally 4-storeys and 75 units per hectare (3.3.3.i) and 3.3.3.ii)).

The boundaries between land use designations as shown on Schedule "A" - the Land Use Map, are not intended to be rigid, except where they coincide with physical features (such as streets, railways, rivers or streams). As such, Council may permit minor departures from such boundaries if it is of the opinion that the general intent of the Plan is maintained and that the departure is advisable and reasonable (19.1.1i)).

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Use, Intensity, and Form

4.1.1 Use and Intensity

Provincial Policy Statement, 2014 (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 (including, affordable housing and housing for older persons), employment and institutional uses to meet long-term needs. It promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas to be the main focus of growth and their vitality and regeneration shall be promoted (1.1.3). Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit-supportive (1.1.3.2).

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

The recommended amendment is consistent with the policies of the PPS as it will facilitate the development of an underutilized site within an established settlement area. The proposed 3-storey, 40-unit apartment buildings contribute to a mix of housing types and provide choice and diversity in housing options. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of existing services. As such, the recommended amendment is consistent with the policies of the PPS.

The London Plan

The London Plan provides Key Directions that must be considered to help the City effectively achieve its vision (54_). These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies the Plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below:

55_ Direction #1 Plan strategically for a prosperous city

> 13. Invest in, and promote, affordable housing to revitalize neighbourhoods and ensure housing for all Londoners.

57_ Direction #3 Celebrate and support London as a culturally rich, creative, and diverse city

> 11. Develop affordable housing that attracts a diverse population to the city.

59_ Direction #5 Build a mixed-use compact city

> 5. Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place

61_ Direction #7 Build strong, healthy and attractive neighbourhoods for everyone

> 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.

10. Integrate affordable forms of housing in all neighbourhoods and explore creative opportunities for rehabilitating our public housing resources.

The Key Directions promote affordable housing and intensification proposals, which can be used to achieve the long-term goals of The London Plan while taking advantage of existing services and facilities, and encouraging a mix of housing types within neighbourhoods.

Policy *916_3 of the Neighbourhoods Place Type identifies key elements for achieving the vision for neighbourhoods, which includes 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. Furthermore, policy *918_2 states that neighbourhoods will be planned for diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms. The development of the proposed 3-storey, 40 unit apartment buildings would contribute to a mix of housing types, providing more intrinsically affordable housing options.

The subject site is located in the Neighbourhoods Place Type of The London Plan fronting on a Neighbourhood Connector. *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).

At this location, *Table 10 would permit a range of low-rise residential uses including: single detached dwellings, semi-detached dwellings, duplex dwellings, converted dwellings, townhouses, and triplexes. However, low-rise apartment buildings are directed to sites either fronting on a higher order street or at minimum at the intersection of two Neighbourhood Connectors. Further, in accordance with *Table 11, the maximum height permitted for sites in the Neighbourhoods Place Type on a Neighbourhood Connector is 2.5-storeys.

While the proposed low-rise apartment use does not conform to *Table 10 and the proposed 3-storey building height does not conform to *Table 11, these policies are currently under appeal and are 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. As the policy framework for this site is a matter of transition between the 1989 Official Plan and The London Plan, it is recommended that Council direct staff to initiate an amendment to The London Plan to add a Specific Policy Area permitting the low-rise apartment building use up to 3-storeys for this site.

1989 Official Plan

The site is currently split designated in the 1989 Official Plan, with the front half designated Low Density Residential and the rear half designated Multi-Family, Medium Density Residential. A portion abutting the railway right-of-way is designated Open Space which is proposed to be rezoned to an Open Space (OS1) Zone and dedicated to the City.

Chapter 19 of the Official Plan states that the boundaries between land use designations as shown on Schedule "A" - the Land Use Map, are not intended to be rigid, except where they coincide with physical features such as streets, railways, rivers or streams (19.1.1i)). Policy 19.1.1i) further states that the exact determination of boundaries that do not coincide with physical features will be the responsibility of Council and that Council may permit minor departures from such boundaries if it is of the opinion that the general intent of the Plan is maintained and that the departure is advisable and reasonable.

As there are no physical boundaries between the Low Density Residential and Multi-Family, Medium Density Residential designations, it is recommended that Council interpret the site to be designated Multi-Family, Medium Density Residential. The proposed development has been designed in a manner that is appropriate and

sympathetic to the surrounding neighbourhood, therefore the minor departure from the boundary meets the general intent of the Plan and is advisable and reasonable.

The Multi-Family, Medium Density Residential designation contemplates multiple-unit residential developments having a low-rise profile, and densities that exceed those found in Low Density Residential areas but do not approach the densities intended for the Multi-Family, High Density Residential designation (3.3). Permitted uses include a range of medium density residential uses, including low-rise apartment buildings (3.3.1). Development in the Multi-Family, Medium Density Residential designation is intended to have a maximum height of 4-storeys and a maximum density of 75 units per hectare (3.3.3 i) and ii)).

The two proposed 3-storey, 40-unit apartment buildings will yield an approximate density of 46 units per hectare, which is less than the 75 units per hectare permitted in the Multi-Family, Medium Density Residential designation. It should also be noted that approximately 3,602.52 square metres of the site is proposed to be rezoned to OS1 and dedicated to the City as parkland dedication. If this portion of the site were to be included in the site area as it currently exists, the proposed density would be 38 units per hectare, less than the 40 units per hectare permitted by the existing zoning. Given the foregoing, Staff is satisfied the recommended amendment is in conformity with the 1989 Official Plan.

4.1.2 Form

Concerns were raised through the circulation of the application that the proposed building form was not appropriate for the context of the neighbourhood, which consists primarily of 2-storey single detached dwellings. The site has been designed such that one of the proposed buildings and open spaces are oriented towards the street and most of the parking at the back, providing for an activated street edge. The 3-storey building height and L-shaped form is sympathetic to the neighbouring 2-storey homes, and the design incorporates a 6 metre interior side yard setback to provide separation from neighbouring properties. The conceptual design includes a number of amenity spaces on site, including: a playground, tennis courts or open space, a multi-use gathering area, and a gazebo/seating area. It is the intent of the applicant that these spaces be publicly accessible and available for use by the community.

The applicant submitted an Urban Design Brief as part of a complete application to identify how the building design and form would be in keeping with the City Design policies of The London Plan and Chapter 11 Urban Design Policies of the 1989 Official Plan. Urban Design staff was supportive of the conceptual design as it incorporates the following: locates a building along the Bluegrass Road frontage with its principle entrance to the street, establishing a built edge and activating the street; incorporates a massing and height of 3-storeys that is compatible with the existing neighbourhood composed primarily of 2-storey homes; and locates all parking at the rear of the site. Further refinement of the site and building design will occur at the Site Plan Approval stage, with consideration of design principles established through the re-zoning including: building location and orientation; building massing and height; and general site layout (setbacks, parking location, vehicular access, and pedestrian circulation).

It should be noted that the proposed building form would generally be permitted as-of-right under the current zoning, however the use would be restricted to seniors housing in accordance with the permitted uses of the CF3 Zone.

4.2 Issue and Consideration # 2: Archaeology

The existing zoning contains an h-18 holding provision, which the applicant is proposing to remove through this application. The applicant submitted a Stage 3 Archaeological Assessment as part of the complete Zoning By-law Amendment application which has been reviewed by the City's Heritage Planner. The h-18 holding provision specifically states "No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing

and technical review requirements have been satisfied." The City received the Ministry of Tourism, Culture and Sport compliance letter on June 5, 2019, therefore it is recommended the h-18 holding provision be removed.

4.3 Issue and Consideration # 3: Parking, Traffic, and Noise

Several concerns were raised by neighbouring residents regarding the requested parking reduction, increased traffic, and noise issues caused by the development and proposed tennis courts. In addition, due to proximity to the CN Rail right-of-way, consideration of noise and vibration must be given.

As part of the complete application, the applicant provided a parking study to justify the proposed reduction to 66 spaces, whereas 100 spaces are required. Given the intended affordable nature of the proposed units, as well as the site's proximity to transit, staff is satisfied the requested reduction of 34 spaces is appropriate. Furthermore, City Transportation staff have reviewed and accepted the parking study submitted with the application and had no concerns with respect to traffic or parking.

Through the circulation, some neighbouring residents were generally supportive of the proposed development but expressed concerns with respect to noise issues caused by the tennis courts currently shown on the conceptual site plan. Suggestions that this space be used as a more flexible grassed area were received, and the applicant has indicated that they are open to further discussion regarding this space. Urban Design staff have expressed concerns with the use of this area as a soccer pitch, as the space abuts the street and would require fencing to shield soccer balls from the street. This issue will be further addressed at the Site Plan Approval stage.

Lastly, CN Rail provided standard comments related to residential development adjacent to a railway right-of-way. These requirements include a 30 metre setback from the right-of-way, which is consistent with the existing special provision that currently applies to the site. As such, it is recommended an additional special provision requiring a 30 metre setback to the nearby Railway Transportation (RT) Zone be included in the zoning. In addition, the existing zoning includes an h-1 holding provision requiring the applicant to enter into an agreement covering requirements for incorporating appropriate noise and/or vibration attenuation measures into the design of the development, prior to removal. A noise and vibration study was not completed and submitted as part of this application, as the applicant had requested it be deferred to the Site Plan Approval stage. As such, removal of this holding provision has not been requested through this application and it is recommended the h-1 be maintained.

4.4 Issue and Consideration # 4: Loss of Privacy and Green Space

Several residents were concerned with the perceived loss of green space, as the site is currently vacant and very well used by the community. With the perceived loss of this "open space", neighbouring residents were concerned that the proposed development would result in units overlooking backyards, infringing on privacy and reducing property values. Residents were also concerned about light spillover from the development onto adjacent properties.

The site has always been privately owned and has been designated and zoned for development since the early 2000's. As such, it was never the planned intent for this site to be developed as a park, but rather with either community facility uses or a form of residential development geared to seniors.

A 6 metre (19.7 feet) interior side yard setback has been provided to offer separation between the proposed buildings and backyards of the abutting single detached dwellings. The detailed design of the site, including fencing and landscaping to screen the site from neighbouring properties, will occur through a future Site Plan Approval process and will assist in alleviating privacy concerns. Lighting will also be addressed at the Site Plan stage through the review and approval of a photometric plan, minimizing light spillage onto neighbouring properties. Several amenity spaces which are intended to be available for public use have been included in the design for the site, ensuring

publicly accessible privately owned open space is provided despite development of the site. The applicant will also be required to convey the rear portion of the site, currently an easement in favour of the City for Sunrise Park, as parkland dedication at the Site Plan 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 Key Directions of The London Plan and the in force and effect Official Plan policies of the 1989 Official Plan. The recommended amendment will facilitate the development of a vacant, underutilized parcel of land with a use and density that is appropriate for the site and contributes to a mix of housing types.

Prepared by:	**Catherine Lowery, MCIP, RPP** **Planner II, 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.	

June 7, 2019
cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

Y:\Shared\ADMIN\1- PEC Reports\2019 PEC Reports\10- June 17

File: Z-9020
Planner: C. Lowery

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 945 Bluegrass Drive.

WHEREAS Gateway Church has applied to rezone an area of land located at 945 Bluegrass Drive, 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 945 Bluegrass Drive, as shown on the attached map comprising part of Key Map No. A101, from a holding Community Facility Special Provision (h*h-1*h-18*CF1(3)/CF3(1)*D40*H12) Zone and Urban Reserve (UR3) Zone to a holding Residential R8 Special Provision (h*h-1*R8-1(__)) Zone and an Open Space (OS1) Zone.

2) Section Number 12.4 a) of the Residential R8 (R8-1) Zone is amended by adding the following Special Provision:

) R8-1( ) 945 Bluegrass Drive

a) Regulations

i)	Parking (minimum)	66 spaces or 0.825 spaces per unit, whichever is greater
ii)	Density (maximum)	46 units per hectare
iii)	Setback to Rail Transportation (RT) Zone (minimum)	30.0 metres (98.4 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 June 25, 2019.

File: Z-9020
Planner: C. Lowery

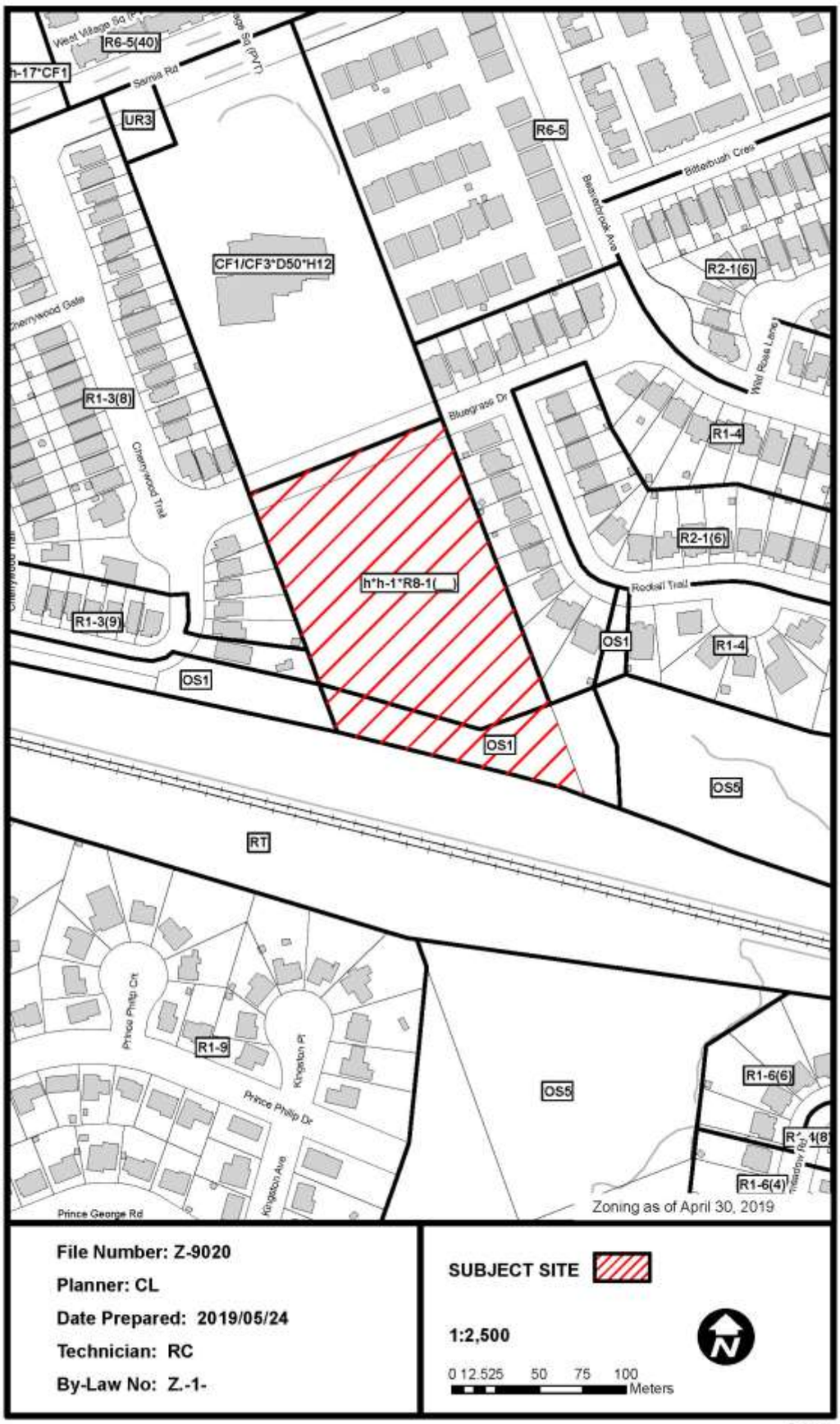
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading – June 25, 2019
Third Reading – June 25, 2019

File: Z-9020
Planner: C. Lowery

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



File Number: Z-9020
Planner: CL
Date Prepared: 2019/05/24
Technician: RC
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: On February 6, 2019, Notice of Application was sent to 121 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 7, 2019. A "Planning Application" sign was also posted on the site.

On April 24, 2019, Notice of Revised Application was sent to 124 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 April 25, 2019.

24 replies were received. Two petitions were also received in opposition to the application.

One petition, signed by 21 people, cited the following concerns:

- The current proposal is not compatible for the neighbourhood in terms of the population density and the size of the apartment buildings. It does not conform to the official London plan nor Ontario zoning bylaws which state that new development should be "a good fit within the context of an existing neighbourhood" and be compatible with "adjacent uses of land" (low density). It is surrounded by single family, two-storey homes. Many of these are home to families with young children.
- We have selected this neighbourhood based on the existing zoning.
- Increased traffic will make the neighbourhood roads less sage for children and other pedestrians.
- There is also the strong potential for an "inadequacy of parking access." Parking overflow will lead to more parking on the sides of the roads in front of our homes, adding more obstacles to obscure the view of drivers which will also make the neighbourhood less safe for all pedestrians.
- There is a significant risk that the higher density development will lower our property values. It would then be more difficult to sell if our property values decrease.
- There will likely be a much larger amount of greenspace removed from the property than what would remain with the current zoning in place.
- There would be a disruption to wildlife. Ducks, deer, and small mammals frequently use the area. Animals travel the tracks and come up around us.

The second petition, signed by 13 people, cited the following concerns:

- Proximity of large buildings and/or parking lots to our property lines.
- Increased noise pollution.
- Increased air pollution nearby.
- Drainage concerns already exist as the property slopes down into our backyards and they are often saturated with water for long periods. Drainage could become significantly worse with the removal of most of this greenspace. This would result in an increased risk of basement flooding and a higher cost of home insurance.
- Privacy concerns due to the potential of several units able to overlook our backyards.
- We payed a premium for our lots to back on to greenspace.

Nature of Liaison: The purpose and effect of this zoning change is to permit two 3-storey, 40-unit apartment buildings. Possible change to Zoning By-law Z.-1 **FROM** a Holding Community Facility Special Provision (h*h-1*h-18*CF1(3)/CF3(1)*D40*H12) Zone and Urban Reserve (UR3) Zone **TO** a Holding Residential R8 Special Provision (h*h-1*R8-1(__)) Zone and an Open Space (OS1) Zone. The proposed R8-1 Zone would permit the apartment building use. Special provisions would permit a reduced minimum parking rate of 66 spaces (whereas a minimum of 100 spaces is required) and an increased maximum density of 45.24 units per hectare (whereas a maximum of 40 units per hectare is permitted). The City may also consider an additional special provision requiring a 30 metre setback from the Railway Right-of-Way.

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

Concern for:

Decreased Property Values:
Concerns that the requested amendment and proposed development will result in lowered property values.

Compatibility:
Concerns that the proposed development is incompatible and will not be an appropriate fit within a neighbourhood predominantly developed with single detached dwellings.

Loss of Privacy:
Concerns that the proposed development will result in overlook on neighbouring backyards.

Lighting:
Concerns that lighting from the parking and amenity areas will spillover onto neighbouring properties.

Construction Impacts:
Concerns related to nuisances resulting from construction such as noise, dust, and trucks, as well as dirt and mud from the site being tracked onto the streets by trucks.

Traffic and Parking:
Concerns that the development of the site will result in more traffic through the neighbourhood, as well as parking issues resulting from the requested parking reduction.

Loss of Parkland:
Concerns that the site is currently very well used by the community as an open space and that the development of the site will result in a loss of available parkland.

Responses to Public Liaison Letter and Publication in "The Londoner"

Telephone	Written
Mike Spylo 978 Bluegrass Drive London, ON N6H 0C9	David Wright 786 Redtail Trail London, ON N6H 5X3
Nikki Kalpakis 2031 Cherrywood Trail London, ON N6H 0C8	Joanne Spylo 978 Bluegrass Drive London, ON N6H 0C9
Karen Dale 2023 Cherrywood Trail London, ON N6H 0C9	Christina Hansen 1893 Cherrywood Trail London, ON N6H 0E1
	Ron and Sheilah Blackwell 777 Redtail Trail London, ON N6H 5X3
	Brynn Wright 786 Redtail Trail London, ON N6H 5X3

	Hasan Saiyid 785 Redtail Trail London, ON N6H 5X3
	Abddal Tantoush 2005 Cherrywood Trail London, ON N6H 0C9
	Caitlin Norman 974 Bluegrass Drive London, ON N6H 0C9
	Murat Temeltas 977 Bluegrass Drive London, ON N6H 0C9
	Mike Hodgson 643 Redtail Trail London, On N6H 5X7
	Lance and Ashley Lefebvre 1980 Cherrywood Trail London, ON N6H 0C9
	Qazi Uzair 752 Redtail Trail London, ON N6H 5X7
	Ola and Adrian Bienkowski 753 Redtail Trail London, ON N6H 5X7
	Lamond Ma 757 Redtail Trail London, ON N6H 5X3
	Amber Gul 2024 Cherrywood Trail London, ON N6H 0C9
	Suat Rusiti 2027 Cherrywood Trail London, ON N6H 0C9
	Christina Copeman 1845 Cherrywood Trail London, ON N6H 0E2

File: Z-9020
Planner: C. Lowery

From: David W
Sent: Tuesday, February 19, 2019 11:03 AM
To: Lowery, Catherine <clowery@london.ca>
Subject: File Z-9020 -> 945 Bluegrass Drive

Dear Ms. Lowery:

Per your Notice of Planning Application regarding the above file, I am writing to provide comments before the February 27th deadline.

In general, I think the plan is well thought out and the new development will fit well in the neighborhood. I do however have one concern, and that is the plan for **tennis courts** on the property. The noise created by these tennis courts will be a constant annoyance to the people that live around that location. The constant whacking of the tennis balls and the grunting and yelling by the tennis players will prevent the neighbourhood from enjoying the tranquil environment that this subdivision has provided for so many years.

In lieu of tennis courts, I would like to suggest that a soccer or football field be planned. This would remove the concern stated above and provide a green space for the people of the neighbourhood to utilize, much like the one that is there now. For the last many years while this property was empty, people have utilized the open grass area for flying kites, playing Frisbee, exercising their dogs, running with their children, and of course soccer and football. A soccer or football field (even if it is not to regulation size) would provide a more flexible usable space to many more people then the few people who would utilize the tennis courts. It should be noted that the sport of tennis is in decline and as such, fewer and fewer people are utilizing tennis courts.

To summarize, I am not in favour of a tennis court in the proposed plan as the sounds emanating from the use of it would be loud and annoying to the people living around it. I am suggesting the plan be changed to a more versatile solution, such as an open field (soccer or football), so that more people of different socioeconomic backgrounds can make use of the space. I understand that the owners of the land feel it is important to bring people together and that they also want this space to be used by the neighbourhood. A field of some type would certainly achieve this goal better than a tennis court.

I look forward to hearing back from you on this idea/proposal.

Sincerely,

David Wright
786 Redtail Trail

From: Joanne Spylo
Sent: Tuesday, February 19, 2019 11:25 AM
To: Lowery, Catherine <clowery@london.ca>
Subject: 945 Bluegrass Drive. File# Z-9020

Hi Catherine,

I am a resident on Bluegrass Drive, which is a couple doors down from Gateway Church and the 100 unit development they are proposing.

I have small children and people already drive down Bluegrass like crazy people. On Sundays it's even worse with how big that church has expanded in the past 8 years we have resided here. I am afraid that adding the proposed building and adding 100 cars onto the road daily that it'll cause alot more congestion along with more hazards for mine and the neighborhood children around our area.

Bluegrass Drive is not equipped to handle even more traffic than it has. It's not a main road - it's a side/back road. People already use it to speed down. I can't imagine adding more people.

When we purchased our house in 2011, there was no mention by anyone that this green space would be built up. We were advised it would be a soccer field which it has been for a number of years. Gateway is just looking to expand and make money. They are not concerned with the neighborhood they are in - just about profit.

Is there anything we can do to stop this from happening?

Thank you

Joanne Spylo
Resident of 978 Bluegrass Drive

From: Christina Hansen
Sent: Thursday, February 21, 2019 9:04 AM
To: Lowery, Catherine <clowery@london.ca>
Subject: File: Z-9020 Zoning By-Law Amendment

I have recently been made aware of a proposed Zoning By-Law Amendment at 945 Bluegrass Drive. I would like to go on record saying that as a resident of this area I am completely against this proposal and disappointed that it would even be considered.

This community has an enormous amount of children and virtually NO green space available to them to explore safely and be active. We live In a day and age where we are all trying so hard to encourage our kids to be outside , connect with nature and get off video games and screens. We all know that the impact of NOT doing this is detrimental to our children, and this impact is serious. As you well know I could insert numerous valid articles & research papers to back this up. The closet park to this area is almost a km away to most area residents. The path there is also not a safe one to walk for younger children. Our backyards are barely large enough to kick a ball, its impossible to fly a kite. We need our community partners to understand the impact this is going to have on so many children and families. I'm sure the statistics are readily available to the city; There are literally thousands of children in this area. Build a park, initiate a fundraising campaign for a splash pad. Create a plan to pull the community together and get people out and active. Build a library that embraces community. All of the growth in this area is about building more, squeezing in homes where they don't fit. This is the LAST open space area we have in our community. Please do not cram in 2 3-storey buildings with reduced parking. Please for once put our children and families best interest ahead of money. I can not find the words to describe how much of a detrimental impact this will have on so many people.

The North side of Sarnia Rd has ben built up with hundreds of high rise type condominiums and townhomes. Everything is overwhelmingly overcrowded in this area. Why choose the one and only last spot in our neighbourhood?

I have spoken to several neighbours who feel the same way as I do. In speaking to people I have learned that we have community members who willingly upgraded there home packages by $10,000 - $20,000 in order to back up onto this space. We have residents who have put there hard earned money into building beautiful backyards, adding swimming pools, etc. These valued people would never have made these decisions if they knew there was the potential for 3 storey housing units at this location.

I understand that only those within 120 metres of the proposed site have received notice. At a time of year where many stay inside and are not out walking I fear that there are MANY valuable opinions that will not be heard. 120m of this site will yield the opinion of a minuscule amount of people, when this in fact will impact thousands of people.

Thank you for hearing my concerns, please consider these thoughts and the negative impact this will have on our entire community.

Christina Hansen

From: Joanne Spylo
Sent: Thursday, February 21, 2019 12:25 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: Re: 945 Bluegrass Drive. File# Z-9020

Hi,

Another reason is the school in our area (Clara Brenton) is already way over full and can not handle many more children. They already have 8-9 portables at the school!

From: ronblackwell ronblackwell
Sent: Thursday, February 21, 2019 9:43 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: File Z-9020 945 Bluegrass property

We have reviewed the Notice of Planning Application Z-9020. The site concept has changed considerably from the concept presented to us by Gateway Church last autumn in that the buildings will now be much closer to Bluegrass Drive and the open space behind us (third property from Bluegrass on west side of Redtail Trail) may become a pair pf tennis courts instead of a soccer field. Our main concern with tennis courts would be lighting at night since they would be very close and the use of light standards of the same height (9m) as the main church property would illuminate our backyard and shine in our windows.

Ron and Sheilah Blackwell
777 Redtail Trail

Sunday, February 24, 2019

Re: Resident Concerns for Proposed Zoning Amendment of 945 Bluegrass Drive (File: Z-9020)

We are writing regarding the proposed zoning amendment at 945 Bluegrass Drive to express the following concerns:

- Drainage could become significantly worse with the removal of greenspace for large buildings and concrete. The property of 945 Bluegrass Drive slopes down into our backyard and toward our home located at 1980 Cherrywood Trail.
- Proximity of large buildings (one planned to be 6 metres away).
    - Privacy concerns due to the potential of several units to be able to overlook our backyards which is a play area for our young children.
    - We appreciate that the building design includes a ‘V-shape’ to minimize number of units with a direct view.
- Increased noise pollution.
- Increased air pollution.
- Increased traffic will make the neighbourhood roads less safe for children and other pedestrians.
- The possibility of parking overflow that would lead to more parking on the side of the roads in front of our home, adding more obstacles to obscure the view of drivers which will also make the neighbourhood less safe for all pedestrians.

We hope that you consider our concerns.

Sincerely,

File: Z-9020
Planner: C. Lowery

Lance & Ashley Lefebvre
1980 Cherrywood Trail

From: Brynn Wright
Sent: Sunday, February 24, 2019 8:48 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: Comments regarding File Z-9020 (945 Bluegrass Drive)

Dear Ms. Lowery:

I am generally pleased with the thoughtful approach Gateway Church has taken for the development of 945 Bluegrass Drive. They have been very considerate of the neighbours on either side.

I do, however, have one comment regarding the Conceptual Site Plan that was circulated to us. I noticed that the land in the northeast corner was designated as space for either tennis courts or open space. Given that much of the property will be developed with impervious surfaces (buildings, parking lot, laneway, multi-use gathering area), I would like to see that area left as an open space where rainwater and melting snow could infiltrate the ground instead of running overland into storm water drains. This would mitigate some of the impact that development of this large property would have on local waterways. I do not think that tennis courts are required in order to make this space useful. I currently see this area being used frequently by soccer players, families, and dog owners, and I anticipate that the community would continue to make use of this area if it were left as an open space.

Thank you for the opportunity to provide comments on this planning application.

Sincerely,

Brynn Wright
786 Redtail Trail

From: Christina Hansen
Sent: Monday, February 25, 2019 10:44 AM
To: Lowery, Catherine <clowery@london.ca>
Subject: Re: File: Z-9020 Zoning By-Law Amendment

Thank you for your reply. I was previously aware of both the valid points you made below. I personally don't believe 120 m is sufficient, but yes I understand the laws per say. In regards to the zoning, I should have asked more questions when our home was being built, I took the developers/builders info at word. I have learned from that.

One more point I would like to add is that the parking in this area is horrendous at best during holiday seasons or special events at Gateway church. There are times when the parking lot is full and cars lined all of the surrounding streets. We had people park their cars in front of our home, to walk to the service 3 blocks away.

Knowing there will already be limited parking space (noted on the planning application) I can only imagine that the demand for parking will become a permanent issue in the area. And disastrous at these special event times. The consequences of that pose a safety issues, crowding issues, parking violation issues, etc.. the issues will impact the residents of this potential build, Gateway and all of our surrounding homes as well.

In my opinion this is a major issue with this proposed building as well.

Thank you,

Christina Hansen.

From: Hasan Saiyid
Sent: Monday, February 25, 2019 4:48 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: File Z-9020

Subject: File Z-9020 -> 945 Bluegrass Drive

Dear Ms. Lowery,

I wish to submit some comments regarding the file above.

I live on 785 Redtail Trail, and I am worried about the plan to build tennis courts right behind my house. Currently, there is a soccer field behind my house, and I have had no noise issues. Children and adults play there in the spring, summer, and early fall, and we barely hear anything. Tennis courts, however, are a different matter entirely. I am anxious about a few things:

1) The noise from playing tennis
2) The lights from the tennis courts could shine brightly into our bedrooms
3) Any water run-off from the court

I would feel much better with preserving the soccer field that is there right now, even if only in part. I think the project as a whole is well intentioned and, for the most part, well planned, even if I did enjoy the open field for seven years. The tennis courts are my only qualm. Our street is quiet, and we cherish that peace and calm. It would be a shame to compromise or spoil that.

Thank you for your time.

Sincerely,

Hasan Saiyid
785 Redtail trail

From: Abdurrahman Tantoush
Sent: Tuesday, February 26, 2019 8:54 PM
To: Lowery, Catherine <clowery@london.ca>; Lehman, Steve <slehman@london.ca>; Doc Services <DocServices@london.ca>
Subject: Zoning By-Law 945 Bluegrass Drive

To Catherine and Councillor Steve, And City Clerk

My name is Abddal Tantoush and I live at 2005 Cherrywood Trail, about approximately 50 metres from the re-zoning application.

I do not agree with the requested zoning change at all. As an active member of this community with a growing family it is important to me to have public access facilities such as libraries, parks, swimming pools, community churches, etc. Or safety features such as police stations closer to this area of town. We do not need more residences or more apartment buildings. I want my voice heard to keep the zoning By-laws in place as they are and do not want any changes to these by-laws as requested.

Also, if this could be used as future reference in case the requested by-law gets passed, to be used as a premise for appeal.

To the City Clerk, please could you notify me of any decisions made of the City of London on the proposed zoning by-law amendments for 945 Bluegrass Drive.

Sincerely,

Abddal Tantoush

File: Z-9020
Planner: C. Lowery

February 26, 2019

Dear Catherine Lowery:

I am a resident of our city, and I am writing to express my concern about the recent proposal relating to file Z-9020. Specifically, the matter regarding the zoning and planning application for 975 Bluegrass Drive, which requests approval for two three-storey rental apartment buildings with reduced parking spaces. To be clear, I am against accepting the proposed change and believe that the current zoning category should remain.

The proposed zoning requests would entail that two medium density buildings would be constructed on the proposed land. This is the primary concern for several reasons. First, the current neighbourhood consists of single-family homes and this building does not fit with the surrounding infrastructure. That is, the change does not conform with Ontario Zoning By-Laws that states that a new development is to be “a good fit within the context of an existing neighbourhood” and “compatible with adjacent uses of land” (low density/single-family homes). Moreover, I understand that within the city plan, developments are to consider building higher density buildings in developing areas in London. Nevertheless, our area is developed and established and therefore the current application does not conform with the city plan.

Secondly, such a large increase in population would greatly increase the traffic in the area, directly effecting the safety of the residents; in particularly, children. Moreover, reduced parking would lead to increased street parking which would therein obstruct view of the roadway for vehicles and pedestrians. Additionally, due to the layout of the space, there is only one entrance/exit for the buildings, which is directly across the street from our home. This is not an ideal situation not only for the street and the increase of traffic flow, but also for the number of residents that would be living in the buildings. Supplementing this matter is the fact that reduced parking availability would increase the likelihood that the medium density apartments become more suitable for students. As a former student myself, I value the contribution that students can make to a community. However, our neighbourhood is consistent with family homes with young children. Although we are further from the university then the ‘typical’ area for student housing, the increase of bus routes in our area make this location a candidate for students. Unfortunately, this portion of the population does not always tend to blend well in family neighbourhood’s and can at times be disruptive to the neighbouring residents. Lastly in relating to our primary concern is that there is significant risk that our property values will decrease. This is unexpected, unfair, and will affect the resale value of our home in the future.

Furthermore, there are secondary concerns regarding the current application. When originally purchasing our home, we were told that the land was zoned for its current purpose and was going to remain a green space. There are soccer nets on the field and children and families are often found using and sharing the green space. Green spaces such as these are known to bring communities and residents together. Removing this space would decrease the already very limited green space in our neighbourhood. Doing so would not only decrease a safe area for children and families to play but also impact the wildlife in the area.

Taken together with the concerns stated above, the proposal is not in the best interest of the neighbourhood. As such, we ask that our concerns be considered and that the application be rejected.

Thank you for considering our input and I look forward to hearing from you.

Sincerely,

Matthew and Caitlin Norman
974 Bluegrass Drive

File: Z-9020
Planner: C. Lowery

From: murat temeltas
Sent: Tuesday, February 26, 2019 10:26 PM
To: Development Services <DevelopmentServices@london.ca>; Lowery, Catherine <clowery@london.ca>
Subject: Comment and concerns regarding 945 Bluegrass Drive

Hello To whom it may concern,

I am writing this regarding the development plan of 945 Bluegrass Drive. We are the residents of 977 Bluegrass Drive (right beside, west of the soccer field). Our concern with these apartments is that it would interfere with our privacy, especially the upper floors would be able to see directly into our backyard. Also we're worried these apartments would make this quite street, which we like most about this area, a busy-high traffic street. We would prefer that buildings not be built. Thank you in advance.

From: Jennifer Spinney
Sent: Wednesday, February 27, 2019 8:20 AM
To: Lowery, Catherine <clowery@london.ca>
Subject: File: Z-9020: Gateway Church Application

Good morning Ms. Lowery,
I am a resident in the Deer Ridge community and our house backs onto the land currently under consideration for a zoning by-law amendment.

I am generally opposed to the applicant's proposal and have signed a petition along with several of my neighbours demonstrating my position against construction of the two, 3-storey, 40 unit apartment buildings. I live on the good side (Redtail Trail) of the plan, and even still, I feel the disadvantages to our community outweigh any potential benefits that have been suggested to us by the applicant.

My question for you this morning is this:
If the lands "are currently designated as Low density residential and multi family, medium density residential in the official plan, which permits a range of low rise and mid-rise residential uses as the main uses", then why is a zoning change/amendment necessary for the applicant to move forward with their two, 3-story, 40 unit apartment buildings?

Related to this, what are the unforeseen implications if the amendment were to pass? In other words, what does the passing of the zoning amendment mean for residents in terms of future use should the applicant change their mind with the plan? More specifically, what are we opening ourselves up to if the amendment passes?

Thank you for your time and I look forward to hearing more from you.

Sincerely,

Jennifer

From:
Sent: Wednesday, February 27, 2019 8:32 AM
To: Lowery, Catherine <clowery@london.ca>
Subject: Green space beaver book area

I am opposed to developing the green space

Mike Hodgson

From: Lance Lefebvre
Sent: Wednesday, February 27, 2019 12:08 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: Resident Petition Against the Proposed Zoning Amendment of 945 Bluegrass Drive

hi Catherine,

Please refer to the attached petitions against the zoning amendment of 945 Bluegrass Drive. There are two petitions: one for general neighbourhood concerns and the other for specific concerns of neighbours whose lots are immediately adjacent to the property in question. We will also send additional pages of signatures after canvassing tonight.

Let me know if you would like any additional information from us.

Best wishes,

Lance & Ashley Lefebvre (& Neighbours)
1980 Cherrywood Trail

From: Qazi Uzair
Sent: Wednesday, February 27, 2019 5:15 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: File: Z - 9020 (Zoning change)

Dear Catherine - i am writing this email to raise my concern in regards to building two 3 storey apartment buildings in my neighborhood as i have received a letter from City of London.

we love the open space as we do not have any park/field close by and my kids like to play soccer there.

in addition - once these will be built then i suspect the privacy may also be at stake.

May God guide us all so we worship HIM alone and obey all prophets peace upon all of them who were sent for mankind's guidance. The last and final word of God the Quran which once read gives us peace and connectivity to God and real happiness. Plz try yourself.

Regards

Qazi
752 Redtail Trail

From: AA Bienkowski
Sent: Wednesday, February 27, 2019 9:27 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: Bluegrass development

Hi Catherine

I wanted to send you a quick email regarding the proposed 3 story development off of Bluegrass. I don’t understand why the parking lot is placed at the very end of the property where cars will have to drive by and pollute all of our backyards to park their vehicles. Wouldn’t it make more sense to have the lot right off of the street ? Where the traffic comes through anyway?

This is really bothering us neighbours not to mention the idea of having to put up with construction, dust, and loud machines.

The other thing with the parking lot — will the lights be on all night long ? I'm thinking this will also be disruptive to those with bedrooms facing the lot.

Please let me know your thoughts.

Thank you,

Ola & Adrian

From: Lamond Ma
Sent: Thursday, February 28, 2019 1:00 AM
To: Lowery, Catherine <clowery@london.ca>
Subject: Opposition to Z-9020 Gateway Church Zoning Amendment

Good Evening Ms. Lowery,

As a resident of 12 years in the Deer Ridge subdivision I wish to express my opposition to the proposed zoning amendment for the following reasons:

I was on of the first residents in this subdivision. I purchased my home which is located on the west side of the subject lands in 2005 with the understanding the property to the east was owned by the Gateway Church which was relocating and being built at 890 Sarnia Road. I was advised the property would eventually be developed into a seniors' retirement home but likely left vacant for at least 10 years. Had I been advised that the plans were for affordable low rise apartment housing, I would have reconsidered purchasing and building on the lot which I am currently located.

I believe this zoning amendment and proposed development of an affordable housing complex will lower the property value of the low density homes in the area. I believe the neighbourhood already has an ample supply of medium density housing to the north and east and the addition of an affordable low rise apartment buildings will reduce the value of low density homes in the neighbourhood.

An increase in the population due to an additional 80 apartment units will cause an additional burden on the designated elementary school in the area, Clara Brenton. According to the school staff, the student population has increased to an unsustainable population in recent years. The portable classrooms that have been added to the school and daily traffic jam of vehicles at the school in the morning and afternoon are also indicative that the school has reached a maximum capacity.

The applicant makes a comparison of the Gateway church building and proposes that the affordable housing complex will have having a similar impact on the neighbourhood with respect to shadowing and loss of views. This comparison is flawed as it is omitting the fact that the Gateway Church property is built on land that was excavated and is lower than the surrounding properties by several feet. The proposed low rise apartment buildings would most certainly have a greater impact on shadowing and loss of views than that of the nearby church.

I also have concerns with the placement of yet another open parking lot in the immediate area. The current parking lot of the Gateway Church is already subject to nuisance vehicles squealing tires and occasional groups of people gathering during summer evenings and causing disturbances. The placement of the parking lot adjacent to Sunrise Park will likely attract groups to gather in the open space at night if 80 units of affordable housing are added in the immediate area. The noise generated from up to 66 parking spaces at various hours also cannot be compared to a church parking lot whereby church goers generally come and go during daytime hours. The lighting from parking lot and the lighting from the low rise apartment buildings would also pollute the views that the neighbourhood is currently enjoying. I do not want the lights from a parking lot shining into my bedroom at night nor do any of the neighbours that I have spoken to.

