

Agenda

Planning and Environment Committee

The 19th Meeting of the Planning and Environment Committee

November 30, 2020, 4:00 PM

Virtual Meeting - during the COVID-19 Emergency

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

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

Members

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

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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Gregg Barrett
Director, Planning and City Planner

Subject: ReThink Zoning Update

Meeting on: November 30, 2020

Recommendation

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

Executive Summary

ReThink Zoning is the process for delivering a new Zoning By-Law that will conform with The London Plan and contribute to achieving its vision for growth over time. Phase One of the project, to prepare background research and initiate a public engagement program, is underway.

The purpose of this report is to introduce the key issues to be addressed through the upcoming public engagement program. The report also includes a progress update and description of next steps for the project.

The London Plan contains the policy framework that will guide growth and development in London for the next twenty years. The ReThink Zoning process will determine what zoning regulations need to be applied to achieve that vision through development on individual parcels across the city. The engagement program that makes up a large part of ReThink Zoning will begin by reiterating the vision and key directions of The London Plan, and determining what planning principles and approaches need to be reflected through zoning regulations. From there, the engagement process will include detailed analysis of what zoning regulations should apply within the various place types to achieve their specific visions.

This upcoming first stage of public engagement will therefore focus on education about how zoning works, including a conversation about the types of buildings and activities that should be permitted (use), how much building or activity should be permitted (intensity), and where and how buildings should be situated or designed (form).

The above topics will be introduced in a manner accessible to the public, and lead into meaningful public and stakeholder engagement over the course of the coming months. This will be done in the context of The London Plan's policy directions and place types, and how its vision can be achieved through zoning. This discussion, which will occur with the broader public as well as internal and external stakeholders, will enable staff to complete some of the necessary background work to start writing the new by-law.

Report

1.0 Background

The London Plan was approved by Municipal Council in June 2016 and provides a vision for how London will evolve over the next twenty years. ReThink Zoning is the process of preparing a new zoning by-law for London. One of the key objectives of the new by-law will be to achieve the vision and policies of The London Plan.

When The London Plan was being developed through the ReThink London engagement process, a community conversation took place around the type of city Londoners want. ReThink Zoning continues that conversation and moves it into a new stage where instead of asking what kind of city we want London to become, our new focus is on how we will continue to get there. The London Plan provides direction on many zoning matters, and this will be the exercise to prepare the new zoning by-law that will fully implement that vision.

This is a major project that will have a lasting impact on how London will be shaped to meet the vision established in The London Plan. The Terms of Reference for ReThink Zoning, which were approved by Council in May 2019, identified that the project would be carried out in two phases. The first phase would involve choosing a direction for the zoning by-law, and the second would involve drafting a by-law based on that approach.

As part of Phase One, the project schedule had identified that broad public engagement would begin in spring 2020. However, due to the ongoing pandemic and internal refinement of the engagement approach that process was delayed. This report marks the beginning of the public engagement program.

This updated engagement approach blends some of Phases One and Two as described in the Terms of Reference. By undertaking a more comprehensive engagement on clearer key zoning topics in the coming months, Staff can use the feedback to complete some of the work initially intended for Phase Two. This will also allow for more in-depth exploration of specific topics, such as a review of parking standards, for example. This approach will help to advance the project.

1.1 Previous Reports

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

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

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

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

June 22, 2020 – ReThink Zoning Phase One Update (Postponed)

This report included an update on the engagement strategy. Discussion of this report was postponed, a revised update is provided at this time.

1.2 Phase 1 to Date

Consultants were retained to provide background information and research and assist in advancing the public engagement program.

The intent was to initiate broad-level public engagement in the spring of 2020, and move into a more specific, issues-based engagement in the fall of 2020. This project schedule has been amended to reflect necessary changes due to COVID-19 and feedback received on the engagement approach.

2.0 ReThink Zoning Phase One Discussion Topics

2.1 Overview

Zoning manages physical change, and our new zoning by-law will be a valuable tool that will help to achieve the change envisioned through the policies of The London Plan.

This section describes key concepts and challenges that will be addressed through ReThink Zoning. These concepts will also be introduced to the public using plain language, and will set up engagement on a variety of zoning topics.

2.2 Zoning in Ontario

Zoning is a tool that allows us to set rules for development on individual properties, to direct what types of buildings and activities are permitted (use), how much building or activity is permitted (intensity), and where and how those building should be situated or designed (form).

The authority for municipalities to regulate the use of land through zoning is derived from the Planning Act. The Act states that “zoning by-laws may be passed ... for prohibiting the use of land... except for such purposes as may be set out in the by-law” (s. 34(1)). The Provincial Policy Statement is authorized through the Planning Act and describes the matters of provincial interest in municipal land use planning matters. A municipal Official Plan is used to manage and direct physical change and its effects within a municipality, and decisions made must be consistent with the Provincial Policy Statement. Finally, a zoning by-law is an important tool that can be used to implement the policies of an official plan.

2.3 Implementing The London Plan

In London, the current Zoning By-law no. Z.-1 was prepared following the approval of the 1989 Official Plan and includes direct links to the policies of that plan, including specific references in zone categories to the Land Use Designation it is intended to implement. The planning approach of the 1989 Official Plan, which focuses on land use, is carried forward in the existing zoning by-law.

Zoning By-law no. Z.-1 has proven to be a successful tool for implementing the objectives of the 1989 Official Plan. The By-law was created with an emphasis on land use, while also considering intensity. The current by-law only minimally addresses the built form. The 1989 Official Plan also contains many specific land use designations, and Zoning By-law Z.-1 includes 47 separate zone variations that implement these policies.

The new zoning by-law will have to conform with the new policies of the London Plan, and will be written to help achieve its vision, in much the same way that Zoning By-law Z-1 implements the policies of the 1989 Official Plan.

2.4 The London Plan Approach

The London Plan is considerably different from its predecessor in terms of its planning approach and framework. The London Plan places greater emphasis on urban form in its planning approach and includes policies that direct the use, intensity, and form of development. Instead of land use designations, the London Plan seeks to establish a sense of place through different Place Types that apply to parts of the city and support a broader city structure plan.

Some key elements of The London Plan’s Approach include:

- A mosaic of great places. Each place type has its own character and function in the city, and each place type includes policies that lay out a vision and a path to realize that vision.
- Linking development and mobility. Linking development to the street classification is part of creating distinct place types. This is evident in various place types, such as Rapid Transit Corridors, Urban Corridors, Main Streets. The Neighbourhoods Place Type allows different use, intensity, and form based on the street classification.
- Flexibility and certainty. The Plan was designed with the intent of requiring fewer amendments. It allows for interpretation while ensuring reasonable expectations of what can be built.
- Context-sensitive approach. Tables are provided that show the potential uses, intensity of those uses, and forms with the various Place Types. There is also a table of heights for the various Place Types. The Plan also requires the

application of evaluation criteria and other policies to ensure that development is compatible and fits within its context.

- Plan for sustainability. A considerable portion of our greenhouse gas emissions come from transportation and housing. The London Plan draws a link between how we build our city and how we move. Responding to the climate emergency is embedded throughout the Plan but especially in the Key Directions, City Structure, and Environmental Policies.

Since zoning is a tool to implement the Official Plan, the challenge for ReThink Zoning is to develop new regulations that further implements this new planning approach of the London Plan.

Key questions for the general layout and approach of the Zoning By-law include:

- What are the key issues that should be addressed through the public consultation process in drafting the new zoning by-law?
- How can the zoning by-law contribute to the City's response to key issues like housing affordability, climate change mitigation, or the regeneration of urban neighbourhoods?
- How should the new by-law manage change where the London Plan policies don't always match the existing forms of development in an area?
- How can the layout for the new by-law be structured to improve readability and usability?
- How can the by-law new by-law provide greater flexibility to potentially lessen the need for amendments or reduce administrative processes?

2.5 Zoning for Use, Intensity, and Form

As described below, The London Plan contains considerable direction on Use, Intensity, and Form. The intent of ReThink Zoning is not to reconsider that direction, but rather to explore how they can be implemented in the regulations of the zoning by-law,

Intensity

The London Plan calls for a city structure that is focused “inward and upward” and directs growth to a series of nodes and corridors. The ReThink Zoning process will explore how changes to intensity should be managed in the new zoning by-law. This includes examining intensity (i.e. how much and how big) and developing regulations and applying them to place types.

Table 7 of The London Plan presents examples for how intensity can be regulated. These include things like gross floor area, which might be used to regulate commercial development, or number of bedrooms, which might be used to regulate residential development. How these regulations are described will affect the readability of the by-law and how they are implemented will shape future development.

The London Plan also contemplates different levels of intensity in different place types. A range of heights for each place type is provided through Table 8, and each place type also contains policy directions on intensity. In addition to determining the intensity regulations in the by-law generally, it will be necessary to examine the existing height and intensity permissions in Z.-1 and compare them to those contemplated in The London Plan

Key questions for Zoning for Intensity include:

- What level of height or intensity should be permitted as-of-right in the zoning by-law, and what levels of intensity contemplated in a Place Type require a future planning permission?
- What current zoning regulations are effective to ensure the right intensity of development for each Place Type, and what new regulations should be considered?
- Other zoning regulations have an impact on the ability to achieve more intense forms of development. For example, requirements for parking,

landscaped areas, and setbacks may impact the intensity that can be achieved on a site. How should these issues be regulated in the zoning by-law?

Form

Through the City Building policies and individual Place Type policies, the London Plan sets up form as a key consideration to be implemented through the zoning by-law. Table 7 also includes examples of measures that may be used to implement form policies. Form is an important element to be addressed in the zoning by-law in that it directs how our city will look and feel, and in many cases, functions. Form includes things like the size and scale of buildings, massing, location and design of different parts of buildings. While the Planning Act has limitations on how matters related to form can be regulated through the zoning by-law, it will be necessary to set out regulations that will direct form for each place type to implement the policies of The London Plan. Regulations addressing form have been added to the 1989 Official Plan and Z.-1 over time. The consideration of form is important, as The London Plan includes greater opportunities for intensification in established areas.

Key questions for Zoning for Form include:

- To what degree should form considerations be a part of the zoning considerations? How much should built form be a site plan control matter?
- What current zoning regulations are effective to ensure the right form of development for each Place Type, and what new regulations should be considered?
- How can we ensure an appropriate form when permitting increases in height or density, given that bonus zoning is no longer permitted by the Planning Act?
- To what degree should form considerations be based on the surrounding context?

Use

Along with intensity and form, land use is a primary component regulated by zoning, and this has traditionally been the primary consideration in zoning. The current zoning by-law assigns list of permitted uses for development on each parcel. The way uses are defined plays a role in how the by-law will be interpreted and implemented. For example, By-law Z.-1 imbeds intensity considerations and very specific detail within use definitions, which has led to an increase in the number of defined uses. The London Plan takes a different approach to land uses than the 1989 Official Plan in that it does not list specific uses that may be permitted, but rather identifies the use classification or family of uses, and describes the scale that could be permitted in different place types. Table 7 contains examples of measures that may be used to implement use policies. Each Place Type in The London Plan contains policies on permitted uses, however, in many cases policies are broad and, and these would be made specific to properties in the zoning by-law. The Neighbourhoods Place Type is unique in that it includes a table (Table 10), which provides a range of permitted uses based on street classifications.

Key questions for Zoning for Use include:

- How broad or specific should the definitions be for different land uses?
- What types of uses need to be defined in detail, and which can be regulated based on broader definitions?
- Are there current zoning definitions for land uses are effective? Are there use definitions should be changed?

2.6 The London Plan Place Types

As introduced above, The London Plan contains place types and these provide direction on how use, intensity, and form will be regulated in different parts of the city. All lands within London are assigned a place type, and these replace the land use designations of the 1989 Official Plan.

The place types of the London Plan give direction for the appropriate use, intensity, and form to create a sense of place. For example, the Shopping Area Place Type applies to many of the city’s commercial centres and contemplates redevelopment to create mixed-use areas that include, retail, service, office and residential uses. In addition, The London Plan provides policy direction for these centres to become less automobile oriented in their design. The London Plan also contemplates potential heights of up to six storeys, where in many cases the current zoning By-law permits less height. How the new zoning by-law will address this will be part of the public consultation process.

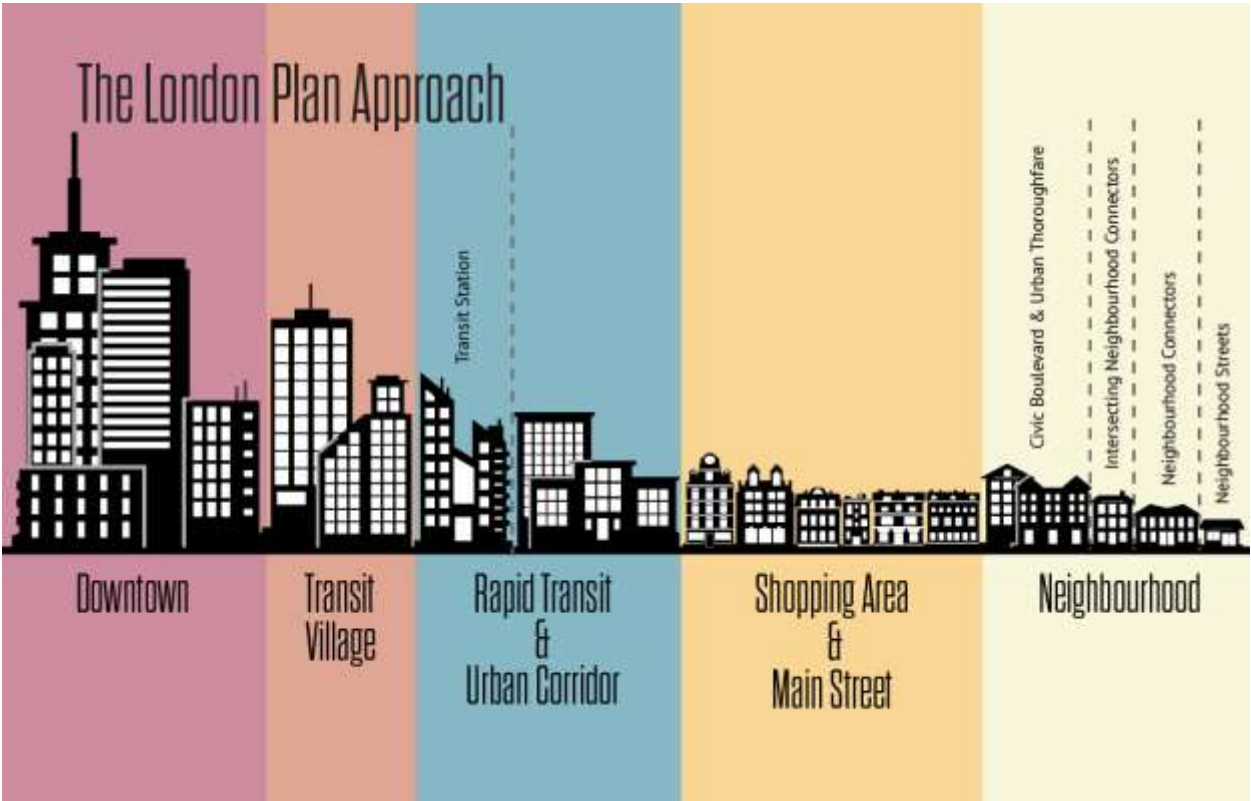


Figure 1: London Plan Place Types Transect

Phase One engagement will include a review of the policy direction and the exploration of general regulations for each place type. Phase Two will result in the development of specific regulations for each Place Type.

3.0 Engagement Strategy

3.1 Overview

The London Plan is the culmination of the ReThink London engagement process. The intent of the ReThink Zoning public consultation process is to implement the Plan’s vision through the development of the new zoning by-law, and ask how the new zoning by-law can achieve this vision. Intensification, for example, is contemplated within neighbourhoods. This policy has been established in the Plan; how this can be best achieved will be determined through the regulations of the new zoning by-law. When considering our neighbourhoods, what are the regulations that support an appropriate transition to the new forms of development contemplated by the Plan?

Public and stakeholder engagement is a key component for creating a successful zoning by-law, and communications plans and engagement materials have been prepared by Communications and the external consultants will be used in the public consultation program.

Consultation will include the general public, with more focused stakeholder engagement with community-based organizations like the Urban League, as well as development organizations, like London Development Institute and the London Home Builders Association.

Due to the changes to the timeline, Phase One public and stakeholder engagement will now take place from December 2020 into 2021. Initial conversations and questions will be focused on providing education on zoning, on ensuring that interested parties can

engage in their preferred method throughout the project, and focus on regulations regarding use, intensity, and form.

3.2 Revised Engagement Tools

As a result of social distancing measures and event closures in response to COVID-19, staff have considered other approaches to in the engagement program using primarily online means. In consultation with Communications, the consultant team, and the Steering Committee, these additional engagement tools will provide for a robust consultation process:

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

The techniques above lend themselves well to providing a common understanding of the key messages, themes and tools described in this report. The above list is not exhaustive, and with guidance from Communications, staff are exploring additional tools such as radio discussions, interviews, and live streaming.

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

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

4.0 Next Steps

4.1 Overview

The public and stakeholder engagement will begin following the receipt of this report. The goals of this engagement program are to educate the public about zoning issues,

explore the types of engagement most preferred by the public, and explore how changes to use, intensity, and form can occur within the context of place types.

4.2 Phase One

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

- Public and stakeholder engagement, which involves:
 - Consulting internal and external stakeholders to identify those components of the current by-law that are working and those that could be improved.
 - A public engagement program to provide general information on zoning, to obtain ideas from Londoners on how they can engage, as well as on regulations for use, form, and intensity
 - The creation of a report with highlights what we heard from the engagement process. It will capture what we did, who we heard from, and what we heard, containing both high-level and detailed insights.
- Recommendation reports on key topics and the drafting of initial content into a draft by-law
- Preparing the Terms of Reference for Phase 2 – the preparation of the by-law

The engagement to be undertaken over the coming months will inform Phase Two, which will then ultimately result in a new zoning by-law for the City of London.

| Task | Status |
|--|-------------------|
| Retain consultants | Completed |
| Information Report to PEC | November 30, 2020 |
| Public and Stakeholder Engagement | Q4 2020 – Q2 2021 |
| Recommendations on Topics and Compilation of Content into By-law | Q4 2020 – Q2 2021 |
| Terms of Reference – Phase 2 | Q2 2021 |

4.3 Phase Two

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

Deliverables to be prepared in Phase Two include:

- Continuation of content creation based on Phase One engagement findings
- Continuation of public and stakeholder engagement
- Inventory and analysis of existing development
- Mapping/zoning data overview and recommendation
- First Draft By-law
- Second Draft By-law
- Results of public and stakeholder feedback
- Amendments to other City by-laws and documents
- Final By-law for approval

Specific tasks and timelines will be confirmed through the Phase Two Terms of Reference.

Through the engagement plan it is expected that reports will be brought to City Council that summarize the input received on a variety of themes and issues, and these issues will begin to build the pieces of the by-law such that when a consultant is retained for Phase Two of this project we will have a clear direction for the preparation of the new zoning by-law.

| | |
|------------------------|---|
| Prepared by: | Ben Morin Planner I, Planning Policy |
| Submitted by: | Justin Adema, MCIP, RPP Manager, Planning Policy |
| Recommended by: | Gregg Barrett, AICP Director, City Planning and City Planner |

November 23, 2020
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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Gregg Barrett
Director, City Planning and City Planner

Subject: London Plan Monitoring

Meeting on: Monday, November 30, 2020

Recommendation

That, on the recommendation of the Managing Director, City Planning and City Planner, the 2020 London Plan Monitoring Report, attached as Appendix “A” **BE RECEIVED** for information.

Executive Summary

- Other than the legislatively-required five year comprehensive review, best practices have shown that it is important to continually monitor the implementation of the official plan on a regular basis. The London Plan includes direction to complete a monitoring report every two years to measure and evaluate progress towards meeting the key directions of the Plan.
- This report includes the first monitoring period (2017-2019) for the London Plan monitoring project. A number of goals have been proposed that are derived from the London Plan’s key directions and planning strategies. Each goal also contains implementation objectives and indicators that are informed by monitoring programs from other leading municipalities and best practices
- The London Plan Monitoring Report will examine how we are implementing the vision and key directions of The London Plan by looking at how our city is changing and developing. A new report is proposed to be released every two years

Analysis

1.0 Purpose of the Monitoring Program

1.1 Background

In order to track our progress in achieving the vision of The London Plan, it is important to implement an ongoing monitoring program. Best practices from leading municipalities in the province, such as Toronto and Peel Region, have shown that it’s important to monitor Official Plan implementation by reviewing our progress and updating the public on our work.

The London Plan Monitoring Report is not meant to duplicate other monitoring documents such as the Performance Report for the Strategic Plan, which measures work completed by City staff in order to implement the Strategic Plan. Rather, this report is intended to focus on our progress in achieving the vision, key directions, and other policy directions set by The London Plan. This is accomplished by measuring a series of objectives that capture how our city is developing.

1.2 Policy Context

The following policy documents have been considered in their entirety during the establishment of the London Plan monitoring project.

Provincial Policy Statement

The *Provincial Policy Statement (PPS) 2020* provides key policy direction on matters of provincial interest related to land use and planning. The PPS states that “municipal official plans are the most important vehicle for implementation of this Provincial Policy Statement and for achieving comprehensive, integrated and long-term planning” (Part I: Preamble). Regarding monitoring, Section 4.9 states that “Municipalities are encouraged to monitor and report on the implementation of the policies in their official plans, in accordance with any reporting requirements, data standards and any other guidelines that may be issued by the Minister.” The PPS also states that “the policies of the Provincial Policy Statement represent minimum standards” and that “planning authorities and decision-makers may go beyond these minimum standards to address matters of importance to a specific community, unless doing so would conflict with any policy of the Provincial Policy Statement” (Part III: How to Read the Provincial Policy Statement). While the monitoring project goes beyond the minimum standards of the Provincial Policy Statement, the monitoring program is integral to achieving the vision of the of the London Plan, which as described above, is the most important vehicle for PPS implementation in London.

The London Plan

The London Plan, the city of London’s official plan, implements provincial policy and provides key directions for the long-term growth of the city. The London Plan states that “a monitoring program will be developed to establish key performance measures to track progress every other year (policy 27)”. The Plan reinforces using the key directions as the basis for the monitoring project in stating that “it is important that our progress in meeting these eight key directions is measured and evaluated over time (policy 63)”.

The London Plan also contains a subsection for Official Plan Monitoring in the Our Tools section of the Plan. Specifically, the plan states that “a London Plan Monitoring Program will be created to establish key performance measures and to report on our progress relating to this Plan’s key directions a minimum of once every two years. This process will involve significant public engagement and education and reporting that will allow all Londoners to understand this progress” (policy 1790).

1.3 Report Design

The London Plan is the document that describes Council’s policies for directing land use changes and determines how our city grows and develops. The London Plan informs and directs the work of all Service Areas of the City. Some components of The London Plan are monitored on a recurring basis through other documents by other Service Areas. This report template is intended to reduce duplication and instead showcase progress through meaningful indicators that are central to The London Plan. The report is designed with the goal of balancing the need to provide meaningful, quantitative data that can demonstrate areas for concern or change, with the need to provide an accessible, plain language report that supports The London Plan’s city building narrative. Staff have undertaken the monitoring process using 2017, 2018, and 2019 as the first three baseline years. In 2017 and 2018, the majority of the London Plan’s policies were not in force, whereas in 2019, over 80% of its policies were in force. The report has been written with this in mind and is careful not to draw substantive conclusions. Subsequent reports will be carried out every two years, thereby establishing a longer trend line.

1.4 Preparation and Engagement

The template and content for the first reporting period (2017-2019) has been prepared by City Planning with input from internal partners. Several meetings were held with experts on various topics to ensure that content and data would be accurate and relevant. Staff from other service areas, such as Development and Compliance Services, Housing, Social Services and Dearness Home, as well as Environment, Fleet & Solid Waste, also provided input. This first report will be circulated for public comments and input regarding metrics used and goals to be emphasized in future London Plan Monitoring reports. A web hub will be prepared and hosted on Get Involved to capture feedback.

2.0Proposed Goals and Objectives

Each of the following goals and objectives are based on the key directions and planning strategies of the London Plan. The goals represent key components of the London Plan’s vision and the objectives represent specific measures for achieving them. The report is organized around the original five themes used in the ReThink London engagement program (How we Move, How we Grow, How we Prosper, How we Green and How we Live), as the themes were well-understood by the public and consistently used through ReThink London. The rationale behind each objective is described. In total, there are 19 goals. Several similar London Plan planning strategies were brought together to create new goals that ensure that the report is streamlined and more accessible to a variety of audiences. The full list of goals and objectives, which also include measurement metrics, can be found in Appendix A: 2020 London Plan Monitoring Report.

2.1 List of Goals

How we Prosper

| Goal | Objective | Connection to the London Plan |
|---|--|---|
| Create a Strong Business Environment | Lower the office vacancy rate in downtown and overall; increase employment growth in key sectors. | Plan for and promote strong and consistent growth and a vibrant business environment that offers a wide range of economic opportunities (55_4) |
| Create Vibrancy and Livability in our Downtown and Main Streets | Increase the number of transformational projects completed as per London’s Downtown Plan; increase the number of streetscape improvement projects completed; increase private investment in existing commercial and industrial properties. | Create a strong civic image by improving the downtown, creating and sustaining great neighbourhoods, and offering quality recreational opportunities (55_3) |
| Ensure a Healthy Mix of Jobs and People | Increase the workforce participation rate; increase the jobs to people ratio; increase the number of jobs created. | Identify and strategically support existing and emerging industrial sectors (55_9) |
| Promote the Growth of London’s Employment Areas | Increase the number of jobs created in designated employment areas; increase the number of new businesses | Ensure an adequate supply of employment lands (55_10) |

| Goal | Objective | Connection to the London Plan |
|------|--|-------------------------------|
| | locating in designated employment areas. | |

How we Move

| Goal | Objective | Connection to the London Plan |
|---|---|---|
| Create Options for Transportation Alternatives | Increase the percentage of trips made by walking and cycling. | Create active mobility choices such as walking, cycling, and transit to support safe, affordable and healthy communities (60_1) |
| Create a City Structure that Supports Rapid Transit | Increase the number of housing units created in the Downtown, Rapid Transit Corridor and Transit Village Place Types. | Implement a city structure plan that focuses high-intensity, mixed-use development to strategic locations - along rapid transit corridors and within the Primary Transit Area (59_1) |
| Make London more Walkable and Bikeable | Increase cycling at monitoring locations from baseline levels; increase the total length of on-road cycling facilities (km); increase the number of sidewalk and pathway kilometres; increase the number of pedestrian signals and crossovers; increase the street connectivity ratio in new communities. | Active mobility features will be incorporated into the design of new neighbourhoods and, where possible, enhanced in existing neighbourhoods to ensure connections to the street and transit system (348) |
| Connect the Region | Increase the total level of transportation services that connect London to other Southwestern Ontario communities. | Explore opportunities for collaborating with surrounding municipalities to foster a regional rail and bus service for regular commuters (55_14) |

How we Live

| Goal | Objective | Connection to the London Plan |
|--|---|---|
| Protect and Enhance London’s Cultural Heritage | Increase the awareness and uptake of heritage protection by monitoring Heritage Alteration Permits reviewed, and the number of heritage listed and heritage designated properties under Parts IV and V of the Ontario Heritage Act. | Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features (61_5) |
| Welcome our Newcomers and | Increase the number people engaged at events (in-person | Provide for public facilities, programs, and spaces that |

| Goal | Objective | Connection to the London Plan |
|--------------------------------------|---|---|
| Enhance Diversity | and online) hosted and promoted that celebrate diversity and foster relationships between newcomers and the receiving community. | foster inclusiveness and appeal to a diverse population within our neighbourhoods (57_6) |
| Improve Access to Affordable Housing | Ensure that at least 25% of new housing is affordable to low- and moderate-income households; reduce the percentage of households in core housing need; increase the supply of affordable housing by 3,000 units to meet current and potential future needs (as per the Housing Stability Action Plan). | Invest in and promote, affordable housing to revitalize neighbourhoods and ensure housing for all Londoners (55_13) |
| Support Urban Agriculture | Implement the Urban Agriculture Strategy and support urban agriculture through policy and regulatory tools; increase the number and size of urban agriculture sites. | Support neighbourhood scale food production (61_11) |

How we Green

| Goal | Objective | Connection to the London Plan |
|---|---|--|
| Improve our Watershed Health | Increase urban canopy tree cover; increase the number of trees planted annually in London. | Undertake all of our planning, environmental stewardship, and infrastructure development on a watershed basis (56_9) |
| Enhance and Maintain our Parkland and Natural Areas | Increase the number of hectares of maintained parks and natural areas in the municipality per 100,000 Londoners. | Continually expand, improve, and connect our parks resources (58_10) |
| Mitigate and Adapt to Climate Change | Reduce our carbon dioxide equivalent, a measurement which standardizes the climate impacts of all greenhouse gases; increase policy changes that implement climate programs; other objectives that will be identified as part of the Climate Emergency Action Plan currently under development. | Develop, implement, and lead plans to take action on climate change mitigation and adaptation (58_1) |
| Protect our Surface Water Quality | Increase the number of homeowner grants provided to reduce basement flooding and treatment plant bypasses, | Implement green infrastructure and low impact development strategies (58_11) |

| Goal | Objective | Connection to the London Plan |
|------|--|-------------------------------|
| | increase the perviousness of land within the Urban Growth Boundary; increase the number of kilometres of combined sewers replaced. | |

How we Grow

| Goal | Objective | Connection to the London Plan |
|--|---|---|
| Preserve our Farmland | Decrease the rate of farmland loss over time; increase the number of policy changes that support rural agriculture. | Protect our valuable agricultural land and build upon London’s role as an agri-food industrial hub (55_14) |
| Improve Access to Suitable Housing and a Mix of Housing Form Options | Increase the supply of attached forms of housing to at least 40% of new housing; increase the supply of attached forms of housing to 40% of new units within a secondary plan and lands exceeding five hectares outside a secondary plan; reduce core housing need by increasing the supply of suitable housing to our changing population. | Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place (59_5) |
| Grow Inward and Upward | Increase the share of new development within the Built-Area Boundary to 45%, increase the share of intensification within the Primary Transit Area** to 75%. | Achieve a compact, contiguous pattern of growth - looking “inward and upward” (59_2) |

3.0 Report Template

The following section describes the report template format that will be used to display the changes observed through the London Plan monitoring program. This template balances the need to provide detailed analytics with providing clear and accessible information to a broad audience. The report template can be found in Appendix A: London Plan Monitoring Report.

3.1 Introduction and Background

This section briefly describes the intent of the monitoring report, how the report should be read, as well as a snapshot of London’s planning context and demographics.

3.2 Themes, Goals and Objectives

The report contains five themes that are further divided by objectives. For each goal there is an objective that displays trends over the reporting period. Each objective is briefly described alongside the purpose of the goal and how it is being measured.

3.3 Key Findings from the Reporting Period

Key findings are described through an “our progress” section, which celebrates key accomplishments. An “areas to grow” section outlines areas where additional focus should be made to implement the goal. A “success story” section is also included to link the goal to a tangible outcome and personalize the report.

The report concludes with a general overview of how the vision of the London Plan has been implemented over the reporting period.

3.4 Policies and Plans Approved to Implement The London Plan

Following the report’s conclusion, a list of policies and plans approved since the adoption of The London Plan are provided.

| |
|------------------------------|
| 4.0 Public Engagement |
|------------------------------|

4.1 Consultation with the public on findings and refinement for future years

Staff will consult with the public on the objectives and findings of this report. The report will be distributed at public engagement events and through the Get Involved portal, where the focus will be on questions such as:

- Do these indicators provide a useful indication of our progress in implementing the vision of The London Plan?
- Are there indicators missing?
- Is this format understandable and useful?

| |
|-----------------------|
| 5.0 Conclusion |
|-----------------------|

A new monitoring report will then be released on a biannual basis so that the progress of the London Plan can be continually evaluated.

| | |
|-----------------|--|
| Prepared by: | <div>Ben Morin</div> <div>Planner I, Planning Policy</div> |
| Submitted by: | <div>Justin Adema, MCIP, RPP</div> <div>Manager, Planning Policy</div> |
| Recommended by: | <div>Gregg Barrett, AICP</div> <div>Director, City Planning and City Planner</div> |

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

November 20, 2020

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Appendix A – London Plan Monitoring Report

Copy of the Consultation Documents:

Proposed content

Appendix B – London Plan Monitoring Report Executive Summary

Copy of the Consultation Documents:

Proposed content



THE **LONDON** PLAN

Progress Report 2020



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“

**LONDON 2035:
EXCITING, EXCEPTIONAL,
CONNECTED**

- LONDON PLAN VISION

”

LONDON PLAN PROGRESS REPORT

INTRODUCTION



What is this report about?

The London Plan Progress Report measures the progress we are making towards achieving the vision, goals and key directions described in the London Plan. It asks: *are we on track to achieving The London Plan's vision for 2035?*

The London Plan is our city's framework for how our city should grow and change in the face of new challenges and opportunities. The Plan was built out of the ReThink Process, where tens of thousands of Londoners contributed to conversations about how our city should look in 2035. Through ReThink London, we asked "what kind of city do we want to live in 20 years from now?". The London Plan is the response.

Although The London Plan was approved by the Province in 2016, we need to keep the conversation of city building going and keep an eye on our progress. Every two years the City of London will release a monitoring report that focuses on outcomes - measuring our success in achieving the vision of The London Plan.

Your Feedback

This report includes information on key aspects of the London Plan vision, but it does not address every policy in the Plan. Your feedback will help refine what aspects of the City's growth and development we include in future progress reports.

The findings of this and future progress reports can help the City to adjust policy, municipal approaches, priority setting, and budget allocation.

How is This Report Organized?

The ReThink conversations that led to the London Plan were organized by five themes: How we Move, How we Grow, How we Live, How we Prosper, and How we Green. These broad conversations capture and organize the many issues that are important to our city, and so the themes are also applied in this report.

For each theme in this report, there will also be a series of goals and the measurable objectives used to achieve them. A description of each goal and progress over the reporting period are provided.

The London Plan contains policies on a variety of matters. Some matters, like tourism or finance, are tracked in other reports, while this one focuses on core aspects of The London Plan that relate closely to city planning and how our city is changing on the ground.

Land Acknowledgment

Oral history and archaeological records show that the London region has been inhabited for over 10,000 years. The Indigenous peoples who have called this regional home for millennia include the Anishinaabeg, Haudenosaunee, and Leni-Lenape Nations.

The City of London values the significant historical and contemporary contributions of local and regional First Nations and those whose histories, languages, and cultures continue to influence our vibrant community. We acknowledge them and others who care for the land and its past, present, and future stewards.

LONDON PLAN PROGRESS REPORT

LIST OF THEMES

HOW WE PROSPER

PAGE 08



HOW WE MOVE

PAGE 18



HOW WE LIVE

PAGE 28



HOW WE GREEN

PAGE 38



HOW WE GROW

PAGE 48



THEME 1

HOW WE PROSPER



Goals:

1. Create a Strong Business Environment
2. Create Vibrancy and Livability in our Downtown and Main Streets
3. Ensure a Healthy Mix of Jobs and People
4. Promote the Growth of London's Employment Areas

What is this theme about?

An important message that emerged during the Re-Think London process centered on economic growth and prosperity. All Londoners want our city to be prosperous so that it can offer opportunity and high quality of life.

The way we build our city over the next 20 years will have an impact on our ability to attract investment and prosperity. And in addition to building a city with an exceptional downtown, and outstanding neighbourhoods, it is important to build our city so that it offers the foundations for a strong economy and commerce.

The goals identified for this theme look at how our businesses are doing, in terms of employment and office and storefront vacancies, and look at how we're setting our city up to be prosperous, in terms of transformational projects and investments made in our downtown and main streets.

What are the findings for this theme?

Significant investment has been made in Central London over the reporting period. This includes the completion of Dundas Place and significant streetscape upgrades. Londoners' investment in our city is evident with an increase in commercial and industrial additions and alterations. The Industrial Land Development Strategy (ILDS) has also worked well on retaining and attracting new industrial investment to the City.

Manufacturing, construction, and trade have been key economic drivers over the reporting years and have contributed to a growth in jobs. Nonetheless, the number of jobs in the London CMA are slightly below 2015 levels due to losses before 2017. London's workforce participation rate is also lower than that of other mid-sized cities, and our downtown office vacancy rate has been comparatively high.

The ongoing COVID-19 emergency has resulted in numerous business closures and early reports suggest that an uneven economic recovery is taking place. The effects of COVID-19 on our economic objectives will be important to monitor and will require creative solutions to ensure we stay on track to achieve our goals.

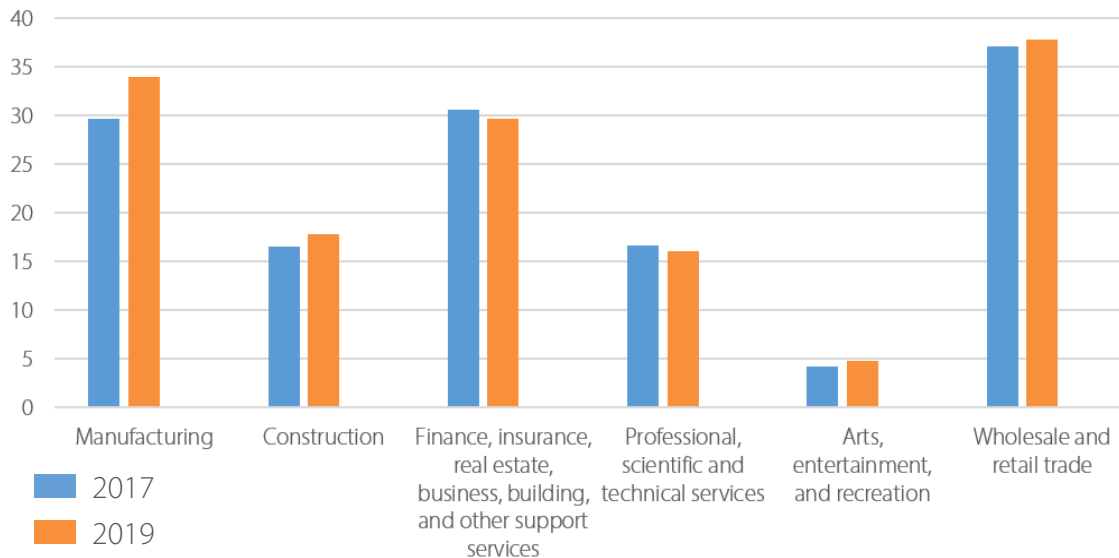


At the end of 2019
London's citywide
office vacancy rate was
16.9%
How can we create a
prosperous economy
for our city?

GOAL 1

CREATE A STRONG BUSINESS ENVIRONMENT

2017-2019 Employment Change in Sample Sectors (Thousands)



4

of 6 key sectors experienced job growth between 2017-2019

18.4%

was the downtown office vacancy rate in Q4 2019

Understanding Our Goal

Creating a strong business environment means building a diverse economy and supporting the areas where business occurs. We can regenerate these areas, which include our downtown and main streets, through policies and tools such as Secondary Plans and Community Improvement Plans. This can be achieved by encouraging sensitive growth and change while allowing for flexibility to a changing business environment. Through these efforts, we will gain an advantage in drawing and retaining entrepreneurs, knowledge-based industries, businesses of all sizes, and investment in general.

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

- London Plan Policy 55_4

Implementing our Goal (Objectives)

Lower the office vacancy rate in downtown and overall; increase employment growth in key sectors

What Changes Are We Seeing?

A key driver of London's economic performance over the reporting years has been the manufacturing sector. The construction industry has also been strong alongside wholesale and retail trade. London's overall employment increased over the reporting period, though it slightly below 2015 levels considering lesser growth in other sectors.

Although vacancy rates declined over 2019, London's downtown office vacancy rate remains high compared to other municipalities, such as Waterloo Region, which saw a downtown vacancy rate of 8.8% over the same period. London's downtown office vacancy rate is also higher than its suburban vacancy rate, at 12.6%.



Areas for Future Focus

The London Plan contains a section on the Smart City, which directs us to use new forms of information and communications technology (ICT) to promote economic development, innovation, and the sharing of data. This includes giving London a competitive advantage as a city that is well known to have the highest quality of ICT infrastructure for those businesses and industries that require it, and using smart cities infrastructure and technology to foster an environment that supports business incubation. The Draft Smart City Strategy is currently being developed, and its completion will help us to achieve our economic development goals.

The future of office employment is very uncertain at the moment due to the unknown long-term impacts of the COVID-19 pandemic. This situation will be monitored over the coming months and years, and may require changes to the planning approach and goals for employment, particularly in offices.

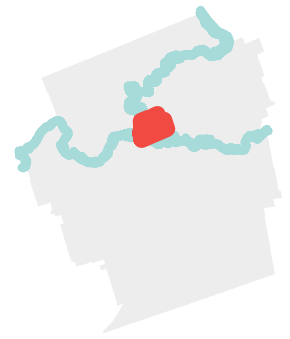
A Tangible Success Story

The Hamilton Road Community Improvement Plan (CIP) was approved by Council in 2018 and is a strategy intended to guide redevelopment and improvements within the Hamilton Road Area. Based on discussions with the public, community organizations, and local business owners, the Plan defines objectives, as well as community improvement needs. In order to achieve its goals, the Plan contains a table of tangible actions as well as six financial incentives.

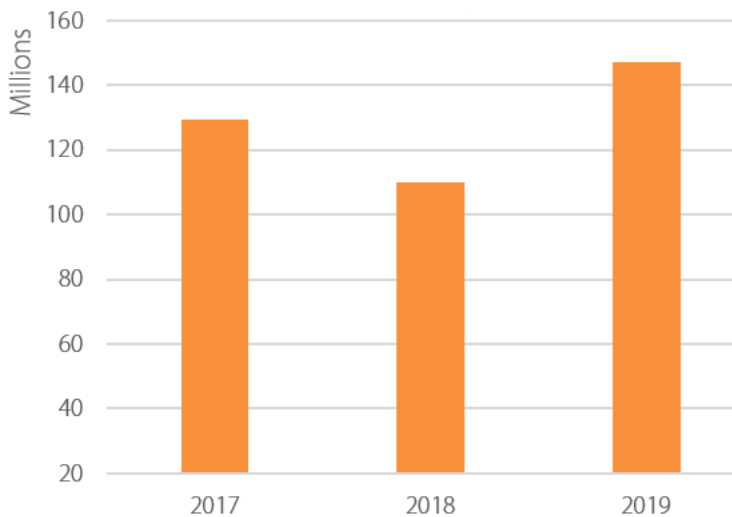
City staff recently undertook a study to reduce parking and building setback requirements, allow for an a broader range of land uses, and make it easier to combine lots in some locations. These recommendations help to implement the CIP and were approved by Council in January 2020.

GOAL 2

CREATE VIBRANCY AND LIVABILITY IN OUR DOWNTOWN AND MAIN STREETS



Total Construction Value Citywide
(millions of dollars)



147

million dollars were spent on commercial and industrial additions and alterations in 2019

1

transformational project completed downtown as per the Downtown Plan

16

downtown streets underwent streetscape improvement projects*

Understanding Our Goal

Public attitudes and expectations are evolving in favour of cities that offer quality urban centres and main streets. These areas are key to our city structure, and prosperity means more than just economic success. Through The London Plan, we seek to create a vibrant Downtown with exceptional connectivity and streetscapes, restaurants, entertainment venues, hotels, and other amenities. By creating a world-class, mid-sized downtown, we can attract new businesses and employees to our city.

Implementing our Goal (Objectives)

Increase the number of transformational projects completed as per London's Downtown Plan; increase the number of streetscape improvement projects completed; increase private investment in existing commercial and industrial properties;

What Changes Are We Seeing?

The amount spent on additions and alterations across all land uses held steady and increased slightly from 2017 to 2019. This suggests that Londoners are investing in the long-term vitality of existing buildings and main streets. In addition, Dundas Place was completed and the majority of downtown streets underwent streetscape improvements.

“ **Create a strong civic image by improving the downtown, creating and sustaining great neighbourhoods, and offering quality recreational opportunities** ”

- London Plan Policy 55_3



Areas for Future Focus

Increasing the number of people living downtown will help to make it vibrant. Surface parking lots present ideal conditions for new development, as there is relatively little site work needed before new construction can begin. The construction of a City-owned and operated parking garage could reduce the need for surface parking and act as a catalyst for other projects. Revenues gained can be put back into the downtown and the added parking available can encourage temporary surface parking lots to be developed. This is recommended both in the Downtown Plan and the Downtown Parking Strategy, and should be explored further to implement our goals.

**Note: Streetscape improvement projects include features such as accessibility upgrades, street furniture, cycling and pedestrian infrastructure.*

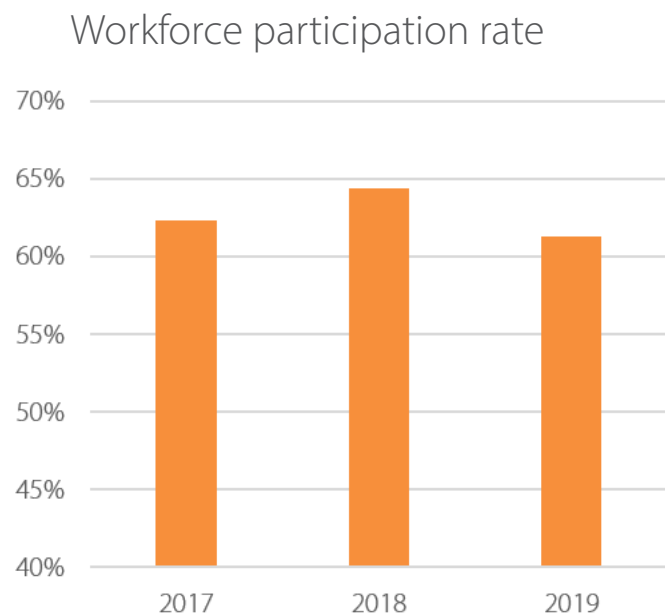
A Tangible Success Story

Over the course of 2018 and 2019, the two-phased Dundas Place flex street was built. Spanning from Ridout Street North to Wellington Street, the flex street incorporates fixed and movable streetscape elements, and is designed to be shared between motorists, pedestrians and cyclists. The flex street allows for easy pedestrian crossings, and can easily be closed to vehicles for events.

The flex street, which will include regular programming, will help to re-establish this section of Dundas Street as a key area of our city and will exude innovation, vibrancy, creativity and entrepreneurialism.

GOAL 3

ENSURE A HEALTHY MIX OF JOBS AND PEOPLE



Understanding Our Goal

As our city continues to grow, it's important to ensure that there is a healthy number of jobs available for our residents. This can be achieved by providing a supply of attractive land, office, and commercial space available for new businesses, and ensuring that Londoners have access to these jobs through different transportation options. This will make our city attractive to new businesses and employers.

Implementing our Goal (Objectives)

Increase the workforce participation rate; increase the jobs to people ratio; increase the number of jobs created

61.3%

was the London CMA workforce participation rate in 2019*

55.2%

was the London CMA jobs to people ratio in 2019*

jobs increased by

5,400

in the London CMA between 2017 and 2019*

What Changes Are We Seeing?

The number of jobs in London grew steadily over the reporting period. London's workforce participation rate, however, is consistently low compared to other mid-sized cities in Ontario. This can partly be attributed to London's large student population as well as London's higher proportion of residents aged 65 or older.

“**Identify and strategically support existing and emerging industrial sectors.**”

- London Plan Policy 55_9

**Note: This data includes the London Census Metropolitan Area (CMA) as defined by Statistics Canada*



Areas for Future Focus

London remains to have strong manufacturing, healthcare, and education sectors as staples of the local economy that provide quality jobs. This is in part due to investment in industrial land, attracting businesses such as Dr. Oetker, Maple Leaf Foods, and others in food processing, and advanced manufacturing. Despite this growth in key sectors, the largest growth has been seen in small to medium sized business in sectors such as technology and life sciences. London must plan to diversify the available jobs along with the skills needed for a future workforce. By working with our post-secondary institutions, London can ensure that the proper skills are being developed locally, for local jobs.

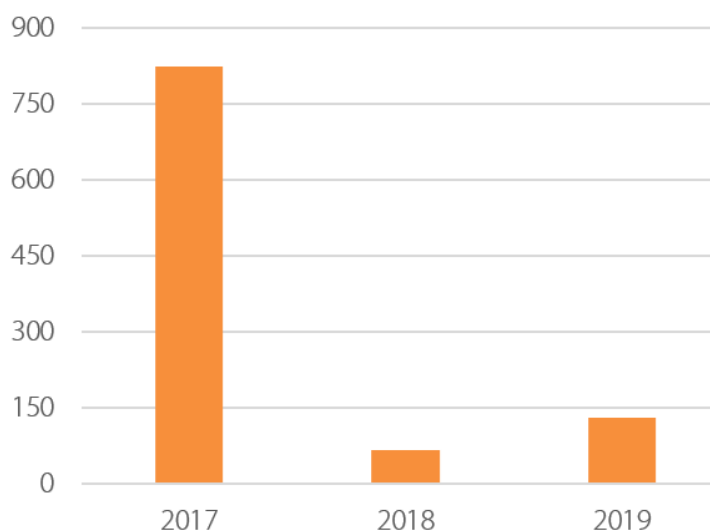
A Tangible Success Story

Since 2015, London has been seeing steady growth in the technology start up sector. London has strengths in information communication technology (ICT), digital media, software as a service (SaaS), game development, eCommerce, and financial technology. 350+ companies employ over 9,000 people in this sector, who are developing products that influence many other industries - from enhancing medical procedures and manufacturing processes to making every day financial transactions easier and secure. As a nationally recognized test market city, London is an ideal place for companies to develop new products and services prior to nationwide launch. Rogers' a-la-carte cable services and Cineplex Digital Media's in-store digital advertising signs were tested here.

GOAL 4

PROMOTE THE GROWTH OF LONDON'S EMPLOYMENT AREAS

Jobs Created in City-Owned Industrial Parks



1,020

jobs created in City-owned industrial parks between 2017-2019

147

acres sold in City-owned industrial parks between 2017 and 2019

Understanding Our Goal

London contains *employment lands**, which include industrial uses, related commercial uses, as well as innovation parks and research facilities. Approximately 30% of all employment occurs on these lands. The City of London created the Industrial Land Development Strategy (ILDS) to purchase, develop, and make available industrial lands to attract economic opportunities to London. Through the promotion of our employment areas, we can bring new jobs and businesses to our city.

**Employment lands are areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.*

Implementing our Goal (Objectives)

Increase the number of jobs created in designated employment areas; increase the number of new businesses locating in designated employment areas

What Changes Are We Seeing?

The majority of the reporting period saw positive net absorption for industrial space in London, meaning that more space was being newly occupied than vacated. The large 2017 spike in the above graph is largely the result of the large land sale to Maple Leaf Foods. While the number of acres sold fluctuates considerably from year to year, London is well positioned in terms of land inventory and pricing and continues to maintain strong competitiveness in Southwestern Ontario.



Areas for Future Focus

Inadequate public transit in our innovation parks and along Veterans Memorial Parkway has been raised consistently by numerous employers for several years. In 2019, consultations were undertaken by the London Transit Commission (LTC) in partnership with London Economic Development Corporation (LEDC) to assess industrial needs, ridership, cost-sharing options and better transit planning for the corridor. The findings will be used to improve transit connectivity in our industrial lands.

“**Ensure an adequate supply of employment lands**”

- London Plan Policy 55_10

A Tangible Success Story

Based on inputs from industry, a recent city wide industrial zoning change was implemented to allow heights up to 50 metres. This change applies to lands that do not abut residential zones, and provide increased flexibility for industries that require a vertical form of development.

THEME 2

HOW WE MOVE



Goals:

1. Create Options for Transportation Alternatives
2. Create a City Structure that Supports Rapid Transit
3. Make London More Walkable and Bikeable
4. Connect the Region

What is this theme about?

Through the ReThink London process, Londoners told us repeatedly that London is too car-dependent and more opportunities for transit and active transportation are necessary to achieve our vision of being a well connected city. Our most recent Transportation Master Plan showed us that we can't afford to resolve our growing transportation needs by focusing on adding and widening roads. Rather we need to build our city to offer real and attractive alternatives, such as walking, cycling, and transit. These alternatives also play a role in reducing our climate change impacts, and it's important to align them with our affordable housing objectives. How can we best plan for a city that will offer viable, cost-efficient and an attractive options for mobility?

The objectives for this theme look at how we are building our infrastructure to support mobility options, through investments like pathway improvements and bike lanes. The indicators help to determine how successful we've been in offering attractive alternatives to driving through things like ridership numbers.

What are the findings for this theme?

Significant investment has been made in transit and active transportation infrastructure. Dozens of pedestrian crossovers have been approved and constructed across the city in each reporting year. Bike lanes have been constructed to better connect our neighbourhoods with Downtown and the Thames Valley Parkway. Construction on the Downtown Loop, which will add infrastructure and dedicated bus lanes to prepare for rapid transit, will begin in 2021.

Our transportation investments have also resulted in changes in travel patterns. Transit use has increased, and the percentage of Londoners completing their daily activities by bike or by walking has increased as well. Monitoring stations have been set up in areas where we have made cycling infrastructure improvements, and tracking the number of users will be valuable for monitoring over the coming years.

The ongoing COVID-19 emergency has resulted in reduced transit ridership and revenue. It will be important to evaluate how this unfolds over time.



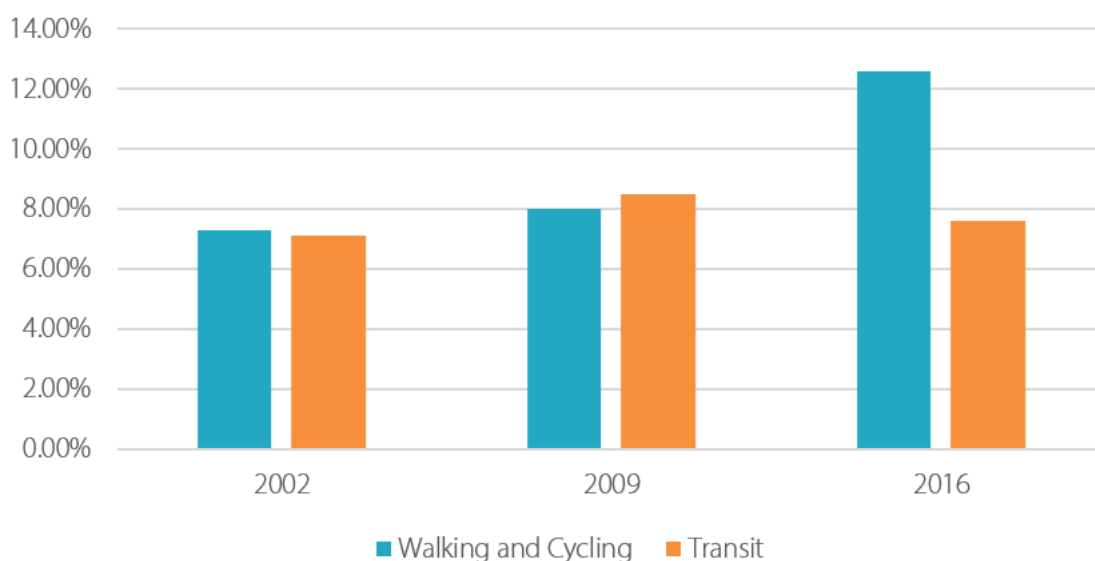
12.7%
of Londoners
bike or walk
for their daily trips.
How can we balance
our transportation
options?

GOAL 5

CREATE OPTIONS FOR TRANSPORTATION ALTERNATIVES



Transportation mode for daily trips



12.6%

of Londoners biked or walked for their daily trips in 2019

91,000

cyclists were counted using four bike lanes in 2019

Understanding Our Goal

Transit ridership in London has grown by 91% from 12.4 million riders in 1996 to 23.7 million in 2018. We can't afford to resolve our transportation needs solely by widening roads, and so we need to offer attractive alternatives. The London Plan has numerous policies to make transit, walking and active mobility attractive and cost-efficient. It's important to ensure that we have an interconnected mobility network that ensures Londoners can seamlessly switch between transportation modes for each of their trips.

“Create active mobility choices such as walking, cycling, and transit to support safe, affordable and healthy communities”

- London Plan Policy 60_1

Implementing our Goal (Objectives)

Increase the percentage of trips made by walking and cycling.

What Changes Are We Seeing?

The number of Londoners using an active transportation mode to travel increased considerably between 2002 and 2016. While this does not show our progress since The London Plan was implemented, a Household Travel Survey is planned for 2021, which will give us an opportunity to measure our progress since the London Plan's approval.



Areas for Future Focus

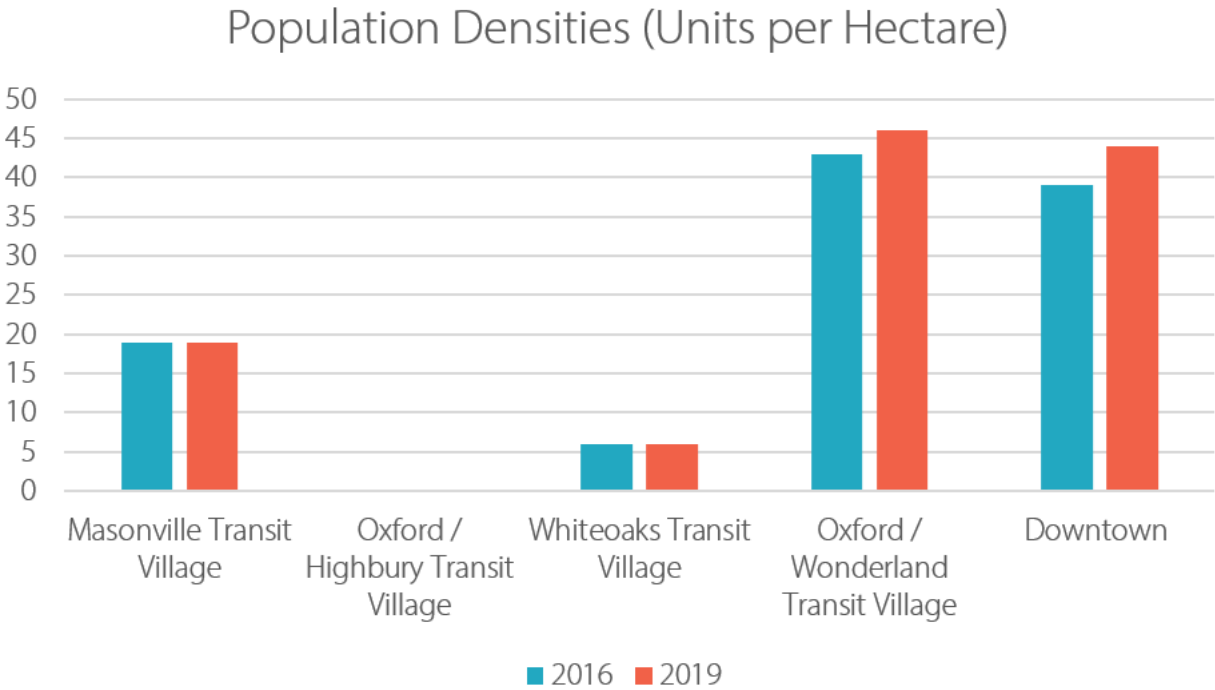
In 2019, City Council approved a plan to seek bids for a bike share program. In early 2020, this plan was amended to include micromobility options, such as E-scooters. Bike and micromobility sharing systems have been successfully implemented across North America to provide more mobility options for residents and visitors. By implementing a bike or micromobility sharing system in London, we can make active transportation more feasible for Londoners' daily trips.

A Tangible Success Story

In 2019 The City of London implemented the King Street cycle tracks from Ridout St N to Colborne St, which includes a separate bike lane with barriers. The cycle tracks, which also include left turn queue boxes, were built following engagement with stakeholders and after receiving feedback that cyclists were concerned about safety biking downtown. The cycle tracks represent a quick solution in implementing 'age-friendly design', where all Londoners can feel safe biking on our streets.

GOAL 6

CREATE A CITY STRUCTURE THAT SUPPORTS RAPID TRANSIT



Downtown population density increased by **5** units per hectare from 2016 to 2019

491 housing units were built Downtown from 2017 to 2019

Understanding Our Goal

Our rapid transit system will be the backbone of our transportation system and key for economic growth. Its corridors will host the greatest levels of development outside downtown. We aim to have a large portion of our population living and working within a 10 minute walk from London’s rapid transit, and this will minimize outward expansion. This growth also presents us with an opportunity to provide affordable housing in well-connected areas. To ensure our success, we must encourage transit-oriented development forms where appropriate.

*Note - A place type is used to categorize land in The London Plan. All city lands are assigned a place type, and each place type contains policies that regulate permitted uses, allowed intensity of development, and form requirements.

Implementing Our Goal (Objectives)

Increase the number of *housing units* created in the Downtown, Rapid Transit Corridor and Transit Village *Place Types**. The four Transit Villages are planned to be mixed-use destinations with centrally located rapid transit stations. They will permit the second greatest mix of uses and intensity of development after Downtown. The Rapid Transit Corridors will also allow for greater intensity and a mix of uses, and will connect the Downtown and to the Transit Villages.



What Changes Are We Seeing?

The London Plan seeks to focus growth in these in the Downtown and *Transit Villages* to reduce car dependency, connect Londoners with jobs, and make our Rapid Transit System viable. The population density increased Downtown and in the Oxford / Wonderland Transit Village, but stayed stagnant in the remaining Transit Villages. Many additional housing units have been approved in the Masonville Transit Village, but construction has not yet been completed.

Areas for Future Focus

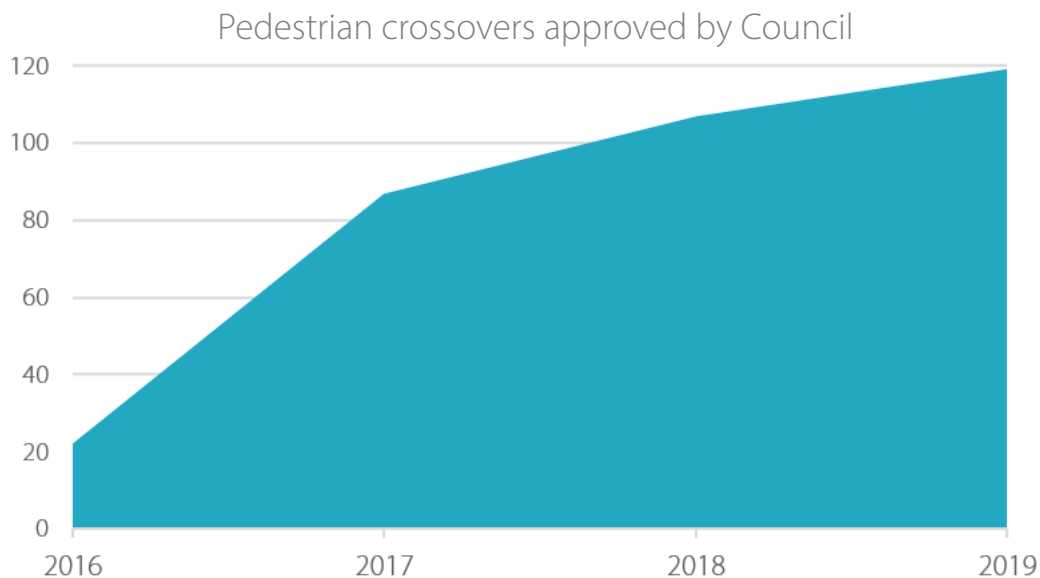
The completion and approval of secondary plans in Transit Villages, such as the Draft Masonville Secondary Plan, will allow for new opportunities for growth in areas anticipated for change. A secondary plan is a land use plan for a particular area of a municipality, and will often provide more detailed policies for the area it covers, such as public spaces, parks and urban design. The secondary plans will help to ensure that new development is feasible and compatible with the existing context.

“Implement a city structure plan that focuses high-intensity, mixed-use development to strategic locations - along rapid transit corridors and within the Primary Transit Area”

- London Plan Policy 59_1

GOAL 7

MAKE LONDON MORE WALKABLE AND BIKEABLE



119

Pedestrian crossovers approved by Council between 2016-2019

London had
1,552
kilometres of
sidewalks in 2019

Understanding Our Goal

The Thames Valley Parkway is a great connector for walking and cycling across the city. To ensure that Londoners can take advantage of our walking and cycling destinations, it's important that we identify, promote, and safely connect them with our neighbourhoods. In order to give Londoners more mobility choices including the opportunity to reduce car dependency, it's important that we create more incentives to move within the city by various means.

Implementing our Goal (Objectives)

Increase cycling at monitoring locations from baseline levels; increase the total length of on-road cycling facilities (km); increase the number of sidewalk and pathway kilometres; increase the number of pedestrian signals and crossovers; increase the street connectivity ratio in new communities.

What Changes Are We Seeing?

The Province of Ontario amended the Highway Traffic Act in 2016 to allow the use of pedestrian crossovers, which allow pedestrians to cross the street at locations away from intersections. Numerous crossovers were approved that year, and a steady number have been approved each year since then.

Areas for Future Focus

The London Plan encourages creating connections between the Thames Valley Parkway and our Downtown and other corridors. As of writing in 2020, construction for the Dundas-Thames Valley Parkway Corridor is underway, and this project will provide better connectivity between Dundas Place and the Thames River Parkway at Riverside Drive via the Kensington Bridge. Projects like these should continued to be explored both to achieve our mobility goals and to create a more vibrant city.

Image Credit: Life of Leisure Media



“Active mobility features will be incorporated into the design of new neighbourhoods and, where possible, enhanced in existing neighbourhoods to ensure connections to the street and transit system”

- London Plan Policy 348

A Tangible Success Story

In 2016, following engagement with municipalities such as the City of London, the Province updated the Highway Traffic Act to allow for ‘pedestrian crossovers’. These crossovers allow the City to put in marked crossings that give pedestrians the right of way at uncontrolled intersections and midblock locations. Since then, city staff have worked to implement crossovers in key locations, with the goal of making our city more walkable for all Londoners.

GOAL 8

CONNECT THE REGION

2016
Council endorses the City taking a lead role in organizing The Mayors of Southwest Ontario (MOSO), which advocates for the region

2020
Transit service between London and Sarnia begins



2020
Province releases Connecting the Southwest: Draft Transportation Plan for Southwestern Ontario

Understanding Our Goal

London is the core city within a Census Metropolitan Area, where many who live in neighbouring municipalities commute to London for work, visit for services, or vice versa. It’s important that we collaborate with neighbouring municipalities to make sure that our visions for the future are aligned. Investing in regional transit and high speed rail will better connect us to neighbouring cities to open up future investment and sharing.

Implementing our Goal (Objectives)

Increase the total level of transportation services that connect London to other Southwestern Ontario communities.

What Changes Are We Seeing?

Through collaboration with the Provincial government and neighbouring municipalities, considerable progress has been made in better connecting the region. This includes the inter-community bus connecting London with Strathroy-Caradoc and Sarnia, and work is currently underway to implement an additional regional service connecting London with St.. Thomas.

“**Explore opportunities for collaborating with surrounding municipalities to foster a regional rail and bus service for regular commuters**”

- London Plan Policy 55_14



Areas for Future Focus

The London Plan encourages finding opportunities to use abandoned rail corridors as mobility links for transit, cycling, and walking. This has been used elsewhere in Southwestern Ontario through projects like the G2G, connecting Guelph and Goderich, and should be explored in London to further connect the region as well as advance our other mobility goals.

A Tangible Success Story

As a result of funding administered by the government of Ontario through the Ontario Community Transportation Grant program, a bus service will provide multiple daily trips to connect London and Sarnia via other neighbouring communities; Strathroy, Mount Brydges, and Komoka. The initiative aligns with policy directions of The London Plan, and the success of the program could allow for future inter-municipal transportation to other areas in Southwestern Ontario in the future.

THEME 3

HOW WE LIVE



Goals:

1. Protect and Enhance London's Cultural Heritage
2. Welcome our Newcomers and Enhance Diversity
3. Improve Access to Affordable Housing
4. Support Urban Agriculture Opportunities

What is this theme about?

London is a city of diverse communities and people. London's population is growing, but its makeup is changing as well. About one-in-five Londoners are "new Canadians" and London's population speaks about 100 different languages. We also forecast that 1-in-3 Londoners will be 55 years old or more by 2035. Finally, 2.5% of our population was identified Indigenous (i.e. First Nations, Inuit, or Metis) on the 2016 Census. How can we enhance the quality of life of our diverse population?

How We Live looks at ensuring we're providing opportunities for affordable, safe housing for all Londoners, creating vibrant public spaces where we spend our free time, and preserving the heritage that makes our communities unique.

What are the findings for this theme?

London's cultural heritage and urban agriculture programs have seen positive changes. For heritage, there has been increased awareness, and the number of listed and designated properties continues to grow. Urban agriculture is popular with Londoners and more sites have been made available across the city. Policy changes were also approved by Council to more easily enable urban agriculture.

Indicators for 'Welcome our Newcomers and Enhance Diversity' were recently established, and will be important to monitor moving forward.

Affordable Housing has become an increasing challenge despite significant investment. Construction costs and average rents have outpaced inflation. Vacancy rates are low and housing has become unaffordable for an increasing number of Londoners.

Partnerships have been leveraged and new affordable units have been constructed, however, the challenge is ongoing. Several new toolkits and policies have been approved with new methods for achieving our goals, and their implications will be important to monitor moving forward.

A narrow alleyway in London, flanked by brick walls covered in vibrant, multi-colored graffiti. String lights hang across the alley, and a few people are walking away from the camera towards a metal gate at the end. The scene is bright and urban.

**London is made
up of over
76
neighbourhoods.
How can we ensure a
high quality of life for
Londoners in all
communities?**

GOAL 9

PROTECT AND ENHANCE LONDON'S CULTURAL HERITAGE



127

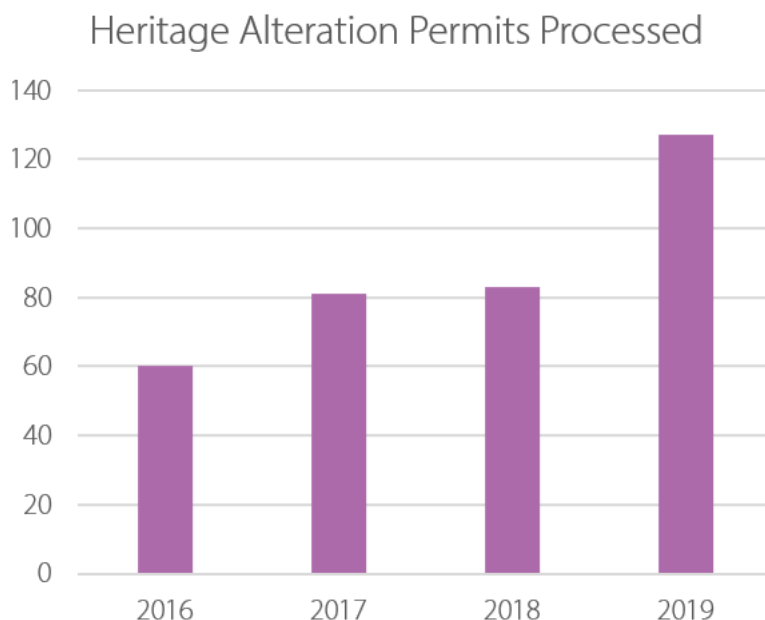
Heritage Alteration Permits* were processed in 2019

3,942

properties were designated as of 2019

2,008

Properties were listed on the Register of Cultural Heritage resources as of 2019



Understanding Our Goal

Cultural heritage is the legacy that our community has inherited from past generations. Our cultural heritage resources include tangible elements such as buildings, landscapes, artifacts and art, and intangible aspects such as folklore, language, and knowledge. Our cultural heritage is important for understanding our past and future, for educating and connecting future generations to our city, for preserving our uniqueness, and for bringing in investment and tourism. It's important to monitor cultural heritage resources as our city grows so that we can protect what we cherish.

Implementing our Goal (Objectives)

Increase the awareness and uptake of heritage protection by monitoring *Heritage Alteration Permits* reviewed, and the number of *heritage listed* and *heritage designated* properties under Parts IV and V of the Ontario Heritage Act.

What Changes Are We Seeing?

The number of Heritage Alteration Permits processed has increased steadily over the reporting period. This suggests that Londoners are increasingly aware of the cultural heritage status and requirements under the Ontario Heritage Act. The number of heritage listed and heritage designated properties increased as well, suggesting that we are continuing to protect our cultural heritage.

**Note - A Heritage Alteration Permit is required to alter any property designated under the Ontario Heritage Act. This enables a process to consider "how best" to conserve significant cultural heritage resources while allowing change.*



Areas for Future Focus

In the future, we should focus on increased designations that reflect the diversity of places significant to our community. Continued and increased financial support is also key to preservation, restoration, and rehabilitation of cultural heritage resources. By increasing education and compliance efforts, we can encourage continued celebration of London's cultural heritage resources.

“ **Protect what we cherish by recognizing and enhancing our cultural identity, cultural heritage resources, neighbourhood character, and environmental features.** ”

- London Plan Policy 61_5

A Tangible Success Story

In 2019, the *Register of Cultural Heritage Resources* was updated and published. The edition of the *Register* includes the 3,096 heritage listed and heritage designated properties that have been added since the *Register* was previously published in 2006. The *Register* supports education and awareness to the public of London's cultural heritage resources by including information such as a property's cultural heritage status, date of construction, and architectural style. The Register also contains a map of each Heritage Conservation District and a description of architectural styles found in London.

GOAL 10

WELCOME OUR NEWCOMERS AND ENHANCE DIVERSITY



2,250

Individuals participated in London & Middlesex Local Immigration Partnership and City Newcomer Events in 2019

Understanding Our Goal

More than one-in-five Londoners are “new Canadians” and this trend will continue over the next 20 years as London continues to attract newcomers. London’s increased diversity will add a new energy to our city and a new sense of international connectivity. It’s important that we provide opportunities to connect new Londoners and ensure they are supported in the way we plan our city.

Implementing our Goal (Objectives)

Increase the number people engaged at events (in-person and online) hosted and promoted that celebrate diversity and foster relationships between newcomers and the receiving community

What Changes Are We Seeing?

Staff began monitoring the objective in 2019, and will report on our progress with future reports.

Areas for Future Focus

Over the course of 2020, City Planning staff will be working on an Outreach and Engagement Strategy. The purpose of the project will be to improve the public engagement process on City Planning projects, and ensure that the purpose of engagement and how feedback will be used is clear. In addition, staff will explore how engagement can be conducted with equity in mind. Through changes to how we engage, we can better connect with newcomers, whether by more mindfully considering the location and time of engagement, changing the way our information is written, or providing more translation services.



“Provide for public facilities, programs, and spaces that foster inclusiveness and appeal to a diverse population within our neighbourhoods”

- London Plan Policy 57_6

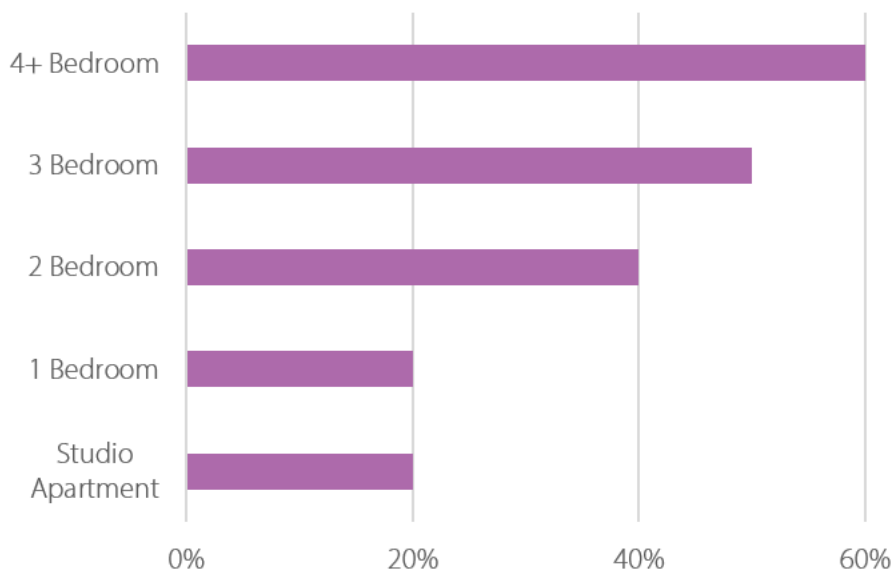
A Tangible Success Story

London held its first Annual Newcomer Day on October 10th 2019, in partnership with the London Public Library. The event featured tours of City Hall, an information fair, a citizenship ceremony for over 100 youth and a human library.

GOAL 11

IMPROVE ACCESS TO AFFORDABLE HOUSING

Percentages of London Households that Cannot Afford an Average Rent (2019)



'Affordable' means monthly housing costs that take up 30% or less of household income. This graph includes both renter and owner incomes.

