

Planning and Environment Committee

Report

8th Meeting of the Planning and Environment Committee
May 10, 2021

PRESENT: Councillors P. Squire (Chair), S. Lewis, S. Lehman, A. Hopkins, S. Hillier, Mayor E. Holder

ALSO PRESENT: H. Lysynski and M. Ribera
Remote Attendance: Deputy Mayor J. Morgan and Councillor M. van Holst; I. Abushehada, J. Adema, A. Anderson, G. Barrett, M. Corby, P. Di Losa, M. Fabro, M. Feldberg, P. Kokkoros, G. Kotsifas, H. McNeely, T. Macbeth, C. Maton, L. Marshall, L. McNiven, S. Meksula, L. Mottram, B. Page, M. Pease, C. Saunders, B. Somers, M. Tomazincic, M. Vivian and P. Yeoman
The meeting is called to order at 4:00 PM, with Councillor P. Squire in the Chair, Councillor S. Lewis present and all other Members participating by remote attendance

1. Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Consent

Moved by: S. Lehman
Seconded by: S. Lewis

That Items 2.2 to 2.8, inclusive, BE APPROVED.

Yeas: (5): P. Squire, S. Lewis, S. Lehman, A. Hopkins, and S. Hillier

Absent: (1): E. Holder

Motion Passed (5 to 0)

2.2 1620 Noah Bend (Block 95, Plan 33M-733) - (P-9338)

Moved by: S. Lehman
Seconded by: S. Lewis

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Kenmore Homes (London) Inc., to exempt Block 95, Plan 33M-733 from Part-Lot Control:

a) pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the proposed by-law appended to the staff report dated May 10, 2021 BE INTRODUCED at a future Council meeting, to exempt Block 95, Plan 33M-733 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, it being noted that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-4(4)) which permits street townhouse dwellings;

b) the following conditions of approval BE REQUIRED to be completed prior to the passage of a Part-Lot Control By-law for Block 95, Plan 33M-733 as noted in clause a) above:

- i) the applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
- ii) the applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
- iii) the applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
- iv) the applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v) the applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- vi) the applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vii) the applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii) the applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix) the applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x) the applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi) the applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii) the applicant shall provide a draft transfer of the easements to be registered on title;
- xiii) that on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question; and,
- xiv) in accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1620 Noah Bend to indicate that all municipal servicing can be provide to each property/block created without conflict. (2021-D05)

Motion Passed

- 2.3 335 Kennington Way and 3959 Mia Avenue (33M-765, Block 1, RP 33R-20777 Parts 2 & 3) - (P-9304)

Moved by: S. Lehman
Seconded by: S. Lewis

That, on the recommendation of the Director, Development Services, based on the application by Prosperity Homes, the proposed by-law appended to the staff report dated May 10, 2021 BE INTRODUCED at the Municipal Council meeting to be held on May 25, 2021 to exempt Block 1, Plan 33M-765, RP 33R-20777 Parts 2 & 3 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act, R.S.O. 1990, c.P. 13*, for a period not exceeding three (3) years. (2021-D05)

Motion Passed

- 2.4 3964 Mia Avenue (33M-765, Block 2) - (P-9305)

Moved by: S. Lehman
Seconded by: S. Lewis

That, on the recommendation of the Director, Development Services, based on the application by Prosperity Homes, the proposed by-law appended to the staff report dated May 10, 2021 BE INTRODUCED at the Municipal Council meeting to be held on May 25, 2021 to exempt Block 2, Plan 33M-765 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act, R.S.O. 1990, c.P. 13*, for a period not exceeding three (3) years. (2021-D05)

Motion Passed

- 2.5 146 and 184 Exeter Road – Middleton Subdivision - Phase 3 - Removal of Holding Provisions - (H-9294)

Moved by: S. Lehman
Seconded by: S. Lewis

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 146 and 184 Exeter Road, the proposed by-law appended to the staff report dated May 10, 2021 BE INTRODUCED at the Municipal Council meeting to be held on May 25, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 Special Provision (h•h-100•R1-4(29)) Zone and a Holding Residential R1 Special Provision (h•h-100•R1-13(7)) Zone TO a Residential R1 Special Provision (R1-4(29)) Zone and a Residential R1 Special Provision (R1-13(7)) Zone to remove the h and h-100 holding provisions. (2021-D09)

Motion Passed

- 2.6 1639–1685 Brayford Avenue – Removal of Holding Provision - (H-9336)

Moved by: S. Lehman
Seconded by: S. Lewis

That, on the recommendation of the Director, Development Services, based on the application by Jefferson Homes Ltd., relating to lands located at 1639 to 1685 Brayford Avenue, legally described as Lots 12 to 15 Plan 33M-713 and Lots 13 to 17 Plan 33M-714, the proposed by-law

appended to the staff report dated May 10, 2021 BE INTRODUCED at the Municipal Council meeting to be held on May 25, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 (h-37•R1-4) Zone TO a Residential R1 (R1-4) Zone to remove the h-37 holding provision. (2021-D09)

Motion Passed

2.7 2258–2334 Wickerson Road – Removal of Holding Provision - (H-9337)

Moved by: S. Lehman
Seconded by: S. Lewis

That, on the recommendation of the Director, Development Services, based on the application by Kape Developments Ltd., relating to lands located at 2258 to 2334 Wickerson Road, legally described as Lots 4 to 11 Plan 33M-713 and Lots 1 to 12 Plan 33M-714, the proposed by-law appended to the staff report dated May 10, 2021 BE INTRODUCED at the Municipal Council meeting to be held on May 25, 2021 to amend Zoning By-law No. Z.-1, (in conformity with the Official Plan), to change the zoning of the subject lands FROM a Holding Residential R1 Special Provision (h-37•R1-3(7)) Zone TO a Residential R1 Special Provision (R1-3(7)) Zone, and FROM Holding Residential R1 (h-37•R1-4) Zone TO a Residential R1 (R1-4) Zone to remove the h-37 holding provision. (2021-D09)

Motion Passed

2.8 1284 and 1388 Sunningdale Road West - Kent Subdivision - Phase 3 - Special Provisions - (39T-04510-3C)

Moved by: S. Lehman
Seconded by: S. Lewis

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Foxhollow North Kent Development Inc., for the subdivision of land over Part of Lot 23, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Sunningdale Road West, between Wonderland Road North and Hyde Park Road, and on the north side of the Heard Drain, municipally known as 1284 and 1388 Sunningdale Road West:

a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Foxhollow North Kent Development Inc., for the Foxhollow North Kent Subdivision, Phase 3C (39T-04510-3C) appended to the staff report dated May 10, 2021 as Appendix "A", BE APPROVED;

b) the Applicant BE ADVISED that Development Finance has summarized the claims and revenues appended to the staff report dated May 10, 2021 as Appendix "B";

c) the Mayor and the City Clerk BE AUTHORIZED to execute this Agreement, any amending agreements and all documents required to fulfill its conditions. (2021-D12)

Motion Passed

2.1 London Plan Appeals Update – Results of April 15, 2021 Local Planning Appeal Tribunal (LPAT) Decision

Moved by: S. Lewis

Seconded by: A. Hopkins

That, on the recommendation of the Director, City Planning and City Planner, the staff report dated May 10, 2021 entitled "London Plan Appeals Update - Results of April 15, 2021 Local Planning Appeal Tribunal (LPAT) Decision", with respect to an update on the status of London Plan Appeals, BE RECEIVED for information. (2021-L01)

Yeas: (6): P. Squire, S. Lewis, S. Lehman, A. Hopkins, S. Hillier, and E. Holder

Motion Passed (6 to 0)

3. Scheduled Items

3.1 192-196 Central Avenue, 193-197 Central Avenue, and 200 Albert Street (TZ-9316)

Moved by: S. Lewis

Seconded by: S. Hillier

That, on the recommendation of the Director, Development Services, with respect to the application of Farhi Holdings Corporation relating to the properties located at 192-196 Central Avenue, 193-197 Central Avenue, and 200 Albert Street, the proposed by-law appended to the staff report dated May 10, 2021 BE INTRODUCED at the Municipal Council meeting to be held on May 25, 2021 to amend Zoning By-law Z.-1, (in conformity with the Official Plan), by extending the Temporary Use (T-70) Zone for a period not exceeding three (3) years;

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

- a communication dated May 3, 2021 from M. Smith, by e-mail;
- a communication dated May 4, 2021 from K. Langdon, by e-mail;
- a communication dated May 4, 2021 from G. Anastasiadis, by e-mail;

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

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

- the recommended extension to the Temporary Use (T-70) Zone is consistent with the Provincial Policy Statement, 2020;
- the recommended extension to the Temporary Use (T-70) Zone conforms to the in-force policies of the 1989 Official Plan, including but not limited to, the Temporary Use By-law policies;
- the recommended extension to the Temporary Use (T-70) Zone conforms to the in-force policies of The London Plan, including but not limited to, the Temporary Use Provisions;
- the recommended extension to the Temporary Use (T-70) Zone does not compromise the ability to achieve the long-term goals of Our Move Forward: London's Downtown Plan;
- the recommended extension to the Temporary Use (T-70) Zone is appropriate to help maintain an adequate supply of parking to service businesses in the Downtown and on Richmond Row pending the gradual

transition away from the use of surface commercial parking lots as transit ridership increases and as alternative parking spaces are provided; and, • the parking lots have existed for periods ranging from 15-28 years and have achieved a measure of compatibility with the surrounding land uses. (2021-D09)

Yeas: (5): P. Squire, S. Lewis, S. Lehman, S. Hillier, and E. Holder

Nays: (1): A. Hopkins

Motion Passed (5 to 1)

Additional Votes:

Moved by: E. Holder

Seconded by: A. Hopkins

Motion to open the public participation meeting.

Yeas: (6): P. Squire, S. Lewis, S. Lehman, A. Hopkins, S. Hillier, and E. Holder

Motion Passed (6 to 0)

Moved by: S. Lewis

Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (6): P. Squire, S. Lewis, S. Lehman, A. Hopkins, S. Hillier, and E. Holder

Motion Passed (6 to 0)

3.2 2631 Hyde Park Road and 1521 Sunningdale Road West – (O-9190)

Moved by: A. Hopkins

Seconded by: S. Lewis

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Auburn Developments Inc., relating to the property located at 2631 Hyde Park Road and 1521 Sunningdale Road West:

a) the proposed by-law appended to the staff report dated May 10, 2021 as Appendix "A" BE INTRODUCED at the Municipal Council meeting to be held on May 25, 2021 to amend the Official Plan to change the designation of the subject lands FROM an Open Space designation TO an Urban Reserve Community Growth and Environmental Review designation;

b) the proposed by-law appended to the staff report dated May 10, 2021 as Appendix "B" BE INTRODUCED at the Municipal Council meeting to be held on May 25, 2021 to amend The London Plan to change the Place Type of the subject lands FROM a Green Space place type TO a Future Community Growth place type and Environmental Review place type; it being noted that the amendments will come into full force and effect concurrently with Map 1 and Map 7 of The London Plan;

c) the request to amend the Official Plan to change the designation of the

subject lands FROM an Open Space designation TO a Low Density Residential designation BE REFUSED for the following reasons:

- i) the proposed amendment is not consistent with the Provincial Policy Statement 2020 as it does not ensure an appropriate process can be undertaken prior to development which will allow for the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs, ensuring that necessary infrastructure and public service facilities are or will be available;
- ii) the proposed amendment does not conform to the in-force policies of the 1989 Official Plan, including but not limited to the Secondary Plan policies, Urban Reserve Community Growth policies and Environmental Review policies;
- iii) the proposed amendment does not conform to the in-force policies of The London Plan, including but not limited to the Key Directions and Secondary Plan Policies;
- iv) the requested amendment is premature. The site needs to be considered through a larger planning review process (a secondary plan) to determine its integration within a larger future neighbourhood, the applicable vision and character for the new neighbourhood, what an appropriate land use pattern is for the area, and other technical requirements;
- v) the subject site is at a key location within the broader planning context and its designation and potential future development without consideration of the surrounding lands is not “big-picture” or long term thinking and if designated in isolation of these lands, it could result in future land use, servicing, and road network issues;
- vi) the subject site has not been reviewed for urban land uses which would have taken into account servicing demands/road networks and schooling/public service facility requirements for the subject site within the larger context of the Fox Hollow Community Plan;
- vii) the proposed amendment in isolation of the surrounding lands could result in an inefficient development and land use pattern and create issues with the future expansion of the settlement area as the current amendment may ultimately conflict with the vision and goals of the future Secondary Plan in the area; and,
- viii) the lands were originally designated and zoned for the sole purpose of a cemetery use;

d) the request to amend the Official Plan to change the designation of the subject lands FROM a Green Space place type TO a Neighbourhood place type BE REFUSED for the following reasons:

- i) the proposed amendment is not consistent with the Provincial Policy Statement 2020 as it does not ensure an appropriate process can be undertaken prior to development which will allow for the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs, ensuring that necessary infrastructure and public service facilities are or will be available;
- ii) the proposed amendment does not conform to the in-force policies of the 1989 Official Plan, including but not limited to the Secondary Plan policies, Urban Reserve Community Growth policies and Environmental Review policies;
- iii) the proposed amendment does not conform to the in-force policies of The London Plan, including but not limited to the Key Directions and

Secondary Plan Policies;

iv) the requested amendment is premature. The site needs to be considered through a larger planning review process (a secondary plan) to determine its integration within a larger future neighbourhood, the applicable vision and character for the new neighbourhood, what an appropriate land use pattern is for the area, and other technical requirements;

v) the subject site is at a key location within the broader planning context and its designation and potential future development without consideration of the surrounding lands is not “big-picture” or long term thinking and if designated in isolation of these lands, it could result in future land use, servicing, and road network issues;

vi) the subject site has not been reviewed for urban land uses which would have taken into account servicing demands/road networks and schooling/public service facility requirements for the subject site within the larger context of the Fox Hollow Community Plan;

vii) the proposed amendment in isolation of the surrounding lands could result in an inefficient development and land use pattern and create issues with the future expansion of the settlement area as the current amendment may ultimately conflict with the vision and goals of the future Secondary Plan in the area; and,

viii) the lands were originally designated and zoned for the sole purpose of a cemetery use;

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

- a communication dated May 6, 2021, from S. Stapleton, Vice-President, Auburn Developments; and,
- the staff presentation;

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

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

- the recommended amendment is consistent with the Provincial Policy Statement (PPS) 2020 as it ensures an appropriate process can be undertaken prior to development which will allow for the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs, ensuring that necessary infrastructure and public service facilities are or will be available;
- the recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Secondary Plan policies, Urban Reserve Community Growth policies and Environmental Review policies;
- the recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Secondary Plan Policies, Future Community Growth and Environmental Review policies;
- the recommended amendment ensures that the subject site is reviewed through a comprehensive review process along with the surrounding lands to ensure the efficient expansion of the settlement area and comprehensive review of land use and servicing needs for the area; and,
- the recommended amendment prevents ad-hoc planning and prevents future compatibility issues with the surrounding lands in regards to land

use impacts, servicing constraints and sufficient public service facilities being able to support the proposed development. (2021-D08)

Yeas: (4): P. Squire, S. Lewis, A. Hopkins, and S. Hillier

Nays: (2): S. Lehman, and E. Holder

Motion Passed (4 to 2)

Additional Votes:

Moved by: S. Lehman

Seconded by: S. Hillier

Motion to open the public participation meeting.

Yeas: (6): P. Squire, S. Lewis, S. Lehman, A. Hopkins, S. Hillier, and E. Holder

Motion Passed (6 to 0)

Moved by: E. Holder

Seconded by: A. Hopkins

Motion to close the public participation meeting.

Yeas: (6): P. Squire, S. Lewis, S. Lehman, A. Hopkins, S. Hillier, and E. Holder

Motion Passed (6 to 0)

Moved by: E. Holder

Seconded by: S. Hillier

That, notwithstanding the recommendation of the Director, Development Services, the application by Auburn Developments Inc., relating to the property located at 2631 Hyde Park Road and 1521 Sunningdale Road West BE REFERRED back to the Civic Administration to accept an application by Auburn Developments to:

a) amend the Official Plan to change the designation of the subject lands FROM an Open Space designation TO an Urban Reserve Community Growth and Environmental Review designation;

b) amend The London Plan to change the Place Type of the subject lands FROM a Green Space place type TO a Future Community Growth place type and Environmental Review place type; it being noted that the amendments will come into full force and effect concurrently with Map 1 and Map 7 of The London Plan;

c) to amend the Official Plan to change the designation of the subject lands FROM an Open Space designation TO a Low Density Residential designation; and,

d) to amend the Official Plan to change the designation of the subject lands FROM a Green Space place type TO a Neighbourhood place type;

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

- a communication dated May 6, 2021, from S. Stapleton, Vice-President,

Auburn Developments; and,
• the staff presentation;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2021-D08)

Yeas: (2): S. Lehman, and E. Holder

Nays: (4): P. Squire, S. Lewis, A. Hopkins, and S. Hillier

Motion Failed (2 to 4)

3.3 3557 Colonel Talbot Road (SPA20-063)

Moved by: A. Hopkins

Seconded by: S. Lehman

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of 2749282 Ontario Inc., relating to the property located at 3557 Colonel Talbot Road:

a) the Approval Authority BE ADVISED that the following issues were raised at the public meeting with respect to the application for Site Plan Approval to facilitate the construction of the proposed residential development:

i) the lack of consultation with the property owners on the west side of the property;

ii) potential runoff on the west side of the property;

iii) the impact of the removal of the three mature evergreen trees; and,

iv) the potential impact of the retaining wall and any potential impact of that on the cedar hedge; and,

b) the Approval Authority BE ADVISED that the Municipal Council does not have any issues with respect to the Site Plan Application, and Council supports the Site Plan Application;

it being pointed out that at the public participation meeting associated with these matters, the individuals indicated on the attached public participation meeting record made oral submissions regarding these matters. (2021-D11)

Yeas: (5): P. Squire, S. Lewis, S. Lehman, A. Hopkins, and S. Hillier

Nays: (1): E. Holder

Motion Passed (5 to 1)

Additional Votes:

Moved by: A. Hopkins

Seconded by: E. Holder

Motion to open the public participation meeting.

Yeas: (6): P. Squire, S. Lewis, S. Lehman, A. Hopkins, S. Hillier, and E. Holder

Motion Passed (6 to 0)

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

Motion to close the public participation meeting.

Yeas: (6): P. Squire, S. Lewis, S. Lehman, A. Hopkins, S. Hillier, and E. Holder

Motion Passed (6 to 0)

4. Items for Direction

4.1 Councillor M. van Holst - Meadowlilly ESA

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

That, the communication from Councillor M. van Holst with respect to the preserving environmental heritage near the Meadowlilly Environmentally Significant Area BE RECEIVED for information.

Yeas: (6): P. Squire, S. Lewis, S. Lehman, A. Hopkins, S. Hillier, and E. Holder

Motion Passed (6 to 0)

5. Deferred Matters/Additional Business

5.1 (ADDED) 3rd Report of the Trees and Forests Advisory Committee

Moved by: S. Lewis
Seconded by: S. Hillier

That, the following actions be taken with respect to the 3rd Report of the Trees and Forests Advisory Committee from its meeting held on April 28, 2021:

a) Municipal Council BE ADVISED that the Trees and Forests Advisory Committee recommends that road narrowing be a priority for the Neighbourhood Street Renewal Program projects, to maximize the space for trees and sidewalks within the right of way;

it being noted that a verbal presentation from D. MacRae, Director, Roads and Transportation, with respect to this matter, was received;

b) the following actions be taken with respect to the Veteran Tree Incentive Program:

i) the Civic Administration BE REQUESTED to explore options to target recipients who genuinely need additional financial support in order to maintain their veteran trees;

ii) the Civic Administration BE REQUESTED to consider and compare, during its review of the above-noted program, its cost-efficiency relative to the canopy cover that is expected to be gained; and,

iii) the Civic Administration BE REQUESTED to seek to prioritize low canopy neighbourhoods and non-invasive species for the above-noted program, given that funding is limited and not all of the veteran trees can be maintained;

it being noted that the presentation, as appended to the added agenda, from S. Rowland, Urban Forestry Planner, with respect to this matter, was received;

c) the final 2021 Trees and Forests Advisory Committee Work Plan, BE APPROVED;

d) the following actions be taken with respect to the communication, as appended to the added agenda, from J. Kogelheide with respect to tree care communications:

i) the Civic Administration BE REQUESTED to implement the Trees and Forest Advisory Committee's recommendation with respect to the distribution of promotional materials related to tree care practices including:

- A) proper tree mulching;
- B) watering newly planted trees; and,
- C) not travelling with firewood;

it being noted that the above-noted communication, with respect to this matter, was received; and,

e) clauses 1.1, 2.3, 3.1 and 3.2, inclusive, 5.1 and 5.2, inclusive and 5.5 BE RECEIVED, for information.

Yeas: (6): P. Squire, S. Lewis, S. Lehman, A. Hopkins, S. Hillier, and E. Holder

Motion Passed (6 to 0)

6. Adjournment

The meeting adjourned at 6:43 PM.

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 Update – Results of April 15, 2021 Local Planning Appeal Tribunal (LPAT) Decision

Date: May 10, 2021

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 LPAT ordered the issues of the city-wide general policy appeals be heard in four (4) phases of hearings. The hearing for phase one was held from September 23 to October 8, 2020.

The next scheduled hearings was set to begin on September 14, 2021 for four weeks. City Staff and the appellants have spent several months in discussions and settlement meetings to scope the issues in the second and third phases of the appeal. The results of the settlement discussions were brought to a Case Management Conference of the LPAT on April 15, 2021. All Phase 2 and Phase 3 hearing matters were resolved through the settlement process, so a hearing is no longer required for those issues. This report summarizes the results of the April 15, 2021 LPAT decision.

Linkage to the Corporate Strategic Plan

This report is consistent with the Strategic Plan, including the Strategic Area of Focus of “Building a Sustainable City”. Building a Sustainable City requires that “London’s growth and development is well planned and sustainable over the long term”, and that the City improves its resiliency to respond to potential future challenges, as well as directs future growth and intensification to strategic locations.

London Plan Status Update – April 15, 2021

1.0 Background

1.1 Background Leading to April 15, 2021 LPAT Decision

As noted in previous reports to Council, Staff have worked with appellants to scope the London Plan policies and issues that are under appeal before the Local Planning Appeal Tribunal (LPAT). On December 19, 2019 the LPAT provided an order that identified the issues of the general policy appeals. Hearings of issues were to be phased as follows:

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

The Phase 1 hearing occurred from September 23 to October 8, 2020. That hearing block addressed all Phase 1A matters and certain Phase 1B matters, as some of the issues related to bonus zoning were deferred to a future hearing due to recent

legislation changes. A report to Planning and Environment Committee on November 30, 2020 identified the results of that hearing, including policies and portions of maps that were brought into force.

Since last reporting to Council, Staff and appellants have continued to scope the issues under appeal. Staff and appellants worked extensively to seek settlement on appeals of Phase 2 (Natural Heritage) and Phase 3 (Design and Mobility) issues. This process included extensive review of alternative policy language and mapping proposed by the appellants, followed by four weeks of settlement meetings that began in January 2021. Planners, lawyers, ecologists, urban designers, and transportation engineers representing both parties reviewed alternative language and attended settlement meetings. The result of the resolution exercise was a series of recommended resolutions for consideration by the parties.

A partial approval motion was initiated by City Staff, on consent of the parties, for approval by the LPAT. The motion included the recommended alternative policy language and map modifications agreed to by the parties. The motion was reflective of the City and appellants' collaborative approach towards the settlement process. It also identified that the intent of the proposed alternative language is to clarify policy intent, align policies with provincial legislation and regulations, and ensure accurate mapping.

On April 15, 2021 a Case Management Conference of the LPAT was held. The LPAT issued an oral decision which approved the motion, including the alternative language and map changes for Phase 2 and 3 issues.

The result of the April 15, 2021 LPAT decision is that Phase 2 (Natural Heritage and Environmental policies) and Phase 3 (Mobility and City Building and Design policies) are completely resolved on a City-wide basis, with the exception of site-specific appeals.

The sections below summarize the London Plan changes that are now in force, as well as what remains under appeal, and next steps in the London Plan appeals process. A list of the policy and mapping changes resulting from the April 15, 2021 LPAT decision is attached to this report as Appendix 'A'. A copy of Map 1 (Place Types) is attached as Appendix 'B', and a copy of Map 5 (Natural Heritage) is attached as Appendix 'C'.

2.0 Policies Now in Force and Remaining Under Appeal

2.1 Policies that are now approved and in force

As noted above, the April 15, 2021 decision resolved the entirety of Phases 2 and 3 of hearings as well as bringing certain maps and portions of maps into force. In doing so, significant sections of the London Plan were brought into force by the decision. Such sections include:

- Character policies for new neighbourhoods;
- Street Network and conditions for configuration of street blocks in grid (or modified grid) patterns for new neighbourhoods;
- Parking policies for large developments and surface parking, including bicycle parking and relationship to site layout;
- Building design and materials policies;
- Active mobility policies and sidewalk requirements;
- Streets policies and public realm design features based on street classification, consistent with the principles of Complete Streets;
- Right-of-way widths, conditions for road widenings, and associated land acquisitions for the mobility network and mobility infrastructure;
- Urban Forest policies, consistent with the Urban Forest Strategy;
- The components of the Natural Heritage System (features and areas);

- Evaluation criteria and identification requirements for component features of the Natural Heritage System, such as Significant Woodlands, Woodlands, Significant Valleylands and Valleylands;
- Mitigation of impacts, compensation approaches and conditions for potential relocation of certain wetland features;
- Identification and location of Upland Corridors;
- Ecological buffers and “trigger distances” within which Environmental Study may be required;

As a result of this recent decision and previous LPAT decisions regarding the London Plan, over 97% of London Plan policies are now in force.

2.2 Policies that remain under appeal

Certain Parts of the London Plan continue to have one or more policies that remain under general appeal. Those appeals can be categorized as relating to:

- A Place Type’s Use, Height and/or Intensity policies (or associated Tables);
- Bonus Zoning policies;
- High Density Residential (HDR) Overlay (from the 1989 Official Plan) and Map 2; and/or
- Specific Area Policies within a Place Type.

The above list of height, intensity, HDR Overlay, and bonusing policies were deferred from the Phase 1B hearings held in September and October 2020. These matters were deferred because of changes to Provincial legislation associated with *Planning Act* section 37 and “Bonus Zoning”. The *More Homes, More Choice Act, 2019*, eliminated the *Planning Act* provisions that permitted Bonus Zoning (transition policies include a sunset date of September 2022 for the use of Bonus Zoning). Bonus Zoning is an increase in the height or density of development in exchange for public benefits known as “facilities, services or matters”. Since the London Plan includes a framework of heights that is related to Bonus Zoning, a London Plan Amendment will be required to address the change in legislation.

In addition to these general policy appeals, there also continue to be site-specific appeals over certain policies as they apply to a specific property or area.

2.3 Maps: Partial and Full Approval

Consistent with the policies that are now approved and the matters that remain under general policy appeals, the April 15, 2021 decision by the LPAT included partial and full approval of certain London Plan maps. The LPAT decision included partial approval of Map 1 (Place Types), and full approval of Map 5 (Natural Heritage), excepting site-specific appeals. Appeals over Map 4 (Active Mobility Network) and Map 6 (Hazards and Natural Resources) were withdrawn by the appellants, so Map 4 and Map 6 are in force in their entirety.

Map 1 is shown in Appendix ‘B’ to this report. The portions of Map 1 (Place Types) that are in force and force as of April 15, 2021 are:

- Green Space Place Type;
- Environmental Review Place Type;
- Farmland Place Type;
- Rural Neighbourhoods Place Type;
- Future Community Growth Place Type;
- Future Industrial Growth Place Type;
- Light Industrial Place Type;
- Heavy Industrial Place Type;
- Commercial Industrial Place Type;
- Institutional Place Type;
- Downtown Place Type;

- Rapid Transit Corridor Place Type;
- Transit Village Place Type;
- Certain portions of the Urban Corridor Place Type (e.g. in Old East Village and Richmond Street north of University Drive);
- Certain sites within the Neighbourhoods Place Type (e.g. where a recent decision was made by the LPAT).

Note that appeals of specific area policies or site-specific appeals may remain within any of these Place Types and property-specific inquiries should be verified with Staff.

Map 5 was also brought into force through the April 15, 2021 decision, notwithstanding certain properties or areas where a site-specific issue remains. Changes to certain natural heritage features or locations of features on Map 5 were a result of a detailed mapping review that was undertaken as part of the settlement discussion process. Map 1 was modified in certain locations to correspond to the changes to the natural heritage features or locations of features shown on Map 5.

Conclusion and Next Steps

On April 15, 2021, the Local Planning Appeal Tribunal approved a motion filed by the City's Legal Services. This motion identified that the appellants and City had undertaken several months of extensive settlement meetings, and as a result agreed to the settlement of all Phase 2 and Phase 3 appealed matters. Some London Plan policies were settled with changes to policy language or maps, and others with the original London Plan wording or mapping. Modifications intend to clarify policy intent, align with provincial legislation, and ensure accuracy of mapping.

This approval of Phase 2 and Phase 3 matters brings into force London Plan policies regarding: city design, building design, site layout, active mobility and sidewalks, street networks and blocks for new neighbourhoods, environmental policies, components of the Natural Heritage System, evaluation criteria for some Natural Heritage System components, mapping of those features and areas, and ecological buffering around features. Maps 1 and 5 received partial approval and Maps 4 and 6 were approved in their entirety. Over 97% of London Plan policies are now in force.

Consistent with the April 15, 2021 LPAT decision, Staff are preparing a consolidated version of the London Plan. This updated version of the London Plan will be published on the City's website shortly.

City Staff and appellants will continue to work to scope and explore potential resolution of the remaining general policy appeals and site-specific appeals. These remaining appeals relate to issues with land use, intensity, height, Bonus Zoning, High Density Residential Overlay, and/or specific area policies. The Local Planning Appeal Tribunal has scheduled its next Case Management Conference in October 2021, at which time it will consider any procedural matters or further modifications proposed by the parties.

Prepared by:	Travis Macbeth, MCIP, RPP, Senior Planner, Planning Policy
Submitted by:	Justin Adema, MCIP, RPP, Manager, Planning Policy
Concurred by:	Aynsley Anderson, Solicitor II, City Solicitor's Office
Recommended by:	Gregg Barrett, AICP, Director, City Planning and City Planner

Appendix “A”: London Plan Changes Resulting from April 15, 2021 LPAT Decision

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
100	The Mobility Framework establishes a high-level plan for moving people, goods and services throughout our city, to the region and beyond.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
101	Figure 7 illustrates our Rapid Transit Corridors which represent the spine of London’s mobility network. They connect the Downtown to neighbourhoods, institutions and other employment nodes, centres of culture and commerce, and our urban areas	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
193	<p>In all of the planning and development we do and the initiatives we take as a municipality, we will design for and foster:</p> <ol style="list-style-type: none"> 1. A well-designed built form throughout the city. 2. Development that is designed to be a good fit and compatible within its context. 3. A high-quality, distinctive and 	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>memorable city image.</p> <p>4. Development that supports a positive pedestrian environment.</p> <p>5. A built form that is supportive of all types of active mobility and universal accessibility.</p> <p>6. High-quality public spaces that are safe, accessible, attractive and vibrant.</p> <p>7. A mix of housing types to support ageing in place and affordability.</p> <p>8. Sustainably designed development that is resilient to long-term change.</p> <p>9. Healthy, diverse and vibrant neighbourhoods that promote a sense of place and character.</p>		
197	<p>The built form will be designed to have a sense of place and character consistent with the planned vision of the place type, by using such things as topography, street patterns, lotting patterns,</p>	<p>N/A. Appeal withdrawn.</p>	<p>Council approved London Plan policy language applies.</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	streetscapes, public spaces, landscapes, site layout, buildings, materials and cultural heritage.		
200	Neighbourhoods should be designed such that heritage designated properties and distinctive historical elements are conserved to contribute to the character and sense of place for the neighbourhood.	Neighbourhoods should be designed such that heritage designated properties should be conserved to contribute to the character and sense of place for the neighbourhood. <u>Neighbourhoods should be designed such that heritage designated properties should be integrated into the design of new neighbourhoods to contribute to their character.</u> and distinctive historical elements are conserved to contribute to the character and sense of place for the neighbourhood.	Heritage designated properties should be integrated into the design of new neighbourhoods to contribute to their character.
202	Buildings and public spaces at key entry points into neighbourhoods will be designed to help establish a neighbourhood's character and identity	N/A. Appeal withdrawn	Council approved London Plan policy language applies.
203	Neighbourhoods should be planned to include one or more identifiable and accessible focal points that contributes to the neighbourhood's character and allows for community gathering.	N/A. Appeal withdrawn	Council approved London Plan policy language applies.
204	Natural heritage is an important contributor to the character of an area and influences the overall street network.	Natural heritage is an important contributor to the character of an area and influences the overall street network. Neighbourhoods should	Natural heritage is an important contributor to the character of an area and influences the overall street network.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	Neighbourhoods should be designed to preserve view corridors to natural heritage features and landmarks through lotting patterns, window streets, and building placement.	be designed to preserve <u>or create views corridors</u> to natural heritage features and landmarks through lotting patterns, window streets <u>patterns</u> , and <u>or</u> building placement.	Neighbourhoods should be designed to preserve or create views to natural heritage features and landmarks through lotting patterns, street patterns, or building placement.
210	Trees should be recognized, maintained and planned for as important features of a neighbourhood's planned character and sense of place.	Trees should be <u>recognized</u> , maintained and planned for as important features of a neighbourhood's planned character and sense of place.	Trees should be recognized as important features of a neighbourhood's planned character and sense of place.
211	The City's street network will be designed to ensure high-quality pedestrian environments, maximized convenience for mobility, access to focal points and to support the planned vision for the place type.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
212	The configuration of streets planned for new neighbourhoods will be of a grid, or modified grid, pattern. Cul-de-sacs, deadends, and other street patterns which inhibit such street networks will be minimized. New neighbourhood street networks will be	The configuration of streets planned for new neighbourhoods will be of a grid, or a modified grid, pattern. Cul-de-sacs, deadends, and other street patterns which inhibit such street networks <u>should</u> be minimized. <u>To ensure connectivity and integration with existing and planned</u>	The configuration of streets planned for new neighbourhoods will be of a grid, or a modified grid, pattern. Cul-de-sacs, deadends, and other street patterns which inhibit such street networks should be minimized. To ensure connectivity and integration with

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	designed to have multiple direct connections to existing and future neighbourhoods.	<u>neighbourhoods</u> , new neighbourhood street networks will <u>generally</u> be designed to have multiple direct connections to existing and future neighbourhoods.	existing and planned neighbourhoods, new neighbourhood street networks will generally be designed to have connections to existing and future neighbourhoods.
213	Street patterns will be easy and safe to navigate by walking and cycling and will be supportive of transit services.	N/A. Appeal withdrawn	Council approved London Plan policy language applies.
214	Municipal walkways will not be considered an alternative means for establishing necessary street connections when designing new neighbourhoods.	Municipal walkways will not be considered an alternative means for establishing necessary street connections when designing new neighbourhoods. <u>Municipal walkways may be considered in neighbourhoods to provide for additional connections for active forms of mobility.</u>	Municipal walkways will not be considered an alternative means for establishing necessary street connections when designing new neighbourhoods. Municipal walkways may be considered in neighbourhoods to provide for additional connections for active forms of mobility.
215	Rear laneways may be permitted in new neighbourhood design to allow for building frontages that contribute to quality pedestrian oriented streetscapes. In addition, such laneways should be employed to avoid garage-dominated	Rear laneways may be permitted in new neighbourhood design to allow for building frontages that contribute to quality pedestrian oriented streetscapes. In addition, such laneways should be employed to avoid garage-dominated	Rear laneways may be permitted in new neighbourhood design to allow for building frontages that contribute to quality pedestrian oriented streetscapes.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	streetscapes where lot frontages are small.	streetscapes where lot frontages are small.	
216	Street networks, block orientation, lot sizes, and building orientation should be designed to take advantage of passive solar energy while ensuring that active mobility and other design criteria of this chapter are satisfied.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
217	Neighbourhood street networks and block sizes will be designed to ensure connectivity and support active mobility including cycling, walking, blading, boarding and transit. Infrastructure and amenities to support these modes of mobility will be incorporated.	Neighbourhood street networks and block sizes will be designed to ensure connectivity and support <u>transit and active mobility</u> including cycling, walking, blading, and boarding, and transit. Infrastructure and amenities to support <u>these modes of transit and active mobility</u> will be incorporated.	Neighbourhood street networks and block sizes will be designed to ensure connectivity and support transit and active mobility. Infrastructure and amenities to support transit and active mobility will be incorporated.
218	To support connectivity, blocks within a neighbourhood should be of a size and configuration that supports connections to transit and other neighbourhood amenities within a typical ten minute walk.	To support connectivity, blocks within a neighbourhood <u>Street networks should be of a size and configuration that supports</u> connections to transit and other neighbourhood amenities within a ten minute walk.	Street networks should be designed to support connections to transit and other neighbourhood amenities within a ten minute walk.
219	Neighbourhoods will incorporate a grid or modified grid street network that supports	Neighbourhood street networks should <u>will be designed</u> incorporate a grid or modified grid	Neighbourhood street networks will support the delivery of emergency services.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	the delivery of emergency services.	street network that to support the delivery of emergency services.	
220	Neighbourhoods should be designed with a diversity of lot patterns and sizes to support a range of housing choices, mix of uses and to accommodate a variety of ages and abilities.	Neighbourhoods should be designed with a diversity of lot patterns and sizes to support a range of housing choices, mix of uses and to accommodate a variety of ages and abilities.	Neighbourhoods should be designed with a diversity of lot sizes to support a range of housing choices, mix of uses and to accommodate a variety of ages and abilities.
247	Public spaces should be located and designed within neighbourhoods to ensure that a minimum of 50% of their perimeter will be bounded by a public street.	Public spaces should be located and designed within neighbourhoods to ensure <u>access, visibility, safety, and connectivity to the adjacent street network</u> that a minimum of 50% of their perimeter will be bounded by a public street. <u>To accomplish these objectives, public spaces within neighbourhoods should have wide exposure to public streets.</u>	Public spaces should be located and designed within neighbourhoods to ensure access, visibility, safety, and connectivity to the adjacent street network. To accomplish these objectives, public spaces within neighbourhoods should have wide exposure to public streets.
255	Site layout will promote connectivity and safe movement between, and within, sites for pedestrians, cyclists, and motorists.	Site layout will promote connectivity and safe movement <u>for pedestrians, cyclists, and motorists</u> between, and within, sites. for pedestrians, cyclists, and motorists.	Site layout will promote connectivity and safe movement for pedestrians, cyclists, and motorists between, and within, sites.
257	The siting of buildings and layout of sites should create and preserve views of landmarks and natural	The siting of buildings and layout of sites should <u>preserve or create</u> create and preserve views of landmarks and natural	The siting of buildings and layout of sites should preserve or create views of landmarks and natural

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	features, including natural heritage and hazards, from public spaces.	features, including natural heritage and hazards, from public spaces.	features from public spaces.
258	The layout and grading of a site should retain and incorporate desirable trees.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
259	Buildings should be sited with minimal setbacks from public rights-of-way and public spaces to create a street wall/edge and establish a sense of enclosure and comfortable pedestrian environment.	Buildings should be sited with minimal setbacks from public rights-of-way streets and public spaces to create a street wall/edge and establish a sense of enclosure an <u>inviting, active</u> and comfortable pedestrian environment.	Buildings should be sited with minimal setbacks from public streets and public spaces to create an inviting, active and comfortable pedestrian environment.
261	Buildings at corner sites will be oriented towards the higher-order street classification.	Buildings at corner sites will <u>should</u> be oriented towards the higher-order street classification.	Buildings at corner sites should be oriented towards the higher-order street classification.
266	Loading, garbage and other service areas will be located where they will not detract from pedestrian connections and where they will not have a negative visual impact from the street.	Loading, garbage and other service areas will be located where <u>so that</u> they will not detract from pedestrian connections and where they will not have a negative visual impact from the street <u>or detract from pedestrian connections.</u>	Loading, garbage and other service areas will be located so that they will not have a negative visual impact from the street or detract from pedestrian connections.
270	The location, configuration, and size of parking areas will be designed to support the planned vision of the place	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	type and enhance the experience of pedestrians, transit-users, cyclists, and drivers.		
272	The impact of parking facilities on the public realm will be minimized by strategically locating and screening these parking areas. Surface parking should be located in the rear yard or interior side yard.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
273	Parking structures will be integrated into the design of buildings to ensure the public realm is not negatively affected. Structured parking will be screened.	Parking structures will <u>should</u> be integrated into the design of buildings to ensure the public realm is not negatively affected. Structured parking will be screened.	Parking structures should be integrated into the design of buildings to ensure the public realm is not negatively affected. Structured parking will be screened.
274	Opportunities for sharing and consolidating parking to meet parking requirements will be encouraged in the Downtown, Transit Village, and Shopping Area Place Types, and in transit station areas and commercial areas along Urban Corridors. Where sharing of parking occurs through a development agreement, a reduction in on-site parking requirements	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	may be accommodated.		
275	Parking should be located underground for large buildings, such as high-rise residential buildings, office buildings, and mixed-use buildings.	<p><u>To reduce the visual impact of parking, make efficient use of land, to provide for outdoor amenity space, and promote active uses on street-facing facades, parking for large buildings, such as high-rise residential buildings, office buildings, and mixed-use buildings</u> Parking should be located underground <u>or integrated within the building design.</u></p>	To reduce the visual impact of parking, make efficient use of land, to provide for outdoor amenity space, and promote active uses on street-facing facades, parking for large buildings, such as high-rise residential buildings, office buildings, and mixed-use buildings should be located underground or integrated within the building design.
276	Where parking is integrated into a building, or where structured parking is located adjacent to a street, the ground floor facing the street should be occupied by active uses such as commercial, office, and residential uses to avoid creating non-active street frontages.	Where structured parking is integrated into a building, or Where structured parking is located adjacent to a street, the ground floor facing the street should be occupied by active uses such as commercial, office, and <u>or</u> residential uses to avoid creating non-active street frontages.	Where structured parking is located adjacent to a street, the ground floor facing the street should be occupied by active uses such as commercial, office, or residential uses to avoid creating non-active street frontages.
277	Surface parking lots should be designed to include a sustainable tree canopy with a target of 30% canopy coverage at 20 years of anticipated tree growth.	Surface parking lots should be designed to include a sustainable tree canopy with a target of 30% canopy coverage at 20 years of anticipated tree growth.	Surface parking lots should be designed to include a sustainable tree canopy at 20 years of anticipated tree growth.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
278	Surface parking located in highly-visible areas should be screened by low walls and landscape treatments.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
279	Lighting of parking areas will be designed to avoid negative light impacts on adjacent properties.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
280	Secure, covered and non-covered bicycle parking should be incorporated into multiple unit residential, commercial, retail, institutional, and recreational developments.	<u>Adequate bicycle parking facilities will be required for all development to encourage cycling as a viable form of transportation. Covered and secure forms of bicycle parking.</u> Secure, covered and non-covered bicycle parking should be incorporated into multi-unit residential, large-scale commercial or retail, institutional, and recreational developments.	Adequate bicycle parking facilities will be required for all development to encourage cycling as a viable form of transportation. Covered and secure forms of bicycle parking should be incorporated into multi-unit residential, large-scale commercial or retail, institutional, and recreational developments.
281	Large surface parking lots shall be designed with areas dedicated for pedestrian priority including landscaping to ensure safe pedestrian connectivity throughout the site.	Large surface parking lots shall be designed with areas dedicated for pedestrian priority including landscaping to ensure safe pedestrian connectivity throughout the site.	Large surface parking lots shall be designed with areas dedicated for pedestrian priority to ensure safe pedestrian connectivity throughout the site.
282	Surface parking areas will be designed to incorporate landscape/tree islands for visual amenity and	Surface parking areas will be designed to incorporate landscape/ tree islands <u>areas</u> for visual amenity,	Surface parking areas will be designed to incorporate landscape areas for visual amenity, to assist with

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	to help convey stormwater and reduce the heat island effect.	to help convey <u>assist with stormwater management</u> , and reduce the heat island effect.	stormwater management, and reduce the heat island effect.
283	Large surface parking areas will be designed to incorporate low impact development measures to address stormwater management.	Large Surface parking areas will <u>should</u> be designed to incorporate low impact development measures to address stormwater management.	Surface parking areas should be designed to incorporate low impact development measures to address stormwater management.
284	284_ All planning and development proposals will be required to demonstrate how the proposed building is designed to support the planned vision of the place type and establishes character and a sense of place for the surrounding area. This will include matters such as scale, massing, materials, relationship to adjacent buildings, heritage impact and other such form-related considerations. The Our Tools chapter and the Residential Intensification policies in the Neighbourhoods Place Type chapter of this Plan provide further guidance for such proposals.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
285	To support pedestrian activity and safety, blank walls will not be permitted along the street edge.	To support pedestrian activity and safety, <u>large expanses of</u> blank walls will not be permitted along the street edge	To support pedestrian activity and safety, large expanses of blank wall will not be permitted along the street edge.
286	Buildings will be designed to achieve scale relationships that are comfortable for pedestrians.	Buildings will <u>should</u> be designed to achieve <u>human-scale</u> relationships that are comfortable for pedestrians.	Buildings should be designed to achieve human-scale relationships that are comfortable for pedestrians.
287	Within the context of the relevant place type policies, the height of buildings should have a proportional relationship to the width of the abutting public right-of-way to achieve a sense of enclosure.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
288	Buildings fronting onto public spaces should establish an edge to provide definition, and a sense of enclosure around, the public space.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
289	High and mid-rise buildings should be designed to express three defined components: a base, middle, and top. Alternative design solutions that address the following intentions may be permitted.	Only change to (3): The top should provide a finishing treatment, such as roof or a cornice treatment, and will serve to hide and integrate mechanical penthouses <u>into the overall building design.</u>	Only change to (3): The top should provide a finishing treatment, such as roof or a cornice treatment, to hide and integrate mechanical penthouses into the overall building design.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>1. The base should establish a humanscale façade with active frontages including, where appropriate, windows with transparent glass, forecourts, patios, awnings, lighting, and the use of materials that reinforce a human scale.</p> <p>2. The middle should be visually cohesive with, but distinct from, the base and top.</p> <p>3. The top should provide a finishing treatment, such as a roof or a cornice treatment, and will serve to hide and integrate mechanical penthouses.</p>		
290	Buildings located on corner sites should address the corner through building massing, location of entrances, and architectural elements	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
291	Principal building entrances and transparent windows should be located to face the public right-of-way and public spaces, to reinforce the public realm, establish an active	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	frontage and provide for convenient pedestrian access.		
292	High-rise buildings should incorporate a podium at the building base, to reduce the apparent height and mass of tall buildings on the pedestrian environment, allow sunlight to penetrate into the right-of-way, and reduce the wind tunnel effect.	High-rise buildings should <u>will</u> incorporate a podium at the building base, <u>or other design solutions</u> to reduce the apparent height and mass of tall <u>the</u> buildings on the pedestrian environment, allow sunlight to penetrate into the right-of-way, and reduce the wind tunnel effect <u>impacts</u> .	High-rise buildings will incorporate a podium at the building base, or other design solutions to reduce the apparent height and mass of the building on the pedestrian environment, allow sunlight to penetrate into the right-of-way, and reduce wind impacts.
293	High-rise buildings should be designed with slender towers that reduce shadow impact, minimize the obstruction of views, and are less massive to neighbouring properties. A typical floor plate of approximately 1,000m ² is a reasonable target to achieve this goal. Commercial towers may have larger floor plates, but should still have effective separations between towers to allow access to sunlight and views.	High-rise buildings should be designed with slender towers that reduce shadow impact, minimize the obstruction of views, and are less massive to neighbouring properties. A typical floor plate of approximately 1,000m² is a reasonable target to achieve this goal. Commercial towers may have larger floor plates, but should still have effective separations between towers to allow access to sunlight and views to <u>minimize massing, shadowing, visual impact, and the obstruction of views from the street, public spaces, and neighbouring properties. To achieve these objectives, high rise buildings should take</u>	High-rise buildings should be designed to minimize massing, shadowing, visual impact, and the obstruction of views from the street, public spaces, and neighbouring properties. To achieve these objectives, high rise buildings should take the form of slender towers. High rise buildings should not be designed with long axes where they create an overwhelming building mass. Definition of high-rise building to be added to glossary “High-rise building means a building with a height

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
		<p><u>the form of slender towers. High rise buildings should not be designed with long axes where they create an overwhelming building mass.</u></p> <p><u>Definition of high-rise building to be added to glossary “High-rise building means a building with a height of nine storeys or more.”</u></p>	of nine storeys or more.”
294	In conformity with the Green and Healthy City policies of this Plan, buildings should incorporate green building design and associated sustainable development technologies and techniques.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
295	Residential and mixed-use buildings should include outdoor amenity spaces.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
296	Rooftop utility equipment should be screened from view. The preference is for such equipment to be enclosed within the structure of the building and integrated into the overall building design.	Rooftop utility equipment should be screened from view The preference is for such equipment to be enclosed within the structure of the building and integrated into the overall building design.	Rooftop utility equipment should be screened from view and integrated into the overall building design.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
297	In the design of buildings, consideration should be given to the need for installing emergency service communications infrastructure. Where needed, this infrastructure should be integrated into the overall design of the building.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
298	An appropriate transition of building height, scale and massing should be provided between developments of significantly different intensities. This may be an important consideration at the interface of two different place types.	<u>Design measures relating to building height, scale and massing should be used to provide a transition between development of significantly different intensities, considering the existing and planned context.</u> An appropriate transition of building height, scale and massing should be provided between developments of significantly different intensities. This may be an important consideration at the interface of two different place types.	Design measures relating to building height, scale and massing should be used to provide a transition between development of significantly different intensities, considering the existing and planned context.
299	Civic buildings should be designed as landmarks to establish character and a sense of place.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
300	Buildings and associated structures will be designed to	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	accommodate weight loads of emergency vehicles and services.		
301	A diversity of materials should be used in the design of buildings to visually break up massing, reduce visual bulk and add interest to the building design.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
302	Materials should be selected for their scale, texture, quality, durability, and consistency within their context.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
303	For commercial, office and institutional uses, transparent glass should be used on the majority of the ground level façades facing a public right-of-way to provide views into and out of the space and enhance the pedestrian environment	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
304	Efforts should be made to design buildings and use materials that minimize bird strikes on high-rise buildings.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
305	Where new development is being constructed adjacent to heritage designated properties, building materials should be sympathetic to the materials and	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	architectural style of the heritage property.		
308	For the purposes of this Plan, the term “street” has been used to describe what the Planning Act would refer to as a “highway” and what is often referred to as a road. A street includes the entire right-of-way and contains such things as the roadway, sidewalks, cycling lanes, multi-use pathways, utilities, trees, and other amenities.	For the purposes of this Plan, the term “street” has been used to describe what the Planning Act would refer to as a “highway” and what is often referred to as a road. A street includes the entire right-of-way and <u>may contain, in addition to the roadway, contains</u> sidewalks, <u>bicycle bicycling lanes, multi-use bicycle and pedestrian pathways and public transit rights of way.</u>	For the purposes of this Plan, the term “street” has been used to describe what the Planning Act would refer to as a “highway” and what is often referred to as a road. A street includes the entire right-of-way and may contain, in addition to the roadway, sidewalks, bicycle lanes, bicycle and pedestrian pathways and public transit rights of way.
347	The active mobility network is shown on Map 4 of this Plan. This planned network will be considered in the evaluation of all planning and development applications.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
349	349_ To support walkability, sidewalks shall be located on both sides of all streets. An exception to this requirement may be considered in the following instances. In most of these instances a sidewalk will be required on one side of the street.	349_ To support walkability, sidewalks shall be located on both sides of all streets, An exception to this requirement may be considered in <u>with possible exceptions in</u> the following instances. In most of these instances a sidewalk will be required on one side of the street.	349_ To support walkability, sidewalks shall be located on both sides of all streets, with possible exceptions in the following instances. In most of these instances a sidewalk will be required on one side of the street. 1. Cul-de-sacs, dead-end streets, or

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>1. Cul-de-sacs or dead-end streets that extend less than 200 metres and do not connect to neighbourhood features or amenities.</p> <p>2. Portions of streets flanking natural heritage features or areas.</p> <p>3. Portions of streets flanking a Green Space that includes alternative active mobility infrastructure parallel to the street.</p> <p>4. Portions of streets that have a designated multi-use pathway within the boulevard on one side.</p> <p>5. Streets classified as Expressways or Rural Thoroughfares.</p> <p>6. Road reconstruction projects, where the existing conditions such as mature trees, right-of-way widths, or infrastructure would impede sidewalks on both sides of the street.</p>	<p>1. Cul-de-sacs, or dead-end streets, <u>or crescent-shaped streets</u> that extend less than <u>250</u> metres, <u>do not make connections between streets,</u> and do not connect to neighbourhood features or amenities.</p> <p>2. Portions of streets flanking natural heritage features or areas.</p> <p>3. Portions of streets flanking a Green Space that includes alternative active mobility infrastructure parallel to the street.</p> <p>4. <u>Window streets adjacent to arterial roadways where sidewalk extensions join a boulevard sidewalk on the arterial road.</u></p> <p>5. Portions of streets that have a designated multi-use pathway within the</p>	<p>crescent-shaped streets that extend less than 250 metres, do not make connections between streets, and do not connect to neighbourhood features or amenities.</p> <p>2. Portions of streets flanking natural heritage features or areas.</p> <p>3. Portions of streets flanking a Green Space that includes alternative active mobility infrastructure parallel to the street.</p> <p>4. Window streets adjacent to arterial roadways where sidewalk extensions join a boulevard sidewalk on the arterial road.</p> <p>5. Portions of streets that have a designated</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
		<p>boulevard on one side.</p> <p>6. Streets classified as Expressways or Rural Thoroughfares.</p> <p>7. Read Street reconstruction <u>or retrofit</u> projects, where the existing conditions such as mature trees, right-of-way widths, or infrastructure would impede sidewalks on both sides of the street.</p>	<p>multi-use pathway within the boulevard on one side.</p> <p>6. Streets classified as Expressways or Rural Thoroughfares.</p> <p>7. Street reconstruction or retrofit projects, where the existing conditions such as mature trees, right-of-way widths, or infrastructure would impede sidewalks on both sides of the street.</p>
359	A winter maintenance program for all forms of active mobility may be prepared to ensure safe access and usage of the active mobility network.	The City may prepare a A winter maintenance program for all forms of active mobility may be prepared to ensure safe access and usage of the active mobility network.	The City may prepare a winter maintenance program for all forms of active mobility to ensure safe access and usage of the active mobility network.
370	370_ The following policies describe the classification of streets and the intended character, goals and functions to be used for the planning and design of public rights-of-way:	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	1. Provincial Highway 2. Expressway 3. Rapid Transit Boulevard 4. Urban Thoroughfare 5. Civic Boulevard 6. Main Street 7. Neighbourhood Connector 8. Neighbourhood Street 9. Rural Thoroughfare 10. Rural Connector		
371	<p>371_ The following policies describe the goals, function and character to be used in the design of the right-of-way for each street classification:</p> <p>1. Provincial Highway a. Priority for vehicles and freight movement b. Moves high volumes of vehicular traffic c. Provincially managed corridor</p> <p>2. Expressway a. Priority for vehicles and freight movement b. Moves high volumes of vehicular traffic c. Quality standard of urban design to promote the City</p> <p>3. Rapid Transit Boulevard</p>	<p>371_ The following policies describe the goals, function and character to be used in the design of the right-of-way for each street classification:</p> <p>1. Provincial Highway a. Priority for vehicles and freight movement b. Moves high volumes of vehicular traffic c. Provincially managed corridor</p> <p>2. Expressway a. Priority for vehicles and freight movement b. Moves high volumes of vehicular traffic c. Quality standard of urban design to promote the City</p> <p>3. Rapid Transit Boulevard a. Priority on through movement and</p>	<p>371_ The following policies describe the goals, function and character to be used in the design of the right-of-way for each street classification:</p> <p>1. Provincial Highway a. Priority for vehicles and freight movement b. Moves high volumes of vehicular traffic c. Provincially managed corridor</p> <p>2. Expressway a. Priority for vehicles and freight movement b. Moves high volumes of vehicular traffic c. Quality standard of urban design to promote the City</p> <p>3. Rapid Transit Boulevard a. Priority on through movement and</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>a. Priority on through movement and connection to/of transit vehicles</p> <p>b. Moves high volumes of traffic (pedestrian, cycle and vehicular)</p> <p>c. Very high-quality pedestrian realm</p> <p>d. Very high standard of urban design</p> <p>4. Urban Thoroughfare</p> <p>a. Priority on through movement of vehicles and freight</p> <p>b. Moves high volumes of traffic (pedestrian, cycle and vehicular)</p> <p>c. High-quality pedestrian realm</p> <p>d. High standard of urban design</p> <p>5. Civic Boulevard</p> <p>a. Priority on pedestrian, cycle and transit movements</p> <p>b. Moves medium to high volumes of vehicular traffic</p> <p>c. Very high-quality pedestrian realm</p> <p>d. Very high standard of urban design</p> <p>6. Main Street</p> <p>a. Priority for pedestrians</p>	<p>connection to/of transit vehicles</p> <p>b. Moves high volumes of traffic (pedestrian, cycle and vehicular)</p> <p>c. Very high-quality pedestrian realm</p> <p>d. Very high standard of urban design</p> <p>4. Urban Thoroughfare</p> <p>a. Priority on through movement of vehicles and freight</p> <p>b. Moves high volumes of traffic (pedestrian, cycle and vehicular)</p> <p>c. High-quality pedestrian realm</p> <p>d. High standard of urban design</p> <p>5. Civic Boulevard</p> <p>a. Priority on pedestrian, cycle and transit movements</p> <p>b. Moves medium to high volumes of vehicular traffic</p> <p>c. Very high-quality pedestrian realm</p> <p>d. Very high standard of urban design</p> <p>6. Main Street</p> <p>a. Priority for pedestrians</p> <p>b. Moves medium to high volumes of cycle, transit and vehicular traffic</p> <p>c. Minimize width of vehicle zone</p> <p>d. Highest-quality pedestrian realm</p>	<p>connection to/of transit vehicles</p> <p>b. Moves high volumes of traffic (pedestrian, cycle and vehicular)</p> <p>c. High-quality pedestrian realm</p> <p>d. High standard of urban design</p> <p>4. Urban Thoroughfare</p> <p>a. Priority on through movement of vehicles and freight</p> <p>b. Moves high volumes of traffic (pedestrian, cycle and vehicular)</p> <p>c. High-quality pedestrian realm</p> <p>d. High standard of urban design</p> <p>5. Civic Boulevard</p> <p>a. Priority on pedestrian, cycle and transit movements</p> <p>b. Moves medium to high volumes of vehicular traffic</p> <p>c. High-quality pedestrian realm</p> <p>d. High standard of urban design</p> <p>6. Main Street</p> <p>a. Priority for pedestrians</p> <p>b. Moves medium to high volumes of cycle, transit and vehicular traffic</p> <p>c. Minimize width of vehicle zone</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>b. Moves medium to high volumes of cycle, transit and vehicular traffic</p> <p>c. Minimize width of vehicle zone</p> <p>d. Highest-quality pedestrian realm</p> <p>e. Highest standard of urban design</p> <p>7. Neighbourhood Connector</p> <p>a. Priority for pedestrians</p> <p>b. Move low to medium volumes of cycle, transit and vehicle movements</p> <p>c. Minimize width of vehicle zone</p> <p>d. Very high-quality pedestrian realm</p> <p>e. Very high standard of urban design</p> <p>8. Neighbourhood Street</p> <p>a. Priority for pedestrians</p> <p>b. Move low to medium volumes of cycle, transit and vehicle movements</p> <p>c. Minimize width of vehicle zone</p> <p>d. Very high-quality pedestrian realm</p> <p>e. Very high standard of urban design</p> <p>9. Rural Thoroughfare</p>	<p>e. Highest standard of urban design</p> <p>7. Neighbourhood Connector</p> <p>a. Priority for pedestrians</p> <p>b. Move low to medium volumes of cycle, transit and vehicle movements</p> <p>c. Minimize width of vehicle zone</p> <p>d. Very high-quality pedestrian realm</p> <p>e. Very high standard of urban design</p> <p>8. Neighbourhood Street</p> <p>a. Priority for pedestrians</p> <p>b. Move low to medium volumes of cycle, transit and vehicle movements</p> <p>c. Minimize width of vehicle zone</p> <p>d. Very high-quality pedestrian realm</p> <p>e. Very high standard of urban design</p> <p>9. Rural Thoroughfare</p> <p>a. Priority on through movement of vehicles, farm equipment and freight/goods.</p> <p>b. Quality standard of urban design</p> <p>10. Rural Connector</p> <p>a. Priority on movement of vehicles, farm equipment and freight/goods.</p>	<p>d. High quality pedestrian realm</p> <p>e. High standard of urban design</p> <p>7. Neighbourhood Connector</p> <p>a. Priority for pedestrians</p> <p>b. Move low to medium volumes of cycle, transit and vehicle movements</p> <p>c. Minimize width of vehicle zone</p> <p>d. High-quality pedestrian realm</p> <p>e. High standard of urban design</p> <p>8. Neighbourhood Street</p> <p>a. Priority for pedestrians</p> <p>b. Move low to medium volumes of cycle, transit and vehicle movements</p> <p>c. Minimize width of vehicle zone</p> <p>d. High-quality pedestrian realm</p> <p>e. High standard of urban design</p> <p>9. Rural Thoroughfare</p> <p>a. Priority on through movement of vehicles, farm equipment and freight/goods.</p> <p>b. Quality standard of urban design</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>a. Priority on through movement of vehicles, farm equipment and freight/goods. b. Quality standard of urban design</p> <p>10. Rural Connector a. Priority on movement of vehicles, farm equipment and freight/goods. b. Quality standard of urban design</p>	<p>b. Quality standard of urban design</p>	<p>10. Rural Connector a. Priority on movement of vehicles, farm equipment and freight/goods. b. Quality standard of urban design</p>
372	<p>Table 6 - Street Classification Design Features provides the design features for each street classification, relating to the street design zones shown in Figure 21. These design features will ensure that the goals, function, and character identified for each street classification are achieved. While all of these criteria should be met, there may be instances where they are not achievable based upon the specific context.</p>	<p>Table 6 - Street Classification Design Features provides the <u>planned street width and other</u> design features for each street classification , relating to the street design zones shown in Figure 21. These design features will ensure that the goals, function, and character identified for each street classification are achieved. While all of these criteria should be met, there may be instances where they are not achievable based upon the specific context.</p>	<p>Table 6 - Street Classification Design Features provides the planned street width and other design features for each street classification. These design features will ensure that the goals, function, and character identified for each street classification are achieved.</p>
372A	None- new policy		<p>While all of the criteria relating to the Street Design Zones listed on Table 6 and shown in Figure 21 should be met, there may be instances where they</p>

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			are not achievable based upon the specific context.
372B	None- new policy		The Our Tools section of this plan contains policies for the consideration of an alternative width from the planned street width shown on Table 6.
Table 6	<p>Only change is to the “Note”.</p> <p>Note: Design features to be applied and refined through the planning and design process. Not all design features may be applicable in every situation.</p>	<p>Note: Design features <u>are</u> to be applied and refined through the planning and design process. Not all design features may be applicable in every situation.</p>	<p>Note: Design features are to be applied and refined through the planning and design process. Not all design features may be applicable in every situation.</p>
374	<p>374_ A privately initiated amendment to The London Plan to change the street classification shown on Map 3, abutting a property, has the potential to have a negative impact on the vision for The London Plan or raise significant issues for mobility planning and will be strongly discouraged. However, in the event that a privately initiated amendment to a street classification is proposed, the</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

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	<p>following criteria will be considered together with all of the relevant policies of this Plan:</p> <ol style="list-style-type: none"> 1. The potential to undermine or enhance the street network, continuity of the associated place type and street classification hierarchy. 2. The impact of the change in street classification on the ability to accommodate the development's use, intensity and form originally contemplated through the classification of the adjacent street. 3. If the amendment is for a higher-order street classification, the availability of civic infrastructure, in place or planned, to accommodate the ultimate design of municipal services for the area to be serviced. 4. Adverse impacts relating to traffic volumes, safe movements, and 		

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	<p>accessibility or other mobility matters on adjacent place types.</p> <p>5. The degree to which the proposed street classification is compatible with, and is a good fit within, the context of the pedestrian and development zones of the street right-of-way.</p> <p>6. The extent (length) of the segment proposed to be re-classified will not undermine or impair the planned function of the street classification or adjacent place type.</p>		
379	<p>The City will protect streets, transit rights-of-way, and other components of the mobility network in the review of planning and development applications. Where the alignment or location of proposed mobility infrastructure has been determined, required lands shall be protected from development. Where the alignment or location of mobility infrastructure has not been determined, and development is</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>proposed on lands that may be required, the alignment will be established by one of the following:</p> <ol style="list-style-type: none"> 1. Completion of a Municipal Class Environmental Assessment. 2. A corridor study or functional transportation planning study as described below. 		
380	<p>A functional transportation planning study that establishes the alignment of proposed mobility infrastructure may address, but will not be limited to, development patterns, land ownership, impact on existing land uses or natural features and areas, planned street character identified in Table 6, and engineering studies.</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
381	<p>Lands may be acquired by the City for mobility purposes in conformity with the Our Tools part of this Plan and in accordance with the Planning Act.</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
389	<p>Our goal is to plan for, and manage, our</p>	No changes to (1), (3), (4), (5), (6), (8)	No changes to (1), (3), (4), (5), (6), (8)

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>Urban Forest proactively such that:</p> <ol style="list-style-type: none"> 1. The structure and function of the Urban Forest, including associated vegetation, is managed to provide maximum benefits and value in both urban and rural areas where possible. 2. From the time this Plan comes into force and effect there is no net loss of tree canopy cover as a result of insects, disease, development, or other factors. 3. Our tree canopy cover increases over time. 4. The city's growth and development is managed over the long term to protect, conserve, and enhance the Urban Forest in a sustainable manner. 5. Our Urban Forest is managed and invested in as infrastructure, and trees are valued as important assets. 	<ol style="list-style-type: none"> 2. <u>From the time this Plan comes into force and effect there is no net loss of tree canopy cover, as a result of insects, disease, development, or other factors.</u> 7. <u>Insects, disease, and environmental factors affecting</u> The health and sustainability of our Urban Forest <u>are proactively is managed to address the impacts of insects, disease and environmental factors.</u> 	<ol style="list-style-type: none"> 2. From the time this Plan comes into force and effect, there is no net loss of tree canopy cover. 7. The health and sustainability of our Urban Forest is managed to address the impacts of insects, disease and environmental factors.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>6. We establish policies, by-laws, practice standards, and guidelines that clearly define what trees will be preserved and what trees may be removed, to ensure the structure and functions of the Urban Forest are not harmed.</p> <p>7. Insects, disease, and environmental factors affecting the health and sustainability of our Urban Forest are proactively managed.</p> <p>8. Good forestry and arboriculture management practices are employed.</p>		
391	<p>391_ The following three main strategies will be employed to manage our forest and to achieve the goals of this Plan:</p> <p>1. Protect more - protect existing trees, woodland ecosystems, and other vegetation.</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>2. Maintain better and monitor - maintain the health, structure, functions, and value of the Urban Forest; monitor changes in health, structure, functions, benefits, and value of the Urban Forest.</p> <p>3. Plant more - enhance the structure, function, and value of our Urban Forest through planting and rehabilitation of sites.</p>		
399	<p>The following policies will be applied to support the strategy of protecting trees:</p> <p>1. Tree inventories and tree preservation plans will be required for all planning and development applications and infrastructure projects where trees exist on the applicable lands.</p> <p>2. Tree inventories will be prepared to identify the trees on a site that may be impacted by the proposed development. Tree inventories may not be required for those treed areas that are to be retained. Tree preservation plans will</p>	<p>Only changes as below, rest of policy unchanged.</p> <p>1. Tree inventories and tree preservation plans <u>will</u> be required for all planning and development applications and infrastructure projects where trees exist on the applicable lands.</p> <p>2. Tree inventories will be prepared to identify the trees on a site that may be impacted by the proposed development. Tree inventories may not be required for those treed areas that are to be retained. Tree preservation plans will be prepared <u>are</u> to identify trees to be retained, removed, mitigated, and</p>	<p>Only changes as below, rest of policy unchanged.</p> <p>1. Tree inventories and tree preservation plans will be required for planning and development applications and infrastructure projects where trees exist on the applicable lands.</p> <p>2. Tree inventories will be prepared to identify the trees on a site that may be impacted by the proposed development. Tree inventories may not be required for those treed areas that are to be retained. Tree preservation plans are to identify trees to be</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>be prepared to identify trees to be retained, removed, mitigated, and replaced by new tree planting.</p> <p>3. Large, rare, culturally significant, or heritage trees that are deemed healthy or structurally sound should be retained, with the expectation that concessions may be required in order to support their structure and retain their health for the long term.</p> <p>4. Where, having considered all options, there are no reasonable alternatives to tree removal, the following shall apply to allow for development that conforms with the policies of this Plan:</p> <p>a. A tree inventory will be prepared to record all trees over ten centimetres in diameter, measured at a height of 1.3 metres above the ground. All trees that are identified as species at risk shall be inventoried regardless of their size.</p>	<p>replaced by new tree planting.</p> <p>3. Large, rare, culturally significant trees, heritage trees and locally native large or rare trees <u>Distinctive trees</u> that are deemed healthy or structurally sound should be retained. with the expectation that concessions may be required in order to support their structure and retain their health for the long term.</p> <p>Add <u>“Distinctive Tree” to glossary:</u> <u>Means a tree that has attained a trunk diameter of 50cm or greater, measured from Natural Ground Level to 1.4m above Natural Ground Level.</u></p> <p>4a) A tree inventory will be prepared to record all trees over ten centimetres in diameter, measured at a height of 1.3 1.4 metres above the ground. All trees that are identified as species at risk shall be inventoried regardless of their size.</p> <p>4b) Except where otherwise specified in City by-laws or in a site-</p>	<p>retained, removed, mitigated, and replaced by new tree planting.</p> <p>3. Distinctive trees that are deemed healthy or structurally sound should be retained.</p> <p>Add “Distinctive Tree” to glossary: Means a tree that has attained a trunk diameter of 50cm or greater, measured from Natural Ground Level to 1.4m above Natural Ground Level.</p> <p>4a) A tree inventory will be prepared to record all trees over ten centimetres in diameter, measured at a height of 1.4 metres above the ground. All trees that are identified as species at risk shall be inventoried regardless of their size.</p> <p>4b) Trees will generally be replaced at a ratio of one replacement tree for every ten centimetres of tree diameter that is removed. Guidelines, municipal standards, or by-laws may be prepared to assist in</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>b. Except where otherwise specified in City by-laws, trees shall be replaced, on the same site, at a ratio of one replacement tree for every ten centimetres of tree diameter that is removed. Guidelines, municipal standards or by-laws may be prepared to assist in the implementation of this policy.</p> <p>c. Notwithstanding policy 4.b. above, if inadequate land is available on the site from which the trees are removed to accommodate the replacement trees, a cash-in-lieu fee by-law may be established by the City.</p> <p>d. The City will use funds from fees identified in policy 4.c. above, for programs and projects that support the Urban Forest Strategy .</p> <p>e. Any trees planted to replace trees removed from a site, as required by these policies, shall not include any street</p>	<p>specific Tree Preservation Plan. Trees shall <u>will generally</u> be replaced on the same site at a ratio of one replacement tree for every ten centimetres of tree diameter that is removed. Guidelines, municipal standards, or by-laws may be prepared to assist in implementation of this policy.</p> <p>4c) Notwithstanding policy 4b above, <u>Trees will should be replaced on the same site,</u> however, if inadequate land is available on the site from which the trees are removed to accommodate the replacement trees, a cash-in-lieu fee by-law may be established by the City.</p> <p>4e) Any trees planted to replace trees removed from a site, as required by these policies, shall not include any street trees that would normally be required as part of the planning and development approvals process. <u>Street trees required as part of the planning and development approvals process may be counted</u></p>	<p>implementation of this policy.</p> <p>4c) Trees should be replaced on the same site, however, if inadequate land is available on the site from which the trees are removed to accommodate the replacement trees, a cash-in-lieu fee by-law may be established by the City.</p> <p>4e) Street trees required as part of the planning and development approvals process may be counted as replacement trees as required by these policies.</p> <p>7. Trees that are identified as species at risk will be protected, in accordance with federal and provincial legislation.</p> <p>10. [Remains under appeal]</p> <p>11. [Doesn't exist – has been deleted]</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>trees that would normally be required as part of the planning and development approvals process.</p> <p>5. Trees that are removed as a result of new municipal development or infrastructure works, will be replaced using the approach identified in 4.a. and 4.b. above and where space permits. Where sufficient land does not exist, the City may plant the required trees on other lands, or contribute cash-in-lieu as described in 4.c. above. Trees will only be removed for such works based on good forestry practices.</p> <p>6. Individual municipal trees that are removed in connection with City maintenance operations shall be replaced on a one-to-one basis.</p> <p>7. In accordance with federal and provincial legislation, trees that are identified as species at risk will be protected.</p>	<p><u>as replacement trees as required by these policies.</u></p> <p>7. In accordance with federal and provincial legislation, Trees that are identified as species at risk will be protected, in accordance with federal and provincial legislation.</p> <p>10. [Remains under appeal]</p> <p>11. In considering the protection of trees through a planning and development application process, a water balance study may be required to ensure that remaining trees will retain their health over time. Sites will be graded to support the long-term sustainability of existing trees that are to be retained.</p>	

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>8. A tree conservation by-law for private property will be established to prohibit the destruction of trees, unless and until such time as a tree cutting permit is obtained, where required.</p> <p>9. A municipal tree protection by-law will be established to protect trees on municipal rights-of-way and other City owned properties.</p> <p>10. Building height and densities may be increased, in appropriate circumstances and in conformity with the Bonus Zoning policies in the Our Tools part of this Plan, to support the safe and longterm preservation of existing healthy trees, rare species, and wildlife trees.</p> <p>11. In considering the protection of trees through a planning and development application process, a water balance study may be required to ensure that remaining</p>		

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	trees will retain their health over time. Sites will be graded to support the long-term sustainability of existing trees that are to be retained.		
401	<p>The following policies will be applied to support the strategy of planting more trees in London:</p> <p>1. The principle of planting the right tree in the right place will guide all municipal and private development-related tree planting. This involves the assessment of a tree’s long-term survival, growth, and health prospects within the context of its urban environment.</p> <p>2. Tree planting will focus on the preferential planting of large shade tree species where possible to maximize long-term benefits.</p> <p>3. Native species trees will be preferred for planting, recognizing that non-native species play an important role where native species do not</p>	<p>Only changes as below, rest of policy unchanged.</p> <p>10. All planning and development applications will be reviewed to Ensure that an adequate level of tree planting has been incorporated <u>into developments</u> for visual aesthetics, shade, cooling, and establishing quality pedestrian environments in neighbourhoods and within sites, in conformity with the policies of this Plan.</p> <p>11. A tree planting plan that maximizes tree establishment across the public and private domain will <u>may be prepared required for all developments planning and development applications</u> and implemented and enforced through appropriate <u>planning and development conditions</u>. It is intended that all subdivision developments shall be designed to</p>	<p>Only changes as below, rest of policy unchanged.</p> <p>10. Ensure that an adequate level of tree planting has been incorporated into developments for visual aesthetics, shade, cooling, and establishing quality pedestrian environments in neighbourhoods and within sites, in conformity with the policies of this Plan.</p> <p>11. A tree planting plan may be required for planning and development applications and implemented and enforced through appropriate planning and development conditions. It is intended that all subdivision developments shall be designed to accommodate street trees in the right-of-way in front of all</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>survive and grow well in urban conditions or for specific landscape objectives.</p> <p>4. All street cross-sections should be designed with below and abovegrade infrastructure and sufficient soil volume to accommodate mature trees and allow for their long-term survival, growth, and health.</p> <p>5. Where shade trees are proposed to be planted in areas of hardscape, such as medians, sidewalks, plazas, parking lots and other public spaces, best management practices and green infrastructure techniques may be required as a condition of development, in order to achieve long-term survival, growth, and health of the trees.</p> <p>6. For all municipal infrastructure renewal or facilities projects, protecting existing trees and tree planting will be a high priority. Tree planting will be</p>	<p>accommodate street trees in the right-of-way in front of all properties in accordance with City standards and guidelines. However, if this is not possible then those trees may be required to be planted in private yards <u>where space allows</u> to compensate for street tree deficiencies.</p> <p>14. A minimum tree canopy cover of 30% should be achieved for parking lots. <u>Surface parking lots should be designed to include a sustainable tree canopy.</u> Appropriate soil volume, drainage, and appropriate technology will be used to ensure the long-term sustainability of these trees.</p>	<p>properties in accordance with City standards and guidelines. However, if this is not possible then those trees may be required to be planted in private yards where space allows to compensate for tree deficiencies.</p> <p>14. Surface parking lots should be designed to include a sustainable tree canopy. Appropriate soil volume, drainage, and appropriate technology will be used to ensure the long-term sustainability of these trees.</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>incorporated at the earliest design phases of all municipal projects. The design will maximize potential plantable space and include planting available locations within the project area limits.</p> <p>7. Shade trees should be incorporated into designs, planted, and maintained to achieve an effective tree canopy cover along non-motorized mobility routes, such as sidewalks, cycling lanes and pathways, and around public gathering places such as plazas, transit stops, benches, and playgrounds, in conformity with the City Building policies of this Plan.</p> <p>8. In appropriate locations, double rows of trees may be required within the right-of-way in new neighbourhoods to create a distinct treescape at a focal point, gateway, or other key location.</p> <p>9. Where appropriate, treescape plans may</p>		

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	<p>be prepared and adopted as guideline documents or standards for tree planting on private and public property. Distinctive neighbourhood and street character will be maintained and created through the enhanced planting of trees with particular attributes, such as size, shape, or seasonal colour.</p> <p>10. All planning and development applications will be reviewed to ensure that an adequate level of tree planting has been incorporated for visual aesthetics, shade, cooling, and establishing quality pedestrian environments in neighbourhoods and within sites, in conformity with the policies of this Plan.</p> <p>11. A tree planting plan that maximizes tree establishment across the public and private domain will be prepared for all developments and implemented and enforced through</p>		

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>appropriate conditions. It is intended that all subdivision developments shall be designed to accommodate street trees in the right-of-way in front of all properties in accordance with City standards and guidelines. However, if this is not possible then those trees may be required to be planted in private yards to compensate for street tree deficiencies.</p> <p>12. Tree canopy cover, tree establishment, and soil quantity and quality standards may be developed to ensure that the tree canopy cover targets of this Plan are achieved.</p> <p>13. Where a distinctive tree landscape has been identified within a Heritage Conservation District and a tree must be removed, the aim shall be to preserve the heritage landscape through the replacement of the</p>		

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	<p>same or similar species in a location as close to the original tree as possible, in accordance with the relevant municipal guidelines, standards, and by-laws. Invasive species will not be replanted, but will be replaced with a tree that fits well within the context of the streetscape.</p> <p>14. A minimum tree canopy cover of 30% should be achieved for parking lots. Appropriate soil volume, drainage, and appropriate technology will be used to ensure the long-term sustainability of these trees.</p> <p>15. The City will support and collaborate with community organizations to foster stewardship and facilitate additional tree planting in London by institutions, businesses, and individuals. The City shall encourage tree planting programs by all sectors of the community that lead</p>		

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	to the planting of native tree species and achievement of tree canopy cover targets		
419	Open Spaces are often linear in nature following tributaries of the Thames River, upland corridors, or utility easements. Open Spaces typically include multi-use pathway systems that link neighbourhoods to surrounding parks and community amenities such as schools, business areas, shopping areas and transit corridors and villages, greatly improving active mobility and active living opportunities.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
422	<p>In addition to the City Design policies of this Plan, key considerations for the design of City parks and recreational amenities include:</p> <p>1. Where parks and public spaces are adjacent to urban uses, such as houses, commercial uses, or prominent buildings or facilities, buildings should be designed to provide an active frontage onto these</p>	<p>In addition to the City Design policies of this Plan, key considerations for the design of City parks and recreational amenities include:</p> <p>1. Where parks and public spaces are adjacent to urban uses, such as houses, Commercial buildings uses, or prominent buildings or facilities, <u>adjacent to parks and public spaces</u> should be designed to provide an active frontage onto</p>	<p>In addition to the City Design policies of this Plan, key considerations for the design of City parks and recreational amenities include:</p> <p>1. Parks and open spaces will be designed to be safe and open to casual public surveillance. Parks will have wide exposure to streets and rear-lot development onto</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>spaces to create a positive interaction with the space. Rear-lot development onto parks shall be discouraged.</p> <p>2. Parks and open spaces will be designed to be safe and open to casual public surveillance. Parks will have wide exposure to streets and front-facing development.</p> <p>3. Street layouts will be designed to allow for easy, safe, and attractive pedestrian access from all parts of a neighbourhood to each park space.</p> <p>4. In the design of neighbourhoods, municipal walkways shall not replace streets as the means to provide the required neighbourhood connectivity to park sites.</p> <p>5. Parks and public spaces will be designed to accommodate the City of London Facility Accessibility Design Standards and to</p>	<p>these spaces to activate and create a positive interaction with the space. Rear-lot development onto parks shall be discouraged.</p> <p>[REVERSE ORDER OF 1 and 2]</p> <p>2. Parks and open spaces will be designed to be safe and open to casual public surveillance. Parks will have wide exposure to streets and front-facing development. <u>rear-lot development onto parks shall be discouraged.</u></p> <p>[REVERSE ORDER OF 2 and 1]</p> <p><u>3. no change</u></p> <p><u>4. In the design of neighbourhoods,</u> municipal walkways shall not replace streets as the means to provide the required neighbourhood <u>access connectivity</u> to park sites.</p> <p>5. no change</p> <p>6. no change</p> <p>7. no change</p>	<p>parks shall be discouraged.</p> <p>2. Commercial buildings or prominent buildings adjacent to parks and public spaces should be designed to activate and create a positive interaction with the space.</p> <p>3. no change</p> <p>4. Municipal walkways shall not replace streets as the means to provide the required neighbourhood access to park sites.</p> <p>5. no change</p> <p>6. no change</p> <p>7. no change</p>

