

Agenda

Planning and Environment Committee

The 10th Meeting of the Planning and Environment Committee

July 13, 2020, 4:00 PM

Virtual Meeting - during the COVID-19 Emergency

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Members

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

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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: Affordable Housing Development Toolkit: Update Report
Meeting on: July 13, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, this report **BE RECEIVED** for information.

Executive Summary

- The last report to Council regarding the Affordable Housing Development Toolkit was in June 2019. That report identified a range of existing and proposed Planning tools to support, encourage, and require the development of new affordable housing units.
- The focus of the Toolkit is the land use policies and programs that can be implemented to support the development of affordable housing units.
- Since that time, Staff have conducted public consultation regarding the tools of the Affordable Housing Development Toolkit. This consultation was done in conjunction with the consultations for the Affordable Housing Community Improvement Plan (one of the tools of the Toolkit). The City has also continued to implement new tools. The Affordable Housing Toolkit identifies various actions, programs and regulations that can be used as a means of implementing broader strategies for affordable housing, including the affordable housing policies of the London Plan and the Housing Stability Action Plan.
- The toolkit identifies a number of existing City practices as well as new initiatives requiring changes to City policies, regulations, or practices. The new initiatives would be added to the work program and require their own public consultation and reports to Council.
- Since June 2019 there have also been significant changes that have had an impact on the City and the range of available planning tools. Changes to Provincial legislation have had significant impacts on the tools identified in the previous report to Council.
- This report identifies the recommended tools of the Affordable Housing Development Toolkit. The tools have been updated as a result of both changes to provincial legislation and through consultation with the development industry and public. The recommended tools list also includes new tools that have emerged since the previous report to Council.
- The Toolkit is intended as a “living document” and the tools identified will be updated as legislation changes or as other opportunities become available to support the development of affordable housing. This will be done in coordination with other housing-related actions of the City. Reporting such changes will be brought forward to this Committee and may also be identified through quarterly reports to the Community and Protective Services Committee regarding implementation of the City’s Housing Stability Action Plan.

1.0 Timeline of Events since June 2019 Toolkit Report

1.1 City Actions Related to Housing

The City has undertaken a number of actions since the last report to Council regarding the Affordable Housing Development Toolkit. These actions have included a review of the organization and administration of housing services, an update to the City's Homeless Prevention and Housing Plan (now called the "Housing Stability Action Plan"), ongoing coordination of initiatives by an inter-departmental and agency team, and completion of one of the priority "tools" of the Affordable Housing Development Toolkit (the Affordable Housing Community Improvement Plan).

1.1.1 Housing Services Review and Housing Stability Action Plan

In September 2019, Council received and approved the Housing Services Review. This review resulted in actions intended to increase the efficiency and effectiveness of service delivery of housing related services. This included changes to the reporting structure (Board of Directors) of the Housing Development Corporation (HDC) and London Middlesex Community Housing (LMCH).

During this same time period, City Housing and Homeless Prevention Staff prepared the City's statutory five-year update to the Homelessness Prevention and Housing Plan. Public and stakeholder consultations were held in spring and summer last year, which resulted in the 2019-2024 "Housing Stability Action Plan". The Housing Stability Action Plan (HSAP) was approved by City Council in December 2019. It was then submitted to the Province, per requirements of the *Housing Services Act*, and to the Federal Government to ensure alignment with the National Housing Strategy. The Housing Stability Action Plan was approved by the Minister of Municipal Affairs and Housing in March 2020. Since completion, updates have been provided to Council through the Community and Protective Services Committee. Quarterly reports include inter-departmental and agency support, and include updates on initiatives which implement the HSAP, including planning and land use tools of the Affordable Housing Development Toolkit.

In order to coordinate municipal efforts across the range of housing and homelessness, an inter-departmental and agency staff team has been created. This group meets regularly to coordinate various projects that implement the frameworks of the HSAP and affordable housing policies of the London Plan. This Staff group has also recently been identified to help facilitate the LMCH's Regeneration initiatives.

1.1.2 Affordable Housing Development Toolkit and Community Improvement Plan (CIP)

The Affordable Housing Development Toolkit is a series of planning tools intended to implement the HSAP and affordable housing policies of the London Plan. In fall 2019, a number of public consultation sessions were held regarding the Toolkit and the Affordable Housing Community Improvement Plan (CIP). The public and industry stakeholders were asked to review and comment on the new planning tools proposed. They were asked to identify if any planning tools were missing and what the City should consider when identifying new tools to be introduced (policies, regulations, or City practices). The stakeholders were also asked to provide feedback on the draft CIP and potential incentive programs under the CIP to encourage development of new affordable housing units.

Following the consultations, the Affordable Housing CIP was approved by Council in January 2020. The CIP includes the identification of a Community Improvement Project Area where the improvement is needed, identification of community objectives for the Plan, identification of Monitoring criteria for future reviews of the CIP and the incentive programs to ensure the objectives are being achieved, and the preparation of program guidelines and eligibility criteria for incentive programs introduced within the Affordable Housing Community Improvement Project Area.

The introduction of the Affordable Housing CIP was coordinated with the multi-year budget process. Once the CIP and incentive programs were approved, business cases were prepared to allocate budget to the new incentive programs. The preparation of all the multi-year budget business cases for housing-related initiatives and capital projects was coordinated by the staff housing team.

1.2 Provincial Changes to Planning and Related Legislation

As identified in the June 2019 Affordable Housing Toolkit Report, the *More Homes, More Choice Act, 2019* (Bill 108) made significant changes to the *Planning Act*, *Development Charges Act*, and various other planning-related legislation.

Some of the major changes proposed in the *More Homes, More Choice Act, 2019* included:

- Changes to the *Planning Act*.
 - Deletion of the current section 37 and the process of “Bonus Zoning”, whereby a municipality can increase the density and height on a site beyond what is otherwise permitted by the Zoning By-law in exchange for the applicant providing public benefits such as affordable housing units, public art, child care facilities, or others that are commensurate to the “bonus”.
 - Replacing the “Bonus Zoning” framework with a new section 37 that introduces a “Community Benefits Charge” (CBC). The CBC is intended to replace the bonusing framework and also replace some of the Municipal charges that were previously eligible under Development Charges (or DCs). Through these Bill 108 changes, some “soft services” of a Development Charge may now to be collected through a CBC. The CBC will be a fund that the municipality can use to develop some of the community land uses and public benefits that were previously part of a Bonus Zoning agreement. The CBC is based on a percentage of the value of the land where the development application is occurring, not based on the number of new units proposed. At the time of writing this report, the regulations that support the implementation of a CBC have not been enacted. City staff continue to monitor that provincial process and will determine what actions are required once information is available.
 - The geographic scope of where Inclusionary Zoning may be considered has also been reduced through Bill 108. Previously Inclusionary Zoning was permitted municipality-wide, whereas now is only permitted within identified “Protected Major Transit Station Areas” and where a community planning permit system is in place. Inclusionary Zoning would include the policies and by-laws that require development proposals with residential units to include affordable housing units, and provide for those units to be maintained as affordable over a period of time. Inclusionary Zoning is a regulatory tool that can be used to require the private market to provide affordable housing units.
 - Secondary Dwelling Unit permissions have also increased. Previously one secondary dwelling unit was permitted in either the main residential unit or in an ancillary building (such as a garage). Under Bill 108 a second unit is permitted within the main building and a unit is permitted in an ancillary building. The term has also changed to “Additional Residential Units”. Staff are currently undertaking a city-wide policy and zoning review to implement this change.
- *Development Charges Act*.
 - Development Charges are one-time charges to recover growth-related capital costs of new development. Development Charges previously

included a number of “hard services” and “soft services”. These services included such things as roads and servicing infrastructure, libraries, community facilities, parks, fire stations.

- Through Bill 108, soft services were moved to the new Community Benefit Charge, and the Province now prescribes the list of hard services which are eligible for a DC. The list of services was previously at the discretion of the City, except for certain prohibited services.
- Bill 108 also requires the payment of DCs in installments for certain classes of buildings. Non-profit housing developments and purpose-built rental housing developments are eligible for the “deferral”, which spreads the DC payment out over 21 years. First payment of Development Charges for these classes of buildings has also moved to begin at the time of building occupancy, rather than the time of building permit issuance.

These legislation changes have been addressed in detail in other reports to Council. However, these changes are important for the Affordable Housing Toolkit. Certain new tools that were expected to be implemented by the City were tools based on Planning legislation and regulations that has now changed through Bill 108.

There is also some uncertainty regarding the legislation changes proposed through Bill 108. For example, in proposed Regulations released by the Province through the Environmental Registry of Ontario (ERO) at the end of February 2020, certain “soft” services which had been identified to move from the DC to the new CBC framework are now proposed to go back to the DC by-law. Such soft services include libraries, parks development, and community centres. There may be additional changes as well based on the feedback the Province received.

There is also uncertainty regarding the timing of transition to the new legislation. Previously, Bill 108 identified that municipalities were required to introduce the CBC by-law and related updates by January 1, 2021. Through the February 2020 proposed regulations, municipalities are now required to transition to the new CBC regime one (1) year after the Province’s Ontario Regulations for the CBCs comes into force.

Since the proposed regulations were released, the Province enacted the *Emergency Management and Civil Protection Act* and a State of Emergency in response to the COVID-19 pandemic. The State of Emergency includes limiting the number of “essential workplaces” to remain open and suspension of a number of statutory timelines.

At the time of writing of this report the State of Emergency is still in effect. The COVID-19 pandemic and the timing for “recovery” from the State of Emergency are unknown. This means that the timing for transition to a new Community Benefits Charge regime is still very uncertain.

2.0 Update to the Affordable Housing Tools

The tools of the Affordable Housing Development Toolkit include City practices, policies, incentives, and regulations. Many of the new tools to be introduced rely upon the *Planning Act*, *Development Charges Act*, or other provincial legislation.

The toolkit is also intended to be a “living document” that can adapt to changes in legislation and respond to community feedback and changing community needs for the provision of affordable housing. The following is an update on the tools of the toolkit since the June 2019 report, separated into three sections: (1) tools which have changed significantly; (2) those which will continue without significant changes; and (3) emerging tools since the June 2019 report.

2.1 Tools Affected by Legislative Changes

2.1.1 Use Section 37 “Bonus Zoning” to Stimulate the Development of Affordable Housing

- Council may authorize a Zoning By-law that increases height and density of development beyond what is otherwise permitted, if the increase is commensurate with the public benefit provided in return by the developer.
- “Bonus Zoning” has been deleted as a tool from the *Planning Act* and replaced with a new Community Benefits Charge for the City to provide community land uses and public benefits.
- The February 2020 draft regulations identify that the City will have one year from the date that the Ontario Regulations for Bill 108 come into force to amend its Official Plan policies. Therefore, subject to the final Ontario Regulations for Bill 108, section 37 Bonus Zoning is still a tool to encourage the creation of affordable housing units, but it is a tool that will soon be phased out.

2.1.2 Use Inclusionary Zoning to Require Affordable Housing Development

- Inclusionary Zoning is a zoning regulation that would require private development proposals with residential units to include affordable units as part of those proposals, and require those units to be maintained as affordable over a period of time.
- Inclusionary Zoning regulations may include such matters as: the percentage of units “set aside” as affordable, the length of tenure as affordable, definitions of affordability, geographic locations of units, and target demographics and prices/rents at which units are to be set during the “affordability period”.
- Under Bill 108, Inclusionary Zoning is now only permitted in areas where a Protected Major Transit Station Area (PMTSA) has been delineated and approved by Council and/or where a Community Planning Permit System is in effect.
- The City has published a Notice of Application to consider possible amendments to the London Plan to designate PMTSAs and add policies to the London Plan pertaining to building heights and minimum densities for these areas. Notice was published in *The Londoner* on May 28, 2020.
- PMTSAs are the areas surrounding and including a rapid transit station or stop, generally within a 500 to 800 metre radius (a 10-minute walk) of such transit stations. PMTSAs are planned to accommodate increased residential and employment density through highly urban, mixed-use, transit-supportive forms of development. PMTSAs will support the future implementation of rapid transit services consistent with policies of *The London Plan*.
- Inclusionary Zoning policies may only be considered following the City-wide review of PMTSAs. This review is identified in Council’s Strategic Plan for completion by late 2021 and is currently on track.
- Inclusionary Zoning may also be considered through the ReThink Zoning project as a component of a Community Planning Permit System

2.1.3 Consider Affordable Housing through DC By-law 2023 and through new Community Benefits Charge

- Recent draft regulations for Bill 108 have made changes to the services eligible for Development Charges and services for the Community Benefits Charge.
- Staff will continue to monitor the changes to Provincial policy and Ontario Regulations, and the toolkit will be updated to reflect the potential opportunity for affordable housing, if available.

2.2 Tools to Continue without Significant Changes

2.2.1 ReThink Zoning

- The Zoning By-law is the tool to implement the policies of a city's official plan. Now that the majority of the policies of *The London Plan* are in effect, the City is undertaking a comprehensive review and update of the Zoning By-law.
- The new Zoning By-law will implement the policy framework of *The London Plan*, including its policy directions regarding affordable housing and homelessness.
- As part of the preparation of the new Zoning By-law, the City will evaluate the potential for various zoning system options, including the Community Planning Permit System (CPPS), which is an alternative approval system that integrates Zoning with Site Plan and Minor Variance approvals, as a means of promoting the development of affordable housing.
- The ReThink Zoning review will still consider opportunities to encourage a range of housing forms and affordable housing opportunities. As noted above, Inclusionary Zoning, which requires affordable units, may be considered for city-wide application only if a CPPS system is the approved zoning system.

2.2.2 Official Plan and Zoning By-law Amendments for Intensification on Housing Regeneration Sites

- There may be sites throughout the city which present the opportunity for intensification or regeneration. Such regeneration sites may include properties such as former school sites, surplus Provincial properties, or properties of London Middlesex Community Housing.
- A City-initiated review and amendments to *The London Plan* (official plan) and Zoning By-law may be undertaken to recognize the infill and urban regeneration potential of such sites across the city as well as identifying tenant-supportive uses that may be provided as part of the redevelopment of these sites.
- There is no change to this tool resulting from recent legislation changes or feedback received through the toolkit engagement meetings. The City will be working with agencies such as the LMCH on this initiative. For LMCH sites there may also be separate reporting to Council through their Board.

2.2.3 Secondary Plans for Transit Villages

- In the previous report it was identified that affordable housing opportunities may be considered in the policies of secondary plans for London Plan's Transit Villages. Transit Villages are a Place

Type identified for high density, mixed use, urban neighbourhoods and significant infill and regeneration opportunity.

- There is no change to this tool resulting from recent legislation changes or feedback received through the toolkit engagement meetings. Staff will continue to consider affordable housing opportunities in the preparation of secondary plans and the development of these Transit Village areas.

2.2.4 Existing and Ongoing Tools and Activities

- In addition to the new tools to be implemented through upcoming work plan activities, a number of existing and on-going City policies and practices are important tools of the affordable housing toolkit. The following tools and activities continue:
 - Implementation of the Closed School Strategy: evaluation for acquisition of closed school sites for municipal purposes, including affordable housing, community facilities and park land;
 - Promotion of Additional Residential Units (formerly called “Secondary Dwelling Units”): incentive program under the Affordable Housing CIP as well as promotion materials. The City is undertaking a review regarding the Bill 108 change and will initiate an Official Plan and Zoning By-law amendment to implement these changes. Affordable Housing Community Improvement Plan (completed) and other City CIPs with potential to encourage residential development and affordable housing;
 - Consideration of affordable housing in City-owned land sales;
 - Monitoring the supply of permit-ready land and lot supply (e.g. for new greenfield growth areas).

2.3 Emerging Planning Tools

2.3.1 Affordable Housing Replacement Policy

- Through the public and stakeholder engagement, it was identified that the City could consider additional tools to support the development of affordable housing units. One concern identified during the consultations was the potential loss of affordable units during a redevelopment project that requires the demolition of existing residential units in order to redevelop the site. For example, if there is a land assembly that includes affordable units demolished in order to redevelop a new, higher intensity building, such as a high-rise development.
- This replacement policy was identified as achieving similar objectives to a rental-to-condominium conversion policy but unlike a conversion policy would not rely on vacancy rate. Additionally, a conversion policy was previously identified in part because of tax advantages of the condominium form of building ownership versus multi-residential rental building ownership. To address this matter, the tax rate for multi-residential has been lowered by the City.
- In order to address this potential loss of affordable housing units, an Affordable Housing Replacement Policy may be added to the toolkit.

- Such a tool would mean that a new development would be required to replace the demolished affordable units within the new development.
- This Replacement policy would be developed through a public consultation process, such as an Official Plan Amendment process. As part of the consultation, feedback could be gathered on factors such as geographic area, threshold size and scale of applicable developments, the replacement rate, and implementation factors such as a time limit to replace the demolished units, legal and development agreements, and other development and affordability factors related to the demolished units and the replacement units.

2.3.2 Tiny Houses

- Since June 2019 there has been much public discussion about “tiny houses”. The Province of Ontario has also released a guideline document under Bill 108 titled “Build or Buy a Tiny Home”.
- Staff have identified several potential categories of “Tiny House” use. First, the tiny house could be considered a variation on the “ancillary building” used for an “Additional Residential Unit” (formerly Secondary Dwelling Unit). Second, a number of tiny houses could be constructed on one site. This could be a variation on a mobile home park. The third potential use of tiny houses could be as a temporary or emergency shelter use as part of homelessness prevention.
- Each category of tiny house will require separate reviews of Official Plan policy approach, Zoning By-law regulations and definitions, and building code considerations. For example, definitions of mobile homes and additional residential units will require consideration, as well as water and sewerage servicing requirements (as an ancillary building), and the number of buildings per property.
- For use of tiny houses as an emergency shelter or temporary shelter land use, there may be additional considerations such as resident safety, inter-governmental funding and programming requirements, and other considerations. These forms of housing would be coordinated with the Housing and Homeless Prevention division.
- Including tiny houses as a tool within the Toolkit supports implementing of the Housing Stability Action Plan, the affordable housing policies of the London Plan, and may provide potential for an alternative form of housing within the city.

3.0 Summary of Tools of the Toolkit

The following table provides a summary of the Affordable Housing Development Toolkit, including the tool, objectives, and current status.

Strategy (Tool)	Objectives	Status
Closed Schools Strategy (and on-going site evaluations)	<ul style="list-style-type: none"> - Create affordable housing units (and potential parkland and neighbourhood facilities). - Create catalyst for neighbourhood regeneration and infill. 	<ul style="list-style-type: none"> - Ongoing, as site opportunities become available.
Secondary Dwelling Units	<ul style="list-style-type: none"> - Create affordable rental units and assist with ownership affordability. - Create catalyst for neighbourhood regeneration and small-scale intensification. 	<ul style="list-style-type: none"> - Affordable Housing CIP completed January 2020. - City-wide policy and zoning review to align with Bill 108 changes is underway.
Existing CIPs with Residential Component	<ul style="list-style-type: none"> - Create housing units in Downtown, business main streets and central area neighbourhoods. 	<ul style="list-style-type: none"> - Affordable Housing CIP completed January 2020.
City-owned Land Sales (Procurements)	<ul style="list-style-type: none"> - Create catalyst for neighbourhood regeneration and intensification. - Foster mixed, complete communities. - Provide opportunities to create units within established neighbourhoods. 	<ul style="list-style-type: none"> - Ongoing. - Second phase of Old Victoria Hospital Lands RFP is being prepared by Staff.
ReThink Zoning	<ul style="list-style-type: none"> - Implement policy framework of The London Plan. - Provide opportunities for “Inward and upward” growth. - Provide urban regeneration and affordable housing opportunities. 	<ul style="list-style-type: none"> - Phase 1 of ReThink Zoning is underway. Terms of Reference complete and consultant retained.
Community Improvement Plan for Affordable Housing	<ul style="list-style-type: none"> - Offer tools and incentive programs to encourage the development of affordable housing units (e.g. different tenures, forms of development, and levels of affordability). 	<ul style="list-style-type: none"> - Completed January 2020.
Secondary Plans	<ul style="list-style-type: none"> - Provide opportunity to create affordable housing units. - Create catalyst for urban regeneration. - Provide opportunities for transit-oriented development. - Create mixed-use, complete communities. 	<ul style="list-style-type: none"> - Masonville Secondary Plan is underway.
Inclusionary Zoning	<ul style="list-style-type: none"> - Create mixed-income communities with a portion of housing required (“set aside”) as affordable units. 	<ul style="list-style-type: none"> - Targeted for 2021 in Council’s Strategic Plan. - IZ policies to be considered following city-wide review of Protected Major Transit Station Areas (PMTSAs)
Tiny Houses	<ul style="list-style-type: none"> - Policy and Zoning Reviews to accommodate “tiny houses” as potential alternative form of affordable housing. 	<ul style="list-style-type: none"> - A new tool. Will be upcoming and added to work plan.

Strategy (Tool)	Objectives	Status
Affordable Housing Replacement Policy	<ul style="list-style-type: none"> - Preserve affordable housing stock when redevelopment projects require demolition of existing affordable housing units. 	<ul style="list-style-type: none"> - A new tool. Will be upcoming and added to work plan.
Official Plan and Zoning Amendments on Housing Regeneration Sites	<ul style="list-style-type: none"> - Create opportunities for affordable housing and market housing units. - Provide for neighbourhood regeneration, infill and intensification on sites presenting unique opportunity. - Address the needs of private market developers and agency partners (e.g. London Middlesex Community Housing). 	<ul style="list-style-type: none"> - Upcoming. Will be coordinated with LMCH Regeneration plans.
Community Benefits Charge	<ul style="list-style-type: none"> - Collect a “Community Benefits Charge” and review potential for this charge to fund affordable housing development. - Note: subject to Province enacting this Charge through Bill 108, the “<i>More Homes, More Choice Act, 2019</i>”. 	<ul style="list-style-type: none"> - Staff to monitor changes to Provincial legislation and regulations, and will report back to Council. This will be part of a broader review of the potential benefits and issues with Community Benefits Charges.

4.0 Conclusion

Changes to Planning legislation through the *More Homes, More Choice Act, 2019* have had an impact on the ability of the City to pursue tools that were previously identified as part of a planning toolkit to encourage and require the development of new affordable housing units. The last report to Council on the Affordable Housing Development Toolkit was in June 2019.

The COVID-19 pandemic has also had widespread implications on planning and affordable housing. The pandemic has impacted the timing the City’s transition to new planning legislation and regulations. The pandemic has also resulted in significant economic impacts across the city. While the toolkit update is not directly a response to the COVID-19 pandemic, the need for affordable housing supports is expected to be exacerbated by the economic impact of job losses and reduced employment resulting from COVID-19. A separate report will be brought to Council considering timing and processes for affordable housing development as part of the City’s response to COVID-19 recovery.

The Affordable Housing Development Toolkit is intended as a ‘living document’ that can respond to changes in community needs, planning legislation and City policies and practices. Staff will continue to review planning legislation and regulations, and the toolkit will be updated to reflect changes accordingly.

Next steps include implementation of the new tools as well as investigation of opportunities for a more coordinated public interface, such as webpages, to encourage and promote incentives, programs, and policies related to affordable housing, including those tools available through the Affordable Housing Development Toolkit.

Prepared by:	Travis Macbeth, MCIP, RPP Planning Policy
Submitted by:	Justin Adema, MCIP, RPP Manager, Planning Policy
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

July 2, 2020
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Appendix A - Previous Reports

- July 22, 2019 “Information Report – Proposed Regulations for Bill 108 – More Homes, More Choice Act, 2019”, Planning and Environment Committee.
- June 17, 2019 “Affordable Housing Development: Planning Toolkit Update”, Planning and Environment Committee.
- May 27, 2019 “Bill 108 – More Homes, More Choice Act, 2019”, Planning and Environment Committee.
- March 18, 2019 “Update on Response to Provincial Consultation on ‘Increasing Housing Supply in Ontario’”, Planning and Environment Committee.
- January 7, 2019 “Provincial Consultation on ‘Increasing Housing Supply in Ontario’”, Planning and Environment Committee.
- October 29, 2018 “Affordable Housing – Planning Tools to Support the Development of Affordable Housing”, File 18 AFF, Planning and Environment Committee.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Implementing Additional Residential Units Requirements of
the Planning Act (Bill 108) – Information Report
City-wide/City of London
Meeting on: July 13, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with respect to the Official Plan and Zoning By-law review initiated by the Corporation of the City of London, relating to all lands within the City of London, and involving Official Plan Amendments to revise policies related to additional residential units and Zoning By-law Amendments to revise regulations related to additional residential units, the following actions **BE TAKEN**:

- a) That the attached information report and draft London Plan, 1989 Official Plan and Zoning By-law amendments to implement Provincial *Planning Act* (Bill 108 - *More Homes, More Choices Act*.) changes **BE CIRCULATED** for public review in advance of the Public Participation Meeting to be held at a future date.

Executive Summary

Purpose and the Effect of Recommended Action

The report is intended to provide the necessary background to the new Provincial requirements and provide information to Council and the public on the nature of the changes as well as provide draft London Plan, 1989 Official Plan and Zoning By-law amendments to review in advance of the future public participation meeting.

Rationale of Recommended Action

The Proposed Amendments are being circulated in advance because the City is unable to hold community meeting(s) under public health COVID-19 protocols. Londoner and City website notices are still being provided. Because of the importance of the amendments public input is desirable and necessary.

Analysis

1.0 Background

The Minister of Municipal Affairs and Housing introduced Bill 108, *More Homes, More Choice Act, 2019* on May 2, 2019. The Bill proposed a number of amendments to 13 different statutes including the *Planning Act*, the *Local Planning Appeal Tribunal Act* and the *Development Charges Act*. Bill 108 proposed to repeal many of the amendments that were introduced in 2017 through Bill 139, the *Building Better Communities and Conserving Watersheds Act, 2017*. A report on the implications of Bill 108 on the City was presented to PEC on May 27, 2019. Bill 108 was given Royal Assent on June 6, 2019.

One of the intentions of Bill 108 was to address the housing crisis in Ontario by minimizing regulations related to residential development through changes to various Acts dealing with the planning process, including reducing fees related to development, by reducing the number of services that may be subject to development charges and shortening the timelines for the approval of many planning applications. The Ministry

identified affordable housing as a “fundamental need” and additional residential units were identified as one of the least expensive ways to increase the supply of affordable housing while maintaining neighbourhood character.

One of the changes to the *Planning Act* made by Bill 108 was to permit up to two additional residential units on properties containing a single detached, semi-detached or row house residential dwelling. An additional residential unit is currently permitted (as a result of previous changes from Bill 138) in any single detached house, semi-detached house or row house **OR** in a building ancillary to any single detached house, semi-detached house or row house. Through changes made by Bill 108, an additional residential unit would be permitted in any single detached house, semi-detached house, or row house **AND** in an ancillary building. This would allow for a maximum of two additional residential units per property, for a total of three units on a property.

These changes to the *Planning Act* require that Municipal Official Plans and Zoning By-laws must contain provisions permitting additional residential units. This has the effect of potentially allowing a total of three dwelling units on the same property – subject to applicable provisions in the Ontario Fire Code, Building Code and municipal by-laws. Similar to the 2011 Bill 140 *Planning Act* amendments, there is no appeal related to Official Plan policies or zoning by-law regulations that authorize the use of additional residential units.

The City is required to comply with the changes made by Bill 108 to the *Planning Act* through Official Plan, Zoning By-law or other regulatory changes. However, the City may include policy direction to address a variety of planning compatibility and fit issues in existing neighbourhoods. Past reviews of intensification amendments such as the previous Bill 138 and Near-Campus Neighbourhood amendments resulted in widespread public interest. Public review of the proposed changes are necessary.

1.1 Provincial Rationale for Intensification

Residential Intensification; specifically, can take many forms;

- Redevelopment, including the redevelopment of brownfield sites;
- The development of vacant or underutilized lots within previously developed areas;
- Infill development;
- The conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and,
- The conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, additional units and rooming houses.

Additional residential units are a version of the last form of intensification. This form can be either invisible (i.e. additional residential units in an existing dwelling) or visible (i.e. Addition of a new accessory structure, with an additional residential unit, at the rear of a property, addition of a parking space or entrance etc.).

The benefits of intensification include;

- Efficient use of resources (e.g. existing housing stock), infrastructure (e.g., sewers, water mains, hydro, roads etc.) and public service facilities (e.g. libraries, community centres);
- More sustainable and promotes energy efficiency;
- More efficient use of land to minimize “greenfield” development;
- Providing homeowners an opportunity to earn additional income to help meet the cost of home ownership;
- Supports public transit and active transportation modes by increasing densities;
- Supports demographic changes by encouraging “aging in place” and preferences for housing within developed urban areas

- Supporting changing demographics by providing more housing options for extended family or elderly parents, or for a live-in caregiver;
- Increase stock of rental units in an area;
- Provides a stock of affordable housing options;; and,
- Creating jobs in the construction/renovation industry.

1.2 Benefits of Additional Residential Units to the City of London

Additional residential units will help London achieve the following broad based planning objectives and scoped initiatives and meet Council’s Strategic Plan.

Building Strong and Attractive Neighbourhoods

Current demographic trends in London indicate that the number of persons per dwelling is in decline. This is in part related to an aging population, smaller family sizes, and lower birth rates.

Household type	London, ON 2006	London, ON 2011	London, ON 2016
Population	352,395	366,151	383,822
Dwellings	145,525	153,630	175,558
Persons per dwelling	2.42	2.38	2.19

Source: Stats Can, 2006-2016

A 0.04 drop in persons per dwelling between 2006 and 2011 represents 1 additional dwelling per 100 people or 3,523 additional dwellings before accommodating new residents. Between 2006 and 2016 the persons per dwelling dropped .23. Further trends indicate that this change is largely related to an increase in single persons and single parent families and recent immigrants.

As part of London’s Strengthening Neighbourhood Strategy Plan, providing for people and places is critical to the long term success of our neighbourhoods. Maintaining a critical mass of people in our neighbourhoods is a core component to maintaining the vibrancy and appeal of an area.

Additional residential units can help achieve vibrancy and appeal by:

- Providing a variety of housing choices;
- Offering the opportunity to age in place;
- Promoting community diversity through diverse housing opportunities;
- Offsetting housing expenses; and,
- Facilitating an economically diverse neighbourhood.

Building a More Compact City

Both a Provincial and Municipal goal, building a more compact city is a key strategy in promoting community sustainability and resiliency. Additional residential units are a form of housing that provides opportunities to increase density without creating significant changes to the appearance of neighbourhoods or creating negative impacts on existing infrastructure.

Additional residential units provide the opportunity for London to accommodate growth and protect current residents in a cost effective manner. Current Official Plan and London Plan policies encourage intensification in existing built-up areas.

In addition, the January 20, 2020 Affordable Housing CIP report also states;

On April 23, 2019, Council declared a Climate Emergency. The Affordable Housing CIP initiative supports the City’s commitment to reducing and mitigating climate change by providing tools that will encourage residential intensification and residential growth at appropriate locations. It will support more intense and efficient use of existing urban

lands and infrastructure and the regeneration of existing neighbourhoods, and will align with transportation planning to support public transit and active transportation options.

Addressing the Need for Affordable Housing

The City of London is looking for opportunities to provide affordable housing. Additional residential units provide an affordable housing option to meet some of the demand by:

- Households facing financial challenges such as youth, older adults; new immigrants and single-parent families;
- First time home buyers with limited equity requiring assistance in carrying a mortgage to make home ownership viable;
- Fixed income homeowners needing additional support to assist with covering costs;
- Older adults or people with disabilities requiring assistance to remain in their homes and maintain a level of independence; and,
- Families wanting to provide housing for adult children or relatives.

Promoting the Age Friendly Plan

The City of London has established itself as a global leader in developing as an age friendly city. The City of London's Age Friendly Plan is based on the World Health Organization's initiative to improve the livelihood of people of all ages. By planning for older adults, a municipality provides benefits to all age groups. A demographic shift has been seen through the "Baby Boom" along with longer average life expectancies. Living longer and thriving cities are both positive trends that benefit everyone. Healthy, active older adults are a key resource depended on by families, by the economy and by communities. They provide care for children, parents, other family members and friends. Older adults as a group have significant spending power and make a dramatic impact on a local economy. Finally, seniors contribute an important degree of knowledge, experience and wisdom to the community.

Housing is identified as a key element in the continued goal of building an Age Friendly London. Success for an Age Friendly London includes developing policies, services, settings, and structures that:

1. Respond flexibly to aging-related needs and preferences; and
2. Respect their decisions and lifestyle choices.

1.3 Typical Concerns with adding more Residential Units in Existing Areas

Conversely, there are often concerns with introducing new development/people into an existing neighbourhood and increasing the number of people living and/or working in an established area. In the past the City has undertaken multiple reviews (see Appendices "C" and "D") as a result of a change in Provincial policies or in response to a local issue and there has been significant public interest in these reviews. These concerns can include more activity, noise, changes in aesthetics of a neighbourhood, more parking, garbage and refuse and inappropriate human behaviour as a result of increased density.

Despite the benefits identified above and the Provincial mandate to provide for additional residential units, there is the potential for impacts created by these uses within existing residential neighbourhoods. Bill 108 grants the municipality the ability to develop policies and regulations to mitigate potential impacts created by additional residential units

1.4 City's Desired Outcomes for Amendments

City staff are supportive of Official Plan policies and Zoning regulations that support additional residential units to;

1. Meet affordable housing needs;
2. Increase the number of legal units/registered units;
3. Provide safer accommodations for Londoners;
4. Intensify built-up areas ;
5. Provide Londoners with opportunities to age in place;
6. Enable supplemental income for home ownership viability;
7. Introduce efficient application time requirements;
8. Provide certainty around creating a new additional residential unit; and,
9. Provide a high standard of design and protection of neighbourhood character.

The proposed draft Official Plan London Plan and zoning by-law amendments will meet all of these desired outcomes, while addressing some of the concerns that may arise regarding neighbourhood fit and compatibility.

1.5 Additional Residential Unit Terminology

Currently there are some inconsistencies between Provincial and City of London dwelling terminology. Additional Residential units are defined as self-contained residential dwellings complete with separate kitchen and bathroom facilities located within, and ancillary to, an existing dwelling. The additional residential units may be located within an accessory/ancillary structure such as above a garage or in a separate “coach house”. Additional residential units are also subject to the Building Code, Fire Code and the City of London’s property standards by-law.

Additional residential units can also be referred to as secondary dwelling units, accessory dwelling units, secondary suites, accessory apartments, basement apartments or in-law flats. These terms are interchangeable. However, additional residential units do not include garden suites, lodging houses, or converted dwellings, which are separately defined by the City of London’s Zoning By-law.

Garden suites are temporary, self-contained dwelling structures. These units are normally mobile or pre-fab homes permitted in agriculturally designated areas through a site-specific temporary Zoning By-law on a site-specific basis. Lodging houses are residential buildings, which are used to provide rooms for rent to individuals with or without meals. Each unit shares common living space such as a kitchen, living room, bathroom, etc. The converted dwelling means an existing dwelling constructed as a single, semi-detached, duplex or triplex dwelling on an existing lot prior to July 1, 1993 in which the number of dwelling units has been increased without significant alteration to the exterior of the building except for non-leasable floor space such as fire escapes, stairwells and entrances.

There are other inconsistencies in Provincial and City terminology. These inconsistencies are discussed in Section 3.2 1).

2.0 Community Consultation to Date

On March 5, 2020 a Notice was placed in the Londoner and notices were sent to Other City Departments and Agencies on our Circulation List. Londoner notice was provided again on June 4, 2020. The notice read;

City-wide – Implementing Additional Residential Unit Requirements of the Planning Act The purpose and effect of these proposed Official Plan and Zoning Bylaw amendments is to implement recent changes to the *Planning Act* that require that the City amend its Official Plan and Zoning By-law to permit up to two additional dwelling units on a property containing a single detached, semi-detached or row house residential dwelling. Possible amendments to the Official Plan (The London Plan) to change Policy 939 to 942 and Policy 949 to change wording from “Secondary Dwelling Units” to “Additional Residential Units” and add/modify language to permit additional residential units in any single detached, semi-detached or row house residential building. Possible change to Zoning By-law Z.-1 to delete the definition of “Secondary Dwelling Unit” and replace with a new definition of “Additional Residential Unit” in

Section 2 (Definitions), make changes to Section 4.37 (General Provisions) to change references from secondary dwelling units to additional residential units and make changes to implement Provincial policies and/or regulations such as number of units permitted, number of bedrooms permitted and parking requirements. The City may also consider similar changes to the policies of the 1989 Official Plan.

A website address (under Business/Planning-Development/land-use-application/OZ-9176) at www.london.ca was also created for this project.

In response, to date, no comments have been received.

3.0 Policy Context for Proposed Amendments

The following policy framework guided the preparation and review of possible amendments;

3.1 Provincial Policy Statement (2020)

The Provincial Policy Statement provides the overriding policies for land use planning in Ontario. The 2020 Provincial Policy Statement (in force May 2, 2020) replaces the 2014 Provincial Policy Statement which came into effect April 30, 2014.

The PPS provides for and supports intensification under Part IV;

.....“*Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.*”

Policies in Sections 1.1 (Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns) and 1.4 (Housing) state that sufficient land needs to be available for a mix of affordable and market based residential uses, that development and land use patterns be efficient, and that settlement areas be the focus of future growth.

Section 6, Definitions, includes a definition of residential intensification and housing forms. It is important to note that the Province makes a distinction between rowhouse (similar to our street townhouse definition in Zoning By-law Z-1) and townhouse/stacked townhouse as different housing forms.

3.2 Planning Act

Consistent with the Provincial Policy Statement, the *Planning Act* guides planning in the Province of Ontario. Below are a summary of the relevant sections.

Subsection 2 j) of the *Planning Act* identifies “...*the full range of housing, including affordable housing...*” as a matter of Provincial interest.

Subsections 16.3 and 35.1 contain the additional residential unit regulations from Bill 108 – More Homes, More Choices Act given Royal Assent on June 16, 2019. They indicate Official Plans shall have policies allowing additional residential units and permit a maximum of one additional residential unit in a single detached, semi-detached or rowhouse primary dwelling and one additional residential unit in an accessory structure.

Regulation 299/19, which implements changes from Bill 108, was published August 29, 2019, to provide regulations to allow additional residential units in the Province. The changes included regulations to;

- Indicate that each unit shall have a parking space except where an approved zoning by-law amendment doesn't require parking;
- Indicate any additional required parking may be a tandem parking;
- Indicate the dwelling units on the property don't need to be owner-occupied; and,

- Indicate additional residential units can be located either in new or existing buildings.

Subsection 35.2 indicates that zoning by-laws cannot be enacting which regulate tenants on the basis of relationship.

3.3 The London Plan

Policy 937 and 939 provide a rationale for residential intensification and provide a current definition of secondary dwelling units; respectively. The rationale include aging in place, diversity of built form, affordability, vibrancy and effective use of land and indicate that any intensification needs to add value to neighbourhoods rather than undermine their quality, character and sustainability.

Policy 941 and 942 are the current Secondary dwelling unit policies and address such matters as location, number of units, licensing, size, exterior alterations, parking and requirements for Site Plan approval. These policies were based on changes made by Bill 139-*Building Better Communities and Conserving Watersheds Act* passed in 2017. On July 17, 2017 Council also approved further London Plan amendments which removed the restriction on secondary dwelling units in the Near Campus Neighbourhood.

The purpose of this review is to make amendments to the London Plan to be consistent with changes made by Bill 108 and the Council approved changes from July 24, 2019 including a change in terminology from “secondary dwelling unit” to “additional residential units” and allowing a maximum of two additional units on an existing property instead of one.

Policy 949 (Requirement for Site Plan Approval), 953 (Additional Urban Design Considerations for Residential Intensification) and 962-973 (Near Campus Neighbourhoods Policies) are also relevant to the consideration of London Plan amendments in this report because they guide any proposal to maintain neighbourhood character.

3.4 The 1989 Official Plan

Changes to the Plan are confined to Sections 3.2.1 ix) and 3.2.3.9, which were the result of an amendment on July 17, 2017 that implemented Bill 139 – *Building Better Communities and Conserving Watersheds Act Planning Act*. The changes to the 1989 Official Plan are consistent with previously approved London Plan changes. If the recommended London Plan amendment is approved and comes into force it will provide the in-force policy direction for the City. This amendment to the 1989 Official Plan is recommended only to provide consistent policies with the London Plan and avoid potential confusion until the 1989 Official Plan can be repealed.

4.0 Proposed Amendments

The attached Proposed Amendments were the result of a review of the revised Provincial Planning Act requirements (Bill 108 and Regulation 299/19), a review of the Ministers modifications to the London Plan dated December 28, 2016, a preliminary review of other municipal policies and regulations and comments from other City Departments and outside agencies.

4.1 Provincial Parameters for Proposed Amendments

The City has to comply with changes to the *Planning Act* through Bill 108. The key Provincial parameters for municipal amendments to implement the new legislation are;

1. A maximum one additional residential unit is permitted in the primary dwelling and a maximum of one additional residential unit is permitted in any accessory or ancillary building;

2. The primary dwelling does not have to be owner occupied;
3. Additional residential units can be permitted in existing or new buildings;
4. Each additional residential unit shall have one parking space except in circumstances where a Section 34 (Planning Act-zoning by-law amendment) has been approved whereby no parking is required for the primary dwelling or the additional residential units;
5. Tandem parking is permitted;
6. No references to the additional residential units being ancillary or sub-ordinate to the primary residential unit;
7. No bedroom limits in policies but may be in zoning; and;

4.2 Summary and Rationale – The Proposed Amendments

Below is a brief summary of the rationale for the Proposed Amendments included in Appendix “A”.

1. Definitions

There are a number of definition inconsistencies between Provincial Legislation (Bill 108/the *Planning Act*) and City of London policies and regulations which will need to be changed as a result of the Planning Act changes to provide consistency and ease of interpretation.

1.1 Secondary Dwelling Unit vs. Additional Residential Unit

The previous *Planning Act* legislation (Royal Assent-January 1, 2012) amended by Bill 140- *Strong Communities through Affordable Housing Act* used the term “secondary dwelling unit” because one additional unit was permitted either in the main dwelling or accessory building. Bill 108- *More Homes, More Choices Act* (Royal Assent – June 6, 2019) allows one “additional residential unit” in the main dwelling **and** one additional dwelling unit in an accessory or ancillary structure for a total of three possible units on a property. The term “secondary dwelling units” should be changed to reflect that more than one unit could be added. Additional residential units is also the term used in the Provincial legislation.

Proposed Amendment – All of the references to “secondary dwelling units” in the 1989 Official Plan, the London Plan and Zoning By-law Z-1 should be changed to “additional residential units” to be consistent with the current *Planning Act* legislation terminology.

1.2 Row house vs. Street townhouse

The 2020 Provincial Policy Statement and *Planning Act* use the term “row house” whereas the City’s Zoning By-law Z-1 uses the term “street townhouse”. By definition both are the same; more than three units attached horizontally, having legal frontage on a street on separate lots. Townhouses or cluster townhouses are different; having more than three or more units attached, tend to not have individual unit frontage on a street and are in a cluster format with units owned by individuals and common areas managed by a condominium corporation. Permitting two additional units in each existing cluster townhouse dwelling, plus allowing for accessory buildings, may be problematic given the typical size, and ownership, of the “lot”. As a result, to implement the Provincial requirement for additional residential units this amendment applies to what the zoning by-law describes as a “street townhouse” and not to other townhouse types.

Proposed Amendment – No change

1.3 Accessory vs. Ancillary

The Province only uses the term “ancillary” exclusively whereas the City uses the terms “accessory” and “ancillary” interchangeably. The City’s current definitions in Section 2

(Definitions) in Zoning By-law Z-1 lists the name as “Accessory or Ancillary” so no change is required.

Proposed Amendment – No change

1.4 Detached House vs Single Detached Dwelling, Semi-Detached House vs. Semi-Detached Dwelling

The terms using in the *Planning Act* and Zoning By-law Z-1; respectively, are different but they are close enough to not create interpretation issues. Some review by Zoning Division Staff should occur before amendment is finalized to determine whether further changes are required.

Proposed Amendment – No change.

1.5 Attached vs Detached

Zoning By-law Z-1 defines both but they are rarely used in the By-law or the London Plan. They are very descriptive terms used by a number of other Ontario municipalities (eg. Kitchener and Windsor) for clarity purposes to describe additions to buildings or accessory buildings; respectively. The City of London instead tends to use the terms “ancillary” and “subordinate” to the primary dwelling unit to describe additions or describe accessory buildings. The Ministers modifications to the Council approved June 23, 2016 London Plan policies deleted those terms from the proposed additional residential unit policies. Similar to the above recommended changes, there should be more consistency in language between the Provincial legislation and City of London policies and regulations.

Proposed Amendment – No specific changes required but will incorporate more use of the terms “attached” and “detached” as part of policy and zoning regulation revisions.

1.6 Definitions of Dwellings once Additional Residential Units are Added

Zoning By-law Z-1 “Dwelling” definitions are currently structured on the number of units included and whether the building is existing (built before July 1, 1993) or new (built after July 1, 1993). Currently, under Zoning By-law Z-1 if additional units are added, a single detached dwelling with an additional residential unit becomes a two unit converted dwelling if no habitable space is added and a duplex if habitable space is added. Similarly, if a semi-detached dwelling adds one or two units it could become a three or four unit converted dwelling or a triplex or fourplex under the definitions in Zoning By-law Z-1. The zoning regulations for each dwelling definition are quite different. To provide clarity and consistency for interpretations some interpretive guidelines need to be prepared for Zoning Division staff. These definitions should be reviewed by Zoning Division staff before amendments are finalized.

Proposed Amendment – No change to the definitions in Section 2 (Definitions) of Zoning By-law Z-1 but some consistency in zoning interpretation will be needed once additional residential unit amendments are in force.

2. Restriction of Additional Residential Units in Near Campus Neighbourhoods

The London Plan approved by Council on June 23, 2016 included Policy 942 (2) which did not allow secondary dwelling units in the Near Campus Neighbourhoods. Concerns were raised, public meetings and discussions held through the Near Campus Neighbourhood policy and regulation review, and on August 29, 2016 Council deleted that subsection of Policy 942, thereby deciding to permit secondary dwelling units within near campus neighbourhoods. Since the London Plan was in for Minister Approval at that time, the amendments were sent to the Minister for consideration as an amendment to the London Plan.

The Ministers Modifications to the London Plan in December 2016 made a series of changes. The Ministry did not, however, remove the restriction on secondary dwelling units within the Near Campus Neighbourhood Area even though Council earlier resolved to allow them in the Near Campus Neighbourhood Area. The Ministry indicated

they would have no concern if London City Council made an amendment to the London Plan policies to remove the restriction. The proposed amendment does that.