40%

of London households cannot afford average 2-bedroom rent

1.8%

was the vacancy rate for 2-bedroom apartments (2017-19)

6.34%

was the average rent increase for 2-bedroom apartments from 2017 to 2019

133

affordable units were secured through development between 2017 and 2019

Understanding Our Goal

We heard that housing affordability and availability were foundational challenges during the ReThink London process. Since then, housing affordability and availability challenges have increased. It's important to ensure that Londoners can find housing in their community regardless of their income. The City of London uses policies and innovative tools (such as the Housing Development Corporation), and collaborates with the development industry, other levels of government, and not-for-profit housing providers to improve access to affordable housing.

**Note - Core housing need measures households experiencing problems relating to affordability (affordable is defined as paying less than 30% of income on shelter), suitability (enough bedrooms for the household composition) or adequacy (housing in good repair).*

Implementing Our Goal (Objectives)

Ensure that at least 25% of new housing is affordable to low- and moderate-income households; reduce the percentage of households in core housing need; increase the supply of affordable housing by 3,000 units to meet current and potential future needs (as per the Housing Stability Action Plan).

What Changes Are We Seeing?

In 2020, Council approved the Housing Stability Action Plan. This responds to many ongoing challenges. In 2016, the percentage of households in core housing need was 13.9%; among the highest of Canadian cities. Among Indigenous households, this number is even higher at 24.1%.



What Changes Are We Seeing? (Cont'd)

While core housing data is only collected every five years, the price and availability of both rental and ownership housing has increased significantly in London since 2016. With these increases, the cost of construction has also made it more difficult to construct more affordable housing. Preliminary data on the COVID-19 emergency shows worsening inequality, where employment and social services have been disrupted while rental and housing prices continue to rise.

Areas for Future Focus

A key area of future focus is looking at how we can work together with our partners and coordinate our programs and the applications process to expedite the delivery of affordable units. This can include reviewing our applications process in ReThink Zoning, as well as reviewing charges for affordable housing through the Development Charges review.

“Invest in and promote, affordable housing to revitalize neighbourhoods and ensure housing for all Londoners”

- London Plan Policy 55_13

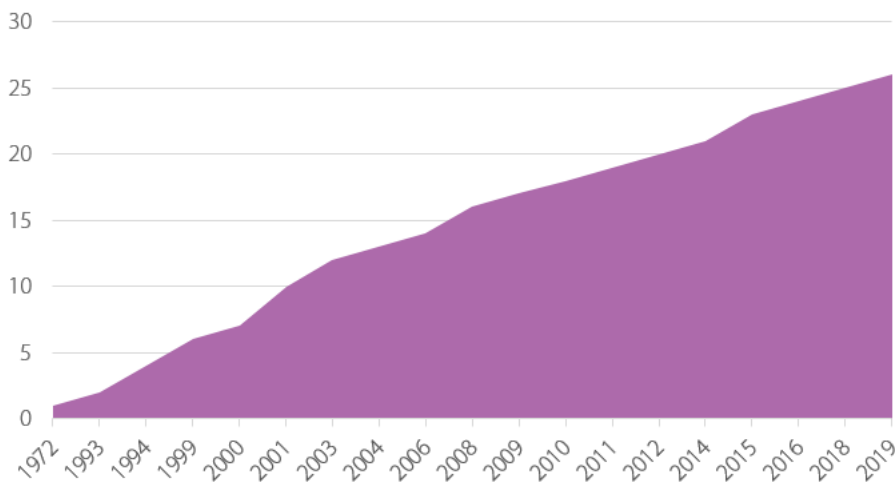
A Tangible Success Story

In January 2020, Council approved the Affordable Housing Community Improvement Plan (CIP). This tool will provide financial incentives to encourage the development of new affordable housing and act as the City's contribution towards the “co-investment” required to access Federal funding under the National Housing Strategy. The CIP includes a program meant to encourage the creation of new affordable rental housing and off-set the up-front costs of developing new affordable housing, as well as a second program meant to address affordability of ownership and create more long-term, stable rental housing supply to help address low rental vacancy rates.

GOAL 12

SUPPORT URBAN AGRICULTURE

Number of sites



**Note: 5 sites are not included in this chart due to unknown date of completion. The sites include urban farms, food forests, as well as community gardens.*



31

urban agriculture sites
composed of

4.43

hectares can be found in
London as of 2019

Understanding Our Goal

Strengthening our local food system so that we can grow and consume more of our food locally makes us more resilient to escalating transportation costs and reduces our impact on the environment. It also allows us to accomplish health and equity goals by reducing food deserts (areas where nutritious and affordable food is not available).

The London Plan therefore seeks to strengthen our food system through a variety of measures, such as increasing the number and size of community gardens, investing in local food production, and exploring policy changes and partnerships to allow for new ways to grow, process and sell food within the city. In order to implement the London Plan's policies on urban agriculture, The Urban Agriculture Strategy was created and approved in 2017.

Implementing our Goal (Objectives)

Implement the Urban Agriculture Strategy and support urban agriculture through policy and regulatory tools; increase the number and size of urban agriculture sites.

What Changes Are We Seeing?

This reporting period saw many successes for urban agriculture, with the approval of the Urban Agriculture Strategy and the creation of the Urban Agriculture Steering Committee. New urban agriculture sites continue to be added, and uptake for community garden plots is consistently high.

In addition, Council approved two key citywide policy amendments to support urban agriculture; The first to allow urban farms to sell their produce on-site and the second to increase the number of times someone can sell produce grown on their property



Areas for Future Focus

The Urban Agriculture Steering committee is currently working with a team of students from Western University to create a comprehensive Urban Agriculture “How-To” Guide. It is intended to be completed in 2020, and will allow residents to quickly access resources about urban agriculture in London, to learn about the bylaws which may affect their urban agriculture projects, and to highlight successful urban agriculture initiatives in the City of London.

“**Support neighbourhood scale food production**”

- London Plan Policy 61_11

A Tangible Success Story

The Urban Agriculture Strategy, approved by Council in 2017, includes actions for the urban agriculture community, agencies involved with urban agriculture and city staff to undertake to improve urban agriculture opportunities in London. One of these is investigating by-law issues relating to enabling urban farms and food sales on private property.

Through a review, staff determined that farm sales were not permitted anywhere within the urban area of London through the zoning by-law. A change was then recommended and approved in 2019 to allow for farm sales in the Urban Reserve zone within urban London. This significantly reduces barriers to farm gate sales, as the previous requirement for apply for a rezoning can be prohibitively expensive for many Londoners.

THEME 4

HOW WE GREEN



Goals:

1. Improve Our Watershed Health
2. Enhance and Maintain our Parkland and Natural Areas
3. Mitigate and Adapt to Climate Change
4. Protect Our Surface Water Quality

What is this theme about?

Climate change is considered by many to be the world's biggest challenge. The evidence is clear that Canada's climate is changing, and adapting to a changing climate requires taking action to protect our environment. How can we plan our city to reduce our impacts and become more resilient to climate change and extreme weather?

In addition to designing our city to mitigate and adapt to climate change, we also aim to create a green city—one that minimizes the consumption of resources, and reduces waste outputs such as air pollution. This also means taking meaningful actions to ensure that our Natural Heritage System, including the Thames River Valley, and the ecosystems it supports, are protected and enhanced for future generations.

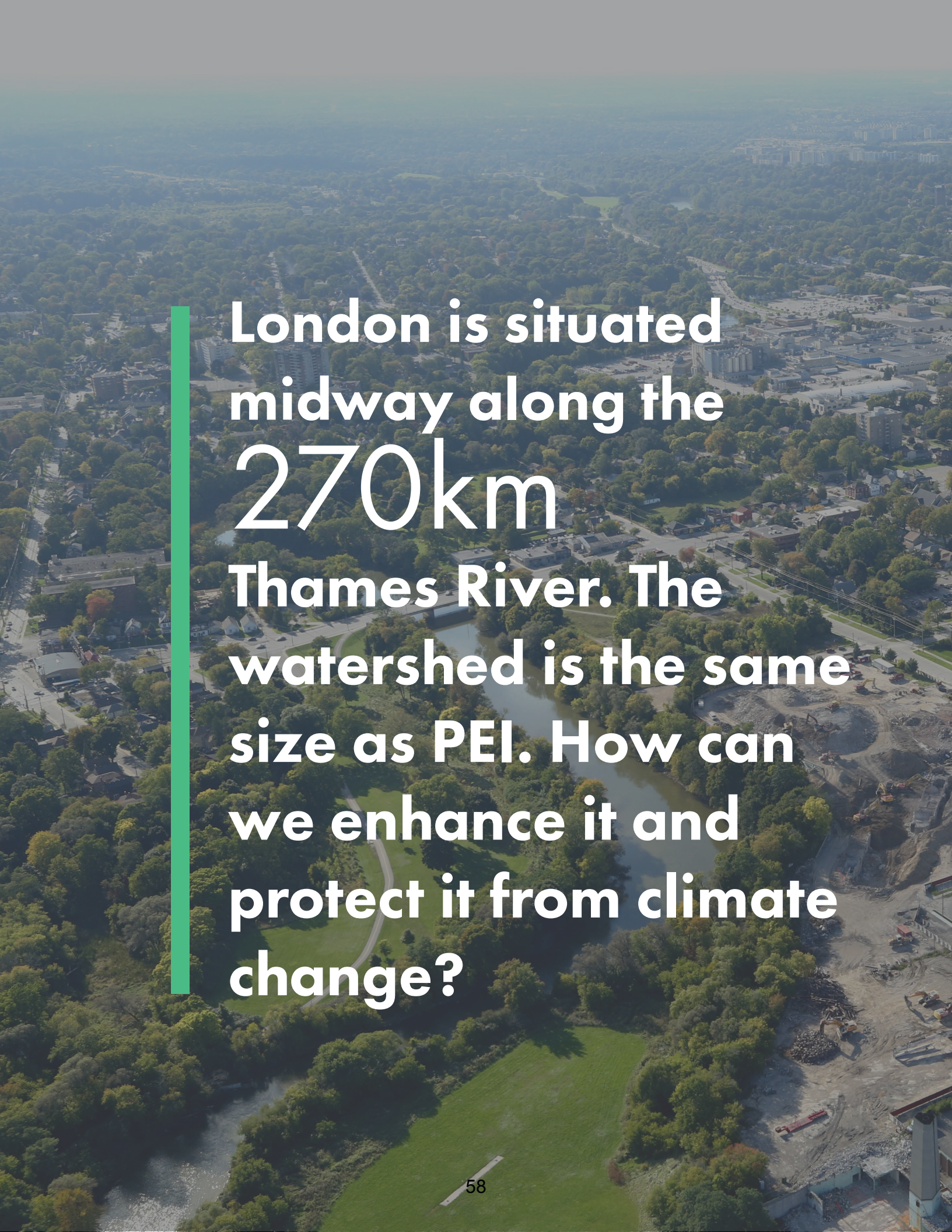
The indicators for this theme therefore focus on protecting our watersheds as well as protecting and enhancing our parks and natural areas. These areas play a key role in the environmental health of our entire city.

What are the findings for this theme?

The reporting period has seen numerous positive changes to our Natural Heritage System. We have been leveraging partnerships to plant more, plant better and protect more than ever. This has resulted in an increase in tree canopy cover from 23.7% in 2015 to 25.6% in 2019. Considerable restoration work has been undertaken in our Environmentally Significant Areas (ESAs), and the number of hectares of naturalized and maintained parkland has risen per-capita.

We have also made progress in protecting our surface water quality, through uptake in the basement flooding grant program, which can help reduce the strain on wastewater treatment plants. Sewers from the 1890's that combined both wastewater and stormwater continue to be replaced. These negatively affect our water quality when they discharge into our waterways during storms.

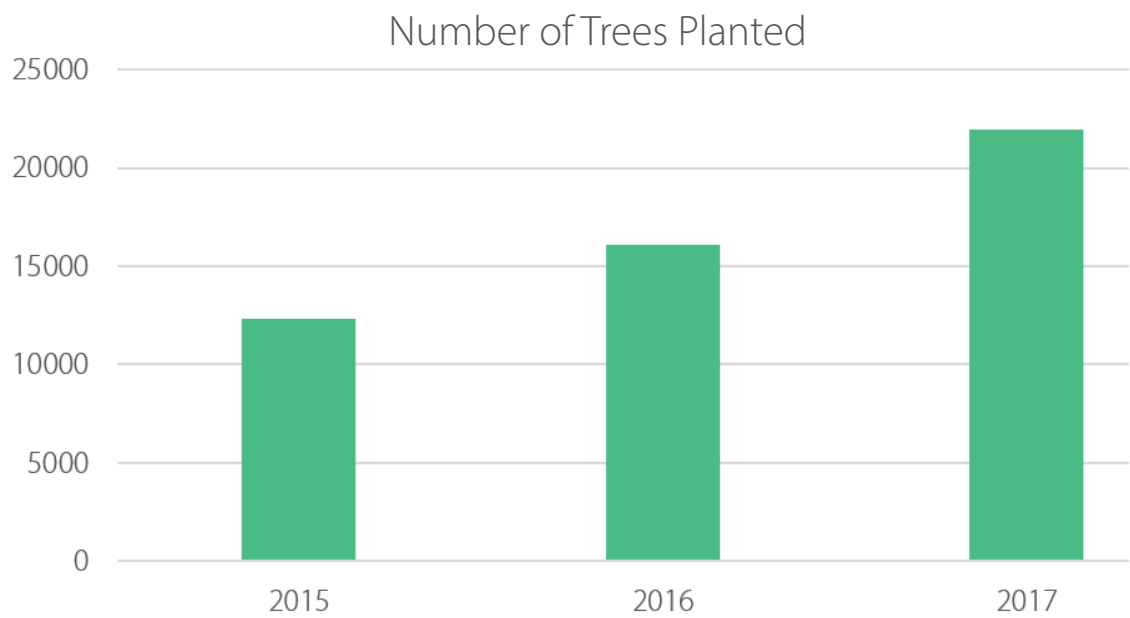
With future reports, it will be important to monitor the implementation of the Climate Emergency Action Plan. In response to Council's climate emergency declaration, this Plan will help us move towards net zero community greenhouse gas emissions by 2050 and improve London's climate resilience.

An aerial photograph of a city, likely London, showing a dense urban area with a river winding through it. The river is surrounded by lush green trees and parks. In the background, there are more buildings and a hazy horizon. A vertical green bar is positioned on the left side of the text.

**London is situated
midway along the
270km
Thames River. The
watershed is the same
size as PEI. How can
we enhance it and
protect it from climate
change?**

GOAL 13

IMPROVE OUR WATERSHED HEALTH



50365
trees were planted
by the City of
London and
community
partners
between 2015
and 2017

Understanding Our Goal

Watersheds are areas of land that collect water and channel it to a waterway. Our city is split between two watersheds (Thames River and Kettle Creek) and further subdivided into 17 subwatersheds that surround our creeks and streams. Each subwatershed can be understood by looking at how stormwater from homes and businesses drains to the Thames River system. Subwatershed planning is the best way to incorporate an ecosystem approach into land use planning as it considers the human, physical, and living natural environment components.

In addition to protecting surface and groundwater, protecting our watersheds also means considering the ecology of all the natural areas covered by the watershed.

Implementing our Goal (Objectives)

Increase urban tree *canopy cover*; increase the number of trees planted annually in London. Canopy cover refers to the part of the city that is shaded by trees

What Changes Are We Seeing?

The London Plan set an urban tree canopy cover target of 28% by 2035 within the Urban Growth Boundary. The canopy cover in was 23.7% in 2015 and 25.6% in 2019. London’s Tree Planting Strategy provides the framework to achieve that target through increased tree planting and better protection of existing trees. Canopy cover is the area of tree canopy as viewed from above. From 2008 to 2015 the emerald ash borer killed about 178,000 trees in London reducing our tree canopy cover, however, we have been leveraging partnerships to plant more, plant better and protect more than ever, as seen in the graph above.



“Undertake all of our planning, environmental stewardship, and infrastructure development on a watershed basis”

- London Plan Policy 56_9

Areas for Future Focus

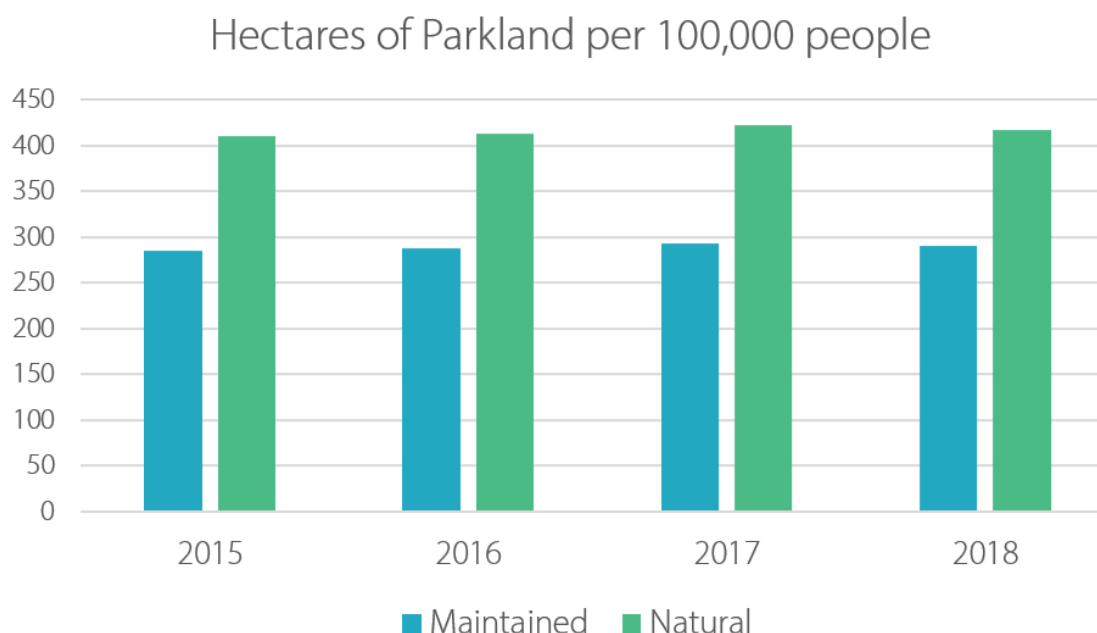
The majority of watersheds that partially fall within London’s boundaries in 2017 received a ‘D’ grade for surface water quality. Data showing our progress since The London Plan’s approval will be available in 2022 when the next Watershed Report Cards are released. The Watershed Report Cards are produced by Upper Thames River Conservation Authority, Lower Thames Valley Conservation Authority, and Kettle Creek Conservation Authority.

A Tangible Success Story

In 2017, Council approved the Tree Planting Strategy, which provides clear direction for the first years of a 50-year plan to achieve The London Plan and Council’s canopy cover goals. The Strategy looks at meaningful actions that can allow us to achieve our goal. Given the number of trees that will need to be planted, the Strategy looks at how we can better work with partners and how we can “Plant Better”, by reducing tree mortality and extending tree life expectancy to minimize the number of trees required to be planted, so that we can achieve our goal sooner and at less cost.

GOAL 14

ENHANCE AND MAINTAIN OUR PARKLAND AND NATURAL AREAS



**5 hectare
increase**

of maintained
parkland and

**7 hectare
increase**

of natural parkland per
100,000 Londoners
from 2015-2018

Understanding Our Goal

Parkland and Natural Areas are connected and distributed throughout the city to provide active and passive recreational opportunities for all Londoners. These areas also play a role in improving our watershed health. This goal looks at the parks and natural areas added to the system over time, and how they are protected, conserved and enhanced.

Implementing our Goal (Objectives)

Increase the number of hectares of maintained parks and natural areas in the municipality per 100,000 Londoners

What Changes Are We Seeing?

Between 2015 and 2018, London saw a 13 hectare increase in the area of parkland per 100,000 people. As per MBNCanada, which compares municipalities through a variety of indicators, this puts London ahead of many major cities in Ontario and Canada.

“Continually expand, improve,
and connect our parks resources”

- London Plan Policy 58_10



Areas for Future Focus

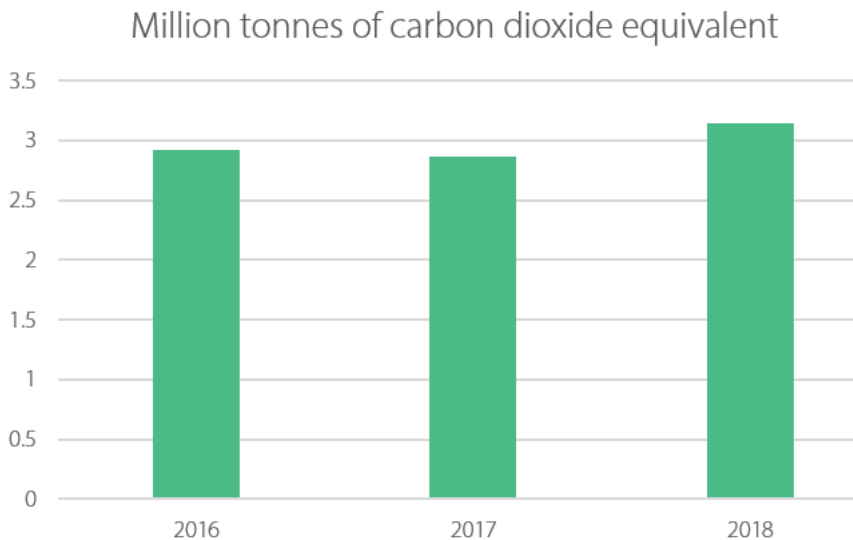
London is an identified leader in invasive species management and we need to continue implementing the London Invasive Plant Management Strategy (LIPMS). Three of the five priority species in the LIPMS including Phragmites, Japanese Knotweed and Giant Hogweed have in large part been addressed in all of our Environmentally Significant Areas (ESA) for example. In some ESAs including Kains Woods and Meadowlily Woods, the majority of the Buckthorn has also been removed, but in other ESAs Buckthorn control is still underway to protect and enhance our natural areas.

A Tangible Success Story

The Silverleaf Park and Mathers Stream restoration project is an innovative example of how we are expanding, improving and connecting our parks and natural areas. The Mathers Stream was restored following a complete-corridor ecosystem approach, creating a naturalized stream channel connection in the Dingman Creek watershed. The restoration design established a healthy riparian ecosystem to create fish habitat, support a diversity of wildlife and includes an accessible pathway system. This project is big a win-win, improving watershed health and quality of life for Londoners.

GOAL 15

MITIGATE AND ADAPT TO CLIMATE CHANGE



3.14 million tonnes of carbon dioxide equivalent (CO₂e) were emitted in 2018

Understanding Our Goal

Climate change is arguably the world's biggest challenge for the twenty-first century. We can expect to see more frequent severe weather events, such as flooding and extreme temperature changes. City Council declared a climate emergency, and addressing climate change is a key concern for the City of London. It's important that we coordinate all of our climate strategies, and ensure that we implement plans on climate change mitigation and adaptation.

Implementing our Goal (Objectives)

Reduce our carbon dioxide equivalent, a measurement which standardizes the climate impacts of all greenhouse gases; increase policy changes that implement climate programs; other objectives that will be identified as part of the Climate Emergency Action Plan currently under development

What Changes Are We Seeing?

In 2019 Council declared a climate emergency and directed City staff to undertake a Climate Emergency Action Plan to move towards net zero community greenhouse gas (GHG) emissions by 2050 and improving London's climate resilience.

“**Develop, implement, and lead plans to take action on climate change mitigation and adaptation.**”

- London Plan Policy 58_1



Areas for Future Focus:

Over the next 30 years, staff will work to implement, revise and review the Climate Emergency Action Plan and create and implement tools such as the Climate Emergency Screening Tool, to evaluate the climate impacts of City projects.

In 2018, total emissions were 2.96 tonnes of carbon dioxide equivalent. This number, which is higher than the two previous years, is the result of increased energy usage due to a comparatively colder winter and hotter summer.

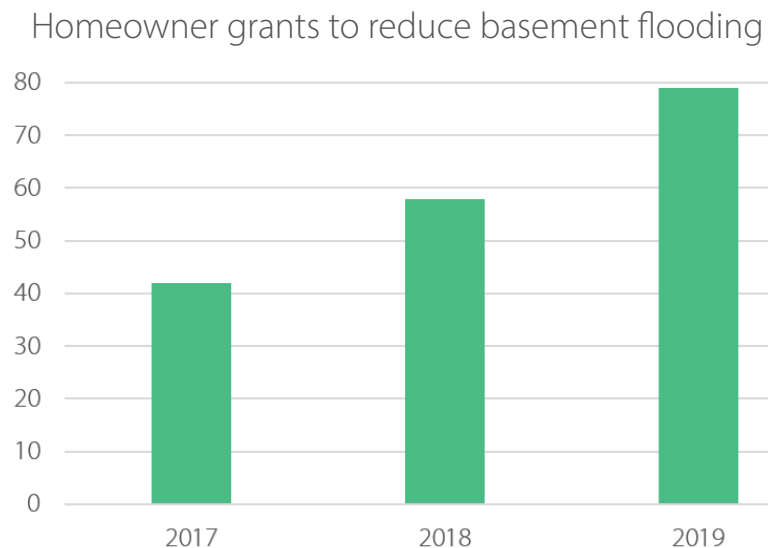
A Tangible Success Story

London's Community Energy Action Plan was approved by Council in 2014. The Plan laid out how we collectively move forward on energy conservation and efficiency, renewable energy, and other solutions that reduce greenhouse gas emissions. The Plan focused on strategies to be taken from 2015-2018 to help support medium-term and longer-term greenhouse gas emission reduction goals for 2020 and 2030.

Over 80 percent of the strategies and City-led actions set out in 2014 were completed by the end of 2018, with significant progress made on the remaining items. Many of the strategies of the Plan were reiterated in The London Plan and will carry forward into the development of London's Climate Emergency Action Plan

GOAL 16

PROTECT OUR SURFACE WATER QUALITY



79

homeowner grants were provided to reduce basement flooding and treatment plant bypasses in 2019

6 km

of sewers were separated between 2016 and 2019 (11 km remain)

Understanding Our Goal

London is a River City. The Thames River in London is 43 km in length within the City. In addition to the river, London has 85 km of open waterways labeled as various creeks and channels (e.g. Medway Creek, The Coves, Powell Drain). By increasing the perviousness of our surfaces (i.e. making it easier for water to pass through the ground) and reducing the volume of poor-quality stormwater that drains into our waterways, we can improve our river water quality substantially. It's therefore important that we continue to design and upgrade our sanitary and stormwater infrastructure using best environmental practices.

Implementing our Goal (Objectives)

Increase the number of homeowner grants provided to reduce basement flooding and treatment plant bypasses, increase the perviousness of land within the Urban Growth Boundary; increase the number of kilometres of combined sewers replaced.

What Changes Are We Seeing?

Over the reporting period, the City has seen a strong uptake in the basement flooding grant program. The grants provide homeowners with funding to install systems that reduce basement flooding. By preventing basement flooding, we can reduce the strain on wastewater treatment plants, which play a significant role in our water quality.

In addition, we aim to reduce treatment plant bypasses by separating our wastewater and stormwater sewers. In 2016, we sought to separate the remaining 11 km by 2025, and we are on track to achieving our objective, having separated 6k m between 2016 and 2019.

“Implement green infrastructure and low impact development strategies.”

- London Plan Policy 58_11



Areas for Future Focus

For future reports, staff plan to increase and monitor the number of Low-Impact Development (LID) projects implemented by the City. LID refers to stormwater management practices that mimic natural processes and use green infrastructure to protect water quality. This can include features like pervious pavements, and bioretention swales (vegetated ditches or trenches that can improve water quality by infiltrating and filtering storm water runoff.).

In addition staff are currently designing and constructing systems in two locations to increase the amount of sewage treated during large rain storms which will result in a reduction in sewage bypasses to the Thames River during large rain storms.

These are climate adaptation strategies that will help our river water quality.

A Tangible Success Story

Historic sewers from the 1890's that combined both wastewater and stormwater negatively affect our water quality when they discharge into our waterways during storm events. These have been systematically separated and replaced over the past decade in London. There currently remains approximately 11 km of combined sewers (being 1.5% of the total City sewer system) still scheduled for separation. In 2019-2020, the York, Talbot and Richmond Street sewer separation projects were completed as part of the next phase of the Downtown Sewer Separation Project.

THEME 5

HOW WE GROW



Goals:

1. Preserve Our Farmland
2. Improve Access to Suitable Housing and a Mix of Housing Form Options
3. Grow Inward and Upward

What is this theme about?

London's population will increase substantially over the next 20 years. As our city changes, we need to ensure that jobs are available for Londoners and that there are housing options available to suit different lifestyles and family sizes.

While the addition of new Londoners will make our city more vibrant, we also need to rethink the way we grow in order to protect our agricultural land, and to avoid straining our infrastructure. The London Plan places an emphasis on growing "inward and upward" to achieve a compact form of development.

The objectives for this theme look at how we're growing to ensure a high quality of life for existing and new residents. They include examining the ratio of jobs to people and providing a mix of housing options for different lifestyles. The objectives also look at how sustainably we're growing; how big our urban footprint is, how we're preserving farmland, and whether we're growing "inward and upward".

What are the findings for this theme?

Over the reporting period, London saw unprecedented growth and in 2019, London was considered one of the fastest growing cities in Canada.

42% of this growth was accommodated through intensification, which puts us just below our target. Among this intensification, over 70% was in the Primary Transit Area. This is a positive sign as it means the majority of our intensification is being built in transit-supportive areas.

In terms of how this new growth was accommodated by housing type, 71% of new housing was in apartment or other attached forms. This means that we are vastly exceeding our target. Nonetheless, vacancy rates have become low making it more difficult for Londoners to find housing that suits their needs.

The London Plan puts forth a city structure that encourages intensification along nodes and corridors, as well as compatible development within neighbourhoods. The implementation of policy projects like the Old Victoria Secondary Plan can help to ensure that the greatest level of intensification is directed to strategic areas in the future.

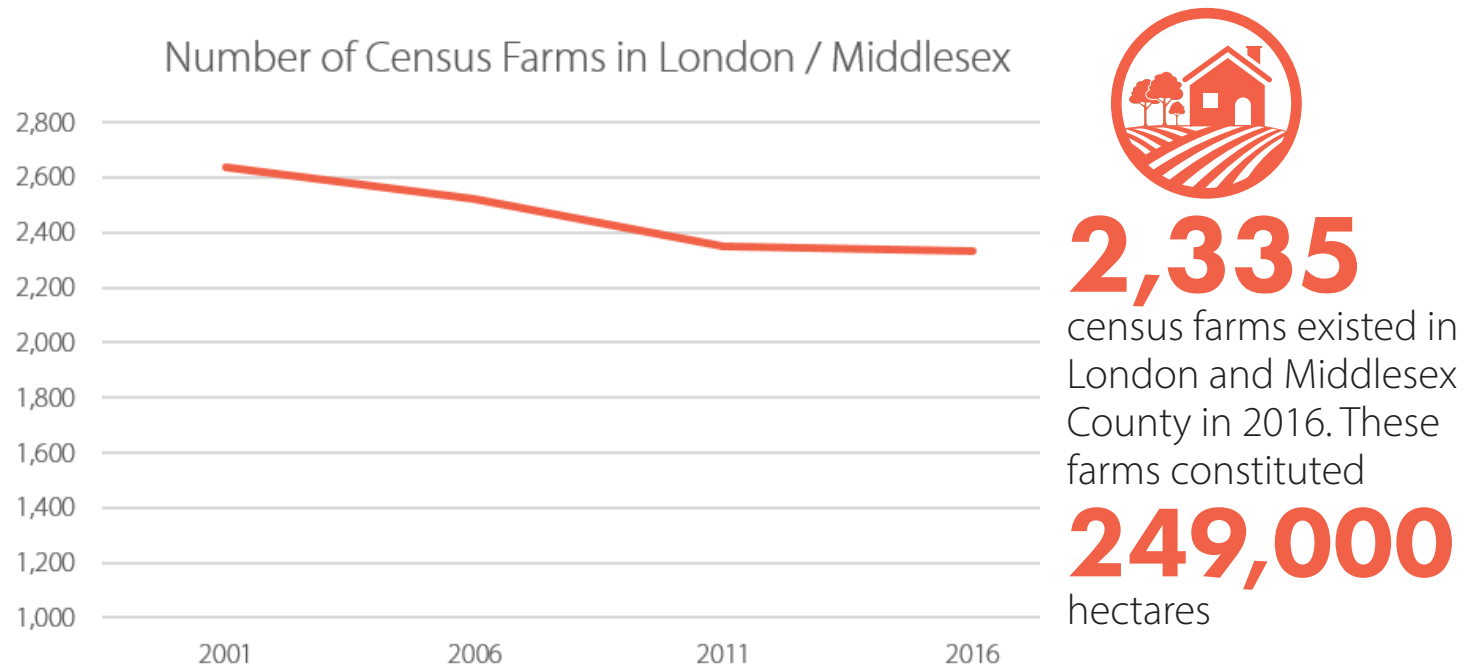


**In 2019
London's population*
grew by
2.3%
- the second greatest
increase in Canada**

*Note: This includes the London Census Metropolitan Area

GOAL 17

PRESERVE OUR FARMLAND



Understanding Our Goal

London is surrounded by prime agricultural land, which is a precious commodity in Canada. This land may become even more important if energy prices and the cost of food rise. It's important that we reduce development from encroaching upon our agricultural land, and that we support the agribusiness industry. Local farmers also help to improve food security by providing healthy food, and reduce greenhouse gas emissions by reducing our need to import food from abroad. It is therefore critical that we use planning tools to reduce the loss of farmland over time.

Implementing our Goal (Objectives)

Decrease the loss of farmland; support rural agriculture through policy and regulatory tools.

What Changes Are We Seeing?

Although farmland data is only collected with the census every five years, the loss of acreage has stagnated in recent years, which is a positive sign.



Areas for Future Focus

Protecting our farmland is closely connected to our other objectives, such as increasing our intensification rate. The London Plan contains an Urban Growth Boundary, where urban type-uses must be contained. By increasing our intensification rate, we can reduce the need to expand our Urban Growth Boundary. Farmland can also be changed through other planning tools, such as land severance applications. By following Provincial and London Plan policy, we can continue to reduce the loss of farmland.

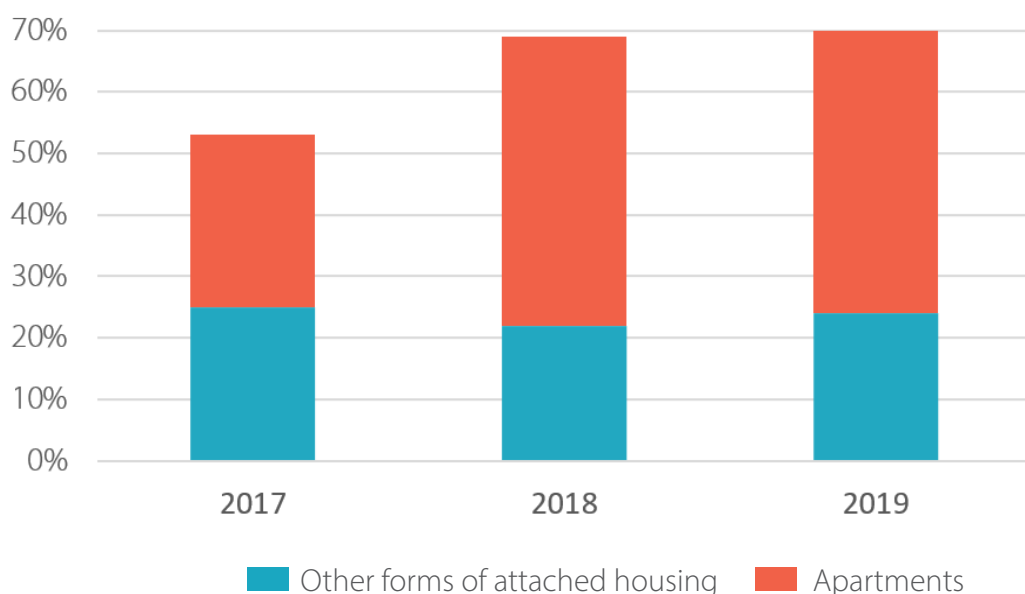
“**Protect our valuable agricultural land and build upon London’s role as an agri-food industrial hub**”

- London Plan Policy 55_14

GOAL 18

IMPROVE ACCESS TO SUITABLE HOUSING AND A MIX OF HOUSING FORM OPTIONS

Percentage of Attached Units by Type



71%

of new housing was in an attached or multiple unit form in 2019

Understanding Our Goal

In recent years, we have seen changes in household makeup, with more single-person households as well as multi-generational households. It is a goal of the London Plan to provide a variety of housing unit sizes and form types, such as apartments, semi-detached houses, rowhouses, and single-detached houses. Providing a mix of housing helps to create complete communities, and allows Londoners to remain in their community regardless of lifestyle or household makeup. Housing suitability (whether a dwelling has enough bedrooms for its residents) is also a component of core housing need and is closely linked to our goal of providing affordable housing.

Implementing our Goal (Objectives)

Ensure a minimum of 40% of new housing units are provided in an attached housing form; increase the supply of attached forms of housing to 40% of new units within a secondary plan and lands exceeding five hectares outside a secondary plan; reduce core housing need by increasing the supply of suitable housing to our changing population.

What Changes Are We Seeing?

In 2019 71% of new housing was in a form other than detached citywide. This means that we are vastly exceeding our target. Nonetheless, record population growth in London has exceeded new housing supply, and vacancy rates have fallen to record lows, making it harder for many Londoners to find suitable housing.



“ **Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place** ”

- London Plan Policy 59_5

Areas for Future Focus

The demolition of rental housing stock makes it harder for Londoners to find housing in our city. The London Plan contemplates using the City’s Demolition Control By-law to address the reduction in the city’s rental housing stock. This tool has not yet been used, but is something that could be explored in the future to help achieve our objectives.

In the future we can also provide greater housing form options, accessible, and affordable housing in areas of greatest need through policies in secondary plans, and by using tools such as bonusing, inclusionary zoning, and alternative development standards, such as reduced parking, to reduce the cost of development where appropriate.

A Tangible Success Story

Density bonusing has been used extensively over the reporting period to secure community benefits and units of suitable and affordable housing through new high-density development. For example, in 2019, the development at 1018-1028 Gainsborough was approved with an agreement for a mix of affordable one bedroom and two bedroom units, as well as for accessible units. These units are critical for the area, which has low availability of affordable housing.

GOAL 19

GROW INWARD AND UPWARD



42%

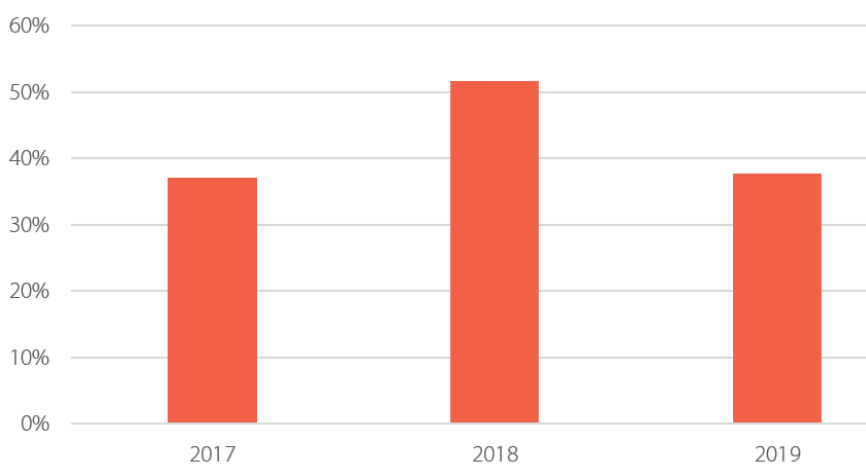
was the average intensification rate from 2017 to 2019*

Of this

47%

Was in the Primary Transit Area

Intensification Rate



Understanding Our Goal

The London Plan emphasizes growing “inward and upward” to achieve a compact form of development. The London Plan also aims to have a minimum of 45% of all new residential development within the *Built-Area Boundary* of the city, meaning the lands that were substantively built out as of 2016. Of this development, 75% should be within the *Primary Transit Area*, which is a defined area intended for the focus of residential intensification and transit investment within London

“Achieve a compact, contiguous pattern of growth - looking “inward and upward””

- London Plan Policy 59_2

Implementing our Goal (Objectives)

Increase the share of new development within the *Built-Area Boundary* to 45%, increase the share of intensification within the *Primary Transit Area* to 75%

What Changes Are We Seeing?

Though we are beyond our target for high-density residential, we are considerably below our target for medium-density and low-density residential. This results in us being below our target intensification rate of 45% overall. Among the intensification that is occurring, over 70% was in the Primary Transit Area. This is a positive sign as it means the majority of our intensification is being built in transit-supportive areas.

*Note: This data uses the 2016 Built Area Boundary



Areas for Future Focus

The London Plan puts forth a city structure that encourages intensification along nodes and corridors, as well as compatible development within neighbourhoods. While the London Plan lays the foundation for this, development opportunities need to be solidified in regulation, or zoning. The ReThink Zoning project will explore the aspects of communities most important to Londoners, so that we can plan for new intensification opportunities that implement the vision of The London Plan.

A Tangible Success Story

The Old Victoria Hospital Lands, which are located along the Thames Valley Corridor, between Waterloo and Colborne Street, represent a prominent site within the SoHo community and the city at large. Until recently, it housed one of the city's first medical facilities. The Old Victoria Hospital Secondary Plan was approved in 2014 to guide future development in the area. In 2018, a development proposal for Phase One was approved that allows for the reuse of a heritage building and the development of over 600 housing units. This represents a success through the up-take of our policy decisions.

LONDON PLAN PROGRESS REPORT

KEY FINDINGS FROM 2017-2019

Image Credit: Life of Leisure Media



What are our next steps?

Some of the policies of The London Plan were appealed through the Local Planning and Appeals Tribunal. By 2018, over 80% of the policies were in force and effect, however, there is a lag between when decisions are made using the plan and when changes are implemented on the ground. This report is critical as a template and we should be careful to draw conclusions on how The London Plan is working based on the data.

Nonetheless, the key findings from each theme area show that the city has been moving towards the vision of The London Plan in many cases. It will be important to use this baseline data to examine trends in future years.

Providing feedback

This report is used to inform Council and the public about how we're doing in implementing the vision of The London Plan. Based on feedback, the objectives and indicators may be revised. We will undertake similar monitoring reports every two years throughout the life of the Plan.

If you have any feedback, you're encouraged to reach out at planning@london.ca or 519-661-4980. Be sure to visit get.involved.london.ca for more opportunities to provide input.

POLICIES AND PLANS APPROVED TO IMPLEMENT THE LONDON PLAN

- Bus Rapid Transit Plan
- The Complete Streets Design Manual
- The Dundas Street Flex Street
- Urban Agriculture Strategy
- Affordable Housing Development Strategy and Community Improvement Plan
- Core Area Action Plan
- Old East Village Dundas Corridor Secondary Plan and Community Improvement Plan
- Lambeth Community Improvement Plan
- Hamilton Road Area Community Improvement Plan
- Heritage Places 2.0 – A plan for evaluating future Heritage Conservation Districts in London
- London Invasive Plant Management Strategy
- Music, Entertainment and Culture District Strategy



THE **LONDON** PLAN

Progress Report 2020

EXECUTIVE SUMMARY



147

million dollars were spent on commercial and industrial additions and alterations citywide in 2019

Dundas Place was Completed and

16

downtown streets underwent streetscape improvement projects*

6 km

of sewers were separated between 2016 and 2019 (11 km remain)



3.14 million tonnes

of carbon dioxide equivalent (CO2e) were emitted in 2018



31

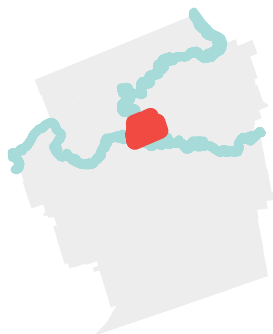
urban agriculture sites can be found in London

2,250

People participated in London & Middlesex Local Immigration Partnership and City Newcomer Events in 2019

18.4%

was the downtown office vacancy rate in Q4 2019



61.3%

was the London CMA workforce participation rate in 2019*

jobs increased by

5,400

in the London CMA between 2017 and 2019*

THE LONDON PLAN OUR CITY AT



40%

of London households cannot afford average 2-bedroom rent

Average rent increased by

6.34%

for 2-bedroom apartments from 2017 to 2019



127

Heritage Alteration Permits* were processed in 2019

3,942

properties were designated under the Ontario Heritage Act as of 2019



71%

of new housing
was in an attached
form in 2019

42%

was the average
intensification rate from
2017 to 2019*

Of this

47%

Was in the
Primary Transit Area



2,335

census farms existed in
London and Middlesex
County in 2016.



50365

trees were planted by the City of London and
community partners between 2015 and 2017



**5 hectare
increase**

of maintained
parkland and

**7 hectare
increase**

of natural parkland per
100,000 Londoners
from 2015-2018

PROGRESS REPORT A GLANCE



91,000

cyclists were
counted at four bike
monitoring locations
in 2019

London had
1,552

kilometres of
sidewalks in 2019



12.6%

of Londoners
biked or walked for
their daily trips in
2019



Downtown
population
density
increased by

5
units per hectare
between 2016
and 2019



Transit service
between
London and Sarnia
begins in 2020

LONDON PLAN PROGRESS REPORT

EXECUTIVE SUMMARY



What is the Progress Report about?

The London Plan Progress Report measures the progress we are making towards achieving the vision, goals and key directions described in the London Plan. It asks: *are we on track to achieving The London Plan's vision for 2035?*

The London Plan is our city's framework for how our city should grow and change in the face of new challenges and opportunities. The Plan was built out of the ReThink Process, where tens of thousands of Londoners contributed to conversations about how our city should look in 2035. Through ReThink London, we asked "what kind of city do we want to live in 20 years from now?". The London Plan is the response.

Executive Summary

The ReThink conversations that led to the London Plan were organized by five themes: How we Move, How we Grow, How we Live, How we Prosper, and How we Green. These broad conversations capture and organize the many issues that are important to our city, and this report is organized around those themes.

This executive summary contains an overview of key changes for each theme. The key changes are based on progress to the goals and measurable objectives that fall under the corresponding theme.

THEME 1

HOW WE PROSPER

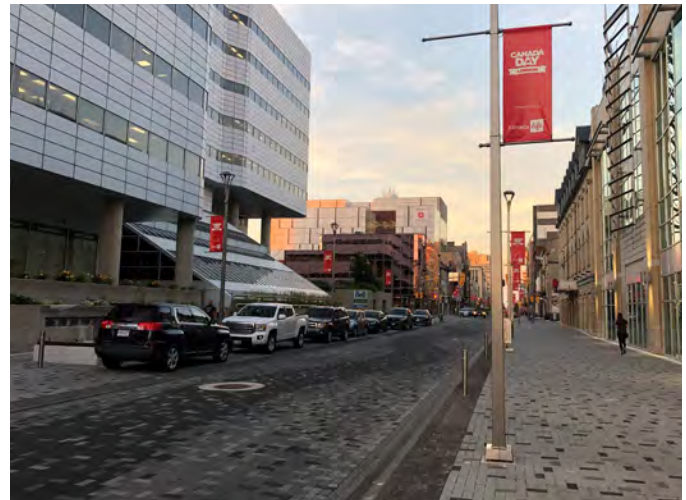
Goals:

1. Create a Strong Business Environment
2. Create Vibrancy and Livability in our Downtown and Main Streets
3. Ensure a Healthy Mix of Jobs and People
4. Promote the Growth of London's Employment Areas

What is this theme about?

An important message that emerged during the Re-Think London process centered on economic growth and prosperity. All Londoners want our city to be prosperous so that it can offer opportunity and high quality of life.

The way we build our city over the next 20 years will have an impact on our ability to attract investment and prosperity. And in addition to building a city with an exceptional downtown, and outstanding neighbourhoods, it is important to build our city so that it offers the foundations for a strong economy and commerce.



What are the findings?

Significant investment has been made in Central London over the reporting period. This includes the completion of Dundas Place and significant streetscape upgrades. Londoners' investment in our city is evident with an increase in commercial and industrial additions and alterations. The Industrial Land Development Strategy (ILDS) has also worked well on retaining and attracting new industrial investment to the City.

Manufacturing, construction, and trade have been key economic drivers over the reporting years and have contributed to a growth in jobs. Nonetheless, the number of jobs in the London CMA are slightly below 2015 levels due to losses before 2017. London's workforce participation rate is also lower than that of other mid-sized cities, and our downtown office vacancy rate has been comparatively high.

The ongoing COVID-19 emergency has resulted in numerous business closures and early reports suggest that a K-shaped economic recovery is taking place, where some parts are recovering quickly and other parts more slowly. The effects of COVID-19 on our economic objectives will be important to monitor and will require creative solutions to ensure we stay on track to reaching our goals.

THEME 2

HOW WE MOVE

Goals:

1. Create Options for Transportation Alternatives
2. Create a City Structure that Supports Rapid Transit
3. Make London More Walkable and Bikeable
4. Connect the Region

What is this theme about?

Through the ReThink London process, Londoners told us that transportation is a critical issue and Londoners are looking for new ways to connect. Our most recent Transportation Master Plan showed us that we can't afford to resolve our growing transportation needs by focusing on adding and widening roads. Rather we need to build our city to offer real and attractive alternatives to the car, such as walking, cycling, and transit. These alternatives also play a role in reducing our climate change impacts, and it's important to align them with our affordable housing objectives.

How can we best plan for a city that will offer viable, cost-efficient and an attractive options for mobility?



What are the findings?

Significant investment has been made in transit and active transportation infrastructure. Dozens of pedestrian crossovers have been approved and constructed across the city in each reporting year. Bike lanes have been constructed to better connect our neighbourhoods with Downtown and the Thames Valley Parkway. Construction on the Downtown Loop, which will add infrastructure and dedicated bus lanes to prepare for rapid transit, will begin in 2021.

Our transportation investments have also resulted in changes to travel patterns. Transit use has increased, and the percentage of Londoners completing their daily activities by bike or by walking has increased as well. Monitoring stations have been set up in areas where we have made cycling infrastructure improvements, and tracking the number of users will be valuable for monitoring over the coming years.

The ongoing COVID-19 emergency has resulted in reduced transit ridership and revenue. It will be important to evaluate how this unfolds over time.

THEME 3

HOW WE LIVE

Goals:

1. Protect and Enhance London's Cultural Heritage
2. Welcome our Newcomers and Enhance Diversity
3. Improve Access to Affordable Housing
4. Support Urban Agriculture Opportunities

What is this theme about?

London is a city of diverse communities and people. London's population is growing, but its makeup is changing as well. About one-in-five Londoners are "new Canadians" and London's population speaks about 100 different languages. We also forecast that 1-in-3 Londoners will be 55 years old or more by 2035. Finally, 2.5% of our population was identified Indigenous (i.e. First Nations, Inuit, or Metis) on the 2016 Census. How can we enhance the quality of life of our diverse population?

How We Live looks at ensuring we're providing opportunities for affordable, safe housing for all Londoners, creating vibrant public spaces where we spend our free time, and preserving the heritage that makes our communities unique.



What are the findings?

London's cultural heritage and urban agriculture programs have seen positive changes. For heritage, there has been increased awareness, and the number of listed and designated properties continues to grow. Urban agriculture is popular with Londoners and more sites have been made available across the city. Policy changes were also approved by Council to more easily enable urban agriculture.

Indicators for 'Welcome our Newcomers and Enhance Diversity' were recently established, and will be important to monitor moving forward.

Affordable Housing has become an increasing challenge despite significant investment. Construction costs and average rents have outpaced inflation. Vacancy rates are low and housing has become unaffordable for an increasing number of Londoners.

Partnerships have been leveraged and new affordable units have been constructed, however, the challenge is ongoing. Several new toolkits and policies have been approved with new methods for achieving our goals, and their implications will be important to monitor moving forward.

THEME 4

HOW WE GREEN

Goals:

1. Improve Our Watershed Health
2. Enhance and Maintain our Parkland and Natural Areas
3. Mitigate and Adapt to Climate Change
4. Protect Our Surface Water Quality

What is this theme about?

Climate change is considered by many to be the world's biggest challenge. The evidence is clear that Canada's climate is changing, and adapting to a changing climate requires taking action to protect our environment. How can we plan our city to reduce the negative impacts expected from climate change and extreme weather?

In addition to designing our city to mitigate and adapt to climate change, we also aim to create a green city—one that minimizes the consumption of resources, and reduces waste outputs such as air pollution. This also means taking meaningful actions to ensure that our Natural Heritage System, including the Thames River Valley, and the ecosystems it supports, are protected and enhanced for future generations.



What are the findings?

The reporting period has seen numerous positive changes to our Natural Heritage System. We have been leveraging partnerships to plant more, plant better and protect more than ever. This has resulted in an increase in tree canopy cover from 23.7% in 2015 to 25.6% in 2019. Considerable restoration work has been undertaken in our Environmentally Significant Areas (ESAs), and the number of hectares of naturalized and maintained parkland has risen per-capita.

We have also made progress in protecting our surface water quality, through uptake in the basement flooding grant program, which can help reduce the strain on wastewater treatment plants. Sewers from the 1890's that combined both wastewater and stormwater continue to be replaced. These negatively affect our water quality when they discharge into our waterways during storms.

With future reports, it will be important to monitor the implementation of the Climate Emergency Action Plan. In response to Council's climate emergency declaration, this Plan will help us move towards net zero community greenhouse gas emissions by 2050 and improve London's climate resilience.

THEME 5

HOW WE GROW

Goals:

1. Preserve Our Farmland
2. Improve Access to Suitable Housing and a Mix of Housing Form Options
3. Grow Inward and Upward

What is this theme about?

London's population will increase substantially over the next 20 years. As our city changes, we need to ensure that jobs are available for Londoners and that there are housing options available to suit different lifestyles and family sizes.

While the addition of new Londoners will make our city more vibrant, we also need to rethink the way we grow in order to protect our agricultural land, and to avoid straining our infrastructure. The London Plan places an emphasis on growing "inward and upward" to achieve a compact form of development.



What are the findings from the report?

Over the reporting period, London saw unprecedented growth and in 2019, London was considered one of the fastest growing cities in Canada.

42% of this growth was accommodated through intensification, which puts us just below our target. Among this intensification, over 70% was in the Primary Transit Area. This is a positive sign as it means the majority of our intensification is being built in transit-supportive areas.

In terms of how this new growth was accommodated by housing type, 71% of new housing was in apartment or other attached forms. This means that we are vastly exceeding our target. Nonetheless, vacancy rates have become low making it more difficult for many Londoners to find housing that suits their needs.

The London Plan puts forth a city structure that encourages intensification along nodes and corridors, as well as compatible development within neighbourhoods. The implementation of policy projects like the Old Victoria Secondary Plan can help to ensure that the greatest level of intensification is directed to strategic areas in the future.

Report to Planning and Environment Committee

To: Chair and Members
Planning and Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Bill 108 and Regulations, Amendments to the *Ontario Heritage Act* – Process Implications
Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with the advice of the Heritage Planner, the following actions be taken with respect to Bill 108 and Regulations, Amendments to the *Ontario Heritage Act* – Process Implications:

- a) the staff report dated November 30, 2020 entitled “Bill 108 and Regulations, Amendments to the *Ontario Heritage Act* – Process Implications”, and the attached comments (Appendix “A”) on the Proposed Regulation under the *Ontario Heritage Act* (Bill 108) **BE RECEIVED** for information; it being noted that the staff report will be forwarded to the London Advisory Committee on Heritage for their information; it being further noted that the comments noted above have been submitted to the Environmental Registry of Ontario; and,
- b) the Civic Administration **BE DIRECTED** to take the necessary steps in anticipation of the proclamation of amendments to the *Ontario Heritage Act* in Bill 108, including, but not limited to, preparing terms of reference for Cultural Heritage Evaluation Reports, Heritage Impact Assessments, and complete application requirements.

Executive Summary

Amendments to the *Ontario Heritage Act* arising from Bill 108 – *More Homes, More Choices Act* – are anticipated to be proclaimed on January 1, 2021. The amendments and regulations will affect how applications and processes arising from the *Ontario Heritage Act* are implemented. Key changes include:

- Principles prescribed by the Province that Municipal Council must consider when making decisions for certain *Ontario Heritage Act* matters;
- Process changes for listing a property on the Register of Cultural Heritage Resources, pursuant to Section 27(3) of the *Ontario Heritage Act*, including notification to the property owner and objection process;
- Mandatory contents for heritage designating by-laws;
- Introduction of a 90-day time limit for Municipal Council to issue its Notice of Intent to Designate pursuant to Section 29(1.2) of the *Ontario Heritage Act*. This limits Municipal Council's ability to protect a cultural heritage resource through designation pursuant to the *Ontario Heritage Act* to within the first 90-days of a complete application for an Official Plan Amendment, Zoning By-law Amendment, or Plan of Subdivision;
- Requirements to pass a heritage designating by-law within 120-days of providing Notice of Intent to Designate, noting that amendments to the *Ontario Heritage Act* eliminate the non-binding appeal role of the Conservation Review Board and changes to the objection/appeal process;
- Minimum requirements for Heritage Alteration Permit application, prescribed by regulation for properties designated pursuant to Section 29 (Part IV) of the *Ontario Heritage Act*;
- Required steps following the demolition or removal of a building or structure or heritage attribute of a property designated pursuant to Section 29 (Part IV) of the *Ontario Heritage Act*;

- Required information for an appeal to the Local Planning Appeal Tribunal, noting that all appeals arising from the *Ontario Heritage Act* decisions will be referred to the Local Planning Appeal Tribunal for binding decisions; and,
- Housekeeping amendments and transition matters.

Information and analysis of the above noted changes to the *Ontario Heritage Act* are provided within this staff report. A staff report, providing tools necessary to implement these changes will be submitted to a future meeting of the Planning and Environment Committee for consideration.

Comments on the draft regulations were provided via the Environmental Registry of Ontario (ERO019-1348) by the deadline of November 5, 2020. The Civic Administration anticipates further engagement with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) regarding revisions to the *Ontario Heritage Toolkit*, a well-used reference guideline for interpretation and administration of the *Ontario Heritage Act* and its regulations.

Analysis

1.0 Background

Bill 108 – *More Homes, More Choices Act* – was released on May 2, 2019. It proposed amendments to thirteen provincial statutes, including the *Ontario Heritage Act*. Comments on Bill 108, including on proposed amendments to the *Ontario Heritage Act*, were included in a report to the Planning and Environment Committee on May 27, 2019. Those comments were forwarded to the Ministry of Municipal Affairs and Housing for consideration in response to the Environmental Registry of Ontario (ERO) posting.

Regulations for the *Ontario Heritage Act* were released on September 21, 2020 on the Environmental Registry. The deadline for comments is November 5, 2020. As it was not possible to review the proposed regulations and meet the Planning and Environment Committee Agenda deadline, the Civic Administration has submitted the attached (Appendix “A”) comments to the Environmental Registry of Ontario.

The Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) have advised that the changes to the *Ontario Heritage Act* are anticipated to be proclaimed on January 1, 2021.

2.0 Key Changes and Considerations

2.1 Principles to Guide Municipal Decision Making

Introduced by amendments in Section 26.0.1 and Section 39.1.2, *Ontario Heritage Act* and prescribed by Regulation, the Province has introduced “Principles” that Municipal Council shall consider when making decisions under the provisions of the *Ontario Heritage Act*, including designations, alterations, and demolitions. The MHSTCI has stated that the intent of these principles is to allow the Province to better guide heritage conservation.

The Principles set out in Section 1(3) of the Regulation are:
For the purposes of Section 26.0.1 and 39.1.2 of the Act, the following are the principles that a council of a municipality shall consider when the council exercises a decision-making authority under a provision set out in subsection (1) or (2):

- 1. Property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations.*
- 2. Decision affecting the cultural heritage value or interest of a property or a heritage conservation district should,*
 - i. Minimize adverse impacts to the cultural heritage value or interest of the property or district,*

- ii. *Be based on research, appropriate studies and documentary evidence, and*
- iii. *Demonstrate openness and transparency by considering all views of interested persons and communities.*
- 3. *Conservation of properties of cultural heritage value or interest should be achieved through identification, protection and wise management, including adaptive reuse where appropriate.*
- 4. *For the purpose of this section,*
“Adaptive reuse” means the alteration of a property of cultural heritage value or interest to fit new uses or circumstances while retaining the heritage attributes of the property.

Following proclamation, the Municipal Council will have to demonstrate that the Principles were considered in their decision making. To achieve this, the Civic Administration propose amending the report template to include a section on the Principles for actions related to the *Ontario Heritage Act*. Adherence to the Principles is not yet clear. A Record of Decision (see Section 2.8 Required Information for Appeal to the Local Planning Appeal Tribunal) requires a statement by an employee of the municipality as to how the decision of council considered the Principles when the council exercised its decision-making authority.

The wording of Principle 1 is concerning, in its reference to “should.” The language of Policy 2.6.1 of the *Provincial Policy Statement* (2020) states that “significant built heritage resources and significant cultural heritage landscapes shall be conserved” (emphasis added). The use of “shall” in place of “should” in the Principle would provide more consistency on this direction from the Province.

Further clarity on Principle 2.iii would be useful. Existing requirements of the *Ontario Heritage Act* require consultation with the London Advisory Committee on Heritage prior to Municipal Council making some decisions or taking certain actions. The meetings of the London Advisory Committee on Heritage (LACH), Planning and Environment Committee, and Municipal Council are all publically-accessible. The Council Policy Manual establishes a process soliciting public input when a demolition request is received for a heritage listed or designated property, and is directed to a public participation meeting at the Planning and Environment Committee.

2.2 Listing a Property on the Register of Cultural Heritage Resources

Section 27(1.2) of the *Ontario Heritage Act* enables Municipal Council to add properties to the Register of Cultural Heritage Resources that are not designated but that Municipal Council “believes to be of cultural heritage value or interest.” Taking the action of including a property on the Register as a non-designated property is an important step to identify, on a preliminary basis, the potential cultural heritage value or interest of resources in London.

Currently, properties are added to the Register by resolution of Municipal Council following consultation with the London Advisory Committee on Heritage. The inclusion of a property on the Register is reliant on the “belief” of Municipal Council that the property has potential cultural heritage value or interest.

Amendments to the *Ontario Heritage Act* will require this approach to change. The addition of a property to the Register is still reliant on the “belief” of Municipal Council, per Section 27(3) of the amended *Ontario Heritage Act*, but several new steps (Steps 3-4, below) are introduced:

1. Consultation with the LACH prior to the addition of a property to the Register.
2. Decision of Municipal Council to add a property to the Register.
3. Notice to property owner within 30-days of the addition of the property to the Register. The notice shall include:
 - a. A statement explaining why Municipal Council believes the property to be of cultural heritage value or interest.
 - b. A description that is sufficient to readily ascertain the property.

- c. A statement that if the owner of the property objects to the property being included on the Register, the owner may object to the property's inclusion by serving the City Clerk a notice of objection setting out the reasons for the objection and all the relevant facts.
 - d. An explanation of the restriction concerning demolition or removal, or the permitting of the demolition or removal, of a building or structure on the property.
- 4. If an objection is received, Municipal Council must consider the objection within 90 days and decide whether to continue to include the property on the Register or whether it should be removed.
 - a. Consultation with the LACH is required, pursuant to Section 27(3), *Ontario Heritage Act*, to add or remove a property from the Register.

These amendments will require a more comprehensive evaluation of the potential cultural heritage value or interest of a property that is under consideration for inclusion on the Register. It is anticipated that a greater level of detail, research, and evaluation will be required to include a property on the Register.

No information from the MHSTCI has indicated any retroactive requirements for properties currently listed on the Register or invalidating in any way their current status pursuant to Section 27 of the *Ontario Heritage Act*.

There is no time limit introduced on the objection to the inclusion of a property on the Register; a property owner may object at any time. It is important to note that an objection to the inclusion of a property on the Register instigates a 90-day review timeline, whereas a demolition request for a heritage listed property initiates a maximum 60-day review timeline. The amendments to the *Ontario Heritage Act* are not clear on the consequences if Municipal Council does not respond to an objection to the inclusion of a property on the Register within the maximum 90-day review timeline.

2.3 Mandatory Contents for Heritage Designating By-laws

With a goal of achieving greater consistency across municipalities, regulations have prescribed the contents of a heritage designating by-law.

For the purposes of a by-law pursuant to Section 29(8) of the *Ontario Heritage Act*, the following requirements are prescribed (Section 5(1), Regulation):

1. *The by-law must identify the property by,*
 - i. *The municipal address of the property, if it exists,*
 - ii. *The legal description of the property, including the property identifier number that relates to the property, and*
 - iii. *A general description of where the property is located within the municipality, for example, the name of the neighbourhood in which the property is located and the nearest major intersection of the property.*
2. *The by-law must contain a site plan, scale drawing, aerial photograph or other image that identifies each area of the property that has cultural heritage value or interest.*
3. *The statement explaining the cultural heritage value or interest of the property must identify which of the criteria set out in subsection 1(2) of Ontario Regulation 9/06 (Criteria for Determining Cultural Heritage Value or Interest) made under the Act are met and must explain how each criterion is met.*
4. *The description of the heritage attributes of the property must be brief and must explain how each heritage attribute contributes to the cultural heritage value or interest of the property.*
5. *The by-law may list any physical features of the property that are not heritage attributes.*

These amendments demonstrate the emerging best practice on heritage designations arising from decisions and recommendations of the Conservation Review Board (CRB). Further clarity on how to explain how each heritage attribute contributes to the cultural heritage value or interest of the property, while being brief, is needed. The stated ability

to exclude physical features of a property that are not a heritage attribute is anticipated to improve clarity within heritage designating by-laws.

The inclusion of images required in heritage designating by-laws has been a previous issue at the Registry Office. However, it is hoped that its explicit inclusion within the regulations will alleviate previous issues of including images in registered documents like a heritage designating by-law.

2.4 Introduction of a 90-day Time Limit to Issue Notice of Intent to Designate

Amendments to the *Ontario Heritage Act* introduce limits to Municipal Council's ability to protect properties that are of cultural heritage value or interest. Section 29(1.2), *Ontario Heritage Act*, states,

If a prescribed event has occurred in respect of a property in a municipality, the council of the municipality may not give a notice of intent to designate the property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed. 2019, c. 9, Sched. 11, s. 7(13).

The new timelines are intended by the Province to encourage discussions about potential designations with development proponents at an early stage of a planning or development application to avoid designations being made late in the land use planning process.

Defined by regulation, the "prescribed events" (Section 2, Regulation) are:

- Notice of application for Official Plan Amendment per Section 22(6.4)(a), *Planning Act*,
- Notice of application for Zoning By-law Amendment per Section 34(10.7)(a); or,
- Notice of application for Plan of Subdivision per Section 51(19.4), *Planning Act*.

Exceptions to the timeline limitation, as defined by regulation (Section 3, Regulation – "Prescribed Exceptions"), include:

- When an emergency has been declared;
- If Municipal Council has not consulted with the LACH within the 90-days, it may, by resolution, extend the timeline by an additional 180-days within 15-days of the end of the 90-day period set out in Section 29(1.2), *Ontario Heritage Act* (if not before);
- If "new and relevant information" is received relating to the property or the event, Municipal Council may, by resolution, extend the timeline by an additional 180-days; or,
- Agreement between the property owner and Municipal Council that the limitation does not apply to the property or extending the time that the limitation applies.

The limitations of Municipal Council's ability to issue a Notice of Intent to Designate no longer applies as of the day on which the prescribed event "is finally disposed of under the *Planning Act*."

"New and relevant" information, to avail of an exemption to the time limitation, is defined by Regulation (Section 3(5)) to include,

- The information or materials affect or may affect,*
- i. The determination of the cultural heritage value or interest of the property,*
or,
 - ii. An evaluation of the potential effect of the Planning Act application giving rise to the event on any cultural heritage value or interest of the property.*

This change will require Municipal Council to make decisions regarding the conservation of cultural heritage resources in advance of making a decision on a planning or development application, due to the introduction of this timeline limitation. Specifically, planning or development applications that are predicated on the demolition or removal of a building or structure on a heritage listed property will require decisions on heritage conservation to be made first, even if no demolition request has been received by the City. There have also been circumstances where heritage listed properties where proposed for retention within a planning or development application,

and no action regarding designation of the resource pursuant to the *Ontario Heritage Act* has been pursued; the Civic Administration do not recommend this approach be continued. The conservation of significant cultural heritage resources through designation or easement agreement pursuant to the *Ontario Heritage Act* should be sought through the land use planning process. This change may necessitate a different approach from the Civic Administration in providing recommendations to Municipal Council to ensure that significant cultural heritage resources are conserved.

This limitation only applies to Notice of Intent to Designate pursuant to Part IV of the *Ontario Heritage Act* (individual properties).

Heritage Easement Agreements, pursuant to Section 37 of the *Ontario Heritage Act* are not subject to the new 90-day limitation (as it requires the agreement between the City and property owner to enter into a heritage easement agreement).

Municipal Council may wish to consider delegating its authority to determine “new and relevant information” to the Civic Administration if “new and relevant information” is received on a matter that is very time-sensitive under the *Ontario Heritage Act*.

2.5 Requirement to Pass Heritage Designating By-law within 120-days

Amendments to the *Ontario Heritage Act* require heritage designating by-laws to be passed within 120-days of providing Notice of Intent to Designate. If Municipal Council does not pass a heritage designating by-law within 120-days, the Notice of Intent to Designate is deemed withdrawn. Exceptions are provided in Section 4(1) of the Regulation (e.g. mutual agreement, declared emergency, new and relevant information; Section 4(1)).

Within 30-days of Notice of Intent to Designate being served on the property owner, Ontario Heritage Trust, and published in the newspaper, anyone may object to the designation of the property. If an objection is received, Municipal Council must, within 90-days, reconsider its Notice of Intent to Designate. Then Municipal Council may withdraw its Notice of Intent to Designate (and provide notice of such) or proceed with the passage of the heritage designating by-law. Within 30-days of the passage of a heritage designating by-law and when notice is served, any person may appeal the designation to the Local Planning Appeal Tribunal (LPAT). The LPAT would then make a binding decision to allow the designation, allow the designation in part, or repeal/order the repeal of the heritage designating by-law.

Should no appeals to the passage of a heritage designating by-law be received within 30-days, the heritage designating by-law is then registered on the title of the property pursuant to Section 29(12)(b) of the *Ontario Heritage Act*.

2.6 Minimum Requirements for Heritage Alteration Permit Applications

Amendments to the *Ontario Heritage Act* introduce a 60-day timeline for municipalities to confirm that applications for alteration pursuant to Section 33(2), *Ontario Heritage Act*, or demolition or removal pursuant to Section 34(2), *Ontario Heritage Act*, for a heritage designated property are complete. This 60-day period is in addition to the maximum 90-day review period by which Municipal Council is required to make a decision to consent, to consent with terms and conditions, or to refuse an application.

In Section 8(1) of the Regulation, the Province has defined the minimum requirements for an application pursuant to Section 33(2) and Section 34(2), *Ontario Heritage Act*, to include:

- *The name, address, telephone number and, if applicable, the email address of the applicant.*
- *The name of the municipality for which consent is being requested.*
- *A description of the property that is the subject of the application, including such information as concession and lot information, reference plan and part numbers, street names and numbers.*
- *Photographs that depict the existing buildings, structures, and heritage attributes that are affected by the application and their condition and context.*

- *A site plan or sketch that illustrates the location of the proposed alteration, demolition or removal.*
- *Drawings and written specifications for the proposed alteration, demolition or removal.*
- *The reason for the proposed alteration, demolition or removal and the potential impacts to the heritage attributes of the property.*
- *All technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal.*
- *An affidavit or sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is accurate.*

When a Heritage Alteration Permit application is submitted to the City, most applications are deemed complete within a few days by the Heritage Planner. Complex applications may require further details to be submitted but are usually identified in preliminary or informal consultation with the Civic Administration. The Civic Administration do not anticipate issues with the maximum 60-day period to determine if a Heritage Alteration Permit application is complete or incomplete.

The Civic Administration will review the Heritage Alteration Permit application form to ensure that the prescribed information and materials are reflected in the application requirements. Currently, the Civic Administration issue notice of receipt of complete Heritage Alteration Permit application via email to the property owner/authorized agent.

There is a risk of unintended consequences of requirements for simple or minor Heritage Alteration Permit applications. The reference to “technical cultural heritage studies” within the prescribed information and materials will still allow the Civic Administration to appropriately tailor complete applications requirements to a certain degree (e.g. masonry testing, technical information on proposed materials, expert opinion on slate roofing, etc.) based on the scope or intensity of a proposed change or alteration to a heritage designated property.

Also by regulation, the Province has defined that applications may be served on municipalities by use of the municipality’s “electronic system.” When an application is submitted after 5pm, it is effective on the following day that is not a Saturday or holiday.

2.7 Required Steps Following the Demolition or Removal of a Building, Structure, or Heritage Attribute

Should Municipal Council consent to the demolition or removal of a building, structure, or heritage attribute on a property designated pursuant to Part IV of the *Ontario Heritage Act*, the amendments to the *Ontario Heritage Act* introduces new steps.

In consultation with the LACH, Municipal Council will be required to make the following determination, pursuant to Section 9(1) of the Regulation, following the demolition or removal of a building, structure, or heritage attribute on a heritage designated property pursuant to Section 34 of the *Ontario Heritage Act*:

- The property continues to have cultural heritage value or interest and, despite the demolition or removal, the statement explaining the cultural heritage value or interest of the property and the description of the heritage attributes of the property are accurate and do not need to be amended.*
- The property continues to have cultural heritage value or interest but, as a result of the demolition or removal, the statement explaining the cultural heritage value or interest of the property or the description of the heritage attributes of the property is no longer accurate and needs to be amended.*
- The property no longer has cultural heritage value or interest as a result of the demolition or removal.*

The decision may result in the repeal or amendment to the heritage designating by-law or no action. The Civic Administration presume that this decision may be made at the same time as the decision to consent to the demolition or removal of a building, structure, or heritage attribute however there is no established practice on the matter.

Furthermore, the demolition or removal of a heritage attribute has been asserted as a process of Section 34 of the *Ontario Heritage Act*, whereas it had been typically administered as an alteration pursuant to Section 33 of the *Ontario Heritage Act*. Further guidance and clarity on interpretation is required from the MHSTCI on the distinction between an “alteration” and a “demolition or removal.”

2.8 Required Information for Appeal to the Local Planning Appeal Tribunal

Amendments to the *Ontario Heritage Act* eliminate the CRB, which is a non-binding tribunal that made recommendations on some heritage matters. As a non-binding tribunal, final decisions regarding designation of individual properties pursuant to Section 29 of the *Ontario Heritage Act* remained with Municipal Council. The amendments to the *Ontario Heritage Act* introduce a two-step process; first, objecting to Municipal Council which requires re-consideration of its decision (e.g. reconsider its Notice of Intent to Designate), then appealing to the LPAT (e.g. following the passage of a heritage designating by-law). The LPAT would then make a final decision on the matter.

As a binding tribunal, the LPAT will only hear appeals on final matters such as heritage designating by-laws that have been passed. This enables the LPAT, regarding the designation of an individual property for example, to:

- Dismiss the appeal;
- Repeal the heritage designating by-law;
- Amend the by-law in such manner as the Tribunal may determine;
- Direct the council of the municipality to repeal the by-law; or,
- Direct the council of the municipality to amend the by-law in accordance with the Tribunal’s order.

In addition to making decisions regarding the designation of individual properties, appeals to the terms and conditions or refusal of Heritage Alteration Permits for alterations or demolitions or removals will now be heard by the LPAT. To facilitate these appeals, a Record of Decision is defined by Regulation.

A Record of Decision is required to be provided to the LPAT within 15 days, which is shorter than required by the *Planning Act* (20 days).

2.9 Housekeeping Amendments

Within the “housekeeping amendments” in the Regulation, it clarifies that there is no 90-day restriction on issuing a Notice of Proposed Amendment to a heritage designating by-law (Section 29(1), Regulation). This provision may be useful to clarify the Statement of Cultural Heritage Value or Interest and heritage attributes of a heritage designated property with an older heritage designating by-law that is subject to a planning or development application.

2.10 Transition Provisions

Any matter or proceeding that is commenced before the amendments to the *Ontario Heritage Act* and its regulations are proclaimed shall continue and be disposed of under the *Ontario Heritage Act* as it read before its proclamation (Section 20(1), Regulation).

Transition provisions require the passage of a heritage designating by-law, should a property be subject to a Notice of Intent to Designate, within 365-days of proclamation of the amendments or it is deemed withdrawn. This 365-day period does not apply where an appeal to the CRB has been made, which is relevant for two matters currently before the CRB in London.

