

Planning and Environment Committee

Report

The 13th Meeting of the Planning and Environment Committee
September 8, 2020

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

ALSO PRESENT: H. Lysynski, C. Saunders and S. Spring
Remote Attendance: Councillors S. Hillier and S. Lehman; J. Adema, A. Anderson, J. Bunn, M. Corby, M. Feldberg, K. Gonyou, G. Kotsifas, T. Macbeth, J. MacKay, L. Pompilii, M. Schulthess, B. Somers, M. Tomazincic, D. Turner, M. Vivian, B. Westlake-Power and P. Yeoman
The meeting is called to order at 4:01 PM, with Councillor M. Cassidy in the Chair and Councillor Hopkins present; it being noted that the following Members were in remote attendance: Mayor E. Holder; Councillors J. Helmer, S. Turner and A. Kayabaga

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

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

That Items 2.1 to 2.3, inclusive, and 2.5 to 2.7, inclusive BE APPROVED.

Yeas: (4): M. Cassidy, A. Hopkins, S. Turner, and E. Holder

Absent: (2): J. Helmer, and A. Kayabaga

Motion Passed (4 to 0)

2.1 Application - 3740 Southbridge Avenue (P-9232)

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

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Sifton Properties Limited, to exempt Block 130, Plan 33M-785 from Part-Lot Control:

a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the staff report dated September 8, 2020 BE INTRODUCED at a future Council meeting, to exempt Block 130, Plan 33M-785 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*; it being noted that these lands are subject to registered subdivision agreements and are zoned holding Residential R4 Special Provision (h*h-100 R4-6(8)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum lot frontage of 7.0m;

b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Block 130, Plan 33M-785 as noted in clause a) above:

i) the applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;

ii) the applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;

iii) the applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

iv) the applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;

v) the applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;

vi) the applicant shall enter into any amending subdivision agreement with the City, if necessary;

vii) the applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

viii) the applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

ix) the applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;

x) the applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

xi) the applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;

xii) the applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 1, 3, 4, 9, 10, 11, 14, 15, 19, 20, 22, 23, 24, 29, 30 and 31 by parts 2, 5, 6, 7, 8, 12, 13, 16, 17, 18, 21, 25, 26, 27, 28 and 32; and,

xiii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Motion Passed

2.2 Application - 3620 Southbridge Avenue 33M-785, Block 124 (P-9231)

Moved by: E. Holder

Seconded by: S. Turner

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Sifton Properties Limited, to exempt Block 124, Plan 33M-785 from Part-Lot Control:

- a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the staff report dated September 8, 2020 BE INTRODUCED at a future Council meeting, to exempt Block 124, Plan 33M-785 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*; it being noted that these lands are subject to registered subdivision agreements and are zoned holding Residential R4 Special Provision (h*h-100 R4-6(8)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum lot frontage of 7.0m;
- b) The following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Block 124, Plan 33M-785 as noted in clause (a) above:
 - i) the applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
 - ii) the applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - iii) the applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - iv) the applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - v) the applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - vi) the applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vii) the applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
 - viii) the applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
 - ix) the applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;

x) the applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

xi) the applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;

xii) the applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 2, 3, 4, 7, 11, 12, 15, 16, 18, 19, 20, 23, 27, 28, 29, 32, 33, 34, 37, 41, 42, 45 and 46 by parts 1, 5, 6, 8, 9, 10, 13, 14, 17, 21, 22, 24, 25, 26, 30, 31, 35, 36, 38, 39, 40, 43 and 44; and,

xiii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Motion Passed

2.3 Application - 2805 Asima Drive (P-9220)

Moved by: E. Holder

Seconded by: S. Turner

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Rockwood Homes, to exempt Block 49, Plan 33M-699 from Part-Lot Control:

a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the staff report dated September 8, 2020 BE INTRODUCED at a future Council meeting, to exempt Block 49, Plan 33M-699 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*; it being noted that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(2)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings;

b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Block 49, Plan 33M-699 as noted in clause a) above:

i) the applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;

ii) the applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;

iii) the applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

iv) the applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;

v) the applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot

layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;

vi) the applicant shall enter into any amending subdivision agreement with the City, if necessary;

vii) the applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

viii) the applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

ix) the applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;

x) the applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;

xi) the applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;

xii) the applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 2, 5, 7, 9, and 11 by parts 1, 3, 4, 6, 8 and 10; and,

xiii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Motion Passed

2.5 Application - 1160 Wharncliffe Road South (P-9238)

Moved by: E. Holder

Seconded by: S. Turner

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Goldfield Ltd., to exempt Block 2, 3, 4, 5 and 7, Plan 33M-786 from Part-Lot Control:

a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the staff report dated September 8, 2020 BE INTRODUCED at a future Council meeting, to exempt Block 2, 3, 4, 5 and 7, Plan 33M-786 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*; it being noted that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-4(2)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum lot frontage of 6.7m, a minimum exterior and interior side yard depth of 1.2m and maximum lot coverage of 45%;

b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Block 2, 3, 4, 5 and 7, Plan 33M-786 as noted in clause a) above:

- i) the applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
- ii) the applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
- iii) the applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
- iv) the applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v) the applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- vi) the applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vii) the applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii) the applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix) the applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x) the applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi) the applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Motion Passed

2.6 Application - 1830 Finley Crescent (P-9096)

Moved by: E. Holder

Seconded by: S. Turner

That, on the recommendation of the Director, Development Services, based on the application by Kenmore Homes (London) Inc., the proposed by-law appended to the staff report dated September 8, 2020 BE

INTRODUCED at the Municipal Council meeting to be held on September 15, 2020 to exempt Block 98, Plan 33M-733 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act, R.S.O. 1990, c. P.13*, for a period not exceeding three (3) years.

Motion Passed

2.7 Application - 1860 Finely Crescent (P-9095)

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

That, on the recommendation of the Director, Development Services, based on the application by Kenmore Homes (London) Inc., the proposed by-law appended to the staff report dated September 8, 2020 BE INTRODUCED at the Municipal Council meeting to be held on September 15, 2020 to exempt Block 97, Plan 33M-733 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act, R.S.O. 1990, c. P.13*, for a period not exceeding three (3) years.

Motion Passed

2.4 Application - 230 North Centre Road (H-9234)

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

That, on the recommendation of the Director, Development Services, based on the application by Tricar Properties Limited, relating to the property located at 230 North Centre Road, the proposed by-law appended to the staff report dated September 8, 2020 BE INTRODUCED at the Municipal Council meeting to be held on September 15, 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 R9 Special Provision Bonus (h-183/R9-7/B55) Zone TO a Residential R9 Special Provision Bonus (R9-7/B55) Zone to remove the “h-183” holding provision.

Yeas: (5): M. Cassidy, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder
Absent: (1): J. Helmer

Motion Passed (5 to 0)

3. Scheduled Items

3.1 Application - 1176, 1200, 1230 Hyde Park Road and Portion of 1150 Gainsborough Road 39T-19502 (Z-9040)

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

That, on the recommendation of the Director, Development Services, the application by Northwest Crossing London Limited, relating to the property located at 1176, 1200, 1230 Hyde Park Road and a portion of 1150 Gainsborough Road, the proposed revised, attached, by-law BE INTRODUCED at the Municipal Council meeting to be held on September 15, 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 Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) Zone and Open Space (OS1)

Zone TO a Holding Business District Commercial Special Provision Bonus (h*h-100*BDC2(*)*B(*)), a Holding Business District Commercial Special Provision Bonus (h*h-100*BDC2(**)*B(*)), a Holding Residential Special Provision (h*h-100*R5-7(*)/R6-5(*)/R7(*)*H14/R8-4(*) Zone, a Holding Residential Special Provision (h*h-100*R5-7(**)/R6-5(**)/R7(**)*H12/R8-4(**) Zone, a Holding Residential Special Provision (h*h-100*h-18*R5-7(***)/R6-5(***)/R7(***)*H12/R8-4(***) Zone, an Open Space Special Provision (OS1(*) Zone and an Open Space Special Provision (OS5(*) Zone;

the Bonus Zone shall be implemented through one or more agreements to facilitate the development of high quality mixed-use apartment buildings and standalone apartment buildings with a maximum height of 22 metres (6-storeys), which substantively implements the site-specific “Design Criteria”;

Design Criteria:

Site Development

• Building Sitting:

- o buildings shall be located along the majority of the Hyde Park Road and Street ‘A’ frontages to provide for a built edge along the street; and,
- o all service and loading facilities associated with building shall be located within and/or behind buildings away from amenity areas and not visible from the public street;

• Pedestrian Connectivity:

- o mid-block walkway connections from Hyde Park Road through Block 1 shall be provided between buildings fronting Hyde Park Road, leading to internal parking area and to walkways behind buildings leading to sidewalks along the northern and southern portions of Street ‘A’; and,
- o walkway connections from the sidewalk along Hyde Park Road shall be provided from both ends of the building for Block 2, with a further connection to the sidewalk along Street ‘A’;

• Access and Parking:

- o vehicular access for both Blocks 1 and 2 shall be provided from Street ‘A’;
- o no parking or vehicular drive isles shall be located between buildings and the Hyde Park road frontage; and,
- o low masonry walls (max. 0.75m), complimentary in design to the buildings, shall be provided with a combination of landscaping to screen any parking located along the edge of Street ‘A’;

• Common Outdoor Amenity Areas:

- o outdoor common amenity areas shall be provided for each building, alternatively these spaces can be combined into one, centrally located common outdoor amenity space per Block;
- o these spaces shall be an appropriate size to provide adequate amenity for the proposed number of residents and provide the opportunity for passive and/or active recreation;
- o these spaces shall be located within close proximity to a building entrance/exit. Alternatively a safe, appropriately sized, and conveniently aligned walkway connection(s) will be provided from the nearest building entrance/exit. If the spaces are combined into one centrally located space provide for walkways from each building to the space;
- o enhanced landscaping shall be provided along the Hyde Park Road frontage in the form of small amenity areas and trees between buildings. Efforts will be made to provide opportunities for additional amenity space through site and building design, with the intention of providing spaces for residents and visitors to enjoy the outdoors and animating street frontages to facilitate pedestrian oriented environments;

Built form

- All buildings:
 - o the development shall feature contemporary building designs with a mix and articulation of building materials including brick, metal panels, concrete, wood veneer and vision and spandrel glass; and,
 - o buildings shall be designed in a way that breaks up the structures horizontally and vertically through articulation, architectural details, and an appropriate proportion and rhythm of windows and balconies;
- Buildings along Hyde Park frontage:
 - o the design for buildings facing Hyde Park Road shall be defined by complementary changes in building articulation and design above the 4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building;
 - o buildings shall include active commercial uses along the Hyde Park Road frontage, and all main floor commercial unit entrances shall be oriented towards Hyde Park Road;
 - o the ground-floor street façade shall be primarily comprised of vision glazing for views into and out of the building. Where vision glazing is not used, alternative urban design measures that contribute to an animated streetscape shall be required; and,
 - o overhead protection from natural elements shall be provided above the first floor in locations such as pedestrian entrances where appropriate to architecturally differentiate the building base from the upper levels;
- Buildings along the Street 'A' frontage:
 - o the development shall provide street-oriented features for residential buildings, including individual entrances to ground-floor residential units with operable and lockable doors, and pedestrian-scale features such as lighting and weather protection. Private amenity areas shall also be provided and may include enclosed courtyards with a combination of planters and low decorative fencing; and,
 - o the design for buildings facing Street 'A' shall be defined by complementary changes in building articulation and design above the 4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building;

b) the Approval Authority BE ADVISED that issues were raised at the public meeting with respect to affordable housing as it relates to the application for draft plan of subdivision of Northwest Crossing London Limited relating to a property located at 1176, 1200, 1230 Hyde Park Road and a Portion of 1150 Gainsborough Road; and

c) the Approval Authority BE ADVISED that the Municipal Council supports issuing draft approval of the proposed plan of residential subdivision, submitted by Northwest Crossing London Limited (File No. 39T-19502), prepared by MHBC Planning, Project No. 16-200, dated March 18, 2020, which shows two (2) mixed-use residential blocks, two (2) medium density residential blocks, three (3) open space blocks, one (1) road widening block and two (2) 0.3 m reserve blocks, all served by one (1) local/neighbourhood streets (Street A), SUBJECT TO the conditions contained in Appendix "B" appended to the staff report dated September 8, 2020;

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

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

- the proposed and recommended amendments are consistent with the Provincial Policy Statement, 2020 which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs, provide for and accommodate an appropriate affordable and market-based range and mix of housing type and densities to meet the projected requirements of current and future residents;
- the proposed and recommended amendments conform to the in-force policies of The London Plan, including but not limited to Our Strategy, Our City and the Key Directions, as well as conforming to the policies of the Neighbourhoods, Shopping Area and Green Space Place Type;
- the proposed and recommended amendments conform to the policies of the (1989) Official Plan, specifically Policies for Specific Areas 10.1.3, cxlxii); and,
- the proposed and recommended zoning amendments will facilitate an appropriate form of mixed-use and medium density residential development that conforms to The London Plan and the (1989) Official Plan.

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

Motion Passed (6 to 0)

Additional Votes:

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

Motion to open the public participation meeting.

Yeas: (5): M. Cassidy, A. Hopkins, S. Turner, A. Kayabaga, and E. Holder

Absent: (1): J. Helmer

Motion Passed (5 to 0)

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

Motion to close the public participation meeting.

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

Motion Passed (6 to 0)

3.2 Application - 3557 Colonel Talbot Road (Z-9003)

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

That, the following actions be taken with respect to the application by 1423197 Ontario Inc. (Royal Premier Homes), relating to the property located at 3557 Colonel Talbot Road:

- a) the proposed, revised, attached by-law BE INTRODUCED at the Municipal Council meeting to be held on September 15, 2020 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject property FROM an Urban Reserve (UR4) Zone and Open Space (OS4) Zone TO a Residential R5 Special Provision (R5-6(_)) Zone, Open Space Special Provision (OS4(_)) Zone and an Open Space Special Provision (OS5(_)) Zone and to add an h-5 holding

provision; it being noted that the provision of enhanced screening/privacy along the northern property line, including boundary landscaping along the north and west property boundaries, was raised during the application review process as a matter to be addressed at the Site Plan Approval Stage; it being further noted that the H-5 holding provision allows for a public participation meeting during site plan stage;

b) pursuant to Section 34(17) of the *Planning Act*, as determined by the Municipal Council, no further notice BE GIVEN in respect of the proposed by-law as the changes are minor in nature;

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

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

- the recommended amendment is consistent with the Provincial Policy Statement, 2020 because it encourages the development of an underutilized parcel within the settlement area and provides for an appropriate range of uses and opportunities for development; the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, Neighbourhoods Place Type and the Open Space Place Type;
- the recommended amendment confirms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-Family, Medium Density Residential designation;
- the recommended amendment is consistent with the Southwest Area Secondary Plan, including the Lambeth Neighbourhood policies; and,
- the recommended amendment facilitates the development of an underutilized site within the Urban Growth Boundary with an appropriate form of infill development.

Yeas: (5): M. Cassidy, J. Helmer, A. Hopkins, S. Turner, and A. Kayabaga

Nays: (1): E. Holder

Motion Passed (5 to 1)

Additional Votes:

Moved by: A. Hopkins

Seconded by: A. Kayabaga

Motion to open the public participation meeting.

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

Motion Passed (6 to 0)

Moved by: A. Hopkins

Seconded by: S. Turner

Motion to close the public participation meeting.

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

Motion Passed (6 to 0)

3.3 Removing References to 1989 Official Plan from Zoning By-law Z.-1 (Z-8909)

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

That, on the recommendation of the Director, City Planning and City Planner, the proposed by-law appended to the staff report dated September 8, 2020 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on September 15, 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 by adding references to policies of the London Plan as required;

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

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

Motion Passed (6 to 0)

Additional Votes:

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

Motion to open the public participation meeting.

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

Motion Passed (6 to 0)

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

Motion to close the public participation meeting.

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

Motion Passed (6 to 0)

4. Items for Direction

4.1 5th Report of the London Advisory Committee on Heritage

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

That the following actions be taken with respect to the 5th Report of the London Advisory Committee on Heritage from its meeting held on August 12, 2020:

a) that the following actions be taken with respect to the Notice of Planning Application, dated May 19, 2020, from L. Davies Snyder, Planner II, related to Official Plan and Zoning By-law Amendments with respect to the properties located at 1153-1155 Dundas Street:

- i) L. Davies Snyder, Planner II, BE ADVISED that the London Advisory Committee on Heritage (LACH) is in support of the preliminary research and findings of the Heritage Impact Assessment, dated March 16, 2020, from Zelinka Priamo Ltd.; it being noted that the LACH believes the smokestacks on the property to be a significant heritage attribute and supports incorporation and retention of the structure in the adaptive reuse of this heritage listed property; and,
- ii) the above-noted Notice of Application BE RECEIVED;

b) that the following actions be taken with respect to the staff report dated July 13, 2020, with respect to Implementing Additional Residential Units Requirements of the *Planning Act* (Bill 108):

- i) the Heritage Planners BE REQUESTED to review existing Heritage Conservation District plans and applicable planning policies to identify how additional residential units are addressed and report back at a future meeting of the London Advisory Committee on Heritage; and,
- ii) the above-noted report BE RECEIVED;

c) that, on the recommendation of the Director, Development Services, with the advice of the Heritage Planner, the following actions be taken with respect to the request to demolish the building on the heritage designated property at 120 York Street, within the Downtown Heritage Conservation District:

- i) the above-noted request for demolition BE PERMITTED;
- ii) the Chief Building Official BE ADVISED of Municipal Council's intention in this matter;
- iii) the applicant BE REQUIRED to obtain final Site Plan Approval for the property; and,
- iv) the Heritage Planner BE REQUESTED to confirm and implement the appropriate mitigation measures with the property's owner and heritage consultant, in writing, in advance of the demolition of the building located at 120 York Street, in order to protect the adjacent heritage designated properties;

it being noted that the London Advisory Committee on Heritage does not believe that surface parking supports the heritage character of the Downtown Heritage Conservation District;

d) the staff report, dated August 12, 2020, with respect to a Heritage Alteration Permit Application by S. MacLeod, for the property located at 59 Wortley Road in the Wortley Village-Old South Heritage Conservation District, BE DEFERRED to a future meeting of the London Advisory Committee on Heritage;

e) on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval and approval for alterations to the property located at 70 Rogers Avenue, within the Blackfriars/Petersville Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the window replacements occur within one year of Municipal Council's decision;
- the sash windows feature the applied mullion detail (simulated divided light) on the exterior of the windows to replicate the fenestration pattern of the original windows; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

f) on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking approval for the proposed alterations to the property located at 512 English Street, within the Old East Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the voussoirs consist of salvaged buff brick that matches the brick of the dwelling;
- the space in between the two windows be clad with salvaged buff brick;
- the sills of the new window openings consist of matching materials consistent with the remaining window openings on the dwelling; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed;

g) on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the *Ontario Heritage Act* seeking retroactive approval for alterations to property located at 784 Hellmuth Avenue, within the Bishop Hellmuth Heritage Conservation District, BE REFUSED; it being noted that the London Advisory Committee on Heritage encourages the applicant to engage with the Heritage Planners to identify a solution; and,

h) clauses 1.1, 3.1 to 3.4, inclusive, BE RECEIVED for information.

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

Motion Passed (6 to 0)

5. Deferred Matters/Additional Business

5.1 Deferred Matters List

Moved by: E. Holder

Seconded by: A. Kayabaga

That the Managing Director, Planning and City Planner and the Managing Director, Development and Compliance Services & Chief Building Official BE DIRECTED to update the Deferred Matters List to remove any items that have been addressed by the Civic Administration, with the exception of Item 4, Inclusionary Zoning.

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

Motion Passed (6 to 0)

6. Confidential

6.1 Solicitor-Client Privilege/Litigation or Potential Litigation

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

That the Planning and Environment Committee convene, In Closed Session, for the purpose of considering the following item:

6.1. Solicitor-Client Privilege/Litigation or Potential Litigation

This report can be considered in a meeting closed to the public as the subject matter being considered pertains to advice that is subject to solicitor-client privilege, including communications necessary for that purpose from the solicitor and officers and employees of the Corporation; the subject matter pertains to litigation or potential litigation with respect to an appeal at the Local Planning Appeal Tribunal (“LPAT”), and for the purpose of providing instructions and directions to officers and employees of the Corporation.

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

Motion Passed (6 to 0)

The Planning and Environment Committee convenes, In Closed Session, from 5:46 PM to 6:12 PM.

7. Adjournment

The meeting adjourned at 6:13 PM.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Exemption from Part-Lot Control
Application By: Sifton Properties Limited c/o Lindsay Clark
Address: 3740 Southbridge Avenue

Meeting on: September 8, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Sifton Properties Limited to exempt Block 130, Plan 33M-785 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 130, Plan 33M-785 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to registered subdivision agreements and are zoned holding Residential R4 Special Provision (h*h-100 R4-6(8)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum lot frontage of 7.0m;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 130, Plan 33M-785 as noted in clause (a) above:
 - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
 - ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 1, 3, 4, 9, 10, 11, 14, 15, 19, 20, 22, 23, 24, 29, 30 and 31 by parts 2, 5, 6, 7, 8, 12, 13, 16, 17, 18, 21, 25, 26, 27, 28 and 32; and,
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Block 130 in Registered Plan 33M-785 from the Part-Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of sixteen (16) street townhouse units, with access provided by means of Southbridge Avenue.

Rationale for Recommended Action

The standard conditions for passing the Part-Lot Control By-law are attached and are to be reviewed and endorsed by Municipal Council prior to the final by-law.

Analysis

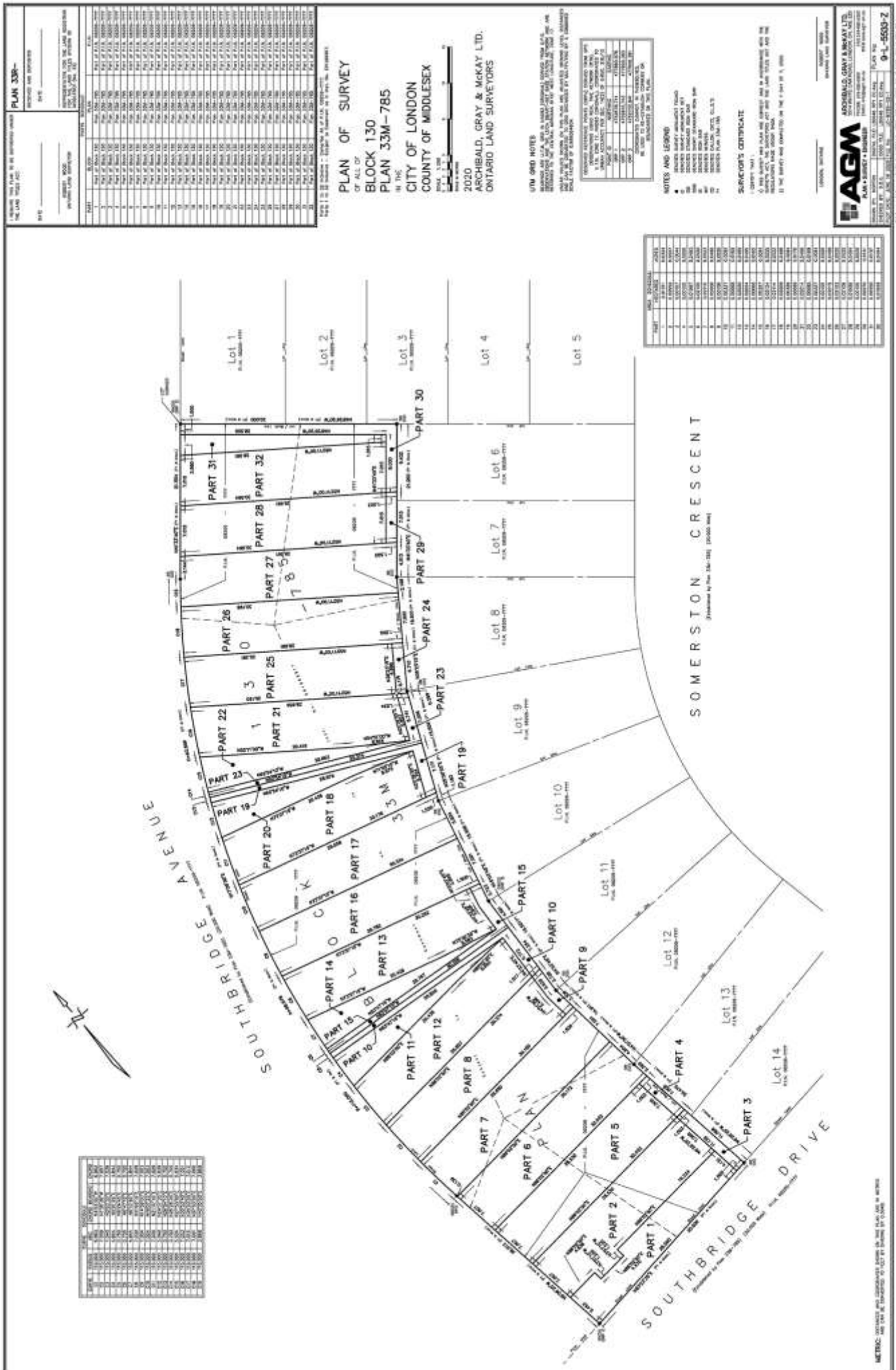
1.0 Property Description

The subject site is located on Southbridge Avenue, which is generally located south of Wharnccliffe Road South, southwest of Middleton Avenue, and north of Exeter Road. The site is currently vacant with a planned vacant land cluster townhouse condominium to the north, medium and low density residential to the west and east, and low density residential to the south. The site has proximity to White Oaks Public School, and Sir Arthur Carty Catholic Elementary School.

1.1 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- (1989) Official Plan Designation – Multi Family, Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-6(8)) Zone

1.3 Site Plan



2.0 Description of Proposal

2.1 Development Proposal

The Applicant, Sifton Properties Limited, has requested exemption from part-lot control to create a total of sixteen (16) two-storey freehold street townhouse units on a local street (Southbridge Avenue).

3.0 Revelant Background

3.1 Planning History

The application for Draft Plan of Subdivision Approval (file 39T-15501/Z-8470) was submitted for the lands located at 132, 146 and 184 Exeter Road on March 12, 2015. Municipal Council approved the plan and the associated zoning by-law amendment, and the Approval Authority granted draft approval on January 27, 2017.

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

Phase 2, which includes the subject lands (Block 130), consists of one hundred twenty-three (123) single detached lots, four (4) multi-family blocks, two (2) street townhouse blocks, one (1) open space block, four (4) pathway blocks, one (1) park block, and six (6) one foot reserve blocks, all served by one (1) new secondary collector/neighbourhood connector road (Middleton Avenue), and six (6) new local/neighbourhood streets (Southbridge Drive, Southbridge Avenue, Somerston Crescent, Lynds Street, Knott Drive, Earlston Crossing), was registered on June 8th, 2020 as plan 33M-785.

Through the original draft plan of subdivision, staff interpreted these lands to be within the Medium Density Residential designation of the SWAP and the (1989) Official Plan. The same interpretation has been applied to this application.

3.3 Community Engagement

There is no legislated Community Engagement component to an Exemption from Part-Lot Control. A notice of the request for exemption from part-lot control and a list of standard draft conditions was circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions are applicable and no additional conditions were needed.

3.4 Policy Context

In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a Consent (commonly described as a “severance”) or, for lots within a registered plan of subdivision, through a by-law exemption from part-lot control. Section 50(28) of the *Planning Act*, R.S.O. 1990, c.P13, includes provisions to ensure that part of a lot or block within a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the *Planning Act* allows a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot or block. Exemption from part-lot control is appropriate when a number of land transactions are involved and the resulting changes will not affect the nature or character of the subdivision.

Exemption from part-lot control is used to create street townhouse lots to ensure that the eventual lot lines match the foundation for the building, and are constructed exactly on the property boundaries. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

4.0 Key Issues and Considerations

Council has adopted a policy to guide consideration of requests for exemption to Part-Lot Control, as follows:

- a) *appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;*

The subject lands are zoned holding Residential R4 Special Provision (h*h-100 R4-6(8)) which permits street townhouse units. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

- b) *exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;*

The subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual lots at the time of the subdivision was not practical, and is appropriate through part-lot control and successfully attaining site plan approval.

- c) *the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;*

This request is consistent with the intended use of the block as established through the plan of subdivision and zoning. The development of the site for sixteen (16) street townhouse units is consistent with the development in the area and specifically to the lands located to the east.

- d) *the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;*

The exemption of part lot control creates sixteen (16) individual lots and sixteen (16) easements as one transaction instead of requiring separate and individual land divisions to create the interests in land.

- e) *references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and*

The subject lands are within the Neighbourhoods Place Type in The London Plan and designated Multi-Family, Medium Density Residential in the 1989 Official Plan, which permits street townhouses. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided by Southbridge Avenue and no private roads are proposed.

- f) *the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.*

The applicant is responsible for all costs associated with the Exemption to Part-Lot Control.

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of sixteen (16) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the 1989 Official Plan, The London Plan and the applicable zoning, and has been determined to meet existing policies and the City's Zoning By-law.

4.1 Conditions

It is recommended that the following conditions be applied and that the By-law for Block 130 in Plan 33M-785 be passed at a future meeting of Municipal Council only when the following conditions have been complied with:

- i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
- ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
- iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;

- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 1, 3, 4, 9, 10, 11, 14, 15, 19, 20, 22, 23, 24, 29, 30 and 31 by parts 2, 5, 6, 7, 8, 12, 13, 16, 17, 18, 21, 25, 26, 27, 28 and 32; and;
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

5.0 Conclusion

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to establish lot lines for the individual townhouse units, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the Richardson/Middleton, Phase 2 subdivision, subject to the completion of the proposed conditions.

Prepared by:	Sean Meksula, MCIP, RPP 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.	

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

/sm

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Appendix A

Bill No. **Number inserted by Clerk's Office**
2020

By-law No. C.P.- **Number inserted by Clerk's Office**

A by-law to exempt from Part-Lot Control, lands located at 3740 Southbridge Avenue, legally described as Block 130 in Registered Plan 33M-785.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Sifton Properties Limited, it is expedient to exempt lands located at 3740 Southbridge Avenue, legally described as Block 130 in Registered Plan 33M-785, from Part Lot Control;

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

1. Block 130 in Registered Plan 33M-785, located at 3740 Southbridge Avenue, west of Middleton Avenue are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse dwellings in conformity with the holding Residential R4 Special Provision (h*h-100 R4-6(8)) Zone of the City of London Zoning By-law No. Z-1.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

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: Exemption from Part-Lot Control
Application By: Sifton Properties Limited c/o Lindsay Clark
Address: 3620 Southbridge Avenue

Meeting on: September 8, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Sifton Properties Limited to exempt Block 124, Plan 33M-785 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 124, Plan 33M-785 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to registered subdivision agreements and are zoned holding Residential R4 Special Provision (h*h-100 R4-6(8)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum lot frontage of 7.0m;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 124, Plan 33M-785 as noted in clause (a) above:
 - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
 - ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 2, 3, 4, 7, 11, 12, 15, 16, 18, 19, 20, 23, 27, 28, 29, 32, 33, 34, 37, 41, 42, 45 and 46 by parts 1, 5, 6, 8, 9, 10, 13, 14, 17, 21, 22, 24, 25, 26, 30, 31, 35, 36, 38, 39, 40, 43 and 44; and,
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Block 124 in Registered Plan 33M-785 from the Part-Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of twenty-three (23) street townhouse units, with access provided by means of Southbridge Avenue.

Rationale for Recommended Action

The standard conditions for passing the Part-Lot Control By-law are attached and are to be reviewed and endorsed by Municipal Council prior to the final by-law.

Analysis

1.0 Property Description

The subject site is located on Southbridge Avenue, which is generally located south of Wharncliffe Road South, northeast of Middleton Avenue, and north of Exeter Road. The site is currently vacant with a planned vacant land cluster townhouse condominium located to the north, medium and low density residential to the west and east, and low density residential to the south. The site has proximity to White Oaks Public School, and Sir Arthur Carty Catholic Elementary School.

1.1 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- (1989) Official Plan Designation – Multi Family, Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-6(8)) Zone

1.4 Plan of Subdivision 33M-785



1.5 Site Characteristics

- Current Land Use – vacant
- Frontage – 182 m (597 ft.) along Southbridge Avenue
- Area – 5,319m² (57,253 sq. ft.)
- Depth – 30m (98.43 ft.)
- Shape – irregular

1.6 Surrounding Land Uses

- North – future townhouses
- East – future single detached dwellings
- South – future single detached dwellings
- West – future townhouses

2.0 Description of Proposal

2.1 Development Proposal

The Applicant, Sifton Properties Limited, has requested exemption from part-lot control to create a total of twenty-three (23) two-storey freehold street townhouse dwelling units on a local street (Southbridge Avenue).

3.0 Relevant Background

3.1 Planning History

The application for Draft Plan of Subdivision Approval (file 39T-15501/Z-8470) was submitted for the lands located at 132, 146 and 184 Exeter Road on March 12, 2015. Municipal Council approved the plan and the associated zoning by-law amendment, and the Approval Authority granted draft approval on January 27, 2017.

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

Phase 2, which includes the subject lands (Block 124), consists of one hundred twenty-three (123) single detached lots, four (4) multi-family blocks, two (2) street townhouse blocks, one (1) open space block, four (4) pathway blocks, one (1) park block, and six (6) one foot reserve blocks, all served by one (1) new secondary collector/neighbourhood connector road (Middleton Avenue), and six (6) new local/neighbourhood streets (Southbridge Drive, Southbridge Avenue, Somerston Crescent, Lynds Street, Knott Drive, Earlston Crossing), was registered on June 8, 2020 as plan 33M-785.

Through the original draft plan of subdivision, staff interpreted these lands to be within the Medium Density Residential designation of the SWAP and the (1989) Official Plan. The same interpretation has been applied to this application.

3.3 Community Engagement

There is no legislated Community Engagement component to an Exemption from Part-Lot Control. A notice of the request for exemption from part-lot control and a list of standard draft conditions was circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions are applicable and no additional conditions were needed.

3.4 Policy Context

In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a Consent (commonly described as a “severance”) or, for lots within a registered plan of subdivision, through a by-law exemption from part-lot control. Section 50(28) of the *Planning Act*, R.S.O. 1990, c.P13, includes provisions to ensure that part of a lot or block within a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the *Planning Act* allows a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot or block. Exemption from part-lot control is appropriate when a number of land transactions are involved and the resulting changes will not affect the nature or character of the subdivision.

Exemption from part-lot control is used to create street townhouse lots to ensure that the eventual lot lines match the foundation for the building, and are constructed exactly on the property boundaries. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

4.0 Key Issues and Considerations

Council has adopted a policy to guide consideration of requests for exemption to Part-Lot Control, as follows:

- a) *appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;*

The subject lands are zoned holding Residential R4 Special Provision (h*h-100 R4-6(8)) which permits street townhouse units. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

- b) *exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;*

The subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual lots at the time of the subdivision was not practical, and is appropriate through part-lot control and successfully attaining site plan approval.

- c) *the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;*

This request is consistent with the intended use of the block as established through the plan of subdivision and zoning. The development of the site for twenty-three (23) street townhouse units is consistent with the development in the area and specifically to the lands located directly to the north and west.

- d) *the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;*

The exemption of part lot control creates twenty-three (23) individual lots and twenty-three (23) easements as one transaction instead of requiring separate and individual land divisions to create the interests in land.

- e) *references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and*

The subject lands are within the Neighbourhoods Place Type in The London Plan and designated Multi-Family, Medium Density Residential in the (1989) Official Plan, which permits street townhouses. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided by Southbridge Avenue and no private roads are proposed.

- f) *the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.*

The applicant is responsible for all costs associated with the Exemption to Part-Lot Control.

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of twenty-three (23) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the 1989 Official Plan, The London Plan and the applicable zoning, and has been determined to meet existing policies and the City's Zoning By-law.

4.1 Conditions

It is recommended that the following conditions be applied and that the By-law for Block 124 in Plan 33M-785 be passed at a future meeting of Municipal Council only when the following conditions have been complied with:

- i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
- ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
- iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference

plan for final lot development has been deposited in the Land Registry Office;

- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 2, 3, 4, 7, 11, 12, 15, 16, 18, 19, 20, 23, 27, 28, 29, 32, 33, 34, 37, 41, 42, 45 and 46 by parts 1, 5, 6, 8, 9, 10, 13, 14, 17, 21, 22, 24, 25, 26, 30, 31, 35, 36, 38, 39, 40, 43 and 44; and;
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

5.0 Conclusion

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to establish lot lines for the individual townhouse units, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the Richardson/Middleton, Phase 2 subdivision, subject to the completion of the proposed conditions.

Prepared by:	Sean Meksula, MCIP, RPP 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.	

cc: Lou Pompili, Manager, Development Planning

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

/sm

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Appendix A

Bill No. ***Number inserted by Clerk's Office***
2020

By-law No. C.P.- ***Number inserted by Clerk's Office***

A by-law to exempt from Part-Lot Control, lands located at 3620 Southbridge Avenue, legally described as Block 124 in Registered Plan 33M-785.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Sifton Properties Limited, it is expedient to exempt lands located at 3620 Southbridge Avenue, legally described as Block 124 in Registered Plan 33M-785, from Part Lot Control;

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

1. Block 124 in Registered Plan 33M-785, located at 3620 Southbridge Avenue, east of Middleton Avenue, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse dwellings in conformity with the holding Residential R4 Special Provision (h*h-100 R4-6(8)) Zone of the City of London Zoning By-law No. Z-1.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

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
And Chief Building Official

Subject: Exemption from Part-Lot Control
Application By: Rockwood Homes c/o Al Allendorf
Address: 2805 Asima Drive

Meeting on: September 8, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Rockwood Homes to exempt Block 49, Plan 33M-699 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 49, Plan 33M-699 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-5(2)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 49, Plan 33M-699 as noted in clause (a) above:
 - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
 - ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of

the lots;

- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 2, 5, 7, 9, and 11 by parts 1, 3, 4, 6, 8 and 10; and,
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Block 49 in Registered Plan 33M-699 from the Part-Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of seven (7) street townhouse units, with access provided by means of Asima Drive.

Rationale for Recommended Action

The standard conditions for passing the Part-Lot Control By-law are attached and are to be reviewed and endorsed by Municipal Council prior to the final by-law.

Analysis

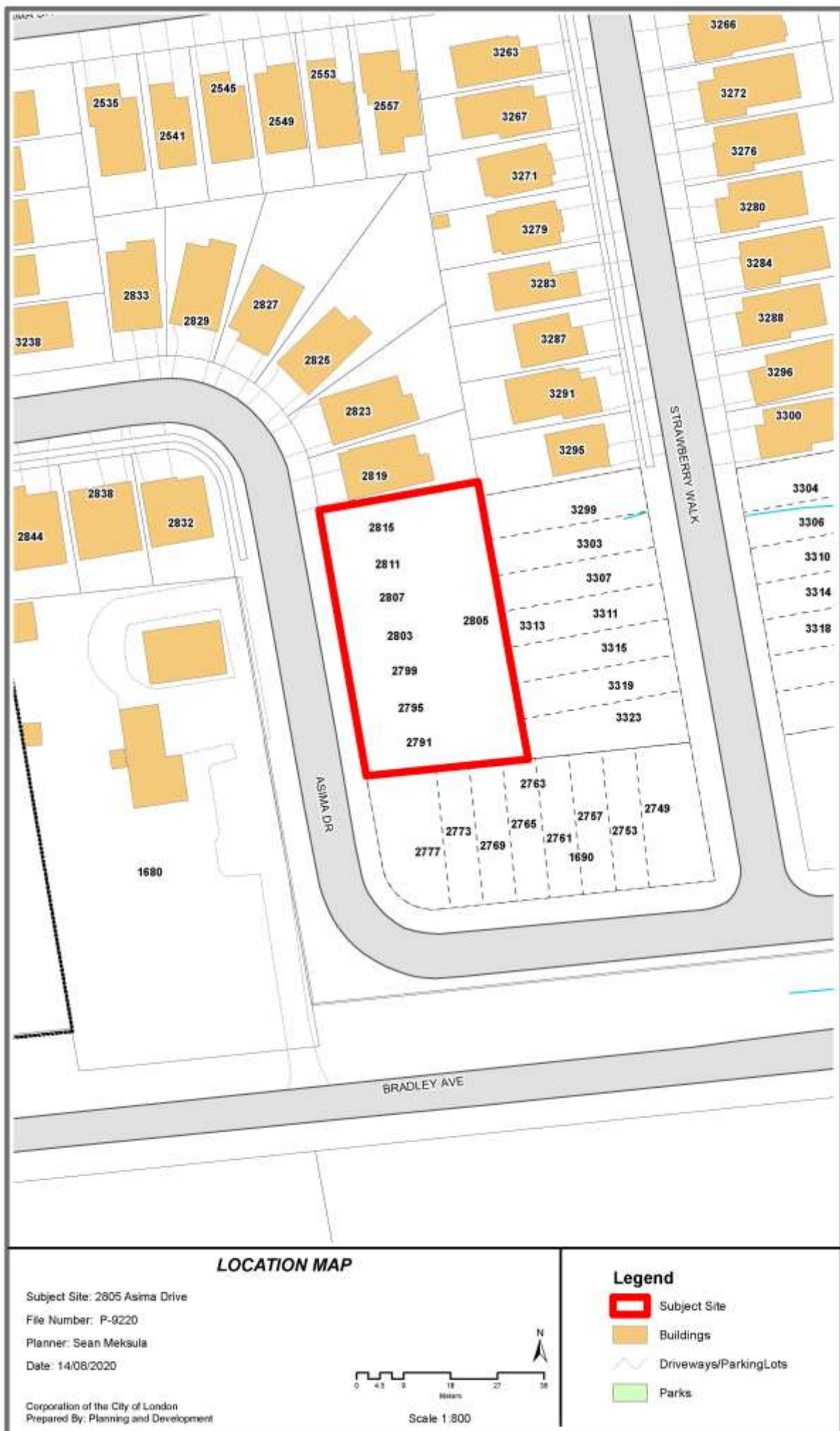
1.0 Property Description

The subject site is located on Asima Drive, which is generally located south of Evans Boulevard, west of Jackson Road, and north of Bradley Avenue. The site is vacant with street townhouse dwellings located to the north and west, a townhouse blocks located to the south, and future townhouse blocks to the east. The site has proximity to Meadowgate Park and École Secondaire Gabriel-Dumont - French First Language Secondary School.

1.1 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- (1989) Official Plan Designation – Multi Family, Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-5(2)) Zone

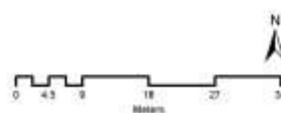
1.2 Location Map



LOCATION MAP

Subject Site: 2805 Asima Drive
File Number: P-9220
Planner: Sean Meksula
Date: 14/08/2020

Corporation of the City of London
Prepared By: Planning and Development

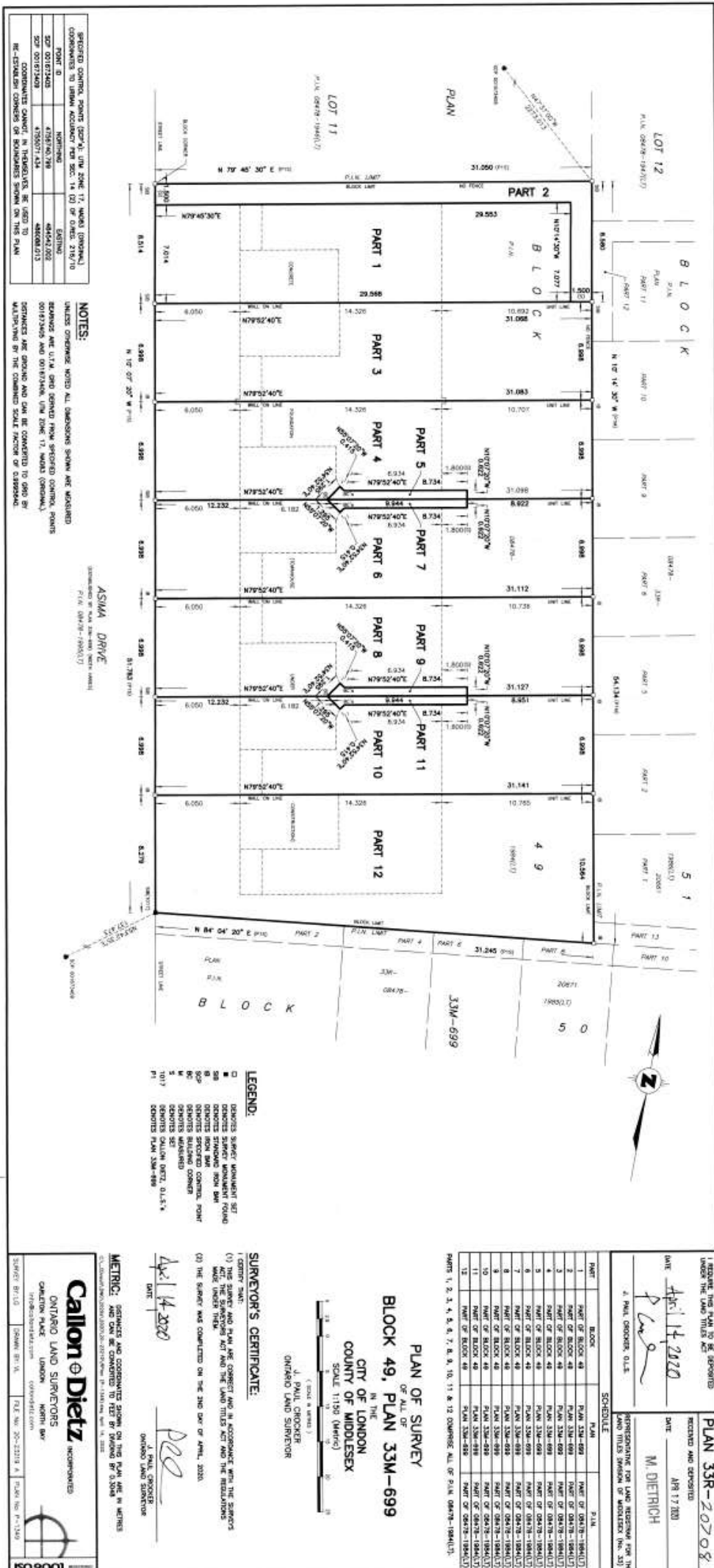


Scale 1:800

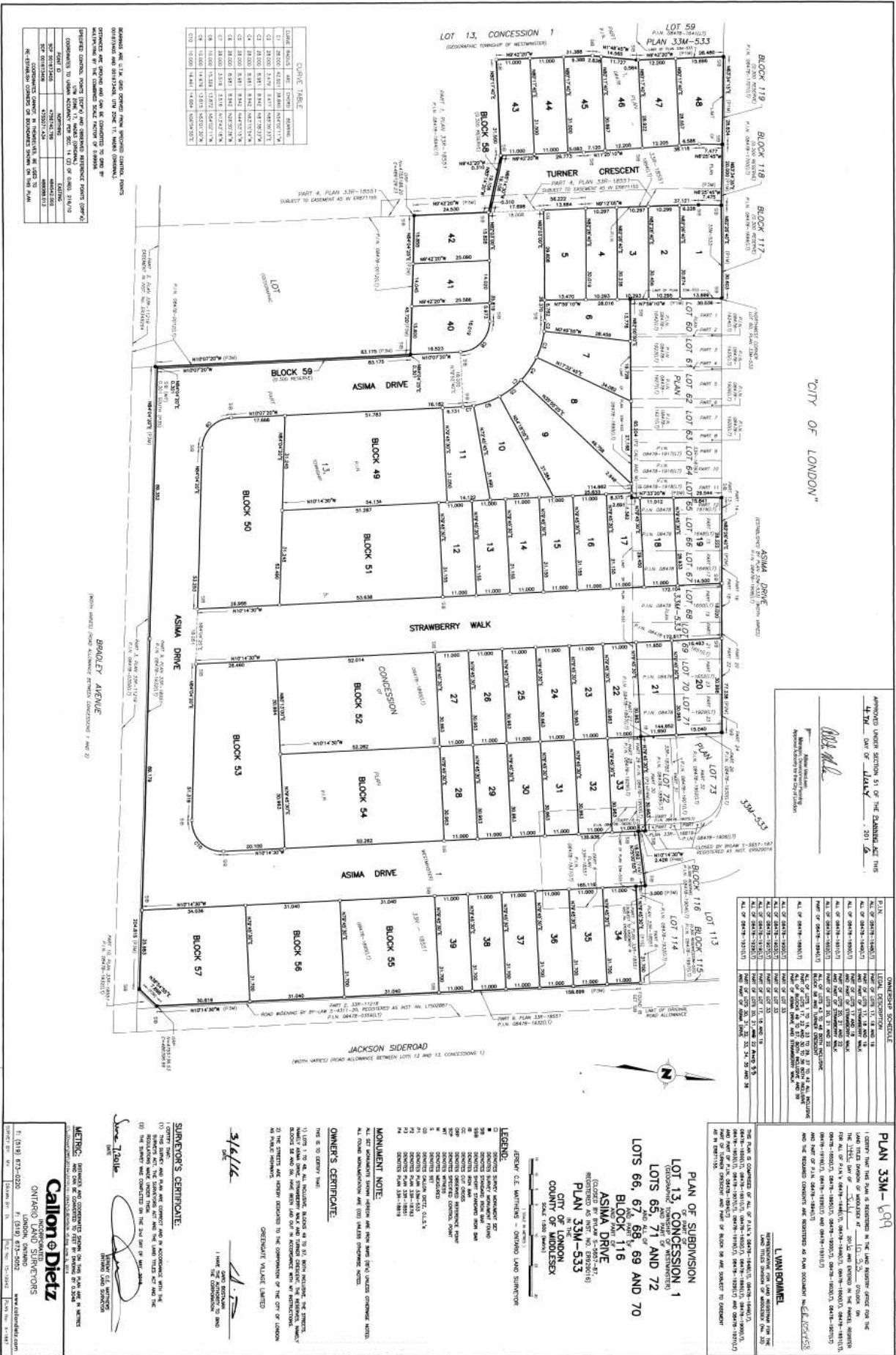
Legend

- Subject Site
- Buildings
- Driveways/Parking Lots
- Parks

1.3 Site Plan



1.4 Plan of Subdivision 33M-699



1.4 Plan of Subdivision 33M-699

1.5 Site Characteristics

- Current Land Use – townhouse dwellings under construction
- Frontage – 51.783m (169.9 ft.) along Asima Drive
- Area –1,647m² (14,714 sq. ft.)
- Shape – rectangular

1.6 Surrounding Land Uses

- North – existing dwellings
- East – future townhouses
- South – future townhouses
- West – existing dwellings

2.0 Description of Proposal

2.1 Development Proposal

The Applicant, Rockwood Homes, has requested exemption from part-lot control to create a total of seven (7) freehold street townhouse dwelling units on a local street (Asima Drive). The plan of subdivision was registered on July 14, 2016, consisting of 48 single detached dwelling lots and nine (9) multi-family medium density residential blocks, all served by three (3) new local streets (Turner Crescent, Strawberry Walk and Asima Drive). The dwellings will be freehold street townhouse units, approximately two storeys in height, and accessed from Asima Drive.

3.0 Revelant Background

3.1 Planning History

The subject lands were originally included in a 1992 subdivision application submitted by Jackson Land Corp. for lands bounded by Commissioners Road East, Jackson Road, Bradley Avenue, and Highbury Ave South (also referred to as Summerside Subdivision). The Ministry of Municipal Affairs granted draft approval in September of 1993.

In October of 2003, Jackson Land Corp requested revisions to 14.2 ha (35 acres) of lands within the draft approved Summerside subdivision, specifically the lands bounded by Evans Boulevard, Jackson Road, Bradley Avenue and Meadowgate Boulevard. The changes from the 1993 draft plan were of such significance that a new draft plan application was required (File No. 39T-03513). Municipal Council adopted the Official Plan and Zoning By-law Amendments in May of 2004 and at the same time recommended the City of London Approval Authority grant draft plan of subdivision approval to a revised plan subject to conditions.

On October 21, 2005, the City of London Approval Authority granted final approval to the first phase of draft plan 39T-03513. This phase contained 114 single detached dwelling blocks served by the extension of Meadowgate Boulevard and two new local streets being Turner Crescent and Asima Drive. This phase, commonly referred to as Phase 12A, was registered on October 27, 2005 as Plan 33M-533.

In September of 2007, Jackson Land Corp. submitted a new plan consisting of 96 single detached lots and 21 multi-family blocks containing approximately 115 street townhouse dwellings all served by 3 local streets, including portions that would be developed as “window streets” (file 39T-07508).

In 2012, the London Consent Authority granted a consent to Jackson Land Corp. (file B.019/12) to sever the lands within this draft plan from the remaining Summerside Subdivision to create two new parcels (divided east and west of the future southerly extension of Turner Crescent).

The draft plan of subdivision 39T-07508 was approved by the Approval Authority as one (1) phase, consisting of 48 single family detached lots, and nine (9) multi-family medium

density blocks, was registered on July 4, 2016 as plan 33M-699.

3.3 Community Engagement

There is no legislated Community Engagement component to an Exemption from Part-Lot Control. A notice of the request for exemption from part-lot control and a list of standard draft conditions was circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions are applicable and no additional conditions were needed.

3.4 Policy Context

In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a Consent (commonly described as a “severance”) or, for lots within a registered plan of subdivision, through a by-law exemption from part-lot control. Section 50(28) of the *Planning Act*, R.S.O. 1990, c.P13, includes provisions to ensure that part of a lot or block within a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the *Planning Act* allows a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot or block. Exemption from part-lot control is appropriate when a number of land transactions are involved and the resulting changes will not affect the nature or character of the subdivision.

Exemption from part-lot control is used to create street townhouse lots to ensure that the eventual lot lines match the foundation for the building, and are constructed exactly on the property boundaries. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

4.0 Key Issues and Considerations

Council has adopted a policy to guide consideration of requests for exemption to Part-Lot Control, as follows:

- a) *appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;*

The subject lands are zoned Residential R4 (R4-5(2)) which permits street townhouse units. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

- b) *exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;*

The subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual lots at the time of the subdivision was not practical, and is appropriate through part-lot control and successfully attaining site plan approval.

- c) *the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;*

This request is consistent with the intended use of the block as established through the plan of subdivision and zoning. The development of the site for seven (7) street

townhouse units is consistent with the development in the area and specifically to the lands located directly to the east and south.

- d) the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;*

The exemption of part lot control creates seven (7) individual lots and five (5) easements as one transaction instead of requiring separate and individual land divisions to create the interests in land.

