

Agenda Including Addeds

Planning and Environment Committee

The 12th Meeting of the Planning and Environment Committee

August 10, 2020, 4:00 PM

Virtual Meeting - during the COVID-19 Emergency

City Hall is open to the public, with reduced capacity and physical distancing requirements.

Meetings can be viewed via live-streaming on YouTube and the City website.

Members

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

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

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

	Pages
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2. Consent	
2.1 Application - 3087 White Oak Road Whiterock Subdivision - Special Provisions 39T-18505	3
2.2 Application - 536 and 542 Windermere Road (H-9219)	24
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3. Scheduled Items	
3.1 Public Participation Meeting - Not to be heard before 4:00 PM - Remove References to 1989 Official Plan from Zoning By-law Z.-1 (Z-8909)	143
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3.2 Public Participation Meeting - Not to be heard before 4:00 PM - 3635 Southbridge Avenue - Draft Plan of Vacant Land Condominium 39CD-	167

20506

3.3	Public Participation Meeting - Not to be heard before 4:00 PM - 3575 Southbridge Avenue - Draft Plan of Vacant Land Condominium 39CD-20507	181
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3.5	Public Participation Meeting - Not to be heard before 4:30 PM -Draft Plan of Vacant Land Condominium - 965 Upperpoint Avenue 39CD-20508	213
3.6	Public Participation Meeting - Not to be heard before 4:45 PM - Application - 2040 River Road (Z-9133)	232
a.	<i>(ADDED) Upper Thames River Conservation Authority - Additional Comments</i>	274

4. Items for Direction

4.1	Request for Council Resolution, under section 45(1.4) of the Planning Act, R.S.O. 1990, c.P.13 – 745-747 Waterloo Street	283
a.	M. Doornbosch, Brock Development Group Inc. - Request for Delegation Status	290
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a.	<i>(ADDED) Request for Delegation - Residents of Silverleaf</i>	295

5. Deferred Matters/Additional Business

6. Adjournment

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application By: Whiterock Village Inc.
3087 White Oak Road
Whiterock Subdivision - Special Provisions

Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Planning, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Whiterock Village Inc. for the subdivision of land legally described as Adams St PL 643 London; Reserve PL 643 London; PT LT 31 CON 2 London; PT LT 5 PL 643 London; PT Reserve B PL 643 London PT 1, 2, 3, 4, 5, 6, 7, 33R3762; situated on the west side of White Oaks Road and South of Southdale Road, known municipally as 3087 White Oak Road

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Whiterock Village Inc. for the Whiterock Subdivision, (39T-18505) attached as Appendix "A", **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B";
- (c) the financing for this project **BE APPROVED** as set out in the Source of Financing Report attached as Appendix "C";
- (d) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Analysis

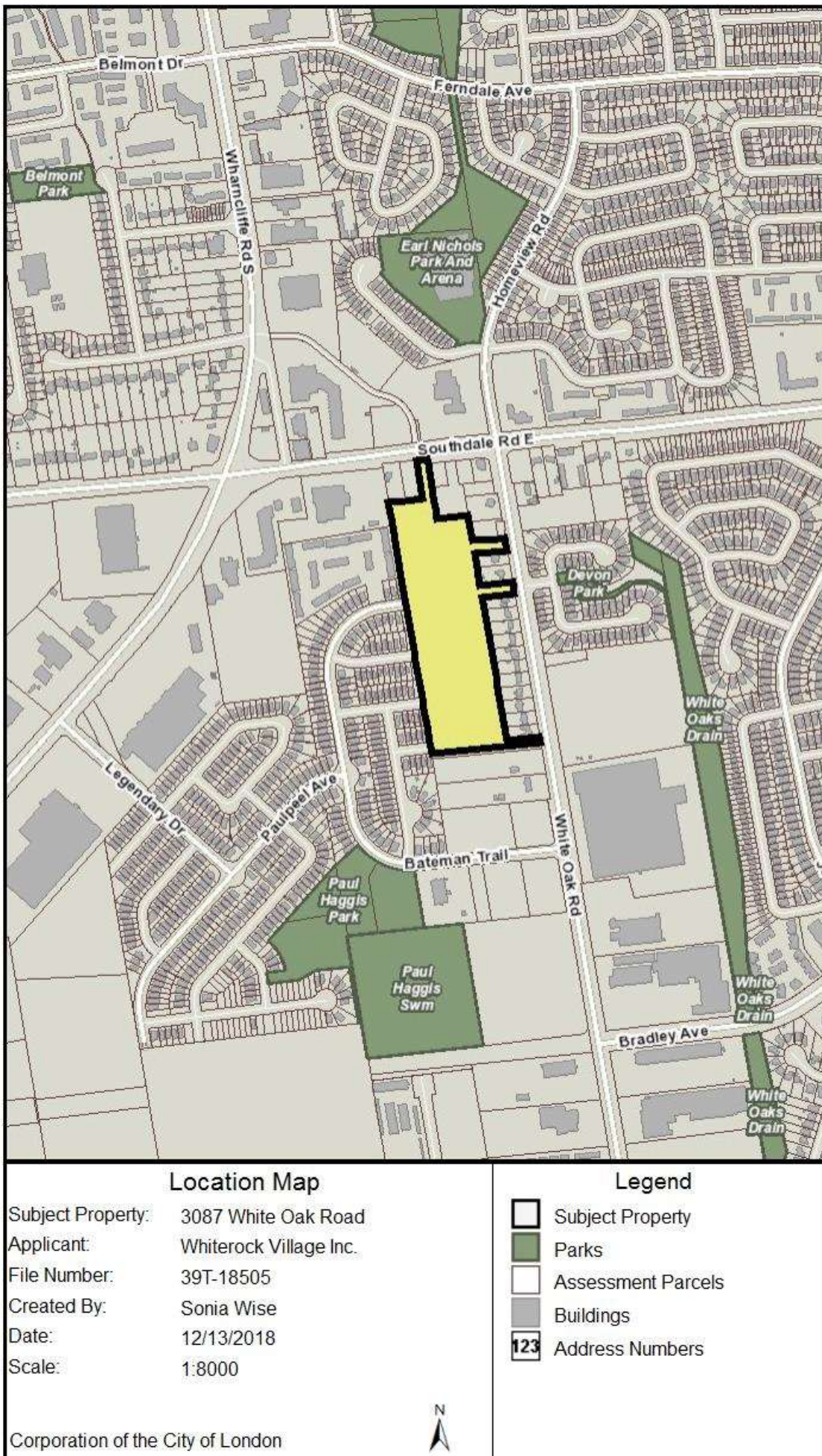
1.0 Site at a Glance

The subject site has a total area of approximately 6.41ha and is currently vacant with some existing vegetation consisting of trees, shrubs and grasses. Previously, the lands were used passively for agricultural and pastoral activities. The site has frontage on Southdale Road West and White Oak Road, though the majority of land is located in the interior of the established built areas fronting these two roads.

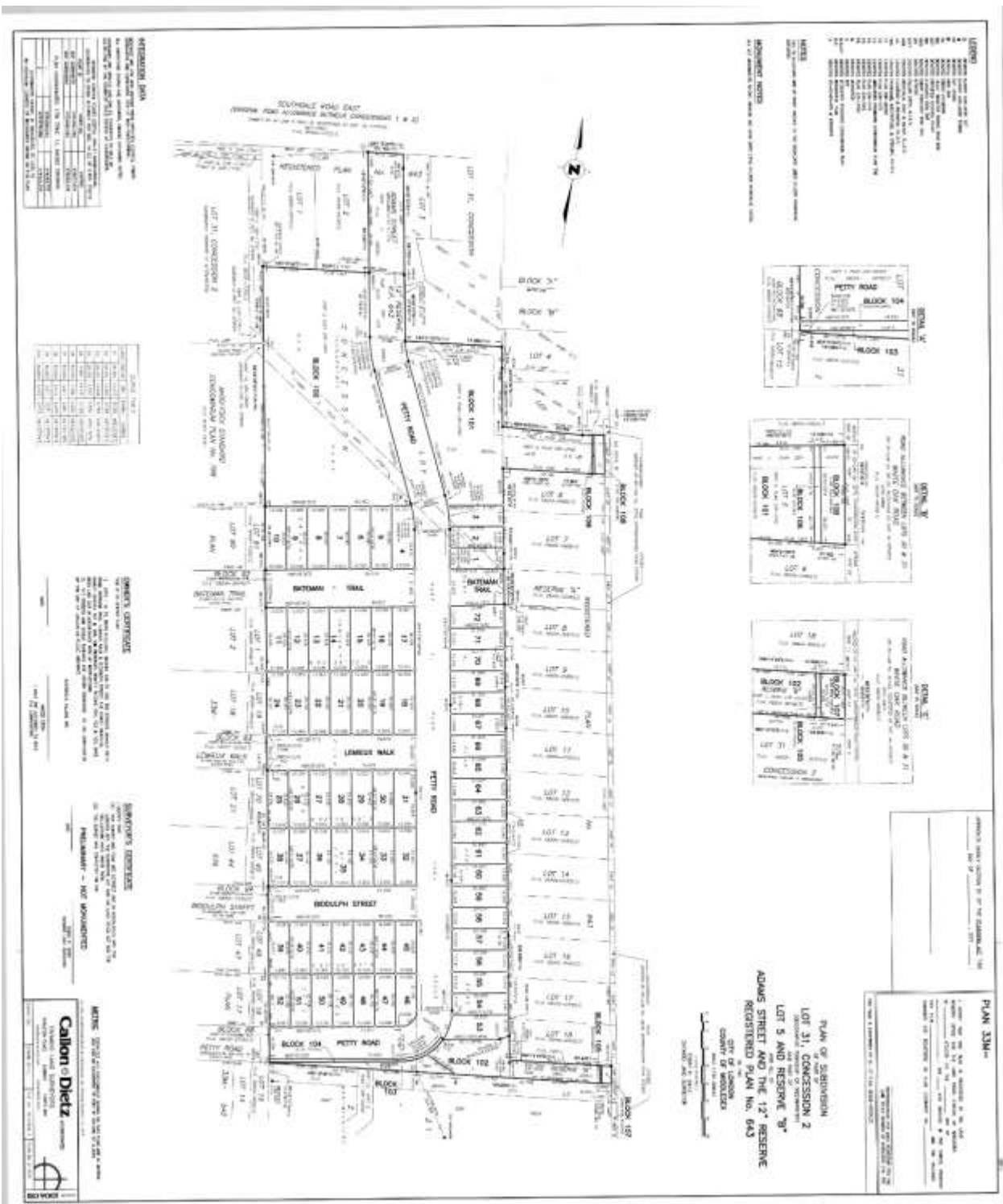
There is an established low density residential neighbourhood located to the west which was created through subdivision plans 33M-542, and 33M-576 in 2006 and 2007 respectively, as well as a medium density cluster townhouse block to the northwest of the site. The commercial corridor of Southdale Road is located to the north, consisting of vehicle sales and service establishments, restaurants and retail uses. A series of streets associated with the Copperfield subdivision currently terminate on the west side of the plan area. Temporary street connections in the north-south direction are located between Biddulph Street to the north portion of Bateman Trail.

To the east, there are existing single detached dwellings constructed in the 1950's along White Oak Road and a newer residential subdivision, 33M-604 registered in 2008 located on the east side of White Oak Road at Devon Road. A range of commercial and industrial uses are located to the southeast further along White Oak Road, including a class III industry use that specializes in paint and solvent recycling. Remnant residential, vacant commercial lands, park and stormwater management facilities are all located to the south of the site.

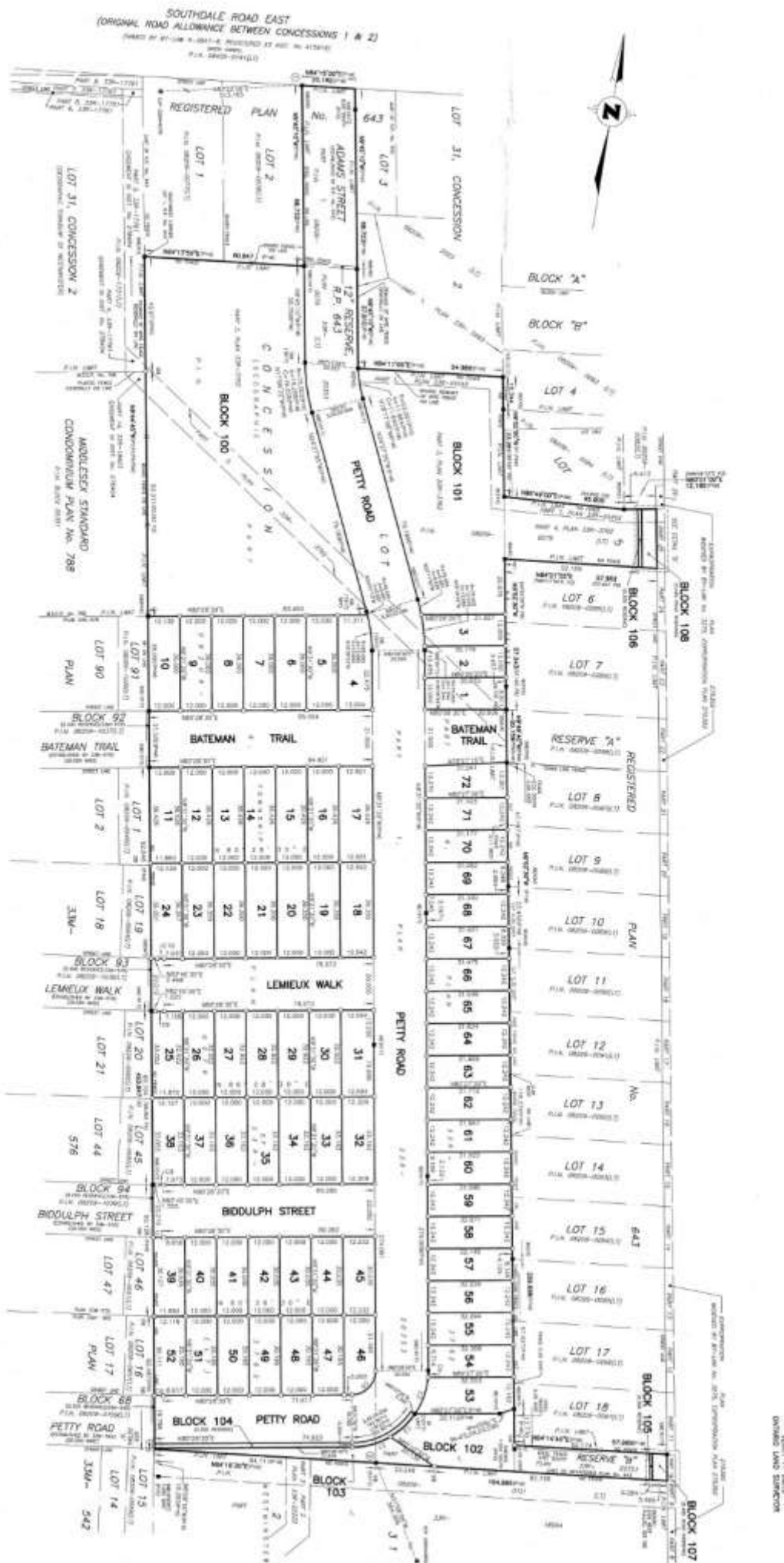
1.2 Location Map Whiterock Subdivision



1.3 Whiterock Subdivision Plan



1.4 Whiterock Subdivision Plan (cropped version)



2.0 Description of Proposal

2.1 Development Proposal

The proposed draft plan of subdivision consists of 72 single detached dwelling lots, and two (2) medium density residential blocks (block 100 and 101), in one phase. Bateman Trail, Petty Road, Biddulph Street and Lemieux Walk are all proposed to be extended to complete the road pattern established from earlier development in the west. Petty Road and Bateman Trail will provide access to Southdale Road East and White Oak Road respectively. Block 100 has been identified for development of townhouse dwellings, and Block 101 is proposed to be developed for a low-rise apartment building through a site specific bonus zone.

A public meeting for the draft plan and associated zoning by-law amendment was held at Planning and Environment Committee on June 4, 2019. The Zoning By-law amendment was approved by Council on June 11, 2019 and is in force and effect. The draft plan of subdivision was approved by the Approval Authority on July 22, 2019.

The Applicant is registering the subdivision, which consists of 72 single detached lots and two (2) multi-family, medium density blocks, all located off of the extension of Bateman Trail, Petty Road, Biddulph Street and Lemieux Walk.

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

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

Prepared by:	Sean Meksula, 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 30, 2020

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

SM/JAR

Y:\Shared\DEVELOPMENT SERVICES\5 - Documentation Coordinator\Working Files\39T-18505 - White Rock (MC-BH)\Subdivision Agreement\DRAFT 39T-18505 - Whiterock Subdivision - 3087 White Oak Road PEC Report.docx

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 1, 4, 18, 22, 23, 32,34, 35, 46, 48, 49, 53, 54, 55, 56, 59, 60, 64 and 65 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 15.3 to 15.8 as there are no school blocks in this Plan.

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

(c)

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

24.1 STANDARD REQUIREMENTS

Add the following new Special Provisions:

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

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

3. The Owner shall make arrangements with the owner of lands to the south to combine Block 103 of this Plan to create a developable Lot/Block, all to the satisfaction of the City.
4. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall submit confirmation that they have complied with the requirements of Bell Canada with regards to any easements required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict, with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements.
5. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall submit confirmation that they have complied with the requirements of Union Gas with regards to any necessary easements and/or agreements required by Union Gas for the provision of gas services, in a form satisfactory to Union Gas.
6. Prior to assumption of this subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:
 - (i) For the future removal of an automatic flusher on Petty Road, an amount of \$5,000, as per the accepted engineering drawings.
7. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements with the owners of Plans 33M-542 and 33M-576 to make adjustments to the existing works and services on Bateman Trail, Lemieux Walk, Biddulph Street, Petty Road and Petty Road (previously Adam Street) adjacent to this plan to accommodate the proposed works and services on these streets to accommodate 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.
8. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements with the owners of abutting properties to make adjustments to the existing works and services on Southdale Road East and White Oaks Road adjacent to this plan to accommodate the proposed works and services on these streets to accommodate 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.

CLAIMS

Remove Subsection 24.2 (c) and **replace** with the following:

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

The anticipated reimbursements from the Development Charge Reserve Funds are:

- (i) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$226,465.40 as per the accepted engineering drawings;

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

24.6 EROSION AND SEDIMENT CONTROL

Add the following new Special Provision:

10. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall decommission any temporary site alteration measures, to the satisfaction of the City Engineer.
11. All temporary erosion and sediment control measures, including sediment basins, installed in conjunction with this Plan shall be decommissioned and/or removed when warranted or upon placement of Granular 'B' as per accepted engineering drawings, all to the satisfaction of the City Engineer and at no cost to the City.

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

12. The Owner shall grade the portions of Lots/Blocks in this Plan which have a common property line with Southdale Road East and White Oaks Road, to blend with the ultimate profile of Southdale Road East and White Oaks Road, in accordance with the City Standard "Subdivision Grading Along Arterial Roads" and at no cost to the City.
13. The Owner shall register against the title of Lots 3, 4, 18 to 22, 32 to 38, 46 to 48 and 53 to 64, inclusive, in this Plan, and shall include in the Agreement of Purchase and Sale for the transfer of each of the said Lots, as an overland flow route is located at the rear and between the said Lots, a covenant by the purchaser or transferee to observe and comply with the following:
 - i) The purchaser or transferee shall not alter or adversely affect the said overland flow route on the said Lots as shown on the accepted lot grading and servicing drawings for this subdivision.

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

14. The Owner shall maintain the existing overland flow route between and in the rear yard of Lots 3, 4, 18 to 22, 32 to 38, 46 to 48 and 53 to 64, as per the accepted engineering drawings, to the satisfaction of the City Engineer.

15. 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.
16. Prior to the issuance of any Certificate of Conditional Approval, in order to develop this site, the Owner shall make arrangements with the adjacent property owners to the south and north to regrade a portion of the property in conjunction with grading and servicing of this subdivision, to the specifications of the City, at no cost to the City.
17. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall remove the existing retaining wall at the east limit of Lemieux Walk in Plan 33M-576 to the west of this Plan and make all necessary arrangements to grade the adjacent lands outside the boundaries of this Plan to be compatible with the accepted grades in this Plan, to the satisfaction of the City, at no cost to the City.
18. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall confirm the Encroachment Agreement between The Corporation City of London and Whiterock Village Inc. for grading on 3047 White Oak Road has been signed and executed, in accordance with all accepted engineering drawings and any applicable reports including but not limited to the Archeological Assessment and Tree Preservation Report for 3047 White Oak Road, all to the specifications and satisfaction of the City.

24.8 STORM WATER MANAGEMENT

Add the following new Special Provisions:

19. The Owner shall decommission any existing monitoring wells, all to the specifications and satisfaction of the City.
20. The Owner shall implement SWM soft measure Best Management Practices (BMP's) within the plan, where possible, to the satisfaction of the City Engineer. The acceptance of these measures by the City will be subject to the presence of adequate geotechnical conditions within this plan and the approval of the City Engineer.
21. For any temporary stormwater works and until said works are decommissioned, the Owner shall complete the following to the satisfaction of the City Engineer, and at no cost to the City:
 - i) Operate, monitor and maintain the temporary works;
 - ii) In the event that the works include a stormwater facility, have their professional engineer submit semi-annual monitoring reports to the City Engineer demonstrating that the works perform in accordance with the approved design criteria. The reports are to provide test results on the volume and nature of the sediment accumulating in the works. The timing and content of the monitoring reports is to be in accordance with the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" guidelines. The Owner shall ensure that the monitoring program commences when building permits have been issued on fifty percent (50%) of the lots in the Plan and shall continue until the temporary works are decommissioned;
 - iii) Remove and dispose of any sediment to an approved site;
 - iv) Address forthwith any deficiencies of the temporary works and/or monitoring program;
 - v) Decommission the temporary works within six months of the permanent works being constructed and operational.

- vi) The Owner shall decommission all unnecessary existing temporary site alteration stormwater works constructed within Whiterock Subdivision limits (all phases), prior to the permanent work being constructed. The Owner is responsible for all costs related to the decommissioning and any redirection of minor and major flows to their ultimate condition.

SANITARY AND STORM SEWERS

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

- 22. (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 system, in accordance with accepted engineering drawings, to the satisfaction of the City.

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

- 23. (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 250 mm diameter sanitary sewer on White Oak Road in accordance with the accepted engineering drawings, to the satisfaction of the City.

Add the following new Special Provisions:

- 24. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct sanitary sewers and all appurtenances through Block 102 as per the accepted engineering drawings, all to the satisfaction of the City.
- 25. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct a turfstone/granular surface maintenance access (to service the sanitary sewers outside of this Plan) over Block 102 to White Oak Road, as per the accepted engineering drawings, to the satisfaction of the City Engineer, at no cost to the City.
- 26. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the storm sewers and associated works on Block 100 and provide the necessary easements as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
- 27. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make arrangements with the adjacent property owner on 63 Southdale Road East to install a temporary catchbasin and associated works, as per the accepted engineering drawings, to the satisfaction of the City.
- 28. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the storm sewers and all necessary appurtenances on Block 101 and provide the necessary easements as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
- 29. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall register all appropriate easements (eg. Blocks 100, 101 and 102) for all existing and proposed municipal storm and sanitary works required in this plan, to service this plan and external lands, as per the accepted engineering drawings, all to the satisfaction of the City Engineer, at no cost to the City.
- 30. The Owner shall register on title and include in the Agreement of Purchase and Sale or lease and in the transfer of deed of Blocks 100, 101 and 102 in this plan, a covenant by the purchaser or transferee stating that the purchaser or transferee of the said blocks shall observe and comply with the City easements, private easements and private sewer services required for the servicing of external lands to the plan

The Owner further acknowledge that no landscaping, vehicular access, parking access, works or other features shall interfere with the above-noted municipal or private maintenance accesses, servicing, grading, or drainage the services other lands or municipal or private maintenance easements.

31. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make arrangements with the property owners of 3195 and 3207 White Oak Road from the extension of a storm sewer and associated easements for the servicing of this Plan, to the satisfaction of the City.
32. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct the storm sewer outlet and all appurtenances across 3195 and 3207 White Oak Road to connect to 2946 Bateman Trail, as per the accepted engineering drawings, all to the satisfaction of the City.
33. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct a turfstone surface maintenance access (to service the storm sewers outside of this Plan) over 3195 and 3207 White Oak Road, as per the accepted engineering drawings, to the satisfaction of the City Engineer, at no cost to the City.
34. Prior to the construction of the storm sewer across 3195 and 3207 White Oak Road, the Owner shall not disturb any existing infrastructure, to the satisfaction of the City. Should the existing infrastructure be disturbed, the Owner shall be responsible for any costs related to these works, all to the satisfaction of the City.
35. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct corrugated steel pipe and all appurtenances at the intersection of Bateman Trail and White Oaks Road as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
36. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall construct a storm outlet over Block 101 across White Oak Road to connect into existing RYCBMH on municipal address # 3030 and 3034 Devon Road and all appurtenances to provide the minor and major storm outlet for this Plan of Subdivision, as per the accepted engineering drawings, all to the specifications and satisfaction of the City.
37. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall confirm the sanitary forcemain through Block 100 and Lots 1, 2 and 3 has been rerouted/relocated to Petty Road to connect to Southdale Road East, to the satisfaction of the City.
38. The Owner shall not disturb the existing City sanitary forcemain within this plan during development, to the satisfaction of the City.

24.9 WATER SERVICING

Add the following new Special Provisions:

39. 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 watermains to serve this Plan and connect them to the existing low-level municipal system, namely, the existing 600 mm diameter watermain on Southdale Road East, the 250 mm diameter watermain on Bateman Trail, the 200 mm diameter watermain on Lemieux Walk, the 200 mm diameter watermain on Biddulph Street and the 250 mm diameter watermain on Petty Road;
 - ii) have their consulting engineer prepare a Certificate of Completion of Works to confirm to the City that the watermain connection to the 600 mm diameter

watermain on Southdale Road West has been constructed, is operational and is complete.

40. The available fire flows for development Blocks within this Plan of Subdivision have been established through the subdivision water servicing design study as follows:

- Block 100 @ 105 l/sec
- Block 101 @ 105 l/sec

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

41. The Owner shall connect the Blocks in this Plan to the internal water distribution system as per the accepted engineering drawings, to the satisfaction of the City.

42. If the Owner requests the City to assume Petty Road with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, prior to its extension to the north, 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 north limit of Petty Road and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is \$5,000 per automatic flushing device for which amount sufficient security is to be provided in accordance with **Condition 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.

24.10 ROADWORKS

Remove Subsection 24.11 (p) as there are no traffic calming measures in 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 **Bateman Trail** 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, 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:

43. (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 White Oak Road or as otherwise directed by the City.

Add the following new Special Provisions:

44. Barricades are to be maintained at west limits of Bateman Trail, Lemieux Walk, Biddulph Street and Petty Road in Plan 33M-542 and 33M-576 until assumption of this Plan of Subdivision or as otherwise directed by the City. At the time of assumption of this Plan or as otherwise directed by the City, the Owner shall remove the barricades and any temporary turning circles, restore the boulevards and complete the construction of the roadworks within the limits of both temporary turning circles, to the specifications of the City, all at no cost to the City.

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

45. The Owner shall be required to make minor boulevard improvements on White Oak Road and Southdale Road East adjacent to this Plan, to the specifications of the City and at no cost to the City, consisting of clean-up, grading and sodding as necessary.
46. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall modify the pavement markings on White Oak Road to provide for a left turn lane to Bateman Trail, to the satisfaction of the City Engineer, at no cost to the City.
47. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct the access arrangements for Petty Road and driveway access for 91 Southdale Road East, as accepted by the City Engineer, to the satisfaction of the City Engineer, at no cost to the City.
48. The Owner shall ensure that no vehicular access will be permitted to Block 101 from White Oak Road, to the satisfaction of the City.
49. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall extend the parking lay-by on Bateman Trail to Petty Road, as per the accepted engineering drawings, to the satisfaction of the City.
50. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct the extension of Bateman Trail external to this plan (from this plan of subdivision to White Oak Road over Reserve A 08209-0098, Plan 264089), as a fully serviced road, with all underground servicing and a minimum of granular 'B' road consistent with the servicing of Bateman Trail within this Plan as required herein, as per the accepted engineering drawings, all to the specifications of the City Engineer, at no cost to the City.
51. The Owner shall maintain the extension of Bateman Trail external to this Plan until construction is fully complete, all deficiencies cleared, a Certificate of Completion of Works covering the road construction has been issued to the City by the Owner's consulting professional engineer and the road is assumed by the City, all to the satisfaction of the City Engineer, at no cost to the City.
52. Prior to assumption, the Owner shall prepare and pay for the cost of registering and depositing the dedication by-law to create the portion of Bateman Trail external to this plan.
53. The Owner shall initiate with the City to rename Adam Street (RP-643) to Petty Road, to the satisfaction of the City.
54. The Owner agrees to withhold Block 103 from development until future development lots are available for consolidation that produce developable lands

with direct frontage on a public road. The Owner also agrees to maintain the 'h-94' holding provision on this block until such time as a development agreement has been entered into which provides for appropriate development patterns and servicing.

55. The Owner shall register against the title of Block 103, and shall include in the Agreement of Purchase and Sale for the transfer of the said Block, a warning clause as follows

“The purchaser or transferee shall not service Block 103 until adjacent lands to the south develop in the future, to the satisfaction of the City.”
56. The Owner shall construct 1.8m high wood, board on board privacy fencing or approved alternative, along the property limit interface of all existing private residential dwelling lots fronting White Oak Road. Fencing shall be completed to the satisfaction of the City, within one (1) year of the registration of the plan.
57. The Owner shall provide the purchasers of all lots in the subdivision with a zoning information package pertaining to residential driveway locations and widths. The Owner shall obtain and provide to the City written acknowledgement from the purchaser of each lot in this plan that their driveway will be installed and maintained in accordance with the requirements of the Zoning By-law. The information package and written acknowledgement shall be in a form satisfactory to the City.
58. The Owner shall include a statement in all offers of purchase and sale within 1,000 metres of the industrial property at 3300 White Oak Road, and in the subdivision agreement to include a suitable warning clause advising future purchasers that there are active industrial operations in the area and that nuisances may be encountered.
59. The Owner shall implement the recommendations of the Noise Feasibility Study Prepared by HGC Engineering, July 10, 2018 for the lands, to the satisfaction of the City

Parks Planning

60. The Owner shall provide cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law C.P.-95%.
61. The Owner shall implement the recommendations of the Whiterock Village Environmental Impact Study prepared by Natural Resource Solutions Inc. dated August 2018 for the lands, to the satisfaction of the City. In conjunction with the Focused Design Studies submission, the Owner shall provide a schedule indicating how each of the accepted Environmental Impact Study recommendations will be implemented and satisfied as part of the subdivision approval process.

Urban Design

62. The Owner shall register on title and include in all Purchase and Sale Agreements the requirement that the dwellings to be designed and constructed on all corner lots in this plan are to have design features, such as but not limited to porches, windows or other architectural elements that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard abutting the exterior sideyard road frontage.
63. The Owner shall register on title and include in all Purchase and Sale Agreements the requirement that the dwellings on lots 4, 17, 18, 31, 32, and 45 are to have the principle entrance to the dwelling provided from Petty Road and limited chain link or decorative fencing along no more than 50% of the exterior side yard abutting Petty Road.

SCHEDULE "C"

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

SPECIAL WORKS AND SERVICES

Roadways

- Bateman Trail (from Petty Road to the north limit of this Plan) shall have a minimum road pavement width (excluding gutters) of 9.5 metres with a minimum road allowance of 21.5 metres.
- Bateman Trail (from White Oak Road to Petty Road) shall have a minimum pavement width and minimum road allowance as per the accepted engineering drawings.
- Petty Road, Lemieux Walk and Biddulph Street shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

Sidewalks

A 1.5 metre sidewalk shall be constructed on both sides of Bateman Trail, Petty Street, Lemieux Walk and Biddulph Street.

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 Whiterock Village Inc. to which it is attached and forms a part.

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	Block 104, 105 and 106
Road Widening (Dedicated on face of plan):	Block 107 and 108
Walkways:	NIL
5% Parkland Dedication:	Cash payment in lieu of the 5% parkland dedication pursuant to City of London By-law C.P.-9.
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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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 Whiterock Village Inc. to which it is attached and forms a part.

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

CASH PORTION:	\$ 518,656
BALANCE PORTION:	<u>\$2,939,054</u>
TOTAL SECURITY REQUIRED	\$3,457,710

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 Whiterock Village Inc. to which it is attached and forms a part.

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

Multi-Purpose Easements:

- (a) Multi-purpose easements for servicing shall be deeded to the City in conjunction with this Plan, within this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
 - (i) Over Block 100 for storm servicing as per the accepted engineering drawings
 - (ii) Over Block 101 for storm servicing as per the accepted engineering drawings
 - (iii) Over Block 102 for sanitary trunk sewer as per the accepted engineering drawings.

- (b) Multi-purpose easements shall be deeded to the City in conjunction with this Plan, over lands external to this Plan, on an alignment and of sufficient width acceptable to the City Engineer as follows:
 - (i) Over 3195 and 3207 White Oaks Road for storm servicing as per the accepted engineering drawings.

Appendix B – Related Estimated Costs and Revenues

3087 White Oak Road - Whiterock Village Inc.
 Subdivision Agreement
 39T-18505

Estimated Costs and Revenues

Estimated DC Claim Costs	Estimated Cost (excludes HST)
Claims for Owner led construction from CSRF - Storm Sewer Oversizing Subsidy	\$226,465
Total	\$226,465
Estimated DC Revenues (January 1, 2020 to December 31, 2020 Rates)	Estimated Revenue
CSRF TOTAL	\$3,104,183

- 1 Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.
- 2 Estimated DC Revenues are calculated using current DC rates. The City employs a "citywide" approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.
- 3 The Oversizing Subsidy costs are based on estimates from the accepted engineering drawings and the current DC By-law. Final claim payments will be approved based on constructed quantities in conjunction with the DC By-law.

RE: Subdivision Special Provisions
 3087 White Oak Road - Subdivision Agreement
 Whiterock Village Inc.
 (Work Order 2498586)
 Capital Budget Project ES542919 - Storm Swr Internal Oversizing Subsidy (2019-2023)

FINANCE & CORPORATE SERVICES REPORT ON THE SOURCES OF FINANCING:

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

<u>ESTIMATED EXPENDITURES</u>	<u>Approved Budget</u>	<u>Committed To Date</u>	<u>This Submission</u>	<u>Balance for Future Work</u>
Engineering	\$200,000			\$200,000
Construction	4,908,970	1,274,498	230,450	4,678,520
NET ESTIMATED EXPENDITURES	<u>\$5,108,970</u>	<u>\$1,274,498</u>	<u>\$230,450</u>	<u>\$4,878,520</u>
<u>SOURCE OF FINANCING</u>				
Drawdown from City Services - Stormwater Reserve Fund (Development Charges)	2) \$5,108,970	\$1,274,498	\$230,450	\$4,878,520
TOTAL FINANCING	<u>\$5,108,970</u>	<u>\$1,274,498</u>	<u>\$230,450</u>	<u>\$4,878,520</u>

1) <u>Financial Note</u>	<u>ES542919</u>
Contract Price	\$226,465
Add: HST @13%	29,440
Total Contract Price Including Taxes	\$255,905
Less: HST Rebate	25,455
Net Contract Price	<u>\$230,450</u>

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

lp

 Jason Davies
 Manager of Financial Planning & Policy

Appendix D – Additional Information

Previous Reports

June 9, 2003 – Report to the Planning Committee recommending adoption of the Uplands North Area Plan.

July 18, 2005 – Report to the Planning Committee regarding the Placemaking demonstration project.

May 6, 2009 – Report to Planning Committee regarding tree cutting on the property.

June 22, 2009 – Report to Planning Committee regarding status of subdivision/file; information report.

October 8, 2013 - Report to Planning Committee regarding status of subdivision/file; information report.

July 28, 2014 - Report to Planning and Environment Committee recommending approval of a redlined draft plan of subdivision and associated Official Plan and Zoning By-law amendments; Staff recommendation of redline changes to the draft plan and associated amendments supported/approved by Municipal Council.

July 17, 2017 – Report to Planning and Environment Committee on Request for Demolition of Heritage Listed Property located at 660 Sunningdale Road East; Staff recommendation that notice be given under the provision of Section 29(3) of the Ontario Heritage Act, R.S.O. 1990, c. O. 18, of Municipal Council's intention to designate the property to be of cultural heritage value or interest for the reasons outlined in Appendix D of this report; supported/approved by Municipal Council

January 22, 2018 - Report to Planning and Environment Committee recommending approval of a revised redlined draft plan of subdivision and associated Zoning By-law amendments; Staff recommendation of redline changes to the revised draft plan and associated amendments. Municipal Council supported the draft plan revisions but requested changes to the zoning by-law.

February 20, 2018 – Report to Planning and Environment Committee recommending revised Zoning By-law amendments; by adding additional special provisions that permit apartment buildings within a mixed use building restricted to the rear portion of the ground floor or above. Municipal Council supported the revised zoning by-law amendment.

June 4, 2019 - Report to Planning and Environment Committee recommending revised Zoning By-law amendments; by adding additional special provisions, bonusing zoning that permit mix of residential uses and holding provisions to ensure the orderly development of lands and the adequate provision of municipal services.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application by: 2492222 Ontario Inc.
536 and 542 Windermere Road

Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of 2492222 Ontario Inc. relating to the property located at 536 and 542 Windermere Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 25, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Residential R5 Special Provision (h-5*h-225*R5-5(3)) Zone **TO** Residential R5 Special Provision (R5-5(3)) Zone to remove the "h-5" and "h-225" holding provisions.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-5" and "h-225" holding provisions from 536 and 542 Windermere Road, which are in place to ensure: a public site plan meeting is conducted and an archaeological assessment and the necessary sign off have been provided.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the holding ("h-5", and "h-225") symbols from the zoning to permit construction of a 12-unit cluster townhouse complex in two buildings of back-to-back townhouses.

Rationale of Recommended Action

The requirements for removing the holding provision have been met. The public site plan meeting was held on July 13, 2020, a Development Agreement has been executed, security posted and archeological reports have been submitted. It is appropriate to remove the holding provisions as they are no longer required.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject 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. The subject lands are comprised of two (2) lots, each occupied by a single detached dwelling. The eastern border of the property contains the regional water supply line that serve the north half of the City.

1.2 Location Map

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



raised through public engagement, including the Public Site Plan Meeting held on July 13, 2020.

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 (1989) Official Plan*, 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 PRESERVED with the exception of invasive species or trees that are in poor condition.*” This direction was in response to concerns raised by neighbours 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 outlining the nature of the appeal and the proposed negotiations to withdraw it. Provided with that information, Council resolved on January 29, 2020 that:

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 of 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.

A public meeting was held at PEC on July 13, 2020 (file no. SPA19-098) for the most recent development proposal consisting of two townhouse buildings, for a total of 12 units. The units are provided in two buildings both featuring a back-to-back formation, was received by the City of London. PEC and Municipal Council supported the site plan application. Staff have considered the comments received throughout the public engagement process and are close to finalizing the Site Plan for this property.

3.2 Requested Amendment

The applicant is requesting the removal of the “h-5” and “h-225” holding provisions from the site to allow for the development of two back-to-back townhouse buildings, with a total of 12 units. **3.3**

3.3 Community Engagement

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

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s). The London Plan and the 1989 Official Plan contain policies with respect to holding provisions including the process, and notification and removal procedures.

4.0 Key Issues and Considerations

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

The “h-5” holding provision states:

“To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the “h-5” symbol..

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

A public participation meeting occurred on July 13, 2020 to satisfy the requirement for the public site plan meeting. The public participation meeting provided the public with an opportunity to provide input and comments into the site plan approval process. No members of the public attended the meeting. Site Plan staff have completed their review and engineering plans have been accepted that ensure drainage and grading will not negatively impact surrounding properties. Privacy fencing and enhanced landscaped buffering has been included in the accepted plan. This is sufficient to satisfy the requirements for the removal of the “h-5” holding provision.

The “h-225” holding provision states that:

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

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

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

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

A Stage 1 and 2 Archaeological Assessment was submitted as part of the holding removal applications. The assessment found no archaeological resources and recommended no further study on the subject site. A letter from the Ministry of Tourism, Culture and Sport was provided. On July 16, 2020 Development Services Heritage Planner confirmed the report’s analysis, conclusions and recommendations to be sufficient to fulfill the archaeological requirement for these lands. This satisfies the removal of the “h-225” holding provision.

5.0 Conclusion

The resulting development has had the benefit of a public site plan meeting at PEC, a Development Agreement has been executed, security has been posted and an archaeological assessment has been submitted with both Ministry and heritage planning staff sign-off. Therefore, the required conditions have been met to remove the “h-5” and “h-225” holding provisions. The removal of the holding provisions are recommended to Council for approval.

Prepared by:	Sean Meksula, 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 30, 2020

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
 Lou Pompili, Manager, Development Planning
 Ted Koza, Manager, Development Engineering
 Michael Pease, Manager, Development Planning (Site Plan)

SM/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2020\H-9219 - 536 and 542 Windermere Road (SM)\PEC\536 & 542 Windemere Rd - H-9219 SM2.docx

Appendix A

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

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

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at 536 and 542 Windermere Road.

WHEREAS 2492222 Ontario Inc. has applied to remove the holding provision from the zoning for the lands located at 536 and 542 Windermere Road West, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 536 and 542 Windermere Road, as shown on the the attached map comprising part of Key Map No. 102, to remove the h holding provision so that the zoning of the lands as a Residential **TO** Residential R5 Special Provision (R5-5(3)) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on August 25, 2020.

Ed Holder
Mayor


Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020


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




File Number: H-9219
Planner: SM
Date Prepared: 2020/06/25
Technician: RC
By-Law No: Z.-1-

SUBJECT SITE 

1:1,000

 0 5 10 20 30 40 Meters



Geodatabase

Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on July 2, 2020.

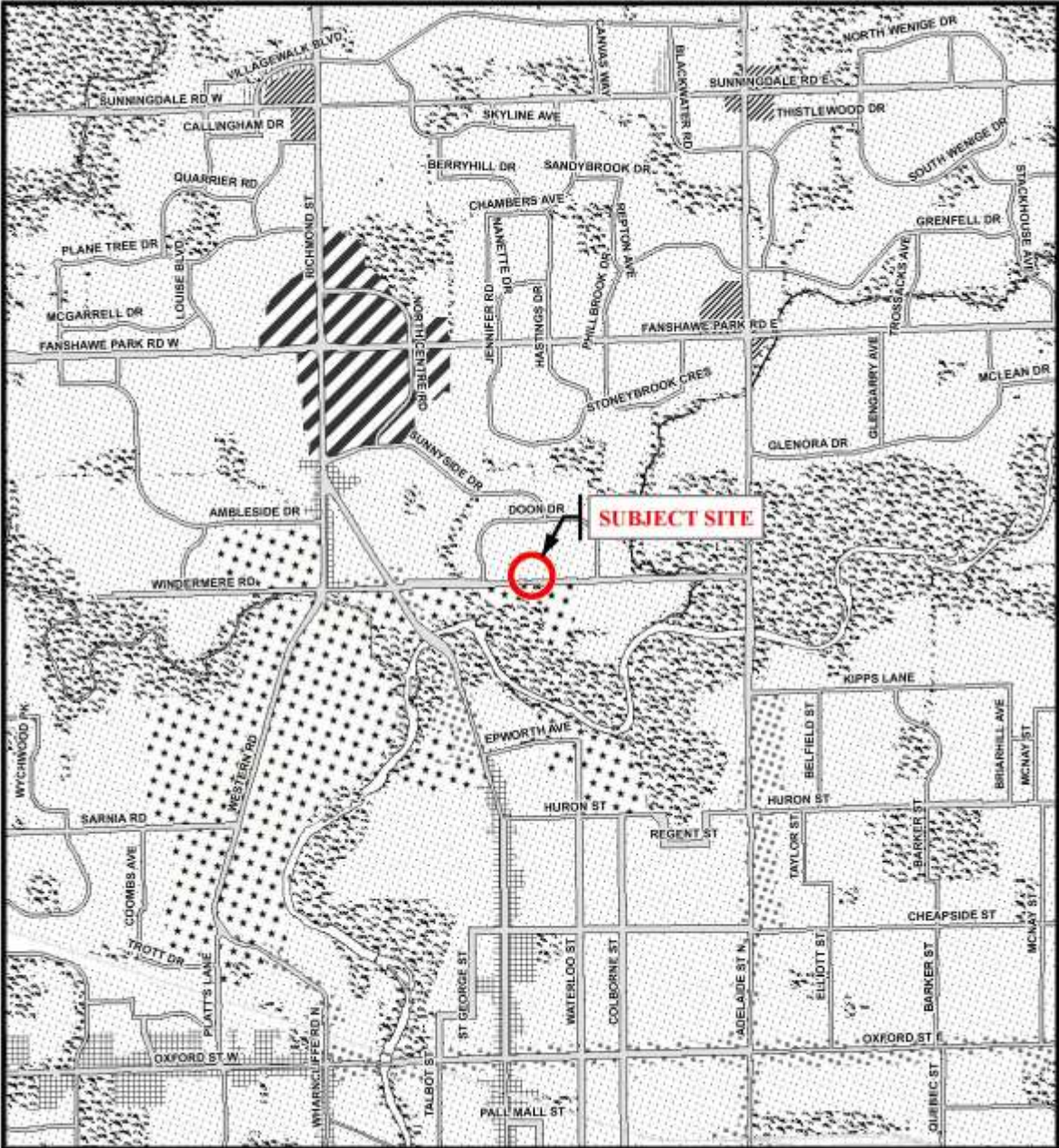
1 phone call was received.

The neighbour wanted to know what type of building had been approved for the lands and wanted to let us know that she was not in agreement with the lands being developed.

Nature of Liaison: City Council intends to consider removing the “h-5 and “h-225”, Holding Provision’s from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbols to permit the future residential development of the subject lands. The purpose of the “h-5” provision is to ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the "h-5" symbol. The purpose of the “h-225” provision is to ensure the proponent shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out a Stage 1 (or Stage 1-2) archaeological assessment of the entire property and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4). The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport. All archaeological assessment reports, in both hard copy format and as a PDF, will be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry. Significant archaeological resources will be incorporated into the proposed development through either in situ preservation or interpretation where feasible, or may be commemorated and interpreted through exhibition development on site including, but not limited to, commemorative plaquing. No soil disturbance arising from demolition, construction, grading, or any other activity, shall take place on the subject property prior to the City of London receiving the Ministry of Tourism, Culture and Sport compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied. Council will consider removing the holding provisions as it applies to these lands no earlier than August 10, 2020. .

Appendix C– Relevant Background

London Plan Excerpt



Legend

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

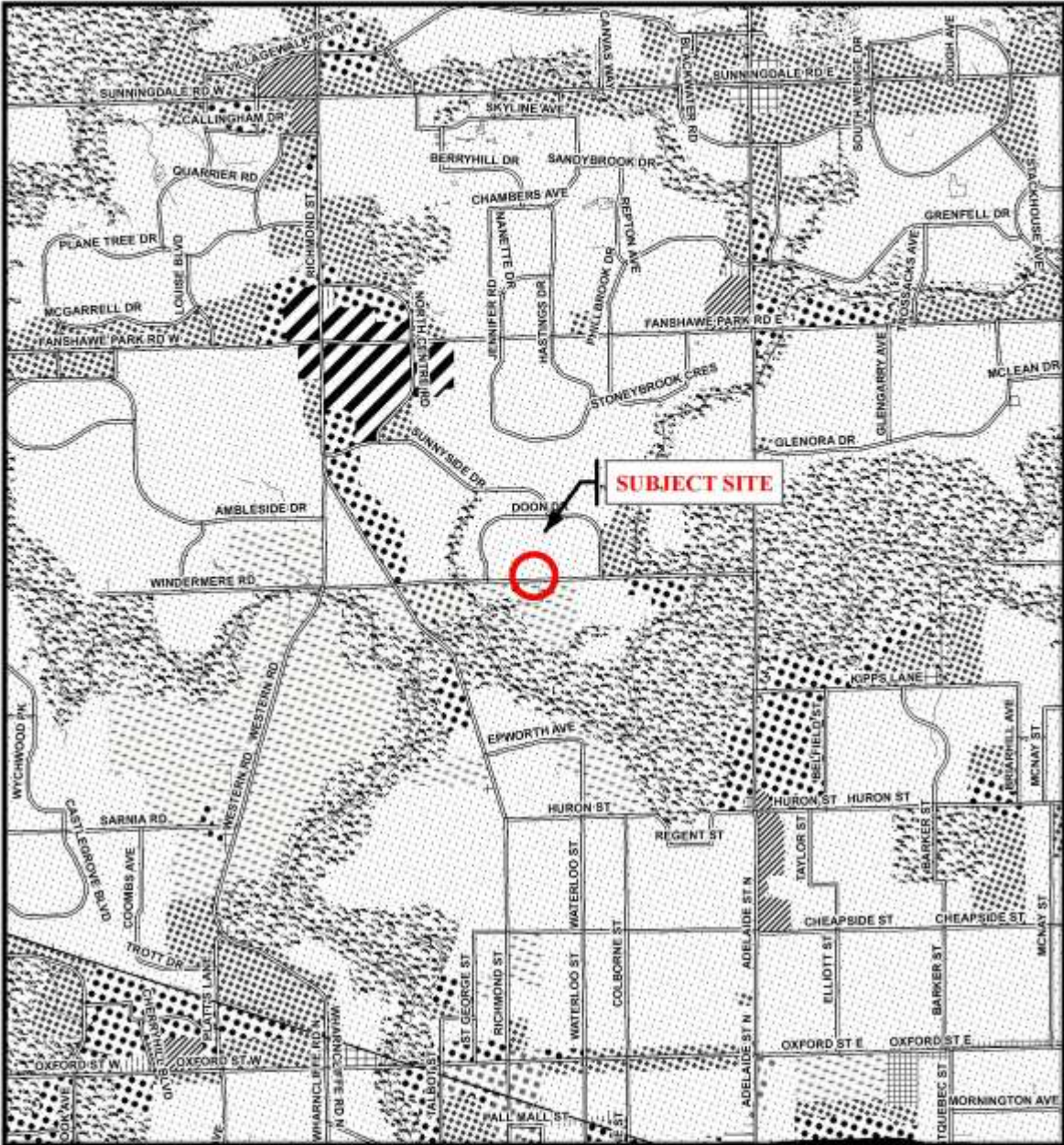
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

<p>CITY OF LONDON Planning Services / Development Services</p> <p>LONDON PLAN MAP 1 - PLACE TYPES -</p> <p>PREPARED BY: Planning Services</p>	<p>Scale 1:30,000</p> <p>Meters</p>	<p>File Number: H-9219</p> <p>Planner: SM</p> <p>Technician: RC</p> <p>Date: June 25, 2020</p>
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Project Location: E:\Planning\Projects\p_officialplan\workconsolid\excerpts_LondonPlan\mxd\H-9219-Map1-Place Types.mxd

1989 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 -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9219
 PLANNER: SM
 TECHNICIAN: RC
 DATE: 2020/06/25

PROJECT LOCATION: c:\planning\projects\p_officialplan\work\consolid00\excerpts\mxd_templates\scheduleA_NEW_b5w_bx14.mxd

Zoning Excerpt



Zoning as of June 16, 2020

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

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

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

<p align="center">CITY OF LONDON</p> <p align="center">PLANNING SERVICES / DEVELOPMENT SERVICES</p> <p align="center">ZONING BY-LAW NO. Z.-1</p> <p align="center">SCHEDULE A</p> <p align="center">THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>	<p>FILE NO: H-9219 SM</p> <hr/> <p>MAP PREPARED: 2020/06/25 RC</p> <hr/> <p align="center">1:1,500</p> <p align="center">0 5 10 20 30 40 Meters</p>
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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Application by: Milan Starcevic
1339-1347 Commissioners Road West

Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following action be taken with respect to the application of Milan Starcevic relating to the property located at 1339-1347 Commissioners Road West, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 25, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the lands **FROM** a holding Residential R8 Bonus (h-5*R8-4*B-63) Zone **TO** Residential R8 Bonus (R8-4*B-63) Zone to remove the holding provision.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-5" holding provision from 1339-1347 Commissioners Road West, which are in place to ensure: a public site plan meeting is conducted.

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the "h-5" holding symbol from the zone map to permit the future development of the subject site for residential uses.

Rationale of Recommended Action

The requirements for removing the holding provision have been met. The public site plan meeting was held on July 13, 2020, and staff have worked with applicant to ensure that matters raised throughout the public engagement process, including the Public Site Plan meeting have been considered. Further, a Development Agreement has been executed and surety posted for this development. It is appropriate to remove the holding provision as it is no longer required.

Analysis

1.0 Site at a Glance

1.1 Property Description

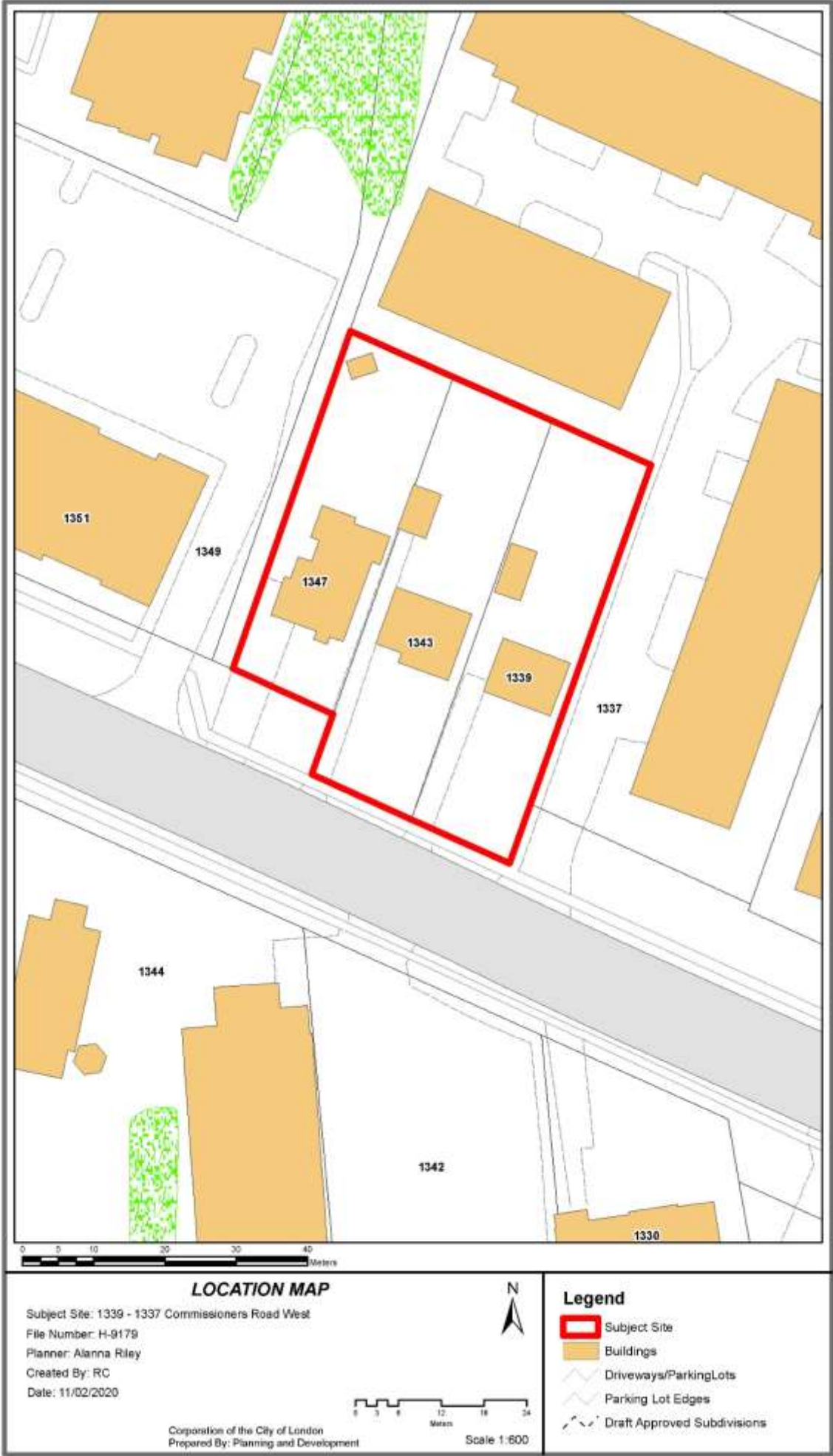
The site is addressed as 1339-1347 Commissioners Road West and is located on the north side of Commissioners Road West. The subject site is comprised of three lots, each occupied by a single detached dwelling. There are existing residential uses to the west, east and north, and a place of worship, public school and residential uses to the south. 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.

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

- The London Plan Place Type – Neighbourhoods

- (1989) Official Plan Designation – Multi-family, Medium Density Residential
- Existing Zoning – Holding Residential R8 Bonus (h*R8-4*B-63) Zone

1.3 Location Map



1.4 Site Characteristics

- Current Land Use – 3 single detached dwellings
- Frontage – 45.9 metres (150.6 feet)
- Depth – variable – approx. 50 metres (164 feet)
- Area – 0.26 ha (2580 square metres (0.64 acres)
- Shape – rectangular with irregular front lot line

1.5 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 – Open Space (Village Commons)
- 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)

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.

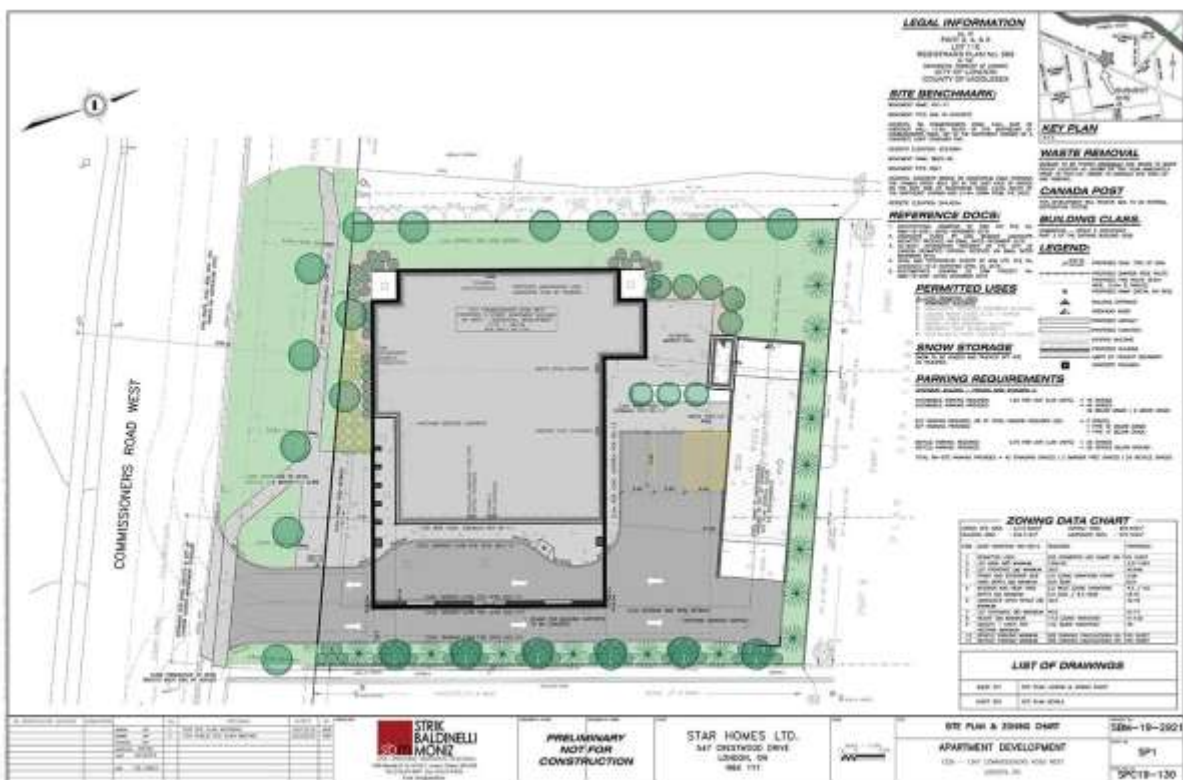


Figure 1: Conceptual Site Plan

An application for Site Plan Approval (SP19-116) has been made. The site plan submission, including servicing, grading, landscaping, and building elevation plans, are approaching acceptance by the City.

3.0 Relevant Background

3.1 Planning History

On June 17, 2019, staff received a Zoning By-law amendment application (Z-9087) 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 the 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 5 storeys, a total of 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 units, 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 on October 7, 2019 and later passed by Municipal Council on October 15, 2019.

In December of 2019, a Site Plan Control Application (file no. SPA19-116) for a 5 storey, 34 unit apartment building, was received by the City of London. Conditional approval was issued on January 22, 2020.

A public meeting was held at PEC on July 13, 2020 (file no. SPA19-116) for consideration of the submitted Site Plan described above. The following resolution was passed by Municipal Council on July 21, 2020:

I hereby certify that the Municipal Council, at its meeting held on July 21, 2020 resolved:

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

a) the Approval Authority BE ADVISED that no issues were raised at the public participation meeting with respect to the application for Site Plan Approval to permit the construction of a five storey, 34 unit apartment building for the properties located at 1339-1347 Commissioners Road West relating to the proposed property;

b) the Approval Authority BE ADVISED that the Municipal Council supports the Site Plan Application SUBJECT TO the following:

i) review the lighting and the wattage of the lighting by the underground parking and any potential impacts on the neighbouring condominium development; and,

ii) temporary shielding of the light while the trees are growing in; it being pointed out that the Planning and Environment Committee reviewed and received the following communications with respect to this matter:

- a presentation from H. Froussios, Zelinka Priamo Ltd.; and,*
- a communication dated July 8, 2020 from E. Hopkins, B. Nuttall and S. Squires, on behalf of the Condominium Board 1337 Commissioners Road West;*

3.2 Requested Amendment

The applicant is requesting the removal of the “h-5” holding provision from the site to allow for the development of a five (5) storey, 34 unit apartment building.

3.3 Community Engagement

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

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s). The London Plan and the (1989) Official Plan contain policies with respect to holding provisions including the process, and notification and removal procedures.

4.0 Key Issues and Considerations

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

The “h-5” holding provision states:

“To ensure that development takes a form compatible with adjacent land uses, agreements shall be entered into following public site plan review specifying the issues allowed for under Section 41 of the Planning Act, R.S.O. 1990, c. P.13, prior to the removal of the “h-5” symbol..

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

A public participation meeting occurred on July 13, 2020 to satisfy the requirement for the public site plan meeting. The public participation meeting provided the public with an opportunity to provide input and comments into the site plan approval process. No members of the public attended the meeting. Site Plan staff have completed their review and engineering plans have been accepted that ensure drainage and grading will not negatively impact surrounding properties. This is sufficient to satisfy the requirements for the removal of the “h-5” holding provision.

5.0 Conclusion

The resulting development has had the benefit of a public site plan meeting. Therefore, the required conditions have been met to remove the “h-5” holding provision. The removal of the holding provision is recommended to Council for approval to allow the zoning to come into force.

Prepared by:	Sean Meksula, 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 30, 2020

- CC: Matt Feldberg, Manager, Development Services (Subdivisions)
- Lou Pompilii, Manager, Development Planning
- Ted Koza, Manager, Development Engineering
- Michael Pease, Manager, Development Planning (Site Plan)

SM/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2020\H-9179 - 1339 Commissioners Road West (AR)\PEC Report.docx

Appendix A

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

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

A by-law to amend By-law No. Z.-1 to
remove holding provision from the
zoning for lands located at 1339-1347
Commissioners Road West

WHEREAS Milan Starcevic has applied to remove the holding provision from the zoning for the lands located at 1339-1347 Commissioners Road West, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1339-1347 Commissioners Road West, as shown on the the attached map comprising part of Key Map No. 106, to remove the h holding provision so that the zoning of the lands as a Residential R8 Bonus (R8-4*B-63) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on August 25, 2020.




Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020

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



<p>File Number: H-9179 Planner: AR Date Prepared: 2020/02/07 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:800</p> <p> Meters</p> <p></p>
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Geobase

Appendix B – Public Engagement

Community Engagement

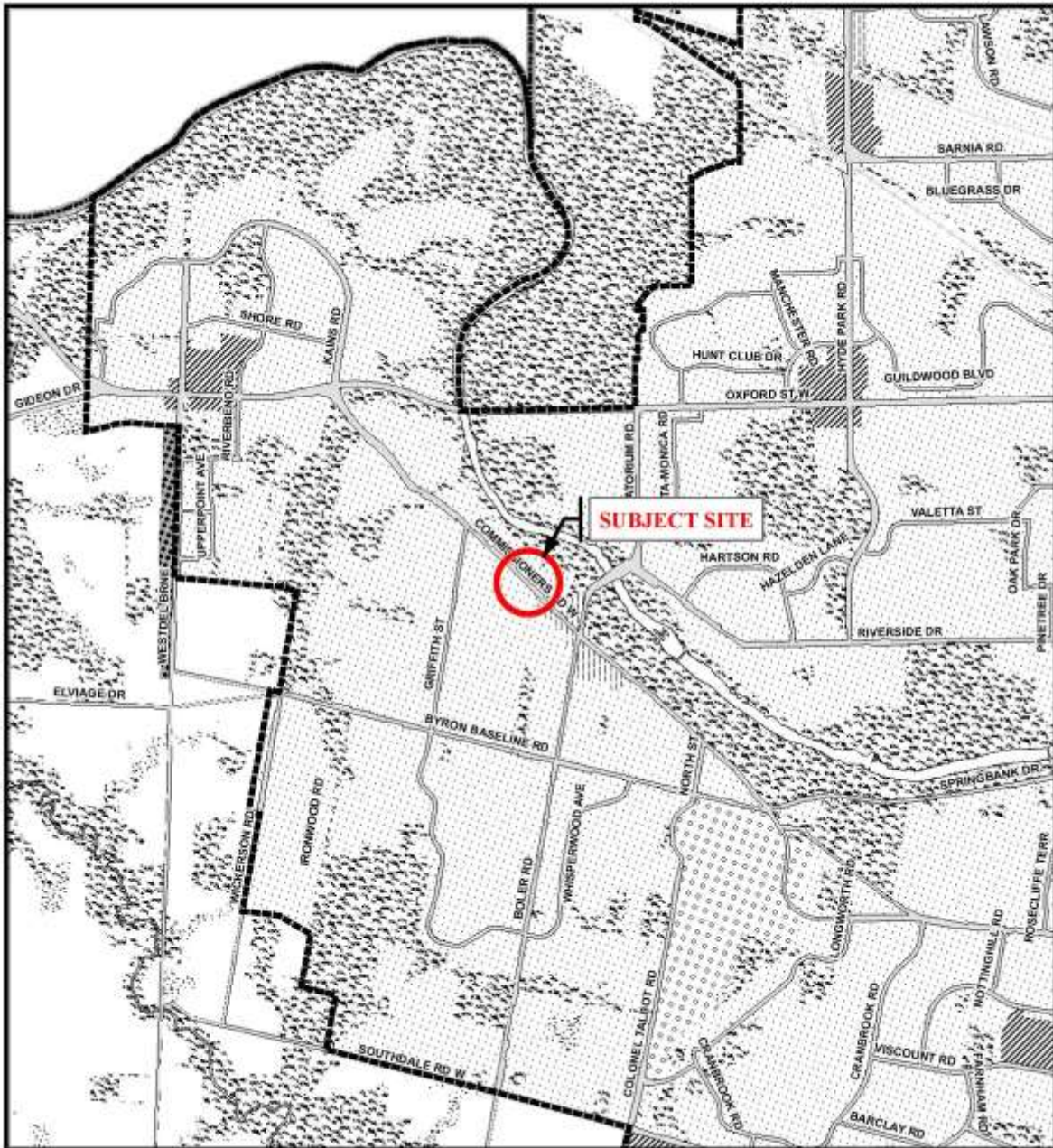
Public liaison: Notice of the application was published in the Londoner on February 20, 2020

0 replies were received

Nature of Liaison: City Council intends to consider removing the “h” Holding Provision from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol to permit future residential development of the subject lands. The purpose of the “h” provision is to ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. Council will consider removing the holding provision as it applies to these lands no earlier than March 9, 2020. .

Appendix C– Relevant Background

London Plan Excerpt



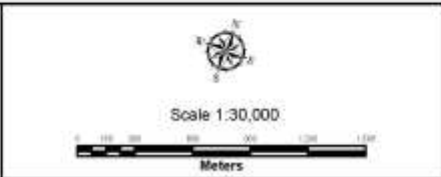
Legend

- | | | |
|------------------------|--------------------------|---|
| 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.

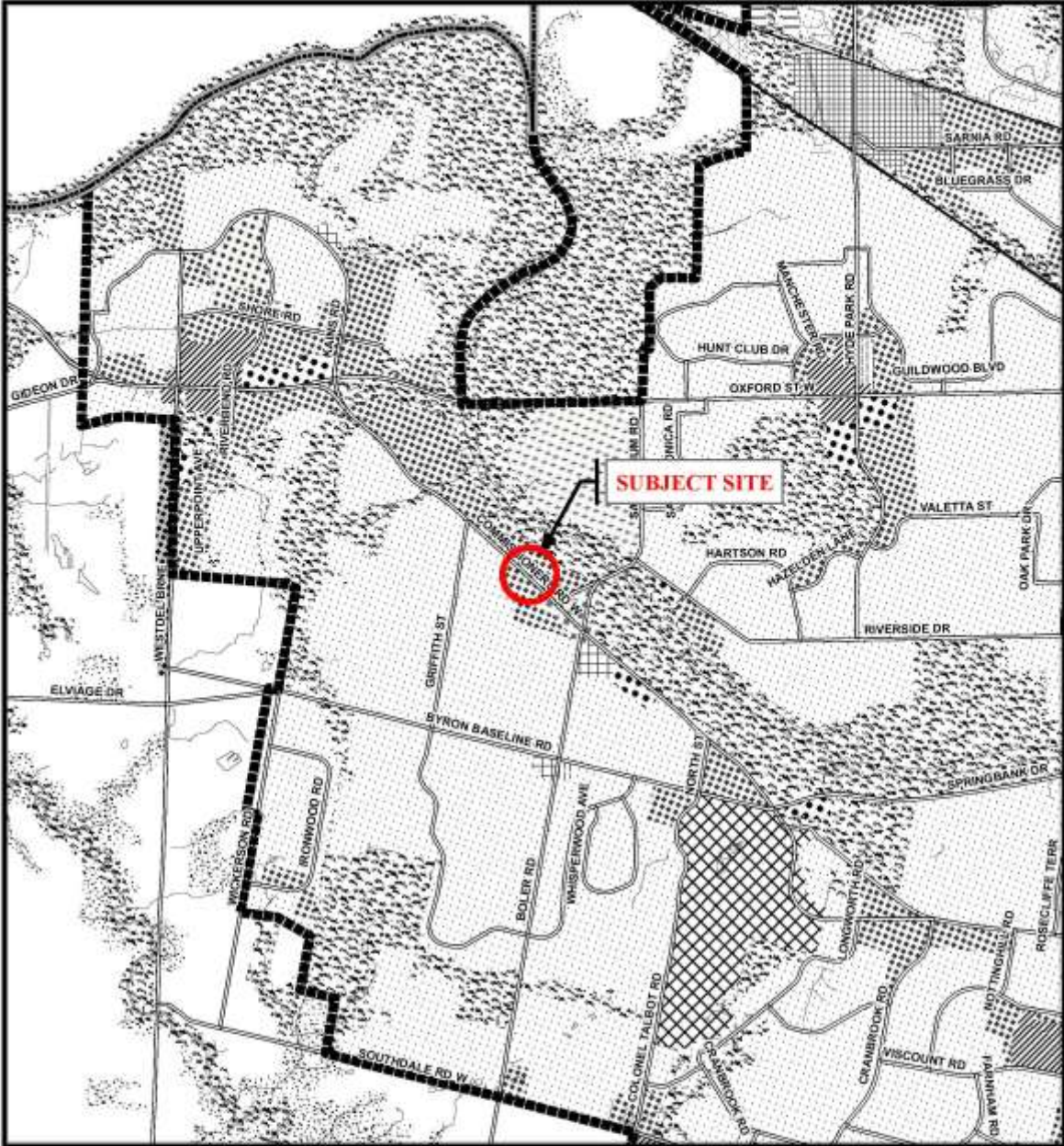
CITY OF LONDON
Planning Services /
Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
PREPARED BY: Planning Services



File Number: H-9179
Planner: SM
Technician: RC
Date: July 15, 2020

Project Location: E:\Planning\Projects\ip_officialplan\work\consolid00\excerpts_LondonPlan\mxd\H-9179-Map1-Place Types.mxd

1989 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 -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9179
 PLANNER: SM
 TECHNICIAN: RC
 DATE: 2020/07/15

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

Zoning Excerpt



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

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

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

<p>CITY OF LONDON</p> <p>PLANNING SERVICES / DEVELOPMENT SERVICES</p> <p>ZONING BY-LAW NO. Z-1 SCHEDULE A</p> <p>THIS MAP IS AN UNOFFICIAL EXTRACT FROM THE ZONING BY-LAW WITH ADDED NOTATIONS</p>		<p>FILE NO: H-9179 SM</p> <hr/> <p>MAP PREPARED: 2020/07/15 RC</p> <hr/> <p style="text-align: center;">1:1,500</p> <p style="text-align: center;">0 5 10 20 30 40  Meters</p>
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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: G. Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official
Subject: Application By: Schlegel Villages Inc.
3030 Singleton Avenue
Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Schlegel Villages Inc. relating to the property located at 3030 Singleton Avenue, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 25, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands a Holding Residential R5/R6/R7 (h-53*R5-4/R6-5/R7/D100/H30) Zone **TO** a Residential R5/R6/R7 (R5-4/R6-5/R7/D100/H30) Zone to remove the "h-53" holding provision.

Executive Summary

Summary of Request

The applicant has requested the removal of the "h-53" holding provision from a portion of 3030 Singleton Avenue, which is in place to ensure street oriented design which discourages the need for noise walls in this development.

Purpose and the Effect of Recommended Action

The purpose and effect is to remove the "h-53" holding symbol over a portion of the site to facilitate the development of an eight (8) storey continuum of care facility with 50 seniors apartment unit and 177 retirement home beds with a 1 storey town square.

Rationale of Recommended Action

The requirements for removing the holding provision has been met. It is appropriate to remove the holding provision as it is no longer required.

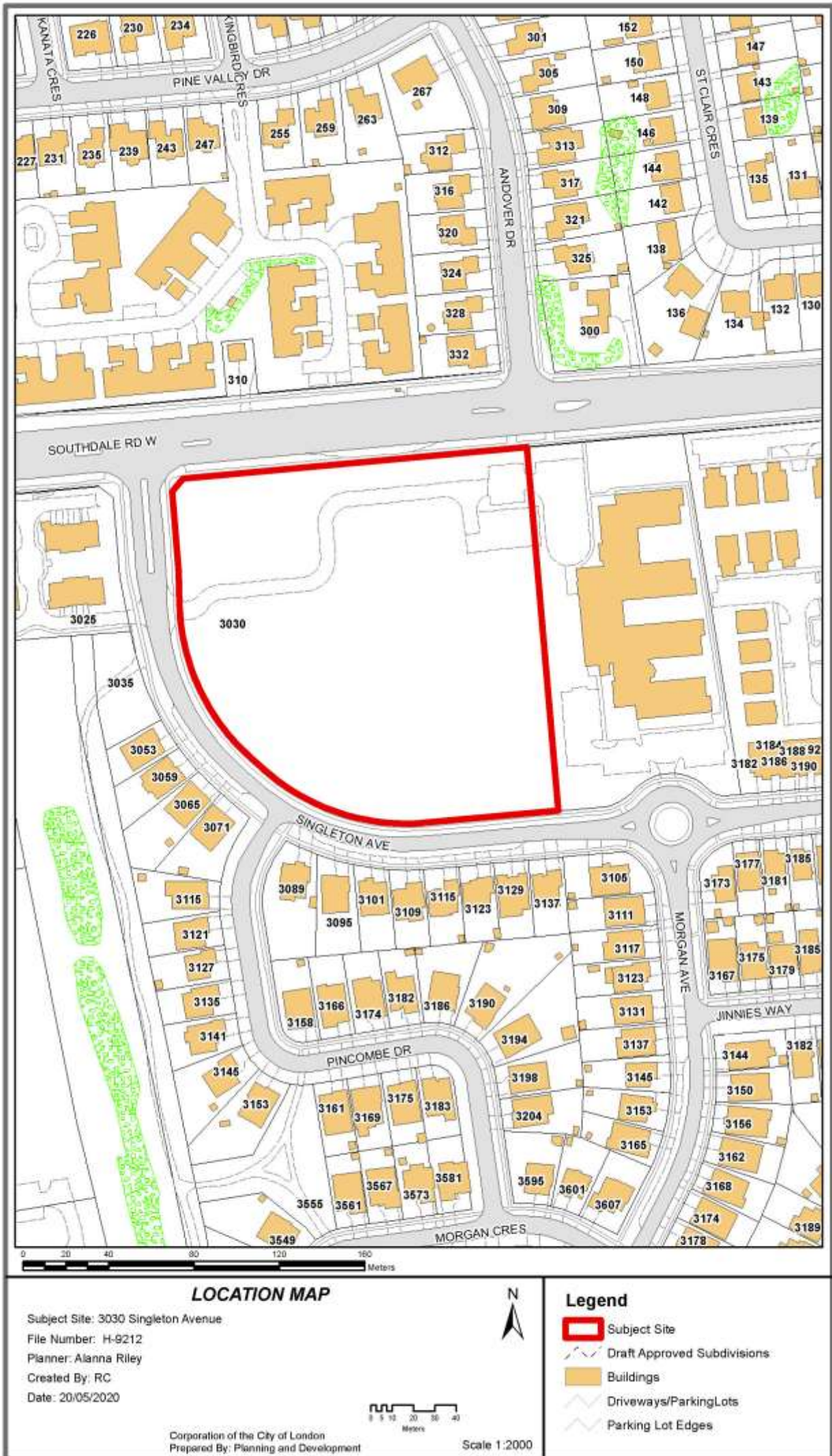
Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located in the southwest area of the City with frontage on Singleton Avenue and Southdale Road West. A mix of single detached dwellings and cluster residential uses are located to the north and west, single detached dwellings are located to the south and a existing seniors apartment building is located on the east portion of these lands. The site is approximately 2.82 ha in size and is currently undeveloped and vacant.

