

Agenda Including Addeds

Planning and Environment Committee

The 6th Meeting of the Planning and Environment Committee

March 9, 2020, 4:00 PM

Council Chambers

Members

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

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To make a request specific to this meeting, please contact PEC@london.ca

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

	Pages
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2. Consent	
2.1 Application - 146 and 184 Exeter Road - Richardson Subdivision Phase 2 39T-15501 - Phase 2	3
2.2 Application - 391 South Street (H-9153)	23
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3. Scheduled Items	
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3.5 Public Participation Meeting - Not to be heard before 5:00 PM - 84-86 St. George and 175-197 Ann Street (OZ-9127)	156
4. Items for Direction	
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5. Deferred Matters/Additional Business

5.1 *(ADDED) 4th Report of the Advisory Committee on the Environment* 221

6. Adjournment

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas, P. Eng
Managing Director, Development & Compliance Services and
Chief Building Official
Subject: Application By: Sifton Properties Limited
146 & 184 Exeter Road
Richardson Subdivision Phase 2 - Special Provisions
Meeting on: March 9, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the subdivision of land over Part of Lots 34 and 35, Concession 2, (former Township of Westminster) situated on the north side of Exeter Road, east of Wonderland Road South, municipally known as 146 & 184 Exeter Road;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Sifton Properties Limited for the Richardson Subdivision Phase 2 (39T-15501) attached as Appendix “A”, **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix “B”;
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix “C”; and,
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

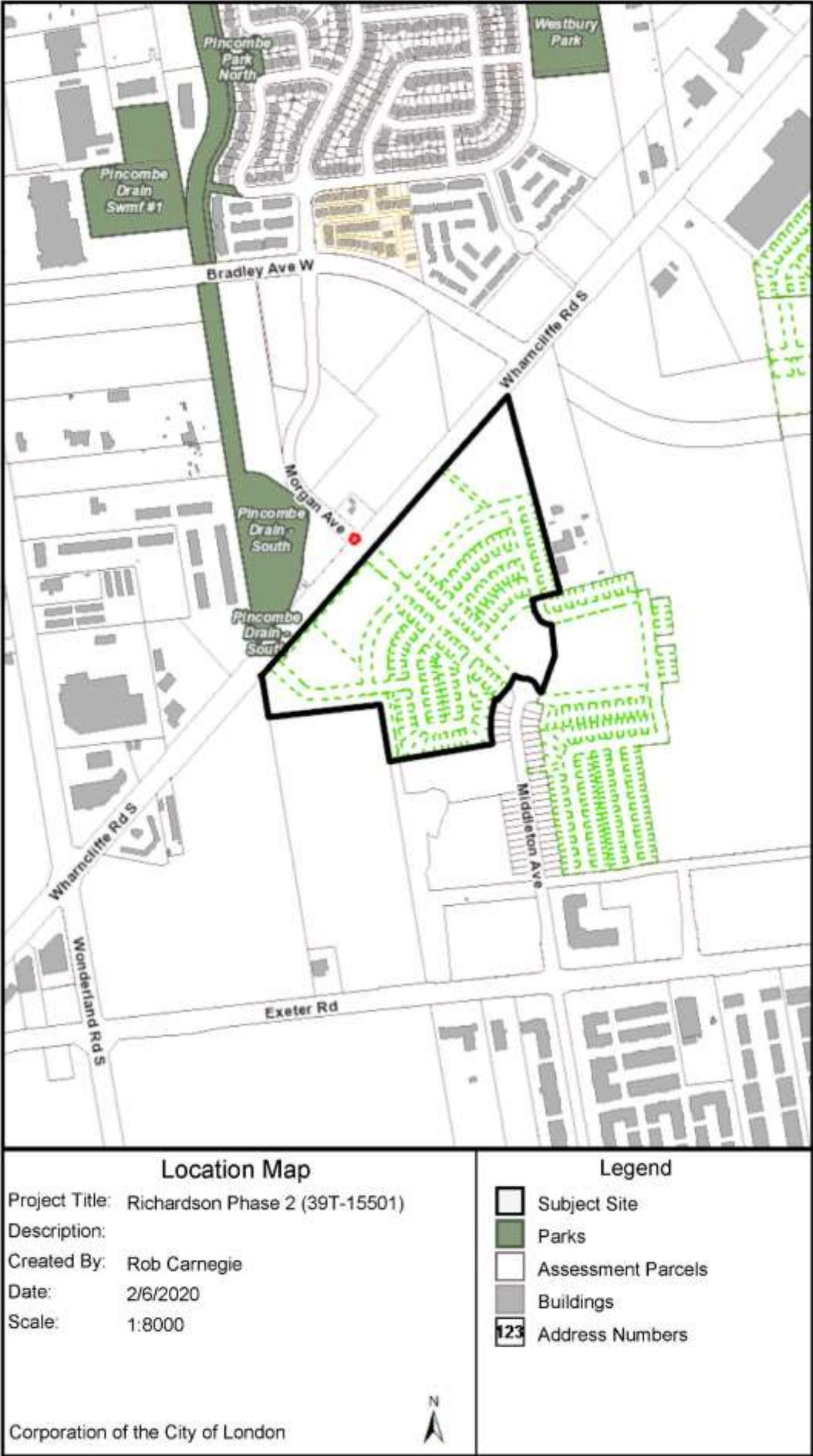
Analysis

1.0 Site at a Glance

1.1 Property Description

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

1.2 Location Map Phase 2 Richardson Subdivision



2.0 Description of Proposal

2.1 Development Proposal

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

The Applicant has registered two phases of the subdivision. Phase 1 consisted of two (2) medium density multi-family blocks, one future street block, and 6 reserve (0.3 m, 1 ft.) blocks, all served by two new local streets, Mia Avenue and Kennington Way. It was registered on July 12, 2019 as 33M-765. Phase 1A consisted of forty two (42) single family lots, one (1) medium density blocks, two (2) open space blocks, four (4) 0.3 metre reserves, all served by two (2) new streets, namely Middleton Avenue and Kennington Way. It was registered on October 9, 2019 as 33M-769.

The Applicant is registering the third phase of this subdivision (known as Phase 2), which consists of one hundred twenty-three (123) single detached lots, four (4) multi-family blocks, two (2) street townhouse blocks, one (1) open space block, four (4) pathway blocks, one (1) park block, and eight (8) one foot reserve blocks, all served by one (1) new secondary collector/neighbourhood connector road (Middleton Avenue), and six (6) new local/neighbourhood streets (Southbridge Drive, Southbridge Avenue, Somerston Crescent, Lynds Street, Knott Drive, Earlston Crossing).

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

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

Prepared by:	Nancy Pasato, MCIP, RPP Senior Planner, Development Services
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P.ENG Managing Director, Development and Compliance Services and Chief Building Official

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

February 28, 2020

CC: Lou Pompilii, Manager, Development Planning
 Ted Koza, Development Engineering
 Matt Feldberg, Manager, Development Services (Subdivisions)
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Appendix A – Special Provisions

5. STANDARD OF WORK

Add the following Special Provisions:

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

The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Lots 1, 5, 8, 9, 14, 29, 30, 31, 32, 34, 38, 39, 61, 84, 85, 88, 89, 90, 94, 111, 112, 117, 118, 119, inclusive, in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule “I”** and on the servicing drawings accepted by the City Engineer.

The Owner shall register against the title of Lots which incorporate **storm and sanitary sewer**, which includes Lots 27 and 28 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the **storm, or sanitary sewer** lead located in the setback areas. This protects these **sewers** from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule “I”** and on the servicing drawings accepted by the City Engineer.

15. PROPOSED SCHOOL SITES

- **Remove** Subsection 15.3 to 15.8 as there are no School Blocks in this Plan.

~~15.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~

~~15.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~

~~15.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~

~~15.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been was waived as the case~~

~~may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~

~~15.7 The Owner agrees that the school blocks shall be:~~

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

~~15.8 Where the Owner has been required to improve the site by grading, top-soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of its obligations under this Agreement.~~

24.1 STANDARD REQUIREMENTS

Add the following new Special Provisions:

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

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

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

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

- (i) For the future removal of the automatic flushing devices at the south limit of Knott Drive, east limit of Southbridge Avenue (east leg) and east leg of Somerston Crescent as per the accepted engineering drawings, an amount of \$5,000/automatic flushing device for a total amount of \$15,000;

The Owner shall register on title through the subdivision agreement and include in all Purchase and Sale Agreements for Lots 1, 5, 14, 15, 27, 28, 43, 44, 57, 61, 62, 68, 81, 82, 90, 94, 105, 106, 119, and 123 the requirement that the homes to be designed and constructed on all corner lots in this plan (including lots with side frontages to parks and/or open spaces), are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the exterior sideyard road/park/open space frontage

25.2 CLAIMS

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

(c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the City Treasurer

(or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.

The anticipated reimbursements from the Development Charge Reserve Funds are:

- (i) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$30,096.00, excluding HST, as per the approved Work Plan;
- (ii) for the construction of Low Impact Development infrastructure, in conjunction with this Plan, subsidized at an estimated cost of which is \$19,159.00, excluding HST, as per the approved Work Plan;
- (iii) for the engineering costs related to the construction of channelization on Wharnccliffe Road, the estimated cost of which is \$36,102.00, excluding HST, as per the approved Work Plan;
- (iv) for the construction of channelization on Wharnccliffe Road, the estimated cost of which is \$240,680.00, excluding HST, as per the approved Work Plan;
- (v) for the construction of on-road cycling lanes on Middleton Avenue under the Active Transportation program, the estimated cost of which is \$38,373.50, excluding HST, as per the approved Work Plan;

Any funds spent by the Owner that exceed the approved Work Plan estimates shall be at the sole risk of the Owner pending sufficient capital funding included in the City Budget.

24.6 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

- # All temporary erosion and sediment control measures, including sediment basins, installed in conjunction with this Plan shall be decommissioned and/or removed when warranted or upon placement of Granular 'B' as per accepted engineering drawings, all to the satisfaction of the City Engineer and at no cost to the City.
- # Prior to the issuance of any Certificate of Conditional Approval, the temporary Sediment Basin 2 located on Lots 17 to 27 must be decommissioned, all to the satisfaction of the City Engineer and at no cost to the City.

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

- # The Owner shall grade the portions of Blocks 125, 126 127, 128, 131 and 141, which have a common property line with Wharnccliffe Road South, to blend with the ultimate profile of Wharnccliffe Road South, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.

The Owner shall direct its professional engineer to establish and have accepted by the City Engineer the grades to be taken as the future centreline grades of Wharnccliffe Road South. From these, the Owner's Professional Engineer shall determine the elevations along the common property line which will blend with the reconstructed road. These elevations shall be shown on the subdivision Lot Grading Plan submitted for acceptance by the City.

- # The Owner shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of Lots 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 28, 29, 30, 31, 34, 39, 40, 41, 42, 43, 61, 85, 86, 87, 88, 89, 90, 91, 112, 113, 114, 115, 116, 117, 118, 119 and of this Plan, notice that an overland flow route is located at the rear and between the said Lots, a covenant by the purchaser or transferee to observe and comply with the following:

- i) The purchaser or transferee shall not alter or adversely affect the said overland flow route on the said Lots as shown on the accepted lot grading and servicing drawings for this subdivision.

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

- # The Owner shall maintain the existing overland flow route between and at the rear of Lots 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 28, 29, 30, 31, 34, 39, 40, 41, 42, 43, 61, 85, 86, 87, 88, 89, 90, 91, 112, 113, 114, 115, 116, 117, 118, 119 and as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- # Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile generally located in this Plan, all to the satisfaction of the City and at no cost to the City.

24.8 STORM WATER MANAGEMENT

Add the following new Special Provisions:

- # The Owner shall address forthwith any deficiencies of the stormwater works associated with this Plan, to the satisfaction of the City Engineer, at no cost to the City.
- # The Owner shall implement SWM Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this Plan and the approval of the City.
 - # The Owner shall develop the proposed plan of subdivision in accordance with the Design and Construction of Stormwater Management Facilities, Policies and processes identified in Appendix 'B-1' and 'B-2' Stormwater Management Facility "Just in Time" Design and Construction Process adopted by Council on July 30, 2013 as part of the Development Charges Policy Review: Major Policies Covering Report.
- # The Owner agrees that no physical storm sewer connections from the internal subdivision storm servicing shall be allowed to the Pincombe Drain SWM Facility # 3, to be built by the City to serve this Plan, until the connecting storm sewers in this phase have a Certificate of Conditional Approval and the SWM Facility is deemed functional and operational, all to the satisfaction of the City.
- # The Owner acknowledges that the City, in accordance with the City's current Growth Management Implementation Strategy (GMIS), is constructing the Pincombe Drain SWM Facility # 3. The Owner shall co-operate with the City, as necessary, to complete the project, including providing access to their lands and easements as necessary.
- # The Owner shall decommission all unnecessary existing temporary site alteration stormwater works constructed within the Richardson Subdivision limits (all phases), prior to the permanent work being constructed. The Owner is responsible for all costs related to the decommissioning and any redirection of sewers and overland flow routes, to the satisfaction of the City.
- # The Owner shall decommission all existing temporary stormwater management and conveyance systems once the ultimate systems have been constructed and operational, to the satisfaction of the City.
- # Prior to the issuance of a Certificate of Conditional Approval all temporary infrastructure including pipes related to the interim SWM strategy and temporary sediment basins are to be removed to the satisfaction of the City.
- # The Owner shall ensure that the third pipe system, as designed and approved as part of Richardson Subdivision Phase 1, Plan 33M-769, is constructed and operational as part of Richardson Subdivision Phase 2. Associated grading and drainage of the rear lots within Richardson Subdivision Phases 2 shall ensure

positive drainage toward the third pipe system via the third pipe inlets on Lots 29, 30, 31, 32, 38, 39, 43 and 61, as per the accepted engineering drawings, all to the satisfaction of the City Engineer, at no cost to the City.

- # Prior to assumption, the Owner shall operate, monitor and maintain the stormwater works associated with this Plan. The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of the Environment and the Ministry of Natural Resources.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have all low impact development features installed and operational in this Plan to accommodate the storm servicing design in accordance with the accepted servicing drawings and the accepted Stormwater Management Report to the specifications and satisfaction of the City, at no cost to the City.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall have its professional engineer submit a monitoring and maintenance strategy to the city for review and acceptance outlining a program for the monitoring and maintenance of the low impact development features in this Plan, all to the satisfaction of the city, at no cost to the City. This strategy is to be in accordance with the “Low Impact Development Stormwater Management Practice Inspection and Maintenance Guide” prepared by Toronto and Regional Conservation Authority.
- # Prior to assumption, the Owner shall complete the following, at no cost to the City, all to the satisfaction of the City:
 - i) Operate, maintain, inspect, monitor and protect the low impact development features, including correcting any deficiencies as soon as they are detected, in accordance with the accepted maintenance and monitoring program;
 - ii) have its consulting professional engineer submit monitoring reports in accordance with the accepted maintenance and monitoring program.
- # Prior to assumption of this Plan, the Owner shall have its professional engineer certify to the City that all low impact development features in this Plan are constructed and operational in accordance with the Ministry of Environment and Climate Change’s Environmental Compliance Approval, the accepted servicing drawings and the Stormwater Management Report, to the satisfaction and at no cost to the City. Where the above cannot be met, the Owner shall correct deficiencies as soon as they are detected or provide alternative measures that comply with the said accepted design requirements to the satisfaction of the City, at no cost to the City.

24.9 SANITARY AND STORM SEWERS

Remove Subsection 24.9 (b) and **replace** with the following:

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Dingman Creek Subwatershed, and connect them to the existing 1200 mm diameter storm sewer on Middleton Avenue/Roy McDonald Drive, the existing 1050 mm diameter storm sewer located in Park Block 170 (Phase 1, Plan 33M-769), as per accepted engineering drawings and to the satisfaction of the City.

Remove Subsection 24.9 (j) and **replace** with the following:

- (j) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City’s existing sanitary sewage system being the 200 mm diameter sanitary sewer on Roy McDonald Drive/Middleton Avenue, the existing 250 mm diameter sanitary sewer located in Park Block 170 (Phase 1, Plan 33M-769), as per the accepted engineering drawings and to the satisfaction of the City.

Add the following new Special Provisions:

- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct sanitary and storm sewer servicing through Block 133 to service this Plan as per the accepted engineering drawings, to the satisfaction of the City.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a storm sewer and any appurtenances on Block 126 in this Plan as per the accepted engineering drawings, to the satisfaction of the City.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall confirm the location of the existing sanitary septic system and water well that service 1350/1352 Wharnccliffe Road South. Should any portion of the septic system be located within this Plan, the Owner shall provide a proposal to address the encroachment of these works. Should the existing septic system and infrastructure be decommissioned, the Owner shall also provide a proposal, including timing, regarding the decommissioning of any septic system and infrastructure and construction of any necessary servicing for 1350/1352 Wharnccliffe Road South, all to the satisfaction of the City.
- # Where street townhouses are planned for any Blocks in this Plan, the Owner shall make provisions for the installation of separate sanitary private drain connections connecting to municipal sanitary sewers and water services connecting to municipal watermains for each individual street townhouse unit, and for adequate storm private drain connections connecting to municipal storm sewers for the townhouse site, all in accordance with applicable City standards or to the satisfaction of the City Engineer.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the approved servicing for the street townhouse units on streets in this Plan as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- # In the event that servicing is constructed on streets in this Plan fronting the proposed street townhouse blocks prior to site plan approval, the Owner shall relocate any services as necessary, all to the specifications and satisfaction of the City, at no cost to the City.
- # The Owner shall remove any temporary DICBS, (Ditch Inlet Catch Basins), etc. and any existing easements may be quit claimed, all to the satisfaction and specifications of the City Engineer and at no cost to the City.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct make adjustments to the existing works and services on Roy McDonald Drive/Middleton Avenue and Wharnccliffe Road South, adjacent to this Plan to accommodate the proposed works and services on this street to accommodate lots/blocks in this Plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, al to the satisfaction of the City Engineer, at no cost to the City.
- # The Owner shall repair or replace any existing field tiles that are disturbed or destroyed during construction to ensure the existing drainage is maintained unless otherwise specified, to the satisfaction of the City.

24.10 WATER SERVICING

Remove Subsection 24.10 (e) and **replace** with the following:

- (e) Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this Plan of Subdivision, as per the accepted engineering drawings, to the specifications of the City Engineer:
 - i) construct watermains to serve this Plan and connect them to the existing low-level municipal system, namely, the existing 400 mm diameter watermain on Wharnccliffe Road South and the 250 mm diameter watermain on Roy McDonald Drive/Middleton Avenue;

- ii) construct a watermain valve on the existing 400 mm diameter municipal watermain on Wharncliffe Road South between the two watermain connections to serve this phase of the Plan;
- iii) have their consulting engineer prepare a Certificate of Completion of Works to confirm to the City that the watermain connection(s) to the 400 mm diameter watermain on Wharncliffe Road has been constructed is operational and is complete;
- iv) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units.

Add the following new Special Provisions:

- # The available fire flows for development Blocks within this Plan of Subdivision have been established through the subdivision water servicing design study as follows:
 - Block 124 @ 105 l/sec
 - Block 125 @ 105 l/sec
 - Block 127 @ 105 l/sec
 - Block 128 @ 105 l/sec
 - Block 130 @ 105 l/sec
 - Block 141 @ 105 l/sec

Future development of these Blocks shall be in keeping with the established fire flows in order to ensure adequate fire protection is available.

- # If the Owner requests the City to assume Knott Drive, Somerston Crescent (east leg) and Southbridge Avenue (east leg) with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, prior to its extension to the east, the Owner shall pay to the City at the time of the assumption of this subdivision by the City, the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the east limit of Knott Drive and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is \$5,000 per automatic flushing device for a total amount of \$15,000, for which amount sufficient security is to be provided in accordance with **Condition 24.1 (___)**. The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.
- # All development Blocks shall be serviced off the water distribution systems internal to this Plan of Subdivision.

24.11 ROADWORKS

Remove Subsection 24.11 (p) and **replace** with the following:

- (p) Where traffic calming measures are required within this Plan:
 - (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.
 - ~~(ii) The Owner shall notify the purchasers of all lots abutting the traffic calming circle(s) in this Plan that there may be some restrictions for driveway access due to diverter islands built on the road.~~
 - ~~(iii) Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~

- (iv) The Owner shall register against the title of all Lots and Blocks on Middleton Avenue/Earlston Crossing, Southbridge Drive, Southbridge Avenue and Somerston Crescent in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including, raised intersections and speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.

Remove Subsection 24.11 (q) and **replace** with the following:

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

Add the following new Special Provisions:

- # Barricades are to be maintained at south and east limit of Knott Drive and east limit of Southbridge Avenue until assumption of this Plan of Subdivision or as otherwise directed by the City. At the time of assumption of this Plan or as otherwise directed by the City, the Owner shall remove the barricades, restore the boulevards and complete the construction of the roadworks within the limits, to the specifications of the City, all at no cost to the City.

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

- # Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Middleton Avenue, Somerston Crescent (north leg) and Earlston Crossing adjacent to the raised intersection location that indicate Future Raised Intersection Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

- # Prior to assumption or when required by the City Engineer, the Owner shall install a raised intersection on Middleton Avenue at the intersection of Somerston Crescent (north leg)/Earlston Crossing, including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.

- # Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Southbridge Drive, Somerston Crescent and Southbridge Avenue adjacent to the speed cushion locations that indicate Future Speed Cushion Locations, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.

- # Prior to assumption or when required by the City Engineer, the Owner shall install one speed cushion on Southbridge Drive, Somerston Crescent and Southbridge Avenue, including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.

- # The Owner shall construct a gateway treatment on Middleton Avenue, from Wharncliffe Road South southerly, as per the accepted engineering drawings, to the specifications of the City Engineer, and at no cost to the City.

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

- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall install temporary streetlights at the intersection of Wharncliffe Road and Middleton Avenue and Wharncliffe Road at Southbridge Drive as per the accepted engineering drawings, to the satisfaction of the City Engineer, at no cost to the City.

- # The Owner shall restrict access on Wharncliffe Road South at Southbridge Drive to right-in and right-out only in accordance with the City's Access Management

Guidelines (AMG), as per the accepted engineering drawings, to the satisfaction of the City Engineer.

- # The Owner shall remove any existing infrastructure, including but not limited to, hydro poles, lighting, CICBs, DICBs, curbs, etc. on Wharncliffe Road South and within this Plan and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.
- # The Owner shall install enhanced landscape boulevards on Middleton Avenue at Wharncliffe Road South on a right-of-way width of 28.0 metres with a minimum road pavement width of 16.0 metres (excluding gutters) for a distance of 45 metres tapered back over a distance of 30 metres to the standard secondary collector right-of-way width of 21.5 metres with a minimum road pavement width of 9.5 metres (excluding gutters), to the satisfaction of the City.
- # The Owner shall install enhanced landscape boulevards on Southbridge Drive at Wharncliffe Road South on a right-of-way width of 21.5 metres with a minimum road pavement width of 8.0 metres (excluding gutters) for a distance of 45 metres tapered back over a distance of 30 metres to the standard secondary collector right-of-way width of 20.0 metres with a minimum road pavement width of 8.0 metres (excluding gutters), to the satisfaction of the City.
- # The Owner shall align Middleton Avenue opposite Morgan Avenue, (in Plan 33M-661), as per the accepted engineering drawings, to the satisfaction of the City.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct left and right turn lanes on Wharncliffe Road at Middleton Avenue and a right turn lane on Wharncliffe Road at Southbridge Drive, as per the accepted engineering drawings, to the satisfaction of the City.
- # Should any roads, boulevards, curbs and sidewalks be disturbed during the installation of any services in this Plan, the Owner shall restore these services to match existing conditions, to the satisfaction of the City, at no cost to the City.
- # Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct bike lanes on Middleton Avenue in accordance with the Complete Streets Design Manual, as per the accepted engineering drawings, to the satisfaction of the City Engineer.

24.13 PARKS

Add the following new Special Provisions:

- # Within one (1) year of registration, the Owner shall implement all recommendations from the Environmental Management Plan, the Environmental Impact Study – Revised (May 23, 2018) and approved addendums, as prepared by Stantec Consulting Inc., except for the wetland relocation, channel reconstruction, and monitoring, to the satisfaction of the City.
- # Within one (1) year of registration, the Owner shall deliver to all homeowners adjacent to natural heritage areas an education package which explains the stewardship of the natural area, the value of existing tree cover, and the protection and utilization of the grading and drainage pattern, to the satisfaction of the City.
- # Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures shall be installed and certified with site inspection reports submitted to the Parks and Recreation - Parks Planning and Operations monthly during development activity along the edge of the wetland.
- # The Owner shall construct a multi-use pathway on the south side of Southbridge Drive within the right-of-way and within Block 131 as per the accepted engineering drawings, to the satisfaction of the City.

SCHEDULE “C”

This is Schedule “C” to the Subdivision Agreement dated this _____ day of _____, 2020, between The Corporation of the City of London and Sifton Properties Limited to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Middleton Avenue shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
- Southbridge Drive, Southbridge Avenue, Somerston Crescent, Earlston Crossing, Lynds Street and Knott Drive shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.
- Middleton Avenue at Wharnccliffe Road South shall have a right-of-way width of 28.0 metres with a minimum road pavement width of 16.0 metres including median (excluding gutters) for a distance of 45 metres tapered back over a distance of 30 metres to the standard secondary collector right-of-way width of 21.5 metres with a minimum road pavement width of 9.5 metres (excluding gutters), to the satisfaction of the City.
- Southbridge Drive at Wharnccliffe Road South shall have a right-of-way width of 21.5 metres with a minimum road pavement width of 11.0 metres (excluding gutters) for a distance of 45 metres tapered back over a distance of 30 metres to the standard secondary collector right-of-way width of 20.0 metres with a minimum road pavement width of 9.5 metres (excluding gutters), to the satisfaction of the City.

Sidewalks

A 1.5 metre sidewalk shall be constructed on both sides of all streets in this Plan in accordance with the Southwest Area Plan.

Pedestrian Walkways

There are no pedestrian walkways in this Plan of Subdivision.

SCHEDULE “E”

This is Schedule “E” to the Subdivision Agreement dated this _____ day of _____, 2020, between The Corporation of the City of London and Sifton Properties Limited to which it is attached and forms a part.

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

CASH PORTION:	\$ 952,239
BALANCE PORTION:	<u>\$5,396,022</u>
TOTAL SECURITY REQUIRED	\$6,348,261

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

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

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

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

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

SCHEDULE “F”

This is Schedule “F” to the Subdivision Agreement dated this _____ day of _____, 2020, between The Corporation of the City of London and Sifton Properties Limited to which it is attached and forms a part.

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

Multi-Purpose Easements:

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

Estimated Costs and Revenues

Estimated DC Claim Costs	Estimated Cost (excludes HST)
Claims for Owner led construction from CSRF	
Storm Sewer Internal Oversizing Subsidy (DC19MS1001)	\$30,096
Low Impact Development (DC19MS1003)	\$19,159
Channelization (DC19RS1001) - Construction Wharnclyffe Road	\$240,680
Channelization (DC19RS1001) - Engineering - Wharnclyffe Road	\$36,102
Active Transportation (DC19RS1007) - 1.5m road widening on Middleton Ave for on-road cycling	\$38,374
Total	\$364,411
Estimated DC Revenues (January 1, 2020 to December 31, 2020 Rates)	Estimated Revenue
CSRF TOTAL	\$7,104,298

- 1 Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.
- 2 Estimated DC Revenues are calculated using current DC rates. The City employs a “citywide” approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.
- 3 DC Claim Costs are based on the approved Work Plan cost estimates provided by the Owner for engineering and construction of the claimable works. Final claim payments will be approved based on actual costs incurred by the Owner in conjunction with the terms of the registered Subdivision Agreement, Work Plan and the DC By-law.
- 4 The Oversizing Subsidy costs are based on estimates from the accepted engineering drawings and the current DC By-law. Final claim payments will be approved based on constructed quantities in conjunction with the DC By-law.
- 5 LID Subsidy costs are based on estimates from the accepted engineering drawings and the current DC By-law. Final claim payments will be approved based on constructed quantities in conjunction with the DC By-law.

Reviewed by:

Date

Matt Feldberg
Manager, Development Services (Subdivisions)

Approved by:

Date

Paul Yeoman
Director, Development Finance

Appendix C – Source of Financing

RE: Subdivision Special Provisions - Richardson Subdivision Phase 2
Sifton Properties Limited
Capital Budget Project ES542919 - Storm Sewer Internal Oversizing Subsidy (Subledger 2487672)
Capital Budget Project ES543819 - Low Impact Development (Subledger 2487674)
Capital Budget Project TS165119 - Minor Roadworks-Channelization (Subledger 2487675)
Capital Budget Project TS173919 - Active Transportation (Subledger 2487676)

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

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

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
<u>ES542919 - Storm Sewer Internal Oversizing Subsidy</u>				
Engineering	\$200,000	\$0		\$200,000
Construction	4,908,970	307,352	30,625	4,570,993
	5,108,970	307,352	30,625	4,770,993
<u>ES543819 - Low Impact Development</u>				
Engineering	\$500,000	\$0		\$500,000
Construction	4,919,532		19,497	4,900,035
	5,419,532	0	19,497	5,400,035
<u>TS165119 - Minor Roadworks - Channelization</u>				
Engineering	\$199,000	\$0	\$36,737	\$162,263
Construction	1,480,740		244,916	1,235,824
	1,679,740	0	281,653	1,398,087
<u>TS173919 - Active Transportation</u>				
Engineering	\$600,000	\$65,896		\$534,104
Construction	4,747,752	720,861	39,050	3,987,841
	5,347,752	786,757	39,050	4,521,945
NET ESTIMATED EXPENDITURES	\$17,555,994	\$1,094,109	\$370,825	1) \$16,091,060

SOURCE OF FINANCING

<u>ES542919 - Storm Sewer Internal Oversizing Subsidy</u>					
Drawdown from City Services - Stormwater Reserve Fund (Development Charges)	2)	\$5,108,970	\$307,352	\$30,625	\$4,770,993
<u>ES543819 - Low Impact Development</u>					
Drawdown from City Services - Stormwater Reserve Fund (Development Charges)	2)	\$5,419,532	\$0	\$19,497	\$5,400,035
<u>TS165119 - Minor Roadworks - Channelization</u>					
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2)	\$1,679,740	\$0	\$281,653	\$1,398,087
<u>TS173919 - Active Transportation</u>					
Capital Levy		\$391,425	\$391,425		\$0
Debenture By-law No. W.-5654-291		2,277,726	1,954	19,525	2,256,247
Drawdown from City Services - Roads Reserve Fund (Development Charges)	2)	2,678,601	393,378	19,525	2,265,698
		5,347,752	786,757	39,050	4,521,945
TOTAL FINANCING		\$17,555,994	\$1,094,109	\$370,825	\$16,091,060

1) **Financial Note (Construction)**

	<u>ES542919</u>	<u>ES543819</u>	<u>TS165119</u>	<u>TS173919</u>
Contract Price	\$30,096	\$19,159	\$240,680	\$38,374
Add: HST @13%	3,912	2,491	31,288	4,989
Total Contract Price Including Taxes	34,008	21,650	271,968	43,363
Less: HST Rebate	3,383	2,153	27,052	4,313
Net Contract Price	<u>\$30,625</u>	<u>\$19,497</u>	<u>\$244,916</u>	<u>\$39,050</u>

Financial Note (Engineering)

	<u>TS165119</u>	<u>Total</u>
Contract Price	\$36,102	\$364,411
Add: HST @13%	4,693	47,373
Total Contract Price Including Taxes	40,795	411,784
Less: HST Rebate	4,058	40,959
Net Contract Price	<u>\$36,737</u>	<u>\$370,825</u>

2) Development charges have been utilized in accordance with the underlying legislation and the Development Charges Background Studies completed in 2019.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application by: Medallion Developments Inc.
391 South Street

Meeting on: March 9, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Medallion Developments Inc. relating to the property located at 391 South Street, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 24, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Residential R9 Special Provision Bonus (h-218*R9-3(15).H30.B-51) Zone and a holding Residential R8 Special Provision Bonus (h-218*R8-4(42).B-51) Zone **TO** Residential R9 Special Provision Bonus (R9-3(15).H30.B-51) and Residential R8 Special Provision Bonus (R8-4(42).B-51) Zone to remove the "h-218" holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-218" holding symbol to facilitate a residential development with two apartment buildings of 19 and 23 storeys, set atop a podium of 3-8 storeys, with 625 units, access to South Street and Nelson Street, and underground parking.

Rationale of Recommended Action

The requirements for removing the holding provision have been met, and the Approval Authority has confirmed that no further work is required. The development is consistent with the vision and objectives for the development of the Old Victoria Hospital lands. It is appropriate to remove the holding provision as it is no longer required.

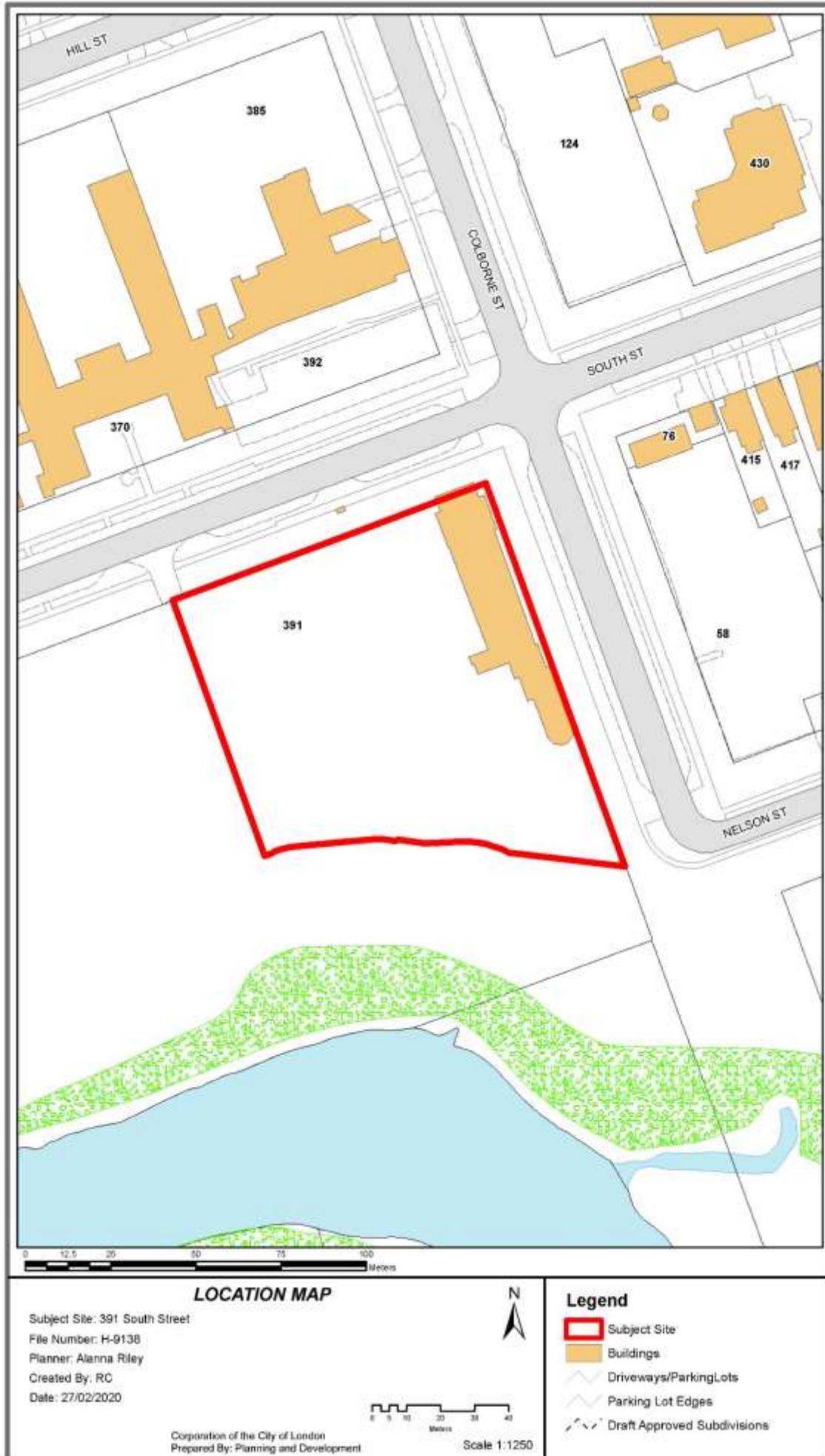
Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is part of the former Victoria Hospital Lands, which extend from the Thames Valley Corridor between Waterloo and Colborne Streets, and represent a prominent site within the SoHo community and the broader City. The site is municipally addressed as 391 South Street and is located at the southwest corner of South Street and Colborne Street intersection. The site is vacant with the exception of the existing heritage Colborne Building located to the east of the site which was constructed in 1899. The subject site consists of a parcel of land with a total frontage of 98m and a lot area of 0.94ha with an irregular shape towards the south of the site which abuts the Thames River. The lands are located on a prominent and significant site within the Old Victoria Hospital Lands secondary plan and the SoHo community. The site has full access to municipal services and is located in an area which is planned for regeneration. Access to transit, pathways, and green spaces are available to the site.

1.2 Location Map



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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-Family, High Density Residential
- Specific Policy – Remnant High Density Residential Overlay
- Old Victoria Hospital Lands Secondary Plan Designation – The Four Corners and High-Rise Residential
- Existing Zoning – a holding Residential R9 Special Provision (h-218*R9-3(15).H30.B-51) Zone

1.4 Site Characteristics

- Current Land Use – Vacant land and Vacant Heritage Building
- Frontage – 98m (South Street)
- Depth – Varies
- Area – 0.94ha
- **Shape – Irregular**

1.5 Surrounding Land Uses

- North – Vacant Regional Facility
- East – Vacant Regional Facility
- South – Thames River
- West – Vacant Regional Facility

2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will facilitate a residential development with two apartment buildings of 19 and 23 storeys, set atop a podium of 3-8 storeys, with 625 units, access to South Street and Nelson Street, and underground parking.



Figure 1: Conceptual Rendering of Development Proposal

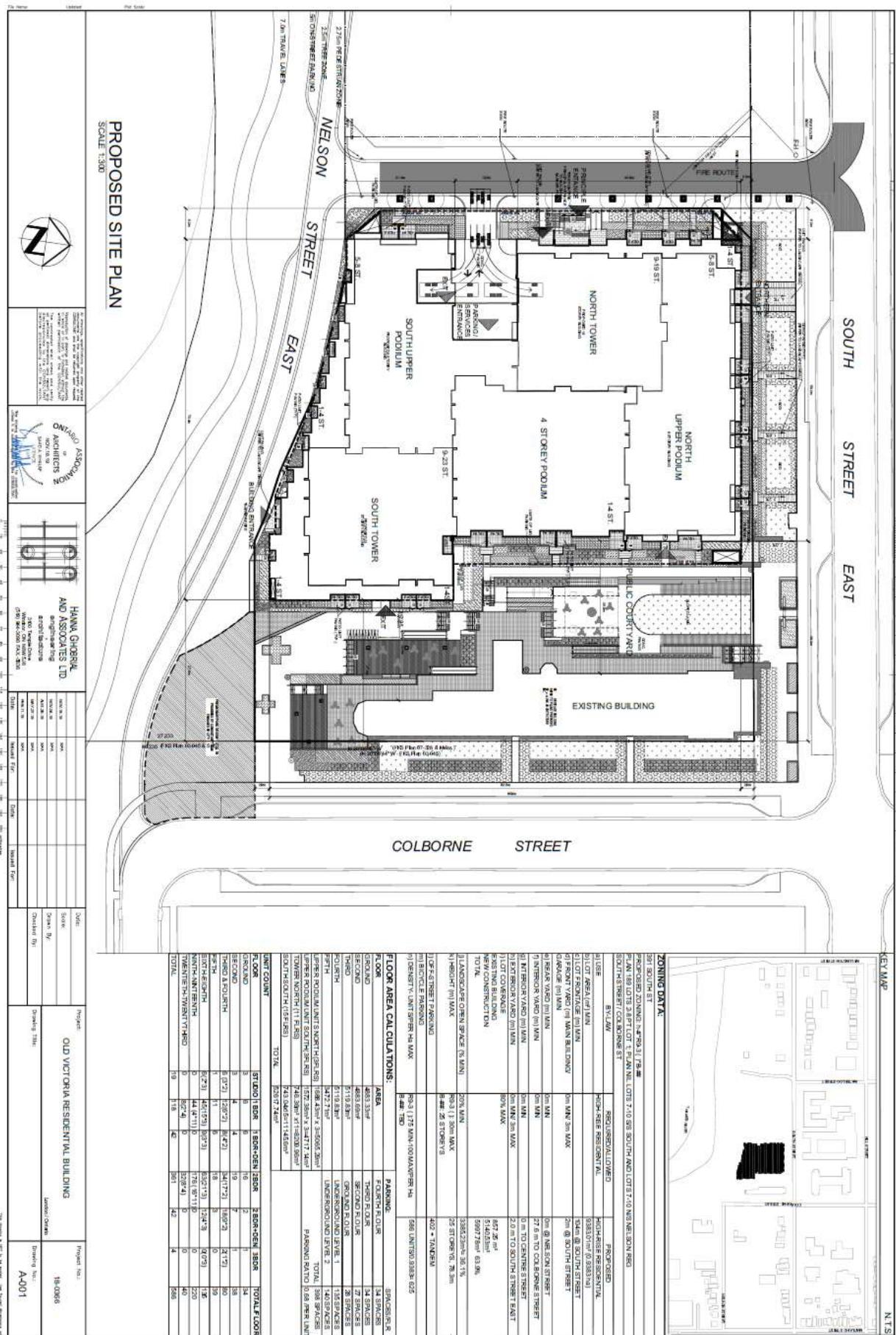


Figure 2: Conceptual Site Plan

An application for Site Plan Approval (SP18-122) has been made. The site plan submission, including servicing, grading, landscaping, and building elevation plans have been accepted by the City.

3.0 Relevant Background

3.1 Planning History

The lands are located on a prominent and significant site within the Old Victoria Hospital Lands secondary plan and the SoHo community. There has been an extensive planning history for this area including initiatives like the SoHo Community Improvement Plan (Roadmap SoHo) and Old Victoria Hospital Lands Secondary Plan.

Beginning in 2009 the SoHo Community Association and City of London worked together to prepare a plan that would guide the future opportunities for the neighbourhood. The result was a Community Improvement Plan (CIP) for London's Soho District, and the regeneration south of Horton Street, known as Roadmap SoHo which was approved in 2011.

One of the recommendations from the SoHo Community Improvement Plan (Roadmap SoHo) was undertaking a Secondary Plan for the redevelopment of the Old Victoria Hospital Lands.

The Old Victoria Hospital Secondary Plan was adopted by Council in June of 2014. The Secondary Plan fulfilled a key initiative of Roadmap SoHo and laid the foundation to promote the long-term sustainability of the area, stimulate re-investment and build neighbourhood capacity. The Secondary Plan provided a detailed land use plan for the comprehensive redevelopment of the lands, and promoted urban design policies to implement the community vision set out in Roadmap SoHo.

Both the (1989) Official Plan and The London Plan recognize the need for a secondary plan such as the Old Victoria Hospital Secondary Plan to provide more detailed policy guidance for a specific area that goes beyond the general policies. The Old Victoria Hospital Secondary Plan forms part of the (1989) Official Plan and its policies prevail over the more general (1989) Official Plan and The London Plan policies if conflicting.

When Council approved the Old Victoria Hospital Lands Secondary Plan they also directed that Civic Administration initiate a zoning review to implement the Secondary Plan. Zoning of the subject lands was passed by City Council on August 28, 2018. A holding provision was applied to ensure that the development is consistent with the vision of the Old Victoria Hospital Secondary Plan.

In February of 2019, the subject application of this report, being a Site Plan Control Application (file SPA18-122) was received by the City of London.

3.2 Requested Amendment

The applicant is requesting the removal of the "h-218" holding provision from the site to allow for a residential development with two apartment buildings of 19 and 23 storeys, set atop a podium of 3-8 storeys, with 625 units, access South and Nelson Street, and underground parking. The holding provision requires that development is consistent with the vision and objectives for the development of the Old Victoria Hospital lands.

3.3 Community Engagement

No comments were received in response to the Notice of Application.

3.4 Policy Context

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

decision on the application within 150 days to remove the holding provision(s). The London Plan and the (1989) Official Plan contain policies with respect to holding provisions including the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the holding provision and is it appropriate to consider the removal?

h-218: Purpose: To ensure that development is consistent with the vision and objectives for the development of the Old Victoria Hospital lands, the holding provision will not be lifted until a development agreement is entered into for the subject lands, that substantively implements the site plan and renderings attached as Schedule "1" to the amending by-law, with minor variations to the satisfaction of the City of London; that conforms with the community structure, character area, form and design policies of the Old Victoria Hospital Lands Secondary Plan.

Urban Design staff confirmed on February 27, 2020 that they are satisfied that the development is consistent with the vision and objectives of the Old Victoria Hospital lands. The site plan and elevations conform with the community structure, character area, form and design policies of the Old Victoria Hospital Lands Secondary Plan.

5.0 Conclusion

The Applicant has now executed a development agreement for the proposed development and posted the required security. It is appropriate to remove the holding provision to allow the zoning to come into force.

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	

March 2, 2020

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
 Lou Pompillii, Manager, Development Planning
 Ismail Abushehada, Manager, Development Engineering
 Michael Pease, Manager, Development Planning (Site Plan)

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to remove holding provisions from the zoning for lands located at 391 South Street.

WHEREAS Medallion Developments Inc. has applied to remove the holding provision from the zoning for the lands located at 391 South Street, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 391 South Street, as shown on the attached map, to remove the holding provision so that the zoning of the lands as a Residential R9 Special Provision (R9-3(15).H30.B-51) and Residential R8 Special Provision (R8-4(42).B-51) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

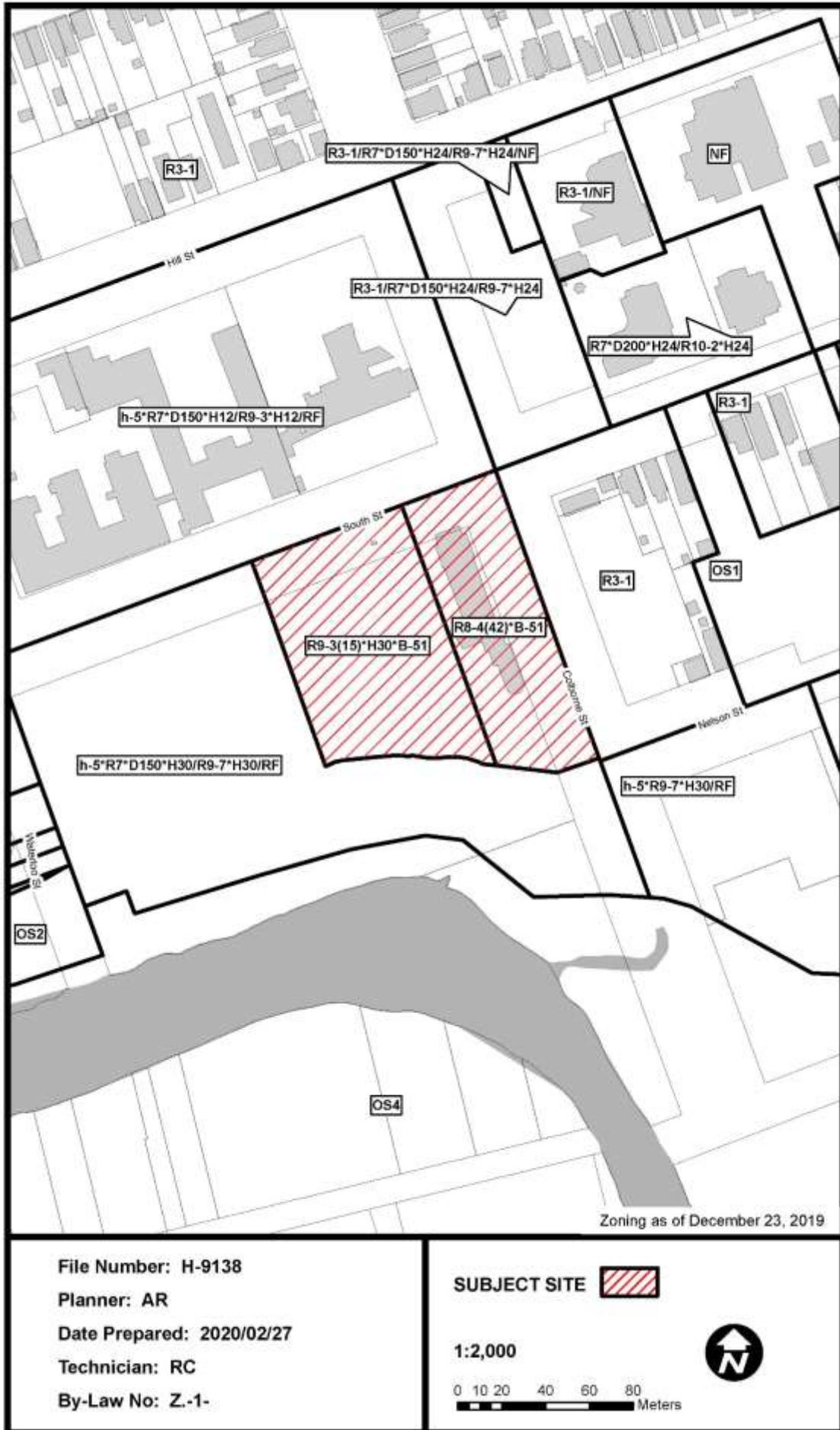
PASSED in Open Council on March 24, 2020

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 24, 2020
Second Reading – March 24, 2020
Third Reading – March 24, 2020

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



TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING ON MARCH 9, 2020
FROM:	GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	ANNUAL REPORT ON BUILDING PERMIT FEES

RECOMMENDATION

That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, the attached report on building permit fees collected and costs of administration and enforcement of the *Building Code Act* and regulations for the year 2019, **BE RECEIVED** for information purposes.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

April 15, 2019 – Planning & Environment Committee

BACKGROUND

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

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

Revenues Collected

Building permit fees collected during 2019 totalled \$7,611,467. However, consistent with revenue recognition principles governed by generally accepted accounting principles (GAAP), Building fee revenue recognized by the City of London for 2019 equated to \$6,774,067 on an accrual basis.

As shown below, subject to completion of the 2019 year-end financial statement audit, the net revenue of building permit fees for 2019 was;

Deferred Revenue from 2018 [permits issued in 2019]	1,461,395
2019 Building Permit Fees	7,611,467
Deferred Revenues to 2020 [permits not issued in 2019]	<u>(2,298,795)</u>
2019 NET REVENUE	6,774,067

Costs Incurred

The total costs, both direct and indirect, incurred during 2019 were \$6,404,017, as shown in the table below (subject to completion of the 2019 year-end financial statement audit).

	Costs (\$)	Positions
<u>DIRECT COSTS</u>		
Administration	354,892	2
Permit Issuance	1,632,285	14
Inspection	1,855,284	22
Zoning Review and Code Compliance	362,803	4
Operational Support	526,112	11
Operating Expenses (supplies, equipment, etc.)	353,558	
TOTAL DIRECT COSTS	5,084,934	53
<u>INDIRECT COSTS</u>		
Corporate Management and Support	985,487	
Risk Management	135,596	
Office Space	198,000	
TOTAL INDIRECT COSTS	1,319,083	
TOTAL COSTS	6,404,017	

Net Financial Position

At 2019 year end, the net revenue was \$6,774,067. By deducting the total direct and indirect costs of \$6,404,017 for administration and enforcement of the *Building Code Act* and the *Building Code*, would result in a \$370,050 deposit to the Building Permit Stabilization Reserve Fund.

Total Net Revenue	6,774,067
Total Cost of Enforcement	<u>-6,404,017</u>
YEAR END CONTRIBUTION (withdrawal if negative)	370,050

Building Permit Stabilization Reserve Fund (BPSRF)

In 2006, the BPSRF target was set at 40% of the annual operating costs following discussions with the London Home Builders' Association (a key industry stakeholder). Additionally, a lower and upper limit of 30% and 50% respectively was also set at that time.

During the building permit fee review in 2019, further consultations occurred with industry stakeholders and the BPSRF target was increased to 100% of the annual operating costs.

The BPSRF 2019 balance is \$1,610,165. Considering a deposit of \$370,050 the revised closing balance would be \$1,980,215 in the reserve which equates to 30.9% of the annual operating cost.

Building Permit Fees

In 2019, a review was completed of the building permit fee structure in relation to volumes and effort, as well as a comparison of London fees in relation to other similar jurisdictions. Consequently, a new fee structure was adopted by Council which includes an annual indexing component. Considering that building permit fees were recently increased in August 2019, a further increase is not recommended.

Conclusion

In accordance with the legislation, building permit revenues are to be used for the cost of administration and enforcement of the *Building Code Act*. The balance in the BPSRF equates to 30.9% of annual operating costs.

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

cc: Kyle Murray, Director, Financial Planning & Business Support
Laurie Green, Financial Business Administrator

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: G. Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official
Subject: Application by: London Quality Meat
8076 Longwoods Road
Meeting on: March 9, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of London Quality Meat relating to the property located at 8076 Longwoods Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on March 24, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Agricultural Commercial Special Provision (h-5*h-18*h-210*AGC2(1)) Zone **TO** an Agricultural Commercial Special Provision (AGC2(1)) Zone.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-5", h-18", and "h-210" holding provisions from 8076 Longwoods Road, which are in place to ensure: a public site plan meeting has occurred, that any potential archaeological significance is assessed and that site plan is approved and a record of approval for a Nutrient Management Strategy is obtained.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-5", h-18", and "h-210" holding symbols to facilitate the development of a livestock facility and abattoir.

Rationale of Recommended Action

The requirements for removing the holding provisions have been met, and the Approval Authority has confirmed that no further work is required. It is appropriate to remove the holding provisions as they are no longer required.

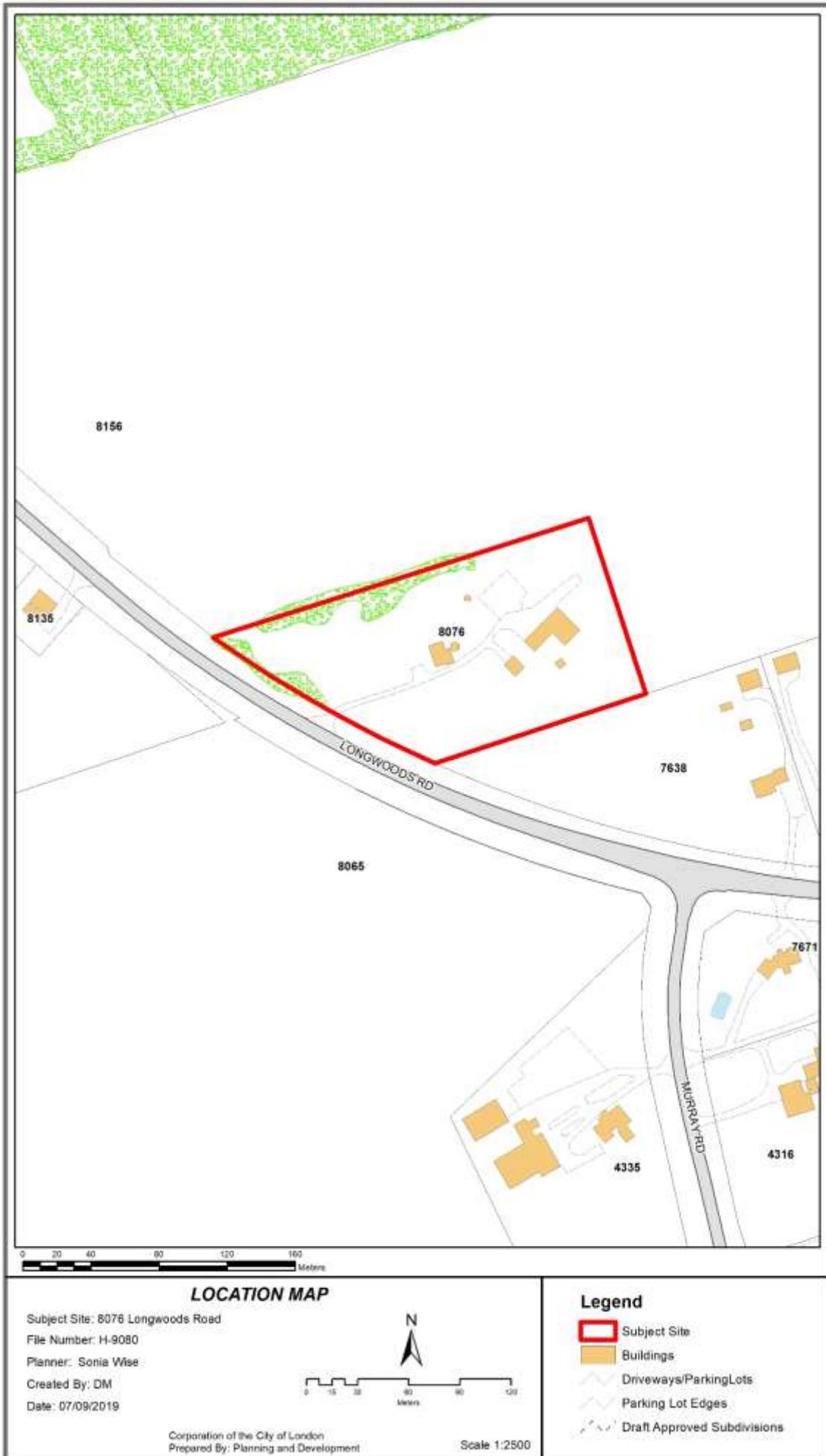
Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the east side of Longwoods Road with approximately 2.02 ha of lot area. The site is located over 1 km outside of the Urban Growth Boundary and the Lambeth Community. There is an existing dwelling, garage, and barn on site which were constructed circa the 1960's.