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	<p>adhere to the Accessibility for Ontarians with Disabilities Act.</p> <p>6. Parking facilities will be designed to minimize their impact on the character of the public space. Wherever possible, on-street parking will be used to accommodate a public space’s parking requirements.</p> <p>7. Detailed design standards and specifications may be developed and/ or updated to provide direction and consistency within the subdivision development process.</p>		
565	<p>New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect the heritage attributes and character of those resources, to minimize visual and physical impact on these resources. A heritage impact assessment will be</p>	<p>New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to protect <u>conserve</u> the heritage attributes and character of those resources <u>and</u> to minimize visual and physical impact on these resources. A heritage impact assessment will be required for new development,</p>	<p>New development, redevelopment, and all civic works and projects on and adjacent to heritage designated properties and properties listed on the Register will be designed to conserve the heritage attributes and character of those resources and to minimize visual and physical impact on these resources. A heritage impact assessment will be</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>required for new development on and adjacent to heritage designated properties and properties listed on the Register to assess potential impacts, and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.</p>	<p><u>redevelopment, and civic works and projects</u> on, and adjacent to, heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.</p>	<p>required for new development, redevelopment, and civic works and projects on, and adjacent to, heritage designated properties and properties listed on the Register to assess potential impacts and explore alternative development approaches and mitigation measures to address any impact to the cultural heritage resource and its heritage attributes.</p>
594	<p>Within heritage conservation districts established in conformity with this chapter, the following policies shall apply:</p> <ol style="list-style-type: none"> 1. The character of the district shall be maintained by encouraging the retention of existing structures and landscapes that contribute to the character of the district. 2. The design of new development, either as infilling, redevelopment, or as additions to existing 	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

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	<p>buildings, should complement the prevailing character of the area.</p> <p>3. Regard shall be had at all times to the guidelines and intent of the heritage conservation district plan.</p>		
767	<p>Linkages will be provided between green space areas, where possible, as a means of encouraging continuity and accessibility to and between green space areas and for providing habitat for the easy movement of wildlife within our city. Examples of such linkages include utility corridors, abandoned railway lines, or physical features such as valleylands. Naturalization may occur to establish new linkages, or widened linkages, within the green space network. Linkages that support the Natural Heritage System are identified as potential naturalization areas and potential upland corridors on Map 5 of this Plan.</p>	<p>Linkages will be provided between green space areas, where possible, as a means of encouraging continuity and accessibility to and between green space areas and for providing habitat for the easy movement of wildlife within our city. Examples of such linkages include utility corridors, abandoned railway lines, or physical features such as valleylands. Naturalization may occur to establish new linkages, or widened linkages, within the green space network. Linkages that support the Natural Heritage System are identified as potential naturalization areas and potential upland corridors on Map 5 of this Plan.</p>	<p>Linkages will be provided between green space areas, where possible, as a means of encouraging continuity and accessibility to and between green space areas. Examples of such linkages include utility corridors, abandoned railway lines, or physical features such as valleylands.</p>

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787	<p>To prevent or mitigate potential impacts due to site alteration and tree cutting on lands identified as Environmental Review or within any other place type shown on Map 1 that may contain landscapes or trees that are deemed worthy of protection, City Council may adopt appropriate by-laws to prohibit or regulate activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site, and any human-made disturbance of soil, destruction, removal, or injuring of trees.</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
800	<p>800_ The Downtown is the highest-order mixed-use activity centre in the city. The following uses may be permitted within the Downtown:</p> <p>1. A broad range of residential, retail, service, office, cultural, institutional, hospitality, entertainment, recreational and other</p>	<p>No change to 1, 2, 3, 4, 6, 7</p> <p>5. Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of parking exists</p>	<p>No change to 1, 2, 3, 4, 6, 7</p> <p>5. Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses will be considered in</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>related uses may be permitted in the Downtown Place Type.</p> <p>2. Mixed-use buildings will be encouraged.</p> <p>3. Along commercial-oriented streetscapes, retail and service uses will be encouraged at grade, with residential and non-service office uses that do not serve a walk-in clientele directed to the rear of buildings and to upper floors.</p> <p>4. New surface accessory parking lots should not be permitted in the Downtown. New surface commercial parking lots shall not be permitted.</p> <p>5. Where surface commercial parking lots have previously been established through temporary zoning and have been in place for an extended period of time, further extensions of such temporary uses should be discouraged where an adequate supply of</p>	<p>in the vicinity of the subject lot <u>will be considered in accordance with the Our Tools section of the Plan.</u></p>	<p>accordance with the Our Tools section of the Plan.</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>parking exists in the vicinity of the subject lot.</p> <p>6. Educational facilities of all scales and types will be encouraged within the Downtown.</p> <p>7. In accordance with provincial requirements, light industrial uses may be permitted where it is deemed appropriate and it is demonstrated that there will be no adverse land use impacts and the use can be compatible within its context.</p>		
802	<p>802_ The Downtown will permit the tallest buildings and the highest densities in the city. The following intensity policies apply within the Downtown Place Type:</p> <p>1. Buildings within the Downtown Place Type will be a minimum of either three storeys or nine metres in height and will not exceed 20 storeys in height. Type 2 Bonus Zoning beyond this limit, up to 35 storeys, may be permitted in conformity with the</p>	<p>Only change to (3), rest of policy remains as is.</p> <p>3. The evaluation of height and built form will take into account <u>consider</u> access to sunlight by adjacent properties, wind impacts, view corridors, visual impacts on the Thames Valley Corridor, and potential impacts on public spaces and heritage properties located in close proximity to proposed development.</p>	<p>Only change to (3), rest of policy remains as is.</p> <p>3. The evaluation of height and built form will consider access to sunlight by adjacent properties, wind impacts, view corridors, visual impacts on the Thames Valley Corridor, and potential impacts on public spaces and heritage properties located in close proximity to proposed development.</p>

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	<p>Our Tools policies of this Plan.</p> <p>2. Tall buildings will be permitted only where they achieve a high level of design excellence in conformity with the City Design policies and in accordance with associated guidelines of this Plan.</p> <p>3. The evaluation of height and built form will take into account access to sunlight by adjacent properties, wind impacts, view corridors, visual impacts on the Thames Valley Corridor, and potential impacts on public spaces and heritage properties located in close proximity to proposed development.</p> <p>4. There will be no minimum parking required for Downtown residential development.</p> <p>5. The Zoning By-law will include regulations to ensure that the intensity of development is</p>		

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	<p>appropriate for individual sites. 6. The full extent of intensity described above will not necessarily be permitted on all sites within the Downtown Place Type.</p>		
859	<p>The following policies will apply:</p> <p>1. To allow for the future redevelopment of large commercial blocks, a grid of driveways that extend through the site, spaced appropriately across the width of the property, will be established through the site plan process. These driveways will be designed to include sidewalks and trees. The purpose of establishing this organizational structure on these sites is to:</p> <p>a. Provide a form of large-lot development that can be redeveloped more easily in phases at a future date.</p> <p>b. Allow the opportunity for redevelopment of the rear portion of commercial blocks in</p>	<p>1. To allow for the future redevelopment of large commercial blocks, a grid of driveways that extend through the site, spaced appropriately across the width of the property, will be established through the site plan process <u>to the greatest extent possible</u>. These driveways will<u>should</u> be designed to include sidewalks and trees <u>at appropriate locations to allow for safe and comfortable pedestrian circulation through the parking area</u>. The purpose of establishing this organizational structure on these sites is to: -</p> <p>[no change to (a)-(d)]</p> <p>2. Large commercial blocks should be developed such that smaller-scale commercial uses are constructed on pads at the front of the lot to create, to the greatest extent possible, a pedestrian-oriented</p>	<p>1. To allow for the future redevelopment of large commercial blocks, a grid of driveways that extend through the site, spaced appropriately across the width of the property, will be established through the site plan process to the greatest extent possible. These driveways should be designed to include sidewalks and trees at appropriate locations to allow for safe and comfortable pedestrian circulation through the parking area. The purpose of establishing this organizational structure on these sites is to: -</p> <p>[no change to (a)-(d)]</p> <p>2. Large commercial blocks should be developed such that smaller-scale commercial uses are constructed on pads at the front of the lot to</p>

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	<p>the future, ensuring that these connecting streets or driveways are not obstructed from these rear-lot areas by buildings.</p> <p>c. Allow for better connections through the site for pedestrians, transit users, and cyclists.</p> <p>d. Allow the possibility for future neighbourhood connections that could connect transit services, the corridor and the commercial block to the neighbourhood.</p> <p>2. Large commercial blocks should be developed such that smaller-scale commercial uses are constructed on pads at the front of the lot to create, to the greatest extent possible, a pedestrian-oriented street wall. These buildings will be constructed with their front entrances oriented toward the primary street.</p> <p>3. Landscaping, street furniture, patios, and</p>	<p>street wall. These buildings will <u>should</u> be constructed with their front entrances oriented toward the primary street.</p> <p>3. <u>Amenities, such as</u> landscaping, street furniture, <u>and patios,</u> and other amenities will be designed and provided on the site to attract pedestrian activity to the front of these buildings. Sites should be designed such that these street-oriented pads serve to screen any large fields of parking on the remainder of the site from the street. Parking should not be permitted between these smaller buildings and the street <u>will be discouraged</u>.</p> <p>[No change to (4)]</p>	<p>create, to the greatest extent possible, a pedestrian-oriented street wall. These buildings should be constructed with their front entrances oriented toward the primary street.</p> <p>3. Amenities, such as landscaping, street furniture, and patios, will be designed and provided on the site to attract pedestrian activity to the front of these buildings. Sites should be designed such that these street-oriented pads serve to screen any large fields of parking on the remainder of the site from the street. Parking between these smaller buildings and the street will be discouraged.</p> <p>[No change to (4)]</p>

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	<p>other amenities will be designed and provided on the site to attract pedestrian activity to the front of these buildings. Sites should be designed such that these street-oriented pads serve to screen any large fields of parking on the remainder of the site from the street. Parking should not be permitted between these smaller buildings and the street.</p> <p>4. Large commercial blocks should be designed to incorporate wide, tree-lined sidewalks that will allow pedestrians clear, safe, direct and comfortable access through parking lots, from the street to the main entrance of commercial buildings that are located at the rear of the lot. These sidewalks also allow for motorists to walk safely and comfortably from their parked cars to commercial buildings.</p>		
879	The following form policies apply within the Shopping Area Place Type:	<p>[Only change is to (4)]</p> <p>4. <u>Amenities, such as</u> landscaping, street</p>	<p>[Only change is to (4)]</p> <p>4. Amenities, such as landscaping, street</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>1. All planning and development applications will conform with the City Design policies of this Plan.</p> <p>2. To allow for the future redevelopment of large commercial blocks, a grid of driveways that extend through the site, spaced appropriately across the width of the property, should be established through the site plan process. These driveways will be designed to include sidewalks and trees. The purpose of establishing this organizational structure is to:</p> <p>a. Provide a form of large-lot development that can be redeveloped more easily in phases at a future date.</p> <p>b. Allow the opportunity for redevelopment of the rear portion of commercial blocks in the future, ensuring that these connecting streets or driveways</p>	<p>furniture, <u>and</u> patios, and other amenities should be designed and provided on the site to attract pedestrian activity to the front of these buildings. Sites should be designed such that these street-oriented pads serve to screen any large fields of parking from the street. Parking should not be permitted between these smaller buildings and the street <u>will be discouraged.</u></p>	<p>furniture, and patios, should be designed and provided on the site to attract pedestrian activity to the front of these buildings. Sites should be designed such that these street-oriented pads serve to screen any large fields of parking from the street. Parking between these smaller buildings and the street will be discouraged.</p>

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	<p>are not obstructed from these rear-lot areas by buildings.</p> <p>c. Allow for better connections through the site for pedestrians, transit users, and cyclists.</p> <p>d. Allow the possibility for future neighbourhood connections that would connect transit services, the street and the commercial block to the neighbourhood.</p> <p>3. Large commercial blocks should be developed such that smaller-scale commercial uses are constructed on pads at the front of the lot to create, to the greatest extent possible, a pedestrian-oriented street wall. These buildings should be constructed with their front entrances oriented toward the primary street.</p> <p>4. Landscaping, street furniture, patios, and other amenities should be designed and provided on the</p>		

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>site to attract pedestrian activity to the front of these buildings. Sites should be designed such that these street-oriented pads serve to screen any large fields of parking from the street. Parking should not be permitted between these smaller buildings and the street.</p> <p>5. Large commercial blocks should be designed to incorporate wide, tree-lined sidewalks that will allow pedestrians clear, safe, direct and comfortable access through parking lots, from the street to the main entrance of commercial buildings that are located at the rear of the lot. These sidewalks also allow for motorists to walk safely and comfortably from their parked cars to commercial buildings.</p> <p>6. Car washes, service stations and gas bars should be sited where they do not detract from the pedestrian environment of the street and pedestrian</p>		

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>connections from the street to building entrances.</p> <p>7. Opportunities will be explored for creating central seating areas and private parkette features that enhance the centre’s function as a public meeting place.</p> <p>8. All Shopping Area development should include abundant tree planting, in conformity with the Forest City and City Design policies of this Plan to provide shaded areas for parking, and comfortable pedestrian environments.</p>		
1184	<p>Nothing in this Plan is intended or may be applied to restrict a normal farm practice carried on as a part of an agricultural operation on lands within the Farmland Place Type in accordance with the Farming and Food Production Protection Act, as amended from time to time.</p>	<p>Nothing in this Plan is intended or may be applied to restrict a normal farm practice carried on as a part of an agricultural operation on lands within the Farmland Place Type in accordance with the Farming and Food Production Protection Act, as amended from time to time, <u>nothing in this Plan is intended or may be applied to restrict a normal farm practice</u></p>	<p>In accordance with the Farming and Food Production Protection Act, as amended from time to time, nothing in this Plan is intended or may be applied to restrict a normal farm practice carried on as part of an agricultural operation.</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
		<u>carried on as part of an agricultural operation.</u>	
1189	Woodlands which are located on farm properties will be considered as part of the farm unit unless otherwise identified on Map 5 – Natural Heritage.	Woodlands which are located on farm properties will be considered as part of the farm unit unless otherwise identified on Map 5 – Natural Heritage.	[policy deleted]
1220	<p>Hedgerows and woodlands are important features in Rural London, and an integral part of the farm unit. Woodlands often serve as an important agricultural resource, and are to be harvested in accordance with good forestry practice and the Tree Conservation By-law. The continued use and sustainable management of woodlands supports agricultural operations.</p> <p>1. Development within a farm parcel should in no instances damage the functional viability of woodlands either on the parcel or neighbouring parcels so as to respect their value as a part of the rural landscape and the city’s Natural Heritage System.</p>	<p>Hedgerows and woodlands are important features in Rural London, and an integral part of the farm unit. Woodlands often serve as an important agricultural resource, and are to be harvested in accordance with good forestry practice and the <u>Tree Conservation Protection</u> By-law. The continued use and sustainable management of woodlands supports agricultural operations.</p> <p>1. Development within a farm parcel should in no instances <u>not</u> damage the functional viability of woodlands on the parcel or neighbouring parcels so as to respect their value as a part of the rural landscape and the city’s Natural Heritage System.</p> <p>2. Hedgerows and woodlands are to <u>should be maintained</u> and,</p>	<p>Hedgerows and woodlands are important features in Rural London, and an integral part of the farm unit. Woodlands often serve as an important agricultural resource, and are to be harvested in accordance with good forestry practice and the Tree Protection By-law. The continued use and sustainable management of woodlands supports agricultural operations.</p> <p>1. Development within a farm parcel should not damage the functional viability of woodlands on the parcel or neighbouring parcels so as to respect their value as a part of the rural landscape and the city’s Natural Heritage System.</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>2. Hedgerows and woodlands are to be maintained and, where possible, enhanced to bolster the image of the Forest City, enhance their environmental features and areas and their ecological functions, and connect to the city's Natural Heritage System.</p>	<p>where possible, enhanced to bolster the image of the Forest City., enhance their environmental features and areas and their ecological functions, and connect to the city's Natural Heritage System.</p>	<p>2. Hedgerows and woodlands should be maintained and, where possible, enhanced to bolster the image of the Forest City.</p>
1221	<p>To promote the retention, responsible management and expansion of woodlands, the City, in cooperation with the conservation authorities, other agencies or groups and property owners, may:</p> <p>1. Encourage the expansion or creation of woodlands on lands having poorer soil capability or other limitations for farmland, and on publicly-owned lands.</p> <p>2. Support a tree planting program for Rural London.</p> <p>3. Administer and enforce a by-law under the Municipal Act or other relevant</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>legislation to limit the destruction of trees and to assist in ensuring the long-term health and productivity of woodlands.</p> <p>4. Encourage property owners to make use of programs and services provided by the Ministry of Natural Resources and Forestry and the conservation authorities for the management of forests and woodlots.</p> <p>5. Consider the use of other incentives for woodland retention and expansion by private property owners.</p>		
1314	<p>Components of the Natural Heritage System that are identified or delineated on Map 5 but not within the Green Space or Environmental Review Place Types on Map 1, will be evaluated to further assess their significance and determine the need for protection under the policies of this Plan. Where appropriate, these</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>features and functions may be protected in whole or in part through measures such as, but not limited to, Open Space zoning, tree preservation plans associated with subdivision or site plan applications, public land acquisition, site alteration and tree conservation by-laws, conservation easements, and private stewardship initiatives.</p>		
1316	<p>The policies in this chapter apply to recognized and potential or unevaluated components of the Natural Heritage System as identified or delineated on Map 5, or features that may be considered for inclusion on Map 5. Not all components of the Natural Heritage System are necessarily mapped on Map 5. In the review of any planning and development application, an initial review of the lands shall be undertaken to confirm the presence or absence of any</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	natural features and areas that may be present that have not been mapped to determine if further evaluation of the feature is required.		
1317	Where a new or expanded component of the Natural Heritage System has been identified through a required study associated with a planning and development application, environmental assessment or municipal infrastructure project, the natural heritage feature or area shall be added to Map 5 and identified as Green Space on Map 1.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
1318	The following policies address the criteria used to identify and evaluate natural heritage areas for their significance, and may be complemented by Environmental Management Guidelines adopted by City Council. Significant components of the Natural Heritage System identified or	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>delineated for protection will be shown as Green Space Place Type on Map 1. Certain components of the Natural Heritage System will be identified and evaluated in accordance with provincial requirements. These policies also address the protection of environmental quality and ecological function with respect to water quality, water quantity, groundwater recharge areas, headwater streams and highly vulnerable aquifers when read in conjunction with the Natural Resources policies of this Plan.</p>		
1319	<p>1319_ Natural heritage features and areas and other areas included in the Green Space Place Type include:</p> <ol style="list-style-type: none"> 1. Fish Habitat 2. Habitat of Endangered Species and Threatened Species 	<p>Only changes as below, rest of policy unchanged.</p> <ol style="list-style-type: none"> 11. Potential Naturalization Areas 12. Adjacent Lands <u>Other lands as identified through an environmental study</u> 	<p>Only changes as below, rest of policy unchanged.</p> <ol style="list-style-type: none"> 11. Naturalization Areas 12. Other lands as identified through an environmental study

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>3. Provincially Significant Wetlands and Wetlands</p> <p>4. Significant Woodlands and Woodlands</p> <p>5. Significant Valleylands</p> <p>6. Significant Wildlife Habitat</p> <p>7. Areas of Natural and Scientific Interest</p> <p>8. Water Resource Systems</p> <p>9. Environmentally Significant Areas</p> <p>10. Upland Corridors</p> <p>11. Potential Naturalization Areas</p> <p>12. Adjacent Lands</p>		
1320	<p>Natural heritage features and areas included in the Environmental Review Place Type include:</p> <p>1. Unevaluated Wetlands</p> <p>2. Unevaluated Vegetation Patches</p>	<p>Only changes as below, rest of policy unchanged.</p> <p>3. Other Vegetation Patches Larger than 0.5 Hectares</p>	<p>Only changes as below, rest of policy unchanged.</p> <p>1. Unevaluated Wetlands</p> <p>2. Unevaluated Vegetation Patches</p> <p>3. Valleylands</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>3. Other Vegetation Patches Larger than 0.5 Hectares</p> <p>4. Valleylands</p> <p>5. Potential Environmentally Significant Areas</p>		<p>4. Potential Environmentally Significant Areas</p>
1321	<p>City Council may require or encourage the retention of natural features or functions other than the features listed above, through the planning and development application process.</p>	<p>City Council may require or encourage the retention of natural features or functions other than the features listed above, through the planning and development application process.</p>	<p>City Council may encourage the retention of natural features or functions other than the features listed above, through the planning and development application process.</p>
1322	<p>Where warranted on the basis of an environmental study accepted by the City, consistent with the relevant criteria of the Natural Heritage policies of this Plan, natural heritage features and areas may be identified and delineated on Map 5 and included in the Green Space Place Type on Map 1 by amendment to this Plan.</p>	<p>N/A. Appeal withdrawn.</p>	<p>Council approved London Plan policy language applies.</p>
1334	<p>Development or site alteration shall not be permitted within a wetland. There shall be no net loss of the wetland features or functions. In some</p>	<p>1334 Development or site alteration shall not be permitted within a wetland. For non-provincially significant wetlands there shall be no net loss of the</p>	<p>1334 For non-provincially significant wetlands there shall be no net loss of the wetlands' features or functions. In some instances, and in</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>instances, and in consultation with the conservation authority having jurisdiction, the City may consider the replacement of wetlands where the features and functions of the wetland may be provided elsewhere and would enhance or restore the Natural Heritage System.</p>	<p>wetlands' features or functions. In some instances, and in consultation with the conservation authority having jurisdiction, the City may consider the replacement of wetlands rather than in situ protection where the features and functions of the wetland may be provided elsewhere and would enhance or restore the Natural Heritage System. <u>Such replacement will be on at least a one-to-one land area basis except:</u></p> <ol style="list-style-type: none"> 1. <u>Where a wetland is between 0.1 ha and 0.5 ha, replacement may be considered at less than a one-to-one land area basis if there will be a net gain to wetland function and the overall natural heritage system; and</u> 2. <u>Where a wetland is less than 0.1 ha, the City may consider replacement on a less than one-to-one land area basis and /or additional measures to</u> 	<p>consultation with the conservation authority having jurisdiction, the City may consider the replacement of wetlands rather than in situ protection where the features and functions of the wetland may be provided elsewhere and would enhance or restore the Natural Heritage System. Such replacement will be on at least a one-to-one land area basis except:</p> <ol style="list-style-type: none"> 1. Where a wetland is between 0.1 ha and 0.5 ha, replacement may be considered at less than a one-to-one land area basis if there will be a net gain to wetland function and the overall natural heritage system; and 2. Where a wetland is less than 0.1 ha, the City may consider replacement on a less than one-to-one land area basis and /or additional

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
		<u>achieve no net loss of function.</u>	measures to achieve no net loss of function.
1337	Woodlands are treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland product. Woodlands include treed areas, woodlots or forested areas that may vary in their level of significance at the local, regional and provincial levels.	Woodlands are <u>means</u> treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland product. Woodlands include treed areas, woodlots or forested areas that may vary in their level of significance at the local, regional and provincial levels.	Woodlands means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland product. Woodlands include treed areas, woodlots or forested areas that may vary in their level of significance at the local, regional and provincial levels.
1339	Potentially significant woodlands and other vegetation forms that have not been evaluated are identified as unevaluated vegetation patches on Map 5 and may be shown as Environmental Review on Map 1.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
1340	<p>A woodland will be considered significant if it achieves a minimum of one High or five Medium criteria scores as determined by application of the City Council approved Guidelines for the Evaluation of Ecologically Significant Woodlands. A significant woodland will be included in the Green Space Place Type on Map 1 and identified as significant woodlands on Map 5.</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
1341	<p>The significance of woodlands will be based on an evaluation of the following considerations and the Ministry of Natural Resources and Forestry's Natural Heritage Reference Manual:</p> <p>1. The woodland contains natural features and ecological functions that are important to the environmental quality and integrity of the Natural Heritage System. These include site protection (hydrology and</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>erosion/ slope) and landscape integrity (richness, connectivity and distribution).</p> <p>2. The woodland provides important ecological functions and has an age, size, site quality, diversity of biological communities and associated species that is uncommon for the planning area.</p> <p>3. The woodland is important for the provision of a balanced distribution of open space amenities and passive recreational opportunities across the urban area.</p> <p>4. The woodland provides significant habitat for species at risk.</p> <p>5. The woodland contains distinctive, unusual or high-quality natural communities or landforms.</p>		
1342	Woodlands that are determined to be ecologically significant on the basis of the criteria in this Plan and the application of	<p>[no change to 1342]</p> <p>Two new policies: <u>1342A_ Development and site alteration shall not be permitted in</u></p>	1342_ Woodlands that are determined to be ecologically significant on the basis of the criteria in this Plan and the application of the

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>the City Council approved Guidelines for the Evaluation of Ecologically Significant Woodlands will be included in the Green Space Place Type on Map 1 and identified as significant woodlands on Map 5.</p>	<p><u>significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.</u></p> <p>1342B_ <u>In some instances, for significant woodlands located within an Urban Place Type on Map 1, replacement may be considered rather than in situ protection where the features and functions may be provided elsewhere and would enhance or restore the Natural Heritage System, to the City's satisfaction. These features will be included in the Green Space Place Type on Map 1 and significant woodland on Map 5.</u></p>	<p>City Council approved Guidelines for the Evaluation of Ecologically Significant Woodlands will be included in the Green Space Place Type on Map 1 and identified as significant woodlands on Map 5.</p> <p>1342A_ Development and site alteration shall not be permitted in significant woodlands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.</p> <p>1342B_ In some instances, for significant woodlands located within an Urban Place Type on Map 1, replacement may be considered rather than in situ protection where the features and functions may be provided elsewhere and would enhance or restore the Natural Heritage System, to the City's satisfaction. These features will be included in the Green Space Place Type on</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
			Map 1 and significant woodland on Map 5.
1343	Woodlands that are not determined to be ecologically significant but are to be retained for public open space or park purposes according to criterion No. 3 above, or woodlands to be retained at the property owner's request as a private woodland, will be included in the Green Space Place Type on Map 1 and identified as woodlands on Map 5. If a woodland is evaluated and confirmed as not being ecologically significant, and the property owner or the City have no interest in its retention, the lands may be changed from the Environmental Review Place Type to another place type in conformity with the policies of this Plan, and the woodlands or unevaluated vegetation patch identified on Map 5 may be removed.	Woodlands that are not determined to be ecologically significant but are to be retained for public open space or park purposes according to criterion No. 3 above, or woodlands to be retained at the property owner's request as a private woodland, will be included in the Green Space Place Type on Map 1 and identified as woodlands on Map 5. If a woodland is evaluated and confirmed as not being ecologically significant and is not to be retained, and the property owner or the City have no interest in its retention, the lands may be changed from the Environmental Review Place Type to another place type in conformity with the policies of this Plan, and the woodlands or unevaluated vegetation patch identified on Map 5 may be removed.	Woodlands that are not determined to be ecologically significant but are to be retained for public open space or park purposes, or woodlands to be retained at the property owner's request as a private woodland, will be included in the Green Space Place Type on Map 1 and identified as woodlands on Map 5. If a woodland is evaluated and confirmed as not being ecologically significant and is not to be retained, the lands may be changed from the Environmental Review Place Type to another place type in conformity with the policies of this Plan, and the woodlands or unevaluated vegetation patch identified on Map 5 may be removed.
1344	Valleylands are defined as a natural area that occurs in a valley or other	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

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	<p>landform depression that has water flowing through or standing for some period of the year, and includes rivers, streams, other watercourses and ravines.</p>		
1345	<p>Valleylands provide a number of important natural heritage values and ecological functions. They also overlap and are an integral part with a number of different natural heritage features and areas, such as woodlands, wetlands, wildlife habitat, etc. Valleylands contain natural habitat or the potential to contain natural habitat, they link many aspects of the Natural Heritage System, and they facilitate species richness, movement and diversity. Valleylands are the water collection systems for watersheds, providing vital support to the city’s natural environment. In addition to these ecological functions, valleylands may also provide protection from flooding and</p>	<p>Valleylands <u>can</u> provide a number of important natural heritage values and ecological functions. They also overlap and are an integral part with a number of different natural heritage features and areas, such as woodlands, wetlands, wildlife habitat, etc. Valleylands <u>may</u> contain natural habitat or the potential to contain natural habitat, they link many aspects of the Natural Heritage System, and they facilitate species richness, movement and diversity. Valleylands are the water collection systems for watersheds, providing vital support to the city’s natural environment. In addition to these ecological functions, valleylands may also provide protection from flooding and other natural hazard processes.</p>	<p>Valleylands can provide a number of important natural heritage values and ecological functions. They also overlap and are an integral part with a number of different natural heritage features and areas, such as woodlands, wetlands, wildlife habitat, etc. Valleylands may contain natural habitat or the potential to contain natural habitat, they link many aspects of the Natural Heritage System, and they facilitate species richness, movement and diversity. Valleylands are the water collection systems for watersheds, providing vital support to the city’s natural environment. In addition to these ecological functions, valleylands may also provide protection from flooding and other</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	other natural hazard processes.		natural hazard processes.
1346	Significant valleylands have been identified on Map 5. Valleylands require further evaluation. Significant valleylands are included in the Green Space Place Type on Map 1. Valleylands are included in the Environmental Review Place Type, pending further evaluation.	Significant valleylands have been identified on Map 5. Valleylands require further evaluation. Significant valleylands are included in the Green Space Place Type on Map 1. Valleylands are included in the Environmental Review Place Type, pending further evaluation.	Significant valleylands have been identified on Map 5. Significant valleylands are included in the Green Space Place Type on Map 1. Valleylands are included in the Environmental Review Place Type, pending further evaluation.
1347	<p>The identification of significant valleylands will be based on an evaluation of their ecological, hazard protection, recreational, aesthetic and water resources management functions including the following considerations:</p> <ol style="list-style-type: none"> The valleyland performs an important water resources role relating to surface drainage, groundwater recharge or discharge, and filtering of surface water sediments, or is located in a headwater area. The valleyland contains distinctive, unusual natural 	<p>Only changes as below, rest of policy unchanged.</p> <p>The identification of significant valleylands will be based on an evaluation of their ecological, hazard protection, recreational, aesthetic and water resources management functions including the following considerations:</p> <ol style="list-style-type: none"> The valleyland performs an important water resources role relating to <u>headwater functions</u>, surface drainage, groundwater recharge or discharge, and or filtering of surface water sediments, or is located in a headwater area. The valleyland serves as a visual amenity to the 	<p>Only changes as below, rest of policy unchanged.</p> <p>The identification of significant valleylands will be based on an evaluation of their ecological, hazard protection, and water resources management functions including the following considerations:</p> <ol style="list-style-type: none"> The valleyland performs an important water resources role relating to headwater functions, surface drainage, groundwater recharge or discharge, or filtering of surface water sediments. The valleyland plays an important role in minimizing land use

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	<p>communities or landforms of high quality.</p> <p>3. The valleyland represents mostly continuous, large natural areas that provide for wildlife movement, linkages and connections that typically extend beyond the City or subwatershed boundaries.</p> <p>4. The valleyland provides linkage or a corridor between significant natural heritage features and areas.</p> <p>5. The valleyland provides opportunities to create linkages or corridors and opportunities for rehabilitation of the landform to a natural state, or to a state that can support healthy natural communities.</p> <p>6. The valleyland serves as a visual amenity to the surrounding areas and plays an important role in minimizing land use impacts by providing a physical separation or</p>	<p>surrounding areas and plays an important role in minimizing land use impacts by providing a physical separation or buffer between incompatible forms of development.</p> <p>8. The valleyland provides opportunities for the logical extension of the City's trail and pathway systems.</p> <p>Add new policy: <u>1344A Significant valleylands and valleylands provide opportunities for the logical extension of the City's trail and pathway systems.</u></p>	<p>impacts by providing a physical separation or buffer between incompatible forms of development.</p> <p>8. [doesn't exist – has been deleted]</p> <p>Add new policy: 1344A_ Significant valleylands and valleylands provide opportunities for the logical extension of the City's trail and pathway systems.</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>buffer between incompatible forms of development.</p> <p>7. The valleyland has physical characteristics, related to size, depth and slope gradient, that are susceptible to slope instability or erosion and that are expected to present constraints to development.</p> <p>8. The valleyland provides opportunities for the logical extension of the City’s trail and pathway systems.</p> <p>9. Additional criteria as identified in the Natural Heritage Reference Manual</p>		
1348	<p>Within the City of London the entire length of the Thames River corridor is recognized as a significant valleyland on Map 5. Also, the main branches of Stoney Creek, Medway Creek, Dingman Creek, Pottersburg Creek, Wabuno Creek, Mud Creek, Stanton Drain, Kelly Drain and numerous tributary</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	streams are significant valleylands as identified on Map 5.		
1349	Development and site alteration shall not be permitted in significant valleylands unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
1350	<p>1350_ Significant valleylands are included in the Green Space Place Type on Map 1, and identified on Map 5 with the corridor width to be determined and delineated on the basis of the following criteria:</p> <p>1. The valleyland width shall be sufficient to accommodate the natural features and ecological functions that contribute to its significance including water resource functions such as flood plain and erosion hazards, riparian buffers for natural features, ecological functions and water quality and</p>	<p>Only changes as below, rest of policy unchanged.</p> <p>2. The minimum width of significant valleylands will be generally be comprised of 30 metres on each side of the watercourse measured from the high water mark, consistent with the Natural Heritage Reference Manual. The ultimate width of a corridor will be established on a case-by-case basis to address the impacts of the adjacent development and the sensitivity of the features and functions through the application of the Guidelines for Determining Setbacks and Ecological Buffers, as part of an environmental impact study and/or subject</p>	<p>Only changes as below, rest of policy unchanged.</p> <p>2. The minimum width of significant valleylands will generally be comprised of 30 metres on each side of the watercourse measured from the high water mark. The ultimate width of a corridor will be established on a case-by-case basis to address the impacts of the adjacent development and the sensitivity of the features and functions through the application of the Guidelines for Determining Setbacks and Ecological Buffers, as part of an environmental impact study and/or subject</p>

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	<p>quantity. This will be determined through the preparation of a secondary plan, environmental impact study and/or subject lands status report.</p> <p>2. The minimum width of significant valleylands will be generally comprised of 30 metres on each side of the watercourse measured from the high water mark, consistent with the Natural Heritage Reference Manual. The ultimate width of a corridor will be established on a case-by-case basis to address the impacts of the adjacent development and the sensitivity of the features and functions through the application of the Guidelines for Determining Setbacks and Ecological Buffers, as part of an environmental impact study and/or subject lands status report approved by the City.</p> <p>3. The valleyland width will be sufficient</p>	<p>lands status report approved by the City. <u>The City may also consider technical and/or scientific documents that reflect improvement in scientific knowledge regarding natural features.</u></p> <p>4. The width of the valleyland shall also consider the provision of pathways and trails, in accordance with the Planning Act and consistent with the policies of this Plan.</p>	<p>lands status report approved by the City. The City may also consider technical and/or scientific documents that reflect improvement in scientific knowledge regarding natural features.</p> <p>4. [doesn't exist – has been deleted]</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>to support and provide corridor functions.</p> <p>4.The width of the valleyland shall also consider the provision of pathways and trails, in accordance with the Planning Act and consistent with the policies of this Plan.</p>		
1355	<p>Areas of significant wildlife habitat outside of any other natural heritage features and areas will be included in the Green Space Place Type on Map 1.</p>	<p>Areas <u>confirmed as of</u> significant wildlife habitat outside of any other natural heritage features and areas will be included in the Green Space Place Type on Map 1.</p>	<p>Areas confirmed as significant wildlife habitat will be included in the Green Space Place Type on Map 1.</p>
1356	<p>Areas of natural and scientific interest (ANSIs) represent high-quality and unique life science and earth science features across a variety of landscapes throughout the province. Life science areas of natural and scientific interest are significant representative segments of Ontario’s biodiversity and natural landscapes including specific types of forests, valleys, prairies and wetlands, their native plants and animals, and their supporting environments. Earth</p>	<p>N/A. Appeal withdrawn.</p>	<p>Council approved London Plan policy language applies.</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>science areas of natural and scientific interest include the best representative of bedrock, fossils and glacial landforms.</p>		
1372	<p>Upland corridors are vegetated areas, or potentially revegetated areas, outside of significant valleylands and valleylands that link natural heritage features and areas of the Natural Heritage System, and are shown on Map 5. Not all upland corridors have been identified on Map 5.</p>	<p>Upland corridors are vegetated areas, or potentially revegetated areas, outside of significant valleylands and valleylands that <u>provide a link between</u> natural heritage features and areas of the Natural Heritage System. <u>Upland corridors may incorporate infrastructure (such as culverts or underpasses) to support connectivity.</u> and Upland corridors are shown identified on Map 5. Not all upland corridors have been identified on Map 5.</p>	<p>Upland corridors are vegetated areas, or potentially revegetated areas, that provide a link between natural heritage features and areas of the Natural Heritage System. Upland corridors may incorporate infrastructure (such as culverts or underpasses) to support connectivity. Upland corridors are identified on Map 5.</p>
1387	<p>In addition to significant valleylands and unevaluated valleylands that comprise part of the Natural Heritage System, the base map features on Map 5 also identify watercourses/ponds to identify the location of municipal or agricultural drains, intermittent or headwater streams and man-made or natural ponds. These features are identified</p>	<p>In addition to significant valleylands and unevaluated valleylands that comprise part of the Natural Heritage System, <u>The base map features on Map 5 also identify watercourses/ponds to identify the location of municipal or agricultural drains, intermittent or headwater streams and man-made or natural ponds. These features are identified for information purposes and may be added or removed from the base</u></p>	<p>The base map features on Map 5 also identify watercourses/ponds to identify the location of municipal or agricultural drains, intermittent or headwater streams and man-made or natural ponds. These features are identified for information purposes and may be added or removed from the base map amendment, to reflect changes over time in</p>

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	<p>for information purposes and may be added or removed from the base map without an official plan amendment, to reflect changes over time in drainage patterns and features on the ground. The ecological contribution of these drainage features as headwaters, recharge areas and riparian corridors or valleylands, will be addressed as part of a secondary plan, Environmental Assessment and/or environmental impact study process. Through the City's agreement with the Ministry of Natural Resources and Forestry, additional environmental study and mitigation efforts are required when carrying out works along Municipal Drains under the Drainage Act to protect significant features, functions and wildlife habitat.</p>	<p>map without an official plan amendment, to reflect changes over time in drainage patterns and features on the ground. The ecological contribution <u>significance</u> of these drainage features as headwaters, recharge areas and riparian corridors or valleylands, will be addressed as part of a secondary plan, Environmental Assessment and/or environmental impact study process. Through the City's agreement with the Ministry of Natural Resources and Forestry, additional environmental study and mitigation efforts are required when carrying out works along Municipal Drains under the <i>Drainage Act</i> to protect significant features, functions and wildlife habitat.</p>	<p>drainage patterns and features on the ground. The ecological significance of these drainage features as headwaters, recharge areas and riparian corridors or valleylands, will be addressed as part of a secondary plan, Environmental Assessment and/or environmental impact study process. Through the City's agreement with the Ministry of Natural Resources and Forestry, additional environmental study and mitigation efforts are required when carrying out works along Municipal Drains under the <i>Drainage Act</i> to protect significant features, functions and wildlife habitat.</p>
1401	<p>For the purposes of this Plan, mitigation shall mean the replacement of the natural heritage</p>	<p>For the purposes of this <u>Section Plan</u>, mitigation shall mean the replacement of the natural heritage feature</p>	<p>For the purposes of this Section, mitigation shall mean the replacement of the natural heritage feature</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>feature removed or disturbed on a one-for-one land area basis. Compensatory mitigation shall mean additional measures required to address impacts on the functions of the Natural Heritage System affected by the proposed works. The extent of the compensation required shall be identified in the environmental impact study, and shall be relative to both the degree of the proposed disturbance, and the component(s) of the Natural Heritage System removed and/or disturbed.</p>	<p>removed or disturbed on a one-for-one land area basis. Compensatory mitigation shall mean additional measures required to address impacts on the functions of the Natural Heritage System affected by the proposed works. The extent of the compensation required shall be identified in the environmental impact study, and shall be relative to both the degree of the proposed disturbance, and the component(s) of the Natural Heritage System removed and/or disturbed.</p>	<p>removed or disturbed on a one-for-one land area basis. Compensatory mitigation shall mean additional measures required to address impacts on the functions of the Natural Heritage System affected by the proposed works. The extent of the compensation required shall be identified in the environmental impact study, and shall be relative to both the degree of the proposed disturbance, and the component(s) of the Natural Heritage System removed and/or disturbed.</p>
1402	<p>Compensatory mitigation may be provided in forms such as, but not limited to:</p> <ol style="list-style-type: none"> 1. Additional rehabilitation and/or remediation beyond the area directly affected by the proposed works. 2. Off-site works to restore, replace or enhance the ecological functions 	<p>Compensatory mitigation may be provided in forms such as, but not limited to:</p> <ol style="list-style-type: none"> 1. Additional rehabilitation and/or remediation beyond the area directly affected by the proposed works. 2. Off-site <u>or on-site</u> works to restore, replace or enhance the ecological functions affected by the proposed works. 	<p>Compensatory mitigation may be provided in forms such as, but not limited to:</p> <ol style="list-style-type: none"> 1. Additional rehabilitation and/or remediation beyond the area directly affected by the proposed works. 2. Off-site or on-site works to restore, replace or enhance the ecological functions

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>affected by the proposed works.</p> <p>3. Replacement ratios greater than the one-for-one land area required to mitigate the impacts of the proposed works</p>	<p>3. Replacement ratios greater than the one-for-one land area required to mitigate the impacts of the proposed works</p>	<p>affected by the proposed works.</p> <p>3. Replacement ratios greater than the one-for-one land area required to mitigate the impacts of the proposed works.</p>
1412	<p>Ecological buffers are required to protect natural heritage features and areas, and their ecological functions and processes, to maintain the ecological integrity of the Natural Heritage System.</p>	<p>Ecological buffers are required <u>serve</u> to protect natural heritage features and areas, and their ecological functions and processes, to maintain the ecological integrity of the Natural Heritage System.</p>	<p>Ecological buffers serve to protect natural heritage features and areas, and their ecological functions and processes, to maintain the ecological integrity of the Natural Heritage System.</p>
1413	<p>Ecological buffers will be required on lands contiguous to a specific natural heritage feature or area.</p>	<p>Ecological buffers will <u>generally</u> be required on lands contiguous to a specific natural heritage feature or area. <u>Ecological buffer requirements shall be determined as part of an Environmental Impact Study.</u></p>	<p>Ecological buffers will generally be required on lands contiguous to a specific natural heritage feature or area. Ecological buffer requirements shall be determined as part of an Environmental Impact Study.</p>
1414	<p>The location, width, composition and use of ecological buffers necessary to protect natural heritage areas from the impacts of development on adjacent lands will be specified through application of the City Council approved Guidelines for Determining Setbacks</p>	<p>The location, width, composition and use of ecological buffers necessary to protect natural heritage areas from the impacts of development on adjacent lands will be specified through application of the City Council approved Guidelines for Determining Setbacks and Ecological Buffers as</p>	<p>The location, width, composition and use of ecological buffers necessary to protect natural heritage areas from the impacts of development on adjacent lands will be specified through application of the City Council approved Guidelines for Determining Setbacks</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	and Ecological Buffers as part of an approved secondary plan and/or an environmental impact study.	part of an approved secondary plan and/or an environmental impact study. <u>The City may also consider technical and/or scientific documents that reflect improvements in scientific knowledge regarding natural features.</u>	and Ecological Buffers as part of an approved secondary plan and/or an environmental impact study. The City may also consider technical and/ or scientific documents that reflect improvements in scientific knowledge regarding natural features.
1415	<p>1415_ In addition to buffer lands, additional techniques may be required to assist in minimizing the impact of development on the Natural Heritage System, including all of the following:</p> <p>1. Discourage rear-lotting adjacent to the Natural Heritage System, and the use of site planning to orient the development away from natural heritage features and areas.</p> <p>2. The acceptance of lands immediately adjacent to natural heritage areas as part of the required parkland dedication for the proposed development.</p>	<p>Only changes as below, rest of policy unchanged.</p> <p>6. Development and site alteration on lands identified and delineated as an ecological buffer shall be prohibited unless specified as a permitted use in the Zoning By-law.</p> <p>9. Fencing (without gates) along all private lands abutting natural features.</p>	<p>Only changes as below, rest of policy unchanged.</p> <p>6. Development and site alteration on lands identified and delineated as an ecological buffer shall be prohibited unless permitted in the Zoning By-law.</p> <p>9. Fencing (without gates) along private lands abutting natural features.</p>

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	<p>3. The use of a geotechnical setback from the boundary of natural heritage areas or natural hazard areas for construction purposes.</p> <p>4. Restriction of public access by providing a limited number of access points to natural heritage areas.</p> <p>5. Lands identified and delineated as ecological buffers may be zoned to permit their inclusion in calculating and applying zoning regulations applicable for the lot.</p> <p>6. Development and site alteration on lands identified and delineated as an ecological buffer shall be prohibited unless specified as a permitted use in the Zoning By-law.</p> <p>7. Setbacks shall apply from any lands identified as an ecological buffer.</p> <p>8. The creation of individual lots that include lands</p>		

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	<p>identified and delineated as ecological buffers is not permitted.</p> <p>9. Fencing (without gates) along all private lands abutting natural features.</p> <p>10. Other measures, as determined through a detailed environmental study</p>		
1416	<p>Where different components of the Natural Heritage System overlap, the limit of development shall be set at the limit of the maximum ecological buffer as determined through an approved environmental impact study. Where the limits of a natural hazard overlap with the limits of an ecological buffer determined for a natural heritage feature, the development limit shall be set as the greater of the limit of the natural hazard corridor or the limit of the ecological buffer.</p>	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
Table 13	See Plan	<p>Three changes:</p> <ul style="list-style-type: none"> - Remove “and connecting lands in a wetland 	<p>Three changes:</p> <ul style="list-style-type: none"> - Remove “and connecting lands in a

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
		<p>complex” from PSW;</p> <ul style="list-style-type: none"> - Move “Upland Corridors” to 30m; - “Wetland” moves to 30m, but “Unevaluated wetland” stays as 120m 	<p>wetland complex” from PSW;</p> <ul style="list-style-type: none"> - Move “Upland Corridors” to 30m; - “Wetland” moves to 30m, but “Unevaluated wetland” stays as 120m
1495	<p>The riverine erosion hazard limit for unconfined systems where there is no discernable valley slope or bank, as shown on Figure 26, is the combined limit of: 1. The meander belt allowance, which provides a limit to development within those areas where the river system is likely to shift. It is based on 20 times the bankfull channel width. 2. The erosion access allowance is a six metre allowance added to the meander belt. The erosion access allowance is required for the purpose of maintaining sufficient access for emergencies, maintenance, and construction activities.</p>	<p>The riverine erosion hazard limit for unconfined systems where there is no discernable valley slope or bank, as shown on Figure 26, is the combined limit of:</p> <ol style="list-style-type: none"> 1. The meander belt allowance, which provides a limit to development within those areas where the river system is likely to shift. It is based on 20 times the bankfull channel width. 2. The erosion access allowance is a six metre allowance added to the meander belt. The erosion access allowance, <u>which</u> is required for the purpose of maintaining sufficient access for emergencies, maintenance, and construction activities. 	<p>The riverine erosion hazard limit for unconfined systems where there is no discernable valley slope or bank, as shown on Figure 26, is the combined limit of:</p> <ol style="list-style-type: none"> 1. The meander belt allowance, which provides a limit to development within those areas where the river system is likely to shift. 2. The erosion access allowance, which is required for the purpose of maintaining sufficient access for emergencies, maintenance, and construction activities.

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1689	<p>The approval authority may require, as a condition of draft plan approval, that the property owner satisfy certain conditions prior to final approval and registration of the plan of subdivision, as in the opinion of the approval authority are reasonable, having regard to the nature of the development proposed for the subdivision. In granting a subdivision, the approval authority may attach conditions, as authorized under the provisions of the Planning Act, relating to the dedication of public amenities such as:</p> <ol style="list-style-type: none"> 1. Parkland or cash in-lieu-of such dedication. 2. Streets, street widenings and one foot reserves as may be required by the City. 3. Pedestrian pathways, bicycle pathways and public transit rights-of-way, as the approval authority considers necessary. 	<p>No change to (1), (3), (4), (5)</p> <p>(2) Streets, street widenings and one foot reserves as may be required by the City. A street includes the entire right-of-way and <u>may contain, in addition to the roadway, sidewalks, bicycle lanes, bicycle and pedestrian pathways and public transit rights of way.</u></p>	<p>No change to (1), (3), (4), (5)</p> <p>(2) Streets, street widenings and one foot reserves as may be required by the City. A street includes the entire right-of-way and may contain, in addition to the roadway, sidewalks, bicycle lanes, bicycle and pedestrian pathways and public transit rights of way.</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>4. Land for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the approval authority considers necessary.</p> <p>5. Municipal or other services required as the approval authority considers necessary.</p>		
1704	<p>1704_ In granting a consent, the consent authority may attach conditions, as authorized under the provisions of the Planning Act, including but not limited to:</p> <p>1. The dedication of parkland or cash in lieu-of such dedication.</p> <p>2. The dedication of any streets, street widenings and one foot reserves as may be required by the City.</p> <p>3. The dedication of pedestrian pathways, bicycle pathways and public transit rights-of-way, as the consent</p>	<p>No change to (1), (3)-(10)</p> <p>(2) The dedication of any streets, street widenings and one foot reserves as may be required by the City. <u>A street includes the entire right-of-way and may contain, in addition to the roadway, sidewalks, bicycle lanes, bicycle and pedestrian pathways and public transit rights of way.</u></p>	<p>No change to (1), (3)-(10)</p> <p>(2) The dedication of any streets, street widenings and one foot reserves as may be required by the City. A street includes the entire right-of-way and may contain, in addition to the roadway, sidewalks, bicycle lanes, bicycle and pedestrian pathways and public transit rights of way.</p>

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	<p>authority considers necessary.</p> <p>4. The dedication of land for commuter parking lots, transit stations and related infrastructure for the use of the general public using highways, as the consent authority considers necessary.</p> <p>5. Municipal or other services required as the consent authority considers necessary.</p> <p>6. Fulfillment of any financial requirements of the City.</p> <p>7. A servicing agreement between the property owner and the City pertaining to any extension or upgrading of municipal services required by the City to accommodate the development of a lot created by consent.</p> <p>8. Submission of a registered reference plan to the Consent Authority.</p> <p>9. That the property owner enter into one</p>		

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	<p>or more agreements with the City dealing with such matters as the Consent Authority may consider necessary. Such agreement(s) may be registered against the land to which it applies and the City is entitled to enforce the agreement against the owner and, subject to the Registry Act and the Land Titles Act, against any and all subsequent owners of the land.</p> <p>10. Confirmation that any corresponding zoning by-law amendment or minor variance application has been dealt with and is in full force and effect.</p>		
1739A	None- new policy		<p>Planned street widths are identified in Table 6. Alternative widths will be defined in the Zoning By-law and will be added to the Zoning By-law without the need for an amendment to this Plan. Street widths and street segment widths will be based on street character and conditions, including where one or more of</p>

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			<p>the following considerations applies:</p> <ol style="list-style-type: none">1. Widening would have an adverse impact on identified cultural heritage resources, archeological sites, natural heritage features, other defined features or topography;2. Widening would have an adverse impact on an established street wall, streetscape character, parcel viability, or the ability to maintain consistent setbacks for new development, which applies where there is a policy basis to maintain and enhance existing street character;3. An alternate street width has been identified through an Environmental

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
			<p>Assessment, planning study, approved plan of subdivision, or through another approved study;</p> <p>4. Consideration of the City’s active transportation network in accordance with the Transportation Master Plan, and where nearby and adjacent streets are planned to integrate street design features;</p> <p>or</p> <p>5. Council is of the opinion that other constraints make it impractical to widen the street to the planned width of Table 6.</p>
1745	<p>In accordance with the Planning Act, through the planning process relating to plans of subdivision and consent, conditions may be established to require that highways, including streets,</p>	<p>In accordance with the Planning Act, through the planning process relating to plans of subdivision and consent, conditions may be established to require that highways, including streets, pedestrian pathways, cycling bicycle pathways,</p>	<p>In accordance with the Planning Act, through the planning process relating to plans of subdivision and consent, conditions may be established to require that highways, including pedestrian pathways, bicycle</p>

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	pedestrian pathways, cycling pathways, and public transit rights-of-way, be dedicated as the approval authority considers necessary. Map 4 - Active Mobility Network, may be consulted through the planning and development application process to assess such requirements.	and public transit rights-of-way, be dedicated as the approval authority considers necessary. Map 4 - Active Mobility Network, may be consulted through the planning and development application process to assess such requirements.	pathways, and public transit rights-of-way, be dedicated as the approval authority considers necessary. Map 4 - Active Mobility Network, may be consulted through the planning and development application process to assess such requirements.
1748	Dedication of lands for public transit rights-of-way, transit stations, and related infrastructure will conform with the street network shown on Map 3 and the associated design features identified in Table 6.	N/A. Appeal withdrawn.	Council approved London Plan policy language applies.
1749	Dedication of lands for cycling pathways and pedestrian pathways will conform with Map 4. These pathways will be considered Highways for the purposes of the Planning Act .	Dedication of lands for <u>cycling bicycle</u> pathways and pedestrian pathways will conform with Map 4. These pathways will be considered Highways for the purposes of the Planning Act.	Dedication of lands for bicycle pathways and pedestrian pathways will conform with Map 4.
1750	The width of lands to be dedicated for cycling pathways and pedestrian pathways shall be sufficient to accommodate a five metre traveled portion and up to five metres on either side for sight	The width of lands to be dedicated for cycling pathways and pedestrian pathways <u>that are not within a street</u> shall be sufficient to accommodate a five metre corridor of traveled portion <u>and shoulders</u>	The width of lands to be dedicated for cycling pathways and pedestrian pathways that are not within a street shall be sufficient to accommodate a five metre corridor of

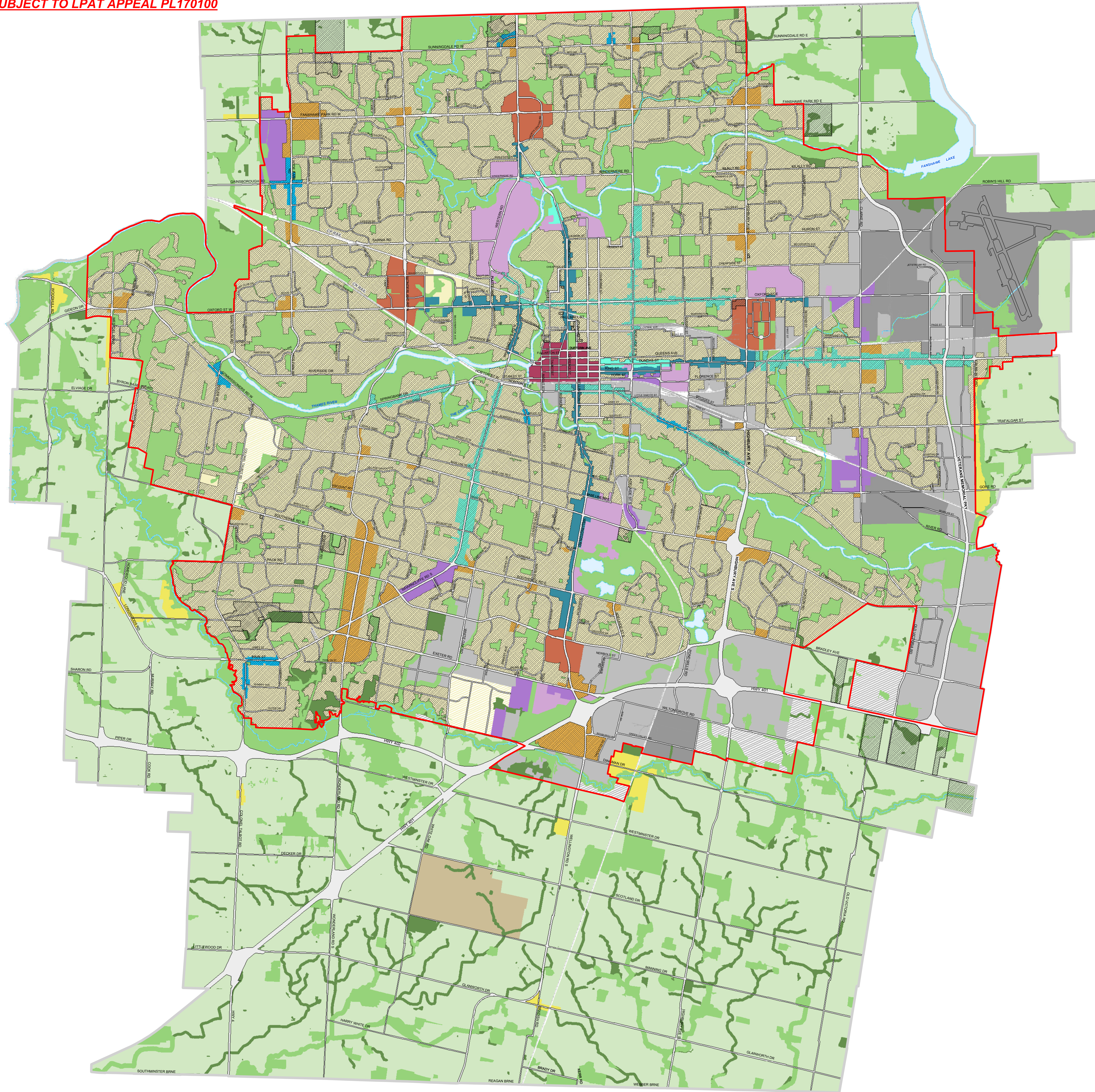
POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
	lines, curves, drainage, and safety zones, where required.	and up to five metres on either side for sight lines, curves, drainage, and safety zones, where required.	traveled portion and shoulders and up to five metres on either side for sight lines, curves, drainage, and safety zones, where required.
1782	This map shows the active mobility network which facilitates human-powered travel throughout the city.		Council approved London Plan policy language applies.
1783	This map shows the components of the Natural Heritage System. It also shows a variety of natural heritage features and areas which remain to be evaluated for their significance to determine whether they should be included within the Natural Heritage System.		Council approved London Plan policy language applies.
1784	This map shows the natural resources existing in London and also illustrates our hazard lands.		Council approved London Plan policy language applies.
Figure 21	See Plan.	N/A. Appeal withdrawn.	Original London Plan figure applies.
Figure 22	See Plan.	N/A. Appeal withdrawn.	Original London Plan figure applies.
Figure 26	See Plan.	N/A. Appeal withdrawn.	Original London Plan figure applies.

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Map 1	See separate Appendix.		<p>Add the following areas to portions of map that are approved:</p> <ul style="list-style-type: none"> • Green Space Place Type; • Environmental Review Place Type; • Farmland Place Type; • Rural Neighbourhoods Place Type; • Future Community Growth Place Type; • Future Industrial Growth Place Type; • Light Industrial Place Type; • Heavy Industrial Place Type; • Commercial Industrial Place Type; • Institutional Place Type; • Downtown Place Type; • Certain sites within the Neighbourhoods Place Type (e.g. where recent decisions were made by the LPAT).
Map 4	See Plan.	N/A. Appeal Withdrawn.	Original London Plan map applies.

POLICY	ORIGINAL LONDON PLAN	MODIFICATION APPROVED BY LPAT – TRACKED CHANGES	MODIFICATION APPROVED BY LPAT
Map 5	See Separate Appendix.		Approve entire map, except for certain properties/areas with site-specific appeals to be withheld from approval.
Map 6	See Plan.	N/A. Appeal withdrawn.	Original London Plan map applies.

MAP 1 - PLACE TYPES

MAP SUBJECT TO LPAT APPEAL PL170100



LEGEND

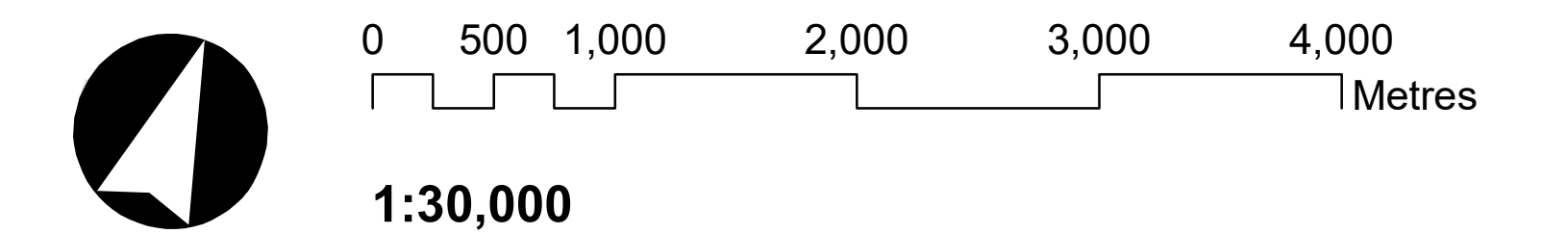
PLACE TYPES

- | | | | |
|--|------------------------|--|---|
| | 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

Areas Withheld from LPAT Approval



ADOPTED BY COUNCIL ON JUNE 23, 2016

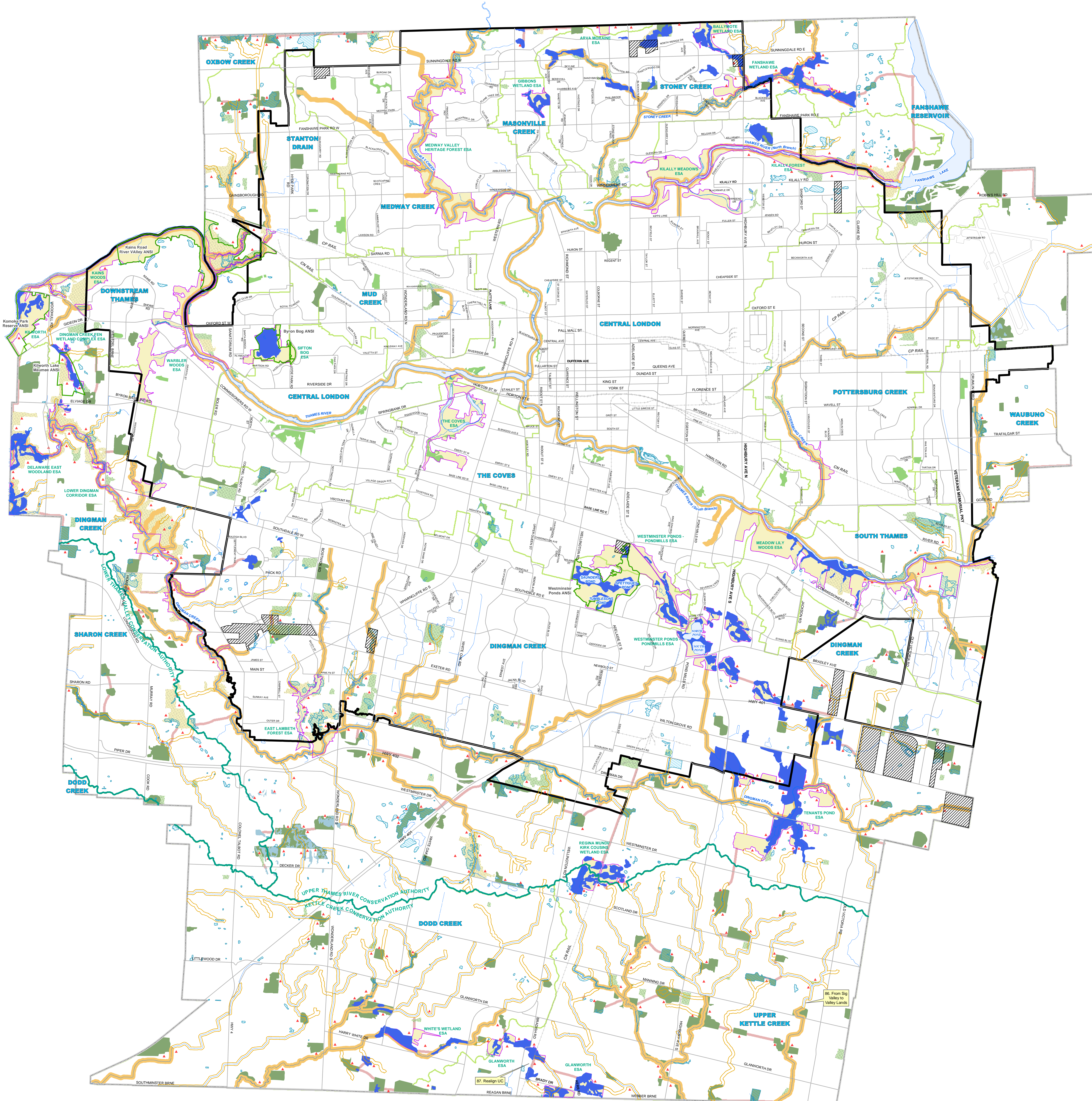
APPROVED BY THE MINISTRY OF
MUNICIPAL AFFAIRS ON DECEMBER 28, 2016

LONDON PLAN CONSOLIDATED
OCTOBER 23, 2020

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

MAP 5 - NATURAL HERITAGE



LEGEND

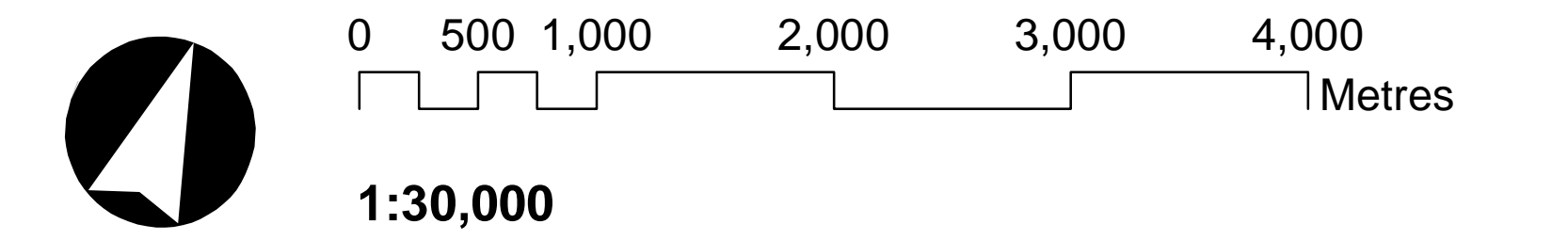
NATURAL HERITAGE SYSTEM

- Provincially Significant Wetlands
- Wetlands
- Unevaluated Wetlands
- Significant Woodlands
- Woodlands
- Significant Valleylands
- Valleylands
- Areas of Natural and Scientific Interest
- Environmentally Significant Areas (ESA)
- Potential ESAs
- Upland Corridors
- ▲ Potential Naturalization Areas
- Unevaluated Vegetation Patches

BASE MAP FEATURES

- Streets (See Map 3)
- Railways
- Urban Growth Boundary
- Water Courses/Ponds
- Water Bodies
- Conservation Authority Boundary
- Subwatershed Boundary
- Subwatershed Name

Subject to Site Specific Appeals



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Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Exemption from Part-Lot Control
Application By: Kenmore Homes (London) Inc.
Address: 1620 Noah Bend

Meeting on: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Kenmore Homes (London) Inc. to exempt Block 95, Plan 33M-733 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 95, Plan 33M-733 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to a registered subdivision agreement and are zoned Residential R4 Special Provision (R4-4(4)) which permits street townhouse dwellings;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 95, Plan 33M-733 as noted in clause (a) above:
 - i. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
 - ii. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
 - viii. The applicant shall obtain confirmation from the Development Services that the

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

- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title;
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question; and
- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1620 Noah Bend to indicate that all municipal servicing can be provide to each property/block created without conflict.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Block 95 in Registered Plan 33M-733 from the Part-Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of nine (9) street townhouse units, with access provided by way of Noah Bend.

Rationale for Recommended Action

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

Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

On December 20, 2017, the City of London Approval Authority granted final approval to the phase 2 of draft plan 39T-08502. This phase contained ninety-seven (97) single detached residential lots, eight (8) multi-family residential blocks, served by four (4) new local streets. The subject lands were part of this phase being one of the multi-family residential blocks. The draft plan of subdivision 39T-08502 was registered in February 2018 as plan 33M-733.

1.1 Previous Reports Related to this Matter

January 2011 – Report to Built and Natural Environment Committee relating to the Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

March 26, 2012 - Report to Built and Natural Environment Committee relating to the revised Subdivision, Official Plan amendment and Zoning By-law amendment applications by Kenmore Homes (London) Inc.

November 5, 2012- Report to Planning and Environment Committee relating to the appeal of to the Ontario Municipal Board.

February 4, 2014- Report to Planning and Environment Committee relating to the withdrawal of the appeal to the Ontario Municipal Board.

March 2016 - Report on Special Provisions for Phase I.

February 20, 2018 - Report to Planning and Environment Committee relating to the Zoning By-law amendment applications by Kenmore Homes (London) Inc., to allow for the subject lands to be developed for street townhouse uses with 45% coverage.

1.2 Property Description

The subject site is located on Noah Bend, which is generally located southeast of Gainsborough Road and east of Hyde Park Road. The site has a mix of high and medium density residential located to the north, commercial to the west, low density residential to the east, and a mix of medium and low density residential to the south. The site has proximity to Maple Wood Park, and St. John French Immersion Catholic Elementary School.

1.3 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- Official Plan Designation – Multi-Family Medium Density Residential
- Existing Zoning – Residential R4 Special Provision (R4-4(4))

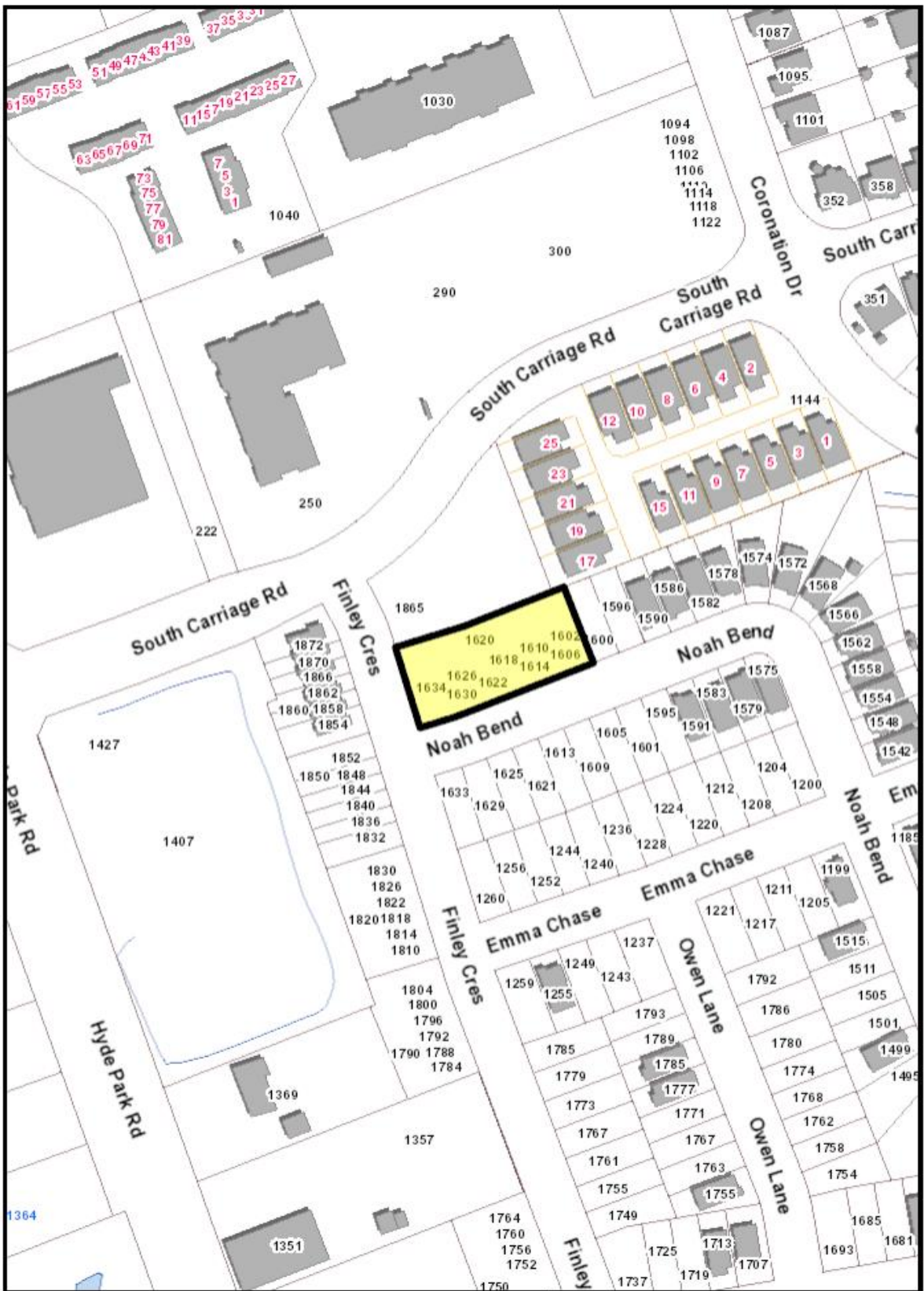
1.4 Site Characteristics

- Current Land Use – vacant
- Frontage – 73.84
- Area – 0.21 hectares
- Shape – rectangular

1.5 Surrounding Land Uses

- North – residential
- East – residential
- South – residential
- West – residential

1.6 Location Map



Location Map

Subject Property: Part Lot Control
 Applicant: KENMORE HOMES (LONDON) INC.
 File Number: P-9338
 Created By: Sean Meksula
 Date: 4/16/2021
 Scale: 1:2000

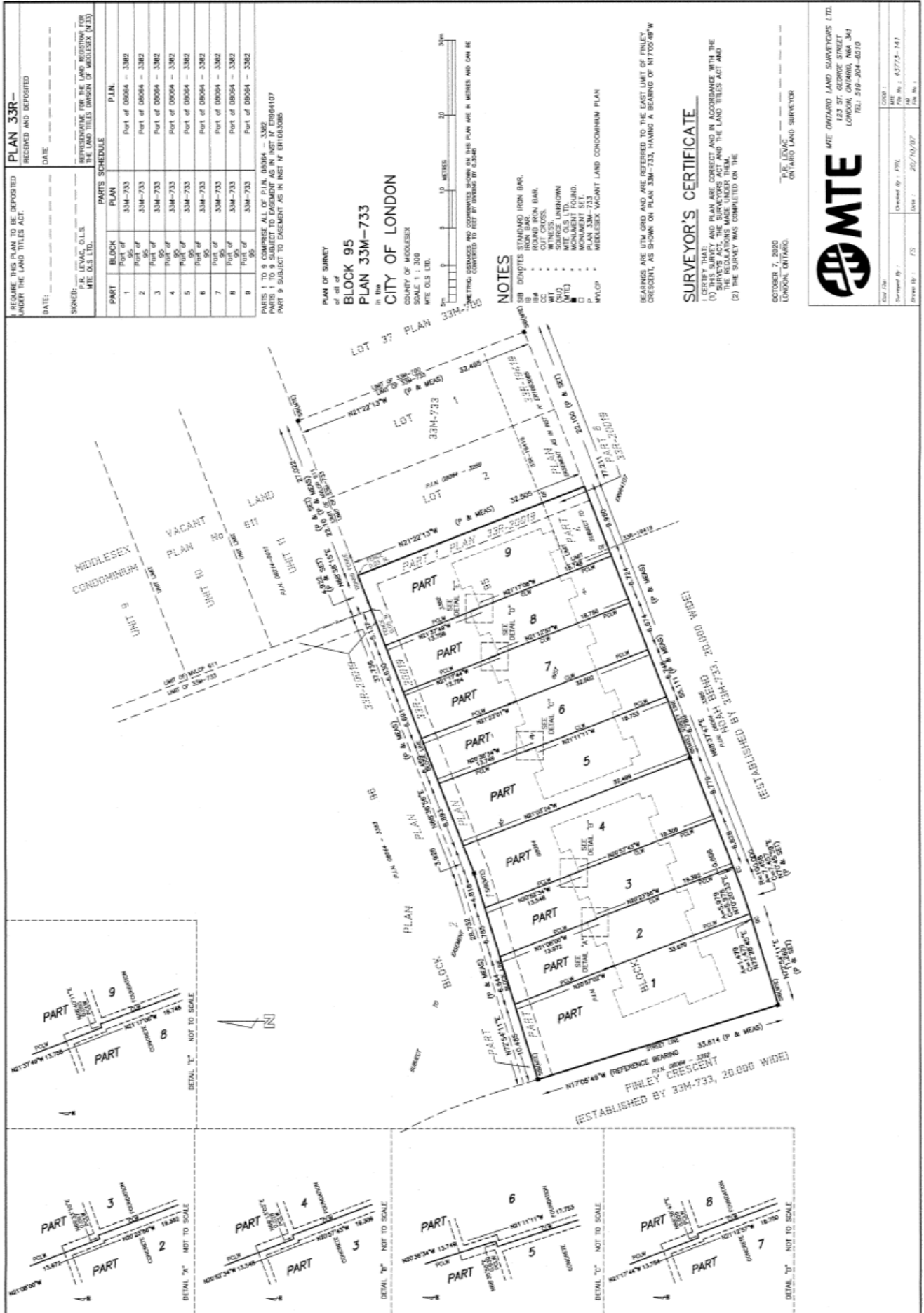
Corporation of the City of London



Legend

-  Subject Property
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

1.7 Draft Reference Plan



2.0 Discussion and Considerations

The Applicant, Kenmore Homes (London) Inc., has requested exemption from part-lot control to create a total of nine (9) street townhouse units. The plan of subdivision was registered in February 2018 as a multi-family medium density residential block. The dwellings will be street townhouse units, one or two storeys in height, and accessed off Noah Bend.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

3.2 Community Engagement

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

3.3 Policy Context

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

Exemption from part-lot control is used to create street townhouse units. Part-Lot Control may be exempted to allow a property owner to legally divide a block within their registered plan of subdivision.

4.0 Key Issues and Considerations

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

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

The lands are zoned Residential R4 Special Provision (R4-4(4)) in Zoning By-law No. Z.-1, which permits street townhouse dwellings with a minimum lot frontage of 5.5m, a minimum side yard depth of 1.2m, and maximum lot coverage of 45%. The applicant will be required to submit a draft reference plan to Development Services for review and approval to ensure the proposed lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the Land Registry Office.

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

The subject block was registered and intended to be developed for street townhouse units at the time of the subdivision approval. The division of individual units are appropriate through part-lot control.

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

This request is consistent with the intended use of the block as established through the plan of subdivision and zoning. The development of the site units is consistent with the development in the area.

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

The exemption of part lot control creates nine (9) street townhouse units requiring separate and individual land divisions to create the interests in land.

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

The subject lands are within the Neighbourhoods Place Type in The London Plan and designated Multi-Family Medium Density Residential in the 1989 Official Plan, which permits street townhouse dwellings. The proposal will facilitate the development of the parcel in accordance with the form of development established at the time of subdivision approval. The proposed lots will not result in any traffic problems and will have access to municipal services and utilities. Access will be provided off Noah Bend.

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

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

The applicant has requested exemption from Part-Lot Control as an alternative to submitting an application through the Consent Authority. The applicant requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of nine (9) street townhouse units. The proposed plan has been reviewed with regards to the City's Policy on Exemption from Part-Lot Control, the 1989 Official Plan, The London Plan and the applicable zoning, and has been determined to meet existing policies and the City's Zoning By-law.

4.1 Conditions

It is recommended that the following conditions be applied and that the By-law for Block 95 in Plan 33M-733 be passed at a future meeting of Municipal Council only when the following conditions have been complied with:

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

- iii. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
- iv. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
- v. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
- vi. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
- vii. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
- viii. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
- ix. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- x. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- xi. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- xii. The applicant shall provide a draft transfer of the easements to be registered on title; and
- xiii. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.
- xiv. In accordance with condition v), the applicant provide servicing drawings of municipal servicing to each of the blocks created within 1620 Noah Bend to indicate that all municipal servicing can be provide to each property/block created without conflict.