It is noteworthy that any such amendment to remove the restriction of additional residential units in the Near Campus Neighbourhoods from Policy 942 would not be subject to Provincial Review and would also not be appealable as per the *Planning Act*.

Proposed Amendment – That Policy 942_2 of the London Plan be deleted.

3. Parking

Zoning By-law Z-1 currently requires two parking spaces per unit for single detached, semi-detached and street townhouse dwellings. Regulation 299/19 of the *Planning Act* indicates that each additional residential unit requires one parking space unless a Zoning By-law is in force that does not require parking for any additional residential units. The current zoning regulations for secondary dwelling units do not require additional parking for secondary dwelling units.

Parking is often raised as a concern for intensification proposals. On-street parking, parking on lawns, creation of new paved areas etc. are some of the typical concerns (see Appendix “D”). Given that the new Provincial direction will permit up to two additional units, some review of the parking requirements may be needed. The *Planning Act* regulation allows up to one additional parking space per additional residential unit.

The current minimum parking requirement for a single detached, semi-detached, or street townhouse dwelling in the zoning by-law is two spaces per unit. Accommodating this parking plus a space for each additional residential unit, while still providing room for landscaped open space and sufficient amenity space may be problematic especially on smaller lots. It is also important to note that it is proposed that site plan approval not be required for additional residential units in the primary dwelling; site plan approval would only be required where the additional residential unit is in an accessory building.

Some surveyed Ontario Municipalities such as Windsor do not require additional residential unit parking within the older developed portions of the City. Toronto has reduced parking standards and Windsor doesn’t require a parking space for the second additional residential unit. The surveyed municipalities all have various approaches to dealing with parking.

Maintaining the current regulation for secondary dwelling units would mean that there is no minimum parking requirement for additional residential units beyond the minimum standard for the primary unit. This approach allows the market to determine if parking is required but does not force parking spaces that may be unnecessary. This approach would be consistent with policy 271 of the London Plan that seek to avoid excessive parking standards.

Any additional residential units would be required to meet the zoning by-law regulations for maximum parking area coverage, which may lead to more minor variance applications, especially on smaller lots.

Proposed Amendment – No change to current requirement for secondary dwelling units, where no additional parking is required. The parking requirement for additional residential units will be included in the public consultation to ensure that all perspectives are considered.

4. Provision of new parking areas in Heritage Conservation Districts

Related to the above, the creation of new parking areas in designated Heritage Conservation Districts (HCDs) or on individually designated properties is a concern. The Province requires that any exterior changes to the primary dwelling unit must be consistent with the character of the dwelling and neighbourhood.

The London Advisory Committee on Heritage (LACH) has expressed a preliminary concern that the creation of new parking areas may impact the heritage character of the neighbourhood. The adding of new surface residential parking spaces to accommodate

additional residential units was never contemplated when the Conservation District Plans were being researched and prepared. Some evaluation needs to be done of how any new parking areas are to be evaluated. Do new guidelines or revised HCD guidelines need to be prepared, does review occur through the Heritage Alteration Permit process etc? This Proposed Amendment will be circulated to the LACH and the heritage community for comments before proceeding.

Proposed Amendment – No changes at this time, but further discussions with LACH and the heritage community are required. The recommended amendment will be provided at a future PEC meeting after the LACH and public has been consulted.

5. Numbers of Bedrooms Permitted

Currently in the Zoning By-law includes that dwelling units dwellings can have a maximum of 5 bedrooms per unit except in the Near Campus Neighbourhoods Area, where multiple unit dwellings such as semi-detached, duplex, triplex, fourplex, townhouse and apartment dwellings are permitted to only have three bedrooms per unit. The implementation of the previous Provincial secondary dwelling unit regulations didn't change those bedroom limit, and included that secondary dwelling units are subject to that overall cap, so the 5 bedroom maximum includes all bedrooms that are part of the primary and additional residential unit.

At this time it is proposed that the existing policy and limitation on the maximum number of bedrooms be applied to additional residential units. However, the three bedroom limit on semi-detached and townhouse dwellings in Near-Campus Neighbourhoods may limit the creation of two additional residential units on a lot... The maximum bedroom limit will be included in the public consultation to ensure that all perspectives are considered.

Proposed Amendment – No change to current requirement for secondary dwelling units, where additional residential units will contribute to the overall bedroom limit of the primary unit. The bedroom limit for additional residential units will be included in the public consultation to ensure that all perspectives are considered.

6. Height

For the primary dwelling the heights in their zoning by-law zone are used. For accessory or ancillary structures, in general, the allowed building heights are between 4 metres and 6 metres. Other municipalities surveyed have an additional regulation for accessory structures which doesn't allow a height which exceeds the primary dwelling height. Windsor allows a general height of 5.5 metres (18 feet) which can be increased to 8 metres (26,3 feet) by minor variance.

Proposed Amendment – No change to existing regulation, where secondary dwelling units within an accessory structures are subject to the standard zoning requirements for all accessory structures in the applicable zone. Building heights for ancillary or accessory building heights should be reviewed, including a new regulation which would not allow that height of an accessory structure to exceed the height of the primary dwelling.

7. Maximum Gross Floor Area for Additional Residential Units

Most other surveyed municipalities have a maximum gross floor area (GFA) of between 40-50% for additional residential units of the total GFA of the primary dwelling unit and additional residential units. The existing requirement in the Zoning By-law for secondary dwelling units is a maximum of 40% of the total combined floor area. The intent of this regulation is to ensure that the additional residential units do not exceed the size of the primary dwelling unit to control scale and maintain the primary and secondary nature of the two units.

Proposed Amendment – The gross floor area of the additional residential units shall not be greater than 45% of the combined total gross floor area of both the primary dwelling unit and the additional residential units.

8. Minimum Gross Floor Area for Additional Residential Units

Based on the other municipalities surveyed, there are a wide range of approaches to regulating minimum additional residential unit size. Some have minimums, some only maximums or both. Generally the minimum dwelling unit size is 40 m² (431 sq.ft) and the maximum is 100 m² (1076 sq.ft.). Some municipalities, such as Toronto, don't regulate dwelling unit size, instead relying on the *Ontario Building Code* minimum room sizes to control dwelling size. There is no combined minimum dwelling size in the *Ontario Building Code*.

Proposed Amendment – No change to the existing minimum floor area requirement of 25 m².

9. Other Changes in Heritage Conservation Districts

Similar to the parking area issue discussed in Section 4.2 above, the LACH has raised a concern about front and exterior side yard changes in HCD's and to individually designated properties and the addition of new or altered accessory structures.

The Heritage Alteration Permit process has been used to the past to address minor exterior changes but the addition of new entrances and units in new ancillary or accessory buildings are major changes. The Province has allowed front yard and/or exterior side yard alterations provided they maintain the "*character of the area*".

Proposed Amendment - No amendments at this time but may involve changes to the existing Heritage Conservation District (HCD) Plans, preparation or revision of guidelines and/or changes to the Heritage Permit process after discussions with LACH and the heritage community. A recommendation will be provided in the future PEC report after the LACH and public has been consulted.

10.Changes to other Municipal By-laws/Processes

There are a number of other City processes affected by the implementation of the Bill 108 amendments to the *Planning Act* for additional residential units. Official Plans and Zoning By-laws only provide the planning controls on development. These other processes include;

- 1. Site Plan Approval for Additional Residential Units in accessory or ancillary structures;
- 2. Building Permits for interior renovations and new construction; and,
- 3. Licensing under the *Residential Rental Unit Licensing By-law*.

All of these processes, and the regulations associated with them, need to be reviewed to identify any impacts and needed changes. Once the Proposed Amendments have been implemented the City will have established the policy basis for additional residential units and provide the foundation for these other impacted processes.

5.0 Conclusion

The report is intended to provide the necessary background regarding the Provincial policies and provide information to Council and the public on the nature of the changes as well as proposed Official Plan and Zoning By-law amendments to review in advance of the public participation meeting.

The proposed amendments are being circulated in advance because the City is unable to hold community meeting(s) under Provincial legislation COVID-19 protocols. Londoner and City website notices are still being provided. Because of the impact of the amendments public input is important and necessary.

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

July 3, 2020
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Appendix A – Proposed Amendments

PROPOSED AMENDMENT to the THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to update “The London Plan” additional residential unit policies to conform with changes to the *Planning Act* made by the *More Homes, More Choices Act, 2019*.

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

1. The amendments are consistent with changes made to the *Planning Act* by the *More Homes, More Choices Act, 2019 (Bill 108)* with respect to additional residential units.
2. The amendments are consistent with the policies of the *Provincial Policy Statement, 2020*, and are consistent with the Neighbourhood Place Type policies of the London Plan.

D. THE AMENDMENT

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

1. Policies 939, 941 and 949 and heading title is amended by deleting the “Secondary Dwelling Unit” reference and replacing it with “Additional Residential Unit”.
2. Policy 942 with regard to Secondary Dwelling Units is deleted in its entirety and replaced with the policy below;

942_ Additional Residential Units are permitted as-of-right within single detached dwellings, semi-detached dwellings or a street townhouse dwelling where all of the following criteria are met:

1. A maximum of two additional residential units are permitted, including a maximum of one additional unit in the main dwelling and a maximum of one additional unit in an accessory or ancillary structure;
2. Additional residential units must be located on the same lot as the primary dwelling unit;
3. Additional residential units shall be required to be licensed pursuant to the *Residential Rental Unit Licensing By-law*;
4. The gross floor area of the additional residential units shall not be greater than 45% of the combined total gross floor area of both the primary dwelling unit and the additional residential units;
5. Additional residential units shall comply with all regulations of the associated zone;

6. Exterior alterations to the primary dwelling unit to provide for additional residential units in the front or exterior side yards should maintain the character of the primary dwelling unit and the neighbourhood. To protect neighbourhood character, access to the additional residential units may be through existing entrances or new entrances located in rear or side yards.
7. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units;
8. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law.
9. Additional residential units may be permitted within an accessory or ancillary structure that:
 - a. Is located on the same lot as the primary dwelling unit;
 - b. Is located in the rear yard; and,
 - c. Meets the requirements of the zone which apply to accessory or ancillary structures.
10. Additional residential units located within a primary dwelling unit shall not require Site Plan Approval. An additional residential unit within an accessory or ancillary structure shall require site plan approval; and,
11. An additional residential unit shall not be located within a basement within a dwelling located in a flood plain as regulated by the conservation authority having jurisdiction for that area;

PROPOSED AMENDMENT
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to update the City of London Official Plan additional residential unit policies to conform with changes to the *Planning Act* as made by *More Homes, More Choices Act, 2019*.

B. LOCATION OF THIS AMENDMENT

This Amendment is a text amendment, which applies to all lands within the City of London.

C. BASIS OF THE AMENDMENT

The amendments are consistent with changes made to the *Planning Act* under *More Homes, More Choices Act, 2019* with respect to additional residential units.

The amendments are consistent with the policies of the *Provincial Policy Statement, 2020*, and are consistent with the Low Density Residential designation in the 1989 Official Plan.

D. THE AMENDMENT

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

1. By deleting the existing subsection 3.2.1 ix) in its entirety and inserting the following policy as subsection 3.2.1 ix) of the Official Plan:

Additional Residential Units

A single detached dwelling, semi-detached dwelling or a street townhouse dwelling may be permitted to contain an additional residential unit in the main building and an additional residential unit in an accessory or ancillary building in accordance with policy 3.2.3.9 Additional Residential Units of this Plan.

2. By deleting the existing subsection 3.2.3.9 in its entirety and inserting the following policy as subsection 3.2.3.9 of the Official Plan:

Additional Residential Units

Additional residential units are permitted as-of-right within single detached dwellings, semi-detached dwellings or street townhouse dwellings where all of the following criteria are met:

1. A maximum of two additional residential units are permitted, including a maximum of one additional unit in the main dwelling and a maximum of one additional unit in an accessory or ancillary structure;
2. Additional residential units must be located on the same lot as the primary dwelling unit;
3. Additional residential units shall be required to be licensed pursuant to the *Residential Rental Unit Licensing By-law*;
4. The gross floor area of the additional residential units shall not be greater than 45% of the combined total gross floor area of

- both the primary residential dwelling unit and the additional residential units;
5. Additional residential units shall comply with all regulations of the associated zone.
 6. Exterior alterations to the primary dwelling unit and/or construction of an accessory or ancillary building to accommodate an additional residential unit should maintain the character of the primary dwelling unit and the neighbourhood. To also protect neighbourhood character access to additional residential units may be through existing entrances or new entrances located in rear or side yards;
 7. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for an additional residential unit, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential unit;
 8. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law.
 9. An additional residential unit may be permitted within an accessory or ancillary structure that:
 - a. is located on the same lot as the primary dwelling unit;
 - b. is located in the rear yard; and,
 - c. meets the requirements of the zone which apply to accessory or ancillary structures.
 10. Additional residential units located within a primary dwelling unit shall not require Site Plan Approval. Additional residential units within an accessory or ancillary structure shall require Site Plan Approval.
 11. An additional residential unit shall not be located within a basement within a dwelling located in a flood plain as regulated by the Conservation Authority having jurisdiction for that area;

**PROPOSED AMENDMENT
to the
CITY OF LONDON ZONING BY-LAW NO. Z.-1**

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

By-law No. Z.-1-18_____

A by-law to amend By-law No. Z.-1 to change the existing secondary dwelling unit regulations to delete and add new regulations for additional residential units.

WHEREAS the Corporation of the City of London has initiated a rezoning City-wide to revise the existing secondary dwelling unit regulations and introduce new additional residential unit regulations, as set out below;

AND WHEREAS upon approval of Official Plan Amendment Numbers (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) Section 2 (Definitions) in Zoning By-law Z-1, as amended, is amended by deleting the definition for "Secondary Dwelling Unit" and adding the following definition for "Additional Residential Unit";

"ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit in addition to the primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof.

- 2) Section 4.1 (Accessory Uses) in Zoning By-law Z-1 is amended by deleting the existing Section and replacing it with the following;

1) ACCESSORY USES PERMITTED IN ALL ZONES

Where this By-Law permits a lot to be used or a building or structure to be erected or used for a purpose, that purpose shall include any building, structure or use accessory thereto, except that no home occupation or open storage shall be permitted in any zone other than a zone in which such a use is specifically listed as a permitted use. No accessory building, structure or use in an agricultural zone shall be used for human habitation, except where a dwelling unit is permitted as an accessory use or where the zone permits a bed and breakfast establishment, secondary farm dwelling, temporary garden suite or hotel.

- 3) Section 4.37 (Secondary Dwelling Units) is amended by deleting the existing clause and replacing it with the following;

ADDITIONAL RESIDENTIAL UNITS

The provisions of this section shall apply to all additional residential units, unless specified by type directly herein.

- 1) Permitted Zones

Additional residential units shall be permitted within any zone in association with the following uses:

- a) Single detached dwellings;
- b) Semi-detached dwellings; and,
- c) Street townhouse.

Single detached dwellings, semi-detached dwellings or street townhouse dwellings containing additional residential units on the date of the passing of this by-law, may continue to be used for that purpose if a building permit has been issued under sections 8 or 10 of the *Building Code Act, 1992*, S.O. 1992, c.23 permitting the erection, alteration, occupancy or use for the additional residential unit, and if the additional residential unit complies with the regulations of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4..

2) Number of Additional Residential Units per Lot

A maximum of two (2) additional residential units shall be permitted per lot; including a maximum of one additional residential unit in the main dwelling and a maximum of one additional residential unit in an accessory or ancillary structure.

3) Location of Additional Residential Units

An additional residential unit shall not be permitted on a separate lot from the primary dwelling unit that it is accessory to.

An additional residential unit or part thereof shall not be permitted in a basement where the finished floor level of such basement is below the level of any sanitary sewer servicing the building or structure in which such basement is located.

An additional residential unit or part thereof shall not be permitted in a basement located in a flood plain as regulated by the Conservation Authority having jurisdiction for that area.

4) Location of Additional Residential Units within Accessory or Ancillary Structures

An additional residential unit in an accessory or ancillary structure shall be required to meet the regulations of the zone which apply to accessory structures.

An additional residential unit within an accessory structure may be permitted in the rear yard or interior side yard. Exterior alterations to accessory structures to permit additional residential units may be permitted subject to the same criteria.

5) Floor Area Requirements

No additional residential unit shall be erected or used unless it has a minimum gross floor area of 25 square metres.

The gross floor area of all additional residential unit (s) on a lot shall not be greater than 45% of the combined total gross floor area of the primary dwelling unit and the additional residential unit(s). For the purposes of calculating gross floor area requirements for additional residential units the following shall not be included:

- a) additions to dwelling units completed after the date of passage of this by-law; and,
- b) the gross floor area of accessory structures.

6) Number of Bedrooms

The additional residential unit(s) and primary dwelling unit together shall not exceed the total number of bedrooms permitted for the primary dwelling unit when the total number of bedrooms in the primary and additional residential unit(s) are combined.

7) Access to Additional Residential Units

Exterior alterations to provide for entrances to the additional residential unit within all yards of the primary dwelling unit may be permitted.

A new additional driveway in association with a secondary dwelling unit is not permitted.

8) Parking

No additional parking spaces shall be required for any additional residential unit(s)..

10) Code Requirements

Additional Residential Units shall be required to conform to all *Ontario Building Code* and *Ontario Fire Code* regulations.

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 (Insert Council Meeting Date).

Ed Holder
Mayor

Catharine Saunders
City Clerk

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

Appendix B – Chronology

Previous Reports to Planning and Environment Committee (PEC) and Timeline

May 1, 2020	New 2020 Provincial Policy Statement in Effect
August 29, 2019	Regulation 299/19 to implement Bill 108 published
June 6, 2019	Bill 108 – More Homes, More Choices Act given Royal Assent
May 27, 2019	PEC Report – Bill 108-More Homes, More Choices Act Report
July 17, 2017	PEC Report – City-wide Official Plan and Zoning By-law Amendments – Secondary Dwelling Units (OZ-8053)
April 24, 2017	PEC Report – New Low Rise Development in Existing Neighbourhoods (Z-8701)
February 6, 2017	PEC Report- Minister’s Modification to the London Plan – Secondary Dwelling Units (O-7938)
2017	Bill 139 – Building Better Communities and Conserving Watersheds Act introduced
January 23, 2017	PEC Report – Information Report on Ministers Modifications to London Plan
December 28, 2016	Ministry of Municipal Affairs London Plan Notice of Decision
August 22, 2016	PEC Report - City wide Official Plan and Zoning By-law Amendments – Secondary Dwelling Units (OZ-8053)
July 18, 2016	PEC Report - Great Near-Campus Neighbourhoods Strategy Review completed
June 23, 2016	Council approves The London Plan
December 14, 2015	PEC Report – Residential Infill Analysis (Z-8701)
November 26, 2015	PEC Report - Secondary Dwelling Units (OZ-8053)
February 2, 2015	PEC Report – North London Housing Concerns
April 30, 2014	2014 Provincial Policy Statement in effect
November 26, 2013	PEC Report - City Wide Official Plan and Zoning By-Law Amendments – Secondary Dwelling Units (OZ-8053)
August 20, 2013	PEC Report - Secondary Dwelling Units (OZ-8053)
April 9, 2013	PEC Report - Secondary Dwelling Units (OZ-8053)
November 26, 2012	PEC Report – Residential Intensification Policies (OPA No. 544) (O-7970/City of London)
June 18, 2012	PEC Report - Secondary Dwelling Unit Policies and Provisions PEC Report – Near-Campus Neighbourhoods Planning Amendments (OZ-7663/City of London – OPA No. 535)
January 1, 2012	Bill 140 – Strong Communities through Affordable Housing Act introduced – introduced concept of secondary dwelling units
August 30, 2011	Council adopts Residential Rental Units Licensing By-law
September 28, 2009	PC Report – Official Plan Amendment No. 438 (Addition of Residential Intensification Policies to Official Plan)
November 17, 2008	PC Report – Great Near-Campus Neighbourhoods Strategy and Implementation Plan

February 25, 2008	PC Report – Public Participation Meeting on OPA No 438 Residential Intensification Policies
May 28, 2007	PC Report – Information Report – Residential Intensification and Infill Housing Background Study
2007	PC Report - Closing the Gap: New Partnerships for Great Neighbourhoods Surrounding our University and Colleges
2004	PC Report - 5 Bedroom Limit By-law (Z-1-041300)
2004	PC Report – North London Residential Study and Amendments to the Official Plan and Zoning By-law
2004	PC Report - Updated St. George Grosvenor Neighbourhood Study
2001	PC Report - Richmond Street/University Gates Corridor Review-Report and Official Plan Amendment
April 9, 1996	PC Report - Intensification and Bill 120 – Impacts on the North London and Broughdale Communities – Expanded Area (OZ-5148)
November 16, 1995	Section 76(1) of the <i>Planning Act</i> “grandfathered” previously approved two units in a detached house, semi-detached house or row house.(Regulation 384/94)
1995	PC Report – Intensification and Bill 120 – Impact on the North London and Broughdale Communities
1995	Bill 120- Apartments in Houses
January 14, 1991	PC Report – Infill Housing Policies of the New Official Plan (1989)
June 19, 1989	Council adopts the 1989 Official Plan
1988	PC Report - Task Force on Student Housing
1985	Planning Committee (PC) Report - St. George Grosvenor Neighbourhood Study and Official Plan Amendment

Appendix C – London’s History of Addressing Provincial Intensification Policies and Neighbourhood Issues

Prior to the approval of Bill 108 there were a number of Provincial housing initiatives which were implemented by the City through Official Plan, Zoning By-law or other regulatory changes. There were also a number of policy and regulation reviews initiated by the City in response to neighbourhood concerns. Below is a summary of the results of some of the reviews and the progression of changes in Official Plan policies and/or zoning regulations over time. A timeline has been provided in Appendix “C” to provide clarity.

January 1, 2012 - The Province introduced Bill 140, *Strong Communities through Affordable Housing Act 2011*, an amendment to the *Planning Act*, which introduced the term, and policies, for the first time, secondary dwelling units to the City of London.

The Province defined secondary dwelling units as: “*self-contained residential units with kitchen and bathroom facilities within dwellings or within structures accessory to dwellings (such as above laneway garages).*” Secondary dwelling units were often referred to as secondary suites, granny flats, basement apartments, or accessory dwelling units.

The Provincial rationale for permitting secondary dwelling units was to provide residential intensification through “invisible density,” and considered them as a means of providing affordable housing, both through affordable home ownership by providing owners an opportunity to generate income to support the cost of home ownership, and as affordable rental accommodation. The intent was that this form of residential intensification would minimize land use impacts and retain neighbourhood character.

These amendments required municipalities to update their Official Plan policies and regulations related to secondary dwelling units.

November 12, 2013 - An Official Plan and Zoning By-law amendment was presented for consideration by City Council that would have permitted secondary dwelling units in the City of London. The proposed policies included provisions that required the primary unit to be owner-occupied and limited secondary dwelling units to areas outside of Near-Campus Neighbourhoods. This report noted concerns raised by individuals on the London Housing Advisory Committee (the comments were not the official position of the committee as the committee did not meet quorum during the review) and Neighbourhood Legal Services (London & Middlesex). The concerns related to the exclusion of secondary dwelling units from the Near Campus Neighbourhoods, the imposition of fees through licensing, and opportunities for incentives to promote the establishment of secondary dwelling units, specifically tied to affordable housing.

November 26, 2015 – An Official Plan and Zoning By-law amendment, similar to the amendments proposed in 2013, were considered. The proposed policies still included provisions that required the primary unit to be owner-occupied and limited secondary dwelling units to areas outside Near-Campus Neighbourhoods.

There was again concern expressed regarding the geographic restriction on secondary dwelling units within the Near-Campus Neighbourhoods. At the same time, there was a on-going City review of the Near-Campus Neighbourhoods Strategy and policies being undertaken, and the draft secondary dwelling unit policies were referred back to be considered as part of that review.

June 23, 2016 – The London Plan was adopted by City Council. It included policies for Secondary Dwelling Units that would not permit secondary dwelling units in Near-Campus Neighbourhoods, required the primary unit to be owner-occupied, required one additional parking space for the secondary dwelling unit, and limited the number of bedrooms in the secondary dwelling unit. These same policies were adopted by Council for the 1989 Official Plan.

July 18, 2016 – The Near-Campus Neighbourhoods Strategy review was completed and a report was presented to the Planning and Environment Committee. The staff recommendation, which was based on extensive community and stakeholder consultation, recommended that secondary dwelling units should be permitted within Near-Campus Neighbourhoods. This conclusion was based in part on the understanding by residents of Near-Campus Neighbourhoods that the primary unit would be required to be owner-occupied. City Council directed Civic Administration to prepare revised policies that permit secondary dwelling units in Near-Campus Neighbourhoods.

August 22, 2016 – Revised policies for secondary dwelling units were approved by City Council. These policies adopted the recommendations made through the Near-Campus Neighbourhood Strategy review. These policies made several changes to the policies adopted by Municipal Council contained in *The London Plan* submitted to the Minister in June, 2016. These changes were endorsed by Council, and forwarded to the Ministry of Municipal Affairs for consideration as *The London Plan* had been adopted by Council and was at the Ministry for approval.

These revised policies permitted secondary dwelling units in single detached, semi-detached and street townhouse dwellings. These policies included provisions that would only permit secondary dwelling units within owner-occupied dwellings, would permit secondary dwelling units in Near Campus Neighbourhoods, and would limit the number of bedrooms in a secondary dwelling unit to one bedroom.

December 28, 2016 – The Minister approved *The London Plan* with modifications. The modifications included a combination of the policies as adopted by Council in June, 2016 and the amended policies endorsed by Council in August, 2016.

The Minister made 29 modifications to the Plan as adopted by City Council on June 23, 2016. One of the modifications was to Policy 942, which relates to secondary dwelling units.

As a result of these modifications, staff met with Ministry Staff to clarify the rationale behind these changes. The Ministry noted the following:

- Ministry staff had two primary goals in their review of *The London Plan* policies:
 1. Respect the decisions of London City Council in their consideration of secondary dwelling units; and,
 2. Consistent with the Minister's direction noted above, ensure permissive Official Plan policies that would avoid onerous conditions and restrictions on the development of secondary dwelling units.
- The Ministry used the Council-adopted June, 2016 policies included in *The London Plan* as the basis for their approval.
- The Ministry also reviewed the revised policies sent by Council in August of 2016, and integrated some of these policies into their modification of the June 2016 policies.
- In doing so, the Ministry made the following changes to the June 2016 policies (Policy 942) that removed restrictions for secondary dwelling units:
 - Removed reference to the secondary dwelling unit being clearly ancillary and subordinate to the primary residential unit;
 - Removed policies that place bedroom limitations on the secondary dwelling unit and the total number of bedrooms for the secondary and primary dwelling unit (Ministry Staff had indicated that the regulations of the applicable zone can address the issue of total number of bedroom units);
 - Removed the requirement that the primary unit be owner occupied;
 - Removed the prohibition of exterior alterations in the front or exterior side yards and replaced it with language that ensures such alterations should maintain the character of the primary dwelling unit and protect neighbourhood character;
 - Removed the requirement for a parking space to accommodate a

- secondary dwelling unit; and,
- Other minor changes of a more technical nature.

The June 23, 2016 London Plan secondary dwelling unit policies (Policy 942) included a provision that did not permit secondary dwelling units within the Near-Campus Neighbourhood Area. The Ministry did not remove this provision, even though the amended policies adopted by Council in their August 2016 policy revisions had removed this provision. Ministry Staff indicated that they believed that this was reasonable, recognizing the modifications made to the secondary dwelling unit policies eliminated several other restrictions from the June 2016 policies. Ministry Staff did indicate that the Ministry would have no concerns with any future amendment if Council wished to remove this restriction relating to secondary dwelling units in the Near-Campus Neighbourhood.

As a result of modifications made to the London Plan policies by the Minister in the approval of *The London Plan*, the policies of the current 1989 Official Plan were not consistent with the policies as modified by the Minister in *The London Plan*.

January 23, 2017 and February 6, 2017 – Reports were submitted to Planning and Environment Committee outlining changes to the London Plan in the Ministers modifications. Policies were revised to remove the requirement that the primary unit would have to be owner occupied, that one parking space would have to be included and that the requirement that the secondary unit would be limited to one bedroom only would be removed.

February 14, 2017 – Council requested that civic administration report back at a future meeting with respect to the policy regulating Secondary Dwelling Units. On February 14, 2017, Municipal Council resolved that:

That the following actions be taken with respect to the Minister's modifications to the London Plan as they relate to secondary dwelling units and specifically Policy 942:

a) *the report of the Managing Director, Planning and City Planner, dated February 6, 2017 and entitled "Minister's Modifications to the London Plan Secondary Dwelling Units", BE RECEIVED; and,*

b) *the Civic Administration BE DIRECTED to make the necessary arrangements to hold a Public Participation Meeting before the Planning and Environment Committee to receive input from the public with respect to the Minister's modifications to the London Plan regarding secondary dwelling units;*

it being noted that the Planning and Environment Committee received a delegation and the ~~attached~~ communication from Mr. J. Schlemmer, Neighbourhood Legal Services with respect to this matter. (2017-D09)

In **2017** the Province introduced Bill 139 (*Building Better Communities and Conserving Watersheds Act*) which did not make any further changes to secondary dwelling unit policies in the *Planning Act*:-

July 17, 2017 – Official Plan amendments to the 1989 Official Plan, similar to the London Plan, and Zoning By-law amendments for secondary dwelling units were introduced in a report to Planning and Environment Committee. Zoning By-law regulations, similar to those introduced in 2013 and 2015, were included which addressed location, scale and the use of accessory structures.

Official Plan amendments to the 1989 Plan, similar to the London Plan, included policies relating to;

1. Permitting only one secondary unit either in the primary dwelling or accessory/ancillary building;
2. Not restricting them from the Near Campus Neighbourhood;

3. Licensing of the secondary units;
4. Gross floor area limits on the secondary dwelling unit;
5. Need to comply with existing zoning by-law regulations;
6. Exterior and interior yard restrictions;
7. No zoning by-law amendments or variances to permit parking;
8. Allow location of secondary unit in accessory building and require site plan approval; and,
9. Restrict secondary dwelling units in basements in the floodplain.

The implementing Zoning By-law regulations included;

1. A new definition for secondary dwelling units;
2. Permitting them in single detached, semi-detached and street townhouse dwellings;
3. Permitting one secondary dwelling unit per lot;
4. Not allowing them in basements;
5. Not allowing them in basements in the floodplain;
6. Allowing them in the Near Campus Neighbourhoods;
7. Only permitting accessory structures in rear yard and interior side yards;
8. A minimum gross floor area regulation of 25m²;
9. A maximum gross floor area cap of 40% of the primary dwelling unit;
10. Maximum number of bedrooms allowed;
11. Access restrictions in interior and rear yard;
12. No new driveways; and,
13. Conformity of secondary dwelling units to the Ontario Building Code.

These amendments were approved by Council on July 25, 2017 and are in place now.

June 6, 2019 – Bill 108 – *More Homes, More Choices Act, 2019* was given Royal Assent. Bill 108 changed the terminology from secondary dwelling units to additional residential units, allowed up to an additional two units and made a number of other changes to the *Planning Act* which need to be implemented through The London Plan and Zoning By-law Z-1.

This progression of changes has resulted in more as-of-right density increases in existing neighbourhoods subject to some policies and regulations to limit neighbourhood impacts.

Appendix D – Examples of Neighbourhood Concerns Raised through Previous City Reviews

The following are common public concerns identified from past reviews related to the presence of additional residential units.

Parking

Residential uses are regulated through the Zoning By-law Z.-1 parking regulations. Additional residential units may create the need to provide additional on-site parking which reduces landscaped open space and may reduce neighbourhood aesthetics. If the site cannot accommodate the necessary parking, on-street parking associated with second and third units becomes a concern. Striking a balance between providing enough on-site parking to protect against spill over onto the street and maintaining the residential character is critical.

Neighbourhood Appearance

Exterior alterations to dwellings are commonly associated with changing neighbourhood character. Additional residential units may be most accepted when they do no impact a neighbourhoods look and feel. The City of London's existing policies require that the neighbourhood character be maintained through creating no visible changes when establishing new units. This is especially important in designated Heritage Conservation Districts. The Provincial requirement that any exterior alterations address the character of the neighbourhood may address the issue.

Property Maintenance

Properties that fall into disrepair and/or where garbage is not properly stored can negatively impact the aesthetics and quality of the neighbourhood. A common belief is that dwellings with additional units are not kept up in good repair, particularly in the case where they are owned by absentee landlords. These issues are handled through the property standards by-law, and rely on active enforcement. Property standards can further be implemented through licensing requirements.

Noise

Additional residential units are often associated as sources of noise, based on the tenancy. However, complaints with respect to residential neighbour behaviours may either fall under civil disturbances or through the City's Noise by-law and enforcement department.

There are enforcement tools in place to address noise concerns, unfortunately, the issue of noisy residents is one related to individual behaviours and is not regulated through planning tools. Federal and Provincial policies don't allow municipalities to regulate the demographic of prospective tenants. Specifically, Section 35 (2) of the *Planning Act* states;

"The authority to pass a by-law under section 34, subsection 38(1) or section 41 does not include the authority to pass a by-law that has the effect of distinguishing between persons who are related and persons who are unrelated in respect of the occupancy or use of a building or structure or a part of a building or structure, including the occupancy or use as a single housekeeping unit."

Property Values

Policy and regulations are not linked to property values and taxation from an administrative perspective, however, the permission of additional residential units may create a perceived impact on property values to existing and potential residents. The City is unaware of any causal relationship between increased density and declining property values.

Complaints from residents about reduced property values are the result of a view that potential home buyers will consider the form of housing and the number of persons who may be located adjacent to them and potential noise concerns when considering purchasing a dwelling. The municipality is limited to land use planning and cannot control who occupies a dwelling unit.

Property values are market driven and rely on a number of criteria that are outside of the control of planning. On site, the additional residential units may also raise the value of the property.

Safety

Providing safe housing options is a concern of the City of London and the public. Health and safety is intended to be handled using the *Ontario Building Code* and *Ontario Fire Code* and additional residential units that are to be established will be required to meet these codes. Continued compliance is expected to be achieved through the residential license renewal and the building permit processes.

Providing Services and Infrastructure

There is very little research around the impact on services created by occupants living in additional residential units, and hence the cost to support the additional density.

CMHC has undertaken studies on additional units. They have found that the addition of a second unit does not double the amount of municipal services generated by household, noting a service level increase of roughly 35-65% more than a dwelling without an additional residential unit. Further, individuals living in additional residential units would be looking for access to public transit, schools and parks. No study has been completed showing the impact of two additional residential units.

This increase creates less of a demand on existing infrastructure, and provides support for public transit. Additionally, additional residential units are typically located where existing services are in place. Additional residential units do not require the additional costs associated with extending services to new subdivisions.

Other reviews conclude that additional residential units can serve to offset population declines in some areas, and sustain neighbourhoods where the average persons per dwelling have been decreasing. As a result, the cost of infrastructure is maintaining an efficient and effective level of service for the designed and targeted population.

Occupants of Additional Residential Units

CMHC research indicates several presumptions towards occupants of additional residential units, which creates community concerns. These include ideas regarding household size, the “fit” of new residents in the community or that neighbourhood safety will be a greater issue as additional residential units are established. However, it has been found that additional residential unit occupants:

1. More than 50% of the units were occupied by one person; and,
2. Approximately 50% of the occupants were a relative or close friend of the unit owner.

By contrast, the reason owners would seek out to provide an additional residential unit varied. While primarily identified as a source of financial assistance income, other concerns relate to avoid living alone, provide a home for relatives in need of assistance (physical or financial) and as a place for a friend or relative to stay in order to provide assistance (maintenance, health care).

All of the above concerns are normally raised if change is anticipated within a neighbourhood. Any recommended London Plan amendments, Zoning By-law amendments and changes to other municipal by-laws and processes should consider them.

Overall, any policy and regulation changes should address these benefits and concerns and try to achieve a balance. As indicated above, the City is mandated to implement these Provincial changes; however, there is some latitude provided to introduce policies and/or regulations to address any concerns.

Appendix E – Other Documents Reviewed

Provincial Policy Statement (2020) (In force May 1, 2020)

The *Planning Act* (consolidated to April 2020)

Bill 108 – *More Homes, More Choices Act* (Royal Assent - June 16, 2019)

Regulation 299/19 (Published August 29, 2019)

Bill 139 – More Homes, More Choice: Ontario's Housing Supply Action Plan (Royal Assent – December 12, 2017)

Adding a Second Unit in an Existing House-Ontario Building Code Information (Ontario Government)

Build or Buy a Tiny Home (Ontario Government)

London Plan (Council approved June 23, 2016, Ministry approved December 28, 2016 and consolidated to date)

1989 London Official Plan (Council approved June 19, 1989 and consolidated to date)

Zoning By-law Z-1 (Council approved July 1, 1993 and consolidated to date)

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Gregg Barrett
Director, Planning and City Planner

Subject: Conservation Master Plan for Meadowlily Woods
Environmentally Significant Area

Meeting On: July 13, 2020

Recommendation

That, on the recommendation of the Director, Planning and City Planner, the following actions be taken with respect to the Conservation Master Plan for the Meadowlily Woods Environmentally Significant Area:

- (a) The Conservation Master Plan for the Meadowlily Woods Environmentally Significant Area attached as Appendix 'A', **BE RECIEVED** for information; and,;
- (b) The members of EEPAC and the community **BE THANKED** for their work in the review and comments on the document.

IT BEING NOTED staff will initiate an Official Plan Amendment and Zoning By-law amendment to adopt the Conservation Master Plan for the Meadowlily Woods Environmentally Significant Area and to amend the updated Environmentally Significant Area boundary identified in the Conservation Master Plan.

Executive Summary

- The Conservation Master Plan (CMP) in **Appendix A** was completed by Natural Resource Solutions Inc., with input from the community and EEPAC.
- Two community meetings, mail-outs, notice on the City calendar, circulation of the Draft CMP to EEPAC, and detailed information and draft CMP posted on the [London.ca/ESACMP](https://london.ca/ESACMP) webpage provided opportunities for community input that shaped the CMP.
- Responses to EEPAC and community comments on the draft CMP were circulated to EEPAC and are in **Appendix B**.
- The majority of the CMP recommendations are tied to ecological restoration work that is already underway or completed and being monitored.
- Management zones and restoration overlays were identified based on field studies to delineate the boundaries of vegetation communities, and the existing trails were found to be compatible with the significant natural heritage features and their ecological functions.
- The Trails Advisory Group (including representatives from EEPAC and ACCAC) will continue to be convened to reach consensus on future trail matters, following the process in the 2019 site visit and minutes in **Appendix C**.
- An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) process and report will be initiated to update the Meadowlily Woods Environmentally Significant Area (MW ESA) boundary and to adopt the Meadowlily Woods Environmentally Significant Area CMP.
- The CMP supports Council's strategic plan priorities and London Plan policies.
- The community supports moving to implementation and continuing with Trails Advisory Group site visits to resolve future trail issues as noted in the March 10, 2020 CMP conversation summary in **Appendix D**.

Analysis

1.0 Previous Reports Pertinent to this Matter

June 20, 2016 - Planning and Environment Committee Report for Guidelines for Management Zones and Trails in Environmentally Significant Areas

2.0 Purpose

2.1 Council's Strategic Plan

Completion of this CMP is one of Council's strategic priorities under:
"Building a Sustainable City – Strong and Healthy Environment"

2.2 London Plan

The CMP responds to the community desire to protect and enhance the MW ESA.

Under **Policy 1421** "City Council may request the preparation of conservation master plans for environmentally significant areas and other natural heritage areas. Conservation master plans may be adopted by Council, and will function as guideline documents for the purposes of providing direction on the management of these areas."

3.0 Conservation Master Plan Process

3.1 Following the Guidelines for Management Zones and Trails in ESAs

The CMP process included a detailed life science inventory to refine the ESA boundaries, identify management zones and overlays, and form recommendations for ecological restoration. The existing trails were found to be compatible with the significant natural heritage features and their ecological functions. The majority of the CMP's recommendations are already complete or underway.

CMP Process is Complete

- ✓ Community Engagement and Participation
- ✓ Life Science Inventory and Evaluation
- ✓ Boundary Delineation
- ✓ Application of Management Zones and Review of Existing Trails
- ✓ Identification of Management Issues
- ✓ Goals, Objectives and Recommendations
- ✓ Ecological Enhancement and Restoration
- ✓ Trail Planning on Public ESA Lands
- ✓ Priorities for Implementation
- ✓ Final Conservation Master Plan

3.2 The Community Engagement Process

The CMP process included two community meetings (June 23, 2013, and March 22, 2019) mail-outs to all homes within 200 meters of the ESA, notices in the Londoner, information on the City website and collection of information from the community. Comments received during the engagement process from the community and EEPAC were used to revise the draft CMP as identified in **Appendix B**.

EEPAC and the community's comments on the Draft CMP were focussed on updating the ESA boundary, and continuing invasive species management, restoration, closure of informal trails and monitoring for oak wilt. The CMP supports all of these initiatives noting most are already being implemented and monitored. A CMP conversation was held March 10, 2020 to identify how the comments were addressed with an invitation to those who provided comments on the draft CMP. Meeting summary is included in **Appendix D**.

A Trails Advisory Group (TAG) site walk was held on June 25, 2019 (including representatives from EEPAC and ACCAC) to review the relocation of Access 4 away from private property. Consensus was reached and implementation of TAG’s decision by the UTRCA will wrap up in 2020 using about \$20,000 in ESA capital funds. TAG minutes and decision map are included in **Appendix C**.

TAG site walks will continue to be convened to empower the community to reach consensus on future trail matters as they arise. The existing trails were found to be compatible with the significant natural heritage features and their ecological functions following the process in the Guidelines. Currently, about half of the current MW ESA on Map 5 of the London Plan is privately owned. Once more of the private ESA lands have been acquired, a broader trail planning engagement process could be coordinated.

4.0 Key Recommendations in the CMP

4.1 CMP Recommendations and Implementation

- Restoration Overlays were mapped and identify opportunities to continue the successful restoration and monitoring work to date to protect the ESA.
- Updated MW ESA boundary is identified for use in updating Map 5 of the London Plan through a City-led Official Plan and Zoning By-law amendment process.

4.2 Existing Trails

- All existing trails were found to be compatible with the significant natural heritage features and their ecological functions following the process in the Guidelines for Management Zones and Trails in ESAs (the Guidelines).
- The proposed, updated MW ESA boundary includes some public lands north of the Thames River which currently supports an existing, one kilometer section of the Thames Valley Parkway multi-use pathway system and the Meadowlily Footbridge.
- As sections of boardwalk are replaced for lifecycle renewal or implemented through a Trails Advisory Group process (in all ESAs) they are designed to meet AODA standards regardless of the connecting trail type or topography.
- Greater efforts will be made to close and restore unmanaged trails following the process in the Guidelines (on City lands and those leading to private ESA lands) to enhance ESA habitats and stop trespassing on private lands. Success will be monitored following the process in the Guidelines.

5.0 Current State of MW ESA

- **Protection of ESA**

The City funds a \$530,000 annual contract with the UTRCA ESA Team to manage the City’s 11 publically owned ESAs (749 hectares) including most of the contiguous, publically owned portions (60 hectares) of the MW ESA and this work includes:

1. Monitoring and enhancing the ESA (ecological restoration)
2. Enforcing ESA rules and municipal By-laws (supported by City By-law staff)
3. Implementing risk management programs
4. Maintaining trail systems
5. Educational programs, events and community projects

- **Restoration**

The City’s strong focus on enhancing ecological integrity in the ESA is evident as the majority of the restoration work, invasive species management, oak wilt monitoring, and informal trail closure work is already underway or complete and under a monitoring program. By implementing the CMP, the ecological integrity of the MW ESA is expected to continue to improve.

- **Stewardship Opportunities**

The Friends of Meadowlily Woods Community Association adopted the MW ESA through the City’s Adopt an ESA program. The community will continue to be empowered in implementing the CMP recommendations. Opportunities to expand and enhance engagement in implementation will be coordinated.

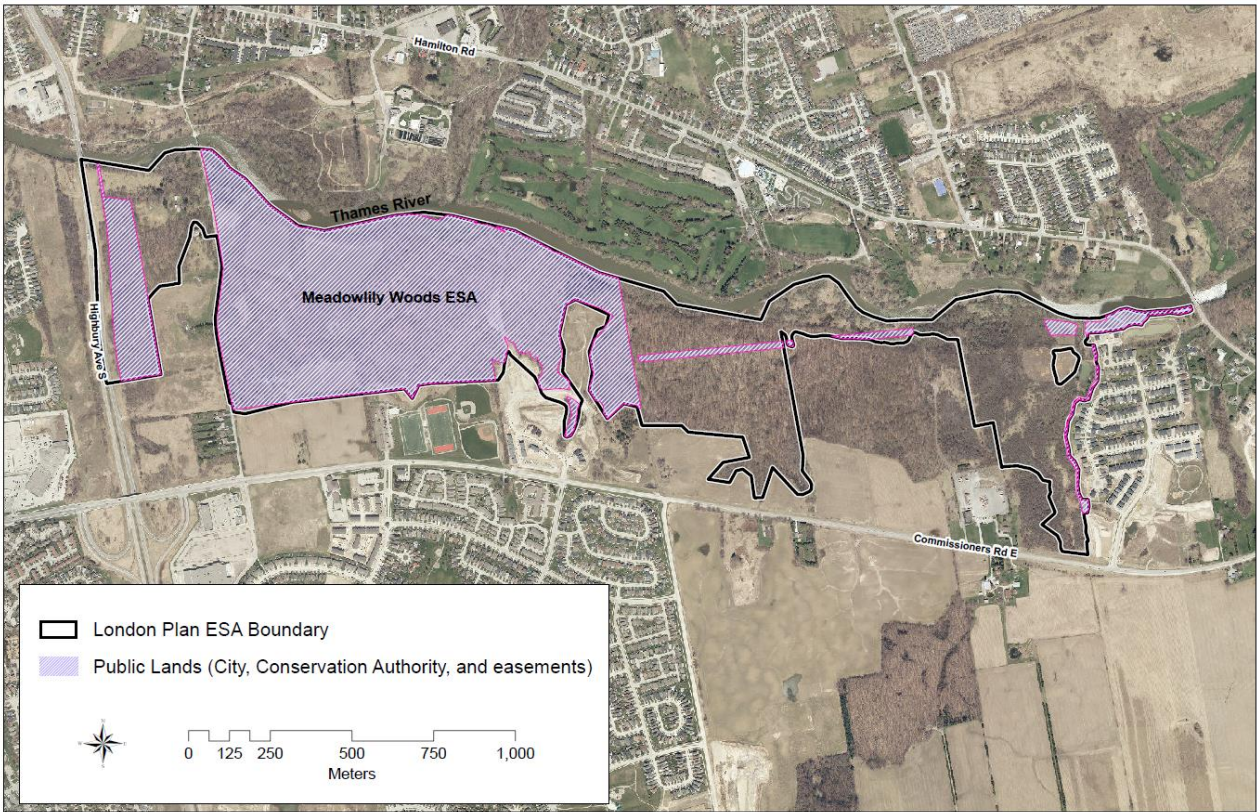
- **Public and Private Ownership of Meadowlily Woods ESA Lands**

Currently, about half of Meadowlily Woods ESA is publically owned and includes a managed trail system. The City does not manage or maintain privately owned ESA lands or trails. Acquisition of additional ESA lands is recommended in the CMP and will occur as opportunities arise through a variety of mechanisms including the parkland dedication process.