- e) references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and*

The subject lands are within the Neighbourhoods Place Type in The London Plan and designated Multi-Family, Medium Density Residential in the (1989) Official Plan, which permits street townhouses. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided by Asima Drive and no private roads are proposed.

- f) the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.*

The applicant is responsible for all costs associated with the Exemption to Part-Lot Control.

The applicant has applied for and received site plan approval (SPA18-074) to construct seven (7) street townhouse units on a local street which was registered on title as a Development Agreement on June 5, 2019. Securities have also been taken through the site plan process.

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of seven (7) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the 1989 Official Plan, The London Plan and the applicable zoning, and has been determined to meet existing policies and the City's Zoning By-law.

4.1 Conditions

It is recommended that the following conditions be applied and that the By-law for Block 49 in Plan 33M-699 be passed at a future meeting of Municipal Council only when the following conditions have been complied with:

- i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
- ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
- iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;

- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title for the reciprocal use of parts 2, 5, 7, 9, and 11 by parts 1, 3, 4, 6, 8 and 10; and;
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

5.0 Conclusion

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to establish lot lines for the individual townhouse units, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the Summerside subdivision, subject to the completion of the proposed conditions.

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.	

cc: Lou Pompilii, Manager, Development Planning

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

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Sept 8\P-9220 - 2805 Asima Drive (SM).docx

Appendix A

Bill No. ***Number inserted by Clerk's Office***
2020

By-law No. C.P.- ***Number inserted by Clerk's Office***

A by-law to exempt from Part-Lot Control, lands located at 2805 Asima Drive, legally described as Block 49 in Registered Plan 33M-699.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Rockwood Homes, it is expedient to exempt lands located at 2805 Asima Drive, legally described as Block 49 in Registered Plan 33M-699, from Part Lot Control;

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

1. Block 49 in Registered Plan 33M-699, located at 2805 Asima Drive, west of Jackson Road, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4 Special Provision (R4-5(2)) Zone of the City of London Zoning By-law No. Z-1.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

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: Tricar Properties Limited
230 North Centre Road

Meeting on: September 8, 2020

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Tricar Properties Limited relating to the property located at 230 North Centre Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on September 15, 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 R9 Special Provision Bonus (h-183/R9-7/B55) Zone **TO** a Residential R9 Special Provision Bonus (R9-7/B55) Zone to remove the "h-183" holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the "h-183" holding symbol from the zone map to permit the development of a residential apartment building with a maximum height of 15-storeys.

Rationale of Recommended Action

The conditions for removing the holding provision have been met, as the property owner has submitted hydrogeological assessment which addresses the holding provision, by confirming that the proposed development will not have a negative impact on groundwater resources or impacts on existing wells for the proposed use.

1.0 Site at a Glance

1.1 Property Description

The site is addressed as 230 North Centre Road and is located on the north side of North Centre Road, east of Richmond Street. The subject site is currently vacant. The eastern portion of this block developed for a continuum-of-care facility (Richmond Woods Retirement Village) while the western portion (the subject site) remained vacant. The lands directly south are used for Office uses while the remainder of the lands on the south side of North Centre Road are Residential and have been developed as townhouses. To the north is a large estate lot owned by Western University and is zoned for a mix of medium density residential type uses. To the west of the site are existing two storey townhouse condo developments.

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

- The London Plan Place Type – Neighbourhoods
- (1989) Official Plan Designation – Multi-Family, High Density Residential
- Existing Zoning – Holding Residential R9 Special Provision (h-183/R9-7/B55) Zone

1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 80 metres
- Depth – 83 metres
- Area – 1.16 ha
- Shape – Rectangular

1.4 Surrounding Land Uses

- North – Large Estate Lot
- East – Continuum of Care Facilities
- South – Office/Commercial/Residential
- West – Residential/Commercial

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The requested amendment will permit the development of a 15-storey apartment building at a maximum height of 56m (183.7ft.) which will include 222 residential units. Landscaped areas, internal driveways, services, and visitor parking spaces will be located within a common element to be maintained and managed by the condo corporation. Vehicular access will be provided through a joint access at the easterly edge of the property along North Centre Road.

3.0 Relevant Background

3.1 Planning History

On September 23, 2016 a consent application was submitted to sever the subject site from the lands to the east which received conditional approval from the Consent Authority on January 25, 2017 and the conditions of consent were cleared on September 21, 2017.

On February 8, 2018 an application was accepted for a 22-storey apartment building at a maximum height of 73.2m (240ft), with a total of 230 residential units (199 uph) constructed on a 2-3 storey podium. The proposal provided 7 podium units fronting North Centre Road and Richmond Street.

On June 13, 2018 a revised development proposal was submitted for an 18-storey, L-shaped residential apartment building which included 215 residential units (186uph) with 7 podium units being provided along North Centre Road and 9 podium units along Richmond Street.

On August 15, 2018 a further revision to the design was submitted which proposed an 18-storey, L-shaped residential apartment building which included 230 residential units (199uph). This included 7 podium units along North Centre Road, 7 podium units along Richmond Street and 3 podium units along the north-east corner of the site.

On September 24, 2018 Staff presented a recommendation for approval of the final design for the proposed 18-storey, L-shaped residential apartment building. The recommendation from the committee resulted in a referral back to Staff to ensure that an additional community consultation meeting occurred between Staff, the community and the applicant.

Subsequent to the community meeting on October 4, 2018 a final design was submitted which proposed a 15-storey, L-shaped residential apartment building which include 222 residential units (192 uph). This resubmission included an 8-storey, mid-rise portion and 7 townhouse units along Richmond Street, 7 townhouse units on North Centre Road, a 6-storey mid-rise portion parallel to the north property line, and 3 podium townhouse units at the north east-corner of the site.

On November 12, 2018 a revised development proposal was submitted to the Planning and Environment Committee (PEC) for a 15-storey apartment building at a maximum height of 56m (183.7ft) which will include 222 residential units. This revised submission includes 7 podium units along North Centre Road, 7 podium units along Richmond Street and 3 podium units along the north-east corner of the site. An 8-storey wing is located along Richmond Street and a 6-storey wing is located along the northerly property limit creating an L-shaped development. Municipal Council approved the Zoning to implement the current submission on November 20, 2018.

3.2 Requested Amendment

The applicant is requesting the removal of the "h-183" holding provision from the Zone on the subject lands, which ensures that development will not have any negative impacts on the groundwater in the area, with specific attention given to any negative impacts on existing wells.

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” holding provision and is appropriate to consider its removal?

The “h-183” holding provision states:

“To ensure that development will not have any negative impacts on the groundwater in the area, with specific attention given to any negative impacts on existing wells, a Hydrogeological Study shall be prepared by a qualified professional and submitted to the City to evaluate the potential impact of the proposed development to area private wells and provide recommendations for monitoring post construction impacts and possible mitigation measures to the satisfaction of the City Engineer prior to the removal of the h-183 symbol. Any recommendations contained therein shall be incorporated into the development agreement to the satisfaction of the City of London..

The Applicant has provided the required hydrogeological assessment which addresses the holding provision, specifically it indicates the proposed development will not have a negative impact on groundwater resources or impacts on existing wells in the area for the proposed 15 Storey apartment building. The applicant has also provided securities and has entered into a Development Agreement which contains all necessary preventative measures for monitoring post construction impacts and possible mitigation measures to protect groundwater in the area, this satisfies the requirement for the removal of the “h-183” holding provision.

5.0 Conclusion

The Applicant has provided the necessary hydrogeological assessment which indicates the lands are able to accommodate the proposed 15 Storey apartment building with no negative impacts on the groundwater in the area, with specific attention given to any negative impacts on existing wells is anticipated. The applicant has provided securities and has entered into a Development Agreement which contains all necessary preventative measures for monitoring post construction impacts and possible mitigation measures to protect groundwater in the area, Holding Provision “h-183” will be satisfied. Therefore, the required condition has been met to remove the “h-183” holding provision. The removal of the holding provision is recommended to Council for approval.

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

August 10, 2020

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

Lou Pompili, Manager, Development Planning

Mike Pease, Manager, Development Planning

SM/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2020\H-9234 - 230 North Centre Road (SM)\PEC\230 North Centre Road - H-9234 SM.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 230 North Centre Road.

WHEREAS Tricar Properties Limited has applied to remove the holding provisions from the zoning for the lands located at 230 North Centre Road, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the lands located at 230 North Centre Road, as shown on the attached map comprising part of Key Map No. 102, to remove the h-183 holding provision so that the zoning of the lands as a Residential R9 Special Provision Bonus (R9-7/B55) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on September 15, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 15, 2020
Second Reading – September 15, 2020
Third Reading – September 15, 2020

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



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the Londoner on July 15, 2020

1 email was received.

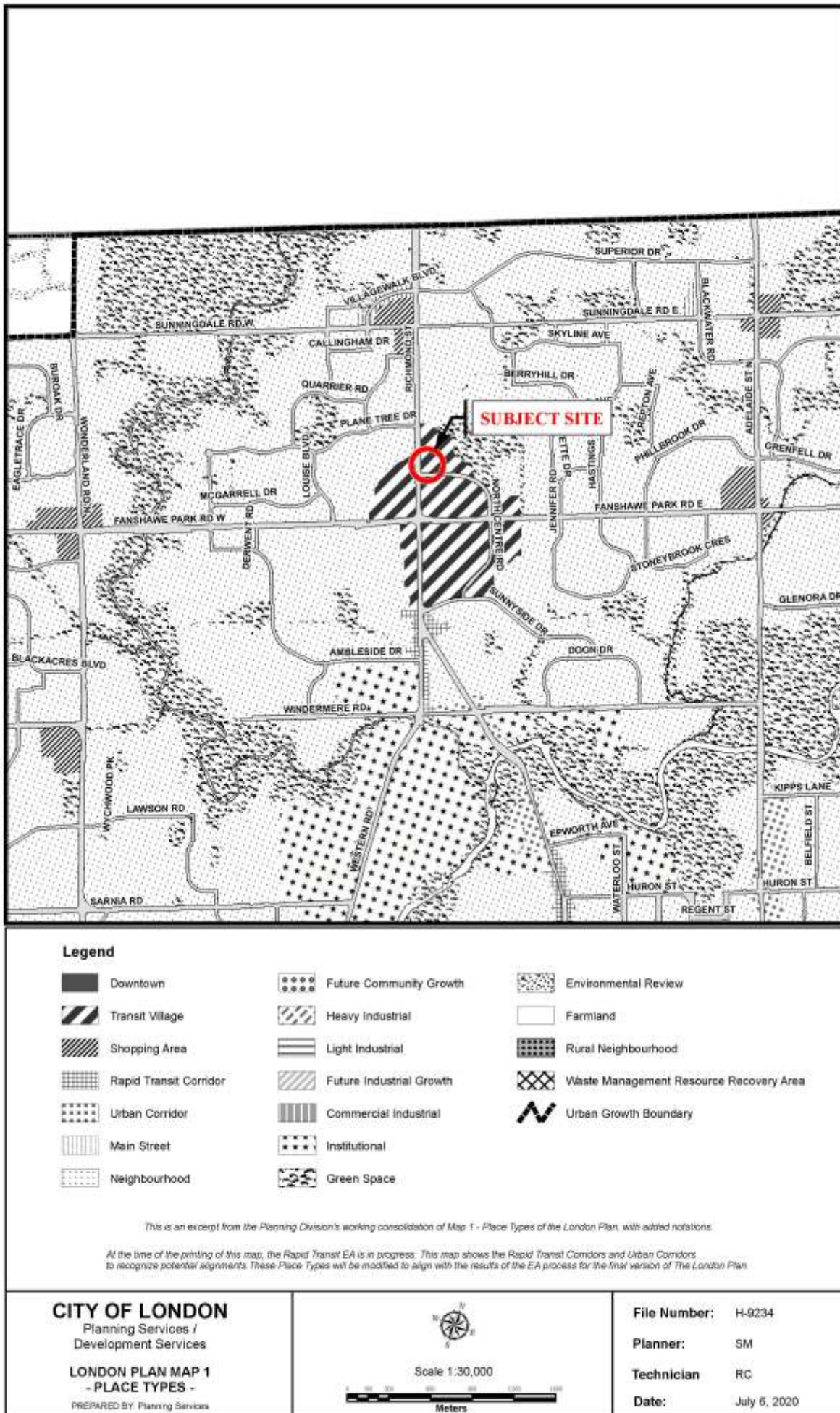
The individual wanted to know what events/developments regarding the negative impacts on the groundwater in the area (including existing wells) have occurred since the holding provision was enacted, if there is a study to indicate that these reasons had been addressed or solution has been suggested. Is this application only for a reconsideration of the current hold? And it is the passage of time that is the only change/evidence?

I replied to the email that a hydrological assessment had been done on the lands to address the requirements of the holding provision and the lands were currently going through the site plan process for the future development. I also explained that the holding provision removal was the only consideration at this time for this application.

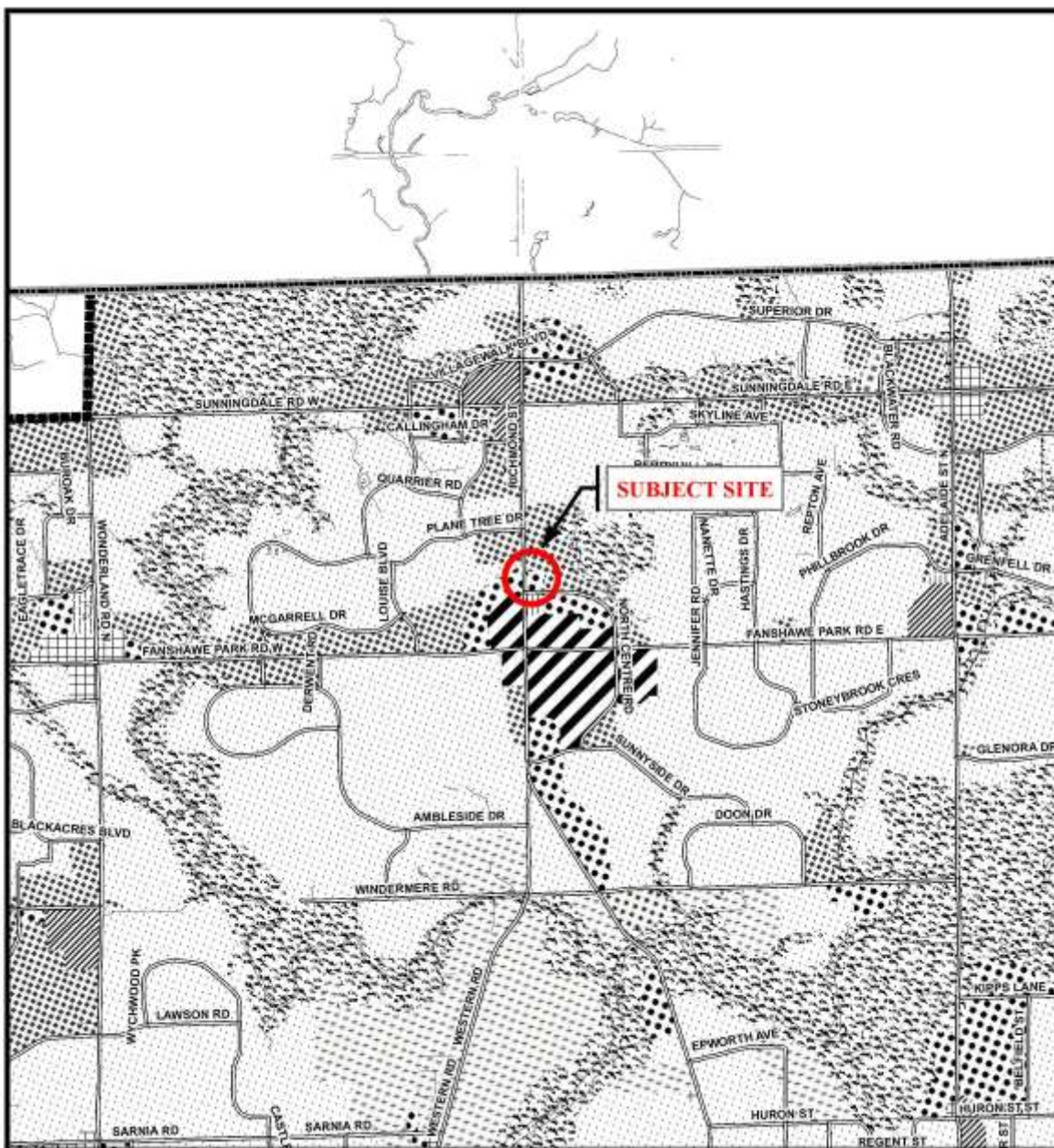
Nature of Liaison: City Council intends to consider removing the “h-183”, Holding Provision from the zoning of the subject lands. The purpose and effect of this zoning change is to remove the holding symbol to permit the future residential development of the subject lands. The removal of the holding provision(s) is contingent on: ensuring that development will not have any negative impacts on the groundwater in the area, with specific attention given to any negative impacts on existing wells, a Hydrogeological Study shall be prepared by a qualified professional and submitted to the City to evaluate the potential impact of the proposed development to area private wells and provide recommendations for monitoring post construction impacts and possible mitigation measures to the satisfaction of the City Engineer prior to the removal of the h-183 symbol. Any recommendations contained therein shall be incorporated into the development agreement to the satisfaction of the City of London. 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



1989 Official Plan Excerpt

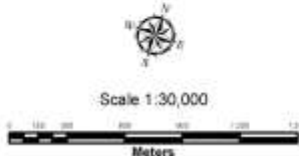


Legend

- | | |
|--|-----------------------------------|
| 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
- LAND USE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: H-9234
PLANNER: SM
TECHNICIAN: RC
DATE: 2020/07/06

Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- R1 - SINGLE DETACHED DWELLINGS
- R2 - SINGLE AND TWO UNIT DWELLINGS
- R3 - SINGLE TO FOUR UNIT DWELLINGS
- R4 - STREET TOWNHOUSE
- R5 - CLUSTER TOWNHOUSE
- R6 - CLUSTER HOUSING ALL FORMS
- R7 - SENIOR'S HOUSING
- R8 - MEDIUM DENSITY/LOW RISE APTS.
- R9 - MEDIUM TO HIGH DENSITY APTS.
- R10 - HIGH DENSITY APARTMENTS
- R11 - LODGING HOUSE

- DA - DOWNTOWN AREA
- RBA - REGIONAL SHOPPING AREA
- CSA - COMMUNITY SHOPPING AREA
- NSA - NEIGHBOURHOOD SHOPPING AREA
- BDC - BUSINESS DISTRICT COMMERCIAL
- AC - ARTERIAL COMMERCIAL
- HS - HIGHWAY SERVICE COMMERCIAL
- RSC - RESTRICTED SERVICE COMMERCIAL
- CC - CONVENIENCE COMMERCIAL
- SS - AUTOMOBILE SERVICE STATION
- ASA - ASSOCIATED SHOPPING AREA COMMERCIAL

- OR - OFFICE/RESIDENTIAL
- OC - OFFICE CONVERSION
- RO - RESTRICTED OFFICE
- OF - OFFICE

- RF - REGIONAL FACILITY
- CF - COMMUNITY FACILITY
- NF - NEIGHBOURHOOD FACILITY
- HER - HERITAGE
- DC - DAY CARE

- OS - OPEN SPACE
- CR - COMMERCIAL RECREATION
- ER - ENVIRONMENTAL REVIEW

- OB - OFFICE BUSINESS PARK
- LI - LIGHT INDUSTRIAL
- GI - GENERAL INDUSTRIAL
- HI - HEAVY INDUSTRIAL
- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

- AG - AGRICULTURAL
- AGC - AGRICULTURAL COMMERCIAL
- RRC - RURAL SETTLEMENT COMMERCIAL
- TGS - TEMPORARY GARDEN SUITE
- RT - RAIL TRANSPORTATION

- "H" - HOLDING SYMBOL
- "D" - DENSITY SYMBOL
- "H" - HEIGHT SYMBOL
- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



FILE NO:
H-9234 SM

MAP PREPARED:
2020/07/06 RC

1:2,500
0 12.5 25 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 and Compliance Services
And Chief Building Official

Subject: Application By: Goldfield Ltd.
1160 Wharncliffe Road South

Meeting on: September 8, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Goldfield Ltd. to exempt Block 2, 3, 4, 5 and 7, Plan 33M-786 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 2, 3, 4, 5 and 7, Plan 33M-786 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-4(2)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum lot frontage of 6.7m, a minimum exterior and interior side yard depth of 1.2m and maximum lot coverage of 45%;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 2, 3, 4, 5 and 7, Plan 33M-786 as noted in clause (a) above:
 - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
 - ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;

- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Blocks 2, 3, 4, 5 and 7 in Registered Plan 33M-786 from the Part-Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of forty-four (44) street townhouse units, with access provided via Lismer Lane, Emily Carr Lane and David Milne Way.

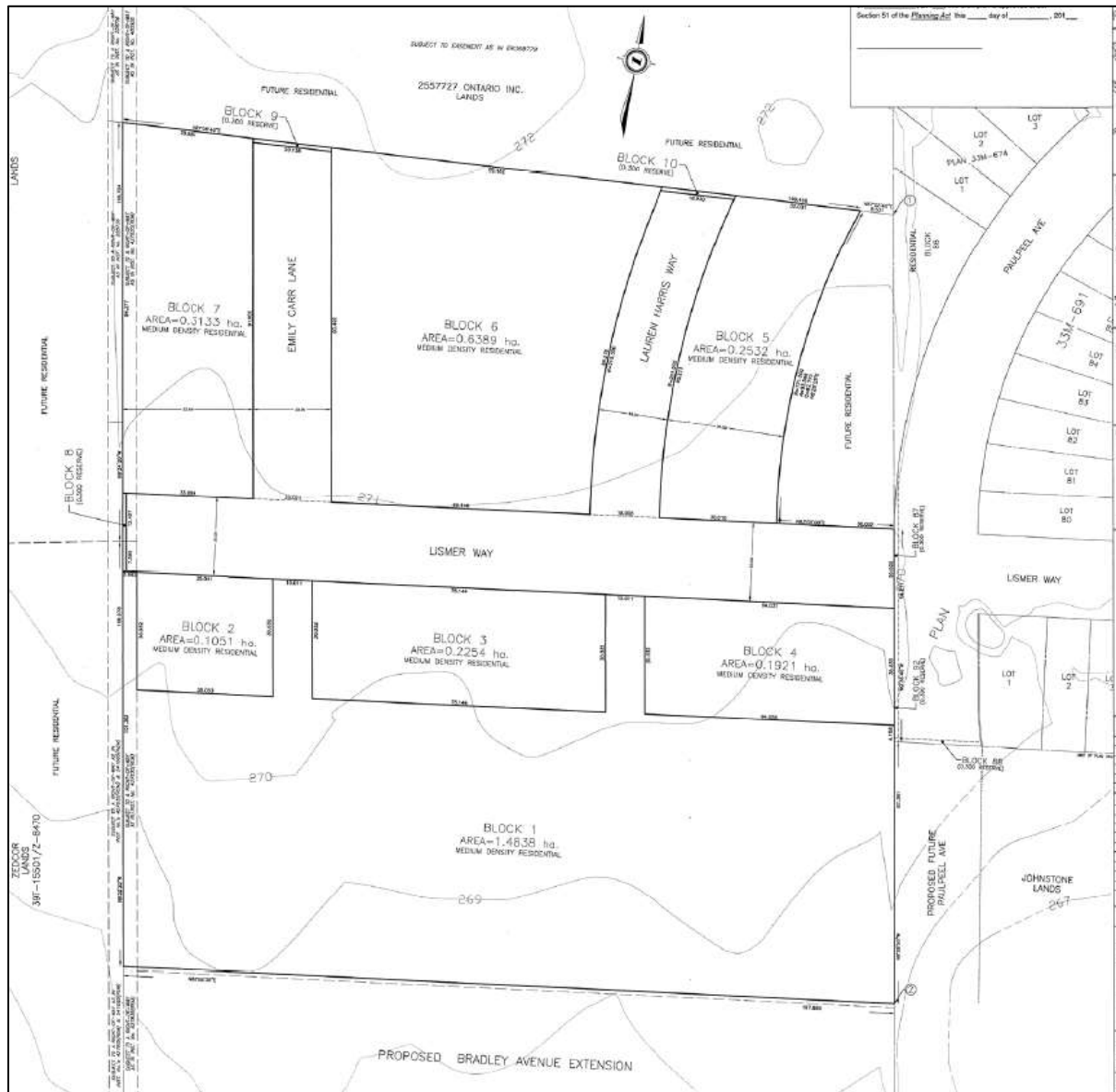
Rationale for Recommended Action

The standard conditions for passing the Part-Lot Control By-law are attached, to be reviewed and endorsed by Municipal Council prior to the final by-law.

Analysis

1.0 Property Description

The properties are a collection of blocks (2, 3, 4, 5 and 7) within Plan 33M-786 (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.



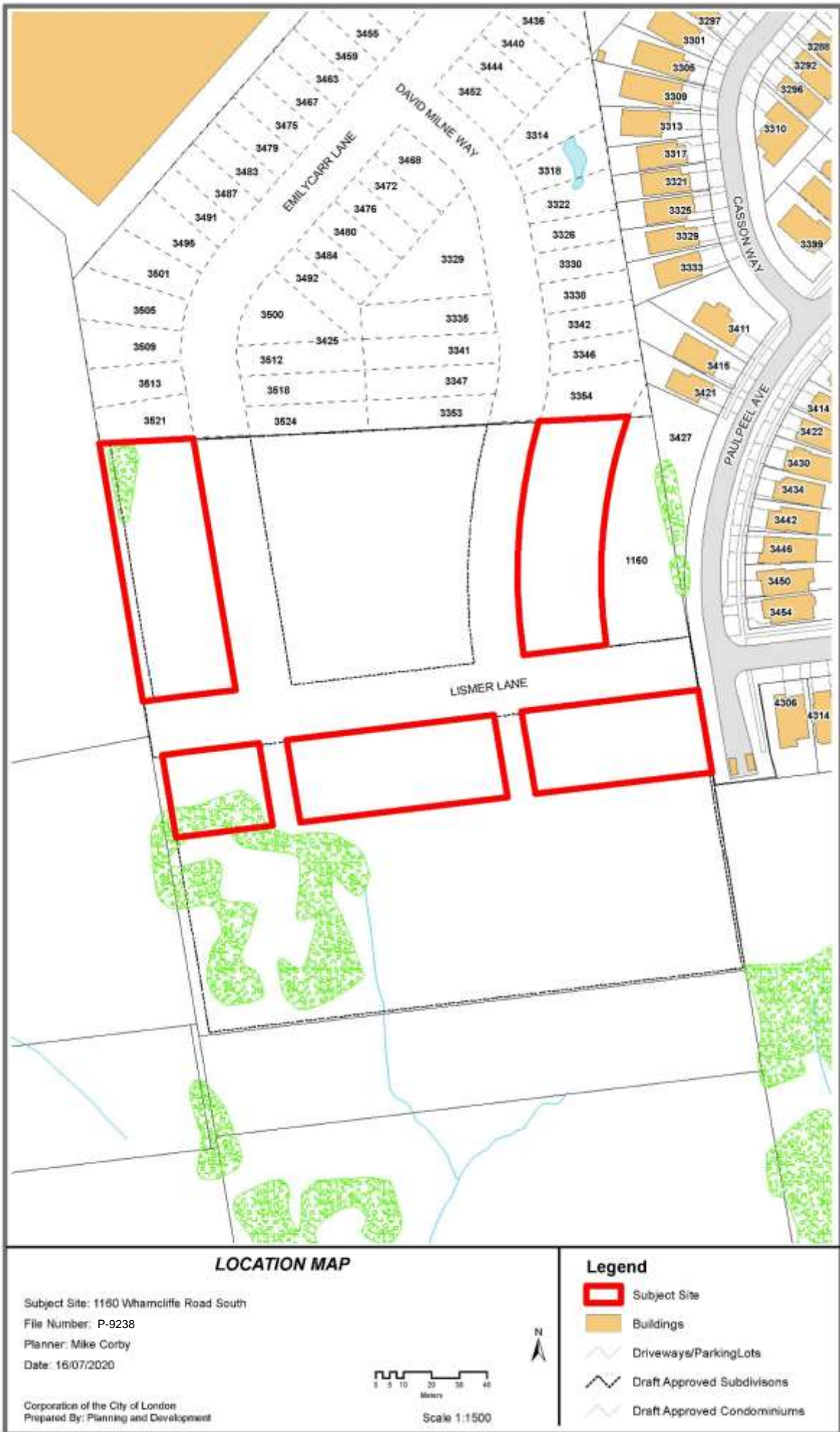
1.1 Current Planning Information (see more detail in Appendix C)

- 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

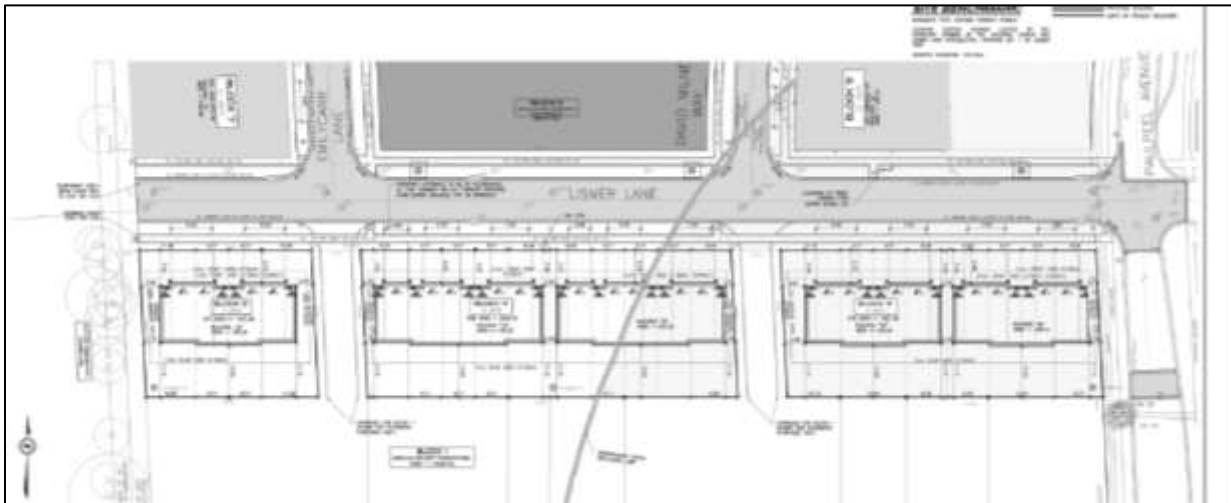
1.2 Surrounding Land Uses

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

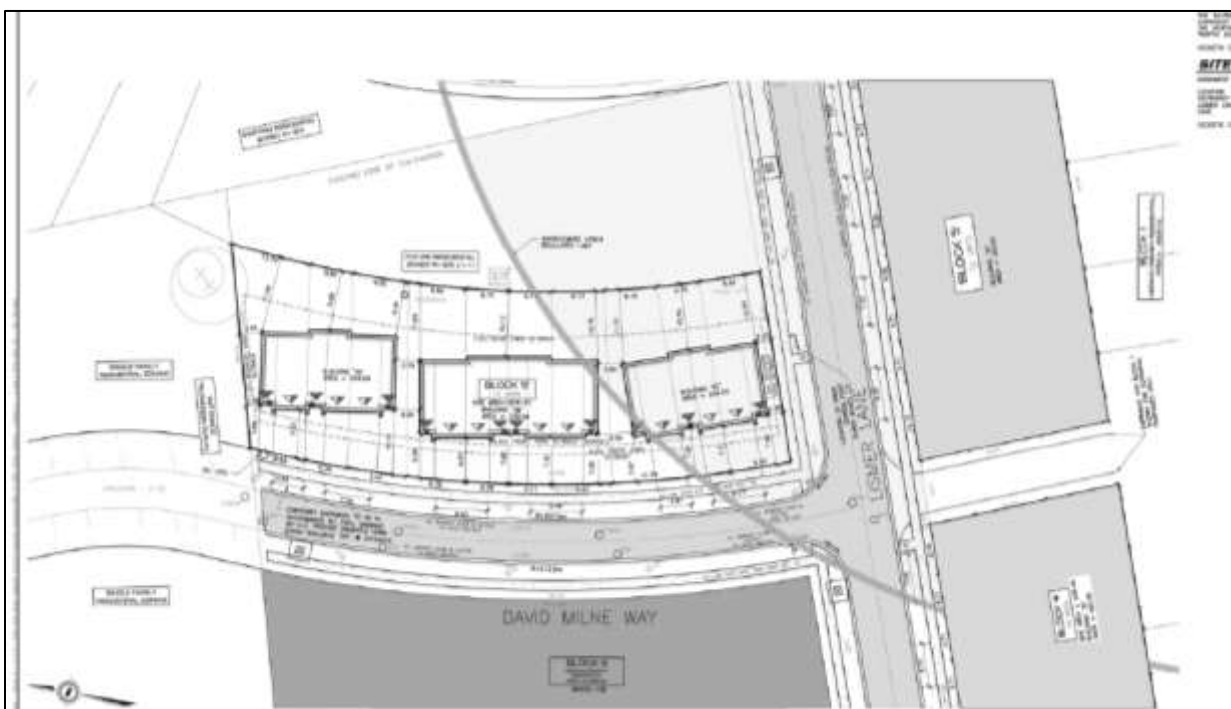
1.3 Location Map



1.4 Site Plans



Proposed Site Plan, Blocks 2, 3 and 4



Proposed Site Plan, Block 5



Proposed Site Plan, Block 7

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.

3.3 Community Engagement

There is no legislated Community Engagement component to an Exemption from Part-Lot Control. A notice of the request for exemption from part-lot control and a list of standard draft conditions was circulated to internal departments (such as Engineering and the Building Division) and London Hydro. Development Engineering confirmed that the draft standard conditions are applicable and no additional conditions were needed.

3.4 Policy Context

In Ontario, the subdivision of land is governed by the *Planning Act*. Under this legislation, lot creation is permitted through the approval of a plan of subdivision, the granting of a Consent (commonly described as a “severance”) or, for lots within a registered plan of subdivision, through a by-law exemption from part-lot control. Section 50(28) of the *Planning Act*, R.S.O. 1990, c.P13, includes provisions to ensure that part of a lot or block within a registered plan of subdivision cannot be transferred without the approval of the municipality. The part-lot control provisions of the *Planning Act* allows a municipality to pass by-laws to remove part-lot control from all or any part of a registered plan of subdivision. Such a by-law has the effect of allowing the conveyance of a portion of a lot or block. Exemption from part-lot control is appropriate when a number of land transactions are involved and the resulting changes will not affect the nature or character of the subdivision.

Exemption from part-lot control is used to create street townhouse lots to ensure that the eventual lot lines match the foundation for the building, and are constructed exactly on the property boundaries. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

4.0 Key Issues and Considerations

Council has adopted a policy to guide consideration of requests for exemption to Part-Lot Control, as follows:

- a) *appropriately zoned lots and blocks of registered plans of subdivision may be exempted from part-lot control for the purpose of establishing individual properties for conveyance or other purposes where municipal services or agreements for extension of services are in place;*

The subject lands are zoned Residential R4 (R4-4(2)) which permits street townhouse units. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

- b) *exemption from part-lot control is used to implement the intended lotting of a portion of a registered plan where the complete division of land was not practical at the time of subdivision approval and registration;*

The subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual lots at the time of the subdivision was not practical, and is appropriate through part-lot control.

- c) *the nature and character of the subdivision are not to be changed by part-lot control exemption from that which was established by the subdivision plan and zoning by-law;*

This request is consistent with the intended use of the blocks as established through the plan of subdivision and zoning. The development of the site for forty-four (44) townhouse units is consistent with the nature and character of the existing developments in the area.

- d) *the removal of part-lot control is appropriate when a series of land divisions is necessary to allow sale of the constructed buildings and associated part-lots;*

The exemption of part lot control creates forty-four (44) individual lots as one transaction instead of requiring separate and individual land divisions to create the interest in land.

- e) *references will be made to the land severance guidelines, guidelines for private streets, and other pertinent policies when considering the appropriateness of exemption; and*

The subject lands are designated Multi-Family, Medium Density Residential in the (1989) Official Plan, and within the Neighbourhoods Place Type in The London Plan which permits street townhouse uses. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided by Lismer Lane, Emily Carr Lane and David Milne Way and no private roads are proposed.

- f) *the registration costs of by-laws passed at the request of the developer or subdivider, to exempt lands from part-lot control, will be borne by the applicant.*

The applicant is responsible for all costs associated with the Exemption to Part-Lot Control.

The applicant has applied for and received site plan approval SPA20-30, SPA20-31, SPA20-32 to construct the forty-four (44) street townhouse units on local streets which was registered on title as a Development Agreement and securities have also been taken through the site plan process.

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of forty-four (44) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the Official Plan, The London Plan and the applicable proposed zoning, and has been determined to meet existing policies and the City's Zoning By-law.

4.1 Conditions

It is recommended that the following conditions be applied and that the By-law for Blocks 2, 3, 4, 5 and 7 in Plan 33M-786 be passed at a future meeting of Municipal Council only when the following conditions have been complied with:

- i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
- ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan

being deposited in the land registry office;

- iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

5.0 Conclusion

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to establish lot lines for the individual townhouse units, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered plan of the Emilycarr South subdivision, subject to the completion of the proposed conditions.

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.	

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

August 11, 2020

/mc

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Appendix A

Bill No. ***Number inserted by Clerk's Office***
2020

By-law No. C.P.- ***Number inserted by Clerk's Office***

A by-law to exempt from Part-Lot Control, lands located at 1160 Wharncliffe Road South, legally described as Block 2, 3, 4, 5 and 7 in Registered Plan 33M-786.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Goldfield Ltd., it is expedient to exempt lands located at 1160 Wharncliffe Road South, legally described as Block 2, 3, 4, 5 and 7 in Registered Plan 33M-786, from Part Lot Control;

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

1. Block 2, 3, 4, 5, and 7 in Registered Plan 33M-786, located at 1160 Wharncliffe Road South, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4 Special Provision (R4-4(2)) Zone of the City of London Zoning By-law No. Z-1.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

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: Kenmore Homes (London) Inc.
Address: 1830 Finley Crescent

Meeting on: September 8, 2020

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application by Kenmore Homes (London) Inc. the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on September 15, 2020 to exempt Block 98, Plan 33M-733 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding three (3) years.

Executive Summary

Summary of Request

Request for approval to exempt Block 98, Plan 33M-733 from the Part Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of six (6) street townhouse units, with access provided via Finley Crescent.

Rationale for Recommended Action

The conditions for passing the Part-Lot Control By-law have been satisfied and it is appropriate to allow the exemption from Part-Lot Control. The cost of registration of the by-law is to be borne by the applicant, all in accordance with the previous Council Resolution.

1.0 Analysis

At its meeting held on November 12, 2019, Municipal Council resolved:

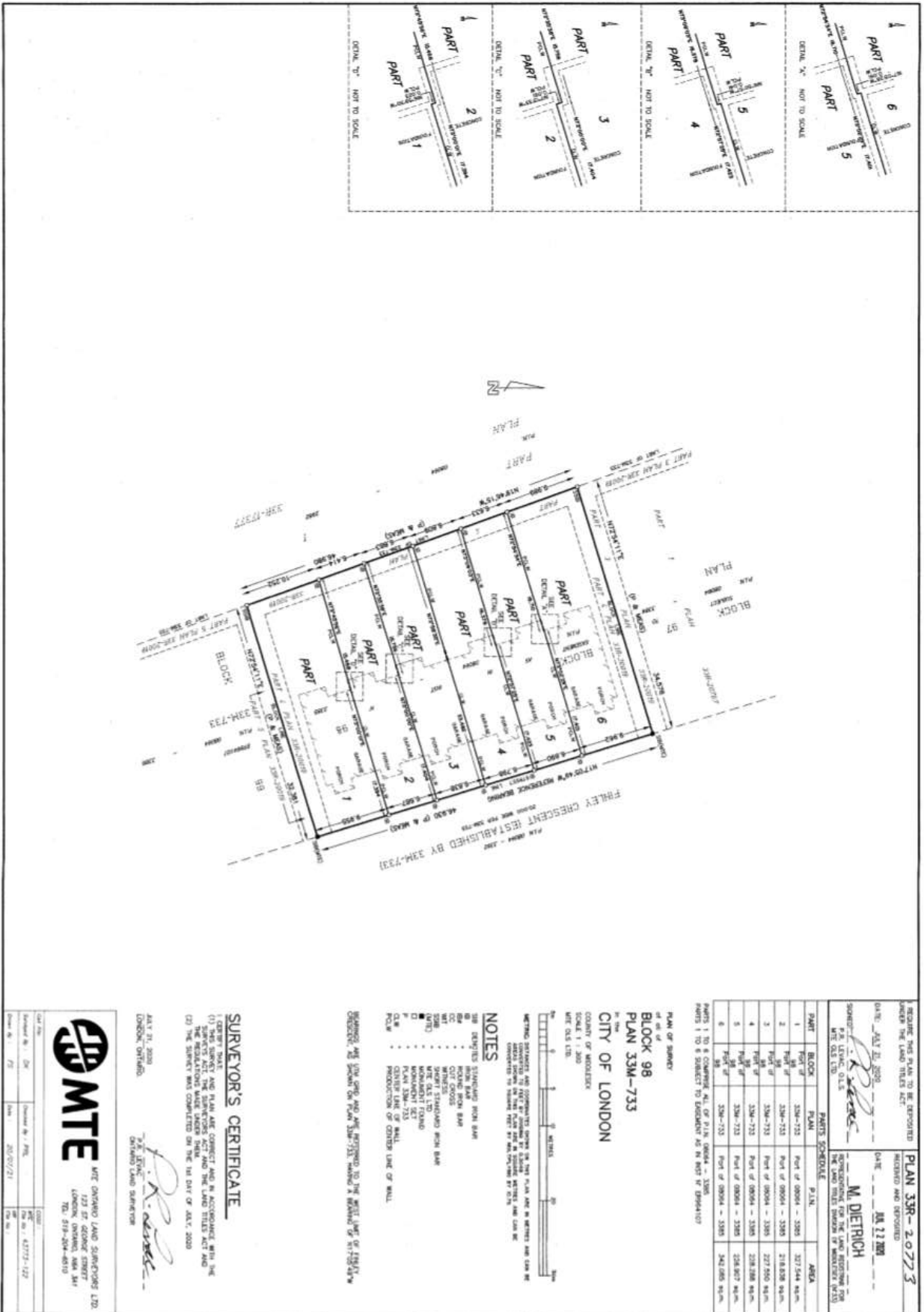
That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Kenmore Homes (London) Inc. to exempt Block 98, Plan 33M-733 from Part-Lot Control:

- (a) *Pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 98, Plan 33M-733 from the Part-Lot Control provisions of subsection 50(5) of the said Act, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-4(4)) which permits street townhouse dwellings;*
- (b) *The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 98, Plan 33M-733 as noted in clause (a) above:*
 - i. *The applicant be advised that the costs of registration of the said by-laws are to*

be borne by the applicant in accordance with City Policy;

- ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;*
- iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;*
- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;*
- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;*
- vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;*
- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;*
- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;*
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;*
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;*
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;*
- xii. The applicant shall provide a draft transfer of the easements to be registered on title;*
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question; and*
- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1830 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.*

REFERENCE PLAN 33R- 20773



The exemption from Part-Lot Control will allow for lot lines for individual units (lots) to be established on the registered block in a registered plan of subdivision. The conditions noted above have been satisfied as follows:

- i. *The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;*

Acknowledged by the applicant on August 17, 2020.

- ii. *The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;*

Development Services staff have confirmed through email August 14, 2020 the draft reference plan complies with the Zoning.

- iii. *The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;*

Satisfied by submission on August 17, 2020.

- iv. *The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;*

The applicant has indicated this condition was satisfied by approval from London Hydro through the subdivision process.

- v. *The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;*

Engineering has confirmed August 27, 2020 this condition has been satisfied through the acceptance of lot grading and servicing plans submitted through Site Plan Approval.

- vi. *The applicant shall enter into any amending subdivision agreement with the City, if necessary;*

Satisfied as the subdivision agreement was registered and no further amendment was required.

- vii. *The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;*

The applicant agrees to fulfil this condition in its entirety related to the construction of all services and will be completed in accordance with the approved final designs of the lots through site plan approval. Also, all pdc's have been installed as shown on the updated servicing plan that was submitted August 4, 2020.

- viii. *The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the*

reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

Satisfied by municipal numbering assigned through the subdivision process.

- ix. *The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;*

Satisfied by reference plan 33R-20773

- x. *The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;*

Satisfied by reference plan 33R-20773

- xi. *The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;*

Building permits have been issued for this block as permit number 19040893.

- xii. *The applicant shall provide a draft transfer of the easements to be registered on and,*

Satisfied by the applicant's Solicitor and confirmed by email August 17, 2020.

- xiii. *That on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question."*

Acknowledged by applicant on August 17, 2020.

- xiv. *In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1830 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.*

Engineering has confirmed August 27, 2020 this condition has been satisfied through the acceptance of lot grading and servicing plans submitted through Site Plan Approval.

Conclusion

In accordance with the Council Resolution, the conditions required to be completed prior to the passage of a Part-Lot Control By-law have been satisfied, and the applicant has been advised that the cost of registration of the by-law is to be borne by the applicant.

Prepared by:	A. Riley, MCIP, RPP Senior Planner - Development Services
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng Managing Director, Development and Compliance Services and Chief Building Official

August 31, 2020
AR/

cc: Lou Pompili, Manager, Development Planning
cc: Matt Feldberg, Manager, Development Services (Subdivisions)

Appendix A

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

By-law No. C.P.- (*Number inserted by Clerk's Office*)

A by-law to exempt from Part-Lot Control, lands located at 1830 Finley Crescent legally described as Block 98 in Registered Plan 33M-733.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Kenmore Homes(London) Inc., it is expedient to exempt lands located at 1830 Finley Crescent legally described as Block 98 in Registered Plan 33M-733, from Part-Lot Control;

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

1. Block 98 in Registered Plan 33M-733, located 1830 Finley Crescent, is hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on September 15, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 15, 2020
Second Reading – September 15, 2020
Third Reading – September 15, 2020

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: Kenmore Homes (London) Inc.
Address: 1860 Finley Crescent

Meeting on: September 8, 2020

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application by Kenmore Homes (London) Inc. the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on September 15, 2020 to exempt Block 97, Plan 33M-733 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding three (3) years.

Executive Summary

Summary of Request

Request for approval to exempt Block 97, Plan 33M-733 from the Part Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of six (6) street townhouse units, with access provided via Finley Crescent.

Rationale for Recommended Action

The conditions for passing the Part-Lot Control By-law have been satisfied and it is appropriate to allow the exemption from Part-Lot Control. The cost of registration of the by-law is to be borne by the applicant, all in accordance with the previous Council Resolution.

1.0 Analysis

At its meeting held on November 12, 2019, Municipal Council resolved:

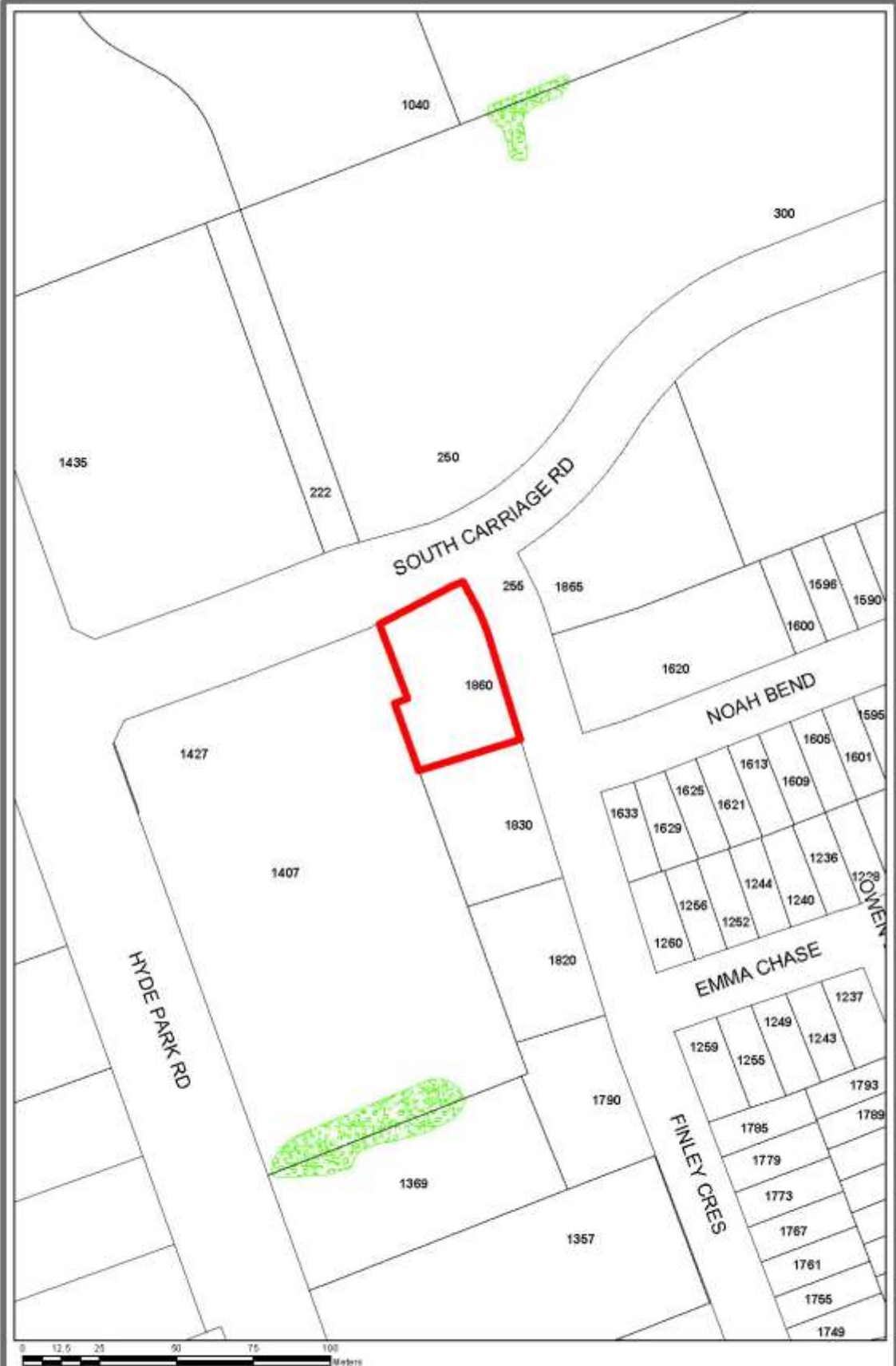
That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Kenmore Homes (London) Inc. to exempt Block 97, Plan 33M-733 from Part-Lot Control:

- (a) *Pursuant to subsection 50(7) of the Planning Act, R.S.O. 1990, c. P.13, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 97, Plan 33M-733 from the Part-Lot Control provisions of subsection 50(5) of the said Act, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-4(4)) which permits street townhouse dwellings;*
- (b) *The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 97, Plan 33M-733 as noted in clause (a) above:*
 - i. *The applicant be advised that the costs of registration of the said by-laws are to*

be borne by the applicant in accordance with City Policy;

- ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;*
- iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;*
- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;*
- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;*
- vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;*
- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;*
- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;*
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;*
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;*
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;*
- xii. The applicant shall provide a draft transfer of the easements to be registered on title;*
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question; and*
- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1860 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.*

LOCATION MAP




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LOCATION MAP

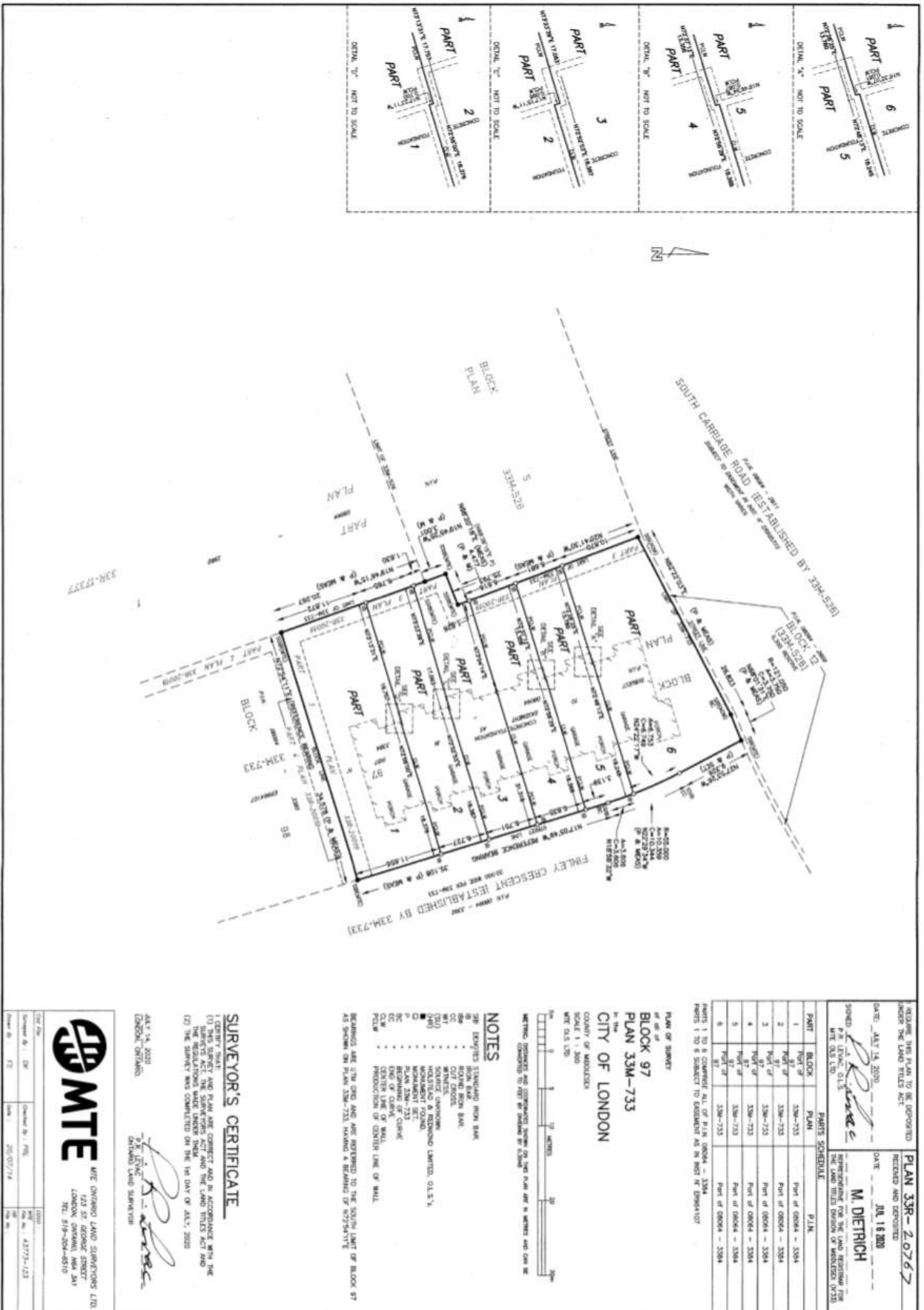
Subject Site: 1860 Finley Crescent
File Number: P-9095
Planner: Alanna Riley
Created By: RC
Date: 08/14/2018



Legend

 Subject Site

REFERENCE PLAN 33R- 20767



REGARDING THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT

DATE: 14. JULY 2020

APPROVED FOR THE CITY OF LONDON BY THE SURVEYOR

SIGNED: *M. Dietrich*

DATE: 01.18.2020

M. DIETRICH

APPROVED FOR THE CITY OF LONDON BY THE SURVEYOR

PART	BLOCK	PLAN	P.L.N.
1	33M-733	Part of 0004 - 33M	
2	33M-733	Part of 0004 - 33M	
3	33M-733	Part of 0004 - 33M	
4	33M-733	Part of 0004 - 33M	
5	33M-733	Part of 0004 - 33M	
6	33M-733	Part of 0004 - 33M	

PLAN OF SURVEY

of or of

BLOCK 97

PLAN 33M-733

in the

CITY OF LONDON

COUNTY OF MIDDLESEX

SCALE 1 : 200

DATE 14. JULY 2020

METRIC DIMENSIONS AND CONVERSIONS SHOWN ON THIS PLAN ARE IN METRES AND CAN BE

CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTES

- 1. THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020
- 2. THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020
- 3. THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020
- 4. THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020
- 5. THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020
- 6. THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020
- 7. THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020
- 8. THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020
- 9. THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020
- 10. THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020

SURVEYOR'S CERTIFICATE

I CERTIFY THAT

(1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE

(2) REGULATIONS MADE UNDER THE LAND TITLES ACT 1925

(3) THE SURVEY WAS COMPLETED ON THE 14TH DAY OF JULY, 2020

DATE: 14. JULY 2020

SIGNED: *M. Dietrich*

M. DIETRICH

LAND SURVEYOR

MTE METRIC TITLES ENGINEERS LTD.

