

# Planning and Environment Committee

## Report

The 9th Meeting of the Planning and Environment Committee  
June 22, 2020

**PRESENT:** Councillor M. Cassidy (Chair), J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, Mayor E. Holder

**ALSO PRESENT:** H. Lysynski, C. Saunders and S. Spring.  
Remote Attendance: Councillors S. Lehman and E. Pelozo; J. Adema, G. Barrett, M. Butlin, M. Feldberg, P. Kokkoros, G. Kotsifas, C. Lowery, B. O'Hagan, M. Schulthess, E. Skalski, M. Tomazincic, M. Vivian, B. Westlake-Power, S. Wise and M. Wu  
The meeting is called to order at 4:00 PM, with Councillor M. Cassidy in the Chair; it being noted that the following Members were in remote attendance: Mayor E. Holder; Councillors J. Helmer, A. Hopkins, S. Turner and A. Kayabaga.

### 1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

Absent: (1): E. Holder

### 2. Consent

Moved by: E. Holder

Seconded by: S. Turner

That Items 2.2 to 2.4, inclusive, BE APPROVED.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

#### 2.2 City of London Boulevard Cafe Grant Program

Moved by: E. Holder

Seconded by: S. Turner

That, on the recommendation of the Director, Planning and City Planner, the following actions be taken with respect to implementing program guidelines for a Boulevard Café Grant Program:

a) the proposed by-law appended to the staff report dated June 22, 2020 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 29, 2020 to amend By-law C.P.-1467-175, as amended, being a by-law to establish financial incentives for the Downtown Community Improvement Project Areas, to adopt the Boulevard Café Grant Program as Schedule 3; and,

b) the Civic Administration BE DIRECTED to supplement the Core Area Action Plan funding approved through the 2020-2023 Multi-Year Budget with the Small Scale Downtown Projects Fund, approved through the 2015-2019 Multi-Year Budget to support the Boulevard Café Grant Program and other small-scale projects that assist with the economic recovery of the downtown as a result of the COVID-19 pandemic;

it being noted that this initial Grant Program is being adopted under the existing Downtown Community Improvement Plan until such a time as a Core Area Community Improvement Plan is developed and approved, which would extend this Program to the entire Core Area as identified in the Core Area Action Plan.

**Motion Passed**

2.3 Application - 184 Exeter Road - Removal of Holding Provision (H-9168)

Moved by: E. Holder  
Seconded by: S. Turner

That, on the recommendation of the Director, Development Services, based on the application by Southbridge Health Care G.P. Inc., relating to the property located at 184 Exeter Road the proposed by-law appended to the staff report dated June 22, 2020 BE INTRODUCED at the Municipal Council meeting to be held on June 29, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning for a portion of 184 Exeter Road FROM a Holding Residential R5 Special Provision/R6 Special Provision/Residential R7 Special Provision (h-100\*R5-4(22)/R6-5(50)/R7(21).D45.H17) Zone TO a Residential R5 Special Provision/R6 Special Provision/Residential R7 Special Provision (R5-4(22)/R6-5(50)/R7(21).D45.H17) Zone to remove the "h-100" holding provision.

**Motion Passed**

2.4 Building Division Monthly Report for April 2020

Moved by: E. Holder  
Seconded by: S. Turner

That the Building Division Monthly Report for the month of April, 2020 BE RECEIVED for information.

**Motion Passed**

2.1 ReThink Zoning Phase One Update

Moved by: E. Holder  
Seconded by: A. Hopkins

That the staff report dated June 22, 2020 entitled "ReThink Zoning Phase One Update" BE REFERRED back to the Civic Administration to report back at a future Planning and Environment Committee meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

**3. Scheduled Items**

3.1 Application - 1919 and 1929 Oxford Street West (Z-9115)

Moved by: A. Hopkins  
Seconded by: E. Holder

That, on the recommendation of the Director, Development Services, based on the application by Oxford Westdel Centre Inc., relating to the properties located at 1919 and 1929 Oxford Street West, the proposed by-law appended to the staff report dated June 22, 2020 BE INTRODUCED at the Municipal Council meeting to be held on June 29, 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 Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17\*CC3) Zone TO a holding Residential R1 (h-94\*R1-14) Zone and a holding Community Shopping Area Special Provision (h-17\*CSA1(\_)) Zone;

it being noted that the following site plan matters have been raised during the public meeting process:

- i) restrict the access along Oxford Street West to right-out only; and,
- ii) locate garbage facilities away from the Oxford Street West frontage;

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

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

- the recommended Zoning Amendment is consistent with the Provincial Policy Statement (PPS), 2020, which encourages an appropriate range and mix of uses to meet projected requirements of current and future residents;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to, the Shopping Area Place Type, Our City, Our Strategy, and all other applicable London Plan policies;
- the recommended amendment permits an appropriate range of commercial and automotive uses that conform to the in-force policies of the (1989) Official Plan, including but not limited to the Community Commercial Node designation; and,
- the recommended Zoning By-law Amendment permits development that is appropriate for the site and compatible with the surrounding land uses.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: A. Kayabaga

Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Turner  
Seconded by: A. Kayabaga

Motion to close the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

3.2 Application - 584 and 588 Wonderland Road North (OZ-9114)

Moved by: J. Helmer  
Seconded by: E. Holder

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Wasan Holdings Ltd relating to the property located at 584 and 588 Wonderland Road North:

a) the proposed by-law appended to the staff report dated June 22, 2020 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 29, 2020 to amend the Official Plan by ADDING a specific policy to permit office, medical/dental office, and pharmacy uses;

b) the proposed by-law appended to the staff report dated June 22, 2020 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on June 29, 2020 to add a new policy to the Specific Policies for the Neighbourhoods Place Type and amend Map 7 – Specific Policy Areas – of The London Plan by adding the subject site to the list of Specific Policy Areas;

c) the proposed by-law appended to the staff report dated June 22, 2020 as Appendix "C" BE INTRODUCED at the Municipal Council meeting to be held on June 29, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in the above-mentioned parts a) and b)), to change the zoning of the subject property FROM a Residential R1 (R1-9) Zone TO a Restricted Office Special Provision (RO1(\_)) Zone;

it being noted that the following site plan matter was raised during the public participation meeting process:

- to consider removing the fencing in the exterior side yard of 584 Wonderland Road North to improve sightlines for motorists;

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

it being further noted that the Municipal Council approves these applications for the following reasons:

- the recommended amendment is consistent with the Provincial Policy Statement, 2020 which promotes an appropriate range and mix of uses in a settlement area;
- the recommended specific policy to The London Plan conforms to the in-force policies of The London Plan including but not limited to, Our City, Key Directions, and City Building, and will facilitate the development of a building with a greater floor area than contemplated in the Neighbourhoods Place Type;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to, Chapter 10 – Policies for Specific Areas, which allows Council to apply specific policies where the change in land use is site specific and located in an area where Council wishes to maintain the existing land use designation while allowing for a

site specific use; and,  
• the recommended Zoning By-law Amendment implements an appropriate use and intensity for the site which is compatible with the surrounding area.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

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

Motion to open the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Turner  
Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

### 3.3 Application - 944 Hamilton Road (Z-9151)

Moved by: S. Turner  
Seconded by: A. Hopkins

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by York Developments, relating to the property located at 944 Hamilton Road:

- a) consistent with Policy 19.1.1. of the Official Plan, the subject lands, representing a portion of 944 Hamilton Road, BE INTERPRETED to be located in the Community Commercial Node designation; and,
- b) the proposed by-law appended to the staff report dated June 22, 2020 BE INTRODUCED at the Municipal Council meeting to be held on June 29th, 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 Convenience Commercial/Service Station (CC/SS1) Zone and a Residential R1 (R1-6) Zone TO an Associated Shopping Area Commercial Special Provision (ASA1(\_)/ASA2(\_)/ASA3(\_)) Zone;

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

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

- the recommended amendment is consistent with the Provincial Policy Statement 2020;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to, Policy 253\_, Policy 926\_ and Policy 932\_;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan policies, including but not limited to, Section 4.3.7.1., Section 4.3.7.2., Section 4.3.7.3., Section 4.3.7.4., Section 4.3.7.5. and Section 19.1.1i;
- the recommended amendment provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to effectively utilize the existing building; and,
- the existing and proposed built form and on-site parking is capable of supporting the requested commercial uses without resulting in any negative impacts on the abutting lands.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: S. Turner

Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Moved by: A. Hopkins

Seconded by: S. Turner

Motion to close the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

#### 3.4 Application - 754-760 Baseline Road (OZ-9148)

Moved by: S. Turner

Seconded by: A. Hopkins

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Canadian Commercial Management Inc. relating to the property located at 754-760 Base Line Road East:

a) the proposed by-law appended to the staff report dated June 22, 2020 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 29, 2020 to amend the Official Plan by ADDING a policy to section 10.1.3 – Policies for Specific Areas;

b) the proposed by-law appended to the staff report dated June 22, 2020 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be

held on June 29, 2020 to amend The London Plan by AMENDING Policy 1101\_ in the Specific Policies for the Institutional Place Type;

it being noted that the amendments will come into full force and effect concurrently with Map 1 and Map 7 of The London Plan;

c) the proposed by-law appended to the staff report dated June 22, 2020 as Appendix "C" BE INTRODUCED at the Municipal Council meeting to be held on June 29, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan as amended in the above-noted parts a) and b) above), to change the zoning of the subject property FROM an Office (OF2) Zone TO a Residential R8 Bonus/Office (R8-4\*B-\_/OF2) Zone;

the Bonus Zone shall be enabled through one or more agreements to facilitate the development of a high quality residential apartment building, with a maximum height of 4-storeys, 28 dwelling units and a maximum density of 165 units per hectare, which substantively implements the Site Plan and Elevations appended to the staff report dated June 22, 2020 as Schedule "1" to the amending by-law in return for the following facilities, services and matters:

i) Exceptional Building Design

The building design shown in the various illustrations contained in Schedule "1" to the amending by-law is being bonused for features which serve to support the City's objective of promoting a high standard of design including:

- A) a building located along the street frontage with reduced front and exterior side yard setbacks;
- B) providing for appropriate scale/rhythm/materials/fenestration; and,
- C) enhanced landscaping and amenity area at grade;

ii) Provision of Affordable Housing

The development shall provide for the following:

- A) one, one-bedroom barrier-free affordable rental unit;
- B) rent not exceeding 85% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy; and,
- C) the duration of affordability shall be set at 25 years from the point of initial occupancy of the unit;

d) the Civic Administration BE REQUESTED to consider the following during the Site Plan process:

- i) an alternate location for the garbage location away from the residential units; and,
- ii) the privacy fence height be increased to 7 feet (2.1 meters);

it being pointed out that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a communication dated June 9, 2020 from R. and J. Robinson, 347 Fairview Avenue; and,
- a communication dated June 15, 2020 from B. and E. May, 749 Rowntree Avenue;

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

it being further noted that the Municipal Council approves these applications for the following reasons:

- the recommended amendment is consistent with the PPS, 2020, which encourages the regeneration of settlement areas and land use patterns

within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;

- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Institutional Place Type;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the criteria for a Chapter 10 Specific Area Policy;
- the recommended amendment facilitates the development of a vacant, underutilized site within the Built-Area Boundary and Primary Transit Area with an appropriate form of development.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Additional Votes:

Moved by: E. Holder

Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Turner

Seconded by: E. Holder

Motion to close the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

### 3.5 Application 1992 Fanshawe Park Road West (TZ-9177)

That it BE NOTED that the Planning and Environment Committee was unable to reach a majority decision with respect to the application by Southside Construction Management Limited relating to the property located at 1992 Fanshawe Park Road West, and pursuant to Section 19.3 of the Council Procedure By-law, the matter is hereby submitted to the Municipal Council for its disposition;

it being pointed out that the Planning and Environment Committee reviewed and received a communication dated June 11, 2020 from C. Butler, 863 Waterloo Street, with respect to this matter; and,

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



Additional Votes:

Moved by: J. Helmer

Seconded by: E. Holder

That, on the recommendation of the Director, Development Services, based on the application by Southside Construction Management Limited, relating to the property located at 1992 Fanshawe Park Road West, the proposed by-law attached hereto as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on June 29, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to extend the Temporary Use (T-45) Zone to permit a golf driving range and accessory uses for an additional three (3) year period.

Yeas: (3): M. Cassidy, J. Helmer, and E. Holder

Nays: (3): A. Hopkins, S. Turner, and A. Kayabaga

**Motion Failed (3 to 3)**

Moved by: S. Turner

Seconded by: E. Holder

Motion to open the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

Moved by: S. Turner

Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (6): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

**Motion Passed (6 to 0)**

**4. Items for Direction**

None.

**5. Deferred Matters/Additional Business**

None.

**6. Adjournment**

The meeting adjourned at 6:08 PM.

## Report to Planning and Environment Committee

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

**From:** Gregg Barrett  
Director, Planning and City Planner

**Subject:** ReThink Zoning Phase One Update

**Meeting on:** June 22, 2020

## Recommendation

That, on the recommendation of the Director, Planning and City Planner, this report and the attached Discussion Paper for ReThink Zoning – Phase One **BE RECEIVED**.

IT BEING NOTED that the Discussion Paper will be used as part of the ReThink Zoning Project public consultation program.

## Executive Summary

The purpose of this report is to introduce a discussion paper that will be utilized for public engagement in the ReThink Zoning project over the spring and summer months. Opportunities for discussion and comments about the project will be provided later this year. The report also includes a progress update on Phase One of ReThink Zoning and describes adjustments made to the public engagement program as a result of COVID-19.

ReThink Zoning is the process for delivering a new Zoning By-Law to implement the London Plan. Phase One of the project, to prepare background research and formulate an approach, is now underway. The consultant team has recently provided staff with the first of two discussion papers meant to inform and support the public consultation process.

The discussion paper evaluates four contemporary zoning approaches, and two options for implementing them in Ontario – the Traditional Zoning By-Law and Community Planning Permit System. The consultants also analyzed six municipalities in Ontario and North America to capture lessons that can be applied to London. These lessons, as well as other key takeaways from the paper, are described in this report.

Staff have also been preparing to begin the first stage of public engagement over the spring and summer, which would be informed by lessons learned and feedback received from the discussion paper. This first stage of engagement focuses on background information meant to educate and inform the public about zoning options available in Ontario. This engagement will evolve to include more technical consultation, which will coincide with a second discussion paper this fall.

This engagement program was intended to include a variety of in-person and online opportunities. However, due to current public health recommendations and the cancellation of numerous festivals and gatherings staff have updated this program to include more online opportunities to participate and engage in the ReThink Zoning conversation.

## Report

### 1.0 Background

The London Plan was approved by City Council in June 2016 and provides a vision for how London will evolve over the next twenty years. ReThink Zoning is the process of

preparing a new zoning by-law for London that conforms with and is supportive of the London Plan.

When the London Plan was being developed through the ReThink London engagement process, a community conversation took place around the type of city Londoners want. ReThink Zoning continues that conversation and moves it into a new stage where instead of asking what kind of city we want London to become, our new focus is on how we will get there.

This is a major project that will have a lasting impact on how London will be shaped to meet the vision established in The London Plan. It was determined that the project would be carried out in two phases. The first phase would involve choosing a direction for the zoning by-law, and the second would involve drafting a by-law based on that approach.

As part of Phase One, staff had initially planned to carry out engagement in two stages using both in-person and online methods. As a result of COVID-19, we have updated the first stage of engagement to focus on various online methods to educate, inform, and raise awareness about the project. We will then transition to more technical consultation later in the year once the second discussion paper is released.

### **1.1 Previous Reports**

#### **May 13, 2019 – ReThink Zoning Terms of Reference Report to Planning & Environment Committee**

Based on feedback from engagement, updated terms of reference were presented to the Committee that identify opportunities for meaningful public and stakeholder engagement throughout the process. The Terms of Reference were approved during the May 21 meeting of Council and include a detailed overview of the project goals, work plan, and deliverables.

#### **August 13, 2018 – ReThink Zoning Terms of Reference Report to Planning & Environment Committee**

City Council received a draft Terms of Reference in August 2018 and gave direction to staff to circulate the draft to key stakeholders and to allow for public comments about the project. Staff then held meetings with a variety of stakeholders, and in each meeting the need for public and stakeholder engagement was identified as key to the project's success. Advisory Committees were also circulated the terms of reference and asked to provide comments.

## **2.0 Phase 1 Update**

### **2.1 Phase 1 to Date**

At the end of 2019, a consultant team for Phase One was selected following a procurement process. The consultant team is a collaboration between Plateia Planning, led by Melissa Ayers, Intelligent Futures, led by Cassandra Caiger, and Fotenn, led by Ute Maya-Giambattista.

The consultants visited London during the week of January 26, 2020. Their visit included conducting a workshop for internal staff that use the zoning by-law, as well as a review of stakeholders. A workshop was also held involving a variety of key external stakeholders, such as the Urban League and the London Development Institute, to familiarize the consultants as well as provide an overview of the engagement expectations and deliverables over the course of Phase 1. A city-wide tour of recent examples of development was also led by staff. In addition, the consultants attended a Steering Committee meeting. During this visit the consultants learned about London's context and the specific needs for the new by-law. The importance of stakeholder engagement and community buy-in was also reiterated.

## 2.2 Updated Project Schedule and Work Plan

Following the consultants' site visit, an updated work plan, project schedule, and engagement & communications plan were prepared. Below is an updated timeline for Phase One. The spring and summer engagement will kick off the project, educate the public, and explore the key aspects of zoning to implement the vision of the London Plan. The fall engagement will continue the conversation with a more technical discussion paper and the additional visual assessment of built form considerations through the use of LiDAR data. Engagement for Phase One is further described in section 4.0.

Task	Status
Retain consultants	Completed
Discussion Paper 1 (Best practices, London Plan implementation, and Ontario's legislative context)	Completed
Information Report to PEC	Completed
Public Engagement (Stage 1 and Stage 2)	Q2-Q3, 2020
Discussion Paper 2 (Review of the zoning by-law Z-1, analysis of existing built form, identify gaps between the current by-law and the London Plan)	September 2020
Progress Report to SPPC	September 22, 2020
Recommendation Report	Q4, 2020
Terms of Reference – Phase 2	Q4, 2020
Phase 2	Details to be determined based on Phase Two Terms of Reference.

## 3.0 Discussion Paper

### 3.1 Overview

As part of the Phase One deliverables, it was determined that two discussion papers should be prepared to inform engagement before a recommendation report is prepared on the approach. The first discussion paper is presented now while the second will be prepared in September.

The first major deliverable *Zoning: Considerations for London* is a discussion paper that provides an overview of best practices for zoning amongst Canadian municipalities, and an analysis of how zoning approaches could implement the London Plan's policies and be applied within Ontario's legislative context.

The document is inspired by the Discussion Papers that were used for ReThink London, and was finalized following refinements from City Planning staff, the Project Team, as well as the Steering Committee. The discussion paper describes the different approaches that may be considered to implement the city envisioned by The London Plan.

### 3.2 Four Contemporary Zoning Approaches

Historically, zoning was predicated upon protecting health and safety, as well as limiting development. This led to the proliferation of use-based zoning, which focuses on defining and separating uses.

Three other contemporary zoning approaches have also since been used by municipalities in North America. These have been used as alternatives or additions to use-based zoning to supplement its use-based focus.

- Performance zoning is the practice of allowing more varied uses based on defined 'performance standards'.
- Incentive zoning generally uses use-based zoning as a baseline, and permits negotiation for public amenities in exchange for greater height or density. Prior to Bill 108, this was enabled in Ontario as 'density bonusing' through Section 37 of the Planning Act.
- Form-based zoning has gained prominence as a neo-traditional urbanist approach. It de-emphasizes uses occurring on a site in lieu of standards that guide the look and feel of that space.

In practice, some combination of several of the approaches above can be used in a zoning by-law, and to some limited degree, are reflected in the City's current Z.-1 Zoning By-law. Based on the strengths of each approach, the objective of the ReThink Zoning Project is to determine the best approach for London's new zoning by-law.

### **3.3 Two Zoning Options in Ontario**

In order to implement the four above zoning approaches, two main zoning options are permitted by Ontario legislation: zoning by-law / site plan by-law, and Community Planning Permit System (CPPS). In practice, both systems could be used if a municipality chooses to apply a CPPS to a specific portion of a municipality.

Key considerations for the Zoning By-Law / Site Plan By-Law (Option 1) are summarized as follows:

1. Application of the Act. In a Zoning By-Law approach, the Planning Act determines that, in some capacity, a use-based approach must be used. The language in the Act is also primarily limiting as opposed to permissive, which would require a shift in perspective to apply best practices.
2. Lack of Flexibility and Discretion. Zoning By-Laws do not provide for discretion. In most zoning by-laws, most standards and regulations are very specific and rigid, and the only method to address these inflexible standards is through the minor variance or zoning by-law amendment process.
3. Multiple By-Laws Required for Implementation. This option requires that the zoning by-law and site plan by-law are consistent. It can be challenging to obtain consistent outcomes.
4. Multiple Applications. In cases where a minor variance may be required, this option could require up to three applications for every development proposal. In most cases, this is not realized until the site plan approval stage.
5. Tried and Tested. This option has been thoroughly tried and tested so that both the risks and liabilities are understood.

The CPPS, also known as the Development Permit System (DPS) replaces the zoning by-law and site plan by-law with a Community Planning Permit by-law. Minor variances may also be considered in this system. The CPPS allows for discretionary uses, conditions approvals and variances, and also provides opportunities to regulate landscaping and vegetation removal, site alteration, and façade improvements. The CPPS could apply to certain classes of development or areas of a municipality. The key considerations are summarized as follows:

1. Increased certainty and flexibility. The CPPS can provide greater certainty combining the zoning-by-law, site plan process, and minor variance process. Through the application of discretionary uses the City can establish the conditions that must be met to permit uses and intensities beyond the base zone.
2. Flexible zoning approaches. The CPPS includes use requirements, but also includes a form-based approach. The CPPS also enables performance zoning by identifying the link to development outcomes.

3. Geographical scope. It is possible for a CPPS to be applied municipal-wide or to a specific area.
4. Five year 'freeze'. After adoption and the appeal period, Council can choose to use a five year 'freeze' where the Community Planning Permit By-law cannot be amended. Appeals would be limited to the subject landowner of a given site.

### 3.5 Findings from Case Studies

The consultants evaluated six municipalities to analyze how they implemented the four zoning approaches and implemented the goals of their community. Each presents an opportunity for London to learn from.

1. **High River, Alberta** – High River, south of Calgary, developed a new Land Use By-Law following a major flood. Administration realized that the previous By-Law was ineffective in helping rebuild. The simplification and focus on uses in the new By-Law has demonstrated how focusing on key priorities and outcomes can result in positive change. It has resulted in new development in line with the community vision, and has streamlined applications so that the average development permit is processed in two weeks.
2. **Halifax, Nova Scotia** – Halifax is the largest municipality in Canada to use a hybrid by-law. Performance standards, such as Floor Area Ratio (FAR), wind, and shadowing, are used. The integration of form and use coupled with standards and timelines has resulted in increased quality and quantity of development. It has also streamlined and made the process more predictable.
3. **LaSalle, Ontario** – LaSalle adopted form-based zones for two planning districts into their by-law in addition to development standards for streets in the Town. When the form-based framework is applied, it is highly visual with images, and plan and section graphics. The illustrative form-based zones demonstrate the opportunity for shifting qualitative design measures to quantifiable standards in Ontario.
4. **Gananoque, Ontario** – Gananoque approved a Development Permit By-Law (now CPPS) in 2011. The By-Law divides the Town into twelve permit areas with two overlays. Each area includes permitted and discretionary uses with clear standards for different forms. The by-law demonstrates the success of a municipal-wide CPPS with use classifications, discretion, and process clarity and efficiency.
5. **Brampton, Ontario** – Brampton's comprehensive Zoning By-law follows a traditional use-based approach, however, a CPPS has been applied to specific area. The area is distinguished by mature street trees and heritage character. The use of the CPPS for heritage preservation demonstrates how certain development outcomes, such as historic preservation, can be achieved with an alternate tool.
6. **Miami, Florida** – Miami 21 is the first example of a form-based code applied city-wide in a large metropolitan area. The code regulates form matters including building disposition, configuration, function, intensity, as well as the share of uses, standards for landscaping and transitions. While initially complex and unwieldy, online tools and map-based options have made the information more accessible and easier to understand. The successful transition of the complex form-based code to a clear online tool demonstrates the importance of usability.

### 3.6 Key Findings

Based on the analysis conducted for the discussion paper, there are several key findings that should be contemplated as we move forward with engagement and an approach.

1. **Connect the Foundation to Policy** – While by-laws change over time, the overall approach needs to be directly linked to our policy goals. Regardless of the option selected, the foundation of the by-law will affect development outcomes.

How uses are defined in a bylaw can significantly affect interpretation, the application of other zoning approaches, and the approvals process. Each municipality was different in how they approached uses. The new zoning by-law will implement the Place Types envisioned in the London Plan.

2. **Usability Affects Outcomes** – The integration of the application process in the by-law review can significantly affect development outcomes. It has the ability to increase change in areas where revitalization is desired, or can limit change where preservation is the goal. Whether the by-law itself is designed to be user-friendly or tools are used afterward to increase usability, the transparency and understanding of the by-law by anyone is important. Illustrations and graphics enhance usability.
3. **Consider the Relationship between Legislation and Approach** – The four zoning approaches are not independent of one another, and should instead be contemplated within the provincial legislative framework. Zoning approaches can be used to strategically affect development outcomes and should be applied as appropriate. We should therefore ensure that the four zoning approaches are well understood through our engagement process and that we can connect them to tangible development outcomes.
4. **The CPPS Warrants Further Discussion** – In terms of the two zoning options in Ontario, the CPPS could be an effective tool to implement the London Plan, due to its ability to balance use, form, and intensity. The best example of a municipal-wide CPPS in Ontario is Gananoque. Clear conditions, development permit areas, and use classifications related to a clear decision-making process, is a model to consider for London.

Within the limitations of our legislative requirements, we should consider how a new by-law can reframe the standards and processes to build a successful community.

## **4.0 Stage One Engagement Strategy**

### **4.1 Engagement and Communications Plan**

In addition to the discussion paper, an engagement and communications plan was also prepared by the consulting team. The plan contains descriptions of in-person and online engagement tactics, as well as identification of stakeholders and key messages. It has been used by staff to provide high-level guidance on the detailed engagement program that will be undertaken as part of Phase One.

The first stage of Phase One's engagement is to take place from June to August 2020, and its purpose is to capture perspectives on how we implement our vision for the future. Using the discussion paper, it is meant to engage key stakeholders and the public, continuing the conversation from ReThink London and focusing a conversation on specifics and trade-offs relating to the Zoning By-Law. Themes to be addressed include community identity, building forms, and building and space uses.

Staff have been preparing to launch the engagement program, which had included many online and in-person opportunities. The latter incorporated interviews, data walks workshops, and event pop-ups at festivals such as SunFest, Ribfest, and at Masonville Farmers Markets in order to create place-based active engagement.

The initial online engagement program included online questionnaires, a social media campaign, and communications conducted through the City of London webpage, primary stakeholder emails, social media, local media, and messaging via stakeholder organizations. A plain language and visual summary of the first discussion paper is also to be included.

### **4.2 Changes in Response to COVID-19**

As a result of social distancing measures and event closures in response to COVID-19, staff have put forth additional measures to maintain a consistent preliminary engagement program using primarily online means. Determined through conversations with Communications, the consultant team, and the Steering Committee, these

additional engagement tools can allow us to remain consistent with the project goals and maintain the project schedule, while adapting to our new reality:

- **Get Involved Website** – [getinvolved.london.ca](http://getinvolved.london.ca) is the online engagement platform used by the City of London for a variety of projects, and is powered by Bang the Table. Bang the Table uses eight tools to enable participation in public processes and to help governments make informed decisions based on feedback. The tools can allow users to engage in discussions, upload pictures or respond to surveys, among other things. The Get Involved Website will act as a hub where social media posts are directed to.
- **Social Media** – Broad, engaging content can be posted using our existing handles on Twitter, Facebook, and Instagram to draw the general public to our Get Involved portal. Posts can be visual, plain language and educational, which is key at this stage of the process.
- **Webinars** – This technique allows staff to conduct a virtual ‘town hall’-type meeting, with a format that is conducive to in-depth educational sessions or panel discussions. A ‘questions and answers’ format can be used as well. The use of a moderator can ensure that sessions are timely and focused.
- **Video Conferencing** – Video conferencing technology allows us to hold meetings with stakeholders to discuss the project while in-person meetings are not possible. Staff will utilize software that can facilitate web conferencing without an account, allows for a meeting to be split up into separate sub sessions or breakout rooms, then return the meeting back together for group discussion. Other features can also allow users to share and collaborate on a whiteboard within a meeting. Meetings can be recorded and shared online for those unable to attend.

The techniques above lend themselves well to educating the public and providing a common understanding of the key messages, themes and tools that are addressed in the Discussion Report. The fall engagement will be more technical and staff will evaluate opportunities to conduct more in-person consultation. The above list is not exhaustive, and with guidance from Communications, staff are exploring additional tools such as radio discussions, interviews, and live streaming.

While the ongoing situation has necessitated changes to the engagement strategy, new tools can be used as an opportunity to better connect with the public and maintain the engagement outcomes and goals. The materials disseminated through Bang the Table and the City’s social media platforms will ensure that participants learn about relevant issues in order to make informed responses as more opportunities for in-person engagement become available.

#### **4.3 Integrating the Findings of the Discussion Paper into our Engagement Strategy**

The discussion paper provides a baseline for what we know and what trade-offs should be considered in each zoning approach. Its findings help to frame the discussion and provides images that can be used to engage the public. For example, staff can visually show how the two zoning options and four approaches could be used to achieve a specific built form outcome. Existing forms that illustrate what outcomes could be achieved through each approach could also be selected and ranked.

Staff remain committed to working towards improved community consultation, a better understanding of the impacts of zoning within the community, and obtaining input from stakeholders and the public that will inform staff recommendations for the project. This can only be accomplished through ensuring that tools are made available to all stakeholders, and that consistent messaging is used across multiple platforms to tell a story and build an understanding of growth and development impacts.

Adjustments will be made based on new public health recommendations, check-ins with the consultants and Steering Committee, and data produced by Bang the Table. Refinements can then be made to the fall engagement stage as necessary.



## 5.0 Next Steps

### 5.1 Phase One

The remaining tasks to be completed in ReThink Zoning Phase One include:

- The preliminary spring stage of engagement. After concluding the engagement, a report will be provided with highlights from the engagement process. It will capture what we did, who we heard from, and what we heard, with a focus on high-level insights.
- Background research and the fall stage of engagement, which involves:
  - Reviewing the existing Zoning By-law No. Z.-1 to identify areas of strength or concern, determine what is working and what needs improvement in the new by-law to achieve the overall goals. This will inform the second discussion paper.
  - Consulting key stakeholders to assess strengths and weaknesses of our current by-law and the desired outcomes of a new by-law
  - A public engagement program to listen to ideas, concerns, and suggestions from Londoners
- Identifying key elements/components/areas to be addressed through the new zoning by-law
- Recommending the best zoning approach to implement the policy directions of The London Plan
- Preparing the Terms of Reference for Phase 2 – the preparation of the by-law, based on the direction provided by Council

### 4.2 Phase Two

Phase Two is when the new by-law will be prepared, based on the approach confirmed through Phase One. The approach and timing for Phase Two will be clarified in the detailed Terms of Reference to be prepared in Phase One.

Deliverables to be prepared in Phase Two include:

Deliverable	Assignment
• Inventory and analysis of existing development	Deliverables will be prepared collaboratively by a City staff and consultants. Specific assignments to be confirmed through Phase Two Terms of Reference.
• Mapping/zoning data overview and recommendation	
• First Draft By-law	
• Second Draft By-law	
• Results of public and stakeholder feedback	
• Amendments to other City by-laws and documents	
• Final By-law for approval	

The engagement to be undertaken over the coming months and Council's direction on the recommended approach will inform Phase Two, which will then ultimately result in a new zoning by-law for the City of London.

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June 12, 2020

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# ZONING

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Considerations for London

## **Zoning: Considerations for London**

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# Where are we going?



# Executive Summary

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# Introduction

In 2016, the City of London adopted a new Official Plan – The London Plan. This Plan outlines the direction for growth and change for the City of London for the next 20 years. The new approach of The Plan not only defines a new vision but a new way of achieving that vision. Defined by a place-based approach that differentiates neighbourhoods and types of development from each other with unique policies for each, the next question is: how to implement those changes?

The primary implementation tool is the zoning by-law, which outlines standards and regulations that apply for all types of development and sets the expectation for how proposed development is considered and later constructed. This report is intended to outline opportunities for how a new zoning by-law could best implement The London Plan and provide an overview of the requirements for creating a zoning by-law in Ontario. The City currently uses By-law Z.-1; however, this By-law is required to be updated to align with The London Plan in accordance with the *Planning Act*. The City has taken this opportunity to assess what the most appropriate, zoning approach is, and what can be learned from how other places undertake zoning.

The following chapters provide background information on where zoning came from, the different approaches or types of zoning, the zoning tools available in Ontario, and best zoning

practices from municipalities in Canada and the U.S. Together, these provide the information needed for London to ReThink Zoning.



**some things to think about as you read this report...**

*What zoning approach makes the most sense for London?*

*What are the most important parts of The London Plan to regulate?*

*What do you like most about the different zoning approaches?*

*What best practices resonate with you that you think should be considered in London?*



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# How did we get here?



## History of Zoning

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# Early Zoning Approaches

Zoning was first established in the early 20th century to define rules for development and change. The 1916 New York City Building Resolution is most commonly recognized as the first comprehensive zoning by-law in North America; however, Westmount, a suburb of Montreal, Quebec, established their own zoning code in 1909 demonstrating that zoning was desirable on both sides of the border. Despite the intention at the time to establish a system

of planning that included both zoning and comprehensive planning, it was zoning that was established first as property concerns were more immediate. Comprehensive planning that provided a holistic approach for municipalities followed much later beginning in the 1920s and growing significantly after WWII. Historically, zoning came before planning in both practice and theory.

In the early 1900s, when few controls existed to shape and inform development, change was rather haphazard and sporadic with no clear overarching planning. As a result, development tended to have negative impacts beyond the property boundaries that impacted the 'general welfare' of the public at large. Concerns about public health, fire prevention, social mixing (particularly between classes), open space provisions, access to sunlight, protecting property values, and quality architecture were the primary drivers for zoning. By establishing defined standards for development, these concerns could be addressed at a broader scale than previously existed on a site-by-site basis. For example, in New York City, the 1916 Building Resolution included provision for volume, massing, height, footprint, sunlight and use restrictions that shaped the tiered buildings and art deco style characteristic of the New York skyline and reinforced 5th Avenue as an upper-class shopping district.

In Westmount, Quebec, zoning protected the larger estates from encroaching apartment



## what exactly is zoning?

*Zoning is a tool that can be used to design and plan your city. Zoning allows local governments to set rules for where new buildings should go, what types of buildings they can be and what activities can happen there (use), as well as requirements for other things such as size (intensity), and building and site design (form).*

# Origins of Use-Based (Euclidean) Zoning

buildings similarly separating social classes and included architectural controls that has contributed to the area's current status as an Architectural Heritage Area. However, zoning did not establish clear parameters for the provision of open space, and neither was it successful in fully mitigating financial externalities associated with development. Ultimately, the desire to protect property values by limiting more dense forms of housing was one of the primary goals and the single-detached residential zone was born. The use of zoning as the primary land use control mechanism was further solidified in the 1926 landmark decision of the Euclid versus Ambler case heard by the United States Supreme Court. This case determined that industrial uses should be separated from residential uses to protect the 'health, safety and general welfare' of the public.

This case was critical in two respects:

- 1) It established the zoning strategy of defining and separating uses (hence, 'Euclidean' or 'use-based' zoning); and,
- 2) It defined the balance between public and private rights over land use controls.

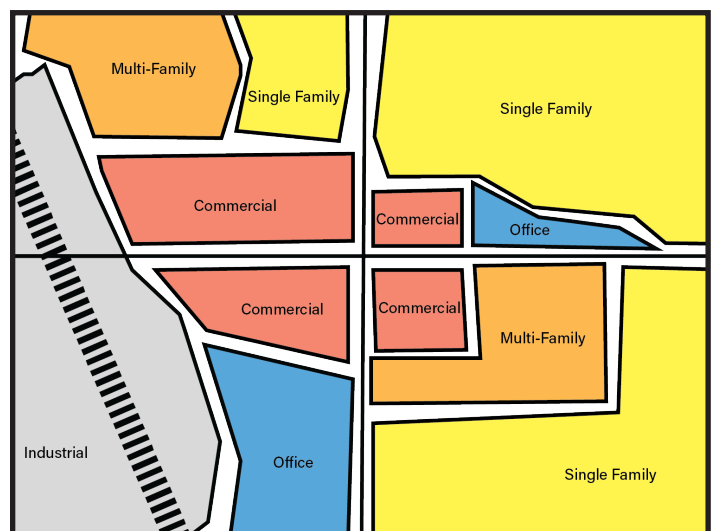
The former has contributed to sprawling growth patterns resulting from separating land area and uses (industrial, commercial, residential, etc.). The latter reinforced an effective method of applying broad restrictions on private land, for example, zoning in favor of the 'public good' (Note: The use of the phrase 'for the health, safety and general welfare' is still included in many zoning by-laws today as the legal terminology that establishes the authority of the by-law).



**something to think about as you read this report...**

*How can use-based zoning implement The London Plan?*

*Is there anything missing from use-based zoning in your vision for London?*



# Zoning in Canada

Zoning in Canada most often falls to municipalities through the authority granted by the Province, such as the *Planning Act*. While most of the land within a city is governed through these local zoning by-laws, lands owned by the Crown (either Provincial or Federal) or those activities under the jurisdiction of another level of government (such as rail lines) are exempt from municipal zoning regulations.

Most zoning by-laws throughout Ontario and Canada are use-based by-laws primarily distinguished by the residential, commercial, and industrial use classifications. Similar to the Euclidean model in the United States, Canada has approached zoning historically by defining zones through uses or activities. As new models and approaches to zoning emerged, Canadian cities have integrated these approaches identified and outlined in Chapter 3 to varying degrees. Today, most zoning by-laws use a mixture of these zoning approaches, yet still remain primarily use-based in both theory and practice.

The foundational use-base approach has remained entrenched in zoning by-laws throughout Canada due to requirements of the Provincial legislation, which mandates uses, but also because zoning is integrated with other systems, such as financial systems and social systems. Originally, the use classifications in zoning were considered as a hierarchy with some types of development being prioritized higher than others. This relates to the social or class-based rationale underlying

early zoning. While the hierarchy is not explicitly used today, an underlying perception of use classifications remains.

In Canada, the application of the 'health, safety, and general welfare' is more commonly understood as 'quality of life.' The legal maxim guiding the balance of public, or common law, and private property rights is, "use your own property in such a manner as not to injure that of another". The exact application of this balance is implicit in the standards in each zoning by-law.

As municipalities shift to address the changing needs of cities, environments, and people today and in the future, use-based zoning is proving more and more insufficient. Sprawl, lack of environmental considerations, social discrimination, and limited design standards, are some of the limitations of use-based zoning. Cities are looking for better ways to implement the vision they have for their community and neighbourhood. To accomplish this, new ideas and approaches are needed throughout Canada.

**” As municipalities shift to address the changing needs of cities...use-based zoning by itself is insufficient.**





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# What should we consider as we ReThink Zoning?

# 3

## Primary Considerations For Zoning By-laws

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## Tools

A zoning tool is the mechanism that holds the regulations and standards and reflects the processing requirements defined in the *Planning Act*. Two tools in Ontario are:

1 The zoning by-law & site plan by-law

2 The community planning permit system

These tools are further outlined in [Section 5](#) and should not be confused with a zoning approach. As outlined in the *Planning Act*, each tool is defined by the framework for the regulations, the application process, and rules about amendments and appeals.

**The zoning approach is the 'what is required' and the zoning tool is the 'how it is assessed'. Together, they inform development outcomes.**

## Approaches

A zoning approach informs the types of regulations that you would find in either a zoning by-law or community planning permit by-law. There are four general approaches including:

1 Use-based (Euclidean) zoning

2 Incentive zoning

3 Performance zoning

4 Form-based zoning

These approaches are used across North America regardless of the tool and are further outlined in [Section 4](#). These approaches are not defined by the *Planning Act*, however, the language of the *Act* can inform or enable some more than others.

Most by-laws across North America include all of these approaches in varying ways as each lends itself to different interpretations of how change can happen or how to maintain the status quo.

# Application Process

The London Plan is ultimately implemented through the application process that results in land use changes. The *Planning Act* determines the processing timelines and requirements for the zoning by-law / site plan by-law or community planning permit by-law options. These requirements determine the overall time and general framework for applications, which informs how applications are processed.

Overall, in complex systems, such as development, best practices have identified the importance of early collaboration. With multiple stakeholders and analysis required to assess an application, setting expectations early on in the process can reduce challenges emerging later on. The early stages of the process are where opportunities for change exist. As time goes on, investment increases making changes harder to accommodate, and the difficulty to accommodate changes can lead to perceptions of inflexibility. Early collaboration avoids this situation and has the greatest opportunity to address multiple issues or concerns.

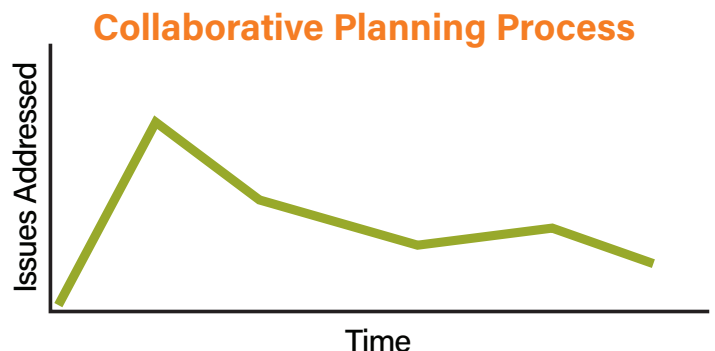


## Traditional Process

The traditional planning application process is based on submitting information and addressing issues as they arise until a satisfactory proposal is ready for a decision. This process tends to see issues addressed later in the process when there are fewer opportunities for revision. This challenges collaborative efforts at problem solving.

## Collaborative Process

The collaborative process focuses on early identification of issues and collaborative solutions with multiple stakeholders. In practical terms, this process puts emphasis on pre-application stages.



# Standards and Processes

When considering zoning changes, the first piece often considered is the standards themselves - the specific requirements for density, height, setbacks, uses, etc. While important for any by-law, zoning is also the process of change as applied in practice through development applications. In other words, the implementation tool for the Official Plan must also be implemented. Therefore, any zoning by-law review must include two primary considerations:

1 The standards or regulations

2 The application and appeal processes



## something to think about...

*Are there pieces of the zoning by-law that need to be clear and measured? If so, what are they?*

*Are there pieces that can be more flexible and therefore discretionary? If so, what are they?*

Both are directly informed by the *Planning Act* (the Act), which defines the overall framework for the zoning by-law standards as well as any process considerations or requirements. The Act provides the broad requirements that either must or could be included, thereby enabling local responses within that framework. The Act does not define the specific standards or additional process considerations that are unique within local contexts. As such, by intention, there is flexibility on how the provincial requirements of the Act are reflected locally.



# Qualitative and Quantitative Standards

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The inclusion of both qualitative and quantitative standards has marked zoning by-laws since the beginning. Noting the difference between them and how they relate to desired planning outcomes will inform the approach used in the zoning by-law.

Quantitative standards are easier to enforce as they are objective and measurable. The use of numbers in defining certain site or building requirements either means a development clearly is or is not in alignment. Quantitative measures can apply easily to some types of standards such as height or density but are less easily applied to elements of design or architecture that are typically informed by the local context, existing streetscape, or character of a place. In this case, qualitative standards have traditionally been considered more appropriate. Form based codes have helped to shift design characteristics from a qualitative standard to a measurable, quantitative one (see below on Certainty and Flexibility).

However, the lack of definition or measurability also means greater use of discretion, which in turn also requires a clear process and criteria for making decisions. The first application of

discretionary measures was in Westmount, Quebec, in 1916 with their design review committee. The architectural elements that could not be easily quantified were evaluated by a select group of people considered to have expertise or knowledge of the subject matter. The level of discretion between a major and minor variance is also reflected in the process differences between an amendment and minor variance process, the level of scrutiny and public involvement in the review of the application, the defined decision maker (either a democratically elected Council or Council's delegate), and finally, the appeal options.

Form based zoning provides additional options for how best to quantify key design standards, however, these standards also need to be place-based to reflect the local character. Performance zoning is another alternative on how to address qualitative standards by defining clear outcomes rather than specific design standards.

London's current by-law uses both qualitative and quantitative standards, and the question moving forward is the degree to which each standard should be used. No matter the approach, the importance is to consider whether and where a planning policy is best implemented through quantitative or qualitative measures and how that relates to the decision-making process.

# Certainty and Flexibility

Similarly, the zoning by-law reflects the balance between certainty and flexibility both in terms of development standards and processes. Certainty is generally understood as predictability whereas flexibility is where and how discretion can be applied. The zoning by-law establishes the types and standards of development that are permitted or allowed 'by-right' or without requiring permission from the municipality (or other level of government). Within that same context, there are also standards that do require permission and are therefore allowed only at the discretion of the municipality (or other level of government). What is permitted is certain whereas what is discretionary is 'flexible.'

The goal of the zoning by-law and the associated processes for managing development changes are to align what is certain (and therefore permitted) as well as what is flexible (and therefore discretionary) with the desired planning outcomes. The consideration of both the standards and processes are key as a given standard may be considered discretionary, but flexibility in practice may actually be decreased if the process is limited or restrictive to the point where a given standard is, in effect, not possible.



**The balance of certainty and flexibility within the zoning by-law will directly relate to the development outcomes. The key in a by-law review is how to apply both certainty and flexibility to achieve the goals of the Official Plan.**





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# What other approaches are out there?

# 4

## Contemporary Zoning Approaches

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# Types of Zoning

Over the last century, additional zoning approaches have been developed to try to address the gaps or limitations of use-based zoning, such as the provision of community amenities or market inequalities in housing. Today, the various zoning options are typically grouped into four types: use-based zoning (outlined in the previous chapter), incentive zoning, performance zoning and form-based zoning. Most zoning by-laws, while remaining rooted in a use-based foundation,

integrate one or more of these alternatives to varying degrees. Each zoning approach is further outlined in this chapter.

**It is extremely rare to have one of these approaches applied by itself. Most zoning by-laws in practice are a mix of each to varying degrees.**

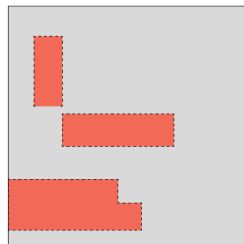
## Use-Based Zoning



- A zone for each type of land use.
- Land use zoned subject to different regulations.

- Commercial
- Administrative
- Residential
- Industrial
- Green space

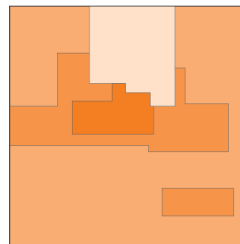
## Incentive Zoning



- Rewards for development in defined areas.
- Promote the provision of amenities.

- Incentives
- No incentives

## Performance Zoning



- Sets land use intensity restrictions.
- Flexibility in forms and functions of land use developments.

- High density
- Average density
- Low density
- No development

## Form-Based Zoning



- Focuses on physical characteristics.
- Defined as a form of urban identity.

- Downtown
- Uptown
- East Side
- Historical district
- Manufacturing district

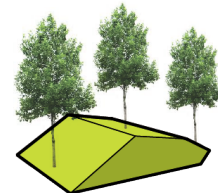
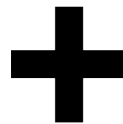
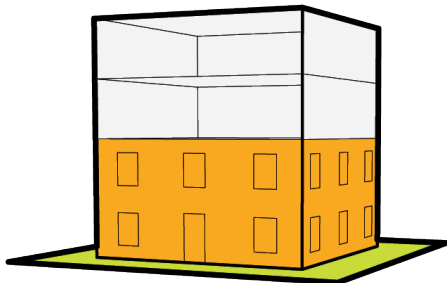
*Image adapted from Cambridge Systems*

# Incentive Zoning

After use-based zoning, incentive zoning was one of the first alternative zoning approaches developed in the 1960s. Using Euclidean or use-based zoning as a baseline, the City of Chicago worked with office tower developers to allow greater height or density if additional open space was provided at the base of the tower. Incentive zoning is generally a negotiation to gain public amenities or social needs in exchange for additional height or density beyond the normal

**Incentive zoning is a way to fill the gaps in use-based zoning to achieve additional community amenities or respond to market inequalities by negotiating for additional density.**

*Image adapted from Los Angeles Code Reform Project*



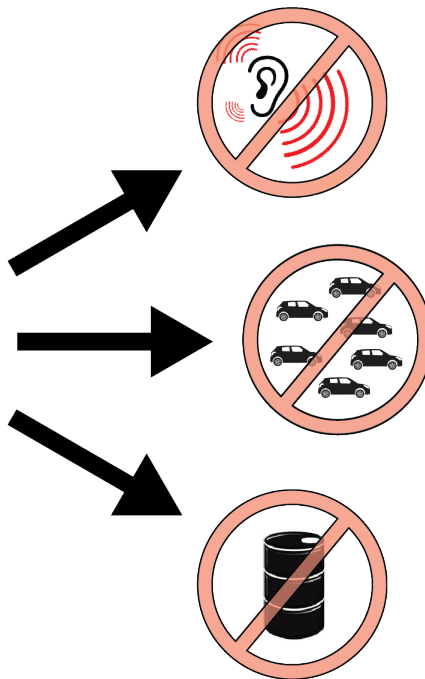
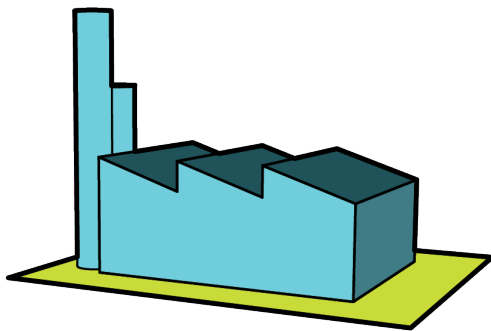
zoning rules. Today, incentive zoning is most commonly used in inclusionary housing programs for affordable housing, such as in Vancouver or Montreal, the former as a mandatory approach and the latter as a voluntary one. The effectiveness of incentive zoning is closely tied to land values, which can either help or hinder an incentive approach and affect how the approach is applied over time with market fluctuations.

In Ontario, Section 37 of *The Planning Act* has enabled bonus zoning, where increased height and density may be provided in exchange for public benefits. In London, this has been used to secure affordable housing, heritage preservation, underground parking, and enhanced site design.

# Performance Zoning

Performance zoning was first introduced in 1980 by Lane Kendig in his notable book by the same name. Performance zoning is the practice of allowing more varied uses based on defined outcomes, known as performance standards, to promote greater compatibility. These standards can include traffic generation, noise, lighting levels, and stormwater runoff. By using more complex measurements, additional time and inputs are required to evaluate applications and a higher degree of technical knowledge is required to apply these measurements. One criticism of performance zoning is that it does not relate directly to the look and feel of development. As a result, it has typically been used sparingly where those impacts are more important.

However, this approach has recently begun to grow in popularity. Fremont, California, has set a precedent to follow by adopting much broader performance standards focused on defined outcomes rather than regulating how the outcomes are achieved. Officials in Fremont started with a set of goals - a certain number of jobs, a certain number of homes (including affordable homes), and critically, strict standards for a low carbon footprint. Their intent is to provide clarity on the end goals but allow flexibility in how developers or landowners achieve these standards. This approach is less 'you can do this because this is a permitted use' and more 'if you can achieve these standards, you can decide on the use!'



**Performance zoning regulates development outcomes rather than physical standards.**

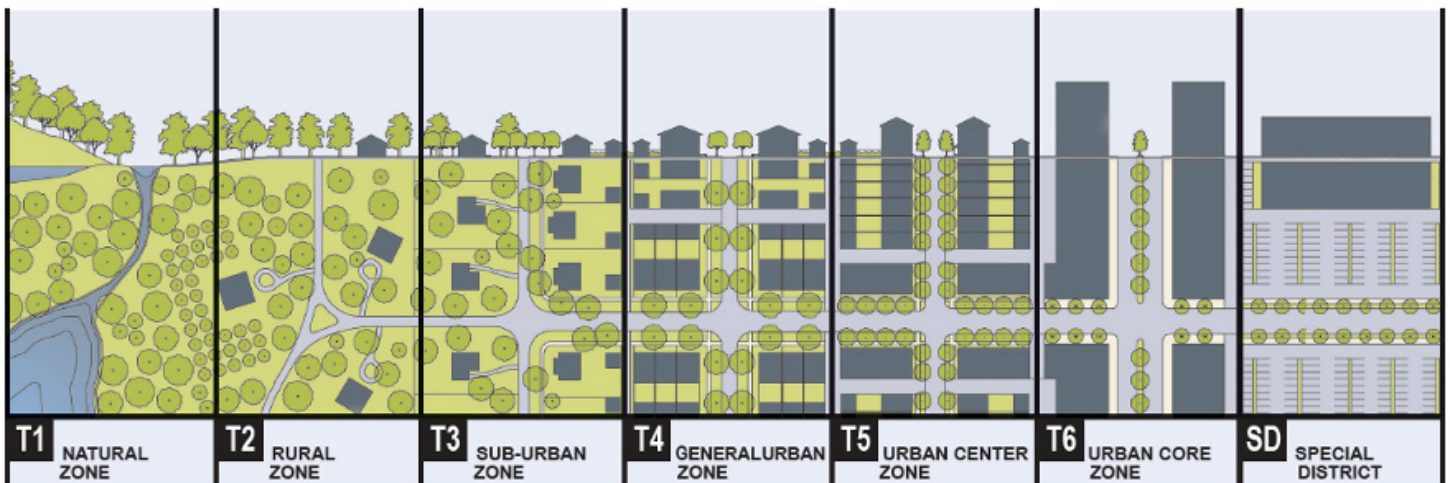
*Image adapted from Los Angeles Code Reform Project*

# Form Based Zoning

Form based codes, a neo-traditional urbanist approach of the 1990s, de-emphasizes uses occurring on a site or within a building in lieu of standards that guide the look and feel of a space instead. The Transect is the ecological based transition of how a community changes from a natural form (T1 Zone) through to a higher density urban core form (T6 Zone). Shown in both plan view and section view, the Transect illustrates the varying forms that includes the building, the street, and the environment. The various transect zones are intended to be calibrated for each place it is applied.

The most notable example of a form based code is Miami 21, although many communities throughout the U.S. have adopted a similar approach often guided by the open source version of the SmartCode. Attempts to adopt form based codes have occurred throughout Canada, however, the fundamental separation of land use and transportation in the Canadian context requires a Canadian adaptation north of the border.

**The Transect is one of the most well known illustrations of form based codes.**



*Source: Form Based Codes Institute*

# London's Current Zoning By-law

Like most by-laws in North America, London's current Zoning By-law includes the four different zoning approaches to varying degrees. The following overview provides a snapshot of London's current zoning situation demonstrating the approaches used - setting the stage for ReThinking Zoning.



## Easy to Use and Understand

- This by-law follows a traditional format requiring cross-referencing between sections
- The number of uses have increased over time, unintentionally leading to complications with interpretation of the by-law
- Intended to provide objective standards that are easy to measure and interpret



## Supports Clear Development Outcomes

- Development outcomes are achieved through negotiation throughout the process
- Clarity could be increased throughout the document to be more easily understood by applicants, members of the public, staff, and decision makers
- Minor variances are common and could be reduced with flexible standards and an ability to apply discretion particularly in non-standard infill situations



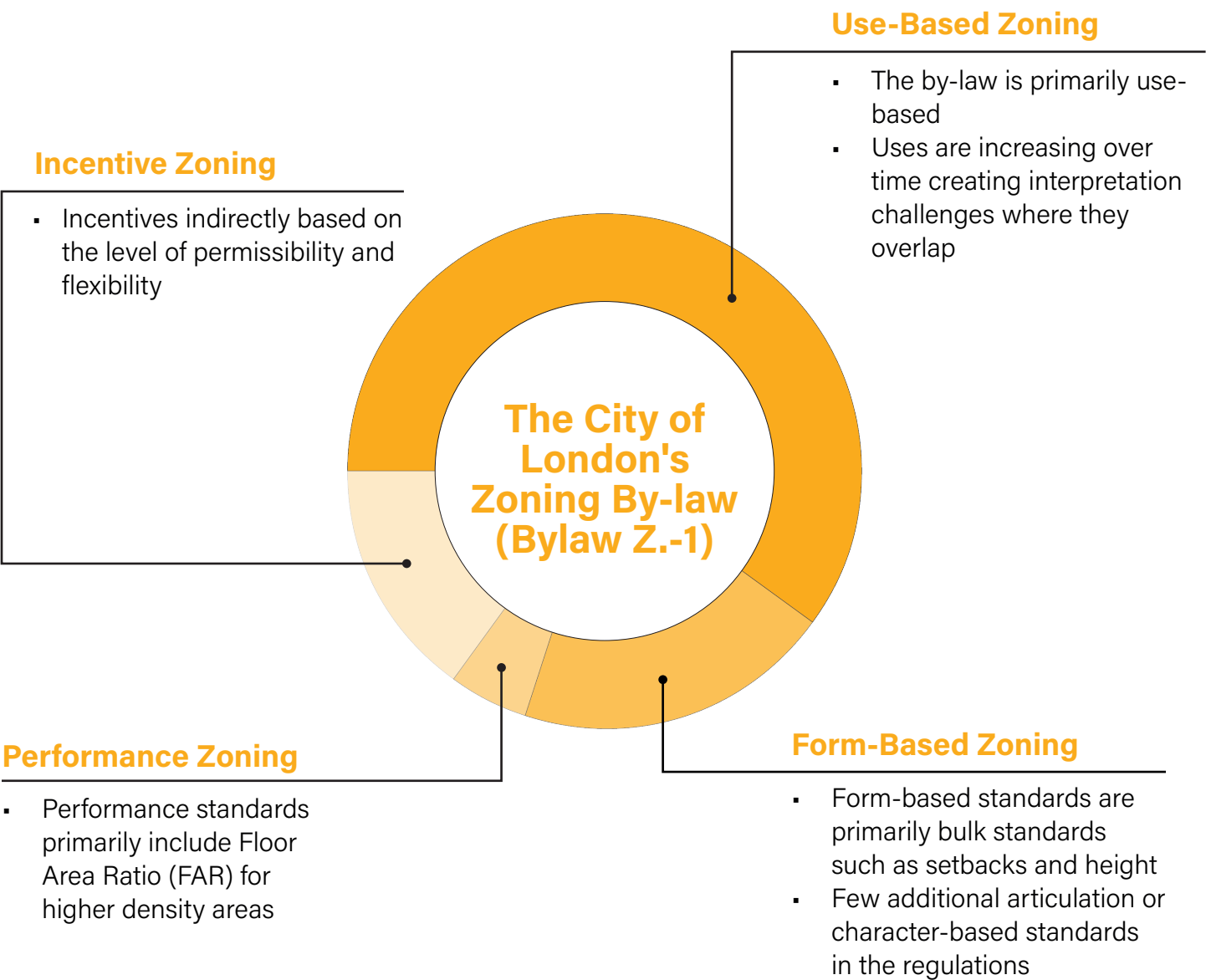
## Balances Use, Intensity, and Form

- The By-law is primarily use-based
- Form or character standards are limited to setbacks, height, and similar bulk standards
- Intensity is measured through uses (i.e. by defining uses at different scales such as a corner store versus a big box store) which increases challenges in interpretation and does not facilitate growth over time particularly where the scales overlap



## Supports Wise Planning Decisions

- The zoning by-law and The London Plan currently do not align resulting in implementation challenges and increased negotiation and zoning by-law amendments





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# How can we design and plan cities in Ontario?



# Ontario's Planning Legislation

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# Planning Framework

The Ontario planning framework outlines a clear hierarchy from the *Planning Act* through to the official plans and implementation requirements. The hierarchy identifies the relationship between the province and municipalities whereby the municipal plans (the official plan), fall within the overall direction set out by the Province. The official plan is then implemented through several tools. In terms of zoning, the Province provides the choice of two tools:

**1** Zoning By-law / Site Plan By-law

**2** Community Planning Permit System (CPPS)

Each of these implementation tools above must conform to the official plan and be consistent with provincial policy. With either option in place, the municipality can then review and consider development applications either in the form of a site plan application (and potentially a zoning by-law amendment or minor variance application) or a development permit application, depending on the implementation option used by the municipality. The final step is the appropriate building and related permits prior to construction; the final step is the same for either option.

To ReThink Zoning, the relevant aspects of the planning framework are two implementation options: the Zoning By-law and Site Plan By-law or the Community Planning Permit System (CPPS). A description and overview of each option is provided in this chapter with a comparative summary and considerations for the City.



**All zoning by-laws are subject to the Provincial legislation which enables municipalities to apply local solutions.**

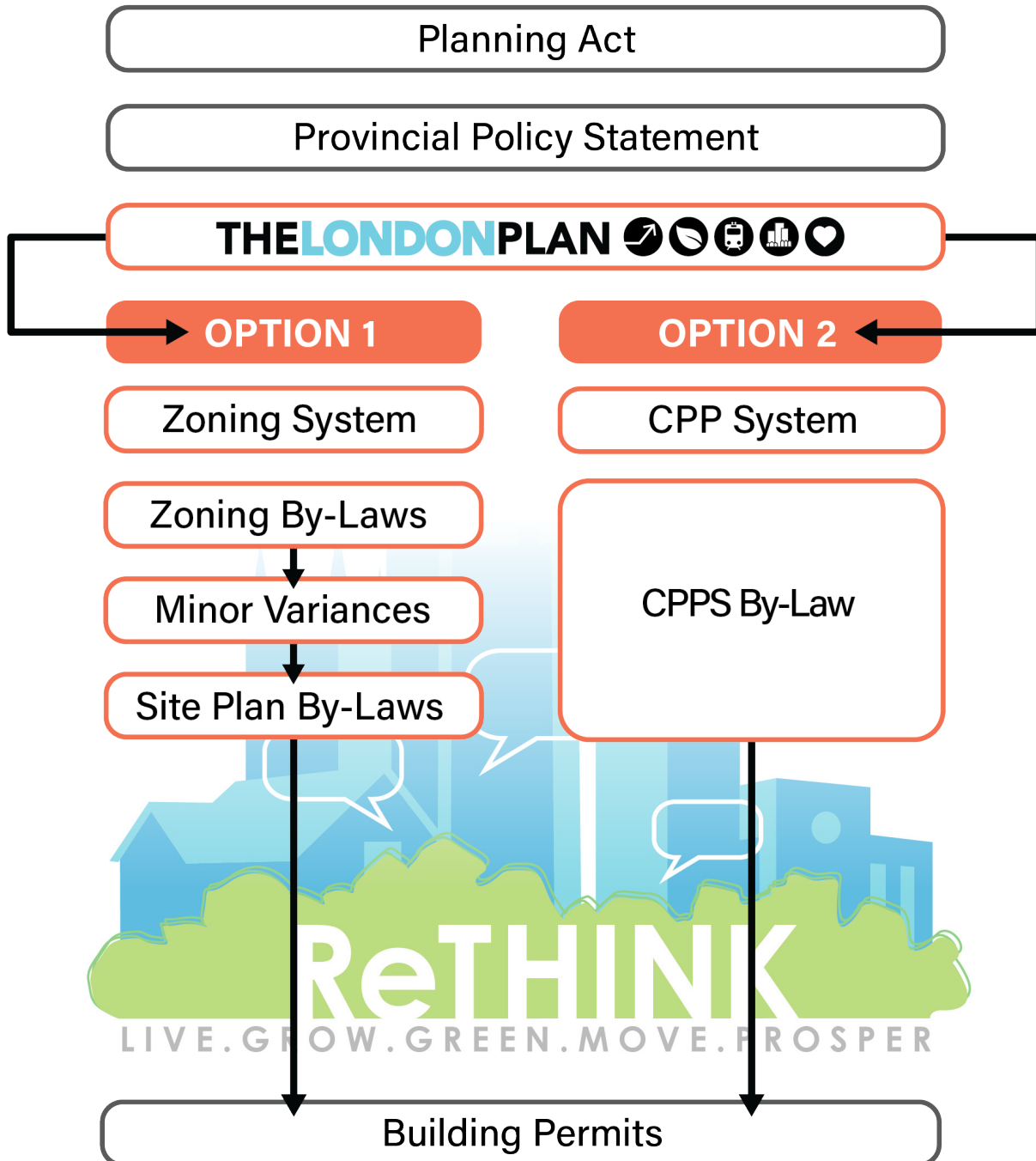


**something to think about...**

*Which option will best achieve The London Plan?*

*What do these options mean to you?*

*Managing change is a three-way balance between the needs of the municipality, the development industry, and the community, based on input embodied in the zoning by-law*



# Tool Option 1: Zoning By-Law and Site Plan By-Law

## Overview

The first option is through the zoning by-law (and associated amendment process), followed by the site plan (more clearly outlined in the site plan by-law), and could include minor variances where the development does not fully conform to the zoning by-law.