Conclusion

In accordance with the provisions of the *Planning Act*, Municipal Council may pass by-laws to exempt all, or parts of registered plans of subdivision from part-lot control. The applicant has requested exemption from the Part-Lot Control provisions of the *Planning Act* to facilitate the creation of nine (9) street townhouse units, with access off Noah Bend, which is appropriate to allow for the sale of these units to future homeowners. The recommended exemption is considered appropriate and in keeping with the registered phases of the subdivision, subject to the completion of the proposed conditions.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Development Services

Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic
Development

cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Bruce Page, Manager, Development Services (Subdivisions)
cc: Peter Kavcic, Manager, Development Services (Subdivisions)
cc: Michael Pease, Manager, Development Services (Site Plan)

/sm

Appendix A

Bill No.
2021

By-law No. C.P.-

A by-law to exempt from Part-Lot Control, lands located at 1620 Noah Bend, legally described as Block 95 in Registered Plan 33M-733.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Kenmore Homes (London) Inc., it is expedient to exempt lands located at 1620 Noah Bend, legally described as Block 95 in Registered Plan 33M-733, from Part Lot Control;

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

1. Block 95 in Registered Plan 33M-733, located at 1620 Noah Bend, are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse units in conformity with the Residential R4 Special Provision (R4-4(4)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application By: Prosperity Homes
335 Kennington Way and 3959 Mia Avenue

Meeting on: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application by Prosperity Homes, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 25, 2021 to exempt Block 1, Plan 33M-765, RP 33R-20777 Parts 2 & 3 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding three (3) years.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Block 1 in Registered Plan 33M-765, RP 33R-20777 Parts 2 & 3 from the Part-Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of thirty-seven (37) street townhouse units, with access provided by means of Mia Avenue and Kennington Way.

Rationale for Recommended Action

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

Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

This application for Draft Plan of Subdivision Approval was accepted on March 12, 2015. It was circulated to the required agencies and municipal departments on March 23, 2015 and advertised in the *Londoner* on April 2, 2015. A revised application and plan was received on April 20, 2016 and was advertised in the *Londoner* on May 19, 2016. Notice of Public Meeting was sent out on November 29, 2016 and was advertised in the *Londoner* on November 24, 2016. The Public Meeting was held on December 12, 2016. Draft approval was granted on January 27, 2017.

Since draft approval, the Applicant has registered two phases of the subdivision. Phase 1 consisted of two (2) medium density multi-family blocks, one (1) future street block (Block 2), and six (6) reserve (0.3 m, 1 ft.) blocks, all served by two (2) new local streets, Mia Avenue and Kennington Way. It was registered on July 12, 2019 as 33M-765.

On August 10th, 2020 the Approval Authority for the City of London granted Final Approval for consent B.012/20 to create the lands located at 335 Kennington Way, 3959 and 3964 Mia Avenue. The certificates of consent were subsequently registered creating the medium density Part 2 and Part 3 on reference plan 33R-20777 which are the subject of an application for Site Plan Approval by Stantec Consulting Ltd for a 37 unit, 2-storey street townhouse development (File No. SPA20-084). Block 2 is the subject of an application of Site Plan Approval by Stantec Consulting Ltd. for a 19 unit, 2-storey cluster townhouse development (File No. SPA20-085).

1.1 Previous Reports Related to this Matter

December 12, 2016 - Report to Planning and Environment Committee to recommend approval of the draft plan of subdivision and associated zoning by-law amendments. (39T-15501/Z-8470)

January 21, 2019 – Report to Planning and Environment Committee to rezone a portion of land (Block 30 and portion of Block 31, 39T-15501) within a draft plan of subdivision by adding an additional Residential (R7) Zone to permit a long term care facility in addition to the existing range of residential uses permitted. (Z-8969)

February 19, 2019 - Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement related to the stormwater management pond. (39T-15501)

April 15, 2019 - Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement Phase 1. (39T-15501)

April 15, 2019 - Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement Phase 1A. (39T-15501)

May 27, 2019 - Report to Planning and Environment Committee to re-zone a portion of Block 36 and all of Block 37 in draft approved plan 39T-15501, to permit street townhouse dwellings, in addition to the multi-family uses already permitted. (Z-9034)

May 27, 2019 - Report to Planning and Environment Committee to redesignate the park, stormwater management pond (Pincombe 3) and lands along Middleton Avenue to “Low Density Residential”, and to redesignate a portion of the lands to “Open Space” to recognize a natural heritage component on Schedule “A” of the Official Plan and on Schedule 4 (Southwest Area Land Use Plan) and Schedule 10 (Central Longwoods) of the Southwest Area Secondary Plan, and to re-zone Block 38 from draft approved plan 39T-15501 (Richardson Subdivision) to permit single detached dwellings. (OZ-9038)

January 6, 2020 - Report to Planning and Environment Committee for a three (3) year extension to Draft Approval for the remaining phase(s) within the residential draft plan of subdivision (39T-15501).

August 10, 2020 - Report to the Approval Authority for the City of London which granted Final Approval for Part 1 and Part 2 on Reference Plan 33R-20777 (B.012-20).

February 8, 2021 - Report to Planning and Environment Committee to remove the holding (h, h-100 and h-198) symbols to allow the development of 56 cluster townhouse dwellings permitted under the Residential R4 Special Provision (R4-6(10)) Zone;

1.2 Previous Meeting

At its meeting held on April 13, 2021, Municipal Council resolved:

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Prosperity Homes to exempt Block 1, Plan 33M-765, RP 33R-20777 Parts 2 & 3 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 1, Plan 33M-765, RP 33R-20777 Parts 2 & 3 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-6(10)) in Zoning By-law No. Z.-1, which permits street townhouses, with special provisions regulating lot frontage, front yard setback, garage front yard setback and garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage;
- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 1, Plan 33M-765, RP 33R-20777 Parts 2 & 3 as noted in clause (a) above:
 - I. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
 - II. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - III. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - IV. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - V. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - VI. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - VII. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
 - VIII. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;

- IX. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
- X. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
- XI. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
- XII. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

1.3 Property Description

The subject site is located on Kennington Way and Mia Avenue, which is generally located north of Exeter Road and east of Middleton Avenue. The site is currently vacant with vacant land to the north, medium and low density residential to the west, and light industrial to the east and south. The site has proximity to White Oaks Public School, and Sir Arthur Carty Catholic Elementary School.

1.4 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – Residential R4 Special Provision/R5 Special Provision/R6 Special Provision R4-6(10)/R5-4(23)/R6-5(51) Zone

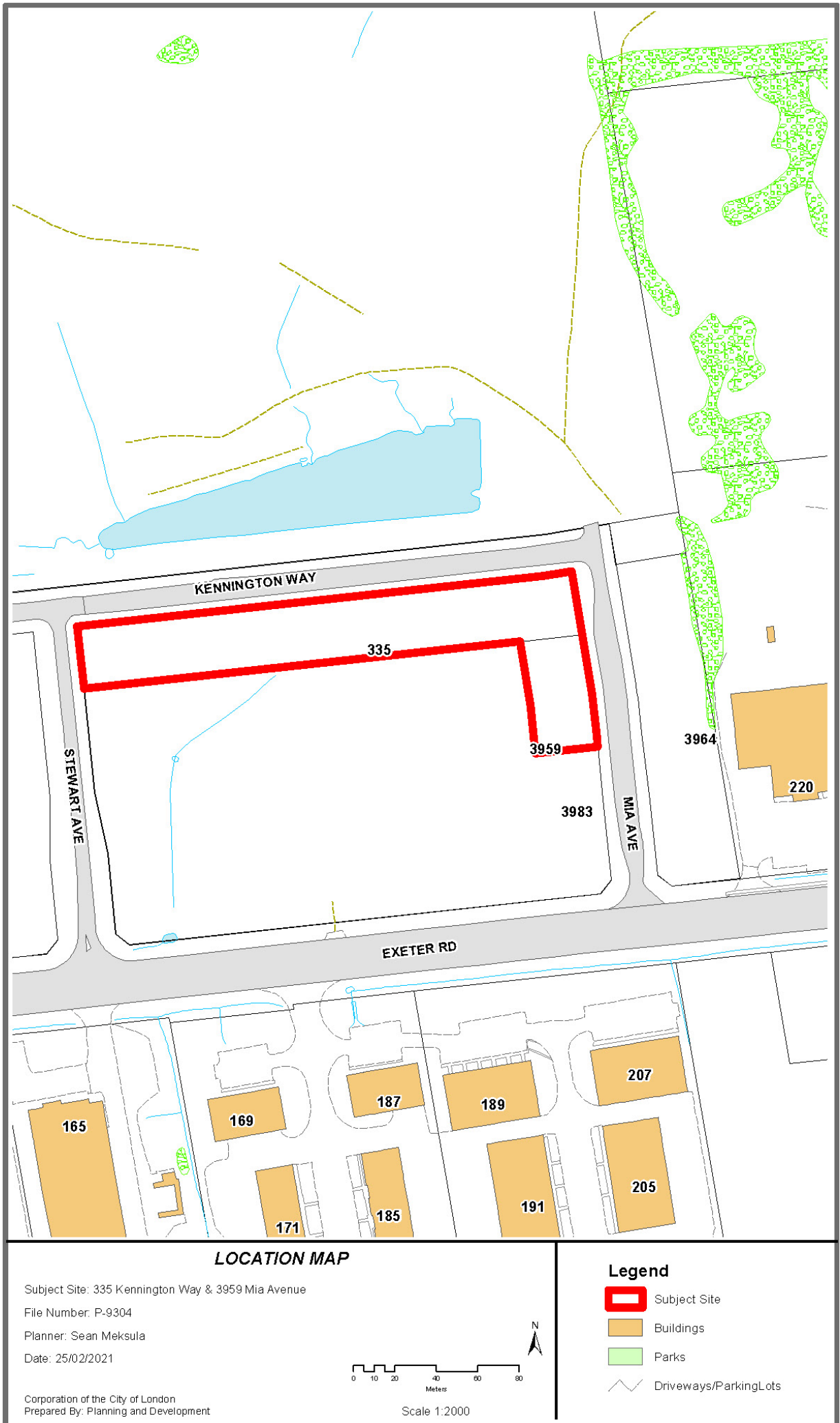
1.5 Site Characteristics

- Current Land Use – vacant
- Frontage – 240 m (787.4 ft.) along Kennington Way and along 50 m (374.0 ft.) Mia Avenue
- Area – 8,851m² (95,271 sq. ft.)
- Depth – 30m (98.43 ft.)
- Shape – rectangular

1.6 Surrounding Land Uses

- North – urban reserve
- East – future low and medium density residential
- South – future medium density residential
- West – future low and medium density residential

1.7 LOCATION MAP



2.0 Discussion and Considerations

The Applicant, Prosperity Homes, has requested exemption from part-lot control to create a total of thirty-seven (37) two-storey freehold street townhouse units on two local streets (Kennington Way and Mia Avenue).

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

3.1 Community Engagement

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

3.2 Policy Context

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

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

4.0 Exemption from Part-Lot Control

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

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

Acknowledged by the applicant on April 21, 2021.

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

Satisfied by registration of reference plan 33R-20967.

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

Standards and be referenced to the City's NAD83 UTM Control Reference;

Satisfied by submission on April 21, 2021 and City staff (GIS Data Technician) confirmed by email on April 22, 2021 that a digital file has been submitted in a format acceptable to the City of London.

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

Satisfied by approval from London Hydro on March 24, 2021.

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

Satisfied by the acceptance of Lot Grading and Servicing Plans submitted as per Site Plan Application SPA20-084.

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

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

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

The applicant agrees to fulfil this condition in its entirety related to the construction of all services and will be completed in accordance with the approved final designs of the lots through site plan approval.

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

Satisfied by municipal numbering assigned on March 5, 2021.

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

Satisfied by reference plan 33R-20967.

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

Satisfied by reference plan 33R-33R-20967.

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

The applicant has indicated that this condition will be fulfilled prior to the issue of building permits.

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

Acknowledged by the applicant on April 21, 2021.

Conclusion

The recommended exemption from Part-Lot Control is considered appropriate and in keeping with the planned intent of the Richardson Subdivision. In accordance with the Council Resolution, the conditions required to be completed prior to the passage of a Part-Lot Control By-law have been satisfied, and the applicant has been advised that the cost of registration of the by-law is to be borne by the applicant.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Development Services

Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic
Development

cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Bruce Page, Manager, Development Services (Subdivisions)
cc: Peter Kavcic, Manager, Development Services (Subdivisions)
cc: Michael Pease, Manager, Development Services (Site Plan)
cc: David Turvey, GIS Data Technician, Development Services

/sm

Y:\Shared\DEVELOPMENT SERVICES\4 - Subdivisions\2021\P-9304 - 335 Kennington Way (SM)\PEC 2
May 10 By-law\Draft P-P-9304 - 335 Kennington Way _Report to pass by-law_PEC.docx

Appendix A

Bill No.
2021

By-law No. C.P.-

A by-law to exempt from Part-Lot Control, lands located at 335 Kennington Way and 3959 Mia Avenue, legally described as Block 1 in Registered Plan 33M-765, RP 33R-20777 Parts 2 & 3.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Prosperity Homes, it is expedient to exempt lands located at 335 Kennington Way and 3959 Mia Avenue, legally described as Block 1, Plan 33M-765, Reference Plan 33R-20777 Parts 2 & 3, from Part Lot Control;

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

1. Block 1, Plan 33M-765, RP 33R-20777 Parts 2 & 3, located at 335 Kennington Way and 3959 Mia Avenue, west of Middleton Avenue are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse dwellings in conformity with the Residential R4 Special Provision (R4-6(10)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on May 25, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 25, 2021
Second Reading – May 25, 2021
Third Reading – May 25, 2021

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application By: Prosperity Homes
3964 Mia Avenue

Meeting on: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application by Prosperity Homes, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on May 25, 2021 to exempt Block 2, Plan 33M-765 from the Part-Lot Control provisions of Subsection 50(5) of the *Planning Act*, for a period not exceeding three (3) years.

Executive Summary

Summary of Request

This report is for review and endorsement by Municipal Council to exempt Block 2 in Registered Plan 33M-765 from the Part-Lot Control provisions of the *Planning Act*.

Purpose and Effect of Recommended Action

Exemption from Part-Lot Control will facilitate the creation of nineteen (19) street townhouse units, with access provided by means of Mia Avenue and Kennington Way.

Rationale for Recommended Action

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

Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

This application for Draft Plan of Subdivision Approval was accepted on March 12, 2015. It was circulated to the required agencies and municipal departments on March 23, 2015 and advertised in the *Londoner* on April 2, 2015. A revised application and plan were received on April 20, 2016 and was advertised in the *Londoner* on May 19, 2016. Notice of Public Meeting was sent out on November 29, 2016 and was advertised in the *Londoner* on November 24, 2016. The Public Meeting was held on December 12, 2016. Draft approval was granted on January 27, 2017.

Since draft approval, the Applicant has registered two phases of the subdivision. Phase 1 consisted of two (2) medium density multi-family blocks, one (1) future street block (Block 2), and six (6) reserve (0.3 m, 1 ft.) blocks, all served by two (2) new local streets, Mia Avenue and Kennington Way. It was registered on July 12, 2019 as 33M-765.

On August 10th, 2020 the Approval Authority for the City of London granted Final Approval for consent B.012/20 to create the lands located at 335 Kennington Way, 3959 and 3964 Mia Avenue. The certificates of consent were subsequently registered creating the medium density Part 2 and Part 3 on reference plan 33R-20777 which are the subject of an application for Site Plan Approval by Stantec Consulting Ltd for a 37 unit, 2-storey street townhouse development (File No. SPA20-084). Block 2 is the subject of an application of Site Plan Approval by Stantec Consulting Ltd. for a 19 unit, 2-storey cluster townhouse development (File No. SPA20-085).

1.1 Previous Reports Related to this Matter

December 12, 2016 - Report to Planning and Environment Committee to recommend approval of the draft plan of subdivision and associated zoning by-law amendments. (39T-15501/Z-8470)

April 15, 2019 - Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement Phase 1. (39T-15501)

April 15, 2019 - Report to Planning and Environment Committee on Special Provisions for the Subdivision Agreement Phase 1A. (39T-15501)

May 27, 2019 - Report to Planning and Environment Committee to re-zone a portion of Block 36 and all of Block 37 in draft approved plan 39T-15501, to permit street townhouse dwellings, in addition to the multi-family uses already permitted. (Z-9034)

May 27, 2019 - Report to Planning and Environment Committee to redesignate the park, stormwater management pond (Pincombe 3) and lands along Middleton Avenue to "Low Density Residential", and to redesignate a portion of the lands to "Open Space" to recognize a natural heritage component on Schedule "A" of the Official Plan and on Schedule 4 (Southwest Area Land Use Plan) and Schedule 10 (Central Longwoods) of the Southwest Area Secondary Plan, and to re-zone Block 38 from draft approved plan 39T-15501 (Richardson Subdivision) to permit single detached dwellings. (OZ-9038)

January 6, 2020 - Report to Planning and Environment Committee for a three (3) year extension to Draft Approval for the remaining phase(s) within the residential draft plan of subdivision (39T-15501).

August 10, 2020 - Report to the Approval Authority for the City of London which granted Final Approval for Part 1 and Part 2 on Reference Plan 33R-20777 (B.012-20).

February 8, 2021 - Report to Planning and Environment Committee to remove the holding (h, h-100 and h-198) symbols to allow the development of 56 cluster townhouse dwellings permitted under the Residential R4 Special Provision (R4-6(10)) Zone;

1.2 Previous Meeting

At its meeting held on April 13, 2021, Municipal Council resolved:

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application by Prosperity Homes to exempt Block 2, Plan 33M-765 from Part-Lot Control:

- (a) Pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, the attached proposed by-law **BE INTRODUCED** at a future Council meeting, to exempt Block 2, Plan 33M-765 from the Part-Lot Control provisions of subsection 50(5) of the said *Act*, **IT BEING NOTED** that these lands are subject to registered subdivision agreements and are zoned Residential R4 Special Provision (R4-6(10)) in Zoning By-law No. Z.-1, which permits street townhouses, with special provisions regulating lot frontage, front yard setback, garage front yard setback and garages shall not project beyond the façade of the dwelling or façade (front face) of any porch, and shall not occupy more than 50% of lot frontage;

- (b) The following conditions of approval **BE REQUIRED** to be completed prior to the passage of a Part-Lot Control By-law for Block 2, Plan 33M-765 as noted in clause (a) above:
- I. The applicant be advised that the costs of registration of the said by-laws are to be borne by the applicant in accordance with City Policy;
 - II. The applicant submit a draft reference plan to the Development Services for review and approval to ensure the proposed part lots and development plans comply with the regulations of the Zoning By-law, prior to the reference plan being deposited in the land registry office;
 - III. The applicant submits to the Development Services a digital copy together with a hard copy of each reference plan to be deposited. The digital file shall be assembled in accordance with the City of London's Digital Submission / Drafting Standards and be referenced to the City's NAD83 UTM Control Reference;
 - IV. The applicant submit each draft reference plan to London Hydro showing driveway locations and obtain approval for hydro servicing locations and above ground hydro equipment locations prior to the reference plan being deposited in the land registry office;
 - V. The applicant submit to the City Engineer for review and approval prior to the reference plan being deposited in the land registry office; any revised lot grading and servicing plans in accordance with the final lot layout to divide the blocks should there be further division of property contemplated as a result of the approval of the reference plan;
 - VI. The applicant shall enter into any amending subdivision agreement with the City, if necessary;
 - VII. The applicant shall agree to construct all services, including private drain connections and water services, in accordance with the approved final design of the lots;
 - VIII. The applicant shall obtain confirmation from the Development Services that the assignment of municipal numbering has been completed in accordance with the reference plan(s) to be deposited, should there be further division of property contemplated as a result of the approval of the reference plan prior to the reference plan being deposited in the land registry office;
 - IX. The applicant shall obtain approval from the Development Services of each reference plan to be registered prior to the reference plan being registered in the land registry office;
 - X. The applicant shall submit to the City, confirmation that an approved reference plan for final lot development has been deposited in the Land Registry Office;
 - XI. The applicant shall obtain clearance from the City Engineer that requirements iv), v) and vi) inclusive, outlined above, are satisfactorily completed, prior to any issuance of building permits by the Building Controls Division for lots being developed in any future reference plan;
 - XII. That on notice from the applicant that a reference plan has been registered on a Block, and that Part Lot Control be re-established by the repeal of the bylaw affecting the Lots/Block in question.

1.3 Property Description

The subject site is located on Kennington Way and Mia Avenue, which is generally located north of Exeter Road and east of Middleton Avenue. The site is currently vacant with vacant land to the north, medium and low density residential to the west, and light industrial to the east and south. The site has proximity to White Oaks Public School, and Sir Arthur Carty Catholic Elementary School.

1.4 Current Planning Information

- The London Plan Place Type – Neighbourhoods Place Type
- (1989) Official Plan Designation – Low Density Residential
- Existing Zoning – Residential R4 Special Provision/R5 Special Provision/R6 Special Provision R4-6(10)/R5-4(23)/R6-5(51) Zone

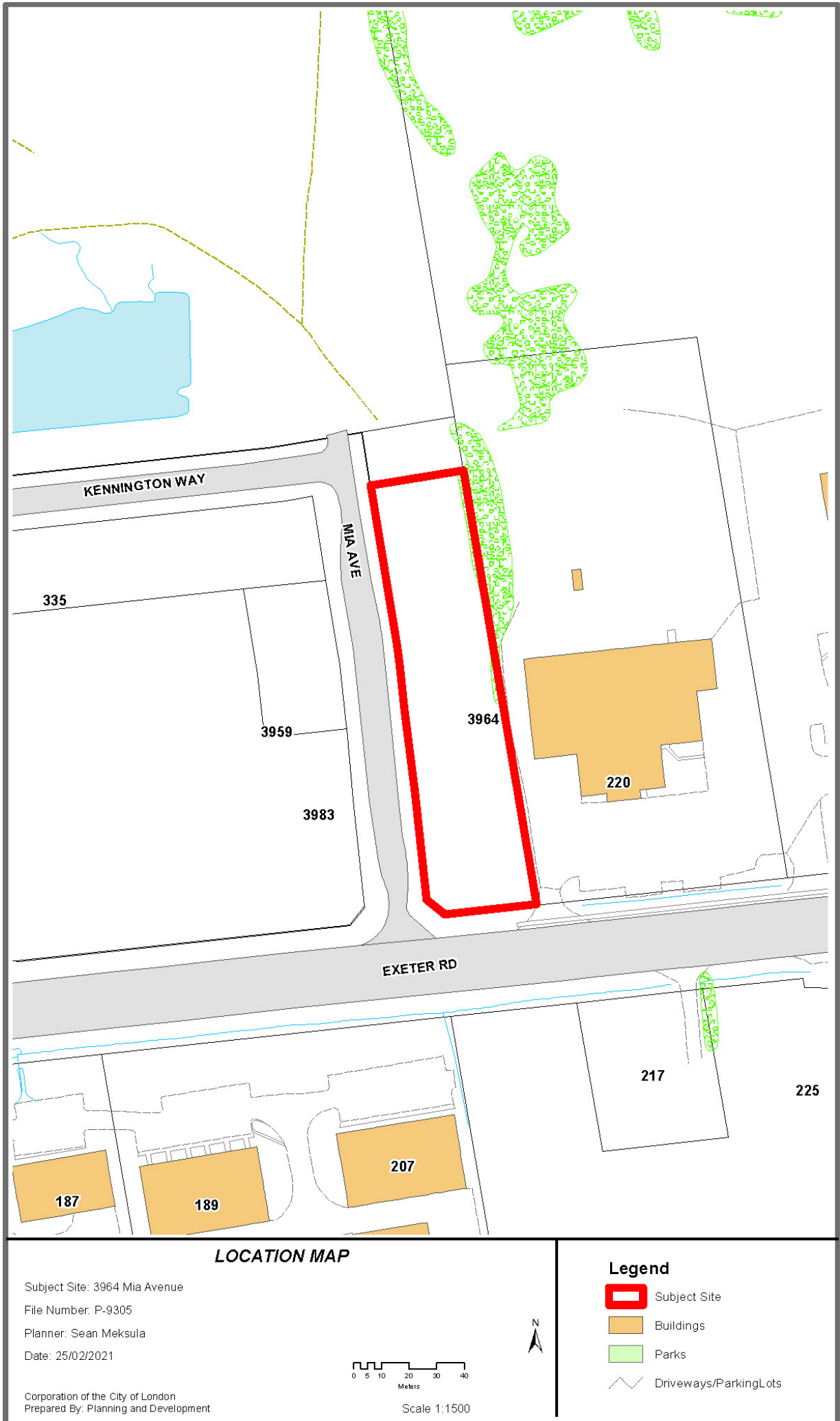
1.5 Site Characteristics

- Current Land Use – vacant
- Frontage – 159.7m (523.9 ft.)
- Area – 5,597m² (60,245 sq. ft.)
- Depth – ~33m (108.3 ft.)
- Shape – rectangular

1.6 Surrounding Land Uses

- North – urban reserve
- East – future low and medium density residential
- South – future medium density residential
- West – future low and medium density residential

1.7 LOCATION MAP



2.0 Discussion and Considerations

The Applicant, Prosperity Homes, has requested exemption from part-lot control to create a total of nineteen (19) two-storey freehold street townhouse units on two (2) local streets; Kennington Way and Mia Avenue.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

3.1 Community Engagement

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

3.2 Policy Context

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

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

4.0 Exemption from Part-Lot Control

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

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

Acknowledged by the applicant on April 21, 2021.

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

Satisfied by registration of reference plan 33R-20967.

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

Satisfied by submission on April 21, 2021 and City staff (GIS Data Technician) confirmed by email on April 22, 2021 that a digital file has been submitted in a format acceptable to the City of London.

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

Satisfied by approval from London Hydro on March 24, 2021.

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

Satisfied by the acceptance of Lot Grading and Servicing Plans submitted as per Site Plan Application SPA20-085.

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

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

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

The applicant agrees to fulfil this condition in its entirety related to the construction of all services and will be completed in accordance with the approved final designs of the lots through site plan approval.

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

Satisfied by municipal numbering assigned on March 5, 2021.

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

Satisfied by reference plan 33R-20967.

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

Satisfied by reference plan 33R-33R-20967.

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

The applicant has indicated that this condition will be fulfilled prior to the issue of building permits.

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

Acknowledged by the applicant on April 21, 2021.

Conclusion

The recommended exemption from Part-Lot Control is considered appropriate and in keeping with the planned intent of the Richardson Subdivision. In accordance with the Council Resolution, the conditions required to be completed prior to the passage of a Part-Lot Control By-law have been satisfied, and the applicant has been advised that the cost of registration of the by-law is to be borne by the applicant.

Prepared by: Sean Meksula, MCIP, RPP
Senior Planner, Development Services

Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic
Development

cc: Matt Feldberg, Manager, Development Services (Subdivisions)
cc: Bruce Page, Manager, Development Services (Subdivisions)
cc: Peter Kavcic, Manager, Development Services (Subdivisions)
cc: Michael Pease, Manager, Development Services (Site Plan)
cc: David Turvey, GIS Data Technician, Development Services

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Appendix A

Bill No.
2021

By-law No. C.P.-

A by-law to exempt from Part-Lot Control, lands located at 3964 Mia Avenue, legally described as Block 2 in Registered Plan 33M-765.

WHEREAS pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c. P.13*, as amended, and pursuant to the request from Prosperity Homes, it is expedient to exempt lands located at 3964 Mia Avenue, legally described as Block 2, Plan 33M-765, from Part Lot Control;

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

1. Block 2, Plan 33M-765, located at 3964 Mia Avenue, west of Middleton Avenue are hereby exempted from Part-Lot Control, pursuant to subsection 50(7) of the *Planning Act, R.S.O. 1990, c.P.13*, as amended, for a period not to exceed three (3) years; it being noted that these lands are zoned to permit street townhouse dwellings in conformity with the holding Residential R4 Special Provision R4-6(10)) Zone of the City of London Zoning By-law No. Z-1.
2. This by-law comes into force when it is registered at the Land Registry Office.

PASSED in Open Council on May 25, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 25, 2021
Second Reading – May 25, 2021
Third Reading – May 25, 2021

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application by Sifton Properties Limited
146 and 184 Exeter Road
Middleton Subdivision - Phase 3
Removal of Holding Provisions

Date: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Sifton Properties Limited, relating to lands located at 146 and 184 Exeter Road, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on May 25, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R1 Special Provision (h•h-100•R1-4(29)) Zone and a Holding Residential R1 Special Provision (h•h-100•R1-13(7)) Zone **TO** a Residential R1 Special Provision (R1-4(29)) Zone and a Residential R1 Special Provision (R1-13(7)) Zone to remove the h and h-100 holding provisions.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h and h-100 holding symbols to permit the development of 138 single detached dwelling lots.

Rationale of Recommended Action

1. The conditions for removing the holding (h & h-100) provisions have been met and the recommended amendment will allow development of single detached dwellings in compliance with the Zoning By-law.
2. Subdivision security has been posted with the City in accordance with City policy, and the Subdivision Agreement for Phase 3 has been executed by the applicant and the City.
3. Provision has been made for a looped watermain system to ensure adequate water service, as well as provision for a second public road access to the satisfaction of the City.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

Analysis

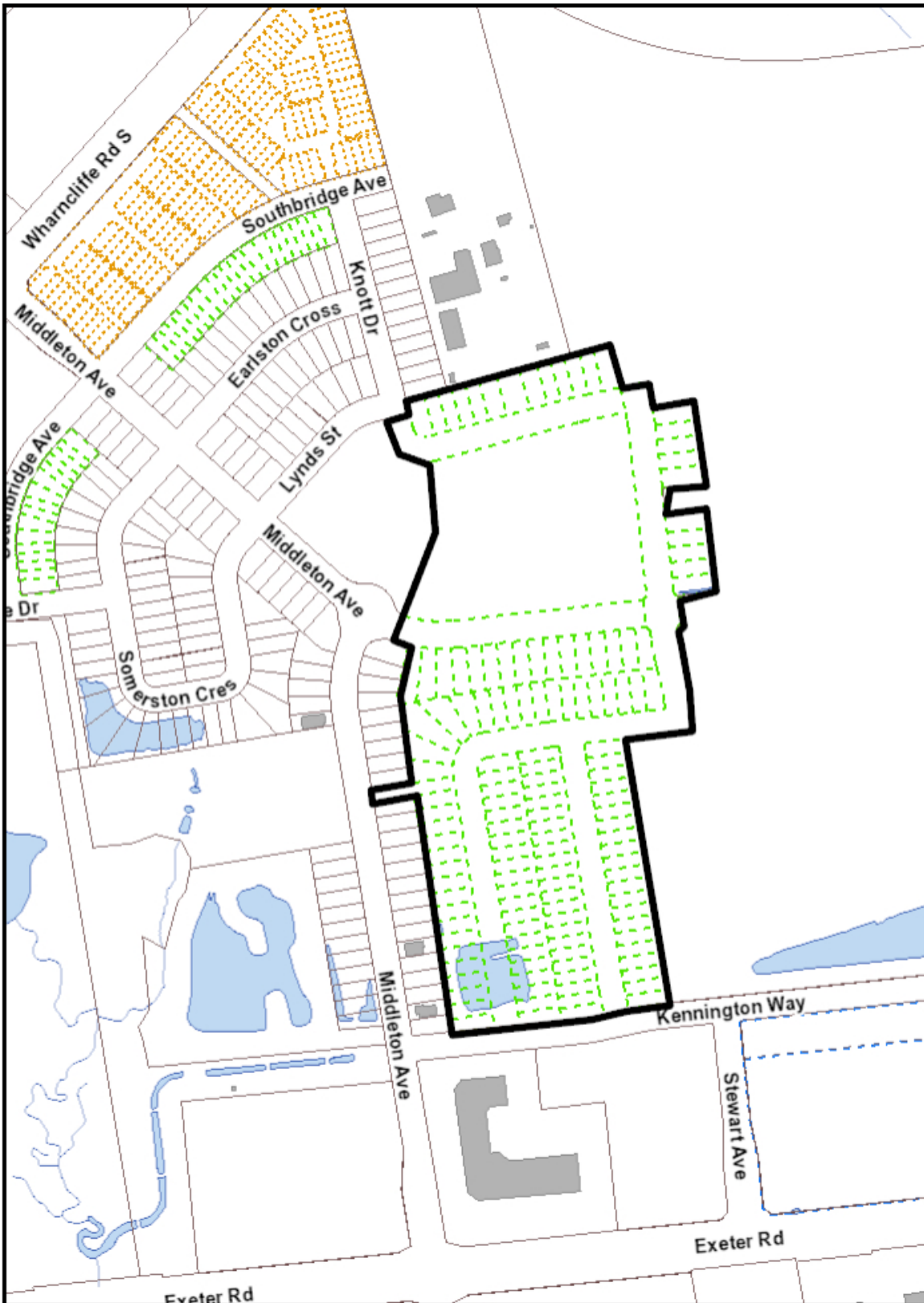
1.0 Background Information

1.1 Previous Reports Related to this Matter

February 8, 2021 – Report to Planning and Environment Committee - 146 & 184 Exeter Road – Middleton Subdivision Phase 3 – Special Provisions – Sifton Properties Limited (File No. 39T-15501).

2.0 Discussion and Considerations






2.1 Location Map



Location Map

Subject Property: 184 Exeter Rd
 Applicant: Z GROUP HOMES INC
 File Number: 39T-15501
 Created By: Larry Mottram
 Date: 12/4/2020
 Scale: 1:4000

Legend

-  Subject Property
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers

Corporation of the City of London



2.2 Description of Proposal

This proposal is for consideration of a request to remove the holding provisions from Lots 1 to 138 within the Middleton Subdivision (Phase 3) to permit development of single detached dwellings.

2.3 Planning History

The Middleton Subdivision (formerly known as the Richardson Subdivision) was draft approved by the City of London Approval Authority on January 27, 2017. Phase 1 was registered in two parts – Phase 1A on July 12, 2019 as Plan 33M-765, and Phase 1B on October 9, 2019 as Plan 33M-769. Phase 2 was registered on June 8, 2020 as Plan 33M-785. The subdivision servicing drawings for Phase 3 have been reviewed and accepted by the City, and a Subdivision Agreement has now been executed by Sifton Properties Limited and the City of London.

2.4 Community Engagement (see more detail in Appendix B)

There were no responses received to the Notice of Application.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Conclusions

4.1 Have the conditions for removal of the holding (h & h-100) provision been met?

Section 36(1) of the Planning Act allows municipalities to place holding provisions on properties to ensure that certain requirements have been addressed to the satisfaction of Council, prior to development. Through the Zoning By-law amendment and Draft Plan of Subdivision application process, two holding provisions were added to the subject site to ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development, and to ensure that there is adequate water service and appropriate access. The holding provisions, and confirmation as to how each requirement has been satisfied, are noted below:

The purpose of the holding (“h”) provision in the zoning by-law is as follows:

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

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

A Subdivision Agreement has been executed between Sifton Properties Limited and the City of London. Sifton Properties Limited has also posted security as required by City policy and the Subdivision Agreement. Therefore, the condition has been met for removal of the h provision.

The purpose of the holding (“h-100”) provision in the Zoning By-law is as follows:

Purpose: To ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must

be available to the satisfaction of the City Engineer, prior to the removal of the h-100 symbol.

Permitted Interim Uses: A maximum of 80 residential units.

The subdivision servicing drawings have been accepted by the City, and Sifton Properties Limited has commenced with the installation of services, including the watermain and water looping of the subdivision with connections to the existing 250 mm diameter watermain on Roy McDonald Drive and 200 mm diameter watermain on Knott Drive, as well as the 200 mm diameter watermain on Byers Street and 200 mm diameter watermain on Auckland Avenue both of which are “T” connections from the existing watermain on Kennington Way. Multiple public road accesses are also provided to the subdivision street network with existing connections via Knott Drive, Lynds Street, Middleton Avenue, and Kennington Way. Therefore, the condition has been satisfied for removal of the h-100 provision.

Conclusion

The requirements for two holding provisions on the subject lands have been addressed which will allow the issuance of residential building permits for 138 single detached lots in Phase 3 of the Middleton Subdivision. In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbols from the zoning map.

Prepared by: **Larry Mottram, MCIP, RPP**
Senior Planner, Development Services

Recommended by: **Paul Yeoman, RPP, PLE**
Director, Development Services

Submitted by: **George Kotsifas, P. Eng.**
Deputy City Manager, Planning and Economic
Development

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)
Bruce Page, Manager, Development Planning
Peter Kavcic, Manager, Development Engineering

May 3, 2021
GK/PY/LM/lm

Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
2021

By-law No. Z.-1- _____

A by-law to amend By-law No. Z.-1 to
remove holding provisions from the
zoning for lands located at 146 and 184
Exeter Road.

WHEREAS Sifton Properties Limited has applied to remove the holding provisions from the zoning on lands located at 146 and 184 Exeter Road, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 146 and 184 Exeter Road, as shown on the attached map, to remove the h and h-100 holding provisions so that the zoning of the lands as a Residential R1 Special Provision (R1-4(29)) Zone and a Residential R1 Special Provision (R1-13(7)) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

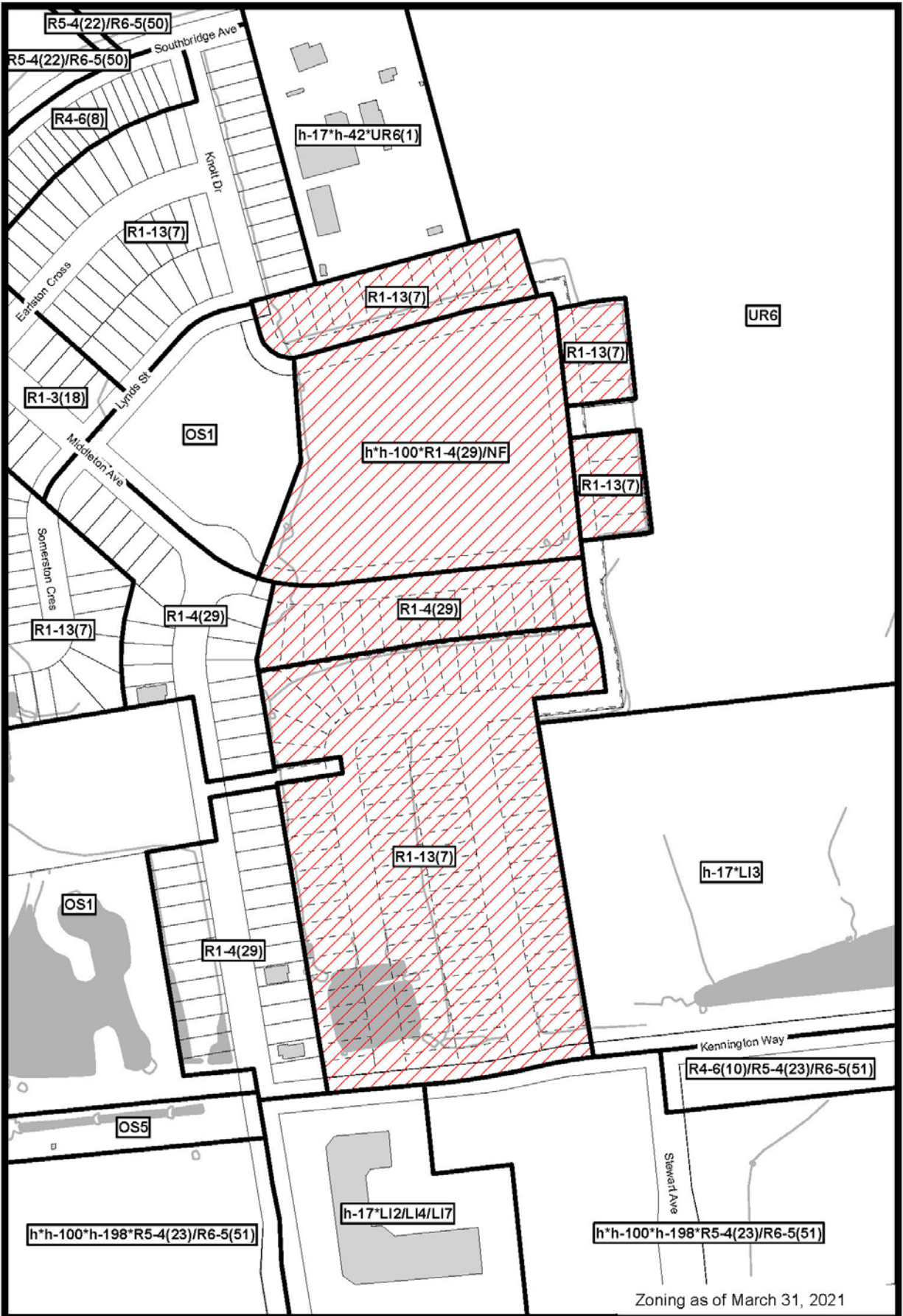
PASSED in Open Council on May 25, 2021.

Ed Holder
Mayor




Catharine Saunders
City Clerk

First Reading – May 25, 2021
Second Reading – May 25, 2021
Third Reading – May 25, 2021

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



Zoning as of March 31, 2021

<p>File Number: H-9294 Planner: LM Date Prepared: 2021/04/14 Technician: RC By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:3,000</p> <p>0 15 30 60 90 120 Meters </p> <p></p>
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Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on January 21, 2021.

Responses: No replies

Nature of Liaison: 146 & 184 Exeter Road, located north of Exeter Road, east of Middleton Avenue, and south of Wharncliffe Road South; known as Middleton Subdivision (Phase 3) – City Council intends to consider removing the Holding (h and h-100) Provisions from the zoning of the subject lands to allow development of 138 single detached dwelling lots permitted under the Residential R1 Special Provision (R1-4(29)) Zone and Residential R1 Special Provision (R1-13(7)) Zone. The purpose of the “h” provision is to ensure the orderly development of lands and adequate provision of municipal services. The “h” symbol shall not be deleted until the required security has been provided for the development agreement or subdivision agreement, and Council is satisfied that the conditions of approval of the plans and drawings for a site plan, or the conditions of the approval of a draft plan of subdivision, will ensure a development agreement or subdivision agreement is executed by the applicant and the City prior to development. The h-100 symbol is intended to ensure there is adequate water service and appropriate access, a looped watermain system must be constructed and a second public access must be available to the satisfaction of the City Engineer. Interim uses may be permitted up to 80 units maximum. Council will consider removing the holding provision as it applies to these lands no earlier than March 23, 2021.

Response to Notice of Application and Publication in “The Londoner”

Telephone:
None

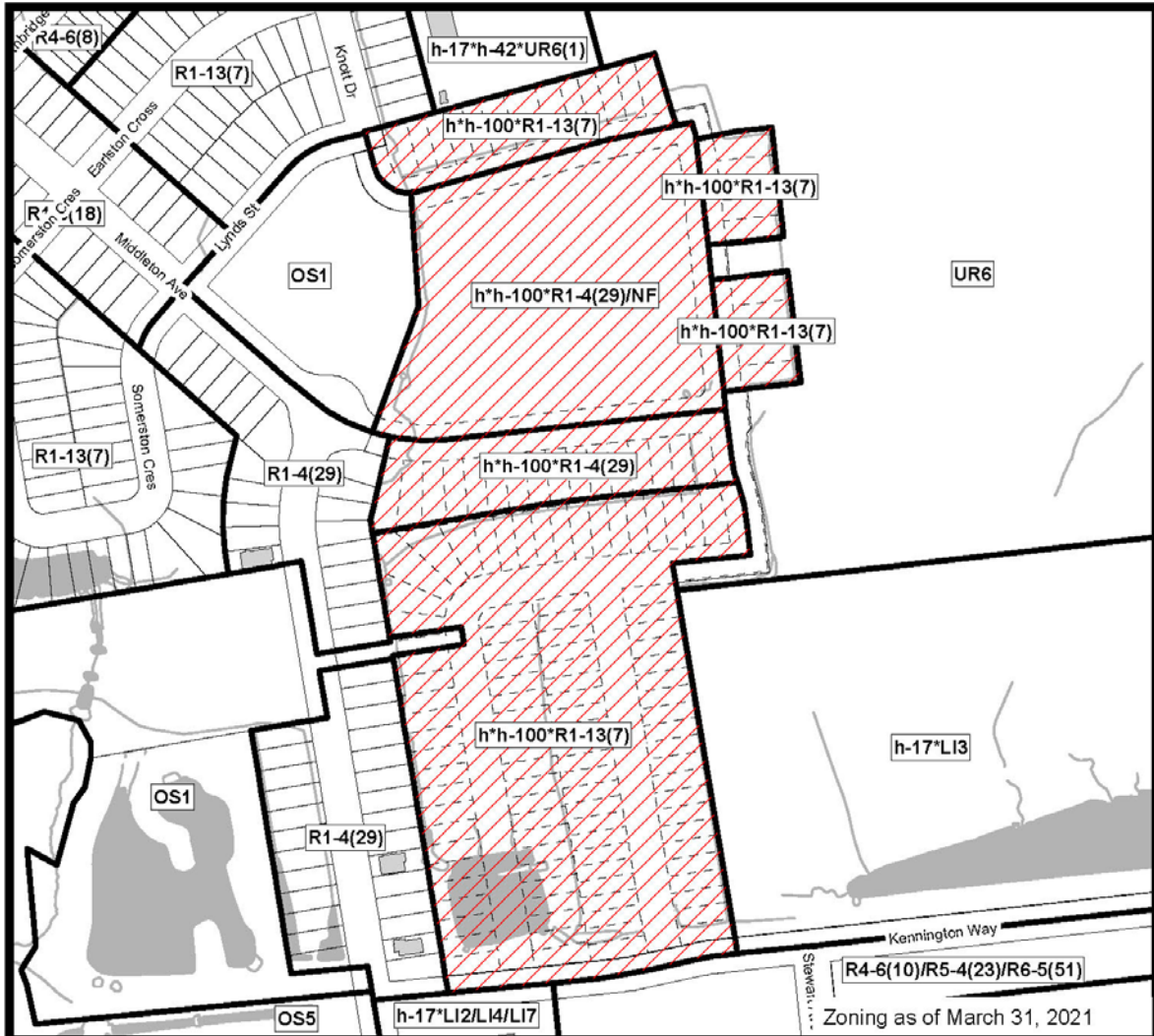
Written:
None

Significant Agency/Departmental Comments:

None

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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- ER - ENVIRONMENTAL REVIEW

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- EX - RESOURCE EXTRACTIVE
- UR - URBAN RESERVE

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

- "h" - HOLDING SYMBOL
- "d" - DENSITY SYMBOL
- "h" - HEIGHT SYMBOL
- "b" - BONUS SYMBOL
- "t" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



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

FILE NO:

H-9294

LM

MAP PREPARED:

2021/04/14

RC

1:3,547

0 15 30 60 90 120 Meters

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application by Jefferson Homes Ltd.
1639 to 1685 Brayford Avenue
Removal of Holding Provision

Date: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Jefferson Homes Ltd., relating to lands located at 1639 to 1685 Brayford Avenue, legally described as Lots 12 to 15 Plan 33M-713 and Lots 13 to 17 Plan 33M-714, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on May 25, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R1 (h-37•R1-4) Zone **TO** a Residential R1 (R1-4) Zone to remove the h-37 holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h-37 holding symbol to permit the development of nine (9) single detached dwelling lots within a registered plan of subdivision.

Rationale of Recommended Action

1. The conditions for removing the holding (h-37) provision have been met and the recommended amendment will allow development of single detached dwellings in compliance with the Zoning By-law.
2. The recommended amendment is consistent with the Minimum Distance Separation (MDS) Document guidelines. MDS1 setbacks are not required for proposed land use changes within approved settlement areas.
3. The subject lots are part of a registered plan of subdivision within the City's Urban Growth Boundary, on lands that have been designated over the long term for future residential development.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

Analysis

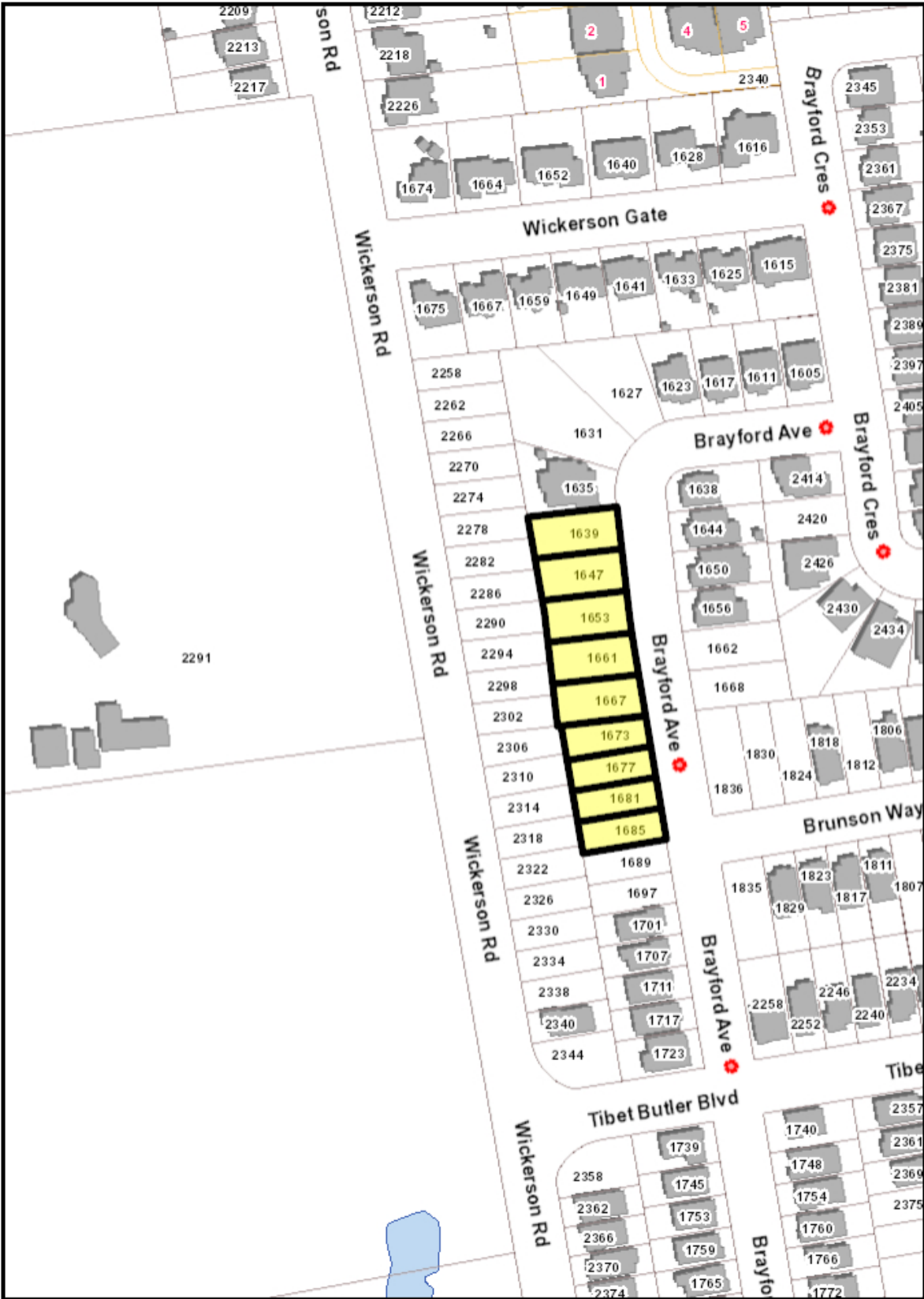
1.0 Background Information

1.1 Previous Reports Related to this Matter

October 23, 2017 – Report to Planning and Environment Committee – 1635 Brayford Avenue – Application for Removal of Holding Provision – Nicola Vecchio (File No. H-8832).

2.0 Discussion and Considerations






2.1 Location Map



Location Map

Project Title: H-9336
 Description: 1639 - 1685 Brayford Avenue
 Created By: Larry Mottram
 Date: 4/11/2021
 Scale: 1:2000

Legend

-  Subject Site
-  Parks
-  Assessment Parcels
-  Buildings
-  Address Numbers



2.2 Description of Proposal

This proposal is for consideration of a request to remove the holding provision from Lots 12 to 15 in Plan 33M-713 and from Lots 13 to 17 in Plan 33M-714 to permit development of single detached dwellings.

2.3 Planning History

The lots on Brayford Avenue were created from adjoining plans of subdivision on two adjacent parcels of land that were draft approved in October 2002 (Kape Developments Ltd. – File No. 39T-00519) and June 2004 (911578 Ontario Ltd. (Mike Meddaoui)) – File No. 39T-03508). Both plans were subsequently granted final approval and registered on May 1, 2017.

At the time draft approval was issued there was an empty livestock facility existing on lands located at 2291 Wickerson Road, to the west of the subject parcels. A holding (h-37) provision was applied to the zoning over the lots within the westerly portion of the draft plan to recognize the presence of the facility and to implement the Provincial Minimum Distance Separation (MDS1) setback requirements that were in effect at that time. The intent of the holding provision was to preclude sensitive land uses from being constructed until the adjacent livestock facility located at 2291 Wickerson Road ceased to exist.

The City's Urban Growth Boundary (UGB) corresponds with Wickerson Road in this area. Lands to the west of the UGB are designated "Agriculture", and lands to the east were designated for "Urban Reserve – Community Growth" and then redesignated to "Low Density Residential" in conjunction with the application for approval of draft plan of subdivision. The application of a holding provision was consistent with City's Official Plan policies under Section 9.2.10, where livestock operations existing within the "Agriculture" designation shall be protected from encroachment of new development within the "Urban Reserve" designations through the application of the MDS1 requirements. However, under the policy, a limited amount of development could be permitted, such as municipal infrastructure that did not allow for passive/active recreation uses; and draft approved plans of subdivision or condominium only where a holding zone or draft plan conditions requiring phasing were applied to preclude development until such time as the subject livestock facility is removed.

In 2017 the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) released a new Minimum Distance Separation (MDS) Document which applies to all Planning Act applications submitted on or after March 1, 2017. The new MDS guidelines are clear as to the non-application of MDS within approved settlement areas that includes lands which have been designated in an Official Plan for development over the long-term planning horizon. Whereas the previous MDS Implementation Guidelines gave municipalities the option to apply MDS1 from livestock facilities within a settlement area designation, the new MDS document replaces all previous versions of the MDS Formulae and Implementation Guidelines.

The London Plan policies regarding Minimum Distance Separation are consistent with the Minimum Distance Separation (MDS) Document requirements in that MDS1 will apply only to proposed planning and development applications for lands outside of the UGB, and any proposals to expand the UGB.

2.4 Community Engagement (see more detail in Appendix B)

There was one response received to the Notice of Application.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Conclusions

4.1 Have the conditions for removal of the holding (h-37) provision been met?

The purpose of the holding (“h-37”) provision in the Zoning By-law is as follows:

Purpose: To implement the Provincial Minimum Distance Separation (MDS) regulations the "h-37" holding provision will not be deleted until the existing livestock facility has been removed or, through removal of building infrastructure, is no longer capable of housing livestock.

Permitted Interim Use: Existing uses

The property at 2291 Wickerson Road consists of a single detached dwelling and accessory buildings consisting of two drive sheds and a barn. The barn being a one storey structure with metal clad siding approximately 325 square metres (3,500 sq.ft.) in area which has not housed any livestock in many years. In 2002, Municipal Council adopted the Zoning By-law Amendment with the h-37 holding provision to apply to the subject lots on Brayford Avenue and to a row of lots on the east side of Wickerson Road. According to the Council Resolution, the owner of the property at 2291 Wickerson Road at the time (Bill Young) indicated that he had suspended farming operations on the property temporarily but intended to resume farming activities in the future. The City's property data base indicates that ownership has changed several times over the years, and during that time there have been no signs of livestock being housed on the property. The applicant's agent advises that all internal equipment has been removed rendering the building incapable of housing livestock.

The Minimum Distance Separation (MDS) Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks released by OMAFRA in 2017 provide direction with respect to the application of MDS, and for what and when an MDS setback is required. Guideline #36 addresses the non-application of MDS within approved settlement areas as follows:

#36. Non-Application of MDS Within Settlement Areas

MDS1 setbacks are NOT required for proposed land use changes (e.g., consents, rezonings, redesignations, etc.) within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.

MDS1 under *The London Plan* applies only to lands outside of the Urban Growth Boundary, and to any proposals to expand the Urban Growth Boundary. The London Plan policy reads as follows:

1773_ Any proposed planning and development applications for lands outside of the Urban Growth Boundary, and any proposals to expand the Urban Growth Boundary, shall meet the required odour setbacks in accordance with the provincial Minimum Distance Separation (MDS1) Implementation Guidelines and Formulae, as amended by the Province from time to time.

It is noted that the subject lots are part of a plan of subdivision within the City's Urban Growth Boundary, on lands that have been designated over the long term for future residential development in conformity with the Official Plan and Zoning By-law, and therefore meets the definition of “settlement areas” as defined in the Minimum Distance

Separation (MDS) Document and Provincial Policy Statement, 2020.

The attached letter of objection received from the owners of the property at 2291 Wickerson Road includes a request for inclusion of the front portion of their property within the Urban Growth Boundary. The requested boundary adjustment would mirror the lot depth of homes that have been developed along the west side of Wickerson Road immediately to the north of their property boundary. The owner's letter argues that a site-specific boundary adjustment in this case is warranted and that creating residential lots on both sides of Wickerson Road would establish a compatible land use frontage and represents a logical continuation of the existing low density residential built fabric. Regardless of the reasons stated in their letter, the appropriate channel for considering requests by property owners for inclusion of their lands within the Urban Growth Boundary is through The London Plan comprehensive review process. Therefore, staff would advise that this request be directed through that channel consistent with the City Structure Plan policies with respect to the Urban Growth Boundary, and specifically Policy 73 which states:

73_ During every comprehensive review of this Plan, which will be conducted consistent with the Provincial Policy Statement, 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 and to satisfy market demands for up to 20 years.

Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbol from the zoning map.

Prepared by: Larry Mottram, MCIP, RPP
Senior Planner, Development Services

Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic
Development

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)
Bruce Page, Manager, Development Planning
Peter Kavcic, Manager, Development Engineering

May 3, 2021
GK/PY/LM/lm

Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
2021

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
remove holding provisions from the
zoning for lands located at 1639 to 1685
Brayford Avenue, legally described as
Lots 12 to 15 Plan 33M-713 and Lots 13
to 17 Plan 33M-714.

WHEREAS Jefferson Homes Ltd. has applied to remove the holding provision from the zoning on lands located at 1639 to 1685 Brayford Avenue, legally described as Lots 12 to 15 Plan 33M-713 and Lots 13 to 17 Plan 33M-714, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 1639 to 1685 Brayford Avenue, legally described as Lots 12 to 15 Plan 33M-713 and Lots 13 to 17 Plan 33M-714, as shown on the attached map, to remove the h-37 holding provision so that the zoning of the lands as a Residential R1 (R1-4) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

PASSED in Open Council on May 25, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 25, 2021
Second Reading – May 25, 2021
Third Reading – May 25, 2021

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



File Number: H-9336

Planner: LM

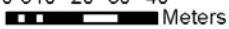
Date Prepared: 2021/04/20

Technician: rc

By-Law No: Z.-1-

SUBJECT SITE 

1:1,672

0 5 10 20 30 40
 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on April 22, 2021.

Responses: 1 reply

Nature of Liaison: 1639 - 1685 Brayford Avenue; Lots 12 to 15 Plan 33M-713 and Lots 13 to 17 Plan 33M-714 – City Council intends to consider removing the Holding (“h-37”) Provision from the zoning of the subject lands. The purpose and effect is to allow development of the lands for residential uses permitted under the Residential R1 (R1-4) Zone. The purpose of the “h-37” provision is to implement the Provincial Minimum Distance Separation (MDS) regulations the “h-37” holding provision will not be deleted until the existing livestock facility has been removed or, through removal of building infrastructure, is no longer capable of housing livestock. Permitted Interim Use: Existing Uses. Council will consider removing the holding provision as it applies to these lands no earlier than May 25, 2021.

Response to Notice of Application and Publication in “The Londoner”

Telephone:
None

Written:
2090864 Ontario Inc.
2291 Wickerson Road

Significant Agency/Departmental Comments:

None

Dated: April 19, 2021

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

Attention: Mr. Larry Mottram
Planner

Hi Mr. Mottram:

**Subject: Letter of Objection. Your File: H-9337 Notice of Application
2258-2334 Wickerson Road - Jefferson Homes Ltd.**

Please consider this communication as our objection to the proposed "Possible change to Zoning By-law Z.-1 by deleting the Holding (h-37) Provision from the subject lands to allow development of single detached dwellings permitted under the Residential R1 Special Provision (R1-3(7)) Zone and Residential R1 (R1-4) Zone".

We are the property owners of 2291 Wickerson Road (2090864 Ontario Inc.). Our property is zoned to permit its current land use, which allows the housing of livestock operations, until it is included in the Urban Growth Boundary (UGB) (i.e., this has been a longstanding condition, as part of the initial approval of the original plan of subdivision). Our property is directly opposite the subject application (i.e., the west side of Wickerson Road). As a result, we recommend that the City of London not take any action towards the deletion or relaxation of the MDS requirements, contrary to the Provincially recommended guidelines to allow residential development, which will adversely affect the currently allowed land use on our property.

We are however willing to consider the potential removal of the Holding (h-37) Provision from our property, should there be a City Council commitment to concurrently include our full frontage within the UGB, as a site specific (minor) boundary adjustment, by-way-of an area specific Official Plan Amendment application. Moreover, our unique (special case) inclusion within the UGB would mirror the scope and depth of the then also special case UGB adjusted and now developed low-density residential building lots, along the same side (frontage) of Wickerson Road, note attached aerial map.

We are not against the Applicant seeking their desired approval, per se. However, there should be regard made to our request to be adopted, as outlined above. Furthermore, the removal of the Holding (h-37) Provision, which appears solely on Applicant's property, directly impacts us because it would cease to maintain a true and effective separation distance. Above all, we would lose our position to have our property included in the UGB. On the other hand, if the intent is to remove the Minimum Distance Separation (MDS) entirely, we are strongly objecting to that undertaking, without our property being part of a minor UGB inclusion.

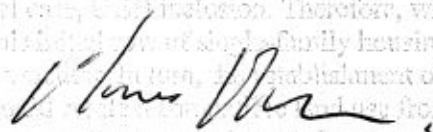
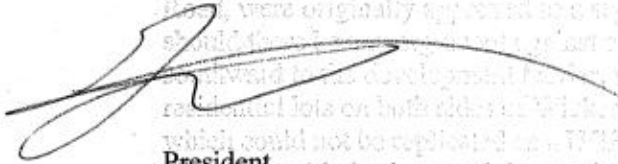
From a land use planning perspective, our requested condition for the potential removal of the holding provision is that our property's northerly boundary directly abuts the southerly limit of the existing row of single-family homes; thus, our property is both ideally and strategically positioned to warrant a minor southerly UGB extension, which would both mirror and/or establish a logical continuation of the existing low-density residential built fabric. It should be noted that the original row of now established housing lots, along the west side of Wickerson Road, were originally approved as a separate special case, UGB inclusion. Therefore, why should there be any argument against completing this initial row of single-family housing, southward to the development barrier, which is the woodlot. In turn, the establishment of residential lots on both sides of Wickerson Road would create a compatible land use frontage, which could not be replicated as a UGB inclusion request along any other roadways across the City. It should also be noted that the immediately abutting southerly lands (along this same frontage) face development constraints because they possess a sizable woodlot and grade change, should one choose to request a further UGB extension. Lastly, the subject UGB extension request would result in the balance of our overall 20-acre land area remaining outside of the UGB and cease possessing any MDS separation (setback) condition, given that we intend to utilize our existing barn for storage; thus cease its use for livestock purposes.

Sincerely,

From a land use planning perspective, our requested condition for the potential removal of the holding provision is that our property's northerly boundary directly abuts the southerly limit of the existing row of single-family homes; thus, our property is both ideally and strategically positioned to warrant a minor southerly UGB extension, which would both mirror and/or establish a logical continuation of the existing low-density residential built fabric. It should be noted that the original row of now established housing lots, along the west side of Wickerson Road, were originally approved as a separate special case, UGB inclusion. Therefore, why should there be any argument against completing this initial row of single-family housing, southward to the development barrier, which is the woodlot. In turn, the establishment of residential lots on both sides of Wickerson Road would create a compatible land use frontage, which could not be replicated as a UGB inclusion request along any other roadways across the City. It should also be noted that the immediately abutting southerly lands (along this same frontage) face development constraints because they possess a sizable woodlot and grade change, should one choose to request a further UGB extension. Lastly, the subject UGB extension request would result in the balance of our overall 20-acre land area remaining outside of the UGB and cease possessing any MDS separation (setback) condition, given that we intend to utilize our existing barn for storage; thus cease its use for livestock purposes.

Fernando Di Cola

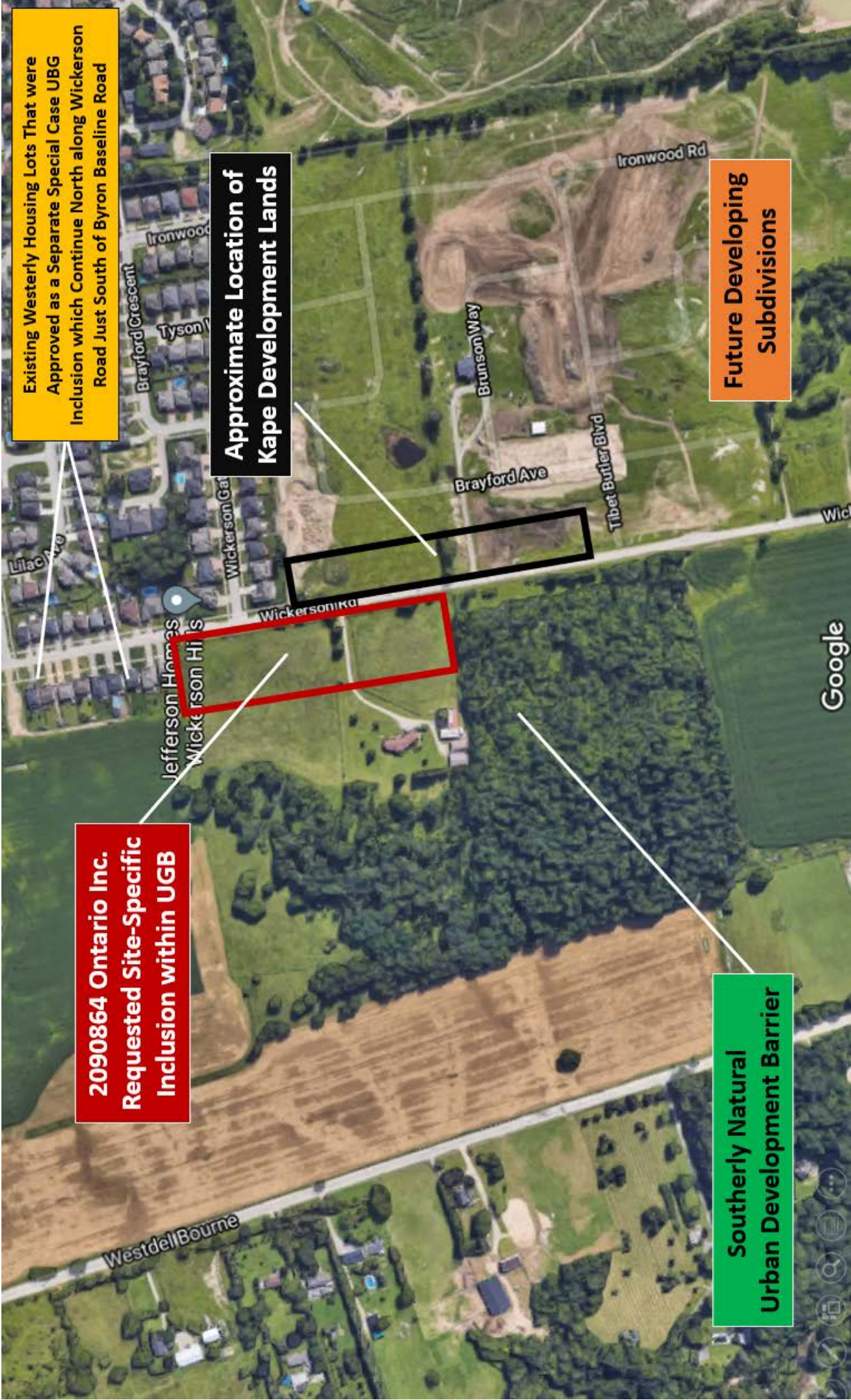
Marcello Di Marcelli



**President
2090864 Ontario Inc.**

**Secretary Treasurer
2090864 Ontario Inc.**

From a land use planning perspective, our requested condition for the potential removal of the holding provision is that our property's northerly boundary directly abuts the southerly limit of the existing row of single-family homes; thus, our property is both ideally and strategically positioned to warrant a minor southerly UGB extension, which would both mirror and/or establish a logical continuation of the existing low-density residential built fabric. It should be noted that the original row of now established housing lots, along the west side of Wickerson Road, were originally approved as a separate special case, UGB inclusion. Therefore, why should there be any argument against completing this initial row of single-family housing, southward to the development barrier, which is the woodlot. In turn, the establishment of residential lots on both sides of Wickerson Road would create a compatible land use frontage, which could not be replicated as a UGB inclusion request along any other roadways across the City. It should also be noted that the immediately abutting southerly lands (along this same frontage) face development constraints because they possess a sizable woodlot and grade change, should one choose to request a further UGB extension. Lastly, the subject UGB extension request would result in the balance of our overall 20-acre land area remaining outside of the UGB and cease possessing any MDS separation (setback) condition, given that we intend to utilize our existing barn for storage; thus cease its use for livestock purposes.



Existing Westerly Housing Lots That were Approved as a Separate Special Case UBG Inclusion which Continue North along Wickerson Road Just South of Byron Baseline Road

Approximate Location of Kape Development Lands

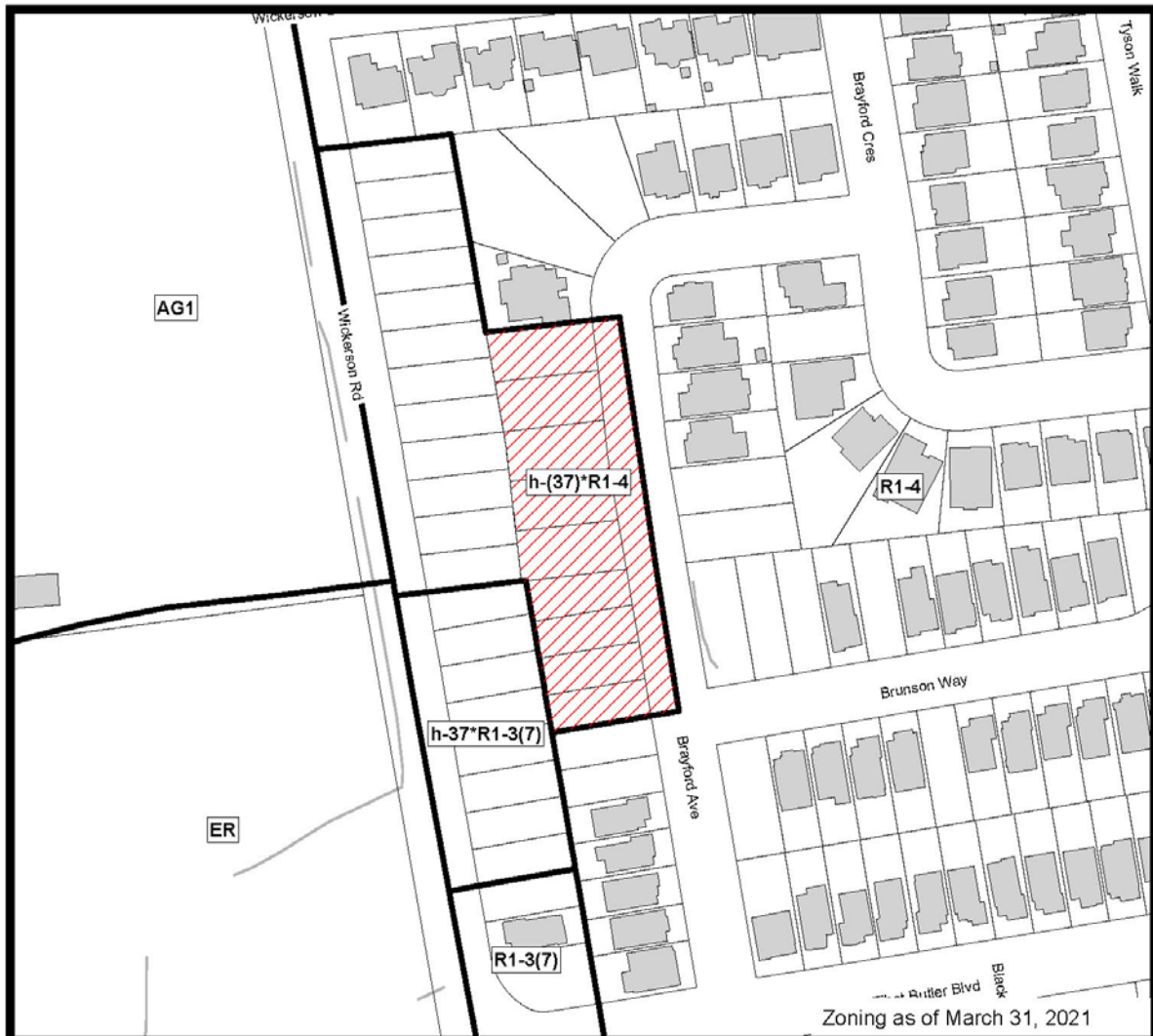
Future Developing Subdivisions

2090864 Ontario Inc. Requested Site-Specific Inclusion within UBG

Southerly Natural Urban Development Barrier

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) LEGEND FOR ZONING BY-LAW Z-1

- R1 - SINGLE DETACHED DWELLINGS
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- "h" - HOLDING SYMBOL
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- "B" - BONUS SYMBOL
- "T" - TEMPORARY USE SYMBOL

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



FILE NO:

H-9336

LM

MAP PREPARED:

2021/04/20

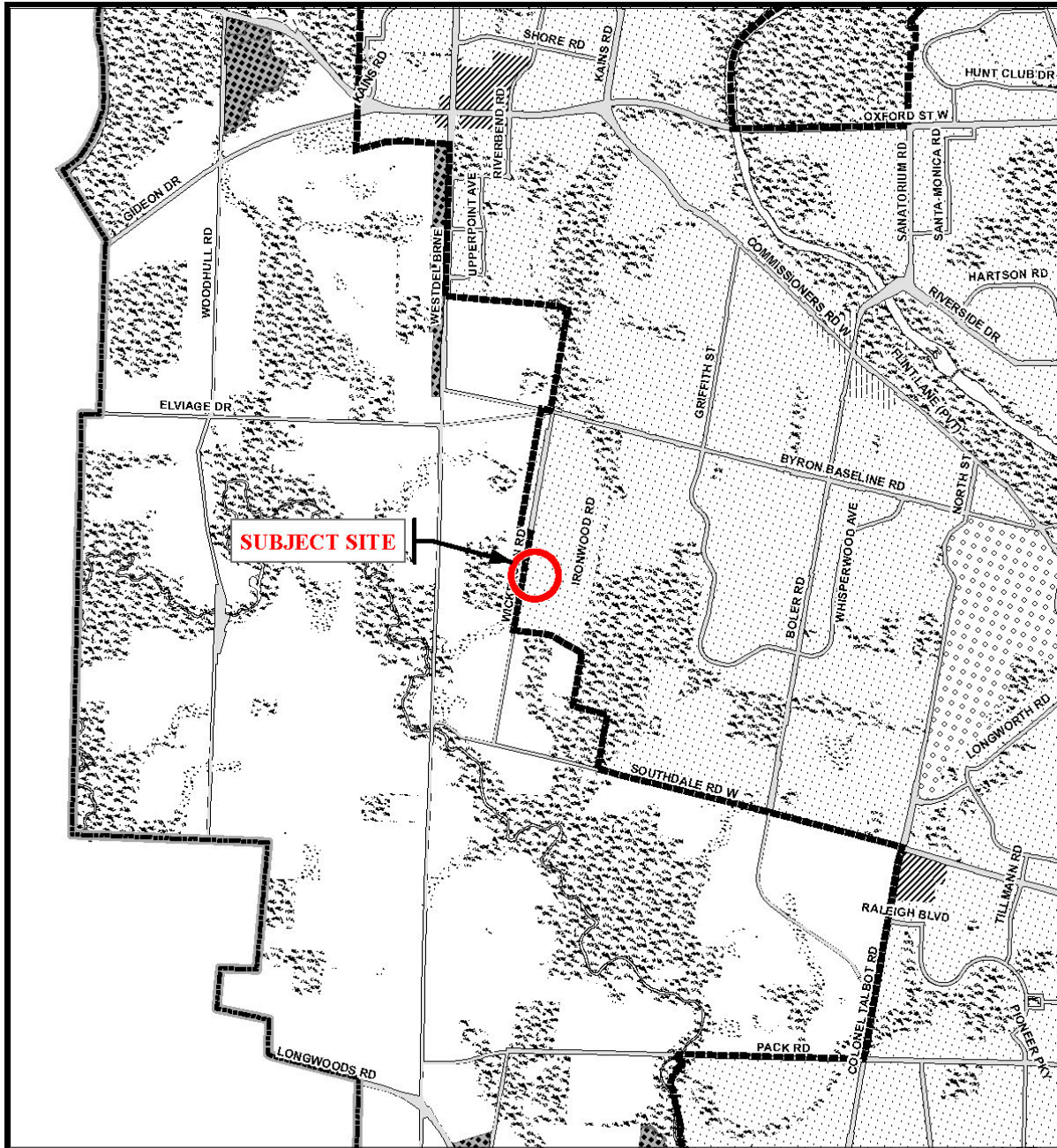
RC

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0 10 20 40 60 80 Meters

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

The London Plan Map Excerpt



Legend

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

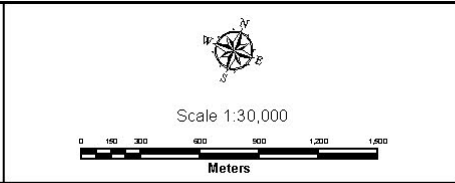
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

CITY OF LONDON
 Planning Services /
 Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services



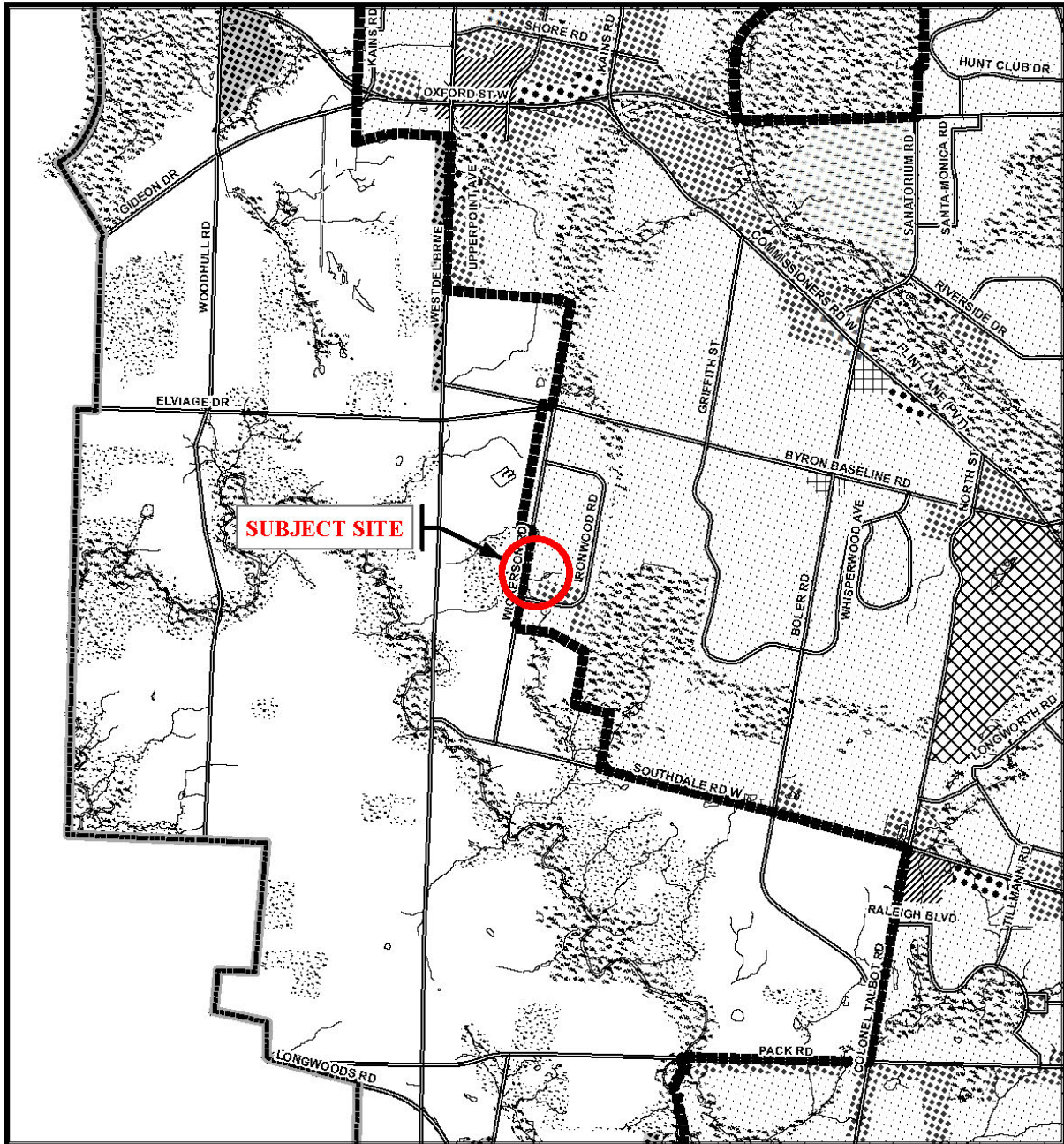
File Number: H-9336

Planner: LM

Technician: RC

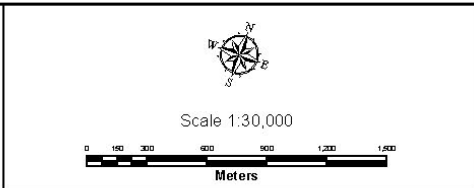
Date: April 20, 2021

Official Plan Map Excerpt



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

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



FILE NUMBER: H-9336
 PLANNER: LM
 TECHNICIAN: RC
 DATE: 2021/04/20

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic Development

Subject: Application by Kape Developments Ltd.
2258 to 2334 Wickerson Road
Removal of Holding Provision

Date: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, based on the application by Kape Developments Ltd., relating to lands located at 2258 to 2334 Wickerson Road, legally described as Lots 4 to 11 Plan 33M-713 and Lots 1 to 12 Plan 33M-714, the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting to be held on May 25, 2021 to amend Zoning By-law No. Z.-1, in conformity with the Official Plan, to change the zoning of the subject lands **FROM** a Holding Residential R1 Special Provision (h-37•R1-3(7)) Zone **TO** a Residential R1 Special Provision (R1-3(7)) Zone, and **FROM** Holding Residential R1 (h-37•R1-4) Zone **TO** a Residential R1 (R1-4) Zone to remove the h-37 holding provision.

