

Agenda Including Addeds

Planning and Environment Committee

16th Meeting of the Planning and Environment Committee

September 23, 2019, 4:00 PM

Council Chambers

Members

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

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

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7.	Adjournment	

Advisory Committee on the Environment

Report

The 8th Meeting of the Advisory Committee on the Environment
September 4, 2019
Committee Room #4

Attendance PRESENT: M. Bloxam (Chair), J. Howell, K. May, M. Ross, R. Sirois, D. Szoller and A. Thompson and J. Bunn (Committee Secretary)

ABSENT: M.D. Ross, K. Soliman and A. Tipping

ALSO PRESENT: T. Arnos and A. Powell

The meeting was called to order at 12:18 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 7th Report of the Advisory Committee on the Environment

That it BE NOTED that the 7th Report of the Advisory Committee on the Environment, from its meeting held on August 7, 2019, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 ACE 2019 Work Plan

That it BE NOTED that the Advisory Committee on the Environment (ACE) held a general discussion with respect to the 2019 ACE Work Plan.

5.2 (ADDED) Green in the City 2019 Event

That an expenditure of \$500.00 from the 2019 Advisory Committee on the Environment (ACE) budget BE APPROVED to facilitate a Waste Diversion session at the 2019 Green in the City Event to be held at the London Public Library in the fall of 2019; it being noted that the ACE has sufficient funds in its 2019 budget to cover this expense.

6. Confidential

6.1 Personal Matters/Identifiable Individual

The Advisory Committee on the Environment convened in closed session from 1:35 PM to 1:43 PM after having passed a motion to do so, with respect to a personal matter pertaining to identifiable individuals, including municipal employees, with respect to the 2020 Mayor's New Year's Honour List.

7. Adjournment

The meeting adjourned at 1:43 PM.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Sifton Properties Limited
1912 Linkway Boulevard
Removal of Holding Provisions

Meeting on: September 23, 2019

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to a portion of the lands located at 1912 Linkway Boulevard, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on October 1, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Business District Commercial Special Provision (h•h-206•BDC(31)) Zone **TO** a Business District Commercial Special Provision (BDC(31)) Zone to remove the h and h-206 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h and h-206 holding symbols from the zone map to permit the development of a ten (10) storey mixed-use, residential apartment / ground floor retail building.






Rationale of Recommended Action

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

Analysis

1.1 Location Map



Location Map		Legend	
Subject Property:	1912 Linkway Boulevard		Subject Property
Applicant:	SIFTON PROPERTIES LIMITED		Parks
File Number:	H-9085		Assessment Parcels
Created By:	Larry Mottram		Buildings
Date:	6/24/2019		Address Numbers
Scale:	1:2000		

Corporation of the City of London

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2.0 Description of Proposal

The purpose and effect of this zoning amendment is to remove the holding symbols to permit development of a ten (10) storey, mixed-use building consisting of 145 apartment dwelling units and 1,660 square metres commercial gross floor area.

3.0 Relevant Background

3.1 Planning History

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

In conjunction with the draft plan of subdivision, Council adopted Official Plan and Zoning By-law amendments, including a specific-area policy to guide the development of the community vision, mixing of uses, form, scale and density. The zoning amendment included a Business District Commercial Special Provision BDC(31) Zone to implement the specific-area policies. Urban design guidelines were also prepared and approved by Council through the adoption of a holding provision in the Zoning By-law.

The purpose and effect of this application is to remove the holding provisions to allow development of the lands for mixed residential and commercial uses permitted under the Business District Commercial Special Provision (BDC(31)) Zone. An application for Site Plan Approval has also been submitted by Sifton Properties Limited.

4.0 Key Issues and Considerations

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

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

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

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

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

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

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

process, to the satisfaction of the City of London prior to the removal of the h-206 symbol.”

Permitted Interim Uses: Existing uses

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

- promote architectural and urban design excellence, sustainability, innovation, longevity, and creative expression with visionary design and high-quality materials and places;
- promote harmonious fit and compatibility, emphasizing relationships between buildings, streets and open space;
- create a safe, comfortable, accessible, vibrant, and attractive public realm and pedestrian environment all year round focusing on reducing the use of the car; and,
- ensure high-quality living and working conditions, including access to public space for all building occupants.

The development plans and drawings have been reviewed and are generally in keeping with these design principles and with the City’s Placemaking Guidelines. The development plans show a mid-to-high rise residential development with prominent ground floor related retail. The overall site design provides for a strong building and pedestrian orientation at the street (on both Linkway Boulevard and Riverbend Road), with vehicular access leading to a parking garage located unobtrusively behind the building. There will be approximately 10 to 12 commercial retail units on the ground floor at street level, with canopy-covered entrances and window exposure to the sidewalk. The main entrance to the apartment building lobby and elevators is accessed directly from Linkway Boulevard. A covered pedestrian corridor is shown connecting the retail level parking garage with the sidewalk on Linkway Boulevard.

The West Five Urban Design Guidelines describes this type of built form as “Mixed Use Architecture: Retail and Residential” with the goal of contributing to the creation of a vibrant mixed use community and providing an urban environment that is convenient for residents and offers ample opportunities for retailers. The following provides a brief overview of how the guidelines have been followed, and the key design features that have been incorporated into the site development plans.

Mixed Use Entrances and Ground Level

- Separate entrances for individual retail uses and separate entrance with a prominent lobby to the residential uses above;
- Unique identifiable addresses for both retail and residential entrances;
- Active retail frontage at ground level distinguished from residential uses above; and,
- Retail frontage incorporates display windows promoting visual interest and active use.

Cafes/Outdoor Restaurants

- The active frontage incorporates hardscaped areas, landscaped areas, trees and planters. A variety of curbed planters and raised planter walls define the spaces at street level, and provide separation between the building and the multi-use pathway along Linkway Boulevard. Open walk areas at street level provide opportunities for outdoor patios and cafes, and use of flexible “Maglin” planters will define the retail and outdoor café spaces for individual commercial tenants.

Terracing Scale and Massing Mid-Rise

- Building steps back as it increases in height at approximately the mid-rise point; between the eighth and ninth storey. The articulation of different building façade treatments at ground, middle and upper levels contributes to a differentiated appearance of building massing. The stepped back design also achieves the principle of a terraced building form towards the intersection of Linkway Boulevard and Riverbend Road, with the tallest portion of the building at the corner.

Balconies and Fenestration of Mid-Rise

- Balconies and fenestration contribute to building articulation and composition, particularly along the south and west building elevations where there is an interesting variation created by the effect of jogging windows between the lower and middle levels; and,
- Residential balcony sizes will vary in width and depth depending on unit size (1.5 metres or greater for balcony depth is encouraged).

Visual Interest

- Visual interest and building differentiation are achieved through architectural articulation, and variation and use of building materials; and,
- The building façade incorporates a variety of building materials which adds to the visual interest including brick facing, multi-colour aluminum metal panels and curtain wall systems, spandrel panels, clear glazing, glass guardrails, and the use of high-energy efficiency components, such as LED lighting and wall mounted solar panels.

In summary, the proposed building orientation, building profile and massing, location of prominent entrances at the street pedestrian level, and large display windows into the ground floor retail units located along the street edge contributes to the creation of an urban “main street” environment envisioned by the West Five Urban Design Guidelines. As part of the site plan review process, the plans and building elevations were reviewed for compliance with the West Five Urban Design Guidelines by Urban Design and Site Planning staff. The plans have now been accepted and a Development Agreement has been executed, and securities have been received. Staff is satisfied that the “h-206” symbol can be lifted from the zoning applied to this site.



Aerial perspective view overlooking the central plaza in the foreground with the proposed mixed-use apartment building to the left, and future West Five buildings to the right.

5.0 Conclusion

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

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

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

September 16, 2019
GK/PY/LM/lm

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Appendix A

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

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 1912 Linkway Boulevard.

WHEREAS Sifton Properties Limited have applied to remove the holding provisions from the zoning over a portion of the lands located at 1912 Linkway Boulevard, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1912 Linkway Boulevard, as shown on the attached map, to remove the h and h-206 holding provisions so that the zoning of the lands as a Business District Commercial Special Provision (BDC(31)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

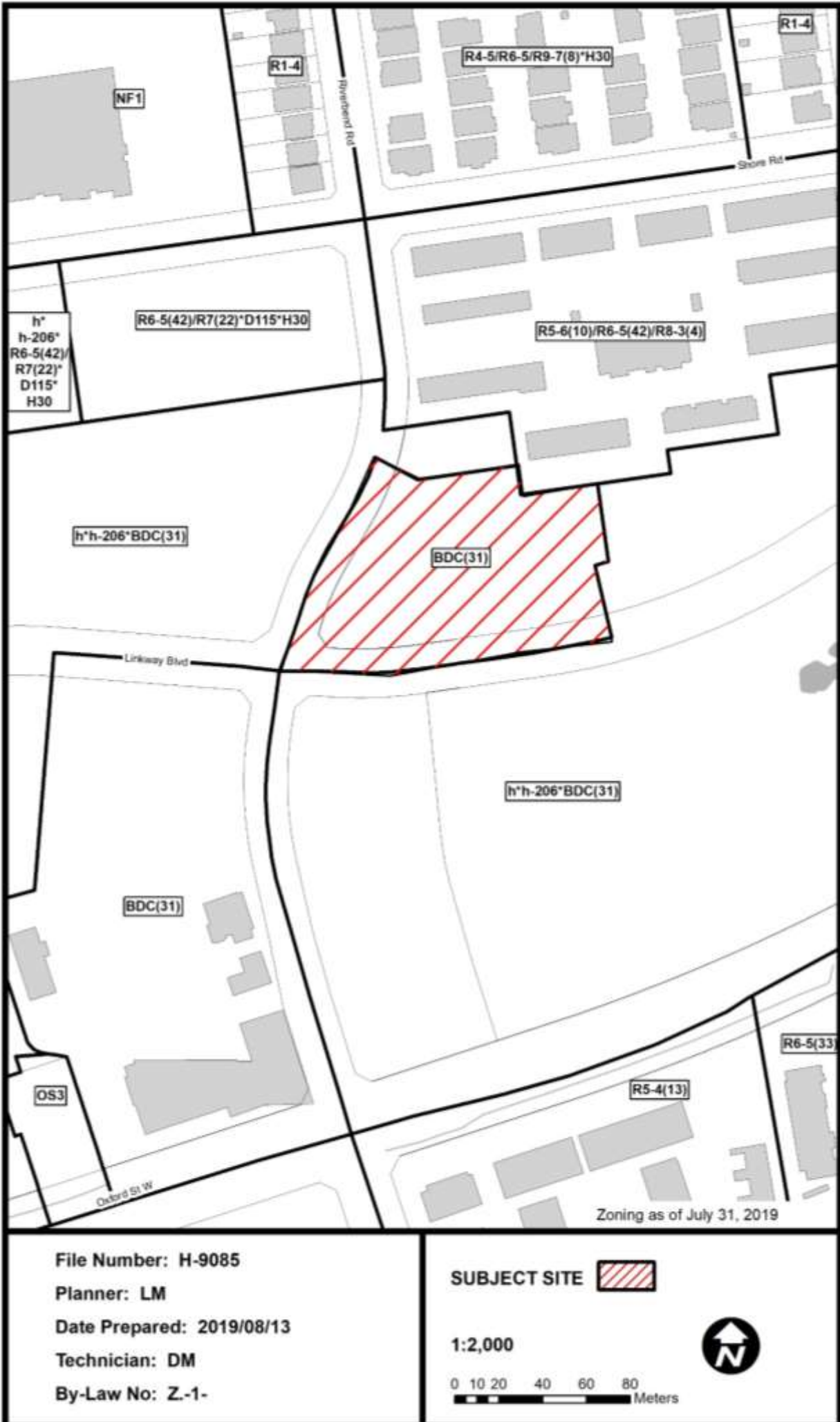
PASSED in Open Council on October 1, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 1, 2019
Second Reading – October 1, 2019
Third Reading – October 1, 2019

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



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 4, 2019.

0 replies were received

Nature of Liaison: 1912 Linkway Boulevard, at the northeast corner of Linkway Boulevard and Riverbend Road – City Council intends to consider removing the Holding (“h” & “h-206”) Provisions from the zoning of the subject lands. The purpose and effect is to allow development of the lands for a proposed mixed-use residential apartment / ground floor retail building. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The “h-206” symbol is intended to ensure that urban design objectives established through the subdivision review process are being met, a site plan shall be approved and a development agreement shall be entered into which ensures that future development is in keeping with the design principles and concepts identified in the West Five Urban Design Guidelines, and subject to further refinement through the subdivision Design Studies and/or Site Plan Approval process, to the satisfaction of the City of London. Council will consider removing the holding provisions as it applies to these lands no earlier than July 30, 2019.

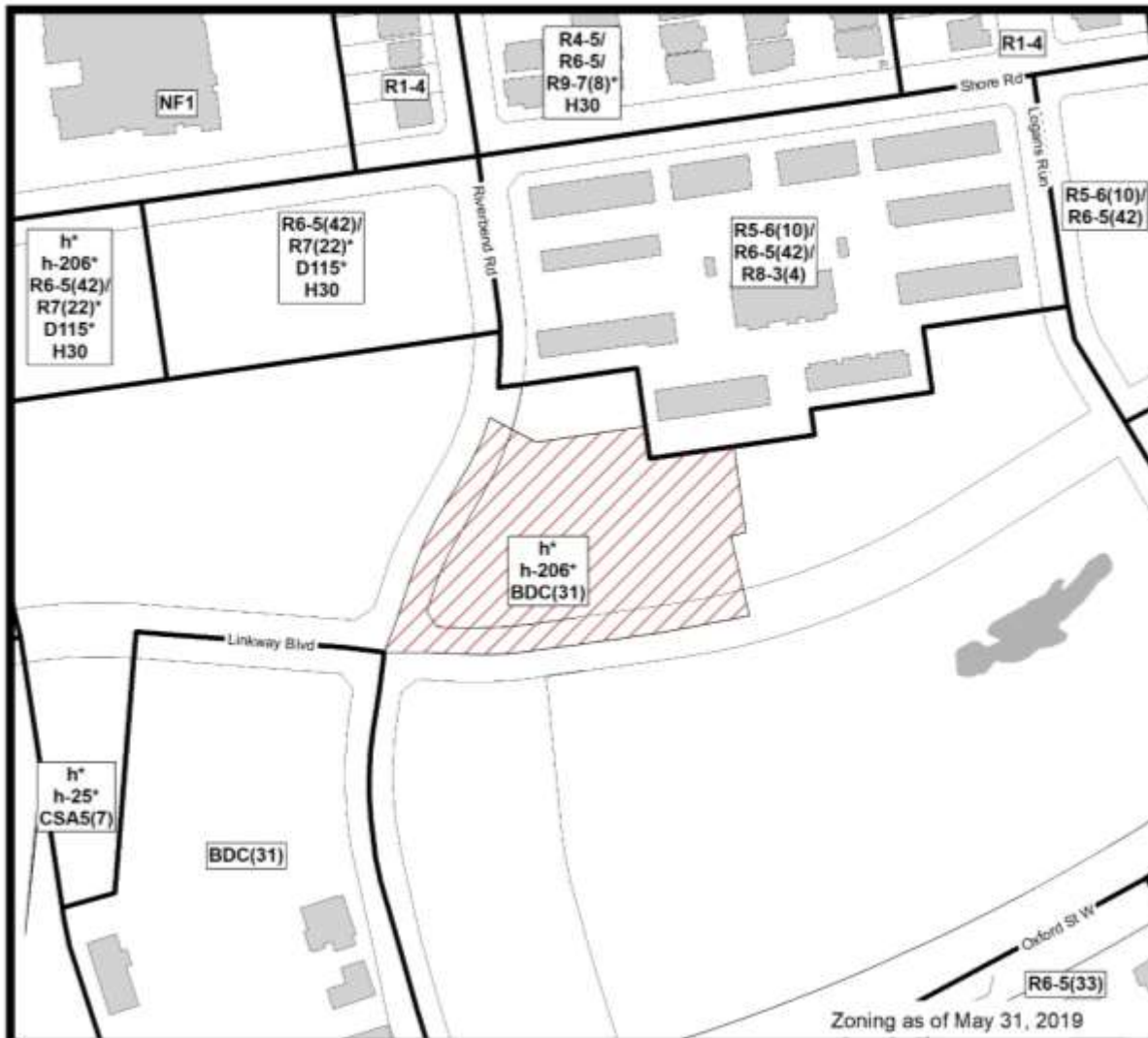
Agency/Departmental Comments:

Upper Thames River Conservation Authority (UTRCA)

No objection.

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "H" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON
 PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:
 H-9085 LM

MAP PREPARED:
 2019/08/13 DM

1:2,500
 0 15 30 60 90 120 Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Revised City of London Telecommunications Facilities
Location and Public Consultation Council Policy
City of London
City-wide

Public Participation Meeting on: September 23, 2019

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner the proposed by-law attached hereto as Appendix "A", BE INTRODUCED at the Municipal Council meeting to be held on October 1, 2019 to amend By-law No. CPOL.-126-378, as amended, being "A by-law to revoke and repeal Council policy related to Telecommunication Facilities Consultation Policy and replace it with a new Council policy entitled Telecommunication Facilities Consultation Policy" by renaming the Council Policy "Telecommunication Facilities Location and Public Consultation Policy", to reflect changes in the process that have occurred since the Policy was first developed.

Executive Summary

Purpose, Effect and Rationale of Recommended Action

To make changes to the Policy to reflect changes in the process that have occurred since the policy was first developed, and to better organize the policy to provide clarity to users.

Analysis

Relevant Background

3.1 Evolution of Council Policy

Prior to 2000, new telecommunication towers required little public consultation. Industry Canada did "*recognize the importance of local consultation and encourages proponents of significant antenna structures to notify and consult with the local land-use authority.*" However, Industry Canada did not require that property owners in the vicinity of new towers or structures be advised or consulted. In June 2001, Industry Canada published a guideline document "Guidelines to Assist Land Use Authorities in Developing a Local Protocol Respecting Antenna Structures" to assist municipalities in developing their own policies.

It is important to note that the participation of land-use authorities in the consultation process does not confer the right to prevent the location of a telecommunication facility; the decision ultimately rests with Industry Canada.

Starting in 2003, London used the Industry Canada default consultation process, augmented by additional procedures until the City developed its own policy.

On July 24, 2012 Municipal Council adopted the Telecommunication Facilities Guidelines after agency and public circulation. On September 16, 2017, Municipal Council replaced the Official Plan Guideline with a Council Policy entitled "Telecommunication Facilities Consultation Policy".

3.2 Key Features of the Existing Policy

The policy has been used to evaluate applications since July 2012 and includes the following provisions:

- The City will provide comments within 30 days of receiving the application where no public consultation is required or within 120 days when a public consultation process is required.
- individual public notice is provided to landowners within 3 times tower height from the tower or 120 metres from the property boundary, whichever is greater.
- Londoner newspaper notice is required
- a public meeting is required, no sooner than 10 days or more than 30 days from the date the notices are mailed to area residents.
- new towers are encouraged to locate in agricultural or industrial areas, commercial areas under certain criteria, but are discouraged within and adjacent to residential areas, heritage conservation districts and natural areas.
- new towers are also encouraged to locate away from public rights-of-way, including pathways, walkways and bicycle paths, existing residential dwellings and schools.

3.3 Need for Revisions to the Policy

The current Council Guideline/Policy has been in place for over seven years. Since that time, the City has processed eleven applications for new cell phone towers. Most of the questions arising from the policy are from agents who process applications on behalf of cell phone companies. The questions relate to interpretation of the policies and clarification on what the policies require. The revised Policy is intended to be clearer and better organized to address these questions.

3.4 What is Changing

None of the key features of the Policy listed in Section 4.2 (Consultation) are changing. All of the changes are to organize the policy better so that it is easier to understand and follow, and to reflect some changes in the process since it was first developed. Section 5, Telecommunication Tower Guidelines of the proposed Policy identifies the City's preferred location for new towers.

3.5 The Future

With the deployment of new generations of wireless technology including 4G+/5G in the 2020 timeframe, there will likely be an increase in technology facilities utilizing municipal light poles located in public right-of-ways. On June 18, 2019 a report was presented at Corporate Services Committee which included a licensing agreement with the City to allow Rogers Communications Canada Inc. to install small cell telecommunications equipment on City infrastructure such as light posts and traffic signals as a two year pilot project.

City staff will be working closely with Rogers to ensure that the small cell network does not have a negative impact on the public realm. There will be careful consideration of the placement and visual treatment of mounted equipment, with the goal of not detracting from the character, navigability and aesthetics of our urban areas. Through

the pilot project, it will be evaluated if municipal guidelines are needed to achieve these goals.

It is likely that this changing technology will minimize the future need for new towers greater than 16.6 metres in height which are subject to this policy.

Conclusion

The amended Council Policy includes clarification on the consultation process, and is better organized to be consistent with the Council policy format and to provide clarity to applicants.

Prepared by:	W.J. Charles Parker, M.A. Senior Planner – Planning Policy
Submitted by:	Gregg Barrett, AICP Manager, Long Range Planning and Sustainability
Recommended by:	John M. Fleming, MCIP, RPP Managing Director, City 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	

September 16, 2019

Appendix "A"

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

By-law No. CPOL.-

A by-law to amend By-law No. CPOL.-126-378, as amended, being "A by-law to revoke and repeal Council policy related to Telecommunication Facilities Consultation Policy and replace it with a new Council policy entitled Telecommunication Facilities Consultation Policy" by renaming the Council Policy "Telecommunication Facilities Location and Public Consultation Policy", to reflect changes in the process that have occurred since the Policy was first developed.

WHEREAS subsection 5(3) of the *Municipal Act*, 2001, S.O. 2001. C25, as amended, 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 this or any other Act;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-126-378, as amended, being "A by-law to revoke and repeal Council policy related to Telecommunication Facilities Consultation Policy and replace it with a new Council policy entitled Telecommunication Facilities Consultation Policy" by renaming the Council Policy "Telecommunication Facilities Location and Public Consultation Policy", to reflect changes in the process that have occurred since the Policy was first developed;

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

1. By-law No. CPOL.-126-378, as amended, being "A by-law to revoke and repeal Council policy related to Telecommunication Facilities Consultation Policy and replace it with a new Council policy entitled "Telecommunication Facilities Consultation Policy" is hereby amended by deleting Schedule "A" to the By-law in its entirety and by replacing it with the attached new Schedule "A".
2. This by-law shall come into effect on the day it is passed.

PASSED in Open Council on October 1, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 1, 2019
Second Reading – October 1, 2019
Third Reading – October 1, 2019

SCHEDULE “A”

Telecommunication Facilities Location and Public Consultation Policy

Policy Name: Telecommunications Facilities Location and Public Consultation Policy

Legislative History: Enacted September 17, 2017 (By-law No. CPOL.-126-378); Amended June 26, 2019 (By-law No. CPOL.-327-318)

Last Review Date: September 23, 2019

Service Area Lead: City Planning- Long Range Planning and Sustainability

1. Policy Statement

The purpose of this policy is to provide guidelines to be considered by applicants for all facilities to which Industry Canada’s CPC-2-0-03 is applicable within the City of London. Industry Canada is responsible for approving and licensing radiocommunication facilities. As part of the approval process, Industry Canada requires applicants of significant antenna structures to confer with the local land use authority prior to the issuance of a license. The City of London’s Telecommunication Facilities Location and Public Consultation Policy institutes a consultation procedure between telecommunication carriers and the City which provides an opportunity for public consultation in the site selection process. These procedures are intended to provide opportunities for public feedback regarding the location of telecommunication facilities.

The Policy also identifies the City’s preferred locations for new telecommunication towers and other criteria to be considered in their placement and design. Any variations in meeting the tower location guidelines included in this policy may also be noted in the letter of concurrence for Industry Canada’s consideration in their review process.

The City will provide applicants for new telecommunication towers, subject to the application review process, with a Letter of Concurrence within 45 days of a complete application being submitted and accepted if the City is satisfied that its telecommunication public consultation process has been followed.

The participation of the City of London or the public in the consultation process does not convey the right to prevent the location of a telecommunications facility. Local By-laws cannot prevent a telecommunication facility from being built since Industry Canada has the final authority provided to them under the *Radiocommunication Act*. This procedure is intended to identify sensitive locations, promote appropriate design, and promote co-located facilities to be located in areas away from residential neighbourhoods where possible. The decision to grant a license for a telecommunications facility ultimately rests with Industry Canada. Industry Canada only intervenes i.e. makes a decision if the condition requiring concurrence cannot be met. As such, issuance may be delayed for a period of time to or the licenses may not be issued for the wireless facility.

1.1 Objectives

- i.) To facilitate, coordinate and influence the planning and site selection process for telecommunication facilities in the City;
- ii.) To encourage consultation between the City and telecommunication carriers on all applications, and to expedite the review process on applications for new telecommunications tower sites;
- iii.) To provide a process for public consultation as specified by this policy on all applications; and,
- iv.) To inform applicants and the public about the City guidelines for the location and design of telecommunication facilities.

2. Definitions

- i.) Amateur Radio Service – means a radiocommunication service in which radio apparatus are used for the purpose of self-training, intercommunication

or technical investigation by individuals who are interested in radio technique solely with a personal aim and without pecuniary interest.

- ii.) Antenna – An exterior supporting structure upon which receiving and transmitting antennas are mounted, and also include towers, supporting cables, guy wires, small buildings containing antenna switching gear and other radio frequency circuitry. These antennas are designed for various uses such as cell phones, radio, and satellite television communications by sending and/or receiving radio signals. Example include whip, omnidirectional, microwave, and panel antennas.
- iii.) Antenna System – means all the components and equipment required on a site, including an antenna and, if required, it's supporting tower and an equipment shelter, for the operation of a wireless communication network, but does not include a residential use antenna system.
- iv.) Broadcasting - means any radiocommunication in which the transmissions are intended for direct reception by the general public.
- v.) Carrier - A company, organization or person which offers, provides or operates wireless communication services to the general public and includes, but is not limited to companies which have a radio authorization from Industry Canada. Examples include Bell Mobility, Aliant, Rogers Telecom, and TELUS.
- vi.) Co-location - The placement of multiple telecommunications antenna systems or other platforms on a building, structure or tower by two or more proponents.
- vii.) Equipment Shelters - A shelter containing electronic equipment such as radios, electronic and other equipment necessary to support the operation of the communications site to receive or transmit signals and which is not staffed on a permanent basis and only requires periodic maintenance.
- viii.) Height – means the vertical distance between the grade at the base of the tower, or if the installation is located on a building or structure, the average grade abutting the building or structure, to the installations highest point including any antenna, lighting, lightning rod or other attached device.
- ix.) Industry Canada - Is the Federal Department, which is responsible for radio frequency spectrum management. Information outlining the federal process relating to the location of telecommunication and broadcasting antenna systems is available at: www.ic.gc.ca/antenna
- x.) London Advisory Committee on Heritage (LACH) - Is an advisory committee to London City Council, responsible for recommending the designation of individual heritage features such as structures, spaces, archaeological sites, and natural elements, which together form a significant type of heritage form, distinctive from that of its basic elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods and neighbourhood, cemeteries, trailways, and industrial complexes of cultural heritage value. (PPS, 2005).
- xi.) Radiocommunication or Radio - means any transmission, emission or reception of signs, signals, writing, images, sounds or intelligence of any nature by means of electromagnetic waves of frequencies lower than 3000 GHz propagated in space without artificial guide.
- xii.) Stealth Design – the blending in or hiding of an antenna system within surrounding buildings, structures or landscaping such as camouflaging

antenna systems within church steeples, clock towers, flagpoles or lighting standards.

- xiii.) Telecommunication Tower - A structure used to support one or more antenna systems or other platform for the purpose of radio telecommunications and which may include, but is not limited to guyed towers, self-support towers, monopole towers, poles, masts or other structures which are used to support telecommunication facilities and which may be located at ground level or on the roof of a building.

3. Applicability

This policy applies to:

- i) New antenna systems that are located on a new, purpose-built tower or structure that is greater than 16.6 metres (54.5 feet) above ground level;
- ii) New antenna systems that are located on a property designated under Part IV or Part V of the *Ontario Heritage Act*;
- iii) Rooftop structures, such as antennas or related equipment, on buildings where the structure is more than 25% of the height of the building or the greater of 16.6 metres (54.5 feet) in height
- iv) Antenna systems or platforms co-located on existing towers where the overall height of the structure is increased by more than 25%; and,
- v) Any modification (e.g. increasing the height) to existing structures greater than 16.6 metres (54.5 feet) above ground level in residential areas or is located less than 120 metres (394 feet) from a residential dwelling, residential zone or lands designated as Residential in the Official Plan.

Industry Canada's CPC-2-0-03, Section 1.2 states "*The requirements of this document apply to anyone regardless of the type of installation or service. This includes, amongst others, Personal Communications Services (PCS) and cellular, fixed wireless, broadcasting, land-mobile, licence-exempt and amateur radio from other radiocommunication antenna structures, and as such the exclusion criteria outlined in Section 6 of the CPC-2-0-03 applies to amateurs as well.*

4. The Policy

4.1 Submission Requirements (Applicant/Proponent)

- i.) The Applicant/Proponent shall submit a completed Application form and fee.
- ii.) If the proposal requires public consultation, the Applicant/Proponent shall be responsible for the cost associated with the public consultation process, ie. maps, labels, lists of residents or any other public information required..
- iii.) The Applicant/Proponent shall provide a written explanation of the telecommunications tower proposal. The Applicant/Proponent shall provide a Site Selection/Justification Report which includes all of the material required to review the site. The Applicant/Proponent shall demonstrate the steps taken to investigate all non-tower and co-location options in the vicinity of the proposed site, and reasons why this tower option is the only feasible alternative in that location. A description of the design elements proposed to minimize the visual impact of the support structure is also required.
- iv.) The Applicant/Proponent shall provide a survey of the subject property (or leased portion of the property) drawn to a metric scale showing the location of the tower, site grading, location of existing property lines, existing or proposed

buildings, fences, existing and proposed landscaping, access, and the type and height of the proposed tower structure.

- v.) The Applicant/Proponent shall provide a location map showing the horizontal distance between the proposed support structure installation and the nearest residential dwelling, residential zone or area designated for current or future residential uses; school; public road or right-of-way, including pathways, walkways and bicycle paths at an appropriate scale to show the context of the facility location and the surrounding area.
- vi.) The Applicant/Proponent shall investigate if a building permit is required. A building permit is required for:
 - a. Equipment shelters that exceed 10 square metres (108 square feet) of gross floor area.
 - b. A tower and/or equipment building attached to or constructed on an existing building that is greater than 10 square metres (108 square feet).
 - c. Towers that exceed 16.6 metres (54.5 feet) above ground level where they are not used for federally regulated broadcasting and telecommunications undertakings

4.2 Consultation

4.2.1 Pre-consultation with the City of London

- i) Pre-consultation with the City Planning staff is recommended to identify potential issues and constraints related to the proposed location of the telecommunications tower.
- ii) Pre-consultation with Building Division staff is recommended where accessory structures are contemplated or for rooftop locations.

4.2.2 Public Consultation Process

While the City of London recognizes that Industry Canada is the final approval authority for telecommunication facilities, it is also recognized that Industry Canada directs telecommunication providers to consult with the local municipality prior to erecting any non-exempt telecommunication towers.

4.2.3 Exemptions from the Public Consultation Process

In an attempt to simplify approvals, the following proposals will be exempt from the City's Telecommunications Facilities Location and Public Consultation Policy:

- i) Maintenance of an existing telecommunication facility, including painting or lighting in order to comply with Transport Canada's requirements;
- ii) Maintenance of existing radio apparatus including the antenna system, transmission line, mast, tower or other antenna-supporting structure;
- iii) Proposals for the addition to, reconstruction of, or modification of an antenna systems provided that addition, reconstruction or modification does not result in an overall height increase above the existing antenna of 25% or more of its original height;
- iv) Proposals of temporary antennas that are portable or mobile and used for public uses, public demonstration or public education purposes, and not exceeding a 3 months duration;
- v) Proposals for new ground mounted antenna systems including masts, towers or other antenna-supporting structure, with a height less than 16.6 metres

(54.5 feet) above ground level;

- vi) Ground supported towers less than 16.6 metres (54.5 feet) in height above ground level within industrially-designated lands, excluding designated Secondary Plan areas in the City's Official Plan, and located greater than 300 metres (984 feet) from residentially-designated lands in the Official Plan;
- vii) Antenna systems on the rooftops of non-residentially zoned buildings that do not exceed 25% of the original height of the building or structure, excluding properties designated under the *Ontario Heritage Act*; and,
- viii) Amateur radio antenna support structures in residential areas provided:
 - a. They are strictly for personal use;
 - b. The antenna boom or other appurtenances attached to the antenna are more than 1 metre (3.3 feet) from any property line;
 - c. No structure is placed in a front yard; and,
 - d. The antenna and associated equipment is less than 16.6 metres (54.5 ft.) in height.
- ix) Temporary towers used for special events or emergency operations provided they are removed within 3 months from erection.

If the proposal meets the requirements for public consultation exemptions, the Applicant/Proponent of new telecommunications installations are requested to provide the City of London with information on the installation for information purposes only. This will provide staff with the ability to provide information to residents and the Ward Councillor, if any questions or concerns emerge as a result of the installation. This information should include:

- The proposed location of the telecommunication tower(s) on the subject site,
- A description of the proposed telecommunication structure including its height, dimension, type, design, and colour.
- A letter demonstrating compliance with exclusion criteria identified in Industry Canada's CPC-2-0-03 or in this procedure.
- Site plan showing the tower.
- Supporting drawings.

4.2.4 Applications requiring Public Consultation

The public consultation process for applications which are not exempt consists of providing public notice through individual letter and newspaper notice and arranging a public information meeting. Public consultation will be required and Applicants/Proponents will be required to demonstrate that they have complied with this Policy. This will ensure that the public is made aware of the proposal and are given opportunity to provide their opinions and concerns.

Public consultation is required for:

- i) New antennas systems that are located on a new, purpose-built tower or structure that is greater than 16.6 metres (54.5 feet) above ground level;
- ii) New antenna systems that are located on a property designated under Part IV or Part V of the *Ontario Heritage Act*;
- iii) Antenna systems or platforms co-located on existing towers where the overall height of the structure is increased by more than 25%; and,
- iv) Any modification (e.g. increasing the height) to existing structures greater than 16.6 metres (54.5 feet) above ground level in residential areas or is

located less than 120 metres (394 feet) from a residential dwelling, residential zone or lands designated as Residential in the Official Plan.

4.2.5 Requirements for Public Notice

For applications that are not exempt from the requirements identified in Section 4.2.3 of this Policy, the Applicant/Proponent shall provide to the City, concurrently with submission requirements, the package that will be provided to the public for the public consultation process containing the following information:

- i.) The proposed location of the telecommunication tower(s) on the subject site;
- ii.) A survey plan which shows the location of the tower and any associated structures, and a map showing the site within the required circulation area;
- iii.) The purpose of the proposed telecommunication structure, the reasons why an existing telecommunication structure or other infrastructure cannot be used, a list of other telecommunication structures that were considered unsuitable and future co-location possibilities for the proposed telecommunication structure;
- iv.) Physical details of the tower (e.g. height, colour, type, design and lighting);
- v.) Transport Canada's and Navigation Canada's aeronautical obstruction marking requirement if applicable;
- vi.) Written confirmation that the proposed structure will be in compliance with Health Canada's Safety Code 6 including combined effects within the local environment at all times;
- vii.) Notice that general information relating to antenna systems is available on Industry Canada's Spectrum Management and Telecommunications website (<http://strategis.ic.gc.ca/antenna>); and,
- viii.) A statement from a communications specialist or an engineer specializing in propagation patterns indicating the need for proposed height and location.

Note: The Applicant/Proponent shall provide a copy of the public information package to the City for comment and review, prior to public circulation.

The Applicant/Proponent shall provide notice of both the application and the time and date of the Public Information Meeting, by regular mail to all property owners located within a radius of three times the tower height, measured from the base or the outside perimeter of the supporting structure, or 120 metres (394 feet) from the property boundary, whichever is greater. The City may consider alternative notification distances for locations proposed in rural areas. The Applicant/Proponent shall also provide notice to the Ward Councillor, Neighbourhood Association(s) (if existing), the Urban League and Industry Canada. In the letter the Applicant/Proponent will provide the names and telephone numbers of contact persons employed by the Carrier and the City of London;

The Applicant/Proponent shall provide notice, at their expense, in the local newspaper (The Londoner), where the proposed antenna system is:

- i.) to be 16.6 metres (54.7 feet) or more in height;
- ii.) after an addition, the facility will measure 16.6 metres (54.7 feet) or more in height; or,
- iii.) is expected to contain medium or high with intensity lighting for the purpose of satisfying Transport Canada requirements,

This notice shall be in accordance with the requirements of Industry Canada's CPC-2-0-03. This notice shall also provide the time, date, and location of the Public Information Meeting. The newspaper notice shall be published a minimum of 10 days before the Public Information Meeting is to be held.

4.2.6 Public Information Meeting and Review

The Public Information Meeting shall occur no sooner than 10 days or no more than 30 days from the date that notices are mailed to area residents. The Applicant/Proponent shall conduct the Public Information Meeting and maintain the minutes of the Meeting and assemble a record of names, addresses and phone numbers of all participants in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

In addition to the application details provided in the notice, the Applicant/Proponent shall also make available at the Public Information Meeting, the drawings and diagrams required in a display sized format.

Following the Public Information Meeting, the Applicant/Proponent shall provide a follow-up letter to the City to indicate their formal response to the concerns raised during the Public Information Meeting. If any modifications to the proposed structure or mitigation measures arise from the consultation, then further details (e.g. revised plans or drawings) shall be provided to the City.

4.3 Completion of Review

- i.) Following the completion of the application review and the public consultation process, the City Planner shall provide a Letter of Concurrence, conditional concurrence or non-concurrence to the Applicant/Proponent within 30 days of the Public Information Meeting to advise whether adequate public consultation has been conducted by the Applicant/Proponent and to indicate conformity with the City's preferred new telecommunication tower location guidelines (see Section 5 for criteria). The letter of concurrence may contain a summary of the location and design criteria not met by the new tower proposal.

For applications that, in the opinion of the City, are not appropriate based on probable land use impacts, an information report will be prepared for the Planning and Environment Committee (PEC). Comments and concerns from the Planning and Environment Committee (PEC) will be added to the City's Letter of Concurrence to the Applicant/Proponent for Industry Canada's consideration.

- ii.) Where an application affects a property designated under the *Ontario Heritage Act*, staff will notify the City's Heritage Planner and the London Advisory Committee on Heritage (LACH), and will inform the Applicant/Proponent of LACH's comments or concerns. Under this circumstance, a Letter of Concurrence shall be provided by the City Planner within 45 days of the Public Information Meeting
- iii.) Following the completion of public consultation process, the City shall provide a copy of the City's Letter of Concurrence to interested parties, Neighbourhood Associations and Ward Councillors on request.
- iv.) The entire process will not take longer than 120 days from application acceptance to complete, as described in Industry Canada's publication CPC-2-0-03 ("Telecommunication and Broadcasting Antenna Systems", June 2007). Applicant/Proponent initiated delays are not included within the 120 day review period. Applications that do not require public consultation are anticipated to be completed in less than 45 days.

4.4 Extensions

Industry Canada CPC-2-0-03 indicates that any new telecommunication towers are required to be constructed within 3 years of the end of the public consultation period or the new proposal will be recirculated for public comment. Extensions may be permitted provided the City has no concerns. The City will provide for an extension in writing, including a specific time period for the extension.

The City of London Telecommunications Facilities Location and Public Consultation Policy includes criteria identifying the City's preferred locations and aesthetic measures for new telecommunication facilities. These criteria include;

5. Telecommunication Tower Location Guidelines

5.1 Locational Criteria

- i.) The preferred location of new towers within the City is in Industrial and Farmland Place Types and zones which are away from existing or future residential uses/developments. Shopping Area Place Types and commercial zones may also be considered for locating new telecommunications towers. New telecommunication towers located on agricultural land shall use the smallest area of land permitted by the structure type, and must have access to a public road for maintenance.
- ii.) The location of new telecommunication towers close to existing residential uses or on lands designated and zoned for residential uses in the City of London Official Plan and Zoning By-law will be discouraged.
- iii.) New telecommunication towers or antennas are discouraged within 120 metres (394 feet) of any existing residential dwelling, Neighbourhood Place Type or zone or schools, unless required for engineering or network purposes. If a new tower or antenna is planned to be located within 120 metres (394 feet), of the above-noted areas, a detailed rationale for the necessity of this location is to be provided in the justification report of the submission requirements in Section 4.1.
- iv.) Towers should be located a minimum three times the tower height away from any public road or right-of-way, including pathways, walkways, and bicycle paths.
- v.) Proposed sites within designated Heritage Conservation Districts and properties within the Natural Heritage System or an Environmentally Significant Area identified in the London Official Plan, should be avoided.
- vi.) The City may consider permitting private telecommunication facilities on City-owned lands that are not designated as parkland or components of the Natural Heritage System. All requests for the installation of telecommunication equipment on City lands shall be submitted to the Realty Services Division.

5.2 Aesthetic Criteria

- i.) Applicant/Proponents of towers are encouraged to protect the natural and cultural landscape at all times. Where appropriate, landscaping at the tower site to enhance the character of the surroundings is recommended
- ii.) The development or redevelopment of telecommunication towers and equipment shelters should be of a colour and design that diminishes the visual impact and avoids disturbance of significant natural features. Towers and accessory structures are to reflect the context of the surrounding area.

Tower designs that mimic other characteristics normally found in the area surroundings, such as stealth (camouflage) towers or monopole designs are encouraged where suitable.

- iii.) Lighting on a telecommunication structure is discouraged except when required by Transport Canada, Navigation Canada, or for the health and safety of the proponents' employees. Where Transport Canada requires a telecommunication antenna structure to be lit, the lighting should be limited to the minimum number of lights and the lowest illumination allowable. Any required strobe lighting should be set to the maximum strobe interval allowed by Transport Canada.
- iv.) Towers shall accommodate only communication antennas. Signs or other material not directly related to this equipment or required by Industry Canada shall not be permitted on the site.

5.3 Other Criteria

Proposed locations of towers should be selected so to reduce the necessity to construct new telecommunication towers in the City. Locating towers on existing structures or buildings or co-location on an existing telecommunications tower are encouraged. Options to integrate an antenna into the design of a new building or structure are to be explored by the Applicant/Proponent. Support for the construction of a new telecommunication tower will be supported only when other alternatives to accommodate the telecommunication tower are not feasible.

Appendix B – Relevant Background

Previous Committee Reports

June 24, 2002	Planning Committee - Telecommunications Facilities Information Report
February 11, 2008	Planning Committee – Consultation Process for Wireless Telecommunications Facilities
February 27, 2012	Planning and Environment Committee – Telecommunications Towers Information Report
July 23, 2012	Planning and Environment Committee – O-7881 – Telecommunication Facilities Consultation Policy
May 28, 2013	Planning and Environment Committee – O-7881 – Technical Amendment to Telecommunication Facilities Consultation Policy
September 10, 2013	Corporate Services Committee – Amendments to Fees and Charges By-law A-46 to Amend Fees Related to Telecommunication Towers Public Consultation Process

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Revised City of London Telecommunications Facilities
Location and Public Consultation Council Policy
City of London
City-wide

Recommendation

That, on the recommendation of the Managing Director, Planning and City Planner the proposed by-law attached hereto as Appendix "A", BE INTRODUCED at the Municipal Council meeting to be held on October 1, 2019 to amend By-law No. CPOL.-126-378, as amended, being "A by-law to revoke and repeal Council policy related to Telecommunication Facilities Consultation Policy and replace it with a new Council policy entitled Telecommunication Facilities Consultation Policy" by renaming the Council Policy "Telecommunication Facilities Location and Public Consultation Policy", to reflect changes in the process that have occurred since the Policy was first developed.

Executive Summary

Purpose, Effect and Rationale of Recommended Action

To make changes to the Policy to reflect changes in the process that have occurred since the policy was first developed, and to better organize the policy to provide clarity to users.

Analysis

Relevant Background

3.1 Evolution of Council Policy

Prior to 2000, new telecommunication towers required little public consultation. Industry Canada did "*recognize the importance of local consultation and encourages proponents of significant antenna structures to notify and consult with the local land-use authority.*" However, Industry Canada did not require that property owners in the vicinity of new towers or structures be advised or consulted. In June 2001, Industry Canada published a guideline document "Guidelines to Assist Land Use Authorities in Developing a Local Protocol Respecting Antenna Structures" to assist municipalities in developing their own policies.

It is important to note that the participation of land-use authorities in the consultation process does not confer the right to prevent the location of a telecommunication facility; the decision ultimately rests with Industry Canada.

Starting in 2003, London used the Industry Canada default consultation process, augmented by additional procedures until the City developed its own policy.



London
CANADA

Development and Compliance Services Building Division

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

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

Date: August 27, 2019

RE: Monthly Report for July 2019

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

Permit Issuance

By the end of July, 2,778 permits had been issued with a construction value of \$830.4 million, representing 1,384 new dwelling units. Compared to last year, this represents a 0.6% increase in the number of permits, a 31.7% increase in the construction value and a 4.3% decrease in the number of dwelling units.

To the end of July, the number of single and semi-detached dwellings issued were 385, which was a 10.4% decrease over last year.

At the end of July, there were 610 applications in process, representing approximately \$460 million in construction value and an additional 566 dwelling units, compared with 699 applications having a construction value of \$436 million and an additional 898 dwelling units for the same period last year.

The rate of incoming applications for the month of July averaged out to 20.2 applications a day for a total of 445 in 22 working days. There were 84 permit applications to build 84 new single detached dwellings, 10 townhouse applications to build 27 units, of which 7 were cluster single dwelling units.

There were 502 permits issued in July totalling \$101.9 million including 246 new dwelling units.

Inspections

BUILDING

Building Inspectors received 2,356 inspection requests and conducted 3,187 building related inspections. An additional 2 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 11 inspectors, an average of 273 inspections were conducted this month per inspector.

Based on the 2,356 requested inspections for the month, 97% were achieved within the provincially mandated 48 hour time allowance.

CODE COMPLIANCE

Building Inspectors received 692 inspection requests and conducted 994 building related inspections. An additional 157 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 5 inspectors, an average of 190 inspections were conducted this month per inspector.

Based on the 692 requested inspections for the month, 99% were achieved within the provincially mandated 48 hour time allowance.

PLUMBING

Plumbing Inspectors received 1,031 inspection requests and conducted 1,296 plumbing related inspections. An additional 5 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 6 inspectors, an average of 216 inspections were conducted this month per inspector.

Based on the 1,031 requested inspections for the month, 99% were achieved within the provincially mandated 48 hour time allowance.

NOTE:

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

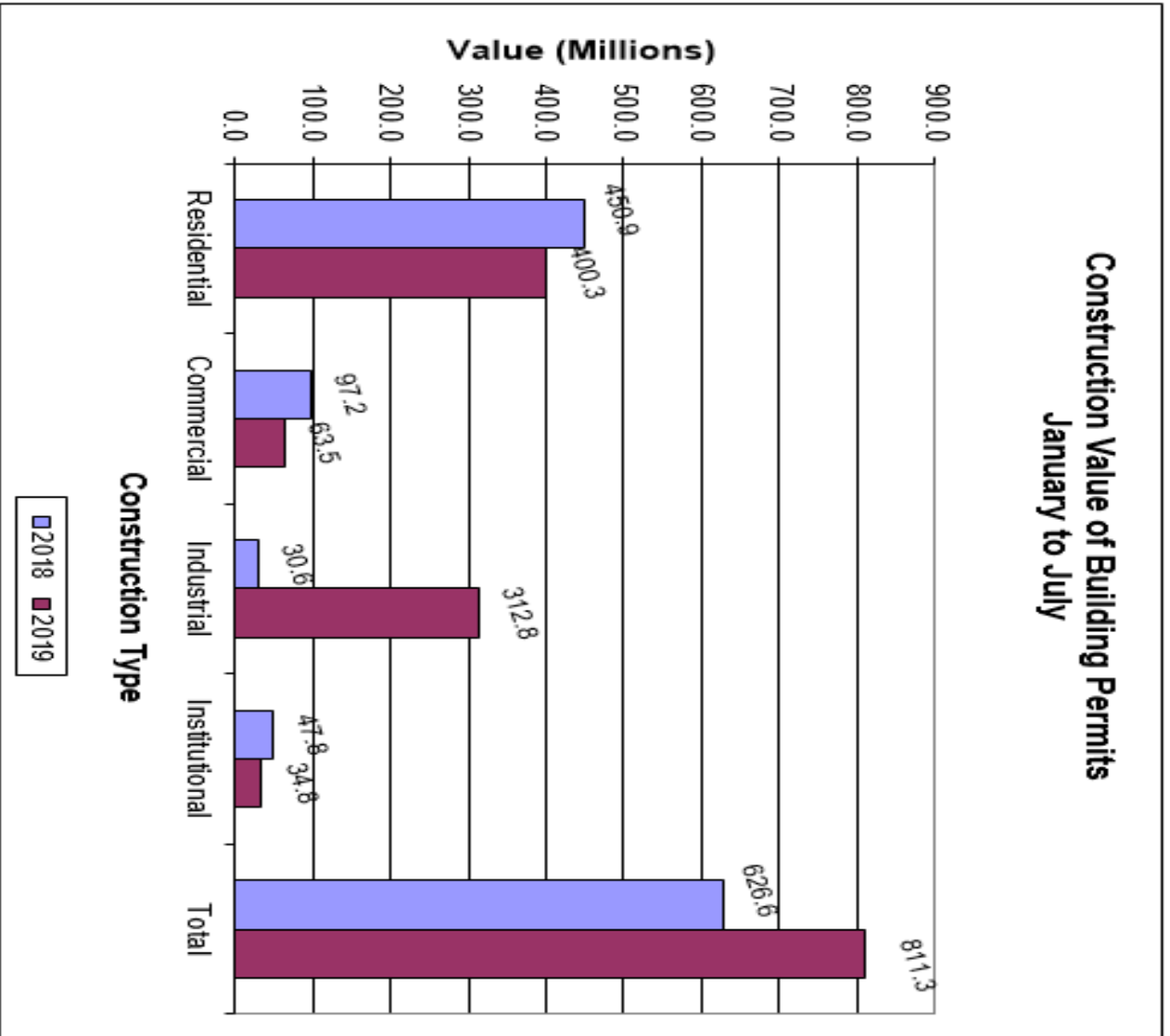
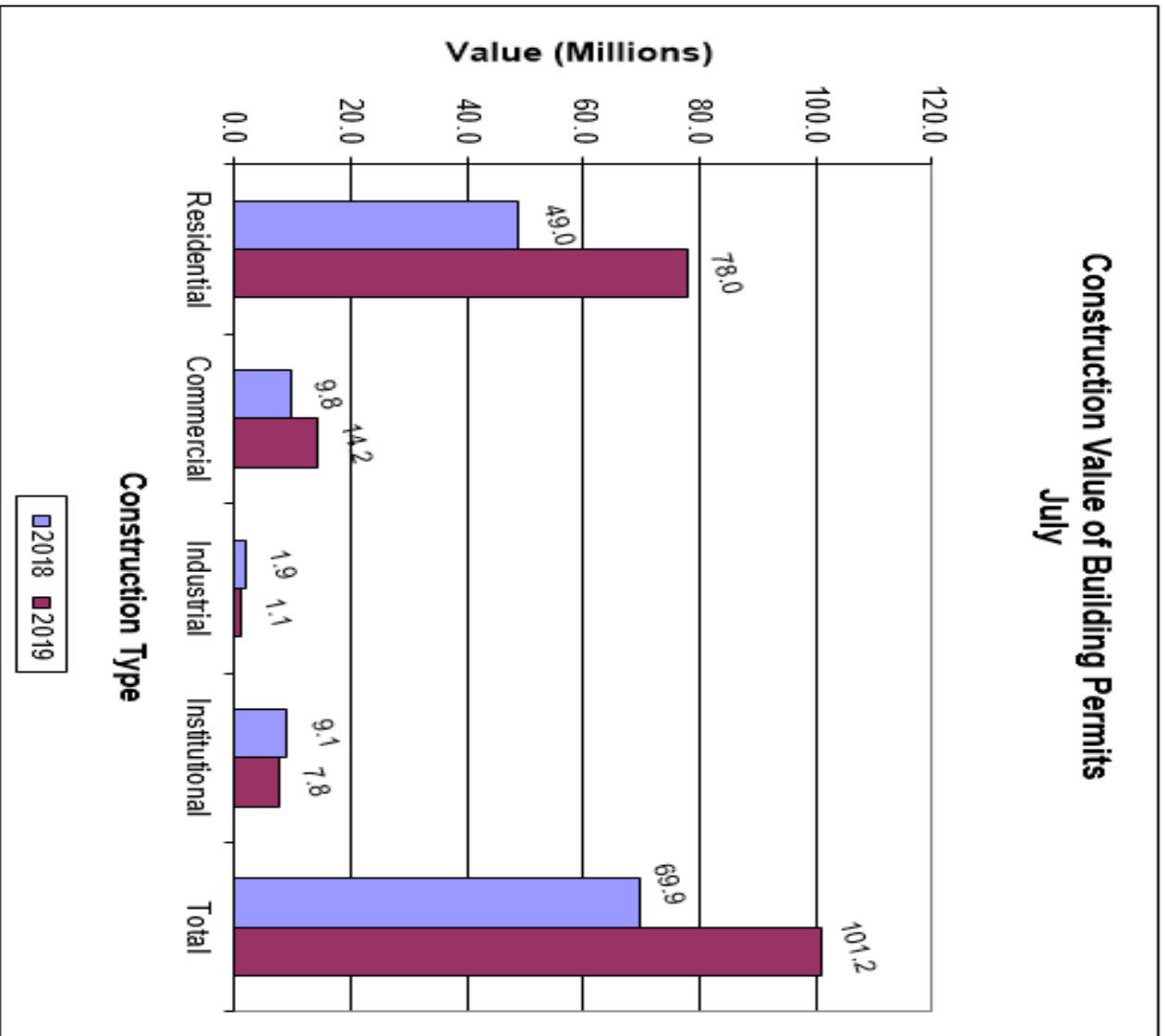
AD:cm
Attach.

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

CITY OF LONDON
SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF July 2019

CLASSIFICATION	July 2019				to the end of July 2019				July 2018				to the end of July 2018			
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	
SINGLE DETACHED DWELLINGS	79	32,294,885	79	385	162,129,076	385	53	21,744,124	53	430	177,743,184	430				
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0	0				
TOWNHOUSES	5	4,164,030	17	91	77,333,870	364	19	20,163,879	81	145	108,260,389	429				
DUPLEX, TRIPLEX, QUAD, APT BLDG.	2	36,482,700	146	15	127,089,852	588	1	660,800	4	6	125,303,520	538				
RES. ALTER & ADDITIONS	205	5,101,260	4	1116	33,725,362	47	191	6,426,080	5	1,092	39,590,479	50				
COMMERCIAL-ERECT	4	7,958,070	0	10	15,297,750	0	2	1,939,240	0	21	51,700,603	0				
COMMERCIAL-ADDITION	4	3,269,500	0	11	8,619,000	0	3	2,760,000	0	12	9,650,718	0				
COMMERCIAL-OTHER	32	2,961,910	0	318	39,560,080	0	36	5,095,850	0	263	35,896,737	0				
INDUSTRIAL-ERECT	1	800,000	0	6	302,380,000	0	1	950,000	0	3	9,450,000	0				
INDUSTRIAL-ADDITION	0	0	0	5	5,249,000	0	1	480,000	0	5	7,278,000	0				
INDUSTRIAL-OTHER	6	347,020	0	48	5,139,320	0	1	491,100	0	37	13,896,068	0				
INSTITUTIONAL-ERECT	0	0	0	1	9,816,800	0	0	0	0	0	0	0				
INSTITUTIONAL-ADDITION	2	3,448,600	0	4	4,901,800	0	1	7,299,600	0	5	14,049,600	0				
INSTITUTIONAL-OTHER	53	4,334,050	0	124	20,102,960	0	38	1,850,100	0	159	33,748,410	0				
AGRICULTURAL	1	30,000	0	5	15,640,000	0	0	0	0	1	50,000	0				
SWIMMING POOL FENCES	35	711,753	0	147	3,172,617	0	29	627,441	0	144	3,093,930	0				
ADMINISTRATIVE	23	61,000	0	93	255,000	0	27	119,450	0	104	370,350	0				
DEMOLITION	8	0	5	52	0	28	11	0	4	58	0	25				
SIGNS/CANOPY-CITY PROPERTY	6	0	0	24	0	0	2	0	0	10	0	0				
SIGNS/CANOPY-PRIVATE PROPERTY	36	0	0	323	0	0	26	0	0	266	0	0				
TOTALS	502	101,964,778	246	2,778	830,412,487.13	1,384	442	70,607,664	143	2,761	630,081,987	1,447				

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



City of London - Building Division

Principal Permits Issued from July 1, 2019 to July 31, 2019

Owner	Project Location	Proposed Work	No. of Units	Construction Value
BSN LONDON CORPORATION CORPORATION	100 Dundas St	Alter Offices CM - ALTER FOR ROBERTS CLINICAL TRIAL SUITE ON 6TH FLOOR - TENANT FIT UP FOR OFFICE, PLUMB, HVAC, FRR/FPO	0	164,000
1803299 ONTARIO INC.	100 Kellogg Lane	Add Amusement Games Establishment ADD ATRIUM	0	3,000,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	1025 St Croix Ave	Alter Schools Elementary, Kindergarten IS - ALTER TO REPLACE EXISTING STAIR AND LANDING	0	115,000
REMBRANDT DEVELOPMENT (FANSHAWE) INC REMBRANDT DEVELOPMENT (FANSHAWE) INC	1175 Blackwell Blvd			180,000
Timbercreek Whitehall Inc	1265 Richmond St	Alter Apartment Building APT - ALTER TO CONVERT BIKE STORAGE AREA TO AMENITY SPACE FRR/FPO	0	115,000
Matthews Hall	1370 Oxford St W	Add Schools Elementary, Kindergarten ADD REAR ADDITION TO MATTHEW'S HALL. FOUNDATION PERMIT ONLY. SUBMIT FIRESTOP DETAILS AND SPRINKLER SHOP DRAWINGS.	0	3,394,000
London District Catholic School Board	140 Duchess Ave	Alter Schools Elementary, Kindergarten ALTER TO REPAIR STEP AND REPLACE HANDRAIL/GUARDRAILS, INSTALL TACTILE INDICATORS AT EXISTING STAIR.	0	250,000
SIFTON PROPERTIES LIMITED	1623 Ed Ervasti Lane	Erect-Townhouse - Cluster SDD ERECT NEW BUILD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, PARTIALLY FINISHED BASEMENT, DECK INCLUDED, A/C INCLUDED, SB12-A3, 33M-721 PART 10	1	349,400
Z- Group	1820 Canvas Way 10	Erect-Townhouse - Cluster SDD ERECT NEW BUILD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED, SB12-A1, LOT 59	1	377,000
PATRICK HAZZARD CUSTOM HOMES PATRICK HAZZARD CUSTOM HOMES	1820 Canvas Way 8	Erect-Townhouse - Cluster SDD ERECT NEW BUILD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED, SB12-A1, LOT 60 33M-643. SOILS REPORT REQUIRED. HRV AND DWHR REQUIRED.	1	384,000
3M CANADA COMPANY	1840 Oxford St E	Alter Plant for Manufacturing INTERIOR ALTERATION TO REMOVE EXISTING MASONRY WALL AND RELOCATE DILTS OPERATOR'S OFFICE	0	186,000
Oxford West Gateway Inc. c/o York Developments	1866 Oxford St W 4	Alter Medical Offices ALTER INTERIOR FOR MEDICAL CLINIC, UNIT 2: MINOR PHARMACY ACCESSORY TO CLINIC	0	300,000
Oxford West Gateway Inc. c/o York Developments	1886 Oxford St W 9	Erect-offices ERECT 3 STOREY OFFICE BLDG #9. FOUNDATION PERMIT ONLY. SUBMIT MISC METAL SHOP DRAWINGS WITH GRCC. SUBMIT FIRE PROTECTION DRAWINGS WITH GRCC.	0	5,021,800

City of London - Building Division

Principal Permits Issued from July 1, 2019 to July 31, 2019

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Oxford West Gateway Inc. c/o York Developments	1906 Oxford St W 11	Erect-Carwash ERECT CAR WASH. SEPARATE TENANT FINISH PERMIT REQUIRED. SHELL PERMIT ONLY. SUBMIT FIXED ACCESS LADDER SHOP DRAWINGS.	0	141,370
UNION LTD. Union Gas Limited	2123 Highbury Ave N	Erect-Non-Residential Accessory Building ID - ERECT HOUSING BUILDING FOR BOILER SYSTEM	0	800,000
MCKENZIE BUILDING GROUP INC. MCKENZIE BUILDING GROUP INC.	2427 Daisy Bend A	Erect-Townhouse - Condo ERECT NEW TOWNHOUSE CONDO BLOCK A - 7 UNITS	7	1,750,000
SOUTHSIDE CONSTRUCTION MANAGEMENT LTD. SOUTHSIDE CONSTRUCTION MANAGEMENT LTD.	2466 Main St			250,000
FOXHOLLOW KENT DEVELOPMENTS INC. FOXHOLLOW NORTH KENT DEVELOPMENTS INC.	2650 Buroak Dr			500,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	328 Springbank Dr	Alter Schools Elementary, Kindergarten IS - INTERIOR ALTER FOR AODA WASHROOM FIXTURE REPLACEMENTS. 12 LOCATIONS THROUGHOUT SCHOOL.	0	550,000
LONDON HEALTH SCIENCES CENTRE LONDON HEALTH SCIENCES CENTRE	339 Windermere Rd	Alter Hospitals ALTER - IS - LHSC UNIVERSITY HOSPITAL - ALTERATION OF CATHETERIZATION LAB ROOM C2-119 WITH CONTROL ROOM C2-115, FRR/FPO	0	850,000
WONDERLAND BUSINESS CENTRE INC C/O OLD OAK PROPERTIES	3392 Wonderland Rd S			400,000
London District Catholic School Board	347 Lyle St	Alter Schools Elementary, Kindergarten IS - INTERIOR ALTER FOR BF UPGRADES	0	300,000
2518737 ONTARIO LIMITED 2518737 ONTARIO LIMITED	362 Dundas St	Alter Hotel CM - ALTER - TO CREATE NEW SUITES ON MAIN FLOOR OF EXISTING HOTEL, MECH, PLUMB, STRUCTURAL FOR FRONT CANOPY ONLY, FRR/FPO. PARTIAL PERMIT ISSUED JULY 19TH. PROVIDE STRUCTURAL ENGINEERED DRAWINGS FOR CANOPY OR ANY OTHER STRUCTURAL WORK.	0	578,800
TRICAR PROPERTIES LIMITED TRICAR PROPERTIES LIMITED	3800 Colonel Talbot Rd	Add Offices Add to office building	0	175,000
KAPLAND CONSTRUCTION INC.	491 English St	Erect-Duplex ERECT, NEW DUPLEX, 2 STOREY, 2 BEDROOMS, UNFINISHED BASEMENT, DECK INCLUDED, W A/C- SB12, PART LOT 9-10, SOILS REPORT BY ENGLOBE ENGINEERING REQUIRED.	2	426,000
HOMESTEAD LAND HOLDINGS LTD. HOMESTEAD LAND HOLDINGS LTD.	527 Gordon Ave			150,000

City of London - Building Division Principal Permits Issued from July 1, 2019 to July 31, 2019

Owner	Project Location	Proposed Work	No. of Units	Construction Value
2403290 Ontario Ltd	545 Fanshawe Park Rd W	Erect-Apartment Building APARTMENT - ERECT 17 STOREY, 144 UNIT BUILDING. TOWER B, WEST TOWER, FRR/FPO SHELL ONLY -SEALED MISC METALS SHOP DRAWINGS REQUIRED PRIOR TO WORK IN THESE AREAS, SPRINKLER SHOP DRAWINGS REQUIRED.	144	36,056,700
RICHMOND BLOCK LONDON CORPORATION	551 Richmond St	Alter Restaurant ALTER - CM SCORE PIZZA - TENANT FIT-UP FOR NEW RESTAURANT TO INCLUDE FRONT PATIO AREA FRR/FPO	0	500,000
STEVE CORDES YOUTH OPPORTUNITIES UNLIMITED	585 Clarke Rd	Erect-Boarding/Lodging House ERECT 30 BED YOUTH SHELTER, FRR/FPO. FOUNDATION PERMIT ISSUED JULY 26, 2019.	0	1,944,900
SOUTHSIDE CONSTRUCTION MANAGEMENT LTD. SOUTHSIDE CONSTRUCTION MANAGEMENT LTD.	639 Southdale Rd E	Erect-Restaurant CM - ERECT NEW A & W	0	850,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	6820 Duffield St	Alter Schools Elementary, Kindergarten WASHROOM RENOVATIONS	0	175,000
CANADIAN REFORMED SCHOOL SOC. OF LONDON & DIST.	7 Howard Ave	Alter Private School - Elementary INTERIOR ALTERATIONS TO GYMNASIUM, STORAGE AND CLASSROOM	0	250,000
Applewood Acres Inc.	819 Kleinburg Dr B	Erect-Townhouse - Condo ERECT 7 UNIT TOWNHOUSE, BLOCK B - 2 STOREY, 3 BEDROOM, 1 CAR GARAGE, PARTIALLY FINISHED WALK-OUT BASEMENT, WITH 1 STOREY DECK, WITH A/C, SB-12 A1, DWHR & HRV REQUIRED, LOTS 5 - 11, UNITS 2, 4, 6, 8, 10, 12, 14, 33M-749, SOILS REPORT BY EXP REQUIRED.	7	1,303,630
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	941 Viscount Rd	Alter Schools Secondary, High, Jr. High IS ALTER TO INSTALL NEW DUST COLLECTOR AND EXTERIOR ENCLOSURE.	0	410,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	941 Viscount Rd	Alter Schools Secondary, High, Jr. High INTERIOR ALTER FOR SCIENCE LABS, ROOMS 319 - 321	0	716,000
MICHELLE DOORNBOSCH	982 Gainsborough Rd			500,000

Total Permits 36 Units 163 Value 63,413,600

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

City of London - Building Division
Principal Permits Issued from July 1, 2019 to July 31, 2019

OWNER
CORDES STEVE YOUTH OPPORTUNITIES UNLIMITED
& TRADING CO LTD LONDON SALVAGE LONDON SALVAGE & TRADING CO LTD
MANAGEMENT LTD. SOUTHSIDE CONSTRUCTION SOUTHSIDE CONSTRUCTION MANAGEMENT LTD.
1803299 Ontario Inc
TRICAR PROPERTIES LIMITED TRICAR PROPERTIES LIMITED
Oxford West Gateway Inc. c/o York Developments

Commercial Permits regardless of construction value

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: Tricor Contracting Limited
585 Third Street

Public Participation Meeting on: September 23, 2019

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Tricor Contracting Limited relating to the property located at 585 Third Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 1, 2019 to amend the Official Plan by **ADDING** a policy to section 10.1.3 – Policies for Specific Areas;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at a future Council meeting, to amend The London Plan by **ADDING** a policy to Specific Policies for the Neighbourhoods Place Type; by **ADDING** the subject lands to Map 7 – Specific Policy Areas – of The London Plan **AND** that three readings of the by-law enacting The London Plan amendments **BE WITHHELD** until such time as The London Plan is in force and effect.
- (c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on October 1, 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 Holding Residential R3/Residential R5/Residential R8/Restricted Office/Temporary Zone (h-1/R3-2/R5-4/R8-4/RO2/T-55) Zone, **TO** Holding Residential R3/ Residential R5/Residential R8/Restricted Office/Light Industrial Special Provision (h-1/R3-2/R5-4/R8-4/RO2/LI7(_));

Executive Summary

Summary of Request

The requested amendment would permit the existing industrial uses in the existing buildings to continue, limit the maximum gross floor area of existing industrial uses to their existing size, and recognize existing site conditions. The requested amendment would permit repair and rental establishments, warehouse (in association with any permitted use), electrical contracting, service trade uses, support offices, convenience stores and accessory parking with no outdoor storage for the permitted uses on site.

Purpose and Effect of Recommended Action

The purpose and effect of the recommended OPA and ZBA is to permit the existing non-residential uses in the existing buildings and recognize existing site conditions. The recommended OPA would add a policy to Chapter 10 (Policies for Specific Area) to the 1989 OP, and a policy to Specific Policies for the Neighbourhoods Place Type to The London Plan (“The LP”) to permit the current and longstanding uses of the property, comprised of support offices and electrical general contractor to continue to operate within the existing building at 585 Third Street.

The recommended ZBA would change the zoning of the subject lands from a Holding Residential R3/Residential R5/Residential R8/Restricted Office/Temporary Zone (h-1/R3-2/R5-4/R8-4/RO2/T-55) Zone, to a Holding Residential R3, Residential R5, Residential R8, Restricted Office, Light Industrial (h-1/R3-2/R5-4/R8-4/RO2/LI7(_)) Zone. The recommended Light Industrial (LI7) Zone would permit exiting industrial uses, existing lot area and lot frontage and other existing site conditions such as minimum yard depths, maximum lot coverage, minimum landscaped open space, minimum parking area setback to required road allowances.

Rationale of Recommended Action

1. The recommended amendments are consistent with the 2014 Provincial Policy Statement (“PPS”) which directs municipalities to maintain suitable sites for employment uses and consider the needs of existing and future businesses. The PPS also promotes appropriate development standards to facilitate compact development in settlement areas.
2. The recommended amendment conforms to the in-force policies of the 1989 Official Plan which list the necessary condition(s) for approval of Policies for Specific Areas, and would augment the general policies, including but not limited to Multi-family Medium Density Residential (“MFMDR”) designation to allow the continued use of the existing non-residential building on the subject lands for existing industrial uses until the subject lands can redevelop for residential uses in accordance with the MFMDR designation.
3. The recommended amendment conforms to the in-force policies of The London Plan and would augment the general policies, including but not limited to Neighbourhoods Place Type to allow the continued use of the existing non-residential building on the subject lands for existing industrial uses until the subject lands can redevelop for residential uses in accordance with the Neighbourhoods Place Type.
4. The recommended amendment to Zoning By-law Z.-1 will conform to the Official Plan and The London Plan as recommended to be amended. The recommended amendment to the Zoning By-law will permit the existing industrial uses in the existing building and limit the uses to their existing size to maintain an acceptable level of compatibility with the surrounding residential uses. The recommended amendment to the Zoning By-law will regularize and permit existing site conditions which can accommodate the existing uses to continue without serious adverse impacts for surrounding residential land uses.
5. The recommended amendment will recognize these long-standing, established uses which have achieved a measure of compatibility with the surrounding uses.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located between Oxford Street East and Culver Drive and are known municipally as 585 Third Street on the west side of Third Street and consist of a rectangular shaped parcel approximately 0.38 hectare (0.937 acres) in size. The subject lands have an existing single storey building with a gross floor area of 1,360 m² (14,650 sq ft) with loading bays on the south side of the building. The existing structure was originally constructed in the 1950's and renovated and improved over the years. The subject lands are surrounded by board-on-board fencing and is accessible only from Third Street (pictured below from entrance to the subject lands).



Figure 1 - The subject lands have an enclosed storage area to the rear of the building (westerly portion of land), only visible internally (pictured below).



Figure 2 - The surrounding uses have a mixed range of 1 and 2-storey residential and commercial buildings.



Figure 3 - The building is set back from the adjacent residential development and is fenced along the lot lines between the residential townhouse development on the lands to the north, south and west

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

- Official Plan Designation – Multi-Family, Medium Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Holding Residential R3/Residential R5/Residential R8/Restricted Office/Temporary Zone (h-1*R3-2/R5-4/R8-4/RO2/T-55)Zone

1.3 Site Characteristics

- Current Land Use – Warehouse and Service Trade Office
- Frontage – 47.60m (156.18 feet)
- Depth – 80.50m (264.1 feet)
- Area – 0.38 ha (0.93 acres)
- Shape – Rectangular

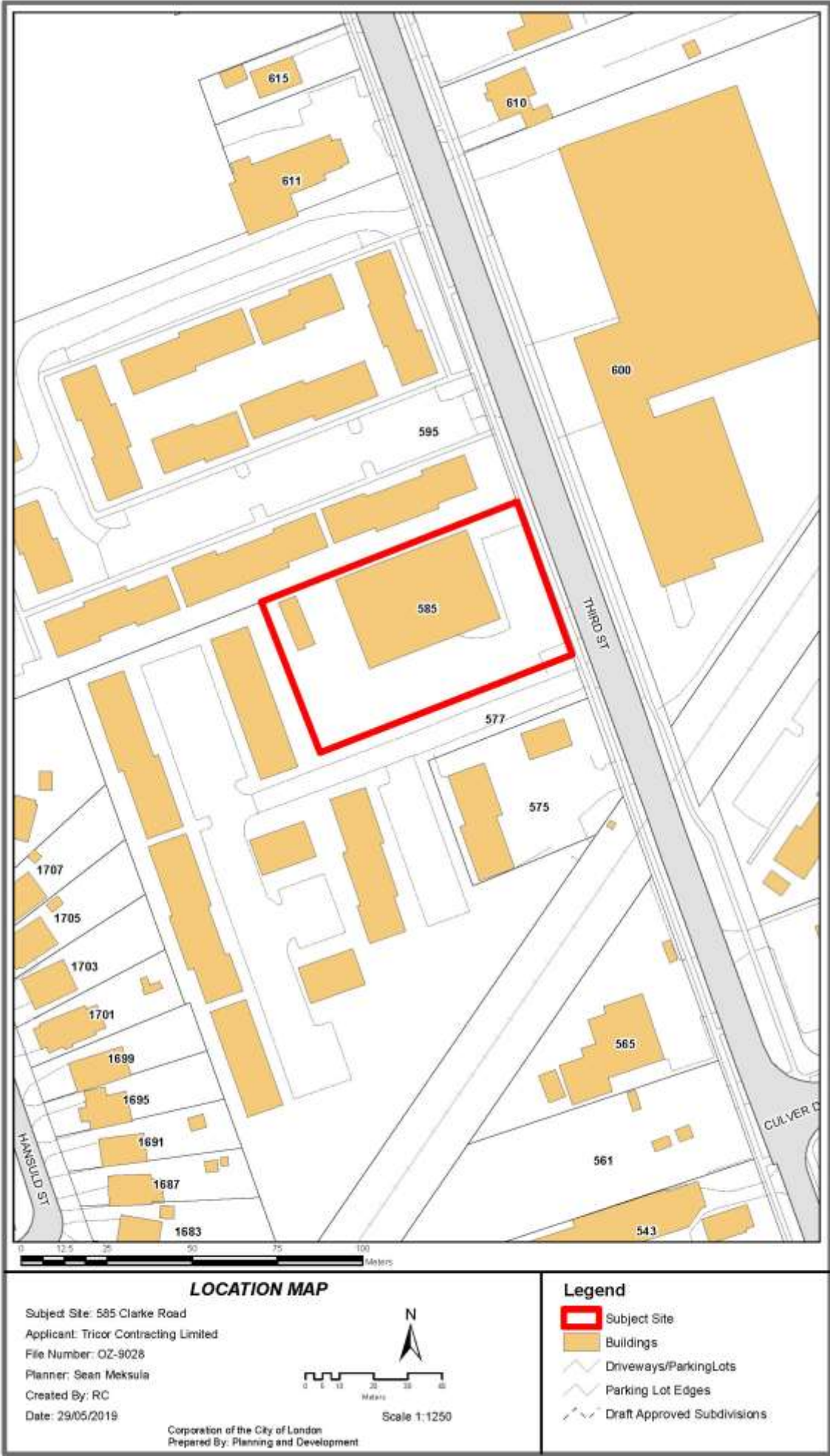
1.4 Surrounding Land Uses

- North – Residential
- East – Light Industrial
- South – Light Industrial
- West – Residential



Figure 4: 600 Third Street (east side) looking east

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The requested amendments are intended to recognize and permit existing industrial uses in the existing buildings and existing site conditions such as interior side yard, lot area, and rear yard depth through the regulations of the Zoning By-law. The recommended amendments do not permit expansions or alterations to the existing buildings or changes in the existing site conditions at 585 Third Street. Site Plan Approval is not required.

3.0 Relevant Background

3.1 Planning History

The subject lands are comprised of a purpose-built industrial building constructed in the 1950s were designated and zoned for medium density residential development by Council in 1988. Concerns with regards to proximity to the railway were raised at that time and as a result, the subject lands were permitted to operate as a personal service establishment and to vary a legal non-conforming use to a Building or Contracting Establishment use, provided there is no outdoor storage. This approval largely established the existing use of an electrical contractor on the subject lands today.

In 2000, a Zoning By-law amendment requested a temporary use zone to permit a range of industrial uses within the existing building which was approved by Council. A further request for an automobile repair garage was denied. The temporary use lapsed in 2003 and following municipal by-law compliance enforcement in 2006, the property owners reinstated and maintained the temporary zone to continue to operate the existing electrical contracting and other service trade uses, including associated office and warehouse uses, and accessory parking with no outdoor storage for the permitted uses. Subsequent requests for extension of the temporary use have been approved by Council in 2010, 2013 and 2016.

3.2 Requested Amendment

The applicant has requested an OPA to the 1989 OP to add a policy to Chapter 10 (Policies for Specific Areas), to allow the existing industrial uses to continue in the existing buildings until such time as the subject lands can be redeveloped for residential land uses in accordance with the Multi-family Medium Density Residential (MFMDR) designation. The specific policy area would permit electrical contracting or other service trade uses, including associated office and warehouse uses, to continue in the existing building with no outdoor storage.

The applicant also requested a ZBA to Zoning By-law Z.-1 to change the zoning of the subject lands to remove the Temporary Use zone, which permitted the requested uses on a temporary basis, and apply a Light Industrial zone to recognize the existing uses for the duration of their occupancy at this site. The requested zoning would also recognize the existing lot area and other existing site conditions.

The requested Light Industrial (LI7) Zone would recognize the existing Electrical Contracting and other service trade uses, including associated office and warehouse uses, in the existing building with no outdoor storage for the permitted uses and recognize the accessory parking for permitted uses. The recommended LI7() Zone recognizes other existing site conditions such as: lot area, rear yard depth, and interior side yard setbacks..

3.3 Community Engagement (see more detail in Appendix D)

Notice of Application was published in the Public Notices and Bidding Opportunities section of The Londoner on March 7, 2019, and sent to property owners in the surrounding area on March 6, 2019. The notice advised of a possible amendment to the 1989 OP to add a Specific Policy to Chapter 10 (Policies for Specific Areas) and a

possible amendment to The London Plan to add a Specific Policy to the Neighbourhoods Place Type to permit the existing non-residential uses in the existing building. The notice also advised of a possible amendment to Zoning By-law Z.-1 a Holding Residential R3/Residential R5/Residential R8/Restricted Office/Temporary Zone (h-1/R3-2/R5-4/R8-4/RO2/T-55) Zone to a Holding Residential R3/ Residential R5/Residential R8/Restricted Office/Light Industrial Special Provision (h-1/R3-2/R5-4/R8-4/RO2/LI7(_))Zone to permit existing uses at a total gross floor area of 1,360 m². One phone call was received expressing support for the application.

3.4 Policy Context (see more detail in Appendix E)

3.4.1 Provincial Policy Statement, 2014 (PPS)

The PPS provides broad policy direction on matters of Provincial interest related to land use planning and development. The PPS does not assign land use designations to properties. The PPS provides policies on key issues such as the efficient use of land and infrastructure and ensuring appropriate opportunities for employment and residential development, including support for a mix of land uses.

3.4.2 The London Plan

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

The subject lands are located within the “Neighbourhoods” Place Type on Map 1 – Place Types in The London Plan, with frontage on a “Neighbourhood Connector” (Third Street) on Map 3 – Street Classifications (*1781_). The broadest range of use and intensity contemplated for the subject lands in The London Plan are single-detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, group homes and home occupations, triplexes, and small-scale community facilities; permitting a minimum height of 1-storey and a maximum height of 2.5-storeys (Permitted Uses *921_ and *922_). The existing non-residential uses on the subject lands are not contemplated within the Neighbourhoods Place Type therefore requiring the need for an amendment. At the time of writing this report the Neighbourhoods Place Type policies were not in force and effect due to appeals to the Ontario Municipal Board.

3.4.3 1989 Official Plan

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

The subject lands are designated Multi-Family Medium Density Residential MFMDR on Schedule “A” – Land Use to the 1989 OP. The MFMDR designation is intended for 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. Residential uses that typically comprise medium density development include row houses, cluster houses, low-rise apartment buildings, and certain specialized residential facilities such as small-scale nursing homes, homes for the aged and rest homes.

A limited range of non-residential uses are contemplated in the MFMDR designation including secondary uses that are considered to be integral to, or compatible with, residential neighbourhoods and/or convenience commercial uses. The existing non-residential use on the subject lands are not contemplated in the MFMDR designation but

some secondary uses that are contemplated by policy which have similar potential impacts include commercial recreation facilities and small-scale office developments.

4.0 Key Issues and Considerations

4.1 Specific Policy Areas

As noted above, within the Multi-family Medium Density Residential designation and the Neighbourhoods Place Type certain non-residential uses are contemplated as permitted secondary or convenience commercial uses that are compatible with a neighbourhood environment (Policy 3.3 and Policy 3.3.1). However, the existing non-residential uses on the subject lands are not contemplated in the Multi-family Medium Density designation nor the Neighbourhoods Place Type necessitating the need for specific area policies. The applicant has requested specific area policies be added to the 1989 OP to augment the general policies of the LDR designation that would otherwise apply.

The London Plan (The LP)

The London Plan includes Specific Policies to the Neighbourhoods Place Type that serve to augment the general policies for Neighbourhoods Place Type with more specific policies. In The London Plan, Specific Area Policies may be applied where the applicable place type policies would not accurately reflect the intent of City Council with respect to a specific site or area (Policy 1729_).

Specific Area Policies may only be considered in limited circumstances where the following conditions apply (Policy 1730_ 1.-5.):

1. "The proposal meets all other policies of the Plan beyond those that the specific policy identifies." With the exception of the general policies for the Neighbourhoods Place Type, the proposal by the applicant generally conforms to the policies of The London Plan.
2. "The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan." The existing uses are well established and have achieved a measure of compatibility with the surrounding land uses. Since the specific area policy will limit the non-residential uses to the existing building and their existing size, the specific area policy will discourage the non-residential use from establishing any further, or intensifying, on the subject lands.
3. "The proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area." The existing building located on the subject lands was purpose-built for non-residential uses. The continued use of the existing building on the subject lands will not create a precedent for the recommended specific area policies elsewhere.
4. "The proposed use cannot be reasonably altered to conform to the policies of the place type." As noted above, the existing building on the subject land was purpose-built for non-residential uses and cannot readily be repurposed for low-rise, low-density housing forms as intended by the place type policies.
5. "The proposed policy is in the public interest, and represents good planning". In the near-term, permitting the existing non-residential use in the existing non-residential building would avoid potential hardships or vacancies when trying to find an adaptive reuse of the space and contribute to the vitality of the neighbourhood.

1989 Official Plan (1989 OP)

Chapter 10 – "Policies for Specific Areas" in the 1989 OP allows Council to consider policies for specific areas when it is in the interest of Council to maintain the existing land use designation while allowing for a site-specific change in land use (Policy 10.1.1 ii). In the near-term, the recommended amendment would permit the continued use of the existing non-residential building on the subject lands for existing non-residential uses,

while not affecting the long-term ability of the subject lands to redevelop in accordance with the MFMDR designation once market conditions warrant redevelopment for residential uses.

To assist in evaluating the appropriateness of policies for specific areas relative to surrounding land uses, a Planning Impact Analysis will be undertaken (Policy 10.1.2.). The existing non-residential uses recommended to be permitted on the subject lands have been reviewed through a Planning Impact Analysis according to the relevant criteria of Section 3.7, and the relevant criteria have been met based on the analysis provided through-out in this report and summarized in Appendix F.

4.2 Land Use Compatibility

Staff considered the appropriateness and compatibility of permitting the existing non-residential uses on the subject lands within the surrounding neighbourhood.

Provincial Policy Statement, 2014 (PPS)

The PPS directs that municipalities shall support economic development and competitiveness by "...maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses" and by "encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities" (Policy 1.3.1 b) and c)).

Consistent with the PPS, permitting the existing non-residential use on the subject lands would allow the subject lands to continue to be used for employment uses that contribute to economic activity and employment options within the neighbourhood.

The London Plan

For all planning and development The London Plan tries to achieve good fit and compatibility with the surrounding context (Policy *193_). For all planning and development applications potential impacts on adjacent properties will be considered along with the degree to which impacts can be managed and/or mitigated. (Policy 1578_5.) As noted above, the use of the existing non-residential buildings on the subject lands for non-residential uses have not caused serious adverse impacts on adjacent residential uses, and have achieved a reasonable level of acceptance within the neighbourhood over the past nineteen (19) years.

The current Temporary (T-55) Zone that applies to the subject land permits "existing industrial use" which in this case includes repair and rental establishment, warehouse, service, electrical contracting, service trade uses, support offices, and accessory parking with no outdoor storage. The recommended amendments would provide greater clarity than the current Temporary (T-55) Zone during the near term future to the industrial permission of the subject lands. However, in an effort to move towards conformity with the Multi-Family Medium Density Residential designation and Neighbourhoods Place Type, it is recommended that the existing non-residential uses be permitted and regulated by the Light Industrial (LI7) Zone.

Given the low number of community responses received through the community engagement process (a total of 1) which expressed no concerns but complete support for the existing uses to be permitted on the subject lands, it would appear the existing non-residential uses on the subject lands have achieved an acceptable level of compatibility with the surrounding residential properties.

The applicant has requested a special provision be added to the Holding Residential R3/Residential R5/Residential R8/Restricted/Office/Light Industrial (h-1/R3-2/R5-4/R8-4/RO2 Zone to recognize the existing Building or Contracting Establishment; Service Trade; Support Office; as permitted uses; and Warehouse in association with a permitted use. Existing residential zoning is in place which would allow the lands to redevelop in accordingly once market conditions warrant redevelopment for residential uses.

In order to recognize existing lot conditions a number of Special Provisions are required. Minimum Lot Area of 1,900m² (20,452.6 sq. ft.), minimum Lot Frontage of 26m (85 feet), minimum North Interior Side Yard Setback of 0.5m (1.6 feet), minimum South Interior Side Yard Setback of 18m (59 feet), and minimum Rear Yard Setback of 5.5m (18.0 feet). These proposed special provisions are existing conditions which have achieved a measure of compatibility with the surrounding residential uses. By recognizing the existing special provisions through zoning, it will regularize the lot deficiencies, eliminate the existing legal non-conforming status and prevent the existing uses from encroaching closer to residential properties without a subsequent planning application and public process.

1989 Official Plan (1989 OP)

An objective for all residential designations in the 1989 OP is to minimize the potential for land use compatibility issues which may result from an inappropriate mix of low, medium and high residential densities or residential and non-residential uses (Policy 3.1.1 vii). The use of the existing non-residential building on the subject lands for non-residential uses has not caused serious adverse impacts on near-by residential uses historically, and has achieved a reasonable level of acceptance within the neighbourhood over the past nineteen (19) years.

4.3 Parking

Provincial Policy Statement, 2014 (PPS)

The PPS promotes appropriate development standards to facilitate compact development in settlement areas (Policy 1.1.3.4). Consistent with the PPS, the existing on-site parking supply of 35 parking spaces can accommodate the existing non-residential uses. The existing parking supply is anticipated to provide reasonable parking levels to maintain existing business activities.

The London Plan (LP)

The LP directs that the Zoning By-law establish parking standards that don't require excessive amounts of parking, and recognizes that in areas well served by transit, reduced parking rates may be appropriate (Policy 271_). The LP provides for accessory parking lots in utility corridors where acceptable to the relevant utility, compatible with surrounding land uses, and permitted in the applicable place type (Policy 463_). Within the Neighbourhoods Place Type, The London Plan directs that on-street parking may be permitted to address parking requirements (Policy 936_4.).

The existing 35 parking spaces, are anticipated to be sufficient for the property and the existing uses. This is because using the Business or Contracting Establishment (manufacturing establishment) parking standard of one space per 200 m², five (5) parking spaces would be required for 960 total m². This floor area is based on the main building comprising approximately 1115 m² less 225 m² for the Compex Display office plus 70 m² for the associated storage for a total of 960 m². The Compex Display 225 m² floor area would require 6 parking spaces using the Office-Business, Service & Professional Standard of 1 per 40 m². On this basis, a total of 11 parking spaces would be required for the entire site. Planning Staff have taken into account the existence of the existing 35 parking spaces when considering the appropriateness of the requested site-specific provision that would permit the existing on-site parking supply as the minimum parking requirement for all permitted non-residential uses. The 35 parking spaces located on-site is more than sufficient to accommodate the existing uses on the lands.

Since the purpose and intent of the recommended amendments is to recognize and permit the existing non-residential uses that have existed on the subject lands for some time to continue, the demand for parking is not expected to be more intense than previously experienced. More information and detail is available in Appendix B and C of this report.

1989 Official Plan (1989 OP)

The 1989 OP supports the provision of parking that is adequate for the land uses which are to be supported, and at a standard that promotes compatibility with adjacent land uses (Policy 18.2.12). Similar to the above London Plan analysis, the recommended special provisions are anticipated to provide reasonable parking levels to maintain existing business activities.

5.0 Conclusion

The recommended amendments to permit the continued use of the existing non-residential buildings on the subject lands for existing non-residential uses is consistent with the PPS which directs municipalities to maintain suitable sites for employment uses and consider the needs of existing businesses. Consistent with the PPS, which promotes appropriate development standards to facilitate compact development, recognizing and permitting the existing on-site parking supply as the minimum parking requirement for existing non-residential uses would avoid an unnecessary oversupply of parking. The existing non-residential uses currently operate on the subject lands with the existing site conditions without serious impacts to surrounding residential land uses.

The continued use of the existing non-residential buildings on the subject lands for non-residential uses within a residential area necessitates the need for amendments to the 1989 Official Plan and The London Plan to add specific area policies. The recommended amendments meet the conditions in the 1989 Official Plan and The London Plan for specific area policies. Since the specific area policy will limit the non-residential uses to the existing buildings, the specific area policy will discourage the non-residential uses from expanding further or intensifying on the subject lands. It is not expected that the specific area policies will affect the ability of the subject lands to redevelop for residential uses in the future.

Once the 1989 Official Plan and The London Plan are amended to include specific area policies, the recommended amendment to the Zoning By-law would conform to the 1989 Official Plan and The London Plan. The recommended amendment to the Zoning By-law will permit the existing non-residential uses in the existing buildings and limit the non-residential uses to their existing range of business activities and size to maintain an acceptable level of compatibility with the surrounding residential uses.

Prepared by:	Sean Meksula, 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
<p>Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Development Services.</p>	

cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2019 Applications 9002 to\9028OZ - 585 Third Street (SM)\PEC Report and Decision\PEC-Report-9028OZ - 585 Third Street.docx

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 585
Third Street.

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 October 1, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 1, 2019
Second Reading – October 1, 2019
Third Reading – October 1, 2019

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 10.1.3 – “Policies for Specific Areas” to the Official Plan for the City of London to permit existing industrial uses in existing buildings.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 585 Third Street in the City of London.

C. BASIS OF THE AMENDMENT

Chapter 10 – “Policies for Specific Areas” of the Official Plan allows Council to consider policies for specific areas where one of four criteria apply. One of these criteria is “the change in land use is site-specific and is located in an area where Council wishes to maintain the existing land use designation, while allowing for a site specific use” (Section 10.1.1 II).

The recommended amendment will recognize and permit the existing industrial land uses in the existing buildings until such time as the subject lands can be redeveloped for residential land uses as intended in the Low Density Residential designation.

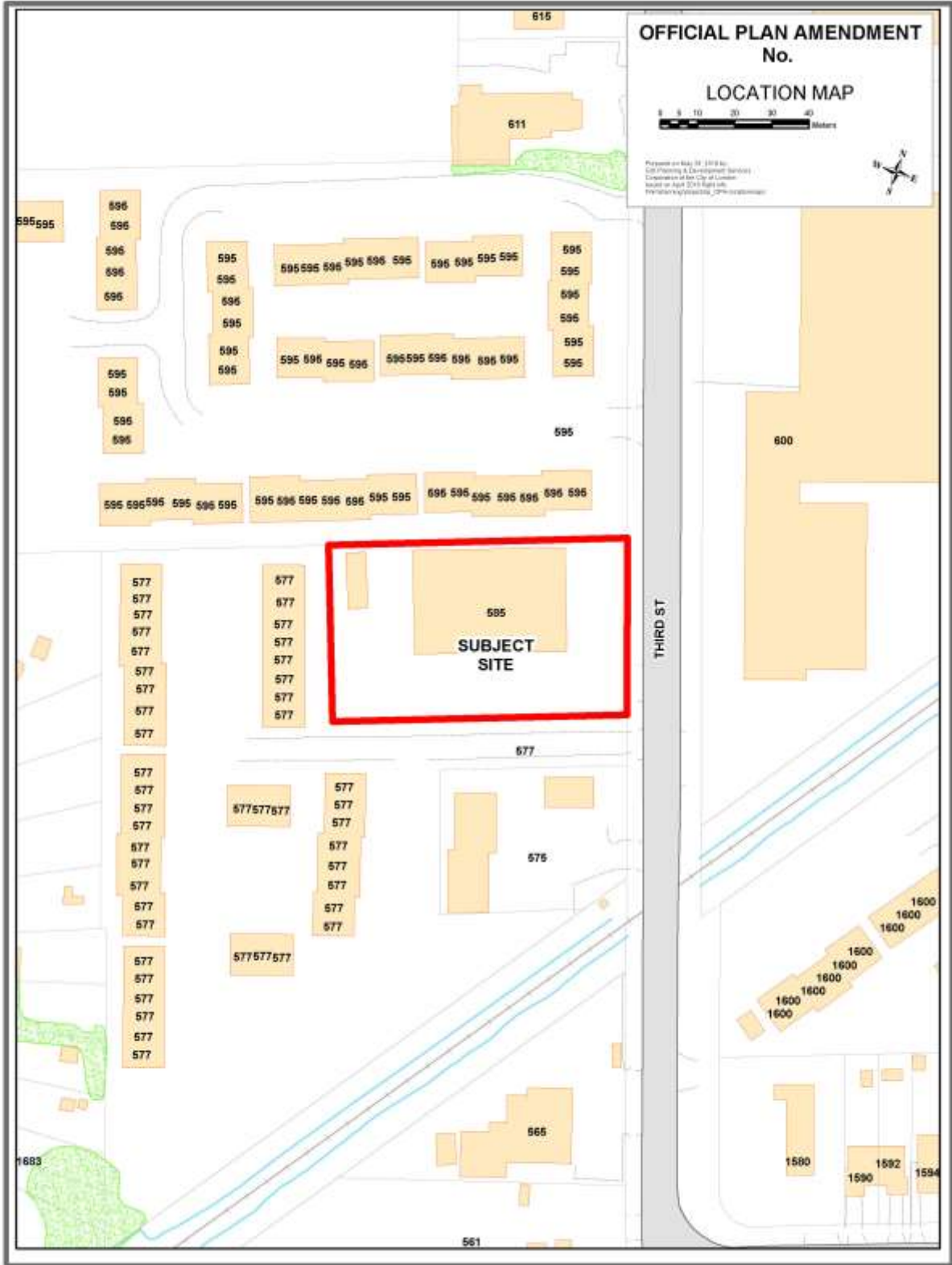
D. THE AMENDMENT

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

1. Section 10.1.3 – “Policies for Specific Areas” of the Official Plan for the City of London is amended by adding the following:

585 Third Street

In addition to the uses permitted in the Multi-Family, Medium Density Residential Designation, a Building or Contracting Establishment, Service Trade, and Support Office may be permitted as well as a Warehouse in association with a permitted use with no outdoor storage for the permitted uses.



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 585 Third Street.

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

1. Amendment No. # 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. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c. P.13*.

PASSED in Open Council on October 1, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 1, 2019
Second Reading – October 1, 2019
Third Reading – October 1, 2019

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add new policies to the Specific Policies for the Neighbourhoods Place Type and to add certain lands described herein to Map 7 – Specific Policy Areas, to The London Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 585 Third Street in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment will recognize and permit the existing industrial land uses in the existing buildings until such time as the subject lands can be redeveloped for residential land uses as intended in the Neighbourhoods Place Type.

D. THE AMENDMENT

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

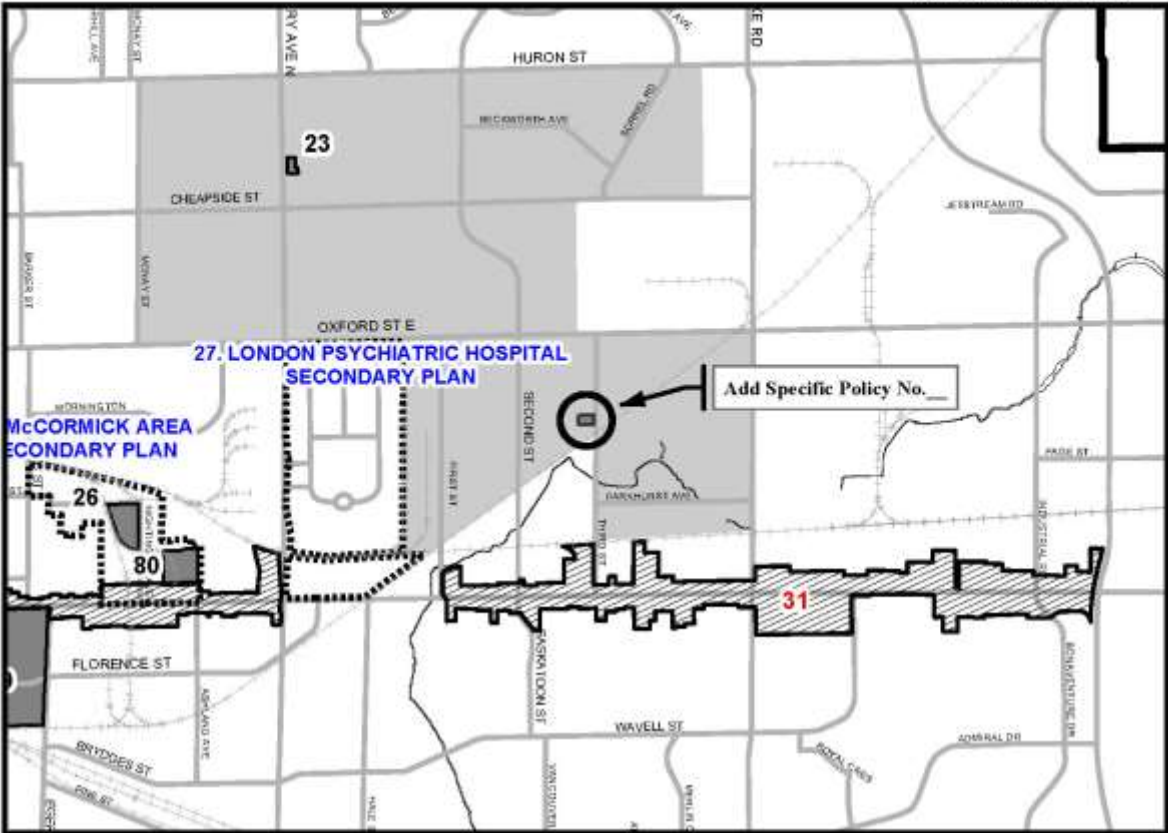
1. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London are amended by adding the following:

585 Third Street

()_ In the Neighbourhoods Place Type at 585 Third Street, in addition to the uses permitted in the Neighbourhoods Place Type, a Building or Contracting Establishment, Service Trade, and Support Office may be permitted as well as a Warehouse in association with a permitted use with no outdoor storage for the permitted uses.

2. Map 7 – Specific Policy Areas, to The London Plan for the City of London Planning Area is amended by adding a specific policy area for the lands located at 585 Third Street in the City of London, as indicated on “Schedule 1”

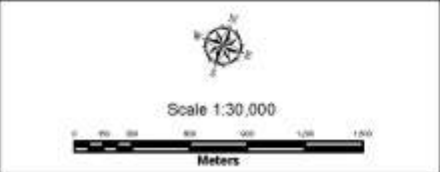
AMENDMENT NO: _____



LEGEND	BASE MAP FEATURES
Specific Policies	Streets (See Map 3)
Rapid Transit and Urban Corridor Specific-Segment Policies	Railways
Near Campus Neighbourhood	Urban Growth Boundary
Secondary Plans	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 1
 TO
 THE LONDON PLAN**
 AMENDMENT NO. _____
 PREPARED BY: Planning Services



FILE NUMBER: OZ-9028
 PLANNER: SM
 TECHNICIAN: RC
 DATE: 5/30/2019

Document Path: E:\Planning\Projects\p_officialplan\work\consolid\amendments_LondonPlan\OZ-9028\OZ-9028_AMENDMENT_Map7_SpecialPolicyAreas_b&w_8x11.mxd

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 585
Third Street.

WHEREAS Tricor Contracting Limited has applied to rezone an area of land located at 585 Third Street, 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 585 Third Street, as shown on the attached map comprising part of Key Map No. A108, from a Holding Residential R3/Residential R5/Residential R8/Restricted Office/Temporary Zone (h-1/R3-2/R5-4/R8-4/RO2/T-55) Zone, to a Holding Residential R3/Residential R5/Residential R8/Restricted Office/Light Industrial Special Provision (h-1/R3-2/R5-4/R8-4/RO2/LI7()) Zone.
- 2) Section Number 40.4 of the Light Industrial (LI7) Zone is amended by adding the following Special Provision:
 -) LI7() 585 Third Street
 - a) Permitted Uses
 - i) Building or Contracting Establishment
 - ii) Service Trade
 - iii) Support Office
 - iv) Warehouse (in association with a permitted use)
 - b) Regulation[s]
 - i) Lot Area (minimum) 1,900m² (20,452.6sq.ft.)
 - ii) Lot Frontage 26m (85 feet)
 - iii) North Interior Side Yard Setback 0.5m (1.6 feet)
 - iv) South Interior Side Yard Setback 18m (59 feet)
 - v) Rear Yard Setback 5.5m (18.0 feet)
 - vi) Outdoor storage is prohibited

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.

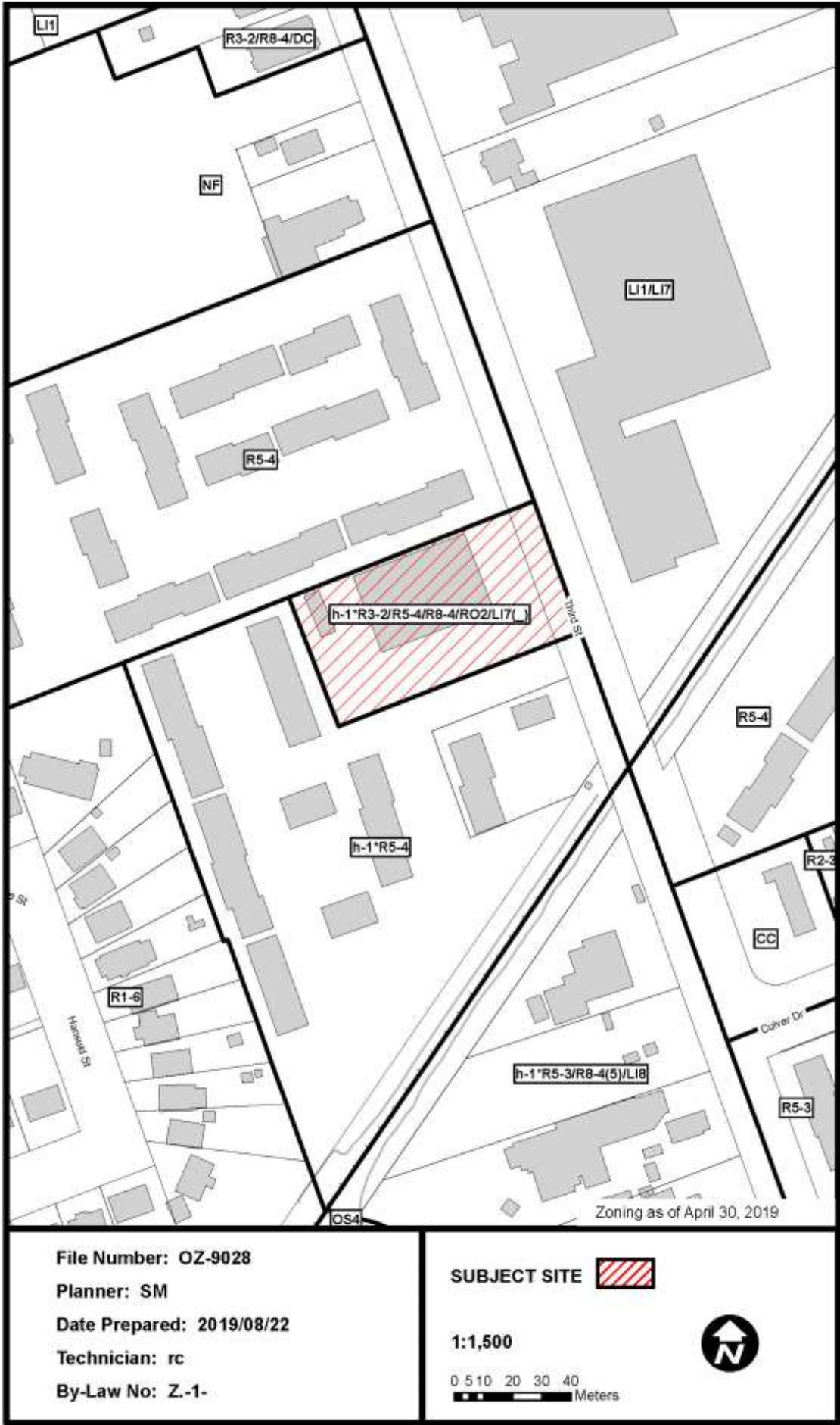
PASSED in Open Council on October 1, 2019.