1.2 Location Map



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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – h-53*R5-4/R6-5/R7/D100/H30

1.4 Site Characteristics

- Current Land Use – Phase 1 and 2 seniors apartment building
- Frontage – 161.1 metres
- Depth – Varies
- Area – 2.82 hectares
- Shape – Irregular

1.5 Surrounding Land Uses

- North – Residential
- East – Residential
- South – Residential
- West – Residential

2.0 Description of Proposal

2.1 Development Proposal

The future development of this site consists of a Continuum of Care Facility with 50 seniors apartment units and 177 retirement home beds to be developed in the form of an eight (8) storey apartment building with a one (1) storey town square. Landscaped areas, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by the retirement home corporation.

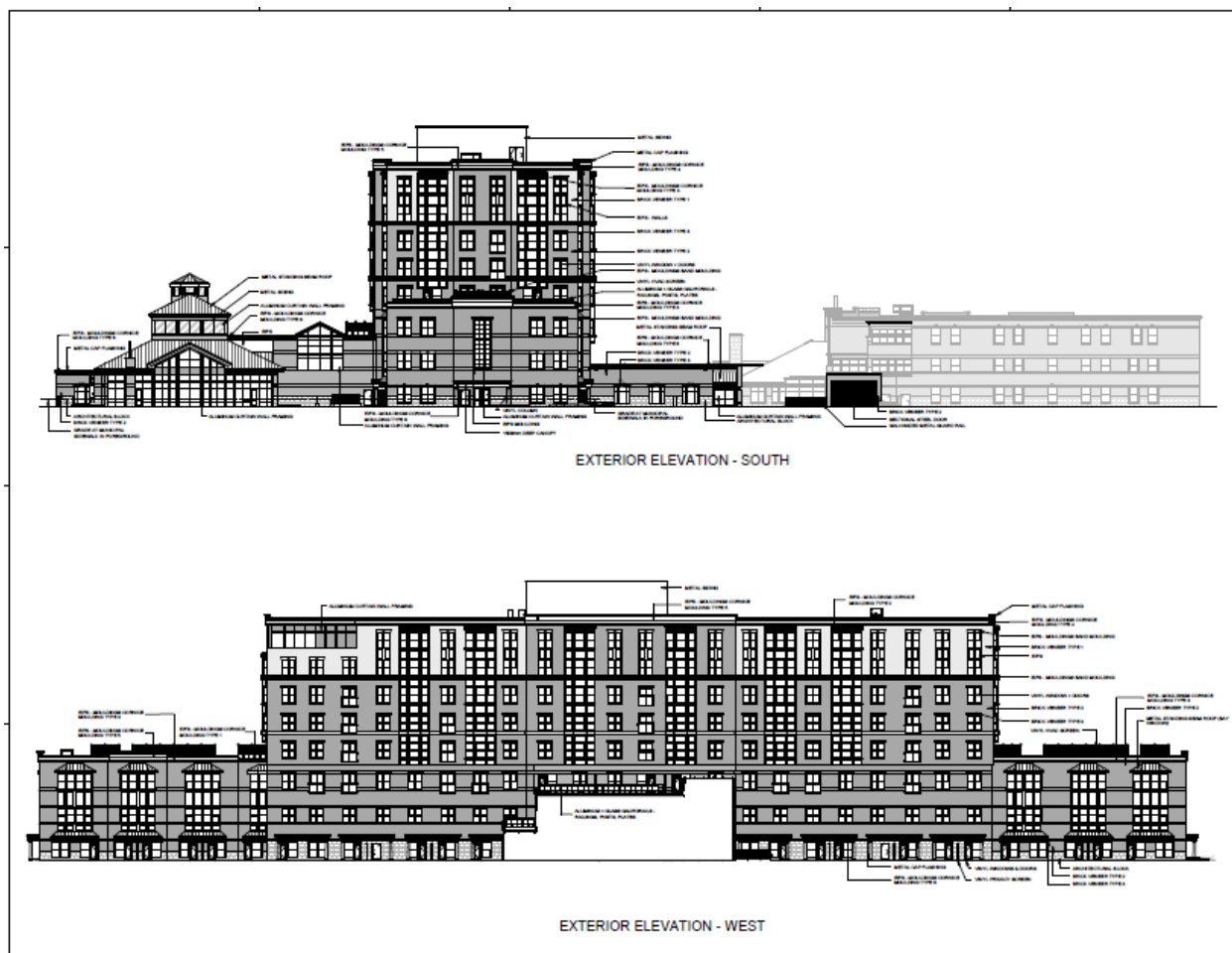


Figure 1: Conceptual Rendering

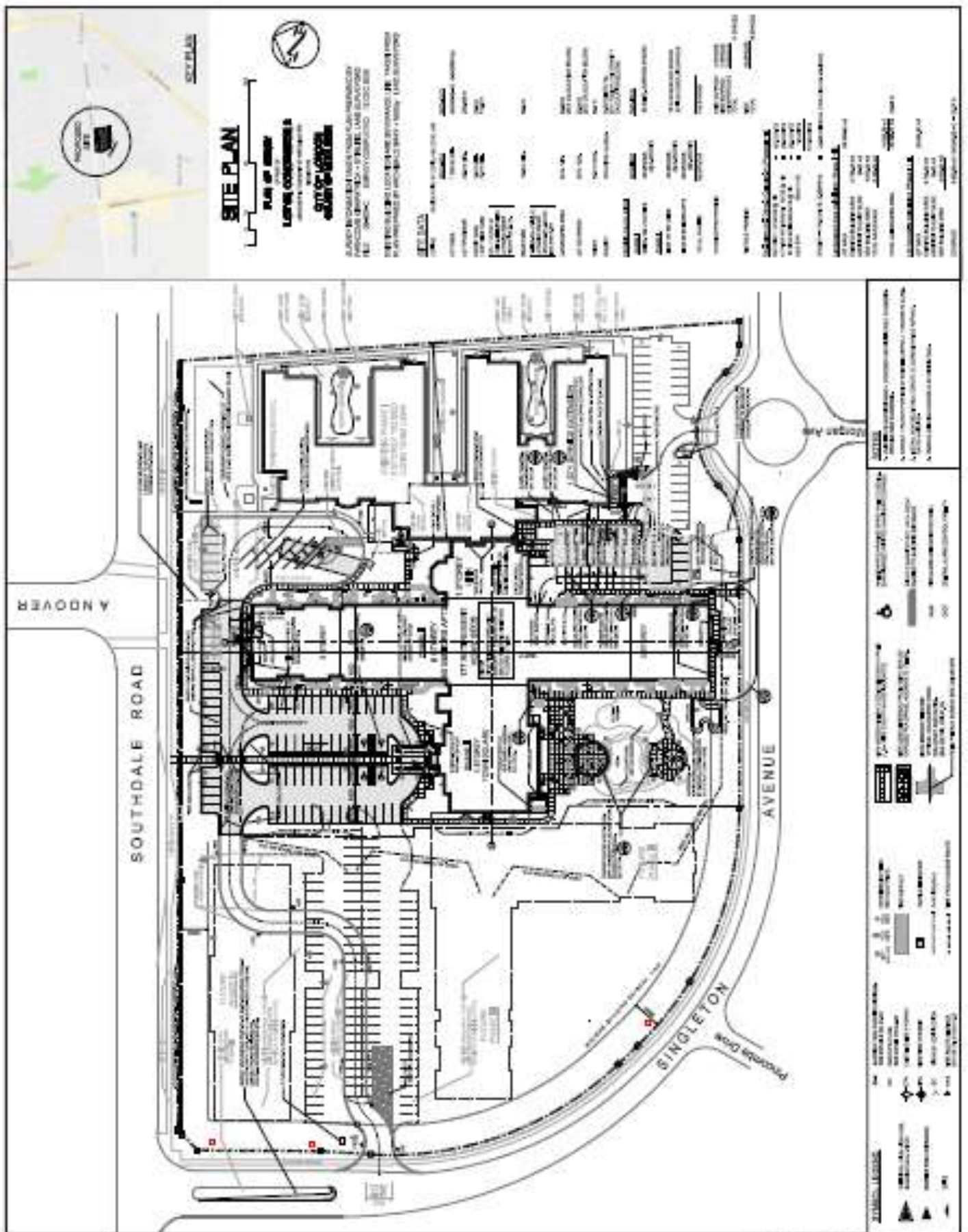


Figure 2: Conceptual Site Plan

3.0 Relevant Background

3.1 Planning History

The subject property is located within the part of the former Town of Westminster that was annexed to the City in 1993. In June 2005, City Council adopted Official Plan Amendment No. 358 to implement land use designations and policies for the Bostwick East Community Plan. The subject property was designated Multi-Family, Medium Density Residential.

The subject site was zoned Agriculture (A1) under By-law 5000 (Town of Westminster). In November of 2001, City Council adopted Official Plan Amendment No. 238 and Zoning By-law No. 2.-1-01929, which established residential zoning on the subject property.

On June 24, 2006 Municipal Council adopted a zoning by-law amendment to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property to apply a Holding Residential R5/R6/R7 (h-53.R5-4/R6-5/R7.DI00.H30) Zone to permit a multi - unit residential continuum-of-care facility for seniors. A "h-53" holding provision was also applied to the subject site to encourage street-oriented development which precludes the need for noise walls along Southdale Road, consistent with the Bostwick East Area Plan.

3.2 Requested Amendment

The applicant is requesting the removal of the "h-53" holding provision from a portion of 3030 Singleton Avenue to allow for the development of Phase 2 in the form of an eight (8) storey seniors' apartment building with a one (1) storey town square.

3.3 Community Engagement

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

3.4 Policy Context

The Planning Act permits the use of holding provisions to restrict future uses until conditions for removing the holding provision are met. To use this tool, a municipality must have approved Official Plan policies related to its use, a municipal council must pass a zoning by-law with holding provisions, an application must be made to council for an amendment to the by-law to remove the holding symbol, and council must make a decision on the application within 150 days to remove the holding provision(s). The London Plan and the (1989) Official Plan contain policies with respect to holding provisions including the process, and notification and removal procedures.

4.0 Key Issues and Considerations

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

The h-53 holding provision is as follows:

h-53 - Purpose: To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved, consistent with the Community Plan, to the satisfaction of the City of London, prior to the removal of the "h-53" symbol.

The applicant has submitted the appropriate plans for phase 2 for Site Plan Approval. A development agreement has been executed for the site and security has been posted. The development is oriented towards Singleton Avenue to establish strong street edges consistent with the adjacent phase 1, with a built form along the public realm that provides units with direct pedestrian connections to Singleton Avenue and Southdale Road West.

5.0 Conclusion

The requirements for removing the holding provision over a portion of the site has been met. It is appropriate to remove the holding provision as it is no longer required. The accepted development is street-oriented, mitigates noise from the arterial road with suitable setbacks, landscaping, and incorporates appropriate urban design principles that are included in the development agreement and accepted Site Plan. It is appropriate to remove the holding provision to allow the zoning to come into force at this time.

Prepared by:	Sean Meksula, 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 30, 2020

cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Lou Pompilii, MPA, RPP, Manager, Development Planning
cc: Ted Koza, Manager Development Engineering
cc: Michael Pease, Manager, Development Planning (Site Plan)

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2020\H-9212 - 3030 Singleton Avenue (SM)\PEC\H-9212 - 3030 Singleton Avenue_PEC Report (SM).docx

Appendix A

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

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

A by-law to amend By-law No. Z.-1 to remove holding provision from the zoning for lands located at located at 3030 Singleton Avenue.

WHEREAS Schlegel Villages Inc. has applied to remove the holding provision from the zoning for the lands located at 3030 Singleton Avenue, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to a portion of the lands located at 3030 Singleton Avenue, as shown on the attached map comprising part of Key Map No. 111, to remove the holding provision so that the zoning of the lands as a Residential (R5-4/R6-5/R7.D100.H30) Zone comes into effect.
2. This by-law shall come into force and effect on the day it is passed.

PASSED in Open Council on August 25, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020

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



File Number: H-9212
 Planner: SM
 Date Prepared: 2020/07/21
 Technician: RC
 By-Law No: Z.-1-

SUBJECT SITE 

1:2,006

0 10 20 40 60 80 Meters



Appendix B – Public Engagement

Community Engagement

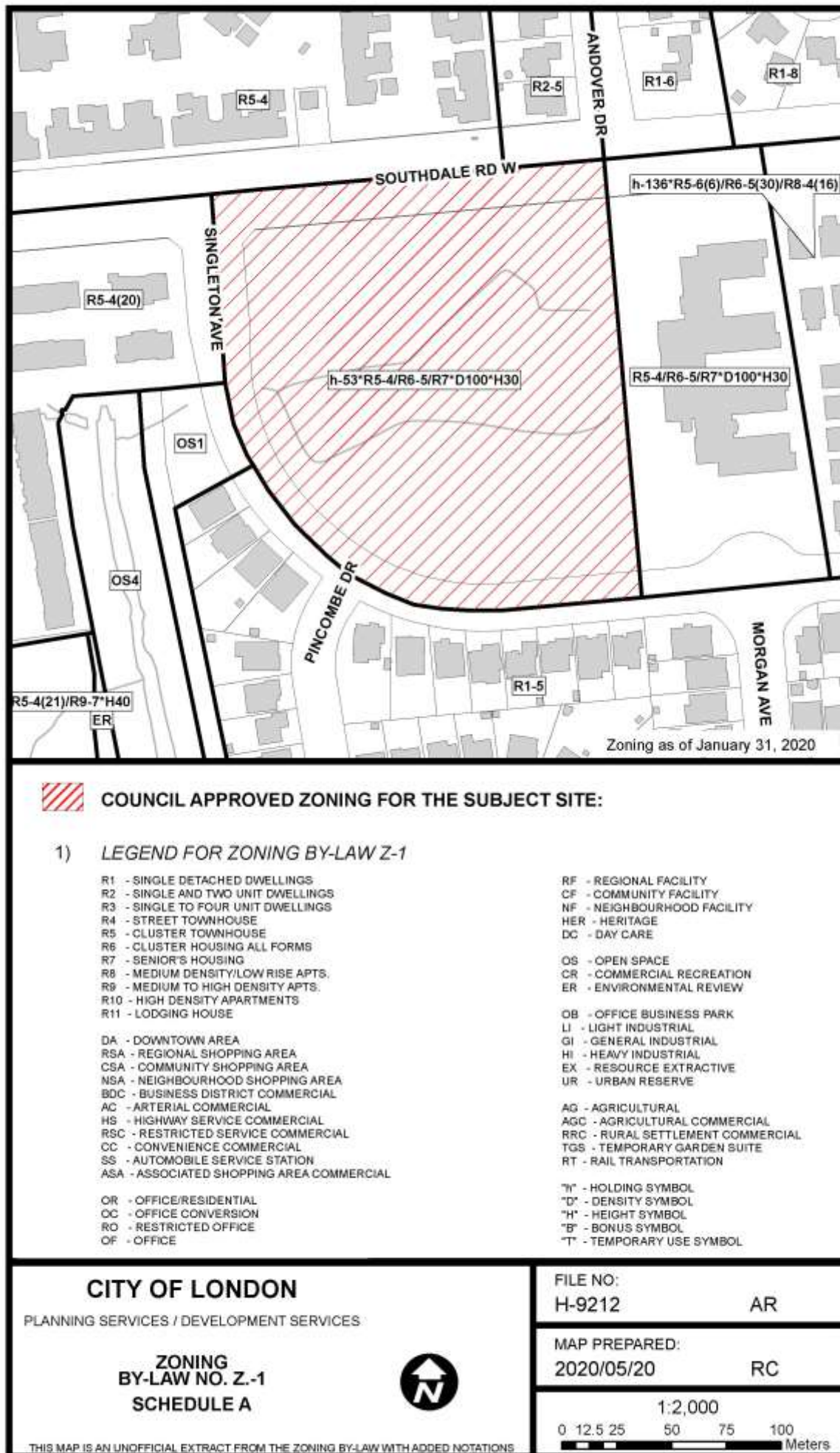
Public liaison: Notice of the application was published in the Londoner on May 28, 2020

0 replies were received

Nature of Liaison: City Council intends to consider removing the “h-53” holding provision from the subject site. The removal of the holding provision is contingent on the following: to encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved, consistent with the Community Plan, to the satisfaction of the City of London. Council will consider removing the holding provision as it applies to these lands no earlier than June 22, 2020.

Appendix C – Relevant Background

Existing Zoning Map



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, Planning and City Planner
Subject: Argyle Regeneration Study Update
Meeting on: August 10, 2020.

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken:

- (a) This report **BE RECEIVED** for the purpose of providing Municipal Council with an update on the progress of the Argyle Regeneration Study.

IT BEING NOTED that City Planning staff will continue to work with the Argyle Business Improvement Area (BIA) and community stakeholders and groups, to provide support and education regarding the planning process and the framework for community regeneration and development.

Executive Summary

On November 12, 2019, Civic Administration was directed to undertake a comprehensive community regeneration study of the Argyle Business Improvement Area and surrounding areas. City Planning staff have completed the first stage of the study including research, data collection and analysis, and consulting with stakeholders, other service areas and the public.

This report contains a preliminary analysis of findings. City staff will continue with consultation, research and analysis in the coming months and report back with final recommendations for next steps at a future meeting of the Planning and Environment Committee.

Previous Reports Pertinent to this Matter

June 2012	Designation of an Improvement Area under Section 204 the Municipal Act, 2001 – Argyle BIA
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Background

In October 2019, the Argyle Business Improvement Area (Argyle BIA) submitted a request through the Planning and Environment Committee (PEC) for staff to undertake a comprehensive study of the Argyle BIA and surrounding area. On November 12, 2019, Civic Administration was directed to report back at a future meeting of the Planning and Environment Committee with respect to the results of a comprehensive community regeneration study of the Argyle BIA and surrounding areas.

To date, City staff have undertaken the following activities:

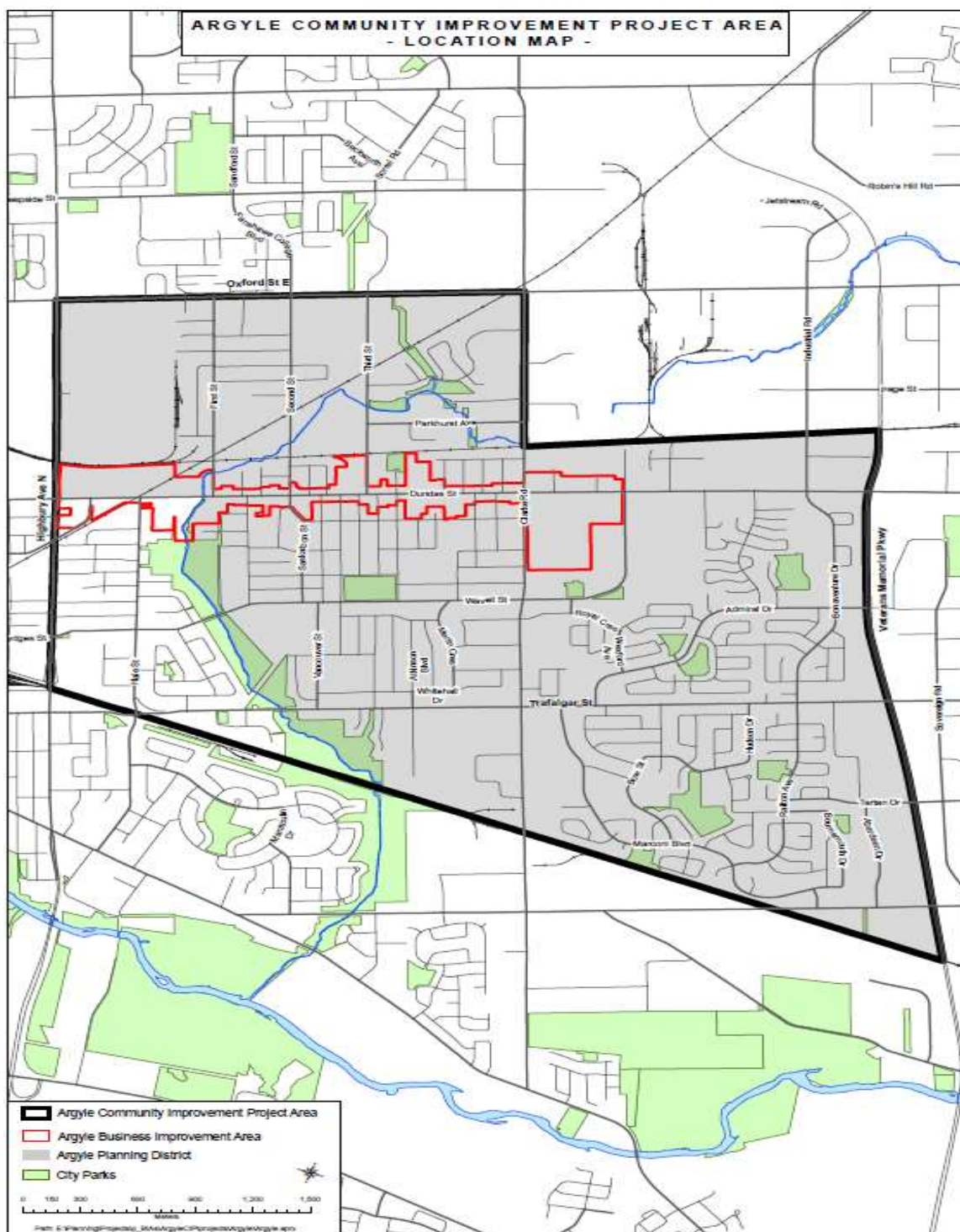
- Review of relevant Provincial and City policy documents;
- Review of existing City of London regeneration projects and Community Improvement Plans;
- Review of best practices used in other Ontario municipalities;
- Analysis of the Argyle Area based on:
 - Secondary information (such as Statistics Canada data)
 - Demographic and industry data

- First-hand data collection and visual audit
- Development and building activity
- Input received from the Argyle BIA, Argyle Community Association, and other Argyle organizations.
- Information collected during meetings and workshop sessions.
- Consultation with other City services areas including Transportation and Parks Planning.

1.0 General Study Area

The Argyle Regeneration Study applies to lands in the east end of London, generally bounded by Highbury Avenue, Oxford Street East, Clarke Road, Veterans Memorial Parkway, Canadian Pacific Railway and the Canadian National Railway. Comprising approximately 1,362 hectares of land, the Argyle Planning District is the second largest district within the Urban Growth Boundary, after the Westminster district.

Map 1: Argyle Community Improvement Study & Argyle Planning District



Map 1 illustrates the general boundaries for the Argyle Regeneration Study and the Argyle Planning District. This Study Area was chosen for the following reasons:

- The Argyle Planning District was kept intact as much as possible, so the boundaries for the study area generally coincide with the boundaries of the Planning District. This allows for better data-comparison with existing demographic Argyle Trade Area Reports and the 2016 Census.
- The Canadian Pacific Railway, the Canadian National Railway, Veterans Memorial Parkway, Oxford Street East and Highbury Avenue North were viewed as existing boundaries that separate Argyle from other Planning Districts. These districts are East London and Carling Districts to the west, Huron Heights and Airport District to the north, Crumlin to the east and Hamilton Road to the south of the Argyle Area.
- Dundas Street is the main commercial and transit corridor within the study area, connecting Veterans Memorial Parkway with the Argyle Mall and Highbury Avenue. The Argyle BIA is located along Dundas Street, between Wavell Street and Highbury Avenue. In order to incorporate the full BIA and Dundas Corridor, the study area has been extended towards the west to include the Hale Street district.
- Another benefit of expanding the boundaries to the west, is that the study area will encompass the full Kiwanis Park North & Central and Pottersburg Creek instead of only half of the Park. This is a better reflection of the importance of this natural feature on the surrounding neighbourhood.

While this study area was determined for the above reasons, it should be made clear that any properties currently shown within the study area may not be included within any final boundaries for plans or programs that result from the recommendations of this study.

Existing Context

2.0 Transportation Networks

Dundas Street is a major transportation corridor through the Argyle area. Other major transportation corridors in Argyle are the Veterans Memorial Parkway, Highbury Avenue North, Trafalgar Street and Oxford St East. Major rail lines pass through Argyle as well, owned by Canadian Pacific and Canadian National.

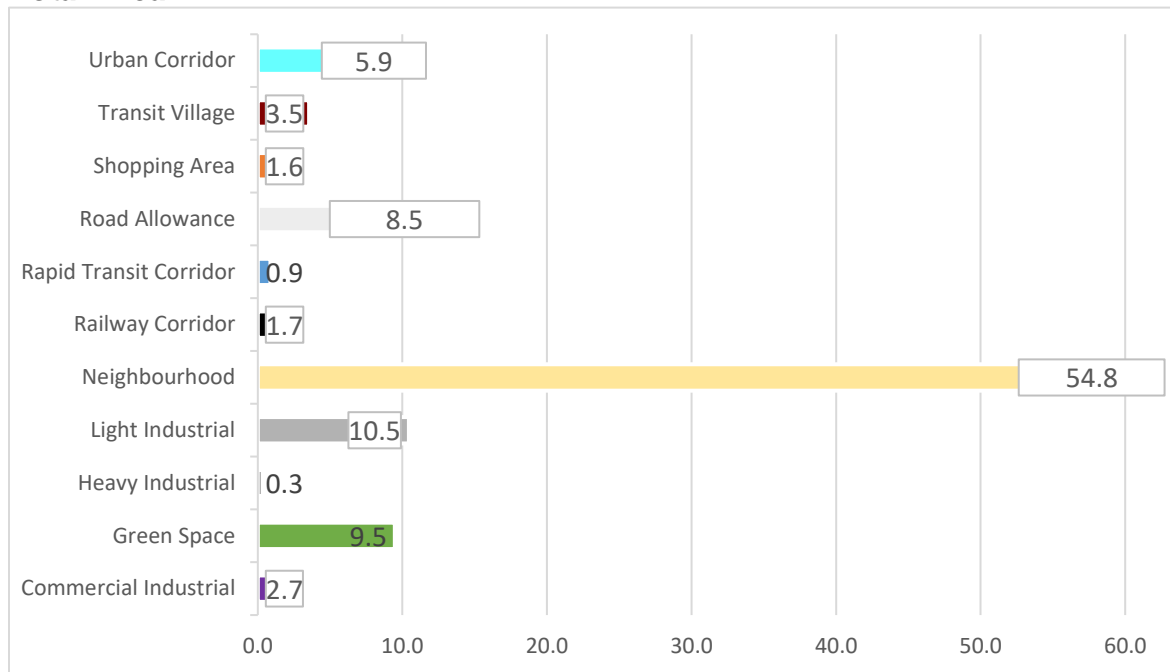
3.0 Land Use

3.1 The London Plan

The London Plan is the new Official Plan for the City of London and has been adopted by City Council and approved by the Ministry with modification. The majority of The London Plan is in-force and effect, and portions of the Plan continues to be under appeal at the Local Planning Appeals Tribunal. All lands within the City are assigned a Place Type, each Place Type has their own permitted uses, intensity development and form requirements.

As shown in figure 1, almost 55% of the land in Argyle is the Neighbourhood Place Type, followed by Light Industrial (10.5%), Green Space (9.5%), Road Allowance (8.5%) and Urban Corridor (5.9%). Together, the Light and Heavy Industrial Place Type make up 10.8% of the Land in the Argyle Area. These Industrial Place Types are focused around the railway corridors in the north and southeast of the study area, illustrated in Appendix B - Map 3.

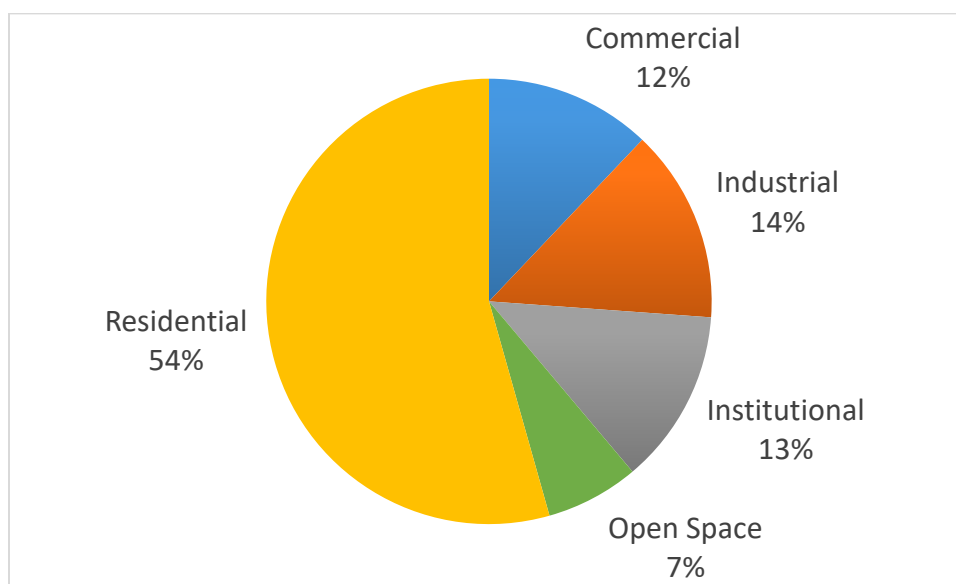
Figure 1: Place Types in Argyle Community Improvement Study as percentage of Total Area.



3.2 Existing zoning

Within the Argyle Area Regeneration Study, the majority of land is zoned for residential uses (54%), followed by industrial (14%), institutional (13%), commercial (12%) and open space (7%). This is illustrated in Appendix B – Map 4.

Figure 2: Percentage of Land in Generalized Zones in Argyle Community Improvement Study



3.3 Parkland

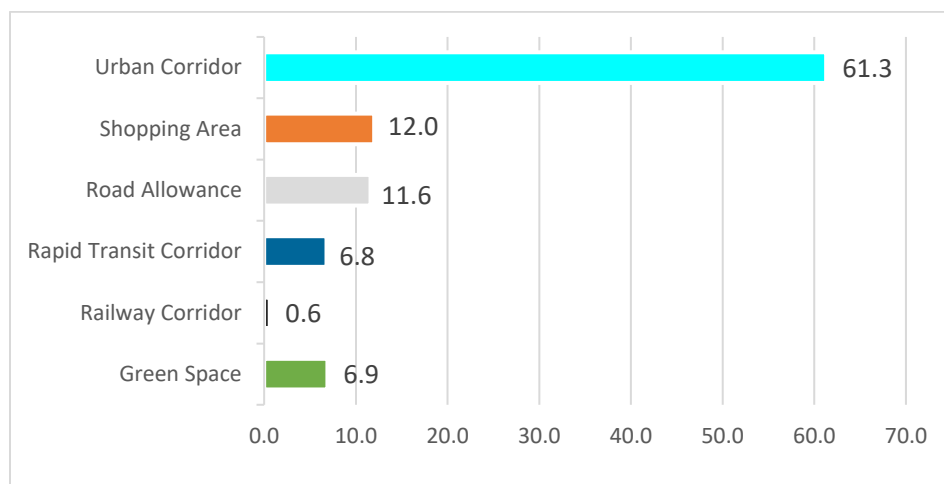
Hectares of Parkland per 1000 people: The Argyle Study Area has 75.3 total hectares of green space or 2.1 hectares of parkland per 1000 people. This compares to 7.2 hectares of parkland per 1000 people City-Wide. It should be noted, however, that 45% of the Argyle area is zoned and designated for non-residential uses.

4.0 Business Improvement Area

4.1 The London Plan

More than 60% of land in the Argyle BIA-area is the Urban Corridor Place Type. Other Place Types are Shopping Areas (12%), Road Allowance (11.6%), Green Space (6.9%), Rapid Transit Corridor (6.8%) and less than a percent of Railway Corridor.

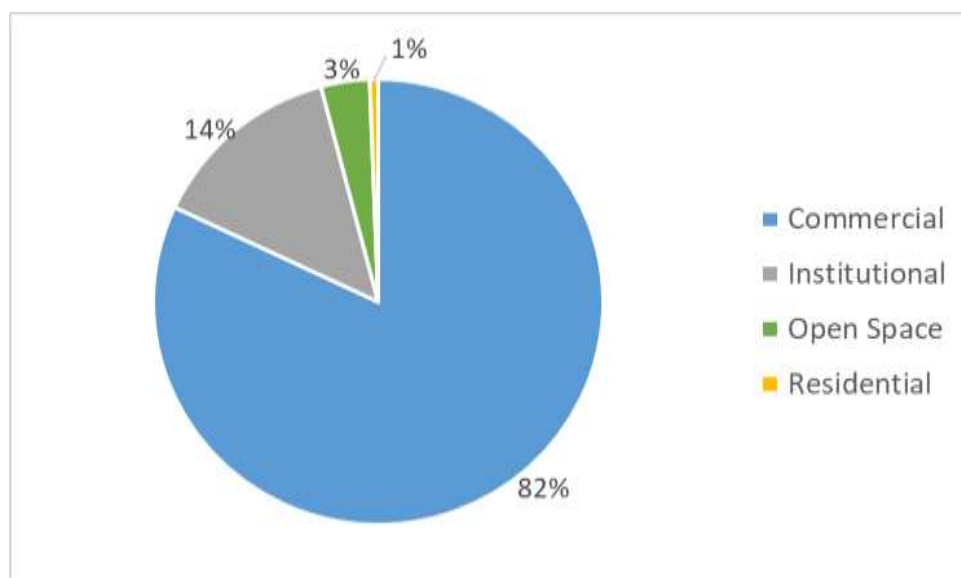
Figure 3: Place Types in Argyle BIA District as percentage of Total Area



4.2 Current Zoning

Within the Argyle Community Regeneration Study, the Argyle BIA makes up 6.2% of the total land and runs along Dundas Street between Highbury Avenue North and Wavell Street. The majority of land in the BIA is zoned for commercial use (82%). Other uses are institutional (14%), open space (3%) and residential (1%). Both the Dundas Street Urban Corridor, and the Argyle Mall are dominated by commercial use.

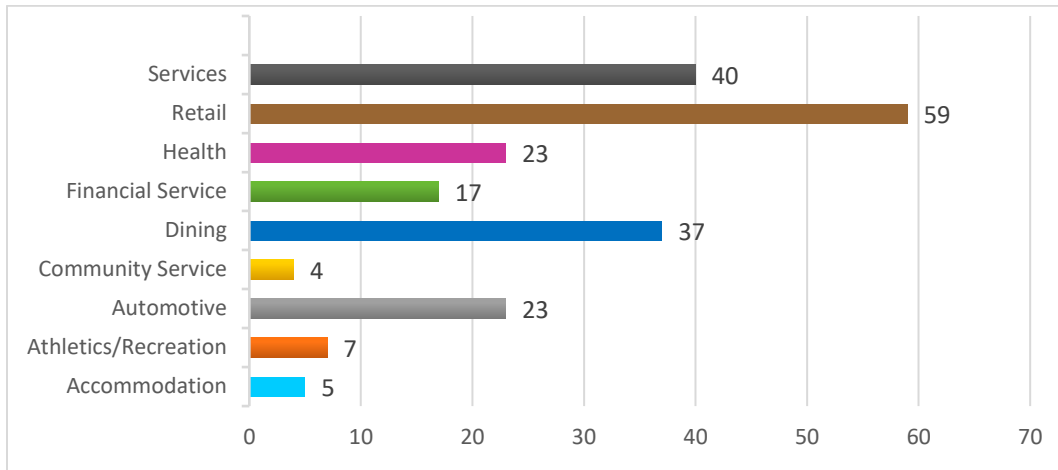
Figure 4: Percentage of Land in Generalized Zones in Argyle BIA District



4.3 Businesses

Over 200 businesses are members of the Argyle BIA, all located within the boundaries of Dundas Street between Highbury Avenue and Wavell Street. Figure 5 illustrates a vast array of business-types, with a high concentration of retail, services and dining. Other everyday needs such as automotive services, health, financial service and athletics/ recreation can be met in Argyle as well.

Figure 5: Business Types in the Argyle BIA Area

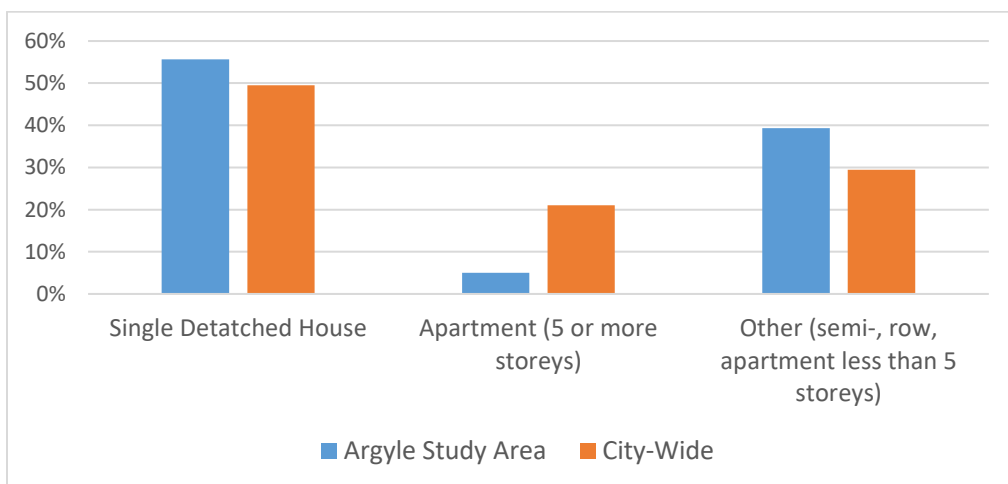


5.0 Community Profile

5.1 Housing

Most of the housing in Argyle was built before 1980 (70%) and another 25% between 1980 and 2000. That means that only 5.5% of dwellings in Argyle were built after 2000, compared to 20.5% city-wide. Most housing consists of single detached houses, apartments (5 or more storeys) and other forms of housing (townhouses, semi-detached housing and apartments with less than 5 storeys). The percentage of single detached housing is higher in Argyle than City-Wide, the number of apartments (5 of more storeys) is much lower than City-Wide and the amount of row-houses are higher than City-Wide.

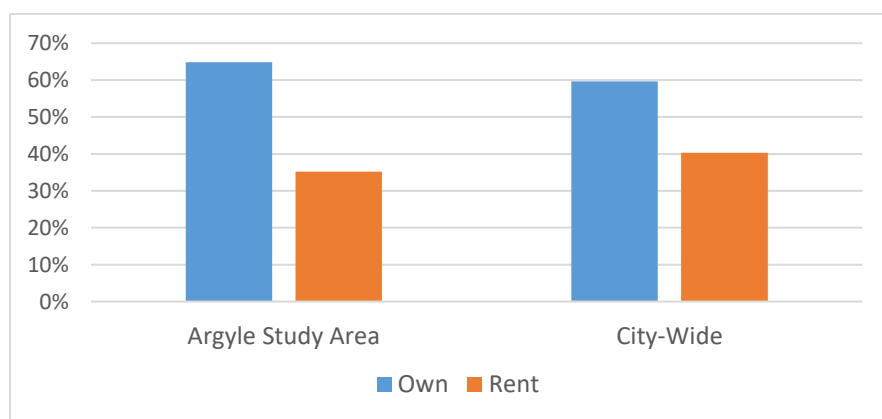
Figure 6: Housing Types: Argyle Study Area and City-Wide



5.2 Home Tenure

The majority of residents own their homes in the Argyle Area (65%). This is higher than the City-Wide percentage of 60%.

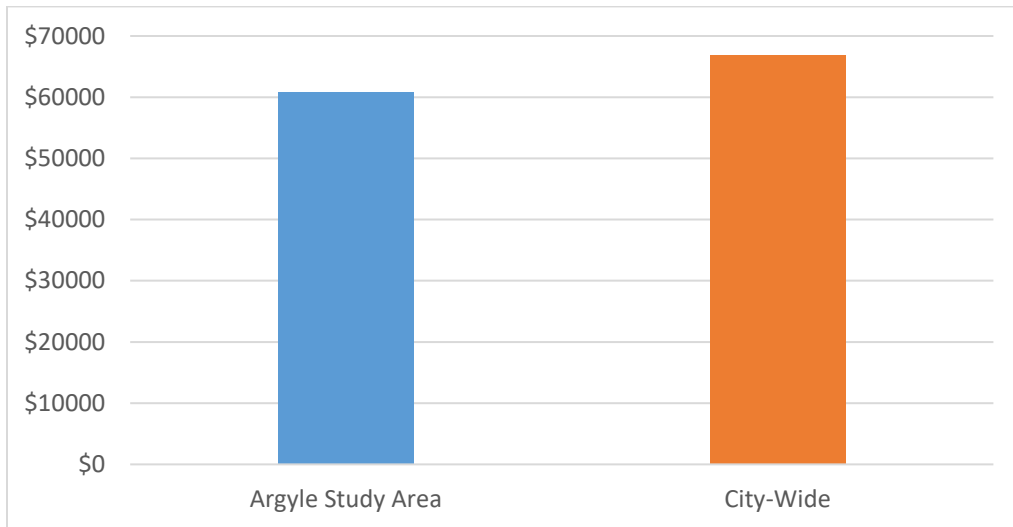
Figure 7: Housing Types: Argyle Study Area and City-Wide



5.3 Household Income

Household Income is 9% lower in Argyle than the household income City-Wide.

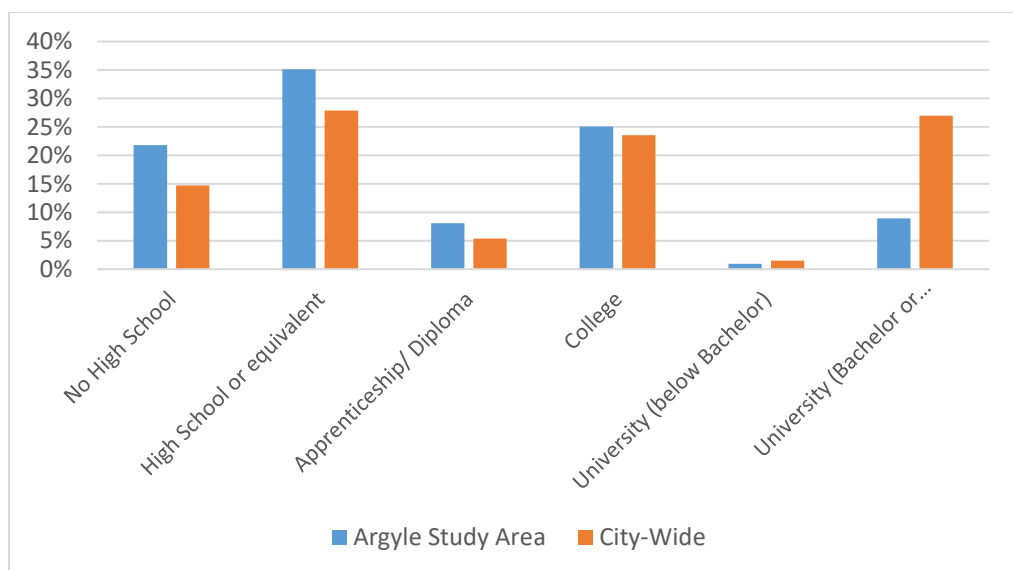
Figure 8: Household Income: Argyle Study Area and City-Wide



5.4 Education

The educational attainment statistics for the Argyle area are lower than the City-Wide statistics. 43% of the Argyle residents have some form of post-secondary education, compared to 57% of residents City-Wide. The most frequent highest credential earned in Argyle is a High School education for 35% of the population, compared to 28% City-wide.

Figure 9: Education: Argyle Study Area and City-Wide

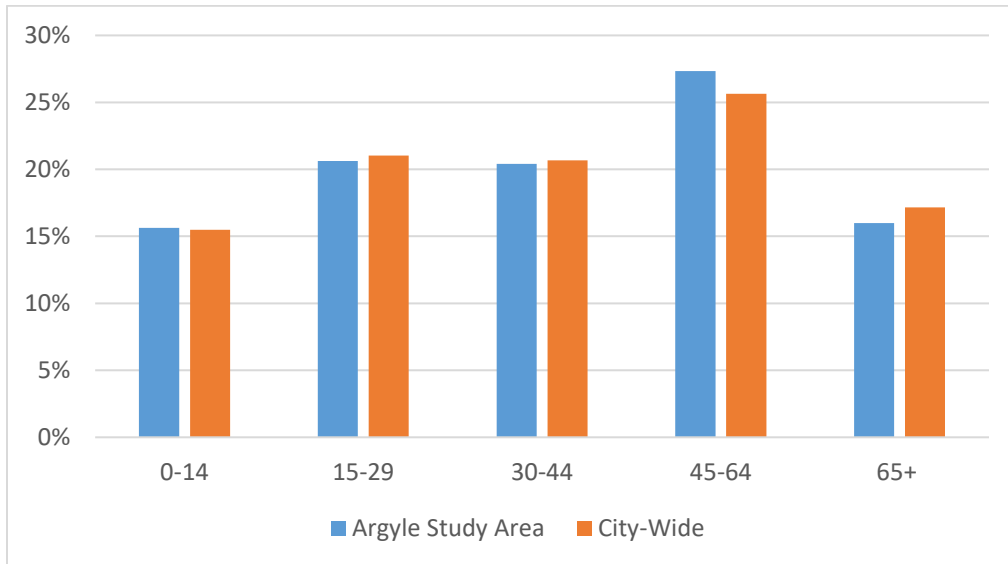


5.5 Age Cohorts

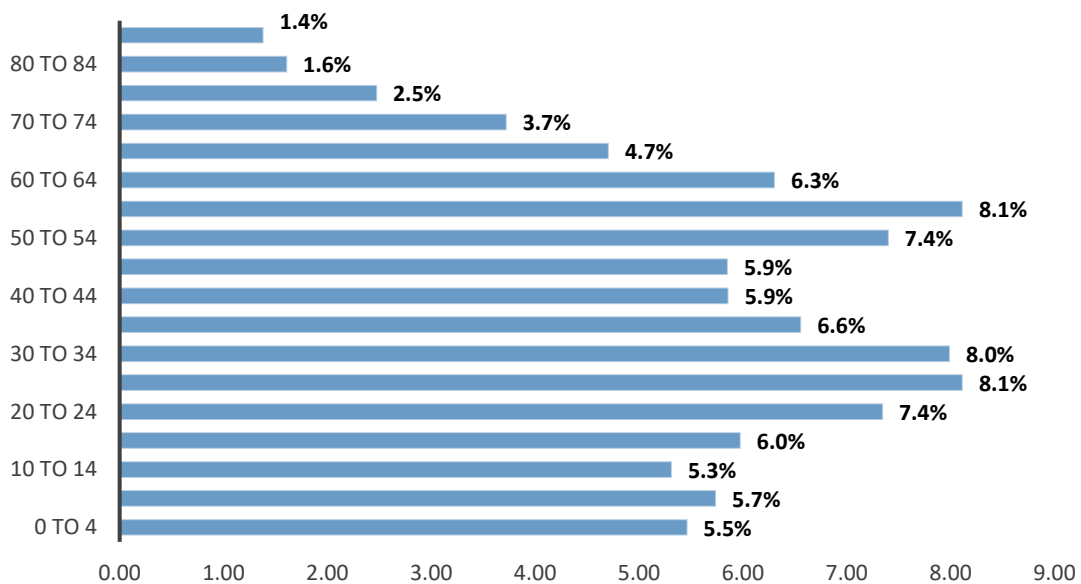
The demographic data for the Argyle Area illustrates that the community population is relatively similar to the City-Wide age cohort distributions. The two main differences are:

- A higher percentage in the 45-64 age range in Argyle Area;
- A lower percentage of people aged 65+ in Argyle Area;

Figure 10: Age Structure: Argyle Study Area and City-Wide



Age Structure Argyle



5.6 Community Organizations

There are a number of community organizations focused on Argyle, which are summarized below. In addition to these groups and organizations, many Places of Worship host community events.

Argyle Business Improvement Area: Founded in 2011, the Argyle Business Improvement Area has currently more than 200 due-paying members. A key part of the community’s vision for Argyle is a resilient, vibrant and pleasant commercial “Main Street” along Dundas Street and the Argyle Mall.

Argyle Community Association (ACA): This is a volunteer based organization striving to enhance the quality of life for Argyle Residents. The ACA invites residents to participate in events offered by the association, such as the Community Conversation Gatherings. As the biggest community association within London, the ACA gives residents an opportunity to assist with decision making in terms of services, initiatives or events and infrastructure.

East London Lions Club: The London East Lions Club is part of Lions Club International, a network of volunteers who work together to answer the needs that challenge communities around the world. One of the contributions of the Lions was to adopt the East Lions Park, this encourages groups to get involved in the preservation and enhancement of our City Parks.

Recent Investment in the Area

6.0 Investment

Over the past five years, over \$50 million has been invested into the Argyle area - \$32,000,000 from the private sector and an additional \$18,000,000 City investment in the East Lions Community Centre. This includes both new development and alterations to existing buildings and properties. The actual construction values of residential, commercial, institutional and industrial developments in the area during the 2015 to November 2019 timeframe are summarized in the Appendix C.

6.1 Building Permits

From January 1st 2015 to November 31st 2019, 2.57% of the total number of building permits in the City of London were issued in the Argyle Study Area. As the Argyle Study Area accounts for 5.70% of the land within the Urban Growth Boundary, it can be concluded that there was less building activity here than in the rest of the city. The Argyle BIA-district is only 85 hectares or 0.36% of the land within the Urban Growth Boundary. Between January 1st 2015 and November 31st 2019, 0.26% of the total number of building permits were issued within the Argyle BIA. Similar to the overall Argyle Area, it can be concluded that within the Argyle BIA there was less building activity compared to the rest of the City.

6.2 Current Planning Applications

Currently, a number of planning applications are underway in the Argyle Area, these applications are in different stages of the approval process:

- 440 Clarke Road: This application seeks permission to allow a 4-storey apartment building consisting of 56 one bedroom units and 9 two bedroom units. Zerin Development aims for 39 affordable units, with the remaining seventeen one-bedroom units set at a market-rate. The application is currently in site plan review, resident applications are expected to be available in 2021 and beyond.
- 459 Hale Street: In 2018, Council permitted a vacant land condominium in the form of six (6) single detached dwellings on the rear portion of the property. It aims to retain the existing dwelling on the front of the property on its own separate lot.
- 335-385 Saskatoon Street: In 2018, an Official Plan and Zoning Amendment to permit an automotive repair garages and support offices and charitable offices.
- 442 Third Street: In 2019, a Zoning By-Law Amendment (ZBA) application for 442 Third Street was submitted. The proposed development consists of a multi-unit townhouse development comprised of six (6) units contained within two (2) blocks.
- 1806 Avalon Street: This application for a vacant land condominium proposed 20 single detached cluster housing units, however this application has been on hold since 2013.

7.0 Public Investment

7.1 Completed Infrastructure Projects:

There has been a significant amount of public investment in the Argyle area over the past few years, these are some completed projects:

- Avalon Street & Clarke Road Reconstruction:
- Dundas Street East Reconstruction
- 2 new Pedestrian crosswalks installed on Trafalgar Street at Thorne Avenue and Condor Court;

- 3 new advanced green turn signals installed at Trafalgar Street & Clarke Road and Veterans Memorial Parkway at Gore Road & Trafalgar Street (School zone speed bumps installed at Bonaventure Public School);
- Marconi Street was repaved between Trafalgar Street and Noel Avenue;
- New accessible pedestrian ramps on the neighbourhood walkway between Merlin Crescent and Dawn Drive;
- Frobisher & Champlain Crescent: new water mains, sewers and sidewalk.

7.2 Upcoming Infrastructure Projects:

In addition to the completed projects in Argyle, the following road projects are scheduled for the area:

- Annual Sidewalk Program, 2020 & 2021
- East London Link- Bus Rapid Transit, 2022-2024
- Churchill Ave & Winnipeg Boulevard, 2020
- East Lions Community Centre is under construction and scheduled to open in 2020
- Jena Crescent, 2020
- Second Street Rail Crossing, TBD
- Spruce Street & Haig Street, 2020
- Pottersburg Phase 1 Reconstruction, medium to long term (5-10 years)
- Vimy Ridge Park, TBD

Community and Stakeholder Consultation

8.0 Consultation Events

Community consultation has been a significant part of this project, and many people were involved in a number of ways. The section below provides a summary of the communication and consultation conducted and planned for this project. Additional details about findings are provided in Appendix A of this report.

- Get Involved London- Argyle Community Regeneration Study: Staff established a presence on the Get Involved Website to provide the project background, study area, regular updates, opportunities for feedback, the timeline and project contact information. The website can be found at: <https://getinvolved.london.ca/Argyle>
- Project Updates: City Planning Staff created a contact list and emailed project updates which included information about upcoming Community Meetings, Meetings Summaries, City Council Approvals, and a link to the Project webpage.
- Office hours with Planners (20 & 27 February, 2020). Planning Staff hosted an opportunity to find out more about the study and provide input during 'office hours' in the East London Library.
- Argyle Community Association Meeting (March 9, 2020). Staff provided a presentation on the progress of the Argyle Area Regeneration Study and answered some of the questions from the ACA-board. Of particular interest were the upcoming infrastructure projects and community events.
- Argyle BIA Meeting (March 12, 2020). Staff provided an overview of the study, work done so far and received feedback from the BIA-members and Councillor Shawn Lewis. There was a discussion about street calming measures, the necessity for a Pedestrian Crossover on Dale Street and Doulton and the ineffective routes of the LTC in Argyle.

9.0 Summary of Key Issues

9.1 Strengths, Weaknesses, Opportunities and Threats (SWOT) identified by Stakeholders

Part of developing the Argyle Community Regeneration Study was asking participants to identify what they perceive as strengths, weaknesses, opportunities and threats (SWOT) that require action and/or improvement. A brief summary of what stakeholders and City Planning Staff identified is provided below; more detail is provided in Appendix A of the Argyle Community Regeneration Study.

Stakeholders feel that Argyle's greatest strengths are the variety of businesses, sense of community and the mature and established nature of the neighbourhood. The range of independently owned and operated businesses and the fact that many people are able to meet their shopping-needs locally are also seen as strengths.

Although Argyle is seen as a unique and strong community, Argyle does exhibit some characteristics of economic, social or physical issues. Educational attainment and household income are lower in Argyle than City-wide and the average age of housing is higher. Stakeholders identified issues concerning substance-abuse, mental-health issues, drug paraphernalia, crime and people sleeping rough as key issues. Others commented that there is a need for more affordable housing, better (police) enforcement, and redevelopment and improvement of (vacant) buildings. There is a strong desire for better connections with Downtown, employment areas to the east and south of Argyle and surrounding neighbourhoods. Many residents expressed concerns and frustration with vehicular congestion and the current state of some of the roads and sidewalks in the Argyle area. The City is currently working on replacing aging infrastructure in Argyle, more information can be found in Appendix D. In addition, there is a need for connected cycling routes, trails and amenities within Argyle and connecting to the rest of London (e.g. Kiwanis Park and Thames Valley Parkway).

Overall, safety, connectivity and social issues stand out as issues requiring action in Argyle. Many participants identified the perceived feeling that East London, and Argyle in particular have been 'overlooked'. There is a need for a better connection with City Hall and more understanding of municipal processes and policies. A number of City of London tools and programs that can assist with achieving goals in a strategic and collaborative manner already exist. These include but are not limited to: Adopt-A-Park, Neighbourhood Action Plans, Neighbourhood Safety Audit, Neighbourhood Decision Making, Service London Business, London Clean and Green, City of London Public Art Program, the treeME Fund. Better communication of these opportunities with the community would be beneficial.

In terms of opportunities, the potential for infill development and redevelopment was highlighted. The population in Argyle has been largely stable in the last decades. In light of the aging population and low vacancy-rates, there is a clear need for more housing development, especially units below average market-rent or aimed at seniors. In addition, the building-stock requires some improvements, as landlords and business-owners have difficulty keeping their properties in fair condition as the properties are getting older. The private sector is making some significant investments in Argyle area; over \$32 million has been invested in Residential, Commercial, Industrial and Institutional development since 2015. This illustrates that the area is seen as a somewhat viable area for investment; however investment remains at a lower rate compared to London as a whole. An additional \$18,000,000 in City investment for the East Lions Community Centre at 1731 Churchill Ave. brings total construction value above \$50 million since 2015.

Other opportunities identified by stakeholders include the desire to establish a clear identity, maintain culture and heritage, and develop the Dundas Corridor as a traditional pedestrian-focused Main Street Corridor environment and a focal point for the community and events. An example of a success is the annual Argyle Santa Claus Parade, which is known throughout London and brings many people to Argyle. Other

events are desirable, since this would help to further differentiate Argyle within the City of London.

The natural environment and public spaces were highlighted as an opportunity – the Pottersburg Creek and Kiwanis Park, in particular. However, stakeholders also commented on the threats to the natural environment from development. General development pressures and the development along Dundas Street and on the former Psychiatric Hospital Lands are seen as threats to businesses and to the existing character of Argyle. Stakeholders commented that without support for small businesses and entrepreneurs, and improved bus service, Argyle will struggle to maintain the current level of businesses. The lack of a coordinated approach to business support and attraction, and the goal to foster a broader range of uses in the Argyle Area were highlighted as issues requiring action.

Analysis

10.0 Key Considerations

Different from past years, a hallmark of today's approaches is the recognition that successful urban regeneration requires the collaboration and ongoing participation of the local community, public, and private sector stakeholders. Today, it is also generally recognized that no one single development or intervention is a panacea in regenerating an entire area. Rather, developing a place-specific strategy and implementing and maintaining a flexible and responsive toolkit that is also authentic and linked to place is seen as a proven and necessary part of successful city building. Strategies today typically include tools and tactics in the overall categories outlined below:

1. Local economic development (e.g. business retention and expansion strategy, business attraction)
2. Physical infrastructure programs and projects (e.g. design, signage, public art, streetscaping plans, street furniture)
3. Operational projects and programs (e.g. security, safety, and beautification).
4. Legislative and organizational tools (e.g. BIAs, organizational capacity, partnerships, strategies)
5. Communications and marketing (branding, social media, newsletters)
6. Activation (e.g. events)

Best practices drawn from research and experience concludes that amenities alone do not create success, and what works in one place will not necessarily work in another. Instead, it is the local assets, people, culture and other unique place-based characteristics combined with a broad-based understanding and support for a vision and goals that will be the cornerstone for successful community regeneration. Strong relationships, ongoing communication, flexibility, and joint participation by both the private and public sectors are other key components of successful action.

11.0 Summary of Findings

Based on analysis of stakeholder feedback, legislation, existing policy framework, available tools and programs, current and planned projects, and the types, rates and levels of private-sector investment, Staff have identified the following preliminary findings:

1. The Argyle area does exhibit some characteristics of economic, social or physical decline.
2. The private sector is making some significant investments in Argyle area; over \$32 million has been invested in Residential, Commercial, Industrial, Institutional development since 2015. This illustrates that the area is seen as a somewhat viable area for investment; however investment remains at a lower rate compared to London as a whole.

3. Throughout the consultation process, stakeholders identified issues in Argyle, with key themes being: safety & crime, opportunities for improvement of the public realm and concerns around mobility.
4. The legislative framework –1989 Official Plan designations, The London Plan Place Types and The London Plan Street Classifications, and zoning – provide for and support the transition of this area into a mixed-use Transit Village and Urban Corridor along Highbury Avenue and Dundas Street, respectively.
5. There are a number of existing City of London tools and programs that can assist with achieving goals identified by project participants and Staff in a strategic and collaborative manner. Better communication of these opportunity with the community would be beneficial.
6. A number of the priorities identified are typically managed and funded by a BIA including but not limited to: gateway signage; wayfinding signage; communications and marketing (including branding); and, beautification and street furniture. The Argyle BIA has been working within their annual budget to implement projects, however, additional support or funding would increase the rate of regeneration.
7. The development of a Community Improvement Plan may be an effective tool in order to provide an organizing framework to guide the ongoing regeneration of the area, and will be evaluated further as this study continues.

12.0 Next Steps

The Argyle regeneration project is an ongoing opportunity for stakeholders in Argyle to participate and work together on the revitalization of the area. These are the next steps:

- Community Meeting #1: The purpose of the first community meeting will be to provide general project information, identify strengths, community needs, desired improvements and a vision for the Argyle Area. This meeting was originally scheduled for March 26, 2020. However, due to facility closures and preventative measures related to the COVID-19 pandemic, this meeting was cancelled. Staff are considering safe ways to hold a community meeting, in person or online, when it is possible.
- Community Meeting #2 (Q4 2020): The purpose of the meeting will be to share the findings of this study with the community and gain feedback and confirmation of the needs and vision for the Area.
- Final Report: The final report will be brought forward at future PEC to provide a summary of the development and regeneration efforts being undertaking, highlight tools to achieve the community's goals and make recommendations on next steps to community regeneration in the Argyle Area.

Conclusion

Staff undertook an analysis of the Argyle Area and identified some key themes and findings at this point. Staff will continue to engage the Argyle BIA and internal and external stakeholder to identify strengths, weaknesses, opportunities and threats to the area, as well as analyze demographic and community trends. A future report with final recommendations will be presented to Planning and Environment Committee at the end of 2020.

Prepared by:	Isaac de Ceuster, M.Sc. Planner I, Urban Regeneration
Recommended by:	Britt O'Hagan, MCIP RPP Manager, City Building & Design
Submitted by:	Gregg Barrett, ACIP Director, City Planning and City Planner
<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 30, 2020

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Appendix A: Strengths, Weaknesses, Opportunities & Threats

Category	Strengths	Weakness	Opportunities	Threats
Land Use Conditions	<ul style="list-style-type: none"> - Diverse Collection of land uses - Rich history of independent businesses - Main Street is good for business - Excellent Parks - Residential Neighbourhood is stable 	<ul style="list-style-type: none"> - Lack of fresh food, Little residential growth - Lack of a city-wide destination 	<ul style="list-style-type: none"> - Opportunities for residential infill and intensification - Development of urban design guidelines to help guide development - Rezone the Dundas Corridor to promote a greater mix of uses 	<ul style="list-style-type: none"> - Vacant buildings along the corridor - Vacant/dilapidated buildings in visible locations threaten ability to attract businesses -
Building Conditions	<ul style="list-style-type: none"> - Majority of buildings are in fair condition 	<ul style="list-style-type: none"> - No financial incentive programs available to improve buildings - LMHC are in poor condition/ vacant 	<ul style="list-style-type: none"> - Encourage & incentivize property owners to improve their buildings and attract tenants - Opportunities for redevelopment 	<ul style="list-style-type: none"> - Some buildings are in poor shape and contribute to negative atmosphere
Heritage	<ul style="list-style-type: none"> - London Psychiatric Hospital Area is one of the most significant sites in history of mental health in Canada 	<ul style="list-style-type: none"> - Low amount of designated heritage properties 	<ul style="list-style-type: none"> - LPH-area can be designed as a more intensive urban village, while conserving cultural heritage - Opportunity to promote the neighbourhood's built heritage through signage and educational outreach 	<ul style="list-style-type: none"> - Lack of consideration for heritage features
Public Realm & Streetscape	<ul style="list-style-type: none"> - Kiwanis Park is one of the largest City Park 	<ul style="list-style-type: none"> - Poor (or non-existing) sidewalks - Bus stops are poor - Some local roads have no curbs - Poor streetlighting - Hydro poles further limit public realm - Limited pedestrian crossing - Lack of streettrees - Lack of places to sit and linger - Lack of garbage bins (garbage on sidewalks) 	<ul style="list-style-type: none"> - Promote walking and cycling in Argyle - Improvements to the corridor to address many of the weaknesses and attempt to better balance vehicular and pedestrian traffic 	<ul style="list-style-type: none"> - Underused laneways contribute to crime in area - Many different construction projects could be disruptive for residents and road users
Traffic & Parking	<ul style="list-style-type: none"> - Some on street parking is available, Argyle Mall has large parking-lots - Many different bus-routes - Lots of traffic, so good exposure for businesses 	<ul style="list-style-type: none"> - Many businesses along Dundas have their own lane-entrance or egress point, hard to get in/out - Heavy vehicle and truck traffic contribute to a reduction in pedestrian environment - On-site parking is inconsistent, some businesses have issues providing parking - Narrow sidewalks 	<ul style="list-style-type: none"> - Provide additional off-street parking - Analyze the requirements for on-site parking 	<ul style="list-style-type: none"> - High vehicle-speeds on Dundas - Lack of enforcement and police-presence

Servicing

- Neighbourhood has full municipal services

- Perception that snow-clearance of roads and sidewalks is lacking
- No lighting on local streets
- Roads in poor conditions

- Great need for roadwork, sewer and infrastructure improvements
- Opening East Lions Community Centre

- Perceived feeling that Argyle is 'overlooked'
- Need more garbage-emptying (Nov. & Dec.)

Crime & Safety

- Sense of community, lot of positive people
- Loyal East-enders

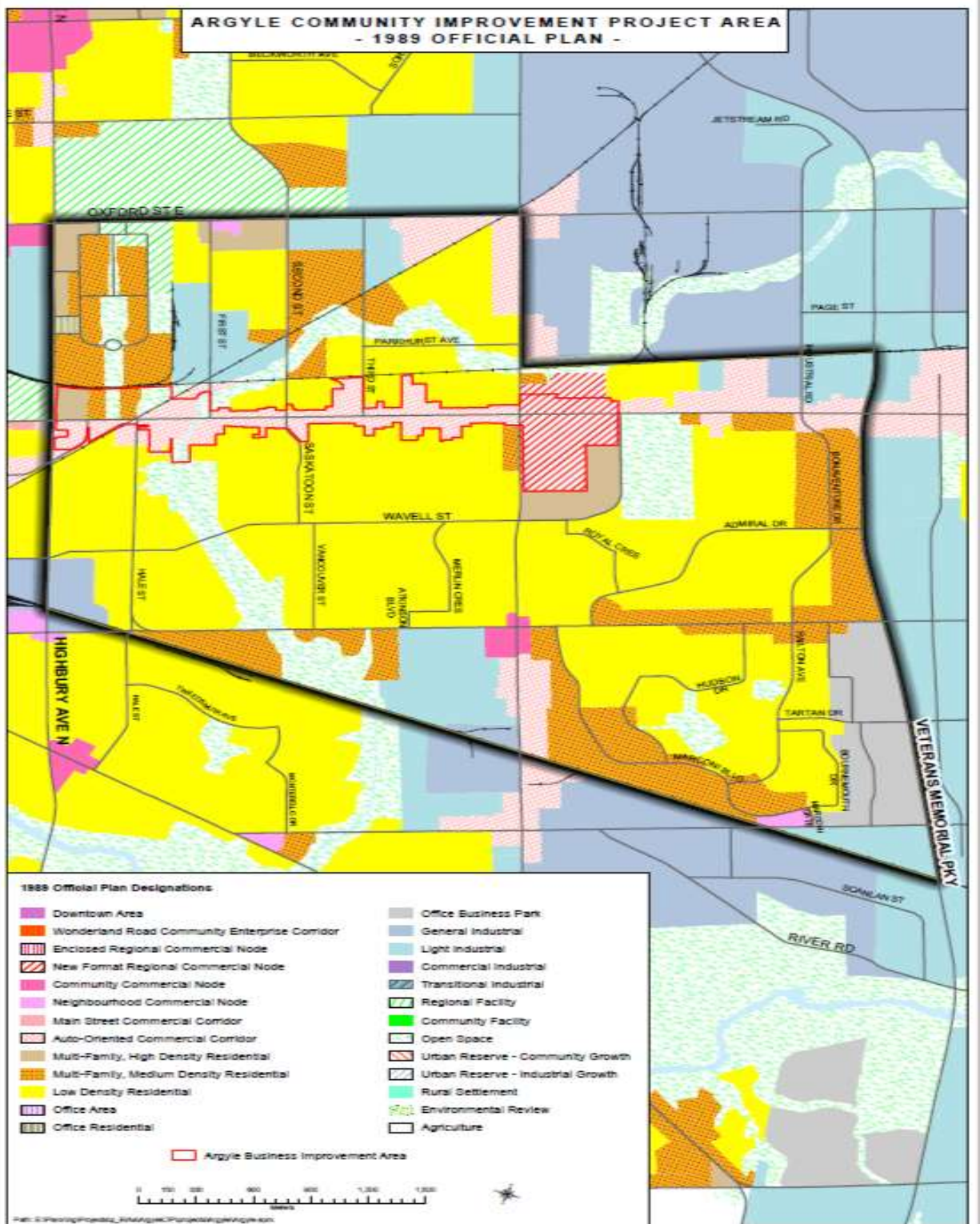
- Issues with drugs and prostitution in the Neighbourhood
- Crime is common, including burglary, (vehicle) theft, arsons and robberies
- Residents feel unsafe in local parks and streets

- Crime prevention through better design (CPTED)
- Enhance by-law and police enforcement and patrols in Argyle
- Bring back Neighbourhood-watch program
- Promote and expand the Active and Safe Routes to School Program

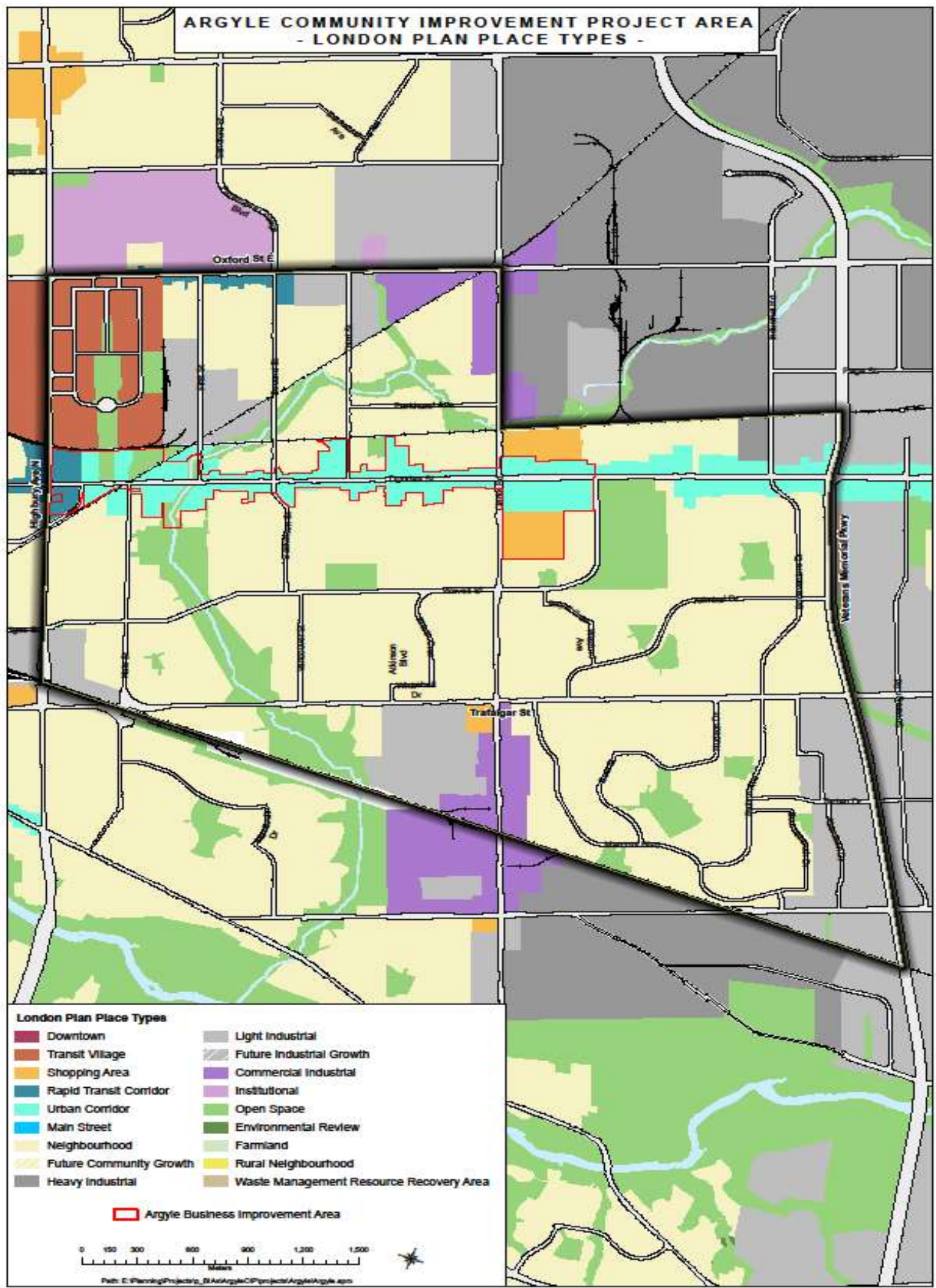
- Underused or abandoned alleyways contribute to crime in the area
- Argyle Mall feels unsafe at night
- Lack of Lighting contributes to perceived unsafety

Appendix B: Land Use Maps Argyle

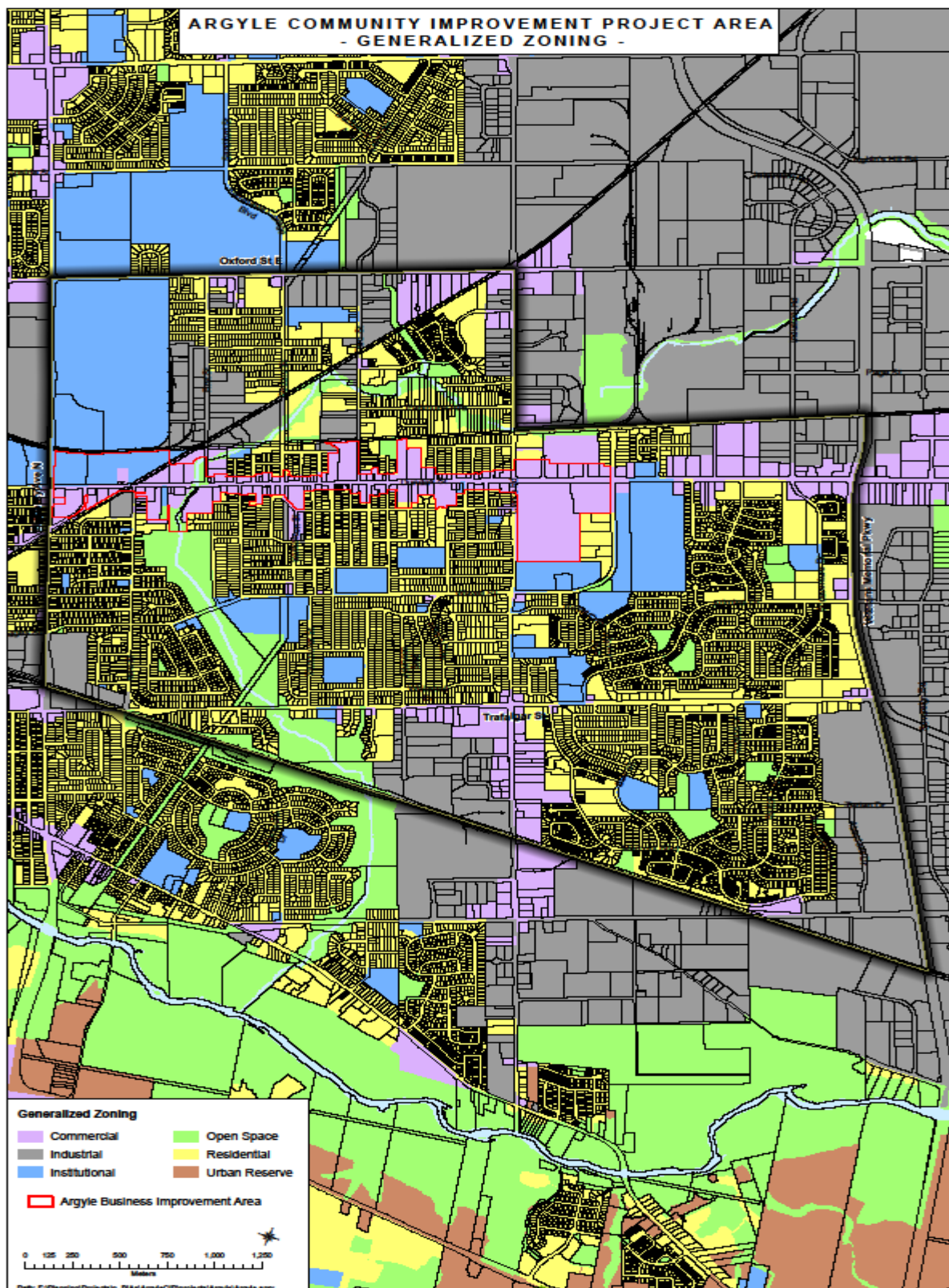
Map 2: Land Use Argyle Area, 1989 Official Plan



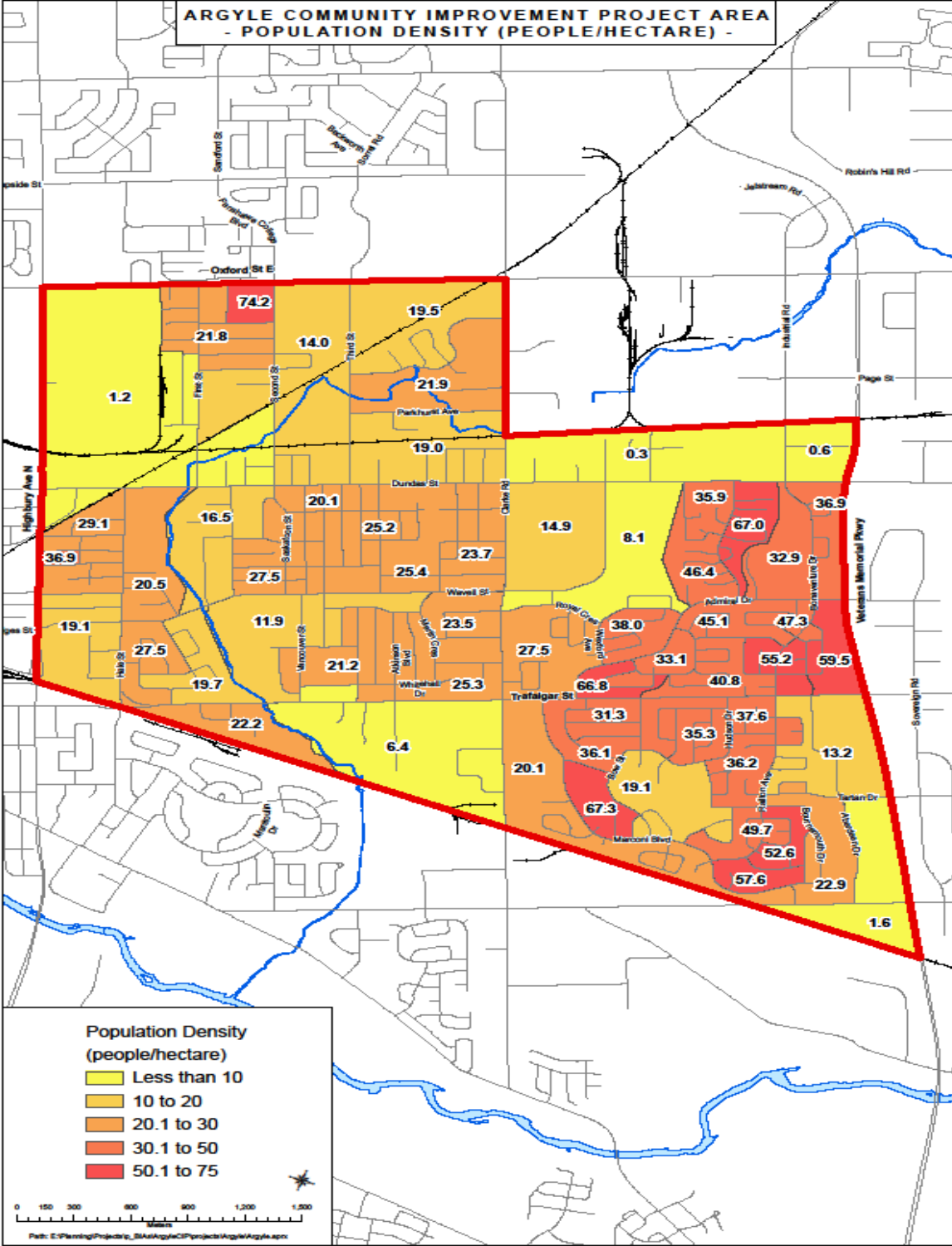
Map 3: Argyle Area Place Types Map, London Plan



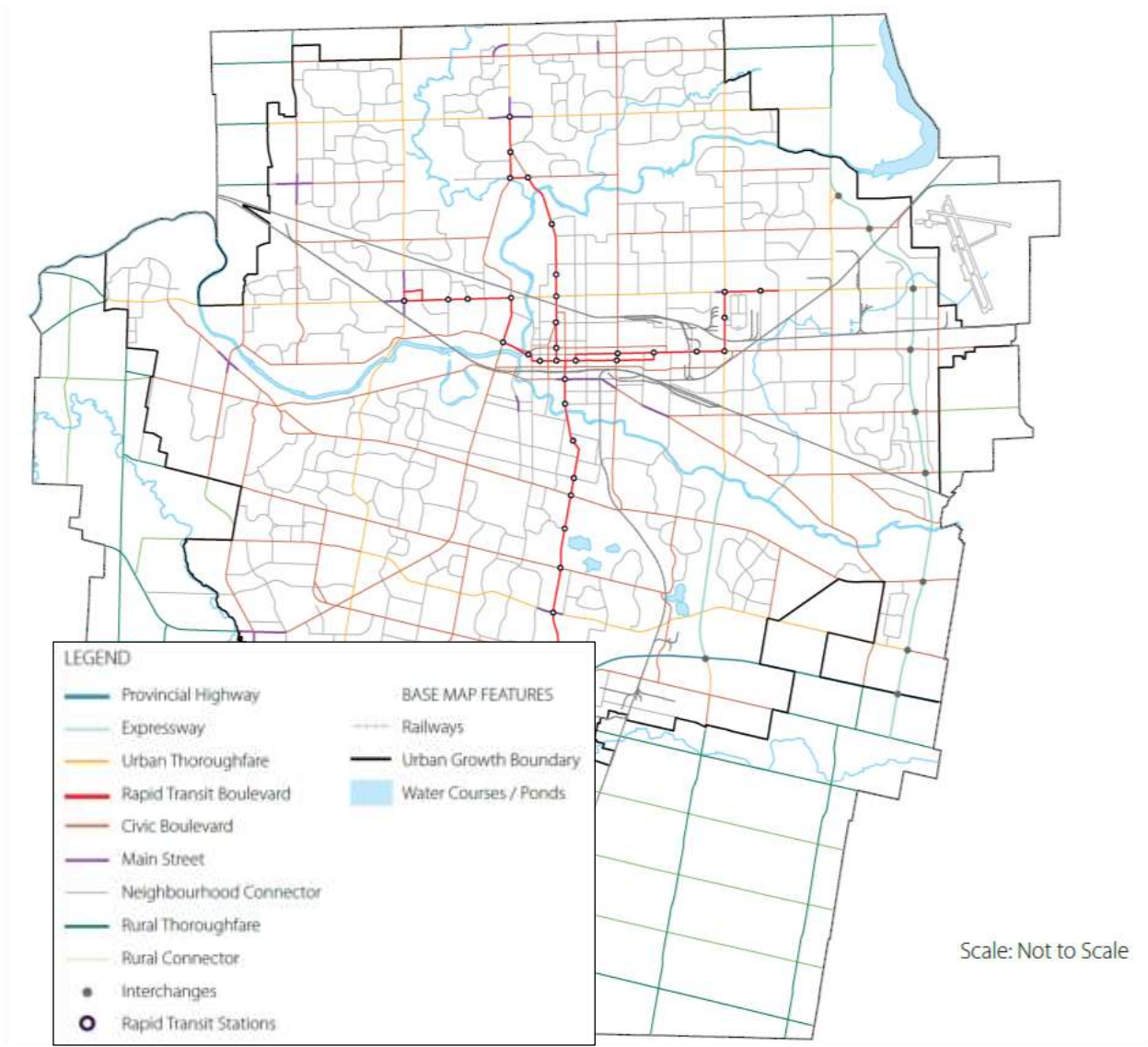
Map 4: Land Use in Argyle Area, Generalized zoning



Map 5: Argyle Area Population Density



Map 6: Street Classifications London Plan 2016



Appendix C: Private Investment Details

Figure 11: Argyle Study Area Building Permit Value by Year and Land Use

Year	Residential Value	Commercial Value	Institutional Value	Industrial Permits	Total Value
2015	\$2,595,610.00	\$3,936,700.00	\$73,300.00	\$199,000.00	\$6,605,610.00
2016	\$3,389,363.00	\$1,935,379.00	\$983,800.00	\$14,427,610.00	\$6,308,542.00
2017	\$2,004,079.62	\$924,912.00	\$947,700.00	\$1,600,000.00	\$3,876,691.62
2018	\$1,698,829.00	\$19,896,800.00	\$347,000.00	\$169,500.00	\$21,942,629.00
2019	\$2,116,177.00	\$5,615,750.00	\$3,544,690.00	\$328,000.00	\$11,276,617.00
Totals:	\$11,804,058.62	\$32,309,541.00	\$5,896,490.00	\$16,724,110.00	\$50,010,089.62

*to November 31, 2019.