Executive Summary

Purpose and the Effect of Recommended Action

The purpose and effect of this zoning change is to remove the h-37 holding symbol to permit the development of twenty (20) single detached dwelling lots within a registered plan of subdivision.

Rationale of Recommended Action

1. The conditions for removing the holding (h-37) provision have been met and the recommended amendment will allow development of single detached dwellings in compliance with the Zoning By-law.
2. The recommended amendment is consistent with the Minimum Distance Separation (MDS) Document guidelines. MDS1 setbacks are not required for proposed land use changes within approved settlement areas.
3. The subject lots are part of a registered plan of subdivision within the City's Urban Growth Boundary, on lands that have been designated over the long term for future residential development.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

Analysis

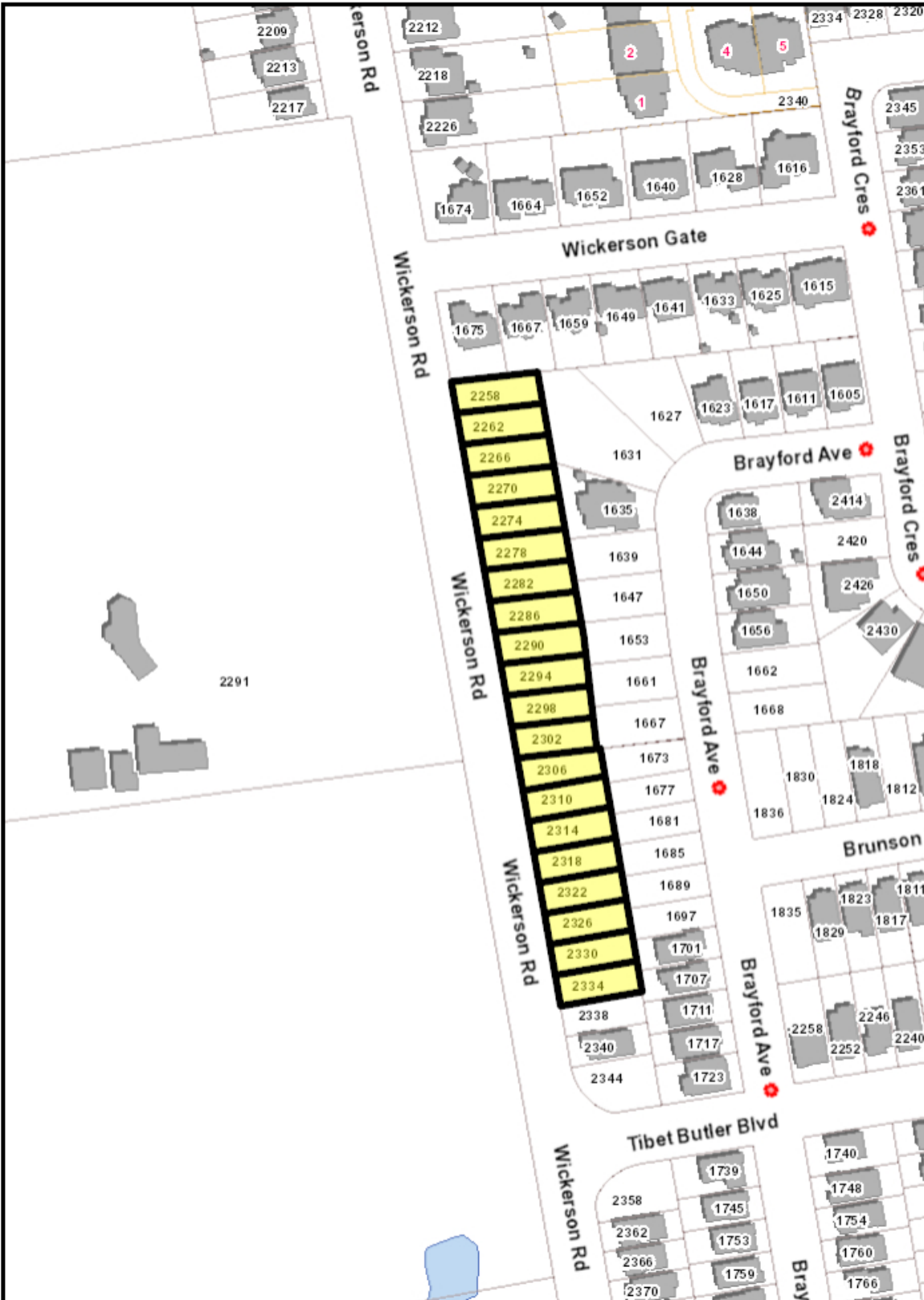
1.0 Background Information

1.1 Previous Reports Related to this Matter

October 23, 2017 – Report to Planning and Environment Committee – 1635 Brayford Avenue – Application for Removal of Holding Provision – Nicola Vecchio (File No. H-8832).

2.0 Discussion and Considerations

2.1 Location Map



Location Map

Project Title: H-9337
 Description: 2258 - 2334 Wickerson Road
 Created By: Larry Mottram
 Date: 4/11/2021
 Scale: 1:2000

Legend

- Subject Site
- Parks
- Assessment Parcels
- Buildings
- 123 Address Numbers



2.2 Description of Proposal

This proposal is for consideration of a request to remove the holding provision from Lots 4 to 11 Plan 33M-713 and Lots 1 to 12 Plan 33M-714 to permit development of single detached dwellings.

2.3 Planning History

The lots on Wickerson Road were created from adjoining plans of subdivision on two adjacent parcels of land that were draft approved in October 2002 (Kape Developments Ltd. – File No. 39T-00519) and June 2004 (911578 Ontario Ltd. (Mike Meddaoui)) – File No. 39T-03508). Both plans were subsequently granted final approval and registered on the May 1, 2017.

At the time draft approval was issued there was an empty livestock facility existing on lands located at 2291 Wickerson Road, to the west of the subject parcels. A holding (h-37) provision was applied to the zoning over the lots within the westerly portion of the draft plan to recognize the presence of the facility and to implement the Provincial Minimum Distance Separation (MDS1) setback requirements that were in effect at that time. The intent of the holding provision was to preclude sensitive land uses from being constructed until the adjacent livestock facility located at 2291 Wickerson Road ceased to exist.

The City's Urban Growth Boundary (UGB) corresponds with Wickerson Road in this area. Lands to the west of the UGB are designated "Agriculture", and lands to the east were designated for "Urban Reserve – Community Growth" and then redesignated to "Low Density Residential" in conjunction with the application for approval of draft plan of subdivision. The application of a holding provision was consistent with City's Official Plan policies under Section 9.2.10, where livestock operations existing within the "Agriculture" designation shall be protected from encroachment of new development within the "Urban Reserve" designations through the application of the MDS1 requirements. However, under the policy, a limited amount of development could be permitted, such as municipal infrastructure that did not allow for passive/active recreation uses; and draft approved plans of subdivision or condominium only where a holding zone or draft plan conditions requiring phasing were applied to preclude development until such time as the subject livestock facility is removed.

In 2017 the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) released a new Minimum Distance Separation (MDS) Document which applies to all Planning Act applications submitted on or after March 1, 2017. The new MDS guidelines are clear as to the non-application of MDS within approved settlement areas that includes lands which have been designated in an Official Plan for development over the long-term planning horizon. Whereas the previous MDS Implementation Guidelines gave municipalities the option to apply MDS1 from livestock facilities within a settlement area designation, the new MDS document replaces all previous versions of the MDS Formulae and Implementation Guidelines.

The London Plan policies regarding Minimum Distance Separation are consistent with the Minimum Distance Separation (MDS) Document requirements in that MDS1 will apply only to proposed planning and development applications for lands outside of the UGB, and any proposals to expand the UGB.

2.4 Community Engagement (see more detail in Appendix B)

There was one response received to the Notice of Application.

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Conclusions

4.1 Have the conditions for removal of the holding (h-37) provision been met?

The purpose of the holding (“h-37”) provision in the Zoning By-law is as follows:

Purpose: To implement the Provincial Minimum Distance Separation (MDS) regulations the "h-37" holding provision will not be deleted until the existing livestock facility has been removed or, through removal of building infrastructure, is no longer capable of housing livestock.

Permitted Interim Use: Existing uses

The property at 2291 Wickerson Road consists of a single detached dwelling and accessory buildings consisting of two drive sheds and a barn. The barn being a one storey structure with metal clad siding approximately 325 square metres (3,500 sq.ft.) in area which has not housed livestock in many years. In 2002, Municipal Council adopted the Zoning By-law Amendment with the h-37 holding provision to apply to the subject lots on the east side of Wickerson Road and lots on Brayford Avenue. According to the Council Resolution, the owner of the property at 2291 Wickerson Road at the time (Bill Young) indicated that he had suspended farming operations on the property temporarily but intended to resume farming activities in the future. The City’s property data base indicates that ownership has changed several times over the years, and during that time there have been no signs of livestock being housed on the property. The applicant’s agent advises that all internal equipment has been removed rendering the building incapable of housing livestock.

The Minimum Distance Separation (MDS) Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks released by OMAFRA in 2017 provide direction with respect to the application of MDS, and for what and when an MDS setback is required. Guideline #36 addresses the non-application of MDS within approved settlement areas as follows:

#36. Non-Application of MDS Within Settlement Areas

MDS1 setbacks are NOT required for proposed land use changes (e.g., consents, rezonings, redesignations, etc.) within approved settlement areas, as it is generally understood that the long-term use of the land is intended to be for non-agricultural purposes.

MDS1 under *The London Plan* applies only to lands outside of the Urban Growth Boundary, and to any proposals to expand the Urban Growth Boundary. The London Plan policy reads as follows:

1773_ Any proposed planning and development applications for lands outside of the Urban Growth Boundary, and any proposals to expand the Urban Growth Boundary, shall meet the required odour setbacks in accordance with the provincial Minimum Distance Separation (MDS1) Implementation Guidelines and Formulae, as amended by the Province from time to time.

It is noted that the subject lots are part of a plan of subdivision within the City’s Urban Growth Boundary, on lands that have been designated over the long term for future residential development in conformity with the Official Plan and Zoning By-law, and therefore meets the definition of “settlement areas” as defined in the Minimum Distance

Separation (MDS) Document and Provincial Policy Statement, 2020.

The attached letter of objection received from the owners of the property at 2291 Wickerson Road includes a request for inclusion of the front portion of their property within the Urban Growth Boundary. The requested boundary adjustment would mirror the lot depth of homes that have been developed along the west side of Wickerson Road immediately to the north of their property boundary. The owner's letter argues that a site-specific boundary adjustment in this case is warranted and that creating residential lots on both sides of Wickerson Road would establish a compatible land use frontage and represents a logical continuation of the existing low density residential built fabric. Regardless of the reasons stated in their letter, the appropriate channel for considering requests by property owners for inclusion of their lands within the Urban Growth Boundary is through The London Plan comprehensive review process. Therefore, staff would advise that this request be directed through that channel consistent with the City Structure Plan policies with respect to the Urban Growth Boundary, and specifically Policy 73 which states:

73_ During every comprehensive review of this Plan, which will be conducted consistent with the Provincial Policy Statement, 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 and to satisfy market demands for up to 20 years.

Conclusion

In the opinion of Staff, the holding zone requirements have been satisfied and it is appropriate to proceed to lift the holding symbol from the zoning map.

Prepared by: Larry Mottram, MCIP, RPP
Senior Planner, Development Services

Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic
Development

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)
Bruce Page, Manager, Development Planning
Peter Kavcic, Manager, Development Engineering

May 3, 2021
GK/PY/LM/lm

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Appendix A

Bill No. (Number to be inserted by
Clerk's Office)
2021

By-law No. Z.-1-_____

A by-law to amend By-law No. Z.-1 to
remove holding provisions from the
zoning for lands located at 2258 to 2334
Wickerson Road, legally described as
Lots 4 to 11 Plan 33M-713 and Lots 1 to
12 Plan 33M-714.

WHEREAS Kape Developments Ltd. has applied to remove the holding provision from the zoning on lands located at 2258 to 2334 Wickerson Road, legally described as Lots 4 to 11 Plan 33M-713 and Lots 1 to 12 Plan 33M-714, as shown on the map attached to this by-law, as set out below;

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

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

1. Schedule "A" to By-law No. Z.-1 is amended by changing the zoning applicable to lands located at 2258 to 2334 Wickerson Road, legally described as Lots 4 to 11 Plan 33M-713 and Lots 1 to 12 Plan 33M-714, as shown on the attached map, to remove the h-37 holding provision so that the zoning of the lands as a Residential R1 Special Provision (R1-3(7)) Zone and a Residential R1 (R1-4) Zone comes into effect.
2. This By-law shall come into force and effect on the date of passage.

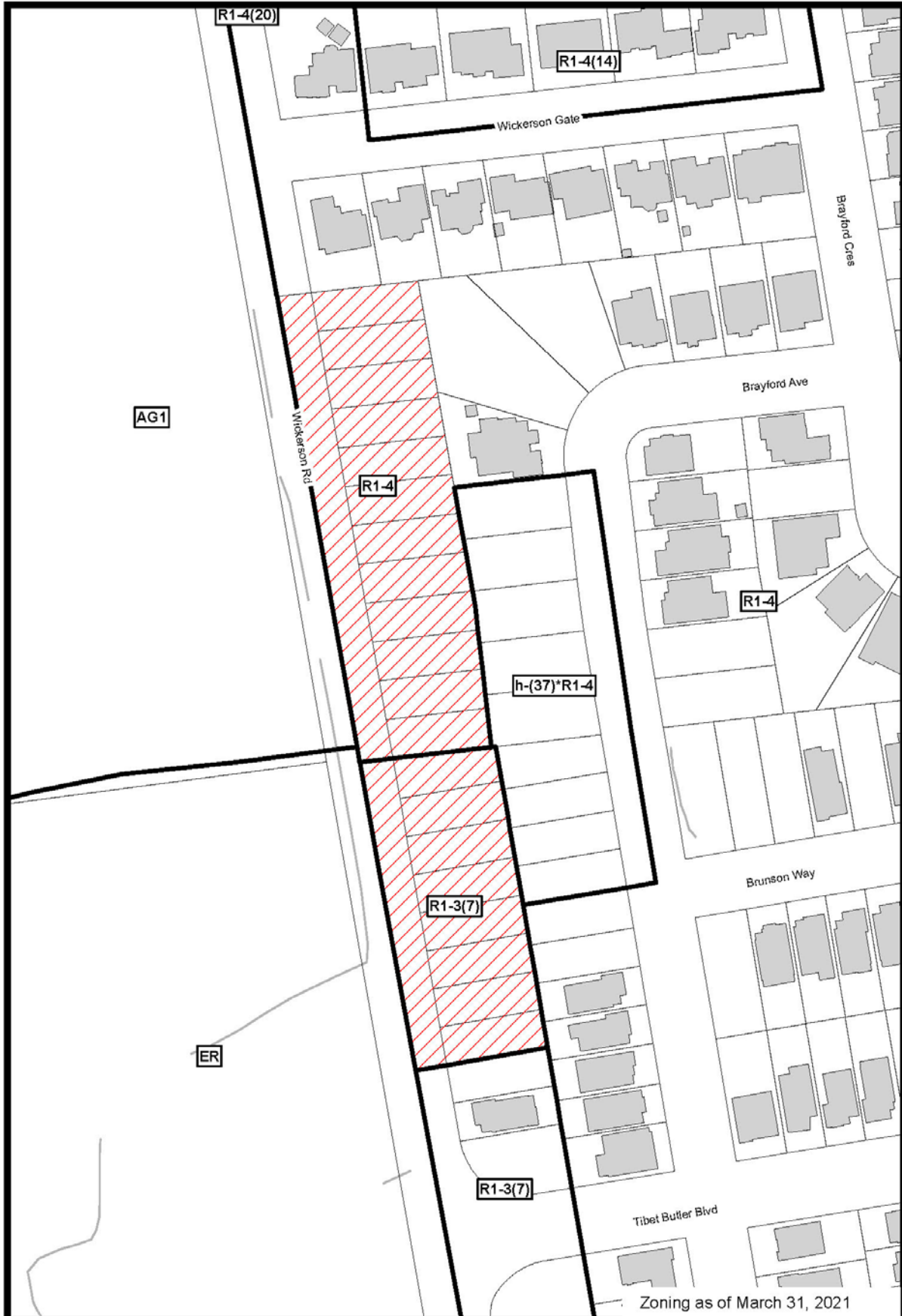
PASSED in Open Council on May 25, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 25, 2021
Second Reading – May 25, 2021
Third Reading – May 25, 2021

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



File Number: H-9337

Planner: LM

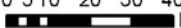
Date Prepared: 2021/04/21

Technician: rc

By-Law No: Z.-1-

SUBJECT SITE 

1:1,500

0 5 10 20 30 40
 Meters



Appendix B – Public Engagement

Community Engagement

Public liaison: Notice of the application was published in the *Public Notices and Bidding Opportunities* section of The Londoner on April 22, 2021.

Responses: 1 reply

Nature of Liaison: 2258 - 2334 Wickerson Road; Lots 4 to 11 Plan 33M-713 and Lots 1 to 12 Plan 33M-714 – City Council intends to consider removing the Holding (“h-37”) Provision from the zoning of the subject lands. The purpose and effect is to allow development of the lands for residential uses permitted under the Residential R1 Special Provision (R1-3(7)) Zone and Residential R1 (R1-4) Zone. The purpose of the “h-37” provision is to implement the Provincial Minimum Distance Separation (MDS) regulations the “h-37” holding provision will not be deleted until the existing livestock facility has been removed or, through removal of building infrastructure, is no longer capable of housing livestock. Permitted Interim Use: Existing Uses. Council will consider removing the holding provision as it applies to these lands no earlier than May 25, 2021.

Response to Notice of Application and Publication in “The Londoner”

Telephone:
None

Written:
2090864 Ontario Inc.
2291 Wickerson Road

Significant Agency/Departmental Comments:

None

Dated: April 19, 2021

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

Attention: Mr. Larry Mottram
Planner

Hi Mr. Mottram:

**Subject: Letter of Objection. Your File: H-9337 Notice of Application
2258-2334 Wickerson Road - Kape Developments Ltd.**

Please consider this communication as our objection to the proposed "Possible change to Zoning By-law Z.-1 by deleting the Holding (h-37) Provision from the subject lands to allow development of single detached dwellings permitted under the Residential R1 Special Provision (R1-3(7)) Zone and Residential R1 (R1-4) Zone".

We are the property owners of 2291 Wickerson Road (2090864 Ontario Inc.). Our property is zoned to permit its current land use, which allows the housing of livestock operations, until it is included in the Urban Growth Boundary (UGB) (i.e., this has been a longstanding condition, as part of the initial approval of the original plan of subdivision). Our property is directly opposite the subject application (i.e., the west side of Wickerson Road). As a result, we recommend that the City of London not take any action towards the deletion or relaxation of the MDS requirements, contrary to the Provincially recommended guidelines to allow residential development, which will adversely affect the currently allowed land use on our property.

We are however willing to consider the potential removal of the Holding (h-37) Provision from our property, should there be a City Council commitment to concurrently include our full frontage within the UGB, as a site specific (minor) boundary adjustment, by-way-of an area specific Official Plan Amendment application. Moreover, our unique (special case) inclusion within the UGB would mirror the scope and depth of the then also special case UGB adjusted and now developed low-density residential building lots, along the same side (frontage) of Wickerson Road, note attached aerial map.

We are not against the Applicant seeking their desired approval, per se. However, there should be regard made to our request to be adopted, as outlined above. Furthermore, the removal of the Holding (h-37) Provision, which appears solely on Applicant's property, directly impacts us because it would cease to maintain a true and effective separation distance. Above all, we would lose our position to have our property included in the UGB. On the other hand, if the intent is to remove the Minimum Distance Separation (MDS) entirely, we are strongly objecting to that undertaking, without our property being part of a minor UGB inclusion.

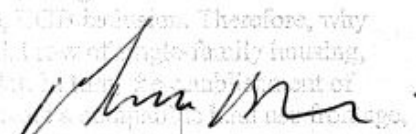
From a land use planning perspective, our requested condition for the potential removal of the holding provision is that our property's northerly boundary directly abuts the southerly limit of the existing row of single-family homes; thus, our property is both ideally and strategically positioned to warrant a minor southerly UGB extension, which would both mirror and/or establish a logical continuation of the existing low-density residential built fabric. It should be noted that the original row of now established housing lots, along the west side of Wickerson Road, were originally approved as a separate special case, UGB inclusion. Therefore, why should there be any argument against completing this initial row of single-family housing, southward to the development barrier, which is the woodlot. In turn, the establishment of residential lots on both sides of Wickerson Road would create a compatible land use frontage, which could not be replicated as a UGB inclusion request along any other roadways across the City. It should also be noted that the immediately abutting southerly lands (along this same frontage) face development constraints because they possess a sizable woodlot and grade change, should one choose to request a further UGB extension. Lastly, the subject UGB extension request would result in the balance of our overall 20-acre land area remaining outside of the UGB and cease possessing any MDS separation (setback) condition, given that we intend to utilize our existing barn for storage; thus cease its use for livestock purposes.

Sincerely,

From a land use planning perspective, our requested condition for the potential removal of the holding provision is that our property's northerly boundary directly abuts the southerly limit of the existing row of single-family homes; thus, our property is both ideally and strategically positioned to warrant a minor southerly UGB extension, which would both mirror and/or establish a logical continuation of the existing low-density residential built fabric. It should be noted that the original row of now established housing lots, along the west side of Wickerson Road, were originally approved as a separate special case, UGB inclusion. Therefore, why should there be any argument against completing this initial row of single-family housing, southward to the development barrier, which is the woodlot. In turn, the establishment of residential lots on both sides of Wickerson Road would create a compatible land use frontage, which could not be replicated as a UGB inclusion request along any other roadways across the City. It should also be noted that the immediately abutting southerly lands (along this same frontage) face development constraints because they possess a sizable woodlot and grade change, should one choose to request a further UGB extension. Lastly, the subject UGB extension request would result in the balance of our overall 20-acre land area remaining outside of the UGB and cease possessing any MDS separation (setback) condition, given that we intend to utilize our existing barn for storage; thus cease its use for livestock purposes.

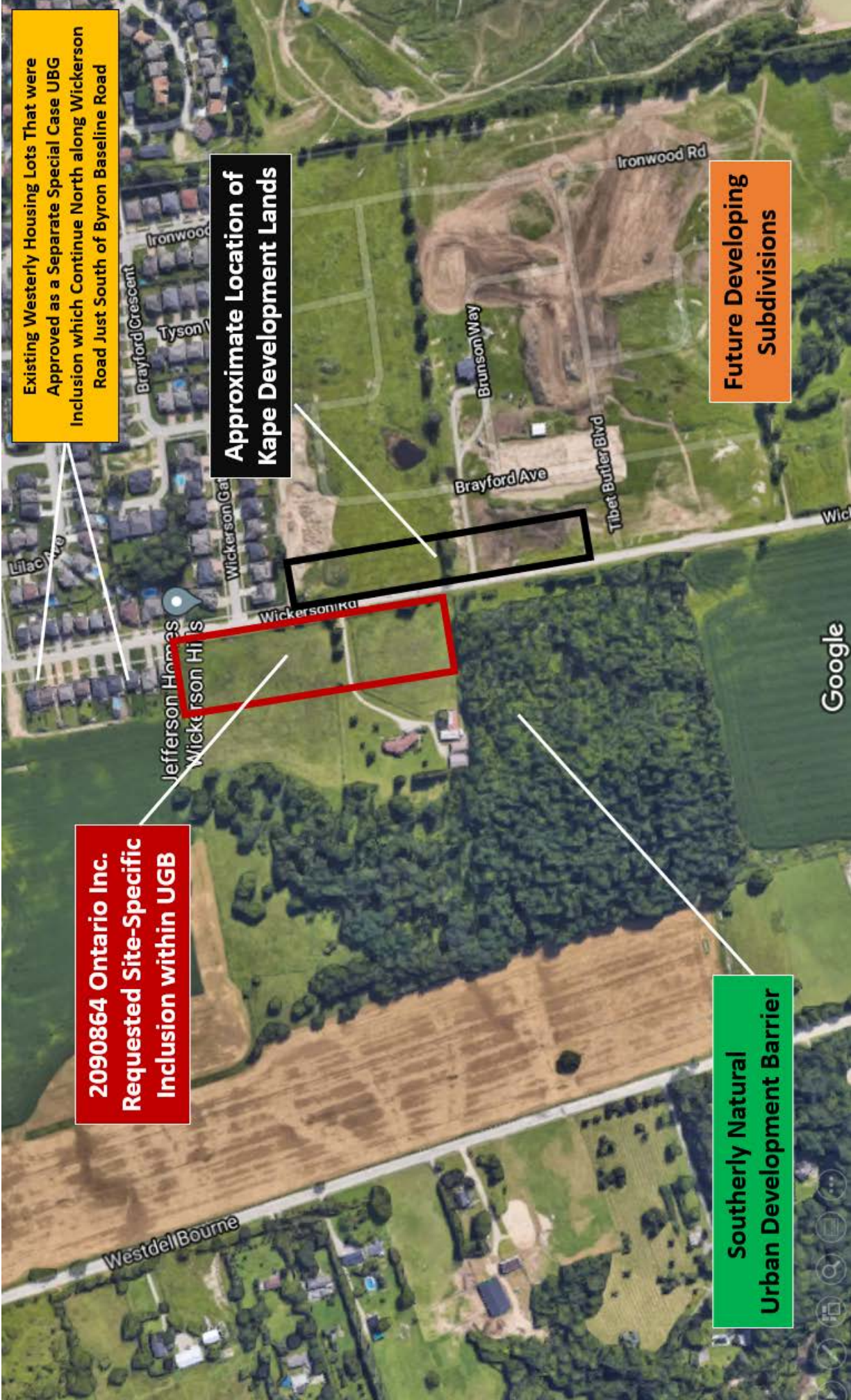
Fernando Di Cola

Marcello Di Marcelli



**President
2090864 Ontario Inc.**

**Secretary Treasurer
2090864 Ontario Inc.**



Existing Westerly Housing Lots That were Approved as a Separate Special Case UBG Inclusion which Continue North along Wickerson Road Just South of Byron Baseline Road

Approximate Location of Kape Development Lands

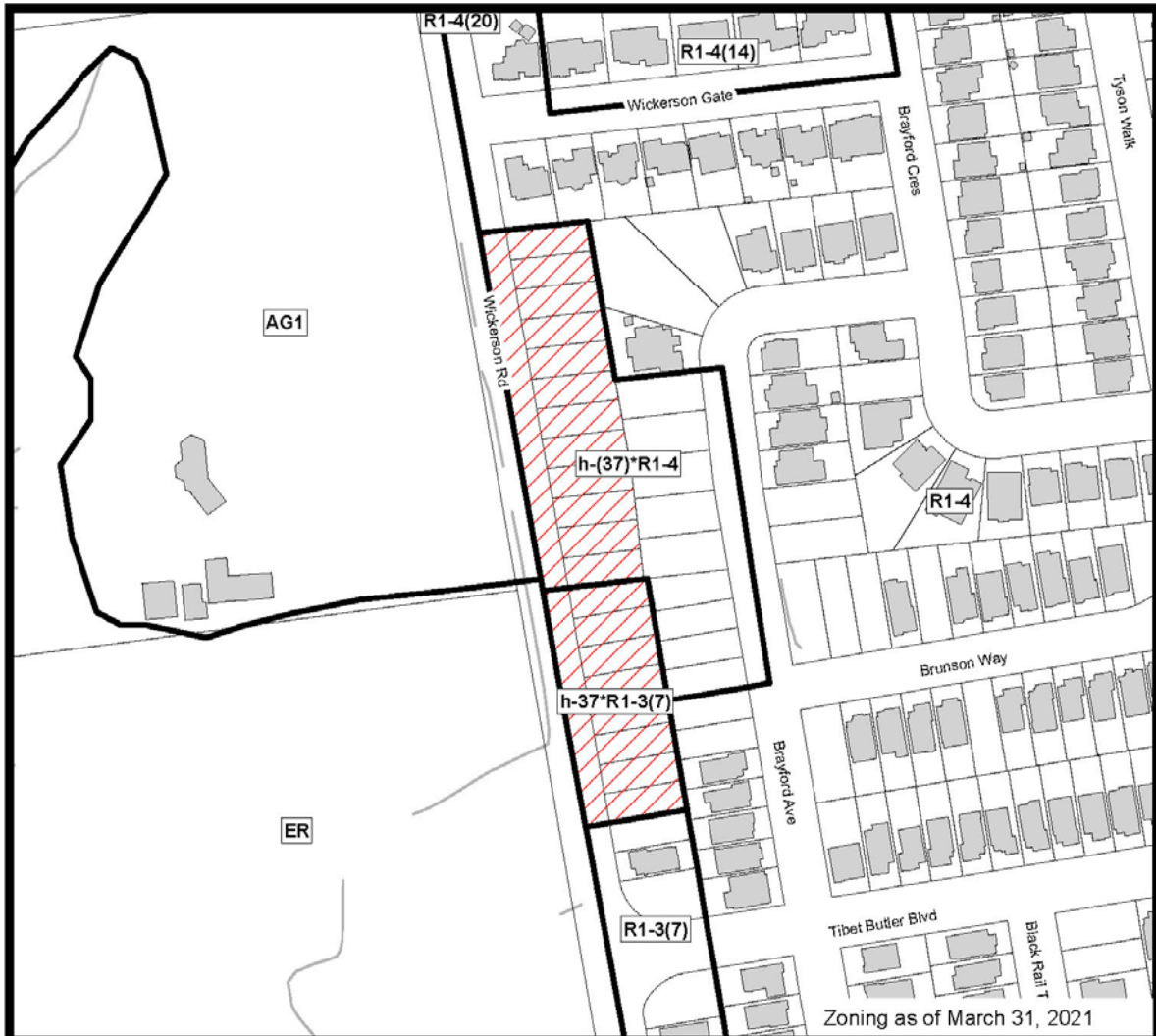
Future Developing Subdivisions

2090864 Ontario Inc. Requested Site-Specific Inclusion within UBG

Southerly Natural Urban Development Barrier

Appendix C – Relevant Background

Existing Zoning Map



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

1) LEGEND FOR ZONING BY-LAW Z-1

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

ZONING BY-LAW NO. Z-1 SCHEDULE A



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

FILE NO:

H-9337

LM

MAP PREPARED:

2021/04/20

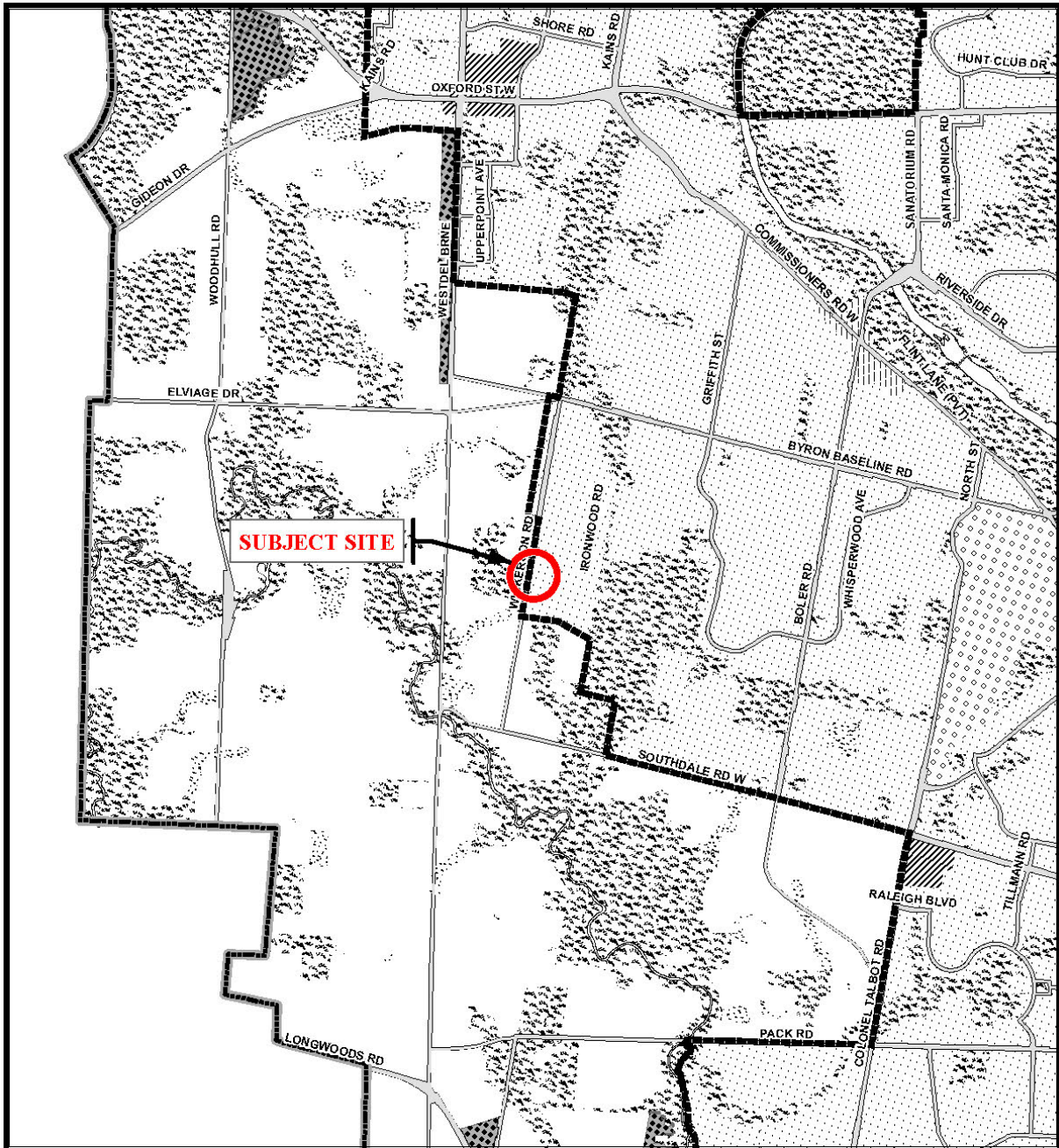
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Meters

The London Plan Map Excerpt



Legend

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

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

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

CITY OF LONDON
 Planning Services /
 Development Services

LONDON PLAN MAP 1
- PLACE TYPES -

PREPARED BY: Planning Services

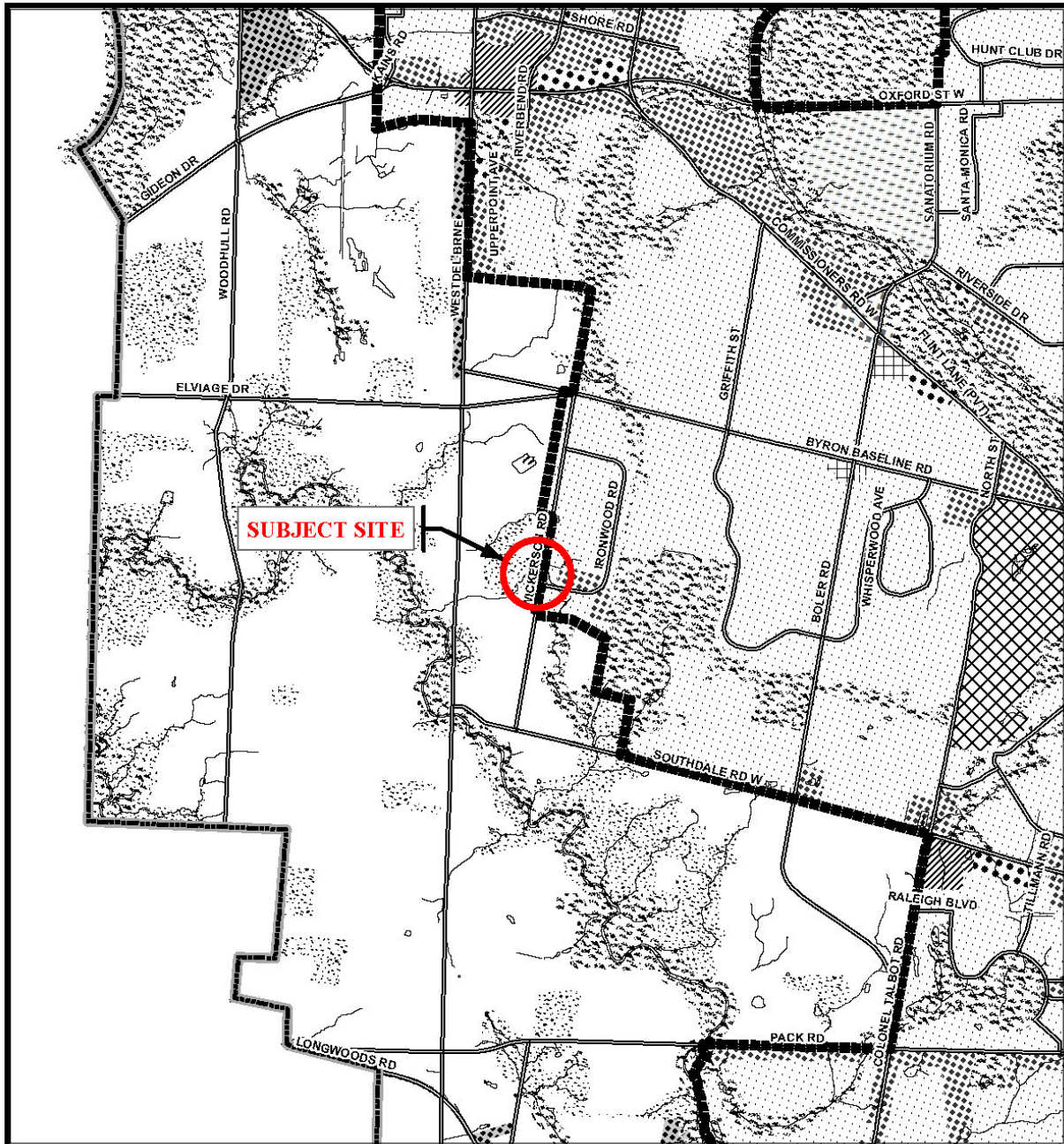


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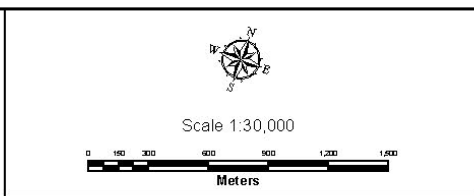
File Number: H-9337
Planner: LM
Technician: RC
Date: April 21, 2021

Official Plan Map Excerpt



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

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



FILE NUMBER: H-9337
 PLANNER: LM
 TECHNICIAN: RC
 DATE: 2021/04/21

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng
Deputy City Manager, Planning and Economic Development

Subject: Application By: Foxhollow North Kent Development Inc.
1284 and 1388 Sunningdale Road West
Kent Subdivision Phase 3C - Special Provisions

Meeting on: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to entering into a Subdivision Agreement between The Corporation of the City of London and Foxhollow North Kent Development Inc. for the subdivision of land over Part of Lot 23, Concession 5, (Geographic Township of London), City of London, County of Middlesex, situated on the south side of Sunningdale Road West, between Wonderland Road North and Hyde Park Road, and on the north side of the Heard Drain, municipally known as 1284 and 1388 Sunningdale Road West;

- (a) the Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Foxhollow North Kent Development Inc. for the Foxhollow North Kent Subdivision, Phase 3C (39T-04510-3C) attached as Appendix "A", **BE APPROVED**;
- (b) the Applicant **BE ADVISED** that Development Finance has summarized the claims and revenues attached as Appendix "B";
- (c) the Mayor and the City Clerk **BE AUTHORIZED** to execute this Agreement, any amending agreements and all documents required to fulfill its conditions.

Executive Summary

Seeking approval of Special Provisions, to be contained in a Subdivision Agreement between The Corporation of the City of London and Foxhollow North Kent Inc. for the Foxhollow North Kent Subdivision, Phase 3C (39T-04510-3C)

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

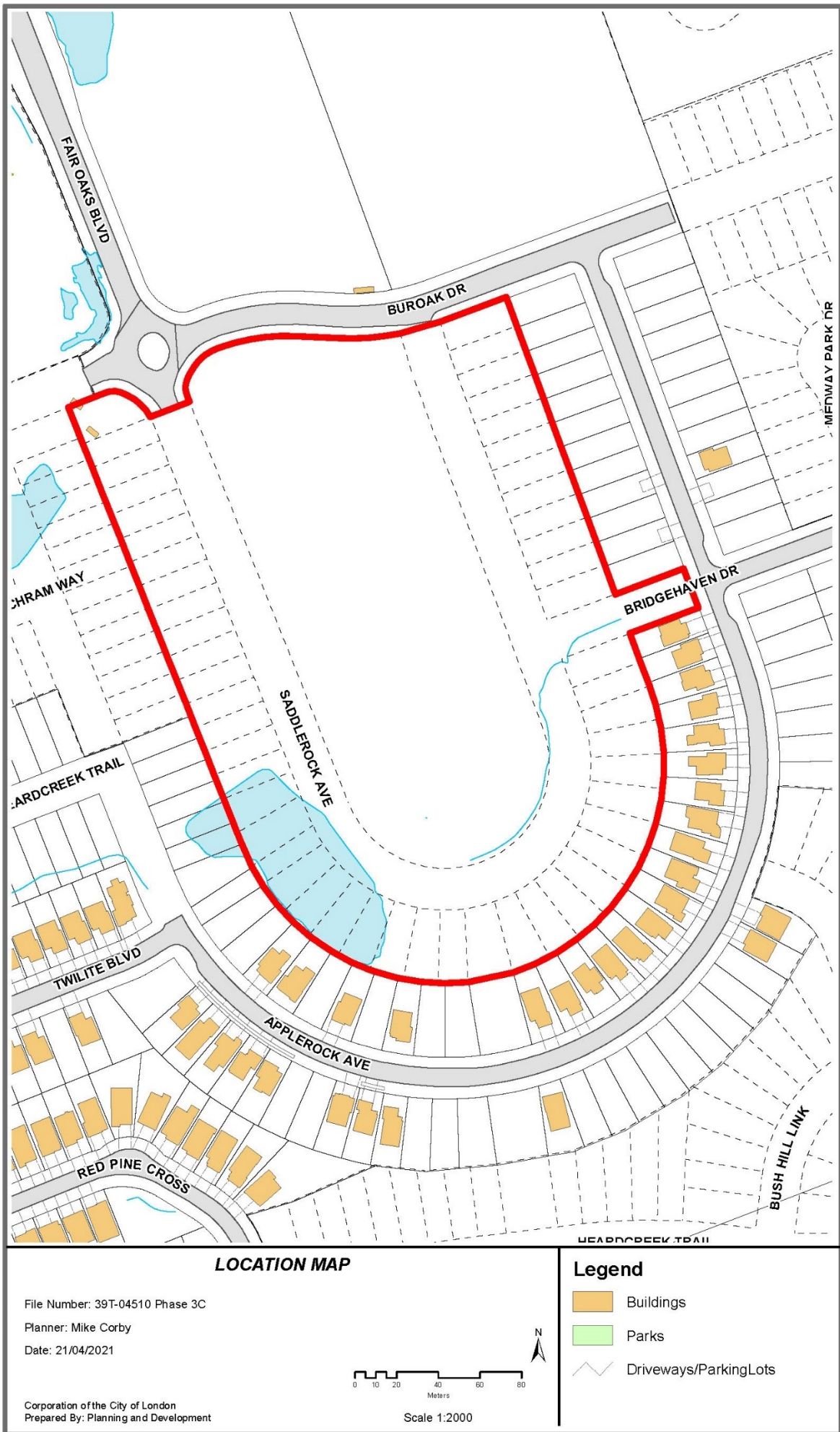
Analysis

1.0 Background Information

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 lands are on the south side of Sunningdale Road West along the edge of the Urban Growth Boundary. Phase 3C of the subdivision is located south of the future extension Buroak Drive, nestled in the interior of the Applerock Avenue horseshoe. The phase will consist of forty-nine (49) single detached lots with approximately 11m frontages.

1.2 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

Phase 3C of the plan of subdivision will consist of forty-nine (49) single detached lots (Lots 1 to 49), and three (3) park blocks to be dedicated to the City, all served by a new local street Saddlerock Avenue.

The recommended special provisions for the proposed Phase 3C Subdivision Agreement are found at Appendix A of this report. The Development Services Division has reviewed these special provisions with the Owner who is in agreement with them.

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

3.0 Financial Impact/Considerations

3.1 Financial Securities

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

The key issues and considerations have been reviewed and addressed through the existing draft plan process and subdivision agreement conditions.

Conclusion

Development Services Division staff are satisfied with the proposed special provisions for the Foxhollow North Kent Subdivision – Phase 3C, and recommend that they be approved; and, that the Mayor and the City Clerk be authorized to execute the Subdivision Agreement, any amending agreements and all documents required to fulfil its conditions.

Prepared by: Mike Corby, MCIP, RPP
Senior Planner, Development Services

Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P. Eng.
Deputy City Manager, Planning and Economic
Development

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)
Bruce Page, Manager, Development Planning
Peter Kavcic, Manager, Development Engineer

May 3, 2021
GK/PY/MC/jar

Appendix A – Special Provisions

15. PROPOSED SCHOOL SITES

Remove Subsections 15.3 to 15.8 as there are no school blocks within this Plan.

- ~~15.3 The Owner shall set aside an area or areas (being Block(s) _____) as a site or sites for school purposes to be held subject to the rights and requirements of any School Board having jurisdiction in the area.~~
- ~~15.4 The School Boards shall have the right, expiring three (3) years from the later of the date on which servicing of the relevant site is completed to the satisfaction of the City or the date on which seventy percent (70%) of the Lots in the subdivision have had building permits issued, to purchase the site and may exercise the right by giving notice to the Owner and the City as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than two (2) years from the date of giving notice.~~
- ~~15.5 The School Boards may waive the right to purchase by giving notice to the Owner and the City as provided elsewhere in this Agreement.~~
- ~~15.6 Where all School Boards have waived the right to purchase, the City shall then have the right for a period of two (2) years from the date on which the right to purchase by the School Board has expired or has been waived as the case may be, to purchase the site for municipal purposes and may exercise the right by giving notice to the Owner as provided elsewhere in this Agreement and the transaction of purchase and sale shall be completed no later than sixty (60) days from the date of giving notice.~~
- ~~15.7 The Owner agrees that the school blocks shall be:~~
- ~~(a) graded to a one percent (1%) grade or grades satisfactory to the City, the timing for undertaking the said works shall be established by the City prior to the registration of the Plan; and~~
 - ~~(b) top soiled and seeded to the satisfaction of the City, the timing for undertaking the said works to be established prior to assumption of the subdivision by the City.~~
- ~~15.8 Where the Owner has been required to improve the site by grading, top-soil and seeding, the responsibility of the Owner for the maintenance of the site shall cease upon completion by the Owner of its obligations under this Agreement.~~

24.1 STANDARD REQUIREMENTS

Add the following Special Provisions:

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

Following the removal of any existing private services from the said easement and the appropriate municipal services and/or private services are installed and operational, the Owner shall make all necessary arrangements to have any section(s) of easement(s) in this Plan, quit claimed to the satisfaction of the City, at no cost to the City.
2. Prior to assumption of this subdivision in whole or in part by the City, and as a condition of such assumption, the Owner shall pay to the City Treasurer the following amounts as set out or as calculated by the City, or portions thereof as the City may from time to time determine:
 - (i) Removal of automatic flushing devices/blowoffs in future on Saddlerock Avenue as shown on the accepted engineering drawings, an amount of \$5,000

3. Prior to the issuance of any Certificate of Conditional Approval, the Owner shall make all necessary arrangements with the owner of Plan 33M-750 to make adjustments to the existing works and services on Buroak Drive in 33M-750 adjacent to this Plan to accommodate the proposed works and services on this street to accommodate the Lots in this Plan (e.g. private services, street light poles, etc.) in accordance with the approved design criteria and accepted drawings, all to the satisfaction of the City Engineer and at no cost to the City. Such arrangements shall include, but not be limited to, providing sufficient notice, co-ordination and clarification with adjacent land owners as to what each parties consulting engineer will be required to be certified for the City for the purposes of assumption, all to the satisfaction of the City.

24.2 CLAIMS

4.

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

- ~~(a) Where the proposed development calls for the construction of works, and where the Owner is of the opinion that such works are eligible to be funded in whole or in part from Development Charges as defined in the Development Charges By-law, and further, where such works are not oversized pipe works (sanitary, storm or water — the reimbursement of which is provided for in subsidy appendices in the Development Charges By-law), then the Owner shall submit through their Professional Engineer, a Work Plan for the proposed works to be approved by the City Engineer (or designate) and City Treasurer (or designate). The Owner acknowledges that:
 - ~~i) no work subject to a Work Plan shall be reimbursable until both the City Engineer (or designate) and City Treasurer (or designate) have reviewed and approved the proposed Work Plan; and~~
 - ~~ii) in light of the funding source and the City's responsibility to administer Development Charge funds collected, the City retains the right to request proposals for the work from an alternative consulting engineer.~~~~
- ~~(b) Where the Owner undertakes construction of works as a capital cost incurred on behalf of the City in accordance with this Agreement, and which are eligible for a claim made against a Development Charge Reserve Fund or the Capital Works Budget, the Owner must conform with the Development Charges By-law and policies in effect at the time the claim is made including but not limited to, requirements for a Work Plan, tendering of construction works and completeness of claims.~~
- ~~(c) The Owner may, upon approval of this Agreement and completion of the works, make application to Development Finance for payment of the sum alleged to be owing, and as confirmed by the City Engineer (or designate) and the City Treasurer (or designate). Payment will be made pursuant to any policy established by Council to govern the administration of the said Development Charge Reserve Fund.~~

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

- ~~(i) for the construction of _____, the estimated cost of which is \$_____;~~
- ~~(ii) for the construction of oversized sanitary sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~
- ~~(iii) for the construction of oversized storm sewers in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~
- ~~(iv) for the construction of oversized watermains in conjunction with this Plan, subsidized at an estimated cost of which is \$_____;~~
- ~~(v) for the construction of left turn channelization on _____ at _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(vi) for the engineering costs related to the construction of _____ the estimated cost of which is \$_____, as per the approved Work Plan;~~
- ~~(vii) for the installation of street lights on _____, from _____ to _____, the estimated cost of which is \$_____, as per the approved Work Plan;~~

- ~~(viii) for the installation of traffic signals at the intersection of _____ and _____, when deemed warranted by the City Engineer (or designate), the estimated cost of which is \$ _____, as per the approved Work Plan;~~
- ~~(ix) for the construction of pavement widening on _____ at _____ consistent with the City's standard practice of paying claims where a Neighbourhood Connector is widened, the estimated cost of which is \$ _____. The claim will be based on a pavement widening of _____ metres for a distance of _____ metres with a _____ metre taper. The costs of the gateway treatment over and above the claimable portion shall be at the Owner's expense, as per the approved Work Plan;~~
- ~~(x) for the construction of an eligible parks pathway in connection with this Plan, at an estimated cost of which is \$ _____ as per the approved Work Plan; and~~

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

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

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

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

24.6 EROSION AND SEDIMENT CONTROL

Add the following new Special Provisions:

- 5. All temporary erosion and sediment control measures, including sediment basins, installed in conjunction with this Plan shall be decommissioned and/or removed when warranted or upon placement of Granular 'B' as per accepted engineering drawings, all to the satisfaction of the City Engineer and at no cost to the City.

24.7 GRADING REQUIREMENTS

Add the following new Special Provisions:

- 6. The Owner shall register against the title of Lots 25 and 26 in this Plan, and shall include in the Agreement of Purchase and Sale for the transfer of each of the said Lots, as an overland flow route is located between the said Lots over Block 51, a covenant by the purchaser or transferee to observe and comply with the following:
 - i) The purchaser or transferee shall not alter or adversely affect the said overland flow route on the said Lots as shown on the accepted lot grading and servicing drawings for this subdivision.

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

24.8 STORM WATER MANAGEMENT

Add the following new Special Provisions:

7. The Owner shall implement SWM 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.

24.9 SANITARY AND STORM SEWERS

8.

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

- (b) The Owner shall construct the storm sewers to service the Lots and Blocks in this Plan, which is located in the Medway Creek Subwatershed, and connect them to the City's existing storm sewer system being the 375 mm diameter storm sewer stub on Saddlerock Avenue, and the 1800 mm diameter storm sewer on Bridgehaven Drive in accordance with the accepted engineering drawings, to the satisfaction of the City.

9.

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

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

Add the following new Special Provisions:

10. The Owner shall remove the temporary DICBS, and any associated appurtenances on Bridgehaven Drive and construct all services as per the accepted engineering drawings, all to the satisfaction and specifications of the City Engineer and at no cost to the City.

24.10 WATER SERVICING

Add the following new Special Provisions:

11. Prior to the issuance of any Certificates of Conditional Approval, and in accordance with City standards, or as otherwise required by the City Engineer, the Owner shall complete the following for the provision of water service to this draft Plan of Subdivision:
 - i) construct watermains to serve this Plan and connect them to the existing low-level/high-level municipal system, namely, the existing 200 mm diameter watermain on Saddlerock Avenue, the 300 mm diameter watermain on Buroak Drive and the 300 mm diameter watermain on Bridgehaven Drive
 - 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;
12. If the Owner requests the City to assume Saddlerock Avenue with the automatic flushing device still in operation, all as shown on this Plan of Subdivision, the Owner shall pay to the City at the time of the assumption of this subdivision by the City the amount estimated by the City at the time, to be the cost of removing the automatic flushing device and properly abandoning the discharge pipe from the automatic flushing device to the storm/sanitary sewer system on Saddlerock Avenue and restoring adjacent lands, all to the specifications of the City. The estimated cost for doing the above-noted work on this street is \$5,000 per automatic flushing device for which amount sufficient security is to be provided in accordance with **Condition 24.1 ()**. The Owner shall provide the cash to the

City at the request of the City prior to assumption of the subdivision if needed by the City.

24.11 ROADWORKS

13.

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

- (p) Where traffic calming measures are required within this Plan:
- (i) The Owner shall erect advisory signs at all street entrances to this Plan for the purpose of informing the public of the traffic calming measures implemented within this Plan prior to the issuance of any Certificate of Conditional Approval in this Plan.
 - (ii) The Owner shall register against the title of Lot 1 abutting the roundabout in this Plan and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner that there may be some restrictions for driveway access due to splitter islands built on the road.
 - (iii) The Owner shall register against the title of Lots 18, 19, 25, 26, 37 and 38 on Saddlerock Avenue in this Plan, and shall include in the Agreement of Purchase and Sale or Lease for the transfer of each of the said Lots and Blocks, a covenant by the purchaser or transferee stating the said owner shall locate the driveways to the said Lots and Blocks away from the traffic calming measures on the said streets, including raised intersections and raised pedestrian crosswalks, to be installed as traffic control devices, to the satisfaction of the City Engineer.

14.

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

- (q) The Owner shall direct all construction traffic including all trades related traffic associated with installation of services and construction of dwelling units in this Plan to access the site from Fair Oaks Boulevard via Sunningdale Road.

Add the following new Special Provisions:

- 15. 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 2 to April 20, inclusive, in any year.
- 16. Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Saddlerock Avenue adjacent to the pedestrian crosswalks locations that indicate Future Pedestrian Crosswalk Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.
- 17. Prior to assumption or when required by the City Engineer, the Owner shall install two pedestrian crosswalks on Saddlerock Avenue, including permanent signage and pavement marking in a location, as per the accepted engineering drawings, to the satisfaction of the City Engineer.
- 18. Prior to the issuance of any Certificate of Conditional Approval, temporary signs shall be installed and maintained on Saddlerock Avenue and Bridgehaven Drive adjacent to the raised intersection location that indicate Future Raised Intersection Location, as identified on the accepted engineering drawings, to the satisfaction of the City Engineer.
- 19. Prior to assumption or when required by the City Engineer, the Owner shall install a raised intersection at the intersection of Saddlerock Avenue and Bridgehaven Drive, including permanent signage and pavement marking in a location, to the satisfaction of the City Engineer.
- 20. The Owner shall install sidewalk ramps/connections on the inside boulevard of Saddlerock Avenue across from Block 50 and 51 at the locations of the pedestrian crosswalks, as per the accepted engineering drawings, to the satisfaction of the City.

21. The Owner shall remove existing infrastructure, including but not limited to, CICBs, DICBs, curbs, etc. on Bridgehaven Drive and relocate/restore/construct associated works as per the accepted engineering drawings, to the specifications and satisfaction of the City.

24.14 PARKS

Add the following new Special Provisions:

22. Prior to the issuance of a Certificate of Conditional Approval, the Owner shall construct the walkways and all associated works on Blocks 50 and 51 as per the accepted engineering drawings, all to the specifications and satisfaction of the City.

25.1 PLANNING

23. Within one (1) year of registration of the Plan of Subdivision, the owner shall fence all lots/blocks abutting park blocks with 1.5 metre 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.
24. 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.
25. No grading shall occur within proposed park blocks except where determined to be appropriate by the City.
26. Within one (1) year of registration of the Plan, the Owner shall prepare and deliver to all homeowners adjacent to the open space, an 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.
27. 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.
28. 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.
29. The Owner shall 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.

SCHEDULE "C"

This is Schedule "C" to the Subdivision Agreement dated this _____ day of _____, 2021, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. to which it is attached and forms a part.

SPECIAL WORKS AND SERVICES

Roadways

- Saddlerock Avenue and Bridgehaven Drive shall have a minimum road pavement width (excluding gutters) of 8.0 metres with a minimum road allowance of 20.0 metres.

Sidewalks

A 1.5 metre (5 foot) sidewalk shall be constructed on one side of the following:

- (i) Saddlerock Avenue – outside boulevard
- (ii) Bridgehaven Drive – south boulevard

The Owner shall install sidewalk ramps/connections on the inside boulevard of Saddlerock Avenue across from Block 50 and 51 at the locations of the pedestrian crosswalks, as per the accepted engineering drawings, to the satisfaction of the City.

Pedestrian Walkways

There are no pedestrian walkways in this Plan.

SCHEDULE "D"

This is Schedule "D" to the Subdivision Agreement dated this _____ day of _____, 2021, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. to which it is attached and forms a part.

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

LANDS TO BE CONVEYED TO THE CITY OF LONDON:

0.3 metre (one foot) reserves:	NIL
Road Widening (Dedicated on face of plan):	NIL
Walkways:	NIL
5% Parkland Dedication:	Block 50, 51 and 52
Dedication of land for Parks in excess of 5%:	NIL
Stormwater Management:	NIL

LANDS TO BE SET ASIDE FOR SCHOOL SITE:

School Site:	NIL
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LANDS TO BE HELD IN TRUST BY THE CITY:

Temporary access:	NIL
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SCHEDULE "E"

This is Schedule "E" to the Subdivision Agreement dated this _____ day of _____, 2021, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. to which it is attached and forms a part.

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

CASH PORTION:	\$ 222,904
BALANCE PORTION:	<u>\$1,263,122</u>
TOTAL SECURITY REQUIRED	\$1,486,026

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

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

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

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

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

SCHEDULE "F"

This is Schedule "F" to the Subdivision Agreement dated this _____ day of _____, 2021, between The Corporation of the City of London and Foxhollow North Kent Developments Inc. to which it is attached and forms a part.

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

Multi-Purpose Easements:

No multi-purpose easements are required external to this Plan as the City has blanket easements over this Plan and adjacent plans.

Appendix B – Related Estimated Costs and Revenues

Agenda Item # Page #

Auburn - Kent Phase 3C
 Subdivision Agreement
 39T-04510_3C

Estimated Costs and Revenues

Estimated DC Claim Costs	Estimated Cost (excludes HST)
Claims for Owner led construction from CSRFB - Nil.	\$0
Total	\$0
Estimated DC Revenues (January 1, 2021 to December 31, 2021 Rates)	Estimated Revenue
CSRFB TOTAL	\$1,673,742

- 1 Estimated DC Claim Costs are for Owner led construction projects and do not include City led projects required to accommodate growth.
- 2 Estimated DC Revenues are calculated using current DC rates. The City employs a "citywide" approach to cost recovery for all eligible growth services, therefore the Estimated DC Claim Costs and Revenues in the table above are not directly comparable.
- 3 There are no anticipated claims associated with this development.

Approved by:

 Date

 Paul Yeoman
Director, Development Finance

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas P. Eng.,
Deputy City Manager, Planning and Economic Development

Subject: Farhi Holdings Corporation
192-196 Central Avenue, 193-197 Central Avenue, and 200
Albert Street
Public Participation Meeting

Date: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, with respect to the application of Farhi Holdings Corporation relating to the properties located at 192-196 Central Avenue, 193-197 Central Avenue, and 200 Albert Street the proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 25, 2021 to amend Zoning By-law Z.-1, in conformity with the Official Plan, by extending the Temporary Use (T-70) Zone for a period not exceeding three (3) years.

Summary of Request

The owner has requested to extend the existing Temporary Use (T-70) Zone to allow for the continued use of three (3) existing surface commercial parking lots for a period not to exceed three (3) years.

Purpose and Effect of Recommended Action

The purpose and effect of the requested Zoning By-law amendment is to extend the existing Temporary Use (T-70) Zone to allow for the continuation of three existing surface commercial parking lots on the subject lands for a period not to exceed three (3) years.

Rationale of Recommended Action

1. The recommended extension to the Temporary Use (T-70) Zone is consistent with the Provincial Policy Statement, 2020;
2. The recommended extension to the Temporary Use (T-70) Zone conforms to the in-force policies of the 1989 Official Plan, including but not limited to, the Temporary Use By-law policies;
3. The recommended extension to the Temporary Use (T-70) Zone conforms to the in-force policies of The London Plan, including but not limited to, the Temporary Use Provisions;
4. The recommended extension to the Temporary Use (T-70) Zone does not compromise the ability to achieve the long-term goals of Our Move Forward: London's Downtown Plan;
5. The recommended extension to the Temporary Use (T-70) Zone is appropriate to help maintain an adequate supply of parking to service businesses in the Downtown and on Richmond Row pending the gradual transition away from the use of surface commercial parking lots as transit ridership increases and as alternative parking spaces are provided; and,
6. The parking lots have existed for periods ranging from 15-28 years and have achieved a measure of compatibility with the surrounding land uses.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Z-7528 – June 16, 2008 - Report to Planning Committee supporting an application related to 192 – 196 Central Avenue and 193 – 197 Central Avenue, to permit the temporary parking lot use for a period of three (3) years.

Z-8336 – June 17, 2014 - Report to Planning Committee supporting an application by Farhi Holdings to permit the temporary parking lot use for all three (3) properties for a period of three (3) years.

TZ-8802 – October 23, 2017 - Report to Planning and Environment Committee supporting an application by Farhi Holdings to permit an extension to the existing Temporary Use (T-70) Zone to allow for the continuation of three (3) existing surface commercial parking lots on the subject lands for a period not to exceed three (3) years.

1.2 Planning History

192-196 Central Avenue – On January 20, 1992, City Council passed a Zoning By-law amendment to permit a parking lot on the subject land for a period of two years. The temporary use expired in 1994 and subsequent Zoning By-law amendments were approved in 1997, 2000, 2008 and 2011 to allow use of the property for a temporary surface commercial parking lot.

193-197 Central Avenue – On August 29, 2005, City Council passed a Zoning By-law amendment to permit a parking lot on the subject land for a period of three years and allowed a setback reduction from 3.0 metres to 0.0 metres from the original street line. The temporary zone was then extended until 2011.

200 Albert Street – A temporary zone to allow a commercial parking lot was approved in 2004 and expired in 2007.

All three properties – In 2014 Council approved a new temporary use (T-70) zone to permit surface commercial parking lots on all three properties, and recognized the existing condition of a front yard setback for the parking lots of 0.0 metres. Most recently, in 2017, Council passed a by-law to extend the existing Temporary Use (T-70) Zone to allow for the continuation of three existing surface commercial parking lots on the subject lands for a period not to exceed three (3) years. This extension expired on October 30, 2020.

On December 12, 2017, Council approved the Downtown Parking Strategy which provides guidance for requests to extend surface commercial parking lots, and its recommendations provide additional criteria to be considered. Subsequently on May 8, 2018, Council approved amendments to the 1989 Official Plan, The London Plan, and Our Move Forward: London's Downtown Plan to include specific evaluation criteria for requests to extend temporary zones for surface commercial parking lots. The policies, as well as the Downtown Parking Strategy, are now in force and effect.

1.3 Property Description

The subject sites are three separate properties located behind the commercial properties lining Richmond Row. Having a combined area of approximately 0.63 hectares, these fully paved properties provide just over 200 delineated parking spaces used by downtown businesses and visitors. The sites have functioned as surface commercial parking lots for periods ranging from 15 to 28 years. Each property is accessed via one or more direct driveways on Central Avenue and Albert Street. Users can access 200 Albert Street from 193-197 Central Avenue and vice versa via a drive aisle linking the two. Landscaping consists of landscape stone and robust perennial plantings which in the Spring to Fall months, provide interest and soften the view of the parking lots from the streets. There are

no delineated pedestrian pathways, however, the three lots combined with other parking lots and developments in the area provide for easy pedestrian movements behind the Richmond Street frontage from Albert Street to Hyman Street.

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

192-196 Central Avenue

- Official Plan Designation – Multi-Family, High Density Residential
- The London Plan Place Type – Neighbourhoods Place Type within the High Density Residential Overlay
- Existing Zoning – Residential R10/Office Residential/Temporary (R10-4*H-26/OR5*D303*H26/T-70) Zone

193-197 Central Avenue

- Official Plan Designation – Multi-Family, High Density Residential
- The London Plan Place Type – Neighbourhoods Place Type within the High Density Residential Overlay
- Existing Zoning – Holding Residential R3/Residential R4/Residential R8/Office Conversion/Restricted Office/Temporary (h-5*R3-1/R4-1/R8-4/OC7/RO3/T-70) Zone

200 Albert Street

- Official Plan Designation – Multi-Family, High Density Residential
- The London Plan Place Type – Rapid Transit Corridor Place Type
- Existing Zoning – Residential R10/Office Conversion/Temporary (R10-3*H24/OC7/T-70) Zone

1.5 Site Characteristics

192-196 Central Avenue

- Current Land Use – Temporary Surface Commercial Parking Lot
- Frontage – 48.46 metres
- Depth – 38 metres
- Area – 0.18 ha
- Shape – Rectangular

193-197 Central Avenue

- Current Land Use – Temporary Surface Commercial Parking Lot
- Frontage – 21 metres
- Depth – 46 metres
- Area – 0.10 ha
- Shape – Rectangular

200 Albert Street

- Current Land Use – Temporary Surface Commercial Parking Lot
- Frontage – 44.81 metres
- Depth – 229.7 metres
- Area – 0.34 ha
- Shape – Rectangular

1.6 Surrounding Land Uses

- North – Residential/Commercial
- East – Commercial (Richmond Row)
- South – Residential/Commercial
- West – Residential



Figure 1: 192-196 Central Avenue (north view)

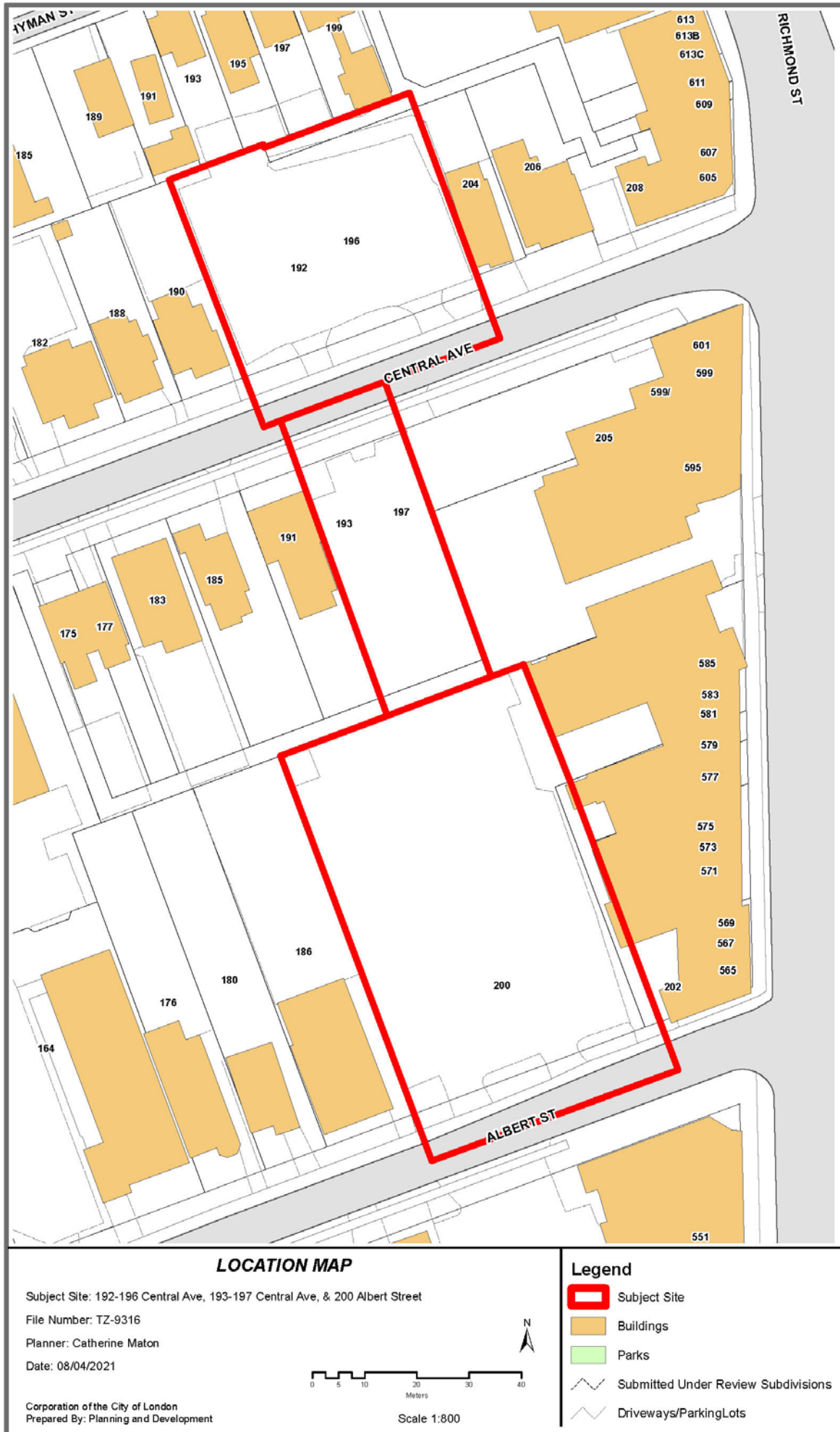


Figure 2: 193-197 Central Avenue (south view)



Figure 3: 200 Albert Street (north view)

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

No development is proposed.

2.2 Requested Amendment

The applicant has requested an extension to the Temporary Use (T-70) Zone to allow for the continued operation of three (3) surface commercial parking lots for an additional three (3) years.

2.3 Community Engagement (see more detail in Appendix B)

15 written responses were received from 13 members of the public, which will be addressed later in this report. The concerns raised were with respect to perpetuation of surface parking lots in downtown and on Richmond Row and the need for more comprehensive redevelopment of the subject sites with apartment buildings and underground parking.

2.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3 of the Planning Act, all planning decisions “shall be consistent with” the PPS.

Section 1.1 of the PPS encourages healthy, livable and safe communities which are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The PPS directs settlement areas to be the focus of growth and development, further stating that the vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities (1.1.3).

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.

192-196 Central Avenue and 193-197 Central Avenue are in the Neighbourhoods Place Type on a Neighbourhood Connector as identified on *Map 1 – Place Types and Map 3 – Street Classifications. A range of low-rise residential uses are contemplated up to a maximum height of 2.5-storeys in accordance with Tables 10 and *11. The sites are also in the High Density Residential Overlay as identified on *Map 2 – High Density Residential Overlay, and the Talbot Mixed Use Specific Policy Area as identified on *Map 7 – Specific Policy Areas.

200 Albert Street is in the Rapid Transit Corridor Place Type in the Richmond Row Main Street Specific Segment, as identified on *Map 1 – Place Types and *Map 7 – Specific Policy Areas. This Place Type encourages a range of residential, retail, service, office, cultural, recreational, and institutional uses in mixed-use buildings with retail and service uses fronting the street at grade (*837_).

The Our Tools section of The London Plan establishes a policy framework for the consideration of temporary use by-laws. Provided the general intent and purpose of The London Plan is maintained, City Council may pass by-laws to authorize the temporary use of land, buildings, or structures for a purpose that is otherwise prohibited by this

Plan, for renewable periods not exceeding three years, in accordance with the provisions of the Planning Act (1671_). Additional criteria contained in Policy 1673A_ provides further direction on applications for temporary zoning to permit surface commercial parking lots in the Downtown Place Type, but are not applicable as the sites are located outside of Downtown.

1989 Official Plan

All three properties are designated Multi-family, High Density Residential in accordance with Schedule 'A' of the 1989 Official Plan and are within the Talbot Mixed-Use Area pursuant to Section 3.5.1.

The 1989 Official Plan also provides policy direction with regard to enabling provisions for temporary uses under Section 19.4.5 of the Official Plan, which states temporary use by-laws may be considered provided the general intent and purpose of the Official Plan is being maintained. These policies are essentially verbatim to the Temporary Use Provisions contained in the Our Tools section of The London Plan, which are not under appeal and are in force.

Our Move Forward: London's Downtown Plan

Our Move Forward: London's Downtown Plan serves as a guideline document adopted under Chapter 19 of the 1989 Official Plan. The Downtown Plan identifies specific sites in the downtown that are opportunity sites for redevelopment and sites that are currently underutilized; many of which are currently used as surface commercial parking lots.

Downtown Parking Strategy

The Downtown Parking Strategy was approved by Council in December 2017. The comprehensive study considers a number of factors including: existing downtown parking supply and usage; future development implications; the City's role in the provision of shared public parking resources; financial implications; and recommendations on an approach to surface commercial parking lots.

The subject sites are located outside of the Downtown and therefore are not captured within the Downtown Parking Strategy study boundary, as demonstrated in Figure 4. The Downtown Parking Strategy study boundary is delineated in red while the subject sites are identified with yellow stars.

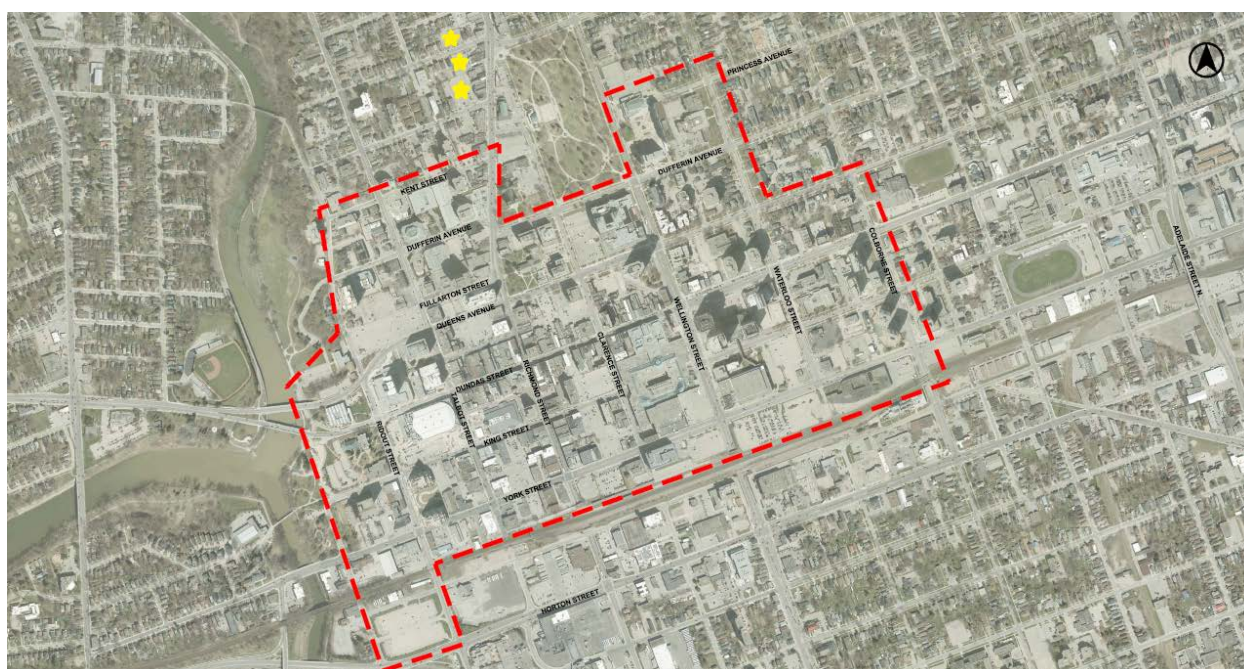


Figure 4: Downtown Parking Strategy study boundary

3.0 Financial Impact/Considerations

There are no direct municipal financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1 Issue and Consideration #1: Use

Provincial Policy Statement, 2020

The PPS promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs (1.1.1e)). Settlement areas are directed to be the focus of growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources; are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; minimize negative impacts to air quality and climate change, and promote energy efficiency; prepare for the impacts of a changing climate; support active transportation and are transit-supportive, where transit is planned, exists or may be developed (1.1.3.2). Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment (1.1.3.2).

The policies of the PPS direct planning authorities to identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated (1.1.3.3). Policy 1.6.7.4 of the PPS encourages land use patterns, densities and a mix of uses that reduces the length and number of vehicle trips and support current and future use of transit and active transportation. Lastly, the PPS encourages long-term economic prosperity to be supported by promoting opportunities for economic development and community investment-readiness, and by maintaining and enhancing the vitality and viability of downtowns and main streets (1.7.1 a) and d)).

While the long-term use of the subject properties as surface commercial parking lots would encourage vehicle trips, staff is satisfied the recommended extension of three (3) years would not undermine future redevelopment of a high density, transit-oriented development. The interim use as surface commercial parking lots would contribute to the short-term availability of parking in the core to serve area residents and businesses along Richmond Row, while allowing for future redevelopment.

The London Plan

192-196 Central Avenue and 193-197 Central Avenue are in the Neighbourhoods Place Type in Central London with a High Density Residential Overlay. Central Avenue is classified on Map 3 as a Neighbourhood Connector. Key elements of vibrant, exciting places to live include a strong neighbourhood character, sense of place and identity, and attractive streetscapes, buildings and public places (916_). The range of permitted uses identified in Table 10 include housing types ranging from single detached dwellings through fourplexes, stacked townhouses and low-rise apartments, along with small-scale community facilities. While development is encouraged to conform with the underlying place type, the High Density Residential Overlay permits residential development up to 12-storeys in height on these properties (*954_). The policies do not permit large amounts of on-site parking to accommodate the parking requirements of mixed-use buildings. Front yard parking is not permitted on properties fronting Neighbourhood Connectors (936_).