Ed Holder
Mayor


Catharine Saunders
City Clerk

First Reading – October 1, 2019
Second Reading – October 1, 2019
Third Reading – October 1, 2019

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



File Number: OZ-9028
Planner: SM
Date Prepared: 2019/08/22
Technician: rc
By-Law No: Z.-1-

SUBJECT SITE 
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0 5 10 20 30 40
Meters



Geotitles.com

Appendix D – Public Engagement

Community Engagement

Public liaison: On March 6, 2019, Notice of Application was published in the Public Notices and Bidding Opportunities section of The Londoner. On March 7, 2019, Notice of Application was also sent to 250 property owners in the surrounding area. On August 28, 2019 a Revised Notice of Application was published in Notices and Bidding Opportunities section of The Londoner. On August 29, 2019, the revised Notice of Application was also sent to 250 property owners in the surrounding area. A “Planning Application” sign was also posted on the site.

1 reply was received

Nature of Liaison: The notice advised of a possible amendment to the 1989 OP to add a Specific Policy to Chapter 10 (Policies for Specific Areas) and a possible amendment to The LP to add a Specific Policy to the Neighbourhoods Place Type to permit the existing use in the existing building. The notice also advised of a possible amendment to change the zoning from a Holding Residential R3/Residential R5/Residential R8/Restricted Office/Temporary Zone (h-1/R3-2/R5-4/R8-4/RO2/T-55) Zone to a Holding Residential R3, Residential R5, Residential R8, Restricted Office, Light Industrial (h-1/R3-2/R5-4/R8-4/RO2/LI8) Zone to permit existing uses at a total gross floor area of 1,360 m².

Nature of the Revised Liaison: To add a Specific Policy for the Neighbourhoods Place Type to permit, in addition to the uses permitted in the Neighbourhoods Place Type, the existing industrial uses which include, Building or Contracting Establishment, Service Trade, Support Office and Warehouse (in association with a permitted use). The notice also advised of a possible amendment to change the zoning from a Holding Residential R3/Residential R5/Residential R8/Restricted Office/Temporary Zone (h-1/R3-2/R5-4/R8-4/RO2/T-55) Zone to a Holding Residential R3, Residential R5/Residential R8/Restricted Office/Light Industrial Special Provision (h-1/R3-2/R5-4/R8-4/RO2/LI7()) Zone to permit existing uses which include, Building or Contracting Establishment, Service Trade, Support Office and Warehouse (in association with a permitted use). With Special Provisions to recognize existing lot conditions including minimum Lot Area of 1,900m² (20,452.6 sq. ft.), minimum Lot Frontage of 26m (85 feet), minimum North Interior Side Yard Setback of 0.5m (1.6 feet), minimum South Interior Side Yard Setback of 18m (59 feet), and a Rear Yard Setback of 5.5m (18.0 feet).

Responses: One telephone message was received but the person did not leave their name or phone number. They were in support of the application and said the owners were good people and that he would like to see the application move forward.

Agency/Departmental Comments

April 2, 2019: Development Services (Engineering)

No comments for the re-zoning.

The following items are to be considered during the site plan approval stage:

- Road widening dedication of 10.75m from centre line required along Third Street
- If site plan is required detailed comments regarding access design and location will be made through that process

March 22, 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 21, 2019: Upper Thames River Conservation Authority

- No objection to this application.

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

1.1.3.4 – *Settlement Areas*

1.3.1 b) and c) – *Employment*

1989 Official Plan

3.1.1 vii) – *General Objectives for all Residential Designations*

3.3 – *Multi-Family Medium Density Residential*

3.3.1 – *Multi-Family Medium Density Residential, Permitted Uses*

10.1.1 ii) – *Policies for Specific Areas, Criteria*

10.1.2. – *Policies for Specific Areas, Planning Impact Analysis*

18.2.12 – *Transportation Planning, Parking Policies*

The London Plan

Table 11 – *Range of Permitted Heights in Neighbourhoods Place Type*

Table 10 – *Range of Permitted Uses in Neighbourhoods Place Type*

193_ – *City Building Policies, City Design, What are we trying to achieve*

271_ – *City Building Policies, City Design, Parking*

463_ – *City Building Policies, Civic Infrastructure, Policies for all Infrastructure*

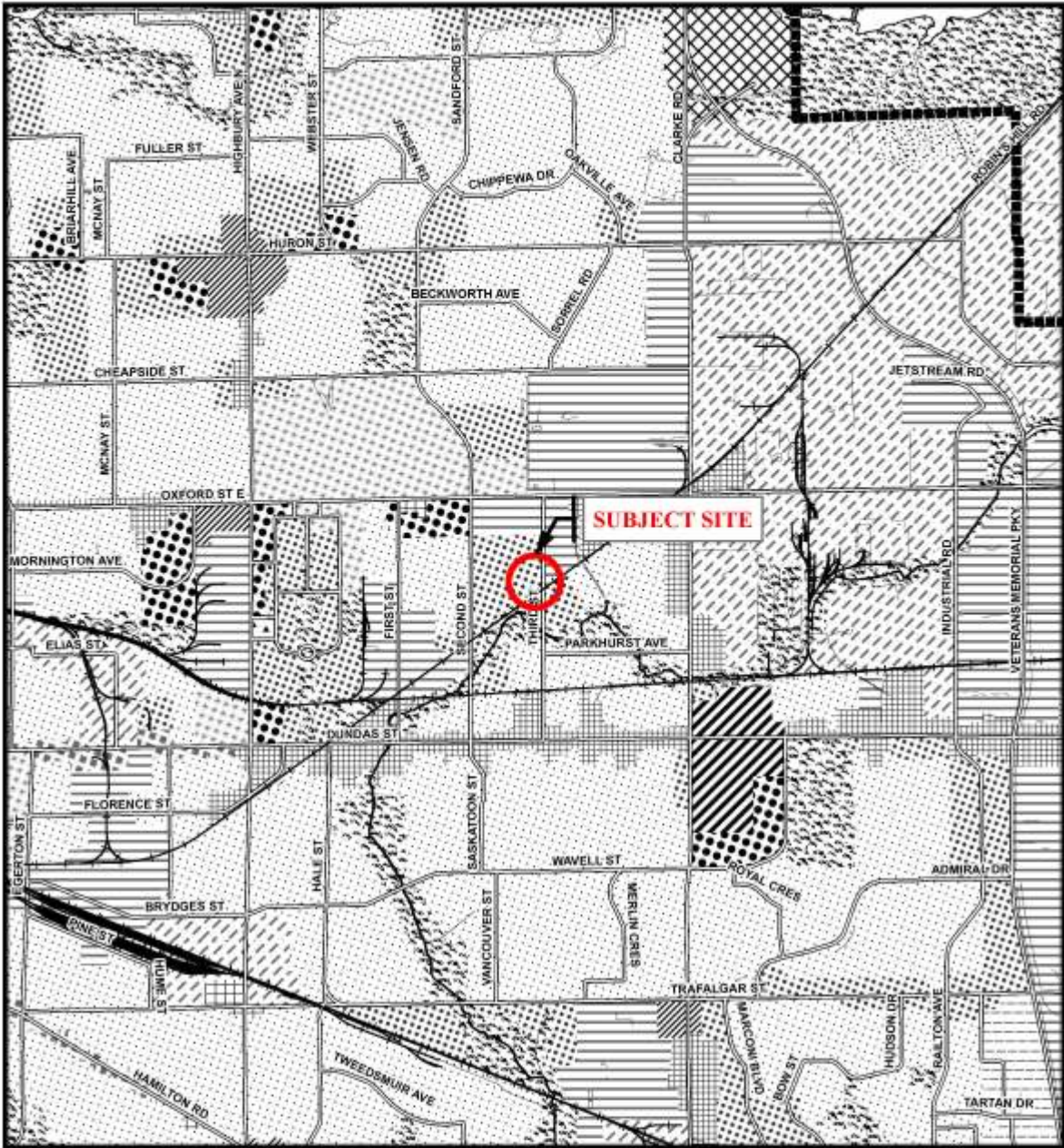
936_4. – *Place Type Policies, Urban Place Types, Neighbourhoods, Form*

1578_5. – *Our Tools, Evaluation Criteria for Planning and Development Applications*

1729_ – *Our Tools, Specific Area Policies*

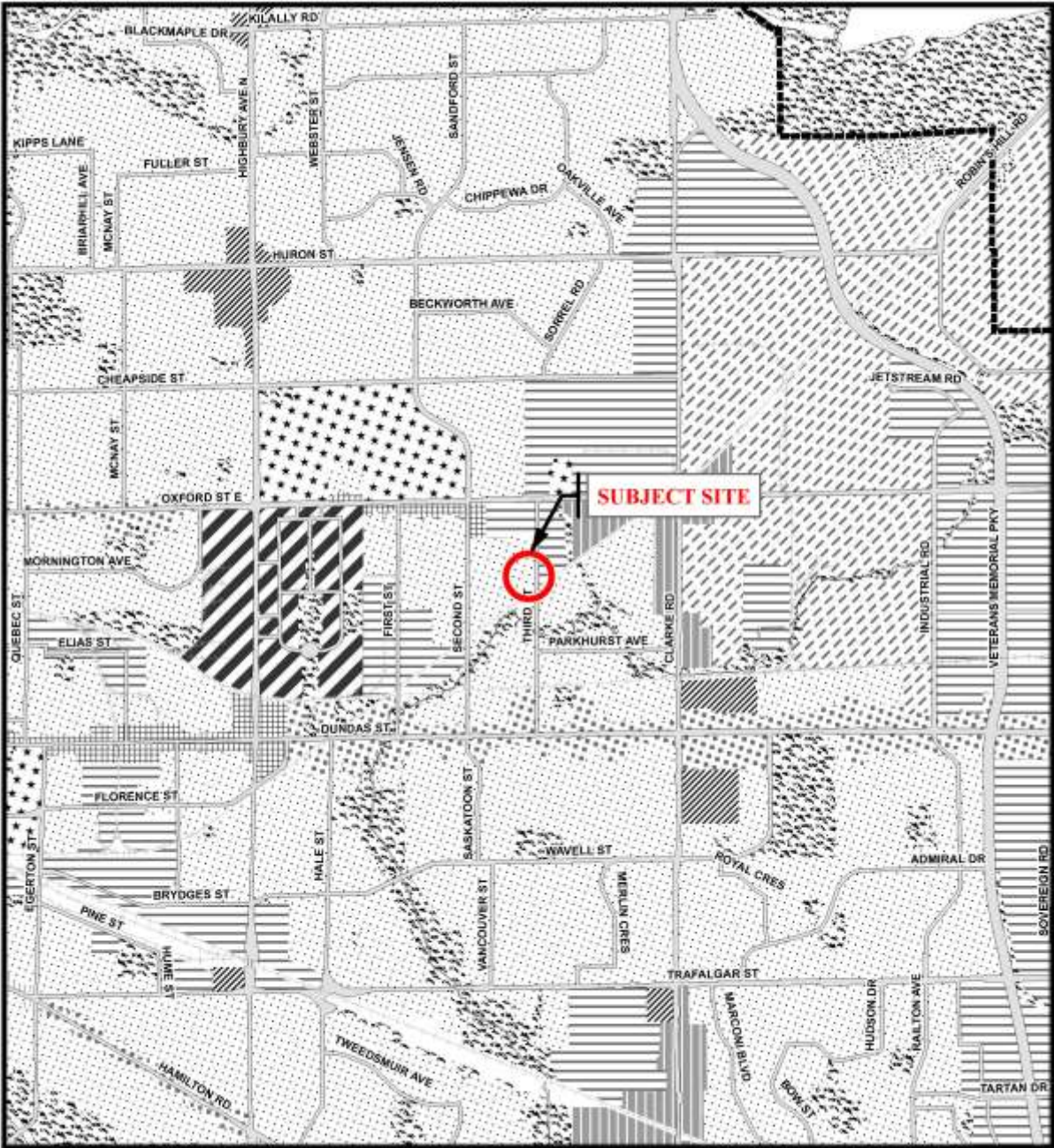
1730_1.-5. – *Our Tools, Specific Area Policies*

Appendix F – Relevant Background



Legend		
Downtown	Multi-Family, Medium Density Residential	Office Business Park
Wonderland Road Community Enterprise Corridor	Low Density Residential	General Industrial
Enclosed Regional Commercial Node	Office Area	Light Industrial
New Format Regional Commercial Node	Office/Residential	Commercial Industrial
Community Commercial Node	Regional Facility	Transitional Industrial
Neighbourhood Commercial Node	Community Facility	Rural Settlement
Main Street Commercial Corridor	Open Space	Environmental Review
Auto-Oriented Commercial Corridor	Urban Reserve - Community Growth	Agriculture
Multi-Family, High Density Residential	Urban Reserve - Industrial Growth	Urban Growth Boundary
<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LAND USE -</p> <p>PREPARED BY: Graphics and Information Services</p>		<p>FILE NUMBER: OZ-9028 PLANNER: SM TECHNICIAN: RC DATE: 2019/05/29</p>
<p>Scale 1:30,000</p> <p>Meters</p>		

PROJECT LOCATION: e:\planning\projects\tp_official\plan\work\consolid00\excerpts\mxd_templates\scheduleA_b5w_8x14_with_SWAP.mxd



Legend

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

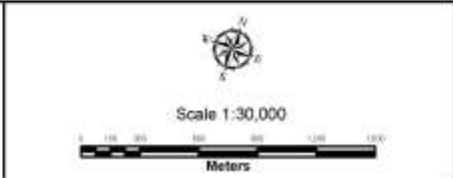
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON
 Planning Services /
 Development Services

LONDON PLAN MAP 1
 - PLACE TYPES -

PREPARED BY: Planning Services



File Number: OZ-9028
Planner: SM
Technician: RC
Date: May 29, 2019

Project Location: E:\Planning\Projects\p_officialplan\workconsol00\excerpts_LondonPlan\mxd\OZ-9028-LP-Placetypes-Excerpt.mxd



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "h" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
|--|---|

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:
 OZ-9028 SM

MAP PREPARED:
 2019/05/29 RC

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Planning Impact Analysis 1989 OP, Section 3.7 Applicable Criteria Only	
(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 existing non-residential uses have not historically caused serious adverse impacts on near-by residential uses and have achieved a reasonable level of acceptance within the neighbourhood.
(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 existing building is intended to remain to accommodate the existing use. No further expansions to the building are proposed. There are no concerns with the ability of the site to accommodate the existing uses given the past track record and the ability to provide parking. The existing industrial building can be utilized to house these uses without the need for the site to be re-developed.
(c) the supply of vacant land in the area which is already designated and/or zoned for the proposed use;	The existing non-residential uses on the subject lands are not contemplated in the immediate residential neighbourhood. These lands are in the vicinity that are zoned to permit industrial uses but these lands are occupied and not available to the existing uses to relocate.
(f) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;	The requested amendments do not contemplate expansions or alterations to the existing buildings or changes in the existing site conditions. The existing conditions are not anticipated to have potential impacts on surrounding land uses.
(h) the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;	The requested amendments do not contemplate expansions or alterations to the existing buildings or changes in the existing site conditions. The existing conditions are not anticipated to have potential impacts on surrounding land uses.
(i) the exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;	The requested amendments do not contemplate expansions or alterations to the existing buildings or changes in the existing site conditions. The existing conditions are not anticipated to have potential impacts on surrounding land uses.
(l) compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and	The recommended amendments permit existing site conditions in the Zoning By-law. The subject lands will be compliant with the Zoning By-law as amended. Site Plan Approval is not required, therefore compliance with the Site Plan Control By-law will not be addressed at this time.

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: Barnim Property Holdings Inc.
115 Bessemer Road

Public Participation Meeting on: September 23, 2019

Recommendation

That, on the recommendation of the Director, Development Services with respect to the application of Barnim Property Holdings Inc. relating to the property located at 115 Bessemer Road the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 1, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** Light Industrial (LI2/LI7) Zone **TO** a Light Industrial/Light Industrial Special Provision (LI2/LI7(_)) Zone.

Executive Summary

Summary of Request

The applicant has requested an amendment to Zoning By-law Z.-1 to change the zoning from a Light Industrial (LI2/LI7) Zone to a Light Industrial/Light Industrial Special Provision (LI2/LI7(_)) Zone to allow an automobile rental establishment as an accessory use to the existing automobile repair garage, increased open storage, and a reduced parking rate.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended zoning is to permit an automobile rental establishment as an accessory use to the existing automobile repair garage; an increased accessory open storage of 30% (whereas a maximum of 15% is permitted; and a reduced parking rate of 1 parking space per 20m² of building area for the Automobile Rental Establishment, in place of 1 parking space per 10m² of building area.

Rationale of Recommended Action

1. The recommended Zoning By-law amendment is consistent with the Provincial Policy Statement, 2014.
2. The recommended amendment to Zoning By-law Z.-1 conforms to the 1989 Official Plan including but not limited to the policies of the Light Industrial designation, and The London Plan including but not limited to the policies of the Light Industrial Place Type, and provides for an appropriate development of the site.
3. The recommended amendment will permit an accessory automobile rental establishment in association with a permitted Automobile Repair Garage, along with increased open storage and a reduced parking rate.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is surrounded primarily of light industrial uses with an approximate area of 0.80 hectares located on the east side of Bessemer Road, south of Newbold Street. The subject site currently has a one storey building being used as a garage specializing in car and truck tire sales and installation. In 2017, an addition was constructed to add 5 additional services bays. At this time the building was also upgraded. The upgraded building has recently been leased to Enterprise Rent-A-Car for service and repair of their rental vehicles and storage for new rental vehicles.



Figure 1 – View of building from the street, showing new addition with garages



Figure 2 – West view across rear parking area/car storage area

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

- Official Plan Designation – Light Industrial
- The London Plan Place Type – Light Industrial Place Type
- Existing Zoning – Light Industrial (LI2/LI7) Zone

1.3 Site Characteristics

- Current Land Use – automobile repair garage
- Frontage – approximately 63.12 metres (207.09 feet)
- Area – approximately 8,005.6 square metres (86,174.3 square feet)
- Shape – rectangular

1.4 Surrounding Land Uses

- North – industrial mall
- East – drainage channel, warehouse
- South – industrial mall
- West – Bessemer Road, industrial

1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The subject site has recently been leased to Enterprise Rent-A-Car (“Enterprise”) as a service and repair facility for their rental vehicles. Although Enterprise’s key business activity includes the renting of vehicles, this use is not permitted by the current zoning.

Presently, the permitted uses being utilized by Enterprise Rent-A-Car at this location include vehicle service and repair and limited outdoor storage of vehicles. These uses fall under the permitted Automobile Repair Garage definition. As a result, the subject of this application is to add an Automobile Rental Establishment use with increased open storage and a reduced parking rate as an accessory use, to complement the automotive service and repair activities, through a site-specific Zoning By-law amendment. This proposal does not include the construction of any new buildings on the subject site.

3.0 Relevant Background

3.1 Planning History

On September 26, 2016 the City received a Site Plan Application (file SPA16-084) for a proposed building addition. This was approved June 12, 2017.

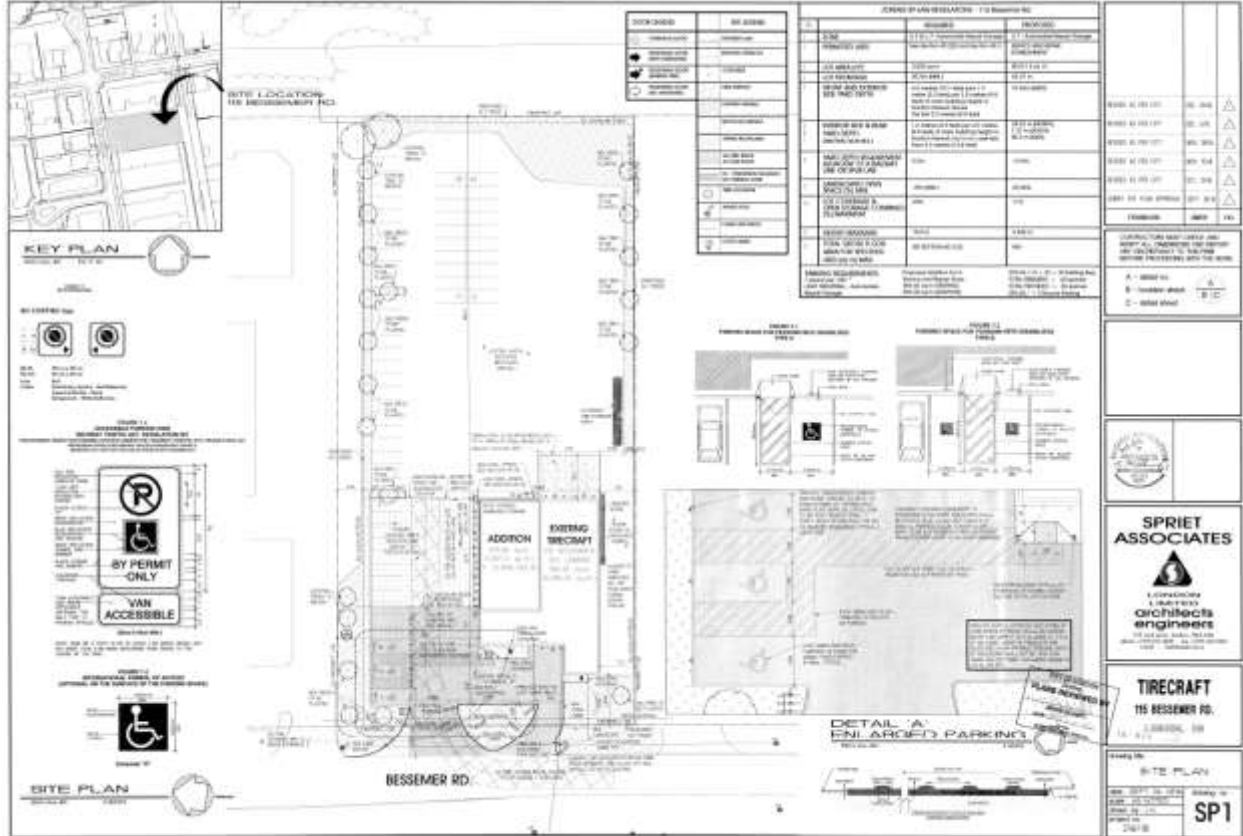


Figure 4 - Site Plan (Approved Site Plan – SPA 16-084)

3.2 Requested Amendment

Zoning By-law

Currently the property is zoned Light Industrial (LI2/LI7). This Zone provides for and regulates a range of industrial and associated secondary uses. This zone permits all the uses permitted in the LI1 Zone variation, as well as an expanded range of industrial and complementary uses listed in the LI2 and LI7 zones.

The request is to rezone from a Light Industrial (LI2/LI7) Zone to a Light Industrial /Light Industrial Special Provision (LI2/LI7()) Zone.

The Zoning By-law amendment application under consideration is to facilitate the provision of the following:

- i) an automobile rental establishment as an accessory use;
- ii) an increased accessory open storage of 30% (whereas a maximum of 15% is permitted); and
- iii) a reduced parking rate of 1 parking space per 20m² of building area, whereas the parking standard for an Automobile Rental Establishment is 1 parking space per 10m² of building area

3.3 Community Engagement (see more detail in Appendix B)

There have been no public comments to date.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, (PPS), 2014

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement encourages healthy, liveable and safe communities that are sustained by accommodating an appropriate range and mix of employment uses, including industrial and commercial to meet long-term needs (1.1.3).

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The 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 site is within the Light Industrial Place Type where industries generating minimal planning impacts are permitted (1110). The Light Industrial Place Type is where industrial uses with more minimal impact uses will be directed to. Permitted uses will have a tolerance for planning impacts created by a broad range of light industrial uses that are unlikely to impose significant impacts on surrounding areas. Also, industrial uses with large amounts of outdoor storage may not be permitted, dependent upon the character of the surrounding area.(1115_).

Official Plan (1989)

The subject site is designated Light Industrial in the 1989 Official Plan. The Light Industrial designation is intended to include a broad range of industrial uses that have a minimal impact on surrounding properties. Main permitted uses include a broad range of industrial uses including assembling, fabricating, manufacturing, processing and/or repair activities.

4.0 Key Issues and Considerations

4.1 Use

Section 1.3 of the PPS contains the Employment policies, which promote economic development and competitiveness by providing an appropriate mix and range of employment uses (1.3.1a). The PPS encourages employment areas where it can be accommodated.

Employment Area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices and associated retails and ancillary facilities.

The subject site is located within an existing Light Industrial designated area and Light Industrial Place Type which forms part of the City's economy and employment sector. The accessory automobile rental establishment will allow for a broader employment use within an existing industrial area. The primary use would remain automotive service and repair which represents the majority of the building floor area, with the proposed accessory Automobile Rental Establishment comprising a small area of approximately 10%. The recommended amendment will allow Enterprise Rent-A-Car to clean, service and repair the rental vehicles along with storage for new vehicles being prepared for rental or leasing as the primary permitted use, with the ability to rent a vehicle on-site.

Land use within employment areas shall provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.3.1.1). The proposed accessory use, in addition to automobile service and repair activities, maintains the industrial nature of the area and moderately diversifies the permitted uses which enhances the viability of the industrial area overall. In addition to the existing automobile service and repair, the proposed automobile rental establishment as an accessory use, with increased open storage and a reduced parking rate, can be accommodated by the subject site and takes into account the needs of Enterprise Rent-A-Car. An accessory Automobile Rental Establishment on the subject site to complement the existing Automobile Repair Garage will provide for a modest expansion to the existing range and mix of employment uses without compromising the industrial nature of the primary use or the broader area.

Further, the subject site is close to Highway 401, a major transportation corridor, in accordance with the PPS (1.3.2.3).

Within the Light Industrial Place Type of The London Plan, a broad range of industrial uses that are unlikely to impose significant impacts on surrounding light industrial land uses due to their emissions such as noise, odour, particulates and vibration may be permitted (*1115). Furthermore, the policies permit small-scale retail and service commercial uses that do not detract from the industrial operations of the surrounding uses (*1115_10.c.). The proposed accessory Automobile Rental Establishment use and increase in the amount of outdoor storage meets the intent of these policies by providing a small commercial operation which is related to the main permitted use, as well as the outdoor storage of vehicles which will not impose on the industrial operations of the surrounding lands.

The site is designated Light Industrial in the 1989 Official Plan. The main permitted uses in the Light Industrial designation include a broad range of industrial uses including assembling, fabricating, manufacturing, processing and/or repair activities. Consistent with the permitted uses, and as previously indicated, the subject site is comprised of an establishment that is engaged in repair activities. The LI2 zone, which is currently applied to this site, recognizes that in certain circumstances, there is a correlation between repairing and renting activities. For example, the existing zoning permits "Repair and Rental Establishments" as a permitted use although the definition restricts the range of uses to household, construction and industrial equipment. The recommended amendment seeks to build upon this premise by allowing the existing Automobile Repair Garage to broaden its scope of activity to include the rental of vehicles as an accessory use. The expansion to the outdoor storage area is not directly related to the request for Automobile Rental Establishment use. This request is the result of the volume of vehicles that are key to Enterprise's operations and that are being serviced at this location. The policies do permit a "limited amount of outdoor storage" and the request to permit 30%, whereas 15% is the maximum, while maintaining the minimum required Landscaped Open Space and building Lot Coverage maintains the intent of the Official Plan.

Adding an Automobile Rental Establishment and increasing the amount of outdoor storage in association with the permitted Automobile Repair Garage, is appropriate and meets the intent of The London Plan and the 1989 Official Plan.

4.2 Compatibility

The PPS provides direction to avoid development and land use patterns which may cause environmental or public health and safety concerns (PPS 1.1.1 c)), and The London Plan further requires that the Province's *D-series Guidelines* be implemented to ensure that industrial uses and sensitive land uses are not located inappropriately close to one another (1138).

The D-6 Guidelines were created by the Ministry of the Environment in 1995 in accordance with the Environmental Protection Act, and are intended to prevent or minimize land use issues due to the encroachment of sensitive land uses and industrial uses on one another. The proposed accessory use is not considered to be of a sensitive nature, and is a complementary land use to the existing industrial uses. The proposed zoning amendment has been reviewed in accordance with the D-6 guidelines and does not represent a conflict between sensitive and non-sensitive land uses.

The request to add an accessory Automobile Rental Establishment, in addition to the existing service and repair of rental vehicles, can be considered to be similar to other permitted uses in the Light Industrial designation and Zone. Currently, the existing Automobile Repair Garage permits the ancillary sales of automobiles, up to a maximum of six (6). Permitting an accessory Automobile Rental Establishment, in conjunction with the existing automotive service and repair activities, should not have any significant impacts on surrounding properties and conforms to the Light Industrial designation in the Official Plan.

115 Bessemer Road is surrounded by a mix of Light Industrial uses which are not anticipated to be negatively impacted by the additional uses. Servicing and repair of rental vehicles within the enclosed building is considered to be very similar to other permitted uses. Adding an Automobile Rental Establishment as a permitted accessory use would modestly expand the range of business opportunities at this location. Rental vehicles are already located at the site and could be rented directly from the location.

In addition to requesting an accessory use, the applicant has also requested to increase outdoor storage from 15 % to 30% for the site area to utilize the full extent of the existing rear yard. The outdoor storage is for new vehicles to be serviced for renting and leasing and is located at the rear of the property adjacent to a drainage channel. Site plan approval will also take into consideration measures to minimize any impacts the outdoor storage may have.

Bessemer Road is a Primary Collector in the Official Plan with a maximum capacity of 15,000 Annual Average Daily Traffic counts. The Transportation Division has no concern with the proposed ancillary use. The traffic capacity is within the capacity of a Primary Collector, and also offers a convenient connection to Highway 401.

4.3 Form

The PPS requires that settlement areas are to be the focus of growth and development, and that their vitality and regeneration shall be promoted (PPS 1.1.3.1). The subject site is located within a settlement area and existing industrial building that will repurpose a portion of an existing unit for a new and complementary use. The PPS further requires that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (PPS 1.1.3.2 a) 1 & 2). The adaptive reuse allows the efficient utilization of the existing site which has access to full municipal services.

The Existing Industrial Areas Objectives policies of the 1989 Official Plan recognize the role of older, viable inner-city industrial areas and provide for their continuation and improvement.

The subject site is already fully developed for the proposed uses, including the fences outdoor storage area and office space for the proposed Automobile Rental

Establishment. The building at 115 Bessemer Road is existing and the proposed amendment will apply to permissions within the existing building. The existing building already has sufficient gross floor area. The proposed accessory automobile rental office is to be approximately 83.6sq.m (900 sq.ft.), 10 percent of the total building floor area.

The proposed accessory use of the site will efficiently reuse a portion of the existing floor space in an interior unit of the existing building, and no additional or new development is proposed.

The vehicular access, building setbacks, height and GFA are all existing and will not change through the recommended Zoning By-law amendment. Some minor improvements to the site will be undertaken by the owner, to demarcate parking stalls and any other requirements outlined through amending the site plan.

The proposed amendment also includes a reduced parking rate. The applicant is requesting to use 1 space per 20 sq. m. of building area which is the standard for automobile rental establishments in place of 1 per 10 sq. m, the standard for automobile service and repair.

The subject site has been leased by Enterprise. The facility would be used as a private garage for Enterprise rental vehicles and not available to the public. This will substantially reduce public to travel to the property and the requirement for parking.

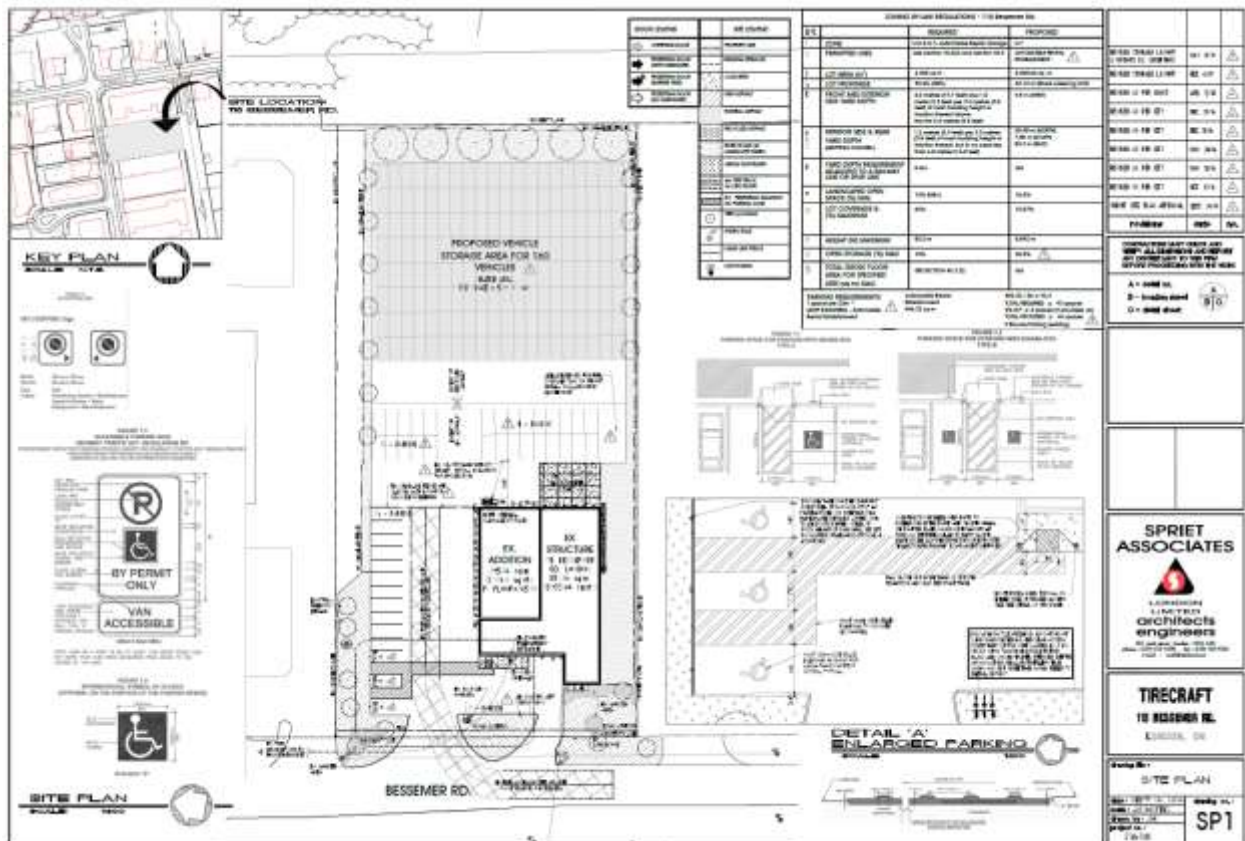


Figure 5 – Proposed Development

4.4 Site Plan Approval

The applicant will be required to apply for an amendment to the existing site plan. Through the Site Plan Approval process the following items will be considered:

- Mitigating stormwater management impacts to the Dingman Creek subwatershed;
- Obtaining UTRCA approval/permits;
- The provision of LID solutions that are supported by a Geotechnical Report and/or hydrogeological investigations;
- Addressing the water quality standard, including options to address water quality such as the use of oil/grit separators, catch basin hoods, bioswales, etc., along with the required sampling inspection maintenance hole; and,
- Other matters identified at the time of application.

4.5 Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of the Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form must be considered and deemed to be appropriate prior to the approval of any development proposal.

Section 40.1 – General Purpose of the LI Zone – describes the rationale behind the Light Industrial zone variations. This Zone provides for and regulates a range of industrial and associated secondary uses. In addition to the uses permitted in the LI7 Zone variation, an expanded range of industrial and complementary uses may be permitted, at appropriate locations, through other zone variations.

Although the requested automobile rental establishment is not identified as a primary permitted use in the LI zones, a site specific Zoning By-law amendment can add this use if deemed appropriate.

The proposed automobile rental establishment would occupy approximately 10% of the existing building which primarily consists of automobile service and repair bays and related facilities, clearly making it an accessory use to the main use. The applicant has indicated the request to increase the open storage area to 30% is required to permit full utilization of existing fenced and paved parking area. There is no open storage in the front yard, this is an industrial area, and the open storage area is fenced and paved in conformity to the approved 2017 site plan. Furthermore, no site alterations are required and the recommended uses should not have any adverse impacts on surrounding properties.

As noted, the applicant obtained site plan approval in 2017. At that time, parking was constructed and considered to meet the parking requirements for the Automobile Repair Garage. Enterprise Rent-a-Car will be using this service and repair establishment as a private garage for rental vehicles and it will not be available to the public for repairs. This will substantially reduce public travel to the property. Therefore, a reduced parking rate is not anticipated to have any negative impacts.

The existing Enterprise establishment close to the subject site at 845 Bradley Ave has a site-specific Light Industrial zone. This property is also located within Light Industrial designation in the Official Plan and Light Industrial Place Type in the London Plan.

No building constructed or site major site alterations are required. This change should not adversely impact the surrounding area and is consistent with the PPS, the Official Plan and The London Plan.

4.6 Natural Heritage, Natural Hazards and Natural Resources

As noted, the subject site is within the Dingman Creek watershed. The drainage channel directly east of the property is a Dingman Creek tributary as outlined on Schedule B of the Official Plan as a Natural Heritage Feature with a maximum hazard line along the top of bank in the area of the property boundary. The channel and adjoining bank areas, extending a small area onto the subject site are within the Conservation Authority Regulation Limit. The applicant received site improvement approvals in 2017 from the UTRCA. The proposed amendments will result in revised parking which is completely within the existing paved area and only new markings will be required. Therefore, there are no significant amendments to the existing approval anticipated.

4.7 Archaeological

Archaeological potential has been identified on this site, however the scope of the work indicated suggests there will be no significant site alteration or building redevelopment, and therefore there will likely be no soil disturbance. The site was fully redeveloped and disturbed during 2017. No building or site alteration is being proposed through this application and no soil disturbance is planned.

5.0 Conclusion

The proposed accessory automobile rental use, with increased outdoor storage and a reduced parking rate is consistent with the Provincial Policy Statement, 2014, and conforms to the policies of the Light Industrial Place Type in The London Plan as well as the Light Industrial policies of the 1989 Official Plan. The reuse of a portion of the existing building provides for an appropriate and compatible land use with the existing industrial uses.

Prepared by:	Alanna Riley, 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.	

August 14, 2019
AR/ar

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2019 Applications 9002 to\9084Z - 115 Bessemer Rd (AR)\115 Bessemer Road Z9084.docx

Appendix A

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

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

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 115
Bessemer Road.

WHEREAS Barnim Property Holdings Inc. has applied to rezone 115
Bessemer Road as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 115 Bessemer Road, as shown on the attached map, from a Light Industrial (LI2/LI7) Zone to Light Industrial/Light Industrial Special Provision (LI2/LI7(_)) Zone.
- 2) Section Number (40.4) of the Light Industrial (LI7) Zone is amended by adding the following Special Provision:

LI7 ()	115 Bessemer Road	
a)	Additional Permitted Use	
i)	Automobile Rental Establishment within existing building in addition to Automotive Service and Repair	
b)	Regulations	
i)	Outdoor Storage (maximum)	30% of Lot Area
ii)	Parking (minimum)	1 per 20m ² (699 sq ft)

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.

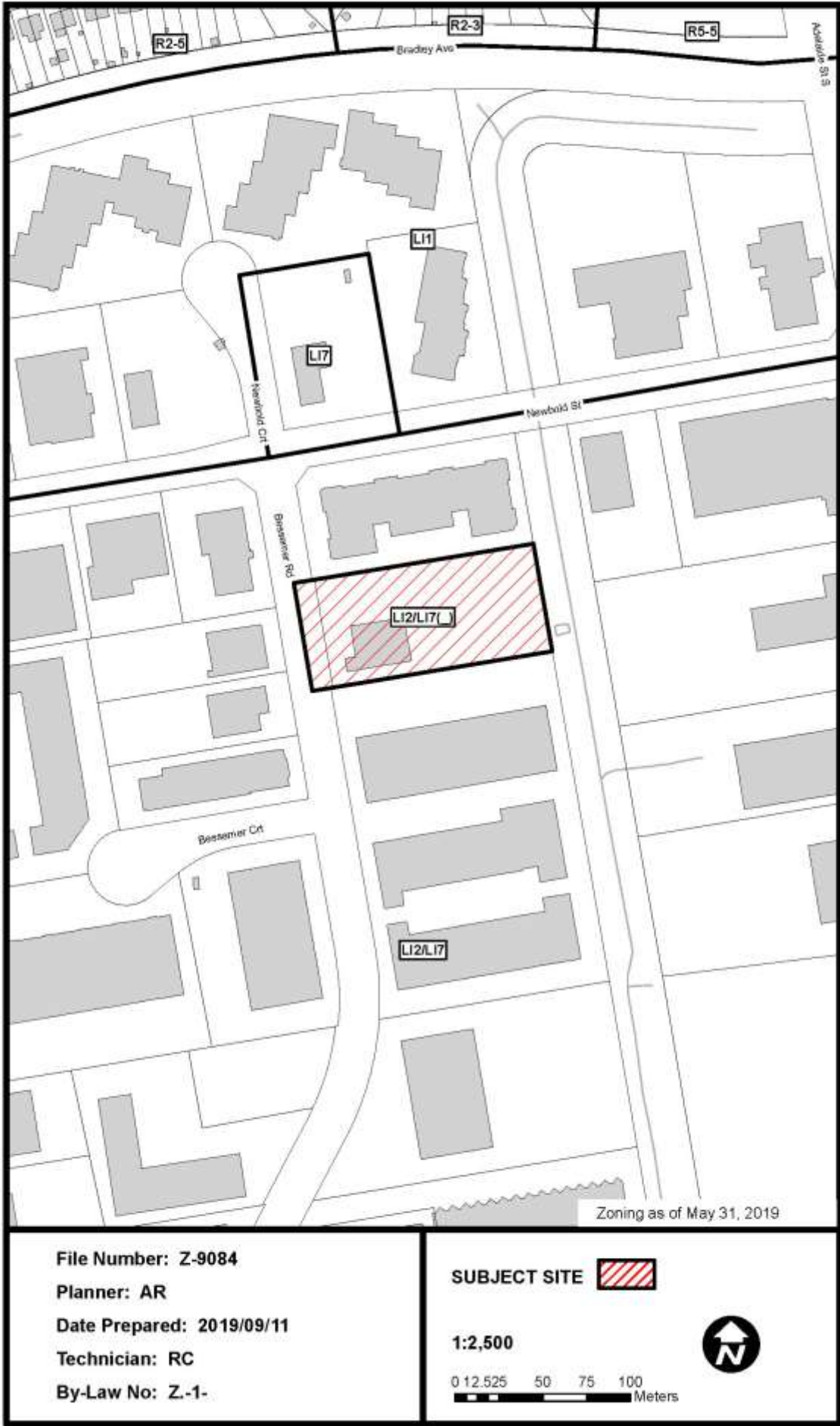
PASSED in Open Council on October 1, 2019.

Ed Holder
Mayor


Catharine Saunders
City Clerk

First Reading – October 1, 2019
Second Reading – October 1, 2019
Third Reading – October 1, 2019

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




File Number: Z-9084
Planner: AR
Date Prepared: 2019/09/11
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

1:2,500

0 12.525 50 75 100 Meters



Geotitles

Appendix B – Public Engagement

Community Engagement

Public liaison: On June 26, 2019, Notice of Application was sent to property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on June 27, 2019. A “Planning Application” sign was also posted on the site.

No replies were received

Nature of Liaison:

Request to allow an automobile rental establishment as an accessory use; an increased accessory open storage of 30% (whereas a maximum of 15% is permitted); and a reduced parking rate of 1 parking space per 20m² of building area, the parking standard for an Automobile Rental Establishment, in place of 1 parking space per 10m² of building area.

Agency/Departmental Comments

Parks Planning

Parks Planning and Design do not have concerns with the proposed application.

Heritage

There are currently no heritage planning or archaeological issues related to this property and associated file.

Please be aware that there is Archaeological Potential identified on this property, however the scope of work indicates there is no significant site alteration or building redevelopment planned; and therefore there will likely be no soil disturbance associated with this file.

However, if the scope of work includes the likelihood of soil disturbance, a Stage 1-2 archaeological assessment will be required.

Development Services – Engineering

No comments for the re-zoning application.

The following items are to be considered during a future site plan application stage:

- The subject lands are located in the Dingman Creek Subwatershed. The City is currently finalizing phases 3 and 4 of the Dingman Creek Municipal Class Environmental Assessment (EA) by Aquafor Beech (City’s Dingman Creek EA Consultant) and therefore the SWM criteria and environmental targets applicable to this site are unknown at this time.
- The Site is located within the UTRCA regulated area and as such, approval/permits should be processed/obtained.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.
- For at-grade parking spaces exceeding 29, including both active and storage, the owner shall be required to have a consulting Professional Engineer addressing

the water quality to the standards of the Ministry of the Environment, Conservation and Parks and to the satisfaction of the City Engineer. Applicable options to address water quality could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc. along with the required sampling/inspection maintenance hole.

- Additional SWM related comments will be provided upon future review of this site.

London Hydro

This site is presently serviced by London Hydro. Contact the Engineering Dept. a service upgrade is required to facilitate the new building /addition Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. Note: Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability.

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 c – avoid land use conflicts
- 1.1.3.1 – settlement areas
- 1.1.3.2 – efficient use of land
- 1.1.3a – mix and range of employment uses
- 1.3.1 b – diversified economic base

1989 Official Plan

Chapter 7: Light Industrial Designation

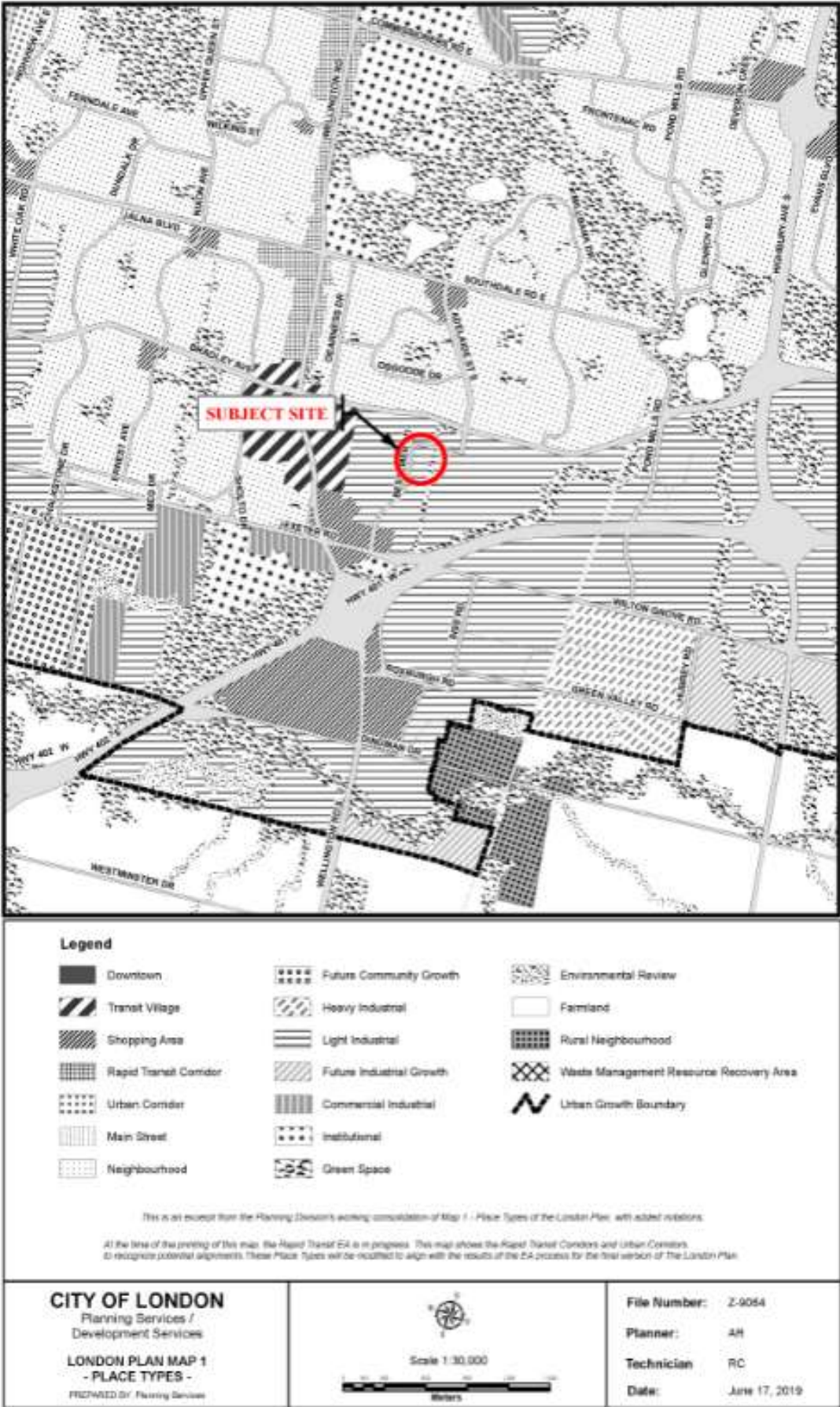
The London Plan

- 1107 – Transitioning industrial areas
- 1110 – Light Industrial Place Type
- 1115* – Permitted Uses
- 1138 – D-6 Guidelines

Appendix D – Relevant Background

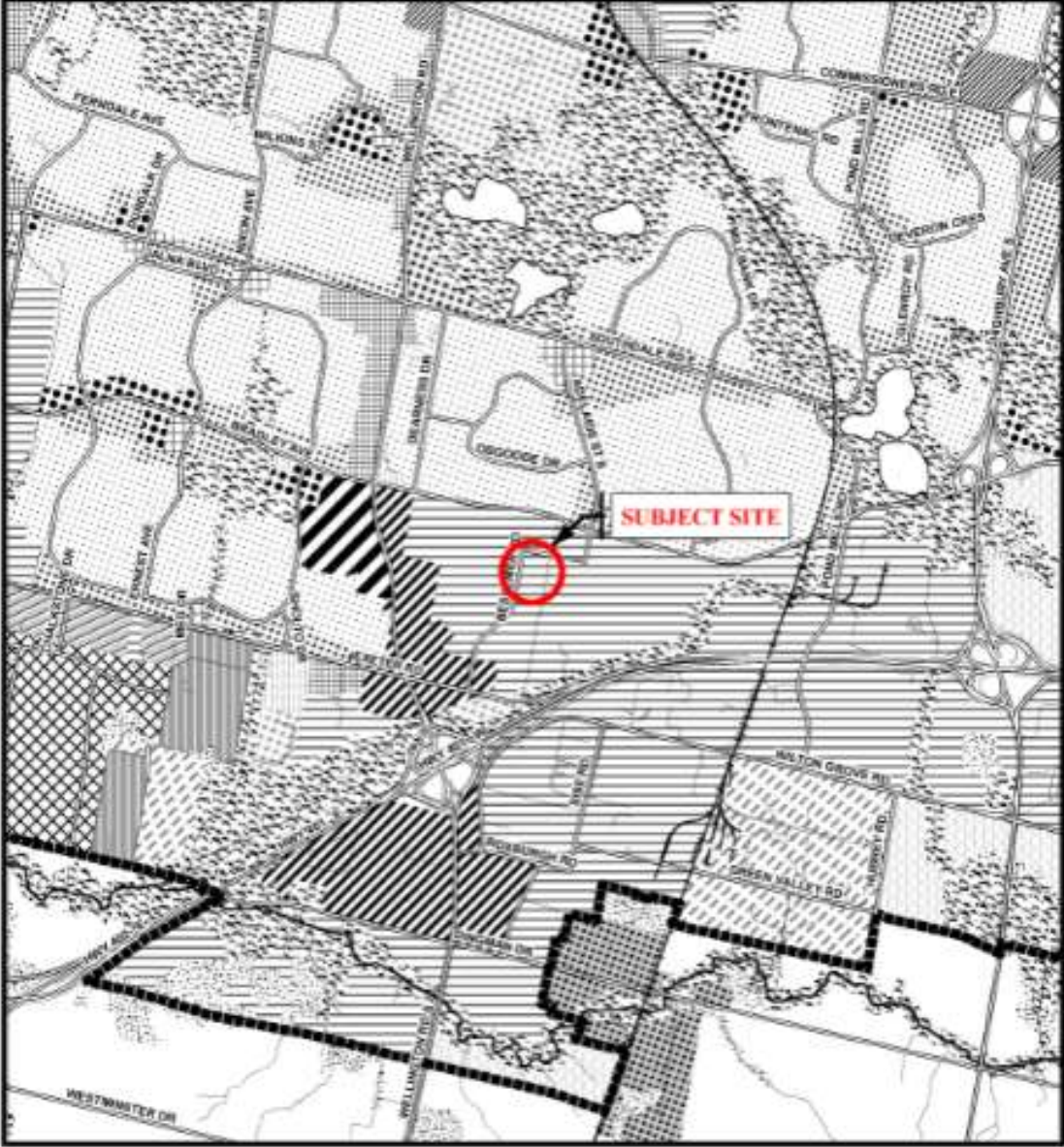
Additional Maps

The London Plan Map 1 – Land Use



Project Location: E:\Planning\Project\p_official\plan\work\consult\00\excepts_LondonPlan\maps\Z-9084-Map1_PlaceTypes_b1w_0x14.mxd

1989 Official Plan Schedule A – Land Use

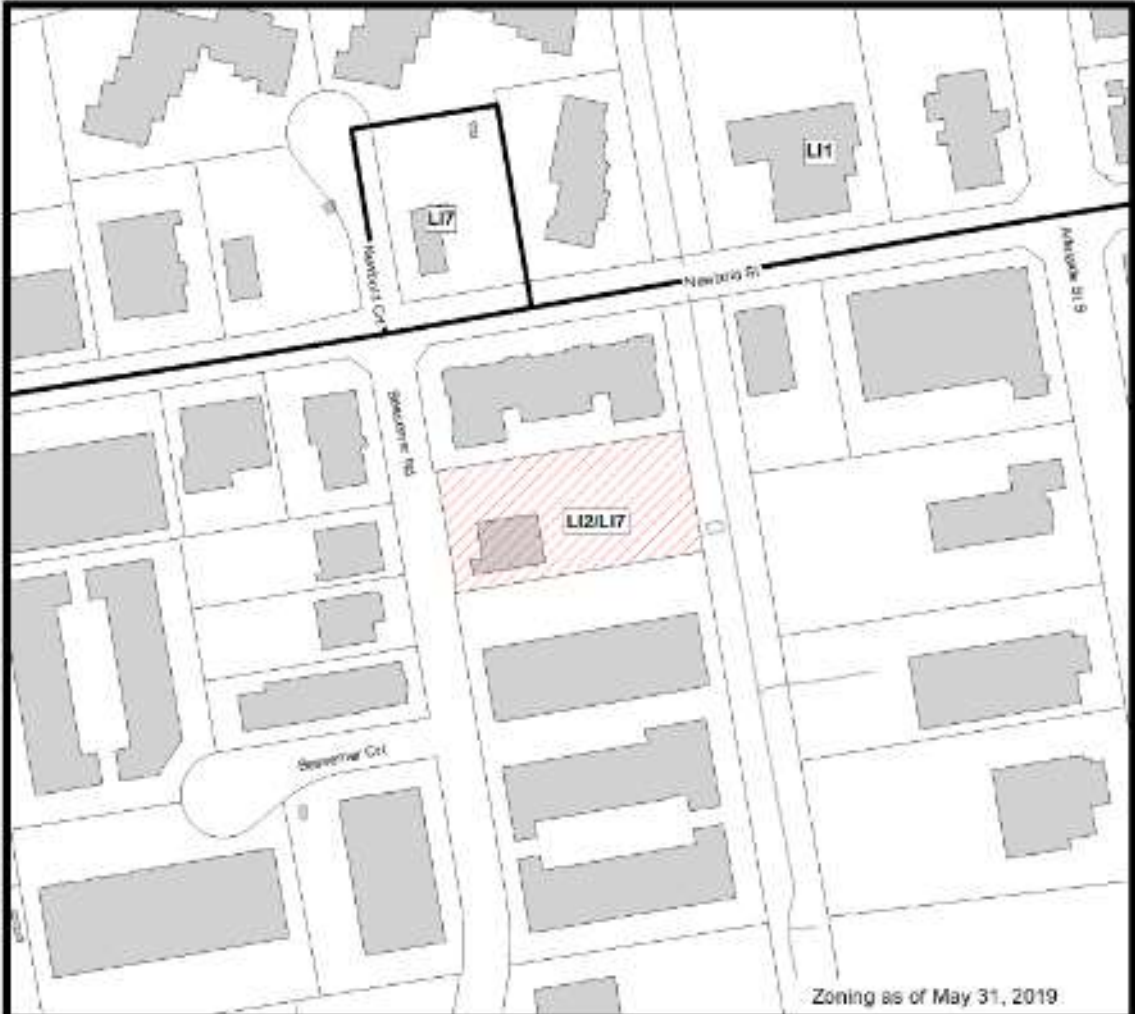


Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Winterland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	New Formal Regional Commercial Node		Office-Residential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

<p>CITY OF LONDON Planning Services / Development Services OFFICIAL PLAN SCHEDULE A - LAND USE - PREPARED BY: Geographics Information Services</p>	 Scale 1:50,000 Meters	FILE NUMBER: Z-9084
		PLANNER: AR
		TECHNICIAN: RC
		DATE: 2010/05/17

PROJECT LOCATION: c:\planning\projects\planning\paw\work\com\coll\lrc\explained\lmp\planned\m3\04_06a_6x14_with_SWAP.rxd

Zoning By-law Z.-1 Map



 **COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:**

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | OS - OPEN SPACE |
| R7 - SENIOR'S HOUSING | CR - COMMERCIAL RECREATION |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | ER - ENVIRONMENTAL REVIEW |
| R9 - MEDIUM TO HIGH DENSITY APTS | OB - OFFICE BUSINESS PARK |
| R10 - HIGH DENSITY APARTMENTS | LI - LIGHT INDUSTRIAL |
| R11 - LODGING HOUSE | GI - GENERAL INDUSTRIAL |
| DA - DOWNTOWN AREA | HI - HEAVY INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| CSA - COMMUNITY SHOPPING AREA | UR - URBAN RESERVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | AG - AGRICULTURAL |
| BDC - BUSINESS DISTRICT COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| AC - ARTERIAL COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| HS - HIGHWAY SERVICE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| RSC - RESTRICTED SERVICE COMMERCIAL | RT - RAIL TRANSPORTATION |
| CC - CONVENIENCE COMMERCIAL | "H" - HOLDING SYMBOL |
| SS - AUTOMOBILE SERVICE STATION | "D" - DENSITY SYMBOL |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | "H" - HEIGHT SYMBOL |
| OR - OFFICE/RESIDENTIAL | "B" - BONUS SYMBOL |
| OC - OFFICE CONVERSION | "T" - TEMPORARY USE SYMBOL |
| RO - RESTRICTED OFFICE | |
| OF - OFFICE | |

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-9084

AR

MAP PREPARED:

2019/06/17

rc

1:3,000



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: Royal Premier Homes
307 Fanshawe Park Road East

Public Participation Meeting on: September 23, 2019

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of Royal Premier Homes relating to the property located at 307 Fanshawe Park Road East, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on October 1, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Residential R1/ Bonus (h-5*h-54*h-89*R1-8*B-15) Zone, **TO** a Holding Residential R5 Special Provision (h-5*h-54*h-89*R5-7 (*)) Zone.

Executive Summary

Summary of Request

The requested amendment is to rezone the land from a Holding Residential R1/ Bonus (h-5*h-54*h-89*R1-8*B-15) Zone to a Residential R5 Special Provision (R5-7 (_)) Zone to permit townhouses and stacked townhouses only, with a 4.5 metre minimum front yard setback, a 4.9 meter west interior side yard for a lot depth of 30 metres, a 2.3 metre front yard setback to porch/patios, a maximum height of 12 metres for a lot depth of 30 metres, a maximum height of 10 meters for the balance of the lands, and 75 units per hectare maximum.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended amendment will allow:

- Two staked townhouse buildings with 42 units:
 - One 3 storey (12.0m) stacked townhouse building consisting of 24 units.
 - One 2 storey (9.0m) stacked townhouse building consisting of 18 units.
- Special zoning regulations for reduced front and west side yard setbacks to the 3-storey building; reduced front yard setback to the porch; a reduction in the maximum height; and, a density of 75 units per hectare.

Rationale of Recommended Action

- i) The recommended amendment is consistent with the *Provincial Policy Statement (PPS), 2014*, as it encourages healthy, livable and safe communities by accommodating an appropriate range and mix of residential uses (including affordable housing, and housing for older persons), encourages settlement areas to be the main focus of growth and development, and provide for a range of housing types and densities to meet projected requirements of current and future residents;
- ii) The recommended amendment conforms to the in force policies of The London Plan, including but not limited to the policies of the "Neighbourhoods" Place Type as

it permits a Use, Intensity, and Form that is compatible with the abutting uses and allows for an appropriate infill development;

- iii) The proposed amendment conforms to the policies of the 1989 Official Plan including but not limited to the Low Density Residential designation policies; and,
- iv) The proposed special provisions for reduced front yard and maximum heights are supported to encourage and foster improved design for the site.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located on the south side of Fanshawe Park Road East, east of Hastings Drive. The City issued demolition permits on January 4, 2019 to remove the single detached dwelling and the accessory (barn) structure.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- The London Plan Street Classification- Urban Thoroughfare
- Existing Zoning – Holding Residential R1/ Bonus (h-5*h-54*h-89*R1-8*B-15) Zone

1.3 Site Characteristics

- Current Land Use – vacant land (formerly single detached dwelling).
- Frontage – 53.3 metres
- Depth – 105.9 metres
- Area – 0.56 hectares
- Shape – rectangular

1.4 Surrounding Land Uses

- North – Single detached dwellings
- East – Single detached dwellings
- South –Single detached dwellings
- West – Single detached dwellings, approx. 400 metres, Masonville Transit Village.

1.5 Intensification (identify proposed number of units)

- Forty-two (42) units within the Built-area Boundary
- Forty-two (42) units within the Primary Transit Area

1.6 Location Map

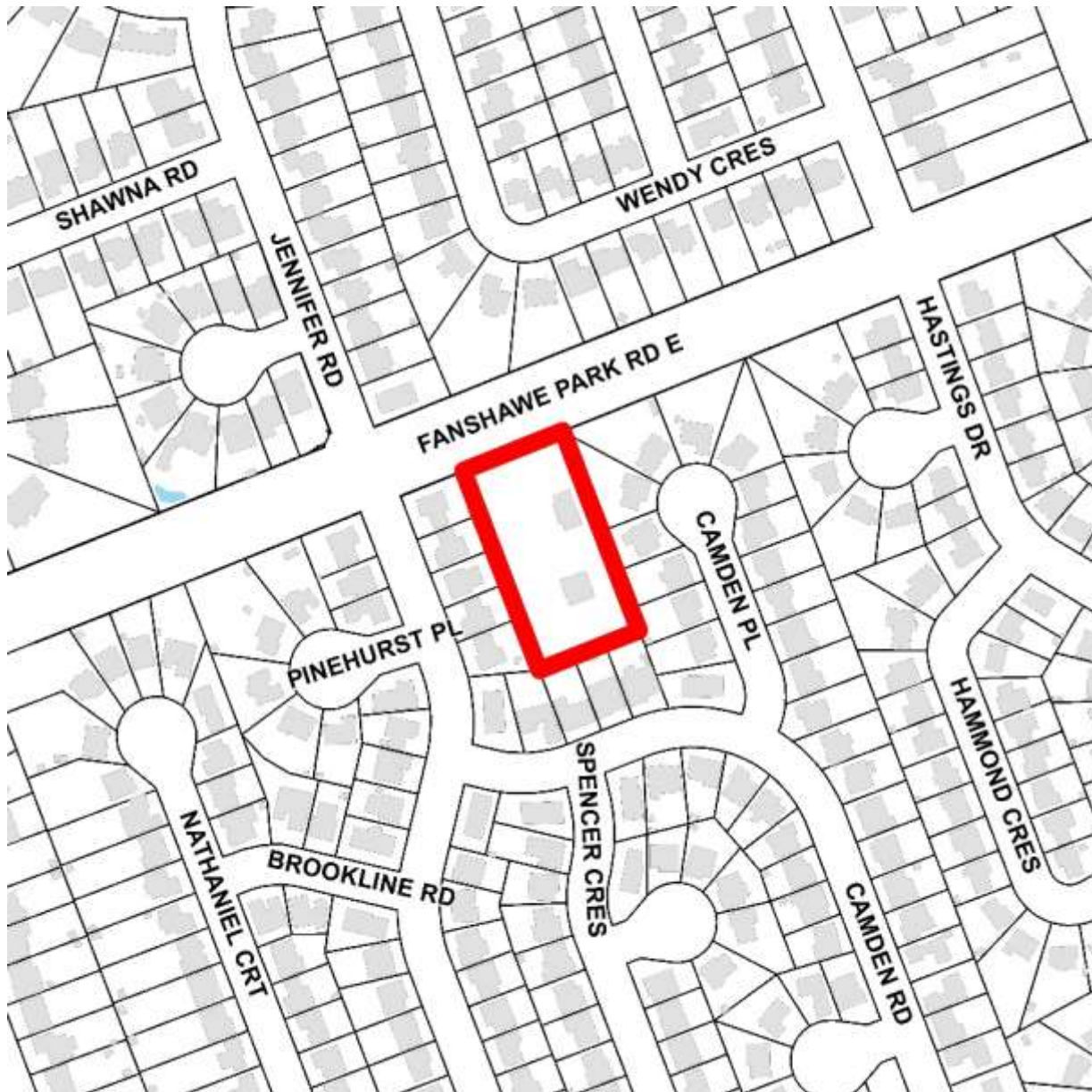


Figure 1 Location Map

2.0 Description of Proposal

2.1 Development Proposal

The proposed concept plan for the site illustrates one 3 storey (12.1m) stacked townhouse building consisting of 24 units, one 2 storey (9.0m) stacked townhouse building consisting of 18 units, for a total of two stacked townhouse buildings with 42 units (75 units per hectare).

The proposed site plan (figure 2) incorporates the following elements:

- locating a building along the Fanshawe Park Road frontage with units fronting the street, establishing a built edge and activating the street;
- massing and height that is compatible with the existing neighbourhood (composed primarily of 2 storey homes), with the taller building (3 storeys) along the Fanshawe Park Road frontage and the lower building (2 storeys) interior to the site; and
- locating all parking in the rear of the site.

It is anticipated that further refinements to the building design and elevations will occur during the site plan approval process. Additional detail regarding the site plan and building design is contained in the Urban Design Brief submitted in conjunction with the rezoning application.

Proposed Site Plan

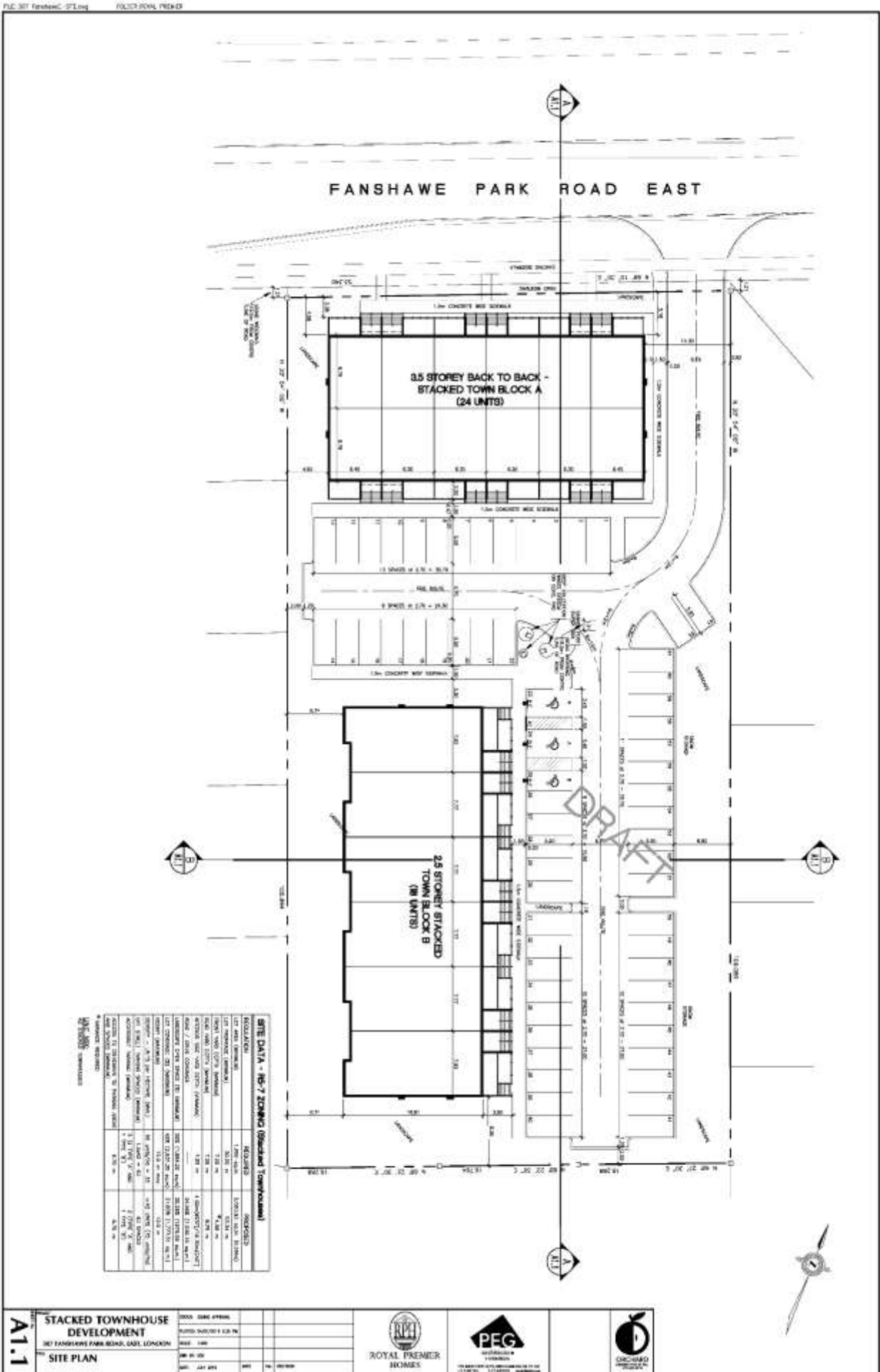


Figure 2 Proposed Site Plan

3.0 Relevant Background

3.1 Planning History

The application was accepted as complete by the City on January 14, 2019. Notice of the Application was circulated on January 28, 2019. Notice of the public participation meeting was circulated on April 24, 2019. A public participation meeting was held on June 2, 2019. The application was referred back to staff without a decision of Council. On September 4, 2019 a second notice of a public participation meeting was circulated.

Section 34 of the Planning Act requires that within 180 days of the acceptance of an application for a Zoning By-law Amendment, Council must make a decision. If Council does not make a decision then the application for Zoning By-law Amendment can be subject of appeal to the Local Planning Appeals Tribunal. This application has not received a decision from Council within the 180 days as required by the Planning Act and may be subject to an appeal for lack of decision.

On June 2, 2019 a public participation meeting was held before the Planning and Environment Committee. Staff recommended that:

*“the following actions be taken with respect to the application of Royal Premier Homes relating to the property located at 307 Fanshawe Park Road East, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 27, 2019 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a Holding Residential R1/Bonus (h-5*h-54*h-89*R1-8*B-15) Zone, **TO** a Holding Residential R5 Special Provision (h-5*h-54*h-89*R5-7 (_)) Zone.”*

Municipal Council, at its meeting held on June 11, 2019 resolved:

*That the application of Royal Premier Homes, relating to the property located at 307 Fanshawe Park Road East, **BE REFERRED** back to the Civic Administration in order to undertake additional work with the applicant in relation to proposed tree protection, elevation, intensification and site grading concerns and a review undertaken by the Urban Design Peer Review Panel; it being noted that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:*

- a communication dated May 16, 2019, from M. Crawford, 21 Camden Place;
- a communication dated February 27, 2019, from B. Day, 1277 Hastings Drive;
- a communication from M. Crawford, 21 Camden Place;
- a communication dated June 4, 2019 from B. Brock; and,
- a communication from D. Beverly, President, Old Stoneybrook Community Association;

4.0 Key Issues and Considerations

The matters identified in the above Council resolution will be addressed as issues and considerations below:

4.1 Tree Protection

The applicant submitted a Tree Protection Plan dated November 2018 and prepared by Leonard + Associates Landscape Architecture. The November 2018 report stated that all trees on site were to be removed. The only trees to be retained were boundary cedar trees located on the east and south lot lines. The applicant, following the June 2, 2019 PEC meeting submitted an updated tree protection plan (see figure 3) dated June 11, 2019. On this plan the applicant proposes to retain an additional six (6) trees within the site as well as retaining most of the existing boundary hedges or replacing those boundary hedges that are proposed to be move removed due to grading or other site development

activity.

Through the site plan process, a development agreement will be entered into which includes the requirement for all protection measures to retain the trees as identified in the June 1, 2019 updated plan.

Proposed Landscaped Plan

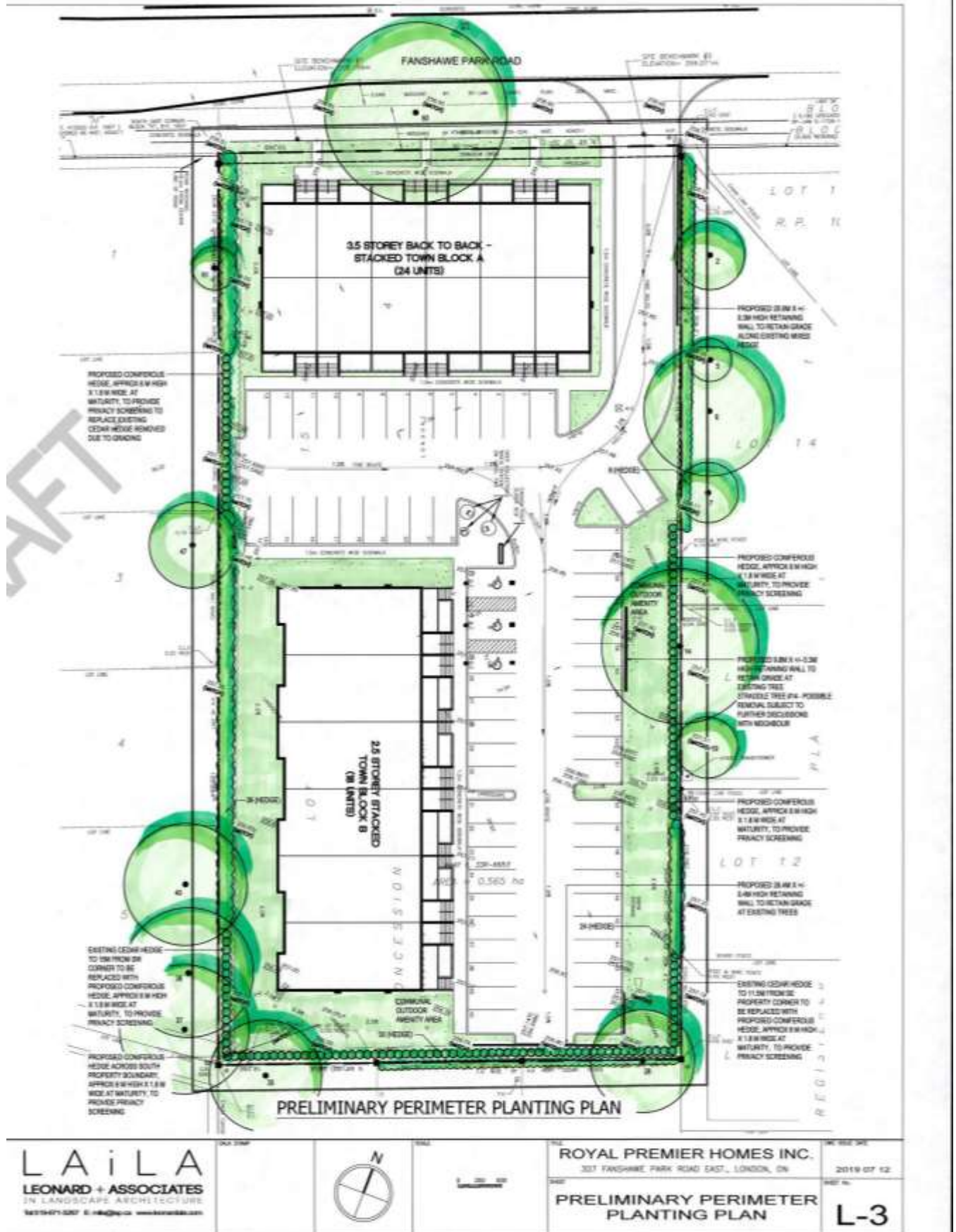


Figure 3 Proposed Landscape Plan

4.2 Intensification

4.2.1 – Surrounding Context

To ensure that the ultimate form of development would maintain a 2 and 3 storey height that is compatible with the scale of the adjacent land uses, the recommended amendment includes, among the special provisions, a maximum height of 12 metres for the first 30m of lot depth and a maximum height of 10m for the balance of lands. The proposed maximum heights are in keeping with the 10.5 metre maximum height permitted in the abutting Residential R1 Zone that surround the subject lands, and is consistent with the maximum height of 12 metres that is the standard condition permitted in the Residential R5 Zone variations.

4.2.2 – Official Plan Policies

The height of the requested stacked townhouse dwellings proposed at three (3) storeys (12m) and two (2) storeys conforms to the minimum height of 2-storeys and maximum height of 4-storeys contemplated in the Neighbourhoods Place Type of The London Plan where the property has frontage on an Urban Thoroughfare; as well as conforms to the low-rise form of development contemplated in the Low Density Residential designation of the 1989 Official Plan and would be compatible with the scale of the adjacent land uses in the surrounding residential neighbourhood that are typically 2-storey(s) in height. It should be noted that the planned intent for the Neighbourhoods Place Type contemplates greater height and density than existing development in appropriate locations (i.e., street classification).

4.2.3 – Zoning By-law

The Zoning By-law is a comprehensive document used to implement the policies of The London Plan and Official Plan by regulating the use of land, the intensity of the permitted use, and the built form. This is achieved by applying various zones to all lands within the City of London, which identify a list of permitted uses and regulations that frame the context within which development can occur. Collectively, the permitted uses and regulations assess the ability of a site to accommodate a development proposal. It is important to note that all three criteria of use, intensity, and form have been considered and deemed to be appropriate.

The Residential R8 zone was previously considered to facilitate this development proposal. However, the City received public comments and concerns about allowing a Residential R8 Zone, believing that the R8 Zone would permit a wider range of uses than the proposed stacked townhouse development. In response to these comments, Staff recommended that the Residential R5 zone be applied. However, it should be noted that the application of an R8 zone would have resulted in the elimination of the special provisions for the west interior side yard setback as well as the density. The recommended Zoning Residential R5 Special Provision Zone R5-7(*) Zone would require special provisions to recognize:

- a 4.5 metre front yard setback to the main structure (**whereas 8.0m is required**);
- a 2.3 metre front yard setback to porch/patios (whereas 3.0m is required);
- a 4.9 metre west interior side yard setback (whereas 6.0m is required); and
- a density of 75 units per hectare (whereas 60 units per hectare is required).
- a maximum height of 10m for the rear portion of the lands (beyond the first 30m of lot depth)

The recommended reduction to the front yard setback will allow the placement of the proposed 3-storey building to be located closer to Fanshawe Park Road West and farther away from the single detached dwellings that are located around the remaining perimeter of the site. The reduction to the front porch setback is inherent to the reduction in the main building setback. Such a reduction is consistent with Official Plan policies seeking improved street edges for comfortable pedestrian environments.

The request to permit a 4.9m interior side yard setback is required given that the standard R5 zone requires a minimum setback of 0.5m per 1.0m of building height resulting in a setback of 6.0m. However, as stated above, the Residential R8 zone initially considered

for this site would have required a setback 1.2m for every 3.0m of building height resulting in a minimum setback of 4.8m, thereby negating the need for this special provision. Regardless, the requested side yard setback is intended to apply only to the northernmost building where the side yard interface will consist of a side flanking wall of the proposed development facing a backyard. Furthermore, perimeter landscaping is proposed to be retained in that area to further mitigate impacts.

The recommended density of 75 units per hectare is required given that the maximum density within the R5 zone is 60 units per hectare. As noted above, while the Residential R8 zone initially considered for this site does contemplate a density of 75 units per hectare, a special zoning provision will be required to accommodate 75 units per hectare within the R5 zone category. The 75 units per hectare is within the policy permissions for infill developments within a Low Density Residential designation in an infill context.

The standard Residential R5 zone permits a maximum height of 12m. Therefore, unlike the other recommended special provisions that allow for some flexibility to standard zone requirements to facilitate the proposed development, the special provision to reduce the height to 10m for the portion of the site beyond the first 30m of lot depth represents a more rigorous requirement than the standard R5 zone would permit in an effort to ensure that the proposed development is compatible with the height of the adjacent single detached dwellings.

All other requirements of the R5-7 zoning regulation are met, see full R5-7 regulation below.

BY-LAW RESTRICTIONS		REQUIRED (R5-7)	AS SHOWN ON PLAN
Residential Type		Townhouses and Stacked Townhouses	Stacked Town
Lot Area (m ²)		1000	5583.93
Lot Frontage (m) (min)		30.0	53.34
Front Yard (m) (min)	Arterial	8.0	4.58**
Rear Yard (m) (min)		6.0	8.79
Interior Side Yards (m) (min)		6.0	4.92 (west)** 10.30 (east)
Landscaped Open Space (%) (min)		30	35.29
Lot Coverage (%) (max)		45	31.83
Height (m) (max)		12.0	12.0 for the for the first 30m of lot depth then 10m for the balance of the lands
Density – Units per Hectare (max)		60	75**
GENERAL PROVISIONS		REQUIRED	PROVIDED
Off-street Parking Spaces (min)		1.5*42 = 63	1.5*42 = 63

It is not uncommon for applications requesting infill development to require relief from the zoning regulations. Unlike “greenfield” development, where lots are created to accommodate a specific use, infill development results in additional units being constructed on lots that were previously created to accommodate a lesser intensity use and often require some reductions to the standard requirements of the zone. This is recognized in the 1989 Official Plan which states that, “*It is intended that an intensification project should meet all Zoning By-law regulations; however, there may be instances when*

a minor variance is warranted based on the configuration of the site or development constraints associated with it.” (3.2.3.8)

It is recognized that intensification is possible for this site, and that infill and intensification polices in the Low Density Residential designation can be applied to this development at this location. It is recommended that the Residential R5 (R5-7) Zone be permitted, with Special Provisions to allow for the specific development proposal submitted with this application (figure 2). The Residential R5 Special Provision zone will facilitate the development of the proposal depicted in this report subject to a development agreement that will consider the input received during the recommended public site plan process. The proposed Residential R5 Special Provision zone ensures that the use, intensity and form as shown in the submitted site plan (figure 2) will be appropriate for the development of these lands.

4.3 Elevations/Cross Section

Cross Sections showing all of Proposed Stacked Townhouses

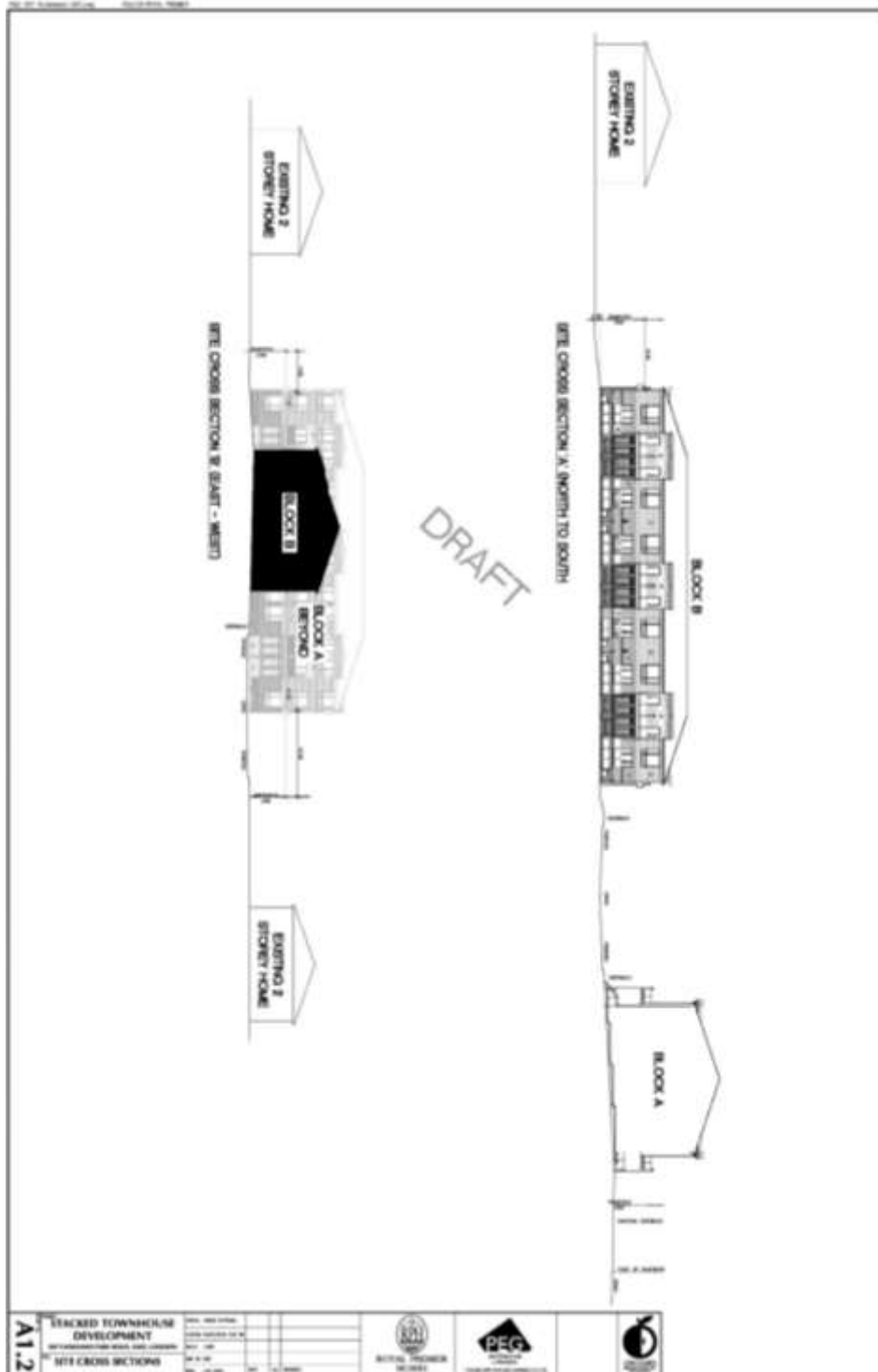


Figure 4 Cross Section of Stacked Townhouses

Cross Sections Showing Heights in Relation to Abutting Uses

Rear Yard Cross Section

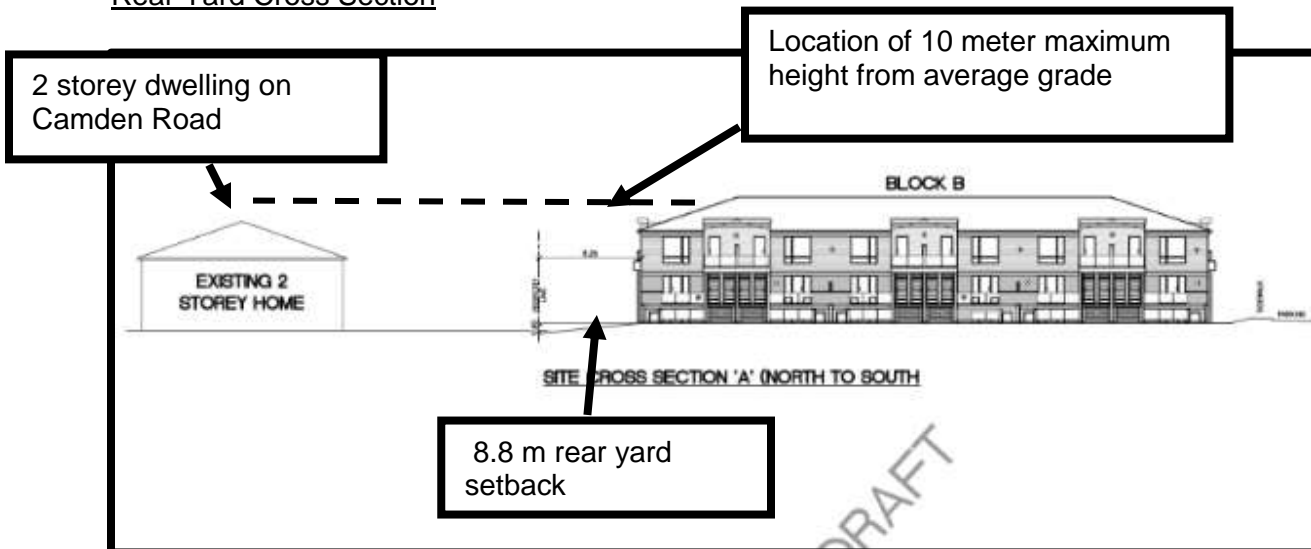


Figure 5 Rear yard Cross Section

Front Portion- North South Site Section

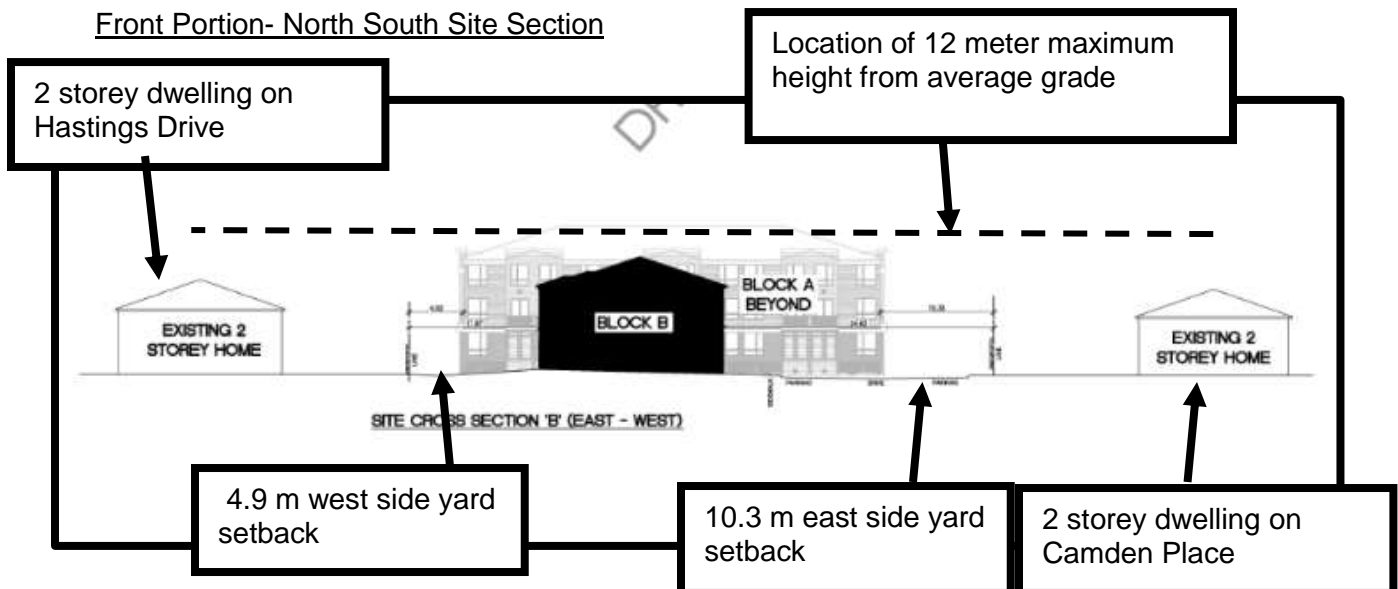


Figure 6 Cross Section Front Portion

Figures 4, 5, and 6 show cross sections in relation to the abutting uses. The London Plan and the Official Plan permit infill development on Fanshawe Park Road West to a maximum of 4 storeys. The proposed maximum height for Block “A” is 12 metres (shown on figure 6) (three storeys). The proposed maximum height for Block “B” is 10 metres (shown on figure 5) (2 storeys). As shown, the proposed setbacks and landscaping is sufficient to provide a buffer from the abutting lands from the proposed stacked townhouses.

During the public consultation process leading up to the previous meeting of the Planning and Advisory Committee where this application was presented, it was believed by members of the public that this site would require significant fill to raise the grading of the site to disperse stormwater flows to sewers located at Fanshawe Park Road E and the rear of the subject site. This scenario created concern that the proposed townhouse buildings would be situated significantly higher than the adjacent single detached dwellings causing issues with overlook into rear yards.

However, as part of the referral back to Staff, the applicant prepared new elevations and cross sections that depict the opposite – whereby the site will be inversely graded such that the southerly proposed townhouse building located interior to the site will sit lower than the northerly building fronting Fanshawe Park Road E resulting in a similar grade to that of the neighbouring properties (see figure 4 above).

4.4 Site Grading/Stormwater Management/Flooding/Sanitary Capacity

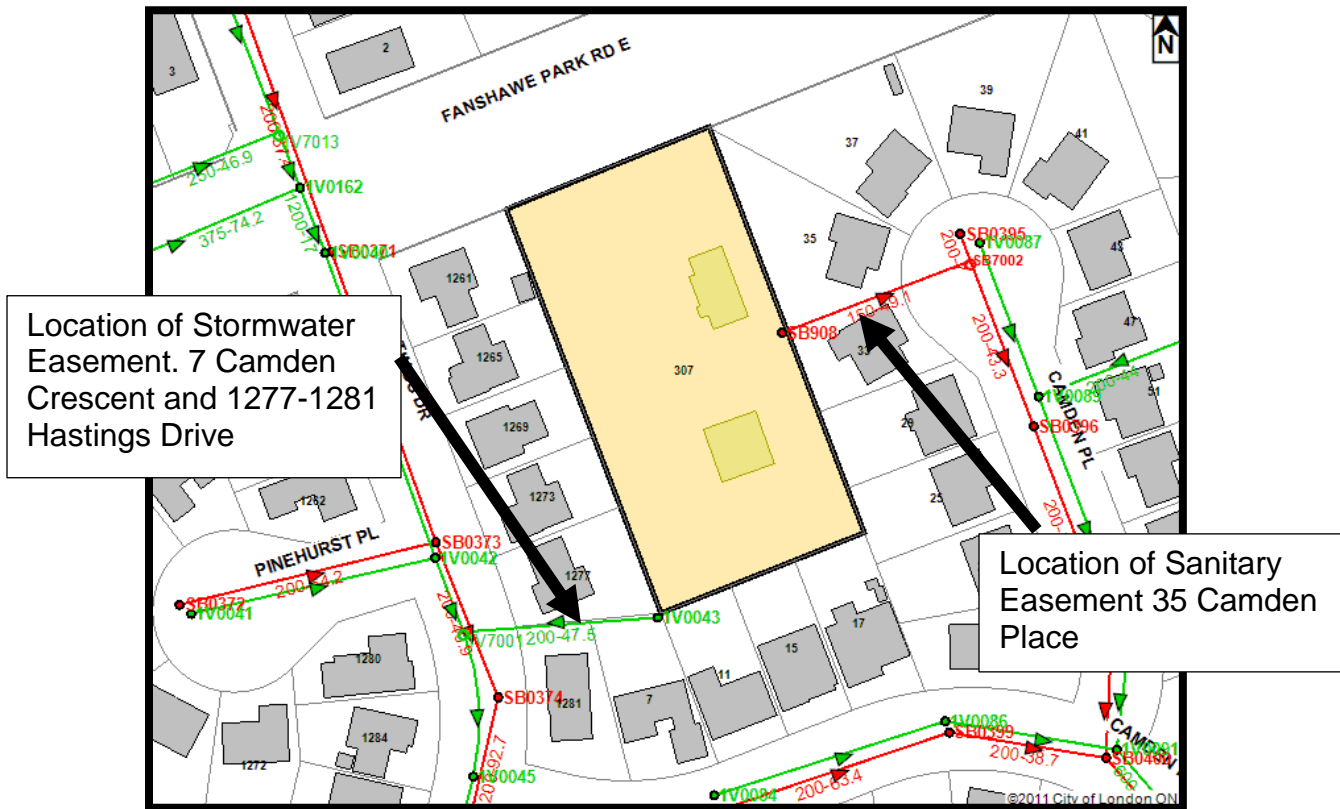


Figure 7 Existing storm and sanitary easements

Stormwater

Neighbourhood residents expressed concerns that the existing slope of the land will result in water run-off and pooling onto surrounding yards, therefore the belief is that stormwater mitigation is already a problem and that the proposed development will exasperate the issue.

On May 7, 2019, the applicant submitted a Servicing Feasibility Study. Engineering staff reviewed the report and provide the following:

The City has reviewed the Feasibility Study prepared by Strik, Baldinelli, and Moniz (SBM) Ltd. and have concluded that the Stormwater Management (SWM) Strategy for the site is acceptable to proceed for the re-zoning application. As part of the future site plan application, further reports and documentation will be required to be submitted in order to refine the design and to satisfy the City's drainage by-law and SWM standards. This information will be required to be reviewed and accepted by the City prior to the removal of the h-89 holding provision

The design of the parking area will include a bowl shape that is intended to act as an overflow water retention feature should a significant storm event overwhelm the stormwater sewers and additional flows cannot be accepted. In this case, the stormwater will pool in the parking area and drain into the catch basin when normal conditions return (see hatched area in Figure 8 below).

In the submitted Feasibility Study, it shows that the site has an area that is more than sufficient to capture, store and drain stormwater in conformity with the City's Drainage By-law. There is no current mitigation measures for stormwater management on the property. The proposed stormwater management plan is an improvement to the existing situation and provides an engineered system to address existing concerns. Through the Site Plan Approval process and recommended Public Site Plan meeting, stormwater management will be further refined.

Sanitary

Neighbourhood residents expressed further concerns that the existing sanitary service was insufficient to services this proposal.

In the submitted Feasibility Study prepared by Strik, Baldinelli, and Moniz (SBM) Ltd. it states that:

The proposed flows from the subject property are shown on the Sanitary Sewer Design Sheet appended to this Study. Using a flow of 230 L/capita/day as per the DS&RM for the building occupancy load of 101 people (2.4 people per unit) results in an anticipated peak flow of 1.25 L/s. When combined with infiltration, this results in a total peak flow of 1.31 L/s. A 150mm diameter sanitary PDC at a slope of 1.0% has sufficient capacity to convey these proposed flows.

As per the Stoneybrook West Subdivision design sheet, Drawing 4997As1, Sheet 2 of 4, the subject site is accounted for with a total flow of 0.11 c.f.s (3.11 L/s). Due to the proposed site conveying 1.31 L/s, there is available capacity in the downstream sanitary sewer.

Based on the information that the applicant has submitted to date the City is satisfied that the sanitary service capacity will be sufficient to accommodate the level of intensity proposed by this development and nothing further is required by the applicant pending the Site Plan Approval process. Through the Site Plan Approval process and Public Site Plan meeting, sanitary service will be further refined.

Site Grading Plan

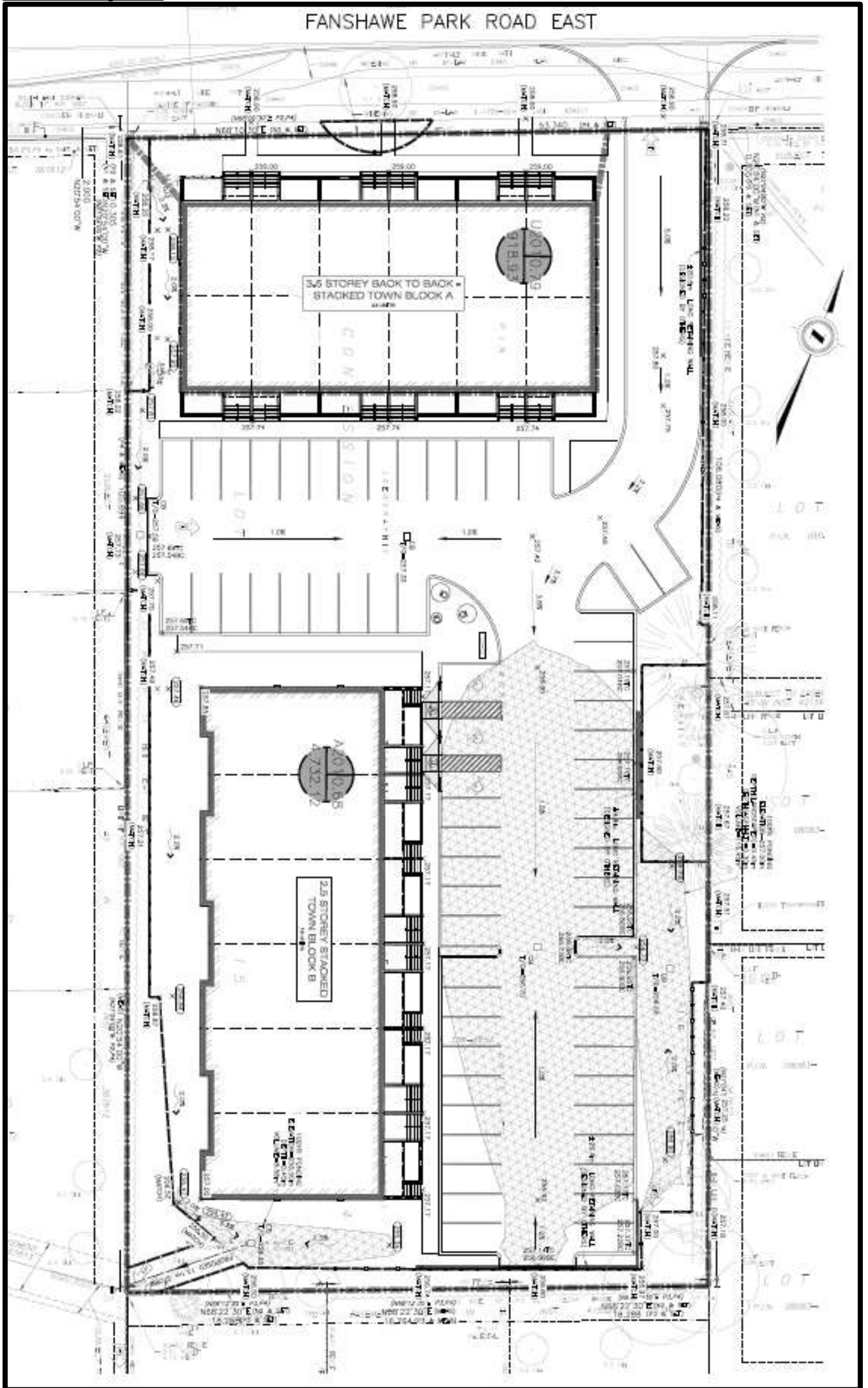


Figure 8 Site Grading Plan

4.5 Design

On July 17, 2019 the City of London Urban Design Peer Review Panel (UDPRP or the Panel) reviewed the submitted development proposal. While the UDPRP did not explicitly divide the comments into Zoning-related matters and Site Plan-related matters, they did provide comments on both when they prepared the following comments (full comments including the applicant's response is attached in Appendix B):

"The Panel understands, and is sensitive to, the concept of scale/density for this development. In this regard, the Panel is supportive of the developments size, height and density based on the location within London and direct adjacency to Fanshawe Park Road East"

"Additionally, the Panel is supportive of the taller form (Building 1) nearer to the street, stepping down to 2.5 metres-built form (Building 2) to the rear."

"Generally, the Panel is supportive of the siting of Building 2 relative to the lot lines as there appears to be sufficient separation from adjacent buildings to the west/south/east"

With regard to the Zoning-related matters, the UDPRP is supportive of the elements of the recommended zoning that facilitate the development of townhouses on this site, at the recommended density, and its size/height/orientation. Specifically, the UDPRP is supportive of the special provision for a reduced front yard setback, the orientation of Building 1 along the Fanshawe Road street edge and the special provision for a reduced west side yard setback.

On September 13, the applicant provided updated architectural elevation to address the UDPRP comments regarding the use of wood siding and the depth of details or articulation expected for a development in a neighbourhood this well-developed. The applicant has removed the wood siding and added brick and siding that is more in keeping with the abutting dwellings (see figure 9 and 10).

The UDPRP supports the townhouse use, intensity and form as it relates to the site's location in proximity to the Masonville Transit Node and location on Fanshawe Park Road East.

With regard to Site Plan-related matters, the UDPRP has requested that through the Site Plan Approval process the following items be refined and brought back to the UDPRP for further discussion:

- Submission of a vegetation management plan
- Maintenance of mature trees
- Screening where vegetation is proposed to be removed
- Reconsideration of greenspace location/utilization and private amenity space
- Improved articulation/exterior design for Building 2 and of unit entrances

In light of the UDPRP's support for the Zoning-related matters, it is recommend that the Residential R5 Special Provision zone be approved while allowing the Site Plan Approval process to implement the matters related to vegetation/tree retention, landscaping, and design.

The UDPRP also recommended that the applicant consider constructing below grade parking to facilitate this development proposal to create outdoor amenity space at grade around the proposed townhouses. Although Staff are not opposed to below grade parking, it is challenging to require it given that the proposed development provides the required number of parking spaces within a surface parking lot that is proportionate in size relative to the building coverage and landscaped coverage. In other words, the Zoning standards which aim to achieve a balanced ratio between the building footprint, landscaped area, and parking area have been achieved through the proposed development. Typically, underground parking is provided when the size of the building

footprint or parking area reduces the amount of required landscaped areas - which is not the case in this development proposal. Finally, neither Official Plan provides a policy basis to compel underground parking for development of this form and scale.