It is also important to note that most of the commercial value \$18,000,000 for 2018 is for the new East Lions Community Centre at 1731 Churchill Ave. Without the Community Centre, the Building permit value for 2018 would have been \$14,309,541.00 and the total value over 5 years \$32,010,089.

Figure 12: Argyle BIA Building Permit Value by Year and Land Use

Year	Residential Value	Commercial Value	Institutional Value	Industrial Permits	Total Value
2015	\$0.00	\$2,352,900.00	\$45,000.00	\$0.00	\$2,397,900.00
2016	\$50,000.00	\$410,019.00	\$0.00	\$6,00000	\$460,019.00
2017	\$0.00	\$797,962.00	\$631,700.00	\$0.00	\$1,429,662.00
2018	\$0.00	\$798,100.00	\$0.00	\$0.00	\$798,100.00
2019	\$0.00	\$1,948,200.00	\$0.00	\$0.00	\$1,948,200.00
Totals:	\$50,000.00	\$6,307,181.00	\$676,700.00	\$6,000.00	\$7,033,881.00

Current Planning Applications

- **440 Clarke Road (SPA19-111):** This application seeks permission to allow a 4-storey apartment building consisting of 56 one bedroom units and 9 two bedroom units. Zerin Development aims for 39 affordable units, with the remaining seventeen one-bedroom units set at a market-rate. Resident applications will be available in 2021 and beyond.
- **459 Hale Street (SPA19-009):** This planning application seeks to allow development of the rear portion of the property for six (6) single detached units. It aims to retain the existing dwelling on the front of the property on its own separate lot.
- **1806 Avalon Street (Z-8283):** This application for a vacant land condominium proposed 20 single detached cluster housing units, however this application has been on hold since 2013.
- **335-385 Saskatoon Street (Z-8833):** A By-law amendment in 2018 allowed for a zoning change from Residential R2 to a Holding Residential R2 and Restricted

Office Special Provision. This allows the continued use of the existing non-residential buildings on the subject lands for non-residential uses until the subject lands can redevelop for residential uses in accordance with the Neighbourhoods Place Type.

- 442 Third Street (Z-9158): Zoning amendment by applicant Forever Homes c/o Tanfield Consulting to allow duplex and fourplex buildings. The proposed development consists of a multi-unit townhouse development comprised of six (6) units contained within two blocks.
- 1806 Avalon Street: This application for a vacant land condominium proposed 20 single detached cluster housing units, however this application has been on hold since 2013.

Appendix D: Public Investment Details

Avalon Street & Clarke Road Reconstruction: In 2018 and 2019, the City of London reconstructed Avalon Street to improve the quality of water, sewer and road infrastructure. Works completed includes:

- Water main and water services
- Sanitary sewers, storm sewers and private drain connections
- Road reconstruction including new curbs.

Figure 13: Project location Avalon Street, Clarke Road reconstruction



Dundas Street East: As part of the 2019 Arterial Road Rehabilitation, two road segments within Argyle were resurfaced. This pavement rehabilitation was completed during July & August of 2019 and will extend the service life of the segments:

- Dundas Street East: McCormick Boulevard to Pottersburg Creek near First Street;
- Highbury Avenue North: South of Brydges Street to Dundas Street East.

East Lions Community Centre: Located in the heart of the Argyle Neighbourhood, the East Lions Community Centre is currently under construction and expected to open in the summer of 2020. The \$21-million facility has been years in the making and includes a new 42,000 square foot community centre that will feature an indoor pool, gymnasium, multi-purpose activity space, community kitchen and Artisan space. The name was chosen after public feedback and outreach from residents, and acknowledges the long history and commitment of the East Lions Club in Argyle.

East Lions Community Park: The proposed Master Plan for the East Lions Park will integrate the new community centre within the large park, while preserving as much of the park space as possible. It will include: a new playground, a pathway with seating areas, more trees and a dry pond garden, a full size soccer field, a tennis court, a pickle ball court and basketball court that can turn into an ice skating pad. Council also approved \$6 million worth of roadwork around the community centre that's expected to begin in 2020.

Figure 14: East Lions Park Masterplan Concept Design



Kiwanis Park Pedestrian Pathway Connection: In 2017, the construction of a bridge across the Canadian National Rail (CNR) was completed, connecting the Northerly and Southerly portions of Kiwanis Park. In addition, other improvements to the multi-use pathway within the Park, including a bridge over Pottersburg Creek, were made between 2010 and 2013. The exclusive pedestrian/cyclist bridge across the Canadian National Rail (CNR) links neighbourhoods surrounding Pottersburg Creek to the Thames Valley Parkway-system and prevents trespassing of the CNR corridor between Hale Street and Clarke Road.

The Upper Thames River Conversation Authority (UTRCA) is also working on ecological restoration in Kiwanis Park, executed over the next 4 years. This includes active invasive plant species management (such as Buckthorn, Phragmites, Japanese Knotweed and Giant Hogweed), planting trees, shrubs, grass and wildflowers, installing picnic tables and the restoring of 3.5 acres of park area into oak savannah habitat.

Smaller Infrastructure improvements in Argyle during 2019 include:

- 2 new Pedestrian crosswalks installed on Trafalgar Street at Thorne Avenue and Condor Court;
- 3 new advanced green turn signals installed at Trafalgar Street & Clarke Road (west bound turning south) and Veterans Memorial Parkway at Gore Road & Trafalgar Street (north bound turning west);
- School zone speed bumps installed at Bonaventure Public School;
- Marconi Street was repaved Trafalgar Street to Noel Avenue;
- New accessible pedestrian ramps on neighbourhood walkway between Merlin Crescent and Dawn Drive;
- Frobisher & Champlain Crescent: new water mains, sewers and sidewalk.

Upcoming public infrastructure projects:

In addition to the completed projects in Argyle, a range of new projects are identified:

Annual Sidewalk Program: this annual program responds to residents requests for sidewalks to be installed in neighbourhoods with a lack of sidewalks. Each year, high priority locations are identified and a sidewalk implementation program is developed to improve safe mobility options for all individuals. In 2020, two portions will be completed

in Argyle: Joliet Street and Wavell Street (at Merlin Crescent). For 2021, Buchan Road is scheduled to be upgraded.

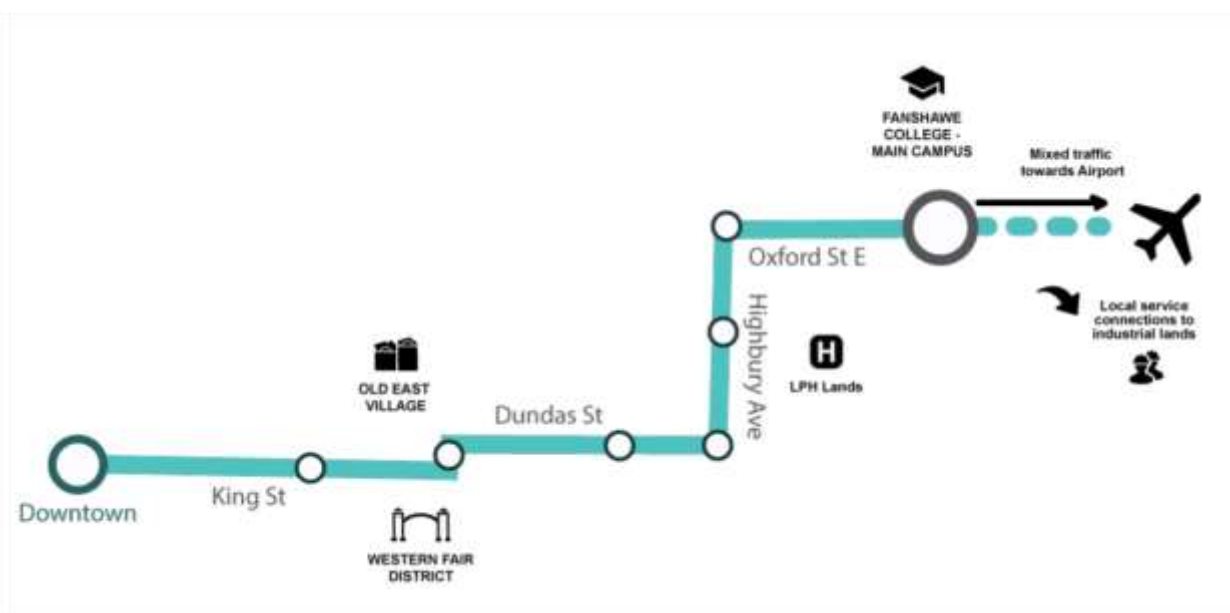
East London Link- Bus Rapid Transit: This project is scheduled from 2022-2024 and has received funding support from the Government of Canada and the Government of Ontario. The East London Link will improve transit in East London: connecting Fanshawe College's eastern and downtown campuses, support the revitalization of Old East Village and encourage development of the former London Psychiatric Hospital and McCormick's lands. There is potential for buses to run every 15 minutes in mixed traffic along Oxford Street to the airport and an opportunity for a stronger link with the eastern industrial employment areas. In the East London Link, buses would be removed from mixed traffic with the goal of improving capacity in general traffic lanes and increasing transit frequency and reliability. On King Street, buses would travel in curbside transit lanes. Along the rest of the corridor, they would travel in centre-running transit lanes beside a small, curb-height median on the left and general traffic lanes on the right. Large concrete barriers would only be included near transit stations to enhance passenger safety. The project would coordinate necessary underground work, including replacing aging sewers and watermains. It would add dedicated turn lanes at signalized intersections to enhance driver safety and increase capacity, and active transportation infrastructure to support cycling and walking. To take advantage of environmental benefits and potentially lower operating costs, purchasing electric buses is being explored. Work required to complete this project:

- Revitalize 6.3 kilometers of road, from Downtown to Fanshawe College, while completing necessary underground work on sewers and watermains.
- Install transit stations
- Widen Highbury Bridge, Highbury Avenue and Oxford Street to establish continuous transit lanes. Install transit lanes on King and Dundas Street.
- Install smarter traffic signals to reduce intersection delays and shorten travel times, including transit signal priority, sensors and video.

Additional Considerations:

- The Transit Project Assessment Process is nearing completion, so design and construction could progress immediately.
- Emergency services vehicles could use transit lanes to reduce response time.
- Potential for some buses to serve London International Airport in mixed traffic.

Figure 15: Project Description East London Link Bus Rapid Transit



Churchill Avenue & Winnipeg Boulevard: The City of London will be reconstructing Churchill Avenue, Winnipeg Boulevard and Wavell Street in 2020 to improve the quality and reliability of the water, sewer and road infrastructure. The work will include asphalt

removal and replacement, sidewalk replacement, replacement of storm sewers & water main and full road reconstruction. The City has retained Dillon Constructing Limited as the engineering consultant, construction is tentatively scheduled for April to October 2020.

Figure 16: Project Location Churchill Avenue & Winnipeg Boulevard Reconstruction



Jena Crescent: This project will improve the Jena Crescent from Kipling Avenue to Buchan Road. Details of the work include a water main replacement, streetscape improvements, a new sidewalk & curb and a new asphalt road surface. A project update meeting is scheduled for March 2020, the construction is scheduled to start May 2020.

Second Street Rail crossing: The City of London is working together with Canadian Pacific Railway (CP) to reconstruct the crossing on Second Street (north of Evangeline Street).

Spruce Street & Haig Street: The City of London will be reconstructing all of Haig Street and a portion of Spruce Street in 2020. The scope includes new sanitary and storm sewers, installation of new curb and sidewalk, replacement of roadway and streetscape improvements where required.

Pottersburg Phase 1 Reconstruction: This project will replace and re-align a portion of the Pottersburg Creek Sanitary Trunk Sewer (STS) between First Street and Clarke Road. The project is currently in Environmental Assessment, with different alignments being identified and evaluated by Consultant GM Blueplan Engineering Ltd. The scope of the project includes:

- Water main and water service;
- Sanitary sewers, storm sewers, and private drain connections;
- Road reconstruction including new curbs.

The City is currently looking for input and will host a Public Information Meeting in the Spring/Summer of 2020 to obtain public feedback. In the short term (1-5 years from now), two other portions of Dundas Street will also be renewed: Dundas Street from Pottersburg Creek to Burdick Place (infrastructure renewal with Sewer and Water) & Dundas Street from Burdick Pl. to Beatrice Street (asphalt and pavement). The last portion of Sewer & Water replacement on Dundas Street from Merlin Street to Ronald is anticipated in the medium term (6-10 years from now). The dates of these projects can change due to budget constraints or priority adjustments.

Figure 17: Study Area Pottersburg Creek Trunk Sanitary Sewer



Vimy Ridge Park: The City of London is working on a detailed design of Vimy Ridge Park. The site is located on the southeast corner of the Charley Fox Memorial overpass where Hale Street and Trafalgar Street intersect. In March 2017, Council chose this site as a temporary park to honour the 100th Anniversary of the battle of Vimy Ridge and directed City Staff to complete consultation with key stakeholders to find a permanent location. In August 2019, Council confirmed this site as the permanent location for Vimy Ridge Park and directed staff to seek further public input in the detailed design of the park. The Park is triangular in shape and currently has some mature trees throughout, as well as an existing community-made monument. Expected new facilities within the park include a small parking area, accessible pathways and seating, improved turf and tree planting.

Figure 18: Vimy Ridge Park Location – 1443 Trafalgar Street



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Protected Major Transit Station Areas Information Report
Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the following actions be taken with regard to the application by the City of London relating to Protected Major Transit Station Areas (PMTSAs):

- (a) This report **BE RECEIVED** for information; and
- (b) This report with draft PMTSA policies **BE CIRCULATED** to stakeholders and the general public for comments.

IT BEING NOTED THAT an Official Plan Amendment to add PMTSA policies to the London Plan will be considered at a future public participation meeting of the Planning and Environment Committee.

Executive Summary

Protected Major Transit Station Areas (PMTSAs) are the areas surrounding and including existing and planned higher order transit stations or stops. These areas are intended to accommodate increased residential and employment growth with highly urban, mixed-use, transit-supportive forms of development. The areas are generally located within a 500 to 800 metre radius (a 10-minute walk) of an existing or planned transit station.

The *Planning Act* was amended in 2017 (Bill 139) to allow municipalities to delineate PMTSAs in their official plans. Where a municipality identifies and delineates PMTSAs, the *Act* requires that the policies identify the minimum number of residents and jobs per hectare for the area, identify the permitted uses of land and buildings in the area, and identify the minimum densities required for development in the area. Where an official plan includes policies for a PMTSA that conform with the *Planning Act* requirements, the boundaries and related policies are not subject to appeal.

The London Plan, approved by Council in 2016, includes policies with similar objectives to PMTSAs in areas that are located along the approved Rapid Transit corridors. However, because PMTSAs were not added to the *Planning Act* until 2017 there are no references to them in The London Plan. This report identifies opportunities and considerations with regard to the potential addition of PMTSA policies to the London Plan.

The London Plan identifies the Downtown, Transit Village and Rapid Transit Corridor Place Types as areas for intensification with a focus on transit- and pedestrian-oriented development around planned rapid transit stations.

Proposed PMTSA policies are appended to this report that identify possible PMTSA boundaries, the minimum number of residents and jobs per hectare, permitted uses, minimum densities, and minimum and maximum building heights. Staff are seeking Council's feedback on the draft policies, which will be circulated for public review and comments. Recommended PMTSA policies will be brought forward as an Official Plan Amendment to the London Plan at a future Planning Environment Committee meeting.

1.0 Background

1.1 What are Protected Major Transit Station Areas?

Protected Major Transit Station Areas (PMTSAs) are defined as the areas “surrounding and including an existing or planned higher order transit station or stops” in the *Planning Act* (S.16(15)). This section was added to the *Planning Act* in 2017 through the *Building Better Communities and Conserving Watersheds Act* (Bill 139), and is intended to support policies that promote transit-oriented development around higher order transit stations and stops. This is achieved by protecting such policies from appeal and by restricting requests to amend policies for PMTSAs, unless an exception is approved by Council.

The *Planning Act* also includes requirements that must be included in any PMTSA policies. Section 16(15) states that where a PMTSA is delineated in an official plan, the official plan must also contain policies that:

- a) Identify the minimum number of residents and jobs, collectively, per hectare that are planned to be accommodated within the area;
- b) Identify the authorized uses of land in the major transit station area and of buildings or structures on lands in the area; and
- c) Identify the minimum densities that are authorized with respect to buildings and structures on lands in the area.

Section 17(36.1.4) identifies that there is no appeal to an official plan policy that identifies a PMTSA in accordance with Section 16(15), or addresses the issues described in clauses a, b, or c (quoted above). Therefore, the proposed amendment in the appendix to this report would not be subject to appeal and would become in-force official plan policy upon the approval by City Council. Similar restrictions exist for appeals to a zoning by-law in a PMTSA (S.34(19.5)), with the exception of maximum heights (S.34(19.7)).

Section 22(2.1.3) identifies that if a PMTSA is identified in accordance with Section 16(15), then no person or public body shall request an amendment in respect of the PMTSA policies. Section 22(2.2) provides a possible exception, giving council the authority to pass a resolution to permit either a specific request, a class of requests, or all requests to amend the PMTSA policies.

1.2 Existing London Plan Policies

The London Plan was developed with consideration for the approved Transportation Master Plan (2013), the Rapid Transit Initiative Master Plan (2017), and the Rapid Transit Environmental Project Report (2019), which is further detailed in the following section of this report. The London Plan was written to recognize the important relationship between the use, intensity, and form of development and mobility infrastructure. One of the hallmarks of the London Plan is to align the city structure with planned higher order transit, so that as the City grows it will have the necessary infrastructure available or planned to support that growth.

Key Direction #6 in the London Plan is to place a new emphasis on creating attractive mobility choices, and it lists the following planning strategies to support walking, cycling, and rapid transit as attractive choices for mobility:

60_1. Create active mobility choices such as walking, cycling, and transit to support safe, affordable, and healthy communities.

60_3. Establish a high-quality rapid transit system in London and strategically use it to create an incentive for development along rapid transit corridors and at transit villages and stations.

60_5. Focus intense, mixed-use development to centres that will support and be served by rapid transit integrated with walking and cycling.

60_6. Dependent upon context, require, promote, and encourage transit-oriented development forms.

The London Plan identifies the Downtown, Transit Village and Rapid Transit Corridor Place Types as areas to concentrate intensification and mixed-use developments that will support rapid transit. The City Structure Plan directs development along the planned Rapid Transit corridors to establish a world-class, mid-sized downtown, support intense forms of mixed-use development in the Transit Villages, and connect the Downtown and Transit Villages with Rapid Transit Corridors that include abundant opportunities for growth and development (Policy 98).

These existing London Plan policies are aligned with the intent of the *Planning Act* provisions that support Major Transit Station Areas. However, because they do not include the same terminology or implement all of the specific requirements of the Act, they do not avail of the benefits offered by the *Planning Act* for development near to rapid transit. The proposed amendment to add PMTSA policies to the London Plan maintains the existing vision, values, and key directions for London while gaining the benefit of the PMTSA designation from the *Planning Act*. These benefits include bringing portions of Council's approved city structure into force and also gaining the opportunity to apply inclusionary zoning in PMTSAs. Those opportunities are discussed in more detail later in this report.

1.3 London's Bus Rapid Transit System

The Rapid Transit Initiative Master Plan, approved by Council on July 25, 2017, developed guiding principles and strategies for building a bus rapid transit network to achieve the mobility goals of The London Plan. The approved network of dedicated transit lanes has been refined in the Rapid Transit Environmental Project Report, as a result of stakeholder and public consultation. The network is planned to align with the Rapid Transit Corridor Place Type, radiating from the Downtown to the four Transit Villages.

All three Place Types are envisioned as higher density, mixed-use, and transit-oriented communities that are centrally located around planned bus rapid transit stops once the rapid transit system is implemented. The PMTSA policies will support the future implementation of the rapid transit and accommodate increased demand for intense, urban communities in a way that can be supported by higher order transit service.

1.4 Ontario's Transit-Supportive Guidelines

Transit-Supportive Guidelines were established by the Ministry of Transportation to provide municipalities with considerations when identifying PMTSAs and preparing policies and design guidelines to achieve transit-oriented development. Section 2.6.1 of the guidelines applies specifically to major transit station areas, and detail strategies for developing various elements to contribute to transit-supportive environments in proximity to major transit stations. The strategies address intensification, land use, parking management strategies, layout and orientation of buildings, open space networks and complete streets planning to support transit and active transportation. Many of these guidelines are in line with the existing policy direction of the London Plan for the Downtown, Transit Village, and Rapid Transit Corridor Place Types.

The guidelines recommend a minimum of 50 residents and jobs per hectare should be generally accommodated in designated growth areas (S.1.1.5.9), while higher targets should be included where higher order transit services are established. The thresholds are suggested as guidelines rather than being required to be achieved along every corridor or station segment.

Transit Service Type	Recommended Density Target
Basic Transit service (One bus every 20-30 minutes)	22 units per ha / 50 residents and jobs combined
Frequent Transit service (One bus every 10-15 minutes)	37 units per ha / 80 residents and jobs combined
Very frequent Transit service (One bus every 5 minutes with potential for LRT or BRT)	45 units per ha / 100 residents and jobs combined
Dedicated Rapid Transit (LRT/BRT)	72 units per ha / 160 residents and jobs combined
Subway	90 units per ha / 200 residents and jobs combined

Section 1.1.7 outlines the preferred land uses around transit stations or stops, including: institutional uses; entertainment uses; high density employment uses; social services; recreational facilities; retail uses; and medium to high density residential uses, particularly affordable or social housing.

Low-density employment uses, such as auto wreckers and storage facilities, and auto-oriented uses, such as service centres and drive-through establishments, are discouraged in proximity to transit stops.

1.5 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) promotes a clear relationship between land use and transit, with policies that emphasize land use patterns, density, and a mix of uses to support transit and active transportation. A recent addition to the 2020 PPS includes new direction on transit-supportive development to promote both residential and employment developments in more compact efficient forms, while accommodating projected residential needs (1.1.1.e, 1.1.3.3, 1.4.3.e, and 1.8.1.e). Policy 1.4.3.e provides that municipalities require transit-supportive development and prioritize intensification in proximity to transit, including corridors and stations. This policy encourages municipalities to apply PMTSA policies in their official plans to support policy implementation.

2.0 Opportunities Arising from PMTSAs

2.1 Growth Management

The City of London's population and employment are forecast to grow by 77,000 new residents and 43,000 new jobs by 2035. The growth presents both a challenge and a strategic opportunity for the City to make transit a convenient, comfortable and reliable mobility option for residents and employees.

Using the growth projections at the traffic zone level developed by the City, as part of the Development Charges Background Study, forecast densities within the Downtown, Transit Villages, and Rapid Transit Corridors are summarized in the table below. These projections were derived in consideration of the London Plan policy framework, so the distribution of housing types reflects a planning policy approach that encourages intensification in these areas. All of the Transit Villages and Rapid Transit Corridors are currently below 100 to 160 residents and jobs per hectare, which are suggested minimum density targets for rapid transit service under the Transit-Supportive Guidelines.

	Forecast Density (residents and jobs combined per hectare)				
	2016	2019	2024	2029	2034
Downtown	219	227	241	257	272
East Transit Village	10	10	18	30	40
North Transit Village	58	59	60	65	71
South Transit Village	57	57	57	57	60
West Transit Village	64	67	69	71	72
East Rapid Transit Corridor	58	61	62	64	67
North Rapid Transit Corridor	92	92	92	92	92
South Rapid Transit Corridor	44	46	47	48	48
West Rapid Transit Corridor	50	51	53	55	56

Source: City of London Population and Employment Growth Forecast by Traffic Zone, 2016 to 2039

*2034 is used as the reference horizon year in consistency with the 2035 planning horizon of The London Plan.

A policy to identify PMTSAs would encourage and facilitate transit-supportive development and intensification, attracted in part by planned higher order transit service, to attract new population and employment growth. It is anticipated that the PMTSAs and the existing policy framework will support growth management policies in The London Plan.

The requirement in the *Planning Act* for policies to include minimum densities and targets for the minimum residents and jobs per hectare will also ensure that development is compatible with the vision of each Place Type. This will help to minimize future land use conflicts between sites with different densities.

2.2 The London Plan Appeals

Portions of the Downtown, Transit Village, and Rapid Transit Corridor Place Type policies and the Place Type map are currently not in force and effect due to appeals to the Local Planning Appeal Tribunal. This amendment will come into force upon Council's approval and therefore allow some aspects of these Place Types that support transit-oriented development to be implemented and their areas defined. It is consistent with the *Planning Act* that policies to support transit-supportive development come into force without risk of appeal. This amendment will bring into force policy direction in regards to permitted uses, minimum densities, and minimum and maximum building heights for PMTSAs that align with the Downtown, Transit Village, and Rapid Transit Corridor Place Types.

2.3 Limiting Applications to Amend the London Plan

Through the addition of PMTSA policies Council will gain the ability to restrict or prohibit applications to amend the London Plan policies for PMTSAs. This could include a resolution to permit applications to amend only specific aspects of the policy, or a process that requires applicants to request Council to permit an application to be received before it could be submitted. This process could be similar to the current process for minor variance applications within two years of a Zoning By-law amendment being approved.

2.4 Inclusionary Zoning (IZ)

Inclusionary Zoning is a planning tool available in the *Planning Act* to support the development of affordable housing. It allows municipalities to require a set amount of affordable housing units in residential development that meets established criteria. This tool was added to the *Planning Act* in 2016 (Bill 7) and was authorized through a regulation that was approved in 2018 (O. Reg. 232/18). In an amendment to the

Planning Act in 2019 (Bill 108), the application of inclusionary zoning was limited to areas within a Community Planning Permit System or a PMTSA.

Inclusionary Zoning cannot be adopted until policies with respect to PMTSAs are adopted and approved. Inclusionary Zoning is a tool identified in the Affordable Housing Development Toolkit, and it is on the City Planning work plan and Council's Strategic Plan to be considered in support of the development of affordable housing. The Toolkit includes a variety of tools that are intended to facilitate the creation of affordable housing units in the City.

2.5 Climate emergency

PMTSAs support intensification in areas that are planned for rapid transit. This should be considered in terms of climate emergency, which Council declared on April 23, 2019. PMTSAs support green mobility stated in Policy 724 of The London Plan, by enhancing transit-oriented and pedestrian-friendly environments.

724_ Green mobility will be promoted by establishing a city structure that supports rapid transit, transit-oriented design, active mobility, transportation demand management, intensification, and cycling infrastructure throughout the city.

The proposed PMTSA policies will help to address the climate emergency by supporting more sustainable development patterns. Medium- and high-density developments along with parking reduction strategies could be associated with reduced greenhouse gas emissions from automobile use. Reduced parking standards are currently implemented in other municipalities to help incentivize transit-supportive development in close proximity to transit stations.

3.0 Best Practices

The *Planning Act* policies have been in place since 2017, and since that time several municipalities have implemented policies for PMTSAs. The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) is a provincial plan that provides policy direction for all municipalities within the Greater Golden Horseshoe (GGH). The Growth Plan was updated in 2019, and through that review additional policy requirements were added for PMTSAs.

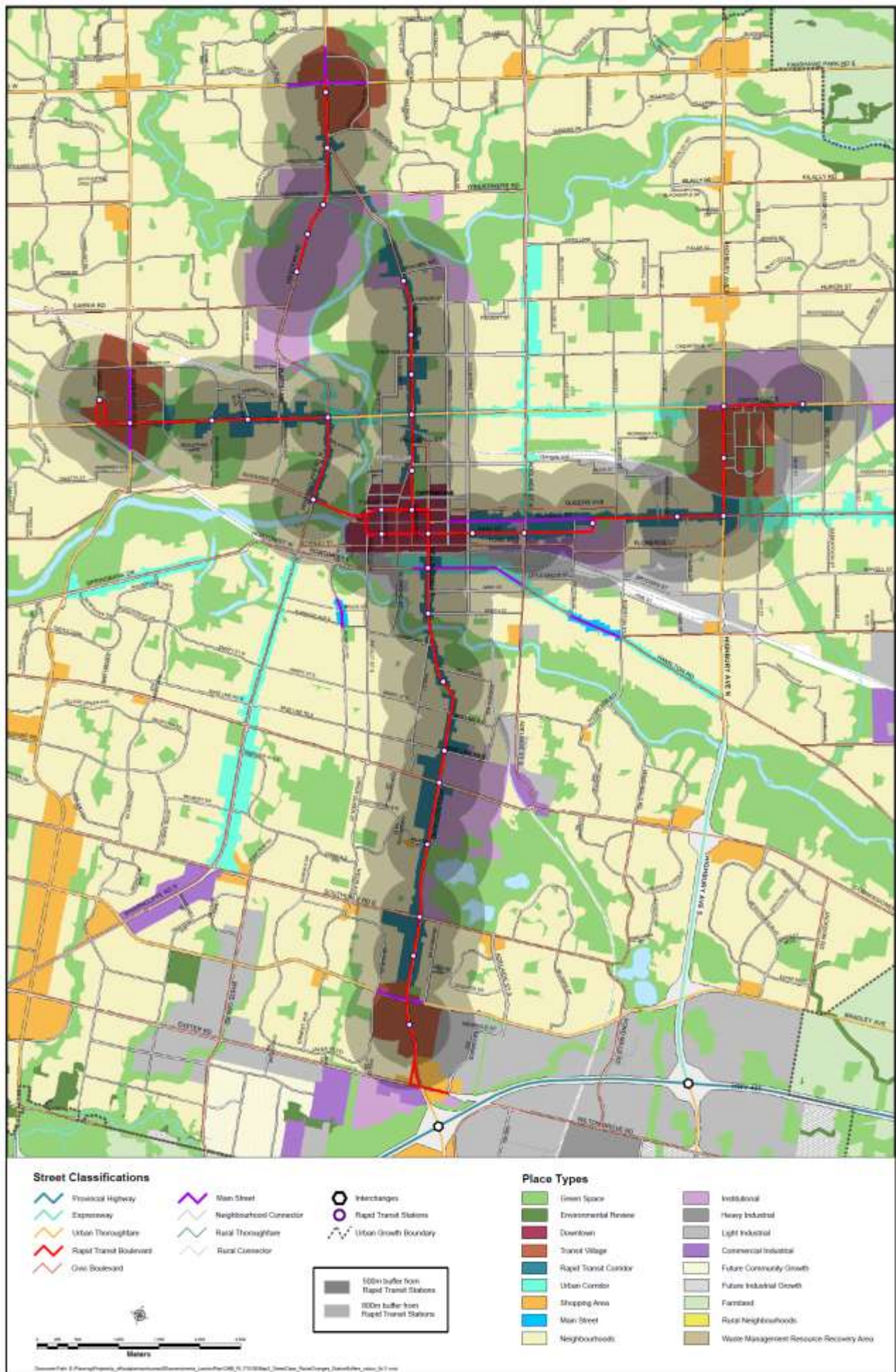
While the *Planning Act* refers to the term PMTSAs, the Growth Plan details policies for Major Transit Station Areas (MTSAs). The Growth Plan defines these areas as being generally within an approximate 500 to 800 metre radius (a 10-minute walk) of such a station. The Downtown, Transit Village and Rapid Transit Corridor Place Types are typically within a 500 to 800m radius of approved rapid transit stations and stops. The figure below shows how these radii relate to the London Plan Place Types, and further illustrates the similarity in approach between the London Plan and the Provincial concept of the PMTSAs.

In the Growth Plan, MTSAs are intended to accommodate increased residential and employment growth with highly urban, intense, mixed-use forms of development. Development within MTSAs is planned to be transit-supportive and supportive of active transportation, in order to provide multimodal access to stations and connections to major destination and trip generator (S.2.2.4).

Staff undertook a review of municipal official plans to determine how PMTSAs have been planned. The municipalities included in this review are Barrie (BAR), Brampton (BRAM), Brantford (BRAN), Burlington (BUR), Cambridge (CAM), Guelph (GUE), Hamilton (HAM), Kitchener (KIT), Mississauga (MISS), Oakville (OAK), St. Catharines (CATH), Vaughan (VAU), Waterloo (WAT), and Whitby (WHIT).

Not all of the official plans prescribe permitted land uses as well as the minimum and maximum densities and heights for MTSAs. Rather, some of the official plans rely on the Growth Plan to provide policy directions on how MTSAs will be planned.

The minimum density targets for MTSA in the municipalities are represented in different measures, such as Floor Space Index (FSI), a number of units per hectare, or a number of residents and jobs combined per hectare. FSI, known as floor area ratio, indicates the gross floor area of buildings on a lot divided by the area of the lot on which the building are developed.



3.1 Major Transit Station Areas (MTSAs)

All of the municipalities recognize MTSAs as one of strategic areas for intensification and growth in their official plans, with a focus on higher order transit service. Each municipality recognizes the locational relationship between density and distance from a transit station. The highest densities should be located closest to transit stations, while densities decrease in association with increasing distance from the station. 100 to 160 residents and jobs combined per hectare are generally used as appropriate minimum targets for MTSAs. Development within MTSAs are generally designed to achieve a FSI of 0.6 to 2.5.

The Transit Villages best mirror the general vision, role, and implementation of MTSAs, as MTSAs are generally planned and designed to:

- Accommodate increased residential and employment densities to support and ensure the viability of existing and planned transit service (BRAN, CAM, GUE, KIT, WHIT);
- Achieve a mix of land uses, including major office and major institutional development (BUR, CAM, CATH, GUE, KIT, OAK, WAT, WHIT);
- Encourage higher density development, including tall buildings in close proximity to transit stations (MISS, CATH, WAT);
- Discourage uses that are not transit supportive, such as lower density uses or auto-oriented uses (CAM, KIT, WAT);
- Address access from various transportation modes to the transit facility, including consideration of pedestrians, bicycle parking and commuter transfer and pick-up/drop-off areas (BRAM, BRAN, CAM, GUE, KIT, MISS, CATH, WAT);
- Accommodate and encourage development based on the principles of transit-oriented development (BRAM, CAM, KIT, OAK, WAT);
- Establish minimum and maximum parking standards to ensure the efficient use of land and promote active transportation and the use of public transit (OAK, WAT);
- Reduce off-street parking requirements (CAM, KIT, OAK, WAT, WHIT);
- Encourage development of structured or underground parking facilities and/or shared parking (CAM, KIT, MISS, WAT);
- Support public and private realm streetscapes that reflect pedestrian-oriented and transit-supportive environments (KIT);
- Support place-making through a high standard of design, public art, new open spaces and enhanced amenity (BRAM, WAT); and
- Complete area-specific plans/secondary plans to provide more specific policies for designated MTSAs (BUR, CAM, KIT, WAT).

3.2 Downtowns (Urban Growth Centres)

Downtowns of municipalities that fall under jurisdiction of the Growth Plan are identified as Urban Growth Centres (UGC's). The Growth Plan defines the UGC's as regional focal points for accommodating a significant share population and employment growth. The minimum density targets for these downtowns are in the 150 to 200 residents and jobs combined per hectare range, while Kitchener and Hamilton have higher minimum density targets, 225 residents and jobs per hectare and 250 residents and jobs per hectare, respectively. The minimum FSI in these downtowns are generally within the 0.6 to 3.5 FSI range.

The downtowns are generally planned and designed as a focal centre developed with the highest intensity and greatest mix of uses. Major transit stations located within downtowns represent the function of the downtowns as primary major transit hubs with higher order transit systems. Burlington and Guelph identify their downtowns entirely as MTSAs, while portions of downtowns in many municipalities are recognized as MTSAs.

The following are general policy direction for downtowns associated with major transit stations:

- Downtowns are planned and designed to accommodate and support major transit infrastructure including major transit stations, as well as associated multi-modal transportation facilities (BRAN, CAM, GUE, HAM, KIT, OAK, CATH, WAT).
- Downtowns are planned and designed to enhance access for various modes of transportation to and from transit stations (GUE).
- Downtowns are planned and designed to be as a pedestrian oriented, walkable centre with active streetscapes (OAK).
- Downtowns are to be focal area for investment in various uses, including public services, institutional, commercial, residential and recreational uses, as well as public open space, parks and squares (BAR, BRAM, BRAN, BUR, CAM, GUE, KIT, MISS, CATH, VAU, WAT).
- Downtowns are to function as a high density major employment centre that will attract significant employment uses, including major offices (BUR, CAM, GUE, HAM, OAK, CATH, WAT).
- Downtowns are planned to accommodate and support major transit infrastructure, including a major transit station, active transportation, and associated multi-modal transportation facilities (BRAN, CAM, CATH)
- A variety of housing types at medium and high densities, including affordable housing, housing with supports and studio or office spaces within a self-contained multiple residential units, are encouraged in order to promote live/work opportunities (BAR, BUR, GUE, HAM, KIT, CATH).

3.3 Intensification Corridors

Intensification Corridors function as connectors between Downtowns, MTSAs and other intensification areas. Generally served by a higher order of transit service, the design and built form of the corridors are reflective of transit-supportive and pedestrian-oriented developments. Given that, the corridors are similar in nature to MTSAs, including an intensity and mix of uses. In Mississauga, a number of its rapid transit stations located along Hurontario Street are recognized as a form of MTSAs, while some other municipalities direct their corridors to mirror the roles of MTSAs at a smaller scale, with a lower minimum density targets. Within the corridors, the minimum density targets are generally between 50 and 60 units and the minimum FSI ranges from 0.5 to 1.5.

London's Rapid Transit Corridors closely parallel the Intensification Corridors. As the Intensification Corridors are intended to function as focal points of activity and pedestrian-oriented environments, while supporting higher order transit service, the following policies for these corridors focus largely on pedestrian prioritization and streetscapes.

- Corridors will be planned to intensify with a mix of uses in proximity to transit services (BRAN, CAM, GUE, VAU).
- Active, pedestrian-related, transit-supportive uses including retail and service commercial uses will be encouraged at street level (BRAN, BUR, MISS, VAU).
- Corridors will be designed to create a pedestrian-friendly environment, which comfortably and safely accommodate pedestrians and cyclists, as well as automobiles through streetscape improvement (BRAM, MISS, VAU).
- Parking will be limited along street frontages wherever possible, and encouraged to be structured or located at the rear and/or side of buildings or underground (BRAN, MISS).
- Sufficient/appropriate setbacks from the streetline may be permitted to allow for enhanced landscaping and open space between the building and the street, and/or for the provision of outdoor cafes and other amenities (BRAN, MISS).
- All building main entrances with active and architecturally detailed building façade shall be oriented to the corridor street (BRAN, BUR, MISS).

- High quality design is a careful consideration integrated into built form and public and private realms, including street furniture, transit shelters, open space and public art (BUR, MISS).

4.0 Summary of Proposed Amendment

The complete set of proposed PMTSA policies and a brief rationale for each is included in Appendix A to this report. It is proposed that new policies be added to the Our City part of the Plan; and the Downtown, Transit Village, and Rapid Transit Corridor Place Types. A new Map is proposed to show the areas within each PMTSA. This section provides an overview of the approach taken in the proposed policies.

4.1 Proposed Policies for the Our City and Our Tool Parts of the London Plan

The proposed policies include a definition of PMTSAs in the London context and introduce PMTSAs as an important piece of the City Structure Plan. This includes showing the PMTSAs on Figure 5, while the changes to the Our City chapter strengthen the character and role of the three Place Types to support higher order transit.

4.2 Proposed Place Type Policies

The proposed PMTSA policies are intended to maintain and support the intent of the Downtown, Transit Village, and Rapid Transit Corridor Place Types in the London Plan, while also incorporating the requirements of the *Planning Act*. The policies include a minimum number of residents and jobs per hectare, permitted uses, minimum densities, and minimum and maximum building heights.

4.2.1 Defining PMTSAs

Proposed Policies 803A, 815A and 860A are intended to identify the Downtown, Transit Village, and Rapid Transit Corridor Place Types as PMTSAs, which will be shown on the new Map 10. The Map indicates PMTSAs are to align with these Place Type boundaries. Two minor differences from the Rapid Transit Corridor Place Type are included on Richmond Street and Dundas Street where the rapid transit routes were changed. The purpose of the Map is to support visual understanding of PMTSA boundaries. Since Map 1 – Place Type is currently under appeal, the boundaries of the Rapid Transit Corridor Place Type will be addressed through the ongoing LPAT process or through a future amendment.

4.2.2 Planned Residents and Jobs Combined Per Hectare

Proposed Policies 803B, 815B, and 860B identify the minimum number of residents and jobs combined per hectare for each Place Type, as required in Section 16(15)(a) of the *Planning Act*. These numbers apply to the whole PMTSA and are not minimum requirements that need to be met in every development. The targets were determined based on the growth projections in Section 2.1 of this report and the Transit-Supportive Guidelines' recommended targets for rapid transit, ranging from 100 to 160 residents and jobs per hectare.

4.2.3 Minimum and Maximum Building Heights

Proposed Policies 803C, 815C, and 860C specifies the minimum and maximum building heights to achieve the minimum number of residents and jobs per hectare within each Place Type PMTSA. The minimum heights are taken from the existing heights permitted in each Place Type, while the maximum heights are in line with the maximum heights permitted through bonusing to accommodate intensification in PMTSAs.

4.2.4 Minimum Density

In accordance with Section 16(15)(c) of the *Planning Act*, the proposed minimum densities (Policies 803D, 815D, and 860D), including a floor area ratio, provides further direction to support future residential and employment growth in each Place Type. Floor area ratio is the ratio of a building's total floor area to the size of the lot on which the building is built. Unlike the targeted residents and jobs per hectare, the minimum densities will function as a minimum requirement for individual development unless a lower density is required to comply with another policy direction of the London Plan. The numbers appear to be much lower than the targeted residents and jobs per hectare, and

most development is expected to have much higher densities than the minimum. The function of the minimum densities is to prevent development that is not compatible with the planned level of intensification for the area.

4.2.5 Permitted Uses

Proposed Policies 803E, 815E, and 860E identifies permitted uses within each Place Type to accommodate an appropriate range and mix of land uses, as per Section 16(15)(b) of the *Planning Act*. The proposed uses will implement what is currently planned for each Place Type.

4.2.6 Development Subject to Other Policies of The London Plan

Proposed Policies 803F, 815F, and 860F are intended to work with and support other policies of the London Plan.

4.3 Analysis of Three Place Types

The analysis of the Downtown, Transit Village and Rapid Transit Corridors provides how the proposed PMTSA policies support the vision for these Place Type and the intent of the London Plan.

4.3.1 Downtown Place Type

The Downtown is envisioned to be the City's primary station for rapid transit, regional bus, rail, and future high speed rail (799_17), while ensuring a high-quality pedestrian environment through streetscape improvements (803_9). The Downtown allows for the broadest range of uses and the most intense forms of development in the City, within highly urban, transit-oriented environments (789_1).

The Downtown PMTSA policies (Policies 803A to 803F) conform with the policies of the Downtown Place Type in the London Plan. Furthermore, the policies support Our Move Forward: London's Downtown Plan. The Plan's strategic directions and transformational projects strongly link to rapid transit for the revitalization of the Downtown. The projects include Queens Station, Richmond Walk, Cross-river Connection, and Clarence Street Connector. While the Queens Station project aims at creating a primary transit transfer point in the Downtown, other projects propose to provide and improve connections for pedestrians and rapid transit to/from the Downtown.

4.3.2 Transit Village Place Type

The London Plan prioritizes transit- and pedestrian-oriented development within the Transit Villages to support their roles as "major mixed-use destinations with centrally located rapid transit stations" (807). Further, the Transit Villages are envisioned to be second to the Downtown in terms of the mix of use and intensity of development permitted (807). The Transit Villages are intended to support the planned higher order transit system by accommodating higher density of population and employment in close proximity to high-quality transit service (808).

The vision for the Transit Villages includes intense, mixed-use development, including retail and service commercial uses, around transit stations (810_2, 810_7) and transit-oriented development forms (810_4), and convenient pedestrian access to transit stations (814_4). The London Plan states that transit stations within the Transit Villages are designed to be serve as focal points for the Transit Villages, providing safe, convenient, and direct routes for pedestrian and cyclists (815_1 to 3).

4.3.3 Rapid Transit Corridor Place Type

The Rapid Transit Corridors are planned as the connectors between the Downtown and four Transit Villages that border the length of the rapid transit services (826, 829*). The London Plan contemplates a wide range of uses and greater intensities of development along Rapid Transit Corridors close to transit stations (830_5). The streets within the Rapid Transit Corridors are classified as primarily Rapid Transit Boulevards in The London Plan. This classification is characterized by transit movement and connection, the movement of a high volume of pedestrian, cyclist, and vehicular traffic, a very high-quality pedestrian realm, and a very high standard of urban design (371_3*). The policies for the Rapid Transit Corridors contemplate transit-oriented and pedestrian-oriented development forms (830_7), convenient pedestrian access to transit stations

(841_6), and a high-quality pedestrian environment through streetscape improvements (841_9).

Within the Rapid Transit Corridors, the range of uses and the intensity and form of development vary by segment. The London Plan identifies three specific segments – Main Street, Preservation, and Transitional Segments – and provides their context-specific goals and further policy guidance. Proposed policies for Rapid Transit Corridor PMTSAs align with the general policies for the Place Type to ensure flexibility for the segments.

5.0 Conclusion and Next Steps

The Downtown, Transit Village, and Rapid Transit Corridor Place Types in the City of London are reflective of the intention, characteristics, and role of a PMTSA as described by the *Planning Act*. A PMTSA policy framework in The London Plan will support the implementation of the City Structure Plan, while providing additional direction on development around rapid transit stations.

The proposed PMTSA policies in Appendix A are intended to be circulated to the public and stakeholders for review and comments. Feedback received from the engagement will be considered for revisions to the policies. A report recommending finalized PMTSA policies will be brought forward to a future Planning and Environment Committee meeting.

Prepared by:	Joanne Lee Planner I, Planning Policy
Submitted by:	Justin Adema, MCIP, RPP Manager, Planning Policy
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner
<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 Planning Services</p>	

July 31, 2020
JL/jl

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Appendix A – Proposed PMTSA policies

OUR CITY

Policy	Changes	Rationale/summary of changes
New 97A	97A_ The Downtown, Transit Villages, and Rapid Transit Corridors are identified as Protected Major Transit Station Areas due to their proximity to rapid transit stations, and are shown on Figure 5. The Downtown, Transit Village, and Rapid Transit Corridor Place Type chapters of this Plan provide more detailed policy direction to plan for Protected Major Transit Station Areas.	This policy identifies Protected Major Transit Station Areas in the London Plan that will align with the Downtown, Transit Village, and Rapid Transit Corridor Place Types.
Amended Figure 5	Figure 5 is amended by adding Protected Major Transit Station Areas and changing the rapid transit routes as currently depicted to align with the approved Rapid Transit Environmental Project Report.	Revised Figure 5 indicates Protected Major Transit Station Areas that align with the Downtown, Transit Villages, and Rapid Transit Corridor Place Type boundaries. Figure 5 also reflects the higher order transit system as approved in the Rapid Transit Environmental Project Report. It includes recommended changes to Rapid Transit Corridor Place Type on Richmond Street and Dundas Street that are required due to route changes since the London Plan was approved.

DOWNTOWN PLACE TYPE

Policy	Change	Rationale/summary of changes
New 803A	Protected Major Transit Station Area 803A_ The Downtown is identified as a Protected Major Transit Station Area, as shown on Map 10.	This Protected Major Transit Station Area policy aligns with the Downtown Place Type and will promote a transit-supportive, pedestrian-oriented community that accommodates multimodal access to transit stations and supports transit service. A new map (Map 10) indicates the Downtown Protected Major Transit Station Area.
New 803B	803B_ The Downtown Protected Major Transit Station Area will be planned to achieve a minimum number of 280 residents and jobs combined per hectare.	This policy identifies a minimum number of residents and jobs combined per hectare, as required in Section 16(15)(a) of the <i>Planning Act</i> . The actual number was 219 residents and jobs per hectare within the Downtown in 2016, and it is forecast to increase to 272 by 2034. 280 residents and jobs per hectare is an appropriate target that will

		support the character of the Downtown as the most intensely developed area.
New 803C	803C_ Within the Downtown Protected Major Transit Station Area the minimum building height is three storeys or nine metres and the maximum building height is 35 storeys.	<p>This policy specifies minimum and maximum building heights within the Downtown to achieve the minimum number of residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights in the Downtown Place Type, which permits 3 to 20 storeys, with up to 35 storeys permitted through bonusing.</p> <p>The minimum of 3 storeys prevents low-density development (primarily 1 to 2 storeys in height), which could be out of character with the Downtown.</p> <p>The maximum height of 35 storeys is the greatest height permitted in the City, in keeping with Policy 800, which directs the tallest buildings and the highest densities into the Downtown.</p>
New 803D	803D_ Within the Downtown Protected Major Transit Station Area the minimum density is 60 units per hectare for residential uses or a floor area ratio of 0.6 for non-residential uses.	<p>This policy identifies minimum density as per Section of 16(15)(c) of the <i>Planning Act</i>, and provides further direction to support future residential and employment growth in the Downtown.</p> <p>60 residential units per hectare will ensure that development within the Downtown Place Type achieves a level of intensity that supports the vision for the Downtown and its role in the City Structure.</p> <p>A floor area ratio of 0.6 fits within the minimum floor area ratio range generally used in GGH municipalities' downtowns and provides development opportunity in each parcel.</p>
New 803E	803E_ The following uses may be permitted within the Downtown Protected Major Transit Station Area: <ol style="list-style-type: none"> 1. A broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses may be permitted. 2. Mixed-use buildings will be encouraged. 	<p>This policy identifies authorized land uses in the Downtown Protected Major Transit Station Area as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses for the Protected Major Transit Station Area align with those for the Downtown Place Type (Policy 800_1 to 7, which are under appeal).</p>

	<ol style="list-style-type: none"> 3. Along commercial-oriented streetscapes, retail and service uses will be encouraged at grade, with residential and non-service office uses that do not serve a walk-in clientele directed to the rear of buildings and to upper floors. 4. New surface accessory parking lots should not be permitted in the Downtown. New surface commercial parking lots shall not be permitted. 5. Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists in the vicinity of the subject lot. Criteria for evaluating requests for temporary zone extensions are provided in the Our Tools part of this Plan. 6. Educational facilities of all scales and types will be encouraged within the Downtown. 7. In accordance with provincial requirements, light industrial uses may be permitted where it is deemed appropriate and it is demonstrated that there will be no adverse land use impacts and the use can be compatible within its context. 	<p>For surface parking lots in the Downtown, a policy (Policy 1673A) in the Our Tools part of The London Plan introduces criteria to assess requests for extension of temporary zoning for surface commercial parking lots.</p> <p>Policy 1673A is added through a housekeeping amendment presented at the July 15, 2020 meeting of the Planning and Environment Committee.</p>
New 803F	803F_ Development within the Downtown Protected Major Transit Station Area will conform with all other policies of the London Plan including the Downtown Place Type.	This policy clarifies that all the Downtown Place Type policies of The London Plan and other applicable plans continue to apply to the Protected Major Transit Station Area.

TRANSIT VILLAGE PLACE TYPE

Policy	Change	Rationale/implication
New 815A	<p>Protected Major Transit Station Areas</p> <p>815A_ All Transit Villages are identified as Protected Major Transit Station Areas, as shown on Map 10.</p>	<p>This Protected Major Transit Station Area policy aligns with the Transit Village Place Type and will support the character of the Transit Village Place Type as major destinations around rapid transit stations.</p> <p>A new map (Map 10) indicates the Transit Village Protected Major Transit Station Areas.</p>

New 815B	815B_ Each Transit Village Protected Major Transit Station Area will planned to achieve a minimum number of 150 residents and jobs combined per hectare	<p>This policy identifies the minimum number of residents and jobs combined per hectare, as required in Section 16(15)(a) of the <i>Planning Act</i>.</p> <p>150 residents and jobs per hectare falls within the range of 100 to 160 residents and jobs per hectare, which is the minimum density targets for rapid transit as suggested in the Transit-Supportive Guidelines. This number is an appropriate target within the Transit Village context to support the rapid transit service.</p>
New 815C	815C_ Within the Transit Village Protected Major Transit Station Areas the minimum building height is either two storeys or eight metres and the maximum building height is 22 storeys.	<p>This policy specifies minimum and maximum building heights within the Transit Villages to achieve the minimum number of residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights of 2 to 15 storeys, up to 22 storeys with bonusing, in the Transit Village Place Type.</p> <p>The minimum of 2 storeys prevents 1-storey development that does not fit into the character of the Transit Villages and will not contribute toward achieving the minimum densities identified in Policies 815B and 815D.</p> <p>The maximum height of 22 storeys supports the vision for the Transit Villages as the second most intense area next to the Downtown in accordance with Policy 807.</p>
New 815D	815D_ Within the Transit Village Protected Major Transit Station Areas the minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses.	<p>This policy identifies minimum density as per Section 16(15)(c) of the <i>Planning Act</i>, and provides further direction to support future residential and employment growth in the Transit Villages.</p> <p>45 residential units per hectare will allow for residential intensification within the Transit Village Place Type to support rapid transit service, while supporting the vision for the Place Type.</p> <p>A floor area ratio of 0.5 is fairly low to apply to each parcel, especially small sites where only limited development is feasible.</p>
New 815E	815E_ The following uses may be permitted within the Transit Village	This policy identifies authorized land uses in the Transit Village

	<p>Protected Major Transit Station Areas:</p> <ol style="list-style-type: none"> 1. A broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses may be permitted. 2. Mixed-use buildings will be encouraged. 3. Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade. 4. The full range of uses described above will not necessarily be permitted on all sites within the Transit Village Protected Major Transit Station Areas. 	<p>Protected Major Transit Station Area as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses in the Protected Major Transit Station Areas are consistent with in-force those for the Transit Village Place Type (811_1 to 4).</p>
New 815F	815F_ Development within the Transit Village Protected Major Transit Station Areas will conform with all other policies of the London Plan including the Transit Village Place Type.	This policy clarifies that the general Transit Village Place Type policies continue to apply to the Protected Major Transit Station Areas.

RAPID TRANSIT CORRIDOR PLACE TYPE

Policy	Change	Rationale/implication
New 860A	<p>Protected Major Transit Station Areas</p> <p>860A_ Rapid Transit Corridors are identified as Protected Major Transit Station Areas, as shown on Map 10.</p>	<p>This Protected Major Transit Station Area policy aligns with the Rapid Transit Corridor Place Type and will support the character of the Place Type as major rapid transit routes to the Downtown and Transit Villages.</p> <p>A new map (Map 10) indicates the Rapid Transit Corridor Protected Major Transit Station Areas.</p>
New 860B	860B_ Each Rapid Transit Corridor Protected Major Transit Station Area will planned to achieve a minimum number of 120 residents and jobs combined per hectare.	<p>This policy identifies the minimum number of residents and jobs combined per hectare, as required in Section 16(15)(a) of the <i>Planning Act</i>.</p> <p>120 residents and jobs per hectare are in the 100-160 residents and jobs per hectare range suggested for rapid transit and are an appropriate minimum number of population and employment for the Rapid Transit Corridors due to varying character and intensity by segment.</p>
New 860C	860C_ Within the Rapid Transit Corridor Protected Major Transit Station Areas the minimum building height is two storeys or eight	This policy specifies minimum and maximum building heights within the Rapid Transit Corridors to achieve the minimum number of

	metres and the maximum building height is 12 storeys, or 16 storeys for areas within 100 metres of a rapid transit station.	<p>residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights in the Rapid Transit Place Type, which permits 2 to 12 storeys, with up to 16 storeys permitted through bonusing.</p> <p>The minimum of 2 storeys prevents one-story development that detracts from the character and function of the Rapid Transit Corridors.</p> <p>The maximum building heights provide a transition from a rapid transit station to surrounding neighbourhoods by directing higher density development within 100 metres of a transit station.</p>
New 860D	860D_ Within the Rapid Transit Corridor Protected Major Transit Station Areas the minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses.	<p>This policy identifies minimum density as per Section 16(15)(c) of the <i>Planning Act</i>, and provides further direction to support future residential and employment growth within the Rapid Transit Corridors.</p> <p>45 residential units per hectare avoids low-density residential development that would be out of character with the Rapid Transit Corridors.</p> <p>A floor area ratio of 0.5 is fairly low to apply to each parcel, especially small sites where only limited development is feasible. This floor area ratio also will reduce the mass of large fronting the street and prevent large expanses of blank wall in keeping with Policy 841_3.</p>
New 860E	<p>860E_ The following uses may be permitted within the Rapid Transit Corridor Protected Major Transit Station Areas:</p> <ol style="list-style-type: none"> 1. A range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted. 2. Mixed-use buildings will be encouraged. 3. Large floor plate, single use buildings will be discouraged. 4. Where there is a mix of uses within an individual building, retail and service uses will be encouraged to front the street at grade. 5. The full range of uses described above will not 	<p>This policy identifies authorized land uses in the Rapid Transit Corridor Place Type as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses in the Protected Major Transit Station Areas align with those in the Rapid Transit Corridor Place Type (837_1 to 5, which are under appeal).</p>

	necessarily be permitted on all sites within the Rapid Transit Corridor Protected Major Transit Station Areas.	
New 860F	860F_ Development within the Rapid Transit Corridor Protected Major Transit Station Areas will conform with all other policies of the London Plan including Rapid Transit Corridor Place Type.	This policy clarifies that the general policies for the Rapid Transit Corridor Place Type continue to apply to the Protected Major Transit Station Areas.

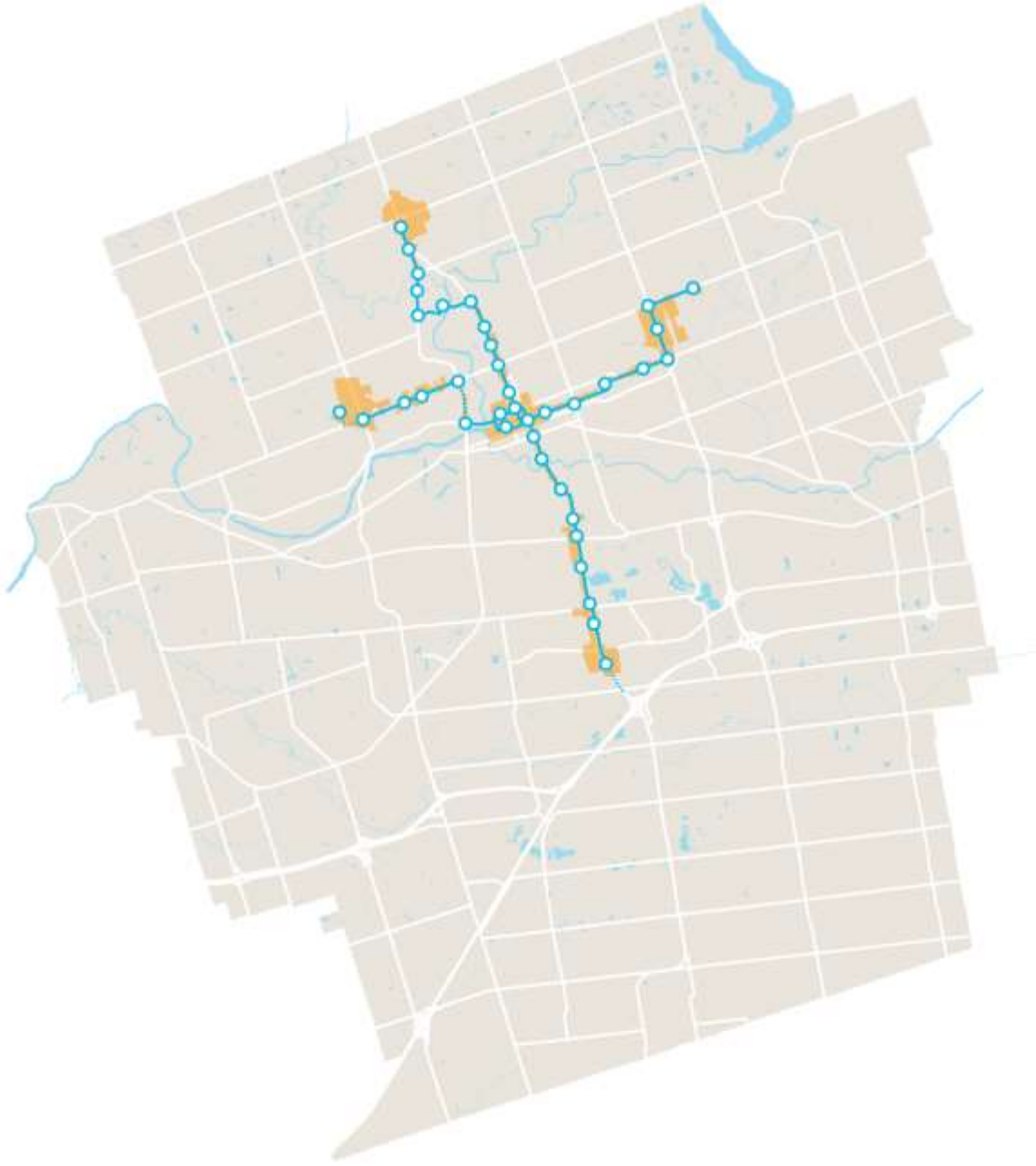
OUR TOOLS

Policy	Changes	Rationale/summary of changes
1795 (New Definition)	Protected Major Transit Station Areas means the area surrounding and including an existing and planned higher order transit (e.g. rapid transit) station or stop. The Downtown, Transit Village, and Rapid Transit Corridor Place Types are focused around rapid transit routes and are identified as Protected Major Transit Station Areas.	This policy defines Protected Major Transit Station Areas that aligns with the <i>Planning Act</i> definition. It is noted that Policy 1795 is in full force and effect in its entirety as per the February 7, 2020, LPAT decision.

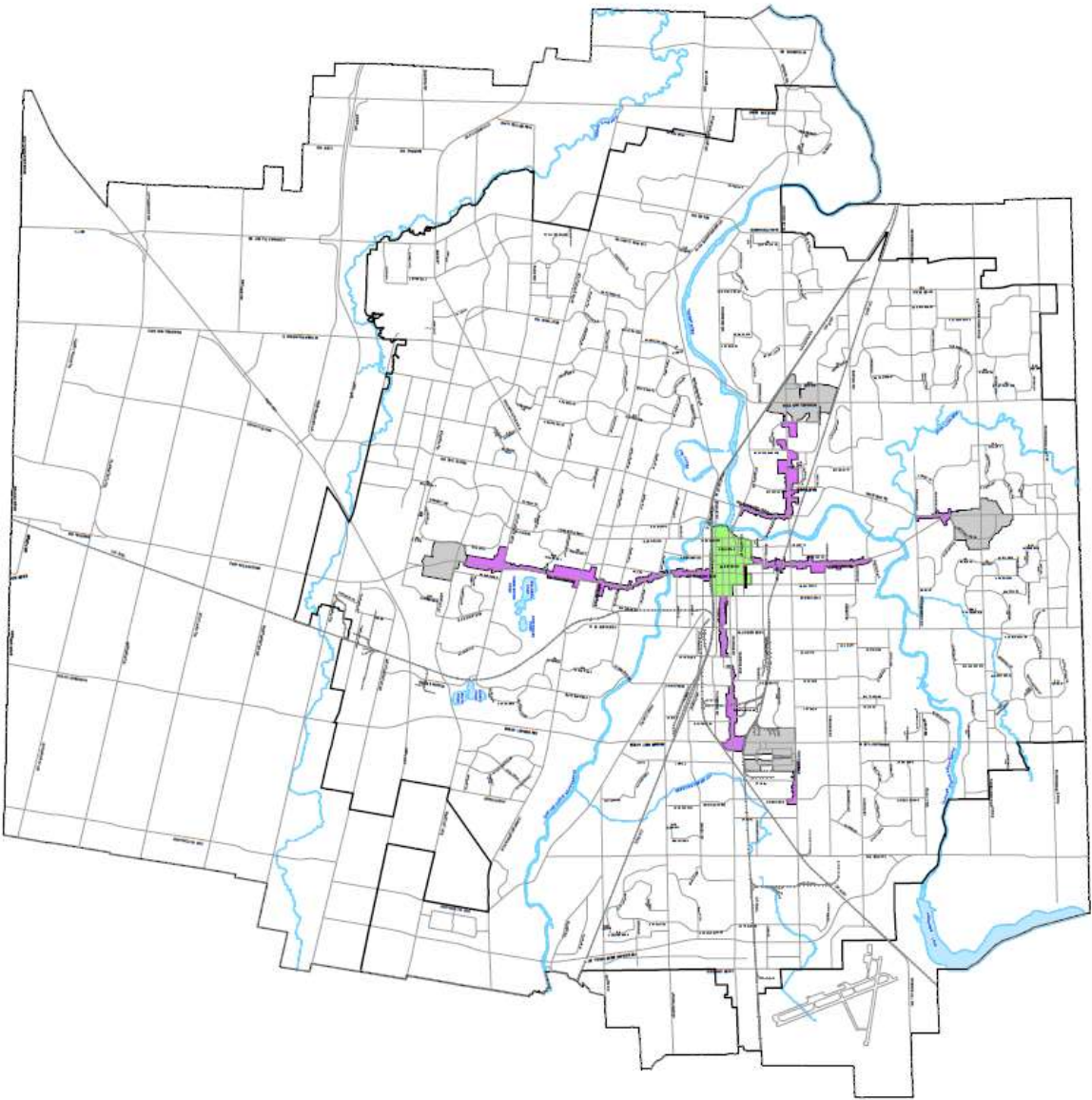
MAP

Policy	Changes	Rationale/summary of changes
New Map 10	New Map 10 is added to indicate Protected Major Transit Station Areas that align with the Downtown, Transit Village and Rapid Transit Corridor Place Type boundaries.	Map 10 designates Protected Major Transit Station Areas. This Map supports clear understanding and implementation of Protected Major Transit Station Areas and reflects recommended changes to Rapid Transit Corridor Place Type on Richmond Street and Dundas Street that are required due to route changes since the London Plan was approved.

Figure 5



MAP 10 - PROTECTED MAJOR TRANSIT STATION AREAS



LEGEND

- Central London Station Area
- South London Station Area
- North London Station Area

BASE MAP FEATURES

- Major Road (No. 1)
- Highway
- Other Street Network
- Water Characteristics



THIS MAP MUST BE READ IN CONJUNCTION WITH THE TEXT OF THE LONDON PLAN

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Map 10

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: Goldfield Ltd.
1160 Wharncliffe Road South
Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Goldfield Ltd. relating to the property located at 1160 Wharncliffe Road South, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on August 25, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R4 Special Provision (h-h-100-h-104-h-155-R4-4(2)) Zone **TO** a Residential R4 Special Provision (R4-4(2)) Zone to remove the "h, h-100, h-104 and h-155" holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

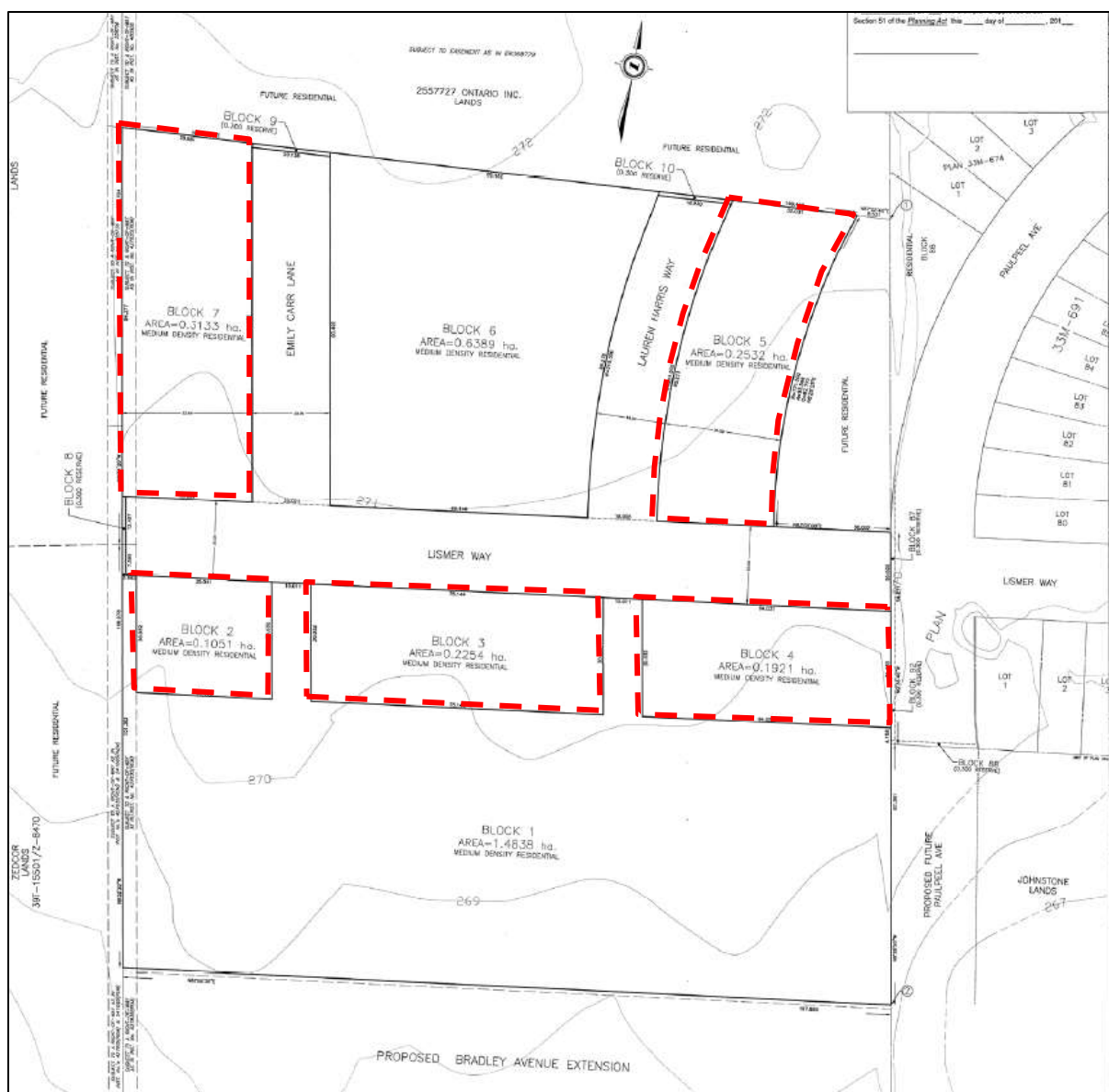
The purpose and effect of this zoning change is to remove the "h, h-100, h-104 and h-155" holding symbol's from the zone map to permit the future development of Blocks 2, 3, 4, 5 and 7 of Plan 33M-798 (39T-16508) for 44, three storey street townhouse units.