A zoning by-law outlines the standards for both existing and future development as well as defining the requirements for how change is managed. Often changes by way of development applications require an amendment(s) to the zoning by-law to change the development permissions from the current zoning to a different zone or district that would allow for a proposed development. The site plan by-law is a more detailed implementation tool that helps further shape the form and functionality of the

development proposal beyond the scope of the zoning by-law. Minor variances may be granted by the committee of adjustment on building height, lot area / width, setbacks, landscaping, parking and loading, as well as uses that are similar in nature to those already permitted in the zoning by-law.

The requirements in the Act are the foundation for any zoning by-law in Ontario by outlining the mandatory requirements for any municipality. However, how those requirements are met are unique to the local context and individual zoning by-law. The Act enables municipalities to respond to local conditions while providing a clear framework for everyone.

While a zoning by-law may include any or all of the items listed, it is not required to include everything. Furthermore, the zoning approach is not defined by the Act beyond the requirement for defining uses. How those are defined or applied as well as the application of alternative zoning approaches allows for local solutions for implementation while still achieving the mandatory requirements in the Act.

The Act also defines processing requirements for amendments, site plans, and minor variances, which are time dependent and include requirements for applications as well as criteria for decision making. These processes cannot be adjusted for local conditions.

### OPTION 1

Zoning System

Zoning By-Laws

Minor Variances

Site Plan By-Laws

## Key Considerations

### 1 Application of the Act

The Act also requires uses to be included determining that, in some capacity, a use-based approach must be part of any zoning by-law in Ontario. The language in the Act is primarily limiting as opposed to permissive. Half of the zoning by-law requirements begin with either 'prohibiting' or 'restricting' and the other half of the terms include 'regulating,' 'requiring,' 'specifying,' or 'authorizing.' The former are strictly exclusionary and the latter, while somewhat more positive in connotation, only allow relatively minor tolerances within the overall scope of a zoning by-law. The zoning by-law framework is reminiscent of the early zoning by-laws that were primarily focused on protecting property values and limiting future development. While both technically enable the same outcomes, Option 1 requires a shift in perspective to apply best practices.

**” Zoning by-laws are rigid and do not provide for any discretion... and cannot address every development condition in practice.**

### 2 Lack of flexibility and discretion

Zoning By-laws are rigid and do not provide for any discretion in how they are applied through the site plan or building permit review process. The minor variance or zoning by-law amendment processes can be applied to change the zoning requirements, recognizing that the standards in the zoning by-law (and potentially the site plan by-law) cannot address every development condition in practice.

### 3 Multiple by-laws required for implementation

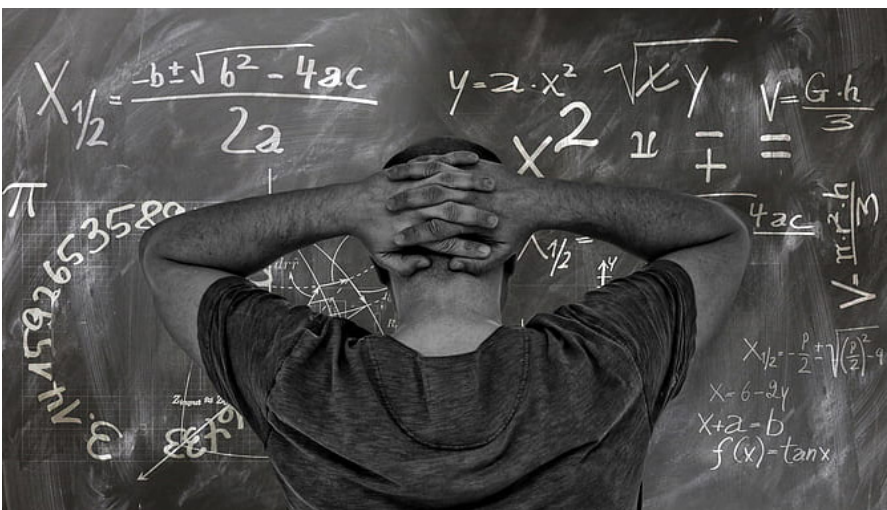
This option also requires that the zoning by-law and site plan by-law are consistent. Given the scope of each by-law and the lack of flexibility, there is often overlap, duplication, and inconsistencies. It can be challenging for municipalities, applicants, or the community to fully understand the process and requirements from the outset.

## 4 Multiple applications

This option also requires up to three applications for every development proposal. Each application has an associated timeframe and decision making process. Each development proposal is subject to multiple reviews with potentially changing expectations as the application progresses. As a result, additional issues arise and require more resources with little clarity for all involved. As the applications progress, the ability to change them decreases thereby increasing the potential for conflicts rather than early collaboration.

## 5 Tried and Tested

As the most widely used of the two options throughout Ontario, the positive and negative outcomes are known and understood. As compared to the CPPS, this option has been thoroughly tried and tested so both risks and liabilities are understood. Whether positive or negative, there is comfort in what is known.



**Requiring multiple by-laws increases the potential for confusion, duplication, process inefficiencies and red tape.**

# Tool Option 2: Community Planning Permit System (CPPS)

## Overview

The Community Planning Permits System (CPPS) is an alternative approach to the zoning and site plan process authorized by the *Act*. Formerly known as the Development Permit System (DPS), the CPPS replaces both the zoning by-law and site plan bylaw in one Community Planning Permit By-law. Similar to the zoning by-law, the CPPS outlines the standards for both existing and future development as well as defining the requirements for how change is managed. However, unlike zoning by-laws, the *Act* allows for discretionary uses (provided certain criteria outlined in the by-law are met), conditional approvals and variances thereby eliminating the minor variance process included in Option 1. Additionally, CPPS provides opportunities to regulate landscaping and vegetation removal, site alteration, and façade improvements. In practice, one application is used per development proposal called a development permit.

The development permit process provides the ability to grant approval, set conditions or require

additional information, but is limited to whatever is defined in the CPPS by-law. With the additional upfront work in drafting the CPPS by-law to get to a level of certainty of use, intensity, and form, municipalities have the option with the CPPS to keep those standards unchanged for five years after adoption in order to maintain the intended vision for the community while also streamlining the application process.

In many ways, the CPPS system is an entirely separate system with different terminology, language, and processes. It is possible that municipalities could have a zoning by-law apply in certain locations with the CPPS in another location. As a result, two separate planning systems could be administered; however, it is also possible for the CPPS to be applied city-wide. Alternatively, a CPPS could be used to address certain 'conditions', for example, residential intensification projects of a defined scale within established areas.

Furthermore, the positive language supports a regulatory framework that is geared towards what is desirable. This may seem minor on the surface, but the language used, whether positive or negative, reinforces an initial frame of reference. It is easy to read the CPPS standards and understand that it is intended to support the planning policy goals.

**OPTION 2**

**CPP System**

**CPPS By-Law**



## Key Considerations

### 1 Certainty and discretion

The CPPS can provide greater certainty for both the regulations as well as the application process for the lands subject to that system. By combining the zoning by-law, the site plan, and minor variance process, the CPPS offers a 'one-stop-shop' through the approvals process.

The CPPS option provides a clear framework for the application of discretion, and by extension, qualitative measures. While qualitative measures can be used in Option 1 with the zoning by-law, the process of actually applying discretion is less clear and therefore requires additional consideration of both the standards and the process to ensure a greater level of certainty. In the CPPS, by combining the standards and the process, the use of discretion is directly linked and maintained consistently for all applications.

**” The CPPS acts as a 'one-stop-shop' for all standards... and provides a clear framework for the application of discretion.**

### 2 Flexible zoning approach

The CPPS includes permitted uses similar to a zoning by-law, but also allows for the integration of a form-based zoning approach. These additional form considerations could allow for aspects of the CPPS to share similarities with a form-based code. The form-based language makes the CPPS most easily applied to areas or types of development that are similarly based on form. For example, historical areas where form and character preservation are the primary goal, the CPPS is easily translated to those standards. However, the CPPS can be applied to any form-based approach.

The CPPS also enables performance zoning by identifying the link to development outcomes. While zoning approaches are not specific in the Act requirements for Option 1, the CPPS regulations are more explicitly enabling of alternative zoning approaches.

### 3 Geographical scope

With four examples of an approved CPPS in Ontario, three are municipal-wide and one is for a heritage preservation area. It is possible for the CPPS to be applied at varying scales, either limited to a specific area or at the municipal scale. However, where the CPPS is applied at the municipal scale, the standards in the by-law must reflect the varying character and types of development throughout the municipality. In this way, the by-law must directly link to the Official Plan. Where a CPPS is not applied city-wide, the zoning by-law would apply to the remainder of the municipality thereby requiring two systems as the CPPS cannot function as a sub-zone or layer of the zoning by-law.

**” The five year 'freeze' is intended to provide a greater level of certainty for the community to maintain development outcomes in line with the Official Plan.**

### 4 Five year 'freeze'

Once adopted and the appeal period to the Province has lapsed, City Council has the ability to limit applications to amend the Community Planning Permit By-law for five years. Appeals are limited to the applicant of a given site. If Council deems an amendment worthy of consideration, the entire by-law is open for review by all parties and can include third party appeals to the by-law itself.

The five year 'freeze' is intended to provide a greater level of certainty for the community to maintain development outcomes in line with the Official Plan. With zoning often being the first opportunity for planning to respond to changing conditions on the ground, a CPPS system requires additional oversight by Council to determine if the change is worth opening the by-law, which would in turn allow for third party appeals at the same time.

# Considerations & Comparisons

	<b>Option 1: Zoning By-Law / Site Plan By-Law (ZBL)</b>	<b>Option 2: Community Planning Permit System (CPPS)</b>
<b>Application Name</b>	Site Plan Application, which must conform with zoning  Zoning By-law Amendment or Minor Variance applications may also be required	Community Planning Permit  Community Planning Permit By-Law Amendment may also be required for applications outside the range of possible variation
<b>Authority</b>	The <i>Planning Act</i> established with a zoning by-law and site plan by-law	The <i>Planning Act</i> and an amendment to the Official Plan established with single by-law
<b>Language in the <i>Planning Act</i></b>	The requirements in the <i>Act</i> tend to be more limiting in nature with terms such as 'prohibiting' or 'restricting'	The requirements in the <i>Act</i> tend to be more permissive and flexible
<b>Scope</b>	To define the planning, zoning, and process requirements	
<b>Process</b>	At minimum requires review of two by-laws, but may also include additional steps such as minor variances or subdivision	One document and one application, but may also include a community planning permit by-law amendment
<b>Discretion</b>	Limited discretion, Zoning By-law is rigid. Any deviation from zoning requires a Zoning By-law Amendment or Minor Variance application	Discretion is defined with additional discretionary uses and variance considerations that may be different from the minor variance zoning by-law amendment requirements of the <i>Act</i>

Continued...	Option 1: Zoning By-Law / Site Plan By-Law (ZBL)	Option 2: Community Planning Permit System (CPPS)
<b>Scale</b>	City-wide unless by exception	Can be city-wide or a defined boundary within a city  If it is not city-wide, Option 1 would regulate land where the CPPS does not apply
<b>Appeals</b>	Appeals to both the by-law and individual applications can be made by anyone including third parties	Appeals to the by-law can be made by anyone including third parties. Appeals to individual applications are limited to the subject landowner.
<b>By-law Amendments</b>	Potential for a two-year freeze on amendments to the Zoning By-law	Potential for a five-year freeze on amendments to the CPPS  Flexibility to apply amendment restrictions to some aspects of the CPPS By-law
<b>Zoning Approach Options*</b>	Most easily applied to use-based zoning  Also includes supportive language for form based zoning	Must include uses, but includes supportive language for form based zoning and performance zoning

*\*Note: The Act does not define a zoning approach, but the language in the Act can relate more closely to one approach over another.*

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**How are  
development  
outcomes  
being achieved  
elsewhere ?**



## Best Practices from Canada and the U.S.

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The six municipalities identified here have integrated the four zoning approaches in different and unique ways, pushing the envelope of what is possible and better implementing the goals of the community. Each presents an opportunity for London to learn from in a new zoning by-law that implements The London Plan.

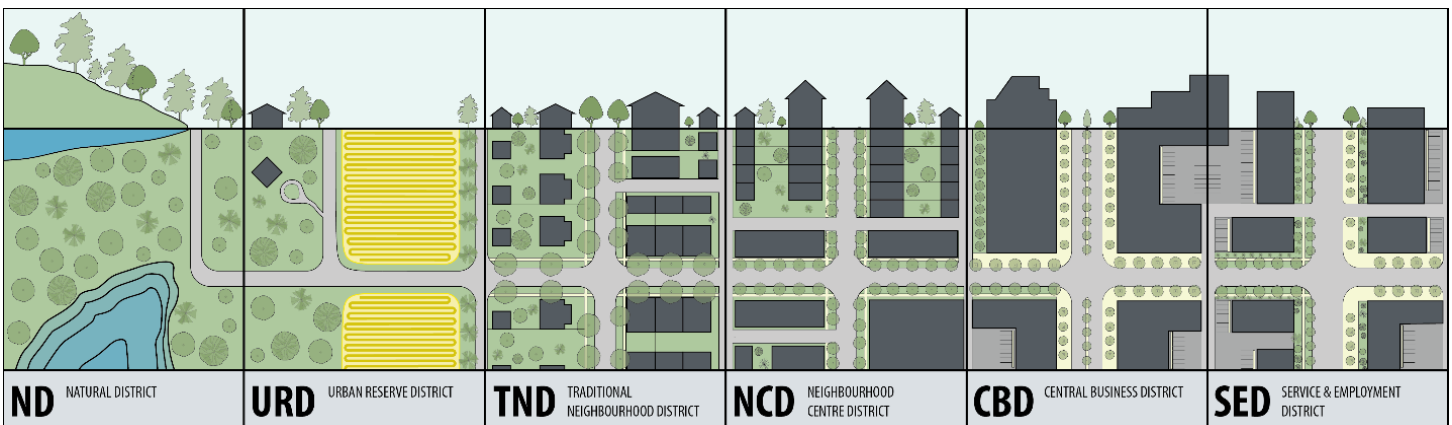
# High River, Alberta

Located south of Calgary, the Town of High River was the first municipality in Alberta to successfully adopt a municipal-wide hybrid land use by-law (the Alberta term for a zoning by-law) in 2016. Following the flood in 2015, Council and Administration realized their current land use by-law was ineffective in helping landowners rebuild. The process was cumbersome and lengthy, and did not support the re-creation of what was lost or the vision of the future envisioned in the comprehensive plan. As a result, they wanted a new by-law—one that could support redevelopment in an easy-to-use, innovative way. To achieve those goals, the hybrid by-law emerged from both the use- and form-based approaches, and with an emphasis on what the Town wanted to become as opposed to what it was at the time the by-law was drafted.

The High River Land Use By-law was the first of its kind to be based entirely on the user experience. The by-law itself was restructured based on how

an average citizen would understand and read it. The Town's original 37 land use districts with few uses were reduced to six districts, all with a simplified number of defined uses. Specific use-based standards were developed based on each district as opposed to municipal-wide standards, and design standards were included to provide clear direction on those building elements that were most important to the community. Parking minimums were removed entirely and maximum site area requirements for parking were introduced in their place. Applicants were asked to propose the amount of parking they required for their business and on-street parking could be considered in certain circumstances.

The clearly defined standards and permissibility have reduced processing times and resulted in applications for new development by (and for) the community that the previous by-law would have prohibited. Following adoption of the by-law, a monitoring program was established to



capture adjustments that could not be foreseen in the development stage. This ensured that a high level of customer service was maintained. It also supported the refinement of clearly defined processes. Instead of struggling to achieve the legislated processing time for a development permit within 40 days, the Town is now averaging two-weeks for most applications that meet the complete application requirements.

In the four years since the bylaw was adopted, the Town is now seeing development applications that the previous by-law would not have permitted. A drive-in theatre has been proposed as an interim use on the fringe of the Town where urban-style development has yet to be planned. And a new community theatre with a kitchen and second storey living space has been approved in the historic downtown. It is the combination of the three uses that makes the project viable. In the primarily use-based approach of the previous bylaw, the project would not have been allowed

as the philosophy of separation would have considered those uses incompatible. However, the form-based approach and simplification of uses de-emphasizes the use and instead focuses on the form at a scale appropriate to High River's historic downtown.

**” The clearly defined standards and permissibility have reduced processing times and resulted in applications that the previous by-law would have prohibited.**





# High River, Alberta



## Easy to Use and Understand

- This by-law is one of the easiest to use as all regulations are within each district eliminating cross-referencing
- Large visual graphics and the transect help users to understand the intent of each district and how it relates within the Town
- Additional graphics or tables could be added for additional explanation or visual aides



## Supports Clear Development Outcomes

- Has resulted in new development in line with community vision and expectations
- Clear policy link to comprehensive plan
- Has streamlined application processes with the average development permit processed in two weeks



## Balances Use, Intensity, and Form

- Simplified uses increase focus on built form and public realm
- Use standards in each district are based on the appropriate intensity levels in each district
- Standards are re-oriented to relate to the street rather than based solely on the use



## Supports Wise Planning Decisions

- Regulations directly link to the strategic direction and policy of the Town
- Mixed use and compact form requirements support alternative forms of transportation, efficient service delivery, economic development and housing choice
- Natural areas are protected and sustainable development measures are enabled

### Incentive Zoning

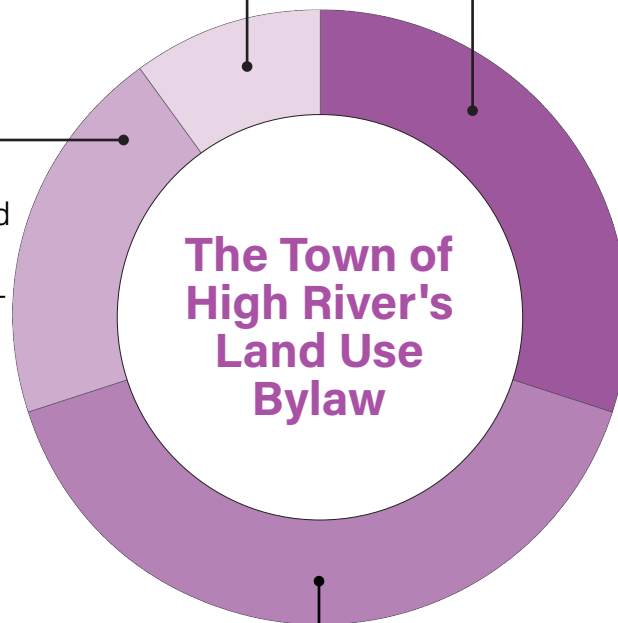
- Incentives indirectly based on the level of permissibility and flexibility

### Use-Based Zoning

- Uses are a legislative requirement
- Uses have been simplified and categorized for ease of use and understanding

### Performance Zoning

- Performance standards based on size, scale, and compatibility
- No typical performance-type ratios



### Form-Based Zoning

- Districts are based on the transect
- Building standards oriented to the street based on pedestrian use
- Some building design standards throughout

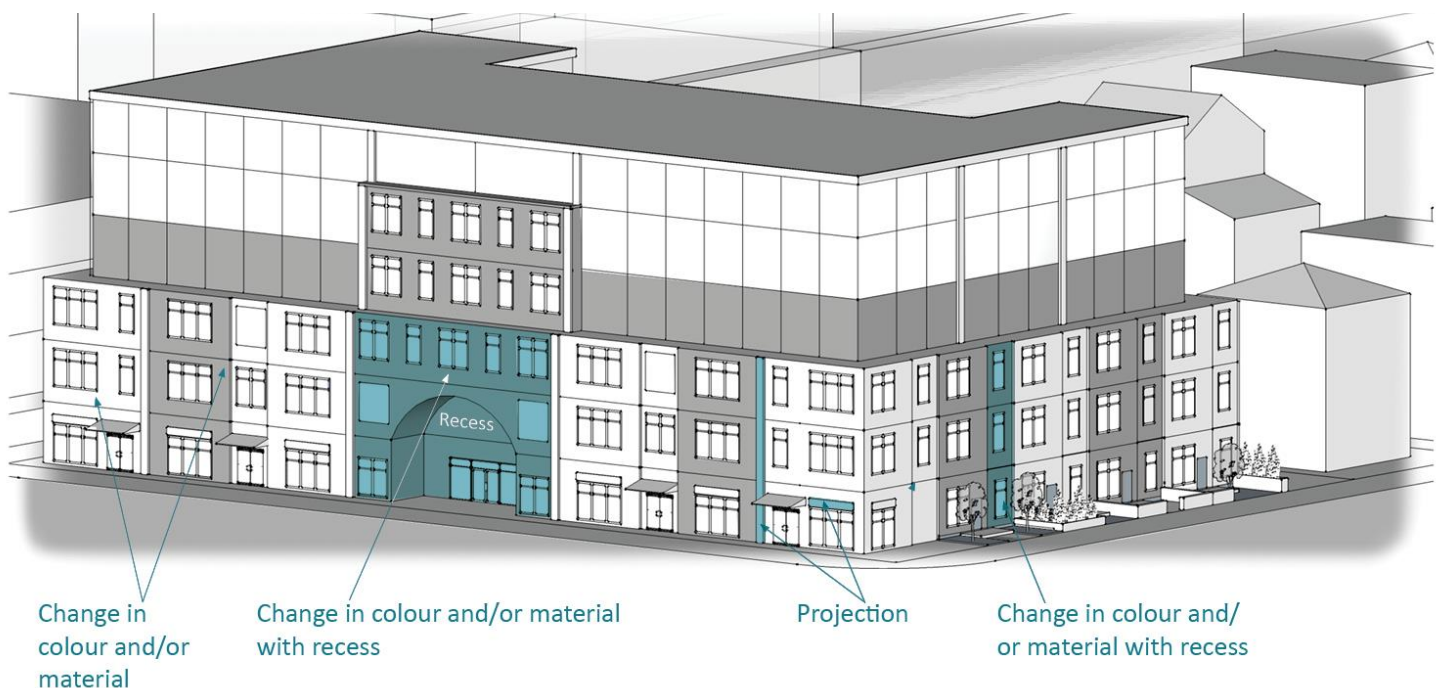
# Halifax, Nova Scotia

Halifax is the largest municipality in Canada to use a hybrid code through the Downtown Halifax Secondary Planning Strategy and Land Use By-law (2006). The new planning framework integrated policy, a hybrid by-law, and building design standards. With 21 new developments in the centre city within seven years of adoption, the outcome of this Plan was an increase in design standards throughout the downtown at a pace not previously seen in Halifax. The approach decreased conflict between the community and developers, and re-focused decisions on clearly defined standards.

Due to the Downtown Halifax Plan exceeding its implementation targets, the areas where a hybrid

code will be used is being expanded with the Centre Plan (established communities) initiative. With its September 2019 adoption, the Centre Plan Policy and Land Use By-law sets a new zoning precedent for larger municipalities. It is important to note that the regulations were developed through extensive consultation with community, stakeholders, and committees.

The Centre Plan includes the central pre-1960 developments in Halifax proper as well as Dartmouth. Like High River, the Centre Plan Policy and Land Use By-law proposes a reduced number of land use districts, additional permitted uses, clear building and site-design requirements



(presented graphically and in text), and three clearly defined application processes, dependent on the location and type of application.

These quantifiable standards have removed the requirement for a design review committee in the established neighbourhoods. The 2006 Downtown Halifax Secondary Planning Strategy allows for a shortened application timeframe, due to the regulations in the Halifax Charter. This timeframe can be accommodated with clearly defined requirements for a complete application, which have the added benefit of vetting speculative applications that could not meet the complete application standards. Beyond the downtown area, the design standards proposed in Halifax are not as stringent, but they are still clearly defined. This approach reflects a balance of higher design standards without significantly adding costs in strategic locations such as main streets.

Additionally, the proposed by-law includes a density bonusing requirement and two performance zoning measures. The community identified the need for affordable housing, which is the sole trigger to access density bonusing. Performance measures were added for both wind and shadowing, as those elements were considered necessary to design appropriate large-scale buildings even though they are not easily quantifiable.

As a result of the initial Centre City approach and zoning requirements, including a three month

application timeframe enabled by their Charter combined with clear and predictable application requirements, the Municipality has seen far more high quality development applications than before. Many of these applications are currently under construction, such as The Alexander and The Pearl developments (shown below).



*The Alexander by Killam Properties*



*The Pearl by Grafton Developments*

# Halifax, Nova Scotia



## Easy to Use and Understand

- The by-law maintains the traditional format, but uses graphics and visualizations to help users
- Also uses tables to clearly convey information
- Use tables are particularly easy to read and understand



## Supports Clear Development Outcomes

- The new zoning by-law has resulted in significant development in the Centre City where the original zoning was established
- Application process is more predictable as opposed to decisions on a case-by-case basis with amendments to the zoning bylaw in most applications
- Has streamlined application processes with development permits for major downtown / mixed use projects being processed within three months



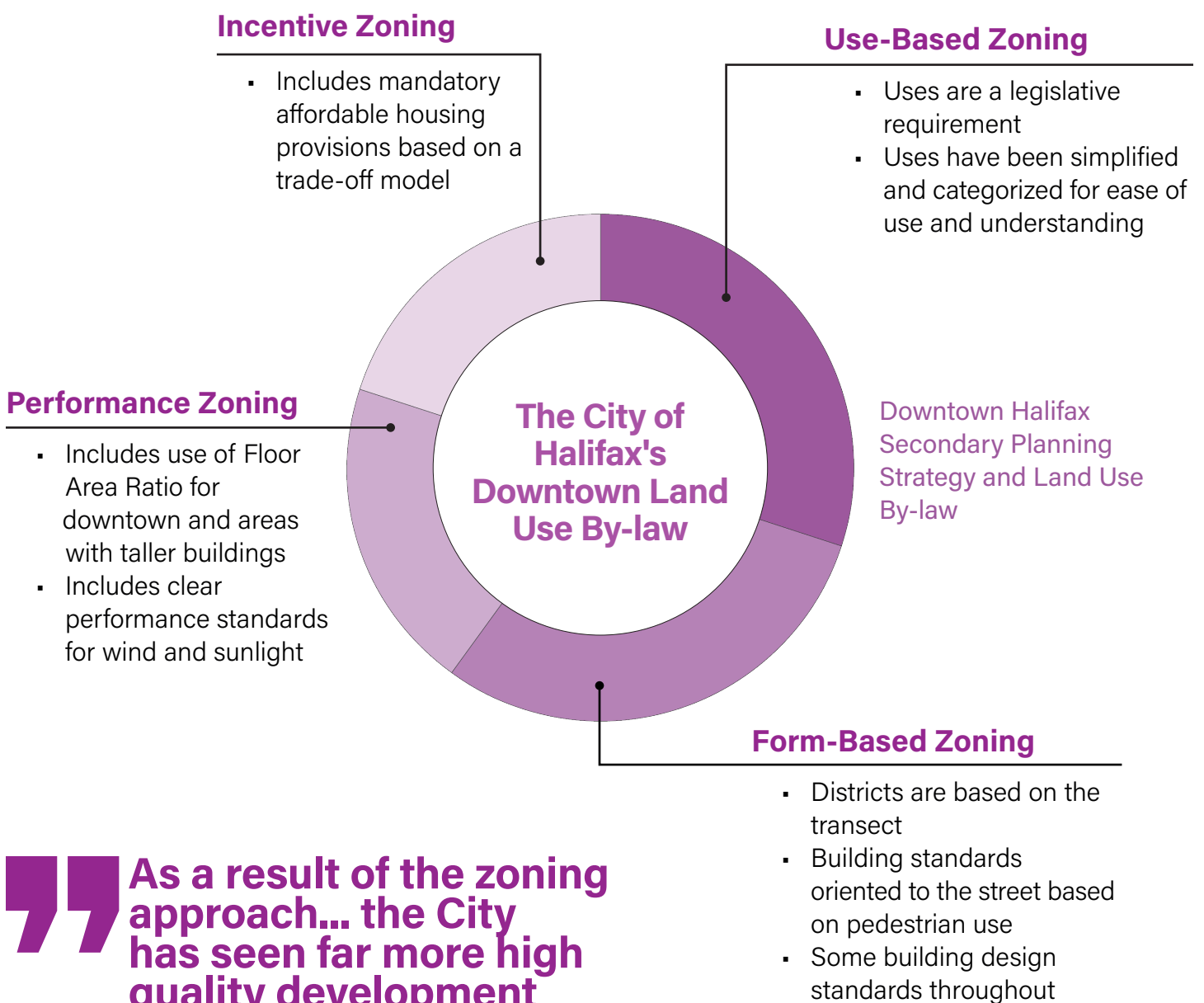
## Balances Use, Intensity, and Form

- Simplified uses increase focus on built form and public realm
- Use standards in each district are based on the appropriate intensity levels in each district
- Uses performance standards such as FAR, wind, and shadowing standards, to regulate intensity and form



## Supports Wise Planning Decisions

- Regulations directly link to the strategic direction and policy for the Municipality
- Mixed use requirements support alternative forms of transportation, efficient service delivery, economic development and housing choice
- Clear policy link to the comprehensive plan so regulations are directly implementing policy



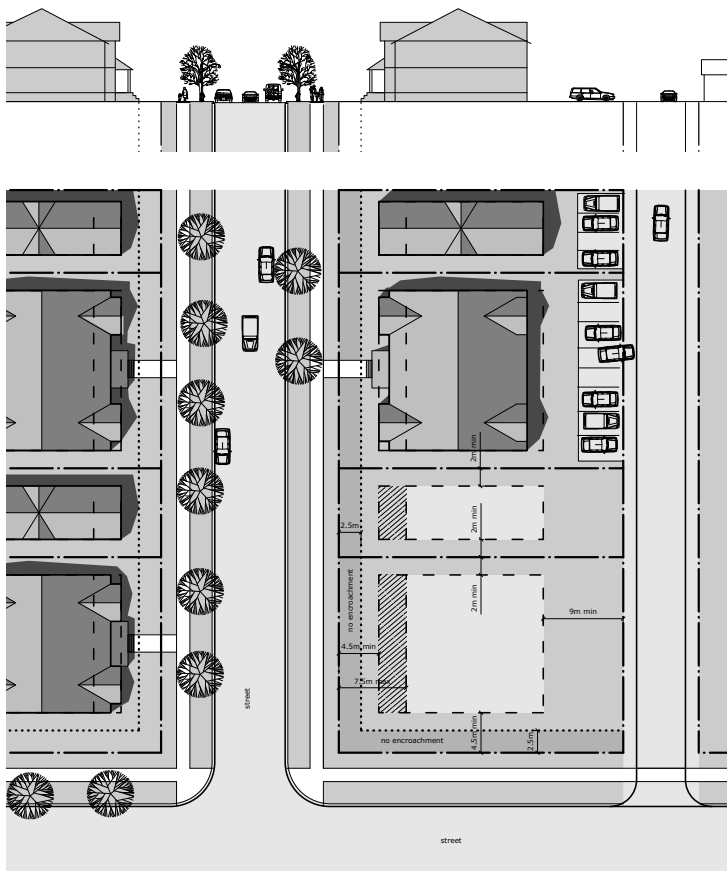
**” As a result of the zoning approach... the City has seen far more high quality development applications than before.**

# LaSalle, Ontario

LaSalle, Ontario, adopted new form-based districts into their zoning code in 2005 in addition to development standards for streets throughout the Town. The new districts are included in their traditional use-based by-law as alternative land use districts that are based primarily on form. Three zoning typologies were added including the Residential Zone, the Mixed Use / Commercial Zones, and the Employment Area Zones. Within each of these categories are 2-3 land use districts

with various housing, office, or retail forms. These districts were specifically designed for the Bouffard and Howard Planning Districts within the Town.

The illustrated zoning by-law includes large graphics, in both plan and section view as shown below, in addition to precedent images to provide users with clear visual examples of how the text regulations are incorporated. The block scale



Town of LaSalle - illustrated zoning by-law  
 Townhouse/Multi-unit Zone  
**Multi-unit Buildings** TND-R2  
 Accessed via Lane Residential

29.1.4 Zone Provisions for Multi-unit Buildings, Duplex, Triplex, Fourplex, Fiveplex and Sixplex Dwellings, Accessed via Lane

- a) **Lot Size & Building Height**  
 The minimum lot frontage shall be 15m for a duplex, and 22m for any other multiple unit building with more than 2 dwelling units. The minimum lot depth shall be 32m. The maximum building height shall be 11m.
- b) **Front Yard Build Within Zone**  
 The main front wall of the building shall be built within 4.5m and 7.5m of the front lot line.
- c) **Side Yards**  
 For an interior lot the minimum interior side yard shall be 2m. For a corner lot, the exterior side yard shall be a minimum of 4.5m.
- d) **Rear Yard**  
 The minimum rear yard shall be 9m.
- e) **Porches/Steps**  
 Steps and porches may encroach to within 2.5m of the front lot line and/or the exterior side lot line. A 2m minimum depth of porch is required. A no encroachment zone from the front and exterior lot lines of 2.5m is established.
- f) **Landscape**  
 A minimum of 30% of the lot shall be usable, landscaped open space.
- g) **Parking**  
 A minimum of 1.5 parking spaces are required per dwelling unit. No parking is allowed within the front or exterior side yard.



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approach to the graphics provides additional understanding of the context for how different lot sizes and building types can be integrated and applied.

However, these districts are in addition the existing use-based districts and regulations in La Salle, resulting in two potential sets of regulations. The application of the form-based districts require lands to be re-zoned first. In a comprehensive bylaw review, the adoption of the bylaw would re-zone the lands thereby enabling the use of the new regulations immediately. In this case, the rezoning is considered on a case-by-case basis.

Where they are applied, the design standards are incredibly clear with simplified regulations for the building form, public realm, and street standards, which integrate best practices in planning. In the greenfield portions of the Bouffard and Howard Planning Districts, the Town recently approved two subdivisions for around 700 homes. These new developments include all of the housing typologies outlined in the three form-based residential districts from single detached to apartments. Construction has yet to start, but planning to date reflects the form of development presented in the zoning by-law except where lot sizes or shapes do not easily conform to the standards.

**” The design standards are incredibly clear with simplified regulations for the building form, public realm, and street standards, which integrate best practices in planning.**



# LaSalle, Ontario



## Easy to Use and Understand

- The form-based districts are highly visual with plan and section graphics as well as precedent images
- The other land districts have few if any graphics or visual support tools and the by-law is still structured legally rather than visually for the user



## Supports Clear Development Outcomes

- Clear standards and regulations are included in the form-based districts that guide applicants and reviewers to the same outcomes
- Using two zoning approaches in one document adds complexity to administer, but likely shifts development priorities to the Bouffard and Howard Planning Districts



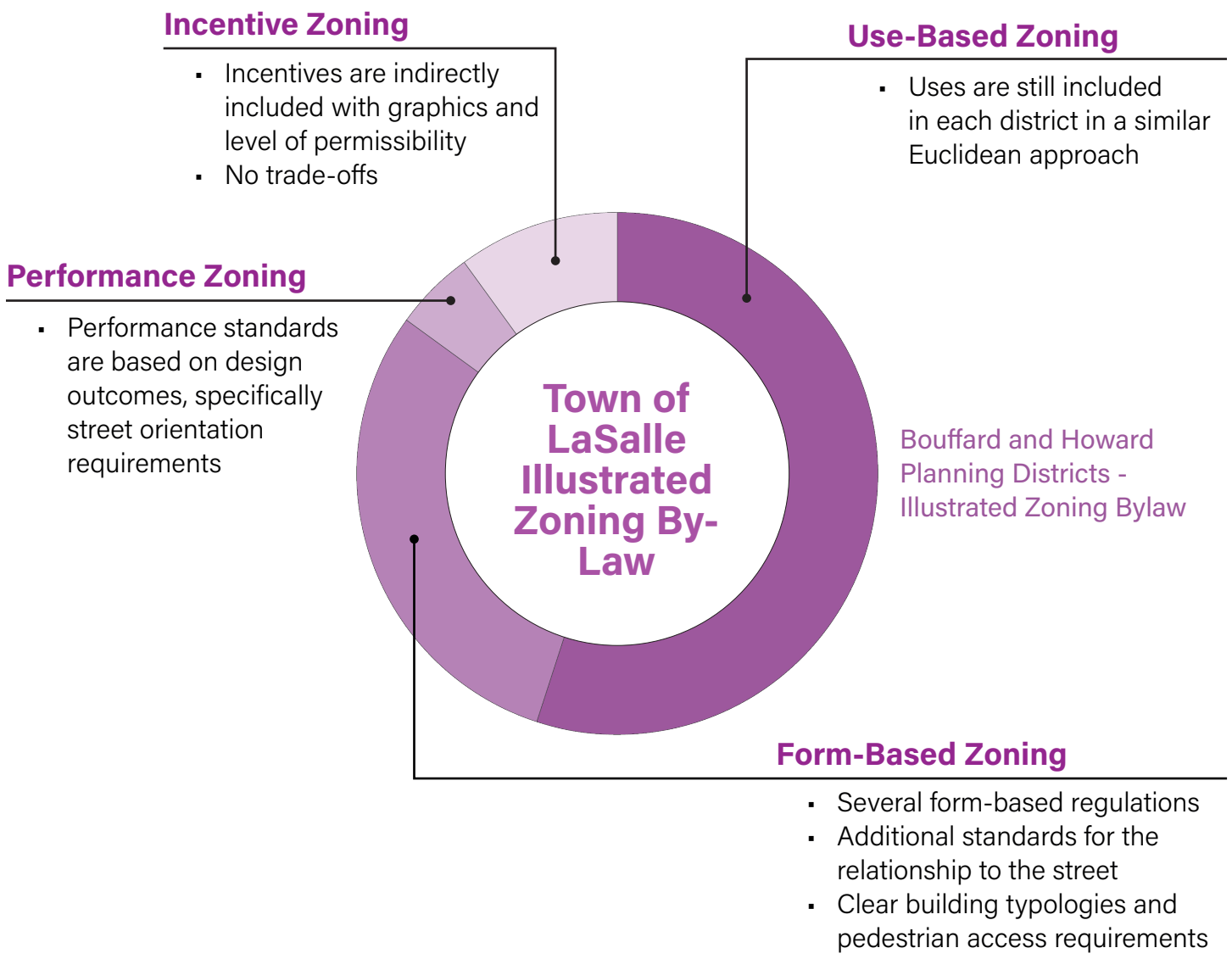
## Balances Use, Intensity, and Form

- The form-based districts characterize building typologies as uses, which could be further clarified
- Intensity standards are minimal with form and use standards guiding the regulations



## Supports Wise Planning Decisions

- The form-based districts relate directly to neighbourhood policy enabling a clear implementation tool
- The form-based zones are a step towards increasing density and housing choice, but is still limited to primarily low-density forms
- The opportunity for mixing uses is increased in the employment zones



# Gananoque, Ontario

The Town of Gananoque, Ontario, approved their Development Permit By-law in 2011. This By-law uses Ontario's Development Permit System (DPS), now known as the Community Planning Permit System (CPPS), which was changed after the Town's By-law was adopted. The Development Permit By-law according to the Town is "a streamlined process that combines applications (zoning, site plan, and minor variance) into one application, provides details of exterior design on new applications, discretionary uses, and an up front planning process".

The Town's Development Permit By-law is relatively unique within Ontario as one of four municipalities that have implemented this legislative option. As per the By-law itself, "it differs from traditional land use regulations by allowing discretionary uses, conditional approvals, variations to standard requirements, control of exterior design elements and control over the



removal of vegetation in specific areas. This provides staff and Council with flexibility within the context of the By-Law to review development proposals and provide approvals without further site specific amendments to this By-Law."

The By-law divides the Town into twelve Development Permit Areas with two overlays. Each Development Permit Area includes both permitted and discretionary uses with clear standards for different forms of development. The interpretation of each Development Permit Area is supported with pictures of the types of development currently located throughout the Area. The By-law also includes general provisions for certain uses (or activities) for types of development throughout the Town. This format is very similar to other provinces with discretionary uses and conditions such as British Columbia and Alberta. As per the Provincial Regulation for the CPPS (formerly DPS), the By-law does not allow third party appeals once adopted, although it can be amended with Council's consent, which is one of the reasons for strong pre-application and complete application requirements. Coupled with an overall shorter mandated timeframe of 45 days

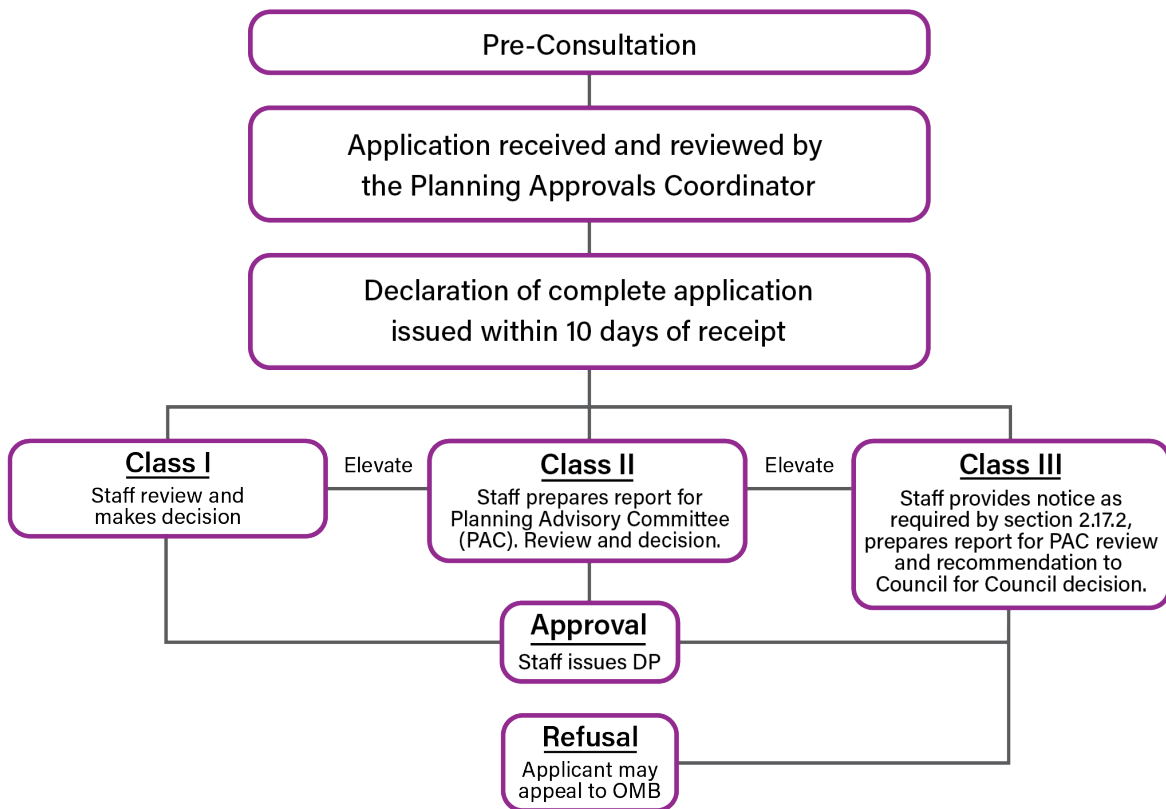
**Development Permit Classes define clear decision-making processes for applications based on complexity.**

to a decision, the upfront collaboration increases early changes with clearly defined expectations reducing conflicts and using the 45 days for minor adjustments.

A unique aspect of the By-law is the inclusion of Development Permit Classes. The CPPS Regulation allows not only for the use of discretion and conditions, but also the option to download decisions to a committee or staff, as directed by Council. The Development Permit Classes in the By-law identify the process for approval and decision-making where Class I applications allow staff to make decisions, Class II applications go to

the Planning Advisory Committee with review by staff, and Class III are decided on by Council with review by Committee and staff. Each application can be elevated for decision if needed. See the flowchart below for an overview of the Classes and application processes.

The overall structure of the Development Permit Areas and use classifications is scalable to larger municipalities and provides flexibility to address unique neighbourhoods and more specific development requirements. Staff commented that after using it, they would not choose the zoning by-law tool again.



# Gananoque, Ontario



## Easy to Use and Understand

- The by-law simplifies the division of land to twelve clear development permit areas (similar to a district or zone)
- Tables are added throughout to summarize the standards for different types or forms of development
- Additional images provide context



## Supports Clear Development Outcomes

- Has streamlined application processes by combining zoning, site plans, and minor variances, into one application
- Limitation on appeals once the by-law is adopted increases the importance of early collaboration and consultation
- Discretionary uses and conditions on approvals clarify requirements while adding flexibility



## Balances Use, Intensity, and Form

- Addition of discretionary uses provides further flexibility to address changes to communities over time
- Intensity and form standards specific to each Development Permit Area



## Supports Wise Planning Decisions

- Development Permit Classes focus application or development types to the appropriate level of review and consideration
- Processes are streamlined and front-end loaded to enable early collaboration
- Development Permit Areas and division of the Town is related directly to the Official Plan linking outcomes with the policy

### Incentive Zoning

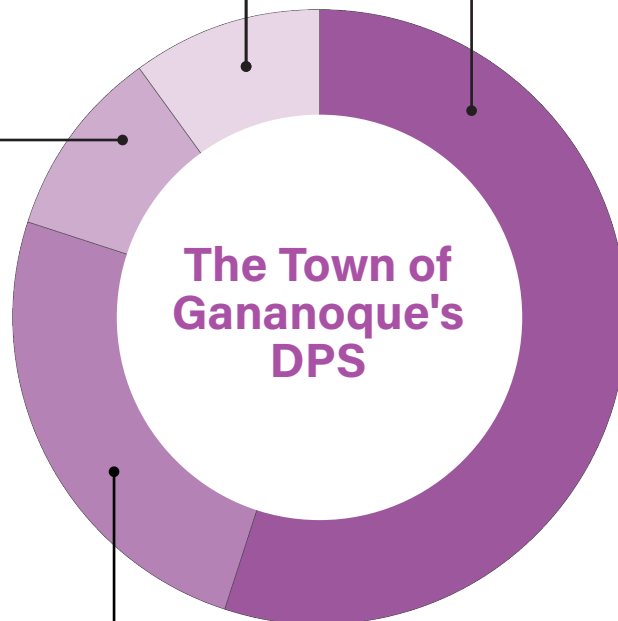
- Incentives indirectly based on the level of permissibility and flexibility

### Use-Based Zoning

- Uses are still the primary method for defining standards
- Districts have been simplified with a mix of uses

### Performance Zoning

- Some performance standards added to uses through General Provisions
- No typical performance-type ratios



### Form-Based Zoning

- Form standards are included; still relate to the use
- Building design standards use traditional height, setback, and massing
- Use of images and photographs add context to the regulations

# Brampton, Ontario

Like many other municipalities in Ontario, the City of Brampton's Comprehensive Zoning By-law follows a traditional use-based approach. While the existing Zoning By-law has seen some revisions and updates since its adoption in 2004, a comprehensive review has not been undertaken and some of the provisions date back to the 1980s.

There are 69 zones in the By-law and of these 42 are residential zones identified by different naming formats and provisions. The City is currently undertaking a comprehensive review of their Zoning By-law to address changes and trends in planning policy, better align the Zoning By-law with the Official Plan, and create a more user-friendly document.

Brampton was one of the first municipalities in

Ontario to implement a Community Planning Permit System (CPPS), formerly known as a Development Permit System (DPS), following the Province's approval of its use in 2007. As a newer system, the City applied the tool to specifically manage change while preserving the historic character in the Main Street North DPS. The By-law is area-specific, encompassing approximately 80 buildings along Main Street North from Church Street East to Vodden Street. This unique corridor is distinguished by mature street trees and heritage characteristics. The north and south ends of the CPPS By-law area are identified as gateways and supports more intensive commercial and residential development.

Regulations within the Main Street North DPS include typical requirements such as land



*Southside Towns approved with the City's Comprehensive Zoning By-law*

uses, setbacks, and building heights along with elements more commonly found in form-based codes, such as minimum wall lengths and building stepping regulations. The Main Street North DPS does not include the option made available by the *Act* for discretionary uses in alignment with the intent to preserve the form and activities currently occurring.

The City is currently reviewing its city-wide Zoning By-law and is specifically considering another area-specific Community Planning Permit By-law along Queen Street West. Conversely to the intent for Main Street North, the purpose of the CPPS in Queen Street West would be to revitalize and encourage development and change. In both cases, the form considerations more easily enabled by the CPPS coupled with a shorter

application timeframe support both goals, with the standards and regulations catered to each unique area.

While the *Planning Act* allows for municipalities to enact a 5-year freeze on changes to the CPPS, the City of Brampton opted not to include this provision, allowing for opportunities to amend the Development Permit By-law.

Reflection on the Main Street North and lessons for any future CPP By-law is to add more clarity. Staff commented that the Main Street North was presented in an overly complicated manner that could be simplified to add greater clarity. They are otherwise satisfied with the CPPS and would consider applying it to more areas throughout the City.



*Visualization of the future of Main Street North*

**” The Main Street North DPS was implemented to achieve the City's goals of stimulating development and revitalizing the area while maintaining its historic character.**



# Brampton, Ontario



## Easy to Use and Understand

- The City applies to systems within its jurisdiction so the standards are location-specific
- The DPS is highly visual, but complex
- The current Comprehensive Zoning By-law requires significant cross-referencing with highly technical language and few visualizations



## Supports Clear Development Outcomes

- The DPS is clearly implementing historic preservation goals, but has yet to support revitalization efforts as change is minimal



## Balances Use, Intensity, and Form

- Little balance as one by-law is heavily focused on use while the other is highly focused on form



## Supports Wise Planning Decisions

- The application of two systems each highly focused on different approaches is challenging for staff to implement, the community to understand, or the development industry to implement

### Incentive Zoning

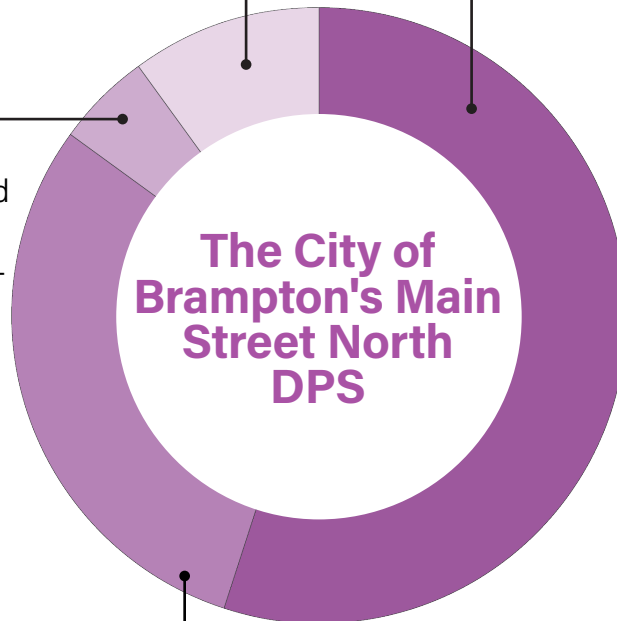
- Incentives indirectly based on the level of permissibility and flexibility

### Use-Based Zoning

- The Comprehensive Zoning By-law is primarily use-based
- The DPS includes uses, but is primarily form-based within its subject geographical scope

### Performance Zoning

- Performance standards based on size, scale, and compatibility
- No typical performance-type ratios



### Form-Based Zoning

- The Comprehensive Zoning By-law uses traditional methods of regulating form such as height, setbacks, and parking
- The DPS focuses on form standards geared to historic preservation

# Miami, Florida

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Miami and surrounding Dade County experienced a population boom in the 1990s that continued growing into the late 2010s. With this unbridled growth, reactionary development burgeoned throughout the city leading to increased sprawl. In the wake of the 2008 recession, development paused in Miami and the opportunity to prepare for the next wave was apparent. City Planning Staff commissioned Duany Plater-Zyberk & Company (DPZ), the thought leaders behind the form-based code and authors of the SmartCode, to overhaul the existing land-use ordinance and create a form-based code to lead Miami into the next century. This was the impetus for Miami 21.

Miami 21 (the Code) was approved in 2008 and is considered ground breaking because it marked the first form-based code ever to be applied citywide in a metropolitan area of this magnitude. It put the principles of New Urbanism and Smart Growth to the test at an unprecedented scale. Using the Transect and the Smart Code as its organizing framework, the new code focuses on regulating development to create pedestrian-friendly public spaces and to providing physical predictability for developers and residents. The Code includes incentives to minimize areas devoted to parking, encourages green building standards, historic preservation, the redevelopment of brownfield sites, and the development of additional public open space through an open space trust fund.

The framework for Miami 21 centers on two components: The Code and the Atlas. The Code sets forth standards for each Transect Zone and is organized into 8 articles, including Definitions; Building Form & Public Space/Street Standards. The Atlas (the Regulating Plan) is the official zoning map that accompanies the Code. The Zoning Atlas illustrates the designated transect zone for each property and is regulated by the Code.

As a building block for the Code, the City of Miami is divided into 6 Transect Zones, which are used to identify and organize a continuum of the physical environment ranging from the least to the most urban. Each zone of the transect regulates building disposition, configuration, function and intensity as well as the share of different uses to be accommodated in a building, standards for landscaping and parking, the transition of each property with the public realm and justifiable

**” The web-based code is user-friendly and approachable. ...it clearly articulates the vision for Miami 21 and provides context to the prescriptive nature of form-based codes.**

connections across the different zones of the transect. The predictability of the Code is intended to diminish the need for zoning amendments, therefore reducing processing times and focuses on long term development objectives.

The web-based Code is user-friendly and approachable. The website provides access to a repository of clear and easy to use information on the best practises in planning and urban design. For example, the Illustrated Principles of Good Planning details several leading principal in planning that have been incorporated into the zoning regulations coupled with real images on a timed-loop transitioning from all-to-common bare and dull streetscapes to vibrant and active street frontages. This supplemental information clearly articulates the vision for Miami 21 and provides context to the prescriptive nature of form-based

codes, affirming the intended outcome of the development standards.

The minimum parking requirements of the previous car-oriented zoning ordinance are still haunting the Code and leading to the demand for more high-design multi-story parking structures in Miami. The City has taken measures to relax parking minimums by up to 50 percent in transit-accessible areas and 100 percent reduction for buildings under 10,000 square feet. The desired outcome of this change is to encourage small-scale infill development throughout the City.

Since the implementation of the Code in 2010 and a steady recovery from the 2008 recession, Miami's Wynwood District in particular has been undergoing a period of revitalization and intensification.



*Development proposals in the Wynwood District*

# Miami, Florida

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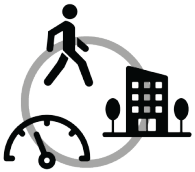
## Easy to Use and Understand

- The bylaw is complex with layers of regulations
- After the bylaw was approved, the online tools and map-based options make the information more accessible and easier to understand



## Supports Clear Development Outcomes

- Includes prescriptive standards for building and street standards
- Has required amendments since adoption to continue to reduce parking standards and support better transit oriented development requirements



## Balances Use, Intensity, and Form

- Simplified uses increase focus on built form and public realm
- Includes a strong focus on form standards of both public and private spaces
- Not a clear application of intensity requirements



## Supports Wise Planning Decisions

- Clearly focused on how Miami should grow in the 21st century
- Provides options and flexibility for development through several incentives
- Still working to reduce minimum parking standards that continue to affect sprawl

## Incentive Zoning

- Incentives for green building, open space, historic preservation, parking reductions, and brownfield redevelopment
- Includes a trust fund for open space
- Uses transfer of development rights for historic preservation

## Use-Based Zoning

- Uses are simplified and minimized, but still used

Miami 21

## Performance Zoning

- Shifted Floor Area Ratio (FAR) to Floor Lot Ratio (FLR) to capture parking and gross building size to encourage high density development in transit areas

## Form-Based Zoning

- Districts are based on the transect
- Includes building standards and typologies
- Standards for the public realm
- Regulating plan includes relationship to street

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# What does this all mean for London?



## Putting It All Together

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# ReThinking Zoning

Today many zoning by-laws have been amended or adjusted over time to be a hodgepodge of different standards and approaches with implicit embedded outcomes that are not reflective of the current policy environment. Zoning by-laws are the epitome of a living document and while needing to be changed over time, the overall approach and standards need to be directly related to the policy goals as implemented through the application process.

The four approaches (use-based, incentive, performance, and form-based) are not necessarily independent of one another. Rather, the future of zoning is a comprehensive re-think of how these approaches can be applied within the provincial legislative framework and best function as the implementation tool for planning within the City. Both require an understanding of the historic influences that can contradict today's planning goals as well as the opportunities embedded in each of the approaches to define the best approach for London's next zoning by-law.

By re-thinking the zoning by-law holistically,



the *Act* provides the foundation as well as the opportunity for better application of the implementation options. To do so will require the deliberate and strategic intention to consider and adhere to the requirements of the *Act*, while considering those requirements within a positive frame of reference that builds trust and reflects the inclusionary nature of The London Plan. In other words, despite the restrictive nature of the requirements, how can a new by-law reframe the standards and processes to enable what is necessary to build a successful community?

The zoning by-law and site plan by-law or a community planning permit by-law (CPPS) tools are a unique aspect of planning in Ontario. With the choice of two systems, each municipality has the ability to select the tool / system most applicable to their local conditions and the development outcomes envisioned in the Official Plan.

Within the *Act*, uses must still be defined, but the level of detail or specificity of the uses can be determined in the by-law. For example, uses



**something to think about...**

*How should a new by-law reframe the standards and processes necessary for a successful community?*

# Zoning Options

can be simplified with broad definitions allowing greater flexibility over time or they can be highly specific adding certainty for a given point in time.

The *Act* also allows for various form considerations such as height, density, design standards, floor area, spacing, frontage standards, etc. In fact, the *Act* is more permissible in regards to form standards than many other provinces. Both options include form standards, however, the CPPS includes additional form options over a zoning by-law.

The question of how quantitative or qualitative standards or measures are used within the by-law is reflective of the planning goals in the Official Plan as opposed to any requirements of the *Act*. Qualitative measures and the use of discretion is a fact of community building. The CPPS is better aligned to address and apply discretion in a consistent manner.

**” The *Act* is more permissible in regards to form standards than many other provinces.**

The ability to define discretionary uses and add conditions to permits allows for more flexibility for a municipality to oversee specific development requirements and considerations. The rigidity of the zoning by-law lends itself well to standardized greenfield development, but is challenged in irregular infill scenarios. The flexibility of the CPPS is better able to address these situations, which are anticipated by The London Plan.

Despite questions about the applicability as a municipal-wide tool, Gananoque's structure is flexible enough to be scaled to a larger municipality. The CPPS could also be applied to defined areas with a municipal-wide zoning by-law similar to Brampton.

Two concerns that have been raised with the CPPS include how amendments are made within the first five years after adoption as well as the concerns on limiting third party appeals. In regards to amendments, Council has the ability to determine if or how the five year 'freeze' applies in London, a decision that can be supported through public and stakeholder engagement. A zoning by-law can also include a two year 'freeze', which would require a similar engagement approach. In regard to appeals, the restriction is on applications and not on the by-law itself. As a result, upfront buy-in is critical to the success of any new by-law.

## Lessons from Elsewhere

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The six municipalities identified have integrated the four zoning approaches in different and unique ways, pushing the envelope of what is possible and better implementing the goals of the community. Each presents an opportunity for London to learn from in a new by-law that implements The London Plan.

### High River

The simplification and de-regulation evident in High River demonstrates how focusing on key priorities and outcomes can result in positive change.

### Gananoque

The By-law is unique as a successful municipal-wide use of the CPPS in a scalable model with use classifications, discretion, and process clarity and efficiency.

### Halifax

The integration of form and use coupled with clear application standards and processing timelines have significantly increased the quality and number of development projects.

### Brampton

The use of the CPPS for differing goals (heritage preservation and status quo versus change and new development) demonstrates how the CPPS can be used for a variety of development outcomes.

### LaSalle

The illustrative form-based zones demonstrate the opportunity for shifting qualitative design measures to clear quantifiable standards in Ontario.

### Miami

The successful transition of the complex municipal-wide form-based code to a clear online tool demonstrates the importance of usability.

# Key Takeaways

1. How uses are defined in a by-law can significantly affect interpretation, the application of other zoning approaches, and the application process. Each municipality was different in how they approached uses.
2. The integration of the application process in the by-law review can significantly affect development outcomes. It has the ability to increase change in areas where revitalization is desired, or can limit change where preservation is the goal.
3. Whether the by-law itself is designed to be user-friendly or tools are used afterward to increase usability, the transparency and understanding of the by-law by anyone is important. Illustrations and graphics enhance usability.
4. Zoning approaches can be used to strategically affect development outcomes and should be applied with intention.
5. The Town of Gananoque's municipal-wide CPPS is scalable for any size municipality. Their use of discretion, clear conditions, development permit areas, and use classifications related to a clear decision-making process, is a model to consider for London.



# Zoning: Considerations for London

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## Report to Planning and Environment Committee

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

**From:** Gregg Barrett  
Director, City Planning and City Planner

**Subject:** City of London  
Boulevard Café Grant Program

**Meeting on:** June 22, 2020

## Recommendation

That, on the recommendation of the Director, Planning and City Planner, with respect to implementing program guidelines for a Boulevard Café Grant Program, that the following actions be taken:

- a) The proposed by-law amendment attached as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on June 29, 2020 to amend By-law C.P.-1467-175, as amended, being a by-law to establish financial incentives for the Downtown Community Improvement Project Areas, to adopt the Boulevard Café Grant Program as Schedule 3; and,
- b) Civic Administration **BE DIRECTED** to supplement the Core Area Action Plan funding approved through the 2020-2023 Multi-Year Budget with the Small Scale Downtown Projects fund, approved through the 2015-2019 Multi-Year Budget to support the Boulevard Café Grant program and other small-scale projects that assist with the economic recovery of the downtown from the COVID-19 pandemic.