Lastly, my experience with the land owner, Gateway Church has been less than positive over the years during and after the construction of the church building and retaining wall. My father who owned the house immediately east of the church on Bluegrass Drive was asked by the church to allow access onto his property so the retaining wall could be built. He permitted access with the promise that the inconvenience would be temporary and his property repaired to its original condition. A temporary orange construction fence prevented him from bringing his lawn mower into his back yard from the garage. Due to an existing wooden fence on the west side of my dad's property, he had to resort to dragging his lawn mower through the inside of his house out the back patio door. Despite a number of requests to the church to remedy this situation, my father (almost 76 at the time) was forced to drag his lawnmower through his house for a summer and a half until the church finally removed their construction fence. The damage that was done to the lawn was ignored and only after numerous e-mails did the church throw a layer of sod onto my dad's property. When I inquired as to whether top soil should be put under the sod and who would water the fresh sod, I was advised by the church that they had gone beyond fulfilling their commitment to my father.

The current vacant land was not always flat and maintained. For a number of years, the land held a small mountain of soil that had been left there after being excavated from the church property at 890 Sarnia Road. Weeds were allowed to grow and my inquiries with the church as to whether they would properly maintain the land were ignored with the excuse that they did not have to maintain a property that was under construction. The issue was the landfill pile was an eyesore, posed a nuisance due to the meter high weeds that were allowed to grow, turn to seed and in turn continually dump weed seeds onto the lawns from the winds.

London Bylaws were frequently called over the years and each time they would confirm that the property had to be maintained. Only then were the weeds cut down and the pile of landfill eventually removed.

As you can see, I have some significant concerns with the planned development and potential long term impact that it will have on this neighbourhood. I am strongly opposed to the application for a zoning change.

I was successful in appealing my property assessment and that of my father's house 11 years ago partially on the grounds that the construction of the church reduced the value of our properties. Should the zoning change be approved and the affordable housing plan move forward to the construction phase, I will be appealing my property tax assessment and encouraging the neighbours to do the same on the grounds that the value of our homes has diminished.

Sincerely yours,

Lamond Ma
757 Redtail Trail

From: amber gul
Sent: Wednesday, March 13, 2019 9:59 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: 945 Blue Grass

Hello,
Please don't Built the apartment Building or any Commercial thing in Residential Area .Thank's

Best regards

Amber Gul
2024 cherry wood Trail

File: Z-9020
Planner: C. Lowery

From: suat Rusiti
Sent: Thursday, March 28, 2019 10:23 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: [EXTERNAL] Hello Steve lehman

This is suat rusiti i have reseved a leter that there going to build townhouses on 945 bluegrasd drive i dont like this to happen i have leaved here for 8 years and i moved here beacuse there was no tow house please i do not want to see tow houses

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From: Christina Copeman
Sent: Saturday, April 13, 2019 6:57 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: [EXTERNAL] 945 Bluegrass drive

Hi,

I would like to be informed about details regarding the planning application on Bluegrass drive. I just found out information about it's intended purpose but I see I have missed the February 27 deadline to summit my input.

What stage is the project in, has the zoning by-law application been approved? Was there a public meeting that I missed?

Thank you,

Christina Copeman

From: Christina Copeman
Sent: Wednesday, May 15, 2019 2:37 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: Re: [EXTERNAL] 945 Bluegrass drive

Hello,

This email is on behalf of a group of neighbours from Cherrywood Trail regarding the plans for re-zoning the open space at 945 Bluegrass Drive.

The current request for a bi-law amendment allows for lodging house class 2 and emergency care establishments. A member from our group has communicated with the pastor of Gateway Church and has been told the aim of the proposed building would be to provide low -income housing for retired people and young people just starting out.

We would like the by-law amendment to be re-worded to be more specific to the intended purpose stated by the pastor.

To be precise we would like the lodging house class 2 and emergency care establishments to be in specific excluded from the bi-law amendment.

Some may feel that this may seem unnecessary given that Gateway Church has not said they intend to use the development in this way, however, we want this to be explicitly addressed for the current plans and also in the event that Gateway should sell the property and no longer be guiding its direction.

Please let me know what needs to be done to pursue this further.

Kind Regards,

Christina Copeman
1845 Cherrywood Trail

Agency/Departmental Comments

February 12, 2019: Transportation
Transportation has no comments to offer at this time, the parking study supplied in support of the application has been reviewed and accepted.

February 18, 2019: CN Rail
Thank you for circulating CN Rail on the zoning bylaw amendment for 945 Bluegrass Drive.

I would offer the following comments:

- It is noted that the current zoning requires a minimum 30 meter set back from the rail right-of-way.
- Attached are CN's standards for residential development in proximity to a principal main line (PML). These standards include requirements for a noise study, warning clauses, a development agreement and environmental noise easement. CN would request our development standards are included as permit conditions.

PRINCIPAL MAIN LINE REQUIREMENTS

A. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.

B. The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.

C. Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ±3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.

D. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.

E. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

F. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.

G. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.

H. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.

I. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

February 19, 2019: 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 subject lands have been reviewed to determine whether or not it falls within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are not** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection please refer to the approved Source Protection Plan at: http://maps.thamesriver.on.ca/GVH_252/?viewer=tsrassessmentreport

RECOMMENDATION
The UTRCA has no objections to this application.

February 26, 2019: Water Engineering

Water Engineering offers the following on this application:

- Water does not oppose the application
- Water is available from the 250mm water main on Bluegrass Drive
- Each building will require an independent water service
- Additional comments/requirements may be offered during development application process.

March 6, 2019: 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.

March 18, 2019: Engineering
No comments.

March 25, 2019: Urban Design
Urban Design staff commend the applicant for incorporating the following into the proposed design; locating a building along the Bluegrass Road frontage with its principle entrance to the street, establishing a built edge and activating the street;

massing and height of 3 storeys that is compatible with the existing neighbourhood composed primarily of 2 storey homes, locating all parking in the rear of the site.

Through the staff recommendation, the site plan authority should be requested to ensure the following design principles are incorporated into the final site and building design through the site plan approvals process:

- Ensure the proposal is in keeping with the principles established through the re-zoning process, these include:
    - Building location and orientation;
    - Building massing and height;
    - General site layout (setbacks, parking location, vehicular access, pedestrian circulation, etc...)

April 5, 2019: Heritage Planning
I have reviewed the Archaeological Assessment (Stage 3) for Gateway Church Development. Due to the sensitivity of the site and current recommendation not requiring further Stage 4 assessment, heritage planning staff is requesting that the MTCS compliance letter be submitted to the City prior to accepting the Assessment report and consideration to remove the holding provision (h-18). Staff will finalize review of the Archaeological Assessment with receipt of the MTCS letter.

April 10, 2019: Parks Planning and Design
Parkland dedication is required. Applicant to dedicate the existing easement as parkland.

April 29, 2019: London Hydro (Re-Circulation)
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.

May 1, 2019: UTRCA (Re-Circulation)
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 subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands ***are not*** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at:
https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/

RECOMMENDATION
The UTRCA has no objections to this application. Thank you for the opportunity to comment.

May 6, 2019: CN Rail (Re-Circulation)
Thank you for circulating CN Rail on the rezoning application for 945 Bluegrass Drive.

I have reviewed the information circulated and the project description.

CN Rail has concerns about increased residential densification near rail lines, but we do no object to the proposed rezoning.

We request to be notified when this project comes to the site plan review stage as we anticipate submitting conditions at that time.

May 7, 2019: Engineering (Re-Circulation)
No Comments.

Appendix C – Policy Context

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

Provincial Policy Statement, 2014

1.1.1 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

1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

a. densities and a mix of land uses which:
    1. efficiently use land and resources;
    2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
    3. minimize negative impacts to air quality and climate change, and promote energy efficiency

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the *regional market area* by:

a. establishing and implementing minimum targets for the provision of housing which is *affordable* to *low and moderate income households*. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;
b. permitting and facilitating:
    1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including *special needs* requirements; and
    2. all forms of *residential intensification*, including second units, and *redevelopment* in accordance with policy 1.1.3.3;
c. directing the development of new housing towards locations where appropriate levels of *infrastructure* and *public service facilities* are or will be available to support current and projected needs;

d. promoting densities for new housing which efficiently use land, resources, *infrastructure* and *public service facilities*, and support the use of *active transportation* and transit in areas where it exists or is to be developed;

1.6.8.1 Planning authorities shall plan for and protect corridors and rights-of-way for *infrastructure*, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs.

1.6.8.2 Major goods movement facilities and corridors shall be protected for the long term.

1.6.8.3 Planning authorities shall not permit *development* in *planned corridors* that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.

New *development* proposed on *adjacent lands* to existing or *planned corridors* and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.

The London Plan

54_ To effectively achieve this vision, we will collectively need to blend our past planning successes with a new approach. What follows are the key directions that define this new approach. These directions give focus and a clear path that will lead us to the London that we have collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of this Plan and will guide our planning and development over the next 20 years.

55_ Direction #1 Plan strategically for a prosperous city

13. Invest in, and promote, affordable housing to revitalize neighbourhoods and ensure housing for all Londoners.

57_ Direction #3 Celebrate and support London as a culturally rich, creative, and diverse city

11. Develop affordable housing that attracts a diverse population to the city.

59_ Direction #5 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

61_ Direction #7 Build strong, healthy and attractive neighbourhoods for everyone

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.

10. Integrate affordable forms of housing in all neighbourhoods and explore creative opportunities for rehabilitating our public housing resources.

495_ Providing accessible and affordable housing options for all Londoners is an important element of building a prosperous city. Quality housing is a necessary component of a city that people want to live and invest in. Housing choice is influenced by location, type, size, tenure, and accessibility. Affordability and housing options are provided by establishing variety in these factors.

496_ Housing is a basic need for all Londoners. For London to be truly prosperous, it needs to take into account the housing needs of all of its residents. This Plan focuses on programs and policies that deliver housing as a service to lower-income and vulnerable Londoners, while setting the context for a city that provides all Londoners with access to quality housing that meets their needs.

*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:

3. A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.

*918_ We will realize our vision for the Neighbourhoods Place Type by implementing the following in all the planning we do and the public works we undertake:

2. Neighbourhoods will be planned for diversity and mix and should avoid the broad segregation of different housing types, intensities, and forms.

3. Affordable housing will be planned for, and integrated into, all neighbourhoods.

*920_ Tables 10 to 12 give important guidance to the permitted uses, intensity, and form of development that may be permitted on lands within the Neighbourhoods Place Type. The following policies provide direction for the interpretation of these tables:

4. Where development is being considered at the intersection of two streets of different classifications

a. The higher-order street onto which the property has frontage, will be used to establish the permitted uses and intensity of development on Tables 10 to 12.

b. The development will be oriented toward the higher-order street.

c. The development will be permitted only if it can be demonstrated, in conformity with the policies of this Plan, that it will be a good fit and will not undermine the character of the lower-order street.

*921_ Table 10 - Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type, by street classification.

*Table 10: Range of Permitted Uses in Neighbourhood Place Type

*935_ The following intensity policies will apply within the Neighbourhoods Place Type:

1. Table 11 - Range of Permitted Heights in Neighbourhoods Place Type, provides the range of permitted heights in the Neighbourhoods Place Type, based on street classification.

*Table 11: Range of Permitted Heights in Neighbourhoods Place Type

<u>The 1989 Official Plan</u>
3.3.1. Permitted Uses

The primary permitted uses in the Multi-Family, Medium Density Residential designation shall include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged.

3.3.3. Scale of Development
Development within areas designated Multi-Family, Medium Density Residential shall have a low-rise form and a site coverage and density that could serve as a transition

between low density residential areas and more intensive forms of commercial, industrial, or high density residential development.

i) Height

Development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood. Normally height limitations will not exceed four storeys. In some instances, height may be permitted to exceed this limit, if determined through a compatibility report as described in Section 3.7.3. to be appropriate subject to a site specific zoning by-law amendment and/or bonus zoning provisions of Section 19.4.4. of this Plan. (Clause i) amended by OPA 438 Dec. 17/09)

ii) Density

Medium density development will not exceed an approximate net density of 75 units per hectare (30 units per acre).

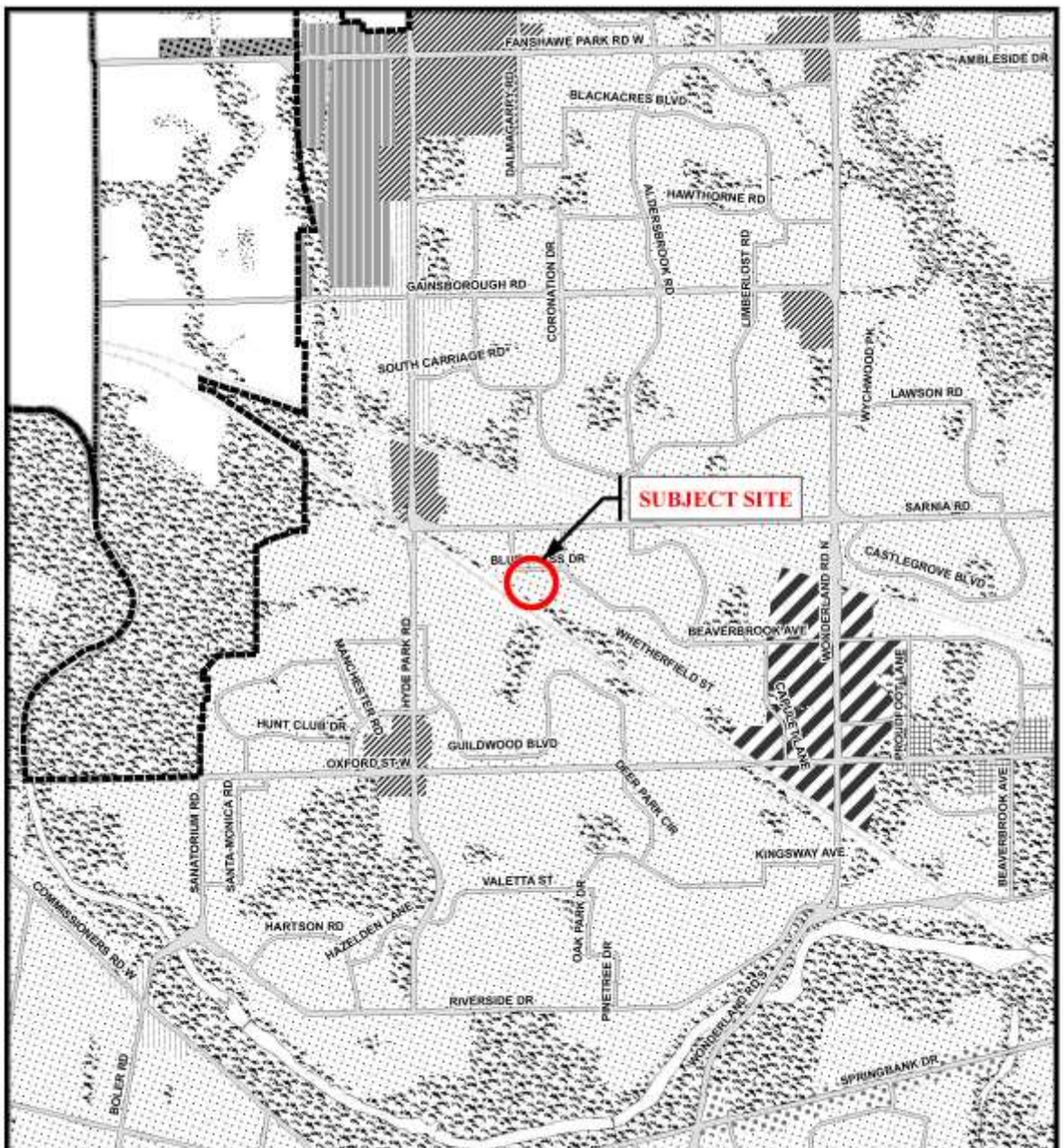
19.1.1. The objectives and policies contained in the Plan are intended to assist in the achievement of the purposes of the Official Plan, as described in Chapter 1. It is intended that the interpretation of these policies should allow for a limited degree of flexibility according to the following provisions:

i) Boundaries Between Land Use Designations

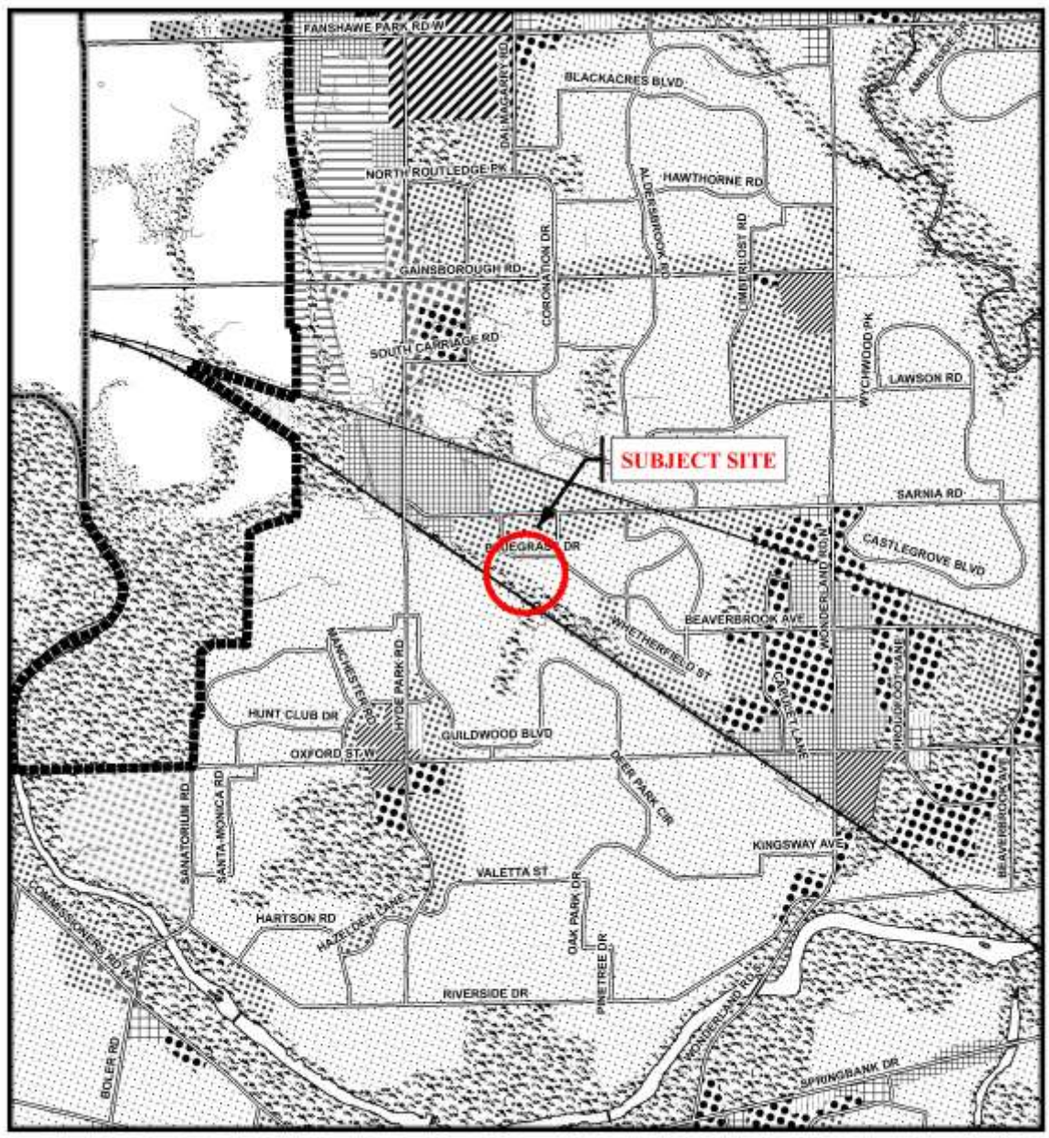
The boundaries between land use designations as shown on Schedule "A" - the Land Use Map, are not intended to be rigid, except where they coincide with physical features (such as streets, railways, rivers or streams). The exact determination of boundaries that do not coincide with physical features will be the responsibility of Council. Council may permit minor departures from such boundaries if it is of the opinion that the general intent of the Plan is maintained and that the departure is advisable and reasonable. Where boundaries between land use designations do coincide with physical features, any departure from the boundary will require an Official Plan amendment.

Appendix D – Relevant Background

Additional Maps



File: Z-9020
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

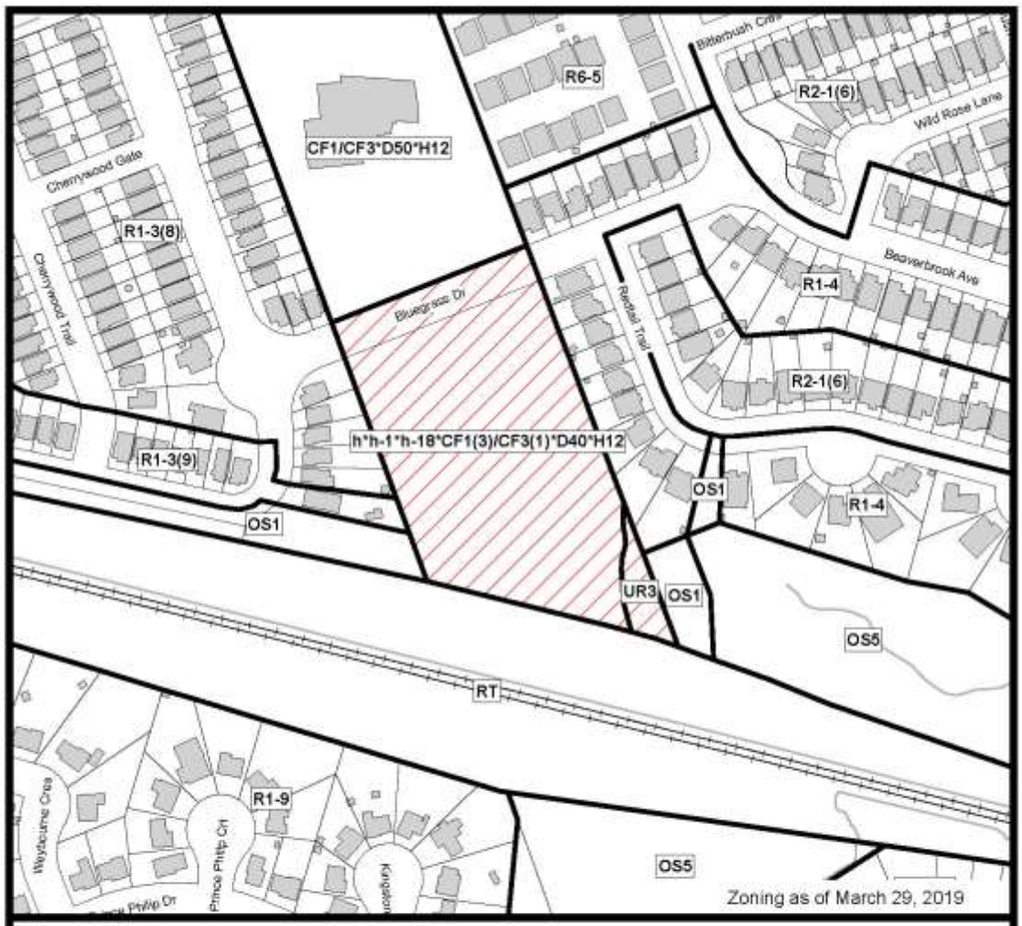
Scale 1:30,000

Meters

FILE NUMBER:	Z-9020
PLANNER:	CL
TECHNICIAN:	RC
DATE:	2019/05/24

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

File: Z-9020
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-9020 CL

MAP PREPARED: 2019/05/24 RC

1:3,000
0 15 30 60 90 120 Meters

Additional Reports

Z-6364: February 24, 2003 – Report to Planning Committee: request for a Zoning By-law Amendment for the Western Portion of 853 Sarnia Road

945 Bluegrass Drive

Gateway Church

PROPOSAL

Two, 3-storey apartment buildings

PROPOSAL

Two, 3-storey apartment buildings

Building 'A'
- Fronts onto Bluegrass Drive;
- 40 residential units

PROPOSAL

Two, 3-storey apartment buildings

Building 'A'
- Fronts onto Bluegrass Drive
- 40 residential units

Building 'B'
- Southeast of Building 'A'
- Abuts Sunrise Park
- 40 residential units.

Entrance Rendering



Side Rendering

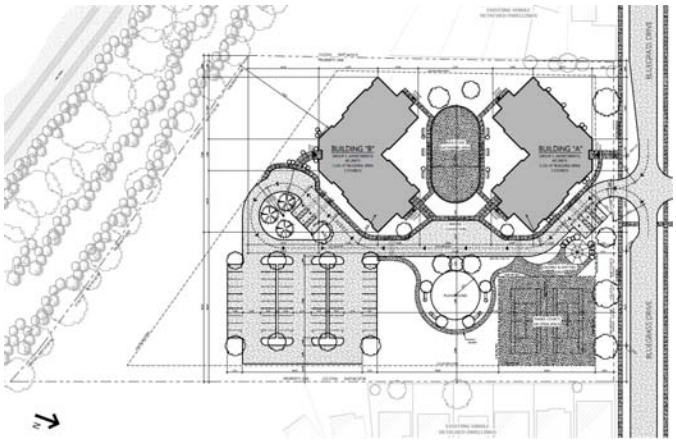


Side Perspective



SITE PLAN DETAILS

- A total of 80 residential units and a density of 46 UPH;
- Total of 66 parking spaces, including 6 accessible spaces;
- Surface parking area and publicly accessible open space is located on the east side of the property;
- Single, full-turns, access is provided from Bluegrass Drive.
- Refuse collection is provided internal to the site in between both buildings.





PUBLIC PARTICIPATION MEETING COMMENTS

3.4 PUBLIC PARTICIPATION MEETING – Application – 945 Bluegrass Drive (Z-9020)

- *(Councillor P. Squire indicating that at the beginning of your presentation you mentioned affordable housing and he did not hear it again so can you tell him what that means or did he just miss it.)*; Ms. C. Lowery, Planner II, responding that the applicant is proposing for the site to be developed as affordable housing; they have initiated discussions with HDC, London for the status of those discussions; deferring to the applicant that they are not seeking bonusing as part of this application; *(Councillor S. Turner enquiring about the thirty metre required setback from the railroad and then the wording in the report says an additional special provision requiring a thirty metre setback, is that an addition to the required thirty metre setback as normally required from a railroad so it will be sixty metres or is a different way of wording the setback already required.)*; Ms. C. Lowery, Planner II, responding that the intent of that is to carry over the special provision that currently applies to the site to ensure the thirty metre setback is upheld.
- Harry Froussios, Zelinka Priamo Ltd. – indicating that he is here this evening on behalf of Gateway Church, a local faith based organization that you will hear from shortly as they would like to address the Committee this evening and give the Committee an idea of the goals and objectives as it relates to the project; thanking staff for their timely review of this application; thanking the public for their comments; noting they had a public open house on April 3, 2019 which was well attended and they received some very good comments; stating that they are happy to be in this position this evening; indicating that they are looking forward to moving this application forward to the next stages; advising that Ms. C. Lowery, Planner II, touched on a lot of the things which he was going to address, but he will go through the application briefly; noting that the two three storey apartment buildings proposed on the site will contain forty units in each building; stating that the front building, Building A, fronts on to Bluegrass Drive and will contain 40 units and the rear building, Building B, which is just southeast of the Building A and abuts Sunrise Park, will also contain 40 residential units; indicating that on the entrance of the rendering of the front entrance you can see from the front it is an angled building on each side and there is a purpose to that; noting that on the side rendering there is going to be a mixture of materials and colours that will make it an interesting building to fit in well with the neighbourhood and context of the existing development; point out the side view perspective, and again, the balconies backing on to the open space on the ground level units will have access to the ground level; noting that the details of the site plan which Miss Lowery already alluded to, 80 units at a density of 46 units per hectare, a total of 66 parking spaces including 6 accessible spaces; indicating that the surface parking area and the publicly accessible open space is located east of the property, tucked in mostly behind the building, and single access is provided from Bluegrass Drive; noting that the refuse collection will be provided internally to the side in-between both buildings and inside the buildings but there will be a temporary pick-up location between the two buildings on the day of garbage collection; stating that this is the site place that you have already seen this evening and couple of things to touch upon were the location and the configuration of the buildings; noting that the front entrance of the building directly faces the street, providing it an interesting enhanced street scape; stating that the angles configuration of the building was done so that we do not have direct views into the backyard of the neighbours to the west, as well as to a lesser extent to the neighbours of the east, and it takes away that concern about the direct relationship between viewing into the rear yards of the neighbours; indicating that there is a generous amount of open space landscaped area and,

additionally to that, which you do not normally see in a lot of these projects, is the introduction of space used for the general public as well; stating that, at this point there has been talk about incorporating tennis courts and at one point there was talk about a soccer pitch; noting that the reality is that these details will be dealt with through the site plan approvals stage and we will work with the community to see what best fits in with this neighbourhood and what can be used more efficiently and will not create a negative impact on the neighbours; stating that there will be a playground in the space between the two buildings that can be converted in to an ice rink in the winter time, so again, you are seeing a lot of things that you normally see as part of these developments; stating that this is something their client is very, very happy to provide to this community; indicating that the parking is positioned to the rear of the site to keep it away from the public streetscape and to keep vehicles away from public streetscape and leave everything towards Bluegrass Drive; noting that the rear portion, which consists of Sunrise Park, will be dedicated to the city as part of this process; indicating that the current zoning of the property already permits group homes, nursing homes, rest homes and retirement lodges, at density of 40 units per hectare, in addition to various institutional uses; stating that the proposed development, as noted, will be 46 units per hectare and that is to account for the land and dedication and otherwise the density of this project would have been slightly less than 40 units per hectare; expressing support of the staff recommendation before the Committee this evening, however, requesting that the holding provisions regarding the development agreement, and the completion of a noise and vibration study, not be part of the zoning amendment in this instance; indicating that these holding provisions are being carried over from the existing zoning that is in place but they don't necessarily need to be applied to this particular development; noting that the proposed development will be subject to site plan approval as part of the next phase, where all technical matters will be dealt with through that process and a development agreement will be entertained as part of that process; stating that CN rail has already provided their comments that they will require a noise and vibration study to be completed before a permit is issued, therefore, they will be circulated as part of the process; stating that if we cannot proceed to the next stage of completing the site plan approval, or even getting a building permit, we acknowledge that is the case; noting that he does not believe it is necessary to include those holding provisions, they can deal with those matters through site plan approval and that eliminates another stage in the process where our client will have to go through to get another approval and come back to Committee to get a holding provision removed, where otherwise it is going to be dealt with through the site plan process; indicating that the requested amendment to the staff recommendation, in his opinion, is consistent with the provincial policy statement, as was mentioned previously with staff, and it makes efficient use of underutilized lands for the purpose of providing a range of housing, including affordable housing; noting that it is consistent with the applicable 1989 Official Plan polices that are currently in effect and it reflects sound land use planning principles; enquiring as to whether the Committee has questions; *(Councillor P. Squire enquiring what is the affordable housing aspect to this.)*; stating that there will be at least 40 units dedicated, purposefully, for affordable housing through the HDC program, the same that has been done with other, similar projects; *(Councillor A. Hopkins wondering if we know what the affordable housing will look like, the percentage in other words.)*; Indicating that at this point the 40 units represent half of the units in the makeup, in term of the bedrooms at this point; noting that we have not gotten to that stage yet in term of the size, in terms of the layouts in the bedrooms, but that might be answered through the client when he makes his presentation; *(Councillor A. Hopkins asking for further clarification on the affordable housing part, is its sort of 95% below the market value, or is that still to be determined.)*; indicating that that is still to be determined because we are not at the bonusing stage with this and have not gone into that level of detail yet; *(Councillor A. Hopkins saying she thought she*

heard you say that the gathering area, the playground area, the tennis courts that will be open to the public.); stating that, yes, the intent is to have some of the open space features available to the general public. (See attached presentation.)

- Rick Boyes, Lead Pastor, Gateway Church – indicating that he has personally lived in the northwest end of London for twenty-one years; having raised his own children here in our community and in our neighbourhood he feels like a stakeholder to the northwest end of the city; advising that what began as a dream in 2004 became reality in 2009 when Gateway Church completed its first phase of our master plan to fully develop our parcel of land located north and south of Bluegrass Drive; noting that when they purchased it was one parcel of land and they proceeded with that intention, but in those early years when they were surrounded by corn fields and farmland on all sides they dreamed of the day when our neighbours could join us with so many others who formed our neighbourhood; pointing out he says dreamed of it because that is why we are here to serve our neighbours and be neighbours, we are here to offer ourselves and our facilities to bring value to all people that live within our community; advising that every week hundreds people from this neighbourhood and community come to Gateway for all kinds of activities and events and meetings and celebrations and as part of our site plan for the southern parcel of land was always intended to be used for housing and for recreational use for all ages; indicating that they took steps towards development as an intergenerational housing development with an emphasis on those aged fifty-five and up, but as we went through that process it became obvious that not only with an aging population, but with an ever increasing housing market that many people would find themselves out of reach for rental housing with dignity; providing a couple of examples, they recently had a couple of widows forced to leave our community and move into other locales within the city simply because rent prices are out of reach; believing and thinking others will as well; no one should have to choose between paying their rent or filling their prescriptions; advising that four years ago his daughter and son-in-law were married; noting that the is a barber she is an EA at the Thames Valley District School Board and together they struggle to pay high rental prices and save for their first home even hearing earlier this afternoon that housing prices have escalated by 42% only confirms to me that we are on the right page and it to these ideas that is the driving motivation to our plan; outlining that their desire to create housing that is affordable with dignity so that anyone would be happy and proud to say hey I live at 945 Bluegrass Drive; understanding that this a first of affordable housing in the northwest end of London and as the church as a non-for-profit are intention is to create homes for couples and singles that are reasonably priced; stating that the goal is not to maximize the value of the lands to the community and to not maximize the amount of money or earning potential that there lands could yield so that is why we arrived at only eighty units and we have plenty of space for a public plash pad, an outdoor ice rink, soccer pitch, parks, gazebos and walking paths; noting that if economics were the driving force then we would just sell it to one if the many developers that have approached us to sell and to build; advising that they want their neighbourhood families, the children and the grandchildren, to have a place to play, all of them; today we love people using our land with our permission and with our blessing to play soccer, to exercise and to enjoy, we just desire to create further something that all of us could enjoy at the same time making room for those who are older and for those just getting started and for those who need a little help along the way; indicating that their goal is to bring the generations together not to push them apart and our goal is to create something that brings community for all in a way that is equitable, affordable and with dignity for all.

- Anna Foat, 792 Redtail Trail – believing they are so fortunate to live in a lovey neighbourhood in Deer Ridge; advising that she moved there about thirteen years ago and it was mostly dirt with only a few trees and not very many houses; over the last decade a lot of developments has occurred, both in their subdivision proper and in the areas around including Gateway Church; Gateways has been a great neighbour over the years planting grass and even putting soccer nets up for the community; wondering if she mentioned that they hand out full size chocolate bars on Halloween; how awesome is that; thinking it is wonderful that they will develop and offer affordable housing as part of their mandate, as much as she thinks some neighbours would like the field and its perpetuity we all know it was set for development from the outset and it is now our turn to be good neighbours; expressing dismay on Father's Day to find a letter at her door alluding to homeless and drug users; noting it did have the intended effect, however, it worked; pointing out that many neighbours are worried and their fears are around security; advising that she sat previously on the board of an affordable housing project in Kitchener, Waterloo, before moving to London called Hartwood Place and once she moved to London she joined the Family Selection Committee for Habitat for Humanity both working with our homeowners as well as homeowners where houses were being built; knowing her neighbours are hardworking decent people who have community pride and she also has experienced the positive not negative impacts that these developments can have on existing neighbourhoods; imploring people not to take the bait of fear and rather consider how new neighbours will add to our community's character, not to detract from what is a great neighbourhood in London, Ontario.
- Christina Copeman, 1845 Cherrywood Trail – representing a large group of concerned neighbors regarding the nature of the development on Bluegrass Drive; beginning by stating that they are not concerned about the land being used for long term low income housing; advising that they have been told by the Pastor at the Church that the intent of the housing is to create affordable housing for seniors; being clear, they think this plan is an excellent and necessary endeavour and support this plan; advising that when they bought their home they were aware of the open space behind the street that was zoned for CF1 and CF3 uses again, to be clear, this is not about green space, they are aware it has never been zoned as such; expressing concern with the fact that the request for rezoning includes lodging room class 2 and emergency care establishment classifications; believing if the development is to be used to create low income housing for retirees there does not need to be an inclusion of lodging house class 2 and emergency care establishment; pointing out that the City Planner has stated the reason for lodging house class 2 being left in is because it allowed for two unrelated people to lease a single apartment; lodging house class 2 is a broad category that allows for a number of uses including short term stay; advising that if all that is desired is an allowance for two unrelated people to lease an apartment the Planner can write a new definition that allows for this, there is no necessity to leave lodging house cost 2 in in order to achieve their stated purpose; additionally Catherine Lowery stated these uses referring to lodging house class 2 and emergency care establishment were considered to be less intensive then certain uses currently permitted in the existing community facility zone which include group home type 2; advising that the Ontario Community Rights Commission states the group homes and other supported housing are homes for the residents and should be allowed as is right in residential neighbourhoods consistent with the same land use principles as any other housing; pointing out that essentially it is a human rights issue to zone a building as a group home class 2 in singles out a particular group of people as only being able to live in designated areas; indicating that it is her understanding that group homes classifications are being written out of by-laws in many municipalities; using this as a justification for not taking out lodging house class 2 and emergency care establishment is invalid; advising that if the request for the

zoning by-law amendment goes through as it is written now, there is a broad sweeping regulation that allows for everything from the proposed low income housing for seniors to emergency care shelter used as a warming or cooling station, one night stays or crisis centres; indicating that the planning justification report falls short of investigating these possible uses in three important ways; the first, imagine that there are not any housing within two hundred metres, imagine it is farm field, this is still a bad location, it is isolated from all the supports needed for a lodging house or emergency care establishment which are all primarily 7-9 km away, too far to expect people to walk, expensive to cab and bus services are limited and take more than forty-five minutes; secondly, they have heard push back from Gateway members that they do not want to use all the units as temporally shelter yet they are requesting to zone it as such; stating that the way it is being requested to be zoned is the potential for over 30,000 people moving through those eighty units in one year; indicating that the infrastructure of the neighbourhood is not set up to support that; thirdly, Gateway had reassured its neighbours and City Council that they will take this project on, fund it and care for those that need the extra care through the Church community; wondering if they are guaranteeing that they can maintain this level of care and control over development in perpetuity; no, of course not, it is not possible to do so, but if it is zoned as a lodging class 2 and emergency care establishment that will continue and perpetuity; expressing agreement with the need for low income housing and they support the plan as described to them by Gateway and their City Councillor as long-term low income housing for seniors; indicating that the plan, as described, does not need to be zoned for lodging house class 2 and emergency care establishment; leaving this in allows for a number of further unintended uses in the future and they ask as a neighbourhood, they are asking City Council to require lodging house class 2 and emergency care establishment to be taken out before moving this forward; requesting that the Committee defer a decision and allow for additional consideration of this report.

- Paul Hubert, 1107 St. Anthony Road – stating that is has been an interesting discussion; thanking staff for their work on this; indicating that he has been a volunteer on a committee having this discussion over the last number of years; appreciating Christina's comments; thinking one of things that is really important is the understanding that this is probably the first affordable housing project west of Wonderland in the City and the area continues to grow and so do the needs of the area; advising that there are many people who are living in their homes that are older, particularly in the older parts of Oakridge, that are looking for affordable housing and the concept of aging in place, not having to leave their community is very very important and he appreciated Christina's affirmation and the community's affirmation of that goal; wanting to comment, however, that one of the things that is really important for the committee that has been working on this is that the site is really open to the community, it is not a closed site, it is not a gated community, in fact, as staff pointed out, by right the designation could be seventy-six units per hectare and this proposal is only forty-six units per hectare; indicating that they are leaving a lot of space open and in some sense even underutilizing the space because the community is more important than the building and that is a big part of it; pointing out the concept of the lodging house is a very unusual term we use in our by-law about lodging house number 2 and one of the problems with taking that out now, he wants to comment to it from a planning perspective, is there are configurations in our community that meet the needs of very specific groups of people that would fit into that lodging house class and he wants to give everyone a very poignant example; indicating that L'Arche, a well know organization, John Vanier, the founder just passed away, has homes where there are caregivers living with people with disabilities and as they develop them and he inquired of them what class are your homes classed under the by-law; it happens to be lodging home class 2 and so the intent here is not to do something which is not being stated as right, but it is to give the flexibility to serve a broader group of people in our community and so to that

point removing that use at this stage of the game before we even have gotten into building design would actually be unduly prohibitive and he thinks that is one of the things he would ask the Committee to take into consideration; stating that staff and their consultant have done a great job of addressing the holding provisions but he will not get into that, he will leave that to people who are actually experts on that; thanking the Committee for their indulgence and it is nice to be back.