100, GERRARD STREET EAST, TORONTO, ONTARIO M5E 1B3

TEL: 416-461-1111

WWW.MTE.COM

The exemption from Part-Lot Control will allow for lot lines for individual units (lots) to be established on the registered block in a registered plan of subdivision. The conditions noted above have been satisfied as follows:

- i. *The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;*

Acknowledged by the applicant on August 4, 2020.

- ii. *The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;*

Development Services staff have confirmed through email August 14, 2020 the draft reference plan complies with the Zoning.

- iii. *The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;*

Satisfied by submission on August 4, 2020.

- iv. *The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;*

The applicant has indicated this condition was satisfied by approval from London Hydro through the subdivision process.

- v. *The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;*

Engineering has confirmed August 27, 2020 this condition has been satisfied through the acceptance of lot grading and servicing plans submitted through Site Plan Approval.

- vi. *The applicant shall enter into any amending subdivision agreement with the City, if necessary;*

Satisfied as the subdivision agreement was registered and no further amendment was required.

- vii. *The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;*

The applicant agrees to fulfil this condition in its entirety related to the construction of all services and will be completed in accordance with the approved final designs of the lots through site plan approval. Also, all pdc's have been installed as shown on the updated servicing plan that was submitted August 4, 2020.

- viii. *The applicant shall obtain confirmation from the Development Services that the*

assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

Satisfied by municipal numbering assigned through the subdivision process.

- ix. *The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;*

Satisfied by reference plan 33R-20767

- x. *The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;*

Satisfied by reference plan 33R-20767

- xi. *The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;*

Building permits have been issued for this block as permit number 19040893.

- xii. *The applicant shall provide a draft transfer of the easements to be registered on and,*

Satisfied by the applicant's Solicitor and confirmed by email August 17, 2020.

- xiii. *That on notice from the applicant that a reference plan has been registered on a Block, and that Part-Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question."*

Acknowledged by applicant on August 4, 2020.

- xiv. *In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1860 Finley Crescent to indicate that all municipal servicing can be provide to each property/block created without conflict.*

Engineering has confirmed August 27, 2020 this condition has been satisfied through the acceptance of lot grading and servicing plans submitted through Site Plan Approval.

Conclusion

In accordance with the Council Resolution, the conditions required to be completed prior to the passage of a Part-Lot Control By-law have been satisfied, and the applicant has been advised that the cost of registration of the by-law is to be borne by the applicant.

Prepared by:	A. Riley, MCIP, RPP Senior Planner - Development Services
Recommended by:	Paul Yeoman, RPP, PLE Director, Development Services
Submitted by:	George Kotsifas, P. Eng Managing Director, Development and Compliance Services and Chief Building Official

August 31, 2020
AR/

cc: Lou Pompili, Manager, Development Planning

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

Y:\Shared\ADMIN\1- PEC Reports\2020 PEC Reports\15 - Sept 8\Draft PEC Report to pass by-law 1860 Finley Crescent P-9095 (AR).docx

Appendix A

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

By-law No. C.P.- (*Number inserted by Clerk's Office*)

A by-law to exempt from Part-Lot Control, lands located at 1860 Finley Crescent legally described as Block 97 in Registered Plan 33M-733.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Kenmore Homes(London) Inc., it is expedient to exempt lands located at 1860 Finley Crescent legally described as Block 97 in Registered Plan 33M-733, from Part-Lot Control;

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

1. Block 97 in Registered Plan 33M-733, located 1860 Finley Crescent, is hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years.
3. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on September 15, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 15, 2020
Second Reading – September 15, 2020
Third Reading – September 15, 2020

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: Northwest Crossings London Limited
1176, 1200, 1230 Hyde Park Road and portion of 1150
Gainsborough Road

Public Participation Meeting on: September 8, 2020 at 4:00 PM

Recommendation

That, on the recommendation of the Director, Development Services the following actions be taken with respect to the application of Northwest Crossing London Limited relating to the property located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting September 15, 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 Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) Zone and Open Space (OS1) Zone, **TO** a Holding Business District Commercial Special Provision Bonus (h*h-100*BDC2(*)*B(*)), a Holding Business District Commercial Special Provision Bonus (h*h-100*BDC2(**)*B(*)), a Holding Residential Special Provision (h*h-100*R5-7(*)/R6-5(*)/R7(*)*H14/R8-4(*) Zone, a Holding Residential Special Provision (h*h-100*R5-7(**)/R6-5(**)/R7(**)*H12/R8-4(**) Zone, a Holding Residential Special Provision (h*h-100*h-18*R5-7(***)/R6-5(***)/R7(***)*H12/R8-4(***) Zone, an Open Space Special Provision (OS1(*) Zone and an Open Space Special Provision (OS5(*) Zone;

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of high quality mixed-use apartment buildings and standalone apartment buildings with a maximum height of 22 metres (6-storeys), which substantively implements the site-specific "Design Criteria".

Design Criteria:

Site Development

- Building Sitting:
 - Buildings shall be located along the majority of the Hyde Park Road and Street 'A' frontages to provide for a built edge along the street;
 - All service and loading facilities associated with building shall be located within and/or behind buildings away from amenity areas and not visible from the public street.
- Pedestrian Connectivity:
 - Mid-block walkway connections from Hyde Park Road through Block 1 shall be provided between buildings fronting Hyde Park Road, leading to internal parking area and to walkways behind buildings leading to sidewalks along the northern and southern portions of Street 'A';
 - Walkway connections from the sidewalk along Hyde Park Road shall be provided from both ends of the building for Block 2, with a further connection to the sidewalk along Street 'A'.
- Access and Parking:
 - Vehicular access for both Blocks 1 and 2 shall be provided from Street 'A'.

- No parking or vehicular drive isles shall be located between buildings and the Hyde Park road frontage.
- Low masonry walls (max. 0.75m), complimentary in design to the buildings, shall be provided with a combination of landscaping to screen any parking located along the edge of Street 'A'.
- Common Outdoor Amenity Areas:
 - Outdoor common amenity areas shall be provided for each building, alternatively these spaces can be combined into one, centrally located common outdoor amenity space per Block.
 - These spaces shall be an appropriate size to provide adequate amenity for the proposed number of residents and provide the opportunity for passive and/or active recreation.
 - These spaces shall be located within close proximity to a building entrance/exit. Alternatively a safe, appropriately sized, and conveniently aligned walkway connection(s) will be provided from the nearest building entrance/exit. If the spaces are combined into one centrally located space provide for walkways from each building to the space.
 - Enhanced landscaping shall be provided along the Hyde Park Road frontage in the form of small amenity areas and trees between buildings. Efforts will be made to provide opportunities for additional amenity space through site and building design, with the intention of providing spaces for residents and visitors to enjoy the outdoors and animating street frontages to facilitate pedestrian oriented environments

Built form

- All buildings:
 - The development shall feature contemporary building designs with a mix and articulation of building materials including brick, metal panels, concrete, wood veneer and vision and spandrel glass;
 - Buildings shall be designed in a way that breaks up the structures horizontally and vertically through articulation, architectural details, and an appropriate proportion and rhythm of windows and balconies
- Buildings along Hyde Park frontage:
 - The design for buildings facing Hyde Park Road shall be defined by complementary changes in building articulation and design above the 4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building.
 - Buildings shall include active commercial uses along the Hyde Park Road frontage, and all main floor commercial unit entrances shall be oriented towards Hyde Park Road.
 - The ground-floor street façade shall be primarily comprised of vision glazing for views into and out of the building. Where vision glazing is not used, alternative urban design measures that contribute to an animated streetscape shall be required;
 - Overhead protection from natural elements shall be provided above the first floor in locations such as pedestrian entrances where appropriate to architecturally differentiate the building base from the upper levels;
- Buildings along the Street 'A' frontage:
 - The development shall provide street-oriented features for residential buildings, including individual entrances to ground-floor residential units with operable and lockable doors, and pedestrian-scale features such as lighting and weather protection. Private amenity areas shall also be provided and may include enclosed courtyards with a combination of planters and low decorative fencing.
 - The design for buildings facing Street 'A' shall be defined by complementary changes in building articulation and design above the

4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building.

- (b) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the application for draft plan of subdivision of Northwest Crossing London Limited relating to a property located at 1176, 1200, 1230 Hyde Park Road and a Portion of 1150 Gainsborough Road; and
- (c) Council **SUPPORTS** the Approval Authority issuing draft approval of the proposed plan of residential subdivision, submitted by Northwest Crossing London Limited (File No. 39T-19502), prepared by MHBC Planning, Project No. 16-200, dated March 18, 2020, which shows two (2) mixed-use residential blocks, two (2) medium density residential blocks, three (3) open space blocks, one (1) road widening block and two (2) 0.3 m reserve blocks, all served by one (1) local/neighbourhood streets (Street A), **SUBJECT TO** the conditions contained in the attached Appendix "B".

Executive Summary

Summary of Request

The request is to permit a subdivision consisting of low to mid-rise apartment buildings, mixed-used apartment buildings, multi-use pathways, and public road access via a new street connection to Hyde Park Road.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is for Municipal Council to approve the recommended Zoning By-law Amendments, and recommend that the Approval Authority for the City of London, issue draft approval of the proposed plan of subdivision, subject to conditions.

Rationale of Recommended Action

1. The proposed and recommended amendments are consistent with the Provincial Policy Statement, 2020 which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs, provide for and accommodate an appropriate affordable and market-based range and mix of housing type and densities to meet the projected requirements of current and future residents.
2. The proposed and recommended amendments conform to the in-force policies of The London Plan, including but not limited to Our Strategy, Our City and the Key Directions, as well as conforming to the policies of the Neighbourhoods, Shopping Area and Green Space Place Type.
3. The proposed and recommended amendments conform to the policies of the (1989) Official Plan, specifically Policies for Specific Areas 10.1.3, cxlxii).
4. The proposed and recommended zoning amendments will facilitate an appropriate form of mixed-use and medium density residential development that conforms to The London Plan and the (1989) Official Plan.

1.0 Site at a Glance

1.1 Property Description

The subject properties are located on lands bounded by Hyde Park Road to the east, CN Rail Line to the South, a lumber store followed by a CP Rail Line to the North and

the Kelly Stanton ESA- North to the west. The site is isolated from the majority of its surroundings and is currently vacant with some commercial uses to the east across Hyde Park Road. The property is irregular in shape and includes approximately 267.7 metres (878 ft) of frontage along Hyde Park Road. The subject site measures approximately 10.069 ha (24.88 ac) in size and is generally described as Part of Lots 25 and 26 Concession 3 RP 33R-10194 Parts 3 To 5 PT Parts 9 & 10 RP 33R-16526 Parts 2, 3, 4, 5, 7, 13 To 15 & 18 To 20 & PT Part 8.

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

- The London Plan Place Type – “Shopping Area, “Neighbourhoods”, and “Green Space”
- Official Plan Designation – “Auto Oriented Commercial” and “Open Space”
- Existing Zoning – Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) Zone and Open Space (OS1) Zone

1.3 Site Characteristics

- Current Land Use – vacant/undeveloped
- Frontage – 267.7 m (878 ft)
- Depth – varies
- Area – 10.7 ha (24.88 ac)
- Shape – irregular

1.4 Surrounding Land Uses

- North – lumber store/yard
- East – commercial
- South – rail line/Kelly Stanton ESA – South/low density residential
- West – Kelly Stanton ESA - North

1.5 Location Map



2.0 Description of Proposal

2.1 Development Proposal

The proposed Draft Plan provides 4 large blocks for future residential development in the form of mixed-use buildings along Hyde Park Road and apartment buildings internal to the site. A pedestrian connection will be established along the south and west edge of the property through Open Space blocks and will connect to the London Hyde Park Rotary Link. The Draft Plan incorporates the following key features:

- Low and mid-rise apartments which will provide a more intensive scale of development that supports a compact urban form, surrounding commercial uses and future transit services;
- Opportunities for commercial uses through mixed use developments fronting Hyde Park Road will also serve the proposed development and surrounding neighbourhoods. Currently, there is limited, neighbourhood-oriented commercial enterprises within convenient walking/cycling distance of this development area;
- An internal pedestrian network designed to support community connectivity; and
- Protection and enhancement of existing natural features and linkages to the City's multi-use pathway system.



3.0 Relevant Background

3.1 Planning History

The subject lands have remained undeveloped and were previously used for agricultural purposes. The site was subject to a Plan of Subdivision Application (39T-01507) and an Official Plan and Zoning By-law amendment (OZ-6135). Draft approval was granted on September 25, 2002 however, Council at the time did not approve the requested Official Plan and Zoning amendments. While the matter was at the OMB a revised application for Official Plan and Zoning By-law Amendments and Draft Plan of Subdivision approval were submitted as a possible basis for the resolution of the outstanding appeals. On April 19, 2004 Council granted approval for the new Official Plan and Zoning By-law amendment resulting in a Restricted Service Commercial Designation and existing Restricted Service Commercial zoning. On September 1, 2004 the approval authority also issued Draft Approval for the revised plan of subdivision superseding the Draft Approval in 2002. The Restricted Service Commercial designation was changed in 2009 through a City-wide Commercial Policy Review which designated the lands as Auto Oriented Commercial Corridor.

On October 18, 2007 the City of London accepted a complete application for an Official Plan & Zoning amendment (OZ-7458, O-7469) which would permit two 3 storey senior citizen apartment buildings with a total of 160 units. On October 23, 2008, the file was closed as the developer at the time no longer had interest in the lands.

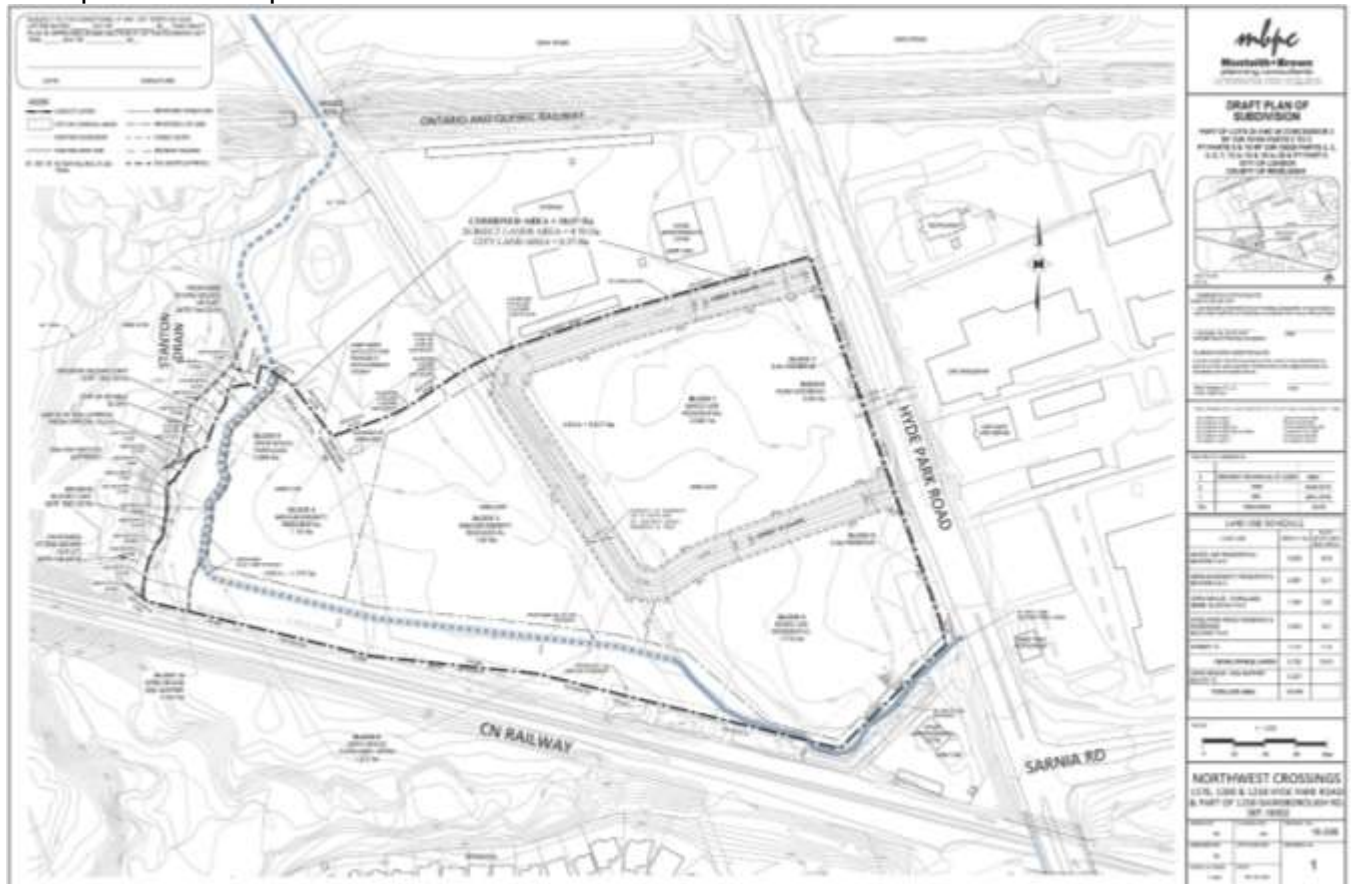
On September 20, 2010 the subdivision file (39T-01507) lapsed as no request for an extension to the draft approval was made. As a result the file was closed and draft approval on the site was removed.

An Official Plan amendment application (O-8822) was accepted on August 29, 2017. The application was for an amendment to the 1989 Official Plan to add a policy to Chapter 10 (Policies for Specific Area) to permit the development of a low-rise to mid-rise mixed-use neighbourhood on the subject lands based on a specific development concept. On March 27, 2018 Council Approved the Official Plan Amendment resulting in a Policy for Specific Area clxvii) which provides detailed policies and regulations as to how the site will develop through a future Plan of Subdivision application and Zoning By-law amendment.

3.2 Applicant's Requested Amendment

The Applicant has submitted a Draft Plan of Subdivision, and Zoning By-Law amendment, to permit the creation of 4 blocks which will accommodate medium density residential development through low to mid-rise apartments and mixed-used buildings along Hyde Park Road. A multi-use pathway is to be provided along the south and westerly edge of the property and public road access via street connection to Hyde Park Road. Details on the full amendment application is provided under Appendix "C" - Public Engagement.

A map of the draft plan of subdivision is found below.



3.3 Community Engagement (see more detail in Appendix B)

Through the public circulation process no comments were received about the proposed Plan of Subdivision and Zoning By-law amendment development were expressed. The comments received by Staff are attached to Appendix "C".

3.5 Policy Context (see more detail in Appendix C)

Planning Act

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

Provincial Policy Statement

The recommended Draft Plan is consistent with the PPS 2020, summarized as follows:

1. Building Strong Healthy Communities:

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

The recommended draft plan is consistent with objectives of Section 1.1.1 by creating healthy, liveable, and safe communities sustained by promoting an efficient development pattern and compact, cost effective development. The proposed plan is also consistent with policies to promote economic development and efficient use of existing municipal infrastructure. The subject lands are within the Urban Growth Boundary (settlement area) and will be serviced by full municipal services. The proposed subdivision provides permissions for a wide range and mix of residential uses and densities. The proposed conceptual plan illustrates the use of low to mid-rise apartment buildings and mixed-use buildings which provide an alternative form of housing to a surrounding area predominately made up of single detached dwellings. The recommended zoning also provides the subdivision the ability to implement alternative residential uses ranging from single detached cluster developments, cluster townhouse developments or apartments depending on market demands. This allows the subdivision the ability to accommodate an appropriate, affordable and market-based range and mix of residential types in keeping with the PPS 2020. The draft plan of subdivision also permits a range of commercial uses to be implemented through mixed use development which will serve the immediate needs of nearby residents.

The draft plan provides for a pedestrian connection along the westerly and southern edge allowing pedestrians to access Hyde Park Road and the London Hyde Park Rotary Link to the north. The large blocks also provide the ability for pedestrian connections to be established throughout the site in future site plan processes. Amenity spaces are also proposed throughout the subdivision meeting the needs of future residents.

2. Wise Use and Management of Resources:

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

unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions”

The site abuts the Kelly Stanton ESA- North on the westerly edge. Through the review of the EIS, Development Services staff, including the City’s Ecologist have worked with the applicant to establish appropriate buffers and setbacks that will form part of the significant feature, and are incorporated into the final zoning. No development is proposed within any significant features.

Additional wetland habitat was identified on site and it has been determined through review with Staff that this wetland can be relocated within the buffer area provided on the westerly edge of the site adjacent to the ESA; this will provide a net benefit to the Natural Heritage System. Through conditions of Draft Approval Staff have ensured that any remaining Natural Heritage concerns are addressed ensuring the development will be in keeping with the PPS.

3. Protecting Public Health and Safety:

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

The London Plan

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

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

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

Our Strategy

Direction #5 is to *Build a Mixed-use Compact City by managing outward growth by supporting infill and intensification within the Urban Growth Boundary in meaningful ways* (59_8). The proposed subdivision is located within the Urban Growth Boundary and within an established community of the City. The subdivision will develop a compact subdivision at a greater density than what currently exists in the area, providing an alternative form of housing within its surrounding context and providing opportunities for shopping, and access to parks, green space and transit within the area.

Direction #7 is to *Build Strong, Healthy and Attractive Neighbourhoods for Everyone* through designing complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, and allowing for affordability and ageing in place (61_2). The proposed subdivision will facilitate the development of low to mid-rise apartments providing a range of unit types along with commercial uses at grade along Hyde Park

Road. The proposed form of development provides opportunities for ageing in place, affordability and an alternative housing choice within the community. The recommended zoning for the subdivision also provides a range of alternative residential land uses depending on market demands.

Direction #8 is to *Make Wise Planning Decisions* by ensuring that planning is in accordance with the *Accessibility for Ontarians with Disabilities Act*, so that all of the elements of the City are accessible for everyone (62_11). The recommended draft plan of subdivision will be required to incorporate sidewalks on both sides of all streets to ensure a walkable and connected community that promotes active health and accessibility, as well as providing a dedicated pathway network for even greater pedestrian connections.

Our City

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

City Building Policies

The City Building policies provide the over-arching direction for how the City will grow over the next 20 years. *City Design* ensures that the built form considers elements such as streets, streetscapes, public spaces, landscapes and buildings. City design is about planning the built form to create positive relationships between these elements (*189_). City design also helps us to create pedestrian and transit-oriented environments that support our plans for integrating mobility and land use (191_). The proposed development incorporates these elements by creating a consistent streetscape along Hyde Park Road which is pedestrian and transit-oriented while the building orientation through the site provides for a positive relationship with Street 'A'. *Active Mobility* is supported by requiring sidewalks to be located on both sides of all streets (*349_). The recommended draft plan conditions require the new streets to include sidewalks on both sides of the streets to reflect the intent of The London Plan for enhanced walkability and connectivity going forward. *Affordable Housing* for larger residential developments should include a 25% affordable housing component through a mix of housing types and sizes (518_). The proposed plan of subdivision provides a range of permissions in regards to the housing forms that could be implemented on the site. The proposed use of low to mid-rise apartments will provide for a choice in unit size, cost and function.

Place Types

The majority of the proposed subdivision is within the Neighbourhoods Place Type, with blocks fronting a future Neighbourhood Street. The easterly edge of the site runs along Hyde Park Road and is within the Shopping Area Place type while the westerly portion of the site is within the Greenspace Place Type. The neighbourhood place type permits a range of residential uses in accordance to street classification, ranging from single detached up to street townhouse dwellings (*921_). The Shopping Area Place Type permits a wider range of uses which includes a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses while mixed-use buildings will be encouraged (877_1,2). Within the Shopping Area Place Type heights shall not exceed four storeys however, through the use of Type 2 Bonusing a maximum of six storeys, may be permitted in conformity with the Our Tools policies of this Plan (878_2).

The Neighbourhood Place Type will be subject to a specific policy which will come into effect upon the resolution of the LPAT hearings. The specific policy will carry over the existing Policy for Specific Area's from the (1989) Official Plan which is identified below. The portion of the site within the Shopping Area Place Type will not require a special policy as the proposed form of development and range of uses within the recommended zoning will be permitted. The Greenspace Place Type on the site will also be changed to a Neighbourhood Place Type upon the resolution of the LPAT hearings based on a previous Council resolution in 2018 which changed these Place Types. The proposed plan of subdivision and zoning amendment are in keeping with these specific policies which provides for a wider range of uses and densities on the property.

“In the Neighbourhoods Place Type located greater than 100 metres from the widened Hyde Park Road right-of-way and east of the westerly limit of the new public street and south of the southerly limit of the new public street, stacked townhouses, triplexes, fourplexes and low-rise apartments will be permitted fronting onto a Neighbourhood Street up to 4-storeys in height.

“In the Neighbourhoods Place Type located west of the westerly limit of the new public street, and north of the northerly limit of the new public street, townhouses, stacked townhouses, triplexes, fourplexes and low-rise apartments will be permitted fronting onto a Neighbourhood Street up to 3-storeys in height.”

(1989) Official Plan

As previously mentioned the subject site underwent an Official Plan amendment (O-8822) in 2017 which added a policy to Chapter 10 (Policies for Specific Area, 10.1.3, clxvii) to permit the development of a low-rise to mid-rise, mixed-use neighbourhood on the subject lands. The intent of this policy was to provide clear direction for the future development of the site which would be implemented through a Plan of Subdivision application and Zoning By-law amendment.

The policy permits a range of residential uses within the existing Open Space and AOCC designations which include townhouses, stacked townhouses, triplexes, fourplexes and apartment buildings. The lands within the current Open Space designation and AOCC designation are permitted heights of 3-storeys while the lands designated Auto Oriented Commercial Corridor (AOCC) that are located greater than 100 metres west of the widened Hyde Park Road right-of-way, and east of the westerly limit of the new public street, and south of the southerly limit of the new public street are permitted 4-storeys in height. The lands fronting Hyde Park within 100 metres west of the widened Hyde Park Road right of-way permits mixed-use buildings up to 6-storeys in height which can consist of retail and service-oriented commercial use and small-scale office uses on the ground floor together with residential uses above. The 6-storeys in height can only be achieved through the use of Bonus Zoning. The policy also permits a gross maximum density of 75 unit per hectare calculated using the total site area.

The proposed draft plan of subdivision and recommended zoning-amendments are in keeping with the, Policies for Specific Area, 10.1.3, clxvii). A bonus zone has been recommended within the appropriate portion of the site to achieve 6-storeys in height along Hyde Park Road while multiple density variations will be used on specific blocks to ensure the total density on the site will remain at 75uph in keeping with the Policies for Specific Area.

3.6 Subdivision Analysis

The proposed Draft Plan has been reviewed on the principle elements, found within the policies of the London Plan:

Subdivision Design and Connectivity

Connectivity and Mobility (307_) are key principles in The London Plan. Within these principles neighbourhoods are promoted to be designed in a manner that use public spaces and parks to serve as mobility linkages through and between neighbourhoods (333_). Access management is also important in ensuring that major streets are not impeded with unnecessary driveway access points (336_). The London Plan also provides direction on connectivity and design through City design policies. It encourages street networks to be designed in a manner which ensure high-quality pedestrian environments and maximized convenience for mobility along with street patterns that are easy and safe to navigate by walking and cycling (211_, 213_). Public spaces should be designed and located as part of, and to support, the active mobility network (246_).

The subdivision design has limited its access points into the development to the two points where the new local road will connect with Hyde Park Road. The commercial

and residential units which will front Hyde Park Road are to be accessed off of the new local street (behind the future developments) ensuring that Hyde Park is not impeded with additional driveway access points. The proposed Street 'A' is a simple loop within the subdivision providing sidewalks on both sides of the road promoting a safe high-quality pedestrian environment which is easy and safe to navigate through the subdivision connecting pedestrians to commercial uses along Hyde Park Road. These internal pedestrian connections in combination with the multi-use path to be located along the southerly edge of the property will not only increase connectivity and mobility for those living within the subdivision but it will finalize the connection of the London Hyde Park Rotary Link which runs north all the way to Fanshawe Park Road connecting this community to other areas of the City.

City Design and Placemaking

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

Placemaking Guidelines were adopted by the City in 2007 to ensure new subdivision development results in livable communities that provide an identifiable character, sense of place, and a high quality of life.

The proposed draft plan of subdivision in combination with the recommended zoning has the ability to provide a mix of complementary uses which includes a range of housing types, forms and choice in combination with the commercial uses within mixed-use buildings along Hyde Park Road. The current development proposal has identified low and mid-rise apartment buildings as the main permitted uses internal to the site and 6-storey, mixed-use buildings along Hyde Park Road. These buildings provide the ability to offer a mix of unit type, size and affordability. The use of bonus zoning along Hyde Park Road also ensures that the future building designs will create an attractive and pleasant streetscape along Hyde Park Road and Street 'A' in keeping with the goals of The London Plan. The bonus zone also requires sufficiently sized amenity areas to be provided within the developments within 100m of Hyde Park Road creating focal points for residential within the community. The development provides for excellent pedestrian connections on the proposed street network and through dedicated pathway connections. The Draft Plan has been designed to support these uses and to achieve an aesthetically-pleasing, mixed-use development that is pedestrian friendly, transit supportive and accessible to the surrounding community.

Natural Heritage/Green Space

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

The west side of the subject site abuts the Kelly Stanton ESA – North. An Environmental Impact Statement (February 24, 2019), was provided as part of the application to address the potential impacts of the development on the abutting ESA and any other significant features found on the site. Through the EIS review process Staff has worked with the applicant to establish an appropriate buffer of 30 metres (Block 5 and 10) that will form part of the significant feature, which will be protected

through the final zoning and dedication to the City and no development is proposed within any significant features.

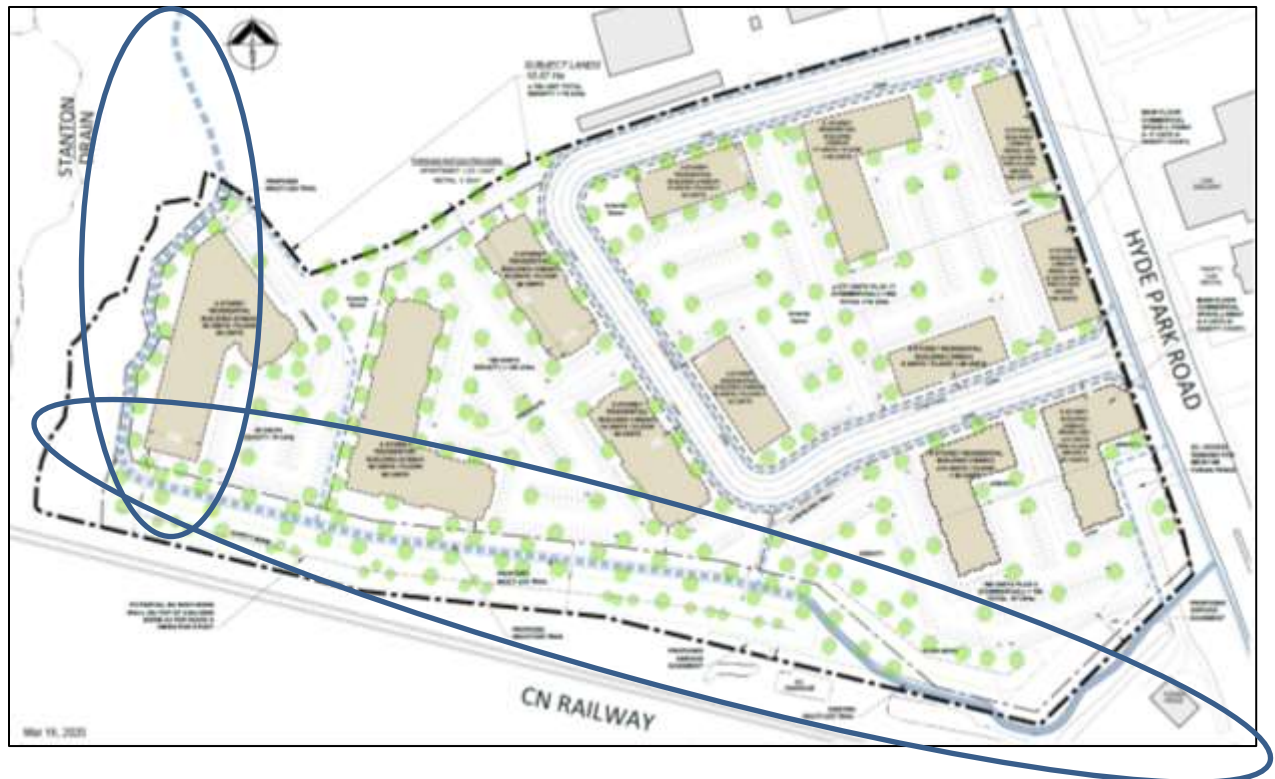
Additional wetland habitat was also identified on site and it has been determined in consultation with Staff that this wetland can be relocated within the buffer area provided on the westerly edge of the site adjacent to the ESA; this will provide a net benefit to the Natural Heritage System. Relocation of the wetland is consistent with The London Plan wetland policies. Through conditions of Draft Approval Staff has ensured that any remaining Natural Heritage concerns are addressed. The conditions will require an updated EIS which will address Natural Heritage Feature identification, protection and mitigation, wetland and habitat compensation and relocation, restoration, monitoring, all to the satisfaction of the City.

UTRCA staff advised that a Section 28 permit be obtained for the relocation of the wetland. The Conservation Authority regulates natural hazards including wetlands in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act. The landowners must obtain written approval from the Authority prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland. Accordingly the UTRCA requests that a FINAL EIS be prepared to our satisfaction which addresses the Conservation Authority's interests including but not limited to the wetlands which are located on the subject lands. The outstanding concerns/interests of the UTRCA will be addressed through the preparation of Final reports and the Section 28 permit approval along with the conditions of draft plan approval.

Parks and Pathways

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

The proposed plan of subdivision is generally isolated from the surrounding context due to its location between two rail lines north and south of the site and abutting ESA to the west. Given the existing community parks in the area it was determined that no large blocks were required through the proposed plan of subdivision. The site does present an opportunity to complete the Hyde Park Rotary Link which currently ends just north of this site. Staff determined that it would be important to continue and finalize this linkage out to Hyde Park Road through land dedication to the City. Three open space blocks (Blocks 5, 6 and 10) will be dedicated to the City providing 1.677 ha (4.1 ac) of open space land to complete the connection. The City will have the ability to build a multi-use pathway within Blocks 5 and 6 creating a continuously linked open space system (410_6) providing linkages through the site and to lands outside of the subdivision. Block 5 and 10 will become part of the abutting ESA providing the continued protection of an environmentally significant feature within the City.



Community Facilities

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

Given the small scale of the proposed subdivision and previously mentioned isolation from the surrounding areas it was determined that the proposed subdivision would not be an ideal location for a community facility. The proposed subdivision is surrounded by several community facilities that will be able to accommodate the needs to the proposed development.

Archaeological and Cultural Heritage

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

The subject site has undergone a Stage 1, 2 and 3 Archeological Assessment. No significance was found on the majority of the site however a portion of the site located at 1176 Hyde Park Road resulted in the identification of one significant archaeological site, registered with the Ministry of Tourism, Culture, and Sport as Location 6 (AfHh-922). This site is also located within the London Township Treaty Area to which Chippewas of the Thames First Nation (COTTFN) is a signatory. A Stage 4 assessment is required within these lands however, due to COVID 19 the necessary parties have been unable to meet to complete the review. As such a holding provision (h-18) is being recommended on Block 4 of the proposed development which will capture the area requiring future Archeological Review and ensure the study is completed prior to and development occurring.

Servicing

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

Stormwater Management

The ultimate SWM will be provided by on site Private Permanent Systems for all blocks within the development. Further SWM refinement will be required through detailed design.

Water

Watermain connections will be made to the municipal main along Hyde Park Road. The Applicant will be required to demonstrate water looping and water quality through phasing at detailed design.

Sanitary

Sanitary servicing will be available through the existing municipal sanitary sewer that currently crosses the site.

Transportation

Transportation has no issues with the proposed location of Street 'A' providing access through the site out to Hyde Park Road

Development Engineering is also requesting holding provisions (h and h-100) over the entire site to ensure that appropriate services will be provided on a site specific basis as development proposals are submitted for the proposed blocks.

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

and

'h-100' Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol. Permitted Interim Uses: A maximum of 80 residential units

Affordable Housing

The London Plan provides direction on affordable housing and identifies that secondary plans and larger residential development proposals should include a 25% affordable housing component through a mix of housing types and sizes. In keeping with this intent, 40% of new housing units within a secondary plan, and lands exceeding five hectares in size outside of any secondary plan, should be in forms other than single detached dwellings (*518_).

The proposed low to mid-rise apartment buildings allows for opportunities to provide affordable housing as apartment buildings can provide different unit sizes, number of bedrooms and use different construction alternatives helping to reduce costs. The proposed development and recommended zoning will add to the medium density housing stock in the surrounding area and provide an alternative and more affordable form of housing in the area.

Green Development

The policies of The London Plan promote sustainability and green development, in an effort to impose minimal impact on the environment, minimize consumption of water and energy, and reduce or eliminate waste outputs such as air pollution, water pollution, wastes and heat in a sustainable fashion. Green cities also have a small ecological footprint – the amount of land and water area required to sustain a city's consumption patterns and absorb its wastes on an annual basis (687_). A healthy city is one that supports the health of those that live in it. It can do so as a result of how it is planned and developed – offering such things as active mobility options, quality parks and recreational facilities for active and passive recreation, a clean and healthy

environment, accessible health care facilities and services, protection from natural hazards, and safe and secure places (690_).

Through future site plan processes, the City will seek to promote green development methods for construction, encourage LID solutions and where possible limit the amount of surface parking and promote landscape open space throughout the site.

4.0 Key Issues and Considerations

4.2 Amendments to the Zoning By-law

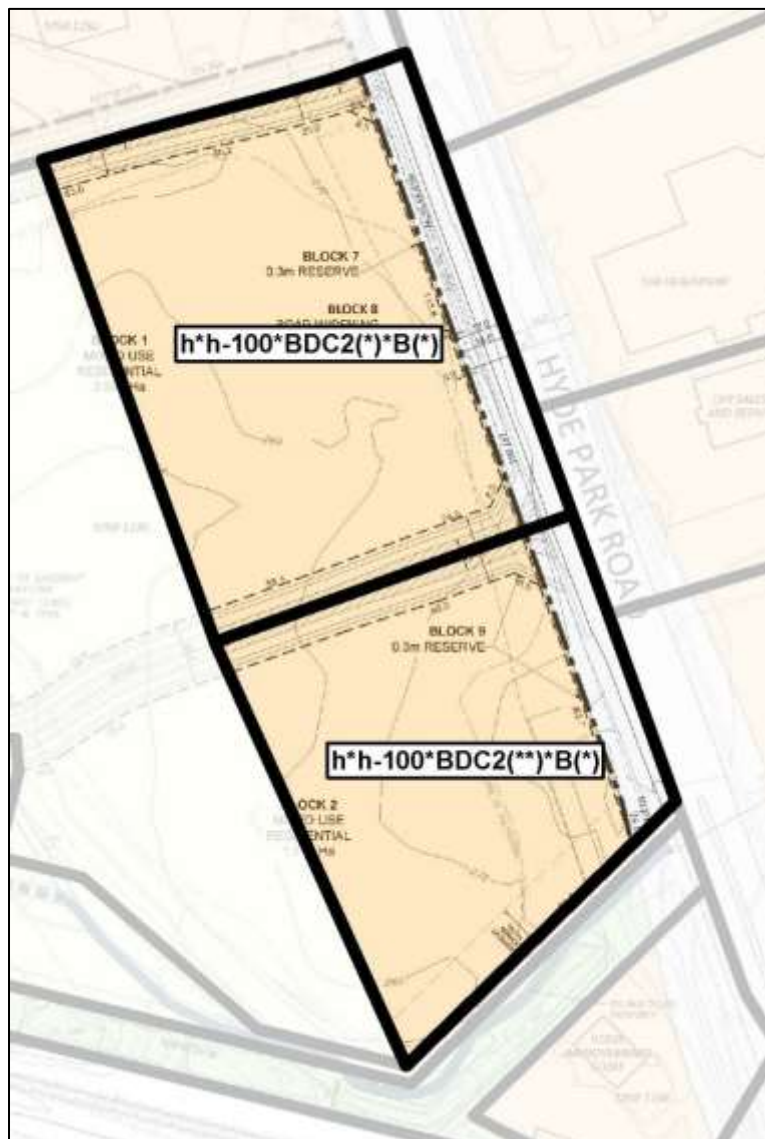
Any applications for amendments to the City of London Zoning By-law shall be subject to the applicable policies of the City of London Official Plan. Consideration of other land uses through a Zoning By-law amendment shall be subject to a Planning Impact Analysis as described in the applicable designation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

The use of the h and h-100 holding provisions will be applied to every zone variation on the site to ensure adequate servicing is available as the blocks come in for development in the future. The subject site is also permitted a net density of 75uph for the total area. The total area of the site is 10.07 hectares intern permitting approximately 750 units to be dispersed over the site. A range of densities will be identified on specific portions of the site resulting in a net density of 75uph for the site.

The proposed zoning amendments are as follows:

- 1) Holding Business District Commercial Special Provision Bonus (h*h-100*BDC2(*)*B(*) Zone (West portion of Block 1) Holding Business District Commercial Special Provision Bonus (h*h-100*BDC2(**)*B(*) Zone (West portion of Block 2).
 - Use:
 - Through the recommended zoning, mixed-use apartment buildings fronting Hyde Park Road and apartment buildings within the rear portion of the zone will be permitted in keeping with the Policy for Specific Area (10.1.3 clxvii) and the Shopping Area Place Type. A special provision is being recommended to permit residential units on the main floor of the internal residential buildings as the BDC2 zone requires commercial uses at grade. Staff, believe commercial units within a residential building internal to the site is not the preferred location and feel the commercial units provided along Hyde Park Road through the mixed use buildings will be sufficient to service the area.
 - A wide range of commercial uses will also be permitted through the implementation of the BDC2 zone. These uses are in keeping with the Shopping Area Place Type of The London Plan.
 - Additional uses have also been requested. These include a Continuum of Care Facility, Retirement lodge or Retirement Home and Nursing Home. These uses are generally residential in nature in keeping with the intent of the Shopping Area Place Type and are being recommended for approval.
 - Intensity:
 - The recommended zoning would permit a density of 175 uph on the front portion of Block 1 and 144 uph on the front portion of Block 2. These densities combined with the other recommended densities within the subdivision ensure the site remains under 75uph as per the Policy for Specific Areas.
 - Form:
 - Through the recommended bonus zone mixed-use apartment buildings fronting Hyde Park Road and apartment buildings within the rear portion of the zone are permitted a to maximum height of 6-storeys (22m). The bonus zone identifies specific design criteria which will be implemented through future Site Plan Approval applications in return for the proposed increases in height. The proposed heights are permitted through

- bonusing within the Policy for Specific Area (10.1.3 clxvii) and the Shopping Area Place Type;
- Regulations within the bonus zone also ensure a 4.5 metre main floor height for commercial uses is required along Hyde Park Road. This will create a strong pedestrian interface along the street edge and provide a more appropriate scale, helping to reduce the visual impacts of the 6-storeys.
 - Special provisions are being recommended to reduce setback requirements for the rear yard depth when abutting a residential zone. The recommended regulation is for 3 metres, whereas the previous regulation required 3.0 metres (9.8 feet) plus 1.2 metres (4.0 feet) for each 3.0 metres (9.8 feet) of building height or part thereof above the first 3.0 metres (9.8 feet). Given the likely hood of the rear portion of the BDC2 zone developing for residential uses this provides for a more appropriate setback from the abutting residential lands to the west. However, if commercial uses were developed appropriate buffering is still in place.
 - A special provision has also been recommended for a minimum setback of 30 metres from the railway right-of-way similar to the bonus zone. A special provision is being recommended to permit residential units on the main floor of the internal residential buildings as the BDC2 zone requires commercial uses at grade.
- Planning Impact Analysis:
 - Overall, the proposed zones will be compatible with future lands uses. The proposed blocks and Zone boundary are of a sufficient size and shape to accommodate the proposed uses.



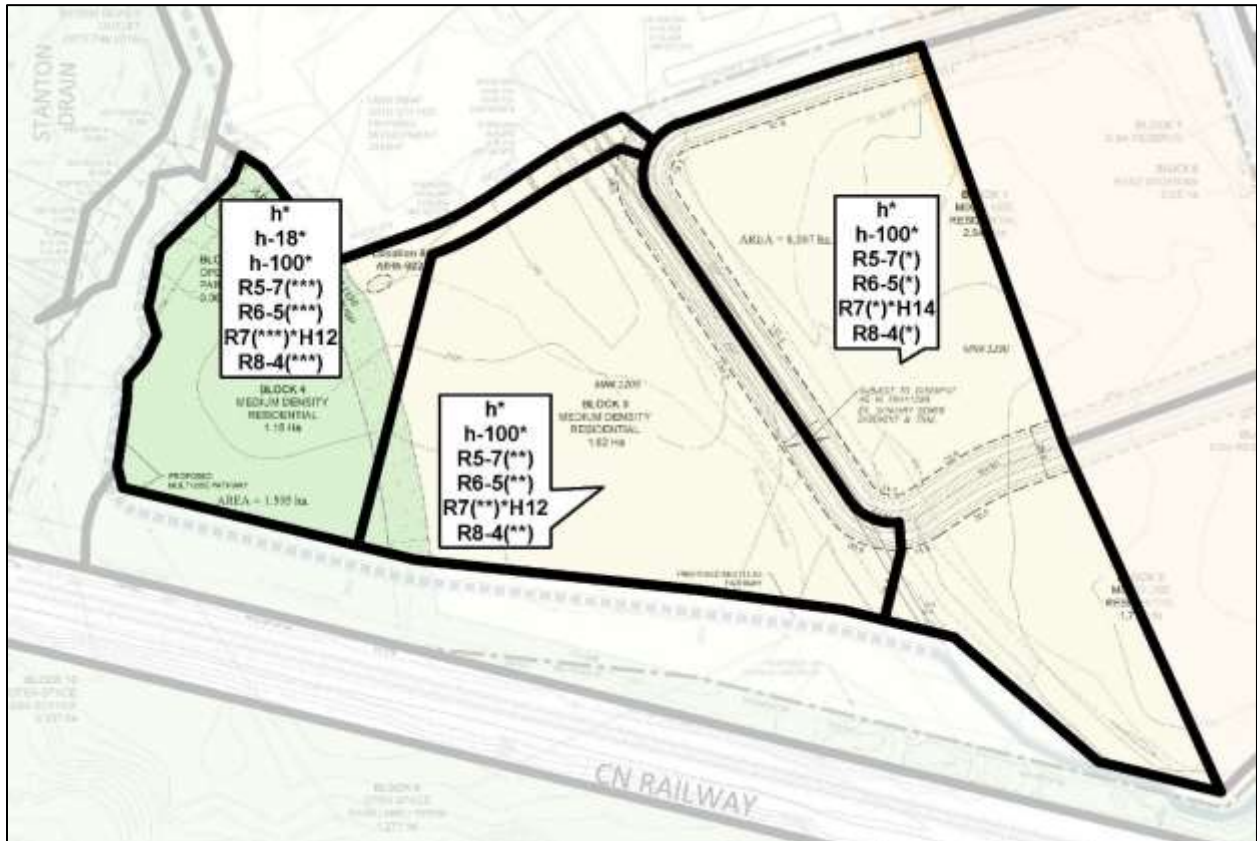
- 2) Holding Residential R5/R6/R7/R8 Special Provision (h*h-100*R5-7(*)/R6-5(*)/R7(*)*H14/R8-4(*) Zone (East Portion of Block 1 & 2) and Holding Residential R5/R6/R7/R8 Special Provision (h*h-100*R5-7(**)/R6-5(**)/R7(**)*H12/R8-4(**) Zone (Block 3) and Holding Residential R5/R6/R7/R8 Special Provision (h*h-

100*h-18*R5-7(***)/R6-5(***)/R7(***)*H12/R8-4(***) Zone (Block 4).

The above recommended zones share the same base residential zones. Different special provisions have been applied to specific blocks but the range of permitted uses is the same.

- Use:
 - The range of uses permitted with the proposed zones range from low density cluster developments to apartment buildings. These uses are considered appropriate and are specifically permitted within the Policy for Specific Area (10.1.3 clxvii). This policy is being carried over into the Neighbourhoods Place Type of The London Plan, ensuring the continuation of these uses in the future.
- Intensity:
 - East portion of Blocks 1 & 2: A special provision is being recommended to permit a maximum net density of 35 uph for the portion of lands within this zone. The net density is required in this instance as the proposed concept plan does not identify any development on the rear portion of Block 2 so no potential density could be established specific to this block. Since the site is able to pull densities from different land areas, the applicant is requesting that this land area be included when calculating the total number of units permitted for Block 1. Staff are in agreement with this approach as the net density being recommended is 35uph for this portion of the development. This would allow the proposed density and form of development shown on Block 1 within the Concept Plan however not sterilize the portion of lands on Block 2 in case the development concept were to change.
 - Block 3: The recommended special provision within the proposed zoning would permit a density of 100uph. This density when combined with the other recommended densities within the subdivision ensure the overall development remains under 75uph as per the Policy for Specific Areas.
 - Block 4: The recommended special provision within the proposed zoning would permit a density of 90uph. This density when combined with the other recommended densities within the subdivision ensure the overall development remains under 75uph as per the Policy for Specific Areas.
- Form:
 - East portion of Block 1 and 2: The proposed apartment buildings on Block 1 permits up to 4-storeys in height. Through the recommended special provision an increase in height to 14m is required to achieve the proposed 4-storeys maximum permitted. This special provision and request for 4-storeys in height is in keeping with the Policy for Specific Area (10.1.3 clxvii) which permits apartments at 4-storeys in height, specifically within this portion of the subdivision.
 - Block 1, 2 and 3: A special provision is being recommended to reduce the front and exterior side yard depths. This allows the buildings to be brought closer to the roads and create a stronger street wall and enhanced pedestrian interface along Street 'A' through the interior of the development. This direction was provided through comments from Urban Design Staff.
 - Block 4: Due to the location of Block 4 at the rear of the site and limited frontage along Street 'A' a reduced lot frontage of 10m is required through the special provision. This provides enough room to permit access from Street 'A' to the rear block.
 - All Blocks: Due to the abutting railway along the southerly portion of the site a special provision is required for all zones ensuring a minimum 30 metre setback is in place from the railway.
 - The recommended residential zones listed above which have frontage along Street 'A' will have a special provisions helping guide the form of development. The provision ensures that the front face and primary entrance of dwellings shall be oriented to adjacent streets. This provision was a result of comments provide by Urban Design Staff to encourage street oriented development.

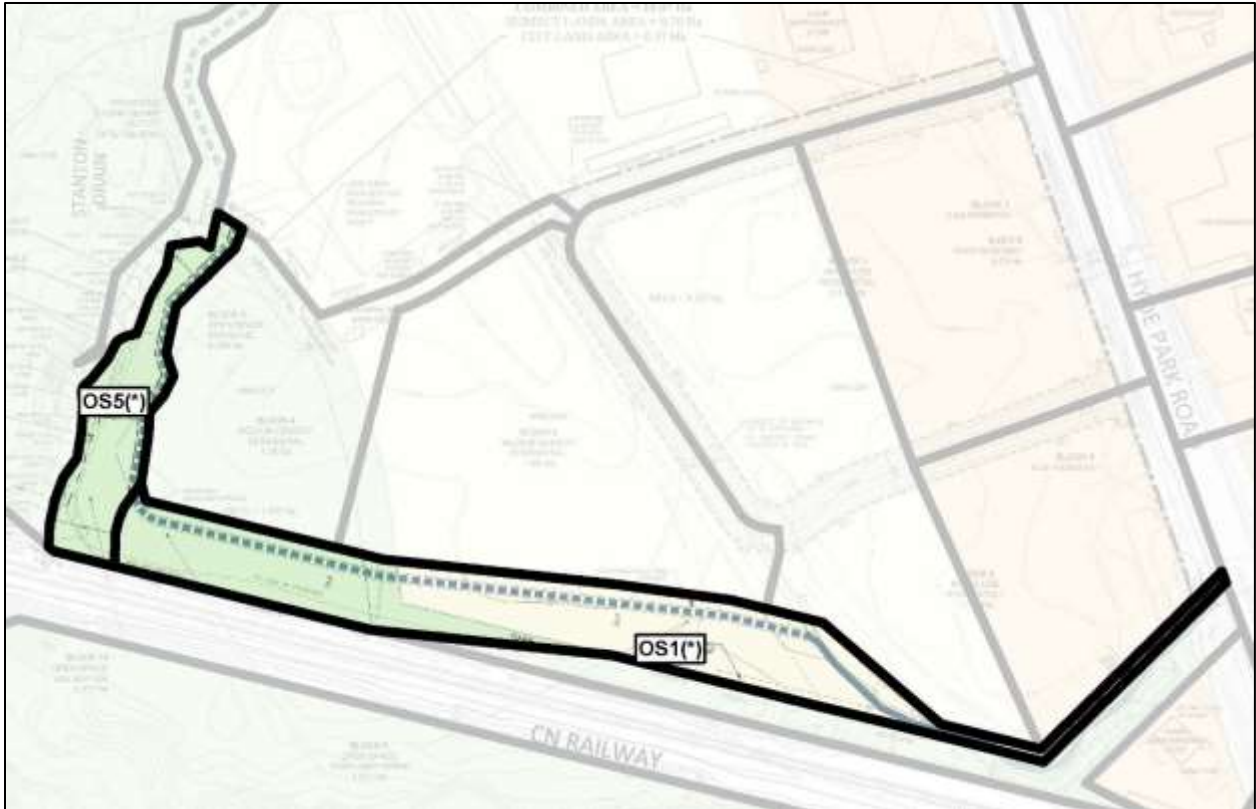
- Planning Impact Analysis:
 - Overall, the proposed zones will be compatible with future lands uses. The proposed blocks and Zone boundary are of a sufficient size and shape to accommodate the proposed uses.