- Current Map 5 London Plan ESA boundary area - **128.5 hectares**
Current Map 5 Potential ESA boundary area - **20.0 hectares** (private lands)
- public ESA lands - **69.7 hectares** (areas in purple hatch in **Figure 1**)
 - private ESA lands - **58.8 hectares**

- CMP Report Proposed Map 5 London Plan ESA boundary area - **178.4 hectares**
- public ESA lands - **87.9 hectares**
 - private ESA lands = **90.5 hectares**

Figure 1. Current Meadowlily Woods ESA Boundary and Public Ownership



6.0 Conclusion

The CMP provides direction for ecological protection to achieve long-term ecological integrity of the ESA consistent with the London Plan. The CMP provides an update of the ecological features and functions of the ESA, and establishes management zones based on ecological sensitivity to guide the recreational use and management strategies to ensure the long term health and integrity for the ESA.

The next step is to initiate an Official Plan and Zoning By-law Amendment to amend the boundary of the Environmentally Significant Area and to zone the lands as recommended by the CMP update. An Official Plan Amendment to adopt the CMP as a Guideline Document will also be initiated.

Prepared by:	Linda McDougall, MES, OALA, RPP Ecologist, Sustainability and Resiliency
Submitted by:	Michael Fabro, MEB, P. Eng. Manager, Sustainability and Resiliency
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner

July 2, 2020
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Appendix A

[Conservation Master Plan for the Meadowlily Woods ESA, Natural Resource Solutions Inc. consulting](#) – hyperlink to electronic document **do not print in PEC Report**

Appendix B – Responses to EEPAC and Community Comments

Meadowlily Woods Environmentally Significant Area (MW ESA) Conservation Master Plan, November 2019 - NRSI and City Responses to Comments From: Carol Dyck, Susan Hall, and Sandy Levin, Environmental and Ecological Planning Advisory Committee (EEPAC), City of London, Feb. 21, 2019.

1. “The subject site includes the currently mapped Meadowlily Woods ESA, as well as the Thames Talbot Land Trust west of Meadowlily Road South, public lands north of the Thames River and private lands east of the MW ESA where access was provided” (i). EEPAC supports the extension of the ESA north of the river, particularly from the viewpoint of potential development north of the river in the Norlan/Highbury Ave. area. The subject site and the revised, ESA boundary delineation doesn’t include lands east of Hamilton Road. Map 5, “Natural Heritage”, in The London Plan depicts the ESA extending east beyond the subject area to the edge of the urban growth boundary. Though MW ESA is identified as one of the largest natural areas within the City of London (i), it still does not include all potential sensitive areas and significant valley lands. A study of the whole area has the potential of providing a more holistic/landscape view of the area. This holistic approach and assessment of biodiversity, migration and movement of species might be used to determine best management practices for the area as a whole even though some lands might not be part of the ESA.

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

Staff and NRSI Response: Lands to the east of Hamilton Road are not contiguous with Meadowlily Woods proper, for this reason they were not considered for inclusion within the Environmentally Significant Area (ESA). The lands to the east of Hamilton Road will instead be treated as an ESA separate from Meadowlily Woods. A brief discussion of this has been provided in Section 6.0 (pg. 77).

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

Staff and NRSI Response: Acknowledged, a recommendation to revise Map 5 of the London Plan with the updated ESA boundaries has been made in Section 6.0.

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

Staff and NRSI Response: Acknowledged, Sections 4.3 and 8.0 now identify the presence of Meadowlily Mill within the Meadowlily Woods ESA. Additional consideration of the cultural and environmental value for the area around the Old Mill has been provided in Sections 4.0 and 8.0.

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

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

Staff and NRSI Response: Restoration works completed in the Meadowlily Woods ESA are discussed in Section 9.0 of the Meadowlily Woods ESA CMP – Phase 1. Additionally, a figure identifying the location of this work is provided in Appendix XIV.

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

Staff and NRSI Response: Removal of buckthorn from the majority of Meadowlily Woods ESA has been completed by the City funded ESA Team and efforts to remove this species and monitoring are ongoing. Appendix XIV provides a figure which shows the extent of the City's buckthorn removal. Section 9.1.2 (pg. 83) discusses the removal of invasive species, revised wording on the importance of removing of buckthorn from significant vegetation communities has been provided. Currently, City funded management of invasive species is completed on publically owned lands. The future acquisition of private lands will support the goal of removing additional invasive plant species from the ESA.

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

Staff and NRSI Response: The ESA team is funded by the City through an operating contract since 2002. Ecological restoration, invasive species management and monitoring is a key part of that contract. In addition, the City also funds the UTRCA to complete capital invasive species restoration projects and monitoring in ESAs. In 2019, the City is again funding a capital project for Phragmites management and on-going monitoring by the ESA Team in all the ESAs including Meadowlily Woods.

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

Staff and NRSI Response: Agreed. A recommendation that monitoring for the presence of Oak Wilt should be conducted within the Red Oak Forest community has been provided in Section 9.1.5. This monitoring and oak wilt training is well underway by the ESA Team in conjunction with their ongoing monitoring work.

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

Staff and NRSI Response: Acknowledged, key maps (Maps 1, 2, 3, 4, 7, 9, 10, 11, 12 and 13) have been updated to show the locations of managed trails and most of the informal/closed trails within the Meadowlily Woods ESA. The ESA Team continues to monitor and close un-managed trails on public property, following the process in the Guidelines.

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

Staff and NRSI Response: The future roads and subdivisions outside the ESA are generally depicted on the maps and visible in the aerials. Managed trails are identified on the maps.

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

Staff and NRSI Response: These projects are outside the ESA. The City of London Cycling Master Plan, Final Report, September 2016 identifies the locations and phasing to extend the Thames Valley Parkway.

Responses to Comments from Dave Wake, March 22, 2019 Draft CMP Community Meeting.

9. I support the recommendations for refinement of the ESA boundary. The new boundaries must be implemented quickly, to ensure protection of these additional significant areas.

Staff and NRSI Response: Acknowledged.

10. I support the recommendations for restoration and invasive species management. I acknowledge that some work on removal of invasives has been done previously. It is important to continue addressing the invasive species before they spread even farther

Staff and NRSI Response: Acknowledged.

11. In terms of restoration, I suspect that areas such as RES 005 will be difficult to restore. Soils have been compacted over many years, as visitors have wandered off trails, camped, built fires, etc. I found Appendix XV to be very thin on detail about how restoration will be accomplished. Perhaps specifics are being deferred to Phase 2?

Staff and NRSI Response: Generally, habitat within the Meadowlily Woods ESA is of a very high quality. Restoration efforts have been recommended for those areas where disturbances have become more noticeable. Initial restoration efforts in RES 005 will be put into practice and areas of restoration works will be monitored on an ongoing basis. Any ongoing issues such as erosion from foot traffic are to be addressed on a continuing basis by the ESA management team with advice from UTRCA restoration specialists with expertise in bioengineering techniques.

12. I question whether bioengineering on its own will be successful in stabilizing the banks in the lower reaches of Ravine A (and other streams). It is essential to take action to attenuate the flows further upstream in this system.

Staff and NRSI Response: The report identifies the initial restoration works to be completed within the Meadowlily Woods ESA. Following the completion of bioengineering along the banks of the lower reaches of Ravine A, the area will be reassessed to determine if additional restoration techniques are required.

13. Map 12 – The Restoration Areas identified in Map 13 also appear on Map 12, but the Restoration Area symbol is missing from the legend for Map 12.

Staff and NRSI Response: Acknowledged, the restoration area hatching has been added to the legend for Map 12.

14. Informal Trails should be identified on study maps, and targeted for closure, so that they are not overlooked in the next phase. Closing informal trails is an important step in the protection of these woodlands. Much of the understorey has a great diversity of spring wildflowers, and it is important to protect these areas.

Staff and NRSI Response: Acknowledged. All trails managed by the UTRCA ESA Team and majority of the informal trails are now mapped on appropriate figures within the CMP. The ESA Team continues to close un-managed trails, following the process in the Guidelines.

15. In terms of the bird list, I question the value of including the Christmas Bird Count information. The study area occupies a very small portion of the Christmas Bird Count circle, and many of the species reported for the CBC would not necessarily be observed at Meadowlily on that date. I suggest that it would be much more informative to include information from eBird. Meadowlily is identified as a “hotspot” in eBird, so it is a relatively straightforward exercise to download records for the site. Observations are tied to the name of the observer and the date, so there is some ability to verify the validity of records.

Staff and NRSI Response: Acknowledged. Although the Christmas Bird Count circle is quite large and Meadowlily Woods makes up a relatively small portion of this area, all supplemental background data available has value in an undertaking such as a Conservation Master Plan. The eBird data has now been added to the appendix.

16. For the Breeding Bird Atlas (2001-2005) I was responsible for square 17MH85. I have located my field notes from that period and I will be able to provide a list from my own visits to Meadowlily.

Staff and NRSI Response: Acknowledged, data from the OBBA (2001-2005) has been incorporated into the bird species list. Field notes which provide further detail than that listed in the OBBA is appreciated.

17. In the Executive Summary, the reference to Thames Talbot Land Trust is confusing. The sentence would be improved by adding the word “property” following the word Trust. The same adjustment is needed on pages 21, 25, and 26.

Staff and NRSI Response: Acknowledged, wording has been adjusted in the executive summary etc. to read the Thames Talbot Land Trust property.

18. On page 32, the name of the former city ecologist is spelled incorrectly – it should be Bergsma, not Bergsman.

Staff and NRSI Response: Acknowledged, the spelling of Bergsma has been corrected.

Response to Comments from: Anita Caveney, Nature London, March 22, 2019, Draft CMP Community Meeting.

19. The NRSI consultants’ presentation was informative and helpful.

Staff and NRSI Response: Thank you, acknowledged.

20. I strongly support the proposed revised boundary delineation of the Meadowlily Woods ESA that extends the ESA north of the River and private lands east of the MW ESA. I commend the City for incorporating this area into the MW ESA to provide habitat for, and more biodiversity of, species, including species at risk (SAR) and species of special concern (SCC). As one of London’s largest ESAs, Meadowlily Woods ESA protects a biodiverse variety of aquatic, floodplain, and terrestrial species, and the more area that can be incorporated under its “ESA” designation along this branch of the Thames River, the better.

Staff and NRSI Response: Acknowledged.

21. I don’t recall hearing at the March 22, 2019 meeting when Phase 2 of the MW ESA CMP will begin, and would appreciate receiving this information.

Staff and NRSI Response: The PIC on March 22, 2019 was focused on providing information from Phase 1 of the CMP.

22. It would be great if all potential sensitive areas and significant valley lands to the east of the proposed boundary, i.e., east of Hamilton Road, could be incorporated into either an extension of MW ESA, or designated as a new ESA, extending to the edge of the urban growth boundary as shown in Map 5 (Natural Heritage) of The London Plan. This would contribute to a larger wildlife corridor along the river and extend the natural heritage features of the MW ESA. It would also provide more protection for the river.

Staff and NRSI Response: Acknowledged, the natural area to the east of Hamilton Road is already protected and identified as ESA and Significant Valleyland on London Plan Map 5 and is to be designated as a separate ESA.

23. It is good to see that the forested patches of the right-of-way which runs parallel to Highbury Avenue will be included within the ESA boundary to contribute to the overall biodiversity of the patch of vegetation there.

Staff and NRSI Response: Acknowledged.

24. How much ecological restoration has been carried out since 2013, and how much is still needed? If the UTRCA has been conducting ongoing eradication of invasive species, removal of refuse/garbage, re-routing or closing trails since 2013, it would be interesting to know what the problems are that still remain. Is there a budget for removal of the most invasive of the exotic species in 2019?

Staff and NRSI Response: Acknowledged, ecological restoration work carried out since 2013 is shown in Section 9 and Appendix XIV. The ESA team is funded by the City through an operating contract since 2002. Ecological restoration, invasive species management, garbage collection and monitoring is a key part of that contract. In addition, the City also funds the ESA team to complete capital invasive species restoration projects and monitoring in ESAs. In 2019, the City is again funding a capital project for Phragmites management and on-going monitoring by the ESA Team in all the ESAs including Meadowlily Woods.

25. Will appropriate terrestrial buffers outside the ESA boundary be created and kept free from development?

Staff and NRSI Response: Appropriate buffers from natural features are determined by the proponent of a development through the completion of an Environmental Impact Study. The proponent is required to follow all provincial, and City of London policy and guidelines. The recognition of significant and sensitive species and habitats within natural features bordering proposed development are taken into account during this process.

26. If the UTRCA ESA Management Team is now managing 11 ESAs, surely there needs to be an increase in the number of UTRCA staff on the Team, and the budget required for management of all the ESAs.

Staff and NRSI Response: Acknowledged.

Response to Comments from: Gary Smith, Friends of Meadowlily Woods Community Association, March 22, 2019, Draft CMP Community Meeting.

27. Katharina, Thanks for a great meeting on Friday! You and your group have done a good job on the work you did for our natural area, Meadowlily Woods. Appreciatively, Gary Smith Friends of Meadowlily Woods Community Association

Staff and NRSI Response: Thank you.

Appendix C – Trails Advisory Group Site Visit Minutes and Decision Map

Trails Advisory Group (TAG) – Minutes

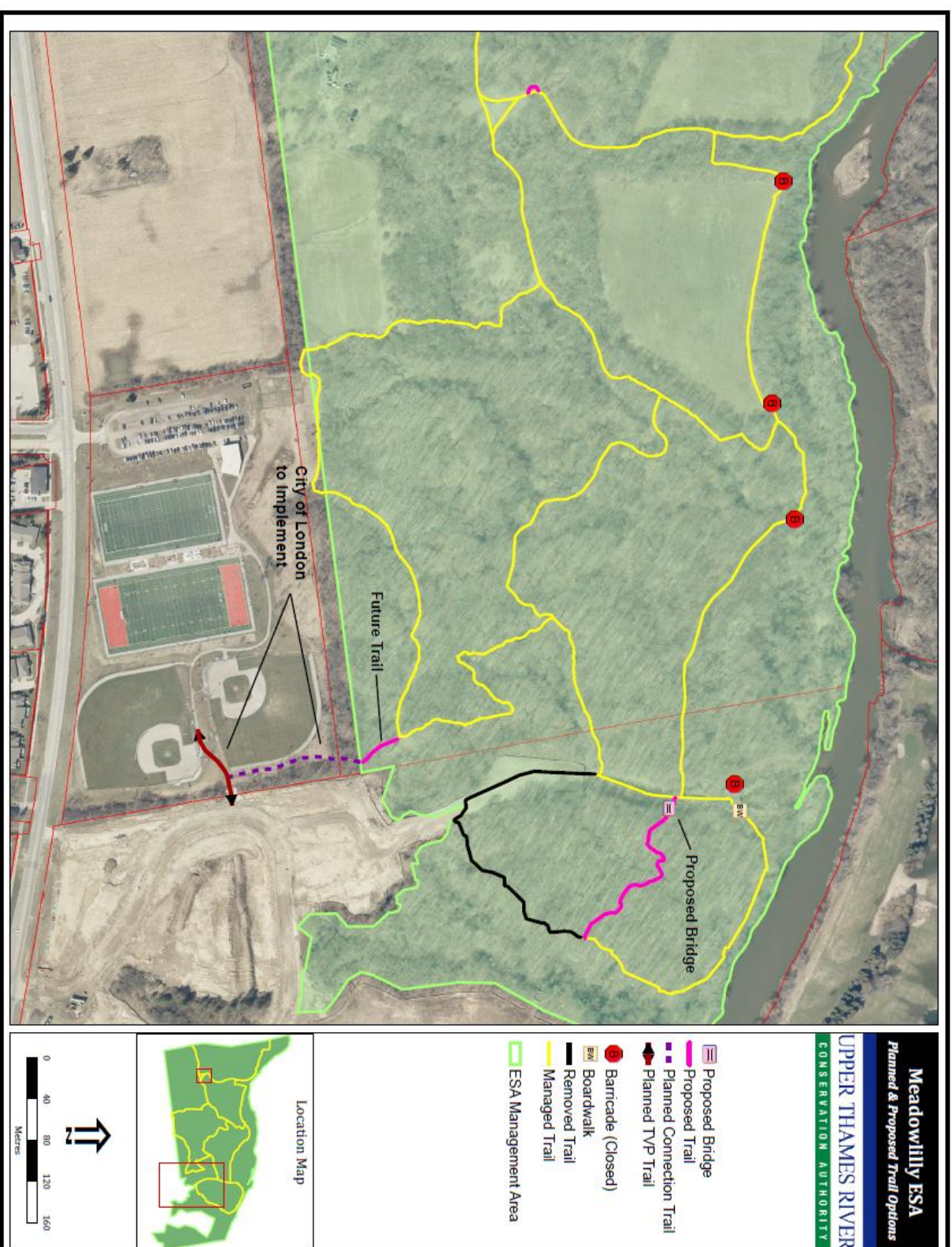
Onsite Meeting: Access #4 relocation & trail relocations – Meadowlily Woods ESA (MW ESA)

Date: June 25, 2019 9:30 am

Attendees: Jaqueline Madden - ACCAC, Alex Vanderkam - TVTA, Randy Trudeau – EEPAC, Dave Wake - Nature London, Susan Smith – Friends of Meadowlily Woods Adopt an ESA, Doug Stanlake - Rembrandt Homes, Brandon Williamson - UTRCA, Linda McDougall – City Ecologist.

Minutes: L. McDougall

- Introductions were made noting Doug Stanlake from Rembrandt kindly attended as a “non-voting” TAG guest to assist with questions about the subdivision and condominium.
- Brandon presented UTRCA’s proposed solution to relocate Access #4, shifting it westward onto City lands (public property) at north east corner of the City Wide Sports Park to remove it from Rembrandt’s private property (as circulated to TAG on June 13, 2019).
- Access #4 relocation is required to move it away from private property. A plan of subdivision has been approved adjacent to the ESA and plans for a gated community / condominium are underway. The public will no longer be permitted to access the ESA through private property for liability reasons.
- Doug advised that the portions of the condominium adjacent to the open space lands/ESA will be fenced with no gates to protect the ESA and reduce encroachments etc. The existing, sewer access road will remain for sewer maintenance access only, with locked gates that will not allow public access through the privately owned, gated, condominium lands.
- Dave suggested that a map with all of the property lines be circulated with the minutes.
- Dave requested, and City Ecologist agreed that opportunities for native tree planting on City property on the sides of the sewer access road be found and implemented.
- TAG discussed the potential to enhance accessibility during the TAG walk. Due to steep grade changes and distance that these of sections of trails are from the access points TAG agreed the re-located trails would remain Level 1. The TAG invitation noted the trails are in a Nature Reserve management zone.
- As boardwalks are replaced for lifecycle renewal they are upgraded to AODA best practices in all ESAs including Meadowlily Woods ESA.
- Jaqueline asked about the width of the existing un-managed trail and Brandon noted that when the team converts the un-managed trail into the managed trail as per TAG’s recommendations it would be widened to about a meter in width, and that vegetation on the sides and over trails in ESAs are trimmed back periodically for safety.
- TAG reached unanimous consensus that the proposal by UTRCA walked the suggested Level 1 trail relocation options as attached and circulated to TAG in advance of the site visit be implemented with one adjustment to shift the Level 1 trail to better align with the existing east-west Level 1 trails (utilizing only existing un-managed trails) with the addition of a small boardwalk/bridge structure over the existing swale.
- TAG then visited a section of trail near the Park Farm Access #2 and reached unanimous consensus to implement UTRCA’s suggestion to relocate a small section of the Level 1 trail to avoid an area of erosion. Trail barricades, signage etc. will be implemented by UTRCA ESA Team to encourage use of the relocated trail.
- Brad Glasman a restoration specialist with UTRCA will inspect the area and implement recommendations such as planting of willow and/or dogwood fascines, or other ecologically appropriate, bio-engineering measures to limit and/or reverse the erosion.



Appendix D – Summary of Meadowlily Woods ESA CMP Conversation – March 10, 2020

Summary of Meadowlily Woods ESA Conservation Master Plan Conversation – March 10, 2020. 206 Dundas Street, City Planning.

Attendees:

Councillor Steven Hillier, Councillor Elizabeth Pelosa, Gary Smith ((Friends of Meadowlily Woods Community Association) (FMWCA)), Susan High (FMWCA), Heather L. (FMWCA), Keith R. (FMWCA), Raymond Day (FMWCA), Bruce Richardson (FMWCA), Joanne Crockett (FMWCA), Sandy Levin (EEPAC), Dave Wake (Nature London), Linda McDougall (City of London), Mike Fabro (City of London), Brandon Williamson (UTRCA ESA Team).

Meeting provided an informal opportunity primarily for those who provided written comments on the Draft CMP, to have a conversation about the CMP and how the comments were addressed. Staff shared a slide show summarizing the themes of the comments on the Draft Meadowlily Woods ESA Conservation Master Plan (Feb. 2019) and Staff and NRSI's responses to the comments were discussed with the group. Hard copies of written responses to the CMP comments were circulated at the meeting. There was general agreement among those in attendance with Staff and NRSI's responses to the comments and on the next steps identified below.

Next Steps / Action Items:

- City to circulate comment responses to EEPAC.
- City to post Revised/Final MW ESA Conservation Master Plan (Dec. 2019) to City Planning website.
- City / UTRCA ESA Team Implement restoration recommendations RES001-008 in 2020 – 2021
- Community and Adopt an ESA group to continue to assist with litter clean up.
- City / UTRCA ESA Team to continue to coordinate Trails Advisory Group visits to review trail issues/suggestions as they arise.
- UTRCA ESA Team to review effectiveness of trail closures and related sign placement in 2020.
- City to acquire private ESA lands as opportunities arise and contact landowners.
- City Planning to reach out to Realty etc. to investigate former well and ensure safety of former Stevenson Camp on City lands near Highbury and Commissioners.
- City Planning to review records for name of unnamed watercourse between Meadowlily Rd. and Highbury Rd.
- City to reach out to private land owners re potential for invasive species management on their lands and advise FMWCA. FMWCA is potentially interested in assisting landowners with and/or funding this work.
- City Planning to initiate an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) process to update the MW ESA boundary (as identified in the CMP) on Map 5 London Plan.
- Community led bat hikes, events and bat boxes were discussed and these ideas were generally supported by the group.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Environmental Studies, Private Land & Eastern Meadowlark
Habitat
Meeting on: July 13th, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following report regarding Environmental Studies, Private Land & Eastern Meadowlark Habitat **BE RECEIVED**.

Executive Summary

This report contains an overview of the following topics:

- **Sections 2-3:** Best practices and legal limitations for conducting environmental studies that include private land, including the utility of aerial photography.
- **Section 4:** Provincial habitat regulations for the Eastern Meadowlark, and steps the City has taken to protect and restore grassland habitat. A brief summary of biodiversity offsetting is also included that provides context for the species' habitat regulation that in some circumstances, permits biodiversity offsetting.

This report is in response to the Council Resolution of November 13th, 2019.

- a) the Civic Administration **BE REQUESTED** to review and report back at a future Planning and Environment Committee meeting on best practices and legal limitations for performing Subject Land Status reports and Environmental Impact Studies on lands that are under private ownership and that are owned by multiple parties and, in particular, where one or more of the property owners refuse staff entry onto their lands;
- b) the Environmental and Ecological Planning Advisory Committee **BE REQUESTED** to perform an environmental scan of practices in other municipalities related to the above-noted evaluations; and,
- c) the Civic Administration **BE REQUESTED** to review the plan for Meadowlark habitat on a comprehensive ecological systems basis, so that Secondary Plans and Planning Applications can address habitat requirements in accordance with this larger context.

Analysis

1.0 Relevant Background

1.1 Subject Lands Status Reports & Environmental Impact Studies

The Subject Lands Status Report (SLSR) is part of a two-step evaluation, which includes 1) a SLSR at the time of the Secondary Plan, to confirm the boundaries of the natural features and areas, and 2) an Environmental Impact Study (EIS) at the time of specific development applications to ensure that the impacts of any development adjacent to these features and areas is mitigated. The SLSR is undertaken as part of the Secondary Plan when the appropriate Place Types are identified for the area and

the specific policy framework to establish the pattern of future growth and development is being established.

In accordance with Policy 1428_ of The London Plan, an SLSR is generally required in order to:

- Confirm and map boundaries of natural heritage features and areas.
- Evaluate the significance of lands in the Environmental Review Place Type on Map 1.
- Identify and evaluate the significance of other natural heritage features and areas which are not included in the Green Space or Environmental Review Place Types on Map 1 including those natural heritage features and areas shown on Map 5 and vegetation patches greater than 0.5 hectares in size.

Once the Place Type and policies are determined, the landowners may make applications for specific developments consistent with the Secondary Plan's policy framework. This may include applications for Subdivision, Zoning By-law Amendment and Site Plan.

In accordance with Policy 1431_ of the London Plan, EIS(s) are required prior to development in order to:

- Determine whether, or the extent to which, development may be permitted in areas within, or adjacent to, specific components of the Natural Heritage System.
- Confirm or refine the boundaries of the components of the Natural Heritage System.
- Include conditions to ensure development does not negatively impact natural features or ecological functions.

1.2 Collecting Ecological Data using Remote Sensing

Assessing ecological features and functions requires both site-specific and landscape-scale ecological data. Some patterns may only be detectable at a site-specific scale (e.g. evidence of species reproduction), whereas others may only be detectable at a landscape-scale (e.g. decline in habitat diversity). Advances in remote sensing have provided us with several high-resolution tools to collect landscape-scale data, including aerial photography, hyperspectral imagery and LiDAR. In many cases, historical aerial photography is the longest available, spatially contiguous record of landscape change, and is used to establish baselines for comparison against current conditions¹. These tools facilitate rapid and cost-effective assessments of biogeophysical data, and are used to delineate habitat patches, track changes in site conditions over time, and assess the significance of natural heritage features²⁻⁵.

Accordingly, the use of aerial photography is supported in the province's Natural Heritage Reference Manual (NHRM), the Ontario Wetland Evaluation System (OWES), the London Plan, and the City's Environmental Management Guidelines (EMG). Aerial photography supplemented with field studies where possible is the primary method for determining the boundaries of vegetation patches at the landscape-scale in the London Plan and secondary plans⁶. This process is outlined in the EMG⁷. Such tools are particularly useful when assessing areas where permission to enter has not been granted, and provide comparable accuracy to on-the-ground assessments^{3,8}.

It is also important to note that some of the criteria used to determine the significance of a natural heritage features such as significant woodlands, significant valleylands and environmentally significant areas are at the landscape, and not site-specific level. The satisfaction of these landscape level criteria may be sufficient to identify the feature as significant.

2.0 Private Land & Trespassing

2.1 Private Land in the Natural Heritage System

Approximately 75% of the features identified on **Map 5 – Natural Heritage** are on privately-owned lands. In accordance with Policy 765_ of the London Plan, the inclusion of privately-owned lands within the Green Space Place Type will not imply that the land is accessible to the public. Permissions for public access to privately-owned property within the Green Space Place Type will be at the discretion of the property owner.

2.2 Trespass to Property Act

Anyone who enters private property without the occupier’s permission, or under legal authority, is trespassing⁹. If they fail to leave when told to do so, they can be found guilty of an offense under the *Trespass to Property Act*. Occupiers do not always need “No Trespassing” signs, and entry can be prohibited without notice. The burden of proof that permission was given is on the defendant. Examples of people who have the authority to enter private property include land surveyors, utility meter readers, building inspectors, public health inspectors, conservation authority staff and by-law officers.

3.0 Best Practices for Securing Property Access

3.1 Obtaining Permission to Enter^{10,11}

- Start asking for property access early and be prepared for high rejection and non-response rates. Property owners may need some time to consider a project’s implications, and whether they feel comfortable granting access.
- Contact property owners in a safe and respectful way. Mail requests to their address, visit the property in person and engage with neighbourhood groups.
- Make sure that you give property owners enough information about your project to explain the importance and implications of the work. Be prepared to present research, methods, and timeline to property owners using outreach materials.
- Discuss any known site hazards or restrictions. Get signed permission forms and make copies. Ensure the person granting access has the authority to do so.
- Treat the property owner’s time and property with respect. If a person does not grant permission to enter, thank them for their time and move on.

3.2 Maintaining Permission to Enter^{10,11}

- If needed, adjust sampling to accommodate the schedule of the property owner. Property owners will often request to be present while you are on their property.
- Clearly communicate your sampling schedule and activities with property owners and avoid rescheduling. Follow property-specific rules to which you have agreed.
- Always thank landowners who grant land access. Follow up with results specific to the property or neighborhood and emphasize their contribution to the study.

3.3 Conducting Studies without Permission to Enter^{10,11}

Permission to enter all properties subject to an environmental study is rarely granted. This has been the Ecologist’s professional experience while conducting ecological research and was identified in the Environmental and Ecological Planning Advisory Committee’s response to Part b) of the Council Resolution:

“We (EEPAC) approached Dr. Gary Epp of AECOM who has done extensive work in Ontario. He indicated: ‘I am not aware of a particular incentive that municipalities have for gaining access to private lands for the purposes of conducting studies. We do have considerable experience with trying to gain access to private lands by various proponents of studies, either municipal or provincial agency (i.e. MTO). In those cases, it is a challenge to get permission to enter. It usually takes a great deal of effort and forward planning. Typically, it is considered to be successful if access to 30% of the properties is granted. Sometimes the incentives offered include a nominal fee of several hundred dollars, and or, the provision of the raw data collected for the property.’ We also asked other environmental consultants who indicated that the participation rate goes up when notices are personally delivered to landowners. This gives the proponent / consultant an opportunity to explain the benefits of participation. - Sandy Levin/Susan Hall”

The following steps allow environmental studies to continue where access to all private land in the study area has not been granted:

- Account for rejection and non-response from property owners during site selection, as well as the potential loss of sites throughout your project.
- Remote sensing tools (e.g. aerial photography) and photos of the subject property taken from the adjacent property(ies) can be used to fully or partially characterize certain ecological features and functions on private land; as supported in the NHRM, OWES and EMG.

4.0 Eastern Meadowlark Habitat

4.1 Protections for the Eastern Meadowlark in Ontario

The Endangered Species Act (2007) provides protections for endangered and threatened species and their habitats in Ontario¹². Species-specific regulations describe the area of habitat protected for a species, and the level of disturbance permitted within protected habitat¹³. If an activity that is expected to negatively affect a species or its habitat is proposed, proponents must obtain permits or authorization with conditions that aim to protect and recover the species. Proponents can avoid authorizations through modifications to their work (e.g. alter the timing of their work) that avoid negative effects on species at risk. Under some circumstances, proponents may be granted a regulatory exemption, which enables activities that wouldn't otherwise be allowed under the act.

The Eastern Meadowlark is a ground-nesting, grassland songbird listed as Threatened under the Endangered Species Act (2007). The species population is declining due to loss of breeding habitat, declining habitat quality and low reproductive success associated with habitat loss and agricultural intensification¹⁴. In Ontario, the habitat regulation for the Eastern Meadowlark states that development activities that damage or destroy ≤ 30 hectares of Eastern Meadowlark habitat do not require a permit, provided that conditions to create or enhance habitat, and manage that habitat are met¹⁵. Specifically, proponents must commit to creating or enhancing habitat, ensure that the new habitat is larger than the previous one, and manage the habitat for up to 20 years. Regulatory exemptions for damaging or destroying Eastern Meadowlark habitat also exist, and the amount of habitat that needs to be replaced depends on the type of development, ranging from 10-100% replacement of destroyed habitat¹⁶. The permitting process for species at risk as well as habitat creation and enhancement programs are administered by the Ministry of Environment, Conservation and Parks.

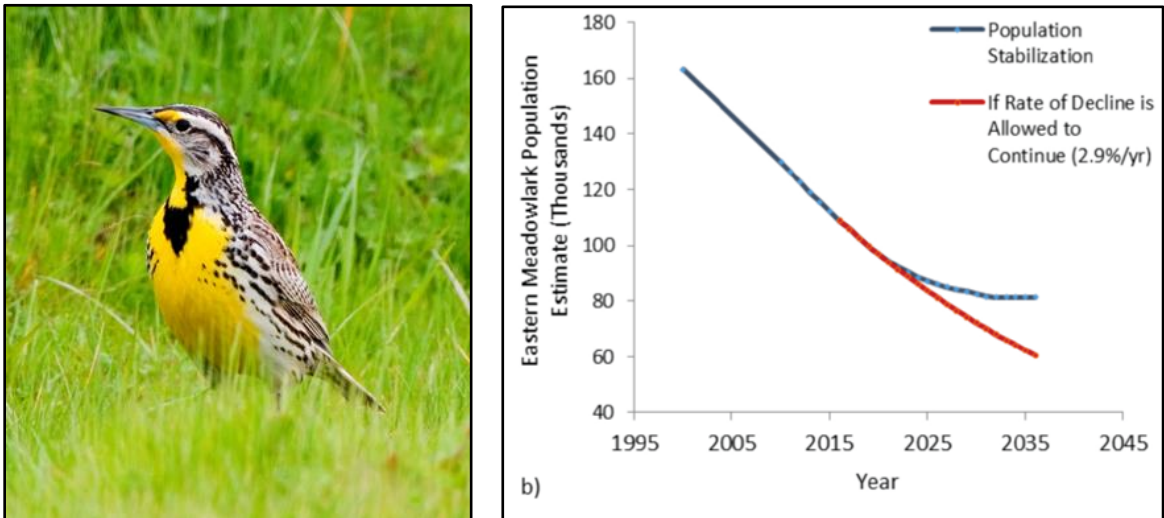


Fig. 1: (a) Eastern Meadowlark; (b) Eastern Meadowlark population estimates (2000-2036). The blue line projects that the implementation of all recovery actions, including the preservation of current habitat and creation of higher quality habitat, will stabilize the population in approximately 15 years. If the current rate of decline (2.9%/yr) continues, the red line projects the decline of the population in Ontario¹⁷.

4.2 Protecting, Managing & Enhancing the Natural Heritage System in London

The City of London undertakes conservation initiatives to protect, manage and enhance London’s natural heritage system. Invasive species management, restoration and native planting efforts as well as responsible infrastructure development are utilized to protect and enhance Eastern Meadowlark habitat, as described in the attached Memorandum (AECOM, February, 2020).

The City of London is a nationally recognized leader in invasive species management and has multiple completed and in-progress restoration projects. These efforts have increased the extent of native vegetation and the quality of wildlife habitat within London, including grassland habitat suitable for Eastern Meadowlark.

- The City’s 12 publically-owned Environmentally Significant Areas (ESA) (740 ha) are managed to protect and enhance their ecological integrity, and support multiple species at risk and high-quality habitats. Removal of woody, invasive species like Common Buckthorn has enhanced the quality of Eastern Meadowlark habitat in ESAs. Most ESAs include grasslands and have ongoing restoration projects to restore, enhance or create grassland habitat.
- Staff have retained consultants to draft an ecological restoration plan for Kelly Stanton ESA to continue the protection and enhancement of lands (18.5 ha) where Eastern Meadowlarks successfully raise fledglings each year.
- The Dingman Creek Erosion Control Wetland is an example of the City’s leadership in habitat restoration. The wetland (21 ha) was created in 2015 on former agricultural land, and combines storm water management green infrastructure with natural wetland habitat. The wetland is a recognized birding hotspot, and includes restored grassland habitat in which Eastern Meadowlarks and other notable bird species have been recorded¹⁸.
- A future project that could include the creation or enhancement of Eastern Meadowlark or other species at risk habitat, similar to the Dingman Creek Erosion Control Wetland, is the Dingman Creek Environmental Assessment (EA) Master Plan. The overall concept of the EA is to create a naturalized corridor within south London as part of the storm water management strategy. The study includes creating a “complete corridor” to connect natural heritage features and convey water, wildlife and people across the sub-watershed.

In the City of London, Eastern Meadowlark breeding habitat has been confirmed on both public and private lands, and the species has been observed throughout the City and Natural Heritage System¹⁹. Eastern Meadowlark habitat is protected as the habitat of endangered and threatened species under the Endangered Species Act (2007), the Provincial Policy Statement (2020) and in accordance with Policy 1328_ of the London Plan. If development or infrastructure is proposed in or near species at risk habitat, proponents must follow federal, provincial and municipal policies for species at risk. Avoidance, minimization and mitigation of impacts is the preferred approach. However, under some circumstances, the option to create or enhance habitat to compensate for that which was damaged or destroyed elsewhere is chosen. This process is a form of biodiversity offsetting, which involves generating gains in biodiversity (e.g. habitat, species, ecological functions) to compensate for losses from projects elsewhere²⁰.

4.3 Biodiversity Offsetting

Ecological damage caused by development can sometimes be compensated by enhancing habitats, establishing new protected areas, or other management actions²¹. Biodiversity offsetting is the fourth step of the mitigation sequence framework for biodiversity conservation, in which negative ecological impacts are first avoided completely, then minimized by appropriate project design, then mitigated using actions such as local habitat restoration²². If residual damage to biodiversity is unavoidable, negative impacts can be compensated for elsewhere through offsetting, as a last resort^{22,23}. Offsetting is a tool that aims to achieve No Net Loss or Net Gain of biodiversity against a background of ongoing development, and can provide a flexible alternative for proponents to continue their activities without a detrimental net effect on the environment. However, given the low success rates of ecological restoration, the time it takes to recover biodiversity, and the challenges in quantifying biodiversity, the circumstances under which No Net Loss of biodiversity is feasible are limited^{21,24,25}.

Accordingly, biodiversity offsetting actions should be carefully applied, and the suitability of offsetting should be assessed relative to management objectives and the biodiversity features involved²⁶. Offsetting must be supported by strong scientific evidence that the offsets are ecologically equivalent to the area that was lost elsewhere, and must be appropriately implemented, monitored, and enforced^{22,27,28}. Importantly, offsetting must not be a mechanism through which the damage of species and habitats can be justified²⁷. Offsetting can be a useful tool where avoidance, minimization and mitigation have been thoroughly evaluated and are unlikely to achieve No Net Loss or Net Gain²¹. In some cases it is possible to secure more biodiversity through offsetting than to protect individual features and surround them with development²⁶. However, the importance of small habitat patches should not be discounted, as there is no evidence to support the principle that large contiguous patches contain more biodiversity than multiple small patches of the same total area²⁹.

Given the potential utility of biodiversity offsetting, guidelines for offsetting options in the City of London's Natural Heritage System are being explored in the update of the City's Environmental Management Guidelines. In accordance with Policy 1401_ of the London Plan, offsetting is permitted in the Natural Heritage System. Although there is no consistent provincial policy framework for biodiversity offsetting in Ontario, there is detailed information available in the scientific literature and best practices developed by internationally recognized institutions including the International Union for Conservation of Nature (IUCN)²² and Ontario Nature²⁶.

An example of offsetting that has been used in London, under the Eastern Meadowlark habitat regulation, is a habitat replacement project established with Ducks Unlimited and the County of Haldimand. This project aims to offset the impacts of multiple City-led projects in London by purchasing and restoring land in rural areas where more space is available to secure larger and higher quality habitats than in suburban areas. In total, 9.5 contiguous hectares of new Eastern Meadowlark habitat will be created through a Habitat Conservation Agreement with the Landowner and Ducks Unlimited. This project complies with regulations under the Endangered Species Act (2007) and aims to

achieve No Net Loss of Eastern Meadowlark habitat. The involvement of independent third parties such as Ducks Unlimited is a best practice that London has accomplished, as these groups are able to monitor and support the project and ensure that the ultimate goal – the protection of biodiversity – is achieved.

5.0 Conclusion

- Permission to enter all properties subject to a SLSR or EIS is rarely granted.
- The use of both field studies and remote sensing tools is the best approach to assessing the significance of ecological features and functions in the City’s Natural Heritage System. Aerial photography is frequently used to assess the characteristics and significance of ecological features on private land.
- Obtaining land access is about relationship building, and requires a mutual understanding of the potential outcomes of your work on a persons’ property.
- Protections for species at risk are administered by the province, not the City of London. In accordance with Policy 1328_ of the London Plan, development and site alteration is not permitted in the habitat of endangered and threatened species, except in accordance with provincial and federal requirements.
- The City is taking significant steps to implement protection and recovery goals for the Eastern Meadowlark, and has seen tangible results from restoration projects. In rare cases where areas of Eastern Meadowlark habitat are damaged or destroyed, the City meets requirements for habitat creation and enhancement.
- Biodiversity offsetting is a management tool that should only be used as a last resort, after exhausting all options for avoidance, minimization and mitigation of impacts on biodiversity. It should also only be used where federal, provincial and municipal requirements do not protect ecological features or functions. Offsets must be ecologically equivalent to that which was lost, and No Net Loss or Net Gain of biodiversity must be demonstrated for offsetting to be achieved^{26,27}.

5.1 Recommendations

- The City should continue to work with proponents, organizations and volunteers to implement protection and recovery objectives for the Eastern Meadowlark¹⁴.
- Consider ‘3.0 Best Practices for Securing Property Access’ and ‘4.3 Biodiversity Offsetting’ for the update of the Environmental Management Guidelines.
- Pending the possible development of guidelines for biodiversity offsetting in the Environmental Management Guidelines, the City could work to identify areas suitable for biodiversity offsetting. Potential areas that could be used, while also improving the connectivity and integrity of the Natural Heritage System, are mapped as Potential Naturalization Areas on **Map 5 – Natural Heritage**.

5.2 Addressing the Need for Action on Climate Change

On April 23, 2019, the following was approved by Municipal Council with respect to climate change:

Therefore, a climate emergency be declared by the City of London for the purposes of naming, framing, and deepening our commitment to protecting our economy, our ecosystems, and our community from climate change.

The recommendations in this report are directly relevant to the commitments outlined in the City’s climate emergency declaration. Globally, 25% of all species are considered threatened, and in the coming decades, climate change is projected to increase extinction risk for an additional 15-37% of species^{30,31}. Ensuring that policies and

legislation that protect rare, threatened and endangered species are implemented in London will contribute towards the conservation of Canada’s incredible biodiversity.

Prepared by:	Sean Hudson, M.Sc. Ecologist, Long Range Planning and Sustainability
Submitted by:	Mike Fabro, M.E.B., P.Eng. Manager, Long Range Planning and Sustainability
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
Note: The opinions contained herein are offered by a person or persons qualified to provide expert opinion. Further detail with respect to qualifications can be obtained from Planning Services	

SH/
Attach

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To:
Linda McDougall, City of London

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Project name:
Eastern Meadowlark Review

From:
Brandon Holden, AECOM

Date:
February 29, 2020

Memorandum

Subject: Eastern Meadowlark (*Sturnella magna*) Conservation Initiatives – City of London

The City of London (the City) is committed to protecting Eastern Meadowlark (*Sturnella magna*), a provincially and federally Threatened species (COSEWIC 2011, COSSARO 2011), and its habitat. Notable effort and resource planning have been undertaken by the City including but not limited to the following:

Invasive Plant Management Strategy: The City has developed and implemented the London Invasive Plant Management Strategy (City of London 2017) which focuses on controlling and preventing the spread of invasive species on public property to protect, restore and enhance the natural heritage system. Invasive species such as Common or Glossy Buckthorn (*Rhamnus* / *Frangula* spp.) outcompete native grassland vegetation and can convert these ecosystems into overgrown wooded thickets. As Eastern Meadowlark are reliant on grasslands, savannahs, and open fields for breeding and foraging (Jaster *et al.* 2012), this change directly results in the loss of suitable habitat. The City has identified Common and Glossy Buckthorn as a priority species and has actively engaged in its removal every year since 2006 as identified leaders in invasive species management in Ontario.

It should also be noted that creating new habitat for Eastern Meadowlark (i.e. through land acquisition) could be prohibitively expensive and efforts of this nature would not provide a substantive benefit to the overall Eastern Meadowlark population in our region; therefore, maintaining large areas of core habitat within City-owned lands, particularly through managing invasive species, is a highly effective use of time and resources. These efforts go a long way in not only protecting critical habitat for Eastern Meadowlark, but other native grassland or savannah species.

Restoration, Stewardship, and Native Planting Efforts: The Province of Ontario's Bobolink and Eastern Meadowlark Recovery Strategy (McCracken *et al.* 2013) identifies breeding habitat loss and degradation (predominately the conversion of pasture to cropland) as the primary threat to Eastern Meadowlark. Natural succession also ultimately changes grassland habitat into thickets or forests where wildfires are suppressed, or human intervention is lacking (McCracken *et al.* 2013). As a result, habitat types are dynamic, and their protection possess unique challenges. The City has recognized the need to support Eastern Meadowlark and actively works towards maintaining and restoring native vegetation communities on City owned lands, particularly in core areas such as ESAs. City staff, restoration professionals and trained volunteers in the Adopt an ESA program participate in stewardship activities through litter clean-up, invasive species removal, and the planting of native species (City of London 2019). These efforts ultimately provide a net benefit to Eastern Meadowlark.

Responsible Infrastructure Development: The City engages in meaningful consultation and environmental assessments with regard to infrastructure development that may affect Eastern Meadowlark habitat. Such disturbances are primarily limited to feature edges (i.e. the widening of a city road into neighbouring ditches) where the core Eastern Meadowlark habitat remains intact. Studies have shown that grassland species of birds tend to nest away from habitat edges (Bollinger and Gavin 2004) and utilize central expanses of open fields and fallow areas for breeding and nesting. As a result, works that affect the margins of habitat features are unlikely to cause a status change or reduce the number of breeding pairs able to make use of the available habitat. Construction and Post-Construction management and monitoring of invasive species near development, as well as restoration plans that use native species serve to further protect the function of the core habitat well after works have been completed. The City will continue to track and monitor disturbances to Eastern Meadowlark habitat and ensure proper mitigation measures are implemented to augment protection efforts with the understanding that protection of threatened species and their habitat occurs under the *Endangered Species Act*, administered by the Ministry of the Environment, Conservation and Parks.