Front Elevation Block "A"



Figure 9-Front Elevation Block "A"

Front Elevation Block "B"



Figure 10- Front Elevation Block "B"

Holding Provisions

The following Holding provisions have been included in the proposed zoning amendment to ensure that a public participation meeting will be held prior to final site plan approval, that a noise mitigation report will be received and accepted and all mitigation measure implemented, and a servicing report be received and accepted and all management systems implemented.

- (h-5) to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol;
- (h-54) to ensure there are no land use conflicts between arterial roads and the proposed residential uses, the h-54 shall not be deleted until the owner agrees to implement all noise attenuation measures, recommended in noise assessment reports acceptable to the City of London; and,
- (h-89) 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.

5.0 Conclusion

The subject lands are considered to be an underutilized lot appropriate for residential infill and intensification. The proposed development of two stacked townhouse blocks is consistent with the Provincial Policy Statement, The London Plan and the City of London Official Plan policies for Residential Intensification.

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

September 16, 2019
CS/

CC: Michael Tomazincic, Manager, Current Planning

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2019 Applications 9002 to\9006Z - 307 Fanshawe Pk Rd E (CS)\DraftPEC Report-Z-9006 (C.Smith).docx6 Exeter Rd) Z8969.docx

Appendix A

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

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

A by-law to amend By-law No. Z.-1 to rezone
an area of land located at 307 Fanshawe Park
Road East.

WHEREAS Royal Premier Homes has applied to rezone the lands located
at 307 Fanshawe Park Road East, 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 307 Fanshawe Park Road East, as shown on the attached
map, from a Holding Residential R1/ Bonus (h-5*h-54*h-89*R1-8*B-15) Zone to a
Holding Residential R5 Special Provision (h-5*h-54*h-89*R5-7 (*) Zone.

2) Section Number 9.4 of the Residential R5 (R5-7) Zone is amended by
adding the following Special Provision:

- ___) R5-7 (*)
- a) Permitted Uses:
 - i) Stacked Townhouse
 - b) Regulation[s]
 - i.) Density 75 units per hectare
(maximum)
 - ii.) Front 4.5 metres
Yard Depth
(minimum)
 - iii.) West interior side yard 4.9 metres
for a lot depth
of 30 metres
 - iv.) Front Yard Setback 2.3 metres
to patio/porch
(minimum)
 - v.) Height 12 metres
For a Lot Depth
of 30 metres
(maximum)
 - vi.) Height 10 metres
For balance
of the lands.
(maximum)

3) This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P.13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on October 1, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 1, 2019
Second Reading – October 1, 2019
Third Reading – October 1, 2019

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



Geobase

Appendix B – Public Engagement

Community Engagement

Public liaison: On January 28, 2019, Notice of Application was sent to all property owners with 120 m of the property. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 31, 2019. A “Planning Application” sign was also posted on the site.

Following the referral back to staff additional comments have been received and are attached below.

Nature of Liaison: The purpose and effect of this zoning change is to permit two stacked townhouse buildings with 42 units (75 units per hectare. Possible change to Zoning By-law Z.-1 **FROM** a Holding Residential R1/ Bonus (h-5*h-54*h-89*R1-8*B-15) Zone **TO** a Residential R8 Special Provision (R8-4 (_)) Zone to permit townhouses and stacked townhouses with A 4.5 metre minimum front yard setback, a 2.3 metre front yard setback to porch/patios, and a maximum 75 units per hectare.

Departmental Comments

Urban Design Peer Review Panel (UDPRP)

RE: 307 Fanshawe Park Road East Presentation & Review, July 17, 2019

Considering that the application is a zoning by-law amendment, the comments provided herein are meant to inform the decision-making with respect to the zoning by-law amendment application, though detailed comments to inform the future Site Plan application(s) have also been provided for consideration.

The Panel provides the following preliminary feedback on the submission:

- The Panel understands, and is sensitive to, the concept of scale/density for this development. In this regard, the Panel is supportive of the developments size, height and density based on the location within London and direct adjacency to Fanshawe Park Road East.
- The panel is supportive of the orientation of Building 1 along the Fanshawe Road street edge. Additionally, the Panel is supportive of the taller form (Building 1) nearer to the street, stepping down to 2.5 metres-built form (Building 2) to the rear.
- Generally, the Panel is supportive of the siting of Building 2 relative to the lot lines as there appears to be sufficient separation from adjacent buildings to the west/south/east.
- The applicant should be commended for the use of “Moloks” and their placement which is centrally located within the site. • The applicant should provide a vegetation management plan for the project. The Panel suggests that existing vegetation and mature trees be maintained wherever possible. Where vegetation is to be removed screening consideration(s) for the adjacent properties should be provided (and is critical).
- The development should consider/explore the possibility of below grade parking to create green space / outdoor amenity space around the buildings at grade. Ideally, the two buildings would create an outdoor courtyard space that could be a shared amenity area, and reduce the impact of surface parking on the existing residential neighbourhood.
- At a minimum, additional greenspace should be provided between the surface parking and the south side of Building 1.

- The greenspace on the west side of Building 2 appears to be undeveloped / not designed and is an opportunity for use by the residents on site, or for potential balconies or walk-outs from the west side of Building 2.
- Landscaping along the west and south yards, needs further development. Supportive of the provision of outdoor private amenity in the form of terraces/balconies/patios for each unit. Common amenity should also be considered and its siting would be most appropriate between Buildings 1 and 2 rather than in the exterior (west or south) yards considering the interface. The west interface seems not to be evolved fully, report mentions potential for decks, question the suitability of this for common amenity, especially considering its linear shape.
- The treatment of the yards is an important consideration for compatibility with surrounding residential development. There are a number of existing trees along south property boundary, for example, retain trees to the extent possible.
- Ensure sufficient room for plantings around perimeter of property, including east interface. Support the proposed intent to provide for privacy fencing.
- The west elevation of Building 2 requires further articulation in order to provide better compatibility between it and the neighbouring residential neighbourhood.
- The wood siding on the exterior does not add to the articulation of the building and does not seem to relate to any contextual elements. The exterior design does not offer the depth of detail or articulation expected for a development in a neighbourhood this well developed, with a long history, and on arterial road.
- The applicant should consider additional landscaping along Fanshawe Park Road. The transition and number of steps up to each unit seems abrupt, further articulated landscape design would result in a softer, and more sensitive, transition.
- Consider potential for conflict with the 2 vehicular parking spaces on the curve of the access.
- Resolution of entrance to each unit, integrated with the stair and balcony above, corner masonry piers on the terrace seem foreign to the scheme. Overall the elevations appear to need further refinement.
- The applicant is encouraged to return to the Panel again through the site plan approval process when more details about the revised design are available for review.

Concluding comments:

The Panel is supportive of the overall project, scale, orientation and siting of the buildings along Fanshawe Park Road East. The Panel has provided several detailed design comments for consideration in working through the holistic design, including suggested refinements to the building elevations, amenity spaces and landscape design details. It is requested that the application return to the Panel for review once an application has been submitted.

Applicants Response to UDPRP Comments

Address of Development Site: 307 Fanshawe Park Road E

Date of Panel Meeting: 07/17/2019

As per the Memo provided in conjunction with this letter, the Urban Design Peer Review Panel has the following comments regarding the above-referenced application. In the **Applicant Response** section of the text box, please provide a detailed response that explains how the Panel comments have been addressed.

Comment:
The applicant should provide a vegetation management plan for the project. The Panel suggests that existing vegetation and mature trees be maintained wherever possible. Where vegetation is to be removed screening consideration(s) for the adjacent properties should be provided (and is critical).
Applicant Response:
A Preliminary Perimeter Planting Plan was prepared and submitted to address the screening considerations, particularly in response to community concerns. The proposed removal of trees is due to construction, hazard or undesirable/invasive species. The proposed removal of existing hedge screening is due to either grading issues on the west side at the parking south of Building 1 adjacent to 1265 Hastings Drive or is due to sparse growth from lack of sun exposure on the existing Cedar hedges adjacent to 1277 Hastings Drive and 25 Camden Place. The developer is happy to leave the latter hedges in place and plan for new screening vegetation to be planted on the development side if that is what is preferred by the adjacent property owners (he has confirmed this at previous meetings with adjacent property owners). It is anticipated that the opportunity to improve screening will be considered through the future public site plan approval process.

Comment:
The development should consider/explore the possibility of below grade parking to create green space / outdoor amenity space around the buildings at grade. Ideally, the two buildings would create an outdoor courtyard space that could be a shared amenity area, and reduce the impact of surface parking on the existing residential neighbourhood.
Applicant Response:
The proposed development has been designed to provide all the required requisite facets to deliver a high-quality development, including a compliant number of required surface parking spaces (standard and BF), minimum landscape open space, and appropriate lot coverage; as well as areas for snow storage, and deep well garbage and recycling facilities. The consideration of providing underground parking is deemed unwarranted and unnecessary in this instance given that the proposed development is capable of providing all the required design components at-grade, including the required number of parking spaces. Moreover, the construction of underground parking for a development of this scale is not considered cost effective.

Comment:
At a minimum, additional greenspace should be provided between the surface parking and the south side of Building 1.
Applicant Response:
The applicant has made considerable efforts to ensure that the proposed development makes efficient use of the subject lands while providing an opportunity for desirable intensification, and was designed the development to provide all the required requisite facets to deliver a high-quality development. It is our opinion that the areas of proposed open space are of appropriate sizes and configurations, and are in locations on the site, that will deliver acceptable levels of amenity for future residents.

Comment:
The greenspace on the west side of Building 2 appears to be undeveloped / not designed and is an opportunity for use by the residents on site, or for potential balconies or walk-outs from the west side of Building 2.
Applicant Response:
Building 2 has been designed to provide internalized entrances and balconies to promote passive surveillance of the subject site, as well as to help minimize the potential for undue impacts on neighbouring properties. As part of the future public site plan approval process, opportunities will be explored on how to create a sense of place in the area to the rear of Building 2. It is considered that this area is of a configuration and size (at approximately 300 square metres) to provide for a meaningful outdoor amenity area for those residents requiring such space.

Comment:
Landscaping along the west and south yards, needs further development. Supportive of the provision of outdoor private amenity in the form of terraces/balconies/patios for each unit. Common amenity should also be considered and its siting would be most appropriate between Buildings 1 and 2 rather than in the exterior (west or south) yards considering the interface. The west interface seems not to be evolved fully, report mentions potential for decks, question the suitability of this for common amenity, especially considering its linear shape.
Applicant Response:
As above, as part of the future public site plan approval process, opportunities will be explored on how to create a sense of common place in the area to the rear of Building 2. This area is large enough and of a suitable shape to provide for a meaningful outdoor amenity area for future residents.

Comment:
The treatment of the yards is an important consideration for compatibility with surrounding residential development. There are a number of existing trees along south property boundary, for example, retain trees to the extent possible.
Applicant Response:
The developer is mindful of the community's concerns and is amenable to keeping all hedging the community wishes, excepting those to be removed due to municipal grading requirements. The existing trees along the south property boundary are either hazard trees (Silver Maple, south east property boundary) or undesirable/invasive species (Mulberry) growing against the existing wood privacy fence adjacent to 11 Camden Road and are thus indicated for removal to prevent future site challenges. The removal of these trees will make space for an improved landscape for this property and its neighbours. The developer understands that the privacy screening between the existing residential area and this development is extremely important. New screening and planting will be addressed in the Landscape Plan as part of the future public site plan approval process.

Comment:
Ensure sufficient room for plantings around perimeter of property, including east interface. Support the proposed intent to provide for privacy fencing.

Applicant Response:
Following industry best practices and municipal standards for privacy fencing and plantings along the east property boundary, the developer will provide adequate space for plants to grow into maturity. It is the developer's intention to construct appropriate boundary fencing. This boundary fencing, which will be constructed to City standard, will be considered/reviewed as part of the future public site plan approval process.

Comment:
The west elevation of Building 2 requires further articulation in order to provide better compatibility between it and the neighbouring residential neighbourhood.
Applicant Response:
The buildings west elevation have been refined to assist with addressing this comment.

Comment:
The wood siding on the exterior does not add to the articulation of the building and does not seem to relate to any contextual elements. The exterior design does not offer the depth of detail or articulation expected for a development in a neighbourhood this well developed, with a long history, and on arterial road.
Applicant Response:
The use of exterior wood siding has been removed from the project. The building elevations have been refined to provide for more articulation. The inclusion of traditional materials such as brick and siding have been introduced to improve compatibility with the surrounding buildings.

Comment:
The applicant should consider additional landscaping along Fanshawe Park Road. The transition and number of steps up to each unit seems abrupt, further articulated landscape design would result in a softer, and more sensitive, transition.
Applicant Response:
There is suitable areas along the sites Fanshawe Park Road frontage to provide for articulated landscaping. During the future public site plan approval process, the building will be softened and integrated into the Fanshawe Park Road East streetscape through the planning of shade trees as well as human-scale plant material.

Comment:
Consider potential for conflict with the 2 vehicular parking spaces on the curve of the access.
Applicant Response:
All on-site parking spaces, as well as access aisles/driveways, have been designed to City standards, and as such, it is not anticipated that there will be any undue vehicular-related conflicts for residents or visitors.

Comment:
Resolution of entrance to each unit, integrated with the stair and balcony above, corner masonry piers on the terrace seem foreign to the scheme. Overall the elevations appear to need further refinement.
Applicant Response:
The entrances and porches have been refined to assist with addressing this comment.

Comment:
The applicant is encouraged to return to the Panel again through the site plan approval process when more details about the revised design are available for review.
Applicant Response:
While it is our understanding that returning to the Panel is not a requirement of the future public site plan approval process, if requested by City staff, consideration will be given by the developer to seek further input from the Panel.

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

Old Stoneybrook Community Association	Bill and Linda Day 1277 Hastings Drive London ON N5X 2H8
Alex and Mirella Plommer Spencer Crescent	Brandon Lawrence 41 Meridene Crescent East
Brian Blazey 11 Melanie Court	Fred and Wendy Ruddle
Carl Hallberg and Phyllis Retty 1262 Hastings Drive London ON N5X 2H7	Cathy and Fred Cull 33 Camden Place London ON N5X 2K5
Gary and Joanne Schleen 11 Spencer Court	Gary Croxell 17 Camden Road
Gloria McGinn-McTeer 18-683 Windermere Road London ON N5X 3T9	Sandra and Greg Peloza 63 Robinson Lane
Heidi Cull-Capstick and Jason Capstick 28 Frobisher Crescent	John Howitt and Anne MacDougall 1281 Hastings Drive London ON N5X 2H8
June Smith 67 Millford Crescent	Katherine and Dale Laird 51 Camden Place N5X 2K5
Ken McGuire 63 Camden Place London ON N5X 2K5	Lindsey Bradshaw and Steve Cameron 33 Camden Place
Mary and Vladimir Stopar 30 Fawn Court London ON N5X 3X3	Michael Crawford 21 Camden Place London ON N5X 2K5
Mary Lacey 37 Camden Place	Phil and Deena Lincoln 7 Camden Road
Shannon and Mark McGugan 20 Cedarwood Crescent London ON N6H 5P4	Tom Collins 70 Millford Crescent N5X 1A8
Tracey Taylor	Wendy McDonald 55 Camden Place
Dave Crackel 171 Cambridge Street	Tony Mara
Piotr and Bozena Nowakowski 1273 Hastings Drive	Claudia Clausius
Catherine Traill	Brian Crombeen 87 Camden Road
David Jackson 60 Camden Road	Susan Campbell
Rick and Barb Giroux 1269 Hastings	Mike and Ashely Kirley
Shi Yinggru 76 Camden Road	Keith Stewart 75 Camden Road London ON N5X 2K2
Rasul Shafikov 1304 Hastings Drive	Barbara Allen 116 Robinson Lane
Jean Hammond 1260 Hastings Drive London ON N5X 2H7	Russell Sawatsky 1541 Hastings Drive

Hello,

As you will recall, City Council referred the original application back to City Planning and the Planning and Environment Committee (PEC). There were concerns at Council regarding fit, character, sanitary and storm water management, buffering, and density. As a consequence the developer was asked to undertake the extraordinary step of outlining their proposal to the Urban Design Peer Review Panel (UDPRP).

In sum the present plan:

1. based on submissions at a meeting mediated by the city the developer presented a tree plan that reveals an intention to build swales around most of the lot - there will be even fewer mature trees and buffering than presented at the last PEC meeting in May.
2. the "revised" proposal exhibits no changes that reflect ANY of the UDPRP recommendations including
 - a. no modification to reduce the footprint of the parking lot (put it underground)
 - b. no provision of useful green amenity space for development residents
 - c. no change of parking plan to facilitate garbage pickup and ameliorate parking traffic issue
 - d. no change of building block 2 position
 - e. no provision of a full and revised tree plan and landscaping - buffering was deemed sensitive and critical by UDPRP
3. It is interesting to note that the snow storage plan would necessitate the parking lot be empty for snow to be piled where proposed
3. traffic issues have not been addressed (traffic seems to be a matter of no concern to the city despite the developer's consultant recommend u-turns on Fanshawe during rush hour. Justification? Because it is not illegal.
4. The sanitary and waste water flow rates proposed are deemed to be adequate by the City, and also by our own engineering advisor. That said, they are based upon calculations and flow rates established at the time of construction in 1972 - 47 years ago. A request to the City for more recent assessment of viability has not been answered.
5. City Planning seems to support the provisions for maximum density allowable by the London and Official Plans and bylaws, but ignores directions in those same documents regarding buffering, parking lot design, privacy, green amenity space, accessibility, and sensitivity to avoid adverse impacts. They should not be permitted to cherry-pick. Moreover, when these issues are raised, we are told they are a matter for the Site Planning process once rezoning has been accomplished. This is a logical fallacy - once rezoning (and maximum density) is permitted, all the other Site Planning issues are rendered moot, and we must take it as an article of faith that City Planning will enforce bylaws and UDPRP recommendation and thereby look after our interests in this matter.

Sincerely,

The Atta's
1 Donnybrook Road

Dear Mr. Smith,

As you will recall, City Council referred the original application for 307 Fanshawe Park E. back to City Planning and the Planning and Environment Committee (PEC). There were concerns at Council regarding fit, character, sanitary and storm water management, buffering, and density of the proposed development. As a consequence, the developer was asked to undertake the extraordinary step of outlining their proposal to the Urban Design Peer Review Panel (UDPRP).

However, I, and others in the neighbourhood, still have concerns about the presented plan based on the following components, and we certainly hope these concerns (itemized below) will be addressed in detail by both the developer in any new application they submit as well as sincerely taken into consideration by the city before approval:

1. Based on submissions at a meeting mediated by the city, the developer presented a tree plan that reveals an intention to build swales around most of the lot; however, now even fewer mature trees and buffering will exist than presented at the last PEC meeting in May.
2. The "revised" proposal exhibits no changes that reflect ANY of the UDPRP recommendations including
 - a. no modification to reduce the footprint of the parking lot (ie: put it underground)
 - b. no provision of useful green amenity space for development residents
 - c. no change of parking plan to facilitate garbage pickup and ameliorate parking traffic issues
 - d. no change of building block 2 position
 - e. no provision of a full and revised tree plan and landscaping despite buffering being deemed sensitive and critical by UDPRP
3. The snow storage plan would necessitate the parking lot be empty for snow to be piled where proposed—a difficult proposition given the spaces will indeed need to be used for parking.
4. Traffic issues have not been satisfactorily addressed. The developer's consultant recommended U-turns on Fanshawe, but during rush hour, these actions could lead to seriously negative consequences as drivers get impatient. U-Turns may not be illegal, but they are also not safe in large numbers.
5. While the city (and an impartial engineering advisor) deemed the sanitary and waste water flow rates proposed to be adequate, they are based upon calculations and flow rates established at the time of construction in 1972 - 47 years ago. We in the neighbourhood still request the City for more recent assessment of viability—and given climate change and the now common occurrence of mass rainfall events, this request could not be more timely and serious.

In conclusion, City Planning seems to support the provisions for maximum density allowable by the London and Official Plans and bylaws, but conversely seems to ignore suggestions and directives in those same documents regarding buffering, parking lot design, privacy, green amenity space, accessibility, and sensitivity to adverse impacts to the property, neighbourhood, and city as a whole. At best, this seems like a lack of due diligence, and at worst, a sad instance of cherry picking to suit various ends.

Additionally—and most alarmingly—I am told that the above concerns are a matter for the Site Planning process once rezoning has been accomplished; however, this seems like a case of the “the cart before the horse”: once rezoning (and maximum density) is permitted, all the other Site Planning issues are rendered moot, and residents must take it as an article of faith that City Planning will enforce bylaws and UDPRP recommendations---essentially addressing the main concerns in this letter at a later date. This ***may*** prove true, but residents of this neighbourhood—myself included—would rather these very legitimate urban planning concerns be met—logically and legally—at the preliminary stage before ground is broken, as opposed to later as a matter of good faith.

Sincerely,

Robert Muhlbock
64 Robinson Lane

Thank you for providing the drawings shown at our meeting with the developer that was facilitated by Councillor Hopkins and City Planning. As a Community Association, we appreciated that you and the developer took the time to meet and share perceptions and information. We have looked over the plans and have the following comments to offer.

Although the plans were sent to us after the Urban Peer Review Panel had convened, there do not appear to be any revisions that might speak to any of their criticisms.

1. The swales

The grading has been clarified and substantially revised. The good news is that instead of the site being convex and raised with a high point situated in the middle of the Northern parking lot, it is now partly concave with the larger parking lot defining a bit of a site-localized depression to collect water during storms. As we predicted, the swales are now clearly indicated to circumscribe much of the lot. The size of the proposed parking lots necessitates pushing the storm/snowmelt management system - the swales - to the very periphery. This peripheral swaling in turn drives the necessity to remove even more buffering trees.

The double-purposing of swales as green amenity space seems counter-intuitive. How can the residents of the proposed development enjoy use of a soggy drainage ditch?

2. The tree plan.

The Revised Tree Plan looks simpler, but reveals that even fewer trees will be spared (14 instead of 20). The majority of trees preserved in this plan are on neighbors' property. The hedge also is less well preserved. Where there are little green circle indicators, these are replacement or new hedging that might be 3 ft high, or six feet... who knows? Written clarification and promises on this point would make a world of difference. There are those among us who could care less if the bottom of the hedge was scruffy as long as the upper 20-30 feet buffered the noise and visibility of the proposed buildings. Others might be happy to reach a compromise. We cannot see that 20-30 hedge on the NW corner will survive the swale proposed, but we are not arborists. We will require written assurances that the proposed tree protection zone will suffice to keep the coniferous (cedar) hedge alive. Excepting the hedge (with deficits indicated above), there is no proposed deciduous tree replacement plan, so the impact of the removal of almost all trees on the property is still impossible to understand or to assess.

For deciduous trees, even a 16 foot replacement tree might sound impressive but our own recent experience (a 16 ft maple) indicates that such a tree looks like a vertically positioned and quite naked stick and we are advised it will take 3-5 years before it starts to fill out and start to grow taller. Even so, no new plantings are indicated - do the swales prohibit replacement? Would trees situated there drown or impeded swale function? If the answer to either of these is yes, then the buffering of this development from neighbours will be adversely impacted in the extreme, and are impossible to understand from the plans presented.

3. The proposed water catchments

The water catchments are going to be conveying water from basins that are of higher elevation than the existing SW corner easement. What is to stop the proposed catchments from discharging into the easement area and ponding there? We have receive no concrete guidance, analysis, or figures to analyze and understand this aspect of the proposal. The water management system cannot be permitted to adversely impact neighbouring gardens, water table level, pools, or basements.

4. Sanitary sewer line

We are concerned that the development proposes to use the NE sanitary sewer easement that runs between neighbours' lots at 33 and 35 Camden Place (the development property is a proposed tributary to the municipal sanitary sewer within the Camden Place R.O.W. as per Record Drawings 4983). The report by Strik Baldinelli Moniz advises that the easement might connect, at a 1% grade, the existing 150 mm (6 inch) sanitary pipe. This pipe then meets up with the 200 mm (8 inch) pipe that services the rest of the residents at Camden Place. This junction is at a 90 degree angle. We are advised by a person with years of experience with underground utilities that a 150 mm pipe is insufficient to service the additional 101 people contemplated to inhabit the development. Moreover, the operational diameters and flow rates were calculated in August of 1972. There is no assurance that grade, flow rates, and capacity are still the

same. In addition, there are any number of modern and non-dissoluble products (baby wipes etc.) that are flushed down lines today that were not in existence when flow rates were originally calculated and the pipes installed in 1972. Given these vagaries, is therefore not surprising that Strik Baldinelli Moniz, the company that provided the developer's analysis indicates that they will accept no responsibility for damages resulting from any changes installed as a result of their own report. This does not inspire confidence. The proposed sanitary service should instead connect to the main Fanshawe service pipe. This would avoid potential for damage to neighbours' homes.

Moreover, if the rentals are directed to provision of high occupancy housing, the occupancy could even DOUBLE the population sketched in the proposal documents. The estimates for sanitary sewer service discharge appear to risk catastrophic under-estimation of capacity.

5. Fencing

We understand from the meeting and from the Urban Peer Review discussion that a 6 ft board on board fence is to be constructed around the entire site. Correct? Moreover, given the degree of densification proposed, and the doubling of structure height, some neighbours might prefer a higher sound-absorbing wall. Is that a possibility?

6. Traffic concerns

The traffic analysis has had little discussion or critique. In our original proposal, we highlighted concerns that pertained to:

- a) Lack of sight lines at the top of the exit lane to view and anticipate cyclists or pedestrians;
- b) The consultants advisory that west-bound entrants, and east bound exists merely U-turn on Fanshawe because it is not illegal. At rush hours the traffic is very heavy, and this proposal is asking for trouble;
- c) The Consultant's report considers that with an assumed population of 101 inhabitants, 65 cars, only 19 will leave at morning rush hour, but 24 will return in evening...? The math is based upon assumptions, estimates traffic volume on the lower end of the scale, and doesn't add up (19 leave but 24 return...).

7. Peer Review Panel Criticisms and matters arising

- a) The peer review panel cautioned that tree preservation would have to be fulsome and well done - we do not believe that there is an appreciable or understandable indication of that here (see above).
- b) The review panel thought the wall looking onto the Goldrick's property (NW corner) needed to be rethought to offer neighbours more privacy. Perhaps there should be no windows?
- c) The peer review panel thought there was "a lot of parking lot". We agree - the size of the parking lot is being driven by alterations to requested density of residences. If the parking lot is too large to fit and preserve buffering, then the unit density is too high.
- d) The parking lot itself does not adhere to zoning bylaws - 3 meters distance is required from neighboring properties. In three places (NE spot for two cars, SE middle end, and NW middle) the parking lots infringe by about a meter.
- e) The peer review panel thought there needed to be more useful and central green amenity space. The City Plan, more recent London Plan, and the zoning guidance all require the provision of green amenity space. In addition, the London Plan suggests the provision of play areas for children. There is no way to provide this space without reducing parking lot dimension (number of spaces) and residential density without putting at least some parking underground.

f) One panel member suggested putting some parking underground. This was too cost-prohibitive in 2011 (we gather that the water table is too high to do this cheaply, and that underground parking itself is too expensive to be economical). We cannot imagine it being economical for rental housing (high occupancy residences?, the developer referred to rental \$ per room, not per unit... Are we to infer high occupancy housing is the end game?). This will dictate the degree to which buffering will need to be challenged and bolstered. It also has critically important ramifications to anticipated sanitary sewer discharge and required capacity.

g) Two of the reviewers suggested rotating the rear building 90 degrees to make some more space for green amenity common areas. Again, if this advice was to be followed, the required building set-backs along the southern border would mean that amenity space could still only be provided by either reducing parking spot number and residential density, or by putting substantial parking underground.

h) We note with interest that the plan does not indicate LEED-compliant building, recharging for electric cars, bicycle racks, nor even more importantly, accessible residential units: all residences appear to be accessed solely via stairs.

i) It is also not clear if/how air conditioning will be installed. This will have ramifications for buffering (tree preservation and planting).

We attach a copy of our submission to the Planning and Environment Committee wherein we cite many of the bylaws alluded to above.

Respectfully

Old Stoneybrook Community Association

Appendix C – Policy Context

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

Provincial Policy Statement, 2014 (PPS)

Policy 1.1.3.1 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.2 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.3 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.1.3.4 Building Strong Health Communities, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, Settlement Areas

Policy 1.4.3 Building Strong Health Communities, Housing

Policy 1.7.1 Building Strong Health Communities, Long Term Economic Prosperity

Policy 2.6.1 Wise Use and Management of Resources, Cultural Heritage and Archaeology

Policy 2.6.2 Wise Use and Management of Resources, Cultural Heritage and Archaeology

1989 Official Plan

Section 3.1.1 vi) Residential Land Use Designations, General Objectives For All Residential Designations

Section 3.2 Residential Land Use Designations, Low Density Residential, Preamble

Section 3.2.1 Residential Land Use Designations, Low Density Residential, Permitted Uses

Section 3.2.2 Residential Land Use Designations, Low Density Residential, Scale of Development

Section 3.2.3 Residential Land Use Designations, Low Density Residential, Residential Intensification

Section 3.2.3.2 Residential Land Use Designations, Low Density Residential, Residential Intensification, Density and Form

Section 3.2.3.4 Residential Land Use Designations, Low Density Residential, Residential Intensification, Compatibility of Proposed Residential Intensification Development

Section 3.7 Residential Land Use Designations, Planning Impact Analysis,

Section 3.7.2 Residential Land Use Designations, Planning Impact Analysis, Scope of Planning Impact Analysis

Section 3.7.3 Residential Land Use Designations, Planning Impact Analysis, Required Information

Section 19.4.3 Implementation, Zoning, Holding Zones

The London Plan

(Policies subject to Local Planning Appeals Tribunal, Appeal PL170100, indicated with asterisk.)

Policy 7_ Our Challenge, Planning of Change and Our Challenges Ahead, Managing the Cost of Growth

Policy 59_2., 4., and 8. Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 66_ Our City, Planning for Growth and Change

Policy 79_ Our City, City Structure Plan, The Growth Framework, Intensification

*Policy 83_ Our City, City Structure Plan, The Growth Framework, Intensification

Policy 84_ Our City, City Structure Plan, The Growth Framework, Intensification

*Policy 90_ Our City, City Structure Plan, The Growth Framework, Primary Transit Area

Policy 154_8. Our City, Urban Regeneration

Policy 256_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

*Policy 259_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

*Policy 389_ City Building Policies, Forest City, What Are We Trying to Achieve

Policy 393_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 394_ City Building Policies, Forest City, How Are We Going to Achieve This, Urban Forestry Strategy

Policy 398_ City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach

*Policy 399_3. and 4. b. City Building Policies, Forest City, How Are We Going to Achieve This, Strategic Approach, Protect More

Policy 497_ City Building Policies, Homelessness Prevention and Housing, What Are We Trying to Achieve

Policy 554_2. and 3. City Building Policies, Cultural Heritage, What Are We Trying To Achieve

Policy 557_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, The Register of Cultural heritage Resources

Policy 565_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 566_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 567_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 568_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, General Cultural Heritage Policies, Design

Policy 574_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Individual Heritage Properties

Policy 579_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 581_ City Building Policies, Cultural Heritage, How Are We Going to Achieve This, Identification of Cultural Heritage Resources, Archaeological Resources

Policy 586_ City Building Policies, Cultural Heritage, Specific Policies for the Protection, Conservation, and Stewardship of Cultural Heritage Resources, Individual Heritage Properties

Policy 608_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 609_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 616_ City Building Policies, Cultural Heritage, Archaeological Resources

Policy 617_ City Building Policies, Cultural Heritage, Archaeological Resources

*Table 10 Range of Permitted Uses in Neighbourhoods Place Type

*Table 11 Range of Permitted Heights in Neighbourhood Place Type

*Policy 919_ Place Type Policies, Urban Place Types, Neighbourhoods, Approach for Planning Neighbourhoods – Use, Intensity and Form

*Policy 937_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods

*Policy 939_6. Place Type Policies, Urban Place Types, Neighbourhoods, Forms of Residential Intensification

*Policy 952_ Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Site Plan Approval for Intensification Proposals, Public Site Plan Approval Process

*Policy 953_2 a.-f. and 3. Place Type Policies, Urban Place Types, Neighbourhoods, Residential Intensification in Neighbourhoods, Additional Urban Design Considerations for Residential Intensification

*Policy 1578_ Our Tools Planning and Development Applications, Evaluation Criteria for Planning and Development Applications

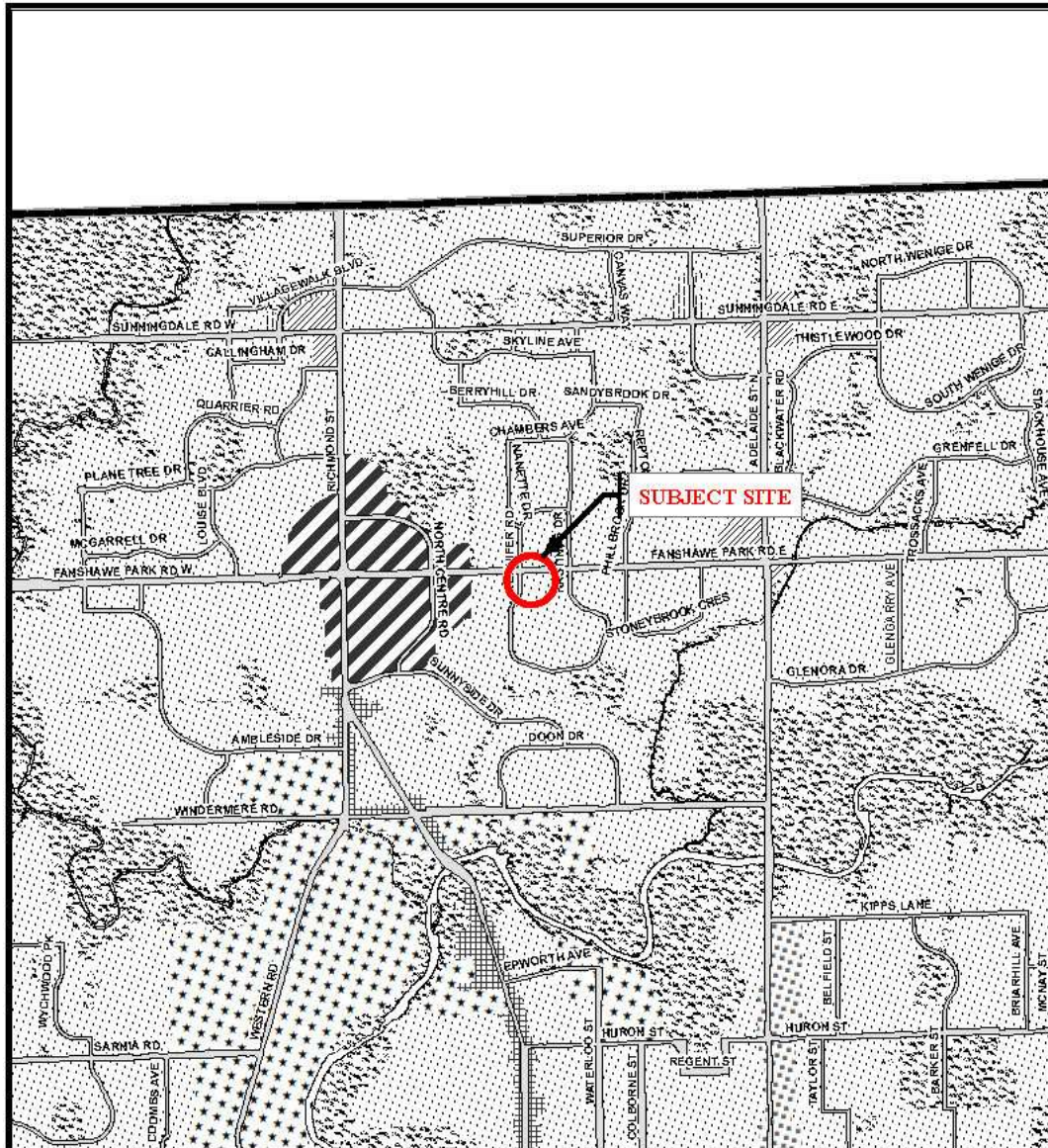
Policy 1657_ Our Tools, Holding Provision By-law

Policy 1682_ Our Tools, Planning and Development Controls, Site Pan Control, Public Site Plan Process

*Policy 1683_ Our Tools, Planning and Development Controls, Site Pan Control, Public Site Plan Process

Appendix D – Relevant Background

Additional Maps



Legend

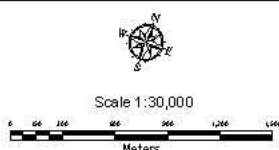
- | | | |
|------------------------|--------------------------|---|
| Downtown | Future Community Growth | Environmental Review |
| Transit Village | Heavy Industrial | Farmland |
| Shopping Area | Light Industrial | Rural Neighbourhood |
| Rapid Transit Corridor | Future Industrial Growth | Waste Management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

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

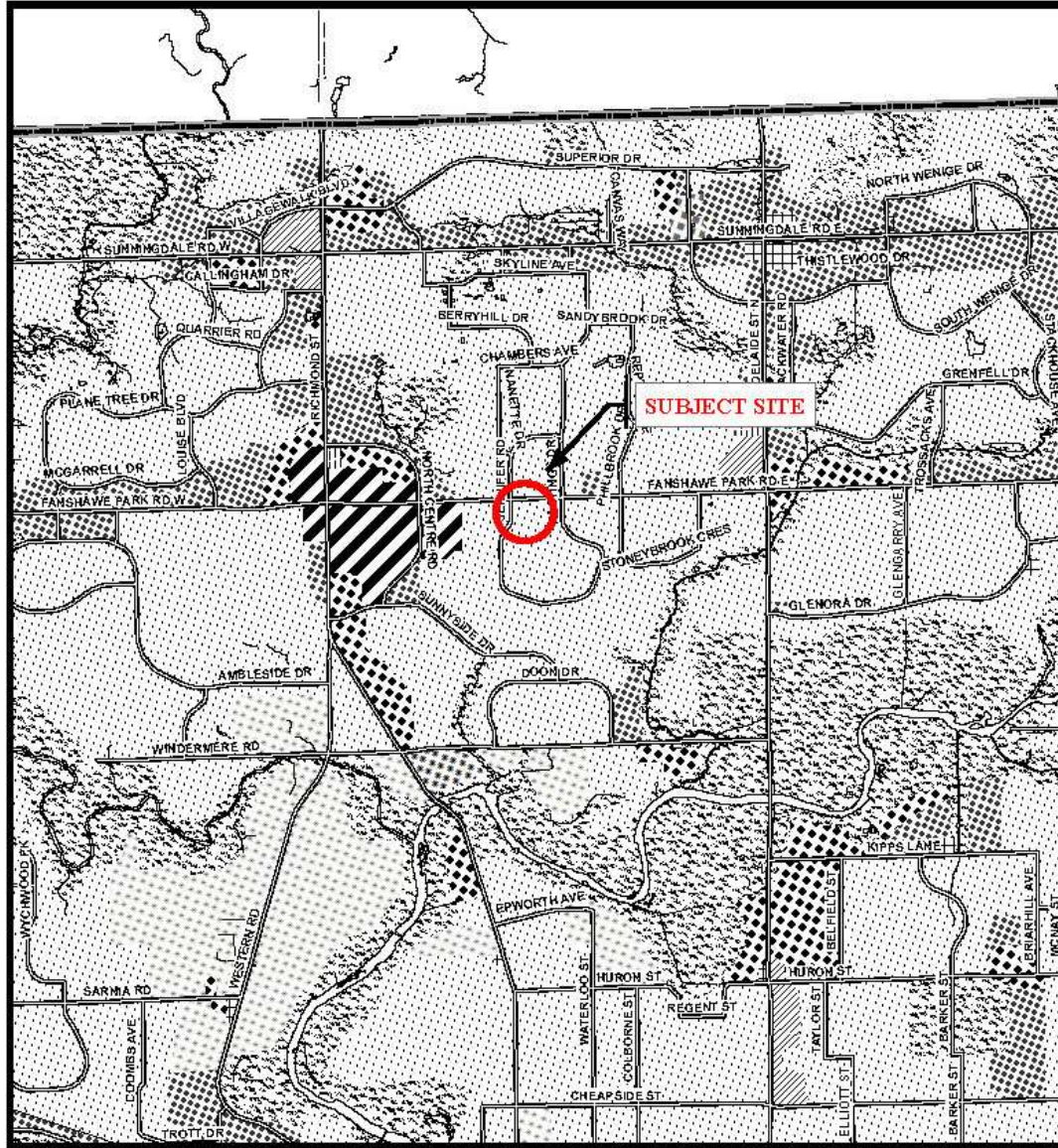
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON
 Planning Services /
 Development Services

LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services

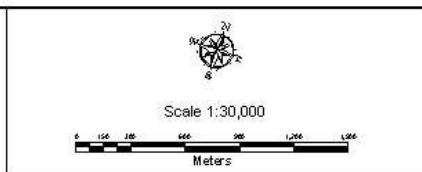


File Number: Z-9006
Planner: CS
Technician: RC
Date: April 5, 2019



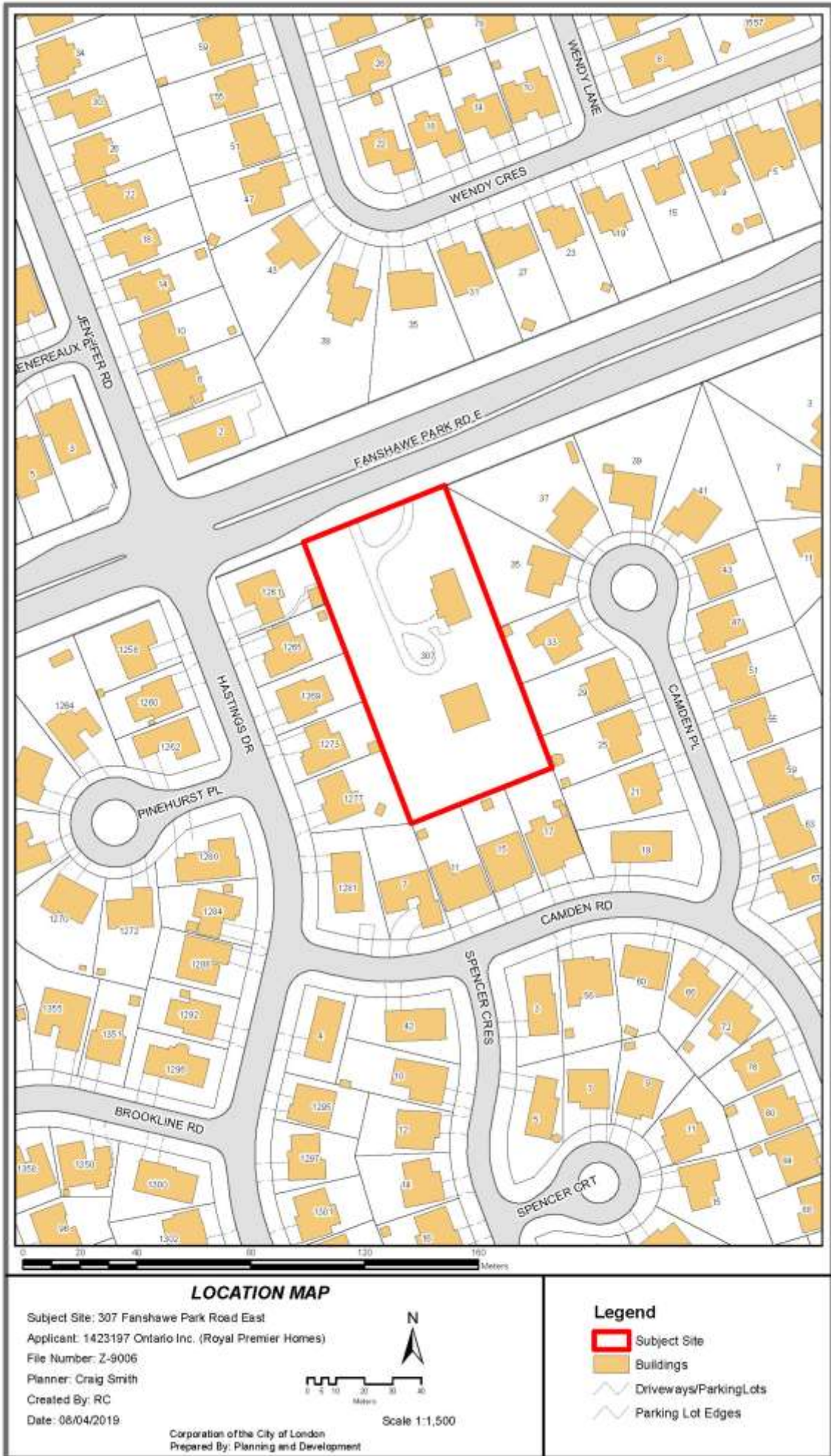
Legend					
	Downtown		Multi-Family, Medium Density Residential		Office Business Park
	Wonderland Road Community Enterprise Corridor		Low Density Residential		General Industrial
	Enclosed Regional Commercial Node		Office Area		Light Industrial
	NewFormat Regional Commercial Node		Office/Residential	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

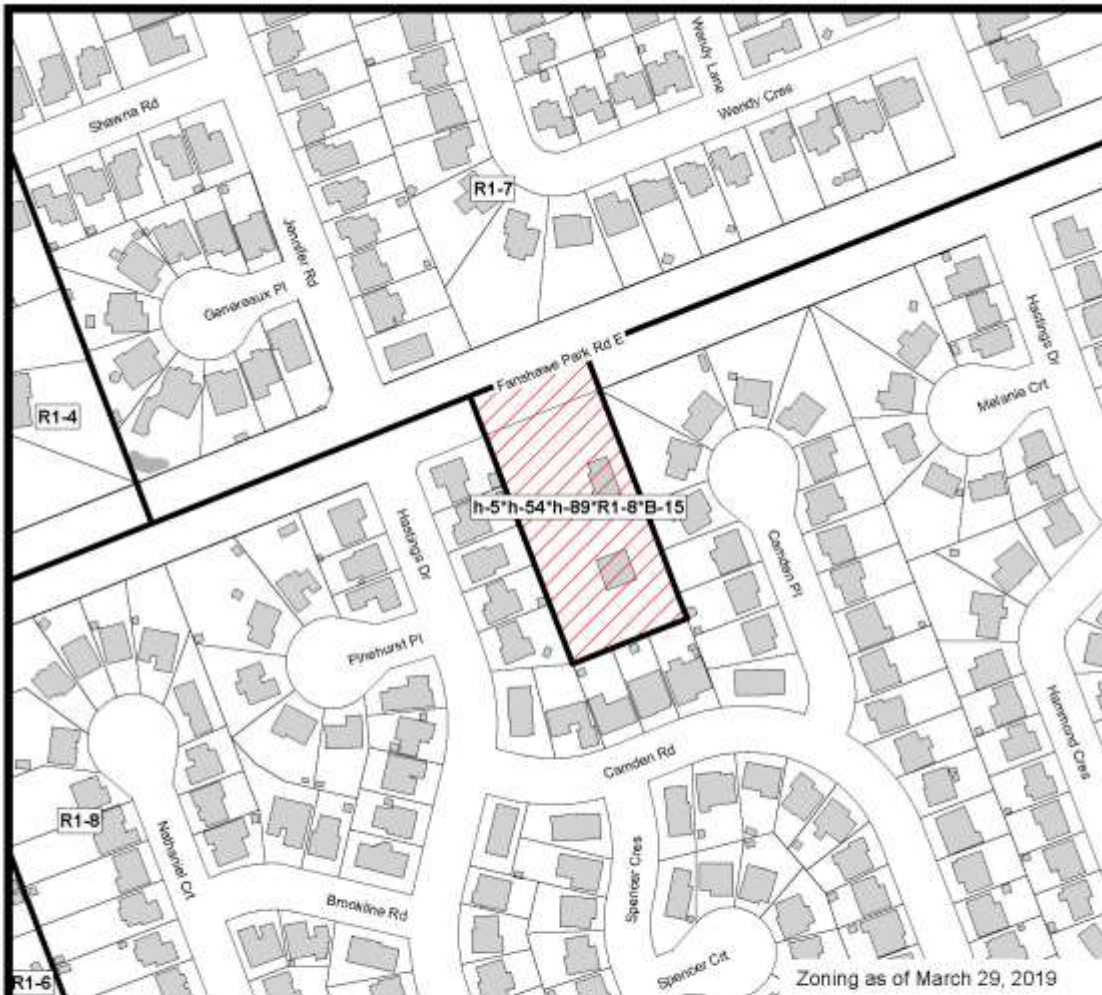
CITY OF LONDON
 Planning Services /
 Development Services
OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9006
PLANNER: CS
TECHNICIAN: RC
DATE: 2019/04/05

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid\extracts\mxd_templates\scheduleA_b&w_8x14_with_SWAP.mxd





COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|--|---|
| <ul style="list-style-type: none"> R1 - SINGLE DETACHED DWELLINGS R2 - SINGLE AND TWO UNIT DWELLINGS R3 - SINGLE TO FOUR UNIT DWELLINGS R4 - STREET TOWNHOUSE R5 - CLUSTER TOWNHOUSE R6 - CLUSTER HOUSING ALL FORMS R7 - SENIOR'S HOUSING R8 - MEDIUM DENSITY/LOW RISE APTS. R9 - MEDIUM TO HIGH DENSITY APTS. R10 - HIGH DENSITY APARTMENTS R11 - LODGING HOUSE
 DA - DOWNTOWN AREA RSA - REGIONAL SHOPPING AREA CSA - COMMUNITY SHOPPING AREA NSA - NEIGHBOURHOOD SHOPPING AREA BDC - BUSINESS DISTRICT COMMERCIAL AC - ARTERIAL COMMERCIAL HS - HIGHWAY SERVICE COMMERCIAL RSC - RESTRICTED SERVICE COMMERCIAL CC - CONVENIENCE COMMERCIAL SS - AUTOMOBILE SERVICE STATION ASA - ASSOCIATED SHOPPING AREA COMMERCIAL
 OR - OFFICE/RESIDENTIAL OC - OFFICE CONVERSION RO - RESTRICTED OFFICE OF - OFFICE | <ul style="list-style-type: none"> RF - REGIONAL FACILITY CF - COMMUNITY FACILITY NF - NEIGHBOURHOOD FACILITY HER - HERITAGE DC - DAY CARE
 OS - OPEN SPACE CR - COMMERCIAL RECREATION ER - ENVIRONMENTAL REVIEW
 OB - OFFICE BUSINESS PARK LI - LIGHT INDUSTRIAL GI - GENERAL INDUSTRIAL HI - HEAVY INDUSTRIAL EX - RESOURCE EXTRACTIVE UR - URBAN RESERVE
 AG - AGRICULTURAL AGC - AGRICULTURAL COMMERCIAL RRC - RURAL SETTLEMENT COMMERCIAL TGS - TEMPORARY GARDEN SUITE RT - RAIL TRANSPORTATION
 "H" - HOLDING SYMBOL "D" - DENSITY SYMBOL "H" - HEIGHT SYMBOL "B" - BONUS SYMBOL "T" - TEMPORARY USE SYMBOL |
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CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-9006

CS

MAP PREPARED:

2019/04/05

DM

1:2,500

0 12.525 50 75 100
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THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS

Bill Day
1277 Hastings Drive
London, ON
N5X 2H8

Sept. 12th, 2019

Dear Mr. Smith and Mr. Tomazincic,

Re: 307 Fanshawe Park Road East – possible zoning change

As you will recall, City Council referred the original application for a zoning change back to City Planning and the Planning and Environment Committee (PEC) by a vote of 12 to 2. There were concerns at Council regarding fit, character, sanitary and storm water management, buffering, removal of trees and density. As a result, the developer was asked to undertake the extraordinary step of outlining their proposal to the Urban Design Peer Review Panel (UDPRP).

On Sept. 23rd, the developer's proposal will again be discussed and voted on by the Planning and Environment Committee. It is of great concern to us that few, if any, of the recommendations made by the UDPRP seem to be reflected in the revised proposal. For example:

- ❖ no modification to reduce the footprint of the parking lot (put it underground).
- ❖ no provision of useful green amenity space for development residents.
- ❖ no change of parking plan to facilitate garbage pickup and ameliorate parking traffic issue.
- ❖ no change of building block 2 position.
- ❖ no provision of a full and revised tree plan and landscaping - buffering that was deemed sensitive and critical by UDPRP. In fact, it appears as though even fewer mature trees will be saved, with swales built around most of the lot.

Additionally, the traffic issues raised have not been addressed. The proposed snow storage plan would require the parking lot to be empty for the snow to be piled where proposed. And, while the sanitary and waste water flow rates proposed are deemed adequate, they are based on the time of construction in 1972, with infrastructure that is 47 years old.

It seems like the proposal supports the provisions for maximum density allowable by the London and Official Plans and bylaws, but ignores directions in those same documents regarding buffering, parking lot design, privacy, green amenity space, accessibility, and sensitivity to avoid adverse impacts on neighbouring properties. Moreover, when these issues are raised, we are told they are a matter for the Site Planning process once rezoning has been accomplished. Once the rezoning is approved, if the maximum density is allowed, it will be very hard to make any effective changes during the site plan proposal phase. We then also must rely on enforcement by the city, and every indication is that this will not likely be the case. In fact, we have been told that the city will not be liable should the builder cause problems for our existing homes.

Please give serious consideration to modifying the proposed zoning changes to reduce the density and size of the project. All of us know that something will be built at 307 Fanshawe Park Road East and it is not our intention to try to stop that. We understand the developer's desire for making a profit on an expensive piece of land. We understand the city policies regarding the infill of similar lots. But we also believe it is crucial that whatever is built does not unduly change the character of the neighbourhood and does not lead to damage and headaches for the people who live around the lot, in many cases for 40 years or more. We suggest that the zoning for this property ensure that a smaller development is built.

Sincerely

Bill Day

Dear Mr. Smith,

As long term residents (since 1972) of this neighbourhood', we are in full support of the following communication addressed to you and the City of London's Planning Department.

As you will recall, City Council referred the original application for 307 Fanshawe Park E. back to City Planning and the Planning and Environment Committee (PEC). There were concerns at Council regarding fit, character, sanitary and storm water management, buffering, and density of the proposed development. As a consequence, the developer was asked to undertake the extraordinary step of outlining their proposal to the Urban Design Peer Review Panel (UDPRP).

However, I, and others in the neighbourhood, still have concerns about the presented plan based on the following components, and we certainly hope these concerns (itemized below) will be addressed in detail by both the developer in any new application they submit as well as sincerely taken into consideration by the city before approval:

1. Based on submissions at a meeting mediated by the city, the developer presented a tree plan that reveals an intention to build swales around most of the lot; however, now even fewer mature trees and buffering will exist than presented at the last PEC meeting in May.
2. The "revised" proposal exhibits no changes that reflect ANY of the UDPRP recommendations including
 - a. no modification to reduce the footprint of the parking lot (ie: put it underground)
 - b. no provision of useful green amenity space for development residents
 - c. no change of parking plan to facilitate garbage pickup and ameliorate parking traffic issues
 - d. no change of building block 2 position
 - e. no provision of a full and revised tree plan and landscaping despite buffering being deemed sensitive and critical by UDPRP
3. The snow storage plan would necessitate the parking lot be empty for snow to be piled where proposed—a difficult proposition given the spaces will indeed need to be used for parking.
4. Traffic issues have not been satisfactorily addressed. The developer's consultant recommended U-turns on Fanshawe, but during rush hour, these actions could lead to seriously negative consequences as drivers get impatient. U-Turns may not be illegal, but they are also not safe in large numbers.
5. While the city (and an impartial engineering advisor) deemed the sanitary and waste water flow rates proposed to be adequate, they are based upon calculations and flow rates established at the time of construction in 1972 - 47 years ago. We in the neighbourhood still request the City for more recent assessment of viability—and given climate change and the now common occurrence of mass rainfall events, this request could not be more timely and serious.

In conclusion, City Planning seems to support the provisions for maximum density allowable by the London and Official Plans and bylaws, but conversely seems to ignore suggestions and directives in those same documents regarding buffering, parking lot design, privacy, green amenity space, accessibility, and sensitivity to adverse impacts to the property, neighbourhood, and city as a whole. At best, this seems like a lack of due diligence, and at worst, a sad instance of cherry picking to suit various ends.

Additionally—and most alarmingly—I am told that the above concerns are a matter for the Site Planning process once rezoning has been accomplished; however, this seems like a case of the “the cart before the horse”: once rezoning (and maximum density) is permitted, all the other Site Planning issues are rendered moot, and residents must take it as an article of faith that City Planning will enforce bylaws and UDPRP recommendations---essentially addressing the main concerns in this letter at a later date. This ***may*** prove true, but residents of this neighbourhood would rather these very legitimate urban planning concerns be met—logically and legally—at the preliminary stage before ground is broken, as opposed to later as a matter of good faith.

Kindest personal regards.

Mary and Darwin Semotiuk

1348 Hastings Drive

London, ON N5X 2J2

Dear Mr Smith,

This email is in regard to a Public Meeting Notice that I recently received.

I have since reviewed all of the back and forth correspondence and find that there are still many unresolved concerns.

I have lived in this beautiful old Stoneybrook neighbourhood for 33 years so have seen lots of change , Masonville Mall, strip malls, new subdivisions, large apartment buildings, as well as townhouses and condos. I am certainly not opposed to infill just the size and scope being proposed for the property at 307 Fanshawe Pk Rd.

The concerns raised by the community and comments made by the UDPRP need to be considered and I feel that they have not yet been appropriately addressed. I continue to hear/read that these concerns will be addressed at the Site Planning process which to me seems to be too late. Should rezoning be approved we are then at the mercy of City Planning to enforce bylaws and do they even consider the recommendations of the UDPRP?

Traffic issues are a major concern and as recent as a week ago there was an accident at Fanshawe/Jennifer which blocked all traffic moving west on a busy Sat afternoon. This required that traffic be rerouted through the subdivision. The current recommended U-turns on Fanshawe would be almost impossible. Living on Camden Place it is almost impossible to make a left hand turn onto Hastings from the East to get to my residence at any time of day.

I am also concerned about the tree removal plan. Every year I buy a tree from UTRCA. When I wanted to remove a dead tree from my yard I needed to get City approval to have the contractor remove the tree. To me it seems a bit hypocritical that the City encourages its citizens to help reforest our City while Developers are allowed to remove so many beautiful mature trees for one project.

I do have a few questions regarding the process so far

- If the requested rezoning request is approved is the Developer required to build what is currently being proposed?
- Why are there so many special provisions attached to the rezoning request?
- What is the purpose of the UDPRP review if there is no requirement to accept any of the recommendations?

Thank you in advance for your attention to my request for answers.

Regards

Mary Lacey 37 Camden Place

Mr. Craig Smith,

We recently received the notice of the PEC meeting on September 23 and the revised site plan. Phil and I attended the UDPRP meeting where it was recommended the developer return to the UDPRP with several improvements to the site plan. The suggestions included improvement of landscape plan, addition of a central outdoor space, lack of green space, garbage and parking not good, not developed far enough, steep steps, develop further to make more compatible, refine the building and LOTS OF PARKING , TOO MUCH.

The revised site plan shows none of this which was extremely disappointing and sad. The updated site plan shows hedging , amenity space and swales all squeezed into one small area to the west and south of building 2. How is this possible? This is a fallacy with total disregard for amenity space. The update shows the addition of several small circles for additional plantings. The size of the footprint has led to other issues such as

1. Lack of green space for the tenants.
2. Loss of virtually all trees
3. Storm water management, swales, and tree loss on abutting properties.
4. Connecting into a 47 year old sanitary sewer not designed to hold the capacity.
5. Traffic and U TURN recommended at a corner where two accidents have occurred this past month
6. Not a good fit for the neighbourhood. Not located in the Masonville Transit Village.
7. TOO MUCH CONCRETE AND PAVEMENT.
8. Loss of privacy with vehicles , ubers, taxis, delivery truck lights coming and going.
9. Sixteen homes are directly affected by these issues not just one or two.
10. Site plan should be required prior to Zone change and the footprint reduced.

We ask you to consider reducing the size of the footprint and provide more clarity to the neighbouring property owners.

We take it as an article of faith that City Planning will enforce bylaws and UDPRP recommendation and thereby look after our interests in this matter.

Regards,

Phil and Deena Lincoln
7 Camden Rd.

From: Debbie Beverley
Date: September 19, 2019 at 9:30:24 PM EDT
To: Craig Smith <crsmith@london.ca>
Cc: "Tomazincic, Michael" <mtomazin@london.ca>, "Yeoman, Paul" <pyeoman@london.ca>, Anna Hopkins <ahopkins@london.ca>, gkotsifas@london.ca
Subject: [EXTERNAL] Re-Zoning Application Z-9006: Old Stoneybrook Community Response, Sept 19, 2019

Dear Mr. Smith,

I am submitting this response on behalf of the Old Stoneybrook Community Association regarding the amended application submitted for re-zoning of 307 Fanshawe Park Rd E., file number Z-9006. As a community, we appreciate the continued dialogue with the City and Developer that has permitted us to provide comment on the 307 Fanshawe re-zoning application.

Below you will find an Executive Summary of our feedback on the amended re-zoning application submission, file number Z-9006, along with a detailed explanation thereafter, to add clarity to our comments.

Executive Summary:

- i. The Community Association supports development and change in intensification to roughly 20 units from 1 unit (PEC 27 May 2019)
- ii. The Community Association supported, in broad strokes, the footprint of the buildings with respect to area but dispute the appropriateness of the proposed density, set backs, windows, and the huge parking lots. (Meeting with Developer and City Staff 12 July 2019)
- iii. City Council had reservations about the application and referred it back to City Staff to review “proposed tree protection, elevation, intensification and site grading concerns and a review to be undertaken by the Urban Design Peer Review Panel” (Council Minutes, 11 June 2019)
 - a. Tree protection has been” solved” by removing all trees not on neighbors’ property (addendum posts by developer 13 Sept 2019)
 - b. Elevation changes have altered the stormwater issues to the satisfaction of City Engineer.
 - c. Intensification is still extreme (42 units) with no concession to site shape, buffering, intense use of site for parking – i.e. suggestion to put it underground
 - d. Urban Design Peer Review Panel expressed concern regarding size of parking lot, lack of shared green amenity space, lack of well-developed tree and buffering plans, poor choice and match of building finish materials, and lack of a landscaping plan. Concern was expressed regarding buffering.
 - Parking lot suggestion dismissed as too expensive

- Provision of amenity space rejected as developer contends the plan meets city minimum requirements – we and UDPRP thought the proposed area designated was not useful to residents
 - Building finish materials have been updated somewhat
 - Landscaping is being deferred to Site Plan stage
 - The revised Site Elevations document indicates a further erosion of privacy and buffering already poor in the original plan – full height windows now cover all stories of the west side of 4th floor of Building Block A and peer down over a property despite a set back variance is requested.
- iv. Community Association contends:
- a. that the developer’s unwillingness to address the size and coverage of the parking lot means even fewer trees will be preserved – neighbors will be less buffered than before
 - b. There is, in effect, no tree preservation plan because ALL those where the developer has exclusive jurisdiction will be removed
 - c. There is no Landscaping Plan, save to replace parts of a 20-30 line of coniferous trees on a shared border with saplings that will, “at maturity”, replace the former trees. All other landscaping deferred to Site Plan.
 - d. There has been no careful consideration of appropriate privacy and noise buffering – obvious tree issues aside, full-height windows are now placed in the west wall of building block A and peer down into the neighboring properties despite a reduced proposed set back. This represents an adverse impact on neighbors in contravention of City Policy and Plan.
 - e. City has not assessed (to our knowledge) an assessment of sanitary sewer condition and flow rate since 1972. Capacity will be a challenge but remains unknown
 - f. Space allocated to snow storage to the east of main parking lot would work only if there were no cars in the lot at the time of clearing – impractical and unrealistic
 - g. City has not appropriately considered traffic effects – developer’s consultant advocates U-turns on Fanshawe during rush hour. This particular intersection is already a site of serious accidents. This represents both a hazard and an adverse impact.

Introduction

The strange path this application has taken speaks to the difficulty of the challenges that intensification densities present: maximum densities permissible under the London Plan, Official Plan, and Bylaws, should theoretically be compatible with the myriad of other standards, policies, and Bylaws enumerated in the aforementioned official documents.

As a Community Association, and as some of you have acknowledged, the Bylaws that City Planning considers at this stage of the game (PEC), do not necessarily address the holistic picture encompassed in the two City Plans and Bylaws (that we have previously

enumerated Document presented before PEC 27 May, 2019). We have been told: first comes zoning, then comes addressing the finer details at Site Plan. We beg to point out that the proposed density (zoning) is driving the size of the parking lot, that in turn drives the peripheral location of the swales, that in turn necessitate removal of the majority of the neighborhood privacy elements - and buffering trees (Site Plan). At the meeting with the developer, his planning team, and city officials (12 July 2019), the Community Association made it clear that it was not the size of the buildings that were at issue, but the size of the parking lot. Moreover, in our submission to the City for the 1st PEC meeting, we indicated that we could see accommodating a reasonable intensification to 16-20 units (roughly 35 units per hectare). We are not adverse to intensification... Modified plans for drainage and sanitary sewer were also presented and clarified (more on that later).

In the Notice of the 23 Sept. 2019 PEC meeting it states: "Any change to the Zoning By-law must conform to the policies of the Official Plan, London's long-range planning document."

"The London *Official Plan* (1989) 3.2.3.2 permits a density of up to 75 units/ha. This statement lists building types ranging from detached to low rise apartments. However, significantly, Section 3.2.3.8 of the same *Official Plan* states that "it is intended that an intensification project **should meet all Zoning By-law regulations.**" Moreover, in Section 9.2 of the City of London Zoning Bylaws (1989), under PERMITTED USES in R-5, the Bylaws describe two possible configurations:

1. a) Cluster townhouse dwellings
2. b) Cluster stacked townhouse dwellings

The MAXIMUM assigned density for stacked townhouses is "60 units per hectare (24 units per acre) for inner city areas and locations near major activity centre" (emphasis added). This site is neither inner city nor a designated major activity centre. If these Bylaws are observed with regard to number and nature of neighbourhood, it is arguable that a density of even 60 units/ha is illegitimate.

Our argument, that the maximum density zoning application did not provided sufficient detail to see how it also respects other City Plan and Bylaw requirements, evidently found resonance at City Council (11 June 2019). Furthermore, many of the very features we took issue with and asked for redress (27 May, 2019 PEC submission) were again reiterated by the City Council-mandated panel of impartial outside experts (Urban Design Peer Review Panel - UDPRP; 17 July, 2019). Our position is that there is a disconnect, a calibration issue, with regard to how City Planning sees and approves this particular proposal, versus how the affected community, City Councilors, and indeed external and arms' length professionals interpret the City Plans, Policies, and Bylaws.

With respect to concerns enumerated by UDPRP, City Planner Mr. Tomazincic has been at pains to delineate for us those issues that are appropriate at the re-zoning approval stage, and those that are appropriate for the site plan phase. Significantly, the

UDPRP items, if addressed, would impact the proposal in a fundamental way. Surprisingly, the 13 Sept. 2019 re-submission letter from the developer via Zelinka Priamo, discards some of the most important elements as having been addressed adequately in the original plan (amenity space), or as too expensive (sub-grade parking). To sum up, the crux of the design and conceptual problems translate to, in the words of the first speaker of the UDPRP meeting (17 July 2019), "that's a lot of parking lot..!" We have been arguing this same point consistently.

1. Parking Lots and Amenity Space

A theme that runs through the UDPRP critique centers on the large size of the parking lot and placement of buildings as a problem: these two issues affect tree preservation, privacy and buffering for the existing neighbors, parking lot traffic flow (garbage retrieval was mentioned at the hearing as a parking lot traffic issue), and the provision of common green amenity space for anticipated residents. UDPRP explicitly cites that an objective should be to "reduce the impact of surface parking on the existing residential neighborhood." The solution suggested included rotation and re-siting of building block 2, and "below grade parking to create green space / outdoor amenity space around the buildings at grade". To achieve the recommended buffering, tree preservation and amenity space, the developer would have only two options: either reduce the number of parking spaces (and zoning density), or put some of the parking underground. The developer is adamant at resisting both options: a reduced density suggestion offered at the 12 July meeting was answered with a threat to build an apartment building; and the possibility of underground parking is rejected as uneconomical in the letter from Zelinka Priamo 13 Sept 2019. Both options are fundamental both to the plan as well as to the re-zoning application, and in its present form, the site plan does not meet the threshold nor requirement for understanding that is required by the Ontario Planning Act.

Parking lot size and placement - essentially equates to residential density. These are key to whether or not the requested zoning and density should be granted. Since there is no willingness to accept solutions, the re-zoning application should be rejected. Moreover, parking lots still intrude beyond the 3 m limit imposed by the parking Bylaws (to roughly 2 meters at three locations; Site Plan Control Bylaw CP 1455-541). Finally, it is interesting that although there is provision for accessible parking, there is not a single accessible residential unit proposed.

2. Buffering

The removal of trees, formerly proposed to leave 20 of 61 standing, has now been reduced to 14 - all situated on neighbors' property or shared boundaries. This extreme degree of clear-cutting is necessitated by swales circumscribing the lot's edges, and these are in turn necessitated by edge-to-edge parking lots. How is not removing trees from neighbours property displaying respect for an area formally designated by the City as a Tree Protection Zone? There is no concession here at all to trees or buffering.

According to the revised tree plan, the partial removal and then replacement of hedges (presently a line of mature conifers standing 15 to 30 feet high), envisages similar heights and buffering "at maturity". It takes decades for a replacement sapling to reach this height, and it is surely not the intention of the two City Plans to deny privacy and buffering to neighbors of developments for periods likely to exceed neighbours' lifespans. How can this be justified as not representing an adverse impact?

The set back variance for building block 1 at the NW corner has been a source of concern for neighbours, and was directly commented upon verbally by UDPRP (though not explicitly entered into the letter). City Plans and Bylaws both differentiate regarding the impact of un-windowed versus windowed walls that overlook a neighbouring yard (Bylaw Section 9, Table 9.3). The set back for the former is less than for the later. If set back variance is permitted, the west wall should at minimum, lack windows. That said, such a variance in set back does not respect the intent of City Plans nor bylaws (and this is also presently an issue before LPAT respecting the Windemere development) According to Section 3.2.2.8 of the Official Plan, "there may be instances when **a minor** variance is warranted based on the configuration of the site or development constraints associated with it." Our position is that no such variance should be accorded when the sole reason for it is to increase profit via density at the expense of a neighbour, not to accommodate an intrinsically awkward aspect of the site itself.

It is interesting to note that a former concession to buffering (minimizing the 4th story windows on the west side to valence lighting to reduce the view of neighbouring properties below) is replaced with full windows. City zoning setback requirements and City policy indicate that buffering and privacy should be approached with care. The revised proposed model ignores the directives of City Policy, Bylaws, and the direction of the UDPRP. The design should be rejected.

3. Stormwater management

We appreciate that the developer has altered the site plan with respect to grading. Formerly, the lot was higher than neighboring properties and drained to the surrounding edges. Now the lot is proposed to contain a depression in the parking lot to collect and temporarily store water for restricted drainage to a neighbour's easement catch basin. It is worth mentioning that the former plan was not queried by City Planning: indeed they recommended approval the last time PEC met. Since it was only our strenuous objections that forced this logical and necessary design change, we are very uneasy regarding enforcement of the majority of issues they would prefer to defer to the Site Planning phase.

For example, the westward displacement of the large parking lot to accommodate a snow storage space at the eastern edge of the site would work only if there were never any cars in the parking lot following a snowfall. Since the developer's traffic consultant indicates only 19 of 63 cars are likely to driven to work at morning rush hour (miraculously 24 return in the afternoon), the likelihood of the eastern snow storage

space being usefully deployed is nil. Where will the snow REALLY be shoveled? Off the end of the southern and western (?) edges of the large and small lots respectively? (ie; onto neighboring back yards?)

We are also perplexed that water that was formerly designated to empty onto Fanshawe now all collects and is directed to the SW corner.

4. Sanitary Sewer Capacity

Both the Developer's consultant as well as the City Engineer appear to accept that the 6 inch sewer pipe that formerly led from the single family home on the site into the Camden Place network will be sufficient to accommodate the waste of an estimated 101 residents of the new buildings. At the 12 June meeting with the developer and city officials, the developer referred to "profit per room." We are concerned that this reflects a desire to market to higher than average (the basis of sewer capacity calculations) density per unit, and that the estimate of 101 residents is consequently low. To be clear, a 6 inch pipe that runs at a 1% grade and that used to service a single family dwelling is now proposed to service 101 people... or more. Our request is that this drain to the main trunk on Fanshawe.

Furthermore, both the developer's as well as the City Engineer's calculations are based upon designs and flow rates calculated and last measured at the time of installation - 1972. Specific queries to City Planning regarding the present grade (1%), and state of sewers have not been answered. This leaves no margin for confidence and error.

5. Fit , Finish, Character and Privacy

Fit and finish (character) of the buildings appear to have been upgraded in the latest elevation drawings (13 Sept. 2019), but not in the rendering attached to the 2nd PEC meeting announcement. There are now full height windows on all four floors of the west wall of building block A, and this contravenes both the spirit and letter of the City Plans.

In conclusion, while we do appreciate the discussion and recognize the changes that have been made to the plans for 307 Fanshawe Rd. E, we still urge you to reject the current proposal. Too many issues are outstanding that directly and adversely impact the neighbourhood and contravene many of the City Bylaws and London Plan.

Kind regards,

Deb Beverley
President
Old Stoneybrook Community Association

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: W-3 Lambeth Farms Inc.
3700 Colonel Talbot Road and 3645 Bostwick Road**

Public Participation Meeting on: September 23, 2019 at 5:00 PM

Recommendation

That, on the recommendation of the Director, Development Services the following actions be taken with respect to the application of W-3 Lambeth Farms Inc. relating to the property located at 3700 Colonel Talbot Road and 3645 Bostwick Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on October 1, 2019 to amend the (1989) Official Plan to:
- i) to refine and reconfigure the extent of the Low Density, Multi-Family Medium Density, and Open Space designations, by changing the designations on Schedule "A" - Land Use **FROM** "Low Density Residential", "Multi-Family, Medium Density Residential", and "Open Space" **TO** "Low Density Residential", "Multi-Family, Medium Density Residential", and "Open Space" designation;
 - ii) to change the designation on Schedule "B1" – Natural Heritage Features, **FROM** "Unevaluated Vegetation Patch" **TO** "Significant Woodlands" and "Locally Significant Wetlands";
 - iii) to change the designation on Schedule "C" – Transportation Corridors by amending the east-west secondary collector road to align with Street A, and by amending the north-south secondary collector road to align with Street D; and,
 - iv) change Section 20.5 (Southwest Area Secondary Plan):
 - a. Schedule 2 to Southwest Area Secondary Plan (Multi-Use Pathways and Parks) by realigning the Planned Route and adding a Neighbourhood Park;
 - b. Schedule 4 (Southwest Area Land Use Plan), by refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, **FROM** "Low Density Residential", "Medium Density Residential", and "Open Space" **TO** "Low Density Residential", "Medium Density Residential", and "Open Space", realigning the location of the Neighbourhood Central Activity Node, and to realign two secondary collector roads;
 - c. Schedule 8 (Bostwick Residential Neighbourhood Land Use Designations), by refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, **FROM** "Low Density Residential", "Medium Density Residential", and "Open Space" **TO** "Low Density Residential", "Medium Density Residential", and "Open Space", adding a Park, and to realign a secondary collector road; and,
 - d. Schedule 9 (North Lambeth Residential Neighbourhood Land Use Designations), by refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, **FROM** "Low Density Residential", and "Medium Density Residential" **TO** "Low Density Residential", "Medium Density Residential", and "Open Space", realigning the location of the Neighbourhood Central Activity Node, and to realign a secondary collector road;

- (b) the request to amend the 1989 Official Plan to change the Southwest Area Secondary Plan, Section 20.5.3.9 ii) b) (Urban Design), 20.5.9.1 iii) (Bostwick Residential Neighbourhood), and Section 20.5.10.1 iii) (North Lambeth Residential Neighbourhood), by adding policy to allow for alternative sidewalk arrangements and not requiring sidewalk construction on both sides of all street sections or on all street sections, **BE REFUSED** for the following reasons:
- i) The Provincial Policy Statement promotes active transportation and encourages land use patterns which support active transportation, and 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;
 - ii) The Southwest Area Secondary Plan supports sidewalks on both sides of the street, primarily to support walkability, and encourage active mobility, and to ensure planning is in accordance with the Accessibility for Ontarians with Disabilities Act, so that all of the elements of the City are accessible for everyone; and,
 - iii) The City's Complete Streets Design Manual contemplates sidewalks on both sides of the street, to ensure a more "complete" environment that will feature high-quality pedestrian environments and integrate seamlessly with transit services, cycling networks, and automobile users. London's streets will be designed for connectivity and support the use of active and sustainable modes of transportation;
- (c) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting to be held on October 1, 2019, to amend The London Plan by:
- i) change the Place Types on Map 1 - Place Types - **FROM** Neighbourhoods and Environmental Review **TO** Green Space, and to change the alignment of the Neighbourhood Connectors;
 - ii) change Map 3 - Street Classifications- by amending the east-west Neighbourhood Connector to align with Street A, and by amending the north-south Neighbourhood Connector to align with Street D;
 - iii) change Map 5 - Natural Heritage - **FROM** Unevaluated Vegetation Patch **TO** Significant Woodlands and Wetlands; and,
 - iv) change 1565_5. Southwest Area Secondary Plan, Section 20.5 (Southwest Area Secondary Plan):
 - a. Schedule 2 (Multi-Use Pathways and Parks) by realigning the Planned Route and adding a Neighbourhood Park;
 - b. Schedule 4 (Southwest Area Land Use Plan), by refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, **FROM** "Low Density Residential", "Medium Density Residential", and "Open Space" **TO** "Low Density Residential", "Medium Density Residential", and "Open Space", realigning the location of the Neighbourhood Central Activity Node, and to realign two secondary collector roads;
 - c. Schedule 8 (Bostwick Residential Neighbourhood Land Use Designations), by refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, **FROM** "Low Density Residential", "Medium Density Residential", and "Open Space" **TO** "Low Density Residential", "Medium Density Residential", and "Open Space", adding a Park, and to realign a secondary collector road; and,
 - d. Schedule 9 (North Lambeth Residential Neighbourhood Land Use Designations), by refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, **FROM** "Low Density Residential", and "Medium Density Residential" **TO** "Low Density Residential", "Medium Density Residential", and "Open Space", realigning the location of the Neighbourhood Central Activity Node, and to realign a secondary collector road;

it being noted that the amendments will come into full force and effect concurrently with Maps 1, 3 and 5 of The London Plan; and,

(d) the request to amend The London Plan to change the Southwest Area Secondary Plan, Section 20.5.3.9 ii) b) (Urban Design), 20.5.9.1 iii) (Bostwick Residential Neighbourhood), and Section 20.5.10.1 iii) (North Lambeth Residential Neighbourhood), by adding policy to allow for alternative sidewalk arrangements and not requiring sidewalk construction on both sides of all street sections or on all street sections, **BE REFUSED** for the following reasons:

- i) The Provincial Policy Statement promotes active transportation and encourages land use patterns which support active transportation, and 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;
- ii) The London Plan and the Southwest Area Secondary Plan support sidewalks on both sides of the street, primarily to support walkability, and encourage active mobility, and to ensure planning is in accordance with the Accessibility for Ontarians with Disabilities Act, so that all of the elements of the City are accessible for everyone; and
- iii) The City's Complete Streets Design Manual contemplates sidewalks on both sides of the street, to ensure a more "complete" environment that will feature high-quality pedestrian environments and integrate seamlessly with transit services, cycling networks, and automobile users. London's streets will be designed for connectivity and support the use of active and sustainable modes of transportation.

(e) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on October 1, 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** an Urban Reserve (UR4) Zone and an Environmental Review (ER) Zone, **TO**:

- i) a Holding Residential R1 Special Provision (h*h-100*R1-3(*)) Zone;
- ii) a Holding Residential R1 Special Provision (h*h-82*h-100*R1-3(*)) Zone;
- iii) a Holding Residential R1 Special Provision (h*h-100*R1-4(*)) Zone; ,
- iv) a Holding Residential R2 Special Provision (h*h-100*R2-1(*)) Zone;
- v) a Holding Residential R2 Special Provision (h*h-100*R2-3(*)) Zone;
- vi) a Holding Residential R2 Special Provision/Residential R4 Special Provision (h*h-100*R2-1(*)/R4-6(*)) Zone;
- vii) a Holding Residential R2 Special Provision/Residential R4 Special Provision/ Residential R6 Special Provision/Neighbourhood Facility (h*h-100*R2-1(*)/R4-6(*)/R6-5(****)/NF1) Zone;
- viii) a Holding Residential R6 Special Provision/Residential R8 Special Provision (h*h-100*R6-5(*)/R8-4(**)) Zone;
- ix) a Holding Residential R6 Special Provision/Residential R8 Special Provision (h*h-100*R6-5(**)/R8-3(*)) Zone;
- x) a Holding Residential R6 Special Provision/Residential R8 Special Provision/Residential R9 (h*h-100*R6-5(****)/R8-4(****)/R9-3(**)) Zone;
- xi) a Holding Residential R6 Special Provision/Residential R8 Special Provision/Residential R9 (h*h-100*R6-5(****)/R8-4(****)/R9-3(****)) Zone;
- xii) a Holding Residential R8 Special Provision/Convenience Commercial Special Provision (h*h-100*R8-4(*)/CC6(*)) Zone;
- xiii) a Holding Residential R8 Special Provision/Convenience Commercial Special Provision/Neighbourhood Facility Special Provision (h*h-100*R8-4(****)/CC6(**)/NF1(*)) Zone;
- xiv) a Holding Residential R9 Special Provision/Convenience Commercial Special Provision (h*h-100*R9-3(*)/CC6(****)) Zone;
- xv) an Open Space (OS1) Zone;
- xvi) an Open Space (OS5) Zone;
- xvii) an Environmental Review (ER) Zone; and
- xviii) an Urban Reserve (UR4) Zone;

(f) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft

plan of subdivision of W-3 Lambeth Farms Inc. relating to a property located at 3700 Colonel Talbot Road and 3645 Bostwick Road; and

- (g) Council **SUPPORTS** the Approval Authority issuing draft approval of the proposed plan of residential subdivision, submitted by W-3 Lambeth Farms Inc. (File No. 39T-17503), prepared by MHBC Planning, File No. 1094 'U', dated December 20, 2018, as red-line amended, which shows a draft plan of subdivision consisting of twenty-one (21) single detached/low density blocks, thirteen (13) street townhouse blocks, two (2) apartment/medium density blocks, four (4) commercial/residential mixed use blocks, two (2) cluster/low rise blocks, one (1) school block, one (1) open space block, seven (7) pathway blocks, three (3) park blocks, one (1) urban reserve/environmental review block, one (1) future road block, two (2) road widening blocks, eleven (11) 0.3 m reserve blocks, all served by two (2) secondary collector/neighbourhood connector roads (Street A and Street D), and nine (9) new local/neighbourhood streets, **SUBJECT TO** the conditions contained in the attached Appendix "D".

Executive Summary

Summary of Request

The request is to permit a mixed use subdivision consisting of low density single detached dwellings/lots, cluster dwellings, street townhouse dwellings, apartment buildings, convenience commercial, small scale offices, mixed use (residential/commercial/live work/offices), school, parks, multi-use pathways, and public road access via street connections to Colonel Talbot Road and Bostwick Road.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is for Municipal Council to approve the recommended London Plan, (1989) Official Plan, Southwest Area Secondary Plan and Zoning By-law Amendments, and recommend that the Approval Authority for the City of London issue draft approval of the proposed plan of subdivision, subject to conditions and red-line revisions.

Rationale of Recommended Action

1. The proposed and recommended amendments are consistent with the Provincial Policy Statement, 2014 which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs and provide for a range of housing types and densities to meet projected requirements of current and future residents.
2. The proposed and recommended amendments conform to the in-force policies of The London Plan, including but not limited to Our Strategy, Our City and the Key Directions, as well as conforming to the policies of the Neighbourhoods and Green Space Place Type.
3. The proposed and recommended amendments conform to the in-force policies of the (1989) Official Plan, including but not limited to the Low Density Residential designation, the Multi-Family., Medium Density Residential designation, and the Open Space designation.
4. The proposed and recommended amendments conform to the policies of the Southwest Area Secondary Plan.
5. The proposed and recommended zoning amendments will facilitate an appropriate form of low and medium density residential development that conforms to The London Plan, the (1989) Official Plan, and the Southwest Area Secondary Plan.

6. The proposed and recommended redlined draft plan supports a broad range of low and medium density residential development opportunities within the site including more intensive, mid-rise apartments along the Bostwick Road corridor, limited convenience commercial uses at locations along the Bostwick and Colonel Talbot frontages, and a mixed-use, community oriented development node at the intersection of the proposed secondary collector roads (neighbourhood activity node). The red lined Draft Plan has been designed to support these uses and to achieve an aesthetically-pleasing, mixed-use development that is pedestrian friendly, transit supportive and accessible to the surrounding community.
7. The proposed amendments to The London Plan and (1989) Official Plan, clauses (b) and (d) above, are recommended to be refused as the Provincial Policy Statement promotes active transportation and encourages land use patterns which support active transportation, and 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; The London Plan and the Southwest Area Secondary Plan support sidewalks on both sides of the street, primarily to support walkability, and encourage active mobility, and to ensure planning is in accordance with the Accessibility for Ontarians with Disabilities Act, so that all of the elements of the City are accessible for everyone; and the City's Complete Streets Design Manual contemplates sidewalks on both sides of the street, to ensure a more "complete" environment that will feature high-quality pedestrian environments and integrate seamlessly with transit services, cycling networks, and automobile users. London's streets will be designed for connectivity and support the use of active and sustainable modes of transportation.

1.0 Site at a Glance

1.1 Property Description

The subject properties are located on lands bounded by Bostwick Road to the east and Colonel Talbot Road to the west; mid-block between Pack Road and the planned Kilbourne Road extension. The subject site measures approximately 53.0 ha (130.9 ac) in size and is generally described as Part of Lots 74 and 75, Concession East of the North Branch of Talbot Road (Westminster). Only a portion of 3700 Colonel Talbot Road is subject to this application. There is a single detached dwelling and three outbuildings associated with the farm operation (accessed from Colonel Talbot Road) located on this property but are not within the draft plan subject site. The property at 3645 Bostwick Road is a rural residential parcel measuring approximately 4.0 ha (9.9 ac) in size and currently has a single detached dwelling and an outbuilding.

The property is irregular in shape and includes 63.2 m (207.3 ft) of frontage along Colonel Talbot Road and 425.3 m (1,395.4 ft) of frontage along Bostwick Road. The total depth of the property measures 1,996.5 m (6,550.2 ft). Currently, the lands are used predominately for agricultural purposes. Additionally, the subject lands contain two natural heritage features: a 9.0 ha (22.2 ac) woodlot situated in the southeastern quadrant of the subject site (known as vegetation Patch 10069)); and a regulated area in the vicinity of Patch 10069 reflective of a former drain in the area which presently traverses a low point on the adjacent property.

The subject site forms part of a developing, suburban residential community, with residential subdivisions established west of the subject lands, and a newly developing residential subdivision to the south. The Forest City Community Church is located adjacent to the southeastern limit of the property (immediately south of Patch 10069). Agricultural lands and buildings, a construction yard and office, and naturalized areas surround the balance of the property. Currently, there is limited London Transit Commission (LTC) bus service (one bus route is provided along Colonel Talbot Road, north of Pack Road).

A draft plan of subdivision was approved for residential lands south of the subject site, addressed as 3924 and 4138 Colonel Talbot Road (City of London File: 39T-12503). A future institutional use (Harvest Baptist Church) is planned for the 3.2 ha (7.9 ac) parcel located immediately northwest of the subject site (addressed as 3680 Colonel Talbot Road). An application for draft plan of subdivision is currently under review for the lands north of the subject site (addressed as 3614, 3630 Colonel Talbot Road and 6621 Pack Road, File: 39T-16509). An unevaluated vegetation patch (Patch 10066) also abuts the northeastern boundary of the subject property.

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

- The London Plan Place Type – “Green Space”, “Environmental Review”, and “Neighbourhoods”
- Southwest Area Secondary Plan – North Lambeth Residential Neighbourhood – “Low Density Residential” and “Medium Density Residential”; Bostwick Residential Neighbourhood - “Low Density Residential”, “Medium Density Residential”, and “Open Space and Environmental Review”
- Official Plan Designation – “Low Density Residential, “Multi-Family, Medium Density Residential”, “Environmental Review” and “Open Space”
- Existing Zoning – an Urban Reserve (UR4) Zone and an Environmental Review (ER) Zone

1.3 Site Characteristics

- Current Land Use – agriculture (3700 Colonel Talbot Road), single detached residential (3645 Bostwick Road)
- Frontage – 63.2 m (207.3 ft) on Colonel Talbot Road and 425.3 m (1,395.4 ft) on Bostwick Road
- Depth – 1,996.5 m (6,550.2 ft).
- Area – 49.0 ha (121.0 ac) (3700 Colonel Talbot Road), and 4.0 ha (9.9 ac) (3645 Bostwick Road) (Total: 53.0 ha (130.9 ac))
- Shape – irregular

1.4 Surrounding Land Uses

- North – agriculture, future residential plan of subdivision 39T-16509, and vacant/natural heritage
- East – agriculture
- South – church, agriculture, residential plan of subdivision 39T-12503, offices (Tricar), industrial (Insulcon Insulation)
- West – single detached dwellings

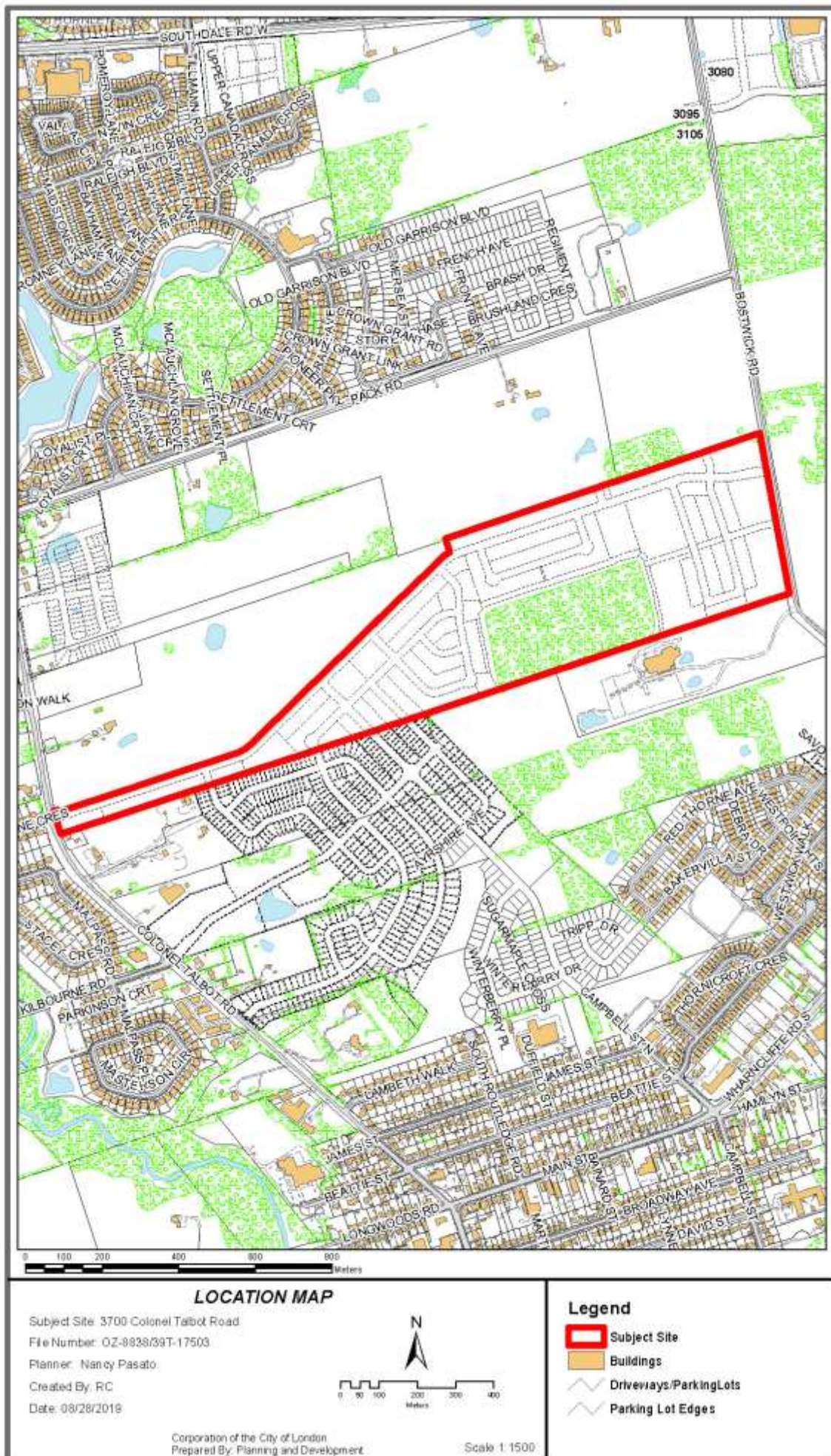
1.5 Additional Details

There are several listed heritage properties in the vicinity of the subject site:

- 3551 Colonel Talbot Road – Mather’s Cemetery (designated under Part IV of the Ontario Heritage Act).
- 3700 Colonel Talbot Road (outside of subject site) - Listed as a Priority 2 on the Inventory of Heritage Resources
- 3808 Colonel Talbot Road – Listed as a Priority 1 on the Inventory of Heritage Resources
- 3814 Colonel Talbot Road – Listed as a Priority 3 on the Inventory of Heritage Resources

A progress report on preliminary research on the property at 3700 Colonel Talbot Road (dated February 10, 2017) was provided as part of the complete application. As part of the Initial Proposal Summary process, it was determined that a full Heritage Impact Assessment (HIA) would be required as part of the next phase (Phase 2) for this subdivision. It is expected that the HIA will include an evaluation of the potential cultural heritage resource at 3700 Colonel Talbot Road as well as assess and provide recommendations to mitigate any potential impacts on the above noted adjacent cultural heritage resources in the context of the proposed subdivision.

1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The proposed Draft Plan provides a broad range and mix of housing types, including single and semi-detached dwellings, townhouses, and apartments (supported by open space, commercial, and public facilities). The Draft Plan incorporates the following key features:

- Low density housing planned to be compatible with existing and planned low density residential development in the North Lambeth and Bostwick communities and to provide a broad mix of housing opportunities and lot types for future residents;
- Low-rise to mid-rise apartments located along the Bostwick Road and Colonel Talbot Road frontages to provide a more intensive scale of development that supports a compact urban form and future transit services. Moderate density residential dwellings (e.g. street townhouses) are planned to complement the apartment buildings and low density housing planned for internal locations;
- Opportunities for convenience commercial uses within medium density residential blocks to service existing and planned communities in the immediate area. Currently, there are no prominent, neighbourhood-oriented commercial enterprises within convenient walking/cycling distance of this development area;
- A neighbourhood activity node intended to function as the community's town square. Zoning permissions within this node would support retail/service commercial uses, community facilities, live-work opportunities and residential units;
- An elementary school block situated in close proximity to the community park and fronting the east-west collector road (Street 'A') in accordance with the locational requirements of the Thames Valley District School Board (TVDSB);
- An internal street pattern designed to support community connectivity, as well as efficient and safe traffic movement;
- A balance of residential densities, open space, low impact development techniques for stormwater management and institutional uses to help promote sustainable development;
- Visual components to enhance the aesthetic character of the development (e.g., unobstructed views of park features, vistas into the open space features, and an enhanced, pedestrian-oriented streetscape associated with the neighbourhood central activity node);
- Protection and enhancement of existing natural features and linkages to the City's multi-use pathway system; and
- Opportunities for future development on lands north and south of the site.

Further detail on the application can be found in the "Requested Amendments" section of the report.

3.0 Relevant Background

3.1 Planning History

The subject lands were previously a part of the Town of Westminster. In 1993, the subject lands, and the larger area south to Lambeth, were annexed to the City of London.

The site at 3700 Colonel Talbot Road contains a single detached dwelling and three outbuildings associated with a farm operation. The buildings at 3700 Colonel Talbot Road (outside of the subject site) are listed as a Priority 2 on the Inventory of Heritage Resources. A portion of the site was the subject of an application for Official Plan amendment and zoning bylaw amendment (OZ-6521) in 2003 for the Bethel Baptist Church to permit a church with accessory uses, such as a senior's complex, parsonage, and a Bible Institute with dormitories and additional classrooms/teaching facilities. On October 20, 2003, Municipal Council passed a resolution to amend the Official Plan and Zoning By-law No. Z-1, and Zoning By-law No. 2000 (Township of Westminster) to

permit a church use on private septic systems. This resolution of Council further refused the request to permit the associated accessory uses, as no municipal services were available at that time. The decision was appealed and the City's OPA and By-law were upheld by the OMB. A subsequent consent application (B.078/04) was approved in 2004 to sever 3700 Colonel Talbot Road and create the church parcel (municipally known as 3680 Colonel Talbot Road).

The property at 3645 Bostwick Road contains a single detached dwelling and an associated outbuilding, constructed around 1975.

The subject site is located within the Southwest Area Secondary Plan (SWAP). The Southwest London Area Planning Study was a City-initiated and funded project that provided a comprehensive assessment of the opportunities and constraints for the planning and development of the study area. City Council approved the SWAP and associated Official Plan amendments in November 2012, which were subsequently appealed to the Ontario Municipal Board (OMB). A decision from the OMB, making some changes to the SWAP was issued on April 29, 2014.

In 2018, portions of The London Plan came into effect. The *Planning Act* does not permit amendments to new Official Plans for two years following the date of the adoption of the new Official Plan, unless otherwise permitted by Municipal Council. Due to the two year moratorium, the Applicant was granted a delegation and requested permission from City Council in order to submit an application for an Official Plan Amendment to these in-force London Plan policies (which includes amendment to the Southwest Area Secondary Plan). On June 26, 2018, Municipal Council directed Civic Administration to accept and process applications for this site (as well as one other site 3080 Bostwick Road).

3.2 Applicant's Requested Amendment

The Applicant has submitted a draft plan of subdivision, Official Plan amendments, London Plan amendments, and Zoning By-Law amendments, to permit the creation of a mixed use subdivision consisting of low density single detached dwellings/lots, cluster dwellings, street townhouse dwellings, apartment buildings, convenience commercial uses, mixed use (residential/commercial/live work/offices), school, parks, multi-use pathways, and public road access via street connections to Colonel Talbot Road and Bostwick Road. Details on the full amendment application is provided under Appendix B- Public Engagement.

A map of the Applicant submitted draft plan of subdivision, Official Plan amendments, London Plan amendments and zoning by-law amendments is found below.

3.3 Community Engagement (see more detail in Appendix B)

Public Circulation #1

The original application was circulated on October 30, 2017. Stakeholder comments included the following:

- Issues with the delineation of the environmental features – buffer sizes, hydrogeological concerns, monitoring strategies;
- Additional pathway connections required throughout the site;
- Urban design and subdivision layout to be in keeping with SWAP policies on Urban Design; and,
- Additional road connections

Public comments were received from three individuals, where the issues brought forward were:

- Lack of infrastructure in the area, and the need for road improvements (street lights, traffic lights, sidewalks);
- Density too high and homes are too small;
- Will affect property values of neighbouring larger homes;
- SWM Pond and flooding concerns in the area;
- Lack of integration of parks and pathways with the rest of London;

- Road noise on Colonel Talbot Road; and,
- Elimination of medium density housing adjacent to the church due to potential noise conflict.

Public Circulation #2

The second circulation was circulated on June 27, 2018. Stakeholder comments included the following:

- Issues with environmental:
 - related to buffer sizes, use of buffers
 - appropriate mitigation and relocation of wetland feature
 - systems based approach to environmental protection and enhancement
- Urban design considerations (to be implemented through the zoning) and connectivity/subdivision layout; and,
- Frontage of street townhomes and impact on public streetscape

Only one public comment was received from the second circulation. The main issue raised was from the adjacent church use. Representatives from the Church requested the elimination of medium density housing adjacent to the church due to potential noise conflicts. Through their correspondence the church has indicated they are a busy congregation with many events and prolonged noise on Sundays. Their issue is the belief that nearby residents will complain about the church use and the associated noise and traffic impacts.