1.2 Location Map



1.3 Current Planning Information

- The London Plan Place Type – Farmland
- Official Plan Designation – Agricultural
- Existing Zoning – h-5*h-18*h-210*AGC2(1)

1.4 Site Characteristics

- Current Land Use – Single Detached Dwelling
- Frontage – 150 metres
- Depth – varies
- Area – 2.02 ha
- Shape – Irregular

1.5 Surrounding Land Uses

- North – Agricultural
- East – Agricultural
- South – Agricultural/Residential
- West – Agricultural

2.0 Description of Proposal

2.1 Development Proposal

There is an existing dwelling, barn and shed on the site, and the removal of the holding provisions will facilitate the adaptive reuse of the existing barn for an abattoir and livestock facility while maintaining the existing dwelling for residential uses. The existing barn is located towards the east (rear) of the site, and has a total of 370m², of which 200m² will be used for the livestock facility, and 110m² will be converted for the abattoir facility. The remaining space will be used for tool storage and a workshop. The intended livestock consists of goats, sheep and lambs which are housed on site. The abattoir is a small-scale operation, and expected to function approximately twice a week.

3.0 Relevant Background

3.1 Planning History

On January 1, 1993 the Town of Westminster and parts of London, West Nissouri, North Dorchester and Delaware Townships were annexed to the City of London. Council adopted a comprehensive Official Plan amendment on July 2, 1996 (Official Plan Amendment No. 88) to incorporate the annexed areas into the City's Official Plan.

The subject site was re-zoned in 2000 through application Z-5984 from a Rural Holding (A2) Zone to a Rural Holding Exception (A2-14) to facilitate a surplus farm dwelling severance, and recognize the reduced property size of the dwelling unit. The subject site was severed in 2001 from the agricultural property to the east through consent application B.17/01.

The Annexed Area Zoning Project was initiated in April of 2001 to replace the inherited zoning regulations from the Townships of London, West Nissouri, North Dorchester and Delaware, and the Town of Westminster with appropriate regulations to the City's Zoning By-law Z.-1. The subject site was rezoned from a Rural Holding Exception (A2-14) Zone to an Agriculture (AG1) Zone in 2005 through the Annexed Area By-law.

After the By-law was adopted by Council in June of 2005 a number of omissions, corrections and refinements were brought to Planning staff's attention by other City staff through day-to-day use of the By-law, the public and landowners. On February 12, 2008 the Ontario Municipal Board held a hearing on the outstanding appeals to Zoning By-law amendment No. Z.-1.

The subject site was rezoned from an Agriculture (AG1) to an Agriculture (AG4) Zone through Z-7394 to recognize the single detached dwelling that was severed from the main

farm in 2000-2001 and farm lands that were consolidated with another property. On January 11, 2017 an application was received requesting to amend the zoning to allow for a livestock facility and abattoir. Application Z-8735 was considered by the Planning and Environment Committee on May 23, 2017 and July 17, 2019 and received Council approval on July 25, 2017.

The matter was appealed to the Ontario Municipal Board (OMB) on August 22, 2017 and a hearing took place on February 7-9, 2018. In its decision dated March 16, 2018, the Board was satisfied that conflicts and compatibility concerns between the subject site, neighbours and agricultural operations are addressed through the Zoning By-law Amendment and concluded "The Zoning By-law Amendment represents good planning and sees no reason to interfere with the City's decision." The Board ordered the appeal be dismissed.

On March 25, 2019 an application for site plan approval was received (SPA19-022). A public participation meeting for the Site Plan application occurred at the Planning and Environment Committee on July 22, 2019 which informed the eventual site plan approval. Comments received through the process have been considered and incorporated where possible, into the site plan approval and development agreement.

3.2 Previous Reports and Applications Relevant to this Application

Z-5985: 2000 – Change of zoning to facilitate severance B.17/01

Annex Area By-law: 2005 – Change of zoning from an A2-14 to a AG1

Z-7394: 2008 – Change of zoning AG1 – AG4 as response to appeals to the annex area by-law

Z-8735: 2017 – Public Participation Meeting – 8076 Longwoods Road Zoning By-law Amendment

SPA19-022: 2019 – Public Participation Meeting – 8076 Longwoods Road Site Plan Public Meeting

3.3 Requested Amendment

The applicant is requesting the removal of the h-5, h-18, and h-210 holding provisions from the site to allow for the development of a livestock facility and abattoir. The holding provisions are as follows:

h-5: Purpose: 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-18: Purpose: The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

h-210: Purpose: to ensure the orderly development of lands for the livestock facility use, the holding provision shall not be removed until site plan approval has been granted and a record of approval for Nutrient Management Strategy has been obtain.

3.4 Community Engagement

A total of four (4) comments were received as part of the circulation for this application. One comment expressed support for the use, two comments requested additional information on the holding removal process and one comment raised concerns.

A summary of the comments received is as follows:

Neutral – two comments

- Various questions and clarification requested regarding the process and timing to remove the holding provisions

Support – one comment

- Expressed support for agriculture uses in the community.

Concern – one comment

- Expressed concern that the holding provisions were being removed;
- That the holding provision for the Nutrient Management Strategy (NMS) was being removed before an approved NMS was submitted and accepted;
- With the previous operation of the site and past compliance issues;
- Concern with the negative impact of the use on community and property values and;
- Request the site comply with engineering requirements.

Public comments were considered in conjunction with the comments and review of technical experts during the application review for the removal of the holding provisions. The details of how each of the holding provisions have been satisfied is described in section 4.0 of this report. A Development Agreement has been entered into and registered on title to ensure development is consistent with the approved site plan.

3.5 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 90 days to remove the holding provision(s). The London Plan and the 1989 Official Plan contain policies with respect to holding provisions including the process, and notification and removal procedures.

4.0 Key Issues and Considerations

4.1 What is the purpose of the holding provisions and is it appropriate to consider their removal?

h-5: Purpose: 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.

A public participation meeting for the site plan was held on July 22, 2019 before the Planning and Environment Committee. One (1) member of the public provided

comments during the meeting expressing concern associated with impacts of the use on climate change, air and water pollution, and greenhouse gas emissions of cattle. The public comments made at this forum were received through the site plan review process to be considered or incorporated where relevant into the Site Plan review and Development Agreement.

h-18: Purpose: The proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.

All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry.

Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing.

No demolition, construction, or grading or other soil disturbance shall take place on the subject property prior to the City's Planning Services receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.

A Stage 1 Archeological Assessment was prepared on February 23, 2017 by Thomas G Arnold and Associates, which was reviewed and entered into the Ontario Public Register of Archaeological Reports on March 10, 2017. Development Services – Heritage staff confirmed that the report is sufficient to fulfil the archaeological assessment requirement on June 17, 2019.

h-210: Purpose: to ensure the orderly development of lands for the livestock facility use, the holding provision shall not be removed until site plan approval has been granted and a record of approval for Nutrient Management Strategy has been obtain.

A record of approval for Nutrient Management Strategy was approved by the Ontario Ministry of Agriculture, Farming and Rural Affairs on November 20, 2017. All of the Nutrient units (manure) generated on-site are approved for off-site transfer to another farm for all out-going materials.

On February 27, 2020, the site development planner confirmed a Development Agreement had been entered into for the approved Site Plan and required securities have been provided.

5.0 Conclusion

The Applicant has undertaken sufficient works to remove the holding provisions. The resulting development has incorporated relevant public comments received through the public site plan process into a development agreement and approved Site Plan. Archaeological potential has been addressed and an approved Nutrient Management Strategy has been accepted. It is appropriate to remove the holding provisions to allow the zoning to come into force.

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

February 28, 2020

CC: Lou Pompili, Manager, Development Planning
Heather McNeely, Manager, Development Services (Site Plan)
Michael Pease, Manager, Development Planning

/sw

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to
remove holding provisions from lands
located at 8076 Longwoods Road.

WHEREAS London Quality Meat has applied to remove the holding provisions from the zoning for the lands located at 8076 Longwoods Road, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 8076 Longwoods Road, as shown on the attached map, to remove the holding provisions so that the zoning of the lands as an Agricultural Commercial Special Provision (AGC2(1)) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

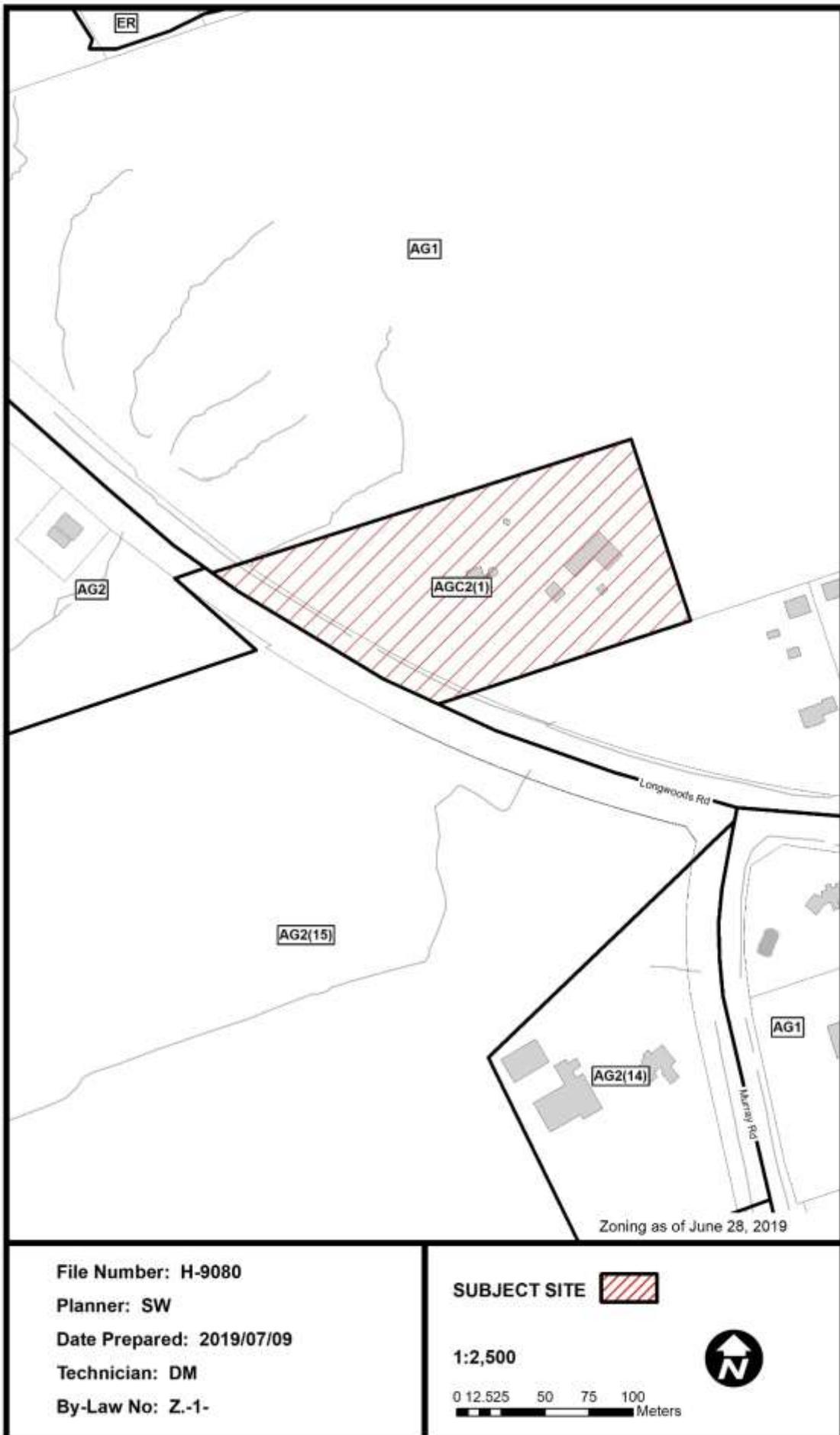
PASSED in Open Council on March 24, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 24, 2020
Second Reading – March 24, 2020
Third Reading – March 24, 2020

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



Geotitles



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: February 18, 2020

RE: **Monthly Report for January 2020**

Attached are the Building Division's monthly report for January 2020 and copies of the Summary of the Inspectors' Workload reports.

Permit Issuance

By the end of January, 289 permits had been issued with a construction value of \$50.3 million, representing 73 new dwelling units. Compared to last year, this represents a 5.4% increase in the number of permits, a 20.5% increase in the construction value and a 4.2% increase in the number of dwelling units.

To the end of January, the number of single and semi-detached dwellings issued were 51, which was a 41.6% increase over last year.

At the end of January, there were 656 applications in process, representing approximately \$655 million in construction value and an additional 1,594 dwelling units, compared with 713 applications having a construction value of \$612 million and an additional 1,372 dwelling units for the same period last year.

The rate of incoming applications for the month of January averaged out to 11.2 applications a day for a total of 247 in 22 working days. There were 46 permit applications to build 46 new single detached dwellings, 21 townhouse applications to build 69 units, of which 7 were cluster single dwelling units.

There were 289 permits issued in January totalling \$50.3 million including 73 new dwelling units.

Inspections

BUILDING

Building Inspectors received 2,201 inspection requests and conducted 2,776 building related inspections. An additional 12 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 12 inspectors, an average of 243 inspections were conducted this month per inspector.

Based on the 2,201 requested inspections for the month, 96% were achieved within the provincially mandated 48 hour time allowance.

CODE COMPLIANCE

Building Inspectors received 454 inspection requests and conducted 668 building related inspections. An additional 118 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 4 inspectors, an average of 162 inspections were conducted this month per inspector.

Based on the 454 requested inspections for the month, 98% were achieved within the provincially mandated 48 hour time allowance.

PLUMBING

Plumbing Inspectors received 749 inspection requests and conducted 1,136 plumbing related inspections. An additional 4 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 6 inspectors, an average of 227 inspections were conducted this month per inspector.

Based on the 749 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.

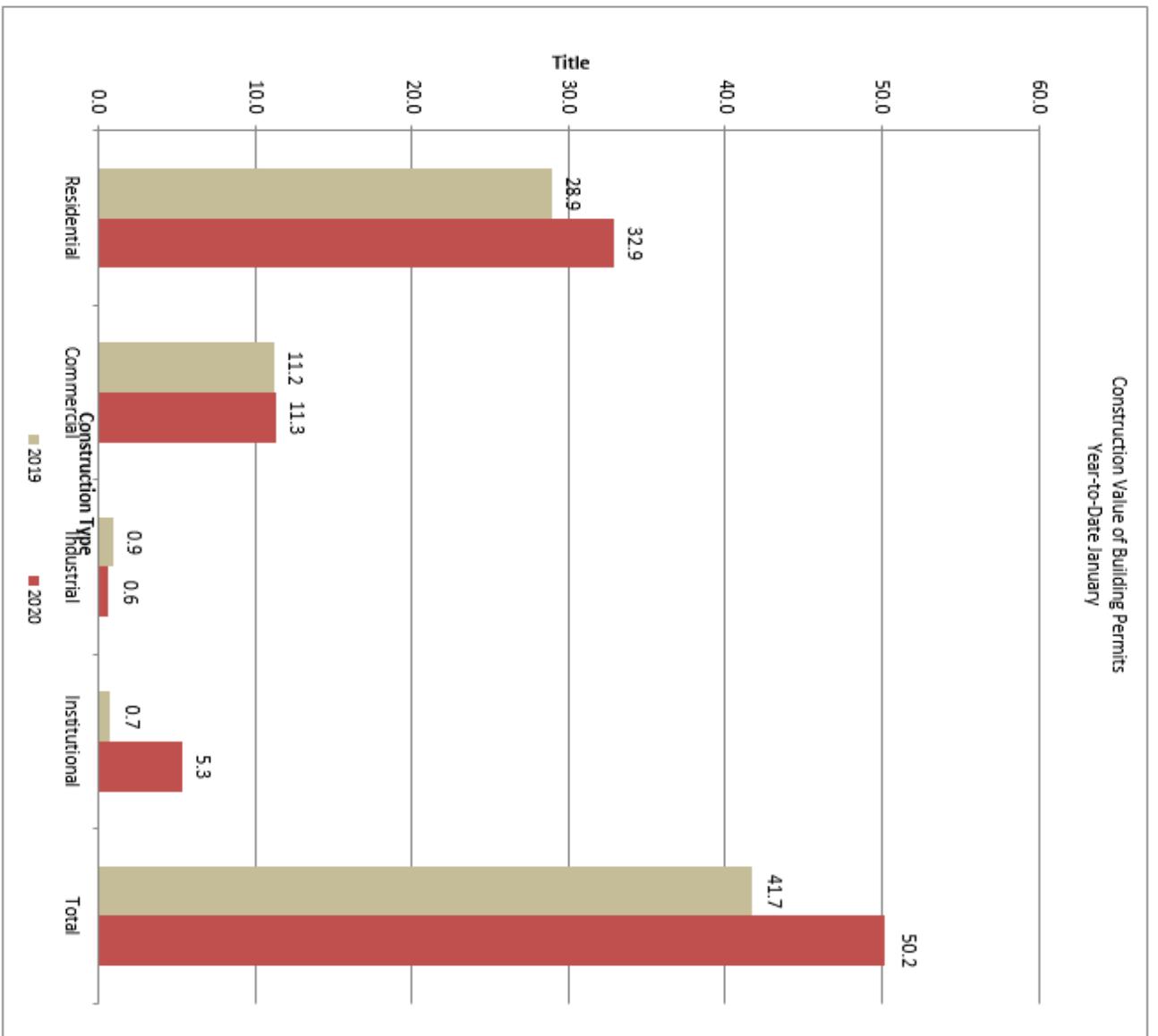
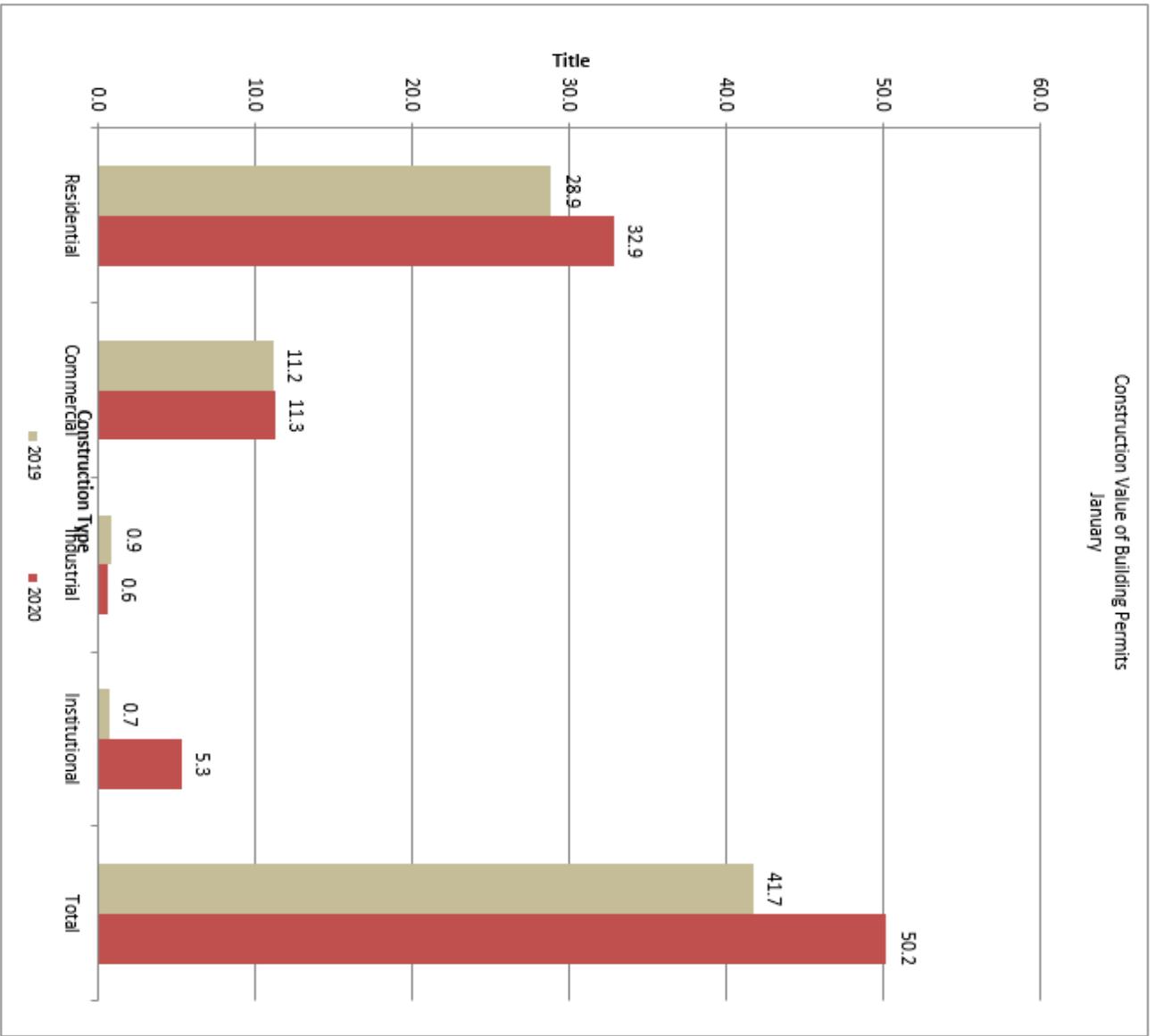
c.c.: A. DiCicco, T. Groeneweg, C. DeForest, O. Katolyk, D. Macar, M. Henderson, S. McHugh

CITY OF LONDON

SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF January 2020

CLASSIFICATION	January 2020		to the end of January 2020		January 2019		to the end of January 2019	
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF PERMITS	CONSTRUCTION VALUE
SINGLE DETACHED DWELLINGS	51	23,106,520	51	23,106,520	36	15,764,000	36	15,764,000
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0
TOWNHOUSES	10	4,679,400	10	4,679,400	8	6,478,000	8	6,478,000
DUPLEX, TRIPLEX, QUAD, APT BLDG	0	0	0	0	1	1,250,000	0	0
RES-ALTER & ADDITIONS	97	5,105,900	97	5,105,900	129	5,407,000	129	5,407,000
COMMERCIAL -ERECT	0	0	0	0	0	0	0	0
COMMERCIAL - ADDITION	0	0	0	0	1	2,500,000	0	0
COMMERCIAL - OTHER	48	11,328,506	48	11,328,506	45	8,688,000	45	8,688,000
INDUSTRIAL - ERECT	0	0	0	0	1	100,000	1	100,000
INDUSTRIAL - ADDITION	0	0	0	0	0	0	0	0
INDUSTRIAL - OTHER	8	629,500	8	629,500	7	811,000	7	811,000
INSTITUTIONAL - ERECT	1	575,000	1	575,000	0	0	0	0
INSTITUTIONAL - ADDITION	1	2,000,000	1	2,000,000	0	0	0	0
INSTITUTIONAL - OTHER	10	2,754,500	10	2,754,500	6	738,000	6	738,000
AGRICULTURE	1	100,000	1	100,000	1	10,000	1	10,000
SWIMMING POOL FENCES	2	45,000	2	45,000	1	15,000	1	15,000
ADMINISTRATIVE	4	0	4	0	7	0	7	0
DEMOLITION	8	0	8	0	9	0	9	0
SIGNS/CANOPY - CITY PROPERTY	0	0	0	0	5	0	5	0
SIGNS/CANOPY - PRIVATE PROPERTY	48	0	48	0	18	0	18	0
TOTALS	289	50,324,326	289	50,324,326	275	41,761,000	275	41,761,000

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



City of London - Building Division
Principal Permits Issued from January 1, 2020 to January 31, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
1803299 ONTARIO INC.	1803299 ONTARIO INC. 100 Kellogg Lane	Alter Retail Store INTERIOR ALTER FOR RETAIL SPACE, LEVEL 1 Shell Permit Only –Provide sealed Misc. Metals for the stairs, stair guards and roll-up metal security screens shop drawings with the attachment detail shop drawings to the Building Division for review prior to work in these area. Provide sprinkler plans and GRCC for sprinkler system.	0	1,000,000
1803299 ONTARIO INC.	1803299 ONTARIO INC. 100 Kellogg Lane	Alter Offices CM - INTERIOR ALTER FOR OFFICES 2ND AND 3RD FLOOR Shell Permit Only –Provide sealed Misc. Metals for the stairs, stair guards and the hanging details on A500 shop drawings to the Building Division for review prior to work in these area. Provide sprinklers shop drawings with GRCC.	0	3,000,000
THAMES VALLEY DISTRICT SCHOOL BOARD VALLEY DISTRICT SCHOOL BOARD	THAMES 1011 Viscount Rd	Alter Schools Elementary, Kindergarten ALTER INTERIOR FOR WASHROOM AND ELEVATOR	0	900,000
NORTH LONDON MEDICAL CENTRE North London Medical Centre	1055 Fanshawe Park Rd W	Alter Medical Offices INTERIOR FIT UP FOR MEDICAL OFFICE	0	125,000
REMBRANDT HOMES REMBRANDT HOMES	1061 Eagletrace Dr 11	Erect-Townhouse - Cluster SDD ERECT NEW BUILD, 2 STOREY, 2 CAR GARAGE, 4 BEDROOMS, FINISHED BASEMENT, COVERED DECK, A/C INCLUDED, ENERGY STAR. SOIL REPORT REQUIRED.	1	522,500
REMBRANDT HOMES REMBRANDT HOMES	1061 Eagletrace Dr 19	Erect-Townhouse - Cluster SDD ERECT NEW TOWNHOUSE CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, COVERED DECK, A/C INCLUDED, ENERGY STAR. SOILS REPORT REQUIRED, DWH & DWHR REQUIRED	1	418,000
REMBRANDT HOMES REMBRANDT HOMES	1061 Eagletrace Dr 21	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 1 STOREY, 2 CAR, 4 BED, PARTIALLY FINISHED BASEMENT, W/ DECK, W/ A/C, SB12 ENERGY STAR, MVLCP 929 UNIT 16	1	290,000
White Oaks Mall Holdings Ltd (Canada)	C/O Bentall Kennedy 1105 Wellington Rd	Alter Shopping Centre CM - PARKING GARAGE STRUCTURAL REPAIRS	0	200,000
1803299 ONTARIO INC.	1803299 ONTARIO INC. 1108 Dundas St	Alter Offices CM - INTERIOR FIT UP FOR THE BRANDING FIRM PROVIDE SHOP DRAWINGS FOR SPRINKLER AND GRCC FOR FIRE PROTECTION(SUBMITTED SPRINKLER SHOP DRAWING APPROVED 12/6/19)	0	141,200
The Board of Western Ontario Governors The University Of Western Ontario	1151 Richmond St	Alter University IS - INTERIOR ALTER TO DIGITAL PRODUCTION & GALLERY	0	125,000

**City of London - Building Division
Principal Permits Issued from January 1, 2020 to January 31, 2020**

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Canadian Commercial (Sherwood Forest) Inc Canadian Commercial (Sfrn) Inc	1225 Wonderland Rd N	Alter Shopping Centre CM - ALTER - INTERIOR ALTERATIONS FOR "METRO" GROCERY STORE, W/ STRUCT, MECH, FPO, W/ MAG LOCKS	0	750,000
6763332 CANADA INC. REALTY ADVISORS INC. 6763332 CANADA INC., C/O TRIOVEST REALTY ADVISORS INC.	1230 Wellington Rd A	Alter Retail Store CM - INTERIOR ALTERATION FOR GAP STORE	0	454,306
LONDON SMART CENTRE	LONDON SMART CENTRE 1250 Fanshawe Park Rd W 102	Alter Retail Store ALTER INTERIOR FOR EXISTING OLD NAVY, WITH STRUCTURAL	0	115,000
6763332 CANADA INC ADVISORS INC 6763332 CANADA INC C/O TRIOVEST REALTY ADVISORS INC	1270 Wellington Rd C London District Catholic School Board	Alter Retail Store CM - INTERIOR ALTERATION FOR OLD NAVY Alter Non-Residential Accessory Building IS - ERECT FOR COVERED PARKING STRUCTURE W/ SOLAR PANELS	0	115,000 575,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1544 Moe Norman Pl	Erect-Townhouse - Cluster SDD ERECT NEW SDD, 1 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, COVERED DECK INCLUDED, A/C INCLUDED, HOT-2000 SB12-A3, 33R-18937 PART 29. SOILS REPORT REQUIRED	1	340,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1548 Moe Norman Pl	Erect-Townhouse - Cluster SDD ERECT NEW BUILD, 1 STOREY, 2 CAR GARAGE, 2 BEDROOMS, FINISHED BASEMENT, A/C INCLUDED, HOT2000, 33R-18937 PART 30. SOILS REPORT REQUIRED	1	391,500
HOMESTEAD LAND HOLDINGS LTD. HOMESTEAD LAND HOLDINGS LTD.	1560 Adelaide St N	Alter Apartment Building Alter to replace balcony guards.	0	236,000
SIFTON LIMITED SIFTON PROPERTIES LIMITED	1632 Ed Ervasti Lane	Erect-Townhouse - Cluster SDD ERECT NEW BUILD, 1 STOREY, 2 CAR GARAGE, 2 BEDROOMS, UNFINISHED BASEMENT, COVERED DECK, A/C INCLUDED, HOT 2000, 33M-721 PART 20. SOILS REPORT REQUIRED	1	340,000
SHERWOOD FOREST SQUARE LTD.	164 Sherwood Forest Sq	Install-Residential Accessory Building RT - INSTALL FOR 1.8 M RETAINING WALL W/ GUARD		225,000
CF REALTY HLDG INC, FAIRVIEW CORP CF REALTY HLDG INC, C/O CADILLAC FAIRVIEW CORP	1680 Richmond St	Alter Retail Plaza INTERIOR FITUP FOR NIKE, UNIT CRU L067B	0	127,200
THE RIDGE AT BYRON INC. THE RIDGE AT BYRON INC.	1710 Ironwood Rd 29	Erect-Townhouse - Cluster SDD ERECT SDD, 1 STOREY, 2 CAR GARAGE, FINISHED BASEMENT, 3 BEDROOMS, DECK INCLUDED, A/C INCLUDED, SB-12, A5, MUN.NO 1710 IRONWOOD RD, MVLCP 903, HRV & DWHR REQUIRED. (LOT 15). SOILS REPORT REQUIRED.	1	500,000

City of London - Building Division

Principal Permits Issued from January 1, 2020 to January 31, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Z- Group	1820 Canvas Way 9	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED, SB12-A1	1	301,400
LONDON & MIDDLESEX COMMUNITY HOUSING INC. LONDON & MIDDLESEX COMMUNITY HOUSING INC.	202 McNay St	Install-Apartment Building INSTALL PASSIVE HEAT RECOVERY PANEL		260,000
RICHMOND BLOCK LONDON RICHMOND BLOCK LONDON	232 Central Ave	ALTER OFFICES COMM - INTERIOR ALTER FOR WEEDMD OFFICE AND CREATE BACHELOR SUITE ON THE SECOND FLOOR (TO BE USED BY WEEDMD ONLY)	0	200,000
PTN HOLDINGS LIMITED	24 Swiftsure Ct	Alter Warehousing ID - INTERIOR FIT UP FOR NEW TENANT AEROSPACE, UNIT 2 SHELL ONLY -SEALED GATE STUCURAL DRAWINGS REQUIRED PRIOR TO WORK IN THESE AREAS	0	300,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	247 Thompson Rd	Alter Schools Elementary, Kindergarten WASHROOM RENOVATION	0	800,000
I.F. PROPCO HOLDINGS (ONTARIO) 31 LTD. I.F. PROPCO HOLDINGS (ONTARIO) 31 LTD.	250 York St	Alter Offices CM - ALTER - RENO EXISTING OFFICE TO CREATE SNACK AREA (NO FOOD PREP), W/ MECH	0	340,000
I.F. PROPCO HOLDINGS (ONTARIO) 31 LTD. I.F. PROPCO HOLDINGS (ONTARIO) 31 LTD.	250 York St	Alter Offices CM - ALTER - TO RENOVATE EXISTING SOUND STUDIO, W/ MECH, Fire Alarm, Sprinkler relocates	0	556,200
Sifton Properties Limited London Life Insurance Company	255 Queens Ave	Alter Offices CM - ALTER - RENOVATE 23RD FLOOR EXISTING OFFICES, W/ STRUCT, MECH, FPO Submit SPRINKLER SYSTEM DRAWING for review, as noted on plans.	0	1,168,000
FARHI CORPORATION FARHI HOLDINGS CORPORATION	270 Dundas St	Alter Financial Institution HVAC REPLACEMENT FOR EXISTING BMO BANK	0	125,000
GREENGATE LTD. GREENGATE VILLAGE LTD.	2805 Asima Dr	Erect-Townhouse - Condo RT - ERECT 7 UNIT TOWNHOUSE BLOCK #49, UNFINISHED BASEMENTS	7	1,200,000
LONDON HEALTH SCIENCES CENTRE LONDON HEALTH SCIENCES CENTRE	339 Windermere Rd	Add University IS - ADDITION AND INTERIOR RENOVATIONS IN ROBARTS BUILDING LAB 0270H AND IMAGING SUITES	0	2,000,000
LONDON HEALTH SCIENCES CENTRE LONDON HEALTH SCIENCES CENTRE	339 Windermere Rd	Add University IS - ADDITION AND INTERIOR RENOVATIONS IN ROBARTS BUILDING LAB 0270H AND IMAGING SUITES	0	2,000,000
Willow Bridge Construction Inc	3560 Singleton Ave 44	Erect-Townhouse - Cluster SDD ERECT NEW BUILD, 2 STOREY, 2 CAR GARAGE, 4 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED, SB12-A1, UNIT 43. SOILS REPORT REQUIRED	1	376,000

City of London - Building Division

Principal Permits Issued from January 1, 2020 to January 31, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
GOBAL MAILWAGANAM CAPREIT LIMITED PARTNERSHIP	366 Oxford St W	Alter Apartment Building Alter to repair balconies	0	190,000
GOBAL MAILWAGANAM CAPREIT LIMITED PARTNERSHIP	368 Oxford St W	Alter Apartment Building Alter to repair balconies	0	190,000
Langs Holdings Limited	4099 Breck Ave	Alter Automobile Repair Garage CM - ALTER TO CREATE NEW OFFICES AND LOUNGE	0	476,000
458 Central Avenue (London) Property Holdings Inc	458 Central Ave	Alter Offices CM - ALTER TO RENOVATE EXISTING MAIN FLOOR OFFICE SUITE, W/ STRUCT, MECH, PLUMB, FPO	0	150,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	53 Frontenac Rd	Alter Schools Elementary, Kindergarten IS - 2 NEW UNIVERSAL WASHROOMS AND BARRIER - FREE ENTRANCE	0	375,000
IRONSTONE COMPANY INC. IRONSTONE BUILDING COMPANY INC.	745 Chelton Rd	Install-Townhouse - Condo INSTALL SITE SERVICES		650,000
W L K Seniors Assistance Association Inc	75 Albert St	Alter Apartment Building BOILER REPLACEMENT	0	270,000
LONDON HEALTH SCIENCES CENTRE LONDON HEALTH SCIENCES CENTRE	800 Commissioners Rd E	Alter Hospitals IS - ALTERATION TO A1-919 SUITE TO ACCOMMODATE NEW TREATMENT EQUIPMENT	0	400,000
Rogers Cable Real Estate Dept Rogers Cable Communications C/O Real Estate Dept	800 York St	Alter Offices CM - INTERIOR ALTER TO EXISTING OFFICES ON THE 1ST AND 2ND FLOOR. SHELL - Sprinklers shop drawings and hydraulic calculations to be provided.	0	1,000,000

Total Permits 44 Units 16 Value 24,218,306

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

Commercial building permits issued - subject to Development Charges under By-law C.P. -1535-144

OWNER
1601878 Ontario Inc

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: Paul and Marie Miszczak
2701 Hyde Park Road

Public Participation Meeting on: March 9, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Paul and Marie Miszczak relating to the property located at 2701 Hyde Park Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 24, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Agricultural (AG1) Zone **TO** an Agricultural Special Provision (AG1(*)) Zone and an Agricultural Special Provision (AG1(**)) Zone.

Executive Summary

Summary of Request

The requested action is to rezone the subject property to facilitate the severance of a surplus farm dwelling.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to facilitate the severance of a surplus farm dwelling, recognize a reduced lot area on the parcel to be retained and to recognize the lot dimensions and setbacks of the new lot proposed to be severed.

Rationale of Recommended Action

1. The proposed amendment is consistent with the PPS, 2014;
2. The proposed amendment conforms to the in-force policies of The London Plan, including but not limited to the Farmland Place Type; and
3. The proposed amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to Agriculture designation.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject property is located to the north of the intersection of Hyde Park Road and Sunningdale Road West, in the Fox Hollow neighbourhood. The subject property is located on the east side of Hyde Park Road, outside of the City's Urban Growth Boundary and is immediately adjacent to the City's northern boundary. The site is currently occupied by two single detached dwellings, one being utilized for the purpose of a farm dwelling with the other a surplus farm dwelling, and agricultural land. The subject property was recently part of an application for consent where provisional consent was granted on May 3, 2019 for the severance of approximately 1.1 hectares for the purpose of existing residential uses and to retain approximately 20.3 hectares for the purpose of existing agricultural uses, subject to the clearance of conditions.



Figure 1: Subject property.



Figure 2: Surplus farm dwelling.

1.2 Location Map



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

- Official Plan Designation – Agriculture
- The London Plan Place Type – Farmland Place Type
- Existing Zoning – Agricultural (AG1) Zone

1.4 Site Characteristics

- Current Land Use – Farm dwelling and surplus farm dwelling
- Frontage – 359.6 metres (1179.8 feet)
- Depth – 607.9 metres (1994.4 feet)
- Area – 21.4 hectares (52.9 acres)
- Shape – Irregular

1.5 Surrounding Land Uses

- North – Agricultural uses
- East – Agricultural uses
- South – Agricultural uses/residential
- West – Agricultural uses

2.0 Description of Proposal

2.1 Development Proposal

The applicant is requesting to rezone their property at 2701 Hyde Park Road to facilitate the severance of a surplus farm dwelling as the existing single detached dwelling, located on the severed parcel, is no longer accessory to a farm operation as depicted in Figure 3 below. The applicant is also requesting a reduction in lot area, lot frontage and interior side yard depth as well as a reduced lot area on the retained lands. No new development is proposed as part of the application.

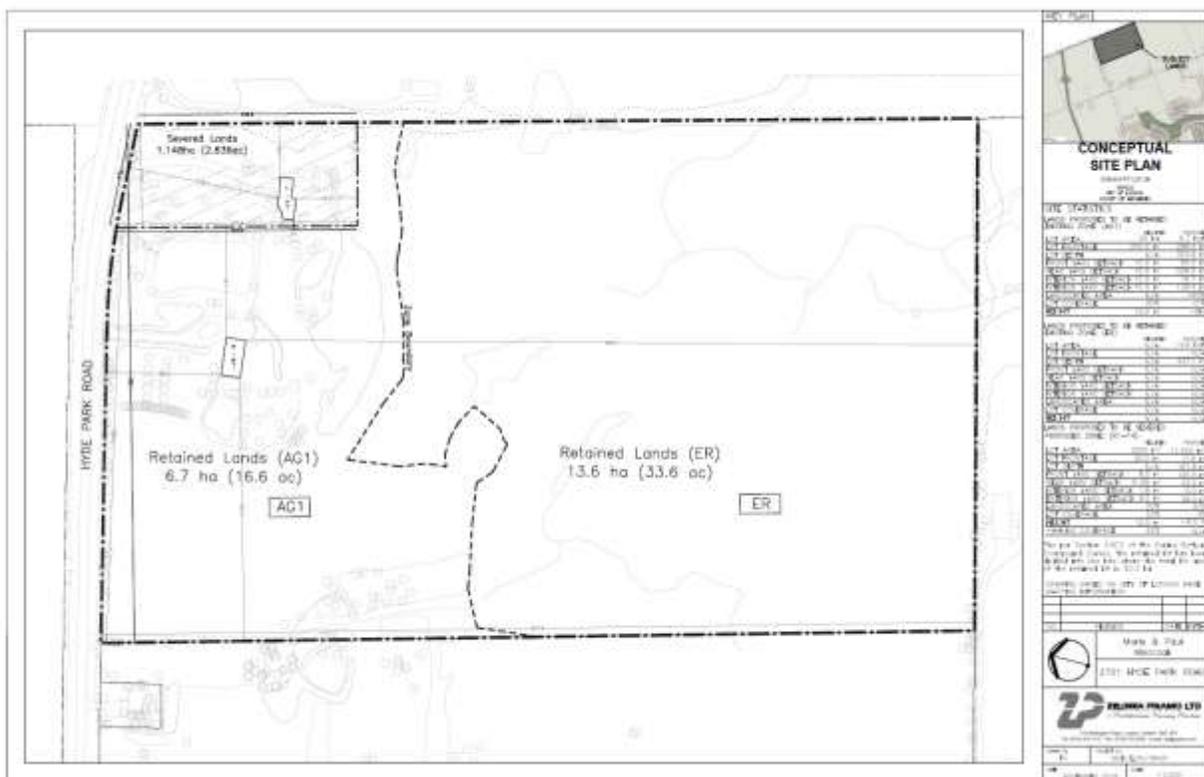


Figure 3: Conceptual Site Plan

3.0 Relevant Background

3.1 Planning History

As previously identified, on April 17, 2019, the City of London Consent Authority granted provisional consent of application B.041/18 with a revised notice of provisional consent issued on May 3, 2019, subject to conditions which must be satisfied before any certificates of consent are issued. The effect of this consent was to sever approximately 1.1 hectares for the purpose of existing residential uses, and to retain approximately 20.3ha for the purpose of agricultural uses. One of the conditions of the consent was

that the Owner shall ensure that the severed and retained lands comply with the regulations of the Z.-1 Zoning By-law, inclusive of obtaining the necessary *Planning Act* approvals to permit the proposed use on the severed and retained lands.

3.2 Requested Amendment

The applicant is requesting to rezone 2701 Hyde Park Road from an Agricultural (AG1) Zone to an Agricultural Special Provision (AG1(*)) Zone and an Agricultural Special Provision (AG1(**)) Zone to facilitate the severance of a surplus farm dwelling and the continuation of an existing single detached dwelling. Special provisions are requested to permit a reduced lot area on both the severed and retained parcel, and a reduced lot frontage and interior side yard depth on the severed parcel.

3.3 Community Engagement (see more detail in Appendix B)

Staff received one phone call and one email from neighbouring property owners seeking further clarification. The respondents did not express any concerns or objections for the application as proposed.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest relating to land use planning and development. All decisions affecting land use planning matters shall be “consistent” with the policies of the PPS. The subject lands are located within a prime agricultural area which shall be protected for long-term agricultural use (2.3.1.). Permitted uses within the prime agricultural areas, as identified in the PPS, include agricultural uses, agriculture-related uses and on-farm diversified uses (2.3.3.1), it being noted that the agricultural uses on the retained lands will be maintained as part of the application to rezone the subject lands. The PPS further identifies prime agricultural areas as areas where prime agricultural lands predominate with the Canada Land Inventory Class 1, 2, and 3 lands given some of the highest priority areas for protection (2.3.1.). The subject property is located within an area of a mix of Class 1 and Class 2 soils in accordance with the Canada Land Inventory map.

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 in the Farmland Place Type and Environmental Review Place Type of *The London Plan* on a Rural Thoroughfare, in accordance with *Map 1 and *Map 3. The subject lands are further located within Specific Policy Area 1, as identified on *Map 7 – Specific Policy Areas. The Specific Policy identifies that in the Farmland Place Type at 2701 Hyde Park Road, one consent to sever the existing non-farm residential use may be permitted (1237_). The Farmland Place Type consists of prime agricultural land, including Canada Land Inventory Classes 1, 2, and 3 soils, and associated Class 4 through 7 soils that will be protected and maintained for the long term as the base to support a healthy, productive, and innovative agricultural industry (1179_). The Environmental Review Place Type on the subject site is not proposed to change and will be maintained in the current form and location.

(1989) Official Plan

The subject site is located in the Agriculture and Environmental Review designation, in accordance with Schedule A. The predominant land use activities within the Agriculture designation include agriculture and farm-related uses. Identical to the Special Policy Area identified in *The London Plan*, Chapter 10 – Policies for Specific Areas in the

(1989) Official Plan identifies that in the Agriculture designation at 2701 Hyde Park Road located on the east side of Hyde Park Road, abutting the City boundary, one consent to sever the existing non-farm residential use from the larger agricultural parcel may be permitted (10.1.3.lxi)). The Environmental Review designation on the subject site is not proposed to change and will be maintained in the current form and location.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Severance of Surplus Farm Dwelling

Provincial Policy Statement, 2014 (PPS)

Prime agricultural areas are specifically defined in the PPS to include specialty crop areas and/or Canada Land Inventory Class 1, 2, and 3 lands (2.3.3.1.). The Canada Land Inventory identifies the subject lands as Class 2 agricultural soils. As such, the subject lands are identified as prime agricultural lands in a prime agricultural area and are required to be protected for long-term agricultural purposes. Lot creation in prime agricultural areas is discouraged though may be permitted for a residence surplus to a farming operation as a result of farm consolidation (2.3.4.1.c)). The new lot created is limited to the minimum size required to support private services, and no new residential dwellings are permitted on the remnant farmland created by the severance. The proposal is to facilitate the severance of a surplus farm dwelling with the minimum sufficient area to accommodate private services and shall prohibit future dwellings on the retained lands by way of the existing zoning.

The PPS identifies that new land uses, inclusive of lot creations, shall comply with the minimum distance separation formulae (2.3.3.3.). In accordance with provincial implementation guidelines, amendments to rezone or redesignate land already zoned or designated for a non-agricultural use shall only need to meet the Minimum Distance Separation I (MDS I) setbacks if the amendments will permit a more sensitive land use than existed before. As the surplus farm dwelling is existing and the intent of the application is to facilitate the severance of a surplus farm lot, there are no issues with respect to the proposed non-agricultural use and the Minimum Distance Separation Formula.

Based on the above analysis, the requested amendment to facilitate the severance of a surplus farm dwelling is generally consistent with the lot creation policies of the PPS for prime agricultural areas as it would provide for the continuation of an existing residential use, now made surplus to a farming operation.

The London Plan & 1989 Official Plan

The subject property is located within the Farmland Place Type, in accordance with *Map 1 of The London Plan and the Agriculture designation, in accordance with Schedule A of the (1989) Official Plan. The (1989) Official Plan and The London Plan regulate a minimum farm parcel size of 40 hectares, as established by the Zoning By-law (1215_2 and 9.2.9.). It is recognized through the (1989) Official Plan that there are some existing land holdings in the Agricultural designation do not meet the minimum farm parcel (9.2.9.). The subject parcel, prior to an Application for Consent, has a lot area of approximately 21.45 hectares, as existing.

The (1989) Official Plan provides specific policies relating to the subject property permitting, one consent to sever the existing non-farm residential use from the larger agricultural parcel (10.1.3.lxi)). The Farmland Place Type of The London Plan also provides identical policies relating to the subject property permitting one consent to sever the existing non-farm residential use (1237_). The purpose of this application is to rezone the portion of lands which contain the existing non-farm residential dwelling, consistent with the specific policies of both the (1989) Official Plan and The London Plan, to facilitate a corresponding request for severance.

Furthermore, both the (1989) Official Plan and The London Plan contemplate the severance of land, under certain circumstances. The Farmland Place Type and the

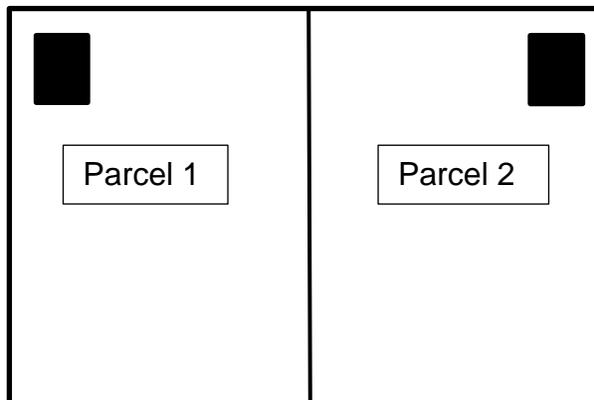
Agriculture designation, contemplate a consent to sever land for surplus farm dwellings, among other circumstances, when in conformity with the Rural Place Type policies of The London Plan and policy 9.2.14.6. of the (1989) Official Plan (1227_3 and 9.2.14.2.iv)).

Based on the special policies identified above and general consent policies, consents to sever agricultural land to create a lot for an existing dwelling is permitted in conformity with the Farmland Place Type subject to review criteria (1230_). Similarly, the (1989) Official Plan contains review criteria for the consent to sever agricultural land to create a lot with an existing dwelling (9.2.14.6.). The following is a review of the relevant review criteria pertaining to the subject application however, all applicable review criteria were evaluated.

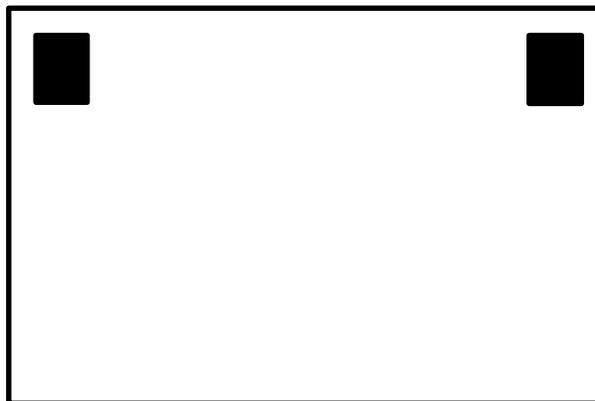
1. The land being conveyed from the dwelling lot parcel will be registered in the same name and title as the adjoining parcel will be deemed from that date to be one parcel.

The review criteria requires that land being severed from the dwelling lot is to be merged to an adjoining parcel. The following will further analyze the review criteria.

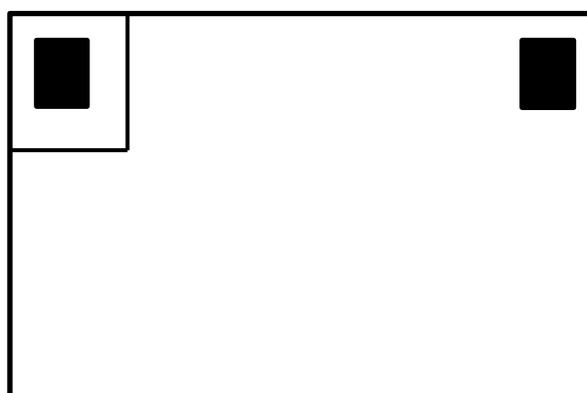
The following diagram represents an existing lot condition within an agricultural area with two farm parcels, each containing one farm dwelling, identified as Parcel 1 and Parcel 2.



Parcel 1 and Parcel 2 are proposed to be merged on title as one property. Thus, creating a larger farm parcel, now with two existing farm dwellings.



The review criteria, and other applicable policies, then contemplates the severance of one of the farm dwellings as one of the farm dwellings is now considered to be a surplus.



As it relates to the subject site, the subject lands are existing with two dwellings. The merging of properties is not occurring and creating a situation where there are two dwellings on one parcel. As such, the proposed severance of the surplus farm dwelling represents a different situation than proposed in the criteria, making it inapplicable.

2. The retained dwelling lot will be kept to a minimum size necessary to comply with the Zoning By-law and to accommodate individual on-site waste water treatment and water supply

The current zoning on the lands, being Agricultural (AG1) Zone, regulates a minimum lot area of 40 hectares. The subject property, including both the proposed severed and retained lands, are existing as an agricultural parcel with a lot area of less than 40 hectares.

The proposed lands to be retained contain a total lot area of 20.3 hectares of which 6.7 hectares are zoned Agricultural (AG1) and 13.6 hectares are zoned Environmental Review. As such, the proposed retained lands are of adequate size to accommodate individual on-site waste water treatment and water supply. However, since the Agriculturally zoned lands are less than the required 40 hectares in lot area, a special provision has been requested to recognize a minimum lot area of 6.7 hectares.

The proposed severed lands comprise a lot area of 1.1 hectares and will be of adequate size to accommodate individual on-site waste water treatment and water supply. As the existing lands as a whole are deficient in lot area, a special provision has been requested to recognize a minimum lot area of 1.1 hectares. Additional special provisions requested to facilitate the severance of the surplus farm dwelling include a reduced minimum lot frontage and a reduced minimum interior side yard depth.

It is noted that although the severance of the surplus farm dwelling does create an additional agricultural parcel of less than 40 hectares, the previously identified specific policies in both the (1989) Official Plan and The London Plan contemplate one severance of a surplus farm dwelling at the subject property.

3. The dwelling lot cannot be severed if it is part of the farm cluster. The farm cluster is the grouping of buildings and structures on the farm unit that would include the principle farm residence and any secondary dwelling unit and farm related buildings and structures.

The surplus dwelling is not part of a farm cluster as the definition of a farm cluster means the grouping of farm related buildings and farm dwelling(s) in an arrangement which maximizes the agricultural area and potential of the farm lot. The surplus farm dwelling is sufficiently separated from the principle dwelling on the proposed retained lot.

4. No new residential dwelling units are permitted on any remnant parcel of farmland created by the severance.

No new residential dwelling units are proposed as part of the application. Furthermore, policies within The London Plan regarding consents to sever agricultural lands to create a lot for an existing dwelling identify that no new residential dwelling units are permitted on any remnant parcel of farmland created by the severance (1230_4). The AG1 zone permits a dwelling as-of-right and both the retained and severed parcels each contain an existing dwelling. As such, no additional residential dwelling units would be permitted as part of this application.

In terms of the use of the surplus farm dwelling located in a prime agricultural area, as the applicant is proposing the severance of a surplus farm dwelling, both

the (1989) Official Plan and The London Plan identify that compliance with MDS I requirements are not required for surplus farm dwelling severances, except where the surplus farm dwelling is located on the same lot as the subject livestock facility (9.2.10. and 1776_1). This is not the situation on the subject lands.

More information and detail is available in Appendix B and C of this report.

5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2014 and conforms to the in-force policies of The London Plan and the 1989 Official Plan. The recommended amendment will not create negative impacts permitted on surrounding land uses and is consistent with other surplus farm dwelling parcels within the agricultural area.

Prepared by:	Melanie Vivian, Planner I, 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.	

February 28, 2020

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

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Appendix A

Appendix "A"

Bill No.(number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 2701
Hyde Park Road.

WHEREAS Paul and Marie Miszczak have applied to rezone an area of land located at 2701 Hyde Park 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 2701 Hyde Park Road, as shown on the attached map comprising part of Key Map No. A101, from an Agricultural (AG1) Zone to an Agricultural Special Provision (AG1(*)) Zone and an Agricultural Special Provision (AG1(**)) Zone.

2) Section Number 45.4 of the Agriculture (AG1) Zone is amended by adding the following Special Provision:

-) AG1(*) 2701 Hyde Park Road
 - a) Permitted Use
 - i) An existing single detached dwelling
 - b) Regulation[s]
 - i) Lot Area 1.1 hectares (2.7 acres)
(Minimum)
 - ii) Lot Frontage 71 metres (232.9 feet)
(Minimum)
 - iii) Interior Side Yard Depth 5.0 metres (16.4 feet)
(Minimum)

3) Section Number 45.4 of the Agriculture (AG1) Zone is amended by adding the following Special Provision:

-) AG1(**) 2701 Hyde Park Road
 - a) Regulation[s]
 - i) Lot Area 6.7 hectares (16.6 acres)
(Minimum)

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on March 24, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 24, 2020
Second Reading – March 24, 2020
Third Reading – March 24, 202

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



File Number: Z-9152
 Planner: MV
 Date Prepared: 2020/01/21
 Technician: rc
 By-Law No: Z.-1-

SUBJECT SITE 

1:5,000

0 25 50 100 150 200 Meters



Geotitles

Appendix B – Public Engagement

Community Engagement

Public liaison: On December 4, 2019 Notice of Application was sent to 10 property owners in the surrounding area. On December 23, 2019 Notice of Revised Application was sent to 10 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 5, 2019 and a Notice of Revised Application was published January 16, 2020. A “Planning Application” sign was also posted on the site.

2 replies were received.

Nature of Liaison: Zoning Amendment to facilitate the severance of a surplus farm dwelling, recognize a lot area on the parcel to be retained, and recognize the lot dimensions and setbacks of the new lot proposed to be severed

Responses: A summary of the various comments received include the following:

Concern for:

One member of the public was seeking further clarification regarding the proposed application and expressed no concerns at this time.

One member of the public was seeking further clarification with respect to the purpose of the subdivision and if there were any future plans regarding the zoning on the subject property to anything other than agricultural.

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

Telephone	Written
Jim Borrowman 2611 Hyde Park Road	Kevin Cardiff

From: Kevin Cardiff
Sent: Thursday, January 9, 2020 9:56 AM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] 2701 Hyde Park Road Planning Application

Hi Melanie

I own the property directly to the north and adjoining this property. I am wondering what the purpose of this subdivision is and are there any future plans to further change the zoning of the remaining lands to anything other agricultural land. You can contact me anytime at the below.

Thanks in advance

Kevin Cardiff, NCSO
 Project Coordinator – Special Projects Division
 Volker Stevin Contracting Ltd.