- Sergey Akopyan, 697 Redtail Trail – adding just a small comment to this case; stating that many of our neighbours are concerned about the construction and we all agree with all the concerns already being expressed; advising that the biggest concern is that the door for the emergency housing could be opened by anyone and when the door is opened, especially with no details provided at this stage, it is really a lot of that; nobody knows how many units could be used as emergency housing and knowing how emergency housing works he can tell you that occupants are not allowed to be in their units for the day, they have to leave and could you imagine that amount of people flooding the neighborhood especially with no place for them to go, there are no restaurants, there is no medical care, there is nothing because the neighborhood is not designed for these purposes so taken that amendment would just create a disaster in the future.
- Will Copeman, 1845 Cherrywood Trail – making some notes throughout the evening about the discussion and points; pointing out that one thing that caught his eye was right now it is rated for low density to medium density housing and Council's ability to permit minor departures from that; outlining that eighty units, seventy of the eighty units have a square footage of 578 -606, ten of the units are two bedroom apartments of 1048-1050 square footage so seventy of the eighty units are only under 600 square feet single bedroom apartments; noting that to him that seems like a very big departure compared to a minor departure; indicating that, in the staff planning report that was released on Wednesday last week, it did not mention the concerns with regards to Lodging House class 2 and emergency care facilities that was also contained in Christina's e-mail on page thirty-eight of the document, those notes were added to the presentation since our discussion as neighbours this past weekend; believing it seems to be a big discrepancy, seems like a larger departure; guessing one other story he will add is that they first had a red flag brought to the neighbours a couple months ago, colleague of a neighbour heard from a member of the Gateway Church that they had other plans for this site, they had plans to help the homeless and help recovering drug addicts and that became the red flag as to what is all in the proposed amendment and that is how they ended up focusing on emergency care class 2 lodging house because of those request pieces in the by-law that would not have been a red flag until they had someone from the community hear the story that there is more behind the scenes; discovered yesterday that sounds like there might already be plans in place for Gateway to step aside and a corporation to take over running or ownership of the property so what Gateway has stated their intended purpose, but we have no idea the purpose of the corporation coming behind them; reiterating that this is from what a church member discovered yesterday; feeling as though Gateway may say that is their intent, but if there is another corporation taking over their intent; stating it all comes back to the by-law, what it is zoned for and that goes forever.
- Jeff Holmes, Chair, Board of Directors, Gateway Church – addressing a couple of issues that have come up from some of the comments; responding to a question, as part of the process, they have to set up a separate corporation that will be controlled by the church; responding to a second question, he not only chairs the board, he also chairs the committee that is looking at affordable housing and they have never once talked about that type of use that the person spoke of so he just wants to be clear they have always said this is affordable housing and they have never deviated from that; stating that their goal with this project is to accomplish two things, they want to be able to provide affordable

housing in our city and we also want it to be used by our neighbours, we are our neighbours, we want to help them enjoy the area which us why we are looking at doing an ice rink for them; recognizing that our neighbours cannot put an ice rink in their yard and we want to have a place for the community to come to together as part of the affordable housing development.

- M. Mildon, Cherrywood Trail – thinking we all came here because we are worried about our safety in our neighbourhood; advising that she does not think Gateway Church really explained to us what exactly are they going to build, who exactly are these affordable houses for because if they really just continue saying that there just for seniors or for people who cannot afford normal rent then why are they make such a big deal about removing the lodging house class 2 and emergency care establishment because that is why we are here; expressing fear that they are going to bring other kinds of people to our neighbourhood like drug addicts, recovering drug addicts or maybe half way houses because we do not know and we really are worried about that and that is why we came here because they just keep going, that this is not what we perceive it is no this is just for affordable housing and low income rent or anything like that; indicating that that is our concern and she lives there and if they feel comfortable with not having a specific idea who is going to come there then feel free for them to come and buy our homes and they can live there in that community because we are not going to feel comfortable.
- Rodolpho Camacaro, 1951 Cherrywood Trail – thinking the concern is not really affordable housing; believing that we, as a community, are open to it, it is a great idea; indicating it is the lack of clarity in the details; thinking there are a lot of issues with the class 2 in there; thinking to support the rest of the community in there; asking for the removal of the class as he thinks that they are not ready for it and on top of that he thinks we are not talking about abilities of the area; indicating that as we are right now, Gateway Church, if you drive by during the weekend there is not even enough parking for the people that go to the church right now and its ok so far, no big deal because it has not been an issue, but now we are going into an eighty unit apartment with sixty-six spots so where are the rest of the cars going to be parking, across the neighbourhood in his driveway; expressing concerns about the traffic, the congestion and the parking around those areas; believing the issue is not affordable housing, it is the details between the lines that they are not clear enough for the rest of the community that live there.

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 945 Bluegrass Drive.

WHEREAS Gateway Church has applied to rezone an area of land located at 945 Bluegrass Drive, 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 945 Bluegrass Drive, as shown on the attached map comprising part of Key Map No. A101, from a holding Community Facility Special Provision (h*h-1*h-18*CF1(3)/CF3(1)*D40*H12) Zone and Urban Reserve (UR3) Zone to a Residential R8 Special Provision (R8-1(__)) Zone and an Open Space (OS1) Zone.

2) Section Number 12.4 a) of the Residential R8 (R8-1) Zone is amended by adding the following Special Provision:

) R8-1( ) 945 Bluegrass Drive

a) Prohibited Use

i) Emergency Care Establishment

b) Regulations

i)	Parking (minimum)	66 spaces or 0.825 spaces per unit, whichever is greater
ii)	Density (maximum)	46 units per hectare
iii)	Setback to Rail Transportation (RT) Zone (minimum)	30.0 metres (98.4 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.

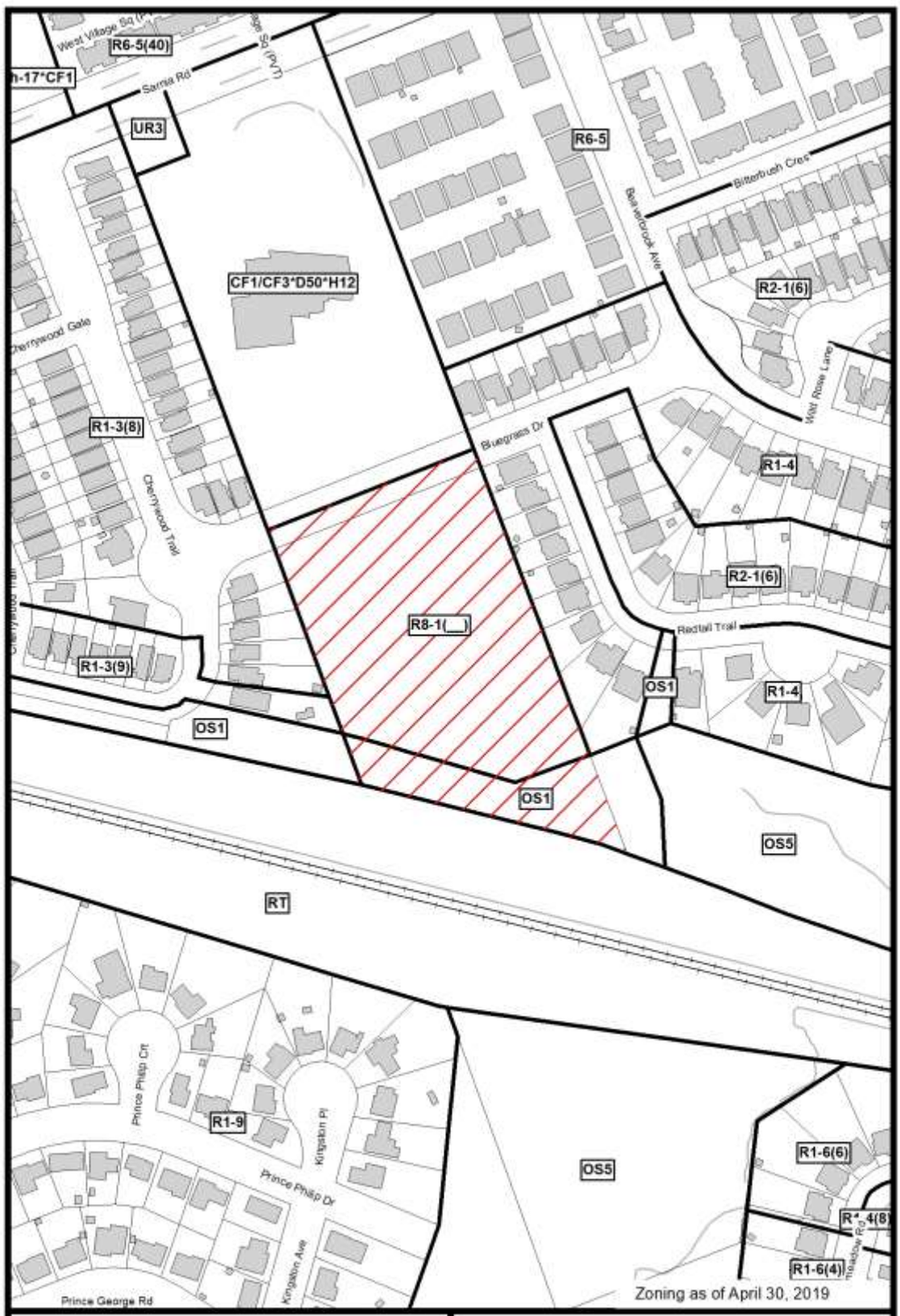
PASSED in Open Council on June 25, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 25, 2019
Second Reading – June 25, 2019
Third Reading – June 25, 2019

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



File Number: Z-9020

Planner: CL

Date Prepared: 2019/05/24

Technician: RC

By-Law No: Z.-1-

SUBJECT SITE

1:2,500

0 12.525 50 75 100 Meters

Sunday, February 24, 2019

Re: Resident Concerns for Proposed Zoning Amendment of 945 Bluegrass Drive
(File: Z-9020)

I am writing on behalf of my family, neighbours, and myself regarding the proposed zoning amendment at 945 Bluegrass Drive to express our concerns. We object to the zoning amendment proposal for the following reasons:

- The current proposal is not compatible for the neighbourhood in terms of the population density and the size of the apartment buildings. It does not conform to the official London plan nor Ontario zoning bylaws which state that new development should be "a good fit within the context of an existing neighbourhood" and be compatible with "adjacent uses ofland" (low density). It is surrounded by single family, two-storey homes. Many of these are home to families with young children.
- We have selected this neighbourhood based on the existing zoning.
- Increased traffic will make the neighbourhood roads less safe for children and other pedestrians.
- There is also the strong potential for an "inadequacy of parking access." Parking overflow will lead to more parking on the sides of the roads in front of our homes, adding more obstacles to obscure the view of drivers which will also make the neighbourhood less safe for all pedestrians.
- There is a significant risk that the higher density development will lower our property values. It would then be more difficult to sell if our property values decrease.
- There will likely be a much larger amount of greenspace removed from the property than what would remain with the current zoning in place.
- There would be a disruption to wildlife. Ducks, deer, and small mammals frequently use the area. Animals travel the tracks and come up around us.

We hope that you consider our concerns.

Neighbours with homes that have their backyards facing the proposed development property, including my family's home, have the following additional concerns:

- Proximity oflarge buildings and/or parking lots to our property lines.
- Increased noise pollution.
- Increased air pollution nearby.
- Drainage concerns already exist as the property slopes down into our backyards and they are often saturated with water for long periods. Drainage could become significantly worse with the removal of most of this greenspace. This would result in an increased risk of basement flooding and a higher cost of home insurance.
- Privacy concerns due to the potential of several units able to overlook our backyards.
- We payed a premium for our lots to back on to greenspace.

We hope that you consider our additional concerns.

Report to Planning and Environment Committee

To: **Chair and Members**
Planning & Environment Committee
From: **John M. Fleming**
Managing Director, Planning and City Planner
Subject: **The Corporation of the City of London**
Victoria Park Secondary Plan – Draft Secondary Plan
Public Participation Meeting on: June 17, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner:

(a) The Draft Victoria Park Secondary Plan, as attached in Appendix "A" **BE RECEIVED** for information purposes;

(b) The Draft Victoria Park Secondary Plan **BE CIRCULATED** for further public engagement with the community and stakeholders;

IT BEING NOTED that the feedback received through this consultation process, the outcome of supporting and informing studies, and the implementation of any changes to the *Planning Act* arising from the *More Homes, More Choices Act, 2019* (Bill 108) will feed into a revised Victoria Park Secondary Plan and implementing Official Plan Amendment that will be prepared for the consideration and approval of Municipal Council at a future Public Participation Meeting of the Planning and Environment Committee in the fourth quarter of 2019.

Executive Summary

The purpose and effect of the recommended action is for Municipal Council to receive the Draft Victoria Park Secondary Plan and for it to be subsequently circulated for public review and for staff to return with a revised Secondary Plan in the fourth quarter of 2019.

Relevant Reports

Corporation of the City of London – Victoria Park Secondary Plan: Status update and Draft Secondary Plan Principles (OZ-8978)(Public Participation Meeting: April 29, 2019): Municipal Council endorsed the Draft Principles for the Victoria Park Secondary Plan.

Application by GSP Group Inc. 560 and 562 Wellington Street – Status update and request to undertake further study (OZ-8462)(Public Participation Meeting: April 30, 2018): Municipal Council received this report for information and directed Staff to undertake a review of the existing plans, policies, and guidelines applying to the properties surrounding Victoria Park and to consider a comprehensive plan for the properties surrounding the park

Application by GSP Group Inc. re properties located at 560 and 562 Wellington Street (OZ-8462)(Public Participation Meeting May 8, 2017): Municipal Council considered the Staff recommendations in this report and directed Staff to continue to work with the applicant to develop a revised proposal that is more in keeping and conforms with the West Woodfield Heritage Conservation District Plan, the Official Plan, and The London Plan

Analysis

1.0 Background

1.1 Need for the Victoria Park Secondary Plan

The need to undertake the Victoria Park Secondary Plan was identified through the review of an Official Plan (OPA) and Zoning By-law Amendment (ZBA) application submitted for 560 and 562 Wellington Street (at the north east corner of Wolfe Street).

The Official Plan and Zoning By-law Amendment application was submitted in 2015. The initial request was to permit the development of a 25 storey mixed-use apartment building, however in December, 2016, this was revised to request permission for a 22 storey mixed-use apartment building. The revised proposal continued to receive significant concern from residents in the surrounding area.

Planning Staff prepared a report that was considered by Municipal Council at its meeting on May 16, 2017, recommending the requested Official Plan Amendment and Zoning By-law Amendment be refused, as the proposed development was not consistent with the Provincial Policy Statement; did not conform to the West Woodfield Heritage Conservation District Plan; did not meet the location criteria for the Multi-Family High Density Residential land use designation in the Official Plan; represented over-intensification of the subject site; did not pass all of the criteria in a Planning Impact Analysis described in the Official Plan; and was not consistent with The London Plan.

At this meeting, Municipal Council referred the application back to Staff to continue to work with the applicant to revise the application for consideration at a future Public Participation Meeting. Council resolved:

“That the application by GSP Group Inc. for the property at 560 and 562 Wellington Street BE REFERRED back to the Civic Administration in order to continue to work with the applicant to submit a revised proposal that is more compatible with the surrounding context with consideration given to the West Woodfield Heritage Conservation District, the Official Plan, and The London Plan”.

Following further discussions with the applicant, Staff prepared a report that was considered by Municipal Council on May 8, 2018. This report provided an update on the status of discussions with the applicant and identified that, although the applicant had made considerable changes to their development proposal, a substantial gap remained between what was being proposed and the policy framework.

Through this review, a gap was also identified in the policy framework applying to the properties around Victoria Park. While various policy and guideline documents apply to different properties around the park, no policy framework exists that considers the properties surrounding Victoria Park comprehensively based on their unique relationship to the park. As a result, it was recommended that more work needed to be done to better understand how properties around Victoria Park should be developed in the future due to the complex planning framework and their unique relationship to the park.

As a result of the recommendation in this report, Council resolved:

“Staff BE DIRECTED to undertake a review of the existing plans, policies, and guidelines applying to the properties surrounding Victoria Park and to consider a comprehensive plan for the properties surrounding the Park”.

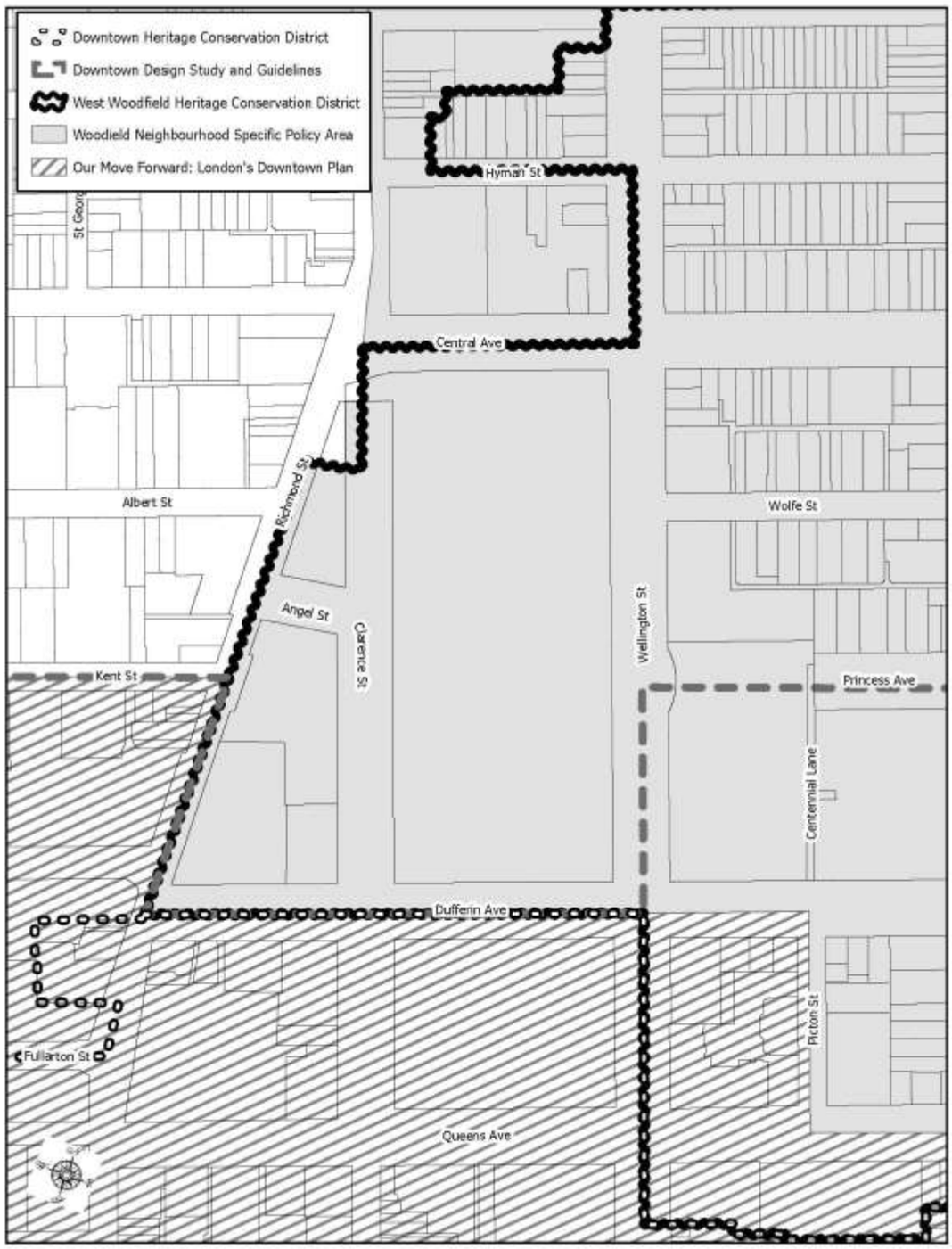
Based on this direction from Municipal Council, Staff began the Victoria Park Secondary Plan study to develop a comprehensive plan for the properties surrounding Victoria Park.

1.2 Existing Policy Framework

The planning framework for the lands surrounding Victoria Park is varied, with several policy and guideline documents applying to certain properties around the park. No policies or guidelines exist that consider the properties around Victoria Park comprehensively based on their unique relationship to the park.

A map demonstrating the varied planning framework for the land surrounding Victoria Park can be found below:

Figure 1 - Overlapping policy and guideline documents around Victoria Park



All properties surrounding Victoria Park are subject to the 1989 Official Plan and the Council-adopted The London Plan, a portion of which is in-force and effect and a portion of which is under appeal to the Local Planning Appeals Tribunal. The designations for properties surrounding Victoria Park in the 1989 Official Plan vary, with Low Density Residential, Multi-Family Medium Density, Community Facility, Downtown Area, Office Area, and Main Street Commercial Corridor designations applying to the properties surrounding the park. The London Plan Place Types for properties surrounding Victoria Park include Downtown, Neighbourhood, and Rapid Transit Corridor. These Official Plan designations and The London Plan Place Types are further augmented by additional plans, policy layers and guidelines that apply to certain properties surrounding the park, including:

- West Woodfield Heritage Conservation District Plan – Properties on the east and west sides of Victoria Park are within this Heritage Conservation District

- Downtown Heritage Conservation District Plan – Properties on the south side of Victoria Park are within this Heritage Conservation District

- Downtown Design Study and Guidelines – Properties on the south side of Victoria Park and also the City Hall block on the northeast corner of Dufferin Avenue and Wellington Street are within this plan area

- Our Move Forward: London's Downtown Plan – The Downtown Plan applies to the lands on the south side of Victoria Park

- Woodfield Neighbourhood Specific Policy Area – This Specific Policy Area applies to the lands on the north, east, and west side of Victoria Park, with the exception of the property at the southwest corner of Richmond Street and Central Avenue

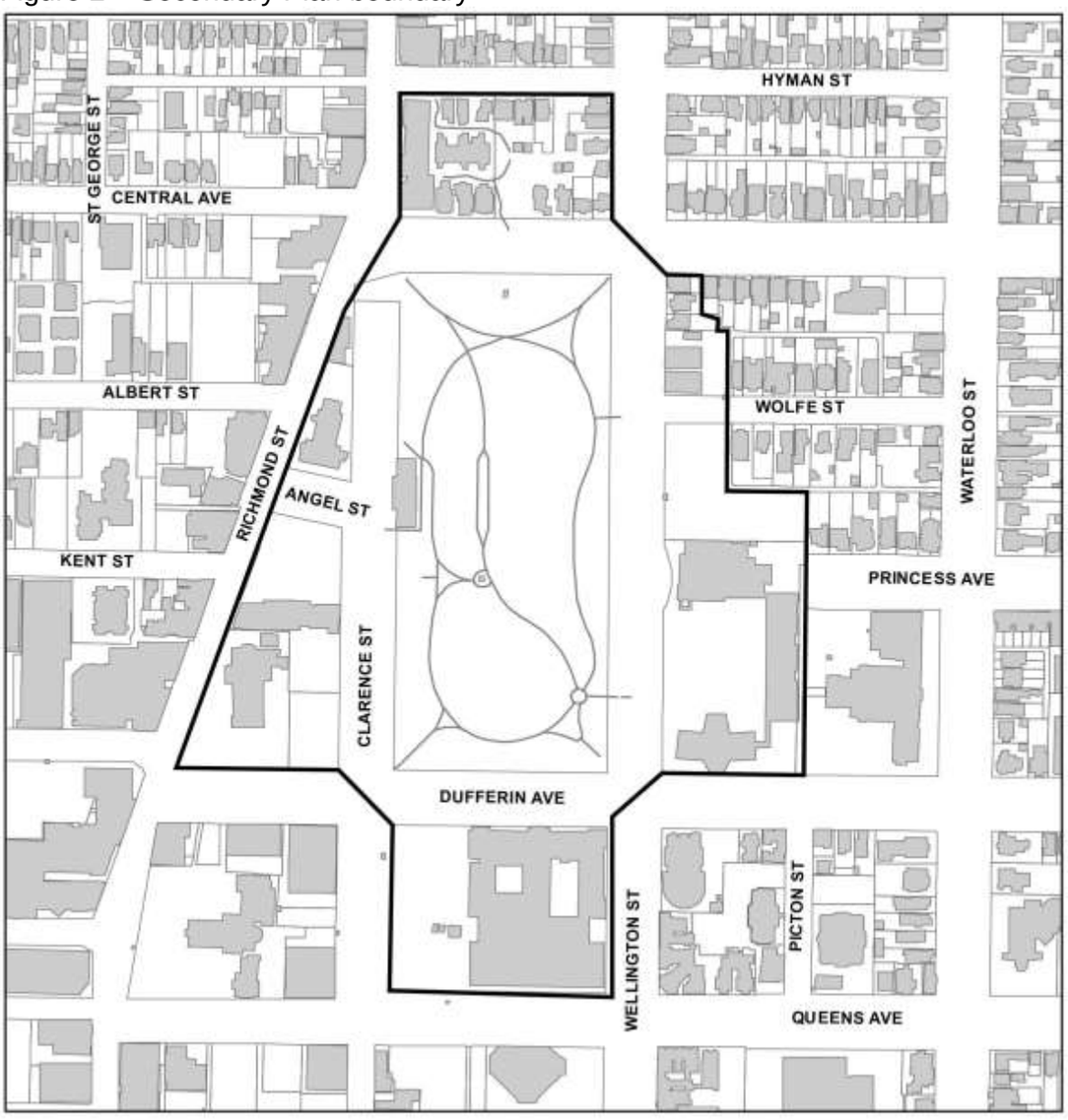
The park itself is also located in the West Woodfield Heritage Conservation District and is individually designated under Part IV of the Ontario Heritage Act, based on its significant historic, architectural, and cultural heritage landscape importance. The Part IV heritage designation that applies to Victoria Park also recognizes that it has assumed a role as the "jewel of the parks system" in the City of London.

2.0 Study Overview

2.1 Secondary Plan Boundary

The Victoria Park Secondary Plan applies to properties around Victoria Park as identified in Figure 2. This area has been delineated to include properties with frontage on Victoria Park and properties that are anticipated to be consolidated for future development around the park. The surrounding context was considered in the preparation of the Secondary Plan, however the policies in the Secondary Plan will only apply within this boundary.

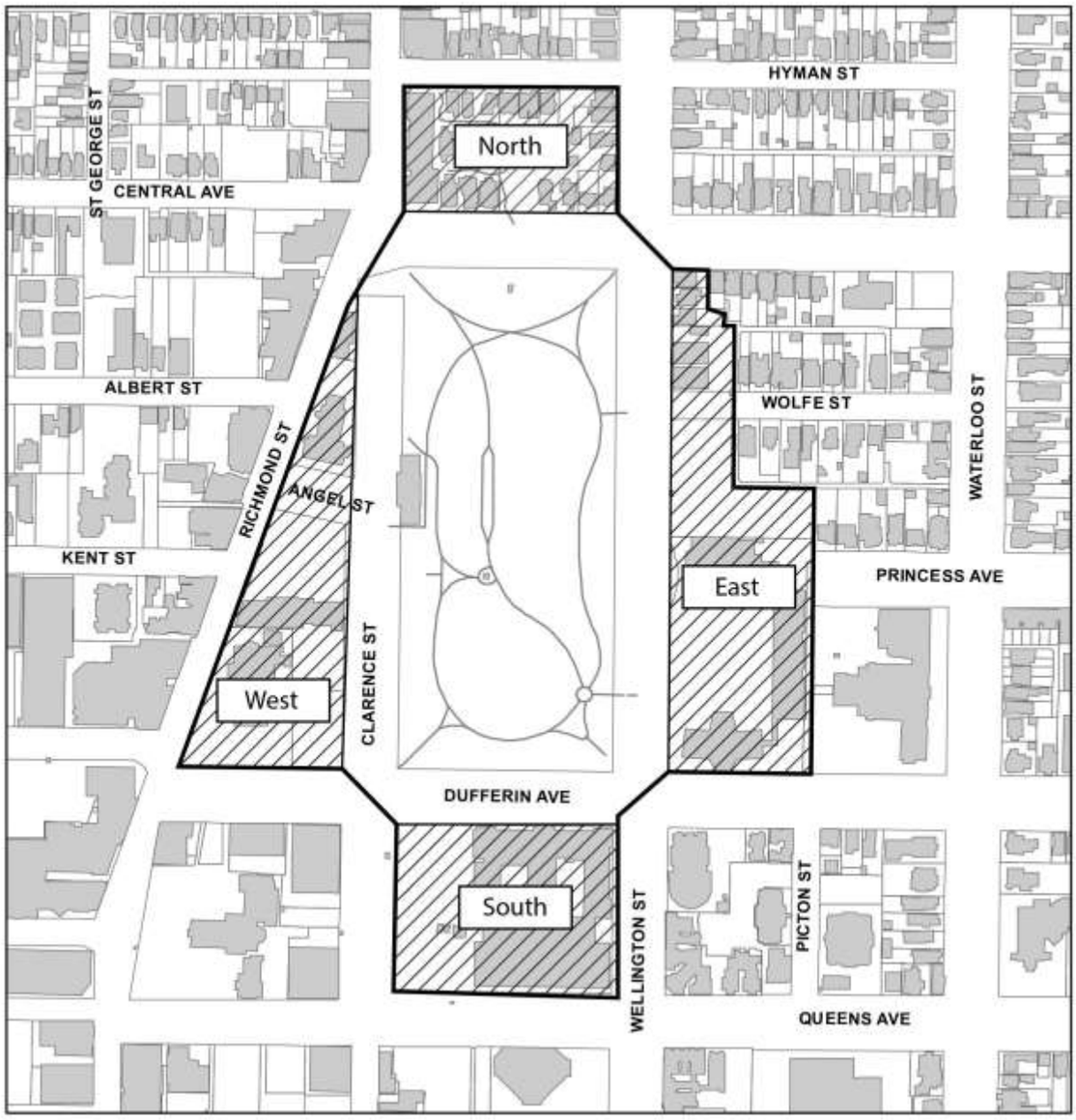
Figure 2 – Secondary Plan boundary



The area subject to the Victoria Park Secondary Plan has been divided into the four Policy Areas, each encompassing a different side of the park: North, East, South, and West (identified in Figure 3). While it is anticipated that most of the policies in the Secondary Plan will apply to the entirety of the area within the Secondary Plan boundary, certain policies may apply to a specific Policy Area due to the unique characteristics of each side of the park.

The boundaries of each of the four Policy Areas can be found below:

Figure 3 – Four Policy Areas in the Victoria Park Secondary Plan



The details about the policy framework that applies to each Policy Area can be found in the report considered by Municipal Council at its meeting of May 7, 2019 (Corporation of the City of London – Victoria Park Secondary Plan: Status update and Draft Secondary Plan Principles (OZ-8978)(Public Participation Meeting: April 29, 2019) and can be found in Appendix C.

2.2 Purpose of the Secondary Plan

The Victoria Park Secondary Plan is being created to provide a framework to evaluate future development and present a consistent vision for the evolution of the properties surrounding the park. The Secondary Plan policies provide a greater level of detail than the general policies of The London Plan and 1989 Official Plan, and are intended to provide guidance and certainty for the evolution of the lands surrounding Victoria Park. It provides comprehensive built form, urban design, and land use directions that consider how future development should best relate to the park and enhance the surrounding context, while ensuring conservation of the cultural heritage resources in the area and the continued ability of the park to act as a central gathering space for festivals and events.

2.3 Secondary Plan Principles

The policies in the Draft Victoria Park Secondary Plan have been guided by the following ten principles:

1. Preserve and strengthen visual connections to Victoria Park and create new view corridors where possible

2. Improve and create new connections to Victoria Park

3. Preserve and enhance the landscaped edges around Victoria Park

4. Respect and conserve cultural heritage resources within and surrounding Victoria Park

5. Frame Victoria Park with an appropriately-scaled streetwall that creates a comfortable pedestrian environment

6. Identify opportunities for compatible and sensitive intensification

7. Protect the residential amenity of the Woodfield Neighbourhood by mitigating impacts of new development

8. Support and animate Victoria Park with active uses on the ground floor

9. Design buildings to celebrate the prominence of Victoria Park as a City-wide gem

10. Continue to enhance the amenity of Victoria Park as a neighbourhood green space as well as a destination for all Londoners and space for festivals and events

These principles were based on the draft principles endorsed by Municipal Council at its meeting of May 7, 2019 and were developed through consultation with the community and other stakeholders. Minor modifications were made to the draft principles endorsed by Municipal Council to add additional clarity about the intent of these principles. These principles form the basis for the policy framework included in the Secondary Plan.

3.0 Community Engagement

3.1 Engagement Overview

The Victoria Park Secondary Plan study has involved a robust community engagement process. While the community feedback received with regard to preferred heights around the park has been varied, what has emerged as being consistent among all respondents is that Londoners are extremely passionate about what happens to the lands around Victoria Park. To date, approximately 180 interested parties have provided their contact information to stay updated about the study. The following describes the outreach to date on the study.

The feedback received from the public has helped inform the development of the Draft Victoria Park Secondary Plan.

3.2 Summer Festivals

Staff had a booth during select hours of Sunfest and the Home County Music and Art Festival in July, 2018. This booth provided an opportunity to engage with Londoners in Victoria Park, about the Victoria Park Secondary Plan study. Approximately 50 people visited the booth during the two festivals to learn about the study. Many of those visitors identified that the study was needed and noted the importance of Victoria Park to Londoners. Comments received about built form were varied, with some individuals preferring towers around the park, and others preferring low-rise development.

3.3 Community Information Meeting #1

The first Community Information Meeting for the study was held on October 1, 2018 at the London Public Library – Central Branch. This meeting was attended by approximately 40 people. At this meeting, presentations were made by staff and the consulting team providing an overview of the study and identifying draft key opportunities and considerations to help inform the Secondary Plan. This was followed by breakout tables where individuals were able to discuss the draft key opportunities and considerations in small groups with staff and members of the consulting team.

The draft key opportunities and considerations identified by the consulting team were the following:

1. Response to transit
2. Clarence Street interface with Victoria Park
3. What are appropriate height transitions?
4. Shadow impacts
5. Enhance key views to the park
6. Rethink Richmond Street/Victoria Park relationship
7. Continue to enhance Victoria Park gateways

Comments that were provided by the community at this meeting included the following:

- Balance the relationship between rapid transit and parkland
- Improve views to and from the park
- Improve connectivity to the park
- Green the area around the park
- Importance of Victoria Park as a major public space
- Impact of intensification on the park grounds
- Significance of the heritage context of the park
- Need for guidance for major development parcels surrounding the park
- Variety of opinions about height, urban form, and character, with some preferring exclusively low-rise development around the park with others preferring high-rise development around the park
- Questions about how Victoria Park compares to major central urban parks in other cities
- Desire for a pedestrian-friendly environment

The comments provided at this meeting, combined with the other feedback received with regard to the study, were incorporated into the Draft Principles for the Secondary Plan that were presented at the second Community Information Meeting.

3.4 Community Information Meeting #2

The second Community Information Meeting was held on January 24, 2019 at London Central Secondary School. This meeting was attended by approximately 120 people. At this meeting presentations were provided by staff and the consulting team outlining the study to date and next steps, providing examples of development around other major central urban parks in Europe and North America, and identifying the Draft Principles to form the basis of the policy development for the Secondary Plan.

An overview of examples of development around other major central urban parks in Europe and North America as presented by Urban Strategies at the January 24, 2019 meeting can be found in Appendix B.

The Principles included in this report are similar to the Principles presented at this meeting, with the exception of additions and modifications to these Principles as a result of the feedback received at this meeting.

Comments provided at the meeting included the following:

- Importance of protecting the environmental health of Victoria Park
- Support for improved connectivity
- Support for the views to and from Victoria Park identified by the consultant to be preserved and enhanced, but also recommend including views to and from

Princess Avenue (if Centennial Hall is to be removed in the future) and views to and from St. Peter's Basilica Cathedral
- Concern about the impact of additional traffic in the Victoria Park area
- Need for high-quality architectural design for any new development around the park
- Desire to preserve sunlight on the park
- Need for any new development to be compatible with heritage resources
- Concerns about parking around Victoria Park and the need for new development to accommodate parking; preference for underground parking
- Improvements to Reginald Cooper Square
- Concerns about safety of pedestrian crossings at Angel Street
- Need for significant stepbacks above the podium for new buildings around the park, so that new development is hidden from the street
- Desire for boulevards across from the park to be green extensions of the park
- Preference for podiums to have active uses at grade
- Concern about new development generating wind tunnel effects
- Desire that on-site outdoor space be part of any new development
- Concern about noise from festivals
- Diverse views about appropriate heights in different areas around the park, with some preferring exclusively low-rise development around the park, others preferring high-rise development around the park, and some preferring a mix

3.5 Public Participation Meeting at the Planning and Environment Committee – May 1, 2019

At its meeting of May 7, 2019 Municipal Council endorsed the Draft Victoria Park Secondary Plan Principles that were intended to form the basis of the policies in the Victoria Park Secondary Plan, as recommended by Staff.

Prior to its consideration by Municipal Council, this report and the Draft Secondary Plan Principles were considered at a Public Participation Meeting of the Planning and Environment Committee on May 1, 2019. Sixteen members of the public provided comment on the Draft Secondary Plan Principles at the Planning and Environment Committee meeting. Comments centred on the importance of conserving the amenity of Victoria Park, recognition for the prominence of Victoria Park, the need to conserve cultural heritage resources, and varying opinions about what would constitute appropriate heights for new development around the park.

The public comments made at this meeting were considered in the preparation of the Draft Victoria Park Secondary Plan.

3.6 Get Involved Website

The Get Involved website provides an opportunity for individuals to provide comments on the study through the website. The feedback section will be updated to allow individuals to provide feedback on the Draft Secondary Plan.

3.7 Other Feedback

Dozens of emails and telephone calls have been received from over 180 interested parties with questions and comments about the Secondary Plan study.

In addition to the Community Information Meetings and the comments that have been received from community members and other stakeholders via email, telephone, and the website, City Planning Staff have had meetings with surrounding landowners and interested community groups who have reached out to Staff and requested a meeting, including: Auburn Developments, Farhi Holdings Inc., Great West Life, representatives from St. Peter's Basilica Cathedral, and the Friends of Victoria Park.

The comments received through meetings, telephone calls, and email have been consistent with the comments identified from the Community Information Meetings. This feedback has helped lead to the development of the Draft Secondary Plan.

4.0 Policies

The following provides an overview of the policies included in the Draft Victoria Park Secondary Plan. The policies included in the Draft Secondary Plan are provisional and may be subject to revisions for the final Secondary Plan as a result of the continued learnings of the study process.

Policies included in the Draft Victoria Park Secondary Plan address the following: view corridors, connections, public realm, cultural heritage, built form, bonusing, land use, and compatibility with park activities.

These policies are generally consistent with the intent of the policies in The London Plan, however have consideration for the uniqueness of the Victoria Park context and in many instances provide a greater level of detail for implementation based on the context of the area. These policies are intended to provide direction of any future development around Victoria Park that balances the desire for growing inward and upward with the need to conserve heritage resources and ensure the continued amenity of Victoria Park as a space for both major civic events and active and passive recreational opportunities.

A peer review was conducted by ERA Architects Inc. of the Draft Secondary Plan with regard to heritage matters. The comments provided by ERA Architects Inc. were incorporated into the policies of this Draft Secondary Plan.

The following provides an overview of the policies in the Draft Secondary Plan. A detailed list of the policies can be found in the Draft Secondary Plan in Appendix A.

4.1 View Corridors

The preservation of existing view corridors and the creation of new view corridors is intended to help foster strong visual connections between Victoria Park and the surrounding area, connecting Victoria Park to its surroundings.

The policies in the Draft Secondary Plan are intended to maintain view corridors from Wolfe Street, Kent Street, the north sidewalk at Richmond Street and Albert Street, and Dufferin Avenue west of Richmond Street to Victoria Park. The maintenance of a view corridor from the park to St. Peter's Basilica is also included in the policy framework, as throughout the study process it was identified that this building was an important landmark for many Londoners. The Draft Secondary Plan also includes policies to consider the creation of new view corridors through future Official Plan and/or Zoning By-law Amendment applications.

4.2 Connections

Connections to Victoria Park help to improve access to the park and enhance the relationship of the park to its surroundings. Throughout the consultation process, there was a desire identified to enhance connectivity to Victoria Park, should certain sites redevelop in the future.

A connection is suggested to Victoria Park from Kent Street, should the opportunity to construct this connection arise. This could take many possible forms, such as a road, a flex street, or a pedestrian-only connection. It is anticipated that if a Kent Street connection is created, the City may investigate the possibility of removing the Angel Street crossing. The creation of a Kent Street connection would help to better connect Victoria Park to the Richmond Row main street.

A possible connection is also suggested from Princess Avenue to Victoria Park, should the opportunity to construct this connection arise. This connection could take many forms such as a road, a flex-street, or a connection through a building. This connection would help to enhance the connection to the Woodfield Neighbourhood.

Existing connections to the park are also proposed to continue to be enhanced in the future.

4.3 Public Realm

Improvements to the streetscape and public space around Victoria Park will help to improve the connection between Victoria Park and its surroundings, enhance the pedestrian environment, and expand the green landscaping of the park into the surrounding area. This enhanced public realm is intended to allow the experience of the green landscaping of the park to “spill over” into the surrounding area.

It is anticipated that these enhancements to the streetscape and public space around Victoria Park will primarily occur on public property due to the minimal setbacks of existing buildings from the front property lines and the existing wide public rights-of-way. While much of the public realm around Victoria Park is already occupied by green landscaping, maintaining and enhancing these green edges around the park will ensure the public realm continues to provide a positive experience for pedestrians and expand the experience of the park into its surroundings.

4.4 Cultural Heritage

The policies included in the Draft Victoria Park Secondary Plan are intended to compliment the cultural heritage policies in the 1989 Official Plan, The London Plan, the Downtown Heritage Conservation District Plan, and the West Woodfield Heritage Conservation District Plans.

Any future development applications in the Victoria Park Secondary Plan boundary for a property that is located in the Downtown Heritage Conservation District or the West Woodfield Heritage Conservation District will still be required to receive Heritage Alteration Permits prior to development.