3.4 City's Redline Plan and Amendments

Staff are recommending a redlined revision of the Applicant's draft plan subdivision. The plan differs from the Applicant's in the following ways:

- The addition of a future road Block (Block 71), a continuation of Street J south towards the Forest City Community Church - a possible street connector to lands to the south will allow for better connectivity north and south, to link neighbourhoods and allow pedestrians an opportunity to access services such as the futures elementary school. Further analysis is provided under the "Issues" section of the report;
- Changes in road width - Street M (connection to Bostwick Road) will be redlined to 20m, the minimum for a local street;
- Revised pathway widths - from 13m to 15m to allow for the full extent of a public pathway and provide better connections through the plan (Block 49, 50, 51)

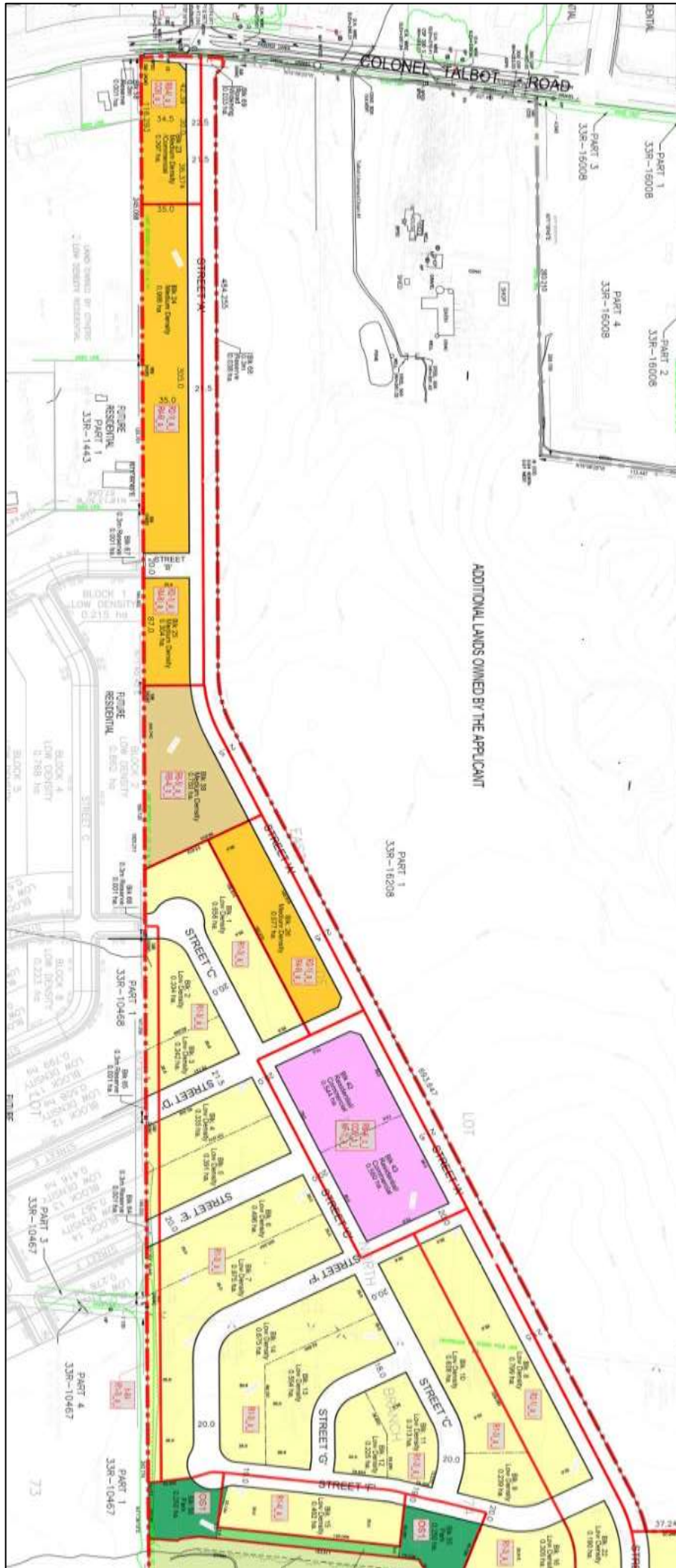


Figure 1 - Western (North Lambeth) portion of subdivision, with zoning

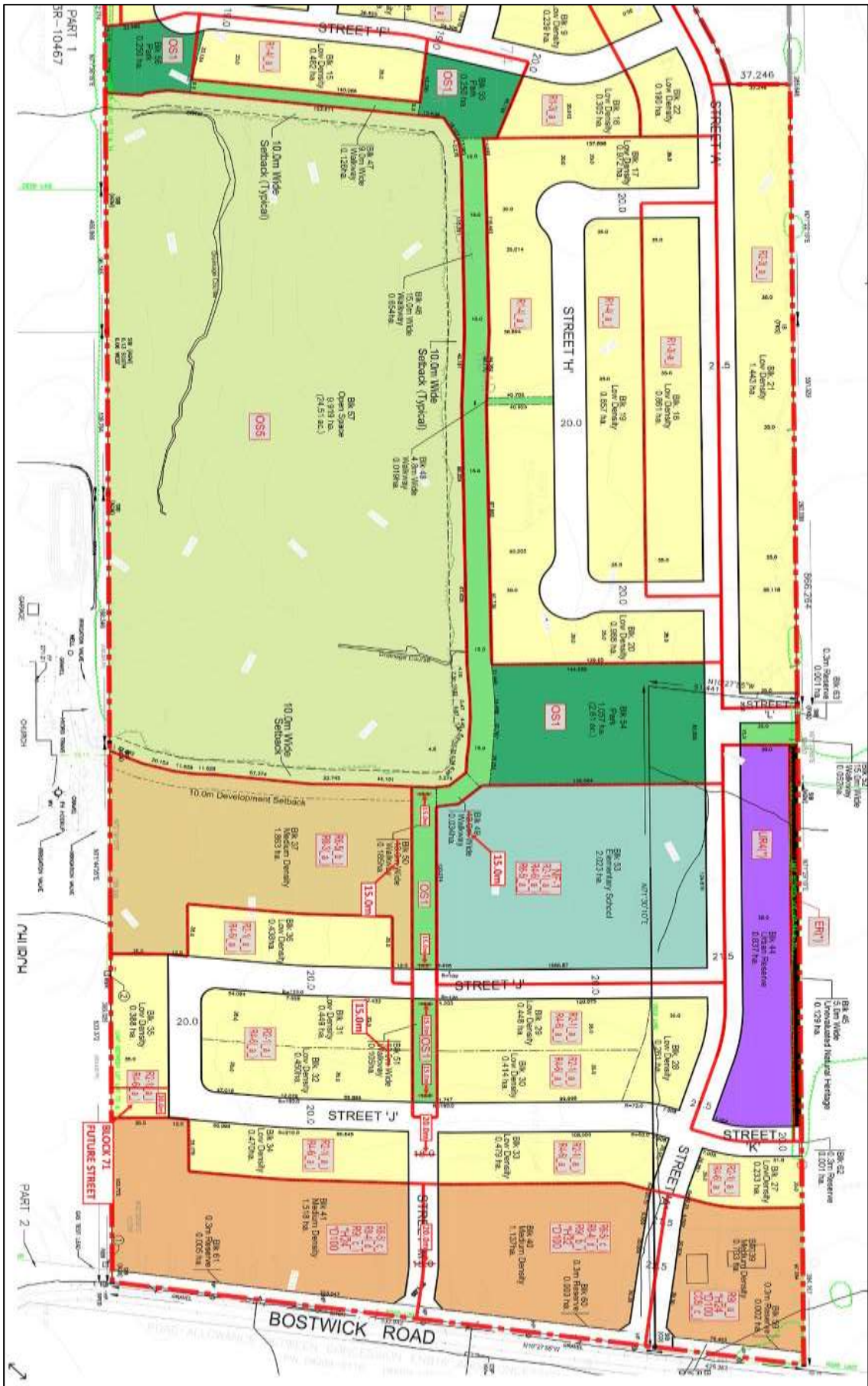


Figure 2 - Eastern (Bostwick) portion of subdivision, with zoning and redlines

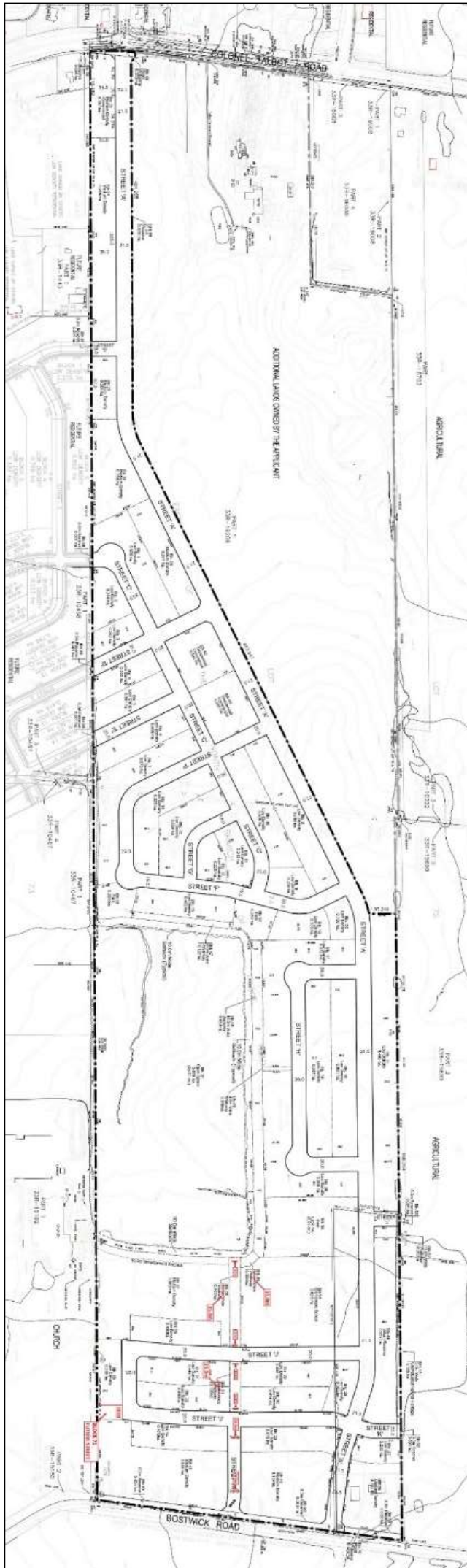


Figure 3 - Redlined draft plan of subdivision

Figure 1 shows the western portion (North Lambeth) of the subdivision, Figure 2 will detail the eastern portion of the subdivision (Bostwick), and Figure 3 shows the redlined draft plan. A breakdown with figures of the land uses are as follows:

- Streets A and D - An internal development pattern organized by one east-west secondary collector road/neighborhood connector (Street A) and one north-south collector road/neighborhood connector (Street D). Street A will provide direct access to the adjacent arterial roads/Civic Boulevards (Colonel Talbot Road and Bostwick Road) and aligns with Diane Crescent on the west side of Colonel Talbot Road. Street D extends north-south and provides connectivity with the approved subdivision located to the south of the site and future residential lands north of the property;

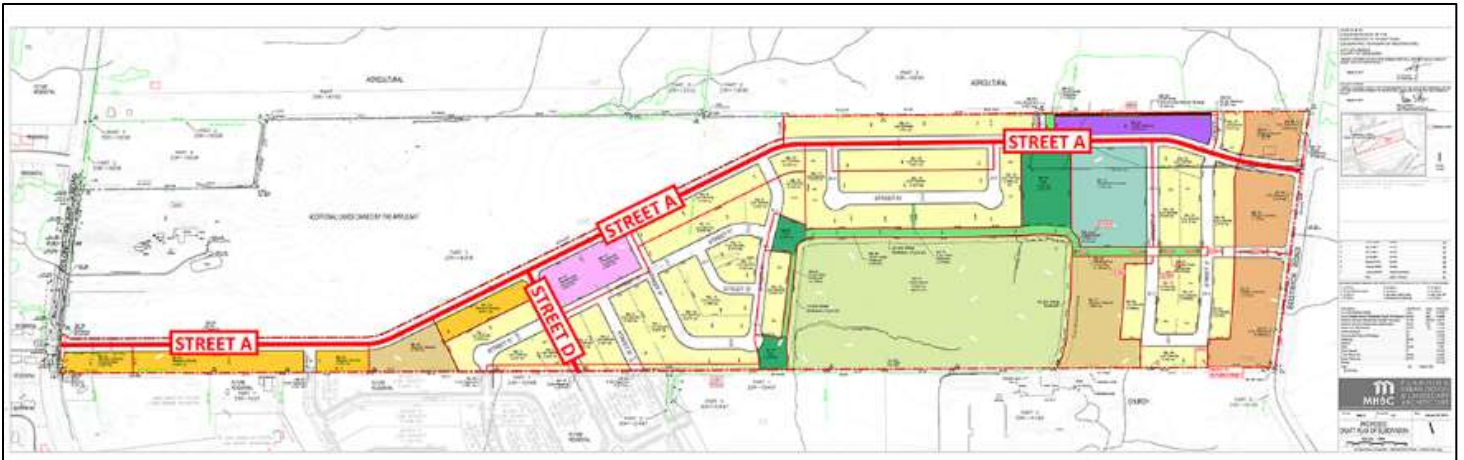


Figure 4 - Streets A and D - secondary collector/neighborhood connector

- Blocks 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 - Medium and Low Density residential blocks intended for street townhouse dwellings located along the corridors of Streets A (secondary collector/neighborhood connector) and J (local street/neighborhood street). Blocks 24-26 are located within the Medium Density Residential designation of the North Lambeth Residential Neighborhood, which requires a minimum density of 30 units per hectare and a maximum density of 75 units per hectare. Blocks 27-36 are located within the Low Density Residential designation of the Bostwick Residential Neighbourhood. Street townhouse dwellings are permitted within the Low Density Residential designation (20.5.9.1. ii), at a minimum density of 25 units per hectare and a maximum density of 40 units per hectare;

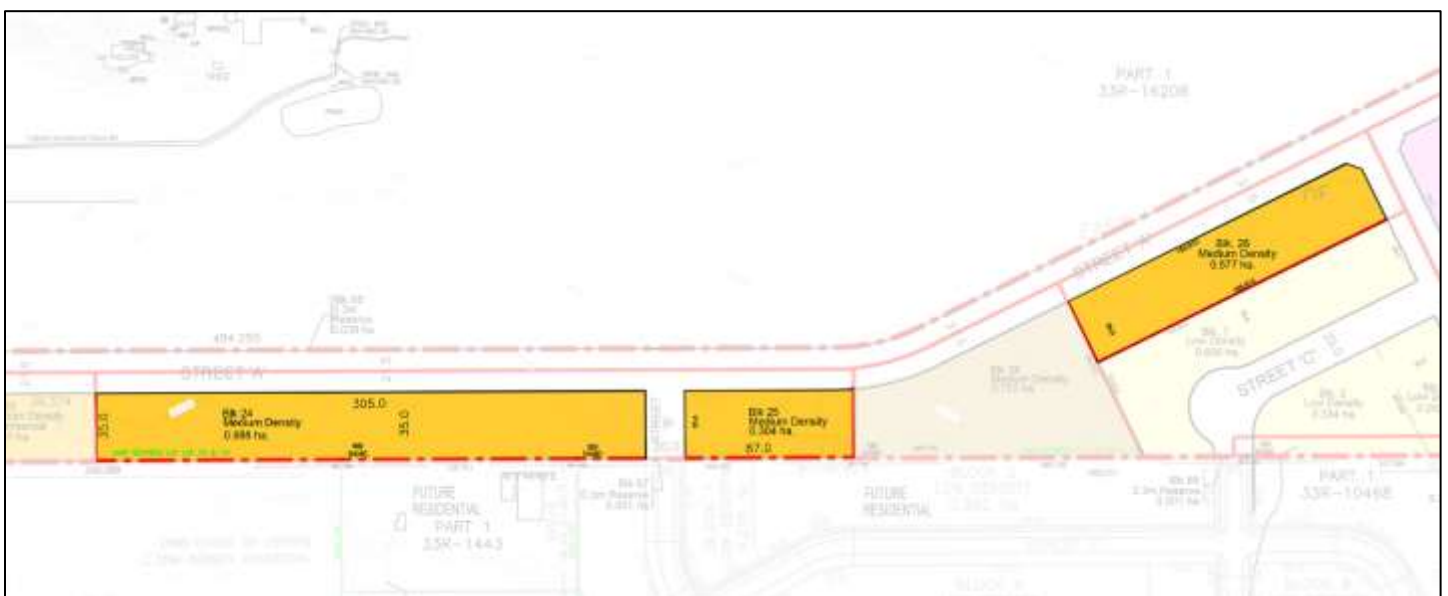


Figure 5 - Blocks 24-26 - Medium Density Residential (street townhouses)



Figure 6 -Blocks 27-36 - Low Density Residential (street townhouses)

- Streets B, C, E, F, G, H, H, J, K, L, M and Block 71 - A number of local streets/neighbourhood streets are proposed to implement the “modified grid” pattern and provide connectivity throughout the site. Streets B, D and E will connect to an existing draft approved development (Auburn/Hunt Lands 39T-12503) and Streets K and L will connect to future development to the north. The local street arrangement promotes traffic calming within this residential community, view corridors and vista opportunities into public spaces. Block 71 has been added as a possible future connection for lands to the south;



Figure 7 - Streets B (local street/neighbourhood connector)

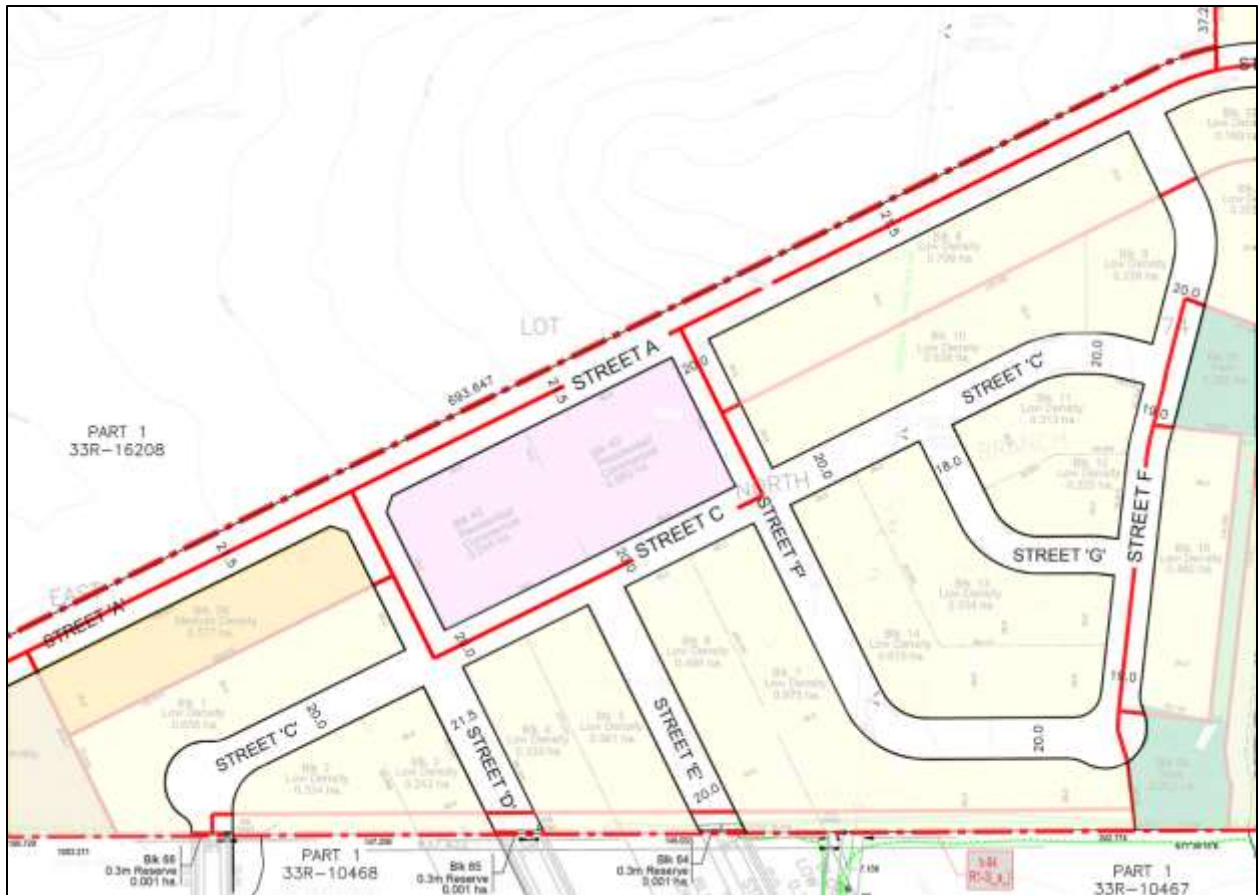


Figure 8 - Street C, D, E, F, G (local streets/neighbourhood connectors)

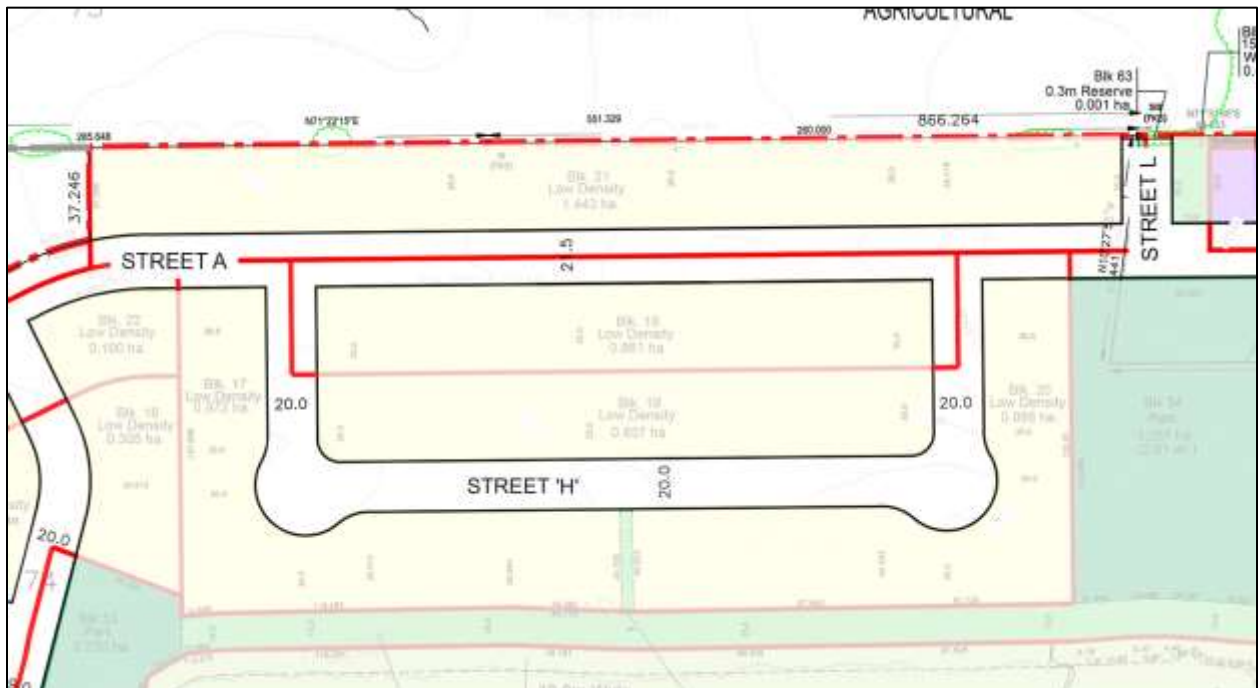


Figure 9 - Streets H and L (local streets/neighbourhood connectors)

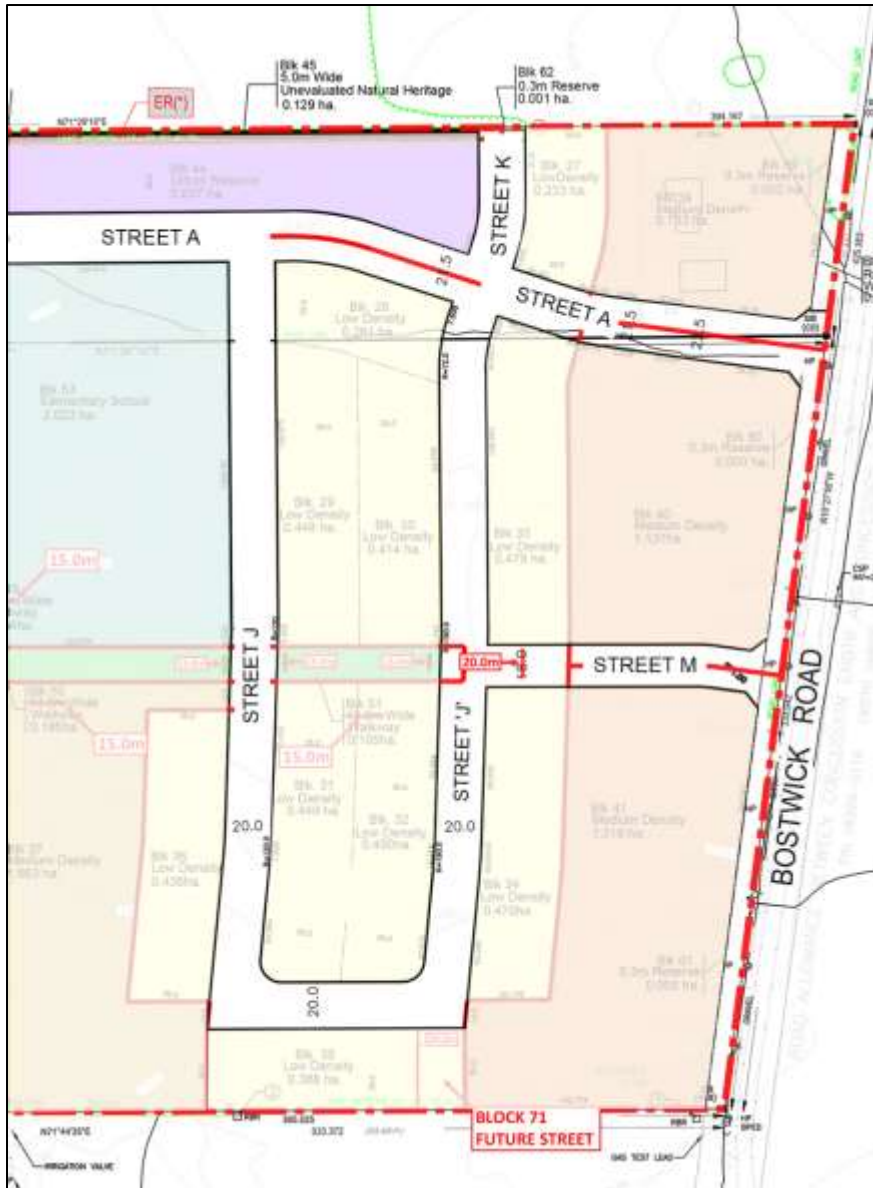


Figure 10 - Streets J, K, M (local streets/neighborhood connectors)

- Blocks 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22 - Low Density residential development planned for portions of the secondary collector and for lands along local streets/neighborhood streets. Blocks 1-22 are located within the Low Density Residential designation of the North Lambeth Residential Neighborhood, which requires a minimum density of 18 units per hectare a maximum density of 35 units per hectare;



Figure 11- Blocks 1-22 - Low Density Residential (single detached)

- Block 37 - Is located adjacent to the natural heritage feature, within the Low Density Residential designation of the Bostwick Residential Neighbourhood. The intent of the Low and Medium Density Residential designations is to encourage a mix of housing, forms and intensities throughout the Bostwick Neighbourhood. Housing forms can range from single detached dwellings, townhomes, and low rise apartment buildings (20.5.9.1. ii)), at a minimum density of 25 units per hectare and a maximum density of 40 units per hectare, and a maximum height of four (4) storeys. Special design considerations will require units to face the abutting Open Space lands;



Figure 12 - Block 37 - Medium Density Residential (low rise apartments)

- Block 38 - Is located within the Medium Density Residential designation of the North Lambeth Residential Neighborhood, which requires a minimum density of 30 units per hectare and a maximum density of 75 units per hectare. Cluster housing in the form of townhouses and low rise apartments (up to four storeys) would be permitted at this location and are permitted through the policies of the SWAP;



Figure 13 - Block 38- Medium Density Residential (cluster housing)

- Blocks 39, 40 and 41 -Within the Medium Density Residential designation fronting Bostwick Road, Policy 20.5.4.1 iv) (Residential Development Intensity Adjacent to Arterial Roads) permits higher intensity forms of housing. This policy applies to lands along portions of the arterial network that are intended to focus on providing opportunities for more intense, medium density housing forms along transit oriented corridors, consistent with the Province of Ontario Transit Supportive Guidelines. This would also support alternative modes of transportation, such as walking and cycling. It is anticipated that these blocks would support a range of low and mid-rise apartments, as well as mixed use buildings with convenience commercial uses and small-scale offices. The conceptual designs illustrates a three building, mid-rise apartment layout for blocks south of Street A and a single mixed-use (commercial/office and residential) building for the block north of Street A;



Figure 14 - Blocks 39-41 - Medium Density Residential (apartments)

- Blocks 42 and 43 - A 'neighbourhood central activity node', positioned at the intersection of the two secondary collector roads/neighbourhood connectors. Policy 20.5.3.3 details location criteria for Neighbourhood Central Activity Nodes which are intended to be located generally in the centre of each neighbourhood area, at a significant intersection, and within walking distance of most residents. Generally a higher intensity of activity-generating uses that are predominantly pedestrian-scale, in addition to residential development, are encouraged. These uses include a limited range of convenience and personal service commercial uses; small-scale eat-in restaurants, such as coffee or tea shops, or small-scale

eat-in bakeries; civic and institutional uses such as parks, schools and churches; and live-work functions). It is anticipated that residential units would be accommodated within these mixed-use blocks, based upon an assumed density of 30 units per hectare. The conceptual design for the activity node includes multi-storey buildings oriented to the street, with frontages to promote an enhanced pedestrian oriented streetscape and to accommodate a mix of commercial, personal service, office, residential and work-live opportunities, common walkways and amenity areas, as well as rear at-grade parking facilities, and traffic calming measures to establish a pedestrian priority in the vicinity of the node, including raised street sections and on-street (angled) parking facilities;

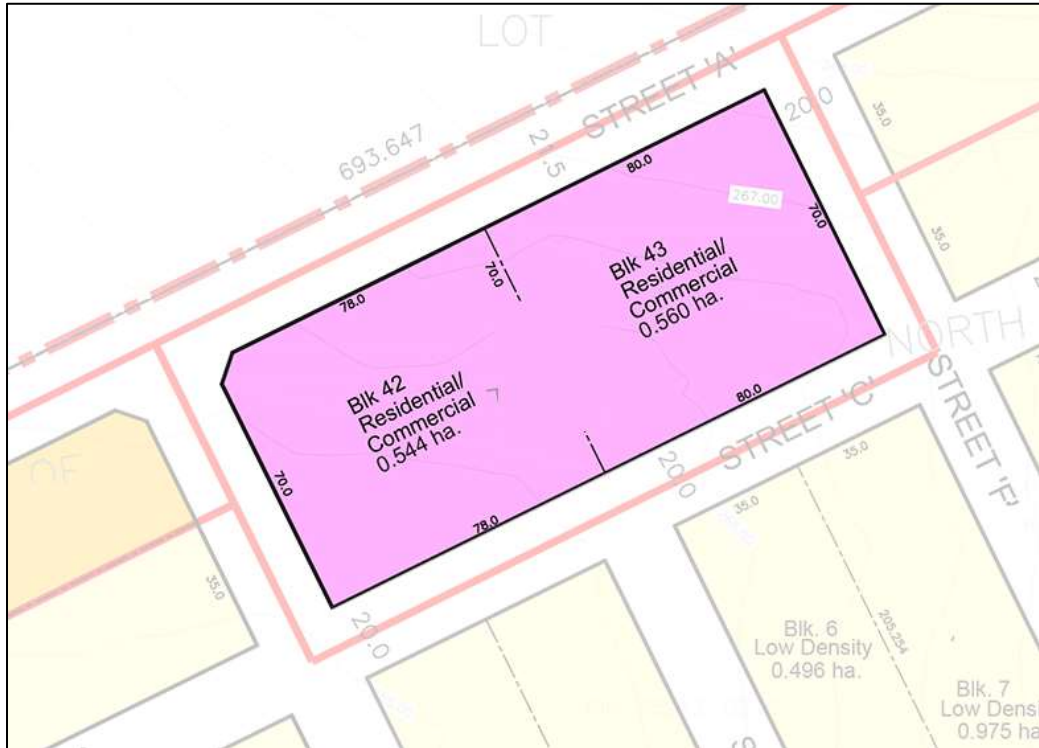


Figure 15 - Blocks 42-43 - Medium Density Residential (mixed use/neighborhood central activity node)

- Block 53 - An elementary school is planned within the Medium Density Residential along Street A (secondary collector/neighborhood connector), and adjacent to the neighbourhood park. The school will provide a neighbourhood focal point and its location is easily accessible by pedestrian and vehicles;



Figure 16 - Block 53 - Medium Density Residential (school)

- Block 46, 47 and 57 - A significant natural heritage feature is located in the centre of the subdivision. Additional buffers have been provided (Blocks 47-48), which also provided a pedestrian connection/walkway function. Analysis is provided under the “Natural Heritage/Green Space” section of the report;

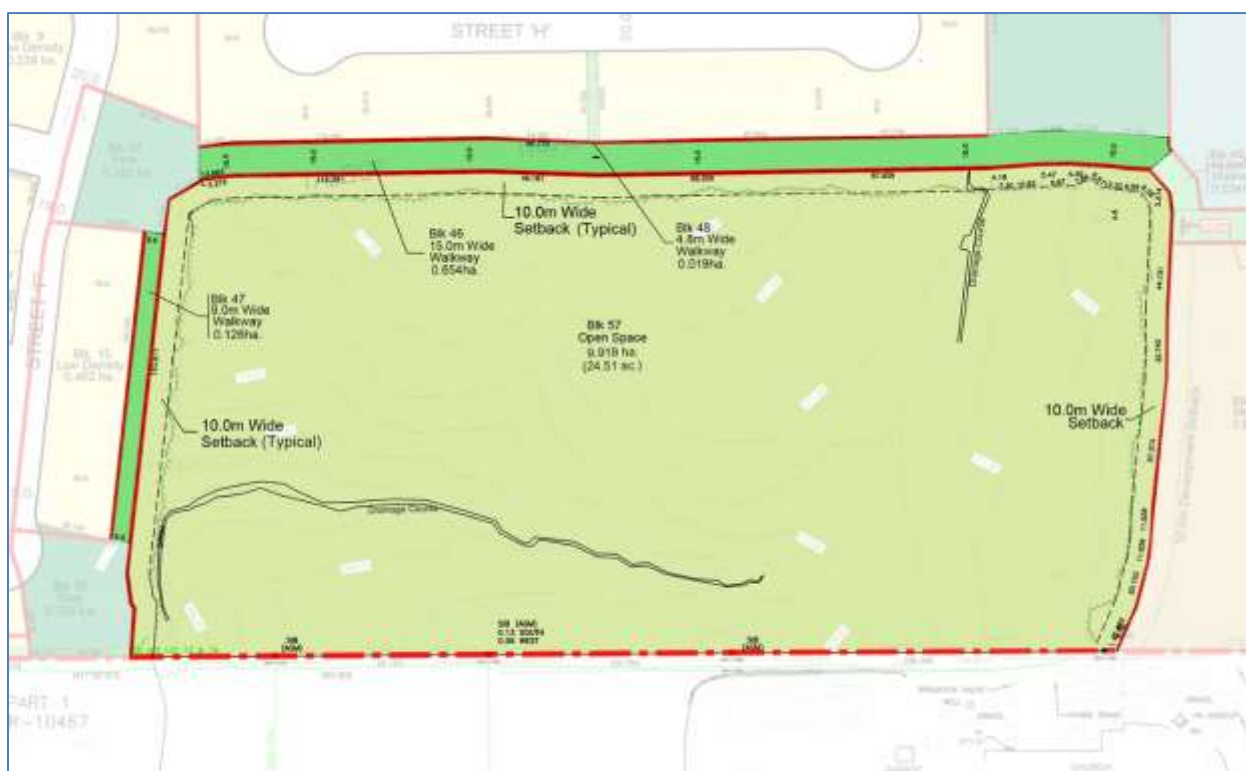


Figure 17 - Blocks 46-47, 57 - Open Space (significant feature, buffers, and pathway)

- Block 46, 47, 48, 49, 50, 51, 52, 54, 55, 56 - A Neighbourhood Park Block (54) is provided adjacent to the future school site, and at the view terminus of Street L. The location of the park will allow for a continuous pedestrian connection from north (along walkway Block 52) southwards through the park, and along walkway

Blocks 46 and 47. Passive park Blocks are also provided at key locations (55 and 56), to serve as view sheds into the natural heritage feature;



Figure 18 - Blocks 46-47 - Open Space (buffer, pathways); Blocks 48-52 - Open Space (pathways); Blocks 54-56 - Open Space (parks); Block 57 - Open Space (significant feature)

- Block 44, 45 - A future development Block (Block 44) and a portion of an unevaluated natural heritage feature (Block 45) are delineated north of Street A in the Bostwick Residential Neighbourhood. The features will remain as Urban Reserve and Environmental Review until such time as the natural heritage feature has been evaluated, and appropriate buffers have been recommended for these Blocks;

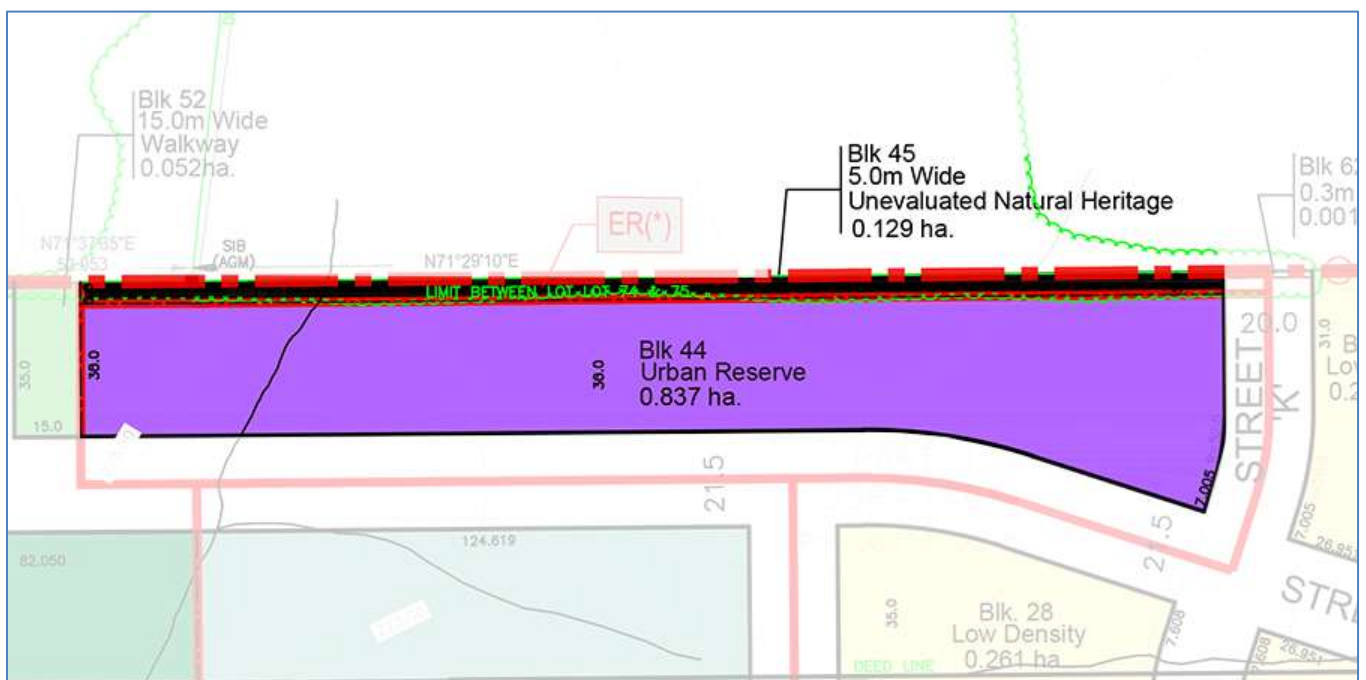


Figure 19 - Block 44 - Urban Reserve and Environmental Review

- Block 71 - A future road connection is being redlined into the plan to allow for future connectivity to lands from the south, to provide for enhanced connectivity and allow future residents to access amenities such as the school and parks.

Section 3.5 - Policy Context will support the City's redlined draft plan of subdivision and associated Official Plan and Zoning By-law amendments.

3.5 Policy Context (see more detail in Appendix C)

Planning Act

The proposed plan of subdivision, Official Plan and Zoning By-law amendments have been evaluated with respect to the requirements under Sections 2, 51(24) and 51(25) of the *Planning Act* and for matters of provincial interest and subdivision design. Based on Development Planning Staff's review of the criteria in the *Planning Act*, the proposed plan of subdivision has regard for the health, safety, convenience, accessibility for persons with disabilities, and welfare of the present and future inhabitants of the Municipality.

Provincial Policy Statement

The recommended redlined Draft Plan is consistent with the PPS 2014, summarized as follows:

1. **Building Strong Healthy Communities**

The PPS provides direction for land use planning that focuses growth within settlement areas, and encourages an efficient use of land, resources, and public investment in infrastructure. To support this, the PPS defines a number of policies to promote strong, liveable, healthy and resilient communities. These policies are set out in Section 1.0, and address such matters as efficient development and land use patterns, coordination, employment areas, housing, public spaces/open space, infrastructure and public service facilities, long-term economic prosperity, and energy and air quality.

The recommended draft plan is consistent with objectives of Section 1.1.1 by creating healthy, liveable, and safe communities sustained by promoting efficient development patterns, and compact and cost effective development. The proposed plan is also consistent with policies to promote economic development and efficient use of existing municipal infrastructure. The proposed redlined subdivision accommodates a wide range and mix of residential units and densities, such as street townhomes, single detached dwellings, various cluster housing, mixed use and apartment dwellings. The draft plan of subdivision also permits a range of stand-alone small scale commercial uses to serve the immediate needs of nearby residents. The grid type pattern and short residential blocks promote a more efficient subdivision pattern that allows for pedestrian walkability and efficiency in services. The plan also provides for parks and a school, to meet the needs of the future residents. The plan layout will foster social interaction and facilitate active transportation and community connectivity. The subject lands are within the Urban Growth Boundary (settlement area) and are designated to permit a mix of uses. The proposed development will be serviced by full municipal services within a reasonable timeframe.

2. **Wise Use and Management of Resources**

The vision defined in the PPS acknowledges that the long-term prosperity, environmental health and social well-being of Ontario depends upon the conservation and protection of our natural heritage and agricultural resources. Section 2.0 of the PPS establishes a number of policies that serve to protect sensitive natural features and water resources. Based on the accepted EIS, the recommended draft plan and conditions of draft approval are consistent with the Provincial Policy Statement - Section 2.1 Natural Heritage 2.1.1.: "Natural features and areas shall be protected for the long term"; Section 2.1.8: "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it

has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”

The Site contains one unevaluated vegetation patches (Patch 10069) and is adjacent to another unevaluated vegetation patch (10066). Patch 10069 has been identified as significant through the Environmental Impact Statement (EIS). The EIS has also recommended buffers and setbacks that will form part of the significant feature, and are incorporated into the final zoning. No development is proposed within any significant features. Patch 10066 has not been evaluated, and as such, the natural heritage feature will be zoned Environmental Review and lands adjacent to the patch will remain in the UR Zone until a full evaluation can be completed through adjacent subdivision applications.

3. Protecting Public Health and Safety

The vision defined in the PPS acknowledges that the long-term prosperity, environmental health and social well-being of Ontario depends, in part, on reducing the potential public cost and risk associated with natural or human-made hazards. Accordingly, Section 3.0 of the PPS states a number of policies designed to direct development away from natural and human-made hazards where there is an unacceptable risk (1) to public health or safety or (2) of property damage. The recommended Draft Plan of Subdivision does not pose any public health and safety concerns, and there are no known human-made hazards.

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 London Plan includes criteria for evaluating plans of subdivision through policy *1688 that requires consideration of:

1. Our Strategy
2. Our City
3. City Building policies
4. The policies of the place type in which the proposed subdivision is located
5. Our Tools
6. Relevant Secondary Plans and Specific Policies

Our Strategy

Direction #5 is to *Build a Mixed-use Compact City by managing outward growth by supporting infill and intensification within the Urban Growth Boundary in meaningful ways* (59_8). The proposed subdivision is located within the Urban Growth Boundary and will develop a compact, mixed-use subdivision with multiple types and forms of housing, and provides opportunities for shopping, community facilities and access to parks, green space and transit within the community.

Direction #7 is to *Build Strong, Healthy and Attractive Neighbourhoods for Everyone* through designing complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, and allowing for affordability and ageing in place (61_2). The proposed subdivision will facilitate a variety of housing forms including low density single detached dwellings, townhouses, and apartment dwelling units. There is a compatible range of housing which creates a complete community of residential uses that provides opportunities for ageing in place, affordability and housing choice.

Direction #8 is to *Make Wise Planning Decisions* by ensuring that planning is in accordance with the *Accessibility for Ontarians with Disabilities Act*, so that all of the

elements of the City are accessible for everyone (62_11). The recommended draft plan of subdivision will be required to incorporate sidewalks on both sides of all streets to ensure a walkable and connected community that promotes active health and accessibility, as well as providing a dedicated pathway network for even greater pedestrian connections.

Our City

The Our City policies require that adequate municipal infrastructure services can be supplied prior to any development proceeding (172), and the site has access to future water, stormwater, sanitary servicing and transportation infrastructure that the proposed development can access.

City Building Policies

The City Building policies provide the over-arching direction for how the City will grow as over the next 20 years. *Active Mobility* is supported by requiring sidewalks to be located on both sides of all streets (*349_). The recommended draft plan conditions require the new streets to include sidewalks on both sides of the streets to reflect the intent of The London Plan as well as the direction of the Southwest Area Secondary Plan to plan for enhanced walkability and connectivity going forward. *Affordable Housing* for land exceeding 5ha in secondary planned areas should be in forms other than single detached dwellings (518_). The proposed plan of subdivision is comprised of 49% of housing not in a single detached form (townhouses, apartment dwelling units). Townhouses and apartment dwelling units provide for a choice in size, cost and function. The *Street Network* will include streets planned for new neighbourhoods to be a grid or modified grid, with cul-de-sacs and other dead-ends to be minimized (*212_). The proposed street layout is of a modified grid and provides connections to Colonel Talbot Road and Bostwick Road and will enhance the local access for future and existing residents.

Place Types

Almost the entirety of the subdivision is located within the Neighbourhoods Place Type, with lots and blocks fronting future Neighbourhood Streets, Neighbourhood Connectors, and Civic Boulevards. A wide range of residential uses is permitted according to street classification, ranging from single detached along neighbourhood streets, to street townhouse dwellings along the neighbourhood connectors, and mid to higher rise development along the civic boulevards.

Southwest Area Secondary Plan

The purpose of the Southwest Area Secondary Plan (SWAP) is to establish a vision, principles and policies for the development of the Southwest Planning Area as a vibrant community in the city which incorporates a significant gateway into the city, elements of mixed-use development, an increased range and density of residential built form, sustainability, preservation of significant cultural heritage resources, walkability and high quality urban design (Policy 20.5.1.2). It is intended that the Low, Medium and High Density Residential designations will support an urban housing stock, with residential intensity generally decreasing with greater distance from the Wonderland Road South corridor. Residential areas are to accommodate a diversity of dwelling types, building forms and heights, and densities in order to use land efficiently, provide for a variety of housing prices, and to allow for members of the community to “age-in-place”. The maintenance and enhancement of existing residential areas, and the development of new residential areas at higher than current densities, will provide a population base to help to support neighbourhood community facilities, the stores and services offered in the Village Core and Wonderland Road South Commercial Area, and the provision of transit routes along the higher order roads serving the area.

City of London (1989) Official Plan

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

3.6 Subdivision Analysis

The redlined Draft Plan has been reviewed on these principle elements, found within the policies of the SWAP and the London Plan:

Subdivision Design and Connectivity

Connectivity and Mobility (307_) are key principles in the SWAP and The London Plan. One of the main principles of the SWAP is the creation of a diverse and connected community which creates inclusive, diverse and unique neighbourhoods that have a mix of uses and have a high level of connectivity for multi-modal transportation opportunities (20.5.1.4). The Community Structure Plan sets out the overall structural elements that are the building blocks for the Southwest Planning Area. Development patterns in new planning applications for the Southwest Planning Area shall "...generally reflect a fine urban grid street network with a high level of connectivity" (20.5.2(i)).

The redlined draft plan supports a broad range of low and medium density residential development opportunities within the site including more intensive, mid-rise apartments along the Bostwick Road corridor, limited convenience commercial uses at locations along the Bostwick and Colonel Talbot frontages, and a mixed-use, community oriented development node at the intersection of the proposed secondary collector roads (neighbourhood activity node). The red lined Draft Plan has been designed to support these uses and to achieve an aesthetically-pleasing, mixed-use development that is pedestrian friendly, transit supportive and accessible to the surrounding community. The policies of the SWAP (20.5.4.1. iii c)) require plans of subdivision to plans of subdivision shall accommodate a diversity of building types. Semi-detached, duplex and cluster dwellings are encouraged. Along all arterial, primary and secondary collector roads, a variety of townhouse forms is encouraged, including 2 storey townhouses, 3 storey townhouses and stacked townhouses. Overall, the proposed uses meet the policies of the SWAP (with amendments).

A new concept introduced through The London Plan is the Connectivity Ratio. Policy 331 refers to the degree to which a street network is well connected, allowing for easy mobility in every direction. This ratio is calculated by dividing the number of street segments in a neighbourhood by the number of intersections, dead ends, and cul-de-sacs in that neighbourhood added together. A higher connectivity ratio represents a better connected street pattern. To achieve a high level of connectivity that can support all forms of mobility, street networks within new neighbourhoods will be evaluated for their connectivity ratio. A ratio of 1.5 or higher will be used as a target (332_).

A review of the redlined plan of subdivision indicates that the connectivity ratio is 1.7, which is above The London Plan target.

City Design and Placemaking

The London Plan and the SWAP include numerous policies on City Design (*189_ to *309_) and Urban Design (20.5.3.9.). The design of our city is shaped by both its natural setting and its built form. The built form includes elements such as streets, streetscapes, public spaces, landscapes and buildings. City design is about planning the built form to create positive relationships between these elements, which influence how we navigate and experience the City (189_). The focus of the City Design policies of the London Plan are to encourage: a well-designed built form throughout the city; development that is designed to be a good fit and compatible within its context; development that supports a positive pedestrian environment; a built form that is supportive of all types of active mobility and universal accessibility; a mix of housing types to support ageing in place and affordability; and healthy, diverse and vibrant neighbourhoods that promote a sense of place and character (*193_).

Placemaking Guidelines were adopted by the City in 2007 to ensure new subdivision development results in livable communities that provide an identifiable character, sense of place, and a high quality of life. Many of the placemaking design elements have been included in the policies of the SWAP (20.5.3.9.), including providing an overall community vision, a focus on streetscape design and creating pleasant walking

environments, ensuring a consistent approach to design, providing housing choice in design and type, providing a range of and a mixing and blending of uses, and providing focal points for the community.

Overall the proposed subdivision provides a mix of complementary uses by including a wide range of housing types, forms and choice and including a blending of other uses such as commercial and community facilities; implementation of specific zoning regulations to ensure building design that fosters an attractive and pleasant streetscape; creating key focal points such as the Neighbourhood Activity Node, multiple parks and open space areas and future school/community facility; and providing for excellent pedestrian connections on street and through dedicated pathway connections.

Natural Heritage/Green Space

The direction of The London Plan is to become one of the greenest City's in Canada, by protecting and enhancing the health of our Natural Heritage System (58_Direction #4). The policies of The London Plan and SWAP seek to protect significant natural heritage features. The Green Space Place type in The London Plan consists of natural heritage feature and areas. We will realize our vision by providing for the protection of natural heritage features and areas which have been identified, studied and recognized by City Council as being of city-wide or regional significance, and/or by the Ministry of Natural Resources and Forestry as provincially significant (761_7.).

The SWAP notes that the delineation of the natural feature and appropriate ecological buffers associated with the feature will be recommended through an approved Environmental Impact Study (EIS) in accordance with Section 15 of the Official Plan (20.5.3.6. i) c)).

An Environmental Impact Statement (October 4, 2017), update (May 8, 2018) and addendums (February 7, 2019, June 2019, August 16, 2019 and August 27, 2019) were provided as part of the application.

Within the subject lands, there are three main areas related to natural heritage:

1. Unevaluated vegetation patch (10069) - Patch 10069 is an unevaluated vegetation patch on Schedule B1 of the (1989) Official Plan and in The London Plan Map 5 (Natural Heritage). The Environmental Impact Study (EIS) identified this feature as a significant woodland, with wetland components, and it contains a regulated stream corridor that extends diagonally across the feature to the north. The significant features, including buffers that are a minimum of 10m, will ultimately be dedicated to the City, and will be designated and zoned to ensure its protection. Additional buffering will be included through a pathway corridor that ranges from 9-15m surrounding the significant feature. This corridor will be used as a pathway connection to connect lands to the north and south, but will also include a restoration and planting plan. The adjacent development Block at the southeast corner (Block 37) includes an additional development setback within the recommended Zone provision to ensure that a native landscaped area is preserved, as recommended by the EIS (10m), and that building/unit orientation to the recommended OS5 Zone, as per the SWAP and London Plan design policies are maintained. The additional 10m development setback will be planted with native landscaping, to be determined through detailed design. Ultimately the development setback/buffers to the Significant Natural Heritage Features range from 19m-25m.
2. Unevaluated vegetation patch (10066) - This patch is located to the north of the subdivision, and is connected via watercourse to patch 10069. A full assessment was not able to be completed through this subdivision as the patch is on adjacent lands. However, a small portion of the feature is located on Block 44. The EIS concluded that that further study would be necessary. As such, the small portion of the feature on Block 44 will be zoned Environmental Review (ER), and the balance of other block will be left as Urban Reserve (UR4). It is anticipated that as development applications are received for the lands to the north, a full assessment of patch 10066 will be completed, to assess its significance and the

any buffers that may be incorporated into the feature, and the impact on Block 44.

3. Wetland Community #5- Through a site visit and the subsequent EIS, it was confirmed that a wetland feature (Community #5) existed at the southwest portion of the proposed subdivision. The small feature (approximately 0.3ha in size) is an isolated Willow Mineral Thicket Swamp (SWT2-2) community that contains terrestrial crayfish. The feature is not considered to be a provincially significant wetland, however it is a wetland and Significant Wildlife Habitat at both the Provincial and Municipal levels; and is a regulated feature by the UTRCA in accordance with Ontario Regulation 157/06.

The recommendation of the EIS concluded that maintaining the feature in its current location surrounded by residential development would lead to degradation of the feature. Due to its isolation, the wetland feature would not be able to continue to function as a productive habitat as it exists today. To best preserve its existing functions, the recommendation is to relocate the feature to a newly created naturalized channel, which is proposed for Phase 2 of the subject site to the north. Relocation of the wetland is consistent with London Plan wetland policies. A proposal to incorporate a naturalized channel has been agreed to in principle by the City, the UTRCA, Sifton Properties and W-3 Lambeth Farms Ltd. The naturalized channel can serve several purposes, including as a naturalized wildlife corridor that links environmental features, as a naturalized flow channel for minor stormwater flows, and to provide compensation area for several isolated wetland features by providing a larger connected feature to that may provide a net benefit to the Natural Heritage System. The proposed relocation concept, including specific relocation methodologies outlined in the EIS, will provide the opportunity to ensure the successful transfer of the terrestrial crayfish to areas of open water and wetland habitat which will include 3 years of monitoring (for the wildlife transfer). The proposed relocation strategies and methodologies also include the capture and relocation of other wildlife present within Wetland Community #5.

UTRCA staff advised that a Section 28 permit (#160-19) for the relocation is required, and on August 27, 2019, the UTRCA's Hearing Board heard an application from the property owner to seek permission to remove Community #5 from the subject site, and ultimately relocate the feature into a future naturalization channel. The UTRCA Hearing Board recommended the removal of Community #5, pending the implementation of conditions of approval. The conditions of approval include:

- Upon issuance of a Section 28 permit, work must be completed within one (1) year of that approval.
- Separate Section 28 permit applications and approvals must be obtained from the UTRCA for the development of lands within the proposed plan of subdivision which are situated within regulated areas that are not addressed through this application.
- Consistent with the documentation prepared in support of Application #160/19, monitoring of the implemented compensation plan must be undertaken for a period of three (3) years and the UTRCA must be advised of any deficiencies or any mitigative measures undertaken to ensure compliance with the relocation plan.
- As outlined in Recommendation 1, the monitoring program, contained in the Environmental Impact Study (EIS), shall be accepted by the UTRCA, City of London planning staff including the City's ecologist.

Conditions of draft approval related to the relocation, monitoring and securities associated with the interim removal, have been added.

Parks and Pathways

The London Plan strives to develop facilities, amenities and programming that are flexible, serve multiple users and can be linked to broader community strategies and

initiatives related to health, economy, development, mobility, education, sustainability, and growth management. Parks spaces are meant to be beautiful, functional, evenly distributed in size and shape throughout the City, accessible, and connected (408_). The London Plan also provides a focus on mobility, by encouraging cycling routes and pedestrian pathways that will provide linkages between open space areas, neighbourhoods, centres, corridors, employment areas and the public transit services and will enhance the convenience, safety and enjoyment of walking and cycling (*357_).

The SWAP seeks to provide enhanced open space corridors adjacent to key natural heritage features. These corridors are intended to provide for uses such as trail, active and passive parkland (20.5.3.6. ii). Schedule 2 of the SWAP also delineates the general location of the multi-use pathways. Through this development, an extensive pathway network was added for several reasons:

- a. to provide the linkages as required through the SWAP and London Plan;
- b. to act as additional buffer for the natural heritage features; and,
- c. to provide connections to future transit routes.

The SWAP recognizes that although the general location of neighbourhood and district parks is illustrated on Schedule 2, further refinement of the location, size and configuration of these parks and pathways will be undertaken at the subdivision approval stage (20.5.3.4. ii a)). Based on the final lotting pattern and road network, a realignment of the multi-use pathway will be necessary. The pathway will now realign through the Park Block 54 and across the northern edge of the woodlot Block 57, southwards to the property limit. As well, an expansion to the pathway eastwards towards Bostwick Road will be added. An Official Plan and London Plan amendment is required to the SWAP, Schedule 2, to reflect the proposed changes.

Three park blocks (Blocks 54, 55 and 56) will provide 1.7 ha (4.1 ac) of neighbourhood open space for active and passive recreational activities adjacent to the existing woodlot feature (Block 57). In addition to amenity space, the park sites are connected through the proposed multi-use pathway, are centrally located, integrate street frontage to promote accessibility; and offer view corridors into significant natural features. Block 51 will function as a neighbourhood park, and is adjacent to the proposed school site, an opportunity to create a shared park/school complex (410_8.). Blocks 52 and 65 will function as passive park space, which create view sheds into natural heritage, and offer a continuously linked open space system (410_6.).

The shift in the secondary collector, and the provisions of the multi-use pathway for additional buffer, requires the realignment of the original multi-use pathway. Park Blocks 54, 55, and 56 will serve as entryways into the multi-use pathway. Block 46 and 47 provide the main spine of the pathway, and will also serve the dual purposes of providing additional buffer for the natural heritage feature. Block 47 is limited in its size (9.0m as opposed to 15.0m for Block 48) due to the location and configuration of the surrounding roads, however, it will still provide an adequate buffer and pathway connection. Block 52 is a 1.05m connection, situated to the east of a proposed road (Street L), and will provide the pathway connections to the north. Block 49, 50 and 51 provide the linkage to Bostwick Road and via on street connection on Street M. These Blocks will be redlined to 15.0m (originally shown as 13.0m) as per Parks Planning requirements.

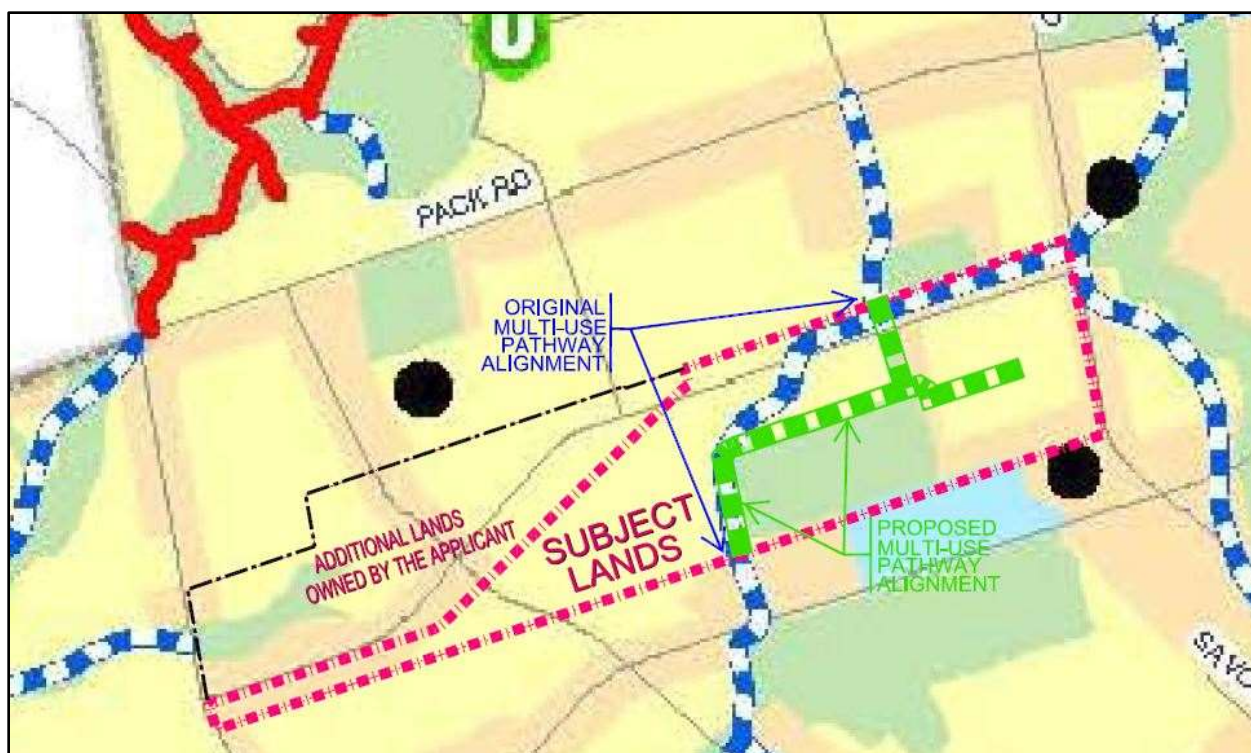


Figure 20 - Multi-use pathway realignment

Community Facilities

The London Plan recognizes that schools and other public facilities have a wide range of influences on our city life, including economic development, safety, innovation, research and development, social connectedness, and health. These facilities can be fundamental to how our city's image is perceived by others. Many of these buildings and services form important hubs within neighbourhoods (425_). Small scale community facilities such as schools and churches are permitted in the Neighbourhoods Place Type along Neighbourhood Connectors. The London Plan also directs these uses, where appropriate, to create shared park/school complexes and campuses with local school boards and other institutions to maximize the use of these facilities and to coordinate the design for mutual benefit (410_8.).

An elementary school block fronting Street 'A' and abutting the park block is proposed. This parcel has been identified by the Thames Valley District School Board (TVDSB) as being of interest as a future school site. Since no school sites were identified through the SWAP process, there are no planned locations shown on the land use plans for the SWAP. The SWAP has general policies (20.5.3.7.) that Community Facilities should be encouraged to locate in Neighbourhood Central Activity Nodes, however, this location does not suite the TVDSB, as it requires a location adjacent to park space. The proposed location at the intersection of the secondary collector/neighbourhood connector and a local street/neighbourhood street allows for easy access to the site and is located directly adjacent to a planned park. In The London Plan, community facilities that are normally associated with, and integral to, a residential environment, may be permitted at appropriate locations. Community facilities such as schools will be directed to locations that are easily accessible and where they can help establish and enhance the character of a neighbourhood (930_). The proposed school location along the neighbourhood connector street meets the locational requirements of The London Plan.

Archaeological and Cultural Heritage

The London Plan and SWAP both contain policies related to cultural heritage and the investigation and retention of significant features.

Through the application a Stage 1 and 2 Archeological Assessment was conducted. No significance was found and a letter from the Ministry of Culture, Sports and Tourism has been provided. Archaeological issues have been addressed, with the exception of Block 53, which was not subject to the Stage 1-2 archaeological assessment. Block 53 is to remain as open space/undisturbed and is anticipated to be dedicated to the City of London, so no holding provision will be necessary.

A progress report on preliminary research on the property at 3700 Colonel Talbot Road (dated February 10, 2017) was provided as part of the complete application. As part of the Initial Proposal Summary process, it was determined that a full Heritage Impact Assessment (HIA) would be required as part of the next phase (Phase 2) for this subdivision. It is expected that the HIA will include an evaluation of the potential cultural heritage resource at 3700 Colonel Talbot Road as well as assess and provide recommendations to mitigate any potential impacts on adjacent cultural heritage resources in the context of the proposed subdivision.

Servicing

The London Plan and SWAP recognize the provision of reliable, coordinated, and cost-effective civic infrastructure is a primary function of a municipality. Civic infrastructure delivers the services that make our city run smoothly. Ensuring services are readily available or available in the near future is a fundamental requirement for subdivision development.

Stormwater Management

The ultimate SWM will be directed to the Regional North Lambeth SWM Facility P9 to the south of the subject site. On site Private Permanent Systems will be required for multi-family blocks located along Bostwick Road. Further SWM refinement will be required through detailed design.

Water

Low level water connections will be made for this subdivision via Colonel Talbot Road. The Applicant will be required to demonstrate water looping through phasing at detailed design.

Sanitary

Sanitary servicing will be available through the adjacent Hunt Subdivision (39T-12503) to the south and extended across the whole site from Colonel Talbot to Bostwick Road.

Transportation

The transportation network requires a shifting of the secondary collectors to align with draft approved plans to the south (Street D), and to accommodate the construction of the main secondary collector connection in this Phase (Street A). Transportation Division has no issue with the realignment. An Official Plan/London Plan amendment will be required for the secondary collector, and is assessed later on in the report.

Development Services Staff are requesting several transportation related redline changes to the plan, to add a future road connection to the lands to the south, and the revise the size of Street M to 20m. The addition of this connection and the revised street width will provide better connectivity to adjacent lands. Both changes are assessed later on in the report.



Figure 21 - Proposed road realignment

Affordable Housing

Both The London Plan and the policies of the SWAP provide direction on affordable housing. *Secondary plans and larger residential development proposals should include a 25% affordable housing component through a mix of housing types and sizes. In keeping with this intent, 40% of new housing units within a secondary plan, and lands exceeding five hectares in size outside of any secondary plan, should be in forms other than single detached dwellings (*518_). Policy 20.5.3.1 of the SWAP details further development of the Southwest Planning Area will provide an opportunity to contribute to the supply of affordable housing and may assist the City in meeting its target for the provision of affordable housing. The following policies shall also apply to the SWAP lands:

- a) where appropriate, density bonusing will be considered for proposals that have an affordable housing component above 25% of the total dwelling count in any one development;
- b) opportunities for affordable housing shall be integrated into neighbourhoods and developments that also provide for regular market housing; and,
- c) a wide range of unit sizes within multiple-unit buildings will be encouraged.

A calculation conducted for this plan reveals that 49% of the residential land area in the subdivision (minus roads, parks, open space, future development, school and infrastructure) is allocated for residential uses in forms other than single detached dwellings. The proposed/recommended changes in designation to this plan will add to the amount of medium density and mix in housing form should lead to more affordable housing options that can be built in the subdivision.

Green Development

The policies of The London Plan and the SWAP promote sustainability and green development, in an effort to impose minimal impact on the environment, minimize consumption of water and energy, and reduce or eliminate waste outputs such as air

pollution, water pollution, wastes and heat in a sustainable fashion. Green cities also have a small ecological footprint – the amount of land and water area required to sustain a city’s consumption patterns and absorb its wastes on an annual basis (687_). A healthy city is one that supports the health of those that live in it. It can do so as a result of how it is planned and developed – offering such things as active mobility options, quality parks and recreational facilities for active and passive recreation, a clean and healthy environment, accessible health care facilities and services, protection from natural hazards, and safe and secure places (690_).

The SWAP is based on a design in which one of the key goals is to maximize the potential for sustainable development. In a City Planning context, this is achieved through such features as enhanced connectivity to transit, mixed-use development, a modified grid road system, and a connected open space system (Policy 20.5.3.2.(i)), all of which are key elements within the proposed plan of subdivision.

4.0 Key Issues and Considerations

4.1 Amendments to the Southwest Area Secondary Plan

The following amendments are required for the draft plan of subdivision:

- land uses changes to reflect the design of the subdivision - from Low Density Residential and Medium Density Residential to Low Density Residential, Medium Density Residential and Open Space;
- transportation changes to reflect the realignment of Street A and Street D; and,
- pathway alignment changes to reflect the multi-use pathway orientation from north to south, and adjacent to the natural heritage feature.

This will necessitate amendments to the (1989) Official Plan, the Southwest Area Secondary Plan (as part of the (1989) Official Plan), and the Southwest Area Secondary Plan (as part of The London Plan).

The PPS promotes accommodating an appropriate range and mix of uses (1.1.1. b)), avoiding development and land use patterns which may cause environmental or public health and safety concerns (1.1.1. c)), promoting cost-effective development patterns and standards to minimize land consumption and servicing costs (1.1.1. e)) and promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate (1.1.1. h)). The proposed land use changes ensures diversity of housing, efficient use of land and pattern of development, and recognizes and protects the natural heritage features in the area.

Overall, the changes in designations proposed through this application in the SWAP will not affect the policies of The London Plan, and the proposed changes meet the general intent of the PPS, and conform to the *Neighbourhoods Place Type.

As per the SWAP Implementation policies, the fundamental principles of the Plan will not change with the proposed amendments. Notably, the change will still allow for a diverse and connected community with a mix of uses, a range of land uses including residential, open space, public, and community facilities, the protection of a linear park and pathways by connecting diverse land uses within and between neighbourhoods, enhanced recreational opportunities throughout the neighbourhoods (20.5.1.4 i), provide for a range of housing choices and densities (20.5.1.4 ii), provide a green and attractive environment that integrates the natural and built setting and protects the natural environment, and encourages development patterns that provide extensive visual and physical public access to natural features (20.5.1.4. iv), and provide a model of sustainable growth management by extending infrastructure in a logical and cost-effective manner, and designing a road network of walkable connected streets and Neighbourhoods (20.5.1.4. v)).

The existing designations, especially within the Bostwick Residential Neighbourhood, do not reflect the road network, pathway alignment and ultimate block and lot layout that

will be developed through this draft plan. The need to realign Street A and Street D (as a result of previous draft approved plans in the area which altered the alignment of the secondary collector roads) requires a shifting in designations to allow for medium density housing to be focused at key locations (adjacent to the arterial/Civic Boulevard and secondary collector/Neighbourhood Connector road system, and in close proximity to natural heritage) and easily accessible for future transit. The addition of the Open Space designation will ultimately reflect the alignment of the multi-use pathway system, the neighbourhood and local parks, and the natural heritage feature and buffers.

Changes to Sidewalk Location

The Applicant requested an amendment to permit sidewalks only at key locations in the plan. The current policy within the SWAP (20.5.3.9 Urban Design, ii) Public Realm, b)) requires sidewalks on both sides of the street, regardless of road classification, with the exception of residential streets with less than ten dwelling units or cul-de-sacs, where sidewalks shall be required on only one side of the street. An alternative plan showing sidewalk locations was provided by the Applicant as part of the submission. Generally it included sidewalks on one side of the street for many of the local streets/neighbourhood streets.

The PPS promotes active transportation, which is defined as human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids (6.0). The PPS also encourages land use patterns which support active transportation and are transit-supportive (1.1.3.2 a. 4. and 5.), and minimize the length and number of vehicle trips and support current and future use of transit and active transportation (1.6.7.4), and 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 (1.5.1 a).

One of the key directions in The London Plan is to become one of the greenest cities in Canada by managing growth in ways that support green and active forms of mobility (58_#4, 5.). Key Direction #6 (60_) places a new emphasis on creating attractive mobility choices by creating active mobility choices such as walking, cycling, and transit to support safe, affordable, and healthy communities (1.), ensuring that our mobility infrastructure is accessible and accommodates people of all abilities (2.), and utilizing a grid, or modified grid, system of streets in neighbourhoods to maximize connectivity and ease of mobility (7.). Direction #8 (62_11) requires that planning is in accordance with the Accessibility for Ontarians with Disabilities Act, so that all of the elements of the City are accessible for everyone.

The policies of the SWAP and The London Plan support sidewalks on both sides of the street, primarily to support walkability, and encourage active mobility. Active mobility, with a key focus on walking and cycling, is recognized as a mode of transportation that can play a positive role in improving mobility and quality of life as part of a balanced mobility system (*346_). Active mobility features will be incorporated into the design of new neighbourhoods and, where possible, enhanced in existing neighbourhoods to ensure connections to the street and transit system (*348_).

Policy *349_ of The London Plan requires sidewalks to be located on both sides of all streets, with exceptions including: cul-de-sacs or dead-end streets that extend less than 200 metres and do not connect to neighbourhood features or amenities; portions of streets flanking natural heritage features or areas; portions of streets flanking a Green Space that includes alternative active mobility infrastructure parallel to the street; portions of streets that have a designated multi-use pathway within the boulevard on one side; streets classified as Expressways or Rural Thoroughfares; and road reconstruction projects, where the existing conditions such as mature trees, right-of-way widths, or infrastructure would impede sidewalks on both sides of the street.

The City's Complete Streets Design Manual was developed to guide the decision-making process for street design as London continues to grow and evolve. Sidewalks are contemplated on both sides of the street, to ensure a more "complete" environment that will feature high-quality pedestrian environments and integrate seamlessly with

transit services, cycling networks, and automobile users. London's streets will be designed for connectivity and support the use of active and sustainable modes of transportation.

In Staff's opinion, the policies requiring sidewalks on both sides the street ensure subdivisions are designed with consideration for a diverse ('complete') community that is less car-reliant than traditional suburban residential subdivisions. In this regard, the current subdivision integrates varying land use types for a wide range of low and medium density housing, retail/service commercial uses, small-scale offices, mixed use, community facilities and open space. Further, connectivity is fostered by a modified grid pattern which integrates collector and local streets, sidewalks, walkways and multi-use pathways. In order to encourage pedestrian movement and active mobility, staff do not support an alternative sidewalk arrangement for this subdivision. Sidewalks on both sides of the street will provide a safer and accessible pedestrian environment and will encourage active mobility, key directions in The London Plan, and through the PPS.

4.2 Amendments to the Zoning By-law

As per the SWAP (20.5.16.5), any applications for amendment to the City of London Zoning By-law shall be subject to the policies of the Secondary Plan and applicable policies of the City of London Official Plan. Consideration of other land uses through a Zoning By-law amendment shall be subject to a Planning Impact Analysis as described in the applicable designation of the Official Plan. Further to this, the London Plan requires amendments to consider the Use, Intensity and Form for any new development.

The proposed zoning amendments are as follows:

1. Holding Residential R1 Special Provision (h*h-100*R1-3(*)) Zone (Blocks 1-7, 9-14, 16, 18), Holding Residential R1 Special Provision (h*h-82*h-100*R1-3(*)) Zone (Portion of Blocks 1-6) and Holding Residential R1 Special Provision (h*h-100*R1-4(*)) Zone (Blocks 15, 17, 19, 20)
 - Use: single detached dwellings, with a minimum lot frontage of 10 meters (m) for lands within the (R1-3) Zone and 12 m for lands within the (R1-4) Zone. Single detached dwellings are permitted use within the Neighbourhoods Place Type along all street classifications. Within the Low Density Residential designation of the SWAP, single detached dwellings are permitted uses;
 - Intensity: Minimum height ranges from one to two and a half storeys for all homes. Within the Low Density Residential (LDR) designation of the SWAP, minimum densities range from 25-40 units per hectare (Bostwick Residential Neighbourhood) and 18-35 units per hectare (North Lambeth Residential Neighbourhood). Final lotting will need to adhere to the density as set out in the SWAP;
 - Form: Special provisions have been added to reduce setback requirements for the main dwelling unit (3m minimum and 4.5 m maximum), an interior side yard of 1.2 m, a lot coverage of 45%, and to ensure garages do not project beyond the façade of the buildings, and do not occupy more than 50% of the frontage of the lot. These special provisions will ensure a street oriented housing form and avoid garage dominated streetscapes;
 - Planning Impact Analysis: Overall, the proposed zones will be compatible with future lands uses. Proposed lots are of a sufficient size and shape to accommodate the proposed use. Final lotting will be determined at detailed engineering design.

- Additional: an additional holding provision (h-82) will be added to portions of Blocks 1-6; to ensure part lots/blocks will be amalgamated with part lots/blocks within adjacent subdivisions.



Figure 22 - Blocks 1-7, 9-14, 16, 18 - R1-3



Figure 23 - Blocks 15, 17, 19, 20 - R1-4

2. Holding Residential R2 Special Provision (h*h-100*R2-1(*)) Zone (Blocks 8, 22), a Holding Residential R2 Special Provision (h*h-100*R2-3(*)) Zone, (Block 21)
 - Use: Both the R2-1 and the R2-3 Zone permit single detached, semi-detached, duplex and converted dwellings. These uses are permitted along Neighbourhood Streets and Neighbourhood Connectors in The London Plan, and are permitted within the Low Density Residential designation of the SWAP. The R2-1 Zone permits single detached dwellings with a minimum lot area of 250m², a maximum height of 9 m, and a minimum lot frontage of 9 m; semi-detached dwellings with a minimum lot area of 430m² (200m²), a maximum height of 10.5 m and a minimum lot frontage of 18 m (8.5 m), duplex dwellings with a minimum lot area of 430m², a maximum height of 10.5 m and a minimum lot frontage of 12 m, and converted dwellings with a minimum lot area of 430m², a maximum height of 10.5 m, and a minimum lot frontage of 10.5 m; The

R2-3 Zone permits single detached dwellings with a minimum lot area of 370m², a maximum height of 9 m, and a minimum lot frontage of 12m; semi-detached dwellings with a minimum lot area of 550m² (260m²), a maximum height of 10.5 m and a minimum lot frontage of 18m (8.5m), duplex dwellings with a minimum lot area of 550m², a maximum height of 10.5 m and a minimum lot frontage of 12 m, and converted dwellings with a minimum lot area of 430m², a maximum height of 10.5 m and a minimum lot frontage of 12 m. ;

- Intensity: all the above uses are permitted use within the Neighbourhoods Place Type along Neighbourhood Streets and Neighbourhood Connectors. Minimum height ranges from one to two and a half storeys for all homes. Within the LDR designation of the SWAP, minimum densities range from 25-40 units per hectare (Bostwick Residential Neighbourhood) and 18-35 units per hectare (North Lambeth Residential Neighbourhood). Final lotting will need to adhere to the density as set out in the SWAP;
- Form: special provisions have been added to reduce setback requirements for the main dwelling unit (3 m minimum and 4.5 m maximum), an interior side yard of 1.2 m, a lot coverage of 45%, and to ensure garages do not project beyond the façade of the buildings, and do not occupy more than 50% of the frontage of the lot. These special provisions will ensure a street oriented housing form and avoid garage dominated streetscapes;
- Planning Impact Analysis: Overall, the proposed zone will be compatible with future lands uses. Proposed lots are of a sufficient size and shape to accommodate the proposed use. Final lotting will be determined at detailed engineering design.



Figure 24 - Blocks 8, 22 - R2-1



Figure 25 - Block 21 - R2-3

3. Holding Residential R2 Special Provision/Residential R4 Special Provision (h*h-100*R2-1(*)/R4-6(*) Zone (Blocks 24-36)
- Use: The R2-1 Zone, as detailed above, permits single detached, demi detached, duplex and converted dwellings. The R4-6 Zone permits street townhouse dwellings with a maximum height of 12 m, a minimum lot area of 145m² and a minimum lot frontage of 5.5 m. These uses are only permitted along Neighbourhood Connectors in The London Plan. However, the SWAP policies for Medium Density Residential (MDR) permit street townhouse dwellings, as does the Low Density Residential designation in the Bostwick Residential Neighbourhood;
 - Intensity: Minimum height ranges from one to two and a half storeys for all homes. Street townhouse dwellings within the MDR designation (North Lambeth Neighbourhood) of the SWAP are permitted at a density of 30-75 units per hectare, whereas those uses within the LDR designation (Bostwick Residential Neighbourhood) are permitted at a density of 20-40 units per hectare. Final lotting will need to adhere to the density as set out in the SWAP;
 - Form: Special provisions have been added to reduce setback requirements for the main dwelling unit (3 m minimum and 4.5 m maximum), an interior side yard of 1.2 m, and to ensure garages do not project beyond the façade of the buildings, and do not occupy more than 50% of the frontage of the lot, with a maximum driveway width of 3.5 m per lot. These special provisions will ensure a street oriented housing form and avoid garage dominated streetscapes. The recommended special provisions will also ensure that street townhouse lots will be a minimum of 7 m in frontage;
 - Planning Impact Analysis: Overall, the proposed zone will be compatible with future lands uses. Proposed lots are of a sufficient size and shape to accommodate the proposed use. Final lotting will be determined at detailed engineering design.

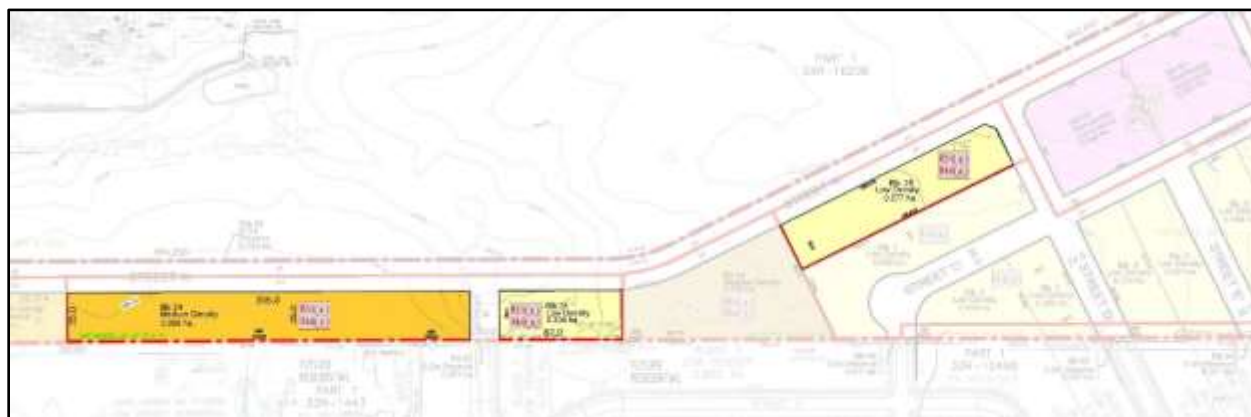


Figure 26 - Blocks 24-26 - R2-1/R4-6 - North Lambeth



Figure 27 - Blocks 27-36 - R2-1/R4-6 - Bostwick

4. Holding Residential R2 Special Provision/Residential R4 Special Provision/ Residential R6 Special Provision/Neighbourhood Facility (h*h-100*R2-1(*)/R4-6(*)/R6-5(****)/NF1) Zone (Block 53)
 - Use: Uses are permitted as detailed above, with the addition of the R6-5 Zone, which permits cluster housing in the form of cluster single detached dwellings, cluster semi-detached dwellings, cluster duplex dwellings, cluster triplex dwellings, cluster townhouse dwellings, cluster stacked townhouse dwellings, cluster apartment buildings, and cluster fourplex dwellings with a maximum height of 12 m and a maximum density of 35 units per hectare. This Block is currently allocated for a future elementary school, as per the comments provided by the Thames Valley District School Board (TVDSB). Additional permitted uses under the NF1 Zone include places of worship, day care centres, community centres, libraries, private schools, fire stations, private clubs, and police stations. These small scale community facilities (such as elementary schools) are permitted along Neighbourhood Connectors in The London Plan. The SWAP policies for MDR in the Bostwick Residential Neighbourhood permit all of the above noted residential uses. Generally, churches and other institutional type uses are permitted within all residential land use designations of the SWAP (20.5.3.7.);
 - Intensity: Minimum height ranges from one to two and a half storeys for all homes along the Neighbourhood Connector. The MDR designation (Bostwick Residential Neighbourhood) in the SWAP permits residential uses at a density of 30-75 units per hectare, and a maximum height of four storeys. Final lotting will need to adhere to the density as set out in the SWAP;
 - Form: Special provisions have been added, as detailed in the previous zones, should residential development occur. Additionally, any homes will

be required to orient to the adjacent park block, as per the policies of the SWAP and the London Plan. These special provisions will ensure a street oriented housing form and avoid garage dominated streetscapes. No special provisions have been added for the school use/ NF1 Zone;

- Planning Impact Analysis: Overall, the proposed zone will be compatible with future lands uses. Proposed lots are of a sufficient size and shape to accommodate the proposed use. The proposed school site is of a sufficient size to accommodate a community facility. Site plan will be required to address any future compatibility issues.



Figure 28 - Block 53 - R2-1/R4-6/R6-5/NF1

5. Holding Residential R6 Special Provision/Residential R8 Special Provision (h*h-100*R6-5(*)/R8-4(**)) Zone (Block 38), Holding Residential R6 Special Provision/Residential R8 Special Provision (h*h-100*R6-5(**)/R8-3(*) Zone (Block 37)
 - Use: As detailed previously, the R6-5 Zone permits a range of cluster housing. The R8-3 and R8-4 Zone permit low rise apartments, in addition to handicapped person's apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities. The London Plan only permits up to triplexes along Neighbourhood Connectors, with low rise uses along the Neighbourhood Street, however, the SWAP, within the MDR designation of the Bostwick Residential Neighbourhood, permits more intensive uses, such as street townhouse dwellings, and low rise apartment buildings;
 - Intensity: The London Plan permits heights ranging from one to two and a half storeys for all homes and cluster housing. In the SWAP, although heights are not specifically mentioned, generally a maximum of four storeys is permitted in the North Lambeth Neighbourhood. In the Bostwick Neighbourhood, a maximum of six storeys is permitted for uses within the MDR designation. Dwellings within the MDR designation for both the North Lambeth Neighbourhood and the Bostwick Residential Neighbourhood of the SWAP are permitted at a density of 30-75 units per hectare.
 - Form: Special provisions have been added to reduce setback requirements for the dwelling units (3m minimum and 4.5 m maximum) and for buildings such as low rise apartments, an interior side yard of 1.2 m, and to ensure garages do not project beyond the façade of the

buildings, and do not occupy more than 50% of the frontage of the lot. These special provisions will ensure a street oriented housing form and avoid garage dominated streetscapes. Additionally, the R8-3 Zone includes an additional setback adjacent to the significant natural heritage feature, as recommended by the EIS (10m), and building/unit orientation to the OS5, as per the SWAP and London Plan design policies.

- Planning Impact Analysis: Overall, the proposed zones will be compatible with future lands uses. Proposed Blocks are of a sufficient size and shape to accommodate the range of permitted uses. Site plan will be required to address any future compatibility issues.

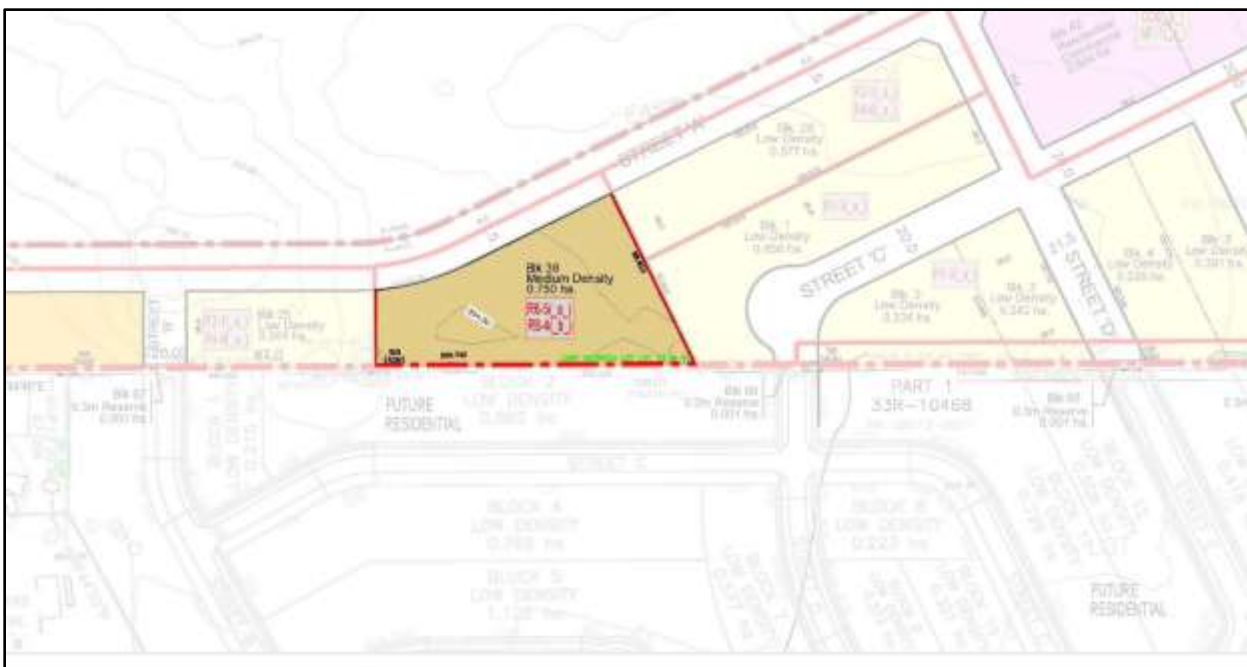


Figure 29 - Block 38 - R6-5/R8-4



Figure 30 - Block 37 - R6-5/R8-3

6. Holding Residential R6 Special Provision/Residential R8 Special Provision/Residential R9 (h*h-100*R6-5(***)/R8-4(***)/R9-3(**)) Zone (Block 40), Holding Residential R6 Special Provision/Residential R8 Special Provision/Residential R9 (h*h-100*R6-5(***)/R8-4(***)/R9-3(**)) Zone (Block 41)

- Use: As detailed previously, the R6-5 Zone permits a range of cluster housing, and the R8-4 Zone permits low rise apartments. The R9-3 Zone permits apartment buildings, lodging house class 2, senior citizens apartment building, handicapped persons apartment buildings and continuum-of-care facilities. Block 40 and 41 have frontage on several streets, but the higher order street, Bostwick Road, is a Civic Boulevard in The London Plan. Uses permitted include stacked townhouses, fourplexes, low-rise apartments, emergency care establishments, rooming houses, and supervised correctional facilities. The SWAP, within the MDR designation of the Bostwick Residential Neighbourhood, permits more intensive uses, such as street townhouse dwellings, and low rise apartment buildings. However, the SWAP also contains a special policy (20.5.4.1.) for residential development intensity adjacent to arterial roads (Bostwick Road). This policy area is intended to provide for transit-oriented, low-rise to mid-rise residential development at a slightly higher intensity than is typical for medium density development, providing for development at suitable densities to support transit along the arterial road network;
- Intensity: The London Plan permits heights ranging from two to four storeys. The SWAP special policy permits development at a minimum density of 30 units per hectare and a maximum density of 100 units per hectare. Building heights shall be a minimum of two storeys and a maximum of nine storeys. The proposed zoning would permit a nine storey building on Block 40 (at the intersection of a Civic Boulevard and a Neighbourhood Connector), and a seven storey building on Block 41, oriented to Bostwick Road and Street M, a Neighbourhood Street);
- Form: Special provisions have been added to ensure minimum (1 m) and maximum (4 m) front and exterior side yard setbacks for apartment buildings adjacent to Bostwick Road. The principle entrance shall be oriented to Bostwick Road or at the corner of Bostwick Road and the future Street A (Block 40) and Street M (Block 41), which is in keeping with the Urban Design policies of both the SWAP and The London Plan.
- Planning Impact Analysis: Overall, the proposed zones will be compatible with future lands uses. Proposed Blocks are of a sufficient size and shape to accommodate the range of permitted uses. Site plan will be required to address any future compatibility issues.



Figure 31 - Block 40 - R6-5/R8-4/R9-3 Zone



Figure 32 - Block 41 - R6-5/R8-4/R9-3 Zone

7. Holding Residential R8 Special Provision/Convenience Commercial Special Provision (h*h-100*R8-4(*)/CC6(*) Zone (Block 23)
 - Use: As detailed previously, the R8-4 Zone permits low rise apartments. The London Plan permits higher intensity uses adjacent to a Civic Boulevard (Colonel Talbot Road). These uses include stacked townhouses, fourplexes, low-rise apartments, emergency care establishments, rooming houses, and supervised correctional facilities. Additional permitted uses for development at the intersection of a Neighbourhood Connector (Street A) and Civic Boulevard (Colonel Talbot Road) include mixed use buildings. The SWAP designates these lands as MDR, which also permits a limited range of convenience and personal service commercial uses, small-scale eat-in restaurants, civic and institutional uses such as parks, schools and churches, and live-work uses. The CC6 will permit convenience service establishments, convenience stores, financial institutions, personal service establishments, dwelling units, together with any other permitted uses, medical/dental offices, food stores, restaurants, take-out, brewing on premises establishment, convenience business service establishments, day care centres offices, studios, bake shops, commercial schools, florist shops, pharmacies, and restaurants, eat-in. No drive thru uses are permitted in any of the uses;
 - Intensity: The London Plan permits heights ranging from two to four storeys along a Civic Boulevard. The MDR designation of the SWAP permits development at a minimum density of 30 units per hectare and a maximum density of 75 units per hectare. Building heights can range from one to four storeys based on the maximums as permitted through the (1989) Official Plan for the Multi-Family, Medium Density Residential (MFMDR) designation.
 - Form: The scale of the development will be limited to a total gross floor area maximum of 1,000m² (10,764 square feet), which is included in the CC6 Zone. Special provisions have been added to ensure minimum (1 m) and maximum (4 m) front and exterior side yard setbacks for apartment buildings adjacent to Colonel Talbot Road. The principle entrance shall be

oriented to Colonel Talbot Road or at the corner of Colonel Talbot Road and the future Street A, which is in keeping with the Urban Design policies of both the SWAP and The London Plan. The policies of the SWAP related to Urban Design (20.5.3.9) will apply for the siting of any commercial buildings, heights and parking locations.

- Planning Impact Analysis: The North Lambeth Residential Neighbourhood permits a limited range of convenience commercial uses in addition to residential uses within the MDR designation (20.5.10.1 ii). The Convenience Commercial policies of the (1989) Official Plan indicate that the preferred location for convenience commercial uses is within the various commercial land use designations, however it is recognized that on some sites in residential designations where specific locational and land use compatibility criteria are met, this type of development may be appropriate as a secondary use. New convenience commercial uses and service stations within the Residential designations will require an Official Plan amendment and Zone change. New convenience commercial uses will be located on arterial or primary collector roads, where it can be demonstrated that such uses are compatible with surrounding land uses and will not have a serious adverse impact on the traffic-carrying capacity of roads in the area. The preferred locations for convenience commercial uses are at the intersections of major roads. The proposed site is located at the corner of an arterial road (Colonel Talbot Road) and a secondary collector (Street A), which meets the locational criteria. Issues related to mitigation of the commercial uses, parking locations, fencing, lighting etc. can be addressed at site plan.

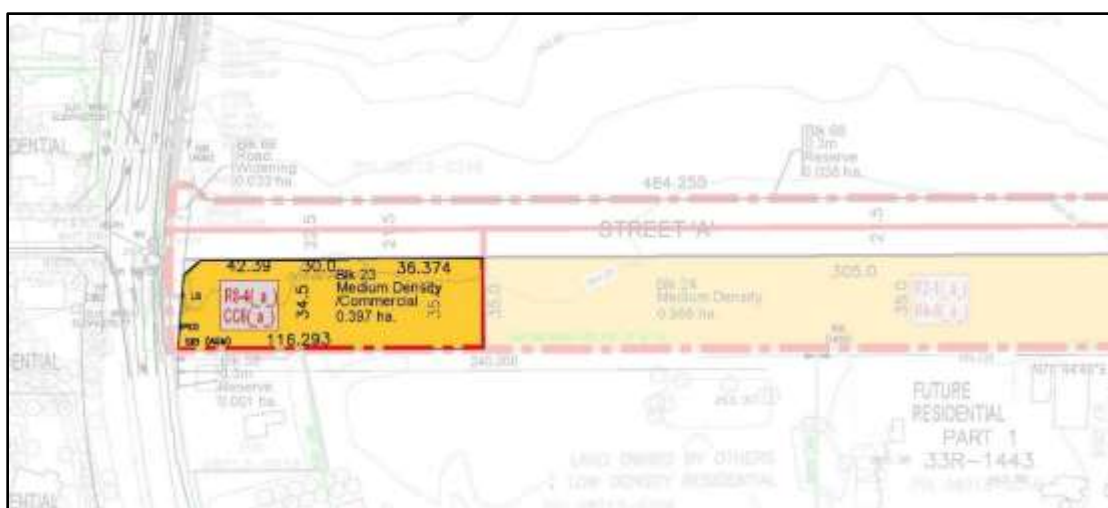


Figure 33 - Block 23 - R8-4/CC6

8. Holding Residential R8 Special Provision/Convenience Commercial Special Provision/Neighbourhood Facility Special Provision (h*h-100*R8-4(**)/CC6(**)/NF1(*) Zone (Blocks 42-43)
 - Use: The SWAP designates these lands as MDR, and they are also designated as a Neighbourhood Central Activity Node (NCAN)(Policy 20.5.3.3). The NCAN is intended to provide a neighbourhood-scale activity and gathering place for residents of the surrounding neighbourhood, and are to be located generally in the centre of each neighbourhood area, at a significant intersection, and within walking distance of most residents. While predominantly residential in character, activity nodes will also permit a range of community based commercial and institutional uses. NCAN have a higher intensity of activity-generating uses than other parts of the neighbourhood, but are predominantly pedestrian-scale, and, in addition to residential development, are encouraged to include a limited range of convenience and personal service commercial uses; small-scale eat-in restaurants, such as coffee or tea shops, or small-scale eat-in bakeries; civic and institutional uses such as parks, schools and churches; and live-work functions. A limited number of activity nodes will be permitted

throughout the Secondary Planning area. The NCAN is located at the corner of two secondary collector roads/Neighbourhood Connectors (Street A and Street D), and is located centrally within the subdivision, and in close proximity to the open space/pathway network. A limited range of convenience commercial uses have been added to the CC6 Zone for this location, including convenience service establishments, convenience stores, personal service establishments, food stores, restaurants, take-out, brewing on premises establishment, convenience business service establishments, day care centres, studios, bake shops, commercial schools, florist shops, pharmacies, and restaurants, eat-in. No drive thru faculties are permitted for any of these uses. The NF1 Zone permits a limited range of community based institutional uses, such as day cares, places of worship, and private schools. As detailed previously, the R8-4 Zone permits low rise apartments, which are permitted uses in the MDR/NCAN. The range of uses is consistent with the policy direction in the SWAP;

- Intensity: The policies of the SWAP require NCAN's to be located in buildings and with a scale and design appropriate to the neighbourhood. The underlying MDR designation in the North Lambeth Residential Neighbourhood refers to the policies of the (1989) Official Plan, which limits development to four storeys. The intent is to encourage mixed use buildings on these Blocks, with commercial/institutional uses and residential uses above. The CC6 Zone permits commercial uses at a maximum gross floor area of 1,000m² (10,764 square feet). The NF1 Zone permits uses at a maximum height of 12m and a maximum coverage of 30%.
- Form: Buildings shall be street-oriented on all public rights-of way NCAN, with buildings located at or near the property line and front entrances oriented to the street. Special provisions have been added to ensure minimum (1 m) and maximum (4 m) front and exterior side yard setbacks adjacent o Street A. The principle entrance shall be oriented to Street A, or at the corner of Street A and Street D, which is in keeping with the Urban Design policies of both the SWAP and The London Plan. The policies of the SWAP for NCAN and Urban Design (20.5.3.9) shall also apply to any development on these blocks;
- Planning Impact Analysis: Overall, the proposed zones will be compatible with future lands uses. Proposed Blocks are of a sufficient size and shape to accommodate the range of permitted uses. Site plan will be required to address any future compatibility issues.

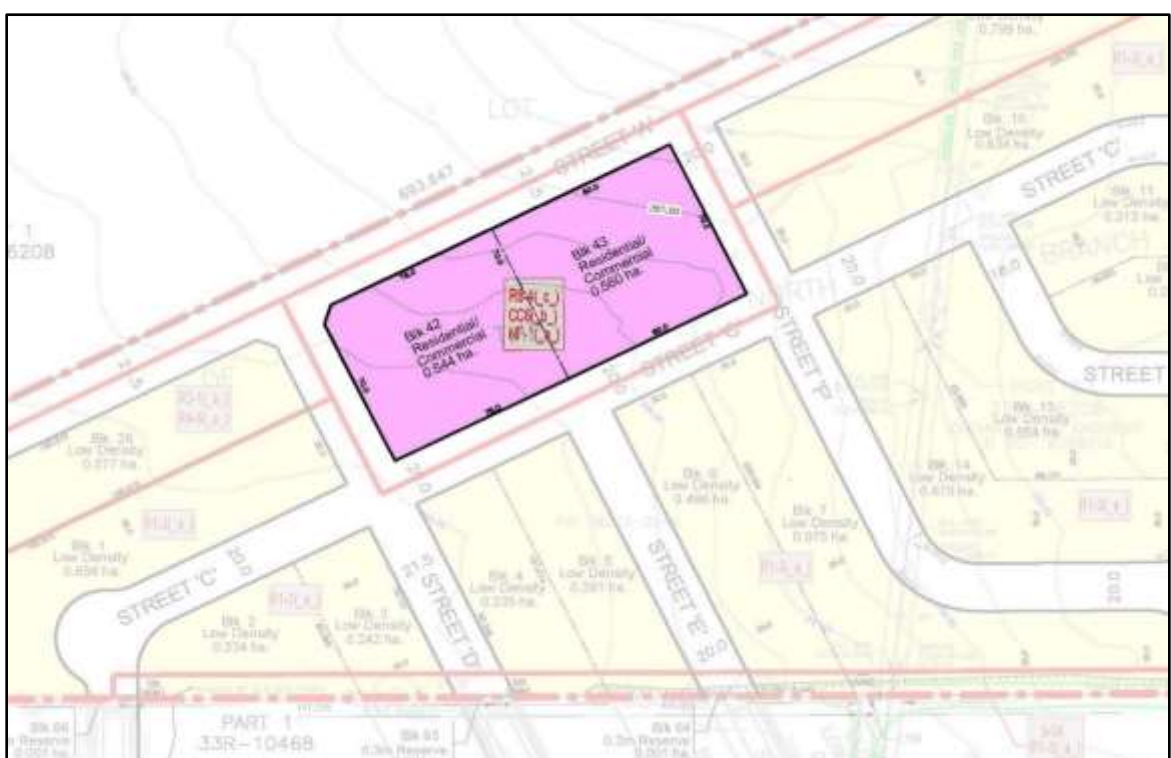


Figure 34 - Block 42-43 - R8-4/CC6/NF1

9. Holding Residential R9 Special Provision/Convenience Commercial Special Provision (h*h-100*R9-3(*)/CC6(***)) Zone (Block 39)

- Use: The SWAP, within the MDR designation of the Bostwick Residential Neighbourhood, permits more intensive uses, such as street townhouse dwellings, and low rise apartment buildings. However, the SWAP also contains a special policy (20.5.4.1.) for residential development intensity adjacent to arterial roads (Bostwick Road). This policy area is intended to provide for transit-oriented, low-rise to mid-rise residential development at a slightly higher intensity than is typical for medium density development, providing for development at suitable densities to support transit along the arterial road network. The SWAP designates these lands as MDR in the Bostwick Residential Neighbourhood, which also permits a limited range of convenience and personal service commercial uses, small-scale eat-in restaurants, and civic and institutional uses such as parks, schools and churches, and live-work uses. As detailed previously, the R9-3 Zone permits apartment buildings, and the CC6 Zone permits a limited range of convenience commercial uses;
- Intensity: The London Plan permits heights ranging from two to four storeys. The SWAP special policy permits development at a minimum density of 30 units per hectare and a maximum density of 100 units per hectare. Building heights shall be a minimum of two storeys and a maximum of nine storeys. The proposed zoning would permit a nine storey building (at the intersection of a Civic Boulevard and a Neighbourhood Connector). The intent is to encourage a mixed use building on this site with commercial/institutional uses at grade and with residential uses above;
- Form: Special provisions have been added to ensure minimum (1 m) and maximum (4 m) front and exterior side yard setbacks for apartment buildings adjacent to Bostwick Road. The principle entrance shall be oriented to Bostwick Road or at the corner of Bostwick Road and the future Street A.
- Planning Impact Analysis: Overall, the proposed zones will be compatible with future lands uses. Proposed Blocks are of a sufficient size and shape to accommodate the range of permitted uses. Site plan will be required to address any future compatibility issues.



Figure 35 - Block 39 - R9-3/CC6

10. an Open Space (OS1) Zone (Blocks 46-52, 54-56), an Open Space (OS5) Zone (Block 57)

- Use: The vision for the SWAP includes a community with enhanced open space, and encourages recreation and the use of alternative modes of transportation. This will be dependent on the provision, development and incorporation of different types of parkland and open space connections into newly developing and redeveloping areas (20.5.3.4). Schedule 2 of this Plan identifies the general locations of a combination of existing and new Neighbourhood and District Parks, and proposed pedestrian and bicycle pathways. The multi-use pathway route on Schedule 2 has been revised to incorporate the planned route through the subdivision, and will be zoned OS1 (Blocks 46, 47, 48, 49, 50, 51, 52). All multi-use pathways will be 15m in width, excluding Block 47, which will be 9m in width to accommodate the pathway, as the ability to incorporate a full 15m in this location is problematic due to the road network. As such, Parks Planning is amendable to a smaller width in this location; and Block 48, which is small connection to the pathway from the road network to the north, will be 4.8m wide. Blocks 46 and 47, adjacent to the significant natural heritage feature, will also be used as extra buffering. A proposed neighbourhood park, although not identified on Schedule 2, will also be located within this plan, adjacent to the proposed elementary school (Block 54) and will be serviced by the proposed multi-use pathway. Blocks 55 and 56 are included as passive park space, and will provide entrance into the multi-use pathway system. All of these blocks will be zoned OS1. The significant natural heritage feature on Block 57, and the agreed upon buffers for the feature will be zoned OS5. Both The London Plan and the (1989) Official Plan recognize and permit parks and multi-use pathways within various designations and Place Types;
- Intensity and Form: Pathways, parks and open space features are integral parts to any new and developing subdivisions and are encouraged through multiple policies in all Plans. The form and size of the pathways and parks have been agreed upon with staff and the Applicant;
- Planning Impact Analysis: The parks, pathways and opens space areas are not anticipated to negatively impact the proposed subdivision, and will provide the necessary parks and open space that are envisioned through the London Plan and the 1989 Official Plan;
- Additional: No special provisions are proposed for any of the Open Space zones.



Figure 36 - Blocks 46, 47, 48, 49, 50, 51, 52, 54, 55, 56 - OS1

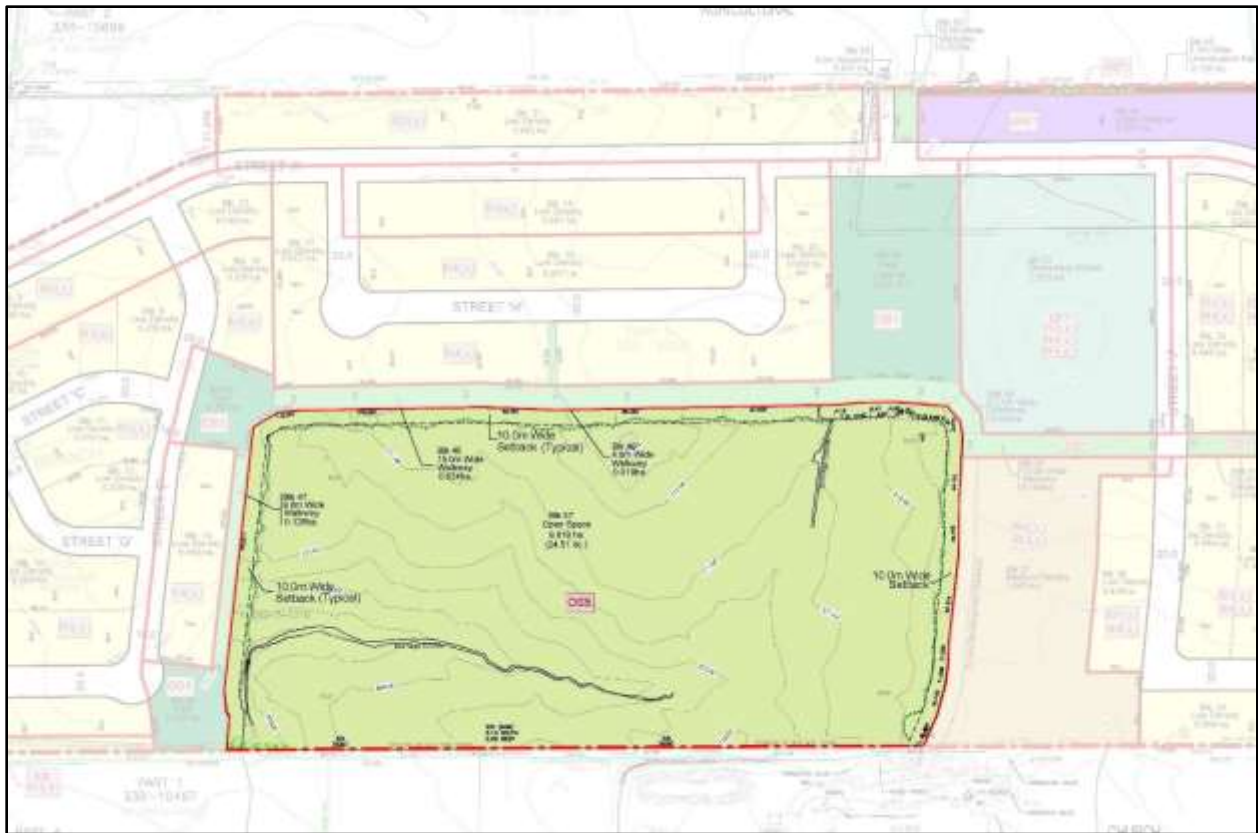


Figure 37 - Block 57 - OS5

11. Environmental Review (ER) Zone and an Urban Reserve (UR4) Zone (Block 44-45)

- Use: Through the EIS, a feature was identified off site on an adjacent parcel not owned by the Applicant. The extent of the features and its significance, and any possible buffers are not known at this time, nor is it known what impact buffers will have on Block 44, which the Applicant has indicated would be developed for residential lots. Further review of this feature will be required. The extent of the feature (approximately 5m) will be zoned Environmental Review (ER), and the balance of Block 44 will remain Urban Reserve (UR4), noting that an EIS will be required at the time of a development application to the north, and the extent of the feature and its buffers will be addressed at that time.
- Additional: No special provisions are proposed for Urban Reserve and Environmental Review Zones, as no development can occur on Block 44 until an accepted EIS is provided.