192-196 Central Avenue and 193-197 Central Avenue are also in the Talbot Mixed-Use Specific Policy Area, as identified on *Map 7 – Specific Policy Areas. Sites within the High Density Residential Overlay within the Talbot Mixed-Use Area may be considered for high and medium density residential forms of development, as determined through the zoning by-law amendment process, that involve substantial land assembly and provide a high standard of site and building design with emphasis on landscaped open space and underground or appropriately screened parking areas (1027_). The lands fronting onto the north and south side of Central Avenue, between Talbot Street and the Richmond Row Commercial District, are appropriate for the development of a mixed-use corridor with a low profile which provides a transition between the higher intensity uses to the south and

the lower intensity uses to the north (1030_).

200 Albert Street is in the Rapid Transit Corridor Place Type in the Richmond Row Main Street Specific Segment, encouraging a range of residential, retail, service, office, cultural, recreational, and institutional uses in mixed-use buildings with retail and service uses fronting the street at grade (*837_). Buildings in the Main Street Specific Segments are permitted up to a maximum height of 12-storeys (847_2). The policies of the Rapid Transit Corridor Place Type generally encourage an intensive built form that conforms with the City Design policies, creates a strong street wall along corridors, is transit and pedestrian oriented and locates surface parking areas in rear and interior side yards or integrated as underground or structured parking integrated within the building design (841_).

The Our Tools section of The London Plan establishes a policy framework for the consideration of temporary use by-laws (1672_):

In enacting a temporary use by-law, City Council will have regard for the following matters:

- 1. Compatibility of the proposed use with surrounding land uses.*
- 2. Any requirement for temporary buildings or structures in association with the proposed use.*
- 3. Any requirement for temporary connection to municipal services and utilities.*
- 4. The potential impact of the proposed use on mobility facilities and traffic in the immediate area.*
- 5. Access requirements for the proposed use.*
- 6. Parking required for the proposed use, and the ability to provide adequate parking on-site.*
- 7. The potential long-term use of the temporary use.*
- 8. In the case of temporary commercial surface parking lots in the Downtown, the impact on the pedestrian environment in the Downtown.*
- 9. The degree to which the temporary use may be frustrating the viability of the intended long-term use of the lands.*

The subject properties have operated as surface commercial parking lots for periods between 15 and 28 years. Over the years, they have attained a measure of compatibility with surrounding land uses. These lands provide some relief for the parking needs of the commercial corridor along Richmond Street. The lots were improved to meet municipal standards as part of the previous applications to permit the temporary use. The recommended three (3) year extension to the Temporary Use (T-70) Zone does not require or propose any new temporary buildings or structures. Automated parking “pay and display” machines, lighting, fencing and enhanced landscaping are being maintained. The recommended extension of the Temporary Use (T-70) Zone does not require any additional municipal services or utilities other than what currently exist.

No changes to the existing surface parking area are proposed, therefore there are no short-term impacts on transportation facilities or traffic in the immediate area. Over the longer term, 193-197 Central Avenue and 200 Albert Street are identified as priority sites for redevelopment, and 200 Albert Street is identified as an opportunity site where new development could bridge street wall gaps and/or link activity generators (Our Move Forward: London’s Downtown Plan). There are no concerns with the existing accesses to the subject lands, which are to be maintained. The recommended extension to the Temporary Use (T-70) Zone is for surface commercial parking purposes, therefore there is no concern relating to the provision of adequate parking for the temporary use.

The three (3) year extension of the Temporary Use (T-70) Zone is appropriate in the short-term to serve area residents and businesses along Richmond Row. While the site is outside of the Downtown Parking Strategy area, the gradual phasing out of surface commercial parking lots is recommended to avoid parking shortages while the Strategy comes to fruition. As such, the short-term extension would continue to provide parking in the core to serve area residents and businesses, until such time as the sites are redeveloped and alternative parking and transportation options are available.

1989 Official Plan

The subject properties are designated Multi-family, High Density Residential in the 1989 Official Plan, which contemplates low-rise and high-rise apartment buildings, apartment hotels, multiple-attached dwellings, emergency care facilities, nursing homes, rest homes, homes for the aged and rooming and boarding houses as the main permitted uses. The preferred locations for this designation are lands adjacent to major employment centres, shopping areas, major public open space, and transportation routes, and where high density residential development will not adversely affect surrounding land uses (3.4 and 3.4.1)

The subject properties are also identified as being within the Talbot Mixed-Use Area pursuant to Section 3.5.1 of the Official Plan. This policy supports high and medium density forms of development that involve substantial land assembly and provide a high standard of site design with emphasis on landscaped open space and underground or appropriately screened parking areas. It also identifies the Multi-family, High Density Residential lands fronting onto Albert Street and both sides of Central Avenue behind Richmond Street as being appropriate for development as a mixed-use area, including such uses as offices, retail, personal service, financial institutions, eat-in restaurant and business services uses.

The review criteria for temporary uses in the 1989 Official Plan were perpetuated through the Temporary Use Provisions policies in the Our Tools section of The London Plan. These policies are essentially verbatim to the Temporary Use Provisions contained in the Our Tools section of The London Plan, which are not under appeal and are in force.

Our Move Forward: London's Downtown Plan

On April 14, 2015, Municipal Council adopted Our Move Forward: London's Downtown Plan as a Guideline Document to the Official Plan. According to Section 19.2.2 of the Official Plan, guideline documents "...provide detailed direction for the implementation of Official Plan policies." Section 19.2.2. of the Official Plan continues stating that "...depending on the nature of the guideline document, they will provide specific direction for the preparation and review of development proposals, the identification of conditions to development approval, or the planning of improvements to public services and facilities..."

Of particular relevance to the current request to extend the Temporary Use (T-70) Zone for an additional three (3) years, Our Move Forward: London's Downtown Plan:

- Identifies both 200 Albert Street and 193-197 Central Avenue as underutilized sites, and also identifies 200 Albert Street as a "redevelopment opportunity site", as shown in Figure 5 below. The Plan notes that "...surface parking lots, in particular, present ideal locations for redevelopment, as there is little site work needed before new construction can begin. There is no net loss of the parking anticipated in the redevelopment of these parking lots, as parking can be regained by incorporating underground parking and structured parking into the design of the new development.";
- States that "there are opportunity sites where new development could bridge streetwall gaps and/or link activity generators. These strategic locations are priority sites for redevelopment."

Our Move Forward: London's Downtown Plan recognizes the long-term development opportunities offered by two of the subject properties. Extending the Temporary Use (T-70) Zone for an additional three (3) years will have no impact on the potential for the long-term redevelopment of the site.

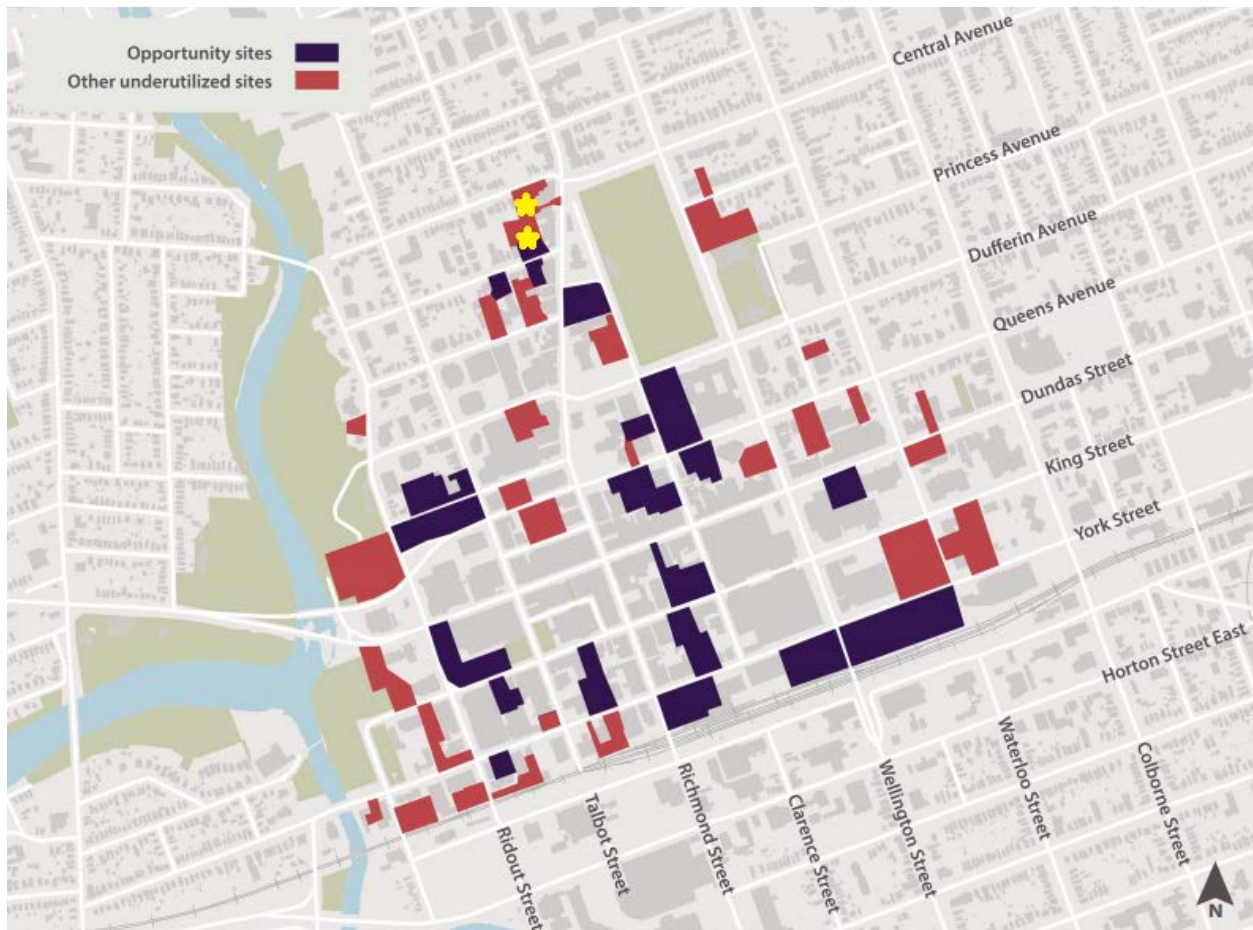


Figure 5: Map 5 – Priority Sites for Redevelopment (Our Move Forward: London's Downtown Plan)

Conclusion

The recommended amendment is consistent with the policies of the Provincial Policy Statement (2020) and is in conformity with the policies of The London Plan and the 1989 Official Plan. Permitting surface commercial parking on a temporary basis allows for the continuation of an existing use which has achieved a measure of compatibility with the area and surrounding land uses, and which currently serves a purpose in supporting the Downtown and Richmond Row. The temporary continuation of this use will continue to permit redevelopment of the lands in the future and allows for a temporary use that does not conflict with Our Move Forward: London's Downtown Plan in the short term.

Prepared by: Catherine Maton, MCIP, RPP
Senior Planner, Development Services

Recommended by: Paul Yeoman, RPP, PLE
Director, Development Services

Submitted by: George Kotsifas, P. Eng
Deputy City Manager, Planning and Economic Development

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2021

By-law No. Z.-1-21_____

A by-law to amend By-law No. Z.-1 to rezone an area of land located at 192-196 Central Avenue, 193-197 Central Avenue, and 200 Albert Street.

WHEREAS Fahri Holdings Corporation has applied to extend the Temporary Use (T-70) Zone as it applies to lands located at 192-196 Central Avenue, 193-197 Central Avenue, and 200 Albert Street for a period not to exceed three (3) years;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-142297 approved the Temporary Use for 192-196 Central Avenue, 193-197 Central Avenue, and 200 Albert Street for a period not exceeding three (3) years beginning June 24, 2014;

AND WHEREAS the Municipal Council of the Corporation of the City of London, by By-law No. Z.-1-172623 approved an extension the Temporary Use for 192-196 Central Avenue, 193-197 Central Avenue, and 200 Albert Street for a period not exceeding three (3) years beginning October 30, 2017;

AND WHEREAS the Municipal Council of the Corporation of the City of London deems it advisable to extend the Temporary Use for the said properties for a period not exceeding three (3) years;

AND WHEREAS this rezoning conforms to the Official Plan;

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

- 1) Section Number 50.2(70) of the Temporary Use (T) Zone is amended by adding the following subsection for the properties known municipally as 192-196 Central Avenue, 193-197 Central Avenue, and 200 Albert Street:

T-70

This Temporary Use is hereby extended for an additional three (3) years beginning May 25, 2021.

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 May 25, 2021.




Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 25, 2021
Second Reading – May 25, 2021
Third Reading – May 25, 2021

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



<p>File Number: TZ-9316 Planner: CM Date Prepared: 2021/04/08 Technician: rc By-Law No: Z.-1-</p>	<p>SUBJECT SITE </p> <p>1:1,250</p> <p>0 5 10 20 30 40 Meters </p> <p></p>
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Appendix B – Public Engagement

Community Engagement

Public liaison: On March 3, 2021, Notice of Application was sent to 125 property owners and 238 occupants in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on March 4, 2021. A “Planning Application” sign was also posted on the site.

15 replies from 13 members of the public were received.

Nature of Liaison: The purpose and effect of this zoning change is to permit the continued operation of the existing surface commercial parking lots for an additional three (3) years. Possible change to Zoning By-law Z.-1 **BY AMENDING** the temporary use provisions of the existing Residential R10/Office Residential/Temporary (R10-4*H26/OR5*D303*H26/T-70) Zone at 192-196 Central Avenue, Holding Residential R3/Residential R4/Residential R8/Office Conversion/Restricted Office/Temporary (h-5*R3-1/R4-1/R8-4/OC7/RO3/T-70) Zone at 193-197 Central Avenue, and Residential R10/Office Conversion/Temporary (R10-3*H24/OC7/T-70) Zone at 200 Albert Street **TO EXTEND** the temporary surface commercial parking lot use for an additional three (3) years.

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

Concern for:

The continued use of the subject lands as parking lots preventing long-term, comprehensive redevelopment with apartment buildings and underground parking.

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

Telephone	Written
Charlene Jones	Robert Patrick and Susan Flaxman 152 Albert Street Unit 20 London, ON N6A 1M1
	Lisa Sallabank 579 Richmond Street London, ON N6A 3G2
	Joellen Curtis
	Steve Gray 566 Winblest Avenue London, ON N6C 3C3
	Esther Gratton
	Charlene Jones 191 Central Avenue London, ON N6A 1M6
	Rick Page
	Allyson Taylor
	Joanna Wyszomirski

	Debby Bairos
	Robert Noel 9612 Argyle Street Ailsa Craig, ON N0M 1A0
	Kelley McKeating Architectural Conservancy of Ontario – London Region Branch Grosvener Lodge 1017 Western Road London, ON N6G 1G5
	Heenal Rajani

From:

Sent: Tuesday, March 9, 2021 1:19 PM

To: Maton, Catherine <cmaton@london.ca>

Cc: Kayabaga, Arielle <akayabaga@london.ca>; Susan Flaxman

Subject: [EXTERNAL] File TZ-9316 Farhi Parking Lots T-70 extension

Hello Catherine and Arielle...

My wife, Susan Flaxman and I are residents at 152 Albert St. Unit 20. We would like to register our objection to the zoning amendment for the extension of surface parking.

I think the residents of down town would be better served by providing retail space or housing on the sites indicated. Frankly the down town looks like an asphalt desert.

There are a large number of new high density apartment buildings under construction in the down town. A grocery store such as Sunripe or Remark or Farm Boy or perhaps a bakery, delicatessen, green grocery and butchers shop

would be a very welcome addition to this site. Part of the site could be used to provide some parking for the retailers. It is walking distance to these developments.

If the city is committed to a reduction in the use of private automobiles and an increased use of low carbon public transportation like the BRT then a reduction in parking spaces would be an incentive.

These lots are usually empty during the day and only partially used at night by people drinking at the bars. Since they are partially hidden from the main thoroughfare, drunken patrons cut through as the go from bar to bar. They are a gathering places for drug dealers and other ne'er do wells. We have had

fight, shots fired and other crimes committed in these locations.

Drunken people use the lots to travel from bar to bar late at night and they disturb the peace with shouting, screaming and fighting after the bars shut down.

In short, turning them into an asset for the neighborhood rather than providing a continuing tax write off for Farhi Holdings would serve the public to a much greater benefit.

Thank you

Robert Patrick and Susan Flaxman

From: Lisa Sallabank Salon Entrenous
Sent: Friday, March 12, 2021 12:33 PM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] 192-196 central Ave

Hi Catherine!

I own the business and the building at 579 Richmond st.
I would love to see some high rise buildings in those lots with underground parking
(maybe for residents and for public)

Just wanted to chime in!

Have a great weekend!

Lisa Sallabank

Salon Entrenous
579 Richmond st
London Ontario
N6A 3G2

From: Joellen Curtis
Sent: Friday, March 19, 2021 1:40 PM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] Fwd: Parking lots TZ-9316

Please Stop the continuous renewal of the parking lot permits. It's time to to develop London downtown what high-rise condos and underground parking. We need people living downtown now more than ever with people working from home they are not coming downtown. we need people living here, we need to make the downtown beautiful, more prosperous for all the business or we will loose them. Downtown london it's dying. And don't get me started on the tax dollars, the parking lots pay minimum taxes into the city compared to the tax revenue condos create, lessening the burden for all of us paying into the city tax pool. It's time say NO to empty parking lots and YES to a well developed downtown.

Joellen Curtis

From: steve328 steve328
Sent: Friday, March 19, 2021 2:32 PM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] Zoning

Please explain to me how any company can request permits to demolish existing housing ,for the purpose of rebuilding on those properties, better housing, gets the required permits to demolish and then does NO REBUILDING AT ALL and pays very little in taxes for said properties and is going to be GRANTED extensions ,so they do NOT now or perhaps EVER have to use this land for the purpose they proposed.....sounds like our city politicians don't care or perhaps pandering to the major land owners?

From: Esther Gratton
Sent: Sunday, March 21, 2021 8:22 PM
To: Kayabaga, Arielle <akayabaga@london.ca>; Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL]

Catherine Maton
Arielle Kayabaga

Hello,

I am contacting you in regards to the parking lots located on at 192-196 Central Ave, 193-197 Central Av and 200 Albert St. I have been an employee at Artistic Spa for the last 8 years and have noticed during that time the lots are typically nearly empty. From what I've heard the houses were torn down to allow for redevelopment, and to allow for more apartments and condos in the downtown core. London has been waiting for a few years for something to happen with these lots. We need housing downtown with a parking garage underneath them. A lot of offices have closed downtown, leaving the parking lots even emptier than they were before. So in my opinion developing these sites would be a great benefit to downtown and the businesses that rely on the people especially now.

Thank you kindly,

Artistic Spa Employee

From: Charlene Jones
Sent: Tuesday, March 23, 2021 10:41 AM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] TZ-9316

Good morning,

I think the approval of all these parking lots should be denied or at least postponed. Farhi owns so much that he just sits on, with city tax payers picking up the slack on all his parking lots and empty properties. I have operated my business downtown for 32 years now. I'm so tired of the promises from counsel to improve downtown. Counsel can't seem to address the main problem of all the buildings left empty or torn down for parking lots with failed promises to develop. As a business owner of 32 years, I say enough is enough. If counsel can't stand up for what is right for our city and start making the tough decision and HELP this land owner development. Business will leave the downtown area.

Charlene

From: Rick Page
Sent: Tuesday, March 23, 2021 11:03 AM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] TZ-9316

STOP the parking lot extension!! Times up, develop or sell!
Enough all ready city council if you want to help downtown you need development it. No more iron trees and cobble stones. DEVELOPMENT we need people living downtown. With more people paying into property taxes to help our city. Instead of always raising the taxes for the people working so hard to pay for there homes and businesses.
Rick

From: Charlene Jones
Sent: Tuesday, March 23, 2021 12:29 PM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] TZ-9316 plan

Catherine Maton and Arielle Kayabaga

Good afternoon,

I am contacting you both, with reference to the parking lots located at 192-196 Central Avenue, 193-197 Central Avenue and 200 Albert Street, London.

The beautiful heritage houses that once stood on these spacious lots are no more. They were torn down to allow for the redevelopment of these areas, which in turn would also assist in the revitalization of the downtown sector. At the time of the application, the approval was based on a proposal to build condominiums on these sites, a plan that would provide much needed housing, thereby encouraging people to take up residency in the downtown areas. The parking lot that *still* remains today, *nine plus years later*, was originally permitted on a three year plan, a timeframe that has long since elapsed and in fact, *has been extended* several times now.

If we knew at that time, that the parking lot would still remain almost ten years later, I don't think it would have been so easily approved. What message does this send to fellow Londoners, when land owners are allowed to submit proposals for future development, but are never expected, encouraged or forced to complete and/or follow through with their approved plans?

London desperately needs accessible downtown housing; we need high-rise buildings to accommodate more people, thus encouraging increased presence and shopping in the area. Condominiums would not only support downtown residency, but would also provide additional secure underground parking that would be available to residents and the public alike. This in turn would provide safer parking alternatives for the community as a whole.

Our downtown area needs businesses and the businesses need people downtown to survive!

In the present climate, with so many people working from home, we see less and less people venturing out and coming downtown to shop and/or dine out. Now more than ever, we need to make better decisions ... and that means that we need to make better use of our precious downtown property, including the vacant areas - areas such as under-utilized, inefficient, half-empty parking lots.

I've attached photos that depict these specific parking lots on a busy Thursday afternoon. Even pre-Covid, these three parking lots were not full to capacity. There is just so much wasted potential, when these areas remain as parking only. These unsupervised lots exist as unattractive downtown landscapes, that only serve to attract more crime to the area, while becoming a place for drug addicts to hang out. Surrounding businesses deal with losses due to break-ins, thefts and property damage, not to mention the constant littering that happens on a daily basis.

I keep hearing about all these wonderful plans to make our city beautiful again. Why don't we start here? Why don't we hold the land owners accountable to the agreements that were made, when their applications were approved. If you want to better the downtown, then why not encourage and help grow the downtown, through development that was originally promised. Stop extending temporary parking lot permits! Encourage these land owners to develop their property, rather than continually stalling the process.

Sincerely,

Charlene Jones

From: Allyson Taylor
Sent: Tuesday, March 23, 2021 1:26 PM
To: Maton, Catherine <cmaton@london.ca>; Kayabaga, Arielle <akayabaga@london.ca>
Subject: [EXTERNAL] 192-196 central Ave

I am contacting you in-regards to the parking lots located on at [192-196 Central Ave](#), 193-197 Central Av and [200 Albert St](#). To my knowledge the houses were torn down to allow for redevelopment, the application was to build condos and provide much needed

housing for people to live downtown. The parking lot was a three year plan and it's been extended a few times now. What message does this tell Londoners? London needs housing downtown they need high-rise buildings with parking garage underneath them. Now with so many people working from home the need for all these parking lots is not as it was before. They are empty most of the time. Most cities that develop residential living downtown also provide underground parking. So in my opinion developing these sites would be a great benefit to downtown and the businesses that rely on the people especially now.

Regards,

Allyson Taylor

From: Joanna Wyszomirski
Sent: Wednesday, March 24, 2021 10:19 AM
To: Maton, Catherine <cmaton@london.ca>
Cc: Kayabaga, Arielle <akayabaga@london.ca>
Subject: [EXTERNAL] File:TZ-9316

Hi Catherine and Arielle,

I am writing with concerns regarding the empty parking lots at 192-196 Central Ave 193-197 Central Ave and 200 Albert St. its time for change as the parking lots can be an opportunity for development. condos would be a great addition to bring more residents downtown and local shopping for the businesses. Parking could be added underground for both residents and public parking. lets make our downtown vibrant again!

Thank you,

Joanna Wyszomirski

From: Debby Bairos
Sent: Wednesday, March 24, 2021 1:19 PM
To: Maton, Catherine <cmaton@london.ca>
Cc: Kayabaga, Arielle <akayabaga@london.ca>
Subject: [EXTERNAL] TZ-9316

Hi Catherine and Arielle,

As a downtown employee it would be nice if something was built where these empty parking lots sit. Condos or even a commercial building to create more jobs and residents to the downtown core. Why have this area empty for another 3 years when it's hardly used? Most people now work from home and hardly shop downtown. Why not create a space to attract more locals to support small businesses? Parking can be built with any developing structure still offering that to those who wish to park for festivals, shopping etc. Let's rebuild an appealing downtown.

Thank you,
Debby Bairos.

From: robert noel
Sent: Thursday, March 25, 2021 1:49 PM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] Albert st parking

Hello,

I own 565-569 Richmond st and 204 Albert st, the building on the corner. I agree that it's time to develop that lot. Why give endless extensions for a predatory parking lot? If you

must one year rather than three would make sense but with the boom in building and the need for more housing there is no reason to leave this prime lot as parking. The time to act is now.

Regards,

Robert Noel

Architectural Conservancy Ontario – London Region Branch
Grosvenor Lodge
1017 Western Road
London, ON N6G 1G5

April 8, 2021

Members of the Planning and Environment Committee:

Phil Squire (Chair) – psquire@london.ca
Steven Hillier – shillier@london.ca
Anna Hopkins – ahopkins@london.ca
Steve Lehman – jlehman@london.ca
Shawn Lewis – slewis@london.ca

Mayor Ed Holder – mayor@london.ca
Arielle Kayabaga, Ward 13 Councillor – akayabaga@london.ca
Catherine Maton, Planner – cmaton@london.ca

Dear Councillors, Mayor Holder, and Ms. Maton:

**Re: Notice of Planning Application – Zoning By-Law Amendment
Commercial Parking Lots at 192-196 Central Avenue, 193-197 Central Avenue, 200
Albert Street (TZ-9316)**

The London Region Branch of Architectural Conservancy Ontario (ACO London) wishes to provide input regarding the applications for zoning by-law amendments to permit the continued operation of surface parking lots at the above three addresses.

Many developers are willing, even anxious, to construct high-rise apartment buildings in downtown London to provide density as prescribed in *The London Plan*. Heritage buildings and heritage streetscapes are under routine threat from this development pressure. One of the key reasons for this is that owners of the surface parking lots in the downtown core appear unwilling to sell to interested developers. In response, these developers feel that they must purchase and then demolish heritage buildings.

According to a January 15, 2017 article in the *London Free Press*, “Developers in the city who declined to be identified have said they approached Farhi to buy land, but he will not sell”.

(<https://lfpres.com/2017/01/15/pressure-may-be-building-but-shmuel-farhi-isnt--yet>)

Seemingly little has changed in the last four years, and the serial renewal of these “temporary” zoning provisions diminishes the letter and the spirit of temporary zones. We encourage the Planning & Environment Committee, and City Council, to put an end to temporary use provisions that encourage land owners to hold on to vacant land and profit from it, thereby steering development pressure to less desirable locations in the downtown core (e.g., land where construction cannot occur unless a heritage building is demolished).

In conjunction with the soon-to-be-constructed Bus Rapid Transit system, we Londoners must become accustomed to using public transit on a more consistent basis after the pandemic is behind us. As ridership increases, service frequency and scheduling will improve. Weaning us from our reliance on downtown parking is one step in the direction of improved public transit for all. Fewer parking spaces will encourage more public transit users and fewer automobile commuters. With less competition from surface parking lots, developers may become more interested in constructing high-quality

parking garages (such as these primarily US examples: <https://architizer.com/blog/practice/materials/house-of-cars/>). Developers might also decide to include more extensive (commercial) underground parking in proposed developments.

Denial of this zoning application would be a helpful step towards encouraging more appropriate downtown development. At the same time, it may help – by encouraging more use of public transit – alleviate some of the considerable motor vehicle congestion in the downtown core, thus improving quality of life for those who live, work, and/or play downtown.

Thank you for considering our comments. If you would like to discuss this matter further, please contact me.

Yours truly,

Kelley McKeating
President, London Region Branch
Architectural Conservancy Ontario
The past. Our present. Your future.

From: Allyson Taylor
Sent: Monday, April 26, 2021 11:38 AM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] File : TZ-936

Good Morning Catherine,

I hope you are well through this crazy time. I hope Farhi Holdings don't get the extension for three years.
The downtown needs more than parking lots and I think its about time he starts building to help the down town or let someone else build.

Allyson Taylor
Co/Owner
Artistic Spa

From: Heenal Rajani
Sent: Thursday, April 29, 2021 11:39 AM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL] Question regarding surface parking lots item at the next PEC

Dear Catherine

I am a downtown London resident and business owner, and I hope you can help me with this matter.

I found this item on the City's website regarding a matter that is to be discussed at the PEC meeting on May 10: <https://london.ca/sites/default/files/2021-04/TZ-9316-Notice%20of%20Public%20Meeting.pdf>

It is my understanding that these parking lots have been subject to multiple extensions. I heard that there used to be a building on the north side of central that was demolished in order for Farhi to build there but still, 20 years later, nothing has been built there.

It strikes me that the repeated granting of extensions to surface parking lots does nothing to improve the walkability and liveability of downtown London and in fact contravenes and undermines the City's declaration of a Climate Emergency.

Please could you tell me more about the City's policy with regard to such "temporary" extensions?

Will staff be recommending to PEC that the temporary zone be extended again?

If council turns down the extension, what would happen?

Thank you in advance for your help with this! Please feel free to call me to discuss instead of email.

Many thanks

Heenal Rajani

Heenal Rajani (he/him)
Co-founder, Reimagine Co
www.reimagineco.ca

Agency/Departmental Comments

March 4, 2021: London Hydro

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

March 9, 2021: Upper Thames River Conservation Authority

Dear Ms. Maton:

Re: Application to Temporarily Amend the Zoning By-law - File No. TZ-9316
Applicant: Farhi Holdings Corporation
196 to 196 Central Avenue, 193 to 197 Central Avenue, and 200 Albert Street,
London, ON

The Upper Thames River Conservation Authority (UTRCA) has reviewed this proposal 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 proposal 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*.

CONSERVATION AUTHORITIES ACT

The subject lands **are not** affected by any regulations (Ontario Regulation 157/06) made pursuant to Section 28 of the *Conservation Authorities Act*.

DRINKING WATER SOURCE PROTECTION: Clean Water Act

The subject lands have been reviewed to determine whether or not they fall within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). Upon review, we can advise that the subject lands **are** within a vulnerable area. For policies, mapping and further information pertaining to drinking water source protection, please refer to the approved Source Protection Plan at: <https://www.sourcewaterprotection.on.ca/approved-source-protection-plan/>

RECOMMENDATION

As indicated, the subject lands are not regulated by the UTRCA and a Section 28 permit application will not be required. The UTRCA has no objections to this application. Thank you for the opportunity to comment.

Yours truly,

UPPER THAMES RIVER CONSERVATION AUTHORITY

March 23, 2021: Stormwater Engineering

SWED staff have no SWM related requirements to the above-noted application for the purpose of permitting the continued operation of the existing parking lot use, primarily due to no site alterations being proposed.

Appendix C – Policy Context

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

Provincial Policy Statement, 2020

1.1
1.1.1
1.1.3
1.1.3.2
1.1.3.3
1.6.7.4
1.7.1

The London Plan

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

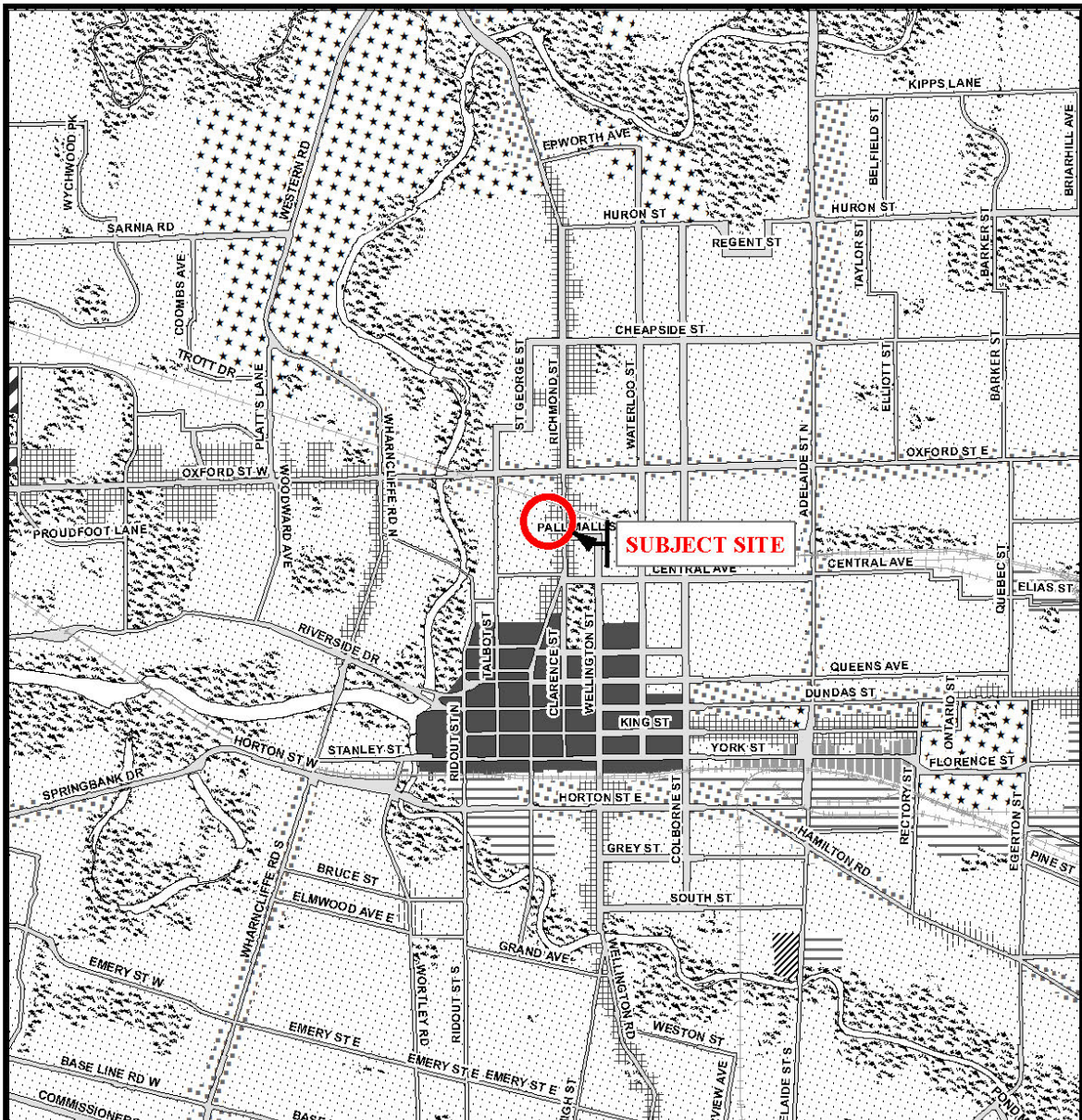
*Map 1
*Map 2
Map 3
*Map 7
Table 10
*Table 11
*837_
841_
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Official Plan (1989)

Schedule A
3.4
3.4.1
3.5.1
19.4.5

Appendix D – Relevant Background

Additional Maps



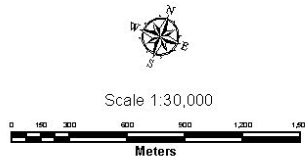
Legend

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

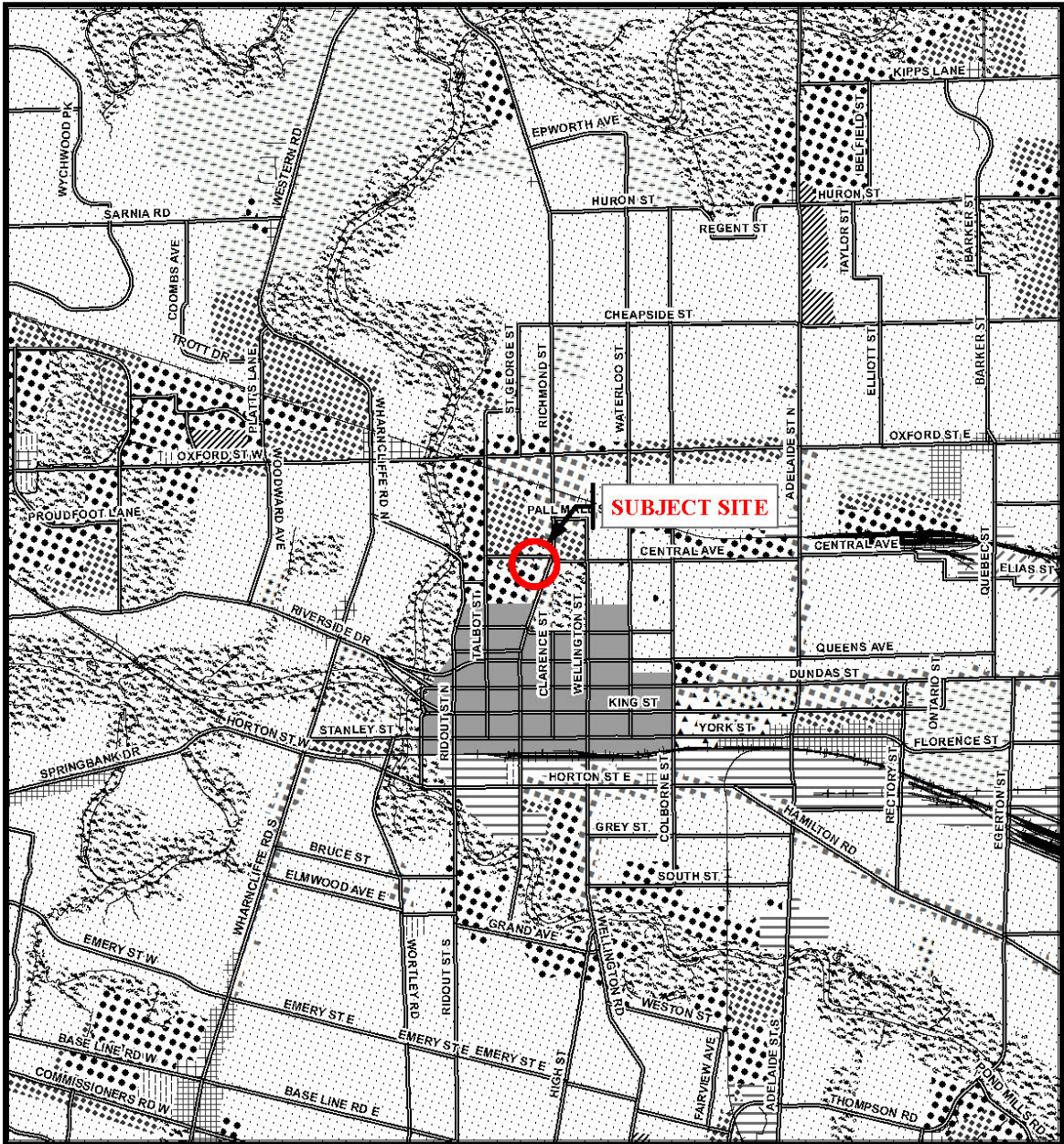
This is an excerpt from the Planning Division's working consolidation of Map 1 - Place Types of the London Plan, with added notations.

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

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



File Number: TZ-9316
Planner: CM
Technician: RC
Date: April 8, 2021



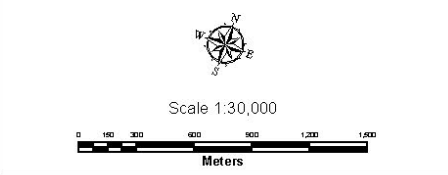
Legend

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

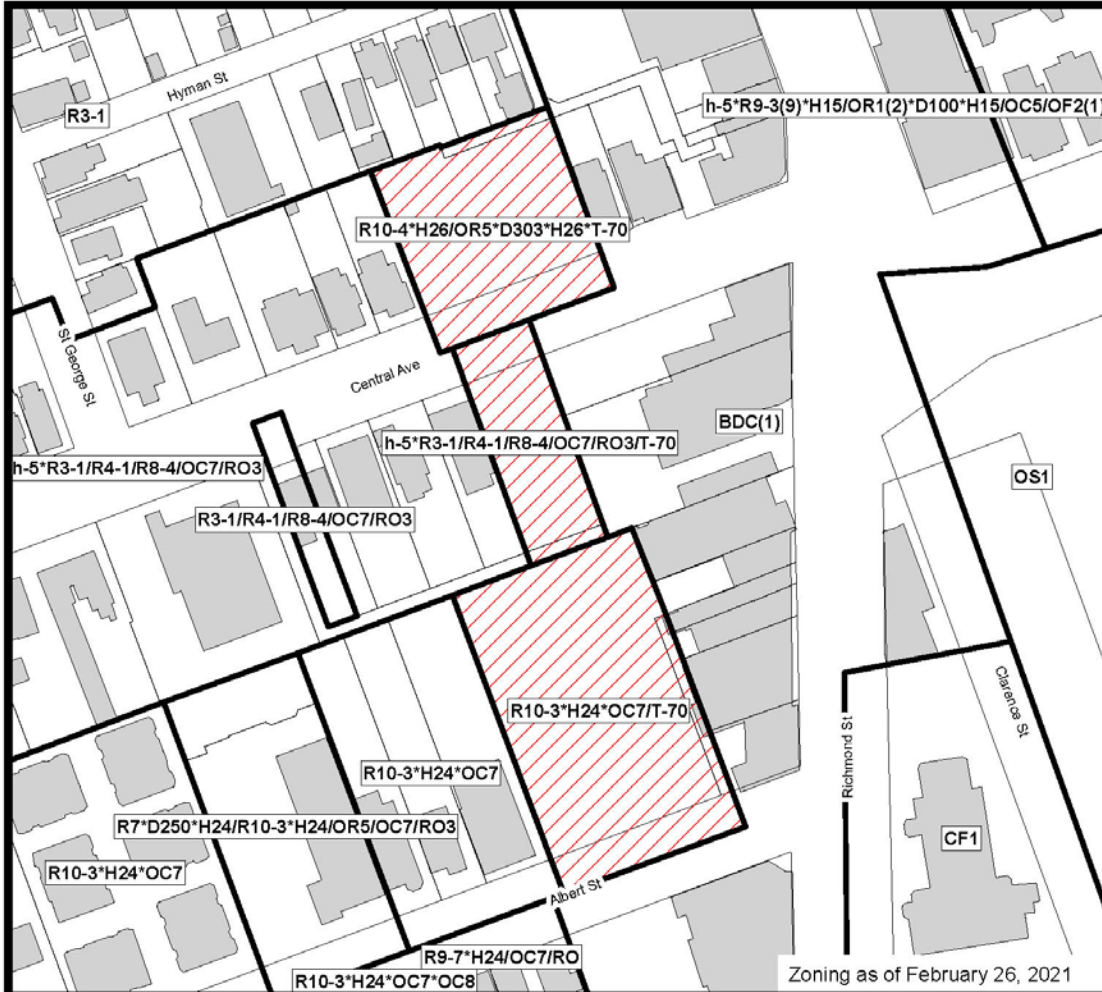
CITY OF LONDON
 Department of
 Planning and Development

OFFICIAL PLAN SCHEDULE A
 - LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: TZ-9316
 PLANNER: CM
 TECHNICIAN: RC
 DATE: 2021/04/08



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

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

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

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

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

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

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

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

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

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

TZ-9316

CM

MAP PREPARED:

2021/04/08

rc

1:1,500

0 5 10 20 30 40

Meters

PUBLIC PARTICIPATION MEETING COMMENTS

3.1 PUBLIC PARTICIPATION MEETING – 192-196 Central Avenue, 193-197 Central Avenue and 200 Albert Street (TZ-9316)

- Councillor Squire: Staff report on this matter, please. Thank you very much. Any technical questions only, please, Committee? There being none we will go to presentations. Is the applicant making a presentation?
- Good Afternoon Mr. Chair, it's Scott Allen from MHBC Planning.
- Councillor Squire: Good afternoon.
- Scott Allen, MHBC Planning: Yes. I will make a very brief presentation on behalf of the applicant. With me today, I should mention, representing the applicant, Muky Pundaky, and he's available to answer any questions as well. At this time, we'd like to express our support for the findings and recommendation of the Development Services report as presented by Ms. Maton. In particular, we agree with the finding that the proposed extension of the temporary commercial parking permission to these properties would help address local parking demands in the near term and not undermine the long-term redevelopment potential of the lands. This finding also reflects commentary provided in our planning justification report which was submitted in support of this application. With that in mind, Mr. Chair, I'd like to thank the Committee for its consideration and will gladly answer any questions that members may have.
- Councillor Squire: Thank you very much. Any other delegations from the public? I shouldn't say delegations, speakers. Are there any?
- Catharine Saunders, City Clerk: Mr. Chair, we do have some members of the public who wish to speak.
- Councillor Squire: Okay.
- Catharine Saunders, City Clerk: The first would be Mr. Rajani.
- Heenal Rajani: Hello. Good afternoon.
- Councillor Squire: Good afternoon. You will have five minutes to speak sir so you can start right now.
- Heenal Rajani: Thank you very much Mr. Squire. First I am speaking. I am a downtown business owner and I live close to downtown and in the Piccadilly Street area with my family, four children and I understand the need for, for parking in downtown, I understand the need in a specific area and with regard to the Official Plan and the Talbot area and I just think how the by-law extension needs more consideration and I think the Committee members will have seen the representation from members of the public especially their concerns. I think there are more voices out there, more members of the public who maybe not writing letters and are communicating concerns in other ways, other forums and you know and I hear the representations and from staff and I see in this report it says that extending temporary use T-70 zone for additional three years will have no impact on the potential for long-term redevelopment at the site. You know, however, I think, at the same time there has been an extension, extension, extension on these temporary things with three years and three years for some of these sites for over twenty years and I think it's just not really a fair way of saying it's really temporary when we, when we recognize there is a need for development downtown, we recognize that these are underutilized sites and

what's in the report. These measures, you know, while they are outside the downtown parking strategy area, the gradual phasing out of surface commercial parking lots is recommended to avoid parking shortages while the Strategy comes to fruition. The short-term extension would continue to provide parking in the core so that area residents businesses which we absolutely need but this has to be short-term, you know, and I saw last year that, last April, because of Covid, there's conversations around having a new parking structure develop as part of understandably the financial uncertainty those conversations had to be shelved by the City and I think, you know, if we keep giving these three year extensions then that's not really encouraging those kinds of projects that we absolutely need, the development of better alternatives to parking, you know, and that is budgeted for, I know you have, there's a budget there for sustainable city that London is looking at infrastructure to built, maintained and operated to meeting the needs of the community and replacing surface parking with efficient, convenient and cost effective public parking, business person social activities in the downtown and I think you have got to think about that and so I'm I understand your, this Committee's unlikely to go against the recommendations of staff on this matter I just invite you to consider whether a three year extension is appropriate, whether it could be a shorter period of time, even slightly shorter, you know, just send the message that this is not a carte-blanche to keep getting these extensions and not doing anything to develop these sites while integrating parking into those developments and as well with parking as much as there is a need you don't have to consider this because this is not a new policy as such but to think about this Climate Emergency Evaluation tool and to think about what is the climate emergency you know, what's the climate impact of this and is there a better way of doing this and how can we be encouraging more other forms of transportation than cars and I think that has to be considered at the same time as when you are doing anything with parking.

- Councillor Squire: You have one minute remaining.
- Heenal Rajani: Thank you very much. Those are the things I invite the, this Committee to consider. I think there's, there's, I know you are probably unlikely to vote against this but to say could it be less than three years, how can we re-examine more parking matters coming up shortly in the next weeks, months, how can we encourage those difficult parking to be better, transportation. Thank you for your time. Appreciate the opportunity to share this with you today
- Councillor Squire: Thank you very much for coming to speak to us. Very much appreciated. Next speaker.
- Catharine Saunders: Mr. Chair, this would be Ms. McKeating.
- Councillor Squire: Yes.
- Hi there. Can people hear me?
- Councillor Squire: I can certainly hear you.
- Kelley McKeating: Oh dear, maybe I should talk quieter.
- Councillor Squire: No, no, it's okay. I have, you can start now and it will be five minutes.
- Okay. Thanks a lot. I am Kelley McKeating and I'm speaking today on behalf of the London Region branch of the Architectural Conservancy of Ontario and like the prior speaker, I'm also, and we as an organization, are opposed to yet another round of renewal of these temporary parking zoning amendments. I

don't know how many parking spots there are in the downtown and adjacent to downtown area as compared to ten years ago, I can certainly think that in recent months there was a demolition at York and Talbot Streets if I recall correctly which expanded the parking, the surface parking lot availability downtown. There was also a demolition, a number of years ago at 199 Queens Avenue. I think that if there is another zoning amendment allowed here, there is absolutely no motivation for a property owner to ever develop the land or sell the land to somebody who does want to do an appropriate development. The denial of these in similar applications would certainly motivate the owner to either develop or sell and then the land would no longer be underutilized in the words of the Planner. The other thing that a denial of these applications would do is put less pressure on developers to demolish heritage property when they do want to develop, it would be really nice if more vacant land was available to them. I would also question whether these parking spots truly are needed. I work very close to a large parking lot at Piccadilly and St. George Street and pre-pandemic, my observation when I was walking out during the work day is that that parking lot is not close to being completely full and it's only three or four blocks away from these parking lots and that's all I have to say today. Thank you for listening.

- Councillor Squire: Thank you very much. We appreciate you coming to speak to us today. Any other speakers?
- Catharine Saunders, City Clerk: Mr. Chair, the last person on this item is Charlene Jones.
- Councillor Squire: Great.
- Charlene Jones: Hi. Thank you.
- Councillor Squire: Hi. You have five minutes to speak starting right now.
- Ok. Good afternoon. I'm the owner of Artistic Spa, I'm a downtown business and property owner. Thank you for giving me this opportunity to speak today. When I started my business thirty-three years ago, Richmond Row was full of beautiful boutiques, salons and restaurants, all thriving businesses. We didn't have these parking lots, only a pleasant shopping experience. Today it's a very different feel, it doesn't have the same vibe, it's not a good experience anymore, it's no longer thriving with people shopping, we now rely heavily on eight months when the students living in the area come to shop, eat and drink but they are walking or taking cabs, they're not usually driving. I wonder what this area would have been like today had we voted for residential development several years ago. I do know pre-Covid these parking lots were not all full utilized and now with people working from home we certainly won't need all three lots. Downtown needs people, we need people living downtown to support the businesses, especially now with the housing shortage in London, now's the time to encourage and help property owners with new development. I'm not sure what another three years of empty lots would look like for the future of downtown. Currently the lots are attracting drugs, crime and homelessness all which discourages people from wanting to come downtown. We need change, we need to create a whole wonderful shopping experience again. That's all I, that's my input.
- Councillor Squire: Thank you very much. It's very much appreciated. Thanks for speaking to us today. Any other speakers today? No.
- Catharine Saunders, City Clerk: Mr. Chair, we have no members of the public on the list or on the call.

- Councillor Squire: Great. Thank you very much. Could I get a motion to close the public participation meeting?

From: Smith Mike

Sent: Monday, May 3, 2021 4:44 PM

To: Kayabaga, Arielle <akayabaga@london.ca>; Maly Barb <barbara@downtownlondon.ca>; Maton, Catherine <cmaton@london.ca>; Elyse Moore <elyse@downtownlondon.ca>

Subject: [EXTERNAL] Central Avenue and Albert Street Parking Lot Zoning Amendment

Arielle,

Hope you're doing well. I'm writing today about the continuing use amendment for the parking lots at 192-196 Central Ave., 193-197 Central Ave. and 200 Albert St. which come up for review next Monday May 10th. Our businesses Toboggan Brewing, Fellini Koolini's and Joe Kool's along with the other retailers and restaurants in the Richmond Row district really need these lots for our customers. We are all hoping to see good long term development in the area but need this parking until the city or a private developer builds a parking garage. At this time there is no facility in our area and these are the only lots for our customers and staff to park in. The lots are also full when festivals such as Sunfest, Home County and Pride are on in Victoria Park. Hopefully you can help us with the extension in the meantime Arielle. If you have any questions for me you can call me anytime at your convenience.

Thanks,

Mike

From: Lisa Fisher - Ferguson | Hangar9 <lisaf@hangar9.ca>
Sent: Tuesday, May 4, 2021 2:13 PM
To: Maton, Catherine <cmaton@london.ca>
Cc: Kate Langdon
Subject: [EXTERNAL] London's Downtown and Parking

My name is Kate Langdon, and I am a friend of Lisa Ferguson and devoted customer of Hangar 9. I understand that you are on London's downtown business association. As someone who has family in London and recently moved back permanently here, I would like to share with you some of my thoughts on parking and London's downtown.

I have experience living in a wide variety of cities here in North America and abroad – I have lived in Ottawa, Washington DC, and Basel, Switzerland – and I hope you find my perspective useful.

Having good options to park are a critical aspect to revitalizing London's downtown. While I appreciate the importance of rapid transit to reducing our impact on the environment, we would still need to have sufficient parking to support local businesses. Just as the reasons for coming downtown vary, people need to have a sufficient range of options in terms of transportation.

I frequent London's downtown because I believe deeply in supporting small local businesses and Canadian products – so much so that I always did my clothes shopping in London even when I lived in the US and in Europe.

I also believe a strong and vibrant downtown core is key for a safe city. I witnessed the revitalization of Washington DC over the last 30 years firsthand. When I arrived in the early 90s, Washington was the "murder capital" in the US. Part of that arose out of a hollowing out of the city's core. The return of the sports/events arena to the downtown was pivotal to its revitalization. It brought lots of restaurants and shops back to the city and made downtown a destination for a wide variety of people from all income levels. The availability of public transport was important but at the same time, the city planners also made sure to have sufficient and safe parking.

London also brought back its sports/events arena to downtown and the focus on revitalizing the downtown is something I very much support. By providing options for transport, including sufficient parking, it allows for diversity and inclusion, which helps spur creativity and vibrance. Again, I have firsthand experience. For people with disabilities -- like my older sister -- having parking is the only way they can experience London's downtown. Public transport is simply not an option for my sister given her mobility issues. Without parking I would not be able to bring her to some of our favorite shops and provide support to London's small businesses.

I also believe strongly that parking versus public transportation is not an "either/or" issue. In Basel, Switzerland, they had a fantastic tram system, but it also still had good parking opportunities and for good reasons. Have you ever had to take a large purchase (e.g., a wicker chair, enough meat and veg and beverages for a holiday meal, bedding plants and soil for your garden) on a tram? Again, I have firsthand experience not having access to a car while I lived there. I can assure you using a tram for those types of purchases is very tough. The bottom line is that if you want people to come downtown to buy things or partake in services, you need to give them options on how they can come.

I hope these thoughts are useful to you in your support of London's downtown businesses. If I could do anything further to help, please do not hesitate to ask.

Best regards,

Kate Langdon
94 Green Hedge Lane
London, ON N6H 5A6

From: George Anastasiadis
Sent: Tuesday, May 4, 2021 1:59 PM
To: Maton, Catherine <cmaton@london.ca>
Subject: [EXTERNAL]

Hi to whom it may concern,

we own the property at 581-583 Richmond St directly behind the parking lot and very close to the other one across the street we own 633 Richmond , 637 Richmond 209 and 205 Richmond st.

The businesses are Fresno's which is going through a huge increase in space and has 6 bachelors above this that don't have any parking on site . The other 3 businesses are Burger Burger, Delilahs and the Barking Frog, all of these are without parking! Our group is strongly in favour of retaining these properties as parking lots and if development happens it should be made mandatory that a certain amount of parking spaces are made available for transient parkers.

I personally live downtown and walk on beautiful days in the Woodfield district but the weather here in our area has many days that a walk over a couple blocks is not pretty!

Thank you,

Best regards,
George Anastasiadis

Report to Planning and Environment Committee

To: Planning & Environment Committee
From: George Kotsifas, P.ENG
Deputy City Manager, Planning and Economic Development
Subject: Auburn Developments Inc.
2631 Hyde Park Road and 1521 Sunningdale Road West
Official Plan Amendment
Date: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, the following actions be taken with respect to the application of Auburn Developments Inc. relating to the property located at 2631 Hyde Park Road and 1521 Sunningdale Road West:

- (a) The proposed by-law attached hereto as Appendix "A" **BE INTRODUCED** at the Municipal Council meeting on May 25, 2021 to amend the Official Plan to change the designation of the subject lands **FROM** an Open Space designation, **TO** an Urban Reserve Community Growth and Environmental Review designation;
- (b) The proposed by-law attached hereto as Appendix "B" **BE INTRODUCED** at the Municipal Council meeting on May 25, 2021 to amend The London Plan to change the Place Type of the subject lands **FROM** a Green Space place type, **TO** a Future Community Growth place type and Environmental Review place type;

IT BEING NOTED THAT the amendments will come into full force and effect concurrently with Map 1 and Map 7 of The London Plan;

- (c) The request to amend the Official Plan to change the designation of the subject lands **FROM** an Open Space designation, **TO** a Low Density Residential designation **BE REFUSED** for the following reasons:
 - i) The proposed amendment is not consistent with the PPS 2020 as it does not ensure an appropriate process can be undertaken prior to development which will allow for the *integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs, ensuring that necessary infrastructure and public service facilities are or will be available.*
 - ii) The proposed amendment does not conform to the in-force policies of the 1989 Official Plan, including but not limited to the Secondary Plan policies, Urban Reserve Community Growth policies and Environmental Review policies.
 - iii) The proposed amendment does not conform to the in-force policies of The London Plan, including but not limited to the Key Directions and Secondary Plan Policies.
 - iv) The requested amendment is premature. The site needs to be considered through a larger planning review process (a secondary plan) to determine its integration within a larger future neighbourhood, the applicable vision and character for the new neighbourhood, what an appropriate land use pattern is for the area, and other technical requirements.
 - v) The subject site is at a key location within the broader planning context and its designation and potential future development without consideration of the surrounding lands is not "big-picture" or long term thinking and if designated in isolation of these lands, it could result in future land use, servicing, and road network issues.

- vi) The subject site has not been reviewed for urban land uses which would have taken into account servicing demands/road networks and schooling/public service facility requirements for the subject site within the larger context of the Fox Hollow Community Plan.
 - vii) The proposed amendment in isolation of the surrounding lands could result in an inefficient development and land use pattern and create issues with the future expansion of the settlement area as the current amendment may ultimately conflict with the vision and goals of the future Secondary Plan in the area.
 - viii) The lands were originally designated and zoned for the sole purpose of a cemetery use.
- (d) The request to amend the Official Plan to change the designation of the subject lands **FROM** a Green Space place type, **TO** a Neighbourhood place type **BE REFUSED** for the following reasons:
- i) The proposed amendment is not consistent with the PPS 2020 as it does not ensure an appropriate process can be undertaken prior to development which will allow for the *integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs, ensuring that necessary infrastructure and public service facilities are or will be available.*
 - ii) The proposed amendment does not conform to the in-force policies of the 1989 Official Plan, including but not limited to the Secondary Plan policies, Urban Reserve Community Growth policies and Environmental Review policies.
 - iii) The proposed amendment does not conform to the in-force policies of The London Plan, including but not limited to the Key Directions and Secondary Plan Policies.
 - iv) The requested amendment is premature. The site needs to be considered through a larger planning review process (a secondary plan) to determine its integration within a larger future neighbourhood, the applicable vision and character for the new neighbourhood, what an appropriate land use pattern is for the area, and other technical requirements.
 - v) The subject site is at a key location within the broader planning context and its designation and potential future development without consideration of the surrounding lands is not “big-picture” or long term thinking and if designated in isolation of these lands, it could result in future land use, servicing, and road network issues.
 - vi) The subject site has not been reviewed for urban land uses which would have taken into account servicing demands/road networks and schooling/public service facility requirements for the subject site within the larger context of the Fox Hollow Community Plan.
 - vii) The proposed amendment in isolation of the surrounding lands could result in an inefficient development and land use pattern and create issues with the future expansion of the settlement area as the current amendment may ultimately conflict with the vision and goals of the future Secondary Plan in the area.
 - viii) The lands were originally designated and zoned for the sole purpose of a cemetery use.

Executive Summary

Summary of Request

The requested amendment is to allow for the future development of the subject site for residential uses and other secondary permitted uses through a future plan of subdivision and rezoning application.

The applicant is seeking to change the current Open Space designation to Low Density Residential and the Green Space place type to Neighbourhoods Place Type to identify the subject site as having development potential.

Recommendation

Staff are recommending refusal of the requested Official Plan Amendment with a recommendation of an alternative Official Plan Amendment.

Purpose and the Effect of Recommended Action

The purpose and effect of the recommended Official Plan amendment is to change the current Open Space designation to Urban Reserve Community Growth and Environmental Review and to change the Green Space Place Type to Future Community Growth and Environmental Review.

Rationale of Recommended Action

1. The recommended amendment is consistent with the PPS 2020 as it ensures an appropriate process can be undertaken prior to development which will allow for the *integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs, ensuring that necessary infrastructure and public service facilities are or will be available.*
2. The recommended amendment conforms to the in-force policies of the 1989 Official Plan, including but not limited to the Secondary Plan policies, Urban Reserve Community Growth policies and Environmental Review policies.
3. The recommended amendment conforms to the in-force policies of The London Plan, including but not limited to the Secondary Plan Policies, Future Community Growth and Environmental Review policies.
4. The recommended amendment ensures that the subject site is reviewed through a comprehensive review process along with the surrounding lands to ensure the efficient expansion of the settlement area and comprehensive review of land use and servicing needs for the area.
5. The recommended amendment prevents ad-hoc planning and prevents future compatibility issues with the surrounding lands in regards to land use impacts, servicing constraints and sufficient public service facilities being able to support the proposed development.

Linkage to the Corporate Strategic Plan

Building a Sustainable City - London's growth and development is well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Planning History

In 1993, the City of London annexed a large area of land surrounding the City, including the subject lands. Soon after, Municipal Council initiated Vision 96 – a extensive public process which incorporated the annexed lands into the City of London's Official Plan.

Recently the subject site was reviewed through The London Plan process which determined that the lands were not required for development purposes and that the existing Open Space designation now identified as a Greenspace Place Type. The Greenspace Place Type was approved by Council and the Province with no appeals or request to move the lands into a Neighbourhood Place Type. LPAT provided an oral decision on April 15th, 2021 bringing all policies of the Greenspace Place Type into force and effect.

Initial Proposal Review (IPR) Submissions

The applicant has submitted two (2) Internal Proposal Review (IPR) requests for the city to consider on these lands. The IPR process circulates a number of City departments and outside commenting agencies to review and identify key issues and related studies to be included in a complete application for plans of subdivisions and condominium.

In October of 2018, the applicant submitted an Internal Proposal Review (IPR) for a Draft Plan of Subdivision along with supporting Official Plan and Zoning By-law Amendments. Through this process, City staff identified that any application for the development of these lands would be pre-mature, pending the completion of a comprehensive Secondary Plan including this property and those to the north and east. The outcome of the Secondary Plan and OPA may have further implications on timing of servicing and the location of the Urban Growth Boundary. A letter was provided to the applicant identify those concerns below:

- Currently used agriculturally;
- Considered in the UGB to facilitate a cemetery use;
- The subject property was not included in the inventory of developable land supply reviewed as part of the comprehensive lands need background study prepared for The London Plan.
- The Fox Hollow Area Plan incorporated these lands during the Ontario Municipal Board process in 1999 with an Open Space designation to support the cemetery use; and,
- Servicing of this property was not considered as part of the comprehensive development strategy for the south side of Sunningdale Road West.

A second IPR was submitted in September 2020 in support of an Official Plan amendment (see below) seeking low density residential in place of the current open space land use designation. Consistent with the review and comments in 2018, staff identified the need for a comprehensive review of the area prior to the submission of a plan of subdivision.

Official Plan Application

In March 2020, the applicant submitted the current Official Plan Amendment to address the issues identified from staff during the 2018 IPR meeting – the proposal was premature to develop the subject site in isolation from the surrounding lands.

During the review of this Official Plan application, the applicant submitted a second IPR submission in which staff accepted and reviewed. During the September 15, 2020 IPR meeting staff provided comments related to a potential Zoning By-law amendment application and Draft Plan of Subdivision that are not related to the current OPA submission. The September 2020 IPR process is not to be used as justification for the potential designation of the subject site. The following report and analysis relate solely to the applicant's Official Plan Amendment and the appropriateness of identifying these lands for Urban Reserve Community Growth (Future Growth Place Type) as opposed to Low Density Residential (Neighbourhood Place Type).

1.2 Property Description

The subject site is situated on the northwest quadrant of the City right at the edge of the Urban Growth Boundary. Located on the northeast corner of the Sunningdale Road West and Hyde Park Road the site is approximately 20.5 ha in size and is currently used for agricultural purposes. The site contains an unevaluated wetland in the northwest corner. There are 6 rural residential lots abutting the subject site creating an irregular parcel shape along the Hyde Park and Sunningdale frontages. The lands directly south of the site are designated for residential uses which have a draft approved plan of subdivision with 3 phases that have been registered. The lands north, east and west of the site are all outside of the Urban Growth Boundary and are currently zoned, designated and used for agricultural uses.

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

- Official Plan Designation – Open Space
- The London Plan Place Type – Greenspace
- Existing Zoning – Holding Open Space (h-5*h-21*OS3) Zone

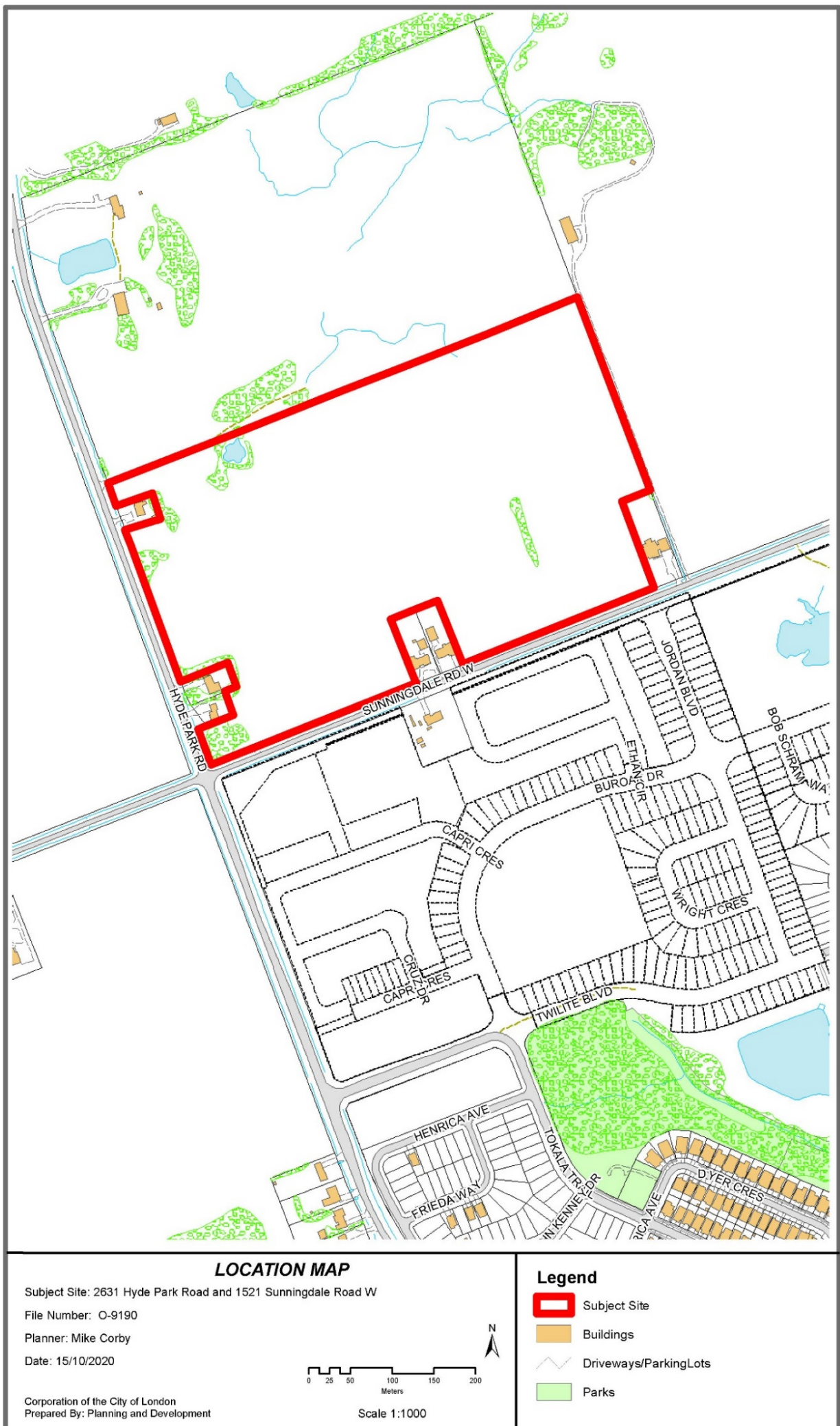
1.4 Site Characteristics

- Current Land Use – Agricultural
- Frontage – 512m (1680ft) Sunningdale Road W and 269m (883ft) Hyde Park Road
- Depth – 400 metres (north to south)
- Area – 20.5 ha
- Shape – Irregular

1.5 Surrounding Land Uses

- North – Agricultural/Farm Dwelling
- East – Agricultural
- South – Future Residential
- West – Agricultural

1.6 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

There is currently no development proposal on the site. The proposed application is for an Official Plan amendment to permit future residential uses on the subject site. A conceptual subdivision plan has been provided by the applicant, however, its details are not considered in this planning process.

2.2 Applicant's Requested Amendment

The applicant has submitted an Official Plan amendment application, to permit residential land uses and a range of secondary land uses on the subject site. The amendment would change the existing Open Space designation to Low Density Residential in the 1989 Official Plan and the Green Space Place Type to a Neighbourhood Place Type in The London Plan.

The applicant submitted the following reports in support of the above requested amendments:

1. Planning Justification Report
2. Preliminary Geotechnical and Hydrogeological Investigation
3. Preliminary Servicing Feasibility Study

Details of the full amendment application is provided under Appendix C - Community Engagement.

2.3 Community Engagement (see more detail in Appendix C)

The application was circulated on May 14, 2020. Through the public circulation process six (6) members of the public provided comments about the proposed Official Plan amendment. The full extent of the comment received by Staff is attached to Appendix "C".

Summary:

- The proposed road network specifically with the most easterly access to Sunningdale Road abutting a residential home.
- Concerns in regard to the location of Street "G" on the lands to the south (Note: this is not part of this application)
- increased traffic, noise, construction, trucking, crews, pollution, air quality
- impact on well water
- Loss of privacy
- Scale and density of the potential development that transitions to a rural area

2.5 Policy Context (see more detail in Appendix E)

Planning Act

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

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 and promotes the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs. It also seeks to avoid development and land use patterns that would prevent the efficient expansion of settlement areas and that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

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). It directs planning authorities to establish and implement phasing policies to ensure the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs (1.1.3.7).

The PPS also promotes a coordinated, integrated and comprehensive approach when dealing with planning matters within municipalities specifically when managing and/or promoting growth and development that is integrated with infrastructure planning (1.2 Coordination, 1.2.1a). It identifies that an appropriate range and mix of housing types and densities should be provided 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.

The PPS seeks to create healthy and active communities by planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity (1.5.1). It also identifies that planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management (1.6.1)

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.

A full PPS 2020 analysis is provided in section 4.1 of the report.

The London Plan

The London Plan aims to build exciting, exceptional, and connected neighbourhoods. The Plan provides guidance on the size, scale and characteristics of future neighbourhoods to guide comprehensive planning. Neighbourhood planning requires a holistic and long-term view in order to establish a vision, character, sense of place, determination of community elements, housing types, focal points and technical considerations. It is important to understand how components of new neighbourhoods (e.g., parcels of land) fit into the broader whole. The London Plan also establishes criteria for considering policies for site-specific areas; however, the subject lands and associated proposal do not satisfy all criteria for consideration.

Direction #5 is to Build a Mixed-use Compact City by ensuring a mix of housing types within our neighbourhoods so that they are complete and support aging in place and providing a mix of stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity (59_ (5,6)).

Direction #6 seeks to place a new emphasis on creating attractive mobility choices. It directs future development to utilize a grid, or modified grid, system of streets in neighbourhoods to maximize connectivity and ease of mobility (60_ (7)).

Direction #7 is to build strong, healthy and attractive neighbourhoods for everyone. This can be achieved through designing complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services. Implementing “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character. Distribute educational, health, social, cultural, and recreational facilities and services throughout the city so that all neighbourhoods are well-served and integrating well-designed public spaces and recreational facilities into all of our neighbourhoods (61_ (2, 3, 4, 9)).

Direction #8 is to make wise planning decisions. This direction seeks to ensure that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement. It encourages us to think “big picture” and long-term when making planning decisions and understand the implications of a short-term and/ or site-specific planning decision within the context of this broader view. It also tells us to plan for an affordable, sustainable system of infrastructure that will support the implementation of this Plan (62_ (1, 3, 6)).

Our City

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

water, stormwater, sanitary servicing and transportation infrastructure that the proposed development can access.

A full London Plan analysis is provided in section 4.2, 4.3 and 4.4 of the report and relevant policies quoted verbatim in Appendix D with key elements underlined that would best be addressed through a comprehensive review.

Future Community Growth

The Future Community Growth Place Type will be applied where there is an expectation that non-Industrial Place Types will be established. While this will likely include the Neighbourhoods Place Type, it may also support the application of many other place types such as Urban Corridor, Shopping Area, Institutional, and Open Space (158_).

Because of concerns regarding premature development, Future Growth areas will be zoned to allow for a very limited range of uses. Uses that exist at the time of the adoption of this Plan may be permitted to continue. Subject to all of the policies in this chapter, a very limited range of new uses that are similar to existing uses and would not have an impact on the future comprehensive planning and development of these lands may be permitted (1163_). The existing OS3 zone will remain which limits the subject site uses to a cemetery.

Proposals to amend the Future Growth Place Type in favour of another Urban Place Type will require a secondary plan, unless it can be clearly demonstrated that all of the following criteria are met (1164_3):

- a) The subject lands are limited in size and/or the lands represent a small remnant portion of a larger Future Growth Place Type that has since been changed to other Urban Place Types.
- b) The lands are separated by physical barriers from any other lands that are within a Future Growth Place Type.
- c) The lands can be adequately planned without the need for a secondary plan to coordinate community design, natural heritage preservation, street layout, civic infrastructure, parks, conservation of cultural heritage resources, or other matters that a secondary plan would address.
- d) The proposed development would not adversely affect the long-term planning of the surrounding lands.

Environmental Review

In some cases, lands may contain natural heritage features and areas that have not been adequately assessed to determine whether they are significant and worthy of protection as part of the city's Natural Heritage System. The Environmental Review Place Type will ensure that development which may negatively impact the value of these features does not occur until such time as the required environmental studies are completed (779_).

Existing uses are permitted. Pending the evaluation of an Environmental Review Place Type through the appropriate environmental studies, permitted uses in the Environmental Review Place Type will include agriculture, woodlot management, horticulture, conservation, and recreational uses (784_). Essential public utilities and municipal services that have been the subject of an Environmental Assessment process or an environmental impact study in conformity with the policies of this Plan may be permitted (785_).

Secondary Plans

Where there is a need to elaborate on the parent policies of The London Plan, or where it is important to coordinate the development of multiple properties, a secondary plan may be prepared by the City of London. Secondary plans will allow for a comprehensive study of a secondary planning area, considering all of the City Building and

Environmental Policies of this Plan. It will also allow for a coordinated planning approach for the secondary planning area and the opportunity to provide more detailed policy guidance for the area, that goes beyond the general policies of The London Plan (1556_).

Secondary Plans may be applied to areas of varying sizes – from large planning districts and neighbourhoods to small stretches of streetscape or even large individual sites. Areas that may warrant the preparation and adoption of a secondary plan include areas that require a coordinated approach to subdivision development and areas where a coordinated approach to the development of multiple properties is required for a specific planning and design objective (1557_). A secondary plan will consist of policies and maps that provide more specific direction than that offered by the general policies of this Plan (1561_)

1989 Official Plan

Urban Reserve Community Growth

The 1989 Official Plan identifies that vacant lands within the Urban Growth Area may be placed in the Urban Reserve designation pending the completion of a Secondary Plan as provided for in Chapter 19 of this Plan. A Secondary Plan will provide the basis for an Official Plan amendment that will identify or refine environmental features and natural resources and identify collector roads. Until such time as a Secondary Plan has been approved and the subject lands have been appropriately designated for development, vacant lands within the Urban Growth Area will be placed in the Urban Reserve designation (2.6.9 ia),b), viii)).

The "Urban Reserve - Community Growth" designation is intended to provide a general indication of the mix of urban land uses proposed for the area. "Community Growth" areas will be composed of predominantly residential uses but will include commercial, institutional, and open space uses that are supportive of the community as well as provide employment opportunities in a community setting. Notwithstanding this general intent, lands within the Urban Reserve designations may be redesignated by Council for any use through the community planning process and resulting amendment to this Plan (9.4.3).

The preferred approach to planning areas designated "Urban Reserve" is through the Secondary Plan process as described in Section 19.2. Council may, however, review and adopt site specific Official Plan Amendments for lands designated "Urban Reserve" provided it does not negatively affect the community planning process on surrounding lands (9.4.4).

Environmental Review

The Environmental Review designation is used on lands which may contain significant natural features and important ecological functions and shall be protected from activities that would diminish their functions pending the completion of a detailed environmental study. A detailed environmental study may be undertaken as part of a secondary plan or environmental impact study or may be undertaken by the City of London. Areas that are determined to satisfy the criteria for significance under Section 15.4. shall be redesignated as Open Space on Schedule "A" (8B).

Schedule "B1" contains significant natural features and important ecological functions, which should be protected until environmental studies have been completed, reviewed and accepted by the City. These potential components of the Natural Heritage System are designated as Environmental Review on Schedule "A" and shall be protected from activities that would diminish their functions pending the completion, review and acceptance of a detailed environmental study. A detailed environmental study may be undertaken as part of the Community Plan, Area Plan, Official Plan and/or Zoning By-law amendment application, Draft Plan of Subdivision, Site Plan application, Variance or

Consent application by the applicant and/or landowner, or may be undertaken by the City of London (8B.1).

Secondary Plan

The 1989 Official Plan supports reviewing the subject lands through a secondary plan and describes the elements to be contained in such a plan. It supports the use of a secondary plan as a tool to enable comprehensive and coordinated planning for new growth areas, including studies completed to inform the plan.

Secondary Plans provide for the co-ordination of development among multiple landowners and provide direction for the delineation, protection and management of natural heritage areas. It will identify the location and size of parks, schools and other community facilities and provide appropriate land use designations to achieve a mix of housing and densities. The secondary plan will consider municipal servicing, the phasing of development, pedestrian and bicycle routes; transit routing and supportive facilities; site and subdivision design criteria; and local road access points to arterial and collector roads. Secondary Plans shall provide for the staging of development to make efficient use of built services, facilitate planning for the delivery of new services, and minimize the gap between major servicing expenditures and the recovery of costs through development charges (2.6.9ii, vi).

Council may direct that a Secondary Plan be prepared if the land use characteristics of a specific area, and its potential for development or change, warrant a review, refinement, or elaboration of Official Plan policies. A Secondary Plan may be developed to provide Official Plan policies to be used in the review of development proposals and as the basis for zoning by-law amendments for a specific area. Secondary Plans may also be developed to provide Official Plan policies to implement a vision or design concept for a specific area, and provide a greater level of detail than the general policies of the Official Plan. A Secondary Plan may include a Land Use Schedule for the specific area. Examples of areas that may warrant the preparation and adoption of a Secondary Plan include areas that require a co-ordinated approach to subdivision development or areas that may be subject to substantial change as the result of a proposed major development. A secondary plan will normally consist of policies and/or Schedules that provide a more detailed approach to land use planning matters than are contained in the general policies of this Plan for the Secondary Plan area. Among the matters that may be addressed in the policies of the Secondary Plan are land use mix and compatibility, road alignments, municipal services, minimum and maximum, public and private utilities, residential densities, road access points, location of parks and community facilities, buffering concerns, location of pedestrian and bicycle routes, building conditions urban design, the natural heritage system and the suitability of existing development requirements (19.2.1. i, ii).

3.0 Financial Impact/Considerations

Through the completion of the works associated with this application fees, development charges and taxes will be collected. There are no direct financial expenditures associated with this application.

4.0 Key Issues and Considerations

4.1. Issue and Consideration #1 – Inclusion within Fox Hollow Community Plan

The subject site was originally not included within the review of the Fox Hollow Community Plan for multiple reasons.

Firstly, the lands were not included within the proposed Urban Growth Boundary as approved by Council through OPA 88. The goal of the Official Plan amendment was to apply City of London Official Plan designations to these new lands. The OPA 88

process established an Urban Growth Boundary for the City, an Urban Reserve Community Growth designation and an Agricultural designation. The urban reserve community growth designation was to be applied to lands within the UGB that had future development potential. Appropriate land use designations would be further defined through community planning processes to ensure a comprehensive review of the land needs and servicing requirements for the communities were addressed. The UGB generally follows higher order roads, City Boundaries and natural features. The proposed Fox Hollow Community plan boundary was bounded by higher order roads and was completely within the proposed UGB which ran along Sunningdale Road at this location. The proposed community plan limits were in keeping with the boundary's established for other community plans that were being undertaken as a result of lands annexed in north London (Figure 1).