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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: Adriano and Francesca Monopoli
8447-8473 Longwoods Road
Removal of Holding Provision

Meeting on: July 13, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application of Adriano and Francesca Monopoli relating to the property located at 8447-8473 Longwoods Road the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on July 21, 2020 to amend Zoning By-law No. Z.-1 in conformity with the Official Plan to change the zoning for a portion of 8447-8473 Longwoods Road **FROM** a Holding Residential R1 (h-195*R1-14) Zone **TO** a Residential R1 (R1-14) Zone to remove the “h-195” holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

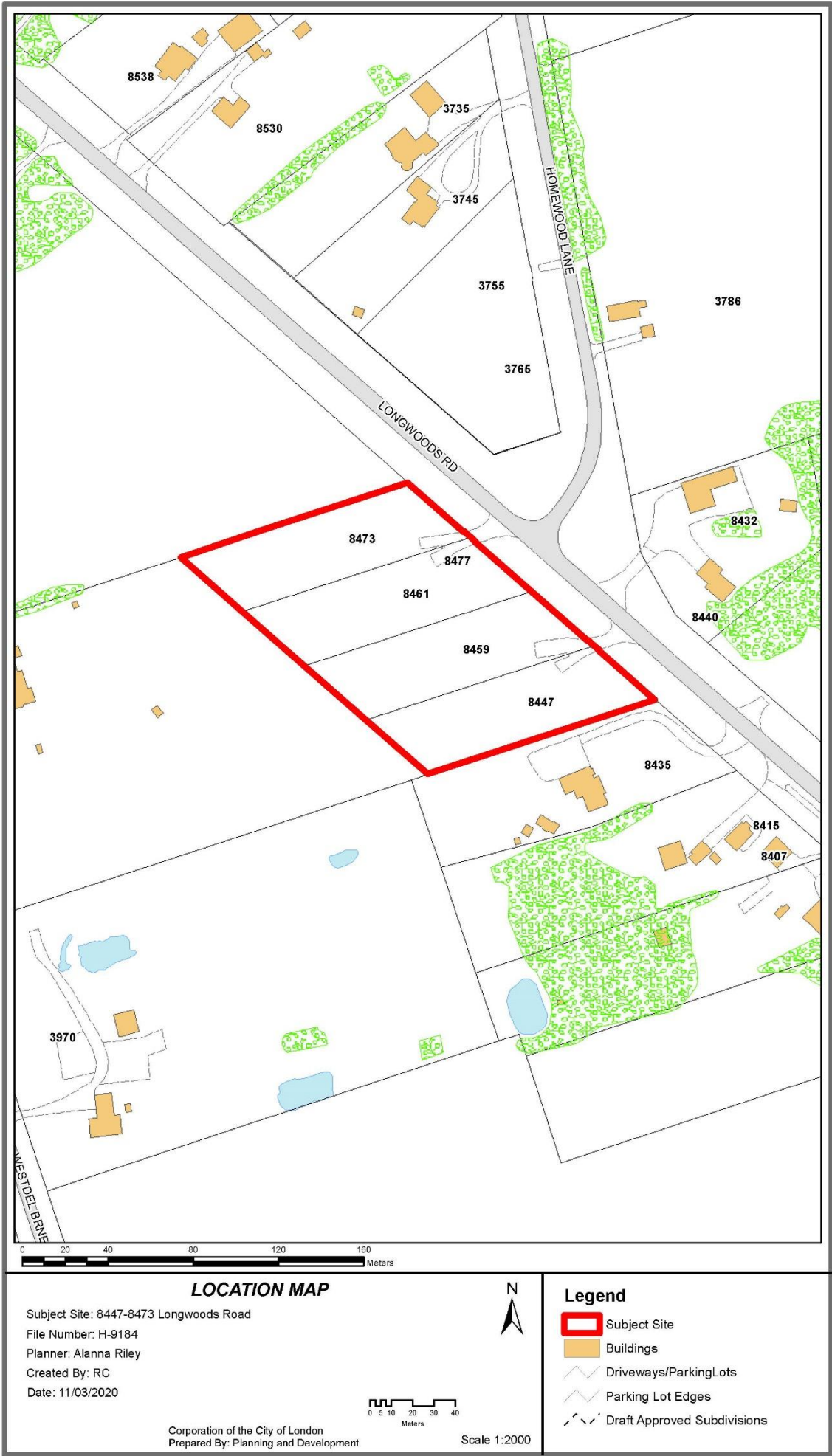
The purpose and effect of this zoning change is to remove the “h-195” holding provision to permit the development of four(4) single detached dwellings.

Rationale of Recommended Action

1. The removal of the “h-195” holding provision is in conformity with The London Plan and (1989) Official Plan and in compliance with the Zoning By-law.
2. Through the consent process, confirmation that all studies required by Development Services were submitted including Hydrogeological report, and addressed the issues of Stormwater Management, Water and Sanitary Servicing and grading.
3. The requirements of the holding provision “h-195” have been satisfied by the consent conditions and executed agreement. The “h-195” holding provision is no longer required.

Analysis

1.1 Location Map



2.0 Description of Proposal

The removal of the “h-195” holding provision applies to these properties which went through Consent (B.47/16). The future development of the subject lands consists of four(4) single detached dwellings.

3.0 Revelant Background

3.1 Requested Amendment

The applicant is requesting the removal of the “h-195” holding provision from the properties located at 8447-8473 Longwoods 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 was part of a consent application – B.47/16 that was was accepted on December 16, 2016. It was circulated to the required agencies and municipal departments and advertised in the Londoner. The application was to sever four (4) lots, each with a frontage of approximately 33 metres and a lot area of approximately 0.4 hectares for the purpose of future single detached residential dwellings, and to retain a lot with a frontage of approximately 133 metres and a lot area of approximately 2.5 hectares for the purpose of existing agricultural uses.

This consent was granted on April 19, 2017 and all conditions were cleared on April 19, 2018.

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-195” holding Provision?

h-195 Holding Provision

The (h-195) holding provision states that:

Purpose: The owner shall submit all studies required by Development Services including a Hydrogeological report, and will address issues of Stormwater Management, Water and Sanitary Servicing and grading. Any recommendation contained therein to achieve acceptable on-site servicing conditions shall be incorporated in the proposed development to the satisfaction of the City of London Chief Building Official prior to removal of the holding provision symbol.

Through the consent process, the applicant submitted all required studies addressing any outstanding development related issues. Confirmation has been received by Development Services that the Hydrogeological report has been submitted and that issues of Stormwater Management, Water and Sanitary Servicing and grading have all been addressed and accepted. Development Engineering staff have confirmed the requirements of the holding provision “h-195” have been satisfied by the consent conditions and executed agreement.

Therefore, the requirement for removal of the “h-195” 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-195” holding provision from the subject lands at this time. Development Engineering staff have confirmed the requirements of the holding provision have been satisfied by the consent conditions and executed agreement.

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

July 3, 2020
AR/
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 8447-8473
Longwoods Road.

WHEREAS Adriano and Francesca Monopoli have applied to remove the
holding provision from the zoning for lands located at 8447-8473 Longwoods Road as
shown on the map attached to this by-law, as set out below;

AND WHEREAS it is deemed appropriate to remove the holding provision
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 8447-8473 Longwoods Road, as shown on the attached
map, to remove the h-195 holding provision so that the zoning of the lands as Residential
R1 (R1-14) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

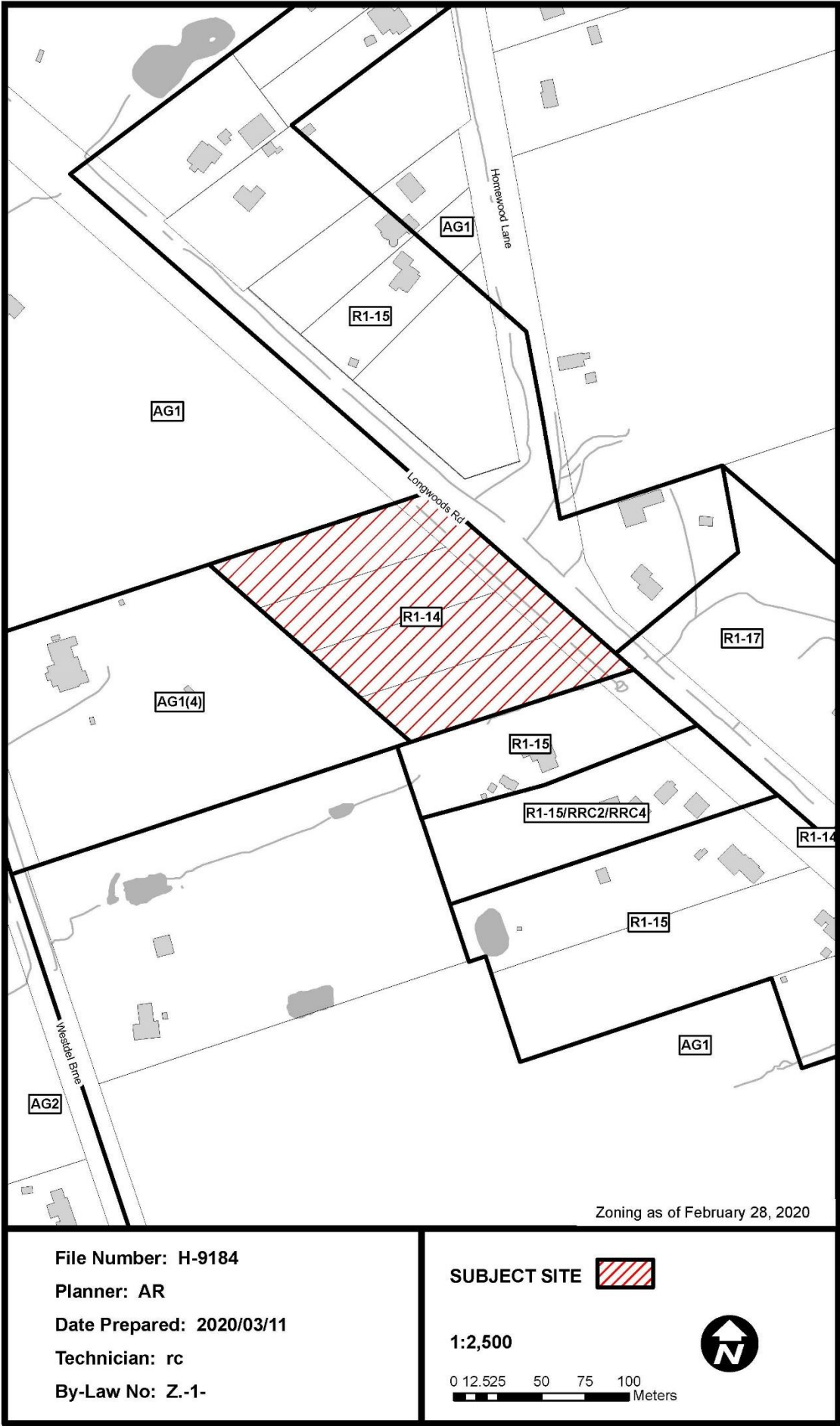
PASSED in Open Council on July 21, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – July 21, 2020
Second Reading – July 21, 2020
Third Reading – July 21, 2020

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



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on March 12, 2020.

0 replies were received

Nature of Liaison: City Council intends to consider removing the “h-195” holding provision from the subject site. The purpose of the “h-195” provision is to ensure that all studies required by Development Services are submitted including Hydrogeological report, and will address issues of Stormwater Management, Water and Sanitary Servicing and grading.

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: Greengate Village Limited
Summerside Phase 12B - Stage 3 Subdivision
Special Provisions
Meeting on: July 13, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Greengate Village Limited for the subdivision of land over Part of Lots 13 and 14, Concession 1, (Geographic Township of Westminster), situated on the northeast corner of Bradley Avenue and Meadowgate Boulevard;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Greengate Village Limited for the Summerside Subdivision Phase 12B, Stage 3 (39T-07508) attached as Appendix “A”, **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix “B”; and,
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Analysis

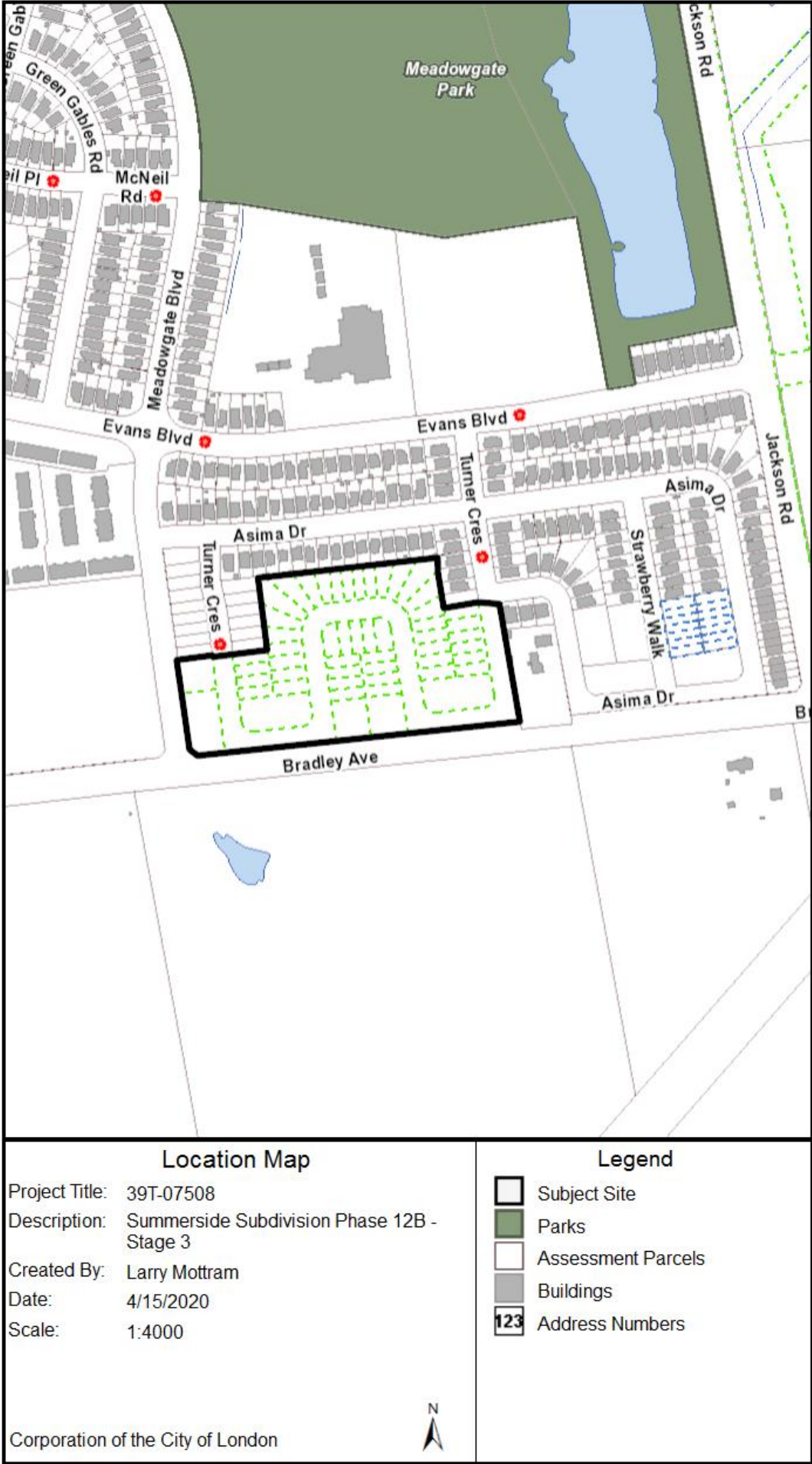
1.0 Site at a Glance

1.1 Property Description

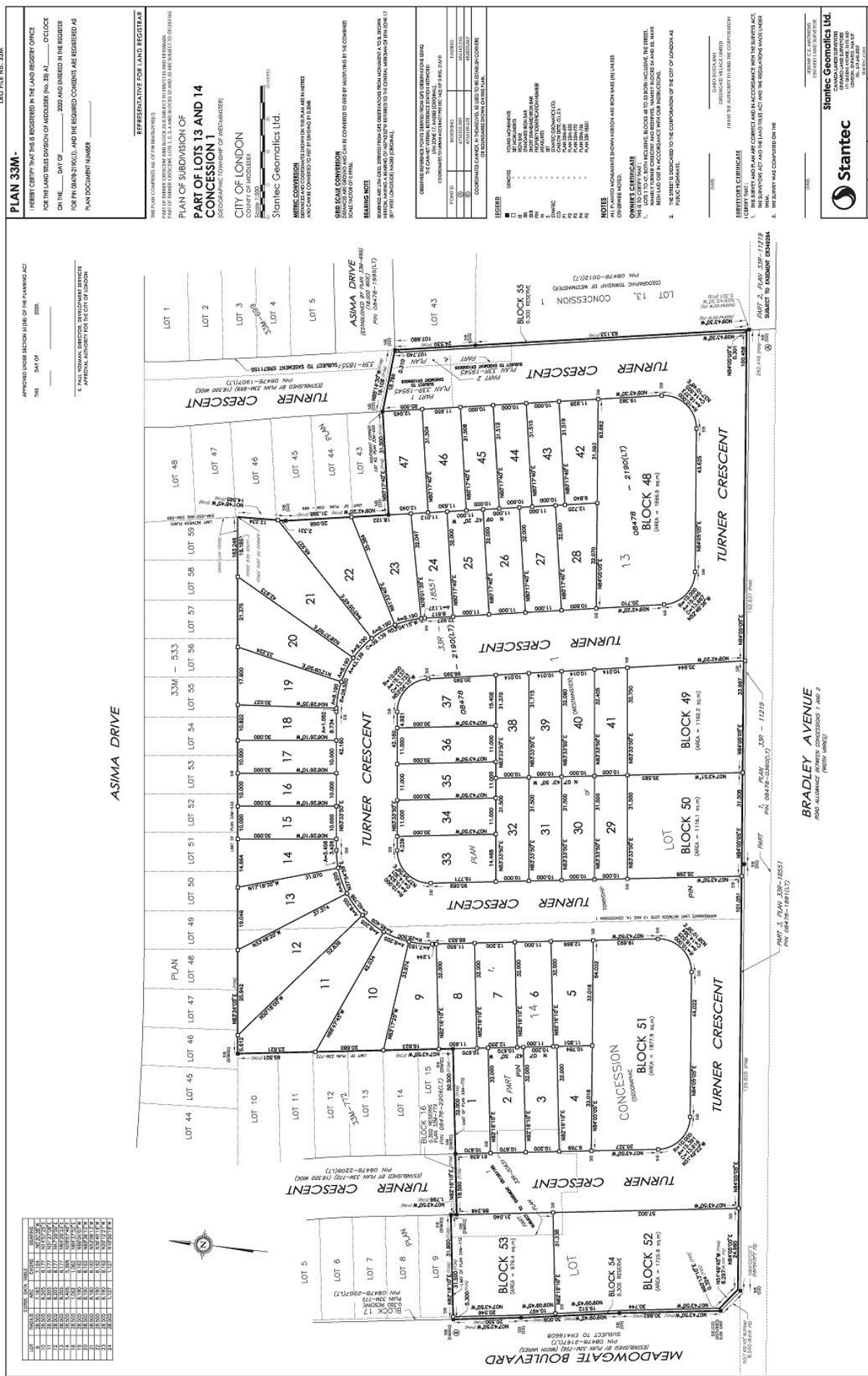
The property is a vacant parcel of land that was previously in agricultural use, located at the northeast corner of Bradley Avenue and Meadowgate Boulevard. The topography is relatively flat and devoid of any vegetation, natural features or watercourses.

On June 28, 2019, the City of London Approval Authority issued a decision to grant draft approval to a red-line revised, draft plan of subdivision submitted by Greengate Village Limited, known as Summerside Phase 12B. The statutory public meeting of the Planning and Environment Committee was held on May 13, 2019. Municipal Council passed a corresponding Zoning By-law Amendment on May 21, 2019. There were no appeals to either the draft approved plan or Zoning By-law Amendment. The draft plan consists of 62 single detached dwellings, six (6) multi-family, medium density blocks, and two (2) reserve blocks, on the extension of Turner Crescent. The lands which are the subject of this phase are approximately 3.8 hectares in area.

1.2 Summerside Subdivision Phase 12B - Stage 3
Location Map



1.3 Summerside Subdivision Phase 12B – Stage 3 Proposed Plan for Registration



2.0 Description of Proposal

2.1 Development Proposal

The first phase of the subdivision (Phase 12A) on the lands to the east, including the easterly extension of Asima Drive and Strawberry Walk, was registered on July 14, 2016. The second phase (Phase 12B – Stage 2) consisting of 15 single detached lots, served by the extension of Turner Crescent terminating in a temporary turning circle, was registered on November 22, 2019.

The current request for Special Provisions represents the third and final stage of the subdivision consisting of 47 single detached residential lots, six (6) multi-family, medium density blocks for future street townhouses, and two 0.3 metre reserves, all served by the extension of Turner Crescent.

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

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

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

July 3, 2020

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompilli, Manager, Development Planning
Ted Koza, Development Engineering

Appendix A – Special Provisions

5. STANDARD OF WORK

Add the following new Special Provision:

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

The Owner shall register against the title of Lots which incorporate rear yard catchbasins, which includes Lots 5, 8, 9, 11, 12, 13, 14, 17, 18, 20, 21, 22, 25, 26, 32, 33, 37, 38, 39, 40, 41 and Blocks 49, 51, 52 and 53 in this Plan and all other affected Lots shown on the accepted plans and drawings, and shall include this information in the Agreement of Purchase and Sale or Lease for the transfer of each of the affected Lots, a covenant by the purchaser or transferee to observe and comply with the minimum building setbacks and associated underside of footing (U.S.F.) elevations, by not constructing any structure within the setback areas, and not disturbing the catchbasin and catchbasin lead located in the setback areas. This protects these catchbasins and catchbasin leads from damage or adverse effects during and after construction. The minimum building setbacks from these works and associated underside of footing (U.S.F.) elevations have been established as indicated on the subdivision lot grading plan, attached hereto as **Schedule “I”** and on the servicing drawings accepted by the City Engineer.

15. PROPOSED SCHOOL SITES

Remove Subsections 15.2 to 15.7 as there are no school blocks in this Plan.

- ~~15.2 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~
- ~~15.3 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~
- ~~15.4 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~
- ~~15.5 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been was waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~
- ~~15.6 The Owner agrees that the school blocks shall be:~~
- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
- ~~(b) top-soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~
- ~~15.7 Where the Owner has been required to improve the site by grading, top-soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of its obligations under this Agreement.~~

24.1 STANDARD REQUIREMENTS

Add in General Conditions after 24.1 (f):

- #2. Prior to assumption and in conjunction with the Final Lot Grading Certificate, the Owner shall make any amendments to this Plan required to adjust property boundaries consistent with as-built conditions (e.g. Part-Lot Control or Consent) as confirmed by an Ontario Land Surveyor for Blocks 48, 49, 50, 51, 52 and 53, all at no cost to the City.

Add the following Special Provisions:

- #3 Prior to assumption of this subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:
- (i) For the removal of automatic flushing devices/blowoff on Turner Crescent in future, an amount of \$5,000.
- #4 Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements with the Owner of Plan 33M-699 and 33M-772 to construct make adjustments to the existing works and services on Turner Crescent in Plans 33M-699 and 33M-772 adjacent to this plan to accommodate the proposed works and services on the streets to accommodate the Lots in this Plan (eg. private services, street light poles, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer and at no cost to the City. Such arrangements shall include, but not be limited to, providing sufficient notice, co-ordination and clarification with adjacent land owners as to what each parties consulting engineer will be required to be certified for the City for the purposes of assumption, all to the satisfaction of the City.
- #5 The Owner shall comply with any conditions of Enbridge Gas Inc./Union Gas and provide confirmation to the City any conditions have been complied with.
- #6 The Owner shall construct a landscaped berm along the Bradley Avenue frontage as per the accepted engineering drawings, to the satisfaction of the City.
- #7 The Owner shall register on title of Blocks 48, 49, 51, 52 and 53 in this Plan and include in the Purchase and Sale Agreement, a covenant/warning clause that upon further severance of the lands the Owner of Blocks 48, 49, 51, 52 and 53 in this Plan shall be responsible for providing servicing and/or private easement(s) of sufficient width for the servicing of the Blocks, at the Owner's expense, to the satisfaction of the City Engineer, at no cost to the City.
- #8. The Owner shall request the City release the 0.3 metre reserve on the westerly leg of Turner Crescent, south of Asima Drive. (Block 16 Plan 33M-772)
- #9 The Owner shall implement the recommendations of the Summerside Subdivision Phase 12B Stage 3 London, Ontario Noise Assessment report, prepared by Development Engineering (London) Limited for Greengate Village Ltd., dated January 30, 2020, in the following manner:

Air Conditioning

Should the Owner propose residential development in the future for Block 48 (all units), Block 49 (Units 49A and 49B), Block 50 (Units 50A and 50B), Block 51 (all units), and Block 52 (Units 52A and 52B), the Owner agrees not to submit building permit applications unless the plans contain provisions for central air conditioning.

Forced Air Central Heating

Should the Owner propose residential development in the future for Lots 3 to 6, 27 to 30, and 41 to 43; Block 49 (Units 49C and 49D), Block 50 (Units 50C and 50D), Block 52 (Units 52C, 52D, 52E and 52F), the Owner agrees not to submit building permit applications unless the plans include a forced air heating system and ducting, etc. which is sized to accommodate central air conditioning.

Building Components

Should the Owner propose residential development in the future for Block 48 (all units), Block 49 (Units 49A and 49B), Block 50 (Units 50A and 50B), Block 51 (all units), and Block 52 (Units 52A and 52B), noise reduction building components will be required. For these units an EW5 construction rating from foundation to rafters should be utilized along with the installation of glazed windows for all building faces that have exposure to Bradley Avenue (east, south and west facades). EW5 construction is an exterior wall composed of 12.7 mm gypsum board, vapour barrier and 38x89 studs with 50 mm (or thicker) mineral wool or glass fibre batts in inter-stud cavities plus sheathing, 25 mm air space and 100 mm brick veneer. For alternate EW5 construction methods refer to Section 8 of the Supplemental Guidelines of the Ontario Building Code for applicable STC ratings for various construction methodologies.

Noise Barriers

Should the Owner propose residential development in the future for Blocks 49, 50 and 52, noise barriers of variable height, length and return will be required adjacent to the outdoor living areas of Block 49 (Units 49A, 49B and 49C), Block 50 (Units 50A, 50B and 50C), and Block 52 (Units 52A, 52B, 52C and 52D) to reduce noise to acceptable levels in accordance with the recommendations of the accepted noise assessment report. The noise barriers must be constructed with approved materials having a minimum of 20 kg/m² density.

Warning Clauses

Should the Owner propose residential development in the future for Block 48 (all units), Block 49 (Units 49A and 49B), Block 50 (Units 50A and 50B), Block 51 (all units), and Block 52 (Units 52A and 52B), the following warning clause is required to be included in all agreements of purchase and sale or lease of these dwellings:

"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment. (Note: The location and installation of the air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MECP Publication NPC-216, Residential Air Conditioning Devices.)"

Should the Owner propose residential development in the future for Lots 3 to 6, 27 to 30, and 41 to 43; Block 49 (Units 49C and 49D), Block 50 (Units 50C and 50D), Block 52 (Units 52C, 52D, 52E and 52F), the following warning clause is required to be included in all agreements of purchase and sale or lease of these dwellings:

"This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment. (Note: The location and installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with criteria of MECP Publication NPC-216, Residential Air Conditioning Devices.)"

Should the Owner propose residential development in the future for Lots 29, 30 and 41; Block 48 (all units), Block 49 (Unit 49D), Block 50 (Unit 50D), Block 51 (all units), and Block 52 (Units 52E and 52F), the following warning clause is required to be included in all agreements of purchase and sale or lease of these dwellings:

"Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."

Should the Owner propose residential development in the future for Block 49 (Units 49A, 49B and 49C), Block 50 (Units 50A, 50B and 50C), and Block 52 (Units 52A, 52B, 52C and 52D), the following warning clauses are required to be included in all agreements of purchase and sale or lease of these dwellings:

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."

"Purchasers/tenants are advised that the noise barrier adjacent to the outdoor living area of the dwelling unit is not to be tampered with or altered, and further that the owner shall have sole responsibility for maintaining this feature in accordance with the approved plan and/or provision or set of provisions included in the subdivision agreement."

Should the Owner propose residential development in the future for Lots 3 to 6, 27 to 30, and 41 to 43; Block 48 (all units), Block 49 (all units), Block 50 (all units), Block 51(all units), and Block 52 (Units 52A, 52B, 52C, 52D, 52E and 52F), the following warning clause is required to be included in all agreements of purchase and sale or lease of these dwellings:

"The Corporation of the City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic on Bradley Avenue as it relates to the interior or outdoor living areas of any dwelling unit within the development. The Corporation of the City of London will not be responsible for constructing any form of noise mitigation for this development."

- #10 The Owner agrees to register on title and include in all Purchase and Sale Agreements for any lots and blocks that back onto Meadowgate Boulevard or side onto Bradley Avenue (Blocks 49, 50, 52 and 53) a requirement that the purchaser/home builder shall provide concept plans and elevations prior to the application for a building permit which demonstrates building orientation to all adjacent streets, including a built form that has the same level of architectural detail on all street facades, to the satisfaction of the City.

24.2 CLAIMS

Remove Section 24.2 in its entirety as there are no eligible claims.

- ~~(a) — Where the proposed development calls for the construction of works, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from Development Charges as defined in the Development Charges By-law, and further, where such works are not oversized pipe works (sanitary, storm or water — the reimbursement of which is provided for in subsidy appendices in the Development Charges By-law), then the Owner shall submit through their Professional Engineer, a Work Plan for the proposed works to be approved by the City Engineer (or designate) and City Treasurer (or designate). The Owner acknowledges that:~~
- ~~i) — no work subject to a Work Plan shall be reimbursable until both the City Engineer (or designate) and City Treasurer (or designate) have reviewed and approved the proposed Work Plan; and~~
 - ~~ii) — in light of the funding source and the City's responsibility to administer Development Charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.~~

~~(b) Where the Owner undertakes construction of works as a capital cost incurred on behalf of the City in accordance with this Agreement, and which are eligible for a claim made against a Development Charge Reserve Fund or the Capital Works Budget, the Owner must conform with the Development Charges By-law and policies in effect at the time the claim is made including but not limited to, requirements for a Work Plan, tendering of construction works and completeness of claims.~~

~~(c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the City Treasurer (or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.~~

~~The anticipated reimbursements from the Development Charge Reserve Funds are:~~

- ~~(i) for the construction of _____, the estimated cost of which is \$_____;~~
- ~~(ii) for the construction of oversized sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$ _____;~~
- ~~(iii) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$ _____;~~
- ~~(iv) for the construction of oversized watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$ _____;~~
- ~~(v) for the construction of left turn channelization on _____ at _____, the estimated cost of which is \$ _____, as per the approved Work Plan;~~
- ~~(vi) for the engineering costs related to the construction of _____ the estimated cost of which is \$ _____, as per the approved Work Plan;~~
- ~~(vii) for the installation of street lights on _____, from _____ to _____, the estimated cost of which is \$ _____, as per the approved Work Plan;~~
- ~~(viii) for the installation of traffic signals at the intersection of _____ and _____, when deemed warranted by the City Engineer (or designate), the estimated cost of which is \$ _____, as per the approved Work Plan;~~
- ~~(ix) for the construction of pavement widening on _____ at _____ consistent with the City's standard practice of paying claims where a Neighbourhood Connector is widened, the estimated cost of which is \$ _____. The claim will be based on a pavement widening of _____ metres for a distance of _____ metres with a _____ metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense, as per the approved Work Plan;~~
- ~~(x) for the construction of an eligible parks pathway in connection with this Plan, at an estimated cost of which is \$ _____ as per the approved Work Plan; and~~

~~The anticipated reimbursements from the Capital Works Budget are: _____~~

- ~~(i) for the construction of _____, the estimated cost of which is \$_____;~~
- ~~(ii) for the engineering costs related to the construction of _____, the estimated cost of which is \$_____.~~

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

~~(d) The Owner shall review and seek approval from the City for any proposed use of construction contingency that relate to claimable works outlined in the Work Plan prior to authorizing work.~~

- ~~(e) The Owner shall ensure that the City is formally invited to all construction site/progress meetings related to the claimable works associated with this Plan, including but not limited to providing a minimum of two-week notice of meetings and copies of all agenda and minutes as appropriate, all to the satisfaction of the City.~~
- ~~(f) The Owner shall provide full-time supervision by its Professional Engineer for all claimable works to be constructed in accordance with current City policies. Upon completion of these claimable works, a Certificate of Completion of Works is to be supplied to the City, pursuant to the General Provisions and **Schedule 'G'** of this Agreement.~~
- ~~(g) Upon approval of an application for a claim to a Development Charge Reserve Fund, the City shall pay the approved claim in full to the Owner subject to the limits noted above and in accordance with the Council approved "Source of Financing" and the Development Charges By-law and policies in effect at the time the claim is made.~~

24.6 EROSION AND SEDIMENT CONTROL

Add to Generals with next update:

- #11 The Owner shall ensure that any removal and disposal of sediment is to an approved site in accordance with the Ministry of Environment and Ministry of Natural Resources.

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

- #12 The Owner shall grade the portions of Blocks 49, 50 and 52 and Turner Crescent inclusive, which have a common property line with Bradley Avenue, to blend with the ultimate profile of Bradley Avenue, in accordance with the City Standard "Subdivision Grading along Arterial Roads" and the accepted engineering drawings, at no cost to the City.
- #13 The Owner shall grade the portions of Blocks 52 and 53 inclusive, which have a common property line with Meadowgate Boulevard, to blend with the profile of Meadowgate Boulevard, in accordance with the accepted engineering drawings, all to the satisfaction of the City.
- #14 The Owner shall register against the title of Lots 5 to 28, Lots 33 to 37, Lots 38 to 41, Block 49 and rear of Block 53 in this Plan, and shall include in the Agreement of Purchase and Sale for the transfer of each of the said Lots/Blocks, as an overland flow route is located between and/or at the rear of the said Lots/Blocks, a covenant by the purchaser or transferee to observe and comply with the following:

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

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

- #15 The Owner shall maintain the existing overland flow route between and/or at the rear of Lots 5 to 28, Lots 33 to 37, Lots 38 to 41, Block 49 and rear of Block 53 in this Plan as per the accepted engineering drawings until final assumption, to the satisfaction of the City Engineer.
- #16 Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove and relocate any existing earth stockpile generally located in this Plan, all to the satisfaction of the City and at no cost to the City.
- #17 The Owner shall grade all Lots/Blocks in this Plan to be compatible with existing subdivision grading and drainage, as per the accepted engineering drawings, to the satisfaction of the City.

24.8 STORM WATER MANAGEMENT

Add to Generals with next update:

- #18 The Owner shall address forthwith any deficiencies of the stormwater works associated with this Plan, to the satisfaction of the City Engineer, at no cost to the City.
- #19 The Owner shall restore any disturbed areas in this Plan as a result of construction associated within this Plan to existing or better conditions, to the satisfaction of the City.

24.9 SANITARY AND STORM SEWERS

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

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Dingman Creek Subwatershed, and connect them to the City's existing storm sewer system being the 525 mm storm sewer stub on Turner Crescent (east leg) and the 600 mm diameter storm sewer on Turner Crescent (west leg), in accordance with the accepted engineering drawings, all to the satisfaction of the City.

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

- (j) The Owner shall construct the sanitary sewers to service the Lots and Blocks in this Plan and connect them to the City's existing sanitary sewage system being the 200 mm diameter sanitary sewer on the west leg of Turner Crescent and the 200 mm diameter sanitary sewer on Turner Crescent (east leg), in accordance with the accepted engineering drawings, all to the satisfaction of the City.

Add the following new Special Provisions:

- #20 The Owner shall construct a single sanitary and storm private drain connection to serve the existing external land/single family dwelling at 1680 Bradley Avenue, all to the satisfaction of the City.
- #21 Prior to the issuance of a Certificate of Conditional Approval for Blocks 52 and 53 within this Plan, the Owner shall install the approved servicing for any dwelling units in Blocks 52 and 53 in this Plan to be serviced directly from Turner Crescent, in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer.
- #22 Prior to the issuance of a Certificate of Conditional Approval for Blocks 52 and 53 within this Plan, the Owner shall install the storm servicing and necessary appurtenances as identified on the accepted engineering drawings in this Plan, in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer.
- #23 Prior to the issuance of a Certificate of Conditional Approval for Block 49 within this Plan, the Owner shall install the storm servicing and necessary appurtenances as identified on the accepted engineering drawings in this Plan, in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer.
- #24 Where street townhouses are planned for any blocks in this subdivision, the Owner shall make provisions for the installation of separate sanitary private drain connections connecting to municipal sanitary sewers and water services connecting to municipal watermains for each individual street townhouse unit, and for adequate storm private drain connections connecting to municipal storm sewers for the townhouse site, all in accordance with applicable City standards and accepted engineering drawings, to the satisfaction of the City Engineer.
- #25 The Owner shall remove the any temporary ditch inlet catchbasins (DICBs), etc. and the existing easements in this Plan and any existing easements may be quit claimed when no longer required, all to the satisfaction and specifications of the City Engineer and the accepted engineering drawings and at no cost to the City.

- #26 The Owner shall construct a temporary ditch inlet catchbasin (DICB) on the Bradley Avenue right-of-way abutting this Plan and provide any necessary easements, as per the accepted engineering drawings to the satisfaction of the City.

24.10 WATER SERVICING

Add the following new Special Provisions:

- #27 Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
- i) construct the watermain to service the Lots and Blocks in this Plan and connect them to the City's existing water supply system, being the 200 mm diameter watermain on the west leg of Turner Crescent, the 200 mm diameter watermain on Turner Crescent (east leg) and the 200 mm diameter watermain on Asima Drive 150 metres east of Turner Crescent, as per the accepted engineering drawings, to the specifications of the City Engineer.
- #28 If the Owner requests the City to assume Turner Crescent (east leg) with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system at the east leg of Turner Crescent, adjacent to Block 48 as per the accepted engineering drawings, and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is \$5,000 per automatic flushing device for which amount sufficient security is to be provided in accordance with Section 24.1 (). The Owner shall provide the cash to the City at the request of the City prior to assumption of the subdivision if needed by the City.

24.11 ROADWORKS

Remove Subsection 24.11 (p) as there are no traffic calming measures within this Plan.

- ~~(p) — Where traffic calming measures are required within this Plan:~~
- ~~(i) — The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.~~
 - ~~(ii) — The Owner shall register against the title of all Lots and Blocks abutting the traffic calming circle(s) in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner that there may be some restrictions for driveway access due to diverter islands built on the road.~~
 - ~~(iii) — Where a traffic calming circle is located, the Owner shall install the traffic calming circle as a traffic control device, including the diverter islands, or provide temporary measures, to the satisfaction of the City prior to the issuance of a Certificate of Conditional Approval for that section of road.~~
 - ~~(iv) — The Owner shall register against the title of all Lots and Blocks on (insert street names) in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including traffic calming circles, **raised intersections**, splitter islands and speeds cushions, to be installed as traffic control devices, to the satisfaction of the City Engineer.~~

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

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

Add to Generals with next update:

- #29 The Owner shall be required to make minor boulevard improvements adjacent to this Plan, as per the accepted engineering drawings, to the specifications of the City and at no cost to the City, consisting of interim ditching (to maintain existing drainage), clean-up, grading and sodding as necessary.

Add the following new Special Provisions:

- #30 The Owner shall remove the temporary turning circle and associated works on Turner Crescent (west leg) and adjacent lands, in Plan 33M-772 to the north of this Plan, and complete the construction of Turner Crescent in this location as a fully serviced road, including restoration of adjacent lands, to the specifications of the City.

If funds have been provided to the City by the Owner of Plan 33M-772 for the removal of the temporary turning circle and the construction of this section of Turner Crescent and all associated works, the City shall reimburse the Owner for the substantiated cost of completing these works, up to a maximum value that the City has received for this work.

In the event that Turner Crescent in Plan 33M-772 is constructed as a fully serviced road by the Owner of Plan 33M-772, then the Owner shall be relieved of this obligation.

- #31 The Owner shall construct the window street portion of Turner Crescent abutting Bradley Avenue in accordance with the City's window street standard or as otherwise specified by the City Engineer, in accordance with the accepted engineering drawings, to the satisfaction of the City Engineer and at no cost to the City.
- #32 The Owner shall construct barrier curbs on Turner Crescent, as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- #33 The Owner shall provide sidewalk links from Turner Crescent to the proposed future sidewalk on Bradley Avenue in accordance with the City of London Window Street Standard Guidelines UCC-2M, as per the accepted engineering drawings, to the satisfaction of the City, at no cost to the City.
- #34 The Owner shall remove any existing infrastructure, including but not limited to, CICBs, DICBs, curbs, etc. on Turner Crescent/Asima Drive and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.

24.15 ADDITIONAL GENERAL SPECIAL PROVISIONS

Add the following new Special Provision:

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

SCHEDULE “C”

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

SPECIAL WORKS AND SERVICES

Roadways

- Turner Crescent shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 18.5 metres, as per the accepted engineering drawings.
- Turner Crescent (window street portion) shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 15.5 metres as per the accepted engineering drawings.

Sidewalks

A 1.5 metre sidewalk shall be constructed on one side of the Turner Crescent, as per the accepted engineering drawings, to the satisfaction of the City.

Pedestrian Walkways

There are no pedestrian walkways in this Plan.

SCHEDULE “D”

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2020, between The Corporation of the City of London and Greengate Village Limited to which it is attached and forms a part.

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Blocks 54 and 55
Road Widening (Dedicated on face of Plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	NIL
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
--------------	-----

LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access :	NIL
--------------------	-----

SCHEDULE “E”

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

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

CASH PORTION:	\$ 237,234
BALANCE PORTION:	<u>\$1,344,325</u>
TOTAL SECURITY REQUIRED	\$1,581,559

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

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

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

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

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

SCHEDULE “F”

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

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

Multi-Purpose Easements:

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

SCHEDULE 'LAST'

This is Schedule 'N' to the Subdivision Agreement dated _____, 2020 between The Corporation of the City of London and Greengate Village Limited to which it is attached and forms a part.

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

Appendix B

ENGINEERING RELATED COMMENTS FOR THE COMMITTEE REPORT:

This subdivision shall be registered in one phase consisting of Lots 1 to 47 inclusive and Blocks 48 to 55 inclusive.

Related Estimated Costs and Revenues

Estimated DC Claims Costs – This Agreement	
Claims for Owner led construction from CSRF	
Storm sewer - oversizing subsidy	NIL
Watermain - oversizing subsidy	NIL
Sanitary sewer - oversizing subsidy	NIL
Roadworks – channelization at Street A	NIL
Roadworks – internal widening	NIL
Stormwater management	NIL
Parks – trail, paths, parks	NIL
Other	Nil
Total	Nil
Estimated DC Revenues - This Agreement (2020 rates)	
CSRF TOTAL	\$1,997,924.42

NOTES TO BE PROVIDED BY DEVELOPMENT FINANCE

NOTE:

Estimated DC Revenues are calculated using current DC rates. The City employs a “citywide” approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.

There are no anticipated claims associated with this development.



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: June 18, 2020

RE: **Monthly Report for May 2020**

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

Please note the May numbers include the effects of the COVID-19 Pandemic on the construction industry.

Permit Issuance

By the end of May, 1,239 permits had been issued with a construction value of \$284.9 million, representing 481 new dwelling units. Compared to last year, this represents a 32.9% decrease in the number of permits, a 56.3% decrease in the construction value and an 53.6% decrease in the number of dwelling units.

To the end of May, the number of single and semi-detached dwellings issued were 291, which was a 15.0% increase over last year.

At the end of May, there were 819 applications in process, representing approximately \$824 million in construction value and an additional 2,026 dwelling units, compared with 663 applications having a construction value of \$597 million and an additional 1,049 dwelling units for the same period last year.

The rate of incoming applications for the month of May averaged out to 19.4 applications a day for a total of 388 in 20 working days. There were 73 permit applications to build 73 new single detached dwellings, 10 townhouse applications to build 50 units, of which 1 was a cluster single dwelling unit.

There were 285 permits issued in May totalling \$106.9 million including 169 new dwelling units.

Inspections

BUILDING

Building Inspectors received 1,894 inspection requests and conducted 2,612 building related inspections. No additional inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections.

Based on the 1,894 requested inspections for the month, 100% were achieved within the provincially mandated 48 hour time allowance.

CODE COMPLIANCE

Building Inspectors received 227 building permit inspection requests and an additional 109 requested inspections related to complaints, business and liquor licenses, orders and miscellaneous inspections. 495 building related inspections were conducted.

Based on the 227 requested inspections for the month, 100% were achieved within the provincially mandated 48 hour time allowance.

PLUMBING

Plumbing Inspectors received 762 inspection requests and conducted 1,147 plumbing related inspections. One additional inspection was completed relating to complaints, business licenses, orders and miscellaneous inspections.

Based on the 762 requested inspections for the month, 99% were achieved within the provincially mandated 48 hour time allowance.

NOTE:

Conducted inspections can be higher than requested inspections. In some cases, one interior final inspection on a Single Detached Dwelling or any final inspection may require several open processes to be closed prior to completing the interior or building final inspection. One booked inspection could result in multiple inspections (4-8) being conducted and reported.

AD:cm
Attach.