Figure 38 - Block 44 - UR4/ER

Holding provisions will be added to most zones, except for all Open Space Zones, and the Urban Reserve/Environmental Review Zone.

- “h” - to ensure that there is orderly development through the execution of a subdivision agreement and adequate securities;
- “h-82” - this holding provision will only apply to a portion of 2, 3, 4, 5 and 6 - to ensure that there is a consistent lotting pattern in this area, the “h-82” symbol shall not be deleted until the part blocks has been consolidated with adjacent lands; and,
- “h-100” -to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available;

4.3 Redline Changes

Three redline changes are proposed to the draft plan, explained below:

1. *The addition of a future road connection (Block 71)*

Staff are recommending the addition of a future road (known as Block 71) to provide a connection to lands from the south, should they develop in the future. Figure 23 shows the proposed redline Block 71. Lands to the south of the subdivision, adjacent to Bostwick Road are owned by Forest City Community Church. This site is large, measuring approximately 11.9 ha in size, and it currently contains the Forest City Community Church, constructed in the early 2000's. The church use occupies approximately 2/3 of the site, and the front portion is currently vacant. The front portion of the site is designated Multi-Family, Medium Density Residential in the (1989) Official Plan, and Neighbourhoods Place Type in The London Plan. As part of the SWAP, the extension of Kilbourne Road was anticipated and is currently shown in The London Plan and the SWAP on the south side of the church. The church has indicated they have no plans to develop or sell any portion of their lands in the immediate future. They have also indicated they are not supportive of the future street connection, as they do not want to invite trespass onto their property. The Applicant has indicated they are not in support of an additional connection to the south.



Figure 39 - Location of church and extension of road

Although both the Applicant and the adjacent Church do not agree with this addition, Staff are recommending the addition of this street, in order to provide a future connection for possible development on these lands. The proposed subdivision contains several community and neighbourhood facilities, such as neighborhood parks, pathway connections, open space and a school site, that future residents will seek to access in the future. Despite the churches current plans to not develop, it is important to provide those necessary connections and protect future mobility consistent with the Key Direction of The London Plan to plan for long-term needs (62_3.).

The PPS (1.5.1) 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. Policy 1.6.7.4 encourages land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

The London Plan and the SWAP provide multiple policies on connectivity and providing connections. The London Plan City Building policies (*193_) expressly encourage development that supports a positive pedestrian environment, and built form that is supportive of all types of active mobility and universal accessibility (*193_4. and 5.). The configuration of streets planned for new neighbourhoods will be of a grid, or modified grid pattern. Cul-de-sacs, deadends, and other street patterns which inhibit such street networks will be minimized. New neighbourhood street networks will be designed to have multiple direct connections to existing and future neighbourhoods (*212_). The London Plan also contains a key section on Connectivity and Mobility (307_). New development should provide strong linkages between key origins and destinations within our city including the Downtown, Transit Villages, employment areas, major institutions, and major open spaces (313_7.).

One of the main principles of the SWAP is the creation of a diverse and connected community which creates inclusive, diverse and unique neighbourhoods that have a mix of uses and have a high level of connectivity for multi-modal transportation opportunities (20.5.1.4). The Community Structure Plan sets out the overall structural elements that are the building blocks for the Southwest Planning Area. Development patterns in new planning applications for the Southwest Planning Area shall "...generally reflect a fine urban grid street network with a high level of connectivity" (20.5.2(i)). The principles of the SWAP also encourages a diverse and connected community by connecting diverse land uses within and between neighbourhoods using the linear park and open space systems and a system of connected streets and blocks (20.5.1.4 i) b)), and designing a road network of walkable connected streets and neighbourhoods (20.5.1.4 v) c)) and establishing a high degree of connectivity between residential, open space, commercial and institutional uses within and between existing and new neighbourhoods (20.5.1.4 v) e)). General transportation policies support street patterns that support pedestrian-oriented development patterns, with strong relationships to the natural heritage features in the Southwest Planning Area (20.5.3.8 i) a)), and a neighbourhood area street pattern that shall support transit, cycling and walking ((20.5.3.8 i) b)).

The addition of this road provides increased connectivity to allow future lands to the south to access lands, services and facilities in the north and creates interconnected neighborhoods

2. Road width of Street M

The London Plan contains policy related to road widths. *Table 6 details the required street width depending on street classification. A Neighbourhood Street requires a minimum width of 20m, to ensure a quality environment for pedestrians, to account for low to medium volumes of cycle, transit and vehicle movements, and to minimize width of vehicle zone. The City's Complete Streets Design Manual also requires a 20m road width. The plan submitted by the Applicant shows an 18m right of way. This will be redlined to reflect London Plan requirements.

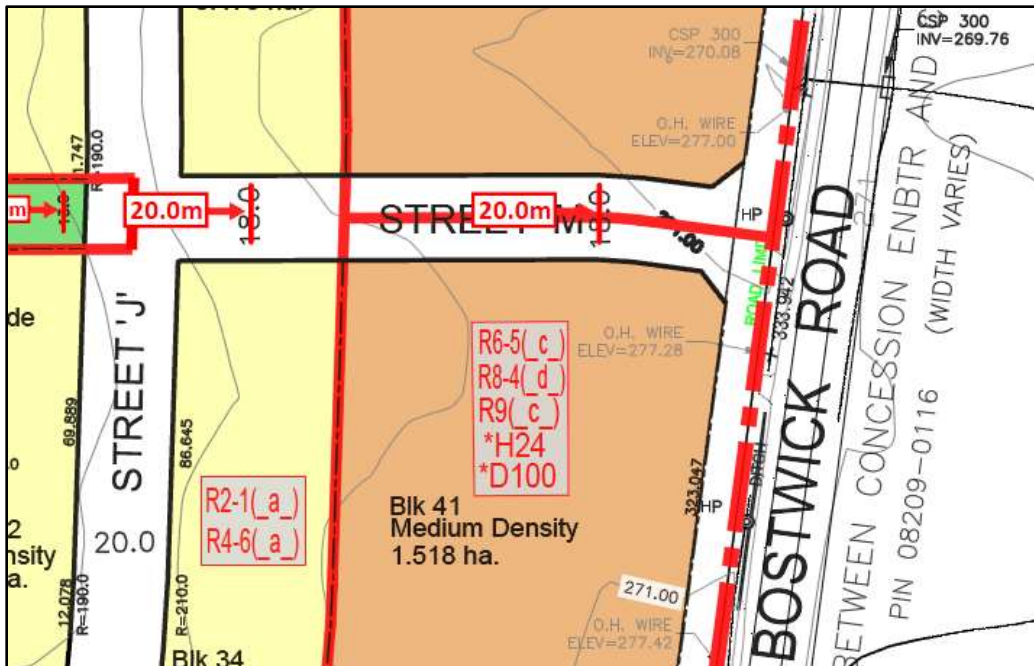


Figure 40 - 20m road allowance

3.

3. Pathway Block Widths

A change in pathway widths for Blocks 49, 50 and 51 from 13m to 15m is required. A 15m pathway block is the standard size required, and allows for a 5m multi-use pathway, with buffering and landscaping on both sides to act as mitigation adjacent to residential development. In this area no reductions are necessary as the blocks are of an adequate size for development. London Plan and SWAP policies require pathways as are integral parts to any new and developing subdivisions, and are encouraged through multiple policies in all Plans.

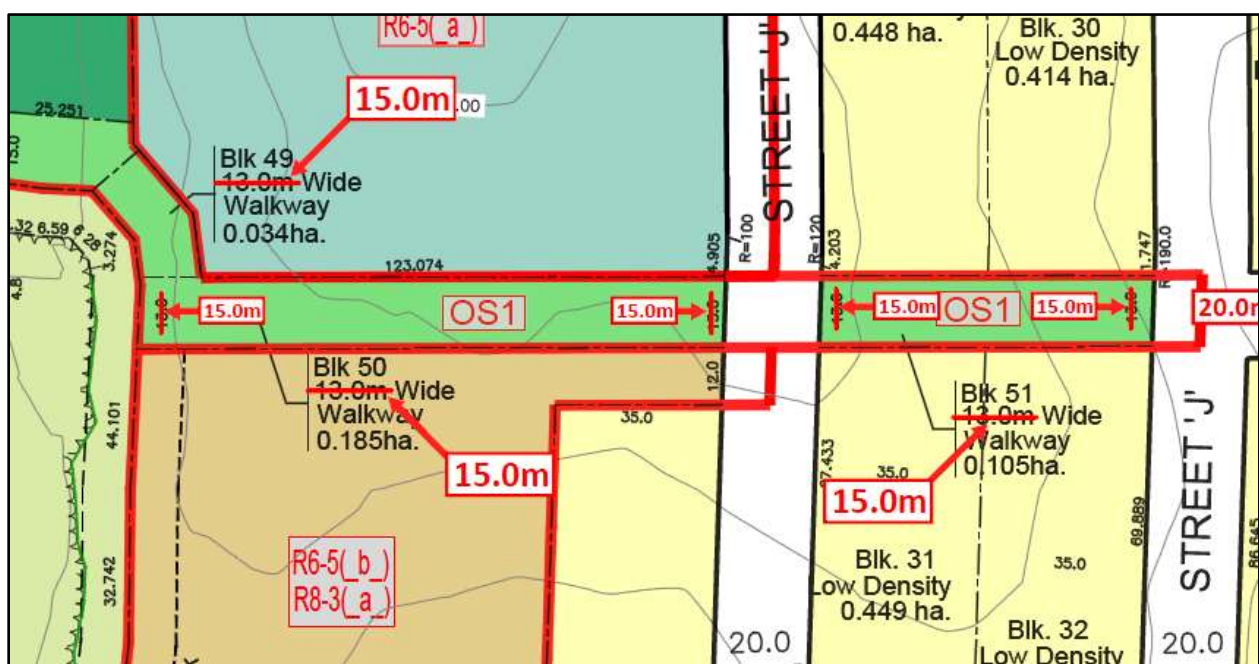


Figure 41 - 15m pathway

4.4 Neighbourhood concerns

Through the circulation process, comments were received from the public, which fall into three broad categories:

- Subdivision Design;
- Impact on Adjacent Development; and,
- Transportation and Servicing.

Subdivision Design

Comments on the subdivision design include the potential size of homes, the concentration of small lots/small homes, and the overall high density compared to adjacent development.

The principles of the SWAP include creating new neighbourhoods that are diverse, provide for a range of land uses, provide a range of housing choices, and provide a model of sustainable growth (20.5.1.4). This range of designations and densities encourage and allow for a higher intensity than normal suburban development, given the subdivision's proximity to the Wonderland corridor.

A comment was also received about a lack of integration of parks and pathways with the rest of London. Part of the SWAP included a Community Structure Plan, which set out the overall structural elements that are the building blocks of the SWAP. This includes green linkages (20.5.2., Schedule 1). Schedule 2 of the SWAP is a multi-use pathway and parks system, which delineates new connections that will connect into existing infrastructure and pathways. This subdivision has included extensive pathway connections which will help to connect these new neighbourhoods to the rest of London.

Impact on Adjacent Development

Concerns were raised from the adjacent place of worship use (Forest City Community Church) located to the south of the subject lands at Bostwick Road (3725 Bostwick Road). The density of the proposed subdivision adjacent to their property is a concern of the Church. The place of worship contains a performing arts centre that can involve traffic and activity at both early morning and late evening hours. Musical production, coupled with traffic management and large crowds will mean that the increased number of residents in medium density housing may be disturbed by the Church's activities. The Church would like to see the elimination of medium density housing in the immediately adjacent blocks (Block 35 and 37) to limit the amount of people impacted by the Church's operations.

Medium density housing, such as low rise apartments, can more easily mitigate noise considerations through building design and site design, by incorporating setbacks, parking, and fencing and construction materials to help alleviate any possible impacts through site plan approvals utilizing various building material and techniques. There is no site plan required for single detached homes, so although there may be less people, there is likely less opportunity to implement mitigation measures into the development of this site.

With respect to noise and possible impacts on future residents, a condition has been added to the draft approval, requiring a warning clause to be registered on title within the Subdivision Agreement and within the offers of purchase and sale for Blocks 31, 32, 34, 35, 36, 37, and 40 to inform prospective purchasers of ongoing operations related to the Forest City Community Church:

"Warning: Purchasers, residents, and tenants are advised that these Units are in close proximity to the Forest City Community Church, located at 3725 Bostwick Road. This church and its facilities may generate sound levels from time to time which are audible and may interfere with some activities of the dwelling occupants."

Residents also raised compatibility issues, property value implications, lower densities, the contribution of the development to the neighbourhood, and the overall expectation of lower densities and heights.

Land Use Planning principles consider use, intensity and form in determining the suitability of proposed uses in accordance with the Provincial Policy Statement, Official Plans, Zoning By-laws and Community Area Plans. The proposed use, form and intensity were all considered and contemplated as part of the analysis for the subdivision. The matter of property values is not included as part of an evaluation undertaken by land use planners.

Transportation and Servicing

Concerns were raised for the high traffic volume in the area and the effect this development will have on the existing carrying capacity of the arterial roads, as well as a lack of infrastructure (street lights, traffic lights, sidewalks). Colonel Talbot Road (300m south of Southdale Road to James Street) is identified in the City's Development Charges Background Study and is scheduled for a two lane arterial upgrade, including sidewalks and street lights, for 2023. Bostwick Road from Pack Road to Wharnccliffe Road is scheduled for a realignment and two lane arterial upgrade, including sidewalks and street lights, for 2026. The need for traffic lights are assessed based on traffic counts. The need for traffic lights will be assessed as part of the road upgrades.

Road noise was raised as a neighbourhood concern. The London Plan and the (1989) Official Plan discourage rear lotting development on arterial roads, and encourage street oriented development, to help better protect amenity areas from road noise. As part of any road upgrades, the City will assess the impact of the upgrade on adjacent rear yards, and noise mitigation may be required.

Issues were also raised about potential stormwater management and flooding concerns in the area. The existing development on the west side of Colonel Talbot Road is tributary to the Southwinds SWM Facility. The development area east of Colonel Talbot Road and including this subdivision was previously planned for stormwater servicing via two regional stormwater management facilities (North Lambeth P7 and P8) has been identified in the Dingman Creek Environmental Assessment (EA) Master Plan as part of the Stage 1 Lands. The City will be initiating a Schedule B Environmental Assessment in 2019 to identify a stormwater servicing solution for development lands formerly planned to be serviced by North Lambeth SWMF P7 & P8. This EA will include a complete corridor approach and evaluate the Colonel Talbot Road crossing and downstream channel conditions.

More information on public comments is available in Appendix "F" of this report.

5.0 Conclusion

The proposed amendments are consistent with the Provincial Policy Statement, 2014 which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs and provide for a range of housing types and densities to meet projected requirements of current and future residents. The proposed changes to The London Plan, Southwest Area Secondary Plan, (1989) Official Plan and Zoning By-law No. Z.-1 will implement the recommended redlined draft plan supports, which will ultimately support a broad range of low and medium density residential development opportunities within the site, including more intensive, mid-rise apartments along the Bostwick Road corridor, limited convenience commercial uses at locations along the Bostwick and Colonel Talbot frontages, and a mixed-use, community oriented development node at the intersection of the proposed secondary collector roads (neighbourhood activity node). The red lined Draft Plan has been designed to support these uses and to achieve an aesthetically-pleasing, mixed-use development that is pedestrian friendly, transit supportive and accessible to the surrounding community.

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

NP/np

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

\\CLFILE1\users-x\pdda\Shared\ADMIN\1- PEC Reports\2019 PEC Reports\14- September 23\Draft 3700 Colonel Talbot Road and 3645 Bostwick Road 39T-17503OZ-8838 NP.docx

Appendix “A” - 1989 Official Plan Amendments

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 3700
Colonel Talbot Road and 3645 Bostwick
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(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on October 1, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 1, 2019
Second Reading – October 1, 2019
Third Reading – October 1, 2019

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To change the designation of certain lands described herein by refining and reconfiguring the extent of the designations from “Low Density Residential”, and “Multi-Family, Medium Density Residential” to “Low Density Residential”, “Multi-Family, Medium Density Residential” and “Open Space” on Schedule “A”, Land Use, to the Official Plan for the City of London.
2. To change the designation from “Unevaluated Vegetation Patch” to “Significant Woodlands” and “Locally Significant Wetlands” on Schedule “B1”, Natural Heritage Features, to the Official Plan for the City of London.
3. To change the east-west “Proposed Secondary” to align with Street A, and to change the north-south “Proposed Secondary” to align with Street on Schedule “C”, Transportation Corridors, of the Official Plan for the City of London.
4. To amend Section 20.5. Southwest Area Secondary Plan by amending the following:
 - i) Realigning the Planned Route and adding a Neighbourhood Park on Schedule 2 to Southwest Area Secondary Plan - Multi-Use Pathways and Parks,
 - ii) Refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, by changing the designation from “Low Density Residential”, “Medium Density Residential”, and “Open Space” to “Low Density Residential”, “Medium Density Residential”, and “Open Space”, realigning the location of the Neighbourhood Central Activity Node, and to realign Street A and D (secondary collectors) on Schedule 4 (Southwest Area Land Use Plan),
 - iii) Refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, by changing the designation from “Low Density Residential”, “Medium Density Residential”, and “Open Space” to “Low Density Residential”, “Medium Density Residential”, and “Open Space”, adding a Park, and to realign Street A (secondary collector) on Schedule 8 (Bostwick Residential Neighbourhood Land Use Designations),
 - iv) Refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, by changing the designation from “Low Density Residential”, and “Medium Density Residential” to “Low Density Residential”, “Medium Density Residential”, and “Open Space”, realigning the location of the Neighbourhood Central Activity Node, and to realign Street A and D (secondary collectors) on Schedule 9 (North Lambeth Residential Neighbourhood Land Use Designations).

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road in the City of London.

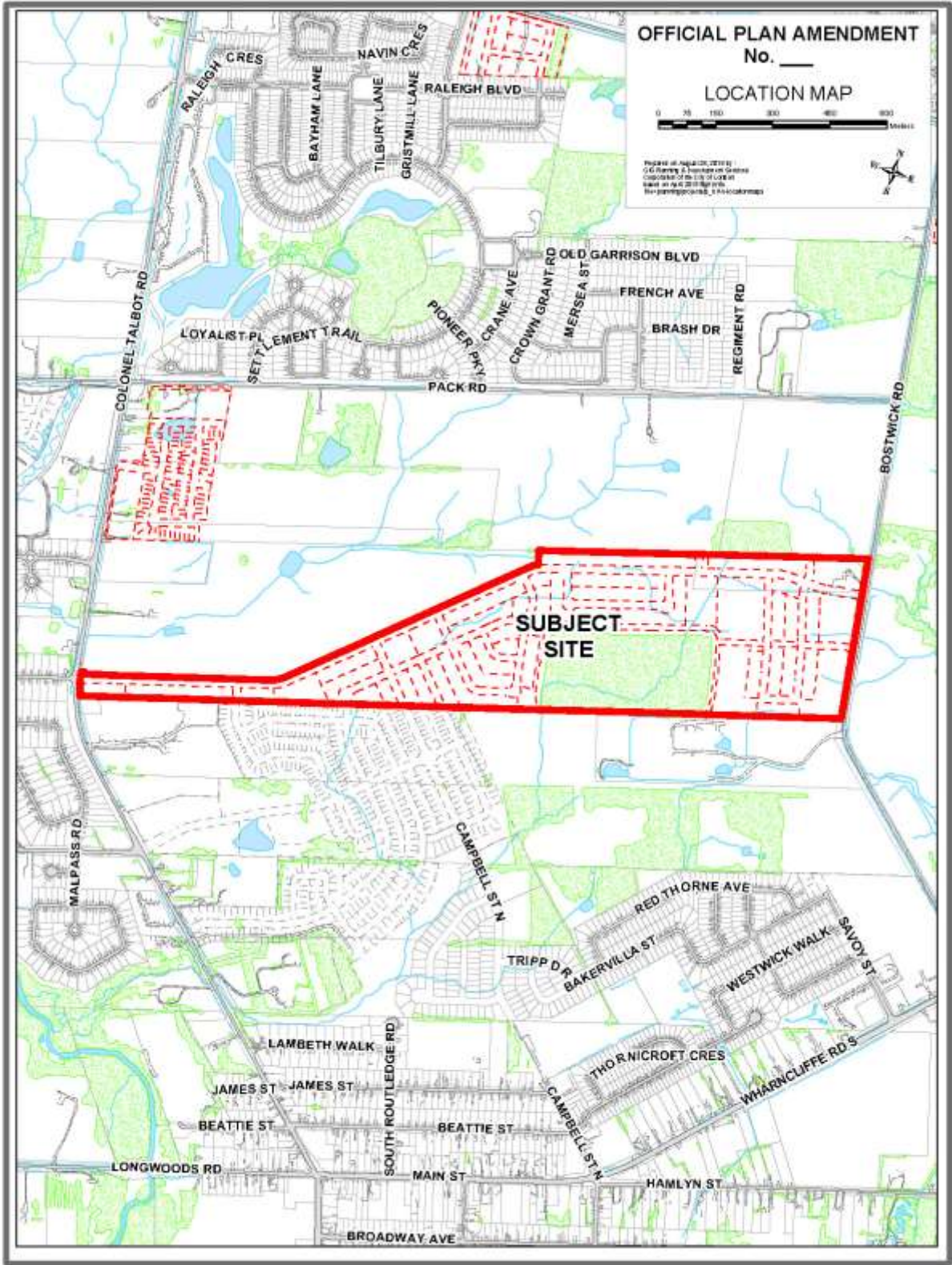
C. BASIS OF THE AMENDMENT

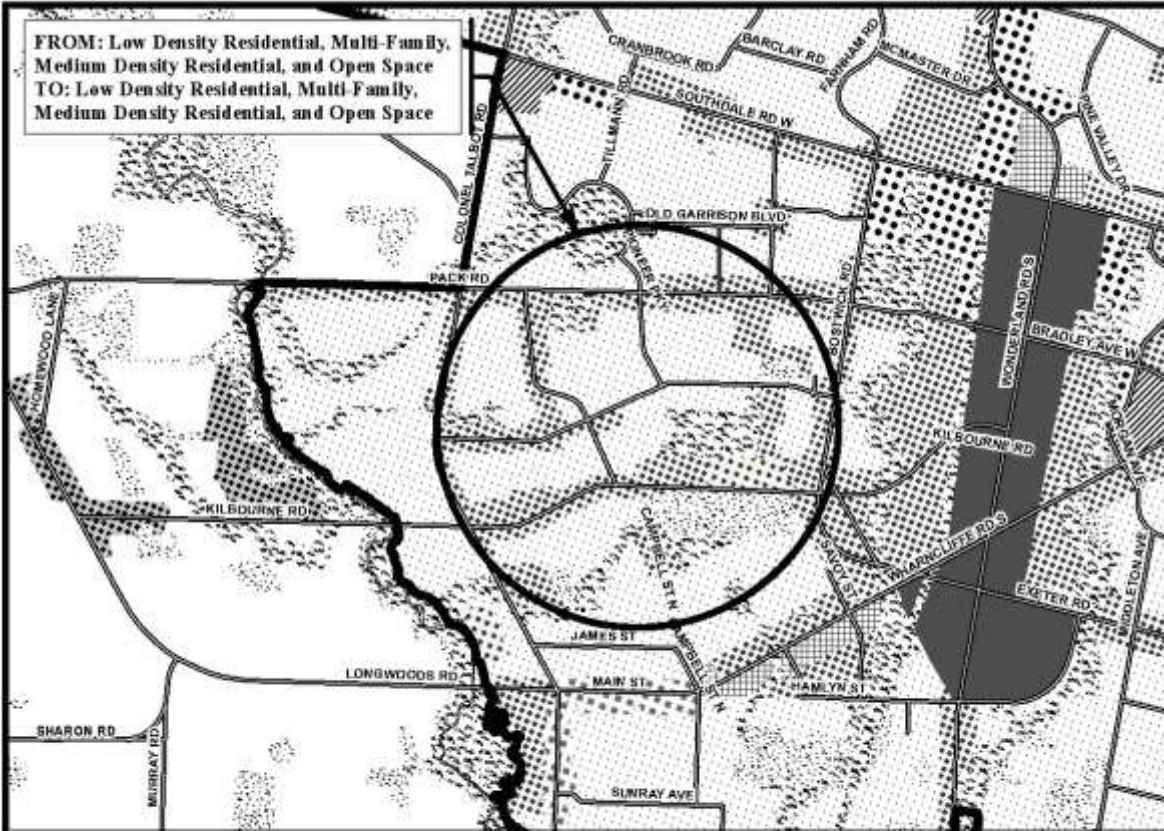
This amendment will correct land uses and facilitate the protection of a natural heritage feature, as well as facilitate additional residential development.

D. THE AMENDMENT

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

1. Schedule "A", Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road in the City of London, as indicated on "Schedule 1" attached hereto, by refining and reconfiguring the designations from "Low Density Residential", and "Multi-Family, Medium Density Residential" to "Low Density Residential", "Multi-Family, Medium Density Residential" and "Open Space".
2. Schedule "B1", Natural Heritage Features to the Official Plan for the City of London Planning Area is amended by designating those lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road in the City of London, as indicated on "Schedule 2" attached hereto by changing the designation from "Unevaluated Vegetation Patch" to "Significant Woodlands" and "Locally Significant Wetlands.
3. Schedule "C", Transportation Corridors to the Official Plan for the City of London Planning Area is amended by designating those lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road in the City of London, as indicated on "Schedule 3" attached hereto by changing the east-west "Proposed Secondary" to align with Street A, and to change the north-south "Proposed Secondary" to align with Street D.
4. Section 20.5. Southwest Area Secondary Plan to the Official Plan for the City of London Planning Area is amended by designating those lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road in the City of London by changing the following:
 - i) Schedule 2 to Southwest Area Secondary Plan (Multi-Use Pathways and Parks) - Realigning the Planned Route and adding a Neighbourhood Park;
 - ii) Schedule 4 to Southwest Area Secondary Plan (Southwest Area Land Use Plan) - Refining and reconfiguring the extent of the designations, from "Low Density Residential", "Medium Density Residential", and "Open Space" to "Low Density Residential", "Medium Density Residential", and "Open Space;
 - iii) Schedule 8 to Southwest Area Secondary Plan (Bostwick Residential Neighbourhood Land Use Designations) - Refining and reconfiguring the extent of the designations, from "Low Density Residential", "Medium Density Residential", and "Open Space" to "Low Density Residential", "Medium Density Residential", and "Open Space", adding a Park, and to realign Street A (secondary collector), and,
 - iv) Schedule 9 to Southwest Area Secondary Plan (North Lambeth Residential Neighbourhood Land Use Designations) - Refining and reconfiguring the extent of the designations, from "Low Density Residential", and "Medium Density Residential" to "Low Density Residential", "Medium Density Residential", and "Open Space", realigning the location of the Neighbourhood Central Activity Node, and to realign Street A and D (secondary collectors).





FROM: Low Density Residential, Multi-Family, Medium Density Residential, and Open Space
 TO: Low Density Residential, Multi-Family, Medium Density Residential, and Open Space

Legend

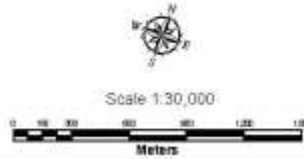
- | | | |
|---|--|-------------------------|
| Downtown | Multi-Family, Medium Density Residential | Office Business Park |
| Wonderland Road Community Enterprise Corridor | Low Density Residential | General Industrial |
| Enclosed Regional Commercial Node | Office Area | Light Industrial |
| New Format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

This is an excerpt from the Planning Division's working consolidation of Schedule A to the City of London Official Plan, with added notations.

**SCHEDULE 1
 TO
 OFFICIAL PLAN**

AMENDMENT NO. _____

PREPARED BY: Graphics and Information Services

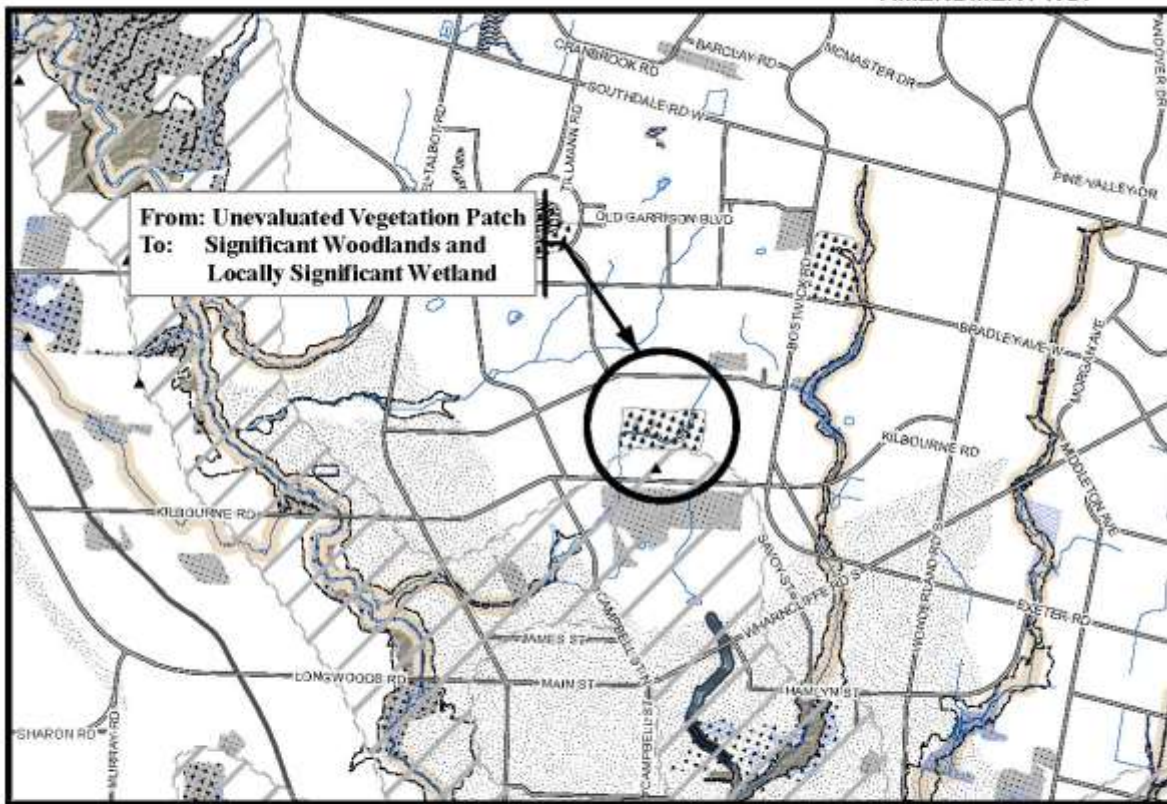


FILE NUMBER: OZ-8838 & 39T-17503

PLANNER: NP

TECHNICIAN: RC

DATE: 2019/09/03



NATURAL HERITAGE SYSTEM

- ESAs
- Potential ESAs
- Significant Woodlands
- Woodlands
- Unevaluated Vegetation Patches
- Significant River, Stream, and Ravine Corridors
- Unevaluated Stream and Ravine Corridors
- Provincially Significant Wetlands
- Locally Significant Wetlands
- Unevaluated Wetlands
- Potential Naturalization Areas
- Potential Upland Corridors
- Ground Water Recharge Areas

NATURAL HAZARDS

- Maximum Hazard Line
- NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.*
NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.

Base Map Features

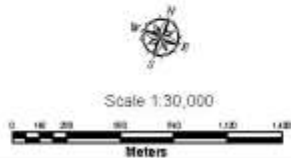
- Railways
- Water Courses/Ponds
- Streets (refer to Schedule "C")
- Conservation Authority Boundary
- Subwatershed Boundary
- Big Picture Meta-Cores and Meta-Corridors

This is an excerpt from the Planning Division's working consolidation of Schedule B1 to the City of London Official Plan, with added notations.

**SCHEDULE 2
TO
OFFICIAL PLAN**

AMENDMENT NO. _____

PREPARED BY: Graphics and Information Services



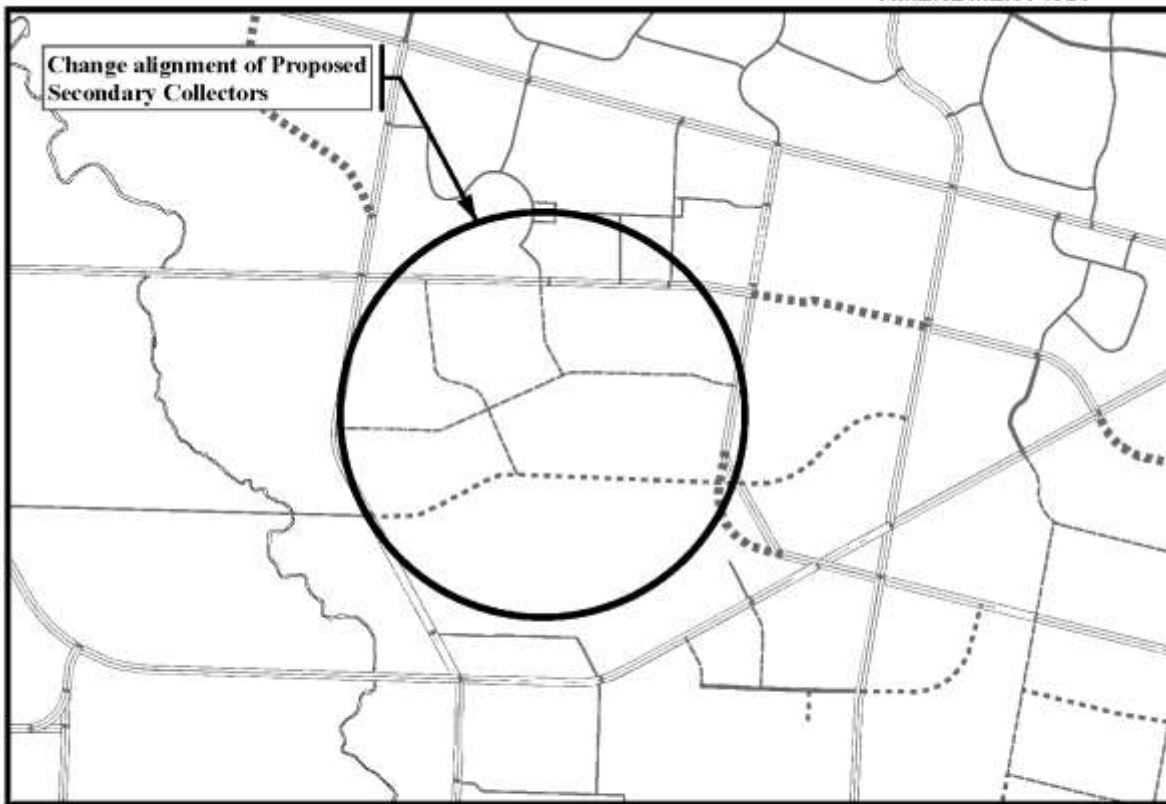
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PLANNER: NP

TECHNICIAN: RC

DATE: 2010/09/03

AMENDMENT NO:









Legend

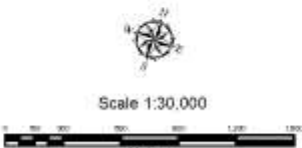
ROAD CLASSIFICATION

-  Secondary Collector
-  Primary Collector
-  Arterial
-  Freeway
-  Expressway

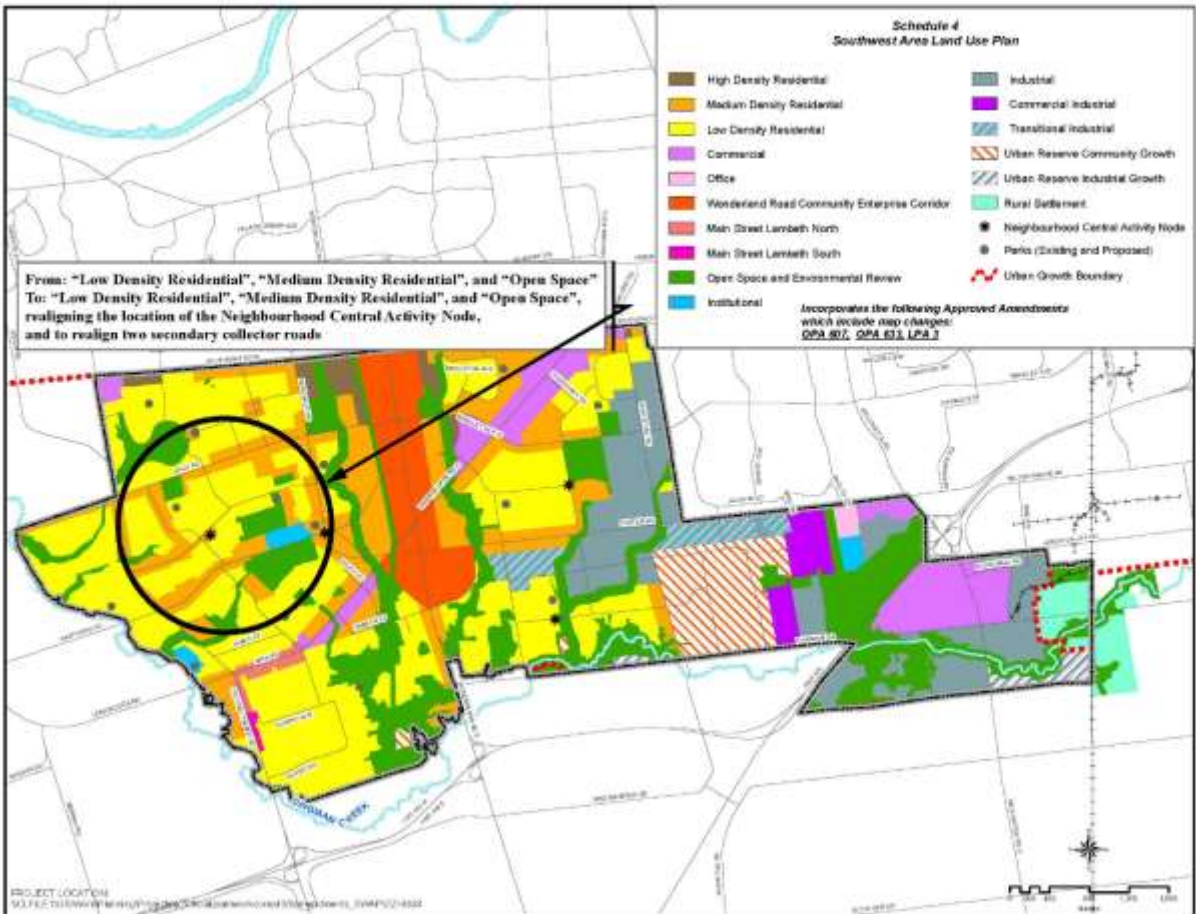
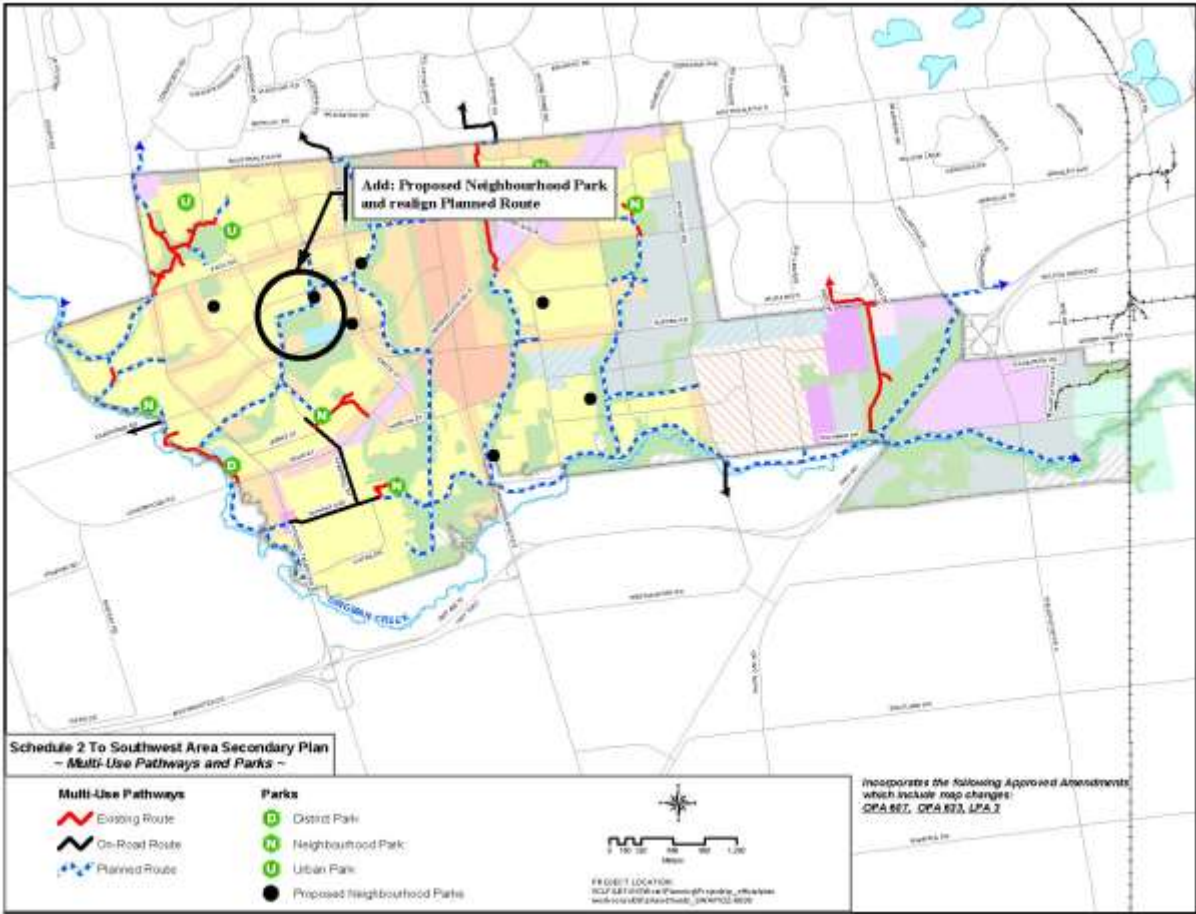
PROPOSED ROAD CORRIDOR

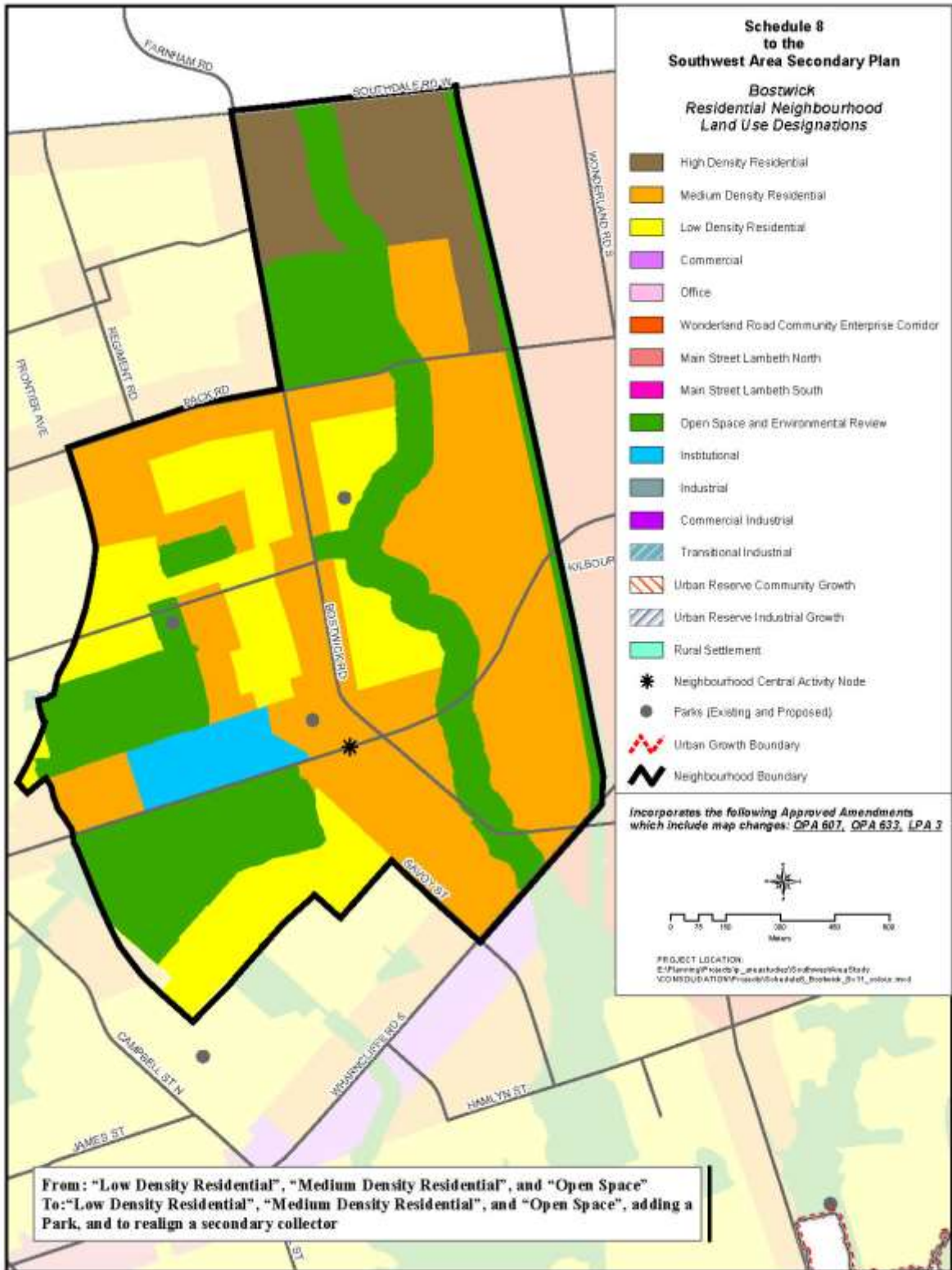
-  Proposed Secondary Collector
-  Proposed Primary Collector
-  Proposed Arterial
-  Proposed Freeway
-  Proposed Expressway
-  Proposed Interchange

THIS IS AN EXCERPT FROM THE PLANNING DIVISION'S WORKING CONSOLIDATION OF SCHEDULE C TO THE CITY OF LONDON OFFICIAL PLAN, WITH ADDED NOTATIONS

<p>SCHEDULE 3 TO OFFICIAL PLAN</p> <p>AMENDMENT NO. _____</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	 <p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8638 & 39T-17503</p> <p>PLANNER: NP</p> <p>TECHNICIAN: RC</p> <p>DATE: 2019/09/03</p>
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PROJECT LOCATION: e:\planning\projects\p_officialplan\workconsolid00\amendments\?????\mxd\scheduleC_b&w_8r11_with_SWAP.mxd





Appendix “B” – London Plan Amendment

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

By-law No. C.P.-1512()____

A by-law to amend The London Plan for the City of London, 2016 relating to 3700 Colonel Talbot Road and 3645 Bostwick 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(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on October 1, 2019

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 1, 2019
Second Reading – October 1, 2019
Third Reading – October 1, 2019

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

A. PURPOSE OF THIS AMENDMENT

1. To change the Place Types from Neighbourhoods and Environmental Review to Green Space, and to change the alignment of the Neighbourhood Connectors on Map 1 - Place Types.
2. To change the east-west Neighbourhood Connector to align with Street A, and to change the north-south Neighbourhood Connector to align with Street D on Map 3 - Street Classifications.
3. To change the designation from Unevaluated Vegetation Patch to Significant Woodlands and Wetlands on Map 5 - Natural Heritage.
4. To change Policy 1565_ List of Secondary Plans, 5. Southwest Area Secondary Plan, Section 20.5 (Southwest Area Secondary Plan), by amending the following:
 - i) Realigning the Planned Route and adding a Neighbourhood Park on Schedule 2 to Southwest Area Secondary Plan - Multi-Use Pathways and Parks,
 - ii) Refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, by changing the designation from “Low Density Residential”, “Medium Density Residential”, and “Open Space” to “Low Density Residential”, “Medium Density Residential”, and “Open Space”, realigning the location of the Neighbourhood Central Activity Node, and to realign Street A and D (secondary collectors) on Schedule 4 (Southwest Area Land Use Plan),
 - iii) Refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, by changing the designation from “Low Density Residential”, “Medium Density Residential”, and “Open Space” to “Low Density Residential”, “Medium Density Residential”, and “Open Space”, adding a Park, and to realign Street A (secondary collector) on Schedule 8 (Bostwick Residential Neighbourhood Land Use Designations),
 - iv) Refining and reconfiguring the extent of the Low Density, Medium Density, and Open Space designations, by changing the designation from “Low Density Residential”, and “Medium Density Residential” to “Low Density Residential”, “Medium Density Residential”, and “Open Space”, realigning the location of the Neighbourhood Central Activity Node, and to realign Street A and D (secondary collectors) on Schedule 9 (North Lambeth Residential Neighbourhood Land Use Designations).

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road in the City of London.

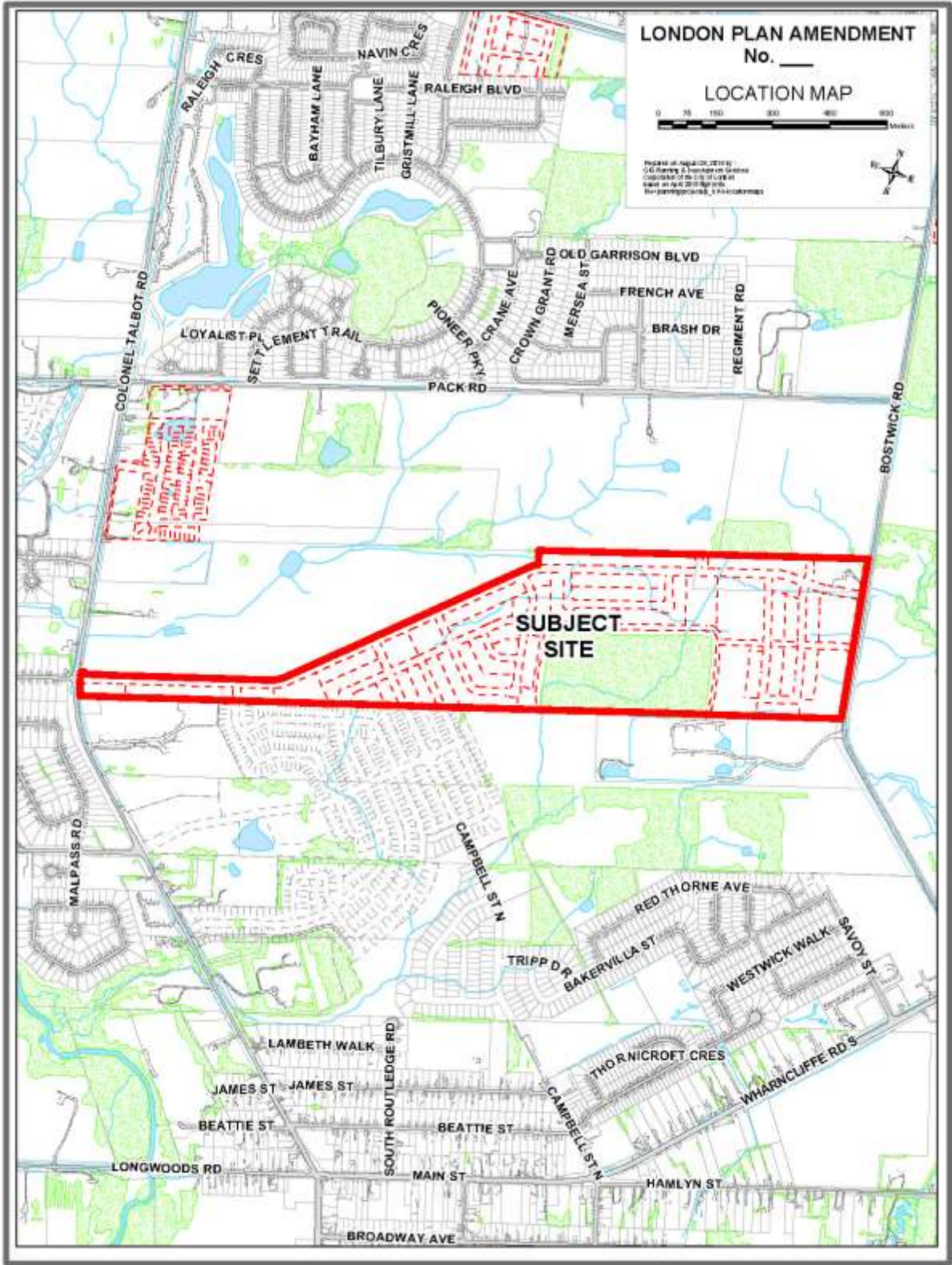
C. BASIS OF THE AMENDMENT

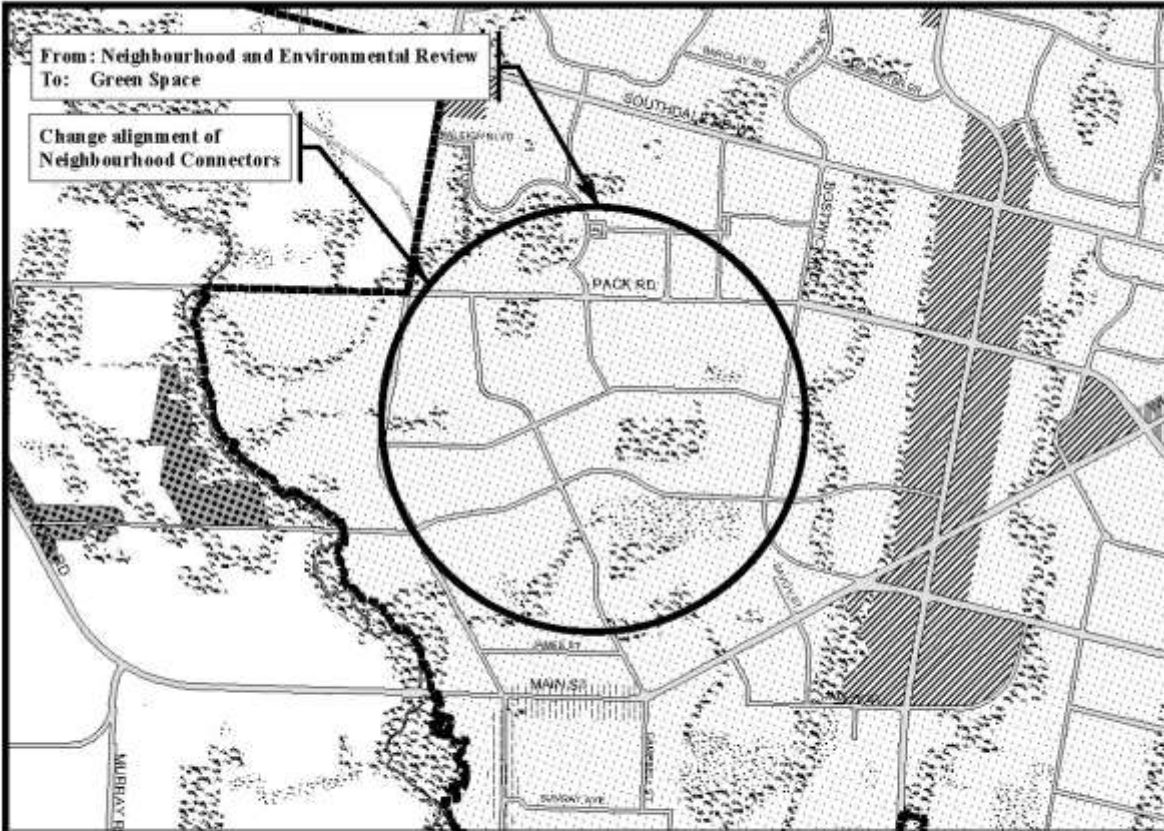
This amendment will correct land uses and facilitate the protection of a natural heritage feature, as well as facilitate additional residential development.

D. THE AMENDMENT

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

1. Map 1 - Place Types, to the London Plan for the City of London Planning Area is amended by designating those lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road in the City of London, as indicated on “Schedule 1” attached hereto from Neighbourhoods and Environmental Review to Green Space, and to change the alignment of the Neighbourhood Connectors.
2. Map 3 - Street Classifications, to the London Plan for the City of London Planning Area is amended by designating those lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road in the City of London, as indicated on “Schedule 2” attached hereto to change the east-west Neighbourhood Connector to align with Street A, and to change the north-south Neighbourhood Connector to align with Street D.
3. Map 5 - Natural Heritage, to the London Plan for the City of London Planning Area is amended by designating those lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road in the City of London, as indicated on “Schedule 3” attached hereto to change the designation from Unevaluated Vegetation Patch to Significant Woodlands and Wetlands.
4. To change Policy 1535_5. Southwest Area Secondary Plan to the London Plan for the City of London Planning Area is amended for those lands located at 3700 Colonel Talbot Road and 3645 Bostwick Road in the City of London, by changing the following:
 - i) Schedule 2 to Southwest Area Secondary Plan (Multi-Use Pathways and Parks) - Realigning the Planned Route and adding a Neighbourhood Park;
 - ii) Schedule 4 to Southwest Area Secondary Plan (Southwest Area Land Use Plan) - Refining and reconfiguring the extent of the designations, from “Low Density Residential”, “Medium Density Residential”, and “Open Space” to “Low Density Residential”, “Medium Density Residential”, and “Open Space”;
 - iii) Schedule 8 to Southwest Area Secondary Plan (Bostwick Residential Neighbourhood Land Use Designations) - Refining and reconfiguring the extent of the designations, from “Low Density Residential”, “Medium Density Residential”, and “Open Space” to “Low Density Residential”, “Medium Density Residential”, and “Open Space”, adding a Park, and to realign Street A (secondary collector), and,
 - iv) Schedule 9 to Southwest Area Secondary Plan (North Lambeth Residential Neighbourhood Land Use Designations) - Refining and reconfiguring the extent of the designations, from “Low Density Residential”, and “Medium Density Residential” to “Low Density Residential”, “Medium Density Residential”, and “Open Space”, realigning the location of the Neighbourhood Central Activity Node, and to realign Street A and D (secondary collectors).



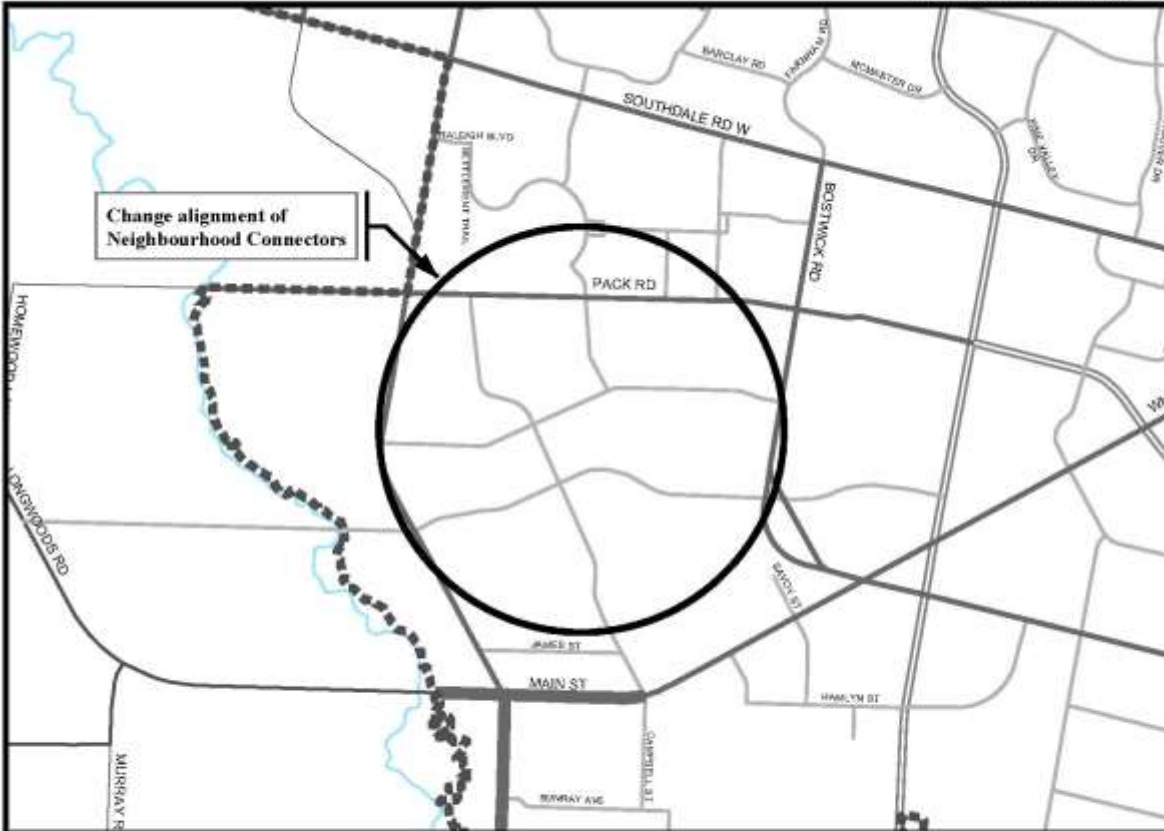


Legend

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

This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations. At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

<p>SCHEDULE 1 TO THE LONDON PLAN</p> <p>AMENDMENT NO. _____</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: OZ-8838 & 3.9T-17503</p> <p>PLANNER: NP</p> <p>TECHNICIAN: RC</p> <p>DATE: 9/3/2019</p>
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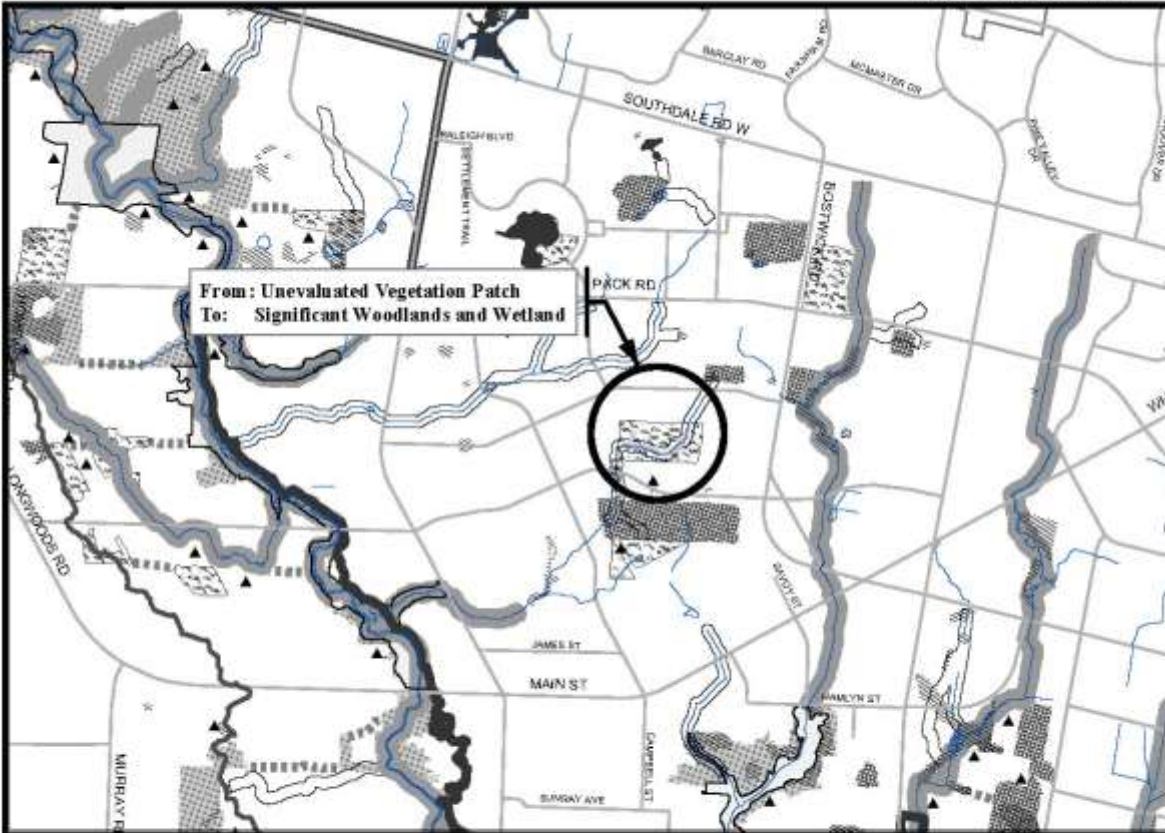


Legend

- | | | | | | |
|--|-------------------------|--|-------------------------|--|------------------------|
| | Provincial Highway | | Main Street | | Interchanges |
| | Expressway | | Neighbourhood Connector | | Rapid Transit Stations |
| | Urban Thoroughfare | | Rural Thoroughfare | | Urban Growth Boundary |
| | Rapid Transit Boulevard | | Rural Connector | | |
| | Civic Boulevard | | | | |

This is an excerpt from the Planning Division's working consolidation of Map 3 - Street Classifications 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 Boulevards and Urban Thoroughfares to recognize potential alignments. These Street Classifications will be modified to align with the results of the EA process for the final version of The London Plan.

<p align="center">SCHEDULE 2 TO THE LONDON PLAN</p> <p>AMENDMENT NO. _____</p> <p>PREPARED BY: Planning Services</p>	<p align="center"> Scale 1:30,000 </p>	<p>FILE NUMBER: OZ-8838 & 39T-17503</p> <p>PLANNER: NP</p> <p>TECHNICIAN: RC</p> <p>DATE: 9/3/2019</p>
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NATURAL HERITAGE SYSTEM

- | | |
|-----------------------------------|--|
| Provincially Significant Wetlands | Areas of Natural and Scientific Interest |
| Wetlands | Environmentally Significant Areas (ESA) |
| Unevaluated Wetlands | Potential ESAs |
| Significant Woodlands | Upland Corridors |
| Woodlands | Potential Naturalization Areas |
| Significant Valley Lands | Unevaluated Vegetation Patches |
| Valley Lands | |

Base Map Features

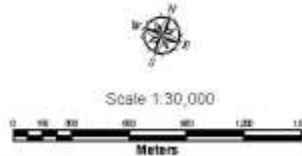
- | |
|---------------------------------|
| Railways |
| Water Courses/Ponds |
| Streets (see Map 3) |
| Conservation Authority Boundary |
| Subwatershed Boundary |

This is an excerpt from the Planning Division's working consolidation of Map 5 - Natural Heritage of the London Plan, with added notations.

**SCHEDULE 3
TO
THE LONDON PLAN**

AMENDMENT NO. _____

PREPARED BY: Planning Services

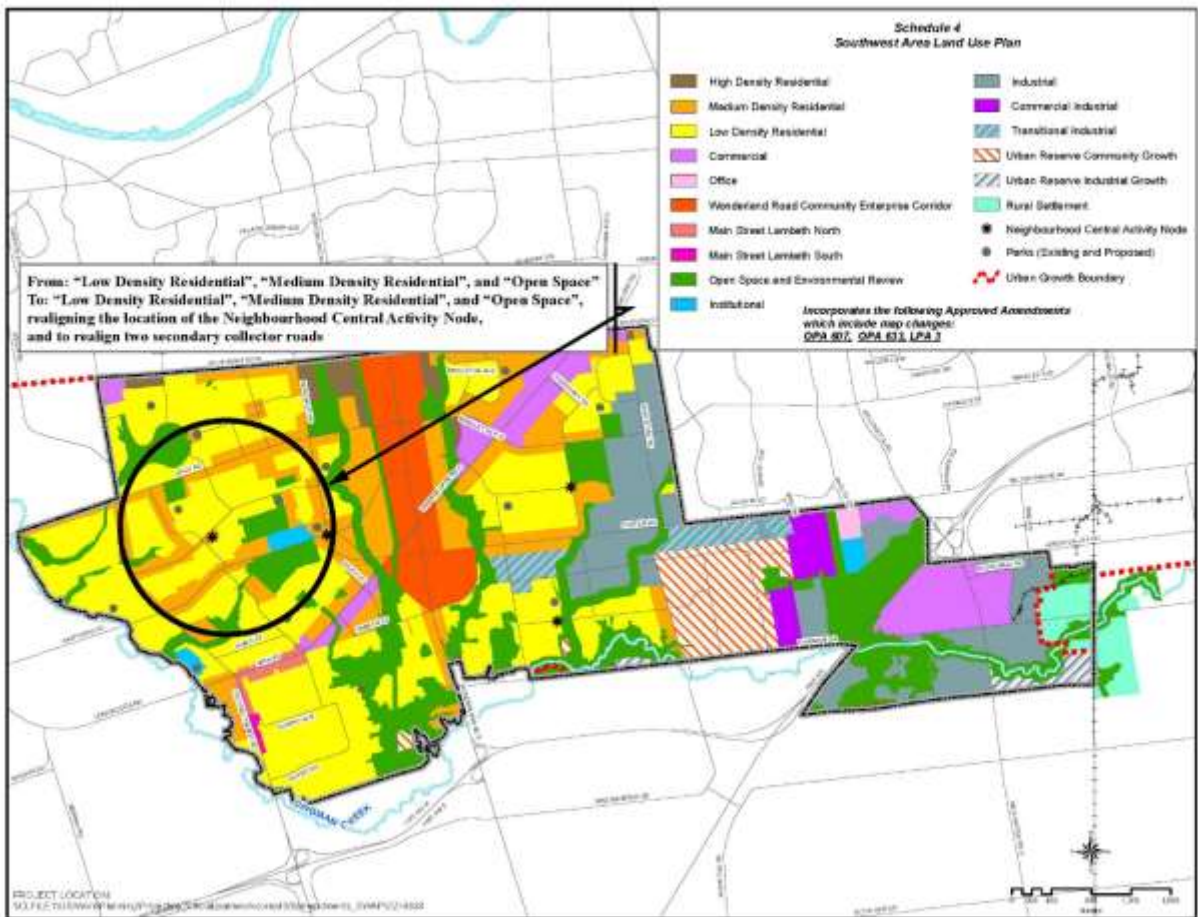
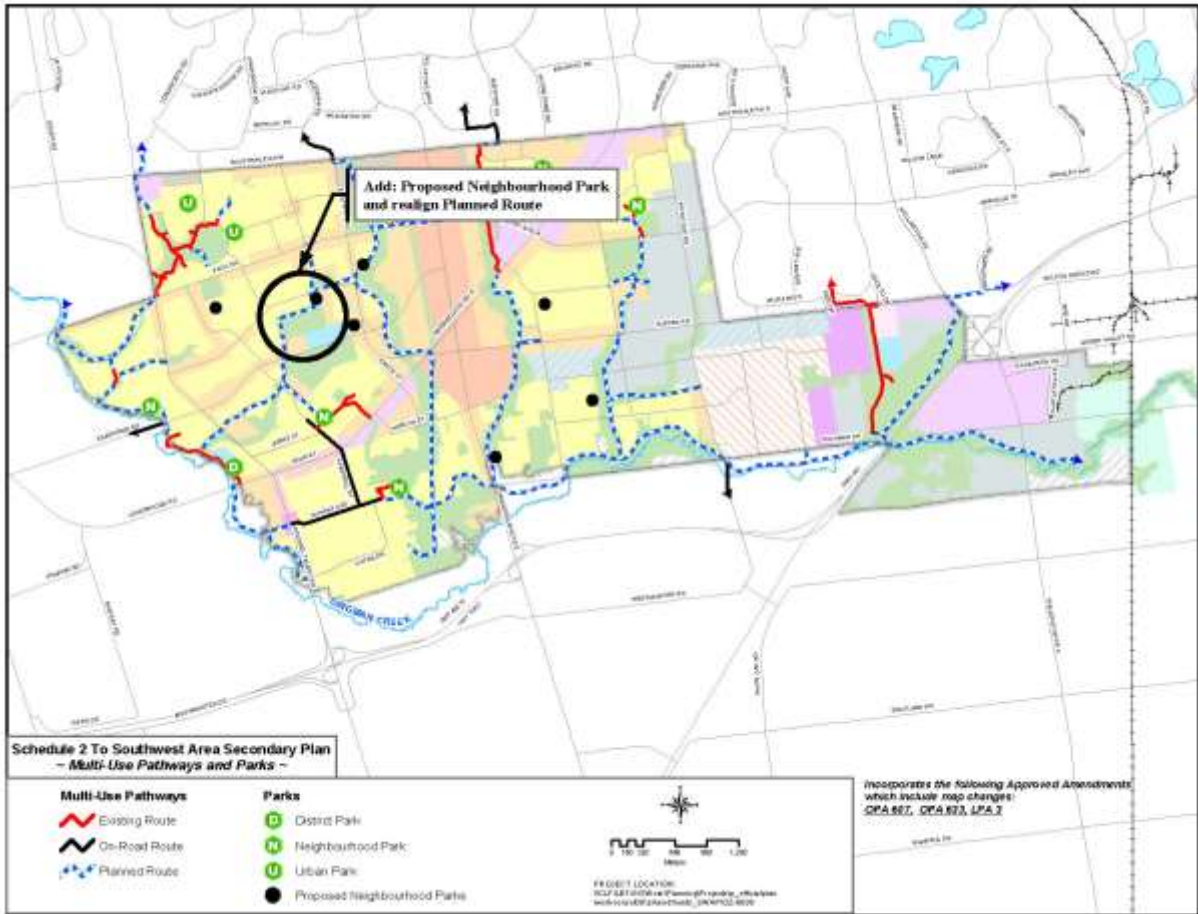


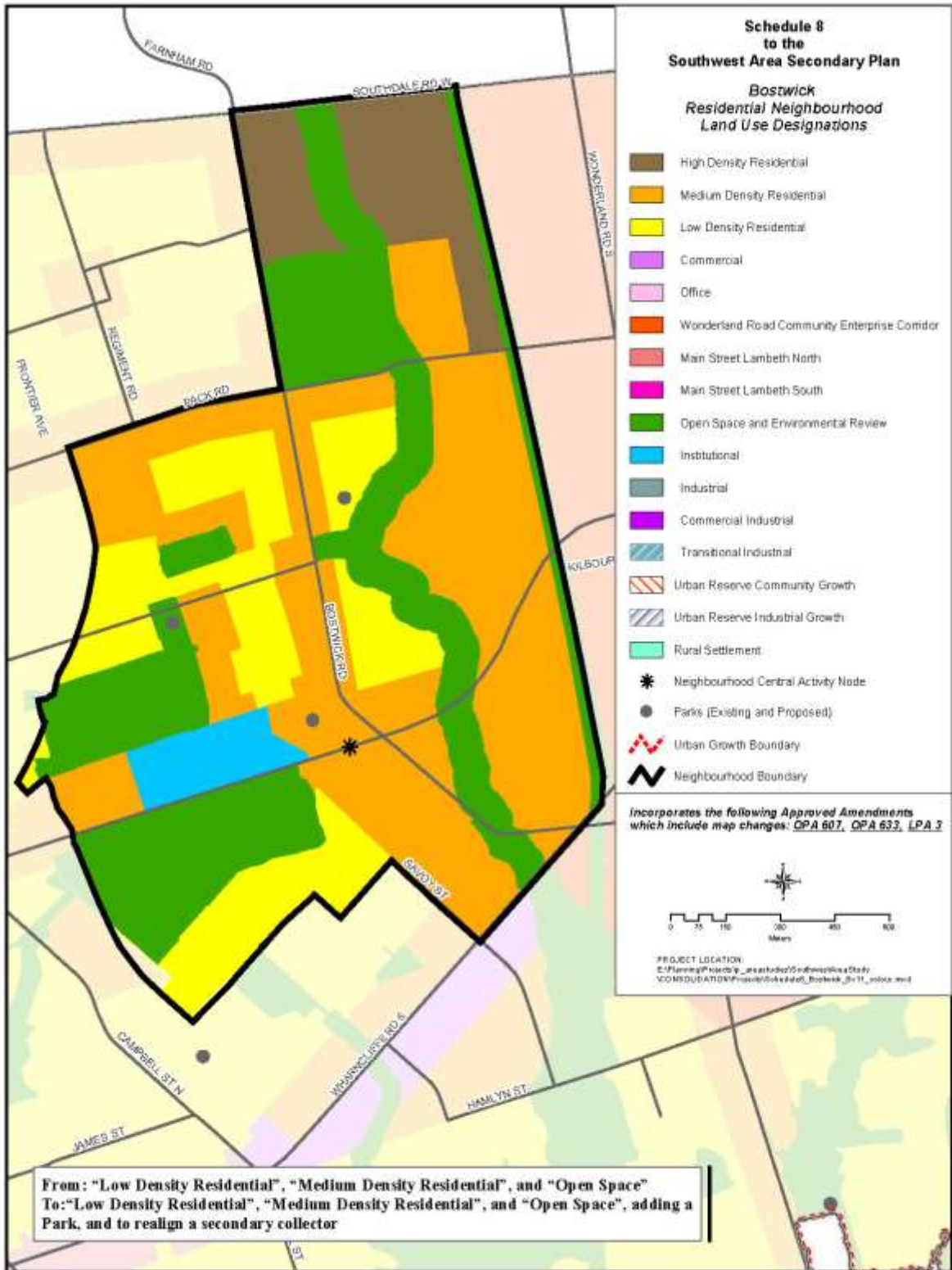
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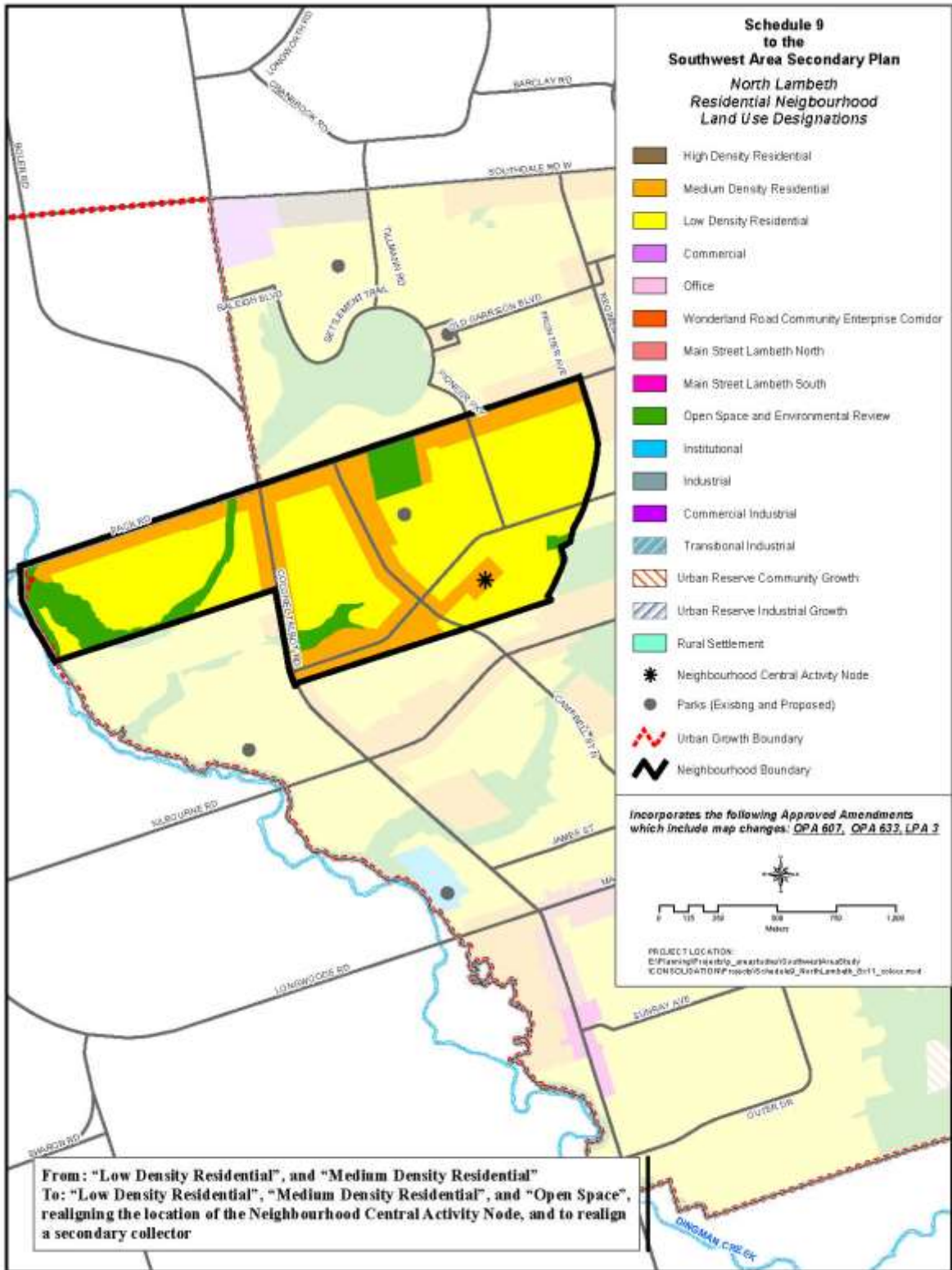
PLANNER: NP

TECHNICIAN: RC

DATE: 9/9/2019







Appendix “C” – Zoning By-law Amendment

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 3700 Colonel Talbot Road and 3645
Bostwick Road .

WHEREAS W-3 Lambeth Farms Development Inc. have applied to rezone an area of land located at 3700 Colonel Talbot Road and 3645 Bostwick 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;

NOW 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 3700 Colonel Talbot Road and 3645 Bostwick Road, as shown on the attached map comprising part of Key Map No. A110, from an Urban Reserve (UR4) Zone and an Environmental Review (ER) Zone to a Holding Residential R1 Special Provision (h*h-100*R1-3(*)) Zone, a Holding Residential R1 Special Provision (h*h-82*h-100*R1-3(*)) Zone, a Holding Residential R1 Special Provision (h*h-100*R1-4(*)) Zone, a Holding Residential R2 Special Provision (h*h-100*R2-1(*)) Zone, a Holding Residential R2 Special Provision (h*h-100*R2-3(*)) Zone, a Holding Residential R2 Special Provision/Residential R4 Special Provision (h*h-100*R2-1(*)/R4-6(*)) Zone, a Holding Residential R2 Special Provision/Residential R4 Special Provision/ Residential R6 Special Provision/Neighbourhood Facility (h*h-100*R2-1(*)/R4-6(*)/R6-5(****)/NF1) Zone, a Holding Residential R6 Special Provision/ Residential R8 Special Provision (h*h-100*R6-5(*)/R8-4(**)) Zone, a Holding Residential R6 Special Provision/Residential R8 Special Provision (h*h-100*R6-5(**)/R8-3(*)) Zone, a Holding Residential R6 Special Provision/Residential R8 Special Provision/Residential R9 (h*h-100*R6-5(****)/R8-4(****)/R9-3(**)) Zone, a Holding Residential R6 Special Provision/Residential R8 Special Provision/Residential R9 (h*h-100*R6-5(**)/R8-4(****)/R9-3(**)) Zone, a Holding Residential R8 Special Provision/Convenience Commercial Special Provision (h*h-100*R8-4(*)/CC6(*)) Zone, a Holding Residential R8 Special Provision/Convenience Commercial Special Provision/Neighbourhood Facility Special Provision (h*h-100*R8-4(****)/CC6(**)/NF1(*) Zone, a Holding Residential R9 Special Provision/Convenience Commercial Special Provision (h*h-100*R9-3(*)/CC6(****)) Zone, an Open Space (OS1) Zone, an Open Space (OS5) Zone, an Environmental Review (ER) Zone, and an Urban Reserve (UR4) Zone.

2. Section Number 5.4 of the Residential R1 (R1) Zone is amended by adding the following Special Provision:

R1-3(*)	3700 Colonel Talbot Road and 3645 Bostwick Road
a)	Regulations:
i)	Front Yard Setback, Main Dwelling (Minimum): 3 metres (9.8 feet) (Maximum): 4.5 metres (14.8 feet)
ii)	Front Yard Setback, Garages (Minimum): 6 metres (19.7 feet)

- iii) Interior Side Yard
(Minimum): 1.2 metres (3.9 feet)
- iv) Lot Coverage
(Maximum): 45%
- v) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

3. Section Number 5.4 of the Residential R1 (R1) Zone is amended by adding the following Special Provision:

R1-4(*) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

- i) Front Yard Setback, Main Dwelling
(Minimum): 3 metres (9.8 feet)
(Maximum): 4.5 metres (14.8 feet)
- ii) Front Yard Setback, Garages
(Minimum): 6 metres (19.7 feet)
- iii) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

4. Section Number 6.4 of the Residential R2 (R2) Zone is amended by adding the following Special Provision:

R2-1(*) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

- i) Front Yard Setback, Dwelling
(Minimum): 3 metres (9.8 feet)
(Maximum): 4.5 metres (14.8 feet)
- ii) Front Yard Setback, Garages
(Minimum): 6 metres (19.7 feet)
- iii) Interior Side Yard
(Minimum): 1.2 metres (3.9 feet)
- iv) Lot Coverage
(Maximum): 45%
- v) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

5. Section Number 6.4 of the Residential R2 (R2) Zone is amended by adding the following Special Provision:

R2-3(*) 3700 Colonel Talbot Road and 3645 Bostwick Road

- a) Regulations:
 - i) Front Yard Setback, Dwelling
(Minimum): 3 metres (9.8 feet)
(Maximum): 4.5 metres (14.8 feet)
 - ii) Front Yard Setback, Garages
(Minimum): 6 metres (19.7 feet)
 - iii) Interior Side Yard
(Minimum): 1.2 metres (3.9 feet)
 - iv) Lot Coverage
(Maximum): 45%
 - v) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

6. Section Number 8.4 of the Residential R4 (R4) Zone is amended by adding the following Special Provision:

R4-6(*) 3700 Colonel Talbot Road and 3645 Bostwick Road

- a) Regulations:
 - i) Lot Frontage
(Minimum): 7.0 metres (23.0 feet)
 - ii) Front Yard Setback, Dwelling(s)
(Minimum): 3 metres (9.8 feet)
(Maximum): 4.5 metres (14.8 feet)
 - iii) Front Yard Depth, Garages
(Minimum): 6 metres (19.7 feet)
 - iv) Interior Side Yard
(Minimum): 1.2 metres (3.9 feet)
 - v) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.
 - vi) Driveway widths are limited to 3.5m (11.5 feet) per lot.

7. Section Number 10.4 of the Residential R6 (R6) Zone is amended by adding the following Special Provision:

R6-5(*) 3700 Colonel Talbot Road and 3645 Bostwick Road

- a) Regulations:
 - i) Front Yard Setback, Dwelling(s)
(Minimum): 3 metres (9.8 feet)
(Maximum): 4.5 metres (14.8 feet)
 - ii) Front Yard Depth, Garages
(Minimum): 6 metres (19.7 feet)

- iii) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.
- iv) Density (Minimum): 30 units per hectare

8. Section Number 10.4 of the Residential R6 (R6) Zone is amended by adding the following Special Provision:

R6-5(**) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

- i) Yard Setback (Adjacent to OS5) (Minimum): 10 metres (32.8 feet) from OS5 Zone
- ii) Density (Minimum): 30 units per hectare
(Maximum): 65 units per hectare
- iii) Provide built form along the OS5 Zone and orient the buildings to the open space by including individual unit doors or a main building entrance facing the open space.
- iv) The 10 metre yard setback from the OS5 Zone will include increased landscaping as per the approved landscape plan through file 39T-17503 (3700 Colonel Talbot Road and 3645 Bostwick Road).
- v) No structures are permitted within the 10m yard setback from the OS5 Zone.

9. Section Number 10.4 of the Residential R6 (R6) Zone is amended by adding the following Special Provision:

R6-5(***) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

- i) Front Yard Setback, Dwelling(s) (Minimum): 3 metres (9.8 feet)
(Maximum): 4.5 metres (14.8 feet)
- ii) Front Yard Depth, Garages (Minimum): 6 metres (19.7 feet)
- iii) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.
- iv) Density (Minimum): 30 units per hectare
- v) Development shall be oriented to Bostwick Road.

10. Section Number 10.4 of the Residential R6 (R6) Zone is amended by adding the following Special Provision:

R6-5(****) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

- i) Front Yard Setback, Dwelling(s)
(Minimum): 3 metres (9.8 feet)
(Maximum): 4.5 metres (14.8 feet)
- ii) Front Yard Depth, Garages
(Minimum): 6 metres (19.7 feet)
- iii) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.
- iv) Density
(Minimum): 30 units per hectare
(Maximum): 75 units per hectare
- v) Provide built form along the OS1 Zone and orient the buildings to the open space by including individual unit doors or a main building entrance facing the open space.

11. Section Number 12.4 of the Residential R8 (R8) Zone is amended by adding the following Special Provision:

R8-3(*) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

- i) Yard Setback (Adjacent to OS5)
(Minimum): 10 metres (32.8 feet) from OS5 Zone
- ii) Density
(Minimum): 30 units per hectare
(Maximum): 65 units per hectare
- iii) Provide built form along the OS5 Zone and orient the buildings to the open space by including individual unit doors or a main building entrance facing the open space.
- iv) The 10 metre yard setback from the OS5 Zone will include increased landscaping as per the approved landscape plan through file 39T-17503 (3700 Colonel Talbot Road and 3645 Bostwick Road).
- v) No structures are permitted within the 10m yard setback from the OS5 Zone.

12. Section Number 12.4 of the Residential R8 (R8) Zone is amended by adding the following Special Provision:

R8-4(*) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

- i) Front Yard and Exterior Side Yard Depth (m)
(Minimum): 1.0 metres (3.3 feet)
(Maximum): 4.0 metres (13.1 feet)
- ii) Density
(Minimum): 30 units per hectare
(Maximum): 75 units per hectare

- iii) Building Orientation – The principle entrance shall be oriented to Colonel Talbot Road or at the corner of Colonel Talbot Road and future Street A.

13. Section Number 12.4 of the Residential R8 (R8) Zone is amended by adding the following Special Provision:

R8-4(**) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

- i) Front Yard Setback (Dwelling, or Building)
 - (Minimum): 3 metres (9.8 feet)
 - (Maximum): 4.5 metres (14.8 feet)
- iii) Front Yard Depth (Dwelling)
 - Garages (Minimum): 6 metres (19.7 feet)
- iv) Interior Side Yard
 - (Minimum): 1.2 metres (3.9 feet)
- v) Density
 - (Minimum): 30 units per hectare
 - (Maximum): 75 units per hectare
- vi) Garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage.

14. Section Number 12.4 of the Residential R8 (R8) Zone is amended by adding the following Special Provision:

R8-4(***) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

- i) Front Yard and Exterior Side Yard Depth (m)
 - (Minimum): 1.0 metres (3.3 feet)
 - (Maximum): 4.0 metres (13.1 feet)
- ii) Density
 - (Minimum) 30 units per hectare
 - (Maximum) 75 units per hectare
- iii) Height (Maximum): 4 Stories
- iv) Building Orientation – The principle entrance shall be oriented to Street A or at the corner of Street A and Street D.

15. Section Number 12.4 of the Residential R8 (R8) Zone is amended by adding the following Special Provision:

R8-4(****) 3700 Colonel Talbot Road and 3645 Bostwick Road

a) Regulations:

- i) Front Yard and Exterior Side Yard Depth (m)
 - (Minimum): 1.0 metres (3.3 feet)
 - (Maximum): 4.0 metres (13.1 feet)
- ii) Density
 - (Minimum): 30 units per hectare

- (Maximum): 100 units per hectare
- iii) Height
 - (Minimum): 2 Storeys
 - (Maximum): 4 Storeys
- iv) Building Orientation – The principle entrance shall be oriented to Bostwick Road.

16. Section Number 13.4 of the Residential R9 (R9) Zone is amended by adding the following Special Provision:

- R9-3(*) 3700 Colonel Talbot Road and 3645 Bostwick Road
 - a) Regulations:
 - i) Front Yard and Exterior Side Yard Depth (m)
 - (Minimum): 1.0 metres (3.3 feet)
 - (Maximum): 4.0 metres (13.1 feet)
 - ii) Density
 - (Minimum): 30 units per hectare
 - (Maximum): 100 units per hectare
 - iii) Height
 - (Minimum): 2 Storeys
 - (Maximum): 7 Storeys (24m)
 - iv) Building Orientation – The principle entrance shall be oriented to Bostwick Road or at the corner of Bostwick Road and future Street A.

17. Section Number 13.4 of the Residential R9 (R9) Zone is amended by adding the following Special Provision:

- R9-3(**) 3700 Colonel Talbot Road and 3645 Bostwick Road
 - a) Regulations:
 - i) Front Yard and Exterior Side Yard Depth (m)
 - (Minimum): 1.0 metres (3.3 feet)
 - (Maximum): 4.0 metres (13.1 feet)
 - ii) Density
 - (Minimum): 30 units per hectare
 - (Maximum): 100 units per hectare
 - iii) Height
 - (Minimum): 2 Storeys
 - (Maximum): 9 Storeys (32m)
 - iv) Building Orientation – The principle entrance shall be oriented to Bostwick Road or at the corner of Bostwick Road and future Street A.

18. Section Number 13.4 of the Residential R9 (R9) Zone is amended by adding the following Special Provision:

- R9-3(***) 3700 Colonel Talbot Road and 3645 Bostwick Road
 - a) Regulations:

- i) Front Yard and Exterior Side Yard Depth (m)
 (Minimum): 1.0 metres (3.3 feet)
 (Maximum): 4.0 metres (13.1 feet)
- ii) Density
 (Minimum): 30 units per hectare
 (Maximum): 100 units per hectare
- iii) Height
 (Minimum): 2 Storeys
 (Maximum): 7 Storeys (24m)
- iv) Building Orientation – The principle entrance shall be oriented to Bostwick Road or at the corner of Bostwick Road and future Street M.

19. Section Number 29.4 of the Convenience Commercial (CC6) Zone is amended by adding the following Special Provision:

CC6(*) 3700 Colonel Talbot Road and 3645 Bostwick Road

- a) Regulations:
 - i) Section 29.3(3) does not apply to this development.
 - ii) Dwelling Units are restricted to the 2nd floor and above, and the regulations of the R8-4(*) Zone shall apply if dwelling units are included in the building.
 - iii) Front Yard and Exterior Side Yard Depth (m)
 (Minimum) 1.0 metres (3.3 feet)
 (Maximum) 4.0 metres (13.1 feet)
 - iv) Building Orientation – The principle entrance shall be oriented to Colonel Talbot Road or at the corner of Colonel Talbot Road and future Street A.

20. Section Number 29.4 of the Convenience Commercial (CC6) Zone is amended by adding the following Special Provision:

CC6(**) 3700 Colonel Talbot Road and 3645 Bostwick Road

- a) Permitted Uses:
 - i) Convenience service establishments without a drive-through facility;
 - ii) Convenience stores without a drive-through facility;
 - iii) Personal service establishments without a drive-through facility;
 - iv) Food stores without a drive-through facility;
 - v) Restaurants, take-out, without a drive-through facility;
 - vi) Brewing on Premises Establishment;
 - vii) Convenience business service establishments without drive-through facilities;
 - viii) Day care centres without drive-through facilities;
 - ix) Studios without drive-through facilities;
 - x) Bake shops without drive-through facilities;
 - xi) Commercial schools without drive-through facilities;
 - xii) Florist shops without drive-through facilities;
 - xiii) Pharmacies without drive-through facilities;
 - xiv) Restaurants, eat-in without drive-through facilities.

- b) Regulations:
 - i) Section 29.3(3) does not apply to this development.
 - ii) Dwelling Units are restricted to the 2nd floor and above, and the regulations of the R8-4(***) Zone shall apply if dwelling units are included in the building.
 - iii) Front Yard and Exterior Side Yard Depth (m)

(Minimum)	1.0 metres (3.3 feet)
(Maximum)	4.0 metres (13.1 feet)
 - iv) Building Orientation – The principle entrance shall be oriented to Street A or at the corner of Street A and Street D.

21. Section Number 29.4 of the Convenience Commercial (CC6) Zone is amended by adding the following Special Provision:

CC6(***) 3700 Colonel Talbot Road and 3645 Bostwick Road

- a) Regulations:
 - i) Section 29.3(3) does not apply to this development.
 - ii) Dwelling Units are restricted to the 2nd floor and above, and the regulations of the R9-3(*) Zone shall apply if dwelling units are included in the building.
 - iii) Front Yard and Exterior Side Yard Depth (m)

(Minimum)	1.0 metres (3.3 feet)
(Maximum)	4.0 metres (13.1 feet)
 - iv) Building Orientation – The principle entrance shall be oriented to Bostwick Road or at the corner of Bostwick Road and future Street A.

22. Section Number 33.4 of the Neighbourhood Facility (NF) Zone is amended by adding the following Special Provision:

NF1(*) 3700 Colonel Talbot Road and 3645 Bostwick Road

- a) Regulations:
 - i) Dwelling Units are restricted to the 2nd floor and above, and the regulations of the R8-4(***) Zone shall apply if dwelling units are included in the building.
 - ii) Front Yard and Exterior Side Yard Depth (m)

(Minimum):	1.0 metres (3.3 feet)
(Maximum):	4.0 metres (13.1 feet)
 - iii) Building Orientation – The principle entrance shall be oriented to Street A or at the corner of Street A and Street D.

23. 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.

24. 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.

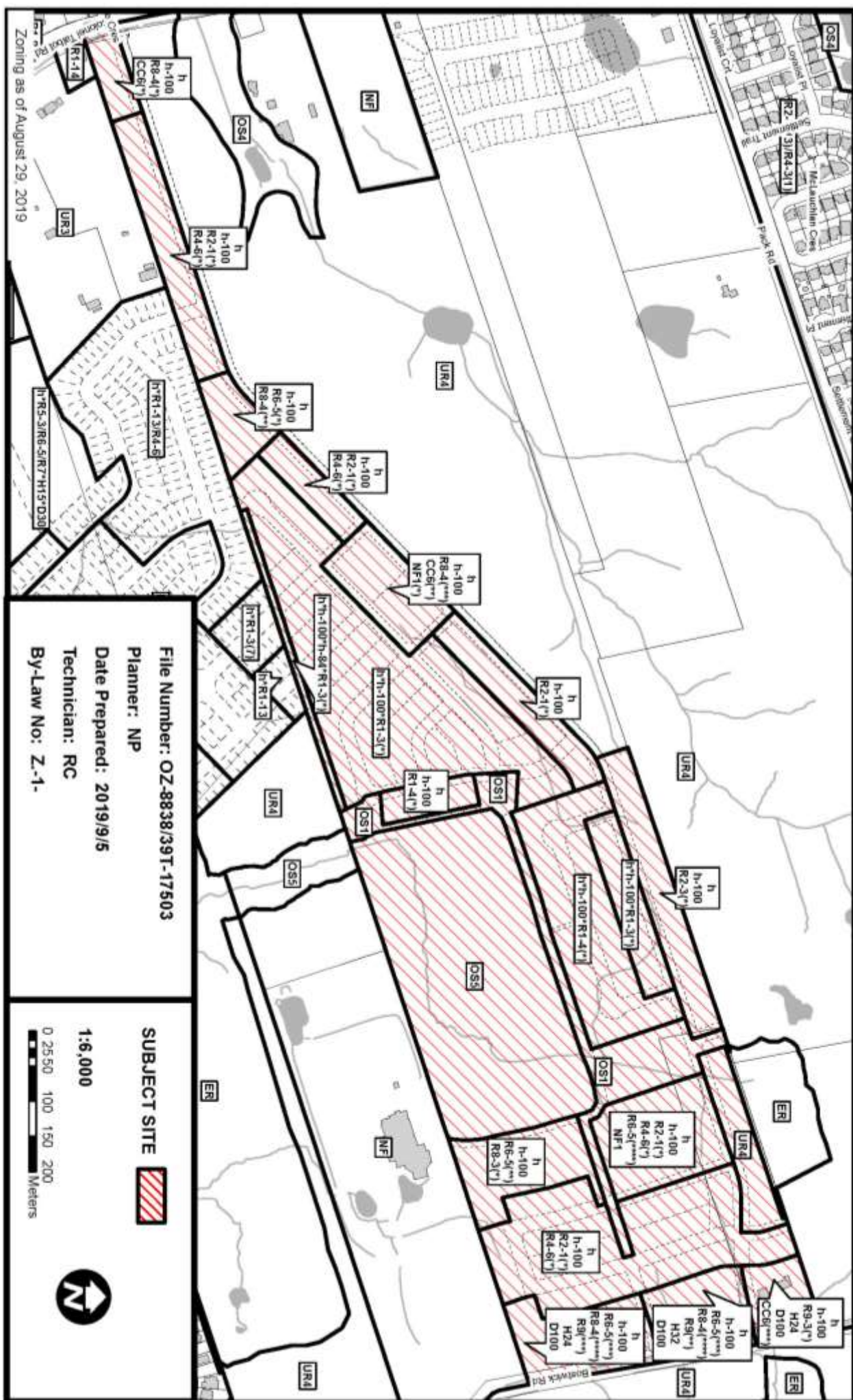
PASSED in Open Council on October 1, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – October 1, 2019
Second Reading – October 1, 2019
Third Reading – October 1, 2019

Schedule "A"



Appendix “D” – Draft Approved Plan and Conditions

THE CORPORATION OF THE CITY OF LONDON’S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-17503 ARE AS FOLLOWS:

NO. CONDITIONS

General

1. This draft approval applies to the draft plan submitted W-3 Lambeth Farms Inc. (File No. 39T-17503), prepared by MHBC Planning, File No. 1094 ‘U’, dated June 21, 2019, as red-line amended, which shows a draft plan of subdivision consisting of twenty-one (21) single detached/low density blocks, thirteen (13) street townhouse blocks, two (2) apartment/medium density blocks, four (4) commercial/residential mixed use blocks, two (2) cluster/low rise blocks, one (1) school block, one (1) open space block, seven (7) pathway blocks, three (3) park blocks, one (1) urban reserve/environmental review block, one (1) future road block, two (2) road widening blocks, eleven (11) 0.3 m reserve blocks, all served by two (2) secondary collector/neighbourhood connector roads (Street A and Street D), and nine (9) new local/neighbourhood streets.
2. This approval applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The Owner shall enter into a subdivision agreement with the City, in the City’s current approved form (a copy of which can be obtained from Development Services), which includes all works and services required for this plan, and this agreement shall be registered against the lands to which it applies.
4. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City’s standards, guidelines or requirements shall be satisfactory to the City.
5. In conjunction with the first submission of engineering drawings, street(s) shall be named and the municipal addressing shall be assigned to the satisfaction of the City.
6. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
8. Prior to final approval the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
9. Prior to final approval, the Owner shall provide copies of all transfer documentation for all land transfers/dedications and easements being conveyed to the City, for the City’s review and approval.
10. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, final plans, and any required studies, reports, data, information or detailed engineering drawings, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the

event that the final approval package does not include the complete information required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

Planning and Urban Design

11. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
12. The Owner shall provide the purchasers of all lots in the subdivision with a zoning information package pertaining to residential driveway locations and widths. The Owner shall obtain and provide to the City written acknowledgement from the purchaser of each lot in this plan that their driveway will be installed and maintained in accordance with the requirements of the Zoning By-law. The information package and written acknowledgement shall be in a form satisfactory to the City.
13. In conjunction with the first submission of engineering drawings, the Owner shall submit for approval an on-street parking plan to the satisfaction of the City. An approved parking plan is required for each registered phase of development and will form part of the subdivision agreement for the registered plan.
14. In conjunction with the first submission of engineering drawings, the Owner shall submit a lotting plan, demonstrating how all residential Blocks meet the minimum target densities as set out in the Southwest Area Secondary Plan for Bostwick and North Longwoods, how an appropriate mix of housing types and sizes has been provided, how the lotting plan complies with all City standards and zoning regulations, and detailing any part lots that will be held out of development until consolidation with other lands occurs. The lotting plan will be used as the basis for final registration, to the satisfaction of the City.
15. The Owner shall include the following clause to be registered on title within the Subdivision Agreement and included in any offers of purchase sale for Blocks 31, 32, 34, 35, 36, 37, and 41:

“Warning: Purchasers, residents, and tenants are advised that these Units are in close proximity to the Forest City Community Church, located at 3725 Bostwick Road. This church and its facilities may generate sound levels from time to time which are audible and may interfere with some activities of the dwelling occupants.”
16. In conjunction with first submission engineering drawings, the Owner shall submit a concept plan for the development of Block 53 (proposed school block) to ensure any possible development can address street orientation and park/pathway orientation, to the satisfaction of the City.
17. The Owner shall register on title and include in all Purchase and Sale Agreements the requirement that the homes to be designed and constructed on all corner lots in this plan (including lots with side frontages to parks and/or open spaces), are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the exterior sideyard road/park/open space frontage.

Environmental and Parks/Pathways

18. In conjunction with Focused Design Studies, a final EIS and Hydrogeological and Water Balance Assessment shall be submitted, which includes all updates and addendums, and details on the wetland compensation which shall demonstrate that there is no net loss of natural heritage features and their functions, all to the satisfaction of the City and UTRCA.