Rationale of Recommended Action

The conditions for removing the holding provisions have been met, as the required security has been submitted, and the development agreement has been signed. Adequate water servicing and appropriate access has been provided and a comprehensive storm drainage and stormwater management report has been accepted to address the stormwater management strategy for all lands within the subject plan and external lands. The development agreement also ensures that development is consistent with and conforms to the guidelines and vision of OPA 541, Southwest Area Secondary Plan (SWAP). All issues have been resolved and the holding provisions are no longer required.

1.0 Site at a Glance

The properties are a collection of blocks (2, 3, 4, 5 and 7) within Plan 33M-798 (39T-16508) in the Longwoods Neighbourhood. The blocks are designated and zoned for medium density residential uses and located approximately 350m south of Wharncliffe Road South, north of the future Bradley Ave W extension and west of the Paulpeel Ave and Lismer Lane intersection. There is an existing residential neighbourhood to the east, and future residential to the north. The lands to the west and south are currently undeveloped and used for agricultural purposes. The site has full access to municipal services and is located in an area which is planned for future growth.



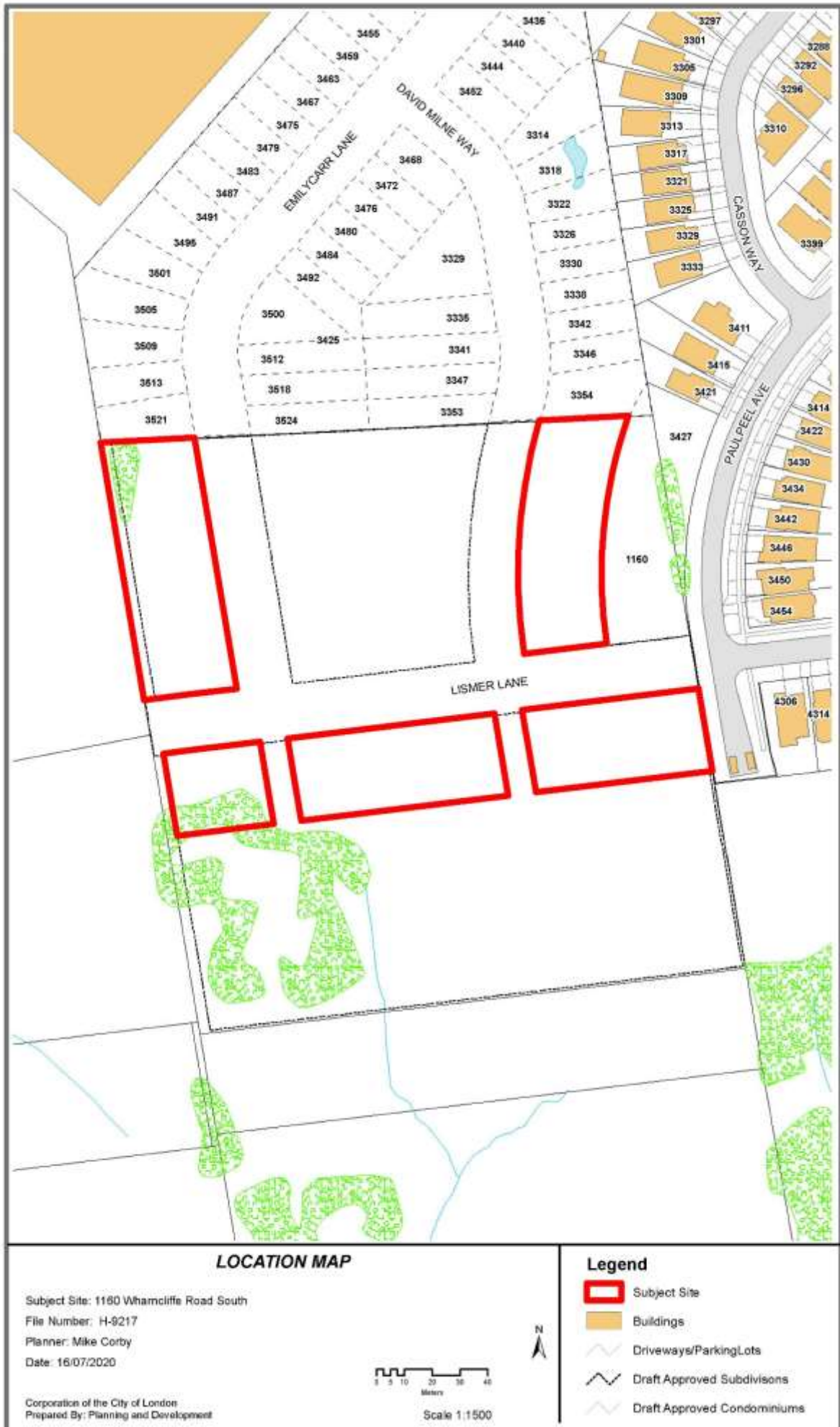
1.1 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – h*h-100*h-104*h-155*R4-4(2) Zone

1.2 Surrounding Land Uses

- North – future low density residential
- East – low density residential/open space
- South – agricultural
- West – commercial/agricultural

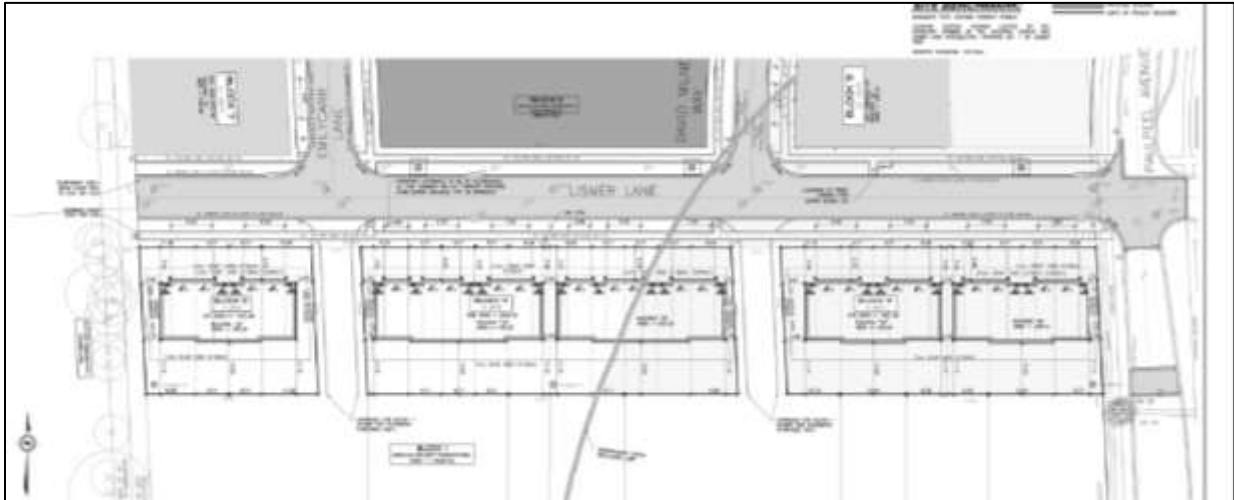
1.3 Location Map



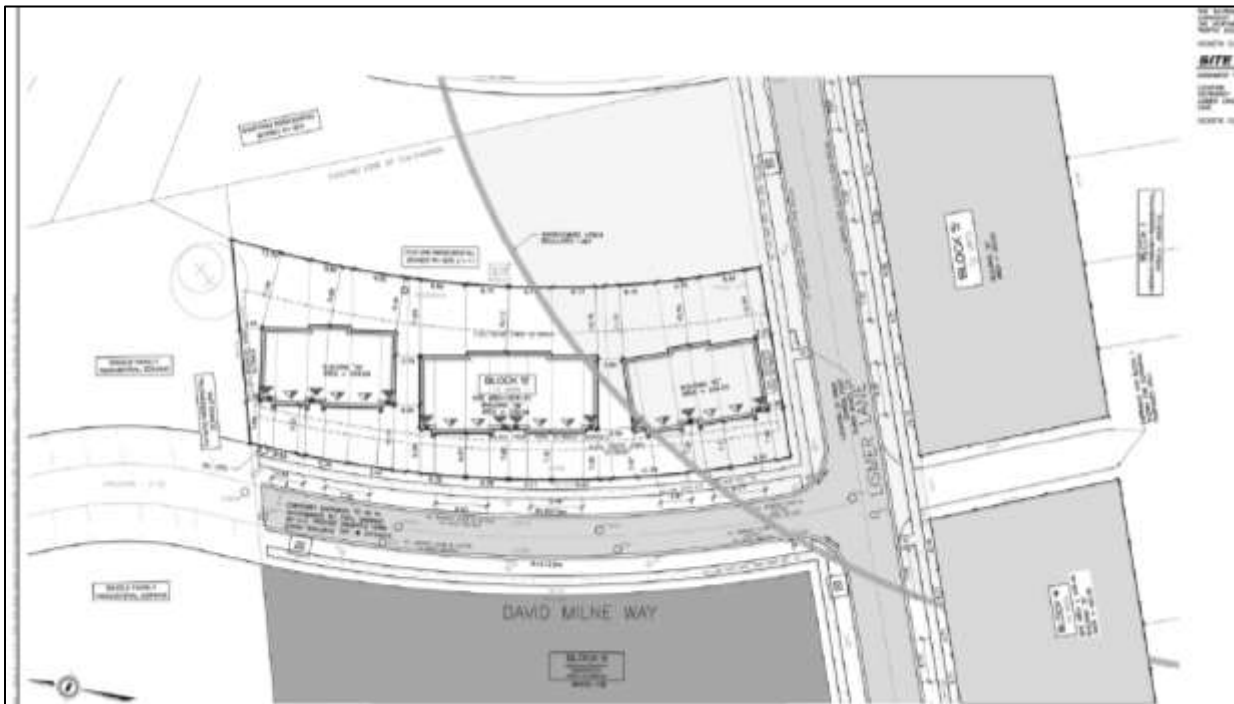
2.0 Description of Proposal

2.1 Development Proposal

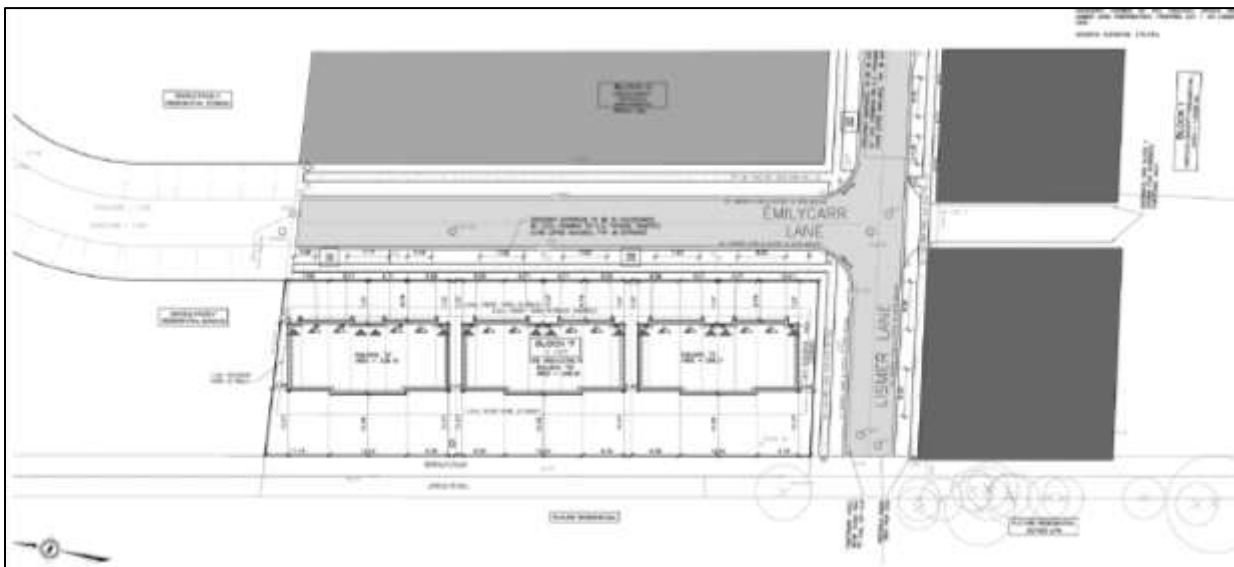
The requested amendment will allow for the future development of Blocks 2, 3, 4, 5 and 7 of Draft Plan 39T-16508 for 44, three storey street townhouse units.



Proposed Site Plan, Blocks 2, 3 and 4



Proposed Site Plan, Block 5



Proposed Site Plan, Block 7

3.0 Relevant Background

3.1 Planning History

The subject lands were part of a subdivision application submitted on September 18, 2006. Revised draft plan submissions were submitted by the Applicant on February 25, 2007, and on September 5, 2007. These applications were later appealed to the OMB on April 17, 2008 by the applicant. Subsequent to this, the appeals were withdrawn and the files closed. On October 17, 2016 a “new” application for draft plan of subdivision approval and zoning by-law amendment was accepted as complete for this property. The proposed plan of subdivision consisted of seven (7) medium density residential blocks, two (2) local public street and the extension of Lismer Way to the west. The application received draft approval on October 23, 2018 and final approval has recently been granted on June 29, 2020.

Blocks 2-5 and 7 were also subject to Site Plan Approval applications (SPA20-30, SPA20-31, SPA20-32). Security has been provided and a development agreement entered into on July 31, 2020 for the above mentioned applications.

A Part Lot Control application (P-9238) was also received on July 8, 2020 requesting that the blocks be broken into multiple lots allowing the townhouse units to have ownership of their own lots.

3.2 Requested Amendment

The applicant is requesting the removal of the “h, h-100, h-104 and h-155” holding provisions from the Zone on the subject lands. The “h” holding provision requires that the securities be received, and a development agreement be executed by the owner. The “h-100” requires adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer. The h-104 requires that a comprehensive storm drainage and stormwater management report is completed to address the stormwater management strategy for all lands within the subject plan and external lands. The h-155 requires the development to consistent with and conform to the guidelines and vision of OPA 541, Southwest Area Secondary Plan.

3.3 Community Engagement (see more detail in Appendix B)

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

3.4 Policy Context

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

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

4.0 Key Issues and Considerations

4.1 What is the purpose of the “h, h-100, h-104 and h-155” holding provisions and is appropriate to consider their removal?

The “h” holding provision states:

“To ensure the orderly development of lands and the adequate provision of municipal services, the “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of the approval of the plans and drawings for a site plan, or the conditions

of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development.”

The Applicant has provided the necessary securities and has entered into a development agreement with the City. This satisfies the requirement for the removal of the “h” holding provision.

The “h-100” holding provision states:

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

Permitted Interim Uses: A maximum of 80 residential units

Through the site plan approval process Development Engineering staff confirmed that adequate water servicing can be provided to the subject site through a looped watermain system and that at least two public access points are available. The proposed developments do not exceed 80 residential units therefore the h-100 (for water servicing) can be removed specific to blocks 2,3,4,5 and 7.

This satisfies the requirement for the removal of the “h-100” holding provision.

The “h-104” holding provision states:

To ensure that a comprehensive storm drainage and stormwater management report prepared by a consulting engineer is completed to address the stormwater management strategy for all lands within the subject plan and external lands where a private permanent on-site storm drainage facility is proposed for any block or blocks not serviced by a constructed regional stormwater management facility. The "h-104" symbol shall not be deleted until the report has been accepted to the satisfaction of the General Manager of Planning and Development and City Engineer.

Through the subdivision approval process Development Engineering staff confirmed that a comprehensive storm drainage and stormwater management report was completed and accepted for the proposed street town blocks.

This satisfies the requirement for removal of the “h-104” holding provision.

The “h-155” holding provision states:

The removal of the h-155 symbol shall not occur until such time as the Owner has entered into a development agreement with the City of London, to ensure that the development is consistent with and conforms to the guidelines and vision of OPA 541, Southwest Area Secondary Plan

The owner has entered into a development agreement with the City and through the site plan approvals process Staff have ensured the development conforms to the guidelines and vision of OPA 541, Southwest Area Secondary Plan.

5.0 Conclusion

The Applicant has provided the necessary securities and has entered into a development agreement with the City. The development agreement also ensures the proposed development is designed and approved consistent with the guidelines and vision of OPA 541, Southwest Area Secondary Plan. The applicant has also demonstrated that there is adequate water service and appropriate access through a looped watermain system and a comprehensive storm drainage and stormwater management report has been accepted by the City. Therefore, the required conditions have been met to remove the “h, h-100, h-104 and h-155” holding provisions. The removal of the holding provisions is recommended to Council for approval.

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

June 23, 2020

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompili, Manager, Development Planning
Mike Pease, Manager, Development Planning

MC/mc

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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 provisions from the zoning for lands located at 1160 Wharnccliffe Road S.

WHEREAS Goldfield Ltd. has applied to remove the holding provisions from the zoning for the lands located at 1160 Wharnccliffe Road South, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 1160 Wharnccliffe Road South, as shown on the attached map, to remove the "h, h-100, h-104 and h-155" holding provision so that the zoning of the lands as Residential R4 Special Provision (R4-4(2)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

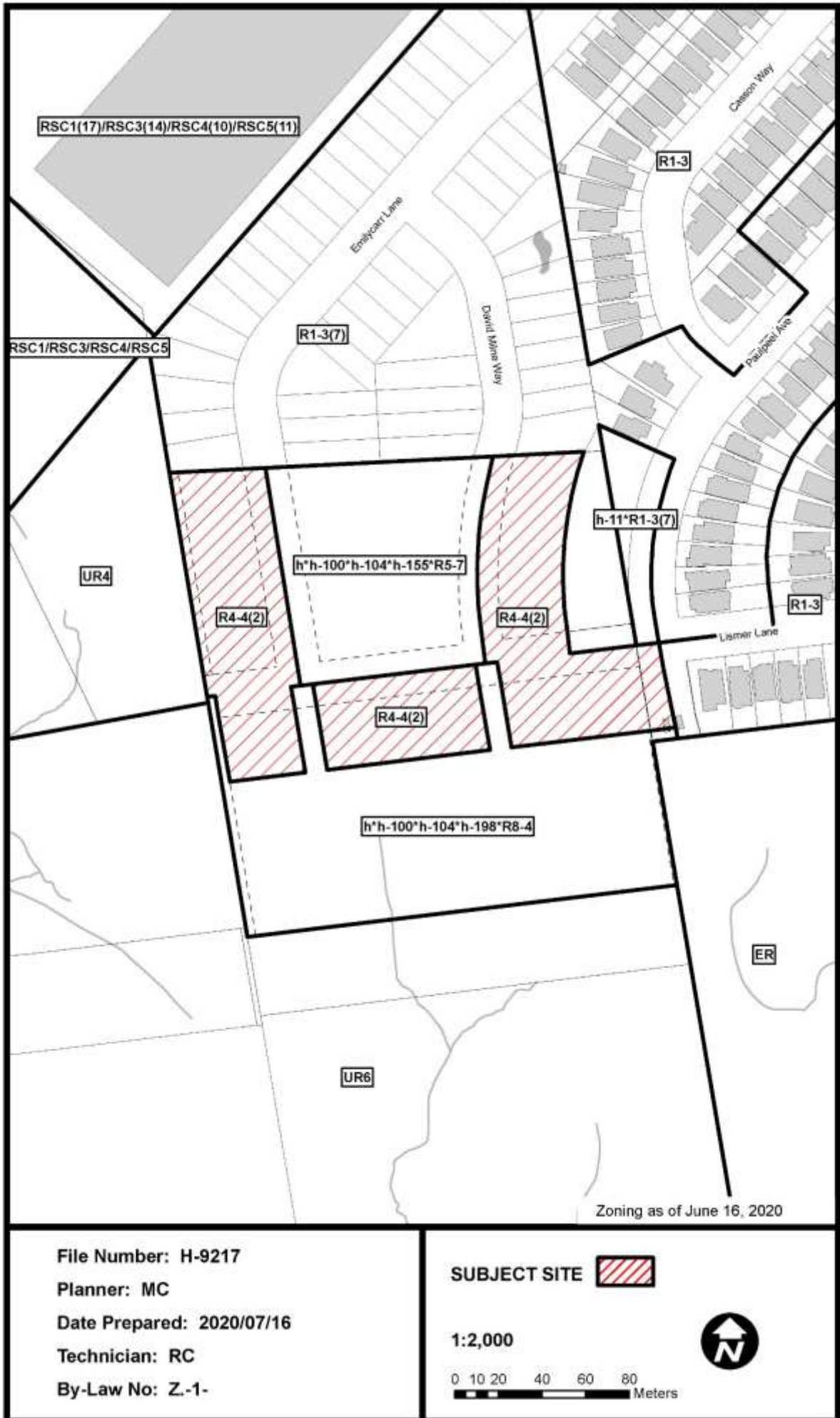
PASSED in Open Council on August 25, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

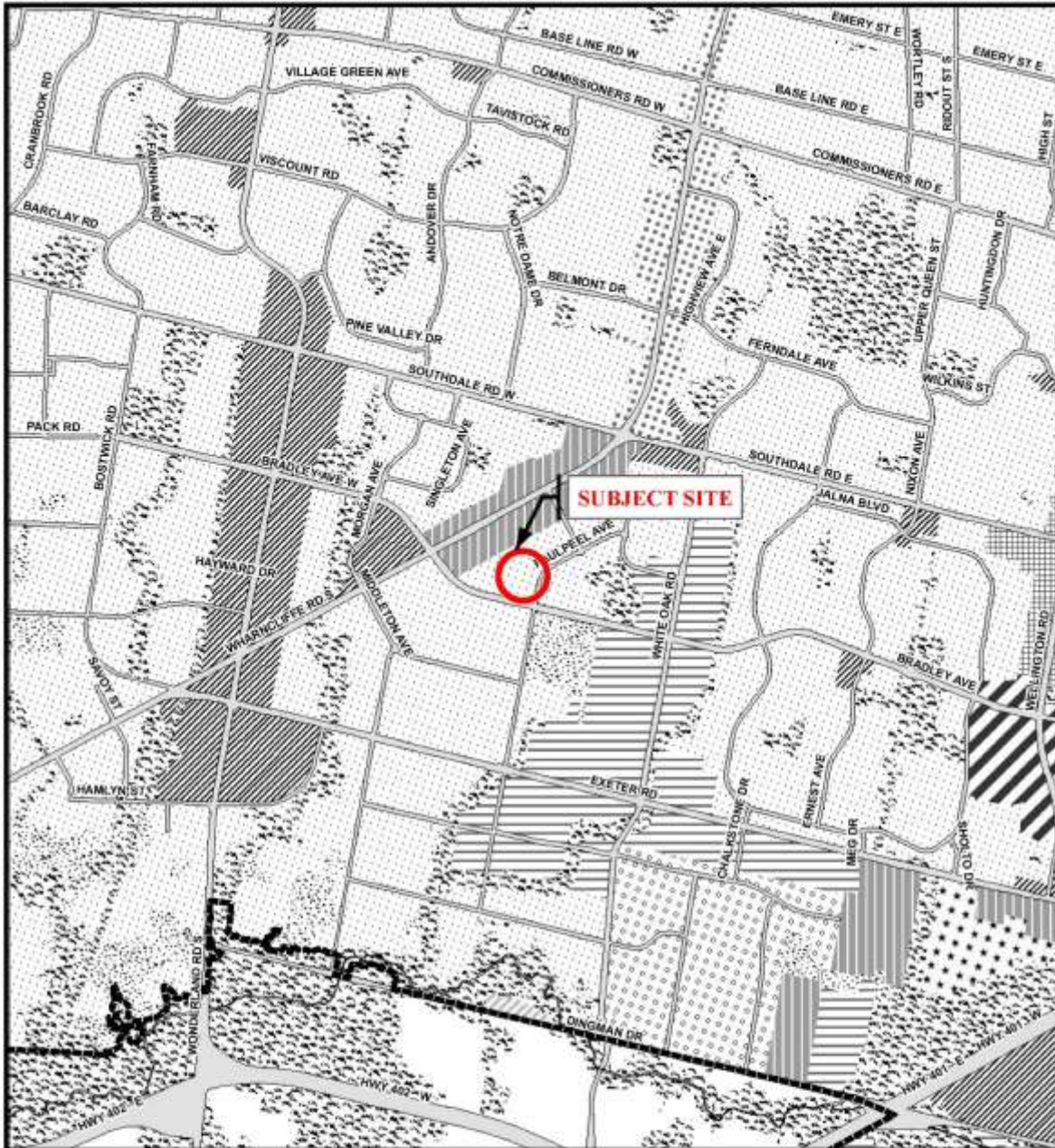
First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020

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



Appendix B – Relevant Background

London Plan Excerpt



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.

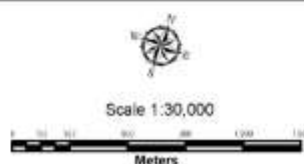
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

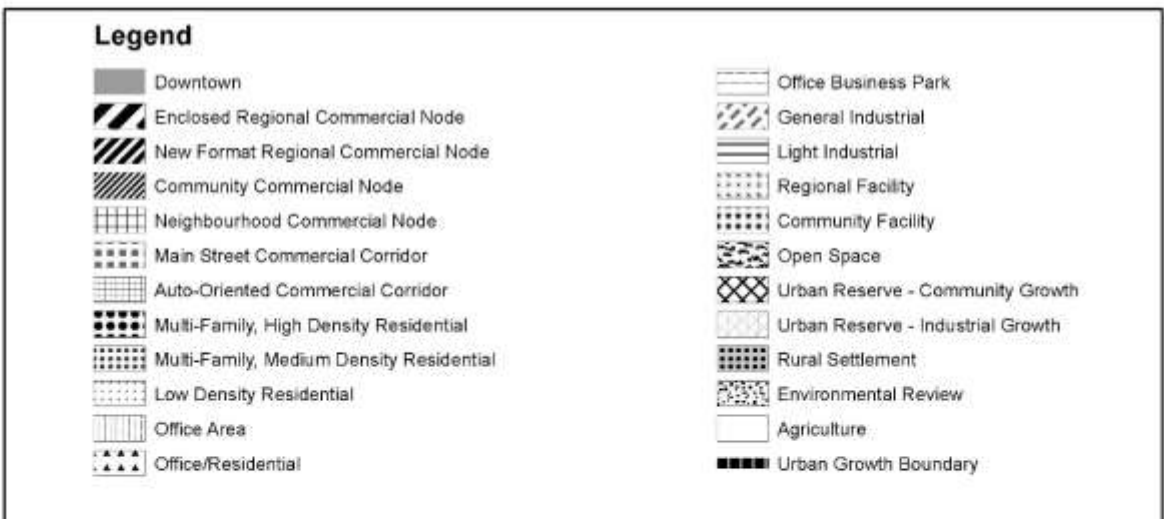
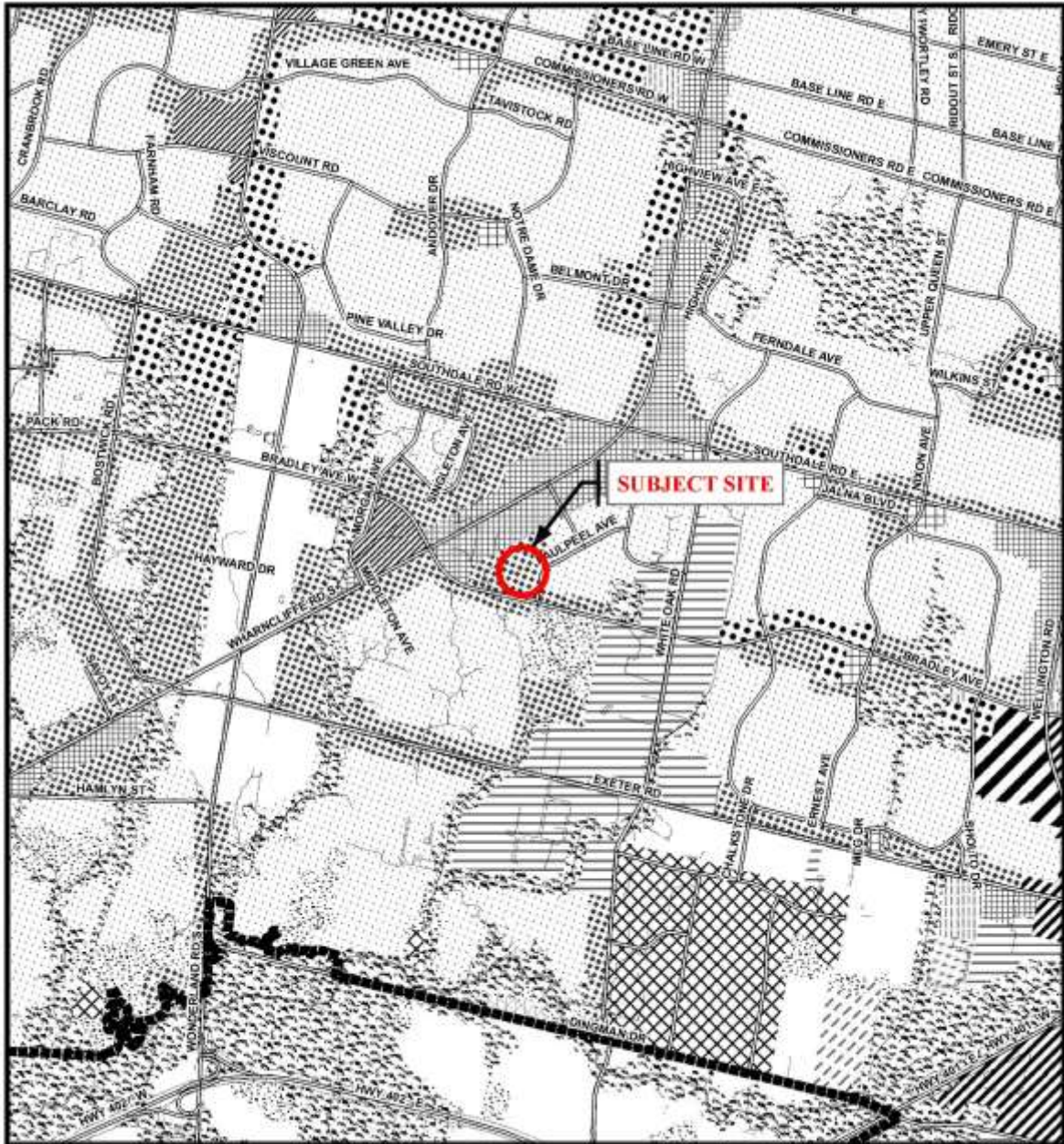
**LONDON PLAN MAP 1
- PLACE TYPES -**

PREPARED BY: Planning Services



File Number: H-9217
Planner: MC
Technician: RC
Date: July 16, 2020

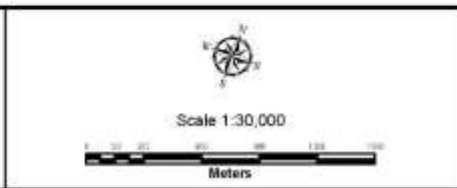
1989 Official Plan Excerpt



CITY OF LONDON
Department of
Planning and Development

OFFICIAL PLAN SCHEDULE A
- LANDUSE -

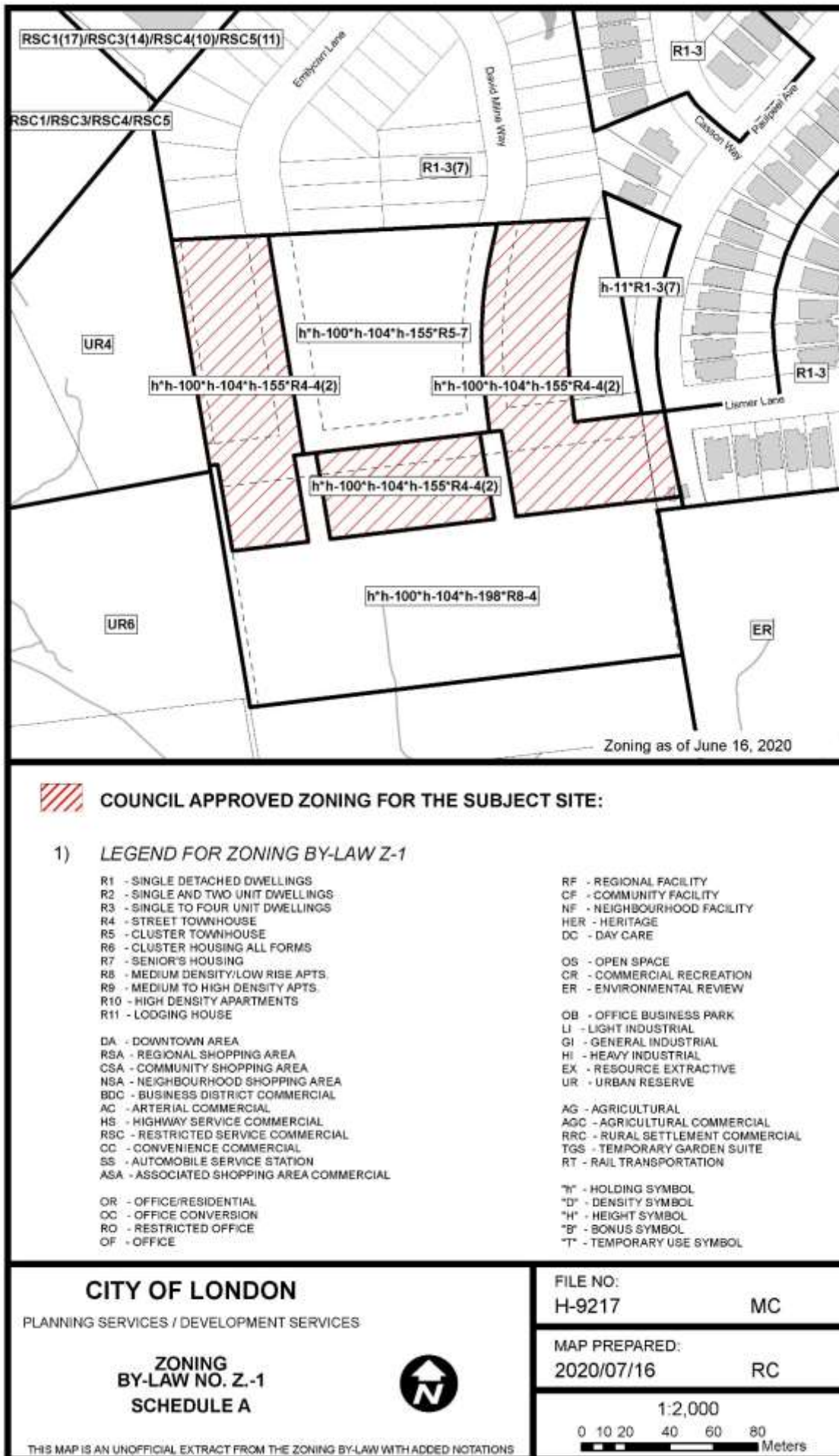
PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9217
PLANNER: MC
TECHNICIAN: RC
DATE: 2020/07/16

PROJECT LOCATION: c:\planning\projects\p_officialplan\work\consol\00\excerpts\mxd_templates\scheduleA_NEW_b&w_5x14.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 and
Chief Building Official

Subject: Application By: 2219008 Ontario Limited (York Developments)
6990 Clayton Walk

Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by 2219008 Ontario Ltd. (York Developments) relating to the property located at 6990 Clayton Walk, the proposed by-law attached hereto as Appendix “A” **BE INTRODUCED** at the Municipal Council meeting on August 25, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R6 Special Provision (h*h-100*h-198*R6-5(44)) Zone **TO** a Residential R6 Special Provision (R6-5(44)) Zone to remove the “h, h-100 and h-198” holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the “h, h-100 and h-198” holding symbol’s from the zone map to permit the future development of the subject site for 30 residential units through a vacant land condominium.

Rationale of Recommended Action

The conditions for removing the holding provisions have been met, as the required security has been submitted, and the development agreement has been signed. Adequate water servicing with a looped watermain system and appropriate access has been constructed and the proposed development is designed in a manner that is consistent with the Southwest Area Secondary Plan. All issues have been resolved and the holding provisions are no longer required.

1.0 Site at a Glance

The property is a low density residential block within a draft plan of subdivision (Block 175 Draft Plan 39T-14504) located north of Clayton Walk, opposite to Isaac Drive, and south of the Mather’s Stream and. There is an existing residential neighbourhood to the south, and future residential and mixed uses planned for the lands to the north and west. The site has full access to municipal services and is located in an area which is planned for future growth.

1.1 Current Planning Information (see more detail in Appendix C)

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – h*h-100*h-198*R6-5(44) Zone

1.2 Site Characteristics

- Current Land Use – Vacant
- Frontage – 13 metres
- Depth – Varies
- Area – 1.8ha
- Shape – Irregular

1.3 Surrounding Land Uses

- North – Future residential and mixed use
- East – Future residential and mixed use and agricultural
- South – Existing low density residential
- West – Mather's stream

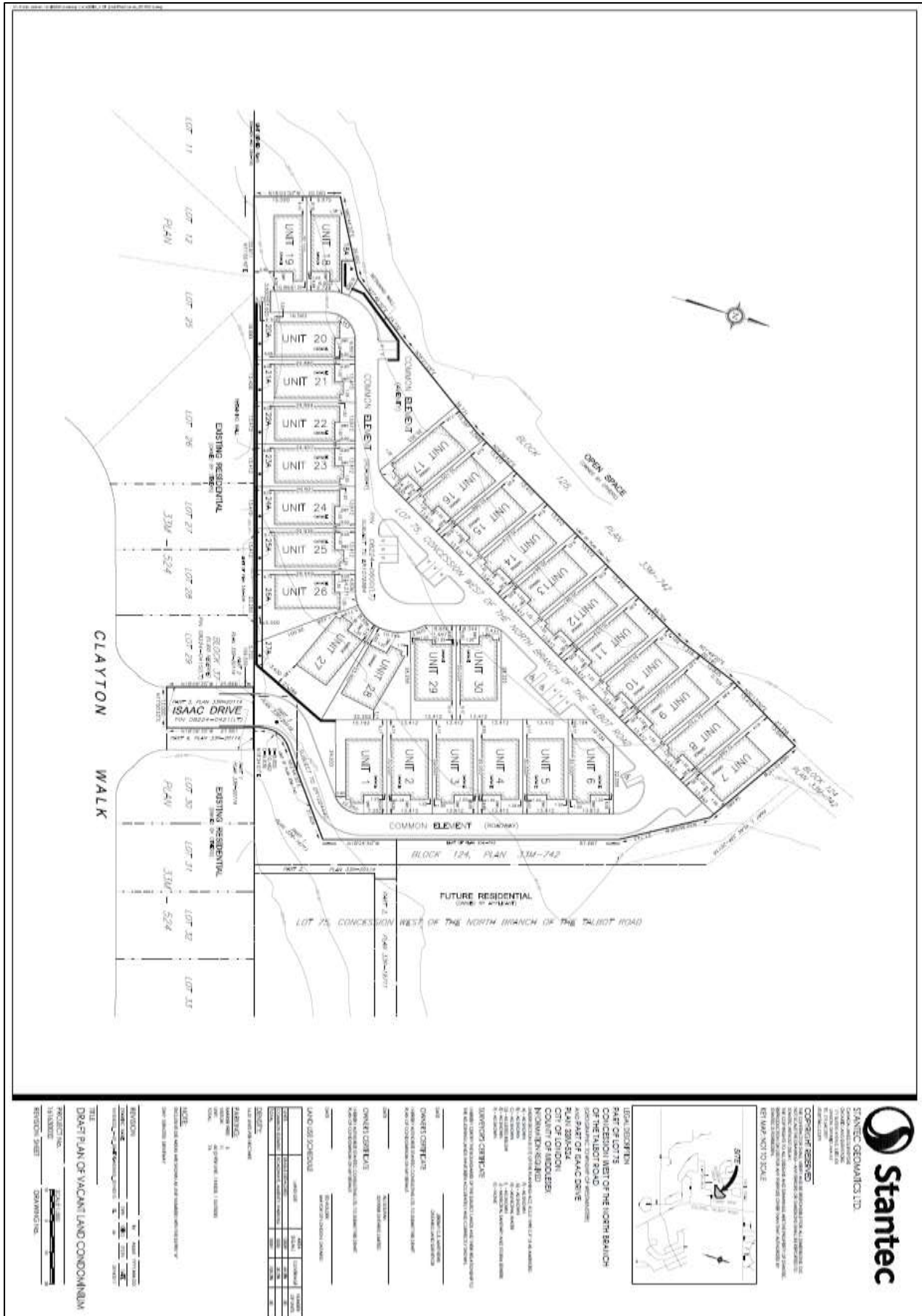
1.4 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will allow for the development of 30 Vacant Land Condominium units to be developed in the form of cluster single detached dwellings. Landscaped areas, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by one Condominium Corporation. Access will be provided from Clayton Walk, north of the intersection with Isaac Drive.



3.0 Relevant Background

3.1 Planning History

The subject site was created through Phase 1 of the Silverleaf Subdivision (39T-14504). Phase 1 of the subdivision has been registered as plan 33M-742, which consists of 108 single family detached lots, the Stormwater Management Facility Dingman Tributary B4, six (6) park blocks, one (1) medium density block and several road widenings and 0.3 m (one foot) reserve blocks. The registration of blocks 124 (walkway) and 125 (open space) created the subject site as a separate parcel by virtue of dedication to the City of London. Future phase(s) will include the balance of the lands which are draft approved but have not yet received final approval.

An application was made in July of 2019 to create 30 Vacant Land Condominium units to be developed in the form of cluster single detached dwellings. A public meeting was held on August 12, 2019 to present the proposed development and identify any public concerns to PEC and Council. No public concerns were raised however and draft approval has yet to be finalized. A Site Plan Approval (SPA18-126) application was made in conjunction with the application for Draft Plan of Vacant Land Condominium. Site plan approval has progressed and a development agreement has been executed and security posted.

3.2 Requested Amendment

The applicant is requesting the removal of the “h, h-100 and h-198” holding provision from the Zone on the subject lands. The “h” holding provision requires that the securities be received, and a development agreement be executed by the owner. The “h-100” requires adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer. The “h-198” encourage street-oriented development and discourage noise attenuation walls along arterial roads and ensures that new development is designed and approved consistent with the Southwest Area Secondary Plan.

3.3 Community Engagement (see more detail in Appendix B)

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

3.4 Policy Context

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

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

4.0 Key Issues and Considerations

4.1 What is the purpose of the “h, h-100 and h-198” holding provisions and is appropriate to consider their removal?

The “h” holding provision states:

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

The Applicant has provided the necessary securities and has entered into a development agreement with the City. This satisfies the requirement for the removal of the “h” holding provision.

The “h-100” holding provision states:

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

Permitted Interim Uses: A maximum of 80 residential units

By email dated July 15, 2020 Development Engineering Staff confirmed this holding provision is not required as the development does not exceed 80 residential units and the subdivision is looped properly. This satisfies the requirement for the removal of the “h-100” holding provision.

The “h-198” holding provision states:

“To encourage street-oriented development and discourage noise attenuation walls along arterial roads, a development agreement shall be entered into to ensure that new development is designed and approved consistent with the Southwest Area Secondary Plan.”

The proposed development is not located along any arterial roads therefore the portion encouraging street-oriented development and discouraging noise attenuation walls is not applicable. The applicant has provided a development concept which is consistent with the Southwest Area Secondary Plan and tied to the development agreement as confirmed by Urban Design Staff on July 23, 2020.

5.0 Conclusion

The Applicant has provided the necessary securities and has entered into a development agreement with the City. The development agreement also ensures the proposed development is designed and approved consistent with the Southwest Area Secondary Plan. The applicant has also demonstrated that there is adequate water service and appropriate access through a looped watermain system. Therefore, the required conditions have been met to remove the “h, h-100 and h-198” holding provisions. The removal of the holding provisions is recommended to Council for approval.

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

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

June 23, 2020

CC: Matt Feldberg, Manager, Development Services (Subdivisions)
Lou Pompili, Manager, Development Planning
Mike Pease, Manager, Development Planning

MC/mc

C:\Users\mcorby\Desktop\6990 Clayton Walk- H-8756 MC.docx

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 provisions from the zoning for lands located at 6990 Clayton Walk.

WHEREAS 2219008 Ontario Limited (York Developments) has applied to remove the holding provisions from the zoning for the lands located at 6990 Clayton Walk, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 6990 Clayton Walk, as shown on the attached map, to remove the "h, h-100 and h-198" holding provision so that the zoning of the lands as Residential R6 Special Provision (R6-5(44)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

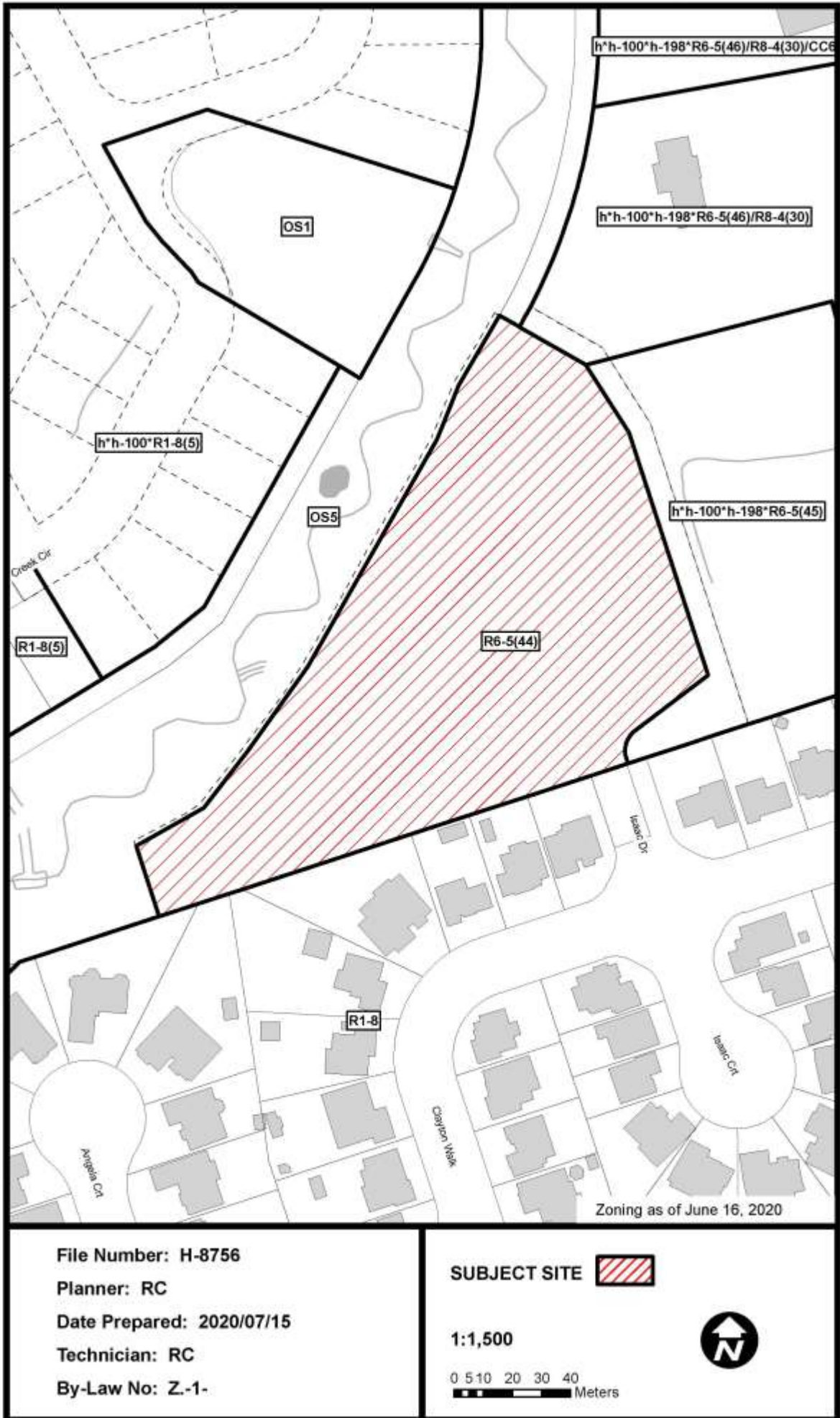
PASSED in Open Council on August 25, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020

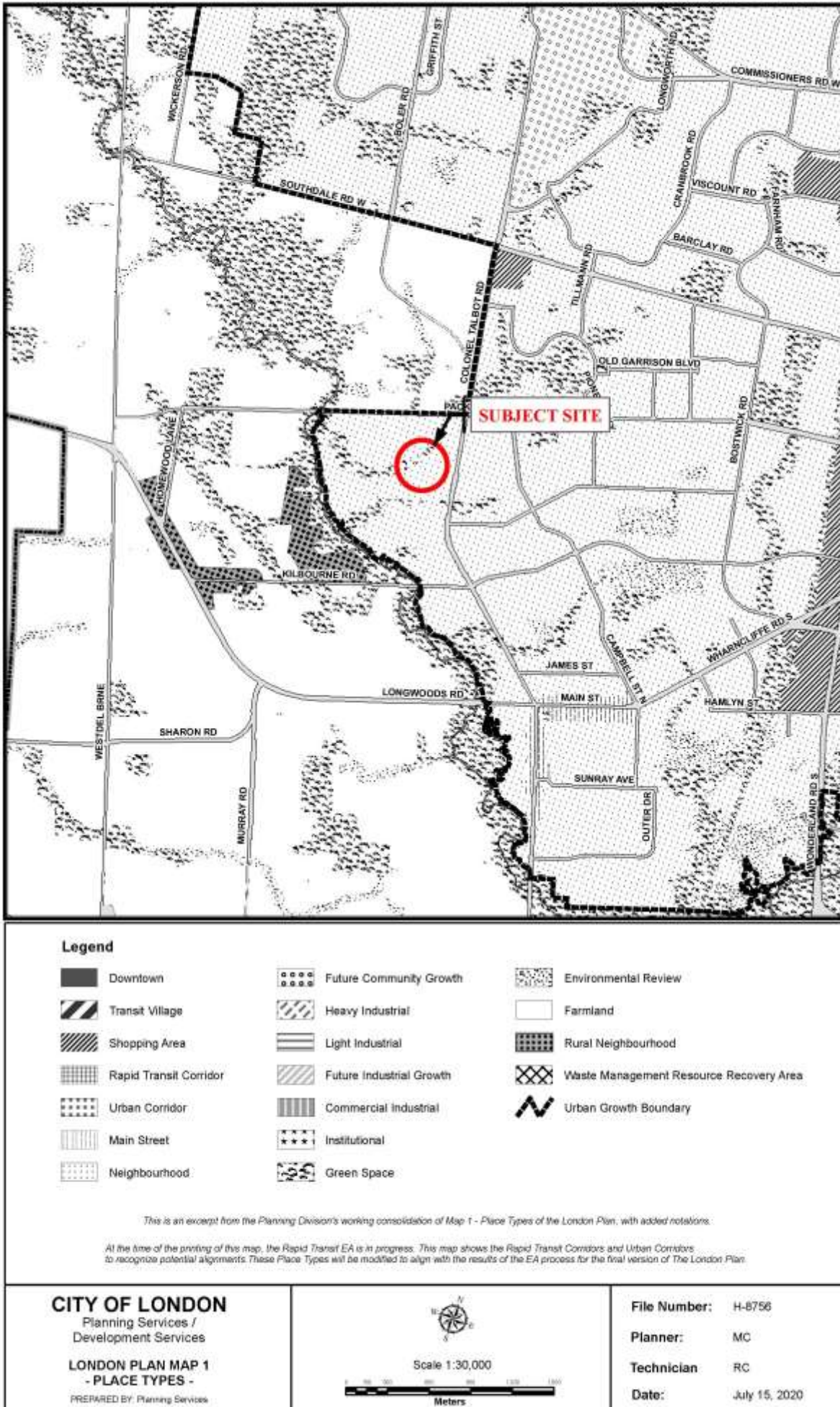
AMENDMENT TO SCHEDULE "A" (BY-LAW NO. Z.-1)



GeoData

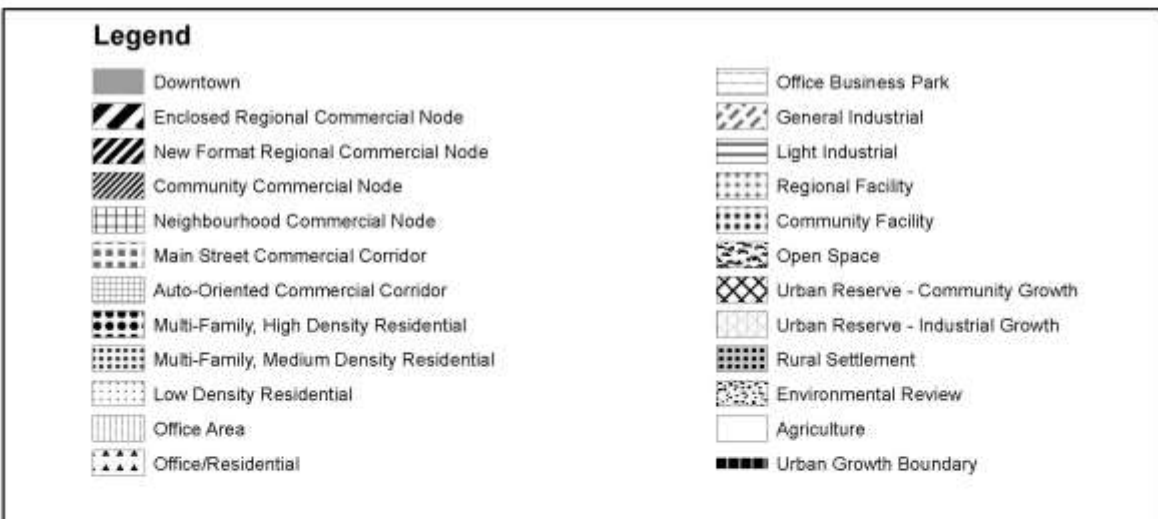
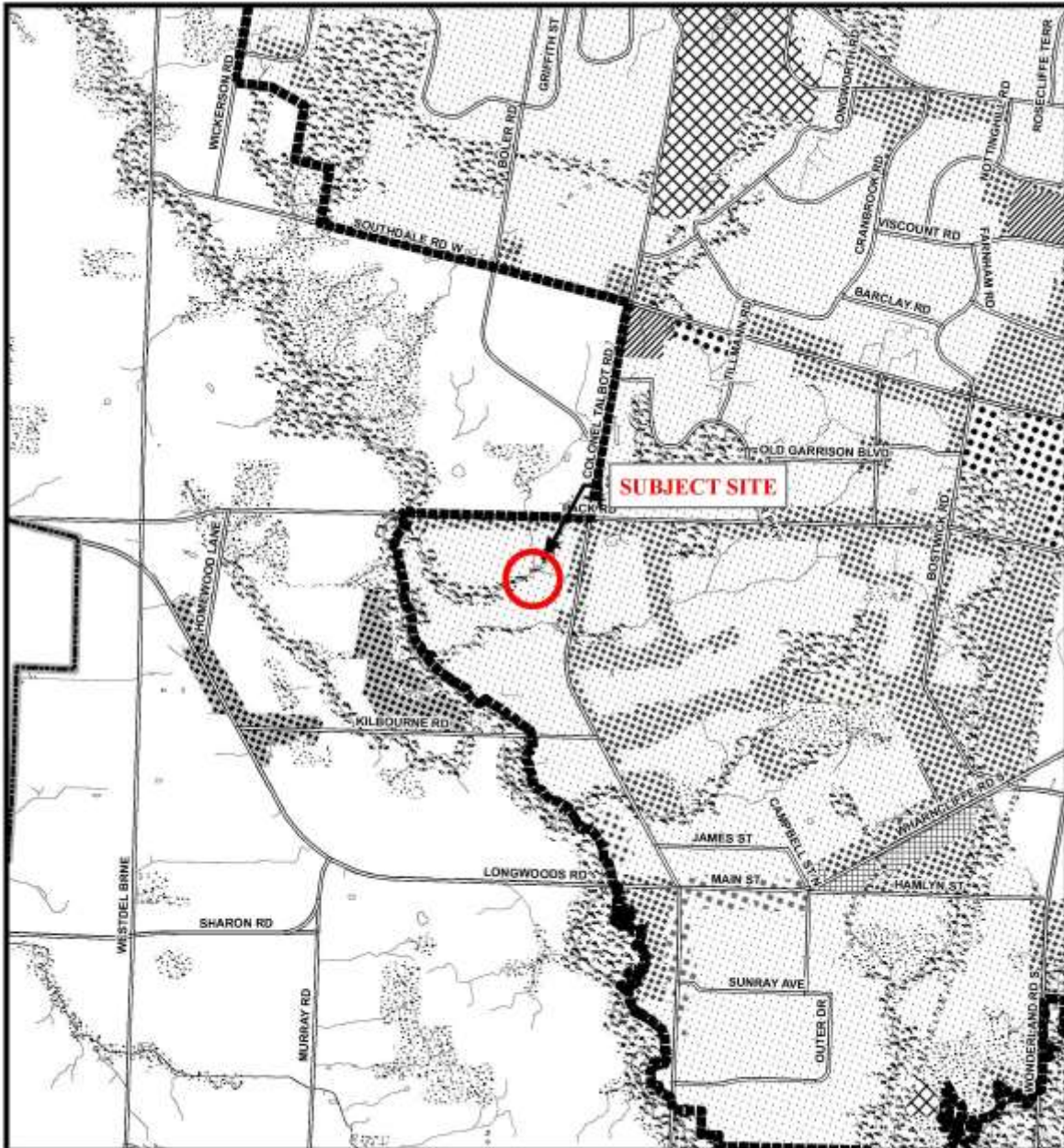
Appendix B – Relevant Background

London Plan Excerpt

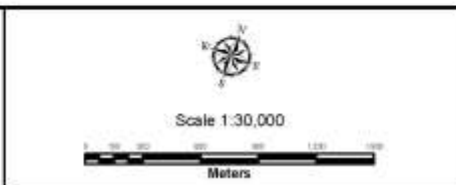


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1989 Official Plan Excerpt



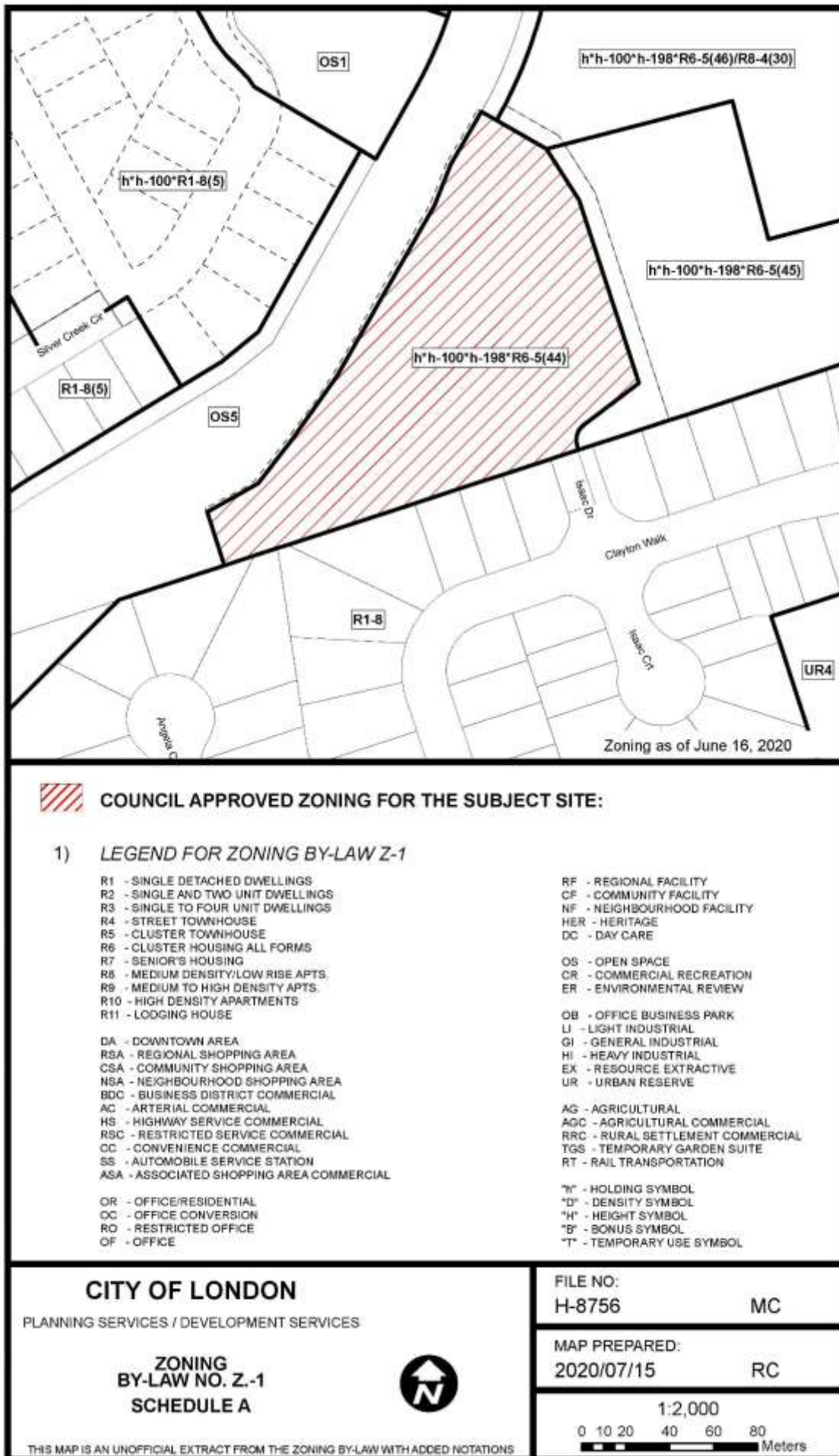
CITY OF LONDON
 Department of
Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -
 PREPARED BY: Graphics and Information Services



FILE NUMBER: H-8756
PLANNER: MC
TECHNICIAN: RC
DATE: 2020/07/15

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

Zoning Excerpt



TO:	CHAIR AND MEMBERS PLANNING AND ENVIRONMENT COMMITTEE MEETING OF AUGUST 10, 2020
FROM:	GEORGE KOTSIFAS MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT	STRATEGIC PLAN PROGRESS VARIANCE

RECOMMENDATION

That, on the recommendation of the Managing Director, Development and Compliance Services, the following report on the Strategic Plan Progress Variance **BE RECEIVED** for information.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Strategic Priorities and Policy Committee (SPPC): November 25, 2019, June 23, 2020.

BACKGROUND

On April 23, 2019, Council set the 2019-2023 Strategic Plan for the City of London. This is a critical document that identifies Council’s vision, mission, and the strategic areas of focus for 2019-2023. It identifies the specific outcomes, expected results and strategies that Council and Civic Administration will deliver on together over the next four years.

The Strategic Plan also includes a commitment to report regularly to Londoners on the implementation of the Strategic Plan, demonstrating progress being made and how this work is having an impact in the community.

As part of the Strategic Plan reporting cycle, variance reports are completed for any actions identified as ‘caution’ or ‘below’ plan in the Semi-Annual Progress Report. These reports are submitted to the appropriate Standing Committee following the tabling of the May and November Progress Reports.

DISCUSSION

This report outlines the actions corresponding to the Planning and Environment Committee that, as of May 2020 that were identified as caution or below plan. This report covers 5 milestones that were flagged as caution.

Overall Strategic Plan Progress

As of May 2020, 462 (88.0%) of all actions are complete or on target. 46 (7.9%) actions were marked as ‘caution’ (actions behind by one quarter or three months or actions that are in progress or not yet started that are flagged as possibly not being completed by the target end date). There were no actions that were noted as below plan.

Variance Explanations

- Strengthening Our Community – Caution

Strategy	Action	Rationale & Implications	New Timeline
Outcome: London’s neighbourhoods have a strong character and sense of place.			
Expected Result: Ensure that new development fits within and enhances its surrounding community.			
Prepare and implement urban design guidelines.	Complete City-wide Urban Design Guidelines.	Draft City-wide Urban Design Guidelines have been circulated for	The new target end date is 3/31/21.

Strategy	Action	Rationale & Implications	New Timeline
	Action owner: City Planning End date: 6/30/20	comment. Staff continue to work with stakeholders on refinements to the draft.	
Outcome: London's neighbourhoods have a strong character and sense of place. Expected Result: Continue to conserve London's heritage properties and archaeological resources.			
Conserve London's heritage through regulation and investment.	Complete Municipally owned heritage buildings conservation master plan. Action owner: City Planning End date: 12/31/20	A consultant has been retained to complete the study, however, the inability to do field work during COVID-19 has delayed the project start.	The new target end date is 12/31/21.

 Building a Sustainable City - Caution

Strategy	Action	Rationale & Implications	New Timeline
Outcome: London's growth and development is well planned and sustainable over the long term. Expected Result: Direct growth and intensification to strategic locations.			
Advance the growth and development policies of the London Plan through enhanced implementation tools and investments in infrastructure.	Establish performance measures for permit ready lots and on the market units. Action owner: DCS End date: 12/31/19	Annual Development Report (ADR) established baseline. Next steps underway to allow for additional stakeholder consultation and review of metrics. When completed, to be included in ADR.	The new end date for this action is 12/31/20.
Outcome: London has a strong and healthy environment. Expected Result: Protect and enhance waterways, wetlands, and natural areas.			
Implement strategies, policies, and programs to conserve natural areas and features.	Improve Environmental Impact Study monitoring compliance for applicable developments. Action owner: DCS End date: 12/31/20	This is on track to issue a RFP by the end of 2020 and start monitoring in 2021.	The new end date for this action is 6/30/21.

 Leading in Public Service - Caution

Strategy	Action	Rationale & Implications	New Timeline
Outcome: London creates a supportive environment where entrepreneurs, businesses, and talent can thrive. Expected Result: Enhance the ability to respond to new and emerging technologies and best practices.			
Deliver and maintain innovative digital solutions to increase efficiency and effectiveness across the Corporation.	Complete the foundational requirements for converting to digital application tracking from manual processes. Action owner: DCS End date: 12/31/20	Slight delay in establishing baseline project scope due to resource constraints. Not anticipated to be a major implication to budget and business case at this time. This is a priority project in DCS and alternative approaches to deliver are underway.	The new end date for this action is 6/30/21.

CONCLUSION

The Semi-Annual Progress Report is an important tool that allows the community, Council and Administration to track progress and monitor the implementation of Council's Strategic Plan. In some cases actions have been delayed due to shifting priorities or emerging circumstances. The Strategic Plan Variance Reports are intended to provide Council with a more in-depth analysis of these delays. Information included in this report can support Council in strategic decision making and inform the work of Civic Administration.

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

- cc. Lynne Livingstone, City Manager
Strategic Leadership Team
Strategic Thinkers Table



London
CANADA

Development and Compliance Services Building Division

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

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

Date: July 17, 2020

RE: Monthly Report for June 2020

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

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

Permit Issuance

By the end of June, 1,634 permits had been issued with a construction value of \$386.9 million, representing 695 new dwelling units. Compared to last year, this represents a 28.2% decrease in the number of permits, a 46.1% decrease in the construction value and a 38.9% decrease in the number of dwelling units.

To the end of June, the number of single and semi-detached dwellings issued were 376, which was a 22.9% increase over last year.

At the end of June, there were 972 applications in process, representing approximately \$885 million in construction value and an additional 2011 dwelling units, compared with 720 applications having a construction value of \$530 million and an additional 819 dwelling units for the same period last year.

The rate of incoming applications for the month of June averaged out to 24.4 applications a day for a total of 537 in 22 working days. There were 99 permit applications to build 99 new single detached dwellings, 21 townhouse applications to build 73 units, of which 4 were cluster single dwelling units.

There were 397 permits issued in June totalling \$102.1 million including 214 new dwelling units.

Inspections

BUILDING

Building Inspectors received 2,547 inspection requests and conducted 3,447 building related inspections. An additional 2 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections.

Based on the 2,547 requested inspections for the month, 97% were achieved within the provincially mandated 48 hour time allowance.

CODE COMPLIANCE

Building Inspectors received 407 inspection requests and conducted 628 building related inspections. An additional 87 inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections.

Based on the 407 requested inspections for the month, 97% were achieved within the provincially mandated 48 hour time allowance.

PLUMBING

Plumbing Inspectors received 1,053 inspection requests and conducted 1,489 plumbing related inspections. No inspections were completed relating to complaints, business licenses, orders and miscellaneous inspections.

Based on the 1,053 requested inspections for the month, 100% were achieved within the provincially mandated 48 hour time allowance.