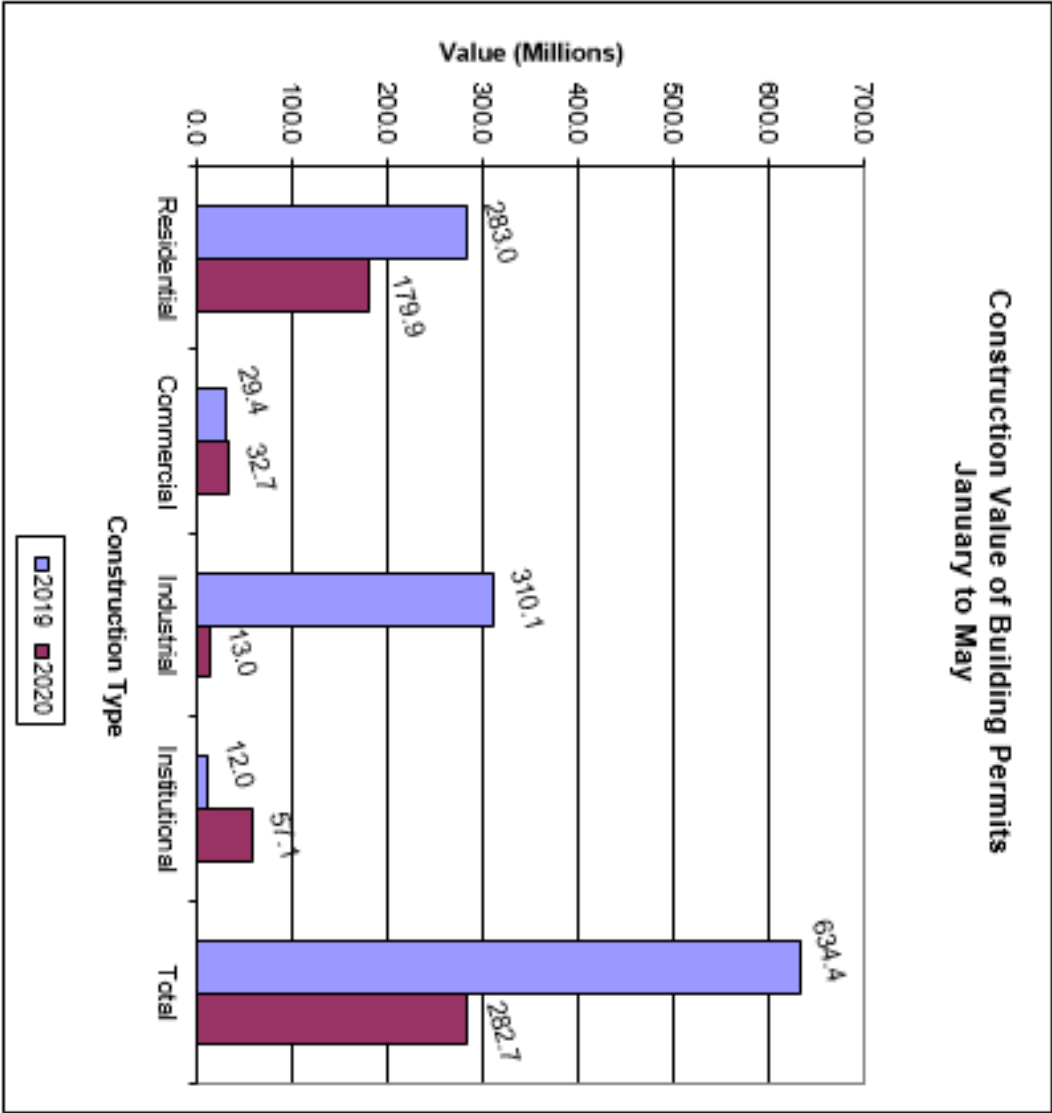
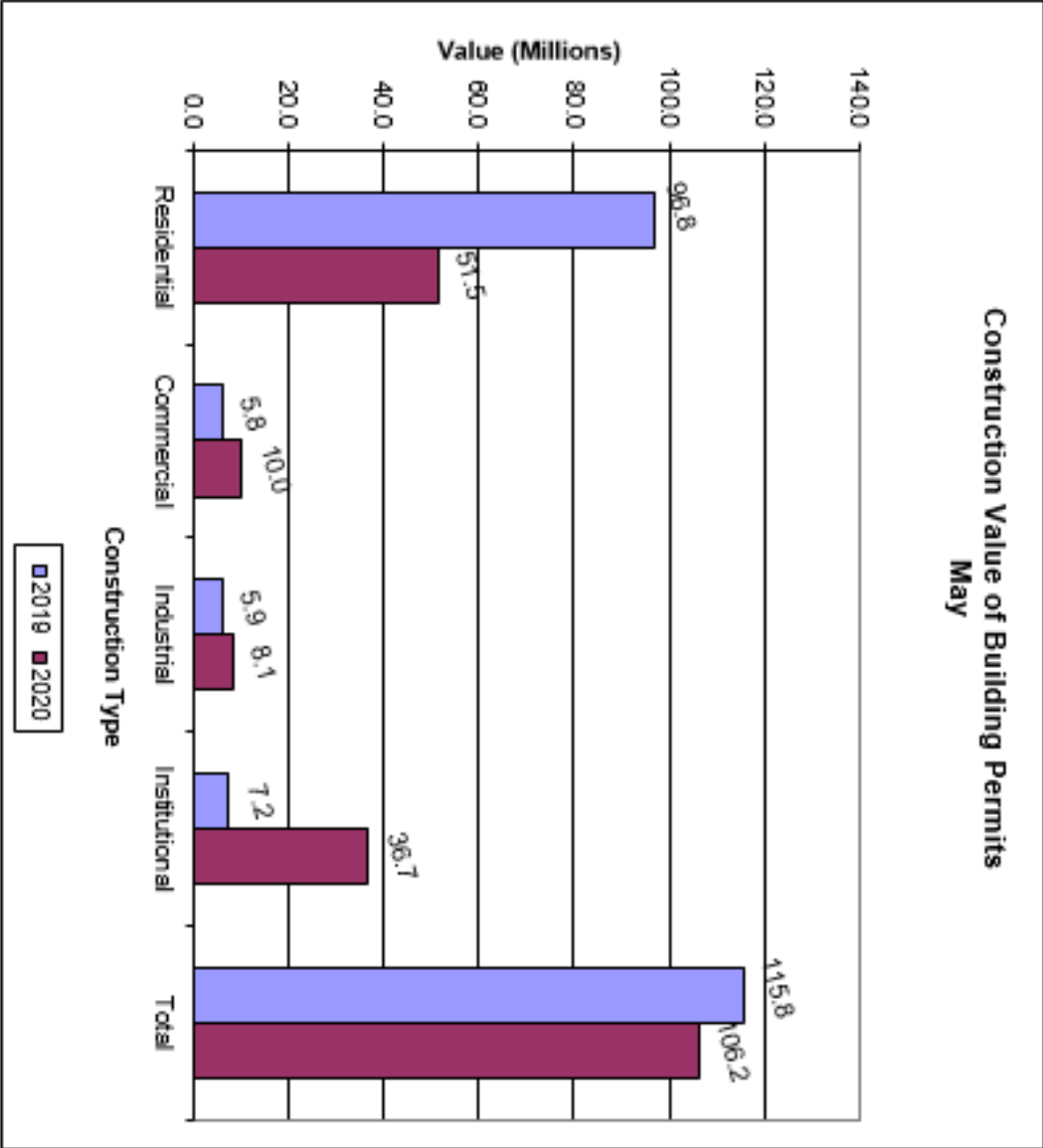
c.c.: A. DiCicco, T. Groeneweg, C. DeForest, O. Katolyk, D. Macar, M. Henderson, S. McHugh

CITY OF LONDON

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

CLASSIFICATION	May 2020				to the end of May 2020				May 2019				to the end of May 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	90	36,294,400	90		291	122,237,760	291		72	30,866,751	72		253	104,734,241	253	
SEMI DETACHED DWELLINGS	0	0	0		0	0	0		0	0	0		0	0	0	
TOWNHOUSES	4	2,226,600	9		40	26,642,885	105		15	12,867,700	62		74	64,181,090	307	
DUPLEX, TRIPLEX, QUAD, APT B	2	10,374,000	67		2	10,374,000	67		3	46,523,390	183		12	89,711,152	437	
RES-ALTER & ADDITIONS	74	2,563,950	3		434	20,640,373	18		232	6,554,386	14		743	24,362,225	40	
COMMERCIAL - ERECT	2	1,500,000	0		4	2,810,500	0		0	0	0		4	2,689,680	0	
COMMERCIAL - ADDITION	0	0	0		2	2,001,800	0		3	412,000	0		5	3,212,000	0	
COMMERCIAL - OTHER	54	8,516,925	0		161	27,874,231	0		48	5,413,200	0		241	23,458,570	0	
INDUSTRIAL - ERECT	0	0	0		2	3,436,700	0		1	680,000	0		4	301,130,000	0	
INDUSTRIAL - ADDITION	2	7,500,000	0		4	7,918,800	0		2	5,084,000	0		5	5,249,000	0	
INDUSTRIAL - OTHER	2	566,770	0		17	1,685,607	0		4	159,600	0		35	3,731,500	0	
INSTITUTIONAL - ERECT	1	32,000,000	0		2	32,575,000	0		0	0	0		0	0	0	
INSTITUTIONAL - ADDITION	1	1,400,000	0		2	3,400,000	0		1	126,000	0		1	126,000	0	
INSTITUTIONAL - OTHER	3	3,305,001	0		39	21,136,201	0		15	7,113,500	0		48	11,847,410	0	
AGRICULTURE	0	0	0		1	100,000	0		2	600,000	0		4	15,610,000	0	
SWIMMING POOL FENCES	26	596,334	0		67	1,929,040	0		32	656,800	0		71	1,624,533	0	
ADMINISTRATIVE	7	36,000	0		19	88,000	0		8	35,500	0		44	133,800	0	
DEMOLITION	5	0	4		24	0	18		7	0	2		36	0	19	
SIGNS/CANOPY - CITY PROPER	0	0	0		1	0	0		5	0	0		17	0	0	
SIGNS/CANOPY - PRIVATE PROP	12	0	0		127	0	0		82	0	0		249	0	0	
TOTALS	285	106,879,980	169		1,239	284,850,897	481		532	117,092,827	331		1,846	651,801,201	1,037	

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



City of London - Building Division

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

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Cargill Value Added Meats- Canada Attn: Tax & Customs	10 Cuddy Blvd	Add Food Processing Plant ID - ADDING 430 M2 FOOD PROCESSING PLANT AREA TO THE EXISTING BUILDING SHELL ONLY - Provide structural steel shop drawings with the connection details and the existing roof reinforcing at new exhaust fan location (if it is required) to the Building Division for review prior to work in these areas	0	3,500,000
LONDON CITY	109 Greenside Ave	Alter Water Filtration FIRE ALARM SYSTEM UPGRADE	0	547,770
Ingredion Canada Corporation	1100 Green Valley Rd	Add Food Processing Plant INSTALL FOUNDATION AND EQUIPMENT	0	4,000,000
White Oaks Mall Holdings Ltd C/o Bentall Kennedy (Canada)	1105 Wellington Rd	Alter Retail Plaza CM - ADDITION AND RENOVATION OF MAIN ENTRANCE AND TENANT AREAS Submit sprinkler system Shop Drawings for review; with the COMMITMENT TO Review form showing "fire protection."	0	3,500,000
The Board of of Western Ontario The Board of Governors The University of Western Ontario	1151 Richmond St	Erect-University ERECT NEW VITRARIUM BUILDING. CONDITIONAL FOUNDATION PERMIT ONLY. INCLUDING SITE SERVICES. SUBMIT FIRE STOP DETAILS. SUBMIT RETAINING WALL AND MISC METALS SHOP DRAWINGS. SUBMIT SPRINKLER SHOP DRAWINGS. SUBMIT FPO GROC.	0	32,000,000
The Board of of Western Ontario The Board of Governors The University of Western Ontario	1151 Richmond St	Alter University INTERIOR RENOVATIONS AND UPGRADES OF SPENCER BUILDING LAB AND OFFICES ON 2ND AND 3RD FLOORS. SHELL PERMIT ONLY. SUBMIT FIRESTOPPING DETAILS. SUBMIT GROC FOR FIRE PROTECTION. SUBMIT SPRINKLER SHOP DRAWINGS. NO MECH/PLUMB WORK UNTIL REVISIONS HAVE BEEN APPROVED.	0	3,300,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	1250 Dundas St	Install-offices COMM - INSTALL SITE SERVICES IN PARKING LOT AT EDUCATION CENTRE, FRR		1,400,000
Oxbury Centre	1299 Oxford St E	Alter offices INTERIOR FIT UP FOR FANSHAWE COLLEGE'S ADMINISTRATION OFFICES + MINOR EXTERIOR REPAIR WORK	0	2,700,000
Hazard Homes Ltd	1315 Twilite Blvd	Erect-Duplex ERECT NEW BUILD, 2 STOREY, 2 CAR GARAGE, 5 BEDROOMS, FINISHED BASEMENT, NO DECK, A/C INCLUDED, SBI2-A1, 33M-750 LOT 67, SOILS REPORT REQUIRED, HRV & DWHR REQUIRED, SECONDARY DWELLING UNIT ***NO A/C ON PLANS**	2	374,000

City of London - Building Division

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

Owner	Project Location	Proposed Work	No. of Units	Construction Value
2569401 ONTARIO INC.	2569401 ONTARIO INC.	1509 Fanshawe Park Rd W		
		Erect-Automobile Repair Garage ERECT SHELL BUILDING FOR FUTURE AUTO REPAIR BUSINESS, BUILDING A *SITE SERVICING PERMIT #19-035553* *TENANT FINISH PERMIT REQUIRED FOR EACH UNIT*	0	750,000
2569401 ONTARIO INC.	2569401 ONTARIO INC.	1509 Fanshawe Park Rd W		
		Erect-Automobile Repair Garage ERECT SHELL BUILDING FOR FUTURE AUTO REPAIR BUSINESS, BUILDING B *SITE SERVICING PERMIT #19-035553* *TENANT FINISH PERMIT REQUIRED FOR EACH UNIT*	0	750,000
CF REALTY HLDG INC., FAIRVIEW CORP CF REALTY HLDG INC., C/O CADILLAC FAIRVIEW CORP	1680 Richmond St	Alter Retail Store CM - INTERIOR ALTERATIONS TO UNIT U021 FOR AMERICAN EAGLE	0	282,000
THE RIDGE AT BYRON INC. THE RIDGE AT BYRON INC.	1710 Ironwood Rd 10	Erect-Townhouse - Cluster SDD ERECT NEW BUILD, 1 STOREY, 2 CAR GARAGE, 1 BEDROOM, UNFINISHED BASEMENT, COVERED DECK, A/C INCLUDED, SB12-A1, UNIT 21 DPN 10 MUN. NUMBER 1710 MWLCP 903, HRV & DWHR REQUIRED	1	362,000
Z- Group	1820 Canvas Way 22	Erect-Street Townhouse - Condo ERECT NEW BUILD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, FINISHED BASEMENT, NO DECK, A/C INCLUDED, SB12-A1, HRV & DWHR REQUIRED	1	357,200
PATRICK HAZZARD CUSTOM HOMES PATRICK HAZZARD CUSTOM HOMES	1820 Canvas Way 27	Erect-Townhouse - Cluster SDD ERECT NEW BUILD, 2 STOREY, 2 CAR GARAGE, 3 BEDROOMS, UNFINISHED BASEMENT, NO DECK, A/C INCLUDED, SB12-A1, HRV & DWHR REQUIRED.	1	326,600
2682207 Ontario Ltd	200 Callaway Rd	Install-Apartment Building INSTALL SITE SERVICES		300,000
ZERIN DEVELOPMENT CORPORATION	440 Clarke Rd	Erect-Apartment Building ERECT 4 STOREY APARTMENT BUILDING	65	10,000,000
	529 Princess Ave	Alter Triplex INTERIOR RENOVATIONS TO TRIPLEX May 13, 2020- Alternative solution proposal for the shared egress facility is accepted by the Building Division	0	170,000
	63 Ford Cres	Add Duplex RA - ADD - FOR REAR YARD ADDITION AND TO CREATE SECONDARY DWELLING, FULL RENO, PLUMBING, MECHANICAL, STRUCTURAL	1	312,500
CANADIAN REFORMED SCHOOL SOCIETY OF LONDON AND DISTRICT	7 Howard Ave	Add Schools Elementary, Kindergarten IS - ADDITION AND RENOVATION OF EXISTING SCHOOL	0	1,400,000



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

Owner	Project Location	Proposed Work	No. of Units	Construction Value
SIFTON PROPERTIES LIMITED	965 Upperpoint Ave B	Erect-Townhouse - Condo ERECT NEW 6 UNIT TOWNHOUSE BLOCK B - 2 STOREY, 3 BEDROOMS & 4 BEDROOMS, 2 CAR GARAGE, UNFINISHED BASEMENT, NO DECK, WITH A/C, SB-12 AL, UNITS 7, 8, 9, 10, 11, 12, DWHR & HRV REQUIRED, SOILS REPORT REQUIRED.	6	1,180,800
99 BELMONT HOLD LTD C/O BRIARLANE RENTAL PROP MGMT	99 Belmont Dr	Alter Restaurant C4 - INTERIOR ALTER FOR NEW RESTAURANT. PERMIT PLANS: note that drawing E-1 dated May 19 must be stored on-site. The approved plan includes a requirement for washroom fans.	0	150,000

Total Permits 23 Units 77 Value 67,790,870

** 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
2568401 ONTARIO INC.
2568401 ONTARIO INC.
2451271 ONTARIO INC.
2451271 ONTARIO INC.

Commercial Permits regardless of construction value

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official
Subject: Forever Homes
442 Third Street
Public Participation Meeting on: July 13, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Forever Homes relating to the property located at 442 Third Street:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting July 13, 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 R2 (R2-3) Zone, **TO** a Residential R6 Special Provision (R6-5(_)) Zone;
- (b) **IT BEING NOTED THAT** the following Site Plan matters pertaining to 442 Third Street have been identified during the review of the application:
 - i) Construction of a wood, board on-board privacy fencing for the extent of the north, east and south perimeter, with a minimum height of 2.13m (7ft);
 - ii) Interior garbage storage if possible, or appropriately located and enhanced screening for outdoor garbage storage;
 - iii) the provision outdoor lighting fixtures within parking areas that will minimize light trespass onto adjacent properties;
 - iv) maximize tree preservation and retention on the subject lands; and,
 - v) Orient Unit 1 to Third Street by encouraging the principle building entrance and front porch to face the street.

Executive Summary

Summary of Request

Requested amendment is to permit one, 2-unit residential building and one, 4-unit residential building with a reduced a front yard setback for the 2 unit building and a north interior side yard setback for both residential buildings.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to allow for two unit, 2-storey townhouse dwelling at the front of the property and a four unit, 2-storey townhouse dwelling with special provisions for a reduced front yard setback and a reduced interior side yard setback.

Rationale of Recommended Action

1. The recommended amendment is consistent with the policies of the PPS 2014 which promote infill and the efficient use of land.
2. The recommended amendment is in conformity with the in-force policies of The London Plan, including but not limited to, the Our City policies.
3. The recommended amendment is in conformity with the in-force policies of the 1989 Official Plan, including but not limited to, the Low Density Residential designation policies.

4. The recommended amendment facilitates the development of an underutilized site with an appropriate form of development.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the east side of Third Street between Dundas Street and Oxford Street East. The site is currently developed with a two-storey single detached dwelling. The site is surrounded by a City-owned park to the east, single detached dwellings to the north, south, and a commercial plaza (Gibraltar Market) to the east across Third Street.

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

- Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods
- Existing Zoning – Residential R2 (R2-3) Zone

1.3 Site Characteristics

- Current Land Use – Residential
- Frontage 20.3 m (66.6 ft)
- Depth – 95.2.3 m (312.3ft)
- Area – 1,837m² (19,773 ft²)
- Shape – Rectangular

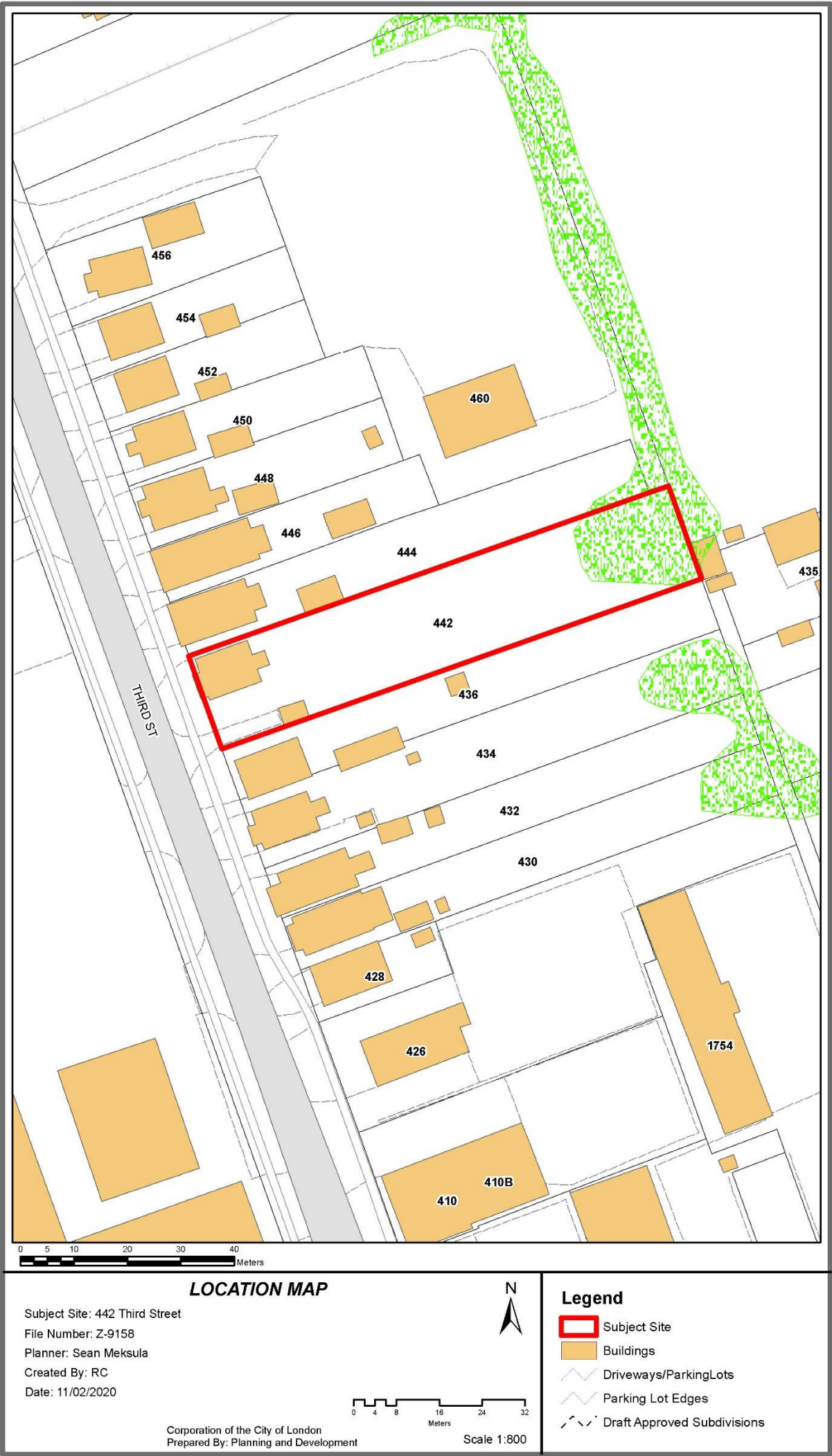
1.4 Surrounding Land Uses

- North – Residential
- East – Park and Residential
- South – Residential
- West – Commercial

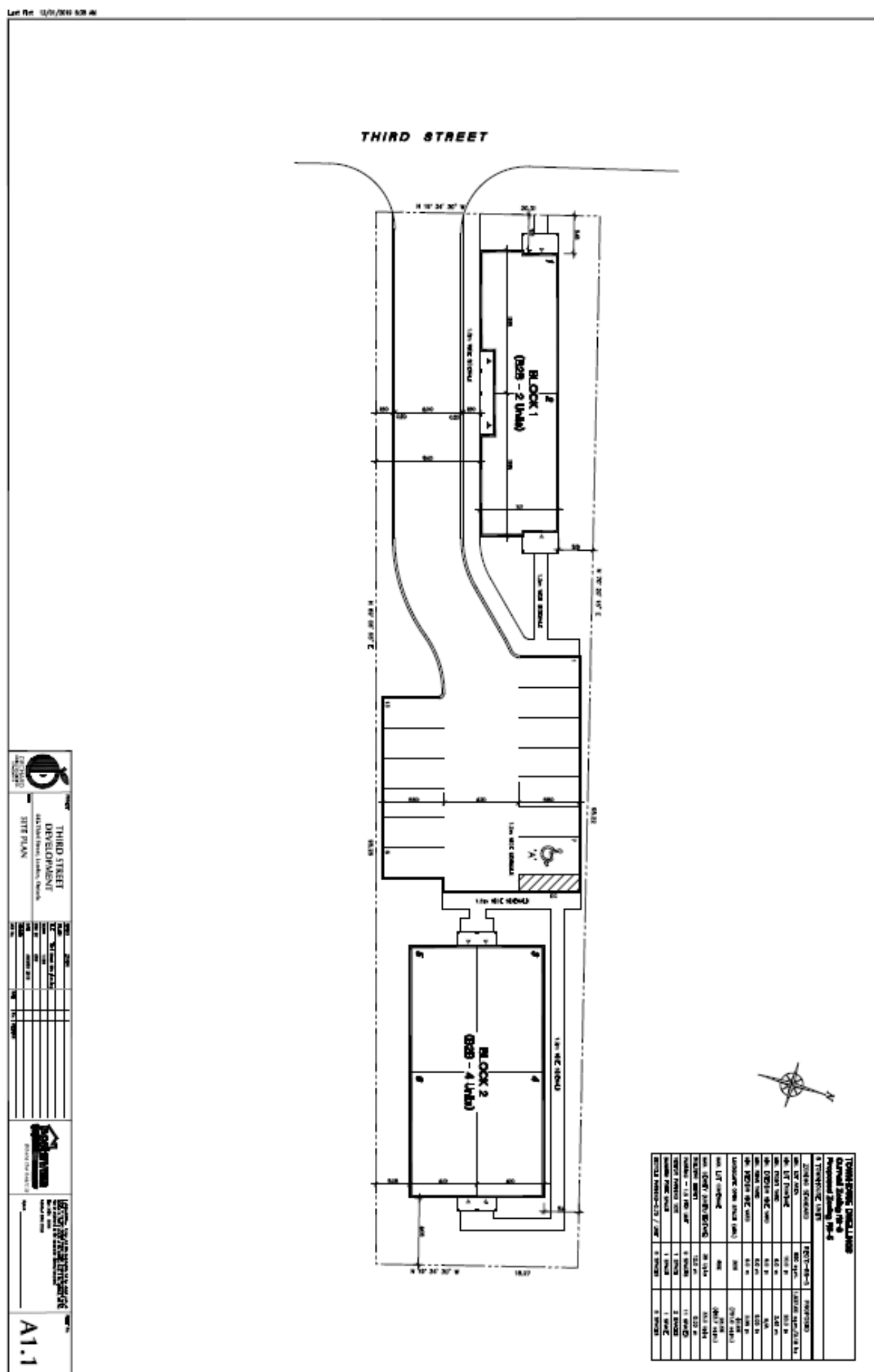
1.5 Intensification (6 units)

- The proposed additional residential unit represents intensification within the Built-Area Boundary
- The proposed residential units are outside of the Primary Transit Area

1.6 Location Map



1.7 Proposed Site Plan



2.0 Description of Proposal

2.1 Development Proposal

The proposed development contemplates the removal of the existing single-detached dwelling on this site and the construction of two new townhouse buildings with a maximum height of 10.5 metres on the front and rear portions of the property. A total of 6 residential units are proposed by the applicant, which would include a two unit, 2-storey townhouse dwelling located on the front of the lands and four unit, and 2-storey townhouse dwelling situated at the back of the lands.

Surface parking is proposed to be located on the northern and southern portion of the site between the buildings, with access provided from a driveway onto Third Street. A total of 12 parking spaces are proposed (2 spaces per unit), which exceeds the Zoning By-law requirement of 1 parking spaces per unit. There is also one barrier-free parking space proposed as well as 6 bicycle parking spaces.

A special provision has been requested by the applicant for a front yard setback of 3.45 metres, which is 2.55 metres less than the Zoning By-law standard of 6 metres. The applicant has also requested that the special provision include reduced north interior side yard setbacks are of 3.05 metres, which are 2.95 metres less than the Zoning By-law standard of 6 metres.



Figure 1: Rendering submitted by applicant

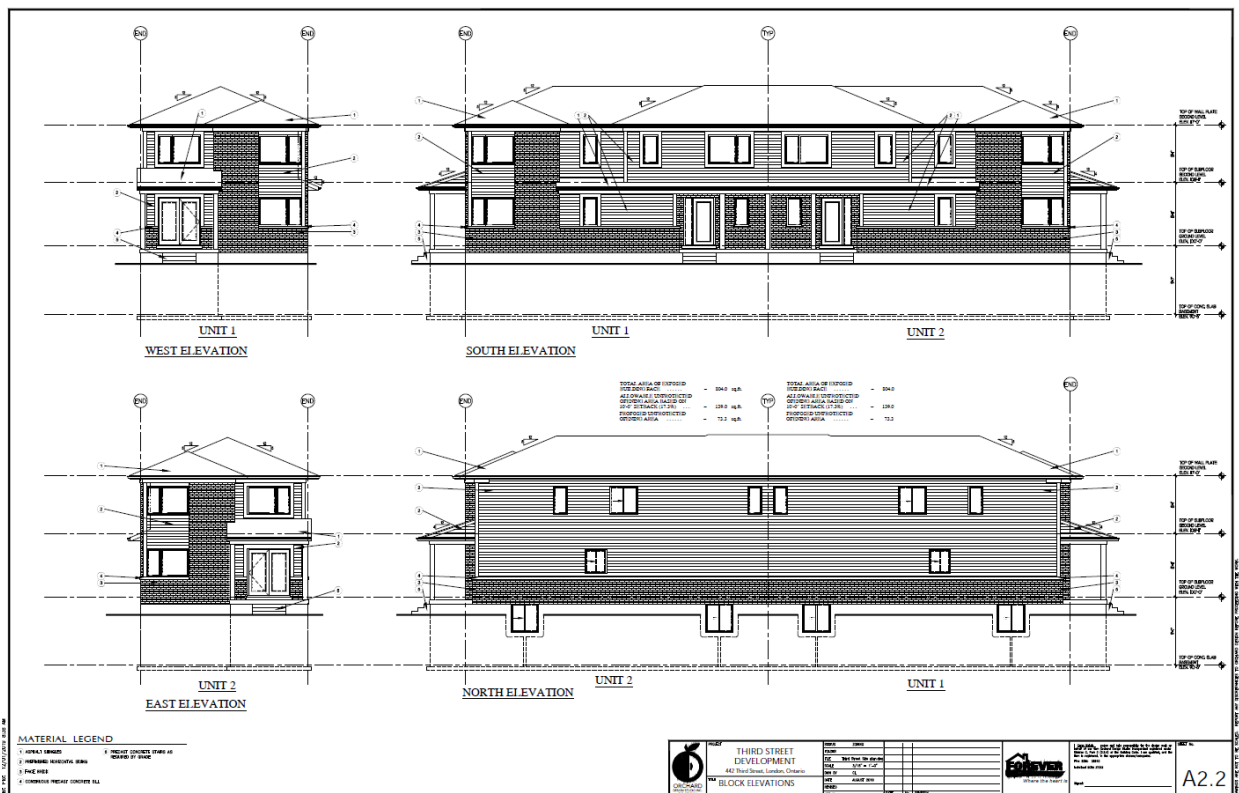


Figure 2: Proposed 12 unit building Elevation – submitted by applicant



Figure 3: Proposed 14 unit building Elevation – submitted by applicant

3.0 Relevant Background

3.1 Planning History

The subject site is occupied by an existing single detached dwelling which was constructed in approximately 1860. The property is rectangular in shape and has never been the subject of a *Planning Act* application.

3.2 Requested Amendment

The requested Zoning By-law Amendment is to rezone the site from a Residential R2 (R2-3) Zone to a Residential R6 Special Provision (R6-5(_)) Zone. The R2-3 Zone permits single detached dwellings, semi-detached dwellings, duplex dwellings, and converted dwellings (up to 2 units). The requested Zoning By-law Amendment would permit single detached dwellings, semi-detached dwellings, duplex dwellings, triplex

dwelling, townhouse dwellings, stacked townhouse dwellings, apartment buildings and fourplex dwellings in a cluster form of development. The requested special provision is to permit a reduced front yard setback of 3.45 metres and reduced north interior side yard setbacks of 3.05 metres.

3.3 Community Engagement (see more detail in Appendix B)

A Notice of Application was sent to property owners within a 120 metre radius of the subject site on December 23, 2019 and was published in *The Londoner* on December 26, 2019. One “Possible Land Use Change” sign was placed on the subject site, fronting onto Third Street. One written response was received from the abutting property owner. The primary concerns cited was with respect to structural damage of their house during the digging of the foundation being so close to their house, storm water runoff due to grading, increased traffic, increase in property taxes and extra noise during construction.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use and development. Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development. Appropriate land use patterns within settlement areas are established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and are also transit-supportive (1.1.3.2).

The policies of the PPS require municipalities to identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock (1.1.3.3) while promoting appropriate development standards which facilitate intensification, redevelopment and compact form (1.1.3.4) and promoting active transportation limiting the need for a vehicle to carry out daily activities (1.1.3.2, 1.6.7.4).

The PPS also promotes an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents (1.4 Housing). It directs planning authorities to permit and facilitate all forms of housing required to meet the social, health and wellbeing requirements of current and future residents, and direct the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs. It encourages densities for new housing which efficiently use land, resources, and the surrounding infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed. In accordance with section 3 of the Planning Act, all planning decisions ‘shall be consistent with’ the PPS.

The London Plan

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

The subject site is located within the Neighbourhoods Place Type on a Neighbourhood

Connector, as identified on *Map 1 — Place Types and *Map 3 — Street Classifications. Neighbourhoods Place Types make up the majority of the City Structure's land area. The vision for the Neighbourhoods Place Type provides key elements for neighbourhoods, including easy access to daily goods and services within walking distance and employment opportunities close to where we live (*916_6 and *916_7). Each neighbourhood provides a different character and function, giving Londoners abundant choice in affordability, mix, urban vs. suburban character, and access to different employment areas, mobility options, and lifestyles (Policy *917_). The London Plan identifies a range of low-rise residential uses, including single detached, semi-detached, duplex dwellings and triplex dwellings (*Table 10). For properties within the Neighbourhoods Place Type on a Neighbourhood Connector, the range of heights that may be permitted on a site is 1 to 2.5 storeys (*Table 11). This range of permitted uses and maximum heights will not necessarily be permitted on all sites within the Neighbourhoods Place Type on a Neighbourhood Connector, as proposed developments must fit within its context (Policy *920_).

1989 Official Plan

The City of London 1989 Official Plan (“Official Plan”) implements the policy direction of the PPS and contains objectives and policies that guide the use and development of land within the City of London. The Official Plan assigns specific land use designations to lands, and the policies associated with those land use designations provide for a general range of permitted uses.

The lands are within the Low Density Residential designation in the Official Plan which are primarily developed or planned for low-rise, low density housing forms. The policies also encourage infill residential development in residential areas where existing land uses are not adversely affected and where development can efficiently utilize existing municipal services, facilities and land. Residential intensification refers to the development of a property, site or area at a higher density than that which currently exists (3.2.3.2).

4.0 Key Issues and Considerations

The following provides a summary of the key issues and considerations associated with this application.

4.1 Use

As the proposed development would result in intensification of an underutilized infill lot, the proposed use and intensity has been considered.

Provincial Policy Statement, 2020 (PPS)

Section 1.1.1 of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas to be the main focus of growth and development (1.1.3.1) and directs municipalities to establish land use patterns within settlement areas based on efficient use of land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (1.1.3.2a)).

The recommended amendment is consistent with the policies of the PPS as it will facilitate the development of an underutilized site within an established settlement area. The proposed 2-unit and 4-unit townhouse dwellings contribute to a mix of housing types and provides choice and diversity in housing options. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of existing services. As such, the recommended amendment is consistent with the policies of the PPS.

The London Plan

The range of uses within the Neighbourhoods Place Type in The London Plan is related to the classification of street the property fronts, which allows a broader range of uses and intensities along major roads (*919_2&3). The intent is to balance neighbourhood stability and predictability with the goals of creating neighbourhoods that allow for different housing types, an appropriate mix of uses, affordability, aging in place, vibrancy and interesting communities (*919_6). The subject site is located on a Neighbourhood Connector which permits a range of residential dwellings including single detached, semi-detached, duplex, converted dwellings, townhouses, secondary suites, home occupations, group homes, triplexes and small-scale community facilities. Multi-unit dwellings such as semi-detached, duplex, converted dwellings, triplex and townhouses are permitted uses in the Neighbourhoods Place Type and along Neighbourhood Connectors and as such the proposed townhouse dwellings are a permitted use for this site.

Residential intensification is fundamentally important to achieve the vision and key directions of The London Plan. Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods (*937_). The London Plan creates a variety of opportunities for intensification, such as Redevelopment – the removal of existing buildings in favour of one or more new buildings that house a greater number of dwelling units than what currently exists. (*939_6.). Residential intensification proposals will require site plan approval, except for the creation of secondary dwelling units within existing structures, and converted dwelling units that will result in a maximum of two units. (*949_).

The standard site plan approval process shall apply to intensification projects that will result in three or more residential units (*951_). There is currently no fencing for the perimeter of the site. Through the Site Plan Approval Process there is opportunity to improve the privacy through the provision of a consistent wood, board on board fence along the full extent of the perimeter to provide better separation and delineation from abutting lands. In addition to the fencing, the use of landscaping will be required along the perimeter to enhance screening and buffering and maximize privacy between neighbours. Through the review of detailed design, the Site Plan Approval process considers implementing mitigation efforts to reduce potential impacts and best utilize features such as fencing, lighting, garbage storage and landscaping to provide enhanced privacy and effective screening. At the time of Site Plan Approval, a landscape plan will be required to identify new plantings and vegetation, and a tree preservation plan will identify opportunities for retention of mature vegetation if required.

*Table 10 - Range of Permitted Uses in Neighbourhoods Place Type, shows the range of primary and secondary permitted uses that may be allowed within the Neighbourhoods Place Type, by street classification (*921_). *Table 11 - Range of Permitted Heights in the Neighbourhoods Place Type, provides the range of permitted heights based on street classification (*935_1). Accordingly, *Table 10 permits a range of low rise residential uses, including semi-detached, duplex, converted dwellings, triplex and townhouses, and *Table 11 permits a maximum height of 2.5-storeys. As such, the recommended amendment to rezone the site to a Residential R6 Special Provision (R6-5(_)) Zone is in conformity with The London Plan as the proposed dwellings are to have a maximum height of 10.5 metres which is consistent with heights in the surround neighbourhood and consistent with the maximum height 2.5-storeys permitted in The London Plan.

1989 Official Plan

The Official Plan supports the provision of a choice of dwelling types according to location, size, affordability, tenure, design and accessibility (Policy 3.1.1 ii). It also supports the distribution of a choice of dwelling types, and designates lands for a range of densities and structure types throughout the City (Policy 3.1.1 vi).

The site is currently within the Low Density Residential designation, which applies to lands primarily intended for low-rise, low density housing forms including detached, semi-detached and duplex dwellings, at a density of up to 30 units per hectare (uph). However, Residential Intensification (defined as the development of vacant and/or underutilized lots within previously developed areas) (3.2.3.1.ii) may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law. Residential intensification in areas within the Low Density Residential designation, will be considered in a range up to 75 units per hectare. Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing and low rise apartments.

A Planning Impact Analysis will be evaluated on the basis of criteria relevant to the proposed change. The proposed redevelopment of the lands for one, 2-unit townhouse and one, 4-unit townhouse is compatible with surrounding land uses, and is unlikely to impact surrounding uses. The size and shape of the parcel of land is able to accommodate the intensity and additional parking requirements necessary for six units. There is a limited supply of lands zoned for multi-unit dwellings in the immediate area, however, two-unit dwellings are permitted as of right within the neighbourhood. The site is in close proximity to public open space to the immediate east of the subject site. Transit services for the proposed new uses are available to service the site on Dundas Street and Oxford Street East. Parking and access for the site will be provided on the south portion of the lands. This will be addressed through site plan, which is required for any residential intensification application.

The Site Plan Approval process will ensure that appropriate access, parking, fencing (if necessary), and landscaping is used to help mitigate any potential impacts and maintain the privacy of abutting outdoor amenity areas.

This application, as detailed above, will have no impact on adjacent lands, meets the policies of the PPS, 1989 Official Plan and The London Plan, and is a suitable and compatible form of intensification within the existing neighbourhood.

4.2 Form

The applicant has requested a special provision to reduce the front yard setback to a minimum of 3.45 metres and a reduce the north interior side yard setback of 3.05 metres, where 6 metres would be required under the standard Residential R6 (R6-5) Zone for both setbacks. A maximum height of 12 metres is permitted in the Residential R6 (R6-5) Zone.

Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement promotes intensification and redevelopment in appropriate locations (Policy 1.1.3.3). The Provincial Policy Statement identifies that appropriate development standards should be promoted that facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety (Policy 1.1.3.4). The Provincial Policy Statement identifies that long-term economic prosperity should be supported by encouraging a sense of place and promoting a well-designed built form (Policy 1.7.1 (e)). The requested reduction in front yard setback is consistent with this policy as a reduced front yard setback helps to improve the relationship between a building and pedestrians on the sidewalk by providing a sense of enclosure which creates a comfortable pedestrian environment and by providing greater visibility from the building onto the street which improves pedestrian safety and maintains the streetscape along Third Street.

The London Plan

The London Plan requires that site layouts should be designed to minimize and mitigate impacts on adjacent properties (Policy 253_). The London Plan includes the policy that 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 a comfortable

pedestrian environment (Policy 259). Permitting a reduced front yard setback for the subject site is consistent with this policy direction and will help to improve the relationship between the proposed development and the pedestrian environment on Third Street. Potential impacts on adjacent and nearby properties from a new development also need to be managed and mitigated, such as loss of privacy and shadowing (Policy 1578_).

Along with the requested 3.45 metre minimum front yard setback, the recommended Zoning By-law Amendment provides a front yard setback which is a greater setback than the existing homes on Third Street which are mostly located at the property line with little or no front yard setback being provided. The requested 3.45 metres help to ensure the building has a setback to the Third Street sidewalk to help ensure a comfortable pedestrian environment.

The requested special provision for a reduced interior side yard setback of 3.05 metres appropriately minimizes and mitigates impacts on adjacent properties including privacy and shadowing for a building proposed to be constructed at a height of 8.33 metres. The recommended Zoning By-law special provision is intended to allow for the potential impacts on adjacent properties to be mitigated, should those properties also be redeveloped with reduced interior side yard setbacks. In this situation, no substantial impacts are expected on surrounding uses, given the nature of the property in question. The lands are characterized as significantly deep lots with mature vegetation, and separation distance from abutting uses allows for the proposed use to not interfere with the compatibility of the surrounding residential uses.

Official Plan (1989)

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 dwellings as the primary permitted uses. Multiple-attached dwellings, such as row houses or cluster houses may also be permitted subject to the policies of this Plan and provided they do not exceed the maximum density of development permitted under policy 3.2.2. The Official Plan identifies that development of a within areas designated Low Density Residential shall have a low-rise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy (Policy 3.2.2). Residential Intensification may be permitted subject to the provisions of policy 3.2.3. Zoning on individual sites would not normally allow for the full range of permitted uses. (3.2.1).

The Official Plan (1989) identifies that new development should include street-oriented features that provide for the enhancement of the pedestrian environment (Policy 11.1 viii). Allowing for a reduced front yard setback for the proposed development improves the relationship between the building and the street, enhancing the pedestrian environment and maintains the contiguous streetscape along Third Street.

The Official Plan also identifies that in reviewing the design and positioning of new buildings, access to sunlight for adjacent properties should be maximized (Policy 11.1.1 ix). The design and positioning of new buildings should also minimize the loss of privacy for adjacent residential properties (Policy 11.1.1 xiv).

The requested reduced interior side yard setback conforms to these objectives, especially if the possibility of the future development of adjacent sites is considered. The provision of appropriate interior side yard setbacks is necessary to allow for separation distance between buildings to achieve privacy and natural light for building residents. The proposed dwellings are consistent with the policies of the Official Plan, with respect to form as the proposed side yard setback ensures that there is sufficient distance for privacy, natural light and that surrounding uses are not negatively impacted.

The intent of the front yard setback regulation is to ensure a contiguous streetscape and to prevent buildings from imposing on the pedestrian amenity of a streetscape. The streetscape is characterized by dwellings having a diverse range of front yard setbacks and articulations. The proposed setback would allow for a dwelling with setbacks which are similar to other forms of residential development in the area (notably the adjacent

north and south properties). Through the Site Plan Application the design of the building and the site will be addressed to orient Unit 1 to Third Street by encouraging its principle building entrance and front porch to face the street. With this being done the proposed development will maintain a contiguous streetscape along Third Street. Through the Site Plan Approval Process the consideration will be given for the construction of privacy fencing around the perimeter of the property, lighting, and garbage storage as well as landscaping will be implemented to help enhance privacy and effective screening for the site. A tree preservation plan will identify opportunities for retention of mature vegetation at this time.

The provisions of the existing Residential R2 (R2-2) Zone require a minimum interior side yard setback of 1.2 metres plus 0.6 metres for each storey above the first, and where there is no attached garage, one side is required to be 3.0 metres to provide adequate parking facilities in the interior side or rear yards. The intent of the regulations is to ensure that adequate separation distance is provided between the building and neighbouring properties for access and maintenance, and to ensure that the privacy of abutting uses is not negatively impacted. The provisions of the recommended Residential R6 Special Provision (R6-5()) Zone provide a north interior side yard setback of 3.0 metres whereas 6.0 metres is required. The recommended interior side yard setback would increase the existing condition on the northern property line by moving the proposed building further away from the property than the existing setbacks of the current dwelling on the lands. The request to provide a side yard setback of 3.0 metres, would exceed the minimum requirements of the existing Residential R2 (R2-2) Zone and the existing single detached dwellings, as such privacy on the adjacent properties is not expected to be substantially impacted in this situation.

4.3 Issue and Consideration: Intensity

The requested Zoning By-law Amendment is to permit 6 residential units on the subject site, which would result in a density of 33.3 dwelling units per hectare. This density is appropriate for the subject site and consistent with municipal and provincial policies for residential intensification.