19. In conjunction with the first submission of engineering drawings submission, the Owner shall detail how the recommendations of the accepted EIS (completed by BioLogic Inc.) and any approved addendum(s) will be incorporated into the plan, and implemented, all to the satisfaction of the City.
20. Parkland dedication has been calculated at a rate of 1 hectare per 300 residential units. The Owner shall dedicate Blocks 46, 47, 48, 49, 50, 51, 52, 54, 55, and 56 to satisfy a portion of the required parkland dedication. Some of the blocks have been taken at a compensated rate as per By-law CP-9. The balance of the required parkland dedication will be taken in the future phase of the subdivision.
21. In conjunction with the first submission of engineering drawings, the Owner is to provide park concept plans for Blocks 54, 55 and 56 to the satisfaction of the City.
22. In conjunction with the first submission of engineering drawings, the Owner shall provide initial pathway concepts for Blocks 46, 47, 48, 49, 50, 51 and 52 to the satisfaction of the City.
23. Within one year of registration of this plan, the Owner shall grade, service and seed all areas dedicated for parkland within the phase being registered, in accordance with the approved plan, to the satisfaction of the City.
24. The Owner shall not grade into any open space areas or parkland. Where lots or blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.
25. Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to the Ecologist monthly during development activity along the edge of the Block 57.
26. Within one year of registration of this plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface of all private lots and blocks adjacent to existing and/or future Park and Open Space Blocks, to the satisfaction of the City.
27. In conjunction with the first submission of engineering drawings, a buffer planting and habitat enhancement plan which addresses restoration and plantings that shall occur around the woodlot and wetland in accordance with the approved EIS, prepared by a qualified professional, shall be submitted and reviewed, to the satisfaction of the City.
28. In conjunction with the first submission of engineering drawings, the Owner shall have a qualified arborist prepare a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation report and plan shall be focused on the preservation of quality specimen trees within lots and blocks. The tree preservation report and plan shall be completed in accordance with current approved City of London guidelines for the preparation of tree preservation reports and tree preservation plans, to the satisfaction of the Manager of Environmental and Parks Planning as part of the design studies submission. Tree preservation shall be established first and grading/servicing design shall be developed to accommodate maximum tree preservation.
29. In conjunction with the first submission of engineering drawings, the owner shall, in lieu of the standard park grade, service and seed requirements, undertake, by a Registered Professional Forester, a Hazard Tree Assessment Study for all blocks/lands that abut parks (Blocks 54, 55, 56) and open space (Block 57). The

study will undertake a tree risk assessment to identify hazard trees or hazardous parts of any trees within falling distance of the park lot lines (this being the hazard tree management zone) and pathways (as approved by the city), this is also taking into account wind-firmness of adjacent trees affected by any recommended hazard tree removals, and ensure that those hazard trees, or parts thereof, are abated or removed in a timely manner by competent, certified arborists prior to any other persons (workers) entering the hazard tree management zone, or within one year of registration, whichever is the sooner.

30. At the time of development approvals (site plan) for Block 37, the Owner shall incorporate a 10 meter wide native landscape strip along the west lot line of the Block to function as an ecological buffer to the adjacent woodlot. The planting plan shall be prepared by a qualified professional and approved by the City's Ecologist, in conjunction with any site plan submission.

UTRCA

31. In conjunction with the first submission engineering drawings, the Applicant will provide the following information related to the relocation of Vegetation Community #5, in accordance with UTRCA Section 28 permit #160-19 which was conditionally approved by the UTRCA's Board of Directors on August 27, 2019:

- i) A relocation and phasing plan, which details the relocation and timing of moving the terrestrial wildlife;
- ii) A monitoring program for terrestrial wildlife, and the identification of a monitoring program to be implemented through Phase 2 of the future subdivision at 3700 Colonel Talbot Road;
- iii) The minimum compensation required for Vegetation Community #5, as detailed in the final accepted EIS. The compensation requirements detailed in the final accepted EIS shall be considered and accounted for in the development of the Dingman Stormwater EA alternative for an enhanced corridor approach for North Lambeth 2 (Tributary 12). Securities shall be taken as part of this subdivision to ensure works are completed in the future, to the satisfaction of the City and the UTRCA; and
- iv) A work plan and cost estimate of the project, including any hydrogeological works, water balance assessments, restoration, earth works, and plantings etc.

32. In accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, the Owner shall obtain the necessary permits/approvals from the UTRCA to create/construct a new natural corridor in future draft plan lands (currently known as Phase 2) and also prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, site alteration to watercourse and/or interference with a wetland.

33. The Owner shall prepare and deliver to all homeowners an education package which explains the stewardship of natural area, the value of existing tree cover, is your cat safe outdoors 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 and the UTRCA.

34. In conjunction with the first submission of engineering drawings, the Owner shall demonstrate how water flows and water quality shall will be maintained (i.e. LID's, grading, bioswales) between Patch 10066 and Patch 10069, to the satisfaction of the City and the UTRCA.

SEWERS & WATERMAINS

Sanitary:

35. In conjunction with the Focused Design Studies, the Owner shall have his consulting engineer prepare and submit a Sanitary Servicing Study to include the following design information:

- i) Provide a sanitary drainage area plan, including the sanitary sewer routing and the external areas to be serviced, to the satisfaction of the City;
- ii) Provide details of the sanitary sewers to serve this Plan that will connect to the future Colonel Talbot Pumping Station;
- iii) Demonstrate that the GMIS trunk sanitary sewer SS15B can be constructed complete with local services from Colonel Talbot Pumping Station and Colonel Talbot Road to the future GMIS SS15A, complete with cross-sections;
- iv) Provide sufficient detail for any temporary sanitary sewer connections that can serve this Plan that are proposed to be served by a gravity connection to the GMIS sanitary trunk sewer SS15A and confirm any and all details to address the timing and extension of the future trunk sanitary sewer, SS15A, to the limits of this Plan;
- v) Provide details for any areas that are contemplated to be serviced by future local gravity sewers external to this plan; namely, for Streets 'C', 'D' and 'E'. It is recognized that these areas may need to be held out of development until a sanitary sewer external to this plan is available;
- vi) Demonstrate adequate capacity in the sanitary trunk sewer being constructed in the Colonel Talbot Subdivision to the south in Plan 39T-12503; and
- vii) Demonstrate that the servicing to the proposed street townhouses can be constructed with adequate separation distances and avoid conflicts with City services, which meet City of London standards and requirements.

36. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:

- i) The proposed sanitary sewers to serve this Plan will ultimately connect to the future Colonel Talbot Pumping Station as set out in the Environmental Assessment. The Owner may construct the GMIS SS15B external to this Plan within lands also owned by the applicant in advance of the GMIS schedule with the proper front ending agreements in place to be connect to the GMIS SS15A;
- ii) It is recognized that there is some servicing flexibility and contingent on timing, if in the interim the Owner constructs sanitary sewers to serve this Plan and connects them temporarily to the future trunk sanitary sewer SS15A, that is being constructed in stages, which may require the Owner to extend a portion of the trunk sanitary sewer external to these lands to the limits of this Plan in order to provide a future gravity connection, all to the satisfaction of the City Engineer. The availability and timing for the extension of SS15A involves other stakeholders and the Owner may be required to construct works external to this Plan in order to provide a temporary sanitary gravity connection for this Plan;
- iii) If the subject plan develops in advance of the subdivision to the south of this plan, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of the CSRF trunk sanitary sewer Stage 2 (GMIS SS15A) situated on private lands outside this plan, over easements provided by adjacent property owner, as necessary, all to the specifications of the City;
- iv) Oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, if necessary, all to the satisfaction of the City; and,

- v) Where trunk sewers are greater than eight (8) metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary sewer to provide servicing outlets for private drain connections, to the satisfaction of the City Engineer. The local sanitary sewer will be at the sole cost of the Owner.

37. The Owner shall co-ordinate the work associated with this Plan of Subdivision with the City's proposed construction of the Colonel Talbot trunk sanitary sewer and Pumping Station adjacent to the west boundary of this plan, to the satisfaction of the City, at no cost to the City.

Storm and Stormwater Management (SWM)

38. In conjunction with the Focused Design Studies, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:

- i) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
- ii) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
- iii) Supporting overland flow route capacity calculations and associated drawings for the conveyance of the major overland flows from this plan of subdivision to the intended receiving system to the south of this plan;
- iv) Conduct a Headwater Drainage Features (HDF) assessment of all open watercourses and Municipal Drains located within this plan and confirm all appropriate management strategy for each in consultation with the City and the Upper Thames River Conservation Authority, all to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority;
- v) Provide supporting documents for the inclusion of the identified areas below for major and minor storm/drainage and SWM related servicing works for Blocks 23-26 , Street 'A' (west of Block 38), Street 'B', Blocks 28-37, 39-41, , Street 'J', Street 'K' and Street 'A' (east of Street 'J') as these are not identified within the North Lambeth SWM Facility P9 drainage catchment area for both major and minor storm flows;
- vi) Identify all interim and long term erosion and sediment control 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;
- vii) Ensure that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer;
- viii) Implement SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City Engineer; and
- ix) Ensure the post-development discharge flow from the subject site must not exceed capacity of the stormwater conveyance system. In an event where the condition cannot be met, the Owner shall provide SWM on-site controls that comply with the accepted Design Requirements for permanent Private Stormwater Systems.

39. The subdivision to which this draft approval relate shall be designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this

subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.

40. In conjunction with Focused Design Studies, the Owner shall conduct a hydrogeological assessment to identify a target infiltration rate in millimetres per hectare and implement Low Impact Development measures to achieve the water balance and meet groundwater recharge objections, to the satisfaction of the City Engineer. Alternatively, the Owner shall implement LID measures in accordance with the target infiltration rate and design criteria established by the Dingman Creek Stormwater Servicing Strategy Schedule C Municipal Class EA.
41. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:
 - i) The SWM criteria and environmental targets for the Dingman Creek Subwatershed Study (2005) and any addendums/amendments;
 - ii) The approved Functional Stormwater Management Plan for North Lambeth SWM Facility P9, (prepared by Stantec (2016)) or any updated Functional Stormwater Management Plan;
 - iii) The approved Storm/Drainage and SWM Servicing Functional Report for the subject lands;
 - iv) The final Dingman Creek Stormwater Servicing Strategy Schedule 'C' Municipal Class EA;
 - v) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
 - vi) The City of London Design Specifications and Requirements, as revised;
 - vii) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - viii) The Ministry of the Environment, Conservation and Parks (MECP) SWM Practices Planning and Design Manual (2003), including updates and companion manuals, as revised; and
 - ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
42. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
 - i) The proposed storm sewers to serve the majority of this plan, located within the Dingman Creek Subwatershed, shall be connected to outlet major and minor storm flows to the GMIS North Lambeth SWM P9 located to the south of this plan; If the subject plan develops in advance of the subdivision to the south of this plan, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of the outlet sewers situated on private lands outside this plan and shall provide satisfactory easements, as necessary, all to the specifications of the City; and
 - ii) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan.
43. In conjunction with the first submission of engineering drawings, the Owner shall implement the conclusions of the HDF assessment, including but not limited to, adjustments to the road pattern and lot fabric to accommodate existing

watercourse alignments, proposed realignments, enclosures, abandonments or removal of any open watercourses or Municipal Drains in accordance with the final HDF report, to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority.

44. In conjunction with the Focused Design Studies, the Owner shall have a detailed hydrogeological report prepared by a qualified consultant, or provide an update to the existing hydrogeological report, to determine, including but not limited to, the following:

- i) The effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area;
- ii) Identify any abandoned wells in this plan;
- iii) Assess the impact on water balance in the plan;
- iv) Any fill required in the plan;
- v) Provide recommendations for foundation design should high groundwater be encountered;
- vi) Identify all required mitigation measures including the design and implementation of Low Impact Development (LIDs) solutions;
- vii) Address any contamination impacts that may be anticipated or experienced as a result of the said construction;
- viii) Provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site; and
- ix) To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, include an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken,

all to the satisfaction of the City.

45. In conjunction with the Focused Design Studies, the Owner shall have a qualified consultant carry out a hydrogeological investigation and/or addendum to the existing hydrogeological investigation(s) based on the final subdivision design, to determine the potential short-term and long-term effects of the construction associated with the development on existing ground water elevations and to assess the impact on the water balance of the subject plan, identifying all required mitigation measures, including Low Impact Development (LIDs) solutions to the satisfaction of the City Engineer. Elements of the hydrogeological investigation should include, but are not limited to, the following:

- i) Evaluation of the hydrogeological regime, including specific aquifer properties, static groundwater levels, and groundwater flow direction;
- ii) Evaluation of water quality characteristics and the potential interaction between shallow groundwater, surface water features, and nearby natural heritage features;
- iii) Completion of a water balance for the proposed development, revised to include the use of LIDs as appropriate;
- iv) Completion of a water for the nearby natural heritage feature (i.e., woodlot to the south on Patch 10069), revised to include the use of LIDs as appropriate;
- v) Details related to proposed LID solutions, if applicable, including details related to the long term operations of the LID systems as it relates to seasonal fluctuations of the groundwater table;
- vi) Evaluation of construction related impacts and their potential effects on the shallow groundwater system;
- vii) Evaluation of construction related impacts and their potential effects on local significant features;
- viii) Development of appropriate short-term and long-term monitoring plans (if applicable); and
- ix) Development of appropriate contingency plans (if applicable) in the event of groundwater interference related to construction.

Watermains

46. In conjunction with the Focused Design Studies, the Owner shall have their consulting engineer prepare and submit a water servicing report including the following design information, all to the satisfaction of the City Engineer:

- i) Water distribution system analysis & modeling and hydraulic calculations for the Plan of Subdivision confirming system design requirements are being met;
- ii) Identify domestic and fire flows for the potential development Blocks from the low-level water distribution system;
- iii) Address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;
- iv) Include modeling for two fire flow scenarios as follows:
 - Max Day + Fire confirming velocities and pressures within the system at the design fire flows, and
 - Max Day + Fire confirming the available fire flows at fire hydrants at 20 PSI residual. Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity);
- v) Include a phasing report as applicable which addresses the requirement to maintain interim water quality; It is understood that the proposal is to approve the draft plan in its entirety with registration and construction in phases which this interim water quality report/plan would need to address;
- vi) Develop a looping strategy when development is proposed to proceed beyond 80 units;
- vii) A looped watermain to serve this plan of subdivision is dependent on the design and construction phasing of the subdivision to the south (39T-12503);
- viii) Provide a servicing concept acceptable to the City Engineer for the proposed street townhouse blocks and any single family residential blocks proposed to create narrow frontage lots which demonstrates separation requirements for all services can be achieved;
- ix) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
- x) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision; There is presently no watermain on this section of Bostwick Road nor was one considered or included in the 2014 Water Servicing Development Charge Background Study;
- xi) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;
- xii) Identify the effect of development on existing water infrastructure – identify potential conflicts;
- xiii) Include full-sized water distribution and area plan(s); and
- xiv) Identify on the water distribution plan the location of valves, hydrants, and the type and location of water quality measures to be implemented (including automatic flushing devices), the fire hydrant rated capacity and marker colour and the design domestic and fire flow applied to development Blocks.

47. In accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:

- i) The proposed watermains to serve this Plan shall connect to the existing low-level municipal system, namely the existing 600 mm diameter watermain on Colonel Talbot Road;

- ii) Should the subject Plan develop in advance of the subdivision to the “south” of this Plan (39T-12503) and should the Owner wish to construct any portion of watermain situated on private lands outside this Plan, the Owner shall make arrangements with the affected property owner(s) for the design and construction of any portions of watermain situated on private lands outside this Plan and shall provide satisfactory easements, as necessary, all to the specifications of the City; and
- iii) Available fire flows and appropriate hydrant rated capacity colour code markers are to be shown on the engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval.

48. The Owner shall implement recommendations of a water servicing strategy study (City of London Southwest Area Development Plan prepared by C3 Water Inc.) recently commissioned by the City incorporating the Bostwick Road development area to investigate the potential expansion of the high level water distribution system in the area. The recommendations of this study, when finalized, may impact the water servicing provisions to a portion of the lands subject to this draft plan.

Roadworks

49. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning perpendicular through their intersections and opposite each other thereby having these streets centred with each other, unless otherwise approved by the City Engineer.

50. In conjunction with the first submission of engineering drawings, the Owner shall have its consulting engineer provide the following, all to the specifications and satisfaction of the City Engineer:

- i) Provide a proposed layout plan of the internal road network including taper details for streets in this plan that change right-of-way widths with minimum 30 metre tapers for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, bends, intersection layout, daylighting triangles, 6m straight tangents, etc., and include any associated adjustments to the abutting lots. The roads shall be equally tapered and aligned based on the road centrelines and it should be noted tapers are not to be within intersections;
- ii) Confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard “Minimum Centreline Radii of Curvature of Roads in Subdivisions”;
- iii) At ‘tee’ intersection, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 6 metre tangent being required along the street lines of the intersecting road, to the satisfaction of the City Engineer;
- iv) Shall provide a minimum of 5.5 metres along the curb line between the projected property lines of irregular shaped lots around the bends and/or around the cul-de-sacs on streets in this plan of subdivision;
- v) Shall ensure street light poles and luminaires, along the street being extended, match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the City of London;
- vi) Shall ensure any emergency access required is satisfactory to the City Engineer with respect to all technical aspects, including adequacy of sight lines, provisions of channelization, adequacy of road geometries and structural design, etc.; and
- vii) Shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City Engineer for any construction activity that will occur on an assumed street.

51. In conjunction with the first submission of engineering drawings, the Owner shall have its consulting engineer provide the following, all to the specifications and satisfaction of the City Engineer:

- i) Confirm that the centreline of Street 'A' is aligned perpendicular to Bostwick Road and Colonel Talbot Road and opposite the centreline of Diane Crescent, to the satisfaction of the City Engineer;
- ii) Ensure the alignment of all streets contained within this plan align are opposite and align with the streets contained in the plan of subdivision 39T-12503 to the south;
- iii) Limit the bulges in the curb line on Street 'C', Street 'F', Street 'H' to only a maximum offset from the standard radius required to achieve the minimum curb distance for driveways, as approved by the City Engineer. Further, the bulge in the street line is only to be to the extent required to achieve the minimum frontage for the abutting lots;
- iv) Identify enhanced landscape boulevards on Street 'A' at Colonel Talbot Road and on Street 'A' at Bostwick Road; and
- v) Design Street 'A' and Street 'D' to neighbourhood connector/secondary collector standards.

52. The Owner shall have its professional engineer design and construct the roadworks in accordance with the following road widths:

- i) Street 'A' from Colonel Talbot Road to 45 metres east has a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 22.5 metres. The widened road on Street 'A' shall be equally aligned from the centreline of the road and tapered back to the 9.5 metres of road pavement width (excluding gutters) and 21.5 metres of road allowance width for this street with 30 metre long tapers on both street lines; and
- ii) Street 'A' from Bostwick Road to 45 metres west has a minimum road pavement width (excluding gutters) of 11.0 metres with a minimum road allowance of 22.5 metres. The widened road on Street 'A' shall be equally aligned from the centreline of the road and tapered back to the 9.5 metres of road pavement width (excluding gutters) and 21.5 metres of road allowance width for this street with 30 metre long tapers on both street lines.

53. The Owner agrees that, if a parking plan is required for this subdivision, and increased pavement width is proposed to accommodate the parking plan, the road allowance width will be increased a corresponding amount in order to maintain the standard 6.0 metre wide boulevards on either side of the road. Further, the Owner agrees that any proposed widening of the pavement and the road allowance will be to the satisfaction of the City Engineer.

54. In conjunction with the first submission of engineering drawings, the Owner shall provide any necessary road widening and/or realignments of Bostwick Road in order to develop Blocks 39, 40, and 41, all in accordance with the Bostwick Road Environmental Assessment, all to the specifications and satisfaction of the City.

55. The Owner shall convey Block 71 to the City for a future public road at no cost to the City. Prior to Final Approval, if an application for draft plan of subdivision has been accepted by the City on lands to the south of the subject site (known municipally as 3725 Bostwick Road) and it is determined that a public road connection is needed to service these lands, then the Owner will be required to construct a fully serviced road, to the satisfaction of the City.

If no application for draft plan of subdivision has been received for 3725 Bostwick Road prior to final approval for the subject site, Block 71 shall be conveyed to the City for a future public road at no cost to the Municipality.

If it is determined that the access block is required for a private access, Block 71 shall be sold at market value, as determined by the City acting reasonably to the owners of the adjacent lands for access purposes, and the City shall pay the net proceeds of that sale minus any City costs to the Owner of this plan (39T-17503) within 30 days of such sale.

Should the City determine that Block 71 is not needed for access purposes (private or public) within twenty (20) years from the date of the original draft approval, then the City will transfer it back to the Owner of this plan for a nominal fee.

Sidewalks

56. In conjunction with the first submission of engineering drawings, the Owner shall identify a 1.5 metre sidewalk on both sides of all streets in this plan as per the Southwest Area Plan, all to the satisfaction of the City, at no cost to the City.
57. In conjunction with the first submission of engineering drawings, the Owner shall identify a 2.4 metre sidewalk fronting School Block 53 on Street 'A' and Street 'J', all to the satisfaction of the City, at no cost to the City.
58. Should the Owner direct any servicing within a walkway or a walkway is to be used as a maintenance access, the Owner shall provide a 4.6 metre wide walkway designed to the maintenance access standard, to the specifications of the City.

Boundary Road Works

59. In conjunction with the Focused Design Studies, the Owner shall update the Transportation Impact Assessment, including but not limited to the following, to the satisfaction of the City Engineer:
 - i) The trip distribution does not identify any trips going south via Campbell Street/Street 'D'. This represents a direct north/south link to Main Street in Lambeth;
 - ii) Section 6.2 does not contain any commentary or analysis for auxiliary lanes on Bostwick Road;
 - iii) Traffic counts are to be included in the appendix;
 - iv) The conclusion and recommendations should be updated to contain auxiliary lanes for Bostwick Road; and
 - v) The engineering stamp on the Certificate of Ownerships needs to be signed and dated.
60. In conjunction with the first submission of engineering drawings, the Owner shall implement all applicable recommendations outlined in the approved Transportation Impact Assessment, to the satisfaction of the City Engineer.
61. In conjunction with the first submission of engineering drawings, the Owner shall have its consulting engineer provide the following, all to the specifications and satisfaction of the City Engineer:
 - i) Provide a pavement marking plan, to include all turn lanes, etc.;
 - ii) Verify the adequacy of the decision sight distance on Colonel Talbot Road and Bostwick Road at Street 'A' and Street 'M' at Bostwick Road. If the sight lines are not adequate, this street is to be relocated and/or road work undertaken to establish adequate decision sight distance at this intersection;
 - iii) Identify temporary street lighting at the intersection of Street 'A' at Colonel Talbot Road, at the intersection of Street 'A' at Bostwick Road and at the intersection of Street 'M' at Bostwick Road, at no cost to the City;

- iv) Provide details of raised median on Bostwick Road opposite Street 'M' restricting access to right in/right out in accordance with the City's Access Management Guidelines and in accordance with City standards;
- v) Prepare and submit the ultimate design of Colonel Talbot Road from the north limit of 3680 Colonel Talbot Road to the south limit of Kilbourne Road, including turn lane design, street lights, sidewalks, etc. and provide an electronic tender package/quantities to the City for Street 'A' and Colonel Talbot Road for review and acceptance to the satisfaction of the City Engineer. These works shall be included in the Development Charge work plan outlining the costs associated with the design of the DC eligible works. It is noted the City shall be constructing the external works, including but not limited to, left and right turn lanes on Colonel Talbot Road, sidewalks, street lights, etc. in future as part of the GMIS project; and
- vi) Prepare and submit the ultimate design of Bostwick Road along the frontage of this Plan, including turn lane design, etc. and provide an electronic tender/quantities package to the City for Street 'A' and Bostwick Road for review and acceptance to the satisfaction of the City Engineer. These works shall be included in the Development Charge work plan outlining the costs associated with the design of the DC eligible works. It is noted the City shall be constructing the external works, including but not limited to, left and right turn lanes on Bostwick Road, sidewalks, street lights, etc., in future as part of a GMIS project.

62. The Owner acknowledges that the City, in accordance with the City's current Growth Management Implementation Strategy (GMIS) may be reconstructing Colonel Talbot Road and Bostwick Roads. The Owner shall co-operate with the City, as necessary, to complete the project, including providing access to their lands and easements as necessary.

63. The Owner shall not construct the street connection of Street 'M' to Bostwick Road until such time as after the realignment of Bostwick Road has occurred, to the satisfaction of the City Engineer.

Road Widening

64. The Owner shall dedicate sufficient land to widen Colonel Talbot Road and Bostwick Road to 18.0 metres from the centreline of the original road allowance.

Traffic Calming

65. In conjunction with the first submission of engineering drawings, the Owner shall identify raised intersections at the following locations, to the satisfaction of the City Engineer, at no cost to the City:

- i) Street 'A' at Street 'B';
- ii) Street 'A' at Street 'D';
- iii) Street 'A' at Street 'F' westerly leg;
- iv) Street 'A' at Street 'H' westerly and easterly leg; and
- v) Street 'A' at Street 'J' westerly leg.

Should it be determined, the raised intersections will affect the major overland flow route, the Owner shall construct alternative traffic calming measures on Street 'A' at various locations, to the satisfaction of the City Engineer.

66. In conjunction with the first submission of engineering drawings, the Owner shall identify a raised pedestrian cross walk opposite Block 52 built as a type 'C' pedestrian crosswalk, to the satisfaction of the City Engineer, at no cost to the City.

67. In conjunction with the first submission of engineering drawings, the Owner shall identify parking bays along the south side of Street 'A' from Colonel Talbot Road to Bostwick Road, to the satisfaction of the City Engineer, at no cost to the City.

68. In conjunction with the first submission of engineering drawings, the Owner shall identify speed cushions at the following locations, to the satisfaction of the City Engineer, at no cost to the City:

- i) On Street 'A' located at the midpoint of Blocks 8;
- ii) On Street 'A' between Blocks 23 and 24;
- iii) On Street 'A' located at the midpoint of Block 24; and
- iv) On Street 'A' located between Block 26 and 38.

Construction Access/Temporary/Second Access Roads

69. In conjunction with the first submission of engineering drawings, the Owner shall identify a maintenance access, if necessary, (to service any sewers outside of this Plan) from the south limit of this Plan to the existing Campbell Street North in Plan 39T-12503, over easements and lands external to this plan, to the satisfaction of the City Engineer, at no cost to the City.

70. In conjunction with the first submission of engineering drawings, the Owner shall identify a temporary turning facility for vehicles at the following location(s), to the specifications of the City:

- i) Street 'C' – south limit;
- ii) Street 'D' – south limit; and
- iii) Street 'E' – south limit.

Temporary turning circles for vehicles shall be provided to the City as required by the City, complete with any associated easements. When the temporary turning circles(s) are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.

General

71. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.

72. Once construction of any private services, i.e.: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed re-lotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the City Engineer and at no cost to the City.

73. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision as per the accepted engineering drawings, at no cost to the City, all to the specifications and satisfaction of the City Engineer.

74. The Owner's professional engineer shall provide full time inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.

75. Prior to the construction of works on existing City streets and/or unassumed subdivisions, the Owner shall have its professional engineer notify new and existing property owners in writing regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision along with any remedial works prior to assumption, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".

76. The Owner shall not commence construction or installations of any services (e.g. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (e.g. Ministry of the Environment, Conservation and Parks Certificates, City/Ministry/Government permits: Permit of Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, Conservation and Parks, City, etc.).
77. In conjunction with the first submission of engineering drawings, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.
78. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.
79. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
80. The Owner shall remove all existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
81. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
82. 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 municipal or private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services and these services are operational, at no cost to the City.

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

83. In conjunction with first submission of engineering drawings, the Owner shall submit a Development Charge work plan outlining the costs associated with the design and construction of the DC eligible works. The work plan must be approved by the City Engineer and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.
84. In conjunction with the engineering drawings submission, the Owner shall have it geotechnical engineer identify if there is any evidence of methane gas within or in the vicinity of this draft plan of subdivision, to the satisfaction of the City. Should it be determined there is any methane gas within or in the vicinity of this draft plan of subdivision, the Owner's geotechnical engineer shall provide any necessary recommendations. The Owner shall implement any recommendations of the

geotechnical engineer, under the supervision of the geotechnical engineer, to the satisfaction of the City, at no cost to the City.

85. In conjunction with the engineering drawings submission, the Owner shall have its geotechnical engineer identify if there is any evidence of contamination within or in the vicinity of this draft plan of subdivision, to the satisfaction of the City. Should it be determined there is any contamination within or in the vicinity of this draft plan of subdivision, the Owner's geotechnical engineer shall provide any necessary recommendations. The Owner shall implement any recommendations of the geotechnical engineer to remediate, remove and/or dispose of any contaminants under the supervision of the geotechnical engineer to the satisfaction of the City, at no cost to the City.

86. In conjunction with the Focused Design Studies, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, the following:

- i) Servicing, grading and drainage of this subdivision;
- ii) Road pavement structure;
- iii) Dewatering;
- iv) Foundation design;
- v) Removal of existing fill (including but not limited to organic and deleterious materials);
- vi) The placement of new engineering fill;
- vii) Any necessary setbacks related to slope stability for lands within this plan;
- viii) Identifying all required mitigation measures including the design and implementation of Low Impact Development (LIDs) solutions; and
- ix) Addressing all issues with respect to construction and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability for lands within this plan, if necessary, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback,

and any other requirements as needed by the City, all to the satisfaction of the City.

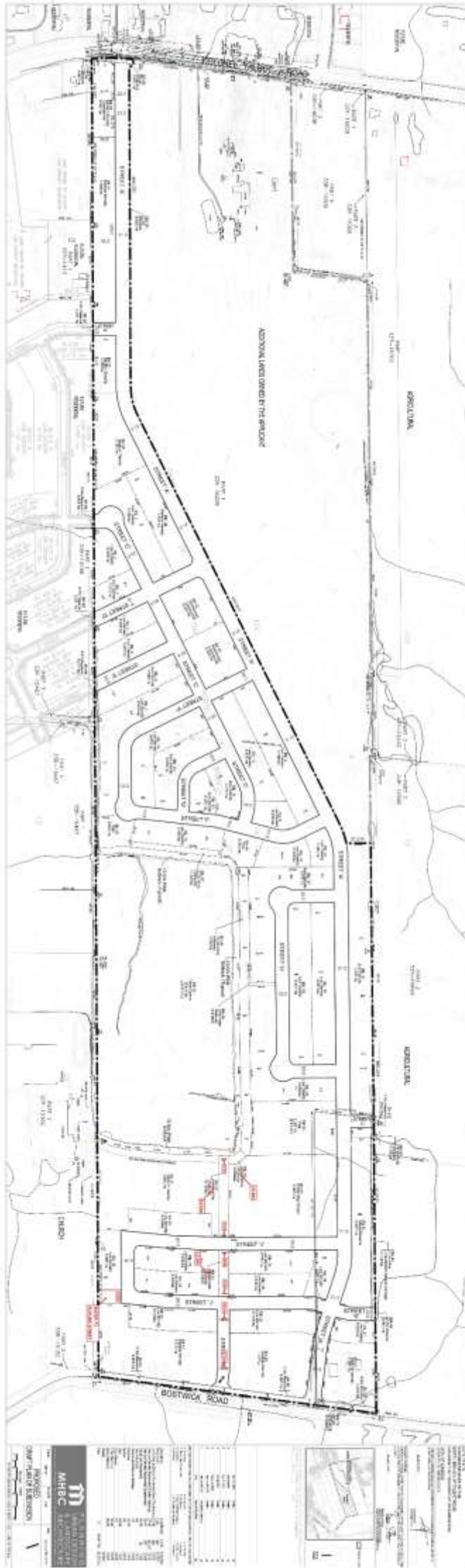
87. In conjunction with Focused Design Studies, the Owner shall have his consulting engineer submit a concept plan which shows how all servicing (water, sanitary, storm, gas, hydro, street lighting, water meter pits, Bell, Rogers, etc.) shall be provided to blocks designated for multi-family residential/condominium/townhouse blocks or narrow lot development having frontage on streets in this plan. The Owner shall have regard for adequate separation distances for all services which are to be located on the municipal right-of-way to allow for separate space for repair, replacement and maintenance of these services, all to the specifications and satisfaction of the City Engineer. It will be a requirement to provide adequate separation distances for all services which are to be located on the municipal right-of-way to provide for required separation distance and to allow for adequate space for repair, replacement and maintenance of these services in a manner acceptable to the City Engineer.

88. Any blocks with street townhouses must have detailed block plan provided to the City and reviewed prior to the acceptance of any detailed design drawings, all to the satisfaction of the City. Any comments provided through the Site Plan Review must be addressed, all to the specifications and satisfaction of the City.

89. In conjunction with the Focused Design Studies, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.

90. In conjunction with the first submission of engineering drawings, the proposed block lotting plan shall be reviewed and accepted with respect to City services, road geometries, easements requirements, etc., to the satisfaction of the City.
91. The Owner shall not develop this plan of subdivision until the plan of subdivision, Plan 39T-12503, to the south develops. Alternatively, make all necessary arrangements to construct adequate municipal services, grading, drainage and accesses over the external lands, to develop this plan, all to the satisfaction of the City.
92. Blocks 1, 2, 3, 4, 5, 6 and 7 in this plan shall be combined with lands to the south in Plan 39T-12503 to create developable lots and/or blocks, to the satisfaction of the City. The above-noted blocks shall be held out of development until they can be combined with adjacent lands to create developable lots and/or blocks.
93. The Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:

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



Appendix “E” – Public Engagement

Community Engagement

Public liaison: Circulation #1 - On October 30, 2017, Notice of Application was sent to 31 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 9, 2017. A “Planning Application” sign was also posted on the site.

Three (3) replies from the public were received.

Nature of Liaison: 3700 Colonel Talbot Road and 3645 Bostwick Road – The purpose and effect of these applications would be the creation of a mixed use subdivision consisting of low density single detached dwellings/lots, cluster dwellings, street townhouse dwellings, apartment buildings, convenience commercial, small scale offices, mixed use (residential/commercial/live work/offices), school, parks, multi-use pathways, and public road access via street connections to Colonel Talbot Road and Bostwick Road.

Consideration of a Plan of Subdivision with 28 low density residential blocks (consisting of single detached, semi-detached or converted dwellings) with an estimated 376 lots, nine (9) medium density blocks (consisting of single detached, semi-detached, converted dwellings or street townhomes) with an estimated 238 units/lots, two (2) medium density blocks (consisting of cluster housing, such as cluster singles, cluster townhomes, and cluster apartments) with an estimated 113 units, one (1) medium density block (consisting of cluster housing, such as cluster singles, cluster townhomes, cluster apartments, and apartment buildings) with an estimated 378 units, one (1) medium density block (consisting of cluster housing, such as cluster singles, cluster townhomes, cluster apartments, and apartment buildings, as well as convenience commercial and office uses) with an estimated 98 units, two (2) mixed use blocks (consisting of a range of missed uses including commercial, office, community-oriented activities, live/work units and residential dwellings) with an estimated 32 units, one (1) school block, two (2) park blocks, one (1) open space block, five (5) multi-use pathways/walkways, several 0.3 m reserves and road widenings, all served by two (2) secondary collector roads (Street A and Street D) and nine (9) new local roads.

Possible Amendment to the Official Plan: a) to Schedule “A” to change the land use designation from: “Low Density Residential” to “Multi-Family, Medium Density Residential” to permit a range of cluster housing including townhomes and apartment buildings; b) from “Low Density Residential”, “Multi-Family, Medium Density Residential” and “Environmental Review” to “Open Space” to permit woodlots and buffers associated with the woodlot; c) to Schedule “C” to change the alignment of the “Proposed Secondary” collector roads (Street A and Street D); d) to Chapter 10 to add a special policy for this subdivision “In the Low Density Residential and Multi-Family, Medium Density Residential designation at 3700 Colonel Talbot Road and 3645 Bostwick Road, all local roads within the subdivision will not be required to provide sidewalks on both sides of the street.”; e) to Chapter 20 (20.5 Southwest Area Secondary Plan) to amend Section 20.5.3.9 ii) b) by adding “The plan of subdivision located at 3700 Colonel Talbot Road and 3645 Bostwick Road” to the exceptions list; f) to Chapter 20 (20.5 Southwest Area Secondary Plan) to amend Bostwick Residential Neighbourhood Section 20.5.9.1 iii) by adding a new subsection g) “Notwithstanding Section 20.5.3.9 ii) b) to the contrary, for the lands addressed as 3700 Colonel Talbot Road and 3645 Bostwick Road an alternative sidewalk arrangement is permitted to provide safe pedestrian connections throughout the site. This sidewalk arrangement does not require sidewalk construction on both sides of all street sections or on all street sections, in recognition of the provision of other mobility infrastructure within the development.”; g) to Chapter 20 (20.5 Southwest Area Secondary Plan) to amend North Lambeth Residential Neighbourhood Section 20.5.10.1 iii) by adding a new subsection c) “Notwithstanding Section 20.5.3.9 ii) b) to the contrary, for the lands addressed as 3700 Colonel Talbot

Road and 3645 Bostwick Road an alternative sidewalk arrangement is permitted to provide safe pedestrian connections throughout the site. This sidewalk arrangement does not require sidewalk construction on both sides of all street sections or on all street sections, in recognition of the provision of other mobility infrastructure within the development.”

Possible Amendment to Zoning By-law Z.-1 to change the zoning FROM an Urban Reserve (UR4) Zone and an Environmental Review (ER) Zone TO: a) Residential R1 (R1-3) Zone – to permit single detached dwellings with a minimum lot area of 300m² and a minimum lot frontage of 10 m (metres); b) Residential R2 (R2-1) Zone - to permit single detached dwellings with a minimum lot area of 250m² and a minimum lot frontage of 9 m, semi-detached dwellings with a minimum lot area of 430m² (200m²) and a minimum lot frontage of 18 m (8.5m), duplex dwellings with a minimum lot area of 430m² and a minimum lot frontage of 12 m and converted dwellings with a minimum lot area of 430m² and a minimum lot frontage of 10.5 m; c) Residential R4 (R4-6) Zone – to permit street townhouse dwellings with a minimum lot area of 145m² and a minimum lot frontage of 5.5 m; d) Residential R6 (R6-5) Zone – to permit cluster single detached dwellings, cluster semi-detached dwellings, cluster duplex dwellings, cluster triplex dwellings, cluster townhouse dwellings, cluster stacked townhouse dwellings, cluster apartment buildings, and cluster fourplex dwellings with a maximum height of 12 m and a maximum density of 35 units per hectare; e) Residential R6 Special Provision (R6-5()) Zone - to permit cluster single detached dwellings, cluster semi-detached dwellings, cluster duplex dwellings, cluster triplex dwellings, cluster townhouse dwellings, cluster stacked townhouse dwellings, cluster apartment buildings, and cluster fourplex dwellings with a maximum height of 12 m and a maximum density of 35 units per hectare, with a special provision for a maximum front and exterior side yard building setback of 5 m; f) Residential R8 (R8-4) Zone - to permit apartment buildings, handicapped person’s apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities with a maximum height of 13 m and a maximum density of 75 units per hectare; g) Residential R8 Special Provision (R8-4()) Zone - to permit apartment buildings, handicapped person’s apartment buildings, lodging house class 2, stacked townhousing, senior citizen apartment buildings, emergency care establishments, and continuum-of-care facilities with a maximum density of 75 units per hectare, with a special provision for a maximum height of 21 m; h) Residential R9 Special Provision (R9-3(13)*H32) Zone - to permit apartment buildings, lodging house class 2, senior citizen apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities with a maximum height of 32 m and a maximum density of 100 units per hectare, with a special provision for a maximum height of 9 storeys; i) Restricted Office Special Provision (RO2()) Zone – to permit clinics, medical/dental offices, medical/dental laboratories, offices with a maximum gross floor area of 2,000 m² and a maximum height of 12 m, with a special provision to permit financial institutions, studios, professional offices, pharmacies, animal clinics, and commercial schools as additional permitted uses, and a maximum front and exterior side yard building setback of 5 m; j) Restricted Office Special Provision (RO2(*)) Zone - to permit clinics, medical/dental offices, medical/dental laboratories, offices at maximum height of 12 m, with a special provision to permit financial institutions, studios, professional offices, pharmacies, animal clinics, and commercial schools as additional permitted uses, with a maximum gross floor area of 4,000 m² and a maximum front and exterior side yard building setback of 5 m; k) Convenience Commercial (CC6) Zone – to permit convenience service establishments without a drive-through facility, convenience stores without a drive-through facility, financial institutions without a drive-through facility, personal service establishments without a drive-through facility, dwelling units, together with any other permitted uses, medical/dental offices, food stores without a drive-through facility, restaurants, take-out, without a drive-through facility, brewing on premises establishment, convenience business service establishments without drive-through facilities, day care centres without drive-through facilities, offices without drive-through facilities, studios without drive-through facilities, bake shops without drive-through facilities, commercial schools without drive-through facilities, florist shops without drive-through facilities, pharmacies without drive-through facilities, restaurants, eat-in without drive-through facilities, with a maximum gross floor area of 1,000 m² and

a maximum height of 8 m; l) Convenience Commercial Special Provision (CC6()) Zone – to permit convenience service establishments without a drive-through facility, convenience stores without a drive-through facility, financial institutions without a drive-through facility, personal service establishments without a drive-through facility, dwelling units, together with any other permitted uses, medical/dental offices, food stores without a drive-through facility, restaurants, take-out, without a drive-through facility, brewing on premises establishment, convenience business service establishments without drive-through facilities, day care centres without drive-through facilities, offices without drive-through facilities, studios without drive-through facilities, bake shops without drive-through facilities, commercial schools without drive-through facilities, florist shops without drive-through facilities, pharmacies without drive-through facilities, restaurants, eat-in without drive-through facilities, with a maximum gross floor area of 1,000 m² and a maximum height of 8 m, with a special provision for a maximum front and exterior side yard building setback of 5 m; m) Convenience Commercial Special Provision (CC6(*)) Zone - to permit convenience service establishments without a drive-through facility, convenience stores without a drive-through facility, financial institutions without a drive-through facility, personal service establishments without a drive-through facility, dwelling units, together with any other permitted uses, medical/dental offices, food stores without a drive-through facility, restaurants, take-out, without a drive-through facility, brewing on premises establishment, convenience business service establishments without drive-through facilities, day care centres without drive-through facilities, offices without drive-through facilities, studios without drive-through facilities, bake shops without drive-through facilities, commercial schools without drive-through facilities, florist shops without drive-through facilities, pharmacies without drive-through facilities, restaurants, eat-in without drive-through facilities, with a special provision to permit a maximum height of 12 m, a maximum gross floor area of 2,000 m² and a maximum front and exterior side yard building setback of 5 m; n) Neighbourhood Facility (NF1) Zone - to permit places of worship, elementary schools, day care centres, community centres, libraries, private schools, fire stations, private club, and police station; o) Neighbourhood Facility Special Provision (NF1()) Zone - to permit places of worship, elementary schools, day care centres, community centres, libraries, private schools, fire stations, private club, and police station, with a special provision for a maximum front and exterior side yard building setback of 5 m; p) Open Space (OS1) Zone – to permit conservation lands, conservation works, cultivation of land for agricultural/horticultural purposes, golf courses, private parks, public parks, recreational golf courses, recreational buildings associated with conservation lands and public parks, campground, and managed forest; q) Open Space (OS5) Zone – to permit conservation lands, conservation works, passive recreation uses which include hiking trails and multi-use pathways, and managed woodlots. The City is also considering the following amendments: An Official Plan Amendment to Schedule B1 to change the “Unevaluated Vegetation Patch” to “Woodlands” ; Adding holding provisions for the following: urban design, water looping, municipal services, and phasing.

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

Concern for:

- Lack of infrastructure/road improvements needed (street lights, traffic lights, sidewalks)
- Density too high and homes are too small
- Will affect property values of neighbouring larger homes
- SWM Pond and flooding concerns in the area
- Lack of integration of parks and pathways with the rest of London – need more trails and open space pathways to get to YMCA and arena
- Road noise on Colonel Talbot Road
- Adjacent church use is worried that new homes will complain about noise and traffic from church use – eliminate medium density housing adjacent to the church

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

Telephone	Written
Dominic Vita 3968 Malpass Road	Brent Raycraft 3970 Malpass Road
	Forest City Community Church c/o Al Mills, Executive Pastor 3725 Bostwick Road

Brent Raycraft – via email
3970 Malpass Road

After my lengthy wait again trying to get through Lambeth’s main intersection then again trying to turn onto Kilbourne Rd. I get home and read yet about another future application and zoning change for a subdivision going in this area.

I can totally understand the need to open up new avenues for housing but I would hope that you can see that with expansion comes infrastructure needs. Colonel Talbot Rd has become a very busy road with very little to no traffic lights, dim street lights, no sidewalks extending from old Lambeth by Kilbourne and Pack Rd and of course a 70 km speed limit that actually is more like 90 km/hr yet everyday and night people are walking, jogging or riding along the roadway. So I ask you what plans are in place to handle yet another large subdivision let alone the increase in road noise coming over the hill and into what was once a quiet neighbourhood called Southwinds.

Aside from the fact we pay an extremely large amount of taxes in this area with no sound barrier or proper lighting at the Colonel Talbot intersection and now we will have more truck traffic during construction phases let alone the number of personal vehicles once completion.

I am turning to you as our voice in the City of London to bring this plan forward for answers, this is the future of London as well as the “downtown core” that seems to be all that is cared about.

My family and hundreds more pay taxes to the City of London so don’t you think it’s time to put it back into our part of London!

Forest City Community Church – by letter
3725 Bostwick Road

Forest City Community Church is a well-established and long-term community of faith that meets at 3725 Bostwick Road in London. Since the completion of the first phase of construction of our facility in March of 2005 the church has sought to be a contributing member of the Talbot/Lambeth community, and has become a weekly gathering place for more than 2000 people from various walks of life from 1the greater London area.

The southwest portion of London is growing rapidly, and the current application from MHBC Planning, in conjunction with W-3 Farms and York Developments, indicates that development of properties adjacent to ours on Bostwick Road is coming in the near future. While we are enjoying the growth that London is experiencing, and are very supportive of the need for the city to grow into the southwest quadrant, we feel it is necessary to clearly communicate one concern regarding the above noted application. Specifically, the application notes that blocks 38 and 39 are proposed as medium density blocks which could include cluster townhomes, cluster apartments, and cluster singles.

The density of these residential homes is of concern to us because Forest City Community Church is a highly active community with a performing arts centre that can involve traffic and activity at both earl morning and late evening hours. Musical

production (with modest but distinctly ambient volume), coupled with traffic management and large crowds will mean that the increased number of residents in medium density housing may be disturbed by the established patterns of activity here.

Because of these concerns, we believe that the elimination of medium density housing in these two blocks will best serve the interests of the community. In short, while we recognize that mitigations can be undertaken to reduce the impact of a developing community, we would strongly urge the limitation of medium density housing to areas not adjacent to the property located at 3725 Bostwick Road, or close to the existing church building, as our established patterns of activity may prove to be distracting to new residents of the area.

Public liaison: Circulation #2 - On June 27, 2018, Notice of Application was sent to 49 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 5, 2018. A “Planning Application” sign was also posted on the site.

One (1) reply was received.

Nature of Liaison: 3700 Colonel Talbot Road and 3645 Bostwick Road – The purpose and effect of these applications would be the creation of a mixed use subdivision consisting of low density single detached dwellings/lots, cluster dwellings, street townhouse dwellings, apartment buildings, convenience commercial, small scale offices, mixed use (residential/commercial/live work/offices), school, parks, multi-use pathways, and public road access via street connections to Colonel Talbot Road and Bostwick Road.

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

Concern for:

- Adjacent church use is worried that new homes will complain about noise and traffic from church use – eliminate medium density housing adjacent to the church
- Add warning clauses and noise attenuation considerations for new development

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

Telephone	Written
	Forest City Community Church c/o Al Mills, Executive Pastor 3725 Bostwick Road

*Forest City Community Church
3725 Bostwick Road*

We have reviewed the above Notice of Planning Application dated June 27, 2018. We feel it is necessary to reiterate our comments and concerns of March 5, 2018 in which we demonstrated that the already established activities of Forest City Community Church will almost certainly prove disturbing to some residents to the north of our property line, and adjacent to our existing building.

The church’s activities can begin as early as 6:00 AM on weekends and can extend past 11:00 PM on certain weeknights. Activities bring with them sometimes heavy automobile and pedestrian traffic, as well as rehearsal activities that may be somewhat outside the confines of the building. Our greatest concern is in regard to Block 39 of the plan as it entails medium density housing up to a maximum of 75 units per hectare. At that density, we are concerned that residents may be disturbed by the busy-ness that accompanies a large and dynamic organization like Forest City Community Church.

Once again, we would stress that the best interests of both new and old residents of this area would be best served if medium density housing were moved away from areas that

are adjacent to the church building. We believe that Block 39 should be revised to include low-density housing to avoid future dissatisfaction on the part of its residents. It would seem beneficial to move medium density housing plans to places where residents are less likely to be affected by being next door to a bustling centre. Further, in the interest of continued satisfaction of new residents to the community on Bostwick Road, we believe it is necessary to include information about the church's activities in both the Development Agreement and in the Declaration of Condominium. These should include references to ongoing worship and musical events with their accompanying audio effects, pedestrian traffic, heavy automobile traffic, outdoor activities, and maintenance, construction, and other upkeep activities. Hours of these activities can vary widely, and should be noted to future and potential residents. Finally, we would suggest that the developer take into account any mitigations that may help new residents live in comfort in an already busy area. It seems wise to consider sound-reducing barrier walls, fences and shrubs, as well as increased insulation in homes and apartments that would obfuscate the bustle of activities taking place on Forest City Community Church property.

Agency/Departmental Comments

Planning Services (City Planning - Urban Regeneration) (November 15, 2017)

Archaeological issues have been addressed, with the exception of Block 53 which was not subject to the Stage 1-2 archaeological assessment. Archaeological potential will not be removed from this block, and it may be prudent to include the h-18 on this block. Not sure of the future plans for Block 53, but development or site alteration must not be permitted until archaeological matters have been addressed.

Staff Response: No conditions added.

Parks Planning (June 10, 2019)

- In conjunction with the Focused Design Studies submission, the Owner shall detail how the recommendations of the EIS (completed by BioLogic Inc. - dated May 8, 2018) and approved addendum(s) will be incorporated into the plan, and implemented, all to the satisfaction of the City.
- Parkland dedication has been calculated at a rate of 1 hectare per 300 residential units. The Owner shall dedicate Blocks 45, 46, 48, 49, 51, 52, 53, 65, 75, 76, 77 to satisfy a portion of the required parkland dedication. Some of the blocks have been taken at a compensated rate as per By-law CP-9. The balance of the required parkland dedication will be taken in the future phase of the subdivision.
- In conjunction with the first submission of engineering drawings, the Owner is to provide park concept plans for Blocks 51, 52, and 65 to the satisfaction of the City.
- In conjunction with the first submission of engineering drawings, the Owner shall provide initial pathway concepts for Blocks 45, 46, 48, 49, 51, 52, 65, 75, 76 and 77 to the satisfaction of the City.
- Within one year of registration of this plan, the Owner shall grade, service and seed all areas dedicated for parkland within the phase being registered, in accordance with the approved plan, to the satisfaction of the City.
- The Owner shall construct all works within the park blocks within one year of plan registration for the parks in that phase to the satisfaction of the City.
- The Owner shall not grade into any open space areas or parkland. Where lots or blocks abut an open space area, all grading of the developing lots or blocks at the interface with the open space areas are to match grades to maintain existing slopes, topography and vegetation. In instances where this is not practical or desirable, any grading into the open space shall be to the satisfaction of the City.
- Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to the Environmental and Parks Planning Division monthly during development activity along the edge of the Block 53.
- In conjunction with the first submission of engineering drawings, the Owner shall prepare and deliver to all homeowners an education package which explains the stewardship of natural area, the value of existing tree cover and the protection and utilization of the grading and drainage pattern on these lots. The educational

package shall be prepared to the satisfaction of the City.

- Within one year of registration of this plan, the Owner shall construct a 1.5m high chain link fencing without gates in accordance with current City park standards (SPO 4.8) or approved alternate, along the property limit interface of all private lots and blocks adjacent to existing and/or future Park and Open Space Blocks, to the satisfaction of the City.
- Restoration and planting shall occur around the woodlot and wetland in accordance with the EIS. A buffer planting prepared by a qualified professional shall be submitted and reviewed with the first submission of engineering plans, to the satisfaction of the City.
- In conjunction with the first submission of engineering drawings, the Owner shall have a qualified arborist prepare a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation report and plan shall be focused on the preservation of quality specimen trees within lots and blocks. The tree preservation report and plan shall be completed in accordance with current approved City of London guidelines for the preparation of tree preservation reports and tree preservation plans, to the satisfaction of the Manager of Environmental and Parks Planning as part of the design studies submission. Tree preservation shall be established first and grading/servicing design shall be developed to accommodate maximum tree preservation.
- In conjunction with the first submission of engineering drawings, the owner shall, in lieu of the standard park grade, service and seed requirements, undertake, by a Registered Professional Forester, a Hazard Tree Assessment Study for the portion of Block 53 that abuts park and open space. The study will undertake a tree risk assessment to identify hazard trees or hazardous parts of any trees within falling distance of the park lot lines (this being the hazard tree management zone) and pathways (as approved by the city), this also taking into account wind-firmness of adjacent trees affected by any recommended hazard tree removals, and ensure that those hazard trees, or parts thereof, are abated or removed in a timely manner by competent, certified arborists prior to any other persons (workers) entering the hazard tree management zone, or within one year of registration, whichever is the sooner.

Staff Response: Conditions have been added to the draft approval.

Environmental and Ecological Planning Advisory Committee (EEPAC) - September, 2018

The key concern for the working group remains the surface flows from Patch 10066 (identified now as a Significant Woodland) to Patch 10069 (also Significant). Both the EIS and the hydrogeological report agree that maintaining this seasonal flow is important to maintain the features and functions of Patch 10069. What is missing from both reports is how this can be accomplished, particularly without the completion of the Dingman Creek Subwatershed Study update currently underway.

RECOMMENDATIONS

1. A holding provision be applied to require approval of the City Engineer or designate and the UTRCA of the design of the system proposed to maintain the seasonal surface flows to Patch 10069, both in terms quantity and quality (e.g. page 34, Recommendation 1, page 36, etc). EEAPC further recommends that this system remain in public ownership so that maintenance remains a municipal responsibility rather than future individual home owners. The design must include the areas to the southwest that are part of the flow regime to the P9 SWM facility as well as Phase 2 of the Sifton development to the north and the remaining part of the York property, particularly as no aquatic habitat site investigations relative to the flow channel under and west of Colonel Talbot Road were carried out (see page 16).
2. EEPAC strongly opposes the suggestion that the compensation for the small wetland at the southwest corner of the property be within Patch 10069. EEPAC recommends the area be where the City has proposed it (adjacent to Patch 10069) or created on the boundary between this property and the property to the

north where other wetland replacement is being proposed. In this way, a larger, more functional wetland would be possible.

3. The working group is also concerned about access to Patch 10069 prior to development of the lands to the south. Although there will be fencing of backyards in the W3 Farms development, the southern part of this patch will remain accessible. The working group recommends the City gain ownership of this woodland earlier rather than later so that a sustainable trail system can be created (preferably outside the woodland) prior to the people creating their own, harming the wet features and the endangered butternut tree which is to be retained and requires protection.
4. EEPAC recommends education signage be installed at appropriate points (e.g. Recommendation 29, page 42) near the ecological features as a constant reminder of the significance of the features. EEPAC does not believe the one time owner education packages are effective. EEPAC supports Recommendation 27 on page 41 for sign plaques on the fences within individual lots.
5. EEPAC recommends the environmental monitoring strategy mentioned on page 42 be a condition of development that requires approval of a City Ecologist. EEPAC also recommends that any monitoring program start with the first year of construction and not end until the third year after substantial completion of the subdivision.

ADDITIONAL COMMENTS

There were a number of inconsistencies (e.g. p. 13, 26) in the EIS update such as whether or not Patch 10066 had been studied and who did the site work. However, EEPAC is in agreement that this patch meets one High criterion from the woodland evaluation guideline document and is therefore a Significant Woodland to be retained (Table A, page 27).

The field sheet includes notations about raptors and ribbon snake (Special Concern Species) habitat, however there is no discussion of these findings and their significance in the report.

With respect to storm water management, the report notes that storm water from Areas 2 and 3 are "tributaries" to the SWMF P9, which presumably means storm water from these areas will drain to that SWMF. However, Area 1, which drains to the east (presumably to Thornincroft Drain) "private permanent treatment" is proposed for storm water. Additionally, run-off from Area 1 is expected to increase 171% without mitigation measures. We have two concerns:

- a. No details on the private treatment system were provided, specifically with respect to water treatment/quality parameters and flow volumes.
- b. The report presents these as annual average increases in run-off, but does not indicate what will happen during major and minor flows. As run-off from the subdivision will mostly occur during storm events, and the report does not evaluate the impact of elevated storm water run-off on Thornincroft Drain (and ultimately Dingman Creek) as a result of these storm events.

We recommend that the report further evaluate the impact from increase in surface water flow from the site to Thornincroft Drain and Dingman Creek during major and minor flow events. If the evaluation fails to demonstrate that overall water quality will be improved or at minimum maintained to pre-development conditions, additional mitigation measures should be considered.

The report also mentions the implementation of LID measures to promote post development infiltration to a target of 80% of the predevelopment infiltration; LID measures may presumably also form part of the storm water management system for the site by acting to retain storm water. We recommend that LID measures, particularly LID measures that form part of any storm water management system be placed on public property, as the eventual homeowner may lack the desire or skill in maintain the LID measures and run-off may consequently increase over time as the efficacy of the LID measures wane.

Staff Response: The final EIS and addendums have addressed flows from Patch 10066 to Patch 10069. The Applicant will be required to address and maintain flows, to be implemented through detailed design. Compensation for the wetland patch will be provided through the second phase of the subdivision within a naturalized channel. Fencing will be required for the significant feature along the interface with future residential, but will not be provided along the southern property. The need for fencing at that location will be determined through future applications to the south. Signage will not be installed for the significant feature on a permanent basis, as the City does not have the resources to maintain signs. A monitoring program is a recommendation of the EIS and will be implemented after final approval. Patch 10066 will be further evaluated as part of any development applications that occur on the lands to the north. The feature will be zoned Environmental Review and the lands surrounding the feature on this site will be zoned Urban Reserve, to denote further study is needed. Additional SWM considerations and LID measures will be addressed as part of the Focused Design Studies for the subdivision.

**Upper Thames River Conservation Authority (September 6, 2019)
NOTICE OF DECISION**

IN THE MATTER OF

The Conservation Authorities Act, R.S.O. 1990, Chapter C. 27 as amended;

AND IN THE MATTER OF

An Application by: York Developments

For the permission of the Upper Thames River Conservation Authority pursuant to Regulations made under Section 28 of this said Act to:

Relocate, recreate and compensate for removal of a wetland feature measuring 0.3 ha on Conservation Authority regulated lands having the municipal address of 3700 Colonel Talbot Road in the City London, Ontario.

TAKE NOTICE THAT a Hearing before the Upper Thames River Conservation Authority was held under Section 28 of the Conservation Authorities Act at the offices of said Authority at 1424 Clarke Road, London, Ontario on Tuesday, August 27, 2019.

Members of the Hearing Board Present:

Alan Dale (Chair)

Tony Jackson

Marie Blosh

Brian Petrie

Hearing Participants:

Ali Soufan - York Developments

David Ailles - York Developments

Scott Allen - MHBC Planning Consultants

Heather Jaggard - Exp Consultants

Dave Haymond - MTE

Maureen Zunti – Sifton Properties Inc.

Nancy Pasato – City of London

Adrienne Sones – City of London

James MacKay – City of London

Ian Wilcox - UTRCA

Tracy Annett – UTRCA

Christine Creighton – UTRCA

Jessica Schnaitmann - UTRCA

Brent Verscheure – UTRCA

Michelle Viglianti - UTRCA

DECISION

MINUTES, HEARING BOARD MEETING

HELD Tuesday, August 27, 2019

THAT the Hearings Committee of the Upper Thames River Conservation Authority grant conditional approval to Application #160-19, including plans to compensate for wetland habitat loss through the implementation of a relocation plan and further the implementation of a compensation plan within the Draft Plan 2 lands that shall include lands to be developed to the north in an overall contiguous natural corridor within the Dingman Creek Subwatershed, and

FURTHER, compensation plan details must be refined and detailed submissions made through the applicant, City of London, and their respective consultants, and

FURTHER, overall development of the subject lands must not take place until such time that all conditions of draft plan approval have been satisfied to the satisfaction of the UTRCA, and

FURTHER, that the terms and conditions for approval pursuant to Section 28 of the Conservation Authorities Act shall include but not be limited to the following:

1. Upon issuance of a Section 28 permit, works must be completed within one (1) year of the approval.
2. Separate Section 28 permit applications and approvals must be obtained from the UTRCA for the development of lands within the proposed plan of subdivision which are situated within regulated areas that are not addressed through this application.
3. Consistent with the documentation prepared in support of Application #160-19, monitoring of the implemented compensation plan must be undertaken for a period of three (3) years and the UTRCA must be advised of any deficiencies or any mitigative measures undertaken to ensure compliance with the relocation plan.
4. As outlined in Recommendation 1, the monitoring program, contained in the Environmental Impact Study (EIS), shall be accepted by the UTRCA, City of London planning staff including the City's ecologist.
5. The proposed naturalized corridor on future Draft Plan lands (currently known as Draft Plan 2) shall consider adjacent lands and shall provide natural heritage system linkages.

DATED the 6th Day of September, 2019

Upper Thames River Conservation Authority (September 9, 2019)

Further to our comments dated April 25, 2019, we wish to advise that the Upper Thames River Conservation Authority (UTRCA) has continued to work with the applicant to address our interests. A number of meetings have been held and progress has been made such that we are in a position to offer conditions of draft plan approval for the Draft Plan 1 Lands. The conditions were formulated in collaboration with City Planning staff and include among other matters the finalizing of technical reports to the satisfaction of City and UTRCA staff as well as the preparation of detailed plans regarding the wetland compensation within a new natural corridor (Draft Plan 2 or future development lands) that will be implemented by the applicant and the adjacent landowner (Sifton) which will require a Section 28 permit.

The subject lands (as well as the balance of the lands) are regulated by the Conservation Authority and include a wetland feature known as Community #5 which was the subject of a recent UTRCA's Hearing Committee meeting on August 27, 2019 wherein the applicant requested permission to relocate the wetland feature. The Notice of Decision which follows, was issued by the UTRCA on September 6, 2019 -

THAT the Hearings Committee of the Upper Thames River Conservation Authority grant conditional approval to Application #160-19, including plans to compensate for wetland habitat loss through the implementation of a relocation plan and further the implementation of a compensation plan within the Draft Plan 2 lands that shall include lands to be developed to the north in an overall contiguous natural corridor within the Dingman Creek Subwatershed, and

FURTHER, compensation plan details must be refined and detailed submissions made through the applicant, City of London, and their respective consultants, and

FURTHER, overall development of the subject lands must not take place until such time that all conditions of draft plan approval have been satisfied to the satisfaction of the UTRCA, and

FURTHER, that the terms and conditions for approval pursuant to Section 28 of the Conservation Authorities Act shall include but not be limited to the following:

1. Upon issuance of a Section 28 permit, works must be completed within one (1) year of the approval.
2. Separate Section 28 permit applications and approvals must be obtained from the UTRCA for the development of lands within the proposed plan of subdivision which are situated within regulated areas that are not addressed through this application.
3. Consistent with the documentation prepared in support of Application #160-19, monitoring of the implemented compensation plan must be undertaken for a period of three (3) years and the UTRCA must be advised of any deficiencies or any mitigative measures undertaken to ensure compliance with the relocation plan.
4. As outlined in Recommendation 1, the monitoring program, contained in the Environmental Impact Study (EIS), shall be accepted by the UTRCA, City of London planning staff including the City's ecologist.
5. The proposed naturalized corridor on future Draft Plan lands (currently known as Draft Plan 2) shall consider adjacent lands and shall provide natural heritage system linkages.

We wish to remind the applicant that in addition to the Community # 5 wetland lands, there are other lands within the Draft Plan 1 Lands which are regulated by the UTRCA. The necessary Section 28 approvals must be secured for those lands prior to undertaking any site alteration or development including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

Staff Response: Conditions on the permit and wetland relocation/compensation have been added to the draft approval, as well as conditions on a final EIS and Hydrogeological and Water Balance assessment.

Canada Post (November 15, 2017)

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program. I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the City of London and Canada Post:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii) install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

- iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

Staff Response: Community mailbox locations will be addressed at detailed design for the subdivision. No condition added.

Bell Canada (June 28, 2018)

We have reviewed the circulation regarding the above noted application. We have no conditions and/or objections to the application at this time. We hereby advise the Developer, however, to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario's principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1). The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

Staff Response: No conditions added.

London Transit Commission (LTC) (November 2, 2017)

London Transit has reviewed the above noted application for approval of draft plan of subdivision and Official Plan and Zoning By-law Amendment and would offer the following comments:

- Paragraph 213 of The London Plan states that, "Street patterns will be easy and safe to navigate by walking and cycling and will be supportive of transit services. Paragraph 218 states, "To support connectivity, blocks within a neighbourhood should be of a size and configuration that supports connections to transit and other neighbourhood amenities.
- Bostwick Road is projected to be a major transit arterial. The southern portion of Street "J" in the draft plan of subdivision provides poor pedestrian connectivity to Bostwick that would impair transit productivity in the area.
- Paragraph 212 of The London Plan states that, "New neighbourhood street networks will be designed to have multiple direct connections to existing and future neighbourhoods."
- The eastern portion of the draft plan of subdivision fails to provide any allowance for road connections to the south. The lack of a direct north to south route through the site impairs transit's ability to operate efficiently and establish a local transit routing.

Recommendation

1. Provide a road or pedestrian connection with a width of at least 9m between the southern extent of Street "J" and Bostwick Rd.
2. Provide for a road allowance from either Street "J" or Street "F" to the southern boundary of the subject lands.

Staff Response: A second connection to Bostwick Road was added (Street M) and is redlined to a width of 20m. A future road connection to the south from Street J will also be provided through the redlined drat plan.

Appendix “F” – Policy Context

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

Provincial Policy Statement

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1

1.1.3 Settlement Areas

1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6

1.2 Coordination

1.4 Housing

1.4.1

1.5 Public spaces, recreation, parks, trails and open space

1.5.1

1.6.7 Transportation Systems

1.6.7.4

2.0 Wise use and management of resources

2.1 Natural heritage

2.1.1, 2.1.4, 2.1.5, 2.1.6, 2.1.8

London Plan

Our Strategy: 58_; 59_5; 59_7; 59_8; 60_; 61_2; 62_11

Our City: *71_Figure 1; *72_; 107_; 108_; 124_; 142_; 143-145_; *146_; 170_; 172_

City Building: *189-306; 307_; 313_; 331_; 332_; *346_; *348_; *349_; *357_; *370-

372_; *Table 6; .408_; 410_; 425_; *518_; 520_; 521_; 687_; 690_;

Place Type Policies: 761_; *916-922; *Table 10; 930_; *935_; *936_; *Table 11; *960_;

Our Tools: 1576_; *1577-1578_; 1610_; *1638-1647_

Maps: *Map 1; *Map 3, *Map 5

Southwest Area Secondary Plan:

20.5.1.2; 20.5.1.4; 20.5.2; 20.5.3; 20.5.4; 20.5.16;

Schedule 1, 2, 4, 8, 9

1989 Official Plan

Chapter 2 Planning Framework: 2.3.1 ii); 2.3.1 vii);

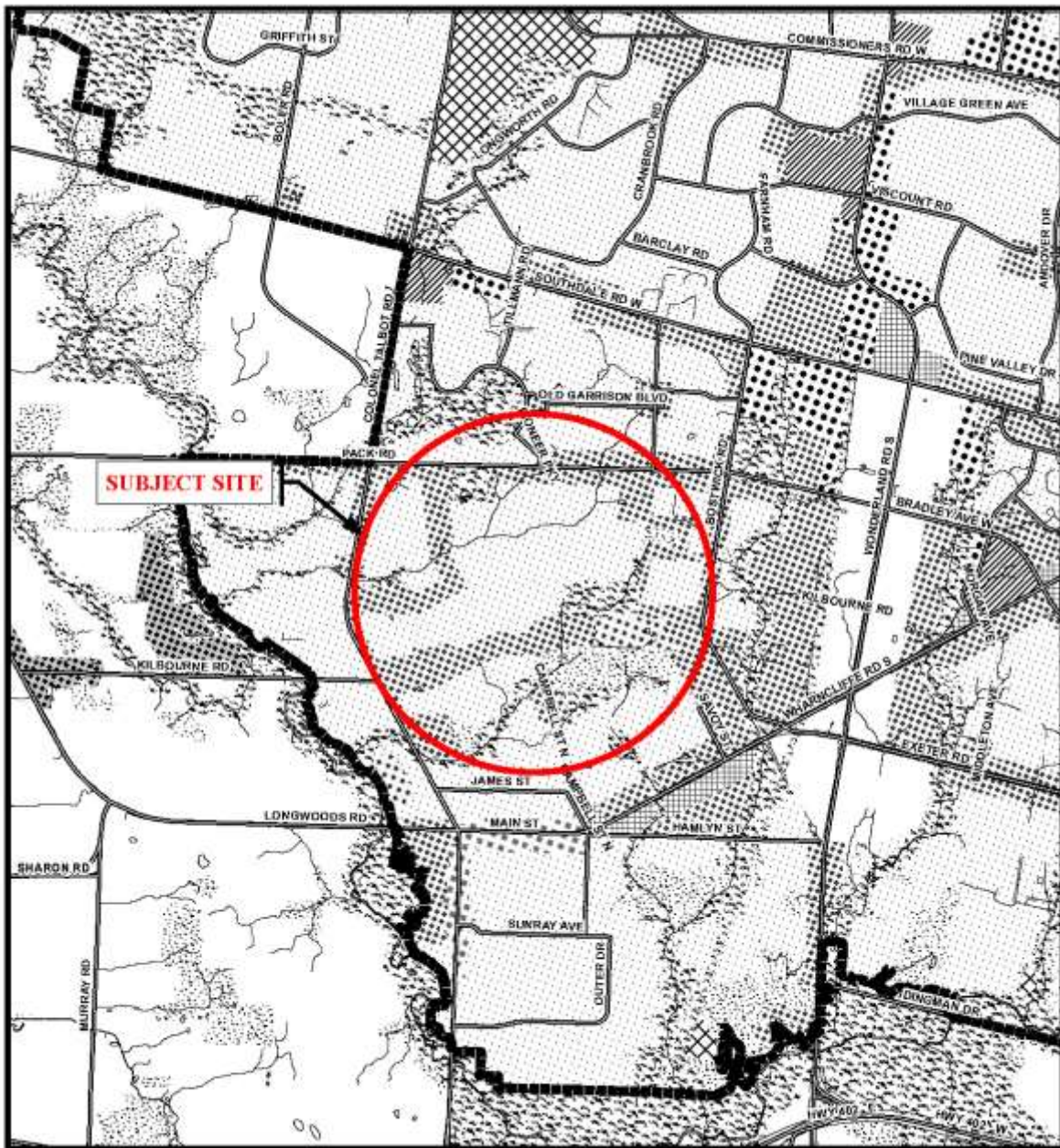
Chapter 3 Residential Land use Designations: 3.1; 3.2; 3.3; 3.6.5.

Chapter 11 Urban Design Principles: 11.1.1 v); 11.1.1 viii); 11.1.1xiii); 11.1.1 xiv); 11.1.1 xvii); 11.1. xxi)

Chapter 15 Environmental Policies: 15.1; 15.2; 15.3; 15.4; 15.5; 15.7

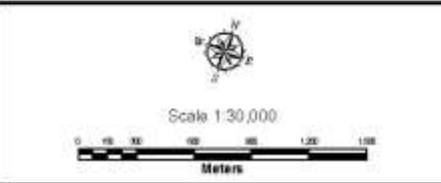
Chapter 19 Implementation: 19.1.12; 19.2; 19.3; 19.4; 19.4.4.; 19.6.; 19.9.2; 19.12.; 19.14.

Additional Maps



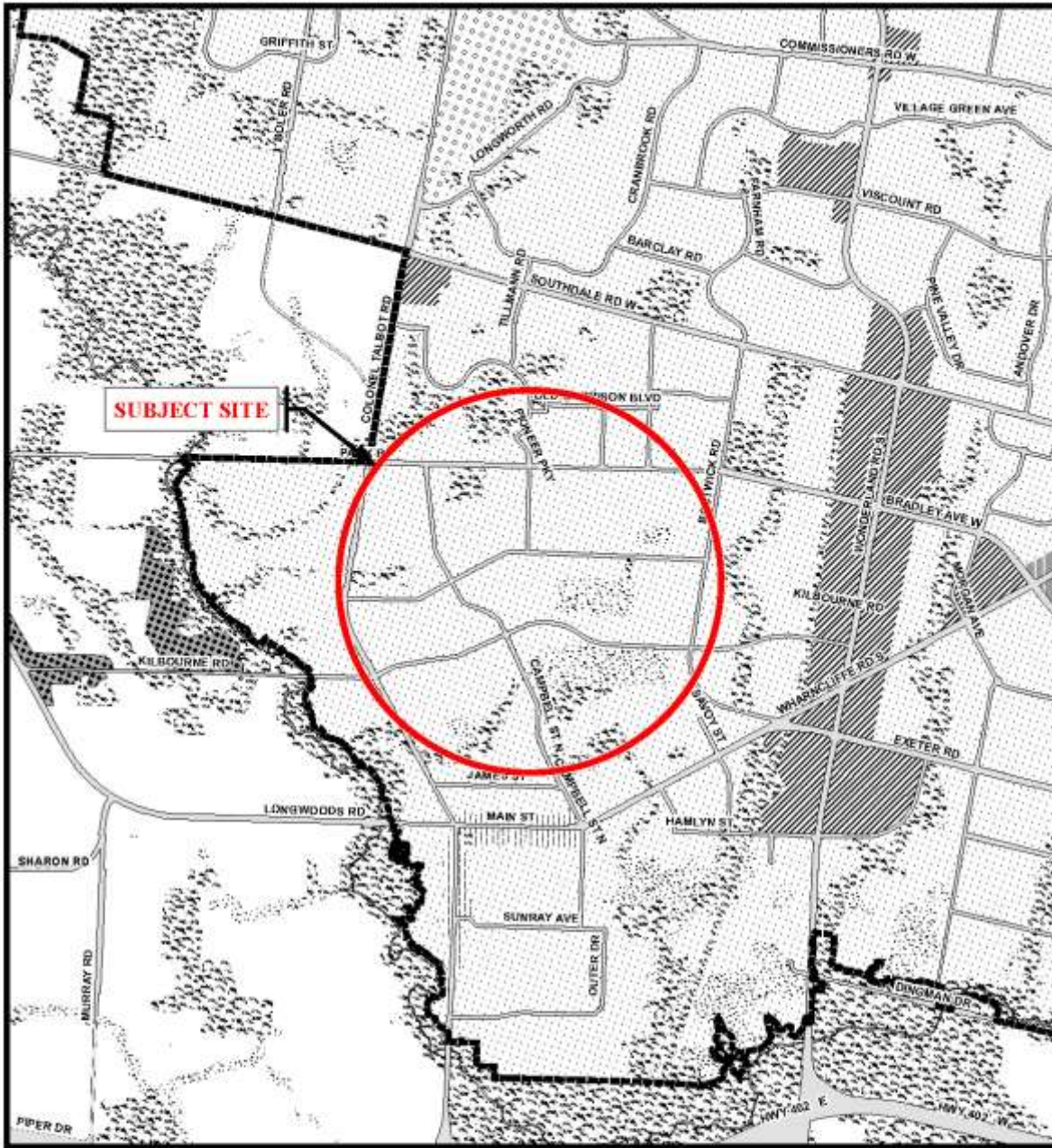
Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low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

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-8838/39T-17503
 PLANNER: NP
 TECHNICIAN: RC
 DATE: 2019/08/28

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid00\extracts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd



Legend

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

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

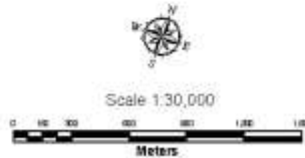
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of the London Plan.

CITY OF LONDON

Planning Services /
Development Services

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

PREPARED BY: Planning Services



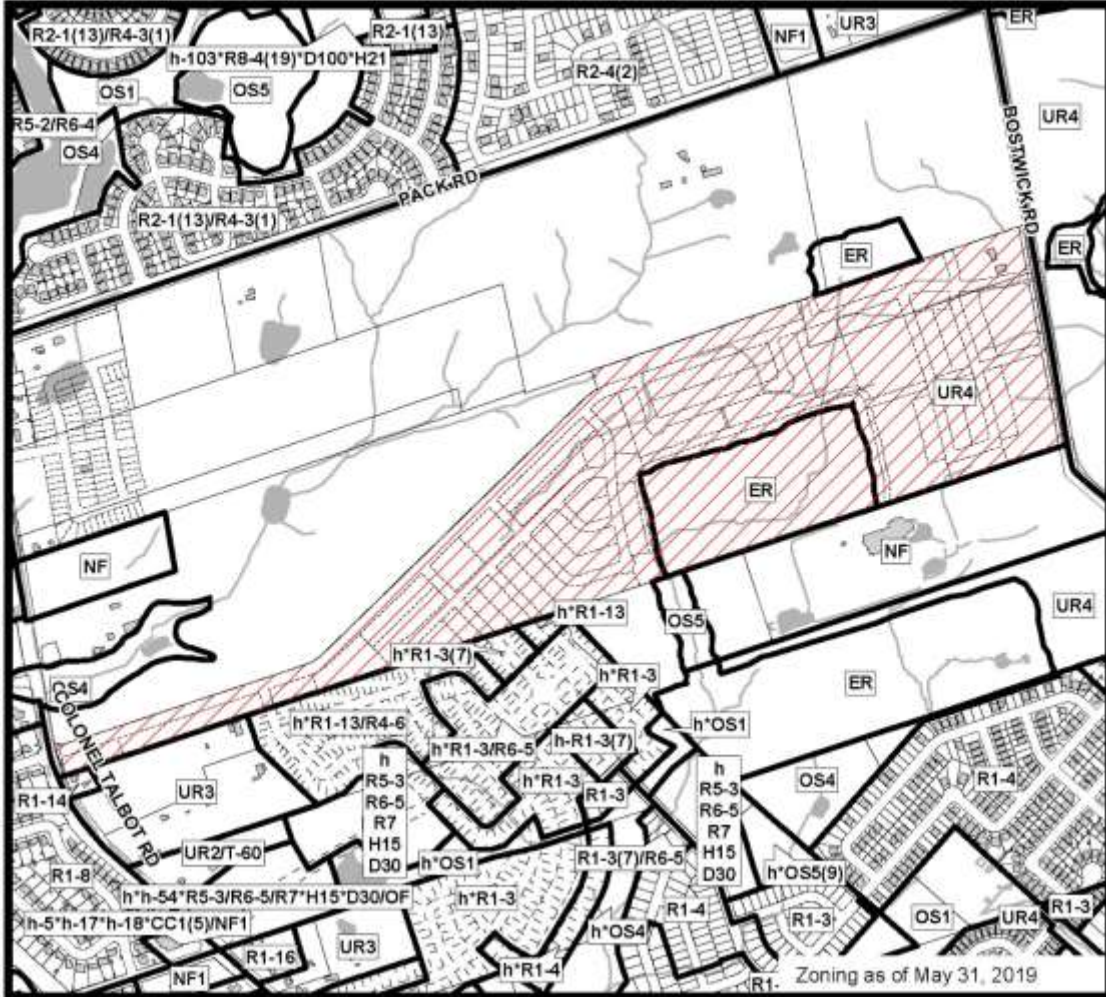
File Number: OZ-8838/39T-17503

Planner: NP

Technician: RC

Date: August 28, 2019

Project Location: E:\Planning\Projects\ip_official\plan\work\consolid00\excerpts_LondonPlan\mxd\OZ-8838-Map1_PlaceTypes.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

"N" - 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**



FILE NO:
 OZ-8838 NP

MAP PREPARED:
 2019/08/26 RC

1:11,000

0 70 140 280 420 560 Meters

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

Additional Reports

November 20, 2012 - Report to Planning Committee on the Southwest Area Secondary Plan and subsequent adoption of the Secondary Plan and Official Plan amendments (O-7609)

Bibliography of Information and Materials

39T-17503/OZ-8838

Request for Approval:

City of London Subdivision Application Form, completed by MHBC Planning, submitted October 5, 2017.

City of London Combined Official Plan and Zoning By-law Amendment Application Form, completed by MHBC Planning, submitted October 5, 2017.

MHBC Planning. Proposed Draft Plan of Subdivision, Lots 74 & 754, Concession East of the North Branch of Talbot Road (Geographic Township of Westminster), January 23, 2017.

MHBC Planning, Cover letter Draft Plan of Subdivision Application, W-3 Farms Inc., October 4, 2017.

MHBC Planning, Memo, 3700 Colonel Talbot Road and 3645 Bostwick Road London, Proposed SWAP Amendment (provision of Sidewalks), Draft Plan of Subdivision, W-3 Farms, October 25, 2017.

MHBC Planning, Cover letter, Draft Plan Resubmission (W3 Farms Inc.), 3700 Colonel Talbot Road and 3645 Bostwick Road 39T-17503/OZ-8838W-3 Farms Inc., February 13, 2019.

MHBC Planning, Proposed Draft Plan of Subdivision, Lots 74 & 754, Concession East of the North Branch of Talbot Road (Geographic Township of Westminster), December 20, 2018.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement, 2014*.

City of London. *Official Plan*, June 19, 1989, as amended.

City of London. *The London Plan*, June, 2016, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Submitted Reports:

MHBC Planning, Final Proposal Report, October 2017

MHBC Planning, Urban Design Brief. February 2017

BT Engineering, Traffic Impact Assessment, February 2017

Bluestone Research Inc., Stage 1-2 Archaeological Assessment of 3700 Colonel Talbot Road and 3645 Bostwick Road and related correspondence from the Ministry of Tourism, Culture and Sport, February, 2016

Dingman, Thor, Progress Report; Cultural Evaluation Report, February 10, 2017

Exp Services, Hydrogeologic and Water Balance Assessment, September 2017

Exp Services, Revised Hydrogeologic and Water Balance Assessment, April 2018

Exp Services, Revised Hydrogeologic and Water Balance Assessment, February 2019

Exp Services, Response to Hydrogeological Comments, November 21, 2018

Exp Services, Response to Hydrogeological Comments, August 9, 2019

Exp Services, Preliminary Geotechnical Investigation, June 21, 2016

Biologic, Environmental Impact Statement, 3700 Colonel Talbot Road & 3645 Bostwick Road, October 4, 2017

Biologic, Revised Environmental Impact Statement, 3700 Colonel Talbot Road & 3645 Bostwick Road, May 8, 2018

Biologic, Revised Environmental Impact Statement, 3700 Colonel Talbot Road & 3645 Bostwick Road, August 13, 2019

Biologic, Environmental Impact Statement, 3700 Colonel Talbot Road & 3645 Bostwick Road, August 26, 2019

Correspondence - see Appendix E of report

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 - Public Participation Meeting

Date: September 23, 2019

Recommendation

That, on the recommendation of the Managing Director, Environmental & Engineering Services and City Engineer, the following actions be taken with respect to the Tree Protection By-law C.P.-1515-228:

- a) the public input provided at the September 23, 2019 Planning and Environment Committee meeting with respect to the attached, proposed new Tree Protection By-law BE REFERRED to the Civic Administration for consideration in the preparation of a revised Tree Protection By-law; and,
- b) the Civic Administration BE DIRECTED to provide a proposed by-law to repeal and replace the existing Tree Protection By-law C.P.-1515-228 at a future Planning and Environment Committee meeting including replacing the term “City Planner” with “City Engineer”.

Executive Summary

Several issues with the existing Tree Protection By-law C.P.-1515-228 have emerged since it was passed by Council on August 30, 2016. Public consultation also revealed a number of administrative, interpretive or technical matters that were difficult to understand or that were 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. In addition, the Urban Forestry department that administers and enforces the by-law now reports to the City Engineer, therefore, all references to “City Planner” within the by-law requires replacement with “City Engineer” to show that the City Engineer, and not the City Planner, is responsible for the by-law.

Given the extent of these changes, a new Tree Protection By-law is required.

This report brings the proposed by-law forward for public review and comment at a public participation meeting while the existing Tree Protection By-law C.P.-1515-228 remains in force and effect. The aim is that the old by-law will be repealed at a future date and the new by-law will come in to force and effect as the old by-law is repealed. The chosen future date should allow time to prepare necessary changes to forms and administrative processes before those become “live” and this date is recommended to be no sooner than February 2020.

Any new public comments received before or during this public participation meeting may be considered as part of the by-law development process. If changes to the proposed by-law are desired by this Committee, then a further report and proposed new by-law will be brought back to this Committee as soon as practical.

Analysis

1.0 Previous Reports

June 17, 2019

Planning & Environment Committee Report - Proposed New City of London Tree Protection By-law and Notice of PPM

June 18, 2018	Planning & Environment Committee Report – The City of London Tree Protection By-Law C.P.-1515-228 Amendments and Implementation Update
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

One of the themes of the Urban Forest Strategy is to “Protect More” trees. Since Vision 96 in 1996, the City of London has had a private tree by-law in place. For the first twenty years, the by-law took in the form of a Tree Conservation By-law aimed at protecting woodlands on private property. Through public consultation for the Urban Forest Strategy (2014) it became clear that there was significant unmet public demand for a better private tree by-law with 86% of survey respondents supporting this direction. Requiring replacement planting of protected trees that are destroyed with an approved Permit is an obvious way to help achieve London’s Urban Forest Strategy goal of 34% tree canopy cover by 2065. To help achieve this target it is important to protect large trees and areas of trees and woodlands in the City. The by-law is designed to maintain healthy trees. Dead tree removals require no fee and proper pruning activities will not require a permit.

A new Tree Protection By-law was prepared and passed by Council on August, 30, 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.

The administration of the Tree Protection By-law, to date, has involved staff in over 1000 permit applications. An approximate 86% of applications were for dead or dying removal applications, therefore, no fee is collected; 2% were construction-related, and 12% were refused permits.

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 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, to protect 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. Instead of applying for a permit while the trees are alive, some landowners choose to leave trees until they become so defective that their removal becomes necessary for public safety, which is an exemption of the by-law.

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 the client was 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. A summary of the survey results is included in Appendix “B”. Some of the major findings of the survey included that approximately 73% of respondents 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.

The Trees and Forests Advisory Committee discussed the by-law again on August 28, 2019 and provided additional comments to the staff in attendance. A delegation by the Vice-Chair of the Trees and Forests Advisory Committee was received by Planning and Environment Committee on September 9, 2019 where key points were outlined:

- That golf courses and cemeteries should not be exempted from the by-law, but the City, as owner of municipal golf-courses, should hold itself to the same standard as private landowners;
- That the size threshold for Distinctive Trees should be lowered from 50cm and greater, so to protect more trees of more species – but recognising that as the size threshold is lowered, the number of trees protected rises exponentially and this will have consequences for urban forestry staff workload and their scope of work in future; a size threshold of 40cm and greater may be appropriate;
- That public education may be cost-effective and possibly a more successful tool to achieve our tree canopy goals, but its cost-effectiveness remains unknown at this time;
- That the application process may be enhanced by requiring photos to be submitted, and including a checklist to ensure the application complies with current best practices (or not);
- That the by-law define a “hazardous tree”.

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 several 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.

One appeal against the City’s denial to issue a tree destruction permit to allow for construction access and building of an extension that had a Building Permit was dismissed; the extension was built prior to the appeal being heard, with tolerable injury to the tree. The Hearings Officer recommended that the City departments (Building Division and Urban Forestry) find a way to resolve the potential for conflict before issuing a Building Permit.

Feedback to Staff

Staff received a letter from a consultant to bring forward concerns on behalf of two cemeteries (included in Appendix “B”). These included:

- The digging of graves near trees would require a permit. A burial is not something that can be anticipated in advance and requires immediate response. Waiting for a permit is not practical.
- The general maintenance practice of removing seedlings and small trees that have sprung up would require an arborist report and a permit.
- 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.
- To require a permit every time a tree is to be injured or removed is cumbersome

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 facilities 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 also hear informal complaints during their day-to-day work about how to make improvements to the by-law. One such complaint was that the payment process is challenging as only cash and cheques can be received at one location during regular business hours. Staff have been able to address this recently with Recreation staff leading a project to accept other payment types at multiple City facilities outside of normal business hours.

London residents have expressed frustration that a permit is required for homeowner management of properties. From this perspective the by-law process has been identified as onerous and costly.

Staff have also received complaints that the Tree Protection By-law does not go far enough, or is not as rigorous as it should be. Most commonly, this is heard when trees are removed in an approved development activity, such as a new build under site plan, or where lots are created by consent, or lots and roads laid out for a new sub-division.

Notice of Public Participation Meeting

A draft of the proposed Tree Protection By-law was included with a report to Planning & Environment Committee on June 17, 2019, which requested that this Public Participation Meeting be held on September 23, 2019.

5.0 Legislated Exemptions – Where Public Expectations May Not Be Met

The legislation that allows for a municipality to create tree by-laws is in s. 135 of the *Municipal Act*, 2001, but in the *Municipal Act*, 2001 s. 135 (12), certain activities are exempted from all tree by-laws. Among these exemptions are:

- (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 authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;

Complaints have frequently been received when protected trees are removed in an approved development activity, such as a new build under site plan, where lots are created by consent, or lots and roads laid out for a new subdivision. The By-law Officer must check all current or recent planning matters to determine if that may be the case, and the Tree Protection By-law is powerless in such matters.

Thus, despite a level of public expectations that a Tree Protection By-law should protect the tree from being removed for development, tree by-laws do not restrict development in most instances. In planning and development applications to the City, determination whether a tree stays is controlled not through a tree by-law, but as a part of the planning process and subject to such policies and other by-laws as may be in place (e.g. Zoning By-law; The London Plan). The Tree Protection By-law may protect trees only until such time as a planning application (site plan, sub-division or consent) is approved.

Other exemptions prescribed by the *Municipal Act*, and listed in the exemptions in the by-law, rarely if ever result in a complaint.

The proposed by-law contains some “made in London” exemptions that aim to simplify management of protected trees in specific situations e.g. when a protected tree must be removed quickly, for safety reasons.

6.0 City Response - Proposed Principal Changes

Repeal and Replace

The proposed major change is to introduce a new Tree Protection By-law that, when passed, will replace the existing Tree Protection By-law C.P.-1515-228.

Internal Reorganization – “City Engineer” to replace “City Planner”

Staff that administer and enforce the tree by-laws now report to the City Engineer, so it is sensible and desirable that all references in the by-law to the “City Planner” be replaced by “City Engineer” throughout. The City Engineer shall then designate by express authority in writing, those staff that may perform which functions of the by-law.

Improved Language and Administration

The proposed new Tree Protection By-law has been prepared by the City Solicitor with input from Urban Forestry staff. Careful attention was paid to the language of the proposed by-law to ensure the intent of the by-law will be conveyed when that language is interpreted by others. The goal was to simplify the language and avoid ambiguity so

any applicant, who may have no experience in interpreting law, would understand what is expected of them. Also, staff and the Hearings Officer will have better guidance for administering the by-law. This improved language shall reduce or remove completely the need for staff to receive managerial direction regarding ambiguous language, and ensure consistency in outcomes from similar types of applications and any appeals.

Among the many changes, under the proposed by-law any application made to injure or destroy a “Distinctive Tree” or a tree in a “Tree Protection Area”, is proposed to follow the same application process and be decided according to the same reasons to issue or deny a permit. This removes a two-stream process that may be confusing for applicants. The required information for a complete application is easier to comprehend. It also sets out clear reasons the City Engineer will consider for issuing, or denying, a permit that provides fair warning to the applicant about the expected outcome of their application and ensures consistency in outcomes in administration of the by-law.

Cemeteries and Golf Courses Exemption - Recommended

In the existing Tree Protection By-law, golf courses and cemeteries must follow a different application process with submission of a long-term 5-year plan. In the attached by-law, cemeteries and golf courses would be treated the same as any other applicant and would follow the same application process. Staff now recommend exempting cemeteries and golf courses from the by-law because it has not proven to be the correct tool to bring about the long-term pro-active management as was envisioned.

Golf courses and cemeteries 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 business. Most trees are pruned regularly in winter to keep them safe or provide for line-of-sight for as long as possible. If protection of trees in cemeteries and golf courses were to be exempted, the risk of total loss of tree canopy in those places is considered to be low.

Cemeteries have struggled with developing long term management plans as required for a complete application. Most applications received to date 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 or when they need to dig graves. These reasons can be challenging to know five 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 have also struggled with developing long-term management plans for similar reasons as cemeteries. Most often, golf courses need to remove trees when they present an unacceptable risk to the members, guests and the public that may enjoy walking over their lands. Less often, it is because a part of the course needs re-working to overcome some issue with turf management or to improve play. Golf courses that were designed decades ago may be adapting to respond to changes in technology that means a golfer can strike a ball over a greater distance than before. Turf management has become increasingly challenging due to unusual and extreme weather. Therefore, occasionally, healthy trees must be removed for reasons that may include removing excessive shading of turf or to adjust for the range or direction of play.

The potential for a conflict between the by-law, and such actions the golf course may desire to undertake to continue to attract and retain business, has been criticised to staff, pointing out that municipally-owned golf courses are exempted from the by-law and operate and continue to generate revenue with no such barriers to their business decisions.

Part 2 – Definitions

Adoption of a Reduced Size for a Distinctive Tree - Not Recommended

The community response seeking a reduction in the size threshold for a Distinctive Tree is not supported by staff, as discussed here.

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. 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 urban forest is comprised of trees of this size or greater. At our current size threshold of 50cm or greater, approximately 6% of our trees are 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. Even though ten times as many trees fall into this 20cm-25 cm category, a ten-fold increase in workload is not anticipated, since the smaller-sized trees tend to be younger, healthier, and not at the same risk of removal as larger, older trees.

As workload increases, the ability of staff to conduct other necessary duties, tasks, programs and initiatives under the Implementation Plan for the Urban Forest Strategy (2014) will be further impacted with a corresponding deterioration in customer service levels. Staff already see this impact during times of peak demand from spring through to fall for by-law enforcement and permitting services. 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. Generally, enforcement activities incur the greatest disruption to service delivery, as staff must respond as soon as practicably possible and investigations can take up a lot of time and resources both within the Urban Forestry office and with support of staff from across the corporation.

With enforcement, time is of the essence. For a prosecution to occur, a Provincial Offence Notice must be served within 30 days of the offence occurring, or a Laying of an Information must occur within six months of an offence occurring. To gather all evidence within these timeframes is challenging. A decision has to be made early in the enforcement process whether sufficient evidence is available for a successful prosecution to proceed.

A four-fold increase in by-law-related workload will overwhelm the City's ability to maintain a timely response to enquiries and enforcement matters, potentially undermining the effectiveness of the by-law.

Part 5 – Exemptions

Conservation Authority exemption – clause 5.1 (j) - limiting scope

Under the existing by-law, activities and matters taken by or under order of a Conservation Authority, and any works under the Conservation Authorities Act and its Regulations and amendments, are exempted. It was intended to allow for necessary works by a Conservation Authority to protect water, human lives and property, but this exemption has resulted in tree removals where a permit, directive or order was made to any person, for any reason falling under s. 28 of the Conservation Authorities Act.

In the proposed by-law the exempted activities are limited to activities undertaken by a Conservation Authority on its own lands or in response to a Declared Emergency.

Emergency Services exemption – clause 5.1 (k)

Occasionally the police, ambulance or fire services must remove or injure trees or direct the injury or destruction of trees to deal with an emergency event. It is proposed in the by-law to exempt the injuring or destruction of trees at the direction of these Emergency Services during an emergency event.

Part 7 - Application for Permits

“Dead Distinctive Tree Permit” process, clause 7.2 (2) (g) – simplifying the requirements

Many applications are received related to dead trees that do not present as an immediate risk to public safety, but where the landowner wanted to remove them before they became a more serious threat that would be more expensive to remove. In the proposed by-law, where an Arborist submits in writing an “Arborist Opinion” to assert that the tree is dead, this shall be accepted by staff and a Dead Distinctive Tree Permit shall be issued. A small number of applications under this new process shall continue to be verified by staff to ensure it is not being abused. Staff administering the by-law have worked closely with tree industry professionals and are recommending the development of this new permitting process only for a tree that is dead, or, as a result of natural causes, is in an advanced and irreversible decline in health. The goal is to avoid expending staff resources to verify each “dead” tree is dead or in advanced decline, while also relieving the Arborist from writing a full report which can be more expensive for the landowner. This should improve performance for permit issuance, reduce applicant costs, and relieve staff of a significant portion of their time in the field.

Dead or declining trees in a Tree Protection Area are not subject to this proposed new permit process. In wooded areas a dead or declining tree may not present a significant risk to human safety, but may support valuable wildlife. A more conservative approach to tree destruction in woodlands is required to ensure that all classes of trees continue to be represented, and this includes having some dead snags and dead trees. Staff will continue to verify the condition of trees for applications affecting Tree Protection Areas and work with applicants to ensure that some dead or declining trees are retained where it is reasonably safe to do so.

Co-owned Trees – s. 7.5 Boundary Tree; s. 7.6 Boundary Tree – City Boulevard Tree

Per the *Forestry Act*, trees along or near to a property line may have two or more co-owners, depending on how the architecture of the tree trunk crosses the property line. The consent of all owners has to be obtained before a co-owned tree may be destroyed. In circumstances where the City may be a co-owner of a protected tree (for example, at or over a Park property line) that is the subject of an application, the City Engineer or designate would decide the City’s role in the fate of the co-owned, protected tree with consideration of private and public interests. Where the co-owned tree is on or over the City Boulevard, then the City’s Boulevard Tree By-law will apply and this proposed Tree Protection By-law will not apply.

Part 8, Powers of the City Engineer

Building Permits, clause 8.2 (4) (f) - tree permit shall issue if no reasonable alternative

It is proposed that where it is necessary for the purposes of a Building Permit, a tree permit under the proposed by-law shall be issued where there are no reasonable alternatives to the tree injury or destruction. Building Permits are approved with reference to the Building Code and various other pieces of “applicable law”. The tree by-laws, enacted under the *Municipal Act*, are not “applicable law”. Therefore a Building Permit shall be issued where the work being permitted accords to the Building Code and applicable laws, irrespective of whether any protected trees may be affected by the proposed work or reasonable access to the work site. A Building Permit may be required for things like accessory buildings (such as greenhouses, sheds), that exceed 10m² in area or additions to an existing dwelling.

One appeal against the City’s denial to issue a tree destruction permit to allow for construction access and building of an addition was dismissed; the addition was built prior to the appeal being heard, with tolerable injury to the tree. The Hearings Officer recommended that the City departments (Building Division and Urban Forestry) find a way to resolve the potential for conflict before issuing a Building Permit. The new practice has been to request that the Building Division provide information to applicants, that if there are protected trees present, they should speak to Urban Forestry. If there is scope to find a reasonable alternative – such as locating an accessory building

elsewhere, or hoisting materials using a crane – then that could be a satisfactory solution.

Cultural Heritage (*Ontario Heritage Act*) – clause 8.3 (b)

In the proposed by-law there is a new provision for the City Engineer or designate to refuse to issue a permit, or revoke or suspend an existing permit or impose conditions to a permit where the protected tree is on lands that were designated under Part IV of the *Ontario Heritage Act*. An individual property may be designated under Part IV of the *Ontario Heritage Act* to be of cultural heritage value and that can include a tree or trees as a heritage attribute. Altering (e.g. removing) a tree that is protected by designation under Part IV of the *Ontario Heritage Act* would also require approvals pursuant to the *Ontario Heritage Act* (Heritage Alteration Permit approval). Where Heritage Trees are protected as Distinctive Trees the owner would be required to obtain a second approval under the *Ontario Heritage Act*. The *Ontario Heritage Act* would govern the final decision and Heritage Tree removal would be the option of last resort after exhausting alternatives that preserve the tree, depending on circumstance e.g. excluding public access around it or propping limbs.

Not specified in the by-law, but mentioned here for clarity, trees that were included as a heritage attribute to a Heritage Conservation District, designated pursuant to Part V of the *Ontario Heritage Act*, will tend to be of large stature and protected as Distinctive Trees under the by-law, but will not require other approvals pursuant to the *Ontario Heritage Act*.

Wildlife – s. 8.3, clauses (a), (c), (d); Part 9 Issuance of Permits, s. 9.2 Permit – Automatic Conditions, clause (h); s. 9.3 Permit – Additional Conditions That May be Imposed, clauses (b), (d), (e), (i)

Concerns have been raised with staff, through advice from the Trees and Forests Advisory Committee and from volunteer rescuers, regarding the disturbance or displacement of wildlife from trees during tree injury or destruction. The City has a Humane Wildlife Policy for City trees, but this does not extend to privately-owned trees. Urban Forestry has updated and expanded information about wildlife rescue on the City website, which includes contact information for wildlife rescue professionals and volunteers. While many types of wildlife are protected in law at a provincial or federal level, provision has been made in the proposed by-law for the City Engineer or designate to refuse to issue a permit, or revoke or suspend an existing permit, or impose conditions to a permit to protect migratory birds, native flora and fauna, or where the tree itself is an endangered species or threatened species. There is also provision for the City Engineer or designate to require the Permit Holder to protect or relocate wildlife (including bees) – a process which may involve other agencies and may require other permits be obtained. Together, these new provisions should help avoid many potential wildlife conflicts and allow for better response and management of necessary relocations of wildlife where advance planning can be undertaken.

Part 9 - Issuance of Permits

Replacement Tree Planting & Fees – s. 9.2 Permit - Automatic Conditions - replacement trees required OR fee be paid

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, how many replacement trees may be required, 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 where an otherwise healthy or safe tree is proposed to be removed and the number of replacement trees will be determined according to Schedule B. Replacement trees are not required for Dead Distinctive Tree Permits or where the tree being destroyed was hazardous. The verification that replacement planting has been completed satisfactorily

will be done by staff, who may enforce the by-law if the planting is not completed by the required date.

The proposed Schedule B provides the number and type of replacement trees required, which varies with the size of tree being destroyed; if there is insufficient space for all or any replacement trees then a fee of \$350 may be charged for each replacement tree that is not planted. Provision is made in the by-law for the City Engineer to determine the size, species and location of a replacement tree at planting; if a very large number of replacement trees must be planted, these may be planted at a smaller size, e.g. 2-year transplants.

Part 13, Pests – Inspection – Removal of Infested Trees

Although it has not yet been invoked, the existing by-law has provision for the City Engineer or designate to enter private lands, take samples, and make Orders to protect urban forest health. This provision was included by consultation with the Canadian Food Inspection Agency, by reference to their federal *Plant Protection Act*. In Part 13 of the proposed by-law, the language has been improved to specify that consent for entry to private land is not required if the City Engineer has been designated by the Canadian Food Inspection Agency as an inspector for the purposes of the *Plant Protection Act*. The term “Pest” appears in the by-law in this Part. In cases where owner consent is forthcoming, then the City Engineer or designate may enter private land to inspect for serious Pests including Asian Long-horned Beetle, and may remove such infested trees from public or private lands.

The Trees and Forests Advisory Committee considered the definition for “Pest” should include those infestations by a Pest that cause detrimental and irreversible damage to the direct health of a tree. That advice is translated to the definition for “Pest” that includes that it must be injurious or potentially injurious to the tree, whether directly or indirectly. If the City Engineer or designate should exercise their powers under this Part of the by-law and remove trees that are infested, it is only to be enacted when Pests may create serious widespread economic or ecological harm. Best practices in Integrated Pest Management (IPM) mean that a suite of possible controls or treatments would be developed to suppress Pest populations below the economic injury level, with minimum use of pesticides, and it may not be necessary to destroy any host trees until all other options have been exhausted. It is considered that this language in the by-law provides sufficient safeguard to avoid tree destruction where, in the opinion of the City Engineer or their designate, the Pest may be adequately controlled by other IPM methods, or the consequences of the Pest is relatively benign to the economy, or tolerable within the ecology of the urban forest as a whole.

Schedule A

Fees - Application; Denial of a Permit, and Right to Appeal

Where a permit shall be issued, 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 suggest the fee should not be paid, and then returning it to the applicant. It also means the applicant can pay all the required fees (e.g. if a fee is required for a replacement tree that will not be planted) at one time, in one place. Over the past six months, the payment of fees has been facilitated through adopting the City’s SPECTRUM recreational programs payment system, so that applicants may pay their required fees at community centres located around the City using a variety of payment options, including cash. This means applicants would no longer pay in person by cheque or cash at the Urban Forestry office. At some future date, it is anticipated that an online fee-paying system will be introduced to better serve our clients. The payments received through the SPECTRUM system are allocated to an Urban Forestry account (Tree Bank) to support tree planting or other Urban Forest Strategy initiatives across the City.

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

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.

7.0 Conclusion

The proposed new Tree Protection By-law strengthens and improves the existing Tree Protection By-law C.P.-1515-228, and public input received to date has informed its development. Protected trees will continue to be protected under the existing Tree Protection By-law C.P.-1515-228 until it is repealed.

Prepared by:	Sara Rowland, R.P.F. Urban Forestry Planner, Transportation, Roadside Operations & Forestry Division
Submitted 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 Tree Protection By-law
- Appendix B: Public Engagement and Feedback
- Appendix C: Tree Protection By-law C.P.-1515-228

Bill No.
2019

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;
- (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) an analysis and description of any reasonable alternatives to the Tree Injury or Destruction or an analysis and description as to why there are no reasonable alternatives to the Tree Injury or Destruction;
- (e) 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, description of maintenance strategies and protection measures to be implemented;
- (g) if requested by the City Engineer, further information 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 Engineer" means the person who holds the position of City Engineer for The Corporation of the City of London or their written Designate who is authorized by the 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 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 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 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 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 introduction of decay fungi , 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;

“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 ground level varies around the Tree, it 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 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” means a person who, in the opinion of the 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. 18 or successor legislation;

“Replacement Tree” means a 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 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 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-law PS-5, or successor legislation;

“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;

“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 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.