4.5 Built Form

The Draft Victoria Park Secondary Plan provides detailed direction on built form, including such matters as building height, setback, tower separation, streetwall height, façade design, and design to promote building activation at-grade. While this study has identified that there are opportunities for intensification around Victoria Park, it has also been found that this intensification must be at a higher standard of design that would be expected elsewhere in the City due to the significance of Victoria Park as a location cherished by Londoners. This requires a careful balance between allowing opportunities for height in appropriate places with the conservation of heritage resources and providing appropriate transitions to surrounding neighbourhoods.

Careful consideration has also been given to potential shadow impact of new development, with polices included in the Draft Secondary Plan intended to minimize shadow impacts on the park, public realm, and West Woodfield Heritage Conservation District. A shadow study is provided in Appendix D.

Policies provided also include direction on the design of future buildings, to ensure that future development is of a high standard of design that reflects its prominent location next to the “jewel of the parks system” in London and contributes to the continued success of the Victoria Park area.

The greatest heights in the Secondary Plan are contemplated in the South Policy Area based on its location closer to the centre of Downtown London. Lower heights are contemplated in the East and West Policy Areas, as these areas begin to transition away from the Downtown. Heights in the West Policy Area are generally intended to be taller than heights on most properties in the East Policy Area, based on the proximity of the West Policy Area to a transit corridor and the need for the East Policy Area to transition in height to the lower scale buildings in the Woodfield Neighbourhood. Heights contemplated in the North Policy Area consider that a portion of this Policy Area fronts on a transit corridor, and as such contemplate the greatest heights on Richmond Street, transitioning to the lower scale buildings in the Woodfield Neighbourhood.

A Demonstration Plan representing the built form that could result from the implementation of the policies in this Draft Secondary Plan can be found in Appendix E. This Demonstration Plan is one possible scenario of what could be built based on the policies of this Plan. Actual build out will likely differ as the policies could allow for a variety of built form scenarios. It is provided for demonstration purposes only, and shows the upper height limits contemplated by this Plan.

The following provides a more detailed overview of the heights proposed in each Policy Area and how those heights relate to the range of permitted heights contemplated in The London Plan:

South Policy Area

The Draft Secondary Plan contemplates the highest heights in the South Policy Area. The range of permitted heights for this Policy Area mirror the range of permitted heights in The London Plan of 2 to 20 storeys, with up to 35 storeys permitted through bonusing. This location is considered to be appropriate for the highest heights within the Victoria Park Secondary Plan boundary as it is closest to the centre of the Downtown. Restrictions on tower floor plate size and requirements for tower separation will help to mitigate potential shadow impacts from any future redevelopment.

The London Life Building located on the eastern portion of this block is not anticipated to redevelop, however the western portion of the block which is occupied by a surface parking lot presents an opportunity for intensification.

West Policy Area

The West Policy Area considers heights of 2 to 20 storeys, up to 25 storeys with bonusing, for the portion of this Policy Area that is south of Angel Street. This portion of the Policy Area is within the Downtown Place Type in The London Plan. The heights contemplated for this portion of this Policy Area are a slight refinement on the full range of permitted heights in the Downtown Place Type, as this area is on the edge of the Downtown and provides a transition to the lower heights contemplated on the northern portion of Richmond Row. The portion of the this block that is occupied by St. Peter's Basilica Cathedral is proposed to have a range of permitted heights of 2 to 4 storeys, as the northern portion of this block was found to be the preferred location for potential development based on the prominence of St. Peter's Basilica Cathedral.

The portion of this policy area north of Angel Street is in the Rapid Transit Corridor Place Type in The London Plan. This portion of the West Policy Area was found to be appropriate for the full range of permitted heights in this Place Type in The London Plan, allowing 2 to 12 storeys, with up to 16 storeys permitted through bonsuing.

East Policy Area

The Draft Victoria Park Secondary Plan contemplates the highest heights in the southern portion of this Policy Area, with lower heights going north as the Policy Area transitions away from the Downtown. Policies are also included to require new development to transition downward in height from the Wellington Street frontage to the low-rise residential area to the east.

The southern portion of this Policy Area, the City Hall Block, contemplates a range of permitted heights of 2 to 20 storeys, with up to 25 storeys permitted through bonusing. This portion of the Policy Area is in the Downtown Place Type in The London Plan. The range of permitted heights for this site is a refinement on the full range of permitted heights in the Downtown Place Type, as this area is on the edge of the Downtown and provides a transition to the low-rise Woodfield Neighbourhood.

For the middle portion of this Policy Area, which is currently occupied by a surface parking lot, heights are contemplated of 2 to 16 storeys, with up to 20 storeys permitted through bonusing for the southern portion of this parking lot, transitioning to a range of permitted heights of 2 to 12 storeys for the northern portion of this parking lot. This

range of permitted heights is an increase from the range of permitted heights contemplated for this site through The London Plan where this site is in the Neighbourhoods Place which would permit 2 to 4 storeys, up to 6 storeys with bonusing. Higher heights were found to be appropriate in this location, as it provides a transition from the Downtown Place Type with recognition for the existing zoning. The existing zoning permits a height of 90 metres (approximately 30 storeys), though certain provisions in the zoning make it challenging to realize a height above approximately 18 storeys.

The northern portion of this Policy Area is contemplated to have lower heights as the Policy Area transitions into the low-rise neighbourhood. This area is in the Neighbourhoods Place Type in The London Plan, however a slight increase in the range of permitted heights beyond The London Plan provisions is included in the Draft Secondary Plan for the property immediately north of Wolfe Street (560-562 Wellington Street), where a range of heights of 2 to 8 storeys is contemplated. The permission of this additional height is suggested based on the transitioning downward in heights from the Downtown Place Type and the frontage onto Victoria Park. Further north, a range of permitted heights of 2 to 4 storeys is proposed.

The heights contemplated in the East Policy Area are generally lower than in the West Policy Area based on the adjacency to a low-rise neighbourhood whereas the West Policy Area is adjacent to a planned transit corridor.

North Policy Area

The western portion of the North Policy Area is within the Rapid Transit Corridor Place Type in The London Plan, which contemplates heights of 2 to 12 storeys, up to 16 storeys with bonusing. The interior of the block is also considered to be in the Rapid Transit Corridor Place Type, based on the policies in The London Plan that allow for interpretation of the Rapid Transit Corridor Place Type boundaries based on the possibility of lot assemblies. The remainder of this Policy Area is within the Neighbourhoods Place Type.

It was found that the full range of permitted heights for the Rapid Transit Corridor Place Type would be appropriate for the western portion of the block. The full range of permitted heights in the Rapid Transit Corridor is also contemplated for the interior of the block, which is occupied by a surface parking lot and found to present and opportunity for intensification.

The remainder of the block is recommended to have the range of heights contemplated in the Neighbourhoods Place Type of 2 to 4 storeys.

4.6 Bonusing

The bonusing provisions in the Draft Victoria Park Secondary Plan identify a list of priorities to be considered when implementing bonusing on applications within the boundaries of the Victoria Park Secondary Plan. These bonusing priorities are based on identified needs within Victoria Park and the surrounding area, and are meant to provide specific direction based on this particular area that goes beyond the more general provisions in the 1989 Offiical Plan and The London Plan.

The Built Form policies in the Draft Victoria Park Secondary Plan identify height ranges where applications would be required to provide bonusing.

4.7 Land Use

The Draft Victoria Park Secondary Plan includes policies to direct land use around Victoria Park. The land use policies in the Draft Victoria Park Secondary Plan contemplate permitting a mixture of uses, similar to the existing land use mix in the area. Street-oriented retail and service uses are encouraged within the Victoria Park Secondary Plan boundary, and are required on the Richmond Street frontage to continue to foster the Richmond Street main street. Automotive uses are not permitted on any sites within the Secondary Plan boundary.

4.8 Compatibility with Park Activities

Victoria Park is an important City-wide resource for active and passive recreation, and is an important gathering space for festivals and events. The role of Victoria Park as a place of public gathering and celebration is one of the reasons for the park's Part IV heritage designation, as it has been a gathering place for Londoners since 1874. While certain festivals and events will move to Dundas Place when it is completed, it is anticipated Victoria Park will continue to host many festivals and events. The Draft Secondary Plan includes policies to help ensure the park's continued vitality and functionality as a space for festivals and events, as well as preserve the quality of the landscaped park grounds.

The Draft Victoria Park Secondary Plan includes a policy that requires a detailed wind study for all mid-rise and high-rise buildings to demonstrate that wind conditions will continue to be comfortable for users of the park and the pedestrian realm around the park.

Noise studies will also be required to be submitted with Site Plan Control applications for all new mid-rise or high-rise buildings. Noise will be mitigated through sound dampening building practices. This is intended to help implement the findings of the Music, Entertainment and Culture Districts Strategy, adopted by Municipal Council in 2018. The policy included in the Draft Victoria Park Secondary Plan also requires that purchasers and/or tenants be advised of the possibility of noise and festivals through the addition of a clause into the lease or agreement of purchase and sale, such that all moving into the area expect the noise that is generated by festivals in the park.

The Draft Secondary Plan also includes a policy that new mid-rise and high-rise developments will be required to provide on-site indoor and/or outdoor amenity space for residents. This is intended to help moderate the impact of increased intensification on the wear and tear of the park grounds. Concern about this wear and tear was identified in the Music, Entertainment, and Culture Districts Strategy and through community consultation.

4.9 Consistency of Policies with the Provincial Policy Statement

The policies identified in the Draft Secondary Plan are consistent with the Provincial Policy Statement. These policies balance the desire to promote efficient development patterns and the provision of a range and mix of housing types with the conservation of cultural heritage resources and encouraging a sense of place through well-designed built form. As these draft policies evolve through the preparation of the final Victoria Park Secondary Plan, they will continue to be reviewed to ensure consistency with the Provincial Policy Statement.

4.10 Bill 108 – Changes to the Planning Act

The Minister of Municipal Affairs and Housing introduced Bill 108, More Homes, More Choices Act, 2019 on May 2, 2019. The Bill proposes a number of amendments to 13 different statutes including the Planning Act. The intention of Bill 108 is to address the housing crisis in Ontario by minimizing regulations related to the residential development through changes to various Acts related to the planning process, including revisions to Section 37 of the Planning Act which provides municipalities with the ability to bonus for increased heights and densities.

As of the date of this report, Bill 108 has received Royal Ascent. The resulting impact on municipal policies and regulations is not known at this time. Transition regulations are also unknown at this time. With the enactment of Bill 108, changes to Official Plan policies including those in The London Plan and those being considered in the Draft Victoria Park Secondary Plan will be required to align policies with any modifications to the Planning Act encompassed in Bill 108. This is a situation being faced by all municipalities throughout the province, as Official Plan policies may need to be revised to align with any changes to the Planning Act that arise from Bill 108.

The policies in the Draft Victoria Park Secondary Plan will be modified to align with Bill 108 when a revised Victoria Park Secondary Plan is considered by Municipal Council for adoption in the fourth quarter of 2019.

5.0 Next Steps

The Draft Victoria Park Secondary Plan is presented for information purposes and to gather feedback to inform the development of the final Victoria Park Secondary Plan. The policies included in this Draft Secondary Plan are subject to possible revisions through the continued learnings of the study process.

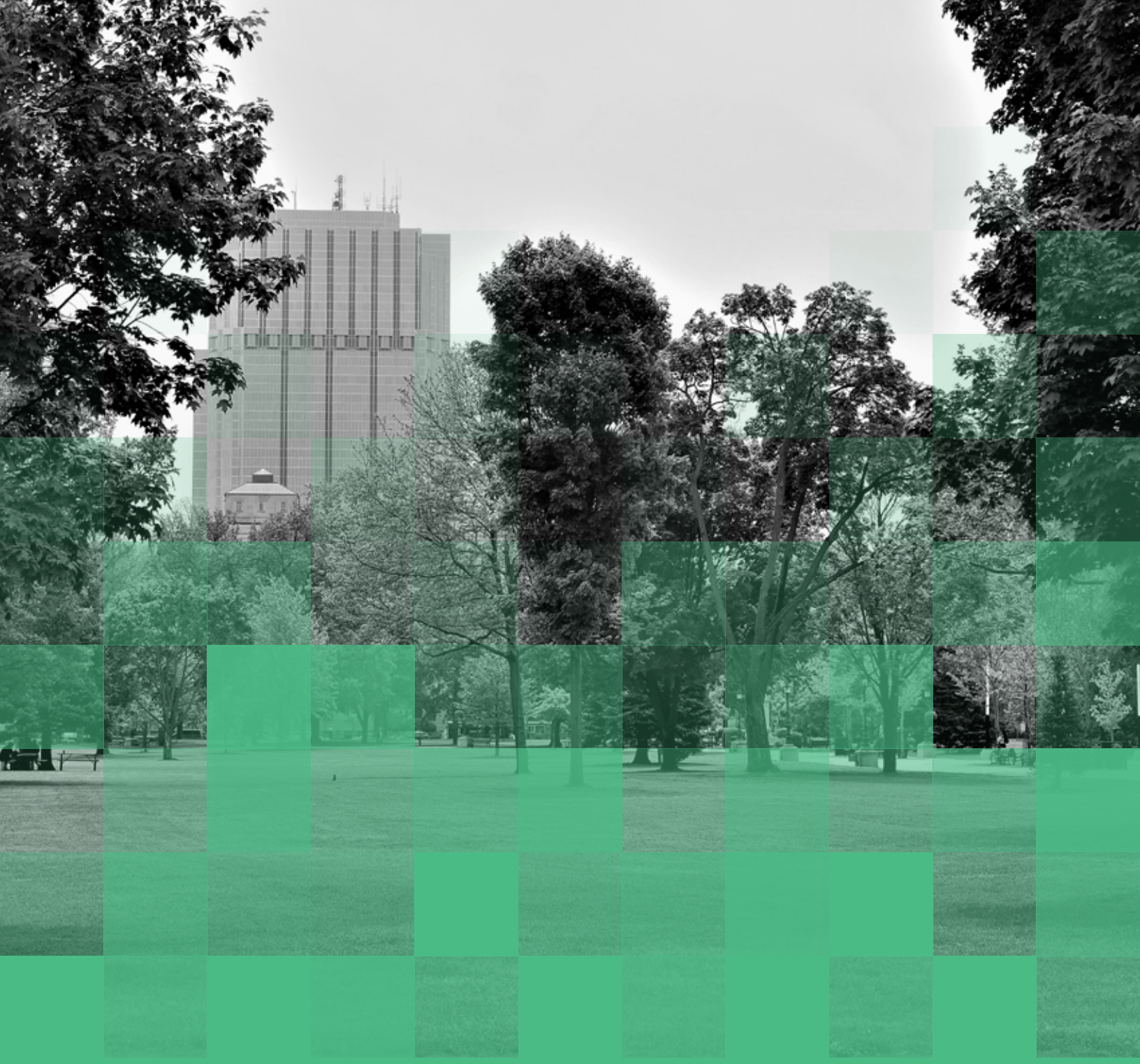
The Draft Victoria Park Secondary Plan will be circulated to the community and stakeholders. Staff will continue consultation on the Draft Secondary Plan throughout the third quarter of 2019. Feedback received will be considered through revisions to the Secondary Plan. The revised Secondary Plan will be brought forward to the Planning and Environment Committee in the fourth quarter of 2019.

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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	

June 11, 2019
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Appendix A – Draft Secondary Plan



Victoria Park (Draft)

Secondary Plan

June 2019

London
CANADA



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1.0 Introduction

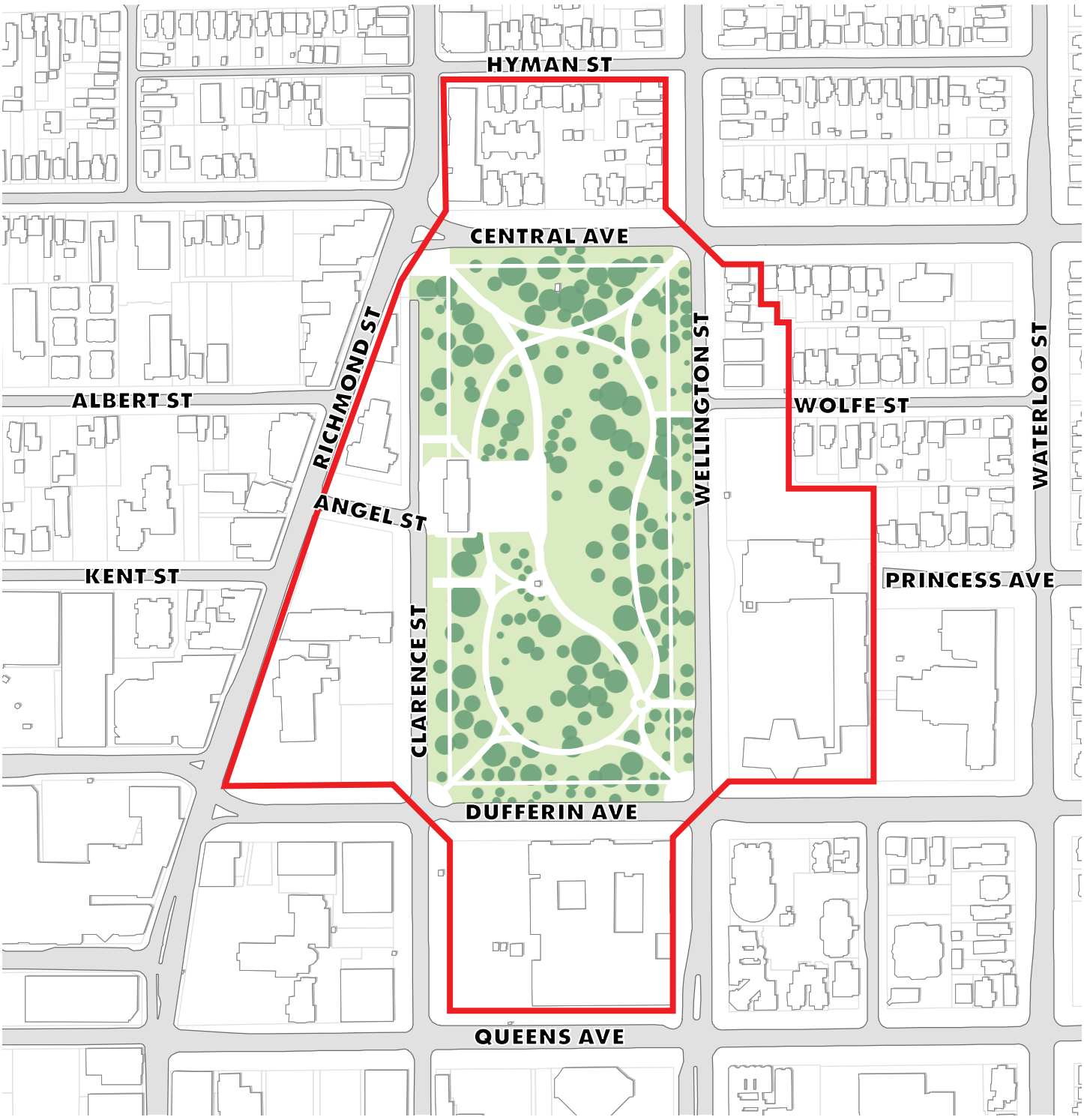
1.1 BACKGROUND

Victoria Park is centrally located in the City of London, adjacent to the downtown. The park has been an important feature at the heart of the city as a central gathering place for events and celebrations of city-wide significance, as well as an open space for active and passive recreation.

Development pressure on lands surrounding Victoria Park has warranted the creation of a comprehensive vision for future growth. The purpose of this Secondary Plan is to establish a policy framework to guide the future of the lands surrounding Victoria Park, recognizing that the existing overlapping policy framework is complex and has not yet considered the properties surrounding the park based on their unique relationship to the park.

This Secondary Plan considers how future development and redevelopment will relate to existing buildings, adjacent neighbourhoods, the downtown, and Victoria Park. Existing plans, policies, and guidelines applying to properties around the park have been taken into account to create the development framework and to provide clarity and consistency in reviewing future development applications. The policies in the *West Woodfield Heritage Conservation District Plan* and the *Downtown Heritage Conservation District Plan* will continue to apply to properties within the Victoria Park Secondary Plan boundary. Any future development applications will be evaluated on a site-by-site basis for conformity to the applicable Official Plan policies and the Heritage Conservation District Plans for the conservation of cultural heritage resources within the Secondary Plan boundary.

Schedule 1: Secondary Plan Area



Legend

Victoria Park Secondary Plan Boundary



1.2 LOCATION

The Victoria Park Secondary Plan applies to properties around Victoria Park as identified in Schedule 1: Secondary Plan Area. This area has been delineated to include properties surrounding Victoria Park and properties that are anticipated to be consolidated for future development around the park. The surrounding context was considered in the preparation of the Secondary Plan, however the policies in the Secondary Plan will only apply within this boundary.

1.3 CULTURAL HERITAGE RESOURCES

The presence of cultural heritage resources within the Victoria Park Secondary Plan boundary are foundational to the character of the area. Cultural heritage resources within the Secondary Plan boundary include the *West Woodfield Heritage Conservation District*, the *Downtown Heritage Conservation District*, and a number of properties that are individually designated under Part IV of the Ontario Heritage Act or are listed on the City's Register. Appendix A: Cultural Heritage identifies cultural heritage resources within and adjacent to the Victoria Park Secondary Plan boundary.

The park itself is designated under Parts IV and V of the Ontario Heritage Act, as it is individually designated and also designated as part of the West Woodfield Heritage Conservation District. The individual designation under Part IV of the Ontario Heritage Act is based on Victoria Park's significant historic, architectural, and cultural heritage landscape importance. The Part IV heritage designation that applies to Victoria Park also recognizes that it has assumed a role as the "jewel of the parks system" in the City of London. Appendix B: Reasons for Designation - Victoria Park includes the reasons for designation for Victoria Park.



1.4 PURPOSE AND USE

This Secondary Plan presents a vision for the evolution of properties surrounding the park and provides a consistent framework to evaluate future development. It provides comprehensive built form, urban design, and land use directions that consider how future development should relate to the park and enhance the surrounding context, while ensuring conservation of the cultural heritage resources in the area.

Policies in this Secondary Plan apply to all properties in the Victoria Park Secondary Plan boundary unless where specifically noted as only applying to a specific property or Policy Area.

The policies of this Secondary Plan provide a greater level of detail than the policies of the Official Plan. Where the policies of the Official Plan provided sufficient guidance to implement the vision of this Secondary Plan, these policies were not repeated. As such, the policies of this Secondary Plan should be read in conjunction with the Official Plan, the applicable Heritage Conservation District Plans, and any other applicable policy documents. In instances where the overall policies of the Official Plan and the Victoria Park Secondary Plan are inconsistent, the Secondary Plan shall prevail.

The policies of this Secondary Plan that use the words "will" or "shall" express a mandatory course of action. Where the word "should" is used, suitable alternative approaches to meet the intent of the policy may be considered.

The policies of this Secondary Plan will be implemented through mechanisms set out in this Secondary Plan, public investments in infrastructure and public realm improvements, as well as other tools available to the City including the *Zoning By-law,* and the Site Plan Control.

The schedules form part of this Secondary Plan and have policy status whereas other figures and photographs included in the Secondary Plan are provided for graphic reference, illustration, and information.





1.5 VISION

The Victoria Park area will continue to evolve as a prominent destination that is cherished by Londoners. It will develop in a way that balances the desire to grow inward and upward with the need to conserve cultural heritage resources, be compatible with the surrounding context, and foster Victoria Park's continued use as a city-wide destination for recreation, relaxation and events. Future development of the area will celebrate the prominence of Victoria Park through design excellence, contributing to the continued success of this area as a destination for Londoners both now and in the future.



1.6 PRINCIPLES

The development of this Secondary Plan has been guided by the following principles:

- Preserve and strengthen visual connections to Victoria Park and create new view corridors where possible
- Improve and create new connections to Victoria Park
- Preserve and enhance the landscaped edges around Victoria Park
- Respect and conserve cultural heritage resources within and surrounding Victoria Park
- Frame Victoria Park with an appropriately-scaled streetwall that creates a comfortable pedestrian environment
- Identify opportunities for compatible and sensitive intensification
- Protect the residential amenity of the Woodfield Neighbourhood by mitigating impacts of new development
- Support and animate Victoria Park with active uses on the ground floor
- Design buildings to celebrate the prominence of Victoria Park as a city-wide gem
- Continue to enhance the amenity of Victoria Park as a neighbourhood green space, as well as a destination for all Londoners to attend festivals and events



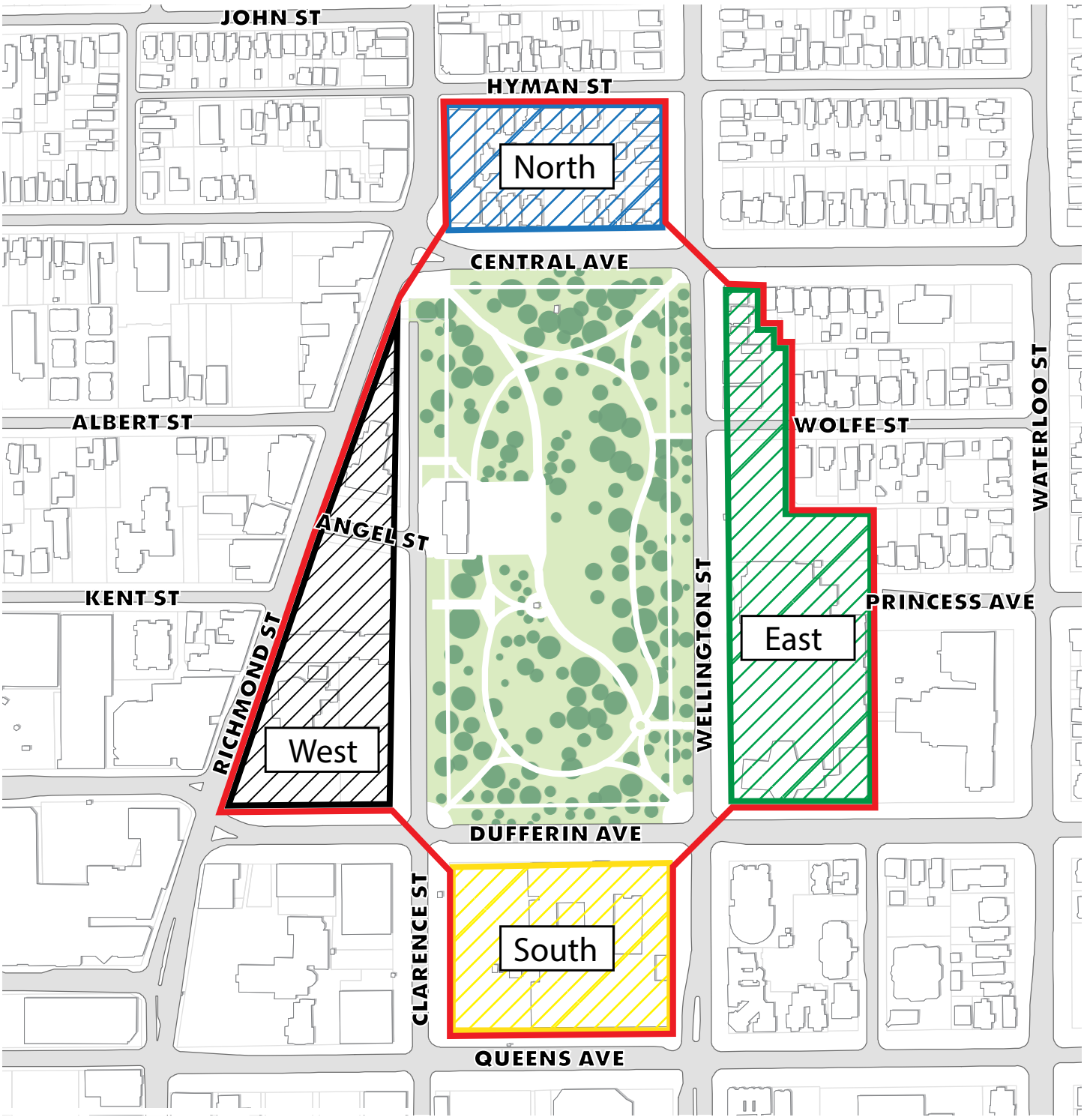
2.0 Policy Areas

2.1 OVERVIEW

The area subject to the Victoria Park Secondary Plan has been divided into four Policy Areas, each encompassing a different side of the park: North, East, South, and West, as identified in Schedule 2: Policy Areas. Most of the policies in the Secondary Plan apply to the entire area within the Victoria Park Secondary Plan boundary, but some identified policies apply to a specific side of the park due to the unique characteristics of each side of the park.

The boundaries and the unique characteristics of each of the four sides surrounding Victoria Park are detailed in the following sections.

Schedule 2: Policy Areas



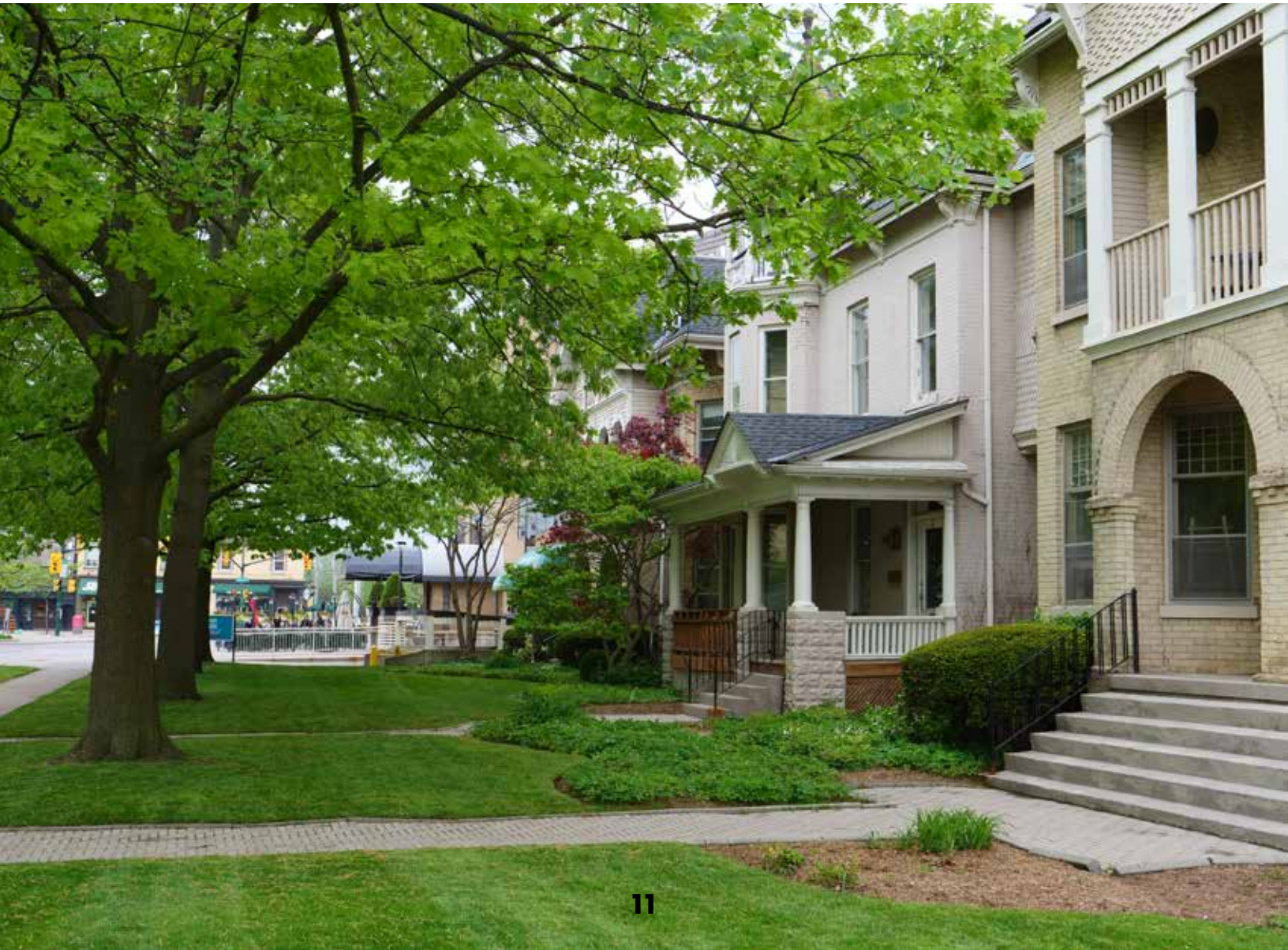
Legend

- Victoria Park Secondary Plan Boundary
- North Policy Area
- South Policy Area
- West Policy Area
- East Policy Area

2.2 NORTH POLICY AREA

The North Policy Area adjacent to Victoria Park is lined by 2.5-storey house-form buildings, many of which have been converted for office uses, with the exception of the Richmond Street frontage, which is occupied by a 4-storey mixed use building. A 3-storey residential building is located on the western portion of the interior of the block. While this Policy Area is not within a Heritage Conservation District, many of the properties in this Policy Area are listed on the City's Register.

A parking lot located on the eastern portion of the interior of the block presents an opportunity for intensification. The mid-rise building fronting Richmond Street also presents an opportunity for intensification, due to its proximity to a transit corridor.





2.3 EAST POLICY AREA

The East Policy Area is characterized by a broad mix of uses including City Hall, Centennial Hall, surface parking and a public square. A mix of other uses are also found, including professional offices, a multi-unit residential building, and a single detached dwelling. The southern portion of this block is located in the Downtown Place Type, and the northern portion is in the Neighbourhoods Place Type and also subject to the provisions of the Woodfield Neighbourhood Specific Policy Area. The entirety of this Policy Area is in the *West Woodfield Heritage Conservation District*.

There is opportunity for intensification of under-utilized sites in the East Policy Area, particularly south of Wolfe Street.

2.4 SOUTH POLICY AREA

The South Policy Area is in the Downtown Place Type and includes the iconic London Life Insurance Company building, which is a character defining feature of the block. This block is also entirely within the *Downtown Heritage Conservation District*.

The west portion of the block contains a large surface parking lot that presents an opportunity for intensification.



2.5 WEST POLICY AREA

The West Policy Area includes the triangular block between Richmond Street and Clarence Street. Richmond Street is a main street commercial corridor connecting to downtown. Clarence Street runs immediately adjacent to the park and is a planned transit corridor. The block consists of religious institutions, including St. Peter's Basilica Cathedral and First Baptist Church, as well as a limited amount of commercial uses and surface parking. The majority of this block is in the Downtown Place Type. With the exception of the northern property, it is also in the *West Woodfield Heritage Conservation District*.

Portions of this Policy Area present opportunities for intensification, particularly the surface parking lots.



3.0 Policies

3.1 OVERVIEW

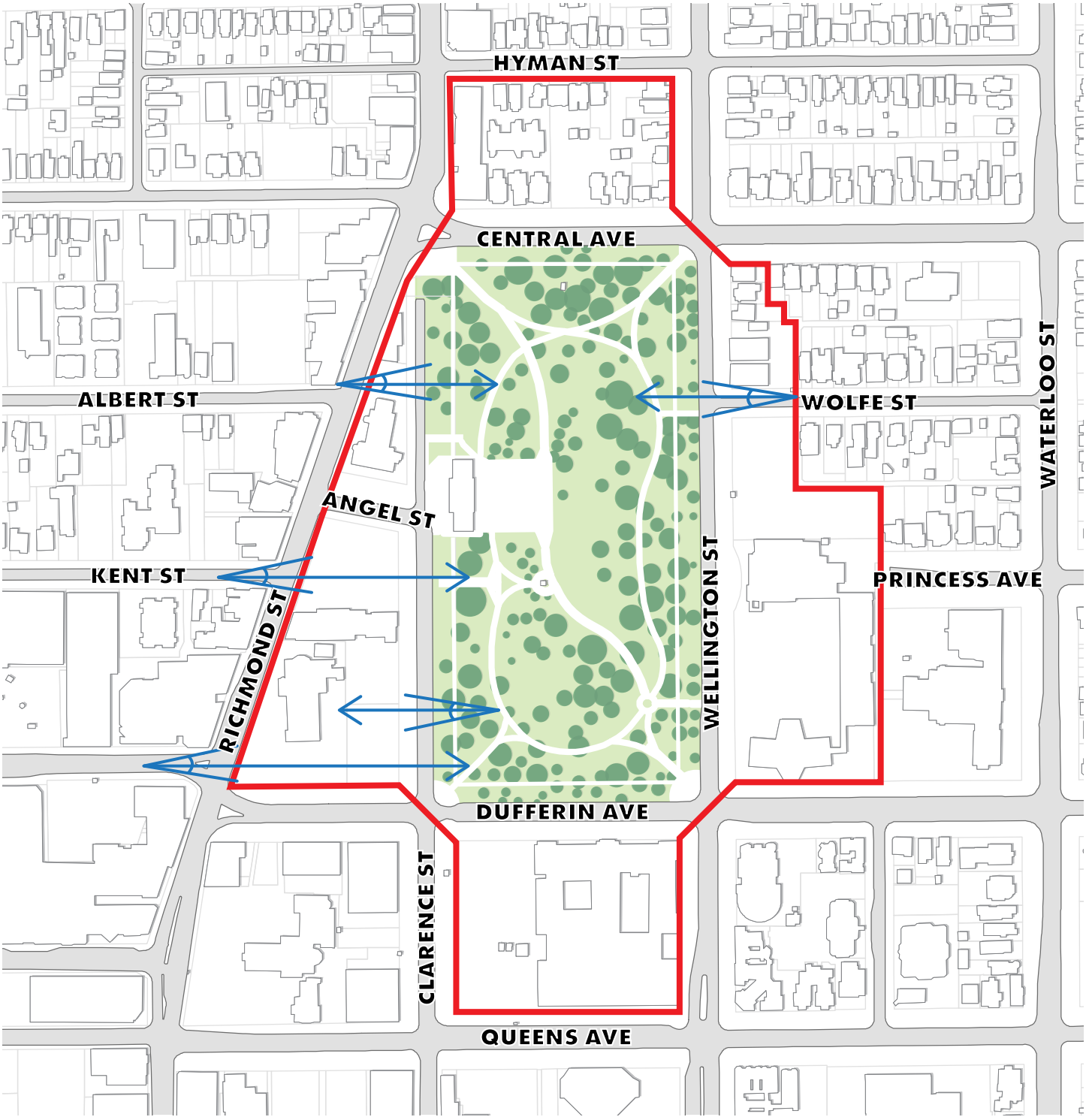
The intent of this Secondary Plan is to provide a policy framework to guide future development and public projects in the Victoria Park Secondary Plan area. Policies in this Secondary Plan support the vision by providing guidance on: view corridors, connections, public realm, cultural heritage, built form, land use, parking and compatibility with park activities.

The policies of this Secondary Plan generally provide a greater level of detail than the general policies of the Official Plan. Where the policies of the Official Plan provide sufficient guidance to implement the vision of this Secondary Plan, these policies were not repeated. As such, the policies of this Secondary Plan should be read in conjunction with the Official Plan. In instances where the overall policies of The London Plan and the Victoria Park Secondary Plan are inconsistent, the Secondary Plan shall prevail.

The policies of this Secondary Plan that use the words "will" or "shall" express a mandatory course of action. Where the word "should" is used, suitable alternative approaches that meet the intent of the policy may be considered.

The policies of this Secondary Plan will be implemented through mechanisms set out in this Secondary Plan, public investments in infrastructure and public realm improvements, as well as other tools available to the City including the *Zoning By-law* and *Site Plan Control By-law*. Planning and development applications will be evaluated based on the Planning and Development Application policies in the Our Tools section of *The London Plan* to ensure that the permitted range of uses and intensities is appropriate within the surrounding context.

Schedule 3 – View Corridors



Legend

Victoria Park Secondary Plan Boundary

View Corridor

3.2 VIEW CORRIDORS

The preservation of existing view corridors and the creation of new view corridors will aid in orientation and help to maintain strong visual connections between Victoria Park and the surrounding area. View corridors to be maintained are specified in the policies below and identified in Schedule 3: View Corridors.

a) Any proponent for a *Planning Act* application that may impact an existing view corridor identified below will be required to provide an urban design brief demonstrating how the existing view corridor will be maintained for pedestrians.

b) View corridors to Victoria Park from Wolfe Street, Richmond Street, Kent Street, and Dufferin Avenue west of Richmond Street will be maintained.

c) A view corridor to St. Peter's Basilica Cathedral from Victoria Park will be maintained.

d) A view corridor from Kent Street to Victoria Park should be maintained, if development occurs in the West Policy Area.