Provincial Policy Statement, 2020 (PPS)

The Provincial Policy Statement promotes residential intensification on appropriate sites within settlement areas, in order to promote efficient development and land use patterns (Policy 1.1.1, 1.1.3.1). The Provincial Policy Statement indicates that municipalities shall identify and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment, where it can be accommodated taking into account the existing building stock (Policy 1.1.3.3). The Official Plan is identified as the most important vehicle for implementing the Provincial Policy Statement.

The requested Zoning By-law Amendment represents a form of residential intensification, and is in a location that has been identified as appropriate for residential intensification through the Official Plan.

The London Plan

The London Plan places an emphasis on growing “inward and upward” to achieve a compact form of development. It places a greater emphasis on encouraging and supporting growth within the existing built up area of the City, rather than greenfield development (Policy 79_). There is a target that 45% of all new residential development will be within the existing built-up area of the City (Policy *81_). Residential intensification in the form of infill development on vacant and underutilized lots will be supported, subject to the other policies of The London Plan (Policy 80_).

The London Plan does not include density limits in units per hectare, rather it provides maximum height as a measure of intensity. The proposed dwellings consist of a habitable basement level and two upper floors, and is considered to be a low-rise built form at 2.0

storeys in height or 8.33m. Within the Neighbourhood Connector Street Type, buildings have a standard maximum height of 1 to 2.5 storeys. Development along Connectors will be sensitive to adjacent land uses and employ such methods as transitioning building heights or providing sufficient buffers to ensure compatibility (*921_Table 10). The surrounding dwellings are generally one and two storey dwellings with pitched roofs. The intent of the regulations ensure that abutting uses are not negatively impacted. The height of the proposed building is 2.0 storeys which is a compatible building height to the neighbouring low density residential uses, and consistent with taller structures in the area such as the existing apartment buildings to the south. The requested amendment would permit a maximum height of 12 metres and could accommodate a 2.5-storey building on the site. In this situation the applicant is proposing a building height of 8.33 metres for each building, which is consistent in height with other 2-storey dwellings in the surround neighbourhood. As such the proposed maximum height of 12 metres is appropriate for the subject site and Range of permitted uses.

Official Plan (1989)

The subject site is located within the Low Density Residential land use designation in the Official Plan. The development of Low Density Residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses, and shall result in net densities that range to an approximate upper limit of 30 units per hectare (12 units per acre). Densities in established low density residential areas, such as the Central London District, where dwelling conversions, existing apartment buildings, infill development, and the conversion of non-residential buildings have occurred or may be permitted, may exceed 30 units per hectare. The calculation of residential density is described in policy 3.6.10. (Policy 3.2.2).

However, Residential Intensification may be permitted in the Low Density Residential designation through an amendment to the Zoning By-law in a range up to 75 units per hectare. Infill housing may be in the form of single detached dwellings, semi-detached dwellings, attached dwellings, cluster housing. The proposal is for a new townhouse block for a total of 6 dwelling units, which equates to a density of approximately 33.3uph. The scale of development and intensity is in keeping with the upper limits of the intensification policies, is appropriate for the site, and supported by a Neighbourhood Character Statement and Compatibility Report (3.2.3.3 & 3.2.3.4).

The requested density and use as cluster housing maintains the general intent and objectives of the Plan and given the foregoing, staff is satisfied that the recommended amendment is in conformity with the 1989 Official Plan.

5.0 Conclusion

The recommended amendment would allow for a development that is consistent with the *2014 Provincial Policy Statement* that encourages a range and mix of land uses to support intensification and achieve compact forms of growth. The recommended amendment is consistent with the *2014 Provincial Policy Statement* that directs municipalities to identify appropriate locations for intensification and plan for all forms of housing required to meet the needs of current and future residents.

The recommended amendment conforms to the *1989 Official Plan* that contemplates residential intensification in the Low Density Residential designation in the form of multiple-attached dwellings, such as the recommended multi-unit dwellings. The recommended amendment conforms to *The London Plan* that contemplates residential intensification in the Neighbourhoods Place Type, where multi-unit dwelling are contemplated as a primary permitted use on all street classifications. The recommended amendment conforms to the *1989 Official Plan* and the maximum density contemplated in the Low Density Residential designation through residential intensification. The recommended amendment also conforms to the height maximums contemplated in the Neighbourhood Place Type on a Neighbourhood Connector (Third Street) in *The London Plan*.

The recommended Zoning By-law includes setbacks that would allow for a development that has a height that fits within its context, interior side yard setbacks that do not adversely affect neighbouring properties, and a front yard setback that would create a positive relationship between the development and pedestrians on Third Street. The recommended Zoning By-law Amendment conforms to the 1989 Official Plan and The London Plan as it would allow for an expanded range of residential uses, which are primary permitted uses on the site in both the 1989 Official Plan and The London Plan, whereas the existing zoning permits a modest range of residential uses. Additionally, the recommended interior side yard setback would increase the existing condition on the northern property line.

The recommended amendment would provide appropriate development standards to regulate the form of residential intensification and assist in minimizing or mitigating potential adverse impacts for adjacent land uses to ensure compatibility and a good fit with the receiving neighbourhood. The proposed multi-unit dwellings represent a sensitive and compatible development that is a good fit within the surrounding context, and makes efficient use of the existing municipal services and infrastructure, and encourages residential intensification as per the PPS, The London Plan and the 1989 Official Plan.

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

July 6, 2020
cc: Michael Tomazincic, MCIP, RPP, Manager, Current Planning

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Appendix A

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

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

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 442
Third Street.

WHEREAS Forever Homes has applied to rezone an area of land located
at 442 Third Street, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to
lands located at 442 Third Street, as shown on the attached map comprising part of
Key Map No. 108, from a Residential R2 (R2-3) Zone, to a Residential R6 Special
Provision (R6-5(_)) Zone.
- 2) Section Number 10.4 e) of the Residential R6 (R6) Zone is amended by adding the
following Special Provision:

) R6-5(_) 442 Third Street

a) Regulations

i) Front Yard Depth (Maximum) 3.5 metres (11.5 feet)

ii) North Interior Side Yard Depth (Minimum) 3.0 metres (9.8 feet)
when the end wall of a unit
contains no windows to
habitable rooms

iii) Height (Maximum) 10.5m (34.5ft)

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.

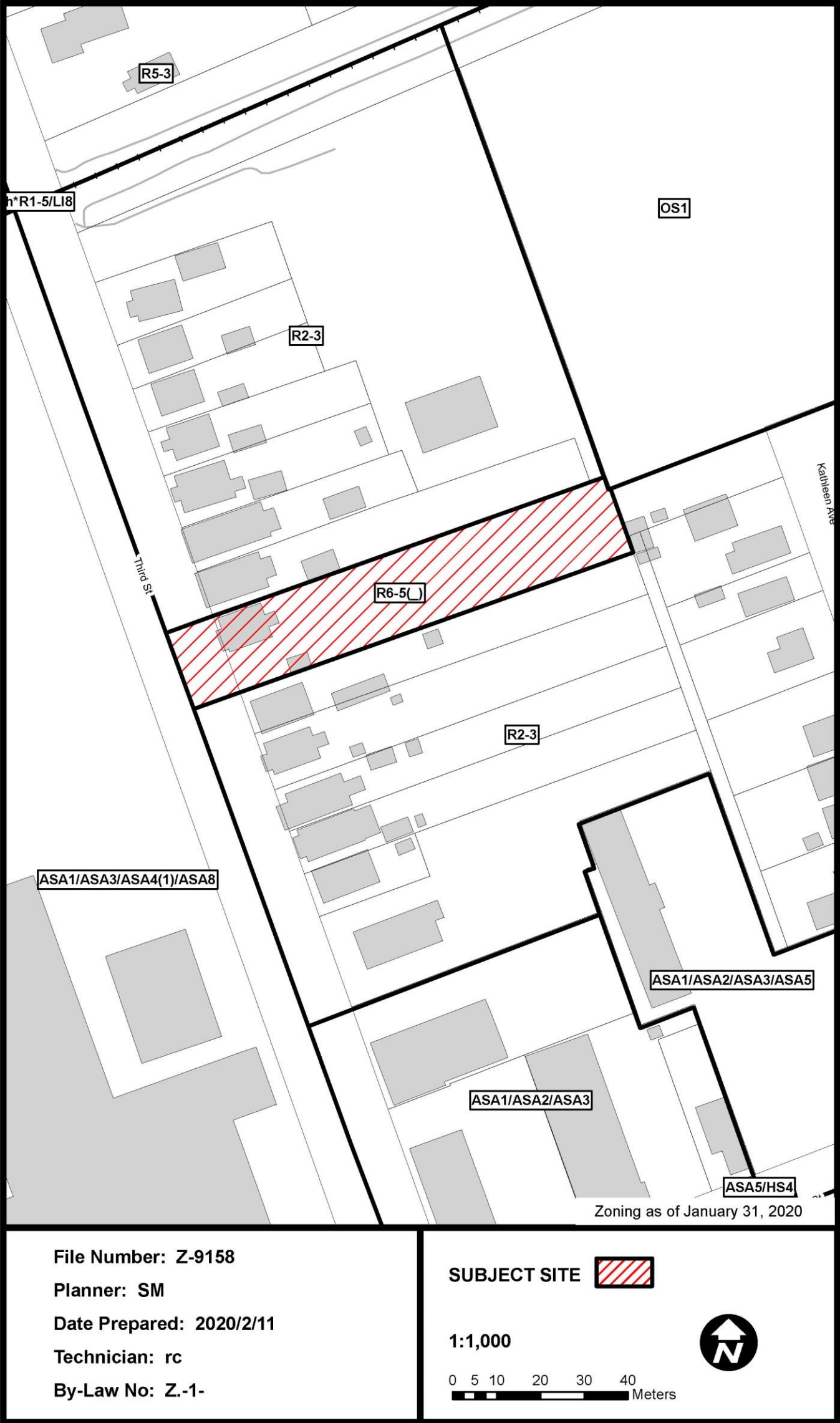
PASSED in Open Council on July 21, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – July 21, 2020
Second Reading – July 21, 2020
Third Reading – July 21, 2020

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On December 23, 2019, Notice of Application was sent to 98 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 26, 2019. A “Planning Application” sign was also posted on the site.

Only 1 reply was received.

Nature of Liaison: The notice advised of a possible amendment to Zoning By-law Z.-1 to change the zoning from a Residential R2 (R2-3) Zone to a Residential R6 Special Provision (R6-7(_)) Zone to permit and facilitate the development a range of cluster dwellings including single detached, semi-detached, duplex, triplex, fourplex, townhouse, stacked townhouse and apartment building uses. The notice advised of special provisions to the standard R6-5 Zone regulations to permit a reduced minimum front yard depth of 3.45 metres and a reduced northerly minimum interior side yard depth of 3.05 metres.

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

Concern for:

- concerned of structural damage to my house digging so close to it;
- all extra water run off as my property is at a lower grade;
- do not want all the extra traffic;
- do not want my taxes to go up ;
- do not want the extra noise both during construction and after with extra residents.

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

From: Steve Schumacher

Sent: Thursday, January 2, 2019 11:00 AM

To: Meksula, Sean <smeksula@london.ca>

Subject: Z-9158

As the home owner of 436 Third St. I strongly disagree of this proposed land use change

- concerned of structural damage to my house digging so close to it
- all extra water run off as my property is at a lower grade
- do not want all the extra traffic
- do not want my taxes to go up
- do not want the extra noise both durring construction and after with extra residents

This is a few of my concerns

Appreciate if these concerns and more are taken into consideration home owner 436 Third St. Stephen Schumacher

Agency/Departmental Comments

UTRCA - January 6, 2020

The UTRCA has no objections to this application.

London Hydro – March 3, 2020

This site is presently serviced by London Hydro. Contact the Engineering Dept. for the new services that are required to facilitate these new buildings. 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 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.

Development Services Engineering – January 20, 2020

No comments.

Urban Design – February 27, 2020

Through the Site Plan Application the following refinements to the design of the building and the site will need to be addressed:

- Unit 1 is to be oriented to Third Street with its principle building entrance and front porch facing the street.

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 (PPS)

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

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

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

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

Policy 1.4.3 Building Strong Health Communities, Housing

Policy 1.7.1 Building Strong Health Communities, Long Term Economic Prosperity

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

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

1989 Official Plan

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

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

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

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

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

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

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

Section 3.7 Residential Land Use Designations, Planning Impact Analysis,

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

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

Section 19.4.3 Implementation, Zoning

The London Plan

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

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

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

Policy 66_ Our City, Planning for Growth and Change

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

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

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

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

Policy 154_8. Our City, Urban Regeneration

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Table 10 Range of Permitted Uses in Neighbourhoods Place Type

*Table 11 Range of Permitted Heights in Neighbourhood Place Type

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

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

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

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

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

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

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

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

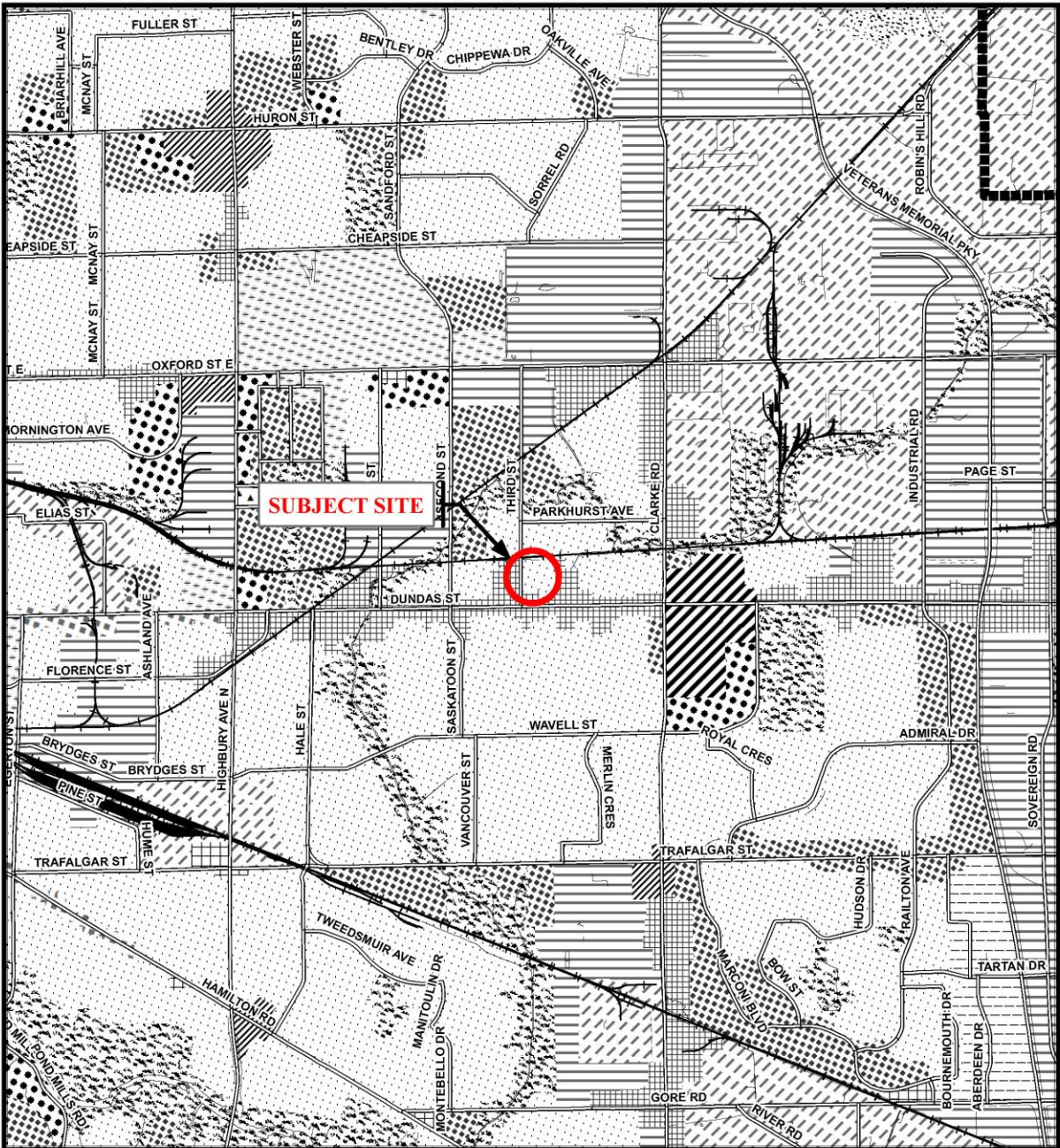
3.7 Planning Impact Analysis	
Criteria	Response
Compatibility of proposed uses with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area.	The proposed land use is a different housing type than the prevailing land use on the east side of Third Street, but is compatible. The intensity and form of development as requested by the applicant is compatible to the area. The recommended amendment would provide for a development form which is able to mitigate impacts on adjacent properties in a manner that is compatible with the surrounding land use.
The size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to accommodate the intensity of the proposed use;	The subject site is large rectangular parcel of land and is of adequate size to support the proposed six (6) residential units, as demonstrated on the site plan in Figure 1.7 of this report. Minor reductions in front yard and interior side yard setbacks have been requested as special provisions to maintain the established street-wall for the yard and provide increased privacy for the north interior side yard. The rear yard is of adequate size to accommodate the number of parking spaces required for the use.
The supply of vacant land in the area which is already designated and/or zoned for the proposed use; and	The residential land in the vicinity of the subject lands is largely developed. The designation and the zoning is generally indicative prevailing use of the residential land for single detached dwellings. There are no vacant lands designated and/or zoned for multi-unit dwellings in the vicinity of the subject lands.
The proximity of any proposal for medium or high density residential development to public open space and recreational facilities, community facilities, and transit services, and the adequacy of these facilities and services.	N/A – the proposed development is not considered to be medium density residential development or high density residential development.
The need for affordable housing in the area, and in the City as a whole, as determined by the policies of Chapter 12 - Housing.	As an alternative housing type, the proposed multi-unit dwellings may help satisfy a diverse range of housing needs within the community, and would be inherently more affordable than the prevailing single detached dwellings.

<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 multi-unit dwellings and their positioning on the site through the use of appropriate yard depths or setbacks, would preserve the low-rise, low-coverage character of the receiving residential neighbourhood, and impacts on adjacent properties such as shadow, overlook, noise and light penetration would be mitigated through a combination of yard depth and appropriate space for landscape screening. By limiting the number of buildings and dwellings that would be permitted on the subject lands provides for an appropriate separation distance between buildings on the subject lands for the provision of daylight, natural ventilation and privacy to abutting dwellings.</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>Landscaping of the site, buffering and refinement of the parking area will be determined at the Site Plan Approval stage.</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>The site is currently accessed off of Third Street. No new accesses to the site are proposed and no impacts to traffic, pedestrian and vehicle safety, and surrounding properties are anticipated. Any required refinement to the site access and parking area will be determined at the Site Plan Approval stage.</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 2 ½ -storey, approximately 8 metre height of the proposed multi-unit dwellings are consistent with the heights that can be achieved on adjacent residential properties. The massing (bulk), scale, storm water runoff, construction and layout of the proposed buildings will be reviewed and evaluated in greater detail through the Site Plan Approval process. Therefore there are no concerns with respect to integration of the proposed use with present and future land uses.</p>
<p>The potential impact of the development on surrounding natural features and heritage resources;</p>	<p>The subject lands are not located within proximity of a Natural Heritage System, and the UTRCA has no objections to the reasoning as proposed. An archeological assessment has been performed on the subject lands and no archaeological resources were identified during the Stage 2 archaeological assessment of the study area, and as such no further archaeological assessment of the property is recommended and no holding provision is required for the lands.</p>

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 does not contain any constraints posed by the environment.
Compliance of the proposed development with the provisions of the City's Official Plan, Zoning By-law, Site Plan Control By-law, and Sign Control By-law;	Staff is satisfied the proposed multi-unit dwellings are in conformity with the 1989 Official Plan and meets the general intent of the Zoning By-law. The requested Residential R6 Zone includes special provisions to permit reduced front and interior side yards. The implementation of these provisions will ensure the proposed site concept plan conforms to the Zoning By-law through the site plan process.
Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis;	The recommended amendment maintains the maximum permitted height to match the standard condition permitted in the Residential R2 Zone variations that surround the subject lands to be compatible with the scale of development that could be achieved on the adjacent residential properties. The recommended amendment would provide appropriate yard depths consistent with the yard depths that would be required for a building of a similar height in the Residential R2 Zone variations that surround the subject lands and provide sufficient space for landscaped screening as a buffer to adjacent residential properties. Opportunities for additional landscape buffers providing separation between the parking area and adjacent residential properties will be determined at the Site Plan Approval stage. No other adverse impacts have been identified.
Impacts of the proposed change on the transportation system, including transit	No impacts on the transportation system, including transit, are anticipated as a result of the requested zoning. The residential intensification of the subject lands would support public transit by increasing potential ridership along existing bus routes.

Appendix D – Relevant Background

Additional Maps



Legend

Downtown	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

Scale 1:30,000

Meters

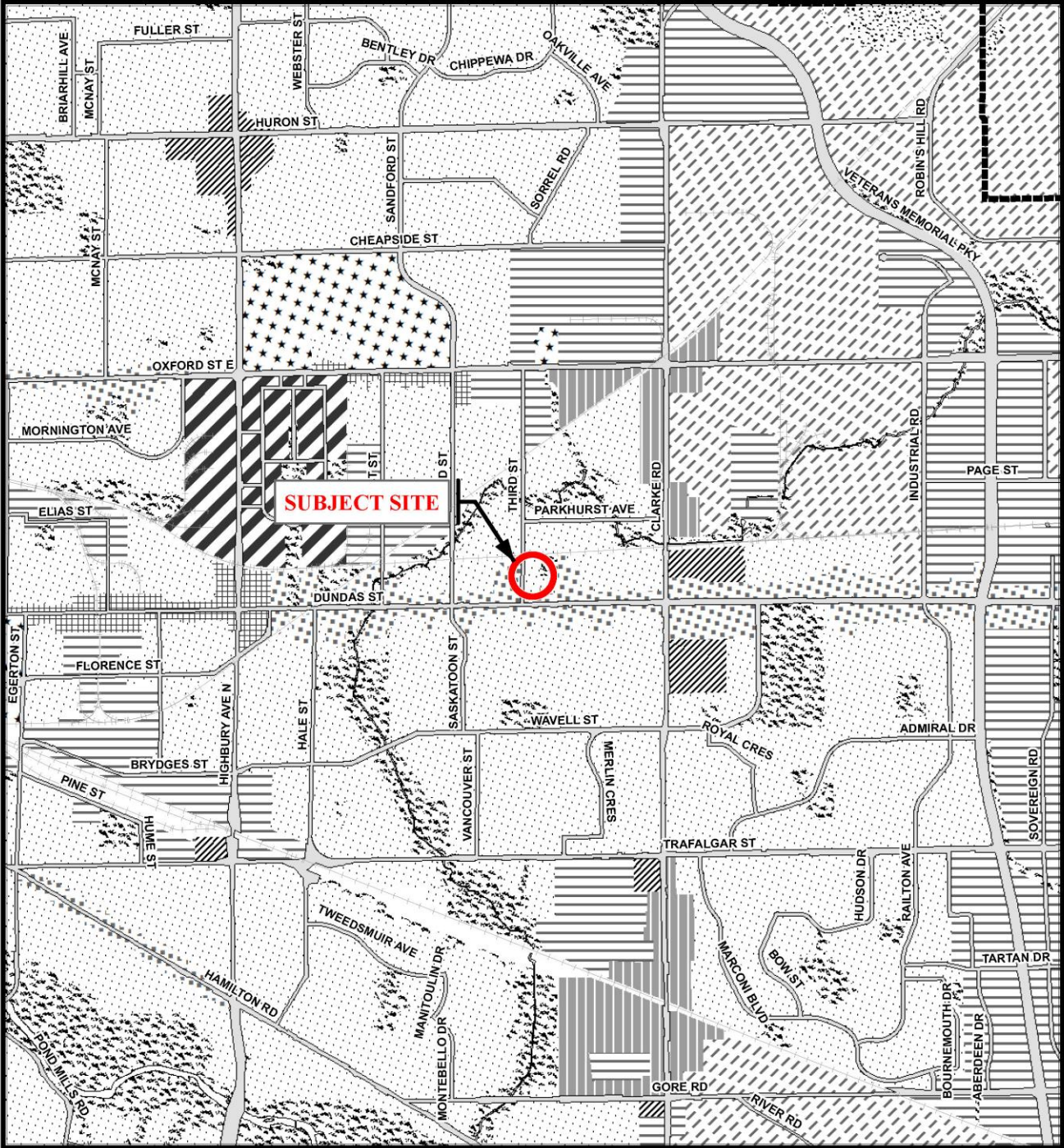
FILE NUMBER: Z-9158

PLANNER: SM

TECHNICIAN: RC

DATE: 11/02/2020

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



Legend

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

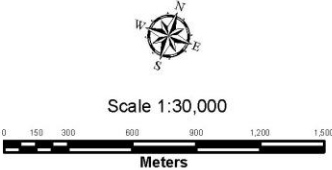
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON
Planning Services /
Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services



File Number: Z-9158
Planner: SM
Technician RC
Date: February 11, 2020

Project Location: E:\Planning\Projects\p_officialplan\workconsolid00\excerpts_LondonPlan\mxds\Z-9158-Map1-PlaceTypes.mxd



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) LEGEND FOR ZONING BY-LAW Z-1

- R1 - SINGLE DETACHED DWELLINGS

R2 - SINGLE AND TWO UNIT DWELLINGS

R3 - SINGLE TO FOUR UNIT DWELLINGS

R4 - STREET TOWNHOUSE

R5 - CLUSTER TOWNHOUSE

R6 - CLUSTER HOUSING ALL FORMS

R7 - SENIOR'S HOUSING

R8 - MEDIUM DENSITY/LOW RISE APTS.

R9 - MEDIUM TO HIGH DENSITY APTS.

R10 - HIGH DENSITY APARTMENTS

R11 - LODGING HOUSE

DA - DOWNTOWN AREA

RSA - REGIONAL SHOPPING AREA

CSA - COMMUNITY SHOPPING AREA

NSA - NEIGHBOURHOOD SHOPPING AREA

BDC - BUSINESS DISTRICT COMMERCIAL

AC - ARTERIAL COMMERCIAL

HS - HIGHWAY SERVICE COMMERCIAL

RSC - RESTRICTED SERVICE COMMERCIAL

CC - CONVENIENCE COMMERCIAL

SS - AUTOMOBILE SERVICE STATION

ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

OR - OFFICE/RESIDENTIAL

OC - OFFICE CONVERSION

RO - RESTRICTED OFFICE

OF - OFFICE

- RF - REGIONAL FACILITY

CF - COMMUNITY FACILITY

NF - NEIGHBOURHOOD FACILITY

HER - HERITAGE

DC - DAY CARE

OS - OPEN SPACE

CR - COMMERCIAL RECREATION

ER - ENVIRONMENTAL REVIEW

OB - OFFICE BUSINESS PARK

LI - LIGHT INDUSTRIAL

GI - GENERAL INDUSTRIAL

HI - HEAVY INDUSTRIAL

EX - RESOURCE EXTRACTIVE

UR - URBAN RESERVE

AG - AGRICULTURAL

AGC - AGRICULTURAL COMMERCIAL

RRC - RURAL SETTLEMENT COMMERCIAL

TGS - TEMPORARY GARDEN SUITE

RT - RAIL TRANSPORTATION

"h" - HOLDING SYMBOL

"D" - DENSITY SYMBOL

"H" - HEIGHT SYMBOL

"B" - BONUS SYMBOL

"T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:
Z-9158 SM

MAP PREPARED:
2020/02/11 RC

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Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Gregg Barrett,
Director, City Planning and City Planner
Subject: Demolition Request for Heritage Listed Properties at 74
Wellington Road and 78 Wellington Road
Public Participation Meeting on: Monday July 13, 2020

Recommendation

That, on the recommendation of the Director, Planning & City Planner, with the advice of the Heritage Planner, that the properties at 74 Wellington Road and 78 Wellington Road **BE REMOVED** from the Register of Cultural Heritage Resources.

Executive Summary

Cultural Heritage Evaluation Reports for the heritage listed properties at 74 Wellington Road and 78 Wellington Road were completed and determined that the properties do not meet the criteria for designation pursuant to the *Ontario Heritage Act*.

Analysis

1.0 Background

1.1 Property Locations

The subject properties at 74 Wellington Road and 78 Wellington Road are located on the east side of Wellington Road (Appendix A). The property at 74 Wellington Road is located on the southeast corner of Wellington Road and Watson Street. The property at 78 Wellington Road is adjacent, to the south.

1.2 Cultural Heritage Status

The subject properties at 74 Wellington Road and 78 Wellington Road are heritage listed properties.

With the recommendation of the London Advisory Committee on Heritage (LACH), Municipal Council added 347 potential cultural heritage resources identified by the Cultural Heritage Screening Report (CHSR) to the Register of Cultural Heritage Resources (Register) at its meeting on March 26, 2017. The CHSR was prepared as part of the background studies for the Transit Project Assessment Process (TPAP) for Rapid Transit. All of these 347 properties are “heritage listed properties.”

1.3 Rapid Transit and Cultural Heritage

During and since TPAP, cultural heritage evaluations of properties along the Rapid Transit corridors have been completed. Some evaluations have found that properties have met the criteria for designation (see Section 3.1), and further cultural heritage assessment (e.g. property-specific Heritage Impact Assessment) is required. Other evaluations have found that properties have not met the criteria for designation, and no further cultural heritage assessment is required.

1.4 Description

The subject property at 74 Wellington Road is described as a single-storey vernacular building constructed in circa 1940-1941 (Appendix B).

The subject property at 78 Wellington Road is described as a single-storey vernacular building constructed in 1948 (Appendix B).

2.0 Legislative and Policy Framework

2.1 Provincial Policy Statement

Section 2.6.1 of the *Provincial Policy Statement* (2014) directs that “significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

“Significant” is defined in the *Provincial Policy Statement* (2014) as, in regards to cultural heritage and archaeology, “resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.”

“Conserved” is defined in the *Provincial Policy Statement* (2014), “means the identification, protection, management and use of built heritage resources, cultural heritage landscapes and archaeological resources in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.”

2.2 Ontario Heritage Act

The *Ontario Heritage Act* enables municipalities to protect properties that are of cultural heritage value or interest.

Section 27 of the *Ontario Heritage Act* requires that a Register kept by the clerk shall list all properties that have been designated under the *Ontario Heritage Act*. Section 27(1.2) of the *Ontario Heritage Act* also enables Municipal Council to add properties that have not been designated, but that Municipal Council “believes to be of cultural heritage value or interest” on the Register. Listing a property on the Register is an important action to “flag” the potential cultural heritage value or interest of properties during decision making processes.

As consultation with the LACH is required to add a property to the Register, consultation with the LACH is required before a property may be removed from the Register by Municipal Council.

2.4 Register of Cultural Heritage Resources

Municipal Council may include properties on the Register of Cultural Heritage Resources that it “believes to be of cultural heritage value or interest,” pursuant to Section 27(1.2) of the *Ontario Heritage Act*. These properties are not designated, but are considered to be of potential cultural heritage value or interest.

The Register states that further research is required to determine the cultural heritage value or interest of heritage listed properties.

2.5 The London Plan

The Cultural Heritage chapter of *The London Plan* recognizes that our cultural heritage resources define our City’s unique identity and contribute to its continuing prosperity. It notes, “The quality and diversity of these resources are important in distinguishing London from other cities and make London a place that is more attractive for people to visit, live or invest in.” Policies 572_ and 573_ of *The London Plan* enable the designation of individual properties under Part IV of the *Ontario Heritage Act*, as well as the criteria by which individual properties will be evaluated.

3.0 Cultural Heritage Evaluation

3.1 Criteria for Determining Cultural Heritage Value or Interest

The criteria of Ontario Regulation 9/06 establishes criteria for determining the cultural heritage value or interest of individual properties. These criteria are:

1. Physical or design value:
 - i. Is a rare, unique, representative or early example of a style, type,

- expression, material or construction method;
- ii. Displays a high degree of craftsmanship or artistic merit; or,
- iii. Demonstrates a high degree of technical or scientific achievement.
- 2. Historical or associative value:
 - i. Has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community;
 - ii. Yields, or has the potential to yield, information that contributes to an understanding of a community or culture; or,
 - iii. Demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
- 3. Contextual value:
 - i. Is important in defining, maintaining or supporting the character of an area;
 - ii. Is physically, functionally, visually or historically linked to its surroundings; or,
 - iii. Is a landmark.

A property is required to meet one or more of the abovementioned criteria to merit protection under Section 29 of the *Ontario Heritage Act*. Should the property not meet any of the criteria, the property should be removed from the Register.

3.2 Cultural Heritage Evaluation Report

The subject properties were individually evaluated in the “Wellington 35” group Cultural Heritage Evaluation Report (CHER) that was undertaken as part of the Transit Project Assessment Process (TPAP) for Rapid Transit (AECOM, February 2019).

The CHER evaluated each of the subject properties using the criteria of Ontario Regulation 9/06 (see Section 3.1 for the criteria). The Heritage Planner had the opportunity to review and comment on the CHER; the Heritage Planner concurs with the evaluations presented in the CHER. The LACH was consulted on the demolition request and circulated the CHERs at its meeting on March 11, 2020. A link to the CHERs for the subject properties can be found at the end of this report.

The evaluation of the property at 74 Wellington Road found that the property did not meet the criteria of Ontario Regulation 9/06. The CHER did not recommend any further cultural heritage assessment for the property at 74 Wellington Road.

The evaluation of the property at 78 Wellington Road found that the property did not meet the criteria of Ontario Regulation 9/06. The CHER did not recommend any further cultural heritage assessment for the property at 78 Wellington Road.

3.4 Consultation

Pursuant to the Council Policy Manual, notification of the demolition request was sent to 75 property owners within 120m of the subject properties on February 28, 2020, as well as community groups including the Architectural Conservancy Ontario – London Region, London & Middlesex Historical Society, and the Urban League. Notice was published in *The Londoner* and City website on March 26, 2020. Notice of cancellation of the originally-scheduled public participation meeting was sent on March 23, 2020 (due to the COVID-19 pandemic); a new notice of the public participation meeting was mailed on June 24, 2020. Notice was also published in *The Londoner* and City website on June 25, 2020.

4.0 Conclusion

The evaluation of the subject properties at 74 Wellington Road and 78 Wellington Road using the criteria of Ontario Regulation 9/06 found that the properties do not meet the criteria for designation under the *Ontario Heritage Act*. The properties at 74 Wellington Road and 78 Wellington Road should be removed from the Register of Cultural Heritage Resources.

Prepared by:	Kyle Gonyou, CAHP Heritage Planner
Submitted and Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner

July 2, 2020
KG/

C. Jennie Dann, Director, Major Projects
Daryl Diegel, Manager I, Facilities Capital Projects

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Appendix A Subject Property Locations
Appendix C Images

Links to Cultural Heritage Evaluation Report

AECOM. “Cultural Heritage Evaluation Report 35 Properties, Wellington Road, London, Ontario London Bus Rapid Transit – Transit Project Assessment Process.” February 2019.

74 Wellington Road (see Item 2.1.6 on the LACH Agenda for its meeting on February 13, 2019: <https://pub-london.escribemeetings.com/meeting.aspx?Id=e2513031-ed04-4bd3-8964-fd001613cc23&Agenda=Merged&lang=English>)

78 Wellington Road (see Item 2.1.6 on the LACH Agenda for its meeting on February 13, 2019: <https://pub-london.escribemeetings.com/meeting.aspx?Id=e2513031-ed04-4bd3-8964-fd001613cc23&Agenda=Merged&lang=English>)

Appendix A – Subject Property Locations

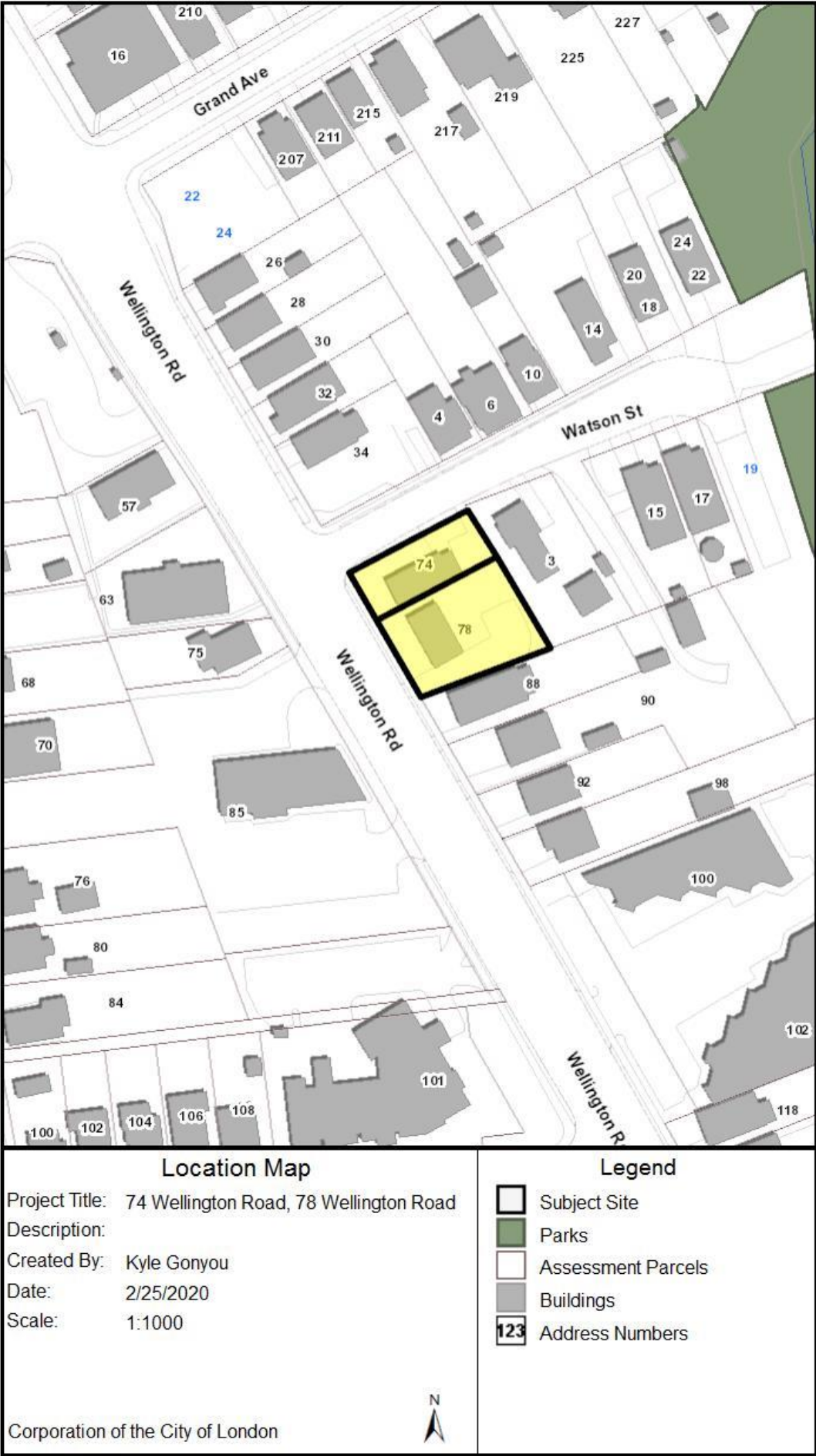


Figure 1: Location Map identifying the subject properties at 74 Wellington Road and 78 Wellington Road.

Appendix B – Images



Image 1: Photograph of the property at 74 Wellington Road, with the property at 78 Wellington Road in the background.



Image 2: Photograph of the property at 74 Wellington Road.



Image 3: Photograph of the property at 78 Wellington Road.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas, P. Eng
Managing Director, Development & Compliance Services &
Chief Building Official
Subject: Milan Starcevic
1339-1347 Commissioners Road West
Public Participation Meeting on: July 13, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions **BE TAKEN** with respect to the application of Milan Starcevic relating to the property located at 1339-1347 Commissioners Road West:

- (a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of a five storey, 34 unit apartment building; and,
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

Executive Summary

Summary of Request

The development for consideration is a five (5) storey, 34 unit apartment building on the north side of Commissioners Road West, west of Halls Mill Road. The site is to be developed with municipal services and vehicular access from Commissioners Road West. The development proposal is subject to a public site plan meeting in accordance with the holding (h-5) zone regulations set out in the Zoning By-law.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to report to the Approval Authority any issues or concerns raised at the public site plan meeting with respect to the application for the Site Plan Approval.

Rationale of Recommended Action

1. The proposed Site Plan is consistent with the Provincial Policy Statement, which directs development to designated growth areas and that development be adjacent to existing development.
2. The proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan.
3. The proposed Site Plan is in conformity with the policies of the Multi-Family Medium Density Residential designation of the Official Plan (1989) and will implement an appropriate form of residential intensification for the site.
4. The proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law.
5. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located on the north side of Commissioners Road West between Stephen Street and Halls Mills Road. At present, the subject lands are comprised of three (3) lots, each occupied by a single detached dwelling. The lands are generally flat and populated with mature trees that do not ecologically relate to the natural heritage features associated with Byron River Valley located on the nearby lands to the north.

Commissioners Road West is classified as an Arterial Road by the 1989 Official Plan (in effect OP policy) and is intended to move medium to high volumes of traffic at moderate speeds.

1.2 Current Planning Information (See Appendix ‘C’)

- 1989 Official Plan Designation – Multi-Family Medium Density Residential
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Residential R8, Bonus Zone (h-5, R8-4, B-63) with a maximum height of 17.5 metres

1.3 Site Characteristics

- Current Land Use – 3 single detached dwellings
- Frontage – 45.95 m
- Depth – variable – approximately 50 m
- Area – 0.26 ha (2580 m²)
- Shape – Rectangular with irregular front lot line

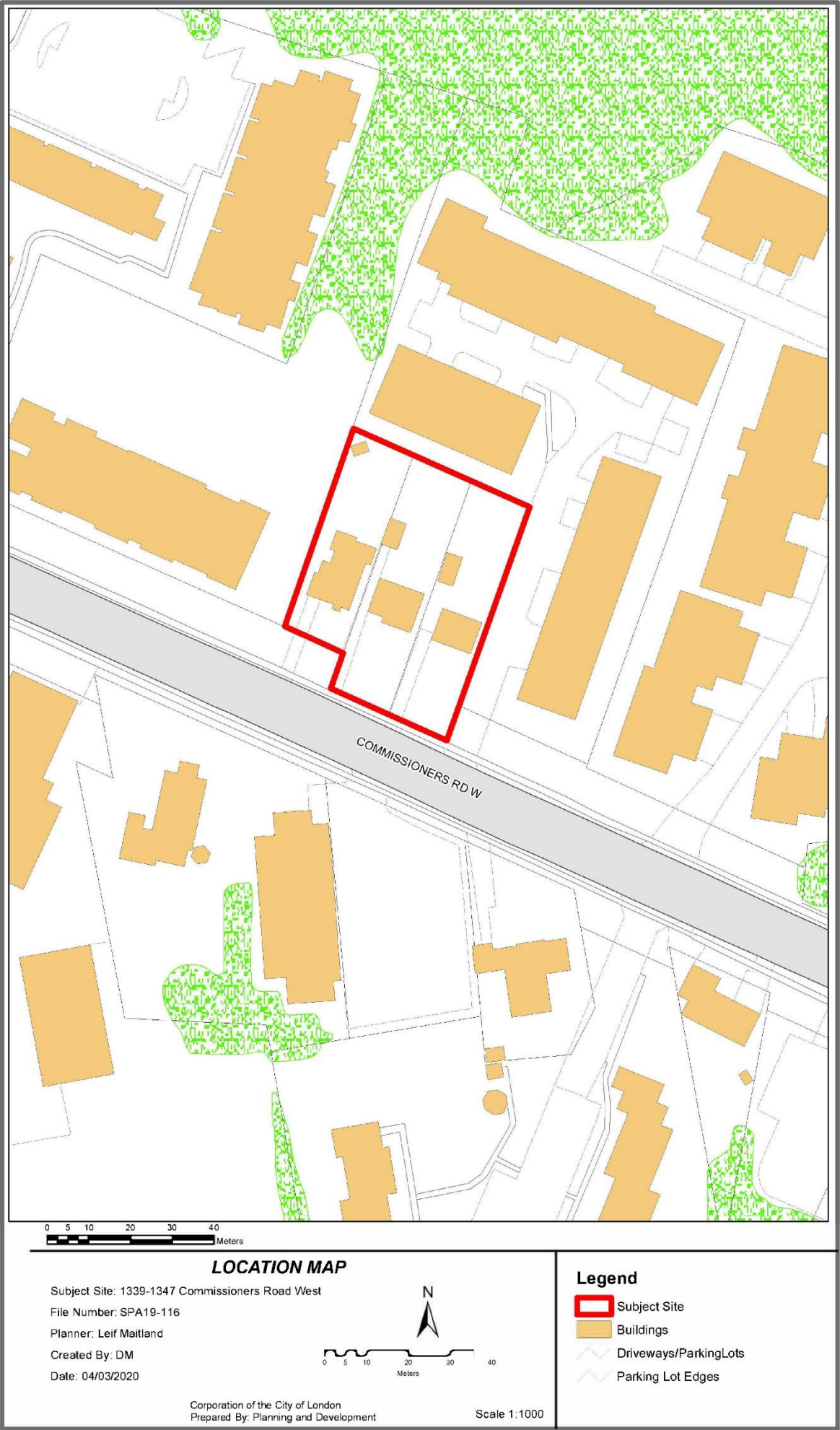
1.4 Surrounding Land Uses

- North – Single-storey townhouse condominium (Byron Woods), Byron River Valley
- East – Single-storey townhouse condominiums (Byron Woods and River Ridge), Halls Mills Park
- South – St. Anne’s Anglican Church, Byron Northview Public School, Single detached and townhouse dwellings
- West – 5-storey apartment building, townhouse and apartment non-profit housing (P.A.M. Gardens)

1.5 Intensification

- The proposed apartment building is not located inside the Primary Transit Area as identified in Figure 4.23 of the Zoning By-law.

1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The development for consideration is a five (5) storey, 34 unit apartment building on the north side of Commissioners Road West between Stephen Street and Halls Mills Road. Access to the proposed development is provided from Commissioners Road West on the east side of the property, adjacent to the driveway for the neighbouring townhouse condominium development located at 1337 Commissioners Road West. Functionally, the driveway into the development provides a direct fire route to the southern face of the proposed building, and to the two (2) surface parking spaces. The remaining parking is contained within an underground parking facility (42 spaces). Two barrier-free parking spaces are provided below grade. The access to the underground parking facility is situated directly adjacent to the north property line. The space below the building cantilever, located along the east end of the building, includes the exit driveway and a lay-by for a service/drop-off area.