3) Open Space (OS1(*)) Zone (Blocks 5 & 6), an Open Space (OS5(*)) Zone (Block 10)

- Use:
 - **Block 6:** The lands within the proposed OS1(*) zone will be dedicated to the City. This area will provide for a multi-use pathway, 15m in width, followed by a berm with a future noise wall on top which will reduce noise impacts on future development from the abutting rail line. The proposed multi-use path is considered an appropriate use within this area.
 - A special provision is required for the OS1 zone to recognize the reduced lot frontage at Hyde Park Road, 5 metres is being recommended where 15 metres is required. Given that the proposed OS1(*) corridor will abut an existing City owned OS1 corridor the lands once dedicated to the City will total approximately 28 metres of frontage along Hyde Park Road.
 - **Block 5 & 10:** The lands located within Block 5 and 10 is the agreed upon 30 metre buffer between the future development and abutting ESA. These lands are to be zoned OS5 and dedicated to the City to ensure the protection of the ESA. The OS5 Zone ensures that no development shall occur within these lands. Within Block 5 Parks Planning has agreed to a 5 metre wide multi-use pathway along the easterly edge of the buffer area. This reduced size and location help ensure the continued protection of the abutting ESA. Both The London Plan and the (1989) Official Plan recognize and permit parks and multi-use pathways within various designations and Place Types;
- Intensity and Form:
 - Pathways, parks and open space features are integral parts to any new and developing subdivisions and are encouraged through multiple policies in all Plans. The form and size of the pathways and parks have been agreed upon with staff and the Applicant;
- Planning Impact Analysis:
 - The parks, pathways and opens space areas are not anticipated to negatively impact the proposed subdivision, and will provide the necessary open space that are envisioned through The London Plan and

- the (1989) Official Plan;
- Additional:
 - o The OS5 lands require a special provision for reduced lot frontage and lot area.



4) Bonus Zone Design Criteria:

As mentioned a bonus zone has also been applied for to permit an increase in height up to 6-storeys within 100m of Hyde Park Road. Below is the Design Criteria that will be attached to the recommended Zoning By-law in return for the proposed increase in height.

Design Criteria

Site Development

- Building Sitting:
 - o Buildings shall be located along the majority of the Hyde Park Road and Street 'A' frontages to provide for a built edge along the street;
 - o All service and loading facilities associated with building shall be located within and/or behind buildings away from amenity areas and not visible from the public street.
- Pedestrian Connectivity:
 - o Mid-block walkway connections from Hyde Park Road through Block 1 shall be provided between buildings fronting Hyde Park Road, leading to internal parking area and to walkways behind buildings leading to sidewalks along the northern and southern portions of Street 'A';
 - o Walkway connections from the sidewalk along Hyde Park Road shall be provided from both ends of the building for Block 2, with a further connection to the sidewalk along Street 'A'.
- Access and Parking:
 - o Vehicular access for both Blocks 1 and 2 shall be provided from Street 'A'.
 - o No parking or vehicular drive isles shall be located between buildings and the Hyde Park road frontage.
 - o Low masonry walls (max. 0.75m), complimentary in design to the buildings, shall be provided with a combination of landscaping to screen any parking located along the edge of Street 'A'.
- Common Outdoor Amenity Areas:

- Outdoor common amenity areas shall be provided for each building, alternatively these spaces can be combined into one, centrally located common outdoor amenity space per Block.
- These spaces shall be an appropriate size to provide adequate amenity for the proposed number of residents and provide the opportunity for passive and/or active recreation.
- These spaces shall be located within close proximity to a building entrance/exit. Alternatively a safe, appropriately sized, and conveniently aligned walkway connection(s) will be provided from the nearest building entrance/exit. If the spaces are combined into one centrally located space provide for walkways from each building to the space.
- Enhanced landscaping shall be provided along the Hyde Park Road frontage in the form of small amenity areas and trees between buildings. Efforts will be made to provide opportunities for additional amenity space through site and building design, with the intention of providing spaces for residents and visitors to enjoy the outdoors and animating street frontages to facilitate pedestrian oriented environments

Built form

- All buildings:
 - The development shall feature contemporary building designs with a mix and articulation of building materials including brick, metal panels, concrete, wood veneer and vision and spandrel glass;
 - Buildings shall be designed in a way that breaks up the structures horizontally and vertically through articulation, architectural details, and an appropriate proportion and rhythm of windows and balconies
- Buildings along Hyde Park frontage:
 - The design for buildings facing Hyde Park Road shall be defined by complementary changes in building articulation and design above the 4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building.
 - Buildings shall include active commercial uses along the Hyde Park Road frontage, and all main floor commercial unit entrances shall be oriented towards Hyde Park Road.
 - The ground-floor street façade shall be primarily comprised of vision glazing for views into and out of the building. Where vision glazing is not used, alternative urban design measures that contribute to an animated streetscape shall be required;
 - Overhead protection from natural elements shall be provided above the first floor in locations such as pedestrian entrances where appropriate to architecturally differentiate the building base from the upper levels;
- Buildings along the Street 'A' frontage:
 - The development shall provide street-oriented features for residential buildings, including individual entrances to ground-floor residential units with operable and lockable doors, and pedestrian-scale features such as lighting and weather protection. Private amenity areas shall also be provided and may include enclosed courtyards with a combination of planters and low decorative fencing.
 - The design for buildings facing Street 'A' shall be defined by complementary changes in building articulation and design above the 4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building.

5.0 Conclusion

The proposed amendments are consistent with the Provincial Policy Statement, 2014 which promotes a compact form of development in strategic locations to minimize land consumption and servicing costs and provide for a range of housing types and densities to meet projected requirements of current and future residents. The proposed changes to the Zoning By-law No. Z.-1 will implement the recommended draft plan, which will ultimately support the proposed range of commercial and medium density residential development opportunities within the site, including more intensive, mixed-use apartments along Hyde Park Road. The Draft Plan has been designed to support these uses and to achieve an aesthetically-pleasing, mixed-use development that is pedestrian friendly, transit supportive and accessible to the surrounding community.

Prepared by:	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.	

MC/mc

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

Appendix “A” – Zoning By-law Amendment

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 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road.

WHEREAS Northwest Crossings Ltd. has applied to rezone an area of land located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough 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 the easterly portion of the lands located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from a Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) Zone, to a Holding Business District Commercial Special Provision Bonus (h*h-100*BDC2(*)*B(*) Zone and Holding Business District Commercial Special Provision Bonus (h*h-100*BDC2(**)*B(*) Zone .
- 2) Section Number 25.4 of the Business District Commercial (BDC2) Zone is amended by adding the following Special Provision:
 -) BDC2(*) 1230 Hyde Park Road
 - a) Additional Permitted Uses:
 - i) Continuum-of-Care Facility (with any or all of the other permitted uses on the first floor)
 - ii) Retirement Lodge or Retirement Home (with any or all of the other permitted uses on the first floor)
 - iii) Nursing Home (with any or all of the other permitted uses on the first floor)
 - b) Regulations:
 - i) Density (maximum) 175 uph (71 units per acre)
 - ii) Interior Side Yard & Rear Yard Depth Abutting a Residential Zone (minimum) 3 metres (9.84 feet)
 - iii) Dwelling units shall be permitted on the first floor of internal apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes, this does not include apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes fronting Hyde Park Road which shall be mixed-use buildings.
- 3) Section Number 25.4 of the Business District Commercial (BDC2) Zone is amended by adding the following Special Provision:

-) BDC2(**) 1230 Hyde Park Road
- a) Additional Permitted Uses:
- i) Continuum of Care Facility (with any or all of the other permitted uses on the first floor)
 - ii) Retirement Lodge or Retirement Home (with any or all of the other permitted uses on the first floor)
 - iii) Nursing Home (with any or all of the other permitted uses on the first floor)
- b) Regulations:
- i) Density (maximum) 144 uph (59 units per acre)
 - ii) Interior Side Yard & Rear Yard Depth Abutting a Residential Zone (minimum) 3 metres (9.84 feet)
 - iii) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
 - iv) Dwelling units shall be permitted on the first floor of internal apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes, this does not include apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes fronting Hyde Park Road which shall be mixed-use buildings.

- 4) Section Number 4.3 of the General Provisions in By-law No. Z.-1 is amended by adding the following new Bonus Zone:

-) B(*) 1230 Hyde Park Road

The Bonus Zone shall be implemented through a development agreement to facilitate the development of high quality mixed-use apartment buildings and standalone apartment buildings with a maximum height of 22 metres (6-storeys) which substantively implements the site-specific "Design Criteria".

Design Criteria

Site Development

- Building Sitting:
 - Buildings shall be located along the majority of the Hyde Park Road and Street 'A' frontages to provide for a built edge along the street;
 - All service and loading facilities associated with building shall be located within and/or behind buildings away from amenity areas and not visible from the public street.
- Pedestrian Connectivity:
 - Mid-block walkway connections from Hyde Park Road through Block 1 shall be provided between buildings fronting Hyde Park Road, leading to internal parking area and to walkways behind buildings leading to sidewalks along the northern and southern portions of Street 'A';
 - Walkway connections from the sidewalk along Hyde Park Road shall be provided from both ends of the building for Block 2, with a further connection to the sidewalk along Street 'A'.
- Access and Parking:
 - Vehicular access for both Blocks 1 and 2 shall be provided from Street 'A'.
 - No parking or vehicular drive isles shall be located between buildings and the Hyde Park road frontage.

- Low masonry walls (max. 0.75m), complimentary in design to the buildings, shall be provided with a combination of landscaping to screen any parking located along the edge of Street 'A'.
- Common Outdoor Amenity Areas:
 - Outdoor common amenity areas shall be provided for each building, alternatively these spaces can be combined into one, centrally located common outdoor amenity space per Block.
 - These spaces shall be an appropriate size to provide adequate amenity for the proposed number of residents and provide the opportunity for passive and/or active recreation.
 - These spaces shall be located within close proximity to a building entrance/exit. Alternatively a safe, appropriately sized, and conveniently aligned walkway connection(s) will be provided from the nearest building entrance/exit. If the spaces are combined into one centrally located space provide for walkways from each building to the space.
 - Enhanced landscaping shall be provided along the Hyde Park Road frontage in the form of small amenity areas and trees between buildings. Efforts will be made to provide opportunities for additional amenity space through site and building design, with the intention of providing spaces for residents and visitors to enjoy the outdoors and animating street frontages to facilitate pedestrian-oriented environments

Built form

- All buildings:
 - The development shall feature contemporary building designs with a mix and articulation of building materials including brick, metal panels, concrete, wood veneer and vision and spandrel glass;
 - Buildings shall be designed in a way that breaks up the structures horizontally and vertically through articulation, architectural details, and an appropriate proportion and rhythm of windows and balconies
- Buildings along Hyde Park frontage:
 - The design for buildings facing Hyde Park Road shall be defined by complementary changes in building articulation and design above the 4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building.
 - Buildings shall include active commercial uses along the Hyde Park Road frontage, and all main floor commercial unit entrances shall be oriented towards Hyde Park Road.
 - The ground-floor street façade shall be primarily comprised of vision glazing for views into and out of the building. Where vision glazing is not used, alternative urban design measures that contribute to an animated streetscape shall be required.”;
 - Overhead protection from natural elements shall be provided above the first floor in locations such as pedestrian entrances where appropriate to architecturally differentiate the building base from the upper levels;
- Buildings along the Street 'A' frontage:
 - The development shall provide street-oriented features for residential buildings, including individual entrances to ground-floor residential units with operable and lockable doors, and pedestrian-scale features such as lighting and weather protection. Private amenity areas shall also be provided and may include enclosed courtyards with a combination of planters and low decorative fencing.
 - The design for buildings facing Street 'A' shall be defined by complementary changes in building articulation and design above the 4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a

step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building.

a) Regulations:

- | | | |
|------|---|------------------------------------|
| i) | Height
(maximum) | 22 metres (72 feet)
(6-storeys) |
| ii) | Ground Floor Height
(minimum) | 4.5 metres (14.76
feet) |
| iii) | Dwelling units shall be permitted on the first floor of internal apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes, this does not include apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes fronting Hyde Park Road which shall be mixed-use buildings. | |

- 5) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the middle portion of the lands located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from a Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) Zone to a Holding Residential Special Provision (h*h-100*R5-7(*)/R6-5(*)/R7(*)*H14/R8-4(*) Zone and from an Open Space (OS1) Zone to a Holding Residential Special Provision (h*h-100*R5-7(*)/R6-5(*)/R7(*)*H14/R8-4(*) Zone.
- 6) Section Number 9.4 of the Residential R5 (R5-7) Zone is amended by adding the following Special Provision:

) R5-7(*) 1200 & 1230 Hyde Park Road

a) Regulation[s]

- | | | |
|------|--|---|
| i) | Net Density
(maximum) | 35 uph (based on
total land area
within the zone) |
| ii) | Height
(maximum) | 14 metres
(45.9 feet) |
| iii) | Front & Exterior side Yard Depth
(minimum) | 3 metres
(9.84 feet) |
| iv) | Setback from Railway
Right of Way (minimum) | 30 metres
(98.4 feet) |
| v) | The front face and primary entrance of dwellings shall be oriented to adjacent streets | |

- 7) Section Number 10.4 of the Residential R6 (R6-5) Zone is amended by adding the following Special Provision:

) R6-5(*) 1200 & 1230 Hyde Park Road

a) Regulation[s]

- | | | |
|----|--------------------------|---|
| i) | Net Density
(maximum) | 35 uph (based on
total land area
within the zone) |
|----|--------------------------|---|

- ii) Height (maximum) 14 metres (45.9 feet) (4 storeys)
- iii) Front & Exterior side Yard Depth (minimum) 3 metres (9.84 feet)
- iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
- v) The front face and primary entrance of dwellings shall be oriented to adjacent streets

8) Section Number 11.4 of the Residential R7 (R7) Zone is amended by adding the following Special Provision:

) R7(*) 1200 & 1230 Hyde Park Road

a) Regulation[s]

- i) Net Density (maximum) 35 uph (based on total land area within the zone)
- ii) Height (maximum) 14 metres (45.9 feet), 4-storeys
- iii) Front & Exterior Yard Depth (minimum) 3 metres (9.84 feet)
- iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
- v) The front face and primary entrance of dwellings shall be oriented to adjacent streets

9) Section Number 12.4 of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:

) R8-4(*) 1200 & 1230 Hyde Park Road

a) Regulation[s]

- i) Net Density (maximum) 35 uph (based on total land area within the zone)
- ii) Height (maximum) 14 metres (45.9 feet), 4-storeys
- iii) Front & Exterior Yard Depth (minimum) 3 metres (9.84 feet)
- iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
- v) The front face and primary entrance of dwellings shall be oriented to adjacent streets

10) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the westerly portion of lands located at 1176, 1200, 1230 Hyde Park Road and

portion of 1150 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from a Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) an Open Space (OS1) Zone, to a Holding Residential Special Provision (h*h-100*R5-7(**)/R6-5(**)/R7(**)*H12/R8-4(**) Zone.

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

-) R5-7(**) 1176, 1200 & 1230 Hyde Park Road and a portion of 1150 Gainsborough Road

a) Regulation[s]

- | | | |
|------|--|----------------------------|
| i) | Density
(maximum) | 100uph (41 units per acre) |
| ii) | Front & Exterior side Yard Depth
(minimum) | 3 metres (9.84 feet) |
| iii) | Setback from Railway
Right of Way (minimum) | 30 metres (98.4 feet) |
| iv) | The front face and primary entrance of dwellings shall be oriented to adjacent streets | |

- 12) Section Number 10.4 of the Residential R6 (R6-5) Zone is amended by adding the following Special Provision:

- R6-5(**) 1176, 1200 & 1230 Hyde Park Road and a portion of 1150 Gainsborough Road

a) Regulation[s]

- | | | |
|------|--|-----------------------------|
| i) | Density
(maximum) | 100 uph (41 units per acre) |
| ii) | Height | 3 storey (maximum) |
| iii) | Front & Exterior side Yard Depth
(minimum) | 3 metres (9.84 feet) |
| iv) | Setback from Railway
Right of Way (minimum) | 30 metres (98.4 feet) |
| v) | The front face and primary entrance of dwellings shall be oriented to adjacent streets | |

- 15) Section Number 11.4 of the Residential R7 (R7) Zone is amended by adding the following Special Provision:

-) R7(**) 1176, 1200 & 1230 Hyde Park Road and a portion of 1150 Gainsborough Road

a) Regulation[s]

- | | | |
|-----|----------------------|----------------------------|
| i) | Density
(maximum) | 100uph (41 units per acre) |
| ii) | Height | 3 storey (maximum) |

- iii) Front & Exterior Yard Depth (minimum) 3 metres (9.84 feet)
- iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
- v) The front face and primary entrance of dwellings shall be oriented to adjacent streets

13) Section Number 12.4 of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:

-) R8-4(**) 1176, 1200 & 1230 Hyde Park Road and a portion of 1150 Gainsborough Road

a) Regulation[s]

- i) Density (maximum) 100uph (41 units per acre)
- ii) Height 3 storey (maximum)
- iii) Front & Exterior Yard Depth (minimum) 3 metres (9.84 feet)
- iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
- v) The front face and primary entrance of dwellings shall be oriented to adjacent streets

14) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the westerly portion of lands located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from a Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) an Open Space (OS1) Zone, to a Holding Residential Special Provision (h*h-100*h-18*R5-7(***)/R6-5(***)/R7(***)*H12/R8-4(***) Zone.

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

-) R5-7(***) 1176 & 1200 Hyde Park Road and a portion of 1150 Gainsborough Road

a) Regulation[s]

- i) Density (maximum) 90uph (37 units per acre)
- ii) Lot Frontage (maximum) 10 metres (32.8 feet)
- iii) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)

16) Section Number 10.4 of the Residential R6 (R6-5) Zone is amended by adding the following Special Provision:

R6-5(***) 1176 & 1200 Hyde Park Road and a portion of 1150
Gainsborough Road

a) Regulation[s]

i)	Density (maximum)	90uph (37 units per acre)
ii)	Height	3 storey (maximum)
iii)	Lot Frontage (minimum)	10 metres (32.8 feet)
iv)	Setback from Railway Right of Way (minimum)	30 metres (98.4 feet)

17) Section Number 11.4 of the Residential R7 (R7) Zone is amended by adding the following Special Provision:

) R7(***) 1176 & 1200 Hyde Park Road and a portion of 1150
Gainsborough Road

a) Regulation[s]

i)	Density (maximum)	90uph (37 units per acre)
ii)	Height	3 storey (maximum)
iii)	Lot Frontage (minimum)	10 metres (32.8 feet)
iv)	Setback from Railway Right of Way (minimum)	30 metres (98.4 feet)

18) Section Number 12.4 of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:

) R8-4(***) 1176 & 1200 Hyde Park Road and a portion of 1150
Gainsborough Road

a) Regulation[s]

i)	Density (maximum)	90uph (37 units per acre)
ii)	Height	3 storey (maximum)
iii)	Lot Frontage (minimum)	10 metres (32.8 feet)
iv)	Setback from Railway Right of Way (minimum)	30 metres (98.4 feet)

19) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the southerly portion of lands located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from a Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)), to an Open Space Special Provision (OS1(*)) Zone.

- 20) Section Number 36.4 of the Open Space (OS1) Zone is amended by adding the following Special Provision:

36.4) OS1(*) 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road

a) Regulation[s]

i) Lot Frontage (minimum) 5 metres (16.4 feet)

- 21) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the westerly portion of lands located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from an Open Space (OS1) Zone, to an Open Space (OS5) Zone.

36.4) OS5(*) 1176, Hyde Park Road

a) Regulation[s]

i) Lot Frontage (minimum) 0 metres (0 feet)

ii) Lot Area (minimum) 3,300 m² (0 feet)

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

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

PASSED in Open Council on September 15, 2020.

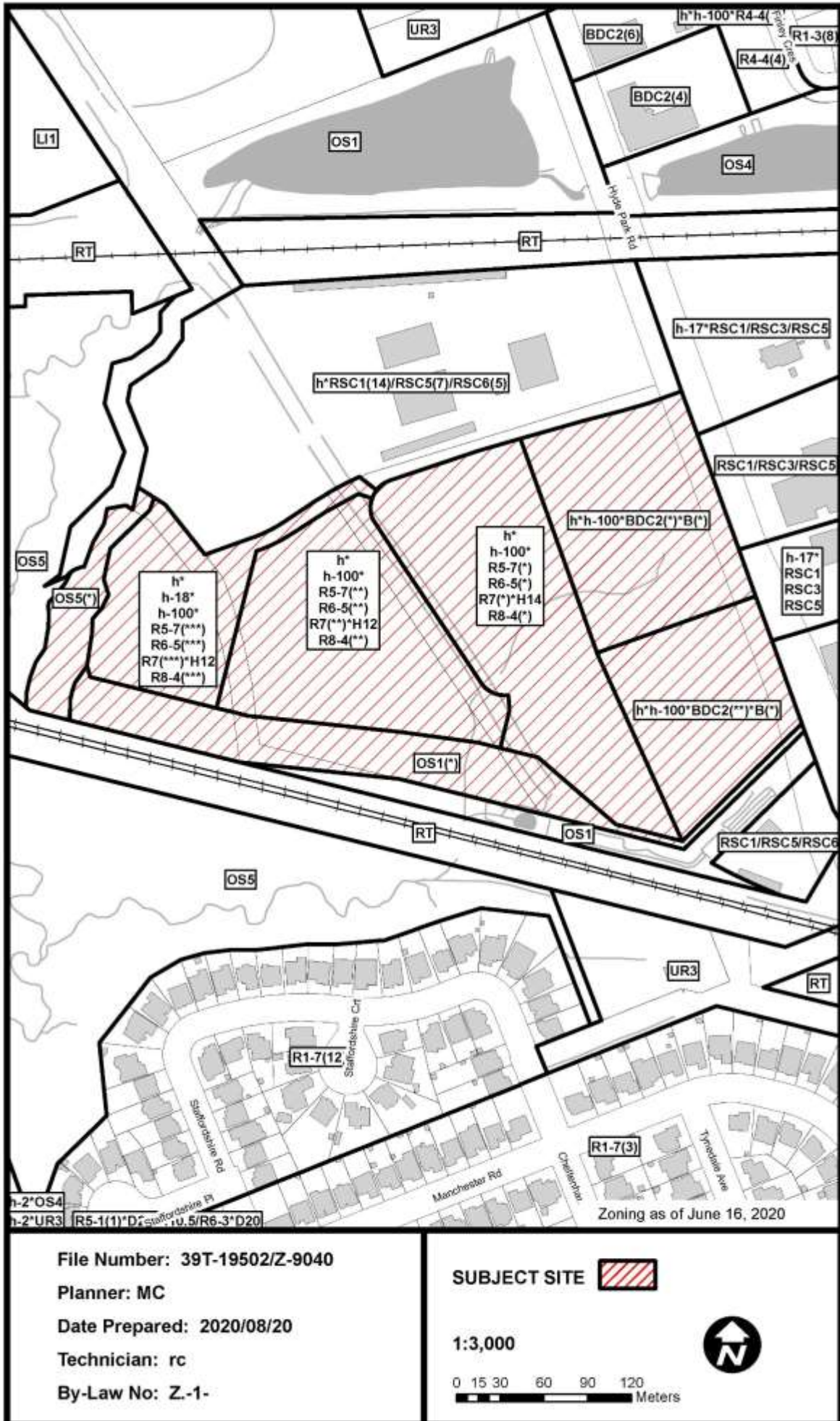
Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 15, 2020
Second Reading – September 15, 2020
Third Reading – September 15, 2020

Schedule "A"

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



Appendix “B” – Draft Approved Plan and Conditions

THE CORPORATION OF THE CITY OF LONDON’S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-19502 ARE AS FOLLOWS:

NO. CONDITIONS

General

1. This draft approval applies to the draft plan submitted by Jay McGuffin on behalf of Northwest Crossings London Limited. (File No. 39T-19502), prepared by Monteith Brown Planning Consultants, and certified by Peter Moreton OLS, (Project No. 16-200, dated March 18, 2020), which shows two (2) mixed use residential blocks, two (2) medium density residential blocks, three (3) open space blocks, one (1) road widening block and two (2) 0.3 m reserve blocks, all served by one (1) local/neighbourhood streets (Street A).
2. This approval applies for three years, and if final approval is not given by that date, the draft approval shall lapse, except in the case where an extension has been granted by the Approval Authority.
3. The Owner shall enter into a subdivision agreement with the City, in the City’s current approved form (a copy of which can be obtained from Development Services), which includes all works and services required for this plan, and this agreement shall be registered against the lands to which it applies.
4. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City’s standards, guidelines or requirements shall be satisfactory to the City.
5. In conjunction with the first submission of engineering drawings, street(s) shall be named and the municipal addressing shall be assigned to the satisfaction of the City.
6. Prior to final approval, the Owner shall submit to the Approval Authority a digital file of the plan to be registered in a format compiled to the satisfaction of the City of London and referenced to NAD83UTM horizon control network for the City of London mapping program.
7. The Owner shall satisfy all the requirements, financial and otherwise, of the City of London in order to implement the conditions of this draft approval.
8. Prior to final approval the Owner shall pay in full all financial obligations/encumbrances owing to the City on the said lands, including property taxes and local improvement charges.
9. Prior to final approval, the Owner shall provide copies of all transfer documentation for all land transfers/dedications and easements being conveyed to the City, for the City’s review and approval.
10. Prior to final approval, for the purposes of satisfying any of the conditions of draft approval herein contained, the Owner shall file with the Approval Authority a complete submission consisting of all required clearances, fees, final plans, and any required studies, reports, data, information or detailed engineering drawings, and to advise the Approval Authority in writing how each of the conditions of draft approval has been, or will be, satisfied. The Owner acknowledges that, in the event that the final approval package does not include the complete information

required by the Approval Authority, such submission will be returned to the Owner without detailed review by the City.

Planning

11. Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision.
12. In conjunction with the submission of Focused Design Studies, and prior to any demolition, site alteration activities or any other soil disturbances, the Owner shall retain an archaeologist, licensed by the Ministry of Tourism, Culture and Sport under provisions of the Ontario Heritage Act (R.S.O. 1990 as amended) to carry out all required archaeological assessment(s) for Block 4 and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. The archaeological assessment(s) 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 and as a pdf, must be submitted to the City of London once the Ministry of Tourism, Culture and Sport has accepted them into the Public Registry. The Owner shall submit the Ministry's compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied prior to any site works.
13. The Owner shall construct or install the recommendations of the submitted noise and vibration report or these recommendations may be included as a provision or set of provisions in the subdivision agreement, entered into between the Owner and the municipality that is to be registered on title.

The following warning clauses shall be included in the subdivision agreement to be registered on Title and in subsequent Offers of Purchase and Sale for the affected lots:

"Purchasers are advised that despite the inclusion of noise control measures within the subdivision and within the individual building unit, noise levels may continue to be of concern, occasionally interfering with some activities of the dwelling occupants. There may be alterations to or expansions of the Rail facilities on such right-of-way in the future including the possibility that the Railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the subdivision and individual dwellings; and the Railway will not be responsible for any complaints or claims arising from the use of its facilities and/or operations."

"Warning to Solicitors: Solicitors are advised to stress the importance of the above noted warning clause when advising their clients on the purchase of units in the subdivision."

"The City of London assumes no responsibility for noise issues which may arise from the existing or increased traffic of the Canadian National Railway, the Canadian Pacific Railway or Hyde Park Road as it relates to the interior or outdoor living areas of any dwelling unit within the development. The City of London will not be responsible for constructing any form of noise mitigation for this development."

Blocks 1-2:

"Purchasers/tenants are advised that sound levels due to increasing rail and road traffic may occasionally interfere with some activities of the

dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."

Blocks 2-4:

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

14. Prior to the issuance of Certificate of Conditional Approval, the Owner shall erect a 1.83 metres chain link fence from the return on the noise attenuation fence to the mutual property line with CN Rail.
15. Prior to the issuance of the Certificate of Conditional Approval, the Owner shall erect a berm, or combination berm and noise attenuation fence, having extensions or returns at the ends, located entirely on the subject property, parallel to the railway right-of-way with a minimum total height of 5.5 metres above top-of-rail, a minimum berm height of 2.5 metres and sides slopes not steeper than 2.5 to 1, and a noise attenuation fence or wall to be constructed to CN Rail standards. No openings in the noise attenuation fence shall be permitted unless otherwise approved by the City.
16. The Owner shall circulate the lot grading and drainage plan to CN Rail for its review in a timely manner. The City Engineer will have regard for the comments from CN Rail when reviewing and approving the lot grading and drainage plans.
17. In conjunction with the first submission engineering drawings, if any proposed alterations to the existing drainage pattern affecting railway property are proposed, the Owner shall substantiate the proposed changes by having its consultant prepare and submit a drainage report for review by the CN Railway and the City Engineer.
18. The subdivision agreement shall contain clauses that all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing, noise control measures and vibration isolation measures implemented are not to be tampered with or altered and further that the owner shall have sole responsibility for maintaining these features in accordance with the approved plan and/or provision or set of provisions included in the subdivision agreement.

Parks Planning

19. The Owner shall convey up to 5% for residential lands and 2% for commercial lands of the lands included within this plan to the City of London for park purposes. This shall include redlined Blocks 5 and 6 (less land within the existing municipal easements) and/or a cash-in-lieu payment to satisfy any outstanding balance in accordance with By-law CP-9.
20. In conjunction with the first submission of Engineering drawings, the Owner shall include a table detailing the manner in which parkland dedication requirements will be satisfied for this development.
21. In conjunction with the first submission of Engineering drawings, and in conjunction with the above table, the Owner shall confirm all railway infrastructure and safety features (such as berms and fences) are not located within municipally owned parkland.
22. Prior to the submission of the first engineering drawings, the owner shall consult with Environmental and Parks Planning Division to prepare:

- A concept/buffer plan for all open space blocks, and
 - A concept plan for all proposed pathway blocks
23. In conjunction with the first submission of Engineering drawings, the Owner shall include all grade, service and seed details on all areas dedicated for parkland, to the satisfaction of the City.
24. The Owner shall construct a 1.5m high chain link fencing without gates and/or property monuments in accordance with current City park standards or approved alternate, along the property limit interface of all existing and proposed private lots adjacent to existing and/or future Park and Open Space Blocks. Fencing and/or the installation of monuments shall be completed to the satisfaction of the City, within one (1) year of the registration of the plan.
25. The Owner shall not grade into any public Park or Open Space lands. In instances where this is not practical or desirable, any grading into the public Park or Open Space lands shall be to the satisfaction of the City Planner.
26. Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site inspection reports submitted to the Development Services Division monthly during development activity.
27. The Owners shall dedicate Open Space Block 10 to the City in exchange for the City's acceptance of Block 6 which contains the constructed railway safety berm and noise wall. The condition of the constructed noise attenuation wall and safety berm will be to the satisfaction of the City.

Natural Heritage

28. In conjunction with Focused Design Studies submissions, the Owner shall provide an updated and Final Environmental Impact Study in the form of an addendum, to address Natural Heritage Feature identification, protection and mitigation, wetland and habitat compensation, restoration, monitoring, all to the satisfaction of the City.
29. In conjunction with the Focused Design Studies submission, the Owner shall have their ecological consultant detail the implementation for each of the recommendations and the Environmental Management Plan in the approved Environmental Impact Study and all addendums, all to the satisfaction of the City.
30. As part of the Focused Design Studies submission, the Owner's Landscape Architect and Ecologist shall prepare and provide a Restoration Plan for all ecological buffers and naturalization areas within the OS lands, all to the satisfaction of the City.
31. In conjunction with the first submission of engineering drawings, the Owner's Landscape Architect and Ecologist shall prepare drawings detailing the buffer and naturalization areas restoration plan for the OS lands, all to the satisfaction of the City.

Monitoring of Ecological Works

32. In conjunction with the first submission engineering drawings, the Owner's ecological consultant shall prepare and submit a minimum 3 to 5 year detailed monitoring program for the OS zoned lands and for all ecological works, to the satisfaction of the City. The Owner's consultant shall provide a bi-annual monitoring report for each year of the program to Development Services, unless otherwise directed in writing by the City Engineer or City Planner.

Erosion and Sediment Control

33. The Owner shall implement the requirements of the City concerning sedimentation and erosion control measures during all phases of construction, all to the satisfaction of the City. The Owner shall provide monthly status reports to the City Planner and the City Engineer ensuring the approved measures are in place and fully functioning, prior to and during all work on the site, unless otherwise directed in writing by the City Planner or City Engineer.
34. Prior to construction, site alteration or installation of services, robust double run silt fencing with straw bales and other erosion control measures must be installed and certified with a site inspection report, all to the satisfaction of the City.

Tree Preservation

35. As part of the Focused Design Studies, the Owner shall have a Tree Preservation Report and Plan prepared for lands within the proposed draft plan of subdivision as required by the Tree Inventory. Tree preservation shall be established prior to grading/servicing design to accommodate maximum tree preservation. The Tree Preservation Report and Plan shall focus on the preservation of quality specimen trees within Lots and Blocks and shall be completed in accordance with the current City of London Guidelines for the preparation of Tree Preservation Reports and Tree Preservation Plans all to the satisfaction of the City. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.
36. Focused Design Studies, the Owner's qualified consultant shall undertake a Hazard Tree Assessment Study for the Block xxx. The study will undertake a tree risk assessment to identify hazard trees or hazardous parts of any trees within falling distance of lot lines and provide recommendations to abate the hazard, all to the satisfaction of the City.

Homeowners Guide

37. As part of the first submission of engineering drawings, the Owner shall prepare for delivery to all residences an education package which explains the stewardship of natural area, the features and its functions, the value of existing tree cover and the protection and utilization of the grading and drainage pattern on these lots. The educational package shall be prepared to the satisfaction of the City. The approved package shall be delivered to homeowners upon occupancy.

UTRCA

38. In conjunction with the first submission of engineering drawings, that a Final Geotechnical Report (slope stability analysis) be prepared to the satisfaction of the UTRCA which addresses the outstanding comments/concerns regarding the slope assessment.
39. In conjunction with the Focus Design Studies submission, that a Final Environmental Impact Study be prepared to the satisfaction of the UTRCA that addresses our interests including but not limited to the wetlands and habitat compensation.
40. In conjunction with the first submission of engineering drawings, that a Final Stormwater Management Report be prepared to the satisfaction of the City of London and which also addresses the interests of the UTRCA.
41. In conjunction with the first submission of engineering drawings, that a Water Balance Analysis be prepared to the satisfaction of the UTRCA to address the concerns identified through the review of the EIS and the SWM report.

42. In accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, that the Owner/Proponent obtain the necessary permits and approvals from the UTRCA prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, site alteration to watercourse and/or interference with a wetland.

SEWERS & WATERMAINS

Sanitary:

43. In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer prepare and submit a Sanitary Servicing Study to include the following design information:
- i) Provide a sanitary drainage area plan, including the preliminary sanitary sewer routing and the external areas to be serviced, to the satisfaction of the City;
 - ii) Provide clarification that the proposed zoning amendments and the respective changes in population, drainage area and the outlet(s) is compatible with accepted record drawings and drainage area plans. Any external areas that are tributary are to be accommodated and routing and sewer extensions are to be shown such that they could connect to their respective outlet locations. Any upgrades, if required, are to be at no cost to the City.
 - iii) Propose a suitable routing for the sanitary sewer to be constructed through this plan. Further to this, the consulting engineer shall be required to provide an opinion for the need for an Environmental Assessment under the Class EA requirements for this sanitary trunk sewer;
 - iv) Provide sufficient information to confirm that the sewer easement/lot frontage for Block 4, proposed by the Owner, at the north limit of Block 3, is adequate and viable to comply with City standards;
 - v) Provide sufficient details of the private drain connections, invert elevations, separation distance and impact on proposed foundations for these Blocks. The proposed blocks should also identify proposed building envelope on these blocks. The building should align more with the lot flankage opposite the easement to reduce impact or provide adequate setback from the easement including building overhangs and may need deepened footings.
 - vi) To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, provide a hydrogeological report that includes an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken;
44. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of sanitary services for this draft plan of subdivision:
- i) Construct sanitary sewers to serve this Plan and connect them to the existing municipal sewer system, namely, the 1200 mm diameter Hyde Park Trunk sanitary sewer, in this Plan of Subdivision;
 - ii) Construct a maintenance access road and provide a standard municipal easement for any section of the sewer not located within the road allowance, to the satisfaction of the City;
 - iii) Implementing all inflow and infiltration mitigation measures to meet allowable inflow and infiltration level as identified by OPSS 407 and OPSS 410 as well as any additional measures recommended in the hydrogeological report;
 - iv) Make provisions for oversizing of the internal sanitary sewers in this draft plan to accommodate flows from the upstream lands external to this plan, all to the satisfaction of the City. This sewer must be extended to the limits of this plan and/or property line to service the upstream external lands; and
 - v) Where trunk sewers are greater than 8 metres in depth and are located within the municipal roadway, the Owner shall construct a local sanitary

sewer to provide servicing outlets for private drain connections, to the satisfaction of the City. The local sanitary sewer will be at the sole cost of the Owner. Any exception will require the approval of the City Engineer.

Storm and Stormwater Management (SWM)

45. In conjunction with the first submission of engineering drawings, the Owner shall have his consulting engineer prepare and submit a Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation to address the following:
- i) Identifying the storm/drainage and SWM servicing works for the subject and external lands and how the interim drainage from external lands will be handled, all to the satisfaction of the City;
 - ii) Identifying major and minor storm flow routes for the subject and external lands, to the satisfaction of the City;
 - iii) Ensuring that all existing upstream external flows traversing this plan of subdivision are accommodated within the overall minor and major storm conveyance servicing system(s) design, all to the specifications and satisfaction of the City Engineer.
 - iv) Providing details on any proposed municipal Oil Grit Separator(s) for stormwater management purposes, if necessary;
 - v) Providing details on berm and linear stormwater management facility abutting rail-line;
 - vi) Providing details of outlet through CPR embankment to discharge to SWM 1B1;
 - vii) Details of storm sewer and proposed easement through Block 4 & to Stanton Drain;
 - viii) Conduct a Headwater Drainage Feature (HDF) assessment of all open watercourses and Municipal Drains located within this plan and confirm an appropriate management strategy for each, in consultation with the City and the UTRCA, all to the satisfaction of the City Engineer and the Upper Thames River Conservation Authority;
 - ix) Conduct a hydrogeological assessment to identify a target infiltration rate in millimetres per hectare and implement Low Impact Development measures to achieve the water balance and meet ground recharge objectives, to the satisfaction of the City Engineer;
 - x) Addressing any rerouting, enclosure and/or removal of any existing open watercourses in this plan, if necessary, and identify the needs for any setbacks from the open watercourses;
 - xi) Providing a preliminary plan demonstrating how the proposed grading will match the grading of the existing linear Stormwater Management Facility built by the City;
 - xii) Developing a sediment and erosion control plan(s) that will identify all required sediment and erosion control measures for the subject lands in accordance with City of London and Ministry of the Environment, Conservation and Parks standards and requirements, all to the satisfaction of the City. The sediment and erosion control plan(s) shall identify all interim and long term measures that would be required for both registration and construction phasing/staging of the development and any major revisions to these plans after the initial acceptance shall be reviewed/accepted by the City of London for conformance to our standards and Ministry of the Environment, Conservation and Parks requirements;
 - xiii) Provide an erosion/sediment control plan as a component of the Functional Storm/Drainage Servicing Report associated with any proposed LID features that will identify all erosion and sediment control measures to be used prior, during and after the LID features are implemented and any other identified erosion and sediment control measures for the site; and
 - xiv) Implementing SWM soft measure Best Management Practices (BMP's) within the Plan, where possible, to the satisfaction of the City. The acceptance of these measures by the City will be subject to the presence

of adequate geotechnical conditions within this Plan and the approval of the City Engineer.

46. The above-noted Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation, prepared by the Owner's consulting professional engineer, shall be in accordance with the recommendations and requirements of the following:
- i) The SWM criteria and environmental targets for the Stanton Drain Subwatershed Study and any addendums/amendments;
 - ii) The Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal Class Environmental Assessment Study, completed in 2002;
 - iii) The Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal Class EA Addendum (2018);
 - iv) The Storm Drainage and SWM Servicing works Letter/Report for the subject lands/development prepared and accepted in accordance with the File Manager process, City requirements and to the satisfaction of the City Engineer;
 - v) The City's Design Requirements for Permanent Private Stormwater Systems approved by City Council and effective as of January 1, 2012. The stormwater requirements for PPS for all medium/high density residential, institutional, commercial and industrial development sites are contained in this document, which may include but not be limited to quantity/quality control, erosion, stream morphology, etc.;
 - vi) The City of London Environmental and Engineering Services Department Design Specifications and Requirements, as revised;
 - vii) The City's Waste Discharge and Drainage By-laws, lot grading standards, Policies, requirements and practices;
 - viii) The Ministry of the Environment, Conservation and Parks (MECP) SWM Practices Planning and Design Manual, as revised, including updates and companion manuals; and
 - ix) Applicable Acts, Policies, Guidelines, Standards and Requirements of all required approval agencies.
47. Prior to any work on the site, the Owner's professional engineer shall submit these sediment and erosion control measures as a component of the Functional Storm/Drainage Servicing Report and is to have these measures established and approved all to the satisfaction of the City Engineer. Further, the Owner's professional engineer must confirm that the required sediment and erosion control measures are being maintained and operated as intended during all phases of construction
48. Should there be any proposed stormwater management design deviations for the major and minor storm outlets from the pertinent Functional SWM reports listed above for the development of this plan, than these proposed design changes are to be provided in a detailed functional SWM report for this development identifying both major and minor flow proposals, and if required, the Owner shall make arrangement to revise any issued ECA's for the existing facilities to reflect the proposed changes at no cost to the City and to the satisfaction of the City Engineer.
49. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of stormwater management (SWM) and stormwater services for this draft plan of subdivision:
- i) Construct storm sewers to serve this plan, located within the Stanton Drain Subwatershed, and outlet Blocks 3 and 4, to the Stanton Drain and Blocks 1 and 2, to the existing railway culvert beneath the CN rail line, as per the accepted engineering drawings;
 - ii) Blocks 1 and 2 shall be provided with Permanent Private Stormwater Systems;
 - iii) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan;

- iv) Grade and drain the boundaries of Blocks 3 and 4, to blend in with the abutting Open Space on Block 5 in this Plan, at no cost to the City;
 - v) Construct and implement erosion and sediment control measures as accepted in the Storm/Drainage and SWM Servicing Functional Report or a SWM Servicing Letter/Report of Confirmation for these lands and the Owner shall correct any deficiencies of the erosion and sediment control measures forthwith; and
 - vi) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
50. Prior to the issuance of any Certificates of Conditional Approval for any lot in this plan, the Owner shall complete the following:
- i) For lots and blocks in this plan or as otherwise approved by the City Engineer, all storm/drainage and SWM related works to serve this plan must be constructed and operational in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City;
 - ii) Construct and have operational the major and minor storm flow routes for the subject lands, to the satisfaction of the City;
 - iii) Implement all geotechnical/slope stability recommendations made by the geotechnical report accepted by the City; and
 - iv) Update the draft plan to adapt to the conclusions of the HDF assessment, including but not limited to, adjustments to the road pattern and lot fabric to accommodate existing watercourse alignments, proposed realignments, enclosures, abandonments or removal of any open watercourse or Municipal Drains in accordance with the final HDF report, to the satisfaction of the City Engineer and the UTRCA;
 - v) submit a Monitoring and Operational Procedure Manual for the maintenance and monitoring program for any proposed municipal Oil Grit separators within this plan, in accordance with the City's "Monitoring and Operational Procedures for Stormwater Management Facilities" requirements to the City for review and acceptance. The program will include, but not be limited to, the following:
 - a. A work program manual for the maintenance and monitoring of these facilities;
 - b. Protocol of sediment sampling and recording of sediment accumulation volumes; and
 - c. Storage and discharge monitoring.
51. Following construction and prior to the assumption of any proposed municipal Oil Grit separators, the Owner shall complete the following, at no cost to the City, all to the satisfaction of the City Engineer:
- i) Operate, maintain and monitor the proposed municipal Oil Grit separators in accordance with the accepted maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities";
 - ii) Have it's consulting professional engineer submit semi-annual monitoring reports in accordance with the approved maintenance and monitoring program and the City's "Monitoring and Operational Procedure for Stormwater Management Facilities" to the City for review and acceptance; and
 - iii) Ensure that any removal and disposal of sediment is to an approved site satisfactory to the City Engineer.
52. The Owner shall red-line the draft plan and transfer to the City, at no cost to the City, the lands along the northern portion of the existing SWM facility located in Part 25, Plan 33R-16526 of size and location as identified and required in the Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal Class EA Addendum (2018) to accommodate a maintenance path, recreational path and access to the existing watermain, all to the satisfaction of the City Engineer.

53. The Owner shall provide all adequate easements, if required, at no cost to the City, in relation to stormwater/drainage and SWM Servicing works of the subject lands as indicated and required to the Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal Class EA Addendum (2018), to the satisfaction of the City Engineer.
54. Prior to the acceptance of engineering drawings, the Owner's professional engineer shall certify the subdivision has been designed such that increased and accelerated stormwater runoff from this subdivision will not cause damage to downstream lands, properties or structures beyond the limits of this subdivision. Notwithstanding any requirements of, or any approval given by the City, the Owner shall indemnify the City against any damage or claim for damages arising out of or alleged to have arisen out of such increased or accelerated stormwater runoff from this subdivision.
55. In conjunction with the first submission of engineering drawings, the Owner shall have a report prepared by a qualified consultant, and if necessary, a detailed hydro geological investigation carried out by a qualified consultant, or provide confirmation that the existing hydrogeological investigation is adequate to determine, including but not limited to, the following:
- i) the effects of the construction associated with this subdivision on the existing ground water elevations and domestic or farm wells in the area
 - ii) identify any abandoned wells in this plan
 - iii) assess the impact on water balance in the plan
 - iv) any fill required in the plan
 - v) provide recommendations for foundation design should high groundwater be encountered
 - vi) identify all required mitigation measures including Low Impact Development (LIDs) solutions
 - vii) address any contamination impacts that may be anticipated or experienced as a result of the said construction
 - ix) provide recommendations regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on the site.
 - x) To meet allowable inflow and infiltration levels as identified by OPSS 410 and OPSS 407, include an analysis to establish the water table level of lands within the subdivision with respect to the depth of the sanitary sewers and recommend additional measures, if any, which need to be undertaken

all to the satisfaction of the City.

56. In conjunction with the first submission of engineering drawings, the Owner shall have a qualified consultant carry out a hydrogeological investigation and/or addendum to the existing hydrogeological investigation(s) based on the final subdivision design, to determine the potential short-term and long-term effects of the construction associated with the development on existing ground water elevations and to assess the impact on the water balance of the subject plan, identifying all required mitigation measures, including Low Impact Development (LIDs) solutions to the satisfaction of the City Engineer. The report should identify any abandoned wells in this plan, as well as provide recommendations for foundation design should high groundwater be encountered, to the satisfaction of the City Engineer. If necessary, the report is to also address any contamination impacts that may be anticipated or experienced as a result of the said construction as well as provide recommendation regarding soil conditions and fill needs in the location of any existing watercourses or bodies of water on site. Elements of the hydrogeological investigation should include, but are not limited to, the following:
- i) Evaluation of the hydrogeological regime, including specific aquifer properties, static groundwater levels, and groundwater flow direction;
 - ii) Evaluation of water quality characteristics and the potential interaction between shallow groundwater, surface water features, and nearby natural heritage features;

- iii) Evaluation of potential nearby domestic wells;
- iv) Completion of a water balance for the proposed development, revised to include the use of LIDs as appropriate;
- v) Completion of a water balance for the nearby natural heritage features that may be impacted as a result of the proposed development, if applicable, revised to include the use of LIDs as appropriate;
- vi) Details related to proposed LID solutions, if applicable, including details related to the long term operations of the LID systems as it relates to seasonal fluctuations of the groundwater table. Note that if LIDs are being considered as part of the overall design for the site, field testing (eg. field infiltration testing) should be undertaken at proposed LID locations;
- vii) Estimation of dewatering requirements to support construction related activities, including anticipated dewatering rates, radius of influence, proposed discharge locations and sediment and erosion controls;
- viii) Evaluation of construction related impacts and their potential effects on the shallow groundwater system;
- ix) Evaluation of construction related impacts and their potential effects on local significant features, including nearby domestic wells (if applicable);
- x) Development of appropriate short-term and long-term monitoring plans (if applicable);
- xi) Development of appropriate contingency plans (if applicable) in the event of groundwater interference related to construction.

57. The Owner shall ensure the post-development discharge flow from the east portion of the subject site must not exceed the capacity of the existing culvert beneath the CN rail line. In an event where the condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirements for permanent Private Stormwater Systems.

Watermains

58. In conjunction with the first submission of engineering drawings, the Owner shall have their consulting engineer prepare and submit a water servicing report including the following design information, all to the satisfaction of the City Engineer:

- i) Water distribution system analysis & modeling and hydraulic calculations for the Plan of Subdivision confirming system design requirements are being met;
- ii) Identify domestic and fire flows for the potential ICI/medium/high density Blocks from the low-level (high-level) water distribution system;
- iii) Address water quality and identify measures to maintain water quality from zero build-out through full build-out of the subdivision;
- iv) Including modeling for two fire flow scenarios as follows:
 - a) Max Day + Fire confirming velocities and pressures within the system at the design fire flows, and
 - b) Max Day + Fire confirming the available fire flows at fire hydrants at 20 PSI residual. Identify fire flows available from each proposed hydrant to be constructed and determine the appropriate colour hydrant markers (identifying hydrant rated capacity)
- v) Include a staging and phasing report as applicable which addresses the requirement to maintain interim water quality;
- vi) Develop a looping strategy when development is proposed to proceed beyond 80 units;
- vii) Identify any water servicing requirements necessary to provide water servicing to external lands, incorporating existing area plans as applicable;
- viii) Identify any need for the construction of or improvement to external works necessary to provide water servicing to this Plan of Subdivision;
- ix) Identify any required watermain oversizing, if necessary, and any cost sharing agreements;

- x) Identify the effect of development on existing water infrastructure – identify potential conflicts;
 - xi) Include full-sized water distribution and area plan(s);
 - xii) Identify on the water distribution plan and area plan(s) which includes identifying the location of valves & hydrants, the type and location of water quality measures to be implemented (including automatic flushing device settings and outlet, the fire hydrant rated capacity & marker colour, and the design domestic and fire flow applied to development Blocks.
59. 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 municipal system, namely the existing 450 mm diameter watermain on Hyde Park Road.
 - ii) Deliver confirmation that the watermain system has been looped to the satisfaction of the City Engineer when development is proposed to proceed beyond 80 units;
 - iii) Available fire flows and appropriate hydrant rated capacity colour code markers are to be shown on the engineering drawings; the coloured fire hydrant markers will be installed by the City of London at the time of Conditional Approval; and
60. The Owner shall obtain all necessary approvals from the City Engineer for the servicing of all Blocks in this Plan of Subdivision prior to the installation of any water services to or within these Blocks.
61. The Owner shall include an 18 metre easement at the south limits of Block 2 adjacent to the existing watermain, as per the Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal Class EA Addendum (2018), to the satisfaction of the City Engineer.
62. The Owner shall make all necessary arrangements to have adequate municipal easements for the existing watermain registered on title and include in the Agreement of Purchase and Sale or Lease and in the transfer of deed of Block 2 in this Plan, a covenant by the purchase or transferee stating that the purchaser or transferee of the said Blocks shall observe and comply with the City easement, all to the satisfaction of the City, at no cost to the City.

STREETS, TRANSPORTATION & SURVEYS

Roadworks

63. All through intersections and connections with existing streets and internal to this subdivision shall align with the opposing streets based on the centrelines of the street aligning through their intersections thereby having these streets centred with each other, unless otherwise approved by the City Engineer.
64. In conjunction with the first submission of engineering drawings submission, the Owner shall have its consulting engineer provide the following, all to the specifications and satisfaction of the City Engineer:
- i) provide a proposed layout plan of the internal road network including taper details for streets in this plan that change right-of-way widths with minimum 30 metre tapers for review and acceptance with respect to road geometries, including but not limited to, right-of-way widths, tapers, tangents, bends, intersection layout, daylighting triangles, etc., and include any associated adjustments to the abutting lots. The roads shall be equally tapered and aligned based on the road centrelines and it should be noted tapers are not to be within intersections.

- ii) provide a concept of the restricted access of Street 'A' (south) to Hyde Park Road in accordance with City standards;
- ii) confirm that the centreline of Street 'A' (north and south legs) are aligned perpendicular to Hyde Park Road, to the satisfaction of the City Engineer.
- iv) confirm that all streets in the subdivision have centreline radii which conforms to the City of London Standard "Minimum Centreline Radii of Curvature of Roads in Subdivisions:"

65. At 'tee' intersection, the projected road centreline of the intersecting street shall intersect the through street at 90 degrees with a minimum 6 metre tangent being required along the street lines of the intersecting road, to the satisfaction of the City.

66. The Owner shall have it's professional engineer design and construct the roadworks in accordance with the following road widths:

- i) Street 'A' has a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20 metres.
- ii) Street 'A' (north and south legs) from Hyde Park Road to 30 metres west have a minimum road pavement width (excluding gutters) of 10.0 metres with a minimum road allowance of 21.5 metres, including enhanced landscape boulevards. The widened road on Street 'A' (north and south legs) shall be equally aligned from the centreline of the road and tapered back to the 8.0 metres of road pavement width (excluding gutters) and 20.0 metres of road allowance width for this street with 30 metre long tapers on both street lines.