7175 – 12th St. S.E. | Box 5850 Stn A | Calgary, Alberta T2H 1Y3
 T:
 E:



Agency/Departmental Comments

December 13, 2019 & January 2, 2020 – 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.

The site is presently serviced by London Hydro. Contact Engineering Dept. if a service upgrade is required to facilitate these zoning changes. Any new and/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required.

January 3, 2020 – Upper Thames River Conservation Authority

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

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The Regulation Limit is comprised of a wetland hazard and the surrounding area of interference. The area to be re-zoned is located on the edge of the area of interference and does not directly contain a wetland. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

The UTRCA's Environmental Planning Policy Manual is available online at: <http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>
The policy which is applicable to the subject lands includes:

2.2.4 Natural Hazard Features

An allowance of 15 metres has been added to the Riverine Hazard Limit for the purpose of maintaining sufficient access for emergencies, maintenance and construction activities. The allowance provides for an extra factor of safety providing protection against unforeseen conditions that may affect the land located adjacent to a natural hazard area.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature. The area to be re-zoned is located on the edge of the area of interference and does not directly contain a wetland. For the purpose of this application, an EIS will not be required.

DRINKING WATER SOURCE PROTECTION: Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are**

within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

RECOMMENDATION

As indicated, the subject lands are regulated by the UTRCA, and the area to be re-zoned is located on the edge of the area of interference surrounding a wetland. The UTRCA has no objections or Section 28 permit requirements for this application.

February 7, 2020 – Environmental and Engineering Services

Transportation:

- Road widening dedication of 18.0m from centre line required along Hyde Park Road as per section 4.21 of the Zoning By-law.

It is noted that the road widening dedication will be taken during the consent application and is included as a condition of consent.

Water:

- Municipal Water is not accessible to this property at this time.

Sewer:

- There is no municipal sanitary sewer available for the subject lands at 2701 Hyde Park Road on Hyde Park Road.

Stormwater:

- The site is located outside of the Urban Growth boundary.
- The site is located within the UTRCA regulated area and therefore UTRCA approval/permits may be required, including confirmation as to required setbacks.
- There is no municipal storm sewer or outlet available for this site and therefore any future proposed development will be required to include a SWM functional report indicating how the site(s) is proposed to be serviced (e.g. on-site controls, LID, etc.).
- Any proposed LID solutions 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. All LID proposals are to be in accordance with Section 6 Stormwater Management of the Design Specifications & Requirements manual; and may be reviewed for eligibility for reduction in stormwater charges as outlined in section 6.5.2.1.
- Please note, that any future development applications within the subject lands that are not serviced by municipal water or wastewater systems may be subject to a suitability study of the hydrogeological conditions that includes an assessment of water supply and sewage disposal system impacts from the proposed development(s) associated with the site. If required, the hydrogeological assessment shall be prepared by a qualified professional and demonstrate, to the satisfaction of the City, that private water well(s) and private sewage disposal system(s) can be established that meet the appropriate standards and will not impact adjacent properties and/or natural heritage features.
- City of London Standards require the Owner to provide a Storm/Drainage Servicing Report demonstrating compliance with SWM criteria and environmental targets identified in the Design Specifications & Requirements Manual. Due to the sensitivity of adjacent subwatersheds; this may include but not be limited to, quantity control, quality control (80% TSS), erosion, stream morphology, etc.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.

- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP (formerly MOECC) standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.
- Additional SWM related comments will be provided upon future review of this site.

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

2.3.1, 2.3.3.1, 2.3.4.1.c), 2.3.3.3

The London Plan

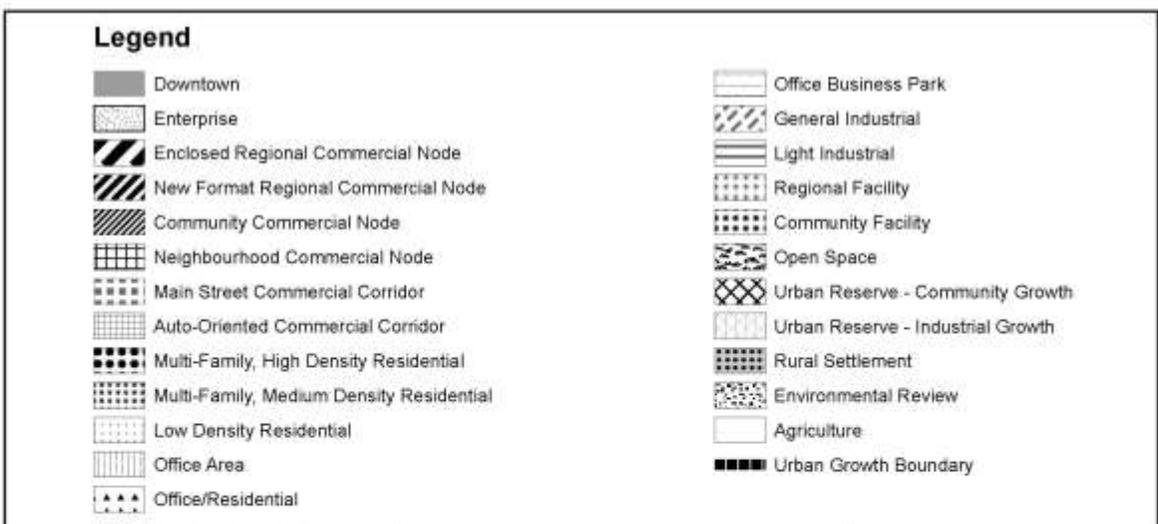
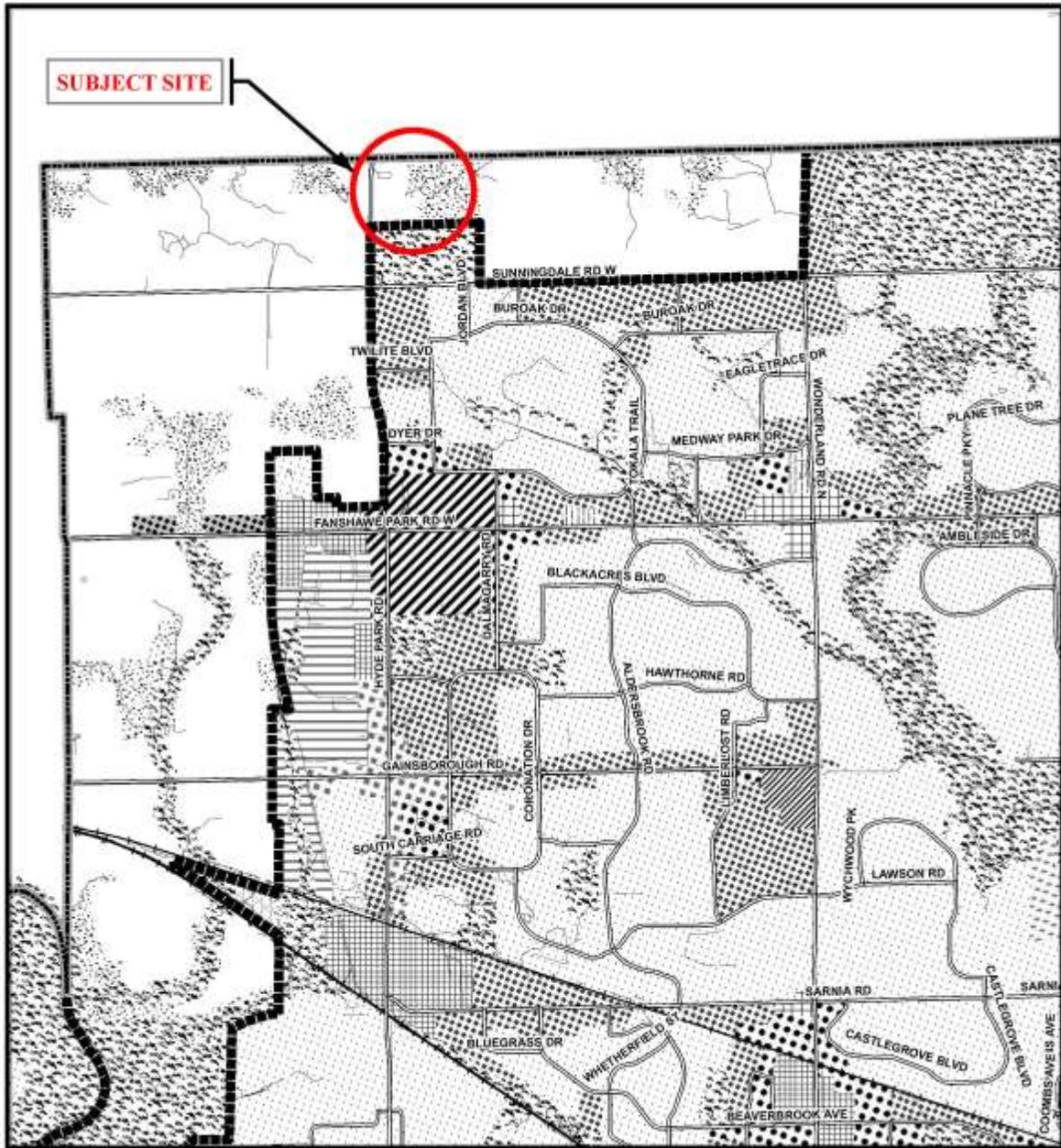
1776_1, 1179_, 1215_2, 1227_3, 1230_, 1230_4, 1237_

1989 Official Plan

9.2.9, 9.2.10, 9.2.14.2.iv), 9.2.14.6, 10.1.3.1xi

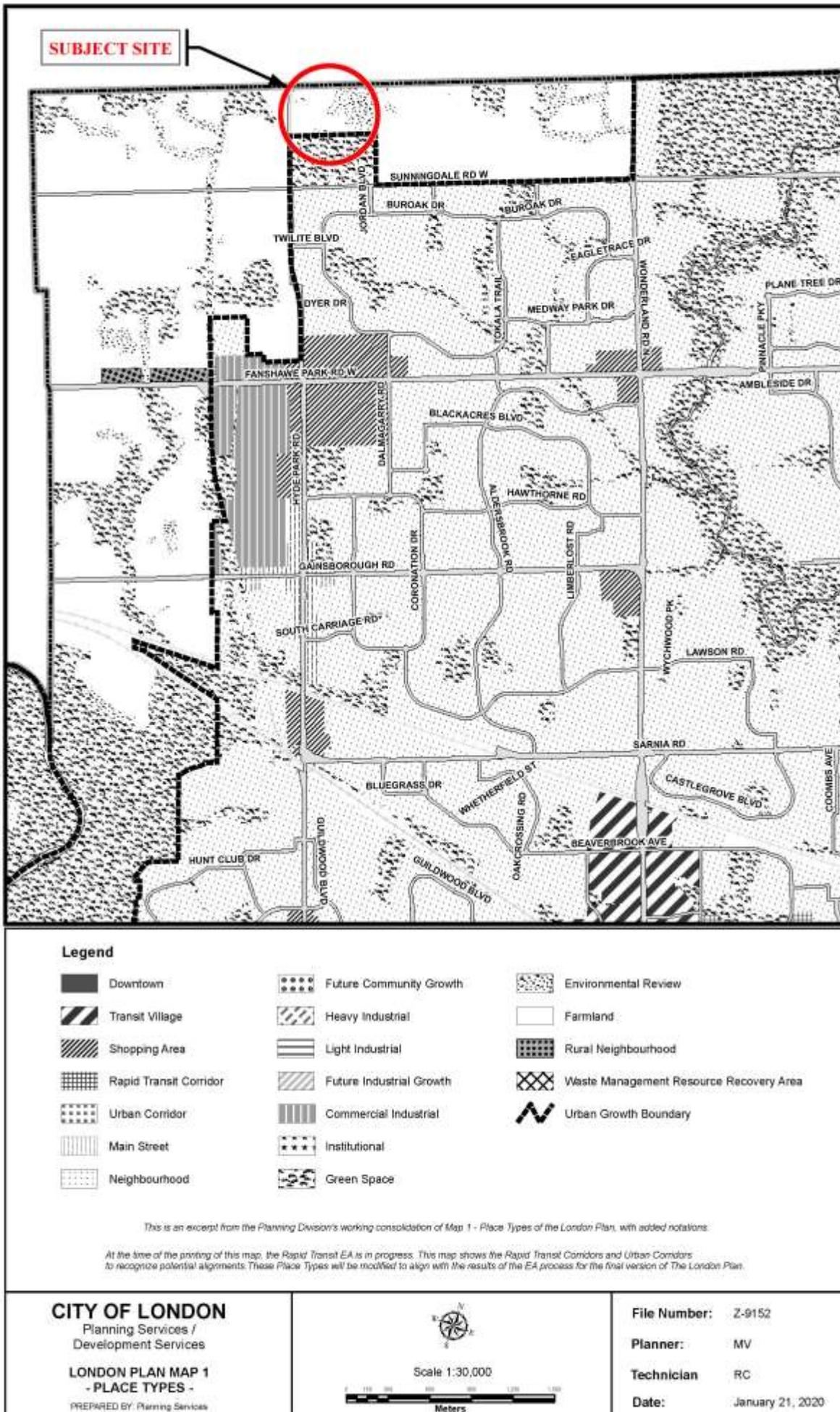
Appendix D – Relevant Background

Additional Maps

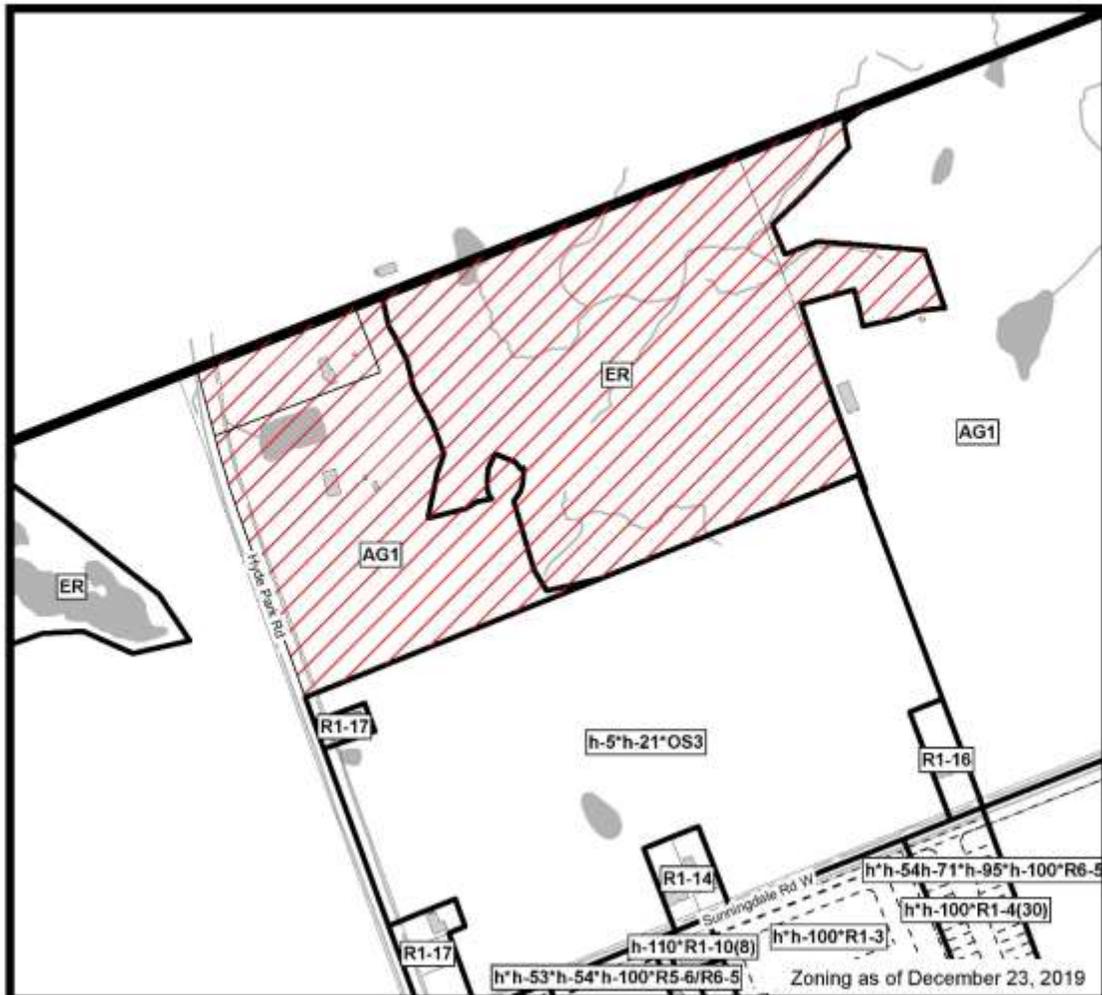


<p>CITY OF LONDON Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p><small>PREPARED BY: Graphics and Information Services</small></p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>FILE NUMBER: Z-9152</p>
		<p>PLANNER: MV</p> <p>TECHNICIAN: RC</p> <p>DATE: 2020/01/21</p>

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid00\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd



Project Location: E:\Planning\Projects\p_officialplan\workconsolid00\excerpts_LondonPlan\mxd\Z-9152-Map1-PlaceTypes.mxd



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 | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| H8 - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "H" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-9152

MV

MAP PREPARED:

2020/01/21

rc

1:6,000

0 30 60 120 180 240 Meters

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

Additional Reports

B.041/18 – Application for Consent to sever approximately 1.1 hectares for the purpose of existing residential uses and to retain approximately 20.3 hectares for the purpose of existing agricultural uses. Provisional consent decision was granted conditionally May 3, 2019.

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: 2193302 Ontario Inc.
699 Village Green Avenue

Public Participation Meeting on: March 9, 2020

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of 2193302 Ontario Inc. relating to the property located at 699 Village Green Avenue, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting March 24, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **BY AMENDING** the Convenience Commercial Special Provision (CC(11)) Zone.

Executive Summary

Summary of Request

The requested amendment would expand the range of permitted uses to include clinic, medical/dental office, wellness centre, and studio within the existing building, while also recognizing existing zoning deficiencies with respect to lot depth, interior side yard depth, rear yard depth, and parking area setback.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to add clinic, medical/dental office, wellness centre, and studio to the existing range of permitted uses within the existing building. The requested amendment would also recognize the existing lot depth of 28.3 metres, interior side yard depth of 0 metres, rear yard depth of 1.9 metres, and parking area setback of 0 metres from the ultimate road allowance.

Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2014;
2. The recommended amendment is in conformity with the in-force and effect policies of The London Plan;
3. The recommended amendment is in conformity with the in-force and effect policies of the 1989 Official Plan;
4. The recommended amendment facilitates reuse of an existing convenience commercial building with compatible uses.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located in the Westmount Planning District on the south side of Village Green Avenue, north of Lynngate Grove Park. The site is developed with an existing one-storey commercial building with a gross floor area of 287.33 square metres. 21 parking spaces exist on site.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type

- Existing Zoning – Convenience Commercial Special Provision (CC(11)) Zone

1.3 Site Characteristics

- Current Land Use – Convenience Commercial Plaza
- Frontage – 36.8 metres (120.7 feet)
- Depth – 28.3 metres (92.84 feet)
- Area – 1,258 square metres (13,540 square feet)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Low Density Residential
- East – Woodcrest Community Pool
- South – City-owned Parkland (Lynngate Grove Park)
- West – Low Density Residential

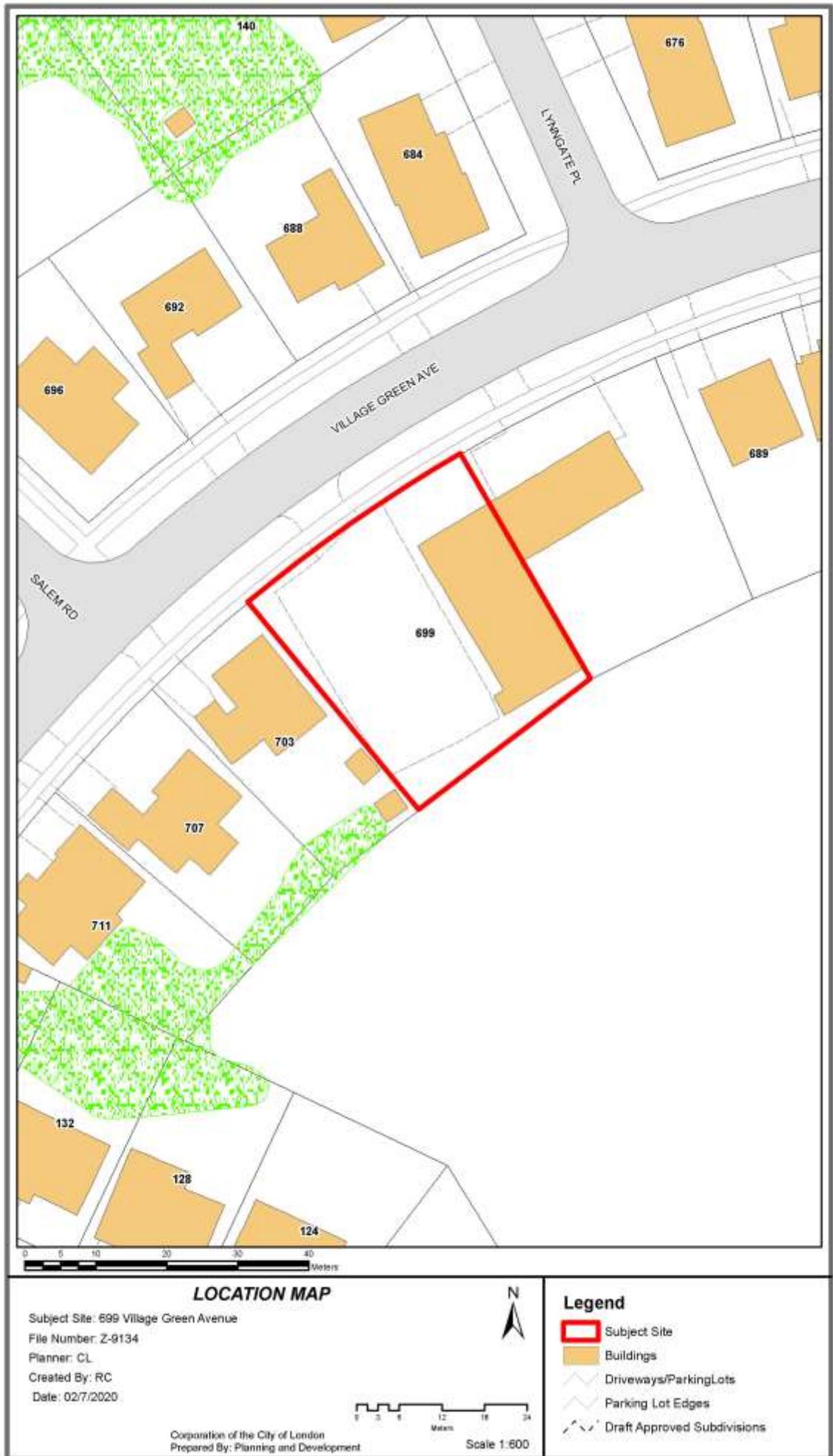


Figure 1: Existing building at 699 Village Green Avenue



Figure 2: Existing parking at 699 Village Green Avenue

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The applicant is proposing to rezone the subject site to add clinic, medical/dental office, wellness centre, and studio uses within the existing building. No new development is proposed on site.



Figure 3: Existing Conditions Plan

3.0 Relevant Background

3.1 Planning History

The site was previously subject to a rezoning in 2012 (Z-8072) to add florist shops, restaurants, day cares, and professional and service offices as permitted uses within the existing building and to recognize the existing number of parking spaces on site.

3.2 Requested Amendment

The applicant is requesting to rezone the subject site to add clinic, medical/dental office, wellness centre, and studio to the existing range of permitted uses within the existing building. Special provisions to permit a lot depth of 28.3 metres, an interior side yard depth of 0 metres, a rear yard depth of 1.9 metres, and a parking area setback of 0 metres are also requested. The existing range of permitted uses would continue to apply to the site, as well as the existing special provision recognizing the existing number of parking spaces.

3.3 Community Engagement (see more detail in Appendix B)

Five (5) written responses and one (1) phone call were received from four (4) neighbouring property owners, which will be addressed later in this report. The primary concerns were largely related to the construction of a barbed wire fence on the subject property prior to submission of this Zoning By-law Amendment application.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) 2014, provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

Section 1.1 *Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns* of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It directs cities to make sufficient land available to accommodate this range and mix of land uses to meet projected needs for a time horizon of up to 20 years.

The PPS also directs planning authorities to promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

The London Plan

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

The subject site is in the Neighbourhoods Place Type of The London Plan on a Neighbourhood Connector, as identified on *Map 1 — Place Types and *Map 3 — Street Classifications. The vision for the Neighbourhoods Place Type provides key elements for neighbourhoods, including easy access to daily goods and services within walking distance and employment opportunities close to where we live (*916_6 and *916_7). At this location, the Neighbourhoods Place Type permits a range of low-rise residential uses, including single detached, semi-detached, duplex and triplex dwellings up to a maximum height of 2-storeys (*Table 10 and *Table 11).

1989 Official Plan

The subject lands are designated Low Density Residential in the 1989 Official Plan, which applies to lands primarily planned for low rise residential development, such as single detached, semi-detached, and duplex dwellings (3.2). Convenience commercial plazas may be considered as a secondary permitted use within this designation.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Use, Intensity, and Form

Provincial Policy Statement, 2014 (PPS)

The PPS states that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other land uses to meet long term needs (1.1.1b)). Land use patterns within settlement areas are to be based on densities and a mix of land uses which efficiently use land and resources (1.1.3.2a.1). The PPS also requires municipalities to provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses (1.3.1b). Long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness (1.7.1).

The PPS defines intensification as: *the development of a property, site or area at a higher density than currently exists through: a) redevelopment, including the reuse of brownfield sites; b) the development of vacant and/or underutilized lots within previously developed areas; c) infill development; and d) the expansion or conversion of existing*

buildings. Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3).

The requested amendment represents a form of intensification, as defined by the PPS, through the conversion of an existing building to a new use. The requested clinic, medical/dental office, wellness centre, and studio uses represent an appropriate opportunity for intensification, taking into account existing building stock and availability of existing infrastructure.

The London Plan

The London Plan provides Key Directions that must be considered to help the City effectively achieve its vision (54_). These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies the Plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below:

55_ Direction #1 Plan strategically for a prosperous city

1. Plan for and promote strong and consistent growth and a vibrant business environment that offers a wide range of economic opportunities.

59_ Direction #5 Build a mixed-use compact city

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

61_ Direction #7 Build strong, healthy and attractive neighbourhoods for everyone

1. Plan for healthy neighbourhoods that promote active living, provide healthy housing options, offer social connectedness, afford safe environments, and supply well distributed health services.
8. Distribute educational, health, social, cultural, and recreational facilities and services throughout the city so that all neighbourhoods are well-served.

The Key Directions promote economic opportunities and healthy neighbourhoods with well distributed health services. The requested amendment to permit a limited range of additional office and medical/wellness uses supports these directions to supply well distributed health services in neighbourhoods.

The subject site is located within the Neighbourhoods Place Type of The London Plan with frontage on a Neighbourhood Connector (Village Green Avenue). It is a goal of The London Plan to allow for an appropriate range of retail, service and office uses within neighbourhoods, however the range of these uses will only be permitted if they are appropriate and compatible within a neighbourhood context (*924_). The requested amendment will facilitate the conversion of a portion of an existing commercial building to accommodate a broader range of office and medical uses. Non-residential uses may be permitted only when it is demonstrated that the proposed form of development can fit well within the context of the residential neighbourhood (*936_3). The owner has recently modernized the exterior of the building with fresh paint and new architectural features, such as parapets, added to the roofline. Aside from these cosmetic upgrades, no major changes have been made to the building since its initial construction in the 1980's and none are proposed at this time. Over time, the small-scale commercial site has demonstrated a level of compatibility with the surrounding low rise residential neighbourhood.

*Table 10 identifies the range of primary and secondary permitted uses that may be

allowed within the Neighbourhoods Place Type, by street classification (*921_). *Table 11 provides the range of permitted heights based on street classification (*935_1). *Table 10 permits non-residential uses at the intersection of two higher order streets. However, the subject site is not at an intersection and has frontage on a Neighbourhood Connector, a lower order street. *Table 11 permits a minimum building height of one-storey and maximum of two-storeys. The existing building is one-storey and is in conformity with this requirement. As *Tables 10 and 11 are currently under appeal, these policies are informative but are not determinative and cannot be relied on for the review of the requested amendment. Given that the commercial building has existed since the 1980's and has demonstrated a level of compatibility, staff is satisfied the requested amendment to permit a limited range of additional uses is appropriate.

1989 Official Plan

The primary permitted uses of the Low Density Residential designation include single detached, semi-detached, and duplex dwellings (3.2.1). Existing convenience commercial and service station uses which meet specific criteria are recognized as permitted uses and may be recognized as permitted uses in the Zoning By-law (3.2.1v). The preferred location for convenience commercial uses and service stations 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 (3.6.5). These criteria are as follows:

i) Function

Convenience commercial uses and service stations should be designed to function at a neighbourhood scale while providing services to surrounding residential areas and the travelling public.

The existing single-storey building and overall site are designed at a neighbourhood scale. No additions or increases to the intensity are proposed.

ii) Permitted Uses

Convenience commercial and service station uses permitted within the Residential designations include the following:

(a) Convenience Commercial

Variety stores; video rental outlets; film processing depots; financial institutions; medical/dental offices; small take-out restaurants, small food stores; and gasoline sales associated with a variety store. For convenience commercial sites with a gross floor area in excess of 500m², additional uses including offices, studios, commercial schools, day care centres, bake and florist shops, pharmacies, restaurants eat-in and convenience business service establishments may be permitted. In special circumstances, Council may permit low impact uses such as small commercial schools and day care centres in convenience commercial sites smaller than 500m² in size through a Zoning Bylaw Amendment. A variety store, or personal service establishment located on the ground floor of an apartment building may be permitted provided it is oriented towards serving the needs of the residents of the building and the immediate surrounding area. The exact range of permitted uses will be specified in the Zoning By-law (emphasis added).

(c) Existing Uses

Convenience commercial uses and service stations in Residential designations which were existing on the date of adoption of this Plan, and which meet the locational criteria of the Plan are recognized as legal conforming uses. The location of those existing convenience commercial uses and service stations that are recognized by the Plan are shown on Appendix Schedule 1, Convenience Commercial and Service Stations. Convenience commercial uses and service stations in Residential designations which were legally existing on the date of the adoption of this Plan, but which do not meet the locational criteria of the Plan, will be regarded as legal non-conforming uses.

The proposed clinic and medical/dental office uses are permitted as secondary uses within the Low Density Residential designation. According to the existing conditions plan in Figure 3, the existing building has a gross floor area of approximately 287.33 square metres. The proposed clinic, medical/dental office, wellness centre, and studio uses, all within the existing building, are considered low impact uses due to the small scale nature of the building. In 2012, Council approved a Zoning By-law Amendment to expand the range of permitted convenience commercial uses to include florist shops within the existing building without a drive-through, restaurants within the existing building without a drive-through, offices within the existing building without a drive-through, and day care centres within the existing building without a drive-through.

The existing building was purpose-built for convenience commercial uses and has operated as such since its initial construction in the late 1980s. As such, the convenience commercial uses are regarded as legal non-conforming and on this basis, the range of permitted uses was previously expanded in 2012 to include additional low impact commercial uses.

iii) Location

Convenience commercial uses and service stations 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 and service stations are at the intersections of major roads.

The property is located on the south side of Village Green Avenue, a secondary collector, and is compatible with the surrounding residential neighbourhood. The interface between the subject site and the surrounding area has evolved over the years and there have been no apparent indicators of adverse impacts on the surrounding area.

iv) Scale of Development

The size of individual convenience commercial uses and service stations will be specified in the Zoning By-law, and will be at a scale which is compatible with surrounding land uses.

Convenience commercial centres or stand-alone uses should not exceed 1,000 square metres (10,764 square feet) of gross leasable area.

The site is currently developed with a gross floor area of approximately 287.33 square metres. The requested amendment does not propose additional gross floor area, but rather would allow for the conversion of a portion of the existing building to clinic, medical/dental office, wellness centre, and studio uses. The proposed uses have a lower parking rate than the uses currently permitted by the existing zoning, therefore no additional parking is required.

v) Form of Development

Convenience commercial uses and service stations will be permitted as stand-alone uses or as part of a convenience commercial centre. It is not the intent of convenience commercial policies to permit large free-standing uses that should be located in other commercial designations.

The requested amendment does not propose any changes to the existing building or site, aside from interior modifications to accommodate the proposed uses. The existing building consists of two commercial units and the requested amendment would facilitate the occupancy of the second unit.

The recommended amendment facilitates the conversion of a portion of an existing convenience commercial building with a limited range of office/commercial uses. Staff is satisfied the recommended amendment satisfies the criteria for convenience commercial uses in the Low Density Residential designation. As such, staff is satisfied the requested amendment is in conformity with the policies 1989 Official Plan.

It should also be noted that the requested amendment does not represent the introduction of a new convenience commercial use where one does not exist. As previously mentioned, the recommended amendment seeks to permit a modest expansion to an existing convenience commercial site.

4.2 Issue and Consideration # 2: Zoning

As part of the requested amendment, the applicant has requested special provisions to recognize the following existing site deficiencies: a reduced minimum lot depth of 28.3 metres, whereas 60 metres is required; a reduced minimum interior side yard depth of 0 metres, whereas 3 metres is required; a reduced minimum rear yard depth of 1.9 metres, whereas 3 metres is required; and parking located 0 metres from the road allowance, whereas 3 metres is required. Given that these deficiencies are existing and have caused no known impacts on the surrounding neighbourhood, staff have no concerns with the requested special provisions. It is noted that no changes or enlargements are proposed to the building or parking area. Further, the requested uses would only be permitted within the existing building.

A special provision recognizing the existing number of parking spaces currently applies to the site and is proposed to remain. The proposed uses have lower parking requirements than the uses currently permitted by the existing zoning, therefore staff have no concerns with the existing number of parking spaces accommodating the proposed new uses.

4.3 Issue and Consideration # 3: Existing Fence

The subject property backs onto Lynngate Grove Park, a City-owned park with a single pedestrian access off of Lynngate Grove. Between 1999 and 2000, the City installed a play structure, swing sets, and two pedestrian walkways in Lynngate Grove Park – one giving access from the subject lands and the other from Lynngate Grove. In 2019, the subject site was sold and the new owner constructed a barbed-wire fence along the property line thereby preventing access between the subject site and Lynngate Grove Park. Concerns surrounding this fence were raised by several neighbouring property owners, specifically with respect to the barbed wire and loss of access to the park.

While the previous owner allowed informal public access to Lynngate Grove Park over their private lands, it was never formally established through an easement. Without an easement, there is no legal mechanism to obligate the new owner to continue permitting public access. As such, they are within their right to construct a fence provided it is in compliance with the City's Fence By-law. In accordance with Part 8 of the Fence By-law, barbed wire is permitted on the top of a fence erected on a lot used for commercial or industrial uses provided that it projects inwards to the area enclosed by the fence. As the site is currently zoned commercial and the barbed wire projects inward to the property, the fence is in compliance with the Fence By-law.

More information and detail is available in the appendices of this report.

5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2014, and is in conformity with the in-force and effect policies of The London Plan, including but not limited to the Key Directions, and the in-force and effect policies of the 1989 Official Plan. The recommended amendment will facilitate the reuse of an existing, underutilized building with compatible uses.

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

February 28, 2020

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

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 699
Village Green Avenue.

WHEREAS 2193302 Ontario Inc. has applied to rezone an area of land located at 699 Village Green Avenue, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section Number 29.4a) of the Convenience Commercial (CC) Zone is amended by amending the following Special Provision:

- | | |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------|
| CC(11) | 699 Village Green Avenue |
| a) | Additional Permitted Uses |
| i) | Florist Shops within the existing building without a drive-through |
| ii) | Restaurants within the existing building without a drive-through |
| iii) | Offices within the existing building without a drive-through |
| iv) | Day Care Centres within the existing building without a drive-through |
| v) | Clinics within the existing building without a drive-through |
| vi) | Medical/Dental Offices within the existing building without a drive-through |
| vii) | Wellness Centres within the existing building without a drive-through |
| viii) | Studios within the existing building without a drive-through |
| b) | Regulations |
| i) | Lot Depth (Minimum) 28.3 metres (92.84 feet) |
| ii) | Interior Side Yard Depth (Minimum) 0 metres (0 feet) |
| iii) | Rear Yard Depth (Minimum) 1.9 metres (6.23 feet) |
| iv) | 21 parking spaces are required for all permitted uses within the existing building |
| v) | The parking area, as existing on the date of the passing of the by-law, may be permitted 0 metres (0 feet) from the ultimate road allowance |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

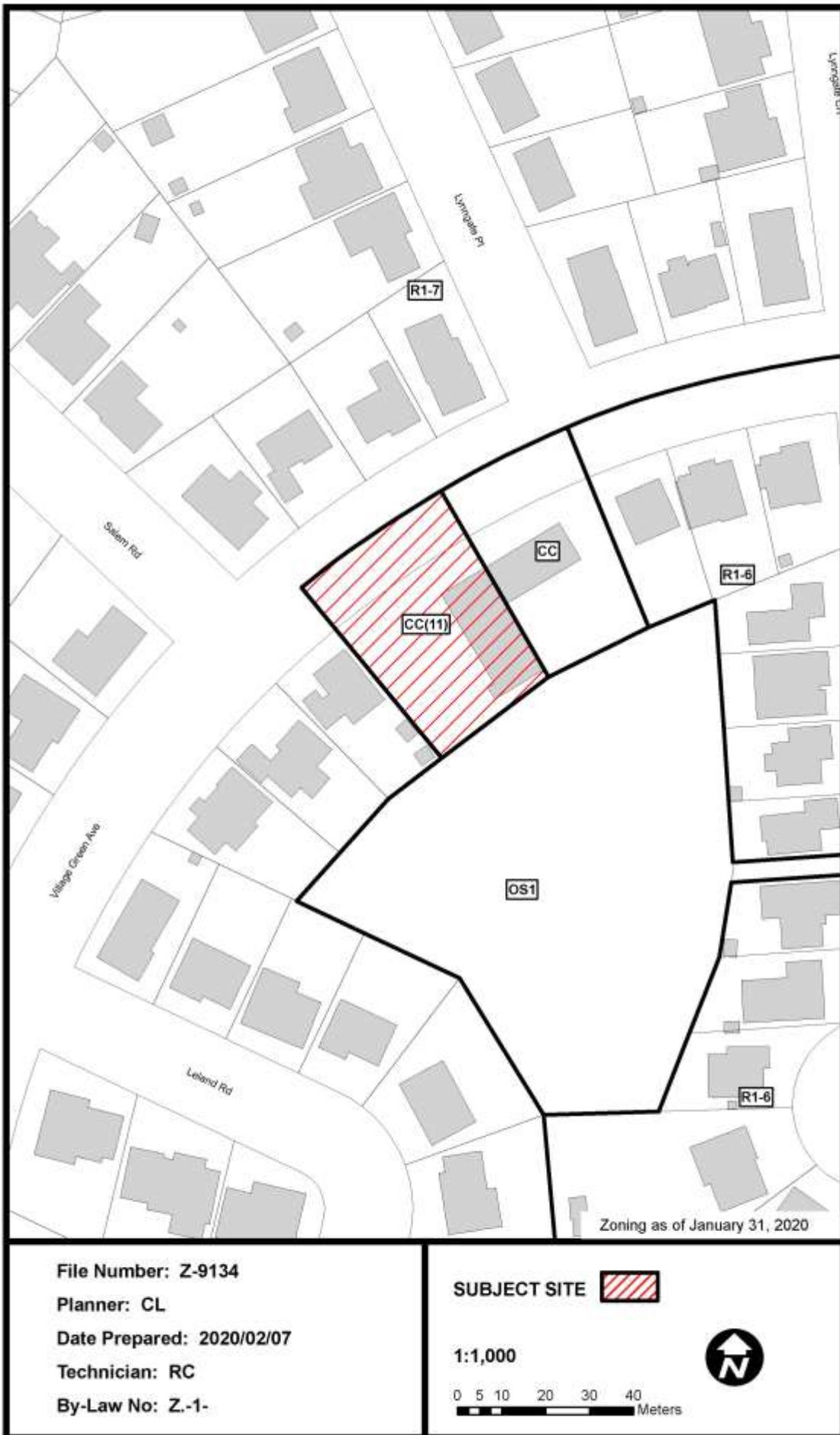
PASSED in Open Council on March 24, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 24, 2020
Second Reading – March 24, 2020
Third Reading – March 24, 2020

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



Geocastbase

Appendix B – Public Engagement

Community Engagement

Public liaison: On November 13, 2019, Notice of Application was sent to 94 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 14, 2019. A “Planning Application” sign was also posted on the site.

Six (6) replies were received from four (4) neighbouring property owners.

Nature of Liaison: The purpose and effect of this zoning change is to add clinic, medical/dental office, wellness centre, and studio as permitted uses. Possible change to Zoning By-law Z.-1 **FROM** a Convenience Commercial Special Provision (CC(11)) Zone **TO** a Convenience Commercial Special Provision (CC(__)) Zone to add the requested uses. Special provisions would recognize the following existing site deficiencies: a reduced minimum lot depth of 28.3 metres, whereas 60 metres is required; a reduced minimum interior side yard depth of 0 metres, whereas 3 metres is required; a reduced minimum rear yard depth of 1.9 metres, whereas 3 metres is required; and parking located 0 metres from the road allowance, whereas 3 metres is required. The existing special provision permitting additional uses and recognizing the existing number of parking spaces would continue to apply to the site.

Responses: A summary of the various comments received include the following:

Concern for:

Fencing and Loss of Access to Lynngate Grove Park:

Concern regarding the construction of the existing barbed wire fence on-site, preventing access to Lynngate Grove Park from Village Green Avenue. Concerns that the installation of the fence has resulted in only one access to the public park, creating safety and accessibility concerns.

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

Telephone	Written
Ann Marie Kovacs 704 Village Green Avenue London, ON N6K 1H2	Janice Richmond 84 Lynngate Place London, ON N6K 1S5
	Doug Taylor 67 Lynngate Grove London, ON N6K 3S7
	Lionel Mendes 83 Salem Road London, ON N6K 1G1
	Ann Marie Kovacs 704 Village Green Avenue London, ON N6K 1H2

From: Janice Richmond

Sent: Tuesday, November 19, 2019 11:59 AM

To: Lowery, Catherine <clowery@london.ca>; Van Meerbergen, Paul <pvanmeerbergen@london.ca>

Subject: [EXTERNAL] 699 Village Green Avenue

Hello,

I am writing this email to express my concern and opposition to the zoning bylaw amendment at 699 Village Green Avenue.

This property owner has proven to be an unfriendly addition to our neighbourhood. They installed barbed wire along the property and closed the entrance to a long-time, family-used park for their own selfish, unexplained reasons. The neighbours asked for the barbed wire to be removed and nothing was done.

Now, they seek neighbourhood approval for something?! How galling. Please put me on record as opposing any amendments this property owner asks for. Once the barbed wire is removed, perhaps I will reconsider.

ps Perhaps the property owner already knew a medical facility storing drugs would be on-site, thus the barbed wire? One can only guess when there is a lack of communication.

Thank you,
Janice Richmond
Lynngate Place

From: Doug Taylor
Sent: Monday, December 2, 2019 12:08 PM
To: Lowery, Catherine <clowery@london.ca>
Cc: Van Meerbergen, Paul <pvanmeerbergen@london.ca>
Subject: [EXTERNAL] Z-9134 Planning Application

Hi Catherine,

When I see this planning application I don't know whether to laugh or cry.

The guy who is looking for the zoning changes is the same person who put up a barbed wire chain link fence to essentially cut off half the neighbourhood from using the park behind the property.

I am no lawyer but I do know about Adverse Possession and the meaning of Open and Notorious. The fence should never have been allowed to happen. Somebody at City Hall dropped the ball. Big time.

Now Mapleton wants all these amendments. We might as well give him what he wants because we have sure rolled over for him so far.

Doug Taylor
67 Lynngate Grove.

From: Lionel Mendes
Sent: Tuesday, December 3, 2019 11:32 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: [EXTERNAL] Zoning for 699 Village Green Ave. / File: Z-9134

Hello Catherine,

I am a nearby resident, and like everyone else in the neighbourhood I was very shocked to see the new tenant (Mapleton Homes) at this address not long ago. Although I can understand the city may not find it necessary to consult with the neighbouring residents on the new tenant as they did not break any existing zoning stipulations (I never received a letter like this one previously); we did all find it very disheartening and somewhat disrespectful for the city to not only remove a concrete pathway that existed in the adjacent park and was originally placed there by the city itself, but also to allow this new landlord to erect a 8ft+ tall chain link fence with BARB WIRE! I'm not sure how many citizens may or may not have contacted you, but I know that everyone we have encountered in our neighbourhood or even strangers on our walks, are outraged about this!

I can't comprehend how our beloved city and local council permitted this to happen to a small beautiful park used by all children in this neighbourhood for years and past generations. I remember teaching my son how to ride a bike on that very pathway that you had ripped up and now no longer exists. Now neither he or any of the neighbouring children can access the park unless they were to take a very long and unnecessary walk around Village Green to gain access to the one remaining entrance now which seems to only serve the residents of Lynngate Grove.

To give you a little bit of insight; although the previous owner operated a business (variety store) out of this space, he (Victor) was very much a part of this community. Everyone knew him and he was very approachable, kind and respectful. For example, he would even allow overflow parking to visitors who were using the community pool attached, and during Halloween trick or treating he would be open and welcome the kids inside to a free treat! This is the kind of business owner a great community like ours deserved, not the current one who has done nothing but show the community he wants nothing to do with it and any attempts others have made to initiate any contact or friendly greeting, have resulted in a rather underwhelming experience and a clear disdain for his neighbours.

Is the message that our lovely and peaceful Westmount residential community (this is not a commercial neighbourhood or commercial part of town) is so dangerous and riddled with crime that we needed a gigantic fence with security barb wire to keep out all the 8 year old criminals?!? If anything, I think what is more unsafe is that there is only one way in and out of the park now, so if there were ever to be a any sort of threat like an animal, criminal or possible child offender visit the park while children are at play, they would have no other exit or way of escape!

If the pathway was placed there previously for years and years without any issue and enjoyed by all the neighbourhood and clearly with the city's approval, then why all of the sudden was it deemed an issue and the city reversed their previous decision to allow through access in the park therefore now rendering it nearly useless and unsafe for the entire community! I think it's clear that the city opted to chose to provide accommodation to a new possibly long-term paying landlord to fill their pockets, regardless of the consequence or consideration of the long-standing tax payers that occupy this RESIDENTIAL neighbourhood and hoped to raise families where kids become best friends with other neighbourhood kids they met in the park and make memories in the local park like we did when we were young.

This sends a very poor message not only to the existing community, but our younger generation of future leaders being shaped by their surrounding communities and disappointing city council.

Regretfully,

Lionel Mendes

From: Ann Marie Kovacs
Sent: Wednesday, December 4, 2019 1:32 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: [EXTERNAL] Concerns - 699 Village Green

Hello, and thank you for speaking to me today. Here is my formal comments and concerns with respect to the aforementioned property.

I live at 704 Village Green Ave, "kitty-corner" to the property. My children have grown up in this neighbourhood. and played at the park there. This park is part of our community. It backs on to the community pool (which to my understanding was established in the 70's when Sifton built this neighbourhood. My youngest would ride his scooter to his school (Jean Vanier) through this park.

And then one day, the access from Village Green was blocked, neighbours started to get ticketed if they parked on the lot. My son found out about the fence on the Friday when he scooted home, and was met with a fence.

If Mapleton Homes wants to change its zoning (for whatever purpose it wants), I propose an easement allowing the community access to the park, and a gate. Mapleton builds homes, and I guess communities, What they have done when they did this was gate off our park, where our children play. I've emailed the mayor, my counsellor, and Mapleton directly.

In an era when as parents we are trying to get kids off of electronic devices, off Fortnite, off PS4, off their phones, this is counter-productive. We just want the easement which was an oversight 40 years ago. It was meant to be there, as it stands we have a park no one can use.

I don't think that we, as the community who was here before Mapleton, are asking a lot. I oppose their changes until such time as this basic change is considered. I'm saddened that a company who builds communities would fence off a park. And angered,

I look forward to the public hearing.

Ann Marie Kovacs
704 Village Green

From: Ann Marie Kovacs
Sent: Friday, January 3, 2020 12:56 PM
To: Lowery, Catherine <clowery@london.ca>
Subject: Re: [EXTERNAL] Concerns - 699 Village Green

One other point my partner made about the situation at this property - if someone gets hurt, there is only one entrance to the park now, on a side street. If police/ambulance had to get in, there is no easily accessible point of entry anymore. This is a safety concern.

Do you have an update as to when and if there are hearings on this?

Thanks so much -
Ann

Agency/Departmental Comments

November 14, 2019: UTRCA

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

CONSERVATION AUTHORITIES ACT

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

DRINKING WATER SOURCE PROTECTION: Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant

Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are not** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

RECOMMENDATION

As indicated, the subject lands are not regulated and a Section 28 permit will not be required. The UTRCA has no objections to this application.

November 20, 2019: Cycling Advisory Committee

That the Civic Administration BE REQUESTED to ask the applicant to consider adding adequate secure, covered bicycle parking in the proposed development located at 699 Village Green Avenue; it being noted that the Notice of Planning Application, dated November 14, 2019, from C. Lowery, Planner II, Development Services, with respect to a Zoning By-law Amendment for this property, was received.

November 29, 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.

January 30, 2020: Environmental and Engineering Services

No comments for the re-zoning application.

The following items are to be considered during the development application approval stage:

Sewers

- The sanitary sewer available is 250mm diameter on Village Green Ave. Applicant engineer is to ensure and certify PDC size, grade and condition is adequate for the proposed uses.
- Inspection MH is required or if there is an existing one label it as an inspection MH if it is adequate for inspection purposes.

Stormwater

- Zoning By-law amendment application does not indicate demolition or expansion to the building or parking area. Should any exterior construction or existing parking lot construction/restoration be proposed, then new or additional SWM comments are to be expected.

Transportation

- Road widening dedication of 10.75m from centre line required along Village Green Avenue as per the Zoning By-law section 4.21.

Water

- Water Engineering has no comments for this application.

Appendix C – Policy Context

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

Provincial Policy Statement, 2014

1.1.1, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.3.1, 1.7.1

The London Plan

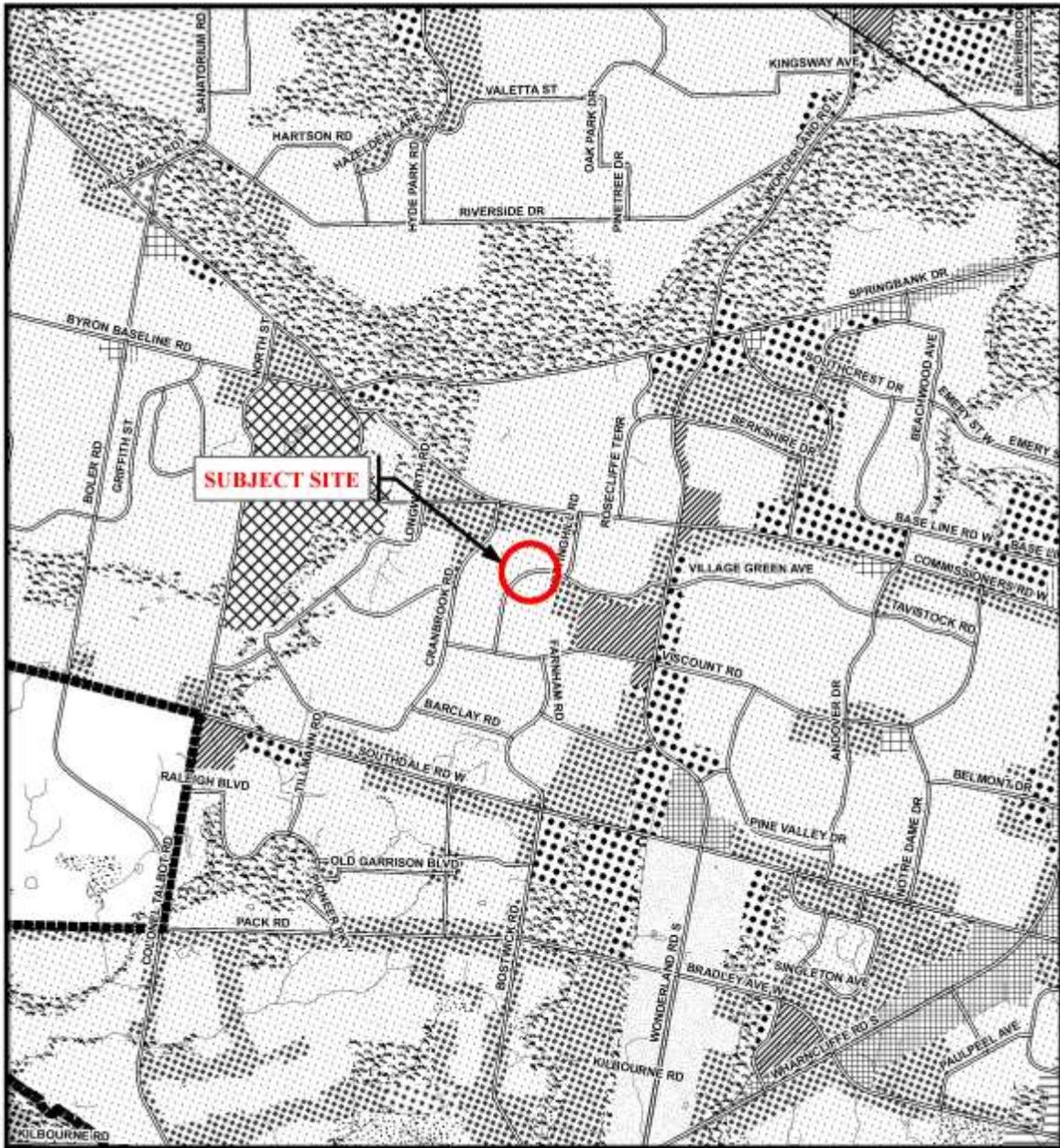
54_, 55_1, 59_4, 61_1, 61_8, *916_6, *916_7, *921_, *924_, *935_1, 936_3, *Table 10,
*Table 11, *Map 1, *Map 3

1989 Official Plan

3.2, 3.2.1, 3.2.1v), 3.6.5 i) to v)

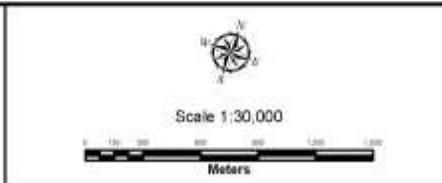
Appendix D – Relevant Background

Additional Maps



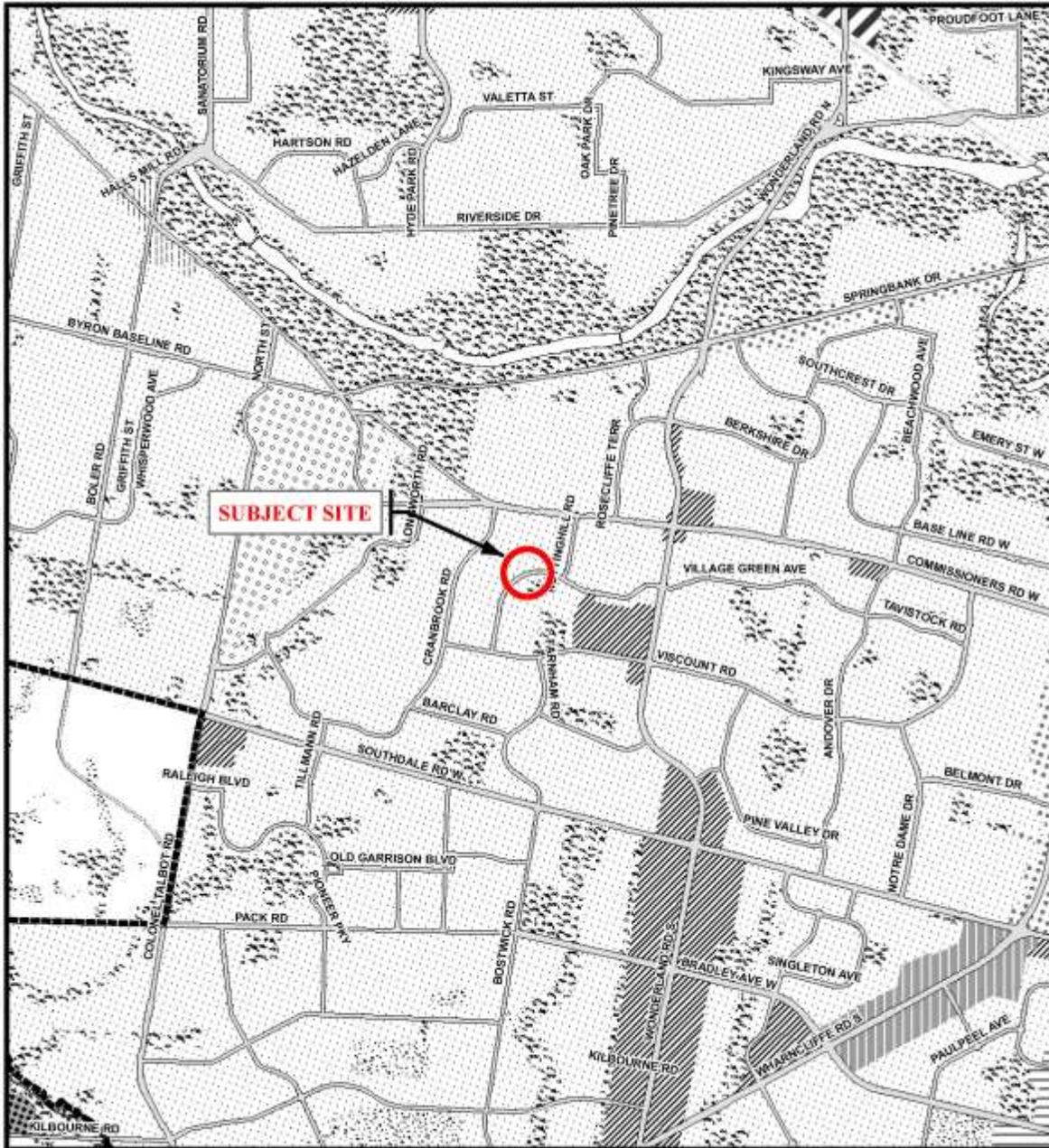
Legend	
	Downtown
	Enterprise
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	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: Z-9134
 PLANNER: CL
 TECHNICIAN: RC
 DATE: 2020/02/07

PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid00\excerpts\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.