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 having a trunk diameter of 50cm or greater measured 1.4m above Natural Ground Level, 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 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

- 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 (and subject to all applicable requirements in this By-law including sufficient evidence of the grounds) for the Injury or Destruction of a Tree:

Application to City Engineer

- 7.2 (1) Every application for a Permit shall be made to the City Engineer in a format provided by the 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;
- (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 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 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 subsections (2), the 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 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 Engineer under subsection (3) to the 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 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 would need to apply for a Permit, otherwise a Permit will not be issued. 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 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 Engineer.

City Engineer – When Permit Shall Issue

- 8.2 The 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 Engineer is satisfied that there are no reasonable alternatives to the proposed Tree Injury or Destruction; and
 - (3) the City Engineer has determined, in their discretion, that there are no grounds for refusing to issue a Permit under section 8.3; and
 - (4) the 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 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 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 Engineer shall refuse to issue a Permit if (1), (2), (3) and (4) are not satisfied.

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

- 8.3 The 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) migratory birds 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 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 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 Engineer by or on behalf of the Applicant or Landowner contains a false statement.

City Engineer – Additional Reasons to Revoke

8.4 In addition to section 8.3 above, the 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 Engineer is satisfied that there is a material change in circumstances in connection with or on the Site and the City Engineer is satisfied that the Permit needs to be revoked to avoid further Injury or Destruction of a Tree or Trees.

City Engineer – May Impose Conditions, Special Conditions

8.5 Notwithstanding any other provision of this By-law, the 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 Engineer to give effect to this By-law.

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

8.6 (1) Where the 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 Engineer shall make that decision.

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

(2) Where the City Engineer has made a decision under subsection 8.6(1) of this By-law, the 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 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 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 Engineer may revoke the Permit without notice to the Permit Holder.

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 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 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 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 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 Engineer, and the species, or choice of species, size and location of Replacement Trees as determined by the 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 forthwith pay the fee as determined by the 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 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 the 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 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 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 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 Engineer within a period of time specified by the City Engineer;
 - (k) a condition recommended by a Qualified Person that the 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 Engineer if Change of Information

- 9.8 The Permit Holder shall notify the 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 Engineer determines it necessary, shall immediately return their Permit to the 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 Engineer or make any decision that the 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.

- 12.5 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.
- 12.6 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 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 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 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 this 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 _____, 20__.

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

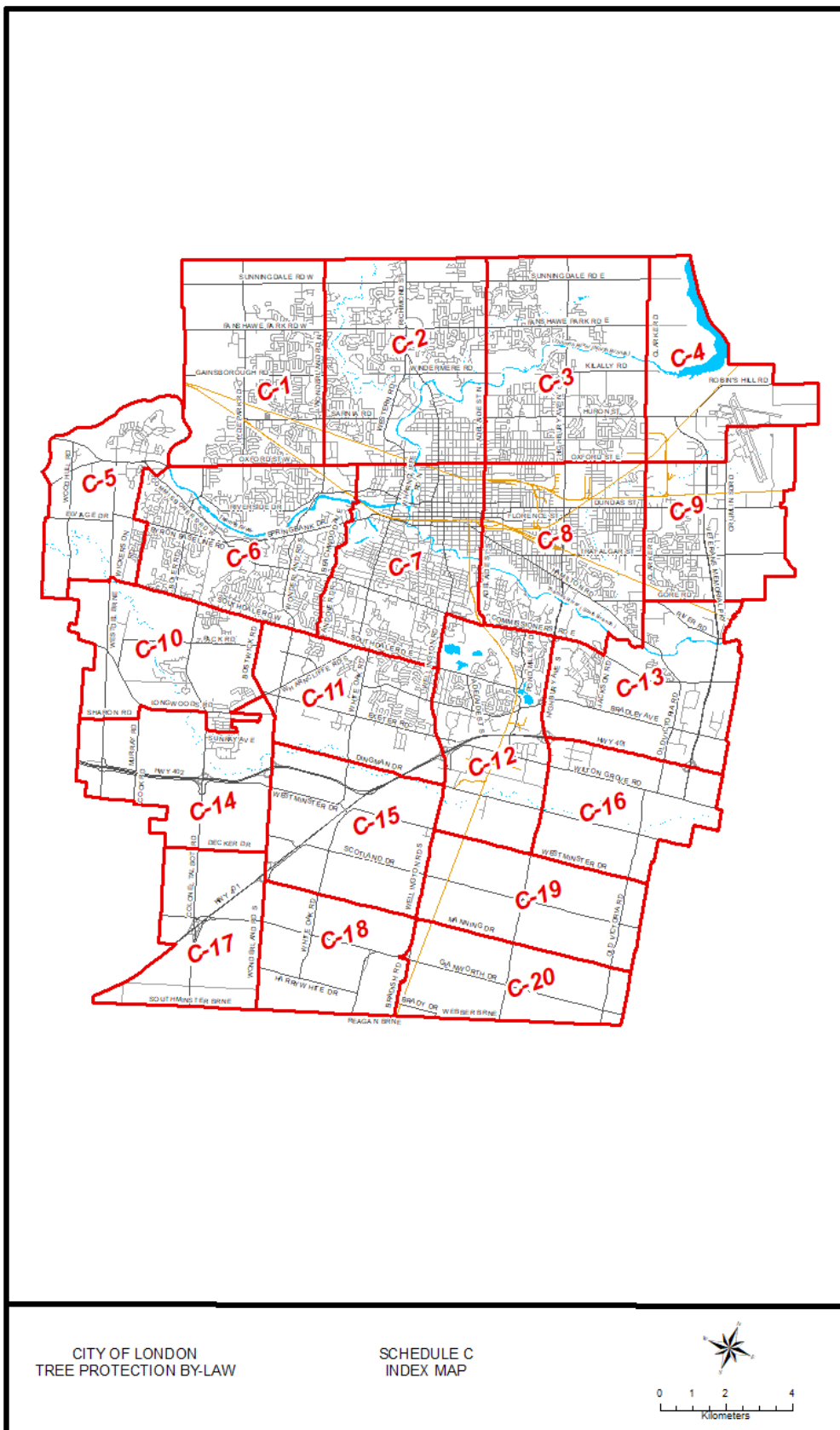
Calculation of Number of Distinctive Tree Replacement Trees & Calculation of Fees for Off-Site Tree Planting (insufficient space on Site to plant Replacement Trees)

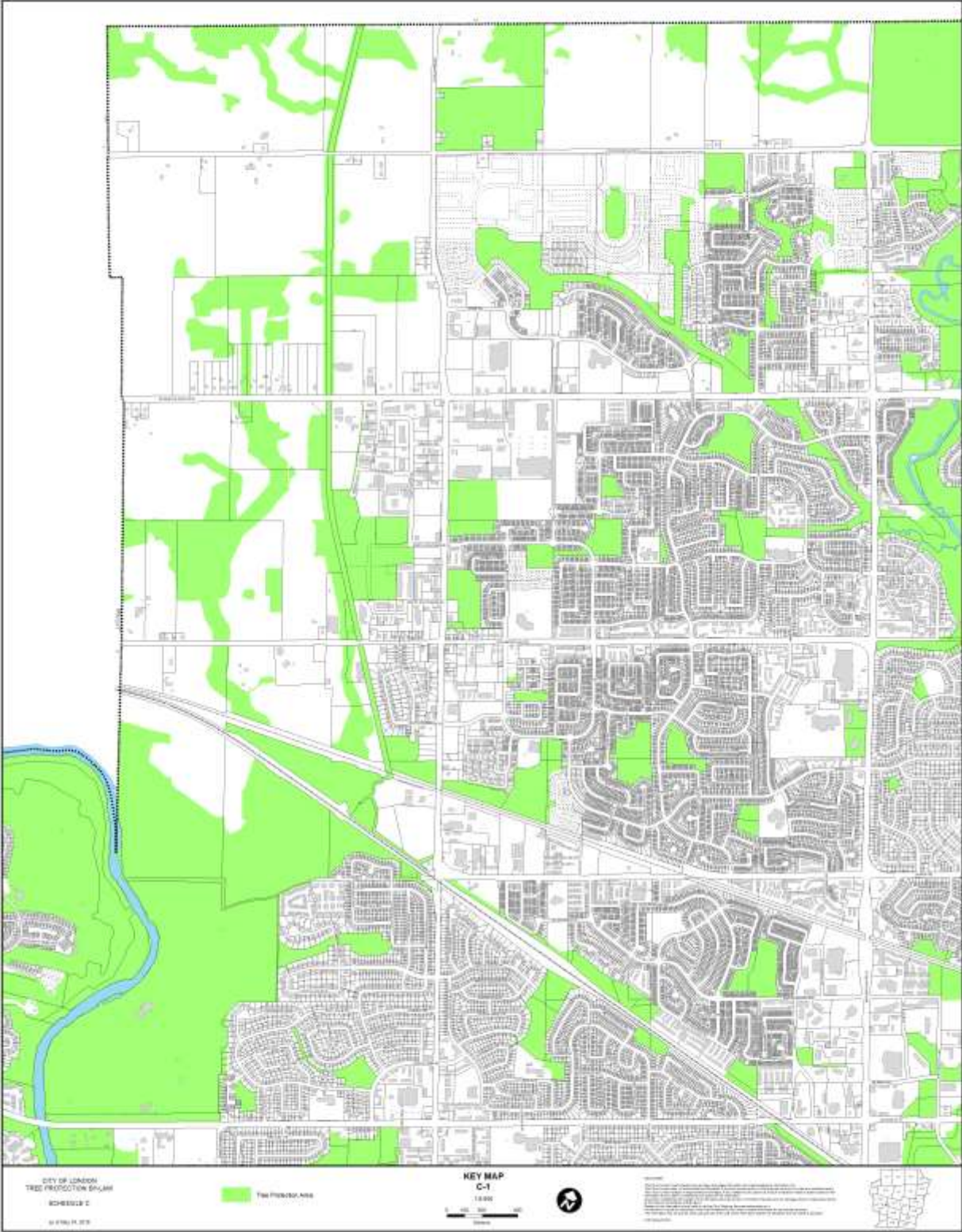
1. For the purposes of subsection 9.2(a) of this By-law with respect to a Distinctive Tree Permit, the City Engineer shall determine the number of living Replacement Trees that will be required based on the chart below. The diameter of the Tree to be Destroyed under a Distinctive Tree Permit, as set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

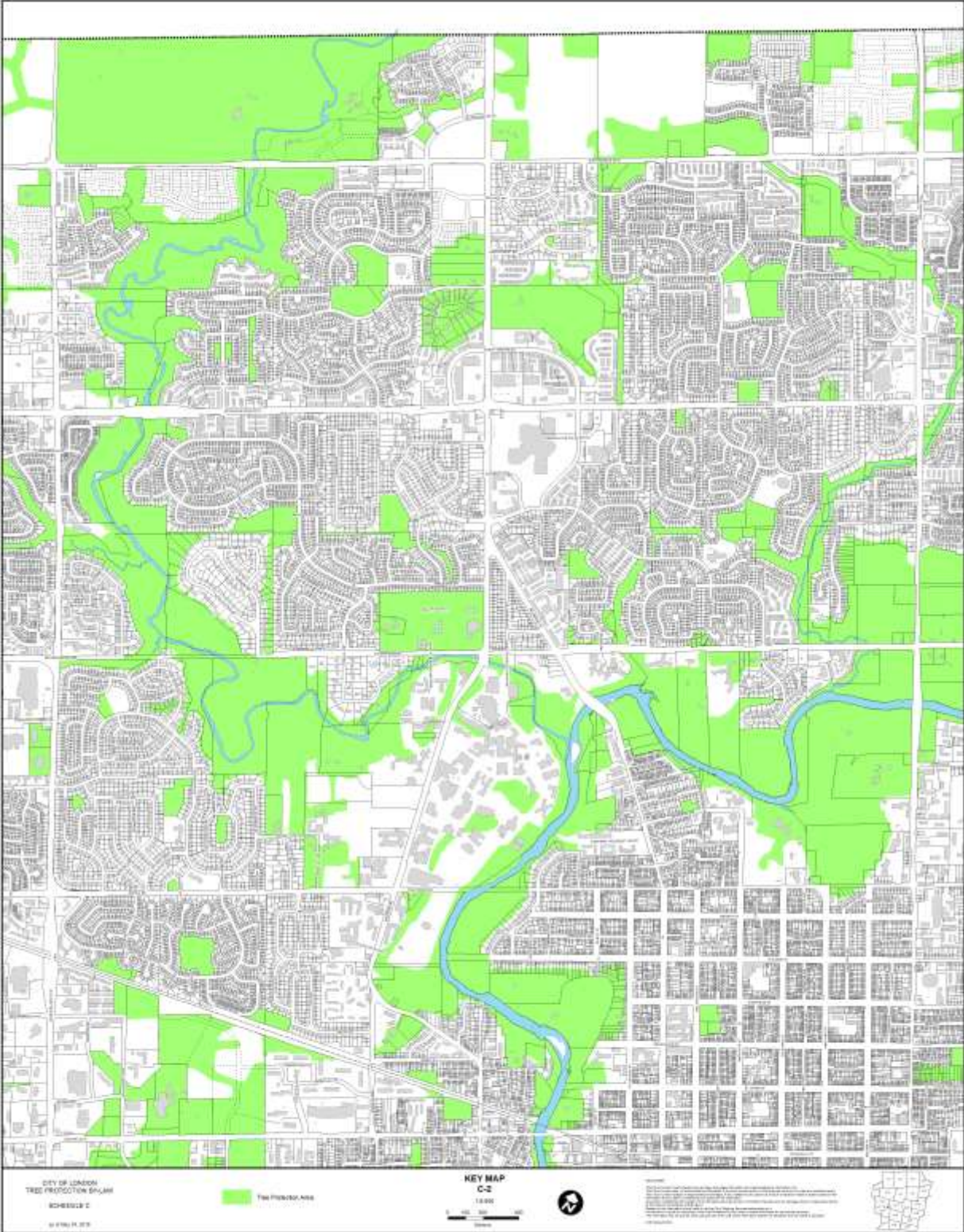
Column 1: Trunk Diameter of Distinctive Tree Destroyed	Column 2: Number of Replacement Trees Required
50 cm	1
51-60 cm	2
61-70 cm	3
71-80 cm	4
81-90 cm	5
91-100 cm	6
101-110 cm	7
111-120 cm	8
121-130 cm	9
131-140 cm	10
>141cm	11

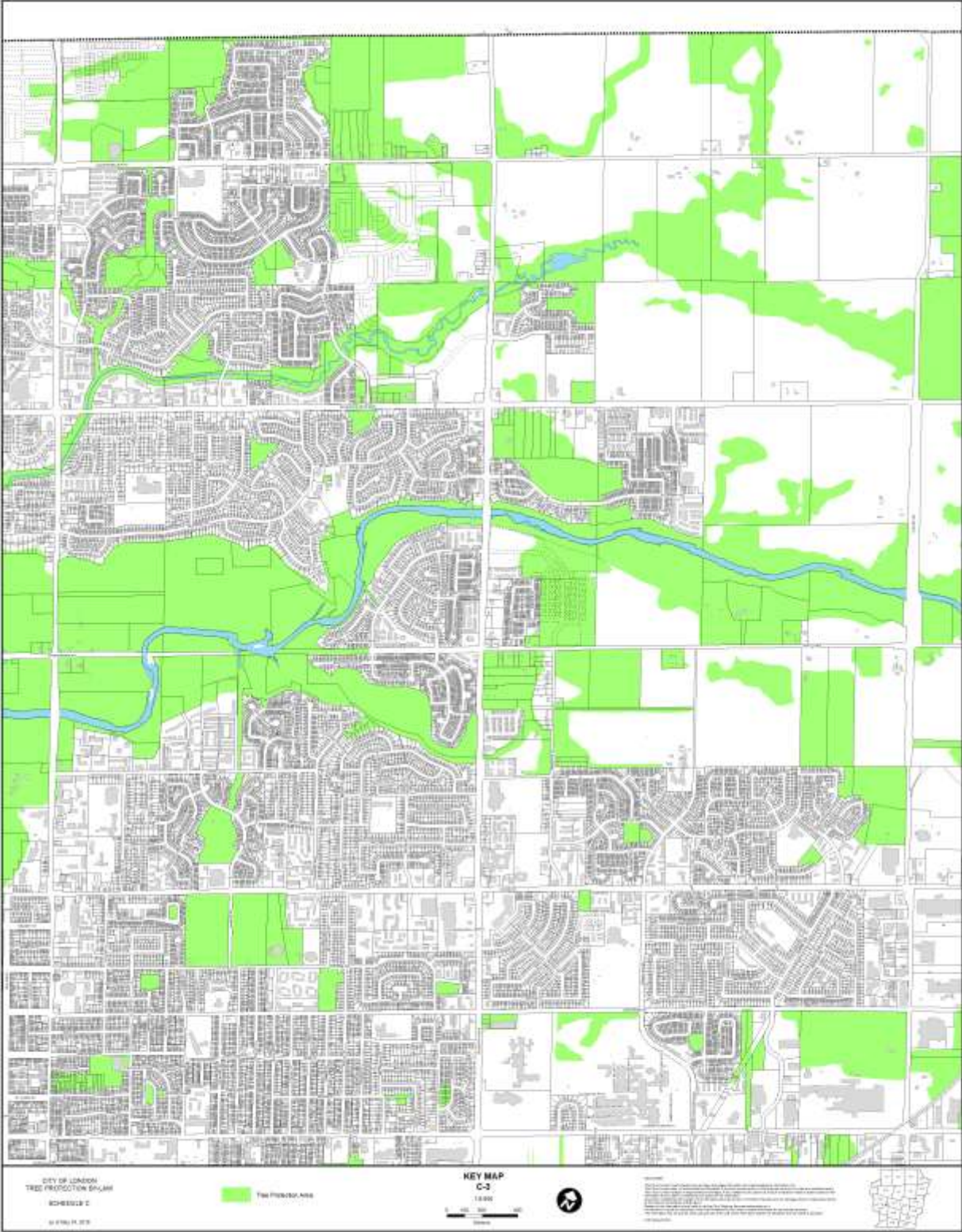
*NOTE: does not apply to Dead Distinctive Tree Permit

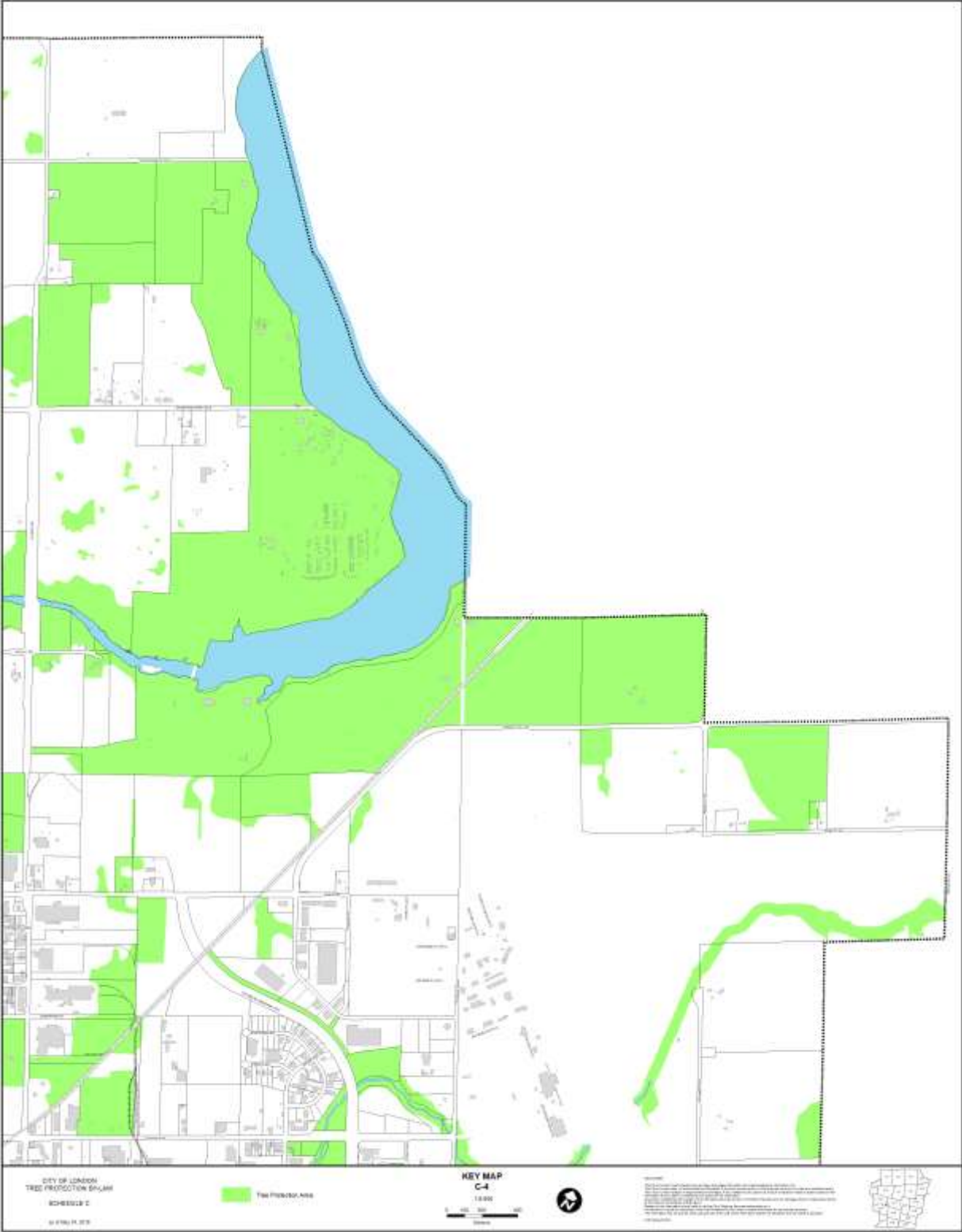
Schedule C - Tree Protection Area Maps



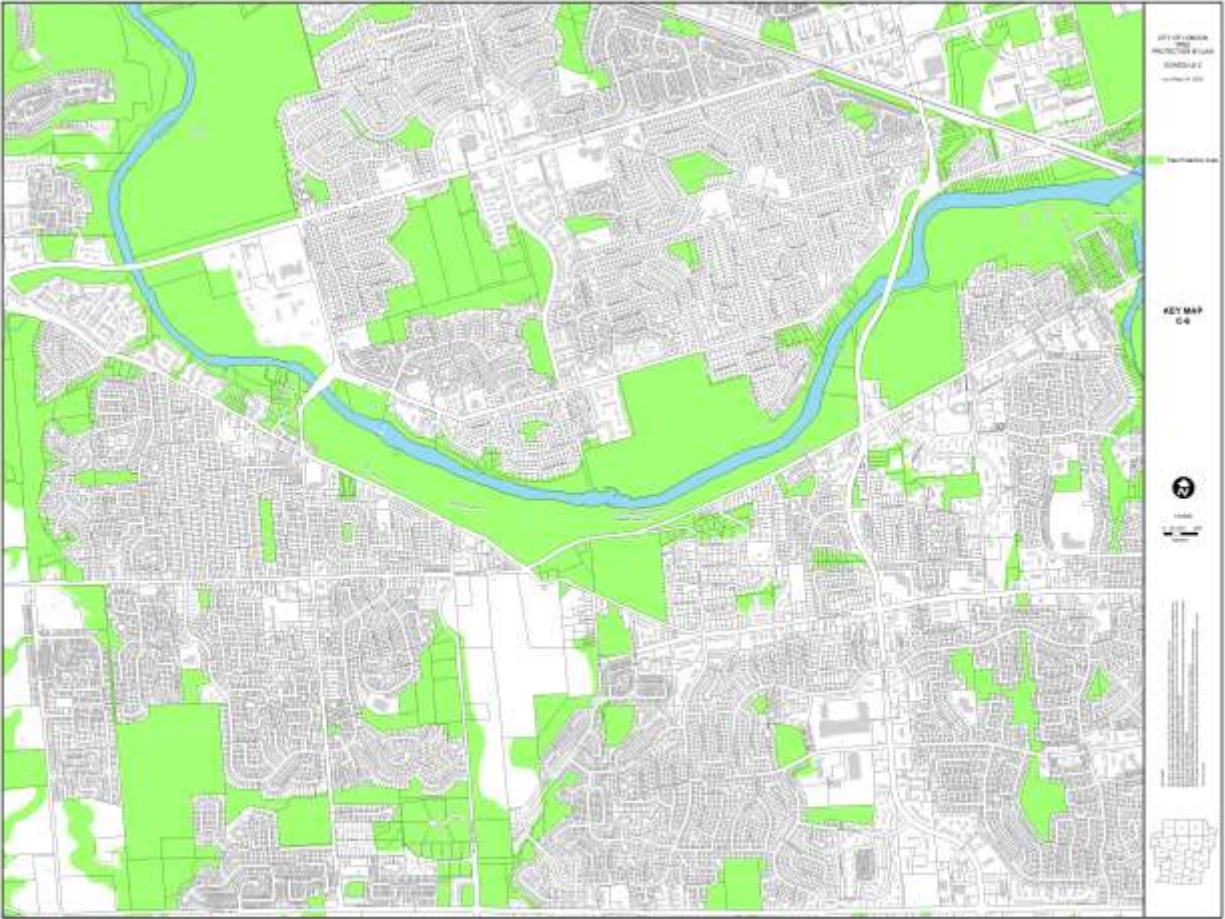


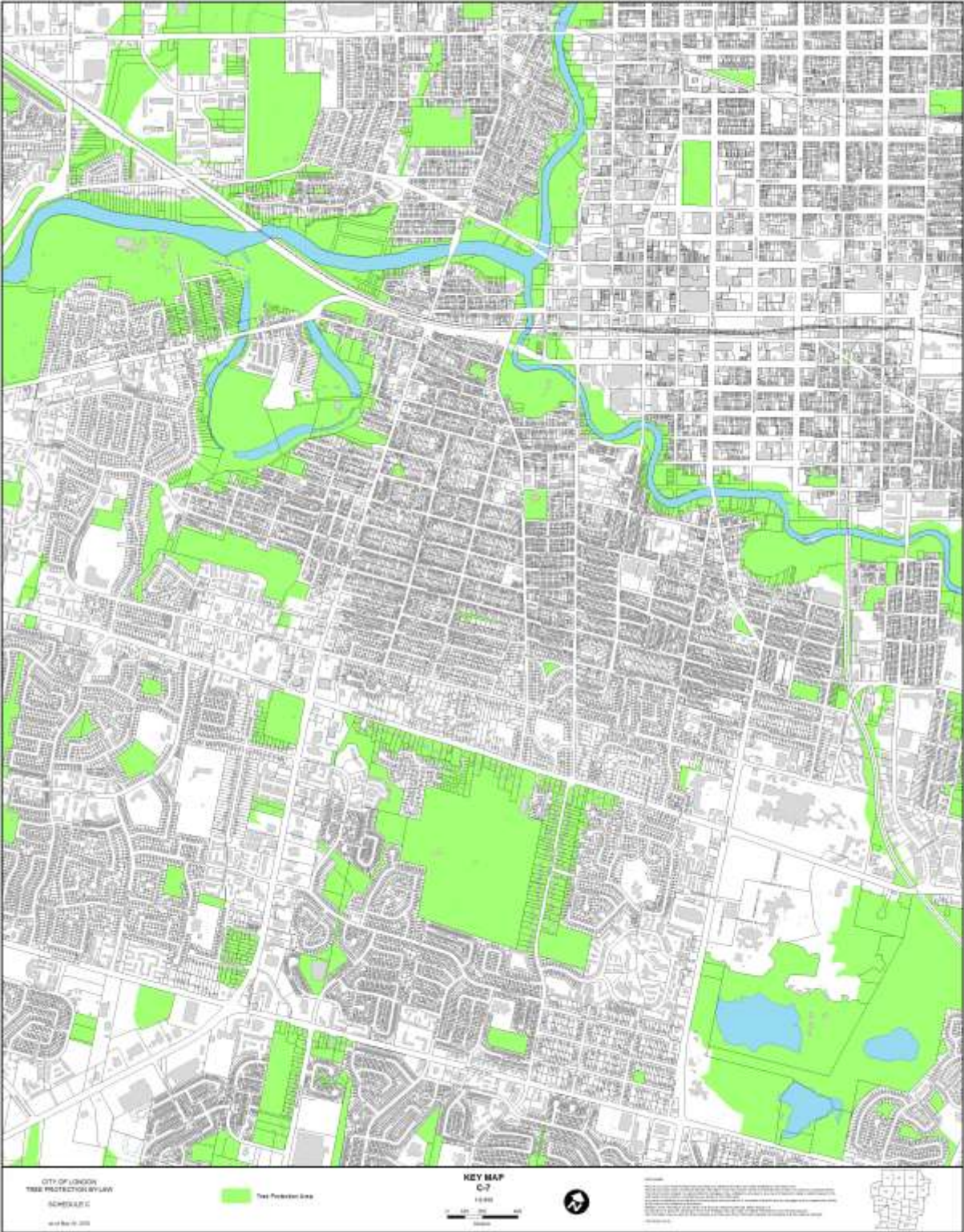


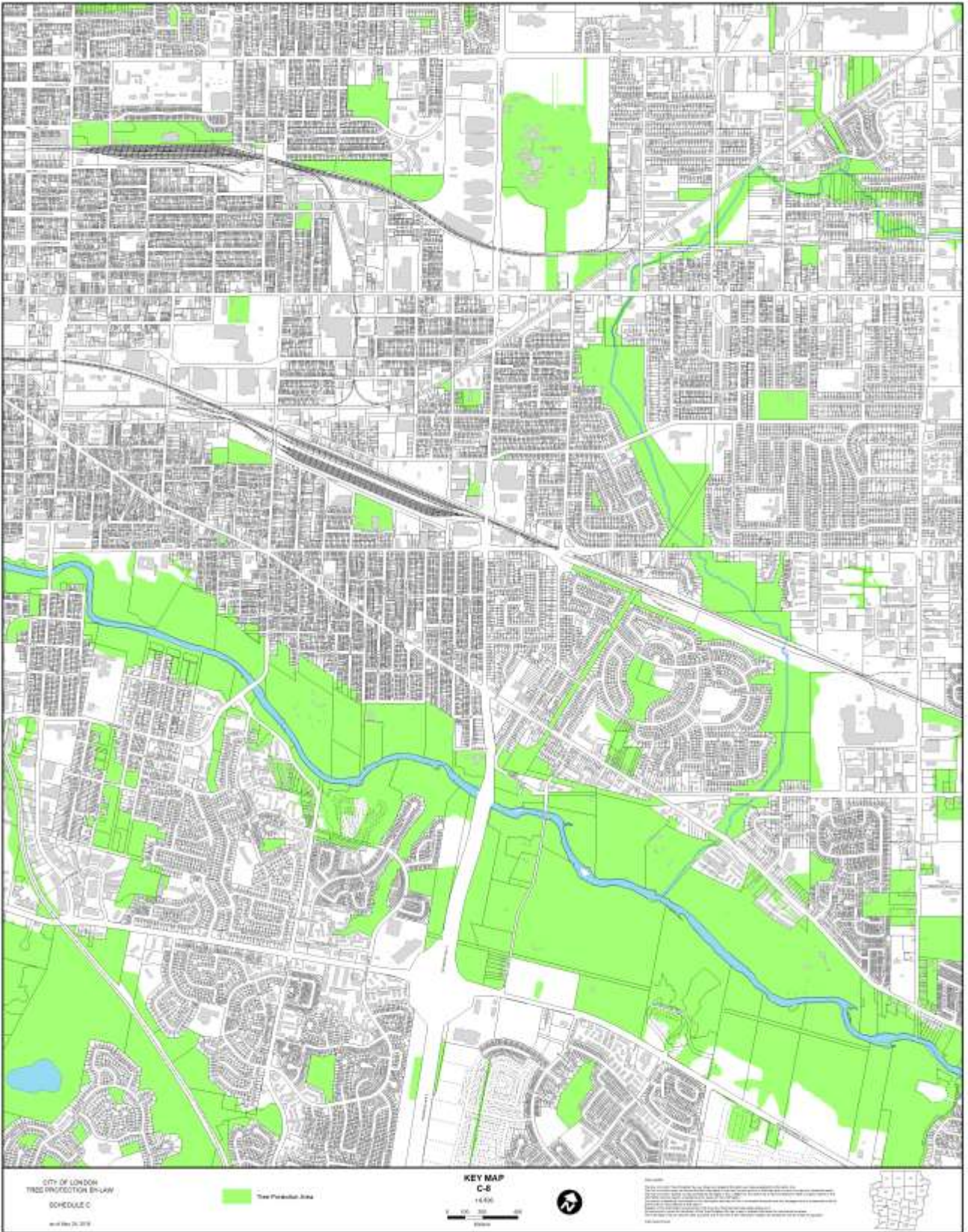


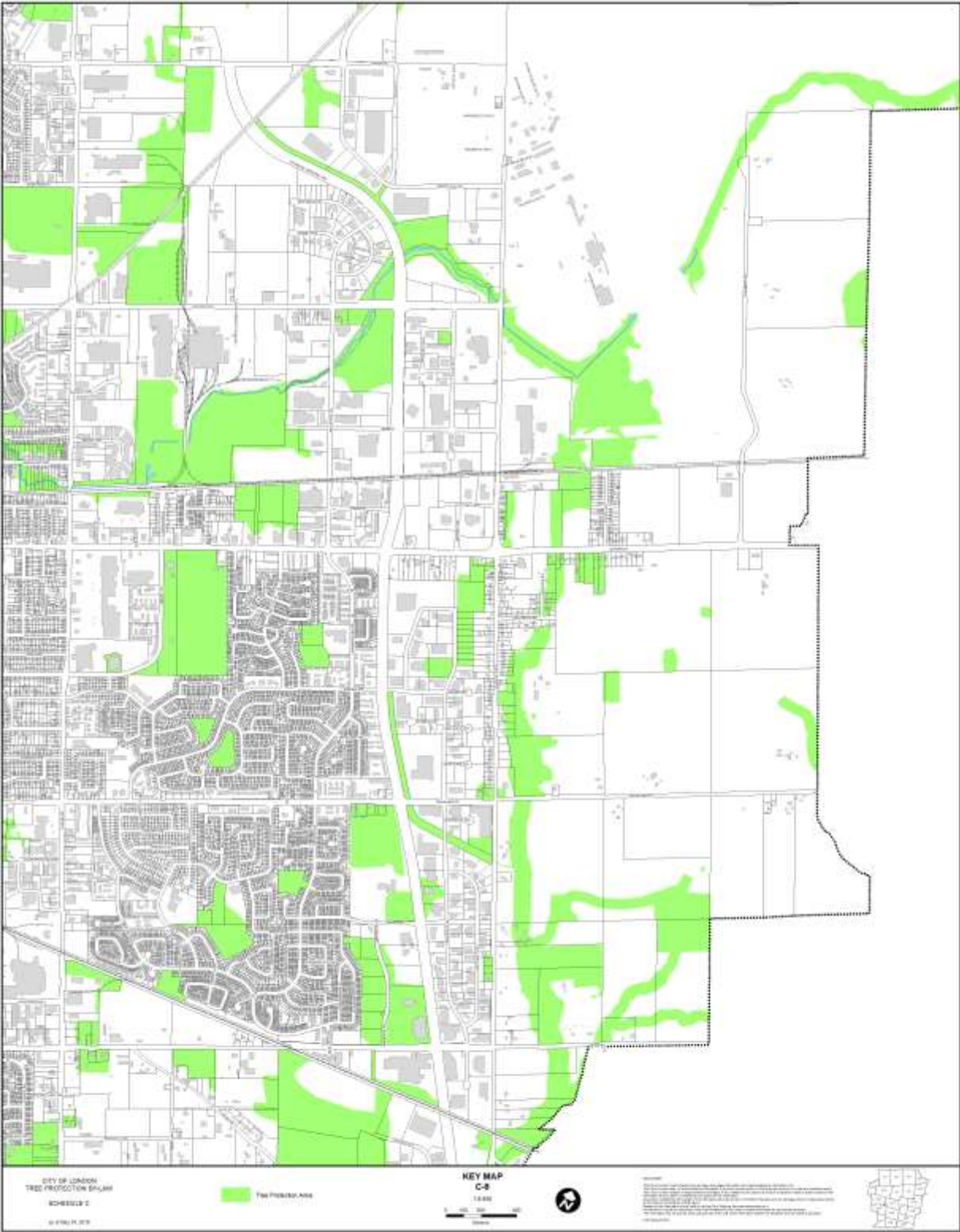


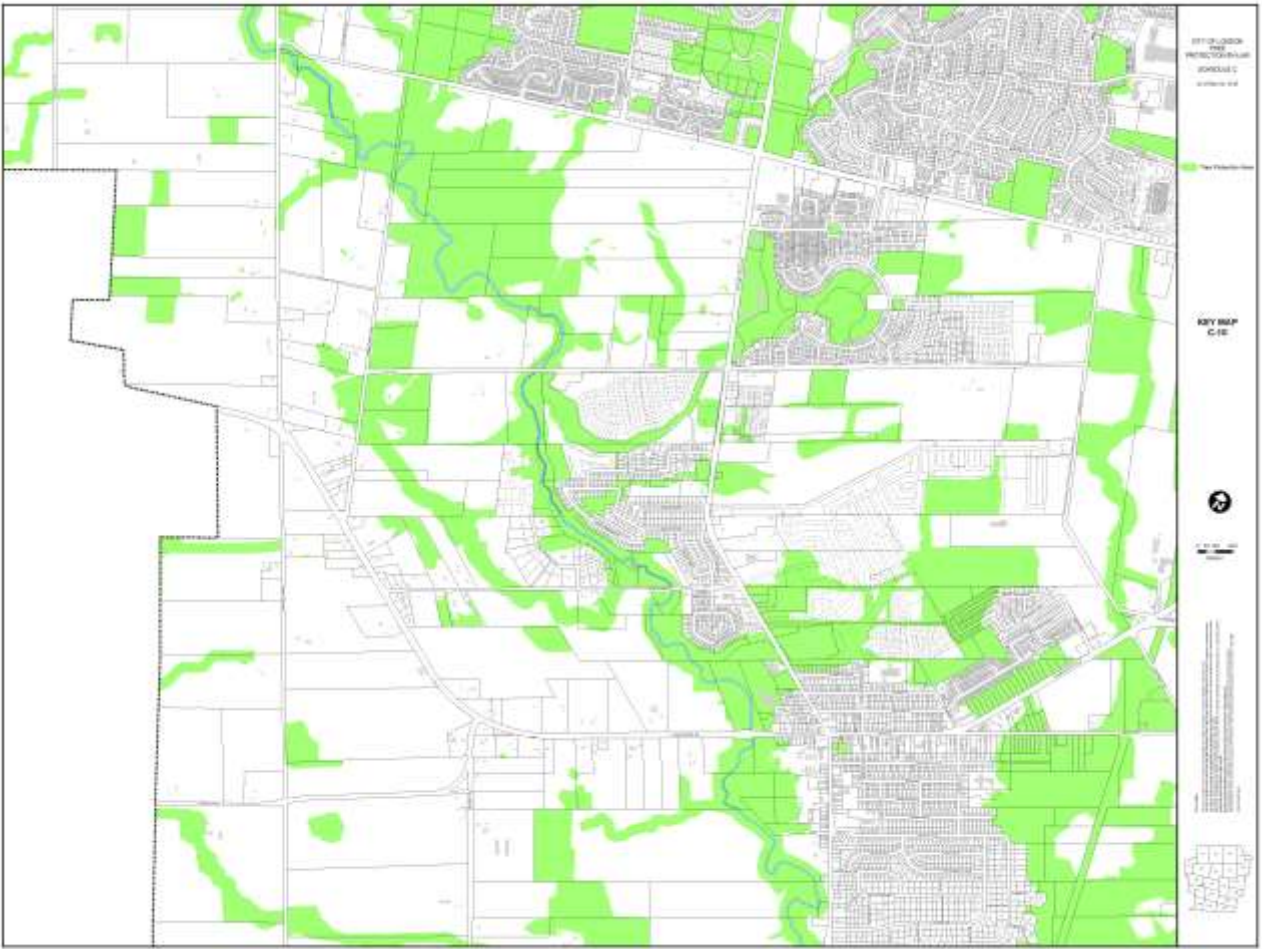


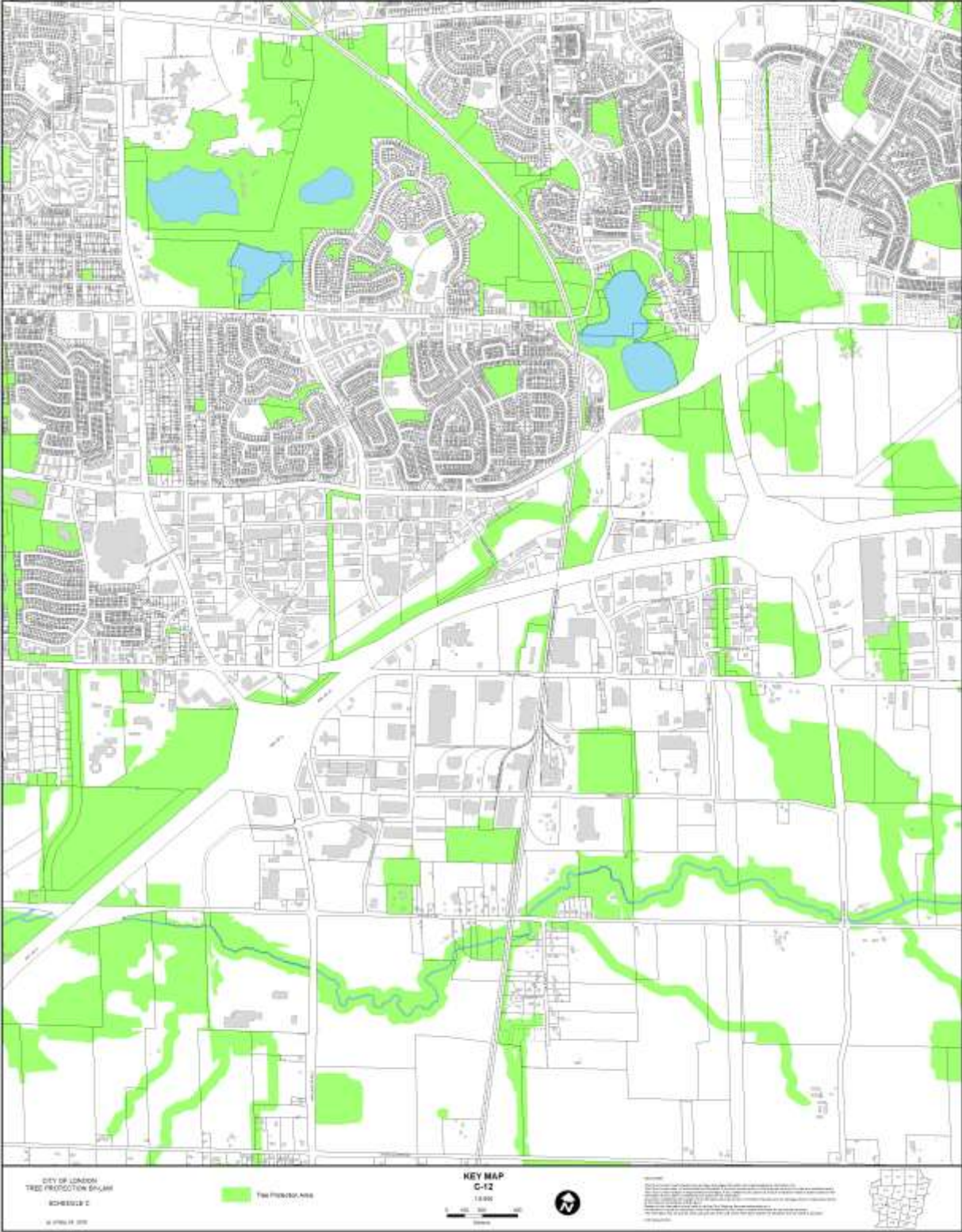


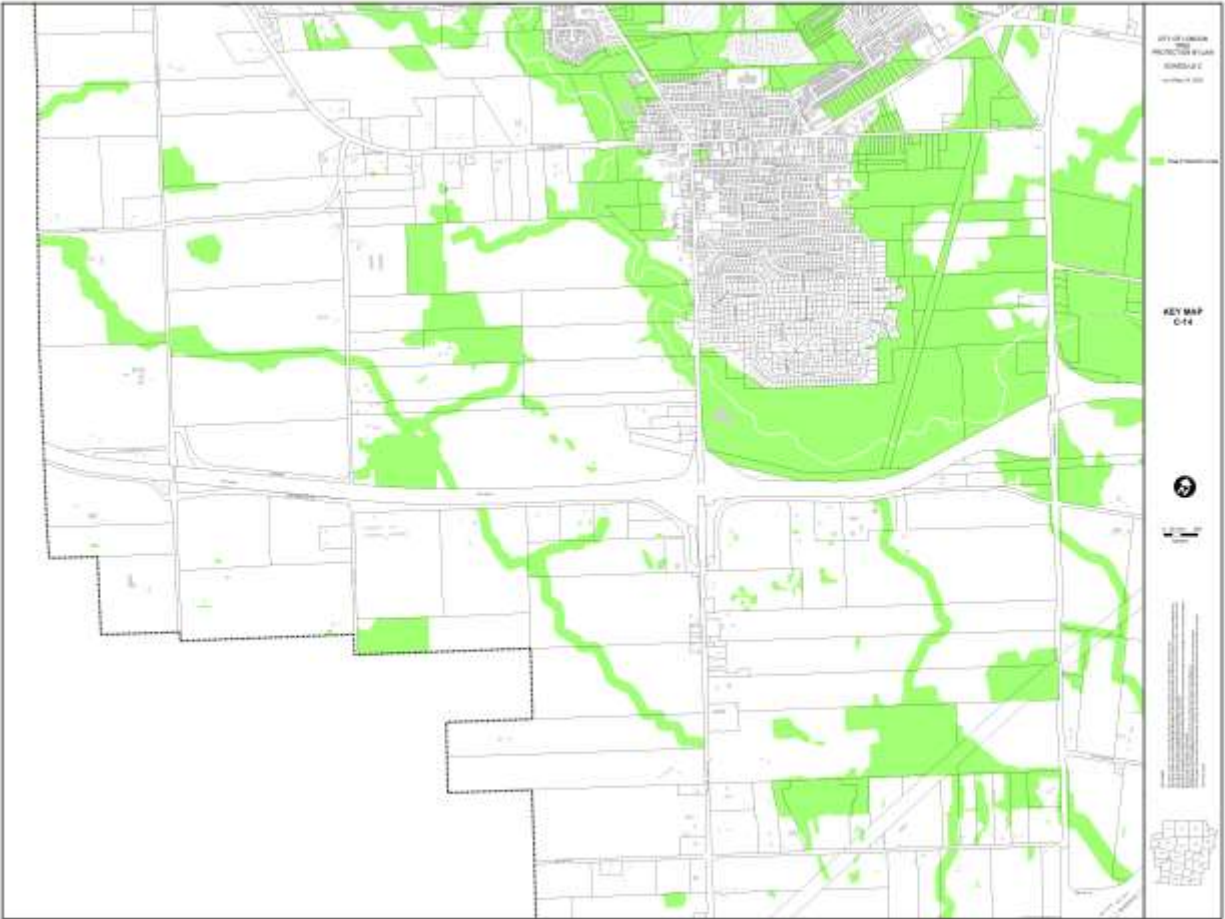




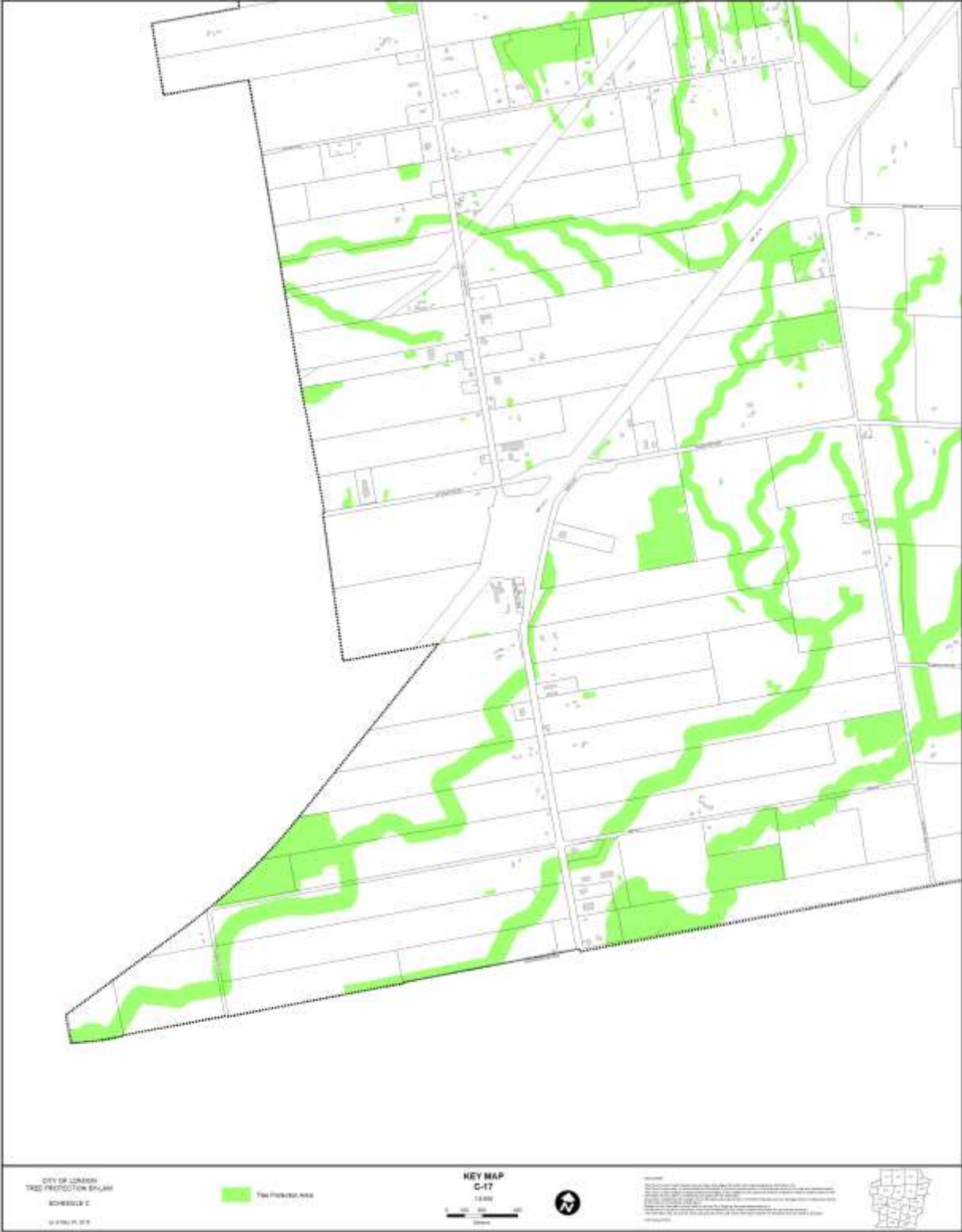


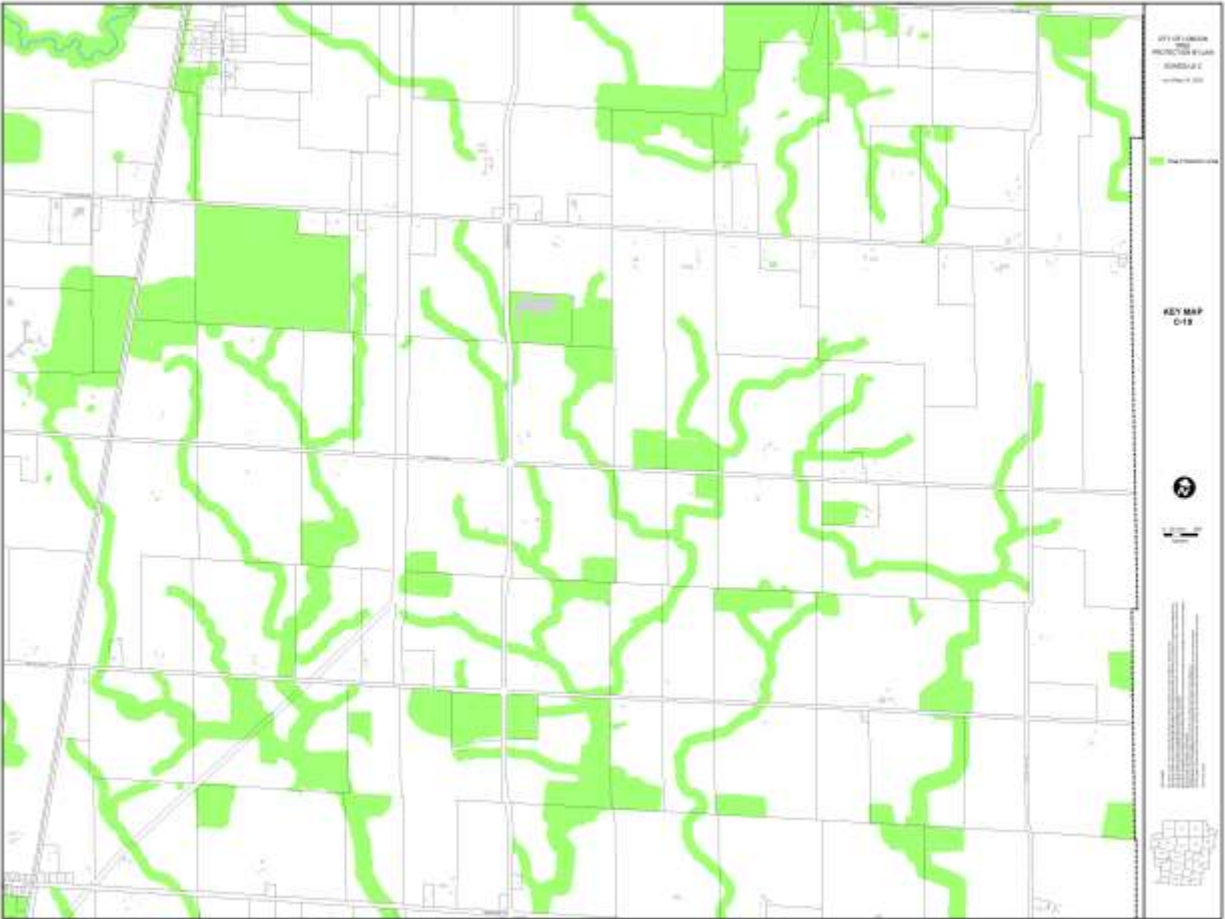














Appendix B- Public Engagement & Feedback

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.

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,

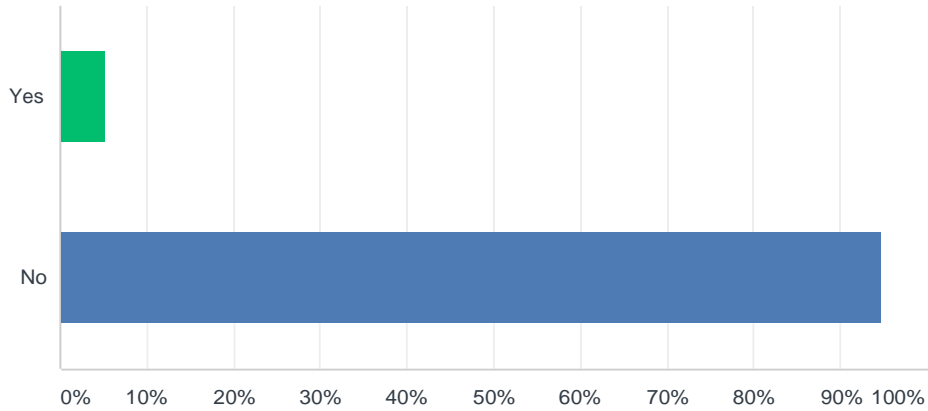


Ron Koudys
B.L.A., M.Ed.,
O.A.L.A., F.C.S.L.A., A.S.L.A., C.L.D., R.L.A. (Mich)

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?

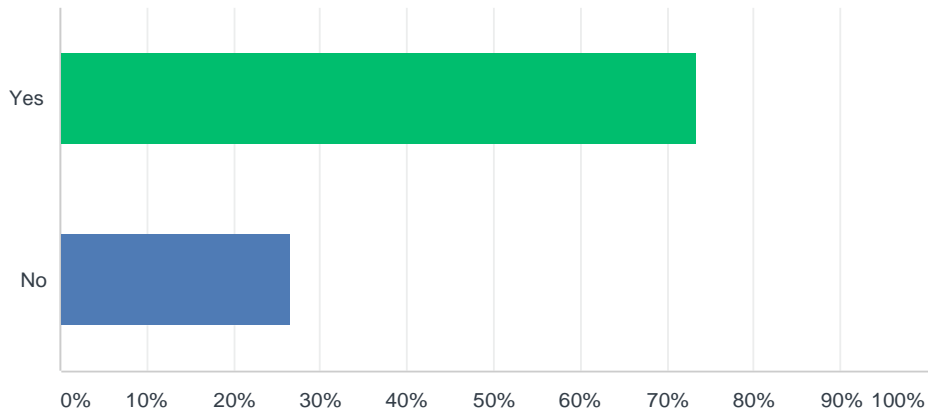
Answered: 135 Skipped: 1



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?

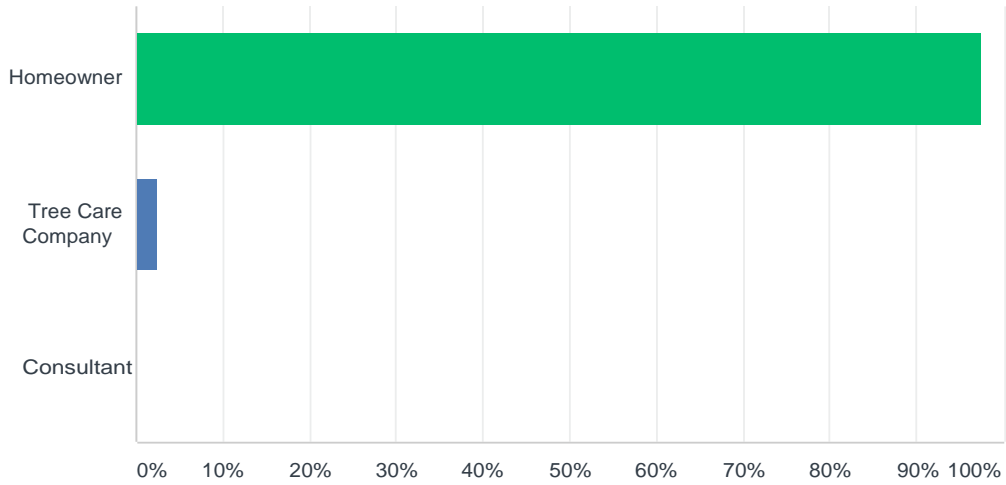
Answered: 135 Skipped: 1



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.

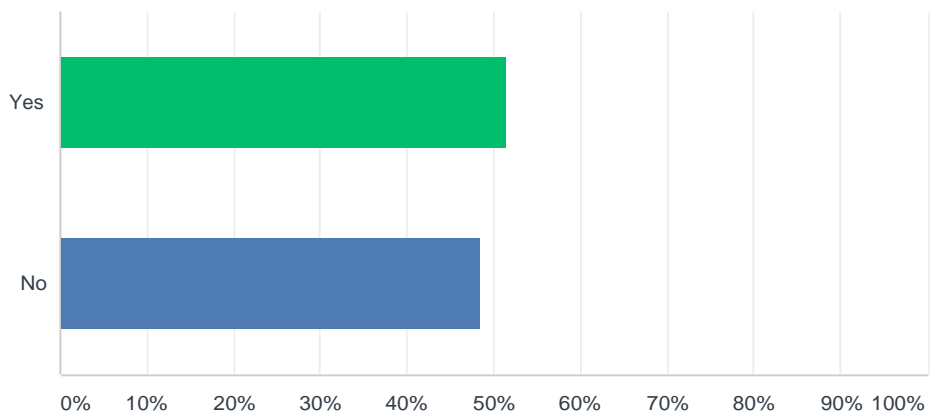
Answered: 122 Skipped: 14



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 your property?

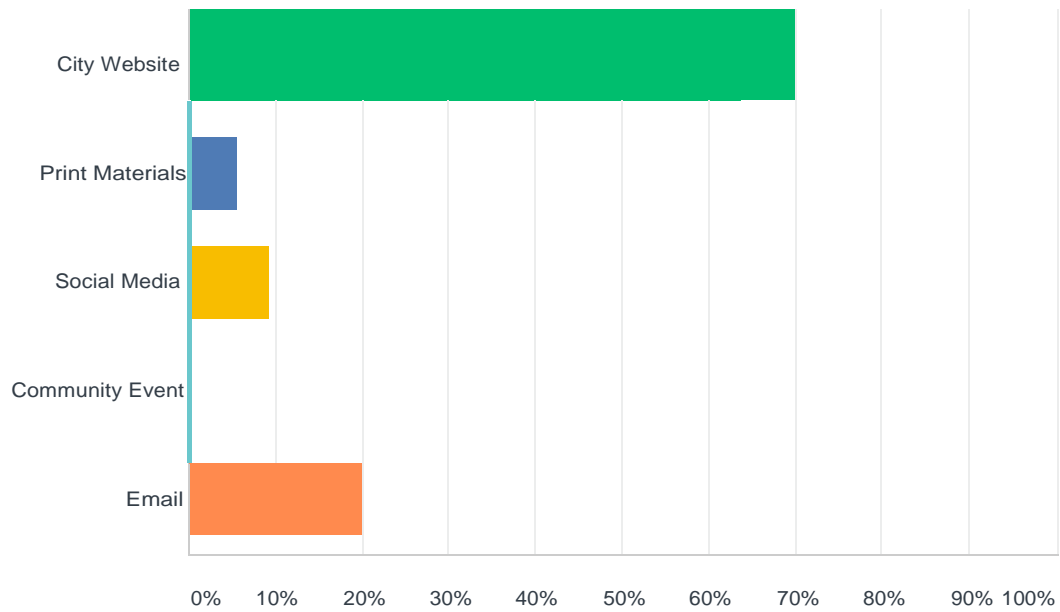
Answered: 132 Skipped: 4



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?

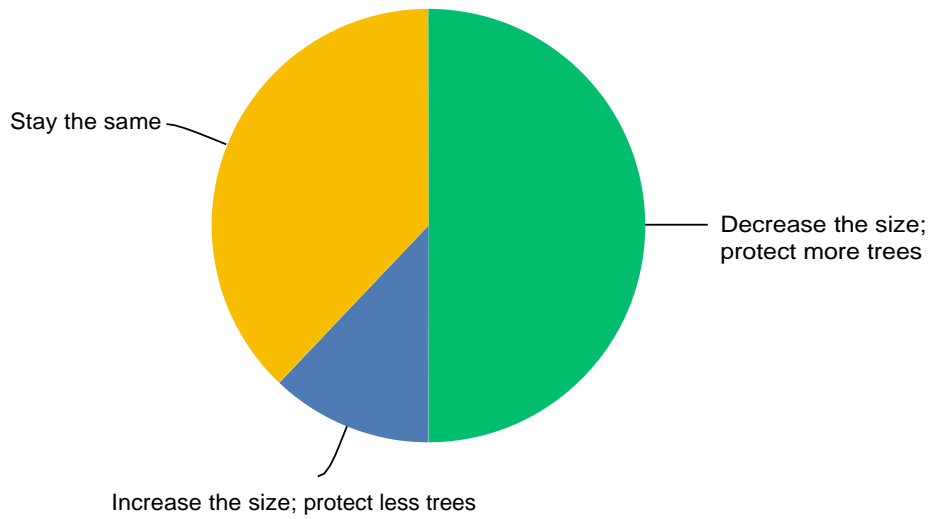
Answered: 129 Skipped: 7



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?*

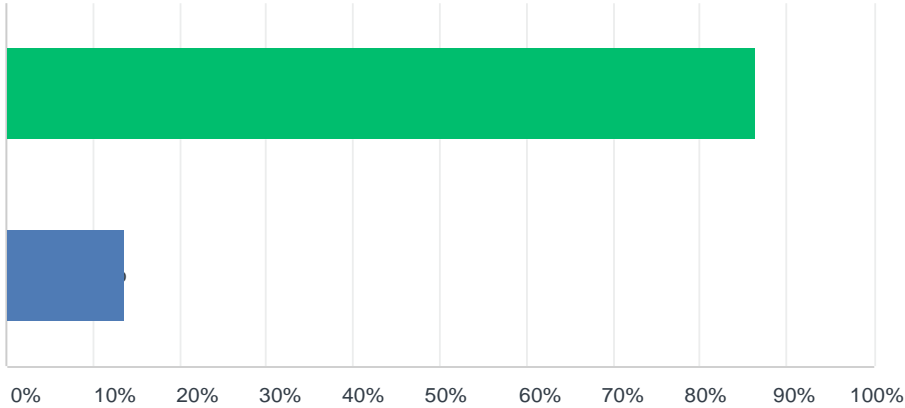
Answered: 124 Skipped: 12



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



Bill No. 313
2016

By-law No. C.P.-1515-228

A by-law to regulate the Injuring and Destruction of Trees and to encourage preservation and planting of Trees throughout the City of London, and to repeal By-law No. C.P.-1466-249 entitled, "A by-law to prohibit and regulate the destruction or injuring of trees in the City of London."

WHEREAS The Corporation of the City of London is authorized by subsection 11.(1), paragraph 11.(2)5, subsections 135.(1) and (7), and sections 429, 431 and 444 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, to pass By-laws to sustain and promote environmental and social benefits to the community as a whole through preservation and planting of Trees throughout the municipality, to regulate the Injury and Destruction of Trees, to require a Permit for the removal of Trees, to impose conditions on Permits and to provide for a system of fines and other enforcement orders;

AND WHEREAS Municipal Council has determined that it is desirable to enact a By-law to regulate the Injury and Destruction of Trees and to encourage preservation and planting of Trees throughout the City of London

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

1 SHORT TITLE

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

2 DEFINITIONS

2.1 For the purpose of this By-law:

"Agricultural Operation" means an agricultural, aquacultural, horticultural or silvicultural operation that is carried out with the expectation of gain or reward as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c.1.

"Applicant" means the Person who submits an application to the City for a Permit under this By-law.

"Arborist" means an expert in the care and maintenance of Trees and includes 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, a Registered Professional Forester or a Person with other similar qualifications as approved by the City Planner.

"By-Law Enforcement Officer" means a Person appointed by the Council of the City of London as a Municipal Law Enforcement Officer to enforce the provisions of this By-law.

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

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

"City Planner" shall mean the Person who holds the position of City Planner for The Corporation of the City of London or their written Designate who is authorised by the City Planner to act on their behalf in respect of this By-law.

"City Property" shall mean any property of value owned by the City or its Boards and Commissions and includes real estate, storage yards, vehicles, animals or equipment.

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

"Critical Root Zone" shall mean an area defined by a measured circle around a living Tree that is deemed to contain the portion of Tree roots that are essential for the Tree's structural integrity and capability to remain alive and upright, and shall be determined as described in Schedule C of this By-law.

"Declared Emergency" shall mean a situation that has been identified and declared an emergency under the *Emergency Management and Civil Protection Act*, R.S.O. 1990 c.E.9.

"Designate" shall mean any Person acting on behalf of, under direction of or with express authority conferred in writing by the City Planner and may include but is not limited to City employees or Qualified Persons hired by the City.

"Destroy" in relation to Tree or Trees 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 attained a trunk diameter of 50cm or greater, measured from Natural Ground Level to 1.4m above Natural Ground Level, that is located on a property within the geographic area of the Urban Growth Boundary excluding the Tree Protection **Area**.

"Emergency Services" shall mean any of the fire, police, and ambulance services, acting as first responders during an incident where life, limb or property may be in peril.

"Forest Management Plan" shall mean a plan signed and sealed by a Qualified Person, for Trees in Woodland that are to be managed for a number of years and which may include harvesting, planting and tending of Trees.

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

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

"Good Forestry Practices" shall be as defined by the *Forestry Act* R.S.O. 1990 c. F.26.

"Habitat" by reference to wildlife or Species at Risk shall have the same definition as that defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6.

"Hearings Officer" means a Hearings Officer appointed under the City's Hearings Officer By-law A.-6653-121, as amended.

"Injure" means to harm, damage or impair the natural function, form or Habitat of a living Tree, including its roots within the Critical Root Zone, by any means excepting 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 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 any Person having title in the land on which the Tree(s) are situated, and in the case of Boundary Trees this shall be as defined by the *Forestry Act*, R.S.O. 1990 c.F.26 section 10(2) - Trees Common Property; the term "Landowners" shall have the same meaning, plural.

"Natural Ground Level" for the purposes of this By-law shall mean 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 varies around the Tree any measurement that is referenced from Natural Ground Level shall be measured from the highest part of the soil.

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

"Normal Property Maintenance" shall mean the accepted local standards or practices for the care and repair of a property experiencing normal wear and tear, and may include but is not limited to the brushing, sweeping or blowing of leaf, flower or other vegetative litter, the repair or replacement of parts or things at the end of their expected useful life, washing and painting of exterior surfaces, and washing of driveways, windows or vehicles.

"Noxious Weed" shall have the same meaning as that defined in the *Weed Control Act*, R.S.O.1990 c.W.5.

"Permit" means a written permit or a written Emergency Permit issued by the City Planner pursuant to this By-law that authorises the Injury, Destruction or removal of a Distinctive Tree or the Injury or Destruction of a Tree or Trees within a Tree Protection Area.

"Permit Holder" means a Person to whom a Permit has been issued.

"Person" means a natural Person, a recognised community group or special interest group, a corporation, partnership, association, firm, trust, charity, any agency or office of government and any other lawful entity, includes any Person acting on behalf of or under authority of such entity; the term "Persons" shall have the same meaning, plural.

"Pest" includes but is not limited to animals, plants, insects, fungi, bacteria, viruses or any other organism having the potential to do harm to a Tree and may include any species that is invasive or new to Canada where the potential for harm is as yet unknown or unpredictable.

"Pruning" means the removal of live or dead branches from a standing Tree, where the manner or method of cutting and the location of cuts accord with Good Arboricultural Practices and without harm to the physiological requirements of that Tree in the short or long term. The terms "Prune" and "Pruned" shall have a corresponding meaning.

"Qualified Person" shall mean a Person who, in the opinion of the City Planner, has satisfactory qualification, experience, education and knowledge to be an expert in the matter at hand.

"Registered Professional Forester" means a Person who is a registered and currently active 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. **18**.

"Restore" shall mean to bring back damaged or disturbed land to a previous normal or better condition, in order to achieve specific targets or goals, such as, but not limited to enhanced biodiversity, enhanced future timber production and improved hydrological function. The condition may be achieved by various methods including but not limited to soil improvement, topographic alteration, site preparation, planting, mimicking of natural disturbance, placement of coarse woody debris, natural regeneration, seeding, weeding and thinning. The term "Restoration" shall have the same meaning.

"Security" means an agreement between the City and an Applicant where the Applicant shall arrange an irrevocable letter of credit from a financial institution to specify and lodge a requisite sum of money that the City may draw upon in full if the By-law is contravened or if a failure occurs in the proper and complete execution of a Permit and its conditions, such that Restoration has to be done by the City. The Security may be required before a Permit can be issued for Sites that, in the opinion of a Qualified Person, contain or support ecological or environmental features or functions at risk of being harmed or impaired.

"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 work that may be permitted under this By-law is planned or executed, and in the case of a tract of land that extends over multiple landholdings, each separate landholding is a separate "Site".

"Species at Risk" shall mean any species listed in *Ontario Regulation 242/08* under the *Endangered Species Act, 2007*, S. O. 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 or has the potential to reach or, if dead, had the potential while alive to achieve a height of at least 4.5 metres (15 feet) at physiological maturity, typically growing with a single stem and typically developing with branching at regular intervals, provided that where multiple stems grow from the same root system, the number of Trees shall be the number of stems that can be measured individually at a point 1.4 metres above the Natural Ground Level. The term "Trees" shall have the same meaning, plural.

"Tree Protection Area" means any geographic area of the City that appears as a Tree Protection Area on Schedule D of this By-law, as may be amended from time to time.

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

3 SCOPE

3.1 This By-law applies to a Tree anywhere within the City of London.

4 ADMINISTRATION

4.1 The administration of this By-law shall be performed by the City Planner.

5 EXEMPTIONS

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

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

(i) where a Tree is a Noxious Weed as defined in the *Weed Control Act* that 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; or

(o) activities and matters undertaken by or under order of a Conservation Authority and any works under the *Conservation Authorities Act* and any Regulations and amendments thereto.

5.2 Despite Sections 6 and 7 of this By-law, a Permit as defined by this By-law is not required where:

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

(b) the Tree is not a Distinctive Tree and is located outside of the Tree Protection Area identified in Schedule D of this By-law;

(c) the Tree is located within a building, a solarium, a rooftop garden or an interior courtyard;

(d) the Tree to be Destroyed is located within an actively managed, cultivated orchard, Tree farm or plant nursery and is Destroyed for the purposes for which the Tree was planted;

(e) the Tree is an immediate threat to public health and safety; or

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

6. PROHIBITION - TREES WITHIN THE TREE PROTECTION AREA

6.1 The provisions of this section shall apply to Trees within the Tree Protection Area shown on the maps within Schedule D of this By-law.

6.2 No Person shall Injure or Destroy a Tree or cause the Injury or Destruction of a Tree within the Tree Protection Area unless a Tree Protection Area Permit has been issued by the City Planner to permit the Injury or Destruction.

6.3 No Person or Permit Holder shall Injure or Destroy a Tree or cause the Injury or Destruction of a Tree within the Tree Protection Area unless the Injury and Destruction is carried out in accordance with all of the conditions of the Tree Protection Area Permit.

6.4 No Person or Permit Holder shall fail to protect a Tree within the Tree Protection Area in accordance with all of the conditions of a Tree Protection Area Permit.

6.5 Any Person who intends to Injure or Destroy a Tree within the Tree Protection Area shall submit to the City Planner an application for a Tree Protection Area Permit.

6.6 The application for a Tree Protection Area Permit shall include the required Permit fee as described in Schedule A of this By-law, and the following basic information:

(a) the name, address and telephone number of the Landowner;

(b) if the Applicant is different from the Landowner, the name, address, telephone number and professional credentials of the Applicant and the Landowner's written consent to the application;

(c) If the Tree is a Boundary Tree, written consent to the application by the adjacent Landowner;

(d) the name, address, telephone number and professional credentials of the Qualified Person hired by the Landowner or Applicant to complete the Tree Protection Area Permit application;

(e) the name, address and telephone number of the contractor implementing the work identified in the Tree Protection Area Permit;

(f) the municipal address and legal description of the land, upon which the Tree or Trees are to be protected, Injured or Destroyed;

(g) confirmation by the Qualified Person of the location, species, size and health of the Tree or Trees on the property;

(h) the purpose for which the Tree Protection Area Permit is required;

(i) a description of the proposed Tree Injury or Destruction, clearly illustrated in a measured drawing of the Site at a scale acceptable to the City Planner. This description shall include Trees on adjacent properties, where the Critical Root Zone of such Trees will be affected by the proposed activity on the Site;

U) a schedule of the anticipated starting and completion dates of each Injuring or Destroying of a Tree or Trees;

(k) a description and measured drawing of the Site at a scale acceptable to the City Planner of any proposed construction, works, excavation or site alteration that may lead to the Tree Injury or Destruction which is the subject of the application; a schedule of this proposed activity, including a start and end dates shall also be provided;

(l) a description of any proposed Tree planting or Tree protection that is to be undertaken in association with the proposed Tree Injury or Destruction, all clearly illustrated in a measured drawing of the Site;

(m) a description of any off-site Tree planting that may be proposed to mitigate Tree canopy loss as a result of the proposed Tree Injury or Destruction and/or any funds that may be provided to the City for such off-site Tree planting in accordance with Schedule B of this By-law;

(n) a report prepared by a Qualified Person suitable to evaluate the nature and extent of the proposed Tree Injury and/or Destruction that evaluates the health of the Tree or Trees and the implications of the proposed Injury and/or Destruction as it relates to the following, as applicable:

- Site topography (e.g. ravines, slopes, contours, etc.);
- hydrological functions (e.g. streams, ponds, wetlands, recharge areas, etc.);
- sensitive environmental features or areas (e.g. riparian zones, seepage areas, amphibian breeding ponds, wetlands, steep or unstable slopes, significant wildlife habitat, stick nests, migrating or breeding birds, patches of conifer, rare species or species of conservation concern, etc.);
- the flood plain and Conservation Authority fill regulation lines; and,
- sustainability of the Trees that are proposed to remain.

The report will evaluate the basis for the proposed Tree Injury or Destruction and identify recommendations for any conditions to be included in a Tree Protection Area Permit that the Qualified Person believes are necessary and will present how the proposal is in accordance with Good Arboricultural Practices; and,

(o) confirmation of any other applications (Planning applications or otherwise) affecting the land upon which the Tree or Trees are to be protected, Injured or Destroyed, including measured drawings of any proposed development of the Site or adjacent Sites.

At their discretion, the City Planner may waive any of the above requirements where it is deemed reasonable to do so.

6.7 Where the City Planner deems that additional information is necessary to evaluate a Tree Protection Area Permit, beyond the basic information identified in Section 6.6 of this By-law, they may require one or more of the following:

(a) where the above basic information requires submission of information, study or a report by a Qualified Person, the City Planner may require this information to be submitted by an Arborist or a Registered Professional Forester as defined in this By-law;

(b) an inventory of all Trees that have a trunk diameter of 10cm or more, measured 1.4m above the Natural Ground Level, identifying the location, size, species and health of each such Tree

and identifying those Trees that are identified for Injury or Destruction; this inventory is to be submitted in electronic form, such that the data can be linked using the City's geographic information system;

(c) Tree marking of all Trees to be Injured or Destroyed, prepared by an accredited Tree marker;

(d) the location of existing or proposed logging roads and skid trails;

(e) the landing or loading area for sawlogs as they are being harvested;

(f) any or all of stand height, structural or age class range, density, species composition, logging tally, basal area and volume;

(g) a Silvicultural Prescription as defined by this By-law, prepared by a Qualified Person;

(h) a Forest Management Plan as defined by this By-law, prepared by a Qualified Person;

(i) a description of how the Trees are to be removed from the Site, the potential impact on natural heritage features and areas, and an explanation of how these impacts are to be mitigated; and,

(j) such other information deemed necessary by the City Planner.

6.8 Where an application for a Tree Protection Area Permit is made for the operation of an existing cemetery or golf course, the requirements of Section 6.6 and 6.7 of this By-law will not apply and the following will be required for a Tree Protection Area Permit application:

(a) the name, address and telephone number of the Landowner of the golf course or cemetery;

(b) the name, address and telephone number of the Qualified Person hired by the Landowner or Applicant to complete the Tree Protection Area Permit application;

(c) a five-year Silvicultural Prescription and/or Forest Management Plan, prepared by a Qualified Person, describing how the Trees on the Site are to be managed in a sustainable fashion to achieve Good Arboricultural Practices and Good Forestry Practices;

(d) The report cited in clause (c), above, will evaluate the basis for the proposed Tree Injury or Destruction and identify recommendations for any conditions to be included in a Tree Protection Area Permit that the Qualified Person believes are necessary to be in accordance with Good Arboricultural Practices;

(e) a general description of the circumstances that would represent a substantive change from the five-year Silvicultural Prescription and/or Forest Management Plan that would require a Tree Protection Area Permit; and,

(f) such other information deemed necessary by the City Planner.

6.9 Where a Tree within a Tree Protection Area is a Boundary Tree, in addition to the requirements of subsection 6.6, the Applicant must provide the written consent of the other Landowner or Landowners to the application.

6.10 Where a Tree within a Tree Protection Area is a Boundary Tree between City Property and private property, the issuance of a Tree Protection Area Permit by the City to the Applicant constitutes the City's consent to the Injury or Destruction of the subject Tree or Trees.

6.11 The City Planner shall review the complete application for a Tree Protection Area Permit and may:

(a) issue a Tree Protection Area Permit;

(b) issue a Tree Protection Area Permit with conditions; or

(c) refuse to issue a Tree Protection Area Permit.

- 6.12 The City Planner may issue a Tree Protection Area Permit for one or more of the following reasons, and where the application demonstrates that there is no reasonable alternative to the proposed Injury or Destruction, all to the satisfaction of the City Planner:
- (a) it is necessary to remove one or more dangerous, dead, diseased or severely Injured Trees or parts of a Tree for safety reasons;
 - (b) the Tree or Trees are causing or in the opinion of a Qualified Person are likely to cause structural damage to load-bearing structures or roof structures;
 - (c) the Injury or Destruction of the Tree or Trees is required in order to remediate contaminated soil;
 - (d) the Injury or Destruction is necessary 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 and there is no reasonable alternative to locating these utilities and infrastructure;
 - (e) the Applicant has undertaken to implement a satisfactory Silvicultural Prescription, Forest Management Plan, landscaping, replanting or Tree preservation;
 - (f) the proposed Tree Injury or Destruction represents Good Arboricultural and/or Good Forestry Practices; or
 - (h) other compelling reasons that the City Planner believes suitably justify the Tree Injury or Destruction.
- 6.13 The City Planner may impose conditions to a Tree Protection Area Permit, including but not limited to, the following:
- (a) any condition in accordance with Good Arboricultural and/or Good Forestry Practices;
 - (b) the preparation of a Silvicultural Prescription or Forest Management Plan and any necessary Security to ensure that it is implemented;
 - (c) the manner and timing of the Injury or Destruction of the Tree or Trees;
 - (d) a specified period for which the Permit is valid, after which the Permit will lapse;
 - (d) the manner and timing of any required replacement Tree planting and any necessary Security to ensure that it is implemented;
 - (e) any condition recommended by a Qualified Person;
 - (f) measures to be implemented to protect the retained Trees during construction, where applicable;
 - (g) that the Injury or Destruction is to be carried out by or under the supervision of a Qualified Person; and,
 - (h) a requirement to plant replacement Trees or, alternatively, the provision cash in lieu of such Tree planting, consistent with Schedule B of this By-law, and any Security to ensure that such Tree planting is implemented
- 6.14 Where a Tree Protection Area Permit requires, as a condition, the planting of replacement Trees, the City Planner may impose the following conditions with respect to the replacement Tree:
- (a) the species, size and location of replacement Trees;
 - (b) the timing for the planting of the replacement Trees;
 - (c) the provision of any Security necessary to ensure that such Tree planting is implemented; and

(d) where there is no reasonable alternative for the required Tree planting on the subject lands, consistent with Schedule B of this By-law, a fee may be required in lieu of the required Tree planting that cannot be accommodated on Site, that will be used by the City to achieve Tree planting within the City.

6.15 No Permit Holder shall fail to post the Tree Protection Area Permit on the Site in accordance with the following requirements:

a) in a prominent location so as to be clearly visible to the public;

(b) for a period of not less than seven (7) days prior to any action being undertaken in accordance with the Tree Protection Area Permit for the Site:

(c) for the period that any action is being taken on the Site; and,

(d) for a period of not less than seven (7) days following any action taken in accordance with the Tree Protection Area Permit.

6.16 The City Planner may revoke a Tree Protection Area Permit where:

(a) the Permit was issued on mistaken, misleading, false or incorrect information;

(b) the Permit was issued in error;

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

(d) the Landowner or Permit Holder fails to comply with any condition of the Tree Protection Area Permit or this By-law.

6.17 No Person shall knowingly furnish false or incorrect information for the purposes of obtaining a Tree Protection Area Permit.

7. PROHIBITION-DISTINCTIVE TREES

7.1 The provisions of this section apply to Distinctive Trees, as defined in this By-law.

7.2 No Person shall Injure or Destroy or cause the Injury or Destruction of a Distinctive Tree, unless a Distinctive Tree Permit has been issued by the City Planner to permit the Injury or Destruction.

7.3 No Person or Permit Holder shall Injure or Destroy or cause the Injury or Destruction of a Distinctive Tree unless the Injury or Destruction is carried out in accordance with all of the conditions of a Distinctive Tree Permit.

7.4 No Person or Permit Holder shall fail to protect a Distinctive Tree that has been identified for protection in accordance with the conditions of a Distinctive Tree Permit.

7.5 Any Person who intends to Injure or Destroy a Distinctive Tree shall submit to the City Planner an application for a Distinctive Tree Permit.

7.6 The application for a Distinctive Tree Permit shall include the required Permit fee as described in Schedule A of this By-law and the following basic information:

(a) the name, address and telephone number of the property Landowner;

(b) if the Applicant is different from the Landowner, the name, address, telephone number and professional credentials of the Applicant and the Landowner's written consent to the application;

(c) If the Tree is a Boundary Tree, written consent to the application by the adjacent Landowner;

(d) the name, address and telephone number and professional qualifications of the Qualified Person hired by the Landowner or Applicant to complete the Distinctive Tree Permit application;

(e) the name, address and telephone number of the contractor implementing the work identified in the Distinctive Tree Permit;

(f) the municipal address and legal description of the land upon which the Distinctive Tree or Trees are to be protected, Injured or Destroyed;

(g) confirmation by the Qualified Person of the location, species, size and health of the Distinctive Tree or Trees on the property;

(h) the purpose for which the Distinctive Tree Permit is required;

(i) a description of the proposed Tree Injury or Destruction, clearly illustrated in a measured drawing of the Site at a scale acceptable to the City Planner. This description shall include Trees on adjacent properties, where the Critical Root Zone of such Trees will be affected by the proposed activity on the Site;

(j) a schedule of the anticipated starting and completion dates of each Injuring or Destroying of a Tree or Trees;

(k) a description and measured drawing of the Site at a scale acceptable to the City Planner of any proposed construction, works, excavation or site alteration that may lead to the Tree Injury or Destruction which is the subject of the application; a schedule of this proposed activity, including a start and end dates shall also be provided;

(l) a description of any proposed Tree planting or Tree protection that is to be undertaken in association with the proposed Distinctive Tree Injury or Destruction, all clearly illustrated in a measured drawing of the Site;

(m) a description of any off-site Tree planting that may be proposed to mitigate Tree canopy loss as a result of the proposed Tree Injury or Destruction and/or any funds that may be provided to the City for such off-site Tree planting in accordance with Section B of this By-law;

(n) a report prepared by a Qualified Person suitable to evaluate the nature and extent of the proposed Tree Injury and/or Destruction that evaluates the health of the Tree or Trees and the implications of the proposed Injury and/or Destruction as it relates to the following, as applicable:

- Site topography (e.g. ravines, slopes, contours, etc.);
- hydrological functions (e.g. streams, ponds, wetlands, recharge areas, etc.);
- sensitive environmental features or areas (e.g. riparian zones, seepage areas, amphibian breeding ponds, wetlands, steep or unstable slopes, significant wildlife habitat, stick nests, migrating or breeding birds, patches of conifer, rare species or species of conservation concern, etc.);
- the flood plain and Conservation Authority fill regulation lines; and,
- sustainability of the Trees that are proposed to remain; and,

(o) confirmation of any other applications (Planning applications or otherwise) affecting the land upon which the Trees are to be protected, Injured or Destroyed, including measured drawings of any proposed development of the Site or adjacent Sites.

At their discretion, the City Planner may waive any of the above requirements where it is deemed reasonable to do so.

7.7 Where the City Planner deems that additional information is necessary to evaluate a Distinctive Tree Permit, beyond the basic information identified in Section 7.6 of this By-law, they may require one or more of the following:

(a) where the above basic information requires submission of information, study or a report by a Qualified Person, the City Planner may require this information to be submitted by an Arborist or a Registered Professional Forester as defined in this By-law;

- (b) a description of how the Trees are to be removed from the Site, the potential impact on natural heritage features and areas, and an explanation of how these impacts are to be mitigated;
 - (c) Tree marking of all Trees to be Injured or Destroyed, prepared by an accredited Tree marker;
 - (d) a Silvicultural Prescription as defined by the By-law, prepared by a Qualified Person; and,
 - (e) such other information deemed necessary by the City Planner.
- 7.8 Where an application for a Distinctive Tree Permit is made for the operation of an existing cemetery or golf course, the requirements of Section 7.6 and 7.7 of this By-law will not apply and the following will be required for a Distinctive Tree Permit application:
- (a) the name, address and telephone number of the Landowner of the golf course or cemetery;
 - (b) the name, address and telephone number of the Qualified Person hired by the Landowner or Applicant to complete the Distinctive Tree Permit application;
 - (c) a five-year Silvicultural Prescription and/or Forest Management Plan, prepared by a Qualified Person, describing how the Trees on the Site are to be managed in a sustainable fashion to achieve Good Arboricultural Practices and Good Forestry Practices;
 - (d) The report cited in clause (c), above, will evaluate the basis for the proposed Tree Injury or Destruction and identify recommendations for any conditions to be included in a Distinctive Tree Permit that the Qualified Person believes are necessary to be in accordance with Good Arboricultural Practices;
 - (e) a general description of the circumstances that would represent a substantive change from the five-year Silvicultural Prescription and/or Forest Management Plan that would require a Distinctive Tree Permit; and,
 - (f) such other information deemed necessary by the City Planner.
- 7.9 Where a Distinctive Tree is a Boundary Tree, in addition to the requirements of subsection 7.6, the Applicant must provide the written consent of the other Landowner or Landowners to the application.
- 7.10 Where a Distinctive Tree is a Boundary Tree between City Property and private property, the issuance of a Distinctive Tree Permit by the City to the Applicant constitutes the City's consent to the Injury or Destruction of the subject Tree or Trees.
- 7.11 The City Planner shall review the complete application for a Distinctive Tree Permit and may:
- (a) issue a Distinctive Tree Permit;
 - (b) issue a Distinctive Tree Permit with conditions; or
 - (c) refuse to issue a Distinctive Tree Permit.
- 7.12 The City Planner may approve the issuance of a Distinctive Tree Permit for any one or more of the following reasons, and where the application demonstrates that there is no reasonable alternative to the proposed Injury or Destruction, all to the satisfaction of the City Planner:
- (a) it is necessary to remove one or more dangerous, dead, diseased or severely Injured Trees parts of the Trees for safety reasons;
 - (b) the Tree or Trees are causing or are in the opinion of a Qualified Person likely to cause structural damage to load-bearing structures or roof structures;
 - (c) the Injury or Destruction of the Tree or Trees is required in order to remediate contaminated soil;
 - (d) the Injury or Destruction is necessary 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 and there is no reasonable alternative to locating these utilities and infrastructure;

(e) the Applicant has undertaken to implement a satisfactory Silvicultural Prescription, Forest Management Plan, landscaping, replanting or Tree preservation;

(f) the proposed Tree Injury or Destruction represents Good Arboricultural and/or Good Forestry Practices; or,

(g) other compelling reasons that the City Planner believes suitably justify the Tree Injury or Destruction.

7.13 The City Planner may impose conditions to a Distinctive Tree Permit, including but not limited to, the following:

(a) any condition in accordance with Good Arboricultural and/or Good Forestry Practices;

(b) the preparation of a Silvicultural Prescription or Forest Management Plan and any necessary Security to ensure that it is implemented;

(c) the manner and timing of the Injury or Destruction of the Tree or Trees;

(d) a specified period for which the Permit is valid, after which the Permit will lapse;

(e) the manner and timing of any required Tree planting and any necessary Security to ensure that It is implemented;

(f) any condition recommended by a Qualified Person;

(g) measures to be implemented to protect the retained Trees during construction, where applicable;

(h) that the Injury or Destruction is to be carried out by or under the supervision of a Qualified Person; and,

(i) a requirement to plant replacement Trees or, alternatively, the provision of cash, in lieu of such Tree planting, consistent with Schedule B of this By-law, and any Security to ensure that such Tree planting is implemented.

7.14 Where a Distinctive Tree Permit requires, as a condition, the planting of replacement Trees, the City Planner may impose the following conditions with respect to the replacement Tree:

(a) the species, size and location of replacement Trees;

(b) the timing for the planting of the replacement Trees;

(c) the provision of any Security necessary to ensure that such Tree planting is implemented; and

(d) where there is no reasonable alternative for the required Tree planting on the subject lands, consistent with Schedule B of this By-law, a fee may be required in lieu of the required Tree planting that cannot be accommodated on Site, that will be used by the City to achieve Tree planting within the City.

7.15 No Permit Holder shall fail to post the Distinctive Tree Permit on the subject property in accordance with the following requirements:

a) in a prominent location so as to be clearly Visible to the public;

(b) for a period of not less than seven (7) days prior to any action being undertaken in accordance with the Distinctive Tree Permit on the Site;

(c) for the period that any action is being taken on the Site; and

(d) for a period of not less than seven (7) days following any action taken in accordance with the Distinctive Tree Permit.

- 7.16 The City Planner may revoke a Distinctive Tree Permit where,
- (a) the Permit was issued on mistaken, misleading, false or incorrect information;
 - (b) the Permit was issued in error;
 - (c) the Landowner or Permit Holder requests, in writing, that it be revoked; or
 - (d) the Landowner or Permit Holder fails to comply with any condition of the Distinctive Tree Permit or this By-law.

7.17 No Person shall knowingly furnish false or incorrect information for the purposes of obtaining a Distinctive Tree Permit.

8 REQUIREMENT TO OBTAIN ALL OTHER APPROVALS REQUIRED BY ANY LEVEL OF GOVERNMENT

8.1 A Permit issued pursuant to this By-law does not preclude the responsibility of the Applicant or Landowner to obtain all other approvals which may be required by any level of government and agencies thereof, including, but not limited to, Species at Risk legislation.

9 APPEALS - REFUSAL TO ISSUE A PERMIT

9.1 The power and authority to conduct hearings for appeals under this By-law are hereby delegated to the Hearings Officer of the City of London.

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

9.3 An Applicant for a Permit pursuant to this By-law may appeal to the Hearings Officer:

- (a) if the City Planner refuses to issue a Permit; such an appeal must be made within 30 days after the refusal;
- (b) if the municipality fails to make a decision on an application within 60 days after a complete application is received by the City Planner; or
- (c) if the Applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.

9.4 A request by an Applicant for a hearing shall be made in writing and filed with the City Clerk. The request shall consist of a notice of appeal and must comply with the requirements set out in Schedule 1 of the City's Hearings Officer By-law A-6653-121

9.5 A Hearings Officer may:

- (1) Uphold the decision of the City Planner;
- (2) Require the municipality to vary any condition on a Permit; or
- (3) Require the municipality to issue a Permit with conditions as the Hearings Officer considers appropriate.

9.6 The decision of the Hearings Officer is final.

10 TRANSFER, SUSPENSION OR VARIATION OF A PERMIT OR ORDER

10.1 Any Permit, or any Order made under this By-law and any condition(s) that is not lapsed shall be deemed transferred in the event a Site, subject to that existing Permit or Order, is given away, sold, or otherwise disposed, with the new Landowner obliged to the existing Permit or Order and all conditions therein, and including the Security, if applicable.

10.2 The Permit Holder shall notify the City Planner within two business days if the Site that is subject to an existing Permit or Order is given away, sold, or otherwise disposed, and shall provide the City Planner with the name and all other relevant information relating to the new

Landowner, consistent with the requirements of a permit application within Sections 6.6 and 7.6 of this By-law.

- 10.3 If the Permit Holder cannot be found or where the public interest requires it, a notice of the revocation, suspension or variance of a Permit may be placed on the City website and in a local newspaper.
- 10.4 A copy of the notice of revocation, suspension or variance of a Permit shall be recorded by the City Planner in the publicly-available register and recorded on title as a land charge, to be revealed by the Registry Office in the event of a search of title for the subject property.

11 ENFORCEMENT

- 11.1 This By-law shall be enforced by a By-law Enforcement Officer.
- 11.2 A By-law Enforcement Officer may, at any reasonable time, enter and inspect any land to determine if this By-law, an Order issued under this By-law of a condition of issuance of a Tree Protection Area Permit or a Distinctive Tree Permit has been complied with provided that the power of entry does not allow the By-law Enforcement Officer to enter into any building on the land.
- 11.3 A By-law Enforcement Officer may, in carrying out an inspection pursuant to subsection 11.2, be accompanied by the City Planner and any other Person possessing expert or special knowledge necessary to assist the By-law Enforcement Officer with their enforcement activities.
- 11.4 A By-law Enforcement Officer may require the production for inspection of the Silvicultural Prescription or Forest Management Plan, as applicable, and inspect and remove such report for the purpose of making copies.
- 11.5 A receipt shall be provided for any report removed under subsection 11.4 and the report shall be promptly returned after the copies are made.
- 11.6 A By-law Enforcement Officer may take photographs, measurements, surveys and other necessary recordings to identify the extent of Tree Injury or Destruction necessary for the purpose of the inspection.
- 11.7 No Person or Permit Holder shall hinder or obstruct or attempt to hinder or obstruct the By-law Enforcement Officer in the discharge of duties under this By-law.
- 11.8 For enforcement purposes, if a Tree has been Injured or Destroyed and its trunk diameter can no longer be measured at 1.4m above Natural Ground Level, but the remains of the trunk can be found, one or more of the following measures may be taken to interpret whether the diameter of the Tree at 1.4m would have been equal to, or greater than, 50cm:
- i. The remaining trunk/stump is 75cm diameter or greater anywhere above 30cm from the Natural Ground Level; or
 - ii. The remaining trunk/stump is 100cm diameter or greater anywhere above the Natural Ground Level; or
 - iii. The By-law Enforcement Officer may estimate what the diameter of the Tree would have been at 1.4m above Natural Ground Level, before it was cut, based on well-accepted arboricultural practices or scientific literature and considering such things as the Tree species, typical root flare/buttress, the remaining trunk/stump diameter, historical aerial or other photographs or video, or other reliable means that can be substantiated.

12 ORDER TO DISCONTINUE ACTIVITY

- 12.1 Where the City Planner is satisfied that a contravention of this By-law has occurred, the City Planner may issue an Order to Discontinue Activity requiring the Person who contravened the By-law or that caused or permitted a contravention of the By-law to stop any Injury or Destruction.

- 12.2 The Order to Discontinue Activity shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the contravention and the date by which there must be compliance with the Order to Discontinue Activity.
- 12.3 No Person or Permit Holder shall fail to comply with an Order to Discontinue Activity issued by the City Planner pursuant to this By-law.
- 12.4 An Order to Discontinue Activity may be served personally by the Bylaw 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.
- 12.5 Where an Order to Discontinue Activity under this By-law is served personally by the By-law Enforcement Officer, it shall be deemed to have been served on the date of delivery to the Person or Persons named.
- 12.6 The posting of the Order to Discontinue Activity on the affected lands 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.
- 12.7 Where an Order to Discontinue Activity issued under the By-law is sent by registered mail, it shall be sent to the last known address of:
- (a) the Applicant;
 - (b) the Landowner; or
 - (c) the Person or company retained to undertake 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.

13 POWER TO MAKE A WORK ORDER

- 13.1 Where a Tree or Trees in a Tree Protection Area or a Distinctive Tree is/are Injured or Destroyed without a Permit or contrary to the provisions and conditions of an existing Permit or Order made under this By-law, in addition to or instead of all other actions available under the By-law and any Act, Regulation or By-law, the City Planner may serve an Order known as a Work Order requiring that the Site be managed, monitored and maintained in a manner and to a condition satisfactory to the City Planner, within a specified and reasonable timeframe, and this may include requiring the planting of a Tree or Trees.
- 13.2 The City Planner may serve a Work Order where a Tree in a Tree Protection Area or a Distinctive Tree has been Injured or Destroyed by or on instruction of Emergency Services or during a Declared Emergency, or where a Tree has been Injured or Destroyed by natural disturbance, including but not limited to infection, decay, flood, land slip, erosion, wind storm, ice storm, snow or other severe weather, so long as the Work Order is issued within six months of the Tree Injury or Destruction occurring.
- 13.3 A Landowner for any Site that was subject to a Permit may be served with a Work Order from the City Planner if a replacement Tree that was required as a condition of the Permit dies or is removed without a Permit or if the required natural regeneration fails to be established by the specified timeframe stated in a Permit or condition of a Permit.
- 13.4 The Work Order shall set out the following:
- (a) the minimum goal that, upon its achievement by a specific date, will satisfy the City Planner;
 - (b) that a plan shall be prepared by a Qualified Person, who shall be a Registered Professional Forester in circumstances where the Site contains Woodland, at the expense of the Landowner, and the plan submitted to the City Planner by a specified date. No works shall commence until the plan is approved by the City Planner;
 - (c) that the plan is required to include all the steps to be taken and all oversight required by the Qualified Person to achieve the goal of the Work Order to the satisfaction of the City Planner;

(d) that the plan approved by the City Planner be commenced and implemented in a manner and to a condition satisfactory to the Qualified Person and City Planner and completed to the satisfaction of the City Planner within a period of time specified in the plan;

(e) that a penalty may arise if the Work Order and approved plan is not complied with or completed by the specified date; and,

(f) the right to, and proper submission of, an appeal against the Work Order.

13.5 Failure to comply with the requirements of a Work Order and any plan approved under a Work Order shall constitute an offence.

13.6 In addition to all other powers under the By-law, if a Work Order is not complied with, whether partially or in full, by the specified date the City Planner may enter onto land after the Work Order is expired and carry out all work that was not done, to the satisfaction of the City Planner, and recoup all costs by applying those costs to the property tax roll.

14 PROTECTION OF FOREST HEALTH

14.1 For the purpose of early detection of a Pest, and monitoring, measuring or controlling threats to forest health, the City Planner may, at any reasonable time, enter and inspect or survey a property in which the City Planner believes on reasonable grounds there may be a Pest or threats to forest health. The City Planner may;

(a) examine anything and take samples of it;

(b) conduct any tests or analyses or take any measurements;

(c) require any Person to produce any record or other document that the City Planner believes on reasonable grounds contains any information relevant to forest health and the administration of this By-law; and,

(d) remove any things, Tree(s) or parts thereof relating to the protection of forest health, at the City's expense and without compensation.

14.2 An Order known as a Forest Health Order may be served by the City Planner where a threat to forest health may occur or is occurring. The Forest Health Order may prohibit the disturbance or removal of anything within or from subject Sites or may require that work be done to reduce or eliminate a specific threat. Failure to comply with a Forest Health Order shall constitute an offence.

14.3 The Forest Health Order shall contain:

(a) the address(es) of the subject property(ies) or, if across a geographic region, the extent of that region may be described by a plan or map;

(b) the details of the prohibited activity, or the action or work required to be done, written in plain language, and using appropriate visually-informative symbols and images where possible;

(c) the date and time at which the Forest Health Order commences;

(d) the date and time when the Forest Health Order expires, no later than six months after the commencement date; and,

(e) when and under what terms the Forest Health Order may be lifted, if any.

14.4 The Forest Health Order shall be mailed to the last known address of the Landowner(s) and occupier(s) if different, and deemed served two business days after being sent when mailed by regular post.

14.5 If the public interest requires it, in advance of or after the commencement of the Forest Health Order a notice may be posted by the City Planner in the local newspaper and on the City's website to explain the forest health threat and the activity that has been or will be prohibited.

14.6 A Forest Health Order shall be posted, until the date of its expiry, in a public location or on the City's website. Where a geographic area is affected by the Forest Health Order, a copy of the Forest Health Order shall be posted until the date of its expiry in all municipal libraries within the affected area.

14.7 A Forest Health Order may be renewed by the City Planner at its expiry if the forest health conditions warrant a continuation.

14.8 A Forest Health Order cannot be appealed.

15 POWERS OF ENTRY

15.1 The City Planner, By-law Enforcement Officer or an officer appointed under By-law may enter a property at any reasonable time for the purpose of carrying out an inspection:

- (a) to assess Tree(s) and the Site(s) that are subject of an application;
- (b) to determine compliance with any Permit or condition issued under this By-law;
- (c) to inspect for compliance with an Order to Discontinue Activity, a Work Order, or a Forest Health Order;
- (d) to determine compliance with an order under section 431 of the *Municipal Act, 2001*, S.O. 2001, c.25 or any Court order issued under the By-law; and
- (e) may make examinations of any relevant thing including but not limited to measuring, probing, drilling, excavating, sounding or tapping a Tree(s), removing foliage or woody material using appropriate methods, taking an example of a Pest, and recording observations by methods including but not limited to video, photograph or written record.

16 OFFENCES AND PENALTIES

16.1 Every Person who contravenes any provision of this bylaw is guilty of an offence as provided for in subsection 429.(1) of the *Municipal Act, 2001*, S.O. 2001, c.25

16.2 Every Person who contravenes an Order to Discontinue Activity that is issued pursuant to this By-law is guilty of an offence and the offence is hereby designated a continuing offence as provided for in subsection 429.(2)(a) of the *Municipal Act, 2001*, S.O. 2001, c.25.

16.3 A Person who is convicted of an offence under this By-law is liable to a minimum fine of \$500 and a maximum fine of \$100,000 as provided for in subsection 429(3) 1 of the *Municipal Act, 2001*, S.O. 2001, c.25.

16.4 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 au daily fines for the offence is not limited to \$100,000, as provided for in subsection 429(3) 2of the *Municipal Act, 2001*, S.O. 2001, c.25.

16.5 When a Person has been convicted of an offence under this By-law, the Superior Court of Justice or any court of competent jurisdiction thereafter, may, in addition to any penalty imposed on the Person convicted, issue an order:

- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
- (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.

16.6 Every Person who contravenes any provision of this By-law, including an order made under this By-law, is guilty of an offence and is liable to a fine, including the fines set out in this Part, and such other penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, and *Municipal Act, 2001*, S.O. 2001, c.25.

17 TRANSITION


17.1 Any Permit issued under the provisions of By-law CP-1466-249 that has not expired or been revoked as of the date of the coming into force of this By-law shall be deemed to be subject to this By-law.