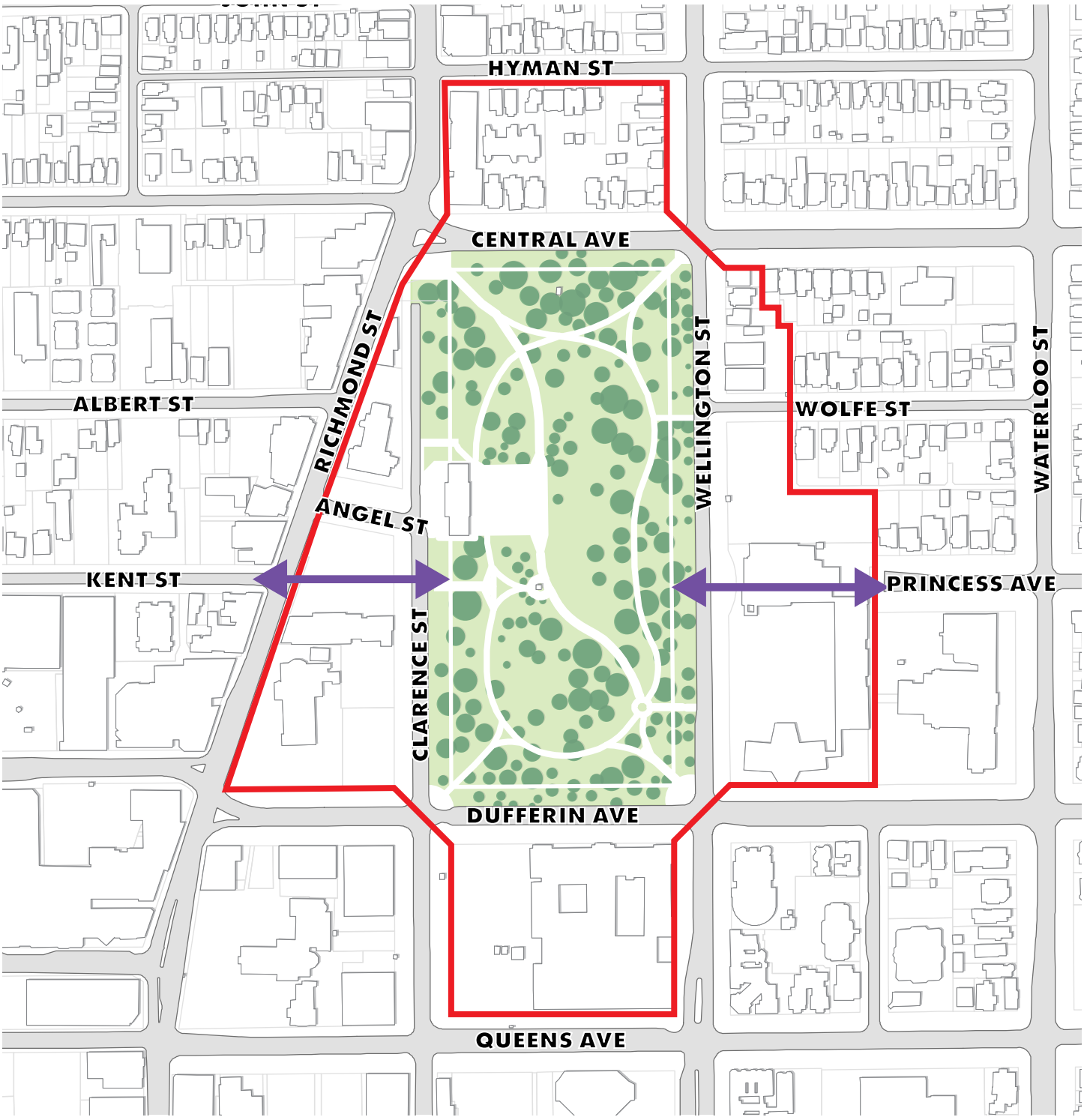
e) Any application for Site Plan, Zoning By-law and/or Official Plan Amendments on lands within the Victoria Park Secondary Plan will be required to explore:

   i) The potential for adding new view corridors; and

   ii) Creative or innovative ways to enhance existing view corridors (if applicable).



Schedule 4 – Connections



Legend

- Victoria Park Secondary Plan Boundary
- Proposed Connections



3.3 CONNECTIONS

Connections to Victoria Park help to improve access to the park and enhance the relationship of the park to its surroundings. Priority locations for new connections to Victoria Park are identified in Schedule 4: Connections.

a) New connections to the park from Kent Street and Princess Avenue should be considered to improve access to the park if development occurs on lands that could facilitate these connections.

   i) Connections will prioritize pedestrian access, but may incorporate flex-street or shared street design elements.

   ii) Innovative approaches to connectivity may be considered such as enclosed or covered walkways through buildings.

b) Wide sidewalks should be provided and maintained on streets adjacent to and leading to the park as part of any future public works project to create a comfortable pedestrian environment and promote accessibility.

c) The provision enhanced of pedestrian amenities, such as benches, will be encouraged during site plan approval.

d) Transit infrastructure such as transit stops and street improvements should be enhanced in areas around the park through redevelopment.



3.4 PUBLIC REALM

Improvements to the streetscape and public space around Victoria Park will help to strengthen the connection between Victoria Park and its surroundings, enhance the pedestrian environment, and expand the green landscaping of the park into the surrounding area. These green edges are anticipated to primarily be located on public land due to the minimal setbacks of existing buildings to front property lines and the existing wide right-of-ways and boulevards.

a) Landscaping and green space in building setbacks and the public right-of-way will be enhanced by maintaining and reinforcing the existing built form edge. Hard surfaces will be limited to driveways, pedestrian entranceways, bicycle parking areas, benches and patios.

b) The preservation of existing street trees and the planting of new large canopy trees is encouraged.

c) The green edge between St. Peter's Basilica Cathedral and Dufferin Avenue, should be maintained.

3.5 CULTURAL HERITAGE

The cultural heritage resources surrounding Victoria Park are foundational to its character. In addition to the cultural heritage policies in this Secondary Plan, the objectives and policies in the *Downtown Heritage Conservation District* and *West Woodfield Heritage Conservation District* Plans will continue to apply. Appendix A: Cultural Heritage identifies cultural heritage resources within and adjacent to the Victoria Park Secondary Plan.

a) On-site and adjacent cultural heritage resources and their heritage attributes will be conserved.

   i) Any new buildings must be both physically and visually compatible with the surrounding cultural heritage resources.

   ii) New and renovated buildings shall be designed to be sympathetic to the heritage attributes through measures including but not limited to massing, rhythm of solids and voids, significant design features, and high quality materials.

b) New development shall be compatible with the heritage character of the surrounding Heritage Conservation Districts, through consideration of height, built form, setback, massing, material, and other architectural elements.

c) The design guidelines in the *Downtown Heritage Conservation District* and the *West Woodfield Heritage Conservation District* will be used to review and evaluate proposals for new buildings in these Heritage Conservation Districts to ensure compatibility with the surrounding context.



3.6 BUILT FORM

The following built form policies will help to shape future development in a way that balances intensification and compatibility, and provides a transition between the downtown and low-rise residential neighbourhoods. Built form will be designed to ensure impacts on the park and existing context are minimized, and the design of new development frames the park.

Victoria Park is the "jewel of the parks system" in the City of London, and is a location of civic importance that must be complemented by development that meets a high standard of design. As such, all new development is expected to be of a high standard of urban and architectural design, celebrating the prominence of the Victoria Park area.



3.6.1 GENERAL BUILT FORM

a) The setback of new buildings will respond to the existing built form context and reinforce the established built form edge with the intent of maintaining a continuous street wall that frames the edges of the park. New development should be located close to the front property line while still providing sufficient setbacks to avoid building elements from encroaching into the right-of-way.

b) The design of new buildings and additions to existing buildings should make effort to minimize the impacts of shadows on the park, public realm and the *West Woodfield Heritage Conservation District*, as applicable.

c) Significant cultural heritage resources and their heritage attributes shall be conserved.

d) High- and mid-rise buildings shall be designed to express three defined components: a base, middle and top. Alternative design solutions that address the following intentions may be permitted:

   i) the base shall establish a humanscale façade with active frontages including, where appropriate, windows with transparent glass, awnings, lighting, and the use of materials that reinforce a human scale

   ii) the middle shall be visually cohesive with, but distinct from, the base and top

   iii) the top shall provide a finishing treatment, such as a roof or a cornice treatment, and will serve to hide and integrate mechanical penthouses

e) All new development will be subject to a public site plan review.





3.6.2 FAÇADE DESIGN

a) Building façades shall be articulated to reflect the scale and the rhythm of existing buildings along the edge of the park.

b) High quality materials, such as brick and natural stone, will be used to complement the character and quality of buildings around the park and adjacent areas. The use of stucco and exterior insulation and finishing system (EIFS) will not be permitted.

3.6.3 ACTIVATION

Creating active building facades encourages walkability, passive surveilance and a pedestrian friendly environment surrounding the park and also fronting onto the Richmond Row main street.

a) Main building entrances shall front onto the park, unless the building also has frontage on Richmond Street in which case the main building entrance will be located on Richmond Street with a secondary entrance onto the park.

b) Multiple building entrances are encouraged. Corner buildings and buildings with two street frontages should have entrances onto both streets.

c) Residential units at grade will have pedestrian access directly from the right-of-way.

d) Regardless of the intended use, the ground floor of new buildings shall be designed with the flexibility to accommodate conversion to non-residential uses in the future. Strategies could be considered, such as providing a raised floor over the slab that can be removed to provide additional ground floor height in the future.



e) Attractive and active frontages shall be located around all edges of the park. All building faces oriented towards the park should exhibit a high level of architectural detail, large transparent windows and high quality materials. Blanks walls, parking, services and utilities will not face towards the park or Richmond Street.

f) Attractive and active frontages shall be located around all edges of the park. All building faces oriented towards the park should exhibit a high level of architectural detail, and high quality materials. Blanks walls, parking, services and utilities will not face towards the park or Richmond Street.

3.6.4 PARKING

While parking is recognized as a continued need in proximity to Victoria Park, it should be provided in a way that does not detract from the pedestrian realm surrounding the park, nor the City-wide importance of this green space.

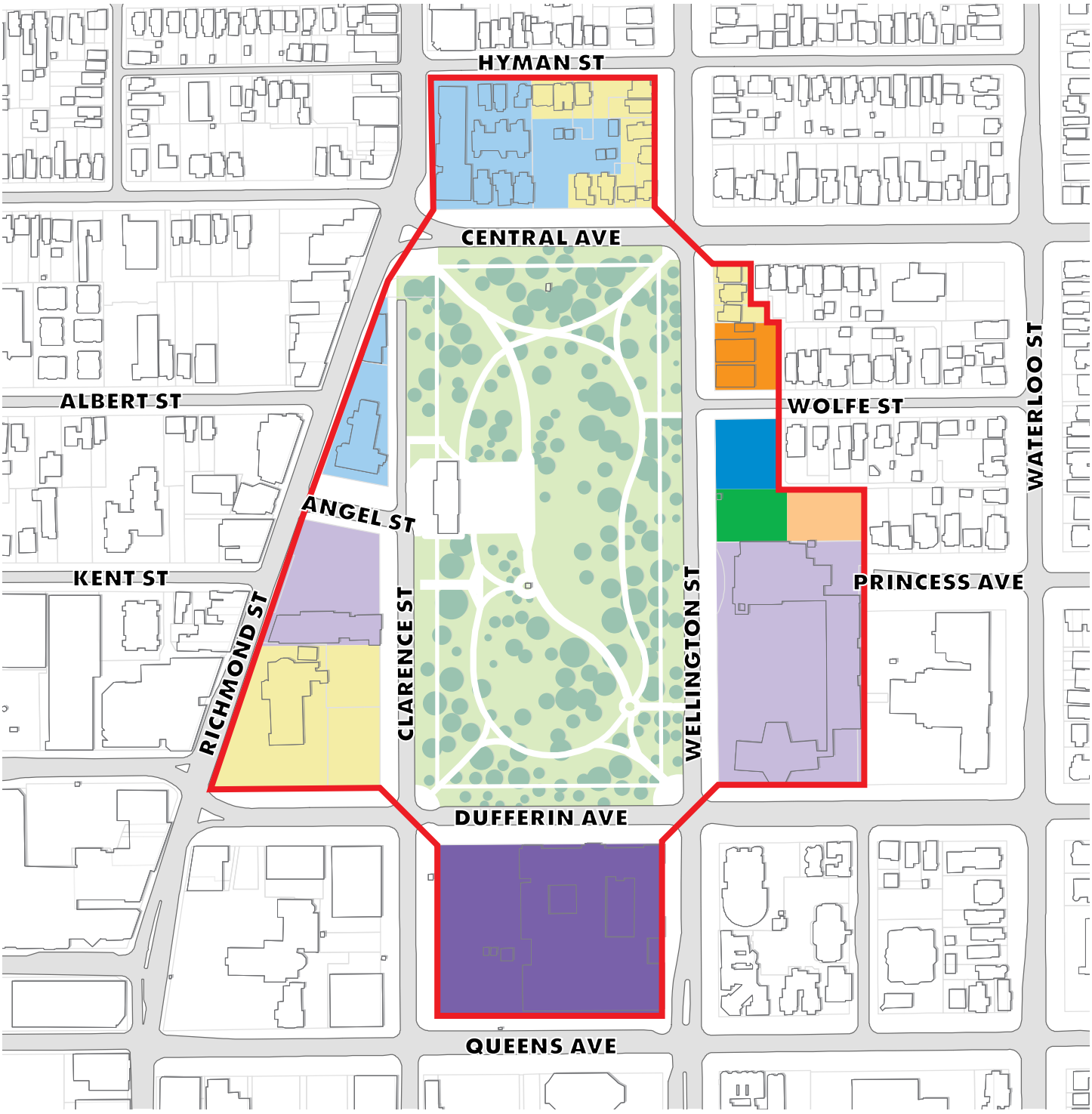
a) Parking and service entrances shall not front onto the park or pedestrian walkways. Parking and service entrances will be located on side streets, behind buildings and along laneways where possible.

b) Parking should be provided underground where possible. New surface parking lots shall not be permitted within the Victoria Park Secondary Plan boundary.

c) Above-grade structured parking shall be wrapped on all exterior lot lines with residential, retail, service, community facility or office uses.

d) Parking shall not be located between the building and public right-of-way

Schedule 5– Permitted Heights



Legend

- Victoria Park Secondary Plan Boundary
- 2-4 Storeys
- 2-6 Storeys
- 2-8 Storeys
- 2-12 Storeys
- 2-12 Storeys (up to 16 with bonusing)
- 2-16 Storeys (up to 20 with bonusing)
- 3 (or 9m) -20 Storeys (up to 25 with bonusing)
- 3 (or 9m) - 20 Storeys (up to 35 with bonusing)

3.6.5 PERMITTED HEIGHTS

Minimum and maximum permitted heights for new development within the Victoria Park Secondary Plan boundary are described below and identified in Schedule 5: Permitted Heights.

a) Building heights will transition from higher buildings in the downtown and fronting Richmond Street to lower buildings near low-rise residential areas.

b) The Zoning By-law will provide more detail on individual permitted heights; this may not include the full range of heights identified in this Secondary Plan.

3.6.5.1 North Policy Area

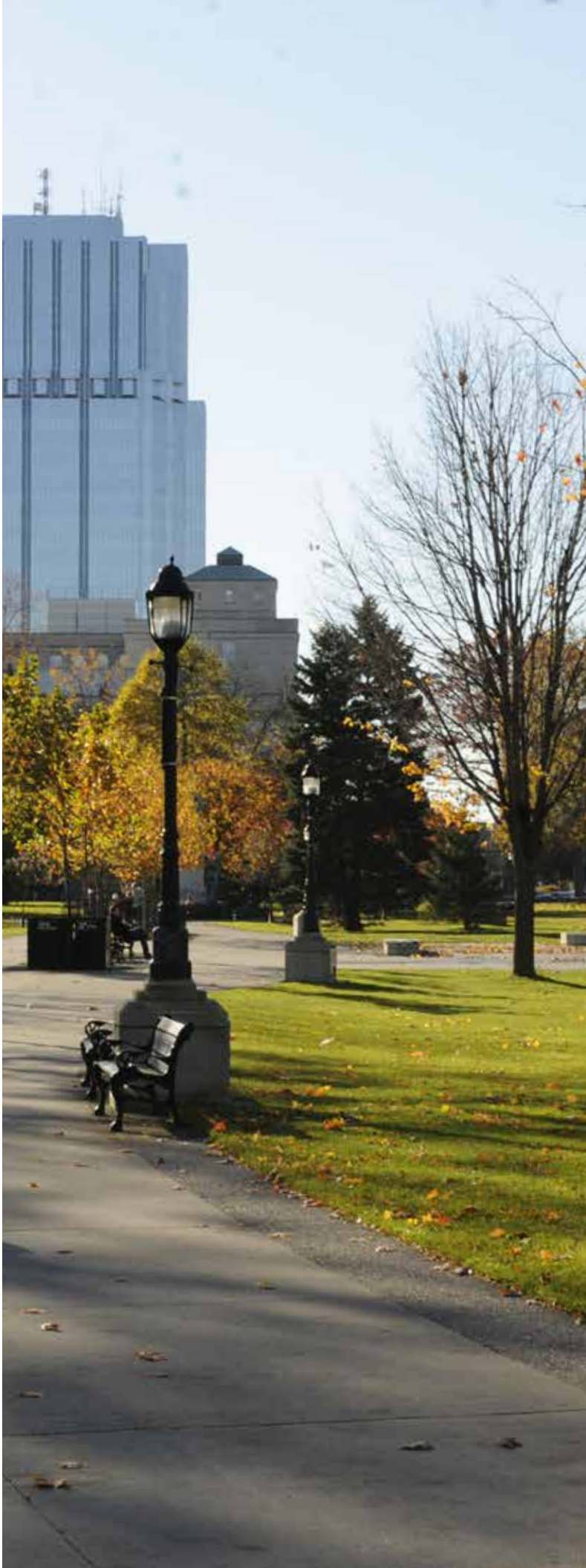
a) The range of permitted heights for the western portion of the North Policy Area and the interior of the block are between 2 and 12 storeys, with up to 16 storeys permitted through bonusing. The remainder of the Policy Area has a range of permitted heights between 2 and 4 storeys.

3.6.5.2 East Policy Area

a) Buildings will be designed to transition downward in height from the Wellington Street frontage to the low-rise residential area to the east.

b) The southern portion of the East Policy Area, the City Hall Block, allows a range of permitted heights of 2 to 20 storeys, with up to 25 storeys permitted through bonusing.

c) The middle portion of the East Policy Area, south of Wolfe Street, allows a range of permitted heights of 2 to 16 storeys, with up to 20 storeys permitted through bonusing for the southern portion of this site, transitioning to a range of permitted heights of 2 to 12 storeys for the northern





portion of this site. A range of permitted heights between 2 to 6 storeys is allowed for the southeast portion of this site.

d) The northern portion of the East Policy Area, north of Wolfe Street, allows a range of permitted heights of 2 to 8 storeys for the lot adjacent to Wolfe Street, and 2 to 4 storeys for all portions north of this site.

3.6.5.3 South Policy Area

a) The range of permitted heights in the South Policy Area is 2 to 20 storeys, with up to 35 storeys permitted through bonusing.

3.6.5.4 West Policy Area

a) The range of permitted heights in the West Policy Area is 2 to 4 storeys for the portion of the Policy Area occupied by St. Peter's Basilica Cathedral and 2 to 20 storeys, up to 25 storeys with bonusing, for the portion of this Policy Area that is north of St. Peter's Basilica Cathedral but south of Angel Street. The portion of the West Policy Area north of Angel Street allows a range of permitted heights of 2 to 12 storeys, with up to 16 storeys permitted through bonusing.

3.6.6 MID-RISE FORM

For the purposes of this Secondary Plan, mid-rise buildings will be described as buildings 4 storeys in height and up to and including 8 storeys in height.

a) The streetwall of new mid-rise buildings shall have a height of 4 to 5 storeys to frame the park, except along the Richmond Street frontage where streetwalls shall have a height of 2 to 3 storeys.

b) Buildings shall step back a minimum of 5 metres above the streetwall for all portions of mid-rise buildings fronting Victoria Park and Richmond Street.

c) Buildings shall step back a minimum of 3 metres above the streetwall for all portions of mid-rise buildings not fronting Victoria Park or Richmond Street, but fronting public streets or pedestrian walkways.

d) Shadow studies shall be required for all planning and development applications for new mid-rise buildings to demonstrate how the impact of shadows on the park, public realm, and West Woodifled Heritage Conservation district are being minimized.

3.6.7 HIGH-RISE FORM

For the purposes of this Secondary Plan, high-rise buildings will be described as buildings 9 storeys in height and taller. High-rise buildings will be designed with a podium base and tower above.

a) The podiums of new high-rise buildings shall have a height of 4 to 5 storeys to frame the park, except along the Richmond Street and Central Avenue frontages where podiums shall have a height of 2 to 3 storeys.

b) Buildings shall step back a minimum of 5 metres above the podium for all portions of high-rise buildings fronting Victoria Park or Richmond Street.

c) Buildings shall step back a minimum of 3 metres above the streetwall for all portions of high-rise buildings not fronting Victoria Park or Richmond Street, but fronting public streets or pedestrian walkways.

d) High-rise buildings should have a minimum separation distance of 30 metres between towers. This separation distance is intended to:

   i) Enhance the ability to provide a high-quality, comfortable public realm

   ii) Protect development potential of adjacent sites

   iii) Provide access to sunlight on surrounding streets and Victoria Park

   iv) Provide access to natural light and a reasonable level of privacy for occupants of tall buildings

   v) Provide pedestrian-level views of the sky between tall buildings particularly as experienced from adjacent streets, Victoria Park, and views between towers for occupants of tall buildings

   vi) Limit the impacts of uncomfortable wind conditions on streets, Victoria Park, and surrounding properties

e) All portions of high-rise buildings above the podium should be setback a minimum of 15 metres from the property line of any adjacent sites that could accommodate a high-rise development, as to not compromise the development potential of adjacent properties.

f) Residential tower floor plates in high-rise buildings should be a maximum of 750 square metres to limit large shadows on streets, the park, and nearby properties. Office uses may have larger floor plates based on operational requirements, but should be designed to limit large shadows on streets, the park, and nearby properties

g) Shadow studies shall be required for all planning and development applications for new high-rise buildings to demonstrate how the impact of shadows on the park, public realm, and West Woodifled Heritage Conservation district are being minimized.

h) Towers shall not have any blank facades

i) The top portions of the tower shall be articulated through the use of a small setback, difference in articulation, or the use of an architectural feature. The mechanical penthouse shall be integrated into the design of the tower.



3.7 BONUSING

Additional direction is provided on bonusing beyond what is provided in the Official Plan to ensure that the matters provided in exchange for additional height and density meet the needs of the area surrounding Victoria Park.

In accordance with the permitted heights identified in Schedule 5: Permitted Heights, additional height up to the limits specified may be permitted through the use of a bonus zone.

a) Where high-rise forms are permitted and where it can be demonstrated that significant measures are put in place to support or mitigate additional height or density, City Council may pass a by-law, known as a bonus zone, to authorize increases in the height and density of development beyond what is otherwise permitted by the *Zoning By-Law*, in return for the provision of such facilities, services, or matters as are set out in the bonus zone.

b) The following facilities, services, and matters will be prioritized when permitting additional height and density through bonusing on lands within the Victoria Park Secondary Plan boundary:

    i) Affordable housing

    ii) Securing and developing new publicly-accessible pedestrian connections

    iii) Publicly-accessible car parking, car sharing, and bicycle sharing facilities

    iv) Contribution to the development of transit amenities, features, and facilities



3.8 LAND USE

Land uses around Victoria Park should be supportive of the active pedestrian realm around the park, while recognizing the prominence of Richmond Street as a main street. The *Zoning By-law* will provide more detail on individual permitted uses; this may not include the full range of uses identified in this Secondary Plan.

a) A broad range of residential, retail, service, office, community facility and other related uses may be permitted within the Victoria Park Secondary Plan boundary.

b) A minimum of 60% of the Richmond Street frontage at grade will be street-related retail and service uses oriented towards Richmond Street. Community facility and institutional uses may be permitted if they are to be used for street-oriented, active uses.

c) New development that does not have frontage on Richmond Street is encouraged to have street-oriented retail and service uses at grade.

d) Auto-oriented uses are prohibited and drive through facilities will be prohibited within the Victoria Park Secondary Plan boundary.



3.10 COMPATIBILITY WITH PARK ACTIVITIES

Victoria Park serves as an important city-wide resource for active and passive recreational activities. It is also an important neighborhood resource for residents of Woodfield and the downtown. It is important to ensure the continued vitality and functionality of Victoria Park as a destination for Londoners.

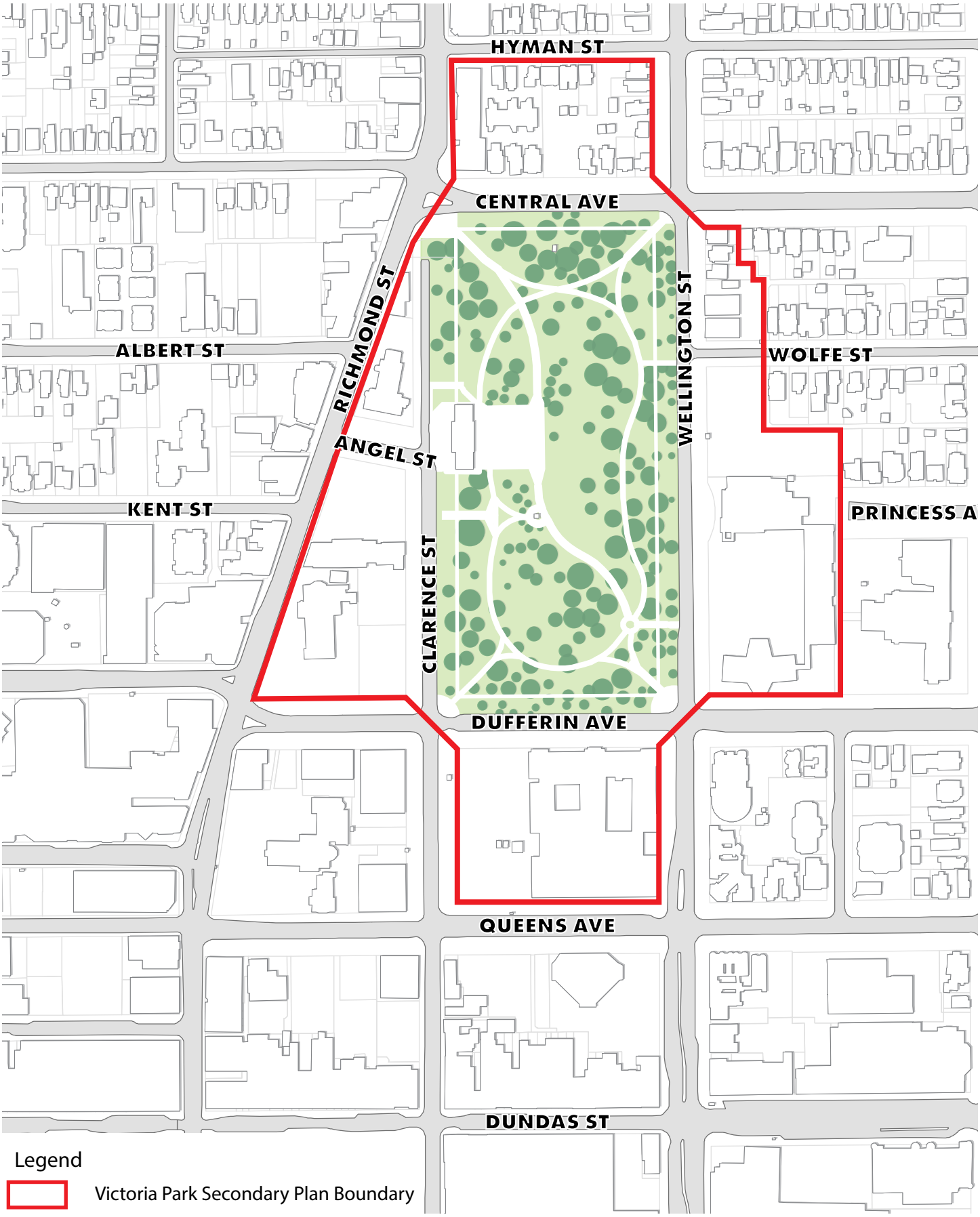
a) Noise studies shall be submitted with all Site Plan Control applications for new mid-rise or high-rise residential developments and should consider how noise from festivals will be mitigated through sound dampening building practices. Purchasers and/or tenants should be advised of the possibility of noise from festivals though the addition of a warning clause to the lease or agreement of purchase and sale and registered on title.

b) Wind studies shall be submitted with all Site Plan Control applications for new mid-rise or high-rise residential developments to provide information on the existing wind conditions and the wind conditions that can be expected when the proposed development is constructed. The study will demonstrate how the wind conditions that are expected to be generated by the proposed development are being mitigated, and demonstrating the resulting wind conditions after mitigation are comfortable for pedestrians on sidewalks and users of the park.

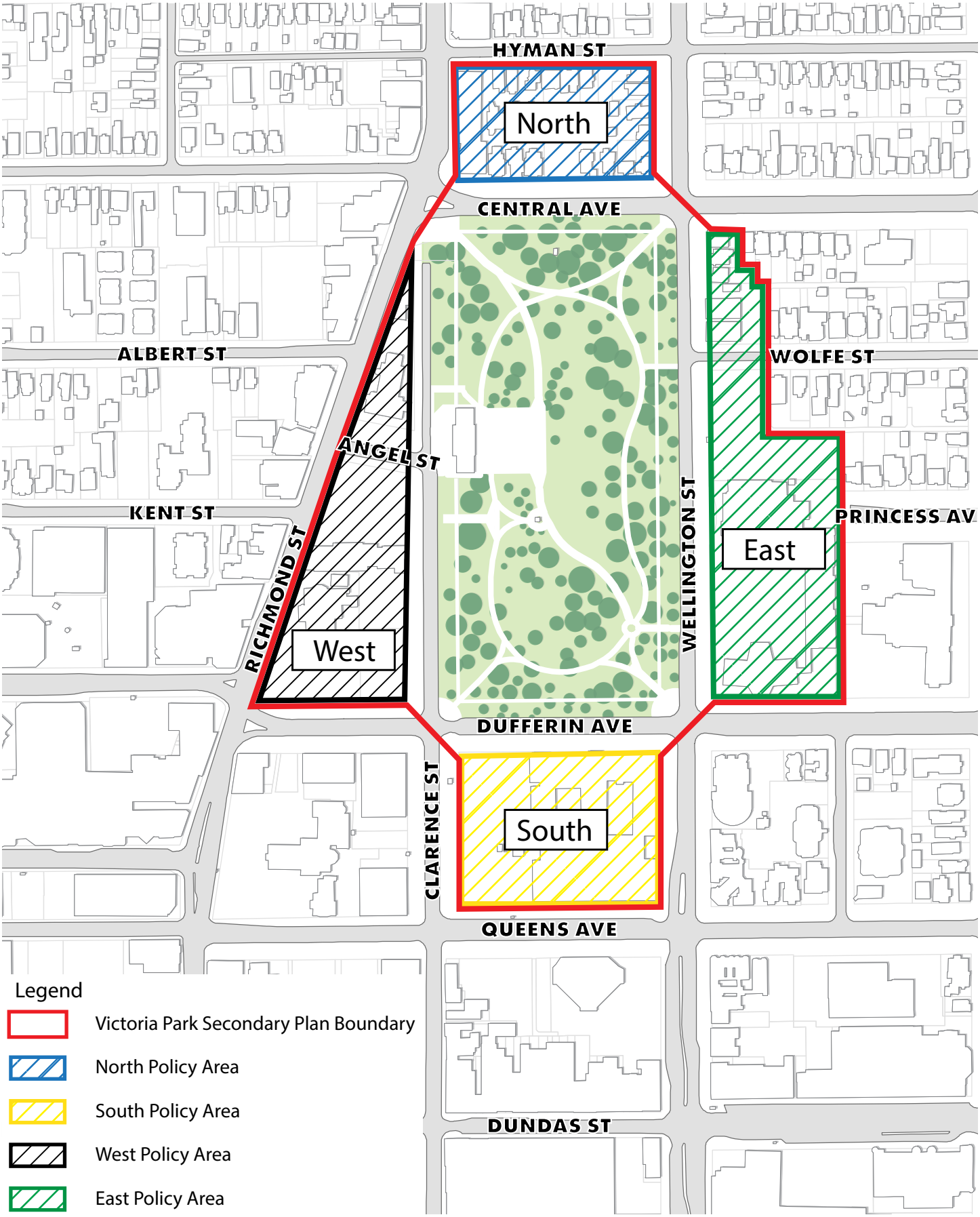
c) New mid-rise and high-rise multi-unit residential developments shall provide indoor and/or outdoor communal amenity space for residents to help moderate the impacts of increased intensification on the grounds of Victoria Park.

4.0 Schedules

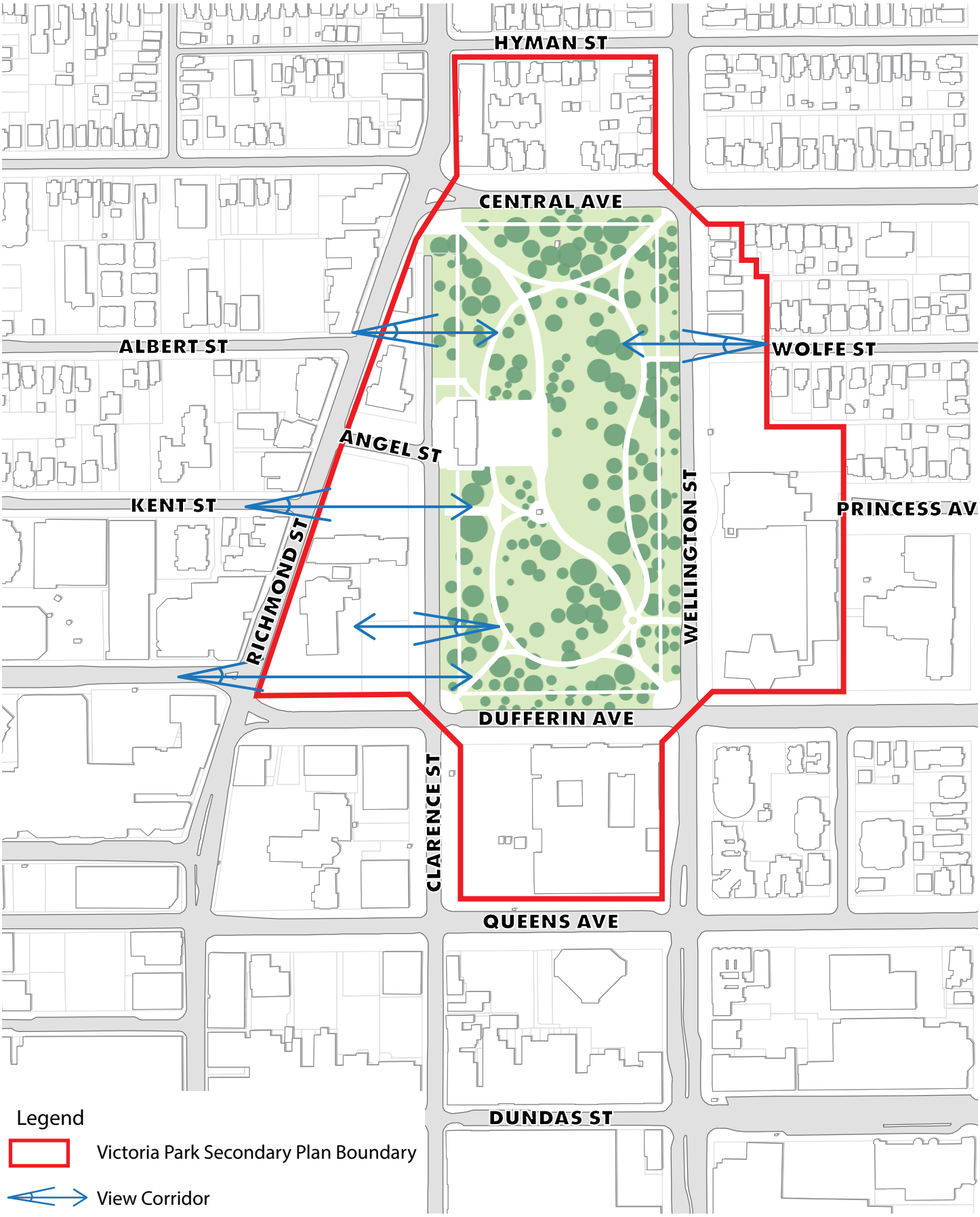
SCHEDULE 1: SECONDARY PLAN AREA



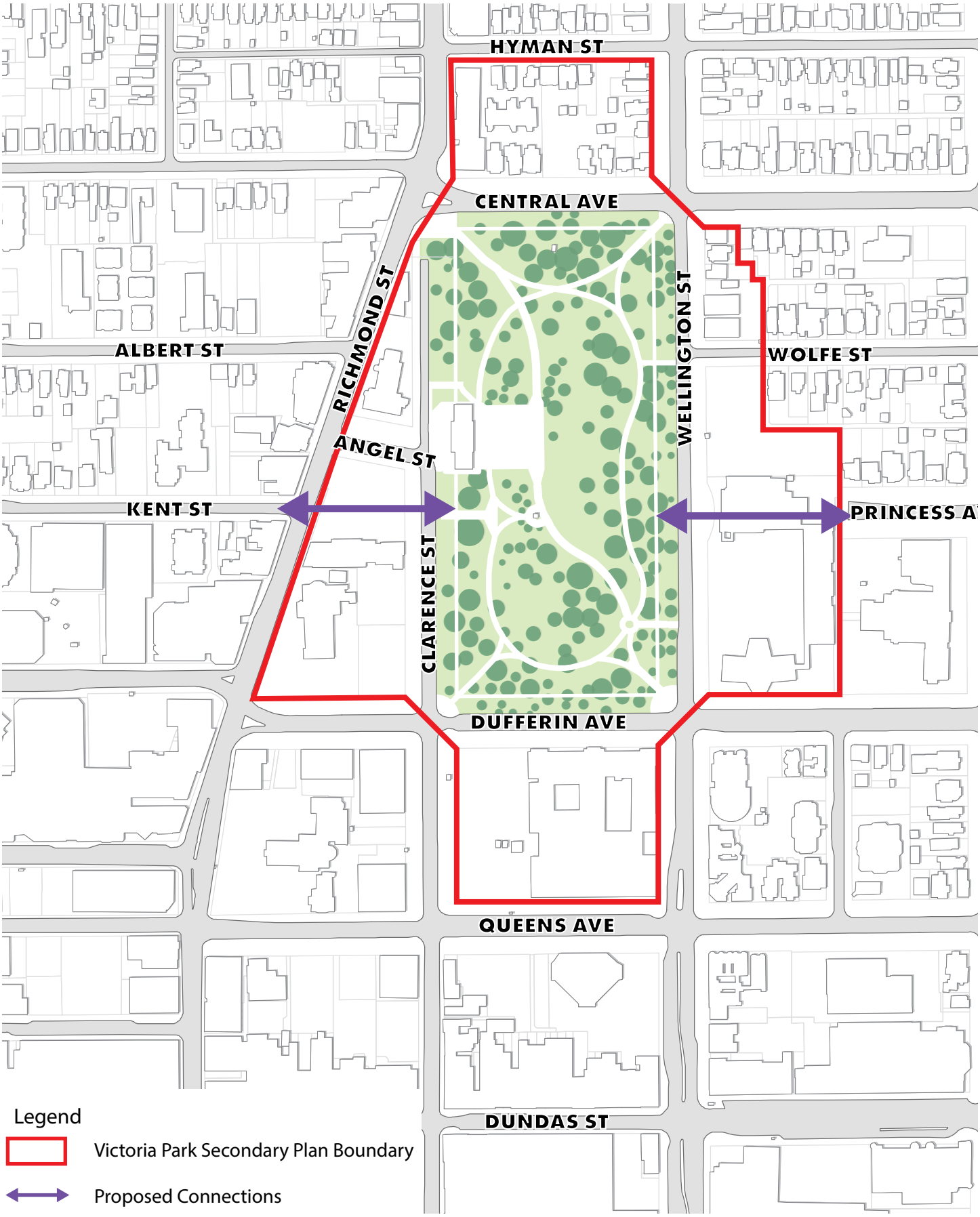
SCHEDULE 2: POLICY AREAS



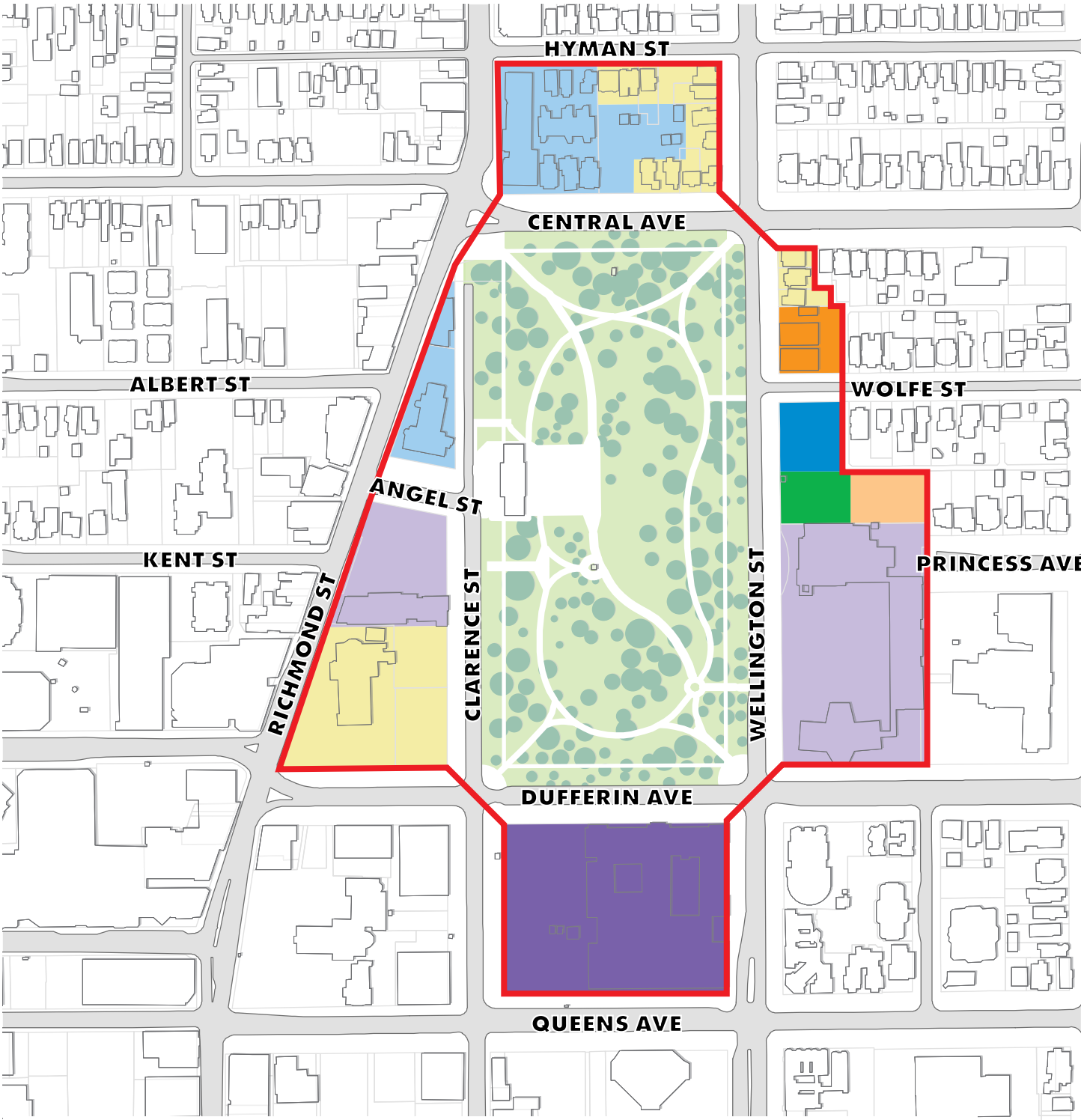
SCHEDULE 3: VIEW CORRIDORS



SCHEDULE 4: CONNECTIONS



SCHEDULE 5: PERMITTED HEIGHTS

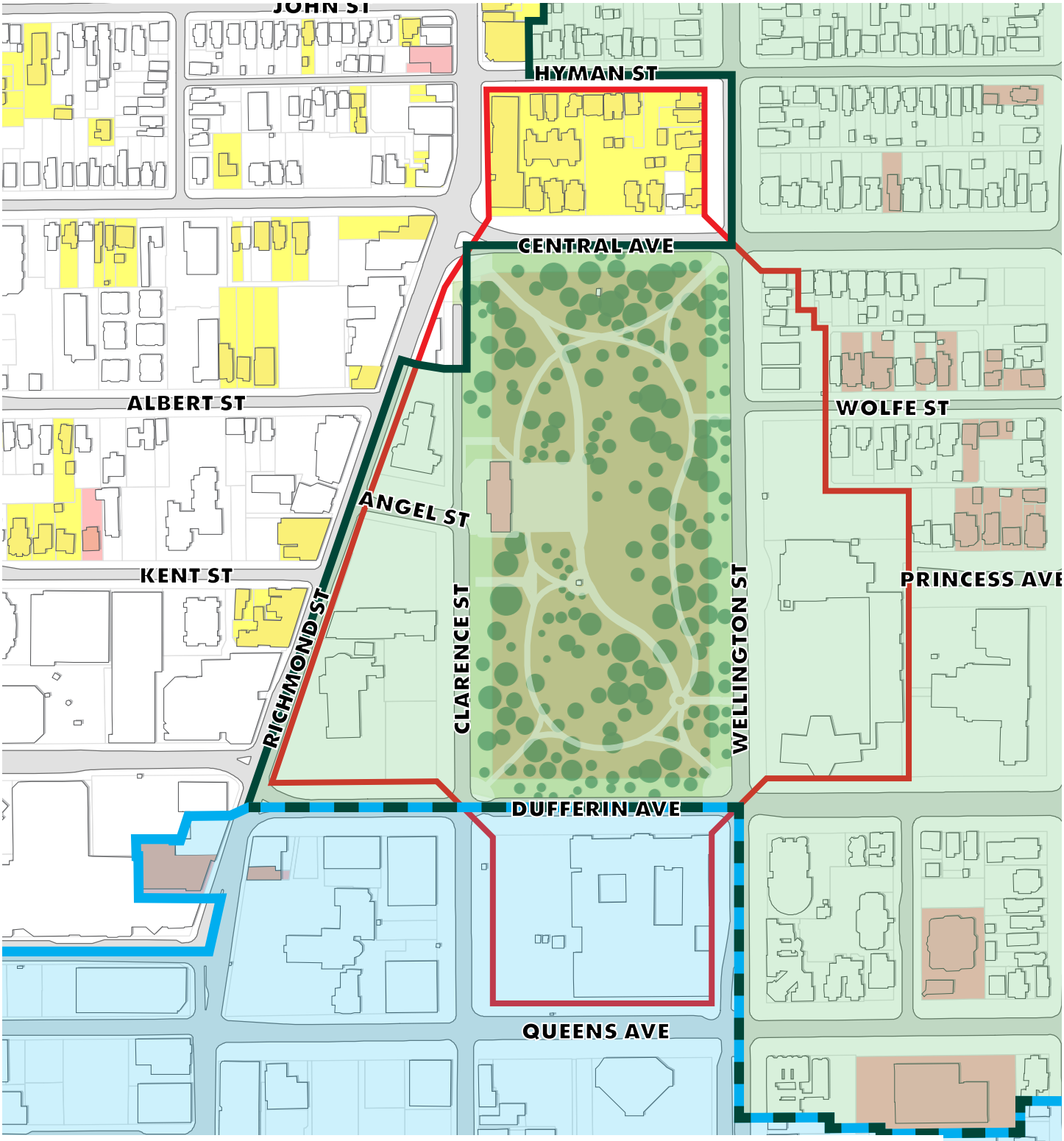


Legend

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- 3 (or 9m) -20 Storeys (up to 25 with bonusing)
- 3 (or 9m) - 20 Storeys (up to 35 with bonusing)