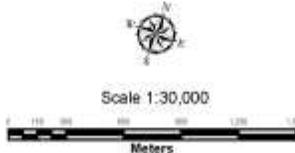
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
 Development Services

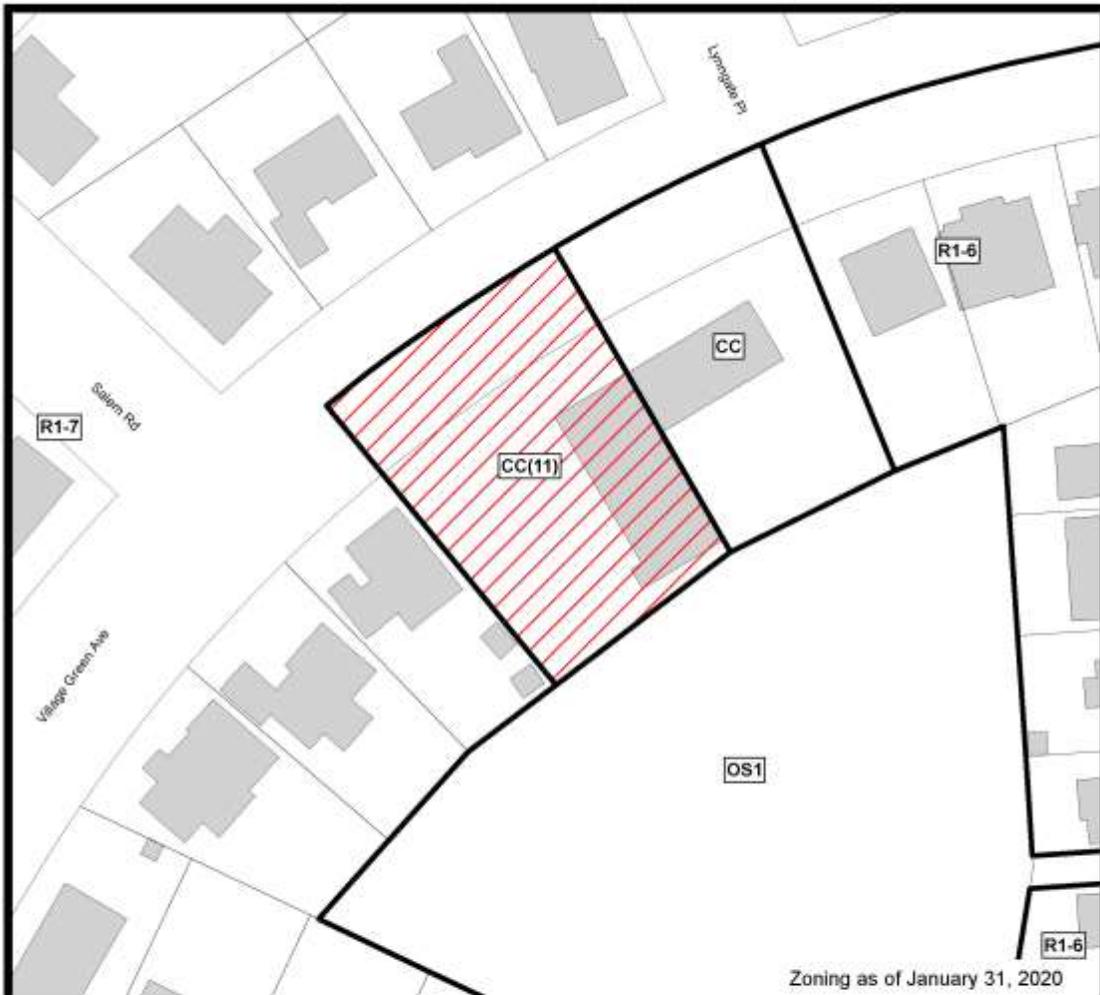
**LONDON PLAN MAP 1
 - PLACE TYPES -**

PREPARED BY: Planning Services



File Number: Z-9134
Planner: CL
Technician: RC
Date: February 7, 2020

Project Location: E:\Planning\Projects\p_officialplan\workconsolid00\excerpts_LondonPlan\mxd\Z-9134-Map1-PlaceTypes.mxd



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**



FILE NO:

Z-9134

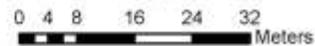
CL

MAP PREPARED:

2020/02/07

RC

1:800



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

Additional Reports

Z-8072: October 15, 2012 – Report to Planning and Environment Committee: Request for Zoning By-law Amendment for 699 Village Green Avenue

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: Residential Boulevard Parking Application - Neil Shaw
279 Regent Street

Public Participation Meeting on: March 9, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Neil Shaw (“the Applicant”) relating to the property located at 279 Regent Street:

- (a) the City Clerk’s Office **BE DIRECTED** to prepare a Residential Boulevard Parking Agreement to permit one (1) boulevard parking space; and,
- (b) the written objection submitted by the Applicant on January 9, 2020 from the decision of the London Boulevard Parking Committee dated January 6, 2020 refusing the Application for Residential Boulevard Parking **BE DISMISSED** for the following reasons:
 - i) The requested expansion of the existing parking area located in the City-owned boulevard does not conform to the general intent and purpose of the ’89 Official Plan and The London Plan with respect to minimizing impacts on the streetscape and minimizing the amount of parking so that the parking is adequate for the intended use of the property;
 - ii) The requested number of boulevard parking spaces is not consistent with Municipal Council’s Residential Front Yard and Boulevard Parking Policy that contemplates a maximum of one (1) boulevard parking space per legal dwelling unit; and,
 - iii) The requested expansion of the existing parking area located in the City-owned boulevard is not in keeping with the scale and form of parking on surrounding properties.

Executive Summary

Summary of Request

The Applicant has submitted an objection to the decision of the London Boulevard Parking Committee and is requesting that Municipal Council approve an Application for Residential Boulevard Parking to permit two (2) boulevard parking spaces to legalize the existing parking area within the City-owned boulevard and an expansion of the existing parking area proximate to the curb.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to permit one (1) boulevard parking space, and dismiss the Applicant’s objection to the decision of the London Boulevard Parking Committee that refused the Application for Residential Boulevard Parking.

Rationale of Recommended Action

1. The recommended number of boulevard parking space(s) conforms to the general intent and purpose of the '89 Official Plan and The London Plan with respect to minimizing impacts on the streetscape and minimizing the amount of parking so that the parking is adequate for the intended use of the property; and,
2. The recommended number of boulevard parking space(s) is consistent with Municipal Council's direction under the Residential Front Yard and Boulevard Parking Policy that contemplates a maximum of one (1) parking space per legal dwelling unit.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands known municipally as 279 Regent Street are located on the south side of Regent Street between Wellington Street and Waterloo Street in North London. The subject lands are occupied by a single detached dwelling and are located in an established neighbourhood characterized by single detached dwellings. A parking area associated with the subject lands and located in the City-owned boulevard is a long-standing condition that can be observed in aerial photography dating back to 1998. The existing parking area located in the City-owned boulevard can accommodate two (2) vehicles parked in tandem (i.e. one vehicle in front of another vehicle).

The subject lands are a listed heritage property in the City of London Register of Cultural Heritage Resources. The property dates from 1931 and reflects Tudor Revival styling.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Residential R1 Special Provision (R1-5(3)) Zone

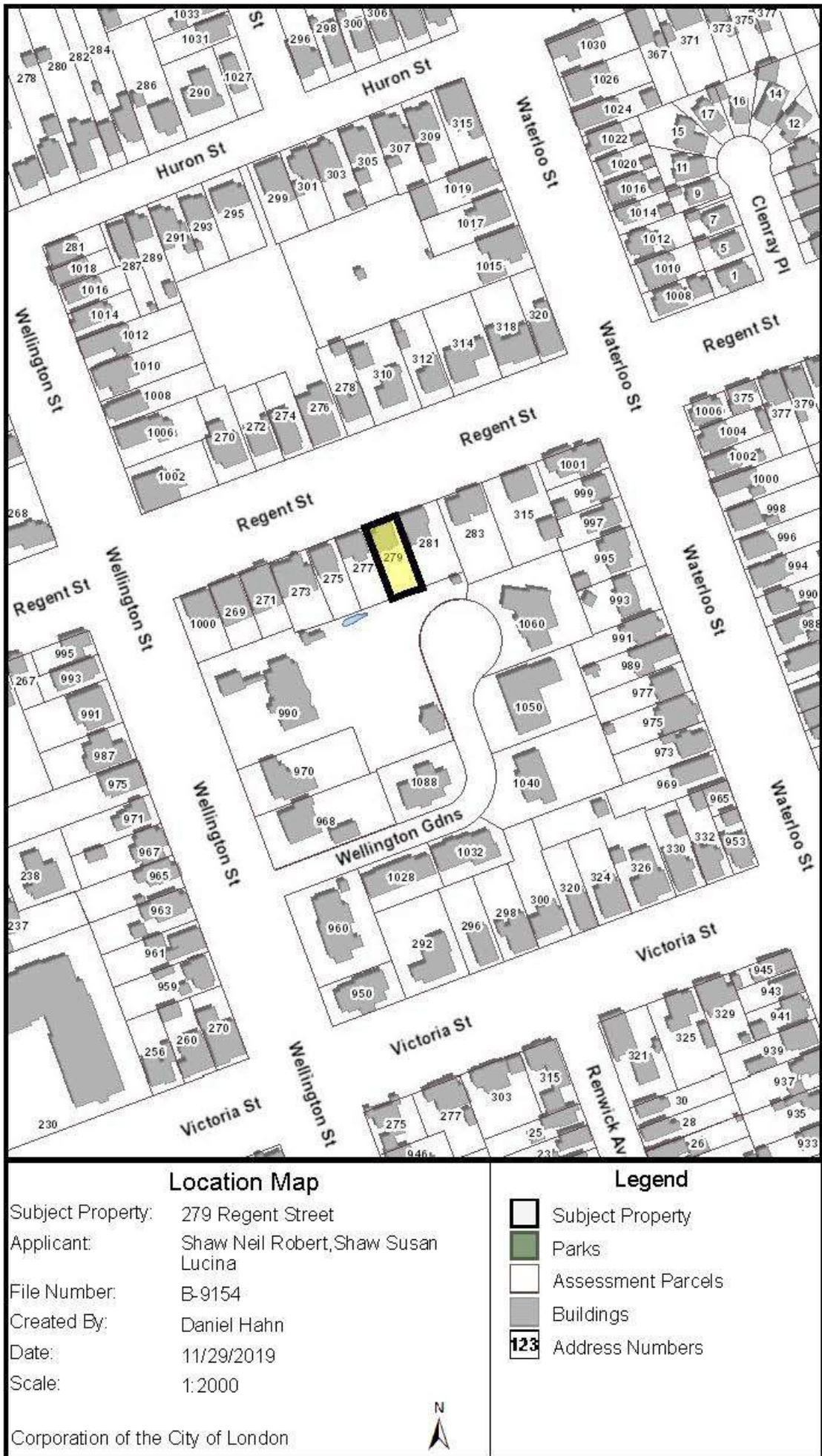
1.3 Site Characteristics

- Current Land Use – Single detached dwelling
- Frontage – 13.7m (45ft)
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – Residential - (single detached dwellings)
- East – Residential - (single detached dwellings)
- South – Residential - (single detached dwellings)
- West – Residential - (single detached dwellings)

1.6 LOCATION MAP



2.0 Description of Proposal

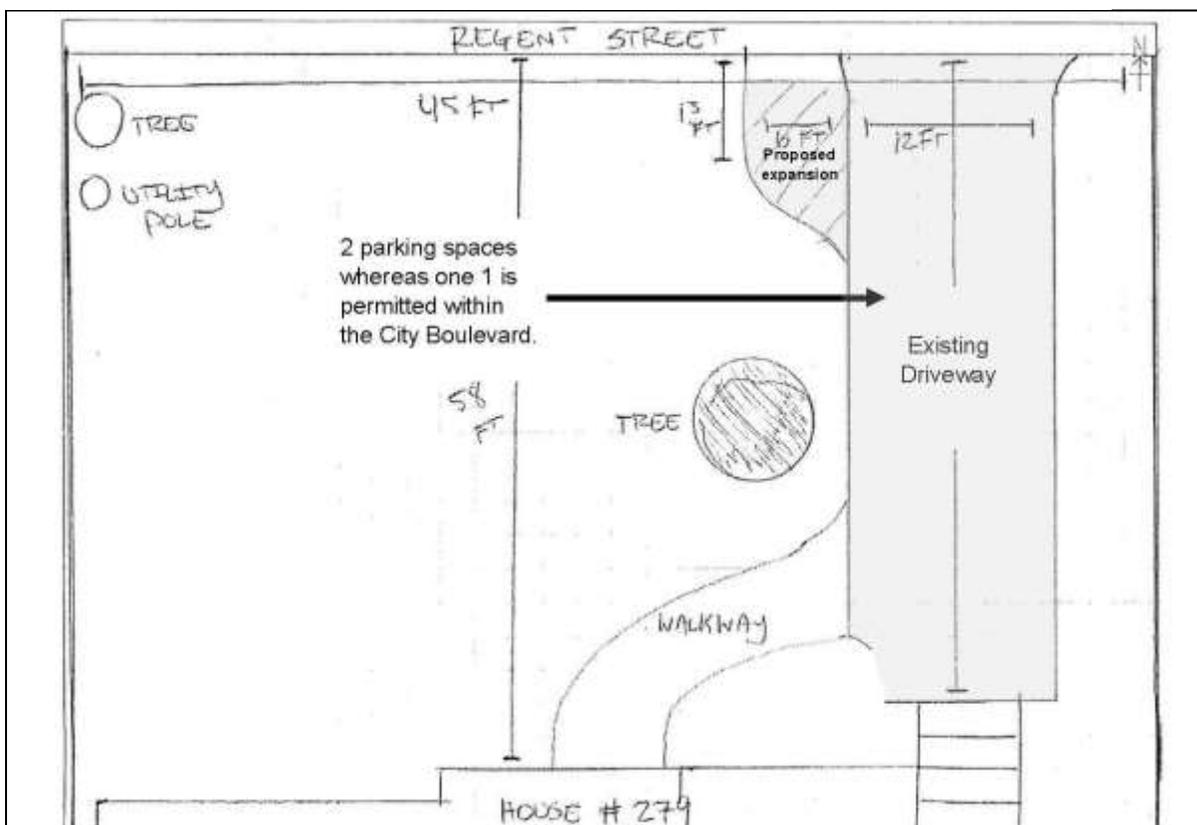
2.1 Development Proposal

The Applicant is requesting that Municipal Council approve an Application for Residential Boulevard Parking to permit two (2) boulevard parking spaces to legalize the existing parking area within the City-owned boulevard and an expansion of the existing parking area proximate to the curb (See Figure 1). The existing parking area located in the City-owned boulevard is approximately 3.5 metres (12ft) wide by 13.7 metres (45ft.) deep, and the requested expansion of the existing parking area is approximately 1.8 metres (6ft) wide by 4.0 metres (13ft) deep. The existing parking area and proposed expansion are wholly located in the City-owned boulevard.

Figure 1: Aerial Image of 279 Regent Street, with property lines bordered in yellow. The City of London boulevard portion is highlighted in green.



Figure 2: Conceptual Site Plan.



3.0 Relevant Background

3.1 Residential Boulevard Parking

Residential Boulevard Parking refers to a parking area that is located within the City-owned road allowance. The boulevard includes any portion of the road allowance that is not used as the travelled roadway.

Municipal Council established the Residential Front Yard and Boulevard Parking Policy to accommodate instances where private parking can only be facilitated in the front yard and/or within the adjoining boulevard part of the street. The Municipal Council policy created an approval process, minimum and maximum standards, a standard form agreement, and an enforcement process for the consideration of boulevard parking.

As a result of Municipal Council Resolution 67.5.4, dated October 3, 2000, Municipal Council delegated approval of residential boulevard parking to City staff. (The powers delegated to staff have been put into practice, although the Residential Front Yard and Boulevard Parking Policy was not subsequently amended to reflect the delegated approval authority). Prior to the delegated approval authority, applications to permit residential boulevard parking were submitted to the Planning Committee (the precursor Planning and Environment Committee ("PEC")) for approval by Municipal Council. The intent of Municipal Council Resolution 67.5.4 was to create an administrative committee (known as the London Boulevard Parking Committee) to streamline the approval process, reduce application fees, and reduce the amount of time that Municipal Council had to spend on these matters, while preserving the opportunity for public comment and appeal to Municipal Council.

The London Boulevard Parking Committee is mandated to review Applications for Residential Boulevard Parking, based on Municipal Council's established evaluative criteria for residential boulevard parking. Notice of Application is circulated to all property owners within 60 metres of the subject site and to neighbourhood or community associations if such associations exist, and departments internal to the City of London, and external agencies. Where a written objection to the decision of the London Boulevard Parking Committee is received within 20 days of the Notice of Decision, Development Services prepares a report to PEC for consideration at a Public Participation Meeting. PEC provides a recommendation to Municipal Council on the matter. Municipal Council's decision is final.

3.2 Application History

On September 18, 2019, the Applicant submitted a Curb Cut/Driveway Widening Request Record to the City of London related to the proposed expansion of the existing parking area located in the City-owned boulevard. The Curb Cut/Driveway Widening Request Record completed by City staff subsequently indicated the need for a Boulevard Parking Agreement to be obtained through an Application for Residential Boulevard Parking and a Work Approval Permit. At present, the existing parking area in the City-owned boulevard is only wide enough to facilitate vehicles parked in tandem (i.e. one vehicle in front of another vehicle).

The Applicant submitted an Application for Residential Boulevard Parking to Development Services on November 28, 2019. Notice of Application was circulated on December 12, 2019. Development Services solicited internal department comments and external public comments between December 12, 2019 and January 3, 2020. Development Services subsequently prepared a recommendation report to the London Boulevard Parking Committee (see Appendix D) dated January 3, 2020 for the Committee's consideration.

On January 6, 2020, the London Boulevard Parking Committee, comprised of City staff members from Transportation Planning and Design, Clerks, Urban Forestry, Development Services – Current Planning, and Development Services – Site Plan, met to consider the Application for Residential Boulevard Parking. The request for two (2) boulevard parking spaces and the expansion of the existing parking area located in the City-owned boulevard was refused. Notice of Decision was circulated on January 7,

2020. The Notice of Decision included the reasons for refusal of the application and instructions afforded to the Applicant.

On January 9, 2020, the Applicant submitted a written objection to the decision of the London Boulevard Parking Committee (see Appendix C). In the written objection, the Applicant provided the following justification for objection:

- *“The current parking available on the property at 279 Regent Street is inadequate for the intended use of the property as a multi-generational family home.*
- *The proximity of the house to the property line, as well as the existence of a large city tree on the property make it impractical to create additional parking in a location other than the one proposed.*
- *Street parking restrictions and the use of Regent Street for parking by students from nearby Kings College prohibit the use of street parking to accommodate long-term visitors.*
- *A single lane driveway results in the jockeying of vehicles which, considering the high volume of traffic and high rates of speed travelled on Regent Street, create a safety hazard for ours and other neighbourhood children.*
- *The small scale of the proposed driveway widening would have a negligible impact on the streetscape, and would not compromise the aesthetic appeal of the property.”*

3.3 Requested Action

The Applicant has submitted an objection to the decision of the London Boulevard Parking Committee and is requesting that Municipal Council approve an application for Residential Boulevard Parking to permit two (2) boulevard parking spaces to legalize the existing parking area within the City-owned boulevard, and an expansion of the existing parking area. The requested expansion would be approximately 1.8 m (6ft) wide by 4.0 m (13ft) deep, proximate to the curb.

3.4 Community Engagement (see more detail in Appendix B)

Notice of Application was sent to property owners in the surrounding area on December 12, 2020 and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on the same date. The notice advised of a possible Residential Parking Agreement for two (2) parking spaces in the City-owned boulevard in association with the subject lands.

No comments were received from the public.

3.5 Policy Context (see more detail in Appendix C)

The London Plan and the '89 Official Plan contain policies that guide the use and development of land within the City of London. The London Plan and the '89 Official Plan assigns Place Types and land use designations respectively to properties. The policies associated with those Place Types and land use designations provide for a general range of land uses, form and intensity of development that may be permitted. The London Plan and the '89 Official Plan also include general policy direction that is applied more broadly.

3.5.1 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 Local Street (Regent Street). The London Plan contemplates a broad range of residential land uses for the subject lands including, but not limited to a single-detached dwelling (The London Plan, *Table 10 - Range of Primary Permitted Uses in the Neighbourhoods Place Type). With respect to parking areas, *Policy 272_ of The London Plan directs that parking areas be strategically located to minimize associated impacts on the public realm, and that surface parking in particular should be located in the rear yard or interior side yard.

3.5.2 '89 Official Plan

The subject lands are designated Low Density Residential (“LDR”) on Schedule “A” – Land Use in the '89 Official Plan. The LDR designation is intended for low-rise, low-density, housing forms including, but not limited to a single detached dwelling ('89 Official Plan, Section 3.2.1). The transportation objectives in the '89 Official Plan indicate that motor vehicle and bicycle parking facilities are to be appropriately located, adequate for the uses they support, and compatible with adjacent land uses ('89 Official Plan, Section 18.1 ix)).

3.5.3 Residential Front Yard and Boulevard Parking Policy

The City of London’s Council Policy Manual is a compilation of policies adopted by Municipal Council over a number of years. Included in the Council Policy Manual is Municipal Council’s Residential Front Yard and Boulevard Parking Policy. This policy sets out Municipal Council’s position with respect to the creation of front yard and boulevard parking areas for residential purposes. Boulevard parking is allowed only on an “exception basis”. The Residential Front Yard and Boulevard Parking Policy outlines an evaluative criteria for considering such exceptions, as well as, standards relating to front yard and boulevard parking, and an approval process. The evaluative criteria are:

- a) No suitable parking area alternatives are available;
- b) The parking area exception conforms to the general intent and purpose of the Official Plan policies and Zoning By-law regulations;
- c) The parking area exception is generally in compliance with the purpose and intent of the Streets By-law;
- d) The change to the Zoning By-law regulations for the residential parking area is minor;
- e) The parking area is generally in keeping with the scale and form of parking on surrounding properties and will have minimal negative impact on existing vegetation and/or municipal services (Residential Front Yard and Boulevard Parking Policy, Section 4.2.).

Included in Municipal Council’s Residential Front Yard and Boulevard Parking Policy are parking standards for single detached, semi-detached, duplex, and converted two (2) unit dwellings. Among the various standards, the Municipal Council policy contemplates a maximum of one (1) boulevard parking space per legal dwelling unit (Residential Front yard and boulevard Parking Policy, Section 4.2.3. a)). City staff are directed to implement Municipal Council’s Residential Front Yard and Boulevard Parking Policy.

4.0 Key Issues and Considerations

4.1 Consistency with Evaluative Criteria

Municipal Council’s Residential Front Yard and Boulevard Parking Policy provides the evaluative criteria for considering Applications for Residential Boulevard Parking.

4.1.1. *Criteria A: No Suitable Alternative*

Municipal Council's policy regarding Residential Front Yard and Boulevard Parking directs that approval of front yard or boulevard parking will not be supported by Council where suitable alternatives exist to accommodate parking entirely on private property. Suitable alternatives as per Section 4.2.1. of Municipal Council's policy, may include tandem parking in a legal existing driveway, the use of a rear service lane to access parking areas located in rear yards, the removal of, alteration to, or relocation of accessory buildings or structures, fences and landscape that will result in parking areas located in interior side yards or rear yards, and/or parking areas located in interior side yards or rear yards.

There presently exists no circumstances through which the Applicant can accommodate parking entirely on private property. The east and west interior side yards are too narrow to accommodate a parking area, nor is there a service lane abutting the subject lands to provide access to a parking area in the rear yard. The existing parking area that can accommodate a vehicle is located wholly within the City-owned boulevard.

4.1.2 *Criteria B: Conforms to the General Intent and Purpose of the Official Plan and Zoning By-law*

With respect to parking areas, *Policy 272_ of The London Plan directs that parking areas be strategically located to minimize associated impacts on the public realm, and that surface parking in particular should be located in the rear yard or interior side yard. The transportation objectives identified in the 1989 Official Plan indicate that motor vehicle and bicycle parking facilities are to be appropriately located, adequate for the uses they support, and compatible with adjacent land uses (1989 Official Plan, Chapter 18(xi)).

The Subject Lands are zoned Residential R1 Special Provision (R1-5(3)) within the City of London Zoning By-law No. Z.-1. Zoning By-law No. Z.-1 regulates the location and number of parking spaces required for permitted uses. Section 4.19 4) a) permits required parking to be located in interior side yards or rear yards only in the Residential R1 Zones. Section 4.19 10) (b) requires a minimum of two (2) parking spaces per single detached dwelling in Parking Standard Area 3. For single detached dwellings required parking may be provided in tandem.

In arriving at their decision, the London Boulevard Parking Committee was of the opinion that the requested expansion of the existing parking area created a condition that deviated significantly from the character of the surrounding area. Driveways and boulevard parking areas within the surrounding area are predominately long and narrow, roughly the width of a single vehicle when parked perpendicular to the street-line. Conversely, the requested expansion of the existing parking area could accommodate two (2) compact vehicles parked side-by-side perpendicular to the street-line or one (1) vehicle parallel to the street line. As noted previously, the existing parking area located in the City-owned boulevard can accommodate two (2) vehicles parked in tandem (i.e. one vehicle in front of another vehicle). The requested expansion of the existing parking area may result in the ability to park three (3) vehicles in the City-owned boulevard.

The absence of parking on the subject lands was lawfully established according to the applicable zoning and/or building laws at the time the single detached dwelling was constructed and is allowed to continue with the use of the subject lands for a single detached dwelling notwithstanding the minimum parking requirements in the current Zoning By-law. The number of boulevard parking spaces requested by the Applicant is not required to comply with minimum parking requirements in the Zoning By-law. The Applicant has requested permission for two (2) boulevard parking spaces in order to legalize the existing parking area located within the City-owned boulevard, and an expansion of the existing parking area proximate to the curb to improve the functionality and capacity of the parking area for the residents of the subject lands.

Based on the above, the request for two (2) boulevard parking spaces and the

requested expansion to the existing parking area does not conform with the general intent and purpose of the Official Plan or the Zoning By-law with respect to minimizing the impacts of parking on the streetscape, and providing for adequate, but not excessive parking.

Conversely, the recommended action to permit one (1) boulevard parking space does conform with the general intent and purpose of the '89 Official Plan, The London Plan, and the Zoning By-law with respect to minimizing the impacts of parking on the streetscape, and providing for adequate, but not excessive parking. The recommendation to permit one (1) boulevard parking space is also consistent with Municipal Council's Residential Front Yard and Boulevard Parking Policy that contemplates a maximum of (1) boulevard parking space per legal dwelling unit in Section 4.2.3.(a). The intent of the Municipal Council policy is to protect the character and aesthetic of residential neighbourhoods from the visual impacts of surface parking.

4.1.3 Criteria C: Compliance with the Purpose and Intent of the Streets By-law

The existing parking area within the City-owned boulevard and the requested expansion of the existing parking area proximate to the curb does not infringe on adjacent infrastructure or sidewalks. Transportation Planning and Design has not indicated any concerns or negative impacts on infrastructure. London Hydro had no objection to the application (see Appendix A).

The requested expansion may result in construction impacts and a loss of permeable area that may affect the health of the near-by tree located on the City-owned boulevard. As per the Curb Cut/Driveway Widening Record, Urban Forestry has requested tree protection measures be installed prior to any work commencing in the City-owned boulevard.

Under the Streets By-law, a "private entrance" – commonly referred to as a "driveway" – can be maintained where it connects a portion of the street to a parking space established under a boulevard parking agreement (Streets By-law, Schedule "A" – Private Entrance Regulations, A.3(b)). The Streets By-law defines a "private entrance" as a "portion of a street which is improved to permit the passage of persons or vehicles from a roadway to the property" (Streets By-law, Part 1 – Definitions).

The existing parking area within the City-own boulevard could be interpreted under the Streets By-law as consisting of a driveway and one (1) boulevard parking space, although the Applicant had requested two (2) boulevard parking spaces be recognized legalize the existing parking area within the City-owned boulevard. The recommended action to permit one (1) boulevard parking space would be compliant with the Streets By-law.

4.1.4 Criteria D: Minor in Nature

The request for two (2) boulevard parking spaces and the expansion of the existing parking area that could accommodate parking for more vehicles goes beyond Municipal Council's established policy that contemplates a maximum of one (1) boulevard parking space per legal dwelling unit and cannot be considered minor in nature.

The recommended action to permit one (1) boulevard parking space is consistent with the Municipal Council policy, will not result in any physical change to the existing condition, and will result in no new impacts for the surrounding area. Therefore the recommended action is considered minor in nature.

4.1.5 Criteria E: In Keeping with the Scale and Form of Parking on Surrounding Properties and Will Have Minimal negative Impacts

The surrounding area is characterized by single detached dwellings on a tree-lined street. The two properties located immediately west of the subject lands have existing parking areas which are wholly within the City-owned boulevard and without Residential Boulevard Parking Agreements similar to the subject lands. All other properties on the

south side of Regent Street between Wellington Street and Waterloo Street have driveways in the City-owned boulevard leading to parking areas in a garage or interior side yards or rear yards on private property. The properties on the north side of Regent Street between Wellington Street and Waterloo Street have driveways in the City-owned boulevard that lead to parking areas in the interior side yards or rear yards. The driveways and parking areas in the City-owned boulevard are predominately long and narrow as previously noted due to the considerable width of the City-owned boulevard between the curb and the main building facades.

The boulevard parking conditions found on the south side of Regent Street reflect the issues affecting the subject lands. Multiple interior side yards on the south side Regent Street are insufficient to accommodate parking areas or driveways that lead to parking areas. The prevailing lot fabric of narrow and deep lots with large dwellings spaced tightly together can be attributed to the pattern and style at the time of development.

It is important to note that although the existing parking area in the City-owned boulevard and requested expansion would satisfy the parking standards for maximum parking area width and maximum parking area lot coverage in Section 4.2.3. of the Municipal Council policy, the standards do not reflect the prevailing character of the surrounding area. The London Boulevard Parking Committee in arriving at their decision on the application for Residential Boulevard Parking was of the opinion that the requested expansion to the existing parking area proximate to the curb created a condition that deviated significantly from the character of the surrounding area. Transportation Planning and Design staff also noted that the location of a parking space (i.e. the requested expansion of the parking area in the City-owned boulevard) in close proximity to Regent Street was undesirable.

The recommended action to permit one (1) boulevard parking space is not anticipated to adversely impact the immediate surrounding area, and is consistent with the Municipal Council policy.

More information and detail is available in Appendix A through D of this report.

5.0 Conclusion

The Applicant has demonstrated that there is no suitable alternative to facilitate parking on the subject lands. However, the request for two (2) boulevard parking spaces and the requested expansion to the existing parking area does not conform with the general intent and purpose of the Official Plan or the Zoning By-law with respect to minimizing the impacts of parking on the streetscape, and providing for adequate, but not excessive parking. The request for two (2) boulevard parking spaces and the potential that the requested expansion to the existing parking area could accommodate additional vehicle parking, goes beyond Municipal Council's established policy that contemplates a maximum of one (1) boulevard parking space per legal dwelling unit. The requested expansion of the existing parking area is not in keeping with the scale and form of parking on surrounding properties.

In light of the above analysis, it is recommended that the Applicant's objection from the decision of the London Boulevard Parking Committee be dismissed, and that the City Clerk's Office be directed to prepare a Residential Boulevard Parking Agreement to permit one (1) boulevard parking space for 279 Regent Street to lawfully establish the existing parking area within the City-owned Boulevard. In accordance with the Streets By-law, the existing parking area could be interpreted as consisting of one (1) boulevard parking space and a driveway connecting to the street.

Prepared by:	Daniel Hahn Planner I, 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.	

March 2, 2020

cc: Melissa Campbell, MCIP, RPP, Manager, Development Planning (Current Planning)

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Appendix A – Public Engagement

Community Engagement

Public liaison: On December 12, 2019, Notice of Application was sent to twenty-eight (28) property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 12, 2019.

0 replies were received

Nature of Liaison: The notice advised of a possible Residential Parking Agreement for two (2) parking spaces in the City-owned boulevard in association with the subject lands.

Responses: Development Services received no comments from surrounding property owners or members of the public.

Agency/Departmental Comments

Development Services – Heritage Planner Comments:

Good Morning Daniel,

B-9154 – 279 Regent Street

residential boulevard parking agreement

proposed 6 foot expansion of current driveway to existing break in curb; expanded drive would be finished in existing paving bricks

This e-mail is to confirm that there are no heritage planning or archaeological issues related to this property and associated file.

Best,

Laura

Notes for File Planner:

Please be aware that the above property is LISTED (2007) on the City's *Register (Inventory of Heritage Resources)* as a property with potential heritage significance. Information provided to me indicates that the property dates from 1931 and reflects Tudor Revival styling. 279 Regent Street is also adjacent to 277 Regent Street, another LISTED (2007) property on the *Register*. 277 Regent Street dates from 1929 and is described as reflecting Classical Revival styling, noting features such as a steep hip roof, three gables and a central entrance with pilasters.

London Policy (586_) states that no development or site alteration is permitted on properties LISTED on the *Register* "except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the heritage designated properties or properties listed on the Register will be conserved." Strict interpretation of this policy could require an HIA be completed as condition of the parking agreement (B-9154). Civic Administration (heritage staff) has not required an HIA and provides the following explanation:

- Works associated with the above application are limited to expansion of an existing driveway which will result in no impacts to the building on the property or building on the adjacent property. These properties are not designated and requirements for an HIA would necessitate an evaluation of both 277 and 279 Regent Street for cultural heritage value or interest and identification of heritage attributes. This scope of evaluation seems unreasonable given that no development is proposed and site alteration is restricted to a curb cut and expanded paving. There may be impacts to the streetscape (potentially resulting

in visually less 'green-frontage') particularly if multiple property owners on this portion of Regent Street expand their driveways. Limiting the potential for cumulative negative impacts over multiple properties is likely better addressed with district wide versus property-specific policies – for example those types of policy related requirements associated with a Heritage Conservation District.

Laura E. Dent, M.Arch, PhD, MCIP, RPP

Heritage Planner
Development Services
City of London

300 Dufferin Avenue, PO Box 5035, London, ON N6A 4L9
P: 519.661.CITY (2489) x 0267
ldent@london.ca | www.london.ca

London Hydro Comments:

This site is presently serviced by London Hydro. Contact the Engineering Dept. if a new or service upgrade is required to facilitate these changes. 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.

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

Appendix B – 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:

Residential Front Yard and Boulevard Parking Policy:

Policy Name: Residential Front Yard and Boulevard Parking

Legislative History: Enacted September 19, 2017 (By-law No. CPOL.-223-475);
Amended June 26, 2018 (By-law No. CPOL.-305-296)

Last Review Date: May 6, 2019

Service Area Lead: Director, Development Services

1. Policy Statement

The Residential Front Yard and Boulevard Parking Policy sets out Council's position with respect to the creation of Front Yard and Boulevard Parking in the City. These two types of parking are allowed by the City only on an "exception basis", and this policy includes criteria for consideration of such exceptions, standards relating to these types of parking, an approval process, a standard form agreement and an enforcement process.

Zoning or Minor Variance Exception

Front yard portions of private land may be used for parking areas according to the regulations and standards set out in the City of London Comprehensive Zoning Bylaw(s) or as a result of an approved minor variance.

Combined Zoning/Minor Variance and Boulevard Parking Agreement Exception

When a situation exists where the proposed parking area is partly on the owner's land and partly on the boulevard portion of the public highway, the owner must obtain both a minor variance and a boulevard parking agreement. In these cases if the Committee of Adjustment grants the minor variance it will contain a condition requiring the owner to enter into the boulevard parking agreement without a separate approval for it being required from the Council.

Boulevard Parking Agreement Exception

Boulevard portions of public highways may be used for parking areas with the approval of Council and in accordance with terms and conditions set out in an agreement that is entered into between the City and the owner of the property adjoining the boulevard part of the highway/street.

The Corporation of the City of London generally prohibits the use of the front yard or of the boulevard for the parking of motor vehicles in single detached, semi-detached, duplex, triplex or street townhouse residential areas. Exceptions to this policy may only be granted where the applicant has obtained approval for a minor variance from the Committee of Adjustment or for use of the boulevard from Council, and where such parking complies with the policies outlined herein.

2. Definitions

- 2.1. **Boulevard** - shall mean that portion of every road allowance within the limits of the City of London that is not used as a sidewalk, driveway, travelled roadway or shoulder.
- 2.2. **City** - shall mean the geographical area of the City of London.
- 2.3. **Corporation** - shall mean The Corporation of the City of London.

- 2.4. **Council** - shall mean the Municipal Council of the City of London.
- 2.5. **Driveway** - shall mean the physically designated area lying between the roadway and the lot line on the boulevard and between the lot line and the parking area on the lot used primarily for vehicular ingress from the roadway to the private property or for vehicular egress from the property to the roadway.
- 2.6. **Front Yard** - shall mean those lands extending across the full width of a lot between the front lot line and the nearest main wall of any building or structure on the lot.
- 2.7. **Owner** - shall mean any property owner or their authorized agent who applies to the Corporation for permission to park on a portion of the Corporation's boulevard.
- 2.8. **Parking Area** - shall mean that area which, in whole or part uses the front yard and/or boulevard for the temporary parking of motor vehicles accessory to a permitted use.
- 2.9. **Roadway** - shall mean the part of a highway that is improved, designated or ordinarily used for vehicular traffic, but does not include the shoulder, and where a highway includes two or more separate roadways, the term "Roadway" refers to any one road way separately and not to all the roadways collectively.

3. **Applicability**

This policy applies to Owners seeking an opportunity to park on a portion of the Corporation's Boulevard.

4. **The Policy**

4.1. General

The following provides for the transitional provisions from the existing boulevard parking agreements to new ones where a "grandfathering" option is chosen by the property owners:

- a) property owners with residential boulevard parking agreements be required to pay any outstanding rental charges for existing residential boulevard parking up to December 31, 1995 on the understanding that rental charges remitted to the City by that date will make those owners eligible for the "grandfathering" of existing residential boulevard parking agreements; and
- b) eligible property owners with existing residential boulevard parking agreements wishing to "grandfather" such parking arrangements in order to allow them to be continued, be required to enter into a revised Standard Form Boulevard Parking Agreement on the understanding that the by-law authorizing the execution of these revised agreements will be registered by the City Clerk on the title of the abutting property at the expense of the owner involved as regards the payment of the \$50.00 registration fee.

4.2. Criteria for Consideration of Exceptions

4.2.1. Suitable Alternatives

The approval of front yard or boulevard parking will not be supported by Council where a suitable alternative exists for parking entirely on the owner's property, as described in one or more of the following situations:

- a) Tandem parking is available in a legal existing driveway when the land use is single detached dwellings;
- b) The use of rear service lanes is possible where such lanes are accessible and in use by more than one property owner;
- c) The removal of, alteration to or relocation of accessory buildings or structures, fences and landscaping will result in the accommodation of parking entirely on the owner's property; and/or
- d) The side and/or rear yard of the lot can be used for a parking area, provided such parking area does not occupy more than 25% of the total lot area.

4.2.2. Criteria for Approval of an Exception

The approval of a front yard or boulevard parking exception may be supported by Council where the application for an exception meets the following criteria:

- a) None of the parking area alternatives described in Section 3.1 of this policy are available;
- b) The parking area exception conforms to the general intent and purpose of the Official Plan policies and Zoning By-law regulations;
- c) The parking area exception is generally in compliance with the purpose and intent of the Streets By-law;
- d) The change to the Zoning By-law regulations for the residential parking area is minor;
- e) The parking area is generally in keeping with the scale and form of parking on surrounding properties and will have minimal negative impact on existing vegetation and/or municipal services.

4.2.3. Front Yard and Boulevard Parking Standards

The following minimum and maximum standards apply to parking area exceptions. They are intended to generally reflect the standards currently found in the Zoning By-law as they apply to parking areas for single, semi-detached, duplex, converted two (2) unit type dwellings.

No parking area will be approved which conflicts with any by-laws or regulations of the City of London.

- a) Number of Boulevard Parking Spaces (max.) - 1 per legal dwelling unit
- b) Parking Area size (min.) - 2.7 meters (8.8 feet) wide by 5.5 meters (18.0 feet) long.
- c) Parking Area and Driveway Width (max.) - maximum 6.0 m. (19.7 feet) or 40% of the front lot line whichever is less but in no case less than 2.7 meters (8.8 feet).
- d) Parking Area Lot Coverage (max.) - 40% of the land area between the front of the main building and the roadway.
- e) The Parking Area length shall not be permitted parallel to the street line.

- f) The Parking Area shall not be permitted closer than 1.0 m. (3.0 feet) from an existing or future public sidewalk.
- g) In the case of corner properties, where a driveway would be constructed within 10 meters (30 feet) from the intersecting road allowance, approval for permission will be at the discretion of the City Engineer subject to the provisions of the Streets By-law (By-law S-1).
- h) All parking areas and driveways shall be provided and maintained with a stable surface, treated to prevent the raising of dust or loose particles, such as any asphalt, concrete or other hard-surfaced material.
- i) The Corporation reserves the right to require landscaping, fencing and buffering on and around the parking area and/or to require the preparation by the owner of a site plan for the parking area.

4.3. Exception Possibilities

- 4.3.1. Where the parking area is entirely in the front yard of private lands, an application to the Committee of Adjustment for a minor variance to the Zoning By-law is required. No Boulevard Parking Agreement is required for part of a driveway leading to a legal on-site parking space.
- 4.3.2. When any part of the parking area can be accommodated on private lands, this too requires an application to the Committee of Adjustment for a minor variance to the applicable Zoning By-law. In addition, as a condition of minor variance approval, the owner must enter into a Standard Form Boulevard Parking Agreement with the Corporation. The final approval of the minor variance will allow the City Clerk to prepare an agreement between the Corporation and the applicant without further approvals.
- 4.3.3. Where the parking area can only be accommodated entirely on the public boulevard, an application to the Planning and Environment Committee of the Council, through the City Clerk's Office for boulevard parking is required. Development Services will prepare and present a report to the Planning and Environment Committee at a public meeting. The Planning and Environment Committee will then recommend approval or refusal of the application to the Council, and the Council will make the final decision.

4.4. Process for Consideration of Exceptions to Front Yard and Boulevard Parking

The decision to grant front yard and/or boulevard parking is based on a process which includes comments from the applicant, municipal staff, neighbouring property owners, and the public. This approach recognizes the standards set out in Section 2 of this policy and the possibility of unique neighbourhood expectations about the parking area.

- 4.4.1. The application fees for both a minor variance and a boulevard parking agreement are set in the Fees and Charges By-law, as amended from time to time. All application fees are non-refundable. Where the exception involves a boulevard parking agreement, the applicant must also provide the City Clerk with a cheque in the required amount made payable to the City Treasurer to cover the costs for the registration of the agreement on title through a by-law instrument.
- 4.4.2. Any application for front yard and boulevard parking must include a plan prepared to scale showing the location of the buildings, trees, public utilities, landscaping, adjoining properties and building locations where possible and the dimensions of the proposed parking area. This plan must be suitable for inclusion in the Standard Form Boulevard Parking

Agreement to be entered into between the owner and the Corporation. It is strongly recommended that the plan be based on a survey drawing of the property because it is the responsibility of the owner to ensure that there are no encroachments onto adjacent properties.

- 4.4.3. Applications that are going to the Committee of Adjustment because they require a minor variance will be circulated by the Secretary-Treasurer of the said Committee in accordance with the Regulations under the Planning Act (to various Civic Departments, outside agencies and to all property owners within 60 meters (200 feet) of the applicant's property). Applications that are going to a public participation meeting of the Planning and Environment Committee because a boulevard parking agreement is required will also be circulated to all property owners within 60 meters (200 feet) of the applicant's property and to the Environmental and Engineering Services, and Development Services.
- 4.4.4. A public meeting of either the Committee of Adjustment or of the Planning and Environment Committee is normally held within 30 days of the application being received, at which the applicant and any interested surrounding property owners would be invited to comment on the appropriateness and desirability of the front yard or boulevard parking application.
- 4.4.5. For minor variance exceptions to front yard parking, the decision of the Committee of Adjustment may be appealed to the Ontario Municipal Board. For boulevard parking exception applications, the decision of Council is final and binding.

4.5. Boulevard Parking Agreement

- 4.5.1. The conditions of agreement will be those contained in the Standard Form Boulevard Parking Agreement adopted by City Council as amended from time to time.
- 4.5.2. When the Boulevard Parking Agreement has been fully executed by the applicant, the City Clerk will prepare and submit to the Council a standard form executory by-law to authorize the execution of the Boulevard Parking Agreement by the Corporation. Upon enactment of the by-law by the Council, the Corporation will sign the Agreement after which, and subject to
 - a) the receipt from the applicant by the City Clerk of the registration fee referred to in section 4.1 of this Policy; and
 - b) written advice from Development Services that it is appropriate to proceed

the City Clerk will register the Boulevard Parking By-law and Agreement on the title of the property. The City Clerk will provide the applicant with a copy of the registered by-law/agreement showing all the registration particulars.

- 4.5.3. Boulevard Parking Agreements will be without a term certain and will run with the land upon which they are registered provided the parties to the agreement are in accord, and all of the conditions of Corporation as set out in the agreement have been and are being complied with to the satisfaction of the City Engineer.

4.6. Construction of the Parking Area

- 4.6.1. The removal of a City curb is to be done by City Forces at the owner's expense after a curb cut permit is obtained from the City Engineer.

Paving, removal of trees and relocation of utilities, or any other construction work is to be arranged by the owner through the affected City Department, utility or agency, at the owner's expense, on the understanding that the approval of the City Engineer must be obtained before commencement of any construction work that is required.

4.6.2. In the event that trees or utilities must be removed or relocated, written approval must be obtained by the owner from the appropriate authority before the application will be processed.

4.7. Front Yard and Boulevard Parking Enforcement

4.7.1. Parking on the boulevard or in the front yard shall not begin:

- a) in the case of parking under a boulevard parking agreement, until the City Clerk has completed registration of the by-law/boulevard parking agreement instrument in the Registry Office, or
- b) in the case of parking under a minor variance, until the decision of the Committee of Adjustment (or of the Ontario Municipal Board where there is an appeal) is final.

4.7.2. Violations of any of the provisions in the Zoning By-law, the Traffic By-law or the Streets By-law with respect to front yard and boulevard parking shall be enforced at the discretion of the municipal enforcement agencies.

4.7.3. In situations where a decision is reached not to approve front yard or boulevard parking, the City Engineer may close illegal accesses with proper curbing and restore the appearance of the area as a proper boulevard at the expense of the offending property owner.

4.7.4. Where no boulevard parking agreement has been finalized on the basis outlined in paragraph 4.5.2 of this policy, the Corporation reserves the right to erect, temporarily, any obstacles necessary to prevent the use of the boulevard for parking, and, at the same time, the City Clerk may recommend to the Planning and Environment Committee that the original approval for such owner's agreement to park on the boulevard be rescinded.

Council Resolution 67.5.4:

October 3, 2000

V. A. Cote
Commissioner of Planning and Development

I hereby certify that the Municipal Council, at its session held on October 2, 2000 resolved:

7. That, on the recommendation of the Commissioner of Planning and Development, the following Residential Front Yard and Boulevard Parking policies BE APPROVED in order to streamline the processing of applications for exceptions to residential front yard and boulevard parking restrictions in the Zoning By-law and the Streets By-law:

- (a) NO ACTION BE TAKEN to change the current practice of the Committee of Adjustment to accept and decide on minor variance applications to the Zoning By-law where all or part of the boulevard and front yard parking area is located on private residential lands;
- (b) the authority to grant boulevard parking approval with appropriate conditions BE DELEGATED to a municipal staff committee comprised of a representative of the Planning Division, the Transportation Division, the Urban Forestry Division, and the City Clerk's Office; it being noted that the mandate of this Committee is to review and approve applications for low density residential parking spaces located wholly on the municipal boulevard, and it further being noted that applications for such parking spaces will be circulated to all property owners within 60 metres (200 feet) of the subject site and to affected neighbourhood/community associations if such associations exist; and
- (c) where the application for boulevard parking is refused by the staff committee identified in part (b) above or where a written objection to the boulevard parking decision is received within 20 days of the mailing of such decision, a report shall BE PREPARED and forwarded to the Planning Committee (PC) for consideration at a public participation meeting prior to a recommendation being submitted by the PC to the Municipal Council; it being noted that the decision of the Municipal Council shall be final;

it being pointed out that there were no oral submissions made at the public participation meeting held in connection with this matter. (67.5.4.) (7/22/PC)

Cathie L. Best
Deputy City Clerk
/hal

cc: R. S. Petrie, Division Manager, Transportation, 8th Floor
R. Panzer, Director of Planning, Room 609
B. McGauley, Urban Forester, A. J. Tyler
B. Page, Planner I, Room 609
J. McIntosh, Secretary-Treasurer, Committee of Adjustment
S. Manders, Documentation Clerk

The London Plan:

PARKING

*272_ The impact of parking facilities on the public realm will be minimized by strategically locating and screening these parking areas. Surface parking should be located in the rear yard or interior side yard.

'89 Official Plan:

18.1. TRANSPORTATION OBJECTIVES

ix) Provide for motor vehicle and bicycle parking facilities that are appropriately located, adequate for the uses that they support, and compatible with adjacent land uses.

Appendix C – Relevant Background – Letter of Objection

From: Neil Shaw
To: Hahn, Daniel
Subject: [EXTERNAL] Re: Notice of Decision for a Residential Boulevard Parking Agreement - 279 Regent Street B-9154 - Neil Shaw (WARD 6) - Daniel Hahn
Date: Thursday, January 9, 2020 1:24:40 PM
Attachments: image001.png

Hi Daniel,

I am disappointed to receive this news. Through previous discussions with yourself and other stakeholders at city hall, I was led to believe I could almost certainly expect a different outcome.

Please consider this as my official notice of opposition to the Committee's decision based on the following grounds:

- The current parking available on the property at 279 Regent Street is **inadequate** for the intended use of the property as a multi-generational family home.
- The proximity of the house to the property line, as well as the existence of a large city tree on the property make it impractical to create additional parking in a location other than the one proposed.
- Street parking restrictions and the use of Regent Street for parking by students from nearby Kings College prohibit the use of street parking to accommodate long-term visitors.
- A single lane driveway results in the jockeying of vehicles which, considering the high volume of traffic and high rates of speed travelled on Regent Street, create a safety hazard for ours and other neighbourhood children.
- The small scale of the proposed driveway widening would have a negligible impact on the streetscape, and would not compromise the aesthetic appeal of the property from a neighbours perspective.

It is my hope that the Committee will consider and address each of these points in its review of my application for a Residential Boulevard Parking Agreement. As the proposed driveway expansion has been approved by all other city stakeholders, it is my expectation that you will work swiftly with the Committee in coming to a resolution.

I will look forward to a response from you no later than your proposed deadline of January 26th, 2020.

Sincerely,

Neil Shaw

Appendix D – Relevant Background – Development Services Report to Residential Boulevard Parking Committee

Date: January 3, 2020

To: London Residential Boulevard Parking Committee

From: Development Services

Subject: Development Services
Comments – Residential Boulevard Parking Application

B-9154 279 Regent Street
Neil Shaw

INTRODUCTION

The lands are located on the south side of Regent Street between Wellington Street and Waterloo Street in North London. The surrounding area is an established neighbourhood characterized by single detached dwellings. The property is a listed heritage property.



Figure 1. Aerial Image (City of London, 2019).

The City Boulevard includes additional lands that are not used as a public sidewalk, travelled roadway, or shoulder.



Figure 2. Aerial Image delineating the Subject Property and the City Boulevard (City of London, 2019).

The purpose and effect of this application is to permit two (2) parking spaces within the City Boulevard in front of the property, whereas Council's Residential Front Yard and Boulevard Parking Policy contemplates one (1) parking space.

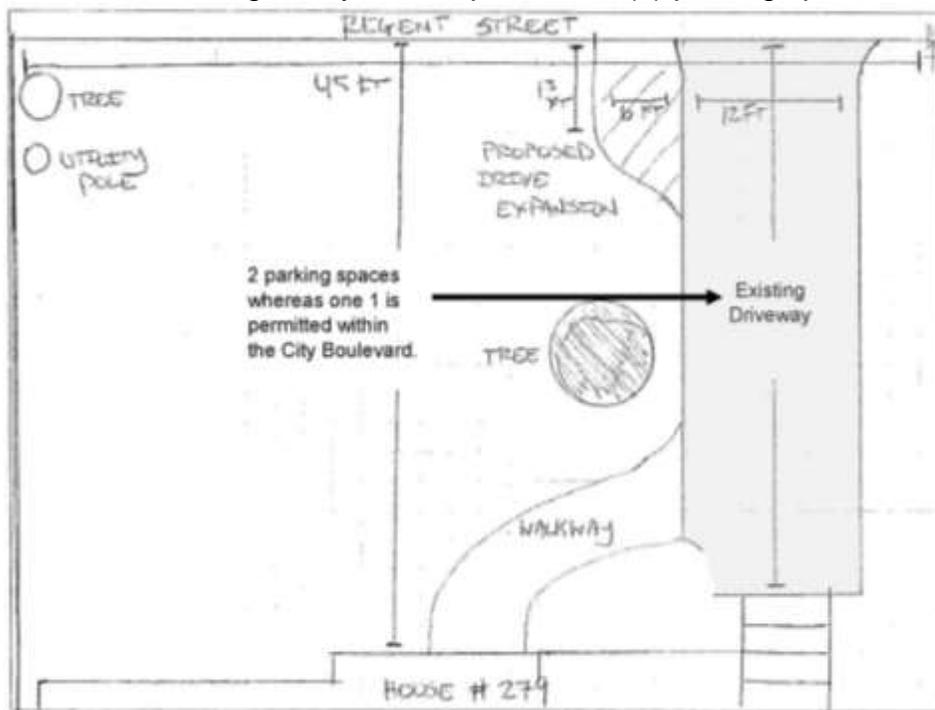


Figure 3. Conceptual Site Plan indicating the location of the driveway.

On December 12, 2019, surrounding property owners, departments internal to the City of London, and external agencies were notified of the application for residential boulevard parking. They were invited to comment on such matters as part of their response to the application.

Comments were received from Development Services' Heritage Planner and London Hydro. Respondents had no objection to the application.

EVALUATIVE FRAMEWORK

London's Council Policy Manual is a compilation of policies that have been adopted by Municipal Council over a number of years. Included in the Council Policy Manual is Council's Residential Front Yard and Boulevard Parking Policy ("Policy"). The policy sets out Municipal Council's position with respect to the creation of front yard and boulevard parking for residential purposes. Boulevard parking is allowed only on an "exception basis" because the City of London Zoning By-law No. Z.-1 that permits required parking only in the interior side yard or rear yard for many residential zones. Section 4.2. of the Council policy outlines criteria for considering such exceptions, in addition to parking standards and an approval process. They include:

- No parking area alternatives are available;
- The parking area exception conforms to the general intent and purpose of the Official Plan policies and Zoning By-law regulations;
- The parking area exception is generally in compliance with the purpose and intent of the Streets By-law;
- The change to the Zoning By-law regulations for the residential parking area is minor;
- The parking area is generally in keeping with the scale and form of parking on surrounding properties and will have minimal negative impact on existing vegetation and/or municipal services.

ANALYSIS

Criteria A: No Suitable Alternative

A suitable alternative to parking within the City Boulevard, as per Section 4.2.1. of the Council Policy, may include tandem parking in a legal existing driveway, the use of a rear service lane, the removal of, alteration to or relocation of accessory buildings or structures, fences and landscape, and/or side or rear yard parking.

Aside from the existing driveway in the City Boulevard, there presently exists no circumstances through which the applicant can accommodate parking entirely on private property. The east and west interior side yards are too narrow to accommodate parking in the side yards. Accordingly, parking in the rear yard cannot be accessed from the side yards, nor is there a service lane abutting the subject lands to provide access to parking in the rear yard.

Criteria B: Conforms to the General Intent and Purpose of the Official Plan and Zoning By-law

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 application.

The Subject Lands are located within the *Neighbourhoods Place Type with frontage on a *Neighbourhood Street (Regent Street) on *Map 1 – Place Types in The London Plan. The Subject Lands are also located within the Low Density Residential designation on Schedule “A” – Land Use in the 1989 Official Plan. Both the *Neighbourhoods Place Type and the Low Density Residential designation contemplate a range of low rise residential uses including, among others, single detached dwellings and accessory structures (The London Plan, *Table 10; 1989 Official Plan Section 3.2.1.).