3.0 Conclusion

The amendments to the *Ontario Heritage Act* in Bill 108 (*More Homes, More Choices Act*) and its regulations will affect the City’s efforts to conserve cultural heritage resources for their valued contributions to our community and safeguarding these resources for future generations.

The MHSTCI has indicated that revisions will be made to the *Ontario Heritage Toolkit* to assist in the implementation of the amendments to the *Ontario Heritage Act* and its new regulations. This is anticipated to include flowcharts describing the new processes pursuant to the *Ontario Heritage Act*.

We wish to acknowledge the assistance of the City Clerk and Legal Services in the preparation of this report.

| | |
|--|---|
| Prepared by: | Kyle Gonyou, CAHP Heritage Planner |
| Submitted and 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 City Planning and Development Services. | |

November 23, 2020
KG/

\\FILE2\users-z\pdp\Shared\policy\HERITAGE\Ontario Heritage Act\Bill 108\2020-11-30 SR OHA Regulations.docx

Appendix A Staff Comments on Proposed Regulation under the *Ontario Heritage Act*
(Bill 108)

Links to Previous Reports

Report to Planning and Environment Committee at its meeting on May 27, 2019. “Bill 108 – More Homes, More Choices Act, 2019.” <https://pub-london.escribemeetings.com/filestream.ashx?DocumentId=62922>

Appendix A – Staff Comments on Proposed Regulations under the *Ontario Heritage Act* (Bill 108)

The below comments were submitted to the Environmental Registry of Ontario in response to the proposed regulation under the *Ontario Heritage Act* (Bill 108) in advance of the November 5, 2020 deadline.



300 Dufferin Avenue
P.O. Box 5035
London, ON
N6A 4L9

October 29, 2020

Lorraine Dooley
Ministry of Heritage, Sport, Tourism and Culture Industries – Culture Policy Unit
401 Bay Street, Suite 1800
Toronto, Ontario
M7A 0A7

Dear Ms. Dooley,

RE: ERO Number 019-1348

The City of London appreciates the opportunity to provide comment on the proposed regulations implementing the amendments to the *Ontario Heritage Act* presented in Bill 108 (*More Homes, More Choices Act*).

- In Principle 1, "property that is determined to be of cultural heritage value or interest should be protected and conserved for all generations," the use of the word "should" should be replaced with "shall" to be more consistent with the direction of the Province in Policy 2.6.1 of the *Provincial Policy Statement* (2020).
- Where Municipal Council's ability to issue a Notice of Intent to Designate is limited following 90-days after notice of an application pursuant to Section 51(19.4) of the *Planning Act* is issued, could the Ministry of Heritage, Sport, Tourism and Culture Industries clarify when a plan of subdivision is "finally disposed"?
- The timeline for the submission of a Record of Decision within 15 days after notice of appeal is given to the clerk of the municipality is short. Revising this provision to be within 20 days after notice of appeal is given would be consistent with the requirements of an appeal pursuant to the *Planning Act* but still provide the information in a timely manner.
- Updated process flowcharts in revision to the *Ontario Heritage Toolkit* are a useful tool in implementing the processes affected by these amendments and regulations.
- Further guidance from the Ministry of Heritage, Sport, Tourism and Culture Industries on how to briefly explain how each heritage attribute contributes to the cultural heritage value or interest of a property would be appreciated content with revisions to the *Ontario Heritage Toolkit*.
- Interpretation and commentary from the Ministry of Heritage, Sport, Tourism and Culture Industries on the distinction between "alteration" and "demolition or removal" of a heritage attribute will be critical to implement the amendments to the *Ontario Heritage Act*.

Sincerely,

Gregg Barrett, AICP
Director, City Planning and City Planner

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: London Plan – Appeals and LPAT Hearing Update
Meeting on: November 30, 2020

Recommendation

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

Executive Summary

The London Plan was adopted by Municipal Council on June 23, 2016 and was approved by the Province on December 28, 2016. The Plan was appealed to the Local Planning Appeal Tribunal (LPAT).

The first phase of appeal hearings was held before the LPAT from September 23 to October 8, 2020. A motion was heard on the first day of hearing that resulted in a Tribunal Order bringing numerous policies into force and effect, and a Decision has since been released dealing with policies that were litigated in this first hearing phase.

London Plan Status Update

London Plan Status Update

Since the time of last reporting to Council on the status of the London Plan, Staff have continued to work with appellants to scope the policies and issues under appeal and to resolve appeals.

Several pre-hearing conferences have also been held by the Local Planning Appeal Tribunal (LPAT). The LPAT determined that the hearings are to be phased, with separate hearings blocks by subject matter. Pre-hearing conferences also directed that issues lists be identified for each phase of hearing. The issues lists are the policies, maps and figures that are to be argued at each phase of the hearing. The phasing of the hearing, as directed by the LPAT, is as follows:

- Phase 1A: Growth Management and Implementation;
- Phase 1B: Intensity, Bonusing and High Density Residential;
- Phase 2: Natural Heritage; and
- Phase 3: Design and Mobility.

Two blocks of hearings dates were scheduled for 2020 to address Phases 1A and 1B, respectively. The first block of hearings was to be held in April-May 2020 and the second was to be held in September-October 2020.

As a result of the COVID-19 pandemic and the Province's state of emergency declaration, the April 2020 block of hearings was postponed. The second block of hearings was held as a "virtual" hearing, and generally combined the issues from Phases 1A and 1B. This first phase of hearings was held from September 23, 2020 to October 8, 2020.

This first block of hearings resulted in two Decisions by the LPAT. The first Order by the LPAT recognized the matters that the City and appellants had resolved prior to the start of the hearing, subject to the Tribunal's approval. This first Order was issued by the LPAT, orally, on September 23, 2020 (See Appendix B for written memorandum of

that decision). Following the hearing on the merits, the Tribunal reserved its Decision, which was subsequently released on October 23, 2020 and is attached hereto as Appendix C.

The following are some of the London Plan policies, maps and figures that have been directed by the LPAT to come into force and effect as a result of this phase of hearings:

- Maps and City Structure Plan Figures
 - Partial approval of London Plan Map 1 – Place Types. The partial approval of Map 1 recognizes the Rapid Transit Corridor alignment consistent with the results of the Rapid Transit Environmental Assessment.
 - Full approval of Map 3, including a modification to show the final Rapid Transit EA alignment.
 - Several Figures that are the “frameworks” for growth, mobility and the economy, which contribute to the composite City Structure Plan.
- Growth Management, including Growth Finance and Growth Servicing
 - Approval of the definition of comprehensive review for land needs studies and the Built Area Boundary shown in Figure 2.
 - Growth servicing and infrastructure policies, noting planning proposals that will not have access to necessary infrastructure within five years will be considered premature and approvals will be discouraged. Previously, in the Ministry-approved London Plan, access to infrastructure was expected within three years or an application would be considered premature.
 - Growth Financing section in the Our Tools part of the plan.
- Place Types
 - Recognition that the full range of uses permitted by policy may not be allowed on all sites in all Place Types, and that site-specific regulations will be determined in the Zoning By-law.
- Neighbourhoods Place Types
 - The “Form” policies of the Neighbourhoods Place Type.
 - Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type
 - The “Near Campus Neighbourhood” policies, which are area-specific use, intensity, and form policies of the Neighbourhoods Place Type.
 - Secondary Dwelling Unit policies.
- Rapid Transit Corridor Place Type:
 - The Old North Richmond Street Preservation policies, which are specific-segment policies of the Rapid Transit Corridor Place Type.
 - Recognition of the RTC on Maps 1 and 3, as noted above.
- Extension of Subdivision Draft Plan Approval
 - Draft Plan approval of subdivisions will only be extended where the plan conforms to current policies of the London Plan, current legislation, and is consistent with the Provincial Policy Statement.

Appendix A to this report also shows all policy, map and figure changes resulting from this phase of hearing, including where there was no change and the existing, Ministry-approved London Plan policy was upheld.

In addition to the results of the first hearing, several site-specific appeals and numerous policies have been resolved throughout the pre-hearing conference process and continued discussions between City Staff and the Appellants.

Conclusion: Next Steps

The first phase of London Plan hearings concluded on October 8, 2020. A decision was

issued by the LPAT on October 23, 2020. In general, the decision maintained the approved London Plan language, or made modifications to clarify policy intent, policy implementation, or requirements of Provincial legislation.

The decision issued on October 23, 2020, combined with previous LPAT decisions, results in 89% of London Plan policies now being in force and effect.

The City of London has recently updated its website. The London Plan page on the City’s website is being updated to include a new consolidated version of the Plan that shows which policies are still subject to appeal and which are now in effect. London Plan Maps will also be updated to identify the areas where decisions have brought portions of the maps into effect. A status table, including the dates policies, maps and figures are brought in force, is also being updated as a companion to the new consolidated version of the Plan.

City Staff will continue to engage with appellants and counsel in accordance with existing procedural orders that require confirmation of the “Issues List” (policies, figures, and map features) for subsequent phases of hearings. The next block of hearing dates has not yet been scheduled by the LPAT. Future reports will be brought to the Planning and Environment Committee to provide updates on subsequent London Plan hearings phases and processes as appropriate.

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| 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 |
| Concurred by: | Aynsley Anderson Solicitor II, City Solicitor’s Office |
| 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 | |

November 13, 2020
TM/tm

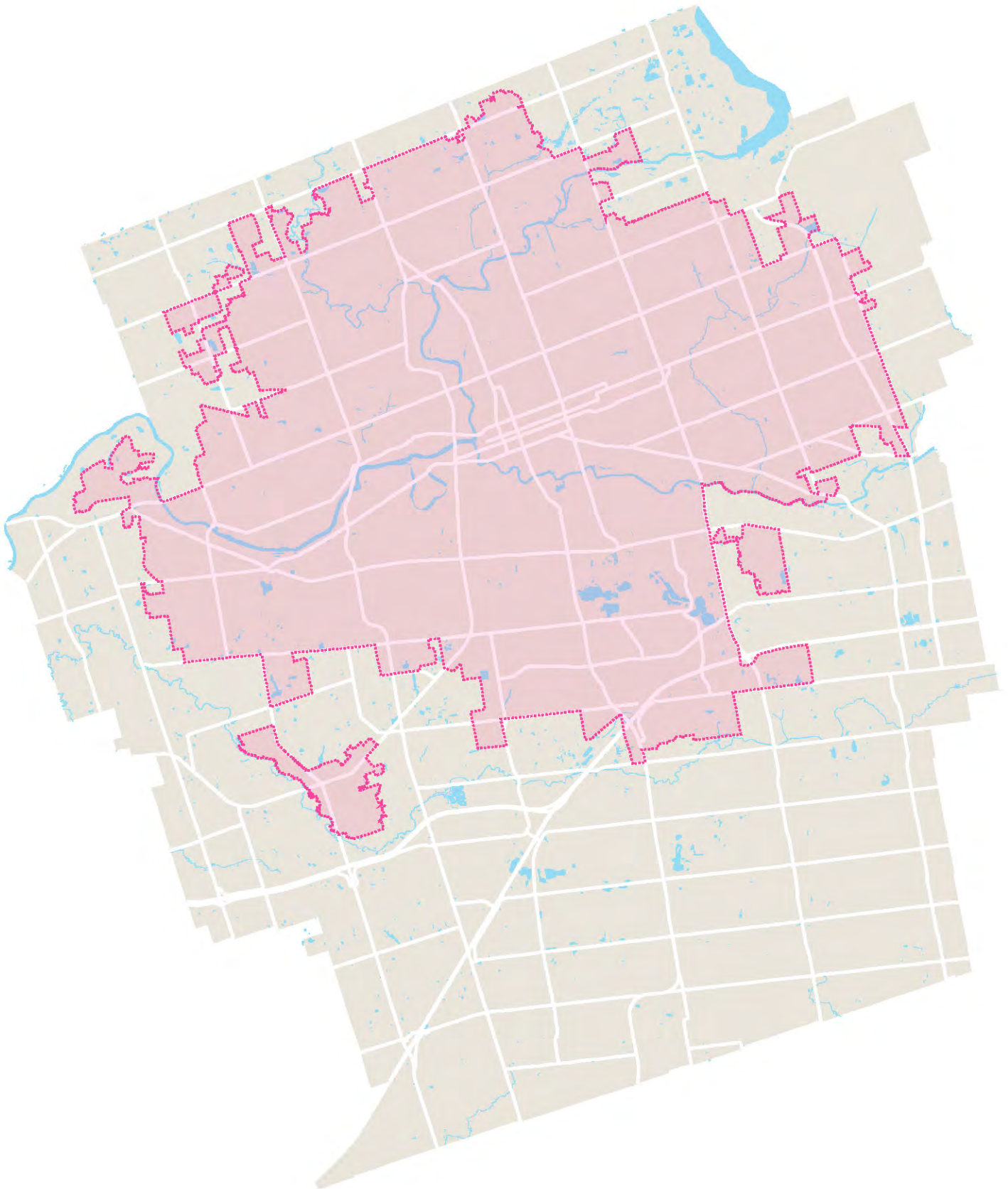
Appendix A – Summary of September 23 and October 23 Decisions

| Policy | In-force by Order below | Original language or modified language |
|--------|-------------------------|---|
| 73 | September 23, 2020 | <p>During every comprehensive review of this Plan, <u>which will be conducted consistent with the Provincial Policy Statement</u>, the need for expansion of the Urban Growth Boundary will be evaluated to ensure there is sufficient land available, through intensification, redevelopment, and on vacant lands, to accommodate an appropriate range and mix of employment opportunities, housing, and other land uses to meet projected needs <u>and to satisfy market demands</u> for up to 20 years.</p> <p><i>Amend Policy 1795_ , “Glossary of Terms”, to add the following:</i></p> <p>Comprehensive Review means a review of the <u>London Plan to ensure that the Plan has regard to the matters of provincial interest identified in the Planning Act and is consistent with the Provincial Policy Statement. Any comprehensive review of the London Plan will be conducted consistent with the definition of a “comprehensive review” in the Provincial Policy Statement.</u></p> |
| 173 | October 23, 2020 | Planning and development <u>approvals</u> will be discouraged where planned servicing capacity to accommodate the proposed use is not expected to become available within a <u>five</u> year time frame. |
| 373 | September 23, 2020 | No change to adopted language |
| 375 | October 23, 2020 | No change to adopted language |
| 378 | September 23, 2020 | No change to adopted language |
| 460 | October 23, 2020 | Planning and development <u>approvals</u> that will not have access to the necessary civic infrastructure within a <u>five</u> year period will be considered premature. The acceleration of infrastructure through a municipal servicing and financing agreement may be considered in conformity with the Our Tools policies of this Plan. Such agreements may merit the consideration of proposals that would otherwise be as much as five years away from necessary access to servicing. |
| 754 | October 23, 2020 | No change to adopted language |
| 799 | October 23, 2020 | No change to adopted language |
| 834 | September 23, 2020 | Such an interpretation may allow for the consolidation of lots to create a viable development parcel, such that a property may be developed in accordance with the vision for the Corridor, while managing and mitigating |

| | | |
|---------|--------------------|---|
| | | potential impacts on the adjacent neighbourhood. Such consolidation may also be important to allow for the appropriate setback between the proposed development and adjacent properties. In general, lot depths in the range of 50 metres to 150 metres <u>up to 150m</u> along these corridors may be appropriate where they meet the evaluation criteria of this section and the Planning and Development Applications section in the Our Tools part of this Plan. |
| 849-852 | October 23, 2020 | No change to adopted language |
| 921 | October 23, 2020 | No change to adopted language |
| 922 | October 23, 2020 | No change to adopted language |
| 936 | September 23, 2020 | No change to adopted language |
| 941 | September 23, 2020 | No change to adopted language |
| 942_2 | September 23, 2020 | Delete |
| 944 | September 23, 2020 | Planning and development applications to allow for converted dwellings will be reviewed based on the Planning and Development Applications section in the Our Tools part of this Plan. Through this review, the number of units proposed in the converted dwelling will be evaluated to ensure that this intensity is appropriate in its neighbourhood context and given the size of the lot. The existing building will not be substantively altered or added to, and the site will be capable of accommodating the additional use. Converted dwellings will be subject site plan approval. |
| 948 | October 23, 2020 | No change to adopted language |
| 949 | September 23, 2020 | Residential intensification proposals will require site plan approval, except for the creation of secondary dwelling units within existing structures, and converted dwelling units. that will result in a maximum of two units. |
| 952 | September 23, 2020 | <u>Where a site plan approval is required in accordance with this Plan and any applicable by-laws</u> , a public site plan approval process will <u>should</u> be required for intensification proposals where a proposal has not been the subject of another planning application process, such as a zoning by-law amendment, minor variance, consent or heritage alteration permit application process, or where City Council has directed that a public site plan approval process be undertaken. |
| 960 | September 23, 2020 | No change to adopted language |
| 961 | September 23, 2020 | No change to adopted language |
| 962-964 | October 23, 2020 | No change to adopted language |
| 965 | October 23, 2020 | No change to adopted language, except: |

| | | |
|-------------------------|--------------------|--|
| | | <i>965_3 do not allow for incremental changes in use, density, intensity, and lot size through that zoning amendments, minor variances and consents to sever that are cumulatively leading to undesirable changes in the character and amenity of streetscapes and neighbourhoods.</i> |
| 966 | October 23, 2020 | <i>966_ Residential intensification is defined within the Neighbourhoods Place Type policies of this Plan, and in general refers to an increase in the number of dwelling units on a site. Residential intensity is different than <u>a different type of intensification and</u> as it refers to the increase in the usability of an existing dwelling, building, or site to accommodate additional occupancy. It includes, but is not limited to, building construction or additions, increasing the number of bedrooms in a building, and expanding parking areas, but does not include the development of a property, site, or area at a higher density than currently exists.</i> |
| 967-974 | October 23, 2020 | No change to adopted language |
| 1573 | October 23, 2020 | No change to adopted language |
| 1693 | October 23, 2020 | In accordance with the Planning Act, draft plan approval will only be extended where the plan of subdivision conforms with the current policies of The London Plan, all current legislation, and <u>is consistent with</u> the Provincial Policy Statement. |
| 1781 | September 23, 2020 | No change to adopted language |
| Figure 2 | September 23, 2020 | Revised and attached hereto |
| Figures 8-10, 14-18, 20 | September 23, 2020 | No change to adopted figures |
| Table 10 | October 23, 2020 | No change to adopted Table or Notes. |
| Map 1 | October 23, 2020 | Map 1 is NOT approved entirely, it is ONLY in force as attached, shown in hatched: <ul style="list-style-type: none"> - Rapid Transit Place Types; - Two areas of Urban Corridor Place Type which were formerly shown as Rapid Transit Corridor Place Type; - Removal of “Note” indicating that the BRT is subject to final approval. |
| Map 3 | October 23, 2020 | Map 3 approved entirely with the following changes, and attached in final form: <ul style="list-style-type: none"> - Amend BRT Route to reflect finalized EA; - Removal of “Note” indicating that the BRT is subject to final EA approval. |

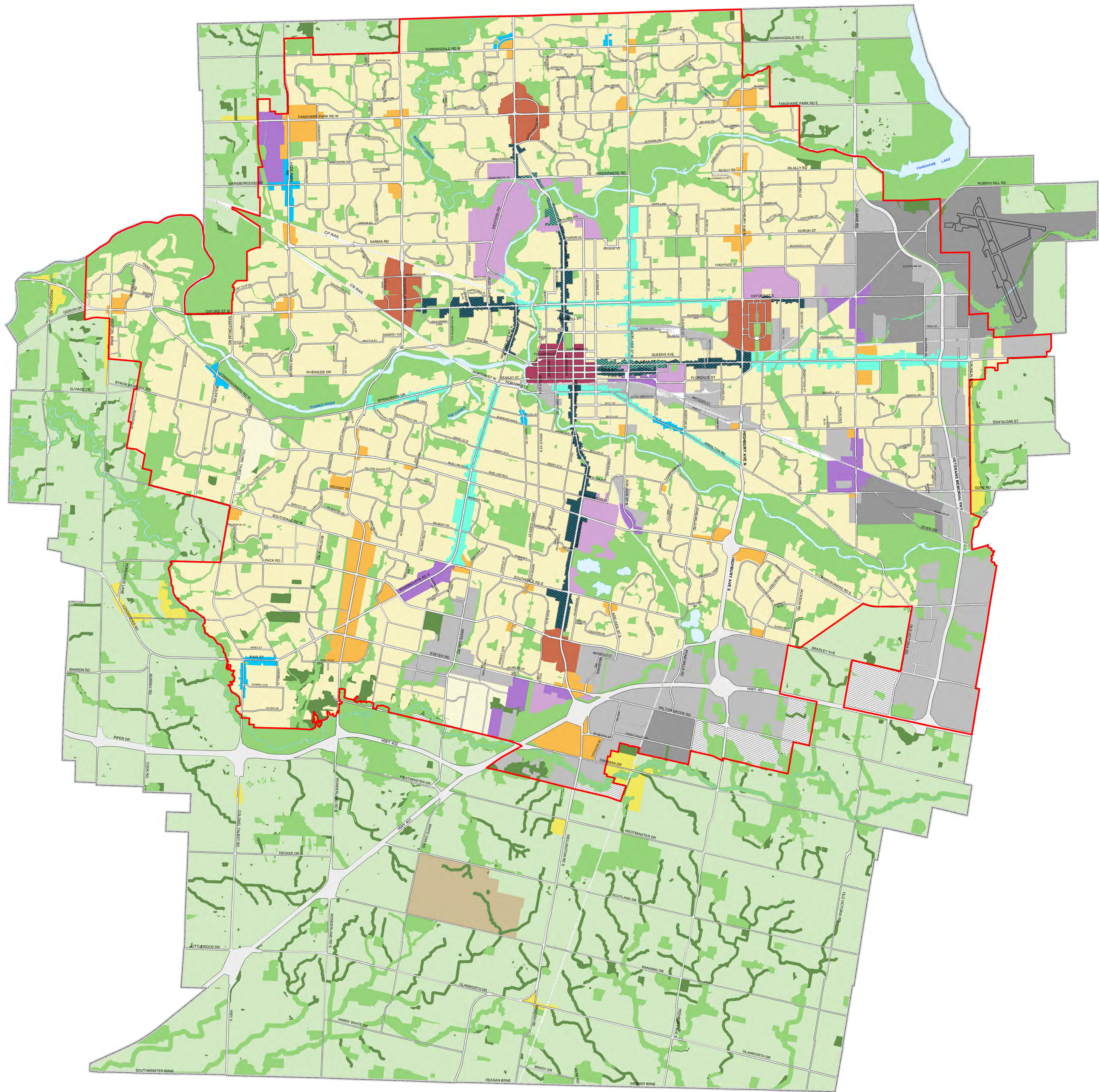
FIGURE 2



PARTIALLY APPROVED MAP 1 - PLACE TYPES



London
CANADA



LEGEND

PLACE TYPES

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

BASE MAP FEATURES

- Streets (See Map 3)
- Railways
- Water Courses/Ponds

 **APPROVED BY ORDER OF THE LPAT**



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ADOPTED BY COUNCIL ON JUNE 23, 2016

APPROVED BY THE MINISTRY OF
MUNICIPAL AFFAIRS ON DECEMBER 28, 2016

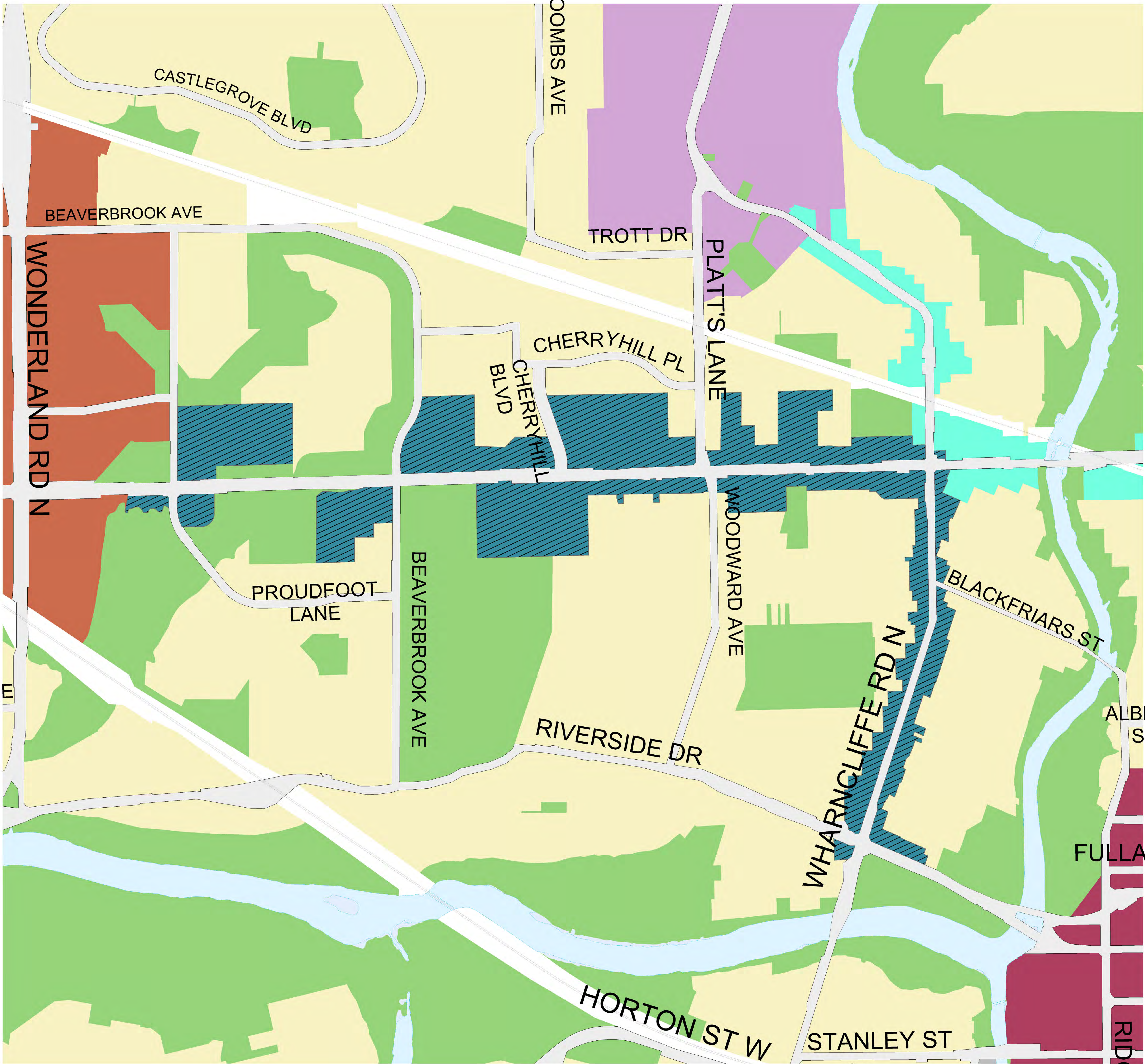
APPROVED BY ORDER OF THE LPAT,
DATED [LPAT TO INSERT DATE]

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

While every effort has been made to ensure that the mapping is accurate, a reader should verify all information contained in this map before acting upon it by contacting the City Clerk's Office, Suite 308, 300 Dufferin Avenue, London, Ontario, N6B 1Z2 or by calling (519) 661-2500 extension 4939

PARTIALLY APPROVED MAP 1 - PLACE TYPES

Exhibit ____ PL70100



LEGEND

PLACE TYPES

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

BASE MAP FEATURES

- Streets (See Map 3)
- Railways
- Water Courses/Ponds

APPROVED BY ORDER OF THE LPAT



0 60 120 240 360 480
Metres
1:3,662

ADOPTED BY COUNCIL ON JUNE 23, 2016

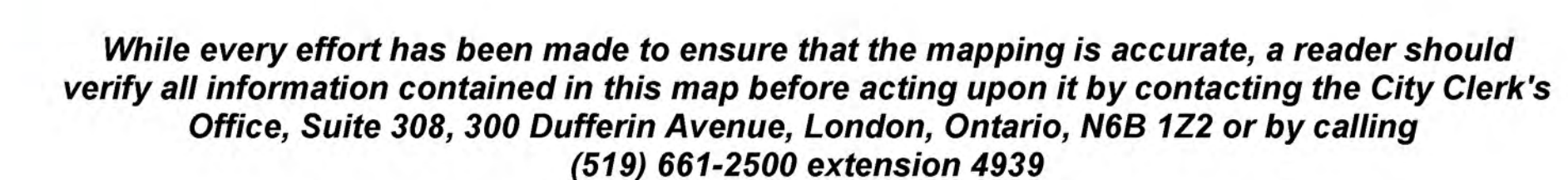
APPROVED BY THE MINISTRY OF
MUNICIPAL AFFAIRS ON DECEMBER 28, 2016

APPROVED BY ORDER OF THE LPAT,
DATED [LPAT TO INSERT DATE]

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

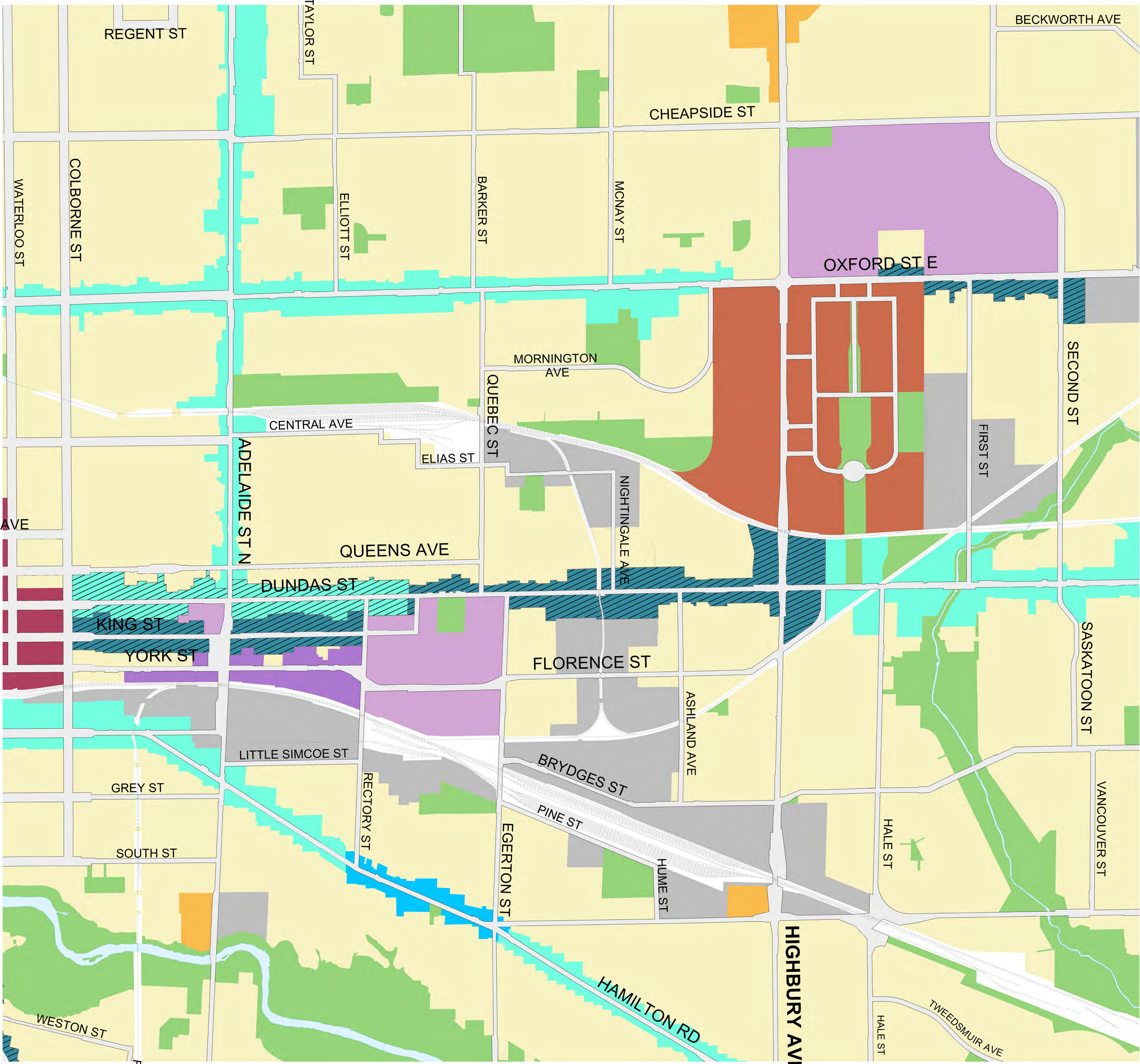
While every effort has been made to ensure that the mapping is accurate, a reader should verify all information contained in this map before acting upon it by contacting the City Clerk's Office, Suite 308, 300 Dufferin Avenue, London, Ontario, N6B 1Z2 or by calling (519) 661-2500 extension 4939

Exhibit **PL70100**



PARTIALLY APPROVED MAP 1 - PLACE TYPES

Exhibit ____ PL70100



LEGEND

PLACE TYPES

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

BASE MAP FEATURES

- Streets (See Map 3)
- Railways
- Water Courses/Ponds

APPROVED BY ORDER OF THE LPAT



0 100 200 400 600 800
Metres
1:6,000

ADOPTED BY COUNCIL ON JUNE 23, 2016

APPROVED BY THE MINISTRY OF
MUNICIPAL AFFAIRS ON DECEMBER 28, 2016

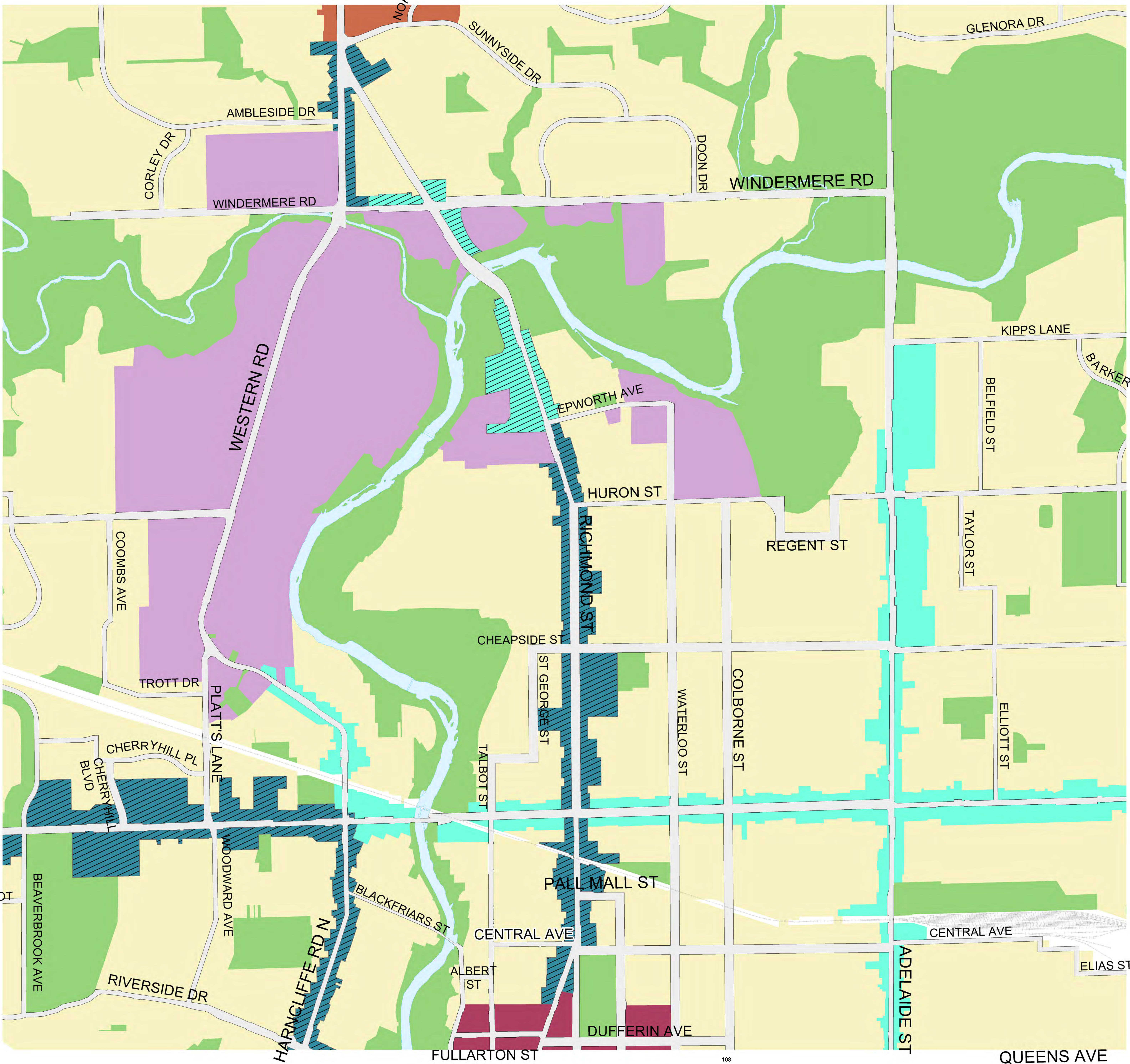
APPROVED BY ORDER OF THE LPAT,
DATED [LPAT TO INSERT DATE]

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

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PARTIALLY APPROVED MAP 1 - PLACE TYPES

Exhibit __ PL70100



LEGEND

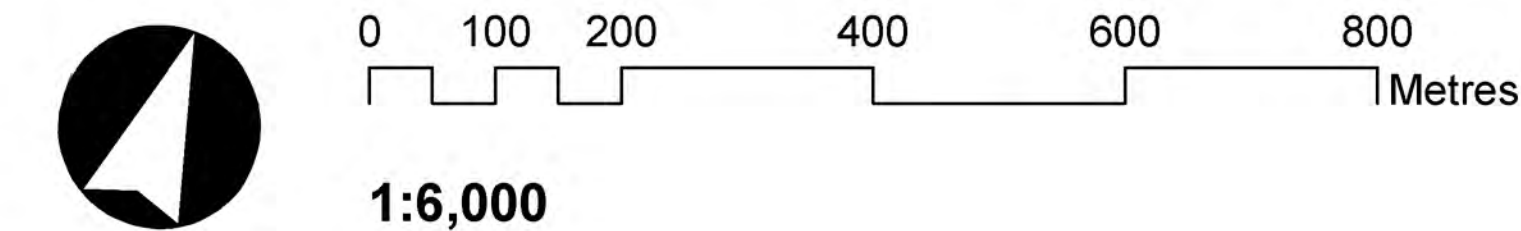
PLACE TYPES

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

BASE MAP FEATURES

- Streets (See Map 3)
- Railways
- Water Courses/Ponds

APPROVED BY ORDER OF THE LPAT



ADOPTED BY COUNCIL ON JUNE 23, 2016

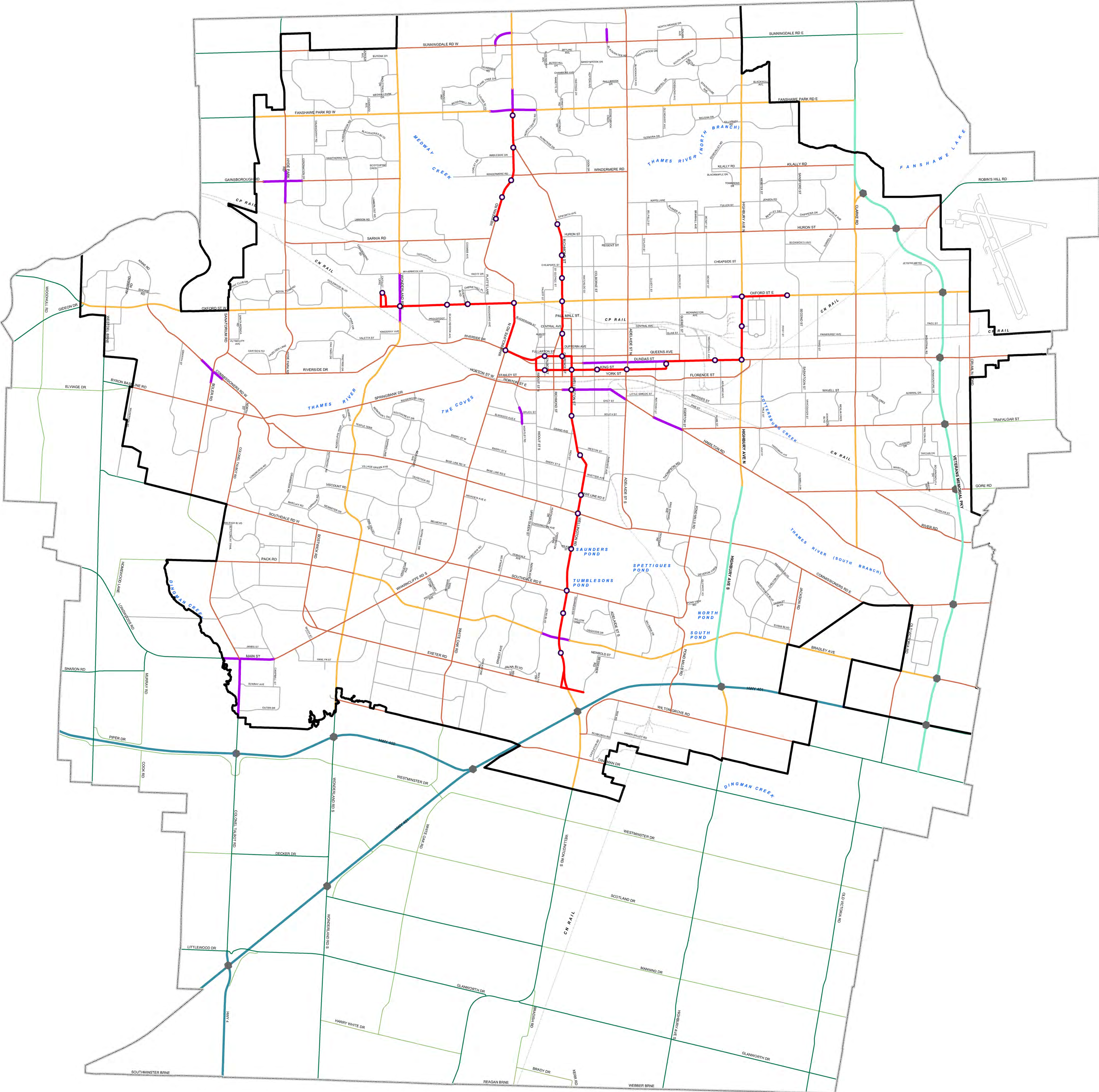
APPROVED BY THE MINISTRY OF
MUNICIPAL AFFAIRS ON DECEMBER 28, 2016

APPROVED BY ORDER OF THE LPAT,
DATED [LPAT TO INSERT DATE]

THIS MAP MUST BE READ IN CONJUNCTION
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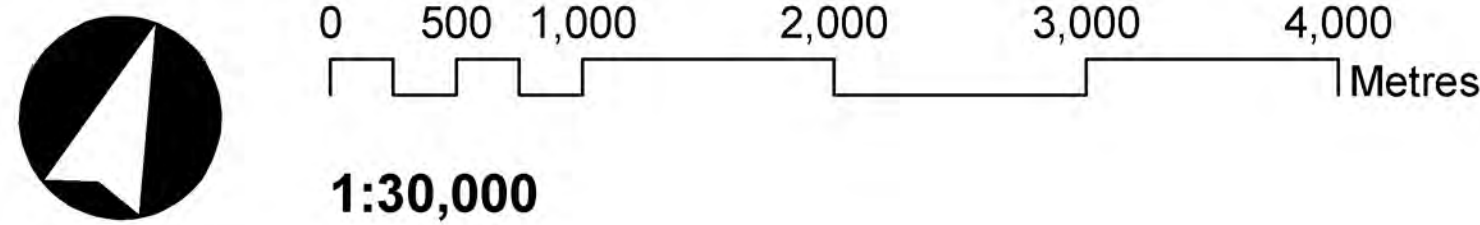
MAP 3 - STREET CLASSIFICATIONS



LEGEND

- STREET CLASSIFICATIONS**
- Provincial Highway
 - Expressway
 - Urban Thoroughfare
 - Rapid Transit Boulevard
 - Civic Boulevard
 - Main Street
 - Neighbourhood Connector
 - Rural Thoroughfare
 - Rural Connector
 - Interchanges
 - Rapid Transit Stations

- BASE MAP FEATURES**
- Railways
 - Urban Growth Boundary
 - Water Courses/Ponds



ADOPTED BY COUNCIL ON JUNE 23, 2016

APPROVED BY THE MINISTRY OF
MUNICIPAL AFFAIRS ON DECEMBER 28, 2016

APPROVED BY ORDER OF THE LPAT,
DATED [LPAT TO INSERT DATE]

THIS MAP MUST BE READ IN CONJUNCTION
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Appendix B – Memorandum of Oral Decision, Oct. 13, 2020

Local Planning Appeal Tribunal

Tribunal d'appel de l'aménagement local

ISSUE DATE: October 13, 2020

CASE NO(S): PL170100

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

| | |
|----------------|---|
| Appellant: | 1390226 Ontario Inc. |
| Appellant: | 1610341 Ontario Inc. |
| Appellant: | 1705823 Ontario Ltd. (c/o York Developments) |
| Appellant: | 1739626 Ontario Ltd. (c/o York Developments); and others |
| Subject: | The London Plan |
| Municipality: | City of London |
| OMB Case No.: | PL170100 |
| OMB File No.: | PL170100 |
| OMB Case Name: | Lansink v. London (City) |

Heard: September 23, 2020 by video hearing

APPEARANCES:

Parties

City of London (“City”)

Ministry of Municipal Affairs and Housing

23, 8, 4 and the Participants
Auburn Developments Inc. and
Crich Holdings and Buildings
Limited (Appellant 4)

Counsel

A. Anderson, S. Tatavarti

J. Page, A. Beamish

Analee J.M. Baroudi

| | |
|---|---------------------|
| Kapland Inc. and Kap Holdings Inc. (Appellant 8) | Analee J.M. Baroudi |
| London Land Developers Association (Appellant 23) | Analee J.M. Baroudi |
| Sifton Properties Limited | Andrea Skinner |
| York Developments ("Appellants") | J. Cheng |
| Michael Cattrysse and Sari Belzycki | L. English |

**MEMORANDUM OF ORAL DECISION DELIVERED BY R.A. BECCAREA ON
SEPTEMBER 23, 2020 AND ORDER OF THE TRIBUNAL**

[1] There have been a number of pre-hearing conferences and Procedural Orders respecting the appeals of the City of London's new Official Plan, called the London Plan.

[2] By oral decision on September 10, 2020, the first phase of contested policies (referred to as Phase 1A and part of Phase 1B) was scheduled to commence September 23, 2020 for 12 days.

[3] On September 16, 2020, the City served a Notice of Motion with Affidavit and Exhibits, seeking the approval of a series of policies, on consent of all parties.

[4] The approval would have the effect of further scoping the first phase of contested policies.

[5] No responses to the motion were received and the Tribunal was advised that the relief being sought in the motion was on the consent of the interested parties.

[6] On September 23, 2020, the Tribunal heard the motion and provided an oral decision that the relief sought was granted. An Order to this effect is appended as Attachment 1.

[7] By virtue of the Tribunal's oral disposition, the following policies are in effect as of September 23, 2020, having been modified and approved as modified:

- i. Figure 2 – The City's Built-Area Boundary was previously shown as reflecting built lands as of 2006, and now shows built lands as of 2016;
- ii. Policy 73 – a policy directing that “comprehensive reviews” of the Plan will be conducted in accordance with the Provincial Policy Statement, 2020, and the addition of a definition for “Comprehensive Review” in the Glossary;
- iii. 834 – a policy relating to consolidation of lots in Corridor Place Types;
- iv. 942 – a policy describing the criteria for location of secondary dwelling units, and the modification deletes the prohibition against secondary dwelling units in the Near-Campus Neighbourhood;
- v. 944 and 949 – clarification relating to converted dwellings as a form of intensification;
- vi. 952 – clarity regarding the public site plan process for intensification proposals.

[8] In addition, the following policies are now in effect, the appeals of which have been withdrawn:

- i. 373 – a policy identifying what is shown on Map 3 – Street Classifications;
- ii. 378 – reference to the Complete Streets Design Manual;
- iii. 936 – form policies of the Neighbourhoods Place Type;
- iv. 941 – definition of Secondary Dwelling Unit;
- v. 960 – the direction on how to evaluate planning applications;
- vi. 961 – introduction to specific policy areas within the Neighbourhoods Place Type;
- vii. 1781 – description of Map 3;
- viii. Figures 8 – Rail Network and Airport, 9 – Street Network, 10 – Regional Mobility Connections, 14 – Downtown, Transit Corridors and Shopping

Areas, 15 – Main Streets, 16 - Institutions, 17 – Employment Lands,
18 – Rural London, 20 – City Structure Composite

[9] The Tribunal's decision also finally disposes of the appeal of Appellant No. 40, Westfield Village Estates Inc. in care of York Developments, relating specifically to lands at 3047 Tillman Road, by adding 3047 Tillman Road to Map 2, the HDR Overlay. This has the effect of recognizing previously planned high density residential development at this location.

[10] The Tribunal further confirms a minor modification to the Decision issued on September 22, 2020. Paragraph 2 of that Decision should read: "This Telephone Conference Call ("TCC") relates to the appeals of Phase 1A and part of Phase 1B, the hearing of which is scheduled for Wednesday, September 23, 2020 for 12 days."

[11] The Tribunal so orders.

"R.A. Beccarea"

R.A. BECCAREA
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

Website: www.olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

LOCAL PLANNING APPEAL TRIBUNAL

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

| | |
|------------|---|
| Appellant: | 560 Wellington Holdings Inc. |
| Appellant: | 1390226 Ontario Inc. |
| Appellant: | A&W Food Services |
| Appellant: | Auburn Developments Inc. & Crich Holdings and Buildings Limited |
| Appellant: | Corlon Properties Inc. |
| Appellant: | Kapland Inc. & Kap Holdings Inc. |
| Appellant: | McDonald's Restaurants |
| Appellant: | Ontario Restaurant Hotel & Motel Association |
| Appellant: | The TDL Group |
| Appellant: | 1610341 Ontario Inc. |
| Appellant: | 1705823 Ontario Ltd. (TKG-Storagemart Partners Canada III, ULC) |
| Appellant: | Chazim |
| Appellant: | College Avenue Lofts Inc.(c/o York Developments) |
| Appellant: | ESAM Construction Limited |
| Appellant: | Farhi Holdings Corporation |
| Appellant: | Grosvenor Development Corp |
| Appellant: | Highbury North Centre Inc. (York Developments) |
| Appellant: | John D. Ross |
| Appellant: | Jug Manocha |
| Appellant: | London Dairy |
| Appellant: | London Land Developers Association |
| Appellant: | Margaret Ross & Darvic |
| Appellant: | Norquay Developments Ltd. and Norquay Property Management Limited |
| Appellant: | Old Oak Properties Inc. |
| Appellant: | Oxbury Centre Inc. |
| Appellant: | Paramount |
| Appellant: | Richmond North & MCC 675 |
| Appellant: | Rygar |
| Appellant: | Sam Katz Holdings Limited |
| Appellant: | Schlegel Villages Inc. |
| Appellant: | Sifton Properties Limited |
| Appellant: | Textbook |
| Appellant: | York Developments |
| Appellant: | Ridout and Kent Block Inc. (c/o York Developments) |
| Appellant: | 1767306 Ontario Ltd. (TKG-Storagemart Partners Canada III, ULC) |
| Appellant: | 1739626 Ontario Ltd. (c/o Westdell Development Corporation) |
| Appellant: | Westfield Village Estates Inc. (c/o York Developments) |

Appellant: 731675 Ontario Ltd. (c/o York Developments)
Appellant: York Developments (TKG – Stagemart Partners Canada III, ULC)
Subject: City of London New Official Plan
Municipality: City of London
LPAT Case No.: PL170100
LPAT File No.: PL170100

ORDER

B E F O R E: R.A. BECCAREA)
)
) on the 23 day of September, 2020
)

THESE MATTERS having come on for a public hearing;

AND THE TRIBUNAL having heard the submissions of counsel for the City of London (the “**City**”) related to the approval of certain policies (on a City-wide basis) in the City of London Official Plan (the “**London Plan**”) pertaining to appeals by Auburn Developments Inc., Crich Holdings and Buildings Limited, Kapland Inc., Kap Holdings Inc., London Land Developers Association, Norquay Developments Ltd., and Norquay Property Management Limited, Sifton Properties Limited, and York Developments; and related to the approval of a site-specific amendment to Map 2 regarding the lands at 3047 Tillman Road pertaining to the appeal of Westfield Village Estates Inc. (c/o York Developments);

AND THE TRIBUNAL having heard the submissions of counsel for the Ministry of Municipal Affairs and Housing with respect to their interest in this proceeding;

AND THE TRIBUNAL having received the affidavit evidence of Travis Macbeth, Planner for the City of London, pertaining to the approval of certain policies and maps in the London Plan;

THE TRIBUNAL ORDERS that, in accordance with subsection 20(2) of O. Reg. 174/16 and subsection 17(50) of the Planning Act, R.S.O. 1990, c. P. 13, as it read on April 2, 2018,

- (a) those policies within the London Plan identified in Schedule A are modified and approved as modified;
- (b) the appeals over those policies which are identified in Schedule B are withdrawn and are in effect in accordance with s. 17(39) of the Act as it read on April 2, 2018;
- (c) Figure 2 is modified and approved as modified in accordance with Schedule C;
- (d) Map 2 is modified and approved as modified in accordance with Schedule D; and
- (e) all policies approved as modified are in effect as of September 23, 2020.

AND THE TRIBUNAL FURTHER ORDERS that the partial approval of the Plan shall be strictly without prejudice to, and shall not have the effect of limiting:

- (a) The right of Appellants to continue site-specific appeals;
- (b) The rights of a party to seek to modify, delete or add to the unapproved policies, schedules, maps, figures, definitions, tables and associated text in the Plan; or
- (c) The jurisdiction of the Tribunal to consider and approve modifications, deletions or additions to the unapproved policies, schedules, maps, figures, definitions, tables and associated text in the Plan on a general, area-specific or site-specific basis, as the case may be, provided that the parties shall be bound by the commitments made by them to scope their issues to a site-specific or area-specific basis as identified in this proceeding.

AND THE TRIBUNAL FURTHER ORDERS that notwithstanding the above, the appeal of Westfield Village Estates Inc. (c/o York Developments) is granted, in part, in accordance with the modification attached hereto as Schedule D, and otherwise dismissed.

AND THE TRIBUNAL FURTHER ORDERS that for any *Planning Act* application made after the date of this Order, to the extent that any policy brought into force by this Order conflicts with any policy in the 1989 City of London Official Plan, the policies brought into force by this Order shall prevail.

AND THE TRIBUNAL FURTHER ORDERS that it may be spoken to in the event any matter or matters should arise in connection with the implementation of this Order.

SECRETARY

SCHEDULE A

| Policy | Original Language | Revised Language |
|-----------------|--|--|
| Figure 2 | BAB as in 2006 | BAB as attached as Schedule C. |
| 73 | During every comprehensive review of this Plan, the need for expansion of the Urban Growth Boundary will be evaluated to ensure there is sufficient land available, through intensification, redevelopment, and on vacant lands, to accommodate an appropriate range and mix of employment opportunities, housing, and other land uses to meet projected needs for up to 20 years. | <p>During every comprehensive review of this Plan, <u>which will be conducted consistent with the Provincial Policy Statement</u>, the need for expansion of the Urban Growth Boundary will be evaluated to ensure there is sufficient land available, through intensification, redevelopment, and on vacant lands, to accommodate an appropriate range and mix of employment opportunities, housing, and other land uses to meet projected needs <u>and to satisfy market demands</u> for up to 20 years.</p> <p><i>Amend Policy 1795_ , “Glossary of Terms”, to add the following:</i></p> <p><u>Comprehensive Review</u> means a review of the London Plan to ensure that the Plan has regard to the matters of provincial interest identified in the <u>Planning Act</u> and is consistent with the Provincial Policy Statement. Any comprehensive review of the London Plan will be conducted consistent with the definition of a “comprehensive review” in the Provincial Policy Statement.</p> |
| 834 | Such an interpretation may allow for the consolidation of lots to create a viable development parcel, such that a property may be developed in accordance with the vision for the Corridor, while managing and mitigating potential impacts on the adjacent neighbourhood. Such | Such an interpretation may allow for the consolidation of lots to create a viable development parcel, such that a property may be developed in accordance with the vision for the Corridor, while managing and mitigating potential impacts on the adjacent neighbourhood. Such consolidation may |

| | | |
|--------------|--|---|
| | consolidation may also be important to allow for the appropriate setback between the proposed development and adjacent properties. In general, lot depths in the range of 50 metres to 150 metres along these corridors may be appropriate where they meet the evaluation criteria of this section and the Planning and Development Applications section in the Our Tools part of this Plan. | also be important to allow for the appropriate setback between the proposed development and adjacent properties. In general, lot depths in the range of 50 metres to 150 metres <u>up to 150m</u> along these corridors may be appropriate where they meet the evaluation criteria of this section and the Planning and Development Applications section in the Our Tools part of this Plan. |
| 942_2 | <p>Secondary dwelling units are permitted as-of-right within single detached dwellings, semi-detached dwellings or a street townhouse dwelling where all of the following criteria are met:</p> <p>POLICIES FOLLOW</p> <p>2. Secondary dwelling units will not be permitted within the Near-Campus Neighbourhood area as defined in the Specific Policies in this chapter.</p> | Delete Policy |
| 944 | Planning and development applications to allow for converted dwellings will be reviewed based on the Planning and Development Applications section in the Our Tools part of this Plan. Through this review, the number of units proposed in the converted dwelling will be evaluated to ensure that this intensity is appropriate in its neighbourhood context and given the size of the lot. The existing building will not be substantively altered or added to, and the site will be capable of accommodating the additional use. Converted dwellings will be subject site plan approval. | Planning and development applications to allow for converted dwellings will be reviewed based on the Planning and Development Applications section in the Our Tools part of this Plan. Through this review, the number of units proposed in the converted dwelling will be evaluated to ensure that this intensity is appropriate in its neighbourhood context and given the size of the lot. The existing building will not be substantively altered or added to, and the site will be capable of accommodating the additional use. Converted dwellings will be subject site plan approval. |

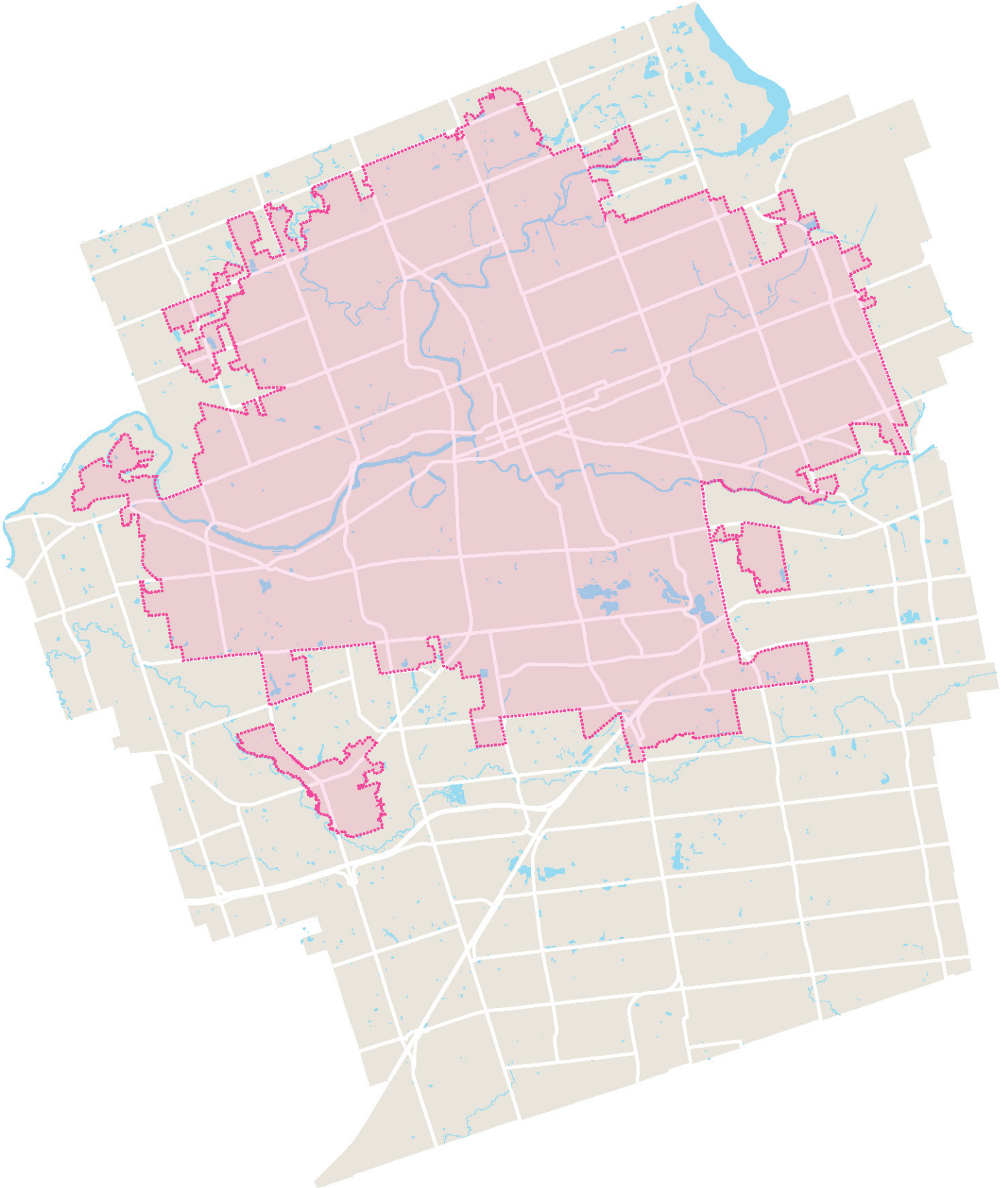
| | | |
|------------|--|--|
| | | |
| 949 | Residential intensification proposals will require site plan approval, except for the creation of secondary dwelling units within existing structures, and converted dwelling units that will result in a maximum of two units. | Residential intensification proposals will require site plan approval, except for the creation of secondary dwelling units within existing structures, and converted dwelling units that will result in a maximum of two units. |
| 952 | A public site plan approval process will be required for intensification proposals where a proposal has not been the subject of another planning application process, such as a zoning by-law amendment, minor variance, consent or heritage alteration permit application process, or where City Council has directed that a public site plan approval process be undertaken. | <u>Where a site plan approval is required in accordance with this Plan and any applicable by-laws, a</u> public site plan approval process will <u>should</u> be required for intensification proposals where a proposal has not been the subject of another planning application process, such as a zoning by-law amendment, minor variance, consent or heritage alteration permit application process, or where City Council has directed that a public site plan approval process be undertaken. |

SCHEDULE B

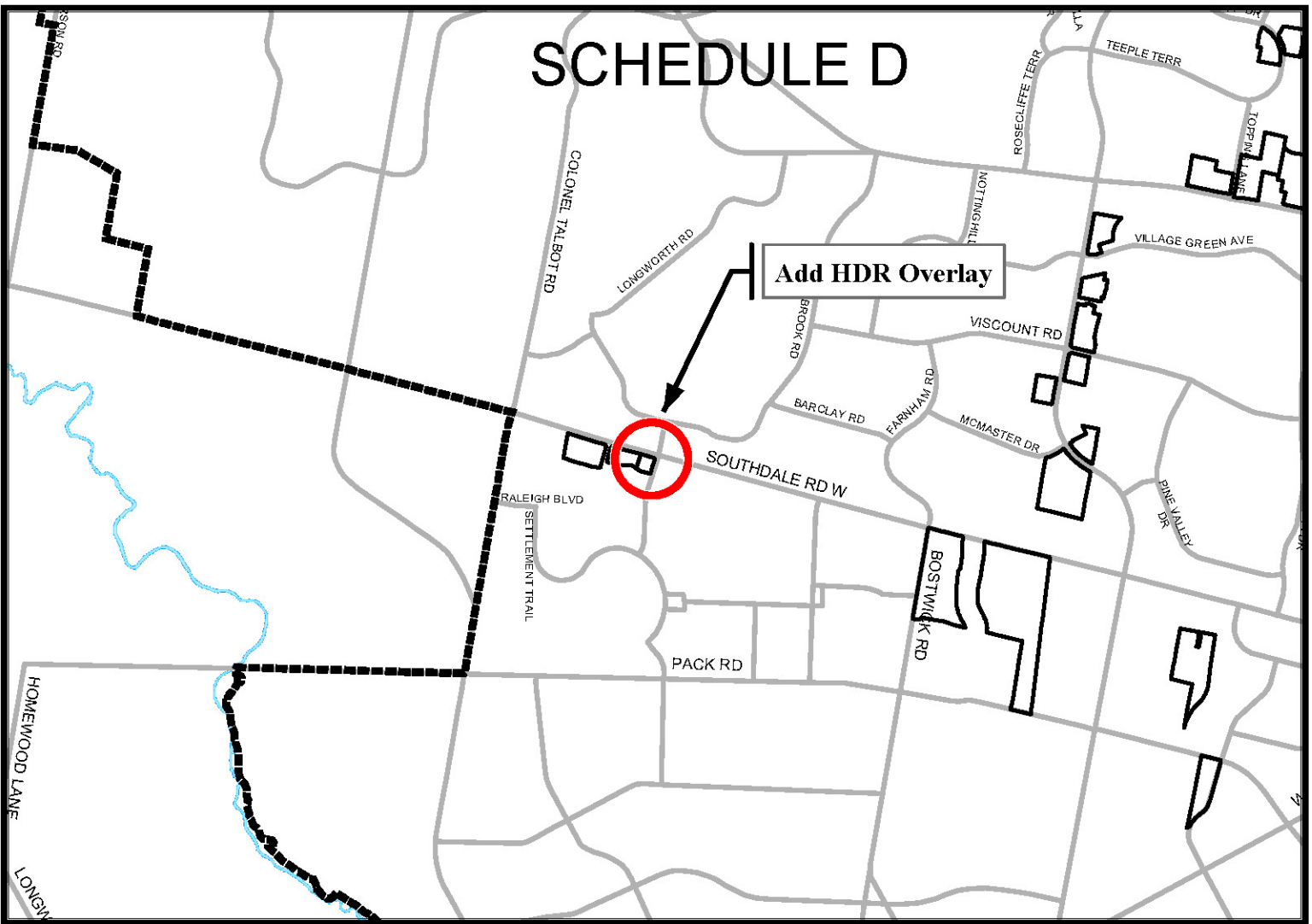
| APPEALS WITHDRAWN / POLICY IN FORCE | |
|-------------------------------------|-----------|
| Policy | Appellant |
| 373 | 4 |
| 378 | 4 |
| 936 | 4 |
| 941 | 4 |
| 960 | 4 |
| 961 | 4 |
| 1781 | 4 |
| Figures 8,9,10,14,15,16,17,18,20 | 4 |

SCHEDULE C



Proposed Figure 2: Built Area Boundary



SCHEDULE D



Legend

-  High Density Residential Overlay (from 1989 Official Plan)
-  Urban Growth Boundary

This is an excerpt from the Planning Division's working consolidation of Map 2 - High Density Residential Overlay (From the 1989 Official Plan) of the London Plan, with added notations.

**SCHEDULE #
TO
THE LONDON PLAN**

AMENDMENT NO. _____

PREPARED BY: Planning Services



Scale 1:30,000



FILE NUMBER OMB PL170100

PLANNER TM

TECHNICIAN MB

DATE: 8/7/2020

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: October 23, 2020

CASE NO(S): PL170100

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

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| Appellant: | 1390226 Ontario Inc. |
| Appellant: | 1610341 Ontario Inc. |
| Appellant: | 1705823 Ontario Ltd. (c/o York Developments) |
| Appellant: | 1739626 Ontario Ltd. (c/o York Developments); and others |
| Subject: | The London Plan |
| Municipality: | City of London |
| OMB Case No.: | PL170100 |
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| OMB Case Name: | Lansink v. London (City) |

Heard: September 23, 2020 by video hearing

APPEARANCES:

Parties

City of London ("City")

Ministry of Municipal Affairs and
Housing

23, 8, 4 and the Participants
Auburn Developments Inc. and
Crich Holdings and Buildings
Limited (Appellant 4)

Counsel

Aynsley Anderson and Sachit Tataavarti

Janice Page and Anna-Lee Beamish

Analee Baroudi

| | |
|---|----------------|
| Kapland Inc. and Kap Holdings Inc. (Appellant 8) | Analee Baroudi |
| London Land Developers Association (Appellant 23) | Analee Baroudi |
| Norquay Developments and Property Management Ltd. | Analee Baroudi |
| Sifton Properties Limited | Andrea Skinner |
| York Developments ("Appellants") | Jonathan Cheng |
| Michael Cattrysse and Sari Belzycki | Lee English |

DECISION DELIVERED BY R.A. BECCAREA AND ORDER OF THE TRIBUNAL.

INTRODUCTION – THE LONDON PLAN

[1] This is the First Phase of the Tribunal's determination of the appeals respecting the City of London's new Official Plan that has been called "The London Plan".

[2] The Tribunal has ordered that the appeals proceed in four Phases. The wording of the issues pertaining to those appeals are itemized in the Schedules of the Tribunal's Decision and Order that was issued on December 19, 2019.

[3] The Phases are as follows:

- (i) Phase 1 A – Growth Management/Implementation (9 issues remaining)
- (ii) Phase 1 B – Intensity/Bonus/HDR Overlay (31 issues)
- (iii) Phase 2 – Natural Heritage contains 36 issues
- (iv) Phase 3 – Design and Mobility contains 45 issues

[4] The City of London's new Official Plan called "The London Plan" was consolidated on February 7, 2020, adopted by City Council on June 23, 2016 and received Ministerial approval on December 28, 2016. The London Plan ("the Plan") is 477 pages long and contains 1794 Policies and 9 maps.

[5] The Plan as provided to the Tribunal at Tab 95 of the Joint Document Book has the policies and maps currently under appeal and are outlined in red boxes. As each policy is determined by the Tribunal, those red boxes will be removed, and a new text of the Plan will be provided at the next phase of the Tribunal's hearing.

[6] This Decision pertains only to "Phases 1A and Part of 1B". The Tribunal is to determine the approved wording, or suggested modification to, or the suggested deletions of 30 of the Plan policies (including Map 1 and Map 3).

[7] Those policies are set out in the Revised Alternative Language Chart (Exhibit 16) The issues relating to those policies are enumerated in the Revised Issues List (Exhibit 23).

[8] The primary concern of the Appellants and Participants respecting the Growth and Implementation policies of the Plan related to whether it is appropriate to use a three-year planning horizon to provide direction to development planning and is that approach consistent with the 2020 PPS?

[9] Further the Appellants are concerned that several policies overstate the role of non-official Plan documents that could lead to public expectations that those documents have policy status and then require conformity.

[10] The other primary concern of the Appellants and Participants is that the intensification policies and development standards which promote opportunities for intensification and redevelopment throughout other areas of the City, when applied to the New Campus Neighbourhood ("NCN") areas and the Rapid Transit Corridor

segment of Old North Richmond Street unnecessarily constrain development including intensification.

THE PARTIES – TO PHASE 1A AND FOR 1B AND PARTICIPANTS

[11] Ms. Anderson and Mr. Tatavarti represented the City of London;

[12] Ms. Baroudi represented Appellants and called evidence on behalf of London Land Developers Association, Auburn Development (“Auburn”), Kapland Inc. and Kap Holdings Inc. (“Kap”), and Norquay Developments and Property Management Ltd. (“Norquay”) Participant statements were filed by Ayerswood Development Corporation, Southside Group and Drewlo Holdings Inc.

[13] Mr. Cheng represented York Developments, but did not call evidence on their behalf. Through Ms. Page, the Ministry of Municipal Affairs and Housing only made opening comments to indicate it was supportive of the City’s position. Ms. Skinner and Mr. English advised that their clients would be participating in the next hearing phases.

[14] At the commencement of this hearing on September 23, 2020, this Tribunal heard a motion that on consent and by a separate order allowed and approved certain modifications to the Plan and ordered that certain appeals to a number of policies be withdrawn thereby making all of them and Map 2, Figure 2, approved as modified, come into effect as of September 23, 2020.

THE PLAN - OVERVIEW

[15] John Fleming, who served for over 20 years in various senior planning positions with the City of London including the Director of Planning, provided a detailed overview of the events leading up to and including City council’s adoption of the Plan and its approval by the Province.

[16] The London Plan is themed “Exciting, Exceptional, Connected”. The City’s Official Plan that had been in place since its adoption in 1989, was amended over 500 times as of June 2011 when City Council explored the need for an update.

[17] Mr. Fleming detailed the extensive high-level overview that was undertaken. That overview which is listed in Figure 2 of Mr. Fleming’s Witness Statement involved 30 key milestones beginning in June 2011 and ending in December 2016.

[18] Mr. Fleming advised that the Plan was grounded in a rigorous engagement program branded “Rethink London”. The program included the general public, the development industry, property owners, institutions, interest groups, the Province, neighbourhood groups, and various other interested parties and stakeholders.

[19] The Plan, Mr. Fleming advised was aimed to curb urban sprawl and instead grow “inward and upward”. Mr. Fleming stated that the City’s goal, as contained in the Plan was to provide development that is “future focused for the London of 2035”.

[20] During the Plan development review process, 650 changes were made that accommodated stakeholders’ input and concerns.

[21] More than 42 appeals were filed over the course of the Plan’s adoption. During the course of the active case management by the Tribunal, including at least nine pre-hearing conferences since the Tribunal file was opened on February 3, 2017, a number of them have been disposed of.

[22] A number of appeals respecting the remaining policies of the Plan, await the next three phases of the Tribunal’s hearing process.

[23] In that this phase of review relates to the policies relating to Growth Management/Implementation and Intensity, Mr. Fleming provided a general overview of the Plan’s Place Type Policies.

[24] The Place Type Policies in the Plan are headed: City-Wide Place Types, Urban Place Types, and Rural Place Types. Within each Place Type chapter, the Plan establishes the range of permitted uses allowed, the expected intensity of development and the envisioned built form that is intended within it.

[25] This Place Type approach respecting the degree of intensity, the degree of flexibility, the specialized treatment given to certain areas and the three-year limit of development approvals formed the majority of what the Appellants were opposed to.

THE EVIDENCE OF THE APPELLANTS

[26] The Appellants evidence was advanced by Ms. Baroudi, who called two expert and qualified land use planners. Richard Zelinka was called on behalf of the Appellants Auburn and Kap. Jason McGuffin was called on behalf of the London Land Development Association (“LDI”) and Norquay.

THE EVIDENCE OF RICHARD ZELINKA

[27] Mr. Zelinka in his March 20, 2020 Witness Statement provided his suggestions on 19 of the Plan policies. In a number of them, he was of the opinion that they should be deleted, and in a few of them he proposed alternative language.

[28] Mr. Zelinka agreed with the Plan’s key directions on providing for intensification within the City to curb urban sprawl and using existing services and infrastructure.

[29] Mr. Zelinka did however, in his opening remarks, say that in his opinion those policies, while they “appear” to support intensification, actually create bureaucratic hurdles and prevent intensification.

[30] In his opinion, when one examines the details of the policies its language does not follow the stated purpose of the Plan and that failure works against the 2020 Provincial Policy Statement (“PPS”), which the Plan must conform with.

[31] The alternative language that the Appellants proposed throughout provide according to Mr. Zelinka, a more accurate and realistic statement of the Plan's purpose.

[32] With respect to Mr. Fleming's evidence that the intent of the Plan is to grow inward and upward and provide a flexible plan that removes unnecessary bureaucratic processes, Mr. Zelinka said his clients believe those were "excellent directions".

[33] Despite that praise, both Mr. Zelinka and Mr. McGuffin, on behalf of their clients support the deletion of 19 of the 30 Plan policies before this Tribunal which they say are too rigid, provide no room for exceptions, and in some cases its absences fail to address certain situations.

THE EVIDENCE OF JAYSON MCGUFFIN

[34] Mr. McGuffin was involved on behalf of LDI in the Plan review process since 2013 and on behalf of Norquay since November 2018.

[35] Mr. McGuffin in his March 20, 2020 Witness Statement provided his opinion and suggestions respecting eight of the Plan policies

[36] Mr. McGuffin proposed the deletion of Policy 173 and 1693 of the Plan and provided alternative language for Policy 73, 460, 1573, Table 10 and Map 1.

[37] The developer's opposition to the policies before this Tribunal can best be gleamed from their positions on Policies 962-974 termed the Near Campus Neighborhood ("NCN") Policies and their position respecting Policy 460 that provides that planning and development proposals that do not have access to the necessary civic infrastructure within a three-year period will be considered premature, except an acceleration through a municipal servicing and financing agreement five years away from servicing.