67. The Owner shall align Street 'A' perpendicular to Hyde Park Road, to the satisfaction of the City.

68. The Owner shall comply with all City standards as found in the Design Specifications and Requirements Manual (eg. reverse curves, 6 metre straight tangents, etc.), to the satisfaction of the City Engineer.

69. The Owner shall construct a rights-in/rights-out access on Street 'A' (south leg) with Hyde Park Road, to the satisfaction of the City.

70. The Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:

<u>Road Allowance</u>	<u>S/L Radius</u>
20.0 m	9.0 m
19.0 m	9.5 m
18.0 m	10.0 m

Sidewalks

71. The Owner shall construct a 1.5 metre sidewalk on both sides of the boulevard of Street 'A', to the satisfaction of the City.

Street Lights

72. In conjunction with the first submission of engineering drawings, the Owner shall design and install street lighting on all streets and walkways in this plan to the satisfaction of the City, at no cost to the City. Where an Owner is required to install street lights in accordance with this draft plan of subdivision and where a street from an abutting developed or developing area is being extended, the Owner shall install street light poles and luminaires, along the street being extended, which match the style of street light already existing or approved along the developed portion of the street, to the satisfaction of the London Hydro for the City of London.

Boundary Road Works

73. In conjunction with the first submission of engineering drawings, the Owner shall provide an update to the Transportation Impact Assessment in accordance with the Transportation Impact Study Guideline, including but not limited to, the following revisions and to determine the impact of this development on the abutting arterial roads to the satisfaction of the City:
- i) a background growth rate of 1.5% is to be used
 - ii) include the development proposed at 1018 – 1028 Gainsborough Road into the background growth
 - iii) Highlight critical analysis in red ($v/c > 1$, LOS F, queue lengths exceeding storage)
 - iv) update tables to include existing and available left turn lane storage (Hyde Park Road at Sarnia Road west bound)
 - v) include the turn lane recommendations from the analysis into the conclusion and recommendations
 - vi) The signal warrants are not met for the installation of signals, the conclusion and recommendations should not include this recommendation. Alternative mitigation measures to reduce operational delay should be examined. Signals are being installed at South Carriage Road and Hyde Park Road this year (2019).
74. The Owner shall implement all recommendations outlined in the approved Transportation Impact Assessment to the satisfaction of the City Engineer and at no cost to the City.
75. In conjunction with first submission of engineering drawings, the Owner shall provide a pavement marking plan, to include all turn lanes, etc., to the satisfaction of the City Engineer.
76. In conjunction with the first submission of engineering drawings, the Owner shall have its professional consulting engineer submit design criteria for the left turn lane on Hyde Park Road at Street 'A' (north leg) for review and acceptance by the City.
77. The Owner shall make minor boulevard improvements on Hyde Park Road 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.

Road Widening

78. The Owner shall dedicate sufficient land to widen Hyde Park Road to 18.0 metres from the centreline of the original road allowance.
79. The Owner shall dedicate 6.0 m x 6.0 m "daylighting triangles" at the intersection of Street 'A' (north and south legs) with Hyde Park Road in accordance with the Z-1 Zoning By-law, Section 4.24.

Vehicular Access

80. The Owner shall ensure that no vehicular access will be permitted to Blocks 1 and 2 from Hyde Park Road. All vehicular access is to be via the internal subdivision street.
81. The Owner shall restrict access to Hyde Park Road by establishing blocks for 0.3 metre reserves along the entire Hyde Park Road frontage, with the exception of the existing access to 1166 Hyde Park Road, to the satisfaction of the City.
82. The Owner shall maintain access to 1282 Hyde Park Road (RONA) at all times, to the satisfaction of the City Engineer.

83. The Owner shall notify the future owner of Block 2 that the easement and access to 1166 Hyde Park Road is to be maintained, to the satisfaction of the City. .

Construction Access/Temporary/Second Access Roads

84. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Hyde Park Road as designated by the City.

85. In the event any work is undertaken on an existing street, the Owner shall establish and maintain a Traffic Management Plan (TMP) in conformance with City guidelines and to the satisfaction of the City for any construction activity that will occur on existing public roadways. The Owner shall have its contractor(s) undertake the work within the prescribed operational constraints of the TMP. The TMP will be submitted in conjunction with the subdivision servicing drawings for this plan of subdivision.

GENERAL CONDITIONS

86. The Owner shall comply with all City of London standards, guidelines and requirements in the design of this draft plan and all required engineering drawings, to the satisfaction of the City. Any deviations from the City's standards, guidelines or requirements shall be satisfactory to the City.

87. Prior to the issuance of a Certificate of Conditional Approval for each construction stage of this subdivision, all servicing works for the stage and downstream works must be completed and operational, in accordance with the approved design criteria and accepted drawings, all to the specification and satisfaction of the City.

88. Prior to final approval, the Owner shall make arrangements with the affected property owner(s) for the construction of any portions of services or grading situated on private lands outside this plan, and shall provide satisfactory easements over these works, as necessary, all to the specifications and satisfaction of the City, at no cost to the City.

89. In conjunction with the first submission of engineering drawings, the Owner shall provide, to the City for review and acceptance, a geotechnical report or update the existing geotechnical report recommendations to address all geotechnical issues with respect to the development of this plan, including, but not limited to, the following:

- i) servicing, grading and drainage of this subdivision
- ii) road pavement structure
- iii) dewatering
- iv) foundation design
- v) removal of existing fill (including but not limited to organic and deleterious materials)
- vi) the placement of new engineering fill
- vii) any necessary setbacks related to slope stability for lands within this plan
- viii) identifying all required mitigation measures including Low Impact Development (LIDs) solutions,
- ix) Addressing all issues with respect to construction and any necessary setbacks related to erosion, maintenance and structural setbacks related to slope stability for lands within this plan, if necessary, to the satisfaction and specifications of the City. The Owner shall provide written acceptance from the Upper Thames River Conservation Authority for the final setback.

and any other requirements as needed by the City, all to the satisfaction of the City.

90. The Owner shall implement all geotechnical recommendations to the satisfaction of the City.

91. Once construction of any private services, ie: water storm or sanitary, to service the lots and blocks in this plan is completed and any proposed relotting of the plan is undertaken, the Owner shall reconstruct all previously installed services in standard location, in accordance with the approved final lotting and approved revised servicing drawings all to the specification of the City Engineer and at no cost to the City.
92. The Owner shall connect to all existing services and extend all services to the limits of the draft plan of subdivision, at no cost to the City, all to the specifications and satisfaction of the City Engineer.
93. The Owner shall have the common property line of Hyde Park Road graded in accordance with the City of London Standard "Subdivision Grading Along Arterial Roads", at no cost to the City.

Further, the grades to be taken as the centreline line grades on Hyde Park Road are the the ultimate centreline of road grades as determined by the Owner's professional engineer, satisfactory to the City. From these, the Owner's professional engineer is to determine the ultimate elevations along the common property line which will blend with the ultimate reconstructed road, all to the satisfaction of the City.

94. If, during the building or constructing of all buildings or works and services within this subdivision, any deposits of organic materials or refuse are encountered, the Owner shall report these deposits to the City Engineer and Chief Building Official immediately, and if required by the City Engineer and Chief Building Official, the Owner shall, at his own expense, retain a professional engineer competent in the field of methane gas to investigate these deposits and submit a full report on them to the City Engineer and Chief Building Official. Should the report indicate the presence of methane gas then all of the recommendations of the engineer contained in any such report submitted to the City Engineer and Chief Building Official shall be implemented and carried out under the supervision of the professional engineer, to the satisfaction of the City Engineer and Chief Building Official and at the expense of the Owner, before any construction progresses in such an instance. The report shall include provision for an ongoing methane gas monitoring program, if required, subject to the approval of the City engineer and review for the duration of the approval program.

If a permanent venting system or facility is recommended in the report, the Owner shall register a covenant on the title of each affected lot and block to the effect that the Owner of the subject lots and blocks must have the required system or facility designed, constructed and monitored to the specifications of the City Engineer, and that the Owners must maintain the installed system or facilities in perpetuity at no cost to the City. The report shall also include measures to control the migration of any methane gas to abutting lands outside the Plan.

95. Should any contamination or anything suspected as such, be encountered during construction, the Owner shall report the matter to the City Engineer and the Owner shall hire a geotechnical engineer to provide, in accordance with the Ministry of the Environment "Guidelines for Use at Contaminated Sites in Ontario", "Schedule A – Record of Site Condition", as amended, including "Affidavit of Consultant" which summarizes the site assessment and restoration activities carried out at a contaminated site, in accordance with the requirements of latest Ministry of Environment and Climate Change "Guidelines for Use at Contaminated Sites in Ontario" and file appropriate documents to the Ministry in this regard with copies provided to the City. The City may require a copy of the report should there be City property adjacent to the contamination.

Should any contaminants be encountered within this Plan, the Owner shall implement the recommendations of the geotechnical engineer to remediate,

removal and/or disposals of any contaminates within the proposed Streets, Lot and Blocks in this Plan forthwith under the supervision of the geotechnical engineer to the satisfaction of the City at no cost to the City.

In the event no evidence of contamination is encountered on the site, the geotechnical engineer shall provide certification to this effect to the City.

96. The Owner's professional engineer shall provide inspection services during construction for all work to be assumed by the City, and shall supply the City with a Certification of Completion of Works upon completion, in accordance with the plans accepted by the City Engineer.
97. In conjunction with the first submission of engineering drawings, the Owner shall have its professional engineer provide an opinion for the need for an Environmental Assessment under the Class EA requirements for the provision of any services related to this Plan. All class EA's must be completed prior to the submission of engineering drawings.
98. The Owner shall have its professional engineer notify existing property owners in writing, regarding the sewer and/or road works proposed to be constructed on existing City streets in conjunction with this subdivision, all in accordance with Council policy for "Guidelines for Notification to Public for Major Construction Projects".
99. The Owner shall not commence construction or installations of any services (eg. clearing or servicing of land) involved with this Plan prior to obtaining all necessary permits, approvals and/or certificates that need to be issued in conjunction with the development of the subdivision, unless otherwise approved by the City in writing (eg. Ministry of the Environment Certificates, City/Ministry/Government permits: Approved Works, water connection, water-taking, crown land, navigable waterways, approvals: Upper Thames River Conservation Authority, Ministry of Natural Resources, Ministry of the Environment, City, etc.)
100. In conjunction with the first submission of engineering drawings, in the event the Owner wishes to phase this plan of subdivision, the Owner shall submit a phasing plan identifying all required temporary measures, and identify land and/or easements required for the routing of services which are necessary to service upstream lands outside this draft plan to the limit of the plan to be provided at the time of registration of each phase, all to the specifications and satisfaction of the City.
101. If any temporary measures are required to support the interim conditions in conjunction with the phasing, the Owner shall construct temporary measures and provide all necessary land and/or easements, to the specifications and satisfaction of the City Engineer, at no cost to the City.
102. The Owner shall remove any temporary works when no longer required and restore the land, at no cost to the City, to the specifications and satisfaction of the City.
103. In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications as may be required for all municipal works and services associated with the development of the subject lands, such as road, utility, drainage or stormwater management (SWM) purposes, to the satisfaction of the City, at no cost to the City.
104. The Owner shall decommission any abandoned infrastructure, at no cost to the City, including cutting the water service and capping it at the watermain, all to the specifications and satisfaction of the City.

105. Owner shall remove all existing accesses, with the exception of the access to 1166 Hyde Park Road, and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
106. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
107. The Owner shall make all necessary arrangements with any required owner(s) to have any existing easement(s) in this plan quit claimed, if necessary, to the satisfaction of the City and at no cost to the City. The Owner shall protect any existing municipal or private services in the said easement(s) until such time as they are removed and replaced with appropriate municipal and/or private services at no cost to the City.

Following the removal of any existing municipal and/or 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, if necessary, to the satisfaction of the City, at no cost to the City.

108. The Owner shall include in any Agreement of Purchase and Sale or lease and in the transfer of deed of all Blocks 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 serviced required for the servicing of this Plan and external lands to this plan, to the satisfaction of the City.

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

109. In conjunction with engineering drawings submission, the Owner shall submit a Development Charge work plan outlining the costs associated with the design and construction of the DC eligible works. The work plan must be approved by the City Engineer and City Treasurer (as outlined in the most current DC By-law) prior to advancing a report to Planning and Environment Committee recommending approval of the special provisions for the subdivision agreement.
110. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make adjustments to the existing works and services on Hyde Park Road, adjacent to this plan to accommodate the proposed works and services on this street to accommodate this Plan (eg. private services, street light poles, traffic calming, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer, at no cost to the City.
111. In conjunction with the first submission of engineering drawings, the Owner shall provide details how Block 4 will be serviced and accessed (eg. driveway locations, etc.), to the satisfaction of the City Engineer.
112. The Owner shall either register against the title of Blocks 1 and 2, inclusive, in this Plan, or shall include in the agreement of purchase and sale for the transfer of each of the Blocks, a covenant by the purchaser or transferee stating that the purchaser or transferee of the Blocks may be required to construct sewage sampling manholes, built to City standards in accordance with the City's Waste Discharge By-law No. WM-2, as amended, regulating the discharge of sewage into public sewage systems. If required, the sewage sampling manholes shall be installed on both storm and sanitary private drain connections, and shall be located wholly on private property, as close as possible to the street line, or as approved otherwise by the City Engineer.

Appendix “C” – Public Engagement

Community Engagement

Public liaison: Circulation - On April 9, 2019, Notice of Application was sent to 38 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on April 11, 2019. A “Planning Application” sign was also posted on the site.

No (0) replies from the public were received.

Nature of Liaison: 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road; approx. 10 hectares. The purpose and effect of this application is to consider a proposed draft plan of subdivision and zoning amendment to allow two (2) mixed use residential blocks, five (5) residential blocks, two (2) open space blocks, served by 1 new local street. Also, consideration of an amendment to the zoning by-law to change the zoning from Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC5(4)) Zone and an Open Space (OS1) Zone to a Business District Commercial Special Provision Bonus (BDC2(*)*B(*)*H22 to permit a range of commercial uses on the first floor and residential use above the first floor to a maximum height of 22 metres (approx. 6 storeys), a Residential Special Provision (R5-7(*)/R6-5(*)/R7(*)*H14/R8-4(*) Zone to permit a range of cluster forms of residential dwellings, including townhouses, street townhouses and apartments with 75 units per hectare and a maximum height of 14 metres (approx. 4 storeys), a Residential Special Provision (R5-7(**)/R6-5(**)/R7(**)*H12/R8-4(**) Zone to permit a range of cluster forms of residential dwellings, including townhouses, street townhouses and apartments with 75 units per hectare and a maximum height of 12 metres (approx. 3 storeys), an Open Space Special Provision (OS1(*) Zone and an Open Space Special Provision (OS5 (*) Zone . The City may also consider applying holding provisions in the zoning to ensure adequate provision of municipal services, that a subdivision agreement or development agreement is entered into and to ensure the completion of an archaeological assessment. An Environmental Impact Study has been prepared by Stantec Consulting Ltd. dated February 9, 2019 to assist in the evaluation of this application.

Agency/Departmental Comments

Development Engineering (June 13, 2019)

Please find attached the recommended conditions for the draft plan relating to engineering matters for the above-noted subdivision application. These conditions represent the consolidated comments of Development Services, the Transportation and Planning Division, the Wastewater and Drainage Engineering Division, the Water Engineering Division and the Stormwater Engineering Division.

Zoning By-law Amendment

Development Services and the above-noted engineering divisions have no objection to the proposed Zoning By-law Amendment for the proposed revised draft plan of subdivision subject to the following:

1. ‘h’ holding provision is implemented with respect to servicing, including sanitary, stormwater and water, to the satisfaction of the City Engineer and the entering of a subdivision agreement.
2. ‘h-100’ holding provision is implemented with respect to water services and appropriate access that no more than 80 units may be developed until a looped watermain system is constructed and there is a second public access is available, to the satisfaction of the City Engineer.

Required Revisions to the Draft Plan

Note: Revisions are required to the draft plan as follows:

- i) Revise and identify an 18 metre easement at the south limits of Blocks 2 and 3 to the City for the existing City watermain.
- ii) Remove reference to access easements on the draft plan.
- iii) Transfer to the City, at no cost to the City, the lands along the northern portion of the existing SWM facility located in Part 25, Plan 33R-16526 of size and location as identified and required in the Hyde Park Community Storm Drainage and Stormwater Management Servicing Municipal Class EA Addendum (2018) to accommodate a maintenance path, recreational path and access to the existing watermain, all to the satisfaction of the City Engineer.
- iv) Ensure all geotechnical issues and all required (structural, maintenance and erosion) setbacks related to slope stability for lands within this plan, to the satisfaction and specifications of the City.

Comments on Hydrogeological Assessment and Water Balance Report

The Stormwater and Engineering Division has reviewed the Hydrogeological Assessment and Water Balance Report and some of the specific things they would be looking for to supplement the existing information that has been submitted are as follows:

- Based on the borehole logs from the field investigation, monitoring wells at the Site were installed primarily within lower permeability material (i.e., aquitard units). Was there a rationale for not installing monitoring wells within BH8, BH10 and BH11, each of which encountered higher permeability units (i.e., sandy deposits more consistent with aquifer units)?
- The report indicates that groundwater flow is towards the west/southwest, based on an analysis of static groundwater levels observed at the Site. The report also indicates that the groundwater table is intercepted by the Stanton Drain. Based on these interpretations, groundwater flow from the Site could be inferred to be providing baseflow to both the woodlot to the west, and the ESA to the southwest. Please provide a discussion related to groundwater baseflow contributions to nearby significant natural heritage features.
- As noted in the nested monitoring well locations, downward gradients are located across the Site, suggesting that the area of the site is acting as a groundwater recharge area for the lower aquifer. The report calculates that the horizontal rate of flow within the aquitard unit is in the order of 1 m every 23 years, and concludes that the volume of water recharging the drain is likely minimal. Based on a review of the report, it is more likely that that recharge to the drain and ESA originate within laterally discontinuous higher permeability units, rather than within the lower permeable aquitard unit. Chemical analysis of water within the woodlot and drain obtained from existing piezometer locations should be compared with groundwater results to determine potential groundwater contributions from the Site.
- The section regarding groundwater dewatering to support construction activities is currently preliminary and general. Once final dewatering estimates are established please provide dewatering volume requirements and radius of influence estimates, as applicable, including proposed dewatering discharge location(s) and proposed erosion and sediment controls (ESCs) to be implemented during construction. Please note, that if City of London infrastructure is proposed as a final dewatering discharge location, the City's storm sewer system is preferred (as opposed to the sanitary sewer system). Please also note, that if City of London infrastructure is proposed as a final dewatering discharge location, approval from City Staff will be required and additional sampling activities may be necessary to support final discharge.
- As noted above, please provide a discussion on nearby natural heritage features and the potential development short-term (i.e. construction) and long-term (i.e. water balance) impact on these features.
- Please provide post-development water balance results, as appropriate, once the final development plans and layouts have been determined.
- As noted in the report, please provide details on Low Impact Development (LIDs) being considered for the Site, as appropriate, to mitigate water balance infiltration deficits. Further, if LIDs are being considered to manage stormwater flows at the

Site, additional information regarding the layout and depth of these LIDs will be required.

Please include in your report to Planning and Environment Committee that there will be increased operating and maintenance costs for works being assumed by the City.

Staff Response: The necessary conditions have been added to draft approval and Holding provisions have been recommended through zoning.

Heritage/Archeological

Ecological (November 29, 2019)

Development Services (DS) has reviewed the Environmental Impact Study (EIS) completed by Stantec. Overall, DS notes there are multiple outstanding issues that need to be addressed so that the Report can be finalized and accepted by DS. The following comments must be addressed in order to be compliant with the City's Environmental Management Guidelines (EMG), London Plan policies, and the Provincial Policy Statement (PPS 2014). Please provide responses to show how comments have been addressed in either table/ memo format.

Detailed Comments on the EIS

1. Section 2.2 City of London Official Plan – Portions of this section appear to be outdated. This section needs to be reviewed and updated to the current planning environment. For example, Stantec indicates that the London Plan was adopted by Council in 2016, but that it is still waiting approval by the Minister of Municipal Affairs. The Minister approved the London Plan in December of 2016. There have also been iterations of the London Plan that highlight sections that are now in force and effect as they are no longer under appeal (see City of London Website for latest version). **Action: Review and update section accordingly.**
2. Section 3.2 Field Investigations – Table 3-1 does not accurately reflect all of the amphibian call surveys that occurred according to section 3.2.2. **Action: Review and update section.**
3. Section 3.2.2 Amphibian Call Count Surveys – Please note that the April 2017 date is quite late into the spring season, some species call quite early as soon as temperatures are suitable (>5C) and call for a short time window. It is possible that not all species/numbers were heard at this date, it is also noted that the temperature on this date was 18C, an earlier date where the temperature was more appropriate for early calling species should have been conducted. However according to numbers obtained, the ESA would be identified as SWH (woodlands) for breeding amphibians, it should be noted however that numbers are likely higher and potentially contain other species. **Action: Review and update this section and figures accordingly.**
4. Section 4.8 Vegetation Communities & 4.8.2 Wetlands – This sections identifies the narrow wetland habitats located along the spur line. These need to be properly identified on the figures as wetland habitat. Please see London Plan policies on wetlands (1330-1336). These meet the definition of wetland and should be identified as a proper ELC polygon and inclusion on the figures. Wetlands are required to be assessed under the OWES, if no PSW are located within 750m of the wetlands within the study area, a new assessment for significance should identify the likelihood of attaining PSW status for the complex of wetlands within the study area. As previously identified, this section needs to ensure conformity with the wetland policies of the London Plan. In this particular case, it should be identified that the wetlands located within the ESA should at some point in the future have the OWES applied, but given no field work was conducted within the broader ESA, it would be difficult to fully evaluate these wetlands that are not on the subject site. **Action: Review and revise section/ figures accordingly.**
5. Section 5.1 Significant Wetlands – Please review London Plan Wetland Policies (1330-1336). Wetland communities were identified on the subject lands as per the vegetation community assessment in the previous section, this was also confirmed by DS staff site visit and review. All wetlands are to be identified on the subject lands and provide additional comment on OWES evaluation, which policy indicates in required. Also,

please note that the London plan no longer has 'Locally Significant Wetlands'; all wetlands that are not identified as PSW are called 'wetlands' and are components of the NHS that are protected. The City of London has a no net loss approach to remaining wetlands on the landscape. **Action: Review and update this section/ figures accordingly.**

6. Section 5.2 Significant Woodlands – Revise this section to identify that the EMG document for evaluating woodlands is to be used for evaluating all woodlands. Many woodlands are <4 ha in size and are evaluated for significance as they could achieve another of the High criteria, as per OP policies. The 4 ha is used to automatically identify a woodland as significant if it is 4 ha or greater. While the ESA designation supersedes on the Map the significant woodland evaluation of the feature, please note that the woodlands adjacent to the site (west and south) would meet the criteria for significant woodland designation, this should be properly identified, and indicate that a full evaluation using the guidelines is not necessary as part of this process given its recognized status as an ESA. **Action: Review and update section accordingly.**
7. Section 5.3 Significant Valleylands – Please note, that according to the property line, the valleyland feature along with the ESA/Woodlands are on the subject site at the very southwest edge of the subject site. **Action: Review and revise section accordingly.**
8. Section 5.5 Significant Wildlife Habitat – This section needs to be reviewed as it does not properly apply and identify the SWH criteria to features located on/ adjacent to the subject site. The ESA meets the criteria for SWH Breeding Amphibians (Woodlands), the criteria indicate that a total of 20 individuals combined from two or more of the listed species meet criteria for significance. At station one, the minimum number of individuals identified by Stantec are as follows: 17 Spring peepers, 2 Chorus frogs, and 5 Gray tree frogs. This totals >20 individuals from a combination of 2 or more species. Also of note is that these numbers do not reflect an early spring calling count survey, nor do they reflect any additional visual searches for additional (non-calling individuals, i.e. females). Other stations also recorded large number of individuals within 120m of woodlands. During a site visit by DS staff, tadpoles were documented in the linear wetlands along the spur lines as well as Terrestrial Crayfish Chimneys (Pictures taken by DS staff), which would also meet criteria for SWH for Terrestrial Crayfish. Did Stantec search for any seeps on the slopes associated with the ESA? **Action: Review and revise section accordingly/ Figures accordingly.**
9. Section 7.0 Proposed Development and Section 8.0 Impact Assessment – These sections need to more clearly articulate the buffers and the ultimate development setback. This section indicated that the ultimate setback is 30m from the ESA, but that the buffer is only 15m. The EMG buffer calculation for this feature supports a larger buffer, this calculation was not provided in the EIS. It should be noted that the pathway can be located inside of the buffer if the buffer is large enough (in the range of 30m), but positioned at the outermost area of the buffer. The ultimate 30m setback identified by Stantec should be identified as the buffer and the pathway block located inside of this area. The pathway should not be located a 15m buffer as identified in the EIS, this is not consistent with the EMG. **Action: Review and revise section accordingly to provide a 30m buffer along the rear of the property adjacent to the ESA and a pathway block at the outermost (but within) the 30m buffer.**
10. Section 9.0 Mitigation Measures and 10.0 Conclusion and Recommendations – These sections are lacking in detail typically expected from an EIS. The identification of compensation (relocation) of the wetland features within the spur lines to the buffer at the rear of the site. These can be easily accommodated as a habitat feature within the buffer, which will provide a net benefit to the NHS (see London Plan wetland policies). The recommendations need to be a clear itemized list of what is required and recommended by Stantec to ensure these items/ requirements are carried forward to draft approval and detail design. For example, SEC measures, need for restoration plan (and goals/objectives to follow) when this is created, homeowner brochure on living next to natural areas, bird friendly designs required, SWM controls, any water balance/hydro G considerations to protect the adjacent features/functions, tree preservation report. Some of these recommendations are quite standard and found in other EIS documents. Please note that during the DS site visit it was identified that someone had recently cut down and uprooted all trees located within the subject site, Council has a clear policy that vegetation on a subject site is not to be altered until it has been assessed and reviewed. All vegetation is to be assessed as part of the process and not removed until

draft approval is granted. The current format in this EIS is not consistent with the EMG requirements. **Action: Review and revise section accordingly.**

11. Figures – Figures are to be on 11x17 and clearly identify the NHFs, buffers, and other blocks. **Action: Review and revise figures.**
12. Net Effects Table – No net effects table has been provided, please ensure all sections identified in the EMG are present within the EIS document. **Action: Review and revise EIS.**
13. Appendices – the appendices are not complete. They are to include all data sheets (ELC, Amphibians etc.), and brief CVs of staff that worked on this project. **Action: Review and revise appendices accordingly.**

Urban Design (December 16, 2019)

I have reviewed the revised materials for the subdivision application at the above noted address and provide the following comments:

1. Re-align Street 'A' (north) to continue straight along the north property line in order to ensure possibilities for street frontage, and potential extension of public streets, on the property to the north. This will avoid the creation of the triangular shaped east portion of Block 7, which will be difficult to develop without acquiring property to the north.
2. Provide for special provision to all requested zones, including:
 - a. Reduced front yard and exterior side yard setbacks in order to allow for buildings to be located closer to the any street frontage;
 - b. Specific height regulations to ensure a transition in height occurs across the subdivision from east to west; and
 - c. Specific regulations to ensure street orientation.

Staff Response: Street 'A' has been re-aligned accordingly and the necessary zoning provisions have been recommended to satisfy the Urban Design concerns.

Urban Design (May 19, 2020)

I have reviewed the revised materials for the subdivision application at the above noted address and provide the following comments:

- Comments related specifically to the creation of "Bonusing Criteria":
 - The Bonusing Criteria should speak to elements of the proposal that are not covered in the requested Zoning regulations and/or site design elements found in the Site Control Area By-Law. The Bonusing Criteria should provide the City, the general public, and the future developer of the site a clear vision, and certainty of what is to be built on the lands while providing for some architectural flexibility in the ultimate design. This guidance should be contextual and site specific rather than general. The following headings and elements should be described to provide for a better understanding of the Bonusing Criteria.
 - Site Development:
 - Building Siting – This section should speak to the location of buildings;
 - Pedestrian Connectivity – This section should cover pedestrian connections and potential for mid-block connections between the interior of the site and the Hyde Park Road frontage;
 - Access and Parking – This section should speak to how parking is intended to be integrated into the design, is it underground, surface, structured, the treatment of parking along street edges (if this condition is expected to exist), general locations or intentions related to vehicular access.

- Common Amenity Areas – This section should cover generally the intent behind any proposed amenity area(s), sizes of amenity area(s), and general location(s)
- Built Form:
 - Building Design – This section should speak to the intended design of the building(s) including, but not limited to: massing, articulation, relationship to the street (orientation, glazing, active uses), ground floor heights, materials, contextual design features, etc...
 - Figures should be developed to demonstrate some or all of the concepts above.
- Comments related specifically to the submitted “Bonusing Criteria”:
 - *Bonusing Criteria d, e, and f* should be updated and further expanded on in regards to the framework set out above;
 - *Bonusing Criteria a* should be removed as this is dealt with through the zoning. However if there is a desired heights to be in certain locations vs. others or to promote continuity between the two blocks, as they could be developed by different developers, the desired heights could be included as part of the section on Built Form – Building Design;
 - *Bonusing Criteria b* would not be in-keeping with current Official Plan policy or the Hyde Park Community Design Guidelines and as such would not be a desired outcome. Mid-rise buildings do not require a podium, instead a step-back above the 2, 3 or 4th storey (depending on the ultimate height of the buildings) would be appropriate and sufficient along the Hyde Park frontages in order to provide for a human scaled environment along the street;
 - *Bonusing Criteria c* is confusing as it speaks to multi-storey buildings along the Hyde Park Road frontage, is there a possibility that the buildings along the Hyde Park frontage will be single story? This would go against the intended certainty of the Bonus Zone.
- Comments related specifically to the proposed zoning regulations along the Hyde Park Road Frontage:
 - The height regulation should include a step-back above a decided upon storey this could occur above the 2, 3, or 4th floor.
 - In line with recently proposed changes to BDC zones city-wide, by City Planning, the front yard setback minimum should be increase to 1m in order to reduce the need for encroachment agreements.

Urban Design (August 4, 2020)

I have reviewed the revised materials for the subdivision application at the above noted address and provide the following comments:

- The previous staff comments described the approach and layout of the Bonusing Criteria required in order to proceed with this type of Bonus Zone. The applicant provided most of the required materials within their last submission, however the resulting proposed Bonus Criteria, found within the proposed Zoning Table requires further refinement to capture the previously mentioned requirements. The submitted bonusing criteria has been reviewed and proposed changes are found below. These changes generally incorporate the wording found in the latest submission, including the “building design guidelines”, while streamlining the language of this section. The Bonus Criteria must be clear, understandable and implementable as everything within the Bonus Criteria must be achieved, through the Site Plan Process, in order to avail of the bonus zoning.
- The following is the proposed revised “Bonusing Criteria”:

- Site Development
 - Building Sitting:
 - Buildings shall be located along the majority of the Hyde Park Road and Street 'A' frontages to provide for a built edge along the street;
 - All service and loading facilities associated with building shall be located within and/or behind buildings away from amenity areas and not visible from the public street.
 - Pedestrian Connectivity:
 - Mid-block walkway connections from Hyde Park Road through Block 1 shall be provided between buildings fronting Hyde Park Road, leading to internal parking area and to walkways behind buildings leading to sidewalks along the northern and southern portions of Street 'A';
 - Walkway connections from the sidewalk along Hyde Park Road shall be provided from both ends of the building for Block 2, with a further connection to the sidewalk along Street 'A'.
 - Access and Parking:
 - Vehicular access for both Blocks 1 and 2 shall be provided from Street 'A'.
 - No parking or vehicular drive isles shall be located between buildings and the Hyde Park road frontage.
 - Low masonry walls (max. 0.75m), complimentary in design to the buildings, shall be provided with a combination of landscaping to screen any parking located along the edge of Street 'A'.
 - Common Outdoor Amenity Areas:
 - Outdoor common amenity areas shall be provided for each building, alternatively these spaces can be combined into one, centrally located common outdoor amenity space per Block.
 - These spaces shall be an appropriate size to provide adequate amenity for the proposed number of residents and provide the opportunity for passive and/or active recreation.
 - These spaces shall be located within close proximity to a building entrance/exit. Alternatively a safe, appropriately sized, and conveniently aligned walkway connection(s) will be provided from the nearest building entrance/exit. If the spaces are combined into one centrally located space provide for walkways from each building to the space.
 - Enhanced landscaping shall be provided along the Hyde Park Road frontage in the form of small amenity areas and trees between buildings. Efforts will be made to provide opportunities for additional amenity space through site and building design, with the intention of providing spaces for residents and visitors to enjoy the outdoors and animating street frontages to facilitate pedestrian oriented environments
- Built form
 - All buildings:
 - The development shall feature contemporary building designs with a mix and articulation of building materials including brick, metal panels, concrete, wood veneer and vision and spandrel glass;
 -
 - Buildings shall be designed in a way that breaks up the structures horizontally and vertically through articulation, architectural details, and an appropriate proportion and rhythm of windows and balconies

- Buildings along Hyde Park frontage:
 - The design for buildings facing Hyde Park Road shall be defined by complementary changes in building articulation and design above the 4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building.
 - Buildings shall include active commercial uses along the Hyde Park Road frontage, and all main floor commercial unit entrances shall be oriented towards Hyde Park Road.
 - The ground-floor street facing façade shall be comprised primarily of floor-to-ceiling vision glazing for views into and out of the building contributing to an animated streetscape;
 - Permanent architecturally-integrated canopies shall be installed above the first floor to architecturally differentiate the building base and provide overhead protection from natural elements;

- Buildings along the Street 'A' frontage:
 - The development shall provide street-oriented features for residential buildings, including: individual entrances to ground floor units with operable and lockable front doors, private amenity areas designed as enclosed courtyards with a combination of planters and low decorative fencing, and pedestrian scale features such as lighting and weather protection.

- The following is a proposed change to the proposed zoning regulations along the Hyde Park Road Frontage in order to ensure appropriate height of the ground floor for the mixed use buildings;
 - Building height (maximum): 22 metres
 - Ground floor height (minimum): 4.5 metres for the ground floor

Staff Response: Staff has worked with the applicant to refine the above mentioned bonusing criteria and special provisions which has been recommended through the proposed zoning by-law.

Parks Planning (November 28, 2019)

PARKS AND OPEN SPACE

- Required parkland dedication shall be calculated pursuant to section 51 of the Planning Act at 5% of the lands within the application or 2% for commercial uses. Parkland dedication calculations for the proposed development are listed in the table below. It is the expectation of E&PP that the majority of the required parkland dedication will be satisfied through land dedication with the remainder as a cash-in-lieu payment.

- The table below summarizes the information as per the submitted Plan.

Land Use	Area (ha)	5% Area	Expected Dedication (ha)
Site Area	10.1	0.51	0.51
Required Parkland			.051
Parkland Dedication– Block 9			

Land Use	Area (ha)	5% Area	Expected Dedication (ha)
Open Space dedication – Block 8 @ 1:27			
Total Dedication on Plan			
Outstanding Over Dedication Balance			

- As per discussions with the City ecologist, the multi-use pathways could be located within an expanded 30 meter ecological buffer. A separate 5 meter wide block within the buffer is to be created to assist in the calculation of parkland dedication.
- If the buffer width is not increased, an 8 meter wide park block will be required outside of the buffer for the multi-use pathway.
- Within the southeast corner of the site, the pathway block is proposed south of the safety berm. For safety and operational requirements, the pathway block is to be located north of the safety berm.
- The value of parkland dedication will be calculated once the width of the buffer lands has been finalized.
- The balance of parkland dedication that is not satisfied with land dedication will be taken as cash-in-lieu.
- Prior to the submission of the first engineering drawings, the owner shall consult with Environmental and Parks Planning Division to prepare:
 - - A concept/buffer plan for all open space blocks, and
 - A concept plan for all proposed pathway blocks
- As part of the first engineering submission, the Owner shall prepare an education package as approved by the City Planner that explains the stewardship of natural areas and the value of existing tree cover. The owner shall ensure that the education package is deliver to all purchasers and transferees of the lots in this plan.
- The Owner shall construct a 1.5m high chain link fencing without gates and/or property monuments in accordance with current City park standards or approved alternate, along the property limit interface of all existing and proposed private lots adjacent to existing and/or future Park and Open Space Blocks. Fencing and/or the installation of monuments shall be completed to the satisfaction of the City, within one (1) year of the registration of the plan.
- The Owner shall not grade into any public Park or Open Space lands. In instances where this is not practical or desirable, any grading into the public Park or Open Space lands shall be to the satisfaction of the City Planner.
- Prior to the submission of the first engineering drawings, the owner shall prepare and submit a tree preservation report and plan for lands within the proposed draft plan of subdivision. The tree preservation report and plan shall be focused on the preservation of quality specimen trees within lots and blocks. The tree preservation report and plan shall be completed in accordance with current approved City of London guidelines for the preparation of tree preservation reports and tree preservation plans, to the satisfaction of the City Planner. Tree preservation shall be established first and grading/servicing design shall be developed to accommodate maximum tree preservation as per the Council approved Tree Preservation Guidelines.
- Prior to construction, site alteration or installation of services, robust silt fencing/erosion control measures must be installed and certified with site

inspection reports submitted to the Development Services Division monthly during development activity.

Staff Response: Through the planning process Parks Planning Staff has worked with the applicant to address the above mentioned comments. Parks Planning Staff is satisfied with the proposed development and has addressed any concerns through conditions of draft approval.

Environmental and Ecological Planning Advisory Committee (EEPAC) – May 2, 2019

OVERVIEW

The parcel of land is located west of Hyde Park Road near the T-intersection with Sarnia Road and consists primarily of agricultural fields separated by an abandoned railway spur. To the west the Stanton Drain and the associated Kelly Stanton Environmentally Significant Area north flank the Subject lands. The south edge of the site is bounded by the railway.

The key environmental features are located off-site and include the Stanton Drain flowing through the Kelly Stanton ESA (south) and the Kains Road River Valley (ANSI) to the south of the CN Railway.

The three areas of concern are:

- a. the width of the buffer, bordering the Kelly-Stanton ESA (south) and the plan for a multi-use pathway in the buffer;
- b. the stormwater management strategy. Where development occurs there will be a reduction of water infiltrating to the subsurface due to the impervious surfaces and;
- c. lack of detail regarding the management of invasive species and an the need for enhancement through the planting of native species

Buffer:

On the west side a “15 m Open Space block (Block 9) will be dedicated to the City - Future development to the east of Block 9 will respect a 30 m from the edge of the vegetation (8.1)-will this be taken from Block 6? Will native species be planted?

Recommendation 1: Clearly delineate the 30 m buffer adjacent to the Kelly Stanton ESA on drawings and plans.

*Extend the Hyde Park Rotary Link multi-use trail along the eastern boundary of the Kelly Stanton ESA . . . in accordance with the approved but appealed map 4 - “Active Mobility Network” of the London Plan (7.2:) . It is further described that when decisions are made as to the pavement of pathways/trails that *buffer zones as locations for trails should be considered as it provides for public connection to the natural environment amenity (8:1:)**

Is a hardened trail surface planned? p.123 in “Environmental Management Guidelines”, City of London, 2007 states that impervious surfaces are not permitted in a buffer.

Recommendation 2: Situate this portion of the Hyde Park multi-use trail outside of the 30 m buffer adjacent to the Kelly Stanton ESA.

Stormwater Management Strategy

Subject site located on an area that is part of the Stratford Till Plain upon the Area Moraine

This area functions as part of a groundwater recharge area; but is not considered to be a notable contributor to groundwater recharge in the region because of the soil type. Groundwater flows into the Stanton Drain from the surrounding landscape and contributes to the base flow in this watercourse (4.1). In terms of vegetation there is an

area of “ *Fresh-Moist Mixed Meadow* identified in Block 1. Several possible LID measures are described; but the conclusion is reached that the *key constraint in using several of the LID measures is the position of the seasonally high groundwater table (7.1)*. The “Geotechnical Report, on-line describes the post-development drainage pattern with most of the area being drained to ditch running along a berm separating the site from the rail line. Information isn’t provided on where the ditch ends and possible problems with erosion. The EIS suggests this will come at detail design.

Recommendation 3: Identify steps taken to prevent erosion from surface water runoff where it is discharged towards the slope to the west of the site.

Recommendation 4: The proponent be required as a condition of development to demonstrate to the satisfaction of the City and the UTRCA how it will control flow rates under storm conditions greater than the 2 year storm.

Landscape Planting

Table 4.1 identifies the growth of buckthorn on the west edge of the site (FODM4) extending up to the buffer. Also, there is no environmental management plan in the EIS nor suggested as part of the development agreement. There is no master plan or trail plan in place for this part of the Natural Heritage System,

Recommendation 5: As a condition of development, the proponent be required to remove invasive species and landscape with native species in and adjacent to the buffer, including hawthorn or other similar native shrubs that will discourage people from leaving the multi-use pathway.

OTHER ISSUES

The EIS indicates that there are western chorus frogs in the ESA to the west of the site as well as in the SWM facility at the southeast portion of the site. There is no consideration given to the connection between the two areas as it is likely the frogs move between the sites. Western Chorus Frogs were recommended to be listed as threatened by COSEWIC.

Recommendation 6: A vegetated corridor must be maintained between the SWM facility and the ESA.

Recommendation 7: As a condition of development, the proponent be required to provide informational signage to the satisfaction of the City explaining the significance of the ESA and the western chorus frog population

On Map 5 of the London Plan, the lands identified as ESA in the EIS are not named. It is unclear to EEPAC why the EIS calls the section of the Kains Woods ANSI to the south as Kelly Stanton ESA south when it is clearly shown on Map 5 as part of the ANSI. It is also unclear why the area in between the two rail lines is its own ESA.

Recommendation 8: The areas called Kelly Stanton ESA be shown on Map 5 be included in the boundary of the Kains Woods ANSI.

MULTI-USE PATHWAY

Recommendation 9: As Council has declared a climate emergency, the materials used for the multi-use trail should be permeable.

Recommendation 10: Please indicate the “end” point (where the pathway is leading to) for the multi-use pathway.

MEMM4-FRESH-MOIST-MIXED- MEADOW ECOSITE

Recommendation 11: Characterize and provide further information such as history, size, seasonal water level pattern and any environmental services provided to the local niche.

Tracking record of such small ecosite which are lost due to development may facilitate to make decision regarding collective effect.

Staff Response: Development limits have been determined throughout this review process with appropriate buffers being provided. Portions of any trail/pathway within the accepted buffer will be located at the outermost edge of the buffer where possible. The conditions of draft approval and subsequent design meetings prior final approval being grant will address the matters raised by EEPAC in their memo.

Upper Thames River Conservation Authority (June 12, 2019)

Geotechnical Investigation - Slope Assessment

UTRCA staff has reviewed of the Geotechnical Investigation - Slope Assessment – North West Crossings, London ON, prepared by exp dated November 2018. We offer the following comments:

1. The toe of the existing slope is situated less than 15 meters of the Stanton Drain. The MNR guidelines require that a suitable toe erosion component be considered in the stable slope analysis. The proposed 2 metre toe erosion component may not be sufficient when considering the local depth of Stanton Drain, the distance between the top of bank and the toe of the existing slope, the type of local soil and the erosive forces and velocities. The frequent spills/overflows from the Stanton Drain may affect the toe of the existing slope. Please add a suitable toe erosion component to the stable slope analysis as per the MNR guidelines which considers the site conditions such local native soil, erosion and bank full velocity etc.
2. The UTRCA requires that the existing top and toe of the slope be identified through an actual survey in the field and not through using the contours of the site. Please confirm that the top and toe of the slope were identified in the field through an actual survey.
3. In Section 2.3, it is mentioned the Factor of Safety (FOS) analysis used Slope/W computer program. Please provide the cross-sections and other details used in the computer program for the FOS analysis of the slope.
4. Why has only cross-section been used to determine the development setback for the entire site? How is the one cross section used for the stable slope analysis and development setback representative of the overall slope and conditions of the site? The UTRCA recommends that additional cross-sections be provided in order to accurately represent the local slope condition and the development setback.
5. The information shown on the cross-sections shall match with the information on the site plan. The location of the cross-sections shall be at critical locations of the site and should be based on a site inspection. Justification for the location of the cross-sections should be provided in the report.
6. Please resubmit Drawing 1 titled Site Plan as a full size drawing with a suitable scale showing the location of the cross-sections, existing top of slope, toe of slope, toe erosion component, stable top of slope and the 6 metre erosion access allowance, signed, sealed and dated by P.Eng supported by contour information.
7. Please resubmit Drawing 2 showing the cross-section on 11x17 paper with suitable horizontal and vertical scales showing the existing top of slope, toe of slope, toe erosion, stable top of slope and the 6 metre erosion access allowance, signed, sealed and dated by P.Eng.
8. In section 2.2, it is mentioned that the site reconnaissance was undertaken on March 1, 2018 and in Section 4.2.1.1 it is reported that no seepage zones were observed. The timing of the site reconnaissance in winter and if there was snow on the site, would have made it difficult to observe any seepage on the face of the slope. The UTRCA recommends that a subsequent site visit be

undertaken and that pictures be taken in order to accurately report the site conditions including seepage, vegetation etc.

9. Please report the groundwater elevations if any, near the top of the slope and describe the nature and occurrence of groundwater. Please provide an opinion on the likely seasonal variations in groundwater levels or flows and the possibility for changes from those encountered at the time of exploration.
10. Please report any existing drainage features such as surface runoff, swales, gully etc. on the slope. Please note the UTRCA does not allow any drainage features within the 6 metre erosion access allowance.
11. The natural hazard lands should be appropriately zoned – either OS4 or OS5.

Environmental Impact Study

Given that no seepage zones or wetlands were observed on the slope, the UTRCA will defer the review of the EIS (**1176, 1200 & 1230 Hyde Park Road City of London Environmental Impact Study** Stantec, February 24. 2019) to the City of London's ecologist.

We offer the following comments for consideration –

Section 8.1 pertains to the proposed buffers and setback that are to be provided to protect the natural heritage features from the proposed development. Please provide a figure which clearly shows the 15 metre and 30 metre setbacks.

In Section 8.4 it is indicated that no watercourse crossings are required but then on the page numbered 8.2 it is stated that "Indirect impacts to fish habitat that may occur during construction of crossing include...." Please clarify whether there will be a watercourse crossing.

Stormwater Management (SWM)

The UTRCA has reviewed the North West Crossings Preliminary Stormwater Management Report prepared by MTE dated February 5, 2019.

Please ensure that the 250 year storm event which is the regulatory storm event is incorporated into the analysis.

In Section 5 Conclusions and Recommendations, it is indicated that the site contributes flows to the Stanton Drain directly and indirectly and that both outlets will be utilized post development. Please show the outlets on the plan of subdivision.

On p. 7 it is indicated that:

- Flow from Blocks 4-7 and the north half of Street A will flow west to Stanton Drain
- Blocks 4 & 5 will outlet through Open Space Blocks 8 & 9 and discharge to Stanton Drain on the south side of Block 6.
- Flows from Block 6 can be combined with flows from Blocks 4 & 5 or given a separate discharge location.

In addition, Figure 3.1 Post Storm Area Plan shows storm sewers directing flows to the slope at two locations. The UTRCA has concerns regarding the potential impacts of the runoff – erosion on the slope.

Please address.

Please provide more detail regarding the "proposed ditch" in Blocks 8 & 9.

RECOMMENDATION

Given the UTRCA's outstanding concerns regarding the proposed development, we recommend that this application be deferred in order to provide the applicant with the opportunity to respond to the comments.

Staff Response: required applicant to address UTRCA concerns prior to the application moving forward..

Upper Thames River Conservation Authority (June 12, 2019)

Further to our comments dated June 19, 2019, the Upper Thames River Conservation Authority (UTRCA) has reviewed:

2. **Responses to City of London and Upper Thames River Conservation Authority Comments Regarding the Final Proposal Report Application Package for Northwest Crossings (#TS2017-001), Zoning By-law Amendment and Plan of Subdivision 1176, 1200 & 1230 Hyde Park Road** prepared by Monteith Brown Planning Consultants (MBPC response letter) dated April 9, 2020.
3. **Slope Assessment Farhi Holdings Corporation North West Crossing London**, prepared by exp dated December 2019.

We offer the following comments and conditions.

SLOPE ASSESSMENT

While we are generally satisfied with the revised report, drawings and cross sections prepared by exp (December 2019), the following comments are to be addressed in a FINAL geotechnical report to the satisfaction of the UTRCA.

1. Please submit the borehole log for borehole MW1-18 shown on Drawing 1 providing details including groundwater depth, soil stratigraphy and other variables commonly shown in a borehole log.
2. In Section 1.5 it is noted that a 15 m wide multi-use pathway followed by medium residential development is proposed whereas on P.4 of the MBPC response letter it is indicated that a 30 metre buffer from the Kelly Stanton is to be provided which includes a 5 metre wide block for the pathway. Please clarify the pathway location and confirm that all development including the pathway block is located outside of the 6 metre erosion access allowance.
3. Section 1.8 mentions surficial soils on the face of the slope and minor long-term erosion due to weathering. Please confirm if the aforementioned erosion has been considered in the stable slope analysis and if an annual recession rate is required to be applied using minimum 25 year erosion data as per the MNR guidelines for surficial erosion.
4. Please resubmit Drawing 1 and Drawing 2 supported by contour information to confirm various components of the slope shown on the cross section profiles for all the three cross sections considered for this site.
5. Profile 1 and 3 shows the FOS on the cross section used in the W/slope analysis but profile 2 does not show the FOS as result of the Slope/W analysis. Please provide justification or resubmit profile 2 with the FOS.

STORMWATER MANAGEMENT

In our June 19, 2019 correspondence, the UTRCA provided the following comments on the **North West Crossings Preliminary Stormwater Management Report** prepared by MTE dated February 5, 2019 -

1. Please ensure that the 250 year storm event which is the regulatory storm event is incorporated into the analysis.
2. In Section 5 Conclusions and Recommendations, it is indicated that the site contributes flows to the Stanton Drain directly and indirectly and that both outlets will be utilized post development. Please show the outlets on the plan of subdivision.
3. On p. 7 it is indicated that:
 - Flow from Blocks 4-7 and the north half of Street A will **flow west to Stanton Drain**.
 - Blocks 4 & 5 will outlet through Open Space Blocks 8 & 9 and **discharge to Stanton Drain** on the south side of Block 6.
 - Flows from Block 6 can be combined with flows from Blocks 4 & 5 or given a separate discharge location.

In addition, Figure 3.1 **Post Storm Area Plan** shows storm sewers directing flows to the slope at two locations. The UTRCA has concerns regarding the potential impacts of the runoff – erosion on the slope. Please address.

4. Please provide more detail regarding the “proposed ditch” in Blocks 8 & 9.

On P.6 of the MBPC response letter it is indicated that –

MTE has confirmed that the comments received from UTRCA regarding the Preliminary Stormwater Management Report are minor in nature and will be addressed with the final SWM report that will be submitted during the detailed design phase, following Draft Approval.

The UTRCA’s stormwater management comments are to be addressed in a Final SWM Report to our satisfaction.

ENVIRONMENTAL IMPACT STUDY

The report titled **1176, 1200 & 1230 Hyde Park Road City of London Environmental Impact Study** prepared by Stantec dated February 24, 2019 was reviewed by the UTRCA. On P. 4.7 t, in Section 4.8.2 Wetlands it is stated that -

No wetland communities or unevaluated wetlands were identified on the Subject Lands during ELC surveys.

However, on P.5 of the MPBC response letter it is indicated that -

*Our client is also agreeable to the relocating the **wetland features** (vernal pools) on the sanitary pipeline easement to the buffer area.*

The Conservation Authority regulates natural hazards including wetlands in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. In cases where a discrepancy in the regulation limit mapping occurs, the text of the regulation prevails and a feature identified on the landscape may be regulated by the Conservation Authority. 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. Accordingly the UTRCA requests that a FINAL EIS be prepared to our satisfaction which addresses the Conservation Authority’s interests including but not limited to the wetlands which are located on the subject lands. Please note that this information is required for both the Planning Act application approval process as well as our Section 28 permit approval process.

UTRCA’S CONDITIONS OF DRAFT PLAN APPROVAL

The UTRCA is confident that the outstanding concerns/interests that are detailed in this correspondence can be addressed to our satisfaction through the preparation of Final reports and our Section 28 permit approval. Accordingly, we request the following conditions of draft plan approval:

1. In conjunction with the Focused Design Studies submission, that a Final Geotechnical Report be prepared to the satisfaction of the UTRCA which addresses the outstanding comments/concerns regarding the slope assessment.
2. In conjunction with the Focused Design Studies submission, that a Final Environmental Impact Study be prepared to the satisfaction of the UTRCA that addresses our interests including but not limited to the wetlands and habitat compensation.
3. In conjunction with the Focused Design Studies, that a Final Stormwater Management Report be prepared to the satisfaction of the City of London and which also addresses the interests of the UTRCA.

4. In conjunction with the Focused Design Studies submission, that a Water Balance Analysis be prepared to the satisfaction of the UTRCA to address the concerns identified through the review of the EIS and the SWM report.
5. In accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act, that the Owner/Proponent obtain the necessary permits and approvals from the UTRCA prior to undertaking any site alteration or development within the regulated area including filling, grading, construction, site alteration to watercourse and/or interference with a wetland.

Staff Response: Through conditions of draft approval and future review of a revised EIS, outstanding UTRCA concerns will be address through future processes.

London Hydro (April 24, 2019)

Servicing the above proposal should present no foreseeable problems. Any new an/or relocation of existing infrastructure will be at the applicant's expense. Above-grade transformation is required. A blanket easement may be required.

Note: Transformation lead times are minimum 16 weeks.

Contact Engineering Dept. to confirm requirements & availability.

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

CN Rail – April 15, 2019

Thank you for circulating CN Rail on the rezoning application for the project proposed by Northwest Crossings London Limited at Hyde Park Road and Gainsborough Road.

This site abuts CN's Strathroy subdivision, which is a principal main line (PML). CN has concerns about increasing residential density in proximity to our lines for reasons of public safety and security.

Attached are CN's criteria for development in proximity to our PML. We request that these standards are entered and required conditions to be met before subdivision is granted. We anticipate the opportunity to review and sign off on the noise study and SWM plans for this project.

PRINCIPAL MAIN LINE REQUIREMENTS

- A.** Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
- B.** The Owner shall engage a consultant to undertake an analysis of noise. At a minimum, a noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
- C.** Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
- D.** The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.

- E. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- F. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- G. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
- H. The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
- I. The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

Staff Response: The appropriate conditions have been included in the draft approval.

Canada Post (April 15, 2019)

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program. I will specify the conditions which I request to be added for Canada Post Corporation's purposes. The owner shall complete to the satisfaction of the Director of Engineering of the City of London and Canada Post:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps

are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, please update our office so that we may determine any impact on mail service.