With respect to parking areas, *Policy 272_ of The London Plan directs that parking areas be strategically located to minimize associated impacts on the public realm, and that surface parking in particular should be located in the rear yard or interior side yard. The transportation objectives identified in the 1989 Official Plan indicate that motor vehicle and bicycle parking facilities are to be appropriately located, adequate for the uses they support, and compatible with adjacent land uses (1989 Official Plan, Chapter 18).

The Subject Lands are zoned Residential R1 Special Provision (R1-5(3)) within the City of London Zoning By-law No. Z.-1. The City of London Zoning By-law No. Z.-1 regulates the location and number of parking spaces required for any permitted uses. Section 4.19 4) a) permits required parking to be located in the front or interior side yard only in the Residential R1 Zones. Section 4.19 10)(b) requires a minimum of two (2) parking spaces per single detached dwelling in Parking Standard Area 3. Although the Zoning By-law requires a minimum of two (2) parking spaces per single detached dwelling in Parking Standard Area 3, the absence of parking on the subject lands is recognized as an existing site condition that is non-conforming to the Zoning By-law and allowed with the continued uses of the subject lands for a single-detached dwelling. The requested boulevard parking permit is not required to comply with the Zoning By-law.

The applicant has requested permission to legally establish two (2) parking spaces within the existing driveway located within the City Boulevard. Council’s Residential Front Yard and Boulevard Parking Policy contemplates only one (1) parking space per dwelling unit in Section 4.2.3. (a). The intent of the policy is to protect the character and aesthetic of residential neighbourhoods from the visual impacts of surface parking. Front yards and boulevard areas that are not utilized as roadways or sidewalks are intended to provide for landscaped open space and amenity features.

The requested number of parking spaces does not conform to the general intent and purpose of the Official Plan with respect to minimizing impacts on the streetscape and minimizing the amount of parking so that the parking is adequate for the intended use of

the property but not excessive. The requested number of parking spaces is also inconsistent with Council's direction under the Residential Front Yard and Boulevard Parking policy.

Criteria C: Compliance with the Purpose and Intent of the Streets By-law

The shape and size of the parking space is consistent with requirements of the Streets By-law. The parking space does not infringe on adjacent infrastructure or sidewalks. Transportation Planning and Design has not indicated any concerns or negative impacts on infrastructure. Additionally, permission to widen the driveway has been granted by Development and Compliance Services. London Hydro had no objection to the application.

Criteria D: Minor in Nature

The request for two (2) parking space goes beyond Council's established policy to permit a maximum of one (1) parking space per legal dwelling unit as an exception to the permitted location for required parking in the Zoning By-law. While Development Services would be in support of one (1) parking space within the boulevard, the request for two (2) is not considered minor in nature.

Criteria E: In Keeping with the Scale and Form of Parking on Surrounding Properties and Will Have Minimal Negative Impacts

The immediate neighbourhood is characterized by single detached dwellings on a tree-lined neighbourhood street. Long driveways are noticeable along Regent Street, as houses are located at a distance from the Regent Street centreline due to the width of the boulevard portion of Regent Street.

Parking conditions on the south side of Regent Street reflect the issues affecting the Subject Lands. Several properties with frontage on the south side Regent Street are insufficiently wide to accommodate a garage or side or rear yard parking. The prevailing lot fabric of narrow and deep lots with large dwellings spaced tightly together can be attributed to the pattern and style at the time of development.

Parking within the boulevard is in keeping with the scale and form of parking on surrounding properties. Moreover, the driveway is a long-existing feature of the Subject Lands. Establishing a legal parking space within the driveway is not anticipated to negatively impact neighbouring uses.

CONCLUSION

The applicant has demonstrated that there exists no suitable alternative available to facilitate parking on the subject lands and that parking within the boulevard is in keeping with the scale and form of the immediate neighbourhood. Furthermore, the request for a boulevard parking agreement is in compliance with the Streets By-law.

However, the request for two (2) parking spaces within the City Boulevard does not conform with the general intent and purpose of the Official Plan with respects to minimizing the impacts of parking on the streetscape, and providing for adequate, but not excessive parking; nor is it consistent with Council's direction under the Residential Front Yard and Boulevard Parking policy. The request for two (2) parking space goes beyond Council's established policy to contemplate one (1) parking space per legal dwelling unit as an exception to the permitted location for required parking in the Zoning By-law. Therefore, the request is not considered a minor change to the regulations for residential parking areas in the Zoning By-law. While Development Services would be in support of one (1) parking space within the City Boulevard, the request for two (2) parking spaces is not considered appropriate.

REFERENCE DOCUMENTS

City of London. The London Plan, December 2016.

City of London. Official Plan, June 19, 1989, as amended.

City of London. Zoning By-law No. Z.-1, July 1, 1993, as amended.

City of London. By-law No. CPOL.-223-476 Residential Front Yard and Boulevard Parking, September 19, 2017, as amended.

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: 1674 Hyde Park Inc.
1674 Hyde Park Road and Part of 1712 Hyde Park Road

Public Participation Meeting on: March 9, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 1674 Hyde Park Inc. relating to the property located at 1674 Hyde Park Road and Part of 1712 Hyde Park Road:

- (a) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on March 24, 2020 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 Business District Commercial (h-17*BDC) Zone, **TO** a Holding Business District Commercial Special Provision (h-18*BDC(_)) Zone;
- (b) **IT BEING NOTED THAT** the following site plan matters pertaining to 1674 Hyde Park Road and part of 1712 Hyde Park Road have been raised during the consultation process:
- i) Providing for appropriate scale, rhythm, materials and fenestration;
 - ii) Providing ground floor commercial space with transparent glazing and principal entrances close to and facing Hyde Park Road creating an active edge;
 - iii) Incorporating the majority of parking in the rear yard, away from Hyde Park Road and North Routledge Park street frontages;
 - iv) Design of the space between the existing building and the City sidewalk along Hyde Park Road and between the proposed building and the curb along North Routledge Park to visually integrate and connect the existing building with the proposed building and create a pedestrian friendly environment;
 - v) Parking lot layout including accommodation of appropriate driveway alignments across North Routledge Park for future development applications.
- (b) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice **BE GIVEN** in respect of the proposed by-law as:
- i) The applicant has agreed to technical changes in the approach to zoning regulations to control the parking required for the site, and;
 - ii) The recommended zoning has the same effect as the proposed Zoning By-law amendment circulated in the Revised Notice of Application and the Public Meeting Notice.

Executive Summary

Summary of Request (Original Request)

The applicant requested an amendment to Zoning By-law Z.-1 at 1674 Hyde Park Road to change the zoning from a Holding Business District Commercial (h-17-BDC) Zone to

a Business District Commercial Special Provision (BDC(_)) Zone. The requested change would permit the addition of a 6-storey apartment building at the rear of the existing 2-storey commercial building to form a mixed-use development with a total of 53 residential units, 597 square metres of commercial floor area and 550.5 square metres of office area.

Relief from certain zoning requirements was requested, including recognizing a maximum front yard depth for the existing building of 7.15 metres; permitting a maximum front yard depth of 22.4 metres for the apartment building component in place of a maximum front yard depth of 3.0 metres; establishing a maximum building height of 6 storeys (18 metres) for the apartment building component; establishing a maximum density of 124 units per hectare; permitting dwelling units on the entire first floor footprint of the apartment building component along North Routledge Park whereas dwelling units in mixed-use buildings are permitted to the rear of the first floor and above, and to permit a minimum of 86 parking spaces whereas 112 parking spaces are required.

Summary of Request (Revised December 19, 2019)

The amended application applies to the south part of 1712 Hyde Park Road in addition to the original property at 1674 Hyde Park Road. 1712 Hyde Park Road is the subject of an application for consent to sever and convey lands to 1674 Hyde Park Road and to create easements and rights-of-way for access and parking for 1674, 1700 and 1712 Hyde Park Road.

The amended application is to change the zoning on the expanded parcel from a Business District Commercial (BDC) Zone to a Business District Commercial Special Provision (BDC(_)) Zone to permit the addition of a 6-storey apartment building at the rear of the existing 2-storey commercial building to form a mixed-use development with a total of 80 residential units and 926 square metres of commercial and office floor area.

Relief from certain zoning requirements was requested, including recognizing a maximum front yard depth for the existing building of 7.15 metres; establishing a maximum building height of 6 storeys (21 metres) for the apartment building component; establishing a maximum density of 150 units per hectare; permitting dwelling units on the entire first floor footprint of the apartment building component along North Routledge Park whereas dwelling units in mixed-use buildings are permitted to the rear of the first floor and above, and to permit a minimum of 63 parking spaces whereas 115 parking spaces are required (required parking rate assumes success of the severance application).

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Zoning By-law amendment is to permit the addition of a 6 storey apartment building attached to the rear of the existing 2-storey commercial building to form a mixed-use development with 80 residential units and 926 square metres of commercial and office floor area.

Rationale of Recommended Action

1. The recommended zoning amendment is consistent with the PPS, 2014, as it promotes efficient development and land use patterns; accommodates an appropriate range and mix of land uses, housing types and densities to meet projected needs of current and future residents; and minimizes land consumption and servicing costs;
2. The proposed amendment conforms to the in-force policies of the 1989 Official Plan including, but not limited to the Main Street Commercial Corridor designation;
3. The proposed amendment conforms to the in-force policies of The London Plan;
4. The recommended zoning amendment allows development that is consistent with the Hyde Park Community Plan and Urban Design Guidelines which encourages pedestrian and street-oriented forms of development at this location;

5. The subject lands represent an appropriate location for mixed-use residential intensification, and the recommended amendment would permit development at an intensity that is appropriate for the site and surrounding neighbourhood while providing appropriate regulations to control the building height and intensity, distribution of uses within the development, and location of the new building on the site.

Analysis

1.0 Site at a Glance

1.1 Property Description

The lands subject to the revised application are located at the north-west corner of Hyde Park Road and the south leg of North Routledge Park, and include all of 1674 Hyde Park Road and the adjoining portion of 1712 Hyde Park Road. The lands are currently occupied by one, 2-storey building at 1674 Hyde Park Road. The remainder of the lands are used for commercial parking and are vacant of structures.

Hyde Park Road is classified as an Arterial Road and carries a traffic volume of 27,500 vehicles per day. The south leg of North Routledge Park is a local street that currently terminates in a cul-de-sac but in the future is expected to be completed as a crescent connecting to the existing north leg of North Routledge Park. Pedestrian sidewalks are provided along both sides of Hyde Park Road, and along the south side of North Routledge Park. Bike lanes are also provided on both sides of Hyde Park Road.

View of 1674 Hyde Park Road looking west



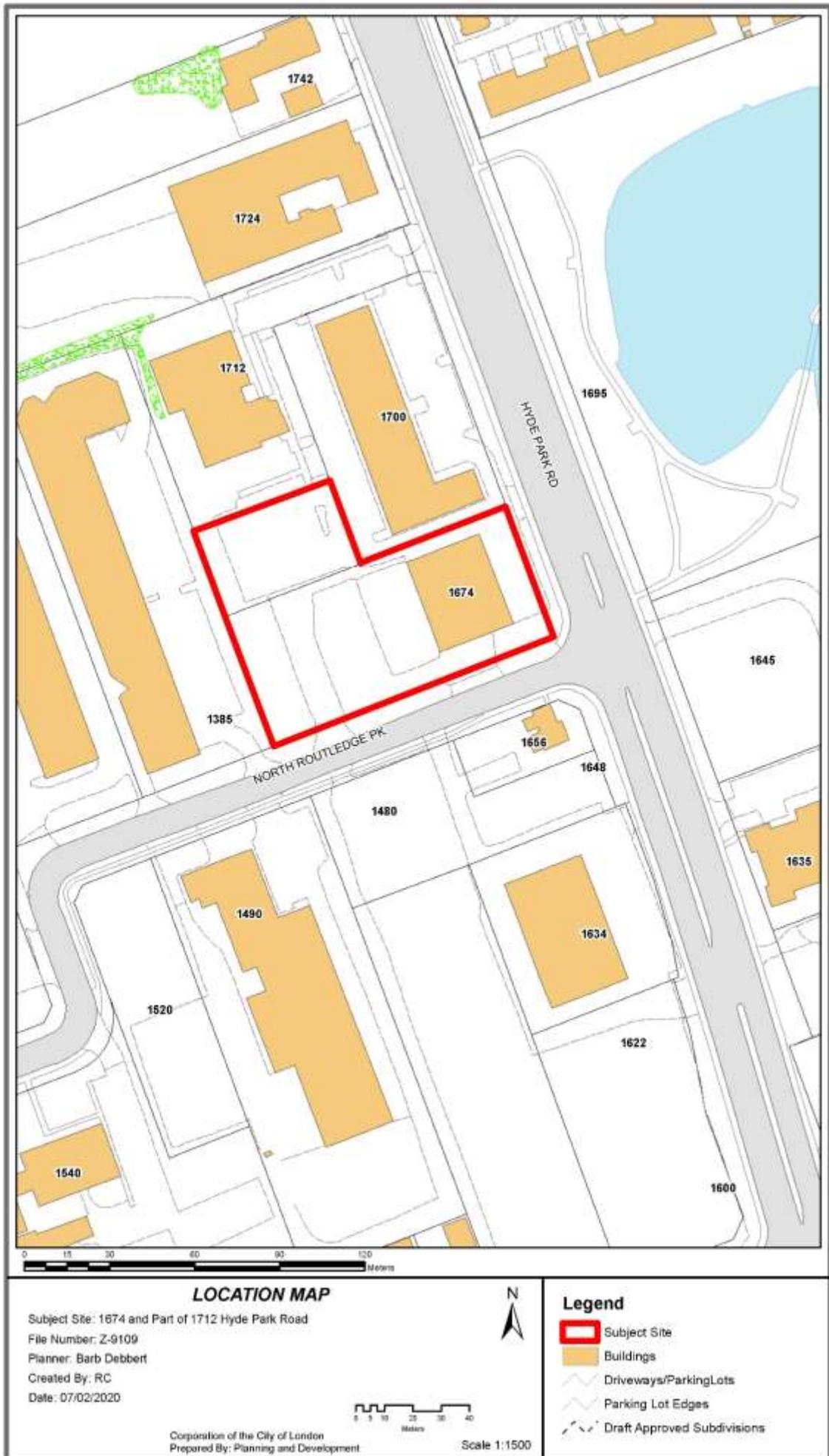
1.2 Current Planning Information (see more detail in Appendix D)

- Official Plan Designation – Main Street Commercial Corridor
- The London Plan Place Type – Main Street
- Existing Zoning – Holding Business District Commercial (h-17*BDC) Zone

1.3 Site Characteristics

- Current Land Use – commercial/office building
- Frontage – 48.57m
- Depth – irregular
- Area – 6,796.5m²
- Shape – L-shaped

1.4 Location Map



1.5 Surrounding Land Uses

- North – commercial
- East – Hyde Park Village Green/ Hyde Park North Stormwater Management facility, medium and low density residential
- South – commercial/office and listed heritage structure (in planning stages for mixed-use development) and light industrial
- West – business park, light industrial

1.6 Intensification (80 units)

- This development represents intensification inside the Built-area Boundary and outside the Primary Transit Area.

2.0 Description of Proposal

2.1 Development Proposal

Original Concept Plan

The conceptual site plan submitted in support of the original requested amendment shows the retention of the existing commercial/office building and the construction of new 6-storey, 80 unit apartment building joined to the rear of the existing structure. The proposed apartment building is massed along the North Routledge Park frontage. The existing building is to accommodate 1,147.5 square metres of commercial/office uses. Vehicular access to the property is located close to the rear property line on North Routledge Park, and the majority of the parking spaces are contained in a surface parking lot to the rear of the existing and new structures. Five of the proposed 86 parking spaces are proposed to be located in a parallel parking arrangement along the north side of the existing building and would rely on access across 1700 Hyde Park Road which is currently owned by the same business interests as the 1674 Hyde Park Road. Another 12 are provided in front of the existing building and the drive aisle providing access to these spaces lies across both 1700 Hyde Park Road and the City boulevard.

The new building includes horizontal and vertical articulation and variations in colours and materials in order to provide visual interest and break up the massing of the building. Improvements to the existing building are proposed to blend with the new construction. Courtyard/amenity areas are provided at the intersection of the two streets, and in the “L” created at the back of the existing building where it will join the new construction.

Revised Site Concept (submitted December 19, 2019)

On December 19, 2019 the applicant submitted a revised concept which included the rear portion of 1712 Hyde Park Road expanding the area of land available for development. Key changes to the proposal include:

- The proposed apartment building extends farther west and accommodates 80 units;
- The amount of parking lot with direct exposure to North Routledge Park is reduced and the vehicular ingress/egress is move farther east to align with the anticipated location of a vehicular access drive for future development on the south side of North Routledge Park;
- The proposed parking area is expanded to the north onto the lands proposed to be severed from 1712 Hyde Park Road.
- The proposed improvements to the existing building are simplified in response to comments from the Urban Design Peer Review Panel.

Figure 1 - Original Site Concept (submitted August 22, 2019)

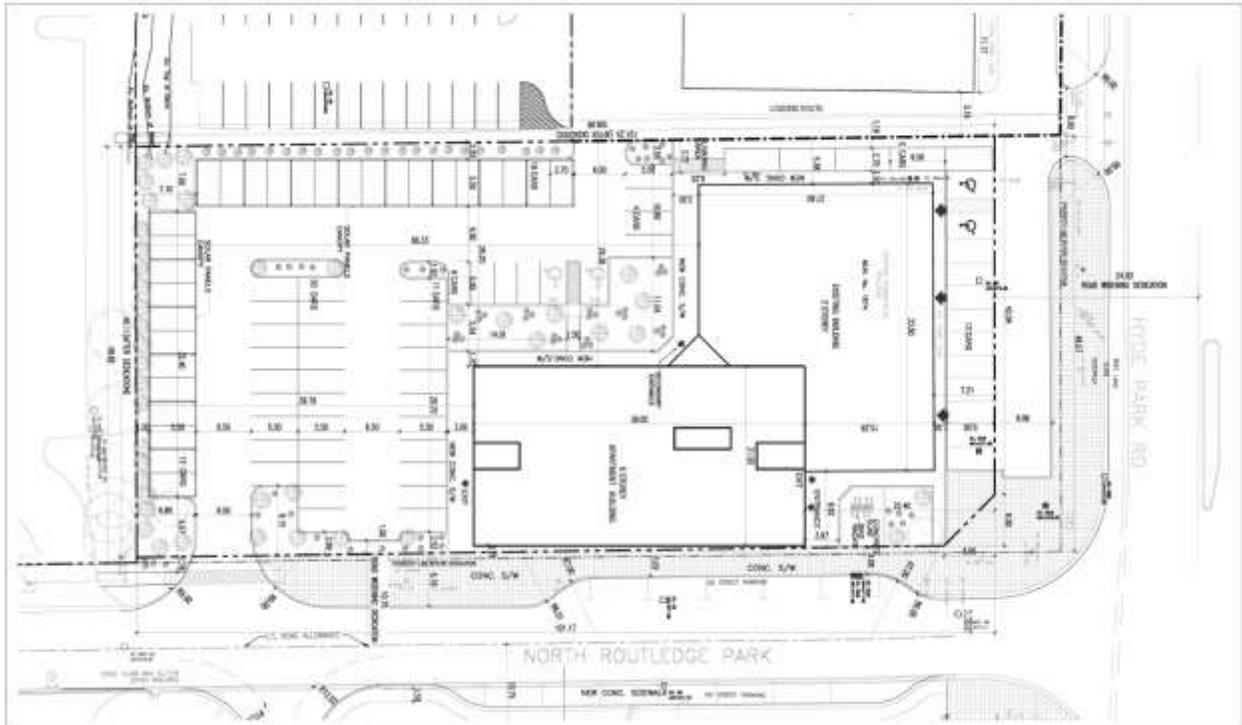


Figure 2 – Original Rendering – View from Intersection of Hyde Park Road and North Routledge Park



Figure 3 – Revised Site Concept (Submitted December 19, 2019)

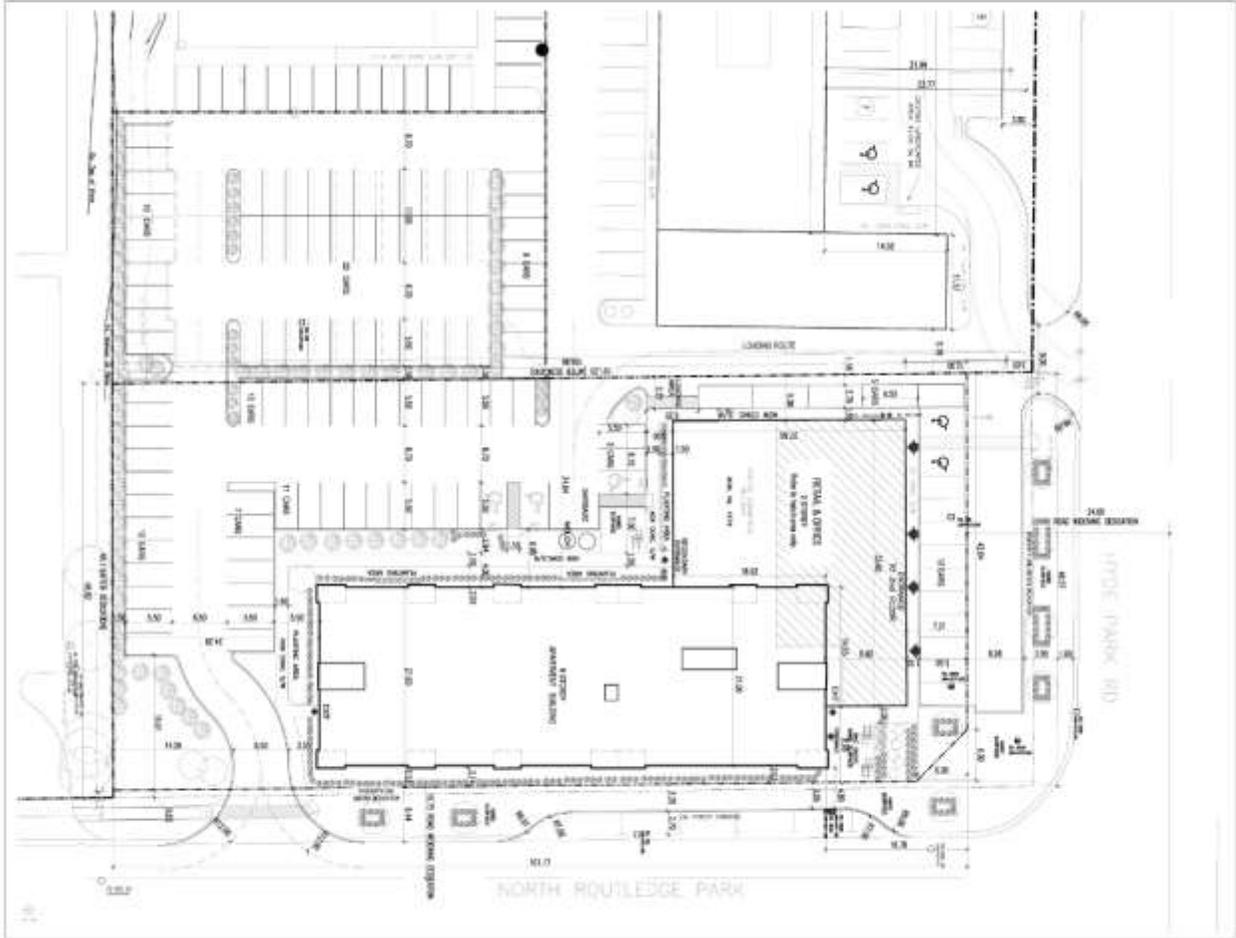


Figure 4 – Revised Rendering (submitted January 7, 2020)



3.0 Relevant Background

3.1 Planning History

Recent planning applications near the intersection of Hyde Park and Gainsborough Road include:

- Z-9035 – 1076 Gainsborough Road – approved for a 4-storey mixed-use apartment building with 32 residential units and approximately 311 square metre of commercial space on the main floor fronting Gainsborough Road.

- Z-9079 – 1018 and 1028 Gainsborough Road – approved for a 6-storey mixed-use apartment building with ground floor commercial, second floor office and third to 6th floor residential uses located at the front of the property fronting Gainsborough Road, and 12 storey apartment building with 182 units located on the rear portion of the site. Bonus provisions are included to allow the additional density of 392 units per hectare in return for design and affordable housing.
- Z-9067 – 1600/1622 Hyde Park Road and 1069 Gainsborough Road – Considered at the February 18, 2020 Planning & Environment Committee for an 8 storey mixed use building.
- Consent to sever – 1712 Hyde Park Road – on February 7, 2020, the owner submitted an application to sever a portion of 1712 Hyde Park Road

3.2 Requested Amendment

Original Zoning Request

The applicant requested an amendment to Zoning By-law Z.-1 at 1674 Hyde Park Road to change the zoning from a Holding Business District Commercial (h-17-BDC) Zone to a Business District Commercial Special Provision (BDC(_)) Zone.

Relief from certain zoning requirements was requested, including recognizing a maximum front yard depth for the existing building of 7.15 metres; establishing a maximum building height of 6 storeys (18 metres) for the apartment building component; establishing a maximum density of 124 units per hectare; permitting dwelling units on the entire first floor footprint of the apartment building component along North Routledge Park whereas dwelling units in mixed-use buildings are restricted to the rear of the first floor and above, and to permit a minimum of 86 parking spaces whereas 112 parking spaces are required.

Revised Zoning Request (Revised December 19, 2019)

The amended application includes part of 1712 Hyde Park Road and is to change the zoning on the expanded parcel from a Business District Commercial (BDC) Zone to a Business District Commercial Special Provision (BDC(_)) Zone.

Relief from certain zoning requirements was requested, including recognizing a maximum front yard depth for the existing building of 7.15 metres; establishing a maximum building height of 6 storeys (21 metres) for the apartment building component; establishing a maximum density of 150 units per hectare; permitting dwelling units on the entire first floor footprint of the apartment building component along North Routledge Park whereas dwelling units in mixed-use buildings are restricted to the rear of the first floor and above, and to permit a minimum of 63 parking spaces whereas 115 parking spaces are required (required parking rate assumes success of the severance application).

3.3 Community Engagement (see more detail in Appendix B)

Opportunities were provided to the public to provide comments/input on this application in response to the original notice of application given on September 25, 2019, the open house hosted by the applicant on May 30, 2019, and the revised notice of application given on December 23, 2019. Written and verbal replies were received from three individuals.

The public's comments generally included:

- concern about traffic impacts including traffic control southbound from North Routledge Park east of Hyde Park, volume and congestion,
- query as to whether the increase in the number of units is related to public or affordable housing (in support of the provision of affordable housing)

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential (including affordable housing and housing for older persons), employment and institutional uses to meet long-term needs (Policy 1.1.1b.). It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (Policy 1.1.3) to be the main focus of growth and their vitality and regeneration shall be promoted. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit supportive (Policy 1.1.3.2).

The policies of the PPS also direct planning authorities to identify appropriate locations and promote opportunities for residential intensification (Policy 1.1.3.3) while promoting appropriate development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4) and promote active transportation limiting the need for a vehicle to carry out daily activities (Policy 1.6.7.4).

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents. It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing toward locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (Policy 1.4.3).

In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). The London Plan policies 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 provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below.

The London Plan provides direction to plan strategically for a prosperous city by:

- Creating a strong civic image by...creating and sustaining great neighbourhoods...
- Revitalizing our urban neighbourhoods and business areas (Key Direction #1, Directions 3 and 4).

The London Plan provides direction to build a mixed-use compact city by:

- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;

- Sustaining, enhancing and revitalizing our downtown, main streets, and urban neighbourhoods;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward;
- Mixing stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity (Key Direction #5, Directions 2, 3, 4 and 6).

The subject site is located in the Main Street Place Type on *Map 1 – Place Types in The London Plan. The London Plan envisions the regeneration of historic Main Streets throughout our city. The important cultural heritage resources of these streets are to be conserved, while allowing for sensitive repurposing, intensification and infill. These streets will contribute significantly to our image and identity as a city and will support the regeneration and continued vitality of the neighbourhoods that surround them.

The Main Street Place Type permits a broad range of residential, retail, service, and office uses. Mixed-use buildings are encouraged with retail and service uses encouraged at grade, with residential and non-service office uses directed to the rear of buildings and to upper floors (Policy 908_).

Development within the Main Street Place Type will be designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment. Buildings will be a minimum of either two storeys or eight metres in height and will not exceed four storeys in height. Type 2 Bonus Zoning beyond this limit, up to six storeys, may be permitted. Individual buildings will not contain any more than 2,000m² of office space (Policy 910_).

All planning and development applications will conform to the City Design policies of The London Plan. All new development will be designed to be well integrated with the character and design of the associated Main Street. Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment. All the planning and design that is undertaken in the Main Street Place Type will place a priority on the pedestrian experience through site layout, building location, and a design that reinforces pedestrian comfort and safety. The public realm should be of a highly urban character and pedestrian and cycling amenities should be integrated into all public works undertaken along main streets. Enhanced street tree planting should be incorporated into new development proposals to provide for a comfortable pedestrian environment. Surface parking will be located to the rear or interior side yard of a building. Parking facilities will not be located between the building and the street (Policy 911_).

1989 Official Plan

The 1989 Official Plan contains policies that guide the use and development of land within the City of London and is consistent with the policy direction set out in the PPS. The subject lands are designated Main Street Commercial Corridor in the 1989 Official Plan.

The Main Street Commercial Corridor (MSCC) designation is normally applied to long established, pedestrian-oriented shopping areas in the older parts of the City. The objectives of these corridors are intended to provide for the redevelopment of vacant, underutilized or dilapidated properties for one or more of a broad range of permitted uses at a scale which is compatible with adjacent development while maintaining a similar setback and character to the existing uses. (Policy 4.4.1.1). In order to ensure these objectives of scale, compatibility and character are achieved the MSCC has specific Urban Design Objectives (4.4.1.2) to help develop these corridors appropriately. These policies encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics. They seek to provide for and enhance the pedestrian nature of the Main Street Commercial Corridor, provide high quality façade design, accessible and walkable

sidewalks, street furniture and proper lighting, creating a strong identity of place, and supporting public transit.

The main permitted uses in the Main Street Commercial Corridors (4.4.1.4.) include a wide range of commercial, office, institutional and residential uses created through the development of mixed-use buildings.

The scale of development (Section 4.4.1.7.) is also important in the Main Street Commercial Corridor when redeveloping or infilling commercial uses. The corridor aims to maintain a setback and orientation that is consistent with adjacent uses. Residential densities within the corridor should be consistent with densities allowed in the Multi-Family, High Density and Medium Density Residential designations. Within the MFHDR designation net residential densities will normally be 150 units per hectare (100 units per acre) when located outside of the Downtown and Central London (Section 3.4.3.). Specific heights are not established by the Official Plan policies, but policies addressing large sites outside of the Downtown and Central London area provide some guidance by indicating high-rise structures shall be oriented, where possible, closest to activity nodes and points of high accessibility with building heights decreasing as the distance from an activity node increases (Section 3.4.3).

Main Street Commercial Corridors shall be developed and maintained in accordance with the urban design guidelines in Chapter 11, the Commercial Urban Design Guidelines and specific policy areas. Main Street Commercial Areas should ensure that urban design provides continuity of the urban fabric; provides incentives and flexibility for redevelopment opportunities; provides appropriate building massing and height provisions to ensure main streets define the public spaces in front of and in between buildings (Section 4.4.1.9.)

Specific policies for the Hyde Park Community Planning Area state the long term intent is to foster and encourage the development of a pedestrian/street oriented commercial area for Hyde Park and indicate new development should be designed and approved consistent with the design guidelines in the Hyde Park Community Plan (Sections 3.5.12 and 4.4.1.13.4).

Hyde Park Community Plan and Urban Design Guidelines (2001)

The subject lands are near the centre of the Hyde Park Village, designated as Business District within the Hyde Park Community Plan. The Community Plan supports the transformation of the existing mix of auto-oriented and pedestrian-oriented commercial uses in the Hyde Park hamlet to a commercial “village” with the creation of a pedestrian scale commercial focal point. The Urban Design Guidelines identify the hamlet of Hyde Park as a high activity area that will feature streetscaping and building orientation to create a pedestrian friendly, mixed-use area where people can live, work and shop. (Section 2.0). The Business District designation encourages the location of buildings close to the street with parking located at the side or rear. Building design should allow flexibility in the ground floor space to provide for conversion from the initial uses such as residential, to retail, service and offices uses in the long term. (Section 6.0)

4.0 Key Issues and Considerations

4.1. Use

Provincial Policy Statement, 2014 (PPS)

The PPS encourages settlement areas to be the main focus of growth and their vitality and regeneration shall be promoted (Policy 1.1.3). Appropriate land use patterns within settlement areas are established by providing appropriate densities and a mix of uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit-supportive. The proposed development will help set a positive tone and encourage additional investment within the main street areas of the Hyde Park Community while maintaining an appropriate land use pattern within a settlement area.

The London Plan

The proposed mixed-use building is in keeping with the permitted uses of the Main Street Place Type which allows for a broad range of residential, retail, service and office uses. Mixed-use buildings are encouraged, as is the location of retail and service uses at grade, with residential and non-service office uses directed to the rear of buildings and to upper floors (Policy 908_). The requested amendment is intended to establish heights and densities for the development of this site but the requested range of uses remains the same as those permitted by the existing zoning. With respect to land use, the City is being asked to consider permission for the residential units adjacent to North Routledge Park to extend to the ground floor.

1989 Official Plan

The Main Street Commercial Corridor designation allows a wide range of retail/commercial uses along with residential uses created through the conversion of existing buildings, or through the development of mixed-use buildings where residential uses are permitted above the first floor (Section 4.4.1.4).

Analysis:

Consistent with the PPS, and conforming to the intent of the 1989 Official Plan and The London Plan, the recommended addition of an apartment building to an existing commercial/office building as a mixed-use development will provide for the intensification of an underutilized site with a land use that is currently permitted and compatible with the surrounding lands, at an intensity and height that is suitable for its location within the Hyde Park Village. Moderately intensive development at this location is also considered appropriate as the mixed-use residential/commercial building will take advantage of the surrounding resources, infrastructure and public service facilities, and will be transit-supportive.

It is essential that main floor commercial elements be present along the Hyde Park frontage to encourage activation of the streetscape and provide continuity with existing and planned/future commercial uses to the north and south beyond the main Hyde Village intersection at Hyde Park Road and Gainsborough Road. These will be provided for within the existing building on the site which is oriented to the Hyde Park Road frontage.

The presence of main floor commercial on the North Routledge Park frontage is less critical as it is a local street on which the adjacent property is currently designated in the 1989 Official Plan and zoned for light industrial uses. These lands are also in the Commercial Industrial Place Type in The London Plan, which is intended to accommodate commercial uses that do not fit well within the context of commercial and mixed-use place types, and tend to have a quasi-industrial character (1118_) which does not contribute to a pedestrian oriented main street environment. Continuity of a commercial main street environment along North Routledge Park is not required in order to meet the intent of Official Plan policies.

Nevertheless, the applicant responded to comments from the Urban Design Peer Review Panel supporting a commercial component along the North Routledge Park frontage, indicating the main floor of the new apartment building facing North Routledge Park could be designed with the use of differentiated materials and articulation from the upper storeys to create a human scale environment to provide for the potential future conversion of the ground floor residential units to commercial use, if market conditions change.

4.2 Intensity

Provincial Policy Statement, 2014 (PPS)

The PPS directs growth to settlement areas and encourages their regeneration (Policy 1.1.3.1). The PPS states that land use patterns within settlement areas are to provide for a range of uses and opportunities for intensification and redevelopment (Policy 1.1.3.2). Planning authorities are to identify appropriate locations and promote opportunities for intensification and redevelopment where it can be accommodated

considering matters such as existing building stock, brownfield sites, and suitable existing or planned infrastructure and public service facilities. (Policy 1.1.3.3). The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4).

The London Plan

Although The London Plan does not limit densities as part of the policy framework it does include criteria for the development of more intensive land uses. The Main Street Place Type ensures that buildings are designed to fit in scale and character with the surrounding streetscape, while allowing for appropriate infill and redevelopment. It requires buildings be a minimum of either two storeys or eight metres in height and not exceed four storeys in height, to ensure a main street corridor is created. Type 2 Bonusing up to 6 storeys may be contemplated (Policy 910_).

1989 Official Plan

For developing residential uses, the Main Street Commercial Corridor policies defer to the scale and densities of the Multi-family, High Density and Medium Density Residential designations which would permit a maximum density of 150 units per hectare at this location. Specific heights are not established by the Official Plan policies, but policies addressing large sites outside of the Downtown and Central London area provide some guidance by indicating high-rise structures shall be oriented, where possible, closest to activity nodes and points of high accessibility with building heights decreasing as the distance from an activity node increases (Sections 3.4.3 and 4.4.1.7).

Analysis:

The subject lands are located at the intersection of an arterial road and a local street. The currently underutilized lands have access to full municipal services, and are located near the central node for the Hyde Park Village which the City has identified through Official Plan policy as an area for mixed-use development and residential intensification. The site is located near a variety of service-oriented businesses and the Hyde Park Village Green, and has access to bus routes. The property lies within a broader area characterized by a mix of various housing forms ranging from single detached dwellings to low and high-rise apartment buildings. Whether or not they are consolidated with part of 1712 Hyde Park Road through the recently submitted consent to sever application and a related minor variance, the subject lands are of a suitable size to accommodate more intensive redevelopment on this underutilized parcel and provide a built form that responds to the surrounding context. The proposed development will efficiently use land, resources, and the surrounding infrastructure and public services facilities where they exist or will be developed.

Height

The requested height of 6 storeys is appropriate within its context, located away from low-rise, low intensity residential development and adjacent to other commercial or industrial properties. In particular, it provides for a progressive reduction in height from the 8/7 storey mixed use development on lands to the south at the heart of the Hyde Park Village, in conformity with intent of the 1989 Official Plan. With respect to The London Plan, the proposal exceeds the maximum height that might be permitted without the use of bonusing provisions, by two storeys. Nevertheless, this proposal is considered to represent an appropriate intensity of development. While the applicable policies of the Main Street Place Type are not under appeal, they are not in force and effect because the Place Types Map has not been approved by the Local Planning Appeal Tribunal. The policies of the 1989 Official Plan, which would permit the proposed intensity of development, prevail.

Parking

The applicant has requested a flat parking requirement of 63 spaces in order to address the uncertainties related to the future outcome of the recently submitted consent application and, if successful, the required minor variance for the retained portion of 1712 Hyde Park Road. The usual approach to parking requirements in By-law Z.-1 is to

determine parking requirements based on the ratio of residential units or the gross floor area of commercial/office uses to a required number of parking spaces.

The applicant has indicated that the site concept for the consolidated lands can accommodate 115 parking spaces, and that the site concept for the unconsolidated lands can accommodate 63 spaces. In comparison, the parking requirements using unreduced parking standards could range between 96 and 147 spaces, depending on the lot area, number of residential units, and the amount and type of commercial/retail development (See Parking Requirements Variations Table below). They further indicated that should the consent and/or minor variance applications be unsuccessful, the 63 parking spaces provided on the unconsolidated site would be dedicated to residential use, and commercial parking would be located off-site on lands to the north at 1700 and 1712 Hyde Park Road.

Table 1 - Parking Requirement Variations

Dev't Concept	# Res. Units	Commercial GFA (m²)	Required Parking Spaces Total*	Requested Parking Spaces Total
Original**	53	1,147.5	96 - 125	86 (before revisions to align driveways across North Routledge Park)
Variation on Original***	63	926	103 - 126	63
Revised ****	80	926	124 - 147	63
* range based on standard rates ranging from 1 space/40m ² gfa to 1 space/20m ² gfa **unconsolidated land, original proposal ***unconsolidated land, possible variation implied by applicant's December 19, 2019 revision ****consolidated lands if consent and minor variance applications are successful				

At the high end, the application of a flat rate of 63 parking spaces could result in a reduction to approximately 43 percent of the required parking. This will create an unacceptable risk of significant underprovision of parking to service the site, since additional parking cannot be required at the site plan stage. At the same time, given the site's location within a community planned for walkability, the differing time-of-day parking demands inherent to a mixed-use development, and the availability of alternative modes of transportation, it is appropriate to consider some form of reduction that is ratio-based and can be applied fairly to a final development proposal.

The applicant submitted a Parking Justification (Paradigm, June 14, 2019) which was accepted by City staff and would support parking rates of 1 space per residential apartment unit and 1 space per 25m² of retail space. The application of these rates, along with the standard rates for offices (not medical/dental or clinics which are not proposed and have a higher parking rate), could result in parking requirements of approximately 91 - 94 spaces for the unconsolidated lands, and 111 spaces for the consolidated lands. In the case of the unconsolidated lands, approximately 30 spaces would need to be accommodated off-site as permitted by Section 4.19(3) of the Zoning By-law with a registered development agreement, to accommodate the level of intensity proposed. Such an agreement is contingent on the receiving lands meeting their own parking requirements first. In the case of the consolidated lands, it is likely the 111 required parking spaces could be accommodated on-site. The recommended by-law is written in such a way that the reduced non-office, non-residential parking rate will apply to part of 1712 Hyde Park Road only if the consent is successful and the lands are included in the proposed mixed-use development.

The recommended application of a rate of 1 space per residential apartment unit and 1 space per 25 square metres for non-office, non-residential units is considered to be an

appropriate parking rate that can be applied fairly to the site whether the lands are consolidated or not, and does not expose the City to unreasonable risk of overintensification. The applicant has agreed to this approach.

Density

With respect to the 1989 Official Plan, the applicant has applied for a mixed-use density of 150 unit per hectare which is the maximum contemplated by policy. Depending on whether the lands are consolidated through consent to sever, the proposed number of residential units is expected to range between 53 and 80 and in combination with the existing commercial building, result in a mixed-use density of between 125 and 141 units per hectare. (See Density Table below)

Table 2 – Mixed-use Density Variations

Dev't Concept	Lot Area (ha.)	# Res. Units	Commercial GFA (m²)	Commercial Equivalent to Residential Units	Mixed-use Density (uph)
Original*	0.52	53	1,147.5	12	125
Variation on Original**	0.52	63	926	10	141
Revised ***	0.68	80	926	10	133
*unconsolidated land, original proposal					
**unconsolidated land, possible variation implied by applicant's December 19, 2019 revision					
***consolidated lands if consent and minor variance applications are successful					

The Planning Impact Analysis criteria of the 1989 Official Plan for official plan and zoning by-law amendments (Section 3.7) require the evaluation of 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.

Site concepts submitted by the applicant in support of the application illustrate fairly intensive development of the lands with less lot coverage and more landscaped open space than is required by the standard Business District Commercial (BDC) Zone, along with the provision of surface parking at a reduced rate that is considered appropriate within its context. The proposed 6-storey building has been designed in a manner which will fit within the existing and planned scale/character of the surrounding streetscape. In order to allow for the variability in the final lot size and development proposal, a maximum mixed-use density of 141 units per hectare is recommended, noting the actual achievable density will be subject to design refinements at the site plan approval stage. The applicant has agreed to this density maximum, which is lower than originally requested.

Traffic

Neighbourhood concerns have been raised about the traffic impacts of the proposed development on existing traffic volumes, flow and turning movements southbound from North Routledge Park east of Hyde Park Road.

The Planning Impact Analysis criteria of the 1989 Official Plan for official plan and zoning by-law amendments (Section 3.7) require the evaluation of the likely impact of traffic generated by the proposal on city streets, on pedestrian and vehicular safety, and on surrounding properties.

Hyde Park Road Road is an arterial road and is intended to move large volumes of traffic. Transportation Engineering has expressed no concerns about the proposed number of units and impacts it would have on traffic in the area. The analysis and conclusions of the Traffic Impact Assessment submitted by the applicant were not accepted by the City, and will be required to be resubmitted to the satisfaction of the City at the site plan approval stage. The revised Traffic Impact Assessment will take into

account the final intensity of development proposed for the site and will be updated to recognize the operational implications of recent and future infrastructure improvements in the area. The Transportation Division will not support unwarranted signalization or traffic controls that do not comply with the City's Access Management Guidelines, but will require appropriate traffic control measures to be implemented at the site plan stage.

4.3 Form

Provincial Policy Statement, 2014 (PPS)

The PPS is supportive of development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets, and by encouraging a sense of place by promoting a well-designed built form (Policy 1.7.1(c & d)).

The London Plan

All planning and development applications will conform to the City Design policies of The London Plan. The Main Street Place Type ensures that new developments are well-designed and integrated with the character and design of the associated Main Street. Buildings should be located at or along the front property line in order to create a street wall that sets the context for a comfortable pedestrian environment.

Developments should place a priority on the pedestrian experience and public realm. Surface parking will be located to the rear or interior side yard of a building. Parking facilities will not be located between the building and the street (Policy 911_).

1989 Official Plan

The objectives of the Main Street Commercial Corridors are to ensure that when implementing its broad range of permitted uses the scale is compatible with adjacent developments. The policies aim to maintain a setback that is consistent with adjacent uses while maintaining the character of the existing uses. (Sections 4.4.1.1 and 4.4.1.7). In order to ensure these objectives of scale, compatibility and character are achieved, the MSCC has specific Urban Design Objectives (Section 4.4.1.2) to help develop these corridors appropriately. These policies encourage the rehabilitation and renewal of Main Street Commercial Corridors and the enhancement of any distinctive functional or visual characteristics. They seek to provide for and enhance the pedestrian nature of the Main Street Commercial Corridor, provide high quality façade design, accessible and walkable sidewalks, street furniture and proper lighting while supporting public transit. Main Street Commercial Corridors shall be developed and maintained in accordance with the urban design guidelines in Chapter 11, the Commercial Urban Design Guidelines and specific policy areas (Section 4.4.1.9).

Main Street Commercial Areas should ensure that urban design provides continuity of the urban fabric; provides incentives and flexibility for redevelopment opportunities; provides appropriate building massing and height provisions to ensure main streets define the public spaces in front of and in between buildings (Section 4.4.1.9.)

Analysis:

The proposed development is able to integrate with the existing less intensive development on Hyde Park Road, while setting a positive tone for development within the Hyde Park Village as future development/redevelopment occurs. The proposed apartment building is located adjacent to the road allowance of North Routledge Park, creating a strong street wall and setting the context for a comfortable pedestrian environment. As designed, the front entrance to the apartment building component is set back a significant distance from the Hyde Park Road street allowance. In response to concerns raised by the Urban Design Peer Review Panel, the applicant has identified that the use of unique hardscaping and landscaping can be used to enhance the primary apartment building entrance, better connect it with the street, visually integrate the old and new buildings and better enclose the area at the corner. As much as possible, building placement and mitigating design features will place a priority on the

pedestrian experience and provide a safe and comfortable space while creating a new urban character along the main street.

Most of the surface parking will be located to the rear of the building limiting visual impacts of the parking lot on North Routledge Park. The existing building is to be maintained and some design flexibility is necessary to allow the continued existence of one row of parking between the existing building and the Hyde Park Road street allowance. To the north, the subject site is adjacent to the commercial plaza at 1700 Hyde Park Road, which was reconstructed on its existing foundation in 2018 following its destruction by fire and has two rows of parking between the structure and street. To the south across North Routledge Park, the site is in proximity to a designated heritage structure situated approximately eight metres from the road allowance and which is expected to be incorporated in the future into a mixed use development with strong street wall and design features orienting the development to Hyde Park Road. The slight setback of the existing building with intervening parking, and the addition of the apartment structure to the rear, maintain a setback that is consistent with adjacent uses while maintaining the character of the existing uses and provide continuity and transition of the urban fabric. Consistent with the PPS, and conforming to the 1989 Official Plan and The London Plan, the recommended intensification of the subject lands will optimize the use of land and public investment in infrastructure in the area. Located within a developed area of the City, the redevelopment and intensification of the subject lands will contribute to achieving more compact forms of growth.

The design addresses many of the comments provided by the UDPRP and further design refinements will also be considered at the site plan approval stage. These changes are described in the detailed response provided by the applicant in Appendix E. Overall the proposal is considered appropriate and in keeping with the design guidelines of the 1989 Official Plan, The London Plan and the Hyde Park Design Guidelines.

More information and detail is available in Appendix B, C, D and E of this report.

5.0 Conclusion

The requested amendment to permit the addition of an apartment building with up to 80 residential units at the rear of the existing two storey commercial building is consistent with the 2014 Provincial Policy Statement that encourages a range and mix of land uses to support intensification and achieve compact forms of growth and directs municipalities to identify appropriate locations for intensification and plan for all forms of housing required to meet the needs of current and future residents.

The recommended amendment to Zoning By-law Z.-1 conforms to the in-force policies of the 1989 Official Plan, which contemplates mid-to-high rise development at a maximum density of 150 units per hectare, as well as the in-force policies of The London Plan. The subject lands represent an appropriate location for residential intensification, at the intersection of a high order street and a local street within the Hyde Park Village core, and the recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood. The recommended amendment will help to achieve a range of housing choice and mix of uses to accommodate a diverse population of various ages and abilities.

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

January 25, 2020

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

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Appendix A

Bill No. (number to be inserted by Clerk's Office)
2020

By-law No. Z.-1-20_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1674 Hyde Park Road and Part of 1712 Hyde Park Road.

WHEREAS 1674 Hyde Park Inc. has applied to rezone an area of land located at 1674 Hyde Park Road and Part of 1712 Hyde Park 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 1674 Hyde Park Road and Part of 1712 Hyde Park Road, as shown on the attached map comprising part of Key Map No. A101, from a Holding Business District Commercial (h-17*BDC) Zone to a Holding Business District Commercial Special Provision (h-18*BDC(_)) Zone.
- 2) Section Number 25.4 of the Business District Commercial (BDC) Zone is amended by adding the following Special Provision:

BDC(_) 1674 Hyde Park Road and Part of 1712 Hyde Park Road

a) Additional Permitted Use:

- i) Apartment buildings, including dwelling units in the front portion of the ground floor adjacent to North Routledge Park

b) Regulations

- | | | |
|------|---------------------------------------------------|-------------|
| i) | Front Yard Depth Existing Building (max) | As existing |
| ii) | Front Yard Depth Apartment Building (max) | 23 metres |
| iii) | Exterior Side Yard Depth Existing Building (max) | As existing |
| iv) | Exterior Side Yard Depth Apartment Building (max) | 3 metres |
| v) | Height Apartment Building (max) | 21 metres |
| vi) | Density (max) | 141 uph |

- | | | |
|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
| vii) | Parking
Apartments
(min) | 1 space per unit |
| viii) | Parking
All non-residential permitted
uses other than Offices, Medical/
Dental Offices and Clinics, that are
part of a mixed-use development
at 1674 Hyde Park Road that includes
a residential apartment building
component
(min) | 1 space per 25m ² |

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

PASSED in Open Council on March 24, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – March 24, 2020
Second Reading – March 24, 2020
Third Reading – March 24, 2020

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On September 5, 2019, Notice of Application was sent to 84 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 5, 2019. A “Planning Application” sign was also posted on the site.

A revised Notice of Application was mailed on December 23, 2019 and published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 26, 2019.

Original September 5, 2019 Notice of Application

No replies were received

Nature of Liaison:

The purpose and effect of this zoning change is to permit the construction of a 6-storey apartment building attached to the rear of the existing 2-storey commercial building on the site. The proposed development would include commercial uses at grade and office and residential uses on the 2nd storey within the existing building, and residential apartments in the new building. The proposal includes 53 residential units, 597.0m² of commercial floor area, and 550.5m² of office floor area, with a resultant mixed-use density of 124 units per hectare.

The notice advised of a possible change to Zoning By-law Z.-1 **FROM** a Holding Business District Commercial (h-17-BDC) Zone **TO** a Business District Commercial Special Provision (BDC(_)) Zone to permit a broad range of commercial service, office, and recreational uses, and apartment buildings which are all currently permitted, with special provisions to recognize a maximum front yard depth for the existing building of 7.15m and permit a maximum front yard depth of 22.4m for the apartment building component in place of a maximum front yard depth of 3.0m; establish a maximum building height of 6 storeys (18m) for the apartment building component; permit dwelling units on the entire first floor footprint of the apartment building component along North Routledge Park whereas dwelling units in mixed-use buildings are only permitted to the rear of the first floor and above; and to permit a minimum of 86 parking spaces whereas 112 parking spaces are required. The request also includes removal of the Holding provision (h-17) requiring full municipal sanitary sewer and water services.

The City may also consider other regulations to control the location of the existing and proposed buildings on the site.

Open House

The applicant also held an Open House on May 30, 2019, before submitting the application, regarding the development of the subject property as part of a larger mixed-use comprehensive development extending south to the intersection of Hyde Park Road and Gainsborough Road (now file Z-9067, considered at the Planning & Environment Committee on February 18, 2020). The Open House was attended by 15 people, 2 of whom represented the Hyde Park BIA.

The applicant forwarded one written comment from that meeting to City staff to form part of the City’s file. The comments appeared to primarily address the development at the intersection of Hyde Park Road and Gainsborough Road, but those that may pertain to the subject site included a request for more trees, the importance of sufficient retail parking, and that traffic will be an issue.

Revised December 23, 2019 Notice of Application

Two replies were received.

Nature of Liaison:

The applicant has amended the application to rezone a portion of 1712 Hyde Park Road in order to provide additional lands for parking and allow an increase in the number of residential dwelling units on the property. The applicant intends to submit an application to the City for consent to sever a portion of 1712 Hyde Park Road and convey it to 1764 Hyde Park Road.

The purpose and effect of this zoning change is to permit the construction of a 6-storey apartment building attached to the rear of the existing 2-storey commercial building on the site. The proposed development would include commercial uses at grade and office uses on the 2nd storey within the existing building, and residential apartments in the new building. The proposal includes 80 residential units, 463 m² of commercial floor area, and 463 m² of office floor area.

The notice advised of a possible change to Zoning By-law Z.-1 FROM a Holding Business District Commercial (h-17*BDC) Zone to a Business District Commercial Special Provision (BDC(_)) Zone to permit a broad range of commercial service, office, and recreational uses, and apartment buildings which are all currently permitted, with special provisions to recognize a maximum front yard depth for the existing building of 7.15 metres; establish a maximum building height of 6 storeys (21 metres) for the apartment building component; establish a maximum density of 150 units per hectare; permit dwelling units on the entire first floor footprint of the apartment building component along North Routledge Park whereas dwelling units in mixed-use buildings are permitted to the rear of the first floor and above, and to permit a minimum of 63 parking spaces whereas 115 parking spaces are required (required parking rate assumes success of the severance application). The request also includes removal of the Holding provision (h-17) requiring full municipal sanitary sewer and water services.

The City may also consider other regulations to control the location of the existing and proposed buildings on the site.

Concern for:

- traffic impacts including traffic control southbound from North Routledge Park east of Hyde Park, volume and congestion,
- whether the increase in the number of units is related to public or affordable housing (in support of the provision of)

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

Telephone	Written
Eileen Barker 2145 North Routledge Park Unit 12 London ON N6G 0J8	Marlene Koehler 600 Talbot Street Apt 201 London ON N6A 5L9

From: Marlene Koehler [mailto:]
Sent: Monday, January 13, 2020 11:06 AM
To: Debbert, Barb <bdebbert@London.ca>
Subject: Re: [EXTERNAL] Fwd: 1674/1712 Hyde Park Rd

Thanks for speaking with me this a.m.

For public feedback, sufficient to note something like "taxpayer inquiry about whether the increase in the number of units is related to 'public or affordable housing'"

Marlene Koehler
600 Talbot St, Apt 201, London, ON N6A 5L9

Marlene
Heaven on Earth is a choice you must make, not a place you must find. -- Wayne Dyer.
So, I support strategies to increase the supply of affordable housing, such as the
[Multifaith Housing Initiative](#) .

Agency/Departmental Comments

Urban Design (December 3, 2019)

- Urban Design staff commend the applicant for incorporating the following into the design; Providing a 6 storey mixed use building that is in keeping with the vision of the current Official Plan as well as the London Plan; providing for continuous street walls along the Hyde Park Road and North Routledge Park street frontages; providing for appropriate scale/ rhythm/ materials/ fenestration; incorporating the majority of parking in the rear yard, away from the Hyde Park Road frontage; and providing ground floor commercial space with transparent glazing and principles entrances facing the street creating an active edge.
- Urban design staff have been working closely with the applicant through the rezoning process to address many of the design concerns that have been raised by the Urban Design Peer Review Panel (UDPRP), and City staff. There are several items that have been identified by staff, the UDPRP and the community to be further reviewed through the site plan process including; parking lot layout, driveway entrance location, the further refinement of the entrance and design features on the East elevation, and the design of the space between the existing building and the City sidewalk along Hyde Park Road and between the proposed building and the curb along North Routledge Park.

Engineering (November 27, 2019)

The City of London's Environmental and Engineering Services Department offers the following comments with respect to the aforementioned zoning application:

Comments to be addressed as part of zoning application:

- The proposed site layout does not take into account Transportation's comment with respect to aligning access opposite to 1600 Hyde Park. This matter will need to be resolved prior to finalizing site's zoning as it will have implications on number of parking being proposed within the site.
- The proposed site layout contemplates the closure of an existing SWM ditch at the westerly limit of the site. Existing ditch serves multiple properties, any modification to the existing drainage pattern will require coordination with adjacent land Owners and may impact parking design and reduction in parking spaces.