[38] To summarize, the Appellants do not support the special treatment given with respect to intensification within the NCN area. They support providing for the wider intensification provisions that the Plan proposes for the rest of the City. With respect to Policy 460, they find the three-year provision to be too rigid a time frame and instead propose a five or 10-year period.

THE EVIDENCE OF THE CITY

[39] The City's evidence was advanced by Ms. Anderson, who in addition to calling Mr. Fleming, called Kevin Edwards, a planner and Manager of Development Services who was qualified to provide opinion evidence on growth management. Justin Adema, a qualified planner and Manager of Planning Policy was also called.

[40] The City's planning witnesses urged the Tribunal to retain the original language of the appealed policies of the Plan except for seven City requests for improvements to language changes in wording.

[41] All three planners were of the opinion that the City Plan policies before the Tribunal in this phase, with the suggested modifications are consistent with the 2020 PPS and reflect a more balanced approach and are in the public interest and ought to be approved. The modifications are later enumerated and discussed.

NEAR – CAMPUS NEIGHBORHOOD POLICIES 962-964

[42] The Appellants Auburn, Kap, and number 4 and 8 requested that Policies 962 to 964 be deleted. The City requests that those policies be approved with no change in their original language except for modifications to the words of Policy 965 and 966.

[43] The City maintains that those policies do not create barriers to intensification, nor do they undermine the intensification policies of the 2020 PPS including Policies 1.1.1, 1.1.3, 1.4.1 and 1.4.3 as well as the related policies of the Plan.

[44] There is a long history of planning initiatives for the planning of neighbourhoods surrounding universities and colleges.

[45] In Volume 1 of the Joint Document Book, the Tribunal was provided with the 1985 St. George/Grosvenor Study, the 1994 Richmond Street Corridor Study, the 2007 Closing the Gap Staff Report, the 2008 Council Resolution – New Partnerships for Great Neighbourhoods Surrounding our Universities and Colleges and two 2006 Strategy Implementation Plans

[46] Mr. Zelinka's opinion that there are other policies like zoning regulations that could be utilized to encourage appropriate residential intensification, and in effect supporting the deletion of the NCN policies, was firmly disputed by the data accumulated in the foregoing studies and reports and that of the evidence of Mr. Adema referenced below.

[47] The Tribunal agrees with the position of the City and approves the wording of these policies, and with the modifications proposed in Policies 965 and 966.

[48] The Tribunal further dismisses the appeal with respect to those policies.

[49] The essential difference in the opinion of Mr. Zelinka and Mr. Adema was over the particular treatment given to those areas respecting intensification, as opposed to the intensification policies proposed for the other areas of the City, which should govern the NCN.

[50] The Appellants submit that these areas should not be given special treatment submitting that those policies are effectively legacy policies. Despite that, no issue was taken that, in particular, the area near Western University has had a long history of planning initiatives designed to protect the character of the established neighbourhood surrounding it and further that the Fanshawe College area has been exposed to threats to its residential integrity.

[51] Mr. Zelinka pointed out that the NCN policies had their origins prior to the 2020 PPS, the 2014 PPS, and even to a time before the first PPS. However, Mr. Zelinka was of the opinion that the proposed policies are the antithesis of what the PPS requires and promotes. Within Policy 965 in particular, the goals prevent consideration of individual application for intensification and redevelopment and permit the City to deny intensification over large areas. Policy 968 for instance continues what he termed the anti-intensification tone of the NCN policy.

[52] Mr. Zelinka also pointed out that the NCN area contains some of the largest City institutions and employers, including two acute care hospitals, Western University and Fanshawe College and is adjacent to the City's downtown. He said few other areas in the City have such a combination of attributes which make them desirable and appropriate for intensification.

[53] Mr. Adema supports the policies that seek to control intensification or particularly within of the NCN area. He pointed out that the intensification along the higher order streets, corridors and nodes is promoted but did say that not all locations are appropriate, particularly in the internal streets of those neighbourhoods.

[54] To treat all neighbourhoods in the City equally, the City submits is to completely undermine that the neighbourhoods in particular fought hard in developing the NCN framework for their areas.

[55] The proposed policies were as a result of high-level community consultation including a May 2015 public participation meeting, three community meetings in April 2015, November 2015 and April 2016, as well as phone calls and written feedback.

[56] The Tribunal finds that supporting a deletion of these policies would be turning its back on the significant public engagement that the City through its process and adoption of the Plan engaged in.

[57] The Tribunal prefers the evidence of Mr. Adema that the policies are consistent with the 2020 PPS Policy 1.1.3.3 which provides direction to the City to identify appropriate locations and promote opportunities for intensification. The Tribunal finds that the NCN framework does that and at the same time protects the residential character of the existing neighbourhoods within the NCN, which has been a concern of the residents within it, since as early as the May 1985 St. George/Grosvenor Area Study.

[58] The Tribunal is satisfied that the areas defined in the corridors are sufficient to achieve the Provincial directions in the PPS while preserving a mix of housing supply to achieve complete communities. The Tribunal finds that the Policy framework supports orderly development and growth management.

[59] The Tribunal agrees with the City's submission that intensification is not appropriate in all locations, and the 2020 PPS requires that existing building stock be taken into account. When taking into account the existing building stock on Richmond Street between Oxford Street and Huron Street, it is clear that the prevailing condition is one of heritage significance that warrants protection in particular, provided for in Section 2.6.1 of the 2020 PPS.

POLICIES 460 AND 173

[60] The Tribunal heard from the Appellants' planner, Jason McGuffin. Policy 173 proposes to discourage development application where planned servicing capacity to accommodate their proposed uses is not expected to be available within three years.

[61] Policy 460 provides that those development proposals which will not have infrastructure access "to the necessary civic infrastructure" within three years will be considered premature.

[62] Infrastructure is defined in part at page 461 of the Plan and means "physical structures, facilities and corridors that form the foundation of development".

[63] Mr. McGuffin said turning development applications away in those instances is not practical, not efficient and not consistent with the 2020 PPS.

[64] He is of the opinion that each development application should be considered on its own merits and not be prejudiced by a “random limiting time frame for servicing”.

[65] The Participants, (who are experienced developers) in their statements point out that the timelines for development application and subdivision approvals typically take longer than three years to complete depending on the supporting documentation requested, and the time required to address conditions of draft plan approval.

[66] The Participants, in their statements (Exhibit 34, 35 and 36) support the planning opinion of Mr. McGuffin, and the alternate language provided by the Appellants..

[67] In Policy 173, Mr. McGuffin proposed its deletion. In Policy 460, he proposed language that essentially permits the acceleration of infrastructure through agreements up to 10 years away, as opposed to the City language which puts the consideration of accelerating proposals that are as much as five years away from necessary access to servicing.

[68] The City called Kevin Edwards who addressed planning matters as they relate to growth management and development finance. Prior to specifically addressing Policy 173 and 460 which he held firm to the Plan’s original language, with a modification; Mr. Edwards spoke about the purpose and intent of the City’s Growth Management Implementation Strategy (“GMIS”), which was first initiated in 2008 and is updated annually.

[69] The GMIS is incorporated as a Section of the Plan and is referred as a sub-heading “Growth Management/Growth Financing Section”. Also under the Main Heading are Sub-Headings titled “Growth Financing” and “Municipal Services” and “Financing Agreements” (“MSFA”).

[70] The GMIS policies are Policies 1567 to 1572 and are in force as are the MSFA policies 1574-1575.

[71] Policy 1573 contains the Growth Financing provisions, which is under appeal.

[72] The GMIS is the City's plan to stage growth and financing with the objective of insuring the orderly progression of development and the timely provision of infrastructure required to support the City's current and projected needs. It was not disputed that the GMIS policies are consistent with the requirements of Section 1.1.3.7 of the 2020 PPS.

[73] Policy 1570 of the GMIS Section of the Plan sets out its objectives. Mr. Edwards emphasized the objectives contained in its items 9,10,11 and 12 of the Policy 1570. Those objectives seek to maintain at all times a three year supply of residential units, to avoid scattered or "leap frog" development patterns; to not allow development patterns that are overly expensive and financially disadvantageous; and through the GMIS defer or accelerate infrastructure projects to respond to development charge fund balances, forecasted development charge revenues, market-take up and growth rates.

[74] In Mr. Edwards opinion, the GMIS is an important tool to inform decision making when considering a deferral or acceleration of infrastructure projects and provides a framework for the City to coordinate approvals, respond to the pace of growth, while maintaining an acceptable financial position.

[75] The provision of the three-year time frame in Policy 173 responds to the GMIS and is, according to Mr. Edwards an important phasing policy that is consistent with requirements of policies 1.1.3.7, 1.4.1,.1.5,1.6.1 and 1.67 of the 2020 PPS and represents sound land use planning.

[76] Mr. Edwards, while indicating that the three-year planning horizon was appropriate, suggested wording to provide clarity and provide consistency with draft

plan “approval” periods. He suggested that the word “proposals” be deleted and the word “approvals” be substituted in both Policy 173 and Policy 460.

[77] Accelerating project construction involves an increased risk to the City in that no new net revenues accrue to the development charges reserve funds, but new liabilities arise from the accelerated infrastructure.

[78] Mr. McGuffin, in commenting on the GMIS process that annually adjusts the timing of infrastructure projects to reflect the demands and funding for new development, said it creates a moving target by creating a three year deterrent on development applications., the system creates a moving target of infrastructure timing and provides no assurances to developers that projects can be brought to market in a meaningful way.

[79] He suggested that the City’s current housing shortage is evidence that the policy should be deleted.

[80] Mr. Edwards, in his Witness Statement referenced a July 29, 2013 Committee of Adjustment meeting in which the development industry participated. The former Urban Works Reserve Fund was to be retired and the GMIS enhanced, noting further that the report of that meeting and the recommendation contained in it reflects a collaborative effort between multiple stakeholders.

[81] Mr. Adema was not shaken in cross examination when he stressed the importance that development approvals not get ahead of services. Mr. Edwards stressed the importance of the GMIS use to determine prematurity.

[82] While Mr. Edwards was strongly of the opinion that a three-year horizon was appropriate, Mr. McGuffin and the Participants in their statements did convince the Tribunal that extending it to a five-year one, would provide a more flexible implementation strategy.

[83] Mr. McGuffin pointed out that even the GMIS makes no reference to three years and breaks out projects into five-year, 6-10 year and beyond 10-year timelines.

[84] The Tribunal has carefully considered the opinions expressed by the City witnesses and those of the Appellants. The Tribunal orders that no changes occur with the Original Language contained in the Plan Policy 173 and 460 except for the modification of the wording proposed by Mr. Edwards. The Tribunal does agree with the submissions of Mr. Cheng and orders that the three-year window be moved to a five-year window. The Tribunal is supportive of the concerns expressed in the Participants' Statements, made by three developers in the City.

[85] The five-year represents an appropriate balance that takes into account the issues relating to the timing of development approvals and it represents a more appropriate time frame to recognize the concerns of the City to avoid leap-frogging and its associated financial costs. The practicalities of the land development process in most instances requires planning and projections over a longer period than three years. The 10-year period along with the three-year period is rejected. One being too short, the other being too long.

POLICY 849/852

[86] Policy 849 provides that the Plan's Preservation policy apply to the rapid transit corridor from Old North Richmond Street to Oxford Street to Huron Street.

[87] Mr. Zelinka proposed that those policies be deleted. He advised the Tribunal that the effected segment of Richmond Street has and is planned to have some of the best transit service in the City. The Preservation policy does not promote densities which effectively use land and infrastructure or support the use of active transportation and transit and is contrary to Section 1.1.3 of the 2020 PPS.

[88] His evidence was somewhat similar to the position he took with respect to the Near Campus Network.

[89] Mr. Adema pointed out that the Preservation Corridor within that stretch of Richmond Street has 107 separate parcels of land of which 90 are heritage listed properties and five are heritage designated.

[90] The policies provide for intensification, but they encourage the conservation of existing buildings to ensure the heritage resources along Richmond Street are protected for the long term. He was of the opinion that the policies are consistent with the 2020 PPS.

[91] The Tribunal prefers the opinion of Mr. Adema and orders that the Original Language of Policies 849-852 be maintained. Mr. Adema highlighted that consideration must be given to the 2020 PPS language of the “appropriateness” used throughout the PPS. The Preservation Segment of the Plans policy ask whether due consideration is to be given to the existing context, the community value associated with the corridor and the cultural heritage associated with the built forms and the street scape of the area.

[92] The Tribunal is convinced that the positions taken by the Appellants throughout this hearing respecting this policy could threaten the areas protection and preservation. The need for those preservation policies, the Tribunal finds far outweigh the need for higher density development, especially when there are plenty of other areas where it can be accommodated.

THE REMAINING POLICIES UNDER APPEAL

[93] The remaining policies under appeal were left to be determined based largely on the opinions of Mr. Adema for the City and Mr. Zelinka for the Appellants who both filed Reply Witness Statements.

[94] During the course of the Tribunal’s hearing both Mr. Adema and Mr. Zelinka proposed alternative languages in the hopes that an accommodation of the Parties differences could be resolved. They were not.

[95] The two planners essentially maintained their disagreement as to each other's planning opinions respecting the policies under appeal and their suggested revisions.

[96] Just prior to the close of the Tribunal's evidence, Mr. Zelinka in reply proposed revisions to the language of Policy 948A (Exhibit 27), Policy 460 (Exhibit 28), Policy 1693 (Exhibit 30) and further revised Policy 948A (Exhibit 33) for the Tribunal's consideration.

[97] Because of the sheer volume of the material filed prior to and during the Tribunal's hearing, the Tribunal ordered the Parties' Counsel to provide written summaries of their closing statements.

[98] Ms. Anderson and Ms. Baroudi also got together and prepared for the Tribunal a written Position and Evidence Compilation that sets out under each of the policies appealed, the policies' Original Language, the City's request, the Appellants' request, with Additional Options based on the witness evidence of Richard Zelinka, Jayson McGuffin, Kevin Edwards and Justin Adema ("the Compilation") (Exhibit 37).

DIRECT EVIDENCE OF THE DEVELOPERS

[99] There was no direct evidence given by any member of the development community-in-chief or by way of examination for discovery.

[100] Hearing directly from a member of the development community as to the specific applications of their concerns with the proposed policies would have been helpful to this Tribunal in its deliberations. It is not the role or the duty of the Tribunal however to speculate as to what might have been said.

[101] Mr. Zelinka said that one of his developer clients felt their ideas were not heard during the Plan's Official Plan process. It is accordingly puzzling why they were not called and given the opportunity to be heard by the Tribunal.

[102] The Appellants and Participants are and have been major contributors to the land development of the City for many years, some spanning second generations.

SUBMISSIONS - YORK DEVELOPMENTS

[103] Mr. Cheng, on behalf of York Developments, addressed Policies 173, 460 and 1573. He submitted that the three-year window proposed in Policies 173 and 460 is the first time London has prescribed it in an Official Plan. Prescribing it eliminates the existing flexibility under the 1989 Official Plan and requires that any proposal with servicing beyond three years would require an Official Plan Amendment (“OPA”).

[104] He submitted that the Tribunal should either revert back to the “reasonable time frame” of the 1989 plan or extend the policy to a five-year servicing window.

[105] Mr. Cheng proposed a sentence addition to Policy 1573 that essentially would state that a proposal would conform to the GMIS if it will be fully serviced by a project listed in the GMIS. He submitted that the suggested wording is consistent with Mr. Edward’s oral evidence and is reflected in Exhibit 18 and ought to be adopted.

APPELLANTS 23, 8, 4 AND 25 AND THE PARTICIPANTS

[106] The Appellants request that the Tribunal prefer the evidence of Mr. Zelinka and Mr. McGuffin over that of the City’s witnesses and modify the Plan in accordance with the requests in the Compilation. They submit their 2020 position is consistent with the 2020 PPS and would better further the stated goals of the Plan.

[107] The policies being litigated before this Tribunal, they submit not only fail to fulfill the stated goals of creating a flexible plan, streamlining development approvals, avoid multiple OPA’s, promoting intensification in the right locations, link planning to transit and create a readable plan, but actually work against them.

[108] Rather than creating more flexibility in the plan, the Plan creates special policies through OPAs, the very thing the plan is supposed to avoid.

[109] The Appellants submit that the three-year time frame for prematurity is unreasonable and is an overly rigid request for prematurity particularly in draft plan extensions.

[110] The Appellants' outline of its Closing Submissions provides detailed analysis of each policy under appeal, with the four planning witnesses positions respecting them.

[111] The position of those witnesses is summarized in the Compilation.

[112] The Appellants emphasize in their submissions what their planners have stated are the problem issues with the appealed policies namely:

- i. The three versus five-year window;
- ii. The needed changes to Policy 1573;
- iii. The plan gives lower order documents policy status;
- iv. Poses a higher standard test for draft plan extensions;
- v. The policies are too rigid and may prevent market demands to accommodate the current housing crisis;
- vi. The policies do not permit the City's ability to maintain its discretion by tying the hands of the City;
- vii. Table 10 which sets out a table of permitted use based on street classifications, reduces the opportunity for intensification;
- viii. The policies trigger unnecessary OPAs; and

ix. Notations on Map 1 and 3 are confusing.

[113] They submit that the Plan's Official Plan process should not be a battle between developers and the City, rather it should be an exercise that successfully balances those interests. The Plan they submit however defies logic in the face of the concerns that many of the development industry have indicated, in this phase of the Tribunal's hearing process.

THE CITY

[114] The City requests the Tribunal dismiss the Appellants' appeals with respect to the policies before this Tribunal in this phase, unless specifically requested by the City for a modification. The City's requested policies are consistent with the 2020 PPS and reflect a more balanced approval and are in the public interest.

[115] The City submits that no direct evidence or concrete examples were provided to support the Appellants' position that while the adopted policies sounded good, they have the opposite effect on what was intended.

[116] As noted earlier, the Tribunal did not hear direct evidence from the development community or the Appellants or Participants.

[117] The City further submits that there is no quantitative or qualitative analysis or comparison of what the areas would look like with or without the policies in place.

[118] The City submits that an analysis could have been done by the Appellants comparing potential units per hectare, densities or heights, which could have been provided to the Tribunal as direct and concrete support to buttress their positions.

[119] The City submits that it has never undertaken a public engagement program of this scope, and while the Appellants and Participants may not be satisfied, the outcome

is a reflection of how far reaching it was and how much effort went into tracking the feedback and responding to all comments was.

[120] Like the Appellants, the City submitted its position on each of the policies under appeal before this Tribunal in the Compilation.

[121] The City took serious issue with the suggestions that the Plan in established areas prevents intensification and redevelopment.

[122] A City planner pointed to the twin towers high-rise residential redevelopment project in a former heritage multi-use block of buildings along Talbot Street, just north of the court house, in the Downtown by a major City developer.

[123] The City however reiterated that it is not always appropriate for intensification everywhere in the City, especially in the Near Campus Area and the Richmond Street Corridor where the protection of heritage resources is more important.

APPELLANTS' PROPOSED POLICY MODIFICATION

[124] The City provided its reasons and analysis as to why it does not support the Appellants proposed changes in language to Policies 948a (Exhibit 27 and 33), Policy 1693, Policy 460 (Exhibit 28) and Policy 1573 (Exhibit 18 and Mr. Cheng's wording).

[125] With respect to the proposed addition to 1573-2, the Tribunal accepts the evidence of Mr. Edwards that in order to "conform" with the GMIS, one only needs to be shown that the project is on it. The Tribunal finds that the proposed addition is unnecessary and may not reflect the original Council adopted language.

[126] With respect to the proposed Appellants addition of Policy 948 (A) (Exhibits 27 and 33), the purpose according to Mr. Zelinka is to recognize areas of existing development whose character does not match the use and or intensities set out in Tables 10-12 of the Plan. He submitted that these areas often have potential for

additional redevelopment or infill development consistent with their established character. Limiting intensification to the Table 10-12 formulae, could constitute an inefficient use of service land contrary to the PPS policy.

[127] The Tribunal does not support the Appellants addition of 948(A). The Tribunal agrees with the City's position that infill and redevelopment are typically the most controversial forms of development in established neighbourhoods. It would be counterintuitive to consider relaxing the standard type of permitted uses that already exist there.

[128] Furthermore, the "end of the day" submission of the alternate language suggestions was difficult for the Tribunal to carefully consider especially since the witnesses supporting those changes were not subjected to a detailed examination as to their opinions as to how the changes benefit the overall provisions of the Plan process. The City witnesses were not given sufficient time to consider the policy consequences and reply as to which ones they agreed with or not.

THE CITY'S REQUEST AND PROPOSED MODIFICATIONS

[129] The City requests the Tribunal order that the Original Language of the London Plan appealed policies be approved and further requests that it also order the Modifications to the language in Policies 948(A) (Exhibit 27), Policy 173, Policy 460, 1693, 965, 966, Map 3, (Exhibit 26 (f) and Map 1 (Exhibit 26 (a))).

[130] The particular wording of the City's requested policy approvals is listed in the Compilation (Exhibit 37).

[131] The intent would be subsequent to this Tribunal's order that the Plan would be amended and the red boxes surrounding the appeal policies in this phase would, upon the issuance of this order, be removed. A new revised Plan would then become in force. The newly amended Plan would as soon as practical be provided to LPAT and form part of its file for the next scheduled phases of appeals.

[132] The Tribunal has reviewed the volumes of material and exhibits filed and has carefully considered the experts' opinions along with Counsel's submissions.

[133] The City's proposed modifications are an effort to improve the language of the policies that are contained in the Plan's initial approval by Council and the Ministry's subsequent approval.

[134] The positions taken by the Appellants before the Tribunal were that those policies either be deleted or modified with the language they have proposed.

[135] Having already dealt with the Tribunal's findings respecting the Appellants' positions on the policies and their proposed modifications, the Tribunal orders that the City's modifications be adopted.

[136] The Tribunal finds that the City's modifications provide additional clarity and additional support for the Plan's policies that it has been asked to determine.

[137] The modifications are consistent with the 2020 PPS and constitute good land use planning

DISCUSSION, ANALYSIS AND FINDINGS

[138] The Tribunal finds that the Original Language together with the City's modifications enumerated earlier, ought to be adopted.

[139] The Tribunal finds that those policies that are before this Tribunal as amended constitute good land use planning and are consistent with the 2020 PPS.

[140] The Tribunal does not find the provisions of the Plan that are part of this phased hearing to be either pro-development or anti-development. The subject policies have allowed for developers to build significant intensified projects in areas of the City as evidenced by the Talbot Street development. The Plan has at the same time also

accommodated the submissions of the Urban League which has never been shy about making their concerns known.

[141] The Issues List provided for in the Procedural Order for this Phase of the hearing was revised and marked as Exhibit 23. There were 18 questions posed for those issues. The Tribunal has directed itself to those questions and answers them in the affirmative.

ORDER

[142] Therefore, the Tribunal Orders that the appeals before this Phase of the London Plan are dismissed.

[143] The Tribunal Orders that the Policy 173 and 460 be amended to provide for a five-year servicing window.

[144] The Tribunal orders that Original Language with the City's requested language modifications contained in Policies 948 (A), 173, 460, 1693, 965, 966, Map 3 and Map 1 be approved.

[145] The Tribunal Orders that the London Plan be revised accordingly upon the issuance of this Decision.

[146] This Member is not seized either with Case Management or the Hearings of the subsequent Phases Part 1(B), 2, or 3 of those appeals of the London Plan.

[147] This is the Order of the Tribunal.

"R.A. Beccarea"

R. A. BECCAREA
MEMBER

If there is an attachment referred to in this document,
please visit www.olt.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Ontario Land Tribunals

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Appendix D – Relevant Background

Additional Report

October 9, 2018 “London Plan Status Update,” Planning and Environment Committee.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

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

Subject: Kent Subdivision
1284 and 1388 Sunningdale Road West
Application for Zoning By-law Amendment
Request for Revisions to Draft Plan of Subdivision
Public Participation Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Auburn Developments Ltd. to portions of the lands located at 1284 and 1388 Sunningdale Road West:

- (a) the proposed by-law attached hereto as Appendix 'A' **BE INTRODUCED** at the Municipal Council meeting to be held on November 10, 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 Residential R1 Special Provision (R1-3(8)) Zone and Holding Residential R6/Neighbourhood Facility (h-71*h-95*h-109*R6-3/NF1) Zone **TO** a Holding Residential R1/R5/R6 (h-71*h-95*h-109*R1-3/R5-7/R6-3) Zone; **FROM** an Open Space (OS1) Zone **TO** a Holding Residential R1 (h*100*R1-5) Zone; **FROM** a Holding Residential R1 Special Provision (h*h-100*R1-3(8)) Zone **TO** a Holding Residential R1/R4 Special Provision (h*h-100*R1-3(8)/R4-6(*)) Zone; **FROM** a Holding Residential R6 (h*h-54*h-71*h-95*h-100*R6-5) Zone **TO** a Holding Residential R1/R4/R6 (h*h-54*h-71*h-95*h-100*R1-1/R4-6(*)/R6-5) Zone; and **FROM** a Holding Residential R6/R7/R8 (h*h-54*h-71*h-95*h-100*R6-5/R7*h15*D75/R8*H15*D75) **TO** a Holding Residential R4/R6/R7/R8 Special Provision (h*h-54*h-71*h-95*h-100*R4-6(*)/R6-5/R7*h15*D75/R8*H15*D75) Zone.
- (b) Municipal Council **SUPPORTS** the proposed red-line revisions to the draft-approved plan of subdivision as submitted by Auburn Developments Ltd., prepared by Stantec Consulting Ltd. (Drawing No. 1, Project No. 161403100 dated April 30, 2020), which shows the extension of Shields Place, removal of the Walkway Block (previously block 41), Park Block (previously Block 40) and property realignment between blocks 19 and 20 (previously blocks 20, 21) and property realignment between blocks 15 and 16 **SUBJECT TO** the conditions contained in the attached Appendix 'A-2'; and,
- (c) the Planning and Environment Committee **REPORT TO** the Approval Authority the issues, if any, raised at the public meeting with respect to the proposed red-line revisions to the draft plan of subdivision for Kent Subdivision, as submitted by Auburn Development Limited.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended actions is to consider a request for multiple Zoning By-law amendments and red-line revisions to portions of the draft-approved plan of subdivision 39T-04510 and Block 204, Lots 1-4 of Registered Plan 33M676. The redline revisions will result in the small extension of Shield's Place which will remove a draft approved walkway block and park block. Additional red-line amendments will realign

the property lines between lots 19 and 20 and 15 and 16 of the redline plan. The zoning amendments will provide additional residential uses on portions of the site in the form of single detached, street townhouse and cluster townhouse dwellings.

Rationale of Recommended Action

1. The recommended zoning amendments and revisions to draft plan of subdivision are considered appropriate and consistent with the Provincial Policy Statement.
2. The proposed and recommended amendments conform to the in-force policies of The London Plan, including but not limited the policies of the Neighbourhoods Place Type.
3. The proposed and recommended amendments conform to the policies of the (1989) Official Plan, specifically Low Density Residential and Multi-Family, Medium Density Residential.
4. The zoning and red-line revisions as proposed are compatible and in keeping with the character of the existing neighbourhood.

Analysis

1.0 Site at a Glance

1.1 Property Description

The subject lands are located in the northwest quadrant of the City and are included in the Foxhollow Community Plan. The proposed amendments apply to multiple areas between Sunningdale Road West and Fanshawe Park Road West and include portions of the draft approved subdivision, 39T-04510 and Block 204, Lots 1-4 of Registered Plan 33M676 (39T-04503). These locations have been highlighted in the location map in Section 1.4 below.

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

- The London Plan Place Type – “Neighbourhoods”
- Official Plan Designation – “Low Density Residential and Multi-Family, Medium Density Residential”
Existing Zoning –Residential R1 Special Provision (R1-3(8)) Zone; Holding Residential R6/Neighbourhood Facility (h-71*h-95*h-109*R6-3/NF1) Zone; Open Space (OS1) Zone; Holding Residential R1 Special Provision (h*h-100*R1-3(8)) Zone; Holding Residential R6 (h*h-54*h-71*h-95*h-100*R6-5) Zone; and Holding Residential R6/R7/R8 (h*h-54*h-71*h-95*h-100*R6-5/R7*h15*D75/R8*H15*D75)

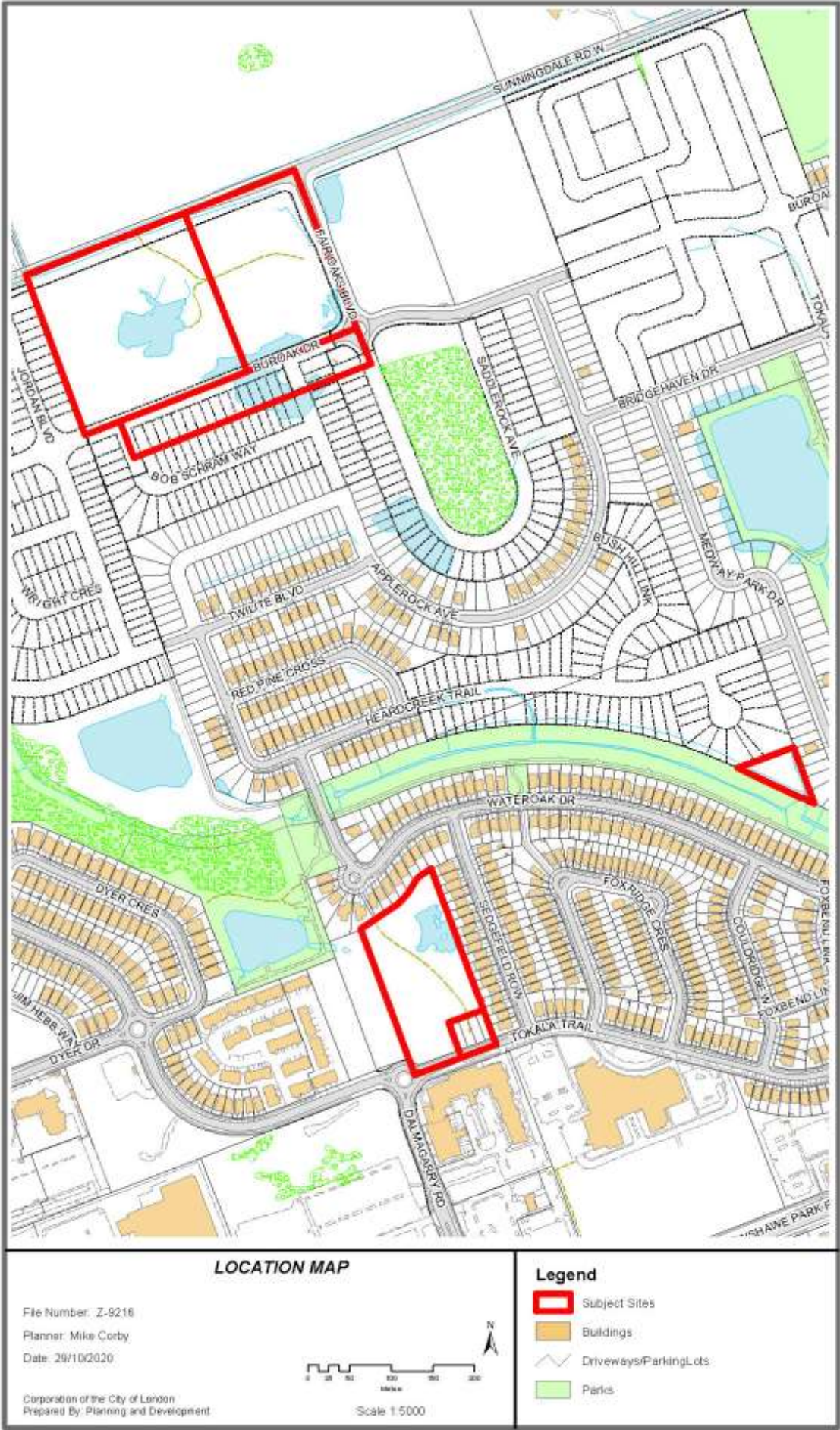
1.3 Site Characteristics

- Current Land Use – vacant/undeveloped
- Frontage – n/a
- Depth – n/a
- Area – n/a
- Shape – n/a

1.4 Surrounding Land Uses

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

1.5 Location Map



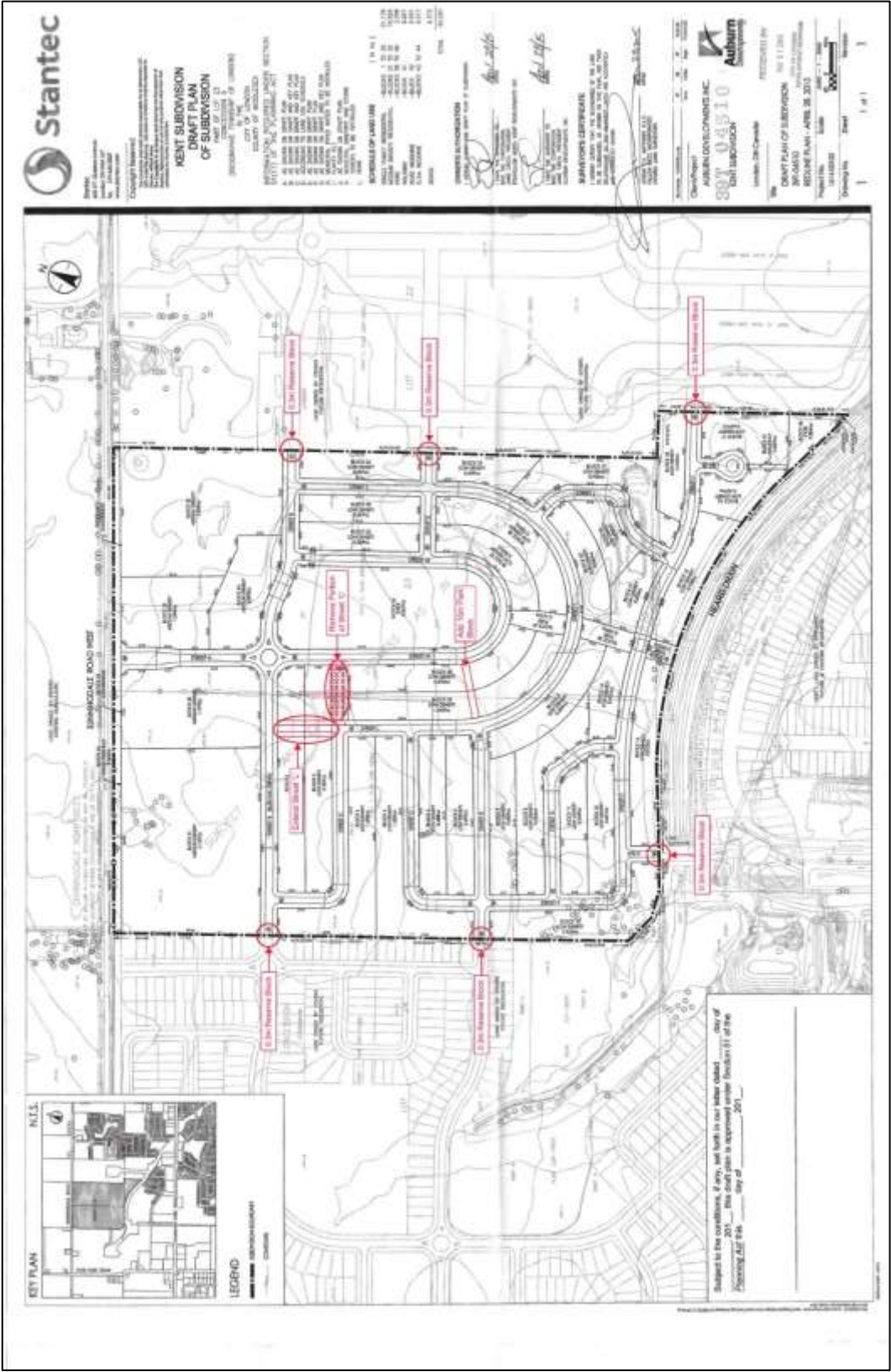
2.0 Description of Proposal

2.1 Development Proposal

Through red-line revisions the applicant is proposing to make minor adjustments to the existing lot lines between blocks 15 & 16 and 20 & 21 of the redlined draft plan as well as the extension of the draft approved cul-de-sac called Shields Place which will result in the removal of the proposed walkway (Block 41) and park (Block 40). The extension of this road will create two slightly larger blocks (Block 14 & 15) allowing for the creation of additional lots through a future planning process.

The rezoning portion of the application will provide for additional low density residential uses that could be implemented through the future development of the subdivision.

2.2 Current Draft-Approved Plan





2.3 Proposed Zoning Amendments



| |
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| 3.0 Revelant Background |
|--------------------------------|

3.1 Planning History

The proposed redline-revisions apply to the Kent Subdivision which was originally accepted on November 17, 2004. After the submission and review of a number of modified versions of the Plan, the Approval Authority granted draft approval on October 14, 2009. The owner requested a three (3) year extension of draft approval in January of 2012. Draft approval was extended to October 14, 2015.

On March 15, 2016 City Council requested that the Approval Authority approve the request for revision and a three year extension of the draft plan of subdivision approval for this subdivision subject to the revised conditions of draft approval. On July 21, 2016 this draft plan was approved by the Approval Authority.

The first phase of this subdivision which included 69 single detached residential lots served by 2 new streets, being Red Pine Trail and Heardcreek Trail was registered on November 7, 2017 (33M-730). The second phase which included 120 single detached residential lots and two (2) multi-family residential blocks served by 2 new streets, being Applerock Drive and Twilight Boulevard and the extension of Buroak Drive was registered on October 10, 2018 (33M-750).

On November 6, 2018 Council endorsed Special Provision to enter into subdivision agreements for phase 3, which consisted of 165 single detached lots and two (2) multi-family blocks and for the final phase, phase 4 which consisted of 85 single detached lots and one (1) park block.

On September 10, 2018 a six (6) month extension in accordance with Section 2.2(p) of the Subdivision and Condominium Delegation and Approval By-law, to allow sufficient time for the completion of the detailed engineering review and registration of the remaining phases was granted by the Approval Authority. The draft approved lapse date is April 14, 2019.

On March 5, 2019 City Council requested that the Approval Authority approve the request for revision and a three year extension of the draft plan of subdivision approval for this subdivision subject to the revised conditions of draft approval. On March 11, 2019 this draft plan was approved by the Approval Authority.

On March 11, 2020 a request for final approval was received for a portion of Phase 3 of the subdivision which is being called Phase 3a. This final approval included 52 single detached lots served by the extension of Applerock Avenue and Heardcreek Trail and was registered on June 2, 2020 (33M-784).

3.2 Applicant’s Requested Amendment

The applicant is requesting a red-line amendment which will require minor adjustments to the existing lot lines between blocks 15 & 16 and 20 & 21 of the redlined draft plan as well as the extension of the draft approved cul-de sac called Shields Place resulting in the removal of the proposed walkway block and park block. The extension of this road will result in two slightly larger blocks (Block 14 & 15) allowing for the creation of additional lots through a future planning process.

The zoning amendments will provide additional residential uses on portions of the site in the form of single detached, street townhouse and cluster townhouse dwellings. The applicant is seeking to add the R1-1, R1-3, R4-6(*) zone and R5-7(*) zone.

3.3 Community Engagement (see more detail in Appendix B)

Through the public circulation process five (5) comments were received about the proposed red-line revisions and zoning by-law amendment. The concerns were related

to potential heights of new uses in their rear yards and potential increase in traffic caused by the wider range of permitted uses and potential increase in density.

The specific concern related to traffic flow was in relation to the potential increase in traffic coming out to Street “G” at Sunningdale Road West. This road is located on the abutting lands to the west which is Draft Plan of Subdivision 39T-11503. The comments received by Staff are attached to Appendix “B”.

3.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2014

Provincial Policy Statement, 2020

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 which are sustained by accommodating an appropriate affordable and market-based range and mix of residential types, employment and institutional uses to meet long-term needs. These policies are set out in Section 1.0, and seek to promote cost-effective development patterns and standards to minimize land consumption and servicing costs. The PPS encourages settlement areas (1.1.3 Settlement Areas) to be the main focus of growth and development and appropriate land use patterns within settlement areas shall be established by providing appropriate densities and mix of land uses that efficiently use land and resources along with the surrounding infrastructure, public service facilities and is transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (1.1.3.6).

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

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.

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”

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 vacant land condominium does not pose any public health and safety concerns, and there are no known human-made hazards.

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

The London Plan

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

The London Plan 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

Neighbourhood Place Type

The subject site is located in an Neighbourhood Plane Type which permits a range of primary and secondary uses that may be allowed based on the street classification the property fronts (*921_ Permitted Uses). The subject sites have frontage on a Civic Boulevard, Neighbourhood Connectors and Neighbourhood Streets. The range of permitted uses include single detached, semi-detached dwellings up to stacked townhouses and low-rise apartments (*Table 10). Heights permissions range from 1 to 4-storeys and up to 6-storeys through bonus zoning. Higher heights are directed to higher order roads like Civic Boulevards (*Table 11). Appropriate zoning will be applied to ensure an intensity of development that is compatible within to the neighbourhood context, utilizing regulations for such things as height, density, gross floor area, coverage, frontage, minimum parking, setback, and landscaped open space (Intensity, *935_). All planning and development applications will conform to the City Design policies of this Plan (Form, *936_).

Residential intensification is fundamentally important to achieve the vision and key directions of The London Plan. Intensification within existing neighbourhoods will be encouraged to help realize our vision for aging in place, diversity of built form, affordability, vibrancy, and the effective use of land in neighbourhoods. However, such intensification must be undertaken well in order to add value to neighbourhoods rather than undermine their character, quality, and sustainability. The following policies are intended to support infill and intensification, while ensuring that proposals are appropriate and a good fit within their receiving neighbourhoods (Residential Intensification in Neighbourhoods, *937_).

(1989) Official Plan

Low Density Residential

The Low Density Residential designation is intended to accommodate low-rise, low density housing forms which includes single detached; semi-detached; and duplex dwellings. Multiple-attached dwellings, such as row houses or cluster housing may also be permitted subject to the policies of this Plan (3.2.1. Permitted Uses). Development within areas designated Low Density Residential shall have a lowrise, low coverage form that minimizes problems of shadowing, view obstruction and loss of privacy. The development of low density residential uses shall be subject to appropriate site area and frontage requirements in the Zoning By-law. These requirements may vary in areas of new development according to the characteristics of existing or proposed residential uses, and shall result in net densities that range to an approximate upper limit of 30 units per hectare (12 units per acre) (3.2.2. Scale of Development).

Multi-Family, Medium Density Residential

The Multi-Family, Medium Density Residential designation is intended to accommodate 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. These areas may also be developed for single-detached, semi-detached and duplex dwellings (3.3.1. Permitted Uses). Development within the designation shall have a low-rise form and a site coverage and density that could serve as a transition between low density residential areas and more intensive forms of commercial, industrial, or high density residential development. Development shall be subject to height limitations in the Zoning By-law which are sensitive to the scale of development in the surrounding neighbourhood and generally do not exceed four storeys. Medium density developments generally will not exceed an approximate net density of 75 units per hectare (30 units per acre) (3.3.3. Scale of Development).

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1 – Policy Review

Provincial Policy Statement, 2020 (PPS)

The proposed zoning amendments and red-line revisions are in keeping with the PPS as they will provide additional housing types and alternative densities in the area. The amendments will help ensure future development is able to meet current and future housing market demands. The proposed zones provide for forms of development that are generally more affordable than large lots for single detached dwellings. The existing draft approved and registered portion of the subdivision provide public parks and open spaces, schools, and community facilities to support the existing and future development in the area. The recommended zoning and red-line revisions will maintain an efficient and cost effective development and land use pattern, and will not cause environmental or public health and safety concerns.

The policies for Settlement Areas require that new development should occur adjacent to existing built up areas and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (Section 1.1.3.6). The subject lands are located within the City’s Urban Growth Boundary and adjacent existing built-up areas, lands currently being developed or lands designated and zoned for future development. The subject lands have access to existing and future municipal services in the area which were previously planned for through the subdivision review process.

There are no identified concerns for protection of natural heritage features or functions, agricultural, mineral aggregates, or cultural heritage and archaeological resources. The proposed development is outside of any natural hazards and there are no known human-made hazards. Based on our review, Development Services staff are satisfied that the recommended red-line revised plan and zoning by-law amendments are found to be consistent with the Provincial Policy Statement.

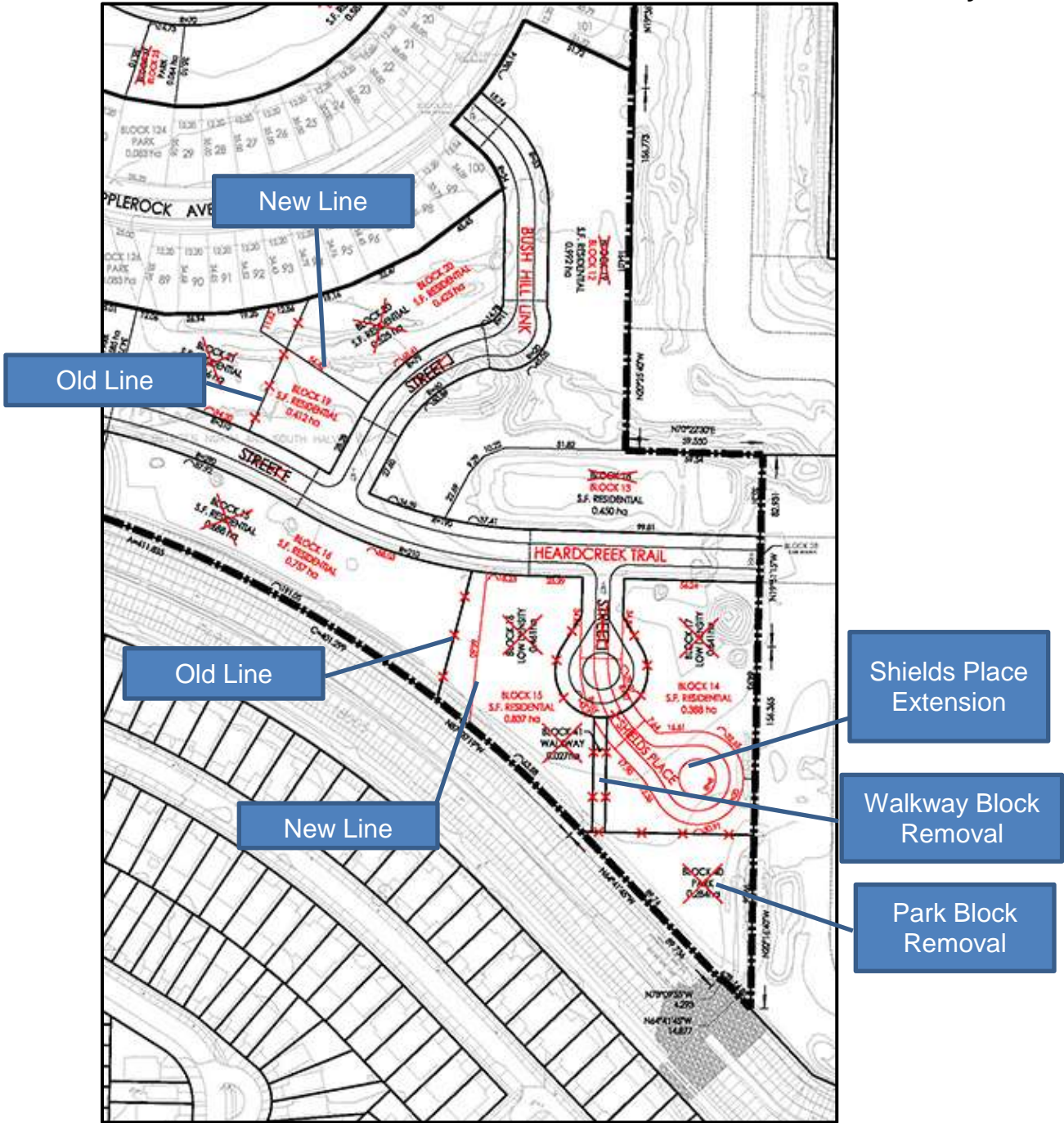
4.2 Issue and Consideration # 2 – Red-line Revisions

The proposed red-line revisions will maintain the existing street patterns established through the draft plan approval process and make minor adjustments to the lot lines between blocks 15 & 16 and 20 & 21 on the redlined draft plan. The draft approved cul-de-sac to be named Shields Place is also proposed to be extended through the red-line revision process resulting in the removal of the draft approved walkway block and small park block. The extension of Shields Place will result in two slightly larger blocks (Block 14 & 15) allowing for the creation of roughly 4 additional single-detached lots (depending on lot size). These few additional lots are in keeping with the surrounding land uses and will have minimal impacts on the abutting properties. The additional lots will not result in an increase in traffic above what was previously planned for and can be accommodated within the approved level of servicing in the area.

Through the application review process Parks Planning and Design Section noted that they are satisfied with the red-line amendments at Shields Place. The draft approved park block was no longer required to satisfy the parkland requirements for the subdivision and as a result of modifications to the Heard Drain Pathway network, the block is no longer located in a desirable location for park purposes.

As part of the red-line review process 3 additional conditions have been added. The conditions are identified below and are included in Appendix A-2 identified in bold and italics.

85. ***The Owner shall have its consulting engineering update the necessary engineering drawings to reflect the red-line revisions to the draft plan of subdivision, to the satisfaction of the City.***
86. ***In conjunction with the submission of engineering drawings, the Owner's shall have its consulting engineer provide a hydraulic grade line analysis to confirm there will be no adverse impact on storm sewers at Saddlerock Avenue off Buroak Drive (existing 375mm storm sewer 35.5m in length) and at Buroak Drive between manhole R93 and R9 (1200mm storm sewer 49.7m in length).***
87. ***In conjunction with the submission of engineering drawings, the Owner shall provide a minimum lot frontage of 6.7 metres as per SW-7.0 to accommodate street townhouses within this draft plan of subdivision, all the specifications and satisfaction of the City.***



Proposed Red-line Revisions

4.2 Amendments to the Zoning By-law

As part of the proposed zoning amendment the applicant is requesting a Residential R4 Special Provision Zone (R4-6(*)) zone over multiple properties. The requested special provision is for a reduced exterior side yard setback of 4.5m where 6m is required and a reduced front and exterior side yard setback of 3.5m when abutting a cul-de sac. Staff is recommending approval of these special provisions as they are minor in nature and in some cases similar to or greater than the existing permissions on the subject sites and will not result in any land use conflicts in the area.

Staff is also recommending that the R4-6 zone require a minimum lot frontage of 6.7 metres where 5.5 metres is identified. This requirement is based on the narrow lot servicing requirements of SW-7.0. The special provision ensures appropriate services can be provided to the townhouse units in the future and will also help control the level of intensity for the proposed use.

The proposed zoning amendments are as follows:

- 1) Holding Residential Special Provision (h*h-54*h-71*h-95*h-100*R1-1/R4-6(*)/R6-5) Zone.

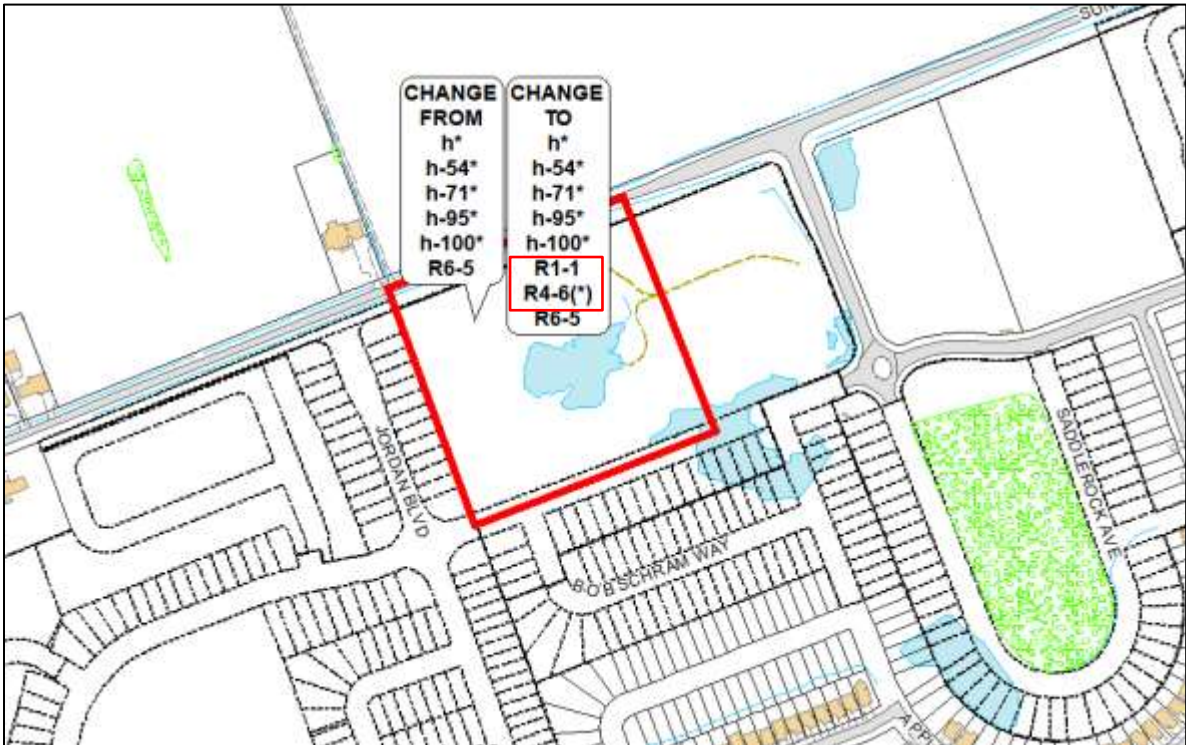


Figure 1

- Use:
 - The proposed R1-1 zone would permit standalone single detached dwellings. The existing R6-5 also permits single detached dwellings but requires it to be through a cluster form of development.
 - The proposed R4-6(*) zone permits street townhouse dwellings which would be permitted within the existing Low Density Residential designation and Neighbourhood Place type.
 - The addition of the R1-1 and R4-6 zones provide the site with additional flexibility in terms of the residential uses and intensity, where the previous R6-5 zone only permits cluster forms of residential development on the block.
 - The proposed additional uses are in keeping with the permitted uses on the site and would have no new impacts on the abutting lands.
- Intensity:
 - The existing zoning on the site permits a maximum density of 35 uph which is in keeping with the maximum densities permitted within the Low Density Residential designation.
 - The proposed single detached dwelling and street townhouse uses are not specifically regulated by density within the proposed zones. The zoning regulations associated with them ensure future development of these uses are at an intensity appropriate to the policies of the Low Density Residential designation.
 - The London Plan does not restrict uses by any specific density. Instead, it encourages compatibility within the neighbourhood by limiting building heights and applying specific zoning regulations appropriate to the neighbourhood context. The proposed zones maintain similar regulations to the existing zones and uses in the area and the potential level of intensity will remain compatible with the surrounding area.
- Form:
 - The proposed form of single detached dwellings and street townhouses are in keeping with the existing and future developments in the area and

- will have no adverse impacts on the surrounding area.
- The proposed forms of development are in keeping with the Low Density Residential Policies and Neighbourhood Place Type policies.
- Planning Impact Analysis:
 - Overall, the proposed zones will be compatible with future lands uses. The proposed block and Zone boundary are of a sufficient size and shape to accommodate the proposed uses.
 - Therefore Staff is recommending approval of the proposed zoning amendment.
- 2) Holding Residential Special Provision (h*h-54*h-71*h-95*h-100*R1-1/R4-6(*)/R6-5/R7*H15*D75/R8*H15*D75) Zone.

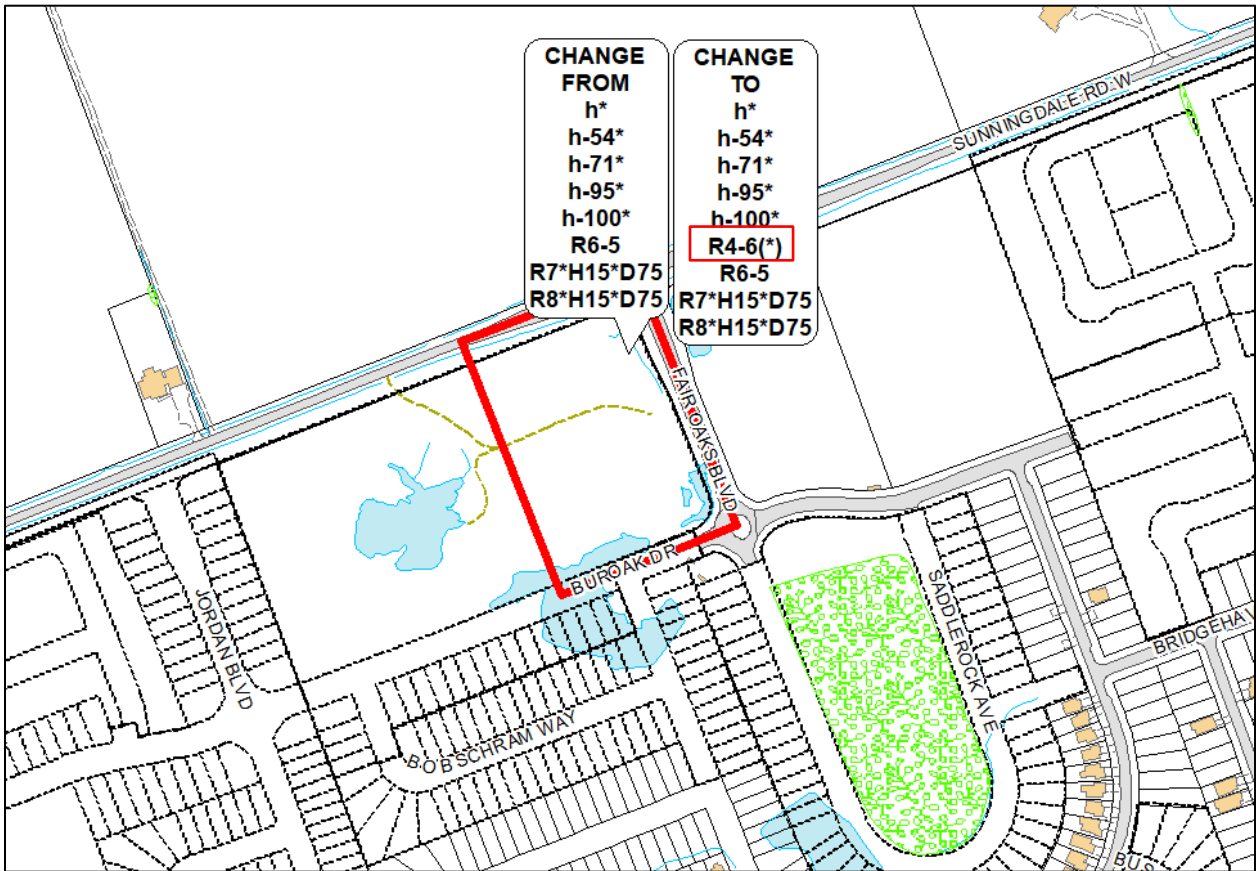


Figure 2

- Use:
 - The proposed R4-6(*) zone permits street townhouse dwellings which would be permitted within the Multi-Family, Density Residential designation and Neighbourhood Place Type.
 - The proposed R4-6(*) zones provide the site with additional flexibility in terms of residential uses, intensity and form.
 - The additional uses would result in no new impacts on the abutting lands.
- Intensity:
 - The current zoning permits a maximum density of 75 uph.
 - The proposed street townhouse dwellings which are restricted to 1 unit per 145m² would not result in a density greater than the current permissions of the Multi-Family, Medium Density Designation which is 75uph.
 - The proposed street townhouse zone will ensure the potential level of intensity will remain compatible with the surrounding area and be in keeping with the Neighbourhood Place Type Policies.
- Form:
 - The subject site is permitted heights of up to 4-storeys within the

Neighbourhood Place Type and Multi-Family, Medium Density Residential Designation.

- The current zoning permits a maximum height of 15m where the R4-6 permits heights of up to 12m resulting in no new potential impacts to the existing use.
- Planning Impact Analysis:
 - Overall, the proposed zones will be compatible with future lands uses. The proposed block and Zone boundary are of a sufficient size and shape to accommodate the proposed uses.
 - Therefore Staff is recommending approval of the proposed zoning amendment.

3) Holding Residential Special Provision (h*h-100*R1-3(8)/R4-6(*)).

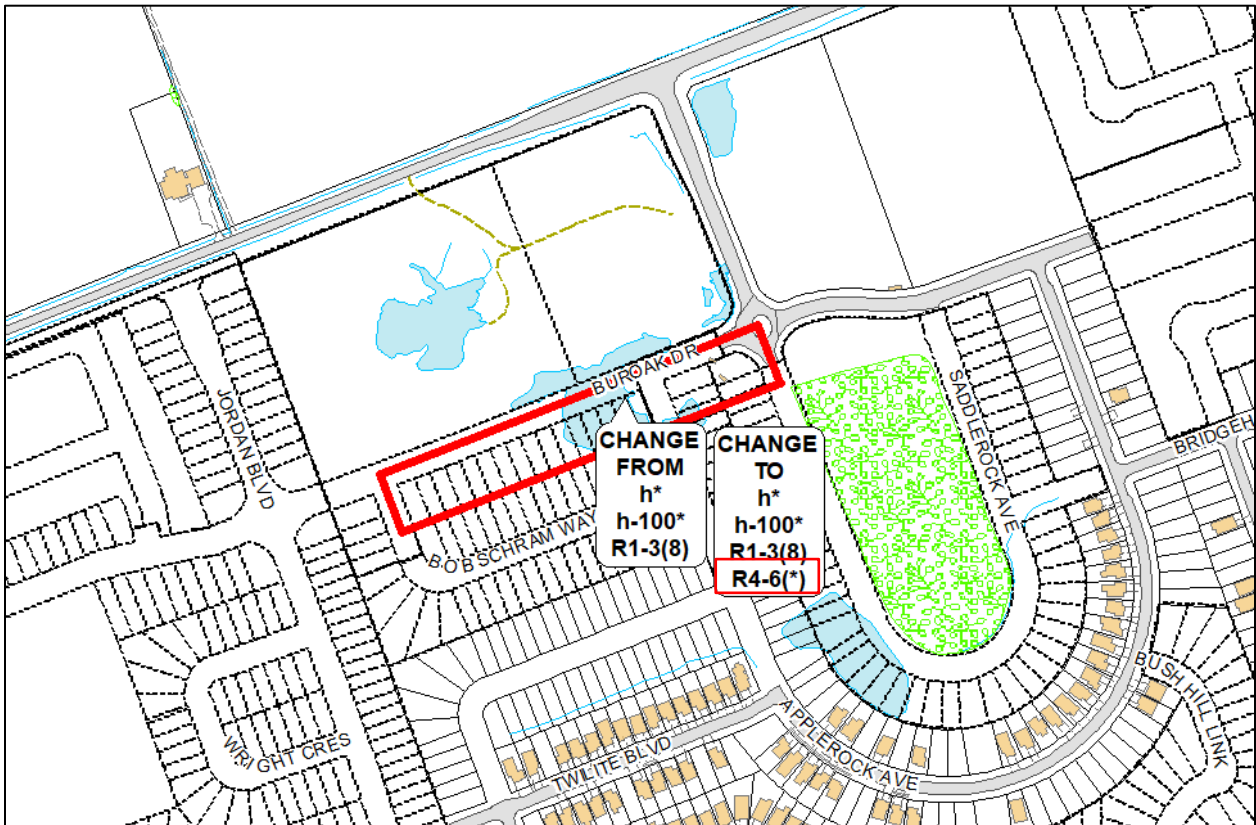


Figure 3

- Use:
 - The proposed R4-6(*) zone permits street townhouse dwellings which would be permitted within the existing Low Density Residential designation and Neighbourhood Place Type.
 - The R4-6(*) zones provides the site with additional flexibility in terms of permitted uses and helps provide an alternative land use between the potential higher order land uses across the street.
- Intensity:
 - The proposed R4-6 zone may result in a slightly higher density then what currently exists.
 - The area identified has 21 single detached lots proposed with the majority being 12m in frontage. Based on the existing frontage along the street roughly 30 street townhouse units could be developed. This difference will not have any additional impacts on the planned level of traffic and servicing for the area.
- Form:
 - The proposed street townhouse dwellings and zoning regulations are in keeping with the current zoning regulations on the site resulting in a

similar built form of development in regards to heights and setbacks ensuring compatibility with abutting land uses.

- The street townhouse dwelling also allows this portion of the subdivision to provide a well-balanced streetscape with both sides of the street by having similar built forms and housing typology.

- Planning Impact Analysis:

- Overall, the proposed zone will be compatible with future lands uses. The proposed block and Zone boundary are of a sufficient size and shape to accommodate the proposed use.
- Therefore Staff is recommending approval of the proposed zoning amendment.

4) Holding Residential R5 (h*h-100*R1-5) Zone.

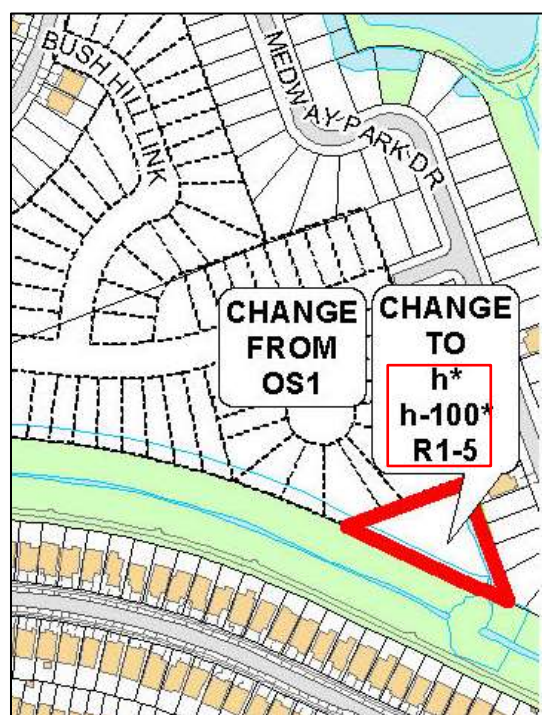


Figure 4

- Use:

- The proposed R1-5 zone and holding provisions are an extension of the existing zoning on the cul-de-sac and lands to the north. It will provide single detached dwellings as a permitted use in keeping with the Low Density Residential designation and Neighbourhood Place Type policies.

- Intensity:

- The proposed zoning would result in roughly 4 additional lots and will maintain a similar intensity to the permitted land uses in the area. No additional impacts would be anticipated from this small increase in lots.

- Form:

- The proposed form of development is in keeping with the current permissions of the surrounding land uses. No impacts would be anticipated from a built from perspective as a result of the new single detached dwellings.

- Planning Impact Analysis:

- Overall, the proposed zone and future lots will be of sufficient size and shape and will be compatible with future lands uses.
- Therefore Staff is recommending approval of the proposed zoning amendment.

- 5) Holding Residential Special Provision R1/R5/R6 (h-71*h-95*h-109*R1-3/R5-7(*)/R6-3.

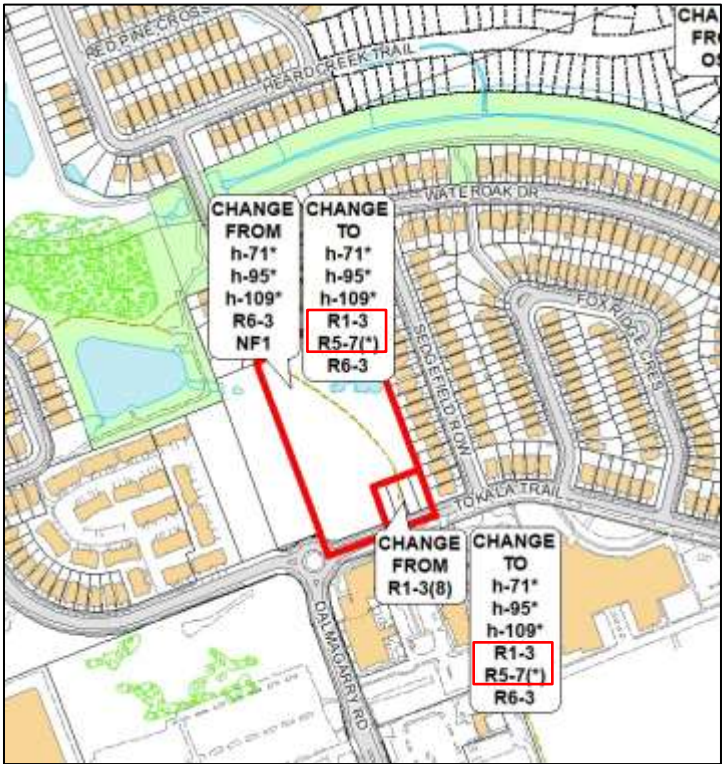


Figure 5

- Use:
 - The proposed R1-3 zone permits single detached dwellings and is the same as the zone on the abutting lands to the north and east of the site.
 - The proposed R5-7 zone permits cluster townhouse and stacked townhouse dwellings.
 - Both the Neighbourhood Place Type and Low Density Residential designation permit the proposed cluster townhouse dwellings however, stacked townhouse dwellings are not contemplated within the Neighbourhood Place Type.
 - The stacked townhouse use will be removed as a permitted use on this block to ensure the future land uses are in keeping with The London Plan policies.
- Intensity:
 - The proposed R1-3 zone provides a low density form of development that would have no new additional impacts in the area and is in keeping with the current intensity of the abutting lands
 - The R5-7 permits a density of up to 60uph. Although this type of density is higher than the current permissions on site the R5-7 zone has been developed on the lands to the west and the subject site is an ideal location for higher densities as it is essentially at the intersection of two Civic Boulevards with easy access to both Fanshawe Park Road West and Hyde Park Road.
 - The Neighbourhood Place Type encourages these type of intensities at locations such as this and based on the surrounding land uses and existing services in the area, would have no additional impacts.
- Form:
 - The London Plan permits heights of 2.5 storeys when a Neighbourhood Place type fronts a Civic Boulevard.
 - The proposed R1-3 has a height limit of 9.5 metres and would have no additional impacts on the abutting lands.
 - The R5-7 zone has a height limit of 12m in order to facilitate the development of Stacked Townhouses. Given the existing zoning

regulations on the site and expectations of the public as to what type of development may occur on this block Staff is recommending a height restriction of 10.5 metres to ensure compatibility with abutting land uses.

- 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.

4.4 Public Concerns

Traffic:

The initial rezoning application proposed amendments to a much larger area of the Kent Subdivision and requested a wider range of permitted uses. The requested amendments created the potential for an increase in density within the subdivision than originally planned for which may have resulted in a small increase in traffic. This potential increase in traffic created concern from the public and the potential impacts it could have within the area. The applicant has since changed the requested rezoning and has reduced the area and range of permitted uses within the application. The zoning regulations now being sought are similar to the existing permissions throughout the subdivision and will result in a minimal increase in potential density. The levels of traffic planned through the Draft Plan of Subdivision will be maintained and no additional traffic impacts will occur.

Potential heights:

Concerns were also raised about the potential heights for the additional uses recommended on the lands located off of Tokala Trail near Dalmagarry Road. Staff are recommending a special provision to limit height to 10.5 metres which is in keeping with existing permissions on site and that stacked townhouses be removed as a permitted use as it is not in keeping with the permission of The London Plan.

Removal of Open Space Zone (Block 40)

Specific concern was raised about the rezoning of the OS1 lands over Block 40 of the Draft Approved Plan and the impacts it will have on potential builders and now homeowners who have purchased Lots and homes with the understanding that a park will be behind them.

As previously noted Staff have identified that the block is no longer required to satisfy the parkland requirements for the subdivision. Also as a result of modifications to the Heard Drain Pathway network the pedestrian path is now being located on the southerly side of the drain and a future pedestrian connection will be provided further to the west. Therefore, the block is no longer located in a desirable location for park purposes.

Other concerns:

Additional concerns were raised about the potential loss of walkways and park blocks/open space within the subdivision. Staff had additional discussions with those members of the public and provided further clarification on the application. Those members of the public were satisfied with the explanation and proposed changes in the application and had no additional concerns.

5.0 Conclusion

The recommended zoning amendments and red-line revisions to the draft plan of subdivision are considered appropriate, consistent with the Provincial Policy Statement, and conform to The London Plan and the 1989 Official Plan. The zoning changes and red-line revisions as proposed are compatible and in keeping with the character of the existing neighbourhood.

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

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

November 23, 2020
MC/mc

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Appendix A

Appendix “A-1”

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 1284
Sunngindale Road West and 2804,
2808, 2812, 2816 and 2830 Tokala Trail.

WHEREAS Auburn Developments Ltd. has applied to rezone an area of
land located at 1284 Sunningdale Road West and 2804, 2808, 2812, 2816 and 2830
Tokala Trail, 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
portions of the lands located at 1284 Sunngindale Road West, as shown on the
attached map comprising part of Key Map No. A.101, from an Open Space (OS1)
Zone to a Holding Residential R1 (h*h100*R1-5) Zone; from a Holding Residential
R1 Special Provision (h*h-100*R1-3(8)) Zone to a Holding Residential R1/R4
Special Provision (h*h-100*R1-3(8)/R4-6()) Zone; from a Holding Residential R6
(h*h-54*h-71*h-95*h-100*R6-5) Zone to a Holding Residential R1/R4/R6 (h*h-54*h-
71*h-95*h-100*R1-1/R4-6()/R6-5) Zone; and from a Holding Residential R6/R7/R8
(h*h-54*h-71*h-95*h-100*R6-5/R7*h15*D75/R8*H15*D75) to a Holding Residential
R4/R6/R7/R8 Special Provision (h*h-54*h-71*h-95*h-100*R4-6()/R6-
5/R7*h15*D75/R8*H15*D75) Zone.
- 2) Section Number 8.4 of the Residential R4 Zone is amended by adding the
following Special Provision:
 -) R4-6(*)
 - a) Regulations:
 - i) Lot Frontage 6.7m (22ft)
 - ii) Exterior Side Yard Depth 4.5m (14.7ft)
for local and collector streets
(minimum)
 - iii) Front and Exterior Side Yard Setback 3.5m (11.5ft)
adjacent to a cul-de sac
- 3) Schedule “A” to By-law No. Z.-1 is amended by changing the zoning applicable to
the lands located at 2804, 2808, 2812, 2816 and 2830 Tokala Trail, as shown on
the attached map comprising part of Key Map No. A.101, from Residential R1
Special Provision (R1-3(8)) Zone and Holding Residential R6/Neighbourhood
Facility (h-71*h-95*h-109*R6-3/NF1) Zone to Holding Residential Special Provision
R1/R5/R6 (h-71*h-95*h-109*R1-3/R5-7(*)/R6-3) Zone;
- 4) Section Number 9.4 of the Residential R5 Zone is amended by adding the
following Special Provision:

-) (R5-7(*))
 - a) Permitted Uses:
 - i) Cluster townhouse dwellings;
 - b) Regulations:
 - i) Height 10.5 m (34.4ft)

Appendix “A-2”
Conditions of Draft Approval

THE CORPORATION OF THE CITY OF LONDON’S CONDITIONS AND AMENDMENTS TO FINAL APPROVAL FOR THE REGISTRATION OF THIS SUBDIVISION, FILE NUMBER 39T-04510, ARE AS FOLLOWS:

| NO. | CONDITIONS |
|-----|---|
| 1. | This draft approval applies to the draft plan submitted by Auburn Developments Inc., prepared by Stantec Consulting Inc., certified by Jeremy C. E. Matthews (Drawing No. DP2, dated March 31, 2009), <u>as redline revised</u> which shows 30 low density residential blocks, three (3) medium density residential blocks, three (3) park blocks, one (1) SWM Block, walkway blocks and various reserve blocks served by two (2) new collector roads and ten (10) new local streets. |
| 2. | This approval of the draft plan applies until April 14, 2022 , 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 road allowances included in this draft plan shall be shown on the face of the plan and dedicated as public highways. |
| 4. | The Owner shall request that addresses be assigned to the satisfaction of the City in conjunction with the request for the preparation of the subdivision agreement. |
| 5. | 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. |
| 6. | Prior to final approval, appropriate zoning shall be in effect for this proposed subdivision. |
| 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. | The subdivision agreement between the Owner and the City of London shall be registered against the lands to which it applies. |
| 9. | In conjunction with registration of the Plan, the Owner shall provide to the appropriate authorities such easements and/or land dedications (eg. 0.3 metre reserve blocks) 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 Engineer, at no cost to the City. |
| 10. | Phasing of this subdivision (if any) shall be to the satisfaction of the General Manager of Planning and Development and the City Engineer. If phasing is to occur, a Phasing plan must be submitted by the Owner as part of the Design Studies Submission. |
| 11. | Prior to the issuance of any Certificate of Conditional Approval, any remedial or other works as recommended in the accepted hydro geological report shall be implemented by the Owner, to the satisfaction of the City, at no cost to the City. |

12. Prior to any work on the site, the Owner shall decommission and permanently cap any abandoned wells located in this Plan, in accordance with current provincial legislation, regulations and standards. In the event that an existing well in this Plan is to be kept in service, the Owner shall protect the well and the underlying aquifer from any development activity.
13. 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.
14. 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.
15. 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, and final plans, 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.
16. For the purpose of satisfying any of the conditions of draft approval herein contained, the Owner shall file, with the City, complete submissions consisting of all required studies, reports, data, information or detailed engineering drawings, all to the satisfaction of the Director, Development and Compliance Division and the City Engineer. The Owner acknowledges that, in the event that a submission does not include the complete information required by the Director, Development and Compliance Division and the City Engineer, such submission will be returned to the Owner without detailed review by the City.
17. Prior to final approval for the registration of the subdivision the Approval Authority, is to be advised in writing by the City that all financial obligations/encumbrances on the said lands have been paid in full, including property taxes and local improvement charges.