Canada Post appreciates the opportunity to comment on the above noted application and looks forward to working with you in the future.

Staff Response: Community mailbox locations will be addressed at detailed design for the subdivision. No condition added.

CP Rail – June 5, 2020

The Canadian Pacific Railway (CPR) is approximately 190 meters from the proposed development whereas it directly abuts the Canadian National Railway corridor.

On behalf of CPR, we have the following comment:

We request that the applicant be made aware of CPR's standard warning clause:

"Warning: Canadian Pacific Railway or its assigns or successors in interest has or have a railway right-of-way located within 300 metres from the subject site. There may be alterations to or expansions of the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings. CPR will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over or under the aforesaid right-of-way."

Staff Response: The appropriate conditions have been included in the draft approval.

Appendix “F” – Policy Context

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

Provincial Policy Statement

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

1.1.1

1.1.3 Settlement Areas

1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6

1.2 Coordination

1.4 Housing

1.4.1

1.5 Public spaces, recreation, parks, trails and open space

1.5.1

1.6.7 Transportation Systems

1.6.7.4

2.0 Wise use and management of resources

2.1 Natural heritage

2.1.1, 2.1.4, 2.1.5, 2.1.6, 2.1.8

London Plan

Our Strategy: 58_; 59_8; 61_2; 62_11

Our City: 172_; 189; 191; *193_

City Building: *189-306; 307_; 333_; 336_; *357_; 408_; 410_6, 8; 425_; *518_; 687_; 690_;

Place Type Policies: 761_7; *Table 10; 877_1,2; 878_2; *921_

Our Tools: 1576_; *1577-1578_; 1610_; *1638-1647_

1989 Official Plan

Chapter 2 Planning Framework

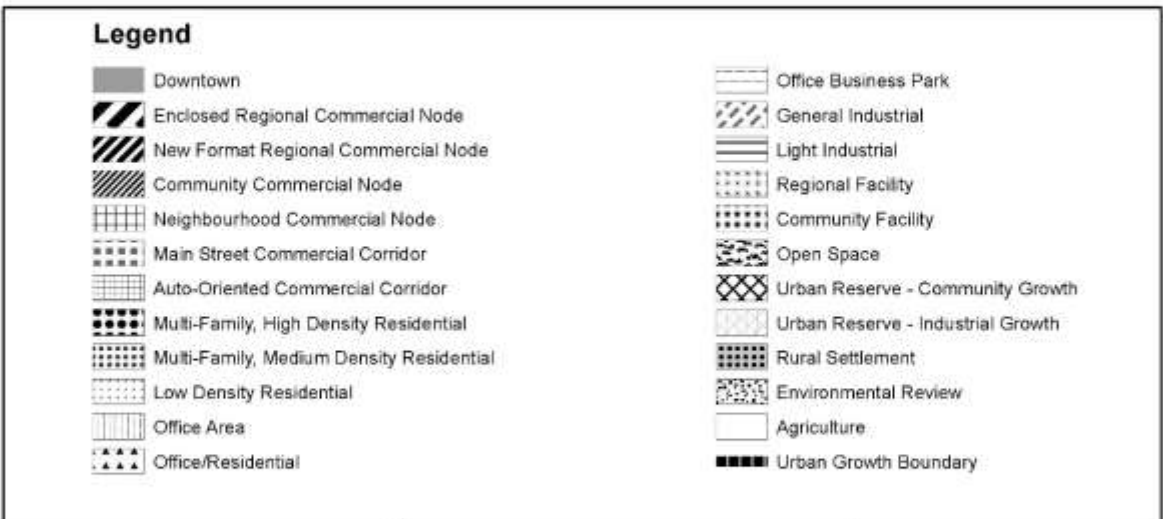
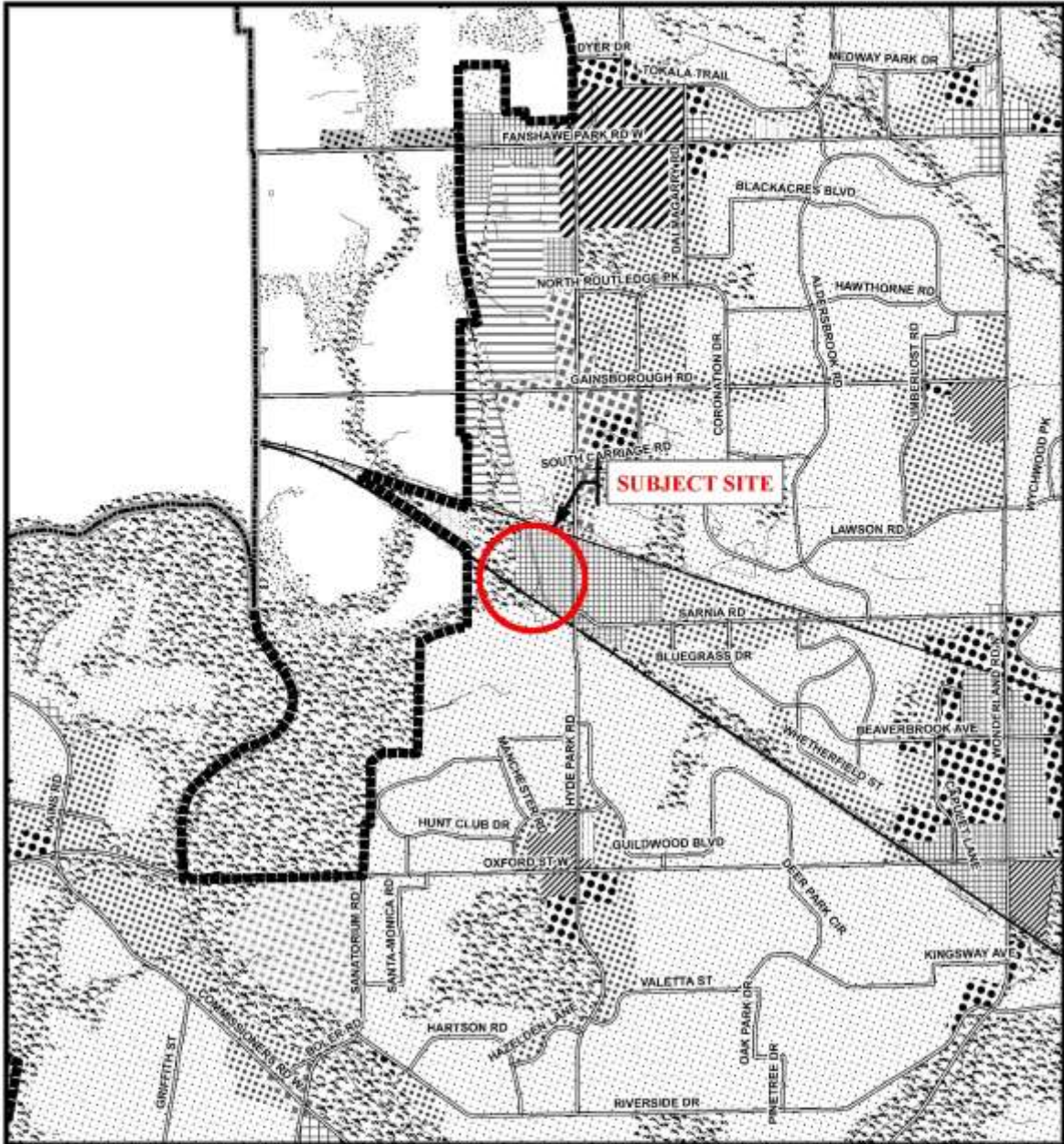
Chapter 10 Policies for Specific Areas: 1176, 1200, and 1230 Hyde Park Road clxvii).

Chapter 11 Urban Design Principles

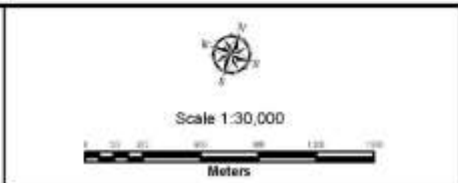
Chapter 15 Environmental Policies

Chapter 19 Implementation

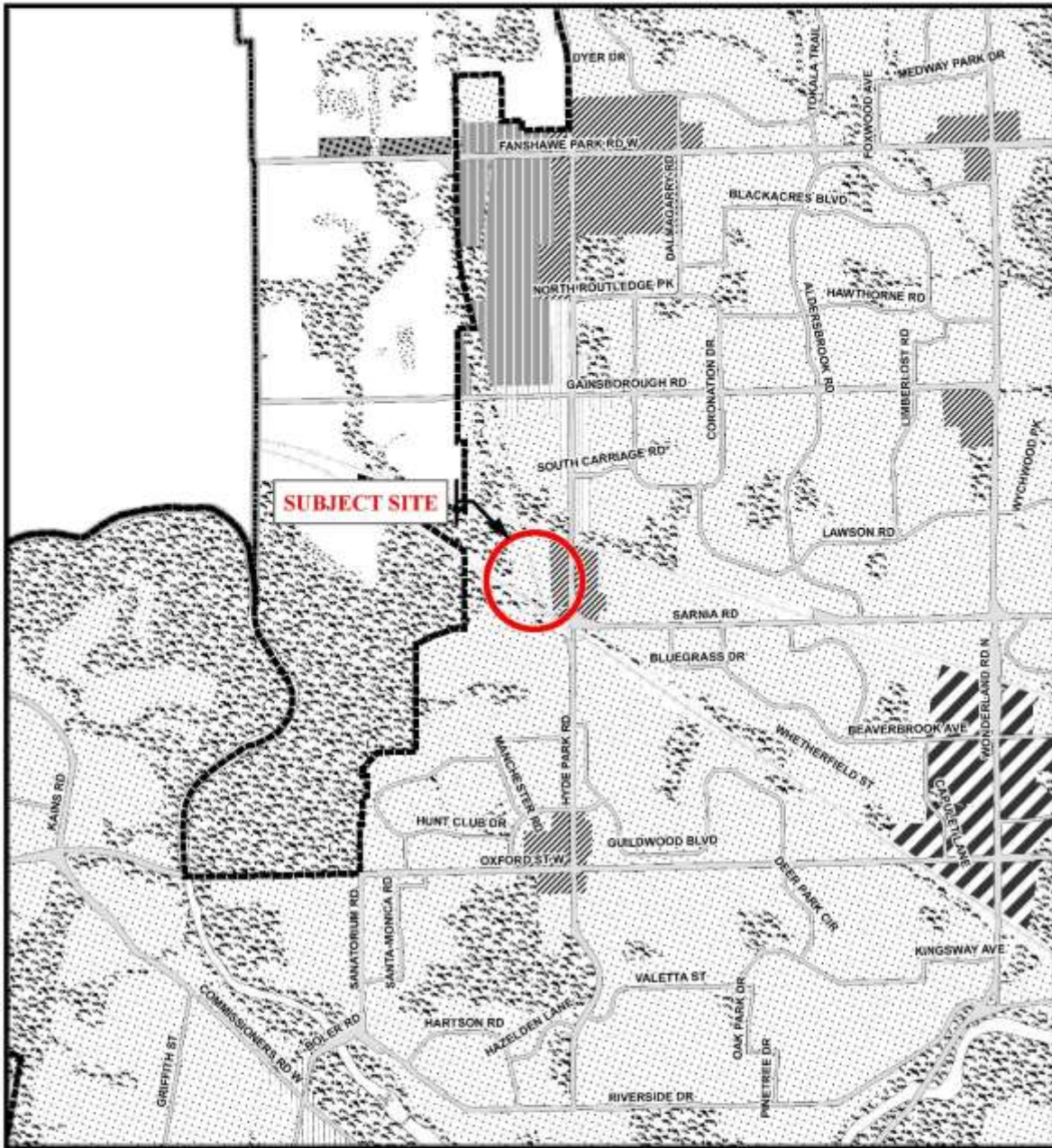
Additional Maps



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



FILE NUMBER: Z-9040
PLANNER: MC
TECHNICIAN: RC
DATE: 2020/08/20



Legend

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

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

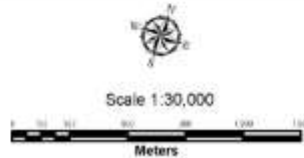
At the time of the printing of this map, the Rapid Transit EA is in progress. This map shows the Rapid Transit Corridors and Urban Corridors to recognize potential alignments. These Place Types will be modified to align with the results of the EA process for the final version of The London Plan.

CITY OF LONDON

Planning Services /
Development Services

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

PREPARED BY: Planning Services

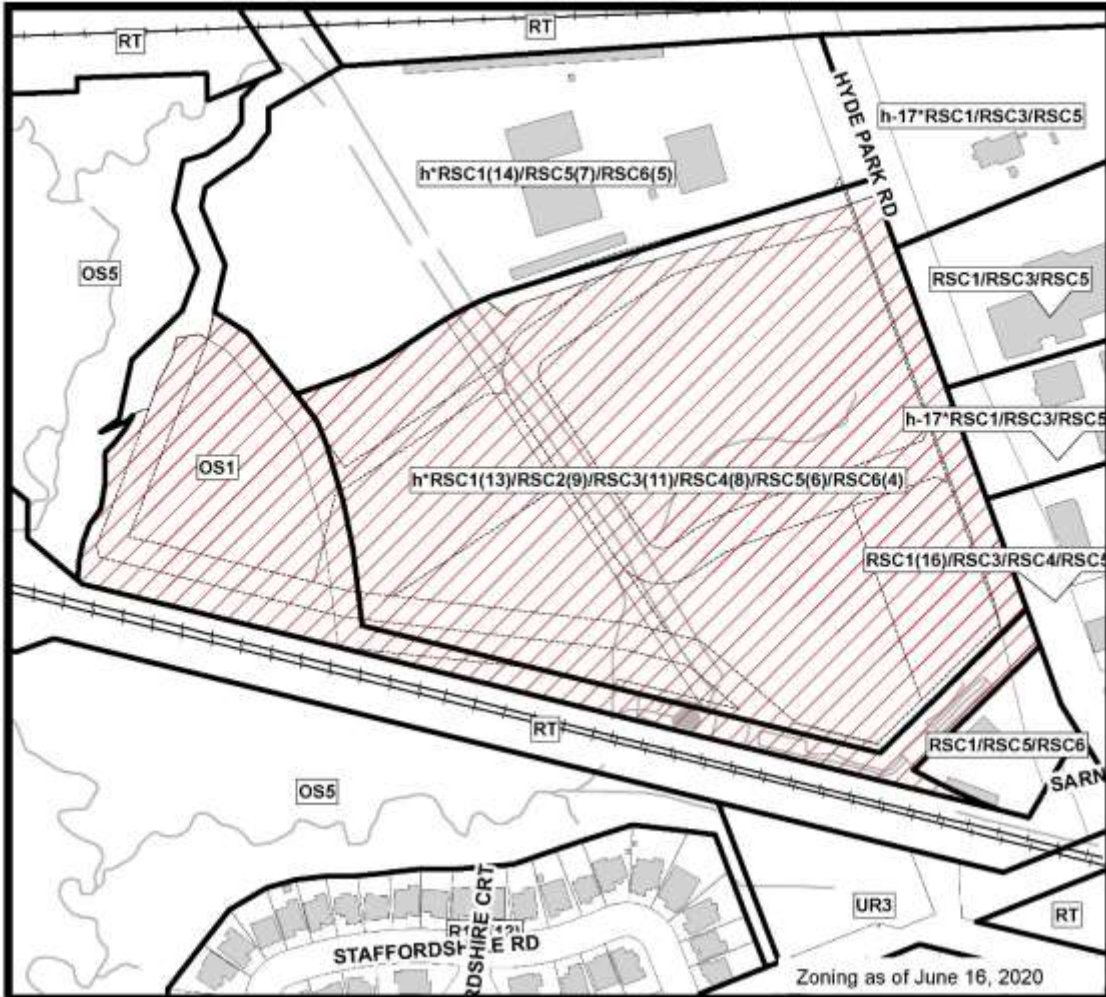


File Number: Z-9040

Planner: MC

Technician: RC

Date: August 20, 2020



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:
Z-9040 MC

MAP PREPARED:
2020/08/20 RC

1:3,250
0 20 40 80 120 160 Meters

Bibliography of Information and Materials
39T-19502/Z-9040

Request for Approval:

City of London Subdivision Application Form, completed by MBPC, submitted March 13, 2019.

City of London Zoning By-law Amendment Application Form, completed by MBPC, submitted March 13, 2019.

MHBC, Proposed Draft Plan of Subdivision with Zones, March 8, 2019.

MBPC. Proposed Draft Plan of Subdivision, Part of Lots 25 and 26 Concession 3 RP 33R-16526 Parts 2, 3, 4, 5, 7, 13 to 15 & 18 to 20 & Pt Part 8 City of London, County of Middlesex, March 11, 2019.

MPBC, Cover letter Zoning By-law Amendment and Draft Plan of Subdivision Application, March 13, 2019.

Reference Documents:

Ontario. Ministry of Municipal Affairs and Housing. *Planning Act, R.S.O. 1990, CHAPTER P.13*, as amended.

Ontario. Ministry of Municipal Affairs and Housing. *Provincial Policy Statement*, 2014.

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

City of London. *The London Plan*, June, 2016, as amended.

City of London. *Zoning By-law No. Z.-1*, May 21, 1991, as amended.

Submitted Reports:

MBPC, Final Proposal Report, March 2019

MBPC, Urban Design Brief. March 2019

Stantec, Environmental Impact Study, February 24, 2019

Stantec, Hydrogeological Assessment, February 25, 2019

EXP Services Inc., Geotechnical Investigation – Slope Assessment, November, 2018

EXP Services Inc., Geotechnical Investigation, February 25, 2019

Paradigm Transportation Solutions Ltd., Traffic Impact Assessment, November 2018

Development Engineering Ltd., Noise and Vibration Assessment, October 5, 2017

AECOM, Stage 1-2 Archaeological Assessment, 1176 & 1230 Hyde Park Road, July 31, 2018

AECOM, Supplementary Documentation, Stage 1-2 Archaeological Assessment 1176 & 1230 Hyde Park Road, July 31, 2018

MTE, Preliminary Stormwater Management Report Geotechnical Investigation, February 5, 2019

Revised Submission:

MPBC, Cover letter Responses to City of London and Upper Thames River Conservation Authority Comments Regarding the Final Proposal Report Application

Package for Northwest Crossings (#TS2017-001), Zoning By-law Amendment and Draft Plan of Subdivision Application, April 9, 2020.

AECOM, Stage 3 Archaeological Assessment, 1176 & 1230 Hyde Park Road, November 27, 2019

AECOM, Supplementary Documentation, Stage 3 Archaeological Assessment 1176 & 1230 Hyde Park Road, November 27, 2019

EXP Services Inc., Geotechnical Investigation – Slope Assessment, December, 2019

MHBC, Revised Draft Plan of Subdivision with Zones, March 18, 2020.

Bill No.
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 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road.

WHEREAS Northwest Crossings Ltd. has applied to rezone an area of land located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough 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 the easterly portion of the lands located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from a Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) Zone, to a Holding Business District Commercial Special Provision Bonus (h*h-100*BDC2(*)*B(*) Zone and Holding Business District Commercial Special Provision Bonus (h*h-100*BDC2(**)*B(*) Zone .

2. Section Number 25.4 of the Business District Commercial (BDC2) Zone is amended by adding the following Special Provision:

BDC2(*) 1230 Hyde Park Road

a) Additional Permitted Uses:

- i) Continuum-of-Care Facility (with any or all of the other permitted uses on the first floor)
- ii) Retirement Lodge or Retirement Home (with any or all of the other permitted uses on the first floor)
- iii) Nursing Home (with any or all of the other permitted uses on the first floor)

b) Regulations:

- i) Density 175 uph (71 units per acre)
(maximum)
- ii) Interior Side Yard & Rear Yard Depth 3 metres
Abutting a Residential Zone (minimum) (9.84 feet)
- iii) Dwelling units shall be permitted on the first floor of internal apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes, this does not include apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes fronting Hyde Park Road which shall be mixed-use buildings.

3. Section Number 25.4 of the Business District Commercial (BDC2) Zone is amended by adding the following Special Provision:

BDC2(**) 1230 Hyde Park Road

a) Additional Permitted Uses:

- i) Continuum of Care Facility (with any or all of the other permitted uses on the first floor)

- ii) Retirement Lodge or Retirement Home (with any or all of the other permitted uses on the first floor)
- iii) Nursing Home (with any or all of the other permitted uses on the first floor)
- b) Regulations:
 - i) Density (maximum) 144 uph (59 units per acre)
 - ii) Interior Side Yard & Rear Yard Depth Abutting a Residential Zone (minimum) 3 metres (9.84 feet)
 - iii) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
 - iv) Dwelling units shall be permitted on the first floor of internal apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes, this does not include apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes fronting Hyde Park Road which shall be mixed-use buildings.

4. Section Number 4.3 of the General Provisions in By-law No. Z.-1 is amended by adding the following new Bonus Zone:

B(*) 1230 Hyde Park Road

The Bonus Zone shall be implemented through a development agreement to facilitate the development of high quality mixed-use apartment buildings and standalone apartment buildings with a maximum height of 22 metres (6-storeys) which substantively implements the site-specific "Design Criteria".

Design Criteria

Site Development

- Building Sitting:
 - Buildings shall be located along the majority of the Hyde Park Road and Street 'A' frontages to provide for a built edge along the street;
 - All service and loading facilities associated with building shall be located within and/or behind buildings away from amenity areas and not visible from the public street.
- Pedestrian Connectivity:
 - Mid-block walkway connections from Hyde Park Road through Block 1 shall be provided between buildings fronting Hyde Park Road, leading to internal parking area and to walkways behind buildings leading to sidewalks along the northern and southern portions of Street 'A';
 - Walkway connections from the sidewalk along Hyde Park Road shall be provided from both ends of the building for Block 2, with a further connection to the sidewalk along Street 'A'.
- Access and Parking:
 - Vehicular access for both Blocks 1 and 2 shall be provided from Street 'A'.
 - No parking or vehicular drive isles shall be located between buildings and the Hyde Park road frontage.
 - Low masonry walls (max. 0.75m), complimentary in design to the buildings, shall be provided with a combination of landscaping to screen any parking located along the edge of Street 'A'.
- Common Outdoor Amenity Areas:
 - Outdoor common amenity areas shall be provided for each building, alternatively these spaces can be combined into one, centrally located common outdoor amenity space per Block.
 - These spaces shall be an appropriate size to provide adequate amenity for the proposed number of residents and provide the

- opportunity for passive and/or active recreation.
- These spaces shall be located within close proximity to a building entrance/exit. Alternatively a safe, appropriately sized, and conveniently aligned walkway connection(s) will be provided from the nearest building entrance/exit. If the spaces are combined into one centrally located space provide for walkways from each building to the space.
- Enhanced landscaping shall be provided along the Hyde Park Road frontage in the form of small amenity areas and trees between buildings. Efforts will be made to provide opportunities for additional amenity space through site and building design, with the intention of providing spaces for residents and visitors to enjoy the outdoors and animating street frontages to facilitate pedestrian oriented environments

Built form

- All buildings:
 - The development shall feature contemporary building designs with a mix and articulation of building materials including brick, metal panels, concrete, wood veneer and vision and spandrel glass;
 - Buildings shall be designed in a way that breaks up the structures horizontally and vertically through articulation, architectural details, and an appropriate proportion and rhythm of windows and balconies
 - Buildings along Hyde Park frontage:
 - The design for buildings facing Hyde Park Road shall be defined by complementary changes in building articulation and design above the 4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building.
 - Buildings shall include active commercial uses along the Hyde Park Road frontage, and all main floor commercial unit entrances shall be oriented towards Hyde Park Road.
 - The ground-floor street façade shall be primarily comprised of vision glazing for views into and out of the building. Where vision glazing is not used, alternative urban design measures that contribute to an animated streetscape shall be required.”;
 - Overhead protection from natural elements shall be provided above the first floor in locations such as pedestrian entrances where appropriate to architecturally differentiate the building base from the upper levels;
 - Buildings along the Street ‘A’ frontage:
 - The development shall provide street-oriented features for residential buildings, including individual entrances to ground-floor residential units with operable and lockable doors, and pedestrian-scale features such as lighting and weather protection. Private amenity areas shall also be provided and may include enclosed courtyards with a combination of planters and low decorative fencing.
 - The design for buildings facing Street ‘A’ shall be defined by complementary changes in building articulation and design above the 4th floor that will contribute to the provision of a human-scaled environment along the street. Potential design solutions may include a step-back, balconies or outdoor areas, which would provide proportionate step-backs from the front face of the building.
- a) Regulations:
- | | | |
|-----|----------------------------------|------------------------------------|
| i) | Height
(maximum) | 22 metres (72 feet)
(6-storeys) |
| ii) | Ground Floor Height
(minimum) | 4.5 metres (14.76 feet) |

- iii) Dwelling units shall be permitted on the first floor of internal apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes, this does not include apartment buildings, continuum-of-care facilities, retirement lodge or retirement homes and nursing homes fronting Hyde Park Road which shall be mixed-use buildings.

5. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the middle portion of the lands located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from a Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) Zone to a Holding Residential Special Provision (h*h-100*R5-7(*)/R6-5(*)/R7(*)*H14/R8-4(*)) Zone and from an Open Space (OS1) Zone to a Holding Residential Special Provision (h*h-100*R5-7(*)/R6-5(*)/R7(*)*H14/R8-4(*)) Zone.

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

R5-7(*)	1200 & 1230 Hyde Park Road	
a)	Regulation[s]	
i)	Net Density (maximum)	35 uph (based on total land area within the zone)
ii)	Height (maximum)	14 metres (45.9 feet)
iii)	Front & Exterior side Yard Depth (minimum)	3 metres (9.84 feet)
iv)	Setback from Railway Right of Way (minimum)	30 metres (98.4 feet)
v)	The front face and primary entrance of dwellings shall be oriented to adjacent streets	

7. Section Number 10.4 of the Residential R6 (R6-5) Zone is amended by adding the following Special Provision:

R6-5(*)	1200 & 1230 Hyde Park Road	
a)	Regulation[s]	
i)	Net Density (maximum)	35 uph (based on total land area within the zone)
ii)	Height (maximum)	14 metres (45.9 feet) (4 storeys)
iii)	Front & Exterior side Yard Depth	3 metres (minimum) (9.84 feet)
iv)	Setback from Railway Way (minimum)	30 metres Right of (98.4 feet)
v)	The front face and primary entrance of dwellings shall be oriented to adjacent streets	

8. Section Number 11.4 of the Residential R7 (R7) Zone is amended by adding the following Special Provision:

R7(*)	1200 & 1230 Hyde Park Road	
a)	Regulation[s]	

- i) Net Density (maximum) 35 uph (based on total land area within the zone)
- ii) Height (maximum) 14 metres (45.9 feet), 4-storeys
- iii) Front & Exterior Yard Depth (minimum) 3 metres (9.84 feet)
- iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
- v) The front face and primary entrance of dwellings shall be oriented to adjacent streets

9. Section Number 12.4 of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:

R8-4(*) 1200 & 1230 Hyde Park Road

- a) Regulation[s]
 - i) Net Density (maximum) 35 uph (based on total land area within the zone)
 - ii) Height (maximum) 14 metres (45.9 feet), 4-storeys
 - iii) Front & Exterior Yard Depth (minimum) 3 metres (9.84 feet)
 - iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
 - v) The front face and primary entrance of dwellings shall be oriented to adjacent streets

10. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the westerly portion of lands located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from a Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) an Open Space (OS1) Zone, to a Holding Residential Special Provision (h*h-100*R5-7(**)/R6-5(**)/R7(**)*H12/R8-4(**) Zone.

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

R5-7(**) 1176, 1200 & 1230 Hyde Park Road and a portion of 1150 Gainsborough Road

- a) Regulation[s]
 - i) Density (maximum) 100uph (41 units per acre)
 - ii) Front & Exterior side Yard Depth (minimum) 3 metres (9.84 feet)
 - iii) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
 - iv) The front face and primary entrance of dwellings shall be oriented to adjacent streets

12. Section Number 10.4 of the Residential R6 (R6-5) Zone is amended by adding the following Special Provision:

- R6-5(**) 1176, 1200 & 1230 Hyde Park Road and a portion of 1150 Gainsborough Road
- a) Regulation[s]
- i) Density (maximum) 100 uph (41 units per acre)
 - ii) Height 3 storey (maximum)
 - iii) Front & Exterior side Yard Depth (minimum) 3 metres (9.84 feet)
 - iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
 - v) The front face and primary entrance of dwellings shall be oriented to adjacent streets

14. Section Number 11.4 of the Residential R7 (R7) Zone is amended by adding the following Special Provision:

- R7(**) 1176, 1200 & 1230 Hyde Park Road and a portion of 1150 Gainsborough Road
- a) Regulation[s]
- i) Density (maximum) 100uph (41 units per acre)
 - ii) Height 3 storey (maximum)
 - iii) Front & Exterior Yard Depth (minimum) 3 metres (9.84 feet)
 - iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
 - v) The front face and primary entrance of dwellings shall be oriented to adjacent streets

15. Section Number 12.4 of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:

- R8-4(**) 1176, 1200 & 1230 Hyde Park Road and a portion of 1150 Gainsborough Road
- a) Regulation[s]
- i) Density (maximum) 100uph (41 units per acre)
 - ii) Height 3 storey (maximum)
 - iii) Front & Exterior Yard Depth (minimum) 3 metres (9.84 feet)
 - iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)
 - v) The front face and primary entrance of dwellings shall be oriented to adjacent streets

16. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to the westerly portion of lands located at 1176, 1200, 1230 Hyde Park Road and portion of 1150 Gainsborough Road, as shown on the attached map comprising part of Key Map No. A.101, from a Holding Restricted Service Commercial Special Provision (h*RSC1(13)/RSC2(9)/RSC3(11)/RSC4(8)/RSC5(6)/RSC6(4)) an Open Space (OS1) Zone, to a Holding Residential Special Provision (h*h-100*h-18*R5-7(***)/R6-5(***)/R7(***)*H12/R8-4(***) Zone.

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

- R5-7(***) 1176 & 1200 Hyde Park Road and a portion of 1150 Gainsborough Road
- a) Regulation[s]
 - i) Density (maximum) 90uph (37 units per acre)
 - ii) Lot Frontage (maximum) 10 metres (32.8 feet)
 - iii) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)

18. Section Number 10.4 of the Residential R6 (R6-5) Zone is amended by adding the following Special Provision:

- R6-5(***) 1176 & 1200 Hyde Park Road and a portion of 1150 Gainsborough Road
- a) Regulation[s]
 - i) Density (maximum) 90uph (37 units per acre)
 - ii) Height 3 storey (maximum)
 - iii) Lot Frontage (minimum) 10 metres (32.8 feet)
 - iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)

19. Section Number 11.4 of the Residential R7 (R7) Zone is amended by adding the following Special Provision:

- R7(***) 1176 & 1200 Hyde Park Road and a portion of 1150 Gainsborough Road
- a) Regulation[s]
 - i) Density (maximum) 90uph (37 units per acre)
 - ii) Height 3 storey (maximum)
 - iii) Lot Frontage (minimum) 10 metres (32.8 feet)
 - iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)

20. Section Number 12.4 of the Residential R8 (R8-4) Zone is amended by adding the following Special Provision:

- R8-4(***) 1176 & 1200 Hyde Park Road and a portion of 1150 Gainsborough Road
- a) Regulation[s]
 - i) Density (maximum) 90uph (37 units per acre)
 - ii) Height 3 storey (maximum)
 - iii) Lot Frontage (minimum) 10 metres (32.8 feet)
 - iv) Setback from Railway Right of Way (minimum) 30 metres (98.4 feet)

PUBLIC PARTICIPATION MEETING COMMENTS

3.1 PUBLIC PARTICIPATION MEETING – 1175, 1200, 1230 Hyde Park Road and Portion of 1150 Gainsborough Road 39T-19502 (Z-9040)

- Councillor Cassidy: Are there any technical questions? Councillor Turner.
- Councillor Turner: Thanks, Madam Chair, and through you to Mr. Corby, thanks for the report. The report mentions a couple times about affordable housing, it speaks to the London Plan components and general policies. In this, it describes that this allows for opportunities for affordable housing due to various unit sizes, but is there anything that compels that unit type to meet the actual definition of affordable housing rather than just various levels of affordability?
- Councillor Cassidy: Mr. Corby.
- Michael Corby, Senior Planner, Development Services: Through you, Madam Chair - there's nothing to compel them to meet the definition of affordable housing as it is just large blocks in the planned subdivision. It's a little more difficult to ensure we receive affordable housing as we do through bonusing or through site specific amendments. The policies are obviously in the Official Plan when they come through site plan that we will seek to achieve these affordable housing goals. We also did encourage them to speak to the HDC throughout this process but nothing came of that.
- Councillor Cassidy: Councillor Turner.
- Councillor Turner: Through you, Madam Chair - so would we typically leave this to site plan to get to that level in terms of the zoning application, or would this not be something that's considered at the time of the Zoning By-law and Official Plan amendments? It speaks to the Official Plan policies but doesn't realize the Official Plan policies - that's my concern here.
- Councillor Cassidy: Mr. Corby.
- Michael Corby: Through you, Madam Chair - it's difficult through the planned subdivision process to have a mechanism, I guess, to tie them down to affordable housing outside the bonus zone, so that's the difficulty we face here. And in this reference, they're not actually achieving higher densities than what's permitted; they are increasing the two stories in height through the bonus zone, so that could have been somewhere where we could have required affordable housing, but we felt the design criteria was substantial enough to achieve the bonusing on the front of that site.
- Paul Yeoman, Director, Development Services: Through you, Madam Chair, if I could - it's Mr. Yeoman.
- Councillor Cassidy: Go ahead.
- Paul Yeoman: Thank you very much. I just want to add too, though, that it's important to recognize that there aren't any low density zones that are recommended as part of the subdivision as well. So on the spectrum of affordability, recognizing that it won't be regulated affordability through market rents that are tied to a bonus zone, it is inherently a more affordable development than a number of other developments we have in the City.

- Councillor Cassidy: Councillor Turner, any other questions?
- Councillor Turner: No, thanks, I'll leave the rest for comments.
- Councillor Cassidy: Thank you. Any other technical questions on this application? Seeing none, I will go to the committee rooms to see if the applicant is present and would the applicant care to make a comment? If you could state your name and then you have five minutes to address the committee.
- Hannah Shirliff, Planner, MBPC: Thank you. I hope you can hear me through the mask. Good afternoon, my name is Hannah Shirliff and I'm a planner with Monteith Brown Planning Consultants, and I'm here today with Jay McGuffin, the Vice President and principal planner for Monteith Brown, as well as our client, Jim Bujouves of Farhi Holdings. We'd like to thank staff for their work on the report and their work on this project to date. We really appreciate the opportunity to review everything in advance, and we agree with staff's recommendation, and we are available to answer any questions that Council and members of the public may have. Thank you.
- Councillor Cassidy: Thank you very much. Now I'll go to the committee rooms to see if there are any members of the public who would like to comment on this application. I'm not seeing any members of the public who would like to comment on this, so I will look for a motion to close the PPM.

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: 1423197 Ontario Inc. (Royal Premier Homes)
3557 Colonel Talbot Road

Public Participation Meeting on: September 8, 2020

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of 1423197 Ontario Inc. (Royal Premier Homes) relating to the property located at 3557 Colonel Talbot Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting September 15, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject property **FROM** an Urban Reserve (UR4) Zone and Open Space (OS4) Zone **TO** a Residential R5 Special Provision (R5-6(_)) Zone, Open Space Special Provision (OS4(_)) Zone and an Open Space Special Provision (OS5(_)) Zone.

IT BEING NOTED that the provision of enhanced screening/privacy along the northern property line, including boundary landscaping along the north and west property boundaries, was raised during the application review process as a matter to be addressed at the Site Plan Approval Stage

Executive Summary

Summary of Request

The owner has requested to rezone the subject lands to permit a cluster townhouse development, consisting of 21 units at 2.5-storeys in height.

A portion of the lands will be rezoned to permit a common amenity space within the proposed Open Space (OS4) Zone. The remaining lands will be rezoned to Open Space Special Provision (OS5(_)) and dedicated to the City through parkland dedication.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to permit the development of two townhouse blocks, 2.5-storeys in height with a density of 51 units per hectare for a total of 21 units. The following special provisions will ensure the site is developed generally in accordance with the site concept plan contemplated through the Zoning By-law Amendment process: a minimum front yard depth of 2.0 metres; a minimum south interior side yard depth of 3.10 metres; a maximum density of 51 units per hectare; a minimum rear yard depth of 0.7 metres from the OS4(_)) Zone Boundary; and a deck projection of 0.0 metres from the south property line, abutting the OS4 Zone.

The purpose and effect of the recommended action is to rezone a portion of the lands to allow for the proposed Open Space Special Provision (OS4(_)) Zone to provide for a common amenity area, including the use of one accessory structure as well as recognize a minimum lot frontage and lot area.

The purpose and effect of the recommended action is to rezone the remaining lands to Open Space Special Provision (OS5(_)) which is to be dedicated to the City as parkland dedication.

Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS, 2020 because it encourages the development of an underutilized parcel within the settlement area and provides for an appropriate range of uses and opportunities for development;
2. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Key Directions, Neighbourhoods Place Type and the Open Space Place Type;
3. The recommended amendment confirms to the in-force policies of the 1989 Official Plan, including but not limited to the Multi-Family, Medium Density Residential designation;
4. The recommended amendment is consistent with the Southwest Area Secondary Plan, including the Lambeth Neighbourhood policies;
5. The recommended amendment facilitates the development of an underutilized site within the Urban Growth Boundary with an appropriate form of infill development.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject property is located north of Lambeth on the west side of Colonel Talbot Road between Pack Road and Kilbourne Road. A new subdivision surrounds the site to the north and west with a large estate lot to the south of the subject property. Currently, the lands to the east are utilized for agricultural purposes but is currently part of a Plan of Subdivision (39T-17503) under review. Located on the southern portion of the site is a small pond and the Dingman Creek which is subject to UTRCA regulations and is also part of an ongoing review of the extent of the floodplain and how it relates to updated flooding projections of the Dingman Creek.



Figure 1: Subject lands looking west.

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

- Official Plan Designation – Multi-Family Medium Density Residential/Open Space
- The London Plan Place Type – Neighbourhoods Place Type/Green Space Place Type
- Existing Zoning – Urban Reserve (UR4) Zone

1.3 Site Characteristics

- Current Land Use – Vacant
- Frontage – 107 metres (351 feet)
- Depth – 76 metres average (250 feet)
- Area – 0.808 hectares (2.0 acres)
- Shape – Irregular

1.4 Surrounding Land Uses

- North – Low Density Residential
- East –Used for Agricultural Purposes, currently part of a Plan of Subdivision application
- South – Low Density Residential
- West – Low Density Residential

1.5 Intensification (identify proposed number of units)

The proposed 21 residential units represent intensification on lands located outside of the Built-Area Boundary. The proposed residential units are located outside of the Primary Transit Area.1.6 Location Map



2.0 Description of Proposal

2.1 Development Proposal

Original Site Concept Plan

The initial site concept plan submitted in support of the requested amendment showed three townhouse blocks, 2.5-storeys in height with a total of 28 units. The original submitted proposal located the southern townhouse buildings approximately 8.0 metres away from the former floodplain limit. However, at the time of the application, the UTRCA were re-evaluating the extent of that floodplain limit and it was believed that the limit was larger than defined by the current mapping. After further discussions between the applicant and the UTRCA, and the subsequent review of revised studies, the two parties agreed to apply a new development limit which effectively represents the zone boundary depicted between the residential and open space zones and recommended in this report as shown in the updated concept site plan in Figure 5 below.



Figure 2: Original Site Concept Plan



Figure 3: Provided elevations (Original Site Concept Plan).



Figure 4: Elevations (Original Site Concept Plan)

Revised Concept Plan (July 2020)

In response to concerns raised by City staff and the UTRCA regarding the proposed development limit, the applicant submitted a revised concept site plan with the following changes:

- Two townhouse blocks, maintaining 2.5-storeys in height with a total of 21 units. This was a direct result of further consultation with the UTRCA and determining an appropriate development limit in relation to the existing OS4 lands;

- A portion of the lands proposed to be zoned Open Space Special Provision (OS4(_)) to accommodate a common amenity area, including the use of one accessory structure at the western portion of the zone and to recognize a minimum lot area and lot frontage for an Open Space Zone;
- Through further conversations and recommendations of the EIS, a 20 metre buffer between the existing Open Space (OS4) Zone and the proposed Open Space Special Provision (OS4(_)) Zone is recommended. Further, this buffer area is recommended to be rezoned to an Open Space Special Provision (OS5(_)) Zone, to recognize a reduced lot area, and be dedicated to the City for parkland dedication. A clear delineation of the proposed zoning boundary lines can be found in Figure 6.

It is noted that through the revised site concept plan, the proposed building elevations remain unchanged.

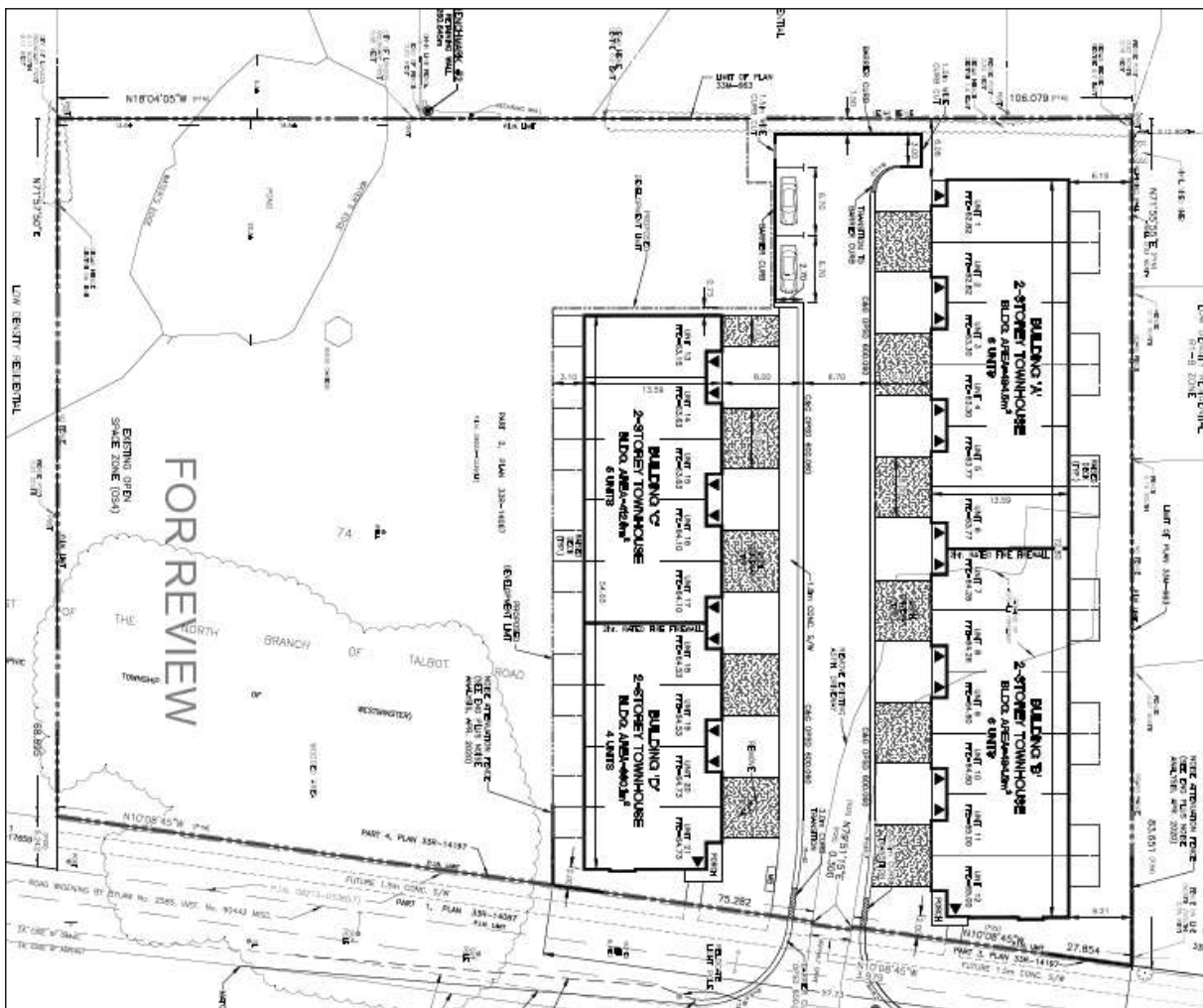


Figure 5: Revised Concept Site Plan (July 2020)

3.0 Relevant Background

3.1 Planning History

The subject lands were historically utilized for the purpose of a single detached dwelling until 2016 when the existing dwelling was structurally damaged due to a fire. As a result of the fire, the dwelling was demolished. In 2017, the subject lands were the subject of a Minor Variance Application (A.103/17) for the purpose of constructing a single detached dwelling with a reduced side yard setback. The proposed single detached dwelling was not constructed and the parcel has been vacant since the fire and demolition of the former single detached dwelling.

3.2 Requested Amendment

The Owner has requested to amend the Zoning By-law Z.-1 to change the zoning of the subject lands from an Urban Reserve (UR4) Zone to a Residential R5 Special Provision (R5-6(_)) Zone at the northern portion of the site. The requested change would permit the use of the subject lands for cluster townhouse dwellings and cluster stacked townhouse dwellings within the proposed development limit. The requested amendment facilitates the rezoning of a portion of the Urban Reserve (UR4) Zone lands to Open Space Special Provision (OS4(_)) Zone at the middle portion of the site to allow for one accessory structure to be constructed at the western portion of the zone to provide for common amenity area as well as recognize a reduced lot area and lot frontage. The requested amendment also facilitates the rezoning of the existing Open Space (OS4) Zone and the remaining Urban Reserve (UR4) Zone to be rezoned to Open Space Special Provision (OS5(_)) Zone at the southern portion of the site to allow for a reduced lot area which is to be dedicated to the City for Parkland Dedication.

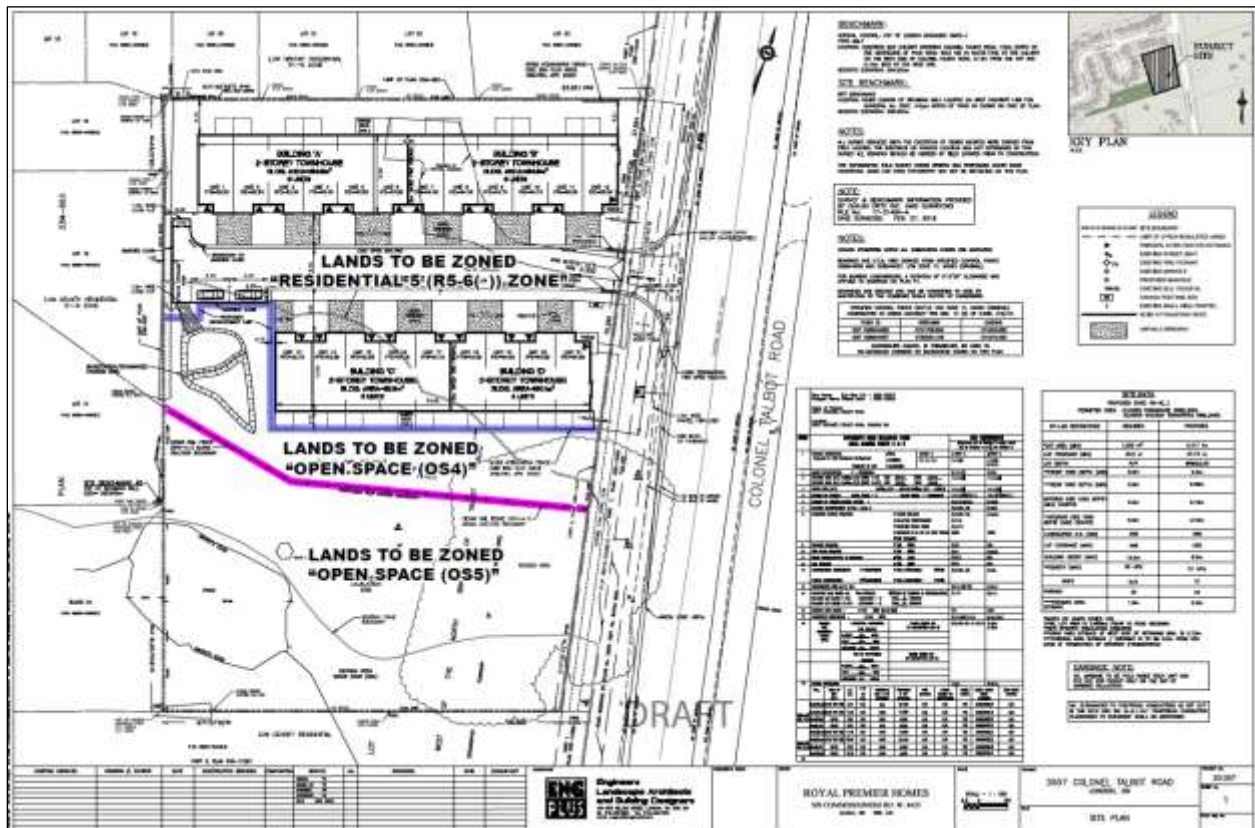


Figure 6: Draft Zoning Lines

3.3 Community Engagement (see more detail in Appendix B)

In the initial Notice of Application, five (5) responses were received from the public addressing concerns for loss of privacy, loss of trees, proposed built form/density, and increase in traffic and a decrease in property values.

A revised Notice of Application was sent to surrounding community members and seven (7) responses were received, which will be addressed later in this report. The primary concerns identified were related to:

- Increase in traffic;
- Loss of trees on site;
- Impacts to the existing wildlife;
- Loss of privacy for the properties to the north due to proposed height of decks;
- Proposed density/built form and its compatibility with the existing area;
- Decrease in property values.

3.4 Policy Context (see more detail in Appendix C)

The subject site is currently located in a Multi Family, Medium Density Residential (“MFMDR”) designation in the 1989 Official Plan and is also subject to the Medium

Density Residential policies of the Southwest Area Secondary Plan. The London Plan identifies the subject site and surrounding area as a Neighbourhoods Place Type which provides a broad range of uses and heights.

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

Section 1.1 of the PPS, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, encourages healthy, liveable and safe communities which are sustained by accommodating an appropriate range and mix of residential types, employment, institutional and open space to meet long-term needs (1.1.1.b)). The PPS directs settlement areas to be the focus of growth and development where land use patterns within settlement areas shall be based on densities and a mix of land uses, further identifying that the regeneration of settlement areas is critical to the long-term economic prosperity for communities (1.1.3). Furthermore, the PPS provides policy direction to provide for an appropriate range and mix of housing options and densities (1.4.1).

The London Plan

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

The London Plan provides for Key Directions (54_) to assist in achieving the overall vision of the City. The London Plan provides direction to build a mixed-use compact city by planning to achieve a compact, contiguous pattern of growth, looking “inward and upward” as well as planning for infill and intensification of various types and forms to take advantage of existing services and facilities as well as reducing the need to grow outward as well as ensuring a mix of housing types within neighbourhoods so that they are complete and support aging in place (59_2, 59_4 and 59_5). Furthermore, The London Plan provides direction to build strong, healthy and attractive neighbourhoods for everyone by integrating affordable forms of housing in all neighbourhoods (61_10).

The subject lands are located in the Neighbourhoods Place Type along a Civic Boulevard, as identified on *Map 1- Place Types and *Map 3 – Street Classifications. Uses contemplated includes a range of residential uses including single detached, semi-detached, duplex, converted dwellings, townhouses, stacked townhouses, fourplexes and low-rise apartments, in accordance with *Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type (*921_).

A portion of the subject lands to the south are located within the Green Space Place Type, as identified on *Map 1 – Place Types, due to the Dingman Creek running through the site, creating a potential flooding hazard. As previously noted, lands currently located within the Green Space Place Type will be dedicated to the City as Parkland Dedication. No development is proposed within the Green Space Place Type.

1989 Official Plan

The subject lands are designated as Multi-Family, Medium Density Residential, in accordance with Schedule ‘A’ of the 1989 Official Plan which permits 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.).

Southwest Area Secondary Plan

The subject lands are located within the Lambeth Residential Neighbourhood of the Southwest Area Secondary Plan (20.5.7). The Southwest Area Secondary Plan designates the subject lands as Medium Density Residential which is intended to provide for medium intensity residential uses that are consistent with existing and planned development (20.5.7.2). The primary permitted uses in the Multi-Family Medium Density Residential designation of the 1989 Official Plan, as outlined above, shall apply.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Use

Provincial Policy Statement, 2020 (PPS)

The PPS encourages an appropriate affordable and market-based mix and range of residential types, including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons to meet long term needs (1.1.1b)). The PPS also promotes cost-effective development patterns and standards to minimize land consumption and servicing costs through the integration of land use planning, growth management, transit-supportive development, and intensification and infrastructure planning (1.1.1.e)).

The PPS directs settlement areas to the focus of growth and development as the interest is to use land and resources wisely, to promote efficient development patterns, promote green spaces and ensure effective use of infrastructure and public service facilities (1.1.3). Land patterns within settlement areas shall be based on densities and a mix of land uses which are appropriate for, and efficiently use, the infrastructure & public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomic expansion (1.1.3.2.b)). Further, land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2.).

The recommended amendment facilitates the development of a vacant, underutilized site within the settlement area. The proposed 21 unit townhouse development contributes to a mix of housing types within the existing area and further provides choice and diversity in housing options. In order to facilitate the development, no new roads or infrastructure is required to service the site, therefore making efficient use of land and services.

The London Plan & 1989 Official Plan

The subject lands are within the Neighbourhoods Place Type in The London Plan with frontage on a Civic Boulevard with a portion of the lands within the Green Space Place Type, in accordance with *Map 1 – Place Types. Permitted uses within the Neighbourhoods Place Type along the Civic Boulevard include, but not limited to, townhouses (*Table 10 – Range of Permitted Uses in Neighbourhoods Place Type). Along the Civic Boulevard within the Neighbourhoods Place Type, a minimum height of 2-storeys is required and permits a maximum height of 4-storeys.

The 1989 Official Plan designates the subject lands as Multi-Family, Medium Density Residential which permits multiple-attached dwellings, such as row houses or cluster houses (3.3.1.). Policies within the 1989 Official Plan direct that development of the site or area for medium density residential uses shall take into account surrounding uses in terms of height, scale and setbacks and shall not adversely impact the amenities and character of the surrounding area (3.3.2.i)).

Concern was expressed regarding the compatibility of the proposed use within the surrounding area and loss of privacy. The London Plan provides direction to make wise planning decisions to ensure that new development is a good fit within the context of an existing neighbourhood (62_9). The proposed townhouses are located adjacent to an

existing subdivision comprised of single detached dwellings ranging from 1 to 2-storeys in height. The townhouses are proposed to be 2.5-storeys in height, consistent with the existing neighbourhood. Decks are proposed along the backs of the townhouse units however, through the Site Plan Approval process, enhanced privacy and landscaping will be recommended. As such, the proposed use can be considered to be compatible with the surrounding neighbourhood and will not be out of character with the existing land uses.