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

Transportation:

- The TIA will need to be updated to reflect Transportations comments below:
 - The trip generation used should be calculated using the fitted curve equation from the ITE manual (the same calculation being used for the multi family trip generation)
 - Update the TIA recognising traffic signals are being constructed on Hyde Park road at South Carriage (operational fall 2019)
 - Remedial measure for Hyde Park and North Routledge should not include the installation of un-warranted signals, furthermore the spacing from the signals at Hyde Park and Gainsborough would need to comply with the City's Access Management Guidelines (minimum spacing of 300m between signals)
 - Remedial Measure for Site driveways (site driveway 4) recommends a southbound left turn lane for 1674, 1700 with the property being located on the west side of Hyde Park Road what operational improvements would this turn lane provide?

- General comments:
 - Road widening dedication of 24.0m from centre line is required along Hyde Park Road
 - Road widening dedication of 10.75m from centre line is required along North Routledge Park
 - Revised 6.0m x 6.0m daylight triangles required
 - A revised TIA will be required addressing the above noted comments
 - Detailed comments regarding access location and design will be made through the site plan process
 - Access should align opposite 1600 Hyde Park
- Note regarding on street parking:
 - The City is supportive of the on-street parking along North Routledge
 - External works drawings would be required but those could/would be coordinated through the Site Plan Approval process , where detailed comments regarding design and location will be discussed

Water:

- Water servicing strategy per City standards is required.
- Additional water related comments will be provided upon future review of this site.

Wastewater:

- The sanitary sewer available is the existing 250 mm sanitary sewer on North Routledge Park at Hyde Park Road.
- The Applicant's Engineer is to connect to this sewer from the proposed apartment building all to City Standards and to the satisfaction of the City Engineer.
- There is capacity for the proposed development. An update to the drainage area plan will be required.

Stormwater:

- As per plan # T18-40-14, the site is tributary at $C=0.70$ to manhole ST-2 via the 375mm storm sewer on North Routledge Park. Any changes in the C value to accommodate the proposed development will trigger the need for hydraulic calculations (storm sewer capacity analysis) to demonstrate that capacity of the sewer system to service the site is not exceeded and that on-site SWM controls will be designed to the satisfaction of the City Engineer. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, bioswales, etc.
- For the proposed and existing above-ground parking spaces, the applicant shall be required to address the water quality to the standards of the Ministry of the Environment and Climate Change and to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc.
- The site has "BDC" designation and therefore any proposed development design shall comply with the approved City Standard Design Requirements for Permanent Private Stormwater System (PPS), including LIDs.
- 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 subject lands are located in the Stanton Drain Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Medway Creek Stanton Drain and Mud Creek Subwatershed Study that may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.

- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site is required in accordance with City of London and MECP standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.
- Additional SWM related comments will be provided upon future review of this site.

Engineering (January 28, 2020)

Transportation is pleased to see the realignment of the driveway to align opposite the of proposed development at 1600 Gainsborough

The TIA will need to be updated to reflect Transportations comments below:

- The trip generation used should be calculated using the fitted curve equation from the ITE manual (the same calculation being used for the multi family trip generation)
- Update the TIA recognising traffic signals are being constructed on Hyde Park road at South Carriage (operational fall 2019)
- Remedial measure for Hyde Park and North Routledge should not include the installation of un-warranted signals, furthermore the spacing from the signals at Hyde Park and Gainsborough would need to comply with the City's Access Management Guidelines (minimum spacing of 300m between signals)
- Remedial Measure for Site driveways (site driveway 4) recommends a southbound left turn lane for 1674, 1700 with the property being located on the west side of Hyde Park Road what operational improvements would this turn lane provide?

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

Transportation:

- General comments:
 - Road widening dedication of 24.0m from centre line required along Hyde Park Road
 - Road widening dedication of 10.75m from centre line required along North Routledge Park
 - Revised 6.0m x 6.0m daylight triangles required
 - A revised TIA will be required addressing the above noted comments
 - Detailed comments regarding access location and design will be made through the site plan process
 - Access should align opposite 1600 Hyde Park
- Note regarding on street parking:
 - The City is supportive of the on-street parking along North Routledge
 - External works drawings would be required but those could/would be co-ordinated through the Site Plan Approval process , where detailed comments regarding design and location will be discussed

Water:

- City records show a 40mm PEX water service to the existing building from the 450mm watermain on the east side of Hyde Park Road. This service will not be suitable for meeting the requirements of the addition.
- Additional water service can be obtained from the 300mm PVC main on the south side of North Routledge Park Road.
- If more than one water service is utilized for the property, no internal interconnection of the 2 systems will be permitted.
- A servicing report including modelling will be required to show the suitability of the service(s) sizing for domestic and fire capacities.

Wastewater:

- The Applicant's Engineer is to connect to municipal sewers all to City Standards and to the satisfaction of the City Engineer.

Stormwater:

- As per attached drawing T18-40-14, the site at $C=0.70$ is tributary to the existing 375mm storm sewer on North Routledge Park. The applicant should be aware that any changes to the C-value will require the applicant to demonstrate sufficient capacity in this pipe and downstream systems to service the proposed development as well as provide on-site SWM controls. On-site SWM controls design should include, but not be limited to required storage volume calculations, flow restrictor sizing, bioswales, etc.
- The proposed land use of a high density residential and commercial triggers the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010.
- The number of proposed parking spaces exceeds 29, the owner shall be required to have a consulting Professional Engineer confirming how the water quality will be addressed to the standards of the Ministry of the Environment, Conservation and Parks (MECP) with a minimum of 70% TSS removal to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators or any LID filtration/infiltration devices.
- To manage stormwater runoff quantity and quality, the applicant's consulting engineer may consider implementing infiltration devices in the parking area in the form of "Green Parking" zones as part of the landscaping design.
- Any proposed LID solutions 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.
- This site plan may be eligible to qualify for a Stormwater Rate Reduction (up to 50% reduction) as outlined in Section 6.5.2.1 of the Design Specifications and Requirements manual. Interested applicants can request more information and an application form by emailing stormwater@london.ca.
- The subject lands are located in the Stanton Drain Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the SWM criteria and environmental targets identified in the Medway Creek Stanton Drain and Mud Creek Subwatershed Study that may include but not be limited to, quantity/quality control, erosion, stream morphology, etc.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.

- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site and that will be in accordance with City of London and MECP standards and requirements, all to the specification and satisfaction of the City Engineer. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.
- Additional SWM related comments will be provided upon future review of this site.

London Hydro (February 12, 2020)

- This site is presently serviced by London Hydro. Contact the Engineering Dept. if a service upgrade is required to facilitate this new building. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining save clearances from L.H. infrastructure is mandatory. **Note:** Transformation lead times are minimum 16 weeks. Contact the Engineering Dept. to confirm requirements & availability.
- 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.

London Housing Advisory Committee (Council Resolution October 16, 2019)

I hereby certify that the Municipal Council, at its meeting held on October 15, 2019 resolved:

That the following actions be taken with respect to the 8th Report of the London Housing Advisory Committee, from its meeting held on September 11, 2019:

b) the Civic Administration BE REQUESTED to ask the applicant to consider adding affordable housing units in the proposed development of the property located at 1674 Hyde Park Road; it being noted that the London Housing Advisory Committee reviewed and received a Notice of Application for a Zoning By-law Amendment for the subject property from B. Debbert, Senior Planner

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:

PPS

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 a, b, e

1.1.3 Settlement Areas

1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4

1.4 Housing

1.4.1

1.6.7 Transportation Systems

1.6.7.4

1.7.1 Long-term Economic Prosperity

Official Plan

3.4. Multi-Family, High Density Residential

3.4.3. Scale of Development

3.5. Policies for Specific Residential Areas

3.5.12 – Hyde Park Community Planning Area

3.7 – Planning Impact Assessment

4.4.1 Main Street Commercial Corridor

4.4.1.3. Function

4.4.1.1. Planning Objectives

4.4.1.2. Urban Design Objectives

4.4.1.4. Permitted Uses

4.4.1.7. Scale of Development

4.4.1.9. Urban Design

4.4.1.13.4. Hyde Park Specific Policy

London Plan

54_ Key Directions

55_ Direction #1 – Plan Strategically for a Prosperous City

59_ Direction #5 – Build a Mixed-use Compact City

Main Street Place Type

Permitted Uses – 908

Intensity – 910

Form – 911

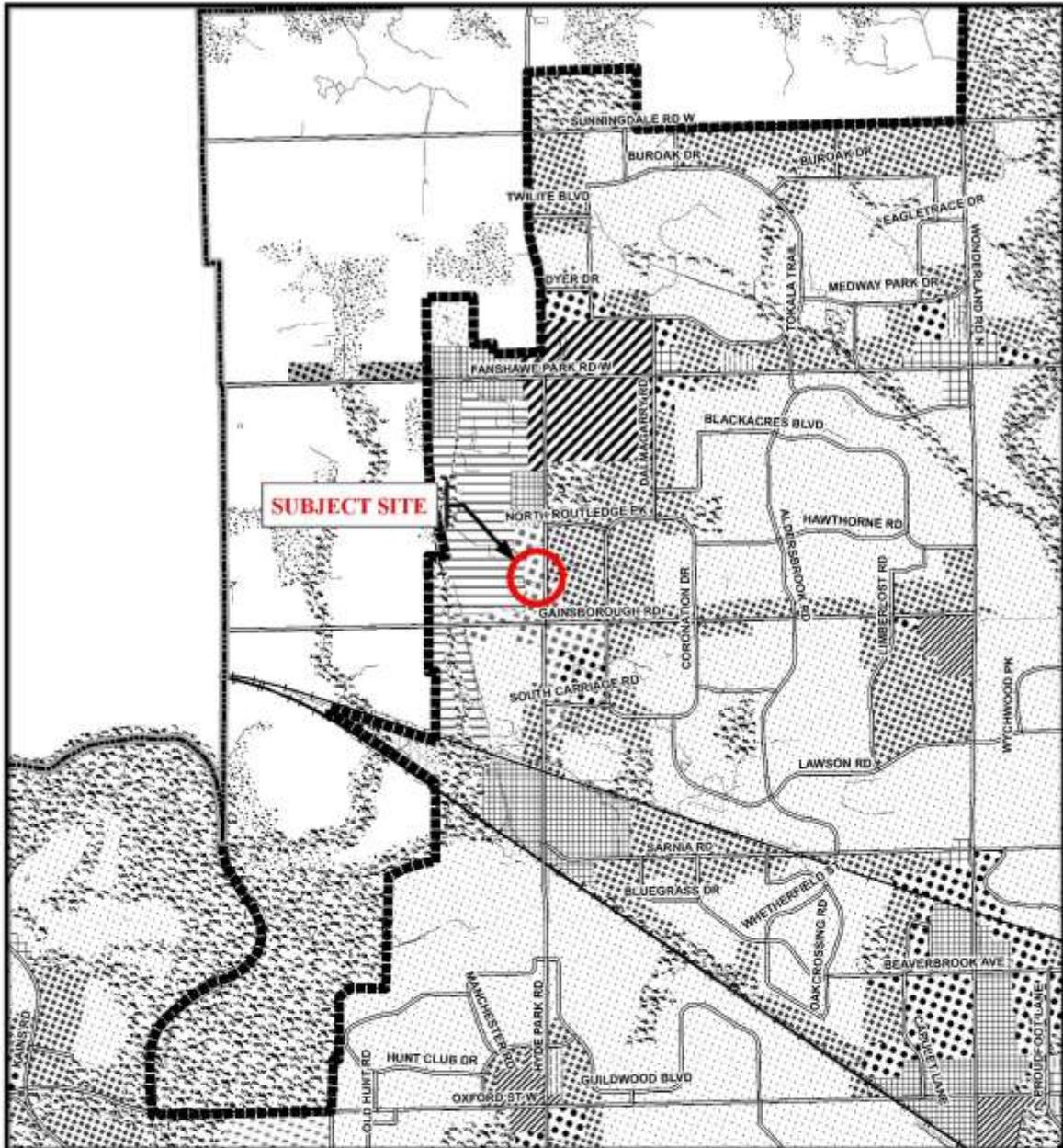
Hyde Park Community and Urban Design Guidelines

2.0 – Urban Form

6.0 – Hyde Park Hamlet

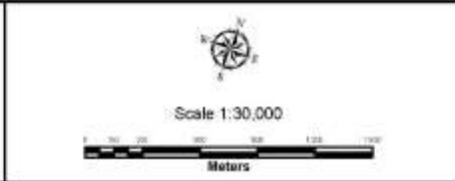
Appendix D – Relevant Background

**Additional Maps
 1989 Official Plan Schedule A – Land Use**



Legend	
	Downtown
	Enterprise
	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

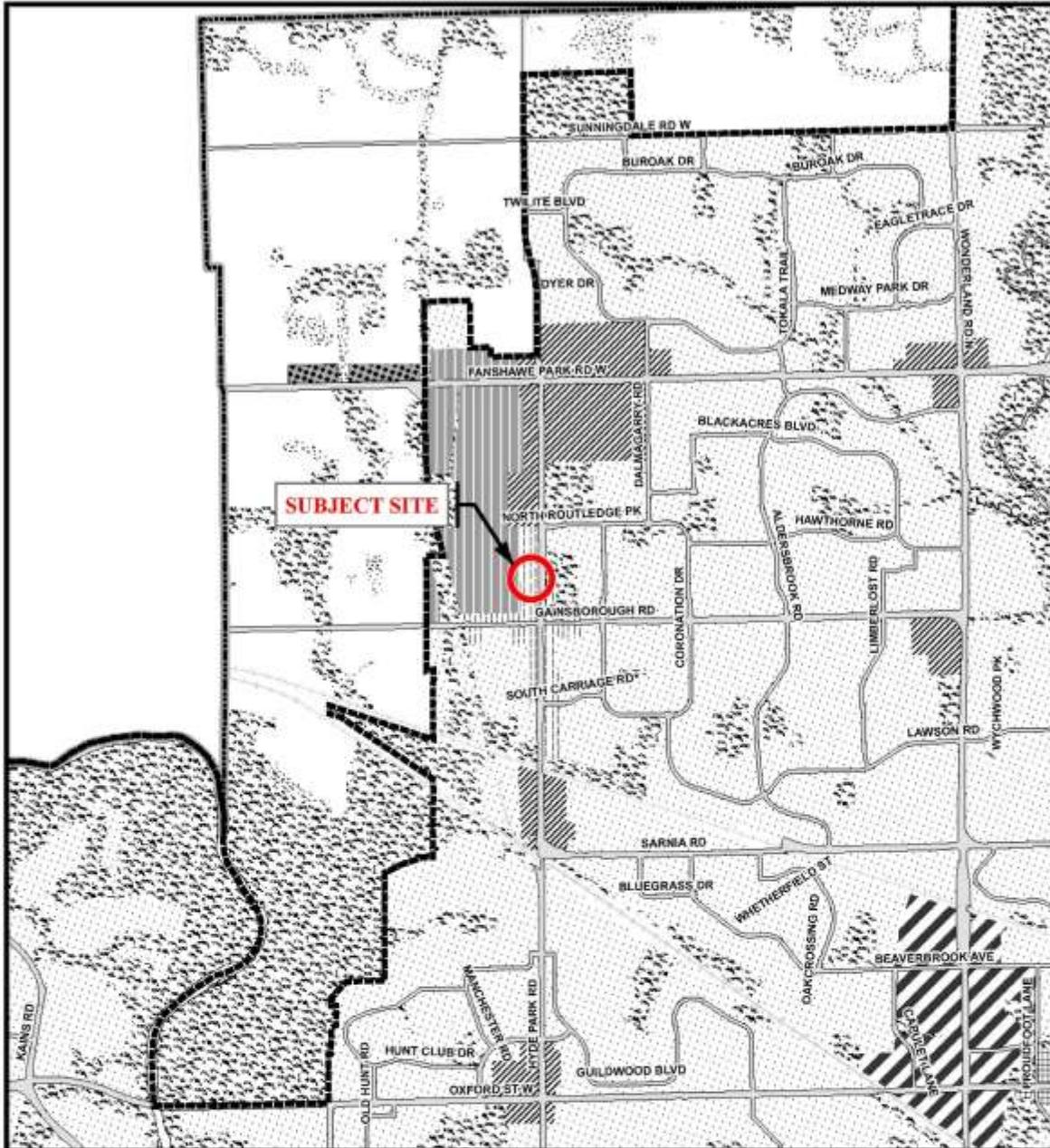
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: Z-9109
 PLANNER: BD
 TECHNICIAN: RC
 DATE: 07/02/2020

PROJECT LOCATION: e:\planning\project\sp_officialplan\work\consolid\excerpts\mxd_templates\scheduleA_NEW_b&w_bx14.mxd

The London Plan Map 1 – Place Types



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.

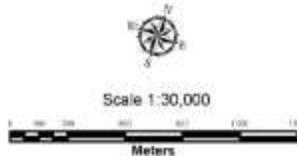
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
 Development Services

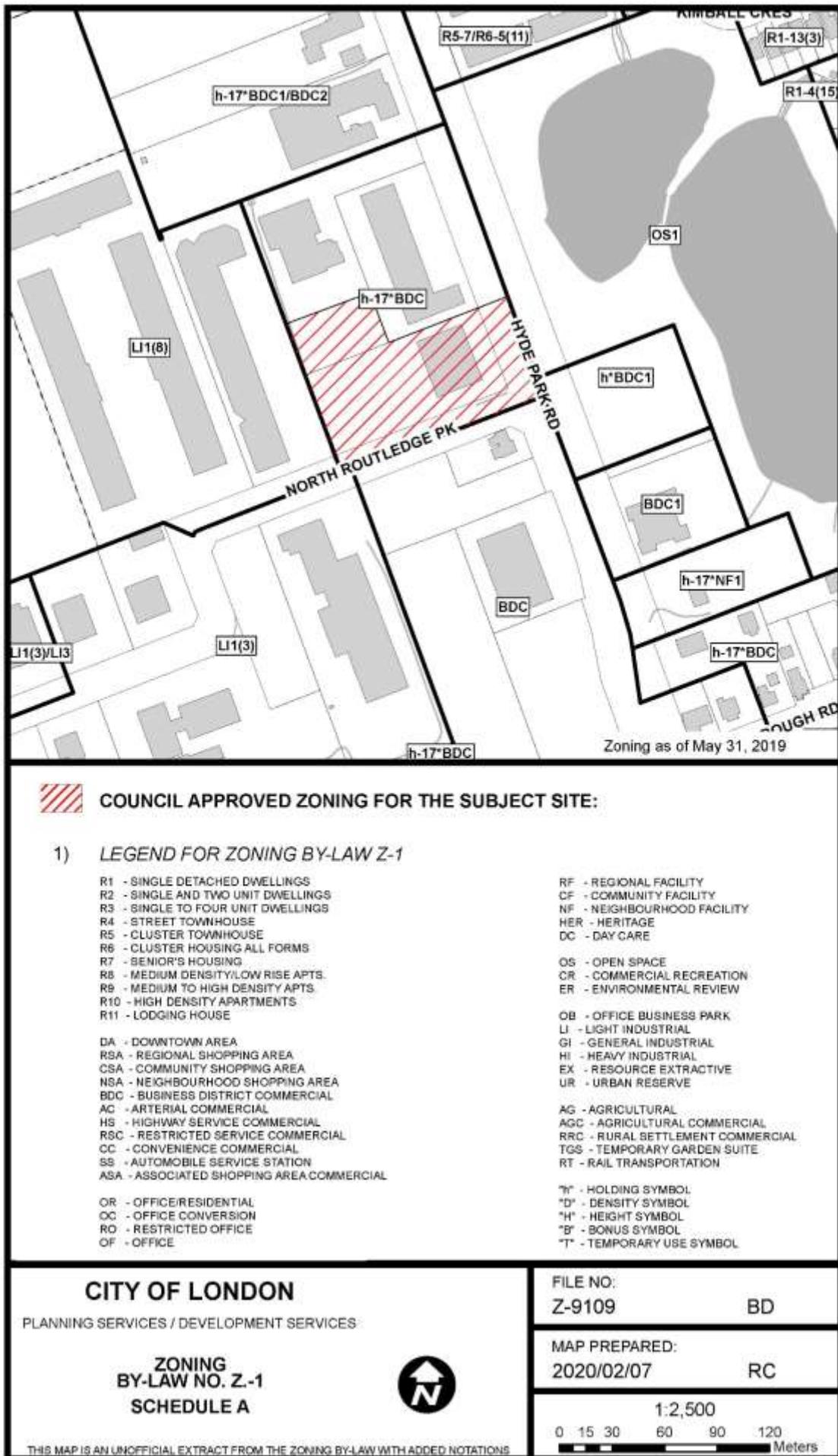
**LONDON PLAN MAP 1
 - PLACE TYPES -**

PREPARED BY: Planning Services



File Number: Z-9109
Planner: BD
Technician: RC
Date: February 7, 2020

Zoning By-law Z.-1



Appendix E – Applicant’s Reply to UDPRP Comments

Comment:
The Panel commends the applicant for the street-orientation of the proposed building and the proposed mix of uses.
Applicant Response:
We appreciate the opportunity to receive feedback relating to the ZBA application. Thank you for your comments.
Comment:
The Panel encourages the applicant to provide secure indoor bicycle parking within the building.
Applicant Response:
Secure, indoor bicycle parking is proposed within the building, near the rear, secondary entrance. This will be reviewed and confirmed through the detailed design stage.
Comment:
The Panel supports the L-shaped form of development and attempt to integrate the new building with the old.
Applicant Response:
We appreciate the opportunity to receive feedback relating to the ZBA application. Thank you for your comments.
Comment:
The Panel recommends that the applicant simplify the amount of intervention to the existing building façade to allow the basic massing and design of that building to remain.
Applicant Response:
There will be a reduction in the roofline elements of the 6-storey apartment buildings (including the rooftop canopy feature, as there is no rooftop amenity proposed). In an attempt to simplify the design of the rest of the development, existing openings and materials on the existing 2-storey building will not be altered. This will be reviewed and confirmed through the detailed design stage.
Comment:
The Panel encourages the applicant to look at options to better visually integrate and connect the existing building with the proposed.
Applicant Response:
In an attempt to visually integrate and connect the existing building with the proposed building, elements of the existing 2-storey building will be used across the design of the 6-storey apartment building (i.e. brick from existing building to be carried over to proposed building in select locations). This will be reviewed and confirmed through the detailed design stage.
Comment:
The Panel supports the coloured glazing at the corner where the two buildings meet on the street-facing side of the proposed building, though note that it is not cohesive with the rest of the development. The Panel suggests considering how this feature can be incorporated in the street-facing elevation and perhaps incorporated at the join of the two buildings on the rear elevation. Consideration should also be given to extending

this entrance visually, potentially through a canopy, to the corner, which will help integrate it with the existing building.

Applicant Response:

We acknowledge that the Panel supports the coloured glazing where the two buildings meet on the street-facing elevation. We reviewed how to make this feature more cohesive with the rest of the development. Through the use of unique hardscaping and landscaping, the setback of the primary building entrance can be enhanced and better connected with the street and closer, existing 2-storey building. We believe the use of hardscaping and landscaping will effectively visually integrate the two buildings and better enclose the area at the corner. This will be reviewed and confirmed through the detailed design stage.

We reviewed the potential of providing similar coloured glazing at the join of the two building on the rear elevations. Due to the proposed floor plans, there are apartments located here, and the addition of more glass along the two walls that join would not be consistent with OBC. There would be too much glass, and ultimately not enough fire-rated material, between the apartments.

Comment:

The Panel expressed concerns with the treatment of the ground floor of the proposed building. To this end, the Panel encouraged the applicant to consider the potential for grade-related commercial uses or the potential for future conversion to such uses along North Routledge Park. The Panel further recommended that the design of the ground floor be revisited on both the front and rear elevations to provide further articulation to differentiate it from floors above and provide a better transition to and protection of the ground floor residential units.

Applicant Response:

We acknowledge the Panel's concern of the treatment at the ground floor of the proposed, 6-storey building. We propose to change the material along the ground floor to provide better articulation from the rest of the building, as well as differentiate the human-scale element of the building. This improved articulation and enhanced human-scale element allows for the potential future conversion of the ground floor residential units, if market conditions change. The selection of material will be reviewed and confirmed through the detailed design stage.

Comment:

The Panel questioned the vertical lights as an accent on the Hyde Park elevation of the proposed building and indicated that it needs to be better integrated throughout the development and not an add-on to one elevation.

Applicant Response:

We appreciate Panel's question relating to the vertical lights. To confirm, the whole volume along the front façade will have these lights integrated into the proposed siding, flush with the material. The applicant wishes to preserve this feature only within this volume along Hyde Park, as it will focus the special appeal along the higher order street. Furthermore, it is proposed that the colour of the vertical lights will match the colour of the glazing around the primary building entrance along the street-facing elevation. This was not clearly identified in the rendering prepared and submitted for the ZBA application.

Comment:

The Panel commended the applicant for incorporating sustainable design elements, namely the solar panels shown in the parking area.

Applicant Response:

We appreciate the opportunity to receive feedback relating to the ZBA application. Thank you for your comments. We are proceeding with these sustainable design elements.

Comment:

The Panel supports the provision of a common outdoor amenity area in a central location near the building and encouraged the applicant to provide at-grade interior amenity rooms adjacent the outdoor amenity space at the detailed design phase.

Applicant Response:

We appreciate the opportunity to receive feedback relating to the ZBA application. Thank you for your comments. Common indoor amenity area is proposed at the back on the second level, which will be reviewed and confirmed through the detailed design stage.

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: St. George and Ann Block Limited
84 – 86 St. George Street and 175 – 197 Ann Street

Public Participation Meeting on: March 9, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of St. George and Ann Block Limited relating to the property located at 84 – 86 St. George Street and 175 – 197 Ann Street:

- (a) the comments received from the public during the public engagement process attached hereto as Appendix “A” to the Staff report dated March 9, 2020, **BE RECEIVED**;
- (b) Development Services Staff **BE DIRECTED** to make the necessary arrangements to hold a future public participation meeting regarding the above-noted application in accordance with the *Planning Act*, R.S.O 1990 C.P. 13

IT BEING NOTED that Staff will continue to process the application and will consider the public, agency, and other feedback received during the review of the subject application as part of the Staff evaluation of the subject application.

Executive Summary

Summary of Request

The requested amendment is intended to facilitate the construction of a high-rise apartment building with a maximum of 274 residential units, generally configured in an “H” shape and consisting of building massing of 28 storeys at the east end of the subject site, 26 storeys in the centre, and 12 storeys fronting St. George Street. The proposal includes a variety of indoor and outdoor amenity areas intended to serve residents of the building. The proposed outdoor amenity areas are located on the rooftops of the first (facing north) and 26th (facing south) storeys. The proposal also includes a café/lounge of approximately 530 square metres that would be accessible to the public. Parking is proposed to be provided in a multi-level parking structure with 209 parking spaces, bicycle storage and internal loading areas with one access from St. George Street.

The removal of several buildings would be required to allow the proposed building to be constructed, including a structure that is listed in the City’s heritage register.

The application requests an amendment to the 1989 Official Plan to change the designation of the western part of the property from Multi-family, Medium Density Residential to Multi-family, High Density Residential, to identify the site as a permitted location for convenience commercial uses, and to add a Special Policy Area to permit a maximum residential density of 764 units per hectare within the Multi-family, High Density Residential designation for this site.

The applicant requested an amendment to The London Plan to add a Specific Area Policy in the Neighbourhoods Place Type for this site to permit a maximum building height of 28 storeys, and to permit a maximum overall floor area of 1,000 square metres for retail, service and office uses within the podium base.

The application also requests an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R9 (R9-3*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision (R10-5()*D764*H93/CC4()) Zone to permit apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities, as well as convenience service establishments, convenience stores, financial institutions, personal service establishments, food stores, restaurants and brewing on premises establishments, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions are to permit a maximum height of 93 metres (28 storeys), a maximum density of 764 units per hectare in place of 350 units per hectare, reduced 0 metre yard depths to all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 209 spaces where 310 spaces are required. Commercial special provisions were requested allowing one commercial use to be limited to a maximum commercial gross floor area of 1,000 square metres where food stores are limited to a maximum of 500 square metres, take-out restaurants are limited to a maximum of 150 square metres and all other permitted uses are limited to a maximum of 300 square metres, and the maximum total commercial gross floor area is 1,000 square metres.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to:

- i) Present the requested amendment in conjunction with the statutory public meeting;
- ii) Preserve appeal rights of the public and ensure Municipal Council has had the opportunity to review the Official Plan and Zoning By-law amendment request prior to the expiration of the 120-day timeframe legislated for combined Official Plan and Zoning By-law amendments;
- iii) Introduce the proposed development and identify matters raised to-date through the technical review and public consultation; and,
- iv) Bring forward a recommendation report for consideration by the Planning and Environment Committee at a future public participation meeting once the technical review is complete

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site consists of one property located at the south-east corner of St. George Street and Ann Street. Existing uses on the property include five buildings constructed as single detached dwellings and now housing a number of residential rental units, one industrial/service commercial building housing both an auto body shop and a residential rental residential unit, and several outbuildings. 197 Ann Street, located at the east end of the property, is listed in the City's Register of Cultural Heritage Resources, and known historically as the Old Kent Brewery. Both Ann and St. George Streets are classified as local streets. The Ann Street road allowance terminates just east of the subject lands ending in surface parking areas servicing the surrounding land uses. These parking areas connecting to a private walkway between existing apartment buildings are regularly used for pedestrian access to Richmond Street. While the site itself is relatively flat, St. George Street slopes downward toward the north. As a result, the adjacent residential development to the south sits approximately 1-storey above grade on top of a partially underground parking garage, with an earthen embankment adjacent to the south property line of the subject site.

The adjacent land uses include: on the west side of St. George Street, street-oriented three-storey condominium townhouses; to the south, street-oriented two storey condominium townhouses atop a parking structure and a 12 storey condominium

apartment building; to the south-east, a 17 storey condominium apartment building with commercial uses in the main floor podium; to the east, a hydro substation and an 18 storey condominium apartment building; and on the north side of Ann Street, a multi-unit industrial building. The Principal Main Line for Canadian Pacific Railway runs diagonally just north of termination of Ann Street and behind the industrial building on the north site of Ann Street.

The broader surrounding neighbourhood to the north, west and south of the subject property is characterized by a variety of land uses including a mix of low-rise housing forms ranging from single detached dwellings, semi-detached dwellings and converted dwellings, up to mid-rise apartment buildings, storage facilities, retail, service and office uses. The Richmond Street commercial area lies half a block to the east of the subject property.

View from corner of St. George and Ann Streets



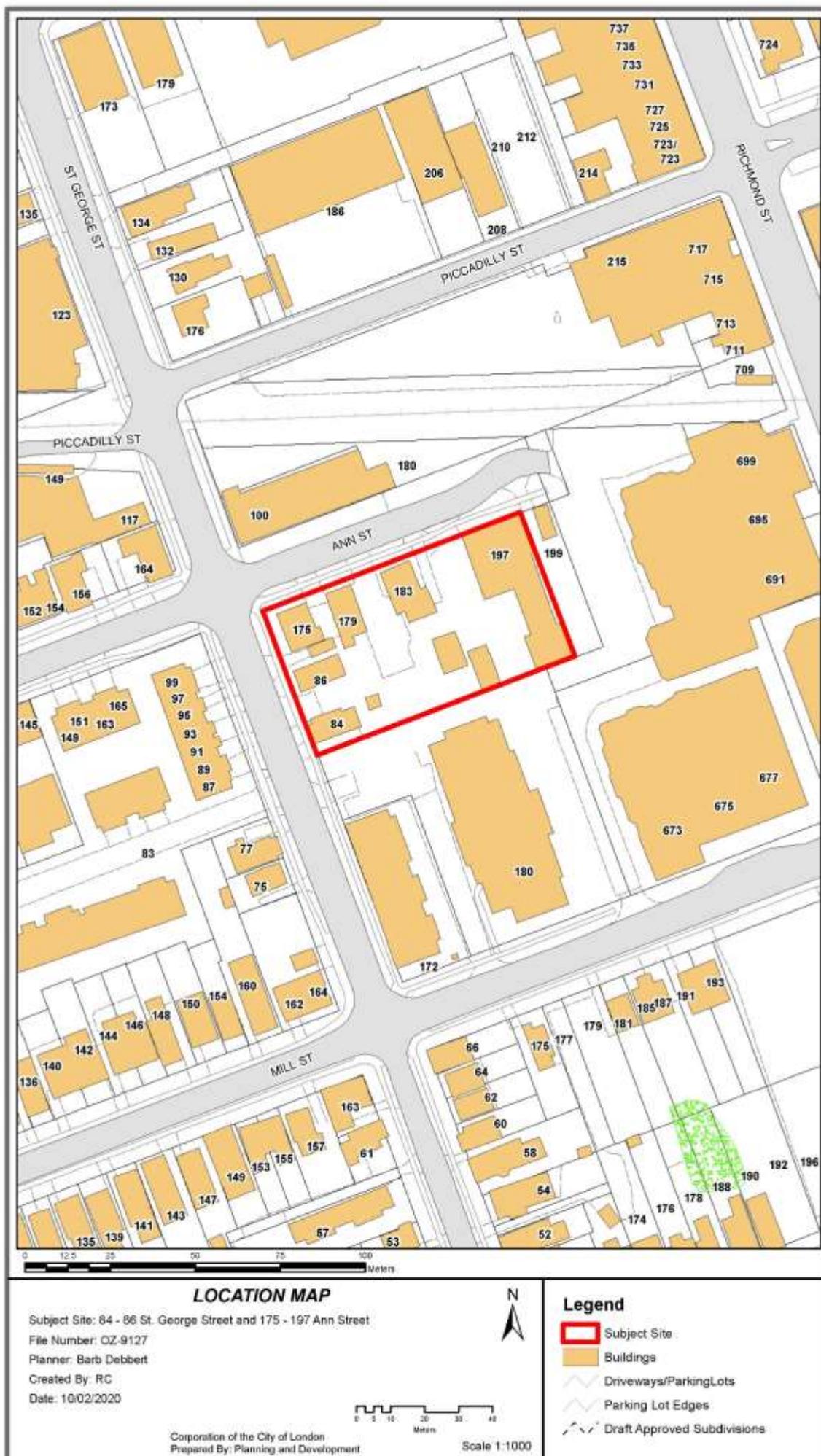
197 Ann Street



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

- Official Plan Designation – Multi-family, Medium Density Residential and Multi-family High Density Residential (including Talbot Mixed-Use Area Special Policy Area)
- The London Plan Place Type – Neighbourhoods Place Type (including Talbot Mixed-Use Area and 175 – 199 Ann Street and 84 – 86 St. George Street Specific Area Policies)
- Existing Zoning – Residential R9 (R9-3*H12) Zone

1.3 Location Map



1.4 Site Characteristics

- Current Land Use – Residential rental buildings and auto body shop
- Frontage – 45.3 metres
- Depth – 81.0 metres
- Area – 0.367 ha.
- Shape – rectangular

1.5 Surrounding Land Uses

- North – industrial
- East – apartment buildings (18 storeys) and commercial
- South – townhouses and apartment building (12 storeys)
- West – townhouses

1.6 Intensification (274 units)

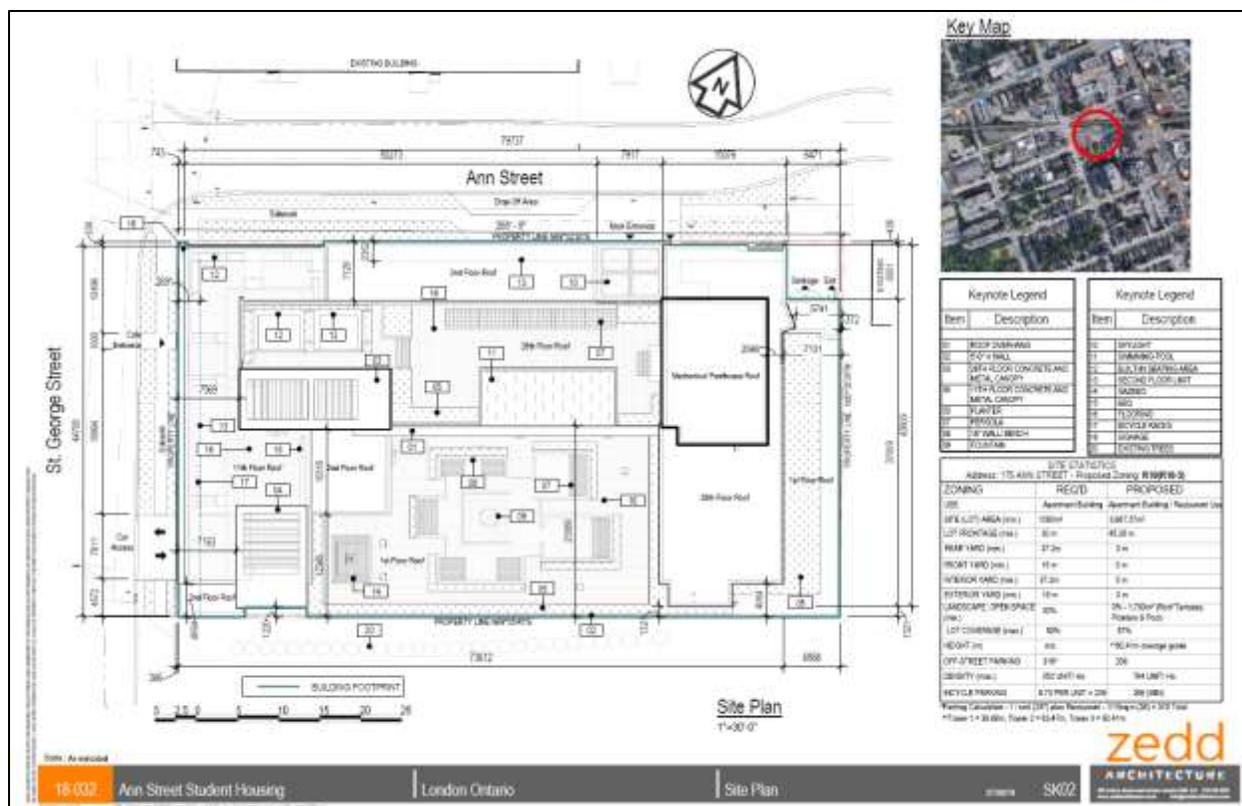
- The proposed residential units represent intensification within the Built-area Boundary
- The proposed residential units represent intensification inside the Primary Transit Area

2.0 Description of Proposal

2.1 Development Proposal

The proposed development is a high-rise apartment building with a maximum of 274 residential units, generally configured in an “H” shape and consisting of a building massing of 28 storeys at the east end of the property, 26 storeys in the centre, and 12 storeys along St. George Street. A combination of cantilevers, a 1-storey podium along a portion of the north building façade, and recesses along most of the building’s north and west faces provide a differentiation of the first and second storeys from the upper storeys of the building. The overall massing of entire building is broken up by projections, recessions and horizontal/vertical elements. Additional visual articulation is achieved by varying building materials, colours and heights, providing wall and roofline elements, and employing extensive glazing.

Figure 1 – Site Concept



The development is intended to help meet market demands for student-oriented housing. Indoor and outdoor amenity spaces intended to serve the building include a fitness centre, spinning space, yoga studio, home theatre, virtual reality space, study

rooms, common recreation areas, instruction/meeting space, and lounges. Two rooftop terraces are provided in place of ground level outdoor amenity space. The first storey rooftop amenity area features a fountain, pergolas and a gazebo, planters and seating areas. The 26th storey rooftop amenity area features a pool, canopies and a pergola, planters and seating areas.

Administrative space, a mail room, common kitchen facilities and security areas are also planned for the interior space on the first two floors. The proposal also includes a café/lounge of approximately 530 square metres that would be accessible to the public.

Parking is provided in a multi-level parking structure with 209 parking spaces, bicycle storage and internal loading areas with one access from St. George Street.

The removal of a structure that is listed in the City's heritage register would be required to allow the building to be constructed as proposed.

Figure 2 – Building Rendering



3.0 Relevant Background

3.1 Planning History

These lands were the subject of a site-specific appeal to The London Plan which, in a broad sense, sought to recognize pre-existing permissions of the Multi-family, High Density Residential designation of the 1989 Official Plan, previously applied to the majority of the site with the exception of lands adjacent to St. George Street. As a result of settlement discussions for appeals against The London Plan, the Local Planning Appeals Tribunal (LPAT) approved a new Special Area Policy within the Neighbourhoods Place Type for the subject site on August 27, 2018. The new policy permits heights in excess of 12-storeys through a bonus zone, where the Evaluation Criteria for Planning and Development Applications and the Bonus Zoning policies of this Plan can be met. Development along the St. George Street frontage will include a significant step back to provide a low-rise character that is consistent with the streetscape.

The applicant requested an amendment to The London Plan to add a Special Area Policy in the Neighbourhoods Place Type for this site to permit a maximum building height of 28 storeys, and to permit a maximum overall floor area of 1,000 square metres for retail, service and office uses within the podium base. This amendment would effectively replace the Special Area Policy approved in 2018 by the LPAT.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R9 (R9-3*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision (R10-5()*D764*H93/CC4()) Zone.

The requested Residential R10 (R10-5) Zone permits apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities. The requested special provisions were to permit a maximum height of 93 metres (28 storeys) where the height is to be determined on the zone map by way of a zoning review process, a maximum density of 764 units per hectare in place of 350 units per hectare, reduced 0 metre yard depths to all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 209 spaces where 310 spaces are required.

The requested Convenience Commercial Zone permits convenience service establishments, convenience stores, financial institutions and personal service establishments, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions were to add food stores, take-out and eat-in restaurants, and brewing on premises establishments without drive-through facilities and restricted to a location within an apartment building, as well as allowing one commercial use to be limited to a maximum commercial gross floor area of 1,000 square metres where food stores are limited to a maximum of 500 square metres, take-out restaurants are limited to a maximum of 150 square metres and all other permitted uses are limited to a maximum of 300 square metres, and the maximum total commercial gross floor area is 1,000 square metres.

The notice of application also stated that the City may also consider special provisions in Zoning By-law Z.-1 regulating the height transition of the proposed building, and the use of a less intensive base zone with bonus provisions to allow the requested height and density in return for certain facilities, services or matters.

3.3 Community Engagement (see more detail in Appendix B)

Members of the public were given an opportunity to provide comments on this application in response to the notice of application given on October 10, 2019. Written and verbal replies were received from 11 individuals.

The public's concerns generally included:

- Heritage
 - Proposed demolition of 197 Ann Street undervalues heritage qualities of the site
 - The whole block should be saved
- Retail/Commercial Use not appropriate for the location
- Intensity
 - Traffic volume and safety issues
 - Noise issues resulting from an increased amount of traffic and number of people
 - Inadequacy of parking to be provided
 - Increased number of pedestrians cutting through the area to get from housing to businesses on Richmond Street creating garbage, safety and security issues
- Form
 - Ignores the low-rise townhouse and single-family home characteristics of the neighbourhood
 - Inadequate on-site landscaped open space and inadequate parkland provision in the area – object to the use of cash-in-lieu of parkland
 - Loss of sunlight, privacy and views

- Student Housing
 - The proposal will contribute to a pre-existing imbalance of student to non-student population in the neighbourhood
 - Neighbourhood is underpopulated in the summer which isolates long-term residents, creates social problems such as squatters, criminal activity, and hurts local businesses
 - Purpose-designed student housing is not diverting students from single family homes as some students prefer the lack of behavioural regulation of this form of housing
 - Allowing construction and marketing of housing geared to students is contrary to the Human Rights Code because it discriminates against protected groups
- Possible impacts on groundwater-based HVAC systems in surrounding buildings
- Possible impact on adjacent hydro transformer substation.
- Loss of property value

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement

The Provincial Policy Statement (PPS), 2014 provides policy direction on matters of provincial interest related to land use planning and development. The PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential (including affordable housing and housing for older persons), employment and institutional uses to meet long-term needs (Policy 1.1.1b.). It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs (Policy 1.1.1 e). The PPS encourages settlement areas (Policy 1.1.3) to be the main focus of growth and their vitality and regeneration shall be promoted. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with surrounding infrastructure, public service facilities and are also transit supportive (Policy 1.1.3.2).

The policies of the PPS also direct planning authorities to identify appropriate locations and promote opportunities for residential intensification and redevelopment (Policies 1.1.3.2.b) and 1.1.3.3) where this can be accommodated, while promoting appropriate development standards which facilitate intensification, redevelopment and compact form (Policy 1.1.3.4) and promote active transportation limiting the need for a vehicle to carry out daily activities (Policy 1.6.7.4).

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents. It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing toward locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (Policy 1.4.3).

The PPS also states long-term economic prosperity should be supported by encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* (Policy 1.7.1 d). *Significant built heritage resources* shall be conserved (Policy 2.6.1).

In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

The London Plan

The London Plan is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and

effect). *The London Plan* policies 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.

Site Specific Appeals

The applicant's appeal noted in Section 3.1 – Planning History of this report, also included the appeal of many policies of the Plan as they related specifically to the subject site. The August 27, 2018 LPAT decision orders that certain policies that were the subject of multiple appeals by various appellants “are approved as of the date of issuance of this Order, subject to the right of the Appellants to continue site-specific appeals for those addresses identified in Schedule B Table 3 hereto”. Many of these otherwise in force policies appear to continue to be under appeal with respect to the subject property and are indicated with a double asterisk (**) throughout this report.

Key Directions

The London Plan provides Key Directions (54_) that must be considered to help the City effectively achieve its vision. These directions give focus and a clear path that will lead to the transformation of London that has been collectively envisioned for 2035. Under each key direction, a list of planning strategies is presented. These strategies serve as a foundation to the policies of the plan and will guide planning and development over the next 20 years. Relevant Key Directions are outlined below:

The London Plan provides direction to plan strategically for a prosperous city by:

- Creating a strong civic image by...creating and sustaining great neighbourhoods...;
- Revitalizing our urban neighbourhoods and business areas;
- Plan for cost-efficient growth patterns that use our financial resources wisely;
- Invest in, and promote affordable housing to revitalize neighbourhoods and ensure housing for all Londoners (Key Direction #1, Directions 3, 4, 11 and 13);

The London Plan provides direction to plan strategically to celebrate and support London as a culturally rich, creative, and diverse city by:

- Protecting our built and cultural heritage to promote our unique identity ... (Key Direction #3, Direction 7);

The London Plan provides direction to build a mixed-use compact city by:

- Implementing a city structure plan that focuses high-intensity, mixed-use development to strategic locations – along rapid transit corridors and within the Primary Transit Area;
- Planning to achieve a compact, contiguous pattern of growth – looking “inward and upward”;
- Sustaining, enhancing and revitalizing our downtown, main streets, and urban neighbourhoods;
- Planning for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce our need to grow outward;
- Mixing stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity (Key Direction #5, Directions 1, 2, 3, 4 and 6);

The London Plan provides direction to place a new emphasis on creating attractive mobility choices by:

- Linking land use and transportation plans to ensure they are integrated and mutually supportive (Key Direction #6, Direction 4);

The London Plan provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy and connected communities, creating a sense of place and character;
- Creating social gathering places where neighbours can come together, such as urban parks and public spaces, ...cafes, restaurants, and other small commercial services integrated with neighbourhoods;
- Protecting what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character... (Key Direction #7, Directions 3, 4 and 5).

The London Plan provides direction to make wise planning decisions by:

- Ensuring new development is a good fit within the context of an existing neighbourhood (Key Direction #8, Direction 9).

City Structure Plan

The growth framework of the City Structure Plan establishes a clear hierarchy for development intensity inside the Urban Growth Boundary. It places a high level of importance on growing “inward and upward” (Policy 79_), while directing the most intensive forms of development to the Downtown, Transit Villages and at station locations along the Rapid Transit Corridors (Policy 86_*). Intensification is to occur in appropriate locations and in a way that is sensitive to existing neighbourhoods and represents a good fit (Policy 83_*).

Neighbourhoods Place Type and Specific Area Policy on the subject lands

The subject site is located in the Neighbourhoods Place Type on *Map 1 – Place Types in The London Plan. The London Plan envisions neighbourhoods as vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Key elements include a strong neighbourhood character, sense of place and identity; attractive streetscapes and buildings; a diversity of housing choices; well-connected neighbourhoods; lots of safe, comfortable, convenient and attractive alternatives for mobility; easy access to daily goods and services within walking distance; employment opportunities close to where we live; and parks, pathways and recreational opportunities that strengthen community identity and serve as connectors and gathering places (Policy 916_*).

The standard range of permitted uses and heights in the Neighbourhoods Place Type is tied to the road network, allowing broader ranges of uses and taller buildings at the intersections of higher-order roads. As the site is located at the intersection of two Neighbourhood Streets, the lowest-order road classification in the City, permitted uses would normally include single detached, semi-detached, duplex and converted dwellings, townhouses, secondary suites, home occupations and group homes, with a maximum height of 2.5 storeys (Policy 920_*, Tables 10* and 11*, Map 1 – Place Types* and Map 3 – Street Classifications*).

A recent settlement decision of the Local Planning Appeals Tribunal (LPAT) takes precedent over these policies, permitting heights in excess of 12-storeys through a bonus zone, where the Evaluation Criteria for Planning and Development Applications and the Bonus Zoning policies of this Plan can be met, and requiring development along the St. George Street frontage to include a significant step back to provide a low-rise character that is consistent with the streetscape.

Commercial uses of any kind are not permitted by either the standard Neighbourhood Place Type policies or the Specific Area Policy approved by the LPAT.

Residential Intensification in Neighbourhoods

The Neighbourhoods Place Type contains specific policies for intensification, stressing its importance to achieving the vision and key directions of The London Plan and identifies a variety of forms of intensification including redevelopment – the removal of existing buildings in favour of one or more new buildings that house a greater number of dwelling units than what currently exists (Policy 939_*). Such intensification must be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality and sustainability (Policy 937_*). It is an important strategy of the Plan to support all forms of intensification, while ensuring that they are appropriately located and fit well within their neighbourhood (Policy 940_*). Policy 953_* of the Plan states that the City Design policies of the Plan will apply to all intensification proposals, along with additional urban design considerations for residential infill.

Talbot Mixed-Use Area

The subject site is located within the Talbot Mixed-Use Area which encompasses lands bounded by the Richmond Row Commercial District on the east, the Downtown on the south, the Thames River on the west and Ann Street on the north. The policies recognize that there will be proposals for the redevelopment of lands for multi-family residential uses and in response require that, “...*the scale and form of any redevelopment or change in land use shall not adversely impact the amenities and character of the surrounding area.*” (Policy 1025_**). Additional policies include ensuring that the lands fronting on St. George Street shall retain their predominantly low-rise residential character (Policy 1031_**).

Near-Campus Neighbourhoods

The site is located within the Near-Campus Neighbourhoods Specific Area Policy which provides a policy context for development in neighbourhoods that are in proximity to Western University and Fanshawe College (Policy 962_*). Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (Policy 964_*). The policies provide planning goals in support of the vision which include, “*Encourag[ing] appropriate residential intensification in mid-rise and high-rise forms of development...*” (Policy 965_7*) while “*Direct[ing] residential intensification to significant transportation nodes and corridors away from the interior of neighbourhoods* (Policy 965_8*).”

1989 Official Plan

Overview – Vision, Planning Principles, City Structure

The City of London Official Plan outlines Council’s objectives and provides policies regarding the short- and long-term physical development of the municipality. Comprehensively, the policies promote orderly urban growth and compatibility among land uses. While objectives and policies in the Official Plan relate primarily to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The Official Plan’s Vision statement is an expression of City Council’s intent for the long term planning and management of land use and growth in the City of London. Among other matters, the OP Vision promotes an urban form that features a strengthened and revitalized Downtown servicing as the commercial, cultural and administrative centre for the City and region. The more intensive forms of residential and commercial development outside of the Downtown will continue to be focused along sections of major transportation corridors and in designated nodes to facilitate public transit. Furthermore, urban design objectives and guidelines are to be applied to assist in the protection and enhancement of neighbourhood and streetscape character, promote the retention and re-use of heritage buildings, and provide for the blending of infill and redevelopment projects with their surroundings (Sections 2.2.1.v) and vi).

Planning principles that are further reflected in the objectives and policies of the Official

Plan promote compatibility among land uses in terms of scale, intensity of use and related impacts; support the maintenance and enhancement of built heritage resources; encourage a compact urban form while directing redevelopment and intensification activities to locations where existing land uses are not adversely affected; and promote site and building design which is sensitive to the scale and character of surrounding uses (Section 2.3.1.ii), iii), v), vi), vii) and viii).

The City Structure Policies direct high and medium density residential development to appropriate areas within and adjacent to the Downtown, near the periphery of Regional and Community Shopping Areas, and in selected locations along major roads specifically along transit nodes and corridors and near Open Space designations. It is recognized that through infill, intensification and redevelopment, some high and medium density residential projects may be permitted in areas which have not been identified as preferred locations. The approval of these developments will be based on the ability of a site to accommodate development in a manner which requires that compatibility concerns be addressed (Section 2.4.1 vi). The historic perspective of the City will be recognized through the preservation and/or rehabilitation of older commercial, institutional and residential structures which have heritage value on the basis of their cultural heritage value or interest (Section 2.4.1 xix).

Multi-family, High Density Residential and Multi-family, Medium Density Residential Designations

Most of the subject site is within the Multi-family, High Density Residential designation. The exception is that portion of the site fronting on and adjacent to St. George Street, which is in the Multi-family, Medium Density Residential designation.

The Multi-family, High Density Residential designation permits a variety of residential housing forms, including low and high rise apartment buildings, as the main uses. The preferred locations for the Multi-family, High Density Residential designation includes areas near the periphery of the Downtown that are appropriate for redevelopment, and lands abutting or having easy access to an arterial or primary collector road. Criteria for considering the designation of lands for multi-family, High Density Residential use relate to compatibility, servicing, traffic, buffering and proximity to transit and service facilities (Section 3.4.2 i) to v).

The subject site is located in Central London (the area bounded by Oxford Street on the north, the Thames River on the south and west, and Adelaide Street on the east. Excluding provisions for density bonusing (Section 3.4.3 iv), net residential densities in the Multi-family, High Density Residential designation will normally be less than 250 units per hectare in Central London (Section 3.4.3). In addition to the ability to bonus to provide facilities, services and matters in return for greater height or density, the Official Plan contains criteria for increasing density on Multi-family, High Density Residential lands, provided all of a series of criteria are met (Section 3.4.3 ii). The determination of appropriate height and density limitations for individual sites may be based on a concept plan showing how the area will be developed and integrated with surrounding land uses.

The Multi-family, Medium Density Residential designation adjacent to St. George Street permits a variety of housing forms, including low-rise apartment buildings as the main uses, and may serve as a suitable transition between Low Density Residential areas and more intense forms of land use (Sections 3.3 and 3.3.1.).

Development in the Multi-family, Medium Density Residential designation shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of high density residential development. Height limitations are to be established in the Zoning By-law and are to be sensitive to the scale of development in the surrounding neighbourhood. Normally height limitations will not exceed four storeys. In some instances, height may be permitted to exceed this limit, if determined to be appropriate subject to a site-specific zoning by-law amendment and/or bonus zoning provisions (Section 3.3.3.i)). Medium density development will not exceed an approximate net density of 75 units per hectare. Exceptions to the density limit may be made without an amendment to the Plan for

developments which are designed and occupied for senior citizens' housing qualify for density bonusing, or are within the boundaries of Central London. Where an exception is made, the height limitations will remain in effect and the applied density will be limited to a maximum density of 100 units per hectare.

The Plan generally encourages new convenience commercial uses to locate in the Commercial designations, but they may be permitted in the Multi-family, High Density Residential and the Multi-family, Medium Density Residential designations by Official Plan amendment and zoning change, subject to locational and scale criteria (Section 3.4.1 ii).

Residential Intensification

Residential Intensification proposals in the Multi-family, High Density Residential designation are subject to Public Site Plan Review and the site review criteria contained in Sections 3.2.3.5 and 19.9.2 of the Plan (Section 3.4.1 (vii)). Intensification proposals in the Multi-family, High Density Residential designation are subject to Public Site Plan Review and the site review criteria contained in Sections 3.2.3.5 and 19.9.1 of the Plan (Section 3.3.1. vii)).

Talbot Mixed-Use Area

The subject site is located within the Talbot Mixed-Use Area which encompasses lands bounded by the Richmond Row Commercial District on the east, the Downtown on the south, the Thames River on the west and Ann Street on the north. The policies recognize that there will be proposals for the conversion of existing dwellings to commercial and office use and for the redevelopment of lands for multi-family residential uses. The scale and form of any redevelopment or change in land use shall not adversely impact the amenities and character of the surrounding area. Proposals for the rezoning and/or re-designation of lands to permit a change in use shall be evaluated on the basis of a Planning Impact Analysis in addition to specific criteria based on the land use designation and/or geographic areas or street frontages. Policies that pertain to the subject site address matters of use, intensity and form, encouraging a high standard of site and building design, and ensuring that within the Multi-family, Medium Density Residential designation lands fronting on St. George Street shall retain their predominantly low-rise residential character.

Near-Campus Neighbourhoods

The site is located within the Near-Campus Neighbourhoods Specific Area Policy which provides a policy context for development in neighbourhoods that are in proximity to Western University and Fanshawe College (Policy 962_*). Near-Campus Neighbourhoods will be planned to enhance their livability, diversity, vibrancy, culture, sense of place, and quality of housing options for all residents (Policy 964_*).

4.0 Matters to be Considered

A complete analysis of the application is underway and includes a review of the following matters, which have been identified to date. These matters will be evaluated to gauge: Consistency with the policy statements issued under the authority of the *Planning Act*; conformity of the requested by-law with the in-force policies of The London Plan and the 1989 Official Plan; and, compatibility of the proposed development with the listed heritage resource, local context, and surrounding community.