Sanitary

18. The Owner shall install municipal sanitary servicing to the limits of their property, to the satisfaction of the City Engineer, in order to provide for the servicing of external parcels of land adjacent to their draft plan and within the community plan.
19. 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 200 mm diameter sanitary sewer located on Buroak Drive, 200 mm diameter sanitary sewer on Twilite Boulevard, 200 mm diameter sanitary sewer on Applerock Avenue, 200 mm diameter sanitary sewer on Bridge Haven Drive, 200 mm diameter sanitary sewer on Heardcreek Trail and the 250 mm diameter sanitary sewer on Applerock Avenue, as per the accepted engineering drawings.
 - ii) 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

20. Prior to registration of this plan, the Owner shall obtain consent from the City Engineer to reserve capacity at the Greenway/Adelaide Pollution Control Plant for this subdivision. This treatment capacity shall be reserved by the City Engineer subject to capacity being available, on the condition that registration of the subdivision agreement and the plan of subdivision occur within one (1) year of the date specified in the subdivision agreement.

Failure to register the plan within the specified time may result in the Owner forfeiting the allotted treatment capacity and, also, the loss of his right to connect into the outlet sanitary sewer, as determined by the City Engineer. In the event of the capacity being forfeited, the Owner must reapply to the City to have reserved sewage treatment capacity reassigned to the subdivision.

21. In order to prevent any inflow and infiltration from being introduced to the sanitary sewer system, the Owner shall, throughout the duration of construction within this plan, undertake measures within this draft plan to control and prevent any inflow and infiltration and silt from being introduced to the sanitary sewer system during and after construction, satisfactory to the City, at no cost to the City, including but not limited to the following:
- i) Not allowing any weeping tile connections into the sanitary sewers within this Plan;
 - ii) Permitting the City to undertake smoke testing or other testing of connections to the sanitary sewer to ensure that there are no connections which would permit inflow and infiltration into the sanitary sewer;
 - iii) Having his consulting engineer confirm that the sanitary sewers meet allowable inflow and infiltration levels as per OPSS 410 and OPSS 407; and
 - iv) Implementing any additional measures recommended through the Design Studies stage.

SWM

22. 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
 - v) 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.
23. 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

24. 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 Medway Creek Subwatershed, and connect them to the existing municipal sewer system, namely, the 600 mm diameter storm sewer on Heardcreek Trail, the 1500 mm diameter storm sewer on Applerock Avenue, the 1800 mm diameter storm sewer on Bridge Haven Drive, the 450 mm diameter storm sewer on Twilite Boulevard, the 750 mm diameter storm sewer on Applerock Avenue, the 900 mm diameter storm sewer on Buroak Avenue and the 375 mm diameter storm sewer on Fair Oaks Boulevard, as per the accepted engineering drawings;
 - ii) Make provisions to oversize and deepen the internal storm sewers in this plan to accommodate flows from upstream lands external to this plan;
 - iii) Grade and drain the south boundary of blocks in this plan to blend in with the abutting Heard Drain, at no cost to the City;
 - iv) 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
 - v) Address forthwith any deficiencies of the stormwater works and/or monitoring program.
25. The Owner shall ensure the post-development discharge flow from the subject site must not exceed the capacity of the stormwater conveyance system. In an event where the above condition cannot be met, the Owner shall provide SWM on-site controls that comply to the accepted Design Requirement for Permanent Private Stormwater Systems.
26. All lots/blocks abutting Open Space blocks used primarily for stormwater management facilities and or conveyance systems shall be monumented as per City standards and to the satisfaction of the City Engineer. Further, the subdivision agreement shall include a clause that should the property owner desire to construct a fence at the interface (on the property line) with the Open Space SWM blocks, fencing shall be in accordance with current City park standards (SPO 4.8) or approved alternate at no cost to City.

Water Mains:

27. In accordance with City standards or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water services for this draft plan of subdivision:
- i) Construct watermains to serve this Plan and connect them to the existing municipal system, namely, the 200 mm diameter watermain on Applerock Avenue, the 200 mm diameter watermain on Heardcreek Trail, the 200 mm diameter watermain on Buroak Drive, the 200 mm diameter watermain on Fair Oaks Boulevard and 250 mm diameter watermain on Twilite Boulevard, as per accepted engineering drawings, satisfactory to the City Engineer. This draft plan of subdivision shall be serviced from the Hyde Park Water Pumping Station;
 - 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; and
28. The Owner shall install temporary automatic flushing devices at all dead ends to ensure that water quality is maintained during build out of the subdivision. They are to remain in place until there is sufficient occupancy use to maintain water quality without their use. The location of the temporary automatic flushing devices

as well as their flow settings are to be shown on engineering drawings. The auto flushing devices and meters are to be installed and commissioned prior to the issuance of a Certificate of Conditional Approval. The Owner is responsible to meter and pay billed cost of the discharged water from the time of their installation until their removal. Any incidental and/or ongoing maintenance of the auto flushing devices is/are the responsibility of the Owner.

29. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall implement the accepted recommendations to address the water quality requirements for the watermain system, to the satisfaction of the City Engineer, at no cost to the City.

STREETS, TRANSPORTATION & SURVEYS

30. The Owner shall construct all roads shown in this plan of subdivision such that alignments match joining roads outside this plan.
31. The Owner shall construct a cul-de-sac on Shields Place in accordance with City of London Standard DWG. SR-5.0. The Owner shall provide a raised circular centre island (R=8.25m) within the cul-de-sac or as otherwise directed by the City Engineer.
32. The Owner shall provide a minimum of 5.5 metres (18') along the curb line between the projected property lines of irregular shaped lots around the bends and/or around the cul-de-sacs on Shields Place and Bush Hill Link.
33. The Owner shall limit the bulge in the curb line on Bush Hill Link to only a maximum offset from the standard radius required to achieve the minimum curb distance for driveways, as approved by the City Engineer. Further, the bulge in the street line is only to be to the extent required to achieve the minimum frontage for the abutting lots.
34. The Owner shall have it's professional engineer design and construct the roadworks in accordance with the following road widths:
 - i) Buroak Drive have a minimum road pavement with (excluding gutters) of 9.5 metres (31.2') with a minimum road allowance of 21.5 metres (70').
 - ii) Heardcreek Trail, Applerock Avenue have a minimum road pavement width (excluding gutters) of 8.0 metres (26.2') with a minimum road allowance of 20 metres (66').
 - iii) Bob Schram Way, Heardcreek Trail and Bush Hill Link have a minimum road pavement width (excluding gutters) of 7.0 metres (23') with a minimum road allowance of 19 metres (62').
 - iv) Shields Place have a minimum road pavement width (excluding gutters) of 6.0 metres (19.7') with a minimum road allowance of 18 metres (60').
35. The Owner shall construct Buroak Drive to secondary collector road standards as identified in the Official Plan, to the satisfaction of the City.
36. The Owner shall construct a 1.5 metre (5') sidewalk on both sides of the following streets:
 - i) Buroak Drive
37. The Owner shall construct a 1.5 (5') sidewalk on one side of the following streets:
 - i) Bob Schram Way – outside (south and west) boulevard
 - ii) Heardcreek Trail – outside boulevard
 - iii) Heardcreek Trail – south boulevard

- iv) Shields Place – west boulevard to walkway
 - v) Applerock Avenue– outside boulevard
38. The Owner shall ensure that the pedestrian walkways are constructed to the “City Standard for Pedestrian Walkways”, including lighting if necessary, in accordance with City requirements and standards.
39. Prior to any work on the site the Owner shall install signage advising construction traffic that loads on Sunningdale Road West are restricted to a maximum weight of five (5) tonnes per axle for any vehicle traveling on this road during the period March 1 to April 30, inclusive, in any year.
40. The Owner shall construct a raised intersection at the following locations, all to the satisfaction of the City Engineer:
- i) Saddlerock Avenue at the intersections of Bridge Haven Drive.
 - ii) Applerock Avenue at the intersections of Bob Schram Way.
41. The Owner shall direct all construction traffic associated with this draft plan of subdivision to utilize Sunningdale Road West or other routes as designated by the City Engineer.
42. Should lands to the east not be developed, the Owner shall construct a temporary turning facility for vehicles at the following location(s), to the specifications of the City:
- i) Heardcreek Trail – east limit
- Temporary turning circles for vehicles shall be provided to the City as required by the City, complete with any associated easements. When the temporary turning circles(s) are no longer needed, the City will quit claim the easements which are no longer required, at no cost to the City.
43. The Owner shall remove all other existing accesses and restore all affected areas, all to the satisfaction of the City, at no cost to the City.
44. All through intersection 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.
45. Within one year of registration of the plan, the Owner shall 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.
46. The Owner shall ensure all streets with bends of approximately 90 degrees shall have a minimum inside street line radius with the following standard:

| Road Allowance | S/L Radius |
|----------------|------------|
| 20.0 m | 9.0 m |
| 19.0 m | 9.5 m |
| 18.0 m | 10.0 m |

47. The Owner shall construct Heardcreek Trail ~~Street 'F'~~ at the eastern boundary of the subject property in alignment with the proposed road to the east as shown in the proposed draft plan of subdivision 39T-05512.
48. The Owner shall construct Buroak Drive ~~Street 'B'~~ at the western boundary of the subject property in alignment with the proposed secondary collector road to the west as shown in the proposed draft plan of subdivision 39T-11503.
49. Should the Owner direct any servicing within the walkway or the walkway is to be used as a maintenance access, the Owner shall provide a 4.6 metre wide walkway designed to the maintenance access standard, to the specifications of the City.
50. The Owner shall ~~be required to~~ make minor boulevard improvements on Sunningdale Road West 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.
51. The Owner shall construct raised cross-walks on Heardcreek Trail at the midpoint of Block 39 and Block 38, and on Saddlerock Avenue at the midpoint of Block 37 and Block 36, and on Saddlerock Avenue at the midpoint of the redlined Park Block and Block 36, as per the accepted engineering drawings, to the satisfaction of the City Engineer.

Planning

52. Within one (1) year of registration of the plan of subdivision, the owner shall fence all lots/blocks abutting park blocks with 1.5meter high chain link fence in accordance with current City park standards (SPO 4.8) or approved alternate. Fencing shall be completed to the satisfaction of the City.
53. All park blocks lands shall be sufficiently protected from sediment throughout the construction period. A sediment barrier shall be established along the Open Space limits to the satisfaction of the City.
54. No grading shall occur within proposed park blocks except where determined to be appropriate by the City.
55. The Owner shall convey Block 36, 37, 38, 39 and 40 as indicated on the attached draft plan for park purposes to satisfy the parkland dedication requirements.
56. Within one (1) year of registration of the plan, the Owner shall prepare and deliver to all homeowners adjacent to the open space, and education package which explains the stewardship of natural area, 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.
57. As part of the Design Studies submission, the Owner shall have a Tree Preservation Report and Plan prepared for lands within the proposed draft plan of subdivision. 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 to the satisfaction of the Director, Development and Compliance Division. The Owner shall incorporate the approved Tree Preservation Plan on the accepted grading plans.
58. As part of the Design Studies submission, the Owner shall submit for approval a concept park plan for Blocks 37, 38 and 39 delineating the multi-use pathway

alignment, roadway and park treatments for the intersection of the pathway blocks and Streets “L” and “F” and roadway crossing treatments for Streets “L” and “F”.

As part of the Design submission, the Owner shall submit for approval a conceptual park plan for Block 36 to the satisfaction of the City.

59. As part of the Design submission, the Owner shall submit a plan to the Approval Authority proposing the lotting pattern for all residential Blocks, which shall be consistent with the approved zoning for these blocks and acceptable to the City. The proposed block lotting plan shall be reviewed and accepted with respect to City services, road geometries, easements requirements, minimum centerline radii of curvature of roads in subdivisions, etc., to the satisfaction of the City. The accepted lotting pattern shall be reflected on the final registered plan.
60. Within one (1) year of registration of the plan, the Owner shall prepare and deliver to all homeowners an education package which advises potential purchasers of the ongoing agricultural activities occurring in the vicinity. The educational package shall be prepared to the satisfaction of the City.
61. The Owner shall obtain all necessary permits from the UTRCA prior to the commencement of any soil disturbance within the regulated area under the jurisdiction of the UTRCA.
62. The Owner shall register on title and include in all Purchase and Sale or Lease Agreements the requirement that the homes to be designed and constructed on all corner lots including lots flanking the park corridor blocks in this Plan, are to have design features, such as but not limited to porches, windows or other architectural amenities that provide for a street oriented design and limited chain link or decorative fencing along no more than 50% of the exterior sideyard. Further, the owner shall obtain approval of their proposed design from the City prior to any submission of an application for a building permit for corner lots with an exterior sideyard in this Plan.

GENERAL CONDITIONS

63. 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.
64. 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 the sewers as necessary, all to the specifications and satisfaction of the City Engineer, at no cost to the City.
65. In the event that relotting of the plan is undertaken, the Owner shall relocate and construct services to standard location, all to the specifications and satisfaction of the City Engineer.
66. 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.
67. In the event the draft plan develops in phases, upon registration of any phase of this subdivision, the Owner shall provide land and/or easements along the routing of services which are necessary to service upstream lands outside of this draft plan to the limit of the plan.

68. The Owner shall have the common property line of Sunningdale Road West graded in accordance with the accepted engineering drawings, at no cost to the City.
69. The Owner shall advise the City in writing at least two weeks prior to connecting, either directly or indirectly, into any unassumed services constructed by a third party, and to save the City harmless from any damages that may be caused as a result of the connection of the services from this subdivision into any unassumed services.

Prior to connection being made to an unassumed service, the following will apply:

- i) In the event discharge is to unassumed services, the unassumed services must be completed and Conditionally Accepted by the City;
- ii) The Owner must provide a video inspection on all affected unassumed sewers;

Any damages caused by the connection to unassumed services shall be the responsibility of the Owner.

70. The Owner shall pay a proportional share of the operational, maintenance and/or monitoring costs of any affected unassumed sewers or SWM facilities (if applicable) to third parties that have constructed the services and/or facilities, to which the Owner is connecting. The above-noted proportional share of the cost shall be based on design flows, to the satisfaction of the City Engineer, for sewers or on storage volume in the case of a SWM facility. The Owner's payments to third parties, shall:
- i) commence upon completion of the Owner's service work connections to the existing unassumed services; and
 - ii) continue until the time of assumption of the affected services by the City.
71. With respect to any services and/or facilities constructed in conjunction with this plan, the Owner shall permit the connection into and use of the subject services and/or facilities by outside owners whose lands are served by the said services and/or facilities, prior to the said services and/or facilities being assumed by the City.
72. 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.
73. 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.

74. The Owner shall have its 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".
75. The Owner shall not commence construction or installations of any services including clearing or servicing of lands 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 Environment, City; etc.)
76. 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.
77. All costs related to the plan of subdivision shall be at the expense of the Owner, unless specifically stated otherwise in this approval.
78. 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 Engineer.
79. Should any temporary turning circle exist on the abutting streets at the time this plan is registered, the Owner shall remove any existing temporary turning circles and restore the road including sidewalks to the satisfaction of the City, at no cost to the City.
80. 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.
81. Prior to the acceptance 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.
82. 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. The City may require a copy of the report should there be City property adjacent to the contamination. Should the site be free of contamination, the geotechnical engineer shall provide certification to this effect to the City.
83. In the event this plan develops prior to ~~Plan 39T-05511~~ and Plan 39T-05512, to the east, the Owner shall make all necessary arrangements to construct adequate municipal services, grading, drainage and accesses over the external lands, to develop this plan, all to the satisfaction of the City Engineer, at no cost to the City.

84. The Owner shall incorporate the accepted recommendations of the various accepted servicing reports/studies (eg. sanitary servicing design, storm and SWM design, water servicing, transportation requirements, hydrogeological, geotechnical, etc.) in the accepted engineering drawings to address all servicing issues, to the satisfaction of the City Engineer, at no cost to the City.
85. ***The Owner shall have its consulting engineering update the necessary engineering drawings to reflect the red-line revisions to the draft plan of subdivision, to the satisfaction of the City.***
86. ***In conjunction with the submission of engineering drawings, the Owner's shall have its consulting engineer provide a hydraulic grade line analysis to confirm there will be no adverse impact on storm sewers at Saddlerock Avenue off Buroak Drive (existing 375mm storm sewer 35.5m in length) and at Buroak Drive between manhole R93 and R9 (1200mm storm sewer 49.7m in length).***
87. ***In conjunction with the submission of engineering drawings, the Owner shall provide a minimum lot frontage of 6.7 metres as per SW-7.0 to accommodate street townhouses within this draft plan of subdivision, all the specifications and satisfaction of the City.***

Appendix B – Public Engagement

Community Engagement

Public liaison: On July 8, 2020, Notice of Application was sent to 395 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on July 9, 2020.

Responses: 4 replies were received.

Nature of Liaison: The purpose and effect of this zoning change is to implement the proposed red-line revisions to the draft approved subdivision 39T-04510 which would result in the extension of a draft approved cul-de-sac (Shields Place) resulting in 4 additional lots as well as rezone several portions of the subdivision to provide alternative forms of housing and office uses. Possible change to Zoning By-law Z.-1 **FROM** Open Space (OS1) Zone **TO** Residential R1 (R1-3) Zone; **FROM** Open Space (OS1) Zone **TO** Holding Residential R1 (h*h100*R1-3) Zone; **FROM** Holding Residential R1 Special Provision (h*h-100*R1-3(8)) Zone **TO** Holding Residential R1/R4 Special Provision (h*h-100*R1-3(8)/R4-6(_)) Zone; **FROM** Holding Residential R1 (h*h-100*R1-3) Zone and Open Space (OS1) Zone **TO** Holding Residential R1/R4 Special Provision (h*h-100*R1-3/R4-6(_)) Zone; **FROM** Residential R1 Special Provision (R1-3(8)) Zone and Holding Residential R6/Neighbourhood Facility (h-71*h-95*h-109*R6-3/NF1) Zone **TO** Holding Residential R1/R5/R6 (h-71*h-95*h-109*R1-3/R5-7/R6-3) Zone; **FROM** Holding Residential R6 (h*h-54*h-71*h-95*h-100*R6-5) Zone **TO** Holding Residential R1/R4/R6 (h*h-54*h-71*h-95*h-100*R1-1/R4-6(_)/R6-5) Zone; **FROM** an Open Space (OS) Zone and Holding Residential R1 (h*h-100*R1-5) Zone **TO** a Holding Residential R1 (h*h-100*R1-4) Zone; **FROM** Holding Residential R6/R7/R8 (h*h-54*h-71*h-95*h-100*R6-5/R7*h15*D75/R8*H15*D75) **TO** Holding Residential R4/R6/R7/R8 Special Provision/Office (h*h-54*h-71*h-95*h-100*R4-6(_)/R6-5/R7*h15*D75/R8*H15*D75/OF8) Zone. Special provisions for the proposed R4-6(_) zone would include an exterior side yard setback to a collector of 4.5m where rear lots abut and 3.5m front and exterior side yard adjacent to a roundabout.

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

- Increase in traffic and impacts of traffic volumes at Street “G”
- Impacts of new land uses within abutting rear yards.
- Potential loss of park and open space

Responses to Notice of Application and Publication in “The Londoner”

From: Numans Mark
Sent: Friday, July 10, 2020 3:50 PM
To: Corby, Mike <mcorby@London.ca>; Morgan, Josh <joshmorgan@london.ca>
Subject: [EXTERNAL] Zoning Bylaw Amendment - File Z-9216

Josh and Mike,

I received a notice of planning application zoning bylaw amendment today in the mail from Auburn Developments. The draft shows an extension of an approved cul-de-sac (Shields Place) which will result in 4 additional lots.

I am concerned in relation to this proposal for two reasons:
1) It eliminates the OS1 park land which was previously planned for the area in Block 40
2) Provides alternative forms of housing and potential office uses within portions of the draft approved subdivision.

My first concern is that when the subdivision was initially developed a park was approved for the area and a large rock wall was created across the drainage ditch / creek to provide for a future pathway to that park from the other side of the creek. The elimination of this park to me is puzzling. I am sure there was a requirement when this development was started to include a number of green spaces (OS1 - Open Space). On the NE border of Block 40 there was a run off of the creek that is being covered over with soil and an area of trees that have been cut down in the past few days so would I be correct that a change to the plan for Block 40 in your proposed change plan has already been approved? Also, I would like to know what the proposed plan is now for this rock wall (for creation of a pathway across the creek) as it seems to be rendered useless if this new proposed plan is approved and should be removed to allow the creek to be more natural.

My second concern is with the rezoning of this area and the wording that was provided in regards to its usage. Changing this area from OS1 to R1-4 means that Block 40 will still be zoned for low density housing. I am confused as to what is meant by providing alternative housing as will these not be single family houses and how potential offices will be part of the subdivision. If you could please provide some clarity on these points that would be appreciated.

As a family area we really looked forward to having the previously planned park located behind our property and we feel this was a positive for the neighbourhood children /families. As such I am concerned with the proposal. If the open space is eliminated and the zoning proposal is approved, I would like to see the green space (drainage area / creek) put back to a more natural state as mentioned above.

Thank you,

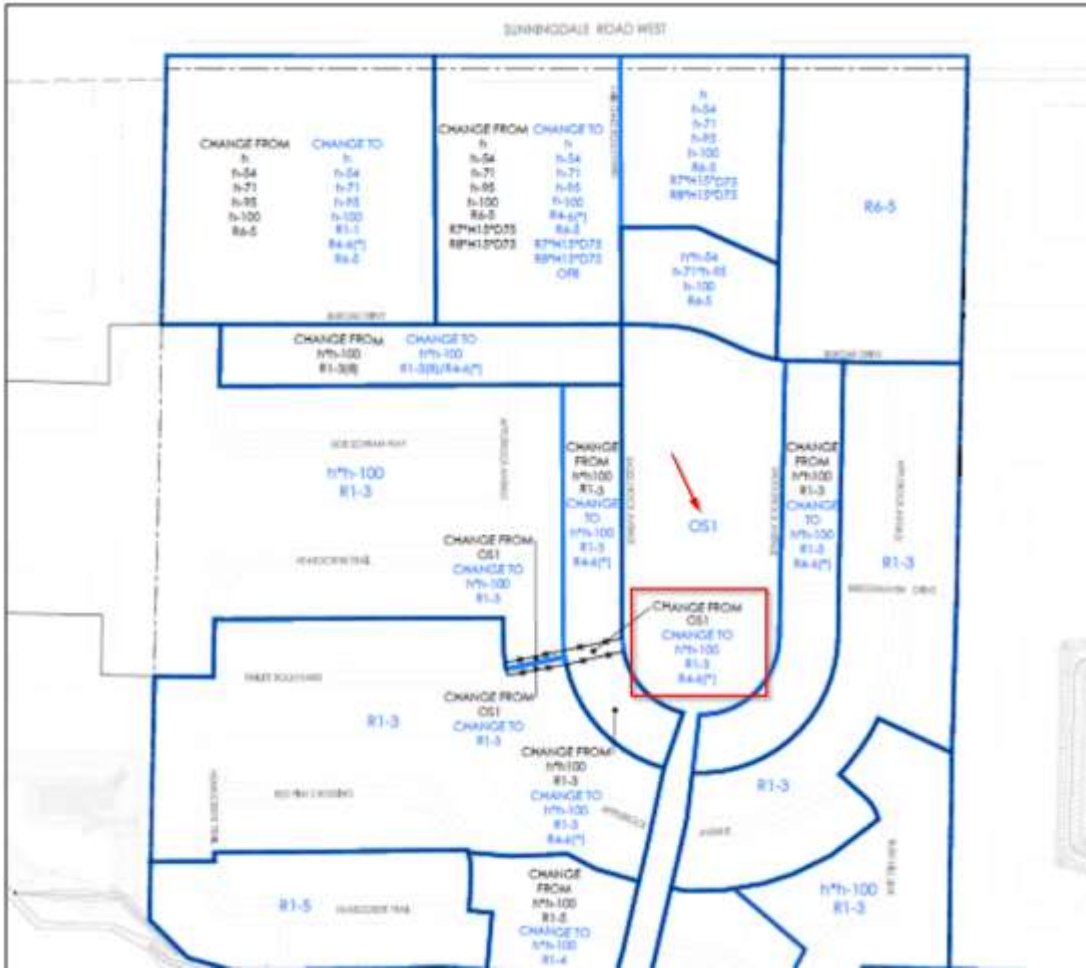
Mark Numans

Concerned Resident
1980 Wateroak Drive, London, ON

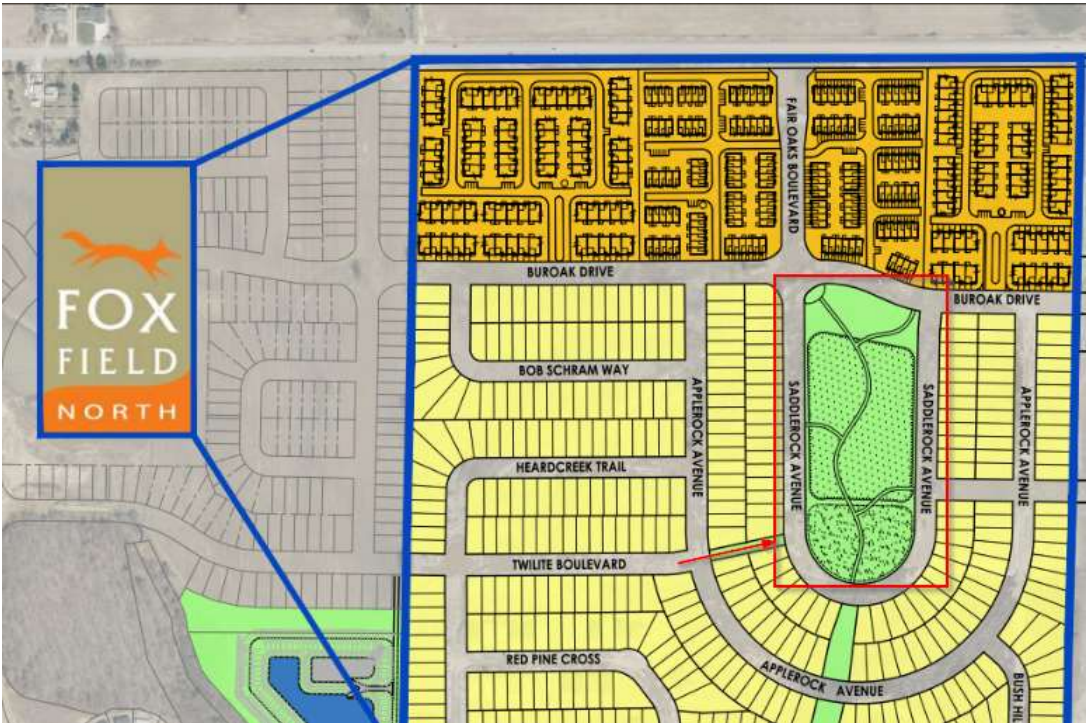
Hello Mike,

I'm a resident and property owner of a house at Twilite Boulevard, and I have a few questions regarding the changes on Z-9216, more specifically, the changes proposed around Saddlerock Avenue.

In the proposed modification, it would remove a walkway that would give walking access to the open area from my street, which is beneficial to the residents not only from Twilite Blvd, but also all those that will live close to this street. It also affects the time it would take for residents to reach a green space and trails. I'm **strongly** against this change.



And can you confirm if that plan is also saying that it will remove the open space (OS1) around the Saddlerock avenue? That's what I understood from this plan, but this is the **only space around this area** that still has trees. I'm finding it hard to believe someone is planning to take it down.



As you can see in the Foxfield Community Plan those changes would greatly reduce the value of my property, as it will lose easy access to green space in an area where backyards are truly small.

I'm against any changes to the removal of the walkway or that green space, as those are the reasons I even bought my current property.

Please let me know if I need to formally come forward, and if I'm understanding the proposed changes wrongly, please let me know what is actually being proposed.

Best regards,

Alfredo Bittencourt

From: Brenda Pinelli
Sent: Tuesday, August 4, 2020 10:11 AM
To: Corby, Mike <mcorby@London.ca>
Subject: [EXTERNAL] Re: 1284 Sunningdale Rd W

Good morning,

I did look at the application and the new zoning codes to see what could possibly be built on that parcel of land. Obviously what would be of concern to me is if it's townhomes what exactly will I back onto and how tall will they be and how close. There is quite a range within all of those codes as to what can be built. I haven't found myself in this situation before and realize that buying a property that backs onto open land is a risk. I'd just like to be prudent and stay on top of the situation. The way that notice was presented was visually deceiving and I feel as though those backing onto the parcel of land will have overlooked it.

So my understanding from what you're saying is that there is no current plan in the works? Will we be notified when someone is putting in an application for something specific?

Regards,
Brenda

From: Laura Regnier
Sent: Tuesday, August 4, 2020 12:11 PM
To: Corby, Mike <mcorby@London.ca>; Morgan, Josh <joshmorgan@london.ca>
Subject: [EXTERNAL] Auburn File Z-9216; 39T-04510, Foxhollow North Kent Developments, 1284 Sunningdale Rd W.

Hi Mike,

Re: Auburn Developments, Foxhollow North Kent Developments Inc.
1284 Sunningdale Rd W, File: Z-9216; 39T-04510
Planning Application for Zoning By-Law Amendment

We oppose applicants proposed zoning by-law amendment to allow:

- The extension of a draft approved cul-de-sac (Shields Place) resulting in 4 additional lots
- Provide alternative forms of housing and potential office uses within portions of the draft approved subdivision.

We believe consideration should be given to an updated traffic study report for this whole development area prior to any rezoning changes, as all these proposed land use changes, may have considerable impact on traffic flow and volumes.

This 2012 Traffic report (attached) was only based on Auburn including Low Density Residential (single family 459) and Medium Density Residential (184) within this Development area – no commercial office space or higher density. Traffic report also has Street 'G' only assuming only up to 50% of its traffic flow from Auburn Developments.

This report also only applies an average 2% growth rate to the 2012 existing traffic

volumes. According to Statistics Canada, in 2018-19 the City of London & area had the second highest growth rate across Canada of 2.3%. We believe this development area and traffic flows are growing at an even higher rate. We have concerns with the accuracy of projected traffic volumes for Street 'G' at Sunningdale Rd. W. and the impact to our ongoing ability to safely access/egress our driveway. Foxwood Proposed Street 'G' access at Sunningdale Rd W does not meet City of London Access Management Guidelines 2015 or City of London Design Specifications & Requirements Manual (Updated: February 2017) for Length of Left-hand Turning Lanes with respect to our driveway at 1445 Sunningdale Rd. W. However the City still approved this a full access in 2019.

Please keep us informed of any upcoming meetings, planning notices, and reports with respect to this development.

Sincerely,

Laura Regnier and Albert Frijia

1445 Sunningdale Rd. W.
London, ON N6G 5B7

From: Michael Frijia
Sent: Tuesday, November 17, 2020 4:50 PM
To: Corby, Mike <mcorby@London.ca>; Morgan, Josh <joshmorgan@london.ca>
Subject: [EXTERNAL] 1284 Sunningdale Road West Rezoning

Mike,

We are in receipt of the attached notice and completely disagree that lands that have been zoned OS1 for years should now be changed to residential. Our Creekview Subdivision (33M-767) backs on to this future park block, as it was planned years ago, and many builders and now homeowners have purchased Lots and homes with the understanding that a park will be behind them.

This is not an immaterial change but diametrically opposed to how it is currently zoned. Despite the park not being constructed, homeowners still base their decisions on City zoning and what is planned for adjacent lands to their future property. It is as if the rug is being pulled out from under them after they have paid to live backing on to a park.

We completely disagree with this rezoning and feel the City staff should have never supported it.

Thank you,

Michael Frijia

Development Manager
Southside Group

75 Blackfriars Street
London, Ontario N6H 1K8

Agency/Departmental Comments:

London Hydro – July 9, 2020

Servicing the above proposal should present no foreseeable problems. Any new and/or relocation of existing infrastructure will be at the applicant's expense, maintaining safe 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 – July 29, 2020

The necessary Section 28 approvals must be obtained prior to any works being contemplated within the regulated area. We encourage the applicant to contact the UTRCA regarding the permit requirements/clearances for the proposed development. We have no objections to this application.

Stormwater Engineering Division – August 21, 2020

Thank you for the opportunity to comment on the attached site capacity analysis by Stantec in support of the re-zoning application Z-9216. SWED staff have reviewed the attached supporting documents and find them acceptable for the components related to the storm sewer. The adequacy of sanitary sewer to accommodate the proposed rezoning should be evaluated by SED:

Please coordinate with Development Services (DS) – Engineering the necessary drawing updates (e.g. Claybar Subdivision (33M-676) as constructed drawings and Kent Subdivision (39T-04510) accepted drawings).

For Kent Subdivision engineering drawings update, DS is to receive from Stantec, the hydraulic grade line analysis to confirm there will be no adverse impact on storm sewers at Saddlerock Avenue off Buroak Drive (existing 375mm storm sewer 35.5m in length) and at Buroak Drive between manhole R93 and R9 (1200mm storm sewer 49.7m in length).

Sewer Engineering D – August 28, 2020

Overall there are no concerns with the proposed densities, however some comments include:

- They talked about the lot frontage of 5.5m and our minimum lot widths as per SW-7.0 is 6.7m.
- There is a length of sewer on Buroak that only had .41l/s remaining capacity per the accepted design sheets for Phase 2, however based on the accepted site plans on blocks 121 and 122 there is more than the .41l/s now since there seems to be a net reduction of between 150 and 500 people along the top end of Buroak. This was the critical length of sewer so the lower densities on 121 and 122 are beneficial overall to the system.
- The NW corner of the subdivision (street including Bob Schram Way) appears to part of a future Phase (Phase 4?) Since as part of this zoning change submission they want to change the population of this phase (Ext Area 4 on the accepted design sheet) with a new proposed population of 1323, it doesn't seem that they are certain what the final population of this area will be. It should be made clear to Stantec that even though we are not requesting new design sheets and area plans now, we may be requesting some as part of the future upstream phase to capture changes made within this phase.

Development Engineering – September 30, 2020

Please see below for recommended engineering conditions in relation to the rezoning application and the red-lined draft plan of subdivision as it relates to engineering matters for the above-noted application. These conditions represent the consolidated comments of Development Services, the Transportation and Planning Division, the Sewer 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 red-lined draft plan of subdivision subject to the following:

1. A holding provision shall be implemented on R4-6 zone (street townhouse) until the City Engineer is satisfied with the servicing arrangements to provide adequate separation between services and avoid conflicts with City services.

A minimum lot frontage of 6.7 metres as per SW-7.0 will be required to accommodate street townhouses within this draft plan of subdivision.

2. It is noted revised sewer design sheets and area plans may be requested as part of the future upstream phase to capture changes made within this phase. It is noted the NW corner of the subdivision (street including Bob Schram Way) appears to part of a future Phase. As part of this zoning change submission, it is noted there is a proposed change to the population of this phase (Ext Area 4 on the accepted design sheet) with a new proposed population of 1323. It is not clear what the final population of this area will be.

Please add the following draft plan conditions to the current Council approved conditions for 39T-04510:

1. The Owner shall have it's consulting engineering update the necessary engineering drawings to reflect the red-line revisions to the draft plan of subdivision, to the satisfaction of the City.
2. In conjunction with the submission of engineering drawings, the Owner's shall have it's consulting engineer provide a hydraulic grade line analysis to confirm there will be no adverse impact on storm sewers at Saddlerock Avenue off Buroak Drive (existing 375mm storm sewer 35.5m in length) and at Buroak Drive between manhole R93 and R9 (1200mm storm sewer 49.7m in length).
3. In conjunction with the submission of engineering drawings, the Owner shall provide a minimum lot frontage of 6.7 metres as per SW-7.0 to accommodate street townhouses within this draft plan of subdivision, all the specifications and satisfaction of the City.

Note that any changes made to this draft plan will require a further review of the revised plan prior to any approvals as the changes may necessitate revisions to our comments.

Parks Planning and Design – November 9, 2020

Parks Planning and Design staff have reviewed the submitted zoning by-law application and notes the following:

- Parks Planning and Design Section are satisfied with the redline amendments at Shields Place. The draft approved park block is no longer required to satisfy the parkland requirements for the subdivision.
- As a result of modifications to the Heard Drain Pathway network, the block is no longer located in a desirable location for park purposes.

Appendix C – Policy Context

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

Provincial Policy Statement, 2014

- Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
 - 1.1.3 Settlement Areas
 - 1.1.3.2
 - 1.1.3.6
 - 1.4 Housing
 - 2.0, 2.1.1, 2.1.8, 2.1.4, 2.1.5, 2.1.6
 - 3.0

In accordance with section 3 of the Planning Act, all planning decisions ‘shall be consistent with’ the PPS.

City of London Official Plan

- 3.2. Low Density Residential
 - 3.2.1. Permitted Uses
 - 3.2.2 Scale of Development
- 3.3. Multi Family, Medium Density Residential
 - 3.3.1. Permitted Uses
 - 3.3.3 Scale of Development

The London Plan

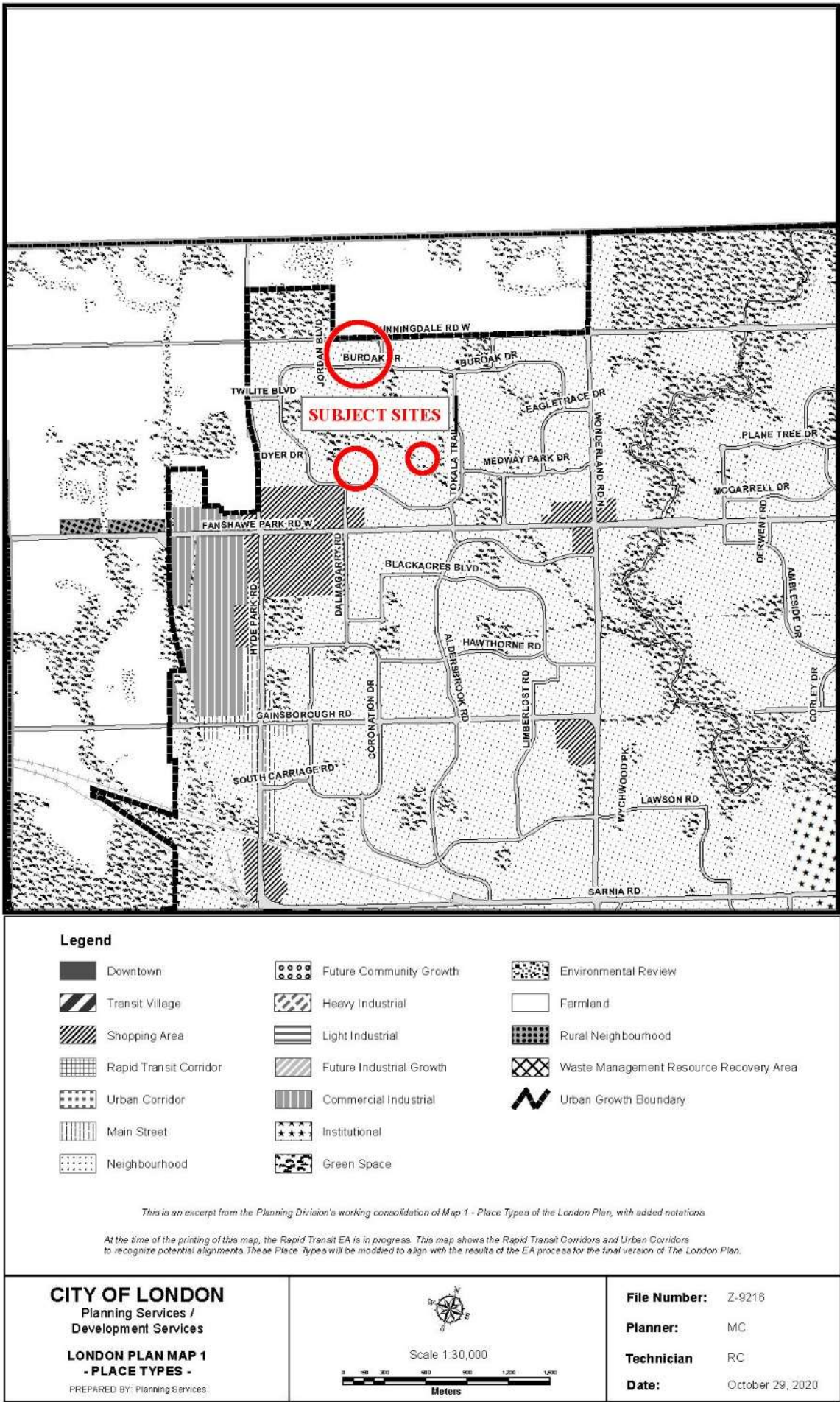
59_, 61_, 62_, 172_, *921_, *935_, *936_, *937_, *1688_

Z.-1 Zoning By-law

Site Plan Control Area By-law

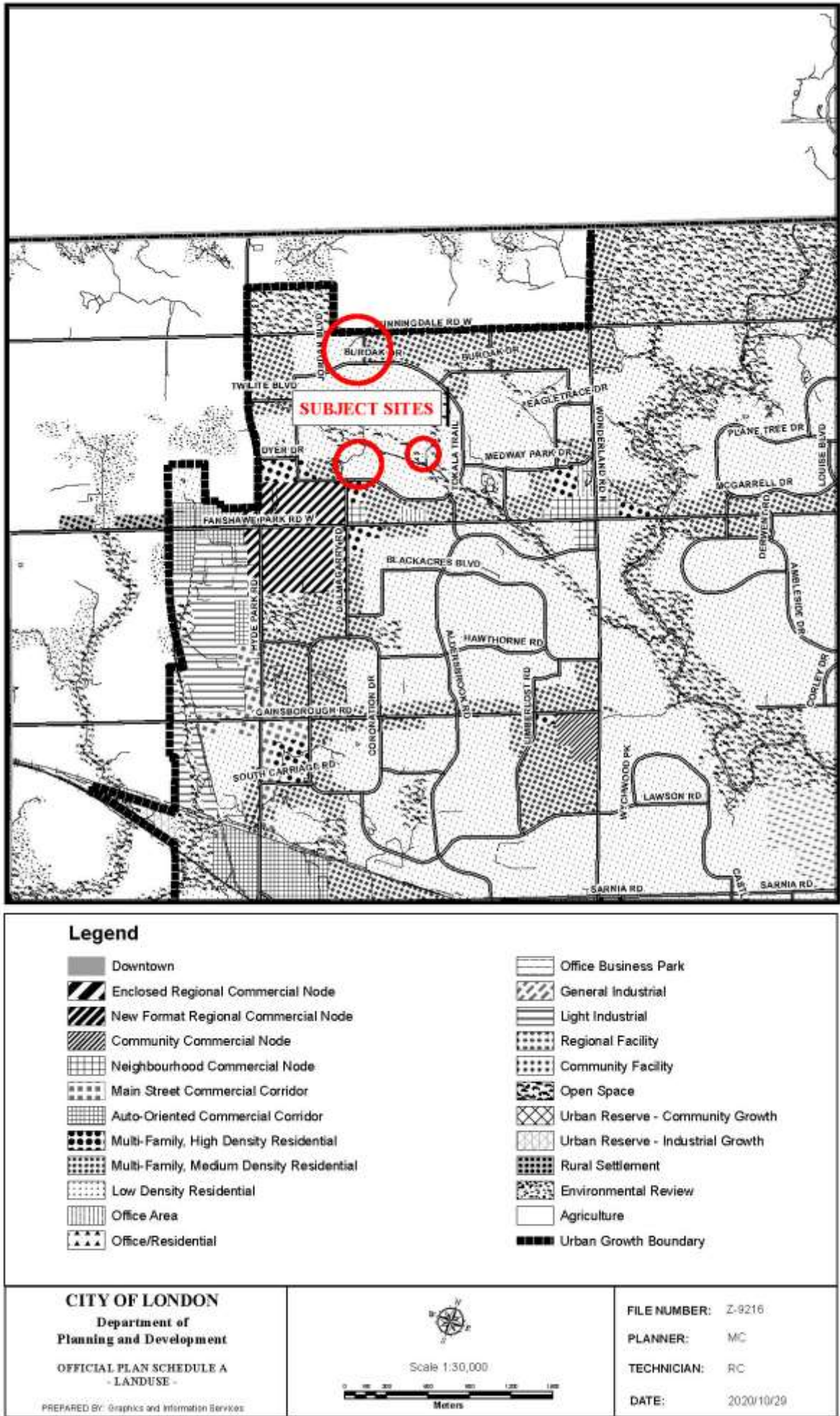
Appendix D – Relevant Background

London Plan Map Excerpt



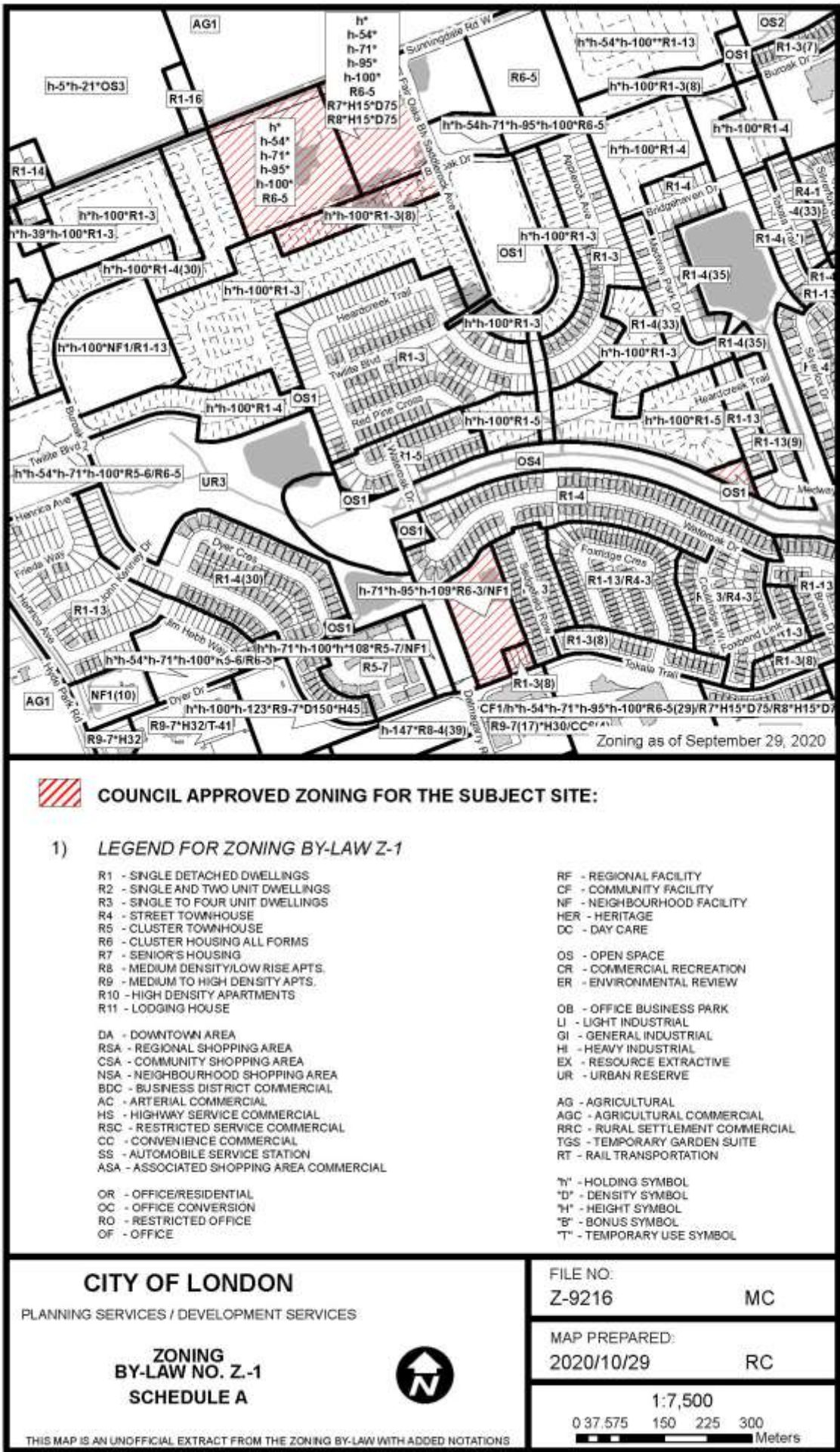
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Official Plan Map Excerpt



PROJECT LOCATION: e:\planning\projects\p_officialplan\work\consolid\excerpts\mxd_templates\scheduleA_NEW_b&w_8k14.mxd

Zoning By-law Map Excerpt



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: George Kotsifas P. Eng.,
Managing Director, Development & Compliance Services and
Chief Building Official
Subject: 1830145 Ontario Limited
1761 Wonderland Road North
Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 1830145 Ontario Limited relating to the property located at 1761 Wonderland Road North:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend the Official Plan for the City of London (1989) to **ADD** a policy to Section 10.1.3 – "Policies for Specific Areas" to permit a mixed-use commercial/residential apartment building within the Neighbourhood Commercial Node designation having a maximum residential density of 226 units/ha;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend The London Plan to **ADD** a new policy to the Specific Policies for the Shopping Area Place Type to permit a mixed-use commercial/residential apartment building having a maximum height of 63 metres, 17 storeys, exclusive of the mechanical penthouse, and by **ADDING** the subject lands to Map 7 - Specific Area Policies – of the London Plan;

IT BEING NOTED THAT the amendments will come into full force and effect concurrently with Map 7 of the London Plan.

- (c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan as amended in parts (a) and (b) above, to change the zoning of the subject property **FROM** a holding Neighbourhood Shopping Area Special Provision (h-17•h-103•NSA5(5)) Zone **TO** a holding Neighbourhood Shopping Area Special Provision Bonus (h-17•h-103•NSA5(5)/NSA3*B(_)) Zone;

The Bonus Zone shall be implemented through one or more agreements to facilitate the development of a high quality mixed-use commercial/residential apartment building with a maximum density of 226 units per hectare and a maximum height of 63 metres (17-storeys) which substantially implements the Site Plan and Elevations attached as Schedule "1" to the amending by-law in return for the following facilities, services and matters:

- i. Provision of Affordable Housing including:
A total of twelve (12) one-bedroom units, including a maximum of two (2) accessible one-bedroom units, established by agreement not exceeding 85% of the CMHC Average Market Rent (AMR) for a duration for affordability set at 50 years from initial occupancy.
- ii. A high quality development which substantially implements the site plan and elevations as attached in Schedule "1" to the amending by-law:

Building Design

- i) High quality architectural design (building/landscaping) including a common design theme for residential and commercial elements; and provision of structure parking facilities and screening for surface parking areas.

Underground Parking

- i) Underground Parking Structure parking provided to reduce surface parking areas (a minimum of 189 subsurface spaces provided).

Outdoor Amenity and Landscaping

- i) Common outdoor amenity area to be provided in the northeast quadrant of the site; and rooftop terraces above the 4th, 16th and 17th floors.
- ii) Landscape enhancements beyond City design standards, including theme lighting and public seating at strategic locations.
- iii) Large caliper boulevard trees planted with a minimum 100m caliper and a minimum distance of 10m between tree planting for the extent of the Wonderland Road North frontage.
- iv) Landscape plans for common outdoor amenity areas to incorporate hard landscape elements and drought resistant landscaping to reduce water consumption.

Sustainability

- i) Four electric vehicle charging stations within the publically accessible surface parking area, as well as 16 charging stations within the parking garage.
 - ii) Dedicated areas for bicycle parking along the Wonderland Road North frontage (with convenient access to building entrances). Secure bicycle storage within the structured parking facility. Walkway connections from the tower podium and surface parking filed to provide connectivity to Wonderland Road North bike lanes.
- iii. Public Transit
- i) The financial contribution of funding towards construction of transit shelters in close proximity to Wonderland Road North/Fanshawe Park Road West intersection in the amount of \$10,000 to promote bus ridership.

Executive Summary

Summary of Request

The application includes requested London Plan, 1989 Official Plan and Zoning By-law amendments including a bonus zone, to allow for a 17-storey (63 metre), mixed use building with 228 units and 1,200m² of commercial floor area.

Purpose and the Effect of Recommended Action

The purpose and effect of the requested amendments would permit a 17-storey (63 metre) mixed-use commercial/residential apartment building with a maximum of 228 residential units, maximum 226 uph and 1,200m² of commercial floor area in a building generally configured in an “L” shape along Wonderland Road North. The proposal includes a variety of indoor and outdoor amenity areas intended to serve residents of the building. 133 surface parking spots are proposed to be provided, as well as underground parking accommodating 189 underground stalls, indoor bicycle storage and internal loading areas with one access from Wonderland Road North.

The bonus zone shall be implemented through one or more agreements to facilitate the requested development in return for the provision of affordable housing. The bonus

zone shall also implement a high-quality design with other elements to be implemented through the site plan application.

Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS, 2020, which encourages the regeneration of settlement areas and land use patterns within settlement areas that provide for a range of uses and opportunities for intensification and redevelopment. The PPS directs municipalities to permit all forms of housing required to meet the needs of all residents, present and future.
2. The recommended amendment conforms to the in force policies of the 1989 Official Plan.
3. The recommended amendment conforms with the in force policies of The London Plan, including but not limited to the Key Directions, Homelessness Prevention and Housing policies, and City Design policies.
4. The revised proposal for a mixed-use development with 1,200m² of commercial (double the amount of the original proposal) and 228 residential units is consistent with the planned function of the commercial node and the planned commercial function intended by policy.
5. The proposed density and height of the residential component within this proposed commercial development meets the criteria for specific area policies in both the 1989 Official Plan and The London Plan.
6. The recommended amendment facilitates the development of 12 affordable housing units that will help in addressing the growing need for affordable housing in London. The recommended amendment is in alignment with the Housing Stability Action Plan 2019-2024 and Strategic Area of Focus 2: Create More Housing Stock.
7. The recommended bonus zone for the subject site will provide public benefits that include affordable housing units, barrier-free and accessible design, transit supportive development, and a quality design standard to be implemented through a subsequent public site plan application.

Analysis

1.0 Site at a Glance

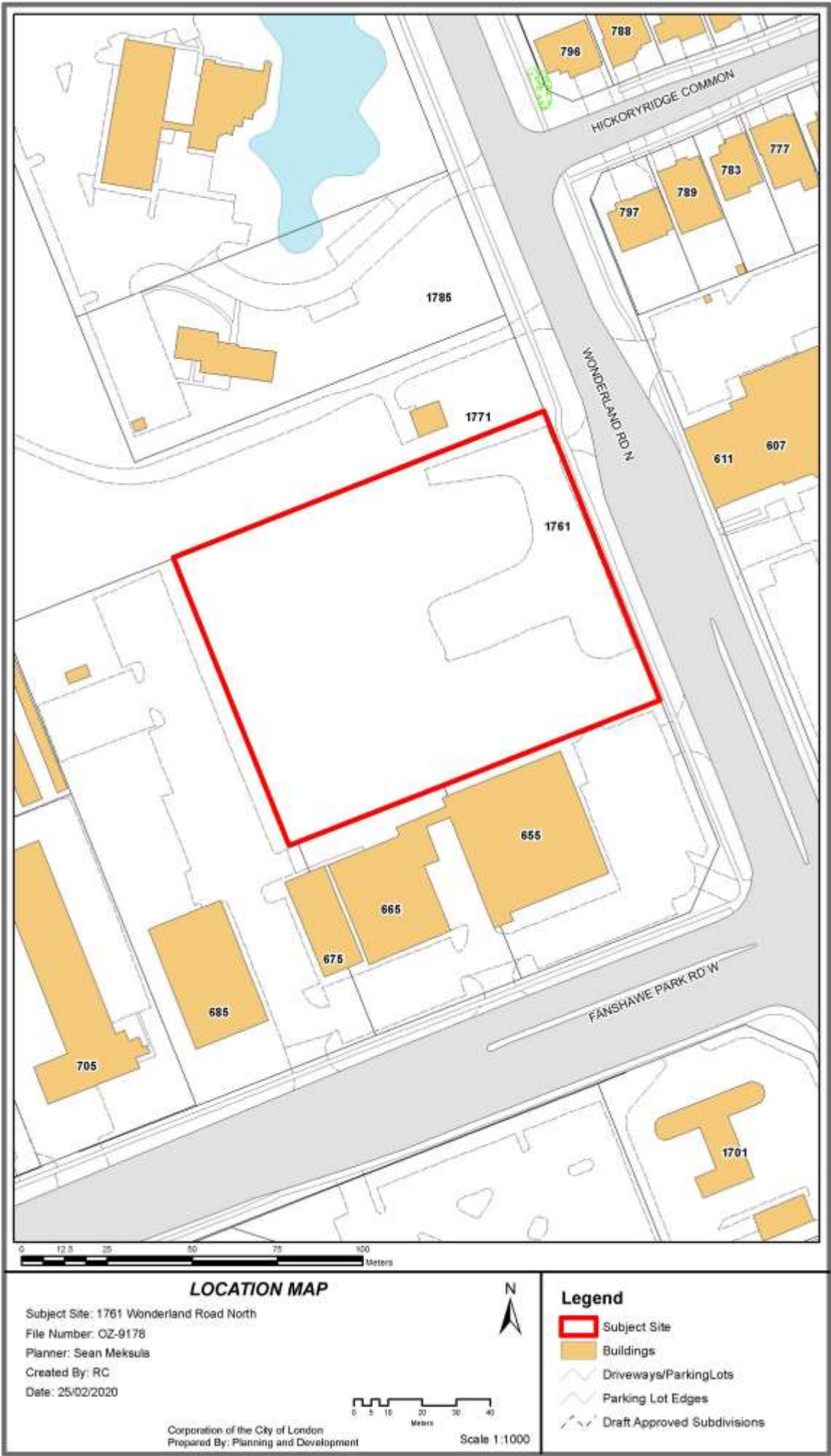
1.1 Property Description

The subject site is located on Wonderland Road North, north of Fanshawe Park Road West. The lands are currently vacant with a lot frontage of approximately 91 metres and a lot area of approximately 1.07 ha. The subject lands are located within the urban growth boundary and abut commercial to the south, commercial across Wonderland Road North to the east, commercial, communication towers and residential to the west, and offices to the north. There are no significant vegetation or natural features on the lands.

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

- Official Plan Designation – Neighbourhood Commercial Node
- The London Plan Place Type – Shopping Area
- Existing Zoning – Holding Neighbourhood Shopping Area Special Provision (h-17•h-103•NSA5(5) Zone

1.3 LOCATION MAP



1.4 Site Characteristics

- Current Land Use – Vacant
- Frontage – 91.0 meters (298.56 feet)
- Depth – 117.0 meters (384 feet)
- Area – 1.07 hectares (2.64 acres)
- Shape – Rectangular

1.5 Surrounding Land Uses

- North – Utility Buildings, Bell Canada and Offices Uses
- East – Sunningdale Village Commercial Plaza, and High-rise Residential
- South – Commercial Plaza and Offices Uses
- West – Mastermind Toys, Commercial Uses and Residential Uses

1.6 Intensification (228 units)

- The proposed residential units represent intensification within the Built-area Boundary
- The proposed residential units represent intensification outside the Primary Transit Area

2.0 Description of Proposal

2.1 Development Proposal

The revised proposal would redevelop the lands with a 17-storey mixed-use building with a maximum of 228 residential units with approximately 1,200m² of commercial floor area in an “L” shape format with the building facing Wonderland Road North. The building design positions and orients the building mass toward Wonderland Road North and steps down the building height from 17-storeys to 4-storeys along the street frontage. A mix of commercial units and some residential dwellings are proposed for the first two storeys. The parking consists of surface parking at the rear of the site along with underground parking and bicycle parking.

3.0 Relevant Background

On October 19, 2020 this application was presented to the Planning and Environment Committee (PEC) with a staff recommendation to refuse the requested Official Plan, The London Plan, and Zoning By-law amendments. Staff were of the opinion that the proposal for a stand-alone apartment building with a small accessory commercial use was not consistent with the planned function of a commercial node which deviated from the planned commercial function intended by policy. After a thorough discussion, direction was given from Planning Committee, to defer this application to allow staff and the applicant time to discuss some options, and see if an agreement can be reached to support development on this site. At its meeting held on October 27, 2020 Municipal Council resolved the following:

That, the application by 1830145 Ontario Limited, relating to the property located at 1761 Wonderland Road South, BE REFERRED back to the Civic Administration to work with the applicant to incorporate a mixed-use building including bonus zoning and affordable housing and to report back at a future Planning and Environment Committee meeting;

The Applicant has since met with Development Services staff and the Housing Development Corporation and is proposing to modify the proposed development to increase the amount of commercial floor area from 600m² to 1,200m², effectively doubling the proposed amount of commercial floor area, and include a substantial element of affordable housing as part of the facilities, services and matters being considered in return for bonus zoning. These changes were circulated to commenting agencies, departments and the public. After no additional comments were received in response to the proposed changes and after further consideration of the proposed

changes to the requested development, staff are recommending that the revised 1989 Official Plan, The London Plan and Zoning By-law amendment applications be approved.

A robust policy analysis was provided in the October 19, 2020 report to PEC. This report is intended to be read in conjunction with that report to inform Council of the progress that had been made in response to their resolution. This report provides a brief policy analysis to supplement the previous report to provide a rationale for the revised recommendation.

4.0 Key Issues and Considerations

Commercial Increase

As mentioned, the applicant has revised the application to increase the commercial floor area from 600m² to 1,200m², which is double the amount set out in the original proposal.

Official Plan

In the general Commercial Node policies of the 1989 Official Plan, mixed-use developments are permitted. These policies recognize that older commercial nodes may have vacant land where additional uses, such as residential, may be integrated with retail functions to achieve a more mixed-use commercial environment. (4.3.3.) The original application included a substantial residential component, with only an accessory commercial use. It was effectively a stand-alone residential apartment building within a commercial designation.

The increased commercial floor area provides a better commercial/residential balance within the Neighbourhood Commercial Node *to provide for the daily or weekly convenience shopping and service needs of nearby residential and, to a lesser extent, passing motorists*, (4.3.8.1) Staff are supportive of this change and recognize that the increased amount of commercial floor area results in a more tangible commercial component and better supports the intended commercial function for this site. Staff are now supportive of the request to permit a special area policy to permit the requested high-rise mixed use apartment building as the intent of the Specific Area policies have been met. The primary function is more conducive to the provision of commercial uses with the “integration” of residential and is consistent with the planned function of a commercial node.

The London Plan

The Shopping Area Place Type policies permit a broad range of retail, service, office, entertainment, recreational, educational, institutional, and residential uses. Mixed-use buildings will be encouraged. (877_1 & 877_2) While recognizing that other place types also support varying amounts of retail, office and service, uses, the role of Shopping Areas within the City Structure is to evolve as the primary Place Type that will allow for commercial uses. (873)

Similar to the policies of the 1989 Official Plan, The London Plan contemplates and encourages mixed-use development within the Shopping Area Place Type. The proposal to double the commercial complement of this development is a better fit with the policies that speak to the primacy of commercial uses with the supplemental inclusion of complementary non-commercial uses. Therefore, the revised application is consistent with the intent of the Shopping Area Place Type policies.

Bonusing

The revised proposed development seeks an increase in density and height, along with other special regulations through Bonus Zoning in exchange for public benefits. Specific

Area Policies for density in the Official Plan and height in the London Plan are required in conjunction with this Bonus Zoning. The 1989 Official Plan policies permit Bonus Zoning as a means to achieve public benefits that cannot be achieved through the normal development process in return for permitting increased building height and/or density. The Planning Act currently allows municipalities to permit the increase in height and density where a City has included bonusing provisions in their Official Plan. In return, the “facilities, services, and matters” offered as a public benefit are to be set out in the Zoning By-law. Furthermore, The London Plan identifies that building heights and densities may be increased through Bonus Zoning to support the provision of affordable housing (521).

The provision affordable housing units(outlined below) within the development and application of common open space, underground parking, enhanced landscaping, innovative/sensitive design, universal accessibility, exceptional site and building design, sustainable development, contribution to transit facilities, large quantities of secure bicycle parking and extraordinary tree planting through a subsequent site plan application will provide a commensurate public benefit for the additional density, and meets the criteria for Bonus Zoning in the Official Plan. These features are outlined in detail in the Staff recommendation.

The application of a bonus zone requires that the potential impacts of intensification be considered through a planning impact analysis as described in Section 3.3.3 and 3.7.3 of the Official Plan. It is the opinion of staff the revised proposed development demonstrates it is compatible in scale and intensity including building orientation, setbacks, transition of height variation from the street, a podium style development and pedestrian orientation to the streetscape.

The proposed development also conforms to The London Plan requirement for a specific area policy (policy 1730_). The proposal meets other policies of The London Plan, including Key Directions for growth, Intensification, Urban Regeneration, Affordable Housing, and City Design policies. The proposal is a unique opportunity to address a public interest, facilitating a development for rental housing and affordable housing stock needs. The proposal is compatible with the existing area and provides a transition in height to complement the street edge. Setbacks recommended through the Bonus Zone provide mitigation of new development to adjacent properties.

Intensity and form of development are addressed through regulations in the Bonus Zone, including setback, parking, layout, access points, barrier-free development, and a pedestrian oriented scale and orientation on the Wonderland Road North frontage. The intensification through the Bonus Zone is appropriate and is in return for many great elements and provision of affordable housing units, consistent with the facilities, services, and matters of public benefit in section 19.4.4 of the Official Plan.

In order to implement the identified items for bonus zoning, policy 19.4.4.iv) of the Official Plan states:

“As a condition to the application of bonus zoning provisions to a proposed development, the owner of the subject land will be required to enter into an agreement with the City, to be registered against the title to the land. The agreement will deal with the facilities, services, or matters that are to be provided, the timing of their provision, and the height or density bonus to be given.”

Bonus Zoning is implemented through one or more agreements with the City that are registered on title to the lands. The agreements secure public benefit and elements of the development that merit the additional density. Through the site plan approval process, the proposed development will be reviewed to ensure that all facilities, services, and matters that have warranted bonus zoning have been incorporated into the agreements. Building and site features are highlighted in the recommendation and the amending by-law attached as Schedule “1” to Appendix D of this report.

Affordable Housing

The “Our Strategy” part of The London Plan establishes directions that serve as the foundation for the policies and place types of the Plan. One of the strategies is affordable housing to which the policies encourage investment in, and promotion of, affordable housing to revitalize neighbourhoods and ensure housing for all Londoners (s.55_, direction 1.13).

Further, the housing policies of the Plan identify affordability targets, stating that planning activities will provide for a mixture of dwelling types and integrated mixtures of housing affordability. In pursuit of this goal, the policies of the Plan identify bonusing as a planning tool in support of the provision of affordable rental housing in planning and development proposals.

Recently, the applicant, staff and the Housing Development Corporation have met to discuss options for affordable housing for this site. Through these discussions, bonusing for affordable housing was agreed upon and a recommendation from HDC has been provided as follows:

RECOMMENDATION:

It is the recommendation of HDC that the following elements constitute the affordable housing bonus zone:

- 1. A total of twelve (12) one-bedroom units, including a maximum of two (2) accessible one-bedroom units, be considered for dedication to affordable rental housing. “Affordability” for the purpose of an agreement shall be defined as rent not exceeding 85% of the CMHC Average Market Rent (AMR) for a one-bedroom as defined at the time of occupancy, and where:
 - i. the identified units may be constructed to a more modest level but within the Affordable Housing Size and Attribute Guidelines of HDC (Attachment 1); and,*
 - ii. Rents for the affordable rental housing units shall only be increased to the allowable maximum, once per 12-month period in accordance with the Residential Tenancy Act or any successor legislation but not to exceed 85% of the CMHC AMR.**
- 2. The duration of the affordability period shall be set at 50 years from initial occupancy of all twelve (12) affordable rental housing units. Sitting tenants residing in the affordable rental housing units at the conclusion of the agreement shall retain security of tenure until the end of their tenancy. These rights shall not be assigned or sublet.*
- 3. The Proponent be requested to further consider a Tenant Placement Agreement (TPA) with the City to align the bonus units with priority populations. The property owner/manager retains tenant selection subject to any eligibility and compliance requirements related to the associated agreement parameters.*
- 4. Subject to Council approval, these conditions be secured through an agreement, ensuring the retained value of the affordable rental housing Bonus Zone for the 50-year affordability period.*

The recommended amendments are consistent with the City’s Housing Stability Action Plan 2019-2024 and Strategic Area of Focus 2: Create More Housing Stock. The Housing Stability Action Plan identifies that more than 300 affordable housing units need to be developed each year across the city to meet current and future needs for affordable housing.

In addition to the other elements of the Bonus Zoning, along with the increase in commercial floor area, staff are recommending approval of the proposed revised development.

5.0 Conclusion

The recommended amendments conform to the City of London Official Plan policies and Shopping Area Place Type policies of The London Plan. The proposal facilitates the development of an undeveloped lot and encourages an appropriate form of development. The bonusing of the subject site ensures the building form and design will fit within the surrounding area while providing a high quality design standard. The revised development proposal to increase the commercial floor area and incorporate affordable housing is an appropriate land use, intensity, and form, which represents compatibility and fit within its context. For those reasons this proposal represents good planning.

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

November 23, 2020

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

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Appendix A Official Plan Amendment – Policies for Specific Areas

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

By-law No. C.P.-1284-
A by-law to amend the Official Plan for
the City of London, 1989 relating to
1761 Wonderland Road North.

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

- 1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
- 2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on December 8, 2020

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 8, 2020
Second Reading – December 8, 2020
Third Reading – December 8, 2020

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy in Section 10.1.3 of the Official Plan for the City of London to permit a mixed-use commercial/residential apartment building within the Neighbourhood Commercial Node designation having a maximum residential density of 226 units/ha.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1761 Wonderland Road North in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with Policies for Specific Areas of the Official Plan. The recommendation provides for the comprehensive development of the subject site resulting in an appropriate and compatible use and form of development.

D. THE AMENDMENT

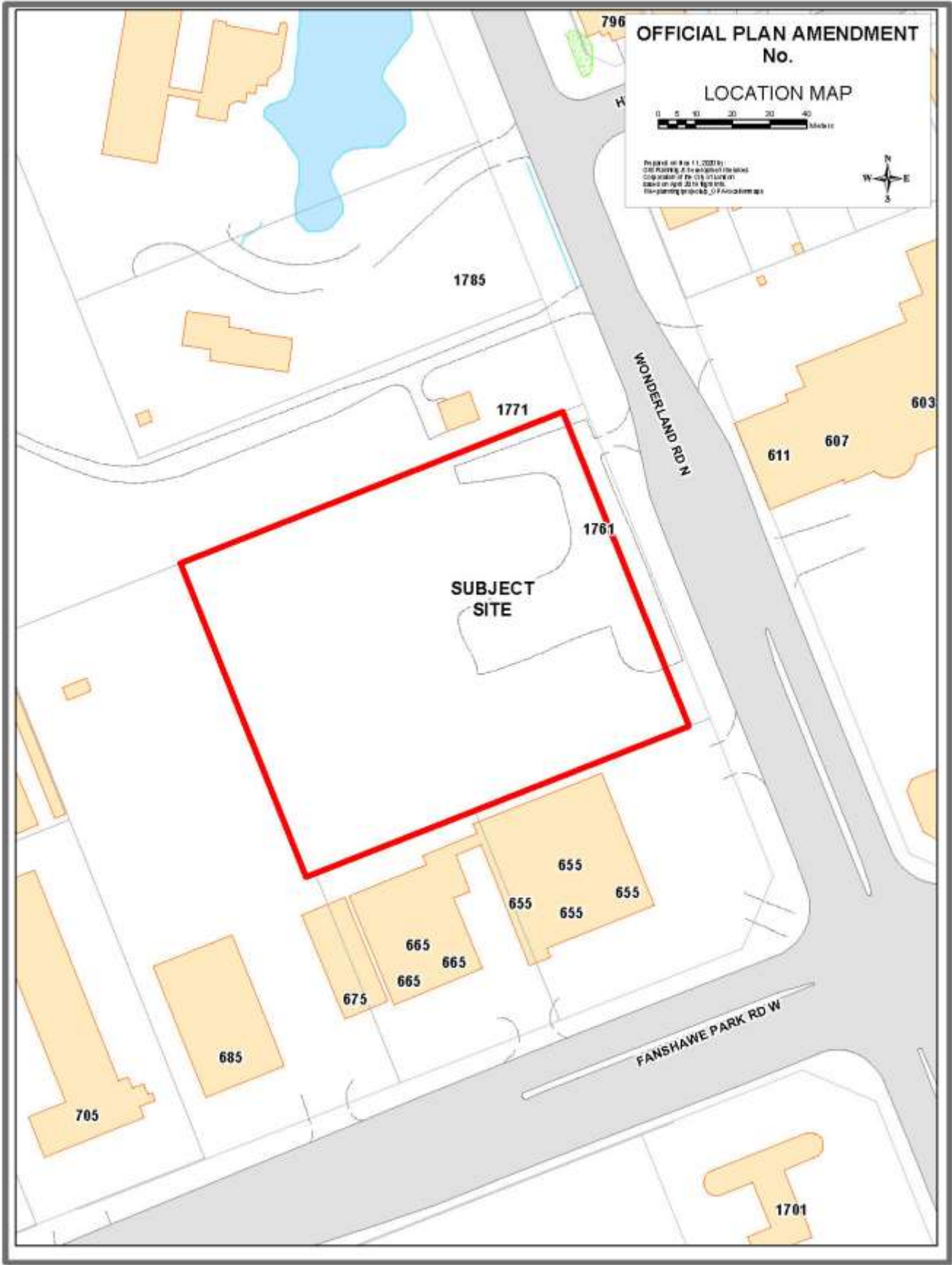
The Official Plan for the City of London is hereby amended as follows:

1. Section 10.1.3 – Policies for Specific Areas of the Official Plan for the City of London is amended by adding the following:

1761 Wonderland Road North

In the Neighbourhood Commercial Node designation at 1761 Wonderland Road North a mixed-use commercial/residential apartment building is permitted having a maximum residential density of 226 uph implemented by way of a Bonus Zone

Official Plan Amendment Map



Appendix B London Plan Amendment – Policies for Specific Areas

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

By-law No. C.P.-1284-
A by-law to amend the London Plan for
the City of London, 2016 relating to
1761 Wonderland Road North.

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

1. Amendment No. (to be inserted by Clerk's Office) to the London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. The Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on December 8, 2020

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 8, 2020
Second Reading – December 8, 2020
Third Reading – December 8, 2020

**AMENDMENT NO.
to the
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to add a policy to the Specific Policies for the Shopping Area Place Type and add the subject lands to May 7 – Specific Policy Areas – of The London Plan to permit a mixed-use commercial/residential apartment building within the Shopping Area Place Type having a maximum height of 17-storeys (63 metres).

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 1761 Wonderland Road North in the City of London.