The building is centred east-west on the property, providing for reduced interior west side yard setbacks of 2.2 metres, and east side yard setback of 6.0 metres. The rear yard depth is 18.79 metres, in excess of the required depth of 6.0 metres. Landscaping is proposed in the front yard, and also along the civic boulevard, west property line and east property line adjacent to the existing 5 storey apartment building.

The outdoor amenity area is provided to the rear of the proposed building at the North West corner of the site.

Materials identified on the proposed elevations include red brick veneer.

Detailed plans of the development are contained in Appendix ‘A’ of this report.

3.0 Relevant Background

3.1 Planning History

Subject Site - Zoning By-law Amendment Application (Z-9081), Official Plan Amendment (O-9082), and Site Plan Control Application (SPA19-116)

On June 17, 2019, staff received a Zoning By-law amendment application (Z-9081) for the subject lands. The requested amendment to the Zoning By-law was to change the zone from a Residential R1/Residential R5 (R1-9/R5-3) to a Residential R8 Special Provision Bonus (R8-4()*B-) Zone. The requested change would permit a range of apartment building types, stacked townhouses, lodging house class 2, emergency care establishments and continuum-of-care facilities. Additionally, relief from zoning requirements was requested, including an increase in density, increased building height and reduced front and interior side yard setbacks.

The Bonus Zone (B-63) facilitates the development of a high-quality residential apartment building with a maximum height of five storeys, 32 dwelling units and a maximum density of 132 units per hectare. The development will substantially implement the site plan, landscape plan and elevations within the by-law. The Bonus Zone is contingent on the development, providing affordable housing in the form of 34 dwelling units (132 units per hectare), enhanced landscaped open space and underground parking.

The City concurrently initiated an Official Plan amendment to add a Special Policy Area to permit an apartment building with a maximum permitted density of 148 units per hectare within the Multi-Family Medium Density Residential designation. The intent of this amendment was to align the policies of the 1989 Official Plan with The London Plan.

Zoning of the subject lands went before the Planning and Environment Committee of October 7, 2019 and later passed by Municipal Council on October 15, 2019.

In August 2019, Development Services received a request for site plan consultation for the subject lands. Consultation occurred during the re-zoning process. Comments from staff included the labelling of long term bicycle storage, location of snow storage and outdoor garbage, and called for additional plantings along the rear property line. As Archaeological Potential was identified on the subject lands, an archaeological assessment was required.

In December 2019, the subject application of this report, being a Site Plan Control Application for a five storey, 34 unit apartment building, was received by the City of London. Conditional approval was issued on January 22, 2020.

Neighbouring property (Z-8635 and SPA17-024)

Also, in 2016, City Council approved a Zoning By-law amendment in conformity with the Multi-Family Medium Density Residential designation of the 1989 Official Plan for the neighbouring property to the west, known as 1335 Commissioners Road West. The amendment application was to change the zoning from a Residential R5/Residential R8 Special Provision (R5-4(1)/R8-4(2)) Zone to a Residential R8 Special Provision (R8-4(36)) Zone and an Open Space Special Provision (OS1(4)) Zone to permit the five storey apartment building and a hiking trail access between Commissioners Road West and Byron River Valley along the east property line. Site Plan Approval was given on October 3, 2017.

3.2 Community Engagement (see more detail in Appendix B)

Notice of Application

On March 12, 2020 Notice of Application was posted in the Londoner, and circulated to residents within 120m of the subject lands

Notice of Public Meeting

On June 25, 2020 Notice of Public Meeting was posted in the Londoner, and circulated by regular mail to 134 residents within 120m of the subject lands.

Comments

At the time of this report, no comments have been received.

Comments raised during the Zoning By-law amendment included the following matters:

- Traffic safety
- Parking and Service Vehicles
- Scale and Height
- Yard Depth and Setbacks
- Privacy/Overlook
- Light/Noise
- Tree Protection/Buffering
- Proposed bonus for design, affordable housing, enhanced landscaped open space and underground parking not commensurate with the proposed increase in height and density

3.3 Policy Context

Provincial Policy Statement, 2020 (PPS)

The PPS encourages intensification and redevelopment where it can be accommodated, which takes into account the existing building stock and the suitability of existing or planned infrastructure (1.1.3 PPS). The proposal will redevelop an underutilized site that has full access to municipal services within an established mixed use neighbourhood. Land use within settlement areas shall be based on densities that efficiently use land and resources, and are appropriate for and efficiently use the infrastructure and public service facilities that are planned or available and support active transportation ((1.1.3.2.a) and 1.4.3.d)). The proposal efficiently utilizes public services within an established mixed use neighbourhood. Further, the proposed redevelopment will assist in achieving an established intensification target for built up areas, consistent with the goals of Municipal Council and in accordance with the PPS (1.1.3.5).

The proposed development is consistent with the policies of the PPS as it will facilitate the redevelopment of an underutilized site within a settlement area. The proposed redevelopment introduces an efficient form of development within a mixed residential area, along an existing Civic Boulevard (Arterial), proximate to transit. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of existing services. As such, the recommended amendment is consistent with the policies of the PPS.

The London Plan

The London Plan 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 of The London Plan near the intersection of a Civic Boulevard/Main Street (Commissioners Road West) and another Civic Boulevard (Boler Road).

The Our Strategy section of The London Plan establishes key directions to guide planning and development in our neighbourhoods. The proposal seeks to achieve the key directions by promoting and developing affordable housing options to attract diverse populations to the city, and by developing housing options within close proximity to employment lands. Additionally, the proposal seeks to build a mixed-use compact city by developing in a manner that achieves a compact, contiguous pattern of growth by developing inward and upward, and by intensifying development within the Urban Growth Boundary to protect valuable agricultural lands.

Beyond the key directives, the Neighbourhoods Place Type seeks to create a strong neighbourhood character, sense of place and identity; create attractive streetscapes, buildings, and public spaces; provide a diversity of housing choices; encourage well-connected neighbourhoods; provide opportunities for close employment lands; and, locate close to parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering spaces. The proposal achieves the above by providing a high level of design detail that directly faces the street, providing an affordable housing option in an established neighbourhood, increasing density in close proximity to employment lands, and locating the proposed development adjacent to park lands.

Taking the above into consideration, the development is considered to be in conformity with The London Plan.

1989 Official Plan

The subject site is designated Multi-Family Medium Density Residential in the 1989 Official Plan, which permits multi-unit residential developments having a low-rise profile, with a maximum height of four storeys and a density of 75 units per hectare. In some instances, however, height limitations may be permitted to exceed this limit, determined through a compatibility report (3.3.3 i) and ii)). The applicant’s proposal is for a 5-storey, 34 unit (132 units per hectare) apartment building. Through the Official Plan Amendment (O-9082) the proposal is consistent with the intent of the 1989 Official Plan.

Z.-1 Zoning By-law

The subject lands are zoned Residential R8 (h-5, R8-4, B-63). For the purpose of this development, the R8 zone permits the proposed apartment building with a maximum height of 13.0 metres, and a maximum density of 75 units per hectare. Setback, coverage, parking, and area regulations of the Zoning By-law are also being met. The proposed development meets the requirements of the Z.-1 Zoning By-law.

4.0 Key Issues and Considerations

4.1 Use

The use is contemplated in The London Plan and 1989 Official Plan. The Neighbourhoods Place Type strives for attractive streetscapes, buildings, and public spaces to create strong neighbourhood character with a sense of identity. It also strives for diversity in housing choices allowing for affordability and giving people opportunity to remain in neighbourhoods as they age. It strives to create safe, comfortable convenient and attractive alternatives for mobility and establish parks, pathways, and recreational opportunities that strengthen the community and serve as connectors and gathering spaces (*Policy 916_). The Site Plan Control application proposes a 34 residential unit apartment, which is located near the intersection of a Civic Boulevard/Main Street (Commissioners Road West) and another Civic Boulevard (Boler Road). Access to transit, pathways, and green spaces are available to the site.

4.2 Intensity

The Site Plan Control application proposes a 34-unit (132 units per hectare) apartment building, which is within the maximum permitted density established though the zoning for the lands (132 units per hectare (B-63)). The intensity complies with the Zoning By-law and maximums allowed in The London Plan and 1989 Official Plan.

4.3 Form

Under the Neighbourhoods Place Type within The London Plan, new residential development should provide for frontage onto streets, and create both vibrant and recreational spaces (*Policy 919_ and 920_). Direct pedestrian access into the building and connection to the public sidewalk are provided to address the policies of The London Plan. Additionally, Policy *259_ states that 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, which is achieved in the proposed building location.

4.4 Landscaping

The subject lands are located within a Tree Protection Area and Open Space Zone (OS1 (4)), with several existing trees on site. All trees on the site are located within the proposed building footprints, parking areas and setbacks where grading and servicing requirements are to be met. As part of the landscaping plan for the development, the applicant is proposing 44 trees throughout the site. Along the westerly property line, seven trees are proposed in various locations. Along the easterly property line, 12 trees are proposed. The landscaping for the site meets the requirements of the Site Plan Control By-law.

4.5 Privacy and Fencing

Fencing for the site is provided along the westerly, easterly and rear property line adjacent to the existing apartment building and townhomes. The existing fence is a 1.8m wooden board privacy fence that will be maintained along all common property lines, in accordance with the Site Plan Control By-law, prior to Site Plan Control approval.

4.6 Garbage

In accordance with Site Plan Control By-law, the applicant is to provide an internal garbage and recycling storage room as the primary storage area. An external separate staging area is proposed internal to the site, next to the ramp to the underground parking, to accommodate for garbage pick-up. Garbage bins will be required to be returned to the internal storage area following collection.

4.7 Parking

Automobile parking is provided in the form of 42 below grade spaces, and two above grade spaces. Two barrier free spaces are provided below grade. The above grade parking spaces are located internal to the site, well within the Site Plan Control By-law setback requirements. Long-term bicycle parking is provided below grade at a rate of 0.75 per unit (26 spaces).

4.8 Lighting

The applicant submitted a photometric plan (lighting plan) as part of the first submission. The plans provided show minimal light infiltration on abutting westerly and easterly parcels. The light fixtures proposed are downward facing and function in a manner which has limited light dispersion so as to reduce impact on abutting uses.

4.9 Outstanding Site Plan Comments

Third submission site plan control comments were provided to the applicant June 2, 2020. The comments request that the applicant fulfill the following:

- Enter into a bonus agreement. The Bonus provision (B-63) shall be implemented through a bonus agreement to facilitate the development of a high quality residential apartment building, in addition to the development agreement. The affordable housing component shall consist of:
 - a total of 3, two-bedroom affordable rental units (two of which, at minimum, are to be accessible and located on the ground floor);
 - 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 15 years from the point of initial occupancy of all 3 two-bedroom units.
- The h-5 requires a public site plan meeting before the Planning and Environment Committee (PEC), which is the subject of this report and appearance at the public participation meeting of PEC on July 13, 2020.
- The applicant has resolved all previously identified design concerns. However, in this latest submission it appears they have added some spandrel panels to the ground floor facing the Commissioners Road frontage where this area was originally intended to be all transparent glazing as part of the bonus. Without a floor plan to better understand this change to make suggestions, Site Plan staff have requested the applicant to revert back to the elevations provided in the first and second submission, for this portion of the building, in order to conform to the Bonus Zone.

5.0 Conclusion

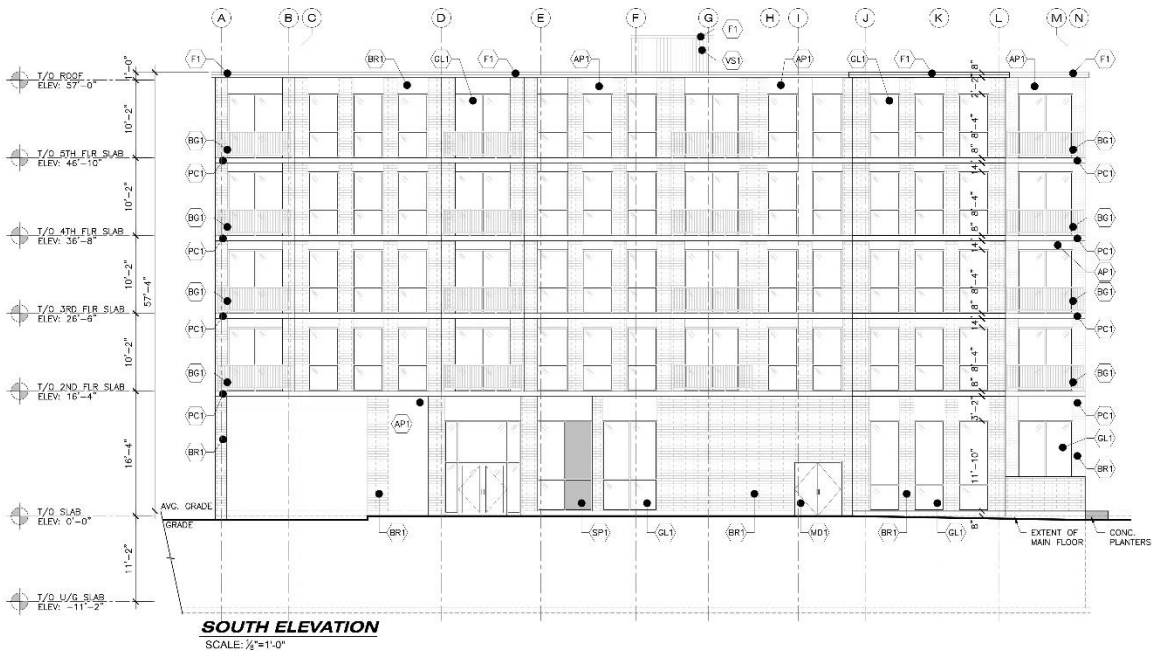
The proposed Site Plan is consistent with the Provincial Policy Statement, 2020 has regard to The London Plan, and is in conformity with the City of London Official Plan, 1989. The application has been reviewed in accordance with the Z.-1 Zoning By-law, and, as proposed, complies with the regulations of the Zoning By-law. The proposed Site Plan and elevations will result in development that will not conflict with the character of the area, and is in compliance with the Site Plan Control By-law.

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

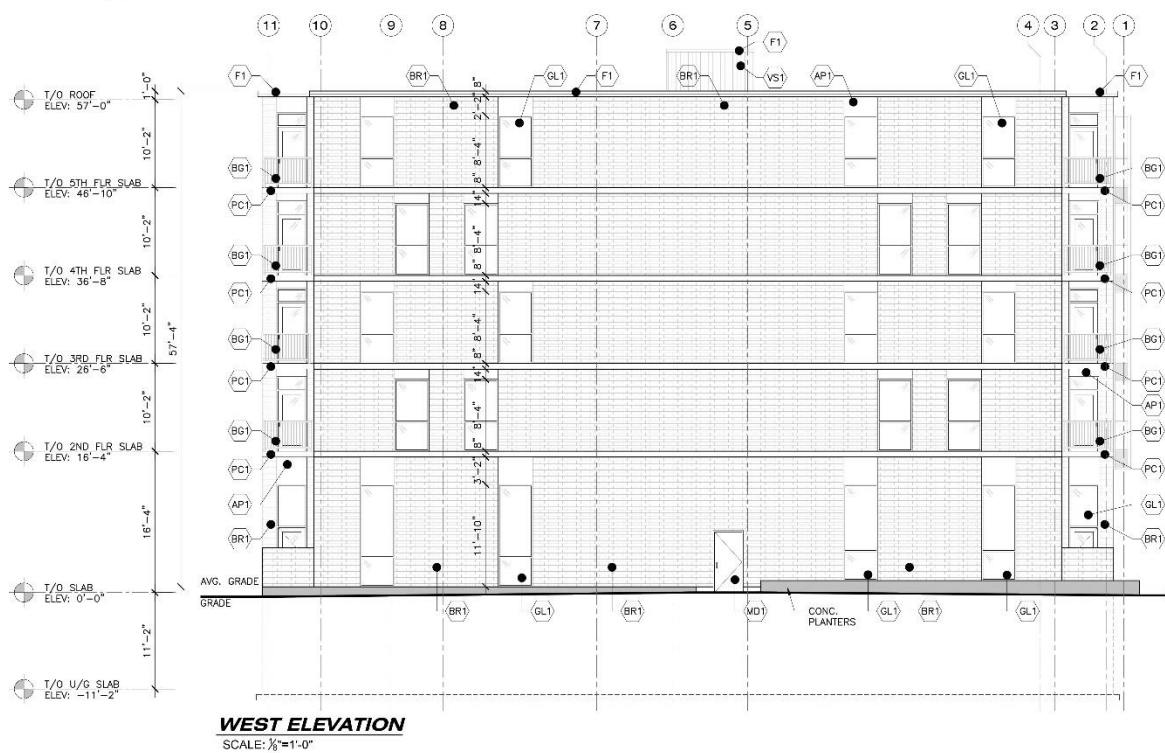
July 6, 2020
LM/mp

CC: Heather McNeely, Manager, Development Services (Site Plan)
Michael Pease, Manager, Development Planning
Ismail Abushehada, Manager, Development Engineering

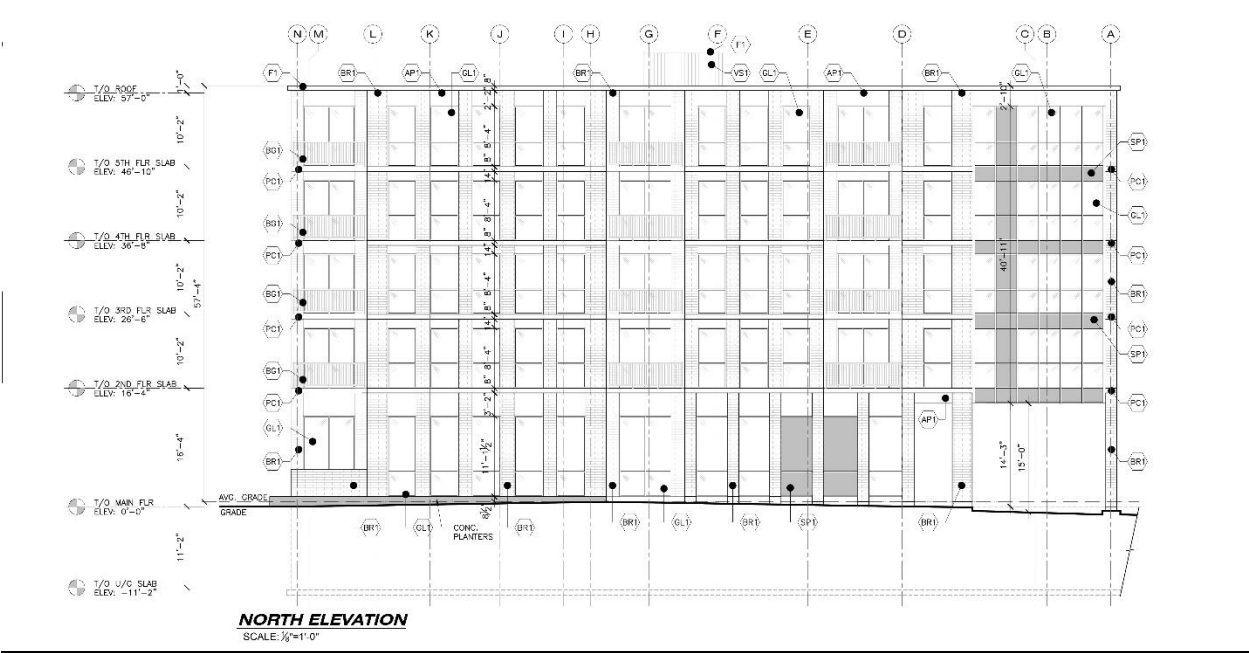
South Elevation



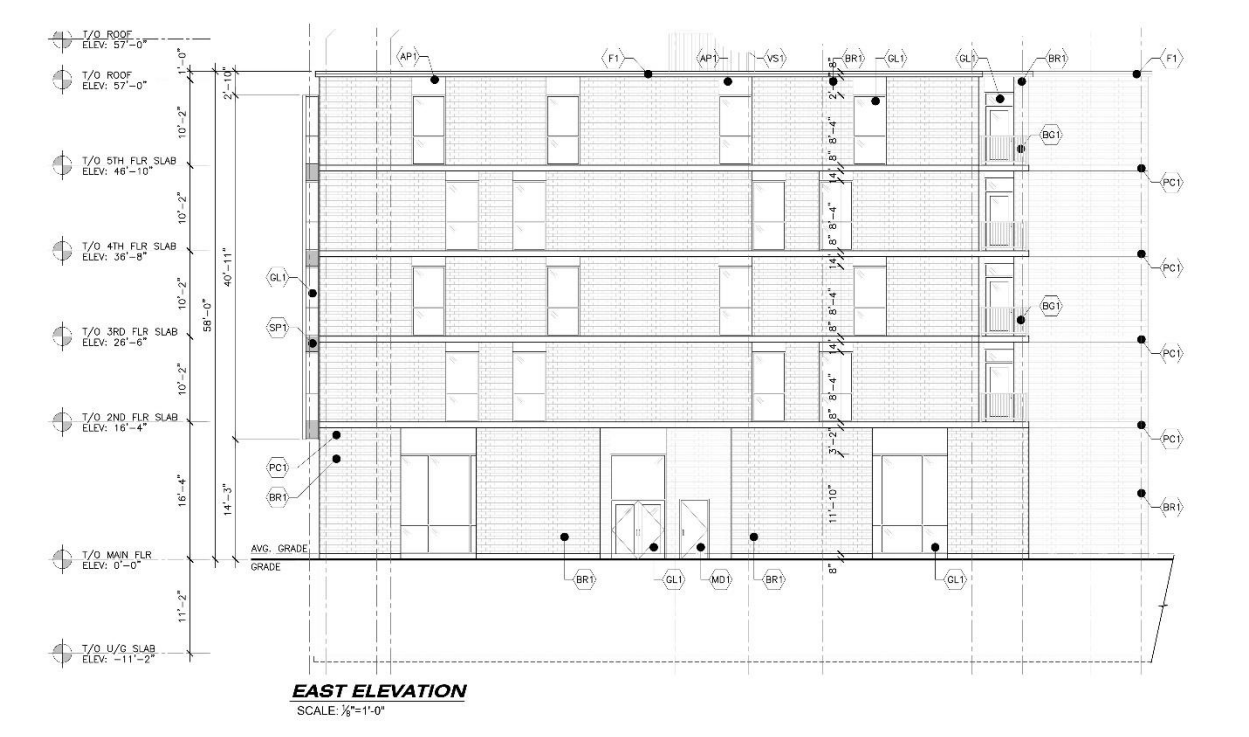
West Elevation



North Elevation



East Elevation



Appendix B – Public Engagement

No comments received at time of report.

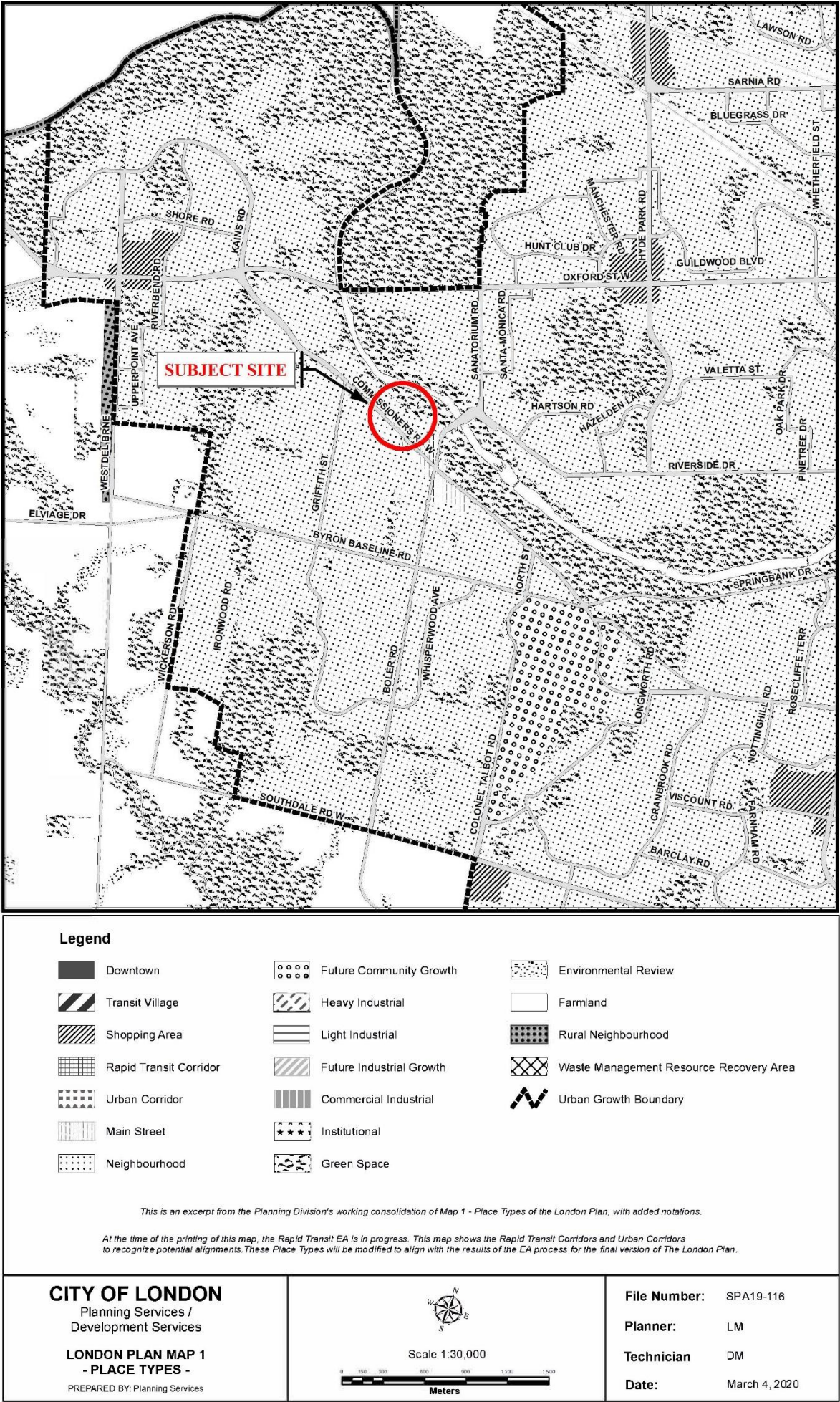
Nature of Liaison:

1339 Commissioners Road West – SPA19-116 – Consideration of a site plan to permit an apartment building with 34 units, 17.5 meters in height. The site zoning includes Bonusing which requires 3 of the units to be affordable units and two of the three be accessible at ground level. The site contains a holding provision that requires a public site plan participation meeting before the Planning & Environmental Committee. The meeting is scheduled for July 13, 2020, not to be heard before 5:15PM. Please submit any written comments to the Site Development Planner noted below.

File: SPA19-119 Site Development Planner: Leif Maitland lmaitlan@london.ca (City hall)

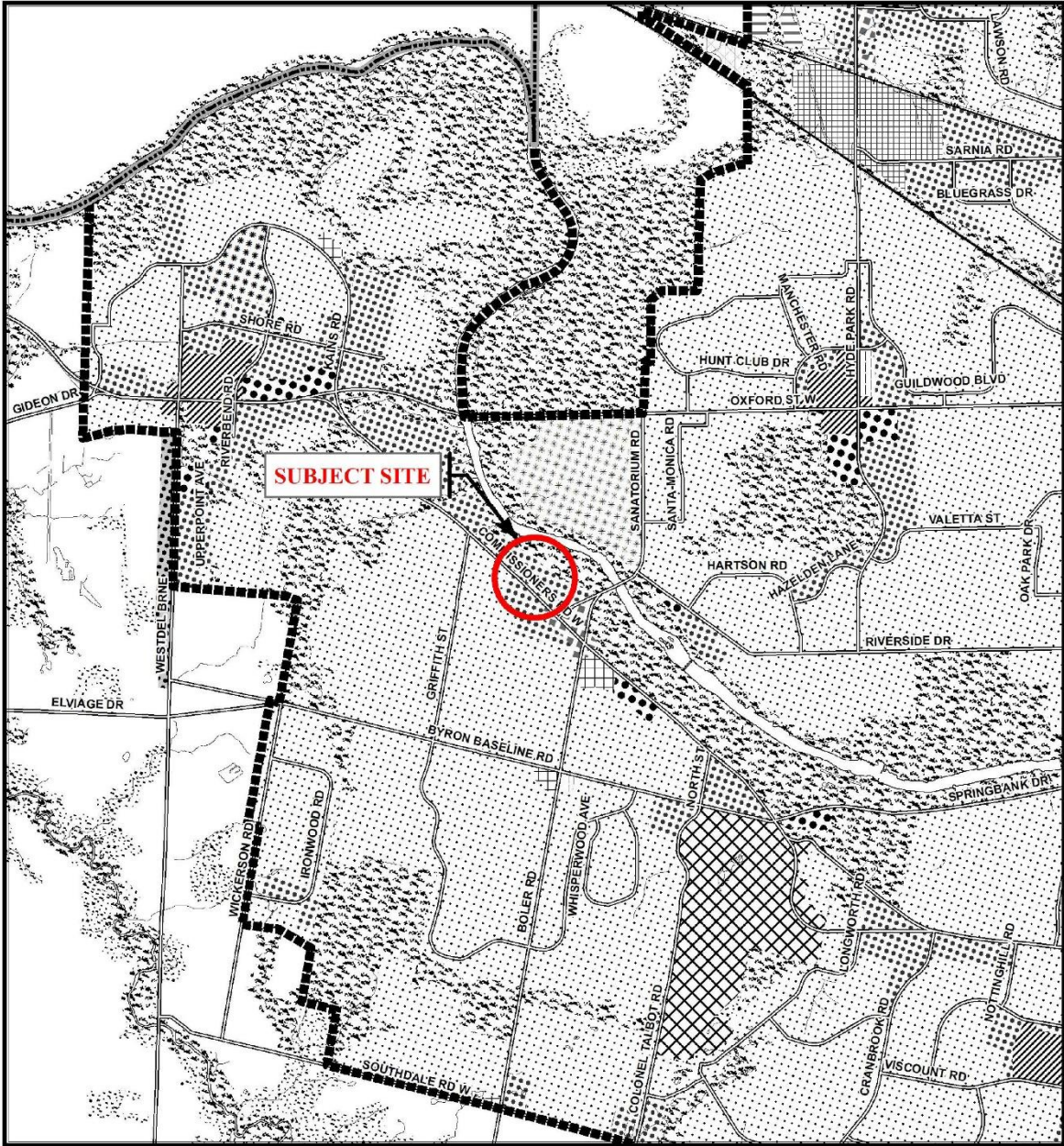
Appendix C –The London Plan, Official Plan Map and Zoning excerpts

The London Plan



Project Location: E:\Planning\Projects\p_officialplan\workconsol\00\excerpts_LondonPlan\mxds\Z-9081-O-9082-Map1_PlaceTypes.mxd

Official Plan Excerpt



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 -

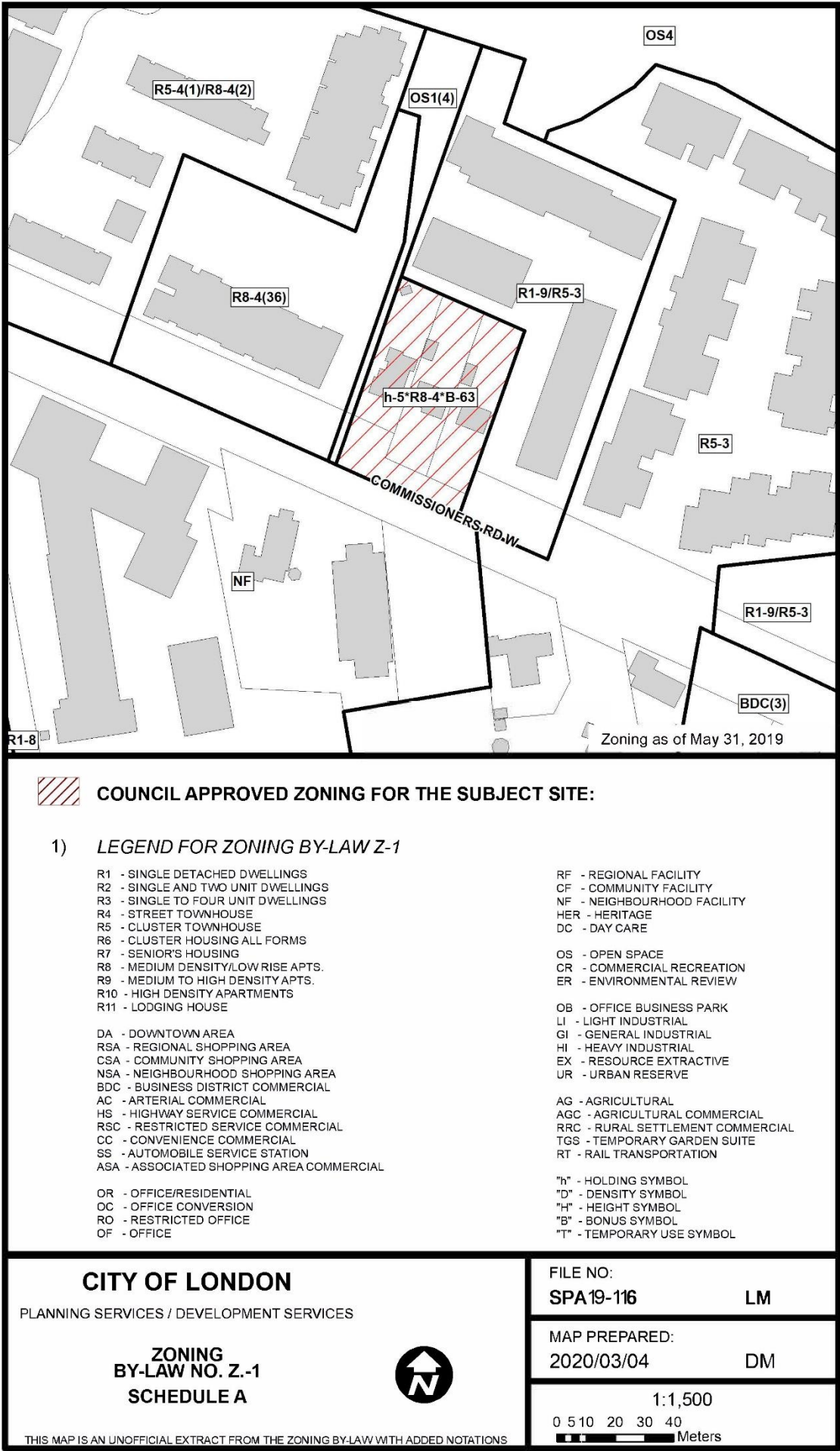
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FILE NUMBER: SPA19-116
PLANNER: LM
TECHNICIAN: DM
DATE: 2020/04/03

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

Zoning Excerpt



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas, P. Eng
Managing Director, Development & Compliance Services &
Chief Building Official
Subject: 2492222 Ontario Inc.
536-542 Windermere Road
Public Participation Meeting on: July 13, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions **BE TAKEN** with respect to the application of 2492222 Ontario Inc. relating to the property located at 536-542 Windermere Commissioners Road West:

- (a) The Planning & Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Site Plan Approval to permit the construction of two back-to-back townhouse buildings each with six-units; and
- (b) Council **ADVISE** the Approval Authority of any issues they may have with respect to the Site Plan Application, and whether Council supports the Site Plan Application.

Executive Summary

Summary of Request

The development for consideration consists of two townhouse buildings, for a total of 12 units on the north side of Windermere Road, between the east and west street connections of Doon Drive accessing Windermere Road. The units are provided in two buildings both featuring a back-to-back formation. The site is to be developed with municipal services and vehicular access from Windermere Road. The development proposal is subject to a public site plan meeting in accordance with the holding (h-5) zone regulations set out in the Zoning By-law.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommendation is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for the Site Plan Approval.

Rationale of Recommended Action

1. The proposed Site Plan is consistent with the Provincial Policy Statement, 2020, which directs development to designated growth areas and that development be adjacent to existing development.
2. The proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan.
3. The proposed Site Plan is in conformity with the policies of the Low Density Residential designation of the Official Plan (1989) and will implement an appropriate form of residential intensification for the site.
4. The proposed Site Plan conforms to the regulations of the Z.-1 Zoning By-law.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located on the north side of Windermere Road between the two ends of the Doon Drive crescent. The property abuts two (2) properties fronting onto Orkney Crescent and one on Angus Court. At present, the subject lands are comprised of two (2) lots, each occupied by a single detached dwelling. The lands are generally flat; however, there is a distinct slop towards the rear and a recognized drainage channel. The eastern border of the property contains the regional water supply line that serve the north half of the City.

Windermere Road is classified as an Arterial Road by the 1989 Official Plan (in effect OP policy) and is intended to move medium to high volumes of traffic at moderate speeds.

1.2 Current Planning Information (See Appendix 'D')

- 1989 Official Plan Designation – Low Density Residential
- The London Plan Place Type – Neighbourhoods Place Type
- Existing Zoning – Residential R5 (h-5,h-225,R5-5(3)) with a maximum height of 10.5 metres

1.3 Site Characteristics

- Current Land Use – 2 single detached dwellings
- Frontage – 58 metres (189 feet)
- Depth – 46 metres to 49 metres (150 feet to 160 feet)
- Area – 0.28 ha (2771 m²)
- Shape – Two offset rectangles.

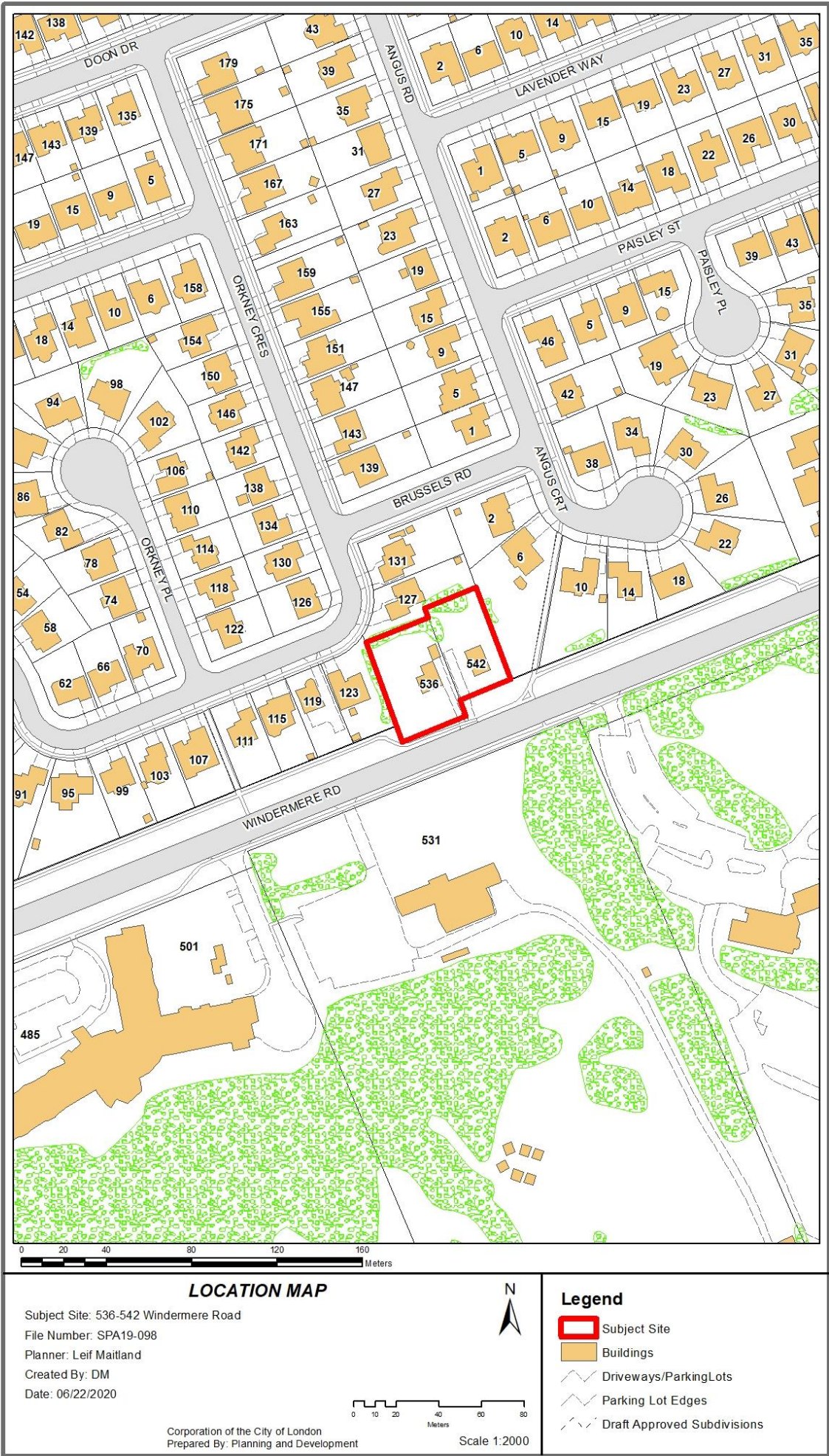
1.4 Surrounding Land Uses

- North – Two-storey single-detached
- East – Two-storey single-detached
- South – Scouts Canada, Ivey Leadership Centre, Sister of St. Joseph retirement home (all zoned Regional Facility)
- West – Two-storey single detached

1.5 Intensification

- Twelve (12) units within the Built-area Boundary
- Twelve (12) units within the Primary Transit Area

1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The development for consideration is a 12-unit cluster townhouse complex in two buildings of back-to-back townhouses on the north side of Windermere Road. Each building contains six units. The result is three (3) street-facing units, six units facing an internal walkway, and three facing the rear of the property and the side-yard of the neighbour to the north.

The design maximizes the height of 10.5m permitted and is located as far to the west and close to the street as the building envelope allows, 3.0m and 2.1m from the property limits respectively.

The rear yard on the Site Plan shows a setback of 6.5m, where 6.0m is required; this space accommodates seven conifers to provide for screening to the northerly neighbour. Additional landscape screening is proposed for the westerly side yard in the form of a cedar-hedge. Whereas the proposed additional screening in the rear yard is a 2.4m wood board privacy fence, both side yards proposed to use the standard 1.8m high fence.

The two (2) proposed buildings are to be situated 7.0m apart, with walkways and stairs accessing each unit from a sidewalk along the parking area or, in the case of the street-facing units, from the sidewalk.

Amenity areas are provided for each unit in the form of 1.6m (approx.) sunken areas that are ringed by a 1.1m tall railing. The dimensions of these areas are 1.5m by 6.0m and only accessible via a walk-out basement door. These sunken areas are also surrounded by landscape screening including yews and hostas.

The development relies on parking located on the eastern half of the property as a major water pipeline that services the City of London traverses that portion of the site. The required water service easement that contains the pipeline and maintenance area does not allow for any buildings, permanent structures, or new enhanced landscaping to be located within the easement. However, sod treatment and asphalt for parking within the easement is permitted, which allows for easy access and maintenance of the water pipeline by the City.

An overflow garbage storage bin is proposed within the west side of the parking area; however, garbage and recycling are expected to be stored in-unit.

The northeast and southeast corner both feature significant trees to be preserved through the development.

Materials for the exterior include stone veneer, stucco and brick veneer.

Detailed plans of the development are contained in Appendix 'A' of this report.

3.0 Relevant Background

3.1 Planning History

On April 23, 2019 Municipal Council approved a Zoning By-law amendment to rezone the subject lands to the Holding Residential R5 (h-5*h-225*R5-5(3)) which currently applies to the site. This decision was in response to a request from the applicant to rezone the lands from an R1-6 to a R5-7() zone, which was deemed by staff to be counter to the policies of *The Official Plan, 1989*, and *The London Plan*, specifically with regards to its intensity and anticipated impacts on the neighbourhood. The resolution to approve the Zoning currently on site included direction that: “*the trees on the westerly and northerly boundary BE PROTECTED AND BE RESERVED with the exception of*

invasive species or trees that are in poor condition.” This direction was in response to concerns raised by neighbours concerned about screening and preservation of trees.

Following the decision to approve the zone, the Council-approved Zoning was appealed by a neighbour to the Local Planning Appeals Tribunal. On February 5, 2020 the appeal of the Zoning was withdrawn following negotiations between the applicant and the appellant. In concert with the withdrawal staff prepared a report for Council review outlining the nature of the appeal and the proposed negotiations to withdraw it. Provided with that information Council resolved January 29, 2020:

a) pursuant to section 13.3 of the Council Procedure By-law, part c) of the resolution of the Municipal Council from the meeting held on April 23, 2019 relating to Item 3.8 of the 7th Report of the Planning and Environment Committee having to do with the property located at 536 and 542 Windermere Road BE RECONSIDERED; it being noted that part c) reads as follows: “c) the trees on the westerly and northerly boundary BE PROTECTED AND BE PRESERVED with the exception of invasive species or trees that are in poor condition;”

b) subject to the approval of a) above, the Civic Administration BE AUTHORIZED to consider implementing a vegetated buffer on the westerly and northerly boundary as a result of either retaining existing trees, or new plantings, or the combination of the two, in accordance with a landscape plan to be considered through the Site Plan Approval process;

In October 2019, the subject application of this report, was received by the City of London for a Site Plan Control Application (file no. SPA19-098) comprising the proposed 12-unit townhouse development. Conditional approval was issued on November 12, 2019. Throughout the planning review process, comments from staff included concerns around the quality of the private amenity spaces provided, the need for articulation of the building façade, request for improvements to perimeter landscaping, request for details on the functioning of the building separation.

3.2 Community Engagement (see more detail in Appendix B)

Notice of Application and Public Meeting

On June 25, 2020 Notice of Application and Public Meeting was posted in the Londoner, and circulated by regular mail to 56 residents within 120m of the subject lands.

Comments

At the time of this report, 2 responses have been received. The first respondent is seeking a fence of greater than 1.8m and additional landscaping along the western property limit. The second respondent raised concerns with the density of the cedar hedge provided and sought a fence greater than 1.8m.