**IT BEING NOTED** that, this initial grant program is being adopted under the existing Downtown Community Improvement Plan until such a time as a Core Area Community Improvement Plan is developed and approved, which would extend this program to the entire Core Area as identified in the Core Area Action Plan.

## Executive Summary

### Summary of Request

To eliminate the application, licence and Temporary Sound Permit fees associated with opening and operating boulevard cafés in the downtown.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to introduce a Boulevard Café Grant Program that eliminates application, licence and Temporary Sound Permit fees, to reduce the financial barriers associated with opening and operating boulevard cafés. Appendix “A” contains the detailed guidelines on how the program will operate.

Additionally, the recommended action seeks direction to expand the scope of projects contemplated in the Downtown Small Scale Projects fund beyond those specifically mentioned in the 2015-2019 business case to direct the funding towards other small-scale projects and programs that will assist in the economic recovery of the downtown.

### Rationale of Recommended Actions

The Boulevard Café Grant Program is consistent with Municipal Council’s adopted *2019-2023 Strategic Plan*. Under the Strategic Area of Focus “Growing our Economy”, the program will assist with an increase in public and private investment in strategic locations and support revitalization in London’s downtown.

The Boulevard Café Grant Program is supported by *Our Move Forward: London's Downtown Plan* by Strategic Direction 6 "Create the Buzz". The goal of this direction is to "build a unique brand" and to "create an engaging downtown" that attracts visitors and supports the downtown's economic success. This program will help to support the establishment of boulevard cafés, which create a dynamic and engaging environment that will attract people to the core and support the local economy.

The *Downtown Community Improvement Plan (CIP)* provides the context for revitalization in the downtown and supports initiatives that encourage downtown renewal, including streamlining and reducing the requirements for boulevard cafés.

The *Core Area Action Plan* provides direction for the elimination of application and licence fees for boulevard cafés in the Core Area through initiatives 63 and 64. The Boulevard Café Grant Program implements this direction.

Funding was approved through the 2020-2023 Multi-Year Budget to support this initiative.

Funding approved through the 2015-2019 Multi-Year Budget to support small-scale downtown projects would require multi-year contribution to implement the projects listed in that business case. However, this funding can be used to immediately assist with COVID-19 recovery measures in the downtown by supporting the reopening of local businesses.

## Discussion

### 1.0 Background

In May 2012, Municipal Council approved a pilot program that permitted boulevard cafés to be located within on-street parking spaces in identified locations within the downtown.

In May 2013, principles for the use of on-street parking spaces for boulevard cafés were approved for a period of three years and the Boulevard Café Permit Program was amended to provide the use of on-street parking spaces for boulevard cafés. Municipal Council also directed Civic Administration to develop technical standards and design guidelines for boulevard cafés at this time.

In 2018, the *Sidewalk Patio Standards and Application Process* was established as an administrative tool to be used in the review of proposed boulevard cafés.

The *Core Area Action Plan* was received by Council in late 2019. The Plan outlined almost 70 initiatives, including those that financially assist businesses in the Core Area through the elimination of certain fees. Several of the initiatives provide specific direction to eliminate financial barriers for the opening and operation of boulevard cafés within the Core Area. The Plan identified the requirement of a Core Area Community Improvement Plan (CIP) to implement a number of the initiatives, including the elimination of these identified fees. The Core Area CIP is currently underway; however, its preparation and consultation process has been delayed due to COVID-19 restrictions.

In the near term, a program that eliminates financial barriers for the opening and operation of boulevard cafés can be implemented within the scope of the *Downtown Community Improvement Plan*. Creating such a program now will implement the intent in the short-term, ahead of a more comprehensive Core Area CIP. Civic Administration is recommending this as an interim measure to help support downtown business owners increase their seating capacity through the use of boulevard cafés, when such businesses are permitted to reopen.

Through the 2020-2023 Multi-Year Budget, financing was identified for the initiatives supported by Council that required additional resources. In 2020, \$30,000 in funding was approved through the budget process to cover the cost of lost revenue due to

eliminating the fees identified in the *Core Area Action Plan*. The funding amount of \$30,000 continues annually through 2023.

Due to business closures mandated by the Province of Ontario in response to the COVID-19 pandemic, it is acknowledged that the 2020 patio season has been delayed. In response to this, fees associated with boulevard cafés will be prorated for 2020 based on the duration boulevard cafés are permitted to operate.

## **2.0 Small Scale Downtown Projects Fund**

A business case was submitted as part of the 2015-2019 Multi-Year Budget to support the implementation of small-scale projects from *Our Move Forward: London's Downtown Plan*. Eighteen projects were identified in the business case, which included initiatives such as a decorative uplighting program, wayfinding signage, and cycling end-of-trip facilities. The business case is attached as Appendix "B" for reference.

Municipal Council approved \$100,000 in funding for the initiatives to begin in 2019. This level of funding would require multiple years of contribution to be sufficient to implement many of the projects identified in the business case. Currently, \$50,000 of the fund is earmarked for a Downtown Uplighting Grant 2-Year Pilot Program, approved in 2019.

Given the funding constraints associated with the scope and scale of the projects listed in the business case, as well as the immediate need to support reopening businesses in the downtown, Civic Administration is recommending this funding be used for other projects, programs and interventions in the downtown other than those identified in the Business Case, so long as those initiatives meet the vision and intent of *Our Move Forward: London's Downtown Plan* for which the funds were approved. In addition to increasing the contribution to the Boulevard Café Grant Program, this funding can assist with the supply and operation of temporary sidewalk extensions, pedestrian line-up stanchions or markings, patio barriers, curb-side pick-up signage or markings, and other projects that are deemed necessary to assist in creating a vibrant and business-friendly environment in the downtown as businesses are permitted to reopen, as directed by the Provincial government.

## **3.0 Boulevard Café Grant Program Structure and Funding**

To help support the downtown businesses as they reopen, as well as to help contribute to the vibrancy of the downtown environment, the City is seeking to offer a grant to property owners or authorized agents (tenants, contractors, etc.) to reduce the financial burden of opening and operating a boulevard café. This grant program eliminates the application and licence fees related to the operation of a patio on the public right-of-way and eliminates the application and permit fees for a Temporary Sound Permit if amplified music on an outdoor patio within the public right-of-way is requested. It should be noted that Boulevard Café licence agreements are on a three-year term.

### **3.1 Source of Funding**

Through the 2020-2023 Multi-Year Budget, \$30,000 in funding was approved to cover the cost of lost revenue for eliminating fees identified in the *Core Area Action Plan*; this will be the source of funding for this grant program. Should there not be adequate funding to meet demand for this grant program, the program funding may be topped up through the Downtown Small Scale Project budget or another source of financing as determined by the City Planner or City Treasurer (or designates). Staff anticipate that approximately \$10,000 to \$20,000 in additional funding per year may be required for the program, depending on the expansion of existing boulevard cafés, and the addition of new boulevard cafés in the downtown.

Once the Core Area Community Improvement Plan (CIP) has been established, the Boulevard Café Grant Program is intended to transition from the Downtown CIP to the Core Area CIP. At that time, the funding will also transition and the grant program will be made available to businesses within the Core Area.



### 3.2 Eligibility

An approved boulevard café is eligible for a grant to cover the administrative fee for a new or renewed application, the annual licence fee related to a Boulevard Café Permit licence agreement, and the application and permit fees for a Temporary Sound Permit for Amplified Sound on an Outdoor Patio if applicable. While funding exists, applicants can apply as needed to this program.

Any fees related to obtaining a City of London Business Licence; an AGCO Liquor Licence application; any materials required for the application, licence, or Temporary Sound Permit; the cost of construction and materials; and, the Temporary Sound Permits for outdoor patios on private property that are not considered boulevard cafés are not eligible to be granted through this program.

The Program Guidelines (Appendix “A”) outline the eligibility criteria for the grant and the grant approval process including the required grant agreement.

### 3.3 Monitoring

The Program Guidelines propose that criteria to monitor both the take-up and success of the Boulevard Café Grant Program be included. Monitoring and success of the grant program will determine if it should be extended beyond 2023, and whether changes should be made to the program operations and budget.

## 4.0 Additional Considerations

### 4.1 Provincial State of Emergency

The Province of Ontario declared a state of emergency on March 17, 2020 in response to the COVID-19 pandemic. This allowed the Province to enforce emergency orders, such as ordering non-essential workplaces to close. As a result, many restaurants have been required to close. The Province has recently announced that businesses with outdoor patios will be permitted to open on Friday June 12<sup>th</sup>, so long as social distancing restrictions are followed. These restrictions will reduce the seating capacity, however the Province has also relaxed requirement for the expansion of patios. This grant program will remove financial barriers to open and operate boulevard cafés and allow restaurants to expand their seating capacity into the right-of-way where permitted.

### 4.2 Boulevard Café Permits in 2019

In 2019, 36 Boulevard Cafe Permits were obtained city wide, with the fees totalling \$27,920 plus HST. Of these, 26 were located within the Downtown Community Improvement Project Areas. Due to planned infrastructure improvements along Dundas Street in Old East Village over the next two construction seasons, the ability to operate boulevard cafés here will be limited. Therefore, it is anticipated that the Boulevard Café Grant Program will apply to the majority of the boulevard café applications in 2020 and 2021.

## 4.0 Conclusion

With the creation of the Boulevard Café Grant Program, the City is providing assistance to downtown businesses by removing financial barriers associated with the opening and operation of boulevard cafés. The *Core Area Action Plan* includes initiatives that direct the City to eliminate application and licence fees associated with boulevard cafés.

\$30,000 of funding has been earmarked through the 2020-2023 Multi-Year Budget to cover the cost of lost revenue due to the elimination of fees identified in the *Core Area Action Plan*. Funding may be topped up through the Downtown Small Scale Project budget if required.

The Boulevard Café Grant Program Guidelines are attached as Appendix “A”. The Guidelines outline in detail how the Boulevard Café Grant Program will work.

<b>Prepared by:</b>	<b>Graham Bailey, MCIP, RPP Planner II, Urban Regeneration</b>
<b>Prepared by:</b>	<b>Kerri Killen, MCIP, RPP Senior Planner, City Building and Design</b>
<b>Submitted by:</b>	<b>Britt O'Hagan, MCIP, RPP Manager, City Building and Design</b>
<b>Recommended by:</b>	<b>Gregg Barrett, AICP Director, City Planning and City Planner</b>
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from City Planning	

June 12, 2020  
KK/kk

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**Appendix A**

**Appendix “A”**

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

By-law No. C.P.-1467-\_\_\_\_\_

A by-law to amend C.P.-1467-175, as amended, being “A By-law to establish financial incentives for the Downtown Community Improvement Project Areas”.

WHEREAS by Subsection 28(2) of the Planning Act, the Council of a municipal corporation may, by by-law, designate such an area as a community improvement project area;

AND WHEREAS by Subsection 28(4) of the Planning Act, the Council of a municipal corporation may adopt a community improvement plan for the community improvement project area;

AND WHEREAS Municipal Council adopted By-law C.P. 1356-234 to designate the Downtown Community Improvement Project Areas;

AND WHEREAS Municipal Council adopted By-law C.P. 1357-249 to adopt the Downtown Community Improvement Plan;

AND WHEREAS Municipal Council adopted By-law C.P. 1467-175 to establish financial incentives for the Downtown Community Improvement Project Areas;

AND WHEREAS the Official Plan for the City of London contains provisions relating to community improvement within the City of London;

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

1. The Boulevard Café Grant Program Guidelines attached hereto as Schedule 3 is hereby adopted.
2. This by-law shall come into force on the date it is passed.

PASSED in Open Council on June 29, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

## Schedule 3

### Downtown Community Improvement Plan – Boulevard Café Grant Program

**\*Effective June 30, 2020\***

This program guideline package provides details on the new Boulevard Café Grant Program provided by the City of London (“City”) through the Downtown Community Improvement Plan (CIP).

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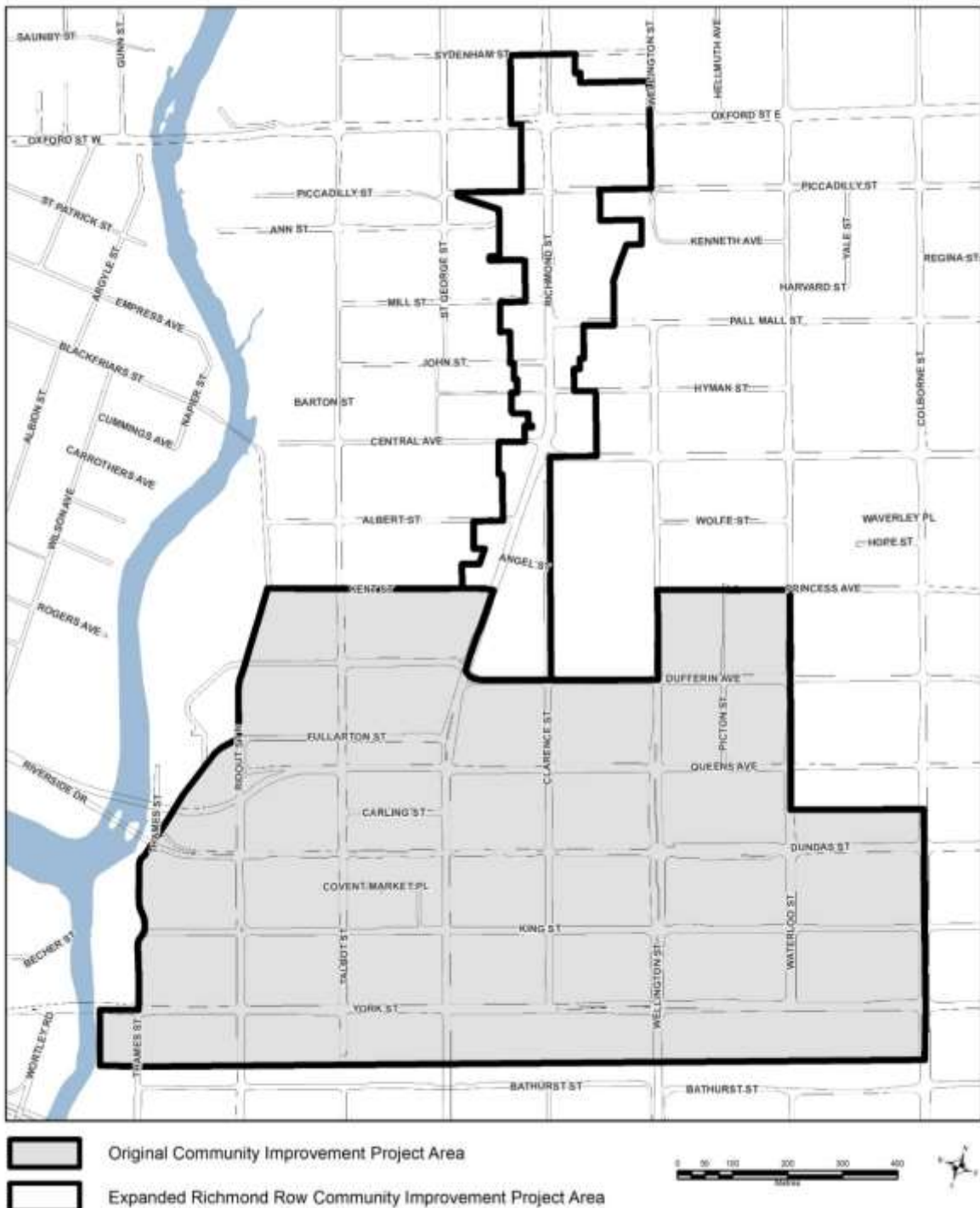
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## How to Read this Document

This document helps to identify what the responsibility of each stakeholder is in the Boulevard Café Grant Program. The initials **PO** indicate the property owner, tenant, business owner (or agent acting on behalf of the property owner, tenant, or business owner) is responsible for completing that task or action. Schedule 1 and 2 (not attached) contains additional details on other Downtown CIP financial incentives.

**PO** – The Boulevard Café Grant Program is available to business owners who are eligible to install boulevard cafés and patios in the Downtown Community Improvement Project Areas including Richmond Row (Map 1).

## Map 1 – Downtown Community Improvement Project Areas



## 1. Definitions

Applicant – The person who applies for a new or already has an existing valid Boulevard Café Permit Application or a Temporary Sound Permit for Amplified Sound on an Outdoor Patio Application, and as a result, will simultaneously apply for the Boulevard Café Grant Program.

Boulevard café – used interchangeable with sidewalk patio or boulevard patio, means an area set aside out of doors, covered or uncovered, for the use of patrons as a licensed restaurant in connection with, and in addition to, the operation of an adjacent restaurant and is located on the City right-of-way.

Complete Application – Includes a completed application form for the Boulevard Café Permit Application and a Temporary Sound Permit for Amplified Sound on an Outdoor Patio Application (if needed), and includes the following information:

- Name and address of the business owner;
- Confirmation that the address is within the Downtown Community Improvement Project Areas;
- A statement of fees from Realty Services indicating the total fees that apply to a new or existing boulevard café or patio;
- A statement of fees from Licencing and Municipal Law Enforcement indicating the total fees that apply to a temporary sound permit for the subject boulevard café;
- Acknowledgement of the receipt of patio fees grant funding and authorization to the City of London to transfer the amount of the grant to the applicable City accounts
- Any or other information that may be deemed necessary by the City Planner or City Treasurer (or designates).

PO – The property owner, tenant, business owner (or agent acting on behalf of the property owner, tenant, or business owner).

Sidewalk patio – See Boulevard café.

## 2. Purpose

In support of the Core Area Action Plan, the Boulevard Café Grant Program is intended to reduce the financial burden on business owners who operate sidewalk patios. This grant program eliminates the administrative and licence fees related to the operation of a patio on the public right-of-way and eliminates the application and permit fees for a temporary sound permit if amplified music on an outdoor patio is requested.

Sidewalk patios can activate the street and create a more vibrant urban environment. By providing opportunities for outdoor dining, the City, and businesses within it, can encourage the use and enjoyment of the downtown public realm.

## 3. Funding

- Total funding available through the Core Area Action Plan budget for patio and signage fees is \$30,000 per year for the 2020-2023 Multi-Year Budget;
- Funding under this program will cease on December 31, 2021, unless extended by the City of London or the Boulevard Café Grant Program is superseded by a similar program under the Core Area Community Improvement Plan;
- Should there not be adequate funding to meet demand for the grant program, the program funding may be topped up through the Downtown Small Scale Project budget or another source of financing as determined by the Director, Planning and City Planner (or designates). In the event that these additional sources of funding do not meet the demand of the grant program, grants will only be issued while funding is available in the order that they are received.

## **4. Eligible Fees**

Eligible fees that will be granted through the Boulevard Café Grant Program include:

- The administrative fee for new or renewed applications and the annual licence fee related to a Boulevard Café Permit licence agreement.
- The application and permit fees for a Temporary Sound Permit for Amplified Sound on an Outdoor Patio when associated with a boulevard café.

The following fees and work are not eligible to be granted through this program:

- Any fees related to obtaining a City of London Business Licence;
- AGCO Liquor Licence applications and fees;
- Any materials required for the application, licence, or Temporary Sound Permit. For example, costs related to completing a patio drawing showing location, size, and materials;
- Cost of construction and materials;
- Temporary Sound Permits for outdoor patios on private property and not considered boulevard cafés.

## **5. Eligibility Criteria**

To be eligible for the Boulevard Café Grant Program, the business owner must apply for a Boulevard Café Permit Application or have a valid Boulevard Café Permit with licence agreement and be located within the Downtown Community Improvement Project Areas (including Richmond Row) as outlined in Map 1.

If needed, the business owner can also apply for a Temporary Sound Permit for Amplified Sound on an Outdoor Patio and have those fees granted.

## **6. General Grant Terms**

While funding exists, applicants can apply as needed to this program.

The City is not responsible for any costs incurred by an applicant in relation to the grant program, including without limitation, costs incurred in application of a grant.

If the applicant is in default of any of the general or program specific requirements, or any other requirements of the City of London, the approved grant may be delayed, reduced or canceled, and the applicant may be required to repay part or all of the approved grant.

All proposed works approved under the incentive programs shall conform to provincial laws and City guidelines, by-laws, policies, procedures and standards.

All works completed must comply with the description of the works as provided in the Boulevard Café Permit Application form with any amendments as approved by the City of London through the Sidewalk Patios Standards and Application Process.

If applied for and approved, all works completed must comply with the temporary noise permit and its required documentation.

The granting of fees does not imply that processes for permits are invalid or unnecessary.

The Boulevard Café Grant Program replaces the amount of patio fees an applicant would be required to pay in the absence of the grant program. Under no circumstances shall an applicant have their patio fees payable waived by this program and also receive grant funding related to patio fees disbursed by the City of London to the applicant.

## **7. Grant Amount**

For a new Boulevard Café Permit Application, the grant amount will be calculated by Realty Services when processing the application and/or processing the annual fee of an executed licence agreement.

For a new Temporary Sound Permit for Amplified Sound on an Outdoor Patio Application, the grant amount will be calculated by Licencing and Municipal Law Enforcement when processing the application.

The grant amount will equal the administrative and licence fees for all eligible Boulevard Café Permits, as well as the application and permit fees for all eligible Temporary Sound Permit for Amplified Sound on an Outdoor Patio applications in the Downtown Community Improvement Project Areas.

## **8. Grant Distribution**

The applicant will receive no funding from the City of London.

The applicant will not be charged any fees for a new Boulevard Café Permit Application or the annual fee of an executed licence agreement.

The applicant will not be charged any fees for a Temporary Sound Permit for Amplified Sound on an Outdoor Patio.

For patio fees related to the Boulevard Café Permit, the value of the calculated grant will be transferred directly to the Realty Operations account. This direct transfer is instead of staff collecting the administrative fees and licence fees related to a Boulevard Café Permit and then providing the applicant with a 100% grant to rebate the monies collected.

For the patio fees related to a Temporary Sound Permit for Amplified Sound on an Outdoor Patio, the value of the calculated grant will be transferred directly to a general Licencing account. This direct transfer is instead of staff collecting the application and permit fees related to a Temporary Sound Permit for Amplified Sound on an Outdoor Patio and then providing the applicant with a 100% grant to rebate the monies collected.

Grant recipients will be required to provide written authorization for the City to deposit the amount of the grant into the appropriate City account.

## **9. Grant Security**

The grant is payable upon the completion of a new Boulevard Café Permit Application or the annual invoice of an executed licence agreement as outlined in Sections 7 and 8.

If applied for and approved, the grant is also payable upon completion of a Temporary Sound Permit for Amplified Sound on an Outdoor Patio as outlined in Sections 7 and 8.

## **10. Grant Agreement**

Participating business owners are required to enter into a Grant Agreement with the City.

## **11. Grant Repayment Provisions**

Not applicable.

## **12. Transferable Grant**

Not applicable.



### **13. Application Process**

- 1) For a new boulevard café or sidewalk patio, the applicant is required to complete a Boulevard Café Permit Application form. The application must be submitted to Realty Services for review. This review will follow the already developed Sidewalk Patio Standards and Application Process. Realty Services staff will determine the applicable administrative and licence fees to be granted.
- 2) If the applicant also requires a Temporary Sound Permit for Amplified Sound on an Outdoor Patio on the City boulevard, the applicant is required to complete the Amplified Sound Permit application form. The application must be submitted to Licencing and Municipal Law Enforcement for review. This review will follow the already developed review process for temporary sound permits. Licencing and Municipal Law Enforcement staff will determine the applicable fees to be granted.

To be eligible for the Boulevard Café Grant Program, the applicant will be required to submit a complete application as defined in Section 1. Complete application information will be collected at the time of applying for 13 1) and/or 13 2) above.

An Agreement is executed between the City and the business owner outlining the terms and conditions of the approved grant. This Agreement is executed at the time of applying for 13 1) and/or 13 2).

For an existing patio licence agreement, the applicant's licence fee will not be invoiced to the applicant. Instead, an internal transfer of funding will occur as per Section 8.

Realty Services will compile a list of and acknowledge that all existing patio licence agreements were not invoiced.

### **14. Grant Approval**

As a condition of approval, new applicants shall be required to enter into a Grant Agreement with the City.

### **15. Additional Rehabilitation and Demolition**

Additional work to the interior of the building can be undertaken without City Planning approval subject to obtaining a building and/or heritage alteration permit, when required. The grant does not impose any specific restrictions on demolition.

### **16. Inspection of Completed Works**

Not applicable.

### **17. Incentive Application Refusal and Appeal**

If the Boulevard Café Permit Application is refused, the administrative fee will not be collected retroactively by the City of London.

If the Temporary Sound Permit for Amplified Sound on an Outdoor Patio Application is refused, the application fee will not be collected retroactively by the City of London.

Administration/application fees will not be collected. No internal transfer of funds will occur.

### **18. Relationship to other Financial Incentive Programs**

Property owners may also qualify for financial assistance under the City of London's other financial incentives programs. Applicants are advised to check with City Planning.

**PO** – Applicants are advised to check with Downtown London about its proprietary programs which complement the City's financial incentive programs.

## **19. Monitoring & Discontinuation**

As part of the program administration, City Planning, Realty Services, and Licencing and Municipal Law Enforcement will monitor the Boulevard Café Grant Program. In receiving and processing applications staff will enter relevant information into a Monitoring Database. This information will be included in any Incentive Monitoring Reports which will be prepared to determine if programs should continue, be modified, or cease. This program is monitored to ensure it implements the goals and objectives of the 1989 Official Plan, The London Plan, and the Downtown Community Improvement Plan.

The City may discontinue the Boulevard Café Grant Program at any time.

The program's success in implementing the Downtown Community Improvement Plan's goals will be based on the ongoing monitoring as noted in the Program Monitoring Data section.

## **20. Program Monitoring Data**

The following information will be collected and serve as data to monitor the Boulevard Café Grant Program. These measures are to be flexible allowing for the addition of new measures that better indicate if the goals and objectives of the CIP have been met:

- Number of Boulevard Café Permit Applications (approved and denied);
- Number of Temporary Sound Permit Applications for Amplified Patio Sound for Boulevard Cafés (approved and denied);
- Total grant amount.

## **21. Activity Monitoring Reports**

Annual Activity Reports will measure the following variables and be used to help complete the biennial State of the Downtown Report:

- Number of Boulevard Café Permit Applications processed;
- Number of Temporary Sound Permit Applications for Amplified Patio Sound for Boulevard Cafés approved and denied);
- Total grant amount.

**Additional Investments Business Case #20**



## **2016 – 2019 CITY OF LONDON STRATEGIC MULTI-YEAR BUDGET**

### **ADDITIONAL INVESTMENTS BUSINESS CASE #20**

<b>STRATEGIC AREA OF FOCUS:</b>	GROWING OUR ECONOMY
<b>SUB-PRIORITY:</b>	URBAN REGENERATION
<b>STRATEGY:</b>	INVEST IN LONDON'S DOWNTOWN AS THE HEART OF OUR CITY
<b>INITIATIVE:</b>	LONDON'S DOWNTOWN PLAN - SMALL SCALE PROJECTS
<b>INITIATIVE LEAD(S):</b>	JOHN FLEMING
<b>SERVICE(S):</b>	PLANNING SERVICES
<b>TOTAL 2016 – 2019 INVESTMENT REQUESTED (\$000'S):</b>	<b>\$100</b>
<b>TOTAL 2016 – 2019 NET BUDGET REQUESTED (\$000'S):</b>	<b>\$100</b>

## WHAT IS INCLUDED IN THE BASE BUDGET?

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There is currently no base budget allocated to the implementation of this initiative.

## WHAT NEW INVESTMENT IS REQUIRED FROM PROPERTY TAX?

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TAX LEVY IMPACT (\$000'S):	2016	2017	2018	2019	2016-2019 TOTAL	2020-2025
Net Requested Tax Levy (Cumulative)	0	0	0	100	100	3,000
<b>Net Incremental Tax Levy</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>100</b>		
<b>Annual Tax Levy Impact</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.0%</b>	<b>0.02%</b>		

### INITIATIVE DELIVERABLES

In April 2015, Council adopted *Our Move Forward: London's Downtown Plan*, as Municipal Council's strategy for future public and private investment in London's Downtown. It is the successor to the Downtown Millennium Plan [DMP] which won a Pinnacle Achievement Award from the International Downtown Association for its successful implementation. The State of the Downtown Report has tracked steady progress in the regeneration of London's Downtown using a variety of quantitative and qualitative measures, most notably the rise in downtown's assessed property value. The Report continues to serve as the main tool for measuring downtown's regeneration.

With the launch of *Our Move Forward*, a "base" roster of 18 small & medium scale projects was drafted to implement the 6 Strategic Directions in the Plan. [See "Other Information" appended below]. They respond to current and foreseeable needs and opportunities, spanning a period of 2 4-year budget cycles so that short-term and medium-term capital planning options can be weighed, with flexibility to advance or postpone what are considered to be the right things to do and the best time/circumstances in which to do them. The Plan anticipated an expenditure of \$500k per year. The intent is to review the base roster before each budget cycle, and re-set if necessary, the projects and their timelines. Given resource constraints, and the significant investment represented by the business case for Dundas Place, an investment of \$100k is being recommended within this multi-year budget for these small and medium scale projects.

CUMULATIVE CAPITAL BUDGET (\$000'S):	2016	2017	2018	2019	2016-2019 TOTAL	2020-2025
Expenditure	0	0	0	100	100	3,000
<b>Source of Funding:</b>						
Debt						
Reserve Fund						
Other						
Capital Levy	0	0	0	100	100	3,000

METRICS (CUMULATIVE CHANGES)	2016	2017	2018	2019
# of small-scale projects completed	0	0	0	1
Increase in street-level events	0	0	0	1 event
# of partner events	0	0	0	1
# of "clean and green" projects	0	0	0	1
Increase in pedestrian counts Downtown	0	0	0	2%, depending on the event or project

## WHAT ARE THE RISKS OF NOT PROCEEDING?

Stalling, slowing, or not proceeding with these projects risks backtracking on the progress made in raising the value that downtown London contributes to the city's economic health and reputation.

### Some other specific risks include:

- 1 Fewer private sector investments contributing to assessed property value
- 2 Reduced chances at attracting national & international caliber events and conventions to London
- 3 Reduced appeal in downtown as a residential option and London as an attractor of value-added jobs
- 4 Fewer opportunities to partner with private and agency partners to stimulate Downtown investment
- 5 Missed opportunities for partnering with a scheduled National event

## OTHER INFORMATION TO REFER TO

*Our Move Forward: London's Downtown Plan:*

<http://www.london.ca/business/Planning-Development/downtown/Documents/Our-Move-Forward-LondonsDTPlan-adopted-April-14-2015.pdf>

ACTIVITY	London's Downtown Plan page reference	BUDGET ESTIMATE (k)	PRIORITY RANK	Proposed City Lead [partners]
<b>Culture District Enhancements:</b> Venue identification signs, venue-enclosure fencing, and other reusable permanent fixtures to define, stage & promote music, entertainment & other cultural activities	43 (6.1 & 6.2)	200	1	Urban Regen [Culture Office]
<b>Decorative / uplighting project:</b> create an animated and creative space during the evening by strategically lighting buildings and/or above/around the spaces between them	43 (6.3)	200	2	Urban Regen [Urban Design]
<b>Waste management / seasonal plantings co-op program:</b> Work with MainStreet London to purchase equipment & establish programs for downtown property owners to sponsor/maintain seasonal container plantings, manage waste collection & reduce energy costs	39 (4.8)	100	1	Urban Regen [Env Services]
<b>Wellington / York Gateway:</b> Landscaping and sidewalk public space upgrade focussed around major intersection closest to the VIA Train Station to create a welcoming and positive experience for visitors arriving in London	57	500	1	Urban Design [Forestry; Parks Planning; Urban Regen; Transportation]
<b>Gateway entry identification features:</b> Permanent signs or other means at a scale significant enough to mark the main entry points to downtown	57	300	1	Urban Design [Urban Regen, Transportation]
<b>Wayfinding sign program:</b> Permanent "family of" pedestrian scale of signs, installed according to an adopted plan, to help navigation through downtown and point out significant landmarks.	37 (3.6)	200	1	Urban Design [Urban Regen, Transportation]
<b>New Events seed fund: City contribution to launch a revolving</b> funding program for juried activities & events that keep Dundas Street animated with activities, after Dundas Place initial phase(s) are constructed	33 (1.5)	100	1	Urban Regen [Culture Office]
<b>Dog amenities for downtown residents:</b> Fencing, ground-covers, & waste-disposal units to create enclosed off-leash dog runs and rest areas to manage public space cleanliness & create convenient comfortable locations for dog-owners to socialize	41 (5.6)	200	1	Parks Planning [Urban Regen]
<b>Downtown street-sign program:</b> Replace street-name signs with a consistent sign design referencing its cultural heritage to identify downtown as a unique neighbourhood	41 (5.4) (5.5)	200	2	Urban Regen [Urban Design]

ACTIVITY	London's Downtown Plan page reference	BUDGET ESTIMATE (k)	PRIORITY RANK	Proposed City Lead [partners]
<b>Downtown Mgmt Organization independent study:</b> to determine whether and what type of organization the downtown can benefit from, with an emphasis on funding its operations from non-City sources	43 (6.6); 68	50	2	Urban Regen
<b>Heritage interpretive signs: Permanent</b> signs of a consistent design, linked with mobile devices that can serve as a self-guided tour, explaining the people, buildings and places that shaped the historical significance & legacy of downtown	65 (5.21)	200	2	Urban Regen [Urban Design]
<b>Railway underpass upgrading:</b> Lighting, painting, planting, and artistic enhancements [supplementary to structural or maintenance investments] installed on the Richmond and Wellington Streets underpasses to create a more inviting environment for pedestrians	37 (3.4); 57	250	2	Transportation [Urban Design, Urban Regen]
<b>Vacant lot temporary use fit-out [non-parking lot]:</b> Partnership fund used to supplement owners' cost of adapting vacant property to use it for passive & active pedestrian use, especially where temporary commercial parking lot zoning may not be renewed	67	100	2	Urban Design [Parks Planning, Forestry]
<b>Alternative energy infrastructure:</b> Funds allocated to a City-sponsored project using solar-, district-, or other alternative energy and/or its infrastructure, to demonstrate unconventional ways of reducing energy use downtown	63 (4.6)	100	3	Urban Regen [Env Services]
<b>Children's play equipment: Custom- and/or community-designed</b> play structures and equipment that appeals to families living downtown, and attracts more children visits downtown in locations supplementing parks	41 (5.6); 64 (5.19)	200	3	Parks Planning [Urban Regen]
<b>View identification &amp; protection study:</b> Independent consultants' study to define critical view corridors of the Thames River, parks, and/or established landmarks, and the means to protect them, to help guide optimal siting of proposed tall buildings and/or property consolidations	35 (2.4); 62 (2.3)	50	3	Urban Design
<b>Cycling end-of-trip facilities:</b> City contribution to amenities for general-public [vs property-specific] cyclist that may include secure weather-protected bicycle parking, showers, and change rooms	62 (3.6)	500	3	Urban Regen [Env. Services]
<b>Laneways upgrading: Paving upgrades, lighting, public art, trees and plantings, signage, supplemental security surveillance and other means of</b> using the existing laneway system and where possible expanding it to create dynamic spaces for small-scale restaurants, retail, and community activity to spill into and offer pedestrians non-vehicular route options to better link destinations	41 (5.3); 52	500	3	Urban Design [Urban Regen]



## 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: Southbridge Health Care G.P. Inc.  
184 Exeter Road  
Removal of Holding Provision

**Meeting on:** June 22, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, based on the application of Southbridge Health Care G.P. Inc. relating to the property located at 184 Exeter Road the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 30, 2020 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning for a portion of 184 Exeter Road **FROM** a Holding Residential R5 Special Provision/R6 Special Provision/Residential R7 Special Provision (h-100\*R5-4(22)/R6-5(50)/R7(21).D45.H17) Zone **TO** a Residential R5 Special Provision/R6 Special Provision/Residential R7 Special Provision (R5-4(22)/R6-5(50)/R7(21).D45.H17) Zone to remove the “h-100” holding provision.

## Executive Summary

### Purpose and the Effect of Recommended Action

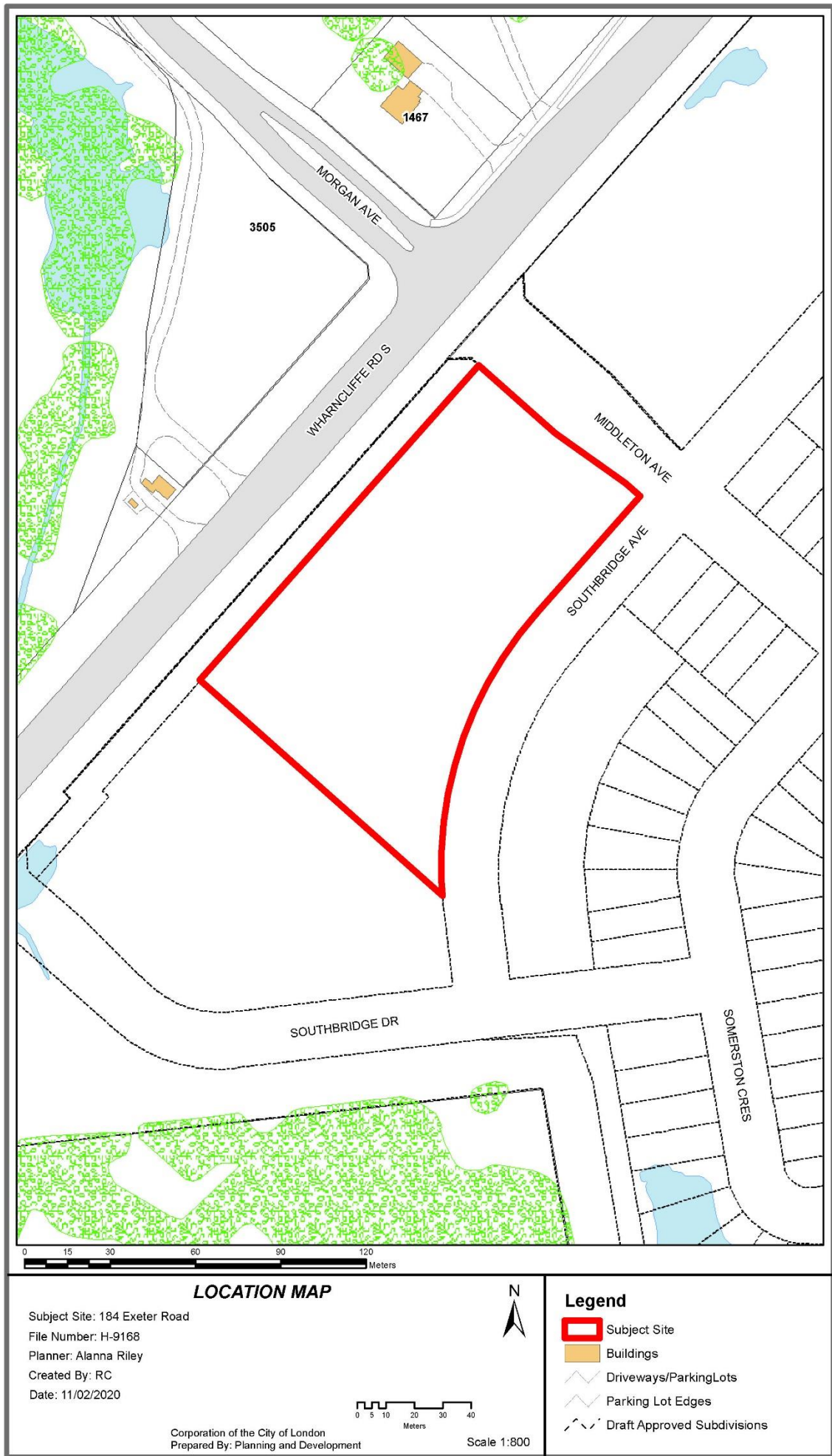
The purpose and effect of this zoning change is to remove the “h-100” holding provision to permit the development of a Long Term Care Facility.

### Rationale of Recommended Action

1. The removal of the “h-100” holding provision is in conformity with The London Plan and (1989) Official Plan and in compliance with the Zoning By-law.
2. Through the site plan approval process, confirmation that a staged looped water system design for the Middleton subdivision has been reviewed and approved by the City to accommodate the business needs of this site. Full Site Plan approval is contingent on the final clearance of the services prior to issuance of a full building permit. The “h-100” holding provision is no longer required.

# Analysis

## 1.1 Location Map



## **2.0 Description of Proposal**

The removal of the “h-100” holding provision applies to this property which is currently going through Site Plan Approval (SPA19-102). The future development of this site consists of a 3-storey long term care facility.

## **3.0 Relevant Background**

### **3.1 Requested Amendment**

The applicant is requesting the removal of the “h-100” holding provision from a portion of the property located at 184 Exeter Road.

### **3.2 Community Engagement (see more detail in Appendix B)**

In response to the Notice of Application, no comments were received.

### **3.3 Planning History**

The subject site is part of Plan of Subdivision – 39T-15501 that was accepted on March 12, 2015. It was circulated to the required agencies and municipal departments on March 23, 2015 and advertised in the *Londoner* on April 2, 2015. A revised application and plan was received on April 20, 2016 and was advertised in the *Londoner* on May 19, 2016. Notice of Public Meeting was sent out on November 29, 2016 and was advertised in the *Londoner* on November 24, 2016. The Public Meeting was held on December 12, 2016. Draft Approval was granted on January 27, 2017 by the Approval Authority. The Plan of Subdivision consists of 26 low density blocks, 11 medium density blocks, 1 school block, 2 park blocks, 4 multi-use pathway blocks, 1 open space block, 1 stormwater management facility block, 1 future stormwater management facility or residential block, 1 light industrial block, 2 future road blocks, and 11, 0.3 m reserves and road widenings, all served by 5 new secondary collector roads, and 11 new local streets. Phase 1, the residential portion of the plan was registered in October of 2019.

These lands form part of Phase 2 of this subdivision. A request for final approval has been made and is imminent.

On May 25, 2020, a report was brought to PEC recommending the removal of the “h” and “h-198” holding provisions for this site. At that time the “h-100” was not recommended to be removed as a water system was not constructed nor was the applicant able to demonstrate that a looped watermain system is available for this site. This recommendation was endorsed by Council June 2, 2020.

### **3.4 Policy Context (see more detail in Appendix C)**

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

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

## 4.0 Key Issues and Considerations

### Why is it Appropriate to remove the “h-100” holding Provision?

#### **h-100 Holding Provision**

The (h-100) holding provision states that:

*Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.*

*Permitted Interim Uses: A maximum of 80 residential units.*

Through the site plan approval process, the applicant has been working with staff to identify how the site can be appropriately serviced by water. Development Engineering staff have now confirmed that a staged looped water system design for the Middleton subdivision has been reviewed and approved by the City to accommodate the business needs of this site. Full Site Plan approval is contingent on the final clearance of the services prior to issuance of a full building permit.

Therefore, the requirement for removal of the “h-100” holding provision has been satisfied.

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

## 5.0 Conclusion

It is appropriate to remove the “h-100” holding provision from the subject lands at this time. A staged looped water system design for the Middleton subdivision has been reviewed and approved by the City to accommodate the business needs of this site. Full Site Plan approval is contingent on the final clearance of the services prior to issuance of a full building permit

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

June 17, 2020

MC/

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

cc: Lou Pompilii, Manager, Development Planning

cc: Ted Koza, Manager Development Engineering

## Appendix A

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

By-law No. Z.-1-\_\_\_\_\_

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning from lands located at 184 Exeter Road.

WHEREAS Southbridge Health Care G.P. Inc. have applied to remove the holding provision from the zoning for a portion of the lands located at 184 Exeter 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 land;

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 184 Exeter Road, as shown on the attached map, to remove the h-100 holding provision so that the zoning of the lands as Residential R5 Special Provision/R6 Special Provision/Residential R7 Special Provision (R5-4(22)/R6-5(50)/R7(21).D45.H17) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

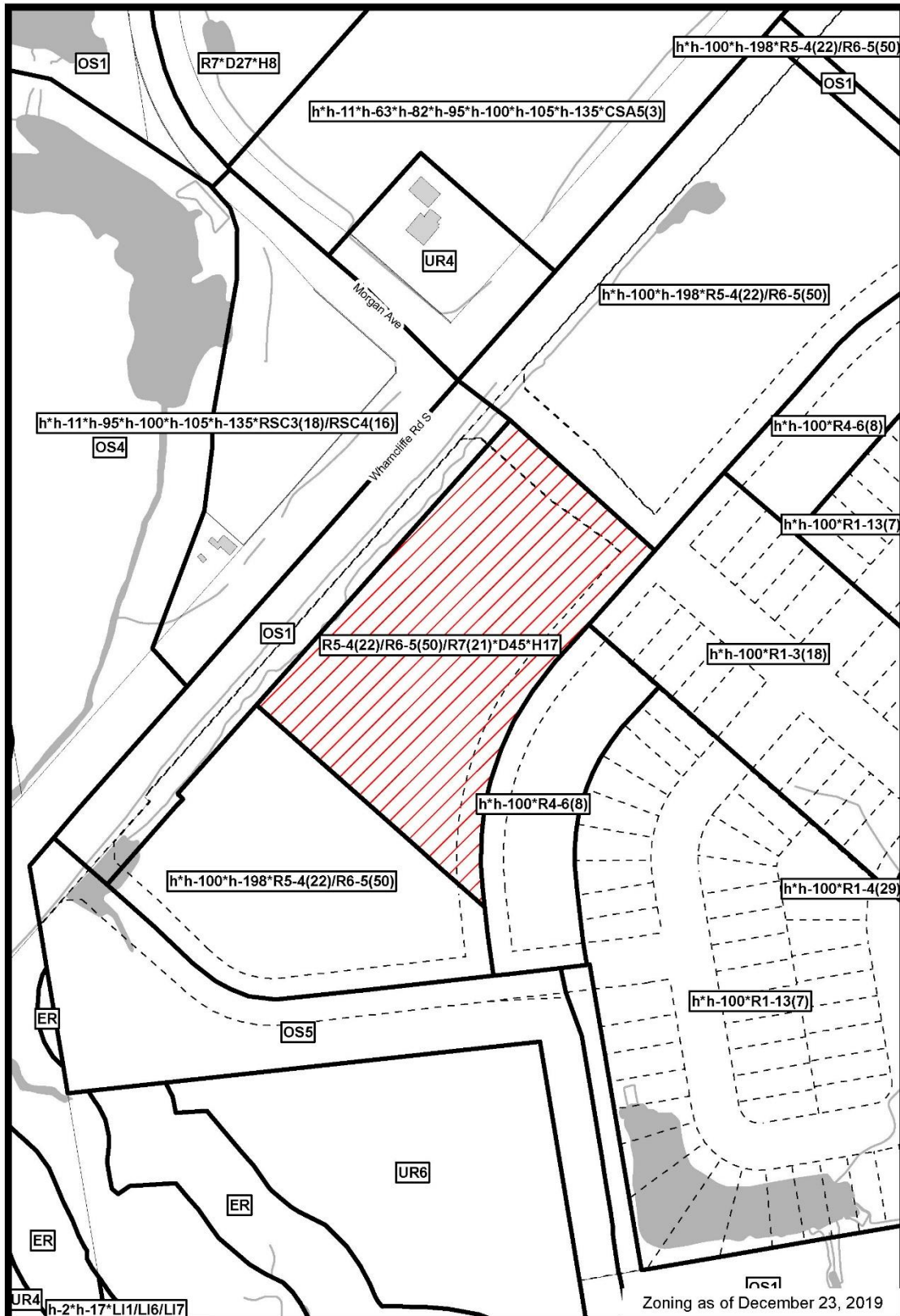
PASSED in Open Council on June 30, 2020.

Ed Holder  
Mayor


Catharine Saunders  
City Clerk

First Reading – June 30, 2020  
Second Reading – June 30, 2020  
Third Reading – June 30, 2020

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




File Number: H-9168  
Planner: AR  
Date Prepared: 2020/01/31  
Technician: RC  
By-Law No: Z.-1-

SUBJECT SITE 

1:2,000

0 10 20 40 60 80 Meters



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** Notice of the application was published in the Londoner on February 6, 2020.

0 replies were received

**Nature of Liaison:** City Council intends to consider removing the “h”, “h-100”, and “h-198” holding provisions from the lands which requires for the provision of all municipal services, two or more public access, discouragement of noise walls, street orientation, and an agreement shall be entered into to the satisfaction of the City. Council will consider removing the holding provision as it applies to these lands no earlier than March 9, 2020.





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:** May 22, 2020

**RE: Monthly Report for April 2020**

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

Please note the April numbers include the effects of the COVID-19 closure which began March 17, 2020.

### **Permit Issuance**

By the end of April, 950 permits had been issued with a construction value of \$178 million, representing 308 new dwelling units. Compared to last year, this represents a 28% decrease in the number of permits, a 67% decrease in the construction value and a 57% decrease in the number of dwelling units.

To the end of April, the number of single and semi-detached dwellings issued were 197, which was a 9% increase over last year.

At the end of April, there were 806 applications in process, representing approximately \$750 million in construction value and an additional 1,761 dwelling units, compared with 574 applications having a construction value of \$584 million and an additional 1,175 dwelling units for the same period last year.

The rate of incoming applications for the month of April averaged out to 11.9 applications a day for a total of 239 in 20 working days. There were 82 permit applications to build 82 new single detached dwellings, 15 townhouse applications to build 56 units, of which 2 were cluster single dwelling units.

There were 174 permits issued in April totalling \$28 million including 80 new dwelling units.

### **Inspections**

#### **BUILDING**

*Building Inspectors* received 730 inspection requests and conducted 1,911 building related inspections. No inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 10 inspectors, an average of 191 inspections were conducted this month per inspector.

Based on the 730 requested inspections for the month, 100% were achieved within the provincially mandated 48 hour time allowance.

#### **CODE COMPLIANCE**

*Building Inspectors* received 144 inspection requests and conducted 358 building related inspections. An additional 55 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 3 inspectors, an average of 119 inspections were conducted this month per inspector.

Based on the 144 requested inspections for the month, 100% were achieved within the provincially mandated 48 hour time allowance.

## **PLUMBING**

*Plumbing Inspectors* received 610 inspection requests and conducted 1072 plumbing related inspections. An additional 3 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections. Based on a staff compliment of 6 inspectors, an average of 179 inspections were conducted this month per inspector.

Based on the 610 requested inspections for the month, 100% 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

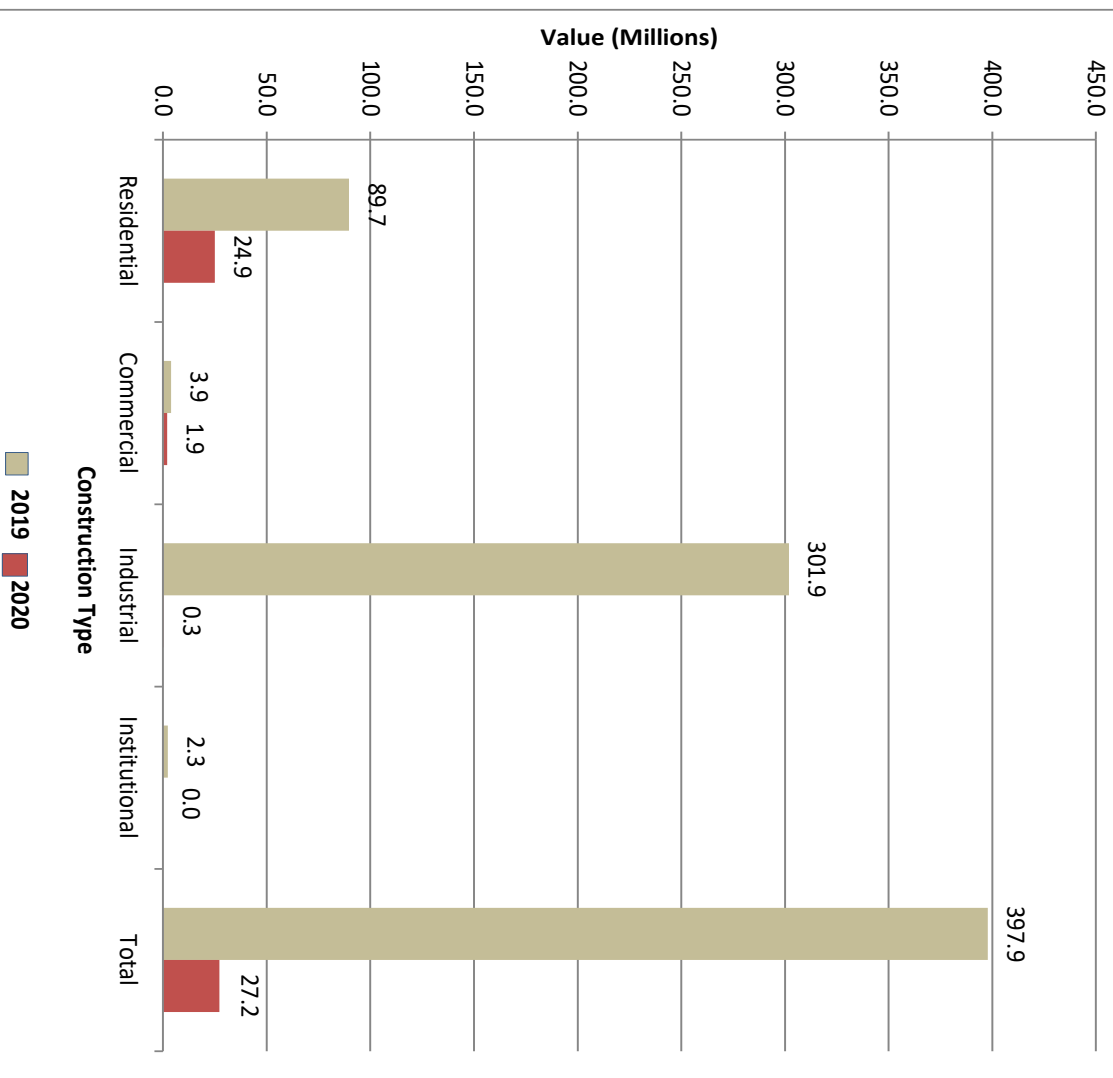
## CITY OF LONDON

### SUMMARY LISTING OF BUILDING CONSTRUCTION ACTIVITY FOR THE MONTH OF April 2020

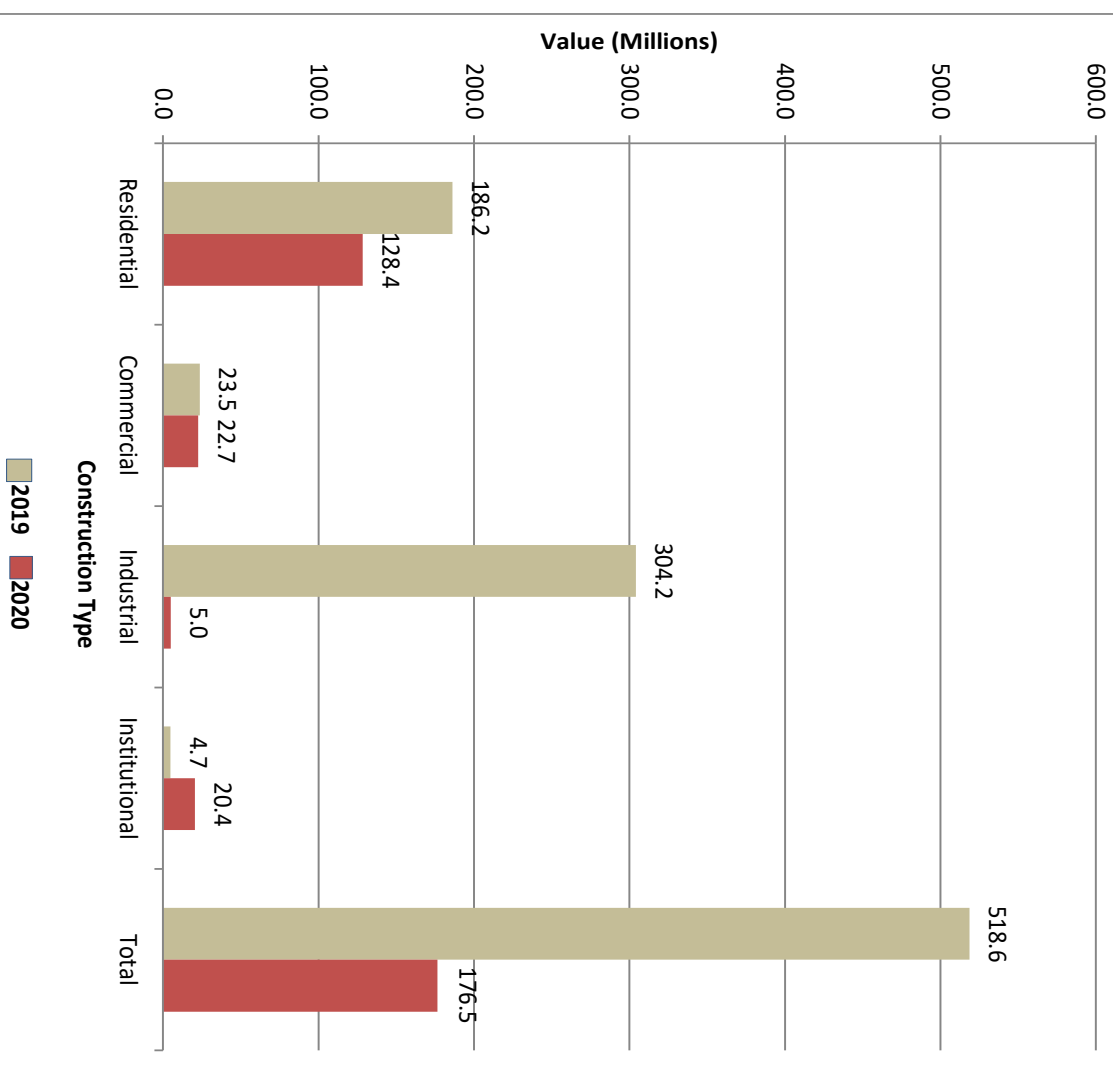
CLASSIFICATION	April 2020			to the end of April 2020			April 2019			to the end of April 2019		
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS
SINGLE DETACHED DWELLINGS	24	10,482,560	24	197	85,943,360	197	55	22,467,470	55	181	73,867,490	181
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0	0
TOWNHOUSES	14	11,482,385	55	36	24,416,285	96	23	23,531,700	114	59	51,313,390	245
DUPLEX; TRIPLEX; QUAD; APT BLD	0	0	0	0	0	0	6	39,662,762	250	9	43,187,762	254
RES-ALTER & ADDITIONS	73	2,977,415	1	360	18,076,423	15	180	4,077,414	6	511	17,806,339	26
COMMERCIAL -ERECT	1	370,500	0	2	1,310,500	0	2	1,360,200	0	4	2,689,680	0
COMMERCIAL - ADDITION	0	0	0	2	2,001,800	0	0	0	0	2	2,800,000	0
COMMERCIAL - OTHER	11	1,561,400	0	107	19,357,306	0	54	2,572,900	0	193	18,045,370	0
INDUSTRIAL - ERECT	0	0	0	2	3,436,700	0	2	300,350,000	0	3	300,450,000	0
INDUSTRIAL - ADDITION	1	300,000	0	2	418,800	0	1	100,000	0	3	165,000	0
INDUSTRIAL - OTHER	1	5,000	0	15	1,118,837	0	11	1,455,000	0	31	3,571,900	0
INSTITUTIONAL - ERECT	0	0	0	1	575,000	0	0	0	0	0	0	0
INSTITUTIONAL - ADDITION	0	0	0	1	2,000,000	0	0	0	0	0	0	0
INSTITUTIONAL - OTHER	0	0	0	36	17,831,200	0	7	2,332,340	0	33	4,733,910	0
AGRICULTURE	0	0	0	1	100,000	0	1	15,000,000	0	2	15,010,000	0
SWIMMING POOL FENCES	16	529,966	0	41	1,332,706	0	26	512,000	0	39	967,732	0
ADMINISTRATIVE	3	27,000	0	12	52,000	0	11	42,300	0	36	98,300	0
DEMOLITION	0	0	0	19	0	14	3	0	2	29	0	17
SIGNS/CANOPY - CITY PROPERT	0	0	0	1	0	0	3	0	0	12	0	0
SIGNS/CANOPY - PRIVATE PROP	30	0	0	115	0	0	46	0	0	168	0	0
<b>TOTALS</b>	<b>174</b>	<b>27,736,226</b>	<b>80</b>	<b>960</b>	<b>177,970,917</b>	<b>308</b>	<b>431</b>	<b>413,464,086</b>	<b>425</b>	<b>1,315</b>	<b>534,706,874</b>	<b>706</b>

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

Construction Value of Building Permits  
April



Construction Value of Building Permits  
January to April



## City of London - Building Division

### Principal Permits Issued from April 1, 2020 to April 30, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Suncor Energy Inc	1253 Wellington Rd	Alter Service Stations CM - ALTERATION TO REPLACE GAS BAR CANAPY	0	600,000
Oxbury Centre	1299 Oxford St E	Erect-Offices ERECT DENTAL OFFICE SHELL BUILDING ONLY Shell Permit Only -Provide sealed Misc. Metals shop drawings for access ladder and awning to the Building Division for review prior to work in these areas	0	370,500
SIFTON PROPERTIES LIMITED	1565 Ed Ervasti Lane	Erect-Townhouse - Cluster SDD ERECT NEW RT-CLUSTER SDD, 1 STOREY, 2 CAR GARAGE, 2 BEDROOM, PARTIALLY FINISHED BASEMENT, REAR COVERED DECK, A/C INCLUDED, SB-12 HOT2000, PLAN 33R-20077	1	406,000
CF REALTY HLDG INC., C/O CADILLAC FAIRVIEW CORP CF REALTY HLDG INC., C/O CADILLAC FAIRVIEW CORP	1680 Richmond St	Alter Retail Store CM - INTERIOR ALTER TO UNITS U018A & U019A. PROVIDE SPRINKLER SHOP DRAWING. CONDITION: This permit has been issued under the Building Code Act and does not confer permission to proceed with any activity that is contrary to a statute, bylaw or order.	0	125,100
CF REALTY HLDG INC., C/O CADILLAC FAIRVIEW CORP CORP CF REALTY HLDG INC., C/O CADILLAC FAIRVIEW CORP	1680 Richmond St	Alter Retail Store INTERIOR ALTERATIONS TO UNITS L043A AND L044A CONDITION: This permit has been issued under the Building Code Act and does not confer permission to proceed with any activity that is contrary to a statute, bylaw or order.	0	149,900
THE RIDGE AT BYRON INC. THE RIDGE AT BYRON INC.	1710 Ironwood Rd 16	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 1 STOREY, 2 CAR GARAGE, 4 BEDROOMS, PARTIALLY FINISHED BASEMENT, WITH DECK, WITH A/C, SB12 A5, UNIT 18	1	456,000
PATRICK HAZZARD CUSTOM HOMES PATRICK HAZZARD CUSTOM HOMES	1820 Canvas Way 16	Erect-Townhouse - Cluster SDD ERECT NEW RT-CLUSTER SDD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED, SB-12 A1, MVLCP 927 DPN 16, HRV & DWHR REQUIRED.	1	434,000
Patrick Hazzard 2584857 Ontario Inc	1820 Canvas Way 70	Erect-Townhouse - Cluster SDD ERECT NEW RT-SDD 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED, SB-12 A-1, MVLCP 927 UNIT 15, HRV & DWHR REQUIRED	1	535,000
2467913 ONTARIO INC. 2467913 ONTARIO INC.	2021 Oxford St E	Add Warehousing ADD- CONSTRUCTION OF FIRE PUMP BUILDING AND WATER SERVICES	0	300,000

## City of London - Building Division

### Principal Permits Issued from April 1, 2020 to April 30, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Glen Cairn Community Resource Centre	244 Adelaide St S	Alter Clubs, Non Residential CM - MECHANICAL AND PLUMBING ALTERATIONS. Requesting commercial cooking hood fire suppression shop drawing and GRCC.	0	225,000
FOXHOLLOW KENT DEVELOPMENTS INC. FOXHOLLOW NORTH KENT DEVELOPMENTS INC.	2650 Bur Oak Dr A	Erect-Townhouse - Condo ERECT NEW TOWNHOUSE CONDO BLOCK A, 2674, 2668, 2662 AND 2656	4	772,585
1967172 Ontario Inc.	3380 Singleton Ave D	Erect-Townhouse - Condo ERECT BUILDING D, 5 UNITS, DPN'S 26,28,30,32,34, TWO CAR GARAGE. UNFINISHED BASEMENT, SB12-HOT2000	5	1,289,400
1967172 Ontario Inc.	3380 Singleton Ave E	Erect-Townhouse - Condo ERECT BUILDING E, DPN'S 36, 38, 40, 42, 44, 46, UNFINISHED BASEMENT, SB-12 HOT2000.	6	1,169,000
1967172 Ontario Inc.	3380 Singleton Ave F	Erect-Townhouse - Condo ERECT BUILDING F, DPN'S 48, 50, 52, 54, 56, 58, TWO CAR GARAGE, UNFINISHED BASEMENT, SB-12 PERFORMANCE(HOT2000).	6	1,336,000
1967172 Ontario Inc.	3380 Singleton Ave G	Erect-Townhouse - Condo ERECT BUILDING G, DPN'S 60, 62, 64, 66, UNFINISHED BASEMENT, SB-12 HOT2000.	4	795,200
1967172 Ontario Inc.	3380 Singleton Ave H	Erect-Townhouse - Condo ERECT BUILDING H, DPN'S 68, 70, 72, 74, 76, 78, UNFINISHED BASEMENT, SB-12 HOT2000.	6	1,169,000
1967172 Ontario Inc.	3380 Singleton Ave P	Erect-Townhouse - Condo ERECT BUILDING P, DPN'S 35, 37, 39, 41, 43, 45, UNFINISHED BASEMENT, SB-12 HOT2000.	6	1,169,000
ALMA HURST HOLDINGS LIMITED c/o GERALD ASA	4380 Wellington Rd S	Alter Retail Store INTERIOR ALTER FOR BULLS EYE NORTH	0	125,000
The Ironstone Building Company Inc	745 Chelton Rd L	Erect-Street Townhouse - Condo ERECT NEW 6 UNIT TOWNHOUSE BLOCK L - 1 STOREY, 3 BEDROOMS, 1 CAR GARAGE, FINISHED BASEMENT, WITH DECK, WITH A/C, SB-41, DWHR & HRV REQUIRED, UNITS 2264, 2268, 2272, 2276, 2280, 2284	6	832,800
The Ironstone Building Company Inc	745 Chelton Rd M	Erect-Street Townhouse - Condo ERECT NEW 4 UNIT TOWNHOUSE BLOCK M - 1 STOREY, 3 BEDROOMS, 1 CAR GARAGE, FINISHED BASEMENT, WITH DECK, WITH A/C, SB-12 A1, HRV AND DWHR REQUIRED, UNITS 2244, 2248, 2252, 2256	4	559,200



## City of London - Building Division

### Principal Permits Issued from April 1, 2020 to April 30, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
The Ironstone Building Company Inc	745 Chelton Rd N	Erect-Street Townhouse - Condo ERECT NEW 4 UNIT TOWNHOUSE BLOCK N - 1 STOREY, 3 BEDROOMS, 1 CAR GARAGE, FINISHED BASEMENT, WITH DECK, WITH A/C, SB-12 A1, HRV AND DWHR REQUIRED, UNITS 2224, 2228, 2232, 2236	4	559,200

Total Permits 22    Units 55    Value 13,504,064

\* 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
Oxbury Centre

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:** Oxford Westdel Centre Inc.  
1919 and 1929 Oxford Street West

**Public Participation Meeting on:** June 22, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Oxford Westdel Centre Inc. relating to the property located at 1919 and 1929 Oxford Street West:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting June 29, 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 Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17\*CC3) Zone **TO** a holding Residential R1 (h-94\*R1-14) Zone and a holding Community Shopping Area Special Provision (h-17\*CSA1(\_)) Zone.
- (b) **IT BEING NOTED** that the following site plan matters have been raised during the public participation process:
- i) Restrict the access along Oxford Street West to right-out only;
  - ii) Locate garbage facilities away from the Oxford Street West frontage;

## Executive Summary

### Summary of Request

The requested amendment is to redevelop and enlarge the existing gas station and add a restaurant and convenience store.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to facilitate the redevelopment of the subject site for a new gas bar, take-out restaurant and convenience store with drive-throughs.