NOTE:

Conducted inspections can be higher than the 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

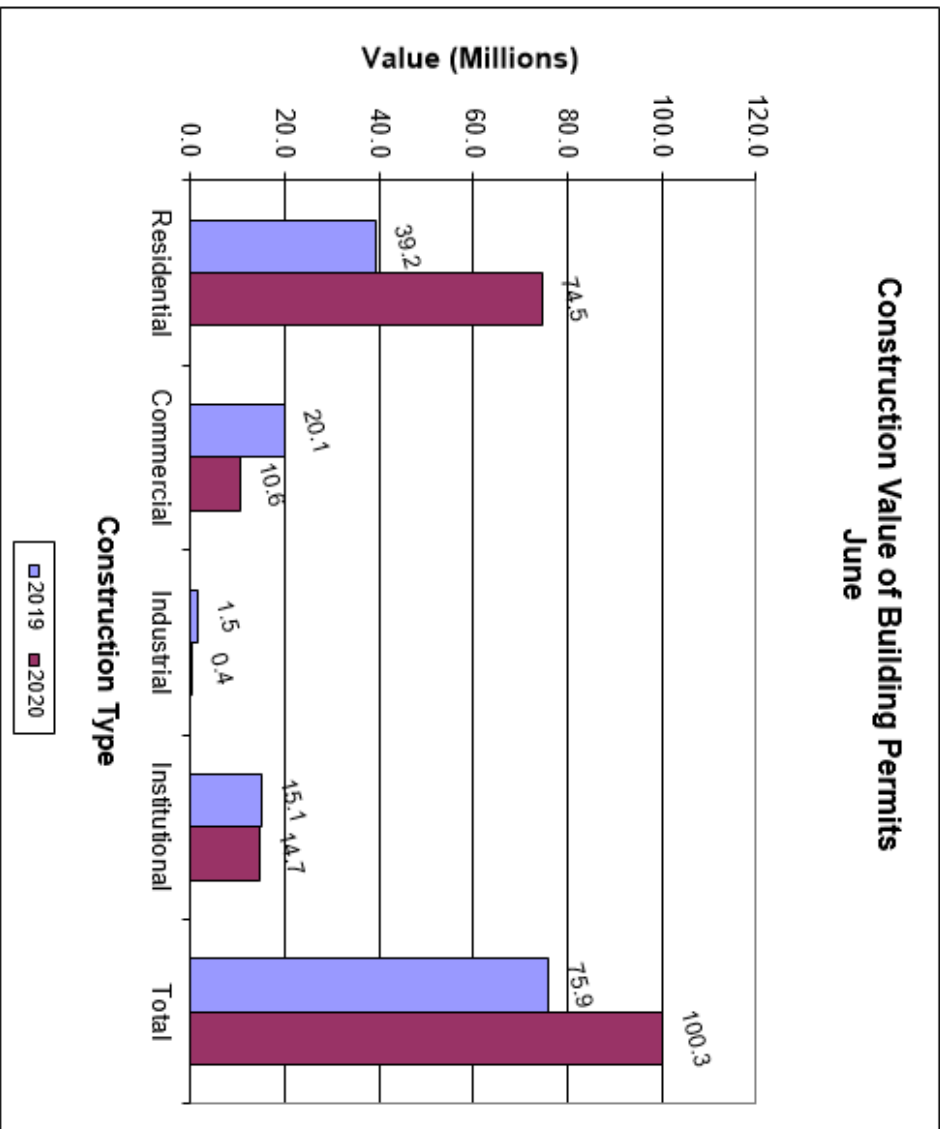
CITY OF LONDON

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

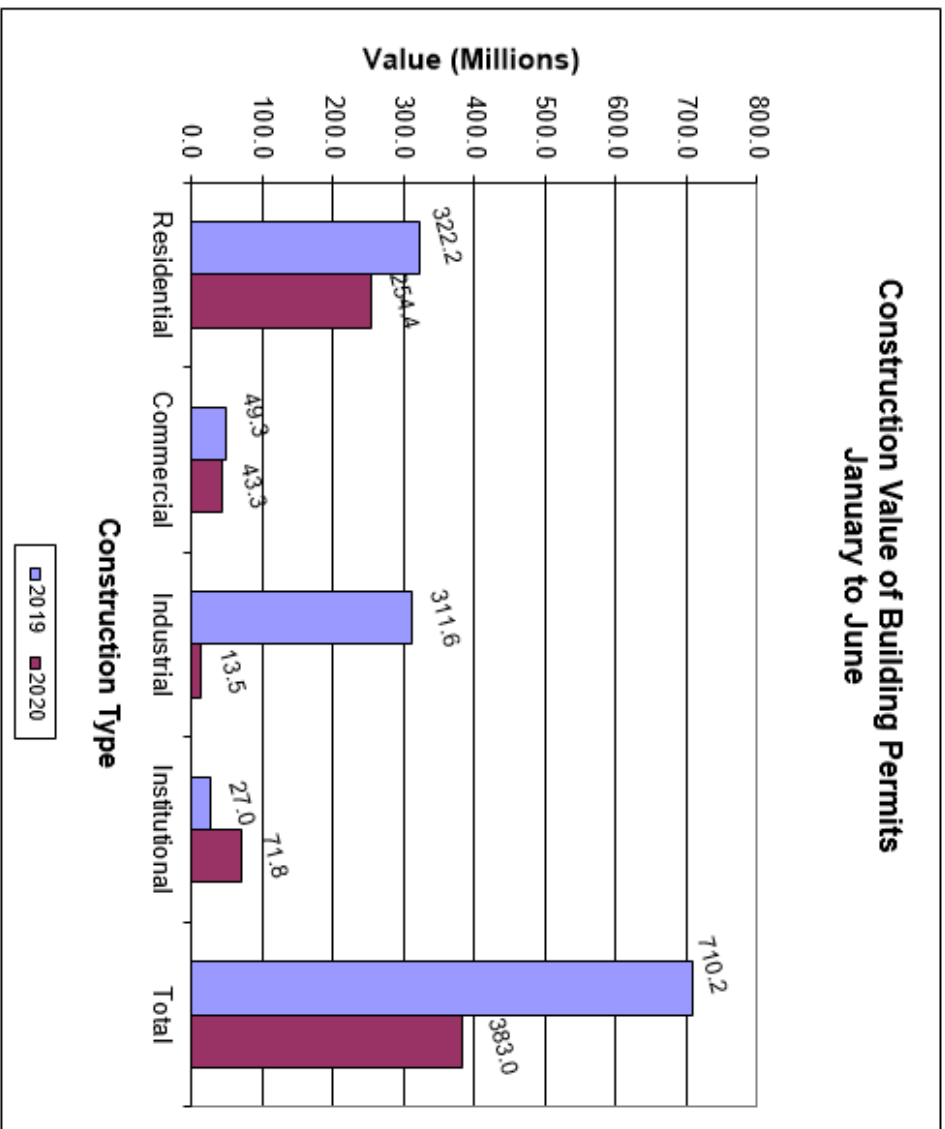
CLASSIFICATION	June 2020				to the end of June 2020				June 2019				to the end of June 2019			
	NO. OF PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	PERMITS	CONSTRUCTION VALUE	NO. OF UNITS	
SINGLE DETACHED DWELLINGS	85	36,868,544	85	376	159,106,304	376	53	25,099,950	53	306	129,834,191	306	0	0		
SEMI DETACHED DWELLINGS	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
TOWNHOUSES	14	16,625,300	67	54	43,268,185	172	12	8,988,750	40	86	73,169,840	347	86	73,169,840		
DUPLEX,TRIPLEX,QUAD,APT BLDG.	2	16,504,800	60	4	26,878,800	127	1	896,000	5	13	90,607,152	442	13	90,607,152		
RES.-ALTER & ADDITIONS	123	4,518,050	2	557	25,158,423	20	168	4,261,877	3	911	28,624,102	43	911	28,624,102		
COMMERCIAL-ERECT	3	1,349,800	0	7	4,160,300	0	2	4,650,000	0	6	7,339,680	0	6	7,339,680		
COMMERCIAL-ADDITION	1	790,000	0	2	791,800	0	3	2,337,500	0	7	5,349,500	0	7	5,349,500		
COMMERCIAL-OTHER	21	8,506,654	0	183	38,380,885	0	45	13,139,600	0	286	36,598,170	0	286	36,598,170		
INDUSTRIAL-ERECT	0	0	0	2	3,436,700	0	1	450,000	0	5	301,580,000	0	5	301,580,000		
INDUSTRIAL-ADDITION	0	0	0	4	7,918,800	0	0	0	0	5	5,249,000	0	5	5,249,000		
INDUSTRIAL-OTHER	4	422,000	0	21	2,107,607	0	7	1,060,800	0	42	4,792,300	0	42	4,792,300		
INSTITUTIONAL-ERECT	0	0	0	2	32,575,000	0	1	9,816,800	0	1	9,816,800	0	1	9,816,800		
INSTITUTIONAL-ADDITION	4	3,160,000	0	6	6,560,000	0	1	1,327,200	0	2	1,453,200	0	2	1,453,200		
INSTITUTIONAL-OTHER	20	11,528,000	0	59	32,664,201	0	23	3,921,500	0	71	15,768,910	0	71	15,768,910		
AGRICULTURAL	0	0	0	1	100,000	0	0	0	0	4	15,610,000	0	4	15,610,000		
SWIMMING POOL FENCES	95	1,789,796	0	162	3,718,836	0	41	836,331	0	112	2,460,864	0	112	2,460,864		
ADMINISTRATIVE	4	0	0	23	88,000	0	26	58,205	0	70	192,005	0	70	192,005		
DEMOLITION	8	0	5	32	0	23	8	0	4	44	0	23	44	0		
SIGNS/CANOPY-CITY PROPERTY	1	0	0	2	0	0	1	0	0	18	0	0	18	0		
SIGNS/CANOPY-PRIVATE PROPERTY	12	0	0	137	0	0	38	0	0	287	0	0	287	0		
TOTALS	397	102,062,944	214	1,634	386,913,841	695	431	76,844,513	101	2,276	728,445,714	1,138	2,276	728,445,714		

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

Construction Value of Building Permits June



Construction Value of Building Permits January to June



City of London - Building Division

Principal Permits Issued from June 1, 2020 to June 30, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Transport Canada	1000 Air Ontario Dr	Alter Community College INTERIO ALTER FOR CLASSROOMS + NEW STAIR Shell Permit Only -Provide sealed guardrail and steel shop drawings to the Building Division for review prior to work in these areas	0	3,000,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	1011 Viscount Rd	Alter Schools Elementary, Kindergarten Alter to replace Fluid Cooler and Existing Pumps. Add Structural reinforcing to roof.	0	380,000
HYDE PARK SQUARE INC Hyde Park Square Inc	1175 Hyde Park Rd	Alter Retail Plaza PARTIAL BUILDING FACADE RENOVATION	0	400,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	125 Sherwood Forest Sq	Install-Schools Secondary, High, Jr. High Institutional Building - Plumbing Installation - Schools Secondary, High, Jr. High replacement of storm sewers	0	600,000
KILLALY SHOPPING CENTRE INC. KILLALY SHOPPING CENTRE INC.	1255 Killaly Rd	Alter Restaurant ALTER - NEW TENANT FIT-UP FOR 'IRON SKILLET' RESTAURANT, UNITS 13 & 14	0	107,500
Oxbury Centre	1299 Oxford St E	Erect-Restaurant ERECT SHELL BUILDING "B" Shell Permit -Provide sealed roof access ladders shop drawings to the Building Division for review prior to work in these areas	0	280,000
Oxbury Centre	1299 Oxford St E	Erect-Retail Plaza ERECT RETAIL MULTI USE Shell Permit Only -Provide sealed Misc. Metals shop drawings for access ladder and awning to the Building Division for review prior to work in these areas	0	919,800
London District Catholic School Board	155 Tweedsmuir Ave	Add Schools Elementary, Kindergarten IS- ADD AND ALTER Shell Permit Only -Provide sealed Misc. Metals for the guards and access shop drawings to the Building Division for review prior to work in these areas. Submit sprinkler shop drawing and GRCC for fire protection.	0	3,040,000
ANANTA INVESTMENTS LIMITED	1579 Oxford St E	Alter Restaurant INTERIOR ALTERATION OF UNIT # 213 Zoning - NSA3, 4 & 5 permits a restaurant. Need to confirm max. GFA for a restaurant; either 300 m2 or 500 m2. Confirming with Adam. Minor variance may be required. April 28, 2020	0	400,000
2496517 Ontario Inc	16035 Roblin's Hill Rd	Alter Warehousing TENANT FIT OUT FOR BUILDING 'I' UNIT #10	0	177,000
2496517 Ontario Inc	1712 Hyde Park Rd	Add Gymnasium COMM- ADD FOR GYMNASIUM SPACE, RETAIL SHELL SPACE, AND ONE APARTMENT UNIT	0	790,000
2162538 ONTARIO INC. Patrick Hazzard 2594857 Ontario Inc	179 Dundas St 1820 Canvas Way A	Alter Offices CM - INTERIOR OFFICE RENOVATIONS Erect-Townhouse - Rental Townhouse Building - Erect new townhouse - Townhouse - Rental - 2 STOREY BLOCK A	0 7	154,800 1,107,600

City of London - Building Division

Principal Permits Issued from June 1, 2020 to June 30, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Patrick Hazzard 2584857 Ontario Inc	1820 Canvas Way B	Erect-Townhouse - Condo RT - ERECT 6 UNIT TOWNHOUSE BLOCK, DPNs 34, 36, 38, 40, 42, 44	6	969,300
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	191 Dawn Dr	Install-Schools Elementary, Kindergarten Institutional Building - Plumbing Installation - Schools Elementary, Kindergarten Replacement of existing storm sewer in school driveway as part of playground resurfacing works. Permit previously applied for and reviewed by Drago. Issue with receiving payment so it is to be cancelled and resubmitted through the portal.	0	120,000
2682207 Ontario Ltd	200 Callaway Rd	Erect-Apartment Building RA - ERECT 4 STOREY APARTMENT BUILDING	60	13,604,800
DANCOOR HURON ROBIN'S HILL INC. DANCOOR HURON ROBIN'S HILL INC.	2240 Huron St	Alter Warehousing INTERIOR ALTERATION TO UNIT #1	0	195,000
SIFTON PROPERTIES LIMITED	249 Delacourt Rd	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 1 STOREY, 2 CAR, 2 BED, UNFINISHED BASEMENT, NO DECK, W/ AC, SB12 A1, LOT 28, DWHR AND HRV REQUIRED	1	374,400
MAGNIFICENT HOMES 1865512 ONTARIO INC. / MAGNIFICENT HOMES	2610 Kettering Pl A	Erect-Street Townhouse - Condo ERECT 10 UNIT TOWNHOUSE BLDG A - DPN 1, 3, 5, 7, 9, AND 2604, 2606, 2608, 2610, 2612 SHEFFIELD BLVD	10	3,315,000
MAGNIFICENT HOMES 1865512 ONTARIO INC. / MAGNIFICENT HOMES	2610 Kettering Pl C	Erect-Street Townhouse - Condo ERECT 10 UNIT TOWNHOUSE BLDG C - DPN 21, 23, 25, 27, 29, AND 2630, 2632, 2634, 2636, 2638 SHEFFIELD BLVD	10	3,600,000
Roman Catholic Episcopal Corporation Diocese Of London	266 Epworth Ave	Alter University REPLACE OLD STEAM BOILER WITH NEW GAS FIRED BOILERS, ADD NEW PUMPS, ADD A BACK FLOW PREVENTER, ADD NEW TOPS ON EXISTING FLOOR DRAINS.	0	640,000
Wynj (Lcc) Holdings Inc	275 Dundas St	Alter Offices Demolition and structural work for future tenant fit-up (floors 18,19, 20 and 21), Provide sealed stairs guards and partition wall shop drawings to the Building Division for review prior to work in these areas	0	1,500,000
SIFTON PROPERTIES LIMITED	2810 Sheffield Pl 2	Erect-Townhouse - Cluster SDD ERECT SDD, 1 STOREY, 1 CAR GARAGE, 4 BEDROOM, PARTIAL FINISHED BASEMENT, NO DECK, A/C INCLUDED, SB-12 PERFORMANCE, DPN 2 M.V.L.C.P. No. 900, 1,2UV WINDOWS, NO DWHR UNIT REQUIRED, Model Change June 24, 2020.	1	278,000

City of London - Building Division

Principal Permits Issued from June 1, 2020 to June 30, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
731675 ONTARIO LIMITED LIMITED	731675 ONTARIO 3080 Boswick Rd	Erect-Garage for Apartment Building ERECT TWO LEVEL UNDERGROUND PARKING STRUCTURE FOUNDATION PERMIT ONLY, SUBMIT MECH, PLUMB, ELECTRICAL AND SPRINKLER SYSTEM DRAWINGS, SUBMIT SEALED SHOP DRAWINGS FOR STAIRS AND GUARDRAILS TO THE BUILDING DIVISION	0	2,900,000
THAMES VALLEY DISTRICT SCHOOL BOARD VALLEY DISTRICT SCHOOL BOARD	THAMES 328 Springbank Dr	Install-Schools Elementary, Kindergarten Institutional Building - Plumbing Installation - Schools Elementary, Kindergarten Storm sewer replacement	0	250,000
Willow Bridge Construction Inc	3560 Singleton Ave 1	Erect-Townhouse - Cluster SDD ERECT NEW CLUSTER SDD, 2 STOREY, 2 CAR, 5 BED, FINISHED BASEMENT, NO DECK, W/ A/C, SBI2 A1, UNIT 19, DWHR AND HRV REQUIRED.	1	489,000
TRICAR PROPERTIES LIMITED LIMITED	TRICAR PROPERTIES 3800 Colonel Talbot Rd	Erect-Clubs, Non Residential Erect soccer club house	0	150,000
148070 Ontario Inc	475 Wharmcliffe Rd S	Install-Automobile Sales & Service Install prefabricated spray paint booth - Daimler Motors.		150,000
SKYLINE RETAIL REAL ESTATE HOLDINGS INC. SKYLINE RETAIL REAL ESTATE HOLDINGS INC.	509 Commissioners Rd W	Alter Super Market Alter interior of existing Supermarket. Submit Sprinkler System shop drawings for review by City. SUBMIT THE NAME OF THE INTEGRATED TESTING CO-ORDINATOR for this project.	0	1,582,000
772866 Ontario Limited	530 Oxford St W	Alter Retail Plaza INTERIOR ALTERATION AND FACADE ALTERATION	0	656,000
The Ironstone Building Company Inc	745 Chelton Rd D	Erect-Townhouse - Condo Townhouse Building - Erect new townhouse - Townhouse - Condo Block D - 4 units - DPN's 20, 22, 24, 26 - 2 storey split town with garage, finished basement, AC and deck	4	860,000
The Ironstone Building Company Inc	745 Chelton Rd E	Erect-Townhouse - Condo Townhouse Building - Erect new townhouse - Townhouse - Condo Block E - 4 units - DPN's 12, 14, 161, 18 - 2 storey split town with garage, finished basement, AC and deck	4	861,000
The Ironstone Building Company Inc	745 Chelton Rd F	Erect-Townhouse - Condo Townhouse Building - Erect new townhouse - Townhouse - Condo Block F - 5 units - DPN's 2, 4, 6, 8, 10 - 2 storey split town with garage, finished basement, AC and deck	5	885,000

**City of London - Building Division
Principal Permits Issued from June 1, 2020 to June 30, 2020**

Owner	Project Location	Proposed Work	No. of Units	Construction Value
The Ironstone Building Company Inc	745 Chelton Rd O	Erect-Street Townhouse - Condo ERECT NEW 5 UNIT TOWNHOUSE BLOCK O - 2 STOREY, 3 BEDROOMS, 1 CAR GARAGE, FINISHED BASEMENT, WITH DECK, WITH A/C, SB-12 AL, HRV AND DWHR REQUIRED, DPN 661, 665, 669, 673, 677	5	1,083,000
The Ironstone Building Company Inc	745 Chelton Rd P	Erect-Street Townhouse - Condo ERECT NEW 4 UNIT TOWNHOUSE BLOCK P - 2 STOREY, 3 BEDROOMS, 1 CAR GARAGE, FINISHED BASEMENT, WITH DECK, WITH A/C, SB-12 AL, HRV AND DWHR REQUIRED, DPN 685, 689, 693,697	4	960,000
The Ironstone Building Company Inc	745 Chelton Rd Q	Erect-Street Townhouse - Condo ERECT NEW 4 UNIT TOWNHOUSE BLOCK Q - 2 STOREY, 3 BEDROOMS, 1 CAR GARAGE, FINISHED BASEMENT, WITH DECK, WITH A/C, SB-12 AL, HRV AND DWHR REQUIRED, DPN 705, 709, 713, 717	4	960,000
The Ironstone Building Company Inc	745 Chelton Rd R	Erect-Street Townhouse - Condo ERECT NEW 5 UNIT TOWNHOUSE BLOCK R - 2 STOREY, 3 BEDROOMS, 1 CAR GARAGE, FINISHED BASEMENT, WITH DECK, WITH A/C, SB-12 AL, HRV AND DWHR REQUIRED, DPN 725, 729, 733, 737, 741	5	1,083,000
CENTURION APARTMENTS C/O CENTURION PROPERTY ASSOCIATES	75 Ann St	Alter Apartment Building ALTERATION OF BEDROOMS TO INSTALL NEW WINDOWS, WINDOWS PERMITTED FOR BEDROOM 'C' ONLY.	0	300,000
Kanoo-750 Kipps Ltd c/o Transglobe Mgmt Services	750 Kipps Lane	Alter Apartment - Condo REPAIRING THE UNDERGROUND PARKING GARAGE	0	187,000
785 Wonderland Road Inc c/o Mccor Management (East) In	785 Wonderland Rd S	Alter Retail Store CM - INTERIOR ALTER FOOD COURT Shell Permit Only -Provide sealed steel stairs shop drawings to the Building Division for review prior to work in these areas. For Base Design of customer areas: submit Sprinkler Shop Drawings (with piping) for review.	0	2,750,000
LONDON HEALTH SCIENCES CENTRE LONDON HEALTH SCIENCES CENTRE	800 Commissioners Rd E	Alter Hospitals IS - ADDING FLOOR AREA TO LEVEL 3 MECH/ELEC PENTHOUSE AND RENOVATING EXISTING MECH/ELECTRICAL SPACE Shell Permit Only -Provide sealed access cross-over stair system and the roof access ladder shop drawings to the Building Division for review prior to work in these areas	0	6,000,000
THAMES VALLEY DISTRICT SCHOOL BOARD THAMES VALLEY DISTRICT SCHOOL BOARD	941 Viscount Rd	Alter Schools Secondary, High, Jr. High Alter to remove underground Electrical room and repair exterior grade. Zoning - CF1 Saunders Secondary School	0	175,000



City of London - Building Division
Principal Permits Issued from June 1, 2020 to June 30, 2020

Owner	Project Location	Proposed Work	No. of Units	Construction Value
Gvr Investments Ltd	970 Green Valley Rd	Alter Offices CM - INTERIOR ALTERATION TO TELECOMMUNICATION OFFICE Shell Permit Only - Provide sealed raised floor, ramp and guards shop drawings to the Building Division for review prior to work in these areas	0	500,000

Total Permits 43 Units 127 Value 58,534,200
** 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
2496517 Ontario Inc
Oxbury Centre
TRICAR PROPERTIES LIMITED
TRICAR PROPERTIES LIMITED

Commercial Permits regardless of construction value

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Removing References to 1989 Official Plan from Zoning By-law Z.-1

Public Participation Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on August 25, 2020 to amend Zoning By-law No. Z.-1 by deleting certain references to policy sections, land use designations, and map schedules of the 1989 Official Plan and adding references to The London Plan.

Executive Summary

Decisions of the Local Planning Appeal Tribunal (LPAT) regarding the City of London's new official plan (the *London Plan*) have now brought the majority of the *London Plan* policies into force and effect. Decisions of the LPAT continue to scope the matters under appeal and resolve site-specific appeals. At the time of writing this report, the first phase of *London Plan* appeal hearings are expected to proceed in September 2020.

In order to transition to the new policy framework of The London Plan, changes are required to the implementing zoning by-law, Zoning By-law Z.-1. A municipality's zoning by-law implements the policies of its official plan. The purpose and effect of the proposed by-law is to remove references to the old Official Plan (1989) and its policy sections and "land use designations".

The recommended amendments to the Zoning By-law to introduce these changes are an interim measure and do not negate the need for a comprehensive review and update to the Zoning By-law. Such a comprehensive review to implement the policy framework of the *London Plan* is currently underway through the "ReThink Zoning" initiative.

Report

1.0 Background

The London Plan: OMB/LPAT Appeals

The City of London's new official plan, *the London Plan*, was adopted by City Council on June 23, 2016. It was approved by the Ontario Ministry of Municipal Affairs and the Ministry of Housing on December 28, 2016. *The London Plan* was then appealed to the Ontario Municipal Board (OMB) in January 2017. As a result of changes to Provincial legislation, the OMB has changed to a tribunal called the Local Planning Appeal Tribunal (LPAT). The LPAT will proceed using the rules that were in effect for the OMB at the time the appeals were made.

Staff have been working with the appellants to scope the policies, maps, and matters that are under appeal. Scoping has been on-going, including a number of meetings of experts and "round-table" meetings for issues with multiple appellants. Pre-hearing conferences of the LPAT have been held to continue to work toward appeal resolutions. The LPAT has issued several decisions that have brought London Plan policies into effect. The most recent decision by the LPAT was made on February 7, 2020, and this

decision brought the total number of policies in effect to 85% of the London Plan (1,582 policies), notwithstanding certain site-specific appeals.

LPAT decisions have brought into force and effect policies where: (1) appeals are withdrawn by the appellants; (2) changes to policy wording and mapping have been approved by City Council and agreed to by the appellants; (3) appeals are to the site-specific application of a policy to a property (or properties in an area), so that the policy is in force and effect city-wide except for those specific properties where further discussion or a hearing will be required for resolution; and (4) where site-specific appeals have been resolved.

Settlement discussions with appellants are continuing. The first phase of hearings before the LPAT was scheduled to begin in April 2020. As a result of the COVID-19 pandemic and the Province of Ontario's declaration of a State of Emergency, the first phase of hearings has been postponed and is currently expected to proceed in September 2020.

2.0 Proposed Changes

2.1 Nature of the Amendment

The majority of *London Plan* policies are now in force and effect as the new official plan for the City of London. In accordance with section 24(1) of the *Planning Act*, no by-law, including a Zoning By-law, shall be passed by Council for any purpose unless it conforms to the *London Plan*. Per section 34 of the *Planning Act*, a Zoning By-law is a restrictive tool. The purpose of Zoning is to:

- Restrict the use of land to uses defined in the zoning by-law, including lands used for operating pits and quarries;
- Restrict the erecting, locating, or using of buildings or structures except as set out in the by-law;
- Prohibit buildings or structures on lands subject to hazards such as flooding or steep slopes;
- Prohibiting the use of lands that are contaminated, contain sensitive groundwater or surface water features, or that are identified as a vulnerable area in a drinking water source protection plan;
- Prohibiting uses of lands in areas of natural heritage features or functions;
- Prohibiting the use of land on sites of significant archaeological resources;
- Regulating types of construction including height, bulk, location, size, floor area, spacing, character and use of buildings, as well as minimum and maximum density.
- Regulating parcel sizes, including area, depth, and frontage, and the proportion of that area covered by any building or structure; and
- Regulating elevators and parking facilities.

A Zoning By-law is a tool to implement the policies of a city's official plan through regulations. The current City of London Zoning By-law Z.-1 was written following the approval of the 1989 Official Plan with the intent of implementing its vision for growth in London. Zoning By-law Z.-1 currently includes references to the 1989 Official Plan and its "land use designations" that are implemented by the Zones. Such references are found in explanatory "General Purpose" sections at the beginning of many Zones, as well as in specific references to implementing certain land use designations. The 1989 Official Plan term "land use designation" is now called "Place Type" in the *London Plan*. The change to "Place Types" is intended to identify a policy framework that recognizes

built form and intensity of development as well as the land use (e.g. Residential or Industrial zone variations).

Upon the conclusion of the *London Plan* hearings process the 1989 Official Plan will be repealed. In preparation for this, and given that the majority of the *London Plan* is in effect, references to land use “designations” of the 1989 Official Plan are recommended to be removed from Zoning By-law Z.-1 in order to assist with the transition to the new policy framework of the new Plan. There are also certain references to 1989 Official Plan policies and maps which can be removed from Zoning By-law Z.-1 to facilitate the transition to this new policy framework.

This technical amendment will serve as an interim measure until the city-wide comprehensive Zoning By-law review is completed through the ReThink Zoning initiative. The city-wide update will more fully evaluate the Zoning approach to regulate development in a way that implements the policies of *The London Plan*.

2.2 Categories of Change and Example

The categories of changes are summarized as follows:

- Removal of references to the 1989 Official Plan “Land Use Designation” that is implemented by the Zone, or related references to other Zones that may implement that Land Use Designation of the 1989 Official Plan. The purpose of this change is to remove references to the “land use designations” that were the policy structure for development and growth under the previous Official Plan, but which have now been replaced by the London Plan (with 85% of London Plan policies now in effect), or to ease the transition to the London Plan.
- Removal of references to 1989 Official Plan policy sections and numbers where the 1989 policy has been replaced by a London Plan policy. The purpose of this change is to remove references to specific policy sections of the 1989 Official Plan, where those 1989 policies and chapters have now been replaced by approved London Plan policies.
- Removal of references to 1989 Official Plan Map Schedules and/or map features, where the purpose of the reference in the Zoning By-law is to indicate which map illustrates which land uses or features. The London Plan Maps are still under appeal; however, removal of certain 1989 OP map references will ease the transition to implementing the new London Plan maps once appeals are resolved. Certain references to the 1989 Map Schedules are also not required in Zoning because those features are listed and described separately in policies of the plan. Additionally, such policies also indicate which Map Schedule delineates the features.

2.2.1 Example of 1989 Official Plan Reference

In many chapters of Zoning By-law Z.-1 the first section is a “General Purpose” subsection. As part of the description that the General Purpose subsection provides, some chapters include descriptions of which “land use designation” of the 1989 Official Plan the Zone is implementing. For example, Zoning By-law section 5.1 includes the following statement (with bold emphasis added):

“The R1-14, R1-15 and R1-16 Zone variations are generally applied to existing residential lots on individual services in rural areas, **typically on lands designated Low Density Residential and Rural Settlement in the Official Plan.**”

As a result of the changes to the city’s growth frameworks and the City Structure Plan of *The London Plan*, various mixed-use forms of development are permitted in many of the Place Types. This results in many of the London Plan Place Types being implemented through multiple Zone variations, rather than the 1989 Official Plan where a number of zones were intended to only implement a particular land use designation. This

combined with certain *London Plan* policies and certain maps still being under appeal means that certain deletions of the references to the 1989 Official Plan are not coupled with replacement *London Plan* references.

The deletions and additions to Zoning By-law Z.-1 are shown in a table in Appendix “A”, attached to this report. In Appendix “A” the underlined text denotes additions and strikethrough denotes deletions of existing text. All changed text is shown in bold font.

3.0 Public Liaison

Notice of this city-wide amendment was advertised in the Londoner newspaper as well as on the City’s website through the “Current Planning and Development Applications” webpage. No public comments were received.

4.0 Conclusion

The February 7, 2020, decision of the Local Planning Appeal Tribunal (LPAT), has brought the majority of London Plan policies into effect. As a result of this and previous LPAT decisions, and to assist with the transition to this new policy framework, references to the land use “designations”, policy numbers, maps, and terminology of the 1989 Official Plan are removed and changed in Zoning By-law Z.-1.

A Zoning By-law implements the policies of a city’s official plan, therefore references to the 1989 Official Plan must be removed and, where appropriate, replaced with references using terminology of *The London Plan* in order to implement the new policy framework.

This amendment is an interim measure until the city-wide comprehensive review and update to Zoning By-law Z.-1 is completed through the ReThink London initiative.

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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 24, 2020
TM/tm

Appendix A – Table of Deleted and Added Text

Table of Deletions and Additions to Zoning By-law Z.-1

Note: Deleted text shown in 'Strikethrough' and Added text shown in 'Underline'.

Zoning By-law Z.-1 Section	Text Changes	Summary of Change
3.8.2 (h-2)	<p>h-2 Purpose: To determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of the Natural Heritage System (identified on Schedule "B" of the Official Plan), an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study or Subject Lands Status Report that has been prepared in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the "h-2" symbol. (Z.-1-051390)</p>	<p>Both the 1989 Official Plan and the London Plan identify in policy text the map that depicts the known Natural Heritage features.</p> <p>The component features of the Natural Heritage System are listed and described in Chapter 15 of the 1989 Official Plan and in the Environmental Policies part of the London Plan.</p> <p>Removal of the Map reference allows for transition to London Plan Map 5.</p>
3.8.2 (h-4)	<p>h-4 Purpose: To refine the One Hundred Year Erosion Limit (identified on Schedule "B" of the Official Plan), assess the potential impacts of development and identify measures to avoid or address potential erosion/slope instability hazards, an agreement shall be entered into specifying appropriate development conditions and boundaries, based on a geotechnical study that has been prepared in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the "h-4" symbol. (Z.-1-051390)</p>	<p>The One Hundred Year Erosion Limit is described in the "Riverine Erosion and Wetland Hazards" section of the Environmental Policies part of the London Plan, and in section 15.7 of the 1989 Official Plan.</p> <p>Both Plans include policies indicating the map that delineates this hazard feature.</p> <p>Removal of Map reference allows for transition to London Plan Map 6.</p>
3.8.2 (h-14)	<p>h-14 Purpose: To ensure the orderly development of lands for access to an arterial road, the "h-14" symbol shall not be deleted until vehicle access is provided to an arterially designated road across lands designated Regional Facility <u>lands planned for use as a regional facility.</u></p>	<p>The term "lands designated" is replaced with "lands planned for use" to recognize that Regional Facility is not a Place Type in the London Plan.</p>
3.8.2 (h-66)	<p>h-66 Purpose: To encourage high quality urban design for new infill residential development, satisfactory compliance with Council approved site specific design guidelines, adopted under Section 19.2.2. (Guideline</p>	<p>The Guideline Documents policies in the Our Tools part of the London Plan (policies 1712 to 1722) are in effect.</p>

Zoning By-law Z.-1 Section	Text Changes	Summary of Change
	<p>Documents) of the Official Plan, will be assessed during the site plan approval/review process. A site plan application; including the site plan, building elevations and landscaping plan; will be submitted in conformity with these site specific urban design guidelines and a development agreement drafted acceptable to the City of London prior to the removal of the "h-66" symbol. (Z.-1-061479)</p>	
3.11	<p>Any street or other names, property boundaries, municipal numbers or physical features on key map grid patterns shown on the maps are for reference purposes only. The shaded areas contained on the base maps of Schedule "A" Zone Maps are for reference purposes only, to assist property owners in knowing if their lands are affected by the Conservation Authorities Act or are identified as extractive industrial areas or aggregate resource areas. "Extractive Industrial" or "Aggregate Resource Areas" on Schedule "B", Flood Plain and Environmental Features to the Official Plan for the City of London. The lands in the Byron Gravel Pits area shaded on Key Maps 126 and 127 have been identified as areas containing aggregate resources that are presently licensed or that may be licensed for future aggregate extraction. Policies pertaining to the extraction of aggregate resources in the City of London are contained in the Natural Resources Chapter of Section 15.4 of the Official Plan. The lands so shaded on all other key maps lie within the flood fringe of the Thames River and at a minimum may require floodproofing and/or safe access before any development or redevelopment may occur. Approvals pursuant to the Conservation Authorities Act, will be required. (Z.-1-94236) (Z.-1-021019)</p>	<p>Extractive industrial and aggregate resource areas are delineated on map Schedule B of the 1989 Official Plan and on Map 6 of the London Plan.</p> <p>The removal of the reference to Schedule B is to facilitate the transition to the London Plan map once appeals are resolved.</p> <p>The removal of the reference to 1989 Official Plan Section 15.4 is because London Plan policies for extractive industrial areas and aggregate resources (contained in the Natural Resources policies of the London Plan) are in effect.</p>
4.8	<p>Notwithstanding any other provision of this By-law to the contrary, a Group Home Type 1 is permitted to occupy the whole of an individual dwelling unit, other than dwelling units located within Farmland areas</p>	<p>"Agriculture" is not a Place Type in the London Plan. It is replaced by Farmland.</p>

Zoning By-law Z.-1 Section	Text Changes	Summary of Change
	<p>designated as Agriculture in the Official Plan, including a single detached dwelling, a semi-detached dwelling, a duplex dwelling, and a triplex dwelling provided the total number of residents within the building structure does not exceed eight, The dwelling must have 20.0 square metres (216 sq. ft.) of gross floor area per person residing within the unit.</p> <p>[...]</p>	
5.1	<p>[Second paragraph] The R1-14, R1-15 and R1-16 Zone variations are generally applied to existing residential lots on individual services in rural areas, typically on lands designated Low Density Residential and Rural Settlement in the Official Plan. The R1-17 Zone variation is typically applied to large existing lots in these rural areas. (O.M.B. File #R910387 - Appeal #9008 June 4, 1993) (Z.-1-00759) (Z.-1-051318) (Z-1-051390)</p>	Removal of reference to land use designation.
17.1	<p>[Second paragraph] The OC1, OC2 and OC3 Zones accommodate office conversions in the areas where the Official Plan policies require that a residential component be maintained in the structure by requiring the retention of at least one dwelling unit in the existing residential building. The OC4, OC5 and OC6 Zone variations provide for a choice of uses in existing buildings. The OC7 and OC8 zone variations permit an even broader range of uses in existing buildings and are restricted in their application to the Talbot Neighbourhood, as directed by Official Plan policy 3.5.1. the “Talbot Mixed-Use Area” policies in the Neighbourhoods Place Type of The London Plan.</p>	Reference to 1989 Official Plan policy section 3.5.1 is removed and replaced with a reference to the “Talbot Mixed-Use Area” in the Neighbourhoods Place Type.
18.1	<p>This Zone provides for and regulates new office uses outside of the Downtown area in small-scale office buildings primarily in areas designated Multi-Family Medium Density or High Density Residential. The range of office uses and secondary uses which are provided for in the Official Plan have been differentiated on the basis of</p>	<p>Removal of reference to the “land use designation”.</p> <p>Reference to 1989 Official Plan policy section 3.5.1 is removed and replaced with a reference to the “Talbot Mixed-Use Area” in the Neighbourhoods Place Type.</p>

Zoning By-law Z.-1 Section	Text Changes	Summary of Change
	<p>function, intensity and potential impacts.</p> <p>There are different RO Zone variations to accommodate a range of office uses. An expanded range of uses and/or more intensive use of a site may be permitted at appropriate locations through the use of zone variations. The RO3 Zone variation is limited in its application to the Talbot Neighbourhood, as directed by Official Plan policy 3.5.1. the “Talbot Mixed-Use Area” policies in the Neighbourhoods Place Type of The London Plan.</p>	
19.1	<p>This Zone provides for and regulates new office uses outside of the Downtown area in small to medium scale office buildings primarily in areas designated Office Area in the Official Plan. The range of office uses and secondary uses which are provided for in the Official Plan have been differentiated on the basis of function, intensity and potential impacts.</p> <p>[...]</p>	Removal of the reference to the “Office Area” land use designation, which is not a Place Type.
21.1	<p>This Zone is primarily intended to implement the Enclosed Regional Commercial Node designation in Section 4.3.5 of the Official Plan. The Associated Shopping Area Commercial (ASA) Zone may also be used to zone commercial areas adjacent to the shopping centre node and also implement the Enclosed Regional Commercial Node designation. The RSA Zone primarily recognizes lands planned for use as enclosed regional shopping centres. The RSA Zone provides for and regulates a wide range of regional-scale, specialized, comparison shopping retail and personal service uses, as well as some office, commercial recreation and community facilities uses, which are suited to a location within an enclosed shopping centre building. Limits are placed on the amount of office and entertainment space. Other shopping centre and stand-alone buildings are allowed on a limited</p>	<p>Removal of the references to the ‘Enclosed Regional Commercial Node’ land use designation and the other Zones that implement that 1989 Official Plan designation.</p> <p>The added wording changes the emphasis from the policy “designation” to the “use” of the lands primarily as a shopping centre. This Zoning is found on lands that are in the Transit Village, Urban Corridor, and Shopping Area Place Types of the London Plan. These Place Types may permit mixed-use as well as regional-scale shopping areas.</p>

Zoning By-law Z.-1 Section	Text Changes	Summary of Change
	<p>basis normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen large surface parking lots. The permitted uses are the same for all RSA Zone variations, however, variations of the zone occur based on maximum permitted gross leasable floor area.</p>	
22.1	<p>This Zone is primarily intended to implement the Community Commercial Node designation in Section 4.3.7. of the Official Plan. The Associated Shopping Area Commercial (ASA) Zone may also be used to zone commercial areas adjacent to the shopping centre node and implement the Community Commercial Node designation.</p> <p><u>The CSA Zone is typically applied to community-scale commercial lands.</u> The CSA zone provides for and regulates a wide range of community-scale retail and personal service uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community or a number of neighbourhoods located within convenient walking and/or driving distance. Either enclosed or unenclosed shopping centres are the permitted form of development. Stand-alone buildings which are not part of a shopping centre may also be permitted at appropriate locations normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen large surface parking lots. The CSA6 Zone variation is used for this purpose. The permitted uses are the same for all CSA Zone variations; however, variations of the zone are differentiated based on maximum permitted gross leasable floor area. High density intensity residential uses may also be permitted by applying a Residential R8 or Residential R9 Zone.</p>	<p>Removal of reference to the land use designation and other Zones that implement the designation.</p> <p>Added wording is to identify where this Zone is typically applied rather than the 1989 policy designation.</p>
23.1	<p>This Zone is normally intended to implement the Neighbourhood</p>	<p>Removal of reference to the land use designation and other</p>

Zoning By-law Z.-1 Section	Text Changes	Summary of Change
	<p>Commercial Node designation in Section 4.3.8 of the Official Plan. The Associated Shopping Area Commercial (ASA), Highway Service Commercial (HS) and Restricted Service Commercial (RSC) may also be used in special circumstances to implement the Neighbourhood Commercial Node designation.</p> <p><u>The NSA Zone is typically applied to neighbourhood-scale commercial lands.</u> The NSA zone provides for and regulates a range of neighbourhood-scale retail, personal service and office uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents. Zone variations of the zone are differentiated based on uses and maximum permitted gross leasable floor area for certain defined uses. Shopping centres are the permitted form of development; however, stand-alone buildings may also be permitted at appropriate locations normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen parking lots. The NSA5 Zone variation is used for this purpose. A limited range of automotive uses may be permitted by using the Automobile Service Station (SS) Zone. High density and medium density residential uses may also be permitted by applying the appropriate zone.</p>	<p>Zones that implement the designation.</p> <p>Added wording is to identify where this Zone is typically applied rather than the 1989 policy designation.</p>
24.1	<p>This Zone is normally intended to implement the Auto-Orientated Commercial Corridor designation in Section 4.4.2 and the New Format Regional Commercial Node designation in Section 4.3.6 but also for development at the periphery of the Enclosed Regional Commercial Node designation in Section 4.3.5, the Community Commercial Node designation in Section 4.3.7 and the Neighbourhood Commercial Node designation in Section 4.3.8 of the Official Plan depending on the scale and location of the use. The ASA1 to ASA7 Zone variations are</p>	<p>Removal of reference to the land use designation and other Zones that implement the designation.</p> <p>Added wording is to show how Zone variations are typically applied. Policy is reordered so that the explanation of Zone variations comes after the general purpose of the Zone.</p>

Zoning By-law Z-1 Section	Text Changes	Summary of Change
	<p>intended to implement the Auto-Orientated Commercial Corridor designation land uses and the ASA8 Zone variation the New Format Regional Commercial Node designation. The variations generally group uses in the ASA1 (retail/convenience/personal service), ASA2 (retail/semi light industrial), ASA3 (offices), ASA4 (community facilities), ASA5 (automotive), ASA6 (large traffic generating uses), ASA7 (theatres) and ASA8 (large format retail) Zone variations.</p> <p>The ASA Zone provides for and regulates a wide range of retail, personal service, community facility, automotive and office uses. Uses permitted in the ASA Zone are differentiated through the use of zone variations on the basis of their function, intensity, customer draw, proximity to residential uses and potential impacts.</p> <p><u>The variations generally group uses as follows: in the ASA1 (retail/convenience/personal service), ASA2 (retail/semi light industrial), ASA3 (offices), ASA4 (community facilities), ASA5 (automotive), ASA6 (large traffic generating uses), ASA7 (theatres) and ASA8 (large format retail) Zone variations.</u></p>	
25.1	<p>This Zone is normally intended to implement the Main Street Commercial Corridor designation in Section 4.4.1 of the Official Plan. The BDC Zone is typically applied to corridors with a main street character. The This Zone provides for and regulates a mix of retail, restaurant, neighbourhood facility, office and residential uses located along pedestrian-oriented business districts in older parts of the City and in hamlets or small business areas in rural areas. Normally buildings are located near the street line with parking to the rear. The uses in this zone, which are intended to provide for the shopping needs of nearby residents, and cater to certain</p>	<p>Removal of reference to the land use designation.</p> <p>Wording is changed to identify the character of where the Zone is typically applied rather than the 1989 policy designation.</p>

Zoning By-law Z-1 Section	Text Changes	Summary of Change
	<p>specialty shopping needs, have been differentiated on the basis of their function, intensity and potential impacts. (Z-1-051390)</p> <p>[...]</p>	
26.1	<p>This Zone is normally intended to implement the Auto-Oriented Commercial Corridor designation in Section 4.4.2 of the Official Plan. The zone <u>This Zone</u> provides for and regulates a mix of small scale retail, office, personal service and automotive uses located along arterial roads which serve both vehicular and pedestrian trade. This zone tends to be applied in older areas of the City where auto-orientated uses have existed for some time and in areas along arterial roads that serve both a local and broad market area. The uses of this zone, which reflect the nature of existing development in an area, have been differentiated on the basis of their function, intensity and potential impacts.</p> <p>[...]</p>	Removal of reference to the land use designation.
27.1	<p>This Zone is normally intended to implement the Auto-Oriented Commercial Corridor designation in Section 4.4.2 of the Official Plan. The <u>This</u> Zone provides for and regulates a range of commercial and service uses which cater to the needs of the travelling public. They tend to be located on major arterial roads with high traffic volumes at major entrances to the City. Offices are not generally permitted.</p> <p>[...]</p>	Removal of reference to the land use designation.
28.1	<p>This Zone is normally intended to implement the Auto-Oriented Commercial Corridor designation in Section 4.4.2 of the Official Plan. The <u>This</u> Zone provides for and regulates a range of moderate intensity commercial uses, and trade service uses, which may require significant amounts of land for outdoor storage or interior building space and a location on major streets.</p>	Removal of reference to the land use designation.

Zoning By-law Z-1 Section	Text Changes	Summary of Change
	[...]	
36.1	<p>[Third Paragraph]</p> <p>The OS5 Zone variation applies to important natural features and functions that have been recognized by Council as being of City-wide, or regional, or provincial significance and identified as components of the Natural Heritage System on Schedule "B" of the Official Plan and regulated by policies in Section 15.3 of the Official Plan. These include Environmentally Significant Areas; Significant Woodlands; Locally Significant Wetlands; Significant Wildlife Habitat; Habitat of Vulnerable Species; River, Stream and Ravine corridors; Upland Corridors; and Fish Habitat and Naturalization Areas. In order to protect the identified features and functions, permitted activity is limited to a range of low-impact uses associated with passive recreation, conservation and ecosystem management. Development and site alteration is permitted only if it has been demonstrated through an appropriate study that there will be no negative impacts on the features and functions for which the area has been identified. (Z-1-94236) (Z-1-051390)</p>	<p>Both the 1989 Official Plan and the London Plan identify in policy text the map that depicts the known Natural Heritage features.</p> <p>The component features of the Natural Heritage System are listed and described in Chapter 15 of the 1989 Official Plan and in the Environmental Policies part of the London Plan.</p> <p>Removal of the Map reference allows for transition to London Plan Map 5. Removal of the reference to Section 15.3 and list of NHS component features is to allow for the transition to the Natural Heritage System policies in the Environmental Policies part of the London Plan.</p>
37.1	<p>This Zone applies to areas designated Environmental Review on Schedule "A" of the Official Plan which are intended to remain in a natural condition until their significance is determined through the completion of more detailed environmental studies. In order to protect the potentially significant features and functions of Environmental Review areas, permitted activity is limited to a range of uses associated with passive recreation, conservation and sustainable forest management. The ER Zone permits a range of low-impact uses that are similar to those permitted under the Open Space (OS5) Zone variation. In some instances lands designated Environmental Review lands on Schedule A, Land Use, of the</p>	<p>Removal of references to Schedule "A" (Land Use) of the 1989 Official Plan and the reference to land use designation.</p> <p>The General Purpose and intent of the Environmental Review Zone is maintained. Removal of the specific references allows for the transition to London Plan Map 1 (Place Types) upon resolution of appeals.</p>

Zoning By-law Z.-1 Section	Text Changes	Summary of Change
	<p>Official Plan about stream corridors for which floodplain mapping has not been completed. Much of this land is used for agricultural purposes and the Official Plan permits agriculture in lands designated Environmental Review <u>lands</u>. If necessary, existing uses and associated development regulations will be recognized on a site specific basis through the use of Special Provisions.</p>	
40.1	<p>This Zone provides for and regulates a range of industrial and associated secondary uses. In addition to the uses permitted in the LI1 Zone variation, an expanded range of industrial and complementary uses may be permitted, at appropriate locations, through other zone variations. A limited range of convenience, medical/dental and automotive uses may be permitted in association with industrial uses or by compounding with the Convenience Commercial (CC) and/or Automotive Service Station (SS) Zones. The LI10 zone variation will be applied to permit Self-storage Establishments where an approved secondary plan of the City of London indicates that the area currently designated Light Industrial <u>area</u> is intended to transition out of industrial use. (Z.-1-132230)</p>	Removal of reference to land use designation.
45.1	<p>The Agricultural Zone is intended to be applied to <u>agricultural and farmland areas. lands which are designated Agriculture in the Official Plan.</u> The creation of properties less than 40 ha (98.8 ac) in size is <u>not permitted. discouraged by the Official Plan policies.</u> The AG1 Zone variation permits a wide range of non-intensive agricultural uses whereas the AG2 Zone variation permits intensive and non-intensive agricultural uses. The AG3 Zone variation is intended to be compounded with other AG Zone variations where appropriate to permit secondary farm occupations. The AG4 Zone variation recognizes existing single detached dwellings in the rural area which may or may not have agricultural uses associated with them. The intent is that no new AG4</p>	<p>Removal of reference to the “Agriculture” land use designation, which is not a Place Type.</p> <p>Removal of discouragement of parcels less than 40 hectares and replacement with the minimum parcel size requirement of 40 hectares. This is in accordance with London Plan policy 1215_2.</p>

Zoning By-law Z-1 Section	Text Changes	Summary of Change
	<p>Zone variations will be created. The AG5 Zone variation is intended to be compounded with other AG Zone variations where appropriate to permit secondary farm dwellings.</p> <p>[...]</p>	
47.1	<p>This zone provides for a limited range of commercial uses <u>that serve the surrounding rural area</u>. Rural Settlement designations in conformity with Official Plan policies in Section 9.3.2 and 9.3.3. Most of the uses in a Rural Settlement designation are residential uses, specifically single detached dwellings, and the intent for the commercial uses is to serve the Rural Settlement community and surrounding rural area. This zone can be combined with the Neighbourhood Facility (NF) Zone to also permit a limited range of small-scale facility uses. Lot area and lot frontage requirements are higher because in the short term no public services will be available and private sewer septic systems will be required. Yard requirements are also higher and combined with site plan control will minimize any impacts.</p>	<p>Removal of references to the land use designation, its policy number in the 1989 Official Plan, and the general purpose of the designation.</p> <p>Replaced with reference to where this Rural Settlement Commercial Uses Zone applies.</p>
48.1	<p>This zone provides for and regulates garden suites on a temporary basis in accordance with Section 39 <u>(Temporary Use Provisions)</u> of the <i>Planning Act</i> and the Section 9.2.7 and 9.3.1 of the City's Official Plan. This zone permits garden suites for a specified period of time after which the Temporary Garden Suite (TGS) Zone symbol is removed and reverts back to the compound zone(s). This zone must be compounded with another zone. Extensions are provided for in the <i>Planning Act</i>.</p> <p>Garden suites are subject to the regulations contained in Section 45.3.3 <u>(Secondary Farm Occupations)</u> and require an agreement, through Section 207.2 of the Municipal Act, with the City dealing with such issues as number of residents, servicing details, removal of unit etc.</p>	<p>Removal of reference to the specific policy number of the 1989 Official Plan.</p> <p>For clarity, titles of the Zoning By-law sections have been added to assist with explaining those section numbers' subject matter.</p>

Zoning By-law Z.-1 Section	Text Changes	Summary of Change
	[...]	
50.1	<p>This zone provides for and regulates temporary uses in accordance with Section 39 of the <i>Planning Act.</i> and Section 19 of the City's Official Plan. This zone permits temporary uses for a specified period of time after which the Temporary (T-____) Zone symbol and text are removed and revert back to the main zone. It is not intended that a temporary zone will permanently establish a use on a property. The establishment of a temporary use permanently on a property can only occur by way of a zoning by-law amendment under Section 34 of the <i>Planning Act.</i> In the event of a conflict between the provisions of this Section and the provisions of the main zone, the provisions of this Section shall apply. (Z.-1-93214)</p>	<p>Removal of reference to the specific section of the 1989 Official Plan that is implemented through this Zone.</p> <p>The 'Temporary Use Provisions' policies of the London Plan are in effect, replacing the Section 19 policies of the 1989 Official Plan.</p>
51.1	<p>The Waste and Resource Management Zone is intended to be applied to lands within the rural area of the City of London, which are identified planned for use as waste management resource recovery area. in Section 9.2.15.1 of the Official Plan, consisting of lands identified as Waste Management and Resource Recovery Area within the Council adopted W12A Landfill Area Plan. This Zone provides for and regulates a range of waste management and resource recovery uses which shall be permitted by site specific zoning, subject to the criteria listed in section 9.2.15, 17.4 and 17.5 of the Plan. Farm dwellings and secondary farm dwellings shall not be permitted within this area.</p>	<p>Removal of references to specific policy section numbers of the 1989 Official Plan.</p> <p>The Waste Management Resource Recovery Area policy section of the London Plan is in effect, replacing Section 9 policies of the 1989 Official Plan.</p> <p>Through London Plan policies the W12A Landfill Area and surroundings are identified. London Plan Map 1 (Place Types) also delineates the Waste Management Resource Recovery Area. Removal of references to the 1989 OP will assist with transition to the London Plan policy and mapping.</p>

Appendix B – By-law

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

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

A by-law to amend By-law No. Z.-1 to remove references to 1989 Official Plan and add references to *The London Plan*.

WHEREAS the February 7, 2020 decision of the Local Planning Appeal Tribunal has brought the majority of *The London Plan* policies into force and effect;

AND WHEREAS the City of London has applied to amend various sections of Zoning By-law Z.-1 to remove references to the 1989 Official Plan and add references to *The London Plan*;

AND WHEREAS this rezoning conforms to the *London Plan*;

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

- 1) Section 3.8.2, Holding “h” Zones, Holding Zone Provisions to By-law No. Z.-1 is amended by making changes as follows:
 - i. The h-2 section is deleted and replaced as follows:

h-2 Purpose: To determine the extent to which development will be permitted and ensure that development will not have a negative impact on relevant components of the Natural Heritage System, an agreement shall be entered into specifying appropriate development conditions and boundaries, based on an Environmental Impact Study or Subject Lands Status Report that has been prepared in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the "h-2" symbol. (Z.-1-051390)
- 2) Section 3.8.2, Holding “h” Zones, Holding Zone Provisions to By-law No. Z.-1 is amended by making changes as follows:
 - i. The h-4 section is deleted and replaced as follows:

h-4 Purpose: To refine the One Hundred Year Erosion Limit, assess the potential impacts of development and identify measures to avoid or address potential erosion/slope instability hazards, an agreement shall be entered into specifying appropriate development conditions and boundaries, based on a geotechnical study that has been prepared in accordance with the provisions of the Official Plan and to the satisfaction of the City of London, prior to removal of the "h-4" symbol. (Z.-1-051390)
- 3) Section 3.8.2, Holding “h” Zones, Holding Zone Provisions to By-law No. Z.-1 is amended by making changes as follows:
 - i. The h-14 section is deleted and replaced as follows:

h-14 Purpose: To ensure the orderly development of lands for access to an arterial road, the "h-14" symbol shall not be deleted until vehicle access is provided to an arterially designated road across lands planned for use as a regional facility.
- 4) Section 3.8.2, Holding “h” Zones, Holding Zone Provisions to By-law No. Z.-1 is amended by making changes as follows:

- i. The h-66 section is deleted and replaced as follows:

h-66 Purpose: To encourage high quality urban design for new infill residential development, satisfactory compliance with Council approved site specific design guidelines, adopted under the Official Plan, will be assessed during the site plan approval/review process. A site plan application; including the site plan, building elevations and landscaping plan; will be submitted in conformity with these site specific urban design guidelines and a development agreement drafted acceptable to the City of London prior to the removal of the "h-66" symbol. (Z.-1-061479)

- 5) Section 3.11 Map Details, to By-law Z.-1 is amended by making changes as follows:
 - i. The section is deleted and replaced as follows:

Any street or other names, property boundaries, municipal numbers or physical features on key map grid patterns shown on the maps are for reference purposes only. The shaded areas contained on the base maps of Schedule "A" Zone Maps are for reference purposes only, to assist property owners in knowing if their lands are affected by the Conservation Authorities Act or are identified as extractive industrial areas or aggregate resource areas. The lands in the Byron Gravel Pits area shaded on Key Maps 126 and 127 have been identified as areas containing aggregate resources that are presently licensed or that may be licensed for future aggregate extraction. Policies pertaining to the extraction of aggregate resources in the City of London are contained in the Natural Resources Chapter of the Official Plan. The lands so shaded on all other key maps lie within the flood fringe of the Thames River and at a minimum may require floodproofing and/or safe access before any development or redevelopment may occur. Approvals pursuant to the Conservation Authorities Act, will be required. (Z.-1-94236) (Z.-1-021019)

- 6) Section 4.8, Group Homes, to By-law Z.-1, is amended by making changes as follows:
 - i. The first paragraph is deleted and replaced as follows:

Notwithstanding any other provision of this By-law to the contrary, a Group Home Type 1 is permitted to occupy the whole of an individual dwelling unit, other than dwelling units located within Farmland areas, including a single detached dwelling, a semi-detached dwelling, a duplex dwelling, and a triplex dwelling provided the total number of residents within the building structure does not exceed eight, The dwelling must have 20.0 square metres (216 sq. ft.) of gross floor area per person residing within the unit.

- 7) Section 5.1, General Purpose of the R1 Zone to By-law No. Z.-1 is amended by making changes to the second paragraph:
 - i. The second paragraph is deleted and replaced as follows:

The R1-14, R1-15 and R1-16 Zone variations are generally applied to existing residential lots on individual services in rural areas. The R1-17 Zone variation is typically applied to large existing lots in these rural areas. (O.M.B. File #R910387 - Appeal #9008 June 4, 1993) (Z.-1-00759) (Z.-1-051318) (Z.-1-051390)

- 8) Section 17.1, General Purpose of the OC Zone to By-law No. Z.-1 is amended by making changes to the second paragraph:
 - i. The second paragraph is deleted and replaced as follows:

The OC1, OC2 and OC3 Zones accommodate office conversions in the areas where the Official Plan policies require that a residential component be maintained in the structure by requiring the retention of at least one dwelling unit in the existing residential building. The OC4, OC5 and OC6 Zone variations provide for a choice of uses in existing buildings. The OC7 and OC8 zone variations permit an even broader range of uses in existing buildings and are restricted in their application to the Talbot Neighbourhood, as directed by the “Talbot Mixed-Use Area” policies in the Neighbourhoods Place Type of The London Plan.

- 9) Section 18.1, General Purpose of the RO Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The section is deleted and replaced as follows:

This Zone provides for and regulates new office uses outside of the Downtown area in small-scale office buildings. The range of office uses and secondary uses which are provided for in the Official Plan have been differentiated on the basis of function, intensity and potential impacts.

There are different RO Zone variations to accommodate a range of office uses. An expanded range of uses and/or more intensive use of a site may be permitted at appropriate locations through the use of zone variations. The RO3 Zone variation is limited in its application to the Talbot Neighbourhood, as directed by the “Talbot Mixed-Use Area” policies in the Neighbourhoods Place Type of The London Plan.

- 10) Section 19.1 General Purpose of the OF Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The first paragraph is deleted and replaced as follows:

This Zone provides for and regulates new office uses outside of the Downtown area in small to medium scale office buildings. The range of office uses and secondary uses which are provided for in the Official Plan have been differentiated on the basis of function, intensity and potential impacts.

- 1) Section 21.1, General Purpose of the Regional Shopping Area Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The section is deleted and replaced as follows:

The RSA Zone primarily recognizes lands planned for use as enclosed regional shopping centres. The RSA Zone provides for and regulates a wide range of regional-scale, specialized, comparison shopping retail and personal service uses, as well as some office, commercial recreation and community facilities uses, which are suited to a location within an enclosed shopping centre building. Limits are placed on the amount of office and entertainment space. Other shopping centre and stand-alone buildings are allowed on a limited basis normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen large surface parking lots. The permitted uses are the same for all RSA Zone variations, however, variations of the zone occur based on maximum permitted gross leasable floor area.

- 2) Section 22.1, General Purpose of the CSA Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The first paragraph is deleted.
- ii. The second paragraph is deleted and replaced as follows:

The CSA zone is typically applied to community-scale commercial lands. CSA zone provides for and regulates a wide range of community-scale retail and personal service uses, as well as some office, commercial recreation, community facilities and commercial school uses, which serve the needs of the community or a number of neighbourhoods located within convenient walking and/or driving distance. Either enclosed or unenclosed shopping centres are the permitted form of development. Stand-alone buildings which are not part of a shopping centre may also be permitted at appropriate locations normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen large surface parking lots. The CSA6 Zone variation is used for this purpose. The permitted uses are the same for all CSA Zone variations; however, variations of the zone are differentiated based on maximum permitted gross leasable floor area. High density intensity residential uses may also be permitted by applying a Residential R8 or Residential R9 Zone.

- 3) Section 23.1, General Purpose of the NSA Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The first paragraph is deleted.
- ii. The second paragraph is deleted and replaced as follows:

The NSA Zone is typically applied to neighbourhood-scale commercial lands. The NSA zone provides for and regulates a range of neighbourhood-scale retail, personal service and office uses which are primarily intended to provide for the convenience shopping and service needs of nearby residents. Zone variations of the zone are differentiated based on uses and maximum permitted gross leasable floor area for certain defined uses. Shopping centres are the permitted form of development; however, stand-alone buildings may also be permitted at appropriate locations normally near the perimeter of the property to satisfy urban design goals to create a street edge and screen parking lots. The NSA5 Zone variation is used for this purpose. A limited range of automotive uses may be permitted by using the Automobile Service Station (SS) Zone. High density and medium density residential uses may also be permitted by applying the appropriate zone.

- 4) Section 24.1, General Purpose of the ASA Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The first paragraph is deleted.
- ii. A new final paragraph (second paragraph) is added as follows:

The variations generally group uses as follows: in the ASA1 (retail/convenience/personal service), ASA2 (retail/semi light industrial), ASA3 (offices), ASA4 (community facilities), ASA5 (automotive), ASA6 (large traffic generating uses), ASA7 (theatres) and ASA8 (large format retail) Zone variations.

- 5) Section 25.1, General Purpose of the BDC Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The first paragraph is deleted and replaced as follows:

The BDC Zone is typically applied to corridors with a main street character. This Zone provides for and regulates a mix of retail, restaurant, neighbourhood facility, office and residential uses located along pedestrian-oriented business districts in older parts of the City and in hamlets or small business areas in rural areas. Normally buildings are located near the street line with parking to the rear. The uses in this zone, which are intended to provide for the shopping needs of nearby residents,

and cater to certain specialty shopping needs, have been differentiated on the basis of their function, intensity and potential impacts. (Z-1-051390)

- 6) Section 26.1, General Purpose of the AC Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The first sentence of the first paragraph is deleted, so that the first paragraph is as follows:

This Zone provides for and regulates a mix of small scale retail, office, personal service and automotive uses located along arterial roads which serve both vehicular and pedestrian trade. This zone tends to be applied in older areas of the City where auto-orientated uses have existed for some time and in areas along arterial roads that serve both a local and broad market area. The uses of this zone, which reflect the nature of existing development in an area, have been differentiated on the basis of their function, intensity and potential impacts.

- 7) Section 27.1, General Purpose of the HS Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The first sentence of the first paragraph is deleted, so that the first paragraph is as follows:

This Zone provides for and regulates a range of commercial and service uses which cater to the needs of the travelling public. They tend to be located on major arterial roads with high traffic volumes at major entrances to the City. Offices are not generally permitted.

- 8) Section 28.1, General Purpose of the RSC Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The first sentence of the first paragraph is deleted, so that the first paragraph is as follows:

This Zone provides for and regulates a range of moderate intensity commercial uses, and trade service uses, which may require significant amounts of land for outdoor storage or interior building space and a location on major streets.

- 9) Section 36.1, General Purpose of the OS Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The third paragraph is deleted and replaced as follows:

The OS5 Zone variation applies to important natural features and functions that have been recognized by Council as being of City-wide, regional, or provincial significance and identified as components of the Natural Heritage System. In order to protect the identified features and functions, permitted activity is limited to a range of low-impact uses associated with passive recreation, conservation and ecosystem management. Development and site alteration is permitted only if it has been demonstrated through an appropriate study that there will be no negative impacts on the features and functions for which the area has been identified. (Z.-1-94236) (Z-1-051390)

- 10) Section 37.1, General Purpose of the ER Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The section is deleted and replaced as follows:

This Zone applies to areas which are intended to remain in a natural condition until their significance is determined through the completion of

more detailed environmental studies. In order to protect the potentially significant features and functions of Environmental Review areas, permitted activity is limited to a range of uses associated with passive recreation, conservation and sustainable forest management. The ER Zone permits a range of low-impact uses that are similar to those permitted under the Open Space (OS5) Zone variation. In some instances Environmental Review lands abut stream corridors for which floodplain mapping has not been completed. Much of this land is used for agricultural purposes and the Official Plan permits agriculture in Environmental Review lands. If necessary, existing uses and associated development regulations will be recognized on a site specific basis through the use of Special Provisions.

11) Section 40.1, General Purpose of the LI Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The section is deleted and replaced as follows:

This Zone provides for and regulates a range of industrial and associated secondary uses. In addition to the uses permitted in the LI1 Zone variation, an expanded range of industrial and complementary uses may be permitted, at appropriate locations, through other zone variations. A limited range of convenience, medical/dental and automotive uses may be permitted in association with industrial uses or by compounding with the Convenience Commercial (CC) and/or Automotive Service Station (SS) Zones. The LI10 zone variation will be applied to permit Self-storage Establishments where an approved secondary plan of the City of London indicates that the Light Industrial area is intended to transition out of industrial use. (Z.-1-132230)

12) Section 45.1, General Purpose of the AG Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The first paragraph is deleted and replaced as follows:

The Agricultural Zone is intended to be applied to agricultural and farmland areas. The creation of properties less than 40 ha (98.8 ac) in size is not permitted. The AG1 Zone variation permits a wide range of non-intensive agricultural uses whereas the AG2 Zone variation permits intensive and non-intensive agricultural uses. The AG3 Zone variation is intended to be compounded with other AG Zone variations where appropriate to permit secondary farm occupations. The AG4 Zone variation recognizes existing single detached dwellings in the rural area which may or may not have agricultural uses associated with them. The intent is that no new AG4 Zone variations will be created. The AG5 Zone variation is intended to be compounded with other AG Zone variations where appropriate to permit secondary farm dwellings.

13) Section 47.1, General Purpose of the RRC Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The section is deleted and replaced as follows:

This zone provides for a limited range of commercial uses that serve the surrounding rural area. This zone can be combined with the Neighbourhood Facility (NF) Zone to also permit a limited range of small-scale facility uses. Lot area and lot frontage requirements are higher because in the short term no public services will be available and private sewer septic systems will be required. Yard requirements are also higher and combined with site plan control will minimize any impacts.

14) Section 48.1, General Purpose of the TGS Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The first paragraph and second paragraph are deleted and replaced as follows:

This zone provides for and regulates garden suites on a temporary basis in accordance with Section 39 (Temporary Use Provisions) of the Planning Act and the Official Plan. This zone permits garden suites for a specified period of time after which the Temporary Garden Suite (TGS) Zone symbol is removed and reverts back to the compound zone(s). This zone must be compounded with another zone. Extensions are provided for in the Planning Act.

Garden suites are subject to the regulations contained in Zoning By-law Section 45.3.3 (Secondary Farm Occupations) and require an agreement, through Section 207.2 of the Municipal Act, with the City dealing with such issues as number of residents, servicing details, removal of unit etc.

15) Section 50.1, General Purpose of the T Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The section is deleted and replaced as follows:

This zone provides for and regulates temporary uses in accordance with Section 39 of the Planning Act. This zone permits temporary uses for a specified period of time after which the Temporary (T-____) Zone symbol and text are removed and revert back to the main zone. It is not intended that a temporary zone will permanently establish a use on a property. The establishment of a temporary use permanently on a property can only occur by way of a zoning by-law amendment under Section 34 of the Planning Act. In the event of a conflict between the provisions of this Section and the provisions of the main zone, the provisions of this Section shall apply. (Z.-1-93214)

16) Section 51.1, General Purpose of the WRM Zone to By-law No. Z.-1 is amended by making changes as follows:

- i. The section is deleted and replaced as follows:

The Waste and Resource Management Zone is intended to be applied to lands within the rural area of the City of London, which are planned for use as waste management resource recovery area. This Zone provides for and regulates a range of waste management and resource recovery uses which shall be permitted by site specific zoning, subject to the criteria in the Plan. Farm dwellings and secondary farm dwellings shall not be permitted within this area.

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 August 25, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Sifton Properties Limited
3635 Southbridge Avenue
Draft Plan of Vacant Land Condominium

Public Participation Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 3635 Southbridge Avenue:

- (a) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 3635 Southbridge Avenue; and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 3635 Southbridge Avenue.

Executive Summary

Summary of Request

This is a request by Sifton Properties Ltd. to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval. The plan consists of 57 dwelling units, within multiple-attached townhouses with access from Southbridge Avenue. The applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium and application for Site Plan Approval.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site consists of a multi-family development block within a registered plan of subdivision (Block 127, Registered Plan No. 33M-785). The development will be fully serviced with frontage and access on public roads.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-family, Medium Density Residential
- Zoning – Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50))

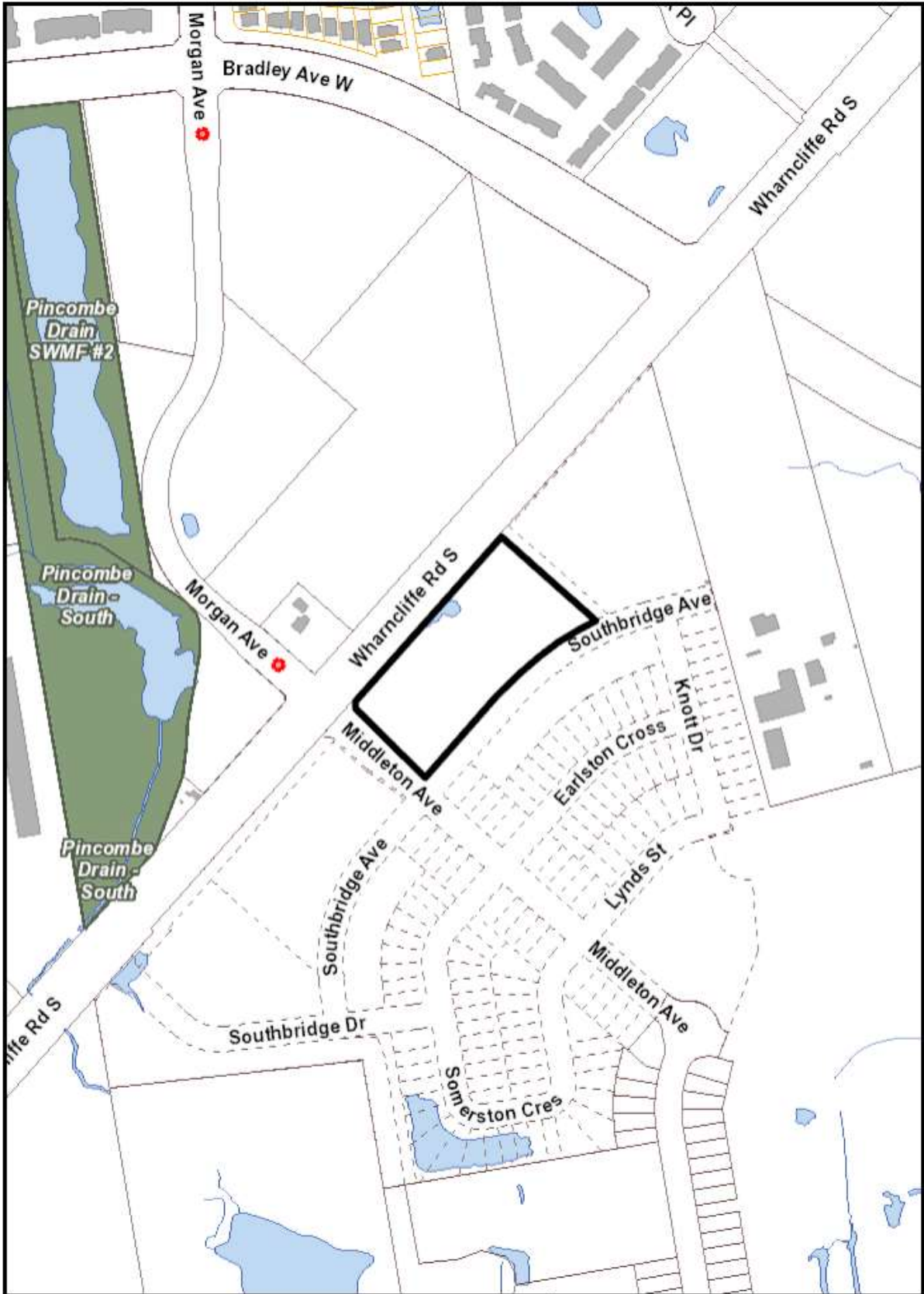
1.3 Site Characteristics






- Current Land Use – vacant
- Frontage – approx. 80 metres
- Depth – approx. 180 metres
- Area – 1.56 hectares
- Shape – irregular

1.4 Surrounding Land Uses

- North – residential dwelling and vacant lands for future development
- East – vacant lands for future development
- South – vacant lands for future development
- West – vacant lands for future development

1.5 Location Map



Location Map		Legend	
Subject Property:	3635 Southbridge Avenue		Subject Property
Applicant:	SIFTON PROPERTIES LIMITED		Parks
File Number:	H-9236		Assessment Parcels
Created By:	Larry Mottram		Buildings
Date:	7/6/2020		Address Numbers
Scale:	1:4000		

Corporation of the City of London

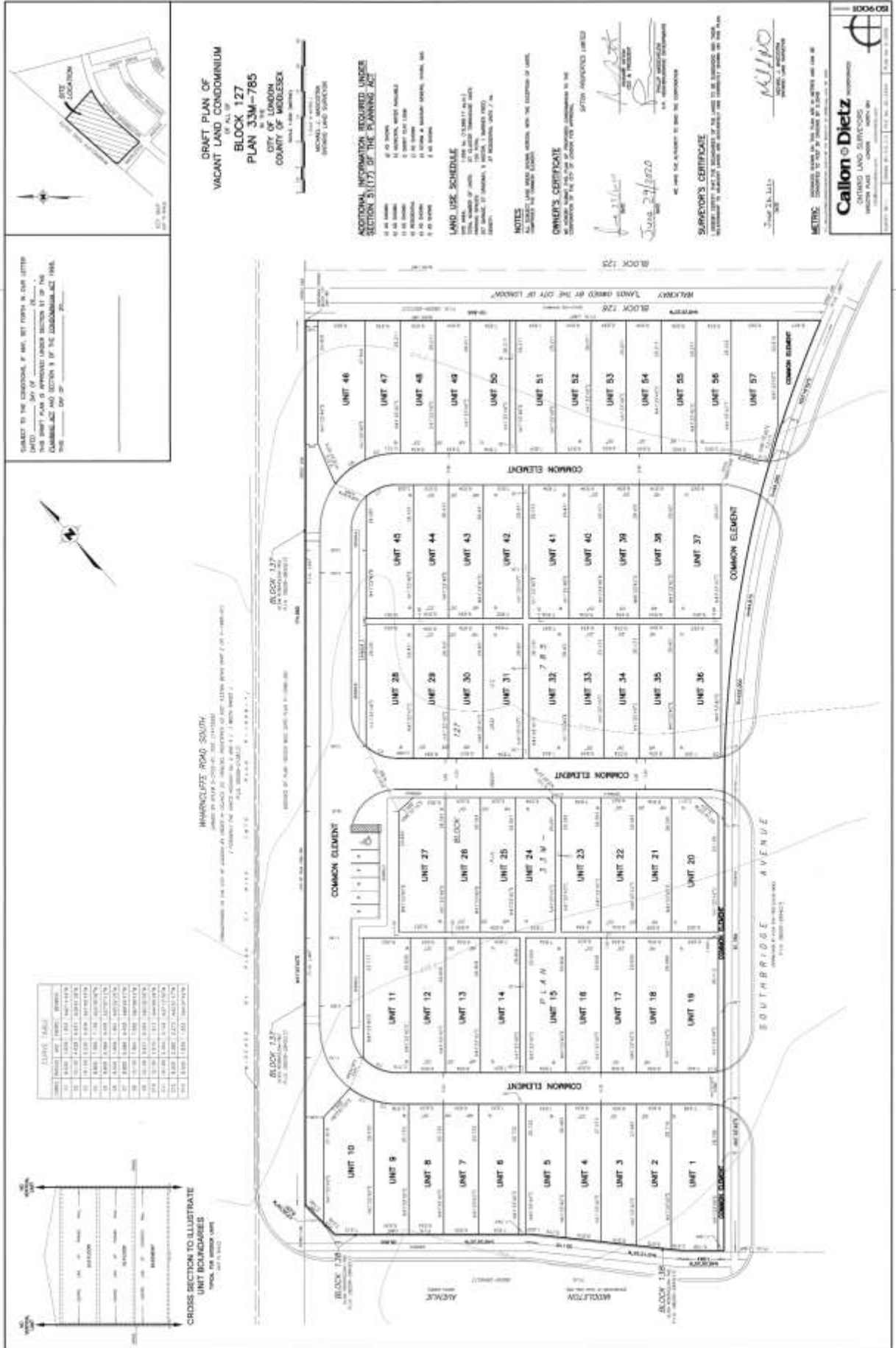
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2.0 Description of Proposal

2.1 Development Proposal

Proposed 57 unit vacant land condominium development consisting of 2-storey, cluster townhouse dwellings.

2.2 Proposed Draft Plan of Vacant Land Condominium



2.3 Site Plan



2.4 Building Elevations – Units 1-5



3.0 Relevant Background

3.1 Planning History

On June 2, 2020 the Approval Authority for the City of London granted Final Approval for the second phase of the Richardson Subdivision lands located at 132, 146 and 184 Exeter Road. Phase 2 consists of 123 single detached lots, two (2) street townhouse blocks, four (4) medium density blocks, one (1) park block, one (1) open space block, three (3) multi-use pathway blocks, one (1) servicing/multi-use pathway block, and several road widening and 0.3 metre reserves, all served by the extension of Middleton Avenue and five (5) new local roads/neighbourhood streets. The plan was subsequently registered on June 8, 2020 as Plan 33M-785. The subject site represents one of the medium density blocks (Block 127) which is also the subject of an application for Site Plan Approval by Sifton Properties Limited (File No. SPA20-012).

3.2 Community Engagement (see more detail in Appendix A)

There were no comments/concerns received from the community.

3.3 Policy Context (See more detail in Appendix B)

Provincial Policy Statement, 2020

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies and must consider:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and
3. Protecting Public Health and Safety.

The London Plan

The site is located within the Neighbourhoods Place Type in The London Plan. The policies of this Place Type, as well as the Our Strategy, City Building and Design, and Our Tools policies, have been applied in the review of this application.

1989 Official Plan

The site is designated Multi-family, Medium Density Residential on Land Use Schedule A of the Official Plan.

Southwest Area Secondary Plan

The Southwest Area Secondary Plan (SWAP) designates the site as Medium Density Residential within the Central Longwoods Residential Neighbourhood.

As further described in Appendix B – Policy Context, Staff are of the opinion that the condominium draft plan is generally consistent with the PPS, The London Plan, 1989 Official Plan, and the Southwest Area Secondary Plan.

Z.-1 Zoning By-law

The zoning is Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50)) which permits various forms of cluster housing including single detached, semi-detached, duplex, triplex, townhouse, stacked townhouse, and apartment buildings; with a special provision for a minimum density of 30 units per hectare and maximum density of 75 units per hectare.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Site design and orientation in relation to the adjacent streets.

The proposed condominium development consists of 57, 2-storey cluster townhouse dwellings arranged in blocks of units attached side-by-side. Three access driveways are provided from Southbridge Avenue. The development block's interface with Wharncliffe Road South features a window street, a 1.5 metre wrought iron fence with decorative store pillars, two pedestrian gate access points, and a heavily landscaped planting strip. The need for a continuous noise wall is eliminated with only localized sound reduction barriers required to protect the private outdoor amenity area of the end units adjacent Wharncliffe Road South. End dwelling units feature wrap-a-around covered porches to enhance the relationship and orientation of dwelling units to Wharncliffe Road South and Southbridge Avenue.

The plans and building elevations have been reviewed for compliance with the City's Placemaking Guidelines, Southwest Area Secondary Plan, and the Richardson Subdivision Urban Design Guidelines. Through the site plan review process, staff have been working with the proponent on improving the building orientation adjacent Middleton Avenue in recognition that this is a key entry point and gateway to the neighbourhood. The site plan does show covered porches and walkway connections from individual units to the public sidewalk. However, further design modifications to the units along Middleton Avenue should be considered in order to achieve true orientation to the public street and avoid rear-lotting. This includes such modifications as providing front doors on the Middleton Avenue facing elevation for Units 1-10, and relocating the wrap-around porches on Units 1 & 10 to the Middleton Street facing side of the units.

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

5.0 Conclusion

The application for Approval of Vacant Land Condominium is considered appropriate, consistent with the Provincial Policy Statement, and conforms to The London Plan, 1989 Official Plan, and the Southwest Area Secondary Plan. The proposed vacant land condominium in the form of cluster townhouses also complies with the City's Z.-1 Zoning By-law.

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

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

July 30, 2020
GK/PY/LM/lm

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Appendix A – Public Engagement

Community Engagement

Public liaison: On July 7, 2020, Notice of Application was sent to 5 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 16, 2020. A “Planning Application” sign was also posted on the site.

Responses: No replies were received.

Nature of Liaison: Consideration of a Draft Plan of Vacant Land Condominium consisting of 57 multiple-attached townhouse dwelling units and common element for internal driveway, services, and common amenity areas to be registered as one Condominium Corporation.

Agency/Departmental Comments:

No significant comments were received.

Appendix B – Policy Context

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

Provincial Policy Statement, 2020

The proposed development achieves objectives for efficient and resilient development and land use patterns. It represents new development taking place within the City’s urban growth area, and within an area of the City that is currently building out. It also achieves objectives for promoting compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, supports energy conservation and efficiency, and avoids land use and development patterns which may cause environmental or public health and safety concerns.

The subject lands are within a registered plan of subdivision and are designated and intended for medium density residential uses to accommodate an appropriate affordable, market-based range and mix of residential types to meet long term needs. There are no natural heritage features or natural hazards present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the subdivision approval process. Based on our review, the proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

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.

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, fourplex, townhouse and stacked townhouse dwellings, and low-rise apartment

buildings, as the main uses. The proposed Draft Plan of Vacant Land Condominium in the form of cluster townhouse dwellings conforms with the Place Type policies.

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed Draft Plan of Vacant Land Condominium contributes to achieving those policy objectives, including the following specific policies:

Our Strategy

Key Direction #5 - Build a Mixed-Use Compact City

5. *Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place.*
7. *Build quality public spaces and pedestrian environments that support walking.*

Key Direction #6 – Place a new emphasis on creating attractive mobility choices.

1. *Create active mobility choices such as walking, cycling, and transit to support safe, affordable, and healthy communities.*

Key Direction #7 - Building strong, healthy and attractive neighbourhoods for everyone

3. *Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.*

This proposed vacant land condominium contributes to a mix of housing types and tenure. The development will promote a pedestrian-friendly environment that offers opportunities for active mobility choices including walking, cycling and future public transit; contributes to a safe, healthy and connected community; and evokes a sense of neighbourhood character and sense of place.

City Building and Design Policies

*202_ * Buildings and public spaces at key entry points into neighbourhoods will be designed to help establish a neighbourhood’s character and identity.*

229_ Except in exceptional circumstances, rear-lotting will not be permitted onto public streets and side-lotting will be discouraged on Civic Boulevards and Urban Thoroughfares.

*259_ * 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.*

*291_ * Principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access.*

** Policy subject to LPAT Appeal PL170100 – November 13, 2019*

The proposed condominium development consists of 57, 2-storey cluster townhouse dwellings arranged in blocks of units attached side-by-side. Three access driveways are provided from Southbridge Avenue. The development block interface with Wharncliffe Road South features a window street, a 1.5 metre wrought iron fence with decorative store pillars, two pedestrian gate access points, and a heavily landscaped planting strip. The need for a continuous noise wall is eliminated with only localized sound reduction barriers required to protect the private outdoor amenity area of the end units adjacent Wharncliffe Road South. End dwelling units feature wrap-a-round covered porches to enhance the relationship and orientation of dwelling units to Wharncliffe Road South and Southbridge Avenue.

The plans and building elevations have been reviewed for compliance with the City's Placemaking Guidelines, Southwest Area Secondary Plan, and the Richardson Subdivision Urban Design Guidelines. Through the site plan review process, staff have been working with the proponent on improving the building orientation adjacent Middleton Avenue in recognition that this is a key entry point and gateway to the neighbourhood. The site plan does show covered porches and walkway connections from individual units to the public sidewalk. However, further design modifications to the units along Middleton Avenue should be considered in order to achieve true orientation to the public street and avoid rear-lotting. This includes such modifications as providing front doors on the Middleton Avenue facing elevation for Units 1-10, and relocating the wrap-around porches on Units 1 & 10 to the Middleton Street facing side of the units.

Neighbourhood Place Type

Vision for the Neighbourhoods Place Type

*916_ * In 2035 our neighbourhoods will be vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Some of the key elements of our vision for neighbourhoods include:*

- 1. A strong neighbourhood character, sense of place and identity.*
- 2. Attractive streetscapes, buildings, and public spaces.*
- 3. A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.*
- 4. Well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown.*
- 5. Lots of safe, comfortable, convenient, and attractive alternatives for mobility.*
- 6. Easy access to daily goods and services within walking distance.*
- 7. Employment opportunities close to where we live.*
- 8. Parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.*

** Policy subject to LPAT Appeal PL170100 – November 13, 2019*

This proposal is generally in keeping with the Neighbourhood Place Type vision and its key elements, including a strong neighbourhood character and sense of identify, neighbourhood connectedness, diversity of housing choices and affordability, safe and convenient alternatives for mobility, close to neighbourhood parks and multi-use pathways planned as part of the subdivision approval process, and also within easy access to goods, services and employment opportunities.