C. BASIS OF THE AMENDMENT

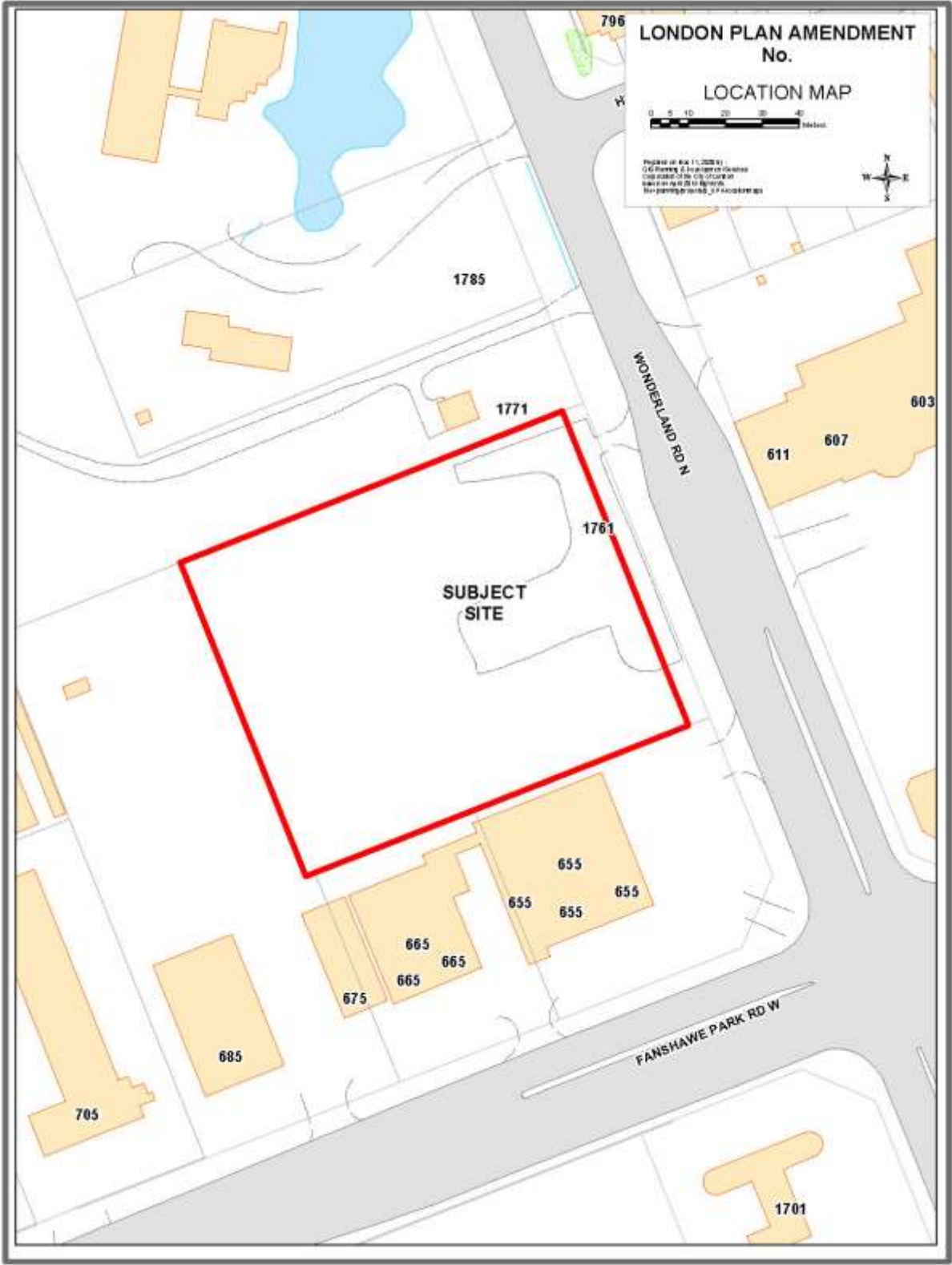
The recommended amendment is consistent with the Provincial Policy Statement 2020, conforms to the City of London 1989 Official Plan, and conforms to The London Plan, including affordable housing, city design and specific area policies. The recommendation provides for the comprehensive development of the subject site resulting in an appropriate and compatible use and form of development.

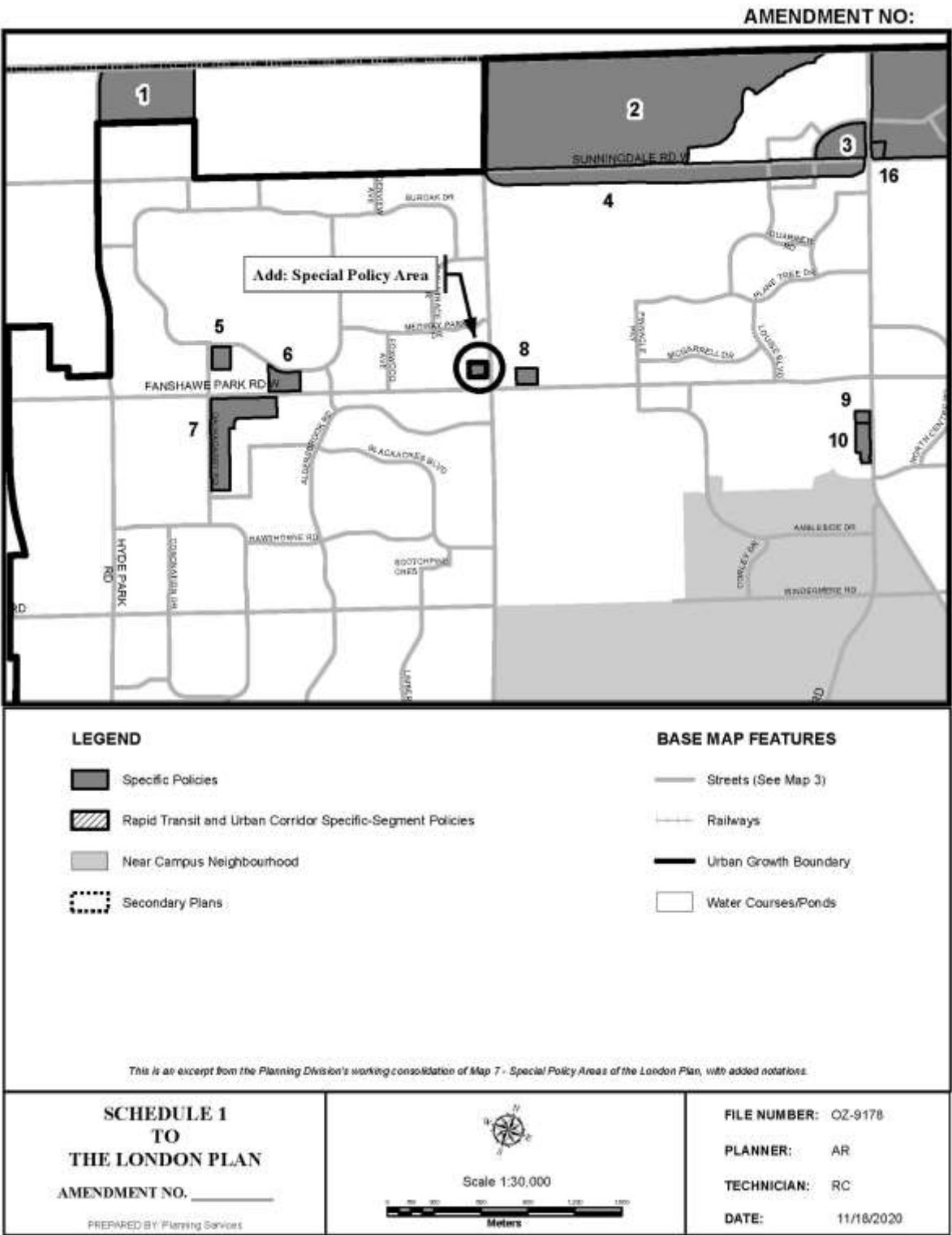
D. THE AMENDMENT

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

1. Specific Policies for the Shopping Area Place Type of The London Plan for the City of London is amended by adding the following:

 () In the Shopping Area Place Type at 1761 Wonderland Road North, a mixed-use commercial/residential apartment building up to 17-storeys may be permitted and implemented by way of a bonus zone.
2. Map – 7 Specific Policy Areas, to The London Plan for the City of London Planning Area is amended by adding a specific policy area for the lands located at 1761 Wonderland Road North in the City of London, as indicated on “Schedule 1” attached hereto.





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Appendix C Zoning By-law Amendments

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 1761
Wonderland Road North

WHEREAS 1830145 Ontario Limited applied to rezone an area of land
located at 1761 Wonderland Road North, as shown on the map attached to this by-law,
as set out below;

AND WHEREAS upon approval of Official Plan Amendment Number
(number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan;

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

- 1) Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable
to lands located at 1761 Wonderland Road North as shown on the attached
map comprising part of Key Map No. A.101, from a holding Neighbourhood
Shopping Area Special Provision (h-17•h-103•NSA5(5)) Zone to a holding
Neighbourhood Shopping Area Special Provision Bonus (h-17•h-
103•NSA5(5)/NSA3*B()) Zone;
- 2) Section Number 4.3 of the General Provision in Zoning By-law Z.-1 is amended
by adding the following new Bonus Zone:

4.3) B() 1761 Wonderland Road North

The Bonus Zone shall be implemented through one or more agreements to
facilitate the development of a high quality mixed-use commercial/residential
apartment building with a maximum density of 226 units per hectare and a
maximum height of 63 metres (17-storeys) which substantially implements the
Site Plan and Elevations attached as Schedule "1" to the amending by-law in
return for the following facilities, services and matters:

(a) Provision of Affordable Housing including:

A total of twelve (12) one-bedroom units, including a maximum of two (2)
accessible one-bedroom units, established by agreement not exceeding
85% of the CMHC Average Market Rent (AMR) for a duration for
affordability set at 50 years from initial occupancy.

(b) A high quality development which substantially implements the site plan and
elevations as attached in Schedule "1" to the amending by-law:

Building Design

- i) High quality architectural design (building/landscaping) including a
common design theme for residential and commercial elements; and
provision of structure parking facilities and screening for surface
parking areas.

Underground Parking

- i) Underground Parking Structure parking provided to reduce surface

parking areas (a minimum 189 subsurface spaces provided).

Outdoor Amenity and Landscaping

- i) Common outdoor amenity area to be provided in the northeast quadrant of the site; and rooftop terraces above the 4th, 16th and 17th floors.
- ii) Landscape enhancements beyond City design standards, including theme lighting and public seating at strategic locations.
- iii) Large caliper boulevard trees planted with a minimum 100m caliper and a minimum distance of 10m between tree planting for the extent of the Wonderland Road North frontage.
- iv) Landscape plans for common outdoor amenity areas to incorporate hard landscape elements and drought resistant landscaping to reduce water consumption.

Sustainability

- i) Four electric vehicle charging stations within the publically accessible surface parking area, as well as 16 charging stations within the parking garage.
- ii) Dedicated areas for bicycle parking along the Wonderland Road North frontage (with convenient access to building entrances). Secure bicycle storage within the structured parking facility. Walkway connections from the tower podium and surface parking filed to provide connectivity to Wonderland Road North bike lanes.

(c) Public Transit

- i) The financial contribution of funding towards construction of transit shelters in close proximity to Wonderland Road North/Fanshawe Park Road West intersection in the amount of \$10,000 to promote bus ridership.

3) The following special regulations apply within the bonus zone upon the execution and registration of the required development agreement(s):

a) Regulations:

- | | | |
|------|---|----------------------|
| i) | Density (maximum) | 226 uph |
| ii) | Height (maximum) | 63 metres |
| iii) | Off Street Parking (minimum) | 322 spaces |
| iv) | Non-residential space within an apartment building on the first and second floor (maximum) | 1,200 m ² |
| v) | Gross floor area individual permitted non-residential use (maximum) | 600m ² |
| vi) | <i>Notwithstanding the compound zoning permissions of Section 3.9.1) of the Zoning By-law this zone variation is excluded</i> | |
| vii) | Additional Permitted Use: | Pharmacy |

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 December 8, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

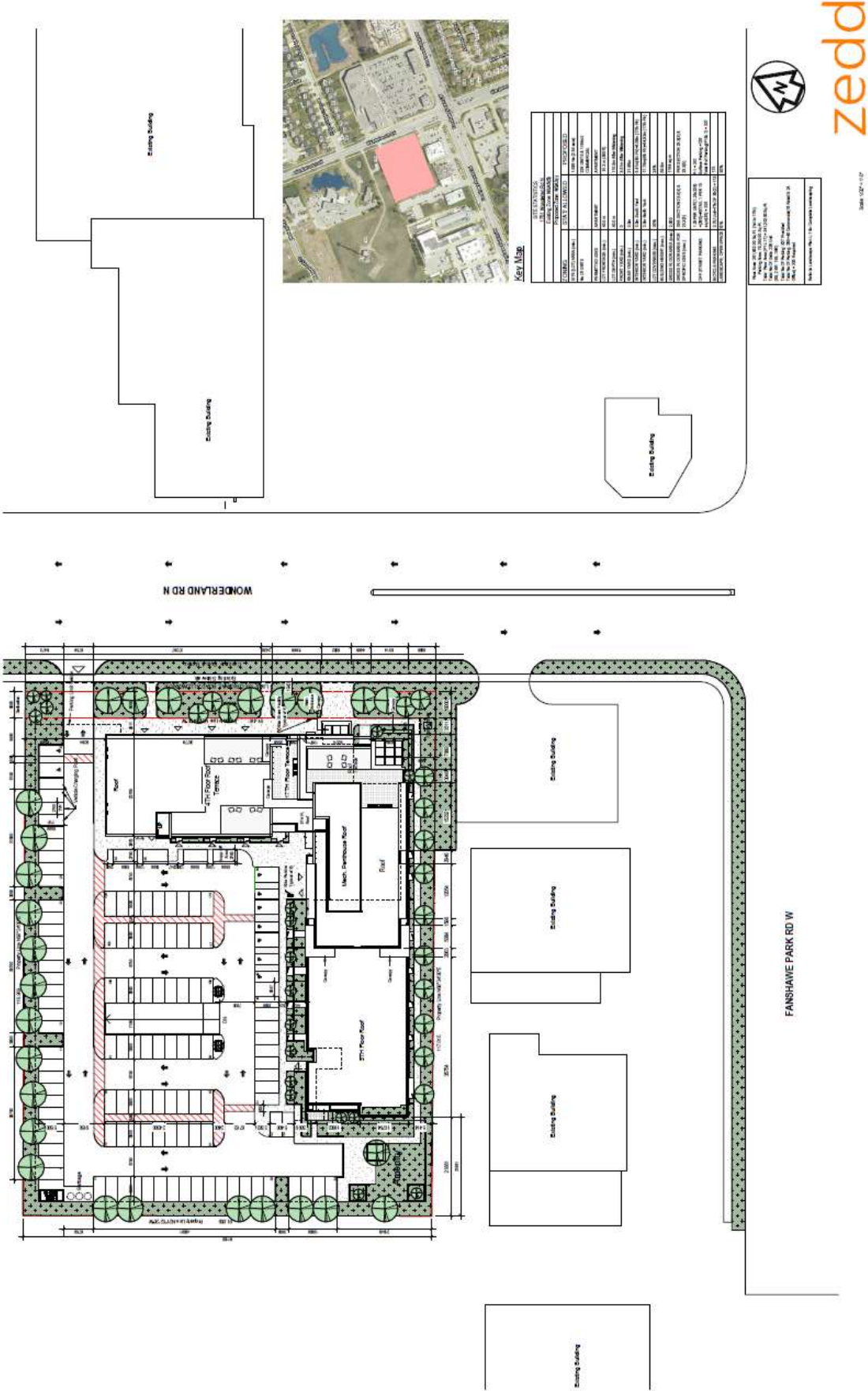
First Reading – December 8, 2020.
Second Reading – December 8, 2020.
Third Reading – December 8, 2020.

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



Schedule “1”

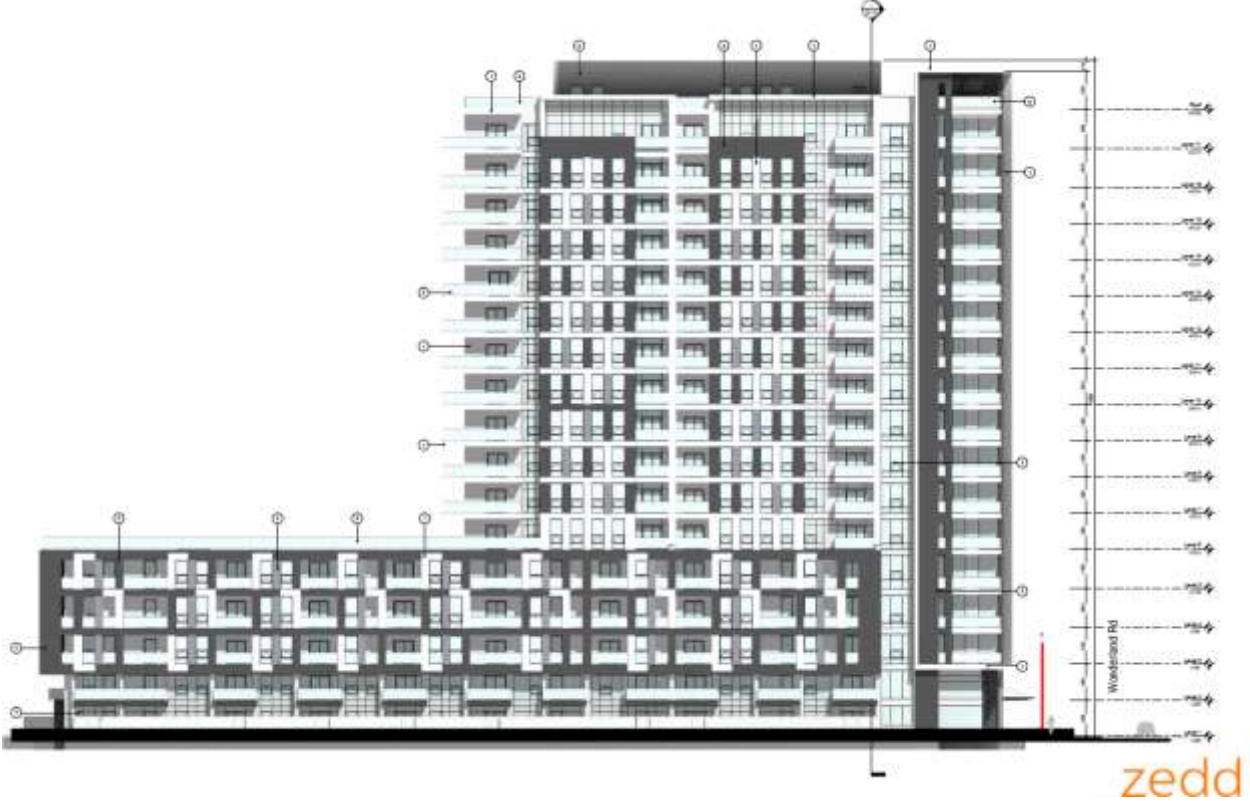
Site Plan



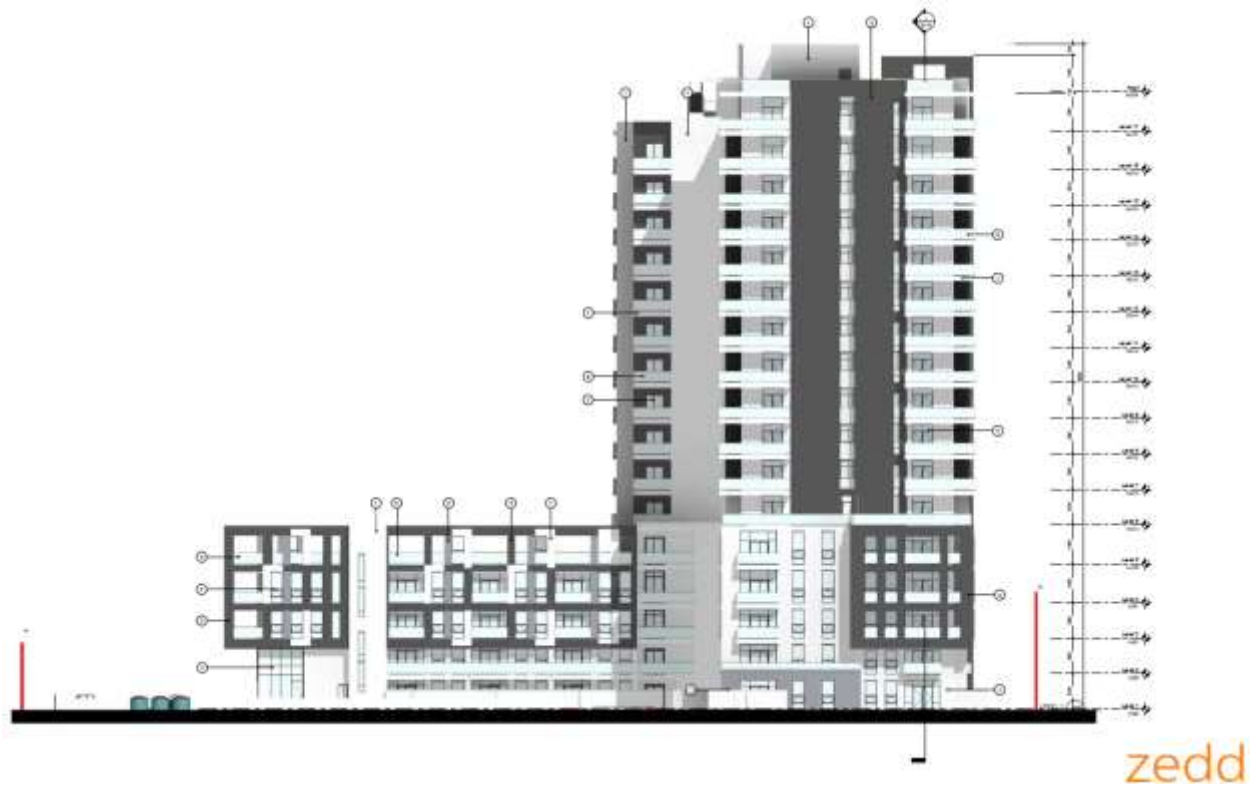
East Elevation



South Elevation



West Elevation



North Elevation



Southeastern View



zedd

East View



zedd

North View



Southeastern Corner View



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee
From: Gregg Barrett
Director, City Planning and City Planner
Subject: Protected Major Transit Station Areas (PMTSAs)
Public Participation Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with respect to the application by the City of London relating to Protected Major Transit Station Areas (PMTSAs), the proposed by-law, attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend *The London Plan, 2016* **TO ADD** new policies and a map pertaining to Protected Major Transit Station Areas and the by-law **BE FORWARDED** to the Minister of Municipal Affairs and Housing for approval.

IT BEING NOTED THAT in accordance with the *Planning Act*, the Ministry of Municipal Affairs and Housing is the approval authority for official plan amendments with respect to PMTSAs.

Executive Summary

Summary of Request

The recommended amendment will identify Protected Major Transit Station Areas (PMTSAs) that align with the Downtown, Transit Village and Rapid Transit Corridor Place Types, and create a policy framework for these areas in the London Plan.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended action is to establish a policy framework for PMTSAs to provide direction on targeted numbers of residents and jobs per hectare, permitted uses, minimum densities, and height requirements within these areas, while supporting the vision of each Place Type.

Rationale of Recommended Action

The recommended amendment is consistent with the Provincial Policy Statement, 2020, as it supports transit-supportive development and intensification in close proximity to existing or planned transit corridors or stations.

The recommended amendment conforms with the *Planning Act*, as it addresses the requirements set out in the legislation for PMTSAs, such as a minimum number of residents and jobs per hectare, permitted uses, and minimum densities.

The recommended amendment is supportive of the policies in the London Plan, particularly those for the Downtown, Transit Village, and Rapid Transit Corridor Place Types.

The recommended amendment will support the implementation of the higher order transit system and Council's approved city structure by directing more intensity and mix of uses close to the approved higher order transit stations in the 2019 Rapid Transit Environmental Project Report.

Analysis

1.0 Background

1.1 What are Protected Major Transit Station Areas?

Protected Major Transit Station Areas (PMTSAs) are defined as the areas “surrounding and including an existing or planned higher order transit station or stops” in the *Planning Act* (S. 16 (15)). PMTSAs are intended to accommodate increased residential and employment growth with highly urban, mixed-use, transit-supportive forms of development. It is proposed that PMTSAs will align with the Downtown, Transit Village, and Rapid Transit Corridor Place Types.

The Downtown, Transit Village, and Rapid Transit Corridor Place Types are envisioned as higher density, mixed-use, and transit-oriented communities that are centrally located around higher order transit stations approved in the 2019 Rapid Transit Environmental Project Report. Identifying these Place Types as PMTSAs in the London Plan will assist in implementing the City Structure Plan and will allow for the future consideration of Inclusionary Zoning to create affordable housing units in London.

1.2 Draft Protected Major Transit Station Areas policies

On August 10, 2020, an information report with draft PMTSA policies was presented to the Planning and Environment Committee which recommended the policies be circulated for public input. Council adopted the recommendations on its August 25, 2020.

The policies include a definition of PMTSAs in the London context and a new policy to the Our City chapter to identify the role of PMTSAs in the City Structure Plan. In addition, each of the Downtown, Transit Village, and Rapid Transit Corridor Place Types includes 5 policies (Policies A to F).

- Policy A identifies that PMTSAs align with the Downtown, Transit Village, and Rapid Transit Corridor Place Type boundaries.
- Policy B identifies a targeted number of residents and jobs combined per hectare for each Place Type. The targets are to function as a long-term goal of each Place Type, not a minimum requirement that need to be meet in every development.
- Policy C specifies the minimum and maximum building heights that are taken from the existing height framework. The maximum heights align with what may be permitted under bonusing (Type 2 Bonus Zoning).
- Policy D provides direction on minimum densities, including a floor area ratio, as a minimum requirement for individual development within each Place Type unless a lower density is required in accordance with other London Plan policies.
- Policy E identifies permitted uses within each Place Type which are identical to the existing permitted use policies.
- Policy F indicates that development within each Place Type continues to apply to other London Plan policies.

Several changes to Figure 5 reflect the approved higher order transit routes and the Downtown, Transit Village and Rapid Transit Corridor Place Type boundaries, while a new Map (Map 10) shows PMTSAs that align with these Place Type boundaries on a larger scale.

The policies were posted on a Get Involved website for public review and comments on the policies, while staff conducted a stakeholder consultation on October 22, 2020 to discuss on the policies. Further details of these consultations can be found in Section 4.0 of this report.

2.0 Purposes of Protected Major Transit Station Areas

2.1 Growth Management and Intensification

PMTSAs will support growth management policies of the London Plan by providing additional policy directions that support the vision of the London Plan to grow “inward and upward”. While there are more than 200 residents and jobs per hectare within the Downtown, all of the Transit Villages and Rapid Transit Corridors are currently below 100 to 160 residents and jobs per hectare, which is the suggested minimum density to support rapid transit service under the Province’s Transit-Supportive Guidelines. This amendment will encourage transit-supportive development and intensification concentrated in proximity to higher order transit stations, especially within the Transit Villages and Rapid Transit Corridor Place Types.

The *Planning Act* requires that PMTSA policies include minimum densities and targets for the minimum residents and jobs per hectare. These new policies in the London Plan will help to ensure that development is compatible with the vision of the Downtown, Transit Village, and Rapid Transit Corridor Place Types. This will also help to minimize future land use conflicts between sites with different densities.

2.2 Inclusionary Zoning

Identifying PMTSAs will allow for consideration of Inclusionary Zoning to provide affordable housing units in these parts of the City. Inclusionary Zoning is a planning tool available in the *Planning Act* to require developers to include affordable housing units within their development projects. It allows municipalities to require a certain amount of units or a certain gross floor area within residential development be set aside as affordable and maintained as affordable for a set period of time.

Inclusionary Zoning can only apply to residential developments of 10 or more units within PMTSAs and areas that are subject to a Community Planning Permit System (CPPS). The proposed policies for PMTSAs support higher density residential development that can support the creation of affordable units through Inclusionary Zoning. In addition, the *Planning Act* and Ontario Regulation 232/18 allow municipalities to specify requirements and standards, including types and sizes of affordable housing units, affordability depth, tenure of affordable units, and financial measures and incentives, as well as offsite unit circumstances and conditions, in their official plans and zoning by-laws. Monitoring is mandatory to ensure that the required affordable units are maintained for the required period of time.

Bill 108, the *More Homes, More Choice Act*, 2019, removed density bonusing from Section 37 of the *Planning Act* and eliminated municipalities’ ability to create affordable housing in exchange for increased density or height that applies municipality-wide. Given the legislative changes, Inclusionary Zoning represents an alternative way of securing affordable housing through the development process.

Inclusionary Zoning has been identified in the Affordable Housing Development Toolkit and is on the City Planning work plan and Council’s Strategic Plan to be considered in support of the development of affordable housing. Inclusionary Zoning cannot be adopted unless PMTSAs or areas that are subject to CPPS are identified and approved in an official plan. Since there is no CPPS currently in force in London, Inclusionary Zoning requires Council approval of PMTSAs to create the opportunity for the implementation of Inclusionary Zoning through a future Official Plan amendment and subsequent zoning by-law amendment.

2.3 The London Plan Appeals

PMTSA policies may not be appealed to the Local Planning Appeal Tribunal (LPAT). The policies, which include permitted uses, minimum densities, and minimum numbers of residents and jobs per hectare, as required in accordance with section 16 (15) of the *Planning Act*, will come into force upon Council’s approval. The only possible exception to the appeal restriction is an appeal with respect to a maximum building height, but only where the maximum building height would not result in a building that would not

satisfy the minimum density authorized for that parcel. Such an appeal is not possible to these policies given the permitted level of intensity.

Portions of the Downtown, Transit Village, and Rapid Transit Corridor Place Type policies and the Place Type map (Map 1) are currently not in force and effect due to appeals to the LPAT. An order made by the LPAT on October 23, 2020 brought this map partially into force, including the Rapid Transit Corridor Place Type. The Downtown and Transit Village Place Type designations are currently under appeal.

The recommended amendment will bring policies with respect to permitted uses and height requirements into force upon Council's approval for these areas. The amendment will, therefore, allow some aspects of these Place Types that support transit-oriented development to be implemented and their areas defined.

2.4 Climate Emergency

PMTSAs will support efforts to address the Climate Emergency that Council declared on April 23, 2019, by supporting intensification in areas that are planned for higher order transit. This will promote more intense and efficient use of existing urban lands and support the City's commitment to reduce greenhouse gas emissions from automobile use.

3.0 Policy Context

3.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020, introduces new direction on transit-supportive development and promotes a clear relationship between land use and transit, with policies that emphasize land use patterns, density, and a mix of uses to support current and future use of transit and active transportation (1.6.7.4). In the PPS, transit-supportive means development that makes transit viable, optimizes investments in transit infrastructure and improves the quality of the experience of using transit, and often refers to compact, mixed-use development that has a high level of employment and residential density in proximity to transit stations, corridors and associated elements within the transportation system.

The PPS provides that healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs (1.1.1.b), and promoting the integration of land use planning, growth management, transit-supportive development and intensification to achieve cost-effective development patterns and optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1.e). Land use patterns within settlement areas shall be based on densities and a mix of land uses, which support active transportation (1.1.3.2.e) and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2.f).

The PPS requires planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification, to accommodate projected needs (1.1.3.3). The PPS directs planning authorities to promote densities for new housing which efficiently use land and infrastructure and support the use of active transportation and transit in areas where it exists or is to be developed (1.4.3.d). Planning authorities also require transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations (1.4.3.e). The recommended amendment considers PMTSAs as appropriate locations for transit-supportive development and intensification, given their proximity to planned higher order transit.

The PPS identifies the relationship between climate change and transit-supportive development and promotes a compact form and city structure with nodes and corridors, which improves the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion (1.8.1). The amendment encourages mixed-use development in order to help to address the climate emergency.

The recommended amendment is consistent with the PPS and supports the implementation of these policies.

3.2 Planning Act

The *Planning Act* identifies that an official plan may include policies that identify the area surrounding and including an existing or planned higher order transit station or stop as a protected major transit station and that delineate the area's boundaries in accordance with section 16 (15). The *Planning Act* defines higher order transit as transit that operates in whole or in part in a dedicated right of way, including heavy rail, light rail and buses.

Under section 16 (15), where a municipality identifies a PMTSA in its official plan, the official plan must contain policies that:

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

The recommended amendment is consistent with the *Planning Act* and addresses the requirements set out in Section 16 (15).

3.3 The London Plan

The London Plan policies under appeal to the Local Planning Appeal Tribunal (appeal PL170100) and not in force and effect are indicated with an asterisk (*) in this report for informative purposes indicating the intent of City Council, but are not determinative for the purposes of this amendment.

The London Plan provides Key Directions, each of which presents a list of planning strategies to help the City effectively achieve its vision. Key Direction #6 places a new emphasis on creating attractive mobility choices by creating active mobility choices such as walking, cycling, and transit to support safe, affordable, and healthy communities (60_1); establishing a high-quality rapid transit system and strategically using it to create an incentive for development along rapid transit corridors and at transit villages and stations (60_3); focusing intense, mixed-use development to centres that will support and be served by rapid transit integrated with walking and cycling (60_5); and requiring, promoting, and encouraging transit-oriented development forms (60_6).

Key Direction #5 provides direction on building a mixed-use compact city by implementing a city structure plan that focuses high-intensity, mixed-use development to strategic locations – along rapid transit corridors and within the Primary Transit Area (59_1). The City Structure Plan informs policies of the London Plan by illustrating the desired future shape of London over the next 20 years within five frameworks. The frameworks consist of the growth framework, the mobility framework, the green framework, the economic framework, and the community framework, and work together to implement the Plan.

The growth framework of the City Structure Plan establishes a plan for shaping growth over the next 20 years. The most intense forms of development will be directed to the Downtown, Transit Villages, and at station locations along the Rapid Transit Corridors, where they can be most effective in meeting multiple of objectives of the London Plan (86*). This framework identifies that the Downtown and the Transit Villages are intended to allow for intense, mixed-use neighbourhoods and business areas with centrally located rapid transit stations. They are planned to help to make rapid transit viable in London, with a high degree of pedestrian amenity making them great places in which to live, shop, work, and play (95). Development along the Rapid Transit Corridors will be of an intensity that will support rapid transit ridership, without detracting from the highest intensity of development that is to be directed to the Downtown and the Transit Villages

(96*). This framework also directs development along the planned rapid transit corridors to establish a world-class, mid-sized Downtown that is well connected to the rest of London (98_1), support intense forms of mixed-use development in the Transit Villages (98_2), and create abundant opportunities for growth and development in the Transit Villages and Rapid Transit Corridors (98_5).

The economic framework of the City Structure Plan establishes a high-level plan for key elements of the City that will drive our economic success (126). This framework identifies that the Downtown, Transit Villages, and Rapid Transit Corridors are planned to be economic engines for commerce, employment, and economic growth by highly supporting small, medium and large-scale businesses with high-quality walking, cycling and transit environments (127). The amendment allows for opportunities for businesses that accessible to the approved higher order transit service.

The mobility framework of the City Structure Plan includes policies for moving people, goods and services throughout the City (100*). This framework focuses on the higher order transit corridors, which represent the spine of London's mobility network and connect the Downtown to neighbourhoods, institutions and other employment nodes, centres of culture and commerce (101*).

While the City Structure Plan sets the framework upon which the City is planned to growth in the future, the City Building policies of the London Plan provide direction for how the City will grow (185, 186). The policies provide direction with respect to *Mobility* to accommodate attractive mobility choice, such as transit usage, walking, and cycling. The policies direct the City to design and build mobility infrastructure by utilizing rapid transit services to strategically promote and stimulate intensification and support the growth management policies (313_3). The policies also provide that the areas surrounding transit stations will have a high standard for design to support mobility choices and the built form will be transit-oriented consistent with the applicable place type (345).

3.3.1 Downtown Place Type

The Downtown is envisioned as the hub of mobility in the City, serving as the City's primary station for rapid transit, regional bus, rail, and future high speed rail (799_17). The Downtown will be the most highly connected location in the entire City, and will offer the City's premier pedestrian experience (796).

The Downtown is the highest-order mixed-use activity centre in the City (798, 800*) and allows for the broadest range of uses and the most intense forms of development in the City, within highly urban, transit-oriented environments (789_1). The London Plan directs major government buildings, hotels, convention centres, and large entertainment and cultural facilities in the Downtown (799_15). In addition, the Downtown allows for a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses, as well as mixed-use buildings (800_1*, 2*). The proposed policies for the Downtown PMTSA align with the uses currently permitted in the Downtown.

The Downtown also allows for the greatest level of intensity (95), by permitting the tallest buildings up to 35 storeys through bonusing and the highest densities in the City (802_1*). Furthermore, the London Plan provides that large-scale office developments are directed to the Downtown to prevent the deterioration of the Downtown office market (799_14). The proposed policies are in line with the provisions that intensify non-residential development in the Downtown.

3.3.2 Transit Village Place Type

Second only to the Downtown in terms of the mix of uses and intensity of development that is permitted, Transit Villages are major mixed-use destinations with centrally located rapid transit stations that will form focal points to the Transit Villages (807). The Transit Villages will be occupied by extensive retail and commercial services and will allow for substantial office spaces, as well as entertainment and recreational services, with a pedestrian-oriented form of development that connects to the transit station (806). The permitted uses within the Transit Villages include a broad range of

residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses, and mixed-used buildings (811_1, 2), consistent with the proposed policies for the Transit Village PMTSAs.

The Transit Villages have opportunities for significant infill, redevelopment and an overall more efficient use and built form to support the transit system and create an environment that places the pedestrian and transit user first (809). The vision of the Place Type includes planning and budgeting for rapid transit services and locating transit stations at strategic central locations within the Transit Villages (810_1); planning for intense, mixed-use development around transit stations within the Transit Villages (810_2); transitioning height and intensity between transit stations and surrounding neighbourhoods (810_3); requiring transit-oriented development forms (810_4); and planning for retail and service commercial uses, plaza spaces and attractive outdoor seating areas, accessible to the public, located adjacent to transit stations (810_7).

The Transit Villages are intended to support the rapid transit system, by providing a higher density of people living, working, and shopping in close proximity to high-quality transit service (808). The maximum building heights of 22 storeys through bonusing is permitted within the Transit Villages (813_1*). The recommended amendment supports a broad range and mix of uses and intensity in proximity to transit station within the Transit Villages.

3.3.3 Rapid Transit Corridor Place Type

The London Plan envisions the Rapid Transit Corridor Place Type to be vibrant, mixed-use, mid-rise communities that border the length of our rapid transit services (826). The role of the Rapid Transit Corridor Place Type is to offer great opportunities for people to live and work close to high-order transit to give them attractive mobility choices (829*). The Rapid Transit Corridors will also encourage infill and intensification, minimize outward expansion, allow for mixed-use development, and provide positive opportunities for mid-rise and high-rise development (97).

Similar to the Transit Villages, the Rapid Transit Corridors focus on planning and budgeting for rapid transit services along the Corridors and locating transit stations within highly urban forms at strategic locations (830_1*) and require transit-oriented and pedestrian-oriented development forms along the corridors (830_7*).

The London Plan contemplates greater intensity and height of development in close proximity to transit stations within the Rapid Transit Corridors to support transit usage and provide convenient transportation for larger numbers of residents (827*, 830_5*). Furthermore, greater residential intensity may be permitted on sites that are located within 100 metres of a rapid transit station (840_6*). While the maximum height of 12 storeys is permitted through Type 2 Bonus within the Rapid Transit Corridors, the corridors allows for up to 16 storeys within 100 metres of rapid transit stations (Table 9*). The proposed policies for Rapid Transit Corridor PMTSAs direct greater intensity in close to higher order transit stations, in keeping with the Table.

The Rapid Transit Corridors also allow for a wide range of permitted uses, including a mix of residential uses, close to transit stations to establish demand for rapid transit services (830_4*, 5*). A range of residential, retail, service, office, cultural, recreational, and institutional uses and mixed-use buildings may be permitted within the Rapid Transit Corridor Place Type unless otherwise identified by the Specific-Segment policies (837_1*, 2*).

Within the Rapid Transit Corridors, the range of uses, intensity and form of development vary by segment (826, 829*). The London Plan identifies three specific segments – Main Street, Preservation, and Transitional Segments – provides their context-specific goals and further policy guidance. The proposed policies for Rapid Transit Corridor PMTSAs align with the general policies of the Place Type to ensure flexibility for the segments.

4.0 Public and Stakeholder Consultations

Following the presentation to the PEC on August 10, 2020, the Get Involved website was set up to provide opportunity for the public to review the proposal and provide comments on the draft policies. The website provides a brief summary of the proposal, answers to Frequently Asked Questions, and supportive documents, including the August 10, 2020 PEC Information Report.

On September 3, 2020, staff circulated a notice of application informing of the Get Involved site and the draft policies to stakeholders and interested persons who has requested to be notified. Responses received include requests for further information of the proposal and the draft policies and clarification on several issues, such as the higher order transit routes and the 500 to 800 metre radius distance criteria. There were also several concerns, especially those regarding the North transit routes along Richmond Street and intensification within the Old North Richmond Neighbourhood where lower densities are required, and these concerns have been addressed. The responses are summarized in Appendix C.

A stakeholder raised several questions and requested to discuss on the draft policies with staff. Staff conducted a virtual online consultation with stakeholders from the development industry on October 22, 2020. Feedback received includes concerns and questions with respect to the followings:

- Inclusionary Zoning implication
- Flexibility on heights
- Distance criteria of a 500 to 800 metre radius
- Exemptions from PMTSA policies, especially for those for Rapid Transit Corridor Place Type that has Specific Segments (e.g. Preservation Segment)
- Duplications of the existing Place Type policies (permitted uses)
- Parking restrictions in the Downtown Place Type
- Implication of the shift in workplace driven by the COVID pandemic on minimum densities

These concerns were all addressed in the meeting. Feedback received were considered to revise the policies that should be forwarded for Council's consideration.

5.0 Recommended PMTSA policies

The recommended PMTSA policies remain very similar to the draft policies presented at the August 10, 2020 PEC meeting, with only minor changes required in response to feedback received through the department and agency circulation and public engagement. The recommended policies are attached in Appendix E.

5.1 Policies for the Our City and Our Tools Parts of the London Plan

A new policy to the Our City chapter of the London Plan is to introduce PMTSAs as an importance piece of the City Structure Plan. Figure 5 shows the Downtown, Transit Villages and Rapid Transit Corridor Place Types in alignment with the higher order transit routes approved in the 2019 Rapid Transit Environmental Project Report.

A definition of PMTSAs in the Our Tools chapter is to define PMTSAs in the London Plan context. A new policy has been added to the chapter to describe the new Map 10 – Protected Major Transit Station Areas, which supports visual understanding of PMTSA boundaries that align with the Downtown, Transit Village and Rapid Transit Corridor Place Types. Map 1 – Place Type has been appealed to the LPAT, however, Map 1 is now partially in force and partially under appeal following a decision on this Map made by the LPAT on October 23, 2020. The Rapid Transit Corridor Place Type designation, including two changes on Richmond Street and Dundas Street, is in force in its entirety. Map 10 shows the changes that are indicated in the draft Map 10 and remains unchanged.

5.2 Place Type Policies

Policies A to F are recommended to be added to the Downtown, Transit Village, and Rapid Transit Corridor Place Types to maintain and support the intent of these Place Types in the London Plan, while incorporating the requirements of the *Planning Act*. These new policies provide for further direction on development within each Place Type.

5.2.1 Defining PMTSAs

Policy A identifies the Downtown, Transit Village, and Rapid Transit Corridor Place Types as PMTSAs, which are shown on Map 10.

5.2.2 Planned Residents and Jobs Combined Per Hectare

Policy B identifies a targeted number of residents and jobs combined per hectare for each Place Type, as required in Section 16(15)(a) of the *Planning Act*. A targeted number represents a long-term goal of each Place Type at ultimate build-out. The targeted numbers are consistent with the minimum density targets for rapid transit, ranging from 100 to 160 residents and jobs per hectare or 45 to 72 units per hectare, suggested in the Transit-Supportive Guidelines. These numbers apply to the whole PMTSA and are not minimum requirements that need to be met in every development.

5.2.3 Minimum and Maximum Building Heights

Policy C specifies the minimum and maximum building heights to achieve a targeted number of residents and jobs per hectare within each Place Type. The minimum heights are taken from the existing heights permitted in each Place Type, while the maximum heights are in line with the maximum heights permitted through Type 2 Bonus Zoning to accommodate intensification in PMTSAs.

The recommended minimum heights are 3 storeys or 9 metres in the Downtown PMTSA and 2 storeys or 8 metres in both the Transit Village PMTSAs and the Rapid Transit Corridor PMTSAs.

The recommended maximum heights are 35 storeys in the Downtown PMTSA, 22 storeys in the Transit Village PMTSAs, and 12 storeys, except within 100 metres of a higher order transit station where the maximum height is 16 storeys, in the Rapid Transit Corridor PMTSAs.

5.2.4 Minimum Density

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

The recommended minimum densities in these Place Types fall within the range of 45 to 72 units per hectare, which is the minimum density targets for rapid transit as suggested in the Transit-Supportive Guidelines. These minimum densities include 60 units per hectare in the Downtown PMTSA and 45 units per hectare in both the Transit Village PMTSAs and the Rapid Transit Corridor PMTSAs.

The recommended floor area ratios for non-residential use are 0.6 in the Downtown PMTSA and 0.5 in both the Transit Village PMTSAs and Rapid Transit Corridor PMTSAs.

It should be noted that there may be some instance where the minimum density cannot be achieved on a given site due to other factors or policies that direct growth. For example, a site with identified heritage resources may be constrained in the level of intensification that would be appropriate, or a site with an identified hazard may not be suitable for any intensification at all. Policy F, which is described below, ensures that other factors are considered that may prevail over this policy direction to achieve a minimum density.

5.2.5 Permitted Uses

Policy E identifies permitted uses within each Place Type to accommodate an appropriate range and mix of land uses, as per Section 16(15)(b) of the *Planning Act*. This policy for each Place Type has been simplified from the draft policies presented to this committee in August. Rather than duplicating the entire permitted uses policies from the Place Types, this recommended policy briefly lists the types of uses permitted and describes that mixed-use buildings are encouraged.

5.2.6 Development Subject to Other Policies of The London Plan

Policy F is intended to ensure that development within each Place Type works with and supports other policies of the London Plan. It is the intent that these policies support the vision of each Place Type and do not overrule other policies. Minor changes to policy F for each Place Type have been made to the draft policies to further clarify that development is also subject to specific area policies. In addition to specific area policies, specific segment policies continue to apply to the Rapid Transit Corridor Place Type PMTSAs.

6.0 Conclusion

The recommended amendment to the London Plan will support the implementation of the higher order transit system and the City Structure Plan. The recommended PMTSA policies have considered the feedback that has been received through the consultations and provide additional direction on development around the higher order transit stations.

The amendment is consistent with the Provincial Policy Statement, 2020 and conforms with the *Planning Act*. The amendment is supportive of the London Plan, including the visions for the Downtown, Transit Village, and Rapid Transit Corridor Place Types.

The Council-adopted amendment will be forwarded to the Ministry of Municipal Affairs and Housing for approval.

Appendix A

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

By-law No. C.P.-XXXX-____

A by-law to amend The London Plan for the City of London, 2016 relating to Protected Major Transit Station Areas (PMTSAs).

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990, c.P.13*.

PASSED in Open Council on December 8, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 8, 2020
Second Reading – December 8, 2020
Third Reading – December 8, 2020

**AMENDMENT NO.
to the
THE LONDON PLAN FOR THE CITY OF LONDON**

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To add policies in the Our City, Our Tools, Downtown Place Type, Transit Village Place Type, and Rapid Transit Corridor Place Type chapters of The London Plan for the City of London to identify and implement Protected Major Transit Station Areas.
2. To add a new Map, Map 10 – Protected Major Transit Station Areas, to The London Plan for the City of London.
3. To amend Figure 5 in The London Plan for the City of London to reflect the rapid transit routes as approved in the Rapid Transit Environmental Project Report and recommended changes to Rapid Transit Corridor Place Type on Richmond Street and Dundas Street.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands within the Downtown, Transit Village, and Rapid Transit Corridor Place Types in the City of London.

C. BASIS OF THE AMENDMENT

Protected Major Transit Station Areas (PMTSAs) are defined as the areas “surrounding and including an existing or planned higher order transit station or stops” in the *Planning Act*. PMTSAs are intended to accommodate increased residential and employment growth with highly urban, mixed-use, transit-supportive forms of development.

The requested amendment to the London Plan is to identify PMTSAs that align with the Downtown, Transit Village and Rapid Transit Corridor Place Types and create a policy framework for these areas in the London Plan.

The recommended amendment will support the implementation of the higher order transit system and the City Structure Plan, and will promote development that is compatible with the vision of each Place Type.

D. THE AMENDMENT

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

The London Plan is hereby amended as follows:

1. Policy 97A with regard to Protected Major Transit Station Areas is added to The London Plan for the City of London.

97A_ The Downtown, Transit Villages, and Rapid Transit Corridors are identified as Protected Major Transit Station Areas due to their proximity to rapid transit stations, and are shown on Figure 5. The Downtown, Transit Village, and Rapid Transit Corridor Place Type chapters of this Plan provide more detailed policy direction to plan for Protected Major Transit Station Areas.

2. The Downtown Place Type policies of The London Plan for the City of London are amended by adding new policies 803A to 803F as follows:

DOWNTOWN PROTECTED MAJOR TRANSIT STATION AREA

803A_ The Downtown is identified as a Protected Major Transit Station Area, as shown on Map 10.

803B_ The Downtown Protected Major Transit Station Area will be planned to achieve a minimum number of 280 residents and jobs combined per hectare.

803C_ Within the Downtown Protected Major Transit Station Area, the minimum building height is three storeys or nine metres and the maximum building height is 35 storeys.

803D_ Within the Downtown Protected Major Transit Station Area, the minimum density is 60 units per hectare for residential uses or a floor area ratio of 0.6 for non-residential uses.

803E_ In the Downtown Protected Major Transit Station Area, a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses may be permitted. Mixed-use buildings will be encouraged.

803F_ Development within the Downtown Protected Major Transit Station Area will conform with all other policies of the London Plan including the Downtown Place Type and any Specific Area Policies.

3. The Transit Village Place Type policies of The London Plan for the City of London are amended by adding new policies 815A to 815F as follows:

TRANSIT VILLAGE PROTECTED MAJOR TRANSIT STATION AREAS

815A_ All Transit Villages are identified as Protected Major Transit Station Areas, as shown on Map 10.

815B_ Each Transit Village Protected Major Transit Station Area will be planned to achieve a minimum number of 150 residents and jobs combined per hectare.

815C_ Within the Transit Village Protected Major Transit Station Areas, the minimum building height is either two storeys or eight metres and the maximum building height is 22 storeys.

815D_ Within the Transit Village Protected Major Transit Station Areas, the minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses.

815E_ In the Transit Village Protected Major Transit Station Areas, a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses may be permitted. Mixed-use buildings will be encouraged.

815F_ Development within the Transit Village Protected Major Transit Station Areas will conform with all other policies of the London Plan including the Transit Village Place Type and any Specific Area Policies.

4. The Rapid Transit Corridor Place Type policies of The London Plan for the City of London are amended by adding new policies 860A to 860F as follows:

RAPID TRANSIT CORRIDOR PROTECTED MAJOR TRANSIT STATION AREAS

860A_ Rapid Transit Corridors are identified as Protected Major Transit Station Areas, as shown on Map 10.

860B_ Each Rapid Transit Corridor Protected Major Transit Station Area will be planned to achieve a minimum number of 120 residents and jobs combined per hectare.

860C_ Within the Rapid Transit Corridor Protected Major Transit Station Areas, the minimum building height is two storeys or eight metres and the maximum building height is 12 storeys, or 16 storeys for areas within 100 metres of a rapid transit station.

860D_ Within the Rapid Transit Corridor Protected Major Transit Station Areas, the minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses.

860E_ In the Rapid Transit Corridor Protected Major Transit Station Areas, a range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted. Mixed-use buildings will be encouraged.

860F_ Development within the Rapid Transit Corridor Protected Major Transit Station Areas will conform with all other policies of the London Plan including Rapid Transit Corridor Place Type and any Specific Segment or Specific Area Policies.

5. Our Tools of The London Plan for the City of London is amended by adding Policy 1787A as follows:

MAP 10 – PROTECTED MAJOR TRANSIT STATION AREAS

1787A_ This map shows the designated Protected Major Transit Station Areas within the City.

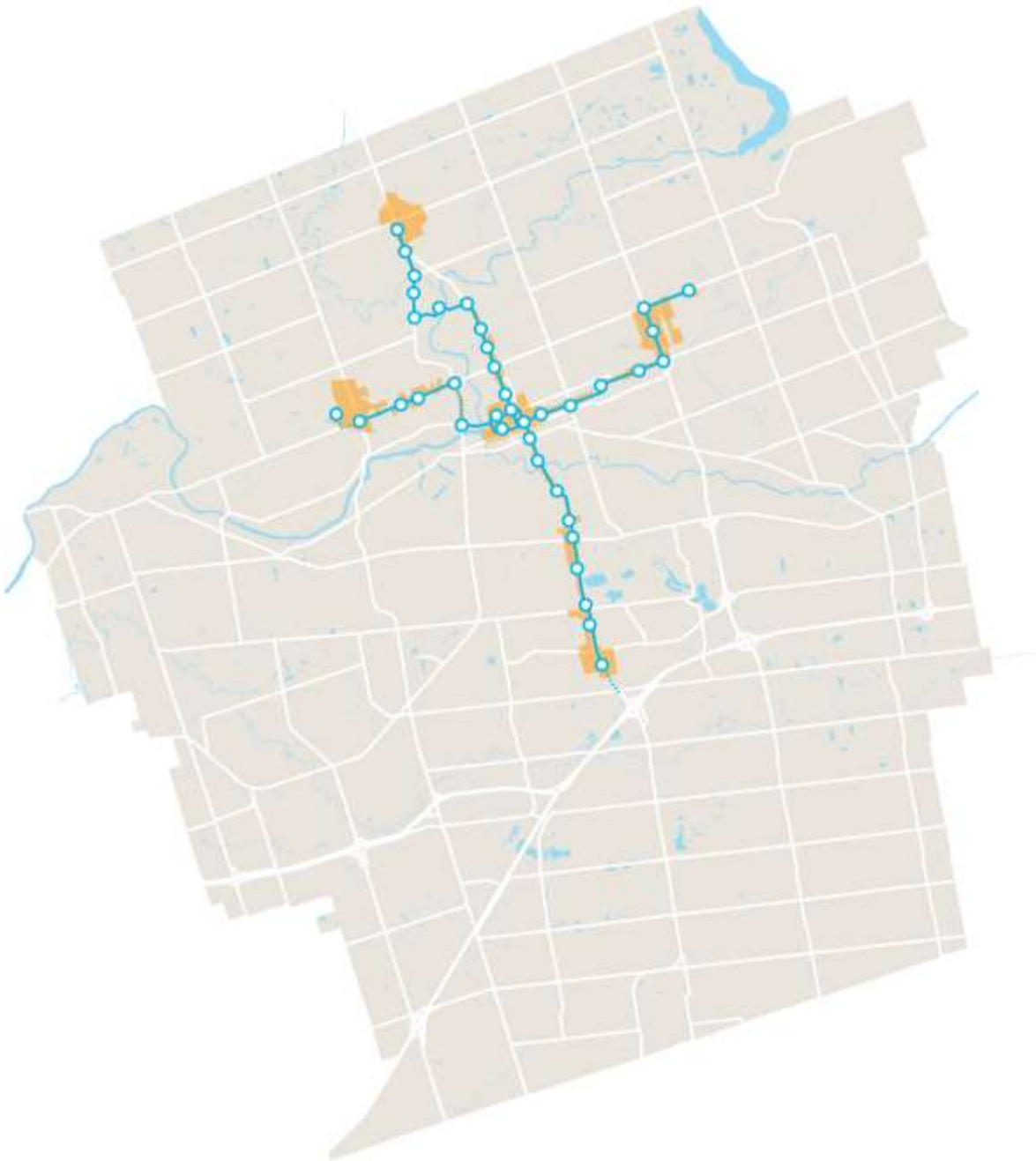
6. Policy 1795 – Our Tools of The London Plan for the City of London is amended by adding a new definition as follows:

Protected Major Transit Station Area means the area surrounding and including an existing and planned higher order transit (e.g. rapid transit) station or stop. The Downtown, Transit Village, and Rapid Transit Corridor Place Types are focused around rapid transit routes and are identified as Protected Major Transit Station Areas.

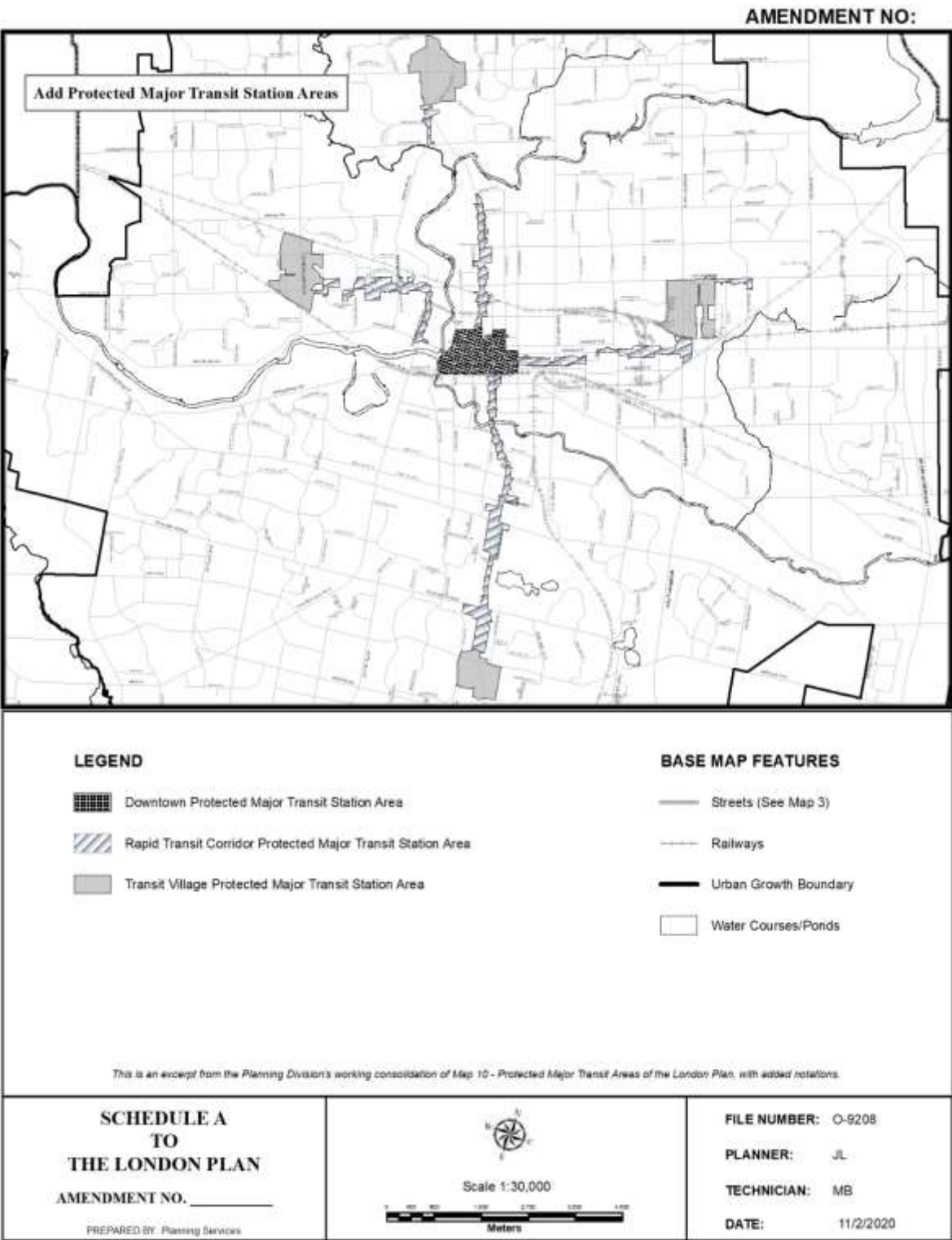
7. Figure 5 of The London Plan for the City of London is amended by adding Protected Major Transit Station Areas and changing the higher order transit routes as currently depicted to align with the approved Rapid Transit Environmental Project Report, as indicated on “Schedule 1” attached hereto.

8. Map 10 – Protected Major Transit Station Areas, is added to The London Plan for the City of London Planning Area to indicate Protected Major Transit Station Areas, as indicated on “Schedule 2” attached hereto.

Schedule 1

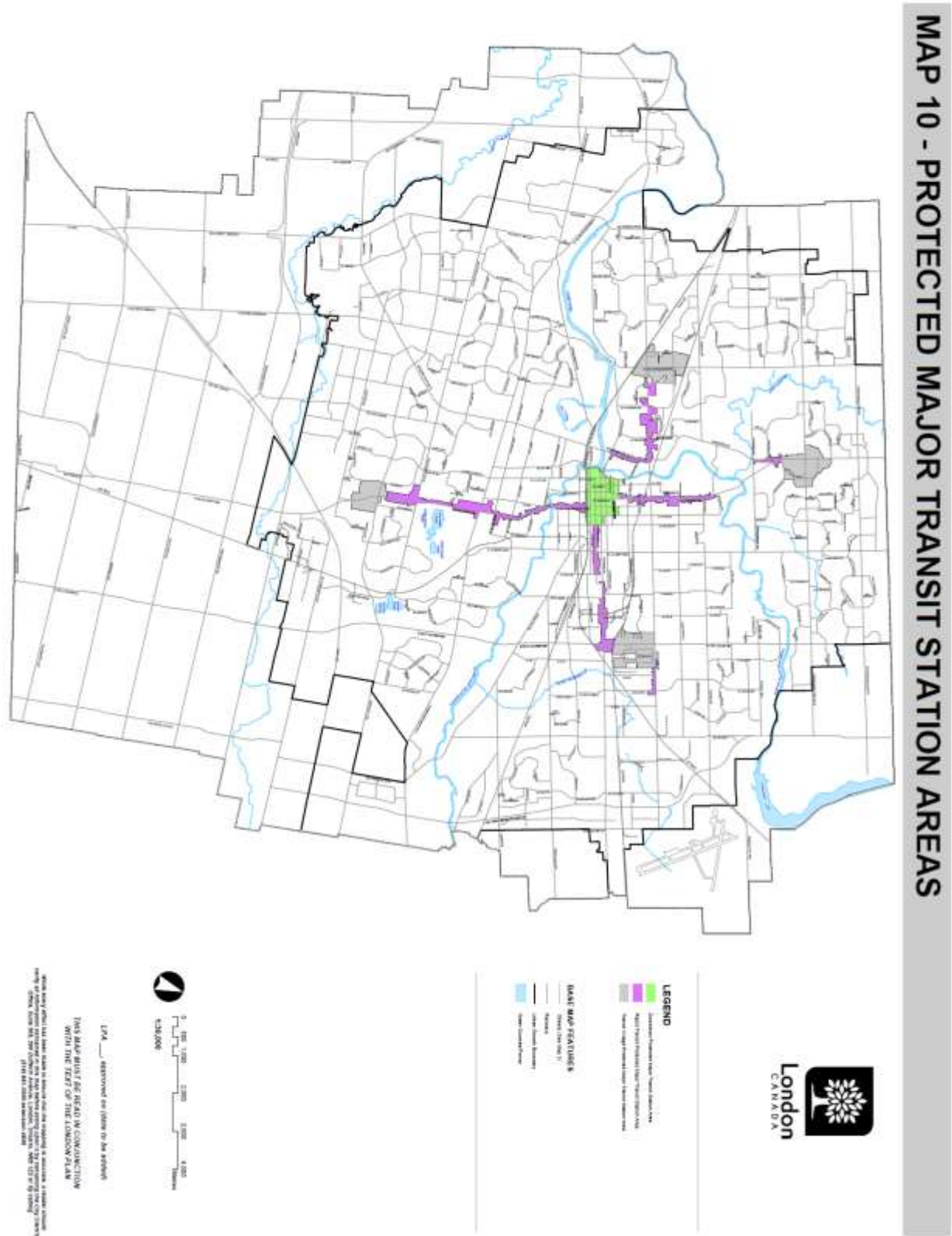


Schedule 2



Document Path: E:\Planning\Projects\p_official\plan\work\consolid00\amendments_LondonPlan\ProtectedMajorTransitStationAreas\Projects\AMENDMENT_Map10_ProtectMajorTransitStationAreas_bla_ba11.mxd

Appendix B – Map 10



Appendix C – Public Engagement

Community Engagement

Public liaison: On May 28, 2020, Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* and circulated to City Planning's official circulation list, including prescribed agencies, as well as advisory committees.

On September 3, 2020, Notice of Application with respect to draft PMTSA policies was published in *The Londoner* and circulated through the circulation list and to interested parties and stakeholders for review and input on the policies. This notice included a Get Involved website link to allow for opportunity for the public to review and provide feedback on the policies.

11 replies were received requesting additional information and clarification about the proposal, and expressing interest to be kept informed.

Nature of Liaison: Possible amendments to *The London Plan*, 2016, to designate Protected Major Transit Station Areas (PMTSAs) and add policies pertaining to building heights and minimum densities for these areas.

PMTSAs are the areas surrounding and including an existing and planned higher order transit station or stop, generally within a 500 to 800 metre radius (a 10-minute walk) of such transit stations. PMTSAs are planned to accommodate increased residential and employment density with highly urban, mixed-use, transit-supportive forms of development. PMTSAs will support the future implementation of rapid transit services in consistency with policies of *The London Plan*.

Possible amendments are to be in accordance with section 16 (15) of the *Planning Act*

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

Request for more information regarding the proposal and draft policies.

Clarification on changes to the approved higher order transit routes (the North Corridor and West Corridor).

Clarification on the word "protected" in the term "Protected Major Transit Station Areas".

Clarification on the distance criteria of a 500 to 800 metre radius.

Clarification on the Rapid Transit Corridor Place Type boundaries (two minor differences on Richmond Street and Dundas Street)

Consistency with the Provincial Policy Statement, 2020

Concern for:

Intensification along Richmond Street:

Concern regarding higher density development and intensification within the Old North Richmond Street segment that is to be preserved without new mid- or high-rise development.

Consistency with the Provincial Policy Statement, 2020:

Concern regarding potential conflict between the proposed policies which appear to allow for intensification along Oxford Street East and Wharncliffe Road North, as well as on Richmond Street north of Huron Street located within flood plain lands, which is not consistent with the PPS.

Responses to Public Liaison Letter and Publication in "The Londoner"

| Telephone | Written |
|-----------|---|
| | Cate Grainger Harrison Pensa LLP 450 Talbot Street London, ON N6A 5J6 |
| | Donald Creighton 400 Victoria Street London, ON N5Y 4A9 |
| | Mackenzy Metcalfe University Community Centre, Room 340 London, ON N6A 3K7 |
| | Ben McCauley Zelinka Priamo Ltd. 318 Wellington Road London, ON L6C 4P4 |
| | Harry Froussios Zelinka Priamo Ltd. 318 Wellington Road London, ON L6C 4P4 |

From: Donald Creighton
Sent: July 7, 2020
To: Lee, Joanne <jolee@london.ca>
Subject: [EXTERNAL] Fw: Planning Amendment - draft
Good Afternoon Joanne:

My understanding through the media is that most of this planning amendment has been withdrawn at this time.

I am opposed to any modifications to the Planning Act that would allow for easy density intensification.

Also, as BRT on the North Route has been voted down by council, I am uncertain as to why it has reappeared as an option.

Would you please keep me informed on planning and transit matters as it relates to the Richmond Street Bus routes. My e-mail can be added to your distribution list.

Sincerely,

Don Creighton

From: Donald Creighton
Sent: September 9, 2020
To: Lee, Joanne <jolee@london.ca>
Subject: [EXTERNAL] London Plan – Amendment – Protected Major Transit Station Areas
Hi Phil:

I hope you are well and safe.

I received the notice of planning application for the Protected Major Transit Station Areas and it has me needing a little clarification.

The way I read it, is that if it goes through, the neighbourhood's ability to question the development choices in a 500-800 metre area of these PMTS areas will be severely curtailed.

My limited understanding of the London Plan is that the area between Oxford and Huron on Richmond is designated to be highly residential with a limited ability for higher intensification. As far as I can see, this is under appeal at LPAT.

If this Planning Amendment goes through, the phrase that has me nervous is "increased density and highly urban." Hypothetically, all of Richmond could be designated for apartment buildings. The backyards are certainly big enough. In fact, that 10-minute walk could have the entire area from Colborne over to Lombardo as multi-unit possibilities.

This seems like over-reaching of authority by City Staff.

As I indicated, a little clarification could help.

All the best.

Don

From: Donald Creighton
Sent: Thursday, September 17, 2020
To: Lee, Joanne <jolee@london.ca>
Cc: Squire, Phill
Subject: [EXTERNAL] Protected Major Transit Station Areas
Good Morning Ms. Lee:

Many thanks for your previous response to my inquiry to Councillor Phil Squire.

The proposed changes to the London Plan raise a number of questions that I would like to have on the public record and I would appreciate having these forwarded to Secretary of the Council Committee (Planning and Environment Committee?) that will be considering the matter.

First off, the North Route of the Bus Rapid Transit Route along Richmond Street was cancelled by Council. Shouldn't the London Plan be changed to reflect this decision by City Council?

I'm not sure what the term "Protected" means in the proposed change. My understanding is that if this amendment is approved and the changes are made to the London Plan, that the neighbourhood's ability to provide public input is limited because of the protected status that has been officially provided to the stations. Is that correct? This requires some clarity. If a planning application comes in and is for intensification, will the public be limited in its ability to oppose or comment on the application? Could you please explain what the term "Protected" will mean for the Old North Neighbourhood?

Further to that, based on Policy 849 of the London Plan, the Old North Neighbourhood is to be protected/preserved. Accordingly, new mid-rise or high rise development is discouraged in the segment of the Richmond corridor between Oxford and Huron Streets. What is the status of those policies? They are in a red box. Are they in effect? Will the new Protected Major Transit Station Policy override the protection policies for Old North?

The Old North Neighbourhood was very clear in their opinions that the BRT was not to go through the Richmond Street corridor between Oxford and Huron. The PMTS proposed amendment appears to be the BRT, but not calling it the BRT - is that correct?

Could you please include me in the notification of any upcoming meetings for this matter and send me the planning report when it has been prepared? Much appreciated.

Many thanks for your time and commitment in these challenging times.

Sincerely,

Don Creighton

Agency/Departmental Comments

London Hydro – September 2, 2020

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

Upper Thames River Conservation Authority – September 17, 2020
September 17, 2020

City of London - Development Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Joanne Lee (sent via e-mail)

Dear Ms. Lee:

Re: File No. O-9208 Official Plan Amendment - PROTECTED MAJOR TRANSIT STATION AREAS
Applicant: City of London

The Upper Thames River Conservation Authority (UTRCA) has reviewed this application as per our delegated responsibility from the Province to represent provincial interests regarding natural hazards identified in Section 3.1 of the Provincial Policy Statement (PPS, 2020) and as a regulatory authority under Ontario Regulation 157/06. The application has also been reviewed through our role as a public body under the *Planning Act* as per our Conservation Authority Board approved policies contained in *Environmental Planning Policy Manual for the Upper Thames River Conservation Authority (June 2006)*. Finally, UTRCA has provided advisory comments related to policy applicability and to assist with implementation of the *Thames Sydenham Source Protection Plan* under the *Clean Water Act*.

PROPOSAL

The City is proposing to amend the London Plan to add policies for ***Protected Major Transit Station Areas*** (PMTSAs). PMTSAs are the areas surrounding and including an existing or planned higher order transit station or stop.

PMTSAs are planned to accommodate increased density with highly urban, mixed-use, transit-supportive forms of development. These areas are generally within a 500 to 800 metre radius of such a transit station.

DELEGATED RESPONSIBILITY & STATUTORY ROLE
Provincial Policy Statement 2020

The UTRCA has the provincially delegated responsibility for the natural hazard policies of the PPS, as established under the "Provincial One Window Planning System for Natural Hazards" Memorandum of Understanding between Conservation Ontario, the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of Municipal Affairs and Housing. Accordingly, the Conservation Authority represents the provincial interest in commenting on development applications with respect to natural hazards and ensures that applications are consistent with the PPS.

The UTRCA's role in the development process is comprehensive and coordinates our planning and permitting interests. Through the plan review process, we ensure that development applications meet the tests of the *Planning Act*, are consistent with the

PPS, conform to municipal planning documents, and with the policies in the UTRCA's Environmental Planning Policy Manual (2006). Permit applications must meet the requirements of Section 28 of the *Conservation Authorities Act* and the policies of the UTRCA's Environmental Planning Policy Manual (2006). This approach ensures that the principle of development is established through the *Planning Act* approval process and that a permit application can be issued under Section 28 of the *Conservation Authorities Act* once all of the planning matters have been addressed.

Section 28 Regulations - Ontario Regulation 157/06 Conservation Authorities Act

Developments may require both planning and permitting review by the Conservation Authority. While there is a need to ensure that *Planning Act* applications are coordinated with Section 28 permit applications, these are two distinct processes.

Planning Act applications must meet the tests under the *Planning Act*, Provincial Policy Statement, and the London Plan, whereas Section 28 applications must satisfy the requirements of the *Conservation Authorities Act* and individual CA regulations.

The emphasis is placed on **land use planning first**, which must take into account the same land use constraints that CAs control through their regulations.

The Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation affects what and where a Conservation Authority can regulate. Specifically, this regulation allows the Conservation Authority to:

- 1) Prohibit, regulate or provide permission for development if the control of flooding, erosion, dynamic beaches, pollution or the conservation of land may be affected by the development.
- 2) Prohibit, regulate or provide permission for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or changing or interfering with a wetland.

As shown on the enclosed mapping, portions of the proposed rapid transit routes/corridor place types and the associated stations including but not limited to West London – a potential Special Policy Area (which has not been approved by the Province) and along Richmond Street are regulated by the UTRCA.

Please be advised that in cases where a discrepancy in the regulation limit mapping occurs, the text of the regulation prevails.

PROVINCIAL POLICY STATEMENT 2020

As indicated in Part IV Vision for Ontario's Land Use Planning System (p. 5) -

It is equally important to protect the overall health and safety of the population, including preparing for the impacts of a changing climate. The Provincial Policy Statement directs development away from areas of natural and human-made hazards. This preventative approach supports provincial and municipal financial well-being over the long term, protects public health and safety, and minimizes cost, risk and social disruption.

Taking action to conserve land and resources avoids the need for costly remedial measures to correct problems and supports economic and environmental principles.

Policy 3.0 Protecting Public Health and Safety stipulates that:

Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Accordingly, the 2020 PPS includes the following provision for infrastructure –

1.6.4 Infrastructure and public service facilities should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Section 3.0: Protecting Public Health and Safety.

The UTRCA had previously expressed concern and continues to advise regarding the potential conflict between the proposed rapid transit policies which appear to allow for intensification in natural hazard lands which is not consistent with the PPS.

In the Spring of 2020, the Province released **Protecting People and Property: Ontario's Flooding Strategy** (MNRF 2020). This document is intended to protect people and property and build healthier and safer communities. It sets out the Province's strategy for managing flood risk and incorporates the expert advice provided by Ontario's Special advisor on Flooding Mr. Doug McNeil.

On page 20 it is indicated that "Ontario's Flooding Strategy seeks to enhance Ontario's land use planning framework to ensure municipalities make decisions consistent with provincial policies and that **development, redevelopment and intensification** continues to be directed away from areas where flooding and erosion present unacceptable risks to people, property and the environment."

Provincial guidance regarding dykes is contained in the 'Technical Guide - River & Stream Systems: Flooding Hazard Limit, MNR, 2002'. It is noted that -

'Dams and dykes can reduce flood risk downstream or behind a dyke, but they do not eliminate the risk. The purpose of a dam or dyke is to protect existing development, but not to free up additional land and allow for new development..... Where a dyke has been properly designed and constructed to the flood standard, and a suitable maintenance program is in place, the area behind the dyke can be considered as flood fringe. As such, new development would still be required to be floodproofed to the flood standard..... Construction of these flood control structures may result in an increase in flood levels at the site and along downstream reaches of the river..... Dykes and flood walls are not regarded as permanent flood control structures and the land behind the dykes and flood walls should continue to require protection to the revised (increased) flood standard.'

Additional clarification regarding the current technical guidance is provided from the Province in **Protecting People and Property: Ontario's Flooding Strategy, 2020** as follows –

In recent years, increasing development needed to support a growing population and economy has created pressure on the province and municipalities to adopt a more structural-based approach to flood mitigation. Structural measures for flood mitigation, including regional flood control facilities, berms and flood protection landforms, are seen by some as representing opportunities to either 'protect' existing communities from flooding, or to open up new development opportunities in previously identified hazardous lands. The province has not supported shifting policy in this direction for a number of established reasons. Existing policies do not support using structural approaches to flood mitigation to open new areas for development. Structural measures are costlier to build and maintain, are not resilient to climate change and present increased residual risks to people and property if these structures fail. Berms, dykes, flood protection landforms and other structural measures can be overtopped, making flooding worse and failing to keep people and property out of the floodplain, often inspiring a false sense of security, thereby encouraging further development in hazardous areas.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

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 (PPS, 2020)*.

The UTRCA's Environmental Planning Policy Manual is available online at:

<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>

NATURAL HAZARDS

As indicated, the UTRCA represents the provincial interest in commenting on Planning Act applications with respect to natural hazards. The PPS directs new development to locate and avoid natural hazards and in Ontario, prevention is the preferred approach for managing hazards in order to reduce or minimize the risk to life and property. Prevention is achieved through land use planning and the Conservation Authority's regulations with respect to site alteration and development activities.

The UTRCA's natural hazard policies are consistent with the PPS and those which 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. Consistent with the PPS, the Conservation Authority also does not support the fragmentation of hazard lands through lot creation.