### Rationale of Recommended Action

1. The recommended Zoning Amendment is consistent with the *Provincial Policy Statement (PPS), 2020*, which encourages an appropriate range and mix of uses to meet projected requirements of current and future residents;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to, the Shopping Area Place Type, Our City, Our Strategy, and all other applicable London Plan policies;
3. The recommended amendment permits an appropriate range of commercial and automotive uses that conform to the in-force policies of the (1989) Official Plan, including but not limited to the Community Commercial Node designation; and,
4. The recommended Zoning By-law Amendment permits development that is appropriate for the site and compatible with the surrounding land uses.



## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is comprised of two properties and located at the intersection of Oxford Street West and Westdel Bourne. The corner property is currently used as a small gas bar and convenience store (Esso), and the property to the west is used as an existing single detached dwelling. The lands slope downhill to the north away from the intersection of Oxford Street West and Westdel Bourne. There are low density residential dwellings to the north and west, commercial uses to the east and future commercial and residential uses to the south.



Figure 1: 1919 & 1929 Oxford Street West – street view images

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

- Official Plan Designation – Community Commercial Node
- The London Plan Place Type – Shopping Area
- Existing Zoning – Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17\*CC3) Zone

#### 1.3 Site Characteristics

- Current Land Use – gas station and single detached dwelling
- Frontage – 60.2m
- Depth – 79.8m
- Area – 4,804m<sup>2</sup>
- Shape – rectangular

#### 1.4 Surrounding Land Uses

- North – existing residential
- East – mixed use
- South – vacant lands future commercial
- West – existing residential

### 1.6 Location Map



## 2.0 Description of Proposal

### 2.1 Development Proposal

The request is to redevelop and enlarge the existing gas bar with a new gas station, convenience store and take-out restaurant. Access is proposed from both Westdel Bourne and Oxford Street West. A portion of the site to the north is outside of the lands designated for commercial uses and will be reserved for future development. Special provisions are requested to allow for a reduced setback from the drive-through facility to the west property boundary and for reduced building setbacks.



Figure 2: Site Concept Plan

## 3.0 Relevant Background

### 3.1 Planning History

There have been no recent planning applications for 1919 Oxford Street West, and the site has been historically and consistently used as a gas station. The site at 1929 Oxford Street West was purpose-built circa 1950 as a single detached dwelling and is currently used for the same purpose.

### 3.2 Requested Amendment

The initial request was for a Convenience Commercial Special Provision (CC3(\_)) Zone. The Convenience Commercial zone variations are typically applied to suburban contexts within residential neighbourhoods and designations.

The revised request is for a Community Shopping Area Special Provision (CSA1(\_)) Zone which more appropriately implements the Shopping Area Place Type and Community Commercial Node designation. A Residential R1 (R1-14) zone will continue to recognize the future residential uses on the northern portion of the site.

### 3.3 Community Engagement (see more detail in Appendix B)

There was one reply received to the circulation of the application, which requested the City mandate a joint access for the property to the west to utilize in the future. The lands to the west of the subject site are in the Neighbourhoods Place Type, Low Density Residential Designation and are zoned exclusively for one single detached dwelling. There is no commercial potential or application for a future commercial use of the property. Having a combined access for a commercial use and a residential use does not represent a harmonious or compatible access arrangement and would mix a sensitive and an intensive land use. Depending on the future proposal for the site, a

joint access arrangement may be warranted, however at this time there is no demonstrated need or benefit to having a mandatory arrangement for one access between the two different land uses.

### 3.4 Policy Context (see more detail in Appendix C)

#### Provincial Policy Statement 2020

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. These lands are located within the City's Urban Growth Boundary and in an area of the City where growth is planned and appropriate.

#### The London Plan

*The London Plan* is the new Official Plan for the City of London (Council adopted, approved by the Ministry with modifications, and the majority of which is in force and effect). *The London Plan* policies under appeal to the *Local Planning Appeals Tribunal* (Appeal PL170100) and not in force and effect are indicated with an asterisk throughout this report. *The London Plan* policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application. The site is located within the Shopping Area Place Type which contemplates a broad range of commercial and retail uses.

#### 1989 Official Plan

The subject site is located within the Community Commercial Node (CCN) designation in the (1989) Official Plan, which primarily permits a broad range of commercial and retail uses. The policies contemplate service uses such as gas bars as well as convenience and restaurant uses.

## 4.0 Key Issues and Considerations

### Use

#### *Provincial Policy Statement, 2020*

The PPS encourages healthy, livable and safe communities that are sustained by accommodating an appropriate range and mix of residential, employment and recreational uses to meet long-term needs (1.1.1.b). The site is within an existing settlement area with a smaller version of the use existing for over 40 years, and the redevelopment of the site appropriately maintains and contributes to a local mix of commercial and convenience uses.

The PPS requires planning authorities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses, and providing opportunities for a diversified economic base (1.3.1.b). The site is suitable for the small-scale commercial uses that serve the local area and passing motorists, and will create local employment opportunities for existing and future residents in the area. The additional uses being recommended will allow the subject site the ability to offer an appropriate mix and range of local employment uses and moderately diversify its economic base.

#### *The London Plan*

The Our Strategy policies of The London Plan implements the vision of the plan through the use of overarching key directions (54). Direction #5 - is to build a mixed-use compact City that mixes "stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods while enhancing walkability" (59\_6). The proposed service station, restaurant and convenience commercial uses provide a local service centre that will serve the travelling public as

well as providing some walkable amenities for the nearby existing and planned communities.

The City Structure Plan in the Our City section of The London Plan provides a framework for London's growth and change in the future, and is comprised of the following framework policy areas of: growth, green, mobility, economic and community (69). The economic framework establishes a high-level plan for key elements of the City that will drive economic success over the next 20 years, with Shopping Areas forming part of the economic framework that serve the regular needs of those who live near them as well as those who travel to them for goods and services (126\* & 129). The site will support the day to day small-scale retail and service needs of residents and passing motorists in the area.

The subject site is within the Shopping Area Place Type which includes commercial centres that service their immediate neighbourhoods, provide a walkable focal point, or are large centres that serve a much broader population (874). A broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses may be permitted (877\_1). The service station, restaurant and convenience commercial uses provide services and associated uses that complement other existing and future commercial and retail uses in the same place type. Shopping areas will be nodal in configuration, and the site forms the northwest quadrant and the smallest allocation of the Shopping Area place type at the intersection of Oxford Street West and Westdel Bourne (876\_6).

The corner site is currently zoned to permit convenience commercial uses and service station uses, and the amendment will extend this permission to the second property to the west as well. The additional uses will continue to provide services for the local community while also catering to the needs of passing motorists.

#### *1989 Official Plan*

The lands are within the Community Commercial Node designation which are intended to provide for a wide range of goods and services which are needed on a regular basis (4.3.7.1). Community Commercial Nodes are smaller in size and there is less emphasis on comparison shopping needs and more on community specialized services. The permitted uses include all types of retail outlets, convenience commercial uses, restaurants, and a limited range of automotive services (4.3.7.3). The proposed redevelopment of the site provides an appropriate range of uses for its size and location within the Community Commercial Node.

#### **Intensity**

##### *Provincial Policy Statement, 2020*

The subject site is located within the Urban Growth Boundary and within a settlement area which is consistent with the PPS direction that settlement areas "shall be the focus of growth and development" (1.1.3.1). New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form and mix of uses that allows for the efficient use of land (1.1.3.6). The proposed convenience commercial, restaurant and service station uses efficiently utilize the existing infrastructure and public service facilities available, and are located at the intersection of a shopping area node that is adjacent to new and existing development and is intended for commercial uses.

##### *The London Plan*

The northwest quadrant of the intersection of Westdel Bourne and Oxford Street West represents one of the smallest portions of the Shopping Area place type which will result in a more modest development potential than a larger site. Sites within the Shopping Area Place Type will be a sufficient size and configuration to accommodate the proposed development and to help mitigate planning impacts on adjacent uses (878\_5). The site is large enough to sufficiently accommodate the proposed uses, associated

parking, screening and buffering needed for functional operation. Reduced setbacks are requested for the building to be located closer to the street, and for the drive-through to be located closer to the west property boundary. The requested reductions are reasonable and will serve to improve the commercial presence on the streetscape and the movement of vehicles on site.

Where a Shopping Area Place Type abuts a Neighbourhoods Place Type consideration is given to ensure that a positive interface is created between the commercial and residential uses (877\_4). The site is appropriately located and oriented to the corner of two major roads and provides adequate distance and buffering to the nearby residential uses to ensure there are no adverse impacts on the nearby sensitive uses.

#### *Drive-Through and Noise Wall*

The Z.-1 Zoning By-law governs the location of drive-through facilities in section 4.35, and requires a minimum setback of 30m from residential zoned lands from the edge of the drive-through lane or speaker location, whichever is closer. This setback may be reduced to 15m if a 2.4m high noise attenuation barrier is installed between the residential use and the drive-through lane, along with a minimum landscape strip of 3m. The requested setback is at 10.5m from the property boundary to the west where the lands are zoned and used as residential, and is requesting a reduced landscape strip of 1.6m. A noise study was submitted that supports the reduction of the setback required with the provision of a 3.2m (10.5 ft) tall noise attenuation barrier located at the west boundary of the drive-through facility. The landscaping proposed within the reduced strip is adequate to provide for privacy screening. The noise mitigation and reduced landscape strip has demonstrated there is still the ability to provide adequate buffering between the drive-through and commercial uses and the adjacent residential uses.

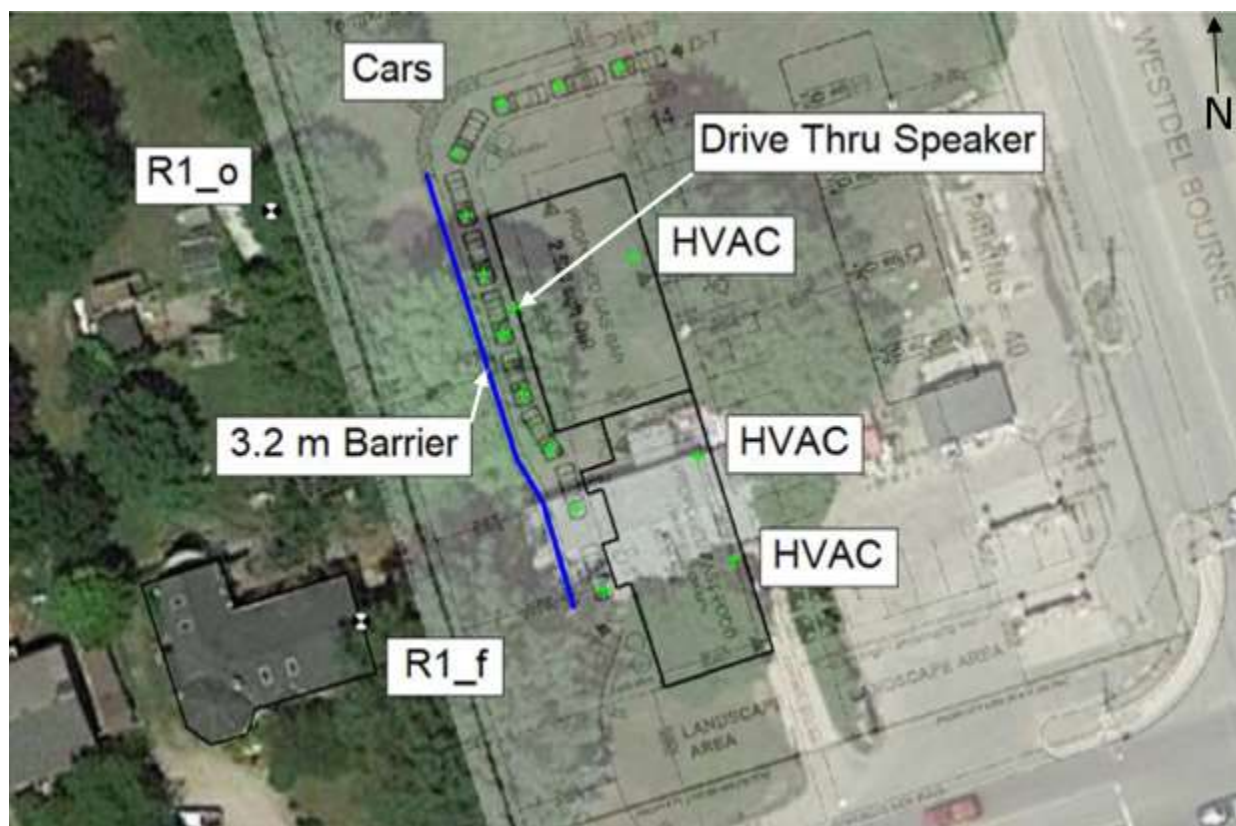


Figure 3: Location of Noise Sources and Mitigation

#### *Servicing*

The site currently has access to water from the municipal 300m PVC watermain on Oxford Street West. Presently there are no municipal sanitary sewers to serve the lands, and future servicing will be provided from Westdel Bourne. An "h-17" holding provision is proposed to form part of the zoning for the site which permits the continuation of dry uses on-site until sanitary services can be connected. The site is tributary to the Tributary "C" Stormwater Management Facility A for major and minor flows, and future stormwater management for the site will be required to conform to the

Tributary “C” Environmental Assessment. The gas station use and impact on the sensitive Tributary “C” environmental system and the infiltration design will be reviewed in detail through the Site Plan Approval Stage, including such measures as an oil/grit separators for the gas station, clay liners to isolate underground tanks, and a spill action plan for the site to prevent the migration of any hydrocarbons into City infrastructure and address the impacts of long-term leaching and spills.

### 1989 Official Plan

Commercial development within a Community Commercial node shall normally range in size from 13,000m<sup>2</sup> - 50,000m<sup>2</sup> of gross floor area. Any expansions to the existing zoned gross floor area are subject to a Zoning by-law Amendment (4.3.7.5). The redevelopment of the subject includes one additional property which represents a minor expansion of the node. The total commercial floor space proposed is 467m<sup>2</sup> (5,017 sq ft) which is well within the intended range for the commercial node in its entirety, and reflects the smaller size of the subject site.

### Form

#### Provincial Policy Statement, 2020

The PPS encourages a sense of place by promoting well-designed built form (1.7.1 e) PPS). The restaurant, service station and convenience store uses will reinforce the commercial nature of the intersection and frame the street in a gateway location.

#### The London Plan

Site Layout should be designed to minimize and mitigate impacts on adjacent properties (253). The commercial building for the convenience store, restaurant and gas station are appropriately located along the street edge of Oxford Street West and away from sensitive adjacent uses. The buildings are sited so that they maintain and reinforce the prevailing street wall along Oxford Street West (256). Fencing and landscaping will further provide buffering to the adjacent residential uses to the west from the drive-through facility.

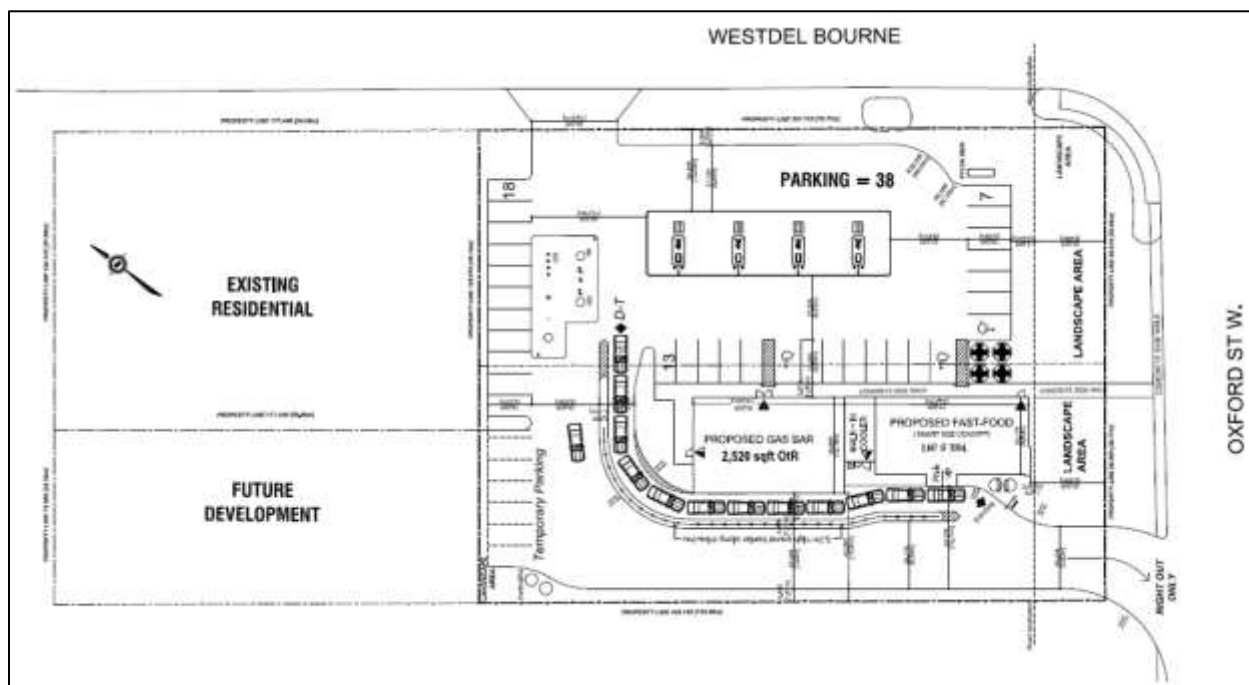


Figure 3: Site Concept Plan

Buildings should be sited with minimal setbacks from public rights of way to create a street wall and a sense of enclosure (259\*). The main commercial building on site is requesting a reduced front yard setback of 0.6m to locate as close to Oxford Street West as functionally possible, which will provide convenient access to future pedestrian traffic and enhance the activity and commercial presence of the built form on the streetscape. Landscaping in the 3m parking area setback along Oxford Street West

shown on the concept plan will provide for effective on-site buffering to minimize the visual exposure of parking areas to the street and provide an appropriate treatment for this gateway location (269).

The drive aisles for drive-through facilities should not be located between the street and the face of the building in the front or exterior side yard, and these facilities should not interfere with direct pedestrian access to the building from the sidewalk (264). The proposed drive through is not located between the building and the street/sidewalk, and is located around the building to the north which does not create a conflict for pedestrians accessing the building. Drive through facilities shall address matters such as pedestrian circulation, vehicular circulation, access and parking, built form, streetscape and landscaping (265). The drive-through aisle is set back from Oxford Street West to allow for tree planting and landscaping to buffer the visual impact of queuing vehicles. There are clear pedestrian connections to access the building that do not require crossing between vehicles in the drive-through. Principle building entrances and transparent windows should be located to face the public right of way to reinforce the public realm and establish an active frontage (291\*). Clear glazing is proposed along Oxford Street West, and there is an entrance to the building at the southeast corner of the building which provides for convenient future pedestrian access from Oxford Street West.

Sites should be designed such that any large fields of parking are screened from the street, and that parking should not be permitted between these buildings and the street (879\_4). The initial request included a reduced parking area setback from 3m to 0m which would not have provided any area for landscaping or screening of the parking area on the site. The revised design is providing the full 3m strip which is necessary to ensure parking is not the dominant feature from the street and allows for low rise masonry walls, shrub and tree plantings to screen the parking lot from the street.

#### *1989 Official Plan*

Community Commercial Nodes encourage free-standing structures along the street frontage to improve the design of the street edge, provide access to transit and reduce the impact of large open parking lots (4.3.7.4). The building is oriented to the street and provides an active built form along the streetscape and reinforces the commercial presence.

#### **Evaluation Criteria**

The evaluation criteria for planning and development applications in addition to consideration for use, intensity and form include potential impacts on adjacent lands and nearby properties, and the degree to which the impacts can be managed and mitigated (1578\_6\*). An analysis of potential impacts on nearby properties may include such things as:

##### *a. Traffic and Access Management*

The site has access to two major roads which provides high carrying capacity of vehicles, with the Urban Thoroughfare (Oxford Street West) accommodating approximately 18,500 vehicles per day and the Neighbourhood Connector (Westdel Bourne) accommodating approximately 2,500 vehicles per day. Oxford Street West is proposed to have a rights-out access to minimize the conflicting traffic movements and potential for collisions at the south end of the drive-through between vehicles exiting the drive-through and heading north or south, vehicles departing the site at Oxford Street West and vehicles entering the site from Oxford Street West. Westdel Bourne is proposed to have full access into and out of the site.

Gas stations are typically not destination trips and the majority rely on pass by trips and diverted link trips for patronage. This means these uses typically do not generate 'new' vehicle trips, but instead draw from existing adjacent street volumes and existing vehicles passing by the site. The site is well located to serve passing motorists with access from both major roads and will not have an adverse impacts on the traffic-carry



capacity of the roads.

*b. Noise*

A noise study was undertaken to measure the noise generated from the proposed uses with specific attention for the noise generated from the drive-through facility. The closest points of reception for potential noise impacts on nearby sensitive uses include the adjacent dwelling and associated outdoor living space 30m from the dwelling to the west. The study recommended an acoustic barrier (noise wall) for the drive-through of a height of 3.2m (10.5 ft) which is proposed to be located directly to the west of the drive-through and not on the property boundary. The mitigation for noise impacts is reasonable to address the source generator of noise, and is an appropriate fit within the context of the abutting properties and surrounding neighbourhood. The visual impact of the noise wall will be similar to that of the proposed building.

*c. Parking on streets or adjacent properties*

The uses on site have adequate parking provided and are unlikely to generate any off-site parking demands. The convenience service use requires 1 space per 15m<sup>2</sup> gross floor which equates to 16 spaces for a building of 234m<sup>2</sup>, and the gas bar requires 3 spaces. The take-out restaurant requires 1 space per 8m<sup>2</sup> of gross floor area which equates to 29 spaces for a building with 232m<sup>2</sup>, and the drive-through requires 12 stacking spaces. The total number of required parking spaces for all uses on site is 48 and there are a total of 49 parking spaces proposed which is appropriate for site function. If there is any change to the parking spaces identified as 'temporary' the parking situation and demand will need to be evaluated through a future Site Plan Application or Amendment.

*d. Emissions generated by the use such as odour, dust or other airborne emissions*

The Province's D-Series Guidelines contain measures for land use proposals to prevent or minimize adverse effects from the encroachment of incompatible land uses on one another. There are guidelines for Gas or Oil pipelines, but not for gas bars or fuel stations. The Official Plan allows for the consideration of these uses within the commercial and residential designations as there is a low probability of odour emission generation that may be encountered offsite. The minimum setbacks from the gas station to the surrounding property boundaries have been met and exceeded providing sufficient separate distance.

*e. Lighting*

At the time of Site Plan, a photometric plan will be required to show the various lighting sources proposed on site. The Site Plan process will ensure that all lighting of the site will be oriented to the interior and have its intensity controlled to prevent glare on adjacent roadways and residential properties.

*f. Garbage Generated by the Use*

The garbage generated by the uses will be required to be contained in accordance with the Site Plan Control By-law which requires interior storage or exterior enclosure. Garbage storage is proposed at the south end of the drive-through facility that may contribute to conflicting traffic movements on site and will be evaluated in more detail during the Site Plan Approval Stage. Garbage storage that is not located within a building will be located, constructed, used and maintained to ensure that odour, noise from use, noise from collection, accessibility by animals, and containment of debris are controlled; and that view from adjoining streets and properties to the storage facility is screened. It is preferred to relocate the garbage elsewhere on site further from the Oxford Street frontage to minimize the visual impact and ensure that garbage removal trucks do not negatively impact the on-site maneuverability or block the egress.

*g. Loss of Privacy*

There is no anticipated loss of privacy associated with the proposed uses. The commercial uses are oriented towards the corner of Oxford Street West and Westdel Bourne away from the future residential dwellings to the north and west.

*h. Shadowing*

The convenience commercial building, restaurant and gas pump islands are all approximately 4.5m or one (1) storey in height and are not anticipated to be the source of any major shadows. The noise wall is slightly lower in height (3.2m) and located sufficiently off the property boundary to ensure shadow impacts are mitigated.

*i. Visual impact*

A portion of the site is currently used as a gas station and the proposal is to redevelop the site with an additional property for the same type and style of use. The proposed development is not anticipated to have any negative visual impact.

*j. Loss of views*

The site is not located in proximity to any significant view corridors associated with heritage or natural resources and the redevelopment of the site is not anticipated to have any negative interruption or loss of views.

*k. Loss of trees and Canopy Cover*

There are existing trees on the site and tree retention will be considered at the time of the Site Plan Approval to ensure only the minimum number of trees will be removed to facilitate the development proposed. New tree planting as determined through the landscape plan will also be dealt with at that stage.

*l. Impact on Cultural Heritage Features and Areas*

The site is located within an area of identified Archaeological Significance. An Archaeological Assessment has been prepared and accepted on November 21, 2019 which confirms there are no cultural heritage features that will be lost due to the development of the site, and no nearby features that would be impacted.

*m. Impact on natural resources*

There are no natural resources on site, and no anticipated impacts to nearby natural resources. The site is within the Tributary C catchment and will be required to address stormwater management of the site through site plan approval to ensure there is no discharge or negative impact that affects the tributary.

## **5.0 Zoning By-law Amendment**

The existing zone for the site is a Convenience Commercial (CC3) and a Residential R1 (R1-14) Zone that permits the existing gas bar and single detached dwelling uses. The initial amendment requested was for a Convenience Commercial Special Provision (CC3(\_)) Zone, which is a zone that is typically found in residential designations as it does not allow for drive-through facilities as of right.

The recommended amendment is to a Community Shopping Area Special Provision (CSA1(\_)) Zone which is suited and intended for the implementation of the Shopping Area Place Type and Community Commercial Node designation. Special provisions in the zone will permit a reduced building setback of 0.6m from Oxford Street West, and a reduced drive-through setback and associated noise wall height required for the west interior side yard. The h-17 holding provision will be applied to both sites to ensure that sufficient municipal servicing is available prior to site operation.

A portion of 1929 Oxford Street West is bisected by a difference in the place type/designation with the southern portion as commercial and the northern portion as residential. The residential portion of the site will remain in the residential R1-14 zone with an h-94 holding provision to ensure that future residential development occurs once the site is consolidated with adjacent lands that provides legal frontage on a public highway.

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

## **5.0 Conclusion**

The recommended amendment for the service station, restaurant and convenience commercial uses is consistent with the Provincial Policy Statement, and conforms to the policies of The London Plan, and the (1989) Official Plan. The recommended amendment implements an appropriate range of uses for the site and is a compatible development for the surrounding lands. The Zoning By-law regulations adequately mitigate impacts from on-site uses to nearby sensitive land uses.

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

June 12, 2020

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

**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 1919  
and 1929 Oxford Street West.

WHEREAS Oxford Westdel Centre Inc. has applied to rezone an area of land located at 1919 and 1929 Oxford Street West, 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 1919 and 1929 Oxford Street West, as shown on the attached map comprising part of Key Map No. A105, from a Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17\*CC3) Zone to a holding Residential R1 (h-94\*R1-14) Zone and a holding Community Shopping Area Special Provision (h-17\*CSA1(\_)) Zone.
- 2) Section Number 22.4 of the Community Shopping Area (CSA1) Zone is amended by adding the following Special Provision:

CSA1( )	1919 Oxford Street West & 1929 Oxford Street West	
a)	Regulations	
	i)	Front yard depth (Minimum) 0.6m (1.9ft)
	ii)	Notwithstanding the provisions of Section 4.35.1) of the By-law Z.-1 to the contrary, the minimum separation distance, measured from the edge of the drive-through lane or speaker location, whichever is closer, to the closest residential/facility/institutional use, lot line and/or zone line shall be 10.5m (34.4ft) with a 3.2 metre (10.5ft) high noise attenuation barrier installed between the residential/facility/institutional use and the drive-through lane. A minimum 1.6 metre (5.2ft) wide landscaped strip is required along the west interior side yard consisting of new and/or existing vegetation.
	iii)	Uses may be in stand-alone buildings that do not form part of a shopping centre.

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

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

PASSED in Open Council on June 29, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

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



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On September 25, 2019 Notice of Application was sent to 16 owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on September 26, 2019. A “Planning Application” sign was also posted on the site.

1 reply was received

**Nature of Liaison:** Request to change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17\*CC3) Zone **TO** a Convenience Commercial Special Provision (CC3(\_)) Zone to permit convenience stores with gas bars. Special provisions are requested to permit take-out restaurants with drive-throughs, a reduced front yard setback of 0m, a reduced parking area setback of 1m, a reduced number of stacked parking from 12 spaces to 11 spaces, a reduced setback from a drive-through facility from 15m to 13.8m, and a reduced west landscape strip from 3m to 1m.

**Responses:** The comment received expressed a request for the City to grant a future vehicular access for lands to the west on the subject site to be used mutually to eliminate a second access for 1941 Oxford Street West.

**Nature of Revised Liaison:** Request to change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-14) Zone and a holding Convenience Commercial (h-17\*CC3) Zone **TO** a holding Community Shopping Area Special Provision (h-17\*CSA1(\_)) Zone to permit convenience stores, restaurants and gas bars with drive-throughs. Special provisions are requested to permit a reduced front yard setback of 0m, a reduced parking area setback of 0m along Oxford Street, a reduced number of stacked parking from 12 spaces to 11 spaces, a reduced setback from a drive-through facility from 15m to 10m, and a reduced landscape strip from 3m to 1.8m.

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

Telephone	Written
	York Developments c/o Sean Eden 303-201 Richmond Street, London ON N6B2H8



303-201 RICHMOND STREET  
LONDON, ON  
N6B 2H8

October 21, 2019

City of London  
Development Services  
300 Dufferin Avenue, 6th Floor  
London Ontario  
PO Box 5035  
N6A 4L9

Attention: Sonia Wise, Planner

Re: Zoning By-Law Amendment at 1919 and 1929 Oxford Street West (Z-9115)

Dear Ms. Wise,

York Developments has recently acquired lands at 1941 Oxford Street West which abut this property to the west as shown on the attached sketch.

The site concept which the Applicant, Oxford Westdel Centre Inc., has submitted shows a Right-In/ Rights-Out only access to the property along Oxford Street West. In the future, we intend to develop our property and ask that as part of the City of London's review of the application they require Westdel to grant a future cross access to our lands for vehicular traffic. This will eliminate the need for another access to Oxford Street from our site as two access that close together would not be an appropriate use of land.

If you have any questions, please do not hesitate to contact me to discuss.

Best Regards,

A handwritten signature in blue ink, appearing to read 'SE', is written over a light blue horizontal line.

Sean Eden  
Assistant Development Manager  
519-709-8004





## Agency/Departmental Comments

Development Services – Engineering: November 7, 2019

### **Transportation:**

- Road widening dedication of 22.5m from centre line required on Oxford Street West.
- 6.0m x 6.0m daylight triangle is required.
- The construction of a northbound side by side left turn lane on Westdel Bourne will be required (designed and constructed in accordance with City Standards).
- Ensure sufficient drive-through stacking on site in conformity with the Zoning By-law.
- Access to Oxford Street West is to be restricted to right in/right out via the construction of a median in accordance with the City's Access Management Guidelines.
- Detailed comments regarding external works & access location and design will be made through the site plan process.

### **Water:**

- Water is available for the subject site via the municipal 300mm PVC watermain on Oxford Street West.
- Due to the two existing buildings being demolished, each building's water service will be required to be abandoned to City of London Standards.
- Records appear to indicate that the 1929 Oxford Street West may not presently be serviced by a municipal water service. A requirement of any development would be to abandon existing on-site water wells in accordance with the applicable legislation.
- Will the two properties be merged on title? Water servicing for the site shall be configured in a way to avoid the creation of a regulated drinking water system.
- As part of any future site plan application, a water servicing design brief addressing domestic demands, fire flow and water quality would be required to be submitted.

### **Wastewater:**

- Presently there are no municipal sanitary sewers to serve the subject lands. The subject lands are dependent on future servicing on Westdel Bourne. This sanitary sewer will commence to the north at the future Linkway extension and will flow southerly to the intersection at Oxford Street.

### **Stormwater:**

- The site is tributary to the Tributary "C" SWM facility A, for minor and major flows and therefore the required SWM servicing report for the site shall be in accordance with the approved Tributary "C" Functional Stormwater Management Servicing Report and associated Tributary "C" EA. The report shall identify any storm sewer system required to be constructed to convey minor flows to the SWM Facility A.
- The report is to include the proposed major OLF route from the site to SWM Facility A, along with any required grading/drainage design. The grade differential between the site and the location of the SWM Facility A is to be noted.
- Considering the nature of the proposed development (gas station), the sensitivity of the Tributary 'C' environmental system and the infiltration design of SWM Facility A, the Owner shall be required to provide measures (e.g. OGS for the gas station area, clay liners to isolate underground tanks, a spill action plan for the site, etc.) to prevent migration of any hydrocarbons into City infrastructure (e.g. SWM facilities, sewers, roads), soil and groundwater to address both long-term leaching and spills. Example of similar City concerns can be found in SPA18-010 – 1231 Riverbend Road. Additionally, the Owner shall indicate/provide adequate measures to ensure that runoff from minor storm events coming from the gas station area does not reach the SWM facility A without adequate treatment for hydrocarbon contamination.
- The Owner shall incorporate adequate temporary measures to be implemented during construction (i.e. the excavation of soil and removal of existing underground

tanks) to ensure no contaminants reach the City SWM Facilities. Does the owner have a current well monitoring program in place or will one be developed as part of the site redevelopment?

- In addition to the OGS required in bullet point 3 above, the owner shall be required to have a consulting Professional Engineer address the water quality for the proposed 35 parking spaces to the standards of the Ministry of the Environment, Parks and Conservation (MEPC) 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. along with the required inspection/sampling maintenance hole.
- Additional SWM related comments will be provided upon future review of this site.

#### London Hydro: February 24, 2020

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

#### Urban Design: November 6, 2019

Urban Design staff reviewed the submitted conceptual site plan 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 has request to reduce the parking set back along Westel Bourne from 3m to 1m, and is showing a 0m setback from the Oxford Street frontage. In either case, a 3m setback should be maintained in order to provide for adequate landscaping and screening walls on-site, in particular along the Oxford Street frontage as this area is identified, in The London Plan, as a Gateway into the City.
- Furthermore, a maximum front yard setback of 2m should be considered in order to ensure that any proposed buildings are located along the street edge.
- The following comments are related to site and building design that would be further refined through the Site Plan process:
  - Ensure that the proposed building is oriented to the street by including a principle building entrance, canopies, signage, and a large amount of clear glazing on the south facade.
  - Locate the combination of low landscape walls and landscaping along the Oxford Street frontage on-site, in line with the front wall (south façade) of the building, in order to screen parking and define the street edge.
  - Remove any fences between the building and the street.
  - Locate all garbage bins away from all the street frontages, alternatively if a deep bin collection system is being considered ensure there is an appropriate buffer with landscaping between the bins and the street.

#### Urban Design Peer Review Panel (UDPRP): January 15, 2020

The Panel provides the following comments on the submission:

- The panel appreciates the design challenge of developing the corner of a gateway intersection with a limited kit of parts while also managing the vehicular movements within the site.
- The panel requested views and drawings of the proposed Oxford Street streetscape to properly evaluate the proposal.
- The panel suggested completing an audit of the asphalt area to see if it can be reduced to increase the amount of green space.

- The panel expressed concern with the potential collisions resulting from the interference of the drive-through and incoming traffic from Oxford Street.
- The panel recommended proper screening of the west property line from the neighbouring residential development.
- The panel recommended widening the walkway to the east of the building and adding a strip of landscaping to prioritize pedestrians.
- The panel questioned the location of the patio space adjacent to two parking spaces and encouraged the applicant to further develop this space with consideration for screening it from the parking and integrating it further with the proposed landscaping along Oxford Street.
- The panel encouraged the development of the building design to better achieve the appearance of two distinct buildings and add further relief of the vertical elements to avoid the appearance of them being tacked-on.
- The panel questioned if an option was reviewed to position the building with the long façade facing Oxford Street.

### **Concluding comments:**

This UDPRP review is based on City planning and urban design policy, the submitted brief, and noted presentation. It is intended to inform the ongoing planning and design process. The panel has concerns with the proposed site plan concept and is of the opinion that it is not in keeping with the policy framework for a gateway intersection. The panel recommends that the site plan be developed further based on comments above and resubmitted with additional information and views for review. Due to the scale of the development, the requested review can be digital so that the applicant does not need to return to the panel.

### Applicant's Response to UDPRP Comments: January 23, 2020

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

**Comment:** The panel appreciates the design challenge of developing the corner of a gateway intersection with a limited kit of parts while also managing the vehicular movements within the site.

**Applicant Response:** Thank you. We have considered many options and variations with the City staff and the tenants. The new proposed Site Plan is figured to be optimal at this time.

**Comment:** The panel requested views and drawings of the proposed Oxford Street streetscape to properly evaluate the proposal.

**Applicant Response:** These will be provided at the Site Plan approval Stage

**Comment:** The panel suggested completing an audit of the asphalt area to see if it can be reduced to increase the amount of green space.

**Applicant Response:** The revised Site Plan increases the Landscaped Open Space from 18% to 21% and is 11 % more than the zoning regulation of 10% minimum. Specifically, the landscape open space has been increased to 2 m wide along Westdell Bourne, 3 m along Oxford Street, and 1.6 m along the west side of the site.

**Comment:** The panel expressed concern with the potential collisions resulting from the interference of the drive-through and incoming traffic from Oxford Street.

**Applicant Response:** The revised Site Plan removes the right turn in from Oxford movement, thereby permitting only a right turn out onto Oxford Street. The drive thru lane exist will be striped, painted, and signed to convey caution and safety for patrons. The Garbage bins have remained for the function of the restaurant, and knowing that pick up will be done in off hours.

**Comment:** The panel recommended proper screening of the west property line from the neighbouring residential development.

**Applicant Response:** The revised Site Plan shows an increase landscape strip from 1.17 m to 1.67 m and together with a 1.6 m high wooden privacy fence along the common property boundary will afford protection or the abutting westerly residence.

**Comment:** The panel recommended widening the walkway to the east of the building and adding a strip of landscaping to prioritize pedestrians.

**Applicant Response:** The revised Site Plan cannot directly accommodate this request, but the addition of a 3 m landscape strip along Oxford has resulted in a shorter walk way length. See next comment.

**Comment:** The panel questioned the location of the patio space adjacent to two parking spaces and encouraged the applicant to further develop this space with consideration for screening it from the parking and integrating it further with the proposed landscaping along Oxford Street

**Applicant Response:** The revised Site Plan shows the shifting of the patio into the site by 3 m – making it further away from the Oxford Street traffic. This together with the boulevard treatment of Oxford Street should present a proper setting for the patio. The patio is convenient and functional for the restaurant, and served by an adjacent barrier free parking space.

**Comment:** The panel encouraged the development of the building design to better achieve the appearance of two distinct buildings and add further relief of the vertical elements to avoid the appearance of them being tacked-on.

**Applicant Response:** The revised site plan cannot directly accommodate two buildings and believes it to be creating a non-defensible space. However, at the Site Plan approval stage, thought will be given to the two building approach though design, colour and articulation, such that each tenant is individualized but connected.

**Comment:** The panel questioned if an option was reviewed to position the building with the long façade facing Oxford Street.

**Applicant Response:** This point was considered but cannot be accommodated. However, consideration of street animation etc. was re-thought. The front elevation of the restaurant will be very glazed and in a boulevard landscape setting. The east side of the building will be abundantly glazed which is the strong view of westbound traffic on Oxford and also viewed from along Westdell Bourne.

## 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

#### Provincial Policy Statement, 2020

- 1.1.3.1 – Settlement areas
- 1.1.3.6 – Compact form and mix of uses
- 1.1.1.b) – Range and mix of uses
- 1.3.1.b) – Economic development and competitiveness
- 1.7.1.e) – Well-designed built form

### Environment Protection Act, R.S.O. 1990

- 91 (1) Spills
- 91.1 Spill Prevention and Spill Contingency Plans
- 92 (1) Notice of Spill

### O.Reg 675/98: Classification and Exemption of Spills and reporting of Discharges Class VIII – Petroleum Sector

### O.Reg 217/01: Liquid Fuels

- 4 – Licences and Registration
- 6 – Authorization required for handling
- 20 – Licences

### Technical Standards and Safety Act, 2000

#### The London Plan

- 54 – Our Strategy
- 59\_6 – Mixed-use compact city
- 62\_9 – Development as a good fit
- 69 – City Structure Plan
- 99\_1 – Rural Urban Interface
- 143 – Community Framework – Neighbourhoods
- 184 – City Building
- 253 – Site Layout
- 256 – Buildings sited along street edge
- 259\* - Buildings should have minimal setbacks
- 290\* - Corner sites should address the corner
- 264 – Drive aisles not located between building and street
- 265 – Drive-through facilities
- 291\* - Building entrances and windows
- 871 - 916\_6 & \_7\* - Neighbourhoods Place Type
- 918\_5\* - Commercial, service and mixed-uses
- Table 10-12\* - Permitted uses
- 919\_4 – Major road frontages
- 1577\* – Evaluation criteria for applications
- 1578\_6\* - Potential impacts on adjacent lands
- 1766 – Noise and vibration

#### 1989 Official Plan

- Chapter 3 – Residential designations
- Chapter 4 – Commercial land use designations

#### Z.-1 Zoning By-law

- Chapter 2 – Definitions
- Chapter 3 – Zones and Symbols
- Chapter 4 – General provisions

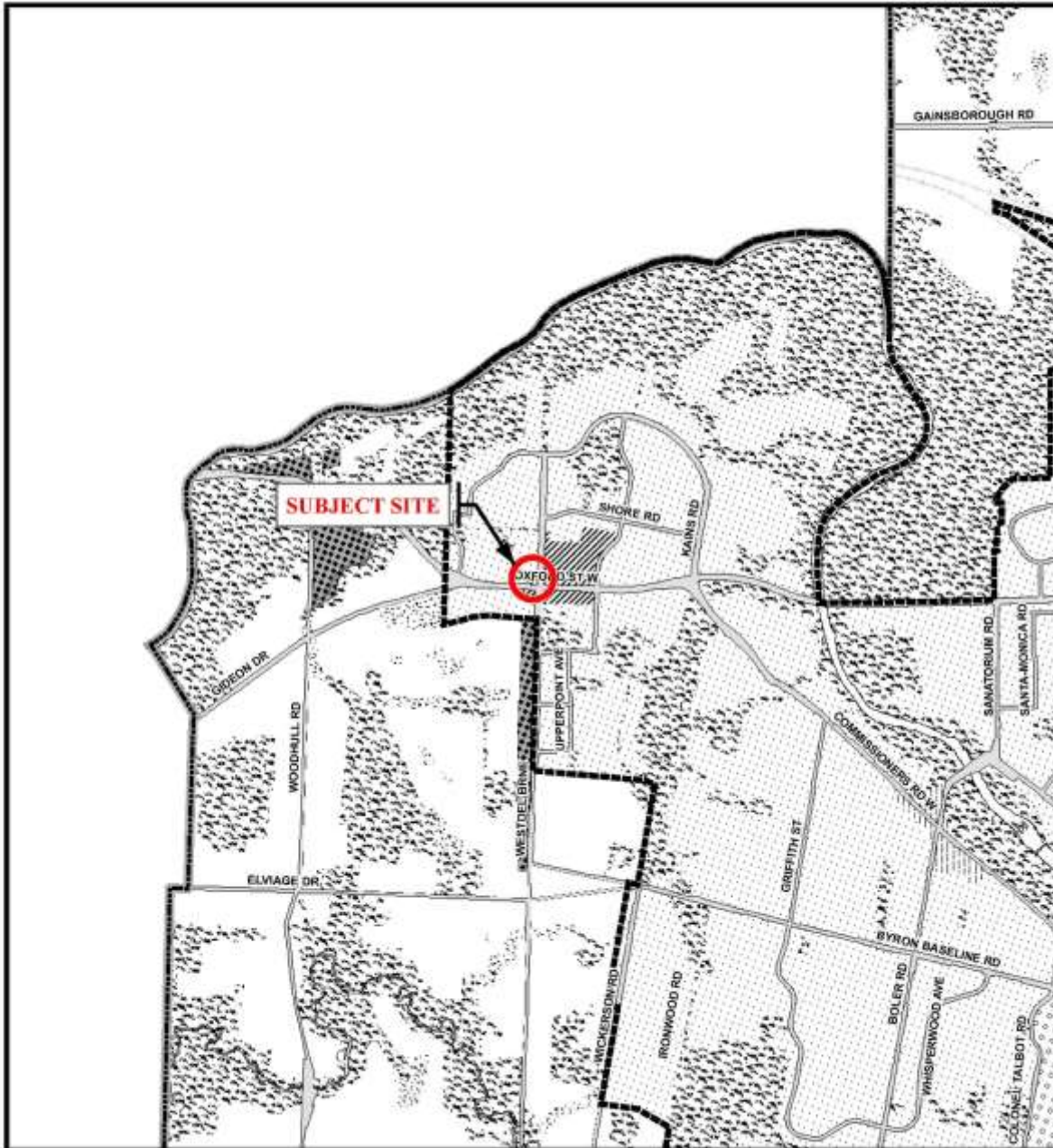
Chapter 5 – Residential R1 Zone  
Chapter 22 – Community Shopping Area (CSA)

**Appendix D – Relevant Background**

**Additional Maps**







**Legend**

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

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

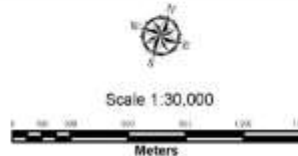
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**

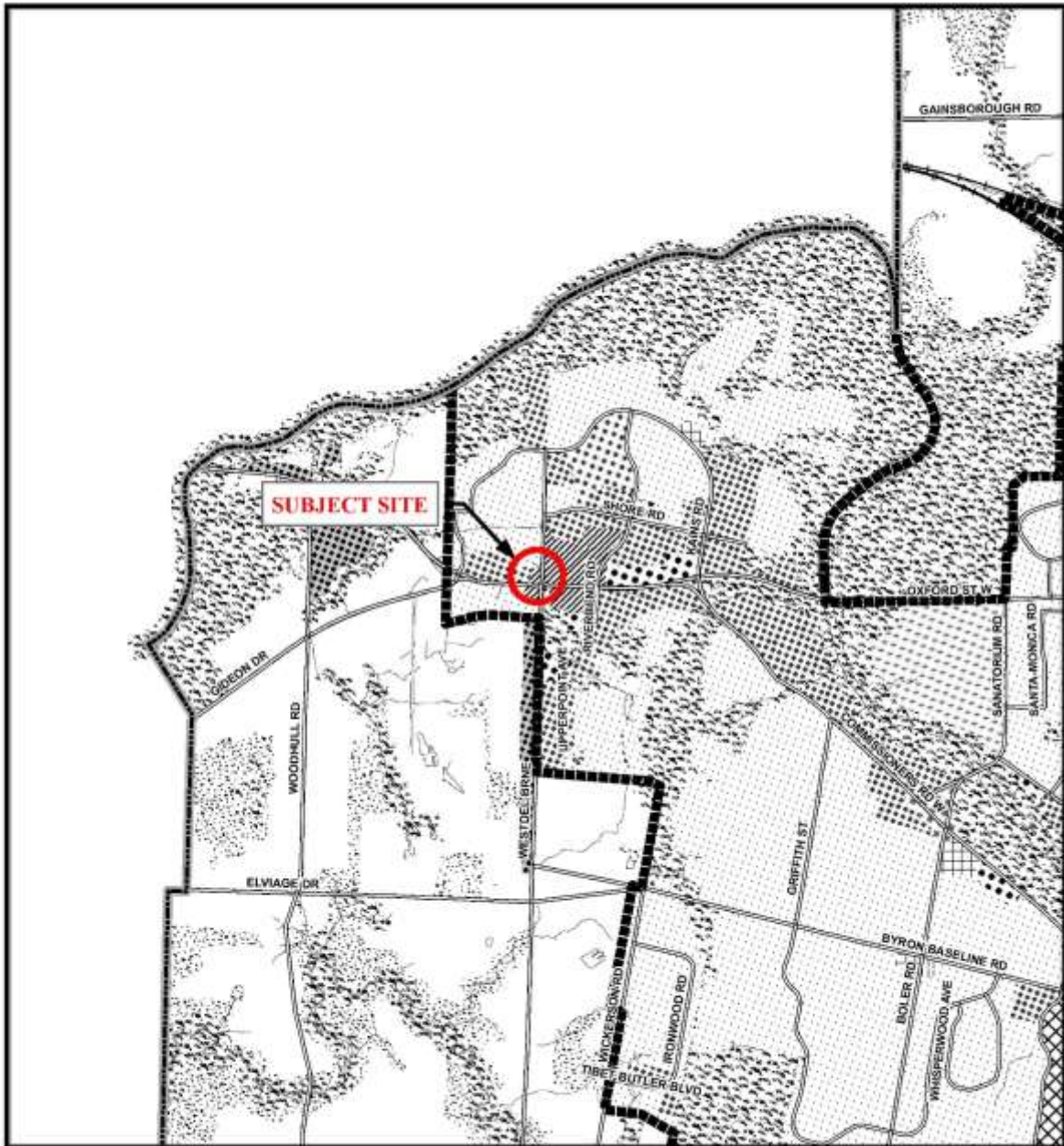
Planning Services /  
Development Services

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

PREPARED BY: Planning Services

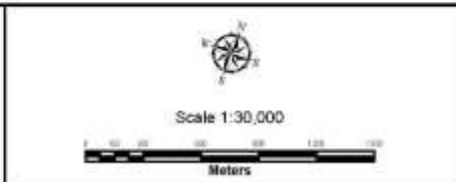


**File Number:** Z-9115  
**Planner:** SW  
**Technician:** RC  
**Date:** February 24, 2020



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

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



**FILE NUMBER:** Z-9115  
**PLANNER:** SW  
**TECHNICIAN:** RC  
**DATE:** 24/02/2020



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-9115

SW

MAP PREPARED:

2020/02/24

RC

1:2,000

0 12.5 25 50 75 100 Meters

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

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.1 PUBLIC PARTICIPATION MEETING – Application – 1919 and 1929 Oxford Street West (Z-9115)

- Laverne Kirkness, Kirkness Consulting, on behalf of the applicant – Thank you for having this public meeting, this is quite a bottleneck in the planning process in these times but we are glad to get here, we have been waiting for some time of course and we appreciate staff's report. We know this is a very noticeable, conspicuous site, kind of coming in from the west end of town and we aim to do a really nice job on the site design, we have a chain restaurant of very contemporary design, we have the gas bar, the convenience store behind it but on page four of the report, at least the fourth page in, I know when I print these off the computer there's no page numbers but I think it is the fourth page in has an illustrative kind of site plan that shows the landscaping across Oxford Street and, in fact, that is further into the site now as the site plan is further on in the report that is more up-to-date but the concept at least, to show substantial landscaping and bringing the building out to the front as much as we can is an important thing as well as along West del Bourne, which the landscape strip there has quite been widened. What is out of date about that plan that is four pages in is the right turn into the site from Oxford Street and that was addressed by Sonia and asked by Anna, Councillor Hopkins, so basically that is the layout that is intended and we note that there were sixteen letters sent to surrounding landowners and there was just one reply received about making sure that the access on Oxford Street would be coming some day and so we suspect that by the lack of complaints at least, or concerns, that the residential area seems ok, certainly, with this proposal. I think the proposal will serve to make the corner certainly more functional, more aesthetic, the main entrance is certainly going to be off of West Del Bourne with its full turns and quite limited on Oxford Street with only a right turn out. We're in agreement with the staff report as it is in front of you and we are looking forward to site plan consultation and approval soon because the tenants want to get onto the site so we would ask that you adopt the report and recommend it to Council. Thank you very much and I would be glad to try and answer any questions if there are any.
- Councillor Cassidy: Thank you Mr.Kirkness. I'm just going to ask if there is anybody else in Committee Room 1 that would like to speak or ask questions about this application? I'm not seeing any and I know we have staff in the, thank you Michael, we have staff that are there to assist any members of the public that are there so I am seeing that there are none so I will look for a motion to close the public participation meeting.

## 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:** Wasan Holdings Ltd  
584 and 588 Wonderland Road North

**Public Participation Meeting on:** June 22, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Wasan Holdings Ltd relating to the property located at 584 and 588 Wonderland Road North:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 29, 2020 to amend the Official Plan by **ADDING** a specific policy to permit office, medical/dental office, and pharmacy uses;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 29, 2020 by **ADDING** a new policy to the Specific Policies for the Neighbourhoods Place Type **AND AMENDING** Map 7 – Specific Policy Areas – of The London Plan by adding the subject site to the list of Specific Policy Areas;
- (c) The proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on June 29 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in parts (a) and (b) above, to change the zoning of the subject property **FROM** a Residential R1 (R1-9) Zone, **TO** a Restricted Office Special Provision (RO1(\_)) Zone;
- (d) **IT BEING NOTED** that the following site plan matter was raised during the public participation process: to consider removing the fencing in the exterior side yard of 584 Wonderland Road North to improve sightlines for motorists.

## Executive Summary

### Summary of Request

The requested amendment is to permit office, medical/dental offices and a small pharmacy through the conversion and modification of two existing single detached dwellings, or through a new, purpose-built development.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action will be to permit the additional uses of pharmacy, offices, medical/dental uses together with at least one dwelling unit.

### Rationale of Recommended Action

1. The recommended amendment is consistent with the Provincial Policy Statement, 2020 which promotes an appropriate range and mix of uses in a settlement area;
2. The recommended specific policy to The London Plan conforms to the in-force policies of The London Plan including but not limited to, Our City, Key Directions, and City Building, and will facilitate the development of a building with a greater floor area than contemplated in the Neighbourhoods Place Type;

3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to, Chapter 10 – Policies for Specific Areas, which allows Council to apply specific policies where the change in land use is site specific and located in an area where Council wishes to maintain the existing land use designation while allowing for a site specific use; and
4. The recommended Zoning By-law Amendment implements an appropriate use and intensity for the site which is compatible with the surrounding area.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is comprised of two single detached dwellings constructed circa 1962 with frontage on both Kingsway Avenue and Wonderland Road North. There is an existing low density residential neighbourhood located to the east and west, with some small scale medical/dental offices. An existing residential neighbourhood is located to the north and a transit village and commercial node on the north side of the CN rail corridor.



Figure 1: 584 & 588 Wonderland Road North (left to right)

The property directly to the south at 568-570 Wonderland Road South is currently used as a medical/dental office with one dwelling unit located in the basement. The site was previously used as two single detached dwellings until 2012 when it was re-zoned through application OZ-7946 to allow for the redevelopment of the site to its present form. On the east side of Wonderland Road North the lands are zoned to permit restricted office and high density residential uses. There is a mix of remnant single detached dwellings, along with office uses such as a purpose built medical/dental office building at 601 Wonderland Road North since 2006, and a medical clinic located at 595 Wonderland Road North existing since approximately 2018.

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

- The London Plan Place Type – Neighbourhoods
- Official Plan Designation – Low Density Residential (LDR)
- Existing Zoning – Residential R1 (R1-9) Zone

#### 1.3 Site Characteristics

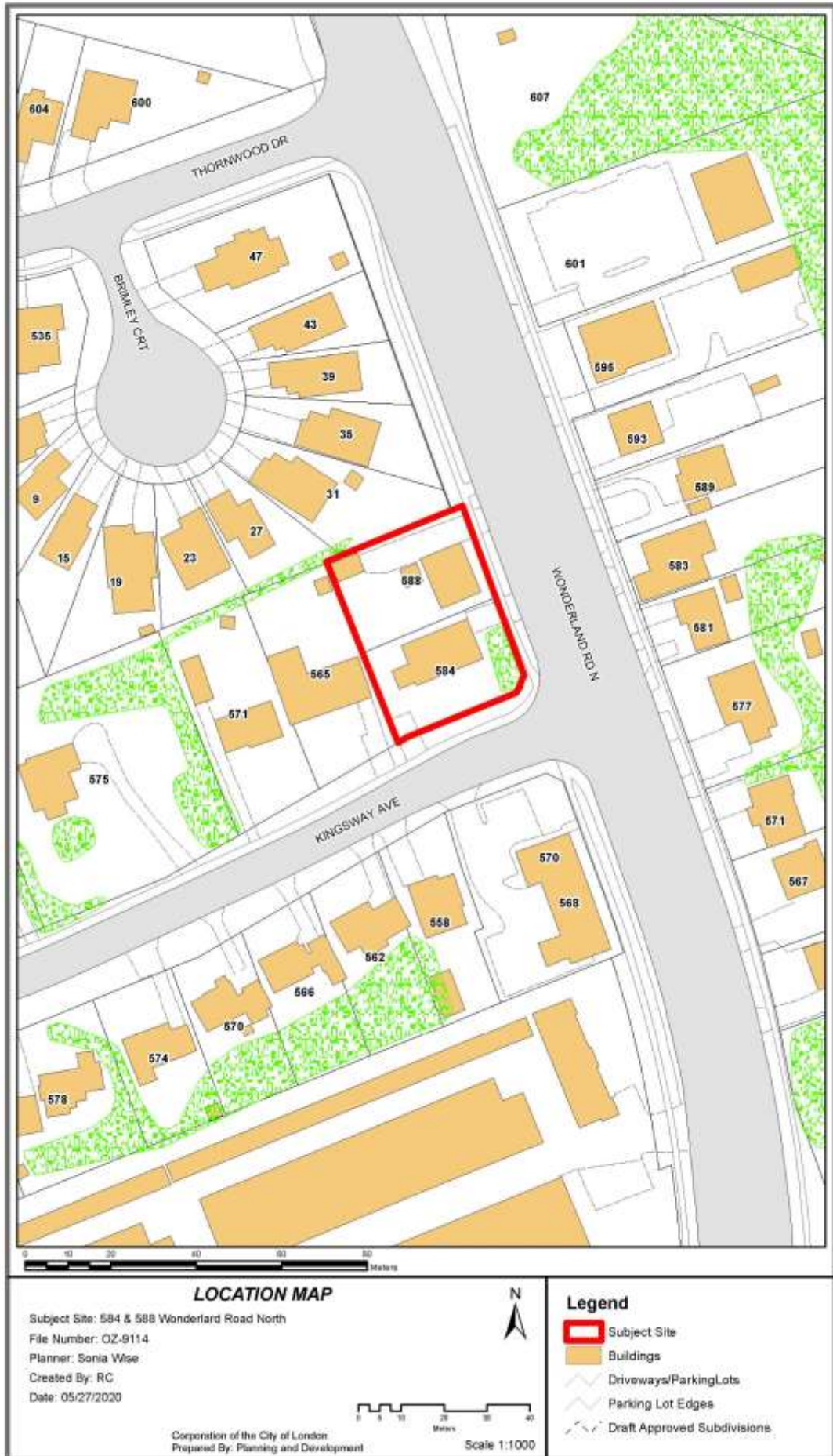
- Current Land Use – two single detached dwellings
- Frontage – 34m (111 feet)
- Depth – 45m (147 feet)
- Area – 1,557m<sup>2</sup> (16,759 square feet)
- Shape – Rectangular

#### 1.4 Surrounding Land Uses

- North – low density residential
- East – existing low density residential
- South – office, self-storage and multi-family residential

- West – low density residential

### 1.6 Location Map



## 2.0 Description of Proposal

### 2.1 Initial Development Proposal

The initial proposal was for the adaptive reuse of the two existing single detached dwellings to allow for medical/dental office uses. An existing dwelling unit located in 584 Wonderland Road North was proposed to be retained. Access to the site was provided jointly from Kingsway Avenue with parking located at the rear of the properties. The existing driveways from Wonderland Road North would be closed and restored to boulevard.