4.1 Heritage Significance

The concept plan submitted with the Official Plan and Zoning By-law amendment applications illustrates a new building covering much of the subject site and implying the removal of the listed heritage property at 197 Ann Street in order to facilitate the proposed development. A request for demolition has not been submitted to the City; however the consideration of policy and regulatory planning changes should be reviewed in the

context of the impact of such permissions on a property that is potentially a significant built heritage resource.

4.2 Use – Residential Apartment Building

The subject site is currently designated and zoned to permit apartment buildings. A site-specific special policy, approved by the LPAT by way of a settlement to an appeal against The London Plan, also contemplates the development of an apartment building on the subject site. An analysis of the requested amendment will evaluate the appropriateness of an apartment building on the subject site where one currently does not exist.

4.3 Intensity – Residential Apartment Building

The subject site is zoned to permit a maximum height of 12 metres (approximately 4-storeys) with a policy framework that contemplates a maximum height of 12-storeys by way of standard zoning and greater heights through the use of bonus zoning. The surrounding context includes 3 apartment buildings with heights of 17- and 18-storeys to the east and 12-storeys to the south. The lands to the west in the interior of the neighbourhood consist of 3-storey townhouses fronting St. George Street. An analysis of the requested amendment will evaluate the development proposal against the applicable policy framework and local context to determine if the request for a 28-storey apartment building, which steps down to 26-storeys in the middle and further stepping down to 12-storeys fronting St. George Street is appropriate for the subject site.

4.4 Form

The proposed footprint of development occupies virtually the entire site. It rises from the site in an “H” shape resulting in a mass that will be larger than what exists on the site today. The proposed form of development will be evaluated against policy framework to determine conformity and the local context to determine the appropriateness of the “fit”.

4.5 Use and Intensity – Retail/Commercial

In addition to the request to permit a 28-storey apartment building, the application also requests an amendment to permit various commercial uses within the future building. Given the site’s location within the interior of the community in context with its proximity to the main street uses located on Richmond Street, a future analysis will evaluate whether the requested amendment is consistent with the policies which consider the appropriateness of convenience commercial uses within residential areas.

4.6 Bonusing

The requested amendment seeks a standard Residential R10 zone rather than a “Bonus” zone to facilitate the proposed development. An analysis will compare the requested amendment with the policy framework which evaluates the locational criteria for heights and densities in this part of the City as well as the appropriateness of foregoing the use of Bonus zoning to support the requested form of development.

5.0 Conclusion

Development Services Staff will review the comments received with respect to the request for an Official Plan and Zoning By-law amendment and report back to Council with a recommendation in response to the amendments. A future public participation meeting will be scheduled when the review is complete and a recommended action is available.

Prepared by:	Michael Tomazincic Manager, Current Planning 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.	

February 29, 2020

Y:\Shared\DEVELOPMENT SERVICES\11 - Current Planning\DEVELOPMENT APPS\2019 Applications 9002 to\9127OZ - St. George Street, 84 - 86 and 175 - 197 Ann Street (BD)\PEC\Draft OZ-9127 84 - 86 St. George Street & 175 - 197 Ann Street (MT Background Report) 1 of 1.docx

Appendix A – Public Engagement

Community Engagement

Public liaison: On October 10, 2019, Notice of Application was sent to 732 property owners and tenants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 10, 2019. A “Planning Application” sign was also posted on the site.

Replies from 11 individuals were received

Nature of Liaison:

The purpose and intent of this application is to allow a 28 storey apartment building with 274 residential units, commercial uses such as retail, personal services, administration offices and restaurants on the main floor, and underground parking. The building height steps down toward St. George Street to 26 and 12 storeys.

The applicant requested an amendment to the 1989 Official Plan to change the designation of the western part of the property from Multi-family, Medium Density Residential to Multi-family, High Density Residential, to identify the site as a permitted location for convenience commercial uses, and to add a Specific Policy Area to permit a maximum residential density of 764 units per hectare within the Multi-family, High Density Residential designation for this site.

The applicant requested an amendment to The London Plan to add a Special Area Policy in the Neighbourhoods Place Type for this site to permit a maximum building height of 28 storeys, and to permit a maximum overall floor area of 1,000 square metres for retail, service and office uses within the podium base.

The applicant also requested an amendment to Zoning By-law Z.-1 to change the zoning from a Residential R9 (R9-3*H12) Zone to a Residential R10 Special Provision/Convenience Commercial Special Provision (R10-5(□)*D764*H93/CC4(□)) Zone.

The requested Residential R10 (R10-5) Zone permits apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped apartment buildings, and continuum-of-care facilities. The requested special provisions were to permit a maximum height of 93 metres (28 storeys) where the height is to be determined on the zone map, a maximum density of 764 units per hectare in place of 350 units per hectare, reduced 0 metre yard depths to all property lines, reduced minimum landscaped open space of 0 percent where 20 percent is required, increased maximum lot coverage of 97 percent where 50 percent is permitted, and reduced parking of 209 spaces where 310 spaces are required.

The requested Convenience Commercial Zone permits convenience service establishments, convenience stores, financial institutions and personal service establishments, all without drive through facilities, and restricted to a location within an apartment building. The requested special provisions were to add food stores, take-out and eat-in restaurants, and brewing on premises establishments without drive-through facilities and restricted to a location within an apartment building, as well as allowing one commercial use to be limited to a maximum commercial gross floor area of 1,000 square metres where food stores are limited to a maximum of 500 square metres, take-out restaurants are limited to a maximum of 150 square metres and all other permitted uses are limited to a maximum of 300 square metres, and the maximum total commercial gross floor area is 1,000 square metres.

The notice also included the possibility that the City may also consider special provisions in Zoning By-law Z.-1 regulating the height transition of the proposed building, and the use of a less intensive base zone with bonus provisions to allow the requested height and density in return for certain facilities, services or matters.

Responses: A summary of the various comments received include the following:

Concern for:

- Heritage
 - Proposed demolition of 197 Ann Street undervalues heritage qualities of the site
 - The whole block should be saved
- Retail/Commercial Use not appropriate for the location
- Intensity
 - Traffic volume and safety issues
 - Noise issues resulting from an increased amount of traffic and number of people
 - Inadequacy of parking to be provided
 - Increased number of pedestrians cutting through the area to get from housing to businesses on Richmond Street creating garbage, safety and security issues
- Form
 - Ignores the low-rise townhouse and single-family home characteristics of the neighbourhood
 - Inadequate on-site landscaped open space and inadequate parkland provision in the area – object to the use of cash-in-lieu of parkland
 - Loss of sunlight, privacy and views
- Student Housing
 - The proposal will contribute to a pre-existing imbalance of student to non-student population in the neighbourhood
 - Neighbourhood is underpopulated in the summer which isolates long-term residents, creates social problems such as squatters, criminal activity, and hurts local businesses
 - Purpose-designed student housing is not diverting students from single family homes as some students prefer the lack of behavioural regulation of this form of housing
 - Allowing construction and marketing of housing geared to students is contrary to the Human Rights Code because it discriminates against protected groups
- Possible impacts on groundwater-based HVAC systems in surrounding buildings
- Possible impact on adjacent hydro transformer substation.
- Loss of property value

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

Written Patrick John Ambrogio 1011 – 695 Richmond Street London ON N6A 5M8	Written Lydia Li and Brett Butchart 1804 – 695 Richmond Street London ON N6A 5M8
AnnaMaria Valastro North Talbot Community Association 133 John Street Unit 1 London ON N6A 1N7	Ken Owen St. George Grosvenor Neighbourhood Association 139 St. James Street London ON N6A 1W6
Ben Benedict 188 John Street London ON N6A 1P1	Jackie Farquahar 383 St. George Street London ON N6A 3A9

David Hallam 166 John Street London ON N6A 1P1	Dave Morrice 191 Hyman Street London ON N6A 1N4
Dalwinder Deol 18 Coastal Trail Nobleton ON L7B 0A5	Don Dickenson Dickenson Management for Condo Corp. No. 134, 695 Richmond Street PMB 133 – 611 Wonderland Road North London ON N6H 5N7
Eugene DiTrolio 14 St. George Street London ON N6A 2Z3	

From: Ben Benedict
Sent: Thursday, October 10, 2019 11:31 AM
To: Debbert, Barb <bdebbert@London.ca>
Cc: [REDACTED]
Subject: [EXTERNAL] RE: Please read: Notice of Application - 84-86 St George St and 175-197 Ann St (WARD 13) - OZ-9127 Barb Debbert

Dear Barb Debbert

Can you explain what happens to the hydro substation for our community that is located within this development boundary?

Ben Benedict
Benedict Creative Communications
188 John Street, London, ON, N6A 1P1

From: Lydia Li [REDACTED]
Sent: Thursday, October 24, 2019 4:13 PM
To: Debbert, Barb <bdebbert@London.ca>
Cc: Lydia Li [REDACTED] Brett Butchart [REDACTED]
Subject: [EXTERNAL] Appeal Letter: File OZ-9127

Lydia Li and Brett Butchart
1804-695 Richmond Street
London, ON N6A 5M8

October 24, 2019

City Planning and Environment Committee

**Re: Official and Zoning By-law Amendments,
84-86 St. George Street and 175-197 Ann Street,
File: OZ-9127**

I am writing to oppose the Official Plan and Zoning Amendments of allowing 28 Storey apartment building/student housing built on the above mentioned address. We want to make sure that the Committee considers the issues of parking and traffic, safety and noise level, and value of the properties in the area before it makes the decision.

There are a few apartment buildings within the area mentioned above: 695 and 675 Richmond Street, 172 and 180 Mill Street, MARQ at 83 St. George Street and other

apartments and houses in surrounding area. If you approve this proposal we worry that there will be significant increases in the traffic on the peaceful street. Also because of the railroad, many commuters choose to drive to the busy Talbot Street to go either north or west side of the city. Having a 28 storey building built in this area the neighbors will get the overflow of vehicles onto the already busy street. Residents in the new building will take the short cut by walking through the parking lot of Richmond 695 in order to get to the Richmond Street which potentially increases the unnecessary traffic and garbage disposal, and create safety and security issues as well.

We have concerns about the noise level that this new building will create in the neighbourhood. As you know, it can get quite hot here in the summer and I can't afford air conditioning, so I keep my windows open most of the time. We are worried that the new building will make it very noisy and make it impossible to keep windows open during the summer. We also worry the safety of this area when the density of population increases dramatically in such small block.

We are also concerned that the value of our property, and the value of neighbours' properties, will be significantly reduced as a result of this development. We are not real estate appraiser, but we are certain a 28-storey student residency building which blocks the sunshine and light and the view of our apartment is going to dissuade prospective purchasers who would have otherwise been interested in our condo.

We hope that you will consider our perspective and the pitfalls of approving this proposal during the planning process. Thank you.

Sincerely,

Yan Lydia Li

Brett Butchart

.....

From: Ken Owen [REDACTED]
Sent: Thursday, November 14, 2019 12:44 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] file OZ-9127

Good afternoon Barb
Would it be possible for me to be included on notifications of public meetings associated with the 84-86 St George Street and 175-197 Ann Street project - your file #OZ-9127?

Ken Owen
On behalf of the St. George Grosvenor Neighbourhood Association.
139 St. James Street
London N6A 1W6
[REDACTED]

.....

From: jackie farquhar [REDACTED]
Sent: Thursday, November 14, 2019 4:05 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] Application # OZ-9127 York Developments - St. Geoge/Ann St. Block Ltd.

Hello Ms Debbert....please add my name to the list of persons interested in attending any public hearing on this development by York Developments.

I find it outrageous that York is applying to build 764 units per hectare in a 28 storey building with 100 fewer parking spots than required when the London Plan

calls for 100 units per hectare and 4 storeys high. I implore the City to insist that the developer build in keeping with the City's plan.

Thank you Jackie Farquhar

--

Jackie Farquhar

████████████████████
383 St. George Street
London, ON. N6A 3A9

From: ██████████ AnnaMaria Valastro
Sent: Thursday, November 21, 2019 7:37 AM
To: Dent, Laura <ldent@london.ca>; Fleming, John M. <JmFlemin@london.ca>; Bunn, Jerri-Joanne <jbunn@London.ca>; Saunders, Cathy <csaunder@london.ca>; ██████████
Subject: [EXTERNAL] Corrected : Request for designation for 197 Ann Street
Importance: High



North Talbot Neighbourhood Assoc.

Dear Dr. Dent,

We live in the North Talbot Community, the oldest and most historically significant community in London. Many of us have been waiting patiently to have our community recognized as a Heritage Conservation District only to have it bypassed for heritage designation over and over again.

While we wait, we lose more and more buildings of historical value undermining its very history. We are once again fighting to preserve some of the most significant heritage buildings that define not only this neighbourhood but London's history as a significant industrial area.

We support the heritage designation of 197 Ann St. the site of the last remaining brewery in North Talbot - Kent Brewery. We also support the heritage designation of 179 and 183 Ann St. - the homes of John Hamilton (183 Ann St.) and his son Joseph Hamilton (179 Ann St.) - owners of Kent Brewery.

This end of North Talbot was home to Carling Brewery and Kent Brewery as well as a host of other mills along Carling Creek. The creek and adjacent pond provided both a source of energy, water and waste disposal for these industries - hence the street Mill St.

Just south and west of this area were the mansions of these entrepreneurs and south of this site were the homes of the many employees of these industries.

The entire area tells a complete story and we no longer support preserving a tiny remnant of history here and there. Instead we want complete histories preserved so people can place faces to places and spark a true appreciation for the history of the city. We want the whole story told and preserved.

It is unique that the Hamilton Family lived next door to their business, whereas many other entrepreneurs chose to live in more affluent neighbourhoods. It is noteworthy that the "History of the County of Middlesex" first published in 1889 by Goodspeed states:

W. A. & C. L. GOODSPEED, PUBLISHERS.
p. 373
says of Kent Brewery

"The premises form one of the oldest landmarks in the city, and are located on Ann Street."

That comment was made in 1889. Therefore in 1889 Kent Brewery was already considered a historical landmark.

https://archive.org/stream/historyofcountyo00torouoft/historyofcountyo00torouoft_djvu.txt

Residents of North Talbot want the history of the community preserved as a whole. Time is running out.

Sincerely,

Eugene DiTrolio
14 St George St.
London ON N6A 2Z3

AnnaMaria Valastro
133 John St. Unit 1
London Ontario N6A 1N7

CC: Council, John Fleming, LACH, North Talbot Residents

.....
From: Dave Morrice [REDACTED]
Sent: Thursday, November 21, 2019 5:38 AM
To: Dent, Laura <ldent@london.ca>
Cc: Fleming, John M. <JmFlemin@london.ca>; Bunn, Jerri-Joanne <jbunn@London.ca>; Saunders, Cathy <csaunder@london.ca>
Subject: [EXTERNAL] Fwd: Urgent: Please Read: Request for designation for 197 Ann Street

Good Morning I can't stress enough the importance of recognizing these sites. Our area has been inundated with developments that are starting a trend toward unsightly, "strictly for profit" buildings. We HAVE to save our heritage.

Dave Morrice
191 Hyman St

.....
From: Don Dickenson - Dickenson Management [REDACTED]
Sent: Tuesday, December 10, 2019 10:51 AM
To: Debbert, Barb <bdebbert@London.ca>
Cc: Patrick John Ambrogio, P.Eng. [REDACTED] 'Sarah Kirshin [REDACTED]
Subject: [EXTERNAL] File OZ-9127

Dear Ms. Debbert

I am the property manager of Middlesex Condominium Corp. 134, located at 695 Richmond Street, London which is adjacent to 175 and 197 Ann Street and 84-86 George Street. The Board of Directors has asked me to contact you regarding the above Planning Application because their property is going to be impacted by the development plans for these properties. Please add the condo corp to your mailing list for any notices related to this application.

Don Dickenson
Dickenson Management

Phone: [REDACTED]
Fax: [REDACTED]

Please note our new mailing address:
PMB 133- 611 Wonderland Rd N
London, ON N6H 5N7

.....
From: Patrick John Ambrogio, P.Eng. [REDACTED]
Sent: Tuesday, December 10, 2019 1:05 PM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] RE: File OZ-9127

If you are compiling specific concerns, I am happy to detail several to you.

These will include (but are not limited to):

- Interference with our building's critical underground aquifer geothermal heating & cooling system, for which we have Ministry permits to take water
- Excessive density for the already congested site
- Excessive height/scale for the existing site and the adjacent neighbouring buildings
- Proximity/privacy/sunlight blocking
- Commercial use should be denied as it fronts on minor & dead-end side streets, interior and removed from the main commercial artery
- Traffic congestion
- And much, much, more

Thank you.

695 Richmond Street
Suite 1011
London ON N6A 5M8
Patrick
[REDACTED]

(added on Dec 10, 2019) The volatility of the critical underground aquifer is enormously concerning as the entire site is dynamic, and in flux, as is the natural environment. Geothermal HVAC reliability and performance is fundamental to our existing site and residential/commercial occupants.

.....
From: [REDACTED] (AnnaMaria Valastro)
Sent: Tuesday, January 14, 2020 7:30 AM
To: [REDACTED]
Cc: [REDACTED] Blazak, Gary <gblazak@london.ca>; Saunders, Cathy

<csaunder@london.ca>; Campbell, Melissa <mecampbe@london.ca>; Tomazincic, Michael <mtomazin@London.ca>; Debbert, Barb <bdebbert@London.ca>; Page, Bruce <BPAGE@London.ca>; Barrett, Gregg <GBarrett@London.ca>; Craven, Ryan <rcraven@london.ca>; ndebone@postmedia.com; mstacey@postmedia.com; Katolyk, Orest <OKatolyk@London.ca>
Subject: [EXTERNAL] Re: correction - letter to council

Dear Ms Saunders,

In the letter below, I reference a February 20 2019 meeting of the Civic Works Committee. This should be corrected to the Community and Protective Services Committee. Both meetings were scheduled on February 20, 2019. The video que remains the same.

Even though I do not anticipate any councillor or staff person to review this information, it remains important that the error be corrected. I would appreciate if councillors were made aware of this correction.

Thank You

AnnaMaria Valastro

On 2020-01-02 02:17, NorthTalbot@execulink.com wrote:

Dear Ms Saunders,

Can you please forward to Members of Council including the Mayor's office?

Thank You

AnnaMaria

Re: Planning in North Talbot

Dear Members of Council,

This letter is to share our concerns with the proposed development by York Development at 197 through to 179 Ann Street and 86 and 84 St. George St in the neighbourhood of North Talbot.

The development being proposed by York Development makes no effort to integrate into the community. It is a bloated building which ignores the low rise townhouse and single family home characteristics of the neighbourhood and under values the heritage qualities of the site. It pays no attention to the residents of the adjacent tall building whose sunlight and privacy would be blocked by the oversized York development. It will be student housing which is over represented in the North Talbot neighbourhood and possibly violates the Human Rights Code by discriminating against protected groups.

Students as a 'group' are not protected or analogues to protected groups (1 and 2), and while the Ontario Human Rights Commission (OHRC) is 'generally' supportive of student housing, it warns landlords against discriminating against protected groups by refusing applicants who are not students.

1. Fodor v North Bay (City), 2018 ONSC 3722 at para 26.
2. London Property Management Association v City of London, 2011 ONSC 4710 at para 69-73

Other cities look at housing 'types' and make decisions on housing type "needs" including student housing. The city of London has the authority to develop a student housing strategy. It CAN discuss openly the impacts of too much student housing concentrated on one area. The city CAN ensure landlords do not discriminate against protected groups if they advertise exclusively to students without approval from the OHR Tribunal.

This can be done through enforcement of Rental Licensing and design of units to ensure a diversity of unit 'type' is being planned.

By ignoring the isolation of long term residents within a concentrated student housing area, the city risks destabilizing near campus neighbourhoods. Students are, for the most part, temporary residents who live in neighbourhoods for part of the year. In areas where student housing dominates such as Ann St., Mill St and John St, entire streets are empty for months at a time leaving long term residents vulnerable to squatters, criminal activity and a loss of community.

The London Plan does not allow for this proposed density on this site, and there is growing cynicism that the London Plan is not a serious document if every single development proposal is permitted to build outside the Plan. **We also wish to remind Council that North Talbot already has several student oriented high rises with another one being built by Drewlo on Talbot St. None have diverted students from single family homes.**

There is a strong sense from North Talbot residents that a thread of bias and discrimination persist in matters of planning as it relates to the North Talbot Community. We need an open and honest dialogue of what we see as a discriminatory approach to policy as it relates to lower income communities. Whether this is intended to be discriminatory or not, that is certainly how it plays out.

I offer the following examples:

1. On December 23, 2019 the London Free Press published an article describing the proposed York Development on the Ann St. and St. George St block. Councillor Maureen Cassidy was quoted as stating that the York development "would be a 'gamechanger' for THAT neighbourhood".

Councillor Cassidy has no unilateral authority deciding what is good for this community without first hearing from us. Similar comments were also credited to Councillor Phil Squire who suggested that a student highrise in North Talbot would alleviate student pressure from North London.

These comments become doubly offensive when this development proposes to tear down a significant landmark heritage site, which in turn would remove any chances of North Talbot being recognized as a Heritage Conservation District. Even before we have an opportunity to assess the community heritage qualities, councilors are undercutting the opportunity to do so with unabashed swiftness.

It can't be more disrespectful not just to dedicated residents of North Talbot but also to students. Students like any other person will rent the housing type that suits them best. For those that like to entertain often and loud, single family homes are the preferred housing.

2) In February 20, 2019 Orest Katolyk publicly stated at a Civic Works Public Participation Meeting (PPM) that establishments applying for patio amplified sound permits would be evaluated on a case by case basis. He reassured committee members that patios surrounded by single family homes will likely get a lower range in which to amplify sound than other residential areas.

Neither Committee Chair Maureen Cassidy or any other committee member including **Mayor Ed Holder** reprimanded the Chief By-law Officer for using demographics and economics in deciding the conditions under which a permit to release amplified sound on a patio would be issued. The Chief By-law Officer is making decisions on assumptions as to who lives in single family homes and why they would deserve greater protection from amplified sound than another person or a family that may not have the financial resources to afford a single family home. The 'law' is being applied prejudicially. CWC Video Queued at: 1.08

3) Planning applications for the downtown area are being approved without the required 'parkland' allocation and landscaping requirements. Instead 'cash-in-lieu' is being swapped out for green space.

The practice of completely removing a green space requirement (both parkland and landscape) at each new development is creating a downtown desert and depriving downtown residents of green streetscapes and private green amenities. We understand that land value, taxes and density are concerns for developers and politicians but not for the residents that have to live with these decisions. Quality of life should not be sacrificed. We are as deserving of parkland, dog parks and playfields as anyone else living in this city.

The residents of North Talbot have taken notice of what we see as a persistent discriminatory approach to planning as it relates to North Talbot and we have taken offense.

We are asking for a formal apology from Councillor Squire and Councillor Cassidy for their disparaging comments about our community.

Sincerely,

David Hallam
166 John Street

Ben Benedict
188 John Street

AnnaMaria Valastro
133 John Street

CC: Orest Katolyk, Chief By-law Officer, Gary Blazak, Senior Advisor Mayor's Office, Barb Debbert, Senior Planner, Melissa Campbell, Manager Current Planning, Michael Tomarzincic Manager Current Planning, Bruce Page, Parks Planning, Ryan Craven, Neighbourhood Development and Support, Gregg Barrett, Long Range Planning

North Talbot Residents, Norman De Bono, Postmedia, Megan Stacey, Postmedia, Core Neighbourhood Associations

Ontario Ombudsman - File # 372995-001

Contact for the North Talbot Community: NorthTalbot@execulink.com T. [REDACTED]

.....
From: Dalwinder Deol [REDACTED]
Sent: Friday, December 27, 2019 11:46 AM
To: Debbert, Barb <bdebbert@London.ca>
Subject: [EXTERNAL] Ann Street Housing

Hi Barb,

I received a notice of planning application for file OZ-9127. Just wanted to know what the status of this file is and when is the proposed completion date of the construction for this proposed apartment building.

Thanks in advance for your help!

.....

From: [REDACTED] AnnaMaria Valastro
Sent: Wednesday, February 19, 2020 3:43 PM
To: Giesen, Andrew <agiesen@london.ca>
Cc: Debbert, Barb <bdebbert@London.ca>; Dales, Garfield <gdales@london.ca>; Tomazincic, Michael <mtomazin@London.ca>
Subject: [EXTERNAL] Re: Discussion of proposed development at 84-86 St George Street, and 175-197 Ann Street

<http://www.london.ca/business/Planning-Development/land-use-applications/Documents/Development-Services/OZ-9127/OZ-9127-Noise-Assess-Rpt.pdf>

Hello Andrew,

The above link is to the Noise Report submitted by York development. The report states that this development will ensure INDOOR noise levels meet municipal and provincial because OUTDOOR noise DID NOT meet these standards in part because of anticipated increased traffic.

Noise has been a longstanding issue in this neighbourhood and we have been screaming to have this issue addressed through by-law enforcement, we fought the amplified sound by=law for the same reason. We met with your department recently to discuss traffic noise and have an ongoing discussion with London Police. None of this was reviewed by your department and I am so tired, as is everyone, to have to raise this issues each time. They should be automatically reviewed by any staff that is listening. I resent having to raise these issues over and over again.

But here we go again.

Thank You for meeting with me and I hope to bring along one or two neighbours.

AnnaMaria

.....

From: [REDACTED] AnnaMariaValastro
Sent: Saturday, February 22, 2020 11:59 AM
To: Saunders, Cathy <csaunder@london.ca>; Debbert, Barb <bdebbert@London.ca>; Tomazincic, Michael <mtomazin@London.ca>
Subject: [EXTERNAL] letter to council re: student high rise housing

Dear Ms. Saunders,

I would appreciate if this letter could be forwarded to Members of Council.

Thank You

AnnaMaria Valastro

Feb. 21, 2020

Re: Student High Rise Housing and the Human Rights Code

Dear Members of Council;

Council promotes more high rise student housing because it believes it will redirect students away from single family homes and into closed, controlled buildings, freeing single family homes for 'families'. **This is a false premise that has only concentrated more students into small neighbourhoods tipping the balance of demographic diversity.**

Groups of highly socialized students desire single family homes because they have an absentee landlord, and can entertain loud and often without supervision. If the neighbourhood has a reputation as a 'student' neighbourhood, it is presumed this activity is accepted and even expected – a stereotype portrayal of students by students. Without stating it explicitly, council believes that removing students from single family homes will reduce noise, upgrade property standards, and diversify demographics. Articulating such a goal openly would be discriminatory as students have the right to live where they choose.

North Talbot has a disproportionate representation of student housing both in family homes and high rises. The presence of high rises has only 'weeded' out those students that prefer to entertain loud and often. In the North Talbot neighbourhood the majority of single family homes are now 'party houses' almost exclusively and that has intensified noise throughout the neighbourhood and large gatherings at those single family homes.

A high student population dominating a neighbourhood is also problematic because students, for the most part, are temporary residents. While they may live in the same apartment/ house for their entire student career, they are not present year round leaving entire streets empty for many months consecutively during the spring and summer.

In the North Talbot Neighbourhood, Central Ave., John, Mill, and St George streets are primarily student housing and the majority of houses sit empty from April to September. This would also be true for student high rises, as it is true for university student residences.

London Police interactive crime map

<https://communitycrimemap.com/?address=London,ON> shows that residential crime rates are the highest in university neighbourhoods such as North Talbot and the university gates area off Richmond St. in North London. While the map is a new tool and only as accurate as the crimes reported to police, it does show that home invasions can be higher in the summer months on streets such as Mill and St George because houses are empty but furnished. It also shows that car theft is rampant in the large parking lots behind student housing year round. In speaking with London Police, they acknowledge that the emptiness of streets likely contributes to an increase in theft because there are no 'eyes and ears'.

Empty houses also attract squatters. Squatters themselves may not be a problem as they tend to be quiet choosing not to attract attention. However, there are many individuals that wander into the neighbourhood anticipating its vacancy and trespass not realizing the house is occupied. For residents this can be very frightening.

There is a profound loss of community when a neighbourhood is dominated by temporary housing which is what student housing is for the most part and adding more of the same housing will not improve the emptiness and isolation of long term residents.

Finally, building housing ONLY for, or advertising only to, students could also violate the Human Rights Act as the Act outlaws exclusive housing except for protected codes and then only if the housing offers special services for that

protect code such as 'group homes' or 'assisted living'. Students as a 'group' are NOT a protected code nor are they analogous to a protected code and do not need 'special' housing. This has been well established by the Human Rights Tribunal.

Fodor v North Bay (City), 2018 ONSC 3722 at para 26. **HEARD at Toronto: May 17, 2018**

26] Student status is not a protected ground under the [Code](#).

[27] The applicant argues that, while student status is not enumerated, it is analogous to the [Code](#) grounds. The applicant says that student status is a proxy for age, marital status and family status because students tend to be young, single, non-parents. On this basis, she argues that discrimination against students is discrimination on the basis of age, as well as marital and family status. The OHRC has endorsed this position, but it has yet to be adopted by the courts. This position was rejected in *London Property Management Association v. City of London*, [2011 ONSC 4710](#), at para. [93](#). Similarly, I find in this case that the applicant's argument does not withstand scrutiny.

The city is being negligent when promoting one type of housing to one type of group while restraining other housing to other groups such as boarding houses. The City of London limits boarding houses through zoning – the ONLY housing type for the lowest income earners. It can't be a more hypocritical and discriminatory policy than if the city bused low income earners to the city limits with a one way ticket to no where.

Student housing is NOT in short supply in North Talbot or across the city. It is a lucrative unchecked business that has grown exponentially marketing to Toronto and overseas residents and pushing rents to Toronto rates. This has shut out opportunities for other user groups, such as older individuals and has isolated non-student residents and as such, likely violates the Human Rights Act by decidedly promoting exclusive housing to a non-protected group and shutting people out.

Sincerely,

AnnaMaria Valastro

133 John Street, Unit 1

London Ontario N6A 1N7

CC: Glenn Matthews, Western's Off-Campus Housing Service

Residents of North Talbot and area Neighbourhood Associations

Barb Debbert and Michael Tomazincic, Current Planning

From: [REDACTED] AnnaMaria Valastro

Sent: Monday, February 24, 2020 4:36 AM

To: Debbert, Barb <bdebbert@London.ca>; Tomazincic, Michael <mtomazin@London.ca>

Subject: [EXTERNAL] Lack of Green Space in New Developments - 197 Ann Street

Re: Lack of green space in new developments. 197 Ann Street to 84 St. George St Block - proposed York Development

Dear Ms. Debbert,

It has become the new 'norm' for developers to no longer include the legislated landscaping and/or parkette requirements in new developments. They just assume that city planners will accept cash-in-lieu for building designs that build to the outer boundary of a lot without any space of trees or landscaping. This appears to be unique to downtown spaces to maximize profit in smaller lots.

I know that planners and councillors, at least in this city, 'roll their eyes' or grimace when residents claim this approach is discriminatory to downtown residents. They just don't want to confront the possibility that their policy could be hurting people. Green space is universally acknowledged as a vital component to human and mental health and every development should carry their fair share of the load to ensure the downtown remains green.

The absence of canopy trees creates a desert effect in urban environments increasing heat and accelerating wind speeds. There is no relief for residents when adequate green space is bypassed and disastrous when this practice accumulates across an entire district. The city has the power to require that green space be incorporated, as legislated at a minimum, in all new developments. It doesn't because it is easier to ignore residents' desire for more parks and green space than defend them.

The practice of cash-in-lieu has only contributed to the desertification of the downtown core. This practice of taking money from developers 'in-lieu' of the legislated requirement for green space has not been equally distributed. And I would go further and state that there is a stereotyping of personalities in this practice where it is assumed that downtown residents don't want green space and prefer sleek vistas.

The situation is so bad that the Trees and Forestry Committee is revisiting the city's Urban Forestry Strategy to see if the 'strategy' does not apply to the downtown.

Please find a link to a recent news story from the CBC dated Feb. 14 2020 that looks at Urban Design and its impact of mental health.

https://www.cbc.ca/radio/thesundayedition/the-sunday-edition-for-february-16-2020-1.5459411/how-urban-design-affects-mental-health-1.5462455?fbclid=IwAR3PxIE6qTe8Fx2grKVkKaVs-OCC7OrUivj1wSPnA_zEg63s9vFdVN7Gtk

I have also attached photographs of an older development in the downtown (Colborne and King streets), a recent development (Renaissance Place) in the downtown and a recent development on Riverside Drive, just west of Wonderland Rd.

I have also attached a photograph of a corner parkette at Richmond and Horton streets installed with cash-in-lieu funds diverted from new developments. While admittedly debatable, I think it is reasonable to say that this small space fails as a parkette. There is no bench for elderly or weary walkers to rest and realistically no one would sit in the middle of traffic. It is not a people place. A similar but better space was built at the corner of Sarnia Rd. and Wonderland with benches but again, it is not a people space as no one would, or does, sit in the middle of traffic. The city is using cash-in-lieu to 'beautify' streets corners rather than creating usable green space for people - which is what people need.

This small space would have been better served if attached to landscaped areas where people actually lived.

Thank You

AnnaMaria Valastr0

133 John Street, Unit 1

London, Ontario N6A 1N7







Agency/Departmental Comments

Heritage (January 20, 2020)

DS-heritage planning staff has reviewed the Heritage Impact Assessment (MHBC Planning Ltd, July 2019) for the Official Plan + Zoning By-law Amendment (OZ-9127) at the above noted address, and provides the following comments. These comments are consistent with the *Provincial Policy Statement (PPS)*, the *Ontario Heritage Act (OHA)* and *Ontario Regulation 9/06*, and London's *Official Plan/The London Plan*.

1. Overview + Scope of Work

The subject lands of this official plan/zoning by-law amendment (OZ-9127) are located on the southeast corner of the St. George Street/Ann Street intersection and include six parcels measuring approximately 3,674 m² (39,547 ft²) in total area: 175, 179, 183, 197 Ann, and 84 and 86 St. George Streets. Buildings on the subject lands comprise low-rise residential buildings, several outbuildings, and a commercial building. The surrounding area is dominated primarily by residential uses at varying densities including high-rise apartment buildings to the immediate east and south and low-rise forms fronting the west side of St. George Street. A multi-unit industrial building fronts the north side of Ann Street with the Canadian Pacific Railway line also running very close to the north.

The subject lands are located within the area colloquially known as 'North Talbot' which is associated with very early urban development in London following its annexation in 1840. Over time, this area has transitioned to accommodate many of London's prominent business enterprises, often within historic buildings. Today, North Talbot still retains a predominantly residential character, clearly bordered by commercial main streets, and with a strong presence of the natural landscape.

This application is for development of a 28-storey apartment building with 274 residential units, with three 'massing components' that step down in building height toward St. George Street from 26 and 12-storeys. Commercial uses on the main floor, and underground parking are also included as part of the development proposal. Commercial uses could include retail, personal service, administration offices and/or restaurants. A heritage impact assessment (HIA) was submitted by MHBC Planning Ltd. (report date July 5, 2019) – on behalf York Developments – as a requirement of the *Official Plan-1989* (13.2.3.1) and *The London Plan* (Policy 586), and to satisfy requirements of a complete OP/ZBA application.

2. Heritage Status and Adjacencies

The subject lands are located within the North Talbot which is identified in *Heritage Places 2.0* (2019) as a prime area of interest for potential, future heritage conservation district designation. The heritage status of the subject lands includes one property (197 Ann Street) that is LISTED on the City's *Register* (2019) – *Inventory of Heritage Resources*. 197 Ann Street (c1883) is the last remnant of the Old Kent Brewery and exhibits Italianate styling.

3. Policies + Requirements

Heritage resources are to be conserved and impacts evaluated as/per fundamental policies in the *PPS-2014*, the *Ontario Heritage Act*, the *London OP-1989* and *The London Plan*. For evaluation purposes, a heritage impact assessment (HIA) was submitted to evaluate the potential cultural heritage value or interest of the cultural heritage resource on the subject lands and identify heritage attributes of interest, assess the impacts of the proposed development on that resource, and to make recommendations to mitigate any adverse impacts that may arise.¹

Under Section 27(3) of the *Ontario Heritage Act*, demolition of LISTED properties on the City's *Register* requires consultation with the London Advisory Committee on Heritage (LACH) and Municipal Council approval. The proposed development is predicated on the demolition of 197 Ann Street, and as such a cultural heritage evaluation report (CHER) is required to determine if the property retains cultural heritage value or

interest. A CHER has been prepared as part of the heritage impact assessment submitted by MHBC Planning Ltd. (p33)

4. Development Services – Heritage Planning Comments

DS-heritage planning staff has reviewed the heritage impact assessment (HIA) and provides the following comments; these comments are pertinent to conclusions reached in the HIA:

- There are many errors and omissions in content throughout the HIA.
- Reference to historical sources are limited and key sources have not been cited.
- There is limited reference to North Talbot's significance to London's evolution.
- The contextual and historical significance of the subject site was not fully addressed.
- The context of adjacent buildings, related to the historic brewery-use at 197 Ann Street, is not acknowledged.
- The HIA notes significant building damage, and a compromised structure, with no conditions assessment being completed.
- The HIA doesn't recognize any physical design value and overlooks that this is an Italianate commercial building, which is unique in the City.
- The 9/06 evaluation was not comprehensive and was not presented in the standard chart format.

Note as well that the HIA did not assess impacts or suggest mitigation methods, because conclusions reached did not find the property at 197 Ann Street to have Cultural Heritage Value or Interest (CHVI). Consequently, the HIA also did not explore the potential of retention and integration of buildings on the property into the development proposal.

5. Additional Comments – London Advisory Committee on Heritage (LACH)

The Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments OZ-9127 was circulated to the London Advisory Committee on Heritage (LACH) and LACH is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street; it being noted that the LACH submitted the following comments with respect to the HIA (PEC – Nov 26, 2019 (e)):

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London, e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19th Century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments.

At its meeting on December 11, 2019, the LACH referred further research and evaluation of 197 Ann Street along with properties located at 175, 179 and 183 Ann Street and 84 and 86 St. George Street to the Stewardship Sub-Committee for possible heritage designation.

6. Summary

In summary, DS-heritage planning staff finds the HIA insufficient primarily due to its lack of thoroughness and detail in its evaluation of cultural heritage value or interest (CHVI) of 197 Ann Street. Because of this, conclusions reached and recommendations made are not adequately substantiated by the research. Particularly, heritage planning staff does not support findings of the HIA determining: 1) that the subject property does not

have significant cultural heritage value and interest; and therefore, 2) does not warrant designation under the *Ontario Heritage Act*; and, 3) that the City approve demolition of the buildings at 197 Ann Street; and, 4) deem this report as sufficient documentation of the building for the archival record; and finally, 5) that this report be included in the archival record for this property for future research purposes. (pp4; 33). To reconcile contradictory opinions regarding the potential CHVI of the subject site (as expressed in statements made by the applicant's consultant, members of the LACH, and local heritage historians), DS-heritage planning staff will be preparing its own CHER evaluating the entirety of the subject site. Results from this report will inform recommendations in file planner's report to Council for this application.

Heritage (February 24, 2020)

A full copy of the heritage planning staff's CHER as noted above is contained in Appendix B.

London Advisory Committee on Heritage (Council Resolution November 27, 2019)

That the following actions be taken with respect to the 11th Report of the London Advisory Committee on Heritage, from its meeting held on November 13, 2019:

e) B. Debbert, Senior Planner, BE ADVISED that the London Advisory Committee on Heritage (LACH) is not satisfied with the research, assessment and conclusion of the Heritage Impact Assessment (HIA) for the property located at 197 Ann Street, as it relates to the Notice of Application, dated October 10, 2019, from B. Debbert, Senior Planner, with respect to Official Plan and Zoning By-law Amendments for the properties located at 84 – 86 St. George Street and 175 – 197 Ann Street; it being noted that the LACH submits the following comments with respect to the HIA:

- the HIA gives inadequate weight to the historical, associative and contextual values of the landmark brewery located at 197 Ann Street;
- the HIA contains errors and omissions within the historic research of the property and brewing history in London; e.g. incorrect derivation of the brewery name, date of building, reference to Westminster Township and evidence for the fire damage in the 19th century;
- the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street are recommended to be subject to 9/06 evaluation by the HIA because of strong associations with the Kent Brewery;
- the condition of the building has not been supported by an engineer's report;
- the LACH is opposed to the demolition of the property located at 197 Ann Street based on the current information available; and,
- the LACH encourages incorporating the built heritage resources associated with the historic Kent Brewery into any future developments;

it being noted that the presentation appended to the 11th Report of the London Advisory Committee on Heritage from M. Tovey, with respect to this matter, was received.

London Advisory Committee on Heritage (Council Resolution January 15, 2020)

That the following actions be taken with respect to the 1st Report of the London Advisory Committee on Heritage, from its meeting held on December 11, 2019:

- e) the following actions be taken with respect to the requests for delegation from A. Valastro and M. Tovey related to the properties located at 197, 183 and 179 Ann Street:
- i) the properties located at 175, 179, 183 and 197 Ann Street and 84 and 86 St. George Street BE REFERRED to the Stewardship Sub-Committee for research and evaluation for a possible heritage designation; it being noted

- that a verbal delegation by A. Valastro, with respect to this matter, was received; and,
- ii) the request for delegation by M. Tovey BE APPROVED for the February 2020 meeting of the London Advisory Committee on Heritage;

Urban Design

Urban Design staff reviewed the submitted conceptual site plan and elevations for the zoning by-law amendment at the above noted address and provide the following urban design comments consistent with the Official Plan, applicable by-laws and guidelines;

- The applicant is commended for providing a building design that incorporates the following design features; a building that provides a built edge along both fronting streets, active ground floor uses, design elements that addresses the corner location, all parking underground/within the building, and the use of colour;
- Provide an alternative design for the tower portion of the building in order to avoid large a floorplate slab building. Any portion of the tower above eight storeys should be a point tower (up to approximately 1000m²) in order to reduce the overall massing and ensure that shadows and loss of privacy on neighbouring properties are minimized.
- Ensure the proposed building responds to its context in terms of height and massing. Generally, any portion of the building proposed along St George should respond to the low-rise residential on the west side of the street, as well as the existing townhomes to the south, while the east half of the building should respond to the high rise buildings to the east and south with a step down between both portions of the building.
- Provide a response to the UDPRP comments provided following the December 2019 meeting.

Urban Design Peer Review Panel (December 17, 2019)

Considering that the submission pertains to a Zoning By-law Amendment application and that there are other factors to be addressed, including a building of heritage interest and proximity to the CP Rail line, the Panel provided comments at a high level with respect to the proposed scale, siting and massing of the proposed development. The Panel provides the following comments on the submission:

- The applicant is commended for the siting of the buildings to frame the public realm along St George Street and Ann Street, and the provision of below-grade structured parking.
- The panel supports efforts to animate and bring activity to the streetscape and framing the at grade outdoor amenity area. Measures such as high degree of transparency at grade are supported.
- The panel has concerns with the overall scale of the development, considering that the proposed height and scale would be out of context in the neighbourhood and could have negative impacts. Further refinement of the massing is needed to strike a better balance with the context and mitigate potential impacts to the localized and broader neighbourhood. Lower building heights should be considered.
- The panel acknowledges the applicant's attempt to break down the overall mass of the development into three separate but connected slender tall tower forms. However, the panel flagged that the long joining tower is of particular concern because it has the potential to impact view corridors to and around the site, adds volume to the development, limits solar access to the site and suites within the proposed towers and contributes to shadow impacts to surrounding areas. Separation between the massing of the development is encouraged.
- The panel acknowledges the architectural detailing (fenestration, coloured/patterning) to break down the long sides of the buildings, however

encourages the applicant to provide breaks in the massing and greater building articulation as well.

- The panel expressed concerns with the 12 storey massing on the St. George Street edge of the site as an abrupt transition to the low rise neighbourhood to the west and being imposing in relation to human scale proportions along the sidewalk. The panel encouraged the applicant to provide a stepping down of built form from the interior of the site to at most a four storey height along the St. George Street edge of the site, as a more compatible interface with the established low rise residential form of development on the west side of St. George Street and as a more human scale proportion with the sidewalk.
- The panel expressed concerns about the usability of the interior at grade courtyard considering that it would be entirely in shade by the buildings of the proposed development.

Concluding comments:

- The Panel recognizes that the site is planned for high density development, however has some concerns with the expression of the form of high density in this development concept. The scale and heights of the proposed buildings are out of proportion for their context and could have negative impacts on both the local neighbourhood and broader area, given their scale. The Panel provided several suggestions on how best to refine the massing and scale of the proposed development to provide more sensitive transition to existing built form in the area and response to human scale proportions. The panel offered support for the measures incorporated in the design that provide for animation of St. George Street and Ann Street streetscapes, particularly the siting of the buildings near the street lines, provision of active uses at grade and high degree of transparency along the street facing elevations. As the application advances, further consideration of the panel's suggestions, together with any recommendations arising from other technical studies/reports (including noise and heritage impact assessments) is recommended.

Site Plan

The following comments apply for the review of 175-197 Ann Street & 84-86 St George Street:

- Site Plan approval is required for the proposed development; prior to site plan application, the applicant is to submit the site and elevation plans for site plan consultation.
- A tree preservation report will be required as part of a complete site plan application.
- Reminder to include the retail GFA as part of the overall density calculation within the site data table.
- Include planting details of the roof tops and perimeter plantings on the site plan.

Detailed comments will be provided through site plan consultation.

Parks Planning & Design

There is nothing significant from a Park's perspective. Parkland dedication will be required as a condition of site plan approval. If still in existence, the application would be subject to the cash-in-lieu requirements of By-law CP-9.

Development Services Review of Noise Study

- I have reviewed the Environmental Noise Assessment Report - 175 Ann Street, London, Ontario – Proposed Residential Development prepared by Strik Baldinelli Moniz Civil and Structural Engineers dated May 31, 2019 for the above-noted development.

- The report assesses predicted noise levels resulting from road traffic (Richmond Street, Oxford Street East, and St. George Street), and railway traffic (Canadian Pacific Railway).
- Section 3.3 Projected Noise Levels provides a bullet point summary of the assumptions made for the noise prediction calculations. In reviewing the report I noticed a minor oversight in the third bullet point which indicates “Road gradient for Sunningdale Road East and Richmond Street North is 0%”. Please have the consultant provide a corrected replacement page, and request that they re-confirm their assumptions for the purposes of this noise assessment.
- Section 4 - Recommendations in the last two sentences of the third bullet point states:
 “Additionally, acoustic screening at the OLA is required. Examples of such are glass railing, high solid parapets, fencing etc.”
- Please request the consultant to provide information as to the appropriate length and height of the acoustic screening for the rooftop outdoor living areas. The site plan and elevations submitted with the application show outdoor common areas on both the 12th and 26th floors that would be exposed to potential road/rail noise.
- Also, under Section 4 - Recommendations in the third bullet point is a summary of the building components required to maintain indoor living areas to acceptable sound levels. Prior to issuance of building permits the acoustical consultant shall review and verify the wall, window and door recommendations noted in the report have been included in the building design, and that the indoor sound levels will comply with the MECP noise criteria.
- Please ensure the specific noise warning clauses (Warning Clauses: Types “B” and “D”, Canadian Pacific Railway, and City of London) as outlined in Section 4 – Recommendations, and identified on the Noise Study Plan (SBM-17-1297), are included within the Development Agreement for this site.
- I would also recommend that the noise assessment report be forwarded to CP Rail for their review.

Engineering (December 13, 2019)

The City of London’s Environmental and Engineering Services Department offers the following comments with respect to the aforementioned zoning application:

The following items are to be considered during the development application approval stage:

Transportation:

- Transportation has reviewed and accepted the TIA prepared in support of this application.
- 6.0m x 6.0m daylight triangle is required.
- Access to be located on Ann Street.
- Detailed comments regarding access design and location will be made through the site plan process.

Sewers:

- The sanitary sewer available for the subject lands is the 750mm trunk sanitary sewer on St. George St. just south of Ann Street.
- As part of a future site plan application the Owner engineering consultant is to ensure adequate size of the PDC connection per City of London specifications & standards. The proposed development requires a sanitary inspection maintenance hole which should be located wholly on private lands but as close to streetline as possible or in a location to the satisfaction of the City Engineer.

- In addition the applicant's Consulting Engineer is to provide a report with an inventory of the existing buildings being demolished and lots including:
 - All existing sanitary and storm outlets.
 - All existing connections to the 250mm diameter combined sewer, including but not limited to weeping tile connections, roof water leaders, catchbasins, reverse grade driveway, etc. In the case of uncertain connections, dye testing may be required to verify if the discharge is directed to the sanitary or storm sewer. In the report the applicant is to provide possible mitigating measures which would allow the zoning amendment and subsequent development to proceed.
 - No storm connections are permitted to the sanitary sewer.
 - All connections no longer in use are to be properly abandoned.

Water:

- All of the existing buildings on these properties would be demolished under this plan. Their existing services will need to be fully decommissioned to city standards.
- We anticipate that two new water services will be required under the OBC. OBC and city standards for separation between these services will apply.
- Water is currently available from the 300mm DI watermain on St. George Street and the 100mm PVC watermain on Anne Street
- We anticipate that the 100mm main on Anne Street is insufficient in size for utilization by this plan. In order to service off of Ann Street this main will need to be upsized.
- If the Ann Street main is not utilized for servicing this plan it would then create a water quality issue. This is because the removal of multiple existing services (current condition for these properties) from this main would leave only a single remaining service to a property on the north side of the road. This service and its anticipated usage would be insufficient to maintain turnover within the main.
- ****Therefore, the main on Ann Street must be either be upsized and utilized for servicing this plan, or, abandoned and replaced with a smaller main that can continue to provide water to the sole remaining service.**

Stormwater:

- No storm sewers are currently established for the proposed site on Ann St. All storm servicing should be directed to St. George St. As per as-con 18324, only a portion of the proposed sites was designed tributary to the existing 375mm storm sewer at a $C = 0.75$. With the remainder of the site being directed to St. George St., the consultant would need to confirm capacity in the existing sewers and calculate any required storage.
- The proposed land use of a high density residential/commercial will trigger the application of design requirements of Permanent Private Storm System (PPS) as approved by Council resolution on January 18, 2010.
- The subject lands are located in the Central Thames Subwatershed. The Developer shall be required to provide a Storm/drainage Servicing Report demonstrating that the proper SWM practices will be applied to ensure the maximum permissible storm run-off discharge from the subject site will not exceed the peak discharge of storm run-off under pre-development conditions.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer. It shall include water balance.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.

- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MECP (formerly MOECC) standards and requirements. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.

Housing Development Corporation

It would appear that, at minimum, the six separate and distinct buildings to be demolished contain a total of 11 dwelling units:

- 197 Ann (1 dwelling unit);
- 183 Ann Street (5 dwelling units);
- 179 Ann Street (1 dwelling unit);
- 175 Ann Street (1 dwelling unit);
- 86 St. George Street (2 dwelling units); and,
- 84 St. George Street (1 dwelling unit).

The policies of the London Plan seek opportunities to address the reduction in the City's affordable housing stock (512_). The policies of the Plan further contemplate the use of Bonusing for the purpose of housing affordability.

HDC London is prepared to assist the City in the negotiation of an affordable housing element to the requested bonus for this development. I would point out that, like the application at the southeast corner of Oxford Street and Beaverbrook Avenue, there may be an opportunity to advance a discussion of an off-site bonus with the applicant.

Ministry of the Environment, Conservation and Parks

This email is a response to your email of earlier today and per our telephone conversation, I have added additional information which we agreed would be helpful in your communications regarding the project before you. I have also attached a few links for your reference.

<https://www.ontario.ca/environment-and-energy/map-permits-take-water>
<http://www.ontla.on.ca/library/repository/mon/10000/251921.pdf>
<https://www.ontario.ca/page/guide-permit-take-water-application-form>

The review and approval of water takings are governed by section 34 of the Ontario Water Resources Act (OWRA). Based on this legislation, water taking is regulated through a permit system to achieve environmental objectives. The program is also designed to minimize water supply and water quality interference problems and to provide for the settlement of interference complaints if they do occur. The Ministry recognizes that there are limits to the amount of water that can be taken without causing unacceptable adverse impacts. Permits will be controlled or not issued if current science standards indicate that additional or current takings will adversely impact existing users or the environment.

SUMMARY

- Within the block bounded by Richmond Street, Ann Street, St. George Street and Mill Street, the building located at 695 Richmond Street has an open loop geothermal HVAC systems that uses groundwater. In consultation with the Ministry of the Environment, Conservation and Parks staff, it is noted that PTTWs were also issued, in the past, for open loop geothermal systems at 685

Richmond Street and 180 Mill Street. It is likely that these buildings still have open loop geothermal systems despite not having a PTTW as 'domestic use' is now exempted from PTTWs.

- Documents in support of applications for PTTWs and ECAs is available as public information. Such information can be obtained through Freedom of Information or by consulting documents in person at the MECP Office in London.

For your information, here is a brief highlight of the available information:

- 695 Mill Street
 - Has an ECA and a PTTW from the Ministry of the Environment, Conservation and Parks for water taking and the operation of an open loop geothermal system.
 - Water is taken from 2 wells and returned via a third well.
 - The system was constructed in the 1980's and takes ~2 million litres/day.
 - The wells are 7.6 m (25 ft), 9.75 m (32 ft) and 12.2 m (40 ft) deep, and are screened or completed in gravel overburden.
 - The Permit to Take Water for this building was recently renewed and an observation well was scheduled to be installed in late 2019. This observation well could be used to measure changes in water levels.
- 675 and 685 Richmond Street
 - Used to have an PTTW (92-P-0081) but likely no longer exists because of the residential ("domestic use") exemption
 - At the time of the original PTTW, these two properties were serviced by an open loop system with 5 wells.
- 180 Mill Street
 - In 2008, the Ministry received an application for PTTW for an open loop geothermal system.
 - Water was taken from 2 wells and returned via a third well.
 - The wells were reported to be screened to a depth of 8.2 m (27 ft) and 7.9 m (26 ft).
 - The PTTW was issued for ~3.2 million litres/day. The PTTW was cancelled in 2013.
 - No construction dewatering permits records were found, after a cursory review, for the construction at 180 Mill Street.

• The water table in the area is approximately 2.5 to 4 metres below the surface.

A permit for construction dewatering will be triggered and required by the proposed development if they take more than 50,000 litres of water per day. As part of the approval process, the proponent will need to assess the potential for impacts on the groundwater resources and other water users and provide a plan for mitigating impacts both over the short and long term. In addition, post-construction, if continual pumping of water is required in order to maintain dry conditions in the proposed underground parking facility, there could be a permanent impact on the water levels and the impact on the open loop geothermal HVAC systems for 675, 685 and 695 Richmond Street and 180 Mill Street. This impact, if any, would have to be assessed and be part of the application.

I hope this is helpful to you. Please let me know if you have any questions.

Have a good weekend.

Helene

Hélène Piérard, P.Geo | Hydrogeologist | Technical Support Section – Southwest Region | Ministry of the Environment, Conservation and Parks | Tel: (519) 873-5034 (**no voicemail**) | Fax: (519) 873-5020 | Email: Helene.Pierard@ontario.ca

London Hydro (October 22, 2019)

- Servicing the above proposal should present no foreseeable problems. 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.

- 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.

Canadian Pacific Railway

CP has reviewed the noted circulation. The proposed development is located in close proximity to our Windsor Subdivision, which is classified as a Principal Main line. Canadian Pacific Railway is not in favour of residential developments adjacent to or near our right-of-way as this land use is not compatible with railway operations. The health, safety and welfare of future residents could be adversely affected by railway activities.

However, to ensure the safety and comfort of adjacent residents and to mitigate as much as possible the inherent adverse environmental factors, we request that CP's standard requirements are considered as part of the review. The attached requirements are based on a collaborative project by the Federation of Canadian Municipalities and the Railway Association of Canada entitled, the Guidelines for New Development in Proximity to Railway Operations (<http://www.proximityissues.ca>). Some of the requirements/comments may be premature for the current application, but we would appreciate the opportunity to review the site plan for this development when available.

Specifically:

1. CP has reviewed the Environmental Noise Assessment Report prepared by SBM Ltd. and note that certain recommendations have been made to mitigate the noise. CP supports the recommendations and requests the inclusion of these recommendations as conditions of approval.
2. CP has reviewed the Vibration study and notes that the levels are above CP requirements and that mitigation measures are required. The inclusion of these measures should be included as conditions of approval.
3. Please note that CP's setback of 30 metres includes a requirement for a berm or alternative safety measure. Although the noted development does provide for the setback, the applicant is requested to provide further information on how the berm or alternative safety measure will be achieved.