18 REPEAL - IN FORCE

18.1 By-law C.P.-1466-249, as passed on October 22, 2007 and all of its amendments, are hereby repealed.

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

Passed in Open Council on August 30, 2016.



Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - August 30, 2016
Second Reading-August 30, 2016
Third Reading-August 30, 2016

Schedule A - Permit Fees

The following fees shall apply for the submission of a Tree Protection Area Permit or Distinctive Tree Permit application.

The City Planner may waive any fee, at their sole discretion, where they are satisfied that the imposition of a fee would be unreasonable or would cause undue hardship.

NATURE OF APPLICATION FOR A PERMIT	FEE FOR PERMIT
Injure or Destroy any Tree that the City Planner accepts is hazardous	No fee
Injure or Destroy any Tree where that Injury, or Destruction is required under any Court Order or an Order issued under in accordance with an Act or Regulation or other By-law	No fee
Remove any Tree that is fallen, falling, or dead or dying, from natural causes	No fee
Injure or Destroy one Distinctive Tree	\$100/Tree
Injure or Destroy one to three living Trees within a Tree Protection Area	Less than 50cm diameter: \$75/Tree More than 50 cm diameter: \$100/Tree
Injure or Destroy four or more living Trees within a Tree Protection Area	Less than 50cm diameter: \$75/Tree More than 50cm: \$100/Tree Up to a maximum of \$1,000

Schedule B -Schedule of Cash Contribution in Lieu of Off-site Tree Planting

Where a permit, or a condition of a permit, requires that a replacement Tree is required but there is insufficient space or opportunity on a Site to provide for a replacement Tree over the long term, the City Planner may require a cash contribution in lieu of such planting, to be paid by the Applicant to the City, to support Tree planting elsewhere in the municipality.

The amount of the cash contribution shall be \$350 per replacement Tree, subject to a maximum of \$35,000.

Schedule C - Critical Root Zone

The trunk diameter shall be measured at a point of 1.4m above Natural Ground Level. It shall be rounded up or down to the nearest centimetre, with measurements having a decimal nominal of 0.5 or greater rounded !!Q.

The Critical Root Zone is measured horizontally and radially in all directions from the outside bark at the base of the trunk or its root flare, if present, where the Tree emerges above Natural Ground Level.

The drip line is where intercepted rain may fall off the outermost branches and leaves of a Tree canopy (Tree crown). For the purpose of this By-law, where an asymmetric Tree canopy occurs, the drip line shall be the greatest of the drip line distances measured horizontally from the base of the trunk at the points corresponding to North, South, East and West.

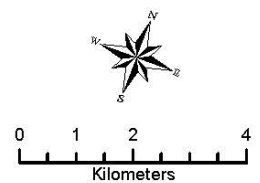
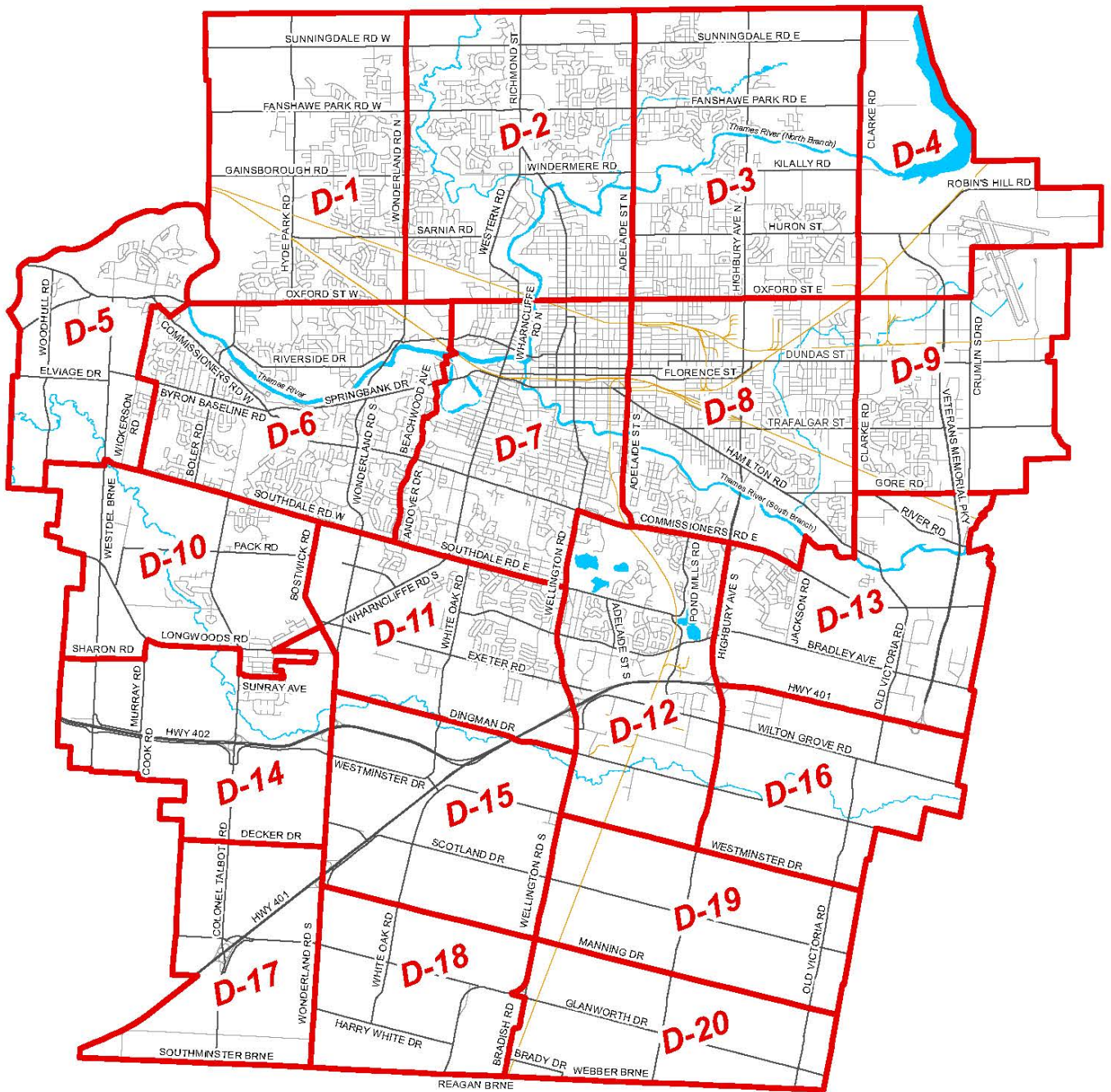
If any drip line cannot be measured, the alternate dimension shown in the Table below shall be used.

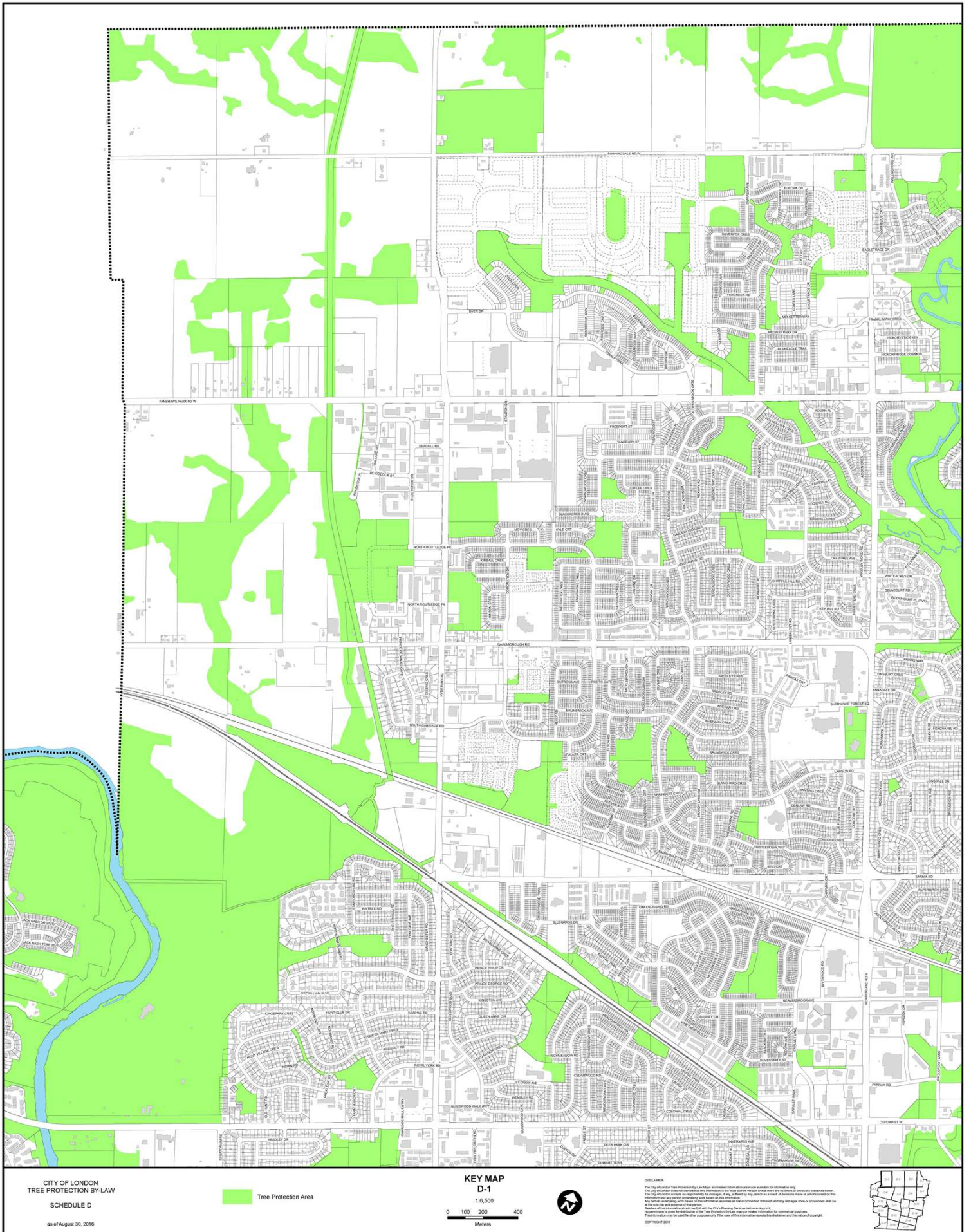
The City Planner, solely at their discretion, may make an alternative interpretation of the Critical Root Zone that they deem to be reasonable and warranted.

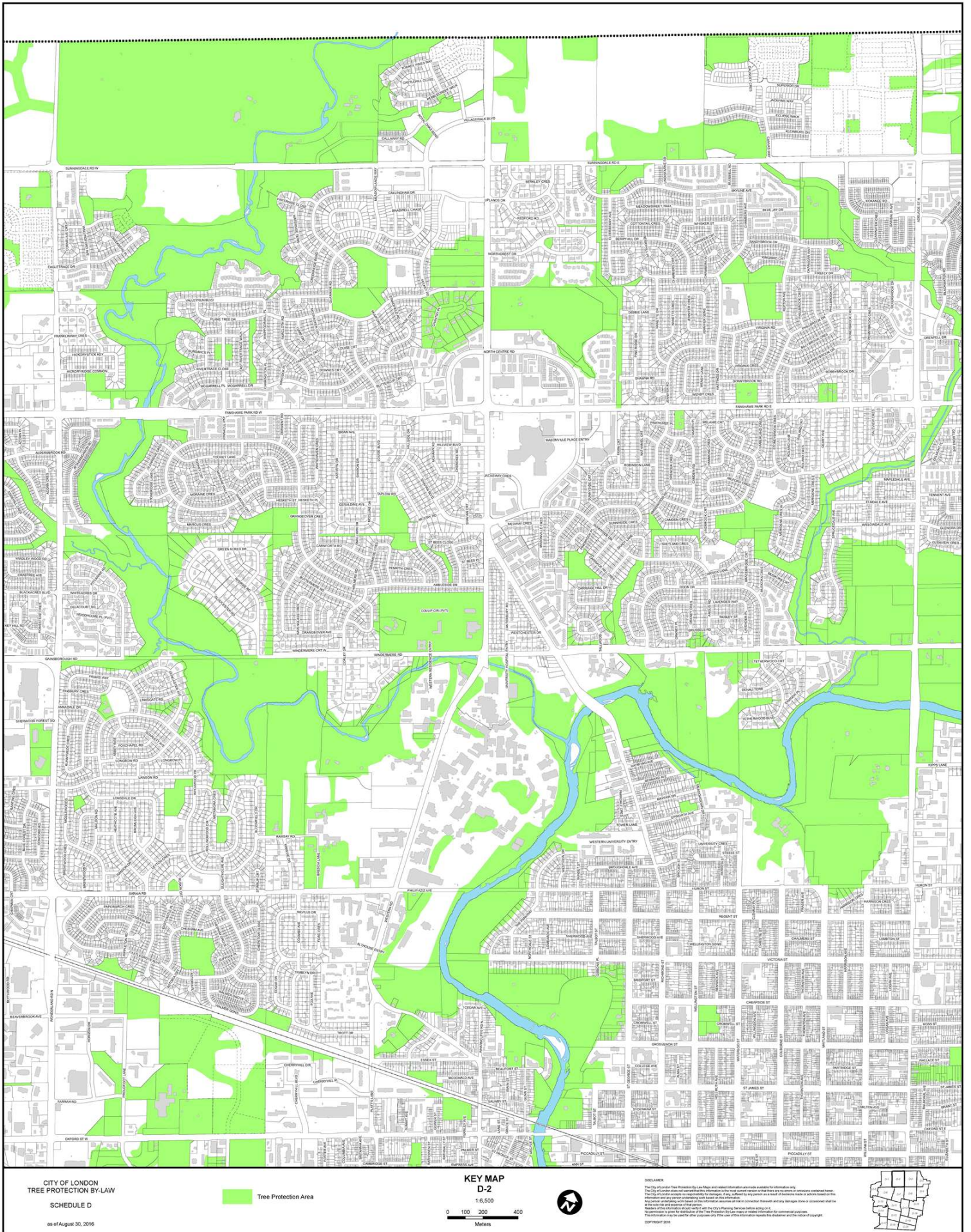
Trunk diameter measured at 1.4m above Natural Ground Level	Critical Root Zone shall be:
Less than 10cm	1.2 m
10-29 cm	3.6m
30-40 cm	4.8m
41 -50 cm	6.0m
51 - 60 cm	7.2m
61- 70cm	8.4m
71-80 cm	9.6m
81-90 cm	10.8 m
91-100 cm	12.0 m
>100 cm	12 cm for each 1cm of diameter

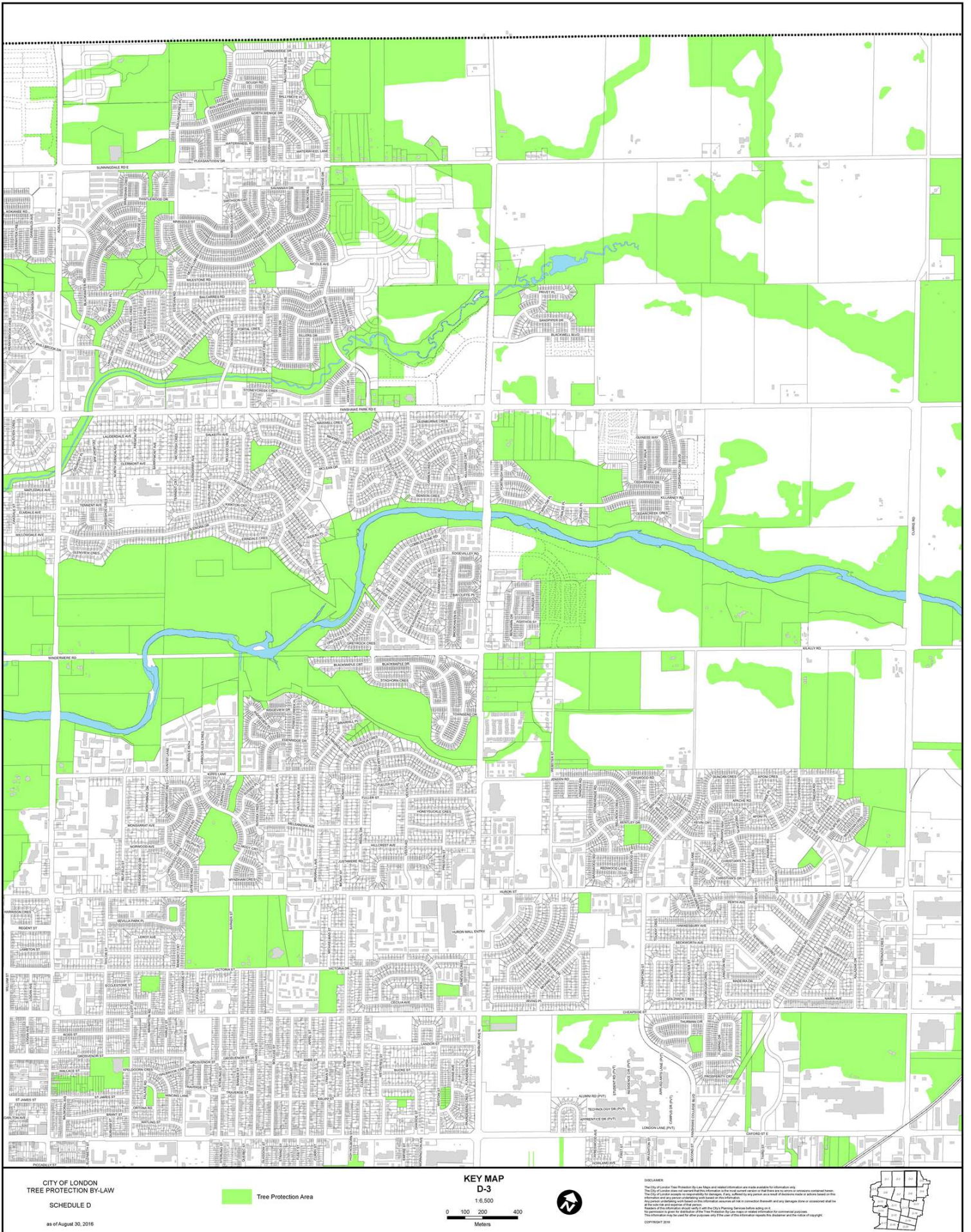
Schedule D-Tree Protection Area Maps

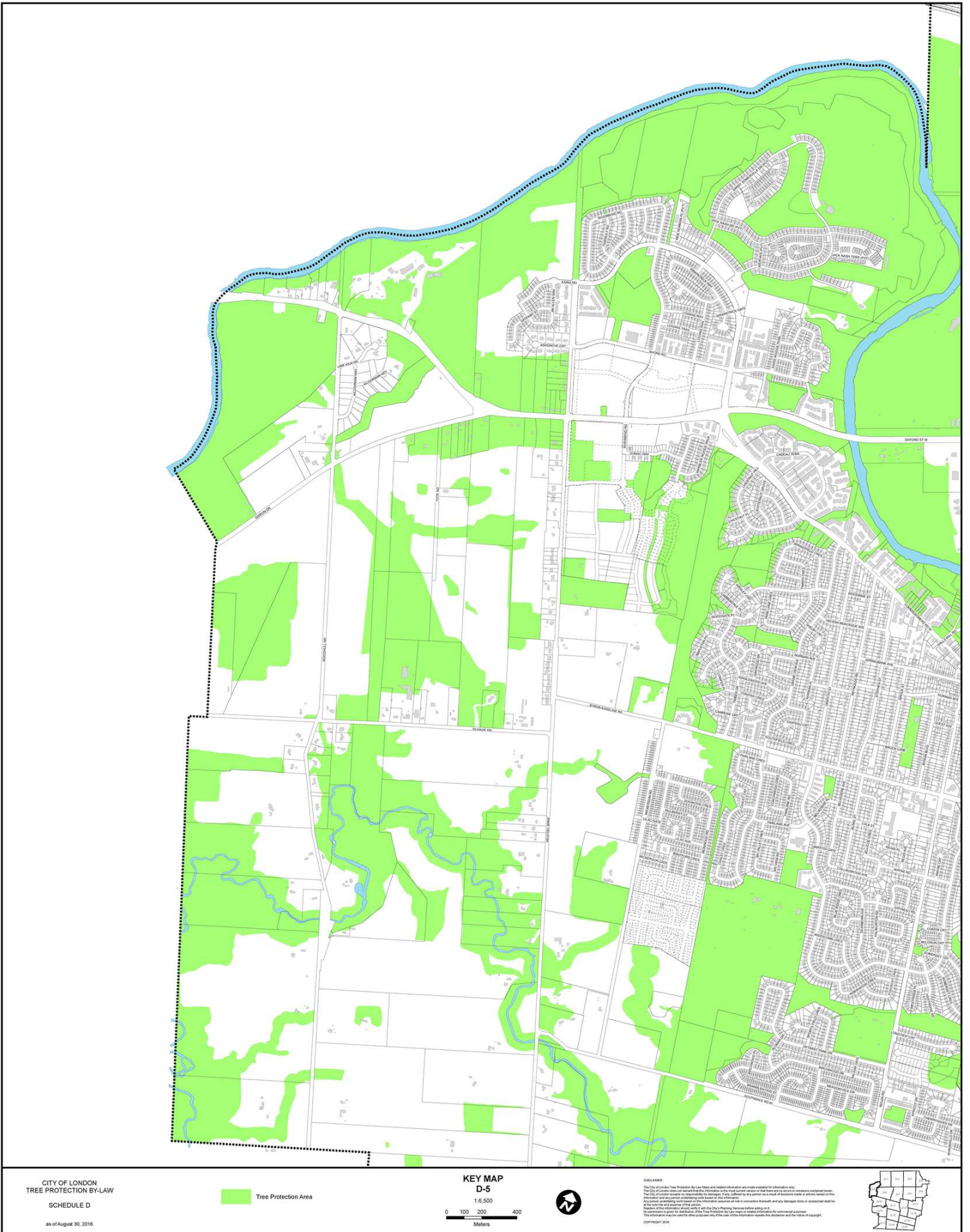
Note: The maps provided in this Schedule are for reference only. An online version of these reference maps is also available on the City's website to provide users greater detail. The Tree Protection Area Maps for this By-law are kept by the City Clerk and can be reviewed in the City Clerk's offices.

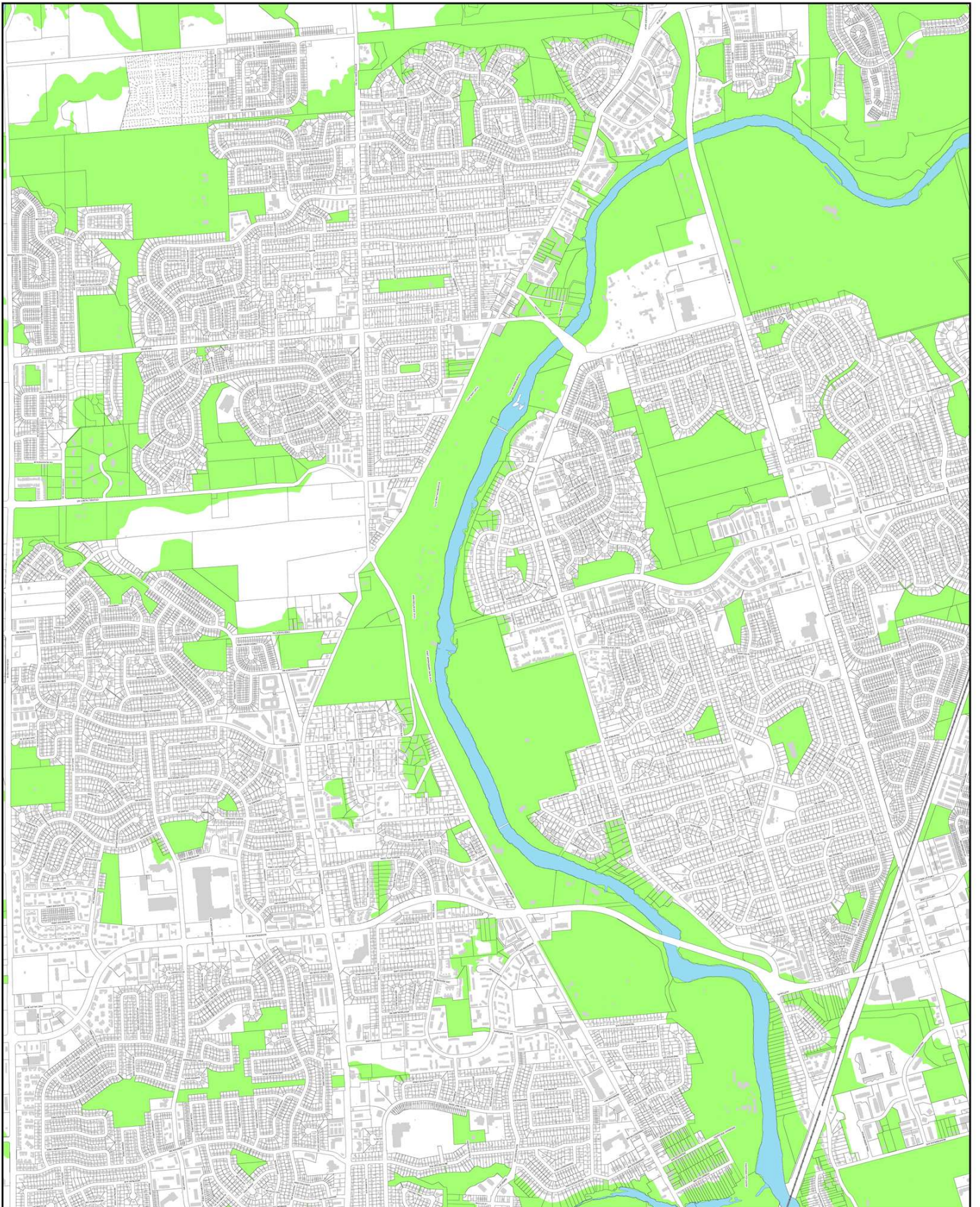












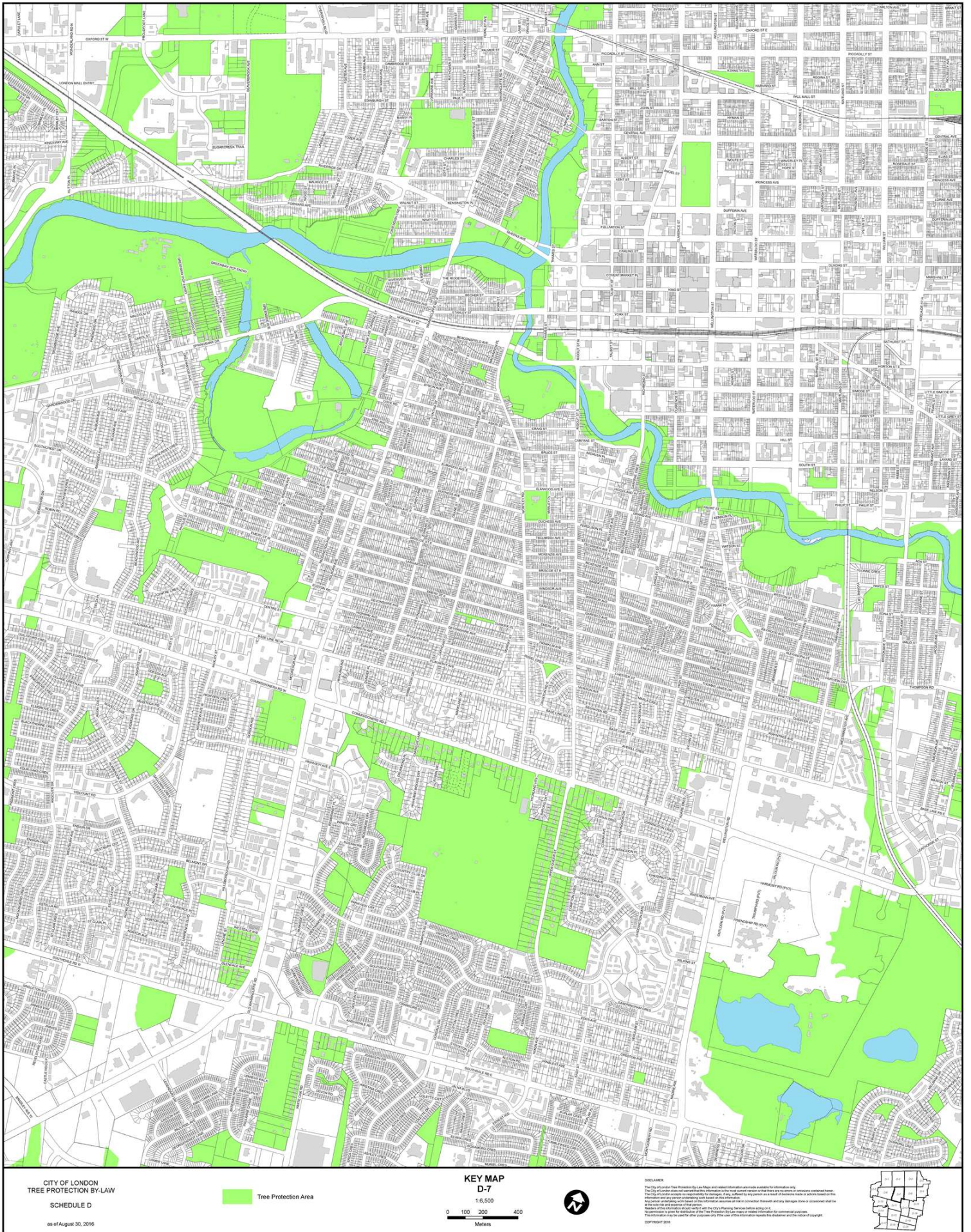
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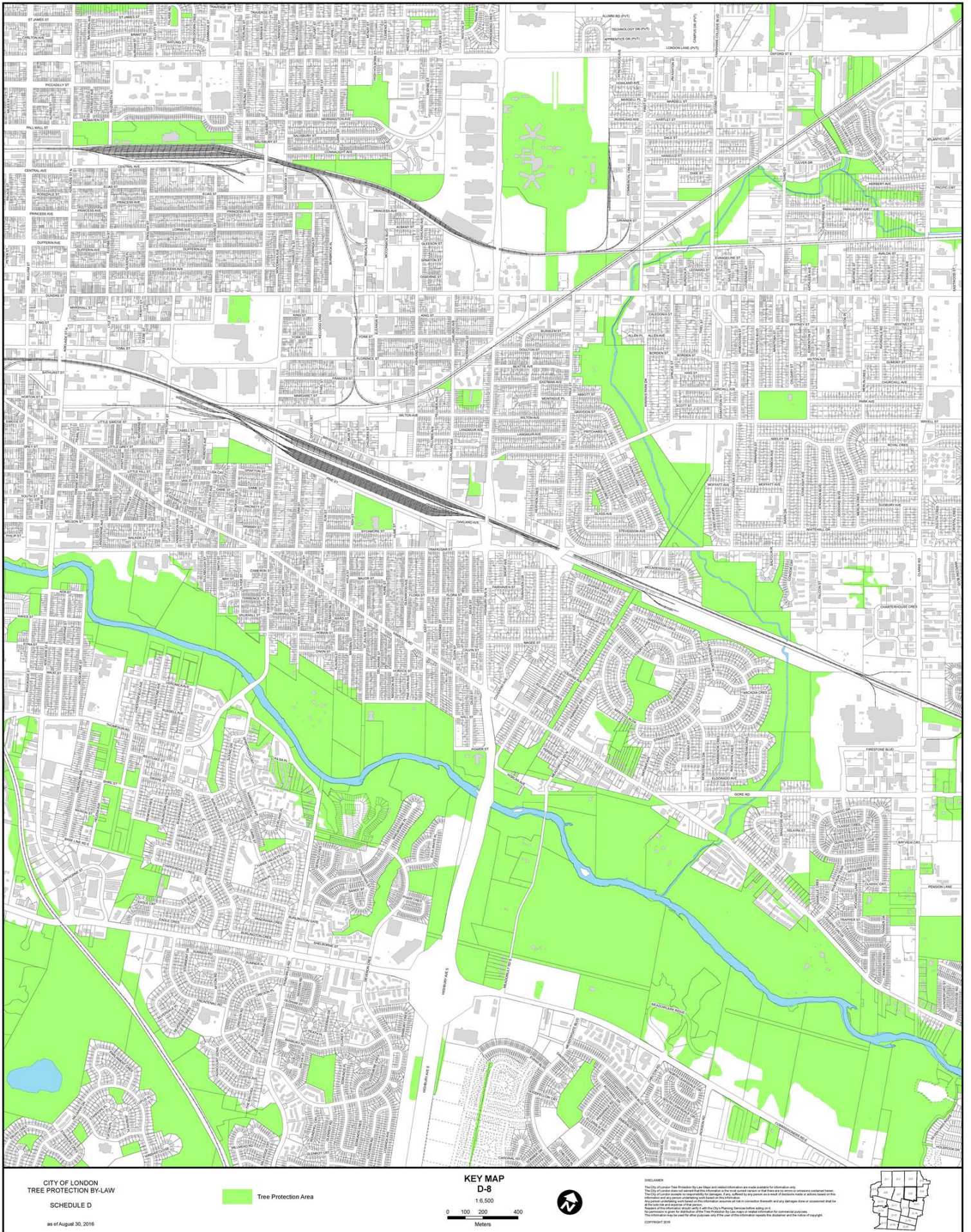


KEY MAP
D-8

Tree Protection Area

CITY OF LONDON
TREE
PROTECTION BY-LAW
SCHEDULE D
 as of August 30, 2018





CITY OF LONDON
TREE PROTECTION BY-LAW
SCHEDULE D

as of August 30, 2016

Tree Protection Area

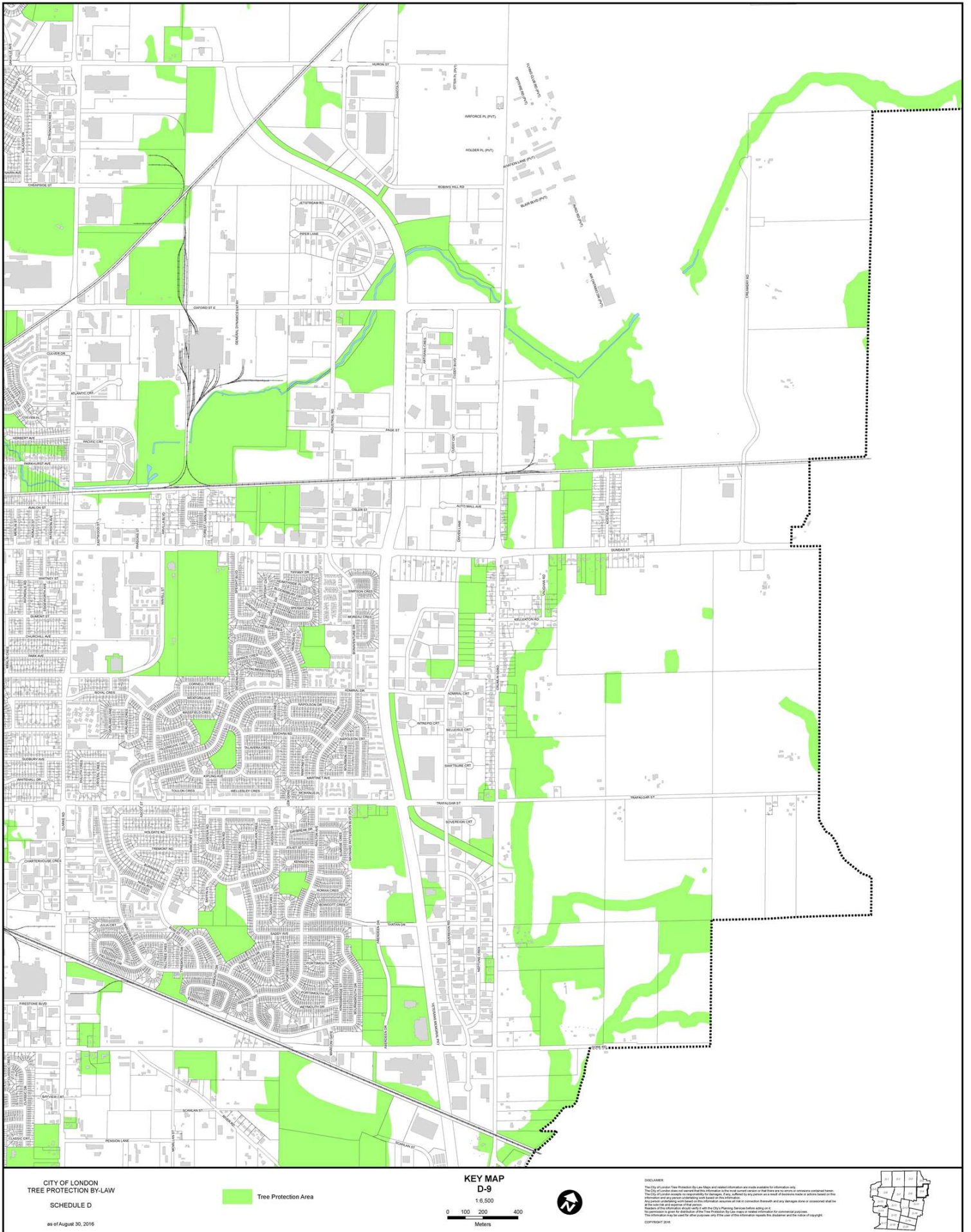
KEY MAP
D-8

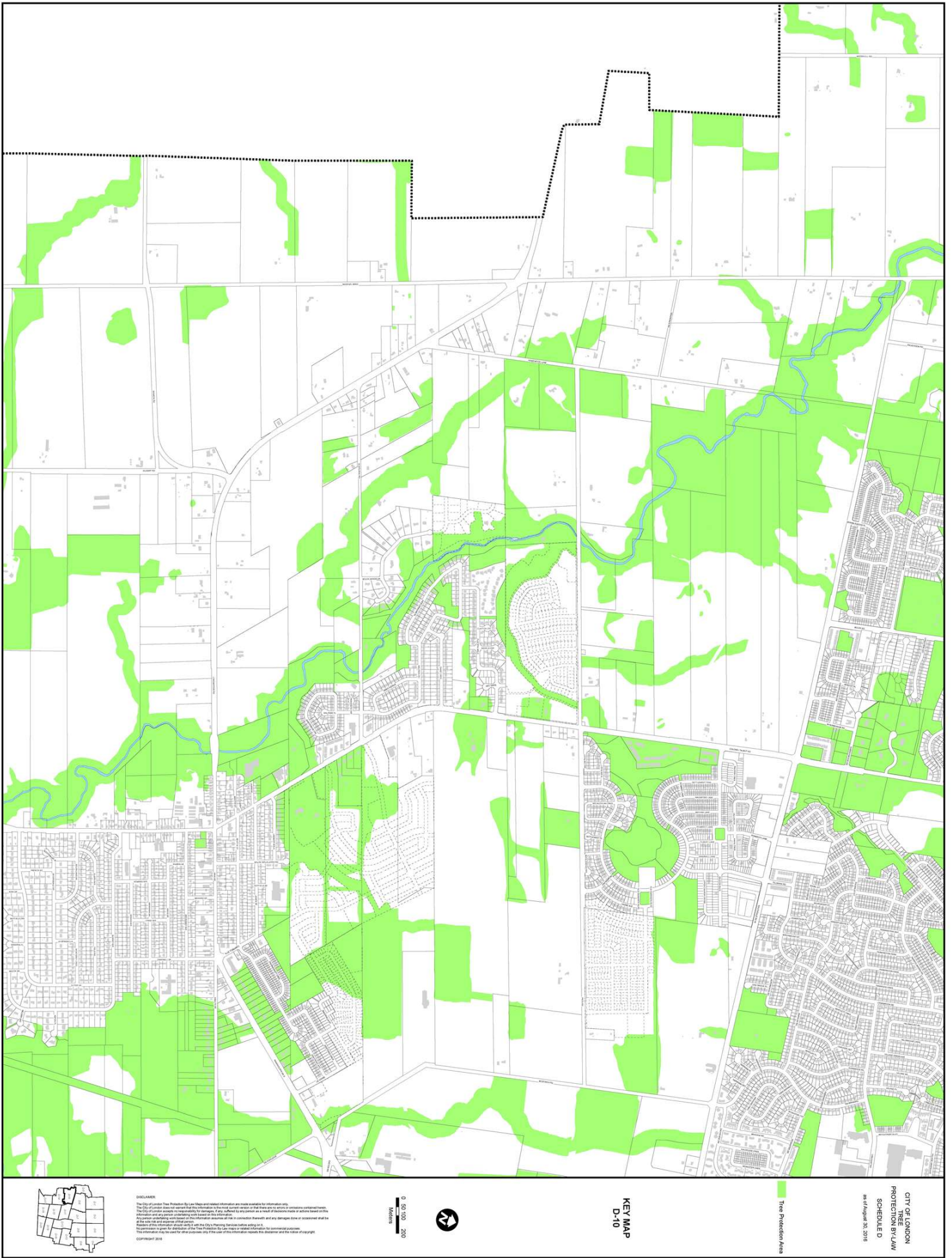
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Meters



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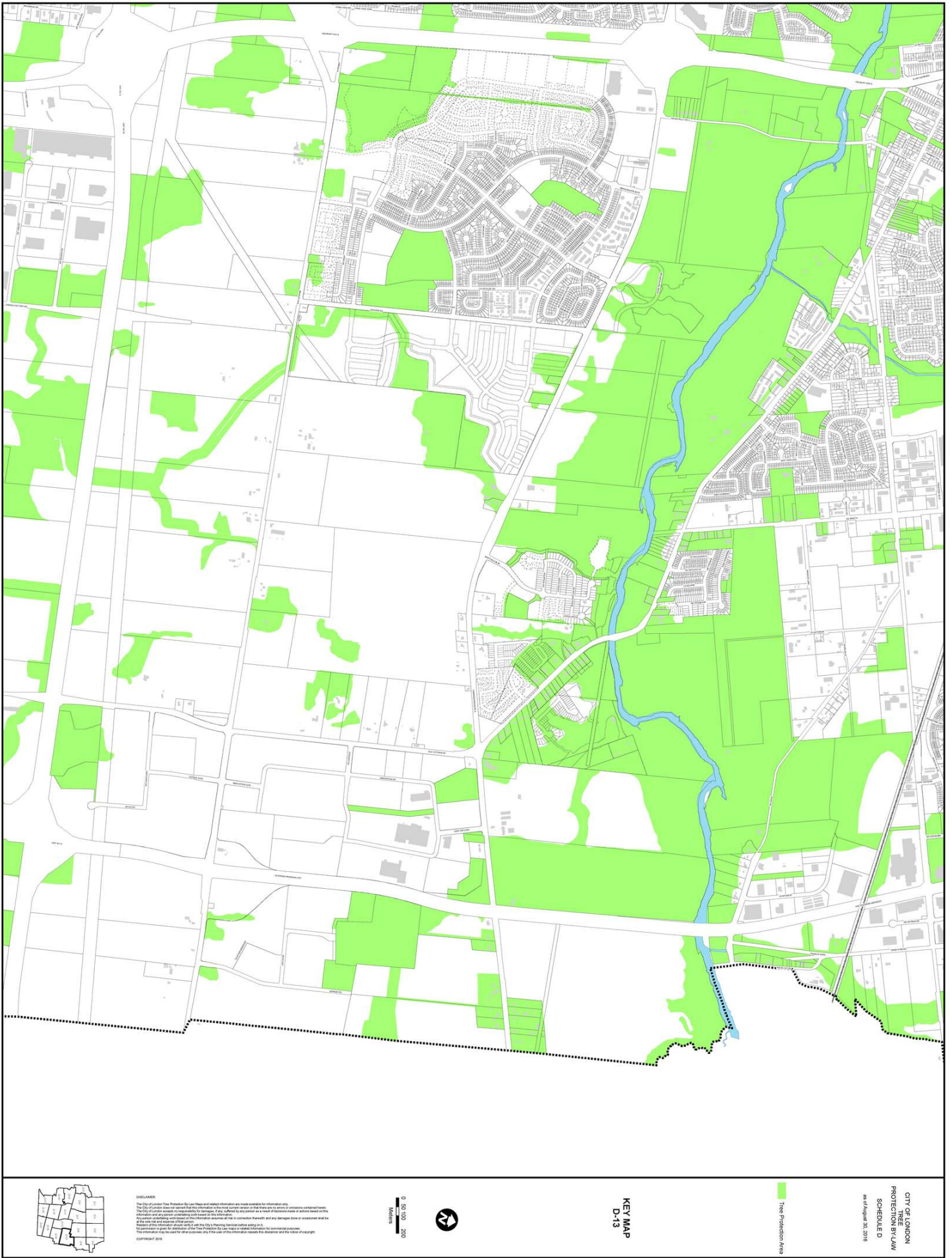
CITY OF LONDON
TREE
PROTECTION BY-LAW
SCHEDULE D
 as of August 30, 2016

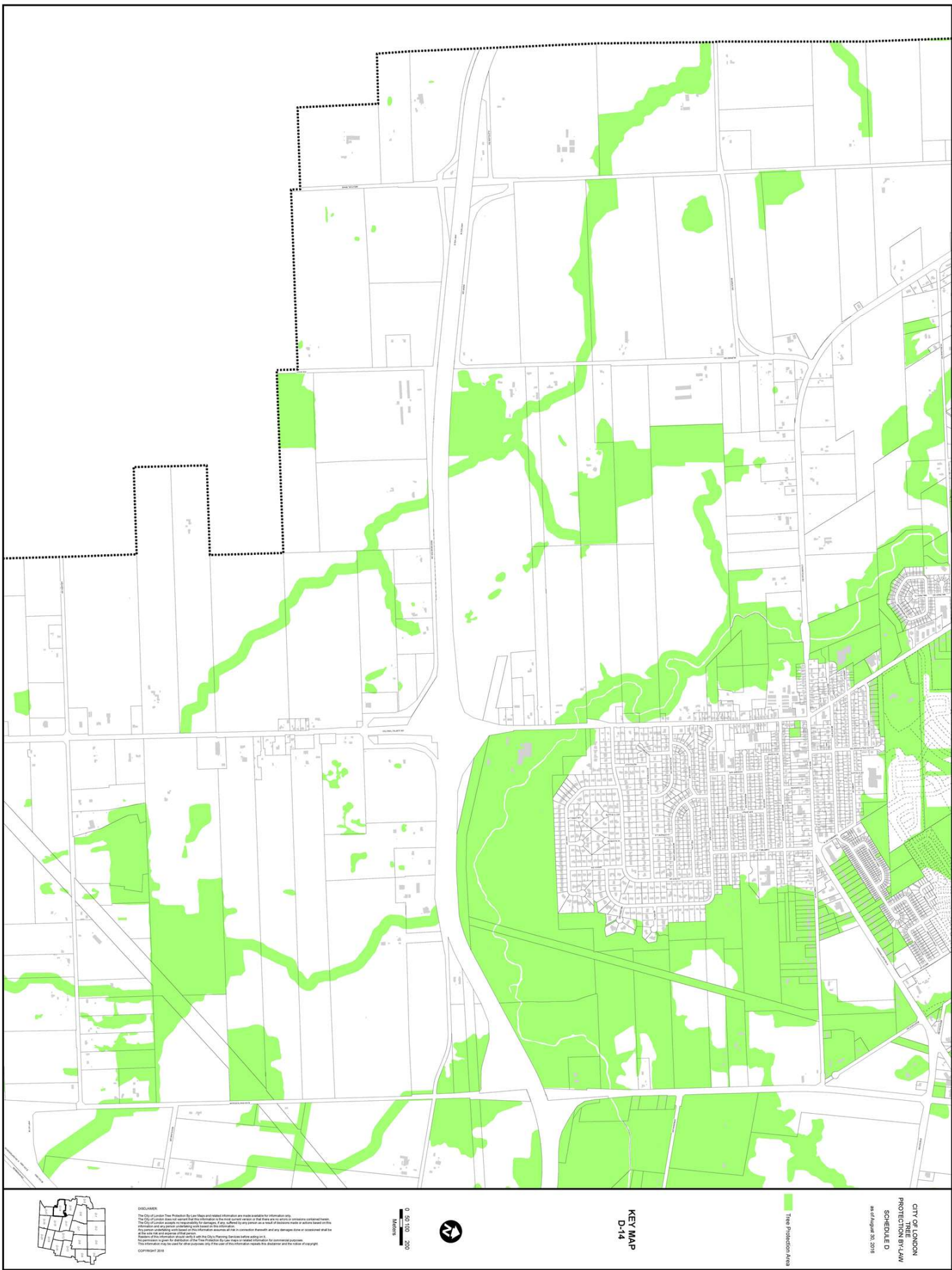
KEY MAP
D-11

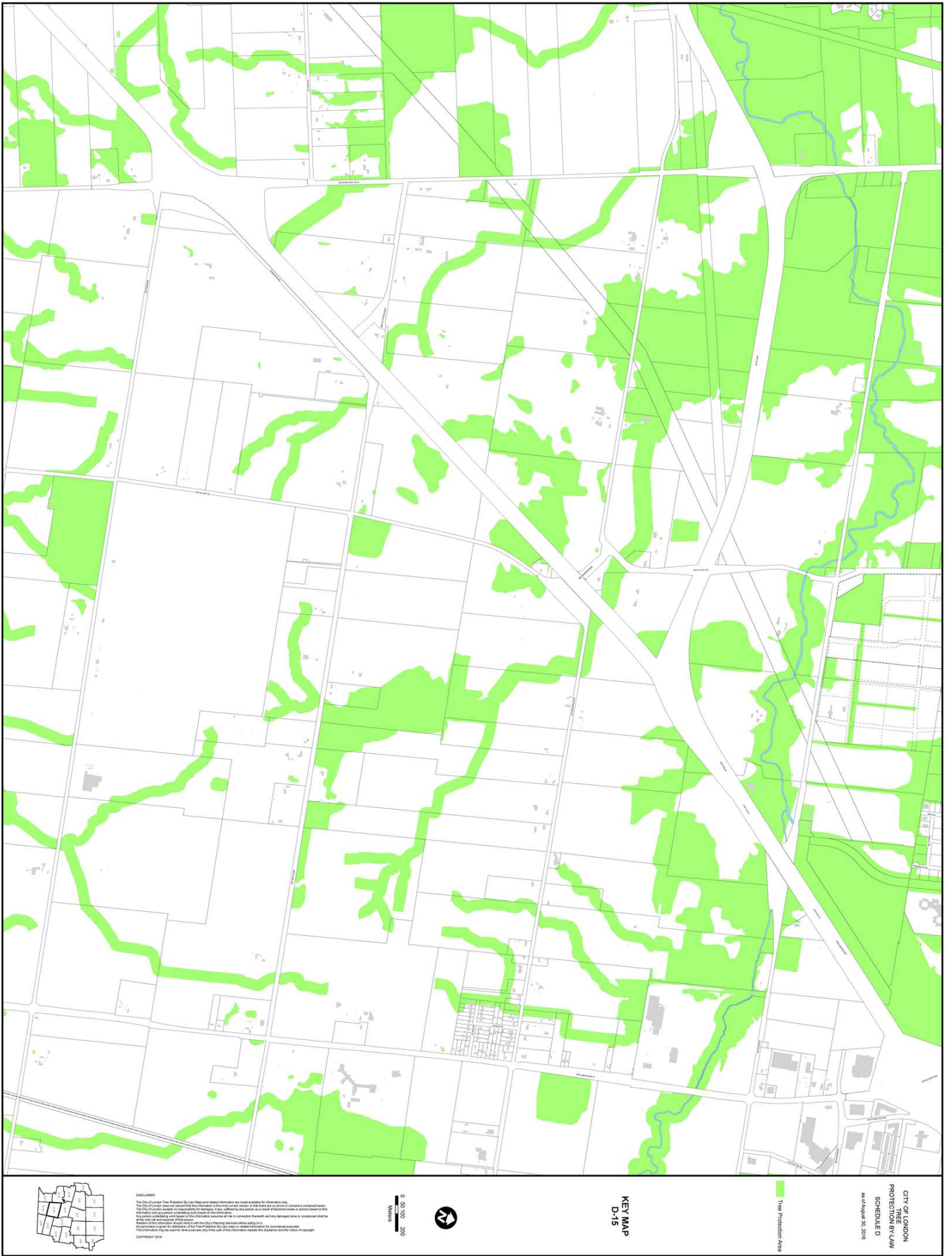
0 50 100 200
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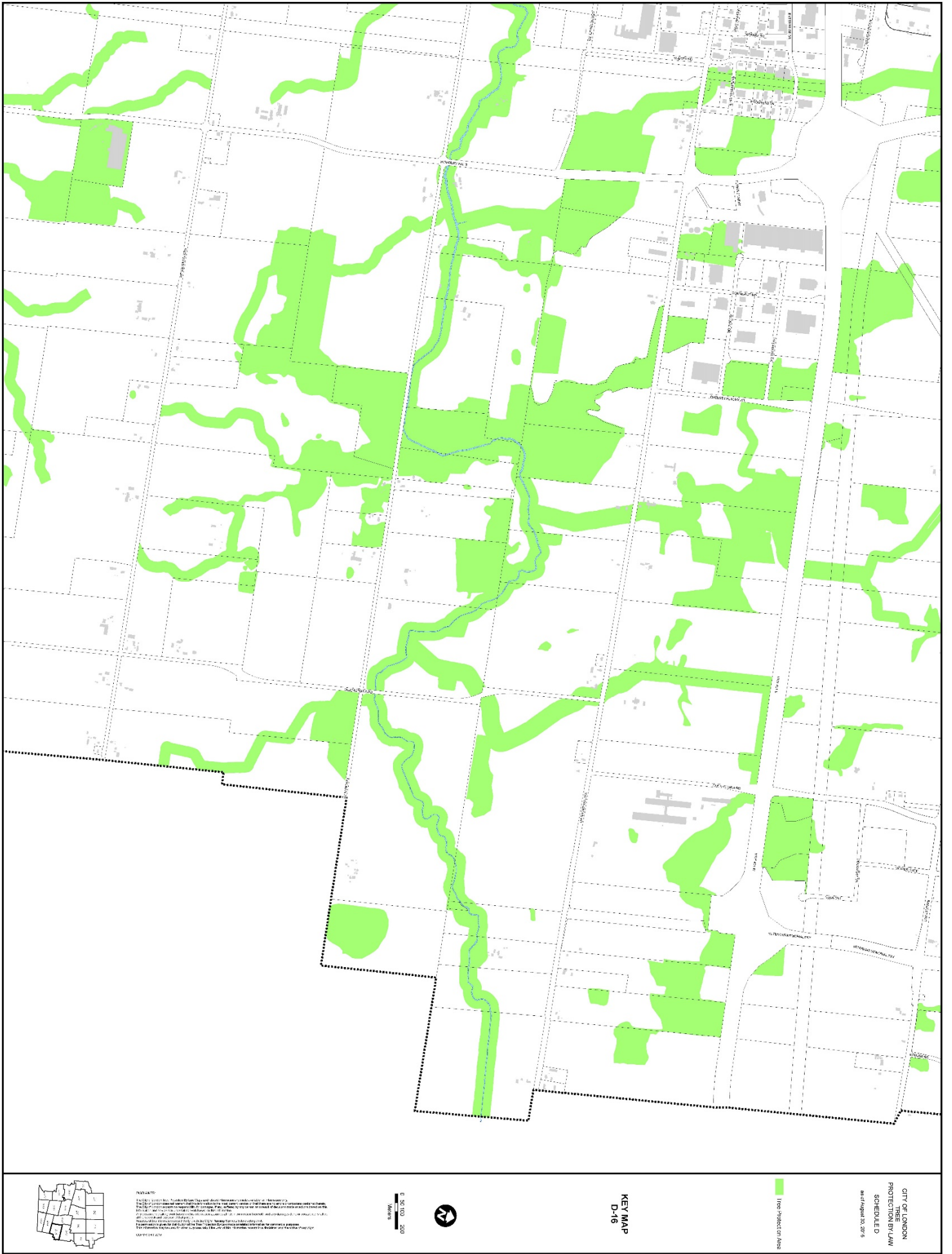
Tree Protection Area

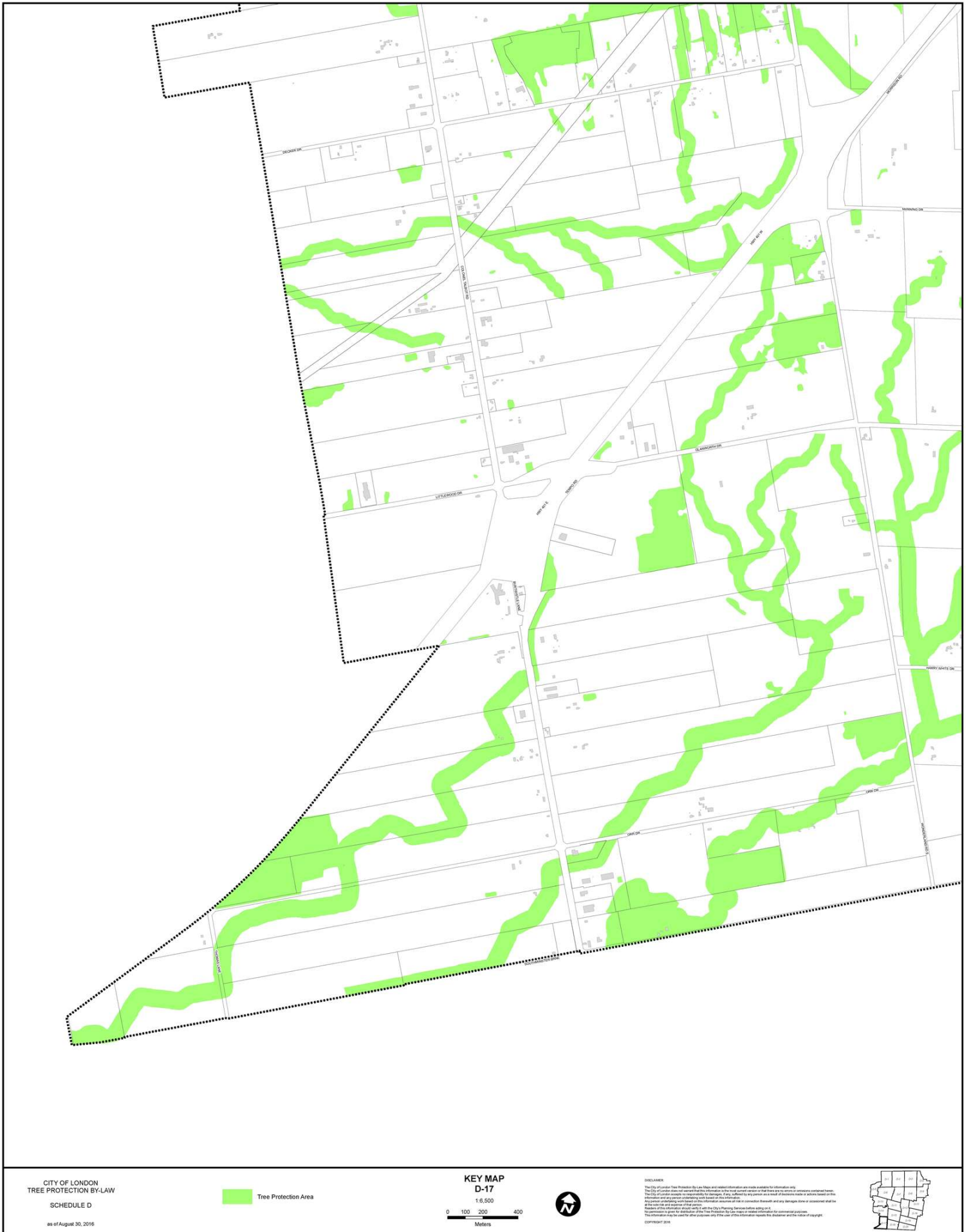
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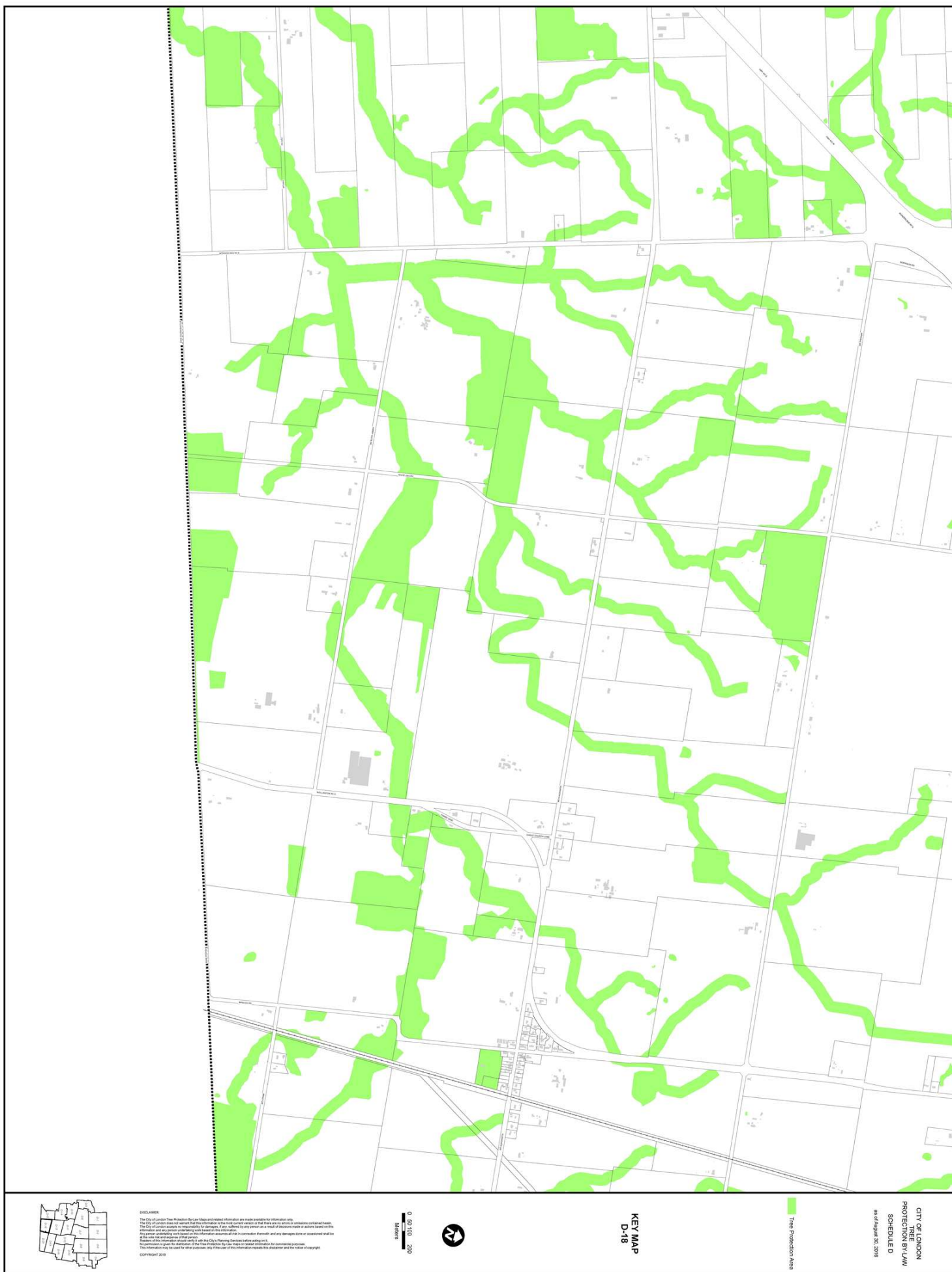


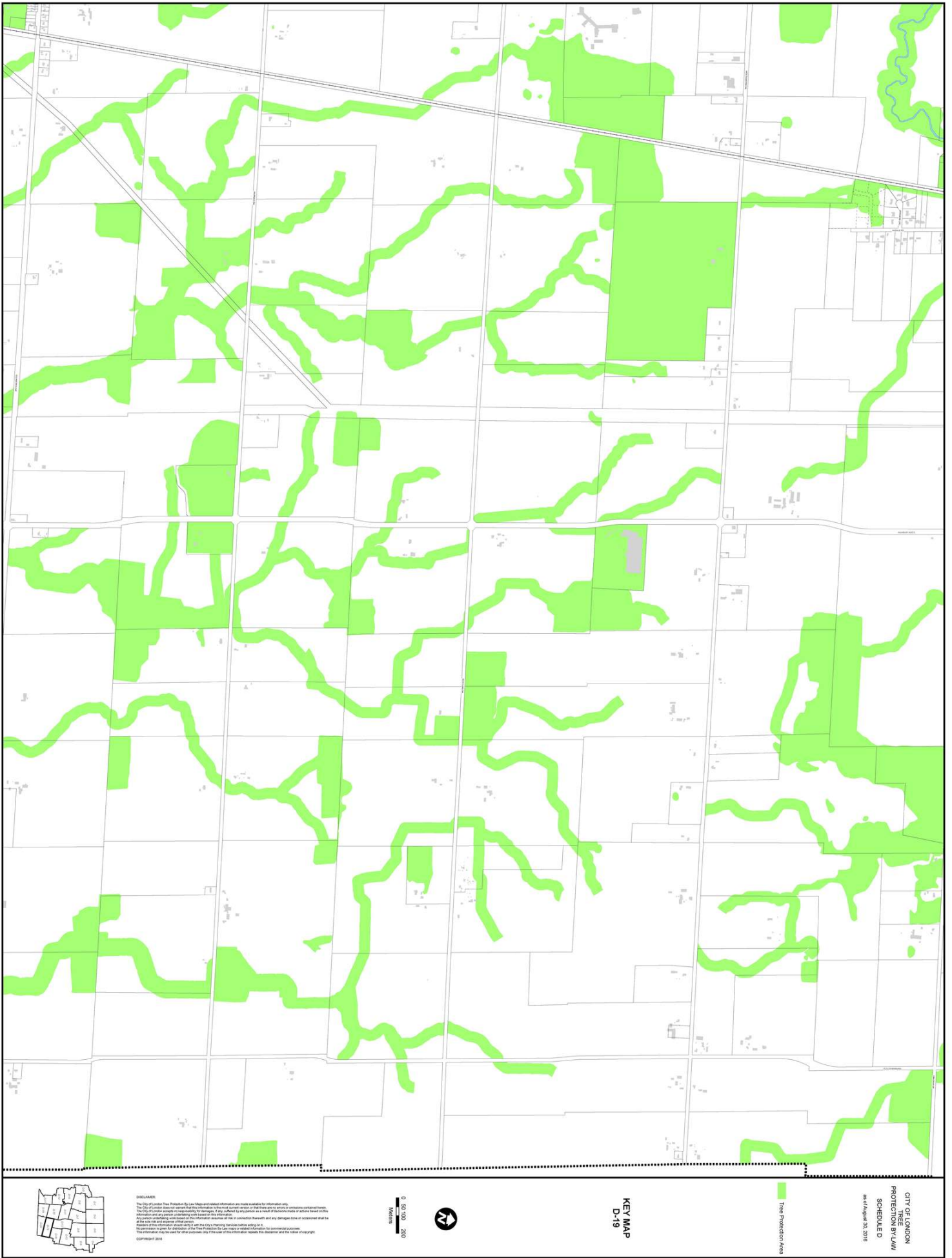


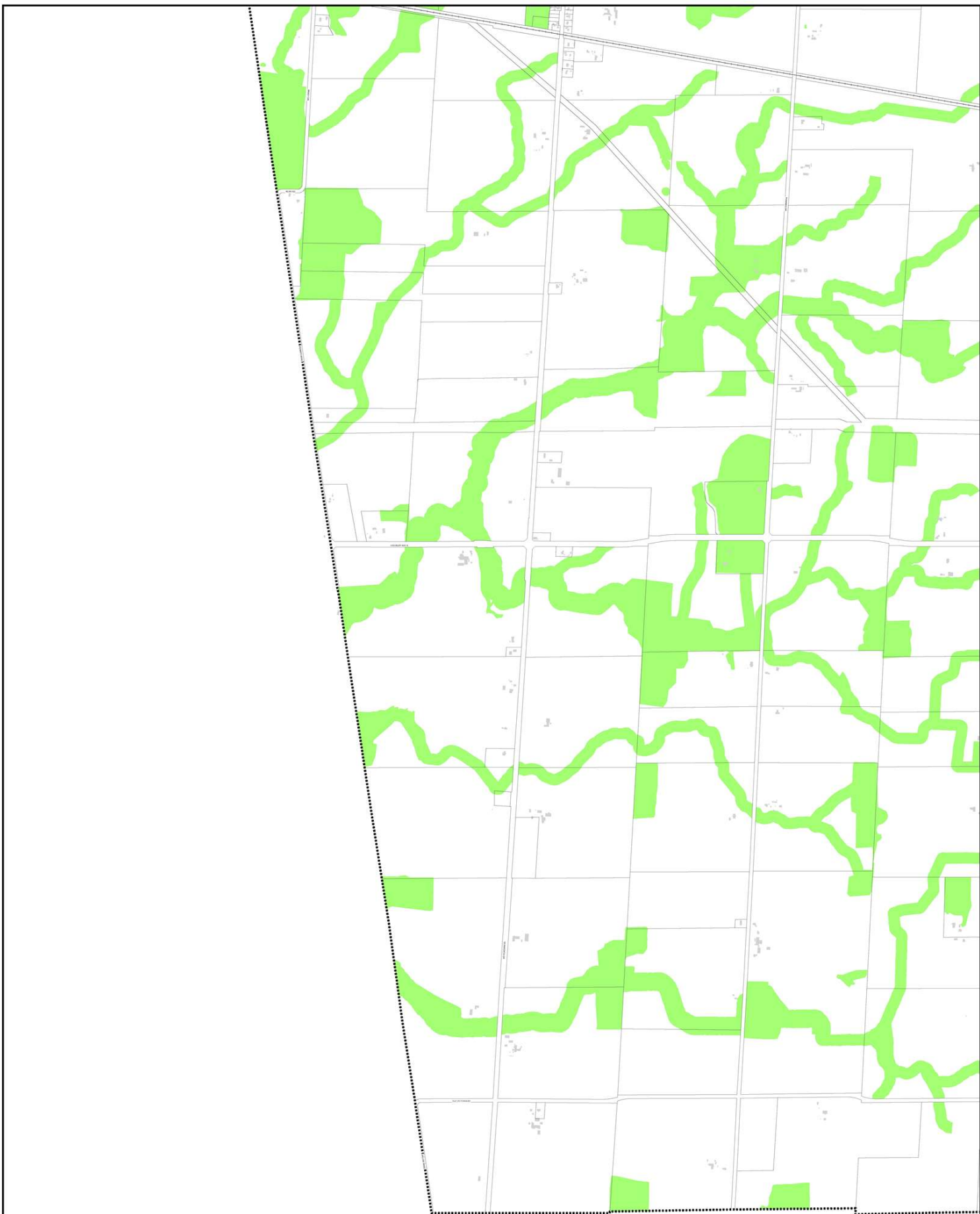












CITY OF LONDON
 TREE PROTECTION BY-LAW
 SCHEDULE D
 as of August 30, 2016

Tree Protection Area

KEY MAP
 D-20



0 200 400
 Meters

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Congregation Beth Tefilah

Orthodox Synagogue of London

1210 Adelaide Street North, London, Ontario, Canada N5Y 4T6
Telephone: 519-433-7081

Rabbi: Eliezer Gurkow

Past President: Jack Bottner
Acting President: Sandy Levin

August 30, 2019

Chair and Members
Planning and Environment Committee
City of London

Re: Tree Protection By Law Meeting of September 23, 2019

We wish to call to your attention that our property, 1210 Adelaide Street North, is included in the Tree Protection Area (Map C-3). We support the Tree Protection by law, but we believe the property has been included in Map C-3 in error because the property to the north is a City Park.

It would be appreciated if you would remove our property from Map C-3. We do have some trees and if required to be removed, an application will be submitted. In 2018, we submitted an application and received approval to remove a dying tree that is a hazard to the public sidewalk as a large limb fell across the sidewalk during a storm event.

Sincerely

Sandy Levin

Sandy Levin
Acting president

London Advisory Committee on Heritage

Report

9th Meeting of the London Advisory Committee on Heritage
September 11, 2019
Committee Rooms #1 and #2

Attendance PRESENT: D. Dudek (Chair), S. Bergman, J. Dent, L. Fischer,
S. Gibson, T. Jenkins, S. Jory, J. Manness, E. Rath, M. Rice and
K. Waud and J. Bunn (Secretary)

ABSENT: M. Bloxam, J. Monk and M. Whalley

ALSO PRESENT: L. Dent and K. Gonyou

The meeting was called to order at 5:30 PM.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

S. Bergman discloses pecuniary interests in the following:

- a) Item 5.1 of the 9th Report of the London Advisory Committee on Heritage, having to do with a Notice of Planning Application – Official Plan and Zoning By-law Amendments for the properties located at 1-3 Bathurst Street and 269-281 Thames Street, by indicating that her employer was involved in a past application with respect to this matter; and,
- b) Item 5.2 of the 9th Report of the London Advisory Committee on Heritage having to do with the Victoria Park Secondary Plan – Draft Secondary Plan, by indicating that her employer was involved in a past application with respect to this matter.

2. Scheduled Items

2.1 7th Annual Emancipation Day Celebration

That it BE NOTED that a verbal presentation from J. Turner and J. O'Neil, with respect to the Emancipation Day Celebration scheduled for September 22, 2019 at Westminster Ponds Environmentally Significant Area, was received.

2.2 Heritage Alteration Permit Application by P. and P. Cameron at 40 Craig Street, Wortley Village-Old South Heritage Conservation District

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval for alterations to the property located at 40 Craig Street, within the Wortley Village-Old South Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the vinyl siding cladding the front gables be removed within 1 year and the painted wood shingle imbrication be retained and restored;
- only painted wood be used for the alterations to the porch, including but not limited to the hand railings on the steps, the steps, and the porch skirt;
- all exposed wood be painted;

- the Heritage Planner be circulated on the Building Permit application drawings to verify compliance with this Heritage Alteration Permit prior to issuance of the Building Permit; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

it being noted that the attached presentation from K. Gonyou, Heritage Planner, was received with respect to this matter.

2.3 Heritage Alteration Permit Application by S. Caplan at 213 King Street, Downtown Heritage Conservation District

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval for replacement of the front door at 213 King Street, within the Downtown Heritage Conservation District, BE PERMITTED with the term and condition that the former door be salvaged by the property owner for appropriate reuse elsewhere; it being noted that the attached presentation from K. Gonyou, Heritage Planner and a verbal delegation from S. Caplan were received with respect to this matter.

3. Consent

3.1 8th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 8th Report of the London Advisory Committee on Heritage, from its meeting held on August 14, 2019, was received.

3.2 Notice of Planning Application - Intent to Remove Holding Provision - 804-860 Kleinburg Drive

That it BE NOTED that the Notice of Planning Application, dated August 15, 2019, from N. Pasato, Senior Planner, with respect to an intent to remove a holding provision for the properties located at 804-860 Kleinburg Drive, was received.

3.3 Public Meeting Notice - Zoning By-law Amendment - Intent to Revise the Wording for the Existing H-18 Holding Provision for Archaeological Assessment City-Wide

That it BE NOTED that the Public Meeting Notice, dated August 19, 2019, from C. Parker, Senior Planner, with respect to a Zoning By-law Amendment related to an intent to revise the wording for the existing H-18 holding provision for archaeological assessment city-wide, was received.

3.4 Ministry of Tourism, Culture and Sport - Update on Heritage Advisory Services

That it BE NOTED that the communication dated August 29, 2019, from S. Fraser, Ministry of Tourism, Culture and Sport, with respect to an update on Heritage Advisory Services, was received.

3.5 (ADDED) Public Meeting Notice - Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments - 3700 Colonel Talbot Road and 3645 Bostwick Road

That it BE NOTED that the Public Meeting Notice, dated September 6, 2019, from N. Pasato, Senior Planner, with respect to a Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments related to the properties located at 3700 Colonel Talbot Road and 3645 Bostwick Road, was received.

4. Sub-Committees and Working Groups

4.1 Stewardship Sub-Committee Report

That it BE NOTED that the London Advisory Committee on Heritage Stewardship Sub-Committee Report, from its meeting held on August 28, 2019, was received.

5. Items for Discussion

5.1 Notice of Planning Application - Official Plan and Zoning By-law Amendments - 1-3 Bathurst Street and 269-281 Thames Street

That the following actions be taken with respect to the Notice of Planning Application, dated July 24, 2019, with respect to Official Plan and Zoning By-law Amendments related to the properties located at 1-3 Bathurst Street and 269-281 Thames Street:

a) C. Lowery, Planner II, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the conclusions of the Heritage Impact Assessment (HIA) associated with the above-noted Application; it being noted that the HIA has not adequately addressed the following impacts to the adjacent and on-site heritage resources or attributes:

- massing impacts, particularly with respect to adjacent southerly heritage listed properties;
- design impacts, with respect to compatibility with the properties located at 1-3 Bathurst Street, in terms of building materials, colour and overall design as referenced in Section 3.3 of the above-noted HIA; and,
- glazing attributes; it being noted that the LACH recommends glazing inspired by the 19th Century Industrial style; and,

b) the attached document, entitled “Comments on the HIA for 1-3 Bathurst Street and 269-281 Thames Street” from T. Jenkins, BE FORWARDED to C. Lowery, Planner II for consideration.

5.2 Victoria Park Secondary Plan - Draft Secondary Plan

That the Civic Administration BE ADVISED that the London Advisory Committee on Heritage is satisfied with the vision, principles and policies of the Victoria Park Secondary Plan Draft Secondary Plan; it being noted that the proposed policies for cultural heritage outlined in Section 3.5 of the above-noted Secondary Plan continue to support the objectives and policies of the West Woodfield and Downtown Heritage Conservation Districts and promotes the conservation of on-site cultural heritage resources and compatibility of new development with on-site and adjacent cultural heritage resources.

5.3 Heritage Planners' Report

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

6. Adjournment

The meeting adjourned at 6:35 PM.




Heritage Alteration Permit 40 Craig Street, Wortley Village-Old South HCD

London Advisory Committee on Heritage
Wednesday September 11, 2019

london.ca



40 Craig Street



- Built 1914
- Wortley Village-Old South HCD (2015)
- C-rated Property
- Multi-unit residential



Timeline

- June 1, 2015: Property designated under Part V, *Ontario Heritage Act* as part of the Wortley Village-Old South HCD
- April 2019: Property owners consult with Heritage Planner about potential alterations
- August 7, 2019: Complaint received regarding alterations; enforcement action
- August 12, 2019: Property owners submit HAP application seeking retroactive approval and other alterations



Heritage Alteration Permit application

- Retroactive approval for the cladding of the gables in vinyl siding with a faux scalloped shingle appearance;
- Replace the existing steel and aluminum eaves troughs, soffit, and fascia with brown aluminum; and,
- Replace the porch decking (1¼" wood tongue and groove), 1" square lattice skirt, step hand rails on both sides with new wood to match the verandah railings/guard.



Policy Framework

- “Significant built heritage resources and significant cultural heritage landscapes shall be conserved” (PPS 2014)
- “Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan” (Policy 594_*, *The London Plan*)



Goals and Objectives

Section 3.1.2, Wortley Village-Old South HCD Plan

- *Avoid the destruction and/or inappropriate alteration of the existing building stock, materials and details*



Principles

Section 3.2, Wortley Village-Old South HCD Plan


- Conserve the historic context
- Maintain and repair
- Find a viable social or economic use
- Conserve traditional setting
- Conserve original decoration and fitting
- Restore to authentic limits
- Employ traditional repair methods
- Respect historic accumulations
- Make new replacements distinguishable



Design Guidelines

Section 8.3.1, Wortley Village-Old South HCD Plan

- d) *Avoid “new” materials and methods of construction if the original is still available. In some cases, after careful research, substitute materials may perform better than original materials, but beware of using materials that have not been tested for years in a similar application.*
- e) *Conserve; retain and restore heritage attributes wherever possible rather than replacing them, particularly for features such as windows, doors, porches and decorative trim.*
- h) *Avoid concealing or irreversibly altering heritage attributes of property, such as entrances, windows, doors and decorative details when undertaking alterations.*

 **Material Guidelines**

Section 9.4.5, Wortley Village-Old South HCD Plan

- Preserve as much as possible of the original material when undertaking repairs.
- Damaged siding should be removed and replaced with similar material. Avoid covering any original material with layer(s) of new material.
- Avoid any new siding that is simply attached over top of the original as many of the trim details and corner details of the original will be lost underneath or recessed behind the new skin.
- Natural wood siding can be acquired and milled to profiles identical to the original profile and nailed in place and painted or stained to replicate the original appearance. This is the optimum solution where feasible.
- Vinyl and aluminum siding are not recommended to cover or replaced original wood siding. Fiber cement board, while less preferable than wood siding, is more preferable than aluminum and vinyl materials.

 **Gables on Craig Street**

- 14 properties with applicable comparisons
 - 3 properties: vinyl scalloped siding
 - 2 properties: composite/unidentified
 - 1 property: siding
 - 8 properties: painted wood shingles



Painted wood shingles in gable



Vinyl scalloped siding (installed prior to 2015)

 **Original Condition Gable**




 **August 7, 2019 Gable Alterations**






- Gable Alterations**
- Inappropriate alteration, does not comply with Section 3.1.2 of Wortley Village-Old South HCD Plan
 - Does not conform to the principles of Section 3.2
 - Conserve Original Decoration and Fittings
 - “Avoid removing or updating the style of these features or replacing them with poor reproductions of the originals” (Section 3.2.2)
 - Maintain and Repair

- Gable Alterations**
- Introduces a “new” material when historically appropriate wood shingles are still available
 - Does not accurately replicate the profile or details
 - Contrary to direction to repair and retain heritage attributes, rather than replace (Section 8.3.1.1.e and 8.3.1.1.h)
 - Covers historic material contrary to guidelines of Section 9.4.5


 **Gable Alterations**


- Majority of properties on Craig Street maintain historic wood shingles
- Other vinyl scalloped siding on Craig Street installed prior to designation of Wortley Village-Old South HCD in 2015
- Supporting vinyl covering of historic wood shingles could set negative precedent
- Intent of Wortley Village-Old South HCD Plan is to conserve heritage attributes, not cover them in vinyl

 **Porch Guidelines**

Section 9.5, Wortley Village-Old South HCD Plan

- Removal or substantial alteration to the size, shape and design of existing porches is strongly discouraged;
- Do not remove or cover original porches or porch details, except for the purposes of quality restorations.
- When restoring a porch that is either intact or completely demolished, some research should be undertaken to determine the original design which may have been much different from its current condition and decide whether to restore the original.
- For structural elements of the porch, use the best of current technology including secure footings extending below frost and pressure treated wood for wood framing.
- For decorative elements such as gingerbread fretwork and other trim, wood is still the best choice to recreate the original appearance, but using improved technology such as waterproof glue and biscuit joiners and liquid preservatives and best quality paints to protect the finished product.
- Fiberglass and plastic versions of decorative trim should be avoided. Poor interpretations of the scale or design of applied decoration detracts from the visual appearance and architectural coherence of porches and verandahs.
- Install and maintain a porch apron on all exterior sides below the porch floor.

 **Existing Conditions
Porch Steps**



A photograph showing a set of concrete steps leading up to a blue door. The steps are flanked by stone pillars. A small tree is visible to the right of the steps. A yellow timestamp '08/26/2010' is visible in the bottom right corner of the image.

 **Existing Conditions
Porch Skirt**



A photograph showing a white porch skirt with decorative slats. The skirt is attached to a porch structure. A small tree is visible to the left of the skirt. A yellow timestamp '08/26/2010' is visible in the bottom right corner of the image.



Porch Alterations

- Painted wood complies with Section 8.3.1.1.d
- Replacement of hand rails of the steps using railing/guard of verandah complies with Section 8.3.1.1.g
- Lattice or cut details of porch skirt equally appropriate in the Wortley Village-Old South HCD, provided it is constructed of painted wood (not vinyl) to comply with Section 8.3.1.1.d



Ontario Heritage Act

Section 42(4): Within 90 days after notice of receipt is served on the applicant under subsection (3) or within such longer period as is agreed upon by the applicant and the council, the council may give the applicant,

- a) The permit applied for;
- b) Notice that the council is refusing the application for the permit; or
- c) The permit applied for, with terms and conditions attached. 2005, c. 6, s. 32(3).



Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for alterations to property at 40 Craig Street, within the Wortley Village-Old South Heritage Conservation District, **BE PERMITTED** with the terms and conditions:

- a) The vinyl siding cladding the front gables be removed within 1 year and the painted wood shingle imbrication be retained and restored;
- b) Only painted wood be used for the alterations to the porch, including but not limited to the hand railings on the steps, the steps, and the porch skirt;
- c) All exposed wood be painted;
- d) The Heritage Planner be circulated on the Building Permit application drawings to verify compliance with this Heritage Alteration Permit prior to issuance of the Building Permit; and,
- e) The Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.



**Heritage Alteration Permit
213 King Street
Downtown Heritage
Conservation District**

London Advisory Committee on Heritage
Wednesday September 11, 2019

london.ca



213 King Street



- Built in c. 1887
- Italianate
- Downtown HCD (2013)
- A-rated
- Formerly Novack's
- Previous HAP: windows



213 King Street



213 King Street





Heritage Alteration Permit application

- Retroactive approval for storefront door replacement



Storefront Door

Original Door	Replacement Door
	



Policy Framework

- “Significant built heritage resources and significant cultural heritage landscapes shall be conserved” (PPS 2014)
- “Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan” (Policy 594_*, *The London Plan*)



Physical Goals and Objectives

Section 3.2.1, Downtown HCD Plan

- *Establish a framework for the retention, conservation, and adaptation of the existing stock of significant heritage buildings and spaces within the Downtown District;*
- *Encourage the rehabilitation and restoration of heritage buildings that is sensitive and respectful to the historical significance of the structure*
- *Influence the renovation or construction of modern era buildings so that it is done with regard to the District and complementary to the character and streetscape.*
- *Successfully implement these objectives while fostering an environment of growth and renewal going forward.*



Storefronts

Section 6.1.3.1, Downtown HCD Plan

- *Preserve the functional and decorative features such as display windows, doors, transoms, cornices, corner posts, awnings and signs – which are important in defining the overall heritage value of the building.*
- *Document the form, materials and condition of the storefront prior to beginning project work. The careful removal of non-character defining cladding and other cover-ups may reveal an earlier storefront beneath.*
- *Protect and maintain wood, masonry and architectural metals that comprise storefronts through appropriate treatment such as cleaning, rust removal, limited paint removal, and re-application of protective coating systems in kind.*
- *Retain storefronts and storefront elements that are in sound condition. Deteriorated storefront elements should be preserved wherever possible. Character-defining signs and awnings should be retained. Stripping the storefront of character-defining materials such as wood, brick, metal, or structural glass or covering the material is to be avoided.*
- *Replace extensively deteriorated or missing parts of storefronts with in kind elements where there are surviving prototypes. The new work should match the old in form and detailing.*



Alterations and Renovations

Section 6.1.5, Downtown HCD Plan

- *Replacement windows, doors and architectural components of buildings that contribute to heritage character must respect the original in type, proportion, vertical orientation, and size of elements. Surrounding details should be maintained. When original windows no longer exist, replacement windows should respect the spirit of the original architecture.*



Analysis

- Efforts made to repair original door
 - Evidence provided in HAP application
- Replacement door: different proportions and size, different material
- Replacement door: matches door of 209-211 King Street
- Recessed storefront retained
- Original door salvaged for reuse



213 King Street & 209-211 King Street



Ontario Heritage Act

Section 42(4): Within 90 days after notice of receipt is served on the applicant under subsection (3) or within such longer period as is agreed upon by the applicant and the council, the council may give the applicant,

- a) The permit applied for;
- b) Notice that the council is refusing the application for the permit; or
- c) The permit applied for, with terms and conditions attached. 2005, c. 6, s. 32(3).



Recommendation

That, on the recommendation of the Managing Director, City Planning & City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for replacement of the front door at 213 King Street, within the Downtown Heritage Conservation District, **BE PERMITTED** with the terms and conditions that the former door be salvaged by the property owner for appropriate reuse elsewhere.

LACH- September 11, 2019 – Comments on the HIA for 1-3 Bathurst Street and 269-281 Thames Street

T. Jenkins

Comparison of 1855 and 1892 drawings, Rev. 1907 FIP

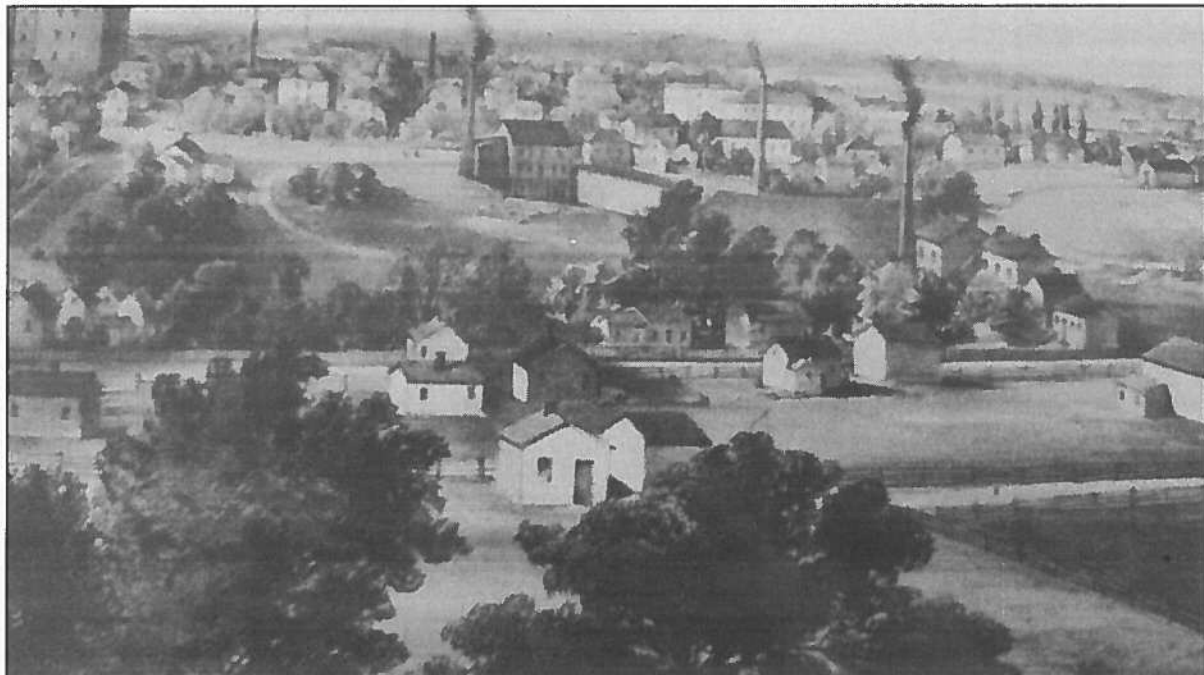
Comment: It is important to document the land use history fully and completely at this stage in the HIA since it may frequently be referenced in future development plans, road improvement plans, etc., especially if there is a possibility a remaining building is related to the Underground Railroad era.

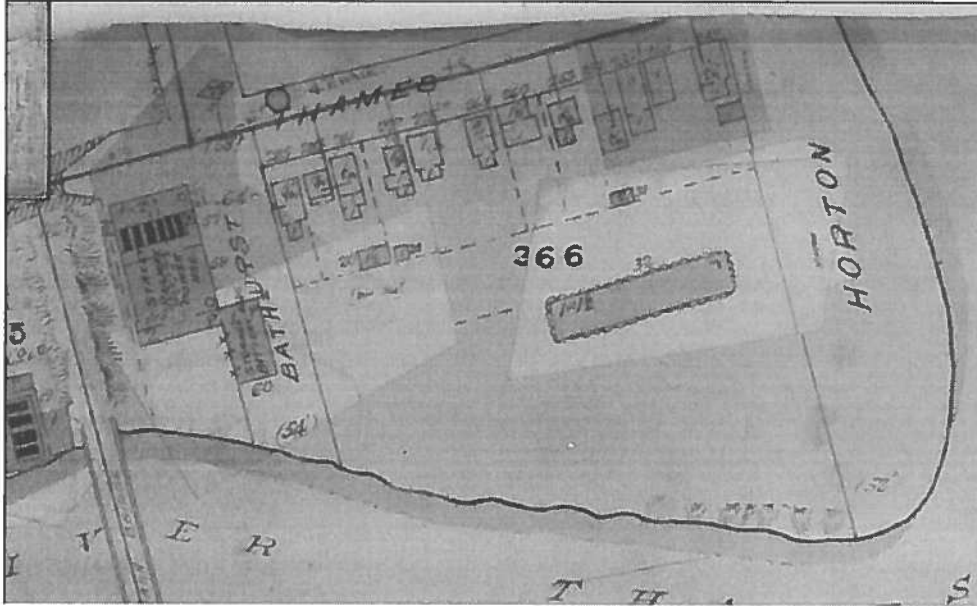
Observations:

269- already removed

263 - The 1855 drawing demonstrates that the house was likely present as seen with the small single storey addition at the rear (Whitefield, 1855). *This corresponds to the footprint of the house numbered 263 on the 1892, Revised 1907 FIP (which should be added to the HIA).

- Note the current aerial view of the house may show where the previous small rear addition was present.





267- This house is present by 1907 as shown in the 1892, Revised 1907 FIP. It is likely a mid to late 19th century building. It is not likely depicted in the 1855 painting.

257- The 1892, Revised 1907 FIP is important since I believe it demonstrates that the rear of 257 (single storey) is older than the front of the house. The 1922 FIP illustrates the house is long and aligned with 263. This single storey may have been set back as shown in 1892, since a previous farmhouse was removed, as depicted in the 1855 painting.

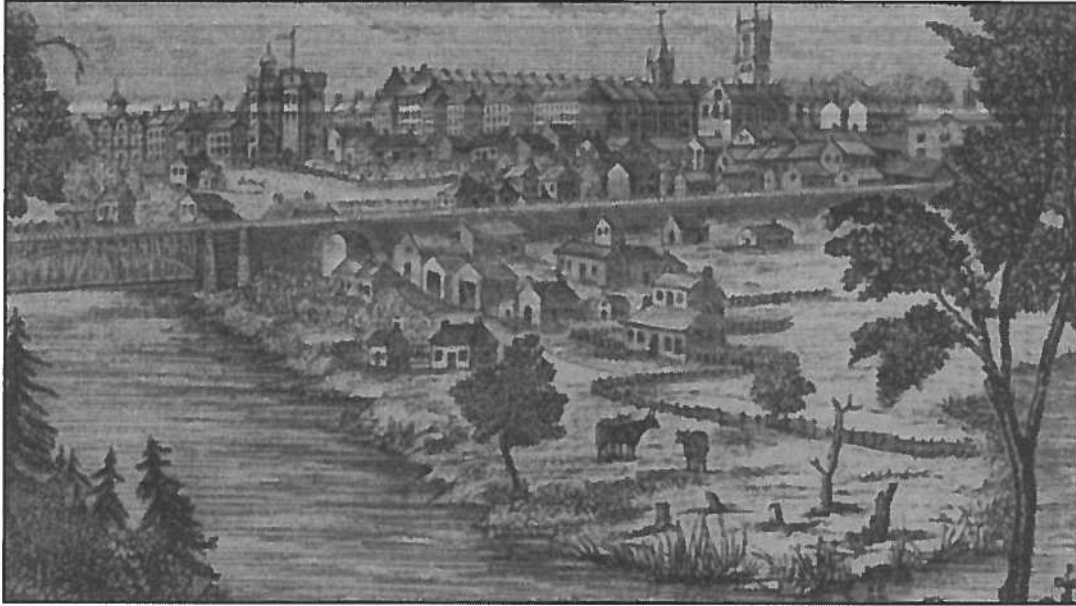
Conclusion:

267- built post Underground Railroad era

263- is likely mid-19th century and therefore was erected about the same time as the Chapel.

Recommendations:

1. Update report to include these graphics
2. Update report to state that 263 may be an earlier building related to the Hollow. This includes Reg. 9/06 to be amended (meets 2.i)
3. Include the earliest depiction of the rail in 1853 (below)



Vibration Monitoring:

Recommendation:

4. Change wording in Table 4 (6.1). Vibration monitoring should be completed **prior** to construction and investigated thru an engineering assessment- as well as any necessary mitigation measures prior to construction, if needed. This should be completed for 267 more specifically since it is within 10-15 m of construction (a red flag for many municipalities).

- 7.0- add that staging and construction activities are necessary to avoid negative impacts to identified resources.

Appendix Commemoration:

-I believe the contents of the plaque on the site of the chapel should focus only on the Black history of the Hollow (include history on the Underground Railroad in London) with the proximity to rail acknowledged. The plaque is in commemoration of one event and not three. Perhaps a separated plaque at a different location on site can be erected to commemorate the site's industrial component.

Recommendations:

5. Revise text in *Approach* so that signage is only commemorating Black history (including the Hollow, Underground Railroad and Fugitive Slave Chapel)

6. Add text indicating the plaque should contain textual and graphic material.

Heritage River:

Recommendation:

7. Add a separate section on the Thames River as a Heritage River signifying its importance to Indigenous history.

8. Add an impact assessment portion to determine if the plan directly impacts the heritage river. Why does study area project thru the river and what impact does this have on the river?

Additional Recommendation:

9. Page 212 currently states there are no physical remains of the Chapel. Revise to state that there are no physical **above-ground** remains. There still is potential for below ground remains.

Heritage Planners' Report to LACH: September 11, 2019

1. Heritage Alteration Permits processed under Delegated Authority By-law:
 - a) 350 Dufferin Avenue (West Woodfield HCD): front step alteration
 - b) 765 Princess Avenue (Old East HCD): window and door replacement
 - c) 798 Queens Avenue (Old East HCD): rear addition (visible from street)
 - d) 333 Richmond Street (Downtown HCD): sign
 - e) 855 Hellmuth Avenue (Part IV): porch alterations
 - f) 165 Bruce Street (Wortley Village-Old South HCD): front walk alteration
 - g) 275 Queens Avenue (West Woodfield HCD): balcony divider replacement
 - h) 285 Queens Avenue (West Woodfield HCD): balcony divider replacement
 - i) 440 Wellington Street (West Woodfield HCD): balcony divider replacement
 - j) 420 Talbot Street, Unit 3 (Downtown HCD): signage
 - k) 360 St. James Street (Part IV): porch alterations
 - l) 161 Duchess Avenue (Wortley Village-Old South HCD): amendment to trim and details for salvaged windows

Upcoming Heritage Events

- Doors Open London on September 14 and 15, 2019. More information: www.londonheritage.ca/doorsopenlondon
- Milling About in Tillsonburg – ACO London Region and London & Middlesex Historical Society bus trip on Saturday September 21, 2019. More information: <https://www.eventbrite.ca/e/milling-about-aco-lmhs-joint-bus-tour-tickets-67370542105>
- 7th Annual Emancipation Day Celebration – Westminster Ponds on Sunday, September 22, 2019. More information: <https://www.londontourism.ca/Events/7th-Annual-Emancipation-Day-Celebration>
- Eldon House Events. More information: <https://eldonhouse.ca/events/>
 - Sunday September 22: Upstairs, Downstairs
 - Saturday October 5: Behind the Ropes #3
- More Mid Mod Movies – Tuesdays, 7pm, Stevenson & Hunt Room A, Central Branch, London Public Library
 - September 17: Lotte at Bauhaus
 - September 24: The Wassily & Barcelona Armchairs
 - October 1: Mies on Scene
 - October 8: Bauhaus Women
 - October 15: Bauhaus in America
- Gallery Painting Group – Show & Sale at First St. Andrew's United Church (350 Queens Avenue), October 17-20, 2019, www.gallerypaintinggroup.com (Woodfield area)
- Conservation of Heritage Structures Project Case Studies (three-day workshop in Guelph), October 23-25, 2019
- ACO London Region & Heritage London Foundation – 13th Annual London Heritage Awards – Call for Nominations (deadline: November 1, 2019)



**Architectural Conservancy of Ontario - London Region
&
Heritage London Foundation
In partnership with Museum London**

13th Annual London Heritage Awards: Call for Nominations

This awards program seeks to recognize individuals and organizations from either the private or public sector who have demonstrated an extraordinary commitment to the preservation of London's built heritage. Nominees may be proposed for their long-term dedication to the cause, for a single outstanding effort that made a notable difference, for strong leadership and vision in educating the public, or for actions that have brought about a positive outcome for built heritage in our City. The awards also seek to honour projects that have actually preserved part of our built heritage. The awards will therefore be given in the following three categories:

1. To volunteers in the fields of education, awareness or advocacy.
2. Projects that have preserved built heritage.
3. Professionals, who were crucial to the success of a project or who have gone above and beyond their professional role.

The number of awards given each year will be at the discretion of the Awards Committee.

How to Nominate:

Any person may make a nomination. To do so, please fill in a nomination form that can be found on the awards website, <http://londonheritageawards.ca>. The list of awards and the evaluation criteria that the Committee will use can be found on the same website.

Alternatively, nominations may be sent by mail to ACO – HLF Awards Committee
Grosvenor Lodge, 1017, Western Road, London, Ontario N6G 1G5
By Fax to 519-645-0981 or by email to awards@acolondon.ca

Deadline for nominations is Friday November 1st, 2019

The awards will be presented at a Gala ceremony to be held Thursday March 5th, 2020 at Museum London. Tickets for the Gala can be purchased on Eventbrite after November 1st.

DEFERRED MATTERS

**PLANNING AND ENVIRONMENT COMMITTEE
(AS OF AUGUST 29, 2019)**

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
1	Review of commercial corridor along Commissioners Road East	March 2/15 13/6/PEC	Q4 2019	Fleming/Barrett	To be incorporated in the review of City Planning work program Q2 2019.
2	EEPAC Terms of Reference – Civic Admin to report allowing EEPAC to work with staff during the collaboration of reports, electronic distribution of files and to provide advice directly to PEC	May 12/15 (7/11/PEC)	Q4 2015	Saunders	Preparing initial report to PEC to seek Council direction.
3	Dundas Place Management and Dundas Place Field House – City Planner to report back on results of monitoring all aspects of Dundas Place Management by mid-2019 in order to inform the development of the 2020-2023 Multi-Year Budget.	November 28/17 (17/22/PEC)	Mid-2019	Stafford/Yanchula	Dundas Place Manager is now in place. This function now resides in Parks and Recreation who will respond to this item.
4	Medway Valley Heritage Forest ESA – Refer back to Staff to report back after deleting the proposed Bridge A and Bridge D; further public consultation with respect to those portions of the CMP that effect changes to the eastern boundary of the ESA, including the use of public streets; further consultation with the ACCAC, the EEPAC,	April 24/18 (3.2/7/PEC)	2019/2020	Fleming/Barrett	Next steps currently under review. ADVISORY GROUP MEETINGS HAVE TAKEN PLACE, SITE VISIT TO BE ARRANGED.

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
	<p>UTRCA and neighbouring First Nations governments and organizations with respect to improved trail access and conditions; actions be taken to discourage crossings of the creek at sites A, B, C, D and E, as identified in the CMP; hardscaped surfaces on the level 2 trails be limited to the greatest extent possible; ways to improve public consultation process for any ESA and CMP; and, amending the Trails Systems Guidelines to incorporate consultation with neighbouring First Nations, Governments and Organizations at the beginning of the process.</p>				
5	<p>Inclusionary Zoning for the delivery of affordable housing - the Civic Administration BE DIRECTED to report back to the Planning and Environment Committee outlining options and approaches to implement Inclusionary Zoning in London, following consultation with the London Home Builders Association and the London Development Institute.</p>	<p>August 28/18 (2.1/13/PEC)</p>	<p>Q1 2020</p>	<p>Fleming/Barrett</p>	<p>Consultation with London Home Builders Association and London Development Institute underway</p> <p>Inclusionary Zoning will be considered as part of the Affordable Housing Toolkit – report coming forward in June of 2019. Inclusionary Zoning project to conclude in 2020.</p>
6	<p>The City of London Tree Protection By-law C.P.-1515-228 – refer to TFAC for review and comment; and, the proposed by-law be referred to a public participation meeting to be held by the Planning and Environment Committee on September 24, 2018 for the purpose of seeking public input and comments on amendments to the current by-law.</p>	<p>June 18/18 (4.1/11/PEC)</p>	<p>2019</p>	<p>Scherr</p>	<p>Proposed new by-law referred to TFAC at their June 2018 meeting and comments provided at Aug meeting. Some comments have been received from Industry. Report with the DRAFT By-law language along with notice of PPM is scheduled for May 14, 2019 meeting. <u>The report and PPM for the approval of the City's new</u></p>

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File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
					<u>Tree Protection By-law is scheduled for September 23, 2019.</u>
7	Limited lit period of high-rise buildings during an identified migratory bird season including any possible mechanism(s) for enforcement	January 29/19 (2.2/3/PEC)	Q3 2019	Kotsifas/Yeoman	Draft by-law amendments are out for circulation with community and industry stakeholders as well as Advisory Committees. Staff are continuing to explore options related to the limited lighting period. REPORT BEING BROUGHT FORWARD OCTOBER 21, 2019
8	Argyle Business Improvement Area – R. Sidhu, Executive Director, to have delegation status at a future meeting with respect to the Argyle Business Improvement Area and surrounding areas.	May 7, 2019 (3.1/8/PEC)		Saunders	
9	123 Queens Avenue – Request to demolish the heritage designated property be deferred to allow for a structural assessment of the building to be undertaken.	May 21, 2019 (3.6/9/PEC)	June 4, 2019	Fleming/Barrett	COMPLETED JULY 22, 2019
10	Section 45 (1.4) of the <i>Planning Act</i> – Civic Administration to report back with potential process options in response to applications for minor variances	Aug 27, 2019 (5.1/14/PEC)		Kotsifas/Yeoman	REPORT BEING BROUGHT FORWARD OCTOBER 21, 2019

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