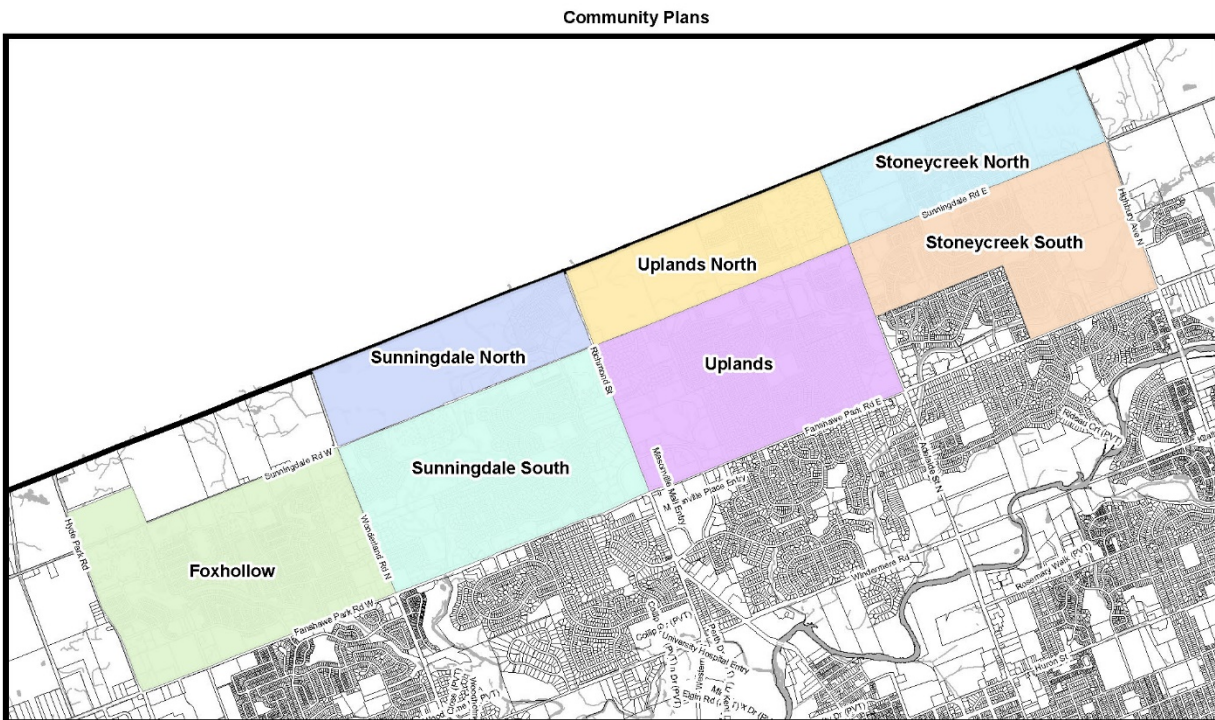


Figure 1 - Community Planning Areas

Mount Pleasant appealed OPA 88 as they were seeking to include their lands within the UGB arguing the Provincial Policy prohibited the utilization of agricultural land for any development including public service facilities such as cemeteries unless the lands are identified as a growth area. They also made a submission to the Special Projects Planning Committee regarding Growth Area Options. The SPPC recommended an exception for the Mount Pleasant Cemetery lands who were seeking inclusion within the UGB to permit a Cemetery on the site on the following basis: *demand for burial sites is growing while the number of burial sites in the City is decreasing; the site has good access and that the City is presently under supplied with cemetery lands.* Due to Provincial Policy prohibiting cemeteries on agricultural lands Council could not redesignate the lands until they were within the Urban Growth Boundary. Based on the direction from the SPPC Council approved a Zoning By-law amendment for this site to permit a cemetery as the sole permitted use subject to the lands being included with the UGB and approval of the Fox Hollow Official Plan amendments.

4.2 Issue and Consideration #2 – Provincial Policy Statement (2020)

Although the Provincial Policy Statement does provide policies that support development at this site (e.g., focusing growth within the settlement area, efficient use of land, provision of housing, etc.), the PPS is read in its entirety and the proposal requires comprehensive review with additional lands to determine the appropriate neighbourhood vision and identity, planning framework, infrastructure needs and development phasing.

Based on the review of the PPS it is Staff's opinion that the requested designation of the subject site for residential land uses in isolation from the surrounding lands to the north and east is considered a short-term solution which may lead to an inefficient development pattern. The proposed development does not contemplate the overall needs of the surrounding lands and does not integrate key components outlined in the PPS in regards to the *"integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs, ensuring that necessary infrastructure and public service facilities are or will be available"* (1.1.1e)

By prematurely designating these lands for development it directly impacts the orderly progression of development and the timely provision of the infrastructure and public service facilities required to meet the projected needs (1.1.3.7). A servicing strategy has already been provided for this area of the City which did not include the subject site. Staff's recommendation to designate the lands Urban Reserve Community Growth/Future Community Growth Place Type allows for a Secondary Plan to be undertaken for the subject site and surrounding lands once all the lands have been identified for development purposes. This will allow for a coordinated, integrated and comprehensive approach to the future development for the area (1.2.1) ensuring the timely provision of infrastructure and public service facilities to meet the projected needs identified through the Secondary Plan.

The Secondary Plan process would be in keeping with the intent of the PPS as it would identify an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents and establish minimum targets for the provision of housing which is affordable to low and moderate income households. It is important that the subject lands be included within a Secondary Plan as they will form part of the future community and vision. To date these lands have not been contemplated through a comprehensive review process despite its inclusion within the Fox Hollow Community Plan boundaries.

The PPS seeks to ensure that the development of new housing is directed towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (1.4.3 a) c) d)). Through the review of this application Staff have identified that the Fox Hollow Community plan never contemplated the site from a servicing perspective and the lands were never intended for urban land uses. It is fair to say that appropriate levels of infrastructure and public service facilities currently do not exist in the area to take on the projected needs of the proposed development lands. The recommendation for future growth will help ensure the subject site does not develop prematurely and ensures the surrounding lands are contemplated in regards servicing options and public service facilities to support the future development of the entire area.

The secondary plan process will also determine the land use needs and demands for the future community and provide a process to make efficient land use decisions while ensuring the efficient expansion of settlement areas for the long term (1.1.1 a, d). This will help minimize land consumption and servicing costs and ensure the necessary infrastructure and public service facilities are or will be available to meet projected needs (1.1.1 g). It also ensures that healthy and active communities can be achieved as the planning of public streets, spaces and facilities is looked at through a broader lens of an entire community as opposed to one site. Through the broader review it will help to foster social interaction and facilitate active transportation and community connectivity and ensure the equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages (1.5.1). The secondary plan also provides a process to ensure the appropriate infrastructure and public service facilities are available and coordinated and integrated with land use planning and growth management (1.6.1). Given the demands for school sites and other public facilities in this area of the City a Secondary Plan provides the ideal process to determine the number of and location of school sites, public facilities, parks and pathways required within the community. The existing

infrastructure and public service facilities were based on the subject site being designated as an Open Space/Greenspace and did not account for the demands of the site developing for urban land uses.

The full range of applicable policies are listed in Appendix E with key elements underlined that would best be addressed through a comprehensive review.

4.3 Issue and Consideration #3 – Why is a Comprehensive Review Important/Nature of Comprehensive Review

As previously noted in the section 1.1 of this report the subject site was included within the Fox Hollow Community Plan by order of the OMB on December 11, 1998. The Plan was finalized by Council in March of 1999. The community plan process began on November 7, 1996 and spanned a 2-year period. The subject site was not included in this comprehensive review process until the last 3 months of a 28-month process and was never evaluated for urban land uses or servicing requirements. Based on the lack of a comprehensive review and in an effort to implement the direction provided by SPCC to permit a cemetery, the site was placed into an Open Space designation at the end of the community plan process. The use of this designation along with the Council approved zoning ensured the site would solely permit a cemetery as the only permitted use until a more comprehensive review of the site and surrounding area could be completed for urban land uses. This also helped ensure the protection of these lands from premature development and avoid ad-hoc planning.

The lands are and have always been distinctly separated from existing development by two Urban Thoroughfares, which are higher order roads providing hard boundaries between land uses and have been commonly used as boundaries for area plans in north London. The London Plan also reiterates this point, that neighbourhoods are “defined as geographic areas where people live, that are typically bounded by major streets, rail lines, rivers, creeks, natural heritage features, or other major physical features. In addition, neighbourhoods often include places where people shop, work, worship, go to school and recreate” (143) Further, the lands are at the furthest edge of the Urban Growth Boundary and no additional developable land is presently designated for urban uses north of Sunningdale Road West between Hyde Park Road and Wonderland Road. Although development of the subject lands is controlled through the extent of the Urban Growth Boundary, the delineation line follows the property line and not the boundaries that would establish the extent of a future neighbourhood. The subject lands are a component of a larger neighbourhood north of Sunningdale Road West.

In 2013 an Urban Growth Boundary review identified lands to the north and east of the site as Tier 1 lands as a candidate for future development. Council took no action as a result of the Urban Growth Boundary review and it was later determined through the Land Needs Study that there was a sufficient supply of lands within the Urban Growth Boundary. The only way to include additional lands within the UGB at this point in time for development purposes is to remove lands of equivalent size from the UGB. The proposed change from Open Space/Greenspace to Residential is essentially adding additional development lands within the UGB without requiring a removal of land of equivalent size or a land needs review.

The subject lands have never been identified through a comprehensive review process or land needs study for development purposes or future growth. The development of the site relies on the coordination and integration of infrastructure and ultimate servicing solutions that must be provided from adjacent lands. These matters, along with determining appropriate land uses, road networks, public service facilities requirements/locations require a comprehensive review. Staff are committed to undertake a Secondary Plan for the subject site and surrounding lands once a review of the UGB is undertaken and the surrounding lands are approved to be within the UGB. Until such time, providing development potential on an isolated site is premature and its development should be contemplated in conjunction with the future vision of the area which will be established through the secondary plan process.

The London Plan

The London Plan identifies over arching policies and directions which seek to build and exciting, exceptional and connected neighbourhoods. The Plan provides guidance on the size, scale and characteristics of future neighbourhoods to guide comprehensive planning. It notes that neighbourhood planning requires a holistic and long-term view in order to establish a vision, character, sense of place, determination of community elements, housing types, focal points and technical considerations. It is important to understand how components of new neighbourhoods (e.g., parcels of land) fit into the broader whole. As previously identified the subject site has not been included in a comprehensive review process that would establish the above-mentioned goals of The London Plan. By prematurely designating these lands the site would essentially develop without any long-term planning, vision or consideration for the overall servicing and land use needs in this area of the City.

Additional over arching policies are identified below which are key aspects to establishing neighbourhoods and communities within The London Plan. The requested amendment to Low Density Residential/Neighbourhood Place Type are not keeping with these policies.

Direction #5 is to *Build a Mixed-use Compact City* by ensuring a mix of housing types within our neighbourhoods so that they are complete and support aging in place and providing a mix of stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity (59_(5,6)). In the absence of a Secondary Plan it is difficult to determine if this direction is being achieved. The site's location at the corner of a major intersection provides an ideal location and opportunity to provide for higher order land uses which may be required to meet the demands for the broader community. This could be in the form of commercial place types, creation of main streets and requirements for mixed-use developments all of which could be key components of any Secondary Plan. The use of only a neighbourhood place type prior to establishing a complete vision for the area will result in the removal of key site when completing a comprehensive development of the surrounding lands.

Direction #6 seeks to *place a new emphasis on creating attractive mobility choices*. It directs future development to utilize a grid, or modified grid, system of streets in neighbourhoods to maximize connectivity and ease of mobility (60_(7)). Although street networks are not being reviewed through this process the residential designation of these lands would result the creation of a street network through a plan of subdivision process that may not align with what is best for the neighbourhood as a whole. This type of road network and connections are best reviewed at a higher level through a Secondary Plan as the overall street network will help in creating attractive mobility choices and maximize connectivity throughout the surrounding area. Transportation Staff noted in their comments that *"Without an area plan or secondary plan the road pattern as shown may not be consistent with the needs of the adjacent lands to provide for appropriate access. To ensure an appropriate road classification and collector road network an area plan and or secondary plan is typical and should be undertaken"*.

Direction #7 is to *build strong, healthy and attractive neighbourhoods for everyone*. This can be achieved through designing complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services. Implementing "placemaking" by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character. Distribute educational, health, social, cultural, and recreational facilities and services throughout the city so that all neighbourhoods are well-served and integrating well-designed public spaces and recreational facilities into all of our neighbourhoods (61_(2, 3, 4, 9)).

Direction #8 is to *make wise planning decisions*. This direction seeks to ensure that all planning decisions and municipal projects conform with The London Plan and are

consistent with the Provincial Policy Statement. It encourages us to think “big picture” and long-term when making planning decisions and understand the implications of a short-term and/ or site-specific planning decision within the context of this broader view. It also tells us to plan for an affordable, sustainable system of infrastructure that will support the implementation of this Plan (62_ (1, 3, 6)).

Although some of these aspects mentioned in direction #7 and #8 can be achieved on a one-off basis it would not be viewed as creating a complete neighbourhood and is not considered thinking “big picture” or long-term. By designating these lands for development, it is short-term thinking and can lead to potential land use, servicing and connectivity issues with the surrounding lands. It can also lead to additional stress on the existing services in the area as the additional population created through this designation was not contemplated in any of the existing community plans. The use of a secondary plan can ensure that the above-mentioned goals are achieved long term, for the entire area allowing us to plan for an affordable, sustainable system of infrastructure in this area of the City. It also provides a tool to implement potential placemaking/urban design guidelines, so the overall community has the same vision and feel. This will also help ensure that the subject site will integrate with the surrounding lands helping create a safe, diverse, walkable, healthy, and connected community. The secondary plan will look at things like educational, health, social, cultural, and recreational facilities and services and base there need and location for the larger area. If the site is designated for urban land uses outside of the scope of a secondary plan then these key elements of a complete community cannot be fully addressed. This could result in an inefficient form of development at a key location in the northwest area of the City which further highlights the need for a comprehensive review in this area of the City. (London Plan Policies)

The London Plan also provides policy direction in regard to growth servicing (167_) and the use of temporary services (476_).

It clearly identifies that “All municipal services will be planned on a ‘systems basis’ – considering the entire system when planning for a single segment” designating these lands for development would be considered planning for a single segment while designating the lands for Urban Reserve Community Growth and completing a secondary plan of the area would allow for services to be planned for the entire system once land uses and proposed densities are established. It also does not support the use of temporary servicing systems which may be required based on Staff’s initial review of the proposal.

Sanitary

The ultimate solution for sewage is through an oversized sanitary sewer constructed through the lands to the east which has not been contemplated for development. The applicant is proposing an on-site temporary sanitary pump station and forcemain in advance of the ultimate solution. The temporary pump station is to be designed to transition to a gravity outlet and be decommissioned once a gravity outlet becomes available. The location of the proposed temporary pump station has not been identified in the new plan and there is no indication as to where the routing of the ultimate solution to the outlet at Tokala/Sunningdale would be. Given the lack of connectivity with the lands to the east, it is unclear how a temporary pump station could be decommissioned and transitioned to a gravity outlet once the oversized sanitary sewer becomes available. It is also unclear where the best location for this pump station would be to ensure that long-term plans and staging of infrastructure will not be undermined.

Water

These lands and the lands to the north and to the east of this site will require high level water servicing. These lands were not included in the [Community Plans Water Servicing Study \(North End\)](#), Knowles, 1999. At this time these lands have not been considered for inclusion in the current Hyde Park High Level Water Distribution system.

A City led DC project to upgrade the Hyde Park Pumping Station (DC14WD2003) is scheduled for 2021, however capacity for these lands are currently not considered under this project. The permanent servicing of these lands are dependent on the development of the adjacent lands as well as DC eligible projects not identified in the current DC Background Study.

Transportation

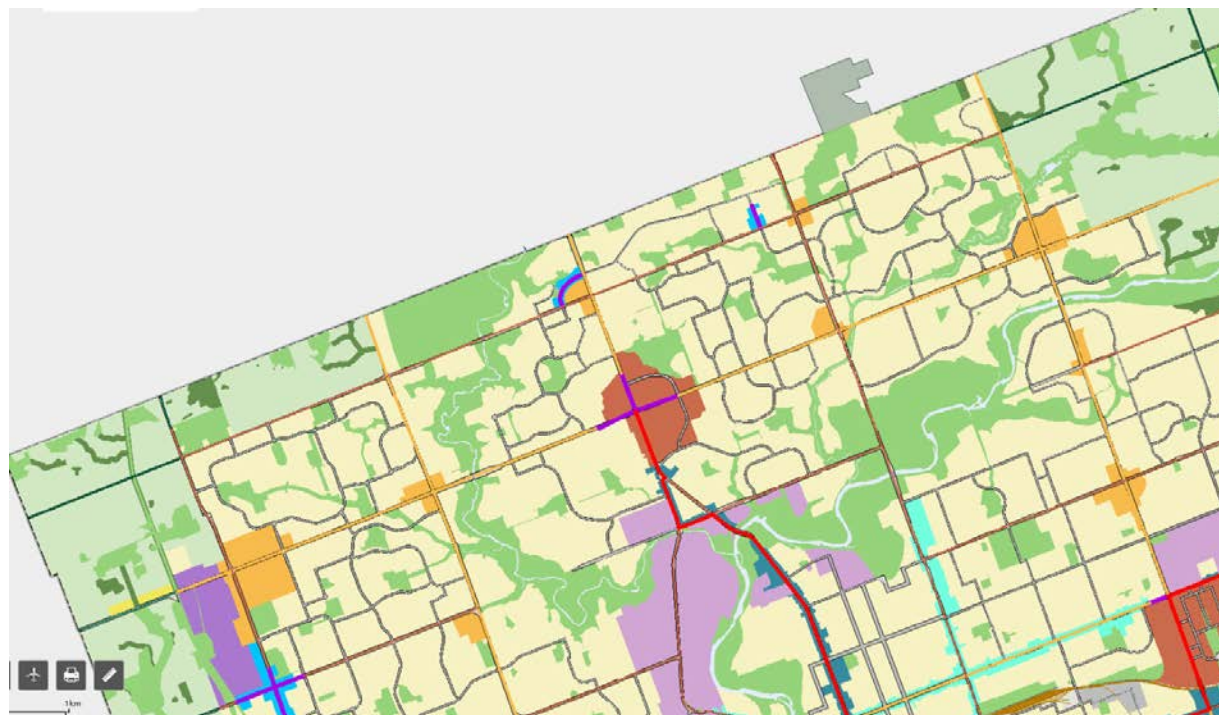
Without an area plan or secondary plan the road pattern as shown may not be consistent with the needs of the adjacent lands to provide for appropriate access. To ensure an appropriate road classification and collector road network an area plan and or secondary plan is typical and should be undertaken.

The full range of applicable policies are listed in Appendix E with key elements underlined that would best be addressed through a comprehensive review.

With limited options to service the site any proposed alternatives would either be temporary in nature or would be site specific which is not in keeping with the policies of The London Plan which seeks to plan services on a system basis.

4.4 Issue and Consideration # 4 – Future Secondary Plan

In order to appropriately designate the lands for future development, a complete review of the site and surrounding area through a Secondary Plan process should be required. This would determine the neighbourhood vision and character, the most appropriate land use needs for the site and area as a whole and infrastructure requirements. The site is also at a major intersection in the City where higher order land uses and mixed-use development may be encouraged or required based on a complete review of the area. The current request for a Neighbourhood Place Type may not be sufficient in providing the highest order land uses at this location. As can be seen in the figure below almost every major intersection in north London is subject to an alternative place type. These mixed-use/commercial land uses were established through the Community Planning process ensuring the communities have the services they need on a daily basis at locations with the most accessibility.



In the absence of a Secondary Plan that would review the land use demands in the area it is premature to designate the lands for any specific land use. At a future time when surrounding lands are included within the Urban Growth Boundary a Secondary Plan will be undertaken for the neighbourhood to comprehensively plan review the land use and servicing needs and create a road pattern and other connections within the larger area. Once that process is complete it would be deemed appropriate to amend the

Official Plan to the appropriate place type(s). Both The London Plan and Official Plan provide policy direction as to when and why Secondary Plan should be used to direct future development.

The London Plan

The London Plan describes the purpose, intent and components of a secondary plan for lands that have not been previously considered for urban development. Secondary plans are prepared to ensure that future neighbourhoods are considered holistically, including the features of the neighbourhood and required municipal infrastructure. Generally, secondary plans are prepared for multiple properties and often times on lands which require a coordinated approach to subdivision development. This helps with development coordination and the implementation of a neighbourhood vision, character, community structure, and housing/employment areas. Secondary plans will also provide an opportunity to provide more detailed policy guidance for the area, that goes beyond the general policies of The London Plan (1556_, 1557_)

The secondary plan will consist of policies and maps that provide more specific direction than that offered by the general policies of this Plan. A secondary plan may include policies, illustrations and maps for such things as (1561_):

- a vision for the secondary planning area this will addressing things like City Design and relevant Place Type policies of this Plan.
- a community structure plan and design concept and associated policies – conveyed in text and/or illustrations.
- a plan for protecting and sustaining natural heritage areas.
- a cultural heritage conservation mitigation plan.
- a planned mobility network, including the street layout and design, and pedestrian, cycling and transit routes and infrastructure and amenities.
- a plan for the land use mix, development form, and development intensity.
- parks, open space, and public facilities plan.
- a tree conservation and tree planting plan to implement the Urban Forestry Strategy.
- a development staging plan, forecasting the timing for build-out of the lands based on projected city-wide residential and non-residential construction.
- a civic infrastructure plan, including a phasing and financial plan relating to these services in accordance with asset management best practices; and
- an affordable housing strategy for the secondary planning area, in conformity with the Homelessness Prevention and Housing policies of this Plan.

It is Staff's continued position that the subject site was not contemplated through a community plan process for urban development and that it's inclusion for development purposes is premature and would isolate the site from the lands to the north and east. A secondary plan would allow for a detailed review of the abutting lands in conjunction with the subject site. This would ensure proper development coordination and the implementation of a neighbourhood vision, character, community structure, and housing/employment areas and allow for the creation of specific policies and illustrations to direct future development for the entire community. It also provides the opportunity to establish costs and revenues of the planned growth and would allow the City to make any necessary updates to the Growth Management Implementation Strategy or Development Charges Study. At this point the subject site has not been reviewed in the above mentioned manner and the potential demands of the site for urban development have not been planned for in this area of the City.

The recommendation of a Future Growth Place Type ensures that the direction provided in The London Plan in regard to when a secondary plan is appropriate can be achieved when it comes to guiding the future development of the City.

The 1989 Official Plan

The 1989 Official Plan provides policies which support the review of the subject lands through a secondary plan. It supports the use of a secondary plan as a tool to enable a comprehensive and coordinated planning review for new growth areas, including studies completed to inform the plan which are similar to those mentioned above in The London Plan. As such the above analysis provided is relevant when reviewing the relevant policies of the 1989 Official Plan.

The full range of applicable policies are listed in Appendix E with key elements underlined that would best be addressed through a comprehensive review.

4.5 Issue and Consideration # 5 – Recommended Designations

Urban Reserve Community Growth/Future Community Growth

Through the review of the proposed application and relevant planning policies Staff are recommending that the subject site be designated for Future Growth in The London Plan and Urban Reserve Community Growth within the 1989 Official Plan. The recommended designations identify that the subject site has future development potential however, the Future Growth policies ensure that a secondary plan is undertaken prior to the lands being designated for urban uses. The site is a component of a new neighbourhood to the north of Sunningdale Road West and Hyde Park Road and needs to be considered as part of a broader plan for the new neighbourhood in its entirety. The London Plan and 1989 Official Plan both contemplate situations where land is identified for future urban growth, but has not been through a comprehensive planning review to guide growth for the lands. As such the lands will remain within a Future Growth Place Type until such a review is completed.

London Plan

Future Growth Place Type

The Future Growth Place Type is generally applied to lands which have been added to the Urban Growth Boundary and to large areas of land that may require comprehensive planning to support a transition from one range of uses to another (148_, 1162). The place type helps establish where City Council wishes to see future urban development but provides a place holder to ensure the necessary background studies are completed and a comprehensive and coordinated plan is prepared (1153_).

Although that site is within the UGB, Staff have previously identified that the re-designation from Green Space/Open Space effectively adds developable lands within the UGB that were not previously contemplated for urban uses. To ensure these lands are comprehensively reviewed the Future Growth Place type is recommended. The policies of The London Plan would consider it premature to apply individual place types in support of development until such time as the necessary planning exercises are undertaken to address all lands within a Future Growth Place Type comprehensively (1154_). The secondary plan process would then determine the appropriate place type(s) to be applied to the subject site and surrounding lands and to guide the long-term management and approval of growth (1160_).

The Future Growth Place Type will ensure that any future amendments will not proceed in favour of another Urban Place Type (on a one off basis) as the policies require a secondary plan prior to approving development, unless it can be clearly demonstrated that all of the following criteria are met (1164_):

- The lands are separated by physical barriers from any other lands that are within a Future Growth Place Type.
- The lands can be adequately planned without the need for a secondary plan to coordinate community design, natural heritage preservation, street layout, civic

infrastructure, parks, conservation of cultural heritage resources, or other matters that a secondary plan would address.

- The proposed development would not adversely affect the long-term planning of the surrounding lands.

Through the analysis provided it has been demonstrated that the development of the subject lands without a comprehensive review of the area would adversely affect the long-term planning of the surrounding lands. The subject site also has no physical barriers separating it from the abutting lands which re-emphasizes the need for a secondary plan to coordinate community design, natural heritage preservation, street layout, civic infrastructure, parks, conservation of cultural heritage resources, or other matters that a secondary plan would address.

The 1989 Official Plan

The 1989 Official Plan contemplates lands being designated as Urban Reserve Community Growth prior to the completion of a secondary plan. Although there is some flexibility for applying other land use designations without the completion of a secondary plan, this flexibility must be weighed against impacts on surrounding lands and associated planning processes. As a result, the 1989 Official Plan policies support the re-designation of the subject lands to Urban Reserve Community Growth.

The 1989 Official Plan identifies that vacant lands within the UGB may be placed in the Urban Reserve designation until such time as a Secondary Plan has been approved and the subject lands are appropriately designated for development. The secondary plan will identify or refine environmental features and natural resources in conformity with the applicable Official Plan policies and identify collector roads (2.6.9i, viii)

The objective of designating areas Urban Reserve is to provide for a degree of guidance with respect to the designation and future use of large, undeveloped parcels of land which may be proposed for urban development and to provide a process for developing detailed land use patterns for areas designated "Urban Reserve." (9.1.3). Given the site's location within the UGB Staff is comfortable to identify that the subject site will develop for urban land uses in the future. The use of the designation will provide a degree of guidance to the future use of this large, undeveloped parcel while identifying that a comprehensive process should be undertaken for the entire neighbourhood which will establish detailed land use patterns for the entire area.

It is recognized that the 1989 Official Plan does permit site specific amendments to existing Urban Reserve designation (9.4.4). The policies note that the preferred approach to planning areas designated "Urban Reserve" is through the Secondary Plan process however, Council may review and adopt site specific Official Plan Amendments for lands designated "Urban Reserve" provided it does not negatively affect the community planning process on surrounding lands. The analysis provided within this report clearly identifies that a site-specific amendment would negatively affect the community planning process on the surrounding lands. This is why an Urban Reserve designation is appropriate and its future designation will be contemplated through a future comprehensive review process.

Environmental Review

In some cases, lands may contain natural heritage features and areas that have not been adequately assessed to determine whether they are significant and worthy of protection as part of the city's Natural Heritage System. The Environmental Review Place Type will ensure that development which may negatively impact the value of these features does not occur until such time as the required environmental studies are completed (779_).

Through the review of the proposed Official Plan amendment process a wooded area was identified in the northwest portion of the property along the north property line through the applicant's Preliminary Geotechnical and Hydrogeological Investigation.

This feature is also designated as Unevaluated Wetland (UW) on the City of London's Natural Heritage Map 5. An EIS and a Hydrogeological Assessment were not required through the OPA process to determine the significance of the feature however, given the identification of this feature through the review process Staff have identified/mapped an area on the subject lands (Figure 2) which is being recommended for an Environmental Review designation. This designation along with the existing Unevaluated Wetland (UW) on the City of London's Natural Heritage Map 5 will provide adequate protection for the wetland hazard and the woodland feature and their functions. Any future development proposals around this feature will require the necessary technical studies before development can proceed in keeping with the policies of The London Plan.

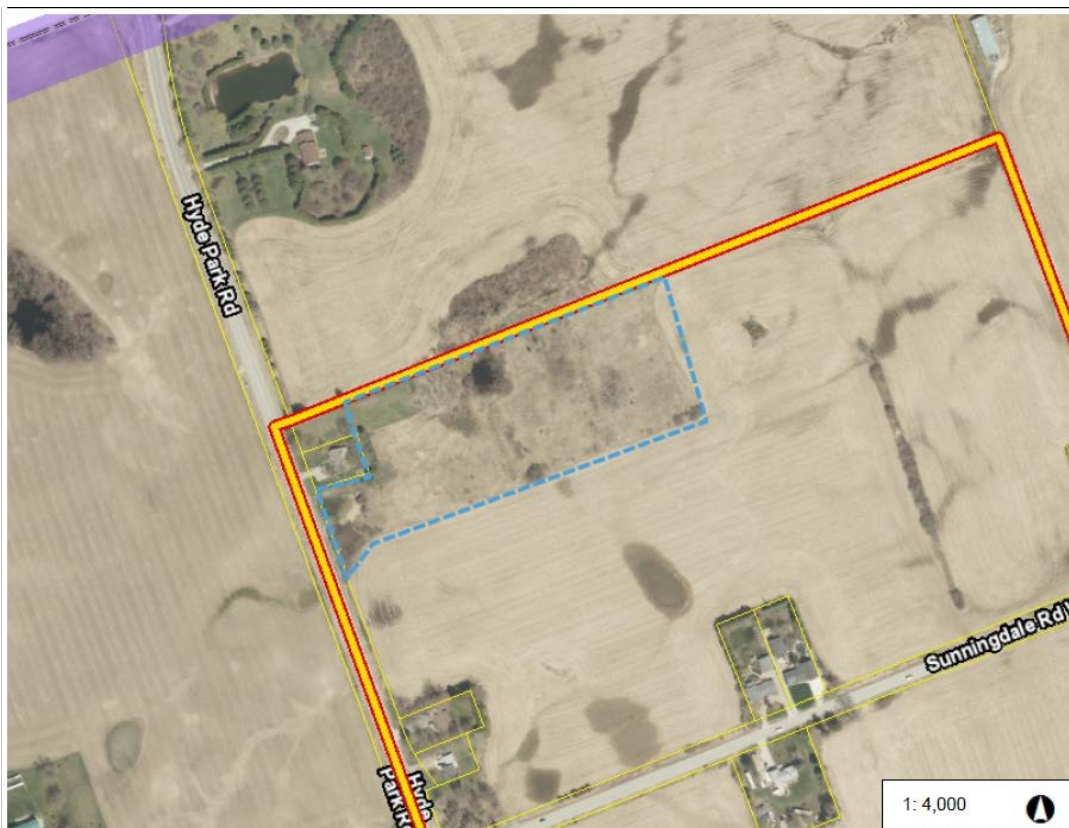


Figure 2 - Location of Environmental Review

4.6 Issue and Consideration # 6 – Public Concern

Through the review process concerns were raised by members of the public. These concerns related to issues such as the proposed road network identified on a conceptual plan of subdivision that was submitted and the potential access point off Sunningdale Road West. Concerns were also raised in relation to the location of “Street G” (Jordan Boulevard) on the lands to the south and where this road intersects with Sunningdale Road West. Additional concerns included items such as increased traffic, noise, construction, pollution, air quality, impact on well water and potential loss of privacy. While a request to consider the future scale and density of the development be considered in relation to the surrounding rural area.

Through the proposed Official Plan Amendment staff is reviewing the request to change land use designations. Items such as roads, site specific land uses, noise, setbacks and buffering are often dealt with through a more detailed application process like a Zoning By-law amendment or Plan of Subdivision. These processes provide additional options and tools to help address these concerns. In regard to the proposed road network, it does provide some insight as to how the site could potentially develop however, does not hold much value through this process as the local road pattern will not be established through this amendment.

Staff's recommendation to Urban Reserve Community Growth/Future Community Growth Place Type helps ensure that these community concerns can be addressed through a more appropriate and comprehensive review process. A secondary plan would require extensive public engagement prior to getting into detailed zoning or future

Appendix A

Bill No. (number to be inserted by Clerk's Office)
2021

By-law No. C.P.-1284-
A by-law to amend the Official Plan for
the City of London, 1989 relating to 2631
Hyde Park Road and 1521 Sunningdale
Road West.

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 May 25, 2021.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – May 25, 2021
Second Reading – May 25, 2021
Third Reading – May 25, 2021

AMENDMENT NO.
to the
OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the designation of certain lands described herein from Open Space to Urban Reserve Community Growth and Environmental Review on Schedule “A”, Land Use, to the Official Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 2631 Hyde Park Road and 1521 Sunningdale Road West in the City of London.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the Provincial Policy Statement, 2020, the Urban Reserve Community Growth, Environmental Review and Secondary Plan policies, of the Official Plan and the Future Community Growth, Environmental Review and Secondary Plan policies of The London Plan.

The recommended amendment identifies the subject site for future urban growth but ensure the site is reviewed through a comprehensive review process along with the surrounding lands to ensure the efficient expansion of the settlement area and review of land use and servicing needs for the area. It also ensures significant natural heritage features are protected and the appropriate studies are completed prior to development taking place.

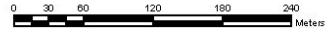
D. THE AMENDMENT

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

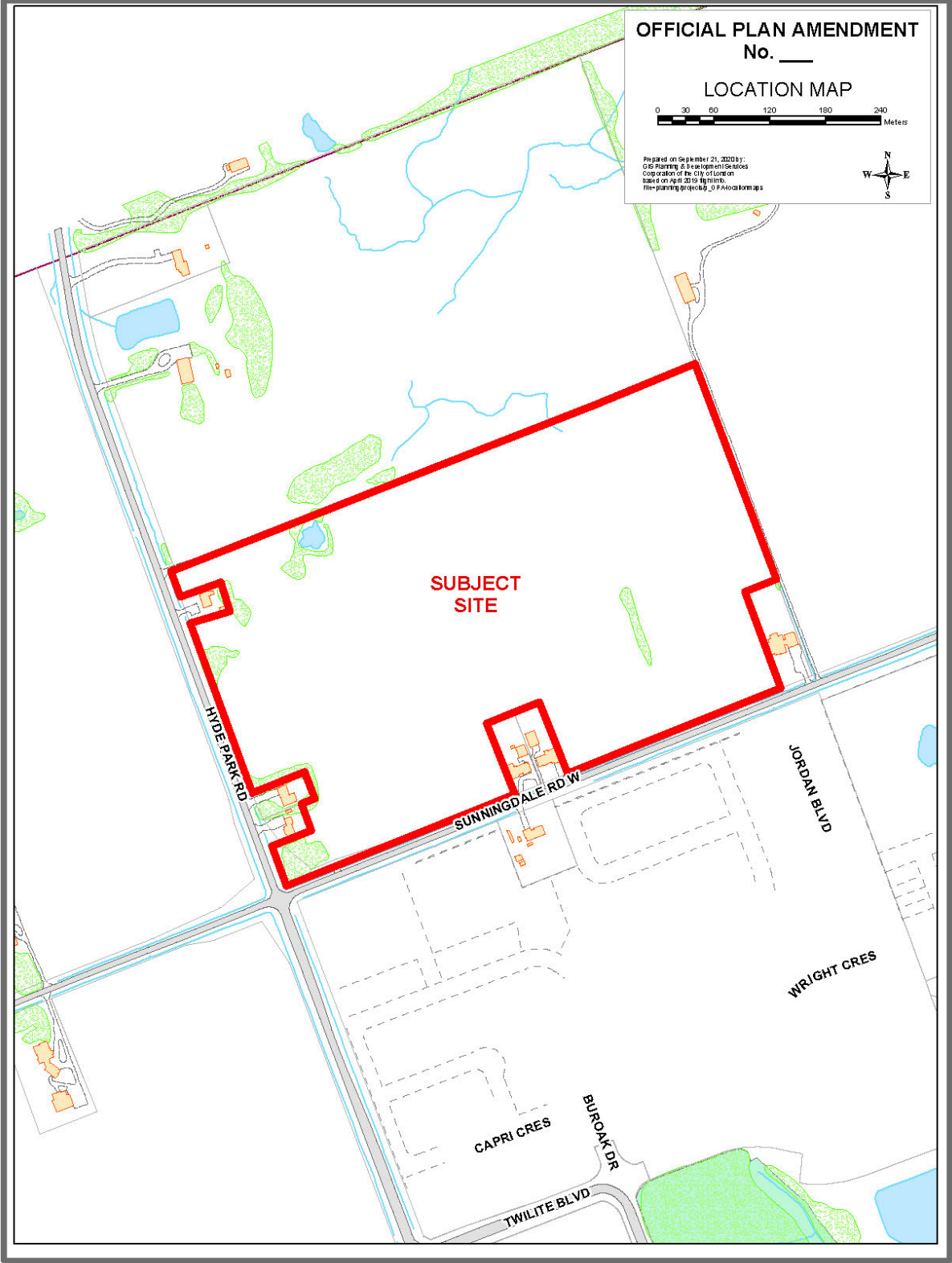
Schedule “A”, Land Use, to the Official Plan for the City of London Planning Area is amended by designating those lands located at 2631 Hyde Park Road and 1521 Sunningdale Road West in the City of London, as indicated on “Schedule 1” attached hereto from Open Space to Urban Reserve Community Growth and Environmental Review.

OFFICIAL PLAN AMENDMENT
No. ____

LOCATION MAP



Prepared on September 21, 2020 by:
GSI Planning & Design Services
Corporation of the City of London
based on April 2019 flight data.
file-planning@gsi.ca; gplanning@gsi.ca



Appendix B

Bill No.(number to be inserted by Clerk's Office)
2021

By-law No. C.P._____

A by-law to amend The London Plan for the City of London, 2016 relating to 2631 Hyde Park Road and 1521 Sunningdale Road West.

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 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

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading -

AMENDMENT NO.

to the

OFFICIAL PLAN FOR THE CITY OF LONDON

A. PURPOSE OF THIS AMENDMENT

The purpose of this Amendment is to change the designation of certain lands described herein from Greenspace to Future Community Growth and Environmental Review on Map 1, Place Types, to The London Plan for the City of London.

B. LOCATION OF THIS AMENDMENT

This Amendment applies to lands located at 2631 Hyde Park Road and 1521 Sunningdale Road West.

C. BASIS OF THE AMENDMENT

The recommended amendment is consistent with the Provincial Policy Statement, 2020, and the Future Community Growth, Environmental Review and Secondary Plan policies of The London Plan.

The recommended amendment identifies the subject site for future urban growth but ensure the site is reviewed through a comprehensive review process along with the surrounding lands to ensure the efficient expansion of the settlement area and review of land use and servicing needs for the area. It also ensures significant natural heritage features are protected and the appropriate studies are completed prior to development taking place.

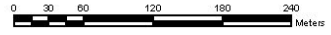
D. THE AMENDMENT

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

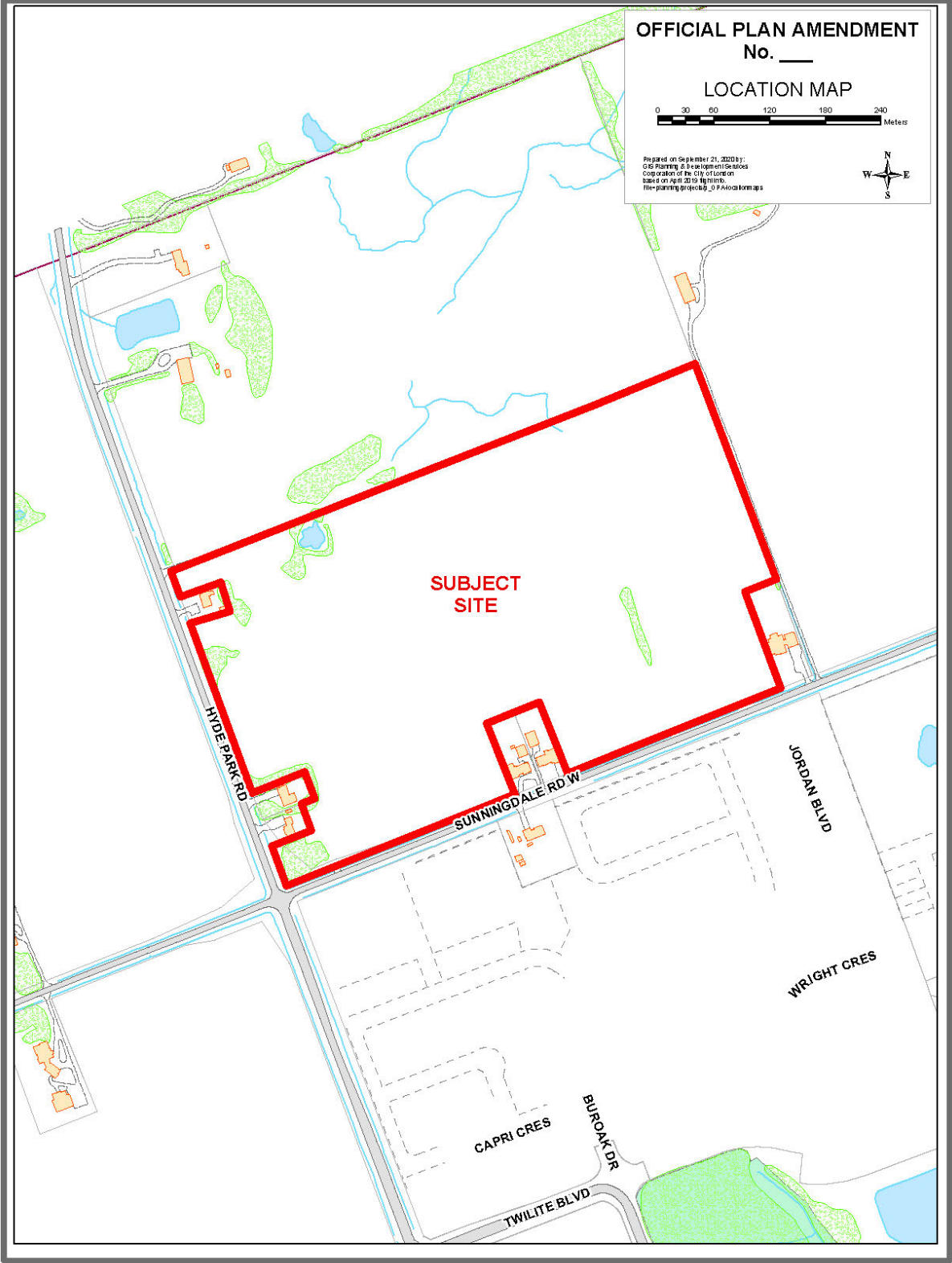
Map 1, Place Types, to the Official Plan for the City of London Planning Area is amended by designating a portion of lands located at 2631 Hyde Park Road and 1521 Sunningdale Road West in the City of London, as indicated on "Schedule 1" attached hereto from Greenspace to Future Community Growth and Environmental Review.

OFFICIAL PLAN AMENDMENT
No. ____

LOCATION MAP



Prepared on September 21, 2020 by:
GSI Planning & Design Services
Corporation of the City of London
based on April 2019 flight data.
file-planning@gsi.ca; gpl@gsi.com



Appendix C – Public Engagement

Community Engagement

Public liaison: On May 14, 2020 Notice of Application was sent to 15 property owners in the surrounding area. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on May 21, 2020. A “Planning Application” sign was also posted on the site.

6 replies were received

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

Concern for:

- The proposed road network specifically with the most easterly access off of Sunningdale Road
- Concerns in regard to the location of Street “G” on the lands to the south (Note: this is not part of this application)
- increased traffic, noise, construction, trucking, crews, pollution, air quality
- impact on well water
- Loss of privacy
- Scale and density of the potential development that transitions to a rural area

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

From: Laura Regnier
Sent: Sunday, April 26, 2020 2:58 PM
To: Corby, Mike <mcorby@London.ca>
Cc: Morgan, Josh <joshmorgan@london.ca>; Albert Frijia Laura Regnier
Subject: [EXTERNAL] Auburn Developments Planning Application File: 0-9190 & Foxwood Developments Street “G”

Hello Mike,

Please find attached our letter concerning Auburn Developments 2631 Hyde Park Road and 1521 Sunningdale Road West (File 0-9190) request to amend the current official City of London Plan from Open Space TO Low Density Residential; and Foxwood Developments (London) Inc. 1602 Sunningdale Road West Proposed Street “G” (39T-11503).

Please confirm that you have received this email and letter.

Sincerely,

Albert Frijia and Laura Regnier

1445 Sunningdale Road West
London, ON N6G 5B7

April 26, 2020

Mike Corby
Development Services
City of London
519-661-2489 ext. 4657
File: 0-9190

Re:

- 1) Notice of Planning Application for Official Plan Amendment, 2631 Hyde Park Road and 1521 Sunningdale Road West, File 0-9190, Applicant: Auburn Developments Inc. Date of Notice: April 16, 2020.
- 2) We oppose and appeal Foxwood Developments (39T-11503) Street "G" access change from RIRO to RIRO & LILO approved by the City of London Council May 13, 2019 without public notice. This change causes major safety access issues for us and real significant impact to our property.

Auburn Developments has made an application to the City of London to amend it's Official Plan to re-designate the lands at 2631 Hyde Park Road and 1521 Sunningdale Road West from "Open Space" (1989 Official Plan) and "Green Space" (The London Plan) to "Low Density Residential" (1989 Official Plan) and "Neighbourhoods" (The London Plan) for the purpose of permitting low-density residential development. Please be advised that we have not received a copy of this Notice dated April 16, 2020 from the City of London advising us of this proposed change. Thankfully we received a copy of this planning application from a friend.

We oppose their requested amendment to the current City of London official plan from Open Space Place Type to Neighbourhood Place Type to permit low density housing and other compatible secondary uses of a non-residential nature.

Prior to purchasing our land on May 13, 2016 we confirmed that the zoning was designated "Open Space" on the official City plan as this was one of our requirements for any land purchase. We built this as our 'forever' fully accessible home.

We also strongly oppose and appeal the Foxwood Developments (London) Inc. (File No. 39T-11503), 1602 Sunningdale Road West, proposed Street "G". We were not advised of their most recent, May 13, 2019, Application to the City of London. At this meeting the City approved without public notice that the access for Street "G" be changed from Right In Right Out (RIRO) to all access, Right In Right Out and Left In Left Out (RIRO & LILO). This is a MAJOR CHANGE as it causes serious access/egress issues, safety issues and significant impact to our land. Nobody has made any considerations for the placement of Street "G" in relation to our property. As these are major changes and safety issues impacting our property, the City of London should have provided us with public notice and access to attend the meeting. This change should not have been approved by the City of London.

We strongly oppose Auburn Developments proposed Street 'A' to run parallel to our land. They state that proposed Street 'A' generally lines up with an opposite street on the South side of Sunningdale Road, a proposed street by Foxwoods Subdivision 39T-11503, Street "G". We have major concerns about the following but not limited to:

1. Our driveway at 1445 Sunningdale Road is extremely close to Auburn Homes proposed intersection of Street 'A' and Sunningdale Road, just west of our property, and it will cause serious access/egress issues for us. Confirm that our driveway location and operation will remain unaffected by the interim and ultimate Sunningdale Road improvements that the proposed development might trigger. Address any safety issues.
2. Please illustrate how any improvements to Sunningdale Road West, including interim and ultimate turning lanes, might affect our property. We are concerned about property limits and grading impacts to our land.
3. Illustrate the ultimate configuration of the intersection of the proposed Street 'A' and the approved Street 'G' access to Sunningdale Road for the Fox Hollow subdivision on the south side of Sunningdale Road, given that the centerline of the opposing streets on north and south side appear to be offset site by approximately 9 meters. Will the ultimate configuration adversely affect our property?
4. Road pollution, noise and increased traffic from adjacent proposed Street "A" and surrounding proposed development. How do you plan to address these concerns?

Proposed Streets ("A" & "G") will need to be relocated as they will both cause serious access/egress and safety issues for us. Both Development areas are currently open space and farm land.

Auburn Homes Preliminary Geotechnical and Hydrogeological Investigation, Exp. Services report dated February 2020.

Report raises concerns regarding stabilizing our groundwater levels during and after their proposed new subdivision development. It was noted in the report:

- Insufficient time was available for the measurement of the depth to the stabilized groundwater table prior to backfilling the test holes without monitoring wells installed.
- The groundwater table may vary in response to climatic or seasonal conditions, and, as such, may differ at the time of construction, with higher levels in wet seasons.
- Dewater impacts? There is potential for significant groundwater control with a removal in excess of 400,000 liters per day. How will this impact our well and water supply?
- Our well ID is 4114099, located 11.6 meters from our property line along Sunningdale Road. How will the proposed ultimate road widening on the north side of sunningdale affect our well?
- How is this going to affect the quality of our drinking water and water supply short and long term?

We look forward to your reply addressing our concerns.

Sincerely,
Property Owners

Albert Frijia and Laura Regnier

1445 Sunningdale Road West
London, ON. N6G 5B7

From: Laura Regnier
Sent: Friday, May 29, 2020 12:10 PM
To: Corby, Mike <mcorby@London.ca>
Cc: Morgan, Josh <joshmorgan@london.ca>; Albert Frijia
Subject: Re: [EXTERNAL] Auburn Developments Planning Application File: 0-9190 & Foxwood Developments Street "G"

Hi Mike,

For whatever reason, we have not received notice 0-9190 in the mail, nor have we received any other notices from the City of London since purchasing our land on May 13, 2016. Thank you for emailing notice 0-9190. Please ensure that all future notices and updates are emailed to us.

We raised our concerns to you on April 26, 2020. We had received a copy of the Auburn Developments Notice of planning application dated April 16, 2020 from a friend. In reviewing their planning application, it also came to our attention that Foxwood Developments (39T-11503) Street 'G' access was changed from RIRO (labeled on the plan) to RIRO & LILO. This change was approved by the City Council May 13, 2019, without public notice. This was a Major change as it causes serious access/egress issues, safety issues and significant impact to our property. There is no consideration for the placement of street 'G' in relation to our property, except for possibly limiting the access to RIRO only. As this has a major impact and safety issues impacting our property, we should have received public notice, access to attend the meeting, and have our concerns addressed prior to any approvals. Since

this was approved and is in effect, does that mean we have to submit a claim to Local Planning Appeal Tribunal (LPAT)? We look forward to comments from the Transportation staff about this situation and what they say is required.

We will send separate emails for each file going forward.

Sincerely,
Laura Regnier & Albert Frijia

1445 Sunningdale Road West
London, ON N6G 5B7

From: Laura Regnier

Sent: Thursday, June 11, 2020 9:27 AM

To: Corby, Mike <mcorby@London.ca>

Cc: Morgan, Josh <joshmorgan@london.ca>;

Subject: Re: [EXTERNAL] Auburn Developments Planning Application File: 0-9190 & Foxwood Developments Street "G"

Hi Mike,

Attached is a copy of the May 13, 2019 meeting regarding the Report to the Planning and Environment Committee on the subject of Foxwood Developments 3 Year Extension of Draft Plan of Subdivision (39T-11503). As mentioned, when we received a copy of Auburn Developments Planning Application dated April 16, 2020, we initiated a review of all planning within 500 metres of our property. This was from a Google search, one of many internet searches in an effort to ascertain proposed planning and changes impacting us.

Please refer to the appendix of attached planning report. There are a number of sections and points that have been crossed off throughout the entire document. What is the significance of this?

Section: Boundary Road Works

53. ~~In conjunction with the Design Studies submission, the Owner shall undertake a traffic impact assessment in accordance with the City's Traffic Impact Assessment guidelines, to the satisfaction of the City Engineer. Prior to undertaking this assessment, the Owner shall meet with the City to discuss the scope and requirements of the assessment. The Owner shall undertake any recommendations of the assessment as required by the City Engineer, to the satisfaction of the City and at no cost to the City.~~

Has the owner provided a traffic impact assessment to the City Engineer? Please confirm how this impacts our property and we are requesting a copy of the report.

55. ~~In conjunction with the Design Studies submission, the Owner shall have it's professional engineer submit design criteria for the left turn and right turn lanes on Hyde Park Road at both Street 'A', Street 'G' and Dyer Drive and Sunningdale Rd W at Street 'G' for review and acceptance of the City.~~

Has the city received professional engineer design criteria for the left turn and right turn lanes for Street G? Has this been reviewed and accepted by the City? We want a copy of the report and to know what consideration was given to our property entrance. If the City looks for streets to align opposite each other and form proper 4 legged intersections, why was the placement of Street 'G' approved? With the full build out of this area, Street 'G' will never align with an opposite Street to form a proper 4 legged intersection as it would intersect with our property.

56. Prior to the issuance of any Certificates of Conditional Approval, the Owner shall construct left and right turn lanes along ~~Hyde Park Road at Street 'A' and Sunningdale Road West at Street 'G'~~ with sufficient storage and taper to accommodate traffic anticipated by the full build out of the Foxhollow area, to the satisfaction of the City.

Appendix #56 states that the owner is to construct both left and right turn lanes at Street 'G'. Was an engineering study, traffic control report and noise study completed? What studies have been done to show that there is sufficient storage and taper to accommodate traffic anticipated by the full build out of the Foxhollow area and the impact to our property?

Our driveway is extremely close to Street 'G' and the proposed intersection with Auburn Street 'A', just west of our property, and it will cause serious safety access/egress issues for us. Confirm that our driveway location and operation will remain unaffected by the interim and ultimate Sunningdale Road improvements that the approved and proposed developments might trigger. Address any safety issues.

Please illustrate how any improvements to Sunningdale Rd W including interim and ultimate turning lanes might effect our property. We are concerned about property limits, our well and grading impacts to our land.

Illustrate the ultimate configuration of the intersection of the proposed Street 'A' and the approved Street 'G' access to Sunningdale Road for the Fox Hollow subdivision on the south side of Sunningdale Road, given that the centreline of the opposing streets on north and south side appear to be offset by approximately 9 metres. Show how this ultimate configuration will not adversely affect our property.

I spoke to several neighbours last night and none have received a copy of the public notice 0-9190 Notice of Planning Application for Official Plan Amendment, 2631 Hyde Park Road and Sunningdale Road West from the City of London. We have also not received the mail copy of this notice, just the email version you sent. How are the other property owners able to provide comments by June 12, 2020 if the City has not provided them with a copy of the notice along with ample time to consider and respond? This is serious and impacts their right to appeal to the Local Planning Appeal Tribunal (LPAT). If persons/public do not make submissions in writing or at the public meeting to the City of London before the proposed official plan amendment is adopted, the person/public is not entitled to appeal the decision.

As previously mentioned, we purchased our property May 13, 2016, and strongly believe we should have been notified of the attached May 13, 2019 planning meeting as changes to Street 'G' have a major impact to our property.

Sincerely,
Laura Regnier and Albert Frijia

1445 Sunningdale Road West

From: Laura Regnier
Sent: Thursday, July 16, 2020 11:51 PM
To: Corby, Mike <mcorby@London.ca>
Subject: [EXTERNAL] Auburn OPA File 0-9190

Hi Mike,

Please find attached comments regarding Auburn OPA application for lands adjacent to our property.

Thank you,
Laura

July 16, 2020

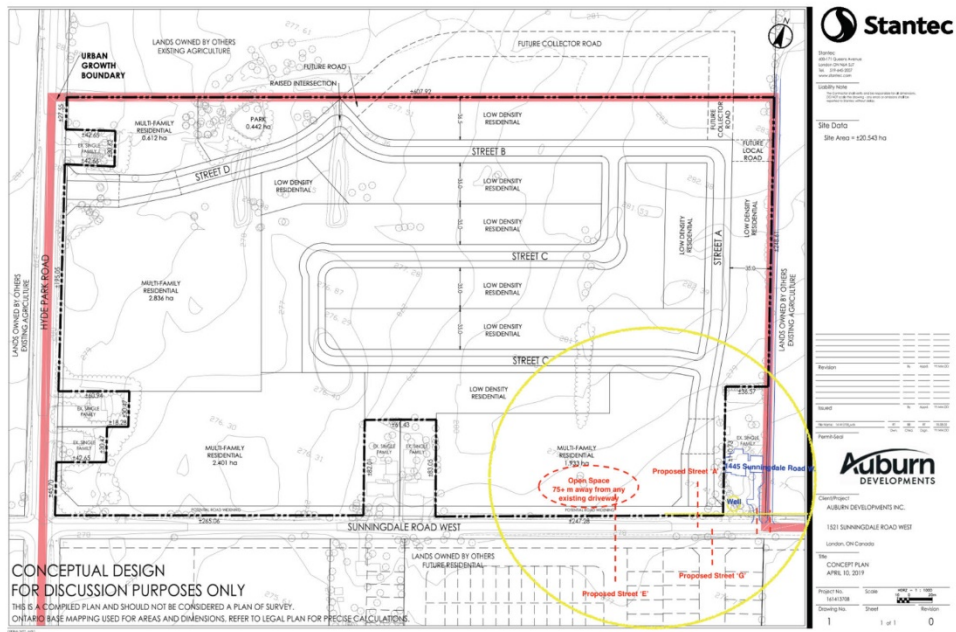
Development Services, City of London
Attn: Mike Corby, RPP, MCIP, Senior Planner
mcorby@london.ca

Hi Mike,

With respect to file: 0-9190 Auburn Developments 2631 Hyde Park Road and 1521 Sunningdale Road West, Notice of Planning Application for Official Plan Amendment (OPA).

We strongly oppose amending the Official Plan from Open Space (1989 Official Plan) and Green Space (The London Plan) to "Low Density Residential" (1989 Official Plan) and "Neighbourhoods" (The London Plan) for the purpose of permitting low-density residential development.

We strongly oppose and appeal the Foxwood Developments (London) Inc. (File No. 39T-11503), 1602 Sunningdale Road West, proposed Street "G". In short, a draft plan of subdivision was approved in 2012 that showed a right-in/right-out only intersection for lands across the street from us on Sunningdale Road (Street G). A subsequent 2019 Draft Plan extension report, where no notice was provided to us, changed this intersection to full turning movements. That change provides vital support for the Auburn proposed conceptual plan in their supporting documents for the current OPA application. As notice should have been given to us for the change due to the serious safety/access/egress issues, and as such it is now appropriate to reconsider that approval, then the current OPA application should be set aside. We only discovered the change in permitted turning movements through the Auburn OPA application. A full-movement intersection at this location is dangerously close to our driveway and should be a public safety concern to all. The Foxwood Draft Plan extension did not provide any consideration of the

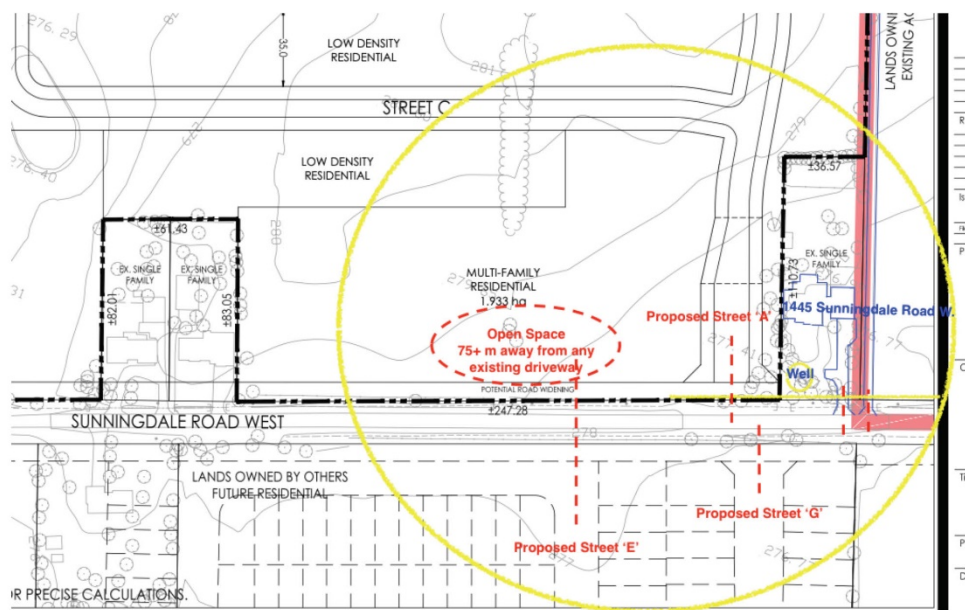


Auburn Development Concept Plan design dated April 10, 2019, one month in advance to Foxwood May 13, 2019 City Council DP extension approval meeting, where no public notice was provided changing this intersection to full turning movements.

Image of Comments

turning movements and our property. We question why City guidelines and rules were not followed by city traffic engineers. Given the major impact and safety issues impacting our driveway/property, we should have received public notice, access to attend the meeting, and have our concerns addressed prior to any City Council approvals.

Auburn Conceptual Development Plan Street 'A' does not align with Foxwood Developments Street 'G' to form a proper 4-legged intersection as our property at 1445 Sunningdale Rd W does not allow for that alignment. Nor does Street 'A' 'generally align' with Street 'G' as the centerlines would have to be offset by approximately 9 meters. City of London Access Management Guidelines 2015 – to minimize turning conflicts (SAFETY) and disruption to through traffic the centreline of a new driveway to the arterial road should align the centreline of any opposing existing driveway or road.



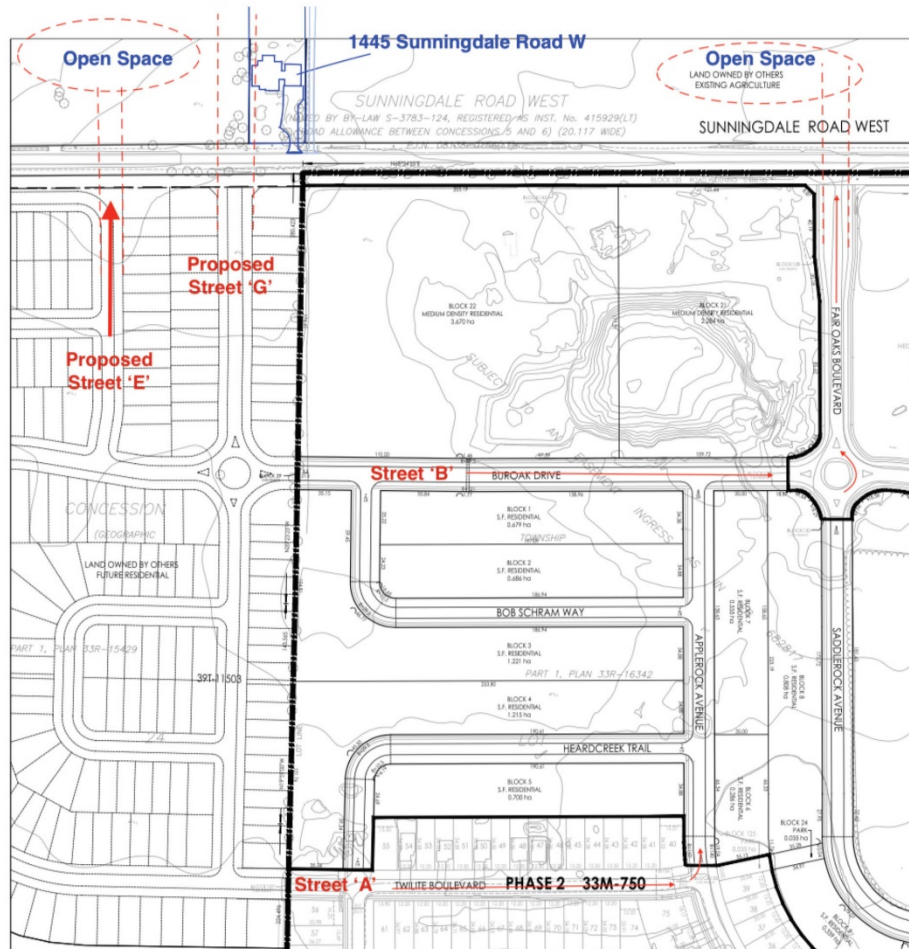
2019 Appendix - Boundary Road Works - The amendments to the conditions of draft approval are shown as strikeouts (deletions) and bold italic lettering (additions).

Boundary Road Works

53. ~~In conjunction with the Design Studies submission, the Owner shall undertake a traffic impact assessment in accordance with the City's Traffic Impact Assessment guidelines, to the satisfaction of the City Engineer. Prior to undertaking this assessment, the Owner shall meet with the City to discuss the scope and requirements of the assessment. The Owner shall undertake any recommendations of the assessment as required by the City Engineer, to the satisfaction of the City and at no cost to the City.~~
54. ~~In conjunction with Design Studies submission, the Owner shall have its professional engineer verify the adequacy of the decision sight distance along Hyde Park Road at both Street 'A' and Dyer Drive and Sunningdale Rd W at Street 'G'. If the sight lines are not adequate in accordance with the Design Specifications and Requirements Manual, Street 'A' and Dyer Drive road works may be required on Hyde Park Road to establish adequate decision sight distance to the satisfaction of the City and at no cost to the City.~~
55. ~~In conjunction with the Design Studies submission, the Owner shall have its professional engineer submit design criteria for the left turn and right turn lanes on Hyde Park Road at both Street 'A', Street 'G' and Dyer Drive and Sunningdale Rd W at Street 'G' for review and acceptance of the City.~~
56. ~~Prior to the issuance of any Certificates of Conditional Approval, the Owner shall construct left and right turn lanes along Hyde Park Road at Street 'A' and Sunningdale Road West at Street 'G' with sufficient storage and taper to accommodate traffic anticipated by the full build out of the Foxhollow area, to the satisfaction of the City.~~
57. ~~The Owner shall be required to make minor boulevard improvements on Hyde Park Road and 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.~~

Our driveway at 1445 Sunningdale Rd W has existed in its current location prior to Foxwood's development 1999 plan. The Original Plan called for a secondary collector connection at Street 'E' and Sunningdale Rd W. The land directly north of Street 'E' is open space and at least 75 meters away from any existing driveways. There will also be alternative access to Sunningdale Rd W, though the adjacent Fox Field North Auburn Development to the east via Street 'A' and Street 'B'.

Below Auburn Developments Proposed Draft Plan May 20, 2020 (Z-9216 – 1284 Sunningdale Rd. W) showing 1445 Sunningdale Road W Property relative to Proposed Street 'G', Proposed Street 'E' and Sunningdale Road access via Streets 'A' and 'B' and Fair Oaks Boulevard.



1445 Sunningdale Road W (our property)

- Property 36.576 m (120 ft) frontage x 110.642 m (363 ft) or 1 acre
- The house extends 1.2 m from the West property line to 3.99 from the East property line. The driveway is located at the far east of the property.

City of London Access Management Guidelines 2015

- 1.4.3 Minor Access Connections (driveways)
 - 1.4.3.1 At Stop Controlled Intersection
 - A minimum corner clearance of **60 meters** should be provided from the centre line of an arterial intersection and the centre line of a proposed (existing) driveway at a stop-controlled intersection. If this minimum clearance cannot be obtained, then the driveway or access should be placed at the far limit of the property. (The driveway at 1445 Sunningdale Rd W is at the far east side). If that is the case, a traffic analysis has to be conducted, with traffic volumes projected 5 years into the future.
 - “Where minimum corner clearance cannot be met, directional prohibitions: right-in and right-out, or right in, or right-out may be implemented and/or required.”
 - Additional clearance may be required to ensure that the intersection movements do not conflict with the driveway movements. A full movement driveway needs to be clear of the start of the taper for the left turn storage lane.
 - 1.4.3.2 At Signal controlled Intersection
 - A minimum corner clearance of **75 metres** should be provided from the centre line of an arterial signalized intersection and the centre line of a proposed (existing) driveway adjacent a traffic signal-controlled intersection. If this minimum clearance cannot be obtained, then the driveway or access should be placed at the far limit of the property. (The driveway at 1445 Sunningdale Rd W is at the far east side). Furthermore, if that is the case, a traffic analysis has to be conducted, with traffic volumes projected 5 years into the future.

Image of Comments

- March 26, 2012, Public Participation Meeting for application by Foxwood Developments 1602 Sunningdale Rd W. (39T-11503).
 - Subdivision Design, Road Pattern (P.19) 'There are three (3) collector roads and 12 local streets proposed within this draft plan. Engineering Review – Transportation raised concerns regarding the proposed local street connection (Street G) to Sunningdale Rd. In order to provide for an appropriate access, it is recommended that Street "G" be classified as a secondary collector road.'
 - New Proposed Collector Road (P.18) 'In the review of proposals to amend Schedule "C" – Transportation Corridors, to add a secondary road, **consideration must be given to traffic service or implications, or potential impacts that a proposed road development may have on existing land uses and natural features, and measures that may be taken to mitigate these impacts.**

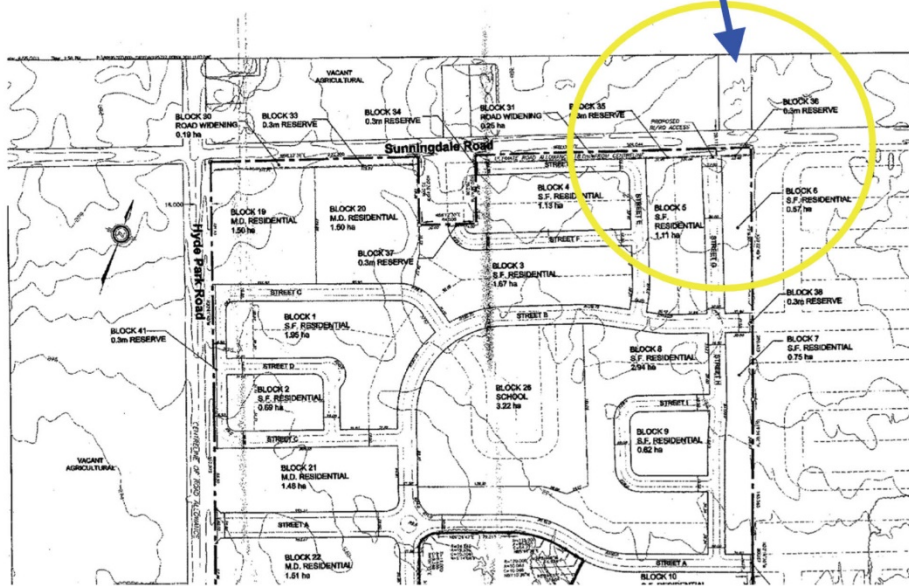
Our understanding is that amendments to the conditions of draft approval are required to ensure that these lands are developed to today's standards and to address engineering issues. The 2012 DP required other analysis and studies to ensure the appropriateness of this access. Based on today's engineering and safety standards the placement of the proposed secondary collector Street 'G' at Sunningdale Road W. and proposed Street 'A' do not meet current guidelines and safety standards with respect to our property. Proper consideration has not been given to the serious public safety for all.

2012 Submitted Draft Plan shows Proposed RI/RO Access for Street "G".

39T-11503/OZ-7985
A. MacLean

Submitted Draft Plan

1445 Sunningdale Rd W



Auburn 'Planning Justification Report' dated November 13, 2019, p.5 states "As per the paragraph above, the subject lands were previously intended to be developed as a cemetery. However, a recent hydrogeological report has shown that ground water levels are too high on the lands for a cemetery."

- Auburn Developments retained EXP Services Inc. to prepare the Preliminary Geotechnical and Hydrogeological Investigation report dated February 2020. We were unable to locate a statement in this report that states the lands are unsuitable for a cemetery.

- We request a copy of the recent hydrogeological report that states that the ground water levels are too high on the lands for a cemetery.
- Subsoil and groundwater information included in their report was from a previous hydrogeological study carried out by Golder Associates Ltd and other information for the report provided by the client (Auburn) was used to assist in the preparation of the EXP report. The preparation of the EXP report relied upon a technical report prepared by Golder Associates Ltd.
 - We request a copy of Hydrogeological Investigation, June 26, 1998, prepared by Golder Associates Ltd.
- Golder Associates Ltd. (Golder) carried out a previous study at the site from 1997 extending through 1998.
 - We request a copy of the Golder Associates Ltd. site investigation reports submitted to the Special Projects Planning Committee (SPPC), OMB and the City of London as part of their exception request to add the Mount Pleasant Cemetery lands into the Urban Growth boundary.

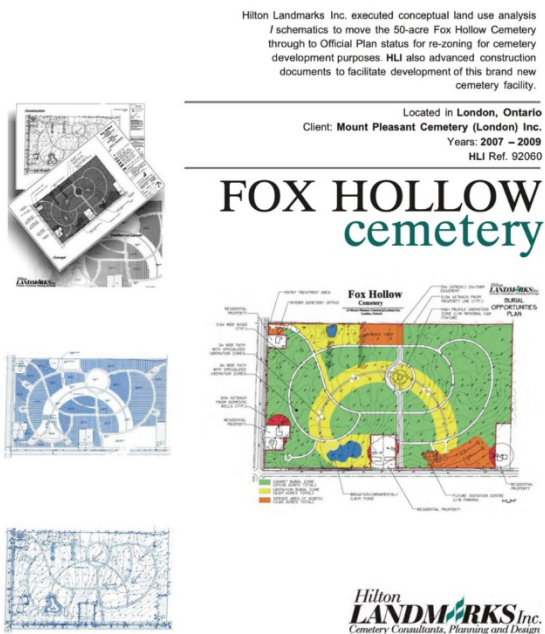
EXP Report raises concerns regarding stabilizing our groundwater levels during and after their proposed new subdivision development. It was noted in the report:

- It is noted that insufficient time was available for the measurement of the depth to the stabilized groundwater table prior to backfilling the test holes without monitoring wells installed.
- The groundwater table may vary in response to climatic or seasonal conditions, and, as such, may differ at the time of construction, with higher levels in wet seasons.
- Dewater impacts? There is potential for significant groundwater control with a removal in excess of 400,000 liters per day. How will this impact our well and water supply?
- Our Well ID is 4114099, located 11.6 meters from our property line along Sunningdale Road. How will the proposed ultimate road widening on the north side of Sunningdale affect our well?
- How is this going to affect the quality of our drinking water and water supply short and long term?

- We request a copy of the OMB report with respect to the basis of the OMB decision and their direction to the City that they must justify a cemetery use for the site.

- We request City Council notes and reports with respect to their approved zoning amendment application for this site, subject to approval of the Fox Hollow Official Plan amendment.

- Hilton Landmarks Inc. executed conceptual land use analysis /schematics to move the 50-acre Fox Hollow Cemetery through to Official Plan status for re-zoning for cemetery development purposes and advanced construction documents to facilitate development of this brand new cemetery facility, years 2007 - 2009.
 - We would like a copy of HLI analysis and construction documents.



We will provide additional comments once we have received and have had an opportunity to review all the requested information. Please advise the deadline to submit any additional comments. We would also like the opportunity to participate at any future planning meetings with respect to this development, and any planning notices or updates, please send a copy by email.

Sincerely,
 Laura Regnier and Albert Frijia

Property Owners
 1445 Sunningdale Road West

From: Laura Regnier
Sent: Monday, August 17, 2020 5:18 PM

To: Corby, Mike <mcorby@London.ca>; Morgan, Josh <joshmorgan@london.ca>; Cassidy, Maureen <mcassidy@london.ca>; Helmer, Jesse <jhelmer@london.ca>; Hopkins, Anna <ahopkins@london.ca>; Kayabaga, Arielle <akayabaga@london.ca>; Turner, Stephen <sturner@london.ca>

Subject: [EXTERNAL] Foxwood Developments (39T-11503) Proposed Street 'G' and Sunningdale access

Importance: High

Hi Mike,

Below is our response in **RED** to the July 13, 2020 comments provided to us by the City of London Development Engineering Department.

We first expressed our serious safety access/egress concerns regarding Foxwood proposed Street 'G' access to Sunningdale Rd W and our existing driveway at 1445 Sunningdale Rd W on **April 26, 2020**, to yourself and Josh Morgan, City Councillor for the City of London. However, without addressing our concerns, the City of London Engineering Department Approved the Engineering drawings for Street 'G' on **June 30, 2020**.

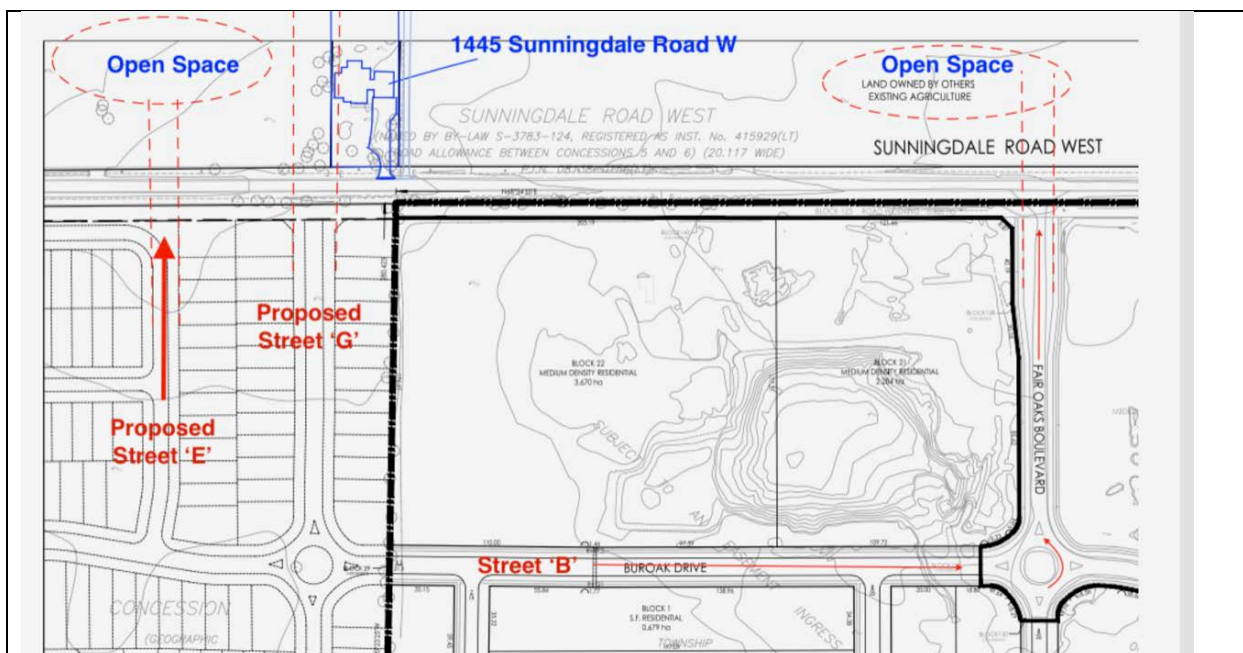
We are disappointed by the unsatisfactory delayed responses from the City Engineering Department while they have continued to expediently advance approvals to Foxwood Developments for Street 'G'. We view a lack of due diligence and duty of care afforded to us by the City of London Planning Engineering Department and Council with respect to our safety and property. Development design plans should align or change to meet current guidelines, not someone arbitrarily using 'discretionary power' to make decisions inconsistent with current standards and guidelines. Regulations and guidelines are updated for a reason which includes protecting and keeping the public safe. Also, Street 'G' appears to have been added to the Design Plan under the guise of a 'secondary collector' when in fact it actually appears to be a 'major' access connection to Sunningdale Road, as it is the only access point for Foxwood and a primary access for Foxhollow. Recently, there is a third proposed land change planning application for subdivision on the North side Sunningdale (presently open space) that wants to change this access point to a major intersection.

Picture taken this morning out our front window.



The left hand turn lane will completely block our driveway and create a serious safety access/egress concern. This is real to us, a family member was killed due to a left hand turn collision on Highbury Rd in 1998. The Police Investigation Report sites her death a result of having to make a dangerous left hand turn into high volume traffic. The City is knowingly putting our safety at risk to safely access/egress our property. We question the validity of the Foxwood 2012 Traffic Study Report based on the growth assumptions used in the report. We believe they are understated.

Here is an image showing our property relative to Street 'G' and area. The Foxwood development plans originally called for subdivision access to Sunningdale Road via Proposed Street 'E'. Directly across from Street 'E' is open space and would meet all City access management guideline requirements. Changing Street access from proposed Street 'E' to 'G' benefits Foxwood Development, possibly the City, but causes significant negative implications for 1445 Sunningdale Rd W. should the direction prohibitions of Right-In/Right-Out only be removed. However, on May 13, 2019, City Council approved full access for Street 'G', allowing for Right-In/Right-Out and Left-In/Left-Out without providing public notice of meeting. There is no reason why the subdivision design could not have placed the Sunningdale Road access at another location along Sunningdale that meets all City traffic access management guidelines. City Council approved removal of Street 'G' access conditions during a closed council meeting even though street access does not meet City guidelines and regulations. Proper public consultation was not provided and the approved change lacks transparency. Council's decision for Street 'G' is biased towards the developer's interest. There has been no consideration for our interests, safety and property.



Attached is our July 13, 2020, letter sent to Mike Cory, Josh Morgan and the Mayor, detailing some of our concerns, questions and requests with respect to Street 'G'. There are other related emails available upon request.

We are very frustrated and feel we are being ignored and brushed off with inadequate round about answers as a means to advance Foxwood's Street 'G' development to the point where the road actually exists. We would truly appreciate a Council Member looking into this time sensitive matter and helping to resolve our serious concerns.