Our Tools

1709_ The following policies will apply to consideration of an application for a vacant land condominium:

- 1. The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium.*
- 2. The applicant may be required to provide site development concepts and meet design requirements consistent with the Site Plan Control By-law as part of the consideration of a draft plan of vacant land condominium.*
- 3. Proposals for vacant land condominiums which will result in units above or below any other unit will not be supported.*
- 4. Only one dwelling will be permitted per unit.*
- 5. At the time of registration, structures cannot cross unit boundaries.*
- 6. The registration of a proposed development as more than one vacant land condominium corporation may be permitted if the proposal is supportive of comprehensive development and planning goals. The minimum number of units to be included in each condominium corporation will be adequate to allow for the reasonable, independent operation of the condominium corporation.*

1989 Official Plan

The subject lands are designated Multi-family, Medium Density Residential on Schedule A of the City's Official Plan. The primary permitted uses include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged. The proposal to develop this parcel with 57 residential townhouse dwellings will result in an overall density of approximately 37 units per hectare which is within the density limits in the Multi-family, Medium Density Residential designation. The proposed vacant land condominium represents a cluster housing form of development in compliance with the policies for use, form and scale as contemplated by the Official Plan.

Southwest Area Secondary Plan

The Southwest Area Secondary Plan (SWAP) designates the site as Medium Density Residential within the Central Longwoods Residential Neighbourhood. The following provides excerpts from the secondary plan highlighting a number of relevant policies to the subject development proposal:

20.5.10 i) Function and Purpose

....The focus for new development is to be on a mix of low to mid-rise housing forms, ranging from single detached dwellings to low rise apartment buildings within individual subdivisions and throughout the neighbourhood.

20.5.10.1 ii) Permitted Uses

The primary permitted uses in the Multi-family, Medium Density Residential designation will be permitted in the Low and Medium Density Residential designations, including low density forms such as single detached, semi-detached and duplex dwellings, triplexes and fourplexes....

20.5.10.1 iii) Built Form and Intensity

b) Within the Medium Density Residential Designation, residential development shall have a minimum density of 30 units per hectare and a maximum density of 75 units per hectare.

e) The Urban Design policies of Section 20.5.3.9 of this Plan shall apply.

20.5.3.9 ii) Public Realm

e) Rear lotting is not permitted along the arterial roads in the Southwest Area Plan. In instances where the City is satisfied that there is no other alternative due to topographic or other site constraints, a range of alternatives such as lanes, service roads, and "window" streets will be used to ensure a high quality of streetscape design. If there is no alternative to rear lotting, landscaping, as well as site and building design, will be used to mitigate the impact on the streetscape.

f) Properties subject to noise impacts shall be buffered through mechanisms such as restrictions on the type of use, building design and location, siting of outdoor living areas and through the provision of landscaping including street trees. Buffering such as noise walls or fences, berms and rear lotting, which restrict visual and physical access to the street, shall be prohibited.

The subject development block is within a new subdivision comprising part of the westerly half of the Central Longwoods Residential Neighbourhood that has been planned and zoned for a mix of low to mid-rise housing forms including single detached

dwellings, street townhouses, and various forms of cluster housing (single detached, semi-detached, duplex, triplex, fourplex, townhouses, stacked townhouses, and low rise apartment buildings). The proposed density is within the range of minimum and maximum densities for the Medium Density Residential Designation. As previously mentioned above, a window street is provided along the Wharnccliffe Road frontage to avoid rear lotting of the proposed townhouse units on the arterial road. Also, as mentioned above only localized sound barriers are to be erected adjacent several of the end units in order to mitigate exposure to noise impacts from Wharnccliffe Road South. However, there will not be a continuous noise wall or berm which restricts visual and physical access to the street.

Urban Design Guidelines

Residential design guidelines were prepared as part of the Richardson Subdivision application review. Site planning and design considerations for the desired built form along residential streetscapes include the following objectives and guidelines:

1.1 Residential Streetscapes

Design Objectives

a) To support an “eyes on the street” approach, such that the collective design shall provide an aesthetically pleasing and safe pedestrian environment;

b) To have individual and collective design of housing that encourage a connection between the dwelling unit and the street by using front porches and bay windows;

1.2 Building Placement and Orientation shall:

e) Buildings should be oriented such that the fronts of the buildings shall face the major street by the use of front doors and abundant vision glass to animate the street and provide a sense of security through public surveillance.

2.1 Building Massing shall:

a) Encourage built form to be located along public street edges to produce active frontages;

c) Have a natural recognizable front entrance contributing to “way-finding”;

2.2 Façade Design shall:

e) Give additional consideration to corner lot situations such that the front and exposed flank support the eye-on-the street approach mentioned above.

The site plan and building elevations have been revised to incorporate a similar level of architectural detail on the front and rear elevations flanking public streets and walkways. Along the Middleton Avenue street frontage the proponents have also incorporated porches and pedestrian connections to the street for each individual dwelling unit to promote an active frontage. While some changes have been made, site planning staff are continuing to work with the applicant on improving the site design and building orientation to meet the urban design objectives and guidelines, as noted above.

Vacant Land Condominium Application

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan, 1989 Official Plan, and Southwest Area Secondary Plan.
- Sewer and water services will be provided in accordance with the subdivision servicing drawings accepted by the City, and the approved Site Plan and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- A traffic noise impact assessment has been completed and mitigation measures will be incorporated through site design and warning clauses in the Development Agreement, and in the Condominium Declaration and Description.

- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster townhouses. Building elevation plans have been reviewed as part of the site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. In order to ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- The development of the site under Draft Plan of Vacant Land Condominium shall comply with all final approved site plan conditions and approved engineering drawings. Any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other facilities and structures in the common elements.

Z.-1 Zoning By-law

The zoning of this block is Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50)) which permits various forms of cluster housing including single detached, semi-detached, duplex, triplex, townhouse, stacked townhouse, and apartment buildings; with a special provision for a minimum density of 30 units per hectare and maximum density of 75 units per hectare. An application to remove the holding provisions from the zoning has been submitted and is currently in process (File No. H-9236). Application to the Committee of Adjustment has also been submitted and is currently in process requesting minor variances to construct cluster townhouses with reduced front and exterior side yard building setbacks and porch encroachments (File No. A.043/20). Subject to Municipal Council's passing of a by-law to remove the holding provisions and required minor variances coming into force and effect, the proposed vacant land condominium will comply with the Zoning By-law regulations.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Sifton Properties Limited
3575 Southbridge Avenue
Draft Plan of Vacant Land Condominium

Public Participation Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 3575 Southbridge Avenue:

- (a) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 3575 Southbridge Avenue; and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 3575 Southbridge Avenue.

Executive Summary

Summary of Request

This is a request by Sifton Properties Ltd. to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval. The plan consists of 58 dwelling units, within multiple-attached townhouses with access from Southbridge Avenue. The applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium and application for Site Plan Approval.

Analysis

1.0 Site at a Glance

1.1 Property Description

The site consists of a multi-family development block within a registered plan of subdivision (Block 125, Registered Plan No. 33M-785). The development will be fully serviced with frontage and access on public roads.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-family, Medium Density Residential
- Zoning – Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50))

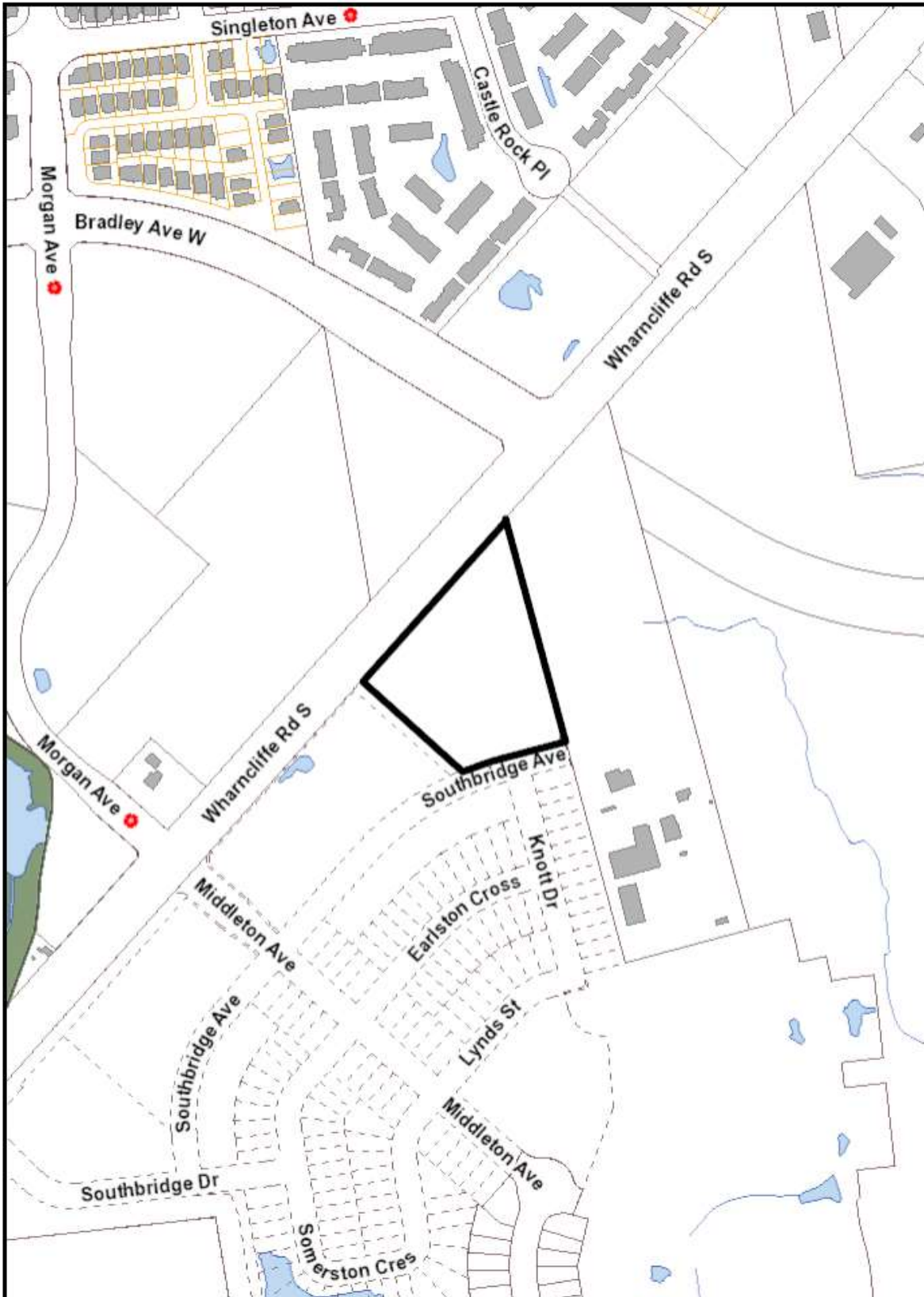
1.3 Site Characteristics







- Current Land Use – vacant
- Frontage – approx. 84 metres
- Depth – approx. 137 metres
- Area – 1.68 hectares
- Shape – irregular

1.4 Surrounding Land Uses

- North – vacant lands for future development
- East – residential dwelling, rental studio/meeting space, agriculture, and vacant lands for future development
- South – vacant lands for future development
- West – vacant lands for future development

1.5 Location Map



Location Map		Legend	
Subject Property:	3575 Southbridge Avenue		Subject Property
Applicant:	SIFTON PROPERTIES LIMITED		Parks
File Number:	H-9237		Assessment Parcels
Created By:	Larry Mottram		Buildings
Date:	7/6/2020		Address Numbers
Scale:	1:4000		
Corporation of the City of London			

2.0 Description of Proposal

2.1 Development Proposal

Proposed 58 unit vacant land condominium development consisting of 2-storey, cluster townhouse dwellings.

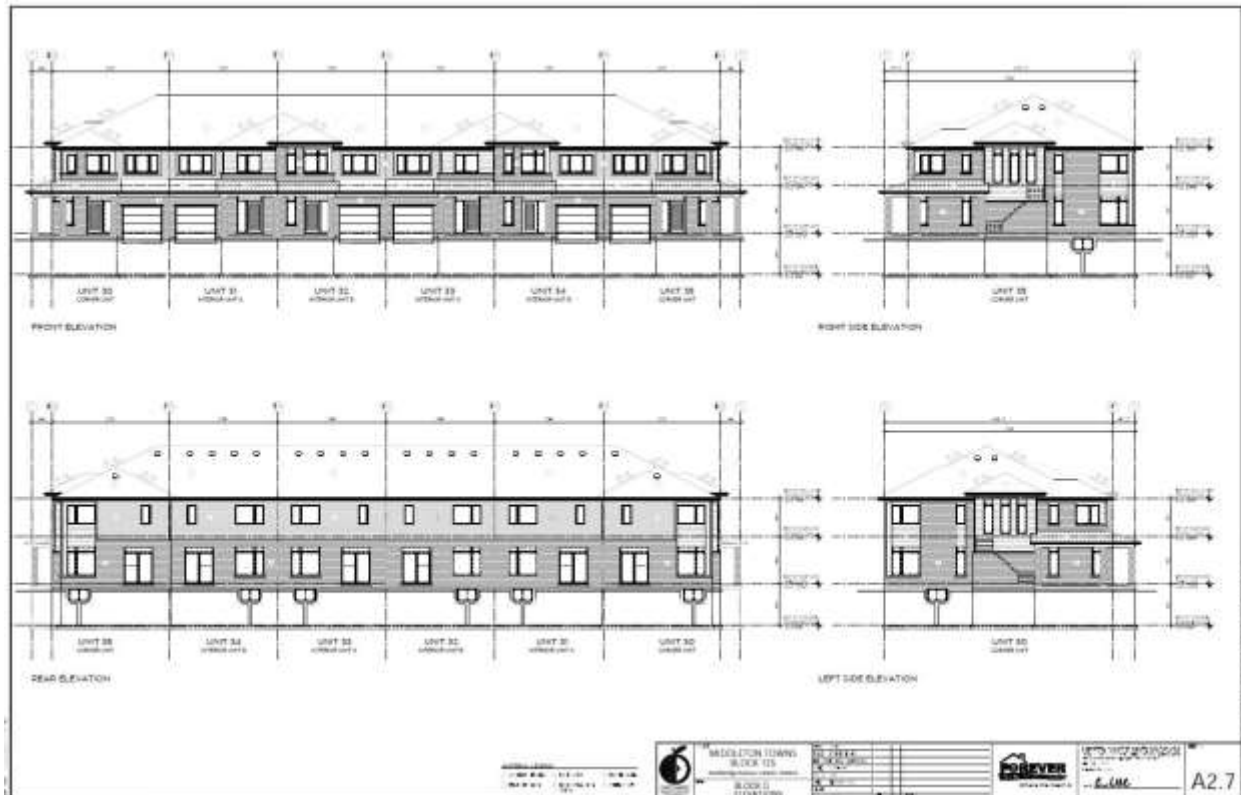
2.2 Proposed Draft Plan of Vacant Land Condominium



2.3 Site Plan



2.4 Building Elevations – Units 30-35



3.0 Relevant Background

3.1 Planning History

On June 2, 2020 the Approval Authority for the City of London granted Final Approval for the second phase of the Richardson Subdivision lands located at 132, 146 and 184 Exeter Road. Phase 2 consists of 123 single detached lots, two (2) street townhouse blocks, four (4) medium density blocks, one (1) park block, one (1) open space block, three (3) multi-use pathway blocks, one (1) servicing/multi-use pathway block, and several road widening and 0.3 metre reserves, all served by the extension of Middleton Avenue and five (5) new local roads/neighbourhood streets. The plan was subsequently registered on June 8, 2020 as Plan 33M-785. The subject site represents one of the medium density blocks (Block 125) which is also the subject of an application for Site Plan Approval by Sifton Properties Limited (File No. SPA20-011).

3.2 Community Engagement (see more detail in Appendix A)

There were no comments/concerns received from the community.

3.3 Policy Context (See more detail in Appendix B)

Provincial Policy Statement, 2020

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies and must consider:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and
3. Protecting Public Health and Safety.

The London Plan

The site is located within the Neighbourhoods Place Type in The London Plan. The policies of this Place Type, as well as the Our Strategy, City Building and Design, and Our Tools policies, have been applied in the review of this application.

1989 Official Plan

The site is designated Multi-family, Medium Density Residential on Land Use Schedule A of the Official Plan.

Southwest Area Secondary Plan

The Southwest Area Secondary Plan (SWAP) designates the site as Medium Density Residential within the Central Longwoods Residential Neighbourhood.

As further described in Appendix B – Policy Context, Staff are of the opinion that the condominium draft plan is generally consistent with the PPS, The London Plan, 1989 Official Plan, and the Southwest Area Secondary Plan.

Z.-1 Zoning By-law

The zoning is Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50)) which permits various forms of cluster housing including single detached, semi-detached, duplex, triplex, townhouse, stacked townhouse, and apartment buildings; with a special provision for a minimum density of 30 units per hectare and maximum density of 75 units per hectare.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Site design and orientation in relation to the adjacent streets.

The proposed condominium development consists of 58, 2-storey cluster townhouse dwellings arranged in blocks of units attached side-by-side, with access from Southbridge Avenue. The development block interface with Wharncliffe Road South features a window street, a 1.5 metre wrought iron fence with decorative store pillars, a pedestrian gate access point, and a heavily landscaped planting strip. The need for a continuous noise wall is eliminated with only localized sound reduction barriers required to protect the private outdoor amenity area of the end units adjacent Wharncliffe Road South. End dwelling units feature wrap-a-around covered porches to enhance the relationship and orientation of dwelling units to Wharncliffe Road South and Southbridge Avenue. Strong building orientation is achieved with street-facing units having front door entrances oriented to both Wharncliffe Road South and Southbridge Avenue. Units along Southbridge Avenue also have individual driveway accesses contributing to an active frontage and connection to the public street.

The plans and building elevations have been reviewed for compliance with the City's Placemaking Guidelines, Southwest Area Secondary Plan, and the Richardson Subdivision Urban Design Guidelines.

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

5.0 Conclusion

The application for Approval of Vacant Land Condominium is considered appropriate, consistent with the Provincial Policy Statement, and conforms to The London Plan, (1989) Official Plan, and the Southwest Area Secondary Plan. The proposed vacant land condominium in the form of cluster townhouses also complies with the City's Z.-1 Zoning By-law.

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

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

July 30, 2020
GK/PY/LM/lm

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Appendix A – Public Engagement

Community Engagement

Public liaison: On July 7, 2020, Notice of Application was sent to 4 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 16, 2020. A “Planning Application” sign was also posted on the site.

Responses: No replies were received.

Nature of Liaison: Consideration of a Draft Plan of Vacant Land Condominium consisting of 58 multiple-attached townhouse dwelling units and common element for internal driveway, services, and common amenity areas to be registered as one Condominium Corporation.

Agency/Departmental Comments:

No significant comments were received.

Appendix B – Policy Context

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

Provincial Policy Statement, 2020

The proposed development achieves objectives for efficient and resilient development and land use patterns. It represents new development taking place within the City’s urban growth area, and within an area of the City that is currently building out. It also achieves objectives for promoting compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, supports energy conservation and efficiency, and avoids land use and development patterns which may cause environmental or public health and safety concerns.

The subject lands are within a registered plan of subdivision and are designated and intended for medium density residential uses to accommodate an appropriate affordable, market-based range and mix of residential types to meet long term needs. There are no natural heritage features or natural hazards present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the subdivision approval process. Based on our review, the proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

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.

With respect to The London Plan, which has been adopted by Council but is not yet fully in force and effect pending appeals, the subject lands are within the “Neighbourhoods” Place Type permitting a range of uses such as single detached, semi-detached, duplex, triplex, fourplex, townhouse and stacked townhouse dwellings, and low-rise apartment

buildings, as the main uses. The proposed Draft Plan of Vacant Land Condominium in the form of cluster townhouse dwellings conforms with the Place Type policies.

The Our Strategy, City Building and Design, Neighbourhoods Place Type, and Our Tools policies in the London Plan have been reviewed and consideration given to how the proposed Draft Plan of Vacant Land Condominium contributes to achieving those policy objectives, including the following specific policies:

Our Strategy

Key Direction #5 - Build a Mixed-Use Compact City

- 5. Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place.*
- 7. Build quality public spaces and pedestrian environments that support walking.*

Key Direction #6 – Place a new emphasis on creating attractive mobility choices.

- 1. Create active mobility choices such as walking, cycling, and transit to support safe, affordable, and healthy communities.*

Key Direction #7 - Building strong, healthy and attractive neighbourhoods for everyone

- 3. Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.*

This proposed vacant land condominium contributes to a mix of housing types and tenure. The development will promote a pedestrian-friendly environment that offers opportunities for active mobility choices including walking, cycling and future public transit; contributes to a safe, healthy and connected community; and is designed to evoke a sense of neighbourhood character and sense of place.

City Building and Design Policies

*202_ * Buildings and public spaces at key entry points into neighbourhoods will be designed to help establish a neighbourhood’s character and identity.*

229_ Except in exceptional circumstances, rear-lotting will not be permitted onto public streets and side-lotting will be discouraged on Civic Boulevards and Urban Thoroughfares.

*259_ * 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.*

*291_ * Principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access.*

** Policy subject to LPAT Appeal PL170100 – November 13, 2019*

The proposed condominium development consists of 58, 2-storey cluster townhouse dwellings arranged in blocks of units attached side-by-side, with access from Southbridge Avenue. The development block interface with Wharncliffe Road South features a window street, a 1.5 metre wrought iron fence with decorative store pillars, a pedestrian gate access point, and a heavily landscaped planting strip. The need for a continuous noise wall is eliminated with only localized sound reduction barriers required to protect the private outdoor amenity area of the end units adjacent Wharncliffe Road South. End dwelling units feature wrap-a-round covered porches to enhance the relationship and orientation of dwelling units to Wharncliffe Road South and Southbridge Avenue.

The plans and building elevations have been reviewed for compliance with the City's Placemaking Guidelines, Southwest Area Secondary Plan, and the Richardson Subdivision Urban Design Guidelines.

Neighbourhood Place Type

Vision for the Neighbourhoods Place Type

916_ ** In 2035 our neighbourhoods will be vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Some of the key elements of our vision for neighbourhoods include:*

1. *A strong neighbourhood character, sense of place and identity.*
2. *Attractive streetscapes, buildings, and public spaces.*
3. *A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.*
4. *Well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown.*
5. *Lots of safe, comfortable, convenient, and attractive alternatives for mobility.*
6. *Easy access to daily goods and services within walking distance.*
7. *Employment opportunities close to where we live.*
8. *Parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.*

** Policy subject to LPAT Appeal PL170100 – November 13, 2019*

This proposal is generally in keeping with the Neighbourhood Place Type vision and its key elements, including a strong neighbourhood character and sense of identify, neighbourhood connectedness, diversity of housing choices and affordability, safe and convenient alternatives for mobility, close to neighbourhood parks and multi-use pathways planned as part of the subdivision approval process, and also within easy access to goods, services and employment opportunities.

Our Tools

1709_ *The following policies will apply to consideration of an application for a vacant land condominium:*

1. *The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium.*
2. *The applicant may be required to provide site development concepts and meet design requirements consistent with the Site Plan Control By-law as part of the consideration of a draft plan of vacant land condominium.*
3. *Proposals for vacant land condominiums which will result in units above or below any other unit will not be supported.*
4. *Only one dwelling will be permitted per unit.*
5. *At the time of registration, structures cannot cross unit boundaries.*
6. *The registration of a proposed development as more than one vacant land condominium corporation may be permitted if the proposal is supportive of comprehensive development and planning goals. The minimum number of units to be included in each condominium corporation will be adequate to allow for the reasonable, independent operation of the condominium corporation.*

1989 Official Plan

The subject lands are designated Multi-family, Medium Density Residential on Schedule A of the City's Official Plan. The primary permitted uses include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale

nursing homes, rest homes and homes for the aged. The proposal to develop this parcel with 58 residential townhouse dwellings will result in an overall density of approximately 35 units per hectare which is within the density limits in the Multi-family, Medium Density Residential designation. The proposed vacant land condominium represents a cluster housing form of development in compliance with the policies for use, form and scale as contemplated by the Official Plan.

Southwest Area Secondary Plan

The Southwest Area Secondary Plan (SWAP) designates the site as Medium Density Residential within the Central Longwoods Residential Neighbourhood. The following provides excerpts from the secondary plan highlighting a number of relevant policies to the subject development proposal:

20.5.10 i) Function and Purpose

...The focus for new development is to be on a mix of low to mid-rise housing forms, ranging from single detached dwellings to low rise apartment buildings within individual subdivisions and throughout the neighbourhood.

20.5.10.1 ii) Permitted Uses

The primary permitted uses in the Multi-family, Medium Density Residential designation will be permitted in the Low and Medium Density Residential designations, including low density forms such as single detached, semi-detached and duplex dwellings, triplexes and fourplexes....

20.5.10.1 iii) Built Form and Intensity

b) Within the Medium Density Residential Designation, residential development shall have a minimum density of 30 units per hectare and a maximum density of 75 units per hectare.

e) The Urban Design policies of Section 20.5.3.9 of this Plan shall apply.

20.5.3.9 ii) Public Realm

e) Rear lotting is not permitted along the arterial roads in the Southwest Area Plan. In instances where the City is satisfied that there is no other alternative due to topographic or other site constraints, a range of alternatives such as lanes, service roads, and “window” streets will be used to ensure a high quality of streetscape design. If there is no alternative to rear lotting, landscaping, as well as site and building design, will be used to mitigate the impact on the streetscape.

f) Properties subject to noise impacts shall be buffered through mechanisms such as restrictions on the type of use, building design and location, siting of outdoor living areas and through the provision of landscaping including street trees. Buffering such as noise walls or fences, berms and rear lotting, which restrict visual and physical access to the street, shall be prohibited.

The subject development block is within a new subdivision comprising part of the westerly half of the Central Longwoods Residential Neighbourhood that has been planned and zoned for a mix of low to mid-rise housing forms including single detached dwellings, street townhouses, and various forms of cluster housing (single detached, semi-detached, duplex, triplex, fourplex, townhouses, stacked townhouses, and low rise apartment buildings). The proposed density is within the range of minimum and maximum densities for the Medium Density Residential Designation. As previously mentioned above, a window street is provided along the Wharncliffe Road frontage to avoid rear lotting of the proposed townhouse units on the arterial road. Also, as mentioned above only localized sound barriers are to be erected adjacent the end units in order to mitigate exposure to noise impacts from Wharncliffe Road South. However,

there will not be a continuous noise wall or berm which restricts visual and physical access to the street.

Urban Design Guidelines

Residential design guidelines were prepared as part of the Richardson Subdivision application review. Site planning and design considerations for the desired built form along residential streetscapes include the following objectives and guidelines:

1.1 Residential Streetscapes

Design Objectives

a) To support an “eyes on the street” approach, such that the collective design shall provide an aesthetically pleasing and safe pedestrian environment;

b) To have individual and collective design of housing that encourage a connection between the dwelling unit and the street by using front porches and bay windows;

1.2 Building Placement and Orientation shall:

e) Buildings should be oriented such that the fronts of the buildings shall face the major street by the use of front doors and abundant vision glass to animate the street and provide a sense of security through public surveillance.

2.1 Building Massing shall:

a) Encourage built form to be located along public street edges to produce active frontages;

c) Have a natural recognizable front entrance contributing to “way-finding”;

2.2 Façade Design shall:

e) Give additional consideration to corner lot situations such that the front and exposed flank support the eye-on-the street approach mentioned above.

The site plan and building elevations incorporate a similar level of architectural detail on the front and rear elevations flanking public streets and walkways. A strong building orientation is achieved with street-facing units having front door entrances oriented to both Wharncliffe Road South and Southbridge Avenue. Units along Southbridge Avenue also have individual driveway accesses contributing to an active frontage and connection to the public street.

Vacant Land Condominium Application

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan, 1989 Official Plan, and Southwest Area Secondary Plan.
- Sewer and water services will be provided in accordance with the subdivision servicing drawings accepted by the City, and the approved Site Plan and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- A traffic noise impact assessment has been completed and mitigation measures will be incorporated through site design and warning clauses in the Development Agreement, and in the Condominium Declaration and Description.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster townhouses. Building elevation plans have been reviewed as part of the site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the Planning Act. In order to ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- The development of the site under Draft Plan of Vacant Land Condominium shall comply with all final approved site plan conditions and approved engineering drawings. Any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other facilities and structures in the common elements.

Z.-1 Zoning By-law

The zoning of this block is Holding Residential R5 Special Provision/Residential R6 Special Provision (h•h-100•h-198•R5-4(22)/R6-5(50)) which permits various forms of cluster housing including single detached, semi-detached, duplex, triplex, townhouse, stacked townhouse, and apartment buildings; with a special provision for a minimum density of 30 units per hectare and maximum density of 75 units per hectare. An application to remove the holding provisions from the zoning has been submitted and is currently in process (File No. H-9237). Application to the Committee of Adjustment has also been submitted and is currently in process requesting minor variances to construct cluster townhouses with reduced interior side and rear yard building setbacks (File No. A.042/20). Subject to Municipal Council's passing of a by-law to remove the holding provisions and required minor variances coming into force and effect, the proposed vacant land condominium will comply with the Zoning By-law regulations.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett, AICP
Director, City Planning and
City Planner
Subject: Sifton Properties Limited
221 Queens Avenue
Public Participation Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Planning and City Planner, the following actions be taken with respect to the application of Sifton Properties Limited relating to the property located at 221 Queens Avenue:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting August 25, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, by extending the Temporary Use (T-69) Zone for a period not exceeding three (3) years.

Executive Summary

Summary of Request

Sifton Properties Limited have requested a Zoning By-law amendment to extend the existing Temporary Use Zone to allow for the continuation of the existing commercial surface parking lot. Based on the demonstrated need for additional parking in the central subareas of Downtown, staff is satisfied that the criteria that relate to the review of the extension for the temporary surface parking lot located at 221 Queens Avenue have been met.

Purpose and the Effect of Recommended Action

The purpose and effect of the requested Zoning By-law amendment is to extend the existing Temporary Use (T-69) Zone to allow for the continuation of the existing commercial surface parking lot on the subject lands for a period not to exceed three (3) years.

Rationale of Recommended Action

1. The proposed amendment is consistent with the PPS, 2020 in that it ensures that sufficient parking is provided in the Downtown which promotes economic development by supporting existing economic activities and businesses that currently rely on this parking supply for workers;
2. The proposed amendment conforms to the 1989 Official Plan, including but not limited to section 4.1.10 which supports the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown;
3. The proposed amendment conforms to the in-force policies of The London Plan, including but not limited to the Downtown Place Type and the Temporary Use Provisions policies of the London Plan.

1.0 Site at a Glance

1.1 Property Description

The subject site is located on the south side of Queens Avenue, between Clarence Street and Wellington Street in the Central London Planning District. The site is developed as a commercial surface parking lot and is approximately 0.25 hectare in size (0.62 acres). The existing fully paved parking lot contains 65 regular parking spaces plus 2 handicapped parking spaces. All parking spaces are leased on a monthly basis to employees and tenants of surrounding office and commercial premises. Landscaped screening includes deciduous street trees, large bushes, coniferous trees and wrought iron fencing, softening the view of the parking lot from Queens Avenue. Direct vehicular and pedestrian access is provided from and to Queens Avenue.

1.2 Current Planning Information

- Official Plan Designation – Downtown Area
- The London Plan Place Type – Downtown Place Type
- Existing Zoning – Downtown Area (h-3*DA2*D350/T-69)

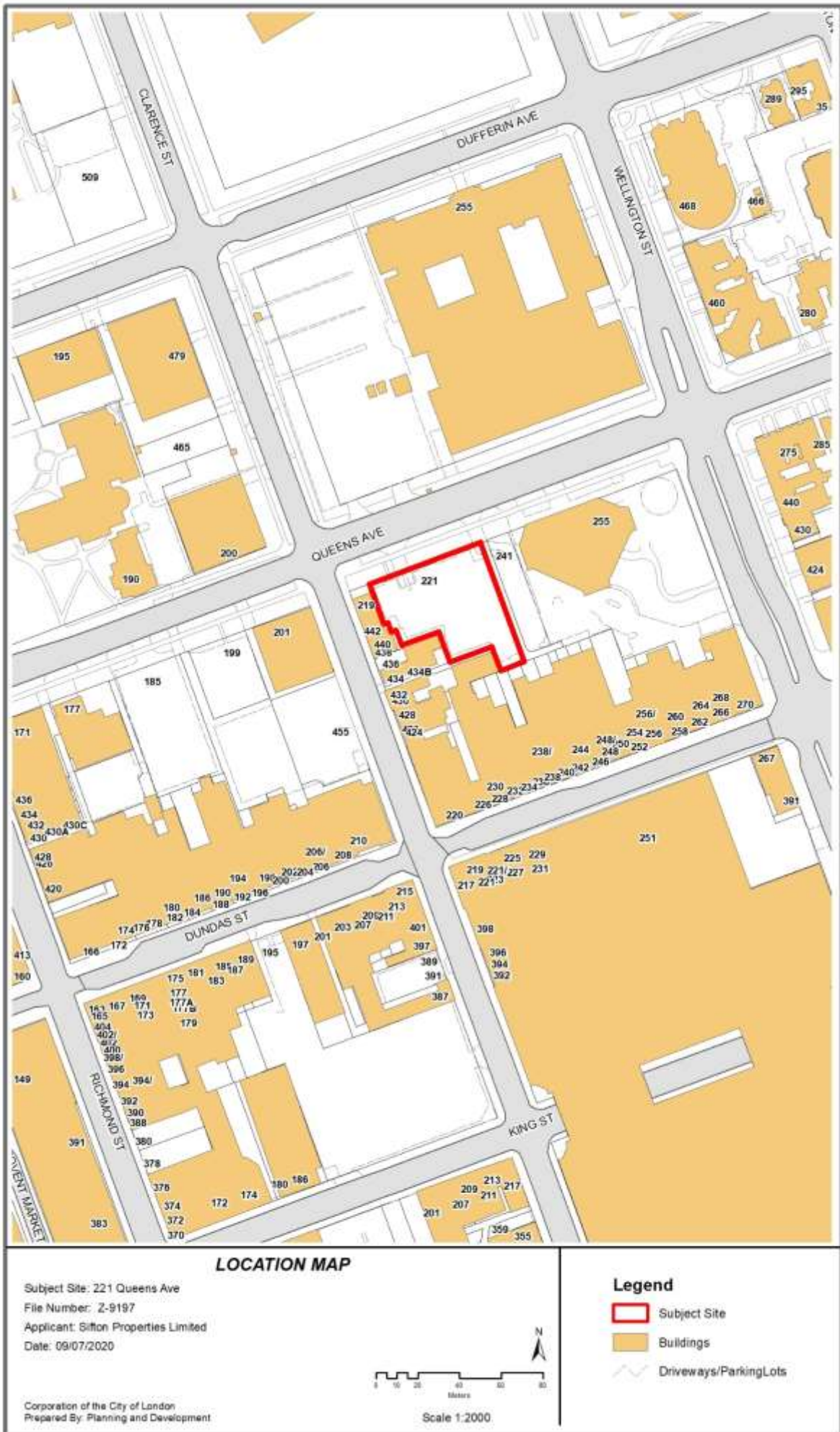
1.3 Site Characteristics

- Current Land Use – Commercial Surface Parking Lot
- Frontage – 56.9 m (186.7 feet)
- Depth – Irregular: ranges from 19.7 to 60.3 m (64.6 to 197.8 feet)
- Area – 2468 sq. m (0.2468 hectare)
- Shape – irregular

1.4 Surrounding Land Uses

- North – Surface parking lot and The Canada Life Assurance Company building
- East – Surface parking lot and One London Place office tower
- South – Variety of office, retail and restaurant uses with some residential above (fronting onto Dundas Street)
- West – Variety of office, retail and restaurant uses with some residential above (fronting onto Clarence Street)

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The applicant is proposing to extend the temporary zone on site to allow for an additional three (3) years of commercial surface parking. The proposed Zoning By-law Amendment would permit continuation of the use of the site as a commercial parking lot, in addition to all other uses currently permitted. No new development is proposed on site. Access to the site will remain from Queens Avenue.

3.0 Relevant Background

3.1 Planning History

The site has been used as a surface parking area for approximately 25 years. In 1995, the commercial building was demolished and in the same year, Council adopted the first Zoning By-law amendment to permit a temporary commercial surface parking lot on the subject property for a period of three (3) years. Between 1995 and now, the property has been subject to periods where the temporary use by-law was expired and not renewed, and has also been the subject of several by-law amendments to re-instate or extend the temporary use zoning.

In 2014, the Planning Committee refused an application by Sifton Properties Limited to allow a permanent commercial surface parking lot, and instead recommended approval of a by-law to re-establish a Temporary Use (T-69) Zone to permit a temporary parking lot use for a period of three years. In 2017, another Zoning By-law amendment was adopted for the continued operation of the existing commercial parking lot use for an additional three years. The T-69 zone for the temporary surface commercial parking lot expired on June 26, 2020.

3.2 Requested Amendment

The applicant is requesting a continuation of the temporary use provisions of the existing Holding Downtown Area Temporary Use (h-3*DA2*D350/T69) to EXTEND the temporary commercial parking lot for an additional three (3) years. The existing range of permitted uses would continue to apply to the site, including retail, office, cultural and entertainment uses, restaurants, apartments, schools, hotels, and commercial parking structures. The holding provision requires a wind impact assessment for any building over 15 meters in height.

3.3 Engagement (see more detail in Appendices B & C)

On May 11, 2020, Notice of Application was sent to 50 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 21 2020. A "Planning Application" sign was also posted on the site.

Nature of Liaison: Possible continuation of the temporary use provisions of the existing Holding Downtown Area Temporary Use (h-3*DA2*D350/T69) to EXTEND the temporary commercial parking lot for an additional three (3) years. The existing range of permitted uses would continue to apply to the site, including retail, office, cultural and entertainment uses, restaurants, apartments, schools, hotels, and commercial parking structures.

There were no major concerns raised by internal staff or agencies. One comment has been received through the public consultation process from a member of the general public. Details about agency and departmental comments can be found in Appendix 'B' and the public comments are in Appendix 'C'.

4.0 Policy Context

The following section highlights the policies that apply to this Zoning By-Law amendment. The specific regulatory analysis regarding temporary uses and parking in the downtown is provided in 5.0 Key Issues and Considerations below.

4.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. All decisions affecting land use planning matters shall be “consistent with” the policies of the PPS.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns of the PPS encourages healthy, livable and safe communities which are sustained by accommodating an appropriate range and mix of residential, employment and institutional uses to meet long-term needs. It directs cities to make sufficient land available to accommodate this range and mix of land uses to meet projected needs for a time horizon of up to 20 years. The PPS also directs planning authorities to promote economic development, the vitality and viability of Downtowns by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. Ensuring that sufficient parking is provided in the Downtown supports existing economic activities and businesses that currently rely on this parking supply for workers.

4.2 Official Plan, 1989

The Official Plan for the City of London contains City Council's objectives and policies to guide the short-term and long-term physical development of all lands within the boundary of the municipality. It provides direction for the allocation of land use, provision of municipal services and facilities, and preparation of regulatory by-laws to control the development and use of land. These types of policies are considered necessary to promote orderly urban growth and compatibility among land uses. While the objectives and policies in the Official Plan primarily relate to the physical development of the municipality, they also have regard for relevant social, economic and environmental matters.

The subject lands are designated Downtown in the 1989 Official Plan. The Downtown designation is distinguished from other areas of the City by its concentration of employment and its intensive, multi-functional land use pattern. It is intended that the Downtown will continue to be the major office employment centre and commercial district in the city, and that its function as a location for new medium and high density residential development will be strengthened overtime. Section 4.1.10 of the Official Plan supports the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown.

Temporary Surface Parking in the Downtown

The plan outlines that the creation of new permanent surface level commercial and/or accessory parking lots within the Downtown will be discouraged (4.1.10.iv). However, a gradual approach to the discontinuation of temporary surface parking lots should be taken. The Downtown policies include criteria to assist in the evaluation of both applications for temporary zoning to permit surface commercial parking lots and applications for extensions to temporary zoning to permit surface commercial parking lots (4.1.10iv).

The following criteria is provided to evaluate the appropriateness of a new or extended temporary commercial surface parking lot:

- 1. The demonstrated need for surface parking in the area surrounding the subject site. Utilization rates for sub-areas of the Downtown may be used to evaluate this need.*
- 2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.*
- 3. The size of the parking lot, recognizing a goal of avoiding the underutilization of Downtown lands.*

4. *The length of time that the surface commercial parking lot has been in place, recognizing it is not intended that temporary uses will be permitted on a long term basis.*
5. *Applicable guideline documents may be used to provide further, more detailed, guidance in applying these policies.*
6. *Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.*
7. *Where Council does not wish to extend the temporary zoning for a surface commercial parking lot a short-term extension of the temporary zone may be permitted for the purpose of allowing users of the lot to find alternative parking arrangements.*

Evaluation of the subject site using the Temporary Surface Parking criteria is provided below in 5.0 Key Issues and Considerations.

4.3 The London Plan, 2016

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 that are under appeal to the Local Planning Appeals Tribunal (Appeal PL170100) are not in force and effect, and are indicated with an asterisk throughout this report. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this planning application.

The subject site is in the Downtown Place Type of The London Plan on a Civic Boulevard, as identified on Map 1* — Place Types and Map 3* — Street Classifications. The vision for the Downtown allows for the broadest range of uses and the most intense forms of development in the City, within highly-urban, transit-oriented environments (798_). Queens Avenue is also identified as part of the Downtown Transit Loop, which will enhance Downtown as a critical hub for local transit and will serve as a connection point for bus service across the City.

Temporary Use Provisions (General)

The Our Tools policies of The London Plan provide guidance for temporary uses, in general, and provides criteria for the evaluation of all temporary uses (1672_). This criteria is carried over from the 1989 Official Plan with the addition of two additional considerations.

The following criteria is provided to evaluate the appropriateness of a temporary use:

1. *Compatibility of the proposed use with surrounding land uses.*
2. *Any requirement for temporary buildings or structures in association with the proposed use.*
3. *Any requirement for temporary connection to municipal services and utilities.*
4. *The potential impact of the proposed use on mobility facilities and traffic in the immediate area.*
5. *Access requirements for the proposed use.*
6. *Parking required for the proposed use, and the ability to provide adequate parking on-site.*
7. *The potential long-term use of the temporary use.*
8. *In the case of temporary commercial surface parking lots in the Downtown, the impact on the pedestrian environment in the Downtown.*
9. *The degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands.*

Evaluation and analysis of the subject site using the above criteria is provided below in 5.0 Key Issues and Considerations.

Temporary Surface Parking in the Downtown

The Downtown Place Type policies discourage the extension of temporary surface commercial parking lots that have been in place for an extended period of time, where an adequate supply of parking exists in the vicinity of the subject lot (800_5*).

As of the time this report was written, new amendments to the Downtown Place Type policies and the Our Tools – Temporary Use Provisions policies were approved by Council on July 21, 2020, but are still within the statutory appeal period (800_5* and 1673A*, respectively). This was done as part of a ‘housekeeping’ amendment for The London Plan.

The nature of the Place Type policy in section 800_5* is to point to Our Tools for criteria to aid in the evaluation of applications for temporary commercial surface parking lots in the Downtown.

The criteria added to The London Plan is the same as in the 1989 Official Plan policies listed above, which are in force and effect. The evaluation and analysis of the subject site is provided below in 5.0 Key Issues and Considerations.

4.4 Our Move Forward – London’s Downtown Plan

London’s City Council adopted *Our Move Forward: London’s Downtown Plan*, on April 14, 2015 as a guideline document under Chapter 19 of London’s 1989 Official Plan and has been carried forward in Our Tools policy 1717_ of The London Plan. The document identifies a number of strategic directions and “transformational projects”, along with implementation tools to assist in retaining and attracting businesses and investment to the downtown. Planning objective 5: “Build a great neighbourhood” encourages the redevelopment of vacant sites to increase the resident and worker population downtown by discontinuing temporary-use zoning on these sites (5.2, p. 63).

On May 8, 2018, Council resolved to add additional guidance to the Downtown Plan in regards to temporary surface parking lots, which included criteria for the evaluation of planning and development applications, as well as design considerations.

The following criteria is provided to evaluate the physical design of surface parking lots in the downtown:

- 1. Site plan approval will be required for all temporary surface commercial parking lots in the Downtown.*
- 2. The importance of any pedestrian streetscapes that are impacted by the surface commercial parking lot and the degree to which these streetscapes are impacted.*
- 3. The location, configuration and size of the parking area will be designed to support the provision of, and enhance the experience of pedestrians, transit users, cyclists and drivers.*
- 4. The impact of parking facilities on the public realm will be minimized by strategically locating and screening these parking areas. Surface parking should be located in the rear yard or interior side yard.*
- 5. Surface parking lots should be designed to include a sustainable tree canopy with a target of 30% canopy coverage at 20 years of anticipated tree growth.*
- 6. Surface parking located in highly-visible areas should be screened by low walls and landscape treatments.*
- 7. Lighting of parking areas will be designed to avoid negative light impacts on adjacent properties.*
- 8. Large surface parking lots shall be designed with areas dedicated for pedestrian priority including landscaping to ensure safe pedestrian connectivity throughout the site. Surface parking areas will be designed to incorporate landscape/tree islands for visual amenity and to help convey stormwater and reduce the heat island effect.*
- 9. Large surface parking areas will be designed to incorporate low impact development measures to address stormwater management.*

The evaluation of the subject site against the Downtown Plan design criteria is provided below in 5.0 Key Issues and Considerations.

4.5 The Downtown Parking Strategy, 2017

The provision, management and supply of parking was identified as an area of special relevance to the successful implementation of *Our Move Forward: London's Downtown Plan*. The *Downtown Parking Strategy* was completed in 2017 and included a review of existing parking conditions and future development potential based upon the direction of *The London Plan*, the *2030 Transportation Master Plan* and other relevant policy documents. The long-term goals of the abovementioned plans are to achieve a decrease in single occupant vehicle travel into the Downtown that will in turn reduce the long term need for parking, particularly employee and commuter related parking. The key to the future success of the downtown will be the replacement of existing surface parking lots with new developments.

Determining how much parking is necessary for the functional and economic viability of downtown, as well as the manner and location in which the parking is provided, are key considerations coming out of the *Downtown Parking Strategy* study. Determining how much parking is required, how it is provided, what role the City should play in meeting future parking demand, the financial implications associated with providing new parking and the most appropriate municipal service delivery model to employ in order to maximize the return on investment of public funds are critical considerations in the development of a future Parking Management Strategy for the downtown.

This Zoning By-law amendment application comes ahead of the development of a comprehensive Parking Management Strategy, which would provide direction on the future parking needs in the downtown.

5.0 Key Issues and Considerations

Key Consideration # 1: Demonstrated Need for Parking

The Downtown Parking Strategy, 2017

The Council-approved *Downtown Parking Strategy* study provides direction on utilization rates of existing surface commercial parking lots operating in six sub-areas of the Downtown (figure 1). The *Downtown Parking Strategy* provides a number of recommendations for how the City should manage surface commercial parking lots in the downtown. One of these recommendations is a gradual approach to discontinuing temporary zone permissions for surface parking lots where utilization is low. The subject property is in sub-area 4, which has a high utilization rate of 81%.

To put this into perspective, 90% utilization is considered a maximum practical occupancy level at which there is still sufficient available parking across downtown, however certain areas may require drivers to search more for available parking and accept longer walking distances.

It should be noted that the occupancy rates in the central zones 3 & 4 are at 89% and 81% respectively, which may be making it difficult for visitors to conveniently find parking in these areas.



Figure 1: Parking utilization by sub-area, based on 2014 data.

In order to understand the potential parking implications associated with new development, an estimate of future parking supply and demand across the downtown study area has been created by using future growth estimates based on the 2014 Development Charges study. While the estimates should be viewed as approximate, they do serve to provide an indication of the potential parking challenges associated with meeting the City's desired development goals and objectives for the downtown as described in various planning documents.

An important factor regarding future parking requirements is the expected decrease in auto person trips from the existing level of 73.5% to 64% by year 2034 due to the substantial investment in new Bus Rapid Transit (BRT) service approved by Council. The expected increase in transit use equates to a decrease in parking demand of approximately 13%. Based on the estimated transportation mode split of 64% auto person use by 2034, subarea 4 will have a projected parking supply deficit of 65 spaces by 2034.

Rapid Transit

The *Rapid Transit Environmental Project Report* was approved in 2019 and the detailed design for the Downtown Loop is currently underway. The detailed design for the East and South corridors are also underway. Investment is being made to cycling infrastructure including the implementation of an east-west cycle track on Dundas Street and improved connection to the Thames Valley Parkway. While these project aim to shift mode-share away from automobiles, they will take time to fully implement. The construction of Rapid Transit is scheduled over multiple years, starting in 2021. Until the system is in place, there will still be demand for parking for both employees and customers in the Downtown. Similarly, at this time no public parking facilities are planned or have been developed in the area. If no extension is provided for the temporary use of the parking lot at 221 Queens Ave, the shortage of parking downtown could be exacerbated.

Parking requirements for 221 Queens Avenue

Sifton Properties Limited has provided an estimate of their parking requirements and utilization of the site. The parking lot, located at 221 Queens Avenue, provides parking for three office buildings owned by the applicant: 195 Dufferin Ave., 200 Queens Ave. and 171 Queens Ave. The applicant estimates that the lot assists in providing parking for roughly 7.4% of employees in these three buildings. Overall, less than 30% of all employees are provided with parking on-site or in this lot. The applicant argues that the temporary zoning needs to be extended to continue to serve these employees and to maintain contractual obligations.

Based on the parking utilization data from 2014 and the rationale given by the applicant, it can be concluded that there is a demonstrated need for surface parking in sub-area 4. Although it is not intended to permit temporary uses for a long time, the Parking Strategy recommends a gradual approach to the discontinuation of temporary zone permissions, particularly in sub-areas of high demand. Since additional parking facilities and the implementation of Rapid Transit will not be completed in the short-term, staff is recommending to extend the temporary zone until additional facilities are provided. Given that the parking lot has existed since 1995 and has significant screening with a low impact on the streetscape, staff is satisfied that the requested extension of the temporary zone on site to allow for an additional three (3) years of surface commercial parking is appropriate.

Key Consideration # 2: Temporary Uses (General)

The London Plan provides Key Directions that must be considered to help the City effectively achieve its vision for a highly urban and transit-oriented Downtown. The following uses may be permitted within the Downtown: *a broad range of residential, retail, service, office, cultural, institutional, hospitality, recreational and other related uses may be permitted in the Downtown Place Type (800_).*

The London Plan policy 800_4* identifies that new accessory parking lots should not be permitted in the Downtown and new surface commercial parking lots shall not be permitted. Policy 800_5* states that *Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists in the vicinity of the subject lot.* [Emphasis added].

As demonstrated in Consideration #1 above, there is not an adequate supply of parking in this particular area of the Downtown. In that case, The London Plan policies allow Council to enact temporary use by-laws, and also generally discourages the long term extension of temporary uses. However, it supports a pragmatic approach to evaluating the appropriateness of temporary uses based on site-specific context and criteria (1672_). An analysis of the subject site in relation to the temporary use provisions criteria is provided below.

The site fits reasonably well within the surrounding neighbourhood, adjacent uses in the north and east are also surface parking lots (#1). The parking lot is existing and no additional buildings, structures or connections to municipal services are proposed (#2 & #3). The parking lot is located mid-block with existing vehicular and pedestrian access from Queens Ave. The applicant is not proposing to increase the capacity of the lot, or provide any additional accesses, therefore there will be no additional impact on traffic or the streetscape (#4, #5 & #6).

While the existing surface parking lot has been operating for a number of years, there is a demonstrated need for parking in this area as illustrated in the *Downtown Parking Strategy* study and discussed above in this report (#7).

With respect to the additional consideration of the impact on the pedestrian environment, the existing parking lot layout provides two suitable and easily identified pedestrian accesses to the sidewalk on Queens Avenue. The existing landscape elements (both City assets and private facilities) including trees, bushes and wrought iron fencing screen the view of parked cars from the street, provide a pleasant and shaded environment for pedestrians passing the site (#8).

Finally, respecting the degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands, the Planning Justification Report submitted by Sifton Properties states that *“redevelopment of the property for other uses such as commercial or residential high-rise is somewhat constrained by both the small size and irregular shape of the lot which would make it challenging to develop when considering setback, access, parking and other zoning and site plan requirements”*, leading staff to

believe the owner does not have plans to consolidate land in order to redevelop the site at this time. To not grant a renewal of the Temporary Use (T-69) Zone will not encourage the abandonment of the commercial surface parking lot in the short term (#9).

Key Consideration # 3: Criteria for Temporary Commercial Surface Parking Lots in the Downtown

Both the Downtown designation in the 1989 Official Plan, and Downtown Place Type in The London Plan encourage retail and service facilities at street level to contribute to a pedestrian-oriented shopping environment. Surface parking lots are discouraged. However, both plans support the provision of adequate and well-located off-street parking facilities that are sufficient to meet the demand generated by existing and proposed land uses in the Downtown, and provide criteria for the evaluation of applications for new or extensions to existing temporary commercial surface parking lots. These criteria are identical in both plans, and provided above in section 4.2 (1989 Official Plan policy 4.1.10iv and London Plan 1673A*). An analysis of the seven criteria is provided below.

As noted in Consideration #1 above, the site is located in subarea 4 of the *Downtown Parking Strategy* study, where the parking utilization rate was the second highest (81%). A healthy utilization rate is 71%. Based on the estimated transportation mode split by 2034, subarea 4 will have a projected parking supply deficit of 65 spaces by 2034. This demonstrates a need for parking in this area (#1).

The site contains enhanced landscaping by way of a grass boulevards, shrubberies and mature coniferous and deciduous trees, as well as a wrought iron fence. This enhanced landscaping helps to create a streetwall and lessen the impacts of the parking lot on the public realm (#2). With a size of roughly 0.25 hectare (2468 sq. m), the parking lot is relatively small and of an irregular configuration. This shape would make it more challenging to develop for alternative uses without the consolidation of other properties. There is still future potential for a comprehensive development on the subject site in the long-term (#3).

The surface parking lot has been in place for 25 years, serving tenants' employees in the surrounding Sifton office buildings for the duration. While the temporary zoning on the property has been extended a number of times, there is an evident need for parking to support surrounding offices in close proximity to this location.

The applicant provided an estimate of their parking requirements with currently fewer than 30% of employees provided with parking either on-site or in this lot. There are limited opportunities for users to find alternative arrangements (#4).

Our Move Forward: London's Downtown Plan was adopted under Chapter 19 of the 1989 Official Plan as a guideline document. Planning Policy 5.2 in the Tools section of the plan states: "Encourage the redevelopment of vacant sites to increase the resident and worker population downtown by discontinuing temporary-use zoning on these sites". In May 2018, this section was amended to add planning and design criteria specific to create a safe, attractive pedestrian environment. This criteria is addressed under Consideration #4 below (#5).

A Site Plan approval was obtained in 1995 when the lot was originally established. As this application is to maintain the surface parking lot in its current state, there is no need to alter the existing Site Plan (#6).

Finally, should Council choose to not approve this Zoning By-law amendment, a short-term extension is recommended to allow users to find alternative parking (#7).

Considering the above, the application to extend the Temporary Zone meets the criteria for temporary commercial surface parking lots in the downtown (1989 Official Plan policy 4.1.10iv and London Plan 1673A*).

Key Consideration # 4: Parking Lot Design

In May 2018, Council resolved that design criteria be added to *Our Move Forward: London's Downtown Plan* to assist in the planning and design of surface parking lots, when they are deemed to be appropriate in the Downtown, given the other evaluation criteria of the Official Plan (1989 Official Plan section 4.1.10iv; London Plan policy 1673A*).

The subject site is a temporary surface commercial parking lot that has been in place for almost 25 years. Site Plan approval was obtained in 1995 when the lot was originally established (#1). The site fits reasonably well within the surrounding neighbourhood, adjacent uses in the north and east are also surface parking lots. The parking lot is adequately screened from the streetscape by shrubberies, a grass boulevard and mature coniferous and deciduous trees (#2) The parking lot supports all users as it is well screened, is small in size (0.25 ha) and has appropriate signage to direct users, contributing to a positive streetscape environment along Queens Ave (#3).

The site is located mid-block, which allows for the properties and buildings at the street intersections to create a strong streetwall or edge, as well as partially screening the parking lot from both the east and west approaches. A wrought iron fence and landscape act as a continuation of the streetwall along Queens Ave. (#4 & #6). The existing lighting is directed downward and does not cause negative impacts on surrounding uses (#7).

Convenient pedestrian connections for users have been provided to the parking lot. There are two sidewalk connections that connect the parking lot to Queens Ave. As the parking lot is not large and most parking rows are relatively short, no internal sidewalks are provided. Pedestrians can easily navigate to Queens Ave. as it is visible and only a short distance from all areas of the lot (#8).

The site has not been designed to include a sustainable 30% tree canopy coverage, as no trees were planted when the parking lot was initially constructed (#5). Similarly, the site does not have landscaped islands or other low impact development (LID) measures except a small grass boulevard (#9). The Site Plan approval was given over 20 years ago when these elements were not required. The Applicant also notes that it would be very difficult to plant trees or incorporate LIDs at this time without undertaking a full reconstruction of the parking lot and losing parking spaces. Additionally, the long-term vision is to have this property redeveloped, at which time on-site trees and landscape features would have to be removed.

The existing design of the surface parking lot complies with the criteria from section 5.2 *Our Move Forward – London's Downtown Plan*, with the exception of tree canopy cover and low impact development measures for stormwater management. Staff are satisfied that due to the small size and configuration of the property, the existing Site Plan approval, and the long-term intent of the property to be redeveloped, these considerations are not as critical.

5.0 Conclusion

The recommended extension of the temporary zone for 221 Queens Ave. is consistent with the PPS in regards to ensuring sufficient land to accommodate a mix and range of uses, and to promote economic development and the vitality and viability of downtowns. It conforms to the 1989 Official Plan policies, including but not limited to the Downtown designation and the criteria for evaluating temporary commercial surface parking lots (4.1.10iv). It conforms to the in-force policies of The London Plan, including the criteria for evaluating temporary uses (1671_).

These provisions do not permit new surface commercial parking lots, and the extension of temporary zoning on existing surface commercial parking lots is discouraged. However, as there is a demonstrated need for additional parking in the central subareas, a gradual approach to the discontinuation of temporary zone permissions for

temporary surface commercial parking lots in Downtown London is recommended. Staff is satisfied that the criteria that relate specifically to the review of the extension for temporary surface parking lot 221 Queens Avenue have been met and will facilitate the necessary parking downtown. The recommended Zoning By-law amendment will allow for the temporary extension of an existing surface commercial parking lot which is compatible with surrounding land uses.

Prepared by:	Isaac de Ceuster, M.Sc. Planner I, Urban Regeneration
Recommended by:	Britt O'Hagan, MCIP RPP Manager, City Building & Design
Submitted by:	Gregg Barrett, ACIP Director, City Planning & City Planner
<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 30, 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 221 Queens Avenue.

WHEREAS Sifton Properties Limited has applied to extend the Temporary Use (T-69) Zone as it applies to lands located at 221 Queens Avenue for a period not to exceed three (3) years;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-172590 approved the Temporary Use for 221 Queens Avenue for a period not exceeding three (3) years beginning June 26, 2017.

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section Number 50.2.(69) of the Temporary Use (T) Zone is amended by adding the following subsection for the property known municipally as 221 Queens Avenue:

54) T-69

This Temporary Use is hereby extended for an additional three (3) years beginning August 25, 2020.

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 August 25, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020

Appendix B – Agency/Departmental Comments

Heritage Planning

There are no heritage planning or archaeological requirements associated with this application.

Urban Design

There are no urban design comments for the proposal summary at 221 Queens Avenue as the current proposal is to extend the Temporary Zone to permit a surface commercial parking lot. If there are any proposed changes to the site and it is determined that a Site Plan application is required then urban design related comments may follow through that process.

Parks Planning and Design

Parkland dedication has not been collected for the subject lands. Parkland dedication requirements will be deferred to future development.

Transportation Planning

Queens Avenue north of the subject site has been identified as a rapid transit corridor in the Shift Rapid Transit Environmental Assessment (EA). The final rapid transit corridor alignment, access management, and road widening dedication requirements are subject to finalization and approval of the EA. For information regarding the ongoing rapid transit EA please use the following web link: <https://www.londonbrt.ca>.

Council has recently approved the downtown parking strategy, one of the key recommendations of the downtown parking strategy is for a gradual approach to the discontinuation of temporary zone permissions for temporary surface commercial parking lots. This property is located in sub area 4 where the current parking utilization rate is 81%. Details regarding the downtown parking strategy please use the following web link: <https://www.london.ca/residents/Roads-Transportation/Transportation-Planning/Pages/Parking-Strategy.aspx>

Waste Water and Drainage Engineering

No Comments.

Stormwater Engineering

The Applicant shall be advised that the site is located within the Central Subwatershed and due to the 65 existing at grade parking spaces, City strongly encourages the applicant to implement on-site quality controls that will meet the 70% TSS criteria of the MECP and Central Subwatershed study.

London Hydro (External)

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.

Upper Thames River Conservation Authority (External)

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

CONSERVATION AUTHORITIES ACT

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

DRINKING WATER SOURCE PROTECTION: Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

RECOMMENDATION

The UTRCA has no objections to this application and a Section 28 permit will not be required. Thank you for the opportunity to comment.

Appendix C – Public Comments

One public comment was received on July 13th, 2020:

Hello!

I would like to comment on the Temporary Zoning By-law Amendment for 221 Queens Avenue (File No. TZ-9197).

I would like to see the site NOT be able to continue operation as a surface parking lot. As I'm sure everyone in the Planning department is well aware, the City of London has numerous policy directions and Council decisions that give direction for a more walking city and a more walkable downtown (The London Plan, Complete Streets Design Manual, London's Downtown Plan). We all know these goals are achieved through mixed-use developments and residential density. A surface parking lot like the one at 221 Queens Avenue that only serves people who commute by car, leaving the parking lot unavailable and vacant during the evenings and weekends, is really doing the opposite of encouraging walkability and a vibrant downtown.

Thank you for accepting my comment!

Skylar Oldreive

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: Draft Plan of Vacant Land Condominium on the Submission
by Sifton Properties Limited for 965 Upperpoint Avenue

Public Participation Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Sifton Properties Limited, relating to the property located at 965 Upperpoint Avenue:

- (a) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium relating to the property located at 965 Upperpoint Avenue; and,
- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the Site Plan Approval application relating to the property located at 965 Upperpoint Avenue.

Executive Summary

Summary of Request

This is a request by Sifton Properties Limited, to consider a proposed Draft Plan of Vacant Land Condominium. The proposed Plan of Condominium is being reviewed concurrently with an application for Site Plan Approval. The plan consists of 66 dwelling units, within multiple townhouses with a new private road providing access from Upperpoint Gate. The applicant's intent is to register the development as one Condominium Corporation.

Purpose and the Effect of Recommended Action

The purpose and effect is to report to the Approval Authority any issues or concerns raised at the public meeting with respect to the application for Draft Plan of Vacant Land Condominium or the Site Plan Approval application.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site is located off of Upperpoint Avenue, which is generally located southeast of Oxford Street West and Westdel Bourne. The site has a mix of high and medium density residential located to the north, existing estate residential to the west, low density residential to the east, and future residential to the south. The proposal consists of one medium density residential block within a draft plan of subdivision (Blocks 134 & 135, Plan 33M754). The site is currently vacant and approximately 1.73 ha (4.27 ac) in size. The site has full access to municipal services and is located in an area which is planned for future growth.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-Family, Medium Density Residential
- Existing Zoning – Holding Residential R4/R5/R6/R8 Special Provision (h*h-54*h-209*R4-6(11)R5-7(9)/R6-5(61)/R8-3(5)).

1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 90.4 metres
- Depth – Varies
- Area – 1.73 hectares
- Shape – Rectangular

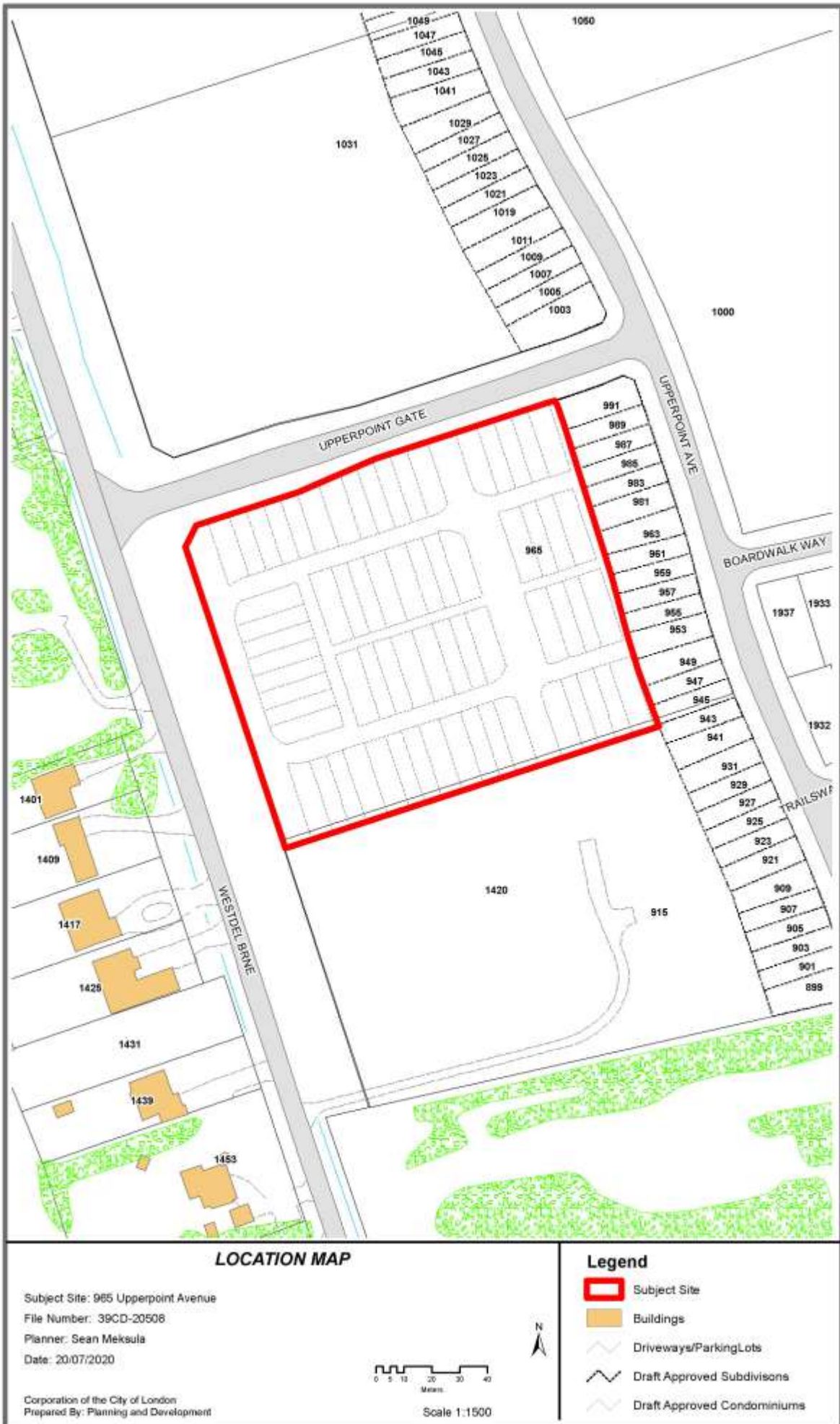
1.4 Surrounding Land Uses

- North – future multiple-attached dwellings
- East – future single detached dwellings, neighbourhood park, and school site
- South – future multiple-attached dwellings and former orchard
- West – rural estate dwellings

1.5 Intensification (66 units)

- The 66 unit, cluster townhome development located outside of the Built-Area Boundary and Primary Transit Area

1.6 LOCATION MAP

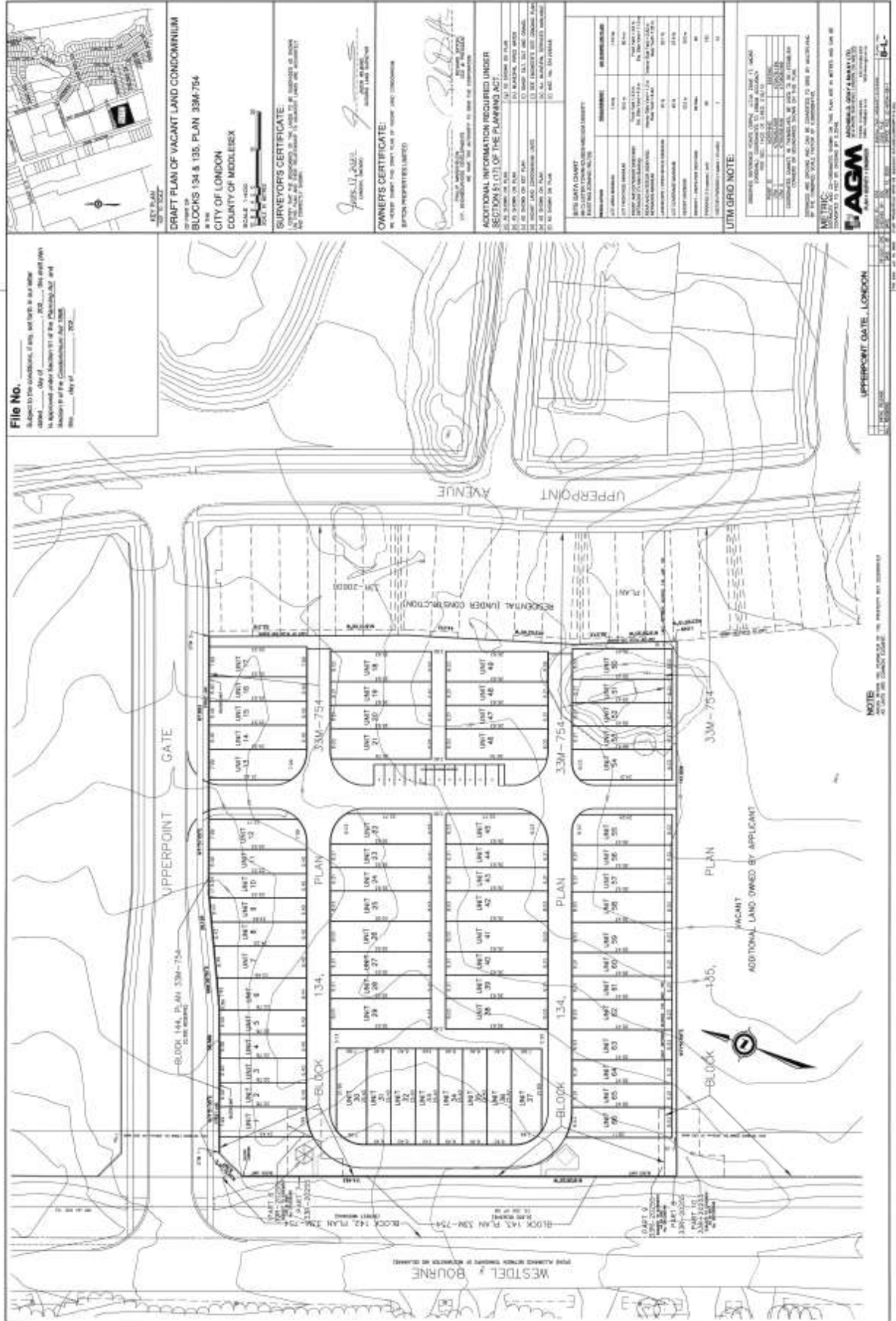


2.0 Description of Proposal

2.1 Development Proposal

The effect of the application request is to create 66 Vacant Land Condominium units to be developed in the form of cluster townhouse dwellings. Landscaped areas, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by one Condominium Corporation.

Figure 1: Proposed Vacant Land Condominium



An application for Site Plan Approval (SPA20-050) has also been made in conjunction with the application for Draft Plan of Vacant Land Condominium. The site plan submission, including servicing, grading, landscaping, and building elevation plans, are under review and will be informed by any comments received through the Vacant Land Condominium Public Participation Meeting. An additional application for the removal of holding provisions applied to this site is also under review and will be brought forward for consideration to future meeting of the Planning and Environment Committee.

Figure 2: Proposed Conceptual Elevations

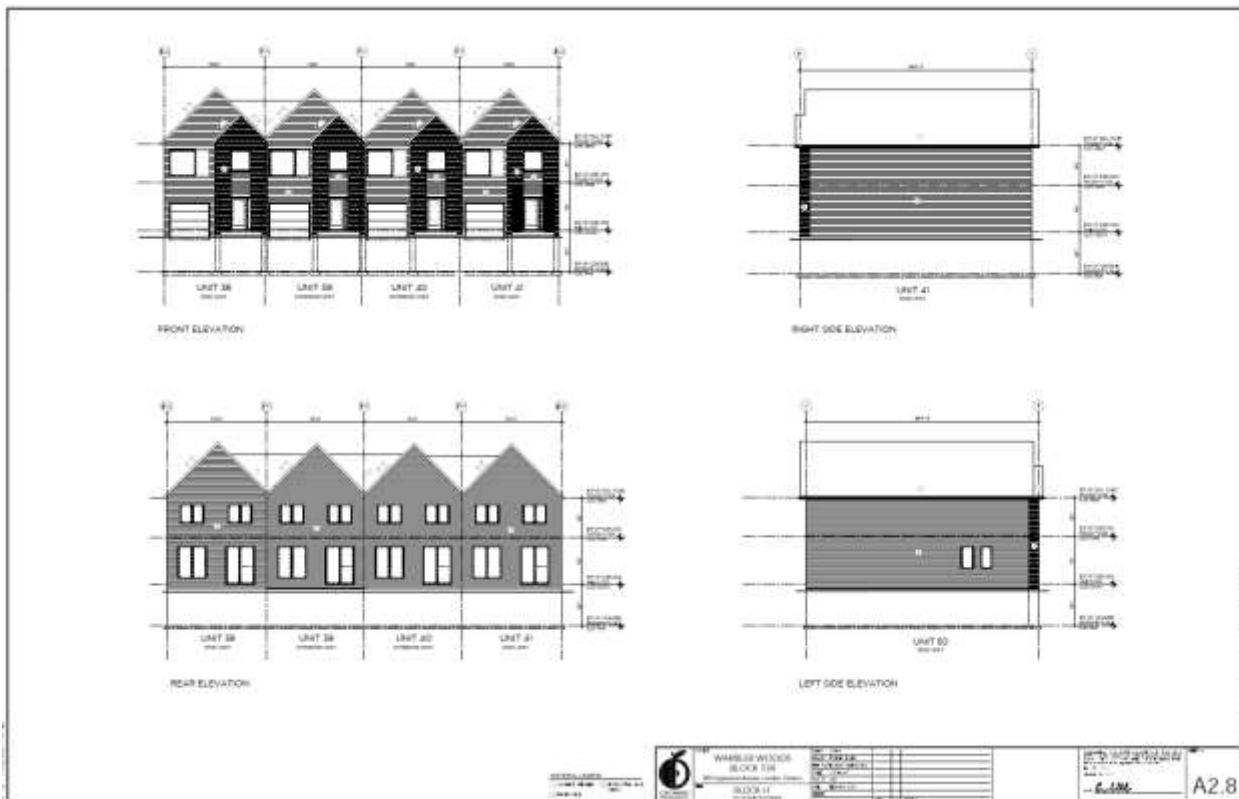
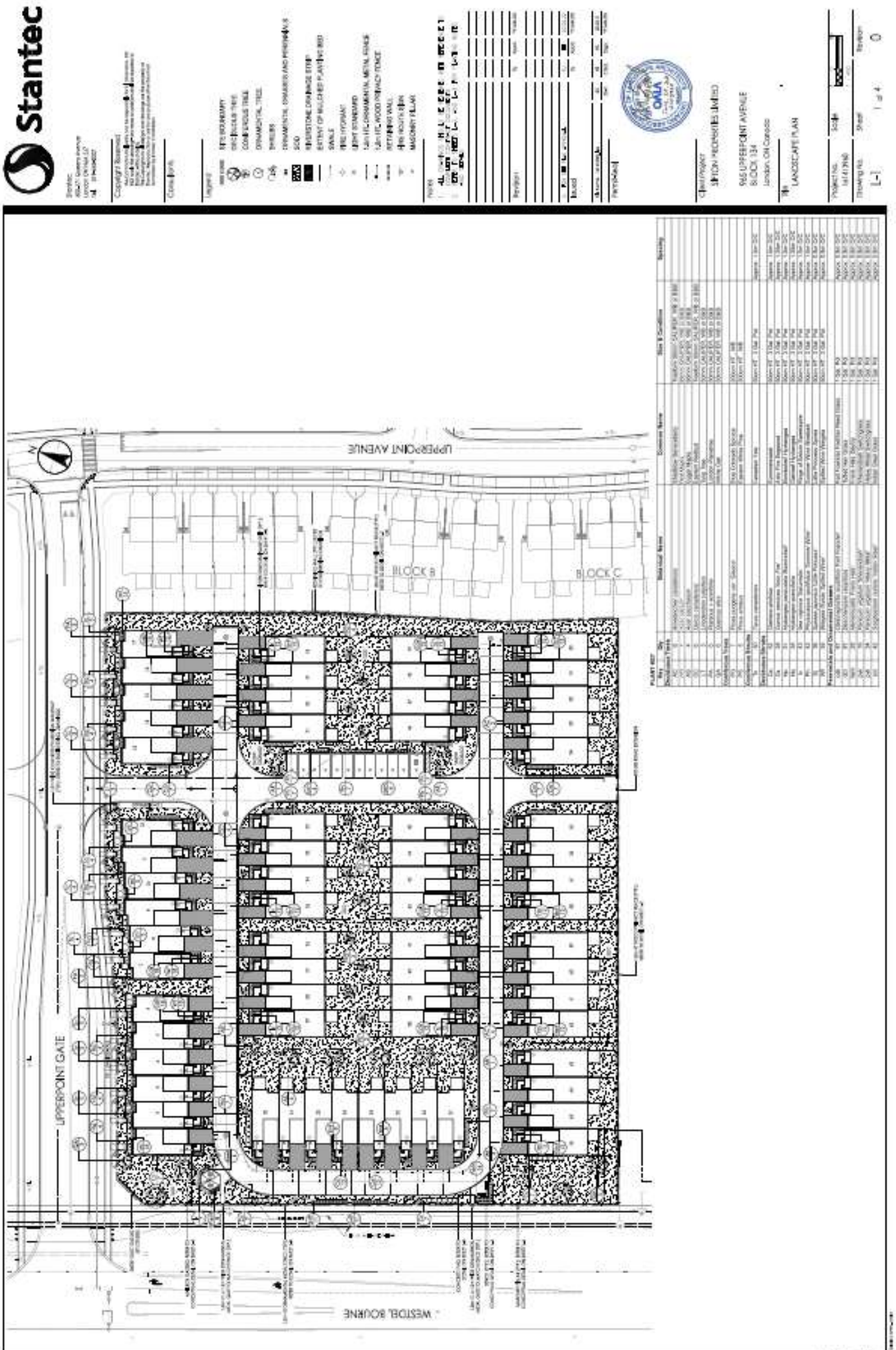


Figure 3: Amenity Space and Landscaping



3.0 Relevant Background

3.1 Planning History

On October 24, 2018, the City of London Approval Authority granted final approval and the subdivision was registered as Plan 33M-754 on November 2, 2018. The final plan consisted of 128 single detached residential lots, four (4) medium density residential blocks, one (1) high density residential block, one (1) school block, three (3) park blocks, one (1) open space block, one (1) walkway block, two (2) secondary collector roads, and seven (7) local streets.