The recommended amendment therefore facilitates the provision of a mix of housing types, is a permitted use within the Neighbourhoods Place Type and Medium Density Residential designation, provides a use for an underutilized vacant parcel and is consistent with the policies of The London Plan, the 1989 Official Plan and the PPS.

Southwest Area Secondary Plan

The subject lands are located within the Lambeth Neighbourhood of the Southwest Area Secondary Plan where uses within the Medium Density Residential area are subject to the permitted uses of the Multi-Family, Medium Density Residential designation of the 1989 Official Plan (20.5.7.2.ii)). The recommended amendment seeks to permit the use of cluster townhouse dwellings, keeping with the intent of the 1989 Official Plan and the Southwest Area Secondary Plan.

4.2 Issue and Consideration # 2: Intensity

Provincial Policy Statement, 2020 (PPS)

The PPS provides policies which directs planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodate a significant supply and range of housing options, through intensification and redevelopment and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs (1.1.3.3). The PPS further directs planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents. Planning authorities are directed to do this by permitting and facilitating all types of residential intensification, including additional residential units, redevelopment and all housing options required to meet the social, health, economic and well-being requirements of current and future residents (1.4.3.b)). Furthermore, the PPS promotes densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation in areas where it exists or is to be developed (1.4.3.d)).

The recommended amendment facilitates the development of an underutilized site within a settlement area. As the site is presently vacant, the proposed development represents a form of residential intensification through infill development. As the lands were previously used for low density residential uses, the proposal supports the Province's goal to achieve a more compact, higher density form of development, consistent with the PPS.

The London Plan

The London Plan provides direction on growing "inward and upward" to achieve a compact form of development where residential intensification will play a large role in achieving goals associated with the "inward and upward" growth (79_ and 80_). The London Plan further permits intensification in appropriate locations and in a way that is sensitive to existing neighbourhoods, represents a good fit and undertaken well in order to add value to neighbourhoods rather than undermine their character, quality and sustainability (*82_ and *937_). Furthermore, The London Plan directs that intensification may occur in all place types that allow for residential uses (84_). Specifically, Residential Intensification within the Neighbourhoods Place Type can be achieved in a variety of forms including infill development (*939_5).

As a tool to measure intensity within the Neighbourhoods Place Type, The London Plan utilizes the street classification as well as height to assist in determining the appropriate intensity for a site. A minimum of 2-storeys and a maximum height of 4-storeys, with opportunities for up to 6-storeys with bonus zoning, is contemplated within the Neighbourhoods Place Type where the property's frontage is located on a Civic Boulevard (*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). Notwithstanding the permitted heights, the intensity of the development must be appropriate for the size of the lot to ensure driveways, adequate parking, landscaped open space, adequate buffering and setbacks can be accommodated for (*953_3).

The recommended amendment would facilitate the development of two townhouse blocks at 2.5-storeys in height, within the maximum intensity permitted by The London Plan. A special provision is being requested to the base R5-6 zone for a modest increase in the overall units per hectare. As a result of the reduced development area, and in order to facilitate the development of 21-units, an increase of one (1) additional unit per hectare is required as the Residential R5 (R5-6) Zone, as of right, permits 50uph whereas 51uph is requested. The requested increase will result in the development of one (1) additional unit and would not facilitate any additional units at a later point.

The proposed site design is appropriate given the size of the lot, even after taking into consideration of the reduced development limit, as the site provides all required parking and a private amenity area is provided for each unit. Reductions in parking and landscaped open space along with an increase in height and lot coverage often serve as key indicators of possible over-intensification of a site. With the recommended amendment, it is important to recognize that no special provisions are required for parking, landscaped open space, an increase in height, and an increase in lot coverage, indicating that the subject lands are of appropriate size to accommodate the proposed development.

1989 Official Plan

The Multi-Family, Medium Density Residential designation of the 1989 Official Plan serves as a suitable transition between Low Density Residential areas and more intense forms of land use (3.3.). Development within areas designated Multi-Family, Medium Density Residential shall have a low-rise form, site coverage and density that, as previously noted, serve as a transition between low density residential areas and more intensive development (3.3.3.). Within the Multi-Family, Medium Density designation, density will not exceed an approximate net density of 75 units per hectare (3.3.3.ii)). Furthermore, development within the Multi-Family, Medium Density Residential designations shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood, typically not exceeding 4-storeys in height (3.3.3.i)).

The recommended amendment would facilitate the development of townhouses at a density of 51 units per hectare, well under the maximum net density of 75 units per hectare. In accordance with Section 3.3.2., development of the site or area for medium density residential uses shall take into account the surrounding land uses in terms of height, scale and setbacks and shall not adversely impact the amenities and character of the surrounding area. Surrounding land areas within the immediate vicinity are predominately in the form of single detached dwellings ranging from one to two-storeys in height within existing subdivisions. The height of the townhouses are proposed to be 2.5-storeys which is considered to be compatible with the surrounding neighbourhood.

The subject lands are located in an area undergoing an increase in residential development, including the development of a new subdivision just north of the subject lands along Colonel Talbot Road and Pack Road. Section 3.3.2., also notes that the preferred location of Multi-Family, Medium Density Designations is in close proximity to designated Open Space areas and to lands abutting an arterial, primary collector or secondary collector street. In this situation, the subject lands contain an existing Open Space (OS4) Zone on the southern portion of the site. Through the process and determining an appropriate development limit, the proposed townhouses are adjacent to

a recommended Open Space Special Provision (OS4(_)) Zone as well as a larger Open Space Special Provision (OS5(_)) Zone which provides a large buffer between the proposed townhouses and the existing lands to the south. Furthermore, Colonel Talbot Road is classified as an arterial road. As such, the recommended amendment is consistent with the Multi-Family Medium Density Residential policies of the 1989 Official Plan.

Southwest Area Secondary Plan

Within the Medium Density Residential area of the Lambeth Neighbourhood, the Southwest Area Secondary Plan contemplates development at a minimum density of 30 units per hectare and a maximum density of 75 units per hectare with building heights deferring to the 1989 Official Plan (20.5.7.2.iii)). Development within residential areas of the Southwest Area Secondary Plan located along arterial road corridors will include street-oriented and higher-intensity forms of development such as stacked townhouses (20.5.4.1.iv)b)). As such, the proposed density of 51 units per hectare is consistent with the Southwest Area Secondary Plan.

4.3 Issue and Consideration # 3: Form

Provincial Policy Statement, 2020 (PPS)

The PPS directs planning authorities to encourage a sense of place by promoting well-designed built form (1.7.1.e)). Further, the PPS promotes appropriate development standards that facilitate intensification, redevelopment and a compact form, while avoiding or mitigating risks to public health and safety (1.1.3.4.). The PPS also directs planning authorities to establish development standards for residential intensification, redevelopment and new residential development which minimize cost of housing and facilitate a compact form (1.4.3.f)).

The recommended amendment facilitates a development representative of intensification and redevelopment of a vacant parcel in a compact form. The subject lands are located within a developing area of the City which would optimize the use of the land and existing infrastructure.

The London Plan & 1989 Official Plan

One of the Key Directions of The London Plan is to practice and promote sustainable forms of development as well as plan for infill and intensification of various types and forms to take advantage of existing services and facilities and to reduce the need to grow outward (58_7 and 59_4). The London Plan also supports and encourages infill and intensification in meaningful ways (58_8). Within the Neighbourhoods Place Type, in accordance with the urban design considerations for residential intensification, compatibility and fit, from a form perspective, will be evaluated based on the following matters: site layout within the context of the surrounding neighbourhood; building and main entrance orientation; building line and setback from the street; character and features of the neighbourhood; height transitions with adjacent development; and massing appropriate to the scale of the surrounding neighbourhood (*953_2 a. to f.).

The recommended amendment facilitates the development of a cluster townhouse development at a height of 2.5-storeys and 21 units which is considered to be a compatible fit within the existing neighbourhood context. Additionally, the proposed development is oriented off of Colonel Talbot Road with the main buildings having regard for the street frontage. Concerns were raised by the public regarding loss of privacy, loss of trees and an increase in traffic. The Multi-Family, Medium Density Residential designation of the 1989 Official Plan states that “traffic to and from the location should not have a significant impact on stable, low density residential areas” (3.3.2.iii)). Access for the site is located off of Colonel Talbot Road and will not cause significant impact on the abutting low density residential uses. Further, the 1989 Official Plan directs that the site be a suitable shape and size to accommodate medium density housing and to provide for adequate buffering measures to protect any adjacent low

density residential uses (3.3.2.iv)). Following further discussions between staff and the UTRCA, a development limit was established which limited the area available for development. As such, seven (7) units were removed from the original site concept plan to accommodate a smaller developable land area. The current developable area is of adequate size to accommodate the proposed 21 units. With respect to concerns raised over loss of privacy, the proposed townhouses along the north interior side yard of the site are setback slightly greater than the minimum requirement of 6.0 metres. Furthermore, through the Site Plan process, Staff are recommending consideration for enhanced buffering along the north interior property line.

Southwest Area Secondary Plan

Within the Lambeth Neighbourhood of the Southwest Area Secondary Plan, the direction of the urban design policies regarding the form of the development seek to promote development that is compact, pedestrian-oriented and transit-friendly (20.5.3.9.i)a)). The proposed development provides for a form of intensification that is compact yet compatible with surrounding uses.

4.4 Issue and Consideration # 4: Environmental Concerns

Provincial Policy Statement, 2020 (PPS)

The PPS directs planning authorities to avoid development and land use patterns which may cause environmental or public health and safety concerns (1.1.1.c)). The PPS further promotes healthy and active communities by planning and providing a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including open space areas, linkages and trails (1.5.1.). Furthermore, the PPS directs that natural heritage features shall be protected for the long-term (2.1.1.). The PPS ensures that development is directed to areas outside of natural hazard lands which includes lands which are impacted by flooding hazards (3.1.1. b)). Development and site alteration may be permitted in the flood fringe, subject to appropriate floodproofing standards and that no adverse environmental impacts will result (3.1.7.a) and 3.1.7.d)).

The London Plan

The southerly portion of the subject site is located within the Green Space Place Type due to the Dingman Creek running through the site, creating a potential flooding hazard. The Green Space Place Type intends to reduce the potential for loss of life and damage to property due to flooding by restricting the development of flood plain and hazard lands to an appropriate range of uses (761_6). City Council may acquire lands within the Green Space Place Type or add to the Green Space Place Type for the purposes of adding to the network of publicly-accessible open space, providing protection to lands identified as being susceptible to flooding or erosion; and providing protection to natural heritage areas within the Green Space Place Type (768_). It is noted that a portion of the proposed Open Space Special Provision (OS5(_)) Zoned lands will be located within the Neighbourhoods Place Type until *Map 6 – Hazards and Natural Resources is updated in the future as part of a broader review of this area to include the identified wetland feature. At that time, it is anticipated that the existing Neighbourhoods Place Type designation will be re-designated to Green Space Place Type.

1989 Official Plan

As previously noted, the subject site is affected by the Dingman Creek and is subject to flooding on the south portion of the site, which is also regulated by the UTRCA. The 1989 Official Plan provides the opportunity to use a one or two zone concept when dealing with Hazard lands which is in keeping with provincial policies. The City of London and the Upper Thames River Conservation Authority have adopted a one-zone concept for the City which means no flood fringe exists (15.6.2.). The zoning of flood plain lands will reflect the restricted use of these lands, and will prohibit any new development, with the exception of existing uses and minor additions and/or renovations to existing structures. Development within the Flood Plain will be restricted to: flood and/or erosion control structures; facilities which by their nature must locate

near watercourses; ancillary facilities of an adjacent land use which are of a passive, non-structural nature and do not adversely affect the ability of the flood plains to pass floodwaters; and essential public utilities and services. The development of flood plain lands shall also be subject to additional conditions outlined in the Official Plan.

Southwest Area Secondary Plan

A Draft comprehensive Natural Heritage Study was completed as part of the Secondary Plan process. The Dingman Creek Significant River Corridor is a major component of the natural heritage system in the Southwest Area Secondary Plan. It is considered a significant river and ravine corridor which represents a continuous wildlife linkage and water resources system connecting significant core natural heritage features that extend beyond the limits of the city. The protection, maintenance, enhancement and rehabilitation of the corridor are integral to the sustainability of this unique natural heritage feature and its ecological functions. An ecological buffer was established based upon the recommendations of an approved Environmental Impact Study (EIS) in accordance with Section 15 of the 1989 Official Plan. Lands delineated as ecological buffers, pursuant to Subsection 20.5.3.6.i)b) and c) will be acquired by the City pursuant to Section 16 of the 1989 Official Plan as parkland dedication.

In order to enhance open space opportunities within the Southwest Area, the City will seek to locate open space corridors adjacent to key natural heritage features. These corridors are intended to provide for uses such as trails, active and passive parkland and stewardship opportunities. (20.5.3.6).

Analysis

The original site concept plan included development of townhouses abutting the existing Open Space (OS4) Zone. Through the zoning amendment process, City staff and the UTRCA determined that the existing environmental feature extended onto a portion of the lands proposed for development in the original site concept plan. To ensure that the proposed development is not impacted by any flooding, a new reduced development limit was identified at the northern portion of the site and it is recommended that the lands located within the flood plain at the southern portion of the site be rezoned to an Open Space Special Provision (OS5(_)) Zone. This zone would permit conservation lands, conservation works, passive recreation uses which includes hiking trails and multi-use pathways and managed woodlots, and will be dedicated to the City for Parkland Dedication and the creation/extension of a pathway on the southern portion of the site.

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

5.0 Conclusion

The recommended amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the in-force policies of The London Plan, including but not limited to the Neighbourhoods Place Type and to the Key Directions. The recommended amendment is also in conformity with the in-force policies of the 1989 Official Plan, including but not limited to the Multi-Family, Medium Density Residential designation. The recommended amendment facilitates the development of a vacant, underutilized parcel within an existing residential area with a land use, intensity and form that is appropriate for the subject lands.

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

August 31, 2020

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

Appendix A

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

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

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 3557
Colonel Talbot Road.

WHEREAS 1423197 Ontario Inc. (Royal Premier Homes) has applied to
rezone an area of land located at 3557 Colonel Talbot 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 3557 Colonel Talbot Road, as shown on the attached map
comprising part of Key Map No. A110, from an Urban Reserve (UR4) Zone and
Open Space (OS4) Zone to a Residential R5 Special Provision (R5-6(_)) Zone,
Open Space Special Provision (OS4(_)) Zone and an Open Space Special Provision
(OS5(_)) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-6) Zone is amended by adding the
following Special Provision:
 -) R5-6() 3557 Colonel Talbot Road
 - a) Regulation[s]
 - i) Front Yard Depth (min) 2.0 metres
 - ii) Rear Yard Depth (min) 0.7 metres
(From OS4(_)) Zone
 - iii) South Interior Side 3.1m
Yard Depth (min)
 - iv) Density (max) 51 uph
 - v) Deck 0.0m
Encroachment (max)
(From OS4(_)) Zone
- 3) Section Number 36.4 of the Open Space (OS4) Zone is amended by adding the
following Special Provision:
 -) OS4() 3557 Colonel Talbot Road
 - a) Additional Permitted Uses:
 - i) One accessory structure
 - b) Regulation[s]
 - i) Lot Area (min) 1,056m²
 - ii) Lot Frontage (min) 14.0m

- 4) Section Number 36.4 of the Open Space (OS5) Zone is amended by adding the following Special Provision:
-) OS5() 3557 Colonel Talbot Road
 - a) Regulation[s]
 - i) Lot Area (min) 2,860m²

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 September 15, 2020

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 15, 2020
Second Reading – September 15, 2020
Third Reading – September 15, 2020

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



Appendix B – Public Engagement

Community Engagement

Public liaison: On January 16, 2019 Notice of Application was sent to 46 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on January 17, 2019. A “Planning Application” sign was also posted on the site.

Nature of Liaison: Possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR4) Zone and Open Space (OS4) Zone **TO** a Residential R5 Special Provision (R5-5(_)) Zone and Open Space (OS4) Zone to permit cluster/stacked townhouse dwellings.

Public liaison: On March 11, 2020 Notice of Revised Application was sent to 44 property owners in the surrounding area. Notice of Revised Application was also published in the *Public Notice and Bidding Opportunities* section of *The Londoner* on March 12, 2020.

Nature of Liaison: The purpose and effect of this zoning change is to permit a total of two townhouse blocks, each 3.0-storeys in height, for a total of 21 units (51 uph). Possible change to Zoning By-law Z.-1 **FROM** an Urban Reserve (UR4) Zone and Open Space (OS4) Zone **TO** a Residential R5 Special Provision (R5-6(_)) Zone and Open Space (OS4) Zone to permit cluster/stacked townhouse dwellings. Special provisions are requested to permit a front yard setback of 2.0 metres, an interior side yard setback of 3.0 metres, a rear yard setback of 0.6m from the OS4 Zone boundary and a density of 51 units per hectare

A total of 12 replies were received.

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

Concern for:

Loss of Privacy:

Concern of the proposed deck height and loss of trees on site.

Loss of trees and impacts on existing wildlife:

Concern for the loss of many on-site trees and the impacts this will have on the existing wildlife that currently exist on the lands.

Increase in traffic:

Concern for adding additional traffic along Colonel Talbot Road.

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

Written Mike Hall 7006 Clayton Walk London, ON	Written Heidi Smith
Wing Man Lau 6951 Clayton Walk London, ON	Adrian Formella
Ian Campbell 3637 Colonel Talbot Road London, ON	Andrew Floriancic 3604 Issac Court, London ON N6P 0B2
Timur Khamidbayev 3596 Isaac Court London, ON	IBRAHIM M. SEMHAT 6961 Clayton Walk, London ON, N6P 0B2
Aldina & Esmir Okanovic 6969 Clayton Walk London, ON	

Notice of Application Responses:

From: Ian Campbell
Sent: Monday, January 21, 2019 1:52 PM
To: Corby, Mike <mcorby@London.ca>; Hopkins, Anna <ahopkins@london.ca>
Subject: File: Z-9003

Mike/Anna:

My name is Ian Campbell. I own the 3+ acres of residential land to the south of 3557 Colonel Talbot Road. (3637 Colonel Talbot Rd., London, ON N6P 1H6)

In a word. "wow".

It was my understanding from general buzz and conversation that the owner of the property was going to re-build 1 (ONE) home on the property. This proposal is for 28. #big_difference.

So...I am **very OPPOSED** to the Application for any changes to zoning for that property.

A recent value of my home was estimated at \$2.8M...and 11 of my window face NORTH...the direction of the property. The addition of a townhouse complex with 28 units, a 2.5 story-one no less, will degrade my property value significantly.

Further, in my opinion, the traffic on Colonel Talbot Road, including the anticipate additional traffic from the York developments is already at capacity (I generally wait :30 seconds for a clearing to get out of my driveway currently) and the addition of 28+ cars in and out of a driveway will make for very dangerous traffic conditions for both owners and cars with a right of way.

Further, the plan indicates that the wooded area in the SE corner of the property would be eliminated, damaging a woodland area which currently acts as a privacy buffer between my property and the 3557 property.

Further, both lived in my house for 12 years and having worked in the past with Upper Thames Conservation Authority regarding the creek and the potential for flooding there should be significant concerns with flooding in the creek and the pond which could cause damage to land and property.

Again, I am OPPOSED to this application...and would like to continue to be informed of any updates to the application.

Can you please confirm receipt of this email.

Regards,
Ian

From: Andrew Floriancic
Sent: Thursday, January 24, 2019 7:33 PM
To: Corby, Mike <mcorby@London.ca>
Subject: File Z-9003 proposed development

Good evening Mr. Corby

My name is Andrew Floriancic. I am contacting you regarding file: Z-9003. A development that has been proposed by a developer for 3557 Colonel Talbot Road in London Ontario.

I am a resident of 3604 Isaac Court. The proposed development is suppose to back on to my back yard. The plan illustrates the my backyard and the road area will back onto each other.

My back yard along with 3 other homes have a line of large, mature cedars that are approximately 40+ feet high. These cedar trees currently lay on my properly line with them slightly going on into the new development. It is my hopes that these mature cedar trees are not removed. It is beneficial for both the developer/ new homes and for my property. It creates privacy and separation.

I am looking for direction in which I can propose this to the developer and save the trees from being removed.

Any assistance would be greatly appreciated.

Thanks for your time

Andrew Floriancic

From: Ibrahim Semhat
Sent: Tuesday, January 29, 2019 9:07 AM
To: Corby, Mike <mcorby@London.ca>;
Subject: Z-9003 3557 Colonel Talbot Road Zoning By-Law Amendment

Good Morning Mike,

Hope you are well.

We are the resident of 6961 Clayton Walk home and I am writing to you to share my thoughts and feelings on this zoning by-law amendment Z-9003.

Royal Premier Home has an application to change the zoning by-law of 3557 Colonel Talbot property from Urban Reserve UR4 & Open Space OS4 to Residential R5 Special Provision R5-5, on an application to build 28 condo units, each 2.5 stories in height in 3 townhouse buildings.

As you may know, 3557 Colonel Talbot property used to house a farm house that was damaged by fire about 2 years ago. to the best of my knowledge, the lush trees on this property are reserve protected along with the little creek and pond.

Changing the zoning of this property located adjacent to my property line will be damaging to the privacy of my home and neighborhood. It will also affect the rest of my neighbors on Clayton Walk near the intersection with Colonel Talbot Street. our property value may plunge down if this application is approved to build condo in our upscale neighborhood.

When we purchased our home on Clayton Walk in summer 2017, we fell in love with the nature of the 3557 Colonel Talbot property including the lush trees, creek and pond. This was key factor in our purchasing decision to move to our 6961 Clayton home.

We are firmly against approving this application for zoning by-law amendment and reject Royal Premier Home proposal of building these condo. Considering all the construction taking place in close neighborhood on Pack road and the city in general, it would be essential to maintain properties like 3557 Colonel Talbot as farm house with its beautiful landscape and trees.

Please let me know your thoughts and if you have any questions. Hope to hear back from you soon.

Thank you in Advance.

Best Regards,

IBRAHIM M. SEMHAT

From: Wing Man Lau
Sent: Wednesday, February 6, 2019 3:46 PM
To: Corby, Mike <mcorby@London.ca>
Subject: Re: Concerns on Planning application for 3557 Colonel Talbot Road

Hi Mike,

Hope things are well.
I just wanted to follow up on this. Is there a date set for the meeting?

In addition to my previous email, I wanted to ask a few other questions.

- I was advised that the tree's behind my property were protected? Is this true and how can I find out if they are or not?
- Will the thames valley conservation authority be deciding on the status of the units going across the dingman conservation area?

Thank-you
Regards
Wing Man Lau

On Wed, Jan 30, 2019 at 2:13 PM Wing Man Lau wrote:

Hi Mike,

I am writing in regards to the zoning by-law amendment received for 3557 Colonel Talbot Road.

My wife and I received the planning application and after reviewing it we have a few questions.

1. What is the likelihood that this will go through?
2. Will our input have any leverage on how the applicant's plan will change.

We reside on Lot 23 Clayton walk and the trees behind our property were a huge reason we selected the lot we did. We even applied for a variance on our house plans due to the trees on that property. Their 2.5 storey units will significantly invade on the privacy of the homes on the south side of Clayton walk. There are a number of homes which already have installed pools. Even if a wooden fence was a requirement they would still be intruding on the privacy of those homes.

Suggestions for the planning applicant.

1. Would they be able to relocate the mature trees currently on the north side of their property closer to the property line to maintain the privacy for the residences on the south side of Clayton walk.
2. Would the applicant be willing to repropose to move their development a few meter south to extend the distance from the north side property line, in hopes to keeping some trees.
3. If they are to reduce the number of town house units can the whole development be moved closer to the south of their property.
4. Would it be possible to limit the high of the town homes?
5. If the mature trees are maintained on the north side of the lot then the concern for privacy for all residences on the south side of Clayton walk would help.

Thank-you for your consideration.

Regards
Wing Man Lau
Resident of Lot 23 Clayton Walk

Revised Notice of Application Responses:

From: Mike Hall
Sent: Friday, March 13, 2020 10:33 PM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] 3557 Colonel Talbot Road

Dear Melanie,

I reviewed the file Z-9003 zoning by-law amendment. I am concerned about these townhouses as it adds an unacceptable increase in traffic to the area and corresponding safety concerns. The amount and speed of traffic on Colonel Talbot is already high and it is getting more dangerous turning left from Clayton Walk onto Colonel Talbot. There is already a huge condo development that is going in behind Issac Dr off of Clayton Walk. Further developments are planned behind the housing at Clayton Walk and Colonel Talbot. Traffic is backing up along Clayton Walk causing delays and people being more aggressive making left turns. There are more people turning left from Colonel Talbot to Clayton Walk causing further delays to people trying to turn left.

Furthermore, the Silverleaf development by Pack Rd is adding more traffic as well. I have seen many near misses at the Pack Road/Colonel Talbot intersection and near misses at Clayton Walk/Colonel Talbot.

I feel development is being approved too quickly in this area without consideration to the safety of the residents who will be buying these homes. Maybe, lights at those intersections will make it safer or slowing the speed limit. However, this will cause slowdowns of a major roadway into the city. I am worried that we will see more severe accidents if this amendment is approved and there are no corresponding safety measures put in place.

Please feel free to give me a call for more feedback, Mike Hall
7006 Clayton Walk
London, Ontario

From: Wing Man Lau
Sent: Thursday, March 19, 2020 10:16 AM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] Re: applicant 1423197 Ontario Inc - 3557 Colonel Talbot Road

Hi Melanie,

I'm am writing regarding the application the develop proposal for 3557 Colonel Talbot Road. My property is 6951 Clayton Walk, Lot 23, the first property off colonel Talbot that faces this property. I'd like to understand the rear yard setback requirement for them. of .6m. Does that mean the townhouses built can be less then 1m away from the property line along my back yard? What is happening with all the mature trees on that land?

Please respond back at your earliest convenience.

Thank-you
Regards
Wing Man

and windows. Standard 6ft fence will be well under any sightline, especially if applicant intends to do a basement walkout based on grade.

- b. Significant setback and tree buffer to North and West must remain and units reduced and set back accordingly from property lines and existing homes.

4. FUTURE MASTER PLAN WALKING PATHWAY

- a. City plan suggests an extension of City walking paths in that area. Allowance for future requirements should be considered.

5. ROAD SETBACK

- a. Properties adjacent to this proposal have a setback (from road centre) Colonel Talbot Road of approx. 36M (including 2 houses built in the last 5 years)
- b. Snow-plows generally travel at 60-70 km/h and make a significant ice/snow/gravel throw onto properties causing a significant safety concern if units are too close.
- c. City Traffic Department is suggesting a turn taper (traffic speed limit is 60km/h in that area)
- d. This proposal indicates a minimum setback. Consideration should be made to consistency with adjoining properties.
- e. Any entrance drive location must take the existing Clayton Walk Turn taper and entrance into consideration.

6. DENSITY AND PROPOSED ZONING AMENDMENT

- a. With the proposed change in density from Urban Reserve (Ur4) and Open Space (OS4) Zone to Residential R5 Special Provision (R5-6(_)) Zone, applicant is asking for a maximum density which according to the Planning document is reserved for properties 'near major activity centres '.
- b. According to 'City of London, Section 9, Residential R5 Zone' R5 includes: Density provisions range from (a) 25 units per hectare (10 units per acre), designed to accommodate townhousing development adjacent to lower density areas, to (b) 60 units per hectare (24 units per acre) for inner city areas and locations near major activity centres. **APPLICANT IS REQUESTING '51 UNITS PER HECTARE (21 UNIT PER ACRE) NOTE THAT THIS PROPERTY IS NOT LOCATED NEAR A MAJOR ACTIVITY CENTRE THUS SHOULD NOT BE ALLOWED TO BUILD AT THE UPPER END OF THIS SCALE. IF THIS APPLICATION IS TO PROCEED AND ZONING MODIFICATIONS ACCEPTED, APPLICANT SHOULD BE RESTRICTED TO BUILDING IN THE LOWER RANGE OF THIS SCALE CONSISTANT WITH 'ADJACENT TO LOWER DENSITY AREAS' GUIDELINES.**

If you have any thoughts or additions, please don't hesitate to reach out.

Thanks,
Ian

3637 Colonel Talbot Road

From: Timur Khamidbayev

Sent: Sunday, March 29, 2020 11:58 PM

To: Vivian, Melanie <mvivian@london.ca>; Hopkins, Anna <ahopkins@london.ca>

Subject: [EXTERNAL] Zoning By-Law Amendment 3557 Colonel Talbot Road

File: Z-9003

Dear Ms Vivian and Ms Hopkins,

We are the new owners of 3596 Isaac Court and we are very concerned about proposed zoning by-law amendment by Royal Premier Homes at adjacent to us 3557 Colonel Talbot Road. The

concerns are multiple and include considerations for environment, privacy, compatibility with existing residential area and potential detrimental effect on value of surrounding properties.

Provincial Policy Statement under Planning Act requires that development and land use conserve biodiversity, consider the impacts of a changing climate and protect natural features and areas for the long term.

The property in question is home to many mature trees that host variety of birds including blues jays, cardinals, red-winged blackbirds, woodpeckers, hawks, ospreys and also bats in the summer. In addition, it contains a pond that harbours a pair of beavers and is frequented by ducks, geese and even a blue heron. Surrounding shrubs is home to rabbits and hunting ground for a fox. (We have pictures of many of the animals).

We are concerned that if the big construction project as one proposed goes ahead it will create an ecological disturbance resulting in reduction and even complete loss of the habitat and diversity of the species present. The construction company's plan does include provision for conservation of the bat habitat with placement of bat boxes. However, it does not specify what measures will be taken to preserve the rest of the wildlife in the area.

The builder's "tree protection plan" is to remove 90% of all trees on the property. Apart from the fact that cutting down trees can hardly be called a consideration for changing climate it also causes significant privacy concerns for all the adjacent homeowners.

The side of our house facing the subject land has 4 large full-height windows (including one in our bedroom); currently there is a Cedar hedge with tall trees behind it providing some privacy on northern side of the boundary between the two properties. According to applicant's Tree Protection Plan, a section of the hedge (Tree ID 66) and trees behind it (Tree IDs 54, 55, 56, 57, 58, 59) are to be removed.

In addition, a full view of our backyard can be enjoyed from the south end of the subject land as there is no upright partition there. As you can see, if the above plan is implemented in its current form it will leave us with no privacy screen at all.

The applicant asserts that the height, scale, architectural style and exterior materials of the proposed structures will be compatible with the surrounding single detached dwellings. In our opinion this is very subjective at best. One can argue that the townhouse complex will be as compatible to the neighbourhood as a passenger bus to a speedway (no matter the racing colours). The same goes for the purported improvement of the streetscape on Talbot road due to the new housing development. Would most people rather walk/drive by stately trees or a townhouse complex?

And last but not least - our property value. The main selling point for us when we were buying our house in 2019 was the view. The main selling point will be null were the construction to go ahead as planned.

Therefore we are strongly against the proposed zoning by-law amendment.

Thank you for your consideration in this matter.

Kindly, acknowledge receipt of this email.

Regards,

Timur Khamidbayev, Natalya Volkova
3596 Isaac Court, London ON

From: aldina okanovic

Sent: Monday, March 30, 2020 4:47 PM

To: Vivian, Melanie <mvivian@london.ca>; Hopkins, Anna <ahopkins@london.ca>

Subject: [EXTERNAL] Z-9003

Good Afternoon,

We are the owners of 6969 Clayton Walk Aldina and Esmir Okanovic. We have received the planning application letter, from what we can see now is that they eliminated one row of townhomes. Our concern is that the first row of townhomes is still

too close to our backyard fence and that they still have raised porches and are 3-story in height which will violate our privacy. The raised up deck of the townhomes will look directly into our backyard. As you know most of the houses have pools which will leave us with no privacy on our own property. 6m away from the fence is still too close. If they were to build single homes it would be totally different and acceptable. Another concern that we have is our joint ownership of the tree ID67 which we fell in love with when we bought this property; it gives us lots of greens, shade and natural beauty. We are not willing to let it go, overall we bought the house because of the beautiful landscape and view of the green space which provides us with lots of privacy in our backyard. Please reconsider this development and try to provide more privacy for all homeowners on Clayton Walk. We are also concerned that the townhomes development will only decrease the value of our property. It would be really sad to see all those beautiful trees of the 3557 Colonel Talbot Road property excavated. Please try to understand why this green space is so important to us while it provides natural beauty, peace and privacy to all of us.

Sincerely,
Aldina & Esmir Okanovic



From: Heidi Smith
Sent: Tuesday, March 31, 2020 3:29 PM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Hopkins, Anna <ahopkins@london.ca>; Darin Smith
Subject: [EXTERNAL] Revised planning application for 3557 colonel talbot road

Hello,
My husband and I have purchased a property backing onto this proposed development. We have reviewed the tree protection plan and report in full. We have reviewed the site plan amendment and do not see that there is any revision to the tree protection plan. Although we feel positive about some of the advantages to this new plan, there appears to be more of an impact on the cedar hedge (66) and trees previously indicated as remaining and protected (i.e. 60, 61, 62) Specifically from the dead end road turn around.

The original plan states that the north end of the cedar hedge was to be retained and the south end removed after discussion with adjacent land owners (who will now be us after May 6/20) We would like to have the cedar hedge stay in its entirety if it can be protected. We would also like to know what 'the viable long-term privacy screen option would be included in the future landscape plan for the site' would be.

Can you please update us on the plan for tree protections and notify us of any changes or planned future discussions.

Thank-you for your time,
Heidi Smith

Sent from my iPhone

From: Adrian Formella
Sent: Tuesday, March 31, 2020 9:40 PM
To: Vivian, Melanie <mvivian@london.ca>

Cc: Hopkins, Anna <ahopkins@london.ca>; Doc Services <DocServices@london.ca>
Subject: [EXTERNAL] Re: Z-9003 Zoning By-Law Amendment

Good Evening Melanie Vivian and Councillor Anna Hopkins

As a taxpayer in the City of London, whom purchased a home in the area that is rear facing to the property 3557 Colonel Talbot Road, I am writing to raise my concern and disappointment with the proposed zoning changes to allow 21 units of 3 storey townhouse blocks.

First and foremost, I wanted to acknowledge that I agree and share the same concerns addressed by Ian Campbell on March 29, 2020.

As one of the original owners who moved into our dream neighbourhood on Clayton Walk in 2015 when there was a single family dwelling on 3557 Colonel Talbot Road, we had the expectation that a single family dwelling would remain on the property. I was saddened when the home burnt down on 3557 Colonel Talbot Road and when I read of the proposed changes. The home owners in the surrounding area live near a very busy Colonel Talbot and on a busy stretch of Clayton Walk. We have invested in our backyards to provide our families privacy and a safe space to play and enjoy. Our children are not able to play in our front yard due to the fast traffic of people turning into our street. Our right to privacy is being taken away by the proposed plan. All the properties on the west side of the proposed plan have multiple young children in each home. By having multiple 3-storey units as proposed, us and our neighbours will have a minimum of 4 homes overlooking into our backyard. If the new townhomes are given any sort of deck with there only being a 6.4 meter space between our property line and the new townhouse walls, the new homeowner will be almost touching our property line. This proposed plan does not allow us or our new backyard neighbours any sort of privacy.

Additionally, this proposal does not take into consideration the area of Lambeth and the immediate neighbourhood. I am not aware of any new townhome complex in South West London ON that has a similar plan build with 3 storey townhome dwellings located in such close proximity to single dwelling homes with no major amenities nearby. Most townhouses in Lambeth and surrounding area are either one storey townhomes or two storey townhomes in higher density areas (i.e. Southdale and Bostwick) often in large townhome complexes. Townhome complexes similar to the proposed plan in London are located right next to existing townhome complexes or very near major amenities (i.e. North East London, Ontario) or near a major bus route to Western University (i.e Hyde Park) or Fanshawe College. It is very disappointing that the neighbourhood has not been taken into consideration when developing the proposed plan especially given our high property tax rate. I understand the land on the 3557 Colonel Talbot Road will need to be developed but I hope the City of London and Ward Councillor, Anna Hopkins, sincerely consider the neighbourhood, privacy and home owners in the adjacent area in addition to everything else that has been objected about the proposed plan when reviewing the application.

I would also like to formally request to be notified of any updates or changes on the proposed zoning-by-law amendments.

Thank you in advance for taking our concerns into consideration,

Warm Regards

Adrian and Barbara Formella

Agency/Departmental Comments

Notice of Application Responses:

London Hydro – January 29, 2019

London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Parks Planning – March 15, 2019

The Parks Planning & Design Section has reviewed the Zoning By-law Amendment application for 3557 Colonel Talbot Road and offers the following comments to be considered in your decision:

- **3557 Colonel Talbot Road – Proposed Residential Developments**
 - Parkland dedication has not been collected for this development. Fulfilment of this requirement may come in the form of land dedication, payment of cash-in-lieu or a combination of the two. As indicated in the EIS, staff are interested in acquiring the open space lands as satisfaction of the parkland requirement for this proposal. These lands will be taken at the time of site plan approval. It is the intention of staff to construct a multi-use pathway from Colonel Talbot Road, south of the pond, to the pathway immediately west of the site that will be constructed in the summer of 2019. Further discussions with the applicant will be required.

- The EIS recommends an 8 meter setback from the existing Open Space OS4 zone or the floodplain boundary. It is noted the recommended setback encroaches into the conceptual development.
- Staff suggest all the recommendations of the December 18, 2018 and associated addendums, be reflected in the staff report, the by-law amendment and the site plan as appropriate.



If it assists you, Parks staff can provide a conceptual pathway alignment of the area

Development Services – April 9, 2019

Sanitary:

- Currently there is no municipal sanitary sewer fronting the subject lands. However as part of the Colonel Talbot Road pumping station project, a forcemain and sanitary sewer are currently being designed and are anticipated to be constructed late in 2019. **Until a sanitary outlet is constructed and operational there may need to be a holding provision.**
- As part of any development application the Applicant's Engineer must coordinate with Wastewater and Drainage Engineering Division (WADE), Sewer Operations and the City's Consulting Engineer for suitable location, size and grade of a sanitary outlet. A 200mm diameter sanitary PDC may be required and is to be connected at a sanitary manhole all to City Standards and to the satisfaction of the City Engineer.

Transportation:

- Road widening dedication of 18.0m from centre line.
- Construction of a right turn taper will be required in accordance with City Standards.
- Detailed comments regarding external works and access location and design will be made through the site plan process.

Stormwater

- **The site is located within the UTRCA regulated area and therefore UTRCA approval/permits will be required. Limits of proposed development will require a regulatory flood line buffer acceptable to UTRCA. It is recommended that the applicant engage with UTRCA as soon as possible to review the potential for development at this site.**
- The subject lands are located in the Dingman Creek Subwatershed subject to the ongoing Dingman Creek EA. The City is currently finalizing phases 3 and 4 of the Dingman Creek Municipal Class Environmental Assessment (EA) by Aquafor Beech (City's Dingman Creek EA Consultant) and therefore the SWM criteria and environmental targets applicable to this site are unknown at this time.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.
- Currently there is no municipal storm sewer or storm outlet available to service the site.

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

Upper Thames River Conservation Authority – April 9, 2019

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 associated with a tributary of Dingman Creek. 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. In the event of a conflict with the mapping, the text description under the Conservation Authorities Act Ontario Regulation 157/06 prevails.

UTRCA and City staff participated in a site visit on May 15, 2018 along with the landowner's consulting team (Matt Campbell from Zelinka Priamo Ltd. and Dave Hayman from BioLogic Incorporated). The purpose of the meeting was to develop a Terms of Reference/Scope for an Environmental Impact Study for the subject lands. In addition to the scoping information provided for the EIS, the UTRCA advised that the floodline in the subwatershed was being updated and that new information was anticipated to be available in the fall of 2018 which could impact the limit of the riverine flooding hazard on the subject lands. A copy of the Terms of Reference/Site Visit notes prepared by BioLogic Incorporated, dated May 29, 2018, is attached.

Dingman Creek Stormwater Servicing Class Environmental Assessment (EA)
The subject lands are located within the Dingman Creek Subwatershed, forming part of the Dingman Creek EA. As shown on the attached Dingman Subwatershed Screening Area map, the subject lands are located within the Screening Area. Further to the advisory comments provided at the May 15, 2018 site visit, UTRCA staff met with Matt Campbell of Zelinka Priamo Ltd. on October 22, 2018 to review a draft version of the Dingman Subwatershed Screening Area map. During these discussions, the UTRCA reviewed the potential impacts of the Screening Area map for the subject lands and advised that the Conservation Authority was not in a position to support development within the flood plain area based on the preliminary information as the UTRCA's policies do not allow for new development in the flood plain.

UTRCA Transition Policy

On August 28, 2018, the UTRCA's Board of Directors approved the Transition Policy for implementing updated Regulation Limit mapping. The Transition Policy is in place to ensure that where there is a discrepancy between the mapping and the text of Ontario Regulation 157/06, the text of the Regulation prevails. The review of development proposals within an area with discrepancies or updated mapping shall consider:

1. The most recent and best available information for natural hazard lands including flood plain modelling, and watercourse and wetland mapping;
2. If available information is insufficient, the proponent may be required to undertake modelling to assess the hazard lands; and
3. The Principle of Development has been previously established under the Planning Act.

In regards to the subject lands:

1. The most recent and best available information identifies the southern portion of these lands as flood plain;
2. The Dingman Screening Area Mapping is currently being peer reviewed to confirm accuracy and no additional modelling is required at this time; and,

3. The Principle of Development has not been established for these lands under the Planning Act as they are not zoned to accommodate the proposed development and therefore this application to amend the Zoning By-law is required.

RECOMMENDATION

New modelling indicates that the current flood plain mapping depicted on the UTRCA's Regulation Limit mapping no longer accurately represents the regulated riverine flooding hazards in areas of the Dingman Creek subwatershed. The hazards are defined in text within regulations made pursuant to the Conservation Authorities Act (Ontario Regulation 157/06). As previously noted, in the event of a conflict with the maps, the text description prevails. The UTRCA must rely on the best available information to assess the risks due to flooding in applying the regulation and to be consistent with the natural hazards policies contained within the Provincial Policy Statement.

A review of the modelling and mapping has been initiated to: ensure that it is consistent with best practices; confirm the best available information is used appropriately in updating hazard mapping; and confirm that the modelling and mapping meets provincial standards. As part of the Dingman Creek EA, the City of London has retained a consultant to peer review the modelling work completed to date. It is anticipated that the peer review will be completed in the summer of 2019.

Updated mapping that accurately illustrates the hazard lands is required to properly plan servicing, review development proposals and issue building permits. While the mapping is being updated the Screening Area is an interim tool intended to assist the UTRCA, City of London and proponents to assess development proposals. The UTRCA considers the following when reviewing development proposals within the Screening Area:

- The use of the property, expanding existing uses versus new development proposals;
- Appropriate floodproofing measures;
- Ensure that the proposed development, including mitigation/floodproofing, does not impact upstream or downstream flood levels;
- The maintenance of channel capacity and channel conveyance functions; and,
- Changes in flood storage characteristics.

At this time during the review of the flood modelling and mapping, the UTRCA does not have sufficient information to confirm that the subject lands are not affected by the flooding hazard.

As previously noted, the UTRCA met with the agent in October 2018 to advise of the potential development restrictions due to the forthcoming Dingman Subwatershed Screening Area which was presented to the public in November 2018. Based on foregoing comments, the UTRCA does not have sufficient information to confirm the extent of the flooding hazard that impacts the subject lands. Accordingly, this application is considered to be premature and the UTRCA recommends that the Zoning By-law Amendment being sought for the lands known municipally as 3557 Colonel Talbot Road be refused, or alternatively deferred until the extent of the flooding hazard can be confirmed.

Revised Notice of Application Responses:

London Hydro – April 1, 2020

Servicing the above proposed should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining save clearances from L.H. infrastructure is mandatory. A blanket easement will be required. **Note:** Transformation lead times are minimum 16 weeks. Contact Engineering Dept. to confirm requirements & availability. London Hydro has no objection to this proposal or possible official plan and/or zoning amendment. However, London Hydro will require a blanket easement.

Upper Thames River Conservation Authority – April 8, 2020

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 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 has submitted a revised Zoning By-law Amendment application seeking to rezone the subject lands from Urban Reserve (UR4) and Open Space (OS4) to Residential R5 Special Provision (R5-6(_)) and Open Space (OS4) to accommodate a 21 unit townhouse development. The special provisions request reduced standards to all yard setbacks, along with an increase in permitted density. The re-submitted application included a revised Conceptual Site Plan, revised Environmental Impact Study, and Planning and Design Report letter.

BACKGROUND

The UTRCA received a pre-consultation request for these lands, dating back to early 2018. Based on this request, UTRCA staff conducted a site visit and EIS scoping meeting on May 15, 2018 with attendees from the City of London, Zelinka Priamo Ltd., and Biologic. On May 29, 2018, BioLogic provided a summary of this meeting highlighting discussions regarding the EIS requirements and the forthcoming availability of revised floodline information. A copy of this document is enclosed with this letter.

As a follow-up to the on-site meeting, the UTRCA scheduled a meeting with Matt Campbell, Zelinka Priamo Ltd., on October 22, 2018, to review the revised floodline information referred to as the Dingman Screening Area. It was noted that this revised and best available information resulted in a greater extent to the flooding hazard on these lands, and therefore a reduced area available for development.

In January 2019, the UTRCA was circulated a Zoning By-law Amendment application through the City of London with development proposed across the entirety of the site. This proposal exceeded what was acknowledged to be permitted at the October 22, 2018 meeting. After various meetings between the City of London staff, UTRCA staff and the applicant's consulting team, a formal response was provided from the UTRCA on April 9, 2019, requesting that the application be refused as currently proposed, or deferred to allow time for revisions.

Based on this recommendation and the requirements noted, the applicant retained IBI Group to undertake site specific flood plain modelling which then tied into the preparation of a balanced cut and fill analysis. This analysis was finalized on September 12, 2019, and the UTRCA provided sign-off on September 13, 2019. The Conceptual Site Plan, submitted March 2020, represents the development limit that was agreed to through the detailed analysis. Although not explicitly stated on the revised Concept Plan or Planning and Design letter, this development limit line shall represent the proposed zone boundary between residential and open space, contrary to what is shown in the revised EIS.

CONSERVATION AUTHORITIES ACT

The UTRCA is circulated *Planning Act* applications by its' watershed municipalities for review as an agency having the provincially delegated responsibility for the natural hazard policies of the PPS, as a municipal technical advisor, as a public body under various regulations made under the *Planning Act*, as a watershed-based resource management agency, and as a landowner. The delegated responsibility for natural hazards was established under the Provincial One Window Planning System for Natural Hazards to ensure that development applications are consistent with the natural hazard policies of the PPS.

Through the circulation of *Planning Act* applications, the UTRCA's level of involvement is determined in terms of planning and permitting review. While these reviews are typically coordinated, there are two distinct application processes: (1) *Planning Act* applications must meet tests under the *Planning Act*, PPS, and municipal planning documents; and (2) Section 28 permit applications must meet the requirements of the *Conservation Authorities Act* and UTRCA policies set out in the UTRCA Environmental Planning Policy Manual (2006).

The principle of development is first established through the *Planning Act* taking into account the same land use constraints that are regulated through the Section 28 permit application

process. UTRCA involvement in the planning process is comprehensive, intended to avoid instances where an application is approved under the *Planning Act* that cannot be approved under Section 28 of the *Conservation Authorities Act*.

Section 28 Regulations - Ontario Regulation 157/06

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 associated with a tributary of Dingman Creek and on-line pond.

Please refer to the attached mapping for the location of the identified feature. It should be noted that where a discrepancy in the mapping occurs, the text of the regulation prevails and a feature determined to be present on the landscape is regulated by the UTRCA.

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.

Dingman Creek Stormwater Servicing Class Environmental Assessment (EA)

The subject lands are located within the Dingman Creek Subwatershed, forming part of the Dingman Creek EA. As shown on the attached Dingman Subwatershed Screening Area map, the subject lands are located within the Screening Area. Based on site specific modeling, undertaken by IBI Group, the enclosed mapping does not accurately reflect the extent of the flood plain on these lands.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

NATURAL HAZARDS

The UTRCA has the delegated responsibility under the Provincial One Window Planning System for Natural Hazards, as established by the Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry, and the Ministry of Municipal Affairs and Housing. This delegated role allows the UTRCA to represent the provincial interest through development applications with respect to natural hazards.

The PPS directs new development to areas outside of hazardous lands adjacent to river, stream systems which are impacted by flooding hazards and/or erosion hazards. In Ontario, prevention approaches are the preferred approach for management of riverine hazards as they reduce or minimize the risk to life and property. Prevention is achieved through land use planning and Conservation Authority regulations of site alteration and development activities.

The UTRCA's natural hazard policies are consistent with the PPS. Policies that are applicable to the subject lands include:

3.2.2 General Natural Hazard Policies

These policies direct new development and site alteration away from hazard lands. No new hazards are to be created and existing hazards should not be aggravated. The Authority also does not support the fragmentation of hazard lands which is consistent with the Provincial Policy Statement (PPS) and is intended to limit the number of owners of hazardous land and thereby reduce the risk of unregulated development etc.

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. New development is generally not permitted within the flood plain. Site specific modeling has been prepared for the subject lands to refine the extent of the flooding hazard. A balanced cut and fill analysis was prepared and reviewed to identify a portion of these lands suitable for development. The revised Conceptual Site Plan identifies the development limit as established through this review. Although not stated, the development limit represents the extent of the lands to be zoned Open Space (OS4), to accommodate the revised flood plain.

In addition to these works undertaken to address the flood plain, an EIS was also required to address the on-line pond and drainage corridor. As previously mentioned, this document was scoped with BioLogic, City of London staff, UTRCA staff, and a member of EEPAC. As the initial proposal was altered, a revised EIS was submitted based on the current proposal. Comments on this report are provided below.

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/>

COMMENTS

As indicated, the subject lands are regulated by the UTRCA and ongoing discussion/review has occurred since the initiation of this project. Through the preparation of site specific modeling and a balanced cut and fill analysis prepared by IBI Group, the UTRCA and applicant's consulting team have agreed to the development limit as shown on the revised Conceptual Site Plan submitted alongside this application. Although not explicitly stated, the development limit shown shall represent the zone boundary between the Open Space (OS4) and Residential R5 Special Provision (R5-6(_)) zones.

The UTRCA deferred detailed review of the EIS to the City of London ecologist, although a high level review was still undertaken to ensure consistency. We offer the following comments:

1. There are various references in the report, as well as delineated on Figure 7 and 8, that refer to the Open Space zone boundary in the existing location at the southern extent of the lands. As per discussions between the agent, City and UTRCA staff, the Open Space zone boundary shall coincide with the development limit as shown on the revised Conceptual Site Plan in order to capture the revised flood plain.

2. Section 7 (page 17) refers to a development footprint setback 24 metres from the UTRCA floodline and avoids direct impacts to the drainage swale and associated functions.

The 24 metre setback no longer corresponds to the UTRCA's floodline, as the flood plain has been revised through site specific modeling completed by IBI Group. Furthermore, the associated functions of the flood plain area will be altered as a result of the cut and fill works to be undertaken, however the impacts on flood storage are expected to be negated by the balancing of these works.

3. Recommendation 1 states that a water balance will be required. Please ensure this report is included in the site plan application package.

4. Recommendation 3 states that a landscape plan is required. These plans shall include a 20 metre wide naturalized area enhancing the drainage corridor, as per the City of London's recommendations. Please ensure these drawings are included in the site plan application package.

5. Recommendation 8 states that bat boxes will be installed near the on-line pond. Please ensure these locations are identified on detailed drawings submitted in the site plan application package.

6. Recommendation 10 states that the existing Open Space zone boundary will delineate the area to be dedicated to the City of London. As this Open Space zone boundary is not appropriately referenced, please confirm this location with City staff. Should any development, including accessory structures, be proposed within the common element area, a Section 28 permit application may be required.

7. Recommendations 11 through 14 state that sediment and erosion control fencing will be required. In addition to the fencing proposed, these plans shall also have regard for the cut and fill works, not just construction north of the development limit. Please ensure these drawings are included in the site plan application package.

RECOMMENDATION

Prior to providing sign-off on the Zoning By-law Amendment application, please forward a further revised copy of the EIS, Conceptual Site Plan, and Planning and Design letter to the

UTRCA for review incorporating the aforementioned comments. Most importantly, the zone boundary is misrepresented throughout the revised EIS and is not referenced on the Conceptual Site Plan or Planning and Design letter to the UTRCA for review incorporating the aforementioned comments. Most importantly, the zone boundary is misrepresented throughout the revised EIS and is not referenced on the Conceptual Site Plan or Planning and Design letter, and a consistent message on where the Open Space zone will be delineated is of the utmost importance.

We remind the application that a Section 28 permit application will be required prior to any site alteration works or development occurring on these lands. The requirements of this application will be provided to the applicant through the Site Plan Consultation process with the City of London, including the report/drawings identified above.

FEES

Consistent with UTRCA Board of Directors approved policy, Authority Staff are authorized to collect fees for the review of *Planning Act* applications and associated technical peer reviews.

Our fee for the review of the Zoning By-law Amendment application is \$750.00, and our technical review fee for the balanced cut/fill analysis and flood plain modeling is \$1,050.00. These fees will be invoiced to the owner under separate cover.

An additional fee will also be charged for the review of the site plan application and Section 28 permit application upon submission.

Parks Planning – April 23, 2020

The Parks Planning & Design Section has reviewed the revised Zoning By-law Amendment application for 3557 Colonel Talbot Road and offers the following comments to be considered in your decision:

3557 Colonel Talbot Road – Proposed Residential Developments

Parkland dedication has not been collected for this development. Fulfilment of this requirement may come in the form of land dedication. As indicated in the EIS, staff are interested in acquiring the open space lands (OS5) as satisfaction of the parkland requirement for this proposal. These lands will be taken at the time of site plan approval. It is the intention of staff to construct a multi-use pathway from Colonel Talbot Road to the future pathway immediately west of the site.

Through a revised concept plan the applicant has divided the open space area into two (2) parcels each with a separate proposed zone; OS4() and OS5. It is our understanding, that the OS4() parcel will be remain with the development and function as the private amenity area for the development. The remaining parcel, OS5, will be dedicated to the City and permit the construction of a 3 meter wide multi-use pathway in conjunction with the flood plain and wildlife habitat.

Engineering – May 12, 2020

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

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

Transportation:

- Road widening dedication of 18.0m from centre line
- Construction of a right turn taper will be required in accordance with City Standards
- Detailed comments regarding external works and access location and design will be made through the site plan process

Sewers:

- The gravity sewer on Colonel Talbot is in but not cleared or accepted for use. In addition it has no outlet till Colonel Talbot PS is fully complete and operational.
- It is our understanding that a 200mm dia sanitary PDC was installed, located approximately where the existing driveway is, just short of property line. Applicant's engineer to confirm size, inverts and location of PDC.