5.0 Appendices

APPENDIX A: CULTURAL HERITAGE



Legend

- Victoria Park Secondary Plan Boundary
- West Woodfield Heritage District Boundary
  Part V Designated
- Downtown Heritage District Boundary
  Part V Designated
- Listed On City's Heritage Inventory
- Individually Part IV Designated
  Heritage Property

APPENDIX B: REASONS FOR DESIGNATION - VICTORIA PARK

SCHEDULE "A"

To By-law No. L.S.P.-3311-283

Victoria Park is bounded by Central Avenue, Clarence Street, Dufferin Avenue and Wellington Street including part of Princess Avenue (formerly known as Bond Street) closed by By-law registered as Instrument GD34133 in the City of London and County of Middlesex being all of PIN 08266-0001.

SCHEDULE "B"

To By-law No. L.S.P.-3311-283

REASONS FOR DESIGNATION - VICTORIA PARK
(The Block bounded by Dufferin Avenue, Clarence Street, Central Avenue, and Wellington Street)

Historical Reason

Victoria Park represents a unique combination of beauty, amenity and heritage in the City of London. The 6.25 hectare park has been a gathering place for Londoners since 1874. Victoria Park is of significant historic, architectural and cultural heritage landscape importance in five key areas:

(a) As a registered archaeological site;
(b) Military history;
(c) A designed landscape;
(d) A place of public gathering and celebration; and
(e) Monuments

Victoria Park is a significant resource for archaeology in London, exhibiting three critical layers of historic importance. Prehistoric remains from the native occupation of the area can be found below ground, as well as, remains from the British Military occupation. The Framed Infantry Barracks which covered the northern two-thirds of the park property in the period circa 1838-1873 represents the largest and best preserved historic site in the City of London. Victoria Park is also the City's most celebrated designed landscape from the 19th Century, created by American landscape architect Charles Miller 1878. The layout of the landscape was reminiscent of an English parkland with drives and tree lined walks, fountains, floral areas and bandstand. Limited remains for this grand parkland era remain today. Victoria Park, from its conception, has continually evolved in its role and relationship to London. Its development must be seen in conjunction to the history of design, society and conventions, and the City's fiscal and management considerations of various periods. To date the park has been idealized as a pleasure ground, a venue of horticultural and artistic expression, a recreational facility and most recently a civic space for special events.

Archaeological investigations of Victoria Park indicate that the property represents the single largest and best preserved historic archaeological site in the City of London. It is arguably the most important historic archaeological site in the City by virtue of its significance to the history of the region and to the development of the municipality. Altogether, these remains represent some of the most important complex issues for future management within the property.

Archaeological assessment indicates a number of components within the park including evidence of prehistoric Iroquoian occupation sometime within the period 800-1550 AD.

Historic research has determined that the Framed Infantry Barracks covered an area of some 10 acres including the entire norther two-thirds of Victoria Park; the southern third was used as the drill ground and cricket ground. This Barracks fonned an integral part of the British Military Reserve established in London following the Rebellion of 1827. The British Garrison was based in London from 1838 to 1853, when troops were withdrawn to be sent to the Crimean War, and again from 1861 to 1869. During the mid to late 1850s , the complex served as a refugee camp for escaped slaves from the United States and as the site of a racially integrated school. The barracks survived until the early 1870s, when a fire destroyed the officers' quarters, and the remainder of the structures were cleared in preparation for the creation of Victoria Park.

The barracks complex included several dozen structures surrounded by a stockade with projecting bastions. The major structures centred around a parade square. It was bounded by the soldiers' quarters to the north, the officers quarters to the south, the hospital compound to the west, and the canteen, cells, defaulters room and powder magazine to the east.

When the British Government saw no reason to retain the garrison lands, the drive to have the land become a public park began. The Municipal Council began to initiate civic improvements such as street beautification in 1871 and the establishment of a standing committee on Public parks in 1873. It was not until 1878 that London received the deed for Victoria Park. It was a this time that William Saunders presented to City Council plans for the park prepared by American Landscape Architect Charles H. Miller. In March 1878 Charles Miller came to London with the layout plans for the park. The plans were adopted, and park development proceeded as per Millers plan.

Charles Miller (1829-1902) gained prominence when he became the chief gardener for the Bureau of Horticulture for the Centennial Exhibition in 187 6 in Philadelphia. Miller is known to have done two projects in Southwestern Ontario, both seemingly instigated by William Saunders. The first was Victoria Park in 1878 followed by the commission to prepare a landscape and site plan for the Ontario Agricultural College, Guelph in 1882. Through various documents and letters it is known that Miller made several visits to Canada during this period of time. He was recognized as being a leading landscape designer and horticulturalist in his day.

By the end of 1879 the first phase of the parks development was completed. A total of 3 31 trees and 72 shrubs were added to the double row of maple trees which already surrounded the grounds. In addition walks, drives and a bandshell were installed. The final feature added at this time was the famed fountain topped with a cupid which was installed in the centre of the park along with three military guns from the Battle of Sebastopol which had been donated by sir John Carling.

Victoria Park evolved as it assumed its role as the 'jewel of the parks system". In 1912 the park was placed under the responsibility of the Board of Water Commission (later Public Utilities Commission). Recreational activities became increasingly important with the introduction of the skating rink in 1914. By the 1920s a great number of the park's original elements such as iron benches, urns, fencing, had been removed due to age and condition and others were replaced with a single level illuminated one. From this time on, the park began a slow, inexorable decline. By the late 1950s and into the 1960s the residential character along the north and eastern edge was changing with the loss of residential uses, buildings not being oriented to the park , and parking lots.

An important aspect of the park's history are traditions that have evolved over time. Skating has been a part of the park since 1914. Public concerts have been associated with the site since the period of the British Garrison. The first bandstand was erected in the park in 1876. With the bandstand City Council established a fund for free weekly concerts and encouraged local bands. The Salvation Anny held Sunday afternoon services in the park for many years. In recent years a bandshell was built in 1950 with funds donated by the Kiwanis Club; and the present bandshell was built in 1989, again will funds from the Kiwanis Club. A very strong tradition of festivals and special events continues in the park to the present day, with over 30 events occurring annually, most notably the Festival of Lights/Winterfest, Home County Folk Festival, and Remembrance Day Services.

Architectural Reasons

Several Monuments have become important features of Victoria Park. The Boer War Soldiers' Monument was added to the park in 1912. The sculpture was commissioned by veterans of the Boer War from Montreal sculptor George W. Hill. On November 10, 1934 the Cenotaph was dedicated. It is a replica of the cenotaph that Sir Edwin Lutyens had designed for Whitehall in London, England. This monument was commissioned by the I.O.D.E. and dedicated to "The Glorious Dead".



City Planning
June 2019

London
CANADA

Appendix B – Case Studies of Urban Parks

The following case studies of urban parks were prepared by the City's consultant, Urban Strategies, and presented at the second Community Information Meeting for the Victoria Park Secondary Plan study held on January 24, 2019:

Case Studies – Urban Strategies

An analysis of global case studies was undertaken as a part of the Secondary Plan study process in order to understand the conditions around major urban parks. The selected case studies included parks across Canada and the globe that share similarities with Victoria Park with respect to the location, scale, historic character, uses, park character, and the surrounding built form edge.

Development around the parks was analyzed in terms of scale, relationship with heritage, permeability and views, connectivity, development character, and buildings heights. The examples demonstrate the characteristics that are ideal for each of their setting and lessons learned for Victoria Park.

As with Victoria Park, some of the case studies were parks with civic importance, and they managed to reinforce their civic character with the placement of monuments within view corridors that extend into the surrounding areas. Some parks were more connected to their surroundings than others. In the case of Victoria Park in Regina, the streets that surround the park extend into the park as view corridors into the central place in the park.

In places where the park was situated in a historical built form context, heritage attributes were respected and celebrated. New development adjacent to historical buildings complements the existing context in form, scale, and use of materials, as seen in the case of George Square in Glasgow, Scotland.

The development context surrounding the parks were highly varied from low-rise to high-rise, and in most cases, had a wide ranges of building heights. The case studies demonstrate that tall buildings do not necessarily compromise the experience of the park, but instead, shows that they can add to the vibrancy and the character of the place with proper design treatments to mitigate potential negative impacts to the pedestrian environment. In the case of Rittenhouse Square in Philadelphia, USA, density was focused around the park, while a low rise scale was maintained further from the park. In any case, parks with a continuous and consistent built form edges were more successful in framing and shaping the park. In most cases, these built form edges were between 4 and 10 storeys in height.

In terms of uses, many parks had a mix of uses surrounding the park including institutional, residential, commercial, and office uses. At ground level, parks with active uses such as retail and services fronting onto the parks generally had more vibrant urban character.

Merrion Square, Dublin Ireland

Merrion Square is a downtown park in Dublin Ireland built in 1762. At the time, this park was on the edge of the city and provided an opportunity for expansion with new high-end urban residences. Buildings around the park were built within 30 years of the square being created. Merrion Square in one of five Georgian Squares in Dublin and the best preserved.

Merrion Square is slightly smaller than Victoria Park though they are similar in that they both have large open fields, a large tree canopy and curving pathways, statues and monuments, ornamental landscaping, and seating areas. Merrion Square also features a playground.

Consistent building heights of four storeys and the continuous street wall creates a strongly defined edge that shapes the space of the park and creates a sense of enclosure. Originally designed and used for residential purposes, most of the buildings are now used as offices. The high quality and consistent Georgian style architecture, articulated ground level, fine-scale development with many street facing entrances and front stoops results in an attractive built form edge around the park.



Figure 4 - Merrion Square



Figure 5- Victoria Park



Figure 6 - Aerial view of Merrion Square



Figure 7 - Photo of Merrion Square

George Square, Glasgow, Scotland

George Square is the primary public square in Glasgow which was first laid out in 1781 but completed in the 1820's. Important heritage buildings around the park include the Glasgow City Chambers, the former General Post Office and the Millennium Hotel.

George Square is much smaller than Victoria Park though it also has an important historical context and civic character. The square includes four small lawns, monuments, statues, an abundance of seating, and bicycle parking. A prominent 24 metre column is located in the centre of the square dedicated to Sir Walter Scott.

High quality architecture, relatively consistent building heights of 4 to 8 storeys, and a continuous streetwall frame this park to create a strong edge definition. Buildings with diverse function and design help to create an engaging public realm. Building uses around the park include residential, office, civic, retail, and accommodations. Well-developed view corridors down Hanover Street create a prominent public space.



Figure 8 - George Square



Figure 9 - Victoria Park



Figure 10 - Aerial view of George Square



Figure 11 - Photo of George Square

Rittenhouse Square, Philadelphia

Rittenhouse Square is a small urban park in Center City, Philadelphia. It is one of five squares planned by William Penn and was built in 1683. The park features a large tree canopy, sculptures, a fountain, abundant seating, lawns, and gardens. Rittenhouse square is a very active public space serving as an important park in a high-density neighbourhood. The park is well maintained and programmed by Friends of Rittenhouse Square with events, festivals and farmers markets.

Buildings framing the park range in height from 3 storeys to 33 storeys. The predominantly high-density built form along the edge of the park quickly transitions to low-rise buildings of 3 and 4 storeys in areas further from the park. Building uses around the park include residential, office, retail, and institutional. This example shows the relation of tall buildings on the edge of the park to low-rise residential development in a historic district.



Figure 12 - Rittenhouse Square



Figure 13 - Victoria Park



Figure 14 – Aerial view of Rittenhouse Square



Figure 15 – Photo of Rittenhouse Square

Central Memorial Park, Calgary

Central Memorial Park is a Victorian Style landscaped park built in 1889. Central Memorial Park in Calgary is about half the size of Victoria Park but with similar proportions. The park features gardens, monuments and statues, a cenotaph, the Memorial Park Library, a restaurant, fountains and seating areas. The Central Memorial Library, one of the Carnegie libraries, is a national historic site and opened in 1912.

Buildings surrounding the park vary in height from 3 storeys to 34 storeys. A hotel, residential, office, a hospital, and retail surround the edge of the park. Tall buildings around the park help to shape and contain the large open space of the park. There are gaps in the streetwall created by undeveloped lots that could become opportunities for redevelopment which would help to create a more strongly defined edge around the park.



Figure 16 - Central Memorial Park



Figure 17 - Victoria Park



Figure 18 – Central Memorial Park



Figure 19 – Central Memorial Park

Victoria Park, Regina

Victoria Park in Regina is a downtown park the size of two city blocks. The area was set aside for park space in 1883 and was used for recreation purposes. The space was formalized as a park in 1907 with park improvements and the naming as Victoria Park.

The park features a large tree canopy, lawns, pathways, landscape planting, monuments, sculptures, a cenotaph, seating areas, public art, and a playground. There is also a hardscape plaza known as City Square Plaza. The cenotaph in the centre is the focal area of the park. Programming in Victoria Park includes events, festivals, a farmer's market, and ice skating in the winter.

Victoria Park is framed by buildings with a diversity in scale and style. Buildings around the park include office, commercial, retail, residential, and institutional uses. Buildings range from 2 storeys to 20 storeys. View corridors are maintained down Cornwall Street with a view that terminates on the park with large trees and the cenotaph in the centre of the park. This street also provides an important connection to the park.



Figure 20 - Victoria Park, Regina



Figure 21 - Victoria Park, London



Figure 22 – Aerial view of Victoria Park, Regina



Figure 23 – Photo of Victoria Park, Regina

Dorchester Square, Montreal

Dorchester Square in Montreal was acquired and set aside starting in 1872 and the park was completed in 1892. The park was originally known as Dominion Square up until 1967 when the adjacent Place du Canada was created. Together, these spaces form an important open space roughly half the size of Victoria Park though more linear in shape and split by the Rene-Levesque Boulevard. The park contains a café, walking pathways, historic monuments, ample seating, and a large tree canopy.

The park is bordered by a mix of modern and heritage buildings. Building uses around the park include commercial, retail, and institutional uses. Important historic buildings around the park include the Sun Life Building, Dominion Square Building, Le Windsor, Mary Queen of the World Cathedral, and St Georges Anglican Church among other notable buildings. There are large variations in building heights from 3 storeys to 45 storeys around the park, but it does not overwhelm the space and instead adds to the vibrancy and the character of the place. The park gives a sense of respite in the downtown of Montreal.



Figure 24 - Dorchester Square



Figure 25 - Victoria Park



Figure 26 – Aerial view of Dorchester Square



Figure 27 – Photo of Dorchester Square

Canoe Landing Park, Toronto

Canoe Landing Park in Downtown Toronto was completed in 2009 as a privately funded project that complements the City Place development. The park features a green lawn, a turf field, and public art. The Park is a popular place for people to bring their dogs. Public art includes work by Douglas Coupland.

The built form around the park includes residential high-rise buildings with ground level retail. A community centre of 2-3 storeys is currently being built on the undeveloped lot to the east of the park seen in the following aerial images. The 9-10 storey podium base of buildings surrounding the park helps to shape the space and towers are setback from the podium while higher towers are placed further from the park. The park is in a challenging location because of the topography with steep slopes to the west and south and the proximity to the highway though it is a successful contemporary space.



Figure 28 - Canoe Landing Park



Figure 29 - Victoria Park



Figure 30 – Aerial view of Canoe Landing Park



Figure 31 – Photo of Canoe Landing Park

Emery Barnes Park, Vancouver

Emery Barnes Park is a small urban park serving a high-density neighbourhood in Vancouver which was built in three phases from 2003 to 2012. The park features a playground, seating area, an open lawn, pathways, pergolas, a dog park, chess board tables and a water feature consisting of fountains and a stream.

A mix of building heights frame the park ranging from 1 storey to 33 storeys. Building uses include commercial, retail, residential and institutional. Buildings around the park are mostly point towers with a podium base of 3-4 storeys. Active and attractive ground floor frontages create a welcoming pedestrian scale. Active commercial frontages, residential units and building lobbies that open to the park and street trees creates a development that complements and relates to the park.



Figure 32 - Emery Barnes Park



Figure 33 - Victoria Park



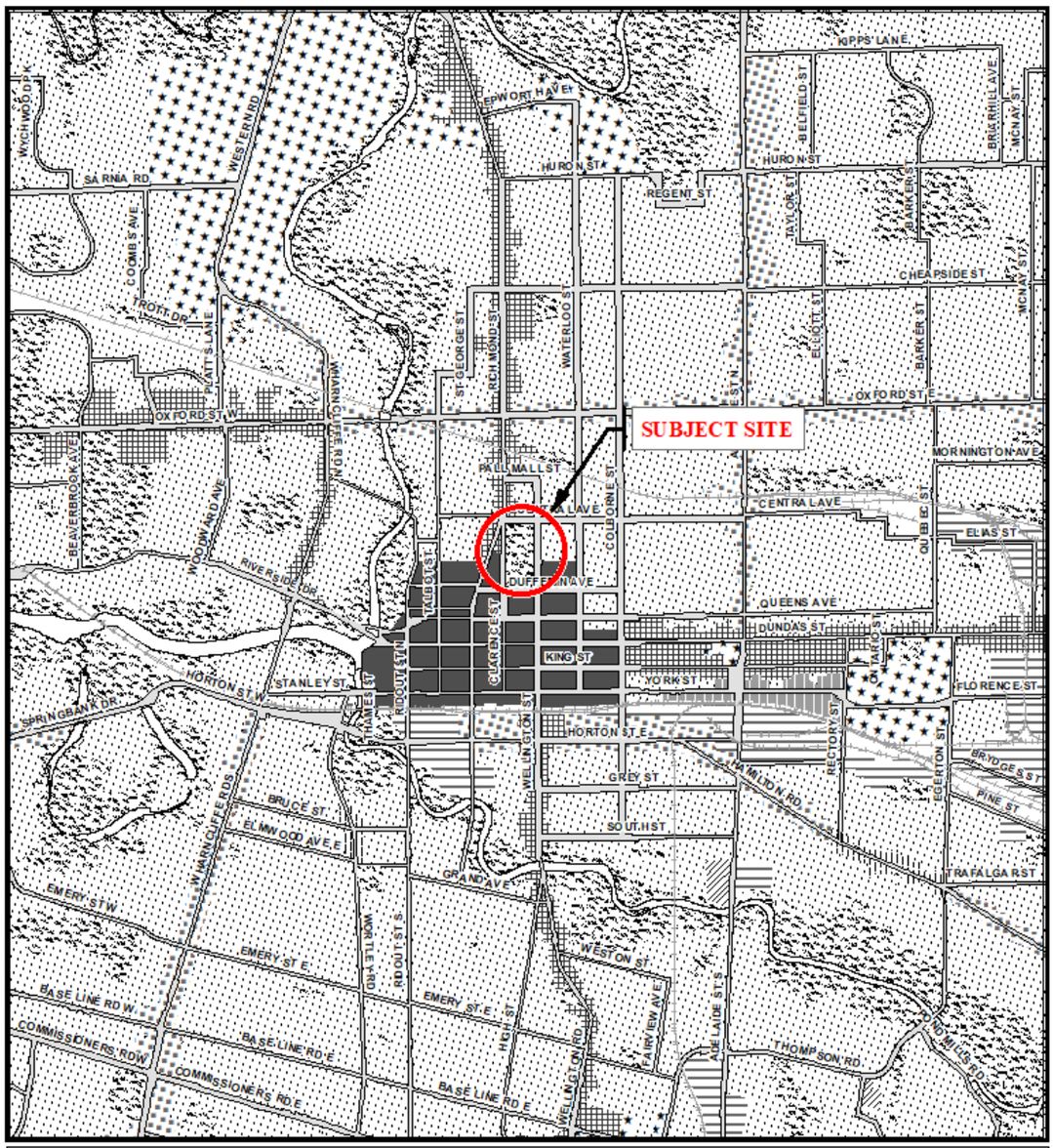
Figure 33 – Aerial view of Emery Barnes Park



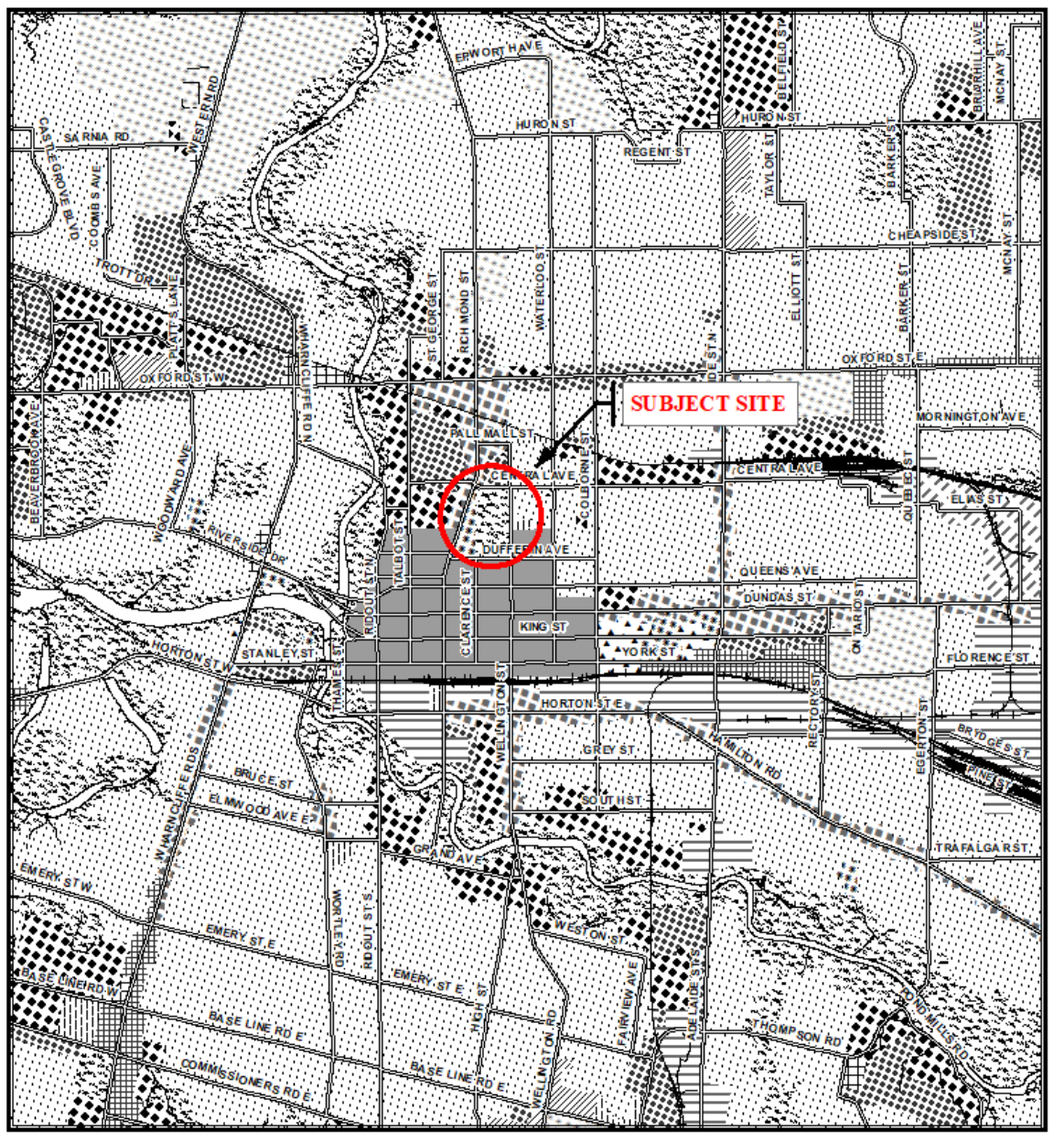
Figure 34 – Photo of Emery Barnes Park

Appendix C – Relevant Background

Additional Maps



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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 -

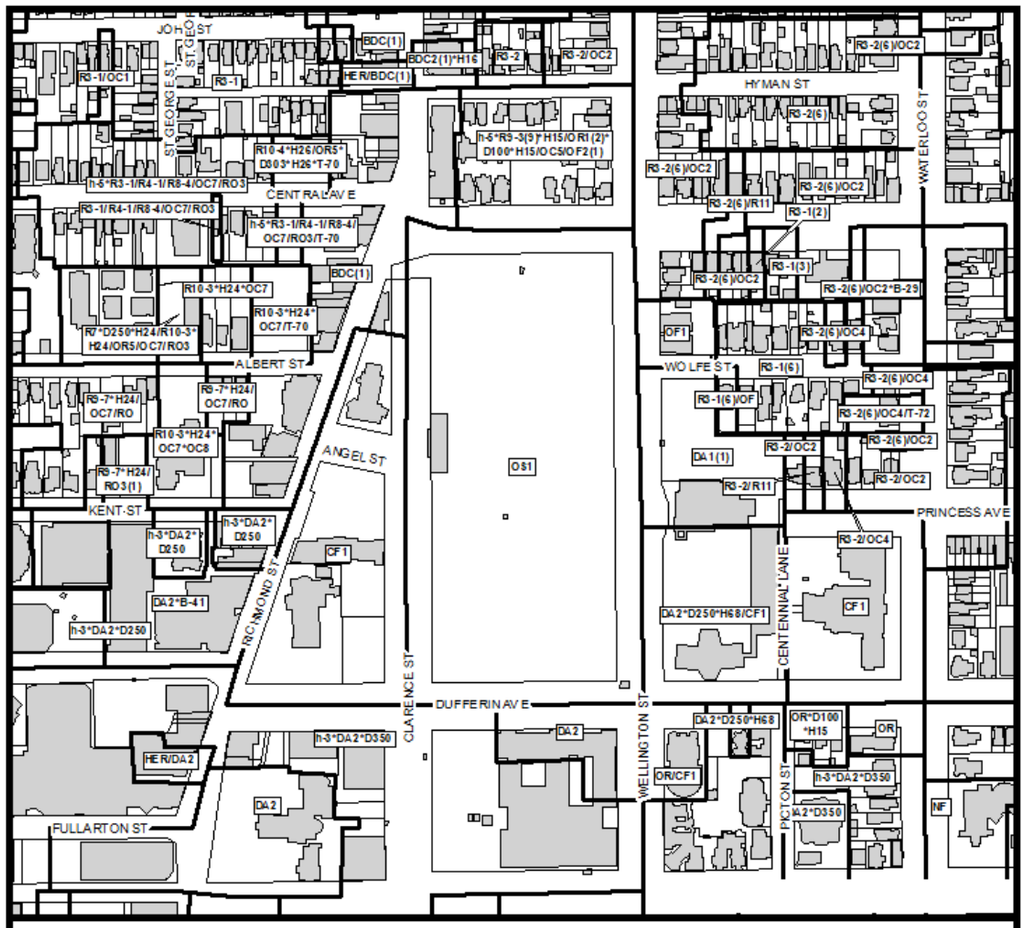
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Meters

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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

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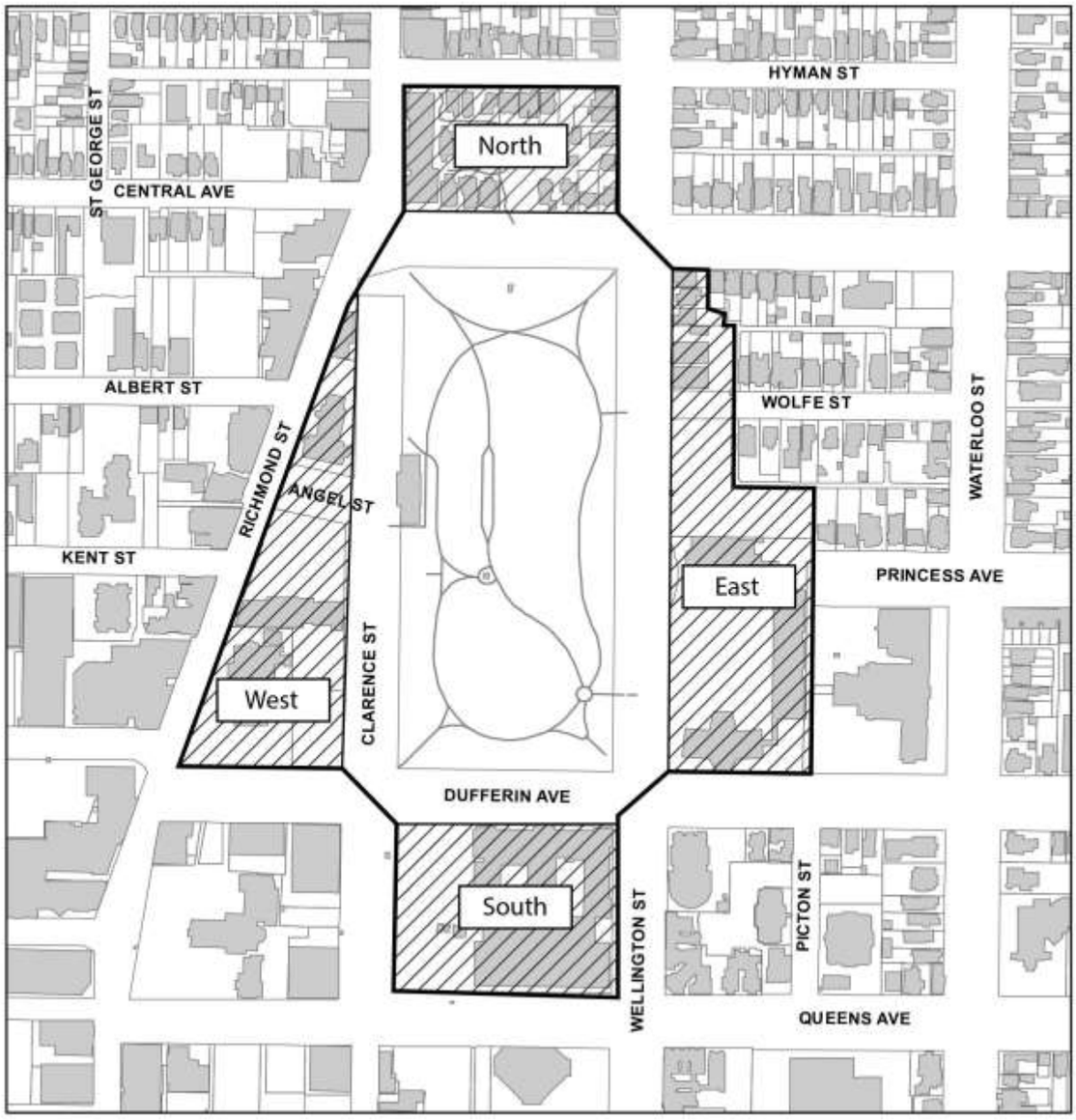
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2018/04/23

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Existing Policy Framework

The following provides an overview of the existing policy framework that applies to the four Policy Areas surrounding Victoria Park:

Figure 4– Four Policy Areas in the Victoria Park Secondary Plan



North Policy Area

Existing Land Uses

The North Policy Area is currently lined by a ring of 2.5-storey residential buildings, many of which have been converted for office uses, with the exception of the Richmond Street frontage which is occupied by a 4-storey mixed use building. A 3-storey residential building is located in the western portion of the interior of the block. A parking lot is located on the eastern portion of interior of the block which presents an opportunity for intensification.

The London Plan

The western portion of this block, fronting Richmond Street, is in the Rapid Transit Corridor Place Type in The London Plan. The Rapid Transit Corridor permits a range of commercial and residential uses and, based on the location of the subject site in close proximity to a proposed rapid transit station, would allow for a range of permitted heights between 2 and 12 storeys, up to 16 storeys with bonusing. The eastern portion of the block is within the Neighbourhoods Place Type, permitting primarily residential uses with a range of permitted heights of 2 to 4 storeys.

This block is also subject to a specific policy area in the Neighbourhoods Place Type (Policies 1033 to 1038). This specific policy area identifies that the Woodfield Neighbourhood is to be maintained as a low density residential area. This policy includes specific guidance for this block, which is identified as permitting Multi-Family Medium Density Residential uses and encourages development which is similar in scale and design to the existing structures in the area.

The portion of this block fronting Richmond Street is also part of a specific policy area for the Richmond Row Specific Segment policies, applying from Oxford Street to Kent Street. Sites within the Richmond Row Specific Segment have a range of permitted heights between 2 and 12 storeys, with up to 16 storeys permitted through bonusing. Policies also require the conservation of cultural heritage resources, and the requirement that development proposals assess the potential impact on heritage resources and to design new development to avoid or mitigate such impact.

1989 Official Plan
The 1989 Official Plan designates the western portion of the block, fronting Richmond Street, as Main Street Commercial Corridor, while the eastern portion of the block is designated Multi-Family Medium Density Residential. Main Street Commercial Corridors permit a variety of small-scale retail, commercial and service uses. Residential uses are also permitted. Heights for properties fronting Richmond Street are to step down from Kent Street to Central Avenue, with maximum heights specified in the Zoning By-law. The Multi-Family Medium Density designation allows for primarily residential uses with a maximum density of 100 units per hectare.

This Policy Area is also subject to the Woodfield Neighbourhood policies for specific residential areas in the 1989 Official Plan (Policy 3.5.4) which identifies that the Woodfield Neighbourhood is to be maintained as a low density residential area. This block is identified as permitting Multi-Family Medium Density Residential uses, and encourages development which is similar in scale and design to the existing structures in the area.

Zoning
This majority of this Policy Area has zoning that permits office and residential uses, with a maximum height of 15 metres (approximately 4 to 5 storeys), with the exception of the property fronting onto Richmond Street which has zoning to permit a mixture of commercial and residential uses, with a maximum height of 12 metres (approximately 3 to 4 storeys).

Heritage
This Policy Area is not located in a Heritage Conservation District, but several properties in the block are listed on the City's Register.

West Policy Area
Existing Land Uses
The West Policy Area is occupied by a restaurant (William's Café) First Baptist Church, St. Peter's Cathedral Basilica and the former St. Peter's School building which is associated with St. Peter's Cathedral Basilica. The Policy Area is also occupied by surface parking lots. These surface parking lots present potential opportunities for intensification. Angel Street bisects the Policy Area, connecting Richmond Street to Clarence Street.

The London Plan
In The London Plan, the portion of the Policy Area south of Angel Street is within the Downtown Place Type, with a range of permitted heights of 2 to 20 storeys, and heights of up to 35 storeys may be approved through bonusing. The portion of the Policy Area north of Angel Street is in the Rapid Transit Corridor Place Type, allowing a range of commercial and residential uses with a range of permitted heights between 2 to 12 storeys, with up to 16 storeys permitted through bonusing.

This Policy Area is also included in the Woodfield Neighbourhood specific area policy in the Neighbourhoods Place Type in The London Plan (Policies 1033 to 1038). These policies identify that the Woodfield Neighbourhood is intended to be maintained as a low density residential area, limiting office conversions to certain areas. The properties in this Policy Area are not in the Neighbourhoods Place Type in The London Plan.

The portion of this Policy Area north of Kent Street is also part of a specific policy area for the Richmond Row Specific Segment policies, applying from Oxford Street to Kent Street. Sites within the Richmond Row Specific Segment have a range of permitted heights between 2 and 12 storeys, with up to 16 storeys permitted through bonusing. Policies also require the conservation of cultural heritage resources, including the requirement that development proposals assess the potential impact on cultural heritage resources and to design new development to avoid or mitigate such impact.

1989 Official Plan
The entirety of this Policy Area is within the Community Facilities designation in the 1989 Official Plan, with the exception of the northernmost property in the Policy Area which is designated Main Street Commercial Corridor. The Community Facilities designation allows a variety of institutional uses, while the Main Street Commercial Corridor designation contemplates residential uses and a variety of small-scale retail, commercial and service uses.

This Policy Area is within the Woodfield Neighbourhood policies for specific residential areas (Policy 3.5.4). These policies identify the Woodfield Neighbourhood as intended to be maintained as a low density residential area, limiting office conversions. The properties in this Policy Area are not designated residential in the 1989 Official Plan.