3.2.3 Riverine Flooding Hazard Policies

These policies address matters such as the provision of detailed flood plain mapping, floodplain planning approach, and uses that may be allowed in the flood plain subject to satisfying UTRCA permit requirements.

3.2.3.3 Special Policy Areas

The City of London and the UTRCA have adopted interim policies to deal with proposed land use changes and development in potential SPAs. At the present time, the West London SPA has not been approved by the Province.

The interim policies for Special Policy Areas include:

- i. intensification of use either through the creation of lots or through zoning is not permitted;
- ii. new basements are not permitted;
- iii. the conversion of a non-residential use to a residential use is not permitted;
- iv. conversion of residential uses to commercial uses is encouraged; and
- v. specific construction requirements including maximizing floodproofing are implemented through the Authority's Section 28 Permit process.

Policy 1449 and 1464-1469 of the London Plan presents the provisions for Special Policy Areas as follows:

1449 Within the flood plain, there are some areas of well-established development where additional development would not normally be permitted due to flood plain restrictions. Application may be made to the provincial government for the approval of a "special policy area" status to permit controlled development in these areas, as exceptions to the normal provincial flood plain policies, subject to specific policies. Special policy areas are identified on Map 6.

1466_ Areas of the city which may be considered for special policy area status include portions of West London immediately west of the Thames River, and the Ada Street area. Other proposed special policy areas, as may be determined by City Council and the appropriate conservation authority, will be incorporated into this Plan by amendment. Existing and potential special policy areas are identified on Map 6.

*1467_ On application for a special policy area status, City Council may, in conjunction with the appropriate conservation authority and other relevant agencies or provincial ministries, undertake studies to identify development control regulations and floodproofing measures that may allow for **limited development** in the special policy area in conformity with applicable policies of this Plan, and in accordance with provincial policies.*

3.2.4 Riverine Erosion Hazard Policies

The Authority generally does not permit development and site alteration in the meander belt or on the face of steep slopes, ravines and distinct valley walls. The establishment of the hazard limit must be based upon the natural state of the slope, and not through re-grading or the use of structures or devices to stabilize the slope.

3.2.6 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the area of interference surrounding a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no impact on the hydrological function of the wetland feature and no potential hazard impact on the development.

ADVISORY COMMENTS

Clean Water Act

Portions of the Rapid Transit Corridor and the associated stations are located within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). 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/>

UTRCA COMMENTS

As indicated and as shown on the enclosed mapping, portions of the Rapid Transit Corridor Place Type/routes and some of the proposed "Protected Major Transit Station Areas" and the associated areas located within 500 to 800 metres of the stations are proposed within regulated natural hazard lands. Clarification is requested by what is meant by the term "protected".

In our comments on the London Plan (September 30, 2015 and June 13, 2016 - enclosed), the UTRCA expressed concern regarding the proposed policies for the Rapid Transit Corridor Place Type and potential Rapid Transit Boulevards within natural hazard lands. These policies allow for greater intensity and height of development near transit stations along proposed routes including but not limited to West London along Oxford Street East and Wharncliffe Road North as well as on Richmond Street north of Huron Street. Portions of both of these routes and the associated stations are located within flood plain lands.

The UTRCA recommends that the City ensure that the proposed policies for the Protected Major Transit Station Areas and the Rapid Transit Corridor Place Type are consistent with Provincial Policy and can be implemented. We would be pleased to meet to discuss the matter.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 253.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY
Tracy Annett, MCIP, RPP
Manager, Environmental Planning & Regulations
TA/CC/cc

Encl.

1. UTRCA Regulation Limit Mapping (please print on legal size paper for accurate scales)
2. UTRCA Comments on the London Plan dated September 30, 2015 and June 13, 2016

c.c. Sent via email-
UTRCA - Brent Verscheure, Land Use Regulations Officer

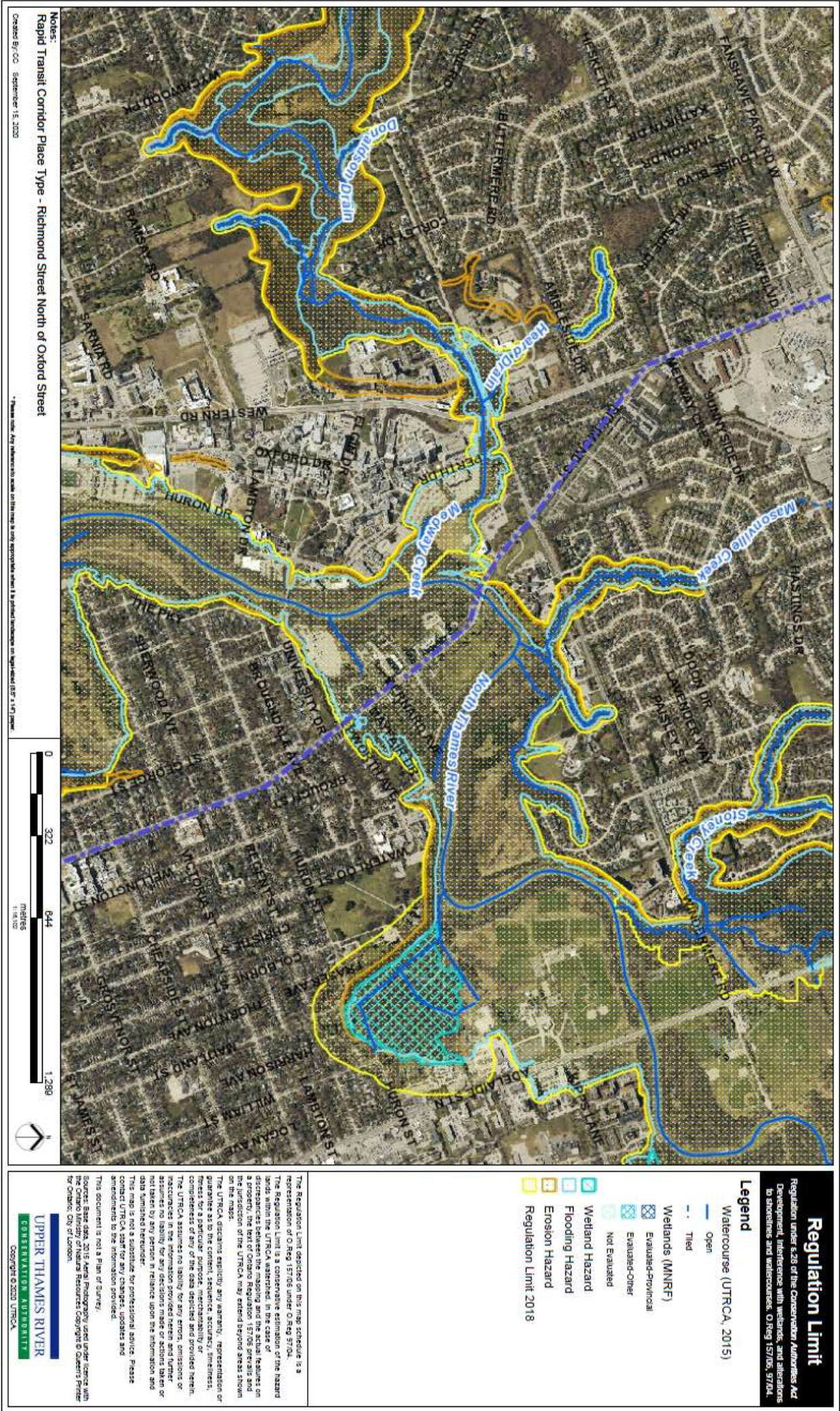


Figure 1. UTRCA Regulation limit mapping: Rapid Transit Corridor Place Type – Richmond Street North of Oxford Street

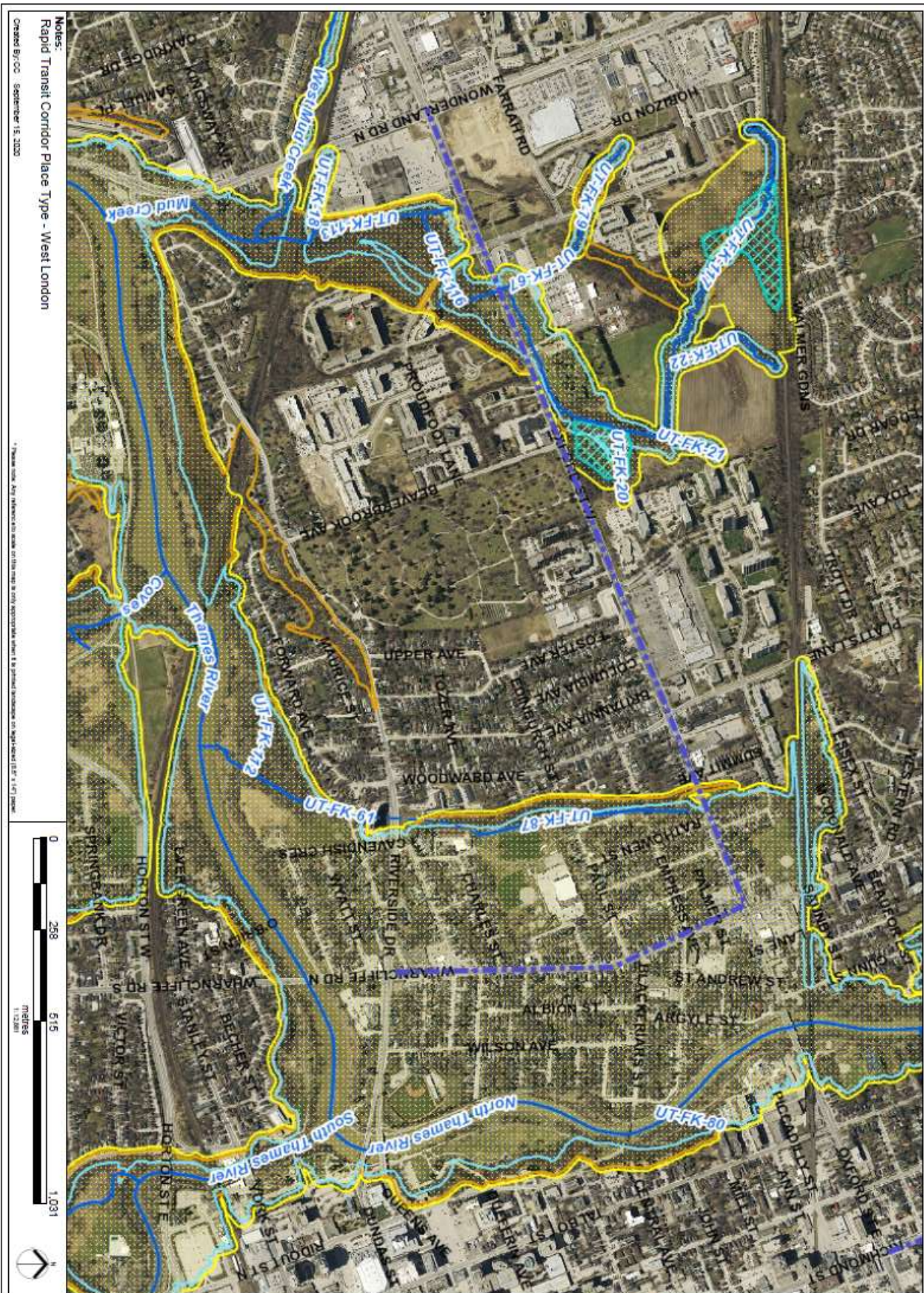


Figure 2. UTRCA Regulation limit mapping: Rapid Transit Corridor Place Type – West London

SWED staff have no SWM related comments to the application.

Development Services – September 21, 2020
No comments from DS.

Appendix D – Policy Context

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

PPS

- 1.1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns
- 1.1.3.2 – Land use patterns in settlement areas
- 1.1.3.3 – Appropriate locations for transit-supportive development
- 1.4.3 – Housing
- 1.6.7.4 – Transportation Systems
- 1.8.1 – Energy Conservation, Air Quality and Climate Change

The Planning Act

- 16 (15) – Protected major transit station areas – single-tier municipality

The London Plan

- Our Strategy
- 59 – Direction #5: Build a mixed-use compact city
- 60– Direction #6: Place a new emphasis on creating attractive mobility choices
- Our City
- 86*
- 95
- 96*
- 97
- 98
- 100*
- 101*
- 126
- 127
- City Building Policies
- 185
- 186
- 313
- 345
- Place Type Policies
- 789
- Urban Place Types - Downtown
- 796
- 798
- 799
- 800*
- 802*
- Urban Place Types – Transit Village
- 806
- 807
- 808
- 809
- 810
- 811
- 813*
- Urban Place Types – Rapid Transit and Urban Corridors
- 826
- 827*
- 829*
- 830*

837*
840*
Table 9*

Note: Policies under appeal are identified in the report with an asterisk (*).

Appendix E – Recommended PMTSA Policies

OUR CITY

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

DOWNTOWN PLACE TYPE

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

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|----------|---|--|
| | | Downtown as the most intensely developed area. |
| New 803C | 803C_ Within the Downtown Protected Major Transit Station Area the minimum building height is three storeys or nine metres and the maximum building height is 35 storeys. | <p>This policy specifies minimum and maximum building heights within the Downtown to achieve the minimum number of residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights in the Downtown Place Type, which permits 3 to 20 storeys, with up to 35 storeys permitted through bonusing.</p> <p>The minimum of 3 storeys prevents low-density development (primarily 1 to 2 storeys in height), which could be out of character with the Downtown.</p> <p>The maximum height of 35 storeys is the greatest height permitted in the City, in keeping with Policy 800, which directs the tallest buildings and the highest densities into the Downtown.</p> |
| New 803D | 803D_ Within the Downtown Protected Major Transit Station Area the minimum density is 60 units per hectare for residential uses or a floor area ratio of 0.6 for non-residential uses. | <p>This policy identifies minimum density as per Section of 16(15)(c) of the <i>Planning Act</i>, and provides further direction to support future residential and employment growth in the Downtown.</p> <p>60 residential units per hectare will ensure that development within the Downtown Place Type achieves a level of intensity that supports the vision for the Downtown and its role in the City Structure.</p> <p>A floor area ratio of 0.6 fits within the minimum floor area ratio range generally used in GGH municipalities' downtowns and provides development opportunity in each parcel.</p> |
| New 803E | 803E_ In the Downtown Protected Major Transit Station Area, a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other related uses may be permitted. Mixed use development will be encouraged. | <p>This policy identifies authorized land uses in the Downtown Protected Major Transit Station Area as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses for the Protected Major Transit Station Area align with those for the Downtown Place Type (Policy 800).</p> |
| New 803F | 803F_ Development within the Downtown Protected Major Transit Station Area will conform with all | This policy clarifies that all the Downtown Place Type policies of The London Plan and other |

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| | other policies of the London Plan including the Downtown Place Type and any Specific Area Policies. | applicable plans continue to apply to the Protected Major Transit Station Area. |
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TRANSIT VILLAGE PLACE TYPE

| Policy | Change | Rationale/implication |
|----------|---|--|
| New 815A | Protected Major Transit Station Areas 815A_ All Transit Villages are identified as Protected Major Transit Station Areas, as shown on Map 10. | <p>This Protected Major Transit Station Area policy aligns with the Transit Village Place Type and will support the character of the Transit Village Place Type as major destinations around rapid transit stations.</p> <p>A new map (Map 10) indicates the Transit Village Protected Major Transit Station Areas.</p> |
| New 815B | 815B_ Each Transit Village Protected Major Transit Station Area will be planned to achieve a minimum number of 150 residents and jobs combined per hectare | <p>This policy identifies the minimum number of residents and jobs combined per hectare, as required in Section 16(15)(a) of the <i>Planning Act</i>.</p> <p>150 residents and jobs per hectare falls within the range of 100 to 160 residents and jobs per hectare, which is the minimum density targets for rapid transit as suggested in the Transit-Supportive Guidelines. This number is an appropriate target within the Transit Village context to support the rapid transit service.</p> |
| New 815C | 815C_ Within the Transit Village Protected Major Transit Station Areas the minimum building height is either two storeys or eight metres and the maximum building height is 22 storeys. | <p>This policy specifies minimum and maximum building heights within the Transit Villages to achieve the minimum number of residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights of 2 to 15 storeys, up to 22 storeys with bonusing, in the Transit Village Place Type.</p> <p>The minimum of 2 storeys prevents 1-storey development that does not fit into the character of the Transit Villages and will not contribute toward achieving the minimum densities identified in Policies 815B and 815D.</p> <p>The maximum height of 22 storeys supports the vision for the Transit Villages as the second most intense area next to the Downtown in accordance with Policy 807.</p> |
| New 815D | 815D_ Within the Transit Village Protected Major Transit Station Areas the minimum density is 45 | This policy identifies minimum density as per Section 16(15)(c) of the <i>Planning Act</i> , and provides |

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| | units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses. | <p>further direction to support future residential and employment growth in the Transit Villages.</p> <p>45 residential units per hectare will allow for residential intensification within the Transit Village Place Type to support rapid transit service, while supporting the vision for the Place Type.</p> <p>A floor area ratio of 0.5 is fairly low to apply to each parcel, especially small sites where only limited development is feasible.</p> |
| New 815E | 815E_ In the Transit Village Protected Major Transit Station Areas a broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational, and other related uses may be permitted. Mixed-use buildings will be encouraged. | <p>This policy identifies authorized land uses in the Transit Village Protected Major Transit Station Area as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses in the Protected Major Transit Station Areas are consistent with in-force those for the Transit Village Place Type (811).</p> |
| New 815F | 815F_ Development within the Transit Village Protected Major Transit Station Areas will conform with all other policies of the London Plan including the Transit Village Place Type and any Specific Area Policies. | <p>This policy clarifies that the general Transit Village Place Type policies continue to apply to the Protected Major Transit Station Areas.</p> |

RAPID TRANSIT CORRIDOR PLACE TYPE

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

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| | | varying character and intensity by segment. |
| New 860C | 860C_ Within the Rapid Transit Corridor Protected Major Transit Station Areas the minimum building height is two storeys or eight metres and the maximum building height is 12 storeys, or 16 storeys for areas within 100 metres of a rapid transit station. | <p>This policy specifies minimum and maximum building heights within the Rapid Transit Corridors to achieve the minimum number of residents and jobs per hectare above.</p> <p>The proposed building heights match the range of permitted heights in the Rapid Transit Place Type, which permits 2 to 12 storeys, with up to 16 storeys permitted through bonusing.</p> <p>The minimum of 2 storeys prevents one-story development that detracts from the character and function of the Rapid Transit Corridors.</p> <p>The maximum building heights provide a transition from a rapid transit station to surrounding neighbourhoods by directing higher density development within 100 metres of a transit station.</p> |
| New 860D | 860D_ Within the Rapid Transit Corridor Protected Major Transit Station Areas the minimum density is 45 units per hectare for residential uses or a floor area ratio of 0.5 for non-residential uses. | <p>This policy identifies minimum density as per Section 16(15)(c) of the <i>Planning Act</i>, and provides further direction to support future residential and employment growth within the Rapid Transit Corridors.</p> <p>45 residential units per hectare avoids low-density residential development that would be out of character with the Rapid Transit Corridors.</p> <p>A floor area ratio of 0.5 is fairly low to apply to each parcel, especially small sites where only limited development is feasible. This floor area ratio also will reduce the mass of large fronting the street and prevent large expanses of blank wall in keeping with Policy 841_3.</p> |
| New 860E | 860E_ In the Rapid Transit Corridor Protected Major Transit Station Areas a range of residential, retail, service, office, cultural, recreational, and institutional uses may be permitted. Mixed-use buildings will be encouraged. | <p>This policy identifies authorized land uses in the Rapid Transit Corridor Place Type as per Section 16(15)(b) of the <i>Planning Act</i>.</p> <p>The permitted uses in the Protected Major Transit Station Areas align with those in the Rapid Transit Corridor Place Type (837_1 to 5, which are under appeal).</p> |
| New 860F | 860F_ Development within the Rapid Transit Corridor Protected Major Transit Station Areas will | This policy clarifies that the general policies for the Rapid Transit Corridor Place Type continue to |

| | | |
|--|--|---|
| | conform with all other policies of the London Plan including the Rapid Transit Corridor Place Type and any Specific Segment or Specific Area Policies. | apply to the Protected Major Transit Station Areas. |
|--|--|---|

OUR TOOLS

| Policy | Changes | Rationale/summary of changes |
|-----------------------|---|--|
| New 1787A | Map 10 – Protected Major Transit Station Areas 1787A_ This map shows the designated Protected Major Transit Station Areas within the City. | This policy introduces a new map (Map 10) indicating Protected Major Transit Station Areas. |
| 1795 (New Definition) | Protected Major Transit Station Areas means the area surrounding and including an existing and planned higher order transit (e.g. rapid transit) station or stop. The Downtown, Transit Village, and Rapid Transit Corridor Place Types are focused around rapid transit routes and are identified as Protected Major Transit Station Areas. | This policy defines Protected Major Transit Station Areas that aligns with the <i>Planning Act</i> definition. It is noted that Policy 1795 is in full force and effect in its entirety as per the February 7, 2020, LPAT decision. |

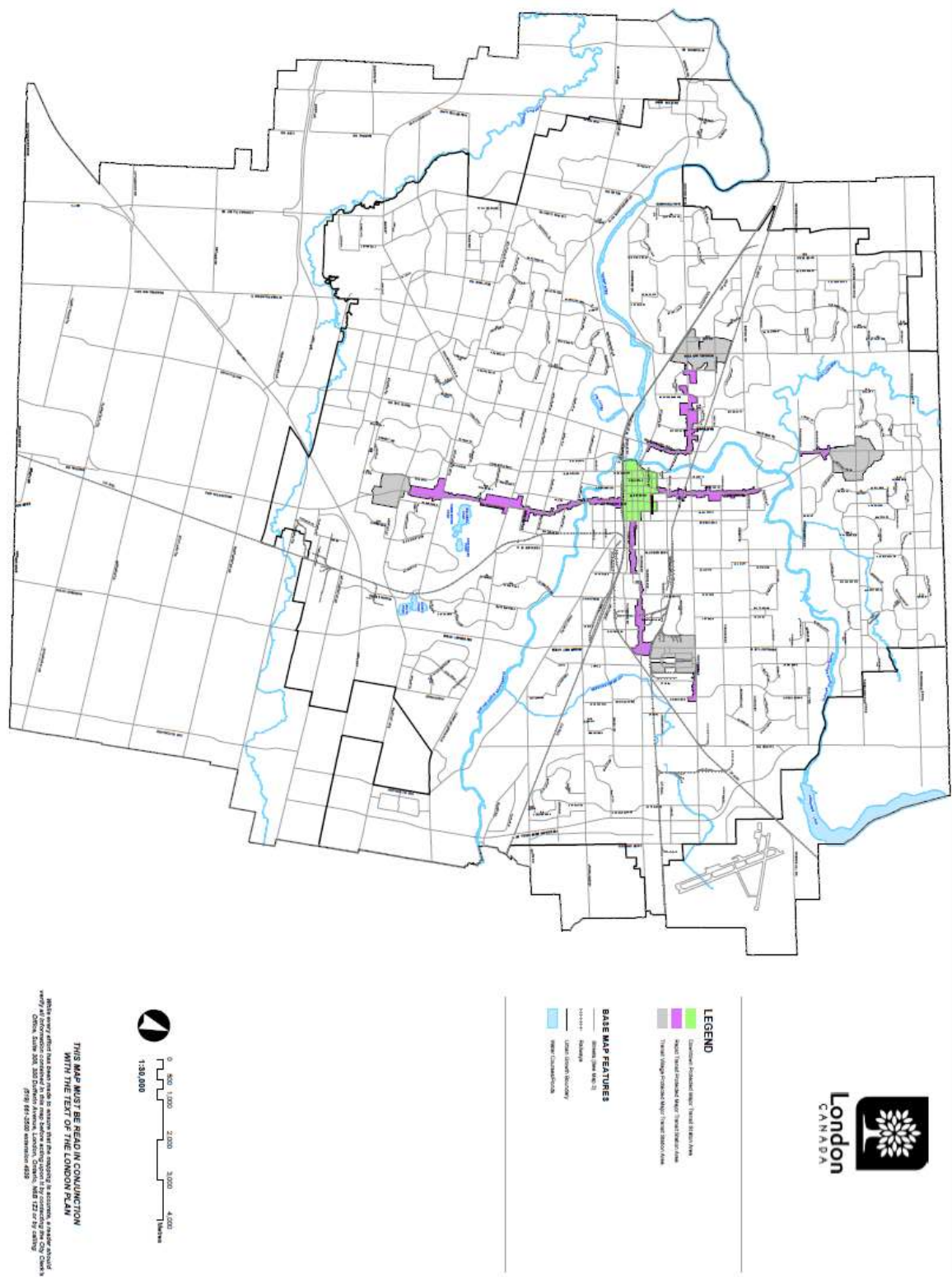
MAP

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

Figure 5

Map 10

MAP 10 - PROTECTED MAJOR TRANSIT STATION AREAS



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Gregg Barrett, AICP
Director, City Planning & City Planner

Subject: Bruce Sworik (1625993 Ontario Limited)
820 Cabell Street

Public Participation Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, City Planning & City Planner, with respect to the application of Bruce Sworik (1625993 Ontario Limited) relating to the property located at 820 Cabell Street, the by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend Zoning By-law No. Z.-1, to change the zoning of the subject property **FROM** a Light Industrial (LI1) Zone **TO** a Light Industrial Special Provision (LI2()) Zone to permit the existing marijuana growing and processing facility and allow up a maximum of 400 square metres of ancillary retail uses within the existing building;

Executive Summary

Summary of Request

The requested zoning by-law amendment includes two elements: 1) to expand the range of permitted uses so that the existing marijuana growing and processing facility will be permitted, and 2) to allow more of the building to include ancillary retail uses. No exterior changes are proposed at this time, any changes will be within the existing building.

Purpose and the Effect of Zoning By-law Amendment

The purpose and effect of this zoning change is first, to change the zoning from a Light Industrial (LI1) Zone to a Light Industrial (LI2) Zone to permit the existing marijuana growing and processing facility. Second, the purpose and effect of the zoning by-law amendment is to allow a maximum of 400m² of ancillary retail space for goods manufactured on the premises.

Rationale for Recommendation

The requested change from an LI1 to an LI2 Zone is consistent with the Provincial Policy Statement which encourages retention and re-use of older industrial uses by providing for a broader range of low impact industrial uses in close proximity to an existing residential area. The recommended zone also conforms with the Light Industrial Place Type of the London Plan and the Light Industrial designation in the 1989 Official Plan.

The increase in the permitted floor area for ancillary retail uses is also consistent with the PPS, and conforms with the London Plan and the 1989 Official Plan. Policies in each of these documents prioritize the protection of industrial areas, and the recommended zoning will support industrial uses by permitting retail sales related to those permitted uses.

Analysis

Background information

An application for the subject site was presented to the Planning and Environment Committee on September 21, 2020 that included a recommendation for approval of part of the application, and a recommendation to refuse a different part of the application. The application being considered at that time included the change from a Light Industrial (LI1) Zone to a Light Industrial (LI2) Zone, and a request to permit non-ancillary retail sales. Staff supported the request for the Light Industrial (LI2) Zone, but did not support the request for non-ancillary retail uses these uses are not consistent with the PPS, and do conform with the London Plan or the 1989 Official Plan.

At the meeting, the Planning and Environment Committee (PEC) resolved:

That the following actions be taken with respect to the application by Bruce Sworik, relating to the property located at 820 Cabell Street:

a) the application BE REFERRED to a future Planning and Environment Committee meeting; and,

b) the Civic Administration BE REQUESTED to work with the applicant and to report back with a draft by-law to permit ancillary commercial space permitted on the property to a maximum gross floor area of 400 m².

The discussion at committee focused on allowing more ancillary retail space on the property so the owner could attract new tenants which wanted to sell manufactured goods from the property and possible resolve leasing difficulties with the building.

There was also some discussion about whether to allow 400m² of ancillary retail space for the entire building or allow 100m² per tenant for up to a maximum of 4 tenants. Planning staff were asked to provide a recommendation on which option would be best.

The definitions in Section 2 (Definitions) of Zoning By-law Z-1 for “ANCILLARY” and “RETAIL STORE” are;

"ACCESSORY or ANCILLARY" means a use, building or structure customarily incidental, subordinate and exclusively devoted to the main use and carried on with such main use, building or structure on the same lot.

"RETAIL STORE" means a building or structure, or part thereof, in which goods, wares, merchandise, substances, foodstuffs, farm produce, articles or things are stored, offered or kept for retail sale to the public, and includes the business premises of an auctioneer, where such premises are used for the sale of merchandise by auction, but does not include supermarkets, or automobile or vehicle sales.

Section 40.3 2) (Retail Sales as an Ancillary Use) of Zoning By-law Z-1 allows retail sales in the Light Industrial zone as an ancillary use for manufacturing and assembly; food, tobacco and beverage processing; printing, reproduction and data processing and processed goods industries. Ancillary retail sales are subject to the following restrictions:

The ancillary use must

- be in the main building or unit;
- be a maximum of 25% of total building gross floor area (GFA) or 100 m² (1100 ft²); whichever is lesser, and with no more than 30 m² (323 ft²) devoted to sale of goods not manufactured on site;
- provide parking at the retail rate (1 space per 25m² or 15m², depending on location); and,
- be located at the front of the building.

Site at a Glance

Detailed information about the site was included in the report to the Planning Committee on September 21, 2020. This section provides a summary of that information.

820 Cabell Street includes a historic industrial building that was constructed circa 1880 and is listed on the Register of Cultural Heritage Resources. The building has a floor area of 3065 m² (33,000 ft) and currently includes 4 separate units. It is possible that these units could be reconfigured in the future to accommodate different tenants, which could result in fewer units but maintaining the same floor area.



Photo 1 – Existing Building at 820 Cabell Street (Source: Google Streetview)

Current Planning Information

- The London Plan Place Type – Light Industrial
- 1989 Official Plan designation – Light Industrial
- Existing Zoning – Light Industrial (LI1) Zone

Site Characteristics

- Current Land Use – Cannabis growing facility licensed through Health Canada, approximately 929 m² (10,000 ft²) in size. Other uses in the building including storage, a repair business, and a slot car racing club.
- Frontage – 91.44 metres
- Depth – 40.84 metres
- Area – 3734 m² or .37 hectares (.91 acres)
- Shape – Rectangular

Surrounding Land Uses

- North – Vacant industrial land and Canadian National (CN) railway yard
- East – Recycling business, heating and cooling company and auto repair
- South – Storage business and London Hydro utility building, small scale industrial uses-mostly auto repair
- West – Various auto body and auto repair businesses.

Location Map



Department & Agency Circulation and Public Notice

The application was circulated to internal departments and agencies and to the public when the application was received, prior to the September 21, 2020 Public Participation Meeting, and again prior to this Public Participation Meeting. No comments or objections have been received that provide information regarding any specific concerns.

Key Issues and Considerations

1. Change to the Light Industrial (LI2) Zone

The requested change from a Light Industrial (LI1) Zone to a Light Industrial (LI2) Zone is appropriate because it provides for a broader range of low impact light industrial uses in close proximity to an existing residential area and recognizes an existing use, permitted by LI2, which has been at this location for over two years. The current zoning allows a number of uses but this amendment adds additional, similar uses. The additional permitted uses in the LI2 variation include:

- Dry cleaning and laundry plants;
- Food, tobacco and beverage processing industries excluding meat packaging;
- Leather and fur processing excluding tanning;
- Repair and rental establishments;
- Service and repair establishments;
- Service trades;
- Textile processing industries.

The change is supported by policies in the 2020 Policy Statement related to efficient land use and development patterns (Section 1.1.1), conserving industrial land (Section 1.1.2), land use compatibility (Section 1.2.6), preservation of employment lands (Section 1.3) and reuse of existing land for long term economic prosperity (Section 1.7). The addition of uses supports all of these policies by providing more options for the use of the property.

In addition, the applicant has indicated that he intends to retain the existing structure, at the present time, which meets Section 2.6 relating to wise use and management of cultural heritage resources. The building is on the City’s list of heritage buildings of interest.

The zoning by-law amendment also meets relevant London Plan policies relating to planning for a prosperous City (Policy 55), building a mixed use compact city (Policy 59), encouraging intensification and urban regeneration (Policies 85 and 153), protection of employment lands (Policy 137), providing for community improvement plans (Policies 164, 165 and 1723), conservation of heritage resources (Policies 557 and 568) and the Light Industrial policies (Policies 1110, 115, 1116, 1124 and 1125). The 1989 Official Plan policies address similar rationale.

In conclusion, both the existing Provincial and City policies support the zoning amendment from a Light Industrial (LI1) Zone to a Light Industrial (LI2) Zone.

2. Increase the Permitted Ancillary Retail Area to 400m²

The original application included, in addition to the change to a Light Industrial (LI2) Zone, that a retail store should also be added to the permitted uses on the site. City staff recommended refusal of this request at the September 21, 2020 meeting of the Planning and Environment Committee as it does not conform with the PPS, the London Plan place type, or the 1989 Official Plan designation that all direct the protection and preservation of industrial lands. At the meeting PEC referred the application back to staff, to consider a revised amendment that would expand the permitted floor area for

ancillary retail uses. Since then, staff have been in contact with the applicant who concurs with the change and is satisfied with a special provision in the Light Industrial (LI2) Zone that would increase the maximum floor area for ancillary retail uses to 400m².

At its September 21, 2020 meeting the Planning and Environment Committee (PEC) asked Planning staff to consider whether the maximum ancillary retail floor area should be applied to the entire building or if 100m² should be permitted for each of the four existing units. The recommended zoning by-law does not identify the maximum floor area per unit, which will allow for flexibility both for the amount of ancillary retail to vary by unit, and also to recognize that the based on leasing opportunities the interior layout of the building may change by combining units within the building.

The existing industrial building on the subject site has a gross floor area of 3,065m², meaning that the total permitted ancillary retail space could only occupy a maximum of 13% of the total floor area.

The London Plan policy for accessory retail uses in the Light Industrial Place Type includes the following:

An accessory retail use may be allowed in connection with a permitted industrial use provided the retail component is clearly ancillary to the industrial use of the property, is directly related with the products being made or assembled on site, is smaller in floor area than the industrial uses to which it is ancillary, is carried on within the main building of the industrial use, and does not generate traffic or parking that may have an adverse impact on adjacent properties. (Policy 1115_11)

The restrictions described in this policy, including that the retail use be clearly ancillary and that it occupy a small floor area will be achieved at a floor area up to 400m². There are similar policy directions in the 1989 Official Plan for the Light Industrial land use designation. This increase in ancillary retail area may help to attract industrial tenants which supports industrial uses on this identified industrial site. This is consistent with the PPS, the London Plan, and the 1989 Official Plan.

Conclusion

It is recommended that City Council approve the requested Zoning By-law amendment, as revised following the September 21, 2020 meeting of the Planning and Environment Committee, to change the zoning of the subject site from a Light Industrial (LI1) Zone to a Light Industrial Special Provision (LI2(_)) Zone, which permits up to 400m² of ancillary retail floor area. This recommended zone is consistent with the Provincial Policy Statement, The London Plan, and the 1989 Official Plan. This amendment will encourage retention and re-use of an existing industrial building and provides for a broader range of low impact uses in close proximity to an existing residential area.

| | |
|-------------------------------------|---|
| Prepared and Recommended by: | Justin Adema, MCIP, RPP Manager, Planning Policy |
| Submitted 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 Development Services.

November 23, 2020

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

Y:\Shared\Planning APPLICATIONS\Applications\9196Z-820 Cabell St (CP)\Z-9196 PEC Report- November 30 2020.docx

Appendix A

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

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

A by-law to amend By-law No. Z.-1 to
rezone an area of land located at 820
Cabell Street.

WHEREAS Bruce Sworik (1625993 Ont. Ltd.) has applied to rezone an area
of land located at 820 Cabell Street, as shown on the map attached to this by-law, as set
out below;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Schedule “A” to By-law No. Z.-1 is amended by changing the zoning applicable
to lands located at 820 Cabell Street, as shown on the attached map comprising
part of Key Map No. A108, from a Light Industrial (LI1) Zone to a Light Industrial
Special Provision (LI2(_)) Zone.
- 2) Section 40.4 b) of the Light Industrial (LI) Zone is amended by adding the
following Special Provision:
 -) LI2(_) 820 Cabell Street
 - a) Regulation
 - i) Total Gross Floor Area 400m² (4306 ft²)
For Ancillary Retail Uses
(Maximum)

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.

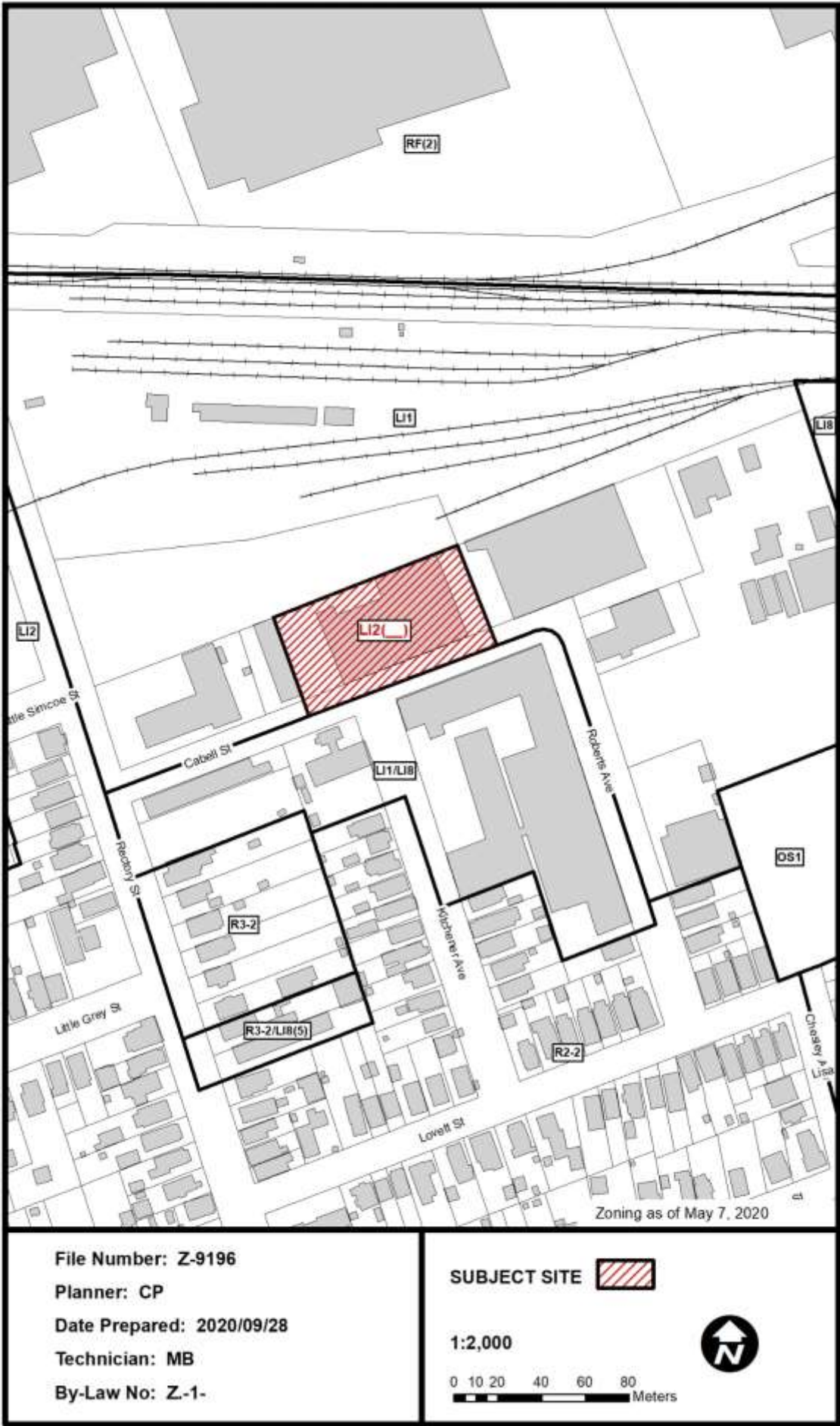
PASSED in Open Council on December 8, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 8, 2020
Second Reading – December 8, 2020
Third Reading – December 8, 2020

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



Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: Gregg Barrett
Director of City Planning/ City Planner

Subject: Implementing Additional Residential Units Requirements of the
Planning Act (Bill 108)
City-wide/City of London

Public Participation Meeting on: November 30, 2020

Recommendation

That, on the recommendation of the Director, City Planning and City Planner, with respect to the Official Plan and Zoning By-law review relating to additional residential units, the following actions **BE TAKEN**:

- (a) the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend the London Plan to add new policies to permit additional residential units in any single detached, semi-detached or street townhouse dwelling unit in accordance with recent changes to the *Planning Act*;
- (b) the proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend the Official Plan for the City of London (1989) to add new policies to permit additional residential units in any single detached, semi-detached or street townhouse dwelling unit in accordance with recent changes to the *Planning Act*;
- (c) the proposed by-law attached hereto as Appendix "C" **BE INTRODUCED** at the Municipal Council meeting on December 8, 2020 to amend Zoning By-law No. Z.-1, in conformity with the amendments above, to add a new definition for additional residential units and to add new regulations to allow up to two additional residential units in the primary residential unit and in an accessory building; and,
- (d) Staff **BE DIRECTED** to implement required changes to the Residential Rental Unit Licensing By-law to address Additional Residential Units.

Executive Summary

Purpose and the Effect of Recommended Action

Amend the existing London Plan and 1989 Official Plan policies and Zoning By-law Z-1 regulations to implement recent changes to the *Planning Act* through Bill 108, the *More Homes, More Choices Act* to create additional housing opportunities while ensuring the appropriate integration with the community.

Rationale of Recommended Action

1. Policy 1.4.3 of the Provincial Policy Statement requires that the City plan for an appropriate mix of housing types and densities and permit, where appropriate "all forms of *residential intensification*, including additional residential units".
2. Bill 108 (*More Homes, More Choices Act*, 2019) amended the *Planning Act* to require that municipalities adopt policies in their Official Plans to provide for additional residential units.

3. The London Plan includes policies to direct residential intensification. The proposed London Plan, 1989 Official Plan and Zoning By-law amendments to permit additional residential units contribute to the objective of promoting appropriate residential intensification.
4. The recommended amendments result in consistency in terms of language, policies and regulations between the Provincial Policy Statement (2020), the *Planning Act*, London Plan, 1989 Official Plan, and Zoning By-law Z-1.

Analysis

1.0 Background

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

The intention of Bill 108 is to address the housing crisis in Ontario by minimizing regulations related to residential development through changes to various Acts dealing with the planning process, including reducing fees related to development by reducing the number of services that may be subject to development charges and shortening the timelines for the approval of many planning applications. The Ministry identifies affordable housing as a “fundamental need” and additional residential units were identified as one of the least expensive ways to increase the supply of affordable housing while encouraging intensification and maintaining neighbourhood character.

One of the directions of Bill 108, under the *Planning Act* changes, was to permit up to two additional residential units on properties containing a detached, semi-detached or row house residential dwelling, which replaces the previous requirement to permit Secondary Dwelling Units within these housing forms. An additional residential unit is currently permitted in any detached house, semi-detached house or row house **OR** in a building ancillary to any detached house, semi-detached house or row house. Through changes made by Bill 108 an additional residential unit would be permitted in any detached house, semi-detached house, or row house **AND** in an ancillary building. This would allow for two additional permitted residential units per property for a possible total of three per property.

Regulation 299/19, which implements Bill 108, also indicates;

- Each additional unit shall have 1 parking space unless a zoning by-law amendment has been approved which requires no parking;
- Parking may be tandem parking;
- Property owners do not have to live on the property and tenants do not have to related to the owner; and,
- Additional residential units can be in existing and/or new construction.

The *Planning Act* changes also require that Municipal Official Plans and Zoning By-laws contain provisions permitting additional residential units within a single detached house, semi-detached house, or row house (referred to in Zoning By-law Z.-1 as street townhouses) and within an accessory structure on the same property. This has the effect of potentially allowing a total of three dwelling units on the same property – subject to applicable provisions in the Ontario Fire Code, Building Code and municipal by-laws. Similar to the 2011 Bill 140 *Planning Act* amendments, appeals related to Official Plan policies or zoning bylaw regulations that authorize the use of additional residential units are prohibited.

The City has to comply with the changes made by Bill 108 to the *Planning Act* through Official Plan, Zoning By-law or other regulatory changes. However, the City has the ability to include regulations to mitigate a variety of planning compatibility and fit issues that could occur. Although the Province requires municipalities to proactively plan for additional residential units, the Province has given municipalities the flexibility to address local issues by establishing local regulations to integrate additional residential units within the neighbourhood.

The number of additional residential units permitted will be subject to limitations due to existing conditions/neighbourhood context including, but not limited to:

- Lots which don't have sufficient area or width resulting in insufficient physical distance between dwellings to accommodate a detached additional residential unit;
- An obstructed rear or side yard access based on the existing building footprints to allow safe access of emergency personnel;
- Site constraints associated with natural heritage features or natural hazard lands, such as a floodplain, which poses health and safety concerns; and,
- Lots that cannot accommodate parking, landscaped open space or other municipal requirements.

1.1 Rationale for Intensification

Residential Intensification; specifically, can take many forms;

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

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

The benefits of intensification include;

- Efficient use of resources (e.g. existing housing stock), infrastructure (e.g., sewers, water mains, hydro, roads etc.) and public service facilities (e.g. libraries, community centres);
- More sustainable and promotes energy efficiency;
- More efficient use of land to minimize "greenfield" development;
- Providing homeowners an opportunity to earn additional income to help meet the cost of home ownership;
- Reduces travel times and the need for a personal vehicle which improves air quality and increases transit use, bicycling and walking;
- Supports public transit and active transportation modes by increasing densities;
- Supports demographic changes by encouraging "aging in place", millennial preference for developed urban areas to live and more diverse households;
- Supporting changing demographics by providing more housing options for extended family or elderly parents, or for a live-in caregiver;
- Increase stock of rental units in an area; and,
- Creating jobs in the construction/renovation industry.

There also benefits for updating Official Plans, zoning by-laws and other processes periodically to create more affordable housing;

- Increase the number of legal/registered units to create “safe” housing;
- Introduce efficient application time requirements to bring housing on the market quicker; and,
- Provide a high standard of design and protection of neighbourhood character where affordable housing is introduced.

Conversely, there are concerns about introducing new development/people into an existing neighbourhood and increasing the number of people living and/or working in an existing area. These concerns can include more activity, noise, changes in aesthetics of a neighbourhood, more parking, garbage and refuse and inappropriate human behaviour as a result of increased density.

Any policy and regulation changes should seek to realize these benefits while mitigating any concerns through a balanced planning approach.

1.2 Benefits of Additional Residential Units

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

Building Strong and Attractive Neighbourhoods

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

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

Source: StatsCan, 2006-2016

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

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

Additional residential units can help achieve vibrancy and appeal by:

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

Building a More Compact City

Both a Provincial and Municipal goal, building a more compact city is a key strategy in promoting community sustainability and resiliency. Additional residential units are a form of housing that provides opportunities to increase density without creating significant

changes to the appearance of neighbourhoods or creating negative impacts on existing infrastructure.

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

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

On April 23, 2019, Council declared a Climate Emergency. The Affordable Housing CIP initiative supports the City's commitment to reducing and mitigating climate change by providing tools that will encourage residential intensification and residential growth at appropriate locations. It will support more intense and efficient use of existing urban lands and infrastructure and the regeneration of existing neighbourhoods, and will align with transportation planning to support public transit and active transportation options.

Addressing the Need for Affordable Housing

The City of London the need to provide more affordable housing throughout the city. Additional residential units provide an affordable housing option to meet some of this demand by creating opportunities throughout the city for smaller size units within the existing building stock.

Promoting the Age Friendly Plan

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

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

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

1.4 Additional Residential Unit Terminology

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

Additional residential units can also be referred to as additional dwelling units, secondary dwelling units, accessory dwelling units, second residential unit, secondary suites, laneway houses, garden suites, accessory apartments, basement apartments, or in-law flats in other municipalities. These terms are interchangeable. However, additional residential units do not include garden suites, lodging houses, or converted dwellings in the City because they are separately defined by Zoning By-law Z-1.

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

1.5 Implementation of Bill 108 in Other Ontario Municipalities

Appendices “C-1” (Overview of Changes) and “C-2” (Zoning By-law Regulations) contains a table showing how six (6) other Ontario municipalities are implementing changes to the *Planning Act* through Bill 108. The cities of Toronto, Kitchener, Kingston and Windsor have completed their amendments. Hamilton and London are both at the public consultation and final report preparation stage. Hamilton plans to combine their additional residential unit amendments into their new residential zones as part of their comprehensive zoning by-law review.

In terms of the regulations for additional residential units the following zoning summary table provides a comparison with the other municipalities. Appendix “C-2” provides information in greater detail.

| Municipality | Toronto | Kingston | Hamilton (Proposed) | Kitchener | Windsor |
|----------------------------|---|---|--|---|---|
| Term Used | Secondary Suites and Laneway Suites | Second Residential Unit in existing or detached structure | Second dwelling units and Laneway Units | Additional Dwelling Units Use the terms “attached” and “detached”. | Additional Dwelling Units |
| Dwelling Type Permitted In | In singles, semis and townhouses | In singles, semis and street townhouses | In singles, semis and street townhouses | In singles, semis and street townhouses | In singles, semis and street townhouses |
| Location of Units | Not in front yard | Not in front or exterior side yard | Laneway units only permitted on lots with a single detached dwelling. Not in front yard. | Only permitted on lots a min. of 395m² and min. 13.1m wide. | Basement units not in floodplain or require sump pump/ backwater valve. |
| Min GFA (m²)/unit | None. Controlled by Building Code – 40-45m² | Must be smaller than primary dwelling unit | 50m² | None | 40m² |
| Max GFA (m²)/unit | 80m² | 100m² | None | None | 100m² |
| Total GFA (m²) | Max. 45% of total dwelling area. | Less than or equal to | 50% | 40% Total coverage | Not tied to size of main building. |

| Municipality | Toronto | Kingston | Hamilton (Proposed) | Kitchener | Windsor |
|---|---|---|--|---|--|
| | If basement unit can occupy entire floor if 1 sty. | main dwelling | | can be 55%, max. for accessory building is 15% | |
| Maximum Height (m) of Accessory Dwelling | 8.5-12m. Accessory – lower than main building or 2 stys. Max. | 4-4.5m | 6m | 3m for flat roof, 6m for peaked | Flat – 6m Sloped – 8m Can't exceed height of primary bldg.. |
| Minimum Side and Rear Yard Setbacks (m) | Accessory bldg. -7.5m from main dwelling 0.45-0.9m side yard 7.5m rear | Same as main dwelling. | Min. 7.5m setback between main building and accessory building | 0.6m | Accessory – 1.2m |
| Parking | 1 space for either 1 or 2 units Tandem parking permitted, Need bicycle parking. | 1 space/unit unless near express bus route, commercial, open space or community facility. | | 1 per unit Where 3 required, 2 may be tandem | 1 space per unit and 0 in the core area. No tandem parking permitted. |

The above chart indicates that although all of the surveyed municipalities generally implement the Bill 108 policies/regulations, there are a variety of approaches used for other regulations to address local issues/concerns. There is differences in what they call them (Province uses additional residential units), how they regulate the gross floor area of the units, height, side yard setbacks, parking and other regulations summarized in Appendix “C-2”.

Some highlights from the review of other municipalities include:

1. The City of Kitchener permits all three units in the existing dwelling eliminating the need for a separate accessory structure, use the terms “attached” and “detached” to describe units and processed their additional residential unit amendments through their comprehensive zoning by-law review.
2. The City of Toronto has separate zoning by-laws for the additional residential unit in the main building and the unit in the accessory building, requires bicycle parking spaces, monitors minor variance applications to evaluate regulations and relies on the Ontario Building Code for minimum room and unit sizes
3. The City of Windsor doesn’t allow basement units in the floodplain or in units where no downspouts, sump pump or backflow preventer has been installed; permits no alteration of heritage exteriors for listed buildings or within a heritage conservation district; does not license units and doesn’t “grandfather” existing second units created before January 2012.
4. The City of Ottawa allows “coach houses” which is a detached residential building and has separate zoning by-law regulations for them.

5. The City of Kingston reduces parking requirements for additional residential units if they are located close to an express bus route, commercial, parkland, open space or community facility.
6. The City of Hamilton has used their Laneway Suites pilot project to test regulations for additional residential units which amendments, similar to the City of Kitchener, will be included as part of their comprehensive Zoning By-law review.

2.0 Community Consultation

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 5, 2020. A web page on the City of London website www.london.ca was also created and notice was posted March 4, 2020. The notice to Agencies and other City Departments was sent March 5, 2020. The notice provided was as follows;

Nature of Liaison: City-wide – Implementing Additional Residential Unit Requirements of the Planning Act The purpose and effect of these London Plan and/or zoning changes is to implement recent changes to the Planning Act made by Bill 108/Regulation 299 of the Province of Ontario (*More Homes, More Choice Act, 2019*) which was given Royal Assent on June 6, 2019. Changes to the Act require that the City permit up to two additional dwelling units on a property containing a single detached, semi-detached or street townhouse residential dwelling. Possible amendments to the London Plan to change Policy 939 to 942 and Policy 949 to change wording from “Secondary Dwelling Units” to “Additional Residential Units” and add/modify language to implement Provincial policy and/or regulations for additional residential units. Possible change to Zoning By-law Z.-1 to delete the definition of “Secondary Dwelling Unit” and replace with a new definition of “Additional Residential Unit” in Section 2 (Definitions), make changes to Section 4.37 (General Provisions) to change references from secondary dwelling units to additional residential units and make changes to implement Provincial policies and/or regulations such as number of units permitted, number of bedrooms permitted and parking requirements.

Due to the COVID-19 pandemic and the public health guidelines that restrict large gatherings of people, public engagement for this review has been different from the previous Secondary Dwelling Unit and Near Campus Neighbourhood reviews.

It was decided that instead of hosting large public information meetings alternative engagement approaches would be used. These included: 1) an information report was prepared and circulated, 2) a website was prepared with background information, and 3) a mailing list was prepared including those involved in previous residential intensification reviews. Staff then compiled the letters and e-mails that were received within an extended period for public comment.

The website became active on March 4, 2020 and was updated on May 26, 2020 with additional information and links. Londoner notice for the July 14, 2020 PEC meeting on the information report was given on June 4, 2020 and a notice of the meeting was provided by letter/e-mail on June 24, 2020.

On August 24, 2020 the information report was presented to the Planning & Environment Committee, and Council direction that it be circulated. The report and covering letter were sent to our compiled mailing/e-mail list with a deadline for comments of September 29, 2020. A reminder e-mail was subsequently sent October 19, 2020 with an extended deadline of October 30, 2020 for comments.

In response to these public engagement initiatives we received sixteen (16) replies, all by e-mail, some providing comments and others posing questions and then providing comments in a further e-mail. The breakdown of the nature of the comments is as follows:

- 3 replies expressed support for most of the amendments;
- 2 replies supported the Province’s affordable housing initiatives but worried about possible issues resulting from an increase in student housing;
- 6 replies expressed concerns that the amendments would increase the problems in existing neighbourhoods; and,
- 4 replies asked questions but haven’t provided further comments.

On October 28, 2020 Planning staff met with the executive of the Orchard Park/Sherwood Forest Ratepayers Association. There were a number of questions but they were generally supportive of the draft amendments, particularly the 40% cap on the gross floor area of the additional residential units, the maintenance of the existing bedroom limits and requirement for no additional parking for additional residential units

Planning staff have reviewed the replies received to date and have subdivided the comments into categories:

1. General Comments

“want the amendments to reflect Provincial goals”.

“no point in responding because Province has mandated the amendments.”- wanted restriction of units to owner-occupied homes but Province wouldn’t allow.”

“units are a small business for those that don’t live in the City”

‘units should be added but they have to be done right.’

‘support the proposed amendments because they are consistent with Province, additional residential units should be allowed in the Near Campus Neighbourhood, no additional parking but want gross floor area maximum increased from 40 to 45%.’

‘goals for additional residential units are admirable but methods are ineffectual and counter productive.’

“will these changes improve the situation dealing with the influx of student rental properties?”

‘additional residential units dis-abuses residents and municipal governments right to manage their communities and neighbourhoods,’

“zoning provides stability and security”

“as an owner of rental properties, concerned about parking regulation, bedroom limitations and gross floor area”

2. By-law Enforcement, Building Permits and Property Standards Comments

“units are created without permits or inspections”.

“neighbours are the ones responsible for maintaining neighbourhoods, are reporting garbage, litter, noise, parking, property appearance, outdoor fires etc.”

“blue boxes on porches out front, require enclosed garbage sheds at rear”

“violation of Noise By-law.”

‘not enforcing existing regulations’

3. Neighbourhood Character Comment

“changes not in keeping with neighbourhood character.”

4. Parking and Traffic Comments

“only 2 spaces for a 5 bedroom house”.

“parking on streets, traffic noise and parking are issues.”

“no change to the draft that no additional parking spots be required.”

5. Size of Units Comments

“want limits on the size of units”

‘want consistency between the London Plan/1989 Official Plan and Zoning By-law gross floor area maximum of 40%.’

6. Construction/Design Comment

“cheap construction (no back door), overall design and repetitive use of external materials.”

7. Density/Bedrooms Comments

“increase maximum number of bedrooms or separate maximums for additional residential units.”

“no change to the number of bedrooms as defined in the zoning by-law”

8. Affordability Comments

“owners raise the rents for students which does nothing for providing affordable housing for the poor, people being pushed out so owners can increase rents”

“units not being rented to those that need it.”

‘make better use of resources like Affordable Housing Foundation, Housing Stability for All, Non-Profit Housing Corporations, Housing Day and Neighbourhood London.’

“need more affordable housing not for students.”

9. Occupants Comments

“seniors want a quieter area”.

“diversity means more student housing”.

‘emphasis on students leaves units vacant for months and drives up rents.’

“concern with student rentals-8 students in one house, lower to 5 students.”

“occupants change over time, from owner occupied home to multiple occupants-how do you deal with that.?”

10. Behaviour Comments

“lawlessness and disregard for the City”

‘no repercussions for breaking rules’

11. Property Values and Taxes Comment

“impact on property values.”

All of these issues, concerns and requests will be considered in the amendment justifications in Section 3.2 of this report.

3.0 Key Issues, Discussion and Rationale for Recommended Amendments

3.1 Policy Context for the Proposed London Plan, 1989 Official Plan and Zoning By-law Amendments (see more detail in Appendix C)

The Provincial policies provide the policy basis for the Additional Residential Unit amendments. The 2020 Provincial Policy Statement and the *Planning Act* provide the basis for all municipal planning policies and regulations.

Provincial Policy Statement (2020)

The Provincial Policy Statement (2020) provides the direction from the Province for land use planning in Ontario.

The PPS provides for and supports intensification under Part IV;

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

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

Specifically,

- Creating healthy, liveable and safe communities are sustained by accommodating an appropriate range and mix of residential(including additional residential units” (Policy 1.1.1.b); and,
- Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by permitting and facilitating all forms of residential intensification, including second units (1.4.3 b).

Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimizes the length and number of vehicle trips and supports current and future use of transit and active transportation.

Policy 4.6 recognizes the Official Plan as the most important vehicle for implementation of the PPS and requires that planning authorities shall keep their zoning by-laws up-to-date to be consistent with their Official Plans and the Provincial Policy Statement.

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

Based on the foregoing, the proposed amendments are consistent with the PPS (2020).

Planning Act

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

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

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

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

- Indicate that each unit shall have a parking space except where a pre-approved zoning by-law amendment doesn't require parking;
- Any additional required parking may be a tandem parking;
- Indicate the dwelling units on the property don't need to be owner-occupied; and,
- Indicate additional residential units can be located either in new or existing buildings

Subsection 35.2 of the *Planning Act* also indicates that zoning by-laws cannot be enacted which regulate tenants on the basis of relationship.

The London Plan

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

Policy 941 and 942 are the current Secondary dwelling unit policies and address such matters as location, number of units, licensing, size, exterior alterations, parking and requirements for Site Plan approval. These policies were based on changes made by Bill 139-Building Better Communities and Conserving Watersheds Act passed in 2017. On July 17, 2017 Council also approved further London Plan amendments which removed the restriction on secondary dwelling units in Near-Campus Neighbourhoods. On October 13, 2020 the Local Planning Appeal Tribunal (LPAT-formerly OMB) made a decision (Case PL170100) approving the removal, consistent with the previous Council decision, of the restriction on secondary dwelling units in the Near-Campus Neighbourhoods. That change came into effect on September 23, 2020.

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

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

1989 Official Plan

The policies in the 1989 Official Plan are the same as those contained in the London Plan as a result of a report, with amendments, to Planning and Environment Committee on July 17, 2017 and a Council decision on July 25, 2017. Section 3.2.3.9 of the 1989 Official Plan and Policy 941 and 942 of the London Plan are identical.

3.2 Purpose

In the last seven years City Planning Staff have prepared twelve reports on Secondary Dwelling Units/Additional Residential Units as a result of the changes to the *Planning Act* by the various Provincial governments. Three separate bills have been introduced; 1) Bill 140 – *Strong Communities through Affordable Housing Act* in 2011; 2) Bill 139 – *Building Better Communities and Conserving Watersheds Act* in 2017 and recently 3) Bill 108 – *More Homes, More Choices Act* which was given Royal Assent on June 6, 2019 which all made changes to the *Planning Act* to allow additional residential units in existing and new residential dwellings. These legislative changes required changes to the 1989 Official Plan, the London Plan and Zoning By-law Z-1. In addition, other Council policies such as the Great Near Campus Neighbourhoods Strategy had to be reviewed and amendments made.

This report will recommend amendments to the London Plan, the 1989 Official Plan and Zoning By-law Z-1 to fully implement changes to the *Planning Act* made by Bill 108. The rationale for those amendments are provided below.

3.3 Issues, Discussion and Recommended Amendments

A brief summary of each issue, a discussion of the issue and recommended changes to address the issue are provided below. The recommended amendments are similar to those approved for secondary dwelling units by Council on June 23, 2016 for the London Plan and for the 1989 Official Plan and Zoning By-law Z-1 on July 17, 2017 and staff have tried to use those policies and regulations as a basis for additional changes. Any added policy and/or regulation amendments were the result of issues raised through the Community consultation, innovative approaches used in other Ontario municipalities or to improve the various processes to provide information and make them easier to understand.

General

A couple of public respondents requested that the City “fully” implement the Provincial goals for affordable housing in the City. The City has done that and the London Plan, 1989 Official Plan policies and Zoning By-law regulations implement the *Planning Act*/Bill 108 and Regulation 299/19 policies and regulations while including policies and regulations to deal with “local issues and concerns”. The list below deals with these ‘local issues and concerns’.

Definitions

There are a number of definition inconsistencies between the *Planning Act*, the London Plan and/or Zoning By-law Z-1.

1. Secondary Dwelling Unit vs. Additional Residential Unit

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

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

2. Rowhouse vs street townhouse vs cluster townhouse

The 2020 Provincial Policy Statement and *Planning Act* use the term “rowhouse” whereas the City’s Zoning By-law Z-1 uses the term “street townhouse”. By definition

both are the same, that is, more than three units attached horizontally, having legal frontage on a street on separate lots.

Townhouses or cluster townhouses are different; having more than three or more units attached, tend to not have individual unit frontage on a street and are in a cluster format with units owned by individuals and common areas managed by a condominium corporation. Permitting two additional units in each existing cluster townhouse dwelling, plus allowing for accessory buildings, may be problematic given the typical size of the “lot”. As a result, additional residential units are not recommended in cluster townhouse formats.

Recommended Amendment – No change to the definition.

3. Restriction of Additional Residential Units in Near Campus Neighbourhoods

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

The Ministers’ Modifications to the London Plan in December 2016 made a series of changes. The Ministry did not, however, remove the restriction on secondary dwelling units within the Near Campus Neighbourhood Area even though Council earlier resolved to allow them in the Near Campus Neighbourhood Area. The Ministry indicated they would have no concern if London City Council made an amendment to the London Plan policies to remove the restriction. Council subsequently resolved to permit Secondary Dwelling Units in Near Campus Neighbourhoods and requested that the Local Planning Appeal Tribunal (LPAT) approve the change as Policy 942 was under appeal at the time.

On October 13, 2020 the LPAT issued a decision (Case PL170100) approving the change, consistent with the Council decision. As a result, secondary dwelling units are currently permitted in the Near Campus Neighbourhoods. This change came into effect on September 23, 2020.

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

Recommended Amendment – No change to the current approach to permit additional residential units within the Near Campus Neighbourhoods.

4. Minimum and Maximum Size of Additional Residential Units

The *Ontario Building Code* regulates minimum room sizes except for the bathroom. An open concept unit which includes living, dining and kitchen in a bachelor unit can be a minimum of 13.5 square metres excluding bathroom under the Code. Other municipalities have a variety of approaches to deal with unit sizes. Toronto rely on the Ontario Building Code to regulate unit sizes whereas other surveyed municipalities (see Appendix “C-2”) have a combination of regulations including maximum gross floor area of all buildings, minimum size and/or maximum size.

Additional residential units are intended to be accessory to the primary dwelling unit; however, the size of the principal dwelling will determine the maximum size of the additional residential unit. If the single detached dwelling is large the additional residential unit could be large as well.

There should be differences between minimum and maximum sizes between additional residential units in the primary dwelling and in the accessory building because of the differences in scale of the two forms. Existing primary dwellings will be larger as

opposed to accessory buildings which are limited in scale by coverage, setbacks, landscaped open space requirements etc.

A number of public respondents requested that the size of individual units be limited.

Recommended Amendment – Specify that the minimum unit size is 25m², consistent with the current regulation for a unit in a converted dwelling.

5. Maximum Gross Floor Area (GFA) of Additional Residential Units

The existing secondary dwelling regulations have a maximum size of 40% that additional residential units can occupy of the total gross floor area of the dwelling unit. Other municipalities range between 40-50%.

One neighbourhood group has supported the existing 40% regulation while the London Property Managers Association has asked that it be increased to allow larger sized units.

Recommended Amendment – Maintain 40% maximum gross floor area for additional residential units.

6. Parking

There are a number of parking issues as a result of changes to the *Planning Act* through Bill 108. These include;

6.1 *Number of Required Parking Spaces*

Parking regulations must balance neighbourhood concerns related to on-street parking, boulevard parking and parking on the front lawn with the need to provide for intensification that provides for affordable housing by permitting additional residential units. Zoning By-law Z-1 currently requires two parking spaces per unit for single detached, semi-detached and street townhouse dwellings and does not require any additional parking spaces for a secondary dwelling unit. Regulation 299/19 of the *Planning Act* indicates that each additional residential unit requires one parking space unless a zoning by-law is in force that requires no parking spaces for additional residential units.

There are a number of different approaches to parking used in other municipalities. Appendix “C-2” indicates that all the surveyed municipalities have a reduced parking rate than the standard “one space per unit ratio”. Allowing no additional parking is transit supportive and doesn’t add new driveways, removal of landscaping etc. to create parking. Accommodating parking, while still providing room for landscaped open space and addressing any aesthetic issues (eg. large areas of the property developed as parking spaces), may be problematic especially on smaller lots. Site plan approval for additional residential units in the primary dwelling will not be required, but will be required if the additional residential unit is located in an accessory building.

Through the review of the possible secondary dwelling unit policies in 2017, the City decided it wouldn’t require parking for new units. The by-law does not include a maximum parking requirement, which allows market conditions to determine when a parking space is required for an additional unit. The same approach is recommended to be applied for additional residential units.

Both the Orchard Park/Sherwood Forest Ratepayers Association and London Property Management Association (LPMA) supported the requirement for no additional parking for additional residential units for different reasons. One is supporting transit friendly development and maintaining the aesthetic “look” of neighbourhoods while the other is interested in minimizing regulations to encourage more units and lower costs.

Recommended Amendment – No change to the single detached, semi-detached or street-townhouse parking requirements and no additional parking is required for additional residential units.

6.2 Provision of new parking areas in Heritage Conservation Districts

Related to the above, the creation of new parking areas in Heritage Conservation Districts (HCD) or on individually designated properties may be a concern if not designed appropriately given the heritage character of the site or area. The London Advisory Committee on Heritage (LACH) has expressed a concern that new parking areas may impact the heritage character of the neighbourhood. The addition of new residential surface parking was not specifically contemplated when the District Plans were being researched and prepared. This should be discussed with the LACH and the heritage community before proceeding.

Additional parking space requirements are not recommended to be required for Additional Residential Units; however, they may be provided at the discretion of the proponent. New parking areas may require a Heritage Alteration Permit, where they would be evaluated against the heritage character of the area or site and will be required to conform with existing heritage plans or designations.

Recommended Amendment – No changes are required at this time. Any exterior building alterations or new parking areas that are within a Heritage Conservation District (HCD) may be subject to a Heritage Alteration Permit.

7. Numbers of Bedrooms Permitted

Currently, in the City of London single detached, semi-detached and street townhouse dwellings can have 5 bedrooms per the zoning bylaw except in the Near Campus Neighbourhoods where semi-detached and street townhouse dwellings are allowed a maximum of three bedrooms per unit. This regulation is intended to control residential intensity in the City.

The Province, through the Ministers' modifications to the London Plan, indicated that there be no bedroom limits in the London Plan and 1989 Official Plan policies but the City could include them in the zoning by-law regulations. Bedroom limits have been valuable in controlling the intensity of development (ie. the number of people living on a property) in the Secondary Dwelling Unit regulations and the Near Campus Neighbourhood policies and is an important regulation.

To maintain the limit on residential intensity it is recommended that the existing bedroom limit apply to the primary dwelling unit and additional residential units.

The Orchard Park/Sherwood Forest Ratepayers Association supports the maintenance of the existing bedroom limits; however the London Property Management Association (LPMA) has requested the number of bedrooms be increased or have separate maximums for additional residential units. The issue is one of scale and how many people a property can accommodate without creating neighbourhood impacts.

Recommended Amendment – The existing cap of 5 bedrooms in a single detached dwelling, and 3 bedrooms on semi-detached and street townhouse dwellings in the Near Campus Neighbourhood is maintained. The primary dwelling unit and any additional residential units are considered under these bedroom limits.

8. Other Changes in Heritage Conservation Districts

Similar to the parking area issue discussed in Section 4.2 above, the LACH has raised a concern about possible front and exterior side yard changes in HCDs and to individually designated properties and the addition of new or altered accessory structures. The Heritage Alteration Permit process is intended to address exterior changes and ensure that any development or construction meets the requirements of the heritage designation. The Province has allowed front yard and/or exterior side yard alterations provided they maintain the *“character of the area”*.

Recommended Amendments – That the heritage alteration permit process be used to evaluate exterior alterations on individually designated buildings and within Heritage Conservation Districts.

9. Home Occupations

Section 4.10 of Zoning By-law Z-1 contains the regulations for home occupations. It includes that “Home occupations are permitted in any dwelling unit within a single detached dwelling, semi-detached dwelling, duplex dwelling, converted dwelling, triplex dwelling, fourplex dwelling, townhouse dwelling and accessory farm dwellings.”

Given that both home occupations and additional residential units are intended to be ancillary to the primary dwelling unit, it is not consistent with this intent to permit a home occupation to a use that is already considered to be ancillary to the primary use of the site. Therefore, it is recommended that Home Occupations be limited to the primary use only, and not permitted within an additional residential unit.

Recommended amendments – Amend Zoning By-law Z-1 to restrict home occupations to the primary dwelling unit only.

10. Additional Residential Units in the Rural Area

Detached residential units are already permitted in the rural area in two ways. Secondary farm dwellings are permitted in the farm cluster in an Agricultural (AG5) Zone a maximum distance of 30 metres (98 feet) from the main farm dwelling. A zoning by-law amendment to apply the AG5 Zone variation would be needed.

Temporary Garden Suites are also permitted through Section 39 of the *Planning Act* with an agreement through Section 207.2 of the *Municipal Act*. A TGS Zone is applied through the zoning by-law amendment process. It has to be on a minimum lot area of 4000m², have a maximum size of 150m² and be located within 50 metres of the main farm dwelling.

Recommended amendments – No further amendments.

11. Additional Residential Units in Flood Plains

Comments received from the Upper Thames River Conservation Authority are clear that intensification, including the creation of additional residential units, should not be permitted within a regulated flood plain. Intensification within floodplains is addressed in the Natural and Human Made Hazards Chapter of the London Plan, and these policies would override any other policies that apply in a specific place type. Nevertheless, to ensure the requirement is clear with regards to additional residential units it is recommended that the policy and zoning changes specific that development within a floodplain is not permitted, unless it is permitted by a special area policy for a specific area as described in the flood plain policies of the London plan.

Recommended amendments – Amend the London Plan, the 1989 Official Plan, and Zoning By-law Z-1 to prohibit the creation of additional residential units within floodplains.

3.3 **Changes to other Municipal By-laws/Processes**

The revision of Official Pan policies and zoning regulations for additional residential units may also require a review of other City processes ore regulations. These are described below.

1) Site Plan Approval for Additional Residential Units in Accessory Structures

Given that adding additional residential units in the primary dwelling occurs internal to the structure and there is no additional parking required for additional residential units there is no need to require site plan approval for additional residential units.

However, the construction of new accessory structures should require site plan approval. Guidelines may be prepared for additional residential units located in accessory structures.

Changes to the Site Plan Approval process may be required.

2) Building Permits

The *Ontario Building Code* includes minimum room sizes, except for bathrooms, for all residential units in the Province of Ontario and should be applied to additional residential units. Building permits are also required for internal renovations to the primary dwelling unit and the construction or renovation of an accessory structure to accommodate additional residential units.

City Guidelines may have to be prepared or revised for potential applicants to construct additional residential units. The City has an existing webpage for Secondary Dwelling Units which needs to be revised for public information purposes. A number of other surveyed municipalities have websites and/or printed literature available.

3) Licensing

Most surveyed municipalities, except Windsor, license rental units. The City of London has a Residential Rental Unit Licensing By-law, and accessory dwelling units are currently subject to that by-law. This provides for a consistent City-wide approach to rental units.

There may be changes necessary to the Residential Rental Unit By-law to reflect the changes regarding additional residential units that differ from the current regulations for accessory dwelling units. .

4) Zoning By-law Enforcement

There were a number of public comments regarding the need for appropriate zoning by-law enforcement. These comments have been provided to By-law enforcement and will be addressed outside of this amendment process.

4.0 Conclusion

The attached amendments to the Amend the London Plan and 1989 Official Plan policies and Zoning By-law Z-1 regulations will implement recent changes to the *Planning Act* through Bill 108, the *More Homes, More Choices Act*. The recommended policies and zoning regulations are intended to provide for compatible residential intensification, and to minimize impacts on adjacent properties.

The Additional Residential Unit policies and zoning by-law regulations replace the previous Secondary Dwelling Unit policies and regulations. The most significant change is that the new policies and zoning regulations would allow an additional residential unit in both the primary residential dwelling and within an accessory building, whereas the current policies and regulations would permit an additional residential unit in the primary dwelling unit or within an accessory building.

| | |
|-----------------|---|
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| Recommended by: | <div>Gregg Barrett, AICP Director, City Planning and City Planner</div> |

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

November 23, 2020

CP

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Appendix A

Appendix "A"

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

By-law No. C.P.-XXXX-____

A by-law to amend The London Plan for the City of London, 2016 relating to implementing of Bill 108 Additional Residential Unit Policies City-wide.

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

1. Amendment No. (to be inserted by Clerk's Office) to The London Plan for the City of London Planning Area – 2016, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This Amendment shall come into effect in accordance with subsection 17(27) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on December 8, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 8, 2020
Second Reading – December 8, 2020
Third Reading – December 8, 2020

AMENDMENT NO.
to the
THE LONDON PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is:

1. To update the London Plan to include additional residential unit (formally secondary dwelling units) policies to conform with changes to the *Planning Act* made by the *More Homes, More Choices Act, 2019*.

B. LOCATION OF THIS AMENDMENT

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

C. BASIS OF THE AMENDMENT

1. The amendments are consistent with changes made to the *Planning Act* by the *More Homes, More Choices Act, 2019 (Bill 108)* with respect to additional residential units.
2. The amendments are consistent with the policies of the *Provincial Policy Statement, 2020*, conform with the Neighbourhood Place Type policies of the London Plan and conform with the Low Density Residential policies of the 1989 Official Plan.