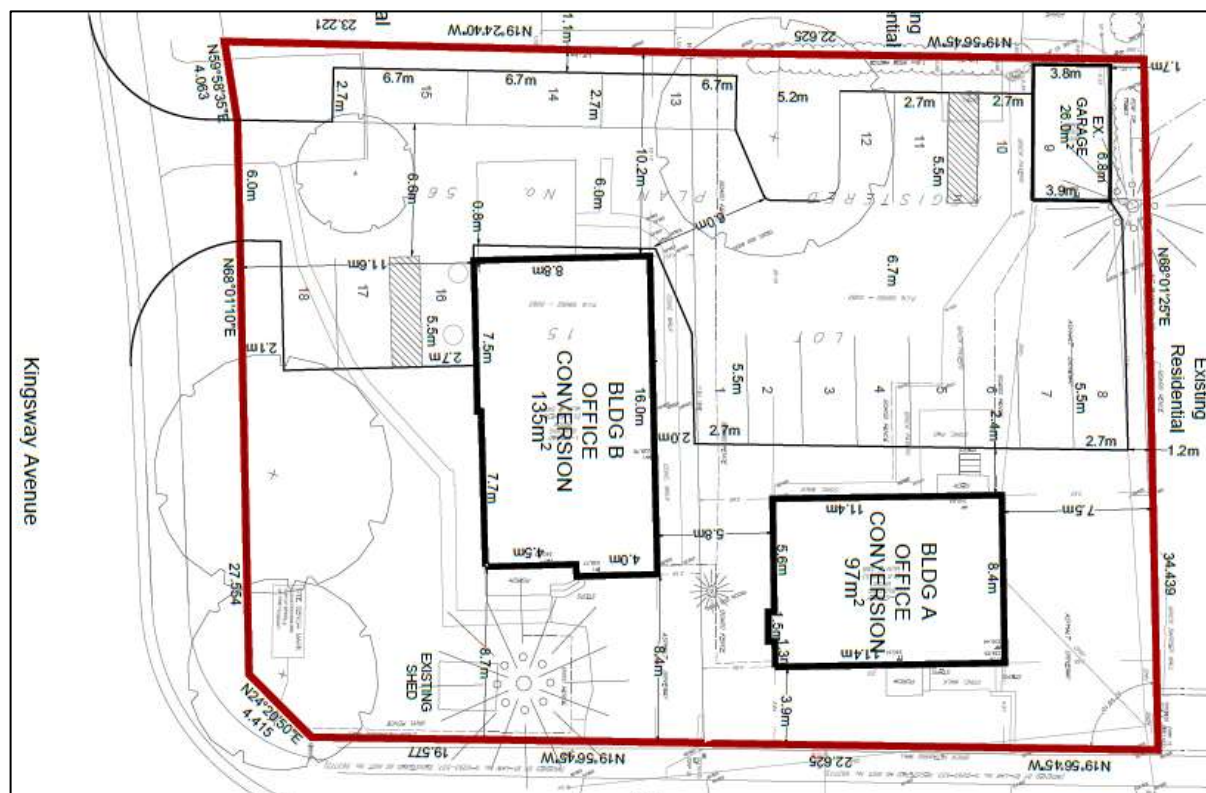


Figure 2: Initial Conceptual Site Plan

### 2.2 Revised Amendment

The revised proposal is for a change in form and a moderate broadening of uses through two redevelopment options. One option is for a building addition to link the two existing structures and to construct a new second storey. Another option is for a new purpose-built office building that would include the demolition of the existing structures. Both options would result in a substantial change from the initial proposal of simply converting the interior of the structures with no external change or extensive modification of the existing structures. Significantly altering the existing built form, or constructing a new purpose-built office requires an Official Plan Amendment to consider the request for a restricted office development. Access to the site is proposed to remain from Kingsway Avenue with parking located at the rear of the properties. The existing driveways from Wonderland Road North would be closed and restored to boulevard.



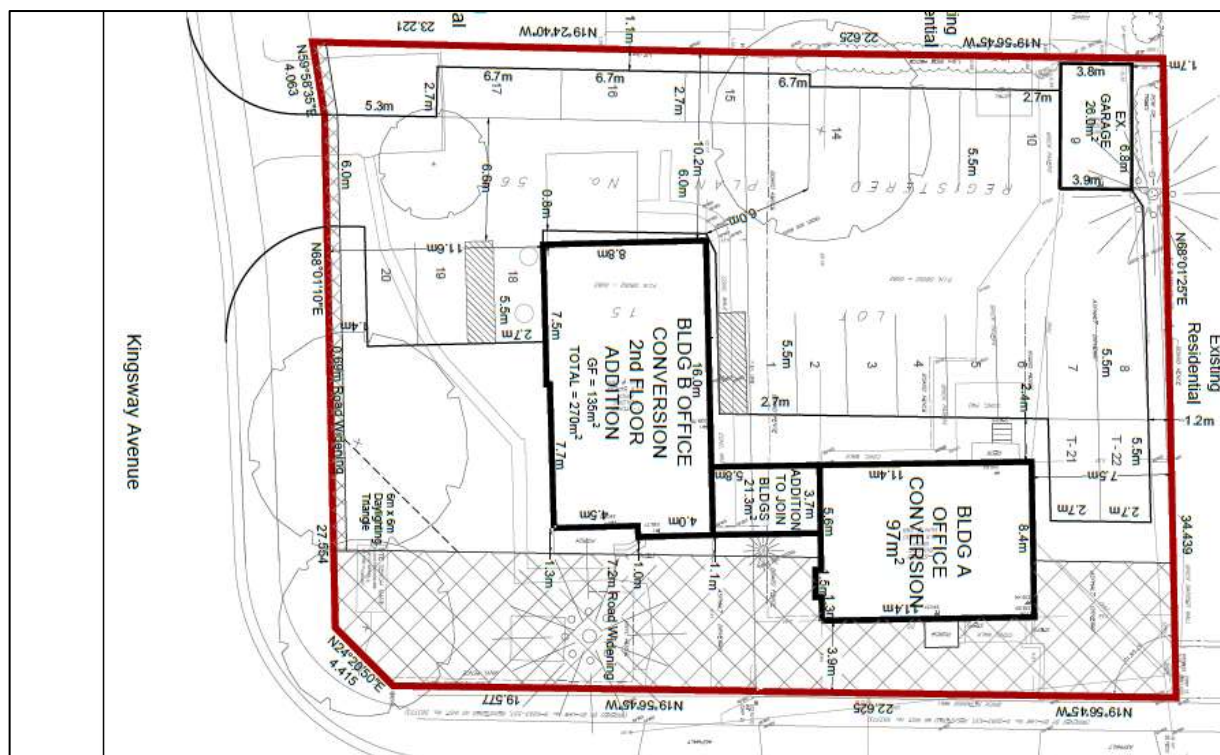


Figure 3: Revised Design

The requested amendment is for a Restricted Office Special Provision (RO1(\_)) Zone. Special provisions will allow for: the proposed office, medical/dental office, and pharmacy uses, along with at least one residential dwelling unit, a reduction in the total number of parking spaces to 18 provided, a reduced exterior side yard setback of 0m, a reduced parking area setback of 1.4m, and reduced interior side yard and rear yard setbacks of 0.5m for an existing garage.

### 3.0 Relevant Background

#### 3.1 Planning History

The existing buildings on-site were constructed in the 1960's as single detached dwellings as part of the subdivision RP-569 which was registered in 1938. Both properties have been used continuously for residential purposes, with some home occupations occurring on site periodically. There was a day care home occupation operating from 588 Wonderland Road North until approximately 2008, and an Acupuncture clinic home occupation operating at 584 Wonderland Road North from 2005-2010.

#### 3.2 Community Engagement (see more detail in Appendix D)

There were four comments received through the public consultation process. A summary of the comments received is as follows:

- One comment expressed concern with sightlines at the corner of Kingsway Avenue and Wonderland Road North due to an existing fence;
- One comment expressed concern with having more dentist offices in the area.
- One comment expressed concern with the increased scale and height of the revised proposal; and
- One comment was requesting additional information and clarification.

The sightlines and any obstruction will be further pursued at the time of site plan approval and the appropriateness of permitting the requested land use for the office, medical/dental office and pharmacy uses will be evaluated throughout the body of this report.

### 3.3 Policy Context (see more detail in Appendix E)

#### Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS. The PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs (1.1).

#### 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 site is located within the Neighbourhoods Place Type and at the intersection of a Civic Boulevard (Wonderland Road North) and a Neighbourhood Connector (Kingsway Avenue).

#### 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 and a limited range of compatible secondary uses.

## 4.0 Key Issues and Considerations

### 4.1 Use

#### *Provincial Policy Statement, 2020*

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 (1.1.1.b). The proposed office, medical/dental office and pharmacy uses represent an expanded range of local office and service uses for the nearby residents and the surrounding community.

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 (1.3.1.b). The requested amendment for office, medical/dental office and pharmacy uses contributes to a mix of local small-scale employment options and facilitates live-work opportunities in the immediate area.

#### *The London Plan*

The vision for the Neighbourhoods Place Type provides key elements for neighbourhoods, including easy access to daily goods, services and employment opportunities within walking distance (916\_6\* and 916\_7\*). At this location, the Neighbourhoods Place Type primarily permits a range of low to mid-rise residential uses, including single detached dwellings, duplexes, triplexes, townhouses, and low-rise apartments as well as mixed-use buildings at the intersection of a Civic Boulevard and a Neighbourhood Connector (Table 10\*). The London Plan defines a mixed use building as follows (1795\*):

*Mixed-use buildings are those that include more than one use within a single building. The range of uses that may be permitted in such buildings is limited to those allowed for in the relevant place type. In most cases, mixed-use buildings include a residential component. Within the Neighbourhoods Place Type, a residential use is required as a component of any mixed-use building.*

The building will feature a mix of office, medical/dental office, pharmacy, and residential uses which is appropriately located to provide walkable services for the community and expands the hours of activation for the site.

#### *1989 Official Plan*

The subject lands are designated Low Density Residential in the 1989 Official Plan, which permits a range of low-rise residential uses including single detached, duplex, and semi-detached dwelling as the primary permitted uses (3.2.1). Certain uses that are considered to be integral to, or compatible with, residential neighbourhoods may be contemplated as secondary permitted uses, including community facilities, funeral homes and office conversions.

New small-scale office buildings are permitted in the Multi-Family, Medium Density Residential and Multi-Family, High Density Residential designations, though are not permitted in the Low Density Residential designation. A special policy has been requested to permit the uses on a site-specific basis through Chapter 10 – “Policies for Specific Areas”. The criteria in policy 3.6.8 for establishing new small-scale offices in the medium and high density residential designations has been considered as part of the evaluation to determine the fit and compatibility of a new office building on the subject site at 584-588 Wonderland Road North.

## **4.2 Location**

#### *Provincial Policy Statement, 2020*

The PPS directs that settlement areas shall be the focus of growth and development, and that their vitality and regeneration shall be promoted (1.1.3). The site is well located within an existing neighbourhood in a settlement area to support an expanded range of uses.

#### *The London Plan*

A key direction of The London Plan is to build a mixed-use, compact city that provides a mix of “stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods” (59\_6). It is further a goal of The London Plan to allow for an appropriate range of retail, service and office uses within neighbourhoods, where appropriate and compatible within the neighbourhood context (924\*). The subject site is located within the Neighbourhoods Place Type and at the edge of the residential neighbourhood to the west. The site is well located at the intersection of a Civic Boulevard (Wonderland Road North) and a Neighbourhood Connector (Kingsway Avenue) to provide for a modest range and amount of office, medical/dental office and pharmacy uses which will serve the adjacent neighbourhood and surrounding area.

#### *1989 Official Plan*

The 1989 Official Plan sets out policies identifying the preferred locations for small-scale offices in Section 3.6.8 within the Multi-Family, Medium Density Residential and Multi-Family, High Density Residential Designations which have been reviewed for the subject site. The policies require that office developments shall be located on an arterial or primary collector road; and in established neighbourhoods, office developments will only be permitted in areas where the residential amenity of properties fronting on the arterial or primary collector road has been substantially reduced (3.6.8.i).

The site is situated at the intersection of the arterial road Wonderland Road North and

the primary collector Kingsway Avenue which is located at the periphery of the residential neighbourhood to the west. The residential amenity of the interior of the neighbourhood is stable and well-maintained with a consistent lot pattern and land use. The site is located at the exterior of the neighbourhood, where impacts from traffic and noise are the most prominent, and where other low density residential uses in proximity to the site have already been, or are zoned to be, developed for higher density residential or office uses. The site is well located along a major road to accommodate the mixed use development, while ensuring there is minimal disruption to the intact interior.

### 4.3 Intensity

#### *Provincial Policy Statement, 2020*

Land use patterns within settlement areas are to be based on densities and a mix of land uses which efficiently use land and resources (1.1.3.2.a). The proposed amendment is for a fully serviced site that efficiently utilizes the available and existing infrastructure.

#### *The London Plan*

The maximum floor area for office or commercial uses in a mixed-use form for a site at the intersection of a Civic Boulevard and a Neighbourhood Connector is 200m<sup>2</sup> (Table 12\*) which is intended to cap the floor area of commercial uses within a neighbourhood setting. There is a total floor area of 388m<sup>2</sup> proposed comprised of a medical dental office of 288m<sup>2</sup> and a pharmacy of 100m<sup>2</sup>. A specific policy is requested to The London Plan to allow for an increased floor area from the total of 200m<sup>2</sup> permitted at the intersection. Although the requested increase exceeds the maximum permitted by policy, the proposed development maintains the intent for a small-scale and local use within the area and also provides for one dwelling unit. The lands to the south currently have an office building with a total of 285m<sup>2</sup> which also exceeds the targeted cap on maximum floor area, and has achieved a level of compatibility within the neighbourhood that would be similar for the subject site.

While the proposed office building intensity does not conform to Table 12\*, these policies are currently under appeal and not in force and effect. Accordingly, these policies are informative but are not determinative and provide guidance for the review of the requested amendment. A specific policy to The London Plan is proposed to allow for the greater floor area in this location.

#### *1989 Official Plan*

The policies for new offices in section 3.6.8.ii) require provisions be made for landscaping, privacy screening, building setbacks and other appropriate measures necessary to protect the amenity of adjacent residential properties for new office uses within the medium and high density residential designations. The subject site is rectangular in shape and of an adequate size to support the proposed offices uses. Minor reductions in setbacks, the total number of parking spaces and a reduced parking area setback have been requested as special provisions.

There are a range of uses and built forms requested which will result in different parking demands. The most intensive scenario will result in a parking demand of 27 spaces for a new building with entirely medical/dental office uses occupying the total gross floor area along with one residential unit. The requested amendment is to provide 18 spaces which would be a reduction of 9 spaces from the most intensive scenario. The proposed mix of uses will require 25 spaces for the combined pharmacy (100m<sup>2</sup> = 4 spaces), medical/dental office use (288m<sup>2</sup> = 20 spaces) and residential dwelling unit (1 space), which is a reduction of 7 spaces. The proposed 18 spaces are sufficient to support the requested uses as the site is well serviced by public transit, and some of the uses such as the medical/dental office use and pharmacy are inter-connected that would share parking spaces for multi-purpose trips. The reduction in parking also supports the retention of a mature tree on site. If it is not feasible to retain the tree, an

additional two parking spaces can be provided in its place. Some refinements to site layout and parking are anticipated at the Site Plan Approval stage, including the removal of the tandem parking spaces which are not functional or independently accessible at all times.

#### 4.4 Form

##### *Provincial Policy Statement, 2020*

The PPS encourages a sense of place by promoting well-designed built form and by conserving features that help define character (1.7.1.e). The built form will be of an appropriate scale and height that is sympathetic and compatible within the context of the residential neighbourhood.

##### *The London Plan*

The minimum height required for properties in the Neighbourhoods Place Type on a Civic Boulevard is two storeys (table 11\*), and the existing buildings are one storey bungalows which is less than the minimum height in their current form. The eventual built form is proposed as two options, including: option 1 – to maintain the existing built form, construct an addition to join the two buildings, and construct a new second storey; and option 2 – to demolish the existing structures and construct a new purpose built office building. Both development options will result in a two storey form which will help frame the Civic Boulevard and enhance the corridor in conformity with the policies.

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 site is located at the exterior edge of the neighbourhood at the intersection of a major road where office, medical/dental office and pharmacy uses are appropriate. The scale of the proposed development will not exceed two storeys in height and represents a sympathetic and compatible land use to the surrounding area.

##### *1989 Official Plan*

New office development shall be sensitive to the scale and appearance of adjacent residential uses (3.6.8.iii). The proposed development includes two options for the eventual built form through the construction of a second storey for the existing built form, or for a new purpose-built office. Both options would result in a two-storey structure which is a sympathetic and sensitive fit to the rest of the neighbourhood. The building will be oriented to the intersection of Wonderland Road North and Kingsway Avenue to provide separation from the interior of the neighbourhood, frame the streetscape along the major roads and function as a gateway into the neighbourhood.

#### 4.5 Chapter 10 – “Policies for Specific Areas”.

Chapter 10 allows Council to consider policies for specific areas where one or more of the four evaluation criteria apply, and the underlying designation is intended to be maintained. It is appropriate to consider the request on a site-specific basis and to maintain the underlying designation and compatibility with the adjacent residential neighbourhood to the west.

##### Evaluation Criteria

*i) The change in land use is site specific, is appropriate given the mix of uses in the area, and cannot be accommodated within other land use designations without having a negative impact on the surrounding area.*

There is a mix of small-scale, medical/dental and office uses within the immediate area and a similar style purpose-built medical/dental office use directly to the south of the subject site. The proposed use is appropriate for the site with frontage on Wonderland Road North and Kingsway Avenue. The proposal is a site specific request and is

considered to be the most appropriate approach to allow for the development while minimizing any negative impacts for the surrounding area and adjacent neighbourhood.

*ii) The change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use.*

The use of a specific policy allows for the proposed development on a site specific basis, and is a targeted approach rather than allowing a broader range of uses and varying intensities associated with a change to the underlying designation. The residential neighbourhood to the west of the subject site is stable, and maintaining the underlying designation of the subject site ensures that the specific proposal is developed, or other Low Density Residential uses occur instead. There is more certainty with the use of a specific policy that applies to the site only, instead of a designation boundary that could be interpreted with any potential future lot consolidation.

*iv) The policy is required to restrict the range of permitted uses, or to restrict the scale and density of development normally allowed in a particular designation, in order to protect other uses in an area from negative impacts associated with excessive noise, traffic, loss of privacy or servicing constraints.*

The specific policy will allow only for the proposed office, medical/dental office, pharmacy and residential, as a mixed-use development at 584-588 Wonderland Road North. Any further change in use would be required to seek future approval through a subsequent amendment for evaluation. The proposal represents an appropriate scale, fit, and form with the surrounding context and immediate area. Any negative impacts can be mitigated on site through the site layout and design, and the use of screening and buffering.

#### **4.6 Planning Impact Analysis**

As part of the consideration for a site specific policy through Chapter 10, a Planning Impact Analysis is required, as follows:

- a) compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.

There is an existing mix of small-scale office and medical/dental offices in the vicinity, which is common for properties that front onto Wonderland Road North. The office, medical/dental office and pharmacy uses proposed are located at the exterior edge of the residential neighbourhood to the west and provide sufficient separation and buffering to minimize any impacts on amenity.

- b) the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;

The proposed development has requested relief from certain zoning regulations for total number of parking spaces, parking area setback, and a reduced exterior side yard. The special provisions requested are minor in nature and allow for a more functional built form and site layout. The site is large enough to accommodate the requested amendment for the building and associated landscaping, setbacks and other by-law requirements.

- c) the supply of vacant land in the area which is already designated and/or zoned for the proposed use;

There are existing lands to the south and east in the vicinity that are already zoned for office uses with several examples of active office and medical/dental offices operating. Commercial shopping centres which permit a range of commercial, retail and office uses also exist to the north, though are mostly located within the format of larger commercial plazas and malls. The proposed

office, medical/dental office and pharmacy uses will provide small-scale and local options to complement the area and the existing office development located directly to the south.

- d) the proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.

Not applicable

- e) the need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.

The proposed development will have one residential dwelling unit in addition to the office, medical/dental office and pharmacy uses, which provides for an alternative form of housing than the dominant single detached dwelling form in the area. The dwelling unit contributes to the provision of affordable housing through the difference in size and style, and adds to local housing diversity.

- f) the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;

The built form is proposed through either the renovation and conversion of the existing dwellings into a two storey office building, or as a new purpose-built development. The location of a new building would be oriented to the intersection of Kingsway Avenue and Wonderland Road North which will create separation from the adjacent residential neighbourhood, and minimize any associated impacts such as shadowing.

- g) the extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area;

Landscaping of the site has been maintained in the front, interior side, and exterior side yards. Opportunities for additional landscape buffers providing separation between the parking area and adjacent residential properties will be determined at the Site Plan Approval stage.

- h) the location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties;

The site is currently accessed off of Wonderland Road North which will be closed and provided through Kingsway Avenue. The joint access proposed from Kingsway Avenue will remove the existing driveways from Wonderland Road North which will ensure vehicle turning movements on the arterial road occurs in a predictable location at the intersection. No negative impacts to traffic, pedestrian or vehicle safety, and surrounding properties are anticipated through the proposed access from Kingsway Avenue. Any required refinement to the site access and parking area will be determined at the Site Plan Approval stage.

- i) the exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area;

The proposed built form is compatible with the surrounding neighbourhood at two storeys in height. Future land uses along the Urban Thoroughfare Wonderland Road North in the Neighbourhoods Place Type are contemplated up to four (4) storeys in height with some potential to increase to six (6) storeys. The proposed development is of an appropriate scale to transition to the adjacent

neighbourhood and will also have a complementary form to the future land uses in the area.

- j) the potential impact of the development on surrounding natural features and heritage resources;

There are no natural features and/or heritage resources that would be impacted by the development.

- k) constraints posed by the environment, including but not limited to locations where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development;

The site is located approximately 150m from a CN rail corridor which is a source of noise and possibly vibration. The conversion of the site from residential to mixed use represents a reduction of one residential unit in a location that can be sensitive to the impacts of the rail corridor. The office, medical/dental office and pharmacy uses proposed are not considered to be sensitive to the impacts in the same way as a residential use would be. There are no other environmental source constrains impacting the site.

- l) compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and

Staff are satisfied the proposed office, medical/dental office and pharmacy uses are in conformity with the 1989 Official Plan and meet the general intent of the Zoning By-law. Special provisions are required to allow for the reduced number of parking spaces and building and parking area setbacks. The Site Plan Control By-law will be implemented further at the Site Plan Approval stage and has been reviewed as part of this Zoning By-law Amendment application.

- m) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;

One comment from the public noted the existing fence along Wonderland Road North created an impediment to sightlines for vehicles accessing Wonderland Road North from Kingsway Avenue. Transportation staff confirmed that at the Site Plan stage the fence would be requested to be removed and relocated. This matter has been raised through the Zoning Amendment review process, and formally noted in the recommendation to ensure the concern regarding this obstruction is carried forward to the next planning phase. No other adverse impacts have been identified.

- n) Impacts of the proposed change on the transportation system, including transit.

The proposed office and medical/dental office will result in the main driveway and parking to be accessed from Kingsway Avenue which will have minimal impact on the local transportation patterns. Wonderland Road North is an Urban Thoroughfare in The London Plan, and an arterial road as identified on Schedule C – Transportation Corridors in the 1989 Official Plan, which sustains high traffic volumes of approximately 32,000 vehicles per day. There are two routes that immediately serve the subject site with route 19 along Kingsway and route 10 along Wonderland Road North. Additional routes are available at the Transit Station at Oxford Road West and Wonderland Road North which is located within a 5-10 minute walk away, approximately 550m. Existing transit routes will provide convenient service to future patrons of the office and medical/dental office.



## 4.7 Zoning

The recommended amendment is for a Restricted Office Special Provision (RO1(\_)) Zone which will allow for both development options requested. The Restricted Office Zone will allow for professional office, medical/dental office, and pharmacy uses together with at least one dwelling unit. Special provisions will allow for a reduction in the total number of parking spaces to 18 provided for all uses, a reduced exterior side yard setback of 0m along Wonderland Road North, a reduced parking area setback of 1.4m for Kingsway Avenue and Wonderland Road North, and for reduced interior side yard and rear yard setbacks of 0.5m for an existing garage located at the northwest portion of the site.

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 2020, which promotes healthy, livable and safe communities by accommodating an appropriate range and mix of uses. The office, medical/dental office, pharmacy and residential uses conform to the key direction of The London Plan that supports a mix of uses in Neighbourhoods, and with the specific policies of the 1989 Official Plan. The recommended zone facilitates increased usability of the subject site by accommodating additional uses and intensity that is appropriate for the site and compatible with the surrounding area.

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

June 12, 2020

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

## Appendix A

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

By-law No. C.P.-1284-  
A by-law to amend the Official Plan for  
the City of London, 1989 relating to 584  
and 588 Wonderland Road North.

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

1. Amendment No. # to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c. P.13*.

PASSED in Open Council on June 29, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 10.1.3 of the Official Plan for the City of London to permit office, medical/dental office and pharmacy uses in conjunction with a dwelling unit within the Low Density Residential designation.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 584 and 588 Wonderland Road North in the City of London.

C. BASIS OF THE AMENDMENT

The site specific amendment allows for a mixed-use building with office, medical/dental office and pharmacy uses, along with a dwelling unit, while retaining the underlying Low Density Residential designation. The change in land use is appropriate for the site and compatible with the surrounding neighbourhood.

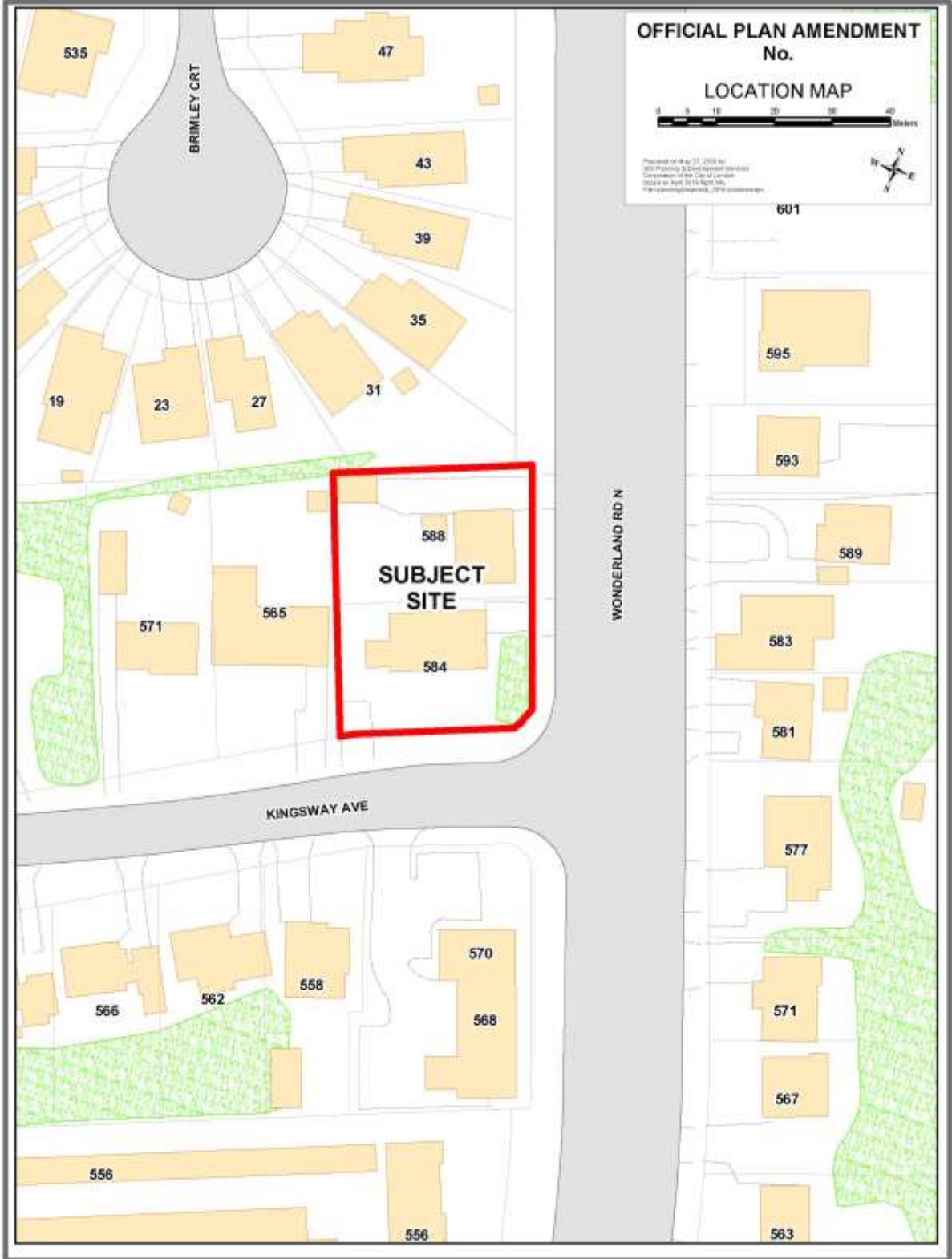
D. THE AMENDMENT

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

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

584 and 588 Wonderland Road North

A mixed-use building is permitted with a maximum of 390m<sup>2</sup> non-residential gross floor area, along with one dwelling unit.



## Appendix B

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

By-law No. C.P.-XXXX-\_\_\_\_

A by-law to amend The London Plan for  
the City of London, 2016 relating to 584  
and 588 Wonderland Road North.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for  
the City of London Planning Area – 2016, as contained in the text attached hereto and  
forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection  
17(27) of the *Planning Act, R.S.O. 1990, c.P.13.*

PASSED in Open Council on June 29, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to the Specific Policies for the Neighbourhoods Place Type and add the subject lands to Map 7 – Specific Policy Areas – of the City of London to permit a maximum gross floor area of 390m<sup>2</sup> for non-residential uses at 584 and 588 Wonderland Road North within the Neighbourhoods Place Type.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 584 and 588 Wonderland Road North in the City of London.

C. BASIS OF THE AMENDMENT

The site specific amendment would allow for the mixed use building with office, medical/dental office and pharmacy uses, along with one dwelling unit, with a greater non-residential floor area. The increased floor area and intensity for the site fits within the character of the existing area and is an appropriate site for the uses.

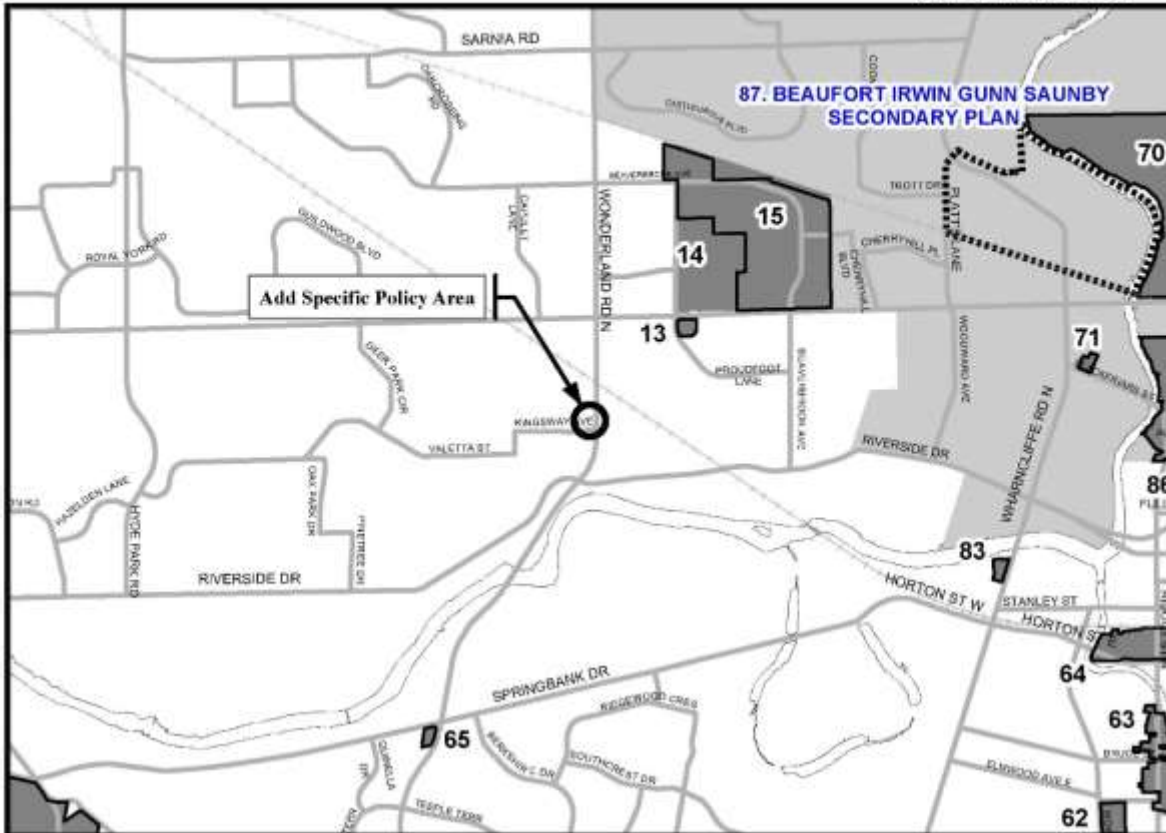
D. THE AMENDMENT

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

1. Specific Policies for the Neighbourhoods Place Type of The London Plan for the City of London is amended by adding the following:  
  
    ( ) In the Neighbourhoods Place Type at 584 and 588 Wonderland Road North, a mixed use building is permitted with a maximum of 390m<sup>2</sup> non-residential gross floor area, along with one dwelling unit.
2. Map 7 – Specific Policy Areas, to The London Plan for the City of London Planning Area is amended by adding a Specific Policy Area for the lands located at 584 and 588 Wonderland Road North in the City of London, as indicated on “Schedule 1” attached hereto.







AMENDMENT NO:



**LEGEND**

-  Specific Policies
-  Rapid Transit and Urban Corridor Specific-Segment Policies
-  Near Campus Neighbourhood
-  Secondary Plans

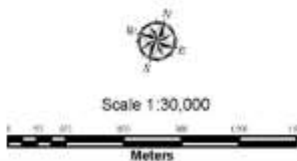
**BASE MAP FEATURES**

-  Streets (See Map 3)
-  Railways
-  Urban Growth Boundary
-  Water Courses/Ponds

This is an excerpt from the Planning Division's working consolidation of Map 7 - Special Policy Areas of the London Plan, with added notations.

**SCHEDULE 1  
TO  
THE LONDON PLAN**  
AMENDMENT NO.

PREPARED BY: Planning Services



FILE NUMBER: OZ-9114  
PLANNER: SW  
TECHNICIAN: RC  
DATE: 5/27/2020



## Appendix C

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 584  
and 588 Wonderland Road North.

WHEREAS Wasan Holdings Ltd has applied to rezone an area of land located at 584 and 588 Wonderland Road North, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 584 and 588 Wonderland Road North, as shown on the attached map comprising part of Key Map No. 64 from a Residential R1 (R1-9) Zone to a Restricted Office Special Provision (RO1(\_)) Zone.
- 2) Section Number 18.4 of the Restricted Office Zone is amended by adding the following Special Provision:

RO1( ) 584 and 588 Wonderland Road North

- a) Permitted Use
  - i) One dwelling unit together with office, medical/dental office and/or pharmacy uses.
- b) Regulations
  - i) Number of parking spaces for all permitted uses (Minimum) 18
  - ii) Exterior Side Yard Depth (Minimum) 0m (0ft)
  - iii) Parking Area Setback from required road allowance (Minimum) 1.4m (4.5ft)
  - iv) Gross floor area for all non-residential uses (Maximum) 390m<sup>2</sup> (4,197 sq ft)
  - v) Rear Yard Depth and Interior Side Yard Depth for Accessory structure (Minimum) 0.5m (1.6ft)

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

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

of this by-law or as otherwise provided by the said section.

PASSED in Open Council on June 29, 2020.

Ed Holder  
Mayor


Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

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



File Number: OZ-9114  
Planner: SW  
Date Prepared: 2020/05/27  
Technician: RC  
By-Law No: Z.-1-

SUBJECT SITE 

1:1,250

0 5 10 20 30 40 Meters



## Appendix D – Public Engagement

### Community Engagement

**Public liaison:** On September 25, 2019, Notice of Application was sent to 44 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 26, 2019. A “Planning Application” sign was also posted on the site.

On March 4, 2020, Notice of Revised Application was sent to 45 property owners in the surrounding area. Notice of Revised Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 5, 2020.

4 replies were received

**Nature of Liaison:** Possible change to Zoning By-law Z.-1 **FROM** a Residential R1 (R1-9) Zone **TO** a Residential R1 Special Provision/Office Conversion Special Provision (R1-9(\_)/OC5) Zone to permit dwellings units, medical/dental offices, and office uses within the existing buildings; with a shared access and parking area from Kingsway Avenue. Special Provision are requested to allow for two dwellings on one lot, a reduced exterior side yard, a reduced parking area setback, and an increased parking area coverage.

**Responses:** A summary of the four comments received include the following:

One comment expressed concern with sightlines at the corner of Kingsway Avenue and Wonderland Road North due to an existing fence.

One comment expressed concern with having additional dentist offices in the area.

One comment expressed concern with the increased scale and height of the revised proposal.

One comment was requesting additional information and clarification.

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

Telephone	Written
Richard	Maura Mills/Dr. Shinde 601 Wonderland Road London ON N6H 3E2
Rachel Flegel 571 Kingsway Avenue, London ON N6H 3A2	Mike & Susan Fediw 31 Brimley Court London ON N6H 5S3

**From:** Maura Mills [mailto: ]  
**Sent:** Thursday, October 10, 2019 4:09 PM  
**To:** Wise, Sonia <swise@london.ca>  
**Subject:** [EXTERNAL] Zoning By Law Amendment Comment Submissions

Hi Sonia,

I am submitting our comment on behalf of Dr. Shinde the business owner of Wonderland Family Dentistry regarding File: Z-9114, in light that the zoning for this is for a Medical/Dental office, being that we are a dental office putting another dental office in such close proximity would greatly affect our business and therefore we do not support and would like appeal this application to exclude zoning for dental.

--  
Sincerely,

Maura

Wonderland Family Dentistry  
601 Wonderland Road  
London, Ontario N6H 3E2

T: [REDACTED]  
F: [REDACTED]

**From:** [REDACTED] [mailto:[REDACTED]]  
**Sent:** Thursday, April 23, 2020 4:50 PM  
**To:** Wise, Sonia <[swise@london.ca](mailto:swise@london.ca)>  
**Subject:** [EXTERNAL] File Number - OZ-9114 - Wason Holdings

Sonia:

Regarding the 7.2 m road widening:

1. Will the 7.2 m road widening continue up through the 5 properties of Brimley Court.
2. What is planned for the intersection of Thornwood & Wonderland Road. Traffic lights etc.. left turn onto Wonderland Road
3. Expected time frame.

Mike & Susan Fediw  
31 Brimley Court  
London, Ont. N6H5S3  
[REDACTED]

## Agency/Departmental Comments

April 2, 2020 Development Services – Engineering

### *Transportation:*

- Wonderland road North is currently undergoing an Environmental Assessment, details regarding the EA can be found at the below web link: <https://www.london.ca/residents/Environment/EAs/Pages/Wonderland-Road-Improvements.aspx>
- Road widening dedication of 22.5m from centre line required along Wonderland Road North
- Revised 6.0m x 6.0m daylight triangle required
- Access to Wonderland Road to be closed and restored to City standards
- Shared access/easement between 584 & 588 from Kingsway Avenue
- Confirmation that there is sufficient onsite parking for the proposed use
- Detailed comments regarding access design and location will be made through the site plan process.

### *Water:*

- Detailed comments regarding water servicing for the site will be made through the site plan process.

### *Sewers:*

- 584 Wonderland Road – the municipal sanitary available is the 400mm diameter sanitary on Kingsway.
- 588 Wonderland Road - the municipal sanitary available is the 300mm diameter sanitary on Wonderland Road.
- The existing PDC's should be field verified for condition, size and grade and certified by the Owners Engineer they are adequate for intended use. Additionally, inspection MH' on private property will be required.

*Stormwater:*

- As per plan # 9661, the site at C=0.50 is tributary to the existing municipal 660mm storm sewer along Wonderland Road N. The proposed development will need 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, etc.
- The sites do not seem to have PDC connections to the existing storm sewer on Wonderland Road N
- 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 Mud Creek 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 is required to 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.

Urban Design – October 30, 2019

Urban Design staff reviewed the submitted conceptual site plan 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;

- Ensure any proposed parking is located 3m from any street frontage in order to screen the parking and provide for adequate landscaping between the parking and street.

September 27, 2019 – Upper Thames River Conservation Authority

No Objections

Canadian National Rail – October 1, 2019

As this is a conversion from residential to commercial in an established area, CN has no comments.

London Hydro – October 9, 2019

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

## Appendix E – Policy Context

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

### Provincial Policy Statement, 2014

### Provincial Policy Statement, 2020

- 1.1.1.b – appropriate range and mix of uses
- 1.1.3 – regenerate settlement areas
- 1.1.3.2.a – land use and densities which efficiently use resources
- 1.3.1.b – diversified economic base
- 1.7.1.e – opportunities for a diversified economic base

### The London Plan

- 59\_6 – build a mixed use compact city
- Table 10\* – permitted uses in the Neighbourhoods Place Type
- Table 11\* – permitted heights in Neighbourhoods Place Type
- Table 12\* – permitted floor area for non-residential uses in Neighbourhoods
- 916\_6\* - easy access to goods within neighbourhoods
- 916\_7\* - local employment opportunities
- 924\* - commercial uses in neighbourhoods where appropriate
- 936\_3\* - non-residential uses only if they fit the context
- 1578\* – evaluation of Zoning Amendments
- 1795\* - glossary of terms

### 1989 Official Plan

- 3.2 – Low Density Residential
- 3.7 – Planning Impact Analysis
- 3.6.8 – New Office Uses Evaluation Criteria
- Chapter 10 – Policies for Specific Areas

### Z.-1 Zoning By-law

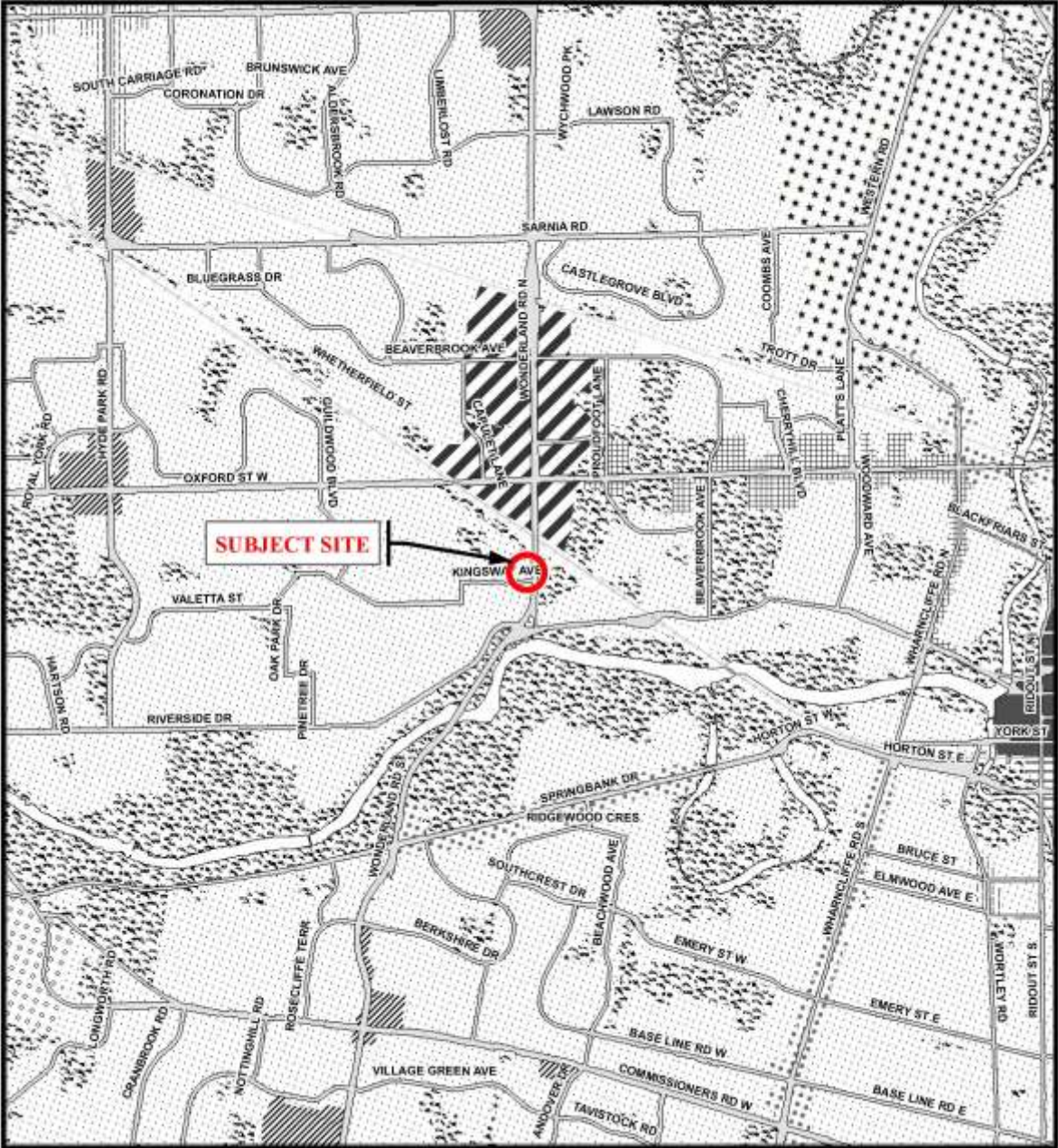
- Section 3 – Zones and Symbols
- Section 4 – General Provisions
- Section 18 – Restricted Office (RO) Zone



**Appendix F – Relevant Background**

**Additional Maps**





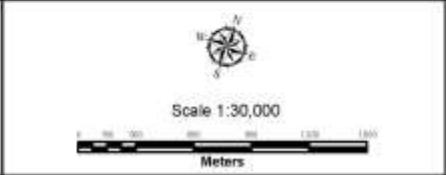
**Legend**

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

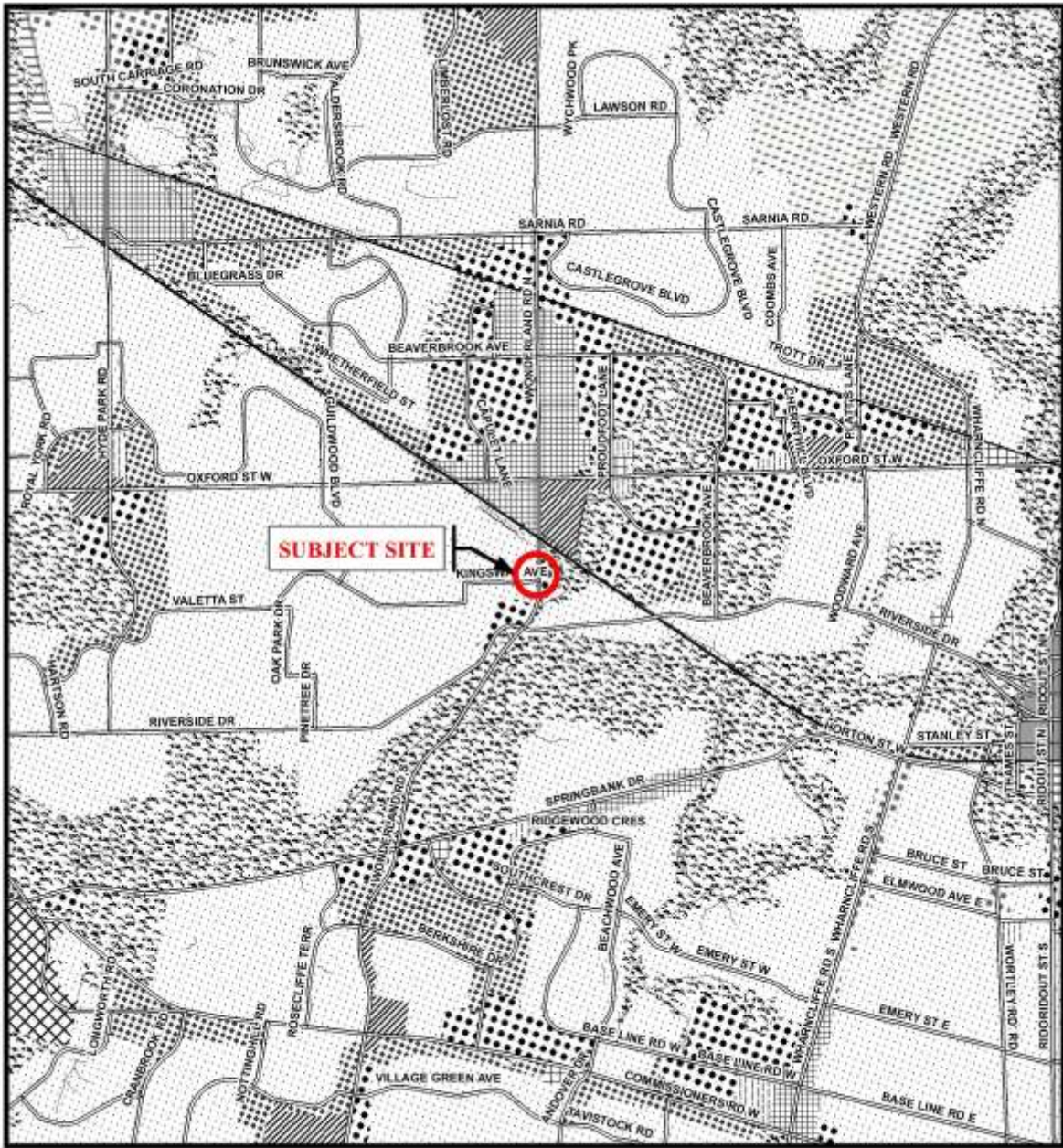
*This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.*

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

**CITY OF LONDON**  
 Planning Services /  
 Development Services  
**LONDON PLAN MAP 1**  
**- PLACE TYPES -**  
 PREPARED BY: Planning Services



**File Number:** OZ-9114  
**Planner:** SW  
**Technician:** RC  
**Date:** May 27, 2020



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

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



FILE NUMBER: OZ-9114  
 PLANNER: SW  
 TECHNICIAN: RC  
 DATE: 2020/05/27



Zoning as of May 31, 2019



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

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

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

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:  
OZ-9114 SW

MAP PREPARED:  
2020/05/27 RC

1:1,500

0 5 10 20 30 40  
Meters

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

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.2 PUBLIC PARTICIPATION MEETING – Application – 584 and 588 Wonderland Road North (OZ-9114)

- Councillor Cassidy: Any technical questions concerning this application? Seeing none I will go to Committee Rooms 1 and 2 to see if there is any member of the public that would like to speak to this. Go ahead, sir, if you would like to state your name and if you are comfortable stating your address; if not, you can give it to the Clerk in the room. Go ahead. You have five minutes.
- Haider Aljahlawi. Thank you so much for having me here. I am Dr. Haider Aljahlawi and I am representing this application here. I am a Dental Surgeon and I work in London and my practicing dental office is Wonderland and Commissioners, Dawn Dental Centre, and the idea was to relocate my office to Wonderland and Kingsway and then the plan expanded a little bit by adding the medical and small pharmacy to the site itself. That is briefly what I am planning to do and I have been working and serving London six years now and we have been dealing with what is happening here for the last three or four months but we have been dealing with emergencies and preventing people from going to hospitals and doing surgeries at our office. I'm here today, it's the first time for me to attend a meeting, a public meeting, and everything is new for me so I apologize if I am saying something not to be said here. If you have any questions I'm here to answer.
- Councillor Cassidy: No, you did fine. No mistakes, don't worry about that. Thank you very much. So I will go to the Committee to see if there are any questions of a technical nature or any questions of the applicant. Mr.Kirkness. It doesn't look like they have any questions. Thank you. Thank you very much. Are there any other members of the public in the Committee Room that would like to speak to this application?
- Michael Schulthess: I have canvassed and there are none in Committee Rooms 1 and 2.
- Councillor Cassidy: Thank you very much.

## 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:** York Developments  
944 Hamilton Road

**Public Participation Meeting on: June 22<sup>nd</sup>, 2020**

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of York Developments relating to the property located at 944 Hamilton Road:

- (a) Consistent with Policy 19.1.1. of the Official Plan, the subject lands, representing a portion of 944 Hamilton Road, **BE INTERPRETED** to be located in the Community Commercial Node designation; and,
- (b) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting June 29<sup>th</sup>, 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 Convenience Commercial/Service Station (CC/SS1) Zone and a Residential R1 (R1-6) Zone, **TO** an Associated Shopping Area Commercial Special Provision (ASA1(\_)/ASA2(\_)/ASA3(\_)) Zone;

## Executive Summary

### Summary of Request

The requested amendment would permit an increased range of commercial uses on the subject site, including 2 restaurants with a drive-through.

### Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is permit an increased range of commercial uses, facilitate the adaptive reuse of an existing commercial building and construction of a new commercial building, both with drive-through facilities.

### Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS 2020.
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to, Policy 253\_, Policy 926\_ and Policy 932\_
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan policies, including but not limited to, Section 4.3.7.1., Section 4.3.7.2., Section 4.3.7.3., Section 4.3.7.4., Section 4.3.7.5. and Section 19.1.1i
4. The recommended amendment provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to effectively utilize the existing building.
5. The existing and proposed built form and on-site parking is capable of supporting the requested commercial uses without resulting in any negative impacts on the abutting lands.

## 1.0 Site at a Glance

### 1.1 Property Description

The subject site is part of a long commercial corridor which runs along both sides of Hamilton Road, with low density residential uses located behind the commercial properties fronting the corridor. More specifically, the subject site is located on the northeast corner of the Hamilton Road and Highbury Avenue North intersection, where a commercial node exists. Surrounding uses include low density residential uses immediately to the north and northeast, and a financial institution immediately to the east. Currently, there is an existing 1-storey building located on the subject site.



Figure 1. Subject site facing northwest from Hamilton Road



Figure 2. Subject site facing north from the intersection at Hamilton Road and Highbury Avenue North

1.2 Location Map





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

- Official Plan Designation – Community Commercial Node (CCN) and Low Density Residential (LDR)
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Convenience Commercial/Automobile Service Station (CC/SS1), Residential R1 (R1-6)

### 1.4 Site Characteristics

- Current Land Use – Restaurant (Vacant)
- Frontage – 39.98 metres (131.2 feet)
- Depth – 41.1 metres (134.8 feet)
- Area – 3,427 square metres (0.34 hectares)
- Shape – Irregular

### 1.5 Surrounding Land Uses

- North – Low Density Residential
- East – Financial Institution/Commercial/Low Density Residential
- South – Service Station/Commercial
- West – Service Station/Commercial

## 2.0 Description of Proposal

### 2.1 Development Proposal

The proposed development includes a new building fronting onto Hamilton Road and an existing building located at the rear of the subject site, for a combined gross floor area of 433m<sup>2</sup>. The recommended amendment would allow for an expanded range of commercial uses, with 2 restaurants with a drive-through being proposed for the existing and proposed buildings. The proposed development includes 46 parking spaces, with access to the subject site being provided by one entrance off Highbury Avenue North.



## 3.0 Relevant Background

### 3.1 Requested Amendment

The requested amendment would permit an expanded range of commercial uses on the subject site, including new restaurant permit uses with a drive-through. The amendment will require a change to the Zoning By-law Z.-1 from a Convenience Commercial/Service Station (CC/SS1) Zone and a Residential R1 (R1-6) Zone to an Associated Shopping

Area Commercial Special Provision (ASA1(\_)/ASA2(\_)/ASA3 (\_)) Zone to permit Animal Hospitals, Brewing on Premises Establishment, Clinics, Convenience Service Establishments, Convenience Stores, Day Care Centres, Dry Cleaning And Laundry Plants, Duplicating Shops, Financial Institutions, Grocery Stores, Medical/Dental Offices, Laboratories, Offices, Personal Service Establishments, Pharmacies, Printing Establishments, Restaurants, Retail Stores, Repair And Rental Establishments, Service and Repair Establishments, Studios, Supermarkets, and Video Rental Establishments.

Special Provisions are required to permit the following: a reduced number of parking spaces of 46 spaces whereas a minimum of 55 spaces is required; a reduced lot frontage of 40m, whereas a minimum of 45m is required, a reduced lot depth of 41m, whereas a minimum of 60m is required; a reduced landscaped buffer of 0.9m between the edge of the drive-through lane and the ultimate road allowance, whereas a minimum of 3.0m is required for drive-through facilities located in the front or exterior side yards; a reduced parking area setback of 0m, whereas a minimum of 3m is required; a reduced landscaped strip of 1.5m immediately adjacent to any noise barrier whereas a minimum of 3.0m is required; and to recognize a reduced rear yard setback of 2.1m for the existing building, whereas a minimum of 10m is required.

### **3.2 Community Engagement (see more detail in Appendix B)**

Through the circulation process, Staff received one (1) written response from a neighbouring property owner citing concerns about traffic impacts resulting from the proposed rezoning. Public comments will be addressed later in this report.

### **3.3 Policy Context (see more detail in Appendix C)**

#### *Provincial Policy Statement, 2020 (PPS)*

The Provincial Policy Statement (PPS) 2020 provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate affordable and market-based range and mix of residential, employment and institutional uses to meet long-term needs. Within settlement areas, sufficient land shall be made available through intensification and redevelopment (Section 1.1.2).

Section 1.3.1 of the PPS directs planning authorities to promote economic development and competitiveness by providing opportunities for a diversified economic base, and encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

#### *The London Plan*

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

The subject site is located within the \*Neighbourhoods Place Type on a Civic Boulevard (Hamilton Road) and an Urban Thoroughfare (Highbury Avenue North), as identified on \*Map 1 – Place Type and \*Map 3 – Street Classifications. The \*Neighbourhoods Place Type permits a range of low to medium-high density residential uses. Secondary uses permitted at this location include mixed-use buildings and standalone retail, service, and office uses (\*Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). Service uses may include neighbourhood-oriented services such as, but not limited to,

personal services, restaurants, small-scale recreational uses, and public services (Policy 926\_).

Furthermore, drive-through facilities are permitted on properties located at the intersection of streets classified as either Civic Boulevard and/or Urban Thoroughfare where it can be clearly demonstrated that they will not detract from the vision and role of the Place Type and the quality and character of the pedestrian-oriented street environment (Policy 932\_).

### **1989 Official Plan**

The subject site is split designated Community Commercial Node (CCN) and Low Density Residential (LDR) in the 1989 Official Plan.

Areas designated CCN are intended to provide for a wide range of goods and services which are needed on a regular basis, with an emphasis on community specialized services (Section 4.3.7.1.). Permitted uses in the CCN designation include all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses; community facilities; professional and medical/dental offices; and commercial and private schools (Section 4.3.7.3.).

In the LDR designation, the primary permitted uses include single-detached, semi-detached and duplex dwellings (Section 3.2.1.). The policies of the Plan recognize existing convenience commercial uses that are appropriately located in Residential designations, including eat-in restaurants (Section 3.2.1., Section 3.6.5.). New convenience commercial uses are permitted within the Residential designations by Official Plan amendment and zone change subject to criteria in Section 3.6.5. (Section 3.2.1.)

However, it should be noted that the boundaries between land use designations as shown on Schedule "A" - the Land Use Map, are not intended to be rigid, except where they coincide with physical features (such as streets, railways, rivers or streams). As such, Council may permit minor departures from such boundaries if it is of the opinion that the general intent of the Plan is maintained and that the departure is advisable and reasonable (Section 19.1.1i).

### **Zoning By-law Z.-1**

The subject site is zoned Convenience Commercial/Automobile Service Station (CC/SS1) and Residential R1 (R1-6).

Under the existing zones, restaurant uses with drive-throughs are not permitted. The CC zone permits convenience stores, financial institutions, and personal service establishments, all without drive-throughs. The SS1 zone permits automobile service stations and gas bars, and the R1-6 Zone permits residential uses in the form of single detached dwellings.

The applicant is requesting to rezone the lands to Associated Shopping Area Commercial Special Provision (ASA1(\_)/ASA2(\_)/ASA3(\_)). The ASA Zone is intended to implement the Commercial land use designation policies in the 1989 Official Plan and provides for and regulates a wide range of retail, personal service, community facility, automotive and office uses.

Special provisions are being requested for the following:

1. To permit a reduced number of parking spaces of 46 spaces, whereas a minimum of 55 spaces is required;
2. A reduced lot frontage of 40.0m, whereas a minimum of 45.0m is required;
3. A reduced lot depth of 41.0m, whereas a minimum of 60.0m is required;

4. A reduced parking area setback of 0m, whereas a minimum of 3.0m is required;
5. A reduced landscaped buffer of 0.9m between the edge of the drive-through lane and the ultimate road allowance, whereas a minimum of 3.0m is required;
6. A reduced landscaped strip of 1.5m immediately adjacent to any noise barrier, whereas a minimum of 3m is required; and
7. To recognize a reduced rear yard setback of 2.1m for the existing building, whereas a minimum of 10.0m is required.

## 4.0 Key Issues and Considerations

### 4.1 Issue and Consideration # 1 – Use & Intensity

#### *Provincial Policy Statement, 2020 (PPS)*

The PPS requires municipalities to accommodate an appropriate affordable and market-based range and mix of land uses and needs, and encourages efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (Policy 1.1.1 a), 1.1.1 b)). Within settlement areas, land use patterns shall be based on densities and a mix of land uses which efficiently use land and resources, and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (Policy 1.1.3.2 a), 1.1.3.2 b)). As well, sufficient land shall be made available through intensification and redevelopment, and appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form (Policy 1.1.2, 1.1.3.4). 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*”.