Zoning
The majority of this Policy Area is zoned to allow for community facilities, with a maximum height of 12 metres (approximately 3 to 4 storeys). The exception is the property occupied by the restaurant on the northern portion of this Policy Area which has zoning that allows for a mixture of commercial and residential uses, with a maximum height of 12 metres (approximately 3 to 4 storeys).

Heritage
This Policy Area is within the West Woodfield Heritage Conservation District.

South Policy Area
Existing Land Uses
The South Policy Area abutting Victoria Park is occupied by the 4-storey London Life Building and an associated surface parking lot. The surface parking lot, located on the west portion of the block, presents an opportunity for intensification.

The London Plan
Properties in the South Policy Area are within the Downtown Place Type in The London Plan, which permits a range of commercial and residential uses and is intended to accommodate the highest levels of development intensity in the City with the range of permitted heights between 2 and 20 storeys, up to 35 storeys with bonusing.

1989 Official Plan
These properties are also in the Downtown Area designation in the 1989 Official Plan, which also contemplates the highest levels of development intensity in the City and permits a range of commercial and residential uses.

Zoning
The zoning in this Policy Area permits a variety of commercial and residential uses with heights up to 90 metres (approximately 30 storeys).

Heritage
The properties in this Policy Area are in the Downtown Heritage Conservation District.

East Policy Area

Existing Land Uses

The East Policy Area abutting Victoria Park is occupied by 2-storey residential dwellings that have been converted to office uses, a two-storey residential dwelling, a two-storey office building and a 5-storey office building on the 560-562 Wellington Street site, a surface parking lot associated with Great West Life, Centennial Hall performance venue, Reginald Cooper Square, a mixed-use building (Centennial House), and City Hall. Wolfe Street bisects the block between 560-562 Wellington Street and the Great West Life surface parking lot. There is an opportunity for intensification in the East Policy Area, particularly south of Wolfe Street

The London Plan

In The London Plan, the City Hall block is within the Downtown Place Type, while the properties to the north of the City Hall block are in the Neighbourhoods Place Type. The Downtown Place Type allows for a range of permitted heights between 2 and 20 storeys, with up to 35 storeys permitted through bonusing. The Neighbourhoods Place Type, located on a Civic Boulevard, allows primarily residential uses with heights of 2 to 4 storeys, up to 6 storeys with bonusing. There is a site-specific appeal to The London Plan for the site at 560-562 Wellington Street that is one of the appeals to The London Plan being considered by the LPAT.

In the 1989 Official Plan the City Hall site is designated Downtown Area, while the Great West Life surface parking lot on the southeast corner of Wolfe Street and Wellington Street is designated Office Area, and the properties north of Wolfe Street, including 560-562 Wellington Street, are designated Low Density Residential. The Downtown Area designation allows for a range of commercial and residential uses and contemplates the highest heights and densities for development in the City. The Office Area designation is primarily intended to accommodate small and medium-scale offices in low and mid-rise buildings. The Low Density Residential designation allows for primarily residential uses with a maximum height of 4 storeys and a maximum density of 75 units per hectare.

In the 1989 Official Plan and The London Plan, these properties are also subject to the Woodfield Neighbourhood policies for specific residential areas/specific area policies for the Neighbourhoods Place Type (Policy 3.5.4 in the 1989 Official Plan; Policies 1033 to 1038 in The London Plan) which identify that it is the policy of this plan to maintain the Woodfield Neighbourhood as a low density residential area, limiting office conversions to certain areas. Properties north of Princess Avenue are identified as being a low density residential neighbourhood with infill and intensification permitted only when compatible with the character, scale and intensity of the low density residential area, with the exception of the lands fronting the north side of Princess Avenue (the Great West Life parking lot) which are intended to be an area of transition between high density residential and institutional uses to the south and the low density residential areas to the north.

Zoning

The zoning on the northern portion of this Policy Area permits residential and office conversion uses with maximum heights of 10.5 metres (approximately 2 to 3 storeys), the zoning on the 560-562 Wellington Street site permits office uses with a maximum height of 10 metres, the zoning on the Great West Life surface parking lot and Centennial Hall permits a variety of commercial and residential uses with a maximum height of 90 metres, and the zoning on the City Hall, Reginald Cooper Square and Centennial House site permits a variety of commercial and residential uses with a maximum height of 68 metres.

Heritage

The properties in the East Policy Area are within the West Woodfield Heritage Conservation District Plan which includes a policy suggesting that heights step down from City Hall going north.

Appendix D – Shadow Studies

Shadow studies were conducted using the Demonstration Plan to show the shadows that could be generated using the upper height limits contemplated by the Draft Victoria Park Secondary Plan.

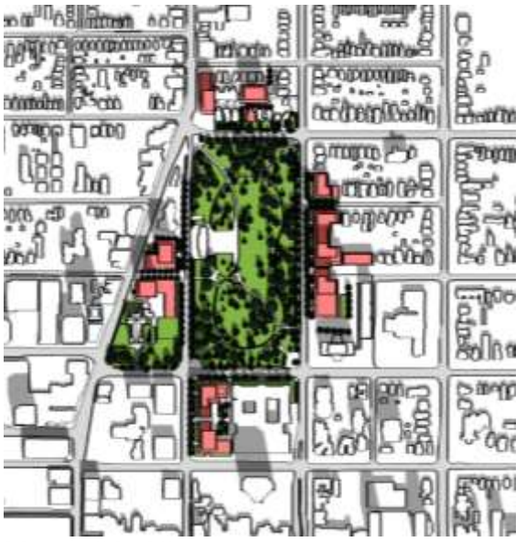
March 21 – Shadow Studies



March 21, 8am



March 21, 10am



March 21, 12pm



March 21, 2pm



March 21, 4pm



March 21, 6pm

June 21 – Shadow Studies



June 21, 8am



June 21, 10am



June 21, 12pm



June 21, 2pm



June 21, 4pm



June 21, 6pm

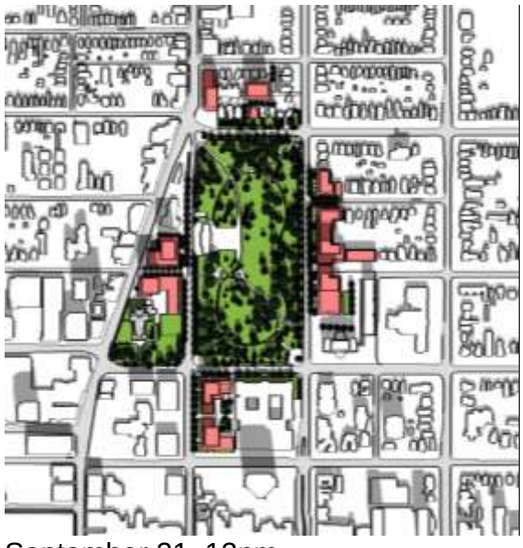
September 21 – Shadow Studies



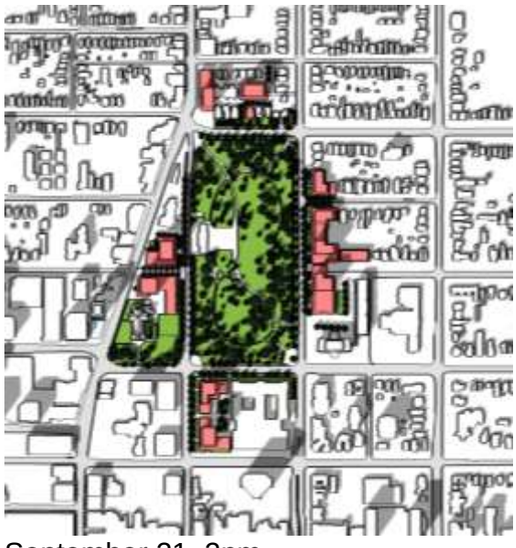
September 21, 8am



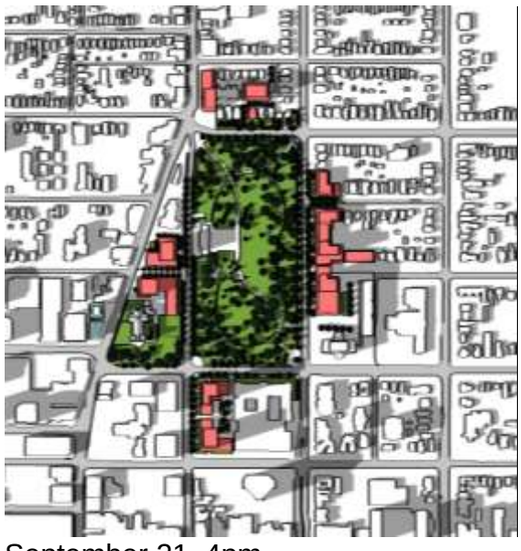
September 21, 10am



September 21, 12pm



September 21, 2pm



September 21, 4pm

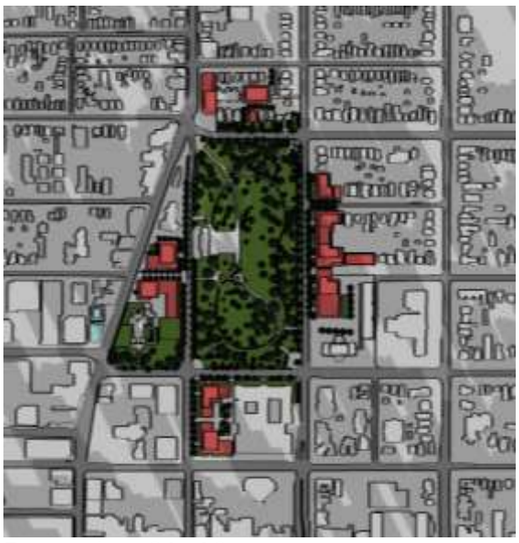


September 21, 6pm

December 21 – Shadow Studies



December 21, 8am



December 21, 10am



December 21, 12pm



December 21, 2pm



December 21, 4pm



December 21, 6pm

Appendix E – Demonstration Plan

The below Demonstration Plan provides a representation of the possible built-out that could result from the implementation of the policies in this Draft Secondary Plan. This Demonstration Plan is one possible scenario of what could be built based on the policies of this Draft Plan. Actual build out will likely differ as the policies could allow for a variety of built form scenarios. All new developments within the West Woodfield Heritage Conservation District and the Downtown Heritage Conservation District would be subject to a Heritage Alteration Permit process, and certain properties may require Heritage Impact Assessments to be submitted with any development application. This heritage review may impact a property's development potential and may not allow for the built form shown in the Demonstration Plan. This Demonstration Plan is provided for demonstration purposes only, and shows the upper height limits and contemplated by this Plan.



Demonstration Plan: Overview



Demonstration Plan: North Policy Area Detail



Demonstration Plan: East Policy Area Detail



Demonstration Plan: South Policy Area Detail



Demonstration Plan: West Policy Area Detail

PUBLIC PARTICIPATION MEETING COMMENTS

3.5 PUBLIC PARTICIPATION MEETING – Application – Victoria Park Secondary Plan – Draft Secondary Plan (O-8978)

- Eric Turcotte, Urban Strategies – stating that it is a pleasure to be here today and it has been a delight to be working with City staff and the community in developing the recommendation, the strategies, the policy that are a part of the plan; indicating that the key of the plan is to provide a greater comprehensive plan that looks at built form, that looks at open space, that looks at public realm, that looks at how the building development in the place is going to continue to evolve over time; noting that it is a framework for evaluating development proposals as they come forward because there are lot of opportunities that will present themselves in the future as to how the place, Victoria Park, will continue to evolve; stating that it is a gem within the City, it is one of the magnificent features but there is also, as you can see, around the photo, there are some empty parking lots, places that are obvious places for development, so it important to make sure that we are getting it right, that it consider the context, consider the heritage, the Act, that it continue to act as a central gathering place for the city and the region as a whole; indicating that the policies that are being put in place are generally in line with the London Plan but they also are bringing a level of specificity that is unique to, that responds to the uniqueness of the site here; noting that what you will see through the policy is the organize, although most policies apply to the entire character area; stating that there are some specific policies that would respond to each individual quadrant that are around the park because the whole park is not uniform, from that perspective so we think that the unique response that can occur; indicating that the plan principle came to you a couple of weeks ago, those were developed by the community through the public consultation, through the engagement, the principles are to preserve and strengthen the visual connection to Victoria Park and create a view corridor where possible to enhance that connectivity and create and improve those existing connections; stating that we need to make it safe and easy to get to the park; noting that this is a green gem, that the landscape edges around Victoria Park are critical and needs to continue to be strengthened and enhanced; indicating that there are two heritage conservation districts here, the West Woodfield as well as the Downtown Heritage Conservation District and these are important heritage resources that need to be preserved and to be enhanced; stating that we need to frame Victoria Park with an appropriate scale street wall, creating a base that frames the park is something that we think is extremely appropriate to create an appropriate comfortable pedestrian environment; noting that the plan as to identify opportunity from compatible and sensitive intensification to respond to the heritage context of the neighbourhood, as well as to the future transit, when it comes and is integrated to protect the residential identity of the Woodfield neighbourhood and mitigate its impact; stating that we want to support and animate the function of Victoria Park as active use and we want the ground uses around the park to support that animation; indicating that he mentioned the prominence of Victoria Park as a city gem, so that means that the buildings that are surrounding the park, we expect very high quality and design excellence, we expect that the response to these buildings, the character, the architecture, is of extremely high quality, probably higher quality than you would expect anywhere else because this is the centre of the city; indicating, again, that we want to enhance the park as not only a green space, but as a destination for all of London and beyond; stating that the policy focus on, there are some policies that are being embedded into the Secondary Plan, so these are consistent with the London Plan, but also they respond to the uniqueness of, and they provide greater specificity than what you have in the London Plan; noting that the policies that are based on your design principle, that we saw earlier, relates to the view corridor, connection, public realm, the cultural heritage, the built form, the land use and the compatibility of the park activities; indicating that he will go into a greater level of detail about what some of these policies that you have in the draft plan about what they specifically are; stating that one of the policies relates to protection and maintaining the creation of view

corridor; noting that you have some existing view corridor that are important to maintain, such as Wolfe Street, but as the development occurs, we think that it is important to continue to preserve some other views and maybe create views that actually create/foster a better connectivity with the park, including along Albert Street and Kent Street; indicating that related to the St. Peters Basilica Cathedral, where the green space along Dufferin Avenue and the façade of the church, maintain the connectivity so the green armature relates to Victoria Park, as well as the view from Victoria Park to the church, there are some places we think we would want to limit the development to maintain that visual connectivity with the church; indicating that there are also some potential connections that, as developments come forward, we want to integrate in future development, a way to facilitate access to the park; noting that those could be identified to one which could be potentially around Princess Avenue coming to the park, as well as Kent Street running east/west; stating that these do not necessarily need to be streets, they could be pedestrian walkways, they could be through development, they can take different forms, it does not have to be an entire street; stating that there are a lot of examples around the world that are quite creative about how you could create those magical places that help to improve and increase these linkages; indicating that we want to strengthen the character, that around the park there are beautiful green edges, the park spills over to the neighbourhoods, spill over on the adjacent street, it is important to continue to maintain and enhance that character as development comes forward so it will be something that will continue to contribute to the positive pedestrian experience; stating that the intention with the policy related to the cultural heritage policies are to complement what is already in the Official Plan, the London Plan, the Downtown Heritage Conservation District, as well as the West Woodfield Heritage Conservation District; stating that there are good policies that are in place so the plans refer back to these policies and strengthen them and any new development that will actually occur within these heritage conservation districts will be required to receive a heritage alteration permit before they can continue to proceed, so they will be required to go through a process; indicating that from a built form perspective, the policy will inform height, setback, tower incorporation, podium, the base of the building, as well as expectation of high quality of the architecture; stating that there is a balance between the opportunity that exists around the park for intensification and the richness that exists around the park and the environment; noting that, as you can see in the plan, generally the higher the buildings are located adjacent to the downtown and as you move north there is an expectation of transition to the neighbourhood but also intensification that are anticipated along the transit corridor; noting that the plan includes demonstration scenarios, so this is not to say that this is what the future exactly looks like, this helps the team to inform what policies are going to be in place to ensure that we have a comprehensive way to develop around the park, understanding, for example, where there might be shadow impacts where a tall building is developed, this is being assessed, looking at the impact on the environment; stating that there are different ways there could be some buildings that are lower, that are mid-rise and you can see there is a transparent section on top of the buildings that are more solid and a transparent section, these indicate where, in the London Plan, in the current policy, where bonusing can be applied to allow people to go taller and that lets you capture some of the public benefit that can continue to enhance the character of the place; stating that if we do a tour around the block, we do have the northern policy, the area at Richmond, north of Central Avenue, its adjacent to the EA for the transit corridor, the corner of Central Avenue is a place where intensification is anticipated and the plan indicates that it could be a two to twelve storey building with the possible bonus of the sixteen storeys; noting that there is also a rich edge along the block of very strong heritage buildings but there is also the opportunity for infill within that section, so by preserving the heritage character there is an opportunity to actually create a sense of infill that we think is appropriate in the centre of the block as long as the heritage structures are being preserved; indicating that the east policy area, which is north of this building, there is the highest height of building anticipated just north of this building, so at the south end of the east area, south of Princess Avenue, and as we move north from Princess to Wolfe Street to Central Avenue,

there is a gradual decrease in height to respond to transition with the existing neighbourhood, we want to make sure that is a sensitive transition and some stepping in enough building to allow for the transition toward the more sensitive area of the neighbourhood; stating that the south policy area is where we see the highest level of intensification, buildings that are two to twenty storeys, up to thirty-five storeys with bonusing; noting that we do not expect that London Life is a building that would redevelop but there is a parking lot adjacent to it that we think could take a significant amount of development, and because of its relationship to the downtown, we think this is a place where there could be greatest intensification; indicating that toward the west policy area, the area south of Angel Street and the block that is occupied by St. Peters, there is also opportunity here because of its relationship to Richmond Street and the proximity to the EA, but also in a sensitive way integrate with the Basilica Cathedral, there is a way to preserve some of the individual connection of that connectivity that was shown earlier, but still allow for some intensification on the property; indicating that, from a land use perspective, the plans seek to permit a range of mixed use around the park with street oriented retail and service at grade, the place that it would be more encouraged, where street oriented retail and service at grade would be required along Richmond Street to continue to foster that main street character, that is something that would be very important; *(Councillor A. Hopkins interrupting to enquire how much longer is required for the presentation.)*; Mr. E. Turcotte indicating there is one slide left; stating that to recognize the importance of Victoria Park it is important that new development ensure compatibility with the park activities, that would include the new development that would apply to all development would be required to create a wind study, make sure there is a shadow study that is being put in place as well; stating that a noise study would as well be required, especially looking at the impact of the park to the unit, we want to ensure that the residents that are within these new residential development actually have their construction and design mitigate impact to the park as well as ensuring there are indoor and outdoor amenity spaces included within the development to also mitigate that intensification as there will be a lot of new residents coming here; noting that there needs to be a balance of new residents and users of the park as well as having private amenities within the development to help balance the use of the park. (See attached presentation).

- *(Councillor P. Squire enquiring how this built form that is being shown in the slides, how is it related to what those properties are currently being used for and whether there is any possibility they will ever be developed; he could not help but notice that there was an allowance for twenty-five storeys where there is a Baptist Church that has been there for a long, long time, much longer than he has been in London, how do you make that connection between we can build twenty-five storeys there and what he would think is a remote possibility that anyone is ever going to build twenty-five storeys there.)*; Ms. M. Knieriem, Planner II, responding that there is a lot of development interest around the Park, in the particular case of the Baptist Church, they are not proposing the removal of the Baptist Church, the towers are just south of it as a matter of clarity; indicating that what they look at is how they see the Park developing over the next twenty, thirty years, it is a long term vision so yes, they consider where there is development interest but they also have to consider the more broad, long-term development of the Park rather than just sort of where are we at today; *(Councillor P. Squire asking for a copy of the staff presentation as it is really helpful and they do not get them regularly, if someone is presenting he would really like to have their presentation if that is possible, he thinks that is sort of technical.)*; Mr. J.M. Fleming, Managing Director, Planning and City Planner, responding that between Development Services and Planning, they can work with the City Clerk to figure out how to do that; *(Councillor A. Hopkins asking a technical question relating to the shadowing; she just wants to try to understand the shadowing, does it relate to the upper heights or does it relate to the bonusing; knowing that the bonusing is still in question at the moment but just trying to understand how the shadowing appears.)*; Ms. M. Knieriem, Planner II,

responding that the shadowing that was shown was all calculated using the height with the maximum bonus; for example, on the south side it would be the thirty-five storey so it is whatever the upper limit is in the bonus that is shown on the shadow study; *(Councillor A. Hopkins indicating that is what upper heights means then, with the bonusing, not what is allowed; thank you for that clarification)*.

- Mary Francis O'Hagan, 460 Wellington Street – indicating that her work history was in public health, health promotion, community development and research for the Ministry of Health, addressing this report as it raises questions, it is titled "The Two Voices of Woodfield: A Case Study in Public Participation"; referencing the photograph on page seven, the photograph that is shown has been distorted making the building look derelict; noting that her husband drew the yellow lines shown in her presentation to show the degree of distortion in this picture; indicating that this building is located at 560 Wellington Street; advising that the immediate reaction to looking at this photograph is to say this ugly building should be demolished; showing a photograph of the building that is in excellent condition, classic architecture of the era, built in fact in 1967, it is five storey in keeping with the buildings on Victoria Park; stating that then they go on to show precedents; indicating four parks are shown from aerial views; since most of us do not have wings showing the parks at ground level; showing Rittenhouse Square in Philadelphia; noting that this park resembles a concrete fishbowl; it must be stifling in the summer; showing an image of Dorchester Square at night with lights from the high rises and retail stores with their neon lights Victoria Park will look like this; believing this will have a negative impact on Victoria Park's tranquility such as the Christmas lights; showing an image of 22 Picton Street, fine, where it is located one block from Victoria Park, not imposing on the Park; advising that they go on to say that the "existing zoning of land adjacent to the proposed development, only six metres away, can be built to thirty storeys in height"; noting that the land they are referring to is the parking lot at 556 Wellington Street between Centennial Hall and Wolfe Street; outlining that they then go on to say "for the benefit of neighbourhood coherence, most buildings in the sequence should present a consistent alignment unless there is a good reason for a break"; providing a very simple solution, change 556 Wellington Street from thirty storeys to five storeys, this in fact, will preserve the neighbourhood coherence which is now five storeys around the Park; stating that two surveys were done by Blackridge, their client; believing this is the fox guarding the chicken coop; to prevent real, or the appearance of bias, any survey research should have been conducted by a neutral third party not from London; indicating that in this situation the researchers tend to cherry pick a few citizens and locations and engineer the results to prove their hypothesis, in research it is called a positive hypothesis and these data are useless; pointing out this is bad research, bad methodology; reading part of the summary "it will bring over a million dollars in annual property tax revenues, yet save billions in infrastructure…", the same revenues and savings are available if the high rises are in the vicinity like 22 Picton Street; believing the retail stores are for the convenience of the residents and the profits of the developers, there are numerous retail outlets in the immediate vicinity, it is about ROI; profits are good; *(Councillor A. Hopkins indicating that she is coming up to five minutes.)*; showing an image of Merrion Square in Dublin, the park was shown by Urban Strategies, its perimeter is surrounded by four storey two hundred year old Georgian townhouses, no retail stores, no neon signs; stating that in the 1950's wreckers appeared to demolish the townhouse for high rises and Dubliners, forming a human arm-in-arm chain greeted the wreckers and the rest is history; asking that Londoners and the City Council have the will and fortitude of those committed Dubliners to preserve Victoria Park's tranquility and open vistas into perpetuity. (See attached presentation.)

- Jennifer Granger, President, Architectural Conservancy of Ontario, London Branch – advising that the Architectural Conservancy of Ontario has been following this with a great deal of interest of course; indicating that they have looked over the draft plan and they see some excellent things going on here, it is wonderful to see the support for re-establishing connections to the Park with both Kent Street and Princess Avenue possibly in the future; stating that it is good to see the recommendation to extend the green space in the Park's public realm beyond the current Park perimeters, it is good to see the requirement for wind and noise studies that they see in Section 4.8 and it is very exciting to see specific mention and promotion of mid-rise buildings of about four to eight storeys; looking at the examples of Ridden House Square and various other places that they just saw shows why high rises enclosing parks are a concern and why a mid and low-rise buffer zone around Victoria Park would be vital to conserving its open vistas; pointing out a few little things that they have looked at that are puzzling them, for example, in Section 4.4 it said any future development applications in the Victoria Park Secondary Plan boundary for a property that is located in the Downtown Heritage Conservation District or the West Woodfield Heritage Conservation District will still be required to receive Heritage Alteration Permits prior to development; indicating that that almost makes it sound as if it is going to be easy to make some substantial changes to the heritage buildings that are close to the Park; expressing concern in 4.6, talking about bonusing but it is actually very vague; enquiring about bonusing, why do they have to have bonusing, what does the City get back, does it get enough back when it allows for bonusing; wondering why not, if an area is zoned for a certain number of storeys, why not just leave it at that; indicating that there does not seem to be very much so far that talks about preserving and protecting vistas, open sky views, if you are going to be standing in the Park in the future, are you still going to have a view of some blue sky; advising that they would like to see a little bit more about that, there are by-laws that have been enacted in Ontario that protect important views and vistas including that of Queens Park in Toronto as an example; reminding the Planning and Environment Committee is that with the information that they have received from the City at the moment, there is 46.6 acres, that is 19% of the Downtown core that is surface parking space, either private or City owned and it is basically just sitting there undeveloped which is contrary to most progressive City building tenants; advising what they need to do is protect the urban historical and natural jewels that make Downtown living so attractive while at the same time trying to build up those under used and wasted sites so if we were to have future development on the Downtown parking lots, then we would not need to tear down so many heritage buildings and we would not need to have so much development around Victoria Park itself; suggesting that we should have parking lots that are near the Park, if they are going to be developed, then they should be appropriate heights, low or mid-rise, so as not to overshadow the Park and if we are going to have high-rises, they should have them farther away and preferably on those unused parking lots.
- Hazel Elmslie, 63 Arcadia Crescent – see attached presentation.
- Derek Rice, 296 Queens Avenue – commenting on the comments that have been said mostly about the property on Wolfe Street, since it seems like it is the constant topic; indicating that one of the comments that was made was about a biased survey that was done for it and that got him thinking; after the last public meeting for this, The London Free Press put out a survey about high density, low density and ironically enough, over fifty percent said they were for high density and he feels that that is probably as unbiased as you are going to get; finding that interesting; advising that with the plan that has come out it seems to go for the low density which he thinks is not really forward thinking, the population of London is going up and it is going up fast, we need to be planning for the future, not for right now; understanding that heritage is important and it is important to a lot of people and he respects that but buildings like the Wolfe Street one, he does not think a big brick building does not scream heritage to him; encouraging

anyone to go on street view; if you look on street view, on Google Maps, looking down Wolfe Street you cannot really see that building, you do not see the top of it so if you put a thirty storey building there you are not going to see the top of it either, it is not going to look much different, it is just not going to be made of brick so from that point of view it is not a big worry; seeing somebody down there doing the street view thing, that is good; in terms of things like that it is clearly a development that they want to develop, a lot of the high density that they have proposed is in areas where something is already built or there is nothing being planned there; in the case of the Wolfe Street there is clearly a want to develop it and that two to eight storeys, he believes, is the current proposed; stating that it does not make sense to knock down a five or six storey building to build an eight storey building, it is not going to get done and therefore there is no high density, there is no population gain if nothing is being built and urban sprawl is going to keep happening, it is something to consider; it seems the plan put forward in some ways is thought out but it seems a bit nearsighted to him; the population of London is going up, it is going up quickly, if you have looked to buy a house you will see it is not easy to buy in London so things of high density he thinks they need to be pushed forward a lot more than they are; understanding a lot of people probably do not agree with him from that aspect but again he thinks the City needs to be planning for the future not to hold onto the now.

- Kate Rapson, Chair, Woodfield Community Association – thanking the Planning and Environment Committee for taking the time to listen to the public input; knowing there is a lot of people here waiting to speak; stating that this is London's park, there are a lot of cities around the world that have similar sized urban parks, the most well-known and appealing of these parks have been protected with restrictions to develop around the perimeter; stating that while London needs to grow up and not out, currently there is over two million square feet of surface parking lots in the Downtown core; believing they should be the focus of exciting development opportunities and incentives while protecting the valuable shared green spaces in the heart of our city which make an attractive space for everyone to live, work and play; there are a number of projects underway or proposed in the core already, indicating that currently there are about five hundred fifty under construction and there are applications at various stages or in the approval process for almost twenty-eight hundred units; stating that the Woodfield Community Association has a number of requests and questions based on the concerns raised at a recent public annual general meeting back in April as well as other feedback she has heard from neighbours; noting that this was e-mailed to the members of the Planning and Environment Committee as well; wondering if we can do more to preserve and enhance the green spaces or the edges as the plan refers to such as the boulevards, front yards and setbacks, a new building should have setbacks with green space and trees and there should not be any exceptions to that; an Environmental Impact Study of new developments of this scale, as far as she knows, has not been done; asking the Committee to please direct City staff to conduct one as there is little data of what the impact would be of new development of this scale on the parks ecology in the draft plan yet they feel that it is important given the City, as far as she understands, has declared an environmental crisis so what does it mean now if we are going to intensify it to this level, how does it impact our urban spaces which are critical as the city intensifies; advising that recently it was revealed to her, someone pointed this out, that there is actually a Victoria Park Restoration Master Plan which has been brought to her attention which dates back to 1999, has a lot of interesting parallels between the discussion today that they are having about Victoria Park and back then; it suggests that even then the City recognized environmental risks of over use of this open space; noting that this plan should have been referred to in the draft Secondary Plan; based on this Master Plan, the Secondary Draft should answer what is the carrying capacity of the Park today; believing this would help them understand how the Park is being used and the impact of uses that will change considerably with high density

intensification so even then in 1999, the report stated that the Park had exceeded its carrying capacity so it will be interesting to see what it is today and how it relates to what it did then; wondering if the plan can examine specific policies to limit the height of the new towers to twenty storeys in the south policy area where the plan currently supports up to thirty-five storeys with bonusing; advising that the west end of the south area, while it is not in the West Woodfield Heritage District, but the development would impact the Park which is in the Heritage District and protected under several policies; wondering if the plan can examine ways to limit the height to the east policy area to fewer than eighteen storeys, currently the draft supports building up to twenty-five storeys; if the principles were there to protect view corridors, why does the plan show two twenty-five storey towers along Clarence Street; the west policy area is of particular concern, this area abuts Woodfield where there are predominantly two to three storey buildings along Wolfe Street and Waterloo Street, there is very little buffer between the high rise towers and these homes; enquiring about the City Hall precinct area, her understanding is that City Hall was to be the center piece of that where there plan that was presented tonight shows a different twenty-five storey tower which would over shadow City Hall so it is a good question to have, what is the vision for the Square and City Hall in relation to the Park, do we want to overshadow City Hall with other buildings or do we want to make it the showcase or the front porch of London; *(Councillor A. Hopkins reminding her that she is coming up to five minutes.)*; wondering what more can this plan do to ensure the views and public access are protected if the draft were approved as it is, the south side of the Park would have thirty storeys, the west side would have twenty-five storeys and so on, the result would be there are towers on all four sides of the Park; while the draft does a good job at summarizing the issues and concerns, there seems to leave many critical pieces such as wind shadowing and traffic impacts; that part of the application process on new applications is left to site plan approval stage so it feels like a lot of critical pieces are left to site plan rather than the planning part; as the City sets its goal to increase intensification by forty-five percent, how close is London to that in the core, why is there so much pressure to build around the Park when the Downtown is still underdeveloped.

- Stephen Stapleton, Vice-President, Auburn Developments – understanding that there are going to be subsequent processes to speak with staff and they welcome that; advising that they do have some issues with the draft as presented; although they have had, and he saw it in the first stage, a major role in the genesis of this project, they did not want to turn it into a referendum on their application; thinking the discussion would be helpful for all of them to understand the sensitivities that Mr. J.M. Fleming, Managing Director, Planning and City Planner, spoke about and how it relates to height; indicating that people understand that and they can appreciate that argument, how you allocated the height, how you came about, what are the sensitivities, what is driving its location; thinking we would be better off, all of them, understanding where this is going; coloured plans without basic background reports, the analysis attached in an Appendix would have been helpful for this so they would look for that information as part of the discussion as they move forward so they can appreciate where they are going with this and the Committee and the members of the community could also understand and he can understand as well; thinking there is still a lot of work to do here; knowing their reward for being part of the genesis of this was getting the lowest height on their property so they will be looking to try to maximize that somewhat in the future months and they welcome the dialogue.
- Christine Dirks, - see attached presentation.
- Tom Okansky, 310 Wolfe Street – advising that he is a resident, owner and investor in other properties in the area, particularly old Victorian properties; applauding Council endorsing the principles and comment that overall the draft plan conforms to those principles; we, the representatives of the Friends of

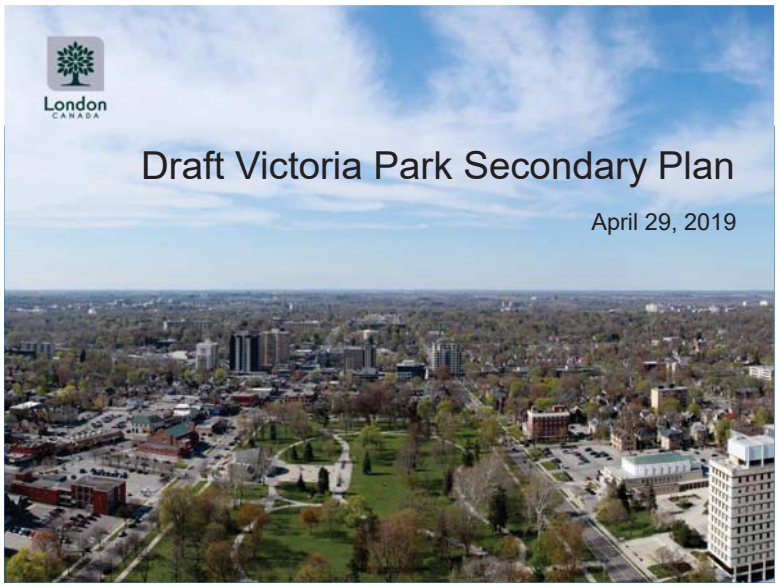
Victoria Park group, understand that you seek to find compromises in what the consultants have acknowledged at the very outset was an unfortunate set of existing zoning parameters which restricts the creativity of what could otherwise be accomplished around the Park; advising that they have several detailed points to the draft plan which they will express in a document to be presented to the Committee but he would like to highlight three of those that they deem most crucial; first, Victoria Park's ambiance is largely defined by the comfortable mix of low rise residential, institutional and commercial that exists today; the public and planning opinion reported in the staff summary recorded in the principles and expressed in the plan seeks to preserve and enhance that environment; indicating that the draft plan includes a case study of urban parks which notes in their study places were a park was situated in a historical built form context or should they say in a Heritage Conservation District new development complemented the historic architecture in form, scale and use of materials and further notes that in most cases these built form edges were between four and ten storeys in height; the properties around Victoria Park are governed by not just the West Woodfield Heritage Conservation District but also the Downtown Heritage Conservation District and a specific heritage designation for Victoria Park; the Consultants' report highlights several parks around the world that are similar in size and are profoundly successful that will also be in a predominant building height of four and five storeys, this is the same height that the Heritage Conservation Plan endorses; advising that this is the height that the Friends of Victoria Park implore you to consider; stating that the Park is a jewel, it is not just a Park, it is an extension of civic space in our town square; asking to please keep any new development, especially the development along Clarence Street, which is not currently zoned for high rise development to six storeys and maintain the strong building height created by the London Life building on the south, St. Peter's Basilica and the Baptist Church on the west and the historic buildings that wrap the north and south and east portions; secondly, they advocate the removal entirely of bonus zoning of all buildings surrounding the Park, the criteria that allow for bonusing complicates and compromises the principles the Committee is endorsing in the Secondary Plan; for example, one is the provision of affordable housing, the requirement for a twenty percent discount from average rents that will certainly exceed $1,800 a month around the Park would hardly constitute affordable; another bonusing provision is given for public parking, they have been told many times by those same developers wanting to build high rises that you cannot economically, feasibly build more than two storeys of parking underground in this area; to create more parking will require aboveground parking, levels which then create dead spaces along the building and there are ample opportunities to provide such bonusing in other areas of the city where the height of the building is not nearly as contentious; Section 4.3 of the Summary deals with the public realm, the principles to preserve and enhance the landscaped edges indicates that the improvements to the streetscape will expand the green landscaping of the Park into the surrounding area; bravo, in the City owned area that includes Centennial Hall and Centennial House apartments in Reg Cooper Square the suggested development plans for the elimination of that green space and landscaping on a thirty storey building with a large podium is allowed; proposing that the City examine its own commitment to the principles of this plan because that is City-owned land; encouraging the City to take a leadership role in this planning process with the properties it owns that front a significant portion of that Parks perimeter; wondering, would it not be perhaps more in keeping with the principles to down zone the property, a very intense idea, down zoning, but the City could do that, down zone those properties height and make this Square an extension of the Park in a way that, unfortunately, has not been achieved to date; think about what a true civic square could look like that includes an intentional connection with Victoria Park by creating a section of flex street in front of Reg Cooper Square, this would especially enhance the connection to the Park in those times in which Wellington Street is closed due to

events at the Park; indicating that those are his key points and in summary, asking that we not be deterred from what has been an otherwise constructive exercise by staff, citizens and Councillors to engage Londoners in determining the future direction of Victoria Park.

- Sandra Miller, 32 Upper Avenue – thinking it has been a Jurassic Park kind of day; believing we have all seen the film and you might recall a really popular quote from that film; paraphrasing, we are so preoccupied with how we can that we do not stop to think if we should; keeping that in mind; expressing appreciation to the city staff and the consultants for their continuing work on this important once in a generation plan that will guide and determine the long-term value of Victoria Park; indicating that we, Londoners, all of us, are the stewards of this historical and ecological urban jewel; indicating that Victoria Park is a beloved, shared community gathering space that was first established in 1874, this is not some random real estate to be exploited and leveraged from maximum market sales and municipal tax income; hoping to see a cohesive and grand vision for the Victoria Park precinct; random high rise infill based only on zoning and developer proposals fall short of the vision expected of a Secondary Plan and it is unsettling to see so many important details left to individual site plan review; expressing surprise and disappointment to see little, if any discussion, of the ecological value of the Park in this Secondary Plan compared to other comparable plans such as the London Psychiatric Hospital's Secondary Plan; wondering if staff and the consultants reviewed the 1999 Victoria Park Restoration Master Plan and/or the 1995 Victoria Park Inventory and the condition report; if so, how are the findings of those reports included in this draft Secondary Plan and, if not, will that happen; hopefully before the final Plan is submitted for voting and review; advising that even nicer would be to see an update of the Park Restoration Master Plan; noting there are a lot of statistics in there about usage and the current state it was in twenty years ago, it was already over pressured and over used; ultimately, this artificial demand to develop the perimeter around Victoria Park is being driven by the lack of availability of the more than two million square feet of shovel ready surface parking lots laying fallow in our Downtown core; wondering why we should encourage and allow development of a cluster of high rises surrounding Victoria Park when a full twenty percent of our Downtown core is still surface parking lots and a large chunk of it is also low rise buildings that could easily be built up, built over, demolished, they are not all heritage buildings; enquiring what is Council doing to help unlock and leverage those desirable development sites prioritized in The London Plan and what are you doing to protect valuable ecological and historical sites such as Victoria Park and our riverfront that make the Downtown living so appealing to people of all ages including newcomers who are moving to London; indicating that there are so many creative ways for us as a City to grow inward and upward, to increase access to real affordable housing, to continue to revitalize our core and conserve our valuable environmental and heritage resources; hyper intensification of this urban oasis while so many core parking lots continue to languish is irresponsible and abdicates our collective civic leadership; looking forward to participating with other Londoners in the continued fine tuning of this important Secondary Plan for the benefit of generations of Londoners to come.
- Greg Priamo, Zelinka Priamo Ltd., on behalf of Great West Life – advising that they received the document on Thursday and they are doing a careful review of it and they plan to take advantage of the future public participation processes that are planned for this project; indicating that it is evident from the comments tonight that there are a lot of issues that need to be addressed; expressing agreement with planning staff that it is important and from some of the comments from the public to get this right and finding the right balance to ensure that everybody's interests are being attended to and they look forward to participating in that process; stating that the report now presents some challenges given their plans for their clients property but that does not mean that they do not feel like they

cannot find positive solutions to those differences and they look forward to an engagement with staff and other stakeholders in the process to try to find those; thinking it is important for the Committee to understand that they are involved and they will continue to be involved and are thankful for the opportunity; indicating they will make detailed submissions to staff and if necessary to the Committee when the matter comes back before them in the Fall.