Regards,



Josie Tomei SR/WA
Specialist Real Estate Sales &
Acquisitions
905-803-3429
800-1290 Central Parkway West
Mississauga, ON L5C 4R3

Appendix B – Policy Context

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

Provincial Policy Statement, 2014

The London Plan

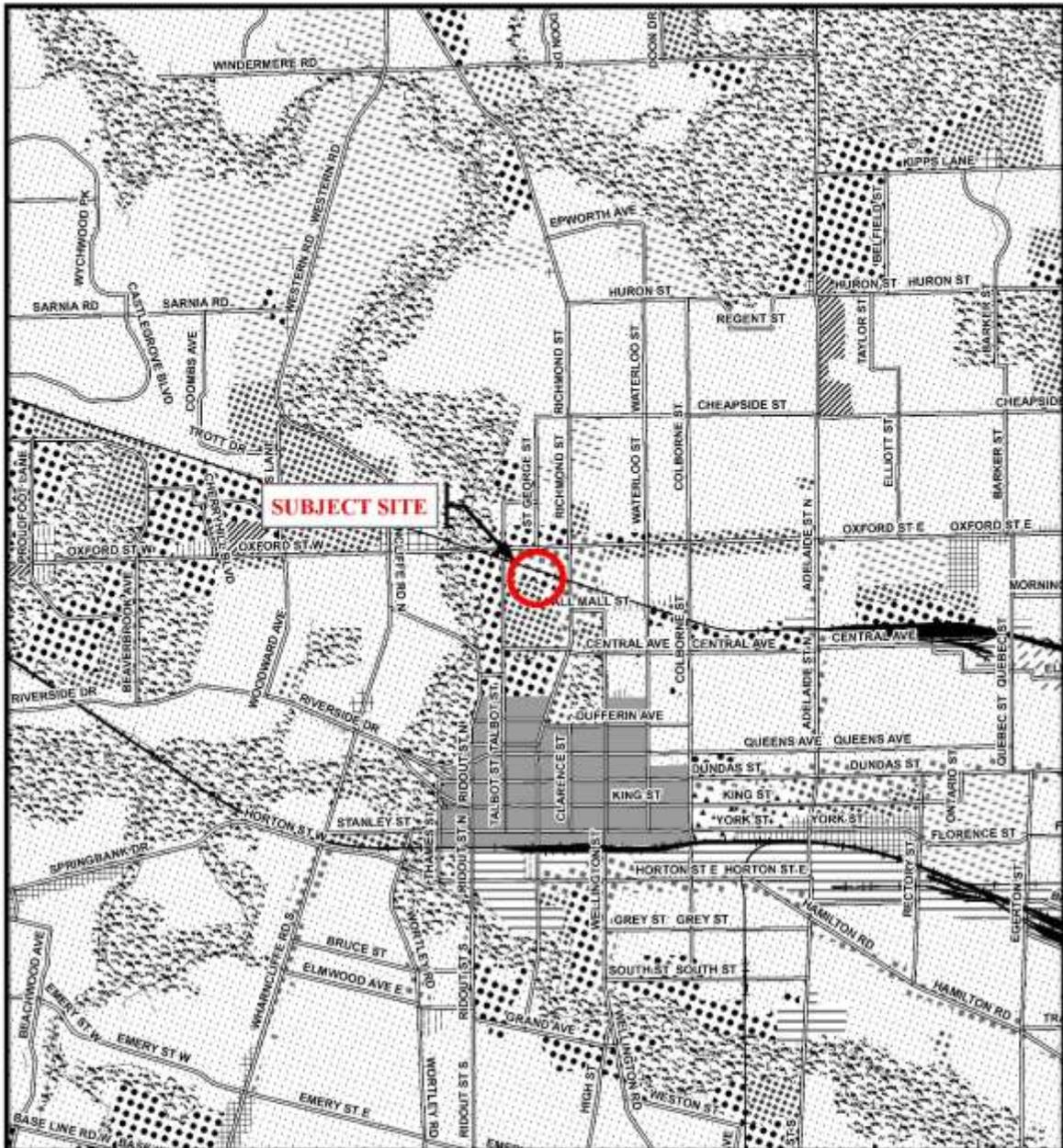
City of London Official Plan

Z.-1 Zoning By-law

Site Plan Control Area By-law

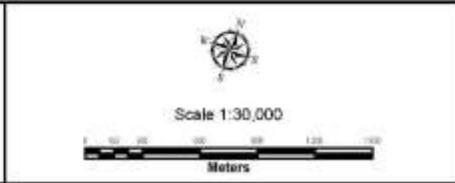
Appendix C – Relevant Background

Additional Maps 1989 Official Plan Schedule A – Land Use



Legend	
	Downtown
	Enterprise
	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

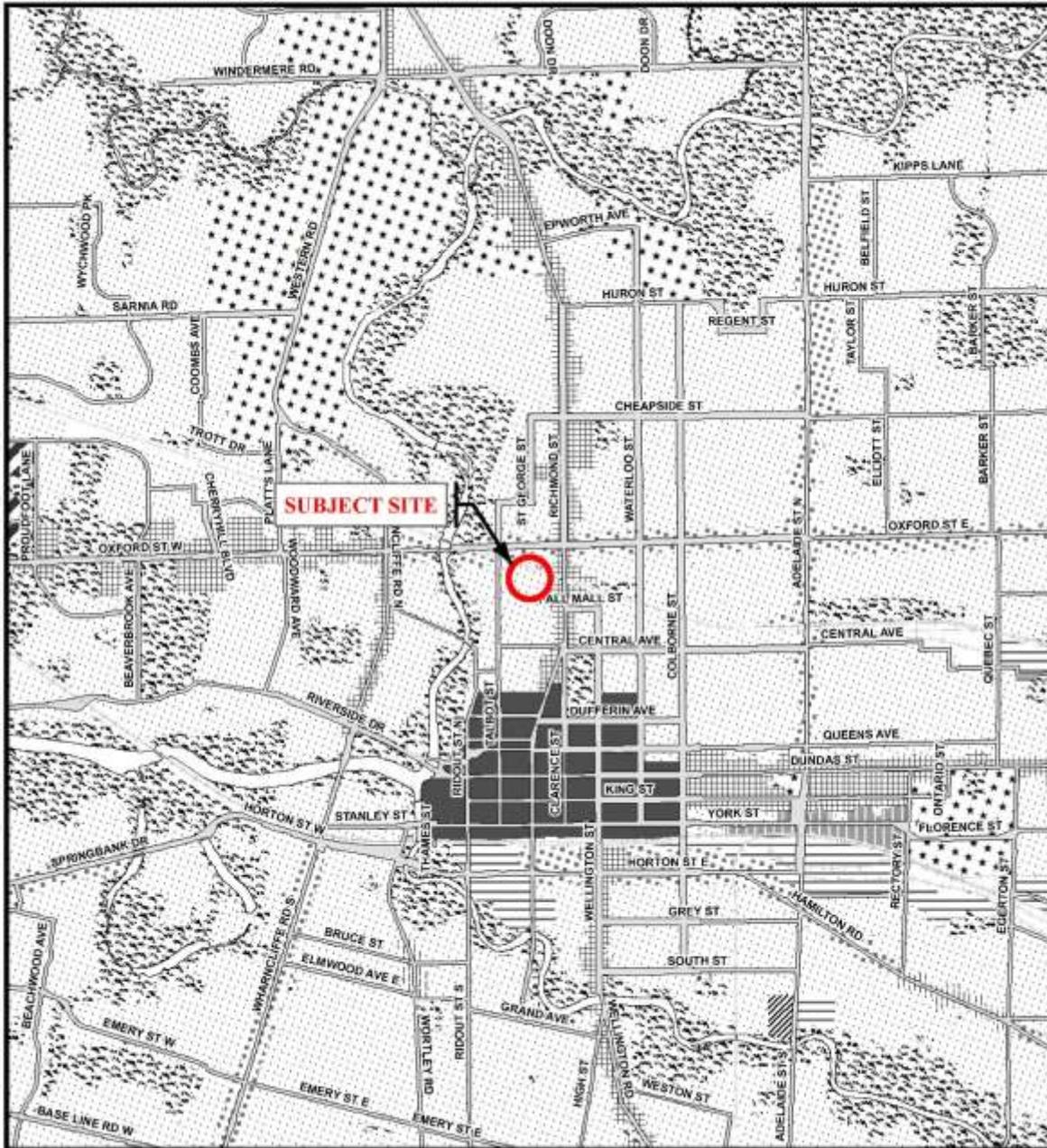
CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LAND USE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: OZ-9127
 PLANNER: BD
 TECHNICIAN: RC
 DATE: 10/02/2020

PROJECT LOCATION: e:\planning\projects\ip_officialplan\work\conso\100\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

The London Plan Map 1 – Place Types



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.

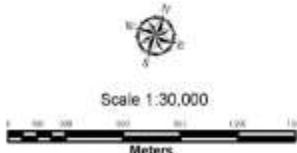
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services



File Number: OZ-9127

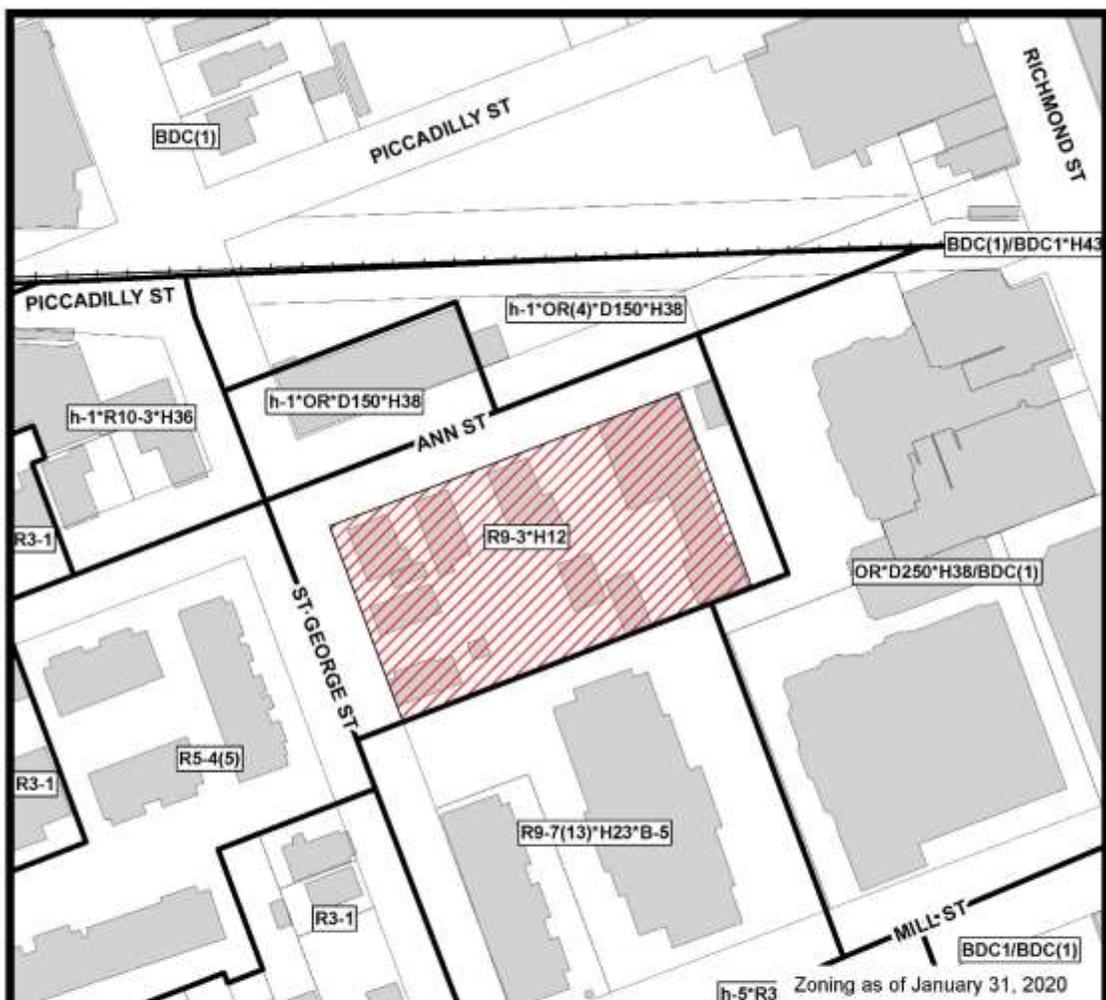
Planner: BD

Technician: RC

Date: February 10, 2020

Project Location: E:\Planning\Projects\p_officialplan\workconso\K0\excerpts_LondonPlan\mxd\OZ-9127-Map1-PlaceTypes.mxd

Zoning By-law Z-1



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**



FILE NO:
OZ-9127 BD

MAP PREPARED:
2020/02/07 RC

1:1,250
0 5 10 20 30 40
Meters

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

Environmental and Ecological Planning Advisory Committee

Report

The 2nd Meeting on the Environmental and Ecological Planning Advisory Committee
February 20, 2020
Committee Rooms #1 and #2

Attendance PRESENT: S. Levin (Chair), E. Arellano, I. Arturo, A. Bilson-Darko, A. Cleaver, S. Esan, P. Ferguson, L. Grieves, S. Hall, S. Heuchan, B. Krichker, I. Mohamed, S. Sivakumar, R. Trudeau and M. Wallace and H. Lysynski (Clerk)

ALSO PRESENT: M. Fabro, S. Hudson, J. MacKay, L. McDougall and B. Verscheure

ABSENT: L. Banks, A. Boyer, R. Doyle, J. Khan, K. Moser, B. Samuels and I. Whiteside

The meeting was called to order at 5:01 PM

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that M. Wallace disclosed a pecuniary interest in clause 4.1, having to do with the Working Group comments relating to the properties located at 7098 and 7118 Kilbourne Road, by indicating that the proponent of the application is a member of the London Development Institute, his employer.

2. Scheduled Items

None.

3. Consent

3.1 1st Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 1st Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on January 16, 2020, was received.

3.2 Municipal Council resolution adopted at its meeting held on January 28, 2020, with respect to the 1st and 2nd Reports of Animal Welfare Advisory Committee

That it BE NOTED that the Municipal Council resolution adopted at its meeting held on January 28, 2020, with respect to the 1st and 2nd Reports of the Animal Welfare Advisory Committee, were received.

3.3 Letter of Resignation - C. Dyck

That it BE NOTED that the resignation of C. Dyck was received with regret.

4. Sub-Committees and Working Groups

4.1 7098 and 7118 Kilbourne Road

That the attached Kilbourne Road Working Group comments BE FORWARDED to the Civic Administration for consideration.

5. Items for Discussion

5.1 Proposed Amendments to the Dog Brochure

That the attached, revised, "You, Your Dog and Nature" brochure BE APPROVED; it being noted that a previous version of the brochure was approved by the Municipal Council in 2019.

5.2 Attendance at Go Wild Grow Wild Event - April 18, 2020

That the Animal Welfare Advisory Committee BE ADVISED that A. Cleaver and S. Sivakumar will be in attendance for the 2020 Go Wild Grow Wild event.

5.3 (ADDED) 2019 Work Plan

That, the attached, revised, 2020 Environmental and Ecological Planning Advisory Committee Work Plan BE FORWARDED to the Municipal Council for consideration; it being noted that the proposed attached. "London's Bird Friendly Skies" brochure, related to a Work Plan item, was provided at the meeting.

6. Adjournment

The meeting adjourned at 5:52 PM.

7098 & 7118 Kilbourne Road –

<http://www.london.ca/business/Planning-Development/land-use-applications/Pages/39CD-19518.aspx>

Review of EIS, Geotechnical and Hydrogeological Reports, and Stormwater Management Plan

Received at EEPAC at its January 16, 2020 meeting and reported to its February 20, 2020 meeting

Reviewed by B. Krichker, P.Eng., S. Levin, I. Whiteside

Recommendation 1: EEPAC recommends the City not accept the EIS.

RATIONALE

EEPAC points out that in the Environmental Management Guidelines, p. 122, a minimum 10 m buffer from valleylands in a topographically well-defined site is recommended. The submitted material confirms that the site meets this condition. However, none of the reports define where the valleyland ends. Nor do the reports identify any ecological buffer.

The EIS states on page 24, “The ESA should be delineated by the erosion hazard setback or the forest community (Vegetation Community 2 FOD 7), whichever is greater.” However, EEPAC notes the EIS does not use the boundary delineation process as required in the Official Plan 15.3.6.ii – as such, the EIS is incomplete.

*15.3.6(ii) The location, width, composition and use of ecological buffers necessary to protect natural heritage areas from the impacts of development on adjacent lands will be specified through application of the Council approved Guidelines for Determining Setbacks and Ecological buffers as part of a secondary plan and/or an environmental impact study.
(Clause ii) amended by OPA 438 Dec. 17/09)*

EEPAC also feels the EIS is incomplete as it leaves the monitoring plan to the detail design phase (page 29). It also lacks a fall flora inventory – the data collection date indicated in the report is not fall.

An additional reason for a consistent min 10 m setback from top of slope is because grading will need to be very sensitive to the top of slope and erosion hazard. It is unclear how some of the “backyards” of the proposed units can be graded during construction without encroaching into the proposed set back. Grading changes risk the loss of slope stability. It is also unclear to EEPAC, without a grading plan, where grading would take place. Given the number of trees in the “backyards” of units (particularly 5-9), it is unclear to us which dripline is proposed as the limit of grading. For example, to build Unit 4, there appears to be a complete removal of trees, **and these are trees connected to the ESA.**

Recommendation 2: There should be no permanent infrastructure, including pavement, beyond the setback from the top of the stable slope as grade changes risk the loss of slope stability.

RATIONALE

EEPAC notes a retainable butternut tree (protected as an endangered species) is within the proposed “backyard” of Unit 10. The trees at the “back” of the proposed unit 10 must be retained as this will clearly keep grading outside the 25 m radius of the butternut. Under the Endangered Species Act, to

protect the tree's current and future rooting area, no change should occur to the site (e.g. fill, compaction or excavation) within 25 metres of the tree. This information must be communicated to the proponent's contractors in writing to avoid contravention of the Act.

Recommendation 3: EEPAC supports the idea of the condominium corporation retaining the ESA lands as common area subject to the following conditions:

- The corporation allow the city bikeway to use the private road
- The proposed Natural Heritage Condominium Declaration (recommendation 8 on page 26 of the EIS) be a condition of approvals and part of the legal condominium documents. It must include the requirement that the corporation and owners work with a City Ecologist and EEPAC on a management and stewardship plan within 6 months of the first occupancy (instead of Recommendation 23 on page 28).
- This should be expressed in the rezoning recommendation from staff that the OS5 zone including a special provision deleting multi use pathways as a permitted use.

Another reason for this is that the post construction water balance calculation result is less than 80% of existing conditions. Additional non permeable surface would bring this down even further.

Recommendation 4: The City needs to ensure that prior to final approvals, the developer/ consultant will confirm that the water balance for the subject site under the post development condition will meet the pre development conditions;

RATIONALE

EEPAC is concerned with the comment on page 25 of the EIS under Water Balance and Seeps which states "It is not expected that basements will impact the groundwater flow on site (Englobe, 2019). The basements of the proposed development are approximately 2.44m below ground surface. The minimum depth of the groundwater measured on site is below this level and was measured at 2.69 m below ground level at its shallowest. Given the difference is 1 foot, EEPAC is not sure how the basements will be created without dewatering. Where the water will be directed during construction must be away from the ESA.

Recommendation 5: EEPAC recommends no basements

RATIONALE

While EEPAC agrees with recommendation 4 (page 26 of the EIS) regarding hydrogeological monitoring of the seepage areas post construction to check on groundwater flow, there is no consequence indicated if groundwater flow has been interrupted. If compensatory mitigation is required, post construction, EEPAC is unaware of how it would be provided by the proponent. Avoidance, thru abundance of caution is recommended. Hence EEPAC recommends no basements.

Recommendation 6: EEPAC supports the recommendation that the condo corporation limit its use of salt as the groundwater already exceeds salt minimums. However, we are unclear how such a recommendation can be enforced.

Recommendation 7:

Elevations in the final engineering drawings must show that stormwater beyond the 2 year storm will be discharged to either the pond to the north or the private road and not into the ESA. **(EEPAC also notes that the rainfall data used by the hydrogeology consultant stops at 2010.)**

Based on the information provided in this report, incorporating UDCSS SWM storage criteria and a very small development area, it appears the presented SWM design is adequate.

Recommendation 8: An ecologist must visit the site at least once a week to determine if the recommended grading, water taking and erosion and silt controls are functioning. Each visit must be on an unscheduled basis and reported to Development Service and the UTRCA. The contractor must inspect sediment and erosion control measures daily as per Recommendation 17 of the EIS. Further, the removal of this fencing noted in Recommendation 19, should not take place until Development Services has confirmed revegetation and site stabilization has taken place. However, the Recommendation does not provide clarity as to who determines when “adequate re-vegetation and site stabilization has occurred.” (page 28).

Recommendation 9: Prior to approvals there must be clarity as to what defines adequate re-vegetation and site stabilization.

Recommendation 10: EEPAC notes very large trees will be lost – compensatory mitigation as per the London Plan must be required. Cavity trees must be retained or bat boxes (approved by a City Ecologist) substituted (as indicated in Recommendation 13 of the EIS on page 27).

Recommendation 11: Recommendation 22 on page 28 should be reworded to say “All stormwater must be temporarily (we assume this means during construction) directed away from the natural heritage feature through a system of swales, ...”

Recommendation 12: Given the location adjacent to an ESA, EEPAC recommends the development conform to the Canadian Standards Association (CSA) A460:19, *Bird-friendly building design*.

Although not a requirement of the proponent, EEPAC urges City Council to direct staff to begin the Lower Dingman ESA Conservation Master Plan.

Misc

EEPAC repeats its concern that consultants are permitted to use different map scales even when showing similar material. For example, Figure 9 vs Figures 10 and 11.



You, Your Dog, & Nature in London



A guide to help you and
your dog enjoy and protect
nature in London

**Your dog must be on a
leash (max. 1.8m/6ft)
at all times.**

Parks and Recreation Area By-law PR-2
Dog Licensing and Control By-law PH-4

Natural areas, including **Environmentally Significant Areas (ESAs)**

**need to be protected by
minimizing human and pet
disturbance.**

For the safety of wildlife, visitors and your pet:

-  Keep your dog on a leash at all times.
-  Stay on marked trails.
-  Dispose of all pet waste in garbage bins or carry it out.
-  Be aware of dangers such as vehicles, other animals, ill-willed individuals, traps and snares, toxic products, algae blooms, poisons, sick animals, parasites, rabies, distemper and other diseases.

Wild Animals

A wide variety of mammals, birds, reptiles, and amphibians call our urban neighbourhoods and ESA's home. Almost all conflict situations between wildlife and dogs occur when dogs are off-leash.

Off leash dogs may injure, orphan or separate wildlife offspring from their family.

The mere presence of your dog can disrupt the feeding, foraging, mating, denning, and nesting of rare and endangered birds and animals.

Wildlife expend vital energy reserved for survival when chased by dogs.

Birds of prey may perceive small dogs as a potential food source.



Coyotes and other wildlife are highly protective of family members and perceive dogs as a threat, especially near nesting/den sites or established territory.

Coyotes may 'escort' or 'shadow' a dog walker out of an area when coyote pups or a den are nearby.

Plants

Off-leash dogs run, roll and dig in natural areas, damaging and destroying rare and endangered plant species. Many plants can cause seriously harm or kill your dog. Some include:

Poison Oak Poison Ivy
Poison Sumac Giant Hogweed



Safety Tips

Always obey by-laws or ordinances that apply to wild spaces you visit.

Be aware of the wildlife in areas where you walk your pets.



Keep a respectful distance from wildlife.

Never feed wildlife; this includes indirect feeding, such as leaving food waste in wild spaces. Feeding wildlife disrupts natural foraging behaviors and encourages unnatural proximity and tolerance to people.

If a coyote is nearby, small dogs can be lifted and carried for safety. Do not run; leave the area slowly, keeping your dog close to you.

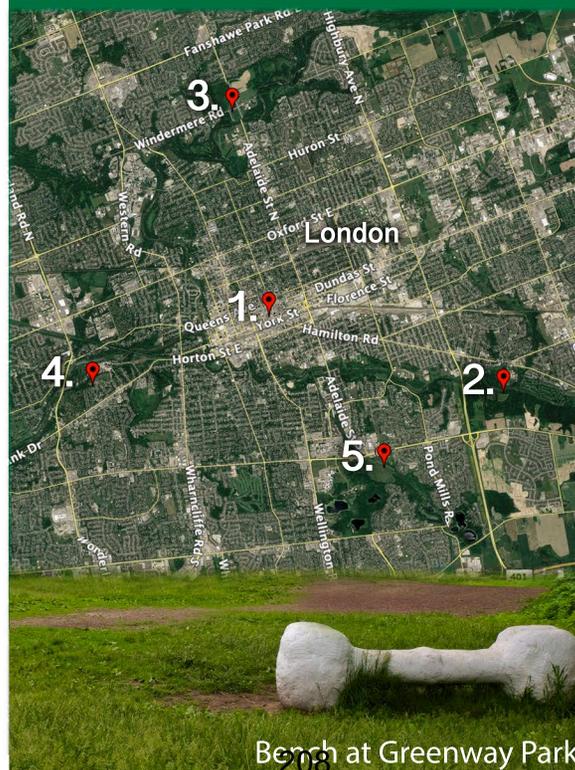
Ticks & Lyme Disease

There is a possibility that your dog may encounter infected ticks in almost all wooded or brushy areas in Ontario, including London.



There are 5 off-leash dog parks in London:

1. Campbell Memorial Park
2. Pottersburg Park
3. Stoney Creek Park
4. Greenway Park
5. Caesar Park



Need More Information?

City of London
519-661-2489
www.london.ca



London
CANADA

Coyotes In
The City of London
www.london.ca/coyotes

City Planning
Feeding of Wildlife Regulations
Public Nuisance By-law PH-18

Middlesex London Health Unit
519-663-5317
www.healthunit.com/lyme-disease

Upper Thames River
Conservation Authority
519-451-2800 ext. 281
www.thamesriver.on.ca

London Animal Care Centre
(PH-4 By-law Enforcement)
519-685-1330
www.accpets.ca

London Dog Owners' Association
www.ldoa.ca

London Humane
Society
519-451-0630



Prepared by the
Environmental and Ecological
Planning Advisory (EEPAC) and the
Animal Welfare Advisory Committee
(AWAC) of the City of London, and
with support from the London Dog
Owners' Association. ©2019

Advisory Committee Work Plan – 2020

March 2020

Activity	Background	Responsibility	Timeline	Strategic Plan Alignment
Environmental Management Guidelines	This document was created in 2007. Work has started on an updated version.	EEPAC will work with staff and the consultant and in cooperation with other stakeholders	staff have a goal to present the new version to PEC in 2020	Building a Sustainable City
Protecting Environmentally Significant Areas	Communicating why it is important that dogs are controlled in and around Environmentally Significant Areas (cats kept indoors, dogs on leash) with the assistance of Corporate Communications; EEPAC has worked with AWAC on an improved Dog Brochure	EEPAC	present updated brochure to PEC 2 and to distribute brochure	Building a Sustainable City
Collaboration with other Advisory Committees	Ongoing work with the Accessibility Advisory Committee to improve the process for accessible trails in ESAs	Chair and vice chair and Committee as a whole	As this involves staff, a timeline will be developed	Building a Sustainable City Strengthening our Community Leading in Public Service
Review of Environmental Impact Studies and Environmental Assessments submissions as part of Planning application and the <i>Environmental Assessment Act</i>	EEPAC is circulated and asked to review consultant submissions and provide input to City staff. In cases of significant disagreement, EEPAC advises PEC	Working Groups as required	As required, usually provide turnout in one meeting cycle	Building a Sustainable City

Conservation Master Plans for Environmentally Significant Areas	Review Phase 1 Natural Heritage Inventory, participate in Phase 2	Working Groups and Committee	Depends on timing of information from staff. Currently have reviewed the Phase 1 Inventory for Meadowlily Woods Environmentally Significant Areas	Building a Sustainable City
Trail Advisory Group	EEPAC has a representative on this staff directed group. It reviews trail locations and potential new trails for compatibility with the Significant Wildlife Habitat, if any, in the area. Recent examples including Westminster Ponds/Pond Mills ESA, Medway Valley Heritage Forest ESA, Lower Dingman ESA.	Representative or alternative	As determined by staff	Building a Sustainable City Strengthening our Community
Wetland Relocation, Monitoring and Creation and Relocation of Wildlife	A Working Group has been established to do research on matters pertaining to wetland relocation. This has occurred in one location in the NW and is likely to be considered for the SW. There are no existing guidelines for this and how it should be included in development agreements.	R. Trudeau, S. Sivakumar, P. Ferguson	Have asked for it to be included in the updated EMG	Building a Sustainable City
Continue working with Staff and other stakeholders to implement London's Bird Friendly Skies	The City of London's Advisory Committee on the Environment (ACE), Environment and Ecological Protection Advisory Committee (EEPAC), and Animal Welfare Advisory Committee (AWAC), encourage efforts to create bird friendly communities through reduced light pollution and increased dark skies.	EEPAC/Staff	Ongoing	Building a Sustainable City



We can all work together to create a safer and more environmentally friendly experience for migrating birds.

Limiting our light at night, and transitioning to window treatments that stop birds from flying into buildings not only protects them, but cuts back on energy costs.

Did you know?

- 25 million birds die in Canada from crashing into windows each year.
- There are at least 23 bird species at risk that collide with buildings in Canada.
- In 2019, scientists reported a 29% decrease in birds since 1970.
- Visit birdsafeca.com for tips to protect birds at your home and office.

Source: FLAP Canada

london.ca/birdfriendly

London's Bird Friendly Skies

**Save Energy.
Save Birds.**



**London
CANADA**

Why does it matter?



Light pollution impacts the behaviour of animals, fish and bugs, which impacts ecological health locally and nationally.

Reducing wasted lighting energy is an easy and crucial way for the City of London to reduce its carbon footprint, lessen light pollution and save money.

Other Ontario municipalities have implemented outdoor lighting ordinances to save energy costs and to preserve local bird species with positive results, and now London is doing the same.

The City of London's Advisory Committee on the Environment (ACE), Environment and Ecological Protection Advisory Committee (EEPAC), and Animal Welfare Advisory Committee (AWAC), encourage efforts to create bird friendly communities through reduced light pollution and increased dark skies.

Bird friendly skies help to:



- Preserve local bird species
- Reduce the number of birds colliding with buildings
- Conserve your home or office's energy
- Redirect light more effectively away from skies and reduces light pollution

Help take Climate Action



In 2019, London City Council declared a Climate Emergency. Adapting to a changing climate requires taking action to protect our natural, built and social environments. The climate emergency is a call to action to combat and reduce greenhouse gas emissions and our impact on the environment.

New Lighting Design Criteria:

Through recent changes to the Site Plan Control By-law, development requiring Site Plan Approval (commercial and multi-family residential) are required to design and construct developments to do the following:

Direct lighting towards the area requiring illumination to reduce skyglow and light pollution which creates bird-friendly development

Provide full cut-off and have zero up lighting



For questions on the new lighting criteria for Site Plan contact **Development Services** (519) 661-3500 DevelopmentService@london.ca

Trees and Forests Advisory Committee

Report

The 2nd Meeting of the Trees and Forests Advisory Committee
February 26, 2020
Committee Room #4

Attendance PRESENT: R. Mannella (Chair), M. Demand, A. Hames, J. Kogelheide, A. Valastro and D. Turner (Committee Clerk)

NOT PRESENT: A. Cantell and A. Morrison

ALSO PRESENT: M. Pease, S. Rowland, J. Spence and M. Stone

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

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Accessibility for Ontarians with Disabilities (AODA) Orientation

That it BE NOTED that the presentation from M. Stone, Supervisor I, Municipal Policy (AODA), as appended to the agenda, with respect to 'Accessibility for Ontarians with Disabilities' customer service training, was received.

3. Consent

3.1 1st Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 1st Report of the Trees and Forests Advisory Committee, from its meeting held on January 22, 2020, was received.

3.2 Municipal Council Resolution - 1st Report of the Trees and Forests Advisory Committee

That it BE NOTED that the Municipal Council resolution, from its meeting held on February 11, 2020, with respect to the 1st Report of the Trees and Forests Advisory Committee, was received.

4. Sub-Committees and Working Groups

4.1 Education and Outreach Sub-Committee Update

That the following actions be taken with respect to the Education and Outreach sub-committee:

a) the Civic Administration BE REQUESTED to implement the committee's attached recommendations in order to better promote tree-related educational materials and information in advance of the Spring 2020 planting season; and,

b) the information and recommendations, as appended to pages 23-30 of the Trees and Forests Advisory Committee (TFAC) agenda, BE FORWARDED to the Civic Administration for adoption/action where

appropriate, and that the Civic Administration BE INVITED to a future meeting of the TFAC to provide feedback on these recommendations.

4.2 2020 Work Plan Sub-Committee Update

That the revised attached 2020 Trees and Forests Advisory Committee work plan BE FORWARDED to Municipal Council for consideration and approval.

5. Items for Discussion

5.1 Green Roof By-law

That the Civic Administration BE INVITED to a future meeting of the Trees and Forests Advisory Committee to present a status update on the Green Roof By-law currently in development.

5.2 Tree Planting and Maintenance Near Hydro Lines

That a representative from London Hydro BE INVITED to a future meeting of the Trees and Forests Advisory Committee to discuss the issue of tree planting/maintenance near hydro lines in greater detail.

5.3 Green Space Requirements in Urban Design - 'Cash-in-Lieu' Developments

That it BE NOTED that the committee held a general discussion with respect to green space requirements in urban design as it relates to 'cash-in-lieu' developments, primarily in the downtown core.

5.4 Review of Outstanding Recommendations

That it BE NOTED that the committee held a general discussion with respect to outstanding recommendations.

6. Adjournment

The meeting adjourned at 1:56 PM.

Item 4.1

Trees & Forestry Advisory Committee Recommendation to the City of London

February, 2020

Topic: Public education and outreach regarding proper tree mulching practices, inspiring people to water newly planted trees and to not travel with firewood.

History: Over the last few months, several conversations have happened regarding the above three topics. One outcome was the addition of several links to the Trees and Forests section of the City's website! Great news!!

This is a new page link ("Tree Planting and Watering") that has been added to the 'City Owned Trees' section of the Trees and Forests section of the City's website: <http://www.london.ca/residents/Environment/Trees-Forests/Pages/Tree-Planting.aspx>

This page has a lot of relevant information including sections entitled "Summertime Water Conservation Tips" and "Proper Mulching Techniques".

On the page 'Tree Resources' under the **FAQS – Other Tree Information** people will find this new link "[Can I take wood up to my cottage, or somewhere else, to burn as firewood?](#)" This opens up a small drop box with some bits of information on this subject and it also comes with a link to a Government of Canada website: <https://www.inspection.gc.ca/plant-health/forestry/don-t-move-firewood/firewood/eng/1330963478693/1330963579986>

A few other conversations have taken place, since this time, regarding further improvements to the locations of these links to make them easier to find for viewers of the City's website. Notes have been made, and over the next several months, as the City's website gets redeveloped, these notes will be considered.

Recommendations: Now that these 3 very important topics have been added to the City's website, it is important to promote this valuable information. TFAC recommends that the City of London prepares and executes the distribution of promotional material focused on these 3 topics, this coming planting and growing season (Spring and Summer). TFAC recommends the production of tri-folds, pamphlets, or simple page handouts for distribution through local landscaping businesses, property management companies and community 'green' events.

Other suggestions: TFAC also suggests that promotional material could be created in the form of bookmarks or magnets, etc. (for possible distribution through local libraries) and would like the City to consider, bus advertising, bus shelter advertising, local television and/or newspaper educational outreach stories, etc.

Relevance: TFAC has made note that all of these recommendations satisfy several objectives listed in the Urban Forest Strategy: UFS Action items 15.2, 17.5 and 17.6 as well as UFS Strategic Goals 15 and 17

Item 4.2

Trees and Forests Advisory Committee: Advisory Committee Work Plan for 2020

Executive Summary:

Serving as a resource and information support group for the City of London, the Trees and Forest Advisory Committee (TFAC) works to aid the City of London in implementing its Urban Forest Strategy. To this end, TFAC has outlined 13 initiatives the committee plans to undertake in 2020, as detailed in the document that follows. These initiatives address ten of the strategic goals set forth in the Urban Forest Strategy and span all four of its guiding principles: Plant More, Protect More, Maintain Better, and Engage the Community.

Initiatives have been organized by the guiding principle(s) addressed, or alternatively as *Multifaceted or Overarching Initiatives*.

Plant More:

- 1) Site Plan Control By-Law Review
- 2) “No Net Loss” Policy
- 3) Design Specifications and Requirements Manual – Chapter 12, and Standard Contract Documents Review
- 4) Shade Policy

Plant More and Protect More:

- 5) Design Specifications and Requirements Manual – Chapter 12, and Standard Contract Documents Review

Protect More:

- 6) Companion Planting to Promote Native Biodiversity
- 7) Review Cash-in-Lieu Policy

Maintain Better:

- 8) Planting and Monitoring Efforts

Engage the Community:

- 9) Skills Development for Professionals within the Community
- 10) Educational Initiatives and Outreach

Multifaceted and Overarching Initiatives

- 11) Urban Forest Strategy Progress Monitoring
- 12) Committee Professional Development
- 13) Monitoring of Work Plan and Recommendations

Item 4.2

Trees and Forests Advisory Committee: Advisory Committee Work Plan for 2020

Colour Coding of Initiatives

	UFS: Plant More
	UFS: Protect More
	UFS: Maintain Better
	UFS: Engage the Community
	Multifaceted and Overarching Initiatives

Guiding Principle: Plant More	
Initiative:	Site Plan Control By-Law Review
Responsible Party:	Amber, Site Plan Control By-Law Review Subcommittee
Timeline:	March 2020 through December 2020
Goal:	Review the Site Plan Control By-Law document to provide comments for improvements.
UFS Strategic Goal:	1 Achieve appropriate canopy cover across the community.
UFS Action:	1.1 Establish canopy cover targets by place type and implement them through a framework of planting strategy, Planning District, Site Plan Control Area By-law and other policies, guidelines or regulations to be developed, and with community engagement (see Table 1 in UFS).
Tasks:	<ol style="list-style-type: none"> 1) Review existing site plan control by-law; begin compiling list of topics “for staff consideration”. 2) Review draft of updated version when it is supplied to TFAC; provide recommendations to PEC.
Current Status:	Not started.

Guiding Principle: Plant More	
Initiative:	“No Net Loss” Policy
Responsible Party:	Roberto Mannella
Timeline:	April 2020
Goal:	Develop strategies and/or guidelines to prevent loss of canopy cover during property development.
UFS Strategic Goal:	1 Achieve appropriate canopy cover across the community.
UFS Action:	1.4 Implement a policy of no net loss of tree canopy cover as a fundamental principle or baseline from which to determine and project tree canopy cover targets.
Tasks:	<ol style="list-style-type: none"> 1) Define objective of a “no net loss” policy 2) Determine staff member(s) to assist 3) Report back to TFAC on the feasibility of implementing a policy
Current Status:	Not started.

Guiding Principle: Plant More	
Initiative:	Shade Policy
Responsible Party:	Randy
Timeline:	TBD
Goal:	To address the potential creation of a shade policy. <i>Note: This was previously recommended and supported by PEC. However, it does not appear to have been mentioned in the new Parks Master Plan.</i>
UFS Strategic Goal:	N/A
UFS Action:	N/A
Tasks:	<ol style="list-style-type: none"> 1) Request update on status. 2) Discuss issue with Middlesex London Health Unit, since they have expressed an interest in this issue previously. 3) Make follow-up recommendations, if necessary.
Current Status:	Not started.

Item 4.2

Trees and Forests Advisory Committee: Advisory Committee Work Plan for 2020

Guiding Principle: Plant More		Guiding Principle: Protect More	
Initiative:	Design Specifications and Requirements Manual – Chapter 12, and Standard Contract Documents Review		
Responsible Party:	AnnaMaria		
Timeline:	Tentative, pending public release of document (late 2020)		
Goal:	Review the Design Specifications and Requirements Manual (Chapter 12), and Standard Contract Documents to provide comments for improvements.		
UFS Strategic Goal:	2	Develop a tree establishment program driven by canopy cover targets, maintenance capacity, and “right tree, right place” principles.	
	6	Improve urban forest health.	
UFS Action:	2.2	Develop standards and include species-appropriate minimum soil volumes, planting medium (mixture), and watering in all tree planting specifications.	
	6.1	Revise policies to support opportunities to either retain native topsoil or redistribute more topsoil on-site post development to improve the quality of tree planting sites.	
Tasks:	<ol style="list-style-type: none"> 1) Review existing design specifications and requirements manual with subcommittee, propose changes. 2) Provide comment on updated drafts for public comment when they are released. 3) Address current guidelines on soil quality for boulevards in new subdivisions, with respect to their ability to sustain healthy tree growth. 4) Compare the City of London’s soil guidelines to those of other cities. 		
Current Status	Documents requested from City		

Guiding Principle: Protect More	
Initiative:	Companion Planting to Promote Native Biodiversity
Responsible Party:	AnnaMaria
Timeline:	TBD
Goal:	Increase biodiversity through companion planting, utilizing native understory vegetation alongside urban trees. This will aid in maximizing ecological service provision, through creation of habitat for birds and other wildlife, and will also aid in reducing run-off and soil erosion.
UFS Strategic Goal:	4 Preserve and enhance local natural biodiversity.
UFS Action:	4.2 Manage natural areas to enhance biodiversity (i.e., enrichment planting, retention of wildlife trees and coarse woody debris, uneven distribution of plantings, proactive management of invasive species to enhance native species, etc.).
Tasks:	<ol style="list-style-type: none"> 1) identify areas within the city that can support cluster plantings of trees on public land. 2) Make recommendations for: <ol style="list-style-type: none"> a. Enhancing provision of ecological services, including nutrient cycling, reducing runoff and erosion, and providing food and habitat for native wildlife. b. Utilizing native groundcovers, shrubs, and other understory vegetation to reduce competition between trees and turf grass.
Current Status:	Not started.

Guiding Principle: Protect More	
Initiative:	Review Cash-in-Lieu Policy
Responsible Party:	AnnaMaria
Timeline:	TBD
Goal:	Prevent loss of canopy cover through the cash-in-lieu policy within the Parkland Conveyance and Levy By-law
UFS Strategic Goal:	5 Enhance and enforce municipal policies.
UFS Action:	5.3 Increase staff and resources for enforcement of tree protection related by-laws and site plan implementation to protect City assets.
	5.5 Consider new policies and review/enhance existing policies around tree retention for subdivision developments, including the retention of shelterbelts and hedgerows as desirable features between developments.
Tasks:	<ol style="list-style-type: none"> 1) Review and make suggestions on the cash-in-lieu policy within the Parkland Conveyance and Levy By-law 2) Make suggestions for alterations to policy or enforcement, to reduce loss of canopy cover
Current Status	Not started.

Item 4.2

Trees and Forests Advisory Committee: Advisory Committee Work Plan for 2020

Guiding Principle: Maintain Better	
Initiative:	Planting and Monitoring Efforts
Responsible Party:	Amber
Timeline:	TBD
Goal:	Develop measures to assess planting and tree maintenance activities conducted by the city.
UFS Strategic Goal:	8 Maintain publicly owned trees to maximize current and future benefits provided to the site.
	10 Complete a comprehensive urban forest inventory and apply to management decision-making.
UFS Action:	8.3 Identify pruning dependant and high failure potential species within the street tree population, and consider for phased replacement with more reliable species.
	10.3 Monitor the performance of newly planted species and assess their performance. Adaptively manage future species selection based on monitoring outcomes.
Tasks:	<p>1) Develop recommendations as to what data should be recorded during planting, establishment and pruning (etc.). This will aid in determining:</p> <ul style="list-style-type: none"> a. How many trees are removed per year? b. Survival rate by species. c. How long a city-owned urban tree in London typically live, including whether this is improving or worsening.
Current Status:	Not started.

Guiding Principle: Engage the Community	
Initiative:	Educational Initiatives and Outreach
Responsible Party:	Amber, Marnie (Educational Initiatives and Outreach Subcommittee)
Timeline:	February-May 2020
Goal:	Aid tree owners in caring for their trees, by promoting education on trees and tree care topics (e.g. “volcano” mulching, planting and staking, watering, etc.). Target the public, property managers/larger-scale property owners (e.g. hospitals, nursing homes), and relevant businesses (e.g. landscapers, arborists) Provide feedback on the City of London website, to enhance access to information on trees and tree care.
UFS Strategic Goal:	15 Consult and cooperate with citizens at the neighbourhood level to embrace citywide urban forest goals and objectives.
	17 Facilitate public understanding of urban forest management.
UFS Action:	15.2 Prepare tree care or tree information cards for species-specific practices like tree watering and species identification, and identifications of their locations using the tree inventory. Send cards out at seasonally appropriate times to residents who have those trees on the boulevard in front of their house.
	17.5 Develop and implement a comprehensive communication strategy. Ensure that the strategy is coordinated by Corporate Communications and all City departments participate in its development so that initiatives are coordinated and can be rolled out smoothly in the appropriate season (e.g., green-waste recycling in the fall, water conservation during the summer months, tree cutting permit to avoid the bird nesting season, etc.).
	17.6 Make the City website and staff directory more accessible/navigable to make it easier for the public to contact staff with questions or concerns about the urban forest.
Tasks:	<ol style="list-style-type: none"> 1) Provide suggestions to aid the City of London in improving their website and enhancing knowledge about pertinent tree topics. 2) Suggest educational campaign options for the city in relation to “volcano mulching” and other common tree maintenance issues. 3) Consult with the city on their current educational campaigns and planning. 4) Potentially work with the city’s graphic designers to help develop materials. 5) May also address topics such as benefits of trees and canopy cover loss prevention in a similar manner.
Current Status:	Subcommittee formed.

Item 4.2

Trees and Forests Advisory Committee: Advisory Committee Work Plan for 2020

Guiding Principle: Engage the Community	
Initiative:	Skills Development for Professionals within the Community
Responsible Party:	Alex Morrison
Timeline:	TBD
Goal:	(Under development)
UFS Strategic Goal:	<p>14 Consult and cooperate with local nurseries, arborists, landscapers, etc. (urban forestry services) to embrace citywide urban forest goals and objectives.</p> <p>17 Facilitate public understanding of urban forest management.</p>
UFS Action:	<p>14.2 Facilitate training and education workshops to communicate and obtain feedback on regulatory changes, professional report standards, canopy cover goals, tree retention techniques, best management practices and City expectations for supervision and tree management plans on development sites.</p> <p>17.3 Develop and fund an education campaign for stakeholder groups about the benefits of trees, to encourage tree planting, and to foster proper tree care.</p>
Tasks:	TBD
Current Status	Not started.

Multifaceted and Overarching Initiatives	
Initiative:	Urban Forest Strategy Progress Monitoring
Responsible Party:	Amber
Timeline:	TBD
Goal:	<p>Monitor the progress of the Urban Forest Strategy, a multi-million dollar 20 year strategy to help ensure the growth and health of one of the Forest City's most important features.</p> <ul style="list-style-type: none"> Providing advice on the formation and implementation of London's Urban Forest Strategy is at the core of TFAC's mandate.
UFS Strategic Goal:	<i>(All UFS Strategic Goals)</i>
UFS Action:	<i>(All UFS Actions)</i>
Tasks:	<ol style="list-style-type: none"> TFAC has requested to receive updates on UFS progress from staff twice per year, at our regular meetings. Set dates for implementation update presentations with staff. Amber to review suggested metrics from earlier TFAC and share with committee and staff (for use in the update presentations). Review implementation tasks from the implementation plan and make recommendations concerning their execution and/or timelines as needed.
Current Status:	

Multifaceted and Overarching Initiatives	
Initiative:	Committee Professional Development
Responsible Party:	Marnie
Timeline:	On-going
Budget:	\$300 (tentative)
Goal:	Identify professional development, educational, or outreach opportunities for TFAC members to attend to help keep abreast of current developments in urban forestry (e.g. urban forestry conferences, seminars).
UFS Strategic Goal:	<i>The UFS strategic goals and actions that relate to these opportunities will depend on the conferences and other events scheduled in 2020.</i>
UFS Action:	
Tasks:	<ol style="list-style-type: none"> Aim to have at least 2 TFAC members attend forestry, urban forestry, arboriculture, or related events this year.
Current Status:	Not started.

Multifaceted and Overarching Initiatives	
Initiative:	Monitoring of Work Plan and Recommendations
Responsible Party:	Marnie
Timeline:	On-going
Goal:	Monitor the progress of TFAC's work and status of the recommendations made, in order to track their progress/status and follow-up as required.
UFS Strategic Goal:	1, 2, 4, 5, 6, 8, 10, 14, 15, 17
UFS Action:	1.1, 1.4, 2.2, 4.2, 5.3, 5.5, 6.1, 8.3, 10.3, 14.2, 15.2, 17.3, 17.5, 17.6
Tasks:	<ol style="list-style-type: none"> Maintain an up-to-date list of TFAC's recommendations and their status.
Current Status:	<i>Refer to status of individual items (above).</i>

Advisory Committee on the Environment

Report

The 4th Meeting of the Advisory Committee on the Environment
March 4, 2020
Committee Room #4

Attendance PRESENT: R. Sirois (Chair), N. Beuregard, M. Bloxam, K. May, M. Ross, J. Santarelli, D. Szoller, A. Thompson, A. Tipping and B. Vogel and J. Bunn (Committee Clerk)

ABSENT: J. Howell, M.D. Ross and R. Pate

ALSO PRESENT: T. Arnos, M. Fabro, D. Hsia and A. Rozentals

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

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 The Blue Community Project

That the following actions be taken with respect to the attached presentations from the Council of Canadians, the Blue Community Project and A. Rozentals, Division Manager, Water Engineering with respect to the City of London becoming a Blue Community:

a) the Civic Administration BE REQUESTED to review the above-noted presentations with respect to actions required for the City of London to become a Blue Community;

b) the above-noted presentations and the documents appended to the agenda from the Council of Canadians and the Blue Community Project, with respect to this matter, BE RECEIVED; and,

c) the Civic Administration BE REQUESTED to look into selling reusable water bottles at public events in the city (e.g. SunFest and Rib Fest) as well as at all public facilities (e.g. concession stands at arenas) and at vendors outlets at public events.

3. Consent

3.1 3rd Report of the Advisory Committee on the Environment

That it BE NOTED that the 3rd Report of the Advisory Committee on the Environment, from its meeting held on February 5, 2020, was received.

3.2 2nd Report of the Environmental and Ecological Planning Advisory Committee

That it BE NOTED that the 2nd Report of the Environmental and Ecological Planning Advisory Committee, from its meeting held on February 20, 2020, was received.

3.3 Municipal Council Resolution - Appointments to the Advisory Committee on the Environment

That it BE NOTED that the Municipal Council resolution, from its meeting held on February 11, 2020, with respect to Appointments to the Advisory Committee on the Environment, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Bird Friendly London Policy Update

That it BE NOTED that a verbal update on the Bird-Friendly London Policy lead by D. Szoller was received.

5.2 ACE Promotion

That it BE NOTED that the Advisory Committee on the Environment (ACE) held a general discussion with respect to ACE promotion at events.

5.3 W12A Landfill Open House

That the following actions be taken with respect to the W12A Landfill:

a) the verbal update on the W12A Landfill Open House event from R. Sirois, BE RECEIVED; and,

b) monitoring of the W12A Landfill expansion project BE REFERRED to the Waste Sub-Committee.

5.4 City of London Budget - ACE Comments

That the following actions be taken with respect to the Advisory Committee on the Environment (ACE) comments on the City of London Multi-Year Budget:

a) the document, as appended to the agenda, outlining the comments made on behalf of the ACE at the Strategic Priorities and Policy Committee Public Participation Meeting for the City of London Multi-Year Budget, held on February 13, 2020, BE RECEIVED; and,

b) A. Dunbar, Manager III, Financial Planning and Policy BE INVITED to attend a future ACE meeting and give an update on the City of London Multi-Year Budget.

5.5 ACE 2020 Work Plan and Budget

That it BE NOTED that the Advisory Committee on the Environment (ACE) held a general discussion with respect to the ACE 2020 Work Plan and committee budget.

6. Adjournment

The meeting adjourned at 1:50 PM.

Make London a Blue Community



Blue Communities co-founder Maude Barlow will be Brescia's Chancellor



LOCAL NEWS

Author, activist Maude Barlow named Brescia University College chancellor

Award-winning author and activist Maude Barlow has been named the next chancellor at Brescia University College at Western University.

Barlow, who has received 14 honorary doctorates, is also the honorary chairperson of the Council of Canadians and co-founder of the Blue Project, a global clean-water initiative.

London Free Press, January 7, 2020

The Council of Canadians, the Blue Planet Project and the Canadian Union of Public Employees (CUPE) initiated the Blue Communities Project in 2009.

Blue Communities Philosophy

Enshrine water as a common resource, essential to life, for safe keeping and accessibility – a public trust, with public interests having priority over private for-profit interests.

57 municipalities and 16 communities world-wide have become Blue Communities, with more to come.

A Blue Community resolves:

- That water and sanitation are human rights
- That bottled water in municipal facilities and events will be phased out or banned
- To promote public ownership and operation of water and waste water services

The Blue Community London proposal was presented to ACE in 2018, and referred to staff for consideration.

City staff reported to the Civic Works Committee in March 2019. The Committee voted not to proceed with a feasibility study. The project was referred back to ACE.

We are here today to respond to the concerns that were raised by staff and the Civic Works Committee.

London is very close to qualifying as a Blue Community.

Bottled water in municipal facilities and events will be phased out or banned:

London has already banned bottled water in municipal facilities.

Fountains and bottle refill stations have been installed in public places.

[Thirstmobiles and Thirststations](#) provide drinking fountains and water bottle refill stations at outdoor events during the summer.

Public ownership and management of water and waste water services will be promoted:

London's systems are publicly owned, so London is already meeting this standard. (See the Municipal Act and the Safe Drinking Water Act)

We have provided a report on the dangers of privatization in other municipalities:



Document

Municipalities are under constant pressure to sell our valuable municipal services (e.g. the new federal Infrastructure Bank encourages P3s).

The resolution would be a statement of intent to keep London's water systems in public hands.

Regarding **water as a human right**, staff referred to a possible feasibility study re: costs to the city

- No municipality has lost the Blue Communities designation due to water shut-offs.
- No municipality has reported an increase in unpaid bills after becoming a Blue Community.
- London has a Customer Assistance Program, paid for by rate-payers, that helps customers who struggle with paying their water and hydro bills.
- Other municipalities (e.g. Vancouver) add unpaid water bills to property taxes.
- We ask that staff undertake the feasibility study, and possibly consult with Nanaimo, who have already done so and became a Blue Community.

London can join with Canadian Blue Communities such as

Bayfield (2014)
The Sisters of St. Joseph (2017)
Niagara Falls (2012),
St. Catharines (2012)
Trois Rivières (2019)
Montreal (2019)

... in all, 42 Canadian municipalities and communities to date

And globally, Berlin, Paris, Bern, Los Angeles etc.

List of Blue Communities



Document

London becoming a Blue Community is doable and virtually cost free.

We're almost there! Two out of the three requirements are already in place due to Council and staff's forward thinking.

Becoming a Blue Community aligns with London's stated intents and values:

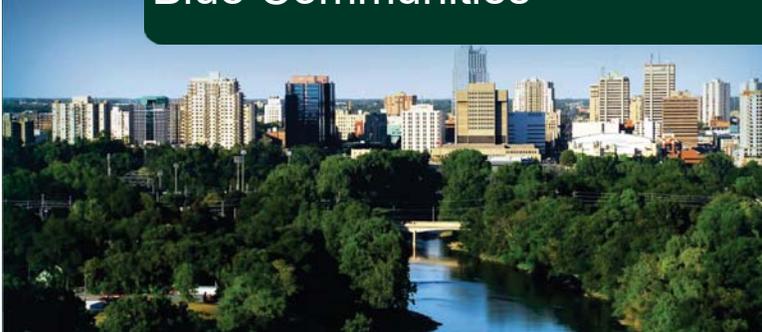
- London recognizes the climate emergency
- London recognizes housing as human right
- London already bans bottled water in city facilities and events
- London already has public ownership of water services

"Blue Community" designates a municipality that enshrines water as a human right. As the Sisters of St. Joseph say, "water is the first medicine" and as First Nations neighbours say, "water is life".

Please protect our water!



Blue Communities



Aaron Rozentals, P.Eng., GDPA
Division Manager, Water Engineering



Overview

Three steps to become a Blue Community

Council must pass resolutions to:

1. Declare water/sanitary a human right
2. Ban or phase out bottled water sales
3. Support public water and wastewater system



Resolutions

Three sample resolutions available

- Some components are philosophical/political

BE IT FURTHER RESOLVED that [name of municipality] will call on the federal and provincial governments to enshrine the human rights to water and sanitation in federal and provincial law.

- Some components effect management of the water system

BE IT FURTHER RESOLVED that [name of municipality] will refrain from shutting off water and wastewater services in any residence where residents have an inability to pay their bills, and furthermore that [name of municipality] will make every effort to work with the resident to remediate the debt.



Water as a Human Right

BE IT FURTHER RESOLVED that [name of municipality] will refrain from shutting off water and wastewater services in any residence where residents have an inability to pay their bills, and furthermore that [name of municipality] will make every effort to work with the resident to remediate the debt.

- Resolution is specific to “where residents have inability to pay their bills”



- Salvation Army Crisis Support
- City funded support program for water bills
- Payment Plans

Staff position that this will not change system management



Water Bottle Ban

London was an early adopter on this:

[August 2008 City of London Water Bottle Ban](#)

THEREFORE BE IT RESOLVED THAT a) single-use bottled water will no longer be sold in the City Hall cafeteria, from City-owned or City administered concessions and vending machines in public facilities where easy access to municipal tap water exists; b) single-use bottled water will no longer be purchased and provided at meetings where easy access municipal tap water exists; c) the availability of water jugs with municipal tap water will be increased, where required; d) a City staff and public awareness campaign be developed to support the rationale for these important changes including the need for Londoners to do their part; and e) the following implementation schedule be followed subject to an assessment that tap water is readily accessible at these locations:



Public System

- The water and wastewater system under Council control is publically financed, owned, operated, and managed
- No effect on the management of our water/wastewater system
- May want tweaks to wording due to complex public governance of Regional System



Next Steps

- Staff willing to work with Council of Canadians to confirm interpretation, wording
- Council of Canadians can bring resolutions to Civic Works Committee as a delegation
- Staff will present on the impacts on the management of the water/wastewater system



Blue Communities

Questions?