The PPS also requires municipalities 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 (Policy 1.3.1b).

The recommended amendment represents a form of intensification, as defined by the PPS, as it will facilitate the development of an underutilized lot within an established settlement area and provide an increased opportunity to effectively utilize the existing building, thereby ensuring that compact, mixed-use development is maintained. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of existing services. The recommended amendment also provides for additional uses on the subject site that are appropriate and compatible with the surrounding area and that contribute to an appropriate range and mix of employment uses, helping meet long-term needs.

#### *London Plan*

The subject site is located in the Neighbourhoods Place Type at the intersection of an Urban Thoroughfare (Highbury Avenue North) and a Civic Boulevard (Hamilton Road). Within the Neighbourhoods Place Type, \*Tables 10-12 provide a range of permitted uses and intensities based on street classification (Policy \*935\_1, \*935\_2, \*921\_).

At this location, \*Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type permits a number of Secondary, non-residential uses including mixed-use buildings and standalone retail, service, and office uses. Service uses may include neighbourhood-oriented services such as, but not limited to, personal services, restaurants, small-scale recreational uses, and public services (Policy 926\_). The range of retail, service and office uses that may be permitted in this Place Type will only be

permitted if they are appropriate and compatible within a neighbourhood context (Policy \*924\_).-Furthermore, drive-through facilities are permitted on properties located at the intersection of streets classified as either Civic Boulevard and/or Urban Thoroughfare where it can be clearly demonstrated that they will not detract from the vision and role of the Place Type and the quality and character of the pedestrian-oriented street environment (Policy 932\_).

The requested amendment to permit an increased range of commercial uses on the subject site, including 2 restaurants with drive-throughs, is in keeping with the uses permitted in the Neighbourhoods Place Type at this location. Additionally, the proposed uses permitted under the ASA1/ASA2/ASA3 Zones would bring the subject site into greater conformity with The London Plan, as they provide for a range of neighbourhood-scale uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents. The new drive-through facility will be located away from the street, screened by the proposed building fronting onto Hamilton Road, thereby creating a more pedestrian-oriented street frontage. The proposed development will be subject to Site Plan Approval in conformity with the City Design policies of this Plan.

In accordance with \*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type, the minimum height permitted at the intersection of a Civic Boulevard and Urban Thoroughfare is 2-storeys, up to a maximum height of 4-storeys. Both the existing and proposed buildings are 1-storey in height. The applicant submitted an Urban Design Brief as part of a complete application, which demonstrates that the proposed 6.35m building is intended to be designed in a manner that gives the appearance of a second storey by incorporating 7.0m-high parapets to convey more massing and building height. The existing 1-storey building is located in the rear of the lot, away from the streetscape.

It should be noted that the height provisions in \*Table 11 are currently under appeal and are not in force and effect. Accordingly, these policies are informative but are not determinative and cannot be relied on for the review of the requested amendment. Until such time that the City Building policies of The London Plan are fully in effect, and Site Plan Approval is required for the redevelopment of the site, it is reasonable to allow for a minimum height of 1-storey as the proposed building is intended to convey a greater height through massing and design elements, and the existing building is located away from the street.

Finally, \*Table 12 - Retail, Service, and Office Floor Area Permitted in the Neighbourhoods Place Types limits the total floor area for retail, service and office use at the intersection of a Civic Boulevard and an Urban Thoroughfare to a maximum 2000m<sup>2</sup>. Within the ASA2 Zone, a maximum gross floor area of 1000m<sup>2</sup> is permitted for restaurants (Z.-1-96435). The applicant is proposing a gross floor area of 433m<sup>2</sup>, which complies with both \*Table 12 and the Zoning By-law Z.-1.

#### *1989 Official Plan*

The Community Commercial Node (“CCN”) designation is intended to provide for a wide range of goods and services which are needed on a regular basis, including: all types of retail outlets including department stores, home improvement and furnishings stores, supermarkets, food stores and pharmacies; convenience commercial uses; personal services; restaurants; commercial recreation establishments; financial institutions and services; a limited range of automotive services; service-oriented office uses; community facilities; professional and medical/dental offices; and commercial and private schools (Section 4.3.7.1., 4.3.7.3.). The recommended amendment to permit an expanded range of commercial uses on the subject site, including new restaurant uses with a drive-through, is permitted.

Section 4.3.7.5 of the Official Plan states that “*Commercial development within a Community Commercial Node shall normally range in size from 13,000 m<sup>2</sup> to 50,000 m<sup>2</sup> gross floor area. Zoning of individual Community Commercial Nodes will normally be restricted to the existing zoned gross floor area*”. As previously mentioned, the

recommended ASA Zone variation permits a maximum gross floor area of 1,000m<sup>2</sup> for restaurants. The recommended zoning brings the subject site into greater conformity with the Official Plan policies, as the existing CC/SS1 Zone restricts the maximum gross floor area to 500m<sup>2</sup> and significantly narrows the range of permitted uses. Given the total area of the subject site, being 3,427m<sup>2</sup>, a maximum gross floor area of 1,000m<sup>2</sup> for restaurants is reasonable and consistent with the policies of the 1989 Official Plan.

Within the LDR designation, the primary permitted uses include single-detached, semi-detached and duplex dwellings (Section 3.2.1.). While the LDR policies contemplate new convenience commercial uses as a secondary use, subject to specific locational and land use compatibility criteria, the full range of uses permitted within the ASA1/ASA2/ASA3 Zones would not be permitted on lands designated LDR (Section 3.6.5.). Furthermore, the preferred location for convenience commercial uses is within the various Commercial land use designations (Section 3.2.1., Section 3.6.5.).

Chapter 19 of the Official Plan states that the boundaries between land use designations as shown on Schedule "A" - the Land Use Map, are not intended to be rigid, except where they coincide with physical features such as streets, railways, rivers or streams (19.1.1i)). Policy 19.1.1i) further states that the exact determination of boundaries that do not coincide with physical features will be the responsibility of Council and that Council may permit minor departures from such boundaries if it is of the opinion that the general intent of the Plan is maintained and that the departure is advisable and reasonable.

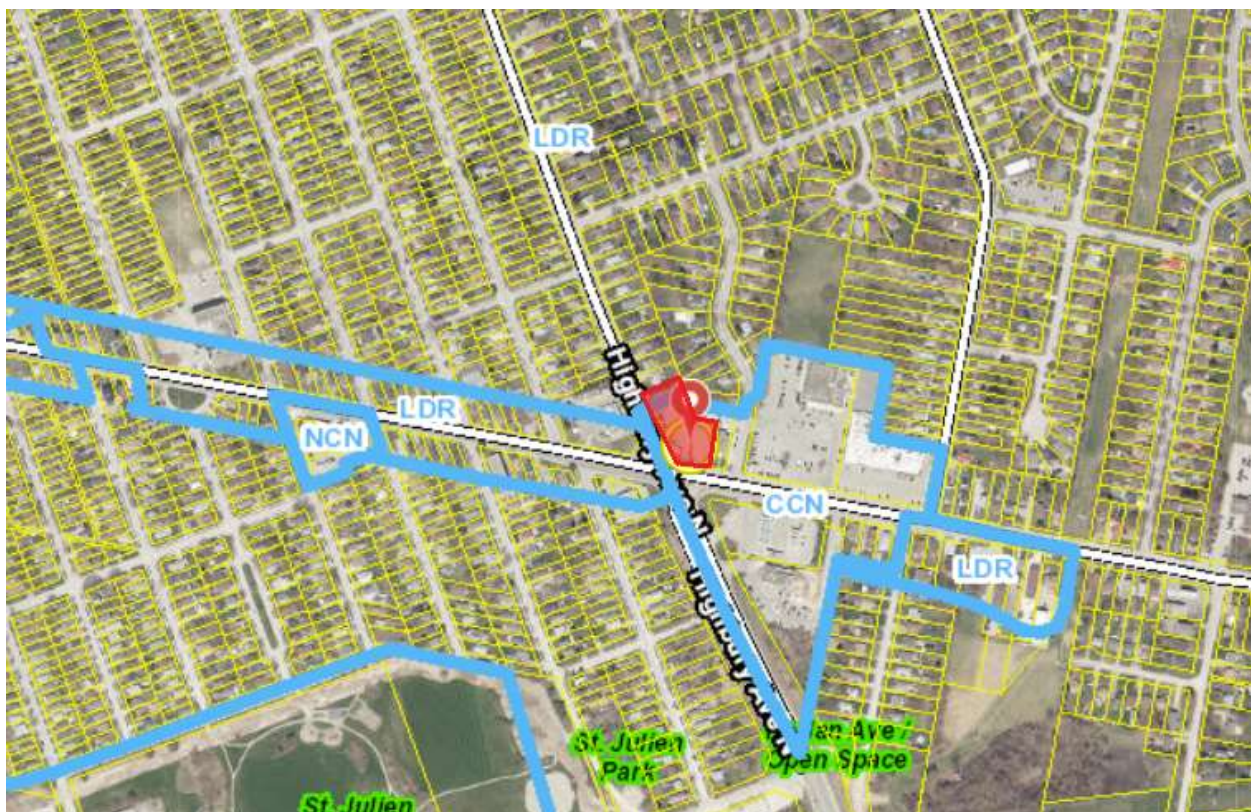


Figure 3. 1989 OP Schedule "A" - Land Use Designations

As there are no physical boundaries between the LDR and CCN designations, it is recommended that Council interpret the site to be designated CCN. The existing parking lot, located on the northerly portion of the subject site, is designated LDR and has existed for an extended period of time and has achieved a general level of acceptance in the neighbouring area. The proposed development has been designed in a manner that is appropriate and sympathetic to the surrounding neighbourhood. Since the new uses are considered to be of similar intensity as compared to the existing range of uses, no new impacts are anticipated. As such, the recommended minor departure from the boundary meets the general intent of the Plan and is advisable and reasonable.

## 4.2 Issue and Consideration # 2 – Form & Zoning Provisions

### *The London Plan/1989 Official Plan*

Within the Neighbourhoods Place Type in The London Plan, 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 (Policy \*936\_3). The Neighbourhoods Place Type ensures that all planning and development applications will conform to the City Design policies of this Plan, which includes (but is not limited to) the following policies:

- *Site layout should be designed to minimize and mitigate impacts on adjacent properties (Policy 253\_)*
- *Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment (Policy \*259\_)*
- *The drive aisles for drive through facilities should not be located between the street and the face of the building in the front or exterior side yard. These facilities should not interfere with direct pedestrian access to the building from the sidewalk, compromise pedestrian safety, reduce the ability to provide on-site landscaping adjacent to the street, or have a negative impact on the pedestrian amenity of the streetscape (Policy 264\_)*

Similarly, the CCN policies in the 1989 Official Plan require that lands be located “on a site large enough to accommodate all buildings plus parking, loading facilities and measures to provide to provide adequate buffering and setbacks from adjacent residential uses” (Section 4.3.7.2. iv)). Free-standing structures are encouraged along the street frontage to improve the design of the street edge and reduce the visual impact of large open parking spots (Section 4.3.7.4.).

Section 4.3.7.4. states that “Community Commercial Nodes can have either an enclosed shopping centre or a strip plaza focus with either a supermarket or food store as an integral part of the centre”. Given the existing area (3,427m<sup>2</sup>) and configuration of the subject site, it could not accommodate an enclosed shopping centre or a strip plaza with a supermarket or food store . However, the broader CCN designation encompasses lands on the north and south sides of the intersection, including lands to the east of the subject site containing a grocery store (No Frills). Therefore, the broader CCN fulfills the planned intent of the policy and the subject site supports the broader CCN with complementary commercial uses. The proposed development, which includes a new building fronting onto Hamilton Road and an existing building located at the rear of the subject site, is reasonable and brings the site into greater conformity than the previous existing uses, being a coffee shop and a service station.

Additionally, as part of a complete application, the applicant submitted an Urban Design Brief to identify how the building design and form would be in keeping with the City Design policies of The London Plan and Chapter 11 Urban Design Policies of the 1989 Official Plan. Urban Design staff and members of the Urban Design Panel were supportive of the conceptual design as it locates the building along Hamilton Road, establishing a built edge and activating the street, while screening the drive-through and addressing the corner of the intersection.

Further refinement of the site and building design will occur at the Site Plan Approval stage, with consideration of design principles established through the re-zoning including: building location and orientation; building massing and height; and general site layout (setbacks, parking location, vehicular access, and pedestrian circulation). The following Special Provisions will be evaluated based on the Neighbourhoods Place Type policies and City Building policies in The London Plan, as well as the CCN land use designation policies and the Urban Design policies in the 1989 Official Plan:

1. To permit a reduced lot frontage of 40m, whereas a minimum of 45m is required;
2. A reduced lot depth of 41m, whereas a minimum of 60m is required;
3. A reduced parking area setback of 0m, whereas a minimum of 3m is required;
4. A reduced landscaped buffer of 0.9m between the edge of the drive-through lane and the ultimate road allowance, whereas a minimum of 3m is required;
5. A reduced landscaped strip of 1.5m immediately adjacent to any noise barrier, whereas a minimum of 3m is required; and
6. To recognize a reduced rear yard setback of 2.1m for the existing building, whereas a minimum of 10m is required.

*Special Provisions: Reduced Lot Frontage and Lot Depth*

The depth and size of the existing lot has proven capable of accommodating the previous uses on the subject site, being a restaurant and a servicing station. As the proposed uses are considered to be of similar intensity to the existing range of permitted uses, no new impacts are anticipated as a result of the recognizing the existing lot frontage and lot depth.

*Special Provisions: Reduced Landscaped Buffer and Rear Yard Setback*

A Special Provision is required to recognize a reduced rear yard setback of 2.1m for the existing building, whereas a minimum rear yard setback of 10.0m is required for lands abutting a Residential Zone within the ASA Zone variation (Zoning By-law Z.-1, Table 24.3). The 2.1m rear yard setback represents an existing condition that has existed on the subject site for an extended period of time. Retention of the existing fencing along the north and northeast side of the subject site provides sufficient buffering between the existing building and abutting residential neighbourhood. As such, no new impacts are anticipated.

Section 4.35 1) of the Zoning By-law requires “a minimum separation distance from the edge of a drive-through lane to the closest residential/facility/institutional use lot line of 15m if a 2.4m high noise attenuation barrier is installed between the residential/facility/institutional use and the drive-through lane. A minimum 3.0m wide landscaped strip is required consisting of new and/or existing vegetation immediately adjacent to any noise barrier”. The proposed minimum separation distance is 15.5m from the edge of the drive-through lane to the closest residential/institutional use; as such, a noise attenuation barrier is required to be installed along the rear lot line. In order to accommodate a noise attenuation barrier, the applicant is requesting a Special Provision to permit a reduced landscaped strip width of 1.5m due to the limitations resulting from the existing 2.1m rear yard setback for the existing building. Site Development Staff are supportive of the reduced landscape strip width of 1.5m given the existing conditions, and further refinement of the site and building design will occur at the Site Plan Approval stage.

Additionally, Section 4.35 2) of the Zoning By-law requires a minimum 3.0m landscaped buffer between the edge of the drive-through lane and the ultimate road allowance for drive-through facilities located in the front and/or interior side yard. A Special Provision to permit a reduced landscaped buffer of 0.9m between the edge of the drive-through lane and the ultimate road allowance is required due to the proposed 22.0m road widening from centreline along Highbury Avenue North, resulting in a small portion of the drive-through lane being located within the required 3.0m landscaped buffer. Reconfiguring the drive-through would result in the reduction of additional parking spaces and obstruct the proposed fire route. As such, Site Development Staff are



supportive of the reduced landscape buffer of 0.9m.

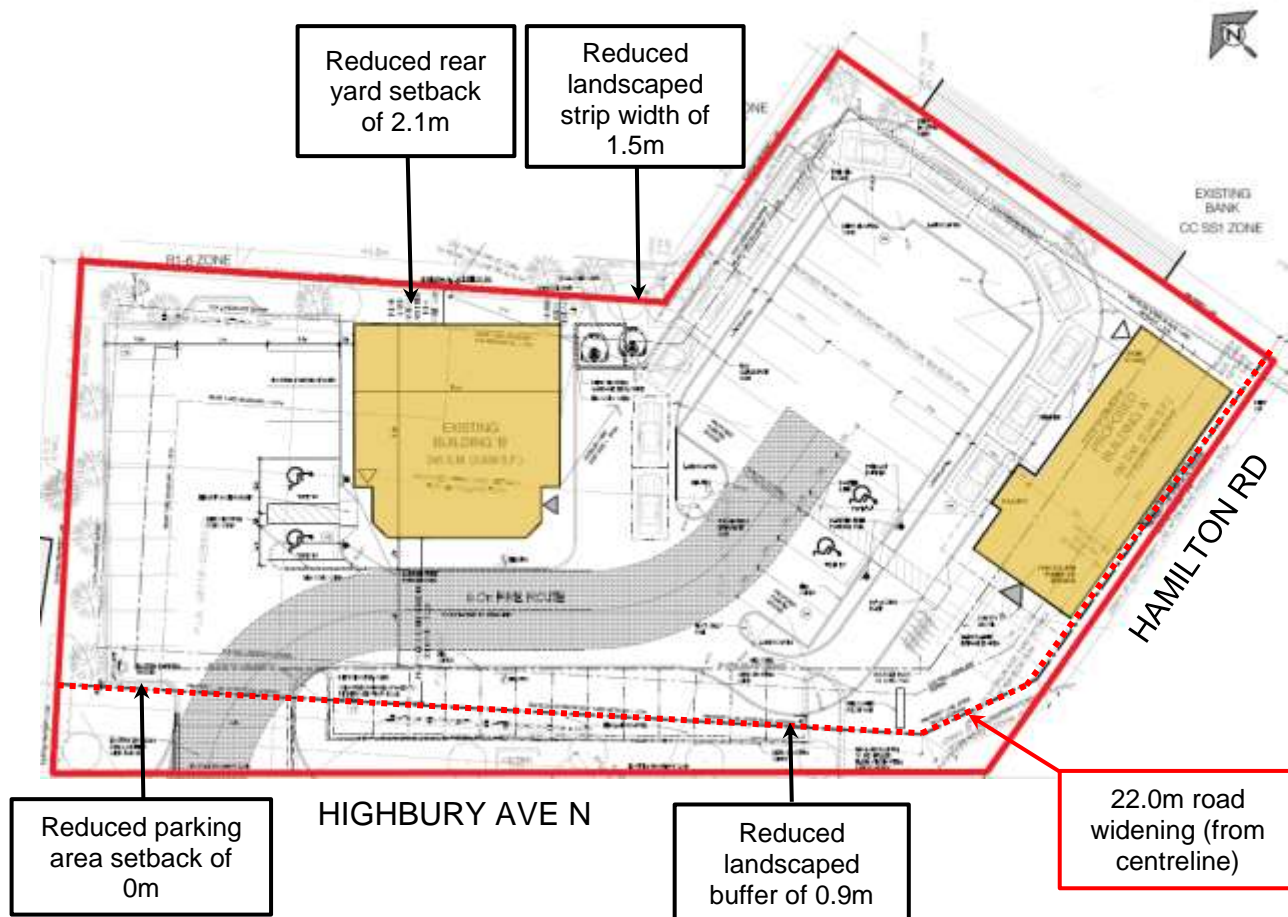


Figure 4. Conceptual Site Plan (above)

*Special Provision: Reduced Parking Area Setback*

Section 4.19 4) c) of the Zoning By-law requires that “no part of any parking area [...] is located close than 3.0m to any required road allowance.” The applicant is requesting a reduced parking area setback of 0m from the ultimate road allowance on Highbury Avenue North as a result of the proposed road widening of 22.0m from the centreline. Staff are concerned that the proposed reduction in the parking area setback will negatively impact the streetscape along Highbury Avenue North. Further, the proposed reduction does not comply with Section 6.2 (b) of the Site Plan Control By-law, which requires that “parking areas be no closer than 3m to the street line and 1.5m to a property line”.

Applying the as-of-right zoning, rather than approving the requested special provision, would result in the loss of 1 parking space for a total of 46 parking spaces. As Transportation Engineering Staff are supportive of the reduction in the number of parking spaces to 46 spaces, the requested Special Provision for a reduced parking area setback of 0m is not necessary to facilitate the proposed development. It is recommended that the requested Special Provision not be approved, as it is not consistent with the PPS and does not conform to the policies of The London Plan or the 1989 Official Plan.

**4.3 Issue and Consideration # 3: Parking, Traffic, and Noise**

Through the circulation of the application, a concern was raised by a neighbouring resident regarding increased traffic at the intersection of Hamilton Road and Highbury Avenue North and noise issues caused by the proposed development.

Transportation staff have reviewed the requested amendment and cited no concerns with respect to traffic. The development of the subject site into a nodal configuration rather than strip configuration ensures that impact on traffic and adjacent land uses is

minimized. It should also be noted that the subject site is currently zoned to accommodate a modest range of commercial uses and had previously accommodated commercial uses in the past. Therefore, it had been anticipated that this site will result in some traffic impacts not unlike those proposed by way of the recommended uses.

Access to the subject site will be provided by one entrance off Highbury Avenue North. Existing fencing and landscaping located along the north and northeast property boundary provides sufficient buffering between the parking areas and abutting residential neighbourhood. As per Section 4.35 of the Zoning By-law, a 2.4m high noise attenuation barrier is required to be installed along the rear property line to mitigate noise from the drive-through lane. Site-level details, such as access location and design, will be reviewed and addressed through a future site plan approval application.

Section 4.19 (10)(b) of Zoning By-law Z.-1 provides standard parking rates for specific uses based on building area. Based on a total gross floor area of 433m<sup>2</sup>, the required number of parking spaces is 55 spaces (1 per 6m<sup>2</sup>). The applicant is requesting a Special Provision to permit 46 parking spaces for all permitted uses in the ASA1/ASA2/ASA3 Zone. This figure includes the loss of 1 parking space at the northwest corner of the site to accommodate the required 3.0m parking area setback as discussed in the previous section (4.2 – Issue and Consideration #2).

Additionally, Section 4.35 3) of the Zoning By-law requires that drive-through facilities provide a minimum of 15 stacking parking spaces for coffee shops; in this instance, the applicant is proposing 12 spaces. Uses that request a lower stacking lane capacity are required to submit a queuing study to the City to identify the stacking capacity required. Given that the parking rate is based on the most restrictive rate for all permitted uses in the proposed zone, Staff are satisfied the requested reduction of 46 spaces is appropriate. The reduction in the number of proposed parking spaces did not warrant submission of a Traffic Impact Study as part of the complete application, and City Transportation Staff have reviewed the application and have no concerns with respect to the reduction in stacking parking spaces.

## **5.0 Conclusion**

The requested amendment to expand the range of permitted commercial uses on the subject site and to allow for 2 restaurants and a drive-through is considered appropriate as the recommended ASA1/ASA2/ASA3 Zone is consistent with the PPS 2020 and conforms to The London Plan and the 1989 Official Plan.

The recommended zone provides additional uses that are appropriate and compatible with the surrounding area and provides an increased opportunity to effectively develop the underutilized site. This is in greater conformity with The London Plan and the 1989 Official Plan policies, both of which encourage intensification and redevelopment in existing commercial areas within the built-up area of the City. The requested Special Provisions for reduced parking spaces, reduced landscape buffers, and to recognize the rear yard setback, and lot depth and frontage have also been determined to be appropriate in this instance, as they will not result in any negative impacts on abutting residential lands. However, Staff are not supportive of a Special Provision to reduce the minimum parking area setback to 0m on the basis that it would negatively impact the streetscape along Highbury Avenue North, and recommend Council refuse the request as it does not conform to The London Plan or the 1989 Official Plan. This will result in the loss on 1 parking space for the applicant (included in the parking reduction Special Provision) while allowing for improved access and maneuverability within the site.

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

June 12, 2020  
MT/mt

## 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 944  
Hamilton Road

WHEREAS York Developments has applied to rezone an area of land located at 944 Hamilton 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 944 Hamilton Road, as shown on the attached map comprising part of Key Map No. **A.107**, from a Convenience Commercial/Service Station (CC/SS1) and Residential R1 (R1-6) Zone to an Associated Shopping Area Special Provision (ASA1(\_)/ASA2(\_)/ASA3(\_)) Zone.
- 2) Section Number 24.4 of the Associated Shopping Area (ASA1) Zone is amended by adding the following Special Provisions:
  - ) ASA1( ) 944 Hamilton Road
    - a) Regulations
      - i) Rear Yard Setback from the existing building (Minimum) 2.1 metres (6.9 feet)
      - ii) Lot Frontage (m) (Minimum) 40.0 metres (131.2 feet)
      - iii) Lot Depth (m) (Minimum) 41.0 metres (134.5 feet)
      - iv) Parking Spaces (Minimum) 46 spaces for all uses permitted in the zone
      - v) Landscaped strip width adjacent to any noise barrier (Minimum) 1.5 metres (4.9 feet)
      - vi) Landscaped buffer between the edge of the drive-through lane and the ultimate road allowance along Highbury Avenue North (Minimum) 0.9 metres (3.0 feet)
- 3) Section Number 24.4 of the Associated Shopping Area (ASA2) Zone is amended by adding the following Special Provisions:
  - ) ASA2( ) 944 Hamilton Road

- a) Regulations
- |      |  |  |
|------|--|--|
| i)   | Rear Yard Setback from the existing building (Minimum)   | 2.1 metres (6.9 feet)                        |
| ii)  | Lot Frontage (m) (Minimum)   | 40.0 metres (131.2 feet)                     |
| iii) | Lot Depth (m) (Minimum)  | 41.0 metres (134.5 feet)                     |
| iv)  | Parking Spaces (Minimum)   | 46 spaces for all uses permitted in the zone |
| v)   | Landscaped strip width adjacent to any noise barrier (Minimum)   | 1.5 metres (4.9 feet)                        |
| vi)  | Landscaped buffer between the edge of the drive-through lane and the ultimate road allowance along Highbury Avenue North (Minimum) | 0.9 metres (3.0 feet)                        |

4) Section Number 24.4 of the Associated Shopping Area (ASA3) Zone is amended by adding the following Special Provisions:

) ASA3( ) 944 Hamilton Road

- a) Regulations
- |      |  |  |
|------|--|--|
| i)   | Rear Yard Setback from the existing building (Minimum)   | 2.1 metres (6.9 feet)                        |
| ii)  | Lot Frontage (m) (Minimum)   | 40.0 metres (131.2 feet)                     |
| iii) | Lot Depth (m) (Minimum)  | 41.0 metres (134.5 feet)                     |
| iv)  | Parking Spaces (Minimum)   | 46 spaces for all uses permitted in the zone |
| v)   | Landscaped strip width adjacent to any noise barrier (Minimum)   | 1.5 metres (4.9 feet)                        |
| vi)  | Landscaped buffer between the edge of the drive-through lane and the ultimate road allowance along Highbury Avenue North (Minimum) | 0.9 metres (3.0 feet)                        |

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

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

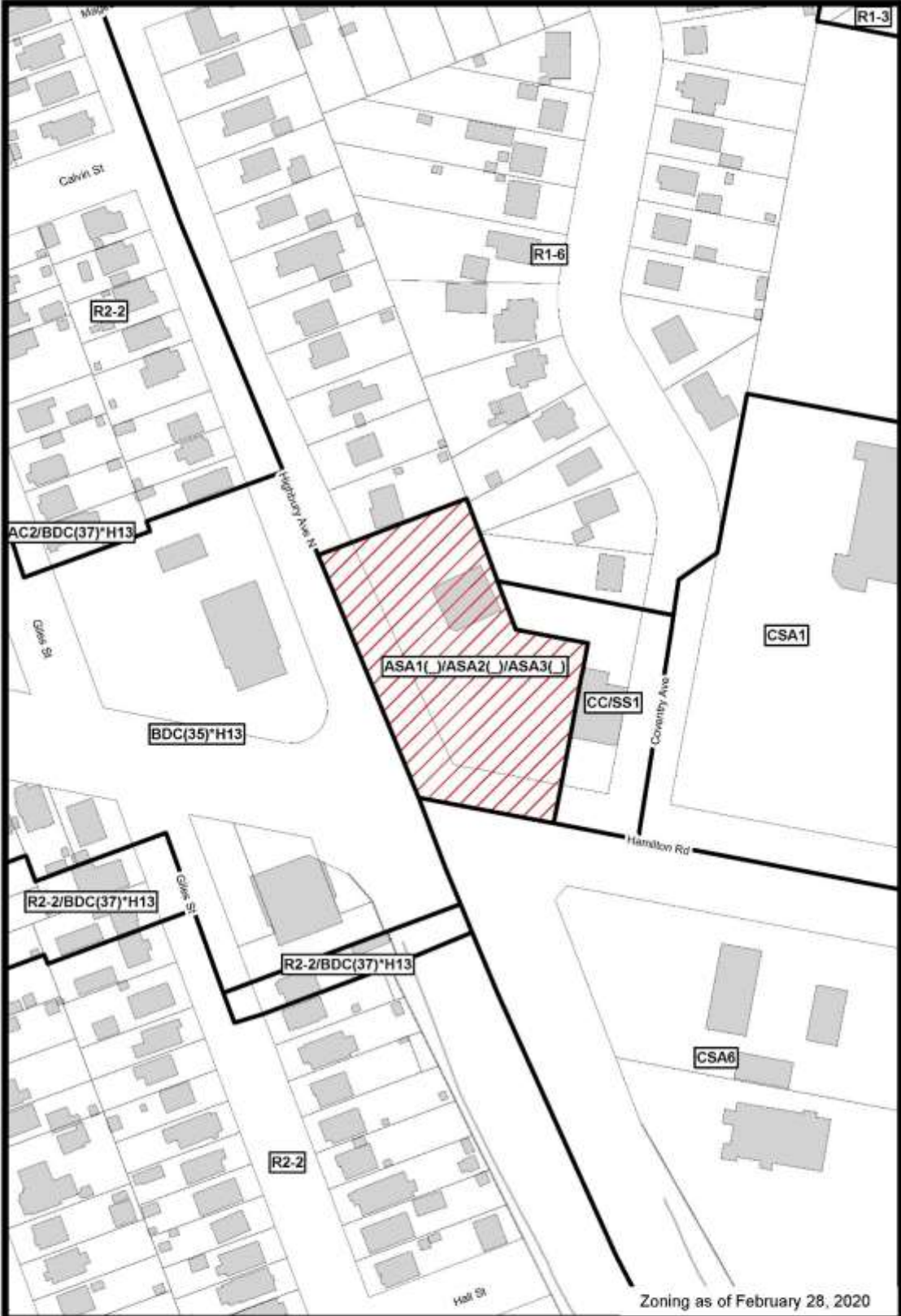
PASSED in Open Council on June 29, 2020.

Ed Holder  
Mayor


Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

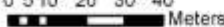
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)




File Number: Z-9151  
Planner: MW  
Date Prepared: 2020/03/11  
Technician: rc  
By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40 Meters 



## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On December 4, 2019, Notice of Application was sent to 72 property owners in the surrounding area. A Revised Notice of Application was subsequently sent out on December 23, 2019, January 22, 2020, and March 11, 2020. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on December 5, 2019. A Revised Notice of Application was subsequently published on December 26, 2019, January 23, 2020, and March 12, 2020. A “Planning Application” sign was also posted on the site.

**Nature of Liaison:** The purpose and effect of this zoning change is to permit an increased range of uses on the subject site. Possible change to Zoning By-law Z.-1 FROM a Convenience Commercial/Service Station (CC/SS1) and Residential R1 (R1-6) Zone to an Associated Shopping Area Special Provision (ASA1(\_)/ASA2(\_)/ASA3(\_)) Zone to permit Animal Hospitals, Brewing on Premises Establishment, Clinics, Convenience Service Establishments, Convenience Stores, Day Care Centres, Dry Cleaning And Laundry Plants, Duplicating Shops, Financial Institutions, Grocery Stores, Medical/Dental Offices, Laboratories, Offices, Personal Service Establishments, Pharmacies, Printing Establishments, Restaurants, Retail Stores, Repair And Rental Establishments, Service and Repair Establishments, Studios, Supermarkets, and Video Rental Establishments.

**Responses:** one (1) response was received from member of the public citing concerns relating to:

- Traffic speeds on Highbury Ave N
- Accidents at the intersection of Highbury Ave N and Hamilton Rd
- On the Hamilton Rd side, the traffic trying to get in and out of the Scotiabank, the No Frills Plaza and the McDonald’s across Hamilton Rd is complete chaos with turning lanes that are trying to turn to Highbury Ave S.
- Noise from construction

### Agency/Departmental Comments

#### UDPRP -

- The panel supports the location of the building along Hamilton Road, complete with a landscaped patio space, to screen the drive-through and address the corner of the intersection
- The panel questioned the need for an east and south entrance and encouraged the applicant to develop the southwest corner of the building to further address the intersection.
- The panel recommended further development of the proposed forecourt and encouraged the applicant to think holistically about the patio, landscaping, and signage to soften the edge along Hamilton Road for patrons using the patio while not impeding views of the building and signage.
- The panel expressed concern with the snow removal and storage on the site and suggested the applicant give further consideration as to how it will be maintained.
- The panel questioned the proximity of the pedestrian crossing to the drive-through window and suggested it be moved further east.
- The panel questioned the need to keep the existing building as it reduces the number of design opportunities with the site.

### Development Services –

#### Archaeology:



- I have reviewed the following and find the report's (analysis, conclusions and recommendations) to be sufficient to fulfill the archaeological assessment requirements for complete application (9151-Z):
  - Lincoln Environmental Consulting Corp. Stage 1-2 Archaeological Assessment of 944 Hamilton Road and 120 Highbury Avenue North [...] London, Ontario (P344-0362-2019), October 2019.

**Forestry & Parks:**

- Parkland dedication CIL at site plan

**Transportation:**

- Road widening dedication of 22.0m from centre line required on Highbury Avenue North Road widening dedication of 19.0m from centre line required on Hamilton Road
- Revised 6.0m x 6.0m daylight triangle required
- Coffee shops require stacking for 15 vehicles, fast food requires 12
- Transportation has no concerns with the proposed parking reduction

**Water:**

- Water is available to service the site via the 400mm PVC watermain on Hamilton Road or 400 CI watermain on Highbury Avenue North.

**Wastewater:**

- The sanitary sewer outlets for the proposed site are 350mm diameter sanitary sewer on Hamilton Rd and 300mm diameter sanitary sewer on Highbury Ave North.
- Additional comments may be forthcoming as part of a future application.

**Stormwater:**

- As per City as-constructed 11707, the site at C=0.90 (Commercial) is tributary to the existing 600mm storm sewer on Highbury Ave.
- For the proposed 39 parking spaces, the owner shall be required to have a consulting Professional Engineer addressing water quality to the standards of the MECP and to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc. as well as an inspection manhole (and benching details) prior to the sites outlet.
- As-constructed 9139 indicates four PDCs to the existing 600mm storm sewer on Highbury Ave (between 118 & 120 Highbury Ave and 944 Hamilton Rd). The applicant is to confirm which existing PDC are to be used, or if multiple will be utilized, and if one or more of them will be removed/decommissioned/abandoned. If any PDC removal/decommissioning/abandonment occurs, site plan drawings should reflect so accordingly.
- As per City as-constructed 11707, the site at C=0.90 (Commercial) is tributary to the existing 600mm storm sewer on Highbury Ave.
- For the proposed 39 parking spaces, the owner shall be required to have a consulting Professional Engineer addressing water quality to the standards of the MECP and to the satisfaction of the City Engineer. Applicable options could include, but not be limited to the use of oil/grit separators, catchbasin hoods, bioswales, etc. as well as an inspection manhole (and benching details) prior to the sites outlet.
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## 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, 2020**

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

1.1.1 a), b)

1.1.2

#### 1.1.3 Settlement Areas

1.1.3.2 a), b)

1.1.3.4

#### 1.3 Employment

1.3.1 b)

### **The London Plan**

#### Place Type Policies

Neighbourhoods Place Type

Use – 926\_, 932\_

Intensity – \*935\_1, \*935\_2

Form – \*936\_3

#### City Building Policies

Site Layout – 253\_, \*259\_, 264\_

### **1989 Official Plan**

#### 4.4.7. Community Commercial Node (CCN)

4.3.7.1. Function

4.3.7.2. iv) Location

4.3.7.3. Permitted Uses

4.3.7.4. Form

4.3.7.5. Scale

#### 3.2. Low Density Residential (LDR)

3.2.1., 3.2.1. v) Permitted Uses

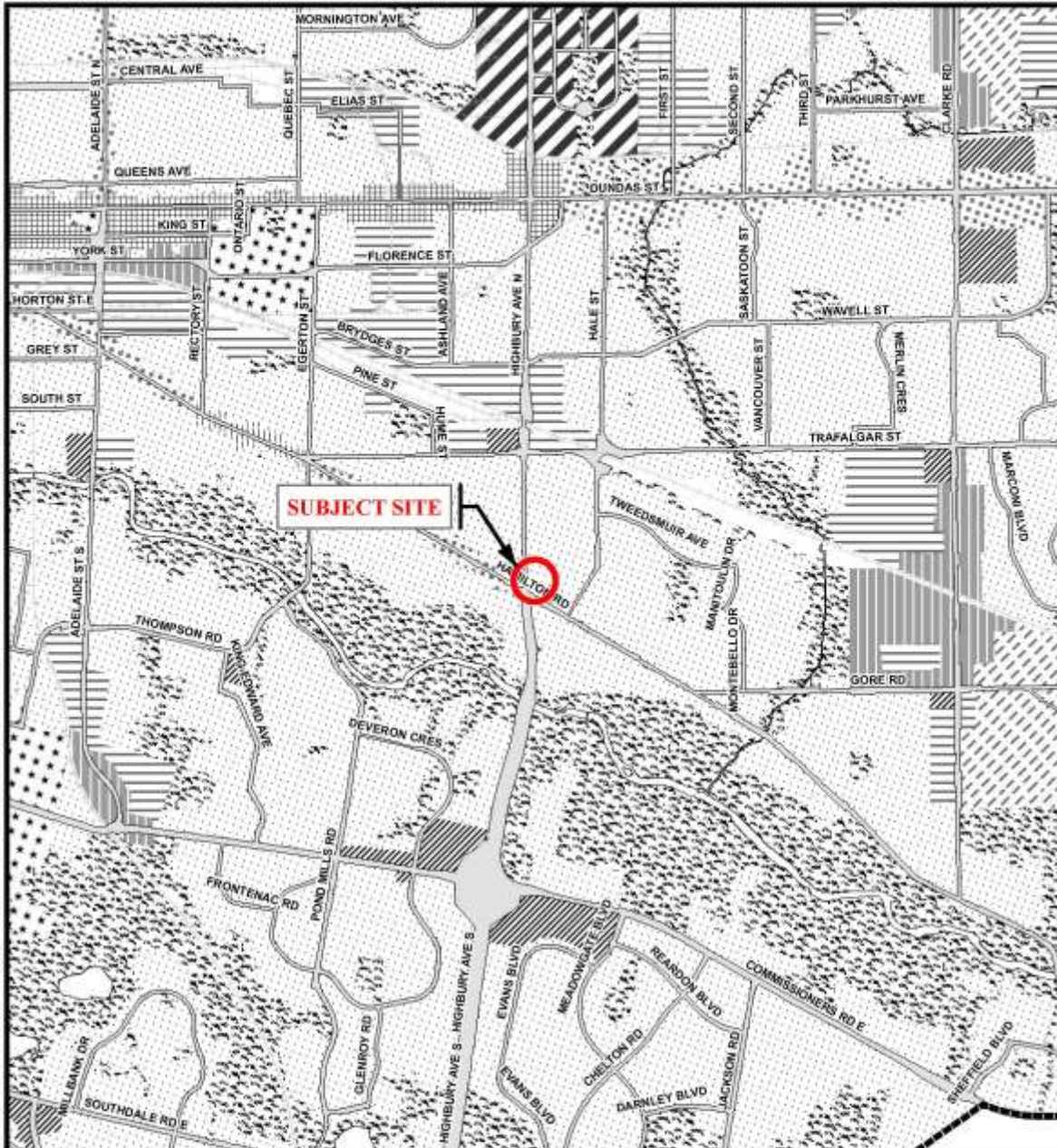
#### 3.6.5., 3.6.5. ii) (a) Convenience Commercial and Service Stations

#### 19.1. Interpretation

19.1.1. i)

## Appendix D – Relevant Background

### Additional Maps



#### Legend

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

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

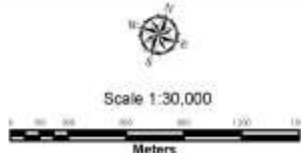
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

#### CITY OF LONDON

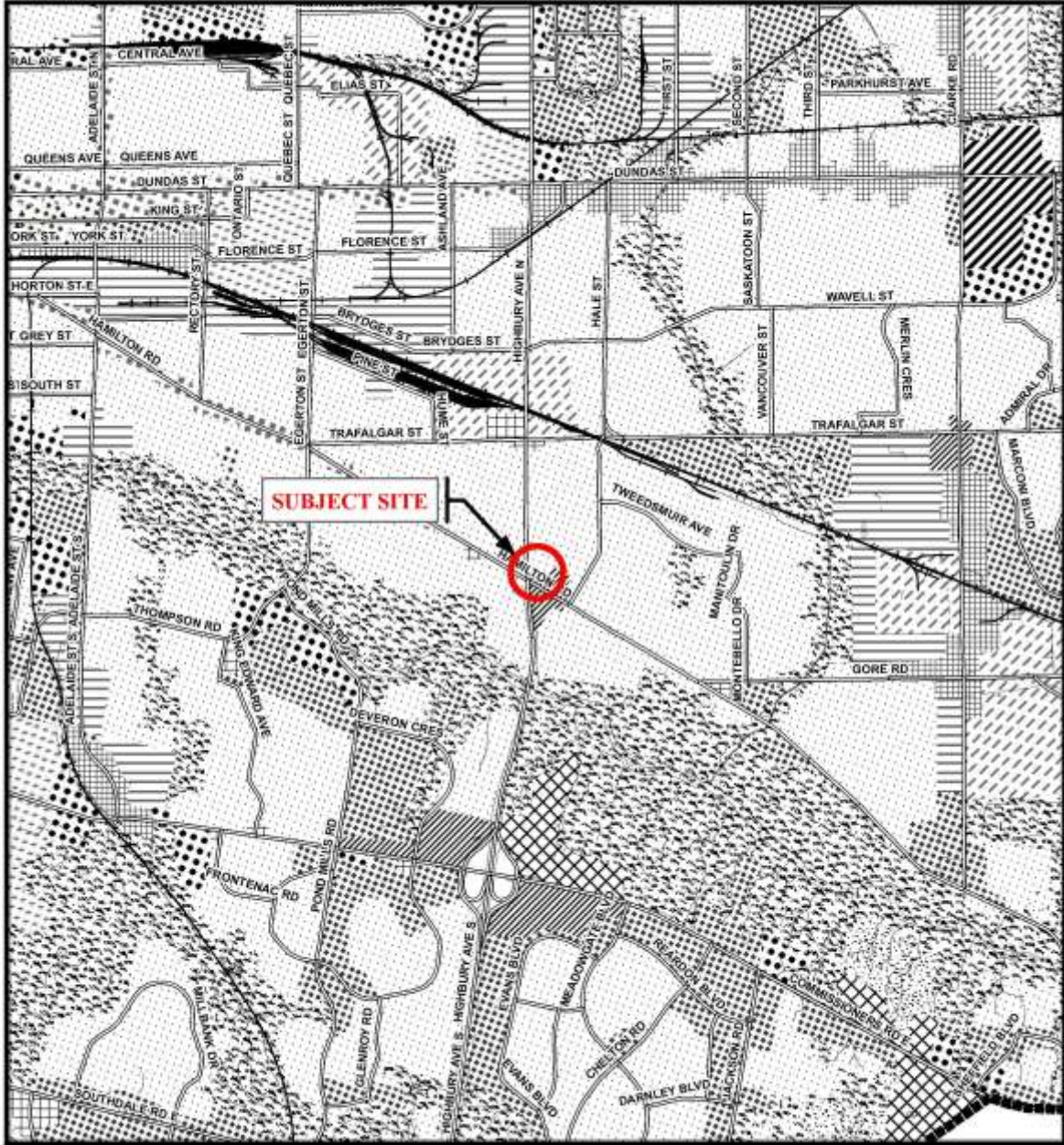
Planning Services /  
 Development Services

#### LONDON PLAN MAP 1 - PLACE TYPES -

PREPARED BY: Planning Services

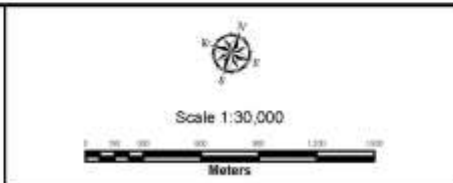


File Number: Z-9151  
 Planner: MW  
 Technician: RC  
 Date: March 11, 2020



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

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



FILE NUMBER: Z-9151  
 PLANNER: MW  
 TECHNICIAN: RC  
 DATE: 11/03/2020



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:  
 Z-9151 MW

MAP PREPARED:  
 2020/03/11 RC

1:1,500  
 0 5 10 20 30 40  
 Meters

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.3 PUBLIC PARTICIPATION MEETING – Application – 944 Hamilton Road (Z-9151)

- Councillor Cassidy: Any technical questions on this application? Councillor Turner.
- Councillor Turner: Thank you Madam Chair. In the report it states that this would be providing for an existing and a new building both to be served by a drive-through and in the site concepts it only appears that one is served by a drive-through. Perhaps a little explanation of how that works.
- Councillor Cassidy: Clarification from Ms. Wu.
- Monica Wu, Planner I: Through you, Madam Chair, there will only be one drive through provided on the site. That is for the proposed restaurant fronting onto Hamilton Road.
- Councillor Cassidy: Any other technical questions or do you have follow-up to that Councillor Turner?
- Councillor Turner: In 2.1 it says “The recommended amendment would allow for an expanded range of commercial uses, with 2 restaurants with a drive-through being proposed for the existing and proposed buildings.” so that may require an amendment that may lead to some confusion there but I appreciate the explanation. Thank you.
- Councillor Cassidy: Ok. Thank you. Any other technical questions? Seeing none I will go to Committee Room 1 and 2 to see if there is anybody that would like to speak to this and we have the agent for the applicant, Mr. Kirkness, go ahead.
- Laverne Kirkness, Kirkness Consulting, on behalf of the applicant: Thank you Madam Chair and Committee Members. Again, I am representing York Hamilton Road Commercial Inc. and we are at another conspicuous corner of the City here, not West del Bourne and Oxford but Hamilton and Highbury and coming from the south this is a pretty conspicuous site and right now it is kind of a derelict vacant service station lot with the closed former Tim Horton’s so the site will represent kind of a blight in the area and York is intending to make pretty nice improvements. If you look at page four into the report or the fourth page in you will see the illustrative concept where the restaurant is along the Hamilton Road frontage with a landscaped setting, the existing building is there. There is substantial landscaping around that on the north side with mature trees that would be kept along with that existing parking area so the aim, of course, is to improve the intersection quite a lot and so we basically, well, I should say that the planning report points out that seventy-two letters have been sent out to area and only one reply was received and talked about issues that were kind of not on the site such as the speed of traffic on Highbury Avenue and so I am taking by that that the residents have no objection or perhaps feel that this is going to be quite an improvement to the area that we can look forward to. Now, we appreciate the staff’s supportive recommendation and we hate to come here and quibble over one parking space but we need to and the reasons why we think we should leave that parking space is that; maybe you should go to about the twelfth page in where there is the site plan that illustrates what is happening and shows the road widening dedication but the site, the actual parking space is right at the very north end of the site. As you go in the access from Highbury Avenue, so it is that first space in if you are going to that access would be on your left side and that is the space that is within three metres or at least zero metres from the new widened street. Here are the reasons why we think it would be more fair to be able to have that space. Number one is the space exists, we aren’t proposing a new space there, it exists. The

reason why it's not more than it is from the new widened road is because the City's requirement for road widening. The road widening you can see is a dotted line on that site plan that is twelve pages in, I think it is, so it's based really on the City standard, that is not saying it's the City's fault but that is the way the situation is. We don't have a tenant for that existing building yet but the interest seems to be from dentists and doctors and they are high parkers and we have the restaurant as well. We just feel that we need every space that we can get and especially leave those that exist alone if they are not in the way of the road widening. Now you can also see on that site plan there are quite a lot of existing spaces right along Highbury Avenue that are being removed on account of the road widening, thirteen spaces. So we appreciate that there is some deviation from the fifty-five spaces that we need down to the forty-six or forty-seven but, again, without the road widening we would have had certainly more parking. We do know that that road widening cross-section, in other words, if you apply a cross-section of kind of the standard components of improving that intersection, there would be a green boulevard along, it would be City property, but it would be a boulevard. It is zoned as though there would be pavement meeting pavement, there would still be room for green, for a landscaped area but it would be on the City's property and that is part of the cross-section standards. The staff state that the parking area would be easier to maneuver without that space but, you know, this space is kind of on the going outside it's hard to think that there is any real problem with the functioning of that parking area by leaving that space alone. I guess lastly is that, again, we hate to come here in these times and quibble over one space but we feel it would be more fair to have it and it exists and so we would ask for that consideration from you. If you agree with the applicant, with us, we would need to add a provision that does allow parking spaces to be within zero metres of that right-of-way for that one existing space if you want to be that specific but we would ask for that consideration. Otherwise we agree with the staff report. We thank the staff for their supportive recommendation. We hope you would adopt that component of the report along with our additional request and recommend it to Council. Questions, I would be glad to answer. Thank you.

- Councillor Cassidy: Thank you Mr. Kirkness. Are there any questions for the applicant? I'm seeing none. Oh, the Mayor has a question. Go ahead Mayor Holder.
- Mayor Holder: Perhaps maybe this now becomes a technical question to staff but I'm sure that the property developer made the case with respect to the additional space so I'm trying to understand from staff what their resistance was if that is an appropriate question through you, Chair.
- Councillor Cassidy: Ok Mr. Mayor I will go to staff.
- Michael Tomazincic, Manager, Current Planning: It becomes an issue of functioning. So you have a parking space that immediately abuts the property line; typically, there is a three metre setback to allow for, say, cars are looking to exit the site and need to queue before they can get into traffic as traffic is backing up, well, that car is now blocking parking spaces. The other thing is those types of three metre setbacks also provide opportunities for snow storage, turning radius, so it really just becomes a functionality issue of the site.
- Councillor Cassidy: Mr. Mayor.
- Mayor Holder: So thank you for that. So I need to then perhaps ask our consultant on behalf of the client and that is would be, I think your comments about staff's work is appreciative. Would this difference in the one space impact proceeding with the project?
- Councillor Cassidy: Mr. Kirkness. Did you hear the question? That was for you.

- Laverne Kirkness, Kirkness Consulting: I am sorry, I couldn't hear the question.
- Councillor Cassidy: Did you want to repeat it Mr. Mayor?
- Mayor Holder: Sure. Mr. Kirkness I do not know if you heard the response of staff with respect to my question about the one space and I commented how complimentary you have been to staff how they have approached this; hence, my question, would not proceeding with this one space impact your clients desire to proceed with this project?
- Laverne Kirkness, Kirkness Consulting: Thank you. Through you Madam Chair, no, this is not a show stopper or a deal breaker. We simply think that the site would function just as well. There is a long throat on that access for people to get in and out. The interference, as Mr. Tomazincic said, it's a functional thing, you know, with cars backing out or something, it's a long way from the actual turning points and the throat of that access is longer than usual as well. In other words, the distance of the access. We don't think that there is a functional problem, we just feel that because the space exists, it's the City's road widening requirement that makes this the fault of not being able to make the regulation of the three meters that there's no real reason that that space shouldn't be able to remain. So, we're asking for your consideration just because we think it's more fair to leave it and it's not going to disrupt the function of the parking area to any real extent. Thanks Mr. Mayor.
- Councillor Cassidy: Thank you Mr. Kirkness. Do you have any follow-ups Mr. Mayor?
- Mayor Holder: Yes, I'm fine. Thank you.
- Councillor Cassidy: Great. Any other questions from Committee? If there are no other members of the public in Committee Room 1 and 2 and I think we already heard from Mr. Schulthess that there aren't so we can close the public participation meeting.



## 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:** Canadian Commercial Management Inc.  
754-760 Base Line Road East

**Public Participation Meeting on: June 22, 2020**

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Canadian Commercial Management Inc. relating to the property located at 754-760 Base Line Road East:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 29, 2020 to amend the Official Plan by **ADDING** a policy to section 10.1.3 – Policies for Specific Areas;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on June 29, 2020 to amend The London Plan by **AMENDING** policy 1101\_ in the Specific Policies for the Institutional Place Type;

**IT BEING NOTED THAT** the amendments will come into full force and effect concurrently with Map 1 and Map 7 of The London Plan;

- (c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on June 29, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in parts (a) and (b) above, to change the zoning of the subject property **FROM** an Office (OF2) Zone **TO** a Residential R8 Bonus/Office (R8-4\*B-\_ /OF2) Zone;

The Bonus Zone shall be enabled through one or more agreements to facilitate the development of a high quality residential apartment building, with a maximum height of 4-storeys, 28 dwelling units and a maximum density of 165 units per hectare, which substantively implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law in return for the following facilities, services and matters:

i) Exceptional Building Design

The building design shown in the various illustrations contained in Schedule "1" to the amending by-law is being bonused for features which serve to support the City's objective of promoting a high standard of design including:

- a) A building located along the street frontage with reduced front and exterior side yard setbacks;
- b) Providing for appropriate scale/rhythm/materials/fenestration; and,
- c) Enhanced landscaping and amenity area at grade.

ii) Provision of Affordable Housing

The development shall provide for the following:

- a) One, one-bedroom barrier-free affordable rental unit;

- b) Rent not exceeding 85% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy; and,
- c) The duration of affordability shall be set at 25 years from the point of initial occupancy of the unit.

## Executive Summary

### Summary of Request

The owner has requested to amend the 1989 Official Plan, The London Plan, and Zoning By-law Z.-1. The requested amendment to the 1989 Official Plan would add a Chapter 10 Specific Area Policy to permit a 4-storey, 28-unit apartment building with a density of 165 units per hectare. The requested amendment to The London Plan would amend the existing specific policy 1101\_ to permit residential uses that are not accessory to an institutional use.

The owner has requested to amend Zoning By-law Z.-1 to change the zoning of the subject lands from an Office (OF2) Zone to a Residential R8 Bonus (R8-4\*B-\_ ) Zone. The following special provisions have also been requested: recognize Base Line Road East as the front lot line; a front yard depth of 0.1 metres, whereas 8 metres is required; an exterior side yard depth of 1.7 metres, whereas 8 metres is required; an interior side yard depth of 2.6 metres, whereas 6 metres is required; a reduced parking rate of 0.9 spaces per unit, whereas 1.25 spaces per unit is required; a building height of 17 metres; and a maximum density of 165 units per hectare, whereas 75 units per hectare is the maximum. The applicant proposed to provide bonusing for additional height and density in the form of affordable housing, quality urban design, and enhanced landscaped open space.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Official Plan and Zoning By-law amendments are to permit the development of a 4-storey, 28-unit apartment building at a density of 165 units per hectare. The bonus zone shall be implemented through a development agreement to facilitate the development of the requested apartment building in return for the provision of affordable housing, enhanced landscaped open space, and the construction of the high-quality form of development illustrated in Schedule "1" to the amending by-law.

### Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and Institutional Place Type;
3. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the criteria for a Chapter 10 Specific Area Policy;
4. The recommended amendment facilitates the development of a vacant, underutilized site within the Built-Area Boundary and Primary Transit Area with an appropriate form of development.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject site is located in the South London Planning District on the northwest corner of Base Line Road East and Fairview Avenue. The site consists of three lots previously developed with single detached dwellings. The site is currently undeveloped.

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

- Official Plan Designation – Office Area
- The London Plan Place Type – Institutional Place Type
- Existing Zoning – Office (OF2) Zone

#### 1.3 Site Characteristics

- Current Land Use – Undeveloped
- Frontage – 45.7 metres (149.9 feet)
- Depth – 33.2 metres (108.9 feet)
- Area – 1,697 square metres (18,266.36 square feet)
- Shape – Irregular

#### 1.4 Surrounding Land Uses

- North – Low rise residential
- East – Low rise residential
- South – Institutional (London Health Sciences Centre – Victoria Hospital)
- West – Office

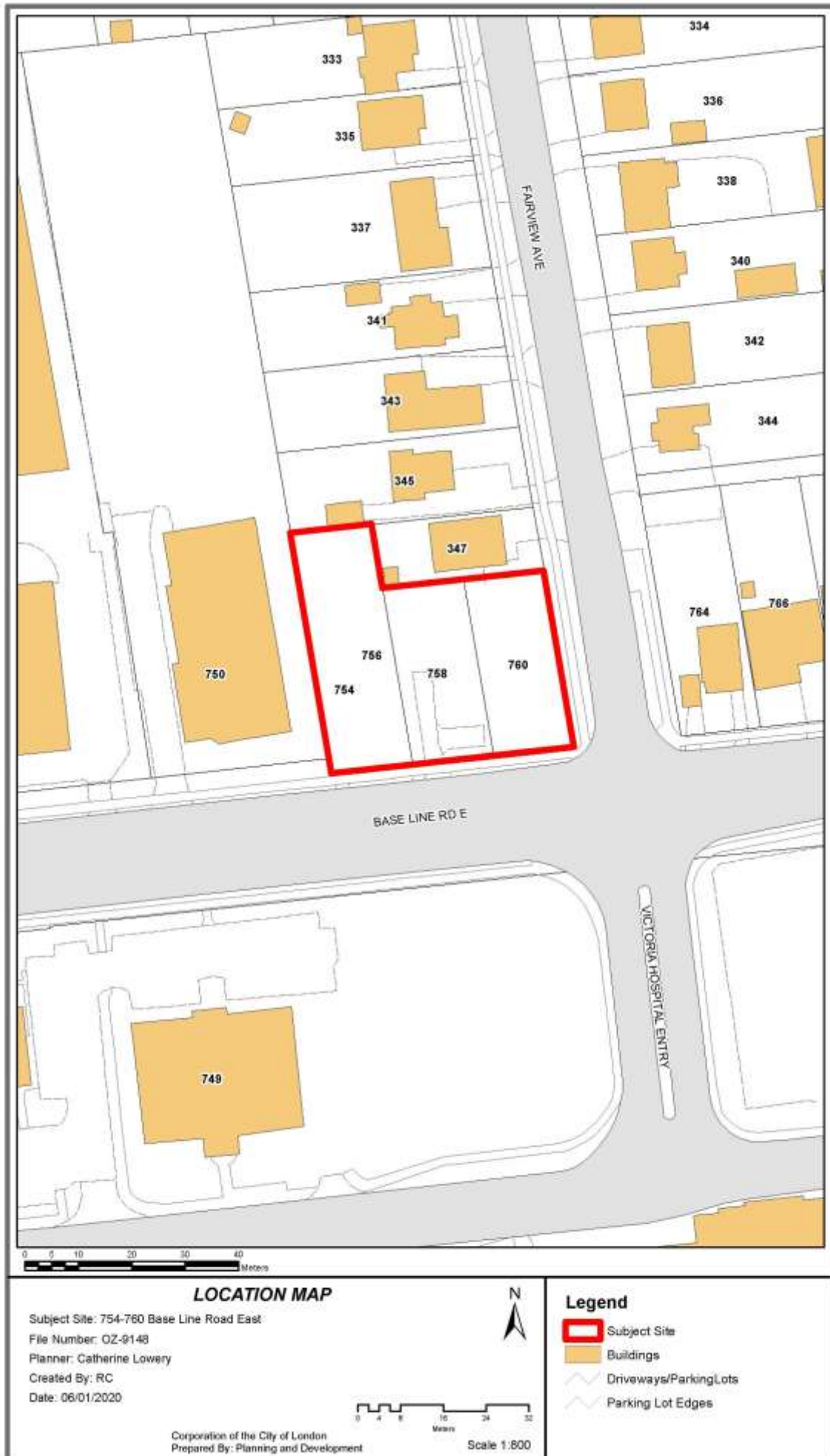
#### 1.5 Intensification

- This development represents intensification inside the Built-Area Boundary and within the Primary Transit Area through the addition of 28 new residential apartment units.



Figure 1: Photo of Subject Lands – view from Base Line Road East

1.6 LOCATION MAP



## 2.0 Description of Proposal

### 2.1 Development Proposal

The requested amendments are intended to permit and facilitate the development of a 4-storey, 28-unit apartment building at a density of 165 units per hectare and building height of 17 metres.

#### Original Concept Plan

The conceptual site plan submitted in support of the requested amendment shows a 4-storey, 28-unit apartment building oriented towards the intersection of Base Line Road East and Fairview Avenue. Driveway access is provided off Fairview Avenue with parking provided in a surface parking lot in the rear yard, a portion of which is located below a building cantilever. Balconies are proposed on the front and rear building faces, as well as a canopy over the principle entrance on the Base Line Road East façade.

The building is oriented towards the intersection, providing for reduced setbacks of 0.1 metres from Base Line Road East and 1.7 metres from Fairview Avenue. The rear yard depth is 2.6 metres, however it should be noted that as Fairview Avenue is the shorter lot line abutting the street, it is interpreted to be the front lot line. As such, by definition the rear yard is that abutting the neighbouring office development to the west, however it appears and functions more as an interior side yard. Rooftop amenity space is proposed on a small single-storey portion of the building containing space for bicycle parking. A reduced landscaped open space of 27% has been requested, whereas 30% is required. A reduced parking supply of 29 spaces, whereas 35 spaces are required, has also been requested.