Concerns raised through the Zoning By-law amendment included:

- the intensity of proposed development too great, and the scale of the proposed buildings too dominate; generally out of character for the neighbourhood;
- townhouse dwellings inconsistent with surrounding properties zoned for single detached dwellings;
- number of variance to standard zone conditions, an indication proposed buildings are too large of site/number of units an over-intensification of the site;
- shadow impact, loss of privacy/overlook, loss of views given scale of the proposed buildings;
- lack of space for proper garage storage and/or snow storage;
- intrusion of boundary fencing and proposed buildings on Orkney Crescent streetscape;

- elevation change will diminish effectiveness of fencing and landscaping to visually screen proposed buildings from adjacent properties;
- diminished quality of life/intrusions of noise, light and traffic, loss of mature trees, garbage (property maintenance);
- insufficient parking for the number of townhouse dwellings and potential off-site parking impacts on adjacent neighbourhood streets;
- insufficient separation distance between proposed buildings on site, and insufficient yard depths/setbacks between proposed buildings and adjacent properties;
- improper classification of Windermere Road as higher-order street/improper location of intensification;
- proposed development exacerbating traffic congestion on Windermere Road
- insufficient front yard depth and encroachment into pedestrian space along Windermere Road affecting safety of pedestrians and cyclists;
- appearance, architectural style of proposed building relative to existing buildings in the area, and the quality and/or durability of materials and/or construction;
- opportunity for crime in confined spaces (Crime Prevention Through Environmental Design);
- reduction in property value; and
- impact of proposed surface parking area/pavement over watermain easement.

3.3 Policy Context

Provincial Policy Statement, 2020 (PPS)

The PPS encourages intensification and redevelopment where it can be accommodated, which takes into account the existing building stock and the suitability of existing or planned infrastructure (1.1.3). The proposal will redevelop an underutilized site that has full access to municipal services within an established mixed-use neighbourhood. Land use within settlement areas shall be based on densities that efficiently use land and resources, and are appropriate for and efficiently use the infrastructure and public service facilities that are planned or available and support active transportation ((1.1.3.2.a) and 1.4.3.d)). The proposal efficiently utilizes public services within an established mixed-use neighbourhood. Further, the proposed redevelopment will assist in achieving an established intensification target for built up areas, consistent with the goals of Municipal Council and in accordance with the PPS (1.1.3.5).

The proposed development is consistent with the policies of the PPS as it will facilitate the redevelopment of an underutilized site within a settlement area. The proposed redevelopment introduces an efficient form of development within a mixed residential area, along an existing Civic Boulevard (Arterial), proximate to transit. No new roads or infrastructure are required to service the site, therefore the development makes efficient use of existing services. As such, the recommended amendment is consistent with the policies of the PPS.

The London Plan

The London Plan 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 of The London Plan on a Civic Boulevard.

The Our Strategy section of The London Plan establishes key directions to guide planning and development in our neighbourhoods. The proposal seeks to achieve key

directions by promoting and developing affordable housing options to attract diverse populations to the city; and developing housing options within close proximity to employment lands. Additionally, the proposal seeks to build a mixed-use compact city by providing a development that achieves a compact, contiguous pattern of growth by developing inward and upward; and intensifying development within the Urban Growth Boundary to protect valuable agricultural lands.

Beyond the key directives, the Neighbourhoods Place Type seeks to create a strong neighbourhood character, sense of place and identity; creative attractive streetscapes, buildings, and public spaces; provide a diversity of housing choices; encourage well-connected neighbourhoods; provide opportunities for close employment lands; and locate close to parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering spaces. The proposal achieves the above by providing a new housing option in an established neighbourhood, increases density in close proximity to employment lands particularly the regional centre that is Western University, and the location of the development proximate to park lands.

Taking the above into consideration, the proposed development is considered to be in conformity with The London Plan.

Official Plan, 1989

The subject site is designated Low Density Residential in the 1989 Official Plan, which permits multiple-unit residential developments having a low-rise profile, with a maximum height of four storeys and a density of 75 units per hectare, which the proposal at 44 units per hectare falls within. The proposal is for a 10.5 metre, 12-unit townhouse complex which through the Zoning By-law amendment (Z-8945) was confirmed to be in keeping with the policies of *The Official Plan, 1989*.

Z.-1 Zoning By-law

The subject lands are zoned Residential holding R5 Special Provision (h-5, h-225, R5-5(3)) Zone. The R5-5(3) Zone permits the proposed cluster townhouse with a maximum height of 10.5 metres, and a maximum density of 45 units per hectare. The Zoning also permits cluster stacked townhousing. Special provisions also require a westerly side yard of 3.0 metres and a front yard of 2.1 metres. Setback, coverage, parking, and area regulations of the By-law are also being met. The proposed development meets the requirements of the Z.-1 Zoning By-law.

4.0 Key Issues and Considerations

4.1 Use

The use is contemplated in *The London Plan* and *The Official Plan, 1989*. The Neighbourhoods Place Type strives for attractive streetscapes, buildings, and public spaces, to create strong neighbourhood character with a sense of identity, diversity in housing choices allowing for affordability and giving people opportunity to remain in neighbourhoods as they age, safe, comfortable convenient and attractive alternatives for mobility, and parks, pathways, and recreational opportunities that strengthen the community and serve as connectors and gathering spaces (*Policy 916_). The Site Plan Control application proposes a 12 unit townhouse complex situate at the edge of an established neighbourhood, near park amenities and well served by transit.

4.2 Intensity

The Site Plan Control application proposes a 12-unit townhouse complex (44 units per hectare), which is within the maximum permitted within the zoning for the lands (45 units per hectare). The intensity complies with the Zoning By-law and maximums permitted in *The London Plan* and *The Official Plan, 1989*.

4.3 Form

Under the Neighbourhood Place Type within The London Plan, new residential development should provide for frontage onto streets, and create both vibrant and recreational spaces (*Policy 919_ and 920_). Direct pedestrian access for three units from the public sidewalk are provided to address the policies of The London Plan; however, the bulk of the units (9 of 12) are not accessible from the sidewalk and must be accessed via an internal pedestrian network of the parking area, this orientation is counter to the direction of the *Policy 291_.

Policy *259_ states that building 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, which is achieved in the proposed building location; however, the amenity pits located between the front building and the street detract somewhat from the establishment of a functional street edge. The blank eastern facades are highly visible from the street and lack articulation and openings, this is a negative environment by reducing the natural light provision for those residing inside the development as well as a visually unattractive façade for those passing by the site. This issue was raised by the Urban Design Peer Review Panel (memo provided as Appendix D) and has not, to date, been addressed by the applicant. The applicant wrote in their response to the UDPRP memo (see appendix D) that the Zoning prevents the applicant from providing windows; however, with a sideyard setback of 6.0m the provision of windows is permitted. As the eastern sideyard is well in excess of 6.0m there is nothing prohibiting the provision of windows on the eastern sides of the buildings in the current configuration.

Although cluster townhouse form is supported by policy, as established through the prior Zoning By-law amendment, the policy is not supportive of the specific layout and building form proposed, with the lack of quality amenity and architectural design.

4.4 Landscaping

The subject lands are located within a Tree Protection Area. Only the trees in the northeast and southeast corners, and a single conifer in the southwest corner of the site have been preserved given they are located outside the setback area for development. Screening is provided by a cedar hedge along the western property limit and seven columnar conifers along the rear limit. Three sugar maples and four ginkgo trees are proposed in the front yard and within the boulevard. The amenity areas are encircled by a mix of hostas and yews.

With regards to the vegetated buffer, referenced in the council resolution of January 29, 2020 and throughout the rezoning process, the proposal includes a cedar hedge, along the western property edge and white spruce along the northern property limit.

4.5 Privacy and Fencing

Wooden fencing for the site is provided along the westerly and easterly property boundaries at a height of 1.8 metres and along the rear property line at a height of 2.4 metres. The western boundary is enhanced with a cedar hedge, while the rear vegetated area is proposed to include seven columnar conifers following negotiations as a result of the LPAT hearing in regards to the Zoning application for this property.

4.6 Garbage

In accordance with Site Plan Control By-law, the storage of recycling and garbage can be accomplished internal to the dwelling units. An additional in-ground storage container is proposed, to accommodate for overflow garbage. Recycling bins will be required to be returned to units following their use.

4.7 Building Facades

The building facades feature a combination of brick veneer, stone veneer and stucco. The front façade of the street-facing building is the only façade with articulation. All other building facades are flat with the exception of the stairs provided for access to individual units.

4.8 Building Spacing

The two buildings are spaced 7.0 metres apart, which is a reduction from the Site Plan Control By-law standard of 8.0 metres. Rationale for this reduction has been requested from the applicant by Development Services staff, specifically methods to mitigate the impacts of two units with doors 7.0 metres apart, and considering the units do not have any secondary access or source of light.

Confirmation that the design is able to meet building code requirements has yet to be received.

4.9 Amenity Areas

The amenity areas provided in a pit and accessed from the basement do not meet Site Plan Control By-law standards. The Site Plan Control by-law directs that for “family-type dwellings” should have private outdoor space at grade or directly related to grade. The Site Plan Control By-law further notes that for private outdoor spaces which are more than 1 m (3 feet) lower than a common parking lot, there should be a separation of not less than 7.5 m (25 feet) with appropriate screening and not less than 15 m (50 feet) without appropriate screening. However, three of the amenity areas provided are less than 5m from the parking area. Parking spaces should be oriented so that headlights and fumes are not directed towards the private outdoor space by using a parallel parking arrangement or by screening with planting or fencing. It has been recommended to the applicant that they explore opportunities to remove the lowered outdoor private amenity areas and provide these spaces at grade. Outdoor amenity areas at grade would allow for larger space for future residents with access to sunlight. While the Site Plan Control By-law does not provide specific dimensions for outdoor amenity areas, staff are of the opinion that the dimensions of the provided amenity areas on the Site Plan are not sufficient to function effectively.

4.10 Parking

Automobile parking is provided in the form of 22 at-grade spaces including one barrier-free space. This is greater than the 18 spaces required by the Zoning By-law. Design elements which reduce fume and headlight impacts on the private amenity spaces of the units has been recommended.

4.11 Lighting

The applicant submitted a photometric plan (lighting plan) as part of the second submission. The plans provided show little light infiltration on abutting parcels which is in accordance with standards. The light fixtures proposed are downward facing and function in a manner that has limited light dispersion so as to reduce impact on abutting uses.

However, the photometric plan shows no light provision for the space between the two-buildings of the development proposal, which is a concern and has been flagged to the applicant to be addressed through further submissions.

4.12 Outstanding Site Plan Comments

Second submission site plan control comments were provided to the applicant June 10, 2020. The comments to the applicant include the following:

- Site Plan Approval is dependent on the applicant meeting all required conditions including the provision of acceptable drawings.

- The Site Plan Approval Authority will be not be able to issue approval until the applicant is able to address outstanding issues including:
 - Provision of a Site Plan with provision of amenity space which are at-grade and sufficiently separated from parking in accordance with the Site Plan Control By-law.
 - Elevations that have provided for articulation and openings (notably the east elevation).
- Photometric – consider a lighting approach that provides some lighting between the buildings comprised in the development. This lighting should be designed to illuminate the space but not be aimed directly towards windows, particularly bedrooms.
- The additional 4 parking spaces proposed be removed to provide communal amenity space. Consideration to removing the parking spaces that would result in headlights between the buildings (into their access) and introducing low landscape screening (max 0.9m) to reduce light and exhaust impacts.
- Amenity space details and dimensions of all elements including stairs, depth, materials, railings, etc. Noting that there are a number of requirements for amenity space under the Site Plan Control by-law, of which the following are not met:
 - Family type dwellings should have private outdoor space at grade or directly related to grade.
 - Private outdoor spaces that are more than 1 m (3 feet) lower than a common parking lot should be separated by not less than 7.5 m (25 feet) with appropriate screening and by not less than 15 m (50 feet) without appropriate screening.
 - Parking spaces should be oriented so that headlights and fumes are not directed towards the private outdoor space by using a parallel parking arrangement or by screening with planting or fencing.

Explore opportunities to remove the lowered outdoor private amenity areas and provide these spaces at grade. This would allow for larger amenity spaces with access to sunlight.

- The Site Plan Control By-law requires a space of 8.0m between habitable walls. As a reduction is considered provide reasoning (such as window offset, screening).
- In keeping with the recommendation of the UDPRP, provide windows on the east elevations of the proposed buildings as these elevations are highly visible from the Windermere Road frontage. Including windows on these facades will also provide for eyes on the parking area and the amenity area to the east of the parking lot. (UDPRP memo is provided as appendix D)
- The ponding associated with the west and north property boundaries appears to exceed City Standards for acceptable ponding. Elevations shown on the grading plan would indicate ponding reaches a depth of nearly 900mm; City Standards only allow for a maximum of 450mm. The consultant should review the grading plan for options to reduce ponding under a 100 year storm event and provide for the safe conveyance of flows. i.e. a swale directed southwards, ensuring the public sidewalk is not affected.
- The ponding areas noted above shall be self-contained within the subject site during the 100 year storm event. Grading shall be adjusted accordingly.
- Separate services will need to be provided for both sanitary and water for the townhouse units. Unless there is a common space, each townhouse unit is to have a separate sanitary service leaving the unit (horizontal sanitary from one unit cannot be installed underneath another unit and leave building as a single sanitary service (OBC 7.1.5.4.(4)). Per Ontario Building Code (OBC), the water service should not run through another unit. One meter fronting each residential unit will need to be installed.
- Provide spatial separation calculations to determine the maximum unprotected openings per OBC to confirm proposed elevations can be built as shown and separated.

5.0 Conclusion

The proposed Site Plan is consistent with the Provincial Policy Statement, 2020, has regard for *The London Plan*, and is in conformity with *The Official Plan, 1989*. The application has been reviewed in accordance with the Z.-1 Zoning By-law, and, as proposed, complies with the regulations of the By-law.

As submitted, the proposed Site Plan and elevations would result in development that is not in compliance with the Site Plan Control By-law, further revisions are recommended prior to approval.

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

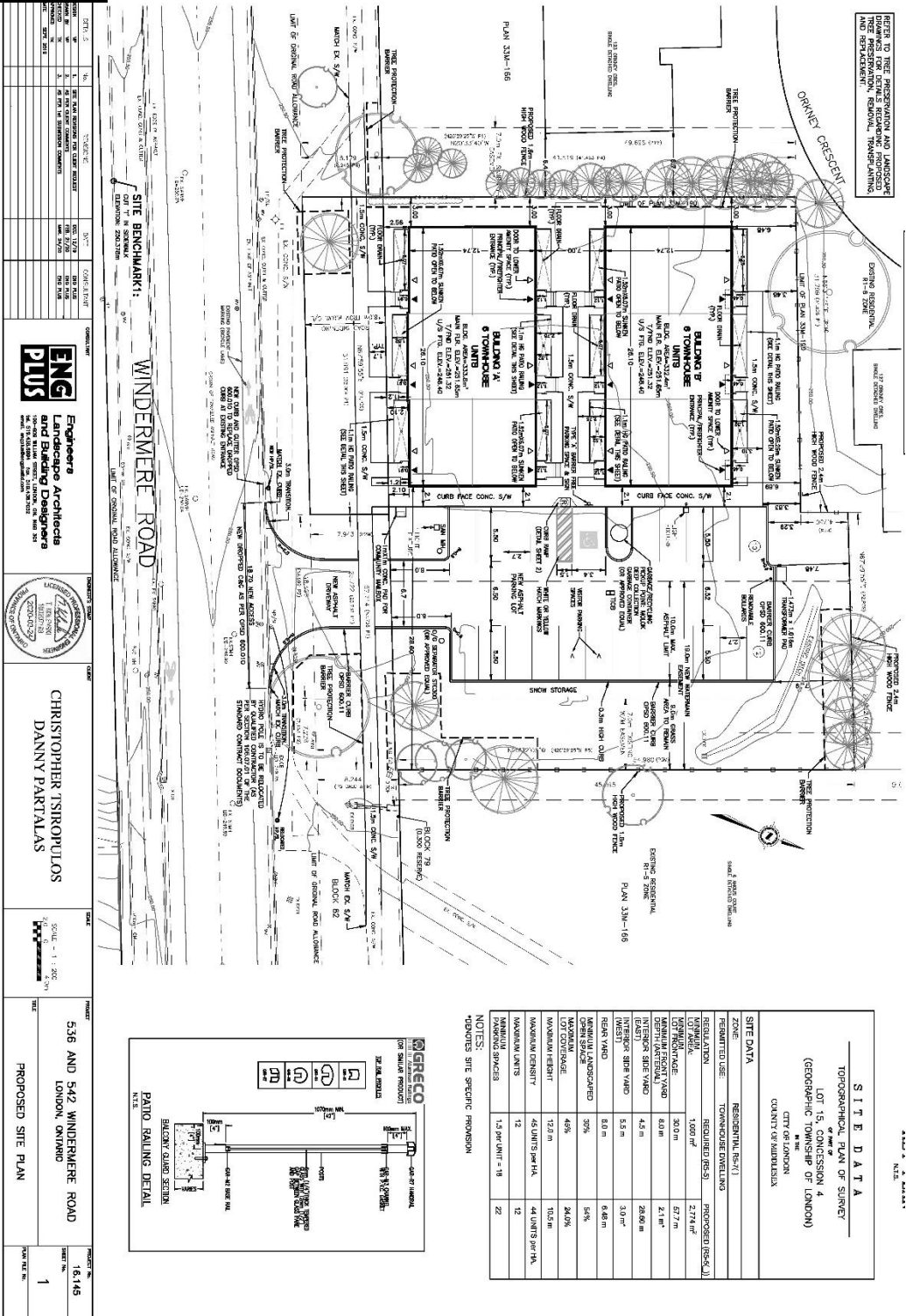
July 3, 2020
DM/mp

CC: Heather McNeely, Manager, Development Services (Site Plan)
Michael Pease, Manager, Development Planning
Ismail Abushehada, Manager Development Engineering

Landscape Plan (Coloured by Staff)



Site Plan



Elevations

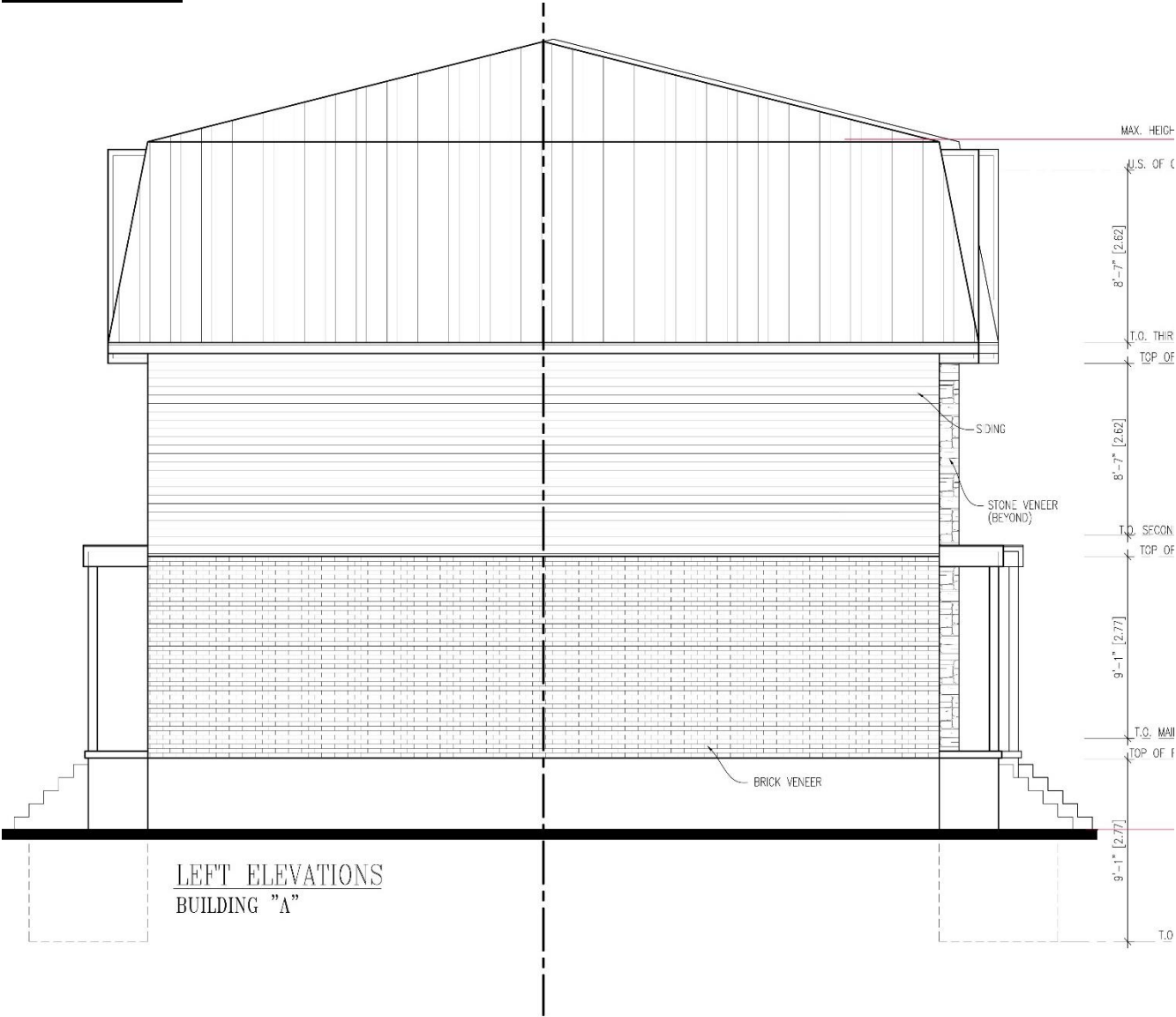


The Front Elevation above shows the street-facing facade for the current proposal as submitted and is subject to change.



The Elevation above shows the rear building for the current proposal as submitted and is subject to change.

Side Elevation



The elevation above shows the left-side elevation of the front building and is reflective of all elevations.

Appendix B – Public Engagement

2 responses received at time of report.

Nature of Liaison:

536-542 Windermere Road – SPA19-098 – Consideration of a site plan to permit 2 banks of back-to-back townhouses for a total of 12-units. The site zoning includes special provisions to require a 2.1m front yard (minimum), a 3.0m westerly side yard (minimum) and a height of 10.5m (maximum). A holding provision is applied to the site that requires a public site plan participation meeting before the Planning & Environmental Committee. The meeting is scheduled for July 13, 2020, not to be heard before 5:15PM. Please submit any written comments to the Site Development Planner noted below.

File: SPA19-098 Site Development Planner: Leif Maitland lmaitlan@london.ca (City hall)

Comments Received

Hi Leif,

Our property (6 Angus Crt) borders the eastern property of this Windermere Rd development. Our concerns with the Site plan are:

- 1) There are no trees along the eastern property line to provide any form of privacy.
- 2) Our property is a much higher elevation, which means we will be looking directly into the proposed parking lot and doubt a 6 foot fence would block the view.

We are aware of the water pipeline easement issues and would like your thoughts/input to provide us with some privacy to this new development.

You are welcome to visit our property, if we are not available.

Please call, if you have any questions.

Regards,

I received a notice of the Site Plan Control Application File SPA 19-098 this week and wanted to bring forward a couple of my concerns. I currently reside at 123 Orkney Crescent and my property lies to the west of the proposed development.

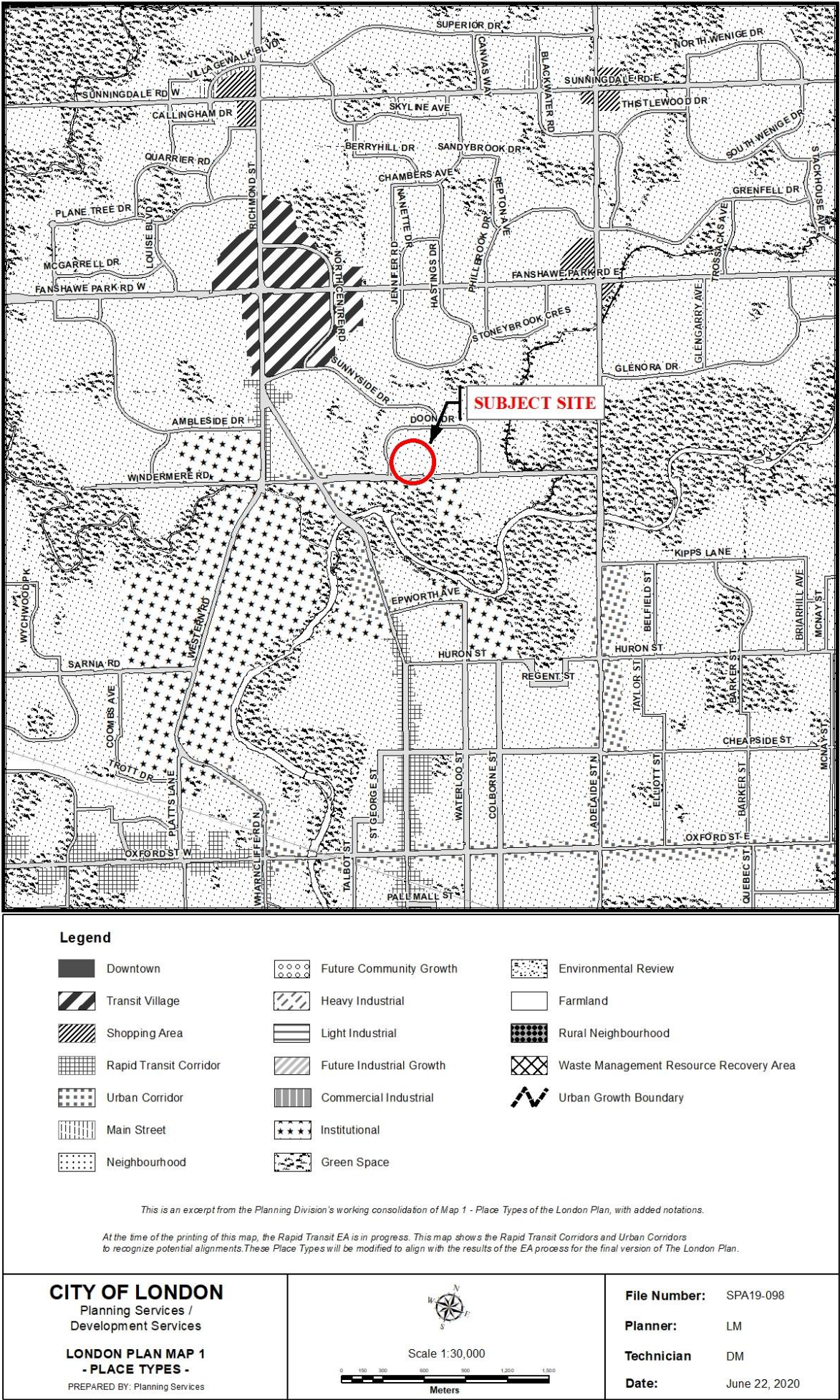
First, looking at the landscape plan it shows 2 cedar shrubs planted side by side at the southwest corner of building A. I believe the developer assumes these cedars will prevent pedestrian traffic from cutting through the west side of building A to access building B. In my opinion these cedars will not deter those wanting to take a short cut. A better solution to restricting pedestrian access would be a fence or some kind of secure barrier running from the southwest corner of building A to the existing fence that borders my property. The issue of privacy, security and safety must be taken into account.

The second concern has to deal with the height of the wooden fence that runs along the west side of 536 Windermere Rd. The developer is planning to install a fence 1.8 m high on the west and a 2.4 m. fence to the north side along 127 Orkney Cr ([REDACTED] property). The 1.8 m fence would not prevent occupants from climbing it to access Orkney Crescent. It would make sense for privacy, security and aesthetics to make the fence a consistent height of 2.4 m and to discourage those from attempting to climb over it.

I would be happy to discuss this further for clarification if needed.

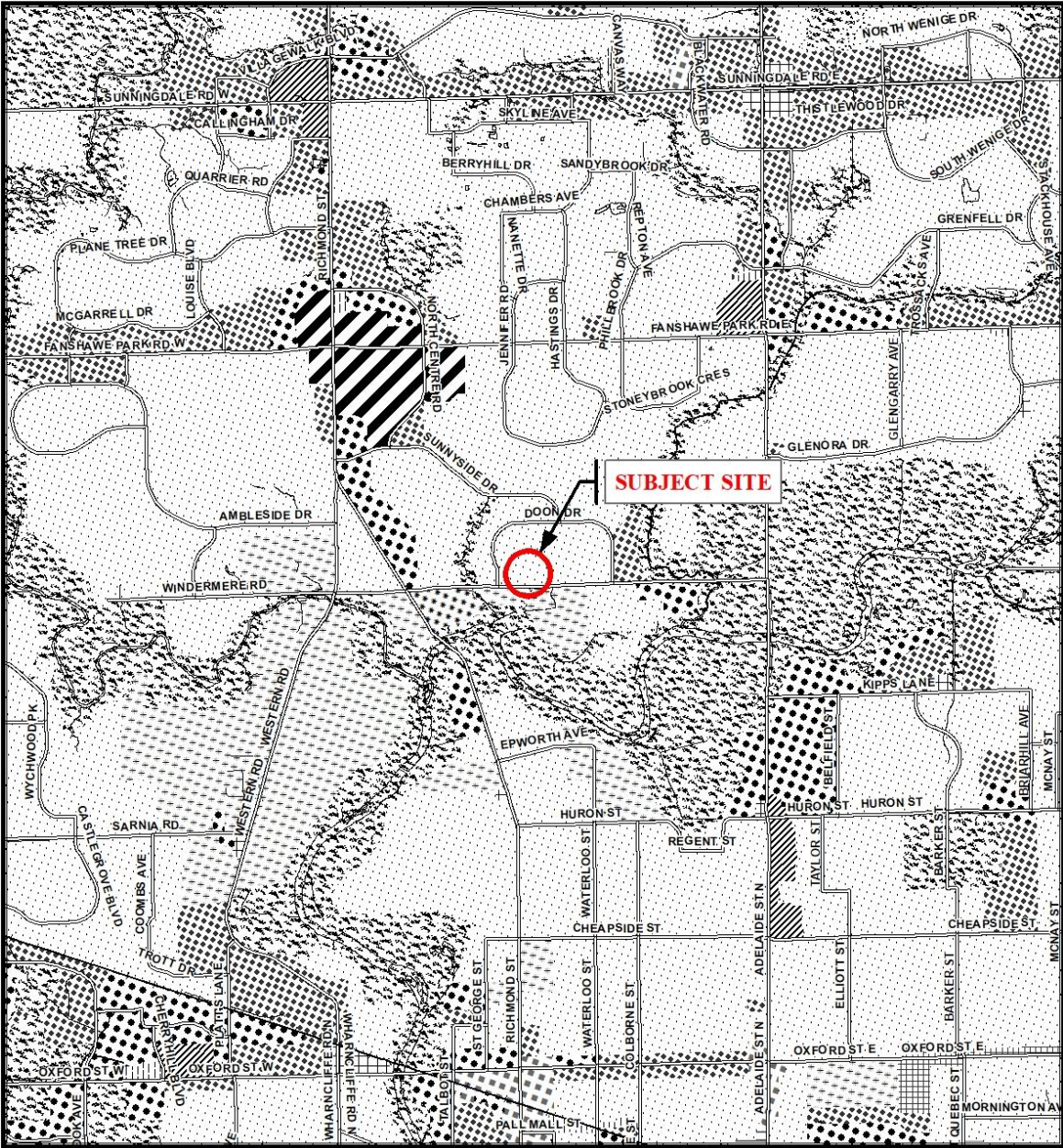
Appendix C –The London Plan, Official Plan Map and Zoning excerpts

The London Plan



Project Location: E:\Planning\Projects\p_officialplan\workconsolid00\excerpts_LondonPlan\mxd\SPA19-098-Map1-PlaceTypes.mxd

Official Plan Excerpt

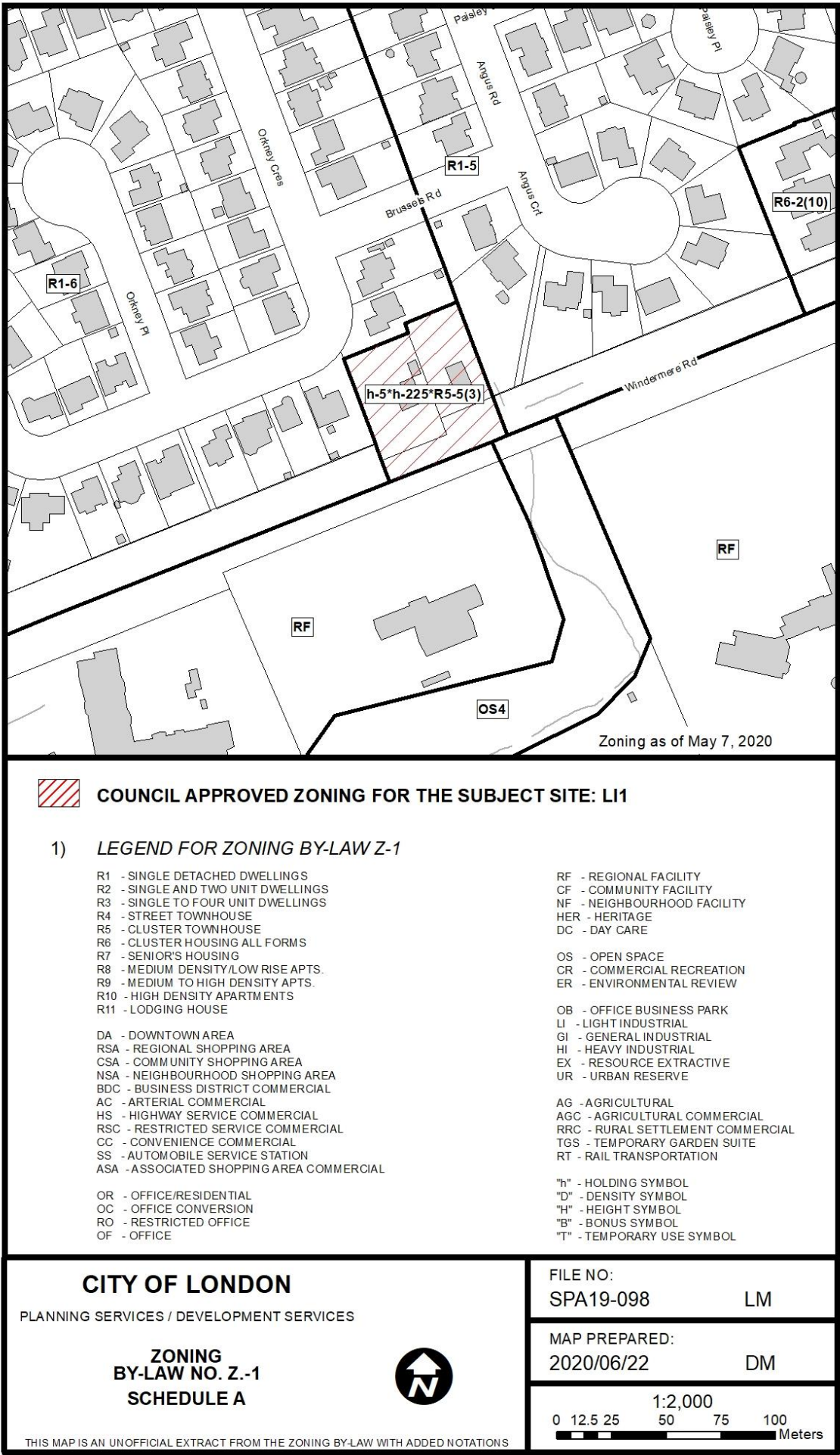


Legend	
Downtown	Office Business Park
Enclosed Regional Commercial Node	General Industrial
New Format Regional Commercial Node	Light Industrial
Community Commercial Node	Regional Facility
Neighbourhood Commercial Node	Community Facility
Main Street Commercial Corridor	Open Space
Auto-Oriented Commercial 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

<p>CITY OF LONDON</p> <p>Department of Planning and Development</p> <p>OFFICIAL PLAN SCHEDULE A - LANDUSE -</p> <p>PREPARED BY: Graphics and Information Services</p>	<p>Scale 1:30,000</p> <p>0 100 200 300 400 500 600 700 800 900 1,000</p> <p>Meters</p>	<p>FILE NUMBER: SPA19-098</p> <p>PLANNER: LM</p> <p>TECHNICIAN: DM</p> <p>DATE: 2020/06/22</p>
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PROJECT LOCATION : e:\planning\projects\p_officialplan\work\consol\00\excerpts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd

Zoning Excerpt



Appendix D – Urban Design Peer Review Panel memo and Response

UDPRP memo



Memo

To: Proponents

- Matt Campbell, Planner, Zelinka Priamo Ltd.
- Derrick Been, Architect, Eng Plus Ltd.

From: Urban Design Peer Review Panel (UDPRP)

- Mike Davis, Planner
- Leo Lin, Architect
- Tim O'Brien, Landscape Architect
- Ryan Ollson, Architect
- Amelia Sloan, Planner

Regrets:

- Tim Wickens, Architect

RE: Site Plan Approval Application 536 & 542 Windermere Road Presentation & Review, April 15, 2020

The Panel provides the following comments on the submission:

- The applicant is commended for providing as much built frontage as possible along Windermere Road considering the site restraints presented by the existing easement.
- The panel expressed concern with the width of the pedestrian mews between the two buildings at 7m where best practice is typically 11m-15m (refer to City of Toronto Townhouse and Low-Rise Apartment Guidelines). Concerns include privacy, access to daylight, and general quality of space.
- Due to the site constraints presented by the existing easement, the panel recommends reviewing alternate models for Building 'B' that would provide a more desirable buffer from Building 'A' and improve the quality of space. Reduced density may need to be considered to achieve an appropriate solution.
- Should the space between the two buildings be made more generous, the landscaping strategy should be further developed to create a shared amenity space feature.
- The panel recommends further development of the massing and materiality as follows:
 - Avoid blank east and west facing elevations, especially the east facing elevations as they are exposed to view along Windermere Road and do not overlook an adjacent property.
 - Review the depth of sunken terraces to confirm a desirable living space.

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. Subject to the comments and recommendations above, the proposed design requires further development of the relationship between the two buildings to ensure it is in line with current best practices for creating a safe and desirable living space. Further development of the east facing elevations is required due to the visibility from Windermere Road.

Sincerely on behalf of the UDPRP,

A handwritten signature in blue ink, appearing to read 'Ryan Ollson', with a stylized, looping flourish extending to the right.

Ryan Ollson, UDPRP Chair

UDPRP applicant response



To: Matt Campbell, Zelinka Priamo Ltd.
Derrick Been, Eng Plus Ltd.

Date: 05/01/2020

Re: Urban Design Peer Review Panel Comments – Applicant Response

Address of Development Site: 536 & 542 Windermere Road

Date of Panel Meeting: 04/15/2020

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 applicant is commended for providing as much built frontage as possible along Windermere Road considering the site restraints presented by the existing easement.
Applicant Response:
Acknowledged

Comment:
The panel expressed concern with the width of the pedestrian mews between the two buildings at 7m where best practice is typically 11m-15m (refer to City of Toronto Townhouse and Low-Rise Apartment Guidelines). Concerns include privacy, access to daylight, and general quality of space.
Applicant Response:
Acknowledged. While the Panel makes reference to a City of Toronto document, the document applicable to the subject lands is the City of London Site Plan Control By-Law which provides a <i>guideline</i> separation of 8m. Through discussions with City staff, a spatial separation of 7m was agreed upon.

Comment:
Due to the site constraints presented by the existing easement, the panel recommends reviewing alternate models for Building 'B' that would provide a more desirable buffer from Building 'A' and improve the quality of space. Reduced density may need to be considered to achieve an appropriate solution.
Applicant Response:
This site plan has undergone many revisions and completely different design concepts. The current iteration is the result of extensive consultation with City staff and abutting land owners. We do not believe that Building 'B' requires a more desirable buffer from Building 'A'.

Comment:
Should the space between the two buildings be made more generous, the landscaping strategy should be further developed to create a shared amenity space feature.
Applicant Response:
Acknowledged.

Comment:
<p>The panel recommends further development of the massing and materiality as follows:</p> <ul style="list-style-type: none"> • Avoid blank east and west facing elevations, especially the east facing elevationsas they are exposed to view along Windermere Road and do not overlook anadjacent property. • Review the depth of sunken terraces to confirm a desirable living space.
Applicant Response:
No windows are permitted on the east and west faces of the building, as per the regulations of the R5 zone and the Site Plan Control By-Law. The amenity spaces are similar to those of another townhouse building in London which has received a significant amount of praise and accolades. We believe that these amenity spaces are desirable. Additional amenity space is available on the east side of the site.

If you have any questions, please contact Wyatt Rotteau by email at wrotteau@london.ca or by phone at 519-661-CITY (2489), extension 7545.

Sincerely,



Wyatt Rotteau
Urban Design Technician

cc: J. Smolarek, Urban Designer, Development Services
L. Maitland, Site Development Planner, DevelopmentServices

From: William Fisher

Sent: Friday, July 03, 2020 5:40 PM

To: Maitland, Leif <lmaitlan@london.ca>

Subject: [EXTERNAL] Comment on Windermere Road Intensification Site Plan/SPA19-098/Applicant 2492222

Dear Mr. Maitland,

I have one specific and one general comment concerning the above-referenced site plan.

The specific comment involves my strong support for uniform 8 foot plus fence to surround this overly intense 60 bedroom development. This development and its population density is completely out of synch with the surrounding single family neighbourhood. There is no public space and no room for any amenities for the 60 bedroom's resident in this site plan and I do not wish to see the residents of expand into the surrounding single family development when they need space. That is the city's and the developer's responsibility.

The general comment is that this site plan, for a 60 bedroom intensified development, sits on a tiny plot of land and has absolutely no areas of public space and public utilization. There is no green space, no space for a baby pool, no place for a barbecue, and of course insufficient parking for residents and guests. How can such a site plan be justified? It must not be approve.

Thank you for the opportunity to comment.

William Fisher

William A. Fisher, PhD, FCAHS

Distinguished Professor Emeritus

Adjunct Research Professor

Department of Psychology

Adjunct Professor

Department of Obstetrics and Gynaecology

Western University

London, Ontario

Canada

From: Leckie David
Sent: Friday, July 03, 2020 2:08 PM
To: Maitland, Leif <lmaitlan@london.ca>
Cc: Cassidy, Maureen <mcassidy@london.ca>; Rodger Frederick
Subject: [EXTERNAL] Site Plan Control Application, 536 & 542 Windermere Road; File SPA19-098

Dear Leif,

I am writing in response to the recently mailed invitation for public input to the site plan approval of this project.

At the outset, I remain opposed to this type of development in this neighbourhood and the corresponding rezoning that was approved by Council. No amount of gilding during this process will convert it to a 'silk purse' in my view. I understand that this is irrelevant, as the rezoning has been approved. During that process, our neighbourhood rallied in opposition to the project but realized that there was little hope in defeating it, so they pressed for various considerations to minimize the visual intrusion, destruction of trees, and protection for our existing neighbourhood. Expansion on these themes, previously made by our neighbourhood, should be on file with you and I hope it is not necessary for the neighbourhood to reiterate them.

As for providing comment now - before July 3rd, I would point out that, had I any comments to make on the site plan details, the following challenge would exist:

1. The mailed invitation has a June 24th postmark. I know it was not in my mailbox before July 2nd and I only became aware of it this morning (July 3rd).
2. Many features on the mailed out document, showing the site plans, are illegible due to size of print. Similarly, attempting to view them on the City's website is equally challenging (on my 21 inch desktop computer screen).
3. Viewing the actual plans themselves is not possible - according to your mail-out's comment that "in person" viewing is not possible during the COVID Emergency period in Ontario.
4. Similarly, the question comes to mind as to whether an "in person" attendance to the July 13th public participation meeting can actually happen. (If we can't attend a sports event; how can we attend a political event?)

The sum of all of these issues makes it very questionable that we, the public, can actually participate through the review of legible documents and provide meaningful comment in writing by July 3rd.

In closing, I urge you to take very seriously those comments that might come from the property owners immediately abutting the development. My heart goes out to them and I support them entirely.

Respectfully,

David Leckie

138 Orkney Cres.

From: Frederick Rodger
Sent: Friday, July 03, 2020 10:52 AM
To: Maitland, Leif <lmaitlan@london.ca>
Subject: [EXTERNAL] Site Plan Control Application 536-542 Windermere

Hello,

On the west side between 123 Orkney and the building site the proposed fence height is 6 ft. whereas between 127 Orkney and the building site the proposed fence height is 8 ft. The fence height between 123 Orkney and the building site be increased to 8 ft. The increased height to 8 ft. at the corner where the fences of 123 and 127 meet will hopefully deter young adult males from jumping the fence at this location to access Orkney Crescent. Also, on the east side of the building site the fence height drops down to 6 ft. again; the fence height should be increased there to 8 ft. as well. Increasing the height of the fence to 8 ft. in these sections would give a uniform appearance all the way around the building site property as well as provide enhanced security for the Orkney/Angus neighborhood.

Another item that I noticed is on page 3 (designated L-1) of the landscape plan as seen here:- <https://www.london.ca/business/Planning-Development/land-use-applications/Documents/Development-Services/SPA19-098/Landscape-Plan.PDF> You will notice that the developer is installing a row of trees along the west property line but a similar row of trees is absent on/along the east property line. The developer should be required to install a matching row of trees along the east property line which will provide some privacy from the building site for the property owners that live on Angus Court.

Regards,
Fred Rodger
131 Orkney Cres.

From: JonKim Levy
Sent: Friday, July 03, 2020 10:11 PM
To: Maitland, Leif <lmaitlan@london.ca>
Subject: [EXTERNAL] SPA19-098 (536-542 Windermere Road) - Recommendations

As a property owner in the area, I would like to provide some input regarding the 536-542 Windermere Road proposal.

The differing fence height surrounding the property does not make any sense (6 foot and 8 foot fence sections). The transition between this property and the surrounding properties is substantial as you are moving from high density townhouses to low density single family homes. And as such, it makes sense to me that ALL fences around this property should be minimum of 8 feet in height. The raised entrances on the proposed townhomes (townhome porches appear to be approx 3 feet above grade by my estimates) and the higher grade of Orkney Crescent properties further supports a minimum 8 foot requirement!! A VERY good option would be to erect a minimum 8 foot PRECAST CONCRETE fence that could also serve as a noise barrier between the townhomes and adjacent properties. This option will provide very good privacy for all residents along with the sound deadening properties of precast concrete and will be maintenance free for many years to come.

Sincerely

Jon Levy

147 Orkney Cr