On September 17, 2019 Municipal Council passed a Zoning By-law amendment to add a Residential R4 Special Provision (R4-6(11)) Zone to permit street townhouse dwellings along with special provisions for lot frontage, front yard setbacks for the main dwellings and garages, and building height. This amendment was brought forward to facilitate the development of Street Townhouses along the west portions of Upperpoint Avenue.

Site plan approval along with the removal of holding provision applications were submitted in June of 2020 to accommodate the proposed cluster townhouse development. The requested site plan and removal of holding provision applications are now running in parallel with the Vacant Land Condominium application (39CD-20508) which was accepted on July 9, 2019.

3.2 Community Engagement (see more detail in Appendix A)

The requested amendment was circulated to the public on July 15, 2020 and advertised in the Londoner on July 16, 2020. At the time of preparation of this report no responses were received from the public in response to the Notice of Application and The Londoner Notice.

There were no significant comments in response to the Departmental/Agency circulation of the Notice of Application.

3.3 Policy Context (See more detail in Appendix B)

Provincial Policy Statement, 2020

The proposal must be consistent with the Provincial Policy Statement (PPS) and land use planning policies and must consider:

1. Building Strong Healthy Communities;
2. Wise Use and Management of Resources; and
3. Protecting Public Health and Safety.

The London Plan

The site is located within the Neighbourhoods Place Type in The London Plan. The policies of this Place Type, as well as the Our Strategy, City Building and Design, and Our Tools policies, have been applied in the review of this application.

(1989) Official Plan

The site is designated Multi-family, Medium Density Residential on Land Use Schedule A of the Official Plan.

Riverbend South Secondary Plan

The Riverbend South Secondary Plan designates the site as Medium Density Residential within the Central Longwoods Residential Neighbourhood.

As further described in Appendix B – Policy Context, Staff are of the opinion that the condominium draft plan is generally consistent with the PPS, The London Plan, 1989 Official Plan, and the Southwest Area Secondary Plan.

Z.-1 Zoning By-law

The zoning is Holding Residential R4/R5/R6/R8 Special Provision (h•h-54•h-209•R4-6(11)/R5-7(9)/R6-5(61)/R8-3(5)) which permits a range of dwelling types, including detached and attached forms of housing such as cluster single detached dwellings, townhouses and stacked townhouses.

Vacant Land Condominium Application

The City of London Condominium Guidelines have been considered for the proposed Vacant Land Condominium which is comprised of various units and common elements. The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the *Planning Act*. In order to ensure that this Vacant Land Condominium development functions properly, the following may be required as conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common elements and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Confirmation of addressing information and door point numbers;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union Gas, Bell, etc.);
- The maintenance of any stormwater servicing works including on-site works;
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities; and,
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other structures in the common elements.

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

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Site design and orientation in relation to the adjacent streets.

The proposed condominium development consists of 66, 2-storey cluster townhouse dwellings arranged in blocks of units attached side-by-side. Three access driveways are provided from Upperpoint Gate. The development block interfaces with Westdel Bourne and features a window street, a 1.5 metre wrought iron fence with decorative store pillars, two pedestrian gate access points, and a heavily landscaped planting strip. The need for a continuous noise wall is eliminated with only localized sound reduction barriers required to protect the private outdoor amenity area of the end units adjacent Westdel Bourne. End dwelling units feature wrap-a-around covered porches to enhance the relationship and orientation of dwelling units to Westdel Bourne and Upperpoint Gate.

The plans and building elevations have been reviewed for compliance with the City's Placemaking Guidelines, Riverbend South Secondary Plan, and the Riverbend Subdivision Urban Design Guidelines. Through the site plan review process, staff have been working with the proponent on improving the building orientation adjacent Upperpoint Gate in recognition that this is a key entry point and gateway to the neighbourhood. The site plan does show covered porches and walkway connections from individual units to the public sidewalk. However, further design modifications to the units along Upperpoint Gate should be considered in order to achieve true orientation to the public street and avoid rear-lotting. This includes such modifications as providing front doors on the Upperpoint Gate facing elevation for Units 1-17.

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

5.0 Conclusion

The proposed Vacant Land Condominium is consistent with the Provincial Policy Statement, and in conformity with The London Plan, the (1989) Official Plan, and the Riverbend South Secondary Plan. The proposed residential townhouse use is appropriate for the site and permitted under the existing zoning. An Application for Site Plan Approval has also been submitted and reviewed in conjunction with the application for Vacant Land Condominium. The proposed Site Plan and elevations will result in an appropriate development that is compatible with the area and complies with the Site Plan Control By-law.

Prepared by:	Sean Meksula, 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 30, 2020

Y:\Shared\DEVELOPMENT SERVICES\3 - Condominiums\2020\39CD-20508 - 965 Upperpoint Avenue (SM)\Draft Approval\39CD-20508_ Upperpoint Avenue_PEC_SM.docx

- cc: Lou Pompilli, Manager, Development Planning
- cc: Michael Pease, Manager, Development Planning
- cc: Matt Feldberg, Manager, Development Services (Subdivisions)
- cc: Ted Koza, Manager, Development Engineering
- cc: Heather McNeely, Manager, Development Services (Site Plans)

Appendix A – Community Engagement

Public liaison: On July 15, 2020, Notice of Application was sent to 18 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 16, 2020. A “Planning Application” sign was also posted on the site.

0 replies were received

Nature of Liaison: The purpose and effect of this application is to approve a Draft Plan of Vacant Land Condominium consisting of 66 residential units. Consideration of a proposed draft plan consisting of 66 multiple attached dwelling units and common elements to be registered as one Condominium Corporation. *For the lands under consideration, a separate application for Site Plan Approval – Application File No. SPA20-050 – has been submitted by Sifton Properties Limited.

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

Agency/Departmental Comments

Enbridge Gas Inc. – July 15, 2020.

It is Enbridge Gas Inc.’s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Hydro One – July 15, 2020

No Objections

We are in receipt of your Plan of Condominium application, 39CD-20508 dated July 15, 2020. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. **Our preliminary review considers issues affecting Hydro One’s ‘High Voltage Facilities and Corridor Lands’ only.**

For proposals affecting ‘Low Voltage Distribution Facilities’ the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at Subdivision@HydroOne.com or 1-866-272-3330.

- At the time of submission no other significant agency/department comments were received. Comments received at a later date will be included in the conditions for the condominium.

Appendix B – Policy Context

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

Provincial Policy Statement (PPS), 2020

Land use within settlement areas shall be based on densities which 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) & 1.4.3.d)). The proposal will develop a vacant site that has full access to municipal services within a planned neighbourhood. The subject lands are within a draft plan of subdivision and are designated and intended over the long term for multiple dwelling, low to medium density residential uses. The proposed Draft Plan of Vacant Land Condominium is consistent with the Provincial Policy Statement.

The proposed development achieves objectives for efficient and resilient development and land use patterns. It represents new development taking place within the City's urban growth area, and within an area of the City that is currently building out. It also achieves objectives for promoting compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure and public service facilities, supports the use of public transit, supports energy conservation and efficiency, and avoids land use and development patterns which may cause environmental or public health and safety concerns.

There are no natural heritage features or natural hazards present, and Provincial concerns for archaeological resource assessment and cultural heritage have been addressed through the subdivision approval process. Based on our review, the proposed Draft Plan of Vacant Land Condominium is found to be consistent with the Provincial Policy Statement.

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.

These lands are within the "Neighbourhoods" Place Types along a neighbourhood connector which permits a wide range of lower density residential uses at a maximum height of 2.5-storeys.

Neighbourhood Place Type

Vision for the Neighbourhoods Place Type

*916_ * In 2035 our neighbourhoods will be vibrant, exciting places to live, that help us to connect with one another and give us a sense of community well-being and quality of life. Some of the key elements of our vision for neighbourhoods include:*

- 1. A strong neighbourhood character, sense of place and identity.*
- 2. Attractive streetscapes, buildings, and public spaces.*
- 3. A diversity of housing choices allowing for affordability and giving people the opportunity to remain in their neighbourhoods as they age if they choose to do so.*

4. *Well-connected neighbourhoods, from place to place within the neighbourhood and to other locations in the city such as the downtown.*
5. *Lots of safe, comfortable, convenient, and attractive alternatives for mobility.*
6. *Easy access to daily goods and services within walking distance.*
7. *Employment opportunities close to where we live.*
8. *Parks, pathways, and recreational opportunities that strengthen community identity and serve as connectors and gathering places.*

** Policy subject to LPAT Appeal PL170100 – November 13, 2019*

This proposal is generally in keeping with the Neighbourhood Place Type vision and its key elements, including a strong neighbourhood character and sense of identify, neighbourhood connectedness, diversity of housing choices and affordability, safe and convenient alternatives for mobility, close to neighbourhood parks and multi-use pathways planned as part of the subdivision approval process, and also within easy access to goods, services and employment opportunities.

The City Building and Our Tools policies have also been applied in the review of this application. City Design policies regarding the site layout are supportive of the proposed development as the units abutting the park space to the north provides access to the sidewalk, as well as passive surveillance from the residential dwellings which front the park with porches overlooking the park space (288*). The proposed development promotes connectivity and safe pedestrian movement within the development and to the surrounding neighbourhood (255*).

In the Our Tools section of The London Plan, Vacant Land Condominiums are considered based on the following (1709):

4. *The same considerations and requirements for the evaluation of draft plans of subdivision shall apply to draft plans of vacant land condominium;*

The proposed draft plan of vacant land condominium has been evaluated with regards to the review criteria for plans of subdivision. The proposed cluster townhouse dwelling units conform to the Official Plan and The London Plan policies, and have access to municipal services. The access and residential uses proposed are appropriate for the site, and there are no natural features or hazards associated with the site. There is existing and future commercial uses proposed in proximate distance to the surrounding neighbourhood. The site is also in close proximity to Hickory Woods Park and the Warbler Woods ESA. Building elevation plans have been reviewed as part of the site plan submission. The size and style of townhouse dwellings are anticipated to contribute to housing choice and meet the community demand for housing type, tenure and affordability. All grading and drainage issues will be addressed by the applicant's consulting engineer to the satisfaction of the City through the accepted engineering and servicing drawings, future Development Agreement and Site Plan Approval process.

5. *The applicant may be required to provide site development concepts and meet design requirement consistent with the Site Plan Control By-law as part of the consideration of a draft plan of vacant land condominium;*

The draft plan of Vacant Land Condominium is being concurrently considered with an active Site Plan Application. The various requirements of the Site Plan Control By-law will be considered and implemented through a Development Agreement for the lands.

6. *Proposals for vacant land condominiums which will result in units above or below any other unit will not be supported;*

The proposed townhouse units do not result in unit boundaries below or above other units.

7. *Only one dwelling will be permitted per unit;*

There is only one townhouse dwelling proposed per unit.

8. *At the time of registration, structures cannot cross unit boundaries;*

A signed Development Agreement will be required prior to the final approval of the Vacant Land Condominium that will confirm both the location of structures and unit boundaries.

9. *The registration of a proposed development as more than one vacant land condominium corporation may be permitted if the proposal is supportive of comprehensive development and planning goals. The minimum number of units to be included in each condominium corporation will be adequate to allow for the reasonable independent operation of the condominium corporation.*

The proposed cluster townhouse development is to be developed as one condominium corporation.

This proposal vacant land condominium contributes to a mix of housing types and tenure. The development will promote a pedestrian-friendly environment that offers opportunities for active mobility choices including walking, cycling and future public transit; contributes to a safe, healthy and connected community; and evokes a sense of neighbourhood character and sense of place.

City Building and Design Policies

*202_ * Buildings and public spaces at key entry points into neighbourhoods will be designed to help establish a neighbourhood's character and identity.*

229_ Except in exceptional circumstances, rear-lotting will not be permitted onto public streets and side-lotting will be discouraged on Civic Boulevards and Urban Thoroughfares.

*259_ * 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.*

*291_ * Principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active frontage and provide for convenient pedestrian access.*

** Policy subject to LPAT Appeal PL170100 – November 13, 2019*

The proposed condominium development consists of 66, 2-storey cluster townhouse dwellings arranged in blocks of units attached side-by-side. Three access driveways are provided from Upperpoint Gate. The development block interfaces with Westdel Bourne and features a window street, a 1.5 metre wrought iron fence with decorative store pillars, two pedestrian gate access points, and a heavily landscaped planting strip. The need for a continuous noise wall is eliminated with only localized sound reduction barriers required to protect the private outdoor amenity area of the end units adjacent Westdel Bourne. End dwelling units feature wrap-a-around covered porches to enhance the relationship and orientation of dwelling units to Westdel Bourne and Upperpoint Gate.

The plans and building elevations have been reviewed for compliance with the City's Placemaking Guidelines, Riverbend South Secondary Plan, and the Riverbend Subdivision Urban Design Guidelines. Through the site plan review process, staff have been working with the proponent on improving the building orientation adjacent Upperpoint Gate in recognition that this is a key entry point and gateway to the neighbourhood. The site plan does show covered porches and walkway connections from individual units to the public sidewalk. However, further design modifications to the units

along Upperpoint Gate should be considered in order to achieve true orientation to the public street and avoid rear-lotting. This includes such modifications as providing front doors on the Upperpoint Gate facing elevation for Units 1-17.

(1989) Official Plan

The (1989) Official Plan designation for these lands is Multi-Family, Medium Density Residential (MFMDR). The primary permitted uses in the Multi-Family, Medium Density Residential designation shall include multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged (3.3.1. Permitted Uses). The proposed vacant land condominium is in keeping with the range of permitted uses.

Developments within areas designated Multi-Family, Medium Density Residential shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of development. The takes on a similar scale of development to what exists in the surrounding area allowing for this transition from single detached dwellings to the west and commercial uses to the south and east. The development also provides a density of 40 uph which is less the 75 uph permitted in the MFMDR designation (3.3.3. Scale of Development).

Riverbend South Secondary Plan

The site forms part of the Riverbend South Secondary Plan and is subject to the development vision and detailed policies of the Riverbend Secondary Plan. Additionally, the site forms part of the 'Riverbend Residential Neighbourhood' within the greater area plan.

New development in Riverbend South will reflect the existing character of the neighbourhood and will provide a highly connect networ of pedestrian and cycling routes throughout the community to encourage a range of active transportations opportunities. Buildings are encourage to be located close to the street, with front door oriented to the street, to provide a strong street edge and sens of enclosure. Educued setback to the main buildis are encouraged to create a more intimate streetscape and reduce the prominace of garages. The Low density and Multy-Family Medium Density Residential designations apply to most of the existing and planned neighbourhoods of Riverbend area, which will accomodae a full ranges of single family and cluster townhouse dewllings as proposed..

The primary permitted uses and densities in the Multi-Family, Medium Density Residential (MFMDR) designation of the Riverbend South Secondary Plan defer to the permitted uses of the MFMDR designation in the 1989 Official Plan. The proposed cluster townhouse development is considered a permitted landuse and the proposed density of 40uph is in keeping with the density permissions of the plan. The proposed vacant land condominium is considered appropriate for the lands and achives the vision of the Riverbend South Secondary Plan by providing a variety of housing designs and alternatives in the neighbourhood.

Urban Design Guidelines

Residential design guidelines were prepared as part of the Riverbend Subdivision application review. Site planning and design considerations for the desired built form along residential streetscapes include the following objectives and guidelines:

1.1 Residential Streetscapes

Design Objectives

- a) To support an "eyes on the street" approach, such that the collective design shall*

provide an aesthetically pleasing and safe pedestrian environment;

b) To have individual and collective design of housing that encourage a connection between the dwelling unit and the street by using front porches and bay windows;

1.2 Building Placement and Orientation shall:

e) Buildings should be oriented such that the fronts of the buildings shall face the major street by the use of front doors and abundant vision glass to animate the street and provide a sense of security through public surveillance.

2.1 Building Massing shall:

a) Encourage built form to be located along public street edges to produce active frontages;

c) Have a natural recognizable front entrance contributing to “way-finding”;

2.2 Façade Design shall:

e) Give additional consideration to corner lot situations such that the front and exposed flank support the eye-on-the street approach mentioned above.

The site plan and building elevations have been revised to incorporate a similar level of architectural detail on the front and rear elevations flanking public streets and walkways. Along the Upperpoint Gate street frontage the proponents have also incorporated porches and pedestrian connections to the street for each individual dwelling unit to promote an active frontage. While some changes have been made, site planning staff are continuing to work with the applicant on improving the site design and building orientation to meet the urban design objectives and guidelines, as noted above.

Vacant Land Condominium Application

The same considerations and requirements for the evaluation of Draft Plans of Subdivision also apply to Draft Plans of Vacant Land Condominiums, such as:

- This proposal is consistent with the objectives and policies of The London Plan, 1989 Official Plan, and Southwest Area Secondary Plan.
- Sewer and water services will be provided in accordance with the subdivision servicing drawings accepted by the City, and the approved Site Plan and Development Agreement in order to service this site.
- The proposed development is in close proximity to employment areas, community facilities, neighbourhood parks, and open space.
- A traffic noise impact assessment has been completed and mitigation measures will be incorporated through site design and warning clauses in the Development Agreement, and in the Condominium Declaration and Description.
- The Draft Plan of Vacant Land Condominium illustrates how these lands are to develop for cluster townhouses. Building elevation plans have been reviewed as part of the site plan submission. The size and style of dwellings are anticipated to meet the community demand for housing type, tenure and affordability.

The City may require applicants to satisfy reasonable conditions prior to Final Approval and registration of the plan of condominium, as authorized under the provisions of subsection 51(25) of the *Planning Act*. In order to ensure that this Vacant Land Condominium development functions properly, the following issues at a minimum will be addressed through conditions of draft approval:

- That site plan approval has been given and a Development Agreement has been entered into;
- Completion of site works in the common element and the posting of security in addition to that held under the Development Agreement (if applicable), in the event these works are not completed prior to registration of the plan of condominium;
- Installation of fire route signs prior to registration;
- Confirmation of addressing information;
- Payment of outstanding taxes or local improvement charges, if any;
- Provision of servicing easements for utility providers (such as London Hydro, Union

Gas, Bell, etc.);

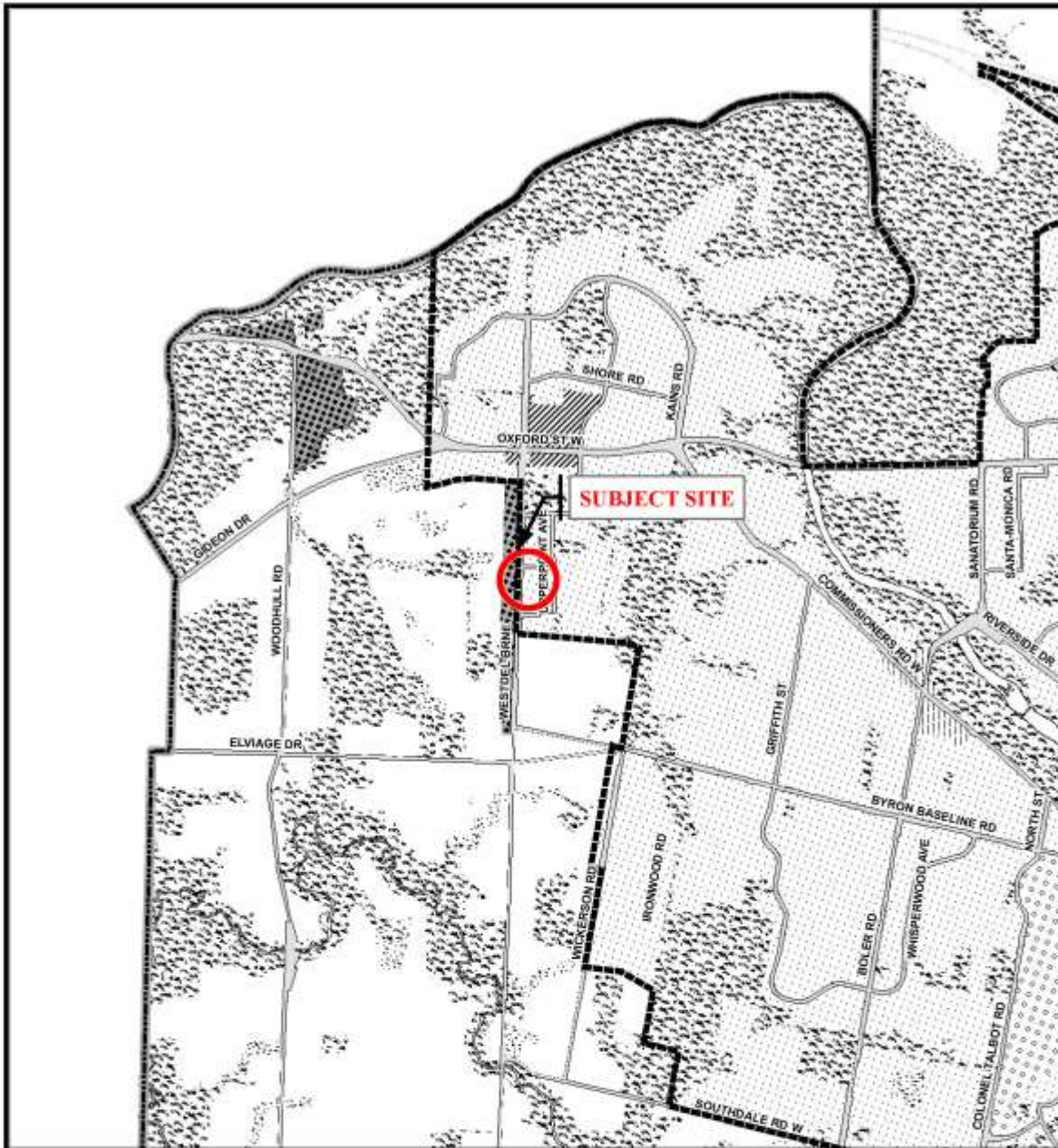
- A warning clause provision in the Condominium Declaration if the water service for the site is determined to be a regulated drinking water system by the MOECC, the Owner or Condominium Corporation may be required to meet the regulations under the Safe Drinking Water Act and the associated regulation O.Reg. 170/03.
- The development of the site under Draft Plan of Vacant Land Condominium shall comply with all final approved site plan conditions and approved engineering drawings. Any conditions identified in the Development Agreement registered on title and any Private Permanent System(s) (PPS) that includes storm/drainage, Low Impact Development (LID) and SWM servicing works must be maintained and operated by the Owner in accordance with current applicable law.
- Arrangements be made dealing with rights of access to and use of joint facilities, and responsibility for and distribution of costs for maintenance of joint facilities.
- Ensuring that the Condominium Declaration to be registered on title adequately addresses the distribution of responsibilities between the unit owners and the condominium corporation for the maintenance of services, the internal driveway, amenity areas, and any other facilities and structures in the common elements.

Z.-1 Zoning By-law

The existing zoning is a Holding Residential R4/R5/R6/R8 Special Provision (h*h-54*h-209*R4-6(11) R5-7(9)/R6-5(61)/R8-3(5)). Zone which permits a range of dwelling types, including detached and attached forms of housing such as cluster single detached dwellings, townhouses and stacked townhouses. As noted earlier, an application to remove the holding provisions will be brought forward under a separate report. The proposed vacant land condominium and proposed site plan are consistent with the Zoning By-law.

The holding provisions that currently form part of the zone are for the orderly development of the lands through an approved Development Agreement, no land use conflicts between arterial roads and the proposed residential uses, and encourage building orientation towards public streets and public spaces, a site plan shall be approved which ensures that future development of the lands complies with the urban design policies identified in the Riverbend South Secondary Plan. A report addressing each of these items will be brought forward under application H-9233. The proposed vacant land condominium and proposed site plan are consistent with the Zoning By-law.

Appendix C – Additional Maps



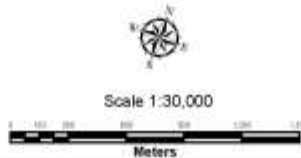
Legend

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

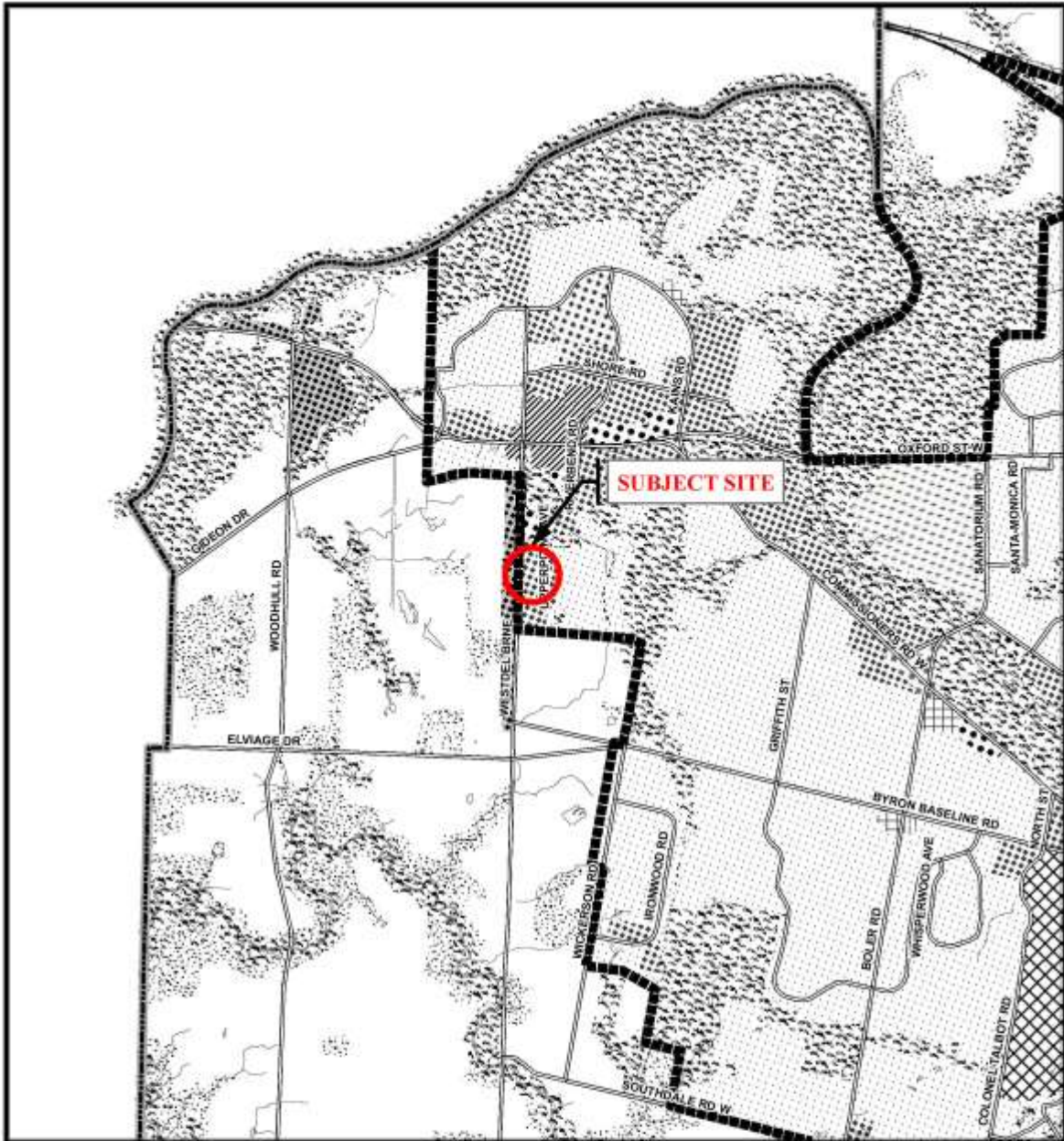
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON
Planning Services /
Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
PREPARED BY: Planning Services



File Number: 39CD-20508
Planner: SM
Technician: RC
Date: July 22, 2020



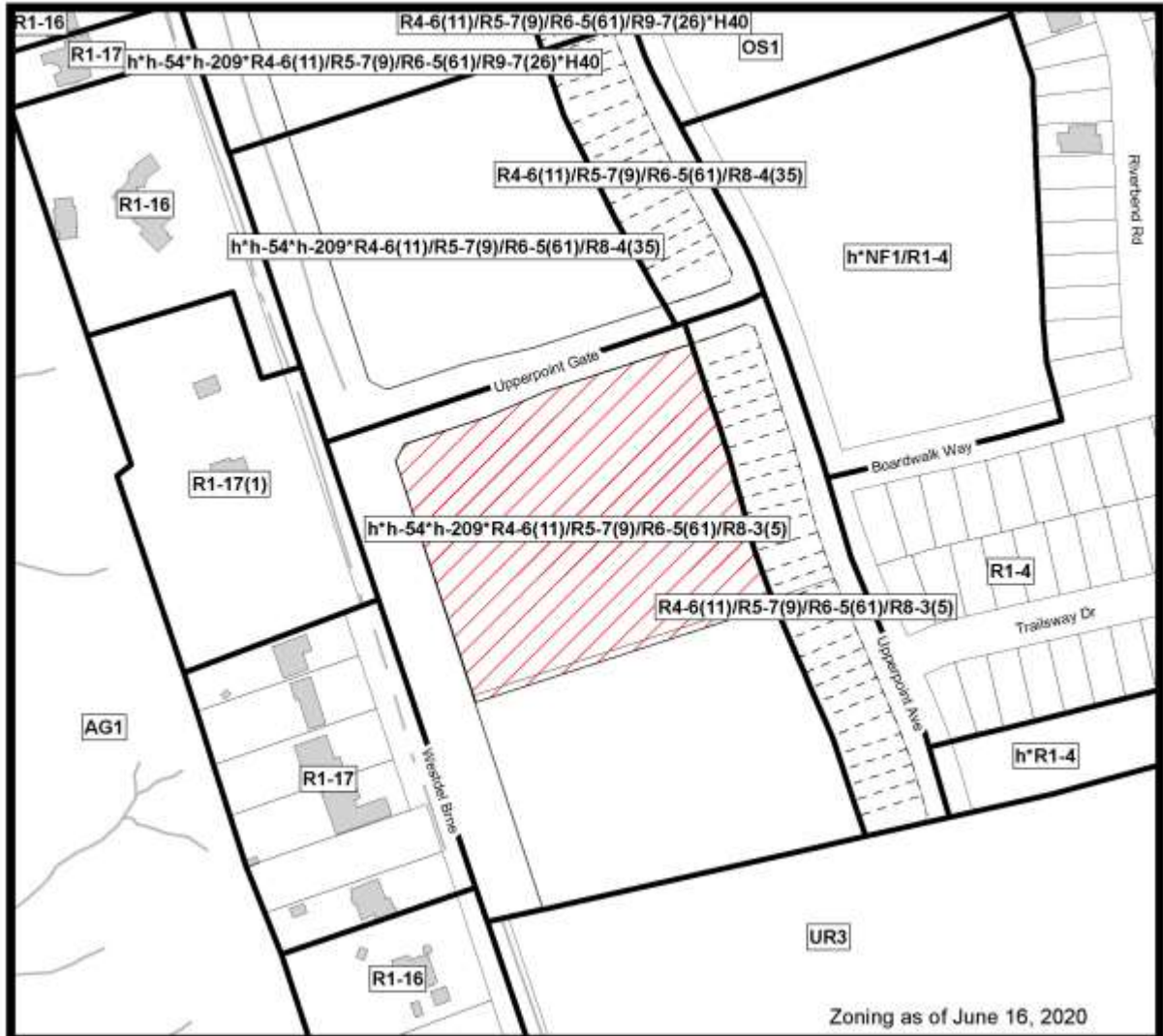
Legend			
	Downtown		Office Business Park
	Enclosed Regional Commercial Node		General Industrial
	New Format Regional Commercial Node		Light Industrial
	Community Commercial Node		Regional Facility
	Neighbourhood Commercial Node		Community Facility
	Main Street Commercial Corridor		Open Space
	Auto-Oriented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

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



FILE NUMBER: 39CD-20508
PLANNER: SM
TECHNICIAN: RC
DATE: 2020/07/22

PROJECT LOCATION: c:\planning\projects\p_officialplan\work\consolid\extracts\mxd_templates\scheduleA_NEW_b&w_8x14.mxd



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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:
39CD-20508 SM

MAP PREPARED:
2020/07/22 RC

1:2,710
0 12.525 50 75 100
Meters

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

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: Global Waste Disposal London Ltd
2040 River Road

Public Participation Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Global Waste Disposal London Ltd relating to the property located at 2040 River Road:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting August 25, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** a holding General Industrial (h*GI2) Zone and a Light Industrial/General Industrial (LI6/GI2) Zone, **TO** an Open Space Special Provision (OS5(_)) and a Light Industrial Special Provision/General Industrial Special Provision (LI6(_)/GI2(_)) Zone; and
- (b) the request to amend Zoning By-law No. Z.-1 to change the zoning of the subject property **FROM** a holding General Industrial (h*GI2) Zone and a Light Industrial/General Industrial (LI6/GI2) Zone, **TO** a Light Industrial/General Industrial Special Provision (LI6/GI2(_)) Zone, **BE REFUSED** as there is inadequate protection for the long-term preservation of the area of re-naturalization, and an Open Space Special Provision (OS5(_)) Zone is appropriate to clearly delineate the area to be protected and ensure the undisturbed future viability of this re-naturalized area.
- (c) **IT BEING NOTED** that the following site plan matter was raised during the application review process: to restore an area of disrupted natural heritage feature with an accepted restoration plan.

Executive Summary

Summary of Request

The requested amendment is to permit a waste transfer station and recycling depot.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to zone a portion of the site to allow for an expanded range of industrial uses, and to zone a portion of the site to protect an area of disrupted open space for enhancement and restoration.

Rationale of Recommended Action

1. The proposed new use of the site is consistent with the Provincial Policy Statement 2020, as it maintains the function and economic contribution of the employment lands and restores a natural heritage area;
2. The recommended amendment conforms to the in-force policies of The London Plan including but not limited to the policies of the Heavy Industrial Place Type;

3. The proposed industrial use is appropriate for the subject site and conforms to the in-force policies of the 1989 Official Plan including but not limited to the General Industrial policies of Chapter 7.
4. The recommended amendment will ensure the continued operation and viability of the industrial area for current and future uses; and,
5. The enhancement and restoration area to be zoned for the long-term protection of the feature conforms to the in-force policies of the 1989 Official Plan including but not limited to Chapter 15, and the in-force and effect policies of The London Plan including, but not limited to the Environmental Policies.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject site consists of a rectangular property directly fronting River Road and a triangular parcel to the northeast at the rear. A portion of unopened road allowance for the future connection of Scanlan Street is located to the northwest of the site. 2040 River Road is located within the interior of an industrial node that is bounded by Clarke Road to the west, the CN rail corridor to the north, and the Clarke Road Park to the south. There are a mix of uses surrounding the site such as scrap yards, aggregate resource processing facilities, auction establishment uses, future industrial uses and some remnant residential uses along the north side of River Road. There is an open space to the east of the site known as the River Road Park which was a former City Landfill and is now home to the Model Airplane Flying Club.



Figure 1: Street view of 2040 River Road

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

- Official Plan Designation – General Industrial
- Schedule B1 – unevaluated vegetation patches, unevaluated wetlands
- Schedule B2 – conservation authority regulation limit, riverine erosion hazard limit for unconfined system
- The London Plan Place Type – Heavy Industrial
- Map 5* - unevaluated vegetation patches, unevaluated wetlands, unevaluated valley lands
- Map 6* - conservation authority regulation limit, riverine erosion hazard limit for unconfined systems, significant groundwater recharge area, highly vulnerable aquifers
- Existing Zoning – h*GI2; LI6/GI2

1.3 Site Characteristics

- Current Land Use – storage depot

- Frontage – 30.4m (99.7ft)
- Depth – Varies
- Area – 25,458m² (274,027 sq ft)
- Shape – irregular

1.4 Surrounding Land Uses

- North – Salvage Yard and Future Industrial Lands
- East – Model Airplane Flying Club
- South – Salvage Yard and Cement Plant
- West – Auction Establishment and General Industrial

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The proposal is to permit a 'waste transfer station and recycling depot' on the site with the existing dwelling converted to an office. Special provisions are requested to the General Industrial Zone to add the use, to allow for a reduced lot frontage of 30 meters, and to regulate the type and area of outside storage.

2.2 Detailed Description of Operation

The applicant is Global Waste Disposal London Ltd which provides services to commercial, industrial, and residential users in the London region through removal and disposal of various wastes. The proposed facility receives bins and enclosed containers to sort, separate and recycle collected materials which would otherwise be sent on for disposal at City landfill and other private disposal sites. The recycling of waste material can reduce the demand for new raw resources, lower final waste disposal costs, and help to conserve landfill space.



Figure 2: Rendering of proposed use of site

3.0 Relevant Background

3.1 Planning History

The site has been used by Global Waste Storage and Truck Yard since 1989. In 2012, the single detached dwelling at 2040 River Road was acquired by Global Waste.

3.2 Requested Amendment

The requested amendment is to add a new use to the General Industrial (GI2(_)) zone as a special provision, and maintain the existing Light Industrial (LI6) Zone variation and extend to the entire site. The existing 'h' holding provision was also requested for removal.

3.3 Recommended Amendment

The recommended amendment will also include a portion of the site to be zoned as Open Space (OS5) to restore and enhance a portion of the site with natural heritage features that was disrupted to provide future protection.

3.4 Community Engagement (see more detail in Appendix B)

Two replies were received requesting additional information and clarification about the proposal and expressing interest to be kept informed.

3.5 Policy Context (see more detail in Appendix C)

Provincial Policy Statement (PPS) 2020

The Provincial Policy Statement (PPS) 2020, provides policy direction on matters of provincial interest related to land use planning and development. The Provincial Policy Statement encourages healthy, liveable and safe communities that are sustained by accommodating an appropriate range and mix of employment uses, including industrial and commercial to meet long-term needs (1.1.1.b). The PPS also requires that natural features shall be protected for the long term (2.1).

The London Plan

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

The site is within the Heavy Industrial Place Type which includes industries that generate significant planning impacts such as noise, vibration, air emissions, hazardous materials, and unsightly outdoor storage (1109). A portion of the site is within Map 5* – Natural Heritage and Map 6* – Hazards and Natural Resources.

Official Plan

The site is within the General Industrial designation, which is intended for a broad range of industrial uses including activities that could have a detrimental impact on residential or other uses (7.2). A portion of the site is within Schedule B1 – Natural Heritage Features and Schedule B2 – Natural Resources and Hazards.

Zoning

The existing zoning is a holding General Industrial (h*GI2) Zone and a Light Industrial/General Industrial (LI6/GI2) Zone which provides for and regulates a broad range of industrial activities, though does not allow the specific nature of the requested “waste transfer station and recycling depot” use.

4.0 Key Issues and Considerations

4.1 Location

Provincial Policy Statement, 2020

The PPS promotes opportunities for a diversified economic base, including maintaining a range of economic activities and ancillary uses which take into account the needs of existing and future businesses (1.3.1 b)). The proposed industrial use maintains the industrial nature of the area and moderately diversifies the permitted uses which enhances the viability of the industrial node overall.

The London Plan

Industrial Place Types represent a critical part of The London Plan's City Structure – where one-third of Londoners work and where many of the goods and services the City produces are designed, manufactured, processed, assembled and then transported to the world (1104). Employment lands include the majority of the existing and planned industrial lands in the City, primarily clustered around the Veterans Memorial Parkway and Highway 401 corridors which provide important connections to the North American free trade routes. These corridors support the majority of London's employment areas as defined by the Provincial Policy Statement and include light and heavy industrial uses (136). The site is centrally located within a larger Heavy Industrial node that extends to the east of Clarke Road, north of the Clarke Road Park and south of the CN rail corridor, and has convenient access to the Highway 401 and major transportation routes. The proposed 'waste transfer station and recycling depot' reinforces the industrial role of the site within an area that is appropriately planned and used for intensive industrial uses.

1989 Official Plan

The 1989 Official Plan provides direction to ensure that the General Industrial designation is, for the most part, intended to apply to areas which are appropriately separated from residential areas (7.2). The site is located within an established industrial area that currently permits, and has a long-term planned intent area for intensive industrial uses. The site is well separated from lands that are designated or zoned for residential uses, though there are some remnant residential uses within the area that have not yet transitioned to industrial uses.

4.2 Use

Provincial Policy Statement, 2020

Section 1.3 of the PPS contains the Employment policies, which promote economic development and competitiveness by providing an appropriate mix and range of employment uses to meet long-term needs (1.3.1.a). The subject site forms part of an existing industrial node which contributes to the City's overall economic and employment sector. The PPS also encourages municipalities to provide opportunities for economic development and community investment-readiness, which is consistent with facilitating the new use for a 'waste transfer station and recycling depot' (1.7).

The London Plan

The Heavy Industrial Place Type permits a broad range of industrial uses that can generate significant planning impacts such as noise, vibration, air emissions, hazardous materials and unsightly outdoor storage (1109). Composting and recycling facilities are preferred within the Heavy Industrial Place Type and the Waste Management Resource Recovery Area (1120). The subject site is within the appropriate place type for the intended use, and well located to support the 'waste transfer station and recycling depot'. In the Heavy Industrial place type, large storage facilities, contractor yards and residential and other source recycling facilities may be permitted provided where they will not detract from the industrial operations of the area (1114_4). The proposed use will have a similar scale of operation and range of impacts to the existing uses in the Heavy Industrial Place Type, though is not specifically permitted by the existing zone.

The Solid Waste policies within the City Building section of The London Plan promote the reduction, re-use, recycling, composting, and recovery of materials from solid waste, wherever possible, through the use of innovative means, new technology, conservation measures, and public education and community engagement programs (480). The proposed 'waste transfer station and recycling depot' will divert materials that would otherwise be directed to landfills, and will facilitate the reuse and recycling of materials collected.

1989 Official Plan

The General Industrial designation permits any industrial use that includes assembling, fabricating, manufacturing, processing, and repairing activities; service trades; public and private utilities and related facilities; large storage facilities, such as wholesale and warehouse establishments, contractors yards, transportation terminals, and heavy equipment sales and service; and residential and other source recycling facilities (7.2.1). The proposed use is similar in nature to the contemplated range of uses and represents the same type of impacts.

Chapter 17 of the 1989 Official Plan contains policies for services and utilities as well as waste management. It is a policy that Council will encourage cost-effective alternative methods of disposing of, or utilizing, solid waste, including recycling, reduction, recovery, and re-use (17.5.1). The proposed 'waste transfer station and recycling depot' use will separate materials received for recycling and recovery, which will assist in minimizing the materials that would otherwise be sent directly to the landfill.

4.3 Intensity and Form

The PPS requires that settlement areas are to be the focus of growth and development, and that their vitality and regeneration shall be promoted (PPS 1.1.3.1). The subject site is located within an industrial node within an existing settlement area, and the proposal will broaden the range of uses permitted with a new and complementary industrial use. The PPS further requires that land use patterns within settlement areas shall be based on densities and a mix of land uses which efficiently use land and resources and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available (PPS 1.1.3.2 a) & b). The proposed 'waste transfer station and recycling depot' allows for the efficient utilization of the existing industrial site, and will make use of existing public and private servicing.

The London Plan

The location of waste transfer stations, composting facilities, recycling facilities or storage areas will be planned, designed, operated and maintained in such a way as to promote compatibility with adjacent existing and future land uses, and to minimize any adverse impacts on the natural environment and surrounding area (483). The proposed 'waste transfer station and recycling depot' is not proposed to handle any hazardous waste on site and is a compatible land use to the adjacent land uses, including the portion of the site to be re-naturalized, in concert with the recommend open space zone.

Height within the Heavy Industrial Place Type will not exceed two storeys (1124_3). There is an existing one storey building on-site which was formerly used as a single detached dwelling and is proposed to be modified and adaptively reused an office. The garage to the east of the dwelling will be removed to allow for vehicle movement into the rear yard and some parking is proposed in the front yard of the structure.

1989 Official Plan

Area and site design criteria for development of general industrial lands is subject to assessment of traffic, access and buffering impacts (7.2.5). The site is located on an arterial road in an industrial area with convenient access to Highway 401 via Veteran's Memorial Parkway. The main access for the site is from River Road with an additional vehicular access provided from the unopened Scanlan Street road allowance to the north of the site. The vehicular traffic will utilize the major road network and does not require any movement through residential neighbourhoods.

The parking for the 'waste transfer station and recycling depot' is based on the parking rate of the 'Manufacturing and Assembly Industry' which requires one parking space per 200m² of gross floor area. There are six (6) spaces proposed in front of the building which meets and exceeds the minimum three (3) spaces required, and there is ample space for additional parking located at the rear. There is existing water service available from River Road and the sanitary system will utilize the existing private

system. Stormwater will need to be managed on-site and specific servicing details will be dealt with through the Site Plan Approval process.

Outdoor storage will be screened by the River Road properties as the lot is an irregular shape with the majority of the land behind the existing built form. Additional considerations for the parking layout and screening will be dealt with further at the time of Site Plan Approval.

4.4 Environmental Compliance Approval

Waste disposal sites and transfer stations may be permitted in the Heavy Industrial Place Type subject to a zoning by-law amendment application and to meeting the requirements of the Ministry of the Environment and Climate Change (1114_10.c). This is also a requirement in the 1989 Official Plan where waste disposal sites and transfer stations may be contemplated subject to meeting the requirements of the Ministry of the Environment and other Ministries in accordance with the Environmental Assessment Act, the Environmental Protection Act, and other guidelines and policies that apply (7.2.2.iii). Further, if a Certificate of Approval is required from the Ministry of the Environment, such certificates shall be applied for concurrently with the application for Zoning By-law Amendment (17.5.4).

The applicant had obtained an Environmental Compliance Approval (ECA) No. A 800735 dated March 17, 1995 for past operations at 2040 River Road. On April 10, 2019 the applicant met with the Ministry of the Environment, Conservation and Parks for pre-submission consultation for the future Environmental Compliance Approval at the same time as the pre-application consultation occurred with the City of London for the Zoning By-law Amendment. An amendment to the 1995 ECA was recently approved on February 20, 2020 by the Ministry to support the requested operation and use of 2040 River Road. The recommended zoning amendment would permit the land use, and the province, through the ECA, would then govern the specific operation of the user.

4.5 Compatibility

The PPS provides direction that employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas (PPS, 1.3.2.2). The London Plan further requires that the Province's *D-series Guidelines* be implemented to ensure that industrial uses and sensitive land uses are not located inappropriately close to one another (1138).

The D-6 Guidelines were created by the Ministry of the Environment in 1995 in accordance with the Environmental Protection Act, and are intended to prevent or minimize land use conflicts due to the encroachment of sensitive and intensive uses on one another. There are four existing (remnant) dwellings located on the north side of River Road to the west of the subject site, and one existing dwelling located to the east of the subject site which are considered to be sensitive uses within the industrial area. The D-6 Guidelines set out review requirements for the impacts of noise, dust, odour and vibration from industrial uses on sensitive uses. An assessment was undertaken with input from Golder Associates including a site visit on August 12, 2019.

The existing dwellings are located within a highly active industrial node and are exposed to current nuisances in the area associated with industrial operations such as noise, dust, and vibration. The Point of Reception (ROR) where impacts would be measured for the five (5) existing dwellings are currently located within the required separation distance for two nearby industrial uses including the Gerdau Metal Recyclers, and JNF Ready Mix which are both located on the south side of River Road. Typically, sensitive uses would be required to locate outside of the separation distance as this is the area that would likely be subject to negative impacts and nuisance from operation. There are additional intensive uses surrounding the dwellings in the area, including the auto wreckers: Starr Auto Wreckers, American Iron and Metal Co. and Gerdau Metal Recyclers, and aggregate resource processing operations such as JNF Ready Mix and

Pyramid Paving. The industrial nature of the area generates impacts associated with intensive operation including noise, vibration, and dust which the existing dwellings would be subject to currently.



Figure 3: Sensitive and Industrial Land Uses

The proposed ‘waste transfer station and recycling depot’ use will involve the movement of large trucks, conveyors and loaders which are anticipated to be a moderate source of noise, and possibly some secondary impacts associated with dust and vibration. Odour impacts have been described as highly improbable as no organic or biodegradable materials would be processed or handled on site. The recommended use will not create new nuisances for the single detached dwellings, and will have similar impacts to the range of general industrial uses currently permitted in the existing General Industrial (GI2) zone.

Single detached dwellings are not a permitted land use in the area, nor are residential uses contemplated as a long-term planned function along River Road. The London Plan directs that uses sensitive to impacts that may be generated by surrounding industrial land uses will not be permitted as they may preclude or hinder the operation of the intended heavy industrial uses in this place type (1114_3). Though the existing dwellings are considered to be legal non-conforming uses, it is expected that in the long-term the residential uses will cease and the node will transition to function entirely for industrial purposes. The conversion of the dwelling at 2040 River Road into an office and scale house is one such example of this transition which removes a sensitive use and establishes a more appropriate use and fit for the area.

4.6 Restoration and Enhancement Area – Open Space (OS5) Zone

The PPS, 2020 identifies that “natural features and areas shall be protected for the long term” (PPS, 2.1.1). A portion of the site is within an area of ‘unevaluated wetland’ and an ‘unevaluated vegetation patch’ on Schedule B-1 of the 1989 Official Plan and Map 5* of The London Plan, and a portion is within the regulated area of the Upper Thames River Conservation Authority, the Riverine Erosion Hazard Limit for Unconfined Systems on Schedule B-2 of the 1989 Official Plan and Map 6* of The London Plan. Schedules B-1 and B-2 form part of the 1989 Official Plan and are to be considered together with Schedule A – Land Use. Similarly, Map 5* and Map 6* form part of The London Plan and are required to be considered in addition to the Place Types. The PPS, 2020 also identifies that no development or site alteration shall occur on adjacent lands to natural heritage features and areas unless it has been evaluated and has been demonstrated that there will be no negative impacts on natural features or their ecological functions (PPS, 2.1.8).

The London Plan identifies that components of the natural heritage system apply to recognized and potential or unevaluated components as identified or delineated on Map 5* (1316*). The 1989 Official Plan environmental policies provide for the recognition and protection of significant natural features and ecological functions and lands subject to development constraints such as flooding. The lands known to be subject to the policies of Chapter 15 are delineated on Schedule B1 and B2 (Ch.15).

Unevaluated vegetation patches as delineated on Schedule B1 may include treed areas, swamps, wetlands or similar natural features. Most large unevaluated vegetation patches are designated Environmental Review and smaller patches may have previously been designated for development or agricultural activity. The unevaluated vegetation patches delineation is considered to be interim in nature until such time as the significance of these patches can be confirmed through the completion of an environmental study (15.4.13). The unevaluated vegetation patch for the subject site is also within a development designation (general industrial) though site alteration is only permitted with an environmental impact assessment of the features.

The London Plan contains similar policy, and also directs that “unevaluated vegetation patches previously identified for development or agricultural activity will be assessed for significance and protection as part of any development application or secondary planning study” (1383). The site is within an industrial place type and zoned for industrial uses, and through a development application such as this Zoning By-law Amendment, an assessment would have been required to determine potential significance of the unevaluated patch.

In the 1989 Official Plan, known wetlands that have not yet been evaluated are identified on Schedule B1 as “unevaluated wetlands” (15.4.2). The London Plan directs that development and site alteration shall not be permitted within and/or adjacent to an unevaluated wetland identified on Map 5* and that the unevaluated wetland is required to be evaluated by a qualified person (1335). Wetlands and their surrounding areas of interference are also subject to regulation under the Conservation Authorities Act (1336).



Figure 4: Upper Thames River Conservation Authority

In addition to areas that are included in the Environmental Review or Green Space place types, vegetation patches in other place types that are larger than 0.5ha in size shall be evaluated in conformity with the policies of this plan to determine the significance of vegetation and identify the need for protection prior to planning and development approvals (1385). The portion of the vegetation patch on the subject lands extends to the east to form a larger patch greater than 0.5ha as described by policy.

Notice of Violation

Through the review of this application, and with input from the City's ecologist and Upper Thames River Conservation Authority, it has been determined that various on-site alterations have occurred at the northeast corner of the site. This area is within the UTRCA regulated area, and changes occurred without prior assessment by a qualified professional through an environmental study or a Section 28 permit from the UTRCA. Site alteration includes tree removal, changes to grade (berming) and subsequently potential changes to a water course and a portion of a wetland. A site visit was attended by the UTRCA and the applicant/owner in November 2019 to explore the extent of the changes. On December 10, 2019, the UTRCA issued a Notice of Violation for unauthorized interference with a wetland, alteration to a watercourse, placement of fill and site grading. The applicant, UTRCA, and City Staff are collaborating to positively rectify this violation through the recommendations presented in this Zoning amendment;

Natural Heritage System in Other Designations

The site is designated General Industrial and within the Heavy Industrial place type while also having a portion of the site on Schedules B1 and B2 and Map 5* and 6*. The 1989 Official Plan recognizes such instances where:

“components of the Natural Heritage System that are identified on Schedule “B1” but not designated Open Space or Environmental Review on Schedule “A”, will be evaluated to further assess their significance and determine the need for protection under the policies of the Official Plan. Where appropriate, these features and functions may be protected in whole or in part through measures such as, but not limited to, Open Space zoning, tree preservation plans associated with subdivision or site plan applications, public land acquisition, site alteration and tree conservation by-laws, conservation easements and private stewardship initiatives” (15.2.4).

Despite the industrial designation and place type of the site, the natural heritage areas and policies equally apply which require evaluation prior to site alteration or disruption and a permit from the Conservation Authority. To address the unauthorized alteration activity on site, restoration and enhancement works are recommended for a portion of the site to remove fill materials in the regulated limit and facilitate the restoration to pre-construction conditions or better. It is recommended that a portion of the site associated with the restoration plan be zoned Open Space Special Provision (OS5(_)), to clearly delineate the area to be protected and ensure the undisturbed protection and future viability of this re-naturalized area.

The 1989 Official Plan directs that waste facilities must be planned, designed, operated and maintained in such a way as to promote compatibility with adjacent, existing and future land uses, and to minimize any adverse impacts on the environment (17.5.4). The proposed 'waste transfer station and recycling depot' is an appropriate use on the majority of the site outside of the restoration and enhancement area recommended to be zoned OS5(_). The recommended zoning amendment will clearly delineate the area that can be used for industrial activity and the natural area to be restored and maintained as open space.

OZ-8271 – Unevaluated Vegetation Patches Review

In 2014, Municipal Council directed staff to initiate a city-wide application (OZ-8271) to undertake a review of the “Unevaluated Vegetation Patches” shown on Schedule B-1 of the 1989 Official Plan that were not identified as Open Space or Environmental Review designations on Schedule A (Land Use), in an effort to reconcile inconsistencies between the schedules. The report grouped different types of properties into 4 categories as follows: category 1: lands before the OMB (that were removed from further study under the application); category 2: lands that included the removal of unevaluated vegetation patches or the addition the Open Space designation under Schedule A (Land Use); category 3: lands that required re-circulation and technical amendments for the proposed changes; category 4: lands to be deferred to a future date pending additional review due to their complexity.

The site forms part of vegetation patch 09017 and was classified as a category 4 property. This patch along with the others in category 4 were located on lands designated and zoned for industrial uses, which had been planned for those uses for an extended period of time (ie. 25 years or more). At the time of the report, it stated that “a desktop analysis of the vegetation patches on these lands is not sufficient to determine the level of their significance”. It further stated that on-site analysis may be required which was not possible or available at the time of the report. As such, a decision to determine the ecological features on the subject site was deferred and there was no amendment recommended for the subject site to have the portion of the lands within the patch to be designated for Open Space or Environmental Review, as more information was required. Furthermore, this application considered only “unevaluated vegetation patches”, and did not consider “unevaluated wetlands” as part of the review.

4.7 Zoning

The recommended zoning is for the majority of the site to be zoned Light Industrial Special Provision/General Industrial Special Provision (LI6(_)/GI2(_)) to allow for the additional use of the ‘waste transfer station and recycling depot’. Special provisions in the general industrial zone variation will allow for a reduced frontage of 30m, and to regulate the location of open storage. A special provision in both the Light Industrial and General Industrial zones is included to permit a 0m setback from the Open Space (OS5) zoned lands to ensure the lands adjacent to the Open Space zone are able to be utilized for the industrial uses. A special provision is also proposed to allow the lands within the recommended Open Space (OS5) zone to be included in the calculation of landscape open space for the site.

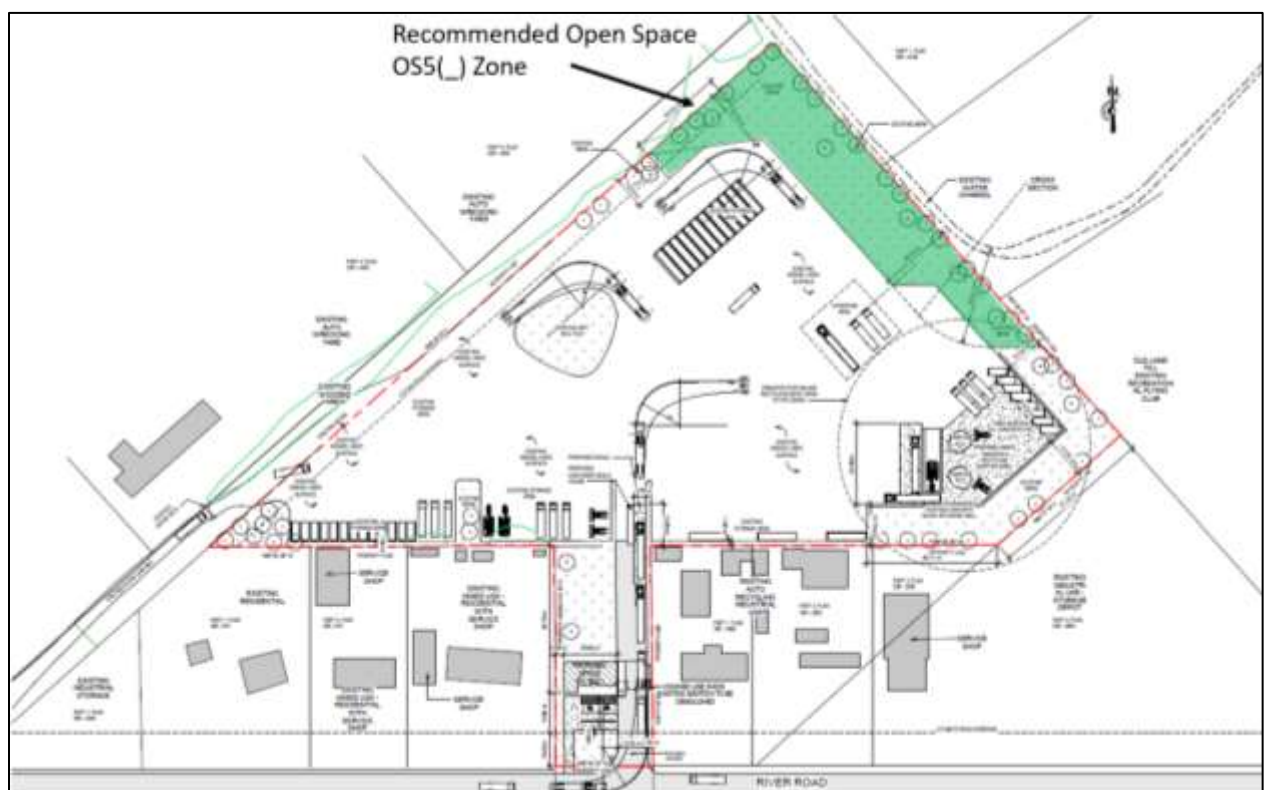


Figure 5: Extent of Open Space Zone

The Open Space (OS5) Zone variation applies to important natural features and functions that have been recognized by Council as being of City-wide or regional significance and identified as components of the Natural Heritage System on Schedule ‘B’ of the Official Plan and section 15.3 of the Environmental Policies. In section 15.3 ii) Council may require or encourage the retention of natural features through the area planning, subdivision approval, official plan and/or zoning by-law amendment, consent, variance and site plan approval processes. The Open Space Special Provision (OS5(_)) zone will apply to the northeast portion of the site and permits passive uses with no structures such as conservation lands, conservation works, passive recreation uses and managed woodlots. A special provision is recommended to require no minimum lot frontage or lot area.

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

5.0 Conclusion

The proposed 'waste transfer station and recycling depot' is consistent with the Provincial Policy Statement, 2020, and conforms with the General Industrial policies of the 1989 Official Plan and the Heavy Industrial Place Type and Environmental policies of The London Plan. The recommended 'waste transfer station and recycling depot' provides an appropriate and compatible land use within an intensive industrial node. The area of open space will provide for future protection of a natural heritage area to be re-naturalized.

Prepared by:	Sonia Wise, MCIP, RPP Senior Planner, Planning Policy
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 31, 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 2040
River Road.

WHEREAS Global Waste Disposal London Ltd has applied to rezone an area of land located at 2040 River Road, as shown on the map attached to this by-law, as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2040 River Road, as shown on the attached map comprising part of Key Map No. A113 from a holding General Industrial (h*GI2) Zone and a Light Industrial/General Industrial (LI6/GI2) Zone to an Open Space Special Provision (OS5(_)) Zone and a Light Industrial Special Provision/General Industrial Special Provision (LI6(_)/GI2(_)) Zone
- 2) Section Number 36.4 of the Open Space Zone (OS5) Zone is amended by adding the following Special Provision:

OS5(_) 2040 River Road

- a) Regulations
 - i) No minimum lot frontage requirement
 - ii) No minimum lot area requirement

- 3) Section Number 40.4 of the Light Industrial (LI6) Zone is amended by adding the following Special Provision:

LI6(_) 2040 River Road

- a) Regulations
 - i) Rear and Interior Side Yard Depth abutting an Open Space (OS5) Zone Variation (Minimum) 0m (0ft)
 - ii) Lands within the Open Space (OS5) Zone Variation may be used in the calculation for landscaped open space.

- 2) Section Number 41.4 of the General Industrial (GI2) Zone is amended by adding the following Special Provision:

GI2(_) 2040 River Road

- a) Additional Permitted Use

- i) Waste Transfer Station and Recycling Depot
 - ii) Definition: "Waste Transfer Station and Recycling Depot" means a type of waste disposal site as defined in the Environmental Protection Act (EPA), for non-hazardous solid wastes and liquids, including transferring, separation, processing and recycling of such wastes
- b) Regulations
- i) Frontage (Minimum) 30m (98.4ft)
 - ii) Open storage shall not be permitted in any required exterior side yard
 - iii) Front Yard Depth for open storage (Minimum) 20m (65.6ft)
 - iv) Rear and Interior Side Yard Depth abutting an Open Space (OS5) Zone Variation (Minimum) 0m (0ft)
 - v) Lands within the Open Space (OS5) Zone Variation may be used in the calculation for landscaped open space.

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.

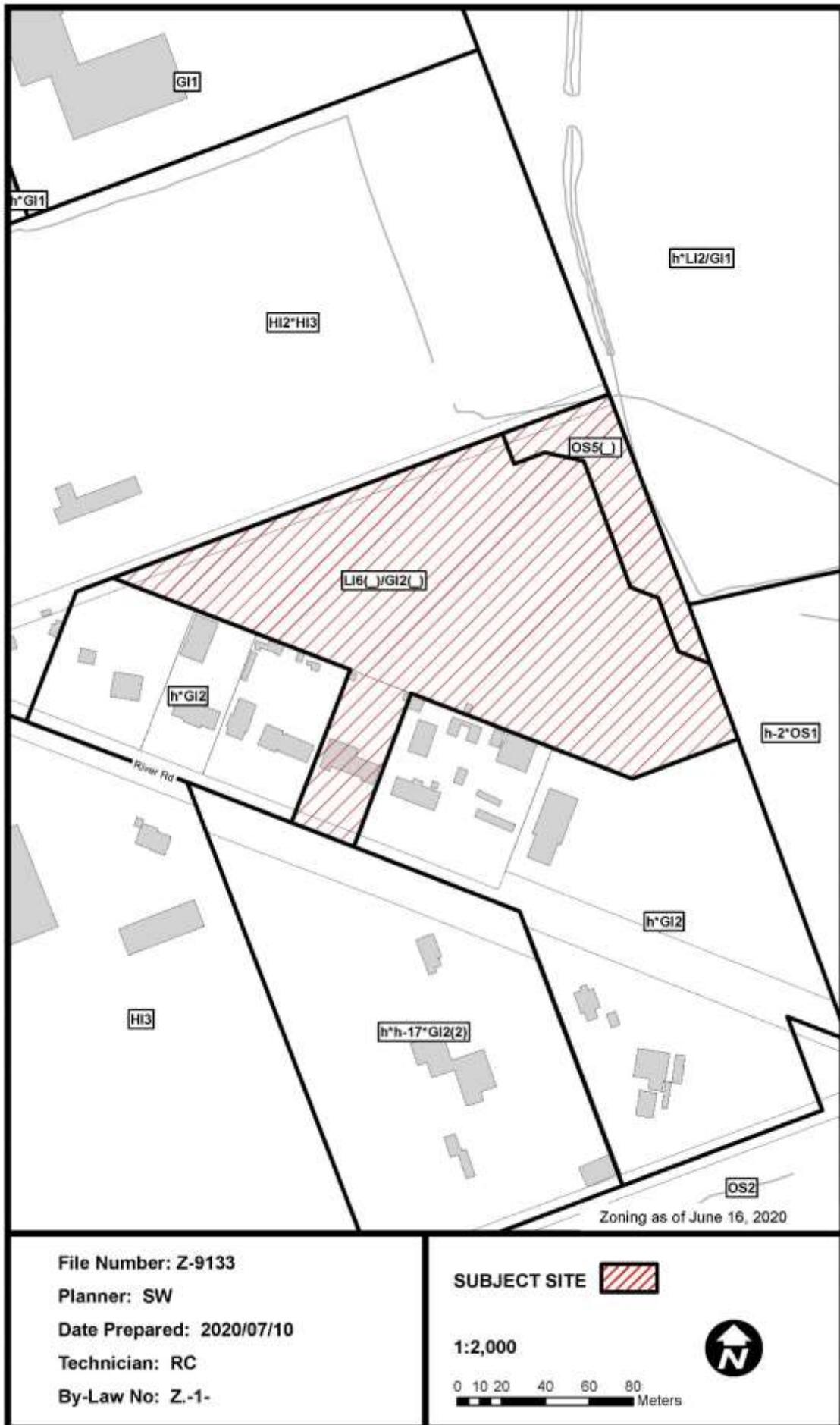
PASSED in Open Council on August 25, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – August 25, 2020
Second Reading – August 25, 2020
Third Reading – August 25, 2020

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On November 13, 2019, Notice of Application was sent to 14 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on November 14, 2019. A “Planning Application” sign was also posted on the site.

2 replies were received requesting additional information.

Nature of Liaison: Request to permit a waste transfer station and recycling depot in addition to the existing range of uses permitted. Possible change to Zoning By-law Z.-1 from a holding General Industrial (h*G12) Zone and a Light Industrial/General Industrial (LI6/G12) Zone to a Light Industrial/General Industrial Special Provision (LI6/G12(_)) Zone to permit the additional use of a waste transfer station and recycling depot. A special provision is requested to permit a reduced front yard setback of 30m, and to permit more than two shipping containers on site. There is a request to remove the general ‘h’ holding provision.

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

Request for more information regarding the proposal, and request for more information regarding local road improvements.

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

Telephone	Written
David Starr, 2056 River Road, London ON N5W 6C2	
Molly Young, 2030 River Road, London ON N5W 6C2	

Agency/Departmental Comments

June 26, 2020 – UTRCA Memo #2



June 26, 2020

City of London – Planning Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Sonia Wise (sent via e-mail)

Dear Ms. Wise:

Re: File No. Z-9133 - Application to Amend the Zoning By-law – REVISED
Owner: Fernando Da Silva
Applicant: Global Waste c/o Victor Da Silva
Agent: Luis Carlo
2040 River Road, London, Ontario

The Upper Thames River Conservation Authority (UTRCA) received the original Zoning By-law Amendment application for the subject lands on November 13, 2019 and provided comments to the City of London and the applicant on December 10, 2019.

Natural Hazards – Delegated Responsibility

The December 2019 comments were provided through the UTRCA's provincially delegated responsibility for the natural hazard policies of the PPS, as established under the "Provincial One Window Planning System for Natural Hazards" Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNR) and the Ministry of Municipal Affairs and Housing. This means that the Conservation Authority represents the provincial interest in commenting on *Planning Act* applications with respect to natural hazards and ensures that the proposal is consistent with the PPS. As noted in the December 2019 letter, the subject lands and adjacent lands contain natural hazards and their associated areas of interference.

Conservation Authorities Act – Legislative Authority

The UTRCA's role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development proposals meet the tests of the *Planning Act*, are consistent with the PPS, conform to municipal planning documents as well as the policies in the UTRCA's Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and our policies as set out in our Environmental Planning Policy Manual. This approach ensures that the principle of development is established through the *Planning Act* approval process and that subsequently, the necessary approvals can be issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

Watershed Agency – Advisory Role

In addition to the delegated responsibility for the natural hazards policies, the UTRCA provides technical advice on natural heritage to ensure an integrated approach for the protection of the natural environment consistent with UTRCA Board approved policies. The linkages and functions of water resource systems consisting of groundwater and surface water features, hydrologic functions and the natural heritage system are necessary to maintain the ecological and hydrological integrity of the watershed. The PPS also recognizes the watershed as the ecologically meaningful scale for integrated and long-term planning which provides the foundation for considering the cumulative impacts of development. As noted in the December 2019 letter, the subject lands and adjacent lands contain natural heritage features and/or their associated areas of interference/functions.

The UTRCA's past and current comments represent the delegated, legislative and advisory roles in the plan review process.

Since the issuance of the December 2019 comments, the UTRCA has been working with the applicant and consulting team to work towards an agreement on a restoration plan. Following several site visits, phone calls and emails, the UTRCA received the enclosed drawings on Monday, June 22, 2020. The UTRCA can advise the City that these plans align with the works agreed to with the applicant and consulting team. Based on this information, we offer the following revised recommendation:

- 1) The UTRCA has no objections to the Zoning By-law Amendment application to add an additional permitted use to these lands.
- 2) The UTRCA advises the City implement to appropriate open space zoning to reflect the natural hazard and natural heritage features identified on-site/adjacent to these lands.

The OS4 and OS5 Zone variations are the most restrictive open space zone variations and are applied to lands which have physical and/or environmental constraints to development. A very limited range of structures is permitted subject to site specific studies. The OS4 Zone variation is intended to be applied to hazard lands; specifically the floodway, steep slopes and lands that may be subject to erosion as well as landfills and contaminated sites. Development within the OS4 Zone is regulated pursuant to the Conservation Authorities Act. The variation is intended to provide for development of low impact recreational facilities that do not normally include structures or buildings, and require locations within or adjacent to the floodplain. Buildings may require floodproofing, dry and safe access, etc. if located in flood fringe areas, subject to the Conservation Authorities Act.

The OS5 Zone variation applies to important natural features and functions that have been recognized by Council as being of City-wide or regional significance and identified as components of the Natural Heritage System on Schedule "B" of the Official Plan and regulated by policies in Section 15.3 of the Official Plan. These include Environmentally Significant Areas; Significant Woodlands; Locally Significant Wetlands; Significant Wildlife Habitat; Habitat of Vulnerable Species; River, Stream and Ravine corridors; Upland Corridors; and Fish Habitat and Naturalization Areas. In order to protect the identified features and functions, permitted activity is limited to a range of low-impact uses associated with passive recreation, conservation and ecosystem management. Development and site alteration is permitted only if it has been demonstrated through an appropriate study that there will be no negative impacts on the features and functions for which the area has been identified.

- 3) The UTRCA will require the restoration plan provided on June 22, 2020, to be implemented through the Site Plan and Section 28 permit application process. We will require additional information through these processes that will include but not be limited to: a grading plan, stormwater management plans, landscape plan, etc.

MUNICIPAL PLAN REVIEW FEE

Consistent with UTRCA Board of Directors approved policy Authority Staff are authorized to collect fees for the review of *Planning Act* applications. Our 2020 fee for this review is \$750.00 and will be invoiced to the applicant under separate cover. We would also like to advise the applicant that a separate fee is applicable for the review of the UTRCA Section 28 permit application and any technical reports required. UTRCA staff will advise of additional fee requirements moving forward.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 430.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY

Tracy Annett, MCIP, RPP

Manager, Environmental Planning and Regulations

Enclosure: UTRCA Regulation Limit Mapping (please print on legal paper for accurate scales)
UTRCA Comments on Z-9133, dated December 10, 2019
Proposed Concept Site Plan (A1) and Details (A2) provided by L. Claro on June 22, 2020

cc: Victor Da Silva, Applicant
Michael Tomazincic, City of London Manager of Current Planning
James MacKay, City of London Development Services Ecologist
Brent Verscheure, UTRCA Land Use Regulations Officer
Stefanie Pratt, UTRCA Land Use Planner

December 10, 2019 – UTRCA Memo #1



December 10, 2019

City of London – Planning Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Sonia Wise (sent via e-mail)

Dear Ms. Wise:

Re: File No. Z-9133 - Application to Amend the Zoning By-law
Owner: Fernando da Silva
Applicant: Global Waste c/o Victor da Silva
Agent: Luis Carlo
2040 River Road, London, Ontario

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

PROPOSAL

The applicant is proposing to re-zone the subject lands to allow for an additional use of "Waste Transfer Recycling Depot", a reduced frontage along River Road, permissions for additional shipping containers, and the removal of the holding provision.

BACKGROUND

During UTRCA's staff review of the submitted application, it became apparent through the review of aerial photography that a series of unauthorized works occurred on the subject lands within the regulated area. These works included unauthorized interference with a wetland, alteration to a watercourse, placement of fill, and site grading. The UTRCA held a meeting with the applicant on site on November 28, 2019, seeking confirmation of these works and to gather further information from the applicant in this

regard. The details of this site visit are provided below as they relate to the natural hazard and natural heritage feature policies applicable for these lands.

On December 10, 2019, the UTRCA issued a Notice of Violation for unauthorized interference with a wetland, alteration to a watercourse, placement of fill, and site grading. As described below, the UTRCA will require the applicant to complete restoration works.

CONSERVATION AUTHORITIES ACT

As shown on the enclosed mapping, the subject lands **are** regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The Regulation Limit is comprised of a riverine flooding hazard, and a wetland hazard and the surrounding area of interference. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL

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

2.2.4 Natural Hazard Features

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

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, flood plain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

The subject lands historically contained a watercourse that ran alongside the eastern property line. Based on a review of aerial photography, the location of this watercourse has been altered and it is now located fully on the adjacent parcel to the east. The UTRCA completed a site visit with the applicant on November 28, 2019, where the applicant advised that the neighbouring property owner completed the relocation of the watercourse along with additional adjacent site works.

Regardless of this relocation, the area adjacent to the watercourse is subject to an associated flood plain hazard and UTRCA regulation limit which will result in a setback greater than what is being currently provided.

3.2.6 & 3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference and /or adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the hydrological and ecological function of the feature.

As shown on the enclosed mapping, the subject lands contain a wetland, approximately 1 acre in size. Based on a review of aerial photography, the wetland has been cleared. At the site visit on November 28, 2019, the applicant provided details relating to this clearing and advised that a mixture of recycled concrete and gravel material was brought to the site to fill in this area to prepare for the expanded use of a waste transfer and recycling depot.

Since the clearing of the wetland, berms have been installed along portions of the north property line, the entirety of the east property line, and portions of the south property line. The installation of the north berm has resulted in the ponding of water on the adjacent parcel. The UTRCA advised that the berms will need to be removed/relocated. The UTRCA advised the applicant that restoration works are required on the subject lands to re-establish a natural area. These works shall result in a net environmental benefit and tie into the existing natural heritage and natural hazard features on the surrounding lands. A restoration plan prepared by a certified ecologist, is required to appropriately plan for the restoration of the features lost and to establish an appropriate development limit/setbacks from the restored area.

SIGNIFICANT WOODLAND

The woodland that is located on the subject lands has been identified as Significant in the Middlesex Natural Heritage Study (2003) and the Middlesex Natural Heritage Systems Study (2014). New development and site alteration is not permitted in woodlands considered to be significant. Furthermore, new development and site alteration is not permitted on adjacent lands to significant woodlands (within 50 metres) unless an EIS has been completed to the satisfaction of the UTRCA which demonstrates that there will be no negative impact on the feature or its ecological function.

As shown on the enclosed mapping, the subject lands contain a Significant Woodland, approximately 2 acres in size. All of the vegetation associated with this feature was cleared alongside the unauthorized wetland interference. As mentioned under Section 3.2.6/3.3.2 above, restoration works are required to re-establish a natural area on the subject lands.