Sincerely,

Laura Regnier and Albert Frijia

1445 Sunningdale Road West
London, ON N6G 5B7

CC:

Councillor Josh Morgan
Councillor Maureen Cassidy
Councillor Jesse Helmer
Councillor Anna Hopkins
Councillor Arielle Kayabaga
Councillor Stephen Turner
MMP, Peggy Sattler

On Jul 30, 2020, at 9:03 AM, Corby, Mike <mcorby@London.ca> wrote:

Hi Laura,

Please see the response provided by Development Engineering.

The following is our response to your correspondence of July 13, 2020 to address your comments regarding the Foxwood Subdivision and specifically the connection of Street "G" (now Jordan Boulevard) to Sunningdale Road West.

Based on your correspondence to date, we have attempted to respond to your concerns as follows:

Impacts to your property – Please note the required asphalt widening's to accommodate any turning lanes are on the south side of Sunningdale, this will negate an impact on your property. Also, the profile of Sunningdale is not proposed to be altered as part of this work and as such we do not foresee any grading impacts to your property or driveway. **The placement of Street 'G' does not allow for future area development that adheres to City guidelines and preferences. Please confirm that Street 'G' will never connect to a future Street on the North Side of Sunningdale as the Streets will not align and centrelines would need to be offset by approximately 9 meters. This would have a significant impact to our property and increased safety concerns for us and the general public.**

Safety Concerns – Please note that while it is desirable to separate turn lanes from private entrances, it is not un-common for driveways to front onto sections of road which include a left turn lane in built-up urban areas. **This is not a built-up urban area. The Foxwood land on the south side of Sunningdale is currently farmland.** While this section of Sunningdale is currently similar to a rural setting, the lands on the south side and to the west of your property are within the City's urban growth boundary so it can be expected that Sunningdale will eventually develop into a more urbanized section as development progresses. **Please refer to the City Urban Growth Boundary map. Our property is located within the City urban growth boundary. Additionally, The Foxwoods Development Plan of 1999 proposal to the City specifically mentions our property (& 5 others) located on the North side Sunningdale Rd. be given special consideration with several references.** Additionally, the introduction of a left turn lane to Street 'G' (from Sunningdale), will ensure a safe and appropriate environment for motorists accessing Street 'G' and utilizing Sunningdale Road. **The City street design and access management guidelines are minimum standards to ensure public driveway access/egress remain safe!! Street 'G' location never met those guidelines. At the minimum directional prohibitions of RIGHT-IN and RIGHT-OUT should be required. The fact that these directional prohibitions were shown on the original 2012 public meeting draft plan and the removal approved at closed council meeting in 2019 lacks transparency.**

Accepted Reports & Studies – as requested please see attached accepted Transportation Impact Assessment, Noise Assessment and accepted engineering drawings; **We first expressed serious safety access/egress concerns regarding Street 'G' and our existing driveway location which is located within the urban growth boundary on April 26, 2020, to Mike Corby, Senior Planner Development Services and Josh Morgan, City Councilor for the City of London. Even though our concerns have not been addressed and location of Street 'G' does not meet Access Management Guidelines 2015 or Design Specifications & Requirements Manual (Updated: February 2017) for Length of Left-hand Turning Lanes with respect to our driveway at 1445 Sunningdale Rd. W. the attached confirms the City of London Development Services ACCEPTED the engineering drawings for Street 'G' on **June 30, 2020.** These drawings to not even accurately reflect the driveways on the north side of Sunningdale Road. **The left hand turn lane will completely block our driveway and create a serious safety access/egress concern!! This is real to us, a family member was killed due to a left hand turn collision on Highbury Rd in 1998. The Police Investigation Report sites her death a result of having to make a dangerous left hand turn into high volume traffic. The City is knowingly putting our safety at risk to safely access/egress our property.****



Design Considerations – The City has received and accepted the design criteria for the left and right turn lanes for Street ‘G’. Please note that this work on Sunningdale Road has been designed by a Professional Engineer and the design criteria meets City standards. **Based on what standards? The design criteria for Street ‘G’ and our driveway does not meet the City of London Design Specifications & Requirement Manual, Updated February 2017. Due to this, Public Notice should have been provided prior to City Council’s full access approval for Street ‘G’ on May 13, 2019.**

Alignment with lands to the north – as per previous correspondence regarding the Auburn lands in particular – no road pattern has been established to date and will not be as part of the Official Plan amendment application for that property. The road layout shown within the plans are to be considered conceptual in nature and have not been finalized. Please note that an area plan will be required to be undertaken prior to establishing the collector road network on the north side of Sunningdale and as such a future development application (i.e. draft plan of subdivision) will confirm the exact details of those alignments. **The placement of Street ‘G’ does not allow for future area development that adheres to City guidelines and preferences. Please confirm that Street ‘G’ will never connect to a future Street on the North Side of Sunningdale as the Streets will not align and centrelines would need to be offset by approximately 9 meters. This would have a significant impact to our property and create an increased Safety concern for us and public.**

RI-RO vs Full Access – We note that the draft plan does include a reference to a RI/RO intersection, however this requirement is not identified anywhere else in the proposed draft plans conditions from the Public Participation Meeting March 26, 2012 or any of the subsequent extensions or revisions to the plan. **The RI/RO is noted on every draft plan, even the final 2019 approved draft plan with redline revisions. Due to the developers placement of Street ‘G’ to our existing driveway not meeting 2015 & 2017 City guidelines, the May 13, 2019 City Council meeting should have been made public. RI/RO only directional prohibitions were shown on the last 2012 public meeting draft plan and the removal of which approved at a closed council meeting in 2019 lacks transparency. Our safety access and egress concerns have not been addressed.** Typical practice in this case is to include a requirement of this nature as a draft plan condition. Further, Street G is identified a proposed secondary collector road. Standard practice for secondary collector roads is to establish full moves accesses at intersections with arterial roads. **Perhaps a standard practice when guidelines are met but that is not the case in this situation. As per the City of London Access Management Guidelines 2015, “Where minimum corner clearance cannot be met, directional prohibitions: RIGHT-IN and RIGHT-OUT, or RIGHT-OUT may be implemented and/or required.”** We also recognize that the TIA study completed contemplated this connection as full moves access. **The projections used in the Traffic report are understated, increasing our concerns regarding our ability to safely access/egress our driveway. This report 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%. The development and traffic flows in this area are growing at a much higher**

rate. Auburn recently filed a zoning application to increase housing density and add office space – Z-9216, 39T-04510. The 2012 traffic report is 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. Has Foxwood increased the density of their development? Street ‘G’ 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.

Application of Access Management Guidelines – we acknowledge that it is desirable to achieve the objectives of the Access Management Guidelines with respect to intersection configuration and driveways wherever possible, however the recommendations of these guidelines are not always achievable in every instance. As this is a new development and 1445 Sunningdale Rd W an existing property (driveway) within the urban growth area, explain why guidelines were not achievable in this instance? City Council should not have approved full access on May 13, 2019, without providing public notice. 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.

Further to the above – the City is satisfied regarding the alignment of Street “G” and the engineering analysis and study completed to date. Further we feel that this intersection (including the turn lanes) and the interface with your property will function adequately moving forward. It is in our opinion that the City has not taken into consideration our driveway location relative to Street ‘G’ placement and our very real safety access/egress concerns.

If there are any questions regarding this, please let us know.

Thanks,

From: Richard Cracknell
Sent: Monday, June 29, 2020 4:06 AM
To: Corby, Mike <mcorby@London.ca>
Subject: [EXTERNAL] Re: Ruling PL 990233

Thanks Mike, I really would like to see what was put forth at the time as arguments. It seems to me that had they of asked for the residential designation, the OMB would probably of rejected the request. I have a feeling that as part of the ruling the OMB at the time would of considered that the designation would not of required the city to provide any services and as a cemetery would not need to be considered in any future urban growth study as cemeteries are basically a perpetual use proposition that require little with respect to services.

I think that the proper time to consider changing the designation is when there is another urban growth study for the North side of Sunningdale. At that time, the citizens will be able to have input on how the property is integrated into the urban environment in the context of an urban plan. This application takes away that opportunity. It also takes away the citizen right to discuss it in the context of an urban plan because at the time of inclusion, the discussion was about designating it open space not residential which I a completely different discussion.

As I do more research, I find this very interesting. I initially was concerned about my personal circumstances, but now realize this application could have a significant

impact on city planning period. After dealing with a property issues with respect to a cottage association that I was a director of, I said never again. I guess I was wrong. This is really interesting.

Anyway, I will reach out to LPAT about those documents as well just in case you don't have them. I will let you know if I am able to get them from them before the 16th, hopefully save you some time.

Thanks for all your help.

From: Richard Cracknell
Sent: Tuesday, August 11, 2020 11:41 AM
To: Corby, Mike <mcorby@London.ca>
Subject: Re: [EXTERNAL] OMB Ruling

Thanks Mike, I am pretty much at a stand still, I have found out that my request might happen in September. Since the OMB ruling was very specific with respect to including the property in the plan allowing cemetery use, I can only assume that there was an engineering report provided at that time to support such a ruling.

Having said that, I feel that this planning application should not be allowed as the land was never considered for any residential use by the OMB. I think that to change it to residential it should go through the same stringent process that had to be followed to allow for the designation of residential land in the original Foxhollow Urban Growth plan.

Also, you might know the answer to this question, if the council allowed the residential designation to be applied, would they be setting precedent with respect to changing a land designation that was ordered by the OMB?

From: Jason Denda
Sent: Friday, June 12, 2020 5:18 PM
To: Corby, Mike <mcorby@London.ca>
Subject: [EXTERNAL] 2631 Hyde Park Road and 1521 Sunningdale Road West.
File: O-9190. Applicant: Auburn Developments Inc.

Hello Mike,

My name is Jason Denda. Myself and family live at 2545 Hyde Park Road. I was unaware that Auburn Developments Inc. wants to develop on the land surrounding my home.

I was given a notice of planning application by a concerned neighbor.

Obvious issue's such as increased traffic, noise, construction, trucking, crews, pollution, air quality is just to start with. I have young children and I know construction starts at 6am. No one wants to be woken up by the sounds of construction, trucks beeping when backing up, loud bangs, etc. We already hear all this from across the street, let alone our own backyard.

We are on well water and there is water streams under the ground. If this is disturbed, our well may have to be abandoned. We actually just put in a \$15,000 well water treatment system yesterday.

Other issues would be privacy, I have a treed lot and I am concerned how this will affect my tree's. Not just removal, but the ground that surround my property.

This would be years of constant construction. Is there any sort of compensation for this?

We moved here 7 years ago as our dream home. We moved here because we enjoy the country air, scenery, privacy, lack of neighbors. It will be a huge loss for us as this is our forever home. We started a family here. We have spent thousands of dollars on our house to update it. We were first worried about the round a bout on Hyde Park and Sunningdale. We didn't know if the city wanted to buy our land. We got a clear answer of no. Now I have to re ask this question. We also asked about natural gas hook up and municipal city water and nothing is being added for us with the construction of the round a bout. This is why we just had new water treatment installed yesterday.

It's a scary to not now. Especially when we were never aware of any of this.

We got information about building on Sunningdale and Hydepark south lots, but nothing on the property surrounding my property?

I was told today was a deadline to express our concerns. I'm sure there will be more to come. We honestly feel violated of not knowing any of this. I am typing this all off the top of my head. My concerned neighbor showed me the date of this application. May 14, 2020. Clearly they had time to carefully express their concerns and not rush as I am doing now. Not one thing has been mailed to us, unless that was your plan this whole time?

What about the people who rent the land to farm? We were told this land was owned by St. Peter's Church and was only to be used as farm land or a cemetery. Clearly that has changed with no information sent to homes that surround the land.

Regards,
Jason Denda

From: scott player
Sent: Tuesday, June 23, 2020 9:56 AM
To: Corby, Mike <mcorby@London.ca>
Subject: [EXTERNAL] Re: File O-9190

Thank you Mike and yes I did receive mail notice of the proposed amendment.

You have been very clear and it indicates what continues to concern me about development in areas which are already very accessible to strip mall type services – that we continue to get more and more of them. I had thought that the City was pursuing a densification strategy. How disappointing to what had been once upon a time been the Forest City.

Regards
Scott

From: scott player
Sent: Tuesday, June 23, 2020 9:02 AM
To: Corby, Mike <mcorby@London.ca>
Subject: [EXTERNAL] File O-9190

Requested amendment to Official Plan would permit “other compatible secondary uses of a non-residential nature” What specifically does that mean ? Would that encompass anything other than parks and tennis courts for recreation ?

Thank you
Scott Player

From: London CA
Sent: Tuesday, July 14, 2020 1:39 PM
To: Corby, Mike <mcorby@London.ca>

Cc: Morgan, Josh <joshmorgan@london.ca>

Subject: [EXTERNAL] file:O-9190 official plan amendment 2361 hyde park road &

Hi, Mr. Corby and Mr. Morgan,

My name is Lanting Mo, owner of 1545 Sunningdale West. I am against this Amendment.

Nothing is ready to develop this land.

Regards,

Lanting Mo

From: John Arthur Alexander Mustard Thompson

Sent: Wednesday, March 3, 2021 12:02 AM

To: Development Services <DevelopmentServices@london.ca>; Corby, Mike <mcorby@London.ca>; Morgan, Josh <joshmorgan@london.ca>

Subject: [EXTERNAL] 2631 Hyde Park Road and 1521 Sunningdale Road West

Dear Mr. Corby, Mr. Morgan, and Development Services,

I am writing to you about the application for an official plan amendment at 2631 Hyde Park Road and 1521 Sunningdale Road West. I have some concerns:

- This development is very close to the municipal border between London and Middlesex County.
- This development is the only proposed development north of Sunningdale Road between Wonderland and Hyde Park Road.
- There are 6 homes situated on large, country lots surrounding the field where the development is proposed

Since this proposed development is so close to the municipal border and is surrounded by agricultural land, it must act as a transition between rural and urban – it must be in harmony with its surroundings. As such, I do not believe that this development should be as ‘high-density’ as the FoxField subdivision to the immediate south, where some of the lots are only 35’ across. A subdivision of this density would be completely ‘mismatched’ (and aesthetically at odds) with the 1 acre lots that surround it, as well as the surrounding agriculture uses. This proposed subdivision should have large lots to act as a transition zone between the high-rises, town-homes, and small lots of FoxField and the permanently agricultural lands in Middlesex County to the north.

I am also concerned, because I believe that there is a pioneer era cemetery on the site of this planning application – a list of cemeteries in the city confirms this: <http://www.interment.net/data/canada/ontario/middlesex/cemeteries-in-london-ontario-canada.pdf> . I am relieved though, that the city is considering having environmental protection areas on the site.

Finally, I have just two requests to make. Would the city consider having the developer plant many mature trees along Sunningdale Road in front of this development to act as a visual barrier? Also, would the city please have the developer leave some ‘buffer zones’ between the subdivision and the already established homes on the site?

I am sorry for sending such a long e-mail! I realize that London needs more homes, and that developing fields instead of woodlots is better environmentally. I just want to make sure that the developer (Auburn Developments – the developer of FoxField) does not create a subdivision as dense as FoxField, but rather something that is sensitive to its position as a transition zone.

Thanks so much,

Arthur Mustard-Thompson

From: John Arthur Alexander Mustard Thompson

Sent: Tuesday, March 16, 2021 7:40 PM

To: Corby, Mike <mcorby@London.ca>

Cc: Morgan, Josh <joshmorgan@london.ca>

Subject: [EXTERNAL] Re: 2631 Hyde Park Road and 1521 Sunningdale Road West

Hello Mr. Corby,

Thank you so much for your e-mail; it was very helpful! I am definitely looking forward to some of the changes due to take place in the area – especially the proposed roundabout at Hyde Park and Sunningdale, since trying to make a left hand turn at that corner is very tricky right now.

I was unaware that the Urban Growth Boundary could be changed, but since it can, you're right that the surrounding fields will probably be full of houses in no time! Change is always tricky, but London does need more houses. We live in a great city, and it's wonderful to see so many new people moving here to enjoy it!

I have to say, I do feel badly for the homes that are backing onto a cornfield now, but will soon have rows upon rows of houses right up against their property lines. Maybe there is some way to offer more of a setback for these property owners. I believe there are some areas of the proposed development that are being considered for an OS5 zoning, which is good.

Thanks so much for your time,

Arthur Mustard-Thompson

Appendix C – Agency/Departmental Comments

London Hydro – April 20, 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. 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.

Transportation Planning & Design – April 21, 2020

Please find below Transportations comments regarding OPA for 2631 Hyde Park Road & 1521 Sunningdale Road West, O-9190:

Notes:

Without an area plan or secondary plan the road pattern as shown may not be consistent with the needs of the adjacent lands to provide for appropriate access. To ensure an appropriate road classification and collector road network an area plan and or secondary plan is typical and should be undertaken.

This application would best be dealt with through the subdivision process.

Comments:

- A holding provision will be required for the provision of access satisfactory to the City Engineer and the completion and acceptance of a TIA to the satisfaction of the City Engineer.
- Right of way dedication of 24.0m from centre line required on Sunningdale Road West from Hyde Park Road to a point 150m east of Hyde park road
- Right of way dedication of 18.0m from centre line required on Sunningdale Road West from a point 150 m east of Hyde Park Road to the easterly limit
- Right of way dedication of 24.0m from centre line required on Hyde Park Road from Sunningdale Road West to a point 150m north of Sunningdale Road West
- Right of way dedication of 18.0m from centre line required on Hyde Park Road from a point 150 m north of Sunningdale Road West to the northerly limit
- Additional right of way widening as identified in the Hyde Park Road EA is required. (see attached pdf for additional lands required) for the construction of a roundabout at Hyde Park Road and Sunningdale Road West tentatively scheduled for construction in 2021
- Grading of the site is to be in accordance with the Hyde Park Road EA
- A 7.0m working easement is required in addition to the road widening requirements identified above
- As part of a complete application provide a road layout and concept plan showing all bends tapers and centre line radii comply with City standards, ensure all through streets align opposite each other and streets intersect perpendicular to each other if minimum City standards are not met changes to the draft plan will be required
- A sightline analysis will be required to ensure the proposed access location can provide desirable decision sight distance as per City standards
- As part of a complete application demonstrate how internal access from the subdivision will be provided to the remnant parcels to provide for future access
- As part of a complete application a Transportation Impact Assessment (TIA) will be required, the TIA will evaluate the impact the development will have on the transportation infrastructure in the area and provide recommendations for any

mitigation measures. The TIA will need to be scoped with City staff prior to undertaking and be undertaken in general conformance with the City's TIA guidelines.

- Gateway widening required on Street "A" & Street "D"
- Provide a 1ft reserve along Sunningdale Road West and Hyde Park Road
- 6.0mx6.0m daylight triangles will be required
- Left and right turn lanes will be required on Sunningdale Road West at Street "A" and on Hyde Park Road at Street "D"
- Temporary street lighting will be required at the intersection of Sunningdale Road West at Street "A" and on Hyde Park Road at Street "D"
- Street "D" to be relocated further east opposite the road proposed to the south in 39T-11503, a concept plan of how these streets will align is required
- Barrier curb will be required throughout the subdivision
- Council recently approved the Complete Streets Design Manual found at the below web link, the complete streets design manual contains information and design guidance for the construction of a complete street.

<https://www.london.ca/residents/Roads-Transportation/Transportation-Planning/Pages/Complete-Streets-.aspx>

Sanitary Engineering Division – April 28, 2020

SED offer the following comments;

The subject lands 1521 Sunningdale Rd is located north of Sunningdale Rd and east of Hyde Park and measures an area of approximately 20.54 Ha:

- There is currently no municipal sanitary sewer fronting or in close proximity to these lands.
- The lands are within the Greenway/Adelaide WTP sewershed.
- The sanitary outlet for external lands north of Sunningdale Road is the 450mm diameter trunk sanitary sewer within the Foxhollow SWMF3. As planned the outlet available for these lands is the existing 375mm sanitary sewer at Tokala Trail and Bridgehaven Drive which discharges to the 450mm diameter trunk sanitary sewer within the Foxhollow SWMF3 which will ultimately outlet to the 600mm diameter sanitary trunk at Medway Crescent. The future extension of the 375mm diameter sanitary sewer within Creekview Subdivision going north is expected to be by way of a future oversizing claimed sanitary sewer.

As part of a complete application;

The Applicant is to demonstrate and provide sewer routing details (including depth) of how the intended lands can ultimately flow by way of a gravity sewer to the future 375mm oversized sanitary sewer and ultimately the existing 450mm diameter sanitary trunk sewer in the Foxhollow SWMF3, including timing and by whom.

SED recommends and supports holding provisions being applied until there is an adequate municipal outlet that has been extended, constructed and available.

Sanitary Engineering Division – June 18, 2020

Notice of Planning Application for Official Plan Amendment: 2631 Hyde Park Road and 1521 Sunningdale Road West O-9190, Auburn Developments Inc.

The subject lands 1521 Sunningdale Rd are located north of Sunningdale Rd and east of Hyde Park and measures an area of approximately 20.54 Ha and asking for an equivalent population of 1358 people:

- There is currently no municipal sanitary sewer fronting or in close proximity to these lands.
- The lands are within the Greenway/Adelaide WTP sewershed.
- As planned the outlet available for these lands is the existing 375mm sanitary sewer at Tokala Trail and Bridgehaven Drive which discharges to the 450mm diameter trunk sanitary sewer within the Foxhollow SWMF3 which will ultimately outlet to the 600mm diameter sanitary trunk sewer at Medway Crescent. The future extension of the 375mm diameter sanitary sewer within Creekview Subdivision going north is expected to be by way of a future oversizing claimed sanitary sewer.

This reply is to acknowledge our recent receipt of Auburn/Stantec's submission of their revised Preliminary Servicing Feasibility Study dated October 29, 2019 that contemplates a single alternative servicing strategy and is proposing a servicing option for a temporary pumping station and forcemain going east in non-standard location along Sunningdale Road which is not considered feasible and is not supportable.

As part of a complete application;

The Applicant is to demonstrate, in conformity with previously accepted area plans that are included in the revised preliminary servicing feasibility study, and provide sewer routing details (including depth) of how the intended lands can ultimately flow by way of a gravity sewer to the existing 450mm diameter sanitary trunk sewer in the Foxhollow SWMF3 and the timing and who will extend a future oversizing claimable 375mm diameter sanitary sewer within Creekview Subdivision north to Sunningdale Rd.

Holding provision is recommended to ensure there is an adequate municipal outlet that has been extended, constructed and available.

Stormwater Engineering Division – May 7, 2020

SWED staff have no additional SWM related comment to this Official Plan Amendment.

To progress the review process of this rezoning, SWED has consulted/considered the 61eotech/hydroG report provided with the application for information purposes only. Please see attached Initial Proposal Report comments issued November 5, 2018 (attached). Specific comments and/or approval of the report will be provided in the future as part of the development application.

Further to the above SWED would note that the report submitted by EXP for the development is a "Preliminary Geotechnical and Hydrogeological Investigation". Given the presence of the unevaluated wetland and UTRCA regulation limits, we suggest that Auburn/EXP scope out specific elements of a future detailed hydrogeological assessment report with the City of London and UTRCA.

Original IPR Comments – November 5, 2018

Stormwater Engineering Division of the Environmental and Engineering Services Department has reviewed:

- Request for Initial Proposal Review – 1521 Sunningdale Road West, prepared by Auburn Developments Inc., dated October 11, 2018; and
- Preliminary Servicing Feasibility Study – 1521 Sunningdale Road West, prepared by Stantec Consulting Ltd., dated September 25, 2018

We request that the following comments are addressed/included in the subsequent submission in accordance with the File Manager process:

General Comments/Information – Stormwater Management (SWM)

1. The current GMIS construction timing for the Fox Hollow SWM Facility #1 North Cell is 2019. This facility is currently in the detailed design stage.
2. Section 1.2 – Limitations of the Report – Please ensure that the latest Fox Hollow SWM #1 modifications brief dated September 15, 2015 by Stantec Consulting Inc. is reviewed and referenced in this section.
3. Please provide a statement addressing the 250 year major overland flow conveyance to the Fox Hollow SWM Facility #1 North Cell along with conceptual grades (existing and ultimate) that support the 250 year conveyance to the Fox Hollow SWM #1 North Cell facility.
4. Section 2.2 Storm – Stormwater Engineering does not support reducing the runoff coefficient of 0.2 for the remained catchment area for the Fox Hollow SWM #1 N Cell and increasing the functional design runoff coefficient from 0.41 to 0.63 for this development. Please revise this statement in the IPR.
5. The proposed lands would be subject to holding provisions to ensure the following;
 - a. Demonstrate the proposed routing for the minor and major storm flows servicing to the Fox Hollow SWM Facility #1 North Cell;
 - b. Storm sewer easement(s) are dedicated to the City of London over external lands, to the south of this plan, for the major and minor storm flows to the Fox Hollow #1 North Cell SWM Facility;
 - c. The proposed Fox Hollow #1 North Cell Stormwater Management Facility servicing this subdivision is constructed and deemed operational in accordance with the issued MECP ECA;
 - d. That a Water Balance Study is submitted as part of the complete application, the holding provision shall not be removed until the results of the study are accepted to the satisfaction of the City of London; and
 - e. That the development will not have any negative impacts on the groundwater system in the area, with specific attention given to any negative impacts on existing wells and nearby natural heritage features, a Hydrogeological Study shall be prepared by a qualified professional and submitted to the City to evaluate the potential impact of the proposed development to the hydrogeological environment, including area private wells, and provide recommendations for monitoring post construction impacts and possible mitigation measures to the satisfaction of the City Engineer prior to the removal of the holding provision. Any recommendations contained therein shall be incorporated into the subdivision agreement to the satisfaction of the City of London

All the above will be subject to the satisfaction of the City Engineer.

6. Section 2.1 – Sanitary – Stormwater Engineering does not support Option 3 trunk sanitary sewer alignment/routing through the Fox Hollow #1 North Cell SWM Facility and the existing wood lot.
7. As part of the complete submission package, please include the following:
 - - a. Finalized conceptual storm servicing strategy including alignments and required easements;
 - b. Confirmation of design grades (interim and ultimate) for Sunningdale Road to support the overland flow conveyance to the Fox Hollow SWM #1 North Cell.
 - c. Hydrogeological Report (including water balance and further details listed below);
 - d. Geotechnical report.

Hydrogeological Comments/Information – Stormwater Management (SWM) (Jeff Hachey)

Based on my review of this document and a cursory review of the conditions in the vicinity of the Site, a hydrogeological assessment report is recommended. The hydrogeological

assessment should be completed by a Qualified Professional (QP). Overall, the assessment report should be divided into the following sections:

1. Existing Conditions;
2. Impact Assessment; and
3. Mitigation.

Specific elements that the City of London would like addressed in the hydrogeological assessment include, but may not necessarily be limited to the following:

- Evaluation of the Site location, with respect to the overall geological and hydrogeological regime.
- Evaluation of the Site's locations with respect to the applicable Source Water Protection Areas, as identified in the Thames-Sydenham and Region Source Protection Plan and Assessment Report.
- Installation of boreholes and monitoring wells at appropriate locations, to assess the groundwater conditions and hydrogeological regime.
- Evaluation of the hydrogeological regime, including specific aquifer properties, static groundwater levels, and groundwater flow direction(s). Seasonality effects should be considered when evaluating the hydrogeological regime of the Site. Seasonality will be particularly important if Low Impact Development (LIDs) are being considered, however the reported elevated groundwater table may limit the use of LIDs.
- Evaluation of potential natural heritage features at the Site or in the vicinity of the Site, which may be impacted by the development (both short term, and long term).
- Evaluation of water quality characteristics (both groundwater and surface water, if applicable), and the potential interaction between shallow groundwater and surface water features if applicable). If applicable, groundwater discharge areas (i.e., baseflow) should be evaluated as part of the report.
- Evaluation of potential nearby domestic wells, potentially supplemented by a door-to-door domestic water well survey if necessary.
- Completion of a water balance for the proposed development, including incorporation of LIDs to manage stormwater flows (if applicable), and an evaluation of the potential impacts of the Site's water balance on potential nearby features.

Once the final Draft Plan is established further evaluation will be required, likely at the detailed design stage, which may include but may not necessarily be limited to the following:

- Details and discussion regarding LID considerations proposed for the development (if applicable).
- Discussion related to the water taking requirements to facilitate construction (i.e., PTTW or EASR be required to facilitate construction), including sediment and erosion control measure and dewatering discharge locations.
- Evaluation of construction related impacts, and their potential effects on the shallow groundwater system.
- Evaluation of construction related impacts, and their potential effects nearby domestic water wells (if present) and/or impacts on local significant natural features.
- Discussion regarding mitigation measures associated with construction activities specific to the development (e.g., specific construction activities related to dewatering).
- Development of appropriate short-term and long-term monitoring plans (if applicable).
- Development of appropriate contingency plans (if applicable), in the event of groundwater interference related to construction.

Upper Thames River Conservation Authority – May 8, 2020

Dear Mr. Corby:

Re: File No. O-9190 - Official Plan Amendment – UTRCA Comments
Applicant: Auburn Developments Inc.
1521 Sunningdale Road West & 2631 Hyde Park Road, 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 (2020, PPS)*. The *Upper Thames River Source Protection Area Assessment Report* has also been reviewed in order to confirm whether the subject lands are located in a vulnerable area. The Drinking Water Source Protection information is being disclosed to the Municipality to assist them in fulfilling their decision making responsibilities under the *Planning Act*.

PROPOSAL

As per the Planning Justification Report (Zelinka Priamo, November 13, 2019), the subject lands are designated Open Space/Green Space and were intended to be used as a cemetery. However, because of the high ground water levels on the site this use is no longer considered to be feasible. The applicant is therefore requesting that the Official Plan/London plan be amended to redesignate the lands as Low density Residential/Neighbourhood Place Type to allow for a residential subdivision.

CONSERVATION AUTHORITIES ACT

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 (MNR) 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 the application is 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 conforms 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 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

As shown on the enclosed mapping, the subject lands are regulated by the UTRCA in accordance with Ontario Regulation 157/06, made pursuant to Section 28 of the *Conservation Authorities Act*. The regulation limit is comprised of a wetland hazard and the area of interference surrounding a wetland which includes a wetland feature that is located on the adjacent lands to the north. The UTRCA has jurisdiction over lands within the regulated area and requires that landowners obtain written approval from the Authority prior to undertaking any site alteration or development within this area including filling, grading, construction, alteration to a watercourse and/or interference with a wetland.

Please be advised that in cases where a discrepancy in the regulation limit mapping occurs, the text of the regulation prevails and a feature identified on the landscape may be regulated by the Conservation Authority.

UTRCA ENVIRONMENTAL PLANNING POLICY MANUAL (2006)

The UTRCA's Environmental Planning Policy Manual is available online at:
<http://thamesriver.on.ca/planning-permits-maps/utrca-environmental-policy-manual/>
NATURAL HAZARDS

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.

3.2.6 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.

While the Planning Justification Report (p.13) suggests that *The City of London Official Plan does not identify any natural features on the subject lands*, the *Preliminary Geotechnical and Hydrogeological Investigation for the Mount Pleasant Lands* (p.26) prepared by exp dated February 2020, has identified a *small wooded area (is) located in the west part of the north property line and is designated as Unevaluated Wetland (UW) on the City of London's Natural Heritage Map 5.*

Accordingly the UTRCA will require an EIS, prepared by a qualified consultant. The EIS and a Subject Land Status Report should be scoped with UTRCA and City of London staff, to evaluate the natural hazard and natural heritage features and their functions on the property.

The *Preliminary Geotechnical and Hydrogeological Investigation for the Mount Pleasant Lands* prepared by exp dated February 2020 was not scoped with the UTRCA and does not meet our submission requirements. Again we encourage the applicant to arrange a scoping meeting which includes the City's and the UTRCA's hydrogeologists.

NATURAL HERITAGE

The UTRCA provides technical advice on natural heritage to ensure an integrated approach for protecting the natural environment consistent with the PPS. The linkages and functions of water resource systems consisting of groundwater and surface water features, hydrologic functions and the natural heritage system are necessary to maintain the ecological and hydrological integrity of the watershed. The PPS also recognizes the watershed as the ecologically meaningful scale for integrated and long-term planning which provides the foundation for considering the cumulative impacts of development.

The UTRCA's natural heritage policies are consistent with the PPS and those which are applicable to the subject lands include:

3.3.2 Wetland Policies

New development and site alteration is not permitted in wetlands. Furthermore, new development and site alteration may only be permitted in the adjacent lands of a wetland if it can be demonstrated through the preparation of an Environmental Impact Study (EIS) that there will be no negative impact on the feature or its ecological function.

Technical Report

The UTRCA has reviewed ***Preliminary Servicing Feasibility Study – 1521 Sunningdale Road West (Mt Pleasant)*** prepared by Stantec dated September 25, 2018 which was submitted for a Proposal Review Meeting that was scheduled for November 7, 2018 and was subsequently cancelled. We have compared that report with the revised Stantec submission dated October 29, 2019 and offer the following comments:

1. The quantity and quality control for storm runoff will be provided by the Fox Hollow SWM facility SWMF 1N only if the imperviousness of the site, as mentioned, is kept at 0.41. Quantity and quality control will have to be provided on site if the co-efficient for the proposed development is greater than the 0.41.
2. Figure No. 3 titled “Post-Development Drainage Plan” by Stantec shows drainage area 2011 which is approximately 45.2 ha and includes the subject site. However, drainage area 2011 does not show a portion of the lands located just south of the City of London boundary and east of the Hyde Park Road in the north west corner. This area appears to be situated outside of drainage area 2011 and should be considered in the SWM plan for this site development.
3. There appears to be an existing pond located just east of the Hyde Park Road and south of the City boundary. Please consider this pond in the SWM design of the site and indicate how it will be dealt with.
4. Please consider external areas contributing runoff to the site in the SWM design for the site.
5. There is an existing wetland on the site and an EIS will be required to determine the required setbacks to protect the feature and its functions. A Hydrogeological Assessment and Water Balance Analysis will also be required for base flow requirements for the wetland.
6. Please consider the effects, if any, of the groundwater recharge etc. on the proposed SWM infrastructure proposed for the development.
7. We note that the Concept Plan in Appendix A of the 2019 Servicing Feasibility Study is very different from that included in 2018 submission. Given that the necessary technical studies (EIS, Hydrogeological Assessment) have yet to be completed, the UTRCA objects to the revised concept plan which does not protect the wetland that is located on the site and which shows a proposed road layout crossing into the wetland located on the adjacent lands to the north. Please remove Drawing 1 Concept Plan in Appendix A from the 2019 study and the submission package.

DRINKING WATER SOURCE PROTECTION: *Clean Water Act*

The subject lands have been reviewed to determine whether they are located within a vulnerable area (Wellhead Protection Area, Highly Vulnerable Aquifer, and Significant Groundwater Recharge Areas). They are located within a vulnerable area and 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 & REQUIREMENTS

The subject lands are regulated by the UTRCA and Section 28 approvals will be required for the proposed development. It is our understanding that the City of London has agreed to allow this application to proceed without requiring the preparation of an EIS and a Hydrogeological Assessment at this time. This approach is not consistent with the Conservation Authority’s process whereby the necessary technical reports (i.e. EIS, Hydrogeological Assessment and Water Balance Report) are prepared and submitted as part of a complete application.

City staff have identified/mapped an area on the subject lands (please see enclosed) which they are recommending be designated and zoned Environmental Review. This is intended to provide adequate protection for the wetland hazard and the woodland feature and their functions, and requires that the necessary technical studies are

prepared for those lands before development can proceed. Given this City staff recommendation, the UTRCA will not object to the Official Plan Amendment application. Furthermore, given our concerns regarding the revised concept plan including the lack of protection of the wetland and woodland features and the proposed road layout which extends north on to the lands which include a large wetland, we recommend that the concept plan be removed from the submission package including the preliminary servicing feasibility study. The necessary technical studies have yet to be completed and therefore this configuration is premature and cannot be supported. We encourage the applicant to arrange the necessary scoping meetings for the technical studies with City and UTRCA staff.

Parks Planning and Design – May 13, 2020

Parks Planning and Design staff have reviewed the submitted Zoning By-law amendment application and notes the following:

- Parkland dedication will be calculated at 5% of the total site area and may be satisfied through the dedication of natural heritage lands and/or a cash-in-lieu payment at the time of site plan (building permit) pursuant to the values in By-law CP-9.
- Natural Heritage boundaries and buffers will be set through the completion of an approved EIS. Parks staff wishes to have discussions with the applicant upon the completion of the approved EIS.

Water Engineering – May 14, 2020

The lands will be part of the Hyde Park high pressure zone. However, there currently is no water servicing or pump capacity available for these lands. Future servicing capacity was not considered as part of the budget for upgrades in 2021. Therefore, capacity for these lands will be considered as part of future Development Charges work.

Furthermore, given that the report is not yet required we do not require any changes. However, we offer the following (incomplete) set of comments is offered in advance of its official submission during the Draft Plan stage to help with its acceptance at that time:

1. There would have to be a servicing study to identify whether or not there is sufficient capacity within the Hyde Park PS and the pipes which are in place already to service these lands
2. The servicing brief identifies two options for extending servicing to this site via a single high level connection. The future connection which is not yet constructed through the street connecting to Sunningdale is a small diameter main (i.e. 50mm). it may be possible to extend the 300mm watermain from Fair Oaks Blvd along Sunningdale Road. The connection point to the 300mm watermain on Fair Oaks Blvd would need to be on the south side (HL) of the check valve chamber. This would provide a single connection to the site. But, how many units are there in the proposed development – does it require looping? Assuming there are more than 80 units proposed, 2 water service connections would be required, but this does not seem to be noted in the servicing report
3. There is only one road connection from the development to Sunningdale Road, assumes this means 1 water servicing connection proposed?

Heritage/Archeological – May 29, 2020

The property has been LISTED on the City's Register, and as a future cemetery, it has been identified as having potential cultural heritage value or interest. There are currently no burials on the property. Note that all cemeteries in the City of London are LISTED or designated pursuant to the *Ontario Heritage Act*. As per *The London Plan* (policy 586), development on or adjacent (currently defined as contiguous) to any LISTED property requires an evaluation of the property (in the form of a heritage impact assessment – HIA) to demonstrate that the heritage attributes of the property will be conserved; this is regardless of the current or future use of the property. The Planning Justification Report indicates however, that “the physical conditions of the subject lands have been demonstrated to be unsuitable for a cemetery, and [that the] Mount Pleasant Cemetery has relinquished their interest in developing the lands for a cemetery....” (p6).

Never-the-less, until the LISTED status of the the property is removed, **a heritage impact assessment will be required at subdivision – draft plan approval.**

- This evaluation should respond to information requirements in the Ministry's *InfoSheet #5*. Note that this evaluation should clearly articulate the cultural heritage value or interest of the heritage resource.
- The HIA should be prepared by a heritage planner or a heritage consultant who is familiar with the scope and content of an HIA, preferably a member of the Canadian Association of Heritage Professionals (CAHP).
- Resumes of those involved in preparing the HIA should be included.

Archaeological Potential is also identified on the City's mapping on the subject lands as described in the submitted Planning Justification Report (PJR). Soil disturbance is anticipated in the future due to development of the lands.

As/per the *Provincial Policy Statement* (2020), “[d]evelopment and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved (2.6.2).

The City's official plan, *The London Plan*, states that “[d]evelopment and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved. Preservation of the archaeological resources on site is the preferred method, but in some cases, conservation can occur by removal and documentation.” (661_)

Section VI of the *Ontario Heritage Act* (R.S.O. 1990 as amended) sets out the parameters for archaeological assessments.

An archaeological assessment Stage1-2 will be required prior to any soil disturbance occurring on the above subject lands. Requirements for an archaeological assessment include the following:

- The proponent shall retain a consultant archaeologist, licensed by the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTC) under the provisions of the *Ontario Heritage Act* (R.S.O. 1990 as amended) to carry out a Stage 1-2 archaeological assessment of the subject lands and follow through on recommendations to mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found (Stages 3-4).
 - The archaeological assessment must be completed in accordance with the most current Standards and Guidelines for Consulting Archaeologists, Ministry of Tourism, Culture and Sport.
- All archaeological assessment reports will to be submitted to the City of London once the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries has accepted them into the Public Registry; both a hard copy and PDF format of archaeological reports should be submitted to Development Services.

- No soil disturbance arising from demolition, construction, or any other activity shall take place on the subject property prior to Development Services receiving the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries compliance letter indicating that all archaeological licensing and technical review requirements have been satisfied.
- If an archaeological assessment has already been completed and received a compliance letter from the Ministry, the compliance letter along with the assessment report may be submitted for review to ensure they meet municipal requirements.

Additional Comments related to archeological assessment:

- It is an offence under Section 48 and 69 of the *Ontario Heritage Act* for any party other than a consultant archaeologist to make alterations to a known archaeological site or to remove any artifact or other physical evidence of past human use or activity from an archaeological site.
- Should previously undocumented (i.e. unknown or deeply buried) archaeological resources be discovered, they may be a new archaeological site and therefore be subject to Section 48(1) of the *Ontario Heritage Act*. The proponent or person discovering the archaeological resources must cease alteration of the site immediately and engage a consultant archaeologist to carry out archaeological fieldwork, in compliance with Section 48(1) of the *Ontario Heritage Act*. Archaeological sites recommended for further archaeological fieldwork or protection remain subject to Section 48(1) of the *Ontario Heritage Act* and may not be altered, or have artifacts removed from them, except by a person holding an archaeological license.
- If human remains/or a grave site is discovered, the proponent or person discovering the human remains and/or grave site must cease alteration of the site immediately. The *Funerals, Burials and Cremation Services Act* requires that any person discovering human remains must immediately notify the police or coroner and the Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, Ontario Ministry of Government and Consumer Services

Appendix E – Policy Context

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

Provincial Policy Statement, 2020

The applicable policies are listed in below with key elements underlined that would best be addressed through a comprehensive review:

- 1.1.1 Healthy, liveable and safe communities are sustained by:
 - a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
 - d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
 - e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
 - g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- 1.1.3.6 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.
- 1.1.3.7 Planning authorities should establish and implement phasing policies to ensure:
 - a) that specified targets for intensification and redevelopment are achieved prior to, or concurrent with, new development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.
 - b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities required to meet current and projected needs.
- 1.2.1 A coordinated, integrated and comprehensive approach should be used when dealing with planning matters within municipalities, across lower, single and/or upper-tier municipal boundaries, and with other orders of government, agencies and boards including:
 - a) managing and/or promoting growth and development that is integrated with infrastructure planning;
 - c) managing natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources;

- g) population, housing and employment projections, based on regional market areas;
- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
 - a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans.
 - c) directing 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;
 - promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- 1.5.1 Healthy, active communities should be promoted by:
 - a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;
 - b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- 1.6.1 Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they are:
 - a) financially viable over their life cycle, which may be demonstrated through asset management planning; and
 - b) available to meet current and projected needs.
- 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.
- 1.6.6.1 Planning for sewage and water services shall:
 - b) ensure that these systems are provided in a manner that:
 - 3. Is feasible and financially viable over their lifecycle
 - d) integrate servicing and land use considerations at all stages of the planning process;
 - 1.6.6.7 Planning for sewage and water services shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- 1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.

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

1989 Official Plan and The London Plan policies outlining why a Comprehensive Review process should be required:

- 43_ It is intended that the policies of this Plan will allow for a reasonable amount of flexibility through implementation, provided that such interpretation represents good planning and is consistent with the policies of this Plan and the Provincial Policy Statement.
- 59_ Direction #5 Build a mixed-use compact city
 - 5. Ensure a mix of housing types within our neighbourhoods so that they are complete and support aging in place.
 - 6. Mix stores, restaurants, clean industry, live-work arrangements and services in ways that respect the character of neighbourhoods, while enhancing walkability and generating pedestrian activity.
- 60_ Direction #6 Place a new emphasis on creating attractive mobility choices
 - 7. Utilize a grid, or modified grid, system of streets in neighbourhoods to maximize connectivity and ease of mobility.
- 61_ Direction #7 Build strong, healthy and attractive neighbourhoods for everyone
 - 2. Design complete neighbourhoods by meeting the needs of people of all ages, incomes and abilities, allowing for aging in place and accessibility to amenities, facilities and services.
 - 3. Implement “placemaking” by promoting neighbourhood design that creates safe, diverse, walkable, healthy, and connected communities, creating a sense of place and character.
 - 4. Distribute educational, health, social, cultural, and recreational facilities and services throughout the city so that all neighbourhoods are well-served.
 - 9. Integrate well-designed public spaces and recreational facilities into all of our neighbourhoods.
- 62_ Direction #8 Make wise planning decisions
 - 1. Ensure that all planning decisions and municipal projects conform with The London Plan and are consistent with the Provincial Policy Statement.
 - 3. Think “big picture” and long-term when making planning decisions – consider the implications of a short-term and/ or site-specific planning decision within the context of this broader view.
 - 6. Plan for an affordable, sustainable system of infrastructure that will support the implementation of this Plan.
- NEIGHBOURHOODS 143_ Our city is made up of an integrated collection of neighbourhoods that can be described as the ‘cellular level’ of our city. To allow for some flexibility in the consideration of neighbourhoods, The London Plan does not map out definitive neighbourhood boundaries. For the purposes of this Plan, neighbourhoods will be defined as geographic areas where people live, that are typically bounded by major streets, rail lines, rivers, creeks, natural heritage features, or other major physical features. In addition, neighbourhoods often include places where people shop, work, worship, go to school and recreate. Neighbourhoods may be characterized by properties that exhibit an identifiable character and style of development. Neighbourhoods may vary in scale, from a collection of lots to a large subdivision.
- GROWTH SERVICING 167_ All municipal services will be planned on a ‘systems basis’ – considering the entire system when planning for a single segment.

- 170_ Development will be allowed, within the Urban Growth Boundary, only where the City has the ability and financial capacity to provide infrastructure services in accordance with the Development Charges By-law and capital budget and to meet provincial environmental standards governing municipal services.
- 198_ All proposals for new neighbourhoods will be required to establish a vision to guide planning for their character and sense of place.
- (Under Appeal) 199_ All planning and development proposals within existing and new neighbourhoods will be required to articulate the neighbourhood's character and demonstrate how the proposal has been designed to fit within that context.
- (Under Appeal) 203_ Neighbourhoods should be planned to include one or more identifiable and accessible focal points that contributes to the neighbourhood's character and allows for community gathering.
- STREET NETWORK (Under Appeal) 212_ The configuration of streets planned for new neighbourhoods will be of a grid, or modified grid, pattern. Cul-de-sacs, dead-ends, and other street patterns which inhibit such street networks will be minimized. New neighbourhood street networks will be designed to have multiple direct connections to existing and future neighbourhoods.
- 249_ Neighbourhoods will be designed with a high-quality public realm, composed of public facilities and public spaces such as parks, squares, sitting areas and streets.
- TEMPORARY SERVICING 476_ In general, the City does not support the use of temporary servicing systems and shall discourage and restrict their usage. (Note: All of the requirements listed in the policy for temporary servicing are not met).
- 1166_ All applications will also be reviewed based on the degree to which the proposal conforms with the Our Strategy, City Structure and City Building policies of this Plan.
- 1730_ The adoption of policies for Specific Areas may be considered in limited circumstances where the following conditions apply:
 - 1. The proposal meets all other policies of the Plan beyond those that the specific policy identifies.
 - 2. The proposed policy does not have an adverse impact on the integrity of the place type policies or other relevant parts of this Plan.
 - 3. The proposed use is sufficiently unique and distinctive such that it does not establish an argument for a similar exception on other properties in the area.
 - 4. The proposed use cannot be reasonably altered to conform to the policies of the place type.
 - 5. The proposed policy is in the public interest, and represents good planning.
- 1731_ Policies for Specific Areas will not be permitted if there is no distinguishing or unique features of the site that would require the specific area policy or where they would establish the specific area policy or where they would establish an argument of prescient for similar specific area policies.

1989 Official Plan and The London Plan policies outlining Secondary Plan policies. The applicable policies are listed below with key elements underlined that would best be addressed through a secondary plan:

- SECONDARY PLANS 147_ Secondary plans will be undertaken by the municipality to provide for comprehensive assessment and planning for specific areas of the city.
- 150_ All secondary plans will be supported by a complete analysis of the costs and revenues of planned growth and any necessary updates to the Growth Management Implementation Strategy or Development Charges Study.
- PURPOSE OF SECONDARY PLANS 1556_ Where there is a need to elaborate on the parent policies of The London Plan, or where it is important to coordinate the development of multiple properties, a secondary plan may be prepared by the City of London. Secondary plans will allow for a comprehensive study of a secondary planning area, considering all of the City Building and Environmental Policies of this Plan. It will also allow for a coordinated planning approach for the secondary planning area and the opportunity to provide more detailed policy guidance for the area, that goes beyond the general policies of The London Plan.
- 1557_ Secondary Plans may be applied to areas of varying sizes – from large planning districts and neighbourhoods to small stretches of streetscape or even large individual sites. Areas that may warrant the preparation and adoption of a secondary plan include:
 - 1. Areas that require a coordinated approach to subdivision development.
 - 9. Areas where a coordinated approach to the development of multiple properties is required for a specific planning and design objective.
- 1561_ A secondary plan will consist of policies and maps that provide more specific direction than that offered by the general policies of this Plan. A secondary plan may include policies, illustrations and maps for such things as:
 - 1. The vision for the secondary planning area, addressing the City Design and relevant Place Type policies of this Plan.
 - 2. A community structure plan and design concept and associated policies – conveyed in text and/or illustrations.
 - 3. A plan for protecting and sustaining natural heritage areas.
 - 4. A cultural heritage conservation mitigation plan.
 - 5. The planned mobility network, including the street layout and design, and pedestrian, cycling and transit routes and infrastructure and amenities.
 - 6. A plan for the land use mix, development form, and development intensity.
 - 7. A parks, open space, and public facilities plan.
 - 8. Tree conservation and tree planting plan to implement the Urban Forestry Strategy.
 - 9. A development staging plan, forecasting the timing for build-out of the lands based on projected city-wide residential and non-residential construction.
 - 10. A civic infrastructure plan, including a phasing and financial plan relating to these services in accordance with asset management best practices.

- 11. An affordable housing strategy for the secondary planning area, in conformity with the Homelessness Prevention and Housing policies of this Plan.

The 1989 Official Plan

- ii) Secondary Plans will also provide for the co-ordination of development among multiple land owners and provide direction for:
 - (a) the delineation, protection and management of natural heritage areas;
 - (b) the location and size of parks, schools and other community facilities;
 - I housing mix and densities;
 - (d) municipal services;
 - I the phasing of development;
 - (f) pedestrian and bicycle routes;
 - (g) transit routing and supportive facilities;
 - (h) site and subdivision design criteria;
 - (i) local road access points to arterial and collector roads;
- vi) Secondary Plans shall provide for the staging of development to make efficient use of built services, facilitate planning for the delivery of new services, and minimize the gap between major servicing expenditures and the recovery of costs through development charges.
- SECONDARY PLANS 19.2.1 Council may direct that a Secondary Plan be prepared if the land use characteristics of a specific area, and its potential for development or change, warrant a review, refinement, or elaboration of Official Plan policies:
 - i) A Secondary Plan may be developed to provide Official Plan policies to be used in the review of development proposals and as the basis for zoning by-law amendments for a specific area. Secondary Plans may also be developed to provide Official Plan policies to implement a vision or design concept for a specific area, and provide a greater level of detail than the general policies of the Official Plan. A Secondary Plan may include a Land Use Schedule for the specific area. Examples of areas that may warrant the preparation and adoption of a Secondary Plan include:
 - I areas that require a co-ordinated approach to subdivision development;
 - ii) A secondary plan will normally consist of policies and/or Schedules that provide a more detailed approach to land use planning matters than are contained in the general policies of this Plan for the Secondary Plan area. Among the matters that may be addressed in the policies of the Secondary Plan are land use mix and compatibility, road alignments, municipal services, minimum and maximum, public and private utilities, residential densities, road access points, location of parks and community facilities, buffering concerns, location of pedestrian and bicycle routes, building conditions urban design, the natural heritage system and the suitability of existing development requirements.

1989 Official Plan and The London Plan policies outlining the policies to designate land for Future Community Growth and Urban Reserve Community Growth:

The London Plan (in force and effect policies, unless otherwise identified)

- 148_ The Environmental Review and Future Growth Place Types may be applied to lands that are added to the Urban Growth Boundary until such time as a City-initiated secondary plan is prepared. (Note: While the lands are included within the Urban Growth Boundary, re-designation from Green Space/Open Space effectively adds developable lands that were not previously contemplated for urban uses).
- 1153_ The Future Growth Place Types establish City Council's intent for future urban development on the lands to which they are applied. The Future Growth Place Types establish this intent, while ensuring that development does not occur until such time as the necessary background studies are completed and a comprehensive and coordinated plan is prepared for the entire area that conforms with the policies of this Plan.
- 1154_ While it is recognized that lands within the Future Growth Place Types will ultimately be developed, it will be considered premature to apply individual place types in support of development until such time as the necessary planning is undertaken to address all lands within a Future Growth Place Type comprehensively.
- 1159_ A restrictive approach shall be taken to lot creation and other forms of development in the Future Growth Place Types in order to avoid patterns of land ownership and land use that will detract from the intended comprehensive and coordinated planning process.
- 1160_ A secondary plan will be prepared to determine the appropriate place type(s) to be applied to these lands, through an amendment to this Plan, and to guide the long-term management and approval of growth.
- 1162_ Future Growth Place Types will be applied to lands that are added to the Urban Growth Boundary and to large areas of land that may require comprehensive planning to support a transition from one range of uses to another.
- PLANNING AND DEVELOPMENT APPLICATIONS 1164_ All planning and development applications, as defined in the Our Tools part of this Plan, will be evaluated based on the following:
 - 3. Proposals to amend the Future Growth Place Type in favour of another Urban Place Type will require a secondary plan, unless it can be clearly demonstrated that all of the following criteria are met:
 - b) The lands are separated by physical barriers from any other lands that are within a Future Growth Place Type.
 - c) The lands can be adequately planned without the need for a secondary plan to coordinate community design, natural heritage preservation, street layout, civic infrastructure, parks, conservation of cultural heritage resources, or other matters that a secondary plan would address.
 - d) The proposed development would not adversely affect the long-term planning of the surrounding lands.

The 1989 Official Plan

- The 1989 Official Plan contemplates lands being designated as Urban Reserve Community Growth prior to the completion of a secondary plan. Although there is some flexibility for applying other land use designations without the completion of a secondary plan, this flexibility must be weighed against impacts on surrounding lands and associated planning processes. As a result, the 1989 Official Plan policies support the re-designation of the subject lands to Urban Reserve Community Growth.
- The applicable policies are listed below with key elements underlined that would best be addressed through a re-designation to Urban Reserve Community Growth:
 - AREA PLANNING 2.6.9
 - i) Vacant lands within the Urban Growth Area may be placed in the Urban Reserve designation pending the completion of a Secondary Plan as provided for in Chapter 19 of this Plan. A Secondary Plan will provide the basis for an Official Plan amendment that will:
 - (a) identify or refine environmental features and natural resources in conformity with the applicable Official Plan policies; and,
 - (b) identify collector roads.
 - viii) Until such time as a Secondary Plan has been approved and the subject lands have been appropriately designated for development, vacant lands within the Urban Growth Area will be placed in the Urban Reserve designation.
 - OBJECTIVES FOR URBAN RESERVE DESIGNATION 9.1.3 The use of areas designated Urban Reserve shall be directed towards the following objectives:
 - i) Provide for a degree of guidance with respect to the designation and future use of large, undeveloped parcels of land which may be proposed for urban development.
 - ii) Provide a process for developing detailed land use patterns for areas designated “Urban Reserve.”
 - SITE SPECIFIC AMENDMENTS 9.4.4 The preferred approach to planning areas designated “Urban Reserve” is through the Secondary Plan process as described in Section 19.2. Council may, however, review and adopt site specific Official Plan Amendments for lands designated “Urban Reserve” provided it does not negatively affect the community planning process on surrounding lands.

Additional Policies:

The London Plan:

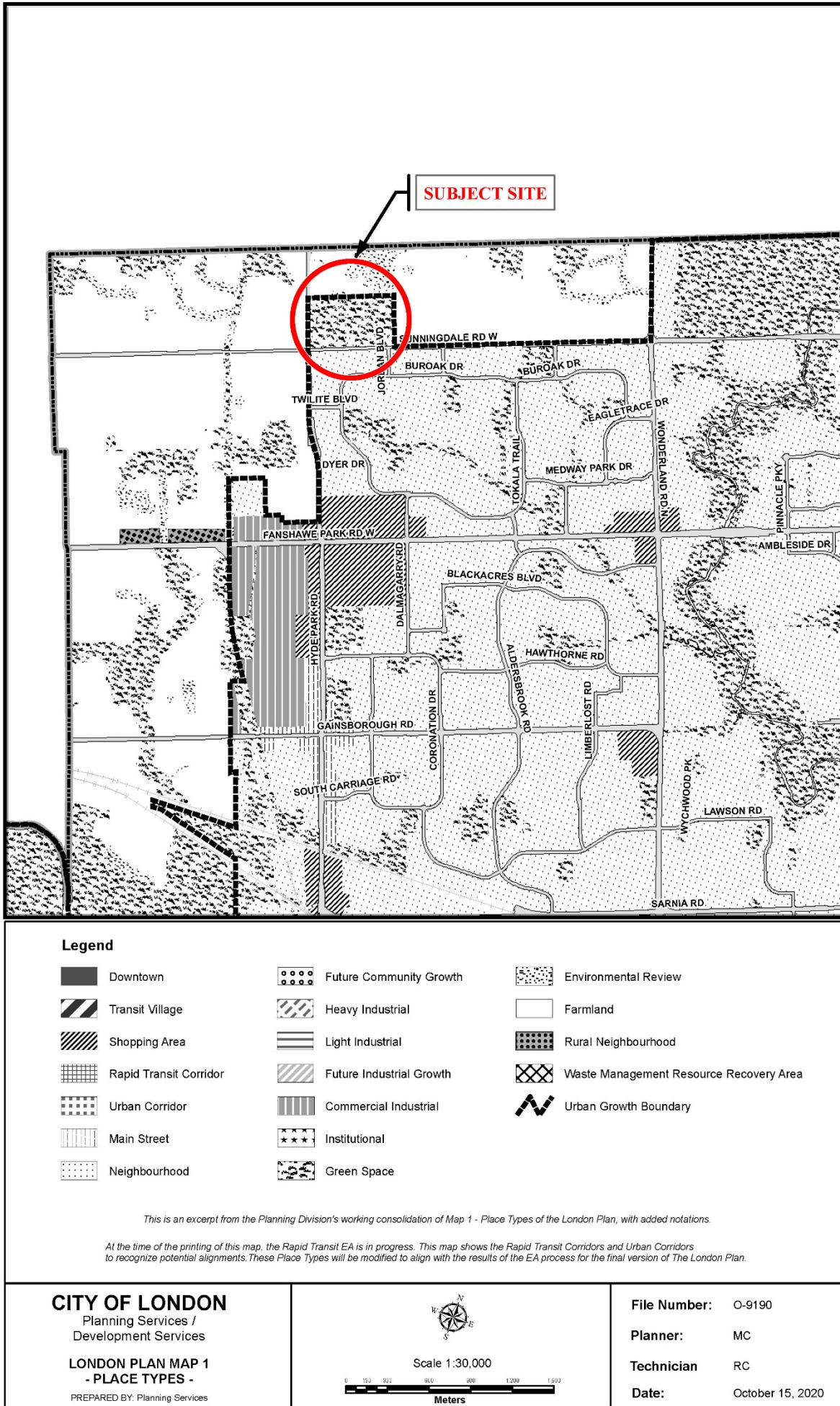
Future Community Growth
Environmental Review

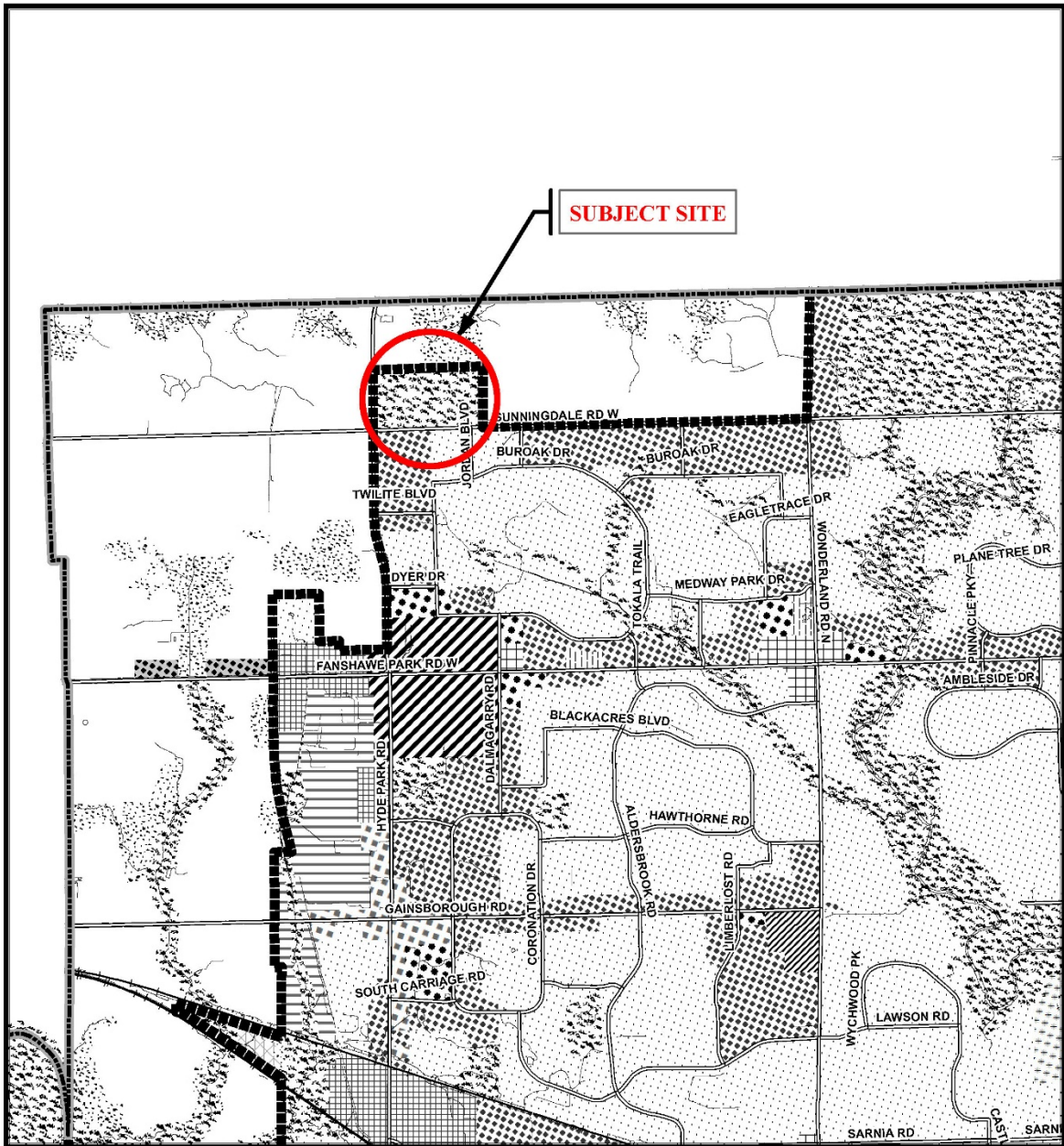
1989 Official Plan:

Urban Reserve Community Growth
Environmental Review

Appendix F – Relevant Background

Additional Maps



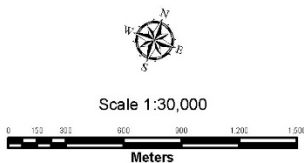


Legend

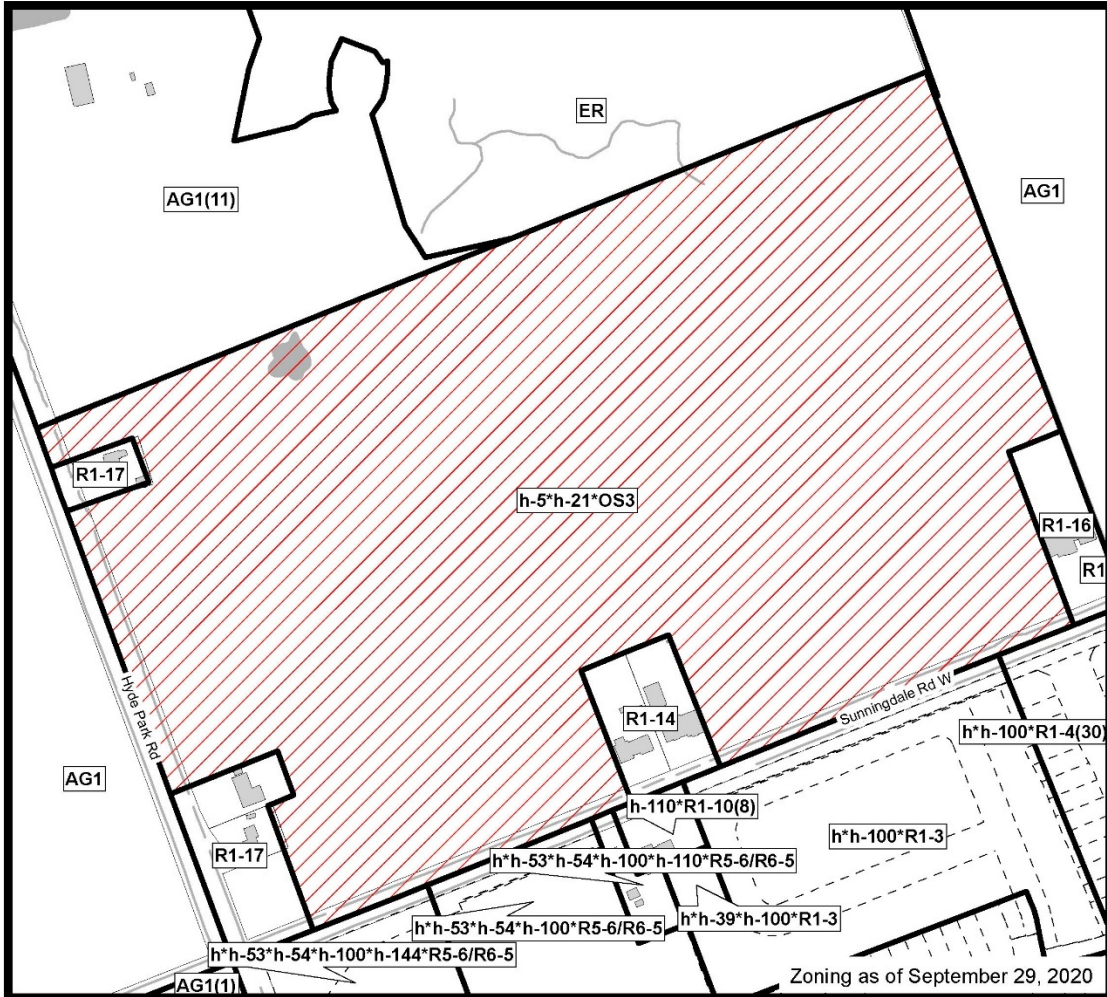
- | | |
|--|-----------------------------------|
| Downtown | Office Business Park |
| Enclosed Regional Commercial Node | General Industrial |
| New Format Regional Commercial Node | Light Industrial |
| Community Commercial Node | Regional Facility |
| Neighbourhood Commercial Node | Community Facility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

CITY OF LONDON
 Department of
 Planning and Development
 OFFICIAL PLAN SCHEDULE A
 - LANDUSE -

PREPARED BY: Graphics and Information Services



FILE NUMBER: O-9190
PLANNER: MC
TECHNICIAN: RC
DATE: 2020/10/15



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| | LI - LIGHT INDUSTRIAL |
| DA - DOWNTOWN AREA | GI - GENERAL INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| NSA - NEIGHBOURHOOD SHOPPING AREA | UR - URBAN RESERVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | |
| AC - ARTERIAL COMMERCIAL | AG - AGRICULTURAL |
| HS - HIGHWAY SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | RRC - RURAL SETTLEMENT COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | TGS - TEMPORARY GARDEN SUITE |
| SS - AUTOMOBILE SERVICE STATION | RT - RAIL TRANSPORTATION |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

O-9190

MC

MAP PREPARED:

2020/10/21

RC

1:3,750

0 1530 60 90 120

Meters

PUBLIC PARTICIPATION MEETING COMMENTS

3.2 PUBLIC PARTICIPATION MEETING – 2631 Hyde Park Road and 1521 Suningdale Road West (O-9190)

- Councillor Squire: Staff report. Just to be clear Mr. Corby, we're trying to be more precise about this stuff, it's on page 304 of the Added Agenda? Am I right?
- Mike Corby, Senior Planner: I don't have the Added Agenda up, sorry, I just have my.
- Councillor Squire: I think that's correct so Committee Members don't expect to see it on your screen. It's in paper form. Am I right? So Councillor Hillier do you have this?
- Councillor Hillier: Yes, I do. It's in the e-mail. Sorry, if you are on escribe, it's in the attachment, it's the last one down, added presentation. If you click on it, it's a very nice presentation you can look at.
- Councillor Squire: Alright. I just wanted to make sure that because I've been a little lax on this in the past, making sure that all Committee Members actually have the presentation and are looking at it as we move ahead. Sorry Mr. Corby. Go ahead now that we are done that. Thank you very much. Technical questions only please. Councillor Hillier. Technical questions please.
- Councillor Hillier: Yes. Thank you. I'm just looking at the isolation of this lot and I'm wondering can the adjacent or sorry the adjacent storm sewers and waste sewers support this?
- Councillor Squire: Staff?
- Matt Feldberg, Manager, Development Services (Subdivisions): Thank you and through the Chair, so there is, through the OPA review, we have looked at it but our Engineering staff are looking for holding provisions to be placed over top of the property as the ultimate capacity for the area has not been addressed through this particular application.
- Councillor Squire: Again, technical questions only. Councillor Morgan. By the way, you are here because this property is within your Ward so I just thought I would give you that introduction.
- Deputy Mayor Morgan: Thanks for the introduction Chair. My technical question is about the presentation, in a section of the presentation, Mr. Corby mentions the possibility of the Urban Growth Boundary review and he said that was scheduled in, I heard 2020 so I'm wondering if he can clarify the date that he intended that would happen and then I have a couple of questions about that process if that's appropriate at this time, Mr. Chair.
- Mike Corby, Senior Planner: Through you Mr. Chair, I will clarify. That is 2022, my apologies, when I was typing it out I knew I was going to say 2020 but I thought I said 2022 so sorry it is then.
- Councillor Squire: Go ahead.
- Deputy Mayor Morgan: Mr. Chair I will ask your advice on this, I have a couple of questions about that part of the process. Would you prefer I wait until after the public participation or do you see that as technical?

- Councillor Squire: I think that's probably technical if you would like to do it now. Thanks for asking. Most, this, Members of this Committee never ask my permission to do anything so it's a really nice change.
- Deputy Mayor Morgan: Well you're welcome for that. I know the basis of the staff recommendation is grounded in the idea that you can do a Secondary Plan on a larger block of land and my understanding is that the lands adjacent to this are considered Tier 1 lands and I would like to confirm that with our staff and I guess I'd also like to understand, you said when the review would happen in 2022 but how long does it actually take if you were to go through this process to get to an application like this with a Secondary Plan. What's the estimated time frame that we would be looking at on that?
- Paul Yeoman, Director, Development Services: Through you Mr. Chair, it's Paul Yeoman. Happy to answer those questions. The first is that the City actually doesn't have defined tiering of lands for lands outside of the Urban Growth Boundary. We did have a review that was done, I believe it was in 2013 which actually did look at some candidate sites outside of the Urban Growth Boundary if Council was interested at the time of taking lands out of the Urban Growth Boundary and bringing others in. Lands to the immediate East of these lands were identified as a candidate opportunity at that time and we know there's a significant demand in the Northwest part of the city. In terms of the broader perspective, the Urban Growth Boundary discussion is likely to take a year or a little bit longer than that more than likely. Secondary planning process is about a year as well, two, if not a little bit more to so again it would be looking at the lands wholistically as the piece within the greater whole.
- Deputy Mayor Morgan: I think that's it for my questions at this part. Thank you Mr. Chair.
- Councillor Squire: Thank you very much. Councillor Hopkins.
- Councillor Hopkins: Yes Mr. Chair. I understand we are still on technical questions.
- Councillor Squire: We are.
- Councillor Hopkins: On Councillor Morgan's question about the review of the Urban Growth Boundary, so that's going to take place in 2022. I just want to understand the process. Is there a Terms of Reference that would come to us to open up that review and when would that happen?
- Paul Yeoman, Director, Development Services: Through you Mr. Chair I'm happy to answer that one as well. Yes, there definitely will be a Terms of Reference coming to Council for consideration about whether or not a boundary review is something that Council would like us to pursue. We actually do not have direction on that yet. I should also clarify with my previous comments, the results of an Urban Growth Boundary review would not necessarily indicate that lands in this immediate area would be included or not. I just was saying that there's a previous review that's indicating that the lands to the immediate East were good candidates for the future but that's not necessarily the outcomes that would be resulting from an Urban Growth Boundary review.
- Councillor Squire: Any other technical questions? I have a technical question because I'm confused. My understanding is that this property is currently within the Urban Growth Boundary and the properties, what you are.
- Mayor Holder: You are on mute Chair.

- Councillor Squire: I am? I don't think so. Am I on mute? I don't think I am Mr. Mayor. Can you hear me now? He's not answering so I don't, can other Councillors hear me? Is that better? Can you hear me now? Thank you. Thanks for pointing it out Mr. Mayor. Just from a technical point of view, this property is within the Urban Growth Boundary and you are talking about a boundary review to determine if other properties would come within the Urban Growth Boundary and in fact, within the Urban Growth Boundary and you are talking about a boundary review to determine if other properties would come within the Urban Growth Boundary and, in fact, possibly whether this property might get thrown out of the Urban Growth Boundary. Is that what we are looking at because that wasn't the impression that I had initially.
- Paul Yeoman, Director, Development Services: Through you Mr. Chair what we are recommending is sort of an Urban Reserve Growth designation for the lands or future growth place type as part of The London Plan. The Urban Growth Boundary review is a separate matter. What we are saying with our recommendation is that there's not a sufficient amount of land here associated with a broader neighbourhood so, for example, this isn't a straight-forward matter where there is a clear geographically defined pod for lack of a better term where a neighbourhood would exist. It does continue into broader lands beyond this and needs to be considered comprehensively through that.
- Councillor Squire: I'm not sure that I understand that. Are the other lands that you are talking about possibly being part of this Secondary Plan, are they currently within the Urban Growth Boundary or outside of the Urban Growth Boundary?
- Paul Yeoman, Director, Development Services: Through you Mr. Chair, Mr. Morgan was asking questions about lands that were outside of the Urban Growth Boundary and that was the nature of his question, his line of questions.
- Councillor Squire: But I was talking about my question which was. Okay, I'm going to leave it there. I'm, I'm going to leave it there. I might ask questions later. Any other technical questions? Let's move to public participation then. Do we have the applicant here?
- Good afternoon Mr. Chair, it's Matt Campbell from Zelinka Priamo here. Can you hear me?
- Councillor Squire: I can hear you if you just give me a second. Okay, go ahead.
- Matt Campbell, Zelinka Priamo Ltd.: Thank you Mr. Chair. With me today is also Steve Stapleton. I'm just going to have some brief comments and turn it over to Mr. Stapleton. We're here essentially asking Committee a simple question of whether these lands should be used for Neighbourhood land uses which are predominantly residential in the short term or not. I think the discussion just previous to this was getting to the root of the matter. If we adopt the staff recommendation these lands are essentially sterilized for development for the foreseeable future. We don't know when they would develop. The really important things for Council's consideration here is the lands are within the Urban Growth Boundary, they're available for use. All the technical matters and concerns that staff were discussing, those can all be dealt with and we're in the process of doing with that right now. These lands can be serviced, there is a cost associated with that which Auburn is well acquainted with and they are prepared to do and this is an application that is very much in the public interest and we can confirm that there has been school board interest in putting a new public school on this site and those comments were provided in the IPR process

that we undertook with the City. I will leave my high-level comments there and will invite Mr. Stapleton to speak as well.

- Councillor Squire: Go ahead Mr. Stapleton.
- Steve Stapleton, Auburn Developments: Sorry I had to unmute there. Thank you Mr. Chair for the opportunity. First of all I would like to apologize for our divergent position from staff, it's not our preference to have so many dissenting positions on a file and that's why we require this Committee and Council's guidance to bring this application forward. As the staff have identified this is a small piece of land, approximately forty-seven acres, well over forty percent of the lands are unconstrained from a natural heritage point of view and the lands are serviced through infrastructure that's already built south of Sunningdale Road. The OPA to change the land use to Neighbourhood does not prejudice the City's decisions in the future or the adjacent development of lands outside of the growth boundary nor is it premature. The OPA signals to Neighbourhood, signals a desire to implement the policy growth. That's what the application is for. At the beginning of this we agreed with staff that we would bring forward the OPA in advance of the Plan of Subdivision to get the principle of development established. The opportunities associated with this obviously outweigh any perceived negatives that can be addressed through subsequent processes. We've provided the justification and we believe that the subsequent Plan of Subdivision process can deal with any of those additional issues that the City highlights on connectivity, additional parkland linkages and things of that nature and we've already initiated that process and have the pre-consultation comments and believe strongly that we can deal with all these issues. There's no need to delay this OPA for, in my words, down designate the lands to a community growth position. The Board decision in 1999 identified the area for community growth and then the subsequent Foxhollow Community Plan because of the landowner being a cemetery user, identified it for cemetery purposes. We've provided the justification for the change, the hydrog report highlights the high water table that makes it not conducive for burial plots and hence the sale of the property to Auburn. We do believe the issues on connectivity and we have provided that to staff; however, it's not in the report ahead to you. We just don't believe that this land should be sterilized for a number of years. I take issue with the two year estimate from Mr. Yeoman quite frankly. If that was the case I don't think we'd be here with a negative report because it will take two years to get a subdivision approved. We therefore request that this Committee and Council weigh the public benefit that is in front of you with regard to public schools and parks and the ability to add supply to the housing market that is obviously constrained it is significant the increase in prices and the process itself limits the availability in a timely way. We put this in front of you, we ask for your support of our OPA to Neighbourhood because it is the beginning of the process, it's not the end of the process, there's a number of issues that we can address through subsequent processes, a subdivision that will deal with most of, if not all of the issues that were raised by staff in their presentation on road patterns. I must highlight that the road patterns to the South and the collector roads have been built to Sunningdale Road so those connections to the North will be initiated through that. There really is no unknowns with regard to the development of this property and we would look for your support in advancing to the next stage. Thank you.
- Councillor Squire: Thank you. Any other presentations? Public presentations?
- Catharine Saunders, City Clerk: Mr. Chair, we have Richard Cracknell joining us.
- Councillor Squire: Mr. Cracknell?

- Richard Cracknell: Good afternoon and thank you. I have a prepared statement I would like to make.
- Councillor Squire: You have five minutes and you can start now.
- Richard Cracknell: I should be about three. To start I would like to acknowledge the assistance and guidance that has been provided to me by your Senior Planner Mike Corby. He's done an outstanding job. After reviewing the report from the Deputy City Manager of Planning and Economic Development, I agree with all of the recommendations that are contained within it. Although I'm not an Engineer it's apparent to me that submitted documents that allowing this planning application would not be the most effective and efficient use to taxpayer resources as stated in the report. I've noted that even in the applicant's documents there are costs that have been identified, unfortunately, the party responsible for the payment is not. As I have stated previously before in communications, the land was not included in the Urban Growth Plan, I should say was included in the Urban Growth Plan as a greenspace cemetery. It was never considered a potential source of residential lots when the Foxwood Development was being considered. As a result, no infrastructure planning was considered for the land. I would like to add further comment though about my concerns with respect to providing safe access to public education for elementary students if the proposed development is allowed. Thames Valley School Board has a policy of not providing transportation to elementary students who live within a 1.6 geographical kilometers of their home school. It is my understanding and I checked today on the web and the assigned school for the students would be Arthur Currie Public School, the geographically closest public school. I would also like to point out that most residential units proposed would fall within the 1.6 kilometer circumference of the school. A school that has nine portables and as I understand is at capacity now. My main concern though is with those elementary students that would live within the 1.6 kilometers of the school and would have to walk across Sunningdale Road West, a major city artery. I think that for safety reasons bussing would be required for those students which would be an added cost to the property tax payers of London. To conclude, if this proposal is allowed, there is a choice to be made either we have an increase in property taxes to provide safe access to public education via bussing or students are put at risk by having to cross a major artery which at the present time is eighty kilometers per hour and there's no crossing point. I'd also like to say that I feel some of the development costs associated are being transferred to the taxpayer. Unfortunately those costs are unknown and they are not disclosed. To move forward with unknown costs in my mind is irresponsible of Council and I'd like to thank you for your time.
- Councillor Squire: Thank you very much sir for coming and speaking to us today. Other speakers?
- Catharine Saunders, City Clerk: Mr. Chair, Stephen Romano.
- Councillor Squire: Mr. Romano? Go ahead.
- Stephen Romano: Sorry I'm just attending this meeting to hear the other participants. I don't have anything to say at this time.
- Councillor Squire: Alright. Thank you very much. Anyone else?
- Catharine Saunders: Mr. Chair, Laura Regnier.
- Councillor Squire: Mrs. Regnier? Hello? Mrs. Regnier?