Water:

- Water is available for the subject site via the municipal 600mm watermain on Colonel Talbot Road.
- Water service shall be serviced in a way that a regulated drinking water system will not be created.

Stormwater:

- The site is located within the UTRCA regulated area and therefore UTRCA approval/permits will be required. Limits of proposed development will require a regulatory flood line buffer acceptable to UTRCA. It is recommended that the applicant engage with UTRCA as soon as possible to review the potential for development at this site.
- The subject lands are located in the Dingman Creek Subwatershed subject to the ongoing Dingman Creek EA. The City is currently finalizing phases 3 and 4 of the Dingman Creek Municipal Class Environmental Assessment (EA) by Aquafor Beech (City's Dingman Creek EA Consultant) and therefore the SWM criteria and environmental targets applicable to this site are unknown at this time.
- Currently there is no municipal storm sewer or storm outlet available to service the site.
- Any proposed LID solution should be supported by a Geotechnical Report and/or hydrogeological investigations prepared with focus on the type of soil, its infiltration rate, hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations of any preferred/suitable LID solution.
- SWED has previously commented on pre-applications for this site (September 13, 2017; December 13, 2017 and June 7, 2018). Each application was showing different development layout.
- The subject lands are located in the Dingman Creek Subwatershed. The Owner shall provide a Storm/Drainage Servicing Report demonstrating compliance with the current SWM criteria and environmental targets identified in the Dingman Creek Subwatershed Study that may include but not be limited to, quantity/quality control, erosion, water balance, stream morphology, etc.
- The Owner agrees to promote the implementation of SWM Best Management Practices (BMP's) within the plan, including Low Impact Development (LID) where possible, to the satisfaction of the City Engineer. It may include water balance.
- The owner is required to provide a lot grading plan for stormwater flows and major overland flows on site and ensure that stormwater flows are self-contained on site, up to the 100 year event and safely conveys up to the 250 year storm event, all to be designed by a Professional Engineer for review.
- The Owner shall allow for conveyance of overland flows from external drainage areas that naturally drain by topography through the subject lands.
- Stormwater run-off from the subject lands shall not cause any adverse effects to adjacent or downstream lands.
- An erosion/sediment control plan that will identify all erosion and sediment control measures for the subject site shall be prepared to the specification and satisfaction of the City Engineer and shall be in accordance with City of London and MOECC standards and requirements. This plan is to include measures to be used during all phases of construction. These measures shall be identified in the Storm/Drainage Servicing Report.
- Additional SWM related comments will be provided upon future review of this site.

Appendix C – Policy Context

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

Provincial Policy Statement, 2020

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

1.1.1.b), 1.1.1.c), 1.1.1.e), 1.1.3., 1.1.3.2., 1.1.3.3., 1.1.3.4.

Section 1.4 – Housing

1.4.1., 1.4.3.b), 1.4.3.d), 1.4.3.f)

Section 1.5 – Public Spaces, Recreation, Parks, Trails and Open Space

1.5.1.

Section 1.7 – Long Term Economic Prosperity

1.7.1.c)

Section 2.1 – Natural Heritage

2.1.1.

Section 3.1 – Natural Hazards

3.1.1.b), 3.1.7.a), 3.1.7.d)

The London Plan

Policies:

54_, 58_7, 58_8, 59_2, 59_4, 59_5, 61_10, 62_9, 79_, 80_, *82_, 84_, 761_6, 768_, *921_, *937_, *939_5, *953_2 a to f, *953_3,

Maps:

*Map 1 – Place Types

*Map 3 – Street Classifications

*Map 6 – Hazards and Natural Resources

Tables:

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

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

1989 Official Plan

3.3., 3.3.1., 3.3.2., 3.3.2.i), 3.3.2.iii), 3.3.2.iv), 3.3.3., 3.3.3.i), 3.3.3.ii), 15.6.2.

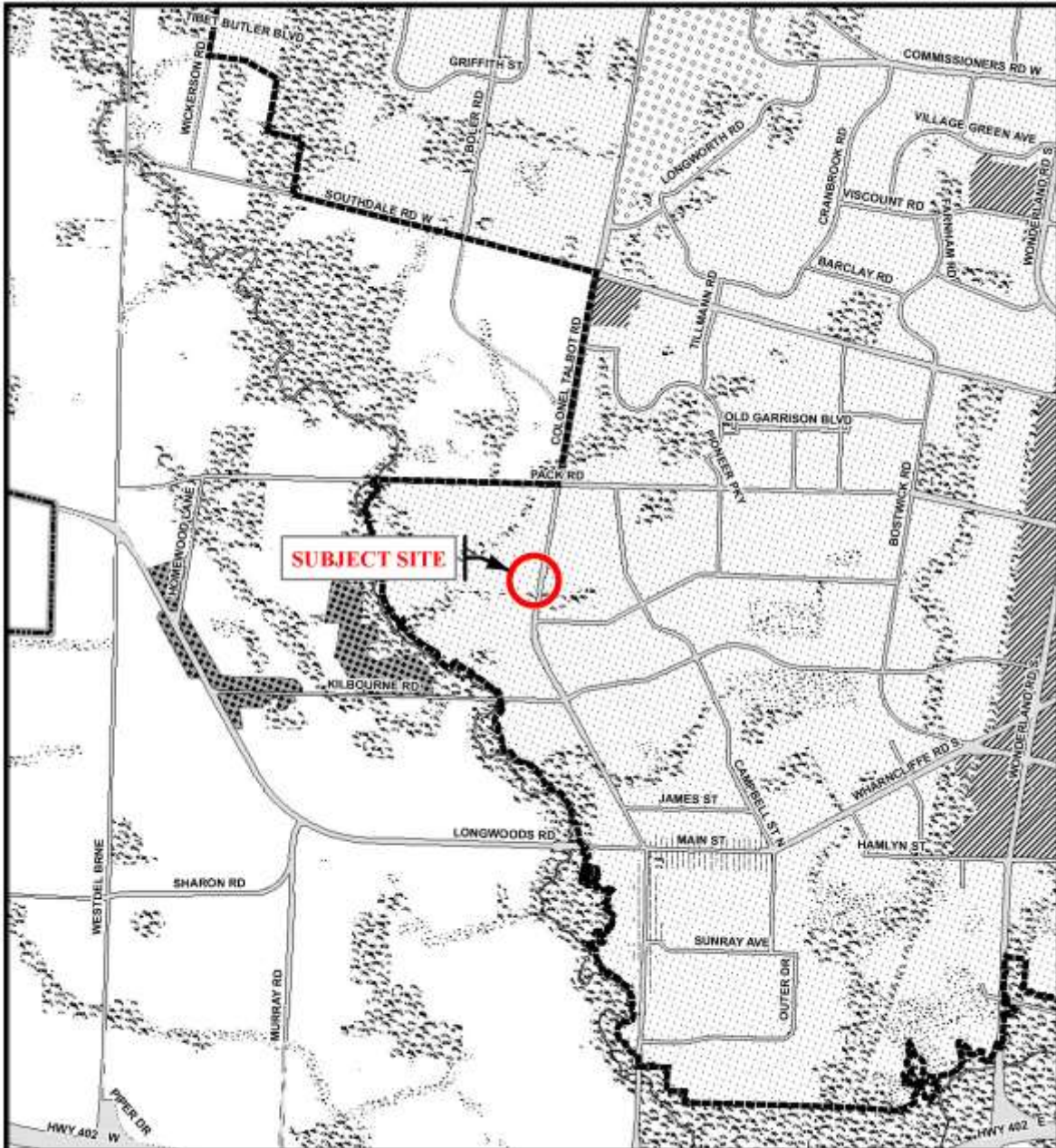
Schedule A – Land Use

Southwest Area Secondary Plan

20.5.3.6., 20.5.5.6.i)b), 20.5.3.9.i)a), 20.5.4.1.iv)b), 20.5.7., 20.5.7.2., 20.5.7.2.ii), 20.5.7.2.iii).

Appendix D – Relevant Background

Additional Maps



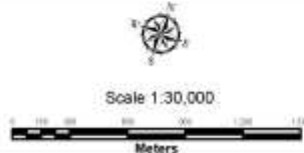
Legend

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

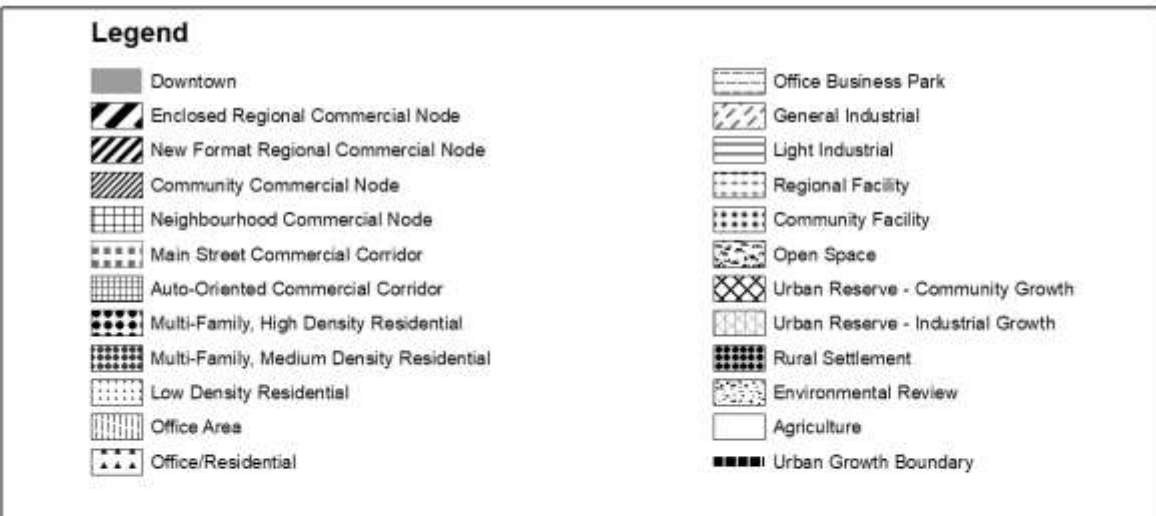
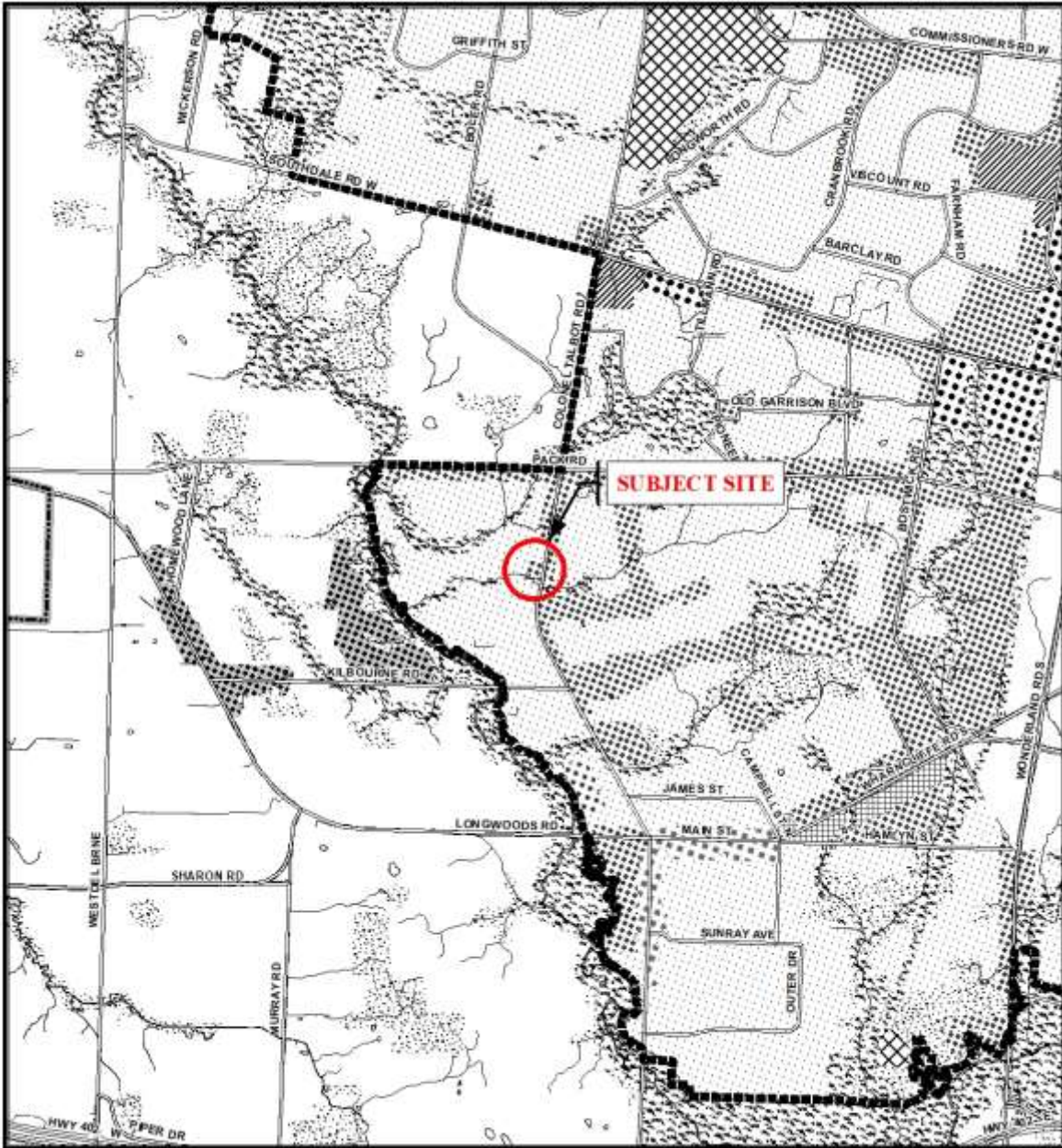
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

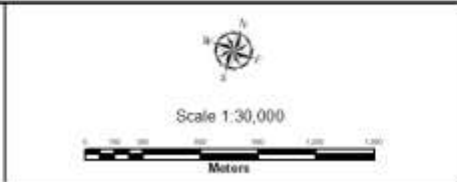
CITY OF LONDON
 Planning Services /
 Development Services
LONDON PLAN MAP 1
- PLACE TYPES -
 PREPARED BY: Planning Services



File Number: Z-9003
Planner: MV
Technician: DM
Date: August 8, 2020



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



FILE NUMBER: Z-9003
 PLANNER: MV
 TECHNICIAN: DM
 DATE: 2020/08/07



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE: R2-6

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:
 Z-9003 MV

MAP PREPARED:
 2020/08/06 DM

1:1,500
 0 5 10 20 30 40
 Meters

Additional Reports

A.103/17 – Minor Variance application to allow for the construction of a new single family dwelling. The variance sought was for a reduced north interior side yard setback. On August 1, 2017 the requested variance was granted conditionally.

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 3557
Colonel Talbot Road.

WHEREAS 1423197 Ontario Inc. (Royal Premier Homes) has applied to
rezone an area of land located at 3557 Colonel Talbot 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 3557 Colonel Talbot Road, as shown on the attached map
comprising part of Key Map No. A110, from an Urban Reserve (UR4) Zone and
Open Space (OS4) Zone to a Holding Residential R5 Special Provision (h-5*R5-
6(_)) Zone, Open Space Special Provision (OS4(_)) Zone and an Open Space
Special Provision (OS5(_)) Zone.
- 2) Section Number 9.4 of the Residential R5 (R5-6) Zone is amended by adding the
following Special Provision:
 -) R5-6() 3557 Colonel Talbot Road
 - a) Regulation[s]
 - i) Front Yard Depth (min) 2.0 metres
 - ii) Rear Yard Depth (min) 0.7 metres
(From OS4(_)) Zone)
 - iii) South Interior Side 3.1m
Yard Depth (min)
 - iv) Density (max) 51 uph
 - v) Deck 0.0m
Encroachment (max)
(From OS4(_)) Zone)
- 3) Section Number 36.4 of the Open Space (OS4) Zone is amended by adding the
following Special Provision:
 -) OS4() 3557 Colonel Talbot Road
 - a) Additional Permitted Uses:
 - i) One accessory structure
 - b) Regulation[s]
 - i) Lot Area (min) 1,056m²
 - ii) Lot Frontage (min) 14.0m
- 4) Section Number 36.4 of the Open Space (OS5) Zone is amended by adding the
following Special Provision:

-) OS5() 3557 Colonel Talbot Road
 - a) Regulation[s]
 - i) Lot Area (min) 2,860m²

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 September 15, 2020

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 15, 2020
Second Reading – September 15, 2020
Third Reading – September 15, 2020

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



PUBLIC PARTICIPATION MEETING COMMENTS

3.2 PUBLIC PARTICIPATION MEETING – 3557 Colonel Talbot Road (Z-9003)

- Councillor Cassidy: Any technical questions? Councillor Turner.
- Councillor Turner: Yes, just really quickly – on the concept plan it shows the delineation on 3.2, the requested amendment shows the lands to be zoned open space OS-4. those are rather rectangular lines for typically what's used to delineate a natural hazard. So is that rectilinear delineation one that's supported by UTRCA?
- Councillor Cassidy: Ms. Vivian.
- Melanie Vivian, Site Development Planner, Development Services: Through you, Madam Chair - through the rezoning process, the UTRCA was involved with this quite closely, and I can get James MacKay to speak more directly on how that line came to be, but essentially it was almost the limit of that flood line. And, James, please correct me if I'm wrong on that one, but UTRCA has agreed to that OS-4 special provision zone boundary line along with that development limit.
- Councillor Turner: Thank you. As Mr. MacKay chimes in here, it's just...if it's supposed to be a flood limit, water tends to follow a little bit more of a curvilinear pattern rather than straight lines, so that's the only thing that concerns me with this, is that it might not actually accurately reflect what that potential flood limit might be.
- James MacKay, Ecologist, Development Services: Through you, Madam Chair - to address that issue, probably the UTRCA is best to answer it since they worked on that flood plain issue. But I can speak to the fact that it is a cut-and-fill procedure here, so those rectangular lines will represent what the flood plain is in that area based on the works that will be required to address that issue. So it should be satisfactory, and the UTRCA was on board with this overall layout and what's happened here.
- Councillor Turner: That makes sense, thank you.
- Councillor Cassidy: Thank you, Councillor. Any other technical questions, or did you have something to add, Mr. MacKay?
- James MacKay: Through you, Madam Chair – no, that's great, thank you.
- Councillor Cassidy: Thank you. I'm not seeing any other technical questions, so are the applicants present and would they like to address the committee? Please state your name and you have five minutes.
- Matt Campbell, Senior Planner, Zelinka Priamo Ltd.: Thank you very much and good afternoon, Madam Chair, committee members. My name is Matt Campbell, I'm here with Zelinka Priamo. We have the whole crew here with us today; so myself, I'm the planner on the file from the private consultants side; we have Farhad Noory from Royal Premier Homes; we have development engineering; and Mike and Carolyn, the landscape architects that worked on this file. So everyone's here to answer any questions that may come up. Just to back up a little bit - there's been quite a lot of history with this file. We started off on this project way back in 2018. The original proposal has changed quite a bit as a result of the flood lines that were set out as part of the Dingman Creek

environmental assessment, so there were some issues with the original plan. As James mentioned, there is a cut-fill analysis that was done that has been accepted by the conservation authority, and to Councillor Turner's comment - that's why we have that kind of odd angle in there. You're absolutely right - that's not representative of a natural flood line; that is an engineered solution to this problem here, so that's exactly why you see that. So the proposal is twenty-one townhouse units arranged perpendicular to Colonel Talbot Road. There are some improvements to Colonel Talbot Road that are going to be required, and we have submitted for site plan approval right now, and we're working through a lot of the technical issues. We worked very well with staff on this application to come to the zone that we're all satisfied with. I understand that there are a number of concerns from the public; we've done our best to address those right off the bat. I'm happy to answer any questions that may arise at this meeting and again, as I mentioned, we have everyone from our development team here that may be able to answer any questions. A couple of things I would like to point out: when we're looking at the zoning for this site, the density kind of jumps out a little bit as fifty one units per hectare, and there's been some commentary from the public to that effect. I just want to point out that that number is a little bit misleading, just because of the zone boundaries that we're working with on this site. The density is taken by the zone - the area that is zoned - and not the property. So the density is actually numerically a little bit higher than you would normally expect on this site, but it's nothing to cause anyone any sort of alarm, it's just the results of where these zone lines are lying. Just another item - there was some comments about stormwater management. We are proposing what's called a 'bioswale' on this site, so stormwater that's coming off of the driveway and parking area would flow to the rear of the site and enter what's called the bioswale - that is a depressed area that has some vegetation coming up into it, so that provides some quality and quantity control for the water before it goes into the Dingman Creek sub-watershed. So I think that's a good summary of what we're dealing with here in front of us today. Again, my name's Matt Campbell with Zelinka Priamo. If anyone has any questions, again we have everyone from the development team here to answer any questions that may come up. Thank you very much.

- Councillor Cassidy: Thank you. Now I understand there are members of the public in committee room number five that may wish to address the committee. So I'll go to committee room number five, and if you could come to the microphone and state your name, you will have five minutes to address the committee.
- Ian Campbell: Hello, my name is Ian Campbell. I'm at 3637 Colonel Talbot Road, the property directly south of the property we're looking at today. I had actually sent some information into Melanie Vivian on March 29th; I'm not sure if that's made its way into the committee's hands or not, I know that was in the middle of a lot of commotion. So I just wanted to address that email that I sent with a number of items on it. Three items that are of specific concern both to me and I think to some other folks that are here in the room as well. The first one, understanding that there is a fair slope on that land from north to south moving down into the creek...I couldn't hear, Matt, what you were saying with regard to how you're going to be managing some of the water that hits impervious surfaces, but as it goes down to the creek it actually passes over about twenty meters of my property. So all well and good, but the plan is that it's going to go off your property into the 'OR' whatever it was, I don't know, OR-4 zone. But then from the OR-4 zone, it then has to pass another twenty feet across my property to actually get to the creek, and that is of some concern to me. The second item is that I don't believe anybody has really contemplated any kind of elevation to take decks into account. If you put decks on the backs of the North

properties, those decks, which I presume would be at least four feet in width, would literally look down on the properties that are directly north of this property. There's a number of residents here who actually own houses that actually back up to this property, and I think certainly some kind of privacy or some kind of a setback to make sure that people sitting on their decks are not staring into peoples' pools or bedrooms or living rooms is something that everyone should have some level of concern about. Third item - you talked a little bit about 'the math isn't really right' - I have to disagree with that. The math isn't right simply because you have a setback because you have the OR zone, the flood zone...that doesn't mean you can just sort of take that out of the math equation and say the math isn't right. When you look at the by-laws or the City Plan that was not put together by me, it was put together by your predecessors putting together best practices for the City of London and development – the zone as it currently stands, which is an R5-6, goes all the way from twenty five units all the way to sixty units, which is a big window. But the nice thing is that your predecessors put some language in there - if you have twenty five units, that is specifically for areas adjoining or adjacent to low density areas, which is what this is - twenty five. When you go to the other stream, sixty one - that is specifically for inner city areas and locations near major activity centers, which this is not. So now you've gone from twenty five to sixty one – you would imagine that this proposal is maybe twenty five or twenty seven or twenty eight? No, it's at fifty one, which is all the way to the other end of the scale which is in and around the inner city areas and locations near major activity centers, which this development is not. So frankly I am shocked this committee is recommending an approval of this application.

- Councillor Cassidy: Are there other members of the public in committee room five? Please state your name, sir, and you have five minutes.
- Ibrahim Semhat: My name is Ibrahim Semhat, I'm living at 6961 Clayton Walk just north of the property, and I wanted to say that what Ian mentioned represents a bunch of us here in the room that you can't probably see on the camera. So maybe we can raise our hands and agree on that, but there's a bunch of us here, so I just wanted to make that known. Thank you.
- Councilor Cassidy: Thank you, sir. And just so the community knows, we have received emails and correspondence from members of the community on this file. I'll just check one last time with the clerk to see if there are other members of the public who would like to comment? Okay great, come to the microphone, state your name, and you have five minutes.
- Heidi Smith: Hi, I'm Heidi Smith and I am at 3600 Isaac Court, so my property borders on the West side; this is on the East side of my property. We've had quite a lot of rain lately and what my husband and I have noticed is the water that runs along the swale on the back of our property and stays away from the cedar hedge – about a forty or fifty year old cedar hedge that borders between the back of our property and the property being developed. And we don't...we're not experts, but we were concerned about looking at the diagram, the snow kind of looks like it's being piled right up at the end of their driveway against the cedar hedge and how that was going to affect that hedge and whether it would survive or whether it would drown from the melting snow and water flow there. That was a big concern of ours. It's about...I don't know how high it is, but without the cedar hedge we have absolutely no privacy between the back of our property and the property being developed. So I just wanted to express our concerns; were not here with a group and I'm not familiar with the people in room four – hello.

- Councillor Cassidy: Thank you, Ms. Smith. Anyone else in committee room four? I'm not seeing any speakers from the public coming forward, so I will go to the committee to close the public participation meeting.

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: September 8, 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 September 15, 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 by adding references to policies of the London Plan as required.

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. Certain London Plan maps and policies remain under appeal.

The role of a Zoning By-law is to implement a municipality's official plan. Certain references to the 1989 Official Plan found in the Zoning By-law are recommended to be deleted in order to provide flexibility, improve clarity, and allow for development opportunities during the transitional period where the City has two different official plans with different policy frameworks for land use, growth and development.

This recommended amendment was presented to the Planning and Environment Committee on August 10, 2020, where concerns were identified by representatives from the development industry. Consideration of the amendment was postponed to allow City Planning staff to meet with interested parties to see if the concerns could be resolved. Since then Staff have met with the London Development Institute, and it is our understanding that there are no remaining concerns with the recommended amendment.

This recommended amendment to the Zoning By-law is an interim measure until the comprehensive review and update of the Zoning By-law is completed through the "ReThink Zoning" initiative.

Report

1.0 Update from August 10, 2020 PEC

This Zoning By-law Amendment was previously presented at a Public Participation Meeting of the Planning and Environment Committee on August 10, 2020. At that meeting, concerns were raised with regards to the proposed zoning changes, and that insufficient time had been provided to review the report and the recommended amendments.

Because the recommended amendment was presented so recently this report does not repeat the full analysis in support of the zoning changes. The previous report (August 10, 2020) is attached for information as Appendix D.

As a result of these comments, consideration of the recommended amendments was postponed until the September 8, 2020 Planning and Environment Committee meeting.

To address the concerns regarding insufficient review time, Staff reached out to several London Plan appellants and met to discuss the recommended changes. Following the August 10th Planning and Environment Committee, a copy of the report was also electronically circulated to London Plan appellants.

Through subsequent consultation Staff received the following feedback:

- Zoning By-law Z.-1 sections 17.1 and 18.1 refers to an amendment that included the term “Neighbourhoods Place Type”. Certain Neighbourhoods Place Type policies are in effect, but Map 1 and the mapping of the Neighbourhoods Place Type is under appeal. It is therefore suggested to update the amended wording in sections 17.1 and 18.1 from “Neighbourhoods Place Type” to “Neighbourhoods policies”.
- The amended wording of section 4.8 changes the term “Agriculture” designation to “Farmland”. Similar to the comment above, it is recognized that the majority of the London Plan Farmland Place Type policies are in effect; however the Farmland mapping remains under appeal. Therefore to facilitate the transition but to also recognize the appeal, the term “Farmland” is suggested to be updated to “farmland” with a lower case letter ‘f’.
- In certain sections the deletions included deletion of the words “official plan”. It is suggested that the references to the official plan (but not the specific map or policy number) be added back to ensure the connection between the Zoning By-law and the Plans being implemented.

Staff are in agreement that the changes above provide additional flexibility, while allowing for development opportunities during the transitional period of two Plans. These changes are reflected in the By-law attached to this report (Appendix B), and in the Table of deletions and additions (Appendix A).

The categories of changes to the Zoning By-law remain unchanged from the August 10, 2020 report, and are 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.
- Removal of references to specific 1989 Official Plan policy sections and numbers where the 1989 policy has been replaced by a London Plan policy.
- 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. Each Plan also includes policies identifying which map depicts which land use features and/or designations or Place Types.

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. Updated Notice of the September 8, 2020 Public Participation Meeting was published in the Londoner, advertised on the City’s website, and circulated to appellants of the London Plan. Through the Agency circulation, Staff received one letter of “no objection” from London Hydro. Section 2 of this report (above) includes the comments received to date by appellants of the London Plan. See Appendix C for comments.

4.0 Conclusion

The purpose of the recommended changes to the Zoning By-law are to help facilitate development during the transitional period while the City has two official plans. As was noted in the previous report to Planning and Environment Committee, Zoning By-laws are a restrictive tool, and therefore these changes are meant to provide flexibility to allow developments to occur which align with the policies and directions of the London Plan, while also recognizing that the City has two official plans while certain London Plan policies and maps remain under appeal at the LPAT.

Staff are of the opinion that the recommended changes presented in Appendix B to this report do not affect the appeals of the London Plan. Staff also continue to work with the appellants to resolve appeals.

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.

Prepared by:	Travis Macbeth, MCIP, RPP Planning Policy
Submitted by:	Justin Adema, MCIP, RPP Manager, Planning Policy
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner

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

August 26, 2020
TM/tm

Y:\Shared\policy\CITY INITIATED FILES\8909Z - Zoning By-law Z.-1 General Purpose Subsections\Reports\2020-09-08 - Report Z8909 - report deferred to September 8, 2020 PEC\2020-Sept 8 -Report-Z8909-Z1 References to 1989 OP v. 08-26-2020.docx

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 Documents) of the Official Plan, will</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>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 <u>the Natural Resources Chapter of Section 15.4</u> 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 designated as Agriculture in the</p>	<p>"Agriculture" is not a Place Type in the London Plan. It is replaced by Farmland.</p> <p>A lower case "f" is used to recognize that mapping of the Farmland Place Type is</p>

Zoning By-law Z.-1 Section	Text Changes	Summary of Change
	<p>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>	currently under appeal at the LPAT.
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 policies of The London Plan.</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> <p>The term "Neighbourhoods policies" is applied to recognize that mapping of the Neighbourhoods Place Type is currently under appeal at the LPAT.</p>
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 policies of The London Plan.</p>	<p>The term “Neighbourhoods policies” is applied to recognize that mapping of the Neighbourhoods Place Type is currently under appeal at the LPAT.</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>	<p>Removal of the reference to the “Office Area” land use designation, which is not a Place Type.</p>
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, <u>or provincial</u> significance and identified as components of the Natural Heritage System <u>of the Official Plan.</u> 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 <u>areas of the Official Plan on Schedule "A" of the Official Plan</u> 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 <u>of the Official Plan,</u> 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 <u>lands of the</u></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 on Schedule A, Land Use, of the Official Plan 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 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>	<p>Removal of reference to land use designation.</p>
45.1	<p>The Agricultural Zone is intended to be applied to <u>agricultural and farmland areas</u>, lands which are designated Agriculture in the Official Plan. The creation of properties less than 40 ha (98.8 ac) in size is <u>not permitted, discouraged</u> by the Official Plan policies. 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</p>	<p>Removal of reference to the "Agriculture" land use designation, which is not a Place Type.</p> <p>A lower case "f" is used to recognize that mapping of the Farmland Place Type is currently under appeal at the LPAT.</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>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.</p> <p>[...]</p>	
47.1	<p>This zone provides for a limited range of commercial uses <u>that serve the surrounding rural area. 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.</u> 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 <u>the Section 9.2.7 and 9.3.1 of the City's</u> 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</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
	<p>residents, servicing details, removal of unit etc.</p> <p>[...]</p>	
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 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)

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 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)

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 policies 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 policies 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 of the Official Plan. 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 Environmental Review areas 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 of the Official Plan, 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 of the Official Plan 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 September 15, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – September 15, 2020
Second Reading – September 15, 2020
Third Reading – September 15, 2020

Appendix C – Comments Received

From: Wallace, Mike
Sent: Monday, August 24, 2020 4:11pm
To: Macbeth, Travis; Adema, Justin; Barrett, Gregg
Subject: Suggested wording to Removing References to 89 OP Appendix A

Hello Gentlemen

As promised, below are the recommended changes to the clauses in Appendix A

Thanks again for the time to review this. Our first position is that this ZBA is premature as the London Plan, including all of its maps, is still under appeal. As a result, there are NO Place Types in the London Plan that are in force and effect. We believe that an amendment like this should be introduced during the RETHINK Zoning process and that the actual report has a number of assumptions that are open to interpretation.

That being said, we can generally accept this technical update, with our minor additions, to add flexibility to the current zoning by-law.

I am only highlighting the clauses that we are recommending word changes. If the clause is not on this list we are not recommending any changes.

Here are the changes we are recommending:

Section 3.8.2 (h-2) and Section 3.8.c (h-4) : Add back “in the Official Plan” after “Natural Heritage System” this would just eliminate the words “identified on Schedule “B”.
3.8.2(h-66) does maintain the words “the Official Plan” after the deleted portion.

Section 4.8: “Farmland” should be in lower case “farmland” as it is not defined in the By-Law

Section 17.1: Replace “Neighbourhoods Place Type” with “Neighbourhoods policies” as there are no Neighbourhoods Place Types in force as a result of the on-going appeals.

Section 36.1: Add back “in the Official Plan” after “Natural Heritage System”

Section 37.1: Add back the “lands in the Official Plan” after the words “Environmental Review” in all three spots within the clause as Environmental Review is a common designation / Place Type in both the 1989 Plan and the London Plan.

If you have any feedback on our suggestions it would be appreciated.

Thanks Mike

Mike Wallace, Executive Director
London Development Institute
562 Wellington Street, Suite 203, London, Ontario N6A 3R5

London Hydro – August 21, 2020

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

Appendix D – August 10, 2020 Report to PEC

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.

Prepared by:	Travis Macbeth, MCIP, RPP Planning Policy
Submitted by:	Justin Adema, MCIP, RPP Manager, Planning Policy
Recommended by:	Gregg Barrett, AICP Director, City Planning and City Planner

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

July 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)	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)	Both the 1989 Official Plan and the London Plan identify in policy text the map that depicts the known Natural Heritage features. 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. Removal of the Map reference allows for transition to London Plan Map 5.
3.8.2 (h-4)	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)	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. Both Plans include policies indicating the map that delineates this hazard feature. Removal of Map reference allows for transition to London Plan Map 6.
3.8.2 (h-14)	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>	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.
3.8.2 (h-66)	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	The Guideline Documents policies in the Our Tools part of the London Plan (policies 1712 to 1722) are in effect.

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>	<p>Removal of the reference to the “Office Area” land use designation, which is not a Place Type.</p>
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:

11) Section 3.8.2, Holding “h” Zones, Holding Zone Provisions to By-law No. Z.-1 is amended by making changes as follows:

ii. 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)

12) 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)

13) 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.

14) 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)

- 15) 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)

- 16) 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.

- 17) Section 5.1, General Purpose of the R1 Zone to By-law No. Z.-1 is amended by making changes to the second paragraph:

- ii. 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)

- 18) Section 17.1, General Purpose of the OC Zone to By-law No. Z.-1 is amended by making changes to the second paragraph:

- ii. 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.

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

ii. 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.

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

ii. 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.

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

ii. 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.

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

iii. The first paragraph is deleted.

iv. 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.

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

- iii. The first paragraph is deleted.
- iv. 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.

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

- iii. The first paragraph is deleted.
- iv. 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.

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

- ii. 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)

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

- ii. 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.

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

- ii. 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.

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

- ii. 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.

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

- ii. 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)

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

- ii. 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.

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

- ii. 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)

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

- ii. 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.

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

- ii. 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.

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

- ii. 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.

31) 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)

32) 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

PUBLIC PARTICIPATION MEETING COMMENTS

3.3 PUBLIC PARTICIPATION MEETING – Removing References to 1989 Official Plan from Zoning By-law Z.-1

- Councillor Cassidy: Are there any technical questions from the committee? Okay, then I see in committee room five that Mr. Wallace is at the microphone so I'll go to you, sir.
- Mike Wallace, Executive Director, London Development Institute: Thank you, Madam Chair, members of committee, Mr. Mayor. First of all let me say it's Mike Wallace from LDI and our office is at 562 Wellington Road here just up the street, suite 203. Let me start out with a number of thank you's - first of all I want to thank you for postponing the last public meeting until today so that it gave me an opportunity to meet with our planners and our lawyer, and talk about what was actually happening in this report. I want to also thank staff who, immediately after the last public meeting, contacted us about getting together and having a chat about what was actually involved in this report that had come forward in August. And finally, in terms of thank you's, I wanted to thank you for incorporating the minor suggestions that we came up with as an industry (from LDI) to improve the report. The final two comments I'll make are simple. We do really appreciate the communication that we had. I think, fundamentally, what happened was that the report...like this was a technical report as staff would tell you, it's making technical changes...and the report in front of it had other issues involved in it. I think, in part, to try to make sure that the committee members understood what was surrounding these changes in terms of where we were with the London Plan and so on. And so some of the comments were probably open to interpretation in the report, and the actual thing, the piece that staff were asking you to approve we really didn't have any issue with; we just had some wording changes. The final thing I want to say is that, related to what Mr. Macbeth had just said, I think the most feedback that I got from our members at LDI was that 'is this not, like, premature'? Could we not have done this all together when we do the Rethink, the zoning process? It makes them nervous that maybe they're taking little bits and pieces in coming forward, and I assured them that's not really the case here, and actually they don't disagree that it provides more flexibility with these changes, and we actually agree with staff on that. It's just that they felt that, you know, we've been working on this, we started the work before the Covid issue on the Rethink Zoning, and that possibly it could have all the been wrapped in together instead of what they consider a one off. But other than that, we want to thank you very much for holding this meeting, and for postponing the last one to this one so we had a chance to review it. Thank you to staff for meeting with us, and again thank you for implementing the very minor changes that we recommended you implement, and I'm happy to answer any questions if you have any.
- Councillor Cassidy: Thank you, Mr. Wallace. In committee room five, is there anybody else that wants to address the committee? Awesome. If they could come forward and state their name, and they have five minutes.
- Jennifer Hewitt: Hi, my name is Jennifer Hewitt and I live at 1857 Fanshawe Park Road. Just a few things – number one, I do not support these changes and oppose them as they affect our property rights. Number two, I did not receive sufficient notice of these changes, especially during Covid times. We received nothing in the mail even though three specific zoning terminology changes affect our property rights and our neighbours' property rights, specifically section 5.1, section 47.1 and section 48.1. And as far as sending a letter, there's only ten homes in these rural settlements, so it would have been really easy to send out

ten letters to us all. Number three, the purpose given for these changes is that it is going to help allow development. These changes will have the exact opposite effect. We require those references to rural settlement as it helps protect our property rights and our neighbours' property rights, as we live in an area designated rural settlement. These changes certainly do not provide clarity in our case, which is the second supposed reason for the change. Removing references to the rural settlement do not provide clarity; it makes things very unclear and cloudy. And the third reason given for the changes is to provide flexibility. How does it provide flexibility for a resident of the rural settlement when you remove reference to that rural settlement in the Zoning By-law? It doesn't make any sense. So, in conclusion: number one, again I oppose these changes, number two, I wasn't sufficiently notified, and number three, these changes are not going to help me and are affecting our zoning rights. Thank you.

- Councillor Cassidy: Thank you, Ms. Hewitt. Are there any others? Okay, state your name and you have 5 minutes, sir.
- Robert Hewitt: Hi, I'm Robert Hewitt, her husband. And if you look at section 47.1 where the changes are going in, where they're going to remove the reference to the rural settlement designation and references to the policies and the sections there, actually those are the things that prove our rights to have that ability to develop those lands that way. It's really...when you think of what my wife mentioned earlier about 'clarity' or that this is going to help for development or anything, there's been no explanation as to how that helps for anything in the rural settlement. Like, what is the specific issue of why this change is being done in the rural settlement commercial zone? And also, with reference to the other section where they're changing it at is...this one section, is .51, referring to R1-14, R1-15 and R1-16 zone variations, and how they're applied in rural settlement designations. Removing that from the zoning actually makes things hard. We found when the City annexed the area, we had Gregg Barrett, we dealt a lot with Gregg with our zoning, and we had the whole community come down and get certain zoning rights put into our properties. And since then, we've had nothing but trouble when we come to the City later - the residents in that area, they want to do this and they want to do that - they don't recognize any of the things that were done. They don't...if the terminology isn't there, they broaden it out in a way that you can't fit in the box anymore. For example, the London Plan talks about having, about supporting in-fill housing in the rural settlements. The old Plan talked about supporting housing, in-fill housing in the rural settlements. We currently have put forth a Plan to have some in-fill housing on our property and the City's not supporting it all. So even when it's in the London Plan, even when it's in the old Plan, we still don't win. So any changes to any references to any sort of zoning rate that we have in that area we strongly oppose, because we are not even getting the zoning rights we currently have. So currently we're zoned R-14 in rural settlement, which has specific lot sizes. The City agrees that we meet the lot sizes; the City says the London Plan supports in-fill housing; the old Plan supports in-fill housing; but of course they're not going to approve it in any way. So our whole rural settlement in our area actually has about forty acres of land that is completely undeveloped. It's right up, abuts right up to the sewers and the water lines, the Copps subdivision. We have traffic that is crazy there, but we have forty acres of land that's got maybe ten houses on it. It's totally unutilized, it's not agricultural land, it's not farms - but because it's set outside of that urban growth boundary, all these different things keep holding us back in that territory from having any sort of rights. We don't have sidewalks, we don't have high speed internet, we don't have street lights; we have an eighty mile...eighty kilometer per hour speed limit that goes past us that's dangerous, but we keep getting pigeonholed. And no one's looking at our exact experience that we have

there. I've sent emails, I've been fighting with the City I don't know how long. I had to fight to get the rights in the first place because they were actually going to zone us in the farms originally...so you're going to have a two acre farm or a four acre farm on Fanshawe Road right by Copps lumber. So, when we see changes happening again, in a very specific, small way, there's got to be a reason behind this change, and the reasons that are given for these changes don't match anything of our history and what development are they referring to they're going to make it easier for in the rural settlement. There's been no consultation with us in any way, shape or form. I'm perfectly willing to meet with Gregg Barrett, as I originally dealt with him in the first place, and the community is willing to meet with him as well. She wants to explain these things but I...we just don't understand why they would be changing –

- Councillor Cassidy: You're coming up on your five minutes, sir.
- Robert Hewitt: Okay, that's the best I can do in five minutes.
- Councillor Cassidy: Thank you, sir. So I do just want to mention that the Official Plan of the City of London is in transition, so the London Plan will be the new official plan of the City of London, and it has been approved by Council and by the Ministry. So I'll just go to Ms. Bunn to see if there's anybody else that would like to address this committee? No. So with no other members of the public, I will look to committee to close the public participation meeting.

London Advisory Committee on Heritage

Report

The 5th Meeting of the London Advisory Committee on Heritage
August 12, 2020
Committee Room #5

Attendance PRESENT: D. Dudek (Chair), S. Bergman, M. Bloxam, J. Dent, S. Gibson, S. Jory, J. Manness, E. Rath, M. Rice, K. Waud and M. Whalley and J. Bunn (Committee Clerk)

ABSENT: L. Fischer

ALSO PRESENT: A. Armistead, L. Dent, K. Gonyou, M. Greguol, L. Jones, M. Schulthess and M. Sundercock

The meeting was called to order at 5:30 PM; it being noted that the following Members were in remote attendance: S. Bergman, M. Bloxam, J. Dent, S. Gibson, S. Jory, J. Manness, E. Rath, K. Waud and M. Whalley.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

None.

3. Consent

3.1 4th Report of the London Advisory Committee on Heritage

That it BE NOTED that the 4th Report of the London Advisory Committee on Heritage, from its meeting held on March 11, 2020, was received.

3.2 Notice of Planning Application - Zoning By-law Amendment - 124 Colborne Street and Other Properties

That it BE NOTED that the Notice of Planning Application, dated July 15, 2020, from C. Lowery, Planner II, with respect to a Zoning By-law Amendment for the property located at 124 Colborne Street, was received.

3.3 Notice of Planning Application - Official Plan Amendment - Old Victoria Hospital Lands Secondary Plan Area

That it BE NOTED that the Notice of Planning Application, dated July 15, 2020, from C. Lowery, Planner II, with respect to an Official Plan Amendment for the Old Victoria Hospital Lands Secondary Plan Area, was received.

3.4 Notice of Planning Application - Official Plan Amendment - Protected Major Transit Station Areas

That it BE NOTED that the Notice of Planning Application, dated May 28, 2020, from J. Lee, Planner I, with respect to an Official Plan Amendment for the Protected Major Transit Station Areas (PMTSAs), was received.

3.5 Notice of Planning Application - Official Plan and Zoning By-law Amendments - 1153-1155 Dundas Street

That the following actions be taken with respect to the Notice of Planning Application, dated May 19, 2020, from L. Davies Snyder, Planner II, related to Official Plan and Zoning By-law Amendments with respect to the properties located at 1153-1155 Dundas Street:

- a) L. Davies Snyder, Planner II, BE ADVISED that the London Advisory Committee on Heritage (LACH) is in support of the preliminary research and findings of the Heritage Impact Assessment, dated March 16, 2020, from Zelinka Priamo Ltd.; it being noted that the LACH believes the smokestacks on the property to be a significant heritage attribute and supports incorporation and retention of the structure in the adaptive reuse of this heritage listed property; and,
- b) the above-noted Notice of Application BE RECEIVED.

3.6 Implementing Additional Residential Units Requirements of the Planning Act (Bill 108) - Information Report

That the following actions be taken with respect to the staff report dated July 13, 2020, with respect to Implementing Additional Residential Units Requirements of the Planning Act (Bill 108):

- a) the Heritage Planners BE REQUESTED to review existing Heritage Conservation District plans and applicable planning policies to identify how additional residential units are addressed and report back at a future meeting of the London Advisory Committee on Heritage; and,
- b) the above-noted report BE RECEIVED.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Demolition Request for Heritage Designated Property at 120 York Street by Farhi Holdings Corporation

That, on the recommendation of the Director, Development Services, with the advice of the Heritage Planner, the following actions be taken with respect to the request to demolish the building on the heritage designated property at 120 York Street, within the Downtown Heritage Conservation District:

- a) the above-noted request for demolition BE PERMITTED;
- b) the Chief Building Official BE ADVISED of Municipal Council's intention in this matter;
- c) the applicant BE REQUIRED to obtain final Site Plan Approval for the property; and,
- d) the Heritage Planner BE REQUESTED to confirm and implement the appropriate mitigation measures with the property's owner and heritage consultant, in writing, in advance of the demolition of the building located at 120 York Street, in order to protect the adjacent heritage designated properties;

it being noted that the London Advisory Committee on Heritage does not believe that surface parking supports the heritage character of the Downtown Heritage Conservation District.

5.2 Heritage Alteration Permit Application by S. MacLeod at 59 Wortley Road - Wortley Village-Old South Heritage Conservation District

That the staff report, dated August 12, 2020, with respect to a Heritage Alteration Permit Application by S. MacLeod, for the property located at 59 Wortley Road in the Wortley Village-Old South Heritage Conservation District, BE DEFERRED to a future meeting of the London Advisory Committee on Heritage.

5.3 Heritage Alteration Permit Application by A. Schneider at 70 Rogers Avenue - Blackfriars/Petersville Heritage Conservation District

That, on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval and approval for alterations to the property located at 70 Rogers Avenue, within the Blackfriars/Petersville Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the window replacements occur within one year of Municipal Council's decision;
- the sash windows feature the applied mullion detail (simulated divided light) on the exterior of the windows to replicate the fenestration pattern of the original windows; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

5.4 Heritage Alteration Permit Application by B. Egan at 512 English Street

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking approval for the proposed alterations to the property located at 512 English Street, within the Old East Heritage Conservation District, BE PERMITTED with the following terms and conditions:

- the voussoirs consist of salvaged buff brick that matches the brick of the dwelling;
- the space in between the two windows be clad with salvaged buff brick;
- the sills of the new window openings consist of matching materials consistent with the remaining window openings on the dwelling; and,
- the Heritage Alteration Permit be displayed in a location visible from the street until the work is completed.

5.5 Heritage Alteration Permit Application by J. Banninga and J. Williams at 784 Hellmuth Avenue - Bishop Hellmuth Heritage Conservation District

That, on the recommendation of the Managing Director, City Planning and City Planner, with the advice of the Heritage Planner, the application under Section 42 of the Ontario Heritage Act seeking retroactive approval for alterations to property located at 784 Hellmuth Avenue, within the Bishop Hellmuth Heritage Conservation District, BE REFUSED; it being noted that the London Advisory Committee on Heritage encourages the applicant to engage with the Heritage Planners to identify a solution.

6. Adjournment

The meeting adjourned at 7:14 PM.

DEFERRED MATTERS

**PLANNING AND ENVIRONMENT COMMITTEE
(AS OF AUGUST 31, 2020)**

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
1	EEPAC Terms of Reference – Civic Admin to report allowing EEPAC to work with staff during the collaboration of reports, electronic distribution of files and to provide advice directly to PEC	May 12/15 (7/11/PEC)	Q4 2020	Saunders	Preparing initial report to PEC to seek Council direction.
2	Dundas Place Management and Dundas Place Field House – City Planner to report back on results of monitoring all aspects of Dundas Place Management by mid-2019 in order to inform the development of the 2020-2023 Multi-Year Budget.	November 28/17 (17/22/PEC)	Q1 2021	Stafford/Yanchula	Dundas Place Manager is now in place.
3	Medway Valley Heritage Forest ESA – Refer back to Staff to report back after deleting the proposed Bridge A and Bridge D; further public consultation with respect to those	April 24/18 (3.2/7/PEC)	Q4 2020	Barrett	Staff developing a modified consultation plan to include Medway Advisory Group, EEAPC and First Nations review in the field to review trails alternatives.

File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
	portions of the CMP that effect changes to the eastern boundary of the ESA, including the use of public streets; further consultation with the ACCAC, the EEPAC, UTRCA and neighbouring First Nations governments and organizations with respect to improved trail access and conditions; actions be taken to discourage crossings of the creek at sites A, B, C, D and E, as identified in the CMP; hardscaped surfaces on the level 2 trails be limited to the greatest extent possible; ways to improve public consultation process for any ESA and CMP; and, amending the Trails Systems Guidelines to incorporate consultation with neighbouring First Nations, Governments and Organizations at the beginning of the process.				Anticipate CMP completion Q4 2022.
4	Inclusionary Zoning for the delivery of affordable housing - the Civic Administration BE DIRECTED to report back to the Planning and Environment Committee outlining options and approaches to implement Inclusionary Zoning in London, following consultation with the London Home Builders	August 28/18 (2.1/13/PEC)	Q1 2020	Barrett/Adema	Updates related to Inclusionary Zoning have been provided to PEC through the Affordable Housing Toolkit report (July 13, 2020) and in the Protected Major Transit Station Areas information report (August 10, 2020). The City Planning Workplan and

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File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
	Association and the London Development Institute.				Council's Strategic Plan identify that a review of Inclusionary Zoning will be completed in 2021. COMPLETE – REMOVE
5	The City of London Tree Protection By-law C.P.-1515-228 – refer to TFAC for review and comment; and, the proposed by-law be referred to a public participation meeting to be held by the Planning and Environment Committee on September 24, 2018 for the purpose of seeking public input and comments on amendments to The public input provided at the September 23, 2019 Planning and Environment Committee meeting with respect to the proposed new Tree Protection By-law appended to the staff report dated September 23, 2019 BE REFERRED to the Civic Administration for consideration in the preparation of a revised Tree Protection By-law; and, the Civic Administration BE DIRECTED to provide a proposed by-law to repeal and replace the existing Tree Protection By-law C.P.-1515-228 at a future Planning and Environment Committee meeting including replacing the term “City Planner” with “City Engineer”.	June 18/18 (4.1/11/PEC) Sept 23/19 (3.3/16/PEC)	2019 Q4/2020	Scherr	Proposed new by-law referred to TFAC at their June 2018 meeting and comments provided at Aug meeting. Some comments have been received from Industry. Report with the DRAFT By-law language along with notice of PPM is scheduled for May 14, 2019 meeting. The report and PPM for the approval of the City's new Tree Protection By-law is scheduled for September 23, 2019.

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File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
6	Section 45 (1.4) of the <i>Planning Act</i> – Civic Administration to report back with potential process options in response to applications for minor variances	Aug 27, 2019 (5.1/14/PEC)	Q4 2020	Kotsifas/Yeoman	Report to be provided within Q4 of 2020.
7	Draft City-Wide Urban Design Guidelines – Civic Admin to report back at a future PPM of the PEC Civic Admin to review and report back on implications related to the <i>Municipal Conflict of Interest Act</i>	Oct 29/19 (2.1/18/PEC) Dec 10/19 (3.1/1/PEC)	Q1 2021	Barrett/O'Hagan	The Draft Urban Design Guidelines were presented in June 2019. Staff are working through edits with the development industry and other stakeholders. Expected for final approval in Q1 2021.
8	Environmental considerations relating to studies and reports - Civic Administration to review and report back on best practices and legal limitations for performing Subject Land Status reports and Environmental Impact Studies on lands that are under private ownership and that are owned by multiple parties and, in particular, where one or more of the property owners refuse staff entry onto their lands; and, to review the plan for Meadowlark habitat on a comprehensive ecological systems basis, so that Secondary Plans and Planning Applications can address habitat requirements in accordance with this larger context	Nov 12/19 (3.1.19/PEC)	Q2/2020	Barrett/Fabro	Report presented to PEC July 13, 2020. No further action required. COMPLETE – REMOVE

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File No.	Subject	Request Date	Requested/ Expected Reply Date	Person Responsible	Status
9	Comprehensive Community Regeneration Study of the Argyle Business Improvement Area and surrounding areas – Civic Administration to report back	Nov 12/19 (3.2/19/PEC)	Q4 2020	Barrett/O'Hagan	Study Currently underway. Update report presented to PEC August 2020. Final recommendation expected to go to PEC Q4 2020.
10	ReThink Zoning Phase One Update" BE REFERRED back to the Civic Administration.	June 29/20 (2.1/9/PEC)		Barrett/Adema	Background research is currently underway, with discussion papers and a public engagement program expected to launch in Fall, 2020. COMPLETE – REMOVE
11	Silverleaf – Civic Administration to review safety, road mobility, unfettered access to roads by residents and clear access for service, transportation and emergency vehicles” and to report back addressing the concerns raised; and, the request for delegation BE GRANTED for a representative of the “Residents of Silverleaf” to speak at a future meeting of the Planning and Environment Committee when the staff report noted in a) above is brought forward for consideration.	August 25/20 (4.3/12/PEC)		Scherr/Dales	

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