DRINKING WATER SOURCE PROTECTION

Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

MUNICIPAL PLAN REVIEW FEE

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of *Planning Act* applications. Our fee for this review is \$275.00 and will be invoiced to the applicant under separate cover. We would also like to advise the applicant that a separate review fee is applicable for the review of the UTRCA Section 28 permit application and any technical reports required. UTRCA staff will advise of additional fee requirements moving forward.

COMMENTS & RECOMMENDATION

As indicated, the subject lands are regulated by the UTRCA for a flooding hazard associated with an on-site/adjacent watercourse, and a wetland hazard and the surrounding area of interference. The UTRCA issued a Notice of Violation on December 10, 2019 for unauthorized interference with a wetland, alteration to a watercourse, placement of fill, and site grading.

The UTRCA requires restoration for the unauthorized removal/interference of these features. UTRCA staff is of the understanding that the applicant is willing to work to restore these lands to the satisfaction of the Conservation Authority. The restoration plan is required to be prepared by a qualified ecological consultant. This study shall speak to the restoration of the previously existing features, along with establishing an appropriate development limit/setback requirements from the restored naturalized area.

The UTRCA is not supportive of this application in its' current state and recommends this application be deferred until such a time that an agreement for the restoration works

is finalized. Furthermore, at the time of a future re-submission of this application, the UTRCA recommends including:

1. Appropriate zoning for Open Space to ensure future protection of the restored naturalized area;
2. Revisions to the Planning Justification Report with appropriate representations of the site features and policy interpretation;
3. Additional requirements as determined through the required Section 28 permit application.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 430.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY

Stefanie Pratt

Land Use Planner

Enclosure: UTRCA Regulation Limit Mapping (please print on legal paper for accurate scales)

UTRCA Notice of Violation, dated December 10, 2019

cc: Victor da Silva, Applicant

Luis Carlo, Agent

James MacKay, City of London Development Services Ecologist

Brent Verscheure, UTRCA Land Use Regulations Officer

November 26, 2019 – London Hydro

No objection to zoning amendment. Any new or relocation of the existing service will be at the expense of the owner.

December 9, 2019 – Development Services: Engineering

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

Comments for the Re-Zoning:

- The removal of the holding provision is pre-mature since there is no municipal storm or sanitary services available for the site and a site plan application has not been received and reviewed.

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

Transportation:

- Road widening dedication of 18.0m from centre line required along River road as per the Zoning By-law Section 4.21
- Road widening dedication of 10.75m from centre line required along Scanlan Street as per the Zoning By-Law section 4.21
- All equipment, storage containers and other items currently stored within the Scanlan Street ROW are to be removed and relocated all disturbed areas are to be restored
- Temporary access over the Scanlan Street ROW will be permitted until such time as the road is constructed, at such time the access to Scanlan Street will need to be formalized in accordance with City Standards
- Detailed comments regarding access design and location will be made through the site plan process

Water:

- Water is available via the 200mm DI watermain on River Road.
- The Owner shall abandon the existing water service (cut and capped at the main, in accordance with the City of London standards), in conjunction with the demolition of the existing building.
- Additional comments will be provided during site plan consultation/application.

Wastewater:

- There are no municipal sewers fronting the subject lands on River Road.

Stormwater:

- There is no municipal storm sewer or outlet to service this site and therefore the development of the site should consider BMP's including applicable LIDs solutions as described in the second bullet of the general comment below along with any applicable on-site SWM controls.
- The Site is located within the UTRCA regulated area and as such, approval/permits should be processed/obtained.
- The site has a "GI2" designation and therefore any proposed re-development design shall comply with the approved City Standard Design Requirements for Permanent Private Stormwater System (PPS), including LIDs.
- Any proposed LID solution should be supported by a Geotechnical Report prepared with focus on the type of soil, its infiltration rate and hydraulic conductivity under field saturated conditions. The report should include geotechnical recommendations of any preferred LID solution.
- Additional SWM related comments will be provided upon future review of this site.

January 15, 2020 – Development Services: Heritage

Archaeological Assessment sufficient.

May 5, 2020 – Development Services: Urban Design

Urban Design staff reviewed the submitted conceptual site plan for the requested zoning by-law amendment at the above noted address and can confirm that there are no urban design related comments at this stage. There may be comments related to the treatment of the River Road frontage through the Site Plan Process.

Appendix C – Policy Context

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

Provincial Policy Statement, 2014

Provincial Policy Statement, 2020

- 1.1.1.b – appropriate range and mix of uses
- 1.1.3.1 – settlement areas to be the focus for growth and development
- 1.3.2.2 – separation or mitigation from sensitive land uses to industrial
- 1.1.3.2.a – land use patterns to efficiently use land and resources
- 1.1.3.2.b – land use which is appropriate for planned or existing infrastructure
- 1.3.1.a – appropriate range and mix of employment uses
- 1.3.1.b – opportunities for a diversified economic base
- 1.7 – economic development and investment-readiness
- 2.1 – long term protection of natural features
- 2.1.8 – no development or site alteration to natural features unless evaluated

The London Plan

Map 1* - Place types

Map 5* - Natural Heritage

Map 6* - Hazards and Natural Resources

85 – Non-residential forms of intensification encouraged

480 – Solid waste policies promote recycling and reuse of waste

481_3 – Support innovative waste collection and diversion programs

483 – Waste transfer and recycling facilities to be designed to promote compatibility

1104 – Industrial lands role in City employment

1109 – Heavy Industrial Place Type

1114_3 – Sensitive uses and industrial uses

1114_4 – Large storage facilities should not detract from place type

1114_9 – The Province's D-Series Guidelines will be implemented for compatibility

1114_10c – Waste disposal sites – certificate of approval from ministry

1120 – Composting and recycling facilities in heavy industrial place type

1124_3 – Height within heavy industrial place type

1125_7 – On-site truck movements

1138 – Industrial and sensitive uses

1314 – natural heritage system shown on maps but not in green space or ER place type

1316* - Natural heritage system delineated on maps

1335 – No site alteration or development of wetlands

1336 – Wetlands also subject to regulation under the Conservation Authorities Act

1383 – Unevaluated vegetation patches previously identified for development

1385 – Vegetation patches in other place types greater than 0.5ha

1989 Official Plan

Chapter 2 – Planning Framework

Chapter 7 – Industrial designation

7.2 – separation from industrial and residential uses

7.2.1 – permitted uses in General Industrial Designation

7.2.2.iii – Ministry of Environment approval for waste disposal and transfer stations

7.2.5 – Area and Site Design Criteria

7.8 – Planning Impact Analysis

Chapter 15 – Environmental Policies

15 – lands subject to the policies are delineated on schedules B1 and B2

15.3 – Council may require the retention of natural features through planning processes

15.2.4 – lands identified on Schedule B but not designated OS or ER

15.4.2 – known wetlands that have not been evaluated – 'unevaluated wetlands'

15.4.13 – unevaluated patches previously designated for development

Chapter 17 - Services and Utilities

17.5.1 – cost-effective alternative methods of disposing or alternatively utilizing wastes

17.5.4 – concurrent approval with Ministry of Environment

Z.-1 Zoning By-law

Section 2 – Definitions

Section 3 – Zones and Symbols

Section 4 – General Provisions

Section 35 – Open Space (OS) Zone

Section 40 – Light Industrial (LI) Zone

Section 41 – General Industrial (GI) Zone

Site Plan Control Area By-law – C.P.-1455-541

Tree Protection By-law – C.P. – 1515-228

Waste Discharge By-law – WM-16

Planning Impact Analysis

7.8 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 'waste transfer and recycling depot' is a compatible use with the surrounding area and represents similar impacts to the existing use permitted by the GI zone.
the size and shape of the parcel of land on which a proposal is to be located, and the ability of the site to provide adequate services for industrial development;	The site is an irregular shape, but large enough to support the requested uses. An unopened extension of Scanlan Street provides additional vehicle access to supplement the River Road access.
the supply of vacant land in the area which is already designated and/or zoned for the proposed use;	Waste disposal and transfer station uses are permitted by way of a site-specific amendment and the lands in the area are of a general industrial nature which do not permit the requested use.
the location of any proposal for industrial development where there is good access to arterial roads and/or rail lines;	The site is well located within an existing industrial node, on an arterial road and in convenient distance to the Hwy 401.
impacts of the proposed change on the transportation system, including transit;	There are no anticipated impacts on the transportation system. River Road is an arterial road with approximately 2,000 vehicles per day in this location. The nearest transit service is route #3 located along Clarke Road to the west approximately 1,000m, and an additional service, route #5 is located to the north of Gore Rd and Clarke Rd approximately 1,500m.
For non-industrial uses within industrial designations the potential of the proposed uses to deter future industrial development; and	Not applicable

<p>Secondary uses which may be considered as sensitive land uses are not to be located within 300m of an area designated General Industrial and are located on either a primary collector or arterial road.</p>	<p>Not applicable</p>
<p>compliance with Ministry of the Environment standards and guidelines and the City's Waste Discharge By-law, relating to the compatibility of the proposed use with existing uses; and the potential impact of any noise, odour or other emissions on surrounding land uses;</p>	<p>The site has an existing Environmental Compliance Approval (ECA) for a Waste Management System No. A 800735 dated March 17, 1995. An amendment to the 1995 ECA was recently approved on February 20, 2020 by the Ministry to support the requested operation and use of 2040 River Road.</p>
<p>the height, location and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;</p>	<p>The existing building on site will be adaptively reused for the office which will maintain the general form and scale of the exterior. The exterior of the existing built form will be retained as the</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>A portion of the site that had natural heritage features that were removed is recommended to be rezoned OS5 to ensure the future protection of the renaturalization of the area in the future.</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>Vehicular access is proposed from River Road as well as the unopened Scanlan Street allowance. The access points are of an adequate width and configuration to facilitate large truck movement through the site. There are no anticipated negative impacts to pedestrians or vehicle safety and additional access management will be addressed through the Site Plan Approval process.</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 adaptive reuse of the interior of the building provides a harmonious transition that retains the scale of the residential form while being used for industrial office purposes.</p>
<p>the potential impact of the proposed development on surrounding natural features and heritage resources;</p>	<p>The natural features are proposed to be zoned as Open Space to delineate the boundary and ensure the future protection and restoration of those features.</p>
<p>compliance of the proposed development with the provisions of the City's Official Plan and Zoning By-law, Site Plan Control By-law, and Sign Control By-law; and</p>	<p>The recommended zoning amendment conforms to the 1989 Official Plan and The London Plan.</p>
<p>measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified as part of the Planning Impact Analysis.</p>	<p>No adverse impacts have been identified and no mitigative measures are required. Additional considerations for optimal site layout and function will be considered at the site plan approval stage.</p>

Appendix D – Relevant Background

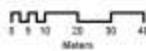
Additional Maps



LOCATION MAP

Subject Site: 2040 River Road
File Number: Z-9133
Planner: Sonia Wise
Date: 10/07/2020


Corporation of the City of London
Prepared By: Planning and Development

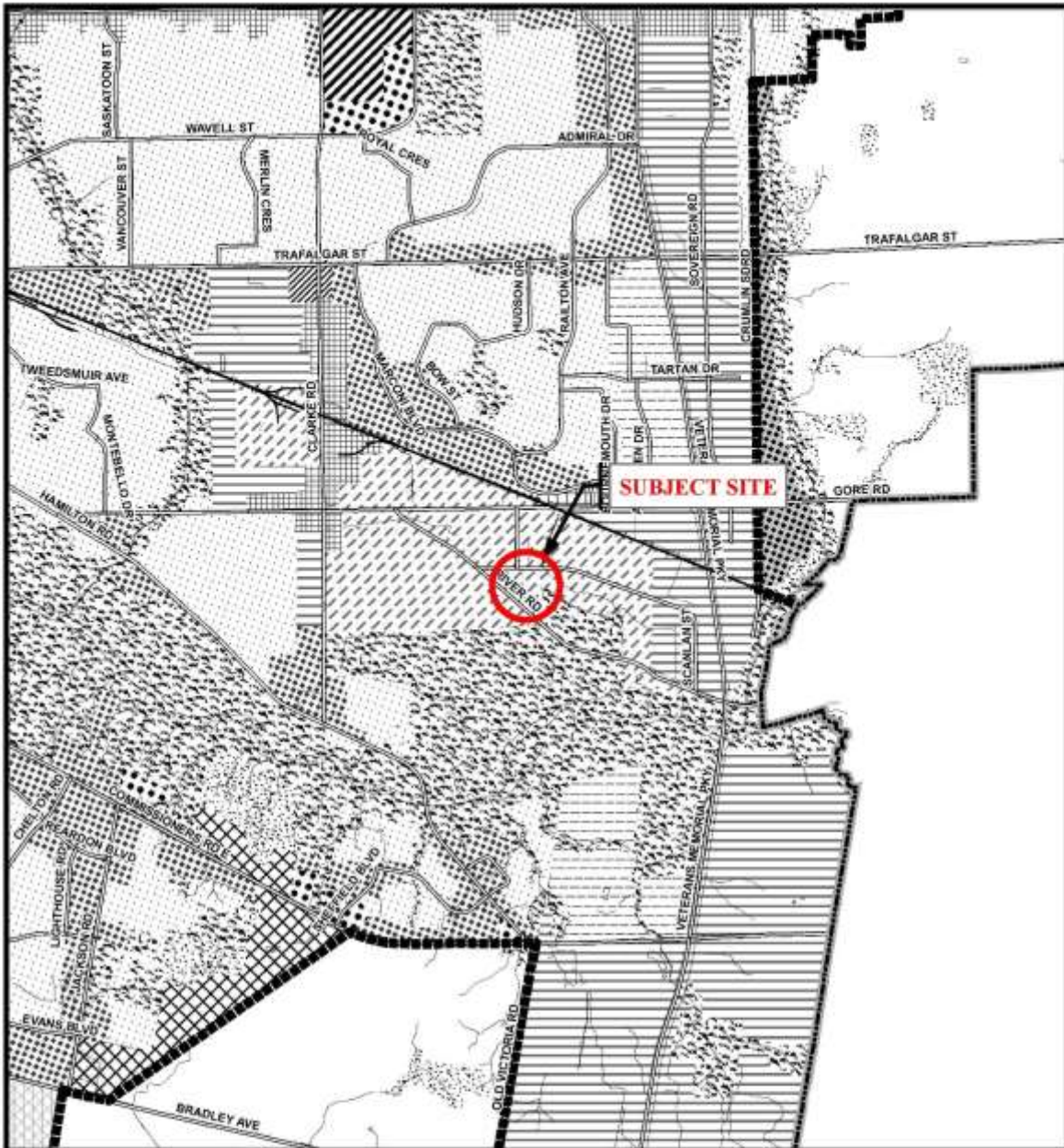


Scale 1:1750



Legend

 Subject Site



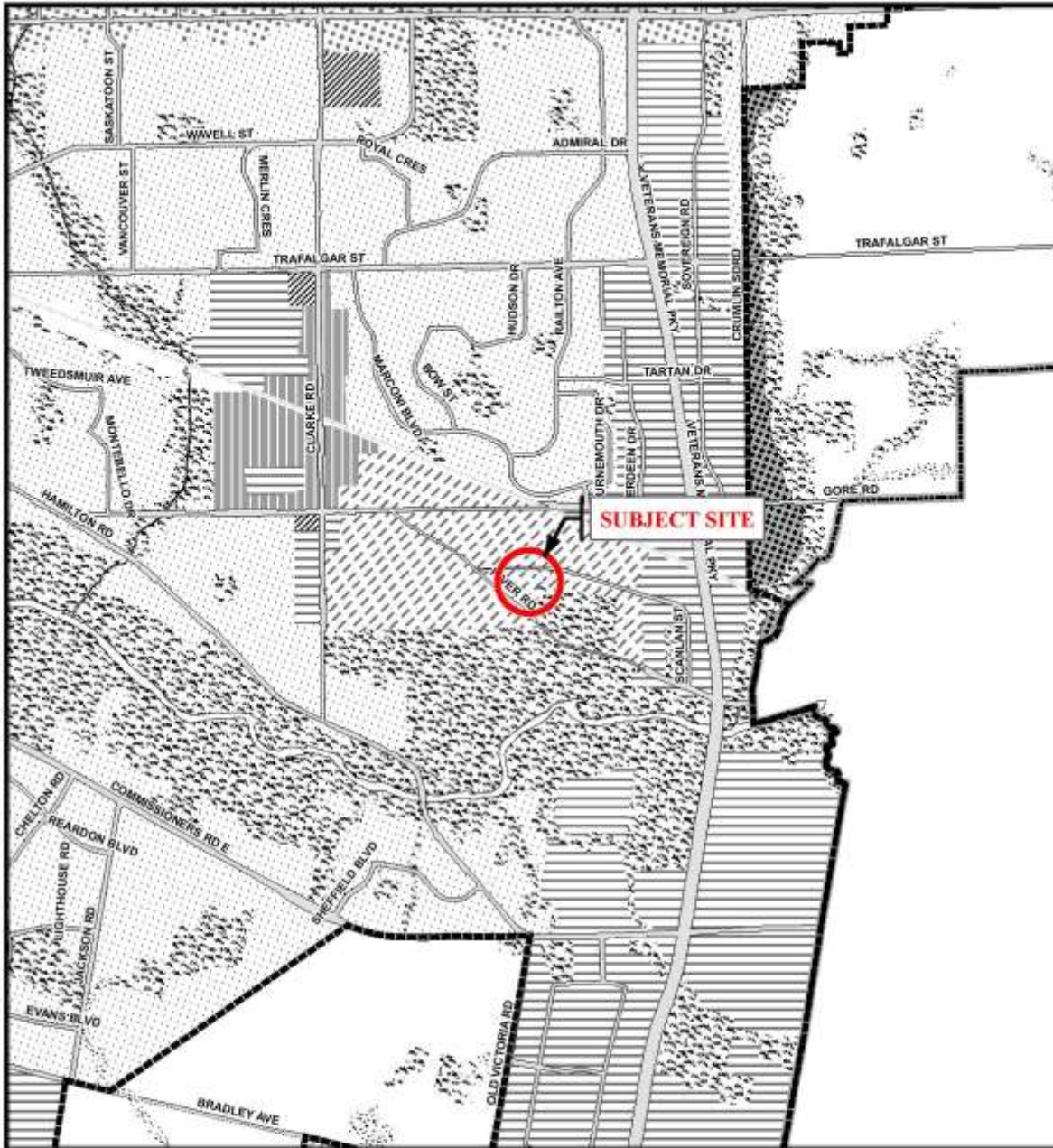
Legend	
	Downtown
	Enclosed Regional Commercial Node
	New Format Regional Commercial Node
	Community Commercial Node
	Neighbourhood Commercial Node
	Main Street Commercial Corridor
	Auto-Oriented Commercial Corridor
	Multi-Family, High Density Residential
	Multi-Family, Medium Density Residential
	Low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

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



FILE NUMBER: Z-9133
 PLANNER: SW
 TECHNICIAN: RC
 DATE: 2020/07/10

PROJECT LOCATION: c:\planning\projects\p_officialplan\work\consolid00\excopts\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



Scale 1:30,000



File Number: Z-9133

Planner: SW

Technician: RC

Date: July 10, 2020

Project Location: E:\Planning\Projects\p_officialplan\workconsolid\0\excerpts_LondonPlan\mxd\Z-9133-Map1-PlaceTypes.mxd



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:

Z-9133

SW

MAP PREPARED:

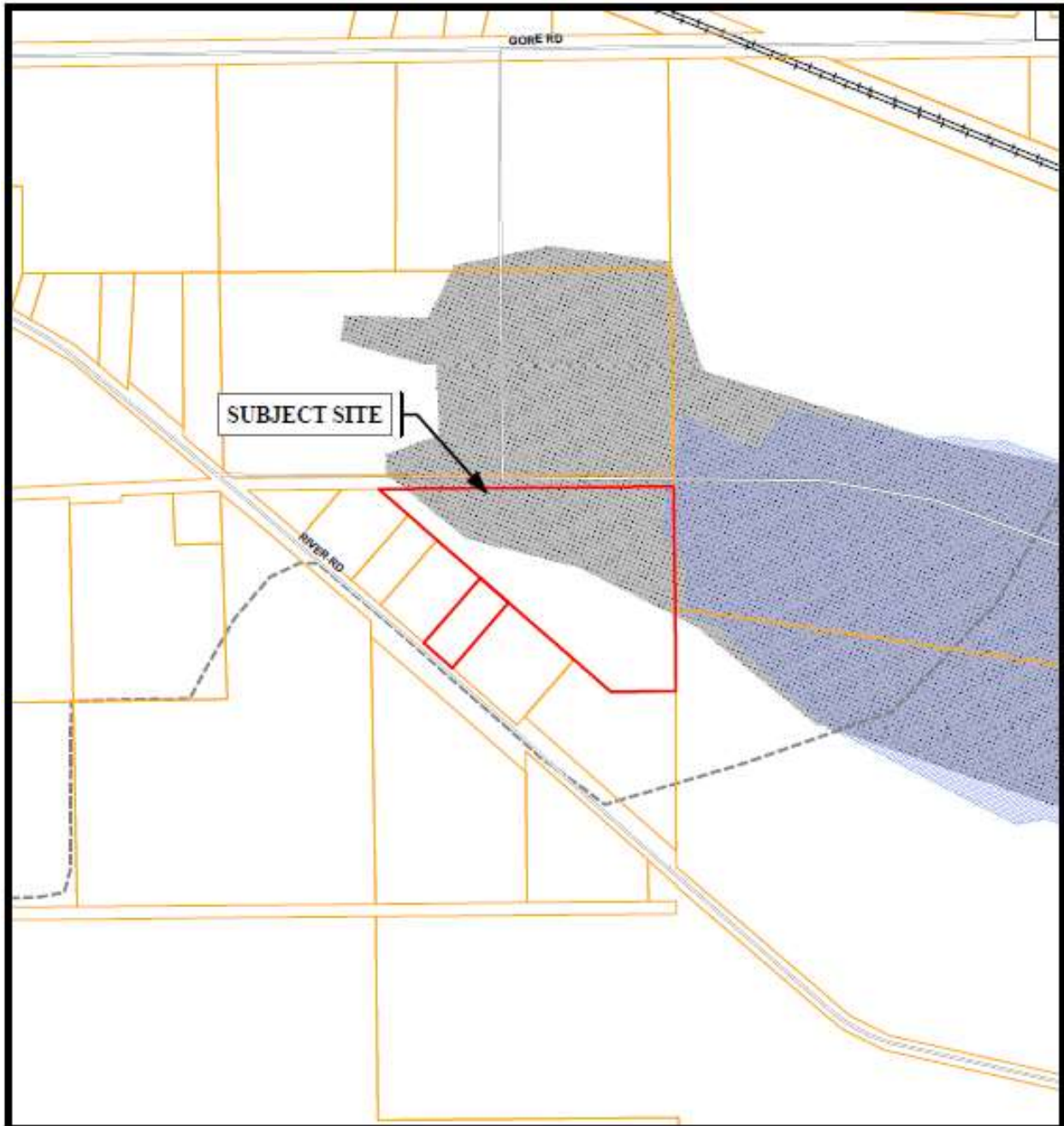
2020/07/10

RC

1:2,000

0 10 20 40 60 80 Meters


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







NATURAL HERITAGE SYSTEM

-  ESAs
-  Potential ESAs
-  Significant Woodlands
-  Woodlands
-  Unevaluated Vegetation Patches
-  Significant River, Stream, and Ravine Corridors
-  Unevaluated Stream and Ravine Corridors
-  Provincially Significant Wetlands
-  Locally Significant Wetlands
-  Unevaluated Wetlands
-  Potential Naturalization Areas
-  Potential Upland Corridors
-  Ground Water Recharge Areas

NATURAL HAZARDS

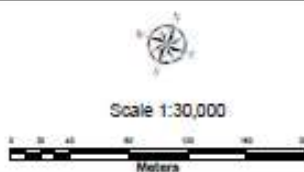
-  Maximum Hazard Line
- NOTE 1: Hazard Lines shown on this map are approximate. The precise delineation of hazard line mapping available from the Conservation Authority having jurisdiction.*
- NOTE 2: Flood Fringe mapping for certain areas of the city is available from the Upper Thames River Conservation Authority.*

Base Map Features

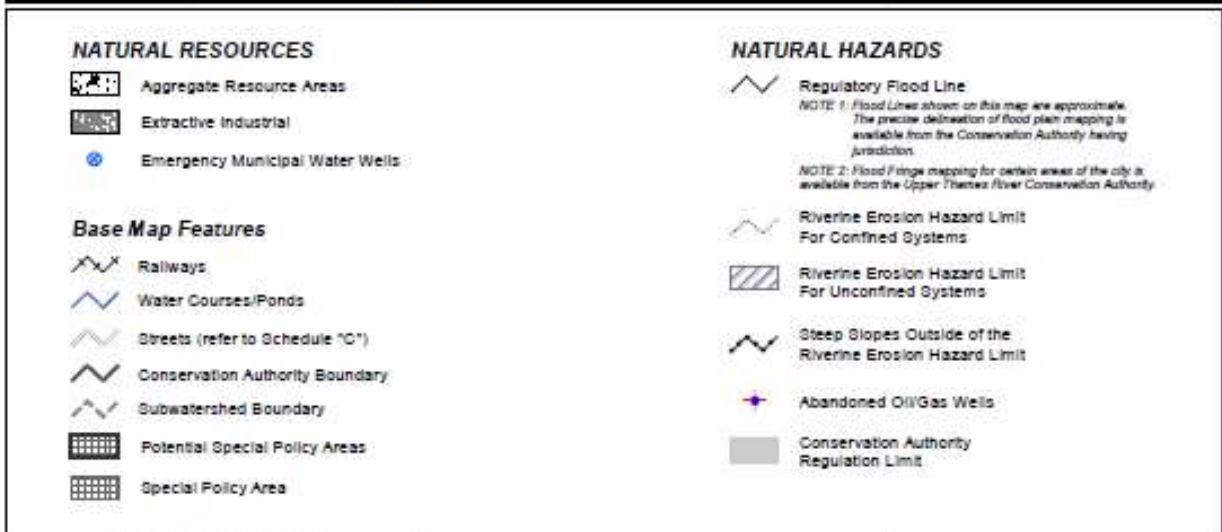
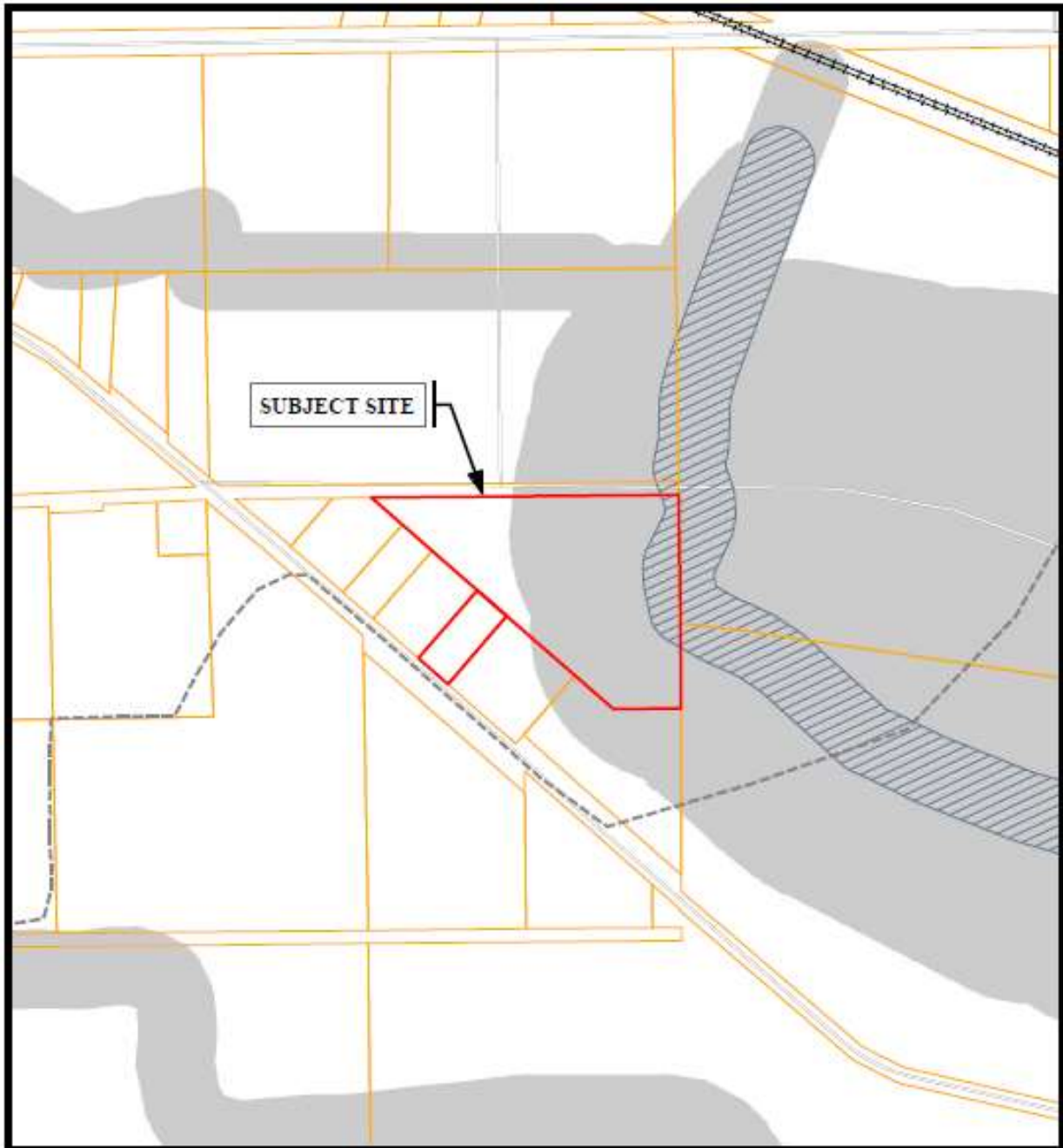
-  Railways
-  Water Courses/Ponds
-  Streets (refer to Schedule "C")
-  Conservation Authority Boundary
-  Subwatershed Boundary
-  Big Picture Meta-Cores and Meta-Corridors

CITY OF LONDON
Planning Services /
Development Services
OFFICIAL PLAN SCHEDULE B1
- NATURAL HERITAGE FEATURES -

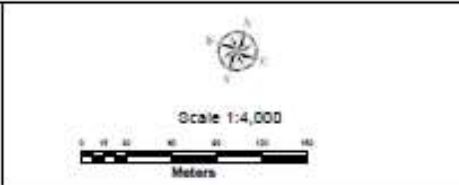
PREPARED BY: Graphics and Information Services



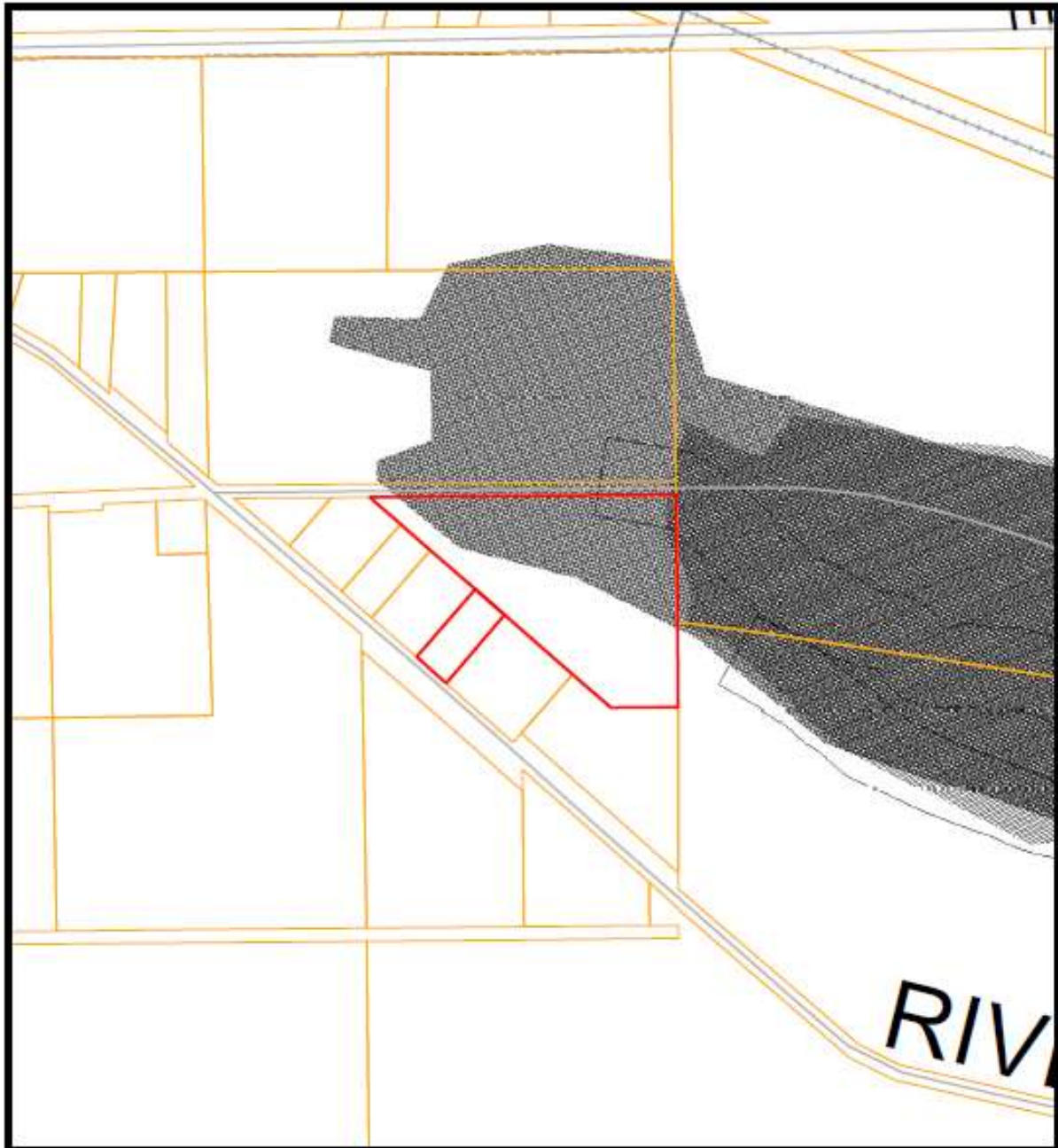
FILE NUMBER: Z-9133
 PLANNER: SW
 TECHNICIAN: RC
 DATE: 2020/07/13



CITY OF LONDON
Planning Services /
Development Services
 OFFICIAL PLAN SCHEDULE B2
NATURAL RESOURCES
AND
NATURAL HAZARDS
PREPARED BY: Geomatics and Information Services



FILE NUMBER: Z-9133
PLANNER: SW
TECHNICIAN: RC
DATE: 2020/07/13








NATURAL HERITAGE SYSTEM

-  Provincially Significant Wetlands
-  Wetlands
-  Unevaluated Wetlands
-  Significant Woodlands
-  Woodlands
-  Significant Valley Lands
-  Valley Lands

-  Areas of Natural and Scientific Interest
-  Environmentally Significant Areas (ESA)
-  Potential ESAs
-  Upland Corridors
-  Potential Naturalization Areas
-  Unevaluated Vegetation Patches

Base Map Features

-  Railways
-  Water Courses/Ponds
-  Streets (see Map 3)
-  Conservation Authority Boundary
-  Subwatershed Boundary

This is an excerpt from the Planning Division's working consolidation of Map 5 - Natural Heritage of the London Plan, with added notations.

CITY OF LONDON

Planning Services /
Development Services

**LONDON PLAN MAP 5
- NATURAL HERITAGE -**

PREPARED BY: Planning Services



Scale 1:30,000



File Number: Z-9133

Planner: SW

Technician: RC

Date: 2020/07/13



HAZARDS

- Regulatory Flood Line
NOTE 1: Flood Lines shown on this map are approximate. The precise delineation of flood plain mapping is available from the Conservation Authority having jurisdiction.
NOTE 2: Flood Fringe mapping for certain areas of the City is available from the Upper Thames Conservation Authority.
- Special Policy Areas
- Potential Special Policy Areas
- Riverine Erosion Hazard Limit for Confined Systems
NOTE: Steep Slopes Outside the Riverine Erosion Hazard Limit on the map are approximate. Precise delineation is available from the Conservation Authority having jurisdiction.
- Riverine Erosion Hazard Limit for Unconfined Systems
- Maximum Hazard Line

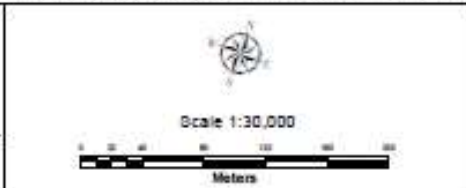
- Conservation Authority Regulation Limit
- Abandoned Oil/Gas Wells
- NATURAL RESOURCES**
- Aggregate Resource Areas
- Extractive Industrial Areas
- Wellhead Protection Area
- Emergency Municipal Water Wells
- Significant Groundwater Recharge Areas
- Highly Vulnerable Aquifers

BASE MAP FEATURES

- Streets (see Map 3)
- Railways
- Urban Growth Boundary
- Water Courses/Ponds
- Conservation Authority Boundary
- Subwatershed Boundary

This is an excerpt from the Planning Division's working consolidation of Map 6 - Hazards and Natural Resources of the London Plan, with added notations.

CITY OF LONDON
Planning Services /
Development Services
LONDON PLAN MAP 6
- NATURAL HAZARDS AND NATURAL RESOURCES -
PREPARED BY: Planning Services



FILE NUMBER: Z-9133
PLANNER: SW
TECHNICIAN: RC
Date: 2020/07/13

Appendix E – Aerial Map Imagery 2010 - 2019

2010



2011



2012



2013



2014



2015



2016



2017



2018



2019



Additional Reports

OZ-8271: Planning and Environment Committee: Unevaluated Vegetation Patches:
March 4, 2014 – Various Addresses



"Inspiring a Healthy Environment"

July 29, 2020

City of London – Planning Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Sonia Wise (sent via e-mail)

Dear Ms. Wise:

**Re: File No. Z-9133 - Application to Amend the Zoning By-law
Response to City on ManEngment Ltd. (P. Flood) and L. Claro Correspondence
Owner: Fernando Da Silva
Applicant: Global Waste Disposal London Ltd. c/o Victor Da Silva
Agents: Luis Carlo and Paul Flood
2040 River Road, London, Ontario**

The Upper Thames River Conservation Authority (UTRCA) provided comments on the revised Zoning By-law Amendment application to the City of London on June 26, 2020. It is our understanding City staff will be moving forward with a recommendation for an Open Space (OS5) zone on the subject lands to the Planning and Environment Committee (PEC) and Council. City planning staff are well versed in the interpretation and implementation of their policies and provisions within the City of London Official Plan (1989), the London Plan (2016), and the Zoning By-law Z-1. As such, the recommended OS zone boundary will encompass the area of restoration works to be undertaken by the applicant, and corresponds with the natural hazard and natural heritage features/functions on these lands and adjacent lands.

Since the City's notification of their recommendation, there has been a series of correspondence from the applicant and agents stating objections to the City's recommendation for OS5 zoning on the eastern portion of the lands. In particular, a letter addressed to the City of London from ManEngment Ltd., dated July 3, 2020 and titled "UTRCA Obstruction of Planning Process and Open Space (OS) Zone", offers the agents reasoning for this disagreement. The UTRCA offers the following comments as clarification on the inaccuracies contained in the correspondence provided below. However, first we must be clear that our role is a requirement through our delegated and legislative roles in the planning process.

The UTRCA, and all Conservation Authorities, have provincially delegated responsibilities to represent provincial interests regarding natural hazards under the Provincial Policy Statement. Under the *Conservation Authorities Act* the UTRCA regulates development and activities in or adjacent to river or stream valleys, watercourses, hazardous lands and wetlands.

The following is provided as clarification to the July 3, 2020 letter:

1. “List of Relevant Documents”

A list of dates/events believed to be critical to the understanding of this file is provided. The UTRCA is of the opinion that this list is both incomplete and inaccurate, and the following dates should be added to ensure a comprehensive understanding of the file:

2014 to 2019	Unauthorized site alteration and development apparent on review of aerial imagery from these years. Please refer to the attached compilation of imagery. Construction equipment begins appearing within the mapped features in 2014.
2014 to 2016	*Clarification* The UTRCA provided comments on the City-initiated Official Plan and Zoning By-law Amendment application (OZ-8271) relating to unevaluated vegetation patches. The UTRCA identified that the area contained regulated features (riverine flooding hazard, wetland feature and surrounding area of interference), and had no objections to the proposed amendment to re-designate and re-zone the lands from industrial to open space. Given the historic approvals on select properties within this area, the City advised that the designation and zoning would remain as is, however the features would remain on the subsequent schedules of the Official Plan as an unevaluated vegetation patch.
November 13, 2019	UTRCA receives Zoning By-law Amendment application (Z-9133) from City of London
November 21, 2019	UTRCA emails Victor Da Silva (applicant) and Luis Claro(agent) stating aerial mapping identifying regulated features have been altered/removed; requested availability to conduct a site visit
November 28, 2019	UTRCA staff (Brent Verscheure and Stefanie Pratt) met on site with Victor Da Silva to review extent of work, gain understanding of when/who completed work, and advise of violation under CA Act.
December 5, 2019	Email from Victor Da Silva to Brent Verscheure, Stefanie Pratt and Luis Claro regarding site visit follow-up, explanation for clearing works, and purpose of current application
December 10, 2019	UTRCA Comments to City of London on Z-9133, cc Victor and Luis
January 20, 2020	*Clarification* Meeting to review roles/responsibilities and restoration requirements (with groups listed)
January 22, 2020	MTE provides a copy of January 20 meeting minutes for review and comment
January 27, 2020	*Clarification* UTRCA provides response to meeting minutes providing clarification on matters discussed at meeting that were misrepresented in minutes, and provided a clear representation of requirements to move forward
February 6, 2020	*Clarification* On February 7 th , MTE provided a letter stating their interpretation of the historic site conditions and suggested resolution. MTE’s letter states that there was a watercourse and wetland present within the immediate vicinity of the lands, therefore they are subject to <i>Conservation Authorities Act</i> regulation. While the exact extent of these features was never appropriately determined prior to

	unauthorized site alteration, and has resulted in a disagreement of aerial imagery interpretation, the reference to “potential” should be removed.
March 9, 2020	*Clarification* This information was not provided to UTRCA at this time. Dietz OLS is a surveying company. Was a qualified wetland evaluator that successfully completed the Ontario Wetland Evaluation System Course on site to confirm the extent of the wetland? If not, reference to the wetland is not appropriate.
February-June 2020	*Clarification provided below*
February/March 2020	Continued correspondence between MTE (Dave Hayman) and UTRCA regarding restoration requirements.
May, 8, 2020	UTRCA Email clarification to Paul Flood on summary of discussion. Regulatory roles and features regulated; including flooding hazards, wetlands, and the area of interference surrounding wetlands.
May 22, 2020	Site visit with Victor Da Silva, Fernando Da Silva, Luis Claro and UTRCA staff (Brent Verscheure and Stefanie Pratt) to further review restoration requirements in person and develop a path forward that satisfies requirements
May 27, 2020	Sketched drawing from Luis Claro provided to UTRCA via email that did not align with discussions from site visit
June 8, 2020	Additional site visit with Victor Da Silva, Fernando Da Silva, Luis Claro and UTRCA staff (Brent Verscheure and Stefanie Pratt) to further discuss and review restoration requirements and justification
June 9, 2020	Sketched drawings from Luis Claro provided to UTRCA that better aligned with discussions from site visit
June 22, 2020	Luis Claro provides drawings to City and UTRCA formalizing June 9 th sketch
June 26, 2020	UTRCA provided revised comments on the Zoning By-law Amendment application (Z-9133) stating no objections to the additional permitted use, recommending implementing of appropriate open space zoning for both on-site and adjacent features, and restoration plan requirements through Site Plan and Section 28 permit process
June 30, 2020	Letter from Luis Claro to City of London (no date, title or signature)
July 3, 2020	Letter from ManEngment Ltd. (Paul Flood) to City of London titled “UTRCA Obstruction of Planning Process and Open Space (OS) Zone”
July 2020	Continued correspondence between applicant, agents, City of London and UTRCA staff regarding interpretation of Official Plan, London Plan and Zoning By-law

Further to the addition of relevant information provided above, we would like to clarify that Regulation Limit mapping is an important tool in identifying natural hazard features on the landscape to ensure long-term protection and appropriate assessment prior to development occurring within or adjacent to any regulated features. Regulated features include; flooding hazards, erosion hazards, wetlands, and areas of interference surrounding wetlands. It is important to note that the text of Ontario Regulation 157/06 describes the areas that are

regulated, so features and hazards do not have to be shown on the mapping to be regulated. Mapping is used as a guide, site specific information/studies are required to confirm the extent of the features and areas prior to development or site alteration. Development and activities that alter these features or their associated functions in any way are regulated and therefore subject to approval from the Conservation Authority prior to being undertaken.

As shown in the review of the aerial imagery noted above, development and site alteration works occurred prior to undertaking appropriate studies to determine the exact extent of features on these lands or receiving a *Conservation Authorities Act* permit.

This list of dates and documents should form a factual representation of UTRCA involvement with the file. As such, personal opinions have been removed.

2. “Background”

This section of the report is limited in providing full background on how the consultants came to their interpretations relating to the OS5 recommendation. The following statement is included:

The London Plan shows no natural features near the subject area...

It is clear that the author is referring to Schedule A of the Official Plan/Map 1 of the London Plan. While these schedules identify land use designations/place types, respectively, Schedule B1/Map 5/Map 6 also form equal parts of their respective Plans and must be read together with Schedule A/Map 1. The City has provided the applicant and agents with official excerpts of the schedules identifying natural hazards, regulated areas and natural features on the subject lands and adjacent.

3. “UTRCA Comments Damaging”

a) Notice of Violation

As noted above, a site visit occurred with UTRCA staff, Victor Da Silva and Luis Claro which confirmed site alteration prior to undertaking receiving approval under Section 28 of the *Conservation Authorities Act*. It was advised that these works constituted a violation and restoration/renaturalization works would be required. The UTRCA has previously provided clarification in an email on May 8, 2020 to further explain the process to the agent;

“upon review of the MTE report, dated February 6, 2020 under the heading Regulatory Limits states the following: “the Subject Lands would be regulated for the watercourse adjacent to the east boundary, and for the wetland interference area within 120m of a wetland larger than 2 ha (Regulation 157/06)”. We agree with MTE’s statement. MTE’s submission to you on September 17, 2019 also outlined the Conservation Authority regulatory areas.

Any development or site grading activities undertaken prior to obtaining a permit constitutes a violation. As such, the violation is appropriate and the area regulated was also confirmed by your environmental consultant. In our conversation you indicated that your client only looked at the Official Plan and undertook the works designated as Industrial. To clarify, both City Maps Zoning, and Official Plan Schedule B-2 Natural Resources and Natural Hazards schedule (Map 9 for this site) includes Conservation Authority Regulation Limits. Official Plan and City Maps identify Conservation Authority Regulated areas”.

b) *Open Space – no justification*

City of London staff, on multiple occasions, have provided official interpretation of their Zoning By-law and Official Plan/London Plan in regards to the open space designation. As there are both natural hazard and natural heritage features, and their associated buffers/area of interference on the subject lands and adjacent lands, the City has chosen to implement zoning to respect this.

c) *Natural Heritage Features & Development Potential*

The agent consistently references “the CA’s mandate for fill and floodline protection”. This terminology refers to the Conservation Authority Regulation in place prior to 2006. In May 2006, the Minister of Natural Resources approved the individual "Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" Regulations for all Conservation Authorities (Ontario Regulations 157/06 for the UTRCA) consistent with Ontario Regulation 97/04. Through these regulations, Conservation Authorities are authorized to regulate development and activities in or adjacent to river or stream valleys, Great Lakes and inland lakes shorelines, watercourses, hazardous lands, wetlands, and the area of interference surrounding wetlands. This regulation complements municipal implementation of provincial policies under the *Planning Act* for natural hazards. Furthermore, this regulation includes the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or for changing or interfering in any way with a wetland.

It is stated that “The Owner has generously accommodated the 15m floodway setback ‘regulation’ with the new site plan as agreed in the field with UTRCA on the basis that no OS be considered”. The agreement between the UTRCA and the applicant in regards to the setback did not include confirmation that an OS zone would not be considered. Upon much discussion, UTRCA staff continually stated that the City has jurisdiction to make the final decision on the zoning matters and a recommendation based on regulated features would be provided through our delegated role. Additionally in the field, UTRCA staff stated that a 15 metre setback from the top of the bank of the adjacent channel would be the minimum acceptable requirement, with 6 of those metres to be maintained in a natural state as an access allowance, in the absence of detailed technical reports.

Furthermore, the agent has submitted that the “drain” is not “natural”, nor is the “wetland”. The following confirms that the wetland and “drain” meet the definitions as outlined in these documents:

- Provincial Policy Statement

“Rivers, stream...: means all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event

Wetlands: means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swmpa, marshes, bogs and fens”

- *Conservation Authorities Act*

““watercourse” means an identifiable depression in the ground in which a flow of water regularly or continuously occurs

“wetland” means land that, (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface, (b) directly contributes to the hydrological function of a watershed through connection to a surface watercourse, (c) has hydric soils, the formation of which has been cause by the presence of abundant water, and (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water”

- UTRCA Environmental Planning Policy Manual (2006)

“Watercourse: means an identifiable depression in the ground in which a flow of water regularly or continuously occurs. A watercourse includes rivers, stream, creeks, swales, ditches and municipal drains

Wetland: means land that

- a) as seasonally or permanently covered by shallow water, or has a water table close to or as its surface;
- b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse;
- c) has hydric soil, the formation of which has been caused by the presence of abundant water; and
- d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water. But does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause c) or d)”

The features on and adjacent to these lands meet these definitions, as verified by City of London and UTRCA ecologists, along with the applicant’s own ecological consultant, MTE.

These natural hazard features can be further referred to in the MNR document “Understanding Natural Hazards” and through review of the MNR Technical Guide documents that support the implementation of the PPS.

d) *‘Regulatory’ Mapping*

Regulation limit mapping was developed following the provincial methodology. Wetlands were mapped using historical air photos and digital aerial imagery to identify potential wetland features. Information such as tree cover (with indicator species highly associated with wetlands), soils, surface elevation, and groundwater recharge areas are also very important in identifying potential features.

The UTRCA has and will continue to acknowledge that the exact extent of features are required to be studied in order to confirm accuracy for each site; however in this case the subject lands were altered prior to a formal assessment.

Lastly, the UTRCA’s mapping is similar to feature identification when compared with the City’s Schedule B1/Map 5/Map 6 from the Official Plan/London Plan.

e) *Source Water Protection*

The UTRCA’s December 10, 2019 included Source Protection information. As noted in this letter, Drinking Water Source Protection information is disclosed to local municipalities to assist them in fulfilling their decision making responsibility under the Planning Act. The Clean Water Act (2006) is part of the Ontario government’s commitment to implement the recommendations of the Walkerton Inquiry to protect existing and future sources of drinking water, as well as human health and the environment. The approved Source Protection Plan for the Thames-Sydenham Region can be viewed at the following link:

<https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

In this area, the Upper Thames River, Lower Thames Valley and St. Clair Region Conservation Authorities have partnered together to work with the Source Protection Committee to coordinate the development of Source Protection Plans for our watersheds. The Source Water Protection mapping identifies vulnerable areas and is contained on Map 6 of the London Plan to be consistent with Section 2.2.1e) of the PPS.

4. *“Preliminary Site Plan Design”*

The above responses are to provide factual information to the opinions presented and can be applied to this section of the letter as well.

5. “Summary and Conclusions”

Given the information and clarification provided above, the summary and conclusions presented in the July 3rd letter do not align with the policy and regulatory requirements set out by the Provincial Policy Statement, *Conservation Authorities Act* (specifically Ontario Regulation 157/06), City of London planning documents, and the UTRCA Environmental Planning Policy Manual (2006). This letter has been provided to clarify the definitions and framework used to arrive at the UTRCA’s recommendation on this file, through our delegated and legislative roles in the planning process. UTRCA staff will continue to remain hopeful that an agreement can be entered into with all parties to ensure appropriate long-term protection of the natural hazard and natural heritage features in this area.

In addition to the letter authored by Paul Flood, a letter was sent from Luis Claro to City staff as well. The UTRCA will not be providing direct responses to this letter as the majority of the concerns are captured herein.

There was also a series of email correspondence that contained additional information that was not addressed specifically in this letter. However, the points above clarify the majority of the duplicated information raised. The following is the UTRCA’s response to some of the emails:

1. Email from Luis Claro (July 14, 2020)

The agents have accused the UTRCA and City of approving the relocation of a watercourse that has subsequently resulted in the “over” regulation of the subject lands, negatively impacting their clients lands and business. It has been stated that the agents have “evidence” of this approval but none has been provided to date. These references have been made in regard to “The Forks Pottersburg Creek” location shown on Schedule B1, Map 9 of the Official Plan (1989) as a light blue line, versus the omissions of light blue line on Map 5 and 6 of the London Plan. Clarification appears to be required as “The Forks Pottersburg Creek” is simply a subwatershed boundary and not a watercourse, as noted as a dark blue line in the legend of the schedules.

2. Email from Paul Flood (July 15, 2020)

This email provides the definition of natural and claims that the features present on the subject and adjacent lands are not “natural”.

In regards to the definition of “natural”, to clarify, Section 3.1 of the Provincial Policy Statement outlines natural hazards while Section 3.2 outlines human made hazards. It is clear by review of these policies that the features identified meet the criteria of natural hazard as it relates to their natural processes. The MNR document *Understanding Natural Hazard* states “*What are Natural Hazards? Natural, physical, environmental processes that occur near or at the surface of the earth can produce unexpected events of unusual magnitude or severity. Such occurrences are generally regarded as natural hazards. The outcome can be catastrophic, frequently resulting in damage to property, injury to humans or other organisms, and tragically even loss of life.*” (<https://www.scrca.on.ca/wp-content/uploads/2018/09/MNR-Understanding-Natural-Hazards.pdf>). The applicant and agents have agreed that a flood plain and associated setback is appropriate.

In regards to the claim that an unevaluated feature is not a feature, an unevaluated feature is determined to be present on the landscape but needs to be evaluated to determine the level of significance and protection needed prior to development (including site alteration) occurring within or adjacent to the identified area.

We trust the above information is sufficient in providing clarity with regards to this file. If you have any questions, please contact the undersigned.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Tracy Annett, MCIP, RPP
Manager, Environmental Planning and Regulations

Enclosure: Aerial Imagery of 2040 River Road from 2010 to 2018

cc: Victor Da Silva, Global Waste Disposal London Ltd. (Applicant)
Paul Flood, ManEngment Ltd. (Agent)
Luis Claro, (Agent)
Michael Tomazincic, City of London Manager of Current Planning
James MacKay, City of London Development Services Ecologist
Brent Verscheure, UTRCA Land Use Regulations Officer
Stefanie Pratt, UTRCA Land Use Planner

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Cathy Saunders, City Clerk
Subject: Request for Council Resolution, under section 45(1.4) of the
Planning Act, R.S.O. 1990, c. P.13,
745 -747 Waterloo Street
Meeting on: August 10, 2020

Recommendation

That, on the recommendation of the City Clerk, the report dated August 10, 2020 entitled "Request for Council Resolution, under section 45(1.4) of the *Planning Act, R.S.O. 1990, c. P.13 – 745 - 747 Waterloo Street*", **BE RECEIVED.**

Background

Brock Development Group, on behalf of their client Y Group Investments & Management Inc. has submitted the attached letter, dated July 7, 2020 and received July 23, 2020, seeking approval from the Municipal Council to submit a Minor Variance Application for the property known as 745-747 Waterloo Street to allow medical offices currently restricted to the main floor of the building known as 745 Waterloo Street to be expanded to the second floor, resulting in an additional floor area of 890 square feet (83 sq. m. for medical uses.

Section 45(1.3) of the *Planning Act, R.S.O. 1990, c. P.13* states:

"Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect to the land, building or structure before the second anniversary of the day on which the by-law was amended"

Section 45(1.4) of the *Planning Act, R.S.O. 1990, c. P.13* states:

"Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made with respect of a specific application, a class of application or in respect of such applications generally."

At its meeting held on October 2, 2018, the Municipal Council enacted By-law Z.-1-182695 to amend Schedule "A" to Zoning By-law No. Z.-1, as amended, to change the zoning applicable to the lands known as 745-747 Waterloo Street, from a Residential R2/Office Conversion (R2-2/OC4) Zone to a Residential R2/Office Conversion Special Provision (R2-2/OC6(5)) Zone at 745 Waterloo Street and from an Office Conversion Special Provision/Convenience Commercial Special Provision (OC4(4)CC(1))Zone to an Office Conversion Special Provision/Convenience Commercial Special Provision (OC6(5)/CC(1) Zone at 747 Waterloo Street. The regulations related to the subject property states "Permitted uses within the Office Conversion Zone shall be restricted to the ground floor of the existing building at 745 Waterloo Street and to the entirety of the existing building at 747 Waterloo Street". The regulations were also amended to provide for a minimum of 8 parking spaces for all permitted uses on the property based on the floor area restrictions as outlined in the regulations.

Municipal Council also resolved the following with respect to the matter:

"b) the Civic Administration BE REQUESTED to review, in consultation with the neighbourhood, the traffic and parking congestion concerns raised by the neighbourhood and to report back at a future Planning and Environment Committee meeting;"

It is noted that report back with respect to part b) above has not yet been submitted.

The Agent for the Applicant indicates in support of the request “Due to extenuating circumstances surrounding COVID-19, additional medical clinic space is required to accommodate a private surgical suite at 745 Waterloo Street. This will allow procedures and surgeries to occur outside of hospital operating rooms.”

To assist the Municipal Council in their consideration of this matter, the balance of this report provides background information with respect to the previous *Planning Act, R.S.O. 1990, c. P.13* Zoning By-law Amendment Application pertaining to the subject property.

1.0 Property History

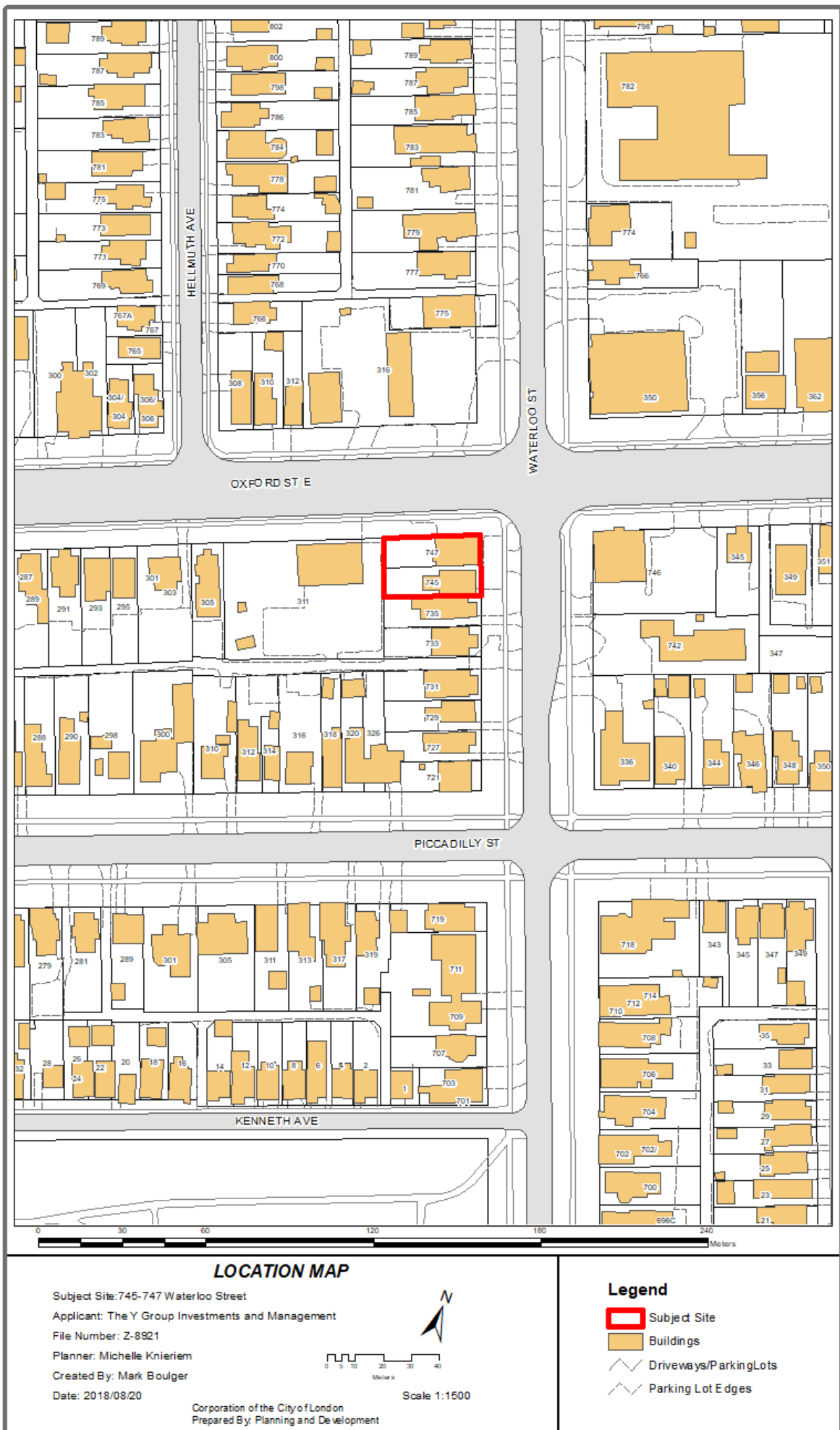
The subject site is located at the southwest corner of the intersection of Oxford Street East and Waterloo Street. It is occupied by 2, two-storey buildings, which are bisected by a walkway, and includes 8 parking spaces in the rear of the building. An additional 8 boulevard parking spaces (7 in the front, 1 in the rear) are also used by the subject site.

The subject site is also listed in the City of London’s Inventory of Heritage Resources and is adjacent to the Bishop Hellmuth Heritage Conservation District, located on the north side of Oxford Street East.



Photo of subject site as shown in September 24, 2018 Staff report to PEC

1.1 Location Map



1.2 Previous Reports Pertinent To This Matter

Z-8921 – September 24, 2018 – Report to the Planning and Environment Committee – Recommendation to rezone the subject site from a Residential R2/Office Conversion (R2-2/OC4) Zone to a Residential R2/Office Conversion Special Provision Zone (R2-2/OC6(5)) Zone at 745 Waterloo Street and from an Office Conversion/Convenience Commercial Special Provision (OC4/CC(1)) Zone to an Office Conversion Special Provision/Convenience Commercial Special Provision Zone (OC6(5)/CC(1)) Zone at 747 Waterloo Street

1.3 Planning History

A minor variance application (A.082/07) was approved by the Committee of Adjustment for 745 Waterloo Street in 2007. This minor variance decision permitted a retail store, with the requirements that this retail store shall be used for a chocolate retail store only and that the chocolate retail store shall not exceed the size of the hair salon that previously existed on the site. The variance also permitted reduced interior side yard setbacks, based on the reduced setbacks of the existing building.

In June, 2018, a request for a Zoning By-law amendment was received to rezone the portion of the subject site at 745 Waterloo Street from a Residential R2/Office Conversion (R2-2/OC4) Zone to a Residential R2/Office Conversion Special Provision (R2-2/OC6(5)) Zone and the portion of the subject site at 747 Waterloo Street from an Office Conversion/Convenience Commercial Special Provision (OC4/CC(1)) Zone to an Office Conversion Special Provision/Convenience Commercial Special Provision (OC6(5)/CC(1)) Zone. The intent of the requested amendment was to permit clinics, emergency care establishments, medical/dental offices, and outpatient clinics (all within existing buildings), in addition to the other uses already permitted on the properties. The amendment also requested recognition of existing site conditions including reductions in landscaped area (14%, whereas 30% would be required) and vehicular parking (8 spaces, whereas 26 spaces would be required).

1.4 Approved Zoning By-law Amendment

The following summarizes the provisions provided for in the Zoning By-law Amendment.

Permitted Uses in the R2-2 Zone (745 Waterloo Street):

- i) Single Detached Dwellings
- ii) Semi-detached Dwellings
- iii) Duplex Dwellings
- iv) Converted Dwellings (maximum 2 dwelling units)

Note: A Chocolate Retail Store also permitted by Minor Variance is not identified in the Zoning By-law

Permitted Uses in the CC(1) Zone (747 Waterloo Street):

- i) Convenience Service Establishment (without a drive-through)
- ii) Convenience Stores (without a drive-through)
- iii) Financial Institutions (without a drive-through)
- iv) Personal Service Establishments (without a drive-through)
- v) Existing Retail Stores

Permitted Uses in the OC6(5) Zone (745 and 747 Waterloo Street):

- i) Clinics (in existing buildings)
- ii) Dwelling units
- iii) Emergency Care Establishments (in existing buildings)
- iv) Medical/dental offices (in existing buildings)
- v) Offices (in existing buildings)
- vi) Outpatient clinics (in existing buildings)

Special Regulations of the OC6(5) Zone:

- i) Permitted Uses within the Office Conversion Zone shall be restricted to the ground floor of the existing building at 745 Waterloo Street and to the entirety of the existing building at 747 Waterloo Street
- ii) Parking Spaces 8 for all permitted uses on the property
(Minimum)
- iii) Landscaped Area 14% for all permitted uses on the property
(Minimum)

2.0 Policy Context

Use

The London Plan

The subject site is within the Urban Corridor Place Type in The London Plan. The Urban Corridor Place Type permits a range of residential, retail, service, office, cultural, recreational and institutional uses (Policy 837). Further, The London Plan also includes a policy that specifically permits office conversions between 733 and 747 Waterloo Street, which includes the subject site (Policy 1076).

1989 Official Plan

The existing Multi-family, Medium Density Residential designation allows for the conversion of dwellings for office purposes, subject to certain criteria. The 1989 Official Plan also specifically identifies locations within Residential designations where office conversions may be permitted. The location of the subject site is one of the locations identified as permitting office conversions.

Parking

The OC6(5) zone approved in 2018 permits a range of uses, with different parking rates required for each use. If the site were to be occupied by the most parking-intensive uses permitted by that zone, a minimum of 30 parking spaces would be required. Meanwhile, the subject site can accommodate a maximum of 8 parking spaces on-site and an additional 8 boulevard parking spaces under permit from the City of London that are located on City-owned property surrounding the site.

In order to not worsen this deficiency, the OC6(5) zone included a special provision limiting the requested uses for the Office Conversion (OC6) Zone to the ground floor of 745 Waterloo Street and the entirety of 747 Waterloo Street rather than allowing the permitted uses to occupy the entire gross floor area of both buildings. The Zoning By-law regulations effectively facilitate only residential uses on the second floor of the building at 745 Waterloo Street.

2.1 Planning Act

As noted previously in this report, the *Planning Act* provides the basis for the establishment of a Committee of Adjustment to evaluate requests for relief from regulations of a Zoning By-law.

Powers of Committee

45 (1) The committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained. R.S.O. 1990, c. P.13, s. 45 (1); 2006, c. 23, s. 18 (1); 2009, c. 33, Schedule. 21, s. 10 (11).

On July 1, 2016, Bill 73 came into effect which implemented a number of legislative changes to the *Planning Act*. As part of Bill 73, Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13 was amended (45 (1.3)) to put in place a two-year moratorium for minor variance applications within two years of the date of passing of a zoning by-law amendment. The intent of the changes to the *Planning Act* were to give greater control to municipalities to prevent the reversal of zoning provisions that council determined to be important through the by-law amendment processes. It was also recognized that there may be instances where material changes to development proposals are necessary and that minor relief from regulations are required to permit the development. To address this, provisions were further included in the *Planning Act*, R.S.O. 1990, c. P.13 (45 (1.4)) to allow, by council resolution, the opportunity to submit an application for a Minor Variance.

Two-year period, no application for minor variance

45 (1.3) Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended. 2015, c. 26, s. 29 (2).

Exception

45 (1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).

Municipal Council is requested, by way of the Planning and Environment Committee, in accordance with Section 45 (1.4), to permit such a resolution to be passed.

It should be noted that minor variance applications are deliberated by the Committee of Adjustment and that public notice to neighbouring properties would be provided should the Application be permitted to be made.

3.0 Conclusion

The Agent for the Applicant is seeking approval from the Municipal Council to provide for the submission of a Minor Variance Application for the property located at 745-747 Waterloo Street, to allow medical offices currently restricted to the main floor of the building known as 745 Waterloo Street to be expanded to the second floor, resulting in an additional floor area of 890 square feet (83 sq. m.) for medical uses.

If the Municipal Council resolves that the Agent for the Applicant may submit an application for a Minor Variance to the Committee of Adjustment, the merits of the proposed Application would be evaluated by the Committee of Adjustment. The Civic Administration will submit a Planning Report providing planning analysis of the request for the Committee of Adjustment's consideration.

Submitted by:	CATHY SAUNDERS CITY CLERK
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July 7, 2020

Mayor Holder and Members of Council
City of London
c/o Ms. Cathy Saunders
300 Dufferin Avenue
London, ON
N6A 4L9

Attention: Mayor Holder and Members of Council,

RE: Proposed Minor Variance Application
745 Waterloo Street

On behalf of The Y Group Investments & Management Inc, we respectfully request the permission of Council to allow a minor variance application for the above noted lands prior to the second anniversary of the previously approved Zoning By-law Amendment application Z-8962, as per Section 45.1.4 of the Planning Act. In order to speak to this request, permission for delegation status is also requested should any questions arise regarding the proposed minor variance at the Planning and Environment Committee meeting.

In October 2018 a Zoning By-law Amendment application was approved to allow medical offices and clinics on the above noted lands and the adjacent property at 747 Waterloo Street. At that time, medical offices were permitted within the entirety of 747 Waterloo Street but restricted to the main floor of the above noted property. A minor variance is now required to allow medical uses within the entirety of 745 Waterloo Street as well, resulting in an additional 890sq.ft (83sq.m) of medical office/clinic space.

Due to the extenuating circumstances surrounding Covid-19, additional medical clinic space is required to accommodate a private surgical suite at 745 Waterloo Street. This will allow procedures and surgeries to occur outside of hospital operating rooms.

We trust the enclosed is satisfactory for your review and circulation. Should you have any questions or require additional information, please feel free to contact me.

Respectfully submitted,

BROCK DEVELOPMENT GROUP INC.

A handwritten signature in black ink, appearing to read "Michelle Doornbosch".

Michelle Doornbosch, BA
Partner/Planner

cc. Alex Yazdani, The Y Group



July 30, 2020

Councillor Maureen Cassidy
Chair – Planning and Environment Committee
City of London

Re: Request to Waive Fees for City-wide Planning Application (London Food Bank)

This letter is to request that Municipal Council waive the planning application fees associated with the London Food Bank's upcoming application for amendment to the Z.-1 Zoning By-law (and potentially the Official Plan) that would apply City-wide. The amendment is aimed at eliminating a current barrier in the Zoning By-law that effectively prevents the construction of greenhouses as accessory uses on industrial and institutional lands throughout the City of London.

We recognize and respect that it is not appropriate for City Council to evaluate the application at this time – as it will undergo a full planning process, including due notification, public participation and full deliberation by Council in the near future. However, we do believe this is the correct time to request that the fees associated with this application be waived, as we are prepared to submit our planning application in the very near future.

We believe that the application has unique qualities and is clearly aimed at specific public interests that warrant Council directing staff to waive the standard planning application fees. These are as follows:

1. The application is to apply city-wide – with the goal of removing an existing regulation in the Zoning By-law that serves as a barrier to growing food in greenhouses in industrial and institutional area across the entire city.
2. The application is not related to a profit motive on an individual property or any other private interest. Rather, it is clearly a public interest initiative aimed at growing food in London to supply to vulnerable Londoners.
3. The application is intended to assist with recovery from the current and upcoming economic hardships of the COVID-19 pandemic.
4. By the London Food Bank launching this application, a current "flaw" in the zoning by-law can be addressed and Council's Urban Agriculture Strategy can be implemented, while relieving

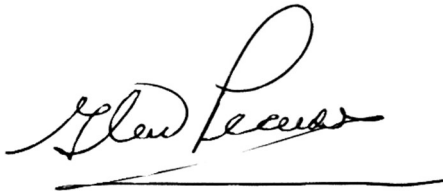
Council and Staff from launching its own policy review and City-initiated Zoning amendment – saving City staff time, cost, and potential delay due to lengthy work programs.

We believe that these factors make our application clearly distinct from others and clearly in the general public interest for the City of London – as it applies to the city as a whole, is unrelated to profit motive, is directed at COVID recovery for the City of London and relates to feeding vulnerable Londoners.

We hope that Council will consider these factors and formally direct Staff to waive the fees for this planning application. We are planning to submit our application in August and a Council direction prior to that date would be extremely helpful.

Thank you for your consideration of this important request.

Sincerely,



Glen Pearson
Co-executive Director, London Food Bank



Jane Roy
Co-executive Director, London Food Bank

cc: Mayor Ed Holder
Deputy Mayor – Jesse Helmer
Cathy Saunders – City Clerks Office
Barb Westlake-Power – City Clerks Office
Michael Shulthess – City Clerks Office
George Kotsifas – Development and Compliance Services
Michael Tomazincic – Development and Compliance Services
Gregg Barrett – Planning Services

We, the residents of Silverleaf, are requesting reconsideration of our request to forego the second sidewalk on the east side of Silverleaf Chase and inside of Silver Creek Crescent based on the following:

- In the presentation by the residents at the PEC meeting, the residents made it abundantly clear that the issue WAS NOT about driveways, lawns, etc. and any possible damage to same. It was clearly stated that should the residents fail in their appeal; the matter would be between the residents and the developer from that point on, i.e., nothing to do with the City. It has always been about safety, road mobility, unfettered access to roads by residents and clear access for service, transportation and emergency vehicles. During the full Council deliberations, the PEC members on Council made it seem that it was only about the one issue we specifically said it was not, e.g.,
Turner: “the question really at the root of this was whether people were going to lose a bit of their lawn that they deem theirs, the road allowance is within the City’s property.”
Hopkins: “...and the concern from the residents was that they were not aware that a second sidewalk was going to be put in...”
Deputy Mayor: “People have built driveways before the sidewalks went in. It’s not the City’s fault... I think there is going to be a resolution of that conflict... between the builder and the owners...and I think we should stay out of that...dispute between the people that own these properties and...”
Cassidy: “...this is a conflict possibly between the builder and the home purchasers, and they need to resolve that conflict.”
- Since the resident’s original presentation to PEC, the London Fire Department came through the subdivision and experienced great difficulty in getting through, and at one point came to a complete stop and had to lay on the horn until someone came out to move their vehicle. During the wait for the car to move, we spoke to the driver of the firetruck who said “...this road is a problem...”. This same problem will undoubtedly also be experienced at some point by ambulance and other emergency services. This same problem has already been experienced by garbage collection, recycling, paratransit and school buses.

Clearly, the issue that ALL residents of the community are concerned about is the impact the narrow Silverleaf Chase and Silver Creek streets are and will continue to have on the unfettered access of emergency, service and transportation vehicles. As the recent difficulty experienced by the fire truck illuminates, ‘*this is a problem*’. How much more evidence do we need to share for the real issue to be heard?

We are looking to the City to assist the residents of this subdivision in coming up with a solution(s) to help minimize this issue. We note that this problem is will only intensify after the summer-vacation period is over and after the less than half-completed subdivision is fully built out.

We, the community, feel that our initial request was misunderstood and identified that out of personal preference, we didn't want a sidewalk. If this was the issue, we would be dealing with our builders and developers to settle any conflicts as this would not be the City's responsibility.

We completely endorse the ideology and vision of the City with respect to Vision Zero, but not everything is a cookie cutter situation. Situations such as Silverleaf will arise that require exceptions. The road being approx. 5 feet narrower than other roads has clearly created a road mobility issue and the people living here and using these roads daily are sharing with you what the real problems are. We are asking the City for help in preventing a current problem from becoming much worse. We believe that adding a secondary sidewalk will only force additional vehicles to park on an already difficult to maneuver road. The fact of the matter is, regardless of who parks on the road, be it residents or visitors or service vehicles, there are road mobility issues; this is why residents on the opposite side of the streets that currently have sidewalks installed are also petitioning for this. One of the biggest concerns is the safety of our children. A road with very little room to maneuver can be unsafe for the children who decide to run from one sidewalk to the other. The solution to these issues may also have to include one-sided parking. We are willing to work with the City to come up with the best solution(s).

We look forward to working together with the City to resolve this difficult situation.

For these reasons, we believe that the residents of Silverleaf Chase and Silver Creek Crescent are deserving of an opportunity to properly present their case to full Council.

Thank you

The Silverleaf Community.

A Request for Reconsideration on the Subject matter was submitted on Friday, July 31st. We, the residents of Silverleaf, are requesting Delegation status for the matter as outlined in this Request for Reconsideration.

Since the original appeal, the London Fire Department has been to the subdivision and attempted to drive through both Silverleaf Chase and Silver Creek Crescent, however were unable to do so on both streets without having to stop and wait for people to move their parked vehicles. What if there had been a fire at one of residences? We have spoken with local ambulance services and they have indicated that should they too be unable to get through, they would have no choice but to stop wherever the impasse is, walk to the resident's home requiring emergency medical attention and hope that they get there in time. What would police do in an emergency situation where the clogged roads prevented them from getting to their destination? Paratransit has experienced issues on numerous occasions attempting to get through to pick-up a child on Silver Creek Crescent. Safety is clearly the major issue facing the residents of Silverleaf while it seems that the focus of PEC thus far has been on how the second sidewalk will effect driveways and landscaping. The residents are not concerned about the latter and any potential issue down the road with respect to same will be dealt directly with the builders and developers. The concerns of the residents of Silverleaf were not reviewed by PEC in the context for which they were intended. This is clearly a road mobility issue that has created serious safety concerns and installing a second sidewalk will only accentuate the problem by pushing a significant number of vehicles onto a very narrow street. We believe that the only solution to this issue is a combination of not installing the second sidewalk and converting the current two-sided street parking to one-sided street parking.

Thank you very much

The Residents of Silverleaf