- Laura Regnier: Hi. Sorry about that. We have nothing further to say at this time. Everything that has been submitted I think we've made all our comments and we support the Planning and Environment Committee recommendation.
- Councillor Squire: Alright. It's not the Committee recommendation yet it's staff's recommendations. You are saying you support the staff recommendation?
- Laura Regnier: Yes. The staff recommendation.
- Councillor Squire: Thank you. Anybody else?
- Catharine Saunders, City Clerk: Mr. Chair we have no other members of the public in attendance.
- Councillor Squire: Alright. Thank you very much. I just need a motion to close the public participation meeting.



May 6, 2021

Corporation of the City of London
300 Dufferin Ave
London ON N6A 4L9

Attn: Councillor Squire, Chair PEC

**RE: 2631 Hyde Park Road and 1521 Sunningdale Road West,
Mount Pleasant Lands N/E Hyde Park and Sunningdale Road
Summary of OPA, City Comments, and Process to Date
CITY FILE: 0-9190**

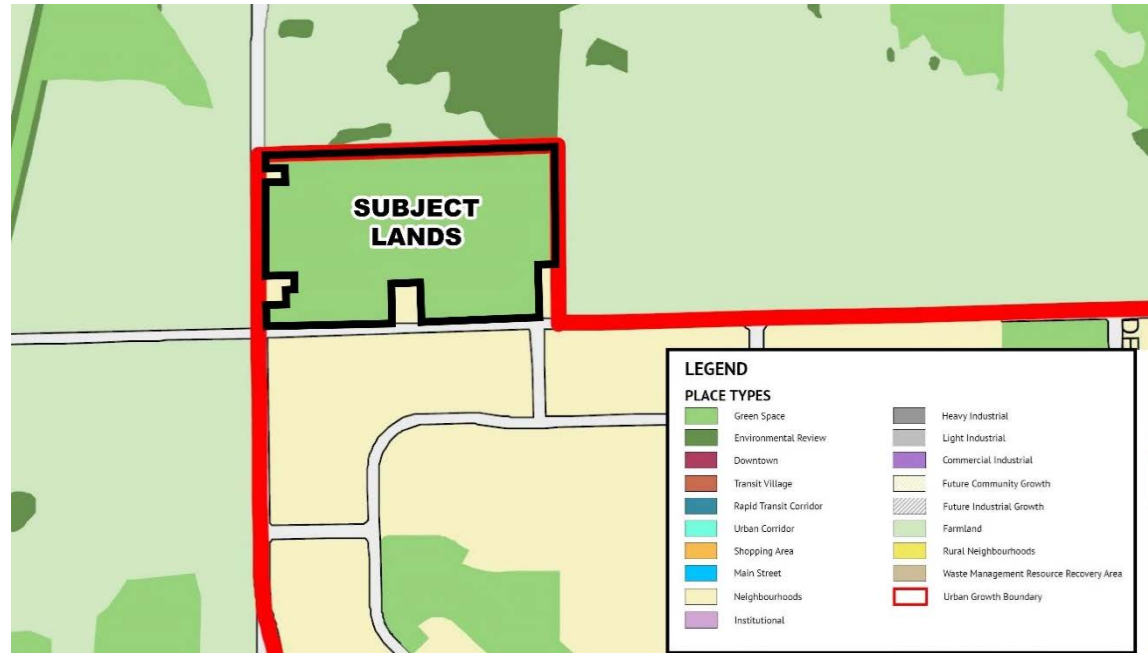
Please find below our summary of the proposed Official Plan Amendment (OPA) for the lands at 1521 Sunningdale Road West (the 'Subject Lands'); a summary of City comments; a review of the application process that has occurred to date; and, anticipated next steps. An issues summary and response chart is provided at the end of this memo. A high-level summary is provided below.

- The subject lands consist of 20.5ha of generally flat land currently used as cultivated fields, within the City's Urban Growth Boundary (UGB)
- The proposed OPA seeks to re-designate the subject lands to the "Neighbourhoods" place type from the current "Open Space" (1989 OP) designation and "Green Space" (London Plan) place type.
- The subject lands were formerly planned to be used as a cemetery. A hydro-geological report has shown the subject lands are unsuitable for a cemetery due to a high water table.
- The OPA application to re-designate the lands was submitted to the City on November 22, 2019. A requested hydrogeological study was submitted on February 27, 2020 and the application was deemed complete on March 10, 2020.
- City staff are of the opinion that the OPA application is pre-mature and requires a comprehensive review and secondary plan prior to the identification of any specific land uses.
- An Initial Proposal Report (IPR) for a Draft Plan of Subdivision was submitted to the City on September 15, 2020. A review meeting was held with City staff on December 9, 2020. Comments were provided by staff on January 4, 2021.
- City staff cancelled a meeting for March 22, 2021 to discuss the proposed OPA and refused further discussion on the application as proposed.
- The OPA application is to be heard at the Planning and Environment Committee and Council.

SUMMARY OF PROPOSED OFFICIAL PLAN AMENDMENT (OPA)

The subject lands are proposed to be re-designated to the “Neighbourhoods” place type from the current “Open Space” (1989 OP) designation and “Green Space” (London Plan) place type (Figure 1) as the cemetery use is no longer viable.

Figure 1 – The London Plan – Map 1 (excerpt) showing Urban Growth Boundary



The subject lands were brought in to the UGB in 1999 through an Ontario Municipal Board (OMB) decision No 0183. The decision noted that the subject lands were justified to be brought into the UGB and were not contemplated for a specific use at the time of the original inclusion:

*“At this time, the Board, in any case, wishes to stress that **the acceptance by this Board of the Mount Pleasant Cemetery Lands in Fox Hollow being brought within the boundary of the Urban Growth Area for OPA 88 is NOT and should NOT be taken as approval of the use of those lands for cemetery purposes.** As a result of this Decision the lands will be left in the designation “Urban Reserve – Community Growth” and that is all. The only purpose of their acceptance within the Urban Growth Area at this time is to indicate that the evidence which Mount Pleasant Cemetery led at the hearing has, at least, satisfied the Board that Policy 2.1.3 of the Provincial Policy Statement [1997] has been adequately addressed. Whether, however, the location should be used for a cemetery purposes in the context of the planning of the Fox Hollow Community Planning Area, as a whole, and whether the lands themselves are suitable for cemetery purposes from a planning point of view in terms of compatibility with neighbouring uses, are decisions for another day when the Fox Hollow Community Plan is completed, and detailed Land Use Designations are brought forward through City-adopted Official Plan Amendments and/or when Mount Pleasant itself brings forward any site specific Official Plan Amendment, Zoning By-Law Amendment and site plan applications for cemetery use” [bolded added]*

The City of London and Mount Pleasant Cemetery, through the Foxhollow Community Plan process, subsequently determined the designation of the lands to be “Open Space”

designation as the lands were contemplated for a cemetery. It should be noted that only a very small area has been identified in the London Plan as a Natural Heritage feature in Map 5 and does not impact development and the Open Space/Green Space Place Type was not applied because of any Natural Heritage features, only because of the proposed cemetery use.

A subsequent hydrogeological report showed high ground water levels that impact the use for burial plots and therefore the Mount Pleasant Cemetery subsequently entered into a purchase and sale with Auburn Developments and provided them with a letter stating they no longer have an interest in developing the land for a cemetery.

Given that the subject lands will not be used for a cemetery, only a limited range of uses could be contemplated for the lands, with a range of residential uses being the most appropriate given the context. We have provided the prerequisite independent Planning Justification Report (Zelinka Priamo) and submitted it with the OPA.

We further note that there is a public benefit in developing the subject lands for residential uses in order to increase the supply of housing to address the current housing shortage as well as provide an elementary school site for the area where pupil demands exceed current capacity of schools in the northwest quadrant of the City.

TIMELINE OF EVENTS

The OPA application to re-designate the farm lands was submitted to the City on November 22, 2019. A notice was received on December 20th, 2019, indicating the application was not deemed complete due to insufficient materials. We submitted a letter to City staff on February 7th, 2020, requesting that the additional reports be deferred as they were not material to the OPA. An email was received from City staff (Paul Yeoman) on February 24, 2020, requesting the submission of a hydrogeological report while a number of other studies were deferred to the subsequent Plan of Subdivision process given the property was substantially a farm field and there were no significant features identified in the current London Plan. The requested hydrogeological study was submitted on February 27, 2020 and the application was deemed complete on March 10, 2020.

An Initial Proposal Report (IPR) was submitted to the City on September 15, 2020. A review meeting was held with City staff on December 9, 2020. Comments were provided by staff on January 4, 2021. In all of the comments received, many of which related to specific subdivision type of comments that would be addressed when that process was initiated however, the principle of residential development needed to be clarified.

City staff provided comments on the proposed OPA on December 15, 2020, generally stating that, in their opinion, the application was pre-mature, and recommended that the subject lands be re-designated to the "Urban Reserve – Community Growth" place type, not "Neighbourhoods". *This position, in essence, is a down designation and places a hold on land within the growth boundary without policy support or consideration of the public interest or the PPS. City staff recommend a down designation to Urban Reserve Community Growth Place Type, so they can use the few policies of that 'holding' designation so they can apply the need to conduct a Secondary Plan process (which can only be conducted by them) instead of applying the many other policies that are applicable to change a land use from Green Space to Neighbourhood. This is a process for process sake as the London Plan has identified only one Place Type that can be applied to a suburban context and that Place Type is 'Neighbourhood'. A Secondary Plan is not going to change the Place Type for these lands as shown on Map 1 of the London Plan, it will be Neighbourhood nor will a Secondary Plan inform this development as the road connections and Departmental comments have already been provided and can be address through the subsequent Plan of Subdivision process. The recommended stepp*

back only permits staff to defer these lands until the remainder of the area 'comes in' to the UGB and staff are recommending this without a supportive policy framework in the London Plan or the PPS.

A meeting was scheduled for Monday, March 22, 2021 with Auburn, City staff, and Zelinka Priamo to discuss these matters as well as our additional research regarding the premise of the property's inclusion in the UGB. City staff cancelled the meeting on the preceding Friday stating that no new information had been presented. On the contrary, new information was presented that spoke specifically to the City's position on how the subject lands came to be within the UGB which we believe alleviate the concerns expressed, as well as the policy context that can be applied to support the application. This position is strengthened given the various Departmental comments received on the pre-consultation of the Plan of Subdivision as there were no comments that could not be addressed. This is why we don't believe that the recommendation from staff should be supported nor is it in the public interest.

SUMMARY OF CITY COMMENTS

Generally, staff were of the opinion that the subject lands should be re-designated to the "Urban Reserve – Community Growth" place type, essentially a down designation and treating these lands as if they were a 'holding' zone until they review the land needs for the City to see if the abutting lands can 'come in' to the UGB sometime in the future. Staff relied on the following key ideas to support their position:

- 1. The subject lands were never previously considered for any use other than a cemetery; [as noted above, this is an erroneous conclusion]*
- 2. The subject lands cannot be planned in absence of planning for additional abutting lands to the north and east. Infrastructure (road connections and servicing) need to be planned to ensure efficient and viable servicing and infrastructure;*
- 3. Appropriate land uses need to be identified, including review of natural heritage features;*
- 4. City proposed re-designation to "Urban Reserve – Community Growth"; and,*
- 5. Development of the subject lands may conflict with the future expansion of the settlement area as the current amendment may ultimately conflict with the vision and goals of the future Secondary Plan in the area.*

The lack of policy support or framework to ignore an OPA application in favour of a down designation is a unique response given the circumstances, being in the UGB, and the public interest, need of additional elementary school site as noted by the TVDSB. We believe that the justification to change the inappropriate Green Space Place Type to 'Neighbourhood' Place Type is supportable and justifiable in policy especially given the lack of housing and school needs in the community. We have provided an analysis and response to each of these issues and have concluded that the subject lands can be effectively and appropriately planned without placing this area in a holding designation for years, or completing an unnecessary secondary plan for an area not in the UGB, with specific reference to policies from the 2020 Provincial Policy Statement, the 1989 Official Plan, and The London Plan.

Importantly, the proposed OPA represents an opportunity for the City of London to realize additional residential growth capacity without the need for an expansion to the UGB. Staff did not provide analysis on this opportunity.

The City provided specific comments on the submitted IPR, which included a Draft Plan of Subdivision and Functional Servicing Report, on January 4, 2021. Generally, the comments can be addressed through detailed servicing studies typically submitted in the subdivision development process.

NEXT STEPS

The proposed OPA identified “Neighbourhood” the only land use in the London Plan that is supported by policy for this suburban location. Any further study will not derive at an alternative Place Type. A delay in the implementation is unnecessary and is not supported by existing London Plan policies nor the Provincial Policy Statement.

The issues identified in the OPA and Draft Plan of Subdivision pre consultation will all be addressed and can be implemented through the subsequent Draft Plan application that is forthcoming. We have highlighted these below:

ISSUES SUMMARY AND RESPONSE CHART

ISSUE	RESPONSE
<p><i>The subject lands were never previously considered for any use other than a cemetery;</i></p>	<p>This is an erroneous conclusion. No particular land use was contemplated when the subject lands were brought into the UGB. They were justified for use as a cemetery, and they can be justified for residential uses. The subject lands were reviewed as part of a comprehensive land needs study and were found to be appropriate to bring into the UGB for community growth.</p> <p>SOLUTION: Re-designate to “Neighbourhoods”</p>
<p><i>The subject lands cannot be planned in absence of planning for additional abutting lands to the north and east. Infrastructure (road connections and servicing) need to be planned to ensure efficient and viable servicing and infrastructure;</i></p>	<p>While a secondary plan may be useful in an ideal situation, there is no policy basis to require a secondary plan. Auburn has demonstrated reasonable road and servicing connections through the IPR process. Such detailed engineering items are beyond the scope of the proposed OPA and are more appropriately dealt with through the Subdivision process, as we have previously contended.</p> <p>SOLUTION: Defer detailed engineering items to the Subdivision process</p>
<p><i>Appropriate land uses need to be identified, including review of natural heritage features;</i></p>	<p>There are a very limited number of land uses that could be considered for the subject lands, given their context. The <i>Neighbourhoods</i> place type provides a sufficient range of uses to effectively develop the subject lands for appropriate residential, institutional, and commercial uses. Natural heritage</p>

	<p>features are proposed to be conserved through the Subdivision process.</p> <p>SOLUTION: Re-designate to "Neighbourhoods"</p>
<p><i>City proposed re-designation to "Urban Reserve – Community Growth"; and,</i></p>	<p>The City's proposal would effectively remove the subject lands from the UGB and delay their development indefinitely.</p> <p>This proposal would result in an unnecessary, expensive, and time-consuming process that is not in the public interest.</p> <p>SOLUTION: Re-designate to "Neighbourhoods"</p>
<p><i>Development of the subject lands may conflict with the future expansion of the settlement area as the current amendment may ultimately conflict with the vision and goals of the future Secondary Plan in the area.</i></p>	<p>City staff have not provided any reference to what potential conflicts may arise nor confirmed that there will be any conflicts.</p> <p>It is highly likely that the ultimate development of the broader area will be for predominantly residential uses, which are compatible with the proposed development of the subject lands.</p> <p>Generally, the vision and goals of secondary plans are not so unique that a contemporary plan of subdivision would materially impact their achievement.</p> <p>SOLUTION: Re-designate to "Neighbourhoods"</p>

We respectfully submit that the OPA application fulfills the PPS, the policies of the London Plan as well as the public interest. The opportunity to provide additional housing and a school site given the current constraints should not be ignored. The anticipated Plan of Subdivision process is sufficient to address all implementation issues and coordination with the future development of lands outside the current Urban Growth Boundary and therefore these lands should not be restricted or 'held' until these lands are included in a future expansion of the Urban Growth Boundary. There is no public benefit of a delay and much to be gained by approving this OPA to permit the 'Neighbourhood' Place Type.

Auburn Developments Inc.

Per: Stephen Stapleton, Vice President



O-9190: 2631 Hyde Park Road and 1521 Sunningdale Road West



Planning and Environment Committee
May 10, 2021



London
CANADA

Subject Site

- Located on the NE corner of Sunningdale Road W and Hyde Park Road along the edge of the Urban Growth Boundary
- Currently used for agricultural purposes and abuts agricultural lands.
- Unevaluated wetland in the NW corner
- 6 rural residential lots abut the subject site





London
CANADA

Nature of Application

- The proposed application is for an Official Plan amendment to permit future residential uses on the subject site.
- The proposed amendment would change the existing Open Space designation to Low Density Residential in the 1989 Official Plan and the Green Space Place Type to a Neighbourhood Place Type in The London Plan.
- There is no development proposal as part of this amendment process.



London
CANADA

Background

- The subject site was originally not included within the UGB and Fox Hollow Community Plan which was undertaken in 1996.
- Mount Pleasant Cemetery, owners of the subject lands at the time, appealed Official Plan Amendment 88 which was undertaken by the City.
- The purposed of this amendment was to establish the UGB along with additional land use designations as a result of lands annexed by the City in 1993.
- Mount Pleasant Cemetery was seeking inclusion within the UGB in order to permit a Cemetery.



London
CANADA

Background

- On December 11, 1998 the Ontario Municipal Board provided a verbal decision on Mount Pleasants appeal to include the site within the UGB.
- The Fox Hollow Community Plan process was nearing completion and the subject lands were not considered/studied as part of this comprehensive review process.
- As a result, the subject lands were identified within the Open Space land use designation to meet the owners needs.
- The Fox Hollow Community Plan was presented to Planning Committee on February 8, 1999 and subsequently approved by Council in March 1999.



London
CANADA

PPS 2020

- It is Staff's opinion that the proposed amendment does not conform to the policies of the PPS 2020.
- The requested designation of the subject site for residential land uses in isolation from the surrounding lands to the north and east is considered a short-term solution which may lead to an inefficient development pattern.
- The proposed development does not contemplate the overall needs of the surrounding lands and does not integrate key components outlined in the PPS in regards to the *“integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs, ensuring that necessary infrastructure and public service facilities are or will be available”*



London
CANADA

Need for a Comprehensive Review

- The subject lands have never been identified or reviewed through a comprehensive process or land needs study for development purposes or future growth.
- The development of the site relies on the coordination and integration of infrastructure and ultimate servicing solutions that must be provided from adjacent lands.
- These matters, along with determining appropriate land uses, road networks, public service facilities requirements/locations require this comprehensive review.



London
CANADA

Secondary Plans

- The London Plan describes the purpose, intent and components of a secondary plan for lands that have not been previously considered for urban development.
- Through a review of the site's history, it is clear the lands have not been considered for urban development.
- Secondary plans are prepared to ensure that future neighbourhoods are considered holistically, including the features of the neighbourhood and required municipal infrastructure.
- Generally, secondary plans are prepared for multiple properties and often times on lands which require a coordinated approach to subdivision development.



London
CANADA

Secondary Plans

- This helps with development coordination and the implementation of a neighbourhood vision, character, community structure, and housing/employment areas.
- Secondary plans will also provide an opportunity to provide more detailed policy guidance for the area, that goes beyond the general policies of The London Plan.
- Once a review of the UGB is undertaken and it is determined that an expansion is warranted, and the surrounding lands are approved to be within the UGB, Staff will have the ability to undertake a Secondary Plan for the subject site and surrounding lands.
- Until such time, providing development potential on an isolated site is premature.



London
CANADA

Public Concern

- Increased traffic, noise, construction, trucking, crews, pollution, air quality
- Impact on well water
- Loss of privacy
- Concerns over the most easterly access at Sunningdale Road as it runs along the side of a residential home.
- Concerns in regard to the location of Street “G” on the lands to the south (Note: this is not part of this application)
- Scale and density of the potential development that transitions to a rural area

Items such as roads, site specific land uses, noise, setbacks and buffering are often dealt with through more detailed application processes like a Zoning By-law amendment or Plan of Subdivision.

These processes provide additional options and tools to help address these concerns.



London
CANADA

Public Concern

- Staff's recommendation helps ensure that these community concerns can be addressed through a more appropriate and comprehensive review process.
- A secondary plan would require extensive public engagement prior to getting into detailed zoning or future plans of subdivision. The plan would identify higher order road networks and access points to the neighbourhood and would establish a vision and policy basis for future developments in the area.



London
CANADA

Recommendation

- Staff is recommending refusal of the proposed Official Plan amendment to Low Density Residential/Neighbourhood Place Type and recommending an alternative designation.
- The recommended Community Growth designation/place types are consistent with the PPS 2020, 1989 Official Plan and the in-force policies of The London Plan
- The recommendation identifies lands for future growth while ensuring a Secondary Plan can be undertaken prior to its development.



London
CANADA

Recommendation

- A secondary plan will identify and plan for the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning.
- The recommended designation will prevent ad-hoc planning and future compatibility issues with the surrounding lands in regard to land use impacts, servicing constraints and sufficient public facilities being available to support the proposed development.

Report to Planning and Environment Committee

To: Chair and Members
Planning & Environment Committee

From: George Kotsifas, P. Eng
Deputy City Manager, Planning and Economic Development

Subject: 3557 Colonel Talbot Road
File SPA20-063
2749282 Ontario Inc. (Royal Premier Homes)

Date: Public Participation Meeting on: May 10, 2021

Recommendation

That, on the recommendation of the Director, Development Services, the following actions **BE TAKEN** with respect to the application of 2749282 Ontario Inc. relating to the property located at 3557 Colonel Talbot Road:

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

Executive Summary

Summary of Request

The development for consideration is a townhouse development on the west side of Colonel Talbot Road, south of Clayton Walk. The site is to be developed with vehicular access from Colonel Talbot Road. The proposed development is subject to a public site plan meeting in accordance with the h-5 holding zone regulations of the Z.-1 Zoning By-law.

Purpose and the Effect of Recommended Action

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

Rationale of Recommended Action

1. The Site Plan, as proposed, is consistent with the Provincial Policy Statement as it provides for development within an existing settlement area and provides for an appropriate range of residential uses within the neighbourhood.
2. The proposed Site Plan conforms to the policies of the Neighbourhoods Place Type and all other applicable policies of The London Plan.
3. The proposed Site Plan conforms with the policies of the Multi-Family, Medium Density Residential of the 1989 Official Plan.
4. The proposed Site Plan is consistent with the Lambeth Residential Neighbourhood policies of the Southwest Area Secondary Plan.
5. The proposed Site Plan generally conforms to the regulations of the Z.-1 Zoning By-law. Additional confirmation is required to ensure zoning compliance with the proposed porches along Colonel Talbot Road.

6. The proposed Site Plan meets the requirements of the Site Plan Control By-law.

Linkage to the Corporate Strategic Plan

Building a Sustainable City – London's growth and development are well planned and sustainable over the long term.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

Z-9003 - Zoning By-law Amendment Application at Planning and Environment Committee December 21, 2018

1.2 Property Description

The subject property is located north of Lambeth on the west side of Colonel Talbot Road between Pack Road and Kilbourne Road, directly south of Clayton Walk. The subject property is surrounded by low-density residential land uses, and a proposed plan of subdivision (39T-17503) on the east side of Colonel Talbot Road, opposite the subject property.

Colonel Talbot Road is classified as a Civic Boulevard in The London Plan and an Arterial Road in the (1989) Official Plan.

1.3 Current Planning Information (See Appendix D)

- Official Plan Designation – Multi-Family Medium Density Residential/Open Space
- The London Plan Place Type – Neighbourhoods Place Type/Green Space Place Type
- Existing Zoning – Holding Residential R5 Special Provision/Open Space Special Provision (h-5*R5-6(14)/OS4(13)) Zone

1.4 Site Characteristics

- Current Land Use – Undeveloped
- Frontage – 107 metres (351 feet)
- Depth – 76 metres, average (249 feet)
- Area – 0.808 hectares (2.0 acres)
- Shape – Irregular

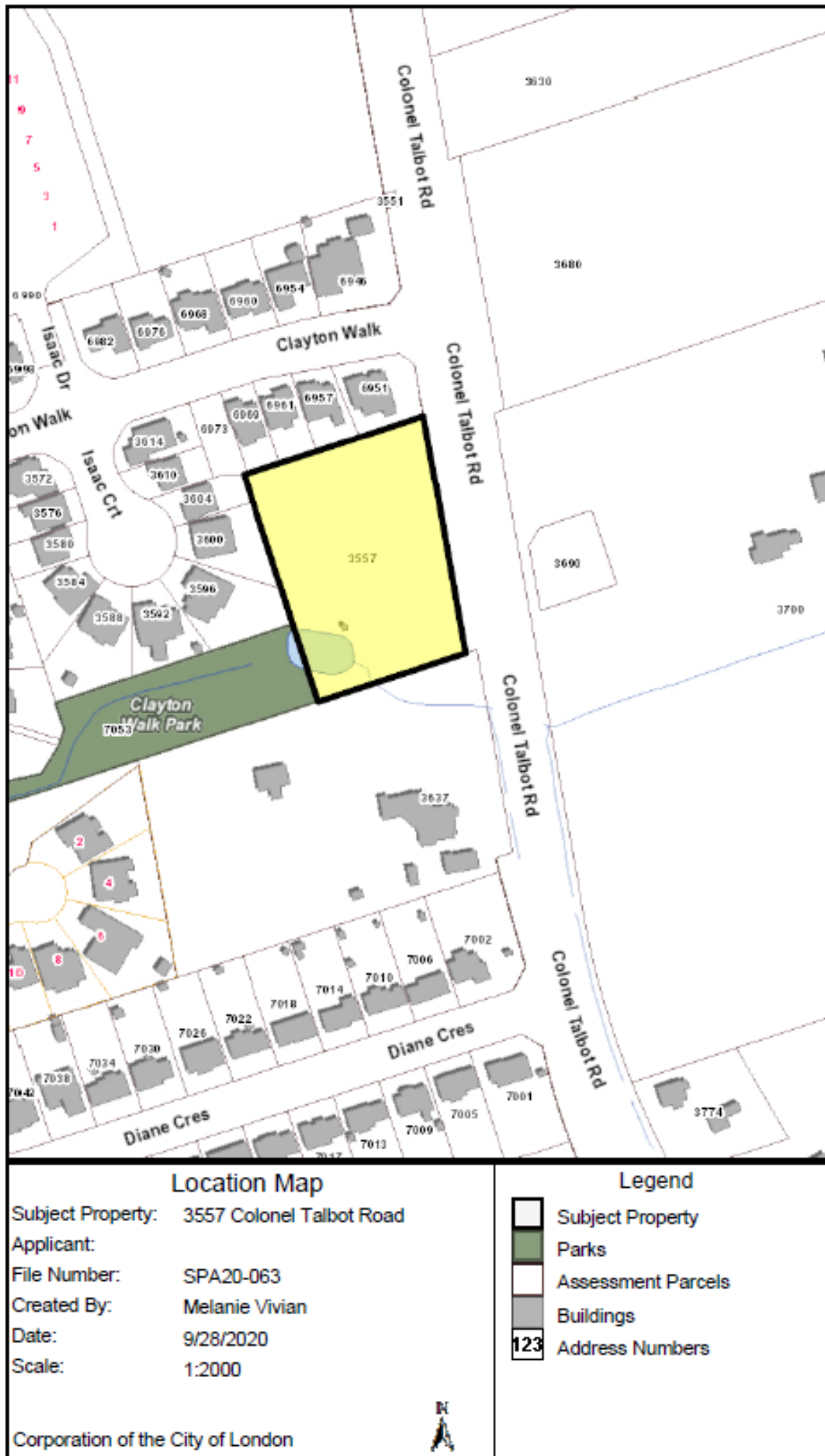
1.5 Surrounding Land Uses

- North – Low Density Residential
- East – Currently used for Agricultural purposes, identified within a proposed Plan of Subdivision application (39T-17503)
- South – Low Density Residential
- West – Low Density Residential

1.6 Intensification

The proposed development is not located within the Primary Transit Area and constitutes infill development.

1.7 Location Map



2.0 Discussion and Considerations

2.1 Development Proposal

The proposed development consists of four (4) 2-storey townhouse blocks consisting of a total of 21-units (51 units per hectare). The proposed site plan includes two (2) parking spaces per unit for a total of 42 spaces plus two (2) visitor parking spaces. The site contains an Open Space OS4 Special Provision (OS4(13)) which provides for on-site amenity space. The southern portion of the subject lands zoned Open Space OS5 Special Provision (OS5(17)) is regulated by the Upper Thames River Conservation Authority (UTRCA) and comprises part of the Dingman Creek system and will be dedicated to the City as parkland dedication as part of the Site Plan Control Application.

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

2.2 Planning History

The subject lands were previously comprised of a single detached dwelling, until 2016, when the existing dwelling was structurally damaged due to a fire. As a result of the fire, the dwelling was demolished. In 2017, the subject lands were the subject of a Minor Variance Application (A.103/17) for the purpose of constructing a single detached dwelling with a reduced side yard setback. The proposed single detached dwelling was never constructed, and the parcel has been vacant since the fire and demolition of the former single detached dwelling.

On December 21, 2018, a Zoning By-law Amendment Application (Z-9003) was submitted for three (3), 2.5-storey townhouse dwellings for a total of 28 units (41 units per hectare). On May 13, 2019, an information report was brought forward to the Planning and Environment Committee. The intent of the report was to advise the Committee of the received comments and to obtain direction regarding a future public participation meeting.

As previously noted, the southern portion of the site is regulated by the UTRCA. Through the Zoning By-law Amendment, a development limit was agreed to upon reducing the number of units on site from the identified three (3) 2.5-storey townhouse dwellings down to two (2), 2.5-storey townhouse dwellings for a total of 21 units (51 units per hectare).

On September 8, 2020, a Public Participation Meeting was later held before the Planning and Environment Committee, which recommended approval of the proposed Zoning By-law Amendment. On September 15, 2020, Municipal Council passed the Zoning By-law Amendment to permit a Holding Residential R5 Special Provision (h-5*R5-6(14)), Open Space Special Provision (OS4(13)) Zone and an Open Space Special Provision (OS5(17)) Zone. The resolution of Council also noted that the provision of enhanced screening/privacy along the northern property line, including boundary landscaping along the north and west property boundaries, was raised during the application review process as a matter to be addressed at the Site Plan Approval stage. The Council resolution further noted that the h-5 holding provision would allow for a public participation meeting during the site plan stage.

On October 16, 2020, the Zoning By-law Amendment (Z-9003) was appealed to the Local Planning Appeal Tribunal (PL200494). On March 5, 2021 the appeal was withdrawn.

On August 12, 2020, a Site Plan Control Application (file SPA20-063), was received by the City of London. Further submissions are required to address comments provided with the previous review by staff, and further to address recommendations to Approval Authority as part of the public meeting on the Site Plan. The comments from the second submission are attached herein as Appendix "B". The identified site matters that were

included in the Council resolution are integral to the proposal being considered at the May 10, 2021 public site plan meeting.

2.3 Community Engagement (see more detail in Appendix B)

On October 7, 2021, Notice of Site Plan Control Application was sent to property owners within 120 metres of the subject lands and those who made comments throughout the Zoning By-law Amendment application. Notice of Application was published in The Londoner on October 8, 2021.

On April 21, 2021, Notice of Public Meeting was sent to all property owners within 120 metres of the subject lands and those who made comments throughout the Zoning By-law Amendment application. Notice of Public Meeting was published in The Londoner on April 22, 2021.

Three (3) responses were received at the time this report was prepared.

The comments received from the public thus far have raised concerns with respect to the following site matters listed below. A summary of the comments is found in Appendix "B". A discussion regarding the items below are found in Section 4.0 of this report.

- Privacy concerns
- Loss of boundary landscaping

2.4 Policy Context (see more detail in Appendix C)

Provincial Policy Statement, 2020 (PPS)

Section 1.1 of the PPS, Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns, encourages healthy, liveable, and safe communities which are sustained by accommodating an appropriate range and mix of residential types, employment, institutional and open space to meet long-term needs (1.1.1.b)). The PPS further directs settlement areas to be based on densities and a mix of lands uses, further identifying that the regeneration of settlement areas is critical to the long-term economic prosperity for communities while being the focus of growth and development (1.1.3). Furthermore, as directed by the PPS, settlement areas are the focus of growth and development as the intent is to use land and resources wisely, to promote efficient development patterns, promote green spaces and ensure effective use of infrastructure and public service facilities (1.1.3).

The proposed development would facilitate the construction of 21 new residential units within an existing settlement area. Additionally, existing parcel of land is significantly larger than the existing lot fabric of the area and presents the opportunity for redevelopment at a higher density than what previously existed. Accordingly, the proposed development is 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 and include many of the Neighbourhoods Place Type policies pertinent to this planning application. The London Plan policies under appeal are included in this report for informative purposes indicating the intent of City Council but are not determinative for the purposes of this planning application.

The London Plan provides for Key Directions which encourages a mixed-use compact City through looking "inward and upward" as well as planning for infill and intensification of various types and forms to take advantage of existing services and facilities (59_2

and 59_4). Key Directions of the Plan also include ensuring a mix of housing types within our neighbourhoods so that they are complete and support aging in place (59_5). The proposed development provides for appropriate intensification on an existing site within the City boundaries that will utilize the existing services and facilities of the area. Furthermore, the site provides for a mix of housing within the immediate area as the residential uses surrounding the subject lands are predominately single detached dwellings. The London Plan provides further directions for building quality public spaces and pedestrian environments that support walking (59_7), which is provided through the proposed development with the parkland dedication of the southern portion of the site.

The subject lands are located in the Neighbourhoods Place Type along a Civic Boulevard, as identified on *Map 1 – Place Types and *Map 3 – Street Classifications. In the Neighbourhoods Place Type, the following uses are contemplated which includes a range of residential uses such as single detached, semi-detached, duplex, converted dwellings, townhouses, stacked townhouses, fourplexes and low-rise apartments, in accordance with Table 10 – Range of Permitted Uses in the Neighbourhoods Place Type (921_). Intensity within the Neighbourhoods Place Type is measured based on height. Along the Civic Boulevard, within the Neighbourhoods Place Type, a minimum height of 2-storeys is required and permits a maximum height of 4-storeys (*Table 11 – Range of Permitted Heights in the Neighbourhoods Place Type). The Neighbourhoods Place Type encourages residential intensification within existing neighbourhoods to assist in achieving the overall vision for diversity of built form and the effective use of land in neighbourhoods (937_).

The proposed development is in conformity with The London Plan.

The 1989 Official Plan

The subject lands are designated as Multi-Family, Medium Density Residential, in accordance with Schedule 'A' of the 1989 Official Plan which permits multiple-attached dwellings, such as row houses or cluster houses; low-rise apartment buildings; rooming and boarding houses; emergency care facilities; converted dwellings; and small-scale nursing homes, rest homes and homes for the aged (3.3.1.). The Multi-Family, Medium Density Residential designation serves as a suitable transition between Low Density Residential areas and more intense forms of land use (3.3.). Density within the Multi-Family, Medium Density Residential designation will not exceed an approximate net density of 75 units per hectare (3.3.3.ii)).

The proposed development represents residential intensification and infill development of a vacant lot within a developed area that does not exceed the maximum density of the designation and is suitable with the surrounding, existing, neighbourhoods; therefore, is in conformity with the (1989) Official Plan.

Southwest Area Secondary Plan

Located within the Lambeth Residential Neighbourhood of the Southwest Area Secondary Plan (20.5.7), the subject lands are designated as Medium Density Residential which is intended to provide for medium intensity and residential uses that are consistent with existing and planned development (20.5.7.2). The primary permitted uses in the Multi-Family, Medium Density Residential Designation of the 1989 Official Plan, as outlined above, shall apply. The Southwest Area Secondary Plan contemplates development at a minimum density of 30 units per hectare and a maximum density of 75 units per hectare with building heights deferring to the 1989 Official Plan (20.5.7.2.iii)). Further, development within residential areas of the Plan located along arterial road corridors will include street-oriented and higher-intensity forms of development such as stacked townhouses (20.5.4.1. iv) b)).

The proposed development provides for a density of 51 units per hectare with the higher-intensity form of development being located along the arterial road, being Colonel Talbot Road, which is in conformity with the Secondary Plan.

Zoning By-law Z.-1

The subject lands are located within a Residential R5 Special Provision (R5-6(14)) Zone which permits the use of the lands for cluster townhouse dwellings. Special provisions for the site regulate the front yard depth, rear yard depth, south interior side yard depth, density, and the deck encroachment for the decks along the south interior property line abutting the Open Space Special Provision (OS4(13)) Zone.

The subject lands are also located within an Open Space Special Provision (OS4(13)) Zone, as mentioned above, which permits the use of the lands for conservation lands; conservation works; golf courses without structures; private parks without structures; public parks without structures; recreational golf courses without structures; cultivation or use of land for agricultural/horticultural purposes; and sports fields without structures. The special provision regulates the additional permitted use for one accessory structure to provide a gathering area for on-site amenity space as well as establishing a minimum lot area and minimum lot frontage.

The identified OS5(17) Zoned lands comprise the portion of lands being dedicated to the City for parkland dedication recognizing the OS5 open space use permits conservation lands; conservation works; passive recreation uses which include hiking trails and multi-use pathways; and managed woodlots. The special provision is a regulation for a minimum lot area.

The holding provision applied to the subject lands is required to be removed through a separate application under the *Planning Act*, prior to the issuance of permits. The following holding provisions are applicable to the subject lands:

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

As proposed, the Site Plan Application generally conforms to the provisions of the Zoning By-law. Further clarification is required to ensure the revised porches and stair locations of the two end units meet the encroachment allowance provided under Section 4 (4.27) of the Zoning By-law.

3.0 Financial Impact/Considerations

There are no direct financial expenditures associated with this report.

4.0 Key Issues and Considerations

4.1 Issue and Consideration # 1: Council Resolution

As part of the Zoning By-law Amendment to permit the proposed development, Council resolved the following:

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

To provide for additional screening and privacy along the northern property line, the applicant is proposing a 2.1 metre high, board-on-board privacy fence. The proposed fence height is higher than what is considered within the Site Plan Control By-law,

however it would not exceed the maximum height of the Fencing By-law and thus is interpreted as permitted to address the resolution of Council. Proposed landscaping along the northern property boundary includes additional planting of 13 trees along with the retention of six (6) existing boundary trees.

Along the west property boundary, there is an existing cedar hedge that is being maintained. Due to this existing hedge, there is no proposed board-on-board fence in this location as the existing hedge would be greatly impacted if a privacy fence is installed.

The resolution by Council indicated enhanced landscaping along western property boundary. Through the site plan review process, engineering matters arose along the identified western property boundary requiring a retaining wall and swale which would not be conducive to planting. To provide for additional screening where possible along this property boundary, the proponent will be asked to provide for plantings where there are gaps in the existing hedge. Additionally, to the west of Building 'C', the proponent is proposing four (4) additional trees within the Open Space Special Provision (OS4(13)) Zone that will assist in providing screening from Building 'C'.

As the landscaping has yet to be finalized, staff is working closely with the applicants Landscape Architect to explore more opportunities for plantings along the western property boundary.

4.2 Issue and Consideration # 2: Use

The Residential R5 Special Provision (R5-6(14)) permits the development of cluster townhouse dwellings as per the Zoning By-law Amendment (Z-9003). During this process, concern was raised regarding the compatibility of the proposed townhouse dwellings given the context of the existing subdivision being comprised of single detached dwellings. The proposed height of the townhouse dwellings is 2.5-storeys (9.0 metres) which is permitted as of right within the Zoning By-law and is in keeping with the intent of both The London Plan and the 1989 Official Plan. It being noted that the maximum permitted height for the abutting single detached dwellings within the Residential R1 (R1-8) Zone is 10.5 metres. Through the Zoning By-law Amendment process, it was concluded that the proposed townhouse use is compatible with the surrounding residential neighbourhood and will not be out of character with the existing land uses.

4.3 Issue and Consideration # 3: Intensity

The Site Plan application proposes a total of 21 residential units with a density of 51 units per hectare, which is the maximum permitted density by the zoning for the lands. Parking on site includes 42 spaces, two for each townhouse unit (one in the garage, one in the driveway) and two (2) visitor parking stalls. The maximum permitted lot coverage under the Residential R5 (R5-6(14)) Zone is 45% and the applicant is proposing a lot coverage of 42%. It being noted that this lot coverage calculation is only for the R5-6(14) Zoned lands and does not include the OS4(13) Zoned lands. Under the R5-6(14) Zone, the minimum landscape open space requirement is 30%. For the proposed development, the applicant is proposing a landscape open space of 35%. While compliant with regulations, the development, as proposed, is designed nearly to the maximum of all zoning provisions, including the special provisions sought through the Zoning By-law Amendment process, which includes building setbacks and density.

4.4 Issue and Consideration # 4: Form

The subject lands are proposed to be developed in the form of cluster townhouses at a height of 2.5-storeys (9.0 metres) and 21-units within four (4) blocks. With frontage along Colonel Talbot Road, the proposed development has regard for the street frontage with wrap around porches and connections from the end units directly to Colonel Talbot Road.

4.5 Issue and Consideration # 5: Tree Preservation

To accommodate the proposed development, 54 of the 76 trees on site are being removed (including plantation, shrubs, and hedges), including the vegetation within the right-of-way along Colonel Talbot Road. Of these 54 trees, eight (8) of the trees being removed are considered hazard trees, 37 of these trees are within the development limit and nine (9) are located within the OS4(13) and OS5(17) Zone. Of the trees to be removed within the OS4(13) and OS5(17) Zone, one (1) is dead, six (6) are in fair condition with two (2) in good condition. The trees are required to be removed due to the proposed impacts from the construction. Of the trees proposed to be removed, there were concerns regarding the removal of Trees #60, 61 and 62 due to the loss of privacy along the western property boundary. Although the trees are in good health, the removal of the trees is required to accommodate the proposed drive aisle.

Despite the number of trees being removed, as noted above, the existing cedar hedge along the west property line is being retained, along with three (3) trees, and a part of the existing vegetation are remaining within the OS5(17) lands. Additionally, as part of the proposed development 36 trees are proposed to be planted. As staff are still working with the proponents Landscape Architect, additional tree plantings will be requested through subsequent submissions.

With respect to the Council Resolution, enhanced screening/privacy along the northern property line, including boundary landscaping along the north and west property boundaries. As per the Tree Preservation Plan, Trees #1, 2, 3, 4, 5, 7 and 67 along the northern property boundary are proposed to be retained and the Existing Cedar Hedge (#66) is proposed to be retained which will continue to provide for screening along the western property boundary, as per the Tree Preservation Plan attached in Appendix "A".

While several trees along the northern property line are being removed to accommodate the proposed development, 13 trees are proposed to be planted to provide for the enhanced screening and privacy. Along the western property line, with the retention of the existing hedge, in consultation with the City's Landscape Architect, the proponent is being requested to provide for vegetation to fill in any gaps along the cedar hedge.

While the proposed planting along the western property boundary does not fully meet the intent of Council's Resolution, due to the constraints of the swale and retaining wall, enhanced landscaping along Building 'A' cannot be accommodated. Staff, however, are satisfied that the cedar hedge and additional vegetation to fill in any gaps along with a maintenance clause within the Development Agreement will provide for adequate screening. Staff are also satisfied that the enhanced plantings along the northern property boundary meet the intent of Council's resolution.

4.6 Issue and Consideration # 6: Privacy

One of the main concerns raised by members of the public is the loss of privacy due to the proposed development. The loss of privacy was also a concern raised by members of the public through the Zoning By-law Amendment process that assisted in forming Council's Resolution. As previously mentioned in Section 4.5: Tree Preservation, the applicant has proposed to maintain the cedar hedge along the western property boundary as well as installing six (6) additional trees along the northern property boundary. To increase the privacy through the loss of vegetation, the applicant is proposing 13 trees to fill in the northern property boundary as well as installing a 2.1m high board-on-board privacy fence along the property boundary.

An additional concern raised with respect to privacy was the height of proposed decks at the rear of Building 'A' and Building 'B' along the northern property boundary. Due to the grading along this property boundary, the decks are above grade to accommodate for a partial lookout basement; however, the decks comply with the regulations of the Zoning By-law Z.-1.

4.7 Issue and Consideration # 7: Stormwater Management

Members of the public raised concerns regarding the runoff onto abutting properties due to the proposed snow storage location. A stormwater management plan for the site was submitted as part of a complete application. The stormwater management for this site is proposed to be contained through surface and underground storage and will be treated by an oil grit separator. At this time, the plan has yet to be approved and is still under review by Development Services – Engineering staff.

While the snow storage location is proposed at the end of the drive aisle, staff will continue to facilitate conversations with the applicant regarding the snow storage location and explore opportunities to remove the snow from site to avoid any runoff from the melting snow.

4.8 Issue and Consideration # 8: Environmental Concerns

The subject lands are regulated by the Upper Thames River Conservation Authority (UTRCA) and an Environmental Impact Study was completed as part of the Zoning By-law Amendment Application. Through the Zoning By-law Amendment Application process, a development limit was determined to ensure the existing environmental feature was not impacted by the proposed development. The established development limit was also established to ensure the development was not going to be impacted by flooding. The lands located within the flood plain at the southern portion of the site were rezoned to an Open Space Special Provision (OS5(17)) Zone and are being dedicated to the City as a condition of the Site Plan Control application.

4.9 Issue and Consideration # 9: Garbage and Lighting

Garbage and recycling will be stored internally for each unit and put out for pickup only on the day of garbage collection. Staff are satisfied with this approach.

As part of a complete application, a photometric plan was submitted (attached in Appendix "A") where the applicant is proposing three (3) light standards in front of the southern units (Building 'C' and Building 'D') with the value across the site of the intensity of light measured in foot-candles. The photometric plans are evaluated based on the intensity of light and the impact on surrounding properties. Based on the location of the light standards, at the western property boundary, the maximum of 0.1 foot-candles are shown. This equates to 1.1 lumens per square metre. The proposed light standards are a 49W light which equals 4571 lumens. Measurements shown on the plan do not appear to take into consideration the existing cedar hedge along the property line. As such, staff are satisfied that any light trespass will be extremely minimal to the properties along the western property line.

4.10 Issue and Consideration # 10: Outstanding Site Plan Comments

On March 16, 2021, the second submission comments were provided to the applicant and the Site Plan comments are as follows:

1. Add dimensions that are required based on proposed changes along the street frontage.
2. Show the proposed pathways/walkways to the front doors of each unit on the site plan.
3. Identify the location of fire route signs.
4. Update the site data table to reflect the in-force and effect zoning.

More information and detail are available in Appendix B and C of this report.

Conclusion

The Site Plan, as proposed, is consistent with the Provincial Policy Statement, has regard for The London Plan, is in conformity with the 1989 Official Plan and has regard for the Southwest Area Secondary Plan.

Additional confirmation is required to ensure zoning compliance with the proposed porches along Colonel Talbot Road. All other aspects of the proposed Site Plan conform to the regulations of the Zoning By-law Z.-1.

Prepared by: Melanie Vivian, Site Development Planner, Development Services
Recommended by: Paul Yeoman, RPP, PLE, Director, Development Services
Submitted by: George Kotsifas, P.ENG, Deputy City Manager, Planning and Economic Development

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: Michael Pease, Manager, Development Planning
Heather McNeely, Manager, Development Services (Site Plan)

May 3, 2021
MV/mv

Appendix B – Public Engagement

Community Engagement

Public liaison: On October 7, 2020, Notice of Application was sent to all property owners within 120 metre radius of the subject lands and those who made public comments during the Zoning By-law Amendment. Notice of Application was also published in the *Public Notices and Bidding Opportunities* section of *The Londoner* on October 8, 2020.

On April 21, 2021, Notice of Public Meeting was sent to all property owners within a 120m radius of the subject lands and those who made public comment during the Zoning By-law Amendment. Notice of Application was published in *The Londoner* on April 22, 2021.

3 replies were received

Nature of Liaison: Site Plan Approval to allow for the development of the subject lands on the attached plan. The Site Plan, as proposed, would result in 21 residential units.

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

Written	
Adrian & Barbara Formella 6957 Clayton Walk	Concern for loss of privacy, loss of boundary trees, and environmental concerns due to shadowing.
Heidi & Darin Smith	Concerns regarding impacts to the existing cedar hedge and loss of trees.
Wing Man Lau 6951 Clayton Walk	Concerns regarding loss of privacy, height of the proposed decks, loss of trees and decrease in property values

From: Adrian Formella

Sent: Thursday, October 15, 2020 5:41 PM

To: Vivian, Melanie <mvivian@london.ca>

Cc: Hopkins, Anna <ahopkins@london.ca>

Subject: [EXTERNAL] Re: Z-9003 Zoning By-Law Amendment

Hello Melanie Vivian and Councillor Anna Hopkin

I am writing to raise my concerns and to continue my participation in the planning process of File SPA20-063 that is requesting approval to change zoning to R5-6 to permit cluster townhouse dwellings and cluster stacked townhouse dwellings for a residential density of 51 units per hectare at a height of 12.0 metres. I wanted to thank Committee of City Council for acknowledging the public's concerns about privacy and density of the proposed plan and placing a holding provision to allow further public participation to ensure that the development takes a form compatible with adjacent land uses. I wanted to send a special thank-you to Mayor Ed Holder who publicly did not agree with the proposed plan and density of 51 units per hectare on September 8th, 2020.

First and foremost, I wanted to highlight concerns already addressed in my email sent on April 1st, 2020, concerns addressed by Ian Campbell on March 29th, 2020 and all concerns with the plan outlined addressed at the Public Hearing Meeting on September 8th, 2020.

After the public hearing meeting on September 8th, 2020, I took away that city council shared similar concerns about the proposed density of the project on 3557 Colonel Talbot Road and the privacy concerns raised by the public. However, in the most recent development update I received, the current proposed plan does not take into

consideration any of the acknowledged concerns. The residential density of 51 units per hectare is larger for any proposed plans in any adjacent land uses. The density proposed is often located near large amenities that simply do not exist and are not in the London Plan.

I recently received notice from the builder to discuss two northern spruce shared trees that border our properties. I understand we need to come to a mutual agreement on the two northern spruce trees. In addition to others, we have privacy concerns with the current proposed development. More specifically the distance of the homes and proposed second level decks proximity to our property. The Norway spruce trees are near our walk out porch and near our kitchen and dining area where we spend a lot of time as a family and value the privacy the trees provide. We reported that were not in agreement to having the trees removed with the current proposed development unless there were some major changes made to the plan to address our privacy concerns. To date, I have not received a response from the builder but do see the newly updated plan includes a 1.5 m (4.11 feet) fence to be built by the builder. The two northern spruce trees no longer appear in the drawings of our shared properties. I again wanted to formally note that we do not approval the removal of the two boundary spruce trees unless there are changes made to take into account privacy issues. If the northern spruce trees are protected, the plan needs to address this and outline a reasonable setback to account for the safety and health of the thriving trees.

The new townhomes are proposed to be only 6.4 meters from our property line and are proposed to have a raised main story deck causing significant privacy concerns to residents. I have attached a few pictures taken 10 feet from the property line (potential rear of the proposed decks) standing on a 4-foot ladder to help visual the view the new home owners and us will have to one another.

I also wanted to raise environmental concerns of shadowing that the 2 and half story townhomes will produce that would significantly impact any morning and afternoon sunlight.

We moved into the area when 3557 Colonel Talbot was a single dwelling home. To see the proposed plan move forward that is significantly different than any developed plans in Lambeth area is very disappointing.

I am hopeful the City of London and Ward Councillor, Anna Hopkins, sincerely consider the neighbourhood, privacy and home owners, and the zone density in the adjacent area in addition to everything else that has been objected about the proposed plan when reviewing the application.

Warmest Regards

Adrian and Barbara Formella
Residents of 6957 Clayton Walk London Ontario

From: Heidi Smith
Sent: Sunday, October 25, 2020 9:12 PM
To: Vivian, Melanie <mvivian@london.ca>
Subject: [EXTERNAL] File # SPA 20-063 3557 Colonel Talbot Road

Hello Melanie,
We would like to request notification for the public meeting about the site plan for 3557 Colonel Talbot Road. We will be planning to attend.
The entire east side of our property borders on this development and our property line shares a large mature cedar hedge.

We have 2 concerns about the current proposed site plan:

- 1) The impact on the health of the cedar hedge. The site plan proposes the road for the condominiums come within 1.5 meters of our property line, essentially right up against the cedar hedge. This road, as proposed, has a traffic turnaround, extra parking and appears intended for snow storage
- 2) The loss of the mature evergreen trees that were indicated to be protected in the tree protection plan (trees # 60,61 and62). The Landscape Plan does not show these at all. Has there been a change requested or approved? I cannot find this anywhere on the city website.

We respectfully request a wider buffer between any roadways, parking and snow storage and the cedar hedge, as well as the preservation of trees #60, 61 and 62.

We had reviewed the tree protection plan for this development in detail prior to purchasing our home. Both the hedge and the trees indicated provide significant privacy to our property. They are also significant nesting and perching places for local birds and wildlife within the neighbouring ponds. We believe protecting these is mutually beneficial.

Thank-you,
Heidi and Darin Smith

From: Wing Man Lau
Sent: Monday, October 26, 2020 9:55 AM
To: Vivian, Melanie <mvivian@london.ca>
Cc: Adrian Formella; Ibrahim Semhat
Subject: [EXTERNAL] File - PSA20-063

Hi Melanie,

Good morning.

Sorry this came to you after the 21st, but you mentioned that we could still submit our comments after the deadline.

Upon review of the "NOTICE OF PLANNING APPLICATION" sent to everyone, dated Oct 7th but I received mine by email on Oct 13th. I have a number of concerns to address:

1. The application does not address any privacy issues which were discussed in the zoning bylaw amendment hearing held on Sept 8th. This seems to be the same plan that was originally submitted. So if the passing of the by-law is tentatively approved on condition that the developer comes back with solutions to resolve privacy concerns for the residences whose backyards align with the north side of the proposed site, then shouldn't they have submitted a revision instead of having everyone address the same issue repeatedly?

1b) I want to clearly understand and get in writing that if a site plan is approved for the zoning bylaw to be changed, can they go back and change the site entirety. For example, if they were approved for the high density level with a proposed site plan using townhouses, and if the bylaw is amended, can the developer legally go and build a 5-6 storey highrise or do they have to proceed with the site plan that was approved for the bylaw change (which is still being appealed)

2. I understand if approved, the decks on the backside of the townhouses follow the zoning bylaw, because it's considered a 1st floor deck. However the bylaw doesn't take into consideration of elevation of the site or the elevation of the deck. As long as it's "1st floor". Seemingly the decks could be raised 4-5ft and still be considered a 1st floor. The fence is only 6 feet. with the ability for the decks to not exceed 1.2m from the back side of the property, a person of 4-5 feet would easily be looking into everyone's yards

behind them.

3. A number of us have already spent a financial investment to protect our privacy while also losing yard space by planting trees we hope would give a level of privacy. but even with these trees it will not be enough because of the height of these elevated decks and the setback of these townhouses.

If the developer is willing to make effort to alter his site plan which does not impact his goal of financial gain while keeping the existing mature trees to keep the privacy to the neighbors to the north side of the property then we would be happy to entertain a new site.

If a development of this nature is to proceed and approved by the city, I would like to know how I can ask the city to reevaluate my taxes along with my neighbors because the site proposed significant impacts on our property values which I don't believe the city has taken into consideration.

Thank-you
Wing Man Lau
6951 Clayton Walk

Appendix C – Agency/Departmental Comments



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

2749282 Ontario Inc.
425-509 Commissioners Rd W
London, ON N6J 1Y5

March 18, 2021

Re: Site Plan Control Approval for, 3557 Colonel Talbot Road, London ON – File Number SPA20-063

The City's appointed officers have the following comments regarding your above Application for Site Plan Control Approval. The Applicant is to provide a response to all City comments and submit it with their next Site Plan Control Approval submission:

General Comments:

1. The anticipated PEC date for the Public Site Plan Meeting is May 10, 2021.
2. Provide the draft transfer for the parkland dedication.
3. Provide the security estimate for on-site and works within the City ROW. Additionally, please ensure the security estimate is stamped by an engineer as well as a landscape architect.
4. Comments from the UTRCA are forthcoming. A Section 28 Permit is required prior to site plan approval.
5. Ensure all plans match. There are discrepancies between door locations on the site plan and elevations.

Response:

Site Plan Comments:

1. See attached red-line drawing. Additional dimensions are required based on proposed changes along the street frontage.
2. Show the proposed pathways/walkways to the front doors of each unit on the site plan.
3. Identify the location of fire route signs.
4. Update the site data table to reflect the in-force and effect zoning.

Response:

Landscape Comments:

1. Additional planting has been provided along the north property line as per Council Resolution. However, the originally proposed Red Maple species has been changed and augmented with *Populus tremuloides*. This species is susceptible to drought and heat and is prone to suckering. This suckering will cause landscaping issues in the small yards of the development and those of adjacent neighbours. The issue with the first submission was the conflict between tree planting and a drainage swale. If trees are being planted outside of swale there would be no issue with the maples planted in this location.
2. Hedging has been retained along the western property line; however, no boundary or screening plantings have been provided as per Council Resolution. Space is limited between the proposed housing and the retained hedge as this area must accommodate a swale, catchbasin and a surface runoff feature. Tree planting has been provided along the western end of the townhouse block and will provide some screening for the southern portion of this property line. It is unlikely that new hedging would survive in the northern portion of the west property line. New plantings will be outcompeted by the existing hedging and will be in a challenging landscape area. No planting would be required.

Response:

Engineering Comments:

Transportation

1. Please note that Colonel Talbot Rd is expected to be upgraded in 2023 and that sidewalk construction will be the responsibility of the City. It is now requested that the applicant remove the proposed sidewalk from the servicing drawings and ensure the Colonel Talbot property line is graded in accordance with the "Grading Along Major Roads" standard.

Servicing comments

2. The proposed stormwater servicing includes LID elements for stormwater infiltration. No updated information was provide in regards to Geotechnical and/or hydrogeological investigations which focus on the type of soil, its infiltration rate (to be measured within the LID footprint), hydraulic conductivity (under field saturated conditions), and seasonal high ground water elevation. The report(s) should include geotechnical and hydrogeological recommendations in support of the preferred/suitable LID solution. Please note, it is not appropriate to apply soil infiltration rates used for water balance calculation purposes, as a surrogate for field measured parameters in support of LID design. A site diagram should be included identifying borehole and test pits locations
3. Further to the above, the response letter and swm report present varied discussions and values regarding the anticipated groundwater table. Please review and confirm groundwater discussions as they relate to both basement protection and the proposed LID locations.
4. As part of the geotechnical investigation, please include a discussion regarding potential dewatering requirements, including estimates of dewatering rates (and necessary permits required), radius of influence, proposed discharge locations, potential impacts on nearby receivers, and sediment and erosion control measures. Please note, that if City of London infrastructure or a natural feature is proposed as a final dewatering discharge location, approval from City Staff will be required and sampling activities may be necessary to support final discharge.
5. It is unclear from the calculations in the report if a factor of safety is included in the 150mm/hr infiltration rate. Consultant is to review and make any necessary revisions which may impact the sizing of the proposed subsurface storage component.
6. Orifice calculations presented are based on the 250 year storm event ponding levels and the 2 year pre-development allowable release rate of 0.023 m³/s. However, the supporting storage modeling utilizes an 250-year predevelopment release rate of 0.073 m³/s to determine on-site storage requirements. Ensure adequate storage is provided to avoid any future on-site flooding concerns.
7. Drawings do not clearly convey the OLF anticipated in the post development scenario on and off the site. The grading plan should be updated to clearly indicate the direction of all flows. The outlet should be verified and extend all the way to the receiver. The report/drawings are to demonstrate appropriate velocity and erosion protection, anticipated ponding limits and erosion thresholds of the receiver, and ensure the safe conveyance of flows.
8. The report does not address anticipated drawdown times for the primary infiltration system, noting the City recommend a maximum 48-hour drawdown. The grading plan should include a table of anticipated drawdown times.
9. Note to the consultant; the Dingman EA specifies a requirement of 80% TSS removal to address water quality requirements.
10. [FYI]The gravity sewer on Colonel Talbot Rd is now in place, however, it has not been inspected, cleared, or accepted for use. As per last update, there is no outlet until Colonel Talbot Pumping Station is fully complete and operational. Sewer Engineering' expectation is that the holding provision is to remain in place and no building permits are issued till further notice. The new target for a fully operational and accepted sanitary sewer is the end of October.
11. Part 9 buildings do not require fire calculations but the DSRM requires buildings have a fire hydrant within 90m of them. Calculations are not required but it is required to confirm all units have a fire hydrant within 90 M of the building face. If this adds the requirement of a hydrant on site then as per part 9 OBC calculations would not be required.

Response:

Please include with the next submission:

- 1 x Site Plans
- 1 x Engineering Plans
- 1 x Landscape Plans
- 1 x Cost Estimates
- 1 x Update reports
- 1 x Digital copy of submission (pdf)
- 1 x Response to comments

Should you have any questions regarding your request for site plan approval please contact myself at 519-661-2489 x 7547 or mvivian@london.ca.

Yours truly,



Melanie Vivian
Site Development Planner

cc: P. Yeoman, Director, Development Services
H. McNeely, Manager, Development Services (Site Plan)
M. Pease, Manager, Development Planning

Appendix D – Zoning, The London Plan & 1989 Official Map Excerpts

Zoning Excerpt



COUNCIL APPROVED ZONING FOR THE SUBJECT SITE:

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

- | | |
|---|-----------------------------------|
| R1 - SINGLE DETACHED DWELLINGS | RF - REGIONAL FACILITY |
| R2 - SINGLE AND TWO UNIT DWELLINGS | CF - COMMUNITY FACILITY |
| R3 - SINGLE TO FOUR UNIT DWELLINGS | NF - NEIGHBOURHOOD FACILITY |
| R4 - STREET TOWNHOUSE | HER - HERITAGE |
| R5 - CLUSTER TOWNHOUSE | DC - DAY CARE |
| R6 - CLUSTER HOUSING ALL FORMS | |
| R7 - SENIOR'S HOUSING | OS - OPEN SPACE |
| R8 - MEDIUM DENSITY/LOW RISE APTS. | CR - COMMERCIAL RECREATION |
| R9 - MEDIUM TO HIGH DENSITY APTS. | ER - ENVIRONMENTAL REVIEW |
| R10 - HIGH DENSITY APARTMENTS | |
| R11 - LODGING HOUSE | OB - OFFICE BUSINESS PARK |
| DA - DOWNTOWN AREA | LI - LIGHT INDUSTRIAL |
| RSA - REGIONAL SHOPPING AREA | GI - GENERAL INDUSTRIAL |
| CSA - COMMUNITY SHOPPING AREA | HI - HEAVY INDUSTRIAL |
| NSA - NEIGHBOURHOOD SHOPPING AREA | EX - RESOURCE EXTRACTIVE |
| BDC - BUSINESS DISTRICT COMMERCIAL | UR - URBAN RESERVE |
| AC - ARTERIAL COMMERCIAL | |
| HS - HIGHWAY SERVICE COMMERCIAL | AG - AGRICULTURAL |
| RSC - RESTRICTED SERVICE COMMERCIAL | AGC - AGRICULTURAL COMMERCIAL |
| CC - CONVENIENCE COMMERCIAL | RRG - RURAL SETTLEMENT COMMERCIAL |
| SS - AUTOMOBILE SERVICE STATION | TGS - TEMPORARY GARDEN SUITE |
| ASA - ASSOCIATED SHOPPING AREA COMMERCIAL | RT - RAIL TRANSPORTATION |
| OR - OFFICE/RESIDENTIAL | "h" - HOLDING SYMBOL |
| OC - OFFICE CONVERSION | "D" - DENSITY SYMBOL |
| RO - RESTRICTED OFFICE | "H" - HEIGHT SYMBOL |
| OF - OFFICE | "B" - BONUS SYMBOL |
| | "T" - TEMPORARY USE SYMBOL |

CITY OF LONDON

PLANNING SERVICES / DEVELOPMENT SERVICES

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



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

FILE NO:

SPA20-063 MV

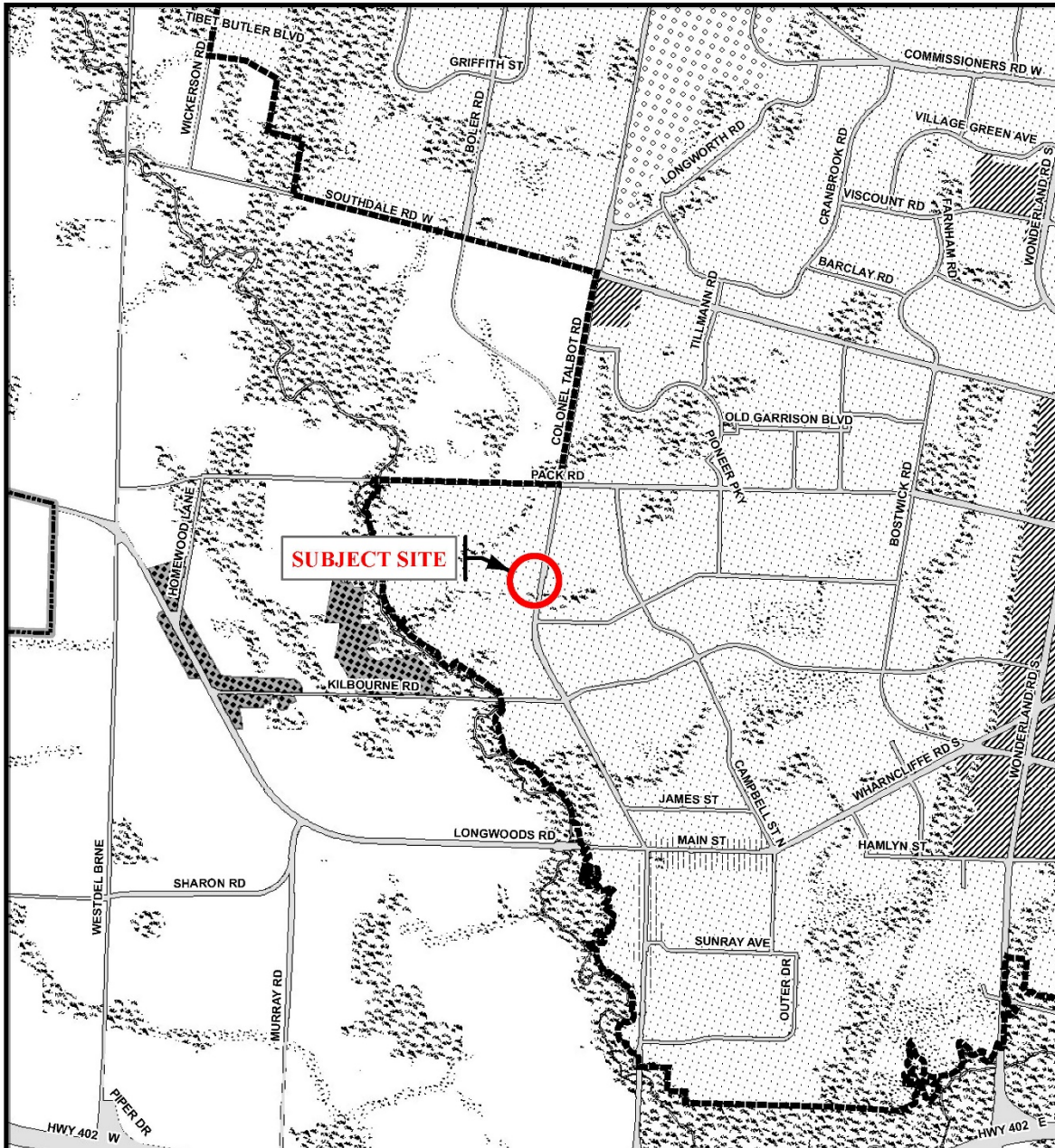
MAP PREPARED:

2021/04/29 DM

1:2,000

0 10 20 40 60 80 Meters

The London Plan Excerpt



Legend

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

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

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

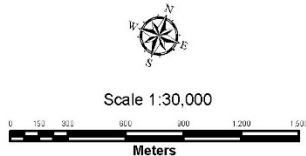
CITY OF LONDON

Planning Services /
Development Services

LONDON PLAN MAP 1

- PLACE TYPES -

PREPARED BY: Planning Services



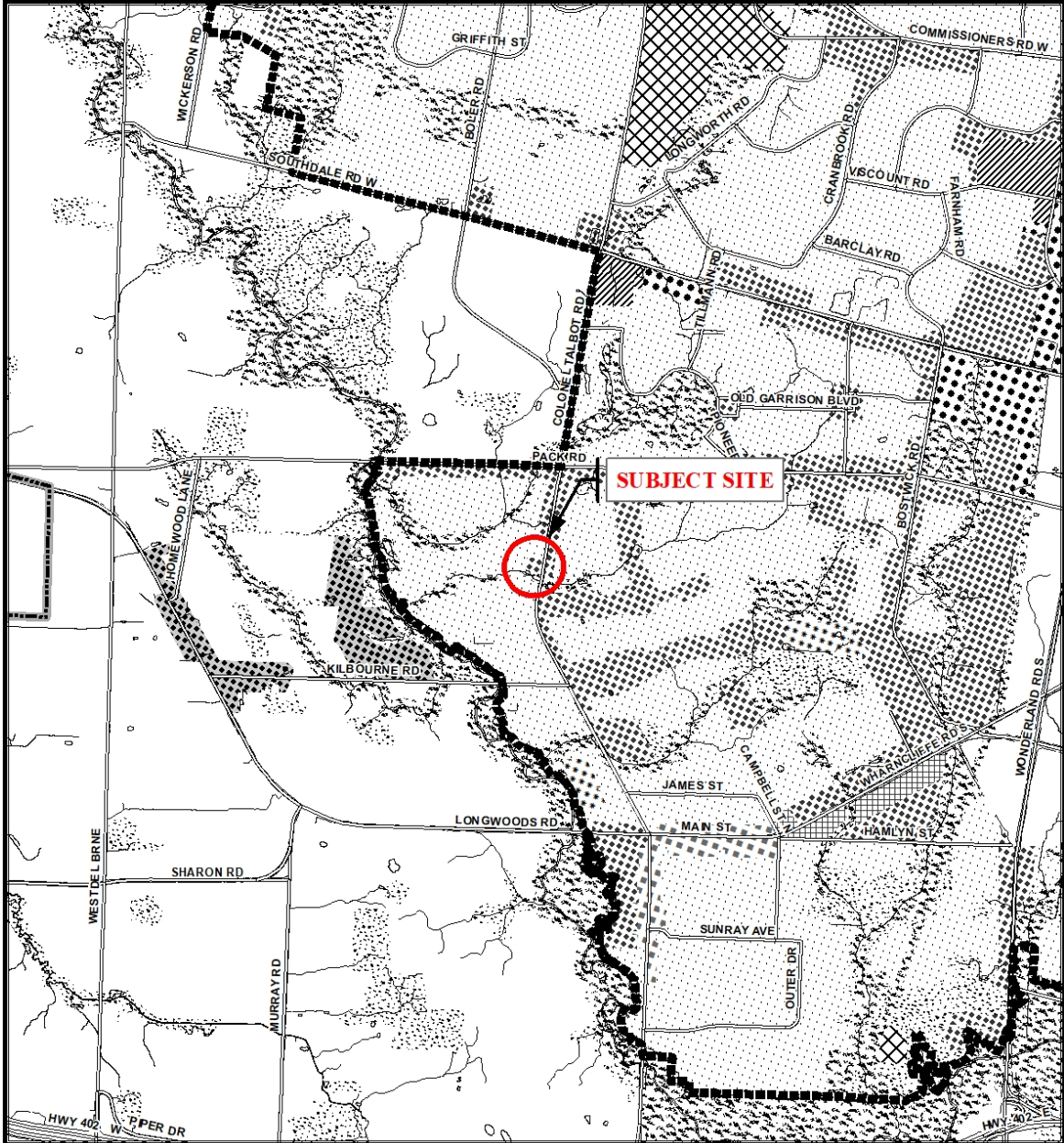
File Number: Z-9003

Planner: MV

Technician: DM

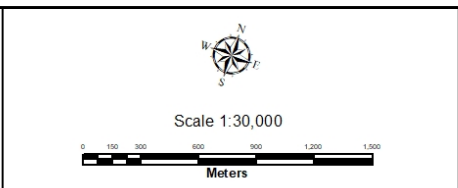
Date: August 8, 2020

1989 Official Plan Excerpt



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

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



FILE NUMBER: Z-9003
 PLANNER: MV
 TECHNICIAN: DM
 DATE: 2020/08/07

PUBLIC PARTICIPATION MEETING COMMENTS

3.3 PUBLIC PARTICIPATION MEETING – 3557 Colonel Talbot Road (SPA20-063)

- Councillor Squire: I will go to staff for a presentation. Thank you very much. Questions? Technical questions? Mayor Holder.
- Mayor Holder: I'm not sure this is a technical question but I recall the concerns expressed by residents in the area and have there been subsequent discussions with staff and residents since that time?
- Councillor Squire: Go ahead staff.
- Melanie Vivian, Site Development Planner: Through you Mr. Chair we received some comments from those members of the public that were involved with the rezoning process. The only comments that came forth that have pertained to the site plan application were the privacy and loss of trees. There were questions regarding the proposed decks but I will note that the decks along the Northern property boundary do comply with the Zoning By-law so essentially we have no control on reducing that.
- Mayor Holder: Sorry Chair my and I appreciate the answer, thank you. My question was I wanted perhaps a bit more specifics were there any of the residents that corresponded to you were they supportive of this application since our last meeting as a result of these changes. Please
- Councillor Squire: Go ahead staff.
- Mike Pease, Manager, Development Planning: I can advise that there hasn't been any outward support in that sense if that's the question at hand. Through you Mr. Chair.
- Councillor Squire: Thank you.
- Mayor Holder: That was the question. Thank you Chair.
- Councillor Squire: Any other technical questions? If there aren't we'll go to the public. Does the applicant wish to present?
- Good evening Mr. Chair. Matt Campbell here from Zelinka Priamo. I would just like to say a couple of words if that's appropriate at this time.
- Councillor Squire: Sure.
- Matt Campbell, Zelinka Priamo Ltd: Great. Thanks very much. I don't have a whole lot to add to staff's presentation but I will add this to the previous comment. There's been ongoing discussions with the neighbours. The zoning application for this, you will recall Council approved the zoning application to permit the development. That was subsequently appealed to LPAT. The developer was in consultation with the appellants, which were the neighbours, and they came to a resolution in order for the neighbours to withdraw the LPAT appeal which I understand largely dealt with landscaping and as part of that settlement process, the developer has incorporated a number of landscaping features into the site design which are largely reflected on the site plan that you have in front of you today. I can advise that we are doing everything we can to add more landscaping and really solidify the vegetative buffer there. Again, not a whole lot

more to add to staff's comments and looking forward to the public comments on this one.

- Councillor Squire: Thank you. Any other public presentations? One more.
- Catharine Saunders, City Clerk: Yes Mr. Chair. Heidi Smith.
- Councillor Squire: Ms. Smith? Hello? Ms. Smith?
- Heidi Smith: Sorry about that. I was just trying to find my unmute button.
- Councillor Squire: Listen we all have that challenge in these times. You have five minutes and you can start now.
- Heidi Smith: Okay. I have my husband Darren with me. We actually live on the, live in the property bordering the West side of this site and I understand from what Matt was saying and just some neighbourhood discussions that lots of consultation was happening with the neighbours along the North side of the property but we actually haven't had any conversation with the developers. We're very happy to see that the cedar hedge is staying, that was our primary concern, it does provide some, a lot of privacy and screening and we enjoy the wildlife in it but our other concern at the time that we came to the meeting last Fall was about the run-off along our side of the property and I guess looking at the plans and I have a hard time seeing it, I will be very honest I tried to put magnifiers on but it is really hard to see from the printed paper but the discussion sounds like there is a retaining wall and stormwater management has been incorporated. It just is a little unknown to us, it's not very tangible for us to picture what that's going to look like, that cedar hedge sits right on the property line between our property and the development site and there are three mature evergreen trees less than a meter from the property line which are proposed to be taken out to facilitate, I guess, the retaining wall going in and our concern is how close that is and the impact of that on that cedar hedge. It's great that it's going to stay, it provides great screening and privacy but is it going to survive the construction and the retaining wall and since we have no fence going up there and no enhanced landscaping or trees being put along there because the roadway comes so close to that cedar hedge that there would be no way to rectify that after the fact and then we are without recourse so that is our concern.
- Councillor Squire: Alright. Thank you very much. I'll try to get you an answer to that concern. We have about three minutes left for your husband. Does he want to speak?
- Darren Smith: No, I'm good.
- Councillor Squire: Good. Alright, any other public?
- Catharine Saunders, City Clerk: Mr. Chair there are no other members of the public.
- Councillor Squire: Thank you very much. Then I'll look for a motion to close the public participation meeting.

Meadowlilly ESA – Councillor M. van Holst

I would like to propose consideration of the following motion, as a means of preserving the environmental heritage near the Meadowlilly ESA:

That Civic Administration BE DIRECTED to bring forward at its earliest opportunity, a report identifying additional steps, if any, that could be undertaken by The Corporation of the City of London to preserve environmental heritage and the natural features near the Meadowlilly ESA.

Trees and Forests Advisory Committee

Report

The 3rd Meeting of the Trees and Forests Advisory Committee
April 28, 2021

Advisory Committee Virtual Meeting - during the COVID-19 Emergency

Attendance PRESENT: A. Morrison (Chair), A. Cantell, M. Demand, A. Hames, J. Kogelheide, and A. Valastro; A. Pascual (Committee Clerk).

ABSENT: R. Mannella

REMOTE ATTENDANCE: A. Beaton, K. Hodgins, D. MacRae, S. Rowland, M. Schulthess, and B. Williamson.

The meeting was called to order at 12:20 PM; it being noted that the following members were in remote attendance: A. Cantell, M. Demand, A. Hames, J. Kogelheide, A. Morrison, and A. Valastro.

1. Call to Order

1.1 Disclosures of Pecuniary Interest

That it BE NOTED that no pecuniary interests were disclosed.

2. Scheduled Items

2.1 Neighbourhood Street Renewal Program

That Municipal Council BE ADVISED that the Trees and Forests Advisory Committee recommends that road narrowing be a priority for the Neighbourhood Street Renewal Program projects, to maximize the space for trees and sidewalks within the right of way;

it being noted that a verbal presentation from D. MacRae, Director, Roads and Transportation, with respect to this matter, was received.

2.2 Veteran Tree Incentive Program

That the following actions be taken with respect to the Veteran Tree Incentive Program:

- a) the Civic Administration BE REQUESTED to explore options to target recipients who genuinely need additional financial support in order to maintain their veteran trees;
- b) the Civic Administration BE REQUESTED to consider and compare, during its review of the above-noted program, its cost-efficiency relative to the canopy cover that is expected to be gained; and,
- c) the Civic Administration BE REQUESTED to seek to prioritize low canopy neighbourhoods and non-invasive species for the above-noted program, given that funding is limited and not all of the veteran trees can be maintained;

it being noted that the presentation, as appended to the added agenda, from S. Rowland, Urban Forestry Planner, with respect to this matter, was received.

2.3 Overview of London's ESA Management

That it BE NOTED that the presentation, as appended to the added agenda, from B. Williamson, Land Management Technician, Upper Thames River Conservation Authority, with respect to this matter, was received.

3. Consent

3.1 3rd Report of the Trees and Forests Advisory Committee

That it BE NOTED that the 3rd Report of the Trees and Forests Advisory Committee from its meeting held on March 24, 2021, was received.

3.2 Municipal Council Resolution with respect to the 1st Report of the Trees and Forests Advisory Committee

That it BE NOTED that the Municipal Council Resolution from its meeting held on April 13, 2021, with respect to the 1st Report of the Trees and Forests Advisory Committee, was received.

4. Sub-Committees and Working Groups

None.

5. Items for Discussion

5.1 Review of Implementation Tasks - Urban Forest Strategy Implementation Plan

That the matter presented by A. Cantell, with respect to the Review of Implementation Tasks - Urban Forest Strategy Implementation Plan, BE DEFERRED to the next Trees and Forests Advisory Committee meeting.

5.2 City of London Tree Planting - Tree Varieties

That the matter presented by A. Valastro, with respect to City of London Tree Planting - Tree Varieties, BE DEFERRED to the next Trees and Forests Advisory Committee meeting.

5.3 TFAC 2021 Work Plan

That the 2021 Trees and Forests Advisory Committee Work Plan, as appended to the agenda, BE FORWARDED to Municipal Council for consideration and approval.

5.4 (ADDED) Tree Care Communications

That the following actions be taken with respect to the communication, as appended to the added agenda, from J. Kogelheide with respect to tree care communications:

a) the Civic Administration BE REQUESTED to implement the Trees and Forest Advisory Committee's recommendation with respect to the distribution of promotional materials related to tree care practices including:

- i) proper tree mulching;
- ii) watering newly planted trees; and,

iii) not travelling with firewood;

it being noted that the above-noted communication, with respect to this matter, was received.

5.5 (ADDED) Creating Ecosystems

That the communication from J. Kogelheide, with respect to Creating Ecosystems BE DEFERRED to the next Trees and Forests Advisory Committee meeting.

6. Adjournment

The meeting adjourned at 3:12 PM.