D. THE AMENDMENT

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

The London Plan is hereby amended as follows:

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

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

1. A maximum of two additional residential units are permitted, including a maximum of one additional unit in the main dwelling and a maximum of one additional unit in an accessory structure;
2. Additional residential units must be located on the same lot as the primary dwelling unit;
3. Additional residential units shall be required to be licensed pursuant to the *Residential Rental Unit Licensing By-law*;
4. The gross floor area of the additional residential units shall not be greater than 40% of the combined total gross floor area of both the primary dwelling unit and the additional residential units;
5. Additional residential units shall comply with all regulations of the associated zone;

6. Exterior alterations to the primary dwelling unit to provide for additional residential units in the front or exterior side yards should maintain the character of the primary dwelling unit. To protect neighbourhood character, access to the additional residential units should be through existing entrances or new entrances located in rear or side yards;
7. Any exterior alterations to accommodate an additional residential unit within a Heritage Conservation District must have consideration and regard for the policies of the Heritage Conservation District Plan and/or Guidelines. Heritage Alteration Permit approval may be required for alterations to designated properties, including properties located in a Heritage Conservation District.
8. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units;
9. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law;
10. Additional residential units may be permitted within a legally established accessory structure that:
 - a. Is located on the same lot as the primary dwelling unit.
 - b. Is located in the rear yard.
 - c. Cannot be severed.
 - d. Is on full municipal services.
 - e. Maintains the neighbourhood character.
 - f. Meets the requirements of the zone which apply to accessory structures.
11. Additional residential units located within a primary dwelling unit shall not require Site Plan Approval. An additional residential unit within an accessory structure shall require site plan approval;
12. New additional residential units shall not be located in a flood plain as regulated by the conservation authority having jurisdiction for that area, unless permitted through a special policy area as described in the Natural and Human Made Hazards policies;

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

By-law No. C.P.-1284-

A by-law to amend the Official Plan for the City of London, 1989 relating to implementing of Bill 108 Additional Residential Unit Policies City-wide.

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

1. Amendment No. (to be inserted by Clerk's Office) to the Official Plan for the City of London Planning Area – 1989, as contained in the text attached hereto and forming part of this by-law, is adopted.
2. This by-law shall come into effect in accordance with subsection 17(38) of the *Planning Act, R.S.O. 1990*, c.P.13.

PASSED in Open Council on December 8, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – December 8, 2020
Second Reading – December 8, 2020
Third Reading – December 8, 2020

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to update the City of London 1989 Official Plan additional residential unit (formerly secondary dwelling unit) policies to conform with changes to the *Planning Act* as made by *More Homes, More Choices Act, 2019*.

B. LOCATION OF THIS AMENDMENT

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

C. BASIS OF THE AMENDMENT

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

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

D. THE AMENDMENT

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

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

Additional Residential Units

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

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

Additional Residential Units

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

1. A maximum of two additional residential units are permitted, including a maximum of one additional unit in the main dwelling and a maximum of one additional unit in an accessory structure;
2. Additional residential units must be located on the same lot as the primary dwelling unit;
3. Additional residential units shall be required to be licensed pursuant to the *Residential Rental Unit Licensing By-law*;

4. The gross floor area of the additional residential units shall not be greater than 40% of the combined total gross floor area of both the primary dwelling unit and the additional residential units;
5. Additional residential units shall comply with all regulations of the associated zone;
6. Exterior alterations to the primary dwelling unit to provide for additional residential units in the front or exterior side yards should maintain the character of the primary dwelling unit. To protect neighbourhood character, access to the additional residential units should be through existing entrances or new entrances located in rear or side yards;
7. Any exterior alterations to accommodate an additional residential unit within a Heritage Conservation District must have consideration and regard for the policies of the Heritage Conservation District Plan and/or Guidelines. Heritage Alteration Permit approval may be required for alterations to designated properties, including properties located in a Heritage Conservation District.
8. Any zoning amendments or variances to provide for parking in excess of the minimum parking required for the primary dwelling unit, including any request for boulevard parking, front yard parking or changes to landscaped open space regulations to support parking for additional residential units, shall be discouraged. A new additional driveway is not permitted to provide for the additional residential units;
9. Minor variances to permit front yard parking shall not be supported where the proposed new development, expanded development, or modification to an existing development eliminates parking that is in a location that conforms to the Zoning By-law;
10. Additional residential units may be permitted within a legally established accessory structure that:
 - a. Is located on the same lot as the primary dwelling unit.
 - b. Is located in the rear yard.
 - c. Cannot be severed.
 - d. Is on full municipal services.
 - e. Maintains the neighbourhood character.
 - f. Meets the requirements of the zone which apply to accessory structures.
11. Additional residential units located within a primary dwelling unit shall not require Site Plan Approval. An additional residential unit within an accessory structure shall require site plan approval;
12. New additional residential units shall not be located in a flood plain as regulated by the conservation authority having jurisdiction for that area, unless permitted through a special policy area as described in the Natural and Human Made Hazards policies;

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

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

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

AND WHEREAS upon approval of Official Plan Amendment Number (number to be inserted by Clerk's Office) this rezoning will conform to the Official Plan

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

- 1) Section 2 (Definitions) in Zoning By-law Z-1 is amended by deleting the definition for a "Secondary Dwelling Unit" and replacing it with the below definition for an "Additional Residential Unit"

"ADDITIONAL RESIDENTIAL UNIT" means a dwelling unit ancillary and subordinate to a primary dwelling unit, in which food preparation, eating, living, sleeping and sanitary facilities are provided for the exclusive use of the occupants thereof."
- 2) Section 4.6 2) b) (Dwelling Units Area Minimums) is amended by deleting the existing clause and replacing it with the following;

b) converted dwelling unit and additional residential unit - 25 square metres (269 square feet);
- 3) Section 4.10 (Home Occupation) is amended by adding the following as a new clause 18:

18) A home occupation shall not be permitted in association with an additional residential unit.
- 4) Section 4.37 (Secondary Dwelling Units) is amended by deleting the existing clause and replacing it with the following;

4.37 ADDITIONAL RESIDENTIAL UNITS

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

1) Permitted Zones

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

- a) Single detached dwellings
- b) Semi-detached dwellings
- c) Street townhouse dwellings

Single detached dwellings, semi-detached dwellings or street townhouse dwellings containing an additional residential unit on the date of the

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

2) Number of Additional Residential Units per Lot

A maximum of two (2) additional residential units shall be permitted per lot; including a maximum of one (1) additional residential unit in the main dwelling and a maximum of one (1) additional residential unit in an accessory or ancillary structure

3) Location of Additional Residential Units

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

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

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

4) Location of Additional Residential Units within Accessory Structures

An additional residential unit may be permitted in an accessory structure on the same lot as the primary dwelling,

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

An additional residential unit within an accessory structure may only be permitted in the rear yard or interior side yard.

5) Floor Area Requirements

The gross floor area of additional residential unit(s) shall not be greater than 40% of the combined total gross floor area of the primary dwelling unit and the additional residential units. For the purposes of calculating gross floor area requirements for additional residential units the following shall not be included:

- a) additions to dwelling units completed after the date of passage of this by-law; and,
- b) the gross floor area of accessory structures, where an accessory structure does not include an additional residential unit.

6) Number of Bedrooms

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

8) Access to Additional Residential Units

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

9) Parking

The minimum parking requirement shall be in accordance with the primary dwelling unit. No additional parking is required for additional residential units.

A new additional driveway in association with an additional residential unit is not permitted.

10) Code Requirements

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

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

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

PASSED in Open Council on December 8, 2020.

Ed Holder
Mayor

Catharine Saunders
City Clerk

Second Reading – December 8, 2020
Third Reading – December 8, 2020

Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of Application was published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 5, 2020. A web page on the City of London website www.london.ca was also created and notice was posted March 4, 2020. The notice to Agencies and other City Departments was sent March 5, 2020. The notice was as follows;

Nature of Liaison: City-wide – Implementing Additional Residential Unit Requirements of the Planning Act The purpose and effect of these London Plan and/or zoning changes is to implement recent changes to the Planning Act made by Bill 108/Regulation 299 of the Province of Ontario (*More Homes, More Choice Act, 2019*) which was given Royal Assent on June 6, 2019. Changes to the Act require that the City permit up to two additional dwelling units on a property containing a single detached, semi-detached or street townhouse residential dwelling. Possible amendments to the London Plan to change Policy 939 to 942 and Policy 949 to change wording from “Secondary Dwelling Units” to “Additional Residential Units” and add/modify language to implement Provincial policy and/or regulations for additional residential units. Possible change to Zoning By-law Z.-1 to delete the definition of “Secondary Dwelling Unit” and replace with a new definition of “Additional Residential Unit” in Section 2 (Definitions), make changes to Section 4.37 (General Provisions) to change references from secondary dwelling units to additional residential units and make changes to implement Provincial policies and/or regulations such as number of units permitted, number of bedrooms permitted and parking requirements.

In response to these public engagement initiatives we received fifteen (15) replies, all by e-mail, some providing comments and others posing questions and then providing comment in a further e-mail. The breakdown of the nature of the comments is as follows;

- 3 replies expressed support for most of the amendments;
- 2 replies supported the Provinces affordable housing initiatives but worried the wrong people (ie. Students) would occupy the units and create problems and the additional units wouldn't be occupied by people who needed housing;
- 6 replies expressed concerns that the amendments would increase the problems in existing neighbourhoods; and,
- 4 replies included questions but no specific comments.

| |
|---|
| Written |
| Arnon Kaplansky |
| Ben Lansink 507 Colborne Street |
| Mardelle Bishop 282 Ramsey Road |
| Sandra J. Boersen |
| Sandra Carere 127 Paul Street |
| Heather and Tom Chapman 3-152 Albert Street |
| Stephanie L. Sutherland Cohen Highley (on behalf of the London Property Management Association) |
| Josie Schneider |
| Ray Jones 264 Huron Street |
| Joan Lenardon 292 Steele Street |
| Bob Sexsmith 120-1231 Sandford Street |
| Carolyn Rowland |
| Shane Saker |
| Anna Waz 117 Scotchpine Crescent |
| Dario Vrbaneck |

Agency/Department Liaison

On March 4, 2020 notice of application was sent to other City Departments, Agencies and others included on the City Planning circulation list. The content of the notice was the same as the Londoner notice and the website notice.

Agency/Departmental Comments

On April 14, 2020 the Upper Thames River Conservation Authority commented;



"Inspiring a Healthy Environment"



April 14, 2020

City of London – Planning Services
P.O. Box 5035
London, Ontario N6A 4L9

Attention: Chuck Parker (sent via e-mail)

Dear Mr. Parker:

Re: File No. OZ-9176 - Application to Amend the Official Plan and Zoning By-law
Implementation of Additional Residential Unit Requirements of the Planning Act
Applicant: City of London

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

PROPOSAL

The applicant is proposing a City-wide amendment to the London Plan and Zoning By-law to implement additional residential unit requirements of the *Planning Act*. Changes to the *Act* require that the City permit up to two additional dwelling units on a property containing a single detached, semi-detached or street townhouse residential dwelling.

Possible amendments include:

- Change Policy 939 to 942 and 949 to:
 - update wording from "Secondary Dwelling Units" to "Additional Residential Units"; and,
 - add/modify language to implement Provincial policy and/or regulations for additional residential units.
- Possible change to Zoning By-law Z.-1 to:
 - delete the definition of "Secondary Dwelling Unit" and replace with a new definition of "Additional Residential Unit" in Section 2 (Definitions);
 - make changes to Section 4.37 (General Provisions) to change references from secondary dwelling units to additional residential units; and
 - make changes to implement Provincial policy and/or regulations such as number of units permitted, number of bedrooms permitted and parking requirements.

1424 Clarke Road, London, Ont. N5V 5B9 • T: 519.451.2800 • F: 519.451.1188 • E: info@thamesriver.on.ca www.thamesriver.on.ca

CONSERVATION AUTHORITIES ACT

Numerous properties within the City of London are regulated by the UTRCA in accordance with Ontario Regulation 157/06 made pursuant to Section 28 of the *Conservation Authorities Act*. The UTRCA has jurisdiction over lands within the regulated area and may require 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. Further, the *Conservation Authorities Act* provides a definition of "development" which means:

- (a) the construction, reconstruction, erection or placing of a building or structure of any kind,*
- (b) any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,*
- (c) site grading, or*
- (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere; ("aménagement")*

COMMENTS & RECOMMENDATION

The UTRCA has reviewed the proposed changes in relation to the existing policies and regulation within the London Plan and Z.-1 and offer the following comments:

1. Policy 942 #4 provides a value for maximum gross floor area of a secondary dwelling unit. Please clarify how the proposed changes will be implemented into this policy for accessory dwelling units.
2. Policy 942 #10 states that secondary dwelling units shall not be permitted within the basement of a dwelling in the flood plain. Please ensure the revised policy addresses no accessory dwelling units within the flood plain or other natural hazard lands. This should include the conversion of an existing accessory structure into a dwelling unit.
3. Policy 949 advises that site plan approval is not required for secondary dwelling units within existing structures and converted dwellings with a maximum of two units. Please refer to comment #2 and clarify how this policy will be changed to address existing accessory structure conversions. Furthermore, please ensure that UTRCA regulatory requirements are met through the building permit review for property located within natural hazard lands.
4. Section 4.37 of Z.-1 outlines regulations for Secondary Dwelling Units. Please ensure the revisions for this section do not permit additional dwelling units within natural hazard lands of existing and new buildings/structures.
5. It is important to note that properties affected by natural hazards may not necessarily be zoned to reflect the natural hazard and it is therefore not sufficient to rely on the residential zoning as a test for allowing second dwelling units.

Similarly to the comments provided on the Secondary Dwelling Unit policies from April 2017, the UTRCA and the City of London have policies in place to limit intensification in these areas and it will be necessary to incorporate appropriate provisions in the Accessory Dwelling Units policies to ensure that these policies are not contrary to existing policies and that they are consistent with Provincial, UTRCA and City natural hazards policies.

Once available, please provide proposed policy changes and definitions to the UTRCA for review.

Thank you for the opportunity to comment. If you have any questions, please contact the undersigned at extension 430.

Yours truly,
UPPER THAMES RIVER CONSERVATION AUTHORITY



Stefanie Pratt
Land Use Planner

c.c.: Christine Creighton, UTRCA Land Use Planner
Brent Verscheure, UTRCA Land Use Regulations Officer

From: [REDACTED]
To: [Parker, Charles](#)
Cc: [REDACTED]
Subject: [EXTERNAL] Additional Residential Unit Review
Date: Monday, September 28, 2020 9:13:02 AM

Dear Mr. Parker:

I have recently had the opportunity to read the Report to Planning and Environment Committee regarding Additional Residential Units.

I do recognize the need for more types of housing and affordable housing here in London. However, as a tax-paying resident of a Near Campus Neighborhood who has already experienced 'intensification', I feel obliged to offer the following for consideration:

1. The changes which I have observed in this area are not in keeping with the original neighborhood 'character'. I refer to the cheap construction (no back door), overall design and repetitive use of external materials.
2. Only 2 parking spots are provided for 5-bedroom houses while undeveloped properties generally have a minimum of 3 parking spaces. This results in streets lined with cars, illegal parking and hazardous driving conditions in the winter. We also contend with increased traffic noise and speeding. I have requested speed bumps on Paul Street and that request has been ignored.
3. The by-laws which pertain to garbage and waste need to be reviewed and updated before further intensification is commenced. The current by-laws permit the placement of garbage bins and recycling at the side and front of houses. Not surprisingly, the students choose to place them on the front porches. The appearance of the bright blue, overflowing recycling bins and uncovered garbage containers is not only unattractive, it results in garbage-strewn lawns and streets and an increase in skunks, squirrels and raccoons. On a single windy day, I personally have collected half of a large bag of garbage from my property. Further intensification should include enclosed garbage sheds/bins to house the garbage containers at the rear of properties. Moreover, by-law enforcement is inadequate and relies too heavily on complaints from the property owners who live in this area.
4. Existing infrastructure needs to be adequate for any development plan. The infrastructure in this neighborhood was not created to support 5-bedroom, 5-bathroom homes so regular plumbing/sewer issues are not a surprise.

Your consideration is greatly appreciated as we do, after-all, want to keep London – all of London – beautiful.

Kindly provide a copy of the notice for upcoming public meetings.

Regards,

Sandra Carere
[REDACTED]

Response to Planning Report re OZ9176

Very little in this report will benefit most near campus neighbourhoods, more likely is an increase in the problems already there. There appeared to be still an opportunity to exempt these neighbourhoods, though that was not recommended by the planner to council. (**Page 9** “The Ministry did not, however, remove the restriction on secondary dwelling units within the Near Campus Neighbourhood Area even though Council earlier resolved to allow them in the Near Campus Neighbourhood Area”.)

Few of the “benefits” cited in report (**page 2**) apply to most parts of the near campus areas. Some examples.....

.....Providing homeowners an opportunity to earn additional income to help meet the cost of home ownership (**it is a small business for a significant number of owners, many of whom don’t even live in the city**)

..... Supports demographic changes by encouraging “aging in place” (**seniors prefer a quiet area if financially feasible and many would leave their near campus neighbourhood if they had the resources to do so**)

..... Creating jobs in the construction/renovation industry (**many of these jobs are done without permits or inspection**)

..... Providing a variety of housing choices (**only if one wants a home with a large number of bedrooms and reduced common areas**)

.....Promoting community diversity through diverse housing opportunities (**the diversity is mainly adding more students to the mix**)

.....Offsetting housing expenses (**in reality these are part of a business model which must have high rental rates to cover expenses and provide desired profit for owner**)

There must be some reason why it is beneficial to the City to have these near campus areas continue to deteriorate through increasing student density with little enforcement of policies such as requiring licences (with a high enough fee to cover enforcement) that might protect both neighbouring residents and the student renters.

Before density is increased, the City and the University/Colleges should develop measures which are easy to access and effective to cope with the large number of young adults who are already there. Regrettably, though they are appealing, intelligent, attractive individuals, many of them have no experience in living on their own without adult oversight. When there are no parents or landlords on site, it becomes the unwelcome responsibility of the neighbours to maintain their neighbourhoods by training these young renters re their civic responsibilities concerning garbage, litter, noise, parking, property appearance, outdoor fires and unsafe activities. There is nothing in the report indicating if the City has any will to address this when increasing density other than the nonspecific sentence on **page 4** “ Bill 108 grants the municipality the ability to develop policies and regulations to mitigate potential impacts created by additional residential units”.

The Province’s desire to curtail urban sprawl and increase density is unlikely to achieve this outcome in the near campus areas in London. The young families, who should be living there where they could actually walk or cycle to many of the work opportunities, do not want to risk the problems with student neighbours and are instead being forced to go to the more affordable developments occurring on prime farms land at the edge of the city. The individuals taking advantage of these changes are likely to be professional landlords who are running lucrative small businesses with very little oversight.

Mardelle Bishop
[REDACTED]

September 25, 2020

From: [REDACTED]
To: [Parker, Charles](#)
Subject: [EXTERNAL] Implementing Additional Residential Unit Requirements of the Planning Act
Date: Tuesday, September 22, 2020 9:28:25 PM

Hello Chuck,

My name is Anna Waz and I am a resident of London. I am very interested in following the changes occurring regarding the implementation of additional dwelling units. Is there any mailing list I can be added to to be kept informed of new information and public participation meetings?

Thank you,

Anna Waz

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
Sent: Monday, August 17, 2020 2:32 PM
To: Parker, Charles
Cc: [REDACTED]
Subject: [EXTERNAL] New secondary units

Mr. C. Parker

What is the purpose of more student housing unit when the need for affordable housing is going to help people.

Or is the present student housing needs is shorten and we can start reducing the housing cost that student pay and move the homeless in to these Units.

Robert Sexsmith

[REDACTED]
London N5V2J8
[REDACTED]

From: arnon kaplansky [REDACTED]
Sent: Sunday, September 6, 2020 8:31 PM
To: Parker, Charles
Subject: [EXTERNAL] OZ-9176

Hello Charles,
Are you trying too pass this under the old OP or the New OP? Does your recommendation address the provincial goals?
Please notify us so we can have the option to appeal if it does not reflect provincial goals.
Thank you,
Arnon Kaplansky
Please add it to agenda .
Sent from my iPhone

From: [REDACTED]
To: [Parker, Charles](#)
Subject: [EXTERNAL] Re: Additional Residential Unit Review - City of London (OZ-9176)
Date: Wednesday, August 19, 2020 9:30:06 AM
Attachments: [image001.png](#)

Good morning Charles,
My interest is in student rentals, particularly those grandfathered in to allowing 8 students in one house. My neighbor claims to have such an allowance and it has resulted in a lowering of prices for Family occupied houses in close proximity to the 8 student rental, It has also been identified by the Police as a "hot spot" attracting as many as 70 students, ambulances and loud noise in to the night in violation of the Noise By Law. If the 8 student allowance were to be lowered to 5 I am confident that it would quickly lose its hot spot designation.
Would the study currently underway encompass the concerns I have referenced?
Ray Jones

On Wednesday, August 19, 2020, 09:12:12 a.m. EDT, Parker, Charles <cparker@london.ca> wrote:

Good morning Ray. Thanks for responding. The Province requires us to allow two additional units per single detached, semi-detached and street townhouse dwelling but allows us to have policies and regulations to regulate certain aspects of the units. The information report is on the City website under Business/Planning/Current Applications at the link provided in the letter. If you could review the draft amendments at the end of the information report and comment, good or bad, on the different London Plan policies and zoning by-law regulations that would be helpful. If you want to keep it short just comment on those you have a concern with, and why. Examples are always useful.

Thanks.



W.J. Charles Parker, M.A.

Senior Planner – Long Range Planning and Sustainability – Planning Policy

City Planning

City of London

206 Dundas Street N6A 1G7
P: 519.661.2489 x 4648 | Fax: 519.661.5397
cparker@london.ca | www.london.ca

From: Heather and Tom Chapman [REDACTED]
Sent: Tuesday, September 29, 2020 4:15 PM
To: Parker, Charles
Cc: [REDACTED]
Subject: [EXTERNAL] Re: Additional Residential Unit Review (OZ-9176/City of London)

Re: Additional Residential Unit Review (OZ-9176 City Of London)

W.J Charles Parker
Senior Planner – Planning Policy
City Planning

My comments:

This legislative attempt to provide more affordable housing units will only benefit London and it's citizens if it is properly legislated, monitored and processes enforced at the municipal level.

There has been an acute lawlessness and disregard for the City and the existing homeowners now for years, when it comes to adding units to existing dwellings.

More recent and specific in our neighbourhood has been a complete denigration of structurally sound architecture and backyards of detached dwellings on residential streets by a few real estate companies and developers. Their intention is to excessively profit from these homes by turning them into high rent per bedroom (6 or more) boarding houses for wealthy postsecondary students with expensive foreign cars who want to drive to campus rather than use very sufficient ecological direct transit available a block away. This does nothing to help the large population of working poor or regular students needing housing or for people who are working while taking courses towards a degree or license. It is also driving double digit rent increases causing more homelessness. We have discussions with some of our neighbours living in existing affordable apartments now, who feel that they are systematically being driven out of their apartments by the new owners of their buildings. These neighbours believe that the new owners want them to move out so that they can renovate those apartments, and in doing so, remove the rent controlled status of their apartment unit, thereby, allowing the new owner to charge almost double the rent fee.

This has happened on St. George Street and most recently on Central Avenue. And NOT ONCE did any of the homeowners or neighbours receive any notice from City Hall about an application for a variance to change the property in physical structure, appearance or purpose - legally or as a courtesy. There seems to be no rules or accountability and no repercussions to this disregard for community and the existing home owner/resident. Adding residential units is crucial but it must be done right by the City of London Government or it does not benefit London or the persons it is designed to help and attract.

Heather D. Chapman
[REDACTED], London ON

From: Susan Bentley [REDACTED]
Sent: Monday, October 19, 2020 3:52 PM
To: Parker, Charles
Cc: Barrett, Gregg; Adema, Justin; [REDACTED]
Subject: [EXTERNAL] RE: Comments on Additional Residential Unit Review (OZ-9176/City of London)

Dear Mr Parker,

As the changes to the "Secondary Dwelling Units" policy are desired by the current Ontario Government and were also approved by Council over the expressed wishes of Neighbourhood groups in Near Campus neighbourhoods, I really didn't see any point in responding to this notice!

I was thoroughly dismayed and demoralized when Council undermined the conversations we had with the Planning department during the development of the London Plan. By revisiting the provisions of the Plan that benefitted homeowners and suddenly revising the zoning by-law and voting against our request to restrict secondary dwelling units to owner-occupied houses or by limiting the size of such units, Council favoured developers and landlords.

In Near Campus neighbourhoods. many of us at the community level have simply given up hope of ever having the type of balanced neighbourhood envisioned by the Near Campus Neighbourhood Secondary Plan.

Thank you for your attention.

Sincerely
Susan Bentley

From: sandra j boersen [REDACTED]
Sent: Tuesday, August 18, 2020 3:04 PM
To: Parker, Charles
Subject: [EXTERNAL] Re: regarding additional residential units

*will the enforcement of said amendments
be discussed as well*

*that is:
lets assume that a residence (primary) with three bedrooms
builds an additional unit with one bedroom with den for their aging mother in law (it doesn't matter whether
its attached to the building or a separate structure, but lets assume its a separate structure)
assuming floor area , height etc is met, this would then be allowed
and probably looked upon as a great thing*

*now lets assume that a few years pass
the mother in law has now passed
the owners could own rent out the additional unit as a two bedroom
as they are still within the 5 bedroom cap... again no issues
hopefully parking and noise remain within acceptable limits
all is still good*

*more time passes
the owners move to a smaller residence
and sell the property (which i assume must all be sold as one parcel) ...although this might bring up issues
about severancing etc... which i don't think are addressed in your report (but probably should be)
now the new owners use all the rooms in the primary residence as bedrooms (unless they are a
kitchen/washroom or furnace room)
which now makes that home really about 6/7 bedrooms (they rent the property out)...plus the two from the
ADDITIONAL residence (which were existing)
in fact, all were existing as rooms...
we have now gone from a situation where a good thing has gone to a problem...with just a change of
ownership...and a change of use...nothing else
no permits... no building...no committees...no input from the community
just a silent change of use
and suddenly there are 8/9 bedrooms on this property*

*how now do you enforce the rule?
how do you stop the overcrowding?*

*love and later
sandra j boersen*

We often look so long and so regretfully upon the closed door, that we do not see the one which has opened for us." Alexander Graham Bell

From: Parker, Charles <CParker@London.ca>
Sent: August 18, 2020 2:46 PM
To: [REDACTED]
Cc: Adema, Justin <jadema@london.ca>
Subject: RE: regarding additional residential units

As the draft amendments are written the 5 bedroom cap is for the entire property (all units) and there is no additional parking required for the additional units in the Near Campus Neighbourhood other than those required for the primary dwelling.



W.J. Charles Parker, M.A.
Senior Planner – Long Range Planning and Sustainability – Planning Policy
City Planning
City of London

206 Dundas Street N6A 1G7
P: 519.661.2489 x 4648 | Fax: 519.661.5397
cparker@london.ca | www.london.ca

From: [REDACTED]
Sent: Tuesday, August 18, 2020 2:32 PM
To: Parker, Charles <CParker@London.ca>
Subject: [EXTERNAL] Re: regarding additional residential units

*can you confirm
whether my understanding of the report is correct...that is;

that at least in the near campus neighbourhoods
that the bedroom cap applies to the whole property...not each unit
and that no additional parking is required should additional units be "made"*

*love and later
sandra j boersen*

We often look so long and so regretfully upon the closed door, that we do not see the one which has opened for us." Alexander Graham Bell

From: Parker, Charles <CParker@London.ca>
Sent: August 18, 2020 12:00 PM
To: 'sandra j boersen' [REDACTED]
Subject: RE: regarding additional residential units

Good morning Sandra. Nothing has been approved. Planning staff reviewed the revised Provincial policies and determined what may be required to implement them in the London Plan and Zoning By-law. Because we can't hold Community meetings (similar to past reviews) we provided an information report (which Council directed us to circulate) and website so people would have access to the information to provide comments. The amendments attached to the report are draft, not approved. A future public meeting will be held before the amendments are approved.



W.J. Charles Parker, M.A.
Senior Planner – Long Range Planning and Sustainability – Planning Policy
City Planning
City of London

206 Dundas Street N6A 1G7
P: 519.661.2489 x 4648 | Fax: 519.661.5397
cparker@london.ca | www.london.ca

From: sandra j boersen [REDACTED]
Sent: Tuesday, August 18, 2020 11:30 AM
To: Parker, Charles <CParker@London.ca>
Subject: [EXTERNAL] regarding additional residential units

*I'm a bit confused
It appears as though counsel may have already voted on this issue
Am I right in assuming so*

*If that has been the case
can you confirm
that at least in the near campus neighbourhoods
that the bedroom cap applies to the whole property...not each unit
and that no additional parking is required should additional units be "made"*

*thanks
i just received notice of this issue
yesterday*

*love and later
sandra j boersen*

From: C.R. Rowland [REDACTED]
Sent: Tuesday, September 29, 2020 12:43 PM
To: Parker, Charles
Subject: [EXTERNAL] Z 8909 & OZ 9176

Dear Sir,

I am writing to inquire if you can simplify for me the legalese contained in these two documents. I find them confusing and difficult to interpret.

My primary concern is relatively simple. How do these changes to the London Plan and the Zoning By-Laws affect my neighborhood directly.

I have lived for decades now, in an area zoned Z1-10 quite near the UWO campus. In the past decade, there has been a significant influx of student rental properties here, culminating in real challenges to the fabric of my community. Obviously we are quite concerned with anything that would erode any further our ability to quietly enjoy our property and further reduce the quality of life that we have had here.

- What are the most significant changes to the existing zoning laws?
 - Do these changes enable landlords to build multiple dwellings on properties with single detached dwellings?
 - Does this allow landlords to further increase the density of housing by building additions?
 - Does this legislation enhance a landlord's ability to pack a property with too many unrelated individuals?
 - Will any of this change enhance the city's ability to deal with landlords operating illegally?

The essence of these questions is of course related to the ongoing problems we have had, and whether or not we should be expecting these changes to further impact our quiet enjoyment.

When this home was purchased, it was understood that the zoning laws were a protection, an agreement with the property owners that the laws governing land use here were enshrined, and presented a bulwark against problems with land use and other residents. Now they seem to have become a threat. I would be greatly pleased if you can dis-abuse me of these notions.

Please be so kind as to address my questions and concerns in a summary fashion, your view of these changes from 30,000 feet would be appreciated.

Regards,

Carolyn Rowland

REPLY TO:

London
One London Place
255 Queens Ave., 11th Floor
London, ON N6A 5R8
T 519 672-9330
F 519 672-5960

Kitchener
55 King St. West
Suite 1001
Kitchener, ON N2G 4W1
T 226 476-4444
F 519 576-2830

Chatham
101 Kell Dr. South, Unit 2
P.O. Box 420
Chatham, ON N7M 5K5
T 226 494-1034
F 519 672-5960

Samia
1350 L'Heritage Dr.
Samia, ON N7B 6H8
T 519 344-2020
F 519 672-5960

Stratford
100 Erie St.
Stratford, ON N5A 2M4
T 226 779-0006
F 519 672-5960

September 29, 2020

VIA EMAIL: cparker@london.ca

Chair and Members
Planning and Environment Committee
City of London
300 Dufferin Avenue, PO Box 5035
London, Ontario N6A 4L9

Dear Chair and Members:

Re: Proposed Amendments to Zoning By-law Z-1 – Additional Residential Units (“ARUs”)

We are the lawyers for the London Property Management Association (“LPMA”). The LPMA is committed to promoting education and professionalism among its more than 500 members. The vast majority of LPMA members are owners and operators of multi-residential rental properties, including apartment buildings and converted residential dwellings providing student housing in areas of the City where post-secondary education facilities are situated.

We have reviewed the Report to Planning and Environment Committee, dated July 3, 2020, titled “Implementing Additional Residential Units Requirements of the Planning Act (Bill 108) – Information Report City-wide/City of London”. It is our understanding that this Report was presented to the Committee at a meeting on July 13, 2020.

On behalf of the LPMA, and for the purpose of a future public meeting to discuss the proposed amendments to the Official Plan and Zoning By-law Z-1 (“ZBZ1”), we respectfully submit the following in response to the proposed amendments outlined in the Report:

Overall Position

The LPMA understands that amendments are required in order to bring the Official Plan and ZBZ1 into compliance with the *Planning Act*, given the recent changes introduced by Bill 108. Overall, the LPMA is supportive of the proposed amendments, as the ability to have two, rather than one, additional residential unit will benefit both landlords and tenants and help to increase affordable housing in the City of London.

1. Definitions

The LPMA does not take any position regarding the proposed amendments to definitions as set out in the Report, other than to support the proposed change from ‘secondary residential unit’ to ‘additional residential unit’ in order to be consistent with the *Planning Act* terminology and to clarify that more than one unit could be added.

2. Remove the restriction on ARUs within Near Campus Neighbourhoods

The LPMA supports this proposed amendment, for a variety of reasons: it is in line with the City Council's intentions for the 2016 Plan, which was omitted from the Ministers Modifications despite a vote from City Council; it will benefit landlords who reside in Near Campus Neighbourhoods; and it will benefit students as it will provide more housing close to campuses.

3. Parking

The LPMA supports the proposal to not amend the current parking provisions for ARUs. Requiring one parking space per unit would be onerous on many landlords, both in terms of finances and space. In addition, many tenants – particularly students – do not require parking spaces, and do not wish to pay for the extra expense that landlords would be required to charge if additional spaces were mandatory. Maintaining the current requirement of 2 parking spaces per unit rather than 1 parking space per each ARU will benefit both landlords and tenants.

4. New Parking in Heritage Conservation Districts

The LPMA understands that there are no amendments currently proposed on this issue, and that the Report advised that further discussions with the Heritage Committee and the London Advisory Committee on Heritage. The LPMA would like to be involved in those discussions as well, as appropriate.

5. Numbers of Bedrooms Permitted

There are no amendments proposed to the current maximum of 5 bedrooms per unit. The LPMA respectfully submits that either the maximum number of bedrooms be increased, or ZBZ1 be amended to have separate maximums for ARUs rather than the current status that has the maximum including ARUs. With two ARUs now permitted, the current maximum of 5 bedrooms per unit (or 3 in Near Campus Neighbourhood Areas) is very limiting on landlords who wish to have two ARUs on a property, and would defeat the purpose of increasing affordable housing in the City.

6. Height of ARUs

The LPMA takes no position on this issue.

7. Maximum Gross Floor Area (GFA) for ARUs

The LPMA supports the increase of maximum GFA from 40% to 45%. This proposed amendment allows for more GFA of the ARUs, which is helpful if a second ARUs is to be created, while maintaining the primary versus secondary nature of the units.

8. Minimum GFA for ARUs

The LPMA takes no position on this issue.

9. Other Changes in Heritage Conservation Districts

The LPMA understands that there are no amendments currently proposed on this issue, and that the Report advised that further discussions with the Heritage Committee and the London Advisory Committee on Heritage. The LPMA would like to be involved in those discussions as well, as appropriate.

10. Changes to Other Municipal By-laws/Processes

The LPMA understands that there are no amendments currently proposed, but that there are a number of other City processes and by-laws that would be affected by changes to ZBZ1 regarding the ARUs. The LPMA requests be involved, or at least made aware of, future proposed changes to other by-laws and processes as applicable.

The LPMA extends its appreciation to the Committee for allowing stakeholder input in the draft by-law and for listening to same. We would appreciate if you could please advise our office once the date of the future public meeting is known, so that we or our client can attend.

Yours very truly,



Electronic signature digitally attached

COHEN HIGHLEY LLP
Stephanie L. Sutherland
SLS

cc: LPMA

ORCHARD PARK SHERWOOD FOREST RATEPAYERS



October 30, 2020

Chuck Parker
Planner
City of London

Re: Additional Residential Unit Review (OZ-9176)

Our association supports the general intent of the amendments. In particular we wish to support in the zoning by law:

- No change to the number of bedrooms as defined in the zoning by law
- No change to the draft that no additional parking spots be required
- Consistency between the Official Plan/London Plan and the zoning by law of a maximum 40% Gross Floor Area for any additional residential units

Sincerely,

Sandy Levin
Therron Jones
Rich Quench

On Behalf of
Orchard Park/Sherwood Forest Ratepayers
London, ON

September 3, 2020

Many thanks for asking me for my **Review**. I have put it in the form of an ***Outline*** for the sake of brevity.

OUTLINE AND MY RESPONSE TO

Additional Residential Unit Review (OZ-9176/City of London

Received by me on August 17, 2020 by mail

from W.J. Charles-Parker, Senior Planner - Planning Policy

cparker@london.ca - City Planning, City of London

206 Dundas St., London ON N6A 1G7

I. **GOALS ARE ADMIRABLE**

- . maintain and enhance characteristics of Residential Neighbourhoods
- . help to resident owners
- . address housing crisis for homeless
- . provide housing for those needing ***Affordable Housing***
- . minimize regulations related to residential development through changes to various acts dealing with planning process
- . reduce fees related to development
- . identification of additional residential units as one of least expensive ways to increase supply of ***Affordable Housing***
- . take direction from review by Public in order to be accountable to affected Neighbourhoods

II. METHODS ARE BOTH INEFFECTUAL AND COUNTER-PRODUCTIVE

- A. Conversion or expansion of existing single-family residential housing stock to create new residential units
- B. Intensification and densification of existing Residential Neighbourhoods
 - . intensify situation of renting to a population **that is not the one** you are aiming at: **live-in care-giver; working poor; elderly parents**
 - . profile of existing population who rent by the room in free-standing, single family residential housing stock
 - . affluent
 - . do not become neighbours
 - . life is elsewhere on campus
 - . do not use existing Parks
 - . life is elsewhere: Campus; Downtown
 - . do not use Public Transport
 - . cars; bikes; walking
 - . do not use nearby elementary and high schools
 - . in residence only 7 months of the year, leaving residential stock empty, unoccupied for over 5 months is **OBSCENE**, given the present exigency to provide Affordable Housing
 - . Rentals by each room from \$300.00 and more drives up income from rent far above so-called *Affordable Housing* for those who really need it
 - . furthers the disintegration of Residential Neighbourhoods
- C. Blatantly contradicts and impedes Goals of London's New Program: **NEIGHBOURGOOD**, directed by Karen Oldham

III. SUGGESTIONS

- A. Pursue, undertake, put into operation
 - *Affordable Housing Foundation*: consult with Stephen Giustizia, Chief Executive Officer, Housing Development Corporation, London
 - *Housing Stability For All: The Housing Stability Action Plan for the City of London 2019-2024*
 - page 3: "The City of London wants to remain a city where residents and their families can live, work and thrive", Ed Holder, Mayor, City of London
- B. Set up more *Non-Profit Housing Corporations*.
 - See: *A Guide to Family Housing*: Households with dependents, City of London and County of Middlesex: <https://www.london.ca/residential/Housing>
 - *Housing Day (2019)* several speakers called upon City to utilize existing yet empty industrial, commercial and institutional buildings to be renovated for residential use
- C. Liaise with Karen Oldham's Program:
NEIGHBOURGOODLONDON; neighbourgood@london.ca

CV re: Housing; Habitable Neighbourhoods

- Co-Treasurer, London Neighbourhood Community Association
- President of the Board, Kinwell Non-Profit Housing Corporation
- Block Parent (1964-2015)
- Member, Neighbourhood Watch (1966 to present)
- Zone Coordinator, Neighbourhood Watch (2016) to present
- Member, Ontario Non-Profit Housing Association (ONPHA)

Respectfully submitted,

Joan Lenardon

P.S. Please inform me of Public Inquiry

Thank you

Joan Lenardon

Appendix C-1 – Overview Of Other Ontario Municipalities Policies/Regulations Implementing Bill 108 Changes

| Municipality | Review Process | Official Plan Review | Zoning By-law Review | Other |
|---|---|---|--|--|
| Hamilton Contact- Joanne Hickey-Evans- Manager- Policy Planning and Zoning By-law Reform Tim Lee- Project Manager Planning and Economic Development Department | •Status- At the same stage as London- in the process of implementing. •public engagement in November/December 2020 •Discussion paper submitted to Council September 22, 2020. •Amendments will be processed through their comprehensive zoning by-law review. •additional units being dealt with separately in rural area. | Existing Policies for Secondary Dwelling Units will have to be revised to allow two additional units | •Working on a new Zoning By-law (parts adopted in 2005 but residential zones the last to be dealt with) - currently has 7 separate by-laws •Submitted Laneway housing report in Sept 18, 2018 (Laneway is defined as 12m or less- in proposed amendments no longer require laneway) •Hamilton defines type of structure by size- Small houses – 37-93m ² , Tiny houses - < 37m ² , Secondary units - <50m ² •call them secondary dwelling units | •On their website have a separate “Provincial Policy Matters” section under Planning. •have allowed accessory dwellings since the 1970’s. •Most complicated issue to deal with is detached secondary dwelling units •no DC’s or parkland dedication fees for extra units |
| Kitchener Contact- Tim Donegani- Senior Planner Development Services (Planning) | • Status- have completed implementation of Bill 108- amendments approved in October 2019 •October 22, 2019 Planning Report | •New Official Plan in 2014-permitted in Low-Rise Residential •City-initiated OPA for additional dwelling units. •OPA updated terminology, removed req. for ZBA and includes criteria. | • use the term attached or detached “Additional Dwelling Unit” in zoning by-law •Reviewed as part of comprehensive Zoning By-law review - Residential Zones and Urban Growth Centre (Downtown) Zones were last •all other zones developed in April 2019. •zones will be applied through Neighbourhood Planning Reviews or Ward by Ward in 2020-only one ward complete | •have allowed 2 units since 1994. •Two previous related studies 1. 2017 Residential Intensification in Established Neighbourhood Study 2. 2019 Urban Design Study •these studies provided direction for review •Included option of allowing all three units on a property in existing buildings only •allow backyard tiny houses |

| Municipality | Review Process | Official Plan Review | Zoning By-law Review | Other |
|---|---|---|---|---|
| Windsor Contact- George Robinson – Planner II- Revitalization and Policy Initiatives Planning Department | Status- have completed implementation of Bill 108- June 26, 2020 •February 2020 Report-to Council March 9, 2020 •previous June 19, 2018 report. | •OPA 130 Completed (2 additional units) •OPA 122 (Secondary Units-Sept 2018) | •Zoning By-law amendment completed •Use the term “additional dwelling units” •If there are more than 3 people in the units it is considered a lodging house under the by-law | •Most units built since November 2018 have been basement units in new construction •They require backflow valves and sump pumps for basement units •No exterior changes on heritage properties •no grandfathering of units before November 2018 •don’t license units •reviewing ways to make it easier to build detached units. |
| Toronto Contact- Mark Christie – Project Manager- Strategic Initiatives, Policy and Analysis City Planning Division | Status- have processed all of the required amendments but still looking at ways to encourage more affordable housing-“missing middle” •They feel they are aligned with Bill 108 and new PPS •Two separate by-laws-both have been updated-one for main dwelling and on for detached dwellings | •No changes to Official Plan -only updates to policies to align to Bill 108 and PPS •Two previous amendments – OPA 403 – Laneway Suites amendment in June 2018 -OPA 418 – Second Unit Review OPA 460- Laneway Suites Review | •Secondary Suite By-law amended and in effect (March 2019) •Laneway Suites By-law in effect (July 2019) | •One of the first municipalities to permit secondary suites (July 1999) •initially only allowed in existing dwellings •have performance standards for laneway suites •have a laneway suites website and a divisional working group •over time have allowed in new construction, put a max. GFA in, removed minimum sizes, reduced parking and allowed entrances on front walls •staff training program and housing program •monitor minor variances to determine if further changes required. |

| Municipality | Review Process | Official Plan Review | Zoning By-law Review | Other |
|---------------------|---|---|--|--|
| Ottawa | Currently permit a secondary dwelling unit in the main dwelling and allow either a garden suite or coach house detached structure | Working on a New Official Plan. OPA 124-Garden Suites OPA 133-Secondary Dwelling Units OPA 142-Coach Houses All include policy criteria | Separate zoning by-law regulations for secondary dwelling units, garden suites and coach houses. | <ul style="list-style-type: none"> •Housing Discussion Paper •Rental Accommodations Study •Cost - \$200-300 /ft²to build a secondary dwelling unit. |
| Kingston | Status- completed implementation of Bill 109 July 5, 2018-first public meeting June 6, 2019 report-OPA. No 65 | City initiated OPA | City initiated ZBA | <ul style="list-style-type: none"> •Second residential unit permit guide- Sept 2019 •On-line survey for comments |

Appendix C-2 – Other Ontario Municipalities Zoning By-law Regulations

| Municipality/ Date of Info | Unit Sizes | % of GFA | Parking | Location of Additional Dwellings | Accessory Buildings (Detached) | Other |
|---|---------------|--|--|--|--|--|
| Kitchener New zoning by-law being developed. Residential and City Centre zones last. OPA/ZBA approved October 2019. Other zones in April 2019. Zones still to be applied. | None | 40 Total coverage of all buildings can be a max. of 55%. Accessory buildings can be a max. of 15%. | <ul style="list-style-type: none"> •1 driveway per lot per street unless more than 30 m frontage then 2. •parking spaces only in front of garage and made from same material. •have a definition of tandem parking. •a home occupation requires 1 space plus 1 space for outside employee. •where 3 parking spaces required, 2 may be tandem. | <ul style="list-style-type: none"> •Allow on single, detached, semi-detached and street townhouse lots as attached or detached units. •Allow 3 units in existing dwelling. | <ul style="list-style-type: none"> •on same lot. •on municipal services. •One on a lot. •not in front yard •landscaped open space-30%. •not allowed to be severed. •maximum size is 40% of main building. •not located in front or exterior side yard. •3-6 m height •need to provide a 1.1m walkway from driveway, street or lane. •can only be located on lots with a minimum of 395m² lot area and 13.1 m width. •0.6m setback from rear or interior side yard •7.5m separation distance from main building. •cannot have a detached residential building. | <ul style="list-style-type: none"> •If permitting 3 units in existing building need; -395 m² minimum lot area -13.1 m minimum lot width -minimum landscaped open space-20% - max. 25% addition allowed to rear. •Tiny houses are permitted •use the terms attached and detached. •use the term additional dwelling units, attached or detached units. •only 1 entrance on each street line facade |

| Municipality/ Date of Info | Unit Sizes | % of GFA | Parking | Location of Additional Dwellings | Accessory Buildings (Detached) | Other |
|---|---|-----------------------------------|---|---|---|--|
| Hamilton •working on new Zoning By-law •have secondary dwelling units and laneway suites | •Min- 50 m ² | 50 | •1 per unit •0 required in older areas •don't allow tandem parking | •Allow on single, detached, semi-detached and street townhouse lots. | •Laneway Unit Report – Sept 2018 - only permitted on lots with a single detached dwelling. -unit must be on ground floor -no doors or windows to laneway -cannot be in front yard -access, servicing or parking cannot be in laneway. -allow 1 entrance per façade on corner lots, interior lots allow 2 or in rear yard. - 6 m height max. - Min. 7.5 m setback from main dwelling - 1.2m sideyard | •Define dwelling types by size <ul style="list-style-type: none"> - Small houses-37-93m² - Tiny houses-less than 37m² - Secondary units-less than 50m² •call them secondary dwelling units |
| Windsor Zoning by-law amendments approved in June 2020 | Min.-40m ² (430 ft ²) Max.- 100m ² (1076 ft ²) | Not tied to size of main building | •No additional parking in core areas, 1 space per unit outside •no parking for second additional unit, 1 for main dwelling and one for accessory unit. | •Allow on single, detached, semi-detached and street townhouse lots. •No basement units in floodplain or where no downspouts, sump pump or backflow preventer has been installed | •requires pedestrian access from paved street or alley •connect to municipal services. •no severances •height can be increased to 8m (sloped) and 6m (flat) •height can't exceed main building. •side and rear yard setback – 0.6m-1.2m. | •decided not to license second units (Feb 2018) •no grandfather of existing second units (before Jan 1, 2012) •no alteration of heritage exteriors for listed or HCD's. •use the term additional dwelling units. •if more than 3 people/lodgers-need to be zoned for lodging houses •have to meet Building Code and Fire Code. |

| Municipality/ Date of Info | Unit Sizes | % of GFA | Parking | Location of Additional Dwellings | Accessory Buildings (Detached) | Other |
|--|--|--|--|--|--|--|
| Toronto Zoning by-law amendments approved in March 2019 (Secondary Suites) and July 2019 (Laneway Suites). | <ul style="list-style-type: none"> •None – rely on Ontario Building Code min. room size •must be less than main dwelling unit. | 45 Allow basement unit in entire area if 1 sty. | <ul style="list-style-type: none"> •1 space for either 1 or 2 units •tandem parking permitted •require 2 bicycle spaces | <ul style="list-style-type: none"> •Allow on single, detached, semi-detached and townhouse lots. •allow entrance in front wall or side wall facing a street •allow entrance on a corner lot for detached, semi and townhouses | <ul style="list-style-type: none"> •height has to be lower than main dwelling but less than 2 storeys. •must have access to public lane •only on lots with a minimum 3.5m wide rear or side lot line abutting a public lane. •min. setback from 1 sty main dwelling is 5m, 7.5m for 2 sty. •max. height -1sty-less than 4m, 2 sty from 4-6m •60% landscaped open space between accessory dwelling and main dwelling •max. size of 8 m by 10m (80m²) •1.5m rear yard setback •Floor Space Index (FSI)-0.6-2.5X area of lot •have a maximum GFA •second storey setback. •rear yard-7.5m •allow basements but only for storage and mechanical-included in height calculation •excluded from calculation of floor space index or other density provisions. | <ul style="list-style-type: none"> •allowed in existing and new construction. •call them secondary suites and laneway suites. •has a definition which makes a distinction between duplex and a single detached dwelling with a secondary suite. •also allow in legal conforming dwellings in other zones. •Toronto monitors minor variance applications for secondary suites and laneway suite especially for parking, |

| Municipality/ Date of Info | Unit Sizes | % of GFA | Parking | Location of Additional Dwellings | Accessory Buildings (Detached) | Other |
|---|---|---|---|--|--|---|
| Ottawa (2012- Secondary Dwelling Unit Review) | Either 40 % of main dwelling or 95 m², whichever is smallest. | 40 % unless it is a basement unit which can occupy full basement | •No additional parking required except for duplexes •Tandem parking permitted | Coach houses permitted | •No rooftop patios. | •call them secondary dwelling unit, garden suites and coach houses. •addition cannot change streetscape. •no severances. •no accessory buildings. •not permitted on non-conforming lots. •have to use services from the main house. •no doorways in front wall or above 1 st floor. •no new driveways. •not included in density control. |
| Kingston Zoning By-law amendment approved in June 2019 | •Must be smaller than primary dwelling unit. •Additional units exempt from density calculatio ns. | Less than or equal to main dwelling | •1 space per unit unless near an express bus route, commercial, parkland, open space or community facility. •Tandem parking permitted | Not permitted on a lot containing 2 or more units eg, garden suite, boarding house or lodging house | Same height setbacks as primary dwelling 1.2m rear and side, if less requires a 1.8m privacy fence. Height- 4.4-5m No severances of detached dwellings Not located in front or exterior side yard. | •call them a second residential unit-in existing dwelling or detached building. •Second Residential Unit Permit Guide-Sept 2019 •have a Second Residential Unit Affordable Housing Grant. •allow entrances at side, rear or front of principal dwelling. |

Appendix E – London’s History of Addressing Provincial Intensification Policies and Neighbourhood Concerns

Prior to the approval of Bill 108 there were a number of Provincial housing initiatives, City and neighbourhood initiated reviews which were implemented by the City through Official Plan, Zoning By-law or other regulatory changes.

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

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

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

The *Planning Act*, as amended by Bill 140, the *Strong Communities through Affordable Housing Act, 2011*, required municipalities to update their Official Plan policies and regulations related to secondary dwelling units.

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

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

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

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

July 18, 2016 – The Near-Campus Neighbourhoods Strategy review had been completed and a report was presented to the Planning and Environment Committee. The staff recommendation, which was based on extensive community and stakeholder consultation, recommended that secondary dwelling units should be permitted within

Near-Campus Neighbourhoods. This conclusion was based in part on the understanding by residents of Near-Campus Neighbourhoods that the primary unit would be required to be owner-occupied. City Council directed Civic Administration to prepare revised policies that permit secondary dwelling units in Near-Campus Neighbourhoods.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Permitting only one unit in the primary dwelling;
2. Not restricting them from the Near Campus Neighbourhood;
3. Licensing of the secondary units;
4. Gross floor area limits on the secondary dwelling unit;
5. Need to comply with existing zoning by-law regulations;
6. Exterior and interior yard restrictions;

7. No zoning by-law amendments or variances to permit parking;
8. Allow location of secondary unit in accessory building and require site plan approval; and,
9. Restrict secondary dwelling units in basements in the floodplain.

The implementing Zoning By-law regulations included;

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

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

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

Appendix F – Chronology

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

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

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

Appendix G – Other Documents Reviewed

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

Provincial Policy Statement (2014) (In force April 30, 2014)

The *Planning Act* (consolidated to April 2020)

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

Regulation 299/19 – Published August 29, 2019

More Homes, More Choice: Ontario's Housing Supply Action Plan Ontario Government, May 2019

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

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

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

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

To: Planning and Environment Committee (PEC)
and
Chuck Parker, Senior Planner
City Planning, City of London
206 Dundas St, London, ON

From: Anna Waz, London resident
117 Scotchpine Cres, London, ON

Subject: File OZ-9176 Implementing Additional Residential Unit Requirements of the Planning Act (Bill 108) – Public Comment

To whom it may concern,

The following are my comments as they relate to the implementation of additional residential units in the City of London. As a resident who has gone through the process of creating a secondary dwelling unit under Section 4.37, I would like to share my comments as the by-laws are updated to reflect Bill 108/Regulation 299 (More Homes, More Choices Act, 2019).

My comments, detailed below, can be summarized as follows:

- I support the implementation of additional dwelling units.
 - The proposed amendment for maximum unit size is a major weakness in its confusing method of calculation and lack of an exception for basement apartments. These weaknesses will deter people away from creating legal, safe additional dwelling units.
 - I recommend the City use an absolute area as a maximum size, or if a percentage continues to be used, it should be a percentage of an area which is known, which does not fluctuate as units are added, and which encompasses the entire square footage of a home. (For details, see Section 7 below).
 - The proposed amendment for maximum unit size should also be improved by adding an exception for basements which would allow the entire square footage of a basement to be used. Similar basement exceptions exist in Toronto, Vancouver, and Ottawa.
 - To increase the number of residential units, above those that are already allowed as part of the secondary dwelling unit by-laws, the number of bedrooms permitted should be increased, for example, to seven. Many municipalities do not regulate the number of bedrooms, and more flexibility is recommended to increase the number of legal residential units.
 - I support the proposed amendment regarding parking, which would allow homeowners to make the decision regarding how to make parking work, and whether it is required.
 - More effort should be put into “translating” by-law definitions and providing examples and visuals so that the public can better understand what is allowed.
-

Additional Residential Units

I support regulations which allow for an increase in additional residential units. As the **July 13, 2020 Report to the Planning and Environmental Committee** noted, there are many benefits to implementing additional residential units as they provide an increased number of safe housing accommodations, which is especially important as demographics change.

Proposed Amendments

1. Definitions

1.1 Secondary Dwelling Unit vs. Additional Residential Unit

I agree with the proposed amendment (“secondary dwelling units” changed to “additional residential units”).

1.2 Row house vs. Street townhouse

I agree with the proposed amendment (no change). Additional residential units in cluster townhouses are unlikely, given ownership and existing density.

1.3 Accessory vs. Ancillary

While I agree with the proposed amendment, to keep using the terms “accessory or ancillary” rather than “ancillary” alone, I recommend that the City puts more effort into “translating” these terms so they can be better understood by the public.

The current definition in Section 2 is: “Accessory or ancillary” means a use, building, or structure customarily incidental, subordinate, and exclusively devoted to the main use and carried on with such main use, building, or structure on the same lot.” This is very difficult to understand for the general public. Given that the additional dwelling unit by-laws hinge on units being allowed in an ancillary building, the City should consider providing more examples so that the public can understand what is allowed. The City of Windsor, as an example, provides visuals of common additional dwelling unit configurations.

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

I agree with the proposed amendment (no change).

1.5 Attached vs Detached

I agree with the proposed amendment (more use of the terms “attached” and “detached”; deletion of terms such as “subordinate”). Together with my comments above in 1.3, the City should provide more clarity regarding accessory/ancillary structures and how they related to detached or attached configurations. For example, under the new by-laws, if one additional residential unit is within a single detached home (for example, a basement apartment), does the 3rd dwelling unit have to be detached, or can it be attached in the form of a new addition? Alternatively, if one dwelling unit is created in an existing attached garage, can an additional unit be created in a detached structure? More examples should be provided to help the public understand by-law definitions in more practical terms.

1.6 Definitions of Dwellings once Additional Residential Units are Added

No comment.

2. Restriction of Additional Residential Units in Near Campus Neighborhoods

I agree with the proposed amendment that Policy 942_2 be deleted. I think additional dwelling units can be implemented in low-rise forms in Near-Campus Neighborhoods in a responsible way which enhances their livability, especially when other restrictions (unit size, bedrooms, etc.) are respected.

3. Parking

I agree with the proposed amendment of no change to current requirement for secondary units, where no additional parking is required. This allows homeowners to make the decision regarding how to make parking work, and whether it is required. It avoids excessive parking and impervious areas, and aligns with transportation planning to support public transit and active transportation options, as opposed to car-centric planning. Current zoning regulations already have requirements for maximum parking area coverage, and restrictions around driveway widening. I do not think further requirements are needed.

Alternatively, if parking requirements are pursued, they should not be required when located close to transit, as in the City of Edmonton.

4. Provision of new parking areas in Heritage Conservation Districts

No comment as the proposed amendment has not yet been provided.

5. Number of Bedrooms Permitted

I disagree with the proposed amendment, that no change occurs to the current requirements, which would leave the number of bedrooms capped at five. If one of the goals of implementing the additional residential unit requirements is to increase the number of residential units, above those that are already allowed as part of the secondary dwelling unit by-laws, then this goal is unlikely to be met if the number of bedrooms permitted stays the same. If someone has already gone through the process of creating a secondary dwelling unit, they are likely already at the five bedroom cap. Given the costs of accessory structures, this leaves little incentive to create an additional dwelling unit in the form of a studio apartment (zero bedrooms). For those who would be considering additional dwelling units after the forming of this by-law, again, given the costs associated with creating these units, they are more likely to create one two-bedroom unit, for example, rather than two separate one-bedroom units. If the number of bedrooms permitted stays the same, the implementation of additional dwelling units is unlikely to fulfill its purpose of increasing the supply of housing and the benefits that come with it.

When looking at additional dwelling unit by-laws in other municipalities, including Windsor, Edmonton, Vancouver, Toronto, and Ottawa, the majority do not have regulations on the number of bedrooms. Only Ottawa specifies a number of bedrooms permitted. Ottawa's by-laws do not allow more than 2 bedrooms each for additional dwelling units, with a total maximum number of bedrooms across the three units capped at 8 bedrooms.

I support an increase to the number of bedrooms permitted, namely allowing dwelling units to have 2 bedrooms, to bring the total bedroom limit to 7 for the property.

6. Height

I disagree with the proposed amendment (no change to existing regulations). Keeping the regulations as is, which generally limits accessory buildings to between 4 and 6 meters, would largely limit the creation of additional dwelling units above detached/laneway garages, one of the specific examples mentioned in the Province's original definition of a secondary dwelling unit. I do recognize that allowing greater heights does increase privacy concerns. I support a more flexible approach to height. For example, the City of Windsor and City of Edmonton's height restrictions vary based on the pitch of the roof. Application by minor variance, as is the case in Windsor, also seems like a balanced approach.

7. Maximum Gross Floor Area for Additional Residential Units

I disagree with the proposed amendment ("gross floor area of the additional residential units shall not be greater than 45% of the combined total gross floor area of both the primary dwelling unit and the additional residential units"). The proposed amendment for maximum unit size is a major weakness in its confusing method of calculation and lack of an exception for basement apartments. These weaknesses will deter people away from creating legal, safe additional dwelling units.

Bylaw Wording

Firstly, the wording of the by-law is confusing, especially when a third unit is being considered. Other municipalities such as Windsor and Edmonton, have clearer by-laws which state an absolute maximum unit size: 100 m² (1076 ft²) in the case of Windsor, and 130 m² (1400 ft²) in the case of Edmonton. Vancouver states: "Detached and attached ADUs shall not exceed 800 square feet or up to 50% of the size of the main house, not including the garage (whichever is less)." In other words, Vancouver includes an absolute unit size (800 m²), as well as a percentage which is relative to an absolute/known size (50% of the size of the main house). In London, on the other hand, the wording is a percentage of a sum of multiple unit sizes, unit sizes which are unknown and to be determined/in the process of being calculated. The general public, when trying to understand this by-law is very likely to stumble upon this wording.

When by-law wording variations are translated into their equivalent equations, the difficulty in understanding London's proposed by-law becomes even clearer.

Variation A: Absolute unit size (e.g. Windsor)

$$\text{maximum unit size} = 100 \text{ m}^2$$

Variation B: Percentage of an absolute unit size (e.g. Vancouver)

$$\text{maximum unit size} = 50\% * \text{total gross floor area of the home}$$

Variation C: Percentage of a sum of multiple (unknown) unit sizes (**e.g. London**)

$$45\% \geq \frac{A + B}{A + B + C}$$

Where: A = gross floor area of additional dwelling unit 1

B = gross floor area of additional dwelling unit 2

C = gross floor area of the primary dwelling unit

Increasingly difficult to understand and calculate sizes

With Variation C, if I am a homeowner with a bungalow, which has a 1000 ft² above ground, and a 1000 ft² basement footprint, what am I allowed to do under this by-law wording? I do not yet have a "primary dwelling unit" because I am still in the process of splitting up my home into multiple units. (It should also be noted, that "primary dwelling unit" is not currently defined under Zoning By-law Section 2). As I try to calculate possible areas for additional dwelling units, both my numerator and denominator are changing. If you continue solving the equation, assuming a 1000 ft² primary dwelling unit, the maximum area of both A+B would be ~800 ft². If you split this evenly between two units, this leaves you with a 400 ft² basement apartment (with 600 ft² unused in the basement), and 400 ft² bunkie/detached dwelling unit. Are these kind of results really the intention of the by-law? When updating the by-law, please consider the wording through the eyes of a homeowner. Difficult to understand wording and equations, which produce questionable results, will be a barrier to the creation of legal additional dwelling unit.

Additionally, when the maximum area is a percentage of the dwelling unit sizes, in addition to being confusing to calculate, what is also lost in the equation is any areas of the home which are not part of the living space of any dwelling unit, for example, utility rooms or shared spaces. The Section 2 definition for "gross floor area" does include mechanical rooms; however, given that the proposed wording refers to the gross floor area of the *dwelling units*, rather than the building, this area, as well as areas used for common spaces, seems to be lost in the calculation. I understand the intention of using a percentage is to ensure that additional units are

smaller and do not overtake the original home, leading to negative effects on streetscape, or over-intensification. However, when the current wording does not actually consider all parts of the home, it leads to smaller units than actually intended by the by-law.

The proposed by-law should either move to an absolute size for ease of use, or, if a percentage is used, it should be relative to a total that is absolute and encompasses the whole home, and which is not changing as units are added. For example, a percentage of the total gross floor area of the home should be considered. Alternatively, maximum unit size can also be expressed depending on whether the dwelling unit is detached, attached, or part of the existing structure.

Basement Apartment Exception

A second major weakness is that the proposed amendment creates illogical configurations for basement apartments in some of the most common home layouts. Basement apartments are one of the most common types of additional dwelling units. In bungalows, side-splits, back-splits, and ranch style homes, the upstairs square footage is generally the same as the lower level square footage. These styles of homes are very popular for basement apartments as they often have separate entrances. When creating a basement apartment, the proposed amendment will force a homeowner to create a smaller unit than the existing home footprint would allow. This leads to homeowners creating large storage rooms, or large utility rooms, simply for the purpose of meeting the 40% rule (in the case of the existing secondary dwelling unit by-laws). I strongly urge the City planners to review building permit applications to date for secondary dwelling units within basements to see the types of dead space, storage, and utility rooms that are being created as a result of the current secondary dwelling unit by-law wording, which is very similar to the proposed wording for additional dwelling units. Larger than needed utility rooms are a poor use of space, space that could have otherwise been used to create a better layout. When you cannot use your entire basement footprint, this is major source of frustration (and likely a deterrent) for homeowners who are trying to create safe, legal spaces that can be enjoyed. Several municipalities, including Vancouver, Toronto, and Ottawa, specifically address this situation, and in the case of basements, allow the dwelling unit to occupy the whole of the basement. The proposed amendment should be updated to include a similar exception for basements.

Given that redundancies in the proposed amendments already exist to control over-intensification, as a cap of the maximum number of bedrooms is likely to remain, the maximum unit size guidelines should be improved and made more flexible, such as with the easier to understand absolute unit sizes, as well as an exception to allow for the use of entire basement footprints.

8. Minimum Gross Floor Area for Additional Residential Units

I support the proposed amendment (no change). Room sizes are covered under the Ontario Building Code, and I feel that it does a sufficient job to ensure adequate minimum residential units. Alternatively, similar to the City of Toronto, I would support removal of a minimum dwelling unit size.

9. Other Changes in Heritage Conservation Districts

No comment as a proposed amendment has not yet been provided.

10. Changes to other Municipal By-laws/Processes

No comment.

City of London
300 Dufferin Ave., P.O. Box 5035
London, ON N6A 4L9

Attention: C. Saunders, Clerk
Chuck Parker, Senior Planner
London Planning & Environment Committee

Comments Re: Additional Residential Unit - Official Plan & Zoning By-law Amendments
File: OZ-9176

My client (*Reed Rentals & Renovations*) has received the [Public Meeting Notice](#) for the November 30th 2020 meeting of the Planning and Environment Committee (PEC) with respect to housekeeping amendments (file: OZ-9176) proposed to the [London \(Official\) Plan](#) and [Zoning By-law No. Z.-1](#).

The City has initiated *Planning Act* applications to amend local policies and Zoning By-law regulations to permit additional residential units broadly across the residential designated areas of the City. The purpose of these applications is to exercise municipal conformity to recent *Planning Act* changes made by [Bill 108](#) (More Homes, More Choice Act, 2019), and [O. Reg 299/19](#) (Additional Residential Units) by the Provincial Legislature.

[Subsection 16 \(3\)](#) of the *Planning Act* states an Official Plan shall contain policies that authorize the use of two residential units in a detached, semi-detached or rowhouse; and the use of a residential unit in an accessory building to the foregoing.

Clause 2 (3)(b) of the [Development Charges Act](#) states development charges cannot be required to permit the creation of two additional dwelling units with an existing single detached dwelling (so long as the total gross floor area of the new units does not exceed that of the existing principle dwelling) [O.Reg 82/98, s2.\(1\)](#).

Similarly, the City's draft 2021 [Development Charge By-law](#) exempts the creation of two additional dwelling units in an existing single detached dwelling with the same GFA restriction. However, the City should consider amending Part V section 35. (2) to delete the word, "in", so that at the time of building permit, the application of local development charges cannot be misconstrued for needing to be applied to a building permit for a 3rd unit in an accessory building, just because it is not within the footprint of the existing single detached dwelling. It is quite clear that the intent of O.Reg 82/98 is to exempt the requirement for development charges to be payable for the addition of two (2) additional dwelling units, on a property that supports the existing prescribed class of building, regardless of its location. In other words, the Province does not mention the need for both of the two additional dwelling units to be located with-'in' the existing dwelling, and nor should the City.

The intent of these Provincial measures is to increase housing supply throughout Ontario, and particularly improve the affordable housing supply. Although second (or 3rd) dwelling units are not guaranteed to meet the [Provincial Policy Statement](#) definition for 'affordable', they tend to have smaller floor areas, which help, induce a ceiling on their maximum value and thus, market rent. Additional residential units help provide independent living arrangement for family members, and they can help

supplement the expensive carrying costs of a property, especially for novice homebuyers who may require additional revenue to qualify for a typical mortgage.

Recommendations

It should be noted that section 7(3) of [O. Reg. 384/94](#) states that no planning document shall regulate the size of two residential units based on their relationship.

Therefore, the proposed Zoning By-law Amendment should amend [section 4.37.5](#) by replacing the current floor area restriction of a secondary (or additional) dwelling unit being 40% of the GFA of the primary dwelling unit, with an appropriately similar flat number. For example, a maximum GFA of 60 m², will help meet affordability objectives and ensure subordinacy to the primary dwelling unit in lieu of a percentage requirement which is based off of the relationship between the two residential unit's floor areas, conflicting with O. Reg. 384/94. The percentage restriction also negatively affects small houses by hindering their ability to enjoy as-of-right building permit permissions for reasonably sized additional dwelling units.

The proposed amendments otherwise conform to, and are consistent with the relevant Provincial planning policies and legislation. More particularly, the amendments will help:

- Increase & diversify the housing supply;
- Afford more opportunities for gentle intensification;
- The City meet its growth management and intensification goals by facilitating gentle infill opportunities within established neighbourhoods and avoiding costly, premature urban boundary expansions on sensitive agricultural / environmental lands;
- Provide entry-level housing arrangements for novice real estate investors;
- Provide more housing choice for the young and elderly with the ability to age-in-place; and
- Provide safer living accommodations by inducing the creation of more *legal* apartment units with the benefit of building permits.

The City led policy and Zoning By-law Amendments should be approved by City Council as they represent good land use planning practice and make more efficient use of existing municipal infrastructure within a finite *urban settlement* area.

Prepared by:



Curtis Thompson, B.URPI
Planner

Cc: Brandon Reed

From: Eve Wyatt

Sent: Tuesday, November 10, 2020 5:22 PM

To: Bunn, Jerri-Joanne <jbunn@London.ca>

Subject: [EXTERNAL] Municipal resolution re: phasing-out Ontario's gas-fired power plants

Hello Mr/Ms Bunn,

I am contacting you and the Advisory Committee on the Environment due to the City of London's long history of concern about climate change, as reflected in the City's early involvement in the Partners for Climate Protection program, and completion of the 5 Milestones. The purpose of this note is to raise an issue of concern and solicit the Committee's support for a municipal council resolution.

The Government of Ontario is planning to increase use of our gas-fired power plants, ramping up greenhouse gas pollution by more than 300% by 2025 and by more than 400% by 2040.

If this occurs, Ontario will lose 35% of the GHG pollution reduction benefits that we achieved by phasing-out our dirty coal-fired power plants. The Provincial commitment to mitigate climate change by reducing GHG's will be out of reach. Municipal and individual efforts across the province to reduce GHGs through electrification and development of distributed renewable energy will be undermined by continued central gas-fired power generation.

Fortunately, there is a better way to keep our lights on. We can meet our 2030 climate target and lower our electricity bills by phasing-out our gas plants by a combination of energy efficiency investments, Quebec water power and Made-in-Ontario wind and solar energy. This [Ontario Clean Air Alliance Report](#) provides more detail on the plan, and the alternatives.

Our [call for the phase-out of Ontario's gas-fired power plants](#) by 2030 has been endorsed by over 45 organizations including the David Suzuki Foundation, the Registered Nurses Association of Ontario and Canadian Association of Physicians for the Environment.

Capping GHG emissions and then phasing out gas-fired power plants will benefit municipalities. It will:

- create the opportunity for local, distributed renewable power generation projects, with the employment and community benefits that they bring.
- help to prevent the climate-related impacts (fires, flooding, weather events, climate-related health impacts) that are an ever-increasing burden for municipalities and citizens.
- provide GHG-free electricity to feed municipal and community GHG reduction projects
- equip your region to compete in the green economy of the future.

The City of Kitchener and Town of Halton Hills were the first to pass resolutions on October 26 calling for the Province of Ontario to move toward phasing out gas-fired power

plants. **We are hoping that the City of London will join them.** This [draft resolution](#) is a place to start.

We are available to support consideration of this issue any way that we can. For example, we can provide technical background or a speaker (Jack Gibbons) for webinars or deputation- please contact me.

We look forward to hearing from you, and working together to ensure that Ontario's electricity supply is a sound foundation for GHG reduction across the province.

Best regards,

Eve Wyatt

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Eve Wyatt
Ontario Clean Air Alliance

Hello Jerri-Joanne,

Yes, we would appreciate being added to the Planning and Environment Committee agenda. We would like to provide a brief deputation by Jack Gibbons of the Ontario Clean Air Alliance providing background and an opportunity for the Councillors to ask questions.

Please confirm the date. Would this be a virtual meeting?

You do have our permission to place the item on the public agenda and City of London website.

Thank you for your quick response!

Eve

Draft Template for Municipal Resolution Calling for Gas-Fired Electricity Generation Phase-Out

Background

The Government of Ontario is planning to [ramp up the greenhouse gas pollution](#) from Ontario's gas-fired power plants by more than 300% by 2025 and by more than 400% by 2040 to replace the output of the Pickering Nuclear Station (scheduled to close in 2024). This plan will throw away more than a third of the greenhouse gas reductions Ontario achieved by phasing-out its dirty coal-fired power plants.

To support this massive increase in fossil fuel electricity and climate-threatening greenhouse gas (GHG) pollution, the provincial government recently [purchased 3 gas plants](#) at a cost of \$2.8 billion.

Greenhouse gas pollution is causing temperatures in Canada to rise at [more than double](#) the rate in the rest of the world, causing adverse impacts for the citizens of *[insert name of municipality]*. (*Insert specifics about relevant risks to municipality such as forest fires, flooding, agricultural failures, public health impacts, etc.*)

[insert name of municipality] has declared a Climate Emergency and is taking measures to reduce its greenhouse gas pollution. (*Insert specifics about relevant advisory committee, activities such as Climate Action Plan, Community Energy and Emissions Plan, and achievements.*)

The planned increase in GHG pollution will reduce the effectiveness of *[insert name of municipality]*'s climate adaptation and mitigation efforts. It will decrease the effectiveness of electrification programs (deep building retrofits, EV programs) due to increased GHGs associated with electricity, discourage development of distributed renewable energy initiatives, delay municipal transition to the clean economy of the future, and prevent Ontario from meeting its GHG reduction commitment.

Ontario can phase-out its gas-fired power plants by 2030 by an integrated combination of energy efficiency investments, wind and solar energy and Quebec water power. The costs of the alternatives to gas-fired generation are [all less than](#) the price Ontario Power Generation's current price per kilowatt-hour (kWh) for power from nuclear plants (9.5 cents per kWh).

Ontario can increase its investments in quick-to-deploy and low-cost energy efficiency programs. Ontario can cost-effectively maximize its energy efficiency efforts by paying up to the same price for energy efficiency measures as it is currently paying for power from nuclear plants.

Ontario can become a leader in developing increasingly low-cost renewable energy resources rather than investing in high-cost nuclear re-builds. Ontario should support renewable energy projects that have costs that are below what we are paying for nuclear power and work with communities to make the most of these economic opportunities.

Quebec has offered Ontario [low-cost](#) 24/7 power from its massive water power system at less than one-half the cost of the planned re-buildings of the aging Darlington and Bruce Nuclear Stations.

In addition, Quebec's system of hydro-electric reservoirs can be used like a giant battery to provide load balancing/back-up for Ontario's intermittent sources of renewable energy.

Ontario can benefit from making long-term electricity deals with its green energy-rich neighbour.

The phase-out of Ontario's gas-fired power plants will help *[Insert name of municipality]* and the Province of Ontario to achieve their greenhouse gas pollution reduction goals.

Municipal Resolution

WHEREAS: The Government of Ontario is planning to increase electricity generation and greenhouse gas pollution from Ontario's gas-fired power plants by more than 300% by 2025 and by more than 400% by 2040, reversing more than a third of the greenhouse gas pollution reductions achieved by phasing out our coal-fired power plants;

AND WHEREAS: Greenhouse gas pollution is causing temperatures in Canada to rise at more than double the rate of the rest of the world, causing impacts to the operations and citizens of the *[insert name of municipality]*;

AND WHEREAS: The *[insert name of municipality]* has declared a Climate Emergency and is taking measures to mitigate and adapt to the climate impacts caused by increasing greenhouse gas pollution;

AND WHEREAS: There are feasible, cost-effective alternatives to increasing gas-fired electricity generation without increasing greenhouse gas pollution at costs well below the current price for Ontario's nuclear energy (9.5 cents/kWh), including:

- energy efficiency investments;
- low-cost, distributed, renewable energy, providing employment in Ontario communities and restoring our leadership in this industry;
- the purchase of low-cost power offered by the Province of Quebec from its existing hydroelectric generating stations; and
- using Quebec's system of reservoirs like a giant battery to back-up made-in-Ontario renewable power, eliminating the need to use gas-fired power plants for this purpose;

THEREFORE BE IT RESOLVED that the *[insert name of municipality]* requests the Government of Ontario to place an interim cap of 2.5 megatonnes per year on the greenhouse gas pollution from Ontario's gas-fired power plants and develop and implement a plan to phase-out all gas-fired electricity generation by 2030 to help Ontario and *[insert name of municipality]* meet their climate targets.

AND BE IT FINALLY RESOLVED that this resolution be sent to the Premier of Ontario, the Minister of Energy, Northern Development and Mines, the Minister of the Environment, Conservation and Parks, all local MPPs and the Association of Municipalities of Ontario.