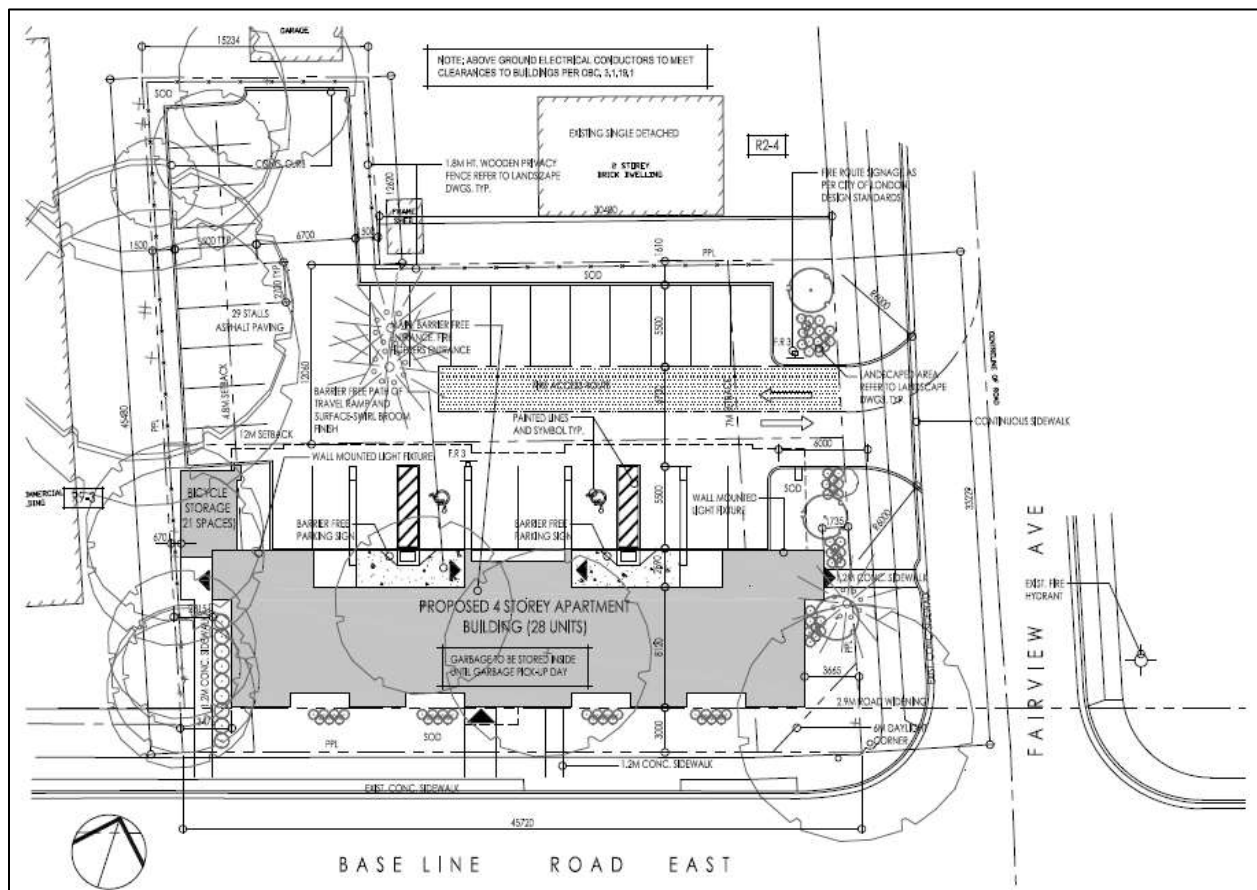


Figure 2: Original Site Concept Plan

#### Revised Concept Plan (March 2020)

In response to concerns raised by City staff regarding the design and functionality of the site, the applicant submitted a revised concept with the following changes:

- The canopy over the principle entrance has been removed and the balconies no longer project beyond the face of the building, due to risk of encroachments into the City's right-of-way.

- A larger, more usable common outdoor amenity area has been added behind the parking area. As a result, the requested special provision for landscaped open space is no longer required.
- Parking spaces were removed from the plan to accommodate the larger amenity area. As a result, the parking has been reduced from 29 spaces to 26. Since a greater reduction in parking is required, the application has been amended to request a parking rate of 0.9 spaces per unit, whereas 1.25 spaces per unit is required.
- A concrete pad has been added to the rear of the site adjacent to the parking area where garbage and recycling bins will be rolled out on collection day.
- The portion of the building containing indoor bicycle parking and the proposed rooftop amenity area has been removed. Bicycle parking has been relocated to the basement of the building.

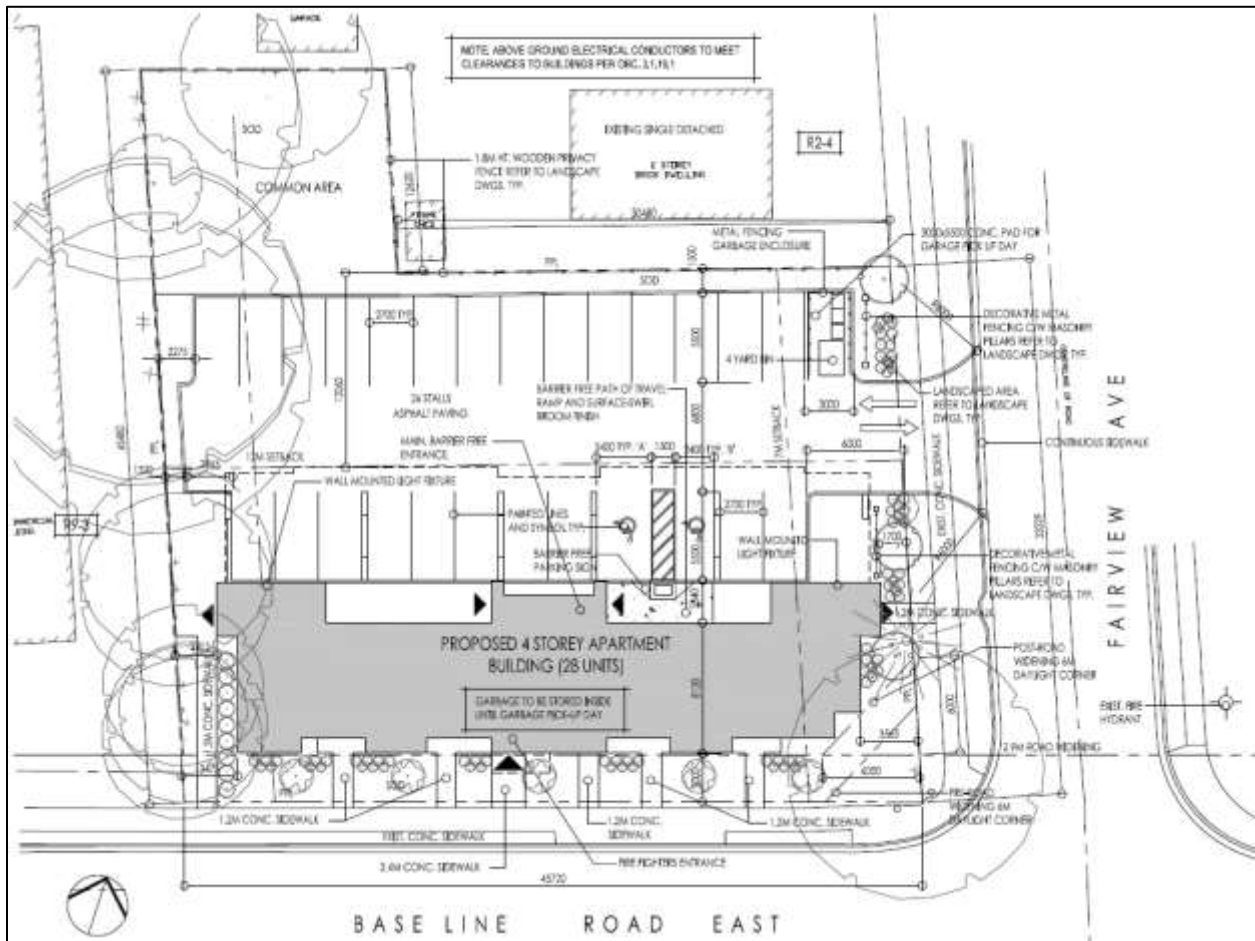


Figure 3: Revised Site Concept Plan (March 2020)

### 3.0 Relevant Background

#### 3.1 Planning History

The subject site consists of three lots previously developed as single detached dwellings and is now undeveloped. City records indicate a by-law enforcement complaint was filed in June 1991, claiming a car repair business was operating illegally at 756 Base Line Road East. As part of the complete application, the owner submitted a Phase I Environmental Site Assessment in support of the requested amendment. The assessment did not identify any potential subsurface impacts on-site and recommended no further subsurface investigation work (Phase II ESA). The report advises there was no evidence during the site reconnaissance, such as stressed vegetation or staining, indicating potential contamination from this former land use.

#### 3.2 Requested Amendment

The owner has requested to amend the 1989 Official Plan, The London Plan, and Zoning By-law Z.-1. The requested amendment to the 1989 Official Plan is to add a Chapter 10 Specific Area Policy to permit a 4-storey, 28-unit apartment building with a

density of 165 units per hectare. The requested amendment to The London Plan is to amend the existing specific policy 1101\_ to permit residential uses that are not accessory to an institutional use.

The owner has requested to amend Zoning By-law Z.-1 to change the zoning of the subject lands from an Office (OF2) Zone to a Residential R9 Special Provision (R9-7(\_\_\_\_)\*H17) Zone. The requested change would permit the use of the subject lands for apartment buildings, lodging house class 2, senior citizens apartment buildings, handicapped persons apartment buildings, and continuum-of-care facilities. In addition to the requested height of 17 metres, the following special provisions were requested: a front yard depth of 1.7 metres, whereas 7.1 metres is required; an exterior side yard depth of 0.1 metres, whereas 7.1 metres is required; a rear yard depth of 2.6 metres, whereas 7 metres is required; a landscaped open space of 27%, whereas 30% is required; a parking supply of 29 spaces, whereas 35 spaces are required; and a maximum density of 165 units per hectare, whereas 150 units per hectare is permitted.

Through the review of the application and consultation with staff, the owner amended the requested zoning by-law amendment. The amended application requests a Residential R8 Bonus (R8-4\*B-\_) Zone with the following special provisions: recognize Base Line Road East as the front lot line; a front yard depth of 0.1 metres, whereas 8 metres is required; an exterior side yard depth of 1.7 metres, whereas 8 metres is required; an interior side yard depth of 2.6 metres, whereas 6 metres is required; a reduced parking rate of 0.9 spaces per unit, whereas 1.25 spaces per unit is required; a building height of 17 metres; and a maximum density of 165 units per hectare, whereas 75 units per hectare is the maximum. The applicant proposed to provide bonusing for additional height and density in the form of affordable housing and enhanced landscaped open space.

### **3.3 Community Engagement (see more detail in Appendix D)**

Two (2) written responses and two (2) phone calls were received from three (3) neighbouring property owners, which will be addressed later in this report. While one of the written responses was in opposition to the application, the other was in support. Concerns with respect to shadowing and impacts on solar panels fixed to the roof of the adjacent single detached dwelling were identified, as well as concerns related to traffic and over-intensification of the area. The phone call was to seek clarification of the requested amendments and proposed development, and expressing concern for loss of property values and views.

### **3.4 Policy Context (see more detail in Appendix E)**

#### ***Provincial Policy Statement (PPS), 2020***

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3). As well, the PPS directs planning authorities to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area (1.4.1).

#### ***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 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:

- Investing in, and promoting affordable housing to revitalize neighbourhoods and ensure housing for all Londoners. (Key Direction #1, Direction 13).

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 at 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”;
- 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; and,
- Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place. (Key Direction #5, Directions 1, 2, 4 and 5).

The London Plan also provides direction to build strong, healthy and attractive neighbourhoods for everyone by:

- Integrating affordable forms of housing in all neighbourhoods (Key Direction #7, Direction 10).

The site is in the Institutional Place Type of The London Plan, as identified on \*Map 1 – Place Types. The Institutional Place Type contemplates a wide range of institutional uses and accessory uses that are related to the use of the lands for institutional purposes (1085\_1 and 1085\_2). The site is also located within the Baseline Office Area Specific Policy Area, as identified on \*Map 7, which contemplates office uses up to 5,000 square metres which are not accessory to an institutional use. The applicant has requested to amend this Specific Policy Area to allow residential uses that are not accessory to an institutional use on a site-specific basis.

### **1989 Official Plan**

The subject site is designated Office Area in accordance with Schedule A of the 1989 Official Plan. The Office Area designation is intended to accommodate general office uses which would not normally locate in the Downtown, or which have specific location requirements that make a location outside of the Downtown desirable. The amount and scale of development in Office Areas will be controlled to protect the Downtown's role as the primary office employment area in the City (5.2.1). The applicant has requested to add a site-specific Chapter 10 Specific Area Policy to permit a 4-storey, 28-unit apartment building with a density of 165 units per hectare.

## **4.0 Key Issues and Considerations**

Through an analysis of the use, intensity and form, Staff have considered the compatibility and appropriateness of the requested amendment and proposed development, as shown in the revised concept plan, with the subject lands and within the surrounding neighbourhood.



#### 4.1 Issue and Consideration # 1: Use

##### *Provincial Policy Statement, 2020 (PPS)*

The PPS encourages an appropriate affordable and market-based range and mix of residential types, including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons to meet long-term needs (1.1.1b)). The PPS also promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)).

The PPS directs settlement areas to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

The recommended amendment facilitates the development of an underutilized site within a settlement area. The proposed 4-storey, 28-unit apartment building contributes to a mix of housing types and provision of affordable housing, providing choice and diversity in housing options for current and future residents. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of land and existing services. Further, the site is located in proximity to a planned transit corridor and a major institution (Victoria Hospital), supporting the use of transit and active transportation and minimizing the length and number of vehicle trips.

##### *The London Plan*

Institutions play a very large role in shaping the structure of the city, both now and as planned for the future (1081\_). These large centres will continue to grow and change over the life of The London Plan and it is expected that some will evolve into a complex mix of research, education, health care, office, residential, retail, and service uses over time (1082\_). The vision for the Institutional Place Type will be realized by planning for Institutional Place Types with flexibility, to allow for their change and evolution over time and to create the context for new mixes of uses that may be advantageous to institutions in the future (1084\_1).

The Institutional Place Type contemplates a range of institutional uses as the primary permitted uses (1085\_1). Accessory uses that are related to the use of these lands for institutional purposes may be permitted, including such things as: dormitories and residences, residential uses, offices, laboratories, services, and, where appropriate, light industrial uses that are compatible within their institutional context and the surrounding neighbourhood (1085\_2). In addition to the primary and secondary permitted uses, the subject lands are located within the Baseline Office Area Specific Policy Area, permitting office uses up to 5,000 square metres which are not accessory to an institutional use (1101\_).

While the Institutional Place Type does contemplate accessory residential uses, it does not specifically contemplate stand-alone low rise apartments as a primary permitted use. However, the long-term goals include planning for flexibility to allow these areas to evolve and allowing for a mix of uses which are advantageous to and support these institutions. The target market for the proposed residential units are employees of the hospital, in particular resident doctors who require flexibility in rental accommodations. Though the owners are not affiliated with the London Health Sciences Centre, it is expected that the occupancy of these units by hospital employees will occur naturally given the proximity of the site to Victoria Hospital. As such, staff is satisfied that the

proposed 4-storey, 28-unit apartment complements the institutional use and is in conformity with and implements the long-term vision of the Institutional Place Type. Additionally, a site-specific Official Plan policy permits office uses that are not accessory to an institutional use thereby contemplating some autonomy for the development of this site.

#### *1989 Official Plan*

The primary permitted use within the Office Area designation is offices within purpose-designed office buildings and buildings converted for office use. Secondary uses which may be permitted accessory to offices include eat-in restaurants; financial institutions; personal services; day care centres; pharmacies; laboratories; and clinics (5.2.2).

In accordance with Policy 10.1.1, policies for Specific Areas may be applied where the application of existing policies would not accurately reflect the intent of Council with respect to the future use of the land. The adoption of policies for Specific Areas may be considered where the change in land use is site specific and is located in an area where Council wishes to maintain existing land use designations, while allowing for a site specific use (10.1.1ii). All applications for policies for Specific Areas are subject to a Planning Impact Analysis on the basis of criteria relevant to the proposed change (10.1.2). Appendix E of this report contains a complete Planning Impact Analysis addressing matters of use, intensity, and form.

Given the site's proximity to Victoria Hospital, it is appropriate to permit the proposed apartment building use on a site-specific basis. The recommended amendment would not prohibit office uses on the site and the bonus zone would ensure the site is developed in a manner that is sensitive to the abutting low rise residential neighbourhood. The proposed low rise apartment building will inherently support the hospital by providing housing options for employees. As such, staff is satisfied the proposed low rise apartment building use is appropriate on a site specific basis. It should be noted that the 1989 Official Plan policies do not require that the lands be developed as a use that is accessory to the institutional use.

## **4.2 Issue and Consideration # 2: Intensity**

### *Provincial Policy Statement, 2020 (PPS)*

The policies of the PPS direct planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through 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). Planning authorities are further directed to permit and facilitate all housing options required to meet the social, health, economic and well-being requirements of current and future residents as well as all types of residential intensification, including additional residential units and redevelopment (1.4.3b)). Densities for new housing which efficiently uses land, resources, infrastructure and public service facilities, and supports the use of active transportation and transit in areas where it exists or is to be developed, is promoted by the PPS (1.4.3d)). A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (1.6.7.4).

The recommended amendment facilitates the redevelopment of an underutilized site within a settlement area. As the site is currently vacant, the proposed development represents a form of intensification through infill development. The site is located in an area serviced by existing and planned transit. Further, the site is located in proximity to a major institution and several commercial amenities along Wellington Road. These considerations make this site an ideal location for residential intensification in a manner that is an efficient use of land and utilizes both existing and planned infrastructure. The consolidation of land previously developed as low density residential supports the Province's goal to achieve a more compact, higher density form of development,

consistent with the PPS.

### *The London Plan*

The Institutional Place Type of The London Plan contemplates intensity ranging from a minimum of two-storeys to a maximum of 12-storeys, or up to 15-storeys with bonusing (1086\_1). However, the full range of intensity may not be permitted on all sites within the Institutional Place Type (1086\_3).

The site is located within an area characterized by a broad mix of land uses, including single detached dwellings to the north and east, Victoria Hospital to the south across Base Line Road East, and purpose-built offices and a commercial plaza to the west. When consolidated, the subject site is of a size suitable to accommodate more intensive redevelopment. In terms of the policy framework in The London Plan, the subject site is underutilized in its current vacant state. The subject lands have access to full municipal services and are located where the City's Official Plans direct and support residential intensification and redevelopment. Further, the proposed 4-storey apartment building is within the maximum intensity permitted in the Institutional Place Type. It should be noted that although bonusing for height and density are proposed under the policies of the 1989 Official Plan, a bonus zone would not be required to permit a 4-storey building under the intensity policies of the Institutional Place Type policies in The London Plan.

### *1989 Official Plan*

The Office Area designation contemplates office buildings that are low to medium rise in height and shall be permitted up to a medium scale (5.24). The proposed low-rise apartment building is scaled in accordance with this policy and additional considerations for the appropriateness of this scale are addressed in the Planning Impact Analysis contained in Appendix E.

The owner has requested a reduction in the required parking from 1.25 spaces per unit (35 spaces) to 0.9 spaces per unit (26 spaces) which staff is satisfied is sufficient to support the proposed development. The proposed development is unique by virtue of proximity to Victoria Hospital. It is anticipated that many residents of the building will be employees of the hospital, significantly reducing the need for a vehicle for these residents. Opportunities for active transportation, including walking and cycling, are encouraged to and from this proposed development to Victoria Hospital as well as the broad range of commercial amenities located to the west along Wellington Road. Access to public transit is also available along Base Line Road East and Wellington Road (the latter being an approved rapid transit route). The building has been designed with secure bicycle parking in the basement, further encouraging cycling as a mode of active transportation. In addition to facilitating a larger outdoor amenity area, the requested parking reduction contributes to a transit-oriented design which supports the use of current and planned transit systems and active transportation, consistent with the direction of the Provincial Policy Statement.

The requested zoning amendment includes a base Residential R8 (R8-4) Zone to permit the apartment use subject to standard zoning regulations. The standard R8 zone is limited to a maximum density of 75 units per hectare and height of 13 metres. A density of 75 units per hectare would yield approximately 12 units on the subject lands, whereas 28 are requested; a difference of 16 units. As such, the applicant has also applied to increase the permitted density to 165 units per hectare and a height of 4-storeys (17 metres) through the bonusing provisions outlined in Section 19.4.4 of the 1989 Official Plan. The original request was to rezone the site to an R9-7 Zone, which permits up to 150 units per hectare, approximately 25 units. Based on this request, the proposal represents an uplift of 3 units. Staff are recommending an R8-4 Zone, which permits more than half density than the recommended bonus zone, to guarantee provision of the bonusable features negotiated through this planning process and to ensure the site is developed in accordance with the "locked-in" design. Otherwise, the site could be developed as-of-right within the density permissions of the originally requested R9-7 Zone.

The policies of the 1989 Official Plan permit bonus zoning as a means of achieving enhanced development features which result in a public benefit that cannot be obtained through the normal development process in return for permitting increased heights and densities. The proposed building form and design and provision of affordable housing units, along with modest considerations for enhanced landscaped open space, allow the proposed development to qualify for bonus zoning in conformity to the policies of the 1989 Official Plan. The bonusable features are outlined in the Staff recommendation.

In order to implement the identified items for bonus zoning, section 19.4.4 iv) of the Official Plan states that:

*“As a condition to the application of bonus zoning provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with the City, to be registered against the title to the land. The agreement will deal with the facilities, services, or matters that are to be provided, the timing of their provision, and the height or density bonus to be given.”*

Bonus zoning is implemented through one or more agreements with the City that are registered on title to the lands. The agreements are intended to “lock in” the design features that will be incorporated into the form of development to merit the additional density. Through the Site Plan Approval process, the proposed development will be reviewed to ensure that all facilities, services, and matters that have warranted bonus zoning have been incorporated into the agreements. The relevant design features are highlighted in the recommendation and the amending by-law including the illustrations attached as Schedule “1”.

#### **4.3 Issue and Consideration # 3: Form**

##### *Provincial Policy Statement, 2020 (PPS)*

The PPS is supportive of appropriate development standards which facilitate intensification, redevelopment and compact form (1.1.3.4). The PPS also identifies that long term economic prosperity should be supported by encouraging a sense of place by promoting a well-designed built form (1.7.1e)).

Consistent with the PPS, the recommended intensification of the subject lands would 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 would contribute to achieving more compact forms of growth. The proposed apartment building represents a more compact form of development than the current undeveloped state of the site, and the three single-detached dwellings that previously existed.

##### *The London Plan*

The London Plan encourages compact forms of development as a means of planning and managing for growth (7\_, 66\_). The London Plan encourages growing “inward and upward” to achieve compact forms of development (59\_ 2, 79\_). The London Plan accommodates opportunities for infill and intensification of various types and forms (59\_ 4). To manage outward growth, The London Plan encourages supporting infill and intensification in meaningful ways (59\_ 8).

Within the Institutional Place Type, all planning and development applications are to conform to the City Design policies of The London Plan (1087\_1). Many of the relevant policies contained in this section relate to the site layout and building design. In particular, these policies require the site layout to respond to the existing and planned character of the surrounding neighbourhood, mitigate impacts on adjacent properties, promote safe connectivity, site buildings such that they maintain and reinforce the street wall with minimal setbacks from public rights-of-way, and orient buildings on corner lots towards the higher-order street (252\_, 253\_, \*255\_, 256\_, \*257\_ to \*259\_, and \*261\_). In addition, loading and garbage areas are to be located where they will not detract from pedestrian connections or cause a visual impact from the street (\*266\_). Similar to the

Planning Impact Analysis criteria within the 1989 Official Plan, the Our Tools section of The London Plan contains various considerations for the evaluation of all planning and development applications (\*1578\_). The form policies of the Institutional Place Type direct parking areas to be located in the rear and interior side yard (1087\_2).

The subject site has been designed with the building oriented towards the intersection of Base Line Road East and Fairview Avenue, with the parking located behind the building in the rear yard. Decorative metal fencing with masonry pillars are also proposed along the Fairview Avenue frontage to assist in screening the parking area. A portion of the parking area is also located under a cantilever, providing additional screening and making efficient use of the site. The building positioning towards the intersection, with reduced setbacks, push the building away from the low rise residential uses to the north of the site. This, along with adequate screening determined through the review of a future site plan application, provides separation and buffering while contributing to the streetscape.

Through the circulation of this application, concerns were raised by a neighbouring property owner regarding potential shadow impacts. As part of the application submission, the applicant prepared an Urban Design Brief complete with a shadow study. The study did not anticipate major shadow impacts as a result of the proposed 4-storey building. Further, it should be noted that through the requested amendment, the City has the ability to better control the design and alleviate impacts through zoning (ie through the recommended bonus zone).

#### *1989 Official Plan*

The policies of the Office Area designation directs development to maintain a nodal form through the clustering of small and medium scale office buildings (5.25). The proposed apartment building is of a low-rise scale, consistent with this direction.

Urban Design staff have worked closely with the applicant to address the site design and building form. Several urban design considerations have been incorporated into the site design, including: a 4-storey building that provides for enclosure to the street; a continuous street wall along the Base Line Road street frontage; appropriate scale, rhythm, materials, fenestration; active uses on the ground floor along the street, including the principle building entrance, creating an active street edge; inclusion of an appropriately-sized and located outdoor amenity area; and, locating all of the parking in the rear yard screened from the Base Line Road street frontage. In addition, the Urban Design Peer Review Panel (UDPRP) was supportive of the building orientation towards the intersection and the location of the parking in the rear yard screened from Base Line Road. The Planning Impact Analysis contained in Appendix E provides additional analysis of the appropriateness of the proposed building form in the context of the site and neighbouring properties.

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, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Key Directions and long-term vision of the Institutional Place Type. Further, the recommended amendment is in conformity with the in-force policies of the 1989 Official Plan, including but not limited to the criteria for Chapter 10 Specific Area Policies. The recommended amendment will facilitate the development of a vacant, underutilized site with a land use and intensity that is appropriate for the site. The proposed 4-storey, 28-unit apartment building contributes to a mix of land uses and housing types, including the provision of affordable housing. The recommended amendment will also facilitate the development of the site with a use and intensity that complements the nearby commercial, office, and institutional land uses.

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

June 12, 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. C.P.-1284-  
A by-law to amend the Official Plan for  
the City of London, 1989 relating to 754-  
760 Base Line Road East.

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

1. Amendment No. # to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c. P.13*.

PASSED in Open Council on June 29, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this amendment is to add a Specific Area policy in Section 10.1.3 of the Official Plan for the City of London Planning Area – 1989 to permit an apartment building and adopt height and density bonusing policies, subject to the provision of design elements that mitigate the impacts of the additional height and density in return for the provision of facilities, services or matters that provide significant public benefit, including, but not limited to affordable housing and enhanced landscaped open space.

B. LOCATION OF THIS AMENDMENT

This amendment applies to lands located at 754-760 Base Line Road East in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and the in-force policies of the 1989 Official Plan and The London Plan. The recommendation provides the opportunity for residential intensification in the form of a low-rise apartment building, located within proximity to transit and a major institution. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood. The recommended amendment would assist in providing a range of housing options and a mix of land uses to accommodate a diverse population of various ages and abilities.

D. THE AMENDMENT

The Official Plan for the City of London Planning Area - 1989 is hereby amended as follows:

1. Section 10.1.3 – Policies for Specific Areas of the Official Plan for the City of London – 1989 is amended by adding the following:

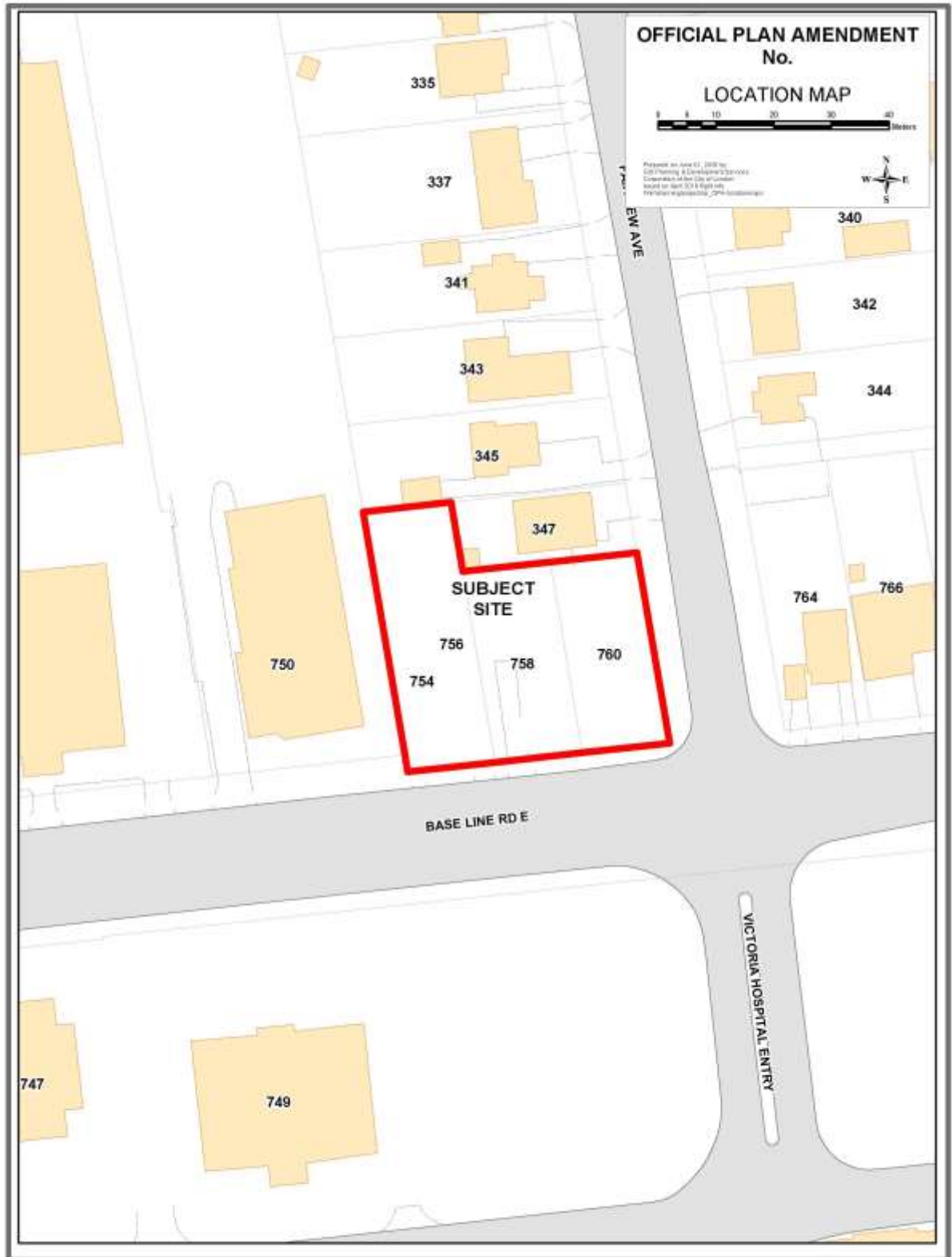
- ( ) 754-760 Base Line Road East

At 754-760 Base Line Road East, in addition to the permitted uses of the Office Area designation, residential development may be permitted in the form of a low rise apartment building up to a maximum height of 4-storeys and a maximum density of 75 units per hectare. Density bonusing may be permitted above 75 units per hectare up to a maximum of 165 units per hectare. Bonusing may be permitted provided the magnitude of the height and/or density of the bonus is commensurate with the provision of facilities, services or matters that provide significant public benefit. Bonusing may only be permitted where the site and building design mitigates the impacts of the additional height and/or density. The additional facilities, services or matters that are provided may



**File: OZ-9148**  
**Planner: C. Lowery**

include, but are not limited to, affordable housing and enhanced landscaped open space.



## Appendix B

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

By-law No. C.P.-XXXX-\_\_\_\_

A by-law to amend The London Plan for  
the City of London, 2016 relating to 754-  
760 Base Line Road East.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for  
the City of London Planning Area – 2016, as contained in the text attached hereto and  
forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection  
17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on June 29, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

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

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

To amend a policy in Section 1101\_ of The London Plan for the City of London to permit residential uses, including low-rise apartments, which are not accessory to an institutional use.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 754-760 Base Line Road East in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and the in-force policies of the 1989 Official Plan and The London Plan. The recommendation provides the opportunity for residential intensification in the form of a low-rise apartment building, located within proximity of transit and a major institution. The recommended amendment would permit development at an intensity that is appropriate for the site and the surrounding neighbourhood. The recommended amendment would assist in providing a range of housing options and a mix of land uses to accommodate a diverse population of various ages and abilities.

D. THE AMENDMENT

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

1. Policy 1101\_ – Baseline Office Area is amended by adding the following paragraph below the existing policy:

1101\_( ) 754-760 Base Line Road East

At 754-760 Base Line Road East, in addition to the permitted uses of the Institutional Place Type and the Baseline Office Area Specific Policy Area, residential uses that are not accessory to an institutional use may be permitted in the form of a low rise apartment building up to a maximum height of 4-storeys and a maximum density of 75 units per hectare. Density bonusing may be permitted above 75 units per hectare up to a maximum of 165 units per hectare. Bonusing may be permitted provided the magnitude of the height and/or density bonus is commensurate with the provision of facilities, services or matters that provide significant public benefit. Bonusing may only be permitted where the site and building design mitigates the impacts of the additional height and/or density. The additional facilities, services or matters that are provided may include, but are not limited to, affordable housing and enhanced landscaped open space.



## Appendix C

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 754-  
760 Base Line Road East.

WHEREAS Canadian Commercial Management Inc. has applied to rezone an area of land located at 754-760 Base Line Road East, as shown on the map attached to this by-law, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 754-760 Base Line Road East, as shown on the attached map comprising part of Key Map No. A107, from an Office (OF2) Zone to a Residential R8 Bonus/Office (R8-4\*B-\_/OF2) Zone.
- 2) Section Number 4.3 of the General Provisions in By-law No. Z.-1 is amended by adding the following new Bonus Zone:

4.3) B-\_\_\_\_\_ 754-760 Base Line Road East

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high quality residential apartment building, with a maximum height of 4-storeys and a maximum density of 165 units per hectare, which substantively implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law, provides for affordable housing and enhanced landscaped open space. The affordable housing component shall consist of:

- one, one-bedroom barrier-free affordable rental unit;
- rents not exceeding 85% of the Average Market Rent (AMR) for the London Census Metropolitan Area as determined by the CMHC at the time of building occupancy; and,
- the duration of affordability shall be set at 25 years from the point of initial occupancy the unit.

The following special regulations apply within the bonus zone upon the execution and registration of the required development agreement(s):

a) Regulations

- i) Base Line Road East shall be deemed to be the front lot line
- ii) Front Yard Depth (Minimum) 0.1 metres (0.32 feet)
- iii) Exterior Side Yard Depth (Minimum) 1.7 metres (5.57 feet)
- iv) Interior Side Yard Depth (Minimum) 2.6 metres (8.53 feet)
- v) Height 17 metres (55.7 feet)

	(Maximum)	
vi)	Density (Maximum)	165 units per hectare
vii)	Parking (Minimum)	0.9 spaces per unit

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

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

PASSED in Open Council on June 29, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

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



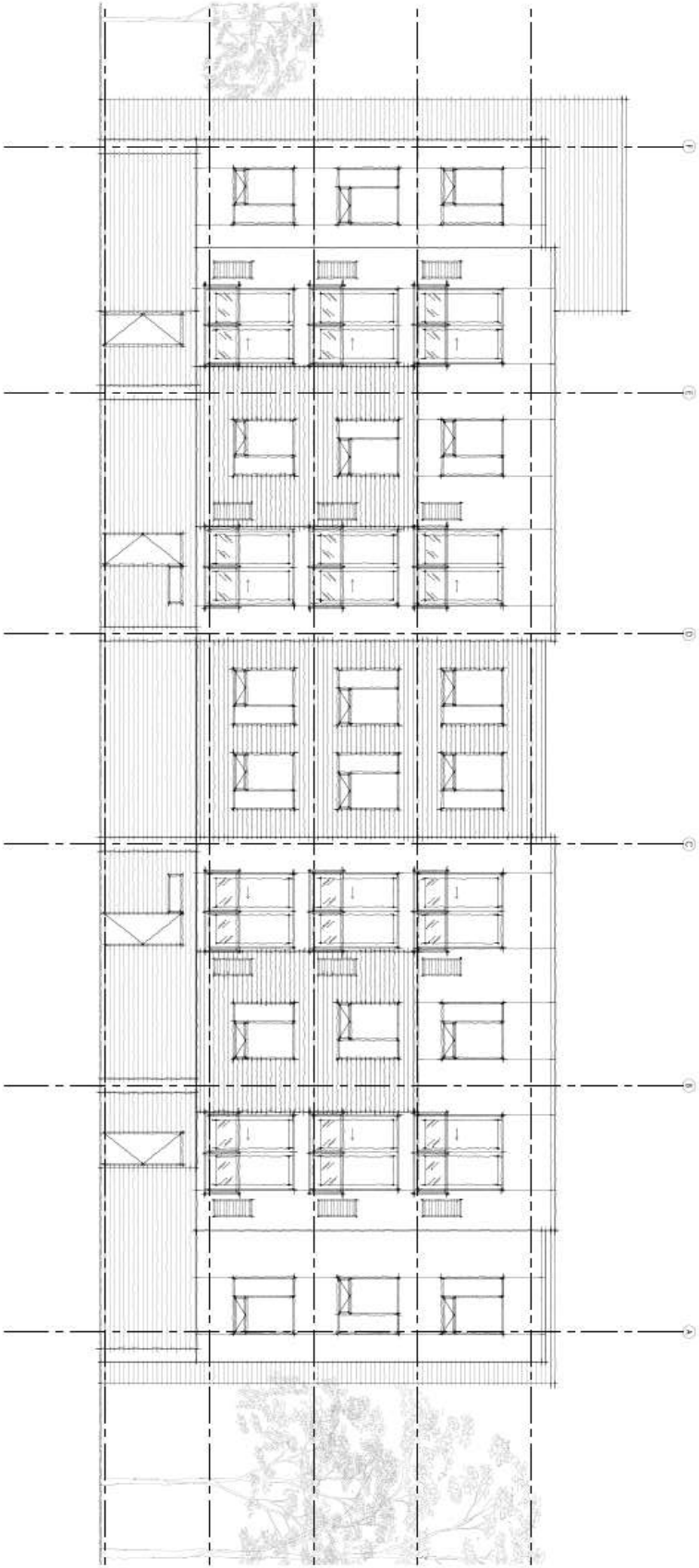






**matter.**  
 ARCHITECTS  
 1000 N. GARDNER STREET  
 SUITE 100  
 DENVER, CO 80202  
 TEL: 303.733.1000  
 WWW.MATTERARCHITECTS.COM

**PROJECT:** 1000 N. GARDNER STREET  
**DATE:** 10/15/2014  
**SCALE:** AS SHOWN  
**PROJECT NO.:** A300



A1  
 NORTH ELEVATION  
 1/2" = 1'-0"  
 1/8" = 1'-0"

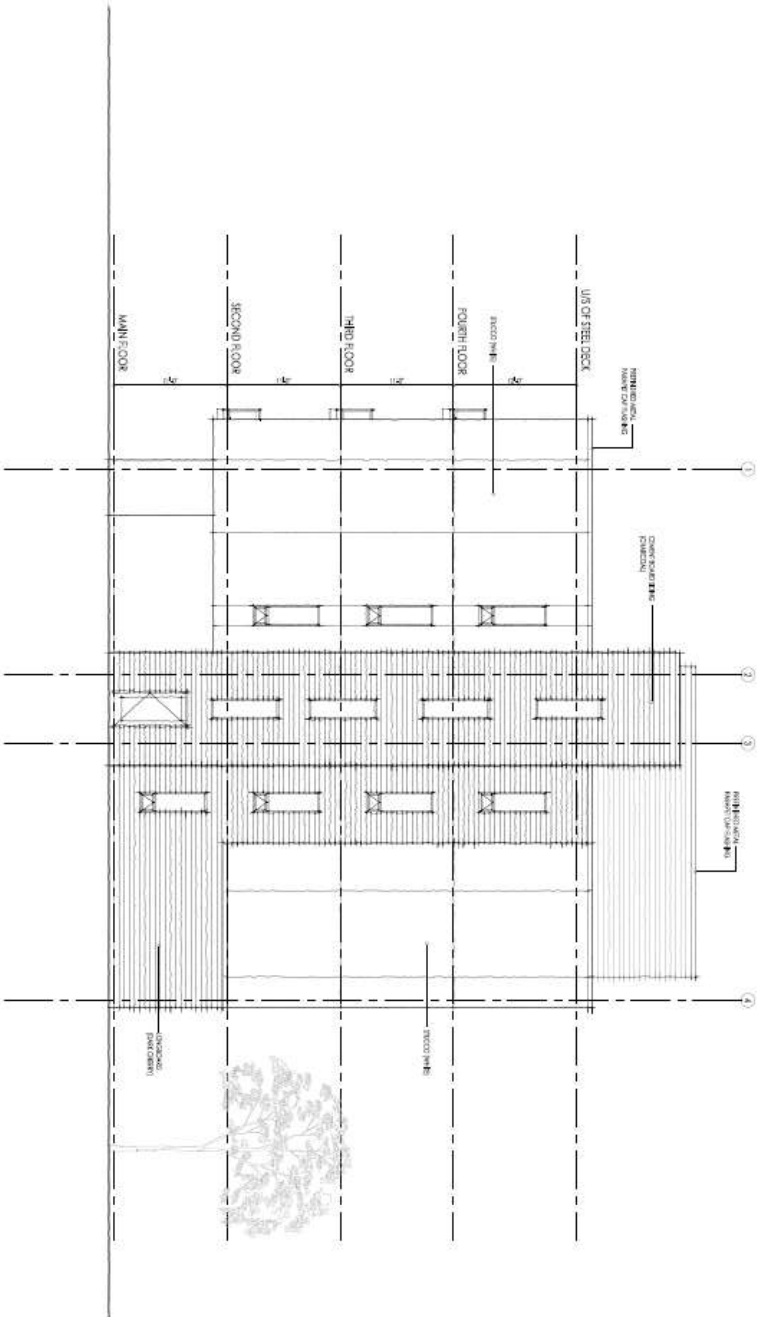
1/2" = 1'-0"

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**matter.**  
 ARCHITECTS  
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 DALLAS, TEXAS 75208  
 TEL: 214.760.1000  
 FAX: 214.760.1001  
 WWW.MATTERARCHITECTS.COM

PROJECT NO. 1000  
 DATE 10/1/10  
 NORTH ELEVATION  
 1/2" = 1'-0"  
 1/8" = 1'-0"  
 AS SHOWN  
 10/1/10  
 A301





WEST ELEVATION  
 ARCHITECTS  
 1000 10th Street, NW  
 Seattle, WA 98108

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 TEL: 206.461.1000  
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 WWW: WESTELEVATIONARCHITECTS.COM

**mater.**  
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 FAX: 206.461.1001  
 WWW: MATERARCHITECTS.COM

Project No. 17-0000000000  
 750790 BIRCH LANE E

Client: [REDACTED]  
 Architect: WEST ELEVATION  
 Date: 10/20/2017  
 Scale: AS SHOWN  
 Sheet: A303

## Appendix D – Public Engagement

### Community Engagement

**Public liaison:** On December 4, 2019, Notice of Application was sent to 32 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. A “Planning Application” sign was also posted on the site.

On May 27, 2020, Notice of Revised Application was sent to 32 property owners in the surrounding area. Notice of Revised Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 28, 2020.

Four (4) replies were received.

**754-760 Base Line Road East** – The purpose and effect of this Official Plan and zoning change is to permit a 4-storey, 28-unit apartment building. Possible amendment to the 1989 Official Plan to **ADD** a Chapter 10 Specific Area policy permitting a 4-storey, 28-unit apartment building with a maximum building height of 17 metres and a maximum density of 165 units per hectare. Possible amendment to The London Plan to amend the existing Specific Policy 1101\_ to permit residential uses that are not accessory to an institutional use. Possible change to Zoning By-law Z.-1 **FROM** an Office (OF2) Zone **TO** an Office/Residential R8 Bonus (OF2/R8-4\*B-\_\_\_) Zone to permit the proposed apartment building use. Special provisions through the bonus zone would recognize Base Line Road East as the front lot line; permit a reduced minimum front yard depth of 0.1 metres, whereas 8 metres is required; a reduced minimum exterior side yard depth of 1.7 metres, whereas 8 metres is required; a reduced minimum interior side yard setback of 2.6 metres, whereas 6 metres is required; a reduced minimum parking rate of 0.9 spaces per unit, whereas 1.25 spaces per unit is required; an increased maximum building height of 17 metres, whereas a maximum of 13 metres is permitted; and an increased maximum density of 165 units per hectare, whereas 75 units per hectare is the maximum. The proposed density, height, setbacks, and parking is requested in return for eligible facilities, services, and matters outlined in Section 19.4.4 of the 1989 Official Plan and *policies 1638\_ to 1655\_ of The London Plan*.

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

**Concern for:**

*Loss of Trees:*

Concern regarding tree removal to facilitate construction.

*Shadows:*

Concern that shadows cast by the proposed building will impact solar panels fixed to the neighbouring single detached dwelling.

*Traffic:*

Concern that the proposed development will exacerbate traffic issues on Base Line road East at Victoria Hospital.

*Loss of Property Value:*

Concern that the proposed development will result in loss in property values to the broader residential neighbourhood.

*Fencing, Privacy, and Lighting:*

Concern that the fence height is too low and will result in loss of privacy and lighting issues.

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

Telephone	Written
Edna May 749 Rowntree Avenue London, ON N6C 2L9	Ross and Jennifer Robinson 347 Fairview Avenue London, ON N6C 4V2
Ross and Jennifer Robinson 347 Fairview Avenue London, ON N6C 4V2	Donald D'Haene 766 Base Line Road East London, ON N6C 2R7

347 Fairview Avenue  
London N6C 4V2

12/12/2019

To Catherine Lowery.

Re-754-760 Baseline Road East.

We live next door to the open lot at Baseline and Fairview where we received notice that a 4 storey apartment building is scheduled to be built.

We appose this, there are enough apartments in this area a new one just built at Westminster and Whetter avenue. So many lovely trees will have to come down, I [sic] guess London wont be the forest city for much longer.

We have solar panels on our rood and if this building is built there will be no more sun. The traffic at Baseline and the hospital lights is bad enough now

Please let us know when the meeting about this property is being held we don't think there will be enough room either for this building or the parking

Sincerely

Ross and Jennifer Robinson. I sent you an email but it was not aaccepted

---

**From:** Donald D'Haene

**Sent:** Thursday, December 19, 2019 2:35 PM

**To:** Lowery, Catherine <clowery@london.ca>

**Subject:** [EXTERNAL] Official plan and zoning by-law amendments 754-760 base line road east

we Live at 766 Base line ..we support 100% the application...the proposed building compliments and enhances the neighbourhood and does not change our (at 766) current zoning' s permitted uses (medical/offices etc).

Donald D'Haene

### Agency/Departmental Comments

August 26, 2019: Urban Design Peer Review Panel with Applicant's Response

<b>Comment:</b>
The applicant is to be commended for bringing forward this Urban Design Brief to receive input from the Panel prior to filing the ZBA application.
<b>Applicant Response:</b>
We appreciate the opportunity to receive feedback prior to the ZBA application. Thank you for your comments.
<b>Comment:</b>

The Panel recognizes that it is a constrained site.

- The Panel identified that since the building is located at zero lot line (post-widening) that there may be issues with the encroachment of the canopy over the right of way. A recessed entry may be an alternative to still achieve weather protection rather than a canopy over the primary entrance.
- The Panel flagged that there may not be sufficient space for tree plantings within the landscape buffer and identified that this requires further consideration at the landscape design stage.

**Applicant Response:**

We intend to move forward with the existing design which includes a canopy. We have aligned the canopy so that it is in line with the Tim Horton's Drive Thru lane at 352 Wellington Road. If/when road widening does occur along Base Line Road East, an encroachment agreement or the removal of the canopies is possible. Widening of this portion of the Base Line Road East is not anticipated within the next decade. Site Plan Consultation did not identify the need for additional space for tree plantings within the landscape buffer. Adequate landscaping and/or tree planting will be reviewed and confirmed throughout the Site Plan Approval for the 1.5m buffer around the perimeter of the site. This comment will be circulated to the consulting landscape architect during the Site Plan Approval process.

**Comment:**

The Panel supports the orientation relative to the street with parking located to the rear.

**Applicant Response:**

Acknowledged. Thank you for your comments.

**Comment:**

The Panel encourages the applicant to enhance the principle entrance perhaps with landscaping/ an urban forecourt.

**Applicant Response:**

We will consider opportunities for additional landscaping to enhance and soften the principle entrance along Base Line Road East. The extent of this additional landscaping would be reviewed and confirmed throughout the Site Plan Approval process.

**Comment:**

The Panel recommended that the selection of tree species along the frontage should complement the architectural expression of the front elevation and not detract from it.

**Applicant Response:**

Acknowledged. At this time, we have not retained a qualified professional to make a tree species selection. This comment will be circulated to the consulting landscape architect during the Site Plan Approval process.

**Comment:**

The Panel questioned the need for the two separate walkways to the main entrance and garbage room entrance and recommended they be consolidated into one paved area and treated as a forecourt.

**Applicant Response:**

We appreciate this comment. Upon review of this aspect of the project we feel that the suggestion to have a larger paved area for the door and a single walkway is ideal. We will adjust this during the Site Plan Approval process.

**Comment:**



The Panel identified that the variation of materials of the building elevation on Base Line Road is effective, but the back elevation is less successful. The Panel suggested the applicant keep the rear elevation to three volumes rather than two.

**Applicant Response:**

We appreciate this comment. The rear colour selection was initially intended to emulate the look of the Baseline façade, however, we are comfortable simplifying this approach.

**Comment:**

The Panel supports the provision of individual unit balconies and rooftop amenity over the bike storage room, however recommends that the applicant look at ways to enlarge the space.

**Applicant Response:**

We appreciate your comment. The size and extent of the rooftop amenity area has yet to be confirmed. We will consider opportunities to enlarge the space, where feasible and appropriate.

**Comment:**

The Panel identified that the bike room is not well integrated into the building design and suggests that the applicant look at ways to better tie it in to the overall architecture of the building.

**Applicant Response:**

The bicycle storage is intended to be an accessory structure that is distinct and independent of the main building. Residents can only access the bicycle storage structure from outside the main building (via the westerly secondary entrance). Details relating to the design and material selection for the bicycle storage structure will be reviewed and confirmed throughout the Site Plan Approval process.

**Comment:**

The Panel identified the blank wall on the corner of the building near the frontage and recommended that the applicant either introduce glazing on this edge of the building or landscaping to soften /screen the blank wall.

**Applicant Response:**

We appreciate this comment. We will work with our landscape Architecture during the Site Plan Approval process to identify opportunities for adding additional foliage in this area.

Note: UDPRP comments provided prior to formal submission of a complete application.

December 13, 2019: Upper Thames River Conservation Authority

Dear Ms. Lowery:

**Re: Application to Amend the Official Plan and Zoning By-law - File No. OZ-9148**  
**Applicant: Canadian Commercial Management Inc.**  
**754 to 760 Base Line Road East, London, Ontario**

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** 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 by the UTRCA and a Section 28 permit application will not be required. The UTRCA has no objections to this application.

Thank you for the opportunity to comment.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY

December 19, 2019: London Hydro

Servicing the above proposal should present no foreseeable problems. Above-grade transformation is required. Any new infrastructure will be at the applicant's expense

**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.

January 31, 2020: Urban Design

Urban Design staff reviewed the submitted conceptual site plan 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, guidelines, and Urban Design Peer Review Panel comments;

- As the site is fairly constrained due to its size and proposed intensity provide further details on how the following will be achieved on site:
  - Garbage and recycling pick-up
  - Ensure that the parking lot is designed to the expected parking lot design standards in the Site Plan Control By-Law, that includes appropriate setbacks from neighbouring properties and landscape islands at the ends of all parking rows;
  - Locate an appropriately sized and located amenity space is located on site.
- Through the Site Plan Application the following refinements to the design of the building and the site will need to be addressed:
  - Design the building to have regard for its corner location and ensure that the design of both street facing facades include a high level of architectural details. This can be achieved by including further fenestration, material changes or a combination of both with enhanced landscaping along the Fairview Avenue frontage;
  - Provide direct access to the city sidewalk from the individual unit entrances along Baseline road in order to define and activate the street edge;

- Enhance the principle entrance with landscaping and an urban forecourt between the entrance and the sidewalk.
- Provide screening of the parking areas exposed along the Fairview Ave frontage.

#### February 7, 2020: Transportation

- Right of way widening dedication of 13.0m from centre line required along Base Line Road East
- 6.0m x 6.0m daylight triangle required
- Detailed comments regarding access design and location will be provide through the site plan process

#### February 7, 2020: Sewers Engineering

- The sewer available for the subject lands is the 200mm municipal sanitary sewer on Base Line Road East. Based on 2017 Infrastructure renewal program on Base line Rd plan by Aecom, the population should be 100 people /Ha
- The recorded showed more than one PDC that connected to the subject land. Applicant's Engineer to install a new PDC for the proposed use and to meet City of London and OBC requirements. Additional comments may be forthcoming as part of a future applications.

#### February 7, 2020: Stormwater

1. As per the City of London's Design Requirements for Permanent Private Systems, the proposed application falls within the Central Subwatershed (case 4), therefore the following design criteria should be implemented:
  - the flow from the site must be discharged at a rate equal to or less than the existing condition flow,
  - the discharge flow from the site must not exceed the capacity of the stormwater conveyance system,
  - the design must account the sites unique discharge conditions (velocities and fluvial geomorphological requirements),
  - "normal" level water quality is required as per the MOE guidelines and/or as per the EIS field information; and
  - shall comply with riparian right (common) law.

The consultant shall update the servicing report and drawings to provide calculations, recommendations and details to address these requirements.

2. The Developer shall be required to provide a Storm/Drainage Servicing Report demonstrating available capacity in the existing sewers, and that the proper SWM practices will be applied to ensure on-site controls are designed to reduce/match existing peak flows from the 2 through 100 year return period storms.
3. If 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 devises.
4. Any proposed LID solutions should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, it's 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.

5. 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.
  - Additional SWM related comments may be required and provided upon future review of this site.

#### March 27, 2020: Housing Development Corporation

##### **Background:**

Housing Development Corporation, London (HDC) was engaged as a third party to support information, facilitate negotiation, and assist in the provision of a fair recommendation to Development Services in response to an action under Sections 34 and 37 of the *Planning Act* that included a request for an increase in height and density ("lift") above and beyond what would otherwise be permitted in the Zoning By-law in return for eligible facilities, services and matters, including the provision of affordable housing.

##### **Requested Zoning By-law Amendment:**

The purpose and effect of the Official Plan/Zoning By-law amendment requested by Canadian Commercial (Base Line) Inc. (the "proponent"), is to provide for the development of a four-storey, 28-unit apartment building containing 16 one-bedroom and 12 two-bedroom units (Attachment 1 – Site Plan and Elevation).

The details of the requested Zoning By-law Amendment, including consideration of facilities, services, and matters of public benefit were identified in the proponent's November 2019 Planning Justification Report submitted to the Corporation of the City of London in support of their requested action. To provide for the increased height and density sought through bonusing, the proponent has engaged in discussions with HDC to facilitate the provision of affordable rental housing units. This letter reflects the recommendation of HDC to the City of London Development Services as fair consideration of bonusing for affordable rental housing.

##### **RECOMMENDATION:**

Development Services has informed HDC that the proposed "lift" would equate to three (3) units. Based on the review of the proponent's proposed project plans for the subject site, it is the recommendation of HDC that the Director, Development Services advance the following requirements within the affordable housing bonus zone:

1. **One 1-bedroom barrier-free unit be considered for dedication to affordable rental housing in exchange for granting of increased height and density;**
2. **"Affordable Rent" for the one (1) one-bedroom unit shall be defined as rent not exceeding 85% of the Canada Mortgage and Housing Corporation (CMHC) Average Market Rent (AMR) for the London Census Metropolitan Area for one-bedroom rates at the time of occupancy;**
3. **The affordability period be set at 25 years from the point of initial occupancy.**

These, and any other amended conditions to be confirmed by Municipal Council, need to be secured through an encumbrance agreement ensuring compliance and to retain the value of the affordable rental housing bonus Zone over the 25-year affordability period. An agreement would also address other conditions including tenant selection. Any such agreement to retain the affordable rental housing would be subject to terms defined by the City Solicitor similar to other affordable rental housing development agreements with the City and HDC.

**In addition to the items within the encumbrance agreement, HDC would recommend that the proponent be required to enter a Memorandum of Understanding with the City of London to align the bonus unit with an identified population in need of housing with supports. Under the MOU, the proponent**

would retain final tenant selection, noting compliance of any eligibility requirements that may be related to the subject unit.

**Rationale for Affordable Housing Bonus:**

The London Plan recognizes that average market rent is out of reach for many Londoners and that housing affordability is one of the City's principle planning challenges. Accordingly, the housing policies of the Plan identify affordability targets stating that planning activities will serve to provide for both a mixture of dwelling types and integrated mixtures of housing affordability. In pursuit of this goal, the policies of the Plan identify bonusing as a planning tool in support of the provision of affordable housing in planning and development proposals.

The subject lands are on the north side of Baseline Road East, east of Wellington Road. The Planning Justification Report notes the site's proximity to employment opportunities (i.e. commercial uses along Wellington Road, office uses along Baseline Road East, and institutional/health care uses within the Victoria Hospital complex) which promotes the use of active transportation in the form of walking and cycling. Public transit is also available on Baseline Road East with additional opportunities located along Wellington Road.

The locational attributes of the site, and the inclusion of a barrier-free unit directly align with the guidelines and considerations used by HDC to advance affordable housing. HDC would further note that a review of housing analytics from CMHC indicate average apartment vacancy rates and rents in the defined area demonstrate housing affordability challenges.

The recommended bonus zone is specific to the mid-rise apartment building identified in Attachment 1 on lands known municipally as 754/756-760 Baseline Road East and does not apply to any other development or development phase by any perceived similarity in lift or built form.

**Conclusion:**

Section 37 of the *Planning Act* provides municipalities the ability to advance public services in exchange for additional height and density above existing zoning permissions. The ability to utilize this important tool as a mechanism to advance affordable rental housing aligns with a critical need in London, noting that London is currently ranked 5th in Canada for the highest percentages of households in "Core Housing Need" in major urban centres (CMHC, July 2018).

This recommendation recognizes Council's expressed interest to seek "...options for implementing and coordinating [planning] tools to be most effective..." and to "...promote the development of affordable housing in London" (4.4/12/PEC, July 25, 2018).

HDC will be available to the Planning and Environment Committee and to Civic Administration to further inform this recommendation or respond to any associated questions.

March 31, 2020: Urban Design (revised)

Urban Design staff commend the applicant for incorporating the following into the design; Providing a 4-storey building that provides for enclosure to the street; Providing for a continuous street wall along the Baseline Road street frontage; Providing for appropriate scale/ rhythm/ materials/ fenestration; Providing active uses on the ground floor along the street including the principle building entrance creating an active street edge; Including an appropriately sized and located outdoor amenity area; and, locating all of the parking in the rear yard, away from Baseline Road street frontage.

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. Staff will continue to work with the applicant through a subsequent Site Plan Application to ensure past concerns regarding garbage collection, parking lot design and location of the amenity area are implemented in the final design and to further refine the following outstanding design matters related to

the design of the building and the site:

- Design the building to have regard for its corner location and ensure that the design of both street facing facades include a high level of architectural details. This can be achieved by including further fenestration, material changes or a combination of both with enhanced landscaping along the Fairview Avenue frontage;
- Provide direct access to the city sidewalk from the individual unit entrances along Baseline road in order to define and activate the street edge;
- Enhance the principle entrance with landscaping and an urban forecourt between the entrance and the sidewalk.
- Provide screening of the parking areas exposed along the Fairview Ave frontage.

## Appendix E – Policy Context

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

### ***Provincial Policy Statement, 2020***

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

1.1.1 b)

1.1.1 e)

1.1.3

1.1.3.1

1.1.3.2

1.1.3.3

1.1.3.4

1.4 - Housing

1.4.1

1.4.3 b)

1.4.3 d)

1.7 – Long Term Economic Prosperity

1.6 – Infrastructure and Public Service Facilities

1.6.7.4

### ***The London Plan***

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

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

Policy 54\_. Our Strategy, Key Directions, Direction #1 Plan Strategically for a Prosperous City

Policy 55\_13. Our Strategy, Key Directions, Direction #1 Plan Strategically for a Prosperous City

Policy 59\_1, 2, 4, 5 and 8. Our Strategy, Key Directions, Direction #5 Build a Mixed-use Compact City

Policy 61\_10. Our Strategy, Key Directions, Direction # 7 Build Strong, Healthy and Attractive Neighbourhoods for Everyone

Policy 66\_ Our City, Planning for Growth and Change

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

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

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

Policy 252\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

Policy 253\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 255\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

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

\*Policy 257\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 258\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

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

\*Policy 261\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

\*Policy 266\_ City Building Policies, City Design, How Are We Going to Achieve This, Site Layout

Policy 1081\_ Place Type Policies, Urban Place Types, Institutional, Role Within City Structure

Policy 1082\_ Place Type Policies, Urban Place Types, Institutional, Role Within City Structure

Policy 1084\_1 Place Type Policies, Urban Place Types, Institutional, How Will We Realize Our Vision?

Policy 1085\_1 Place Type Policies, Urban Place Types, Institutional, Permitted Uses

Policy 1085\_2 Place Type Policies, Urban Place Types, Institutional, Permitted Uses

Policy 1086\_1 Place Type Policies, Urban Place Types, Institutional, Intensity

Policy 1086\_3 Place Type Policies, Urban Place Types, Institutional, Intensity

Policy 1087\_1 Place Type Policies, Urban Place Types, Institutional, Form

Policy 1087\_2 Place Type Policies, Urban Place Types, Institutional, Intensity

Policy 1101\_ Place Type Policies, Urban Place Types, Institutional, Baseline Office Area

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

**1989 Official Plan**

3.7 – Planning Impact Analysis

5.2 – Office Areas

5.2.1 – Function

5.2.2 – Permitted Uses – Office Areas

5.2.4 – Scale of Development

5.5.5 – Form and Design

10.1.1 – Policies for Specific Areas – Criteria

10.1.1ii)

10.1.2 – Planning Impact Analysis

19.4.4 – Bonus Zoning

19.4.4.iv) – Agreements

<b>3.7 Planning Impact Analysis</b>	
<b>Criteria</b>	<b>Response</b>
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The proposed land use contributes to a variety of housing forms within the neighbourhood and complements the neighbouring office, commercial, and institutional uses. No major impacts are anticipated on the adjacent low rise residential neighbourhood.
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use.	The revised site concept can accommodate the recommended use while achieving an intensity and form that allows for other on-site functions such as adequate landscaped open space and garbage collection.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use.	There is no vacant land in the area already designated and/or zoned for the proposed use.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	The subject site is located just east of a broad range of commercial amenities along Wellington Road and is located directly across from Victoria Hospital. The site is located approximately 600 metres from Rowntree Park. Transit services are available on Base Line Road East and Wellington Road.