- Gary Brown, 35A – 59 Ridout Street South – indicating that this is not his neighbourhood but he is one of the multitudes in London that gets lost when it comes to elections and rate assessments; noting that they pay more than anyone else, he is a renter so places like Victoria Park, the Coves, the Green, they are his front and backyard; stating that he chooses to live in an urban environment and these are the green spaces that he uses; remembering a similar argument taking place not that long ago about the Coves when they wanted to build two tall towers on Toyotatown; remembering this Planning department and this Council opposing this and taking it to the Ontario Municipal Board; advising that he is not so sure what is different here, they are having the opposite, they are proposing tall buildings around the Park; wondering if the historical vista here is not of equal value; noting that he spends more time in Victoria Park, everybody does; looking at the pictures of Merrion Square in Dublin, one of the principles in their country is the preservation of historical vistas and they really take it seriously; wondering why we do not think about it; asking a couple of questions; wondering what bus rapid transit corridor they are referring to because he does not know of any plan on the books whatsoever and it has been voted down; advising that he would really like that question answered because if they were having a discussion about intensification around a bus rapid transit corridor, his comments would be entirely different; predicating this discussion on that, it was mentioned earlier by the consultant, he would like to know what the Committee is referring to at this point; assuming we are talking all residential studies and would he be correct in assuming that the ratepayer is on the hook for development charges; indicating that as we build taller, is that not more money that has to come from the ratepayer to pay these development charges; realizing we say we wave them but that is technically illegal and they have to be paid by somebody; wondering if it is not in the developers best interest in general to build taller buildings and get even larger of a subsidy from taxpayers; reiterating that he would like his questions answered as the Committee is looking at very tall buildings here; expressing agreement with some of the comments earlier that he thinks that every building around this place right now is four to five storeys in height and it feels comfortable to walk there; realizing we are trying to build taller buildings that do not intimidate pedestrians but so far there is not a tall building that he walks by in this city that he is comfortable walking by as a pedestrian; reiterating that it is something that we are trying but we have failed so far so do we not need to demonstrate that ability before they even consider building tall buildings around our cities most coveted and loved green space.
- Janet Hunten, 253 Huron Street – commenting on the citation of The London Free Press poll; thinking that most of us know how easy it is to influence an online poll; stating that the words street wall came into one of the principles which seems a bit alarming; noting it is the word wall that is alarming; suggesting that the streetscape across from the Park on every side should be low, mostly where we see it now and that it should be porous, with a variation in the heights as you go along and the allowable height should increase gradually as you move farther away from the Park.



Draft Victoria Park Secondary Plan

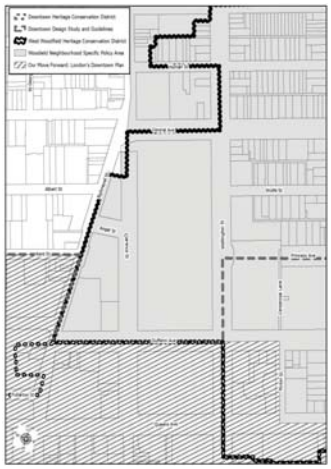
April 29, 2019

History

2015	Application submitted for 560-562 Wellington Street
May 2017	Planning Staff recommend refusal of 560-562 Wellington Street application. Council refers the application back to Staff to work with the applicant to revise the proposal.
May 2018	Planning Staff report back to Council with update on discussions on 560-562 Wellington Street. Staff are directed to consider a comprehensive plan for the properties surrounding Victoria Park.
June 2018	Consultant retained to assist with the development of a Secondary Plan.
October 2018	Community Information Meeting #1 for the Victoria Park Secondary Plan
January 2019	Community Information Meeting #2 for the Victoria Park Secondary Plan
May 7, 2019	Municipal Council endorses the Draft Principles

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Existing Policy Framework





1989 Official Plan



The London Plan

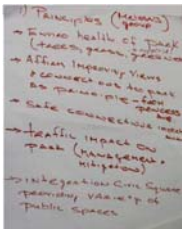


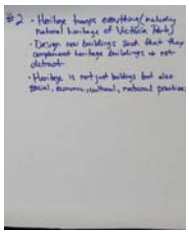
Zoning By-law

Engagement



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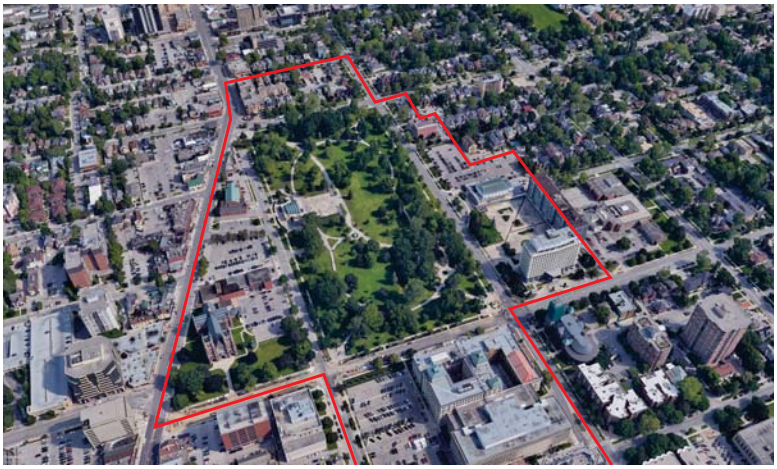
- Over 180 interested parties
- 2 Community Information Meetings
- Stakeholder meetings
- Get Involved Website
- Summer Festivals

Study Area



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Study Area



Policy Areas



Secondary Plan Principles

Principle 1	Preserve and strengthen visual connections to Victoria Park and create new view corridors where possible
Principle 2	Improve and create new connections to Victoria Park
Principle 3	Enhance the landscaped edges around Victoria Park
Principle 4	Respect and conserve cultural heritage resources within and surrounding Victoria Park
Principle 5	Frame Victoria Park with an appropriately-scaled streetwall that creates a comfortable pedestrian environment

Secondary Plan Principles

Principle 6	Identify opportunities for compatible and sensitive intensification
Principle 7	Protect the residential amenity of the Woodfield Neighbourhood by mitigating impacts of new development
Principle 8	Support and animate Victoria Park with active uses on the ground floor
Principle 9	Design buildings to celebrate the prominence of Victoria Park as a City-wide gem
Principle 10	Continue to enhance the amenity of Victoria Park as a neighbourhood green space as well as a destination for all Londoners and space for festivals and events

Policies

Secondary Plan Principles

Policies

- View Corridors
- Connections
- Public Realm
- Cultural Heritage
- Built Form
- Land Use
- Compatibility with Park Activities

View Corridors



Connections



Public Realm

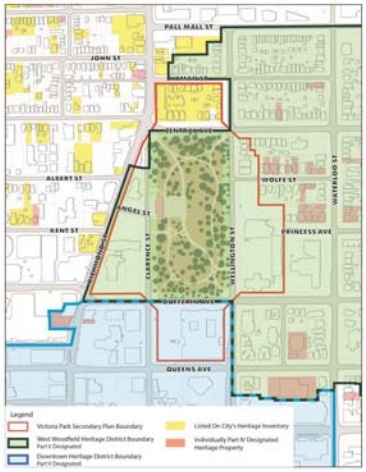






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Cultural Heritage



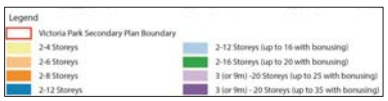






Built Form





Built Form



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Built Form – North Policy Area



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Built Form – East Policy Area



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Built Form – South Policy Area



Built Form – West Policy Area



Land Use



Compatibility with Park Activities



Next Steps

- Public consultation with community and stakeholders on Draft Secondary Plan
- Staff will consider input received when preparing revisions to the Draft Secondary Plan
- Modifications will also be made based on Bill 108
- Revised Victoria Park Secondary Plan and implementing Official Plan Amendment to be considered by PEC and Municipal Council in Q4, 2019

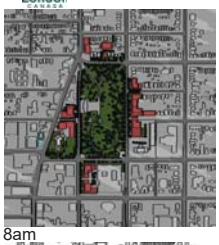
Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner:

- The Draft Victoria Park Secondary Plan, as attached in Appendix "A" **BE RECEIVED** for information purposes;
- The Draft Victoria Park Secondary Plan **BE CIRCULATED** for further public engagement with the community and stakeholders;

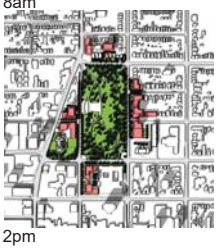
IT BEING NOTED that the feedback received through this consultation process, the outcome of supporting and informing studies, and the implementation of any changes to the *Planning Act* arising from the *More Homes, More Choices Act, 2019* (Bill 108) will feed into a revised Victoria Park Secondary Plan and implementing Official Plan Amendment that will be prepared for the consideration and approval of Municipal Council at a future Public Participation Meeting of the Planning and Environment Committee in the fourth quarter of 2019.

Shadow Studies – March 21


8am


10am


12pm


2pm

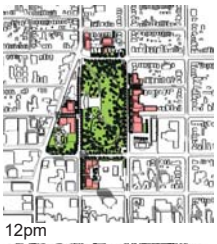

4pm


6pm

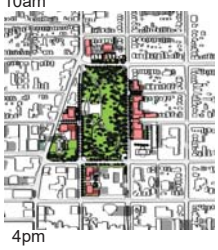
Shadow Studies – June 21


8am


10am


12pm


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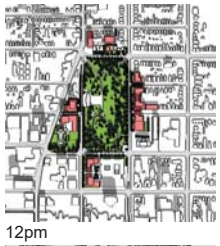

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Shadow Studies – September 21


8am


10am


12pm

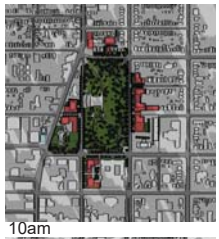

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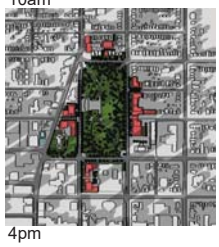
Shadow Studies – December 21


8am


10am


12pm


2pm


4pm


6pm

- **Auburn Developments Report, prepared by Blackridge Strategy for the 29 April PEC meeting**

- **Auburn Developments Report, prepared by Blackridge Strategy for the 29 April PEC meeting**
- ***"The Two Voices of Woodfield: A Case Study in Public Participation"***



photo has been distorted, making the building look derelict

560 Wellington Street



Precedents

- **4 parks are shown from aerial views**

Rittenhouse Square, Philadelphia



Central Park, Winnipeg



Central Memorial Park, Calgary



Dorchester Square, Montréal





An oasis of tranquility?

22 Picton Street, London



- ***"Existing zoning of land adjacent to the proposed development, only 6 metres away, can be built to 30 storeys in height"***

- ***"Existing zoning of land adjacent to the proposed development, only 6 metres away, can be built to 30 storeys in height"***
- ***"For the benefit of neighbourhood coherence, most buildings in the sequence should present a consistent alignment unless there is good reason for a break"***

- ***"Existing zoning of land adjacent to the proposed development, only 6 metres away, can be built to 30 storeys in height"***
- ***"For the benefit of neighbourhood coherence, most buildings in the sequence should present a consistent alignment unless there is good reason for a break"***

- **Change 556 Wellington St from 30 to 5 storeys**

Two Surveys

- Conducted by Blackridge

Two Surveys

- Conducted by Blackridge

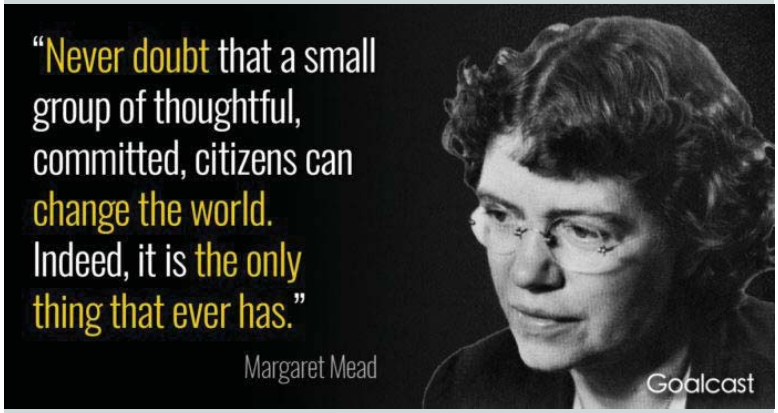
- Data are useless, bad research, bad methodology

Summary

"It will bring over a million dollars in annual property tax revenues, yet save billions in infrastructure ……"

Merrion Square, Dublin







St. Stephen's Green, Dublin











Upper Queens Park, Stratford











Auburn Surveys

- Done by their client, Blackridge Strategies
- Meaningless to extrapolate to the entire population of London – 0.05%

"Have to get this right"

I am happy that this plan has been developed but I am also disappointed on many levels.

I will nit pick a few items:

1. In the planners analysis there was discussion of the impacts of appeals to the London Plan - but we have no idea what properties within this draft plan are affected, other than 560 & 562 Wellington. We have no idea how these appeals, if successful will impact this proposal.

2. under point 4.5 Built Form, North Policy Area, planners analysis, allows that as the block is in the rapid transit corridor, higher heights are allowed. But I understood that much of the Rapid Transit Policy is under review, so it does not make sense to me. The map on page 26 of the Draft Plan shows this in blue. These properties that could be developed to a higher density are Victoria homes abutting West Woodfield HCD. So we are making a proposal that is in direct conflict with the London Plan, and the W Wood HCD, as well as this Draft: I quote page 3 of the draft " cultural heritage resources within the Victoria Park Secondary Plan are FOUNDATIONAL to the character of the area". This includes listed properties. I believe that the streetscape of Central Ave. is one of the best features of Victoria Park. Tampering with it is a mistake.

3. under point 2.2 of the Draft Plan, North Policy Area, it does not acknowledge that this block is bounded on 3 sides by HCD and, to my count from City Maps viewed today at the planning office, and not the version available to the public on City Maps, ,all but one of the properties are listed. The plan uses "many". But in fact it is almost all, so the actual statistic should be used. .

4. The City already has an application in hand, in the East Policy Area, for the GWL parking lot at Wellington & Wolfe - there is not a discussion of how this will fit into the Draft Plan. If it is approved by council before the Draft Plan is approved then the whole east policy area is moot. Does this proposal meet the requirements of this Draft proposal, ESPECIALLY, in relation to stepping?

5. There appears to be strong wording for wind studies and shadowing. If the maximum heights were reached do you really think the flora of the park will thrive with only less than 6 hours of direct sulight between Sep 21 and Mar 21? Also how will you enforce mitigation of wind? I have studied in depth the Wind Study for the 31 storey development at 560/562 Wellington that was done in 2014. Wind levels were unacceptable then. Winds have gotten worse in the last 6 years. You may be able to mitigate for pedestrians at ground level, but trees are higher than ground level and they have no where to hide. You can recess doorways to protect pedestrians, but there are no dorrways for the trees.
It is better to put in place planning now for acceptable levels of light and wind, rather than be seen to approve the maximum and try to back track later.

6. I would like to see everything above 6 stories lowered, with a maximum of the height of City Hall.

Hazel Elmslie
63 ARCADIA CR

VICTORIA PARK
Resp E + W W

elevations & greenspace + landscaping?
architecture

From: Christine Dirks
Sent: Friday, June 14, 2019 3:16 PM
To: Lysynski, Heather <hlysynsk@London.ca>; Saunders, Cathy <csaunder@london.ca>; Kayabaga, Arielle <akayabaga@london.ca>; Fleming, John M. <JmFlemin@london.ca>
Cc: Hopkins, Anna <ahopkins@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Turner, Stephen <sturner@london.ca>; Helmer, Jesse <jhelmer@london.ca>; Squire, Phil <psquire@london.ca>
Subject: [EXTERNAL] PEC meeting - Monday, June 17

Christine Dirks
200 Devonshire Avenue
London N6C 2J2

Having attended the public meeting in January at Central High regarding the Draft Victoria Park Secondary Plan I was surprised and disheartened at the lack of context the city representatives provided in their introduction to this important and iconic pubic space.

Much was said of the city's plans but little as to why changes to the area surrounding Victoria Park demand a particular and special level of attention.

What makes Victoria Park special is the quality of the environment it offers. And that is not simply the environment within the park, it is every bit as much the environment surrounding the park. The city, and its hired consultants, said little of this. They were selling a plan.

But decisions that will be made by the city about this entire place will have long-term implications for what this place looks like, how it works, how it feels and how it impacts not only the immediate surroundings but how the city markets itself. For the area surrounding Victoria Park and the Park exist as one of the best places the city has to offer.

Nothing in what the city said at that public meeting suggested this other than the idea that high rise apartment buildings and high rise condos are the way to go. Really? Victoria Park is small, a mere18 or so acres. This is no Central Park. The shadows that would be cast on the park and its surroundings would be burdensome as would the congestion, noise and pollution from the traffic generated by these developments.

The city is poised to make decisions based on short-term economic pressures. What a shame that is. The city is the custodian of a vision for this place that goes back well more than a 125 years. The city must be the alert and cautious custodian of this place. It has no right to jump start a plan based on the political milieu of the moment.

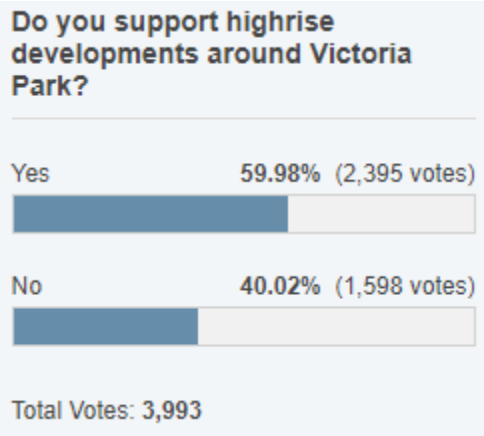
And what of excellence in urban design? I heard nothing of such a commitment by the city. Any change to the urban fabric surrounding Victoria Park should be put through a series of rigorous public design reviews. Bring architects and urban planners from other cities to give their opinions. By bringing in such professionals the city will get honest opinions from informed professionals who have nothing to be gained and have no fear of retribution.

City politicians and city staff are temporary custodians of something that will be here for a long time. It is their responsibility to protect what came before and to take great care and caution when making changes that will affect a place that is as important, loved and iconic as is Victoria Park and its surroundings.

Subject: The Corporation of the City of London Victoria Park Secondary Plan – Draft Secondary Plan Public Participation Meeting on: June 17, 2019

City Staff wrote: *"The Official Plan and Zoning By-law Amendment application was submitted in 2015. The initial request was to permit the development of a 25 storey mixed-use apartment building, however in December, 2016, this was revised to request permission for a 22 storey mixed-use apartment building. The revised proposal continued to receive significant concern from residents in the surrounding area."*

The Woodfield Community Association and others do not speak for the majority of the 4,000 ± Woodfield residents. Thank you LFP for creating a survey, here are the results as at about 7:00am May 9, 2019:



About 60% support Highrise developments around Victoria park.

This supports the Woodfield Ratepayers position that the Urban League and Woodfield Community Association executive and others represent a minority of stakeholders.

City staff are not correct to write *"The revised proposal continued to receive significant concern from residents in the surrounding area."*

The majority do NOT have any concerns let alone significant concern.

Proposed development in and around the 18-acre Victoria Park:

1. Victoria Park Place – Central, Wellington, Hyman, Richmond Block Farhi, 19 storey hotel residential tower in center of the block

2. 560-562 Wellington at Wolfe
   560 Wellington Holdings Inc., 22-storey 151 dwellings

3. Wellington / Wolfe next to Centennial Hall, across from Great West Life, 19 storey

4. Richmond Street next to Grand Theatre
   Old Oak, 32 storey, 175 residential units, now under construction

5. Next to St. Peter's Basilica and parish offices, on Clarence also on Richmond
   RC Diocese, two 20 story apartment towers

6. Richmond Street south of Albert, large site with one floor retail, ample parking
   Farhi, will be redeveloped to a higher and better use, multistory apartments

7. South East corner Clarence and Dufferin, London Life Parking lot
   London Life, will eventually be developed with a multi storey building

In order to create a cohesive and consistent planning framework, land surrounding the 20-acre Victoria Park must conform to The London Plan's "Place Types". Land neighbouring Victoria Park must allow for the broadest range of uses and the most intense forms of development in the city.

The Downtown must be the highest-order center in our city, allowing for the greatest building heights. The Downtown should be unique as the center of commerce, habitation, culture, and entertainment in London. Residential use is the life-blood of the city and Victoria Park goes hand-in-hand with high-density residential developments.

The Woodfield residential area and our downtown need more housing targeted to serve a wide spectrum of lifestyles including "affordable". If the City continues to maintain the status quo, residential growth in both areas will stop, investment will stagnate, and our downtown will remain in its present overall state of disrepair.

We at WRA are *"an organized group of engaged residents".* WRA supports high rise buildings housing multiple dwelling units surrounding Victoria Park and elsewhere in the downtown.

Woodfield Ratepayers Association

Ben Lansink June 12, 2019

TO:	**CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON JUNE 17, 2019**
FROM:	**G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL**
SUBJECT:	**STANDARD FORM RAILWAY OVERPASS SIGN LICENCE AGREEMENT**

RECOMMENDATION

That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the attached proposed by-law (Appendix 'A') **BE INTRODUCED** at the Municipal Council meeting on June 25, 2019:

a) to approve the standard form Railway Overpass Sign Licence Agreement to be entered into between the Corporation of the City of London, the Property Owner of the railway overpass, and corporations who wish to erect signs on railway overpasses, pursuant to Sign By-law No. S.-5868-183, as amended;

b) to delegate authority to the Chief and Deputy Chief Building Official and their designate, to approve entering into the Railway Overpass Sign Licence Agreement with corporations to allow an encroachment on or over City public road allowance for railway overpass signs pursuant to Sign By-law No. S.-5868-183, as amended; and

c) to delegate authority to the Mayor and Clerk to execute such agreements as approved in b) above.

BACKGROUND

The Building Division has been made aware of RCC Media Inc.'s interest to install new railway overpass signs and to renew their agreement with the City of London ("City") for their two existing railway overpass sign locations. The railway overpasses are owned by the Canadian National Railway Company ('CN'). Section 8.2.1 of the Sign By-law 2017, requires the sign owner to enter into a licensing agreement with the City for signs on or over the public road allowance, and satisfy the City's requirements for liability insurance. Council approval is sought for the standard form Railway Overpass Sign Licence Agreement, which will be used as the template for entering into agreements with sign owners and CN. Council approval is also sought to delegate authority to the Chief and Deputy Chief Building Official and their designate to enter the particular details into the template agreement and approve the licence agreements for execution by the Mayor and Clerk. Delegating authority in this way would streamline the sign permit issuance process.

INFORMATION

Under section 8.2.1 of Sign By-law No. S.-5868-183, the City cannot issue a sign permit for a railway overpass sign over the public road allowance unless the sign owner has entered into a licensing agreement with the City.

A 'template' or standard railway overpass sign agreement is provided in Schedule 'A' of the proposed by-law at the end of this report. If the by-law to approve the agreement is passed, Civic Administration (Chief or Deputy Chief Building Official, or their written designate) would insert the specific information into the agreement (e.g. name of the parties, location of signs) and send it to the Mayor and City Clerk to sign (execute) it.

Having a Council-approved standard license agreement would reduce the number of process steps required and would assist staff to meet the industry-expected timelines for the issuance of those sign permit applications.

Signage space reserved for Municipal purposes

As provided for in the proposed standard agreement (Schedule 'A'), each railway overpass sign, depending on type, will have specific signage space reserved for use by the City as follows:

Fabric Signs

The City will be provided with 100% of the signage space for one face of the railway overpass signs to promote municipal matters.

Electronic Billboards

The City will be provided, at no cost, with 100% of the advertising space for an agreed upon number of minutes of each hour, 24 hours per day, 7 days per week. The reserved signage space will be used by the City to promote municipal matters including City programs, municipal collaborators, community groups, events and display real-time public announcements such as Amber Alerts and emergency service messaging.

Proposed Agreement with CN and RCC Media Inc.

RCC Media Inc. and CN are requesting renewal of their agreement for any existing railway overpass signs and approvals for the installation of new railway overpass signs at the following locations respectively, as noted:

1. **Fabric Signs**

- OXFORD ST W/O WONDERLAND RD – FACING WEST (Existing sign -new agreement)
- WONDERLAND RD S/O OXFORD ST – FACING SOUTH (New sign)

2. **Electronic Billboard Signs**

- VETERANS MEMORIAL PARKWAY S/O GORE RD – FACING NORTH (New sign)
- VETERANS MEMORIAL PARKWAY S/O GORE RD – FACING SOUTH (New sign)
- OXFORD ST W/O WONDERLAND RD – FACING EAST (Existing sign - new agreement)
- WELLINGTON ST N/O HORTON ST E. – FACING SOUTH (Existing sign -new agreement)

- WELLINGTON STREET N/O HORTON STREET E.– FACING NORTH (Existing sign-new agreement)

- WONDERLAND RD S/O OXFORD ST – FACING NORTH (New sign)

- RICHMOND ST N/O HORTON ST E. – FACING NORTH (New sign)

If the By-law (Appendix 'A') is passed by Council, details will be placed into the standard form agreement, and it will be forwarded to the Mayor and City Clerk for its execution.

CONCLUSIONS

RCC Media Inc. and CN have expressed an interest to install new railway overpass signs in the City and are also required to renew their existing agreement for two other locations where there are railway overpass signs. Railway overpass signs are not permitted over the public road allowance unless the sign owner has entered into an agreement with the City and has satisfied the City's requirements for liability insurance, as per section 8.2.1 of the Sign By-law 2017. In an effort to streamline the sign permit issuance process and to assist staff to meet the industry-expected timelines, staff recommends that standard licencing agreements for railway overpass signs be administered by the Chief Building Official with the Mayor and City Clerk signing (executing) the aforementioned agreements.

RECOMMENDED BY:	**CONCURRED BY:**
P. Kokkoros, P.Eng. **Deputy Chief Building Official** **Development & Compliance Services**	**G. Kotsifas, P.Eng.** **Managing Director, Development & Compliance Services & Chief Building Official**

c.c. Lynn Marshall, Solicitor II
Adam Salton, Manager Zoning & Public Property Compliance
Patti McKague, Director, Strategic Communications and Community Engagement

APPENDIX 'A'

Bill No.
By-law No.

A By-law to approve and adopt the standard form Railway Overpass Sign Licence Agreement; and to authorize the Mayor and the City Clerk to execute the Agreement.

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

AND WHEREAS subsection 8 (1) of the *Municipal Act, 2001* provides that the powers a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 10 of the *Municipal Act, 2001* provides that the City may provide any service or thing that the City considers necessary or desirable for the public, and may pass by-laws respecting same, and respecting economic, social and environmental well-being of the City, and respecting the health, safety and well-being of persons, and respecting protection of persons or property, and respecting structures, including fences and signs;

AND WHEREAS subsection 23.1(1) of the *Municipal Act* authorizes a municipality to delegate its powers and duties to a person or body, subject to certain restrictions set out in the *Municipal Act, 2001*;

AND WHEREAS the City's Sign By-law 2017 S.-5868-183 provides for Regulations for Permanent Third Party Railway Overpass Signs, including section 8.2.1 which provides "No railway overpass sign shall be permitted over the public road allowance unless the sign owner has entered into an agreement with the City and has also satisfied the City's requirement for liability insurance";

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

1. The standard form Railway Overpass Sign Licence Agreement to be entered into between the City, the Property Owner of the railway overpass, and corporations who wish to erect signs on railway overpasses, pursuant to the City's Sign By-law 2017 S.-5868-183, substantially in the form of Schedule 'A' attached to this by-law, is approved and adopted as the standard form for all such agreements.

2. The Chief Building Official or the Deputy Chief Building Official, or their respective written designate, are severally delegated authority to enter the details required to complete each agreement (e.g. date of agreement, name of Sign Owner, location of signs, etc.), and to approve the Railway Overpass Sign Licence Agreement for execution by the Mayor and City Clerk.

3. The Mayor and City Clerk are authorized to execute agreements approved in paragraph 2 above.

PASSED in Open Council on June 25, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First reading –
Second reading –
Third reading –

SCHEDULE 'A'

STANDARD LICENCE AGREEMENT FOR RAILWAY OVERPASS SIGNS

THIS LICENCE AGREEMENT with effect as of the [XX] day of [XXXXXXX] , 20___

B E T W E E N:

THE CORPORATION OF THE CITY OF LONDON

(the "City")
OF THE FIRST PART

-A N D-

[insert name of railway company]

(the "Property Owner")
OF THE SECOND PART

-A N D-

[insert name of Sign Owner]

(the "Sign Owner")
OF THE THIRD PART

WHEREAS the Property Owner represents that it is the registered owner of certain railway overpasses on lands in the City of London, in the County of Middlesex, which abut and cross various streets, in the City of London, County of Middlesex, and being more particularly described in attached Appendix "A";

AND WHEREAS the Sign Owner is desirous of encroaching over City property for the purposes of installing and maintaining railway overpass signs with [INSERT types of sign (e.g. fabric, electronic billboard, etc.)] at railway overpass locations that are more particularly described in Appendix "A" ("encroachments");

AND WHEREAS the Sign By-law 2017 provides that a sign permit is required for the erection, display, substantial alteration or repair of a railway overpass sign;

AND WHEREAS the Sign By-law 2017 provides for Regulations for Permanent Third Party Railway Overpass Signs, including section 8.2.1 which provides "No railway overpass sign shall be permitted over the public road allowance unless the sign owner has entered into an agreement with the City and has also satisfied the City's requirement for liability insurance";

AND WHEREAS the Sign Owner wishes to enter into an agreement with the City to satisfy the requirements of section 8.2.1 of the Sign By-law 2017;

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and the sum of TWO DOLLARS ($2.00) of lawful money of Canada, now paid by the Sign Owner to the City and the Property Owner, the receipt of which is acknowledged, the City grants to the Property Owner and Sign Owner, or any of the Property Owner's and Sign Owner's agents or operators (insofar as the City can legally do so), permission, in the nature of a licence, to encroach upon the City's property in the manner and for the purpose set out above, and in the locations shown on Appendix "A" of this agreement, subject to the limitations and provisos set out as follows:

Sign Owner Responsible for Construction & Maintenance & Removal

1. (a) The Sign Owner shall be responsible for the erection and maintenance and removal of the signs constituting the encroachments. The Sign Owner shall maintain the signage in proper condition, including in a safe condition for potential users of the road over which the sign encroaches, and shall be responsible for any repairs or replacement should damage to the signage occur no matter how the damage occurred, and shall be responsible for removing the signs, all to the reasonable satisfaction of the Chief Building Official and City Engineer. The Sign Owner represents, warrants and covenants that all signs comply with applicable Federal and Provincial laws and regulations, including but not limited to requirements of the *Electricity Act, 1998* and the Ontario Electrical Safety Authority, the *Occupational Health and Safety Act*, and the *Building Code Act*.

Indemnification

(b) The Sign Owner shall indemnify and save harmless the City, its officers, directors, employees, agents and Councillors and the Property Owner, its officers, directors, employees and agents, from and against all claims, actions, losses, expenses, costs or damages of every nature and kind that the City and/or Property Owner may suffer, caused or alleged to be caused by any act, omission or delay whatsoever on the part of the Sign Owner, or its officers, directors, employees, contractors or agents, in connection with this agreement. Notwithstanding any other provision of this agreement, this subsection shall survive termination of the agreement.

Encroachment Termination Notice

2. (1) For one or more of the signs, the City may give the Sign Owner notice of termination of the right of encroachment ("Encroachment Termination Notice") with a copy of such Encroachment Termination Notice to be delivered to the Property Owner, with respect to the signs set out in the Encroachment Termination Notice, for one or more of the following reasons:

(i) the City in its sole discretion requires the removal of the encroachment for a municipal purpose;
(ii) the City in its sole discretion requires the removal for the safety of users of the public road allowance;
(iii) the City in its sole discretion determines that severe damage or destruction of the encroaching structure occurred which renders it reasonably necessary to remove such encroachment;
(iv) the City in its sole discretion determines that the major renovation or alteration of the structure renders it reasonably necessary to remove such encroachment;
(v) the City in its sole discretion determines that the Sign Owner no longer meet the requirements in section 5 (Insurance);
(vi) no sign permit has been issued for the sign within 6 months of the date of this agreement, or the sign permit issued for the sign is revoked, suspended, terminates, or expires and is not renewed; or
(vii) five years following the effective date of this agreement, Council resolves or passes a by-law indicating the City's intention to terminate the right of encroachment.

Removal of sign(s) upon receipt of Encroachment Termination Notice

(2) (a) The Sign Owner shall ensure that the sign or signs as set out in the Encroachment Termination Notice are removed within 30 days of the giving of the Encroachment Termination Notice, and shall deliver up possession of the encroachment. Such removal shall be at the Sign Owner cost and expense, and shall be done to the satisfaction of the City. In the event that the Sign Owner fails to comply with such obligation, the Property Owner shall undertake such removal within thirty (30) days of receipt of a further notice to remove such signs from the City, without prejudice to the rights of the Property Owner to claim reimbursement for all costs incurred and claim for all damages sustained by the Property Owner. The Property Owner and Sign Owner shall not be entitled to any compensation from the City for such removal.

City may remove sign(s)

(b) In the event the Property Owner or Sign Owner fails to remove the sign or signs as required by subparagraph (2)(a) above, the City may remove the sign or signs (provided it has first obtained any required Work Permit and flagging protection from the Property Owner, issuance of which shall not be unreasonably withheld by the Property Owner) and the cost of said removal shall be a debt owed by the Property Owner and Sign Owner to the City, and a lien upon the Property Owner's lands abutting the encroachment. Notwithstanding any other provision of this agreement, this subsection shall survive termination of the agreement.

Sign By-law – removal of signs

(c) Notwithstanding any other provision of this agreement, the Chief Building Official may order the Sign Owner to remove the sign or bring the sign into compliance with the applicable Sign By-law. The Parties acknowledge that the Sign By-law provisions with respect to sign removal by the Chief Building Official will be applicable.

Right of encroachment ceases 30 days after Encroachment Termination Notice

(3) Where the City gives an Encroachment Termination Notice under this section, the right of encroachment (with respect to the sign or signs as set out in the notice) shall cease 30 days after such notice is given.

Termination of Agreement – by City

(4) (a) Where the City gives an Encroachment Termination Notice under this section, and the sign or signs as set out in the Encroachment Termination Notice have been removed, this agreement shall terminate, subject to the survival of any terms of the agreement.

Termination of Encroachment or Agreement - By Property Owner or Sign Owner

(a) (i) Where the Sign Owner or the Property Owner gives to the City notice of termination of an encroachment of a sign or signs, the encroachment shall terminate when the sign or signs have been removed, subject to the survival of any terms of the agreement.

(ii) Where the Sign Owner or the Property Owner gives to the City notice of termination of the agreement, the agreement shall terminate when all the signs have been removed, subject to the survival of any terms of the agreement.

Content of Message on Signs

3. (a) The Sign Owner shall ensure that the message content of the signage is in compliance with the City's applicable policies and with the City's applicable by-laws regarding signs.

(b) The Sign Owner shall ensure that all advertising contained in the Fabric Signs or Electronic Billboards will not:

(i) convey any religious messages;
(ii) present demeaning or derogatory portrayals of individuals or groups;
(iii) contain anything which, in the light of generally prevailing community standards, is likely to cause offence;
(iv) advertise adult entertainment services;
(v) convey any political message; or
(vi) cover up nor detract from official signs (e.g. highway safety signs including vehicle height restrictions) located on the railway overpass.

(c) The City, in its absolute discretion, reserves the right to disallow signage if the City deems it not to be in the best interest of the community. If the City, in its sole discretion, considers any of the advertising contravenes the provisions of this section, the City shall notify the Sign Owner in writing and the Sign Owner shall ensure removal of the advertisement in question forthwith.

Municipal Reserve for Signage Space – [insert sign type e.g. Fabric Signs]

(d) The Sign Owner shall provide the City with 100% of the signage space for [insert sign type] at [insert location of railway overpass] (on the [insert cardinal direction N S W E] face of railway overpass), and at [insert location of railway overpass] (on the [insert cardinal direction N S W E] face of railway overpass).

Municipal Reserve for Privilege Space – Electronic Billboards

(e) For each Electronic Billboard installed, the Sign Owner shall provide the City, at no cost, with [insert percentage]% of the advertising space for at least [insert length of time] minutes of each hour (the "Privilege Space"), 24 hours per day, 7 days per week. The Sign Owner shall ensure that such Privilege Space is reserved for use by the City, and that it may be used to promote municipal matters including City programs, municipal collaborators, community groups, events and display real-time public announcements such as Amber Alerts and emergency service messaging. Artwork and production on Privilege Space is the sole responsibility and cost of the City, however the Sign Owner shall assist the City to ensure the City utilizes the correct software and file formats compatible with the Electronic Billboard.

No rights beyond encroachment

4. Nothing in this agreement shall be construed as giving to the Property Owner or Sign Owner more than the permission (insofar as the City can give it) to maintain the encroachment on the said road allowance as provided herein. It is agreed that no length of time or of enjoyment by the Property Owner or Sign Owner shall enure to give a right to the Property Owner or Sign Owner to maintain the said encroachment so as to deprive the City by the operation of any limitation period or otherwise of any right to require the removal thereof.

Insurance

5. The Sign Owner shall take out and maintain with an insurer licensed to carry on business in Ontario, comprehensive general liability insurance acceptable to the City providing insurance coverage in an amount of not less than $5,000,000.00, including personal liability, personal injury, broad form property damage, owners' and contractor's protective products and completed operations, contingent employers liability, cross liability and severability of interest clauses for any act or omission either in negligence or in nuisance whether wilful or otherwise on the part of the Sign Owner, its employees, guests, invitees and agents arising in any way howsoever from the construction, repair, maintenance or use of the subject encroachment which results in loss or damage arising from bodily injury to, or death of, one or more persons, and loss of or damage to property. Such policy shall protect the City and the Property Owner from all such claims or actions and shall name the City and the Property Owner as an additional insured thereunder. The Sign Owner shall forward a certificate of the said policy on the City's form: 0788, and a certificate of each subsequent renewal thereof, to the City and the Property Owner, upon request.

Notice

6. Any notice required to be given may be given:

(a) to the Property Owner by mail, postpaid to the following address of record:

XXXXXXXXXXXXXXX
XXX XXXXXXXXX XX
XXXXXXXX
XXX XXX

Attention: XXXXXXXXXXX

(b) to the Sign Owner by mail, postpaid to the following address of record:

XXXXXXXXXXXXXXX

XXX XXXXXXXXX XX
XXXXXXXX
XXX XXX

Attention: XXXXXXXXXXX

(c) to the City by mail, postpaid to the following address:

The Corporation of the City of London
300 Dufferin Avenue, P.O. Box 5035
London ON
N6A 4L9
Attention: City Clerk

Binding on Property Owner and Sign Owner, etc.

7. This agreement shall be binding upon the Sign Owner, its heirs, executors, administrators, successors and assigns, as occupier from time to time of the lands and premises described in Appendix “A”.

The obligations of the Property Owner under section 2(2)(a) of this Agreement shall be binding upon the Property Owner, its successors and assigns, as owner of the lands and premises described in Appendix “A”.

Headings

8. The headings in this agreement are for ease of reference only and shall not be taken into account in the construction or interpretation of any provision to which they refer.

No Registration

9. The City and the Sign Owner covenant that neither this agreement nor any notice of this agreement may be registered upon title to the lands of the Property Owner.

IN WITNESS WHEREOF this agreement has been executed on behalf of the Property Owner and Sign Owner by their duly authorized representatives and on behalf of the City under the hands of its Mayor and Clerk.

SIGNED, SEALED AND DELIVERED

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

_____
Name:
Title:

_____
Name:
Title:

We have authority to bind the corporation

XXXXXXXXXXXXXXX
(the “Property Owner”)

_____
Name:
Title:

_____
Name:
Title:

I/We have authority to bind the corporation

XXXXXXXXXXXX
(the “Sign Owner”)

_____
Name:
Title:

_____
Name:
Title:

I/We have authority to bind the corporation

APPENDIX “A”

1. [insert type of sign e.g. Fabric Sign]

Location:
[insert locations:]
[insert map for each location, and detailed drawings]

2. [insert type of sign e.g. Electronic Billboard Signs]

Location:
[insert locations:]
[insert map for each location, and detailed drawings]

Chair and Members
Planning and Environment Committee

Re: Request for Delegation Status for Clawson Group Inc. for the property located at 660 Sunningdale Road East, London, On.

Council adopted the site specific amending by-law No. Z.-1 on July 1, 1993. I am requesting delegation status at the Planning and Environment Committee meeting to be held on June 4, 2019 to request that the Civic Administration accept the application relating to the property located at 660 Sunningdale Road East, London, On.

The purpose of the Minor Variance application is to allow a reduction in commercial parking spaces by 3 total spaces, to allow the provided tandem parking spaces to be included in the overall provided parking space calculations, to increase the building height to 20.0m, and a reduction of the interior side yard requirement to 7.0m.

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

- Reduction in Commercial parking spaces included within the site by 3 spaces:
  - On-street parking spaces are provided along Blackwater Rd in accordance with the street scape design of the community, which will provide short term parking that can be utilized for the Commercial spaces.
- Tandem Parking Spaces included in provided parking space calculations:
  - These parking spaces can be utilized by residents who own more than one vehicle, as allowed with townhouse communities.
- Increase of Building Height Maximum from 18.0m to 20.0m:
  - The additional height is to accommodate for comfortable ceiling heights within the Commercial spaces on the Ground Floor, along with added design flexibility allowing for an exceptionally stunning building within the city of London.
- Reduction of Interior Side Yard minimum from 9.8m to 7.0m total:
  - A reduction of the interior side yard will achieve the desired massing along the surrounding streetscapes, maintaining the orientation and overall building design while accommodating the under-building parking.

Sincerely,



Michael Clawson
Clawson Group Inc.