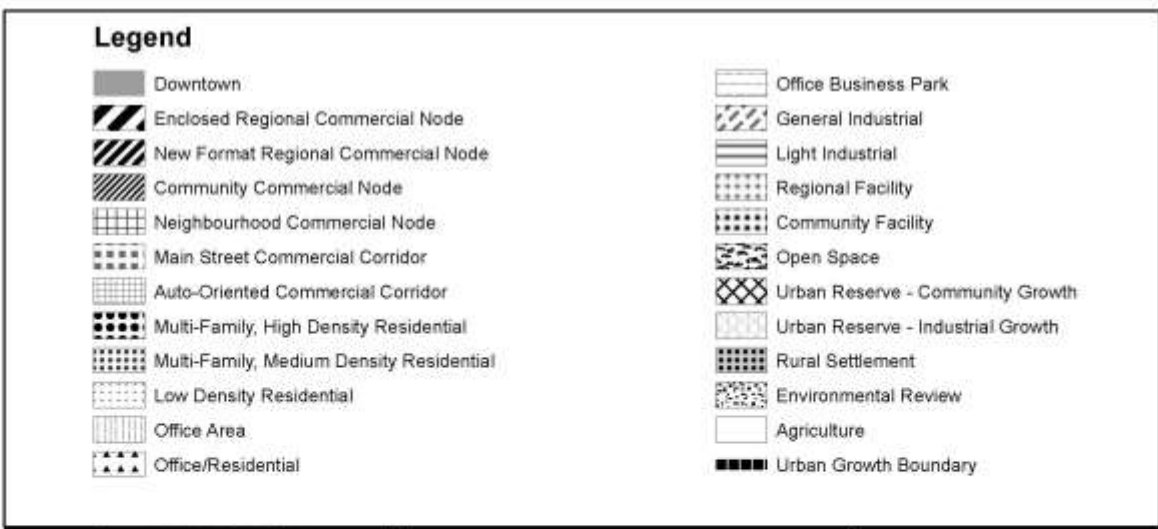
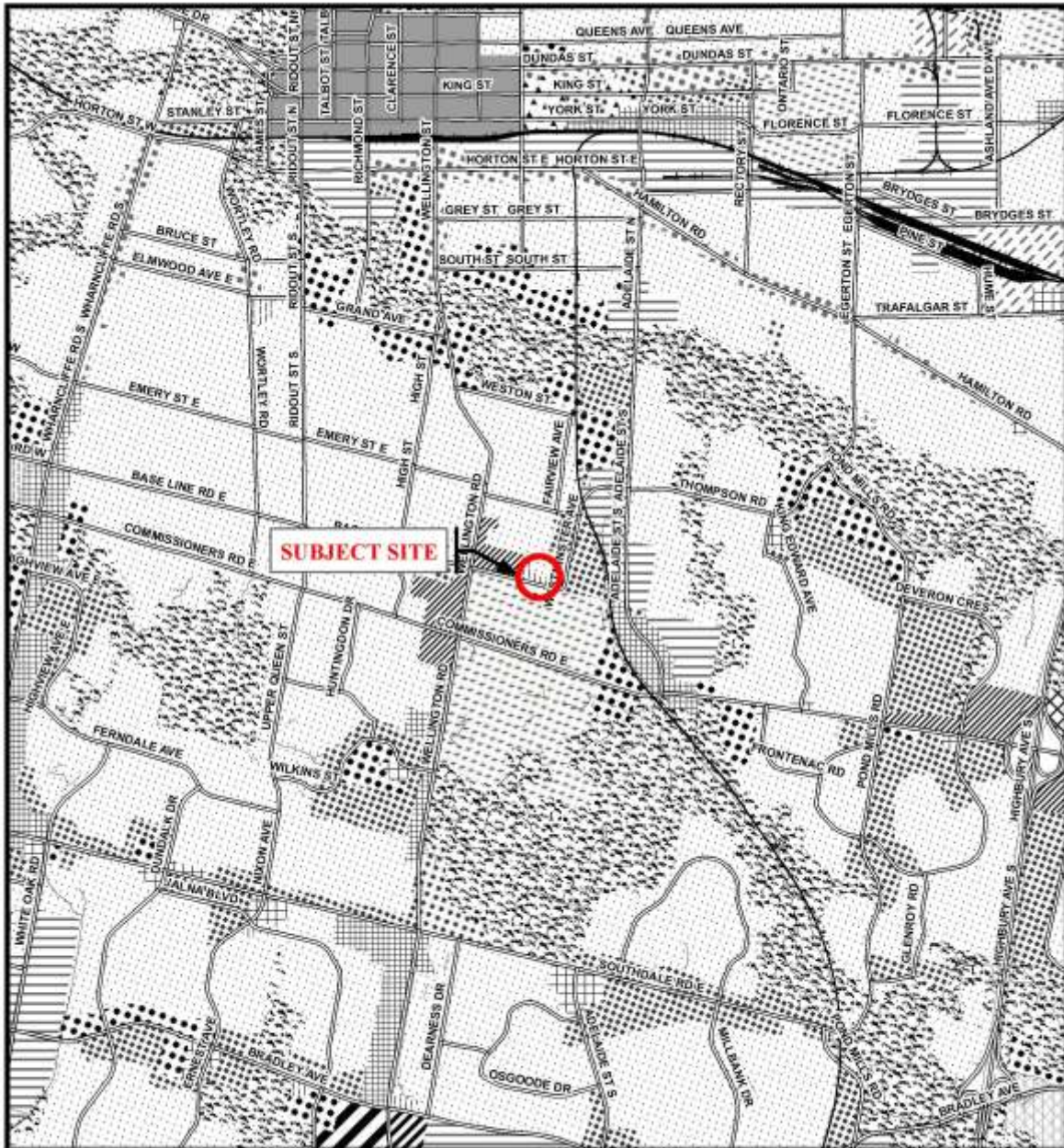


<p>The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.</p>	<p>The proposed development is in an area in need of affordable housing units and provides for an affordable unit at 85% of the Average Market Rent for a period of 25 years.</p>
<p>The height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses.</p>	<p>The scale or height of the proposed apartment building on the adjacent 1-storey single detached dwelling is mitigated by the proposed yard depths and building situation on the lot. Impacts on adjacent properties, such as overlook and light penetration, would be mitigated through a combination of yard depth and landscape screening, as well as review of photometric plans at the site plan approval stage.</p>
<p>The extent to which the proposed development provides for the retention of any desirable vegetation or natural features that contribute to the visual character of the surrounding area.</p>	<p>The proposed development does not provide for the retention of existing vegetation that contributes to the visual character of the surrounding area. Tree replacement measures are proposed around the periphery and internal to the site. Site concept revisions provide additional green spaces in which tree planting can occur.</p>
<p>The location of vehicular access points and their compliance with the City's road access policies and Site Plan Control By-law, and the likely impact of traffic generated by the proposal on City streets, on pedestrian and vehicular safety, and on surrounding properties.</p>	<p>Transportation Planning and Design was circulated on the planning application and development proposal and is satisfied that driveway location and design can be addressed at the site plan approval stage. Base Line Road East is a primary collector and serves light to moderate volumes of inter-neighbourhood traffic at moderate speeds and has limited property access. The recommended amendment and the proposed 28 units are not expected to significantly affect capacity of Base Line Road East.</p>
<p>The exterior design in terms of the bulk, scale, and layout of buildings, and the integration of these uses with present and future land uses in the area.</p>	<p>The applicant is commended for incorporating the following into the design: providing a 4-storey building that provides for enclosure to the street; providing for a continuous street wall along the Baseline Road street frontage; providing for appropriate scale/ rhythm/ materials/ fenestration; providing active uses on the ground floor along the street including the principle building entrance creating an active street edge; including an appropriately sized and located outdoor amenity area; and, locating all of the parking in the rear yard, away from Baseline Road street frontage.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources.</p>	<p>No natural heritage features are present that will be affected by the proposed development.</p>
<p>Constraints posed by the environment, including but not limited to locations</p>	<p>City records indicate 756 Base Line Road East may have been previously used for</p>

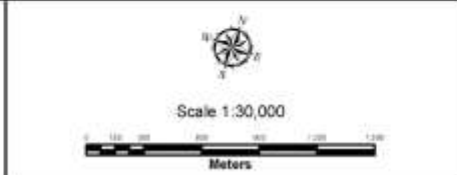
<p>where adverse effects from landfill sites, sewage treatment plants, methane gas, contaminated soils, noise, ground borne vibration and rail safety may limit development.</p>	<p>automobile repairs in some capacity, contrary to the uses permitted in the Zoning By-law. A Stage 1 Environmental Assessment was submitted as part of a complete application, which concluded that no evidence of contamination was observed on site and recommended no further studies be required.</p>
<p>Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law.</p>	<p>The proposed form of development will be required to conform to the in-force Official Plan policies and comply with the City's regulatory documents prior to approval of the ultimate form of development through the Site Plan Approval process.</p>
<p>Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.</p>	<p>As discussed above, tree planting and building massing treatments are expected to mitigate minor adverse impacts on the surrounding land uses.</p>
<p>Impacts of the proposed change on the transportation system, including transit.</p>	<p>The residential intensification of the subject lands will have a negligible impact on the transportation system.</p>

**Appendix F – Relevant Background**

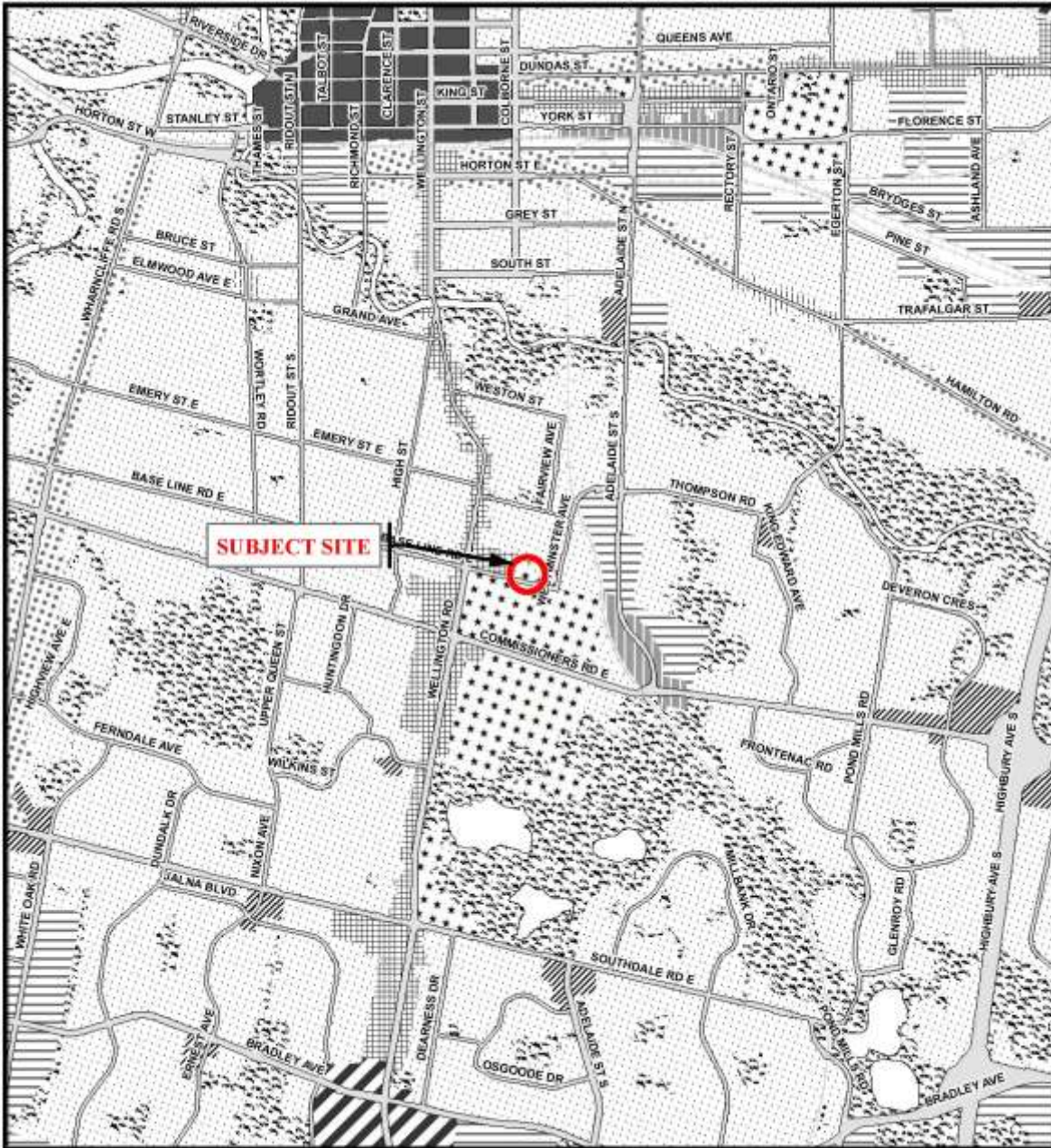
**Additional Maps**



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



**FILE NUMBER:** OZ-9148  
**PLANNER:** CL  
**TECHNICIAN:** RC  
**DATE:** 2020/06/01



**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.*

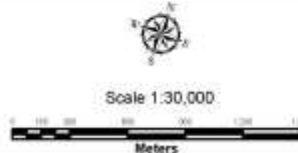
*At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.*

**CITY OF LONDON**

Planning Services /  
 Development Services

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

PREPARED BY: Planning Services



**File Number:** OZ-9148

**Planner:** CL

**Technician:** RC

**Date:** June 01, 2020



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

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

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

**CITY OF LONDON**

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

OZ-9148

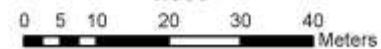
CL

MAP PREPARED:

2020/06/01

RC

1:800



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

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.4 PUBLIC PARTICIPATION MEETING – Application – 754-760 Baseline Road (OZ-9148)

- Councillor Cassidy: Committee, I am going to go to the Committee Room first, we have three speakers waiting to be heard in that Committee Room. I have a list here so I will start with the applicant or the agent for the applicant, Mr. McCauley from Zelinka Priamo Ltd. If you would like to go ahead, you have five minutes sir.
- Ben McCauley, Zelinka Priamo Ltd.: Thank you. Good Afternoon. I would just like to first note we agree with staff's recommendation. Thank you to staff for moving this along. As you will hear briefly, shortly, there will be a number of comments that you will hear from the public. I would just like to note as well we are happy to exchange my information, the applicant's information, with the community members and the public to voice and hear their concerns through our subsequent site plan approval application and work with them as we move forward and make sure that we can address their concerns as appropriately as we can. That's all the comments I have for now. Thank you.
- Councillor Cassidy: Thank you Mr. McCauley. I'll go next to Mr. Robinson. Go ahead, sir. You have five minutes.
- Ross Robinson: I live right next door to the proposed building. I have no concern, really, that the building is going to be built there. I realize we do need affordable housing in the city but I am just asking that the building be reduced in size from twenty-eight units down a bit, there is just not enough room to park twenty-six cars. You are asking for a zoning of the front yard depth of 1.1 metre, this is going to be right up against the sidewalk and all these mature trees, at least seven, eight mature trees, they are at least, I don't know, I have been there twenty-two years, they have been there and just as big. I'd like to get these fences also a little higher, they are proposing the fences at 1.8 meters, well, they are about twenty inches lower than my property and I've got a five foot fence now that I've got that I can see over. That's not going to make it, I'm going to be able to see all these cars parked and their garbage, by the way, is right underneath my kitchen window so I'm going to get the odor, I'm going to get the skunks, I'm going to get the racoons, I'm going to get all that. Anyway, that is basically my complaint about the building. If they want to make a bigger building, they should just buy my property and then they would have a big square there, they could do what they want. Anyway, thank you for your time.
- Councillor Cassidy: Thank you very much Mr. Robinson. Next I will go to Mr. May who is speaking for or on behalf of his mother I believe.
- Barb WestlakePower, Deputy City Clerk: It will be Mrs. May speaking.
- Councillor Cassidy: Perfect. Come to the microphone Mrs. May and you will have five minutes to address the Committee.
- Edna May: I have a number of concerns just like Mr. Robinson. His was a privacy and that was my last question but I might as well move it to the front. What are you doing about privacy to the existing neighbours? We are mostly single family, we don't have five or six different families in each building, we just have one and we all like our outdoors. We like to be in the backyard and now we are going to have this building looking over our yards. Where is our privacy? I'm with him, it should be a better fence. When they built the four storey building behind us, which they could conform to the height of the thirteen meters not this seventeen they want, they build a six foot fence for us for privacy. I think that is what we should have right now, too. Now we get back to we have done the height bit, they want seventeen meters, I read

that the existing is thirteen. Why do they need the extra? They want to change the front yard and the side yard and the rear yard. Right now the front yard is supposed to be eight meters which is reasonable, it gives you room for grass, it doesn't mean that when you are walking along you can reach out and touch the building. Right now it isn't even social distancing from the sidewalk. The rear is only six meters, the side yard is supposed to be eight meters also. That gives room for a lawn instead of looking at the building as you walk by. You will still look at the building but you will at least see grass. The parking has been changed from twenty-nine spaces to a parking rate of 0.9 spaces per unit and now it's supposed to be at 1.25. What are they going to do, jam them in there with a can opener? There will be no room to open your door hardly. I think that it should just stay the way that it is. Getting down to the last question I had, this density of 165 units per hectare, they are only asking for twenty-nine units. Why do they wish to tack this on? Is it so that if they buy up people's property like yours? What is a hectare anyway? Is that at least a city block? Anyways, it would certainly pay them to buy up everybody from all down Fairview to Rowntree to put in those 165 units. Right now we are beginning to feel like we live in a canyon. That would be another bowl to the canyon. I don't see why they need it if they don't need it for twenty-eight units. That takes care of all the questions I have.

- Councillor Cassidy: Thanks very much Mrs. May. I'll go to Committee next to see if you have technical questions before we close the public participation meeting.
- Councillor Turner: I think there are a couple of things that might be explained for the questions that came up there and perhaps, through you, the first question is the front lot setback, what would be the actual distance from the sidewalk edge to the building façade recognizing that it wouldn't be directly adjacent to the sidewalk?
- Councillor Cassidy: Ms. Lowery?
- Catherine Lowery, Planner II: Through you Madam Chair and looking at the site concept plan submitted with the application, the existing property line pre-widening is just set in from the existing sidewalk and the setback from the existing property line is three meters to the proposed building. Now they recommended 0.1 meter setback from Base Line being the front lot line as proposed would be from the ultimate road allowance post widening.
- Councillor Cassidy: Councillor Turner?
- Councillor Turner: Sorry. Thank you Ms. Lowery. I'm not sure if you cut out at the end there but the distance from the sidewalk then to the building façade would be roughly, it wouldn't be 0.1 meters, there would be more space. What would roughly that space be? That was a concern that we heard from the two presenters there.
- Catherine Lowery, Planner II: Yes. Through you Madam Chair, the existing sidewalk is approximately three meters from the proposed building.
- Councillor Turner: Ok. Thank you. So it is still about nine to ten feet from the sidewalk so there is some space, it is not directly adjacent there. Second question and I would imagine this is something that we might consider for recommendations before the site plan part, the concern about the placement of the garbage pad there which is directly adjacent to the neighbouring property. We have seen this in a couple of other applications before where they looked for the garbage collection site to be far away from the building but close to the adjacent residential buildings. Is there opportunity or has there been discussion about a better place than in the back?
- Councillor Cassidy: Ms. Lowery?

- Catherine Lowery, Planner II: Through you Madam Chair the area on site that is proposed for the garbage is not actually intended to be long-term garbage storage. For developments like this garbage is required to be stored interior to the building. What that pad is, is merely a place where the bins can be rolled out to on pick up day for the collection. After that the bins are to be rolled back inside the building.
- Councillor Turner: Through you Madam Chair, thank you. I guess more to the point is that one day a week there will be the potential for odors to the adjacent property so to mitigate that to the greatest extent possible not having it that close to the adjacent property would be preferable. Is that something that was discussed with the applicant and is there a possible alternate location that might better suit that need?
- Catherine Lowery, Planner II: Through you Madam Chair that is absolutely something that was discussed at length through the process. The challenge with this site is the ability for a vehicle, a garbage collection vehicle, to come in and maneuver without backing up great lengths. The other challenge is moving it closer to the building, there is that building cantilever with the parking situated underneath. Through our discussions with the applicant this seemed to be the most feasible location for the collection pad.
- Councillor Turner: Thank you. I will address that further in the comments and recommendations. I think the last part of site plan was, I have kind of lost that, but I think there was still a couple of recommendations that we could make into the site plan process. Thank you.
- Councillor Cassidy: Any other technical questions? Councillor Hopkins and then Deputy Mayor Helmer.
- Councillor Hopkins: Yes. Thank you. I have a quick question. I heard concerns around the loss of trees and the privacy part and also the applicant referring to further communications. First of all, what is the plan for the privacy and is there something that can continue that conversation? I want a better idea of understanding the fencing and what they are doing to mitigate the privacy for the residents in the area. My second question is, and I am not sure where this goes, was there a shadow survey done on this property as well? I understand there are some concerns about the use of the solar panels that are near this property.
- Councillor Cassidy: I will go to Ms. Lowery first.
- Catherine Lowery, Planner II: In terms of the shadow study, one was conducted as part of the Urban Design Brief that was required as part of the complete application. The findings of that study was that there wouldn't be any negative impact as a result of the proposed development. In terms of landscaping and fencing, those are matters that are typically addressed at the site plan stage, a future site plan stage. As for the fencing, looking at their site concept plan, the fencing proposed is currently at 1.8 meter high wood fence which equates to six feet.
- Councillor Cassidy: Great. Thank you. Deputy Mayor Helmer.
- Deputy Mayor Helmer: Thank you. I am wondering if, through the Chair, you could help me understand how the building face is going to align with the existing streetscape. So you have got buildings at 746 and 750 which are already set back from, and quite frankly, the road has already been widened on those properties and then you have got the residential properties that are further to the east on the other side of the road so how will this building, if it is constructed as designed on this site concept, how will it match up in terms of the overall streetscape and the front faces of those buildings?



- Councillor Cassidy: Ms. Lowery?
- Michael Tomazincic, Manager, Current Panning: Perhaps I could just jump in first. I am looking at page 208 of the Agenda and I will just give you a moment if you are able to scroll there. What we are seeing is the location of the proposed building and as Ms. Lowery mentioned it's three meters setback from the sidewalk but more to the point, just to the left of that image you can see the neighbouring property line and just the western, sorry the eastern portion of the adjacent building so this building will be set slightly in front of the existing building to the west. I am just eyeballing it, it's probably about four meters ahead in front of the existing building.
- Councillor Cassidy: Deputy Mayor?
- Deputy Mayor Helmer: Yeah, so this is not an insurmountable obstacle. For me, what I am getting from this concept plan is that the density is ok but the location of the building it seems a bit squeezed and I think the gentleman who spoke, I think he was trying to sell his property to the developer because it would make a square and I actually think the square would be a lot easier to work with in terms of getting a building of this kind of intensity onto the property in a way that fit in with the surrounding buildings and provide for not just a close connection into the sidewalk but reasonable landscaping out in front of the building. I'm trying to imagine what it's going to look like once the road is widened and I think that is the future state we have to be thinking about. What kind of room there will be for the vegetation, boulevard trees, things like that. I think it can work the way that it is designed but I think it would work better if there was more room in the back of the lot to the north frankly, if the property that the member of the public had mentioned. That can't really be the decision for the zoning, I think the intensity is good, I think the twenty-eight units and it is twenty-eight units, I want to emphasize that. I know that came up. I think it is confusing when we talk about units per hectare. Until I was on Planning Committee it had been a long time since I talked about hectares at all and that is not really something that is familiar to folks in their normal life. I think the twenty-eight unit building is pushed to the front because there is not a lot of room at the back for parking and access and that is because of the odd shape of the lot so I think an ideal situation would be if there was a big, square lot and the same kind of building was on there and it was a little further back from the future road widening. I can support it the way that it is but I do want to mention that I think that that would be better overall. I think it would fit better into the existing streetscape with the buildings that are already there. I know that the one has one that kind of protrudes out which is sort of what I was asking about, we can just see the corner of the one building at 750 but the other building that is further down for example has an entry way that kind of comes down a bit further out even than that and the residential to the east I'm not sure how that might transition to something else too but making sure we have a continuous streetscape that works well from an urban design perspective I think is important for when we are dealing with this particular building on the corner. I appreciate the members of the public coming out and sharing their thoughts. I do think it would be a bit better if it was further back but that is a bit of a site plan issue and I don't think that the way the site is set up, I don't think there is really a lot of options unless that other property were actually included in the development proposal.
- Councillor Cassidy: If there are no other technical questions, I will look for a motion to close the public participation meeting.

347 Fairview Avenue

09/06/2020

RECEIVED BY

JUN 15 2020

CITY OF LONDON  
DEVELOPMENT SERVICES

Re-754-760 Baseline Road East

*Catherine Lowery,*

Thank you for getting back to us after Ross left a message to you regarding the concerns about the above land that is to be made into apartment buildings.

We moved in to this house 22 years ago and the above properties were all residential houses at that time before they were torn down about 6 years ago to leave an empty field.

We received the amendments to what is going to be built and these are our concerns.

The fences have to be at least 8feet high to even block the existing ones.

The garbage site has to be moved from what is on the amendment because it will be right in front of our kitchen window and the smells and the animals it attracts will not be pleasant.

The pollution from cars starting up in the winter will be bad as I have asthma really bad  
There will certainly be no privacy once all the beautiful maple and fir trees are cut down  
We will lose a lot of our birds too that we enjoy feeding.

There will be no more breeze, we lost a lot when the childrens hospital was built and now it will be absolutely awful, it will make sitting on our porch very uncomfortable.

We are 77 and 78 years old and thought this house would be ours and be comfortable for ever,  
It has caused a lot of stress for both of us.

We understood it was zoned as a medical building not a low-income apartment building.

Please keep us informed about any changes to the above and when building will start.

Sincerely Ross and Jennifer Robinson

*Jennifer Robinson*  
*Ross Robinson*

June 15/20

This letter is ~~is~~ in response to Planning application for 754-780 Baseline Road East

File 02 - 9148

Applicant: Canadian Commercial Management Inc.

RECEIVED BY

JUN 16 2020

CITY OF LONDON  
DEVELOPMENT SERVICES

On the original application ~~when~~ asked for - a 4 storey 28 unit apartment building with a maximum height ht of 17 meters

Now it says - a four storey 28 unit apartment building - No height is mentioned.

Question - are they planning on make it bigger.

In the original it says Front yard depth of 1.7 metres.

Now it says - Front yard depth of 0.1 metres.

It looks like they will be so close to the sidewalk. You can touch the side of the building.

practically as you walk by. This is not even as far away as social distancing.

On the original - an exterior side yard depth 0.1 metres.

Now it says an exterior side yard of 1.7 metres.

Did they make a mistake on the original and just switched them

The parking is changed. They wanted originally parking supply for 29 spaces.

Now it is a parking rate of 0.9 spaces per unit. Right now it is 1.25 spaces per unit is required.

Is this so they can get more spaces for parking.

In the original - a density of 165 units per hectare whereas 150 units

per hectare is permitted

Now its a density of 165 units per hectare whereas 75 units per hectare is ~~permitted~~ the maximum

Which is right 150 units or 75 units?

Whichever it seems they want to jam in more units. It doesn't seem like it in this proposal for only 28 unit building

However are they just wanting it passed now. So it will be in place when they want to put up another building in the neighbourhood

Also looking over the site plan maybe I missed it, but where is the visitor parking.

Have any plans been made for neighbored ~~privacy~~ privacy. This is mainly a residential area that it will overlook. and we ~~so~~ value

our privacy.

Also we also want to be notified of any public meetings in ~~regard~~ regards to this site

Edna May

Bridget

749 Rowntree ave  
N6C 2L9

## 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:** Southside Construction Management Limited  
1992 Fanshawe Park Road West

**Public Participation Meeting on:** June 22, 2020

## Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Southside Construction Management Limited relating to the property located at 1992 Fanshawe Park Road West, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on June 29, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to extend the Temporary Use (T-45) Zone to permit a golf driving range and accessory uses for an additional three (3) year period.

## Executive Summary

### Summary of Request

The requested action is facilitate the continuation of an existing golf driving range and its accessory uses for an additional three (3) year period.

### Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to continue to permit the existing golf driving range and accessory uses for an additional three (3) year period.

### Rationale of Recommended Action

1. The proposed amendment is consistent with the PPS, 2020;
2. The proposed amendment conforms to the in-force policies of The London Plan;
3. The proposed amendment conforms to the in-force policies of the 1989 Official Plan;
4. The portion of the subject property used for the golf driving range can be reverted back to agricultural use should the lands be required for that purpose.

## Analysis

### 1.0 Site at a Glance

#### 1.1 Property Description

The subject property is located to the west of the intersection of Fanshawe Park Road West and Hyde Park Road. The subject property is located on the south side of Fanshawe Park Road West, outside of the City's Urban Growth Boundary and is immediately adjacent to the City's western boundary. The site is currently occupied by a golf driving range and its accessory uses as well as agricultural land used for crop production.

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

- Official Plan Designation – Agricultural
- The London Plan Place Type – Farmland

- Existing Zoning – Agricultural/Temporary Use (AG1/T-45) Zone

**1.3 Site Characteristics**

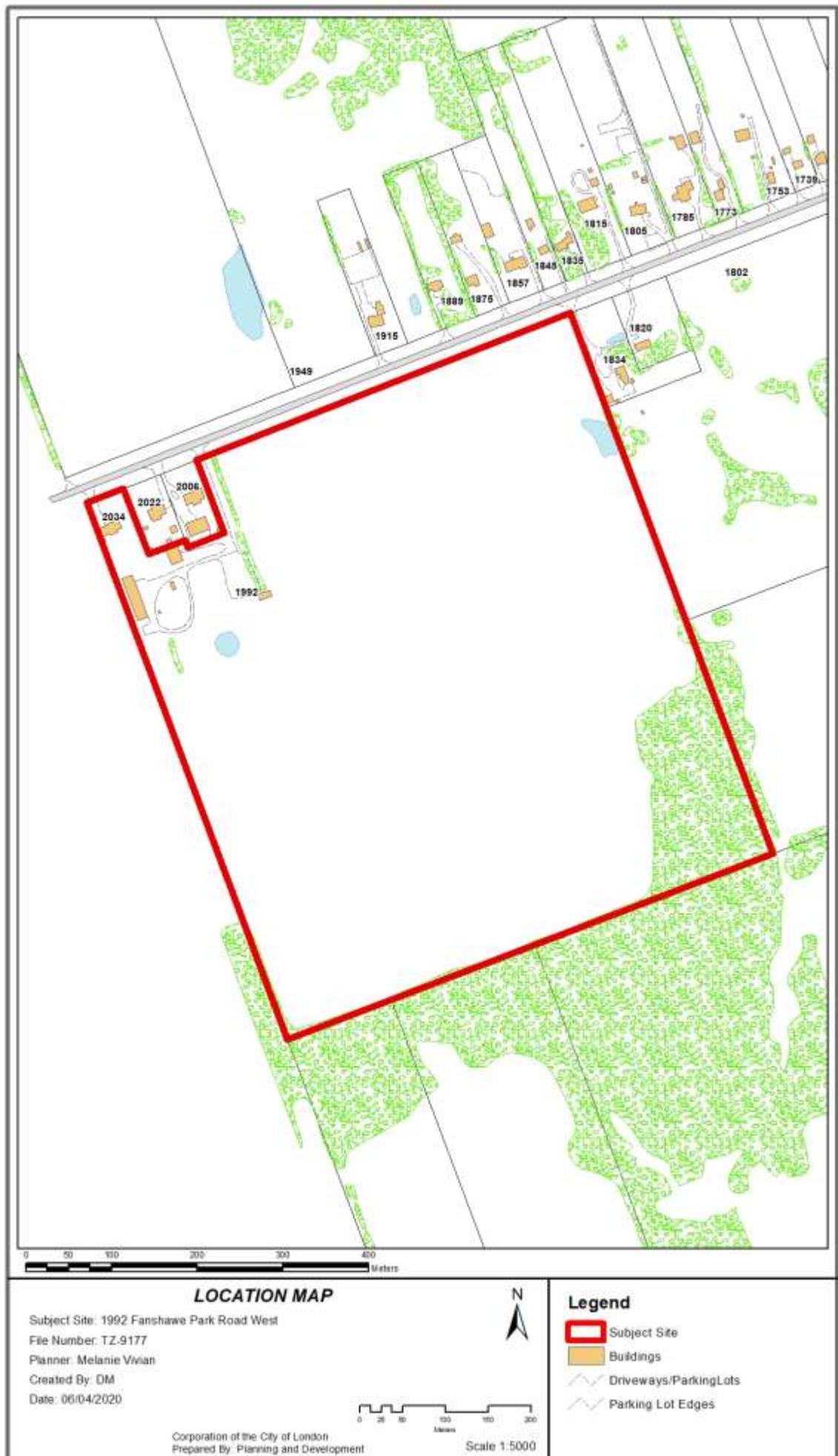
- Current Land Use – Temporary golf driving range and accessory uses
- Frontage – Approximately 163 metres (535 feet)
- Depth – Approximately 485 metres (1,591 feet)
- Area – Approximately 7.9 hectares (19.5 acres)
- Shape – Rectangular

**1.4 Surrounding Land Uses**

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



1.5



## 2.0 Description of Proposal

### 2.1 Development Proposal

The applicant is proposing to extend the Temporary (T-45) Zone on the property at 1992 Fanshawe Park Road West to continue to permit the golf driving range and accessory uses. No new development is proposed as part of the application.

## 3.0 Relevant Background

### 3.1 Planning History

The existing golf driving range was established on the subject property through a temporary use by-law approved by the Township of London Council in 1991 for a period no longer than three (3) years. That temporary use by-law expired in 1994. A subsequent temporary use by-law to the former Township of London By-law No. 5000 was approved by the City of London Council in 1997 and an extension to the temporary use by-law was approved in 2000. A temporary use by-law to the City of London Zoning By-law Z.-1 was approved by City of London Council in 2003, and extensions to the temporary use by-law were approved in 2006, 2009, 2010, 2014 and 2017. The existing golf driving range is currently permitted by the Temporary (T-45) Zone in the City of London Zoning By-law Z.-1.

### 3.2 Requested Amendment

The applicant is requesting to extend the existing Temporary (T-45) Zone for an additional three (3) year period.

### 3.3 Community Engagement (see more detail in Appendix B)

Staff did not receive any comments from the public regarding the subject application.

### 3.4 Policy Context (see more detail in Appendix C)

#### ***Provincial Policy Statement, 2020***

The intent of the Agricultural policies in Section 2.3 of the PPS is to ensure that agriculture remains the predominant use in prime agricultural areas. Permitted uses and activities within the prime agricultural areas include agricultural uses, agriculture-related uses and on-farm diversified uses (2.3.3.1.).

#### ***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 Farmland Place Type along a Rural Thoroughfare, in accordance with \*Map 1 and \*Map 3. The Farmland Place Type aims to protect agricultural land for the long term vision while permitting existing uses (1178\_ & 1182\_11). The primary role within the Farmland Place Type is to service and support agricultural uses and normal farm practices (1183\_).

#### ***(1989)Official Plan***

The subject lands are designated Agriculture, in accordance with Schedule "A", in the 1989 Official Plan. The Agricultural designation is applied to lands outside of the area intended for urban development, where agriculture and farm-related activities are the predominant use. The primary permitted use of the lands within the Agriculture designation shall be for the cultivation of land and the raising of livestock (9.2.1.).

## 4.0 Key Issues and Considerations

### 4.1 Issue and Consideration # 1: Extension of Temporary Use

#### *Provincial Policy Statement, 2020 (PPS)*

The intent of the Agricultural policies, as set out in Section 2.3 of the PPS, is to ensure that agriculture remains the predominant use in prime agricultural areas; that prime agricultural areas are protected for the long-term; that land taken out of agricultural production, if any, is minimal; and that non-agricultural uses are compatible with agricultural uses. The existing golf driving range is a long-established non-agricultural use within a prime agricultural area. As it currently exists, the golf driving range is compatible with the surrounding agricultural uses, residential uses and natural heritage features. The existing golf driving range is a seasonal outdoor and low-impact use. As part of the recommended extension of the temporary use zone, no new permanent buildings or structures, or additions to the permanent buildings or structures, are proposed. The portion of land used for the golf driving range can be easily reverted back for agricultural purposes.

#### *The London Plan & 1989 Official Plan*

Policies are present within The London Plan and the (1989) Official Plan to permit Council to pass by-laws to authorize the temporary use of land for a purpose that is otherwise prohibited by the Plans, for renewable periods of time not exceeding three (3) years, provided that the general intent and purpose of the Plans are maintained (Section 19.4.5. & Policy 1671\_). Agricultural and Farmland Place Type policies within The London Plan and (1989) Official Plan aim to minimize the loss of prime agricultural areas to non-agricultural uses.

#### *Temporary Use Provisions*

Section 19.4.5 in the (1989) Official Plan and Policy 1671\_ in The London Plan permit Council to pass by-laws to authorize the temporary use of land for a purpose that is otherwise prohibited by the Plans, for renewable periods of time not exceeding three (3) years, provided the general intent and purpose of the Plans are maintained.

The (1989) Official Plan and The London Plan provide policies when considering temporary use by-laws which direct Council to have regard for compatibility with the surrounding land uses and consideration of the long-term intended use of the land. The policies within the (1989) Official Plan, Section 19.4.5. a) through f) and within The London Plan, Policy 1672\_ 1 through 9, contain the same direction with respect to the compatibility with surrounding land uses.

The subject property is surrounded predominately by agricultural uses with some residential uses located along Fanshawe Park Road West. The subject property also includes natural heritage features and a related riverine flood hazard to the south. The portion of the subject property used for the existing golf driving range is well removed from the natural heritage features and poses no impacts. The riverine flood hazard is not a concern for the continued safe operation of the existing golf driving range. Furthermore, the existing golf driving range is compatible with the surrounding land uses and is not known to cause excessive noise, vibration, air or water contaminants, or other emissions, that would adversely impact the surrounding agricultural uses, residential uses and the natural heritage features.

Fanshawe Park Road West is an inter-urban transportation route and higher-order road that can accommodate the traffic that is anticipated to be generated by the golf driving range and its accessory uses. The subject property is of sufficient size to accommodate the required on-site parking for the existing golf driving range and its related site traffic circulation/movements.

The existing use of the golf driving range is a seasonal outdoor and low-impact use on the lands. No new permanent buildings or structures, or additions to permanent

buildings or structures, are proposed as part of requested extension. The golf driving range occupies less than a quarter of the overall property size. The majority of the subject lands are used for agricultural purposes including crop production. The portion of land used for the existing golf driving range can easily revert back to agricultural use should golf driving range cease operations or be required to do so. The golf driving range will not preclude the subject property nor the surrounding area from future planning and development. The recommended extension of the temporary use zone to permit the existing golf driving range and accessory uses on the subject property for an additional three (3) year period conforms to the temporary use provisions.

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

## **5.0 Conclusion**

The recommended extension to the temporary zone is consistent with the Provincial Policy Statement (2020), The London Plan and the (1989) Official Plan, including the temporary use polices. The existing golf driving range and accessory uses are located on the subject property were established by temporary use by-laws approved in 1991, 1997, and 2003. Extensions to the temporary use zone for the golf driving range were approved in 2000, 2003, 2006, 2010, 2014 and 2017. The existing golf driving range is compatible with the surrounding uses and does not prevent the lands from being reverted back to agricultural uses.

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

June 12, 2020

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

## Appendix A

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

By-law No. C.P.-1284 -

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1992 Fanshawe Park Road West.

WHEREAS Southside Construction Management Limited has applied to extend the Temporary Use (T-45) Zone relating to property located at 1992 Fanshawe Park Road West, as set out below for a period not exceeding three (3) years as shown on the map attached as Schedule "A";

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-051390 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 24, 2003;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-061476 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 27, 2006;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-091848 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period until October 3, 2010;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-111974 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning January 24, 2011;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-142277 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 18, 2014;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-172580 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning May 16, 2017;

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) By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1992 Fanshawe Park Road West, to extend the temporary use to permit a golf driving range and accessory uses for a period not exceeding three (3) years beginning June 29, 2020.
- 2) Section Number 50.2 of the Temporary (T) Zone is amended by adding the following subsection for a portion of the lands at 1992 Fanshawe Park Road West:
  - ) T-45

"This temporary use is hereby extended until June 29, 2023."

The inclusion in this By-law of imperial measure along with metric measure is for the

purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

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

PASSED in Open Council on June 29, 2020.




Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

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



<p>File Number: TZ-9177 Planner: MV Date Prepared: 2020/06/04 Technician: DM By-Law No: Z-1-</p>	<p>SUBJECT SITE </p> <p>1:3,000</p> <p>0 15 30 60 90 120 Meters </p> <p></p>
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## Appendix B – Public Engagement

### Community Engagement

**Public liaison:** On February 19, 2020, Notice of Application was sent to 32 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on February 20, 2020. A “Planning Application” sign was also posted on the site.

0 replies were received

### Agency/Departmental Comments

#### April 2, 2020 - Development Services Engineering:

We have no comments for this application.

#### February 25, 2020 - Water Engineering:

Water Engineering has no comments on this application.

#### February 27, 2020 - London Hydro

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

#### March 5, 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, PPS). The Upper Thames River Source Protection Area Assessment Report has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the Planning Act.

### **PROPOSAL**

The purpose of this application is to continue to permit a temporary golf driving range and accessory uses for an additional three (3) years.

### **CONSERVATION AUTHORITIES ACT**

As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act. The Regulation Limit is comprised of a riverine erosion hazard. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.



## **UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)**

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

### ***3.2.2 General Natural Hazard Policies***

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Conservation Authority also does not support the fragmentation of hazard lands through lot creation which is consistent with the PPS.

### ***3.2.3 Riverine Flooding Hazard Policies***

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

### ***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.

For the purpose of this application, an EIS is not required.

### ***3.3.3.1 Significant Woodland***

The woodland that is located on the subject lands has been identified as Ecologically Important in the Middlesex Natural Heritage Systems Study (2014). New development and site alteration is not permitted in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands unless an EIS has been completed to the satisfaction of the UTRCA which demonstrates that there will be no negative impact on the feature or its ecological function.

For the purpose of this application, an EIS is not required.

## **DRINKING WATER SOURCE PROTECTION: Clean Water Act**

The subject lands have been reviewed to determine whether they are located 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 located 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/>

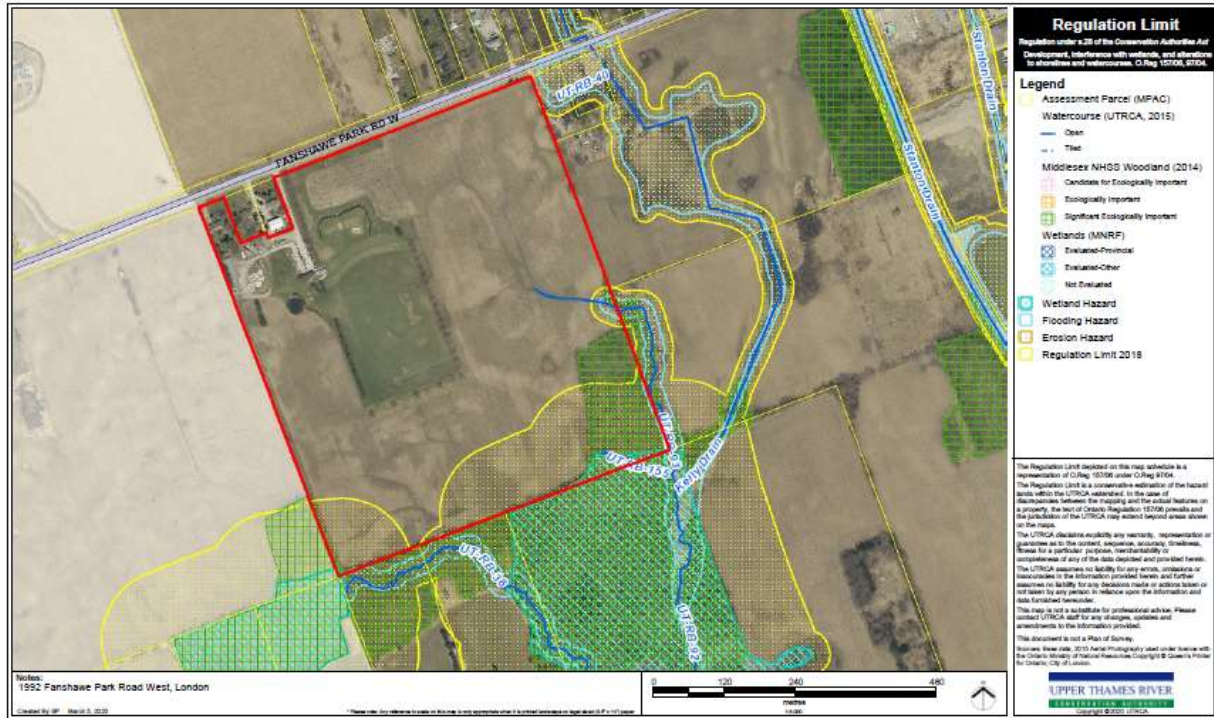
## **MUNICIPAL PLAN REVIEW FEE**

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of Planning Act applications. Our fee for this review is \$275.00 and will be invoiced to the applicant under separate cover.

## **RECOMMENDATION**

As indicated, the subject lands are regulated by the UTRCA. Should any new works be proposed within the regulated area, a Section 28 permit application will be required. The

UTRCA has no objections or requirements for this application at this time.



## 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, 2020*

- 2.3
- 2.3.3.1.

### *The London Plan*

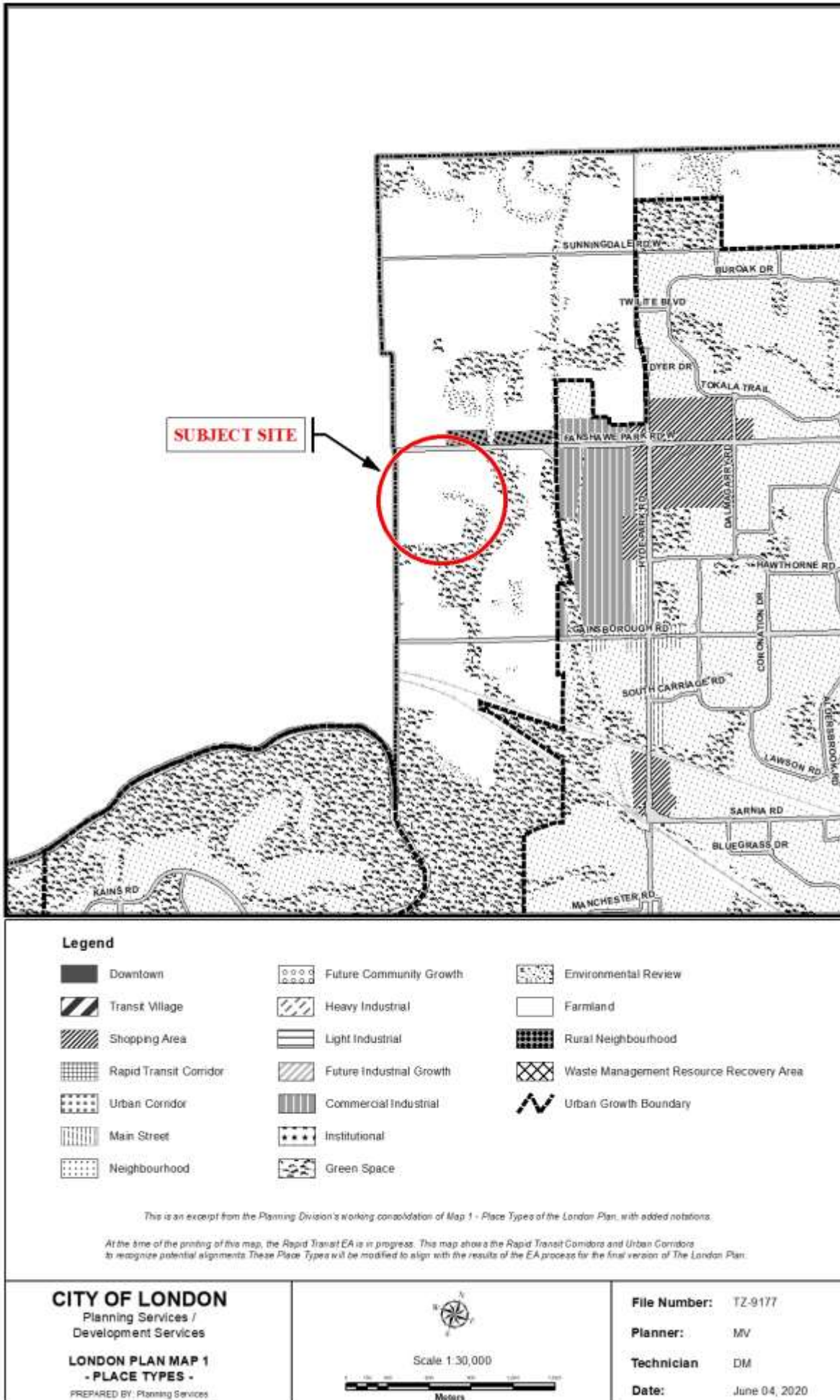
- 1671\_
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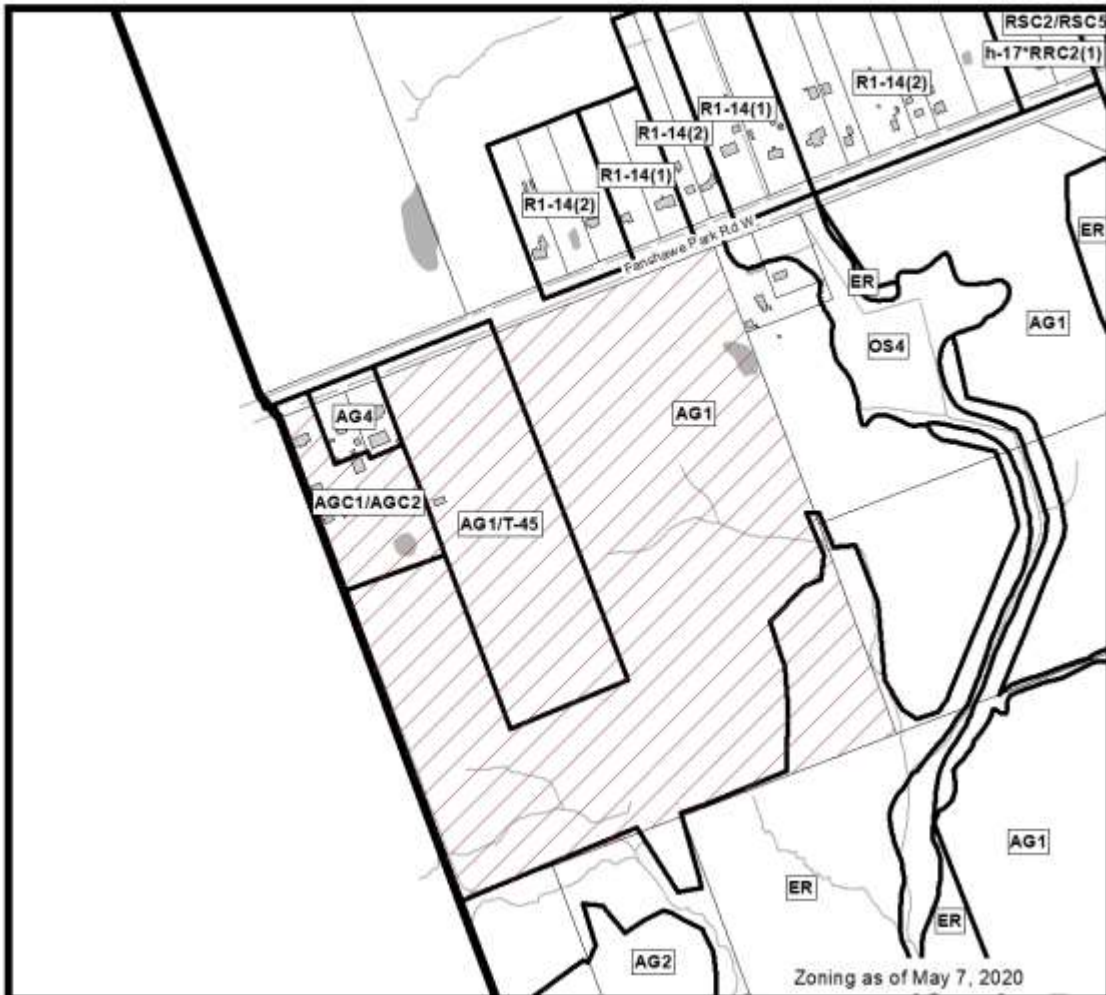
### *(1989) Official Plan*

- 9.2.1.
- 19.4.5.a) to 19.4.5.b)

**Appendix D – Relevant Background**

**Additional Maps**





**COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: L11**

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         |
| DA - DOWNTOWN AREA                        | LI - LIGHT INDUSTRIAL             |
| RSA - REGIONAL SHOPPING AREA              | GI - GENERAL INDUSTRIAL           |
| CSA - COMMUNITY SHOPPING AREA             | HI - HEAVY INDUSTRIAL             |
| NSA - NEIGHBOURHOOD SHOPPING AREA         | EX - RESOURCE EXTRACTIVE          |
| BDC - BUSINESS DISTRICT COMMERCIAL        | UR - URBAN RESERVE                |
| AC - ARTERIAL COMMERCIAL                  |                                   |
| HS - HIGHWAY SERVICE COMMERCIAL           | AG - AGRICULTURAL                 |
| RSC - RESTRICTED SERVICE COMMERCIAL       | AGC - AGRICULTURAL COMMERCIAL     |
| CC - CONVENIENCE COMMERCIAL               | RRC - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION           | TGS - TEMPORARY GARDEN SUITE      |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION          |
| 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**

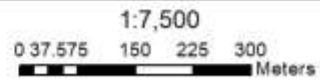
PLANNING SERVICES / DEVELOPMENT SERVICES

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

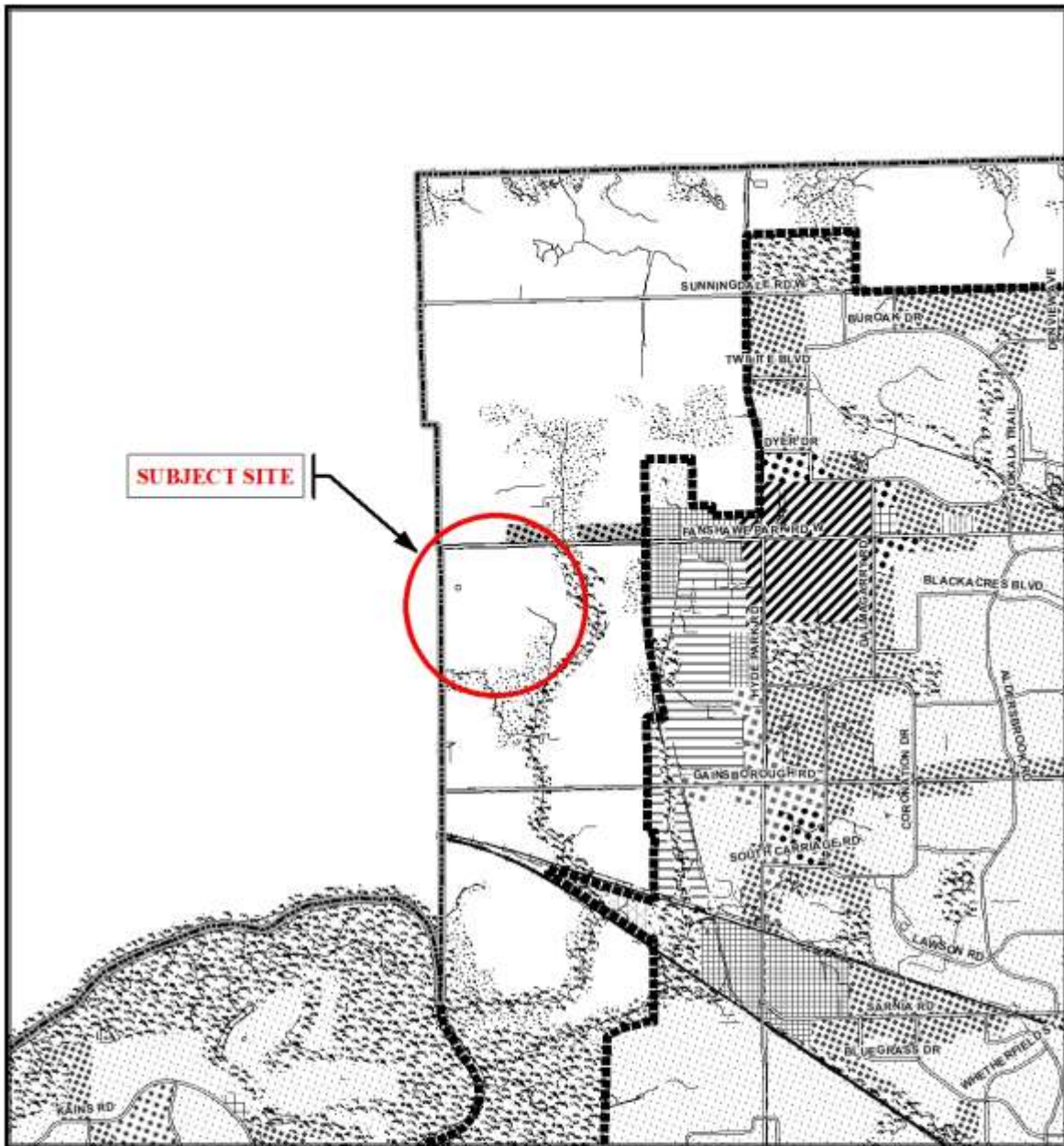


FILE NO:  
 TZ-9177 MV

MAP PREPARED:  
 2020/06/04 DM



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

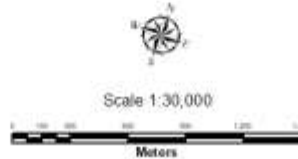


**Legend**

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

**CITY OF LONDON**  
 Department of  
 Planning and Development  
 OFFICIAL PLAN SCHEDULE A  
 - LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: TZ-9177  
 PLANNER: MV  
 TECHNICIAN: DM  
 DATE: 2020/06/04

**Additional Reports**

Z-6417 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 24, 2003

TZ-7085 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 27, 2006

TZ-7635 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period until October 3, 2010

TZ-7831 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning January 24, 2011

TZ-8307 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 18, 2014

TZ-8734 - Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning May 16, 2017

## PUBLIC PARTICIPATION MEETING COMMENTS

### 3.5 PUBLIC PARTICIPATION MEETING – Application – 1992 Fanshawe Park Road West (TZ-9177)

- Councillor Cassidy: Thank you Ms. Vivian. I am just going to make the Committee aware that the applicant is in the Committee Room; however, they don't have, Committee Room #5; they don't have planned remarks to make but they are available for questions. Councillor Turner, go ahead.
- Councillor Turner: Madam Chair, perhaps through you to Ms. Vivian, who identified that the Provincial Policy Statement (PPS), it was consistent with the PPS. The PPS, as you noted in 3.4 there, "The intent of the agricultural policies in 2.3 of the PPS is to ensure that agriculture remains the predominant use in prime agricultural areas. Permitted uses and activities within the prime agricultural areas include agricultural uses, agriculture-related uses and on-farm diversified uses". Do you see this as consistent with that part of the policy?
- Councillor Cassidy: Ms. Vivian?
- Michael Tomazincic, Manager, Current Planning: It's much like the Official Plan policies that would require this, much the same, agricultural areas predominantly used for agricultural uses; however, there is that caveat where temporary zoning could be applied to permit a use that would otherwise not be permitted by policy and that's also an Official Plan policy. The Provincial Policy Statement doesn't get that specific but that's where the Official Plan policy would allow for exceptions through a temporary zone that would not otherwise be permitted through a long-term zone.
- Councillor Turner: Through you Madam Chair, I'll get into the debate part of it a bit later but would you consider twenty-three years to be temporary?
- Michael Tomazincic, Manager, Current Planning: It's a fair question and it becomes a judgement call after that whether or not the use should be extended further. Right now it's really the only way that this site could function and should Council wish; sorry, yeah, it's the only way that this use could continue is through a temporary zone. We couldn't support a Zoning By-law Amendment to permit this on a permanent basis and so that is where the judgement call has to be made whether or not this use that has achieved a measure of compatibility within the neighbourhood should it cease to operate from here on in or the fact that it has achieved some compatibility should be extended for another three years.
- Councillor Cassidy: Councillor Turner?
- Councillor Turner: That's all I have for now and I'll get to the debate afterwards.
- Councillor Cassidy: Thank you. Councillor Hopkins? You're muted Councillor.
- Councillor Hopkins: Thank you Madam Chair. I do apologize. I just want confirmation on how many years we have had this temporary agreement? Is it twenty-three years or? I just wonder if I can confirm.
- Councillor Cassidy: Ok. Either Mr. Tomazincic or Ms. Lowery or sorry Ms. Vivian.
- Melanie Vivian, Site Development Planner: Through you Madam Chair, I believe that is correct, I'd have to go back and do some research to get you the exact number of years. In my records that I could see, it was beginning back in 2003; however, I would have to confirm how many years exactly.

- Michael Tomazincic, Manager, Current Planning: Madam Chair, the reason I was silent for so long is because I was just scrolling through the report. Under, on page 252, 3.1 “Planning History”, it was approved initially in 1991 and this is by the Township, this is a driving range that the City actually inherited prior to annexation.
- Councillor Hopkins: Thank you.
- Councillor Cassidy: Ok. Any other technical questions? Seeing none, I will look for a motion to close the public participation meeting.



## Appendix A

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

By-law No. C.P.-1284 -

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 1992 Fanshawe Park Road West.

WHEREAS Southside Construction Management Limited has applied to extend the Temporary Use (T-45) Zone relating to property located at 1992 Fanshawe Park Road West, as set out below for a period not exceeding three (3) years as shown on the map attached as Schedule "A";

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-051390 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 24, 2003;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-061476 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 27, 2006;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-091848 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period until October 3, 2010;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-111974 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning January 24, 2011;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-142277 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning March 18, 2014;

AND WHEREAS, the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-172580 approved the Temporary Use for 1992 Fanshawe Park Road West for a temporary period not exceeding three (3) years beginning May 16, 2017;

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) By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1992 Fanshawe Park Road West, to extend the temporary use to permit a golf driving range and accessory uses for a period not exceeding three (3) years beginning June 29, 2020.
- 2) Section Number 50.2 of the Temporary (T) Zone is amended by adding the following subsection for a portion of the lands at 1992 Fanshawe Park Road West:

) T-45

"This temporary use is hereby extended until June 29, 2023."

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

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

PASSED in Open Council on June 29, 2020.

Ed Holder  
Mayor

Catharine Saunders  
City Clerk

First Reading – June 29, 2020  
Second Reading – June 29, 2020  
Third Reading – June 29, 2020

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



File Number: TZ-9177  
Planner: MV  
Date Prepared: 2020/06/04  
Technician: DM

SUBJECT SITE 

1:3,000



0 15 30 60 90 120

**From:** Chris Butler

**Sent:** Thursday, June 11, 2020 5:26 PM

**To:** Vivian, Melanie <[mvivian@london.ca](mailto:mvivian@london.ca)>

**Subject:** [EXTERNAL] Public Feedback ( Official ) 1992 Fanshawe Park Rd West - Extension of Use Permit ( Golf Range )

Please consider this Public Feedback and carry this forward in your records to Council as official feedback ;

- I strongly endorse the extension of use of this property ( Fairway Golf Range ) for another 3 years to support to Golf Community in London. This is the " only " all facilities Golf Range left in the LOnDon area that truly serves it's wide cross section of customers ( lessons + full facilities - range + Putting + Chipping and sand traps practice ) . EVEN FOREST CITY GOLF has closed there range this year and that diminishes the available outdoor range quality options for users.
- The owner - leaser - KEN takes outstanding care of the property and his cliental .
- My understanding is that the local conservation authority regularly " fleece " this owner and property with a \$ 1500 annual rubber stamp fee to operate on a flood plain , and as a taxpayer they would just push that missing revenue over to my tax burden .

THXS - Chris Butler - 863 Waterloo ST >> PLEASE PROVIDE NOTICE OF RECEIPT AND SUBMISSION